

# City of Morro Bay

## City Council Agenda

---

### *Mission Statement*

*The City of Morro Bay is dedicated to the preservation and enhancement of the quality of life. The City shall be committed to this purpose and will provide a level of municipal service and safety consistent with and responsive to the needs of the public.*

---

**REGULAR MEETING – TUESDAY, AUGUST 23, 2011  
VETERANS MEMORIAL HALL - 6:00 P.M.  
209 SURF ST., MORRO BAY, CA**

ESTABLISH QUORUM AND CALL TO ORDER  
MOMENT OF SILENCE  
PLEDGE OF ALLEGIANCE  
MAYOR AND COUNCILMEMBERS ANNOUNCEMENTS & PRESENTATIONS  
CLOSED SESSION REPORT

PUBLIC COMMENT PERIOD - Members of the audience wishing to address the Council on City business matters (other than Public Hearing items under Section B) may do so at this time.

To increase the effectiveness of the Public Comment Period, the following rules shall be followed:

- When recognized by the Mayor, please come forward to the podium and state your name and address for the record. Comments are to be limited to three minutes.
- All remarks shall be addressed to Council, as a whole, and not to any individual member thereof.
- The Council respectfully requests that you refrain from making slanderous, profane or personal remarks against any elected official, commission and/or staff.
- Please refrain from public displays or outbursts such as unsolicited applause, comments or cheering.
- Any disruptive activities that substantially interfere with the ability of the City Council to carry out its meeting will not be permitted and offenders will be requested to leave the meeting.
- Your participation in City Council meetings is welcome and your courtesy will be appreciated.

**In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk, (805) 772-6205. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.**

A. CONSENT CALENDAR

Unless an item is pulled for separate action by the City Council, the following actions are approved without discussion.

- A-1 APPROVAL OF THE MINUTES FOR THE REGULAR CITY COUNCIL MEETING OF AUGUST 9, 2011; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

- A-2 RESOLUTION NO. 60-11 ADOPTING THE CITY OF MORRO BAY TRAVEL POLICY; (ADMINISTRATIVE SERVICES)

**RECOMMENDATION: Adopt Resolution No. 60-11.**

- A-3 APPROVAL OF SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT REQUEST FOR CITY PUBLIC, EDUCATION AND GOVERNMENT ACCESS FUNDS; (PUBLIC SERVICES)

**RECOMMENDATION: Approve the San Luis Coastal Unified School District's June 28, 2011 request for \$14,525 in Public, Education and Government Access funds for the purchase equipment for the Morro Bay High School video production studio.**

- A-4 RATIFICATION OF COUNCIL ACTION ON JUNE 28, 2011 PERTAINING TO RESOLUTION 45-11 ESTABLISHING A THREE YEAR MORATORIUM FOR THE PAYMENT OF DEVELOPMENT IMPACT FEES FOR COMMERCIAL AND MIXED USE PROJECTS WITHIN A COMMERCIAL ZONE DISTRICT; (CITY ATTORNEY)

**RECOMMENDATION: Ratify Council action of June 28, 2011 pertaining to Resolution 45-11 which established a three year moratorium on development impact fees for commercial and mixed use projects within a commercial zone district.**

- A-5 PROCLAMATION DECLARING SEPTEMBER 25 – OCTOBER 1, 2011 AS “WILDLIFE AWARENESS WEEK”; (ADMINISTRATION)

**RECOMMENDATION: Adopt Proclamation.**

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

- B-1 APPEAL OF THE PLANNING COMMISSION'S DECISION FOR A TEMPORARY USE PERMIT TO ALLOW USE OF AN EXISTING DOCK FOR SPORT AND COMMERCIAL FISHING FOR A PERIOD OF SIX MONTHS (GAFCO/VIRG'S); (PUBLIC SERVICES)

**RECOMMENDATION: Deny the appeal and uphold the Planning Commission's approval of Temporary Use Permit #UP0-319 subject to Findings and Conditions of Approval.**

B-2 RESOLUTION NO. 61-11 APPROVING MORRO BAY GARBAGE SERVICE BASE YEAR RATE ADJUSTMENT APPLICATION REQUESTING AN INCREASE TO SOLID WASTE COLLECTION RATES; (PUBLIC SERVICES)

**RECOMMENDATION: Adopt Resolution No. 61-11 approving Morro Bay Garbage Service's Base Year Rate Adjustment Application and the resulting rate schedule.**

C. UNFINISHED BUSINESS – NONE.

D. NEW BUSINESS

D-1 RESOLUTION NO. 59-11 ADOPTING REVISIONS TO THE MASTER FEE SCHEDULE; (ADMINISTRATIVE SERVICES)

**RECOMMENDATION: Adopt Resolution No. 59-11.**

D-2 RESOLUTION 62-11 AMENDING THE CITY OF MORRO BAY ADVISORY BOARDS HANDBOOK AND BY-LAWS; (CITY ATTORNEY)

**RECOMMENDATION: Review the Advisory Board Handbook and By-Laws and adopt Resolution 62-11.**

E. DECLARATION OF FUTURE AGENDA ITEMS

F. ADJOURNMENT

**THIS AGENDA IS SUBJECT TO AMENDMENT UP TO 72 HOURS PRIOR TO THE DATE AND TIME SET FOR THE MEETING. PLEASE REFER TO THE AGENDA POSTED AT CITY HALL FOR ANY REVISIONS OR CALL THE CLERK'S OFFICE AT 772-6200 FOR FURTHER INFORMATION.**

**MATERIALS RELATED TO AN ITEM ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKET ARE AVAILABLE FOR PUBLIC INSPECTION AT CITY HALL LOCATED AT 595 HARBOR STREET DURING NORMAL BUSINESS HOURS OR AT THE SCHEDULED MEETING.**

MINUTES - MORRO BAY CITY COUNCIL  
CLOSED SESSION – AUGUST 9, 2011  
CITY HALL CONFERENCE ROOM - 5:00 P.M.

AGENDA NO: A-1  
MEETING DATE: 08/23/11

Mayor Yates called the meeting to order at 5:00 p.m.

PRESENT:	William Yates	Mayor
	Carla Borchard	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney

CLOSED SESSION

Mayor Yates adjourned the meeting to Closed Session and read the Closed Session Statement.

Mayor Yates read the Closed Session Statement.

**CS-1 GOVERNMENT CODE SECTION 54957.6; CONFERENCE WITH LABOR NEGOTIATOR.** Conference with City Manager, the City's Designated Representative, for the purpose of reviewing the City's position regarding the terms and compensation paid to the City Employees and giving instructions to the Designated Representative.

The meeting adjourned at 5:30 p.m.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – AUGUST 9, 2011  
VETERANS MEMORIAL HALL - 6:00 P.M.

Mayor Yates called the meeting to order at 6:00 p.m.

PRESENT:	William Yates	Mayor
	Carla Borchard	Councilmember
	Nancy Johnson	Councilmember
	George Leage	Councilmember
	Noah Smukler	Councilmember
STAFF:	Andrea Lueker	City Manager
	Robert Schultz	City Attorney
	Bridgett Kessler	City Clerk
	Rob Livick	Public Services Director
	Tim Olivas	Police Chief
	Mike Pond	Fire Chief
	Susan Slayton	Administrative Services Director
	Dylan Wade	Capital Projects Manager
	Kathleen Wold	Planning Manager
	Joe Woods	Recreation & Parks Director

ESTABLISH QUORUM AND CALL TO ORDER

MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

MAYOR AND COUNCIL MEMBERS REPORTS, ANNOUNCEMENTS &  
PRESENTATIONS

CLOSED SESSION REPORT - City Attorney Robert Schultz reported the City Council met in Closed Session to discuss matters of labor negotiations; two matters are on the open session agenda as follows: Items A-4 (Resolution No. 55-11 Establishing the Compensation and Working Conditions for the Management Group of the City of Morro Bay) and A-5 (Resolution No. 56-11 Adopting an Agreement on the Compensation and Working Conditions for the Confidential Group of the City of Morro Bay).

PUBLIC COMMENT

Kim Van Norstrand announced her shop which is an artisan co-op named Artsea at 736 Main Street where she sells and teaches the art of stained glass, and plans to open a tea room.

Betty Winholtz announced Pamm Larry will be speaking at the Coalesce wedding chapel on August 20<sup>th</sup> at 3:00 p.m. on the ballot initiative regarding labeling genetically-modified organisms. She also suggested since City employees are reducing their salaries to benefit the budget, the City Council should also consider reducing their health insurance benefits.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – AUGUST 9, 2011

Hunter Kilpatrick stated Eco-Rotary asked for their participation along with the Gorilla Gardeners in the zero waste program at the Relay for Life event, and he was happy to announce that 96% of the waste at the event was diverted from the landfill.

Richard Sadowski addressed the Morro Basin Nitrate Study that was focused on the farmers, and said his report shows the nitrate pollution is more likely coming from sewage that is coming from the main lines entering the aquifer on Highway 41 and Main Street. He said it goes back to the remediation action at 1840 Main Street and due to the differed maintenance practices of the collection system and neglect of addressing the problem; further reports show the nitrate pollution is coming from sewage. Mr. Sadowski addressed Item A-3 (Authorization to File Notice of Completion for Desal Product Water Line Replacement Project: MB-2010-W1) stating he has video evidence that shows this was not a water line replacement but instead an upsizing of the desal infrastructure which would require a CEQA review and was circumvented by staff.

Taylor Newton announced Dahlia Daze and Cypress Nightz will be celebrated on August 26-27 with a wine and cheese reception on Friday night, and a festival with special events with guest speakers and a barn dance on Saturday.

Marla Jo Bruton referred to plastic bag waste and noted she makes artistic bags to use in place of plastic. She also said she was going to get a SmartMeter and then declined; she said the PUC has yet to make their ruling on the safety issues on SmartMeters.

Joan Solu addressed Item D-6 (Discussion on the Allocation of the Tourism Business Improvement District (TBID) Funds for the Visitors Center) and noted the TBID sub-committee sent the Council a letter discussing that it was their understanding that the TBID would fund the \$50,000 annually of the Visitor Center with the assessment value returning to 3% of the gross room sales starting in November 2010. She said since they have been assessed 2% from July 2010 to November 2010, Council could give TBID a credit for the four months or start payments again in November 2011.

John Barta stated the current sprinkler regulations create less new building and remodel permits due to the cost. He said the City should instead consider the installation of advanced alarm systems instead of sprinkler systems.

John Weiss stated there are financial issues in the business community, and the Chamber of Commerce is working diligently to address these issues. He said a survey has been sent out regarding the economics of the business community. Mr. Weiss also said applications are available for the Board of Directors of the Chamber.

Mayor Yates closed the hearing for public comment.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – AUGUST 9, 2011

A. CONSENT CALENDAR

Unless an item is pulled for separate action by the City Council, the following actions are approved without discussion.

A-1 APPROVAL OF THE MINUTES FOR THE REGULAR CITY COUNCIL MEETING OF JULY 12, 2011; (ADMINISTRATION)

**RECOMMENDATION: Approve as submitted.**

A-2 RESOLUTION NO. 57-11 ESTABLISHING THE ANNUAL PROPOSITION 4 APPROPRIATIONS LIMIT FOR THE FISCAL YEAR 2011/12; (ADMINISTRATIVE SERVICES)

**RECOMMENDATION: Adopt Resolution No. 57-11.**

A-3 AUTHORIZATION TO FILE NOTICE OF COMPLETION FOR DESAL PRODUCT WATER LINE REPLACEMENT PROJECT: MB-2010-W1; (PUBLIC SERVICES)

**RECOMMENDATION: Accept the Project as completed by Brough Construction, Inc. and authorize the filing of a Notice of Completion.**

A-4 RESOLUTION NO. 55-11 ESTABLISHING THE COMPENSATION AND WORKING CONDITIONS FOR THE MANAGEMENT GROUP OF THE CITY OF MORRO BAY; (ADMINISTRATION)

**RECOMMENDATION: Adopt Resolution No. 55-11.**

A-5 RESOLUTION NO. 56-11 ADOPTING AN AGREEMENT ON THE COMPENSATION AND WORKING CONDITIONS FOR THE CONFIDENTIAL GROUP OF THE CITY OF MORRO BAY; (ADMINISTRATION)

**RECOMMENDATION: Adopt Resolution No. 56-11.**

MOTION: Councilmember Johnson moved the City Council approve the Consent Calendar. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

Mayor Yates called for a break at 6:43 p.m.; the meeting resumed at 6:49 p.m.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – AUGUST 9, 2011

B. PUBLIC HEARINGS, REPORTS & APPEARANCES

B-1 AMENDMENT TO CONDITIONAL USE PERMIT #UP0-042 AND COASTAL DEVELOPMENT PERMIT #CP0-064 FOR 555 MAIN STREET TO INCREASE DENSITY FROM 18 UNITS TO 21 UNITS AND ADOPTION OF A RESOLUTION NO 58-11 AUTHORIZING THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE HOME INVESTMENT PARTNERSHIP PROGRAM; (PUBLIC SERVICES

Planning Manager Kathleen Wold stated on December 13, 2010 this project was modified by the City Council to have 18 senior restricted affordable units eliminating all commercial units. Once the modification was approved the applicant engaged his architect in designing the project subject to all conditions of approval. During the design phase it became apparent that additional units could be accommodated on this site. The applicant requests an amendment to Conditional Use Permit #UP0-042 and Coastal Development Permit #CP0-064 to modify the project to allow an increase in unit count from 18 senior restricted affordable units to 21 senior restricted affordable units. Also included for Council consideration is Resolution No. 58-11 authorizing the submittal of an application to the California State Department of Housing and Community Development for funding under the HOME Investment Partnership Program. This is a follow up to the previous action taken on December 13, 2010 where the City Council approved City sponsorship of a request for HOME funds for this project. Ms. Wold recommended the City Council: 1) approve the amendment to the project by granting a Density Bonus incentive increasing the number of restricted senior affordable units to 21; and, 2) approve Resolution No. 58-11 authorizing the submittal of an application to the California State Department of Housing and Community Development for funding under the HOME Investment Partnership Program.

Robert Laing, Executive Director for Pacific Southwest (applicant), stated the request to modify the project is to allow an increase in unit count from 18 senior restricted affordable units to 21 senior restricted affordable units. He said the parking should be sufficient since not all residents will have vehicles and there will be one space assigned for a van for transport, and a handicap space. Mr. Laing stated one unit will be for the manager, 10 units will be rented to those with 50% earned income, and the remaining 10 units will be rented to those with 60% earned income. He said they will stay with the original plans that were approved by the City and are compatible with the existing neighborhood. Mr. Laing discussed the 55-year Residual Receipts Loan for this Affordable Housing Project.

Mayor Yates opened the hearing for public comment.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – AUGUST 9, 2011

John Barta stated he is a proponent of affordable housing; however, he reminded Council that granny units are also a form of affordable housing that would not need new infrastructure.

Patricia Gomez, Director for the Homeless Services Oversight Council, expressed support for this project and increasing affordable housing in the County. She also requested some units be considered for extremely low income residents.

Mayor Yates closed the hearing for public comment.

Council agreed they support the affordable housing portion of this project and would like to support the funding portion to allow this project to move forward.

**MOTION:** Councilmember Smukler moved the City Council conditionally approve an amendment to Conditional Use Permit #UP0-042 and Coastal Development Permit #CP0-064 to allow three additional deed restricted senior affordable residential units subject to the findings in Exhibit A and Conditions of Approval in Exhibit B; and, adopt Resolution No. 58-11 authorizing submittal of an application to the California State Department of Housing and Community Development for funding under the HOME Investment Partnership Program; and if selected, the execution of a standard agreement. The motion was seconded by Councilmember Leage and carried unanimously. (5-0)

C. UNFINISHED BUSINESS

C-1 ADOPTION OF ORDINANCE NO. 569 AUTHORIZING THE AMENDMENT OF SECTION 20475 (DIFFERENT LEVEL OF BENEFITS; SECTION 21363.1 (3% @ 55 FULL FORMULA); AND SECTION 20037 (THREE-YEAR FINAL COMPENSATION) FOR NEW, SWORN HIRES IN THE POLICE DEPARTMENT; (ADMINISTRATIVE SERVICES)

Administrative Services Director Susan Slayton stated on July 12, 2011, the City Council was presented with Ordinance No. 569 for its introduction and first reading. While there will not be a significant fiscal impact at the outset, by virtue of the change of retirement formula, the City will see substantial savings as we hire new employees to replace our existing employees, who either retire or move on to other agencies. It is known that the new employer contribution rate for the new hires will be 20.308% of reportable earnings, as opposed to the current rate of 35.055%. Ms. Slayton recommended the City Council adopt Ordinance 569, authorizing the amendment of Different Level of Benefits, 3% @ 55 Full formula and Three-Year Final Compensation for new, sworn hires in the Police Department.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – AUGUST 9, 2011

MOTION: Councilmember Borchard moved the City Council adopt Ordinance 569, authorizing the amendment of Different Level of Benefits, 3% @ 55 Full formula and Three-Year Final Compensation for new, sworn hires in the Police Department. The motion was seconded by Councilmember Smukler and carried unanimously. (5-0)

D. NEW BUSINESS

D-1 RESOLUTION NO. 52-11 AUTHORIZING AND DIRECTING THE EXECUTION OF CERTAIN INSTALLMENT SALE DOCUMENTS IN CONNECTION WITH THE OFFERING AND SALE OF \$1,500,000 CERTIFICATES OF PARTICIPATION RELATING TO THE FINANCING OF FIRE STATION NO. 53, AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO; (ADMINISTRATIVE SERVICES)

Administrative Services Director Susan Slayton stated Resolution No. 52-11 requests that the City Council approve the issuance of \$1,500,000 in Certificates of Participation for Fire Station No. 53 Administration Building project, and direct the Mayor, the City Manager, the Administrative Services Director, the City Clerk and all other appropriate officials of the City to execute the agreements, documents and certificates. Ms. Slayton recommended the City Council adopt Resolution No. 52-11 therefore directing the Mayor, the City Manager, the Administrative Services Director, the City Clerk and all other appropriate officials of the City to execute the agreements, documents and certificates.

MOTION: Councilmember Borchard moved the City Council adopt Resolution No. 52-11 authorizing and directing the execution of certain installment sale documents in connection with the offering and sale of \$1,500,000 Certificates of Participation relating to the financing of Fire Station No. 53, and authorizing and directing certain actions with respect thereto. The motion was seconded by Councilmember Johnson and carried unanimously. (5-0)

D-2 RESOLUTION NO. 53-11 AUTHORIZING AND DIRECTING THE EXECUTION OF CERTAIN INSTALLMENT SALE DOCUMENTS IN CONNECTION WITH THE OFFERING AND SALE OF \$300,000 CERTIFICATES OF PARTICIPATION RELATING TO THE FINANCING OF FIRE STATION NO. 53, AND AUTHORIZING AND DIRECTING CERTAIN ACTIONS WITH RESPECT THERETO; (ADMINISTRATIVE SERVICES)

Administrative Services Director Susan Slayton stated Resolution No. 53-11 requests that the City Council approve the issuance of \$300,000 in Certificates of Participation for Fire Station No. 53 Administration Building project, and direct the Mayor, the City Manager, the Administrative Services Director, the City Clerk and all other appropriate officials of the City to execute the agreements, documents and certificates.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – AUGUST 9, 2011

The reason for the additional \$300,000 are: 1) the additional costs associated with the FEMA requirement of “Buy American,” which caused a redesign of the facility to accommodate the American-made heating and cooling system; and 2) the cost overrun on the construction bids due to a significant delay in between the engineer’s estimate and the actual bid submissions. Ms. Slayton recommended the City Council adopt Resolution No. 53-11, therefore directing the Mayor, the City Manager, the Administrative Services Director, the City Clerk and all other appropriate officials of the City to execute the agreements, documents and certificates.

**MOTION:** Councilmember Johnson moved the City Council adopt Resolution No. 53-11 authorizing and directing the execution of certain installment sale documents in connection with the offering and sale of \$300,000 Certificates of Participation relating to the financing of Fire Station No. 53, and authorizing and directing certain actions with respect thereto. The motion was seconded by Councilmember Leage and carried unanimously. (5-0)

**D-3 RESOLUTION NO. 54-11 AUTHORIZING THE SIGNING OF USDA FORMS, WHICH AUTHORIZE AND PROVIDE FOR THE INCURRENCE OF INDEBTEDNESS FOR FIRE STATION NO. 53 ADMINISTRATION BUILDING; (ADMINISTRATIVE SERVICES)**

Administrative Services Director Susan Slayton stated Resolution No. 54-11 requests that the City Council approve two (2) USDA Forms RD 1942-47 in connection with the issuance of the \$1,800,000 Certificates of Participation for Fire Station No. 53 Administration Building, and direct the City Manager to sign those forms. These forms must be submitted to the USDA in the exact format approved by the US Government, in order for us to engage in the two loans for \$1,500,000 and \$300,000. Ms. Slayton recommended the City Council adopt Resolution No. 54-11 directing the City Manager to sign the USDA Forms.

**MOTION:** Councilmember Borchard moved the City Council adopt Resolution No. 54-11 authorizing the signing of USDA forms, which authorize and provide for the incurrence of indebtedness for Fire Station No. 53 administration building. The motion was seconded by Councilmember Smukler and carried unanimously. (5-0)

**D-4 AWARD OF CONTRACT TO RARIG CONSTRUCTION, INC. OF SAN LUIS OBISPO, CA FOR THE PROJECT NO. MB-2010-FD-01: FIRE STATION 53 OFFICE AND LIVING QUARTERS PROJECT; (PUBLIC SERVICES)**

Capital Projects Manager Dylan Wade stated this project entails the construction of an Office and Living Quarters portion of Fire Station 53 to replace the original facility which was damaged during the San Simeon earthquake. This structure will adjoin the existing Apparatus Bay and will improve Fire Department response times and functionality.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – AUGUST 9, 2011

The building has been designed, and will be constructed to the essential facilities standards. Project bids were opened on June 30th with 4 bids received. The low bid was submitted by Rarig Construction, Inc. of San Luis Obispo in the total bid amount of \$2,852,000. Bids ranged from the low bid to a high bid of \$3,252,000. Based on the number of bids received, and the range between bidders, staff believes the bid to be competitive. As a condition of the Federal funding received a formal bid analysis was prepared. Since the bids came in higher than the Engineer's estimate, the USDA made additional loan funds available. These additional funds will enable the project to be completed. Mr. Wade recommended the City Council award the project contract to Rarig Construction, Inc., in the total bid amount of \$2,852,000.

MOTION: Councilmember Johnson moved the City Council award the project contract to Rarig Construction, Inc., in the total bid amount of \$2,852,000 for Project No. MB-2010-FD-01: Fire Station 53 Office and Living Quarters Project. The motion was seconded by Councilmember Borchard and carried unanimously. (5-0)

D-5 DISCUSSION ON APPOINTMENT OF CITY COUNCIL MEMBERS TO THE  
CHAMBER OF COMMERCE ECONOMIC DEVELOPMENT COMMITTEE;  
(ADMINISTRATION)

City Manager Andrea Lueker stated at the June 14, 2011 meeting, the City Council requested the discussion on participation on the Economic Development Committee come back before Council as a separate topic. Craig Schmidt, Chamber of Commerce CEO, formed an Economic Development Committee several months ago with the first meeting held on April 5, 2011. The Committee has met regularly since that time and is examining the economic development needs of Morro Bay, developing strategies to address those needs, and forming the necessary partnerships to achieve its objectives. Several aspects of economic development will be investigated and may include the following: 1) business retention and expansion; 2) business recruitment; and 3) entrepreneurial and workforce development. The goal of the committee will be to formulate a broad strategic and economic development plan and work with the Chamber. Ms. Lueker recommended the City Council discuss participation on the Chamber of Commerce Economic Development Committee by appointing two members of Council to attend the meetings.

The City Council discussed appointing Council Members Johnson and Smukler to the Chamber of Commerce Economic Development Committee because they attend the meetings.

Councilmember Borchard stated with Councilmember Leage being the City's Economic Vitality representative for San Luis Obispo County, she believes he should be appointed to the Chamber Economic Development Committee in order to share that information.

MINUTES - MORRO BAY CITY COUNCIL  
REGULAR MEETING – AUGUST 9, 2011

MOTION: Councilmember Leage moved the City Council appoint Council Members Johnson and Smukler to the Chamber of Commerce Economic Development Committee. The motion was seconded by Mayor Yates and carried with Councilmember Borchard voting no. (4-1)

D-6 DISCUSSION ON THE ALLOCATION OF THE TOURISM BUSINESS IMPROVEMENT DISTRICT FUNDS FOR THE VISITORS CENTER; (ADMINISTRATION)

City Manager Andrea Lueker stated in November 2010, the City Council reviewed a staff report entitled “Discussion of the Visitors Center Including the 2009/2010 Financial Review, Percentage of Funding from the Morro Bay Tourism Business Improvement District and Representation of the Board.” After discussion, the City Council made a motion that included a number of directions, one of which is the following: Approve 33% of funding (not to exceed \$50,000) from the Tourism Business Improvement District (TBID), beginning with the month of November. Staff understood this to mean \$50,000 for fiscal year 2010/11, and \$50,000 for fiscal year 2011/12. However, the TBID Budget Sub-Committee, in a letter sent to the City Council on July 6, 2011, indicated they believe the City should have pro-rated the amount from November 2010, charging \$33,333 (instead of the \$50,000) for fiscal year 2010/11, and \$50,000 for fiscal year 2011/12. Staff is requesting the City Council to clarify the November 2010 motion. Should the Council determine the amount for last fiscal year should have been the prorated \$33,333 staff will credit the TBID with the additional \$16,667, and address the revenue loss to the General Fund at the mid-year budget review. Ms. Lueker recommended the City Council review the motion made at the November 8, 2010 meeting, review staff’s interpretation of that motion, review the concern from the TBID Budget Sub-Committee, and make any changes Council deems necessary.

Councilmember Borchard stated it was her intent in her motion at the November 8, 2010 meeting that 33% was to begin in November 2010.

Consensus of Council was to direct staff to credit the Tourism Business Improvement District with the additional \$16,667 from Fiscal Year 2010/11, and address the revenue loss to the General Fund at the mid-year budget review.

E. DECLARATION OF FUTURE AGENDA ITEMS – None.

ADJOURNMENT - The meeting adjourned at 7:51 p.m.

Recorded by:

Bridgett Kessling  
City Clerk



AGENDA NO: A-2

MEETING DATE: 08/23/2011

# Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** July 28, 2011  
**FROM:** Susan Slayton, Administrative Services Director/City Treasurer  
**SUBJECT:** Resolution No. 60-11 Adopting the City of Morro Bay Travel Policy

**RECOMMENDATION:**

Council to adopt Resolution No. 60-11 adopting the City of Morro Bay Travel Policy.

**FISCAL IMPACT:**

None

**SUMMARY:**

Resolution No.74-94 adopted the City Travel Policy and subsistence rates. Since that time, no updates to that Policy have been made. The Travel Policy presented tonight, is a rewrite of the 1994 version. It conforms to IRS regulations regarding day trips and meals, utilizes the IRS subsistence rate schedules, and requires substantiating receipts and the refund of unspent cash. Travelers are expected to be as frugal as possible when traveling. All department heads and employee groups have reviewed the policy.

**DISCUSSION:**

The City's existing Travel Policy was adopted on August 22, 1994; as such, it is outdated in many areas. It has become evident that revisions were necessary in order to be compliant with current laws. The policy that is being presented tonight conforms to IRS regulations regarding day trips and meals, which was an issue in our 2006 IRS audit. It ties daily subsistence (meals) rates with an overnight stay to IRS per diem schedules, and further requires substantiating receipts to ensure that the traveler does not financially benefit as a result of the travel. For example, the per diem rate for Sacramento is \$61 for meals and incidentals with an overnight stay. This means that the traveler has \$61 to spend on food, including tip, snacks and/or incidentals (aspirin would be considered an incidental). Under a per diem policy, a traveler would be given the \$61 and not be required to support that expenditure. If the traveler spent \$50 of the \$61 per diem, he/she would financially benefit from the travel by \$11. Our proposed policy allows for a travel advance of \$61 for meals and incidentals, but requires receipts substantiating the expenditures, and the return of unspent funds. In the example above, the traveler would be required to return the \$11 of unspent subsistence allowance.

**Prepared By:** \_\_\_\_\_      **Dept Review:** \_\_\_\_\_  
**City Manager Review:** \_\_\_\_\_  
**City Attorney Review:** \_\_\_\_\_

Other changes to the Travel Policy ask the traveler to be as frugal as possible. For example, the Policy requires the traveler to exhaust all options for using a City-owned vehicle before taking a personal vehicle, which saves the City the cost of the IRS mileage rate reimbursement, currently \$0.555 per mile. For a 300 mile trip to Sacramento, the traveler would be reimbursed for gas, which might cost \$150 (2 tanks at \$75 each) rather than \$333 (600 mile round trip x \$.0555).

Staff is recommending that the City Council adopt Resolution No. 60-11, adopting the City of Morro Bay Travel Policy.

Attachments:

1. 1994 Travel Policy
2. 2011 Travel Policy

**RESOLUTION NO. 60-11**  
**RESOLUTION OF THE CITY COUNCIL**  
**OF THE CITY OF MORRO BAY, CALIFORNIA, ADOPTING THE**  
**THE CITY OF MORRO BAY TRAVEL POLICY**

**THE CITY COUNCIL**  
**City of Morro Bay, California**

**WHEREAS**, on August 22, 1994, the Morro Bay City Council adopted Resolution No. 74-94, which established the parameters of the City's Travel Policy; and

**WHEREAS**, changes over time, both legal and social, have transpired, requiring updates to that Policy.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Morro Bay, California, that:

1. Resolution No. 74-94 is rescinded; and
2. The City of Morro Bay Travel Policy is adopted, as written and including all changes made at this meeting.

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay at a regular meeting thereof held on the 23<sup>rd</sup> day of August 2011, by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
WILLIAM YATES, Mayor

ATTEST:

\_\_\_\_\_  
BRIDGETT KESSLING, City Clerk

# ATTACHMENT 1

RESOLUTION NO. 74-94

A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY  
ESTABLISHING TRAVEL SUBSISTENCE RATES  
WHILE ON OFFICIAL BUSINESS FOR THE CITY OF MORRO BAY

THE CITY COUNCIL  
City of Morro Bay, California

WHEREAS, the City of Morro Bay has adopted a travel policy governing expenses and setting forth conditions when traveling on official business for the City; and

WHEREAS, said policy requires the City Council to establish by resolution the per diem rates necessary for the conduct of City business by City employees and officials during travel status; and

WHEREAS, the maximum allowable per diem rate is based upon a complete day in travel status, and for continuous travel in excess of twenty-four (24) hours;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Morro Bay does hereby adopt the following per diem allowances based upon the approximate distribution:

A. Maximum per diem rate: \$45.00 per day as follows:

\$ 6.50	Breakfast
10.00	Lunch
18.00	Dinner
10.50	Miscellaneous Expenses

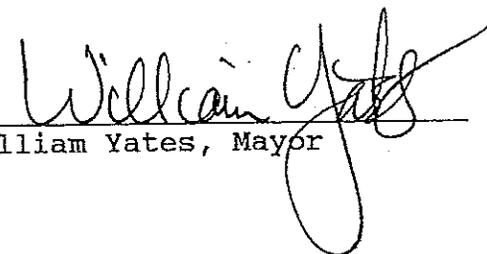
B. These subsistence rates may be reviewed annually by the City Council during budget preparation.

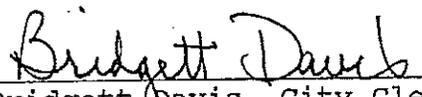
PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting held thereof on the 22nd day of August 1994, by the following roll call vote:

AYES: Luna, Unger, Yates

NOES: None

ABSENT: Crotzer, Mullen

  
\_\_\_\_\_  
William Yates, Mayor

  
\_\_\_\_\_  
Bridgett Davis, City Clerk

CITY OF MORRO BAY  
TRAVEL POLICY

SECTION 1. PURPOSE

The purpose of this policy is to provide uniform procedures by which officers and employees of the City of Morro Bay shall report and be reimbursed for expenses incurred in connection with authorized travel on behalf of the City. This policy will assist officers and employees of the City in the performance of their official duties and in obtaining financial advancement and/or reimbursement for travel expenses.

The City recognizes that attendance at meetings and conferences serves a vital forum for the exchange of ideas and methods in all areas of municipal administration, presenting and receiving information, and advocating legislation of benefit to the City. The governing factor in authorizing attendance at these functions is the tangible benefit to accrue to the City as the result of such attendance in relation to the overall expense to the City.

SECTION 2. RESPONSIBILITIES

ADMINISTRATOR

The City Administrator shall; establish administrative procedures dealing with employee travel while on City business, authorize travel in accordance with the procedures set forth in this policy, review each departmental budget submission and recommend an amount to the City Council for inclusion in the annual budget, retain the option to review, for approval or rejection, any travel expense records which may otherwise be free from administrative scrutiny. All travel is subject to the availability of funds.

DEPARTMENT HEAD

Department heads shall; authorize all travel, subject to the limitations of this policy and the amount appropriated for that purpose in the annual departmental budget, be held responsible for certifying that travel is related to City business, shall critically examine each trip to determine necessity, prohibit travel when the matter can be handled by mail or telephone, minimize the number of people who must travel for a single purpose, authorize itineraries which are the most cost-effective; require use of air accommodations less costly than first-class, unless there is a valid or unique reason, require use of available City-owned vehicles when car travel is officially necessary and advantageous to the City, periodically review these procedures with City staff.

### SECTION 3. TRAVEL AUTHORIZATION

Official travel by City employees and officials requires prior authorization by the appropriate approving authority. The City form, "Travel Advance Request", can be used to document authorization.

Travel trips of one-day or less shall not require a "Travel Advance Request", but the traveler is required to complete and file a "Travel Expense Report", or other suitable documentation; i.e. petty cash vouchers, upon return to work if the trip involved reimbursable expenses.

### SECTION 4. TRAVEL ADVANCES

Officials and employee who travel on City business shall provide themselves with sufficient funds for current expenses. If a traveler is unable to finance expenses from personal funds until City reimbursement is made, he/she may apply for an advance of public funds by utilizing the "Travel Advance Request" form. All requests for advance of travel funds are to be submitted through the approving authority to the Finance Department at least ten (10) working days before the intended date of departure. All advances must be properly accounted for on termination of travel for which the advance was made; advance payments do not constitute approval to spend the entire amount advanced. The minimum advance shall be fifty dollars (\$50.00).

Travel advance requests must be accompanied by all pertinent documentation which supports the need for the requested travel advance, e.e. copy of proposed program or agenda, registration form, etc.

Individuals are encouraged to use City credit cards whenever possible for reservations, registrations and per diem expenses. If the reservation will result in an actual charge to the City, a receipt must be requested and a claim prepared immediately.

### PROCEDURE

- a. Requests for non-reimbursable (i.e. non-POST) expense advances for funds to pay travel expenses in excess of \$500 are to be submitted to the City Administrator on the approved request form.

- b. Travel advance request forms must be signed by the employee and the department head. So that they may be processed on a timely basis, such requests are to be submitted to the City Finance Department at least ten (10) days before the intended date of departure.
- c. In all cases, once a registration/expense advance has been made, the officer or employee must complete and submit an approved City travel claim form (along with all supporting vouchers and receipts) within 5 days following the completion of travel. If the advance exceeds the actual expenses, a remittance must accompany the completed claim for payment. An individual may not request or receive another advance until he/she has settled all outstanding advances. If the trip is cancelled, the advance must be returned immediately.

#### SECTION 5. MODES OF TRANSPORTATION

Individuals requesting official travel should attempt to travel by means most economical to the City. In selecting a particular method of transportation, consideration shall be given for the total cost to the City, including overtime, lost work, and actual transportation costs.

- A. Travel by Automobile. When vehicles, either private or City owned or commercial, are provided for authorized travel, employees shall share rides whenever possible. Members of the City Council may, at their own discretion and for their own convenience, travel by separate automobile.

(1) City-Owned Vehicle. Travelers should use a City vehicle when available, in preference to a privately owned or rented vehicle, for trip destinations of up to 350 miles from Morro Bay. Special approval for longer trips may be granted by the City Administrator. The use of City vehicles shall be limited to official City business and travel. Transportation of persons other than employees or officials is authorized only in situations where it relates to City business.

- (a) Emergency Repair to City Vehicles. Emergency repairs are defined as those repairs required when the vehicle is inoperable.

When emergency repairs are required on a City vehicle being operated within the County during normal business hours, the Mechanic should be contacted prior to making any repair to the vehicle.

When emergency repairs are required on a City vehicle being operated outside the County or at times other

than normal business hours, persons may be reimbursed for the emergency repair cost up to a maximum of \$150.00 and up to a maximum of \$150.00 for towing costs. Reimbursement for emergency towing or repairs in excess of \$150.00 will be provided only upon the prior approval of the employee's supervisor after consultation with the city mechanic staff.

(2) Travel by Private Vehicle. When traveling by private vehicle mileage reimbursement will be calculated based on the following criteria:

- (a) During scheduled work days, travel reimbursement is based upon the distance from the traveler's residence or normal designated workstation to his/her destination, whichever is less.
- (b) During scheduled work days, return travel reimbursement is based upon the distance from the out-of-area location to the traveler's residence or normal designated workstation, whichever is less.
- (c) During non-scheduled work days, travel reimbursement is based upon the distance from the traveler's residence to his/her destination and return.
- (d) Travel to and from a common carrier terminal or station is based on the same criteria as in (a) through (c) above.

#### RATES

Officers, employees, commission and committee members will be reimbursed for travel mileage incident to the authorized use of a privately-owned vehicle on City business.

Such reimbursement will be at the rate currently prescribed by IRS regulations unless otherwise governed by Council resolution or applicable Memorandum of Understanding.

Such reimbursement will be considered complete payment for actual and necessary expenses incident to the use of a privately owned vehicle, including insurance, repairs, and all other transportation related costs. Individuals shall not receive reimbursement for gasoline purchases whenever that individual expects to claim the per mile reimbursement rate for private vehicles.

Departure from Residence. Officials or employees who travel by privately owned vehicle and who depart from their private residences will be allowed mileage equal to the lesser of the distances from residence to first work contact point or from designated normal work location to first work contact point.

Similarly, employees or officials who depart from last work point directly to private residence will be allowed mileage from residence to first work point and from last work point at which official duties were performed to their private residence.

**Commercial Auto Rental.** Officials and employees will be reimbursed for the actual and necessary cost of such rental when substantiated by a voucher. Employees will not be reimbursed for the additional cost of collision damage deductible and/or personal accident insurance offered in car rental agreements is accepted. The City has self-insurance programs which provide protection for these risks. Employees shall, however, be reimbursed for any loss necessarily sustained by them which is attributable to the fact that a damage waiver was not accepted.

### **Air Travel**

**Scheduled Commercial Airlines.** When reimbursement is claimed for transportation via scheduled commercial airlines, reimbursement will be limited to the cost of travel by air coach (tourist or economy fare). The advance purchase of airline tickets may be handled via a travel agent or directly through the individual airline.

**Commercial Charter Aircraft.** Travel via commercial charter aircraft shall be limited to instances when scheduled airline travel is impractical, unavailable, or more expensive. Such travel will, in all instances, require prior authorization by the City Administrator.

**Private Aircraft.** The use of private aircraft owned or rented by employees or others will require prior authorization of the City Administrator. Due to insurance requirements, private aircraft must have current 'Standard' airworthiness certificates issued by the FAA, and the pilot in command must hold a currently effective pilots certificate issued by the FAA and must have a current rating for the aircraft flown. Before any private aircraft owned by an employee is flown on City business, a current insurance policy covering the aircraft must be filed with the City's Risk Manager.

Travel to and from airports shall be by bus or airport limousine where such services are in operation and schedules permit. Taxicab shall be used only as a last resort.

**Railroad Transportation.** Reimbursement shall be limited to coach fares for trips not involving overnight travel. When sleeping accommodations are required and authorized, reimbursement shall

be limited to roomette pullman fares. Whenever possible, round trip rates shall be used.

#### TAXIS AND OTHER LOCAL TRANSPORTATION

The cost of taxi or car fare to and from places of business, hotels, airports, or railroad station in connection with business activities will be reimbursed by the City. Whenever available, employees must attempt to utilize existing hotel/motel van or taxi services. All local transportation expenses in excess of \$10.00 must be accompanied by a receipt to be considered a legitimate reimbursable charge. Taxi service to restaurants for non-City business meals will not be separately reimbursed but are considered a portion of the Miscellaneous allowance under the per diem rate.

#### SECTION 6. LODGING

Amounts equivalent to the reasonable cost of accommodations for single occupancy at the hotel or motel in which the official or employee stays will be allowed. "Reasonable cost" shall be determined by taking into account such factors as prevailing lodging rates of the area, proximity of lodging to City business destination, and potential additional transportation requirements.

A. Regular Lodging. An employee is expected to make reservations well in advance whenever possible and to take other actions to ensure that lodging is secured at moderate rates. Reimbursement for lodging shall be limited to the minimum number of nights required to conduct the assigned City business. If an official or employee chooses to arrive earlier or stay later than the length of City business, the additional lodging and other expenses related to this decision are the individual's personal expenses.

B. Shared Lodging.

Family Member. Where expense for a family member is included on the receipt, the rate reimbursed will be the single occupancy rate. The single occupancy rate shall be noted on the receipt by the motel or hotel.

Fellow Employee

- (1) When a room is shared with a fellow employee, the expense may be divided and claimed by each occupant, or one employee may charge the expense for all employees. The cost of the room may exceed the maximum guideline amount by the amount that the multiple occupancy rate exceeds the single rate.

- (2) When each employee claims their own expenses, a duplicate hotel/motel receipt must be obtained. The amount claimed by each employee will be the hotel/motel rate divided by the number of employees.
- (3) When shared lodging expenses are claimed by a single employee, the reimbursement claim is to list the names of the other employees.

Those lodging costs paid by a City employee for prisoners, inmates, or court wards during authorized travel should be claimed at the double occupancy amount which may exceed the maximum guideline amount by the amount that the multiple occupancy rate exceeds the single rate.

- C. Special Lodging. Upon prior written approval of the City Administrator, reimbursement for special lodging arrangements such as, but not limited to, accommodations in apartments, campgrounds, and recreational vehicles will be allowed.
- D. Lodging as a Guest of Friends or Relatives. When an official or employee prefers to remain overnight as a guest of friends or relatives while traveling on behalf of the City, no amount may be claimed for lodging expense.
- E. Return to Permanent Work Location over Non-Workdays. When job requirements do not necessitate that a traveler remain at a temporary work location over a non-workday or holiday, the authorizing authority may direct the employee to return to their permanent work location in the City, provided that the travel cost of the return trip is less than the estimated expense of having the employee remain at the temporary location.

#### SECTION 7. PER DIEM ALLOWANCES.

The per diem allowance is to cover all expenses incurred by the official or employee on City business other than registration, lodging accommodations, and primary transportation costs.

- A. Allowable Expenses. All charges for:
  - (1) Fees and tips paid to waiters, porters, baggage handlers, bellhops, hotel maids, and other service personnel;

- (2) Incidental transportation expenses, such as street car, bus, and ferry fares, bridge, toll road and vehicle parking fees which do not exceed \$20.00 per day;
- (3) Laundry and cleaning and pressing of work clothes;
- (4) Meals, except for those included in the cost of the registration;
- (5) Newspapers;
- (6) Purchase of necessary stationery and office supplies;
- (7) Telephone and telegraph charges for official business.

B. Personal Expenses. Expenses intended for the personal benefit or pleasure of the traveler shall not be considered in the per diem allowance, such as but not limited to:

- (1) Alcoholic beverages;
- (2) Barber and beauty shop charges;
- (3) Entertainment;
- (4) Expenses of member(s) of the persons family who may accompany the employee or official on the trip;
- (5) Fines for traffic violations;
- (6) Personal telephone calls;
- (7) Private automobile repairs;
- (8) Purchase of personal items;
- (9) Tailors.

C. Establishment of Per Diem Rates. The City Council shall establish by Resolution the per diem rates necessary for the conduct of City business during travel status. Established per diem rates may be periodically modified by Resolution of the City Council.

The maximum allowable per diem rate is based on a complete day in travel status and for continuous travel of more than 24 hours. The calendar day (midnight to midnight) is the unit used for computing per diem allowances.

D. TIME CRITERIA GOVERNING REIMBURSEMENT FOR MEALS

- a. The allowance for meal expenses in excess of the established guideline rates shall be at the discretion of the Finance Director. Meals are reimbursable only under the following criteria:

<u>MEAL</u>	<u>TRAVEL BEGINS BEFORE</u>	<u>TRAVEL ENDS AFTER</u>
Breakfast	6:00 a.m.	8:00 a.m.
Lunch	11:00 a.m.	1:00 p.m.
Dinner	5:00 p.m.	8:00 p.m.

- b. For purposes of determining eligibility for reimbursement, travel shall be considered to begin when the traveler departs their residence if the trip begins before or after normal office hours. If the trip begins during normal office hours, travel shall be considered to begin when the traveler departs the office. It will be the department head's responsibility to monitor time of departure and arrival to ensure no unnecessary meals are claimed.

Whenever meals and/or lodging are furnished without charge to the traveler, deduction shall be made from the authorized per diem allowance.

Whenever meals are served as a part of a conference meeting at a fixed cost that exceeds the per diem allowance, said meals shall be considered as an allowable conference expense subject to additional reimbursement. In all such cases, employees must document the amount of said meals. Documentation must be in the form of an official program, meal ticket stub, or other prescribed media indicating fixed cost.

SECTION 8. FAMILY MEMBER ACCOMPANIMENT.

There is no objection to a spouse and/or other family member(s) accompanying an employee or official on a City business trip, provided that their presence does not detract from the performance of City duties. The attendance at the meetings and conferences by such members of City officials and employee is to be considered a sole expense of the individual official and/or employee, and all differences in cost brought about by the attendance and/or accompanying travel of a family member shall not be borne by the City.

When automobile is the selected mode of transportation by an employee or official desiring a family member to accompany them,

said travel shall only be accomplished by the use of the official's or employee's privately owned vehicle, and is subject to the conditions contained in Section 5A(2) pertaining to use of privately owned vehicles on City business.

**SECTION 9. SETTLEMENT OF TRAVEL EXPENSES.**

Travelers are responsible for the accurate preparation of their claims and the responsibility of omission or commission cannot be shifted to another individual. A "Travel Return Expense" form must be submitted to the City Administrator within five (5) work days after returning from the conference and/or trip.

If an official or employee has drawn expense money in advance, a settlement must be made on the basis of actual expenses. If actual expenses exceed the advance, upon approval by the City Administrator, said expenses will be reimbursed to the traveler by the Finance Department. If actual expenses do not exceed the expense advance received, said traveler shall return all unused portion of the expense advance to the Finance Department.

To be reimbursed for travel expenditures, an employee or official must sign and submit a "Travel Expense Return" form. No reimbursement shall be made until the Expense Form has been properly executed and approved by the City Administrator. The Finance Department will reimburse only those expenses properly approved.

When travel is performed by privately owned vehicle, actual odometer readings should be noted on the Travel Expense Return form. Mileage claims may be verified against standard highway mileage guides. If odometer readings are unavailable for whatever reason, the expense may be based on map mileage for point-to-point travel.

The decision of the City Administrator shall be final in all cases where conflicts on reimbursement or allowable expenses exist.

The City Administrator has the discretion to approve reimbursement for official travel expenses that exceed established per diem amounts.



## CITY OF MORRO BAY

### TRAVEL POLICY

#### I. GENERAL

##### A. PURPOSE

This policy applies to all City of Morro Bay employees ("Travelers"), and is intended to establish uniform procedures by which Travelers shall report and be reimbursed for expenses incurred in connection with authorized travel on behalf of the City.

This policy provides for economical and efficient travel in order to derive the greatest benefit from the trip at the most effective cost. It does not allow Travelers to be financially enriched as a result of travel nor be required to utilize their own funds as a result of City travel. Travelers are responsible for exercising good judgment in requesting, arranging and fulfilling a travel request to mitigate costs to the City.

##### B. GENERAL PROVISIONS

1. Travel will be authorized only when necessary, and in the best interests of the City.
2. All travel is subject to the availability of funds for travel.
3. The City will pay for the costs incurred by Travelers, subject to review. Additional costs associated with companions are the responsibility of Travelers.
4. Department Directors are responsible for making the determination that the travel is necessary and that the benefit for which the travel is requested cannot be achieved through the Internet, telephone or other means so as to eliminate the necessity for travel, while still accomplishing the benefit to the City.
5. All travel is to be authorized in advance of the date of travel by the Department Director, and further authorized by the City Manager, as required by this policy.
6. The most economical means of transportation will be used, unless unusual circumstances require more costly alternatives. City-owned vehicles are to be used unless one is not available. Travelers should check with all departments for available City vehicles before using their own. Travelers should car pool, whenever possible, with other Travelers.
7. If Travelers choose to use their personal vehicles when City vehicles are available, that use must be approved by the Department Head (see Travel Return Expense Report form).
8. The lesser of actual gasoline costs (receipts required) or the IRS mileage reimbursement rate will be paid (for the current reimbursement rate, visit

[www.irs.gov](http://www.irs.gov), and search for mileage 2010). If City vehicles are not available and the travel is still deemed necessary, the IRS mileage rate or gasoline costs will be paid, whichever Travelers choose. Department Directors, who have assigned vehicles or receive a car allowance, are discussed in Section II-C-4.

9. Any discounts should be taken advantage of as possible.
10. For travel that requires an overnight stay, reimbursement will be for actual, reasonable and necessary expenses incurred while on City business as defined below:
  - a. Travelers will be provided with a daily allowance based on the current Internal Revenue Service (IRS) guidelines at <http://www.irs.gov/pub/irs-pdf/p1542.pdf>. Daily allowances are based on travel destination.
  - b. Receipts are required to substantiate spending:
    - 1.) Funds paid in excess of the daily allowance may be reimbursed to Travelers, if such spending is approved.
    - 2.) **Any unused daily allowance is to be returned to the City.**
  - c. Travelers are encouraged to use City credit cards.
11. For travel without an overnight stay, **no reimbursement is provided for meals** per IRS regulations unless Travelers attend breakfast, lunch or dinner meetings; include the name of the organization/group, participants in the meeting and purpose on the receipt (e.g., CSMFO, Susan Slayton, monthly lunch meeting).
12. It is the responsibility of Travelers to pay for any alcoholic beverages consumed, entertainment expenses and/or any personal automobile expenses including repairs, traffic citations, and insurance.
13. The City will not be responsible for any personal losses while Travelers are traveling on City business.
14. Out-of-state travel (lodging or meeting place) or means of transportation other than automobile, as identified in Section II-C-5, for any Travelers requires the prior approval of the City Manager, unless otherwise provided by law.
15. If travel receipts are not provided, Travelers may not be reimbursed for the amount spent, and may be required to reimburse the City for unsubstantiated charges to a City credit card.
16. If a hotel charges for Internet service, the charge will be reviewed to determine the business-purpose use, which may be reimbursable.

## **II. SPECIFIC EXPENSES**

### **A. LODGING**

1. Lodging expenses consist of those charges for overnight sleeping or dwelling accommodations for Travelers only as required while traveling on City business. Any additional costs associated with travel companions are to be paid for by the Travelers.
2. Lodging is an allowable expense for the evening preceding, and subsequent to, a meeting or business event with Department Director approval.
3. Travelers are to request the least expensive rate when making reservations, or registering, at a hotel/motel.
4. Lodging amounts:

- a. Must be pre-approved by the Department Director unless emergency circumstances exist;
  - b. Must be supported by a valid hotel/motel receipt that is attached to the Travel Return Expense Report; and
  - c. Will be reimbursed at the single occupancy rate only. If Travelers are traveling with a companion, Travelers are responsible for the portion of the room rate that is in excess of the single occupancy rate.
6. Same sex Travelers are encouraged, but not required, to share a room where possible.

## **B. MEALS**

1. Meal expenses shall be those charges for food and non-alcoholic beverages actually purchased and consumed by Travelers while on official City business.
2. Meal expenses incurred will be reimbursed on an actual cost basis, not to exceed the amount of daily allowance identified by the current IRS guidelines (see <http://www.irs.gov/pub/irs-pdf/p1542.pdf>). If the cost of Travelers' daily meals exceeds the IRS daily allowance, Travelers will be responsible for reimbursing the City for the difference.
3. Meal daily allowance will be provided based on the current IRS guidelines.
4. Meal daily allowance is not allocated to a specific meal; therefore, the entire amount may be used for breakfast, lunch or dinner, as Travelers desire, and in accordance with B-1 definition of meal expenses.
5. Any unspent daily allowance is to be returned to the City along with the Travel Return Expense Report.
6. A maximum 15% gratuity may be included on meal expenditures; however, the traveler must not exceed the total meals daily allowance allotment.

## **C. TRANSPORTATION**

1. When available, City-owned vehicles are to be used for all land travel. Travel by a Department Director is discussed under Section II-C-3.
2. Non-employees, accompanying Travelers for personal reasons (such as spouses, children, relatives), are not permitted to ride in a City-owned vehicle, unless exempted through a MOU or employment contract. Actual cost of fuel will be reimbursed with receipts; IRS mileage rate reimbursement does not apply.
3. Personal vehicles may be used, with approval. The lesser of gasoline expenditures (receipts required) or mileage will be reimbursed, if it is the Travelers' choice to use their personal vehicle. In the event that a City-owned vehicle is not available and the travel is still required, Travelers may receive either the mileage reimbursement at the current IRS rate or cost of fuel for using their personal vehicle.
4. Use of personal vehicles for City travel requires Department Director and/or City Manager approval with the exception of Department Directors as discussed below:
  - a.) Department Directors, who are paid a car allowance, are to use their personal vehicles for all travel within the San Luis Obispo County. No mileage or gasoline reimbursement will be paid for travel within the County.

- b.) Department Directors may choose to use their personal vehicles for travel outside San Luis Obispo County and will be paid the lesser of gasoline expenditures or mileage. Mileage reimbursement will be calculated from the point-of-exit from San Luis Obispo County to the destination and from the destination to the point-of-entry into San Luis Obispo County.
4. Department Directors, who are provided with a City vehicle, will use that vehicle for travel, and be reimbursed for self-paid gasoline expenses only. Receipts must be provided.
5. Airline, private aircraft, train, and watercraft modes-of-transportation require City Manager approval. Expenditures may be reimbursed as substantiated by receipts.
6. Travelers are to avail themselves of existing hotel/motel van, taxi, or local mass transit services. Taxis and other local transportation may be employed as transportation to and from the airport, the hotel/motel and conference location. Taxi and other local transportation may be used for travel to restaurants as associated with the business purpose for the travel. Receipts must be provided for reimbursement. A maximum of 15% gratuity may be reimbursed.
7. Automobile rentals are to be approved by the Department Director only if other transportation methods are not available (e.g., hotel/motel van, taxi or local mass transit services).
8. Parking fees at the hotel/motel should be charged as part of the hotel/motel bill or will be reimbursed with a receipt. Conference center parking fees will be reimbursed with a receipt. No valet parking will be reimbursed unless it is the only option for parking.
9. Tolls paid will be reviewed and may be reimbursed.

#### **D. OTHER BUSINESS EXPENSES**

1. Business expenses are all expenses as a result of travel other than transportation, lodging and meals. Receipts must be provided for reimbursement.
2. Travelers will be reimbursed for actual and necessary business expenses, provided that such expenses are directly related to the purpose of travel. Business expenses shall not include the cost of discretionary items intended for the personal benefit or pleasure of Travelers, such as magazine/book purchases, movies rentals, etc. Business expenses normally include, but are not limited to, expenditures for the following:
  - a.) Conference registration fees, if not paid with a separate claim;
  - b.) Telephone or Internet charges for official business - Internet charges will be reviewed to determine the business-purpose use, which may be reimbursable;
  - c.) If an overnight stay is required, a personal call may be made from the hotel to notify the Travelers' families of their safe arrival. Telephone calls should be limited to no more than five (5) minutes. Subsequent calls are subject to review and may not be reimbursed.
  - d.) Laundry/cleaning services as a result of Travelers being on travel status for more than seven (7) consecutive days. Receipts are required
  - e.) Reasonable gratuities (tips) to baggage handlers, porters and other service personnel will be reviewed and may be reimbursed. Gratuities for meal

service should be included in the cost of meals claimed and should not exceed fifteen percent (15%) of the total bill.

### **III. REIMBURSEMENT CLAIMS, CREDIT CARDS, RESERVATION OR REGISTRATION AND EXPENSE ADVANCES**

#### **A. REIMBURSEMENT CLAIM**

1. Claims for reimbursement of authorized travel expenses must be submitted on an approved City Travel Return Expense Report form.
2. All claims must be turned in for settlement within fifteen (15) days of the Travelers' return.
3. All claims must be signed by the traveling individual and approved by the Department Director and/or City Manager, as required by this policy.
4. Claims shall include:
  - a.) Name of Traveler;
  - b.) Name of conference, training, seminar, etc.;
  - c.) Location of travel;
  - d.) Dates of travel;
  - e.) General ledger account number(s) to which travel expenses are to be charged;
  - f.) Expense identification, such as seminar, meals, airfare, etc.;
  - g.) Dollar amounts associated to all expenses, including charges on credit card;
  - h.) Additional information as requested on the Travel Return Expense Report form.
5. Receipts for all expenses are to be attached, including copies of receipts paid for with the City credit card. If receipts are missing, Travelers shall write an explanation of the expense and reason for lack of receipts. Missing receipts are subject to review and may not be reimbursed.

#### **B. CREDIT CARDS**

1. Use of the City credit card is encouraged.
2. Travelers, who do not possess a City-issued credit card, should request a travel advance. **Credit cards cannot be borrowed/loaned under any circumstances.**
3. Detailed receipts must be provided.
4. Travelers are to pay for expenses that are personal, or amounts deemed not reimbursable, with the submittal of the Travel Return Expense Report form.

#### **C. RESERVATION/REGISTRATION AND EXPENSE ADVANCE**

1. Reservation/Registration
  - a.) Reservation and registration fees are a component of budgeted travel. Funds for travel are limited; therefore it is important to remain within the original cost estimate of the scheduled travel.

- b.) Travelers' Department Director(s) must approve registration fees for additional courses that were not a part of the original travel request. Unauthorized registration expenses may not be reimbursed.
- c.) Reservation and registration fees should be paid in advance to take advantage of any discounts (e.g., early registration).
- d.) Reservation and registration fees may be paid with either a City credit card or accounts payable check.
- e.) If Travelers are not able to pay in advance, a credit card may be used to pay for travel costs onsite.
- f.) Any costs paid for by Travelers as part of the approved travel may be reimbursed, subject to approval; receipts must be provided to request reimbursement.

## 2. Expense Advance

- a.) For travel with an overnight stay:
  - 1.) Travelers may request a travel advance for meals daily allowance, classes, hotel stays or other travel-related expenses.
  - 2.) Travelers, authorized to use their personal vehicles, may request a travel advance for estimated gasoline costs or mileage, whichever is least expensive.
- b.) For travel without an overnight stay, Travelers, authorized to use their personal vehicles, may request a travel advance for the lesser of estimated gasoline costs or mileage.
- c.) An expense advance must be requested prior to the scheduled travel so that a check may be prepared through the normal accounts payable process. Late requests may not be accommodated. Requests should be made up to 3 weeks in advance of travel.



AGENDA NO: A-3

MEETING DATE: August 23, 2011

# Staff Report

**TO:** Honorable Mayor and Council **DATE:** August 16, 2011  
**FROM:** Janeen Burlingame, Management Analyst  
**SUBJECT:** Approval of San Luis Coastal Unified School District Request for City Public, Education and Government Access Funds

## **RECOMMENDATION**

Staff recommends the City Council approve the San Luis Coastal Unified School District's (SLCUSD) June 28, 2011 request for \$14,525 in Public, Education and Government (PEG) Access funds for the purchase equipment as outlined in the staff report for the Morro Bay High School video production studio.

## **FISCAL IMPACT**

There is no fiscal impact to the general fund. Approval of the request would reduce the PEG Access fund by \$14,525, leaving an estimated fund balance of \$135,108 after previously approved projects in the FY 2011/2012 budget have expended funds and before additional quarterly PEG Access payments are received by Charter Communications.

## **DISCUSSION**

Pursuant to the Cable System Franchise Agreement, Charter Communications pays the City quarterly 1% of gross annual cable service revenues to support PEG Access. Per the agreement, these funds are to be used for PEG Access equipment and facilities and cannot be used for operations.

The City received a letter from SLCUSD requesting PEG Access funds to purchase a rolling camera case, lapel microphone equipment and an Adobe Creative Suite CS-5 site license to update software on 36 computes to enhance current broadcasting capabilities at Morro Bay High School and increase competitiveness in Skills USA competitions (see attached letter).

There are enough PEG Access funds to accommodate the request and approved City projects and is an eligible use of these funds. Staff recommends the requested funds be disbursed on a reimbursement basis based on actual costs up to the requested amount with the school district submitting to the City either monthly or quarterly reimbursement requests supported with paid invoices. The City will then have a full accounting of the PEG Access funds used.

Prepared By: J. Burlingame

Dept Review: \_\_\_\_\_

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_

**CONCLUSION**

There is adequate funding available in the PEG Access Fund for this request, leaving ample funds remaining for current and planned City projects that use this funding source. In addition, the request falls within the PEG Access fund usage requirements of the Cable System Franchise Agreement as it is for equipment upgrades in support of educational access with no requested funding to be used for operations. As such, staff recommends the City Council approve the SLCUSD's request for \$14,525 in PEG Access funds.



# San Luis Coastal Unified School District

1500 Lizzie Street  
San Luis Obispo, CA 93401-3062  
(805) 549-1200

RECEIVED

JUL 01 2011

City of Morro Bay  
Public Services Department

June 28, 2011

Ms. Janeen Burlingame  
City of Morro Bay  
Public Services Department  
955 Shasta Avenue  
Morro Bay, CA 93442

Dear Ms. Burlingame:

The purpose of this letter is to provide an update on our Public, Education, Government (PEG) project at Morro Bay High School (MBHS), and to request additional funding. In May 2011, our MBHS PEG teacher, Liz Moore, was awarded the state recognition of Exemplary Program Award for 2011 by the California Art Education Association. The California Art Education Association is the largest professional visual arts organization in California. It is composed of classroom teachers (grades K-12), junior college and university professors, administrators, art specialists, retired teachers, and individuals interested in the visual arts throughout California. Our district is proud of Ms. Moore's work and wants to continue to support her development of a model program.

In order to effectively enhance our broadcasting capabilities and to increase our competitiveness in the Skills USA competitions, we require the following equipment:

- a) Rolling camera case (\$325) – to travel to location with a third camera
- b) Lapel microphone equipment (\$200) – to produce better sound quality
- c) Adobe Creative Suite CS-5 site license (\$14,000 plus tax) – to update software on 36 computers to meet the requirements of the Skills USA competition.

We greatly appreciate the PEG funds we have received, and hope you can help us to satisfy the requirements of the Skills USA competition and also enhance the quality of our broadcasting projects by providing this additional funding. Please let us know if and when this request will be presented to the City Council, as we would like to attend the City Council meeting, as you deem appropriate.

Respectfully,

A handwritten signature in cursive script that reads "Rita M. Delkeskamp".

Rita M. Delkeskamp  
Director – Secondary Learning and Achievement



AGENDA NO: A-4

Meeting Date: 8/23/11

## Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** August 16, 2011

**FROM:** Rob Schultz, City Attorney

**SUBJECT:** Ratification of Council Action on June 28<sup>th</sup> 2011 Pertaining to Resolution 45-11 Establishing a Three Year Moratorium for the Payment of Development Impact Fees for Commercial and Mixed Use Projects within a Commercial Zone District.

### **RECOMMENDATION:**

Staff recommends that City Council ratify Council Action of June 28, 2011 pertaining to Resolution 45-11 which established a three year moratorium on development impact fees for commercial and mixed use projects within a commercial zone district. Attached hereto is Resolution 45-11.

### **BACKGROUND:**

On July 26, 2011, the City received a letter from Betty Winholtz alleging that the City violated the Brown Act at the June 28, 2011 City Council meeting. The letter alleges that the City failed to give proper notice for the approval of Resolution 45-11 because Resolution 45-11 was “modified to include a different type of building project, “mixed use” which was not in the original title or description of the agenda item”. Although I disagree that any violation of the Brown Act has occurred, I believe further debate or analysis of this matter would constitute an unnecessary waste of public time and resources since the Brown Act allows the City an opportunity to cure or correct a challenged action within thirty (30) days. It appears that it is in the City’s best interest to simply ratify its previous action and instead of fighting a costly legal battle.

### **CONCLUSION:**

Staff recommends that City Council ratify Resolution 45-11.

Prepared By: \_\_\_\_\_ Dept Review: \_\_\_\_\_

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_

Page 1 of 1



AGENDA NO. A-5

MEETING DATE: 08/23/11

**PROCLAMATION DECLARING  
SEPTEMBER 25 - OCTOBER 1, 2011  
AS "WILDLIFE AWARENESS WEEK"**

**CITY COUNCIL  
City of Morro Bay, California**

**WHEREAS**, the citizens of Morro Bay recognize and celebrate that wildlife is an integral and vital part of our daily life experience; and

**WHEREAS**, the citizens of Morro Bay recognize that wildlife is enjoyed and cherished by residents and visitors alike; and

**WHEREAS**, a healthy wildlife population contributes positively to our environment, our economy, and our mental health; and

**WHEREAS**, Morro Bay is a recognized Bird Sanctuary, a Tree City, has a protected bird rookery, is a National Estuary, embraces a State Park within its boundaries, supports and assists in the enforcement of California Fish and Game regulations, and takes many measures to insure the health and safety of our local wildlife.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Morro Bay does hereby declare September 25 – October 1, 2011 as "Wildlife Awareness Week".

IN WITNESS WHEREOF I have  
hereunto set my hand and caused the  
Seal of the City of Morro Bay to be  
affixed this 23<sup>rd</sup> day of August 2011.

---

WILLIAM YATES, Mayor  
City of Morro Bay, California



AGENDA NO: B-1

MEETING DATE: August 23, 2011

## Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** August 17, 2011  
**FROM:** Kathleen Wold, Planning and Building Manager  
**SUBJECT:** Appeal of the Planning Commission's Decision for a Temporary Use Permit to Allow Use of an Existing Dock for Sport and Commercial Fishing for a Period of Six Months (GAFCO/VIRG'S)

### **RECOMMENDATION:**

Staff recommends the City Council deny the appeal and uphold the Planning Commission's approval of Temporary Use Permit #UP0-319, subject to the Finding made in Exhibit "A" and the Conditions of Approval included as Exhibit "B".

### **FISCAL IMPACT:**

There will be no fiscal impact to the City's General Fund based on the processing of this appeal as the appellant has covered all costs with the payment of the \$250.00 appeal fee.

### **BACKGROUND:**

Virg's Landing is a recreational fishing company that has passenger for hire-fishing vessels for near shore fishing. The boats are used for whale watching tours, sport fishing, and pleasure cruises. This business operation was originally located at 1215 Embarcadero for some 57 years. Due to unforeseen issues the business vacated the 1215 Embarcadero premise and is now looking for a temporary location to operate out of during the fishing season. The Business began operating without benefit of a permit because salmon season began on April 1 and rock cod season began on May 1.

The applicant, the owner of Great American Fish Company (GAFCO), has applied for an Administrative Temporary Use Permit for Virg's Sport Fishing Company to locate their operation at the GAFCO's lease site. The project was noticed for a Temporary Use Permit on May 13, 2011 with a 10 day public comment and review period. During the 10 day comment and review period, a letter in opposition was received by the Public Services Department on May 23, 2011 from neighboring business owners. The owners were concerned about the impacts that the project may have on parking for the both the Embarcadero lease site parking lot and the Front Street parking lot. The opposition feels that patrons of the Virg's Landing will utilize the parking stalls located directly in front of other businesses and because they are gone for an extended amount of time out in the water these parking stalls are encumbered for the entire business day.

The subject area is governed by Measure D. Measure D was passed in 1981 as Ordinance

Prepared by: \_\_\_\_\_ Dept. Review: \_\_\_\_\_

City Manager Review: \_\_\_\_\_

City Attorney's Review: \_\_\_\_\_

207 that was an initiative ordinance by the community that was certified and placed in the Zoning Code. Measure D restricts specific areas on the water (the H zone) and an area on Embarcadero north of Beach Street (the CF zone) and limits new passenger for hire boats and new restaurants within these areas. It further states that all of the uses which currently exist there are considered non-conforming and shall not be expanded or enlarged. This subject site is located in the H zone (water side) and the CF zone (land side).

Traffic and parking studies were conducted for the area by Orosz engineering for the GAFCO, Virg's and Harbor Hut revitalization plan. According to this study, in the general vicinity there are 325 off-street parking stalls, 46 on-street spaces and a 100 spaces overflow lot on the eastside of Embarcadero. The parking spaces along the harbor side of the parking lots generally have a 4-hour limit on parking. There are (3) 15-minute spaces near the Dockside restaurant. The remainder of the parking spaces has no time limit. The parking spaces in the overflow lot across the street have signs posted with "No Overnight Parking or Camping" restriction. The lease sites themselves do not provide any parking on-site.

On June 15, 2011 the Temporary Use Permit was heard by the Planning Commission at a public hearing. At this meeting it was the decision of the Planning Commission to approve the permit subject to the Findings included as Exhibit "A" and Conditions of Approval included as Exhibit "B" with the inclusion of the following conditions:

1. That standard condition 1 is revised to state 6 months instead of 3 for the temporary use permit.
2. That standard condition 2 is revised to reflect that the permit can be extended by four months.
3. Following the parking meeting that we somehow workout that there is designated parking areas for all the patrons of Virg's whether or not that be through the parking meeting or whereby there is a parking pass or some illustration of where the parking areas are.
4. The safety condition of the docks and any corrections required to make them safe.

The vote was 5-0.

**DISCUSSION:**

On June 23, 2011 the City of Morro Bay received an appeal on the permit. The appeal was filed by Leonard Willhite of 1124 Front Street, a neighboring business. The basis of his appeal is that the approval of UP0-319 was based on misinformation and Commissioner tampering. Mr Willhite's appeal makes this declaration but does not provide any documentation to substantiate this claim. Without documentation supporting this claim we have no basis to determine whether this claim has merit and warrant granting an appeal.

**CONCLUSION:**

Insufficient information has been provided by the appellant to demonstrate that the Planning Commission's findings or their approval were in error, therefore staff finds that the appeal is without merit and recommends that the City Council uphold the Planning Commission's decision.

**ATTACHMENTS**

1. Planning Commission staff report and minutes
2. Leonard Willhite's appeal dated June 23, 2011
3. Cathy Novak consulting letter dated June 30, 2011
4. Tom Laurie and Val Seymour's letter dated August 14, 2011

# ATTACHMENT 1



AGENDA NO: VIII - A

MEETING DATE: June 15, 2011

## Staff Report

**TO:** Planning Commission

**DATE:** June 15, 2011

**FROM:** Kathleen Wold, Planning Manager

**SUBJECT:** Temporary Use Permit for Use of Existing Dock for Virg's Sport Fishing at GAFCO for both Sport Fishing and Commercial Fishing at 1185 Embarcadero.

**RECOMMENDATION:**

*CONDITIONALLY APPROVE THE PROJECT* by adopting a motion including the following action(s):

- A. Adopt the Findings included as Exhibit "A";
- B. Approve Temporary Use Permit #UP0-319, subject to the Conditions included as Exhibit "B" and the site development plans on file with the Public Services Department.

**PROJECT DESCRIPTION:**

Utilization the existing Great American Fish Company (GAFCO) floating dock for Virg's Sport Fishing boat tie up and passenger loading and unloading.

**APPLICANT:**

George Leage, Great American Fish Company

**ATTACHMENTS:**

- A: Findings
- B: Conditions
- C: Graphics/Plan Reductions
- D: Neighbor Letters
- E: Business Owners Letter

**ENVIRONMENTAL DETERMINATION:**

The project is categorically exempt pursuant CEQA Guidelines, section 15301, class 1, for existing facilities. This class exempts permitting or leasing of existing facilities. There are no

Prepared By: <u>    <i>KW</i>    </u>	Dept Review: _____
City Manager Review: _____	
City Attorney Review: _____	

known sensitive environmental resources on the project site; consequently, this exemption is appropriate for this project.

**BACKGROUND:**

Virg's Landing is a recreational fishing company that has passenger-fishing vessels for near shore fishing. The boats are used for whale watching tours, sport fishing, and pleasure cruises. This business operation was originally located at 1215 Embarcadero for some 57 years. Due to unforeseen issues the business vacated the 1215 Embarcadero premise and is now looking for a temporary location to operate out of during the fishing season. Salmon season began on April 1 and rock cod season began on May 1.

The applicant, the owner of Great American Fish Company, has applied for an administrative temporary use permit for Virg's Sport Fishing Company to locate their operation at the GAFCO's lease site. The project was noticed for a Temporary Use Permit on May 13, 2011 with the 10 day public comment and review period. During the 10 day comment and review period a letter in opposition was received by the Public Services Department on May 23, 2011 from neighboring business owners. The owners were concerned about the impacts that the project may have on parking for the both the Embarcadero lease site parking lot and the Front Street parking lot. The opposition feels that patrons of the Virg's Landing will utilize the parking stalls located directly in front of other businesses and because they are gone for an extended amount of time out in the water these parking stalls are encumbered for the entire business day.

The subject area is governed by Measure D. Measure D was passed in 1981 as Ordinance 207 that was an initiative ordinance by the community that was certified and placed in the Zoning Code. Measure D restricts specific areas on the water (the H zone) and an area on Embarcadero north of Beach Street (the CF zone) and limits new passenger for hire boats and new restaurants within these areas. It further states that all of the uses which currently exist there are considered non-conforming and shall not be expanded or enlarged. This subject site is located in the H zone (water side) and the CF zone (land side).

Traffic and parking studies were conducted for the area by Orosz engineering for the Great American Fish Company, Virg's and Harbor Hut revitalization plan. According to this study in the general vicinity there are 325 off-street parking stalls, 46 on-street spaces and a 100 spaces overflow lot on the eastside of Embarcadero. The parking spaces along the harbor side of the parking lots generally have a 4-hour limit on parking. There are (3) 15-minute spaces near the Dockside restaurant. The remainder of the parking spaces has no time limit. The parking spaces in the overflow lot across the street have sign posted with "No Overnight Parking or Camping" restriction. The lease sites themselves do not provide any parking on-site.

**SITE CHARACTERISTICS:**

<b>Adjacent Zoning/Land Use</b>			
North:	CF/PD and H	South	CF/PD and H
East:	CVS/PD/S.4	West:	Harbor

<b>Site Characteristics</b>	
Site Area	9,507 s.f.
Existing Use	Restaurant and Docks
Terrain	Level, sloping downward to the west
Vegetation/Wildlife	None
Archaeological Resources	No known cultural resources
Access	Embarcadero

<b>General Plan, Zoning Ordinance &amp; Local Coastal Plan Designations</b>	
General Plan/Coastal Plan Land Use Designation	Commercial / Recreational Fishing
Base Zone District	Commercial/Recreation Fishing
Zoning Overlay District	Planned Development
Special Treatment Area	none
Combining District	N/A
Specific Plan Area	Waterfront Master Plan Area 2
Coastal Zone	Coastal Commission Original Jurisdiction

**DISCUSSION:**

The applicant proposes to utilize the existing Great American Fish Company (GAFCO) floating dock for Virg's Landing Sport Fishing boat tie up and passenger loading and unloading. The boats that will tie up at the docks are for both Virg's commercial fishing and sport fishing (passenger for hire) fishing operations. The docks at GAFCO have capacity for one boat to be berthed overnight and four boats utilizing the facilities during the day for loading and unloading passengers, one boat at a time.

The property is located in the Measure "D" area which encompasses the Embarcadero North of Beach Street. The commercial and recreational fishing category is intended to implement Measure "D" of the June 2, 1981, by city ballot, passed by the citizens of Morro Bay, which states in its full text:

"The City shall not grant any permit, authorization or other approval of any state owned tidelands subject to city lease between Beach Street and Target Rock, unless such development or use is primarily for the purpose of serving or facilitating licensed commercial fishing activities or noncommercial recreational fishing activities, or is clearly incidental thereto. For purposes of illustration only, but not by way of limitation, no approval shall be granted for any new passenger-for-hire boats or supporting facilities, or

for any new restaurant, café, gift shop or other retail establishments serving the general public, and any existing such uses shall hereafter be considered nonconforming and shall not be expanded or enlarged.”

The Applicant’s agent submitted an undated letter attached to the application dated April 28, 2011 stating that GAFCO Master Lease Article 3, section 3.01 Permitted Uses it states, “The premises shall, during the term of this Lease, be used for the purposes of operating and conducting therein a restaurant, bar, fish market and slips for boats of any other uses subsequently approved for the premises by the City.” Please note that as of the date of this report a sublease has not been granted for this activity.

In regards to the Measure D and parking issues the Applicant has indicated that subject area has always been utilized for either commercial fishing and/or recreation fishing. This combination of uses have been documented in this area as far back as the 1950s. Over the last 50 to 60 years the uses within the harbor have been a mix of recreational fishing and commercial fishing with the ratio of the mix dependent upon the fishing seasons, the economy and availability of facilities. As such while the impacts to parking may vary season to season or year to year, historically parking has been provided for the highest intensity use which would be the recreational fishing and therefore no new parking is required.

While Measure D does prohibit new commercial recreational uses north of Beach Street, if the Planning Commission were to agree that recreational fishing uses have historically existed in the area and have not been abandoned then this would not be considered a new use.

It should be noted that the Planning Division received two letters in opposition of this permit. Both letters are included as attachments to your packet. The issues of opposition are the impact of the use on the parking within the immediate vicinity and the safety (of the docks) issues.

**PUBLIC NOTICE:**

Notice of this item was published in the San Luis Obispo Tribune newspaper on June 3, 2011, and all property owners of record within 300 feet of the subject site were notified of this evening’s public hearing and invited to voice any concerns on this application.

**CONCLUSION:**

The Planning Commission must determine if the temporary use requested by the applicant is subject to Measure D or if the temporary use is a continuation of a historic use and therefore allowed under Measure D. If the commission decides that the use is historic and there is not an intensification of the use then no new parking will be required.

**EXHIBIT A**  
**FINDINGS**

Temporary Use Permit #UP0-319 located at 1185 Embarcadero; Utilization of exiting docks at 1185 Embarcadero for Virg's Sport Fishing loading and unloading of passengers and commercial fishing operations.

Staff recommends that the Planning Commission make the following findings:

**California Environmental Quality Act (CEQA)**

- A. That for purposes of the California Environmental Quality Act, Case No. UP0-319 is Categorical Exempt, CEQA Guidelines Section 15301 Existing Facilities, as indicated in the attached staff report.

**Conditional Use Permit Findings**

- A. The project will not be detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood because passenger loading and commercial fishing are permitted uses within the zoning district applicable to the project site.
- B. The project will not be injurious or detrimental to property and improvements in the neighborhood because the use is consistent with the City regulations applicable to this development.
- C. The project will not be injurious or detrimental to the general welfare of the City because the use is a permitted use within the zone district and plan designation applicable to the site and there will be no new impacts beyond those that have historically been at the site.

**EXHIBIT B**  
**CONDITIONS OF APPROVAL**

Temporary Use Permit #UP0-319 located at 1185 Embarcadero: Utilization of existing docks at 1185 Embarcadero for Virg's Sport Fishing loading and unloading of passengers and commercial fishing operations.

**STANDARD CONDITIONS**

1. This permit is granted for the land described in the staff report referenced and described above, dated June 15, 2011, for a temporary use as depicted on the attached plans labeled "Exhibit C", on file with the Public Services Department, as modified by these conditions of approval for a period of 3 months.
2. Inaugurate Upon Receiving Final Approval. This temporary Use Permit shall be valid for a period of three months from the date of final approval. Up to one three month extension may be granted at the discretion of the Public Services director any additional requests for extensions shall require Planning Commission approval.
3. Changes: Minor changes to the project description and/or conditions of approval shall be subject to review and approval by the Public Services Director. Any changes to this approved permit determined not to be minor by the Director shall require the filing of an application for a permit amendment subject to Planning Commission review.
4. Compliance with the Law: (a) All requirements of any law, ordinance or regulation of the State of California, City of Morro Bay, and any other governmental entity shall be complied with in the exercise of this approval, (b) This project shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use Plan and General Plan for the City of Morro Bay.
5. Hold Harmless: The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicants failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
6. Compliance with Conditions: The applicant's establishment of the use and/or development of the subject property constitutes acknowledgement and acceptance of all Conditions of Approval. Compliance with and execution of all conditions listed hereon shall be required prior to obtaining final building inspection clearance. Deviation from

this requirement shall be permitted only by written consent of the Public Services Director and/or as authorized by the Planning Commission. Failure to comply with these conditions shall render this entitlement, at the discretion of the Director, null and void. Continuation of the use without a valid entitlement will constitute a violation of the Morro Bay Municipal Code and is a misdemeanor.

7. Compliance with Morro Bay Standards: This projects shall meet all applicable requirements under the Morro Bay Municipal Code, and shall be consistent with all programs and policies contained in the certified Coastal Land Use plan and General Plan for the City of Morro Bay.

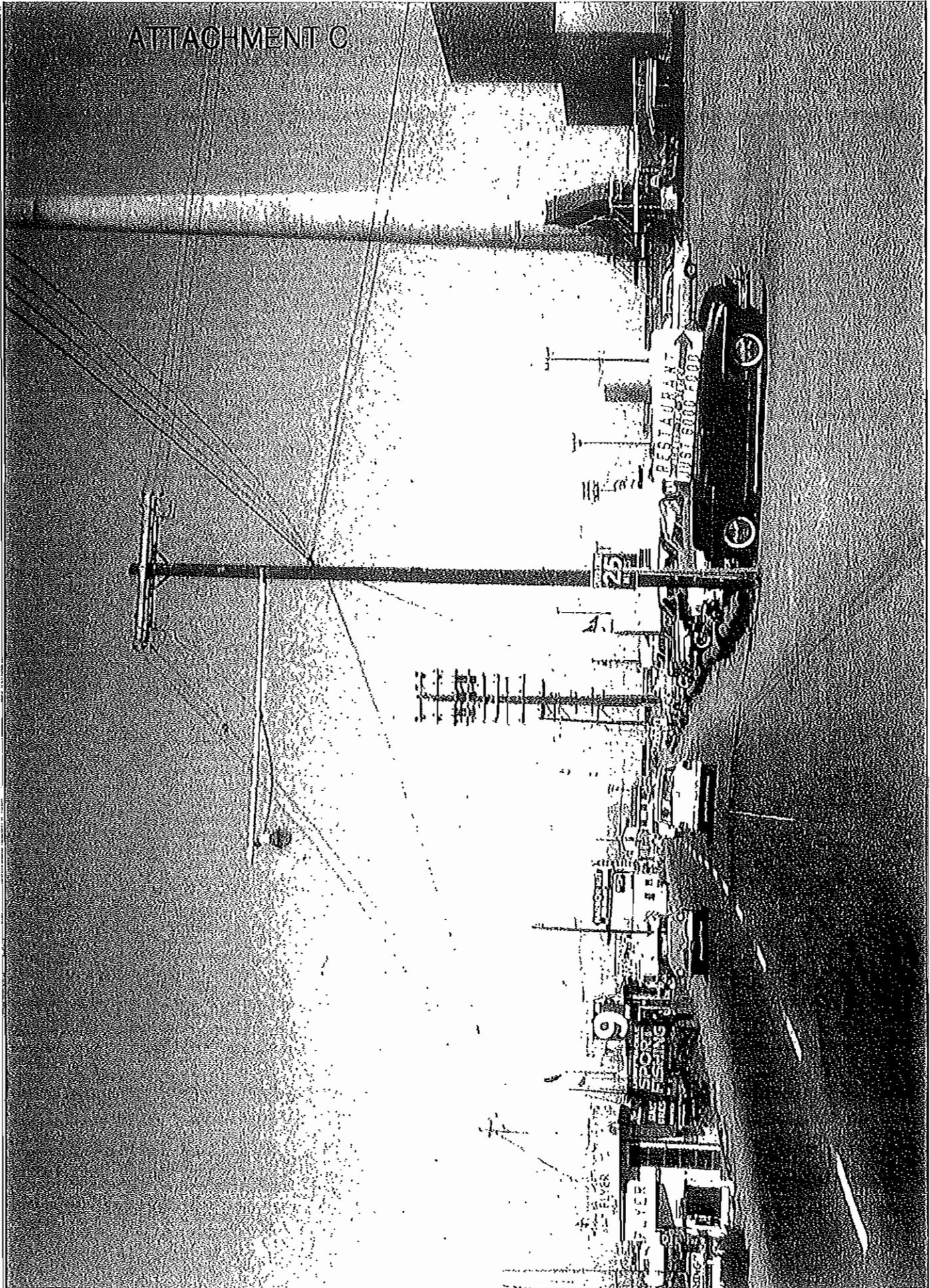
### **PLANNING CONDITIONS**

1. CEQA Exemption: If the applicant elects to post the Categorical Exemption with the Clerk's Office then a required fee of \$50 fee shall be made payable to "County of San Luis Obispo" and delivered to the County Clerk along with the Categorical Exemption form. The Notice of Exemption along with the fee may be filed after the appeal period has ended and the planning permit is effective. This filing has the effect of starting a 30-day statute of limitations period for challenges to the decision in place of the 180-day period otherwise in effect.

### **HARBOR CONDITIONS**

1. The use is approved for the gangway and the first 45-foot section of dock (the most southerly one that the gangway lands on). The other two smaller dock sections shall not be used for this commercial use due to their very poor condition unless improvements are made to the satisfaction of the Harbor Department.
2. Prior to any operation of the temporary use a sublease shall be approved for the use.

ATTACHMENT C



ATTACHMENT D

RECEIVED

MAY 28 2011

City of Morro Bay  
Public Services Department

5-23-11

To Whom it May Concern,

This is a request to stop the pending permit # UPO-319 at Great American Fish Company. We feel there hasn't been enough attention given to the parking and safety situation that has arisen since sports fishing opened May 1, 2011. The current arrangement is unacceptable to surrounding businesses. We would like a meeting to discuss this issue.

Thank you

West Coast Light Tackle

Beach Bucket Tackle

Samuel White

Jay League

Ocean Front Donut Shop

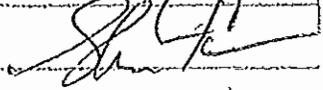
Parona Tackle

Azhiziam



Farmers Kites & Sails

1108 Front St



**Sierra Davis - Front Street Parking**

**From:** "Peter Behman" <peter@performancelenders.com>  
**To:** <kwold@morro-bay.ca.us>, <sdavis@morro-bay.ca.us>  
**Date:** 6/8/2011 11:56 AM  
**Subject:** Front Street Parking  
**CC:** <williamyates@hotmail.com>, <alueker@morro-bay.ca.us>, <carlaborchard@ao...

Hello Kathleen and Sierra,

I represent the property located at 1148 Front Street, Morro Bay, this property contains the Bayfront Inn a 16 unit hotel plus a 1 bedroom managers apartment also part of this property is the popular Frankie and Lola's restaurant. This is an older property with no onsite parking. In conversations with the planning department before we purchased this property several years ago we were told that this property because of it's density had entitlement to 32 in lieu parking spaces. I might also note that last year the Bayfront Inn made contribullions to the TBID of just under \$25,000. The viability of the two businesses housed in this property is dependent upon close and convenient parking for it's customers.

Regarding the application for landing privileges for the Virg's Landing fishing boats and the plan to require that their patrons park in the parking lot that is adjacent and north of our property we would like to recommend that a very close look be taken of the convenient parking requirements of the businesses that have been established along Front Street for decades.

For the years that we have been involved in our property we have enjoyed an excellent relationship with the operators of Virg's Landing, often their patrons stay at our hotel because of the close proximity. We would encourage you to support allowing Virg's Landing to have landing privileges but that parking not be allowed by their patrons on the parking lot that is on the east side of the Embarcadero. A possible compromise might be to do a calculation of the in lieu parking requirements of all of the Front Street businesses and then place barriers in the parking lot that would allow Virg's parking on any remaining northerly section of the parking lot.

My very rough calculation of the existing businesses in lieu parking requirement are as follows:

1130 Front Street: Kite store (3), Donut shop (7), candy store (2), 2 apartments (4)  
1140 Front Street: retail (3), Bakery (8), 2 hotel rooms (2), 1 apartment (2)  
1148 Front Street: 16 unit hotel (17), resident managers apartment (2), restaurant (12)  
TOTAL = 62 in lieu parking required.

These spaces should be designated for the Front Street business.

The Front Street business are critical to the vitality of the North Embarcadero and I would encourage your consideration.

Respectfully,  
Peter Behman

# ATTACHMENT E



SPORT FISHING & SCUBA DIVING

RECEIVED

MAR 08 2011

City of Morro Bay  
Public Services Department

March 7, 2011

Ms. Kathy Wold  
City of Morro Bay Public Services Department  
955 Shasta Street  
Morro Bay, CA 93442

RE: Virg's Landing temporary facility

Dear Kathy,

I am sure you have heard that Virg's Landing needs to relocate the tackle shop and sport fishing business for reasons beyond our control very soon. We have been an icon on the Embarcadero in this location for 57 years so it is unfortunate that we need to make this change.

As of now we have an offer from the Harbor Hut for a temporary use of the floating docks to load and unload our passengers. We are also looking for a permanent location however; we will need to work with the owners to provide the necessary facilities for us.

With that said, Virg's is in need of temporary place to sell boat tickets and fishing licenses to our passengers. It looks like the salmon season will begin on April 1 and the regular rock cod season will open on May 1. Our idea is to place a small portable trailer in the parking lot. I do not have a trailer at the moment but the idea is to have one in which we could open a side door or window to have our passengers come up and purchase their tickets and license. This trailer would not be used for any other activity than the sales. We can put the rental rods on the boats so that we do not have to worry about finding space for those as well.

We have looked around for other possibilities to put the make shift sales office but there is such limited space at the Harbor Hut and really no other area that we can use. It will be extremely important for us to have a temporary location near where we load the boats so that the fishermen can get their tickets and board the boats. The Dept. of Fish and Game is also changing its practice on how to issue fishing licenses by doing away with the paper license books and going with licenses via the computer. While all the bugs are not worked out with this, we

may find ourselves in a position that will require this temporary office be set up to have a computer to do the licensing.

So in conclusion, I wanted to seek help from the City to put a temporary trailer in one of the parking spaces near Harbor Hut and the existing tackle shop for our ticket sales. I do not know what type of permit may be required for this but, we are happy to fill out an application or other paperwork you will need.

I have attached a couple of drawings of the parking lot to show you where we would like to put the trailer. We have chosen this location just to keep it out of the way of the parking area for the restaurant and other businesses. Additionally, I will be searching for a trailer soon and then will be able to provide you with a photograph or sketch of some kind so that you can see what type of trailer it will be.

Please let me know if you have any further questions. Thank you for your time and consideration in this matter.

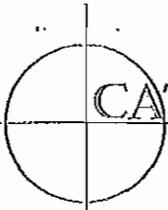
Regards,



Sharon Moores  
Virg's Landing







CATHY • NOVAK

consulting

RECEIVED

JUN 03 2011

City of Morro Bay  
Public Services Department

June 3, 2011

Ms. Kathy Wold  
City of Morro Bay Public Services Department  
955 Shasta Street  
Morro Bay, CA 93442

RE: Virg's Landing boat operations

Dear Kathy,

I wanted to follow up on your request for additional information regarding the boat operations for Virg's. Below is the information for your review.

**Maximum number of passengers per boat:**

- Admiral = 75 passengers
- Princess = 49 passengers
- Fiesta = 40 passengers

**Fishing & whale watching average trip information by month:**

May 2010	866
June 2010	1043
July 2010	1849
August 2010	1741
September 2010	1418
October 2010	769
November 2010	360
December 2010	0
January 2011	83
February 2011	360
March 2011	0
April 2011	76

In reviewing the average number of passengers, there are a couple of important items that need to be considered. First, the above numbers reflect the average from four boats however, Virg's is currently operating

GOVERNMENTAL & COMMUNITY RELATIONS • PLANNING

CELL 805.441.7581 • PHONE & FAX 805.772.9499

POST OFFICE BOX 296 • MORRO BAY, CA 93443

NOVAKCONSULTING@CHARTER.NET

only three boats because the Harbor Pathfinder will now be solely used for commercial fishing and no passengers. Secondly, from November 16, 2010 to April 30, 2011, the fishing season was closed and the only passengers carried were for whale watching. Thirdly, the numbers for April 2011 reflect only salmon fishing passengers. Fourthly, the 2011 rockcod fishing season will extend to December 31 and then close until approximately May 2012.

**Rockcod fishing trip schedules:**

Monday	¾ day boat		
Tuesday	¾ day boat		
Wednesday	¾ day boat		
Thursday	¾ day boat		
Friday	¾ day boat	All day boat	½ day boat
Saturday		½ day boat	Sundowner boat
Sunday	All day boat	½ day boat	Sundowner boat

½ day boat: 8 a.m. to 2 p.m.

¾ day boat: 7 a.m. to 3 p.m.

All day boat: 6 a.m. to 4 p.m.

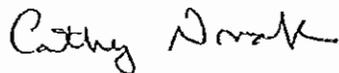
Sundowner boat: 3 p.m. to 7 p.m.

Saturday to Sunday	Long range boat
--------------------	-----------------

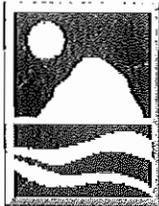
Long range boat leaves Saturday at 3 p.m. and returns Sunday at 5 p.m.

Please let me know if you have any further questions.

Regards,



Cathy Novak  
Project Representative



# ATTACHMENT 2

## CITY OF MORRO BAY PUBLIC SERVICES DEPARTMENT APPEAL FORM

RECEIVED

JUN 23 2011

City of Morro Bay  
Public Services Department

APPEAL FROM THE DECISION OR ACTION OF (GOVERNING BODY OR CITY OFFICER):

MORRO BAY PLANNING COMMISSION

APPEAL OF SPECIFIC DECISION OR ACTION:

APPROVING USE PERMIT UPO-319

PERMIT TYPE BEING APPEALED (IE. COASTAL PERMIT, USE PERMIT, TENTATIVE SUBDIVISION):

USE PERMIT

DATE DECISION OR ACTION RENDERED: JUNE 15 2011

APPELLANT (PLEASE PRINT): LEONARD WILLHITE

SIGNATURE: Leonard Willhite

ADDRESS: 1124 FRONT ST MORRO BAY

TELEPHONE NUMBER: 805-772-4576

FOUNDATIONS FOR THE APPEAL (ATTACH SHEETS AS NECESSARY):

Empty space for attaching sheets.

REQUESTED RELIEF OR ACTION:

Empty space for requested relief or action.

### FOR OFFICE USE ONLY

DATE APPEAL FILED: 6/23/2011 OR 133-250- ACCEPTED BY:

APPEAL BODY: City Council

DATE OF APPEAL HEARING: July 12, 2011

6-22-11

To Whom It May Concern

I oppose permit # UPO-319  
The decision of the Commissioners  
at the meeting 6-15-11 was based  
on misinformation and Commissioner  
tampering. This does not have  
anything to do with the South  
end of the Front Street parking lot.  
I am looking for the opportunity  
to address this issue with the  
City Councilmen.

I thank you,

Louise White  
1124 FRONT ST  
MORRO BAY  
772-4576

RECEIVED

JUN 23 2011

City of Morro Bay  
Public Services Department

ATTACHMENT 3

CATHY • NOVAK

consulting

RECEIVED

JUN 30 2011

City of  
Public Services Department

June 30, 2011

Ms. Kathy Wold  
City of Morro Bay Public Services Department  
955 Shasta Street  
Morro Bay, CA 93442

RE: Great American Fish CO. Temporary Use Permit appeal

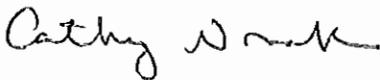
Dear Kathy,

I understand that an appeal has been filed for the Virg's Sport Fishing operations at GAFCO Temporary Use Permit, UP0-319. I also believe that the City Council must hold a hearing on this appeal within 60 days.

I certainly respect that the appellant be given an opportunity for a timely hearing but, I would like to graciously request that the hearing **not** be calendared for the August 9, 2011 City Council meeting because I will be out of town.

Please let me know if you have any further questions. Thank you for your time and consideration in this matter.

Regards,



Cathy Novak  
Project Representative for George Leage

GOVERNMENTAL & COMMUNITY RELATIONS • PLANNING

CELL 805.441.7581 • PHONE & FAX 805.772.9499

POST OFFICE BOX 296 • MORRO BAY, CA 93443

NOVAKCONSULTING@CHARTER.NET

# ATTACHMENT 4

## FRONT STREET INN & SPA

RECEIVED

August 14, 2011

Ms. Andrea Lueker  
City of Morro Bay  
595 Harbor Street  
Morro Bay CA 93442

AUG 14 2011  
City of Morro Bay  
Public Services Department

RE: concerns about Virg's move to GAFCO leases

Dear Ms Lueker

Val and I have several concerns about Virg's move to the GAFCO leases.

Coastal Commission staff has confirmed that a temporary use permit, UPO-319, is inappropriate for the move, because Virg's is not a temporary use, and a CDP is required, because Virg's is a use of GAFCO's docks which was not analyzed when the Coastal Commission approved GAFCO's redevelopment plans, UPO-058.

GAFCO breached the terms of its tidelands lease by locating Virg's Fish'n on the premises without a City approved sub-lease. Every business located on GAFCO's leases, which are not owned by Mr. Leage, must have a City approved sublease. Additionally, GAFCO's master lease specifies the following uses only:

*"Premises shall for the term of lease, be used for the purpose of operating and conducting thereon and therein a restaurant, bar, fish market and slips for boats or any other uses subsequently approved for the premises by the City. Unauthorized use constitutes a breach of this lease and shall at the option of City, terminate this lease."*

(note that GAFCO's lease does not include loading passenger for hire or sport fishing boats. Harbor Hut, may, according to its lease, take tickets and load passenger for hire boats, this because of Harbor Hut's historical possession of Tiger's Folly)

No business, even the smallest business, such as **Central Coast Standup Paddle and Lost Isles Adventures**, operates on Morro Bay's tidelands without a sublease approved by the City. For example, when **Lost Isles Adventures** started its business, Mr. Allen Rackov signed a lease with Virg's, then he applied for and received a City approved sublease to operate from lease site 113w, Virg's dock between GAFCO and the Harbor Hut. When Mr Rackov chose to move from 113w to Mr. DeGarimore's lease, 102w, Mr. Rackov signed a lease with Mr DeGarimore, and then he applied for and received a City approved sublease from Mr. DeGarimore. Mr. Rackov couldn't get along with Darby Neil either, but he followed harbor lease management policies to the letter, and he waited until he had his City approvals before he vacated his sublease on Virg's lease and moved to Mr. DeGarimore's lease.

GAFCO's master lease requires percentage rent for any use. Virg's never paid percentage rent to the City, because its historical location was upon old County leases, which required no percentage rent. Virg's is paying no percentage rent now, even though it occupies lease sites, which require percentage rent.

Virg's divided its business into two locations: one on Tidelands and the other on Market Street. This violates GAFCO's master lease, Section 3.04.

**Section 3.04 Competition.** During the term of this Lease, TENANT shall not directly nor indirectly acquire or establish any similar or competing business within a radius of five (5) miles from the location of the Premises, provided, however, that TENANT may, with prior written approval from CITY, own or operate more than one business, whether or not competing and similar along the Embarcadero upon CITY lease sites. The purpose of this section is to prevent and prohibit TENANT from reducing

1140 Front Street, Morro Bay California 93442  
Phone: 805 772-5038 Fax: 805 772-6430  
frontstreetinn.net

# FRONT STREET INN & SPA

revenue to CITY by diverting business from the operation at the Premises to another similar business owned by TENANT within the CITY but not upon a CITY lease site from which CITY is paid rent based on Gross Sales.

(Note that Virg's will also be violating section 3.04 of Mr. DeGarimore's lease when and if Virg's moves there.)

It will be at least a year before Virg's secures final approval to operate on Mr. DeGarimore's 102w. Percentage rent for Virg's sport fishing operation is a sizable hunk of money. Just one of Virg's seasons represents a financial loss to the City equivalent to a large hotel in Morro Bay failing to pay the City of a year's worth of TOT.

Had Virg's remained at its historical location, Virg's, as a sub-lessee to Mr. Neil's corporation, SEA ONE SOLUTIONS, would have had to pay percentage rent, from the time Mr. Neil signed the new lease.

Val and I think Morro Bay has an opportunity to back out of the City's ill-considered Planning Commission intervention in the Virg's family feud with a solution every leaseholder on the waterfront will appreciate as fair and equitable.

Morro Bay must put GAFCO on notice that GAFCO is in default on several of its lease terms, and Morro Bay needs to put Virg's on notice that it may not legally operate anywhere on the waterfront except on its historic lease sites, until Virg's perfects new leases and receives City approvals to move elsewhere. This City action will level the playing field. Virg's and Lost Isles adventures will be conducting business with the same set of rules, and both businesses will be paying percentage rent to the City.

Additionally, Morro Bay must investigate the financial qualifications of Mr. Neil and SEA ONE SOLUTIONS to hold the master lease on 24-28w. Mr. Neil received a new 20 year lease while Virg's was still on 24-28w and presumably a component of SEA ONE SOLUTIONS. The financial qualifications to hold and own the lease and to rebuild the docks, appear to have departed with the mother, Ms. Moores.

For those of you who would say, 'but under those terrible restrictions and all those rules and investigations (which every other tidelands lease holder has to deal with), Virg's might just throw in the towel and go out of business!'

I'll respond with a question: What do you think the chance is, for a new sport fishing landing to come to town and prosper on Virg's old leases with Virg's still in business and hooked up to UPO-319 life support?

Here's what a potential new landing operator will discover immediately:

The new landing's hot-tempered landlord, Darby Neil, kicked his own mother off the leases.

The new landing will have to pay percentage rent; Virg's doesn't.

The new landing will have to front capital for millions of dollars of dock and infrastructure improvements required by SEA ONE SOLUTIONS new lease, which includes the terms of UPO-058; Virg's won't have to pay a nickel for docks, and Virg's ties up on City moorings and docks for next to nothing.

The new landing, as well as Michelle Leary's landing, Central Coast Sportfishing, will have to pay percentage rent for renting fishing gear or selling gear, sweat shirts, hats and beer, while Virg's, up on Market Street pays nothing.

Val and I think that Virg's City-sponsored advantages, compared to the disadvantages and the costs which a new landing operator would have to bear, makes for a business proposition which is dead on arrival.

No new landing will occupy 24-28w, and no commercial interests will take them over. Commercial fishermen don't have the money to build new docks for UPO-058, and commercial fishermen don't need any more room than the docks they control with short-term, heavily subsidized leases between Virg's and Dockside2.

The clock is ticking on Virg's abandonment and vacation of lease sites, 24-28w and 113w. Zoning Ordinance, section [17.56.130] specifies that "no nonconforming use may be

1140 Front Street, Morro Bay California 93442

Phone: 805 772-5038

Fax: 805 772-6430

frontstreetinn.net

# FRONT STREET INN & SPA

resumed, reestablished, reopened or replaced by any other nonconforming use after it has been abandoned or vacated for a period of six months."

Six months for Virg's will be up November 1, 2011.

Sincerely

Tom Laurie and Valerie Seymour

1140 Front Street, Morro Bay California 93442

Phone: 805 772-5038

Fax: 805 772-6430

[frontstreetinn.net](http://frontstreetinn.net)



AGENDA NO: B-2

MEETING DATE: August 23, 2011

## Staff Report

**TO:** Honorable Mayor and Council **DATE:** August 17, 2011

**FROM:** Janeen Burlingame, Management Analyst

**SUBJECT:** Resolution No. 61-11 Approving Morro Bay Garbage Service Base Year Rate Adjustment Application Requesting an Increase to Solid Waste Collection Rates

**RECOMMENDATION:**

Staff recommends the City Council adopt Resolution No. 61-11 approving Morro Bay Garbage Service's Base Year Rate Adjustment Application and the resulting rate schedule contained therein.

**FISCAL IMPACT:**

Adoption of this resolution will result in a 4.68% increase to residential and commercial collection rates, which is borne by the individual customers, and there will be a negligible increase to franchise fee revenue. The new rates would take effect October 1, 2011. In addition, the interim rate adjustment applications to be submitted in 2012 and 2013 would be increased by an additional 2% above the Consumer Price Index change to make up the full 8.68% increase for 2011.

**SUMMARY:**

The City Council adopted Resolution 48-01 approving the Garbage, Recycling and Greenwaste Franchise Agreement for collection service effective January 1, 2002 and setting the initial rates for collection for residential and commercial customers.

Pursuant to Article 8.4, the City uses the guidelines and approach outlined in the City of San Luis Obispo's "*Rate Setting Process and Methodology Manual for Integrated Solid Waste Management Rates*" regarding adjustments for rate reviews and cost of living increases to the collection rates that occur throughout the contract term. This manual is on file at the Management Analyst's office for review as necessary.

**DISCUSSION:**

Prepared By: J. Burlingame

Dept Review: \_\_\_\_\_

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_

On June 21, 2011 the City received from Morro Bay Garbage Service a Base Year Rate Adjustment Application with a request for an increase to the solid waste rates (Attachment 1). Based on the calculations in the rate setting manual, the increase to solid waste rates would be 8.68%. However, MBGS felt that given the “fragile business climate” that a large increase may not be palatable and has proposed an alternative set of increases that over the next three years would eventually capture the 8.68%.

MBGS requests the following: 1) a rate increase of 4.68% for 2011, effective October 1, 2011, 2) add 2% to the 2012 Interim Rate Request amount that will be calculated based on the change in the Consumers Price Index, and 3) add 2% to the 2013 Interim Rate Request amount that will be calculated based on the change in the Consumers Price Index.

The last rate increase was in 2008. There was no Interim Rate request in 2009 and 2010 because the CPI was -0.1% for 2009 and in 2010 MBGS chose not to request a rate increase because the financial statement for that year looked good enough to not warrant an increase request; however, several things took place to change that, including the recession, a rate increase at the landfill and the unexpected closure of the composting facility at the landfill resulting in a change of how green waste is processed once collected.

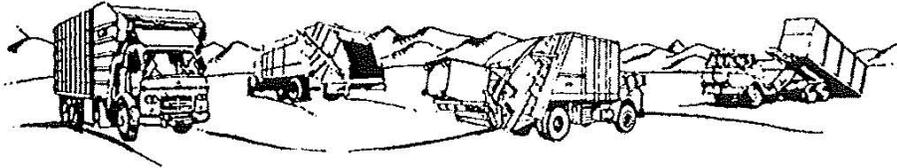
The Administrative Services Director has reviewed the rate adjustment application and financial statements and finds them to be fair and materially correct.

**CONCLUSION:**

In conformance with the rate-setting manual, staff has reviewed the Base Year Rate Adjustment Application from MBGS and recommends adoption of Resolution No. 61-11 approving the application and resulting rate increase therein.

CC: WEBER  
SLAYTON  
LIVICK

# Morro Bay Garbage Service



2945 McMillan Avenue • Suite 136 • San Luis Obispo, CA 93401

City of Morro Bay  
Janeen Burlingame  
595 Harbor Street  
Morro Bay, CA 93442

RECEIVED

JUN 21 2011

City of Morro Bay  
Public Services Department

June 17, 2011

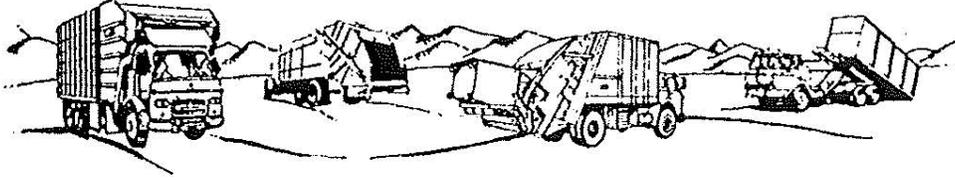
Dear Janeen,

The County of San Luis Obispo approved a landfill increase on June 7, 2011. This was the last piece of the puzzle to complete the 2011 Base Year Rate Adjustment Application. The last time The City of Morro Bay raised garbage rates was July 1, 2008. There was no Interim Rate request in 2009 because the BLS Cola was -0.10%. At the end of 2009 it looked like we had turned the corner and things were looking good from a financial statement perspective. We chose not to request a 2010 Interim Rate increase based on that outlook. Unfortunately the economy didn't hold up and went into a tailspin.

I have calculated the 2011 Base Year forecasting an optimistic 1.8% growth in the commercial sector, a 400 ton drop in disposal tons, no raises for employees, and no increases in operating expenses. Landfill garbage fees went up \$5.00 per ton. Greenwaste fees, due to the closure of the Cold Canyon compost facility, went up \$11.00 per ton. The end result is a potential increase of 8.68%. Given the fragile business climate, that large of an increase wouldn't be prudent. Therefore, Morro Bay Garbage is offering an alternative. Raise the rates 4.68% now and add 2% to whatever the 2012 Interim Rate Request calculates out to, and add 2% to whatever the 2013 interim Rate Request calculates out to.

landfill garbage up \$5.00 per ton	1.03%
greenwaste fees up \$11.00 / ton	1.19%
operations cost	2.46%
	<u>4.68%</u>
delayed to 2012	2.00%
delayed to 2013	2.00%
	<u><u>8.68%</u></u>

# Morro Bay Garbage Service



**2945 McMillan Avenue • Suite 136 • San Luis Obispo, CA 93401**

The reason for the 4.68% now is:

1. The City of San Luis Obispo is facing a 4.62% increase, the same landfill and greenwaste costs, and they have the same rate structure as Morro Bay.
2. Los Osos CSD is facing a 4.51% increase, the same landfill and greenwaste costs, and they have the same rate structure as Morro Bay.

Adopting the alternative would result in these increases for 2011 residential rates. Given that it has been three years since the last increase, I believe this is a reasonable approach to a large problem.

	old rate	new rate	monthly increase
Mini-Can Service (20 gallon can curb)	8.56	8.96	0.40
Economy Service (1 - can curb)	13.69	14.33	0.64
Standard Service (2- can curb)	27.38	28.66	1.28
Premium Service (3 - can curb)	41.07	42.99	1.92

I am available to meet with you or a council sub committee if need be. Please feel free to call me at 543-2910.

A handwritten signature in black ink, appearing to read 'Tom Martin'.

Tom Martin, General Manager

# 2011 Base Year Rate Adjustment Application

## Summary

### Requested Increase

1. Rate Increase Requested 4.68%

8.68% from page 2, line 24  
 -2.00% + cola 7-1-13  
 -2.00% + cola 7-1-12  
 4.68% effective 9-1-2011

### Rate Schedule

Rate Schedule	Current Rate	Increased Rate	Adjustment (a)	New Rate	Cost Per Gallon
<b>Single Family Residential</b>					
2. Mini-Can Service (20 gallon can curb)	\$8.56	\$8.96		\$8.96	\$0.45
3. Economy Service (1 - can curb)	\$13.69	\$14.33		\$14.33	\$0.45
4. Standard Service (2- can curb)	\$27.38	\$28.66		\$28.66	\$0.45
5. Premium Service (3 - can curb)	\$41.07	\$42.99		\$42.99	\$0.45

(a) Calculated rates are rounded up to the nearest \$0.01.

6. **Multiunit Residential and Non-residential** Rate increases of 4.68%  
 will be applied to all rates in each structure  
 with each rate rounded to the nearest \$0.01

### Certification

To the best of my knowledge, the data and information in this application is complete, accurate, and consistent with the instructions provided by the Rate Setting Manual.

Name: Tom Martin Title: District Manager

Signature:  Date: 06/17/11

# BASE YEAR RATE ADJUSTMENT APPLICATION

**Financial Information**

Historical		Current	Projected	
2008	2009	2010	Base Year 2011	2012

(from Pg. 4)

**Section I- Allowable Costs**

6. Direct Labor	\$649,731	\$642,444	\$661,117	\$661,117	\$674,339
7. Corporate Overhead	\$48,654	\$50,016	\$52,327	\$52,327	\$53,374
8. Office Salaries	\$85,357	\$89,617	\$76,121	\$76,121	\$77,643
9. Other General and Admin Costs	\$675,010	\$598,730	\$581,434	\$580,339	\$591,946
10. Total Allowable Costs	\$1,458,752	\$1,380,807	\$1,370,999	\$1,369,904	\$1,397,303

**Section II- Allowable Operating Profit**

11. Operating Ratio	106.8%	98.2%	101.9%	93.0%	93.0%
12. Allowable Operating Profit	(\$92,426)	\$25,291	(\$25,686)	\$103,112	\$105,173

**Section III- Pass Through Costs**

13. Tipping Fees	\$ 269,453	\$ 255,601	\$ 261,527	\$ 295,910	\$ 295,910
14. Franchise Fees	\$183,180	\$183,834	\$173,085	\$173,085	\$173,085
AB939 fee to City of Morro Bay	\$20,000	\$20,000	\$20,000	\$20,706	\$21,327
15. IWMA fees	\$36,773	\$36,952	\$35,787	\$35,787	\$36,861
16. Lease Pmts to Affiliated Companies	\$0	\$0	\$0		\$0
17. Total Pass Through Costs	\$509,406	\$496,387	\$490,399	\$525,488	\$527,183

**Section IV - Revenue Requirement**

18. Revenue Requirement				\$1,998,504	\$2,029,659
19. Total Revenue Offsets (from Page 3)	\$1,875,732	\$1,902,485	\$1,835,712	\$1,854,565	\$1,940,864

**Section V - Net Shortfall (Surplus)**

20. Net Shortfall (Surplus)				\$143,939	
21. Total Residential and Non-residential Revenue without increase in Base Year (pg.3, lines 32+40)				\$1,844,000	
22. Percent Change in Residential and Non-residential Revenue Requirement				7.81%	
23. Franchise Fee Adjustment Factor (1 - 6 percent)				90.000%	
24. Percent Change in Existing Rates				8.68%	

# Base Year Rate Adjustment Application

## Revenue Offset Summary

### Section VII - Revenue Offsets

Historical		Current	Projected	
2008	2009	2010	Base Year 2011	2012

#### Residential Revenue (without increase in Base Yr.)

28. Single Family Residential	\$907,031	\$918,141	\$909,078	\$911,000	\$911,000
Multiunit Residential Dumpster					
29. Number of Accounts					
30. Revenues					
31. Less Allowance for Uncollectible Resid Accounts				\$0	
32. <b>Total Residential Revenue</b>	<b>\$907,031</b>	<b>\$918,141</b>	<b>\$909,078</b>	<b>\$911,000</b>	<b>\$953,635</b>

#### Non-residential Revenue (without increase in Base Yr.)

##### Account Type

##### Non-residential Can

33. Number of Accounts				0	
34. Revenues					\$0

##### Non-residential Wastewheeler

35. Number of Accounts				0	
36. Revenues					\$0

##### Non-residential Dumpster

37. Number of Accounts	518	515	499	499	499
38. Revenues	\$968,372	\$966,398	\$916,069	\$933,000	\$976,664

39. Less: Allowance for Uncollectible Non-resid					
---	--	--	--	--	--

40. <b>Total Non-residential Revenue</b>	<b>\$968,372</b>	<b>\$966,398</b>	<b>\$916,069</b>	<b>\$933,000</b>	<b>\$976,664</b>
--	------------------	------------------	------------------	------------------	------------------

45. Interest on Investments	\$0	\$17,560	\$10,036	\$10,036	\$10,036
-----------------------------	-----	----------	----------	----------	----------

46. Other Income	\$329	\$386	\$529	\$529	\$529
------------------	-------	-------	-------	-------	-------

47. <b>Total Revenue Offsets</b>	<b>\$1,875,732</b>	<b>\$1,902,485</b>	<b>\$1,835,712</b>	<b>\$1,854,565</b>	<b>\$1,940,864</b>
----------------------------------	--------------------	--------------------	--------------------	--------------------	--------------------

# Base Year Rate Adjustment Application

## Cost Summary for Base Year

Section VIII-Base Year Cost Allocation				
Description of Cost	2008	2009	2010	2011
Labor	\$604,218	\$595,668	\$613,657	\$613,657
Payroll Taxes	\$45,513	\$46,776	\$47,460	\$47,460
48. Total Direct Labor	\$649,731	\$642,444	\$661,117	\$661,117
49. Corporate Overhead	\$77,828	\$95,721	\$95,615	\$95,615
Less limitation (enter as negative)	(\$29,174)	(\$45,705)	(\$43,288)	(\$43,288)
Total Corporate Overhead	\$48,654	\$50,016	\$52,327	\$52,327
Office Salary	\$80,778	\$85,256	\$71,998	\$71,998
Payroll Taxes	\$4,579	\$4,361	\$4,123	\$4,123
50. Total Office Salaries	\$85,357	\$89,617	\$76,121	\$76,121
Allocated expenses	\$0	\$0	\$0	\$0
Bad Debt	(\$59)	\$1,173	(\$7,800)	(\$7,000)
Computer Services				
Depreciation on Trucks/Containers	\$269,359	\$186,279	\$196,046	\$196,046
Drivecam fees	\$0	\$4,263	\$4,274	\$4,284
Dues and Subscriptions	\$1,324	\$1,469	\$1,341	\$1,350
Gas and oil	\$147,737	\$134,271	\$123,092	\$121,000
Interest Expense	\$2,899			
Laundry	\$2,550	\$2,354	\$3,245	\$3,300
Legal and Accounting	\$11,490	\$11,349	\$11,699	\$11,700
Miscellaneous and Other	\$1,403	\$819	\$731	\$700
Office Expense	\$23,540	\$21,924	\$19,330	\$19,000
Operating Supplies	\$5,405	\$4,464	\$3,546	\$3,600
Other Insurance	\$139,710	\$155,641	\$157,437	\$157,437
Other Taxes	\$5,805	\$6,106	\$5,734	\$5,800
Outside Services	\$1,170	\$478	\$427	\$400
Permits	\$11,735	\$12,284	\$10,794	\$10,800
Postage	\$3,651	\$2,409	\$1,091	\$1,100
Public Relations and Promotion	\$5,350	\$4,500	\$2,277	\$2,200
Recycling				
Rent	\$6,020	\$6,256	\$6,449	\$6,771
Telephone	\$5,392	\$3,771	\$3,852	\$3,900
Tires	\$13,129	\$11,725	\$15,700	\$15,700
Travel	\$229	\$230	\$130	\$130
Transportation-related party	\$438	\$6,895	\$2,121	\$2,121
Truck License				
Truck Repairs	\$16,676	\$20,070	\$19,918	\$20,000
Uniforms				
Utilities	\$57			
51. Total Other Gen/Admin Costs	\$675,010	\$598,730	\$581,434	\$580,339
52. Total Tipping Fees	\$ 269,453	\$ 255,601	\$ 261,527	\$ 295,910
53. Total Franchise Fee	\$183,180	\$183,834	\$173,085	\$173,085
Total AB939 fees to City	\$20,000	\$20,000	\$20,000	\$20,706
54. Total IWMA Regulatory Fees	\$36,773	\$36,952	\$35,787	\$35,787
55. Total Lease Pmt to Affil Co.'s				
56. Total Cost	\$1,968,158	\$1,877,194	\$1,861,398	\$1,895,392

# Base Year Rate Adjustment Application

## Base Year Revenue Offset Summary

For Information Purposes Only

Description of Revenue	Section VII-Revenue Offsets					
	Overall Total	Franchise Total	Refuse Collection			
			Morro Bay	growth	IWMA 2%	State Parks
<i>Residential Revenue (without increase in Base Year)</i>						
57. Single Family Residential	\$911,000	\$911,000	\$893,175		\$17,825	
<i>Multiunit Residential Dumpster</i>						
58. Number of Accounts	\$0	\$0				
59. Revenues	\$0	\$0				
60. Less Allowance for Uncollectable	\$0	\$0				
61. Total Residential Revenue	\$911,000	\$911,000	\$893,175	\$0	\$17,825	\$0
<i>Non-residential Revenue (without increase in Base Year)</i>						
<i>Account Type</i>						
<i>Non-residential Can</i>						
62. Number of Accounts	0	0				
63. Revenues	\$0	\$0				
<i>Non-residential Wastewheeler</i>						
64. Number of Accounts	0	0				
65. Revenues	\$0	\$0				
<i>Non-residential Dumpster</i>						
66. Number of Accounts	499	498	498			1
67. Revenues	\$933,000	\$885,773	\$867,461	\$0	\$18,312	\$47,227
68. Less: Allowance for Uncollectable						
<i>Non-residential Accounts</i>						
69. Total Non-residential Revenue	\$933,000	\$885,773	\$867,461	\$0	\$18,312	\$47,227
74. Interest on Investments	\$10,036					\$10,036
75. Other Income	\$529		\$0			\$529
76. Total Revenue Offsets	\$1,854,565	\$1,796,773	\$1,760,636	\$0	\$36,137	\$57,792

# Base Year Rate Adjustment Application

## Operating Information

Historical				Current		Projected		
2008	Percent Change	2009	Percent Change	2010	Percent Change	Base Year 2011	Percent Change	2012

### Section IX-Operating Data

#### Residential & Commercial Garbage

77. Accounts-Residential	4,467	0.7%	4,497	0.6%	4,522	0.0%	4,522	0.0%	4,522
Accounts-Commercial	518	-0.6%	515	-3.1%	499	0.0%	499	0.0%	499
78. Routes	3	0.0%	3	0.0%	3	0.0%	3	0.0%	3
79. Tons Collected	6,810	-4.9%	6,477	-0.3%	6,458	-6.2%	6,058	0.0%	6,058
80. Direct Labor Hours	10,400	0.0%	10,400	0.0%	10,400	0.0%	10,400	0.0%	10,400

#### Recyclable Materials - Curbside Recycling-City of Morro Bay

85. Accounts	4,985	0.5%	5,012	0.2%	5,021	0.0%	5,021	0.0%	5,021
86. Routes	2	0.0%	2	0.0%	2	0.0%	2	0.0%	2
Tons Collected	2,442	-16.4%	2,042	3.7%	2,117	0.0%	2,117	0.0%	2,117
87. Direct Labor Hours	6,240	0.0%	6,240	0.0%	6,240	0.0%	6,240	0.0%	6,240

#### Recyclable Materials - Greenwaste Collection-City of Morro Bay

88. Accounts	4,985	0.5%	5,012	0.2%	5,021	0.0%	5,021	0.0%	5,021
89. Routes	1	0.0%	1	0.0%	1	0.0%	1	0.0%	1
Tons Collected	1,723	3.7%	1,787	2.0%	1,822	0.0%	1,822	0.0%	1,822
90. Direct Labor Hours	4,160	0.0%	4,160	0.0%	4,160	0.0%	4,160	0.0%	4,160

MORRO BAY	actual per ton	tons	actual 2010		2011 base year		
Garbage	\$ 29.25	6,458	\$ 188,897	\$ 34.25	6,058	\$ 207,487	
Appliances, cleanup week, etc			\$ 27,007			\$ 25,000	
			<u>\$ 216,564</u>			<u>\$ 232,487</u>	\$ 15,923
Blue bin-MRF	\$ 5.00	2,117	<u>\$ 10,585</u>	\$ 5.00	2,117	\$ 10,585	
Greenwaste-composted	\$ 18.00	1,678	\$ 30,204	\$ 18.00		\$ -	
Greenwaste-ADC	\$ 29.00	144	\$ 4,174	\$ 29.00	1,822	\$ 52,838	
			<u>\$ 34,378</u>			<u>\$ 52,838</u>	\$ 18,460
Total Disposal			<u>\$ 261,527</u>			<u>\$ 295,910</u>	

	per ton	tons	actual 2009
Garbage	\$ 29.25	6,477	\$ 189,452
Appliances, cleanup week, etc			\$ 23,773
			<u>\$ 213,225</u>
Blue bin-MRF	\$ 5.00	2,042	<u>\$ 10,210</u>
Greenwaste-composted	\$ 18.00	1,787	\$ 32,166
Greenwaste-ADC	\$ 29.00		<u>\$ 32,166</u>
Total Disposal			<u>\$ 255,601</u>

	per ton	tons	actual 2008
Garbage	\$ 29.25	6,810	\$ 199,193
Appliances, cleanup week, etc			\$ 27,036
			<u>\$ 226,229</u>
Blue bin-MRF	\$ 5.00	2,442	<u>\$ 12,210</u>
Greenwaste-composted	\$ 18.00	1,723	\$ 31,014
Greenwaste-ADC	\$ 29.00		<u>\$ 31,014</u>
Total Disposal			<u>\$ 269,453</u>

garbage	1.03%
gw	1.19%
ops	<u>2.46%</u>
	4.68%

**RESOLUTION NO. 61-11**

**A RESOLUTION APPROVING MORRO BAY GARBAGE SERVICE  
BASE YEAR RATE ADJUSTMENT APPLICATION  
REQUESTING AN INCREASE TO SOLID WASTE COLLECTION RATES**

**THE CITY COUNCIL  
City of Morro Bay, California**

**WHEREAS**, the City Council adopted Resolution 48-01 approving the Garbage, Recycling and Greenwaste Franchise Agreement with Morro Bay Garbage Service (MBGS) for collection services effective January 1, 2002 and setting the initial rates for collection for residential and commercial customers; and

**WHEREAS**, pursuant to Article 8.4, the City will use the guidelines and approach outlined in the City of San Luis Obispo's "*Rate Setting Process and Methodology Manual for Integrated Solid Waste Management Rates*"; and

**WHEREAS**, on June 21, 2011, MBGS Controller Tom Martin submitted a base year rate adjustment application in conformance with the franchise agreement and rate setting manual; and

**WHEREAS**, pursuant to the calculations in the rate setting manual, the increase to solid waste rates would be 8.68% for 2011, however, MBGS felt a large increase may not be palatable given the "fragile business climate" and proposed an alternative set of increases that over the next three years that would eventually capture the 8.68% as follows: 1) a rate increase of 4.68% for 2011, effective October 1, 2011; 2) add 2% to the Interim Rate Request amount that will be calculated in 2012 based on the change in Consumers Price Index; and 3) add 2% to the Interim Rate Request amount that will be calculated in 2013 based on the change in Consumers Price Index; and

**WHEREAS**, the Administrative Services Director has reviewed the rate adjustment application and financial statements and finds them to be fair and materially correct.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Morro Bay the approval of Morro Bay Garbage Service's Base Year Rate Adjustment Application to increase the solid waste collection rates by 4.68%, effective October 1, 2011, as outlined in Exhibit A.

**BE IT FURTHER RESOLVED**, by the City Council of the City of Morro Bay the approval of adding 2% to each of the Interim Rate Requests that will be submitted in 2012 and 2013.

**PASSED AND ADOPTED** by the City Council of the City of Morro Bay at a regular meeting thereof held on the 23<sup>rd</sup> day of August 2011 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
WILLIAM YATES, Mayor

**ATTEST:**

\_\_\_\_\_  
BRIDGETT KESSLING, City Clerk

Exhibit A

<b>Morro Bay Garbage</b>				
<b>EFFECTIVE DATE: October 1, 2011</b>				
<b>SERVICE DESCRIPTION</b>	<b>PICK UPS PER WEEK</b>	<b>CURRENT RATE EFFECTIVE 07/01/08</b>	<b>APPROVED RATE ADJUSTMENT %</b>	<b>NEW MONTHLY RATE EFFECTIVE 10/01/11</b>
<b>SINGLE FAMILY AND MULTI-UNIT RESIDENTIAL (4 UNITS OR LESS)</b>				
Price per month for specified waste-wheeler container collected once each week. Greenwaste and recycling service is included at no additional charge.				
<b>MINI-CAN SERVICE</b>				
One 19 gallon waste wheeler container	1	\$8.56	4.68%	\$8.96
<b>ECONOMY RATE</b>				
One 32 gallon waste wheeler container	1	\$13.69	4.68%	\$14.33
<b>STANDARD RATE</b>				
One 64 gallon waste wheeler container	1	\$27.38	4.68%	\$28.66
<b>PREMIUM RATE</b>				
One 96 gallon waste wheeler container	1	\$41.07	4.68%	\$42.99
<b>PREMIUM PLUS RATE</b>				
One 96 gallon waste wheeler at the premium rate plus an additional charge of:				
One 32 gallon waste wheeler container	1	\$10.83	4.68%	\$11.34
One 64 gallon waste wheeler container	1	\$21.67	4.68%	\$22.68
One 96 gallon waste wheeler container	1	\$32.51	4.68%	\$34.03
<b>SERVICE AWAY FROM THE STREET CURB</b>				
Additional per month per can or container charge		\$7.46	4.68%	\$7.81
<b>EXTRA COLLECTIONS WITH PICKUP OR FLATBED TRUCK (Phone call required)</b>				
Per garbage can or equivalent volume. (Over 6 cans by quotation)		\$6.83	4.68%	\$7.15
Overfilled waste wheeler		\$6.83	4.68%	\$7.15
Extra recycling		\$3.42	4.68%	\$3.58
Extra greenwaste		\$3.42	4.68%	\$3.58
months		\$24.89	4.68%	\$26.05
Per white good article/ appliance. (Once a month only)		\$43.55	4.68%	\$45.59
Per mattress or boxspring.		\$12.45	4.68%	\$13.03
Polystyrene (Styrofoam, Plastic #6) is no longer collected for recycling and should be thrown away as trash. Greenwaste is recycled in a special green waste wheeler and is picked up once a week at no additional charge. Recycling and greenwaste containers should be placed near/next to your garbage bin for collection.				
<b>COMMERCIAL WASTE WHEELERS SERVICE PER MONTH</b>				
One 32 Gallon Waste Wheeler	1	\$28.27	4.68%	\$29.59
One 32 Gallon Waste Wheeler	2	\$55.19	4.68%	\$57.77
One 32 Gallon Waste Wheeler	3	\$72.18	4.68%	\$75.56
One 32 Gallon Waste Wheeler	4	\$89.19	4.68%	\$93.36
One 32 Gallon Waste Wheeler	5	\$116.11	4.68%	\$121.54
One 32 Gallon Waste Wheeler	6	\$143.03	4.68%	\$149.72
One 32 Gallon Waste Wheeler	7	\$170.47	4.68%	\$178.45

Exhibit A

<b>Morro Bay Garbage</b>				
<b>EFFECTIVE DATE: October 1, 2011</b>				
<b>SERVICE DESCRIPTION</b>	<b>PICK UPS PER WEEK</b>	<b>CURRENT RATE EFFECTIVE</b>	<b>APPROVED RATE ADJUSTMENT %</b>	<b>NEW MONTHLY RATE EFFECTIVE</b>
One 64 Gallon Waste Wheeler	1	\$41.03	4.68%	\$42.95
One 64 Gallon Waste Wheeler	2	\$72.18	4.68%	\$75.56
One 64 Gallon Waste Wheeler	3	\$104.78	4.68%	\$109.68
One 64 Gallon Waste Wheeler	4	\$141.59	4.68%	\$148.22
One 64 Gallon Waste Wheeler	5	\$177.02	4.68%	\$185.30
One 64 Gallon Waste Wheeler	6	\$206.76	4.68%	\$216.44
One 64 Gallon Waste Wheeler	7	\$243.51	4.68%	\$254.91
One 96 Gallon Waste Wheeler	1	\$55.19	4.68%	\$57.77
One 96 Gallon Waste Wheeler	2	\$96.25	4.68%	\$100.75
One 96 Gallon Waste Wheeler	3	\$141.59	4.68%	\$148.22
One 96 Gallon Waste Wheeler	4	\$188.35	4.68%	\$197.16
One 96 Gallon Waste Wheeler	5	\$229.43	4.68%	\$240.17
One 96 Gallon Waste Wheeler	6	\$280.41	4.68%	\$293.53
One 96 Gallon Waste Wheeler	7	\$338.35	4.68%	\$354.18
<b>COMMERCIAL DUMPSTER CONTAINER SERVICE - In cubic yards</b>				
1 Yd Dumpster	1	\$69.62	4.68%	\$72.88
1 Yd Dumpster	2	\$107.87	4.68%	\$112.92
1 Yd Dumpster	3	\$139.02	4.68%	\$145.53
1 Yd Dumpster	4	\$174.44	4.68%	\$182.60
1 Yd Dumpster	5	\$201.37	4.68%	\$210.79
1 Yd Dumpster	6	\$250.93	4.68%	\$262.67
1 Yd Dumpster	7	\$379.11	4.68%	\$396.85
1.5 Yd Dumpster	1	\$85.19	4.68%	\$89.18
1.5 Yd Dumpster	2	\$140.46	4.68%	\$147.03
1.5 Yd Dumpster	3	\$188.63	4.68%	\$197.46
1.5 Yd Dumpster	4	\$239.63	4.68%	\$250.84
1.5 Yd Dumpster	5	\$287.79	4.68%	\$301.26
1.5 Yd Dumpster	6	\$343.04	4.68%	\$359.09
1.5 Yd Dumpster	7	\$503.24	4.68%	\$526.79
2 Yd Dumpster	1	\$102.21	4.68%	\$106.99
2 Yd Dumpster	2	\$178.69	4.68%	\$187.05
2 Yd Dumpster	3	\$239.63	4.68%	\$250.84
2 Yd Dumpster	4	\$304.78	4.68%	\$319.04
2 Yd Dumpster	5	\$372.78	4.68%	\$390.23
2 Yd Dumpster	6	\$440.77	4.68%	\$461.40
2 Yd Dumpster	7	\$633.01	4.68%	\$662.63
3 Yd Dumpster	1	\$131.97	4.68%	\$138.15
3 Yd Dumpster	2	\$239.63	4.68%	\$250.84
3 Yd Dumpster	3	\$337.37	4.68%	\$353.16
3 Yd Dumpster	4	\$428.02	4.68%	\$448.05
3 Yd Dumpster	5	\$554.11	4.68%	\$580.04
3 Yd Dumpster	6	\$639.09	4.68%	\$669.00
3 Yd Dumpster	7	\$863.39	4.68%	\$903.80

Exhibit A

<b>Morro Bay Garbage</b>				
<b>EFFECTIVE DATE: October 1, 2011</b>				
<b>SERVICE DESCRIPTION</b>	<b>PICK UPS PER WEEK</b>	<b>CURRENT RATE EFFECTIVE</b>	<b>APPROVED RATE ADJUSTMENT %</b>	<b>NEW MONTHLY RATE EFFECTIVE</b>
4 Yd Dumpster	1	\$174.44	4.68%	\$182.60
4 Yd Dumpster	2	\$324.61	4.68%	\$339.80
4 Yd Dumpster	3	\$450.68	4.68%	\$471.77
4 Yd Dumpster	4	\$602.28	4.68%	\$630.47
4 Yd Dumpster	5	\$753.84	4.68%	\$789.12
4 Yd Dumpster	6	\$853.00	4.68%	\$892.92
4 Yd Dumpster	7	\$1,109.33	4.68%	\$1,161.25
Sunday Service *		\$52.69	4.68%	\$55.16
The rates shown above include the monthly container rental fee and are the same for bins and garwoods, when volume is identical. (Bins and garwoods are types of containers)				
<b>UNSCHEDULED EXTRA COLLECTIONS</b>				
<b>FOR COMMERCIAL CUSTOMERS &amp; MULTI-UNIT</b>				
1 CUBIC YARD		\$17.94	4.68%	\$18.78
1.5 CUBIC YARDS		\$26.93	4.68%	\$28.19
2 CUBIC YARDS		\$35.90	4.68%	\$37.58
3 CUBIC YARDS		\$53.83	4.68%	\$56.35
4 CUBIC YARDS		\$71.77	4.68%	\$75.13
<b>RECYCLING SERVICES</b>				
<b>CARDBOARD &amp; COMMINGLED RECYCLING COLLECTION OF COMMERCIAL DUMPSTER CONTAINERS</b>				
All commercial customers pay \$3.00 per month for commercial recycling services. This charge includes all recycling services except collection of cardboard in excess of 2 yards once a week. This base charge has already been added to the rates above, for				
1 Yd Dumpster	1	INCLUDED *		INCLUDED *
1 Yd Dumpster	2	\$28.22	4.68%	\$29.54
1 Yd Dumpster	3	\$36.37	4.68%	\$38.07
1 Yd Dumpster	4	\$45.62	4.68%	\$47.76
1 Yd Dumpster	5	\$52.67	4.68%	\$55.13
1 Yd Dumpster	6	\$65.63	4.68%	\$68.70
1 Yd Dumpster	7	\$99.16	4.68%	\$103.80
1.5 Yd Dumpster	1	INCLUDED *		INCLUDED *
1.5 Yd Dumpster	2	\$36.74	4.68%	\$38.46
1.5 Yd Dumpster	3	\$49.34	4.68%	\$51.65
1.5 Yd Dumpster	4	\$62.68	4.68%	\$65.61
1.5 Yd Dumpster	5	\$75.27	4.68%	\$78.79
1.5 Yd Dumpster	6	\$89.72	4.68%	\$93.92
1.5 Yd Dumpster	7	\$131.62	4.68%	\$137.78
2 Yd Dumpster	1	INCLUDED *		INCLUDED *
2 Yd Dumpster	2	\$46.73	4.68%	\$48.92
2 Yd Dumpster	3	\$62.68	4.68%	\$65.61
2 Yd Dumpster	4	\$79.72	4.68%	\$83.45
2 Yd Dumpster	5	\$97.51	4.68%	\$102.07
2 Yd Dumpster	6	\$115.28	4.68%	\$120.68
2 Yd Dumpster	7	\$165.56	4.68%	\$173.31

Exhibit A

<b>Morro Bay Garbage</b>				
<b>EFFECTIVE DATE: October 1, 2011</b>				
<b>SERVICE DESCRIPTION</b>	<b>PICK UPS PER WEEK</b>	<b>CURRENT RATE EFFECTIVE</b>	<b>APPROVED RATE ADJUSTMENT %</b>	<b>NEW MONTHLY RATE EFFECTIVE</b>
3 Yd Dumpster	1	INCLUDED *		INCLUDED *
3 Yd Dumpster	2	\$62.68	4.68%	\$65.61
3 Yd Dumpster	3	\$88.24	4.68%	\$92.37
3 Yd Dumpster	4	\$111.95	4.68%	\$117.19
3 Yd Dumpster	5	\$144.93	4.68%	\$151.71
3 Yd Dumpster	6	\$167.15	4.68%	\$174.97
3 Yd Dumpster	7	\$225.82	4.68%	\$236.39
4 Yd Dumpster	1	INCLUDED *		INCLUDED *
4 Yd Dumpster	2	\$84.90	4.68%	\$88.87
4 Yd Dumpster	3	\$117.88	4.68%	\$123.40
4 Yd Dumpster	4	\$157.53	4.68%	\$164.90
4 Yd Dumpster	5	\$197.17	4.68%	\$206.40
4 Yd Dumpster	6	\$223.10	4.68%	\$233.54
4 Yd Dumpster	7	\$290.14	4.68%	\$303.72
In-office weekly collections of white and colored paper.		51.25	4.68%	\$53.65
The rates shown above include the monthly container rental fee and are the same for bins and garwoods, when volume is identical. (Bins and garwoods are types of containers used for recycling)				
All commercial customers are eligible for standard waste wheeler recycling and greenwaste services at no additional charge. Commercial customers can choose from a 32, 64, or 96 gallon blue waste wheeler for commingled recycling.				
White office paper can be commingled with the other recyclables in the blue waste wheeler.				
Polystyrene (Styrofoam, Plastic #6) is no longer collected for recycling and should be thrown away as trash.				
Greenwaste is recycled in a special green waste wheeler and is picked up once a week at no additional charge.				
Late Fees are imposed for residential customers over 60 days delinquent and commercial customers over 30 days delinquent. The fee is 1.5% per month of the outstanding charge, with a minimum fee of \$5.00. No prior notice is required, as this late fee policy is stated at the bottom of every bill.				



AGENDA NO: D-1

MEETING DATE: 08/23/11

# Staff Report

**TO:** Honorable Mayor and City Council      **DATE:** August 4, 2011  
**FROM:** Susan Slayton, Administrative Services Director  
**SUBJECT:** Resolution No. 59-11 Adopting Revisions to the Master Fee Schedule

**RECOMMENDATION:**

Council to adopt Resolution No. 59-11.

**FISCAL IMPACT:**

Potential for increased revenue as a result of fee changes, but that amount is unknown.

**DISCUSSION:**

Staff has prepared a Resolution for the annual adoption of the proposed Master Fee Schedule for the 2011/12 fiscal year. An edited version of the 2010/11 schedule is attached for consideration.

All fees that can legally be increased have been adjusted in this draft Schedule. The suggested fee increases for the Public Services divisions are based on the change in the Engineering News Record (ENR) for the period from April 2010 to April 2011. The ENR difference was an increase of 4.04%.

All other suggested adjustments are based on the change in the Consumer Price Index (CPI) for the Los-Angeles-Riverside-Orange County area for the same time period as the ENR. The CPI change was 3.3%.

Staff recommends that the City Council review the report, make changes to the draft Schedule as Council wishes, and adopt the Resolution. Any amendments made at this meeting will be included in the final published Schedule.

Prepared By: \_\_\_\_\_

Dept Review: \_\_\_\_\_

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_

**RESOLUTION NO. 59-11**

**RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF MORRO BAY, CALIFORNIA,  
ADOPTING REVISIONS TO THE MASTER FEE SCHEDULE**

**THE CITY COUNCIL  
City of Morro Bay, California**

**WHEREAS**, the City Council finds that fees and charges for City services are annually in need of review for possible updating to reflect changes in the cost of providing those services; and

**WHEREAS**, the California Constitution, in Article 13B Government Spending Limitation Section 8(c), states that proceeds in excess of user charges and user fees that exceed the costs reasonably borne by the City in providing the regulation, product or service are considered proceeds from taxes that are subject to the annual appropriation limit; and

**WHEREAS**, the City has reviewed these fees, and finds that they do not exceed the actual costs of providing related services; and

**WHEREAS**, the City's Municipal Code Section 3.34.020 provides for the annual review of the Master Fee Schedule and revision; and

**WHEREAS**, on August 11, 2008, the City Council adopted Resolution No. 49-08, which stated that "the Master Fee Schedule will be brought back in its entirety for review annually."

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Morro Bay, California, that the Master Fee Schedule be revised, and published, as amended.

**PASSED AND ADOPTED**, by the City Council of the City of Morro Bay, at a regular meeting thereof held on the 23<sup>rd</sup> day of August 2011, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

\_\_\_\_\_  
WILLIAM YATES, Mayor

\_\_\_\_\_  
BRIDGETT KESSLING, City Clerk

**DRAFT**  
**Master Fee Schedule**  
**For the 2011/12 Fiscal Year**

**Table of Contents**

---

Preface	i
All City Departments & Offices	1
<b>Elections</b>	2
Finance Department	3
Public Services Department:	
<b>Building</b>	<b>4</b>
<b>Business License &amp; Engineering</b>	<b>5</b>
<b>Planning</b>	<b>6</b>
<b>General</b>	<b>9</b>
<b>Water</b>	<b>10</b>
<b>Sewer</b>	<b>11</b>
Development Impact Fees	14
Police Department	17
Fire Department	22
Harbor Department	27
Recreation and Parks Department	30
Transit	33

# City of Morro Bay Master Fee Schedule For the 2010/11 Fiscal Year

## Preface

All fees are subject to increase by either the **April** Consumer Price Index (CPI) **for Los Angeles-Riverside-Orange County**, or the Engineering News Record (ENR), unless otherwise prevented by law.

The Master Fee Schedule is updated annually in June/July; therefore, any fees adopted after its publication, and prior to the next annual update, may not be included.

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## All Departments & Offices

<b>Photocopies:</b>		
First page	\$	0.75
Each additional page	\$	0.25
<b>Photocopies mailed:</b>		
Cost of postage		Actual
First page	\$	0.75
Each additional page	\$	0.25

### ~~Exceptions:~~ **Notes:**

Unless specifically identified elsewhere (**e.g., Public Safety**), all departments and offices shall use these rates.

~~Public Safety report charges, as contained herein, prevail.~~

**City of Morro Bay  
Master Fee Schedule  
For the 2011/12 Fiscal Year**

**~~Administration~~ Elections**

**Filing fee:**

Notice of intention to circulate petition - this amount is refundable under Elections Code Section 9202(b), with conditions

\$ 200.00

**City of Morro Bay  
Master Fee Schedule  
For the 2011/12 Fiscal Year**

**Finance Department**

<b>Copies:</b>		
Budget document, per copy	\$ <del>24.00</del>	25.00
Comprehensive Annual Financial Report document (City Audit), per copy	\$ <del>24.00</del>	25.00
Master Fee Schedule document, per copy	\$ <del>24.00</del>	25.00
Returned check charge (CA Civil Code Section 1719):		
First time	\$ 25.00	Can't change unless Code Section doe:
Each subsequent	\$ 35.00	Can't change unless Code Section doe:
<b>Utility Billing:</b>		
Water service application fee	\$ 25.00	
Physical posting of shut-off notice at customer location	\$ <del>50.00</del>	52.00
Refundable Utility deposit - residential tenants only <sup>1</sup>	\$ 100.00	
Reconnection	\$ <del>42.00</del>	43.00

A deposit is required from all residential tenants who sign up for utility service. Existing residential tenants, whose service is terminated due to delinquent non-payment, will be required to pay a deposit, in addition to the service reconnection fee, in order to restore service ONLY IF THE DEPOSIT HAS NOT PREVIOUSLY BEEN COLLECTED.

If the residential tenant moves within the City limits, the deposit will transfer with the residential tenant to his/her new address.

The deposit is applied to the closing bill when the residential tenant moves out; any remaining credit balance is refunded. If the tenant's status changes to an owner, the deposit is refunded.

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Public Services Department

### Building (See Notes)

#### Building & Construction Permits:

Valuation of from 0 - \$3,000 (including electrical service less than 600 amp, and minor plumbing alternatives)	\$ 76.00	<b>79.00</b>	Relocated from page 7
\$3,001 and up - .025 x total valuation - 50% upon submittal/50% at issuance			Relocated from page 7
Construction Operation After Hours	\$ 28.00	<b>29.00</b>	Relocated from page 7
Building Re-Address Processing	\$ 27.00	<b>28.00</b>	Relocated from page 7
Demo w/o Asbestos	\$ 61.00	<b>63.00</b>	Relocated from page 7
Demo w/ Asbestos	\$ 122.00	<b>127.00</b>	Relocated from page 7
In-lieu Housing Fee (if not affordable housing) - 0.30 per sq/ft			Relocated from page 7
General Plan Maintenance - <del>5</del> <b>6%</b> Surcharge on all Building Permits <sup>2</sup>			Relocated from page 7
SMIP Category I (Residential) - .0001 x valuation			Relocated from page 7
SMIP Category II (Commercial) - .00021 x valuation			Relocated from page 7
Unsafe Building repair, demolition or moving structure - charge			Relocated from page 7
<b>Special Inspection and Plan Review Fees:</b>			
Inspection Fees - outside of normal work hours - per hour, 2 hour minimum	\$ 138.00	<b>144.00</b>	Relocated from page 8
Re-Inspection Fees - per hour	\$ 69.00	<b>72.00</b>	Relocated from page 8
Property condition report for Condominium Conversions	\$ 17.00	<b>18.00</b>	Relocated from page 8
Inspection for which no fee is otherwise indicated - per hour, 1/2 hour minimum	\$ 69.00	<b>72.00</b>	Relocated from page 8
Additional Plan Review required by changes, additions, revisions to the approved plans - per hour, 1/2 hour minimum	\$ 69.00	<b>72.00</b>	Relocated from page 8
Use of outside consultants for special plan checking and inspection - charged at actual cost			Relocated from page 8
Penalty for commencing construction without permit(s) \$100 plus two times the entire permit fee plus \$50 per day, after notice. This is in addition to the standard building permit fees.			Relocated from page 8
Retrofit upon transfer of sale	\$ 31.00	<b>32.00</b>	Relocated from page 8

<sup>1</sup> General Plan Maintenance surcharge includes 1% for Geographic Information System (GIS) Maintenance

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Public Services Department (See Notes)

### Sign Permits:

New or Reconstructed Signs, Signage, Billboards and Freestanding Signs	\$	81.00
--	----	-------

Temporary Sign (A-Frame, Banner)	\$	20.00
----------------------------------	----	-------

Sign Exception Permit Pole Sign (Curb)	\$	671.00
--	----	--------

### Fines:

Temporary beyond time allowed by Ordinance - per day after notice	\$	10.00
---	----	-------

Permanently attached sign w/o permit - per day after notice	\$	20.00
---	----	-------

### Use Permits

Conditional Use Permit - New Construction	\$	3,681.00
---	----	----------

*Note: If a satellite dish is to be included in a permit and a refund is requested at a later date, this request must be submitted in writing to the City Council and must include the permit number. The letter must also clearly state that the permit is for a satellite dish.*

One SFR in a Planned Development Zone or Bluff Area	\$	558.00
---	----	--------

Occupancy changes Commercial/Industrial (no construction); additions to non-conforming uses structures, not adding units or new uses, and height extensions or other	\$	475.00
--	----	--------

Minor Use Permit Administrative and Temporary Use Permits (Administrative)	\$	508.00
--	----	--------

Outdoor Display and Sales and Outdoor Dining (Planning Commission)	\$	811.00
--	----	--------

Christmas Tree/Pumpkin Lots	\$	25.00
-----------------------------	----	-------

Minor Temporary Use Permit (Administrative) Outdoor Display, Sales and Dining	\$	41.00
---	----	-------

Amendments to Existing Permits (Planning Commission)	\$	1,825.00
--	----	----------

Major Modification While Processing	\$	1,372.00
-------------------------------------	----	----------

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Public Services Department Business License & Engineering (See Notes)

<b>Business License:</b>			Relocated from page 7
Business License fee - varies by type of license requested	Variable		Relocated from page 7
Business License listing, per list	\$ <del>14.00</del>	<b>15.00</b>	Relocated from page 7
Business License, transfer (MC 5.014.220)	\$ 2.00		Relocated from page 7
Business License, duplicate (MC 5.04.230)	\$ 2.00		Relocated from page 7
Home Occupation Permit Processing Fee (one time fee)	\$ <del>58.00</del>	<b>60.00</b>	Relocated from page 7
<b>Home Occupation Basic (annual)</b>	\$ <del>127.00</del>	<b>Existing fee but has not been in MFS</b>	
<b>Home Occupation Exception (annual)</b>	\$ <del>52.00</del>	<b>Existing fee but has not been in MFS</b>	
<b>Engineering:</b>			
<b>Flood Hazard Development Permit:</b>			Relocated from page 8
Permit, minimum fee (see note below)	\$ <del>174.00</del>	<b>181.00</b>	Relocated from page 8
Flood Plain Letter	\$ <del>87.00</del>	<b>91.00</b>	Relocated from page 8
<b>Subdivisions:</b>			Relocated from page 8
Final Map - Tract, minimum fee (see note below)	\$ <del>1,118.00</del>	<b>#####</b>	Relocated from page 8
Final Parcel Maps with Improvements, minimum fee (see note below)	\$ <del>287.00</del>	<b>299.00</b>	Relocated from page 8
Final Maps Amendment Review, minimum fee (see note below)	\$ <del>240.00</del>	<b>250.00</b>	Relocated from page 8
<b>Inspections/Plan Review</b>			Relocated from page 9
Inspections	Cost of service		Relocated from page 9
Public Improvement Plan Check	\$ <del>411.00</del>	<b>428.00</b>	Relocated from page 9
<b>Abandonment Process</b>			Relocated from page 9
Street/R-O-W Abandonment Process	\$ <del>822.00</del>	<b>855.00</b>	Relocated from page 9
<b>Encroachment Permits [see note below]:</b>			Relocated from page 9
Regular	\$ <del>118.00</del>	<b>123.00</b>	Relocated from page 9
Special - Engineered Structures, minimum fee <sup>3</sup>	\$ <del>259.00</del>	<b>269.00</b>	Relocated from page 9
Non-Engineered Structures, minimum fee <sup>3</sup>	\$ <del>118.00</del>	<b>123.00</b>	Relocated from page 9
Annual Utility Encroachment Permit	\$ <del>182.00</del>	<b>189.00</b>	Relocated from page 9
Wide Load Permit with Traffic Control Plans - Per Year <sup>4</sup>	\$ 90.00		Relocated from page 9
Wide Load Permit with Traffic Control Plans - One Time <sup>4</sup>	\$ 16.00		Relocated from page 9
<b>Street &amp; Sidewalks:</b>			Relocated from page 9
Exception Application	\$ <del>146.00</del>	<b>152.00</b>	Relocated from page 9
<b>Stormwater fees:</b>			Relocated from page 11
Single family:			Relocated from page 11
Planning review of preliminary stormwater plan	\$ <del>130.00</del>	<b>135.00</b>	Relocated from page 11
Building permit review of stormwater plan	\$ <del>170.00</del>	<b>177.00</b>	Relocated from page 11
Inspection of stormwater facility/erosion control	\$ <del>90.00</del>	<b>94.00</b>	Relocated from page 11
Other (per 6,000 sq ft lot area, or fraction thereof):			Relocated from page 11
Planning review of preliminary stormwater plan	\$ <del>130.00</del>	<b>135.00</b>	Relocated from page 11
Building permit review of stormwater plan	\$ <del>170.00</del>	<b>177.00</b>	Relocated from page 11
Inspection of stormwater facility/erosion control	\$ <del>90.00</del>	<b>94.00</b>	Relocated from page 11
<b>Trees:</b>			Relocated from page 9
Removal Permit	\$ <del>234.00</del>	<b>243.00</b>	Relocated from page 9

<sup>3</sup> Time and materials costs may be added to minimum, when actual cost exceeds the minimum fee. Relocated from page 9

<sup>4</sup> With the exception of Wide Load Permits, Encroachment Permits fees adjust annually based on the April Engineering News Record (ENR-CCR) Relocated from page 9

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Public Services Department (See Notes)

### Use Permits (continued):



Minor Amendments to Existing Permits (substantial compliance review)	\$	173.00
--	----	--------

*Note: All Use Permits may be billed at direct cost at the discretion of the Public Services Director - scheduled fee would then be deemed as a direct cost.*

### Variations:

Regular Variance (Planning Commission)	\$	2,267.00
Variations with other permits	\$	681.00
Parking Exceptions (Planning Commission)	\$	115.00
Minor Variance/Adjustment (Administrative)	\$	375.00

### Coastal Permits:

Coastal Permit in combination with Conditional Use Permit		No Fee
Coastal Permit (Administrative)	\$	661.00
Single Family Dwelling, Multiple Dwelling, Office, Commercial, Convention, Industrial & Institutional unless in PD zone or Bluff Area, then no fee (Planning Commission). See Use Permit.	\$	2,860.00
Additions to Single Family Dwelling in Coastal Appeals area greater than 10% (Planning Commission)	\$	475.00
Emergency Permit (excluding required regular CDP)	\$	596.00
Other Administrative:		
Tree Removal, private	\$	228.00

### Planned Development Zone:

Projects with planned development overlay (for construction of SFR in PD overlay zone) see CUP fees; for all other projects, add 30% on CDP's or 200% on CUP fees if within waterfront master plan area.

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Public Services Department Planning (See Notes)

<b>Affordable Housing In-Lieu funding assistance fee</b>	\$ <del>500.00</del>	<b>529.00</b>	Relocated from page 7
<p>Applicants requesting assistance for affordable housing projects or programs with affordable housing in-lieu fees shall pay a base deposit fee of \$500 to conduct the necessary financial analysis to determine the justification of the fee assistance. All expenses associated with further financial analyses (real estate financial pro forma) shall be paid by the applicant and deposited into this fund to cover all City expenses. These fees will either be reimbursed to the applicant or credited toward other project fees, if the City Council determines that financial assistance from the housing in-lieu fee fund is justified.</p>			
<b>Coastal Permits:</b>			
Coastal Permit in combination with Conditional Use Permit	No Fee		Relocated from page 13
Coastal Permit (Administrative)	\$ <del>661.00</del>	<b>688.00</b>	Relocated from page 5
Single Family Dwelling, Multiple Dwelling, Office, Commercial, Convention, Industrial & Institutional <del>unless in PD zone or Bluff Area, then no fee (Planning Commission). See Use Permit.</del>	\$ <del>2,860.00</del>	<b>2976.00</b>	Relocated from page 5 Clarifying permit type
Additions greater than 10% to Single Family Dwelling in Coastal Appeals area <del>greater than 10%</del> (Planning Commission)	\$ <del>475.00</del>	<b>494.00</b>	Relocated from page 5; Cleaning up language
Emergency Permit (excluding required regular CDP)	\$ <del>596.00</del>	<b>620.00</b>	Relocated from page 5
<b>Other Administrative:</b>			
Tree Removal, private	\$ <del>228.00</del>	<b>237.00</b>	Relocated from page 5
<b>Environmental:</b>			
Categorical Exemption	\$ <del>81.00</del>	<b>84.00</b>	Relocated from page 5 (Ot
Negative Declaration	\$ <del>984.00</del>	<b>1024.00</b>	Relocated from page 5 (Ot
Mitigated Negative Declaration	\$ <del>3,154.00</del>	<b>3281.00</b>	Relocated from page 5 (Ot
Filing Fee - for environmental document as per County	\$ 50.00		Relocated from page 5 (Ot
Environmental Impact Report - contract amount plus 25% attorney fees on all discretionary projects - cost	\$ <del>4,292.00</del>	<b>4455.00</b>	Relocated from page 5 (Ot
Department of Fish & Game CEQA document fee (pass through - see www.dfg.ca.gov for fee)			Pass through fee for Dept.
<b>Other:</b>			
Letter regarding land use confirmation or other research letter	\$ <del>81.00</del>	<b>84.00</b>	Relocated from page 6 Relocated from page 6; Clarification - not related to permits in process
Development Agreement	\$ <del>4,292.00</del>	<b>4455.00</b>	Relocated from page 6
Applicant Requested Continuance	\$ <del>105.00</del>	<b>109.00</b>	Relocated from page 6
Street Name/Rename Processing	\$ <del>379.00</del>	<b>394.00</b>	Relocated from page 6
Fine, in addition to permit - \$100.00 plus two times permit fee;			Relocated from page 6
Request for Averaging Front Yard Setbacks (sq ft)	\$ <del>104.00</del>	<b>108.00</b>	Relocated from page 7
Appeals of City decisions excluding Coastal Permits in Coastal Appeal Jurisdiction	\$ <del>250.00</del>	<b>260.00</b>	Relocated from page 7
<del>Planning Commission mailing list annual service fee</del>	<del>\$ 33.00</del>		Relocated from page 7
<b>Notification fees:</b>			
Planning Commission hearings	\$ 135.00		
Administrative hearings	\$ 85.00		
Copy of Planning Commission DVD	\$ 12.00		Relocated from page 7
Raising Manhole to Grade - cost of providing service			Relocated from page 7
Sewage Spill Cleanup - cost of providing service			Relocated from page 7
Spill in Right-of-Way Cleanup - cost of providing service			Relocated from page 7
Special Event - based on actual personnel cost <del>Staffing/Equipment</del>	\$ <del>507.00</del>		Relocated from page 7; ba prior Council action to char actual personnel & no equi cost
<b>Planned Development Zone:</b>			
Projects with planned development overlay (for construction of SFR in PD overlay zone) see CUP fees; for all other projects, <del>add 30% on CDP's or 200% on CUP fees</del> if within waterfront master plan area, charge time and materials plus a deposit that is to be tiered based on size of the project (Council action 8/23/10).			Relocated from page 5; Council action 8/23/10

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

**Public Services Department  
(See Notes)**

<b>Text Amendments:</b>		
Zone Changes - deposit plus cost	\$	4,282.00
Specific Plan	\$	4,401.00
General Plan/Local Coastal Plan Amendment deposit plus cost	\$	4,401.00
Annexations - deposit plus cost	\$	4,634.00
<b>Subdivisions:</b>		
Tentative Parcel Map Application	\$	3,050.00
Tentative Tract Map Application up to 10 lots/plus \$100.00 per lot over 10	\$	4,067.00
Amendments to Existing Tract or Parcel Maps	\$	2,183.00
Lot Line Adjustment	\$	716.00
Certificate of Compliance (legal determination) - fee plus a deposit for extensive research as needed	\$	493.00
Lot Mergers	\$	198.00
<i>Note: all subdivisions may be billed at direct cost</i>		
<b>Other:</b>		
Land use confirmation letter - per hour	\$	81.00
<b>Environmental:</b>		
Categorical Exemption	\$	81.00
Development Agreement	\$	4,282.00
Applicant Requested Continuance	\$	105.00
Street Name/Rename Processing	\$	379.00
Negative Declaration	\$	984.00
Mitigated Negative Declaration	\$	3,154.00
Filing Fee - as per County	\$	50.00
Environmental Impact Report - contract amount plus 25% attorney fees on all discretionary projects - cost	\$	4,282.00
Fine, in addition to permit - \$100.00 plus two times permit fee; plus \$50 per day - after notice. Deposit required.		

**City of Morro Bay  
Master Fee Schedule  
For the 2011/12 Fiscal Year**

**Public Services Department  
Planning  
(See Notes)**

<b>Sign Permits:</b>			
New or Reconstructed Signs, Sign Cabinets and Freestanding Signs	\$ <del>81.00</del>	<b>84.00</b>	Relocated from page 4
Temporary Sign (A-Frame, Banner)	\$ <del>20.00</del>	-	Relocated from page 4; Cleaning up language
Sign Exception Permit Pole Sign (CUP)	\$ <del>671.00</del>	<b>698.00</b>	Relocated from page 4; Prohibited per Muni Code
Pole Sign (CUP)	\$ <del>671.00</del>	<b>698.00</b>	Relocated from page 4
<b>Fines:</b>			
Temporary, beyond time allowed by Ordinance - per day after notice	\$ 10.00		Relocated from page 4
Permanently attached signs w/o permit - per day after notice	\$ <del>20.00</del>	<b>21.00</b>	Relocated from page 4
<b>Subdivisions:</b>			
<i>Note: all subdivisions may be billed at direct cost</i>			Relocated from page 6; Relocated from below to clarify note applies to all subdivision types
Tentative Parcel Map Application	\$ <del>3,050.00</del>	<b>3173.00</b>	Relocated from page 6
Tentative Tract Map Application up to 10 lots/plus \$100.00 per lot	\$ <del>4,067.00</del>	<b>4231.00</b>	Relocated from page 6
Amendments to Existing Tract or Parcel Maps	\$ <del>2,183.00</del>	<b>2271.00</b>	Relocated from page 6
Lot Line Adjustment	\$ <del>716.00</del>	<b>745.00</b>	Relocated from page 6
Certificate of Compliance (legal determination) - fee plus a deposit for extensive research as needed	\$ <del>493.00</del>	<b>513.00</b>	Relocated from page 6
Lot Mergers	\$ <del>198.00</del>	<b>206.00</b>	Relocated from page 6
<i>Note: all subdivisions may be billed at direct cost</i>			Relocated from page 6
<b>Text Amendments:</b>			Relocated from page 6
Zone Changes - deposit plus cost	\$ <del>4,282.00</del>	<b>4455.00</b>	Relocated from page 6
Specific Plan	\$ <del>4,401.00</del>	<b>4579.00</b>	Relocated from page 6
General Plan/Local Coastal Plan Amendment deposit plus cost	\$ <del>4,401.00</del>	<b>4579.00</b>	Relocated from page 6
Annexations - deposit plus cost	\$ <del>4,634.00</del>	<b>4821.00</b>	Relocated from page 6
<b>Time Extensions:</b>			
Time Extensions for CUP, regular Coastal Permits and Variance (Planning Commission)	\$ <del>493.00</del>	<b>513.00</b>	Relocated from page 7 (Other)
Time Extensions for Tract Maps and Parcel Maps	\$ <del>493.00</del>	<b>513.00</b>	Relocated from page 7 (Other)
Time Extensions - Administrative	\$ <del>41.00</del>	<b>43.00</b>	Relocated from page 7 (Other)

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Public Services Department (See Notes)

<b>Other (continued):</b>		
Home Occupation Permit Processing Fee	\$	58.00
Time Extensions for CUP, regular Coastal Permits and Variance (Planning Commission)	\$	493.00
Time Extensions for Tract Maps and Parcel Maps	\$	493.00
Time Extensions - Administrative	\$	41.00
Request for Averaging Front Yard Setbacks (sq ft)	\$	104.00
Appeals of City decisions excluding Coastal Permits in Coastal Appeal Jurisdiction	\$	250.00
Planning Commission mailing list annual service fee	\$	33.00
Copy of Planning Commission DVD	\$	12.00
Raising Manhole to Grade - cost of providing service		
Sewage Spill Cleanup - cost of providing service		
Spill in Right-of-Way Cleanup - cost of providing service		
Special Event Staffing/Equipment	\$	507.00
<b>Affordable Housing In-Lieu funding assistance fee</b>	<b>\$</b>	<b>508.00</b>
<b>Business License</b>		
Business License fee - varies by type of license requested		Variable
Business License listing, per list	\$	14.00
Business License, transfer (MC 5.014.220)	\$	2.00
Business License, duplicate (MC 5.04.230)	\$	2.00
<b>Building &amp; Construction Permits:</b>		
Valuation of from 0 - \$3,000 (including electrical service less than 600 amp, and minor plumbing alternatives)	\$	76.00
\$3,001 and up - .025 x total valuation - 50% upon submittal/50% at issuance		
Construction Operation After Hours	\$	28.00
Building Re-Address Processing	\$	27.00
Demo w/o Asbestos	\$	61.00
Demo w/ Asbestos	\$	122.00

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Public Services Department Planning (See Notes)

<b>Use Permits</b>			
<i>Note: All Use Permits may be billed at direct cost at the discretion of the Public Services Director - scheduled fee would then be deemed as a deposit</i>			Relocated from page 4
<i>Note: All refund requests must be submitted in writing to the City and must include the permit number.</i>			Relocated from page 5 to clarify note applies to all Use Permits
Conditional Use Permit— <del>New Construction</del>	\$ <del>3,681.00</del>	<b>3830.00</b>	Relocated from page 4; Clarifying policy
<i>Note: If a satellite dish is to be included in a permit and a refund is requested at a later date, this request must be submitted in writing to the City Council and must include the permit number. The letter must also clearly state that the permit is for a satellite dish.</i>			Relocated from page 4
One SFR in a Planned Developed Zone or Bluff Area	\$ 558.00	<b>581.00</b>	Relocated from page 4
Occupancy changes Commercial/Industrial (no construction); <del>additions to non-conforming uses structures, not adding units or new uses, and height extensions or other</del>	\$ 475.00	<b>494.00</b>	Relocated from page 4
Additions to non-conforming uses structures, not adding units or new uses	\$ 475.00	<b>494.00</b>	Relocated from page 4
Minor Use Permit <del>Administrative and Temporary Use Permits (Administrative)</del>	\$ 508.00	<b>529.00</b>	Relocated from page 4
Temporary Use Permit - longer than 10 days	\$ 508.00	<b>529.00</b>	Relocated from page 4; Clarifying permit type
Outdoor Display and Sales and Outdoor Dining <del>(Planning Commission)</del>	\$ 811.00	<b>844.00</b>	Relocated from page 4; Cleaning up language
<del>Christmas Tree/Pumpkin Lots</del>	\$ <del>25.00</del>		Relocated from page 4; These fall under Administrative Temp Use Permit per Muni Code
<del>Minor Administrative Temporary Use Permit - 7 consecutive or 10 non-consecutive days per calendar year (Administrative) Outdoor Display, Sales and Dining</del>	\$ 41.00	<b>43.00</b>	Relocated from page 4; Clarifying permit type; MBMC
Amendments to Existing Permits (Planning Commission)	\$ 1,825.00	<b>1899.00</b>	Relocated from page 4
Major Modification While Processing	\$ 1,372.00	<b>1427.00</b>	Relocated from page 4
Minor Amendments to Existing Permits (Administrative) <del>(substantial-compliance review)</del>	\$ 173.00	<b>180.00</b>	Relocated from page 5; cleaning up language
<i>Note: All Use Permits may be billed at direct cost at the discretion of the Public Services Director - scheduled fee would then be deemed as a deposit</i>			Relocated from page 5
<b>Variances:</b>			Relocated from page 5
Regular Variance (Planning Commission)	\$ 2,267.00	<b>2359.00</b>	Relocated from page 5; cleaning up language
Variances processed with other permits	\$ 681.00	<b>709.00</b>	Relocated from page 5; clarifying permit type
Minor Variance	\$ 375.00	<b>390.00</b>	Relocated from page 5
Parking Exceptions (Planning Commission)	\$ 115.00	<b>120.00</b>	Relocated from page 5
Minor Variance/Adjustment (Administrative)	\$ 375.00		Relocated from page 5

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

**Public Services Department  
(See Notes)**

## **Building & Construction Permits (Minimum)**

In-lieu Housing Fee (if not affordable housing) - 0.30 per sq/ft

General Plan Maintenance - 5% Surcharge on all Building Permits

SMIP Category I (Residential) - .0001 x valuation

SMIP Category II (Commercial) - .0002 x valuation

Unsafe Building repair, demolition or moving structure - charged at cost

## **Special Inspection and Plan Review Fees:**

Inspection Fees - outside of normal work hours - per hour, 2 hour minimum	\$	138.00
---	----	--------

Re-Inspection Fees - per hour	\$	69.00
-------------------------------	----	-------

Property condition report for Condominium Conversions	\$	17.00
---	----	-------

Inspection for which no fee is otherwise indicated - per hour, 1/2 hour minimum	\$	69.00
---	----	-------

Additional Plan Review required by changes, additions, revisions to the approved plans - per hour, 1/2 hour minimum	\$	69.00
---	----	-------

Use of outside consultants for special plan checking and inspection - charged at actual cost

Penalty for commencing construction without permit(s) \$100 plus two times the entire permit fee plus \$50 per day, after notice. This is in addition to the standard building permit fees.

Retrofit upon transfer of sale	\$	31.00
--------------------------------	----	-------

## **Flood Hazard Development Permit:**

Permit, minimum fee (see note below)	\$	174.00
--------------------------------------	----	--------

Flood Plain Letter	\$	87.00
--------------------	----	-------

## **Subdivisions:**

Final Map - Tract, minimum fee (see note below)	\$	1,118.00
---	----	----------

Final Parcel Maps with Improvements, minimum fee (see note below)	\$	287.00
---	----	--------

Final Maps Amendment Review, minimum fee (see note below)	\$	240.00
---	----	--------

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Public Services Department General (See Notes)

<b>Inspections/Plan Review</b>			<b>M</b>
Inspections		Cost-of-service	
Public Improvement Plan Check	\$	411.00	
<b>Abandonment Process</b>			<b>O</b>
Street/R-O-W Abandonment Process	\$	822.00	
<b>Encroachment Permits [see note below]:</b>			
Regular	\$	118.00	
Special -- Engineered Structures, minimum fee (see note below)	\$	259.00	
Non-Engineered Structures, minimum fee (see note below)	\$	118.00	
Annual Utility Encroachment Permit	\$	182.00	
Wide Load Permit with Traffic Control Plans -- Per Year	\$	90.00	
Wide Load Permit with Traffic Control Plans -- One Time	\$	16.00	
<b>Street &amp; Sidewalks:</b>			<b>V</b>
Exception Application	\$	146.00	
<b>Trees:</b>			<b>E</b>
Removal Permit	\$	234.00	
<b>Vehicle Registration:</b>			<b>D</b>
Prohibited Vehicle Permit	\$	20.00	21.00
Advertising Vehicle Permit	\$	37.00	38.00

Time and materials costs may be added to minimum, when actual cost exceeds the minimum fee.

With the exception of Wide Load Permits, Encroachment Permits fees adjust annually based on the April Engineering News Record (ENR-CCR)

moved

**City of Morro Bay  
Master Fee Schedule  
For the 2011/12 Fiscal Year**

**Public Services Department  
Water  
(See Notes)**

<b>Water Service:</b>		
Application	\$	25.00
Connection - Within City will be charged at cost		
Connection - Outside City will be charged at 2 x cost		
Connection - Subdivisions will be charged at owner expense		
Main Extension Approval will be charged at cost		
Temporary Service Application will be charged at cost		
<b>Meter Installations/Connections:</b>		
3/4 inch to 5/8 inch meter (water fee plus wastewater fee)	\$	<del>1,235.00</del> <b>1,285.00</b>
1 inch to 1-1/2 inch meter	\$	<del>1,657.00</del> <b>1,724.00</b>
2 inch meter and above	\$	Cost of service
Meter Box Installation	\$	<del>199.00</del> <b>207.00</b>
Temporary Water Meter Rental	\$	<del>80.00</del> <b>83.00</b>
Water Meter Re-Read	\$	<del>23.00</del> <b>24.00</b>
Reconnection	\$	<del>42.00</del> <b>44.00</b>
After - Hours Water Meter Turn Off/On	\$	<del>107.00</del> <b>111.00</b>
"Drop in" meter fee, up to 2 inches	\$	.75 x regular meter fee
Relocation of water meter for customer convenience	\$	1.5 x regular meter fee
<b>Water meter lock - cost of replacing damaged lock</b>	<b>\$</b>	<b>25.00</b>
<b>Fire Hydrants (Contractor Use):</b>		<b>Not a new fee; never been in the Master Fee Schedule</b>
Meter Installation and Removal - per Council Resolution; will be charged at cost		
Meter Use - per day	\$	<del>4.00</del> <b>4.00</b>
<b>Water Cross Connection:</b>		
Certificate of Compliance	\$	<del>20.00</del> <b>21.00</b>
<b>Water Usage:</b>		
Per Council Resolution		
<b>Water Deposit:</b>		
Refundable deposit - residential tenants only	\$	100.00

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Public Services Department Sewer (See Notes)

### Sewer:

Connection Permit - \$72 plus staff time for inspection

Extension - pro rated - to be charged at cost

Use of Existing Sewer Permit - per Council Resolution

Use Charges - per Council Resolution

Discharge Fee - Recreational Vehicles and Campers

Discharge Fee - Tank Trucks and Commercial per truck, for each 1,000 gallon capacity

\$ 7.00

7.00

Private Facility

Minimum and Availability Charge - per Council Resolution

### Planning fees:

Notification fees:

Planning Commission hearings

\$ 135.00

Administrative hearings

\$ 85.00

### Engineering fees:

Stormwater fees:

Single family:

Planning review of preliminary stormwater plan

\$ 130.00

Building permit review of stormwater plan

\$ 170.00

Inspection of stormwater facility/erosion control

\$ 90.00

Other (per 6,000 sq ft lot area, or fraction thereof):

Planning review of preliminary stormwater plan

\$ 130.00

Building permit review of stormwater plan

\$ 170.00

Inspection of stormwater facility/erosion control

\$ 90.00

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Public Services Department Notes

### Vehicle Registration:

Prohibited Vehicle Permit - Municipal Code #10.28.130E

Advertising Vehicle Permit - Municipal Code #10.28.140

**Flood Hazard Development Permit** - Municipal Code #14.72.110

### Subdivisions:

Final Map - Tract - Municipal Code #16.24.050B1

Per Lot - Municipal Code #16.28.010 - no charge listed

**Encroachment Permits** - Municipal Code #13.161.140

### Trees:

Removal Permit to trim, brace or remove - Municipal Code #12.08.110

### Water Service:

Application - Municipal Code #13.04.07

Refundable deposit - residential tenants only: see notes on Page 3, Finance Department

Connection - City - Municipal Code #14.04.100

Main Extension Approval - Municipal Code #13.04.120

Temporary Service Application - Municipal Code #13.04.310

### Meter Installation:

Circuses, Carnivals & Traveling Shows - Fire Hydrant:

Municipal Code #13.04.310

Reconnection - Municipal Code #13.04.310

**Fire Hydrants (Contractor Use)** - Municipal Code #13.04.360

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Public Services Department Notes (continued)

**Water Cross Connection** - Municipal Code #13.08.070B

**Water Usage** - Municipal Code #13.04.220 (sewer rates not included)

### **Sewers:**

Connection Permit - Municipal Code #13.12.010

Extension - Pro rated - Municipal Code #13.12.050

Use of Existing Sewer Permit Municipal Code #13.12.090

Use Charges - Municipal Code #13.12.210

Recreational Vehicles & Campers - Municipal Code #13.12.250A - no charge

Tank Trucks and Commercial Trucks - Municipal Code #13.12.250B

Private Facility - Municipal Code #13.12.280 - no charge

Minimum & Availability Charge - Municipal Code #13.12.090

### ~~**Affordable Housing In-Lieu Fee - Funding Assistance Fee:**~~

~~Applicants requesting assistance for affordable housing projects or programs with affordable housing in-lieu fees shall pay a base deposit fee of \$500 to conduct the necessary financial analysis to determine the justification of the fee assistance. All expenses associated with further financial analyses (real estate financial pro forma) shall be paid by the applicant and deposited into this fund to cover all City expenses. These fees will either be reimbursed to the applicant or credited toward other project fees, if the City Council determines that financial assistance from the housing in-lieu fee fund is justified.~~

### **Engineering fees:**

Other: subdivisions, commercial or multifamily are typically more complex, and require more review.

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Development Impact Fees <sup>5</sup>

<b>Building fees, per square foot <sup>6</sup>:</b>		
Residential:		
Single Family <sup>7</sup>	\$ <del>3.65</del>	<b>3.80</b>
Multi-Family <sup>7</sup>	\$ <del>5.84</del>	<b>6.07</b>
Non-residential:		
Commercial <sup>7</sup>	\$ <del>3.66</del>	<b>3.81</b>
Office <sup>7</sup>	\$ <del>2.60</del>	<b>2.71</b>
Industrial <sup>7</sup>	\$ <del>1.35</del>	<b>1.41</b>
<b>Park fees for residential in-fill lots, per square foot:</b>		
Single Family	\$ <del>1.13</del>	<b>1.17</b>
Multi-Family	\$ <del>1.88</del>	<b>1.96</b>
<b>Water fee:</b>		
1" meter	\$ <del>2,276.00</del>	<b>2,368.00</b>
1-1/2" meter	\$ <del>4,552.00</del>	<b>4,736.00</b>
2" meter	\$ <del>7,281.00</del>	<b>7,575.00</b>
3" meter	\$ <del>14,563.00</del>	<b>15,151.00</b>
<b>Wastewater fee:</b>		
1" meter	\$ <del>4,178.00</del>	<b>4,347.00</b>
1-1/2" meter	\$ <del>8,357.00</del>	<b>8,695.00</b>
2" meter	\$ <del>16,713.00</del>	<b>17,388.00</b>
3" meter	\$ <del>26,740.00</del>	<b>27,820.00</b>

<sup>5</sup> Adjust annually based on change in Engineering News Record (ENR).

<sup>6</sup> Fees are per square foot including garages (enclosed spaces). Single-family residential additions of 500 square feet or less are exempt (this is for a cumulative five (5) year period).

<sup>7</sup> Plus water **and** wastewater fees, which are based on meter size

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Development Impact Fees

<b>Public Facilities Fees (per square foot):</b>			
Residential:			
Single Family Residential:			
General Government	\$	<del>1.08</del>	<b>1.12</b>
Police	\$	<del>0.37</del>	<b>0.38</b>
Parks	\$	<del>1.13</del>	<b>1.17</b>
Fire	\$	<del>0.40</del>	<b>0.41</b>
Storm Drain	\$	<del>0.05</del>	<b>0.05</b>
Traffic	\$	<del>1.75</del>	<b>1.82</b>
Water <sup>8</sup>	\$	<del>0.61</del>	<b>0.63</b>
Wastewater <sup>8</sup>	\$	<del>1.68</del>	<b>1.75</b>
Multi-Family Residential:			
General Government	\$	<del>1.80</del>	<b>1.87</b>
Police	\$	<del>0.60</del>	<b>0.62</b>
Parks	\$	<del>1.88</del>	<b>1.96</b>
Fire	\$	<del>0.65</del>	<b>0.68</b>
Storm Drain	\$	<del>0.06</del>	<b>0.06</b>
Traffic	\$	<del>2.73</del>	<b>2.84</b>
Water <sup>8</sup>	\$	<del>0.92</del>	<b>0.95</b>
Wastewater <sup>8</sup>	\$	<del>2.50</del>	<b>2.60</b>

<sup>8</sup> Water and Wastewater actual fees are based on the meter size. Amount shown is estimated based on the fees divided by the estimated building square feet.

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Development Impact Fees

<b>Public Facilities Fees, per square foot (continued):</b>			
Non-residential:			
Commercial:			
General Government	\$	0.21	<b>0.22</b>
Police	\$	0.06	<b>0.06</b>
Parks	\$	0.00	<b>0.00</b>
Fire	\$	0.20	<b>0.21</b>
Storm Drain	\$	0.03	<b>0.03</b>
Traffic	\$	3.15	<b>3.28</b>
Water <sup>8</sup>	\$	2.27	<b>2.36</b>
Wastewater <sup>8</sup>	\$	4.18	<b>4.35</b>
Office:			
General Government	\$	0.29	<b>0.30</b>
Police	\$	0.08	<b>0.08</b>
Parks	\$	0.00	<b>0.00</b>
Fire	\$	0.28	<b>0.29</b>
Storm Drain	\$	0.03	<b>0.03</b>
Traffic	\$	1.89	<b>1.97</b>
Water <sup>8</sup>	\$	2.27	<b>2.36</b>
Wastewater <sup>8</sup>	\$	4.18	<b>4.35</b>
Industrial:			
General Government	\$	0.09	<b>0.09</b>
Police	\$	0.03	<b>0.03</b>
Parks	\$	0.00	<b>0.00</b>
Fire	\$	0.08	<b>0.08</b>
Storm Drain	\$	0.03	<b>0.03</b>
Traffic	\$	1.09	<b>1.13</b>
Water <sup>8</sup>	\$	2.27	<b>2.36</b>
Wastewater <sup>8</sup>	\$	4.18	<b>4.35</b>

<sup>8</sup> Water and Wastewater actual fees are based on the meter size. Amount shown is estimated based on the fees divided by the estimated building square feet.

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Police Department (See Notes)

<b>Permits &amp; Licenses:</b>		
Sex/Narcotic Registrant Fee	\$ 0.00	
Tow/Taxi Service Provider Application Fee	\$ <del>565.00</del>	<b>584.00</b>
Taxi Operator Permit Application Fee	\$ <del>360.00</del>	<b>372.00</b>
Taxi Operator Permit Application Renewal Fee	\$ <del>60.00</del>	<b>62.00</b>
Second Hand Dealer Permit - City Application Fee (does not include Department of Justice fee)	\$ <del>300.00</del>	<b>310.00</b>
Second Hand Dealer Permit renewal - City Application Fee (does not include Department of Justice fee)	\$ 150.00	<b>155.00</b>
Massage Therapist/Parlor Permit Application Fee	\$ <del>125.00</del>	<b>129.00</b>
<b>Police Copies:</b>		
Report/Document Copies - per page	\$ 1.00	
<b>Support Services Manager Activity:</b>		
Digital Photo Reproduction to CD - per hour, 1 hour minimum	\$ <del>50.00</del>	<b>52.00</b>
Audio/Video Tape Reproduction - per hour, 1 hour minimum	\$ <del>50.00</del>	<b>52.00</b>
Record Searches/Reviews/Clearance/Responses - per hour, 1 hour minimum	\$ <del>50.00</del>	<b>52.00</b>
<b>Officer Activity:</b>		
Equipment Citation Sign Off	\$ <del>15.00</del>	<b>15.00</b>
VIN Verification	\$ <del>30.00</del>	<b>31.00</b>
Vehicle Impound Fee Administrative Costs (CVD 22850.5)	\$ <del>150.00</del>	<b>155.00</b>
Abandoned Vehicle Removal (junk vehicles/parts)	\$ <del>300.00</del>	<b>310.00</b>
Juvenile In Custody Service - per hour	\$ <del>65.00</del>	<b>67.00</b>

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Police Department (See Notes)

<b>Other Police Services:</b>		
Firearms - seizure/storage (PC 12021.3)	\$ <del>50.00</del>	<b>52.00</b>
<b>State Mandated Costs</b>		
Concealed Weapons Permit (does not include DOJ or other fees)	\$ <del>100.00</del>	<b>103.00</b>
Renewal of Concealed Weapons Permit (does not include cost of ID card)	\$ <del>25.00</del>	<b>26.00</b>
Subpoena Duces Tecum (does not include costs of report, etc.)	\$ <del>15.00</del>	<b>15.00</b>
Delinquent Parking Citation Copy	\$ <del>2.00</del>	<b>2.00</b>
Repossessed Vehicle	\$ <del>15.00</del>	<b>15.00</b>
Booking Fees (current cost - cost is dependent on charges by County)	\$ <del>108.50</del>	<b>112.00</b>
Live scan Fingerprint Fees (PC 13300(e))	\$ DOJ + \$20	
Criminal History Review (PC 13322)	\$ <del>25.00</del>	<b>26.00</b>
<b>Cost Recovery</b>		
DUI Emergency Response	Actual Cost	
False Alarm Response (after 3rd false alarm in a year)	\$ <del>200.00</del>	<b>207.00</b>
<b>No Cost Services:</b>		
Bicycle License	\$ 0.00	
Voluntary Gun Registration	\$ 0.00	

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Police Department (See Notes)

Parking Fines:	MBMC	Vehicle Code		
Parking within a Parkway	10.40.020		\$ 50.00	52.00
No Parking Areas	10.40.030		\$ 50.00	52.00
Posted Restricted Parking	10.40.040		\$ 50.00	52.00
72-Hour Parking	10.40.060		\$ 60.00	62.00
Vehicle Repair on Public Street	10.40.080		\$ 50.00	52.00
Parking on Grade without Turning Wheels	10.40.090		\$ 50.00	52.00
Parking within Space Marking	10.40.110		\$ 50.00	52.00
Curb Markings (red, yellow, etc.)	10.40.120		\$ 50.00	52.00
Parking in Passenger Loading Zone	10.40.150		\$ 50.00	52.00
Parking in Alley	10.40.160		\$ 50.00	52.00
Limited Time Parking	10.40.170		\$ 50.00	52.00
Violating Diagonal Parking	10.40.190		\$ 50.00	52.00
No Stopping in Designated Area	10.40.200		\$ 50.00	52.00
Failure to Pay Established Fee	10.44.070		\$ 50.00	52.00
Failure to Display Receipt	10.44.070		\$ 50.00	52.00
Overnight Camping	08.24.010		\$ 106.00	109.00
Expired registration		4000(a)	\$ 50.00	52.00
Parking in Fire Lane		22500.1	\$ 160.00	165.00
Blocking Driveway		22500e	\$ 50.00	52.00
Blocking Wheelchair Access		22500L	\$ 103.00	106.00
Parking within 15' of Fire Hydrant		22514	\$ 110.00	114.00
Blocking Sidewalk		22500f	\$ 50.00	52.00
Blocking a Bus Stop		22500i	\$ 85.00	88.00
Blocking Intersection Gridlock		22526	\$ 175.00	181.00
Curb Parking 18" or Wrong Way		22502A	\$ 50.00	52.00
Parking in Bike Lane		21211b	\$ 50.00	52.00
Vehicle Abandonment on Street		22523	\$ 310.00	320.00
Handicap		22507.8A	\$ 285.00	294.00

All parking fees amended by \$5 on 6/22/09, Reso. No. 34-09, and additionally amended by \$5 on 8/24/09, Reso. No. 46-09.

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Police Department Notes

### Permits & Licenses:

Tow/Taxi Service Provider application fee is the fee for application by a tow service provider or taxi service applying to do business in the City (does not include a business license fee). The application includes review by police staff, processing of application, inspection of tow/taxi vehicle(s) and in case of two service provider, inspection of impound yard.

Massage Therapist/Parlor permit application fee is an application fee to operate a new massage business (does not include City business license fee or DOJ fee). Includes police staff time to receive and review application, conduct background checks as required, and business inspection.

### Police Copies:

All police copy costs are \$1.00 per page (except citations).

### Support Services Manager Activity:

All record searches, reviews, clearance letters, responses, copies of photos, audio tapes and video tapes - 1 hour minimum charge

### Officer Activity:

Abandoned Vehicle Removal - this is a charge levied against the registered or legal owner of a vehicle who abandons the vehicle or vehicle parts on a public street or place open to the public

Juvenile in Custody - this hourly fee may be charged to parents when a juvenile has been taken into custody, and the officer or employee must "baby-sit" the juvenile until the parent arrives. This hourly fee begins after the juvenile is processed, and the parents, or responsible adult, are called to respond. This fee is intended for parents or responsible adults that have extended response times, which requires an officer or employee to monitor the juvenile.

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Police Department Notes

### Other Police Services:

Firearms seizure, storage and release administrative fees - PC 1202.3 was enacted in 2005 and requires any person, who claimed title to any firearm that is in police custody and who wishes to have a firearm returned to him/her, must make application for a determination by DOJ (Department of Justice) as to whether he/she is eligible to possess a firearm. PC Section 12021.3(j)(1) allows the City to charge for administrative costs relating to the seizure, impound, storage or release of firearms.

### State Mandated Costs:

Concealed Weapons Permit - PC Section 12054(a)

Subpoena Duces Tecum - EC 1563 (b)(1)

Delinquent Parking Citation Copy - VC Section 40206.5

Repossessed Vehicle - GC Section 41612

Booking Fees - set by County GC 53150 & 29550.1

Livescan Fingerprint Fees - PC 13300(e)

Criminal History Review - PC 13322

### Cost Recovery:

DUI Emergency Response - MBMC 3.40.030

False Alarms Response - MBMC 9.22.020

### Services:

Acceptance of Civil Subpoena/SDT fees are set by statute or other authority - Code #1563(b)(1)EC

Safekeeping Property Storage beyond 30 day written notice does not include outside storage fees

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Fire Department (See Notes)

<b>Permits:</b>		
Permit Inspection Fees:		
Any single permit identified in Title 24 CFC and not specifically addressed in the Master Fee Schedule	\$ <del>60.00</del>	<b>62.00</b>
Any combination of permits shall not exceed	\$ <del>180.00</del>	<b>186.00</b>
Special Occurrence or Use Permit (equipment & personnel charges additional)	\$ <del>60.00</del>	<b>62.00</b>
Special Permits:		
Marine Welding Permit: Vessel, Pier, Wharf, Waterfront	\$ <del>40.00</del>	<b>41.00</b>
Aircraft Landing Permit, per occurrence (required Fire standby equipment & personnel charges additional)	\$ <del>60.00</del>	<b>62.00</b>
Knox Box installation/inspection, first box	\$ <del>40.00</del>	<b>41.00</b>
More than one Knox Box per address, each additional box	\$ <del>10.00</del>	<b>10.00</b>
<b>Equipment &amp; Personnel Charges</b>		
Engine or Truck: per hour, per vehicle (personnel charges additional)	\$ <del>115.00</del>	<b>119.00</b>
Squad/Rescue: per hour, per vehicle (personnel charges additional)	\$ <del>85.00</del>	<b>88.00</b>
Utility/Command Vehicle: per hour, per vehicle (personnel charges additional)	\$ <del>40.00</del>	<b>41.00</b>
Personnel charges: per hour, per person - 2 hour minimum, unless otherwise specified, at current productive hourly rate		
<b>Plan Review Fees:</b>		
Fire Plan Concept Review - personnel charges as specified in Equipment and Personnel Charges		
Plan Review - A charge of 0.3% of total valuation plus use of outside consultant for Plan Review & Inspection is based on actual cost plus \$60 fee	\$ <del>60.00</del>	<b>62.00</b>
Additional Plan Review required by changes, additions or revisions to approved plans - personnel charges as specified in Equipment & Personnel Charges on a hourly basis plus actual cost of outside consultant for Plan Review		

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Fire Department (See Notes)

<b>Fire Protection:</b>		
System & Equipment Fees:		
Fire Sprinkler System Installation Inspection - (above ground)		
Residential - fee plus \$0.55 per head	\$ <del>—60.00</del>	62.00
Commercial - fee plus \$0.55 per head	\$ <del>—300.00</del>	310.00
<b>Commercial projects or tenant improvements under 1,000 sq ft - fee plus \$.055 per head</b>	<b>\$ 100.00</b>	<b>NEW</b>
Underground water line inspection	\$ <del>—60.00</del>	62.00
Fire Alarm System Installation Inspection		
0 - 15 devices	\$ <del>—60.00</del>	62.00
16 - 50 devices	\$ <del>—100.00</del>	103.00
51 - 100 devices	\$ <del>—190.00</del>	196.00
101 - 500 devices	\$ <del>—275.00</del>	284.00
501 and up, fee plus \$130 for each additional 100 devices	\$ <del>—275.00</del>	284.00
Specialized Fire Protection System Inspection, e.g., Halon, Dry Chemical Commercial Kitchen Hood System	\$ <del>—60.00</del>	62.00
Flammable or Combustible Tank Installation Inspection	\$ <del>—60.00</del>	62.00
On-site Hydrant System Installation Inspection	\$ <del>—60.00</del>	62.00
Use of Outside Consultants for Plan Review & and/or Inspection - fee plus actual cost	\$ <del>—60.00</del>	62.00
Request for Building Fire Flow Calculations	\$ <del>—35.00</del>	36.00
Request for Hydrant Flow Information	\$ <del>—35.00</del>	36.00
Request for Hydrant Flow Test - fee plus personnel & equipment as specified in Personnel and Equipment Charges, 1 hr min.	\$ <del>—35.00</del>	36.00
Engine company business inspection:		
1st and 2nd inspections	\$ 0.00	
3rd and subsequent inspections	\$ <del>—75.00</del>	77.00

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Fire Department (See Notes)

### Fire Prevention:

New and annual business/facility inspection fees:

1st and 2nd inspections: no charge	\$ 0.00	
3rd and subsequent inspections	\$ <del>75.00</del>	77.00
Administrative citation for failure to correct a violation shall be charged per 1.03.050 of the Municipal Code	\$ <del>100.00</del>	103.00
Administrative citation for second violation of the same ordinance in the same year shall be charged per 1.03.050 of the Municipal Code	\$ <del>200.00</del>	207.00
Administrative citation for third and each additional violation of the same ordinance in the same year shall be charged per 1.03.050 of the Municipal Code	\$ <del>500.00</del>	517.00

Annual weed and hazard abatement inspection fees:

1st inspection for compliance: no charge	\$ 0.00	
2nd and subsequent inspections	\$ <del>75.00</del>	77.00
Administrative citation for failure to correct a violation shall be charged per 1.03.050 of the Municipal Code	\$ <del>100.00</del>	103.00
Administrative citation for second violation of the same ordinance in the same year shall be charged per 1.03.050 of the Municipal Code	\$ <del>200.00</del>	207.00
Administrative citation for third and each additional violation of the same ordinance in the same year shall be charged per 1.03.050 of the Municipal Code	\$ <del>500.00</del>	517.00

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Fire Department (See Notes)

### Incident Response Fees:

Hazardous Material/Chemical Incident:

No charge first half-hour (excluding negligent/intentional acts)

Each additional hour, or fraction thereof, will be charged as specified in the Personnel and Equipment Charges plus the cost of any materials

Negligent Incidents:

Response due to negligent/malicious act (e.g., DUI traffic accident, climber on Morro Rock, incendiary fire, negligent hazardous material incident, negligent confined space incident, etc.)

Two hour minimum to be charged as specified by Personnel & Equipment Charges plus any material costs and contract services used.

Excessive or malicious false alarms:

Emergency response due to "Failure to Notify" when working on or testing fire/alarm system

0.5 hours minimum to be charged as specified by Personnel & Equipment Charges.

Malicious False Alarms - .5 hour minimum to be charged as specified by Personnel & Equipment Charges plus any material costs.

Alarm system malfunction resulting in 2 in 30 days or 3 in 12 months - charged as specified by Personnel & Equipment Charges plus any material costs.

### Other Fire Services

Copy of response report, per report	\$ 27.00
Additional copies, per page	\$ 1.00
Cause & Origin investigation reports, per report	\$ 109.00
Non-renewal of required annual permit - charge double permit fee rate	
Failure to obtain permit - charge double permit fee rate	
Missed site inspection appointment	\$ 40.00
Failure to meet permit requirements/requiring re-inspection	\$ 40.00

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Fire Department Notes

### Permits - California Fire Code

See operational and construction permits identified in the California Fire Code, Appendix Chapter 1, Section 105

Special Occurrence or Use Permit includes 1 inspection

### Plan Review Fees

Plan Review Fees are calculated based on total valuation to recover the cost of providing service.

Use of outside consultant for Plan Review and/or Inspection to be \$60 plus actual cost of consultant.

All Plan Review Fees shown are minimum amounts, based on average processing. Large or complex projects may be subject to increased fees based upon time, costs, or equipment costs as shown per Equipment & Personnel Charges.

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Harbor Department (See Notes)

<b>Vessel fees:</b>		
Commercial fishing slips - monthly rate (per foot)	\$ <del>3.85</del>	<b>3.95</b>
Commercial fishing slip waiting list deposit	\$ <del>404.00</del>	<b>417.00</b>
Transient slips - monthly rate (per foot)	\$ <del>7.60</del>	<b>7.85</b>
Transient slips - daily rate (per foot)	\$ <del>0.85</del>	<b>0.90</b>
Head Float Berth - monthly	\$ <del>169.00</del>	<b>175.00</b>
Daily T-Pier rate/floating dock - first consecutive 90 days (per foot)	\$ <del>0.18</del>	<b>0.20</b>
Daily T-Pier rate - over 90 consecutive days (per foot)	\$ <del>0.31</del>	<b>0.35</b>
City moorings - monthly	\$ <del>169.00</del>	<b>175.00</b>
City moorings private tackle - monthly	\$ <del>74.50</del>	<b>77.00</b>
A1-5 Anchorage Area - 1-5 days (per foot)	\$ <del>0.00</del>	<b>0.00</b>
A1-5 Anchorage Area - after 5 days (per foot)	\$ <del>0.16</del>	<b>0.20</b>
City-owned moorings - daily (per foot)	\$ <del>0.18</del>	<b>0.20</b>
Monthly impound rate (per foot) ( <b>non</b> -impounded vessels)	\$ <del>6.50</del>	<b>6.75</b>
Impound mooring rate - daily (per foot) (impounded vessels)	\$ <del>0.57</del>	<b>0.60</b>
Temporary Moorage - large vessels/equipment (per day)	\$ <del>151.00</del>	<b>156.00</b>
Dry storage - daily	\$ <del>2.60</del>	<b>2.70</b>
Mooring transfer fee (flat rate)	\$ <del>1,000.00</del>	<b>1,033.00</b>
<b>Service fees:</b>		
T-Pier electrical - daily	\$ <del>2.10</del>	<b>2.20</b>
Electric cord rental - daily	\$ <del>1.45</del>	<b>1.50</b>
T-Pier hoist - per use	\$ <del>10.15</del>	<b>10.50</b>
T-Pier hoist - per day	\$ <del>19.15</del>	<b>19.80</b>
Fishing unloading - per hour	\$ <del>67.00</del>	<b>69.20</b>
Wharfage - per ton	\$ <del>0.72</del>	<b>0.75</b>

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Harbor Department (See Notes)

<b>Liveaboard fees:</b>		
Permit fee - biennial	\$ 50.00	52.00
Inspection fee - biennial (if done by MB Harbor Patrol)	\$ 122.00	126.00
Monthly service fee - moorings	\$ 14.50	15.00
Monthly service fee - slips	\$ 29.00	30.00
<b>Lease site administration/services fees:</b>		
Requiring City Council approval	\$ 378.00	390.00
Departmental approval	\$ 78.00	81.00
<b>Vessel assistance:</b>		
One Patrol Officer, one boat - per hour	\$ 167.00	173.00
Each additional Officer - per hour	\$ 63.00	65.00
<b>Launch Ramp parking fee:</b>		
Per hour	\$ 1.00	1.00
Maximum per day	\$ 5.00	5.00
Failure to pay established fee	\$ 50.00	52.00
Failure to display receipt	\$ 50.00	52.00
<b>Annual fee</b>	<b>\$ 100.00</b>	

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Harbor Department Notes

Any account past due over 10 days will be charged a 10% penalty.

Emergency vessel assistance after hours will require a minimum of 4.5 hours at the set rate.

All dockage is based on a 36' minimum vessel length or length of the slip, whichever is larger.

Temporary moorage related to marine construction equipment or vessels of unusual size - see fees for Temporary Moorage - Large Marine Equip. or Vessel

A 10% discount is available for leased commercial slips and moorings when paid one year in advance. Account must be paid for entire year in advance.

Transient slip users shall be limited to 3 months in any slip as long as there are vessels appropriate to the slip size on the sublease waiting list.

The Harbor Director may waive dockage fees for Tall Ships visiting Morro Bay Harbor for any period less than 30 days with written notice.

Parking fee applies to the boat trailer spaces at the boat launch ramp, and Tidelands Park trailer and towing vehicle spaces.

Any liveaboard application, submitted during the period January 1 through June 30, is good only for that fiscal year and the following fiscal year, but will be prorated by reducing the liveaboard application fee, stated herein, by 25%.

**City of Morro Bay  
Master Fee Schedule  
For the 2011/12 Fiscal Year**

**Recreation and Parks Department  
Facility Rentals**

	<u>Non-Profit and Resident Groups</u>	<u>Non-resident Groups</u>	<u>For Profit Groups</u>						
<u>COMMUNITY CENTER</u>									
Auditorium	\$45/hr	\$72/hr	\$105/hr	45	46.00	72	74.00	105	108.00
Auditorium, one-half	\$29/hr	\$43/hr	\$63/hr	29	30.00	43	44.00	63	65.00
Multi-purpose room	\$24/hr	\$38/hr	\$50/hr	24	25.00	38	39.00	58	60.00
Lounge	\$21/hr	\$32/hr	\$46/hr	21	22.00	32	33.00	46	48.00
Studio	\$16/hr	\$24/hr	\$35/hr	16	17.00	24	25.00	35	36.00
Kitchen *	\$11/hr	\$18/hr	\$23/hr	11	11.00	18	19.00	23	24.00
Kitchen, 8 hours *	\$59	\$95	\$117	59	61.00	95	98.00	117	121.00
<u>VETERAN'S MEMORIAL BUILDING</u>									
Assembly, w/o kitchen	\$23/hr	\$32/hr	\$41/hr	23	24.00	32	33.00	41	42.00
Complete, w/o kitchen	\$26/hr	\$35/hr	\$46/hr	26	27.00	35	36.00	46	48.00
Meeting, w/o kitchen	\$19/hr	\$26/hr	\$34/hr	19	20.00	26	27.00	34	35.00
Kitchen & barbeque <sup>9</sup>	\$11/hr	\$18/hr	\$23/hr	11	11.00	18	19.00	23	24.00
Kitchen & barbeque, 8 hours <sup>9</sup>	\$59	\$95	\$117	59	61.00	95	98.00	117	121.00
<u>LIBRARY PROGRAM ROOM</u>									
Room rental	\$20/hr	\$27/hr	\$34/hr	No longer renting; all usage will be internal.					
<u>TEEN CENTER</u>									
Up to 20 participants	\$300	\$300	\$300	300	310.00				
21 - 30 participants	\$400	\$400	\$400	400	413.00				
31 - 40 (maximum = 40) participants	\$450	\$450	\$450	450	465.00				
<sup>9</sup> Kitchen only rentals permitted Monday - Friday; weekend rentals must be combined with room rental									
<u>ADDITIONAL FEES</u>									
Deposit: \$150, no alcohol or live music		Unscheduled overtime: twice hourly rate		150	155.00				
\$500, alcohol and/or live music		Facility attendant(s): \$10/hr each		500	517.00	10	10.00		
		Security guard(s): \$25/hr each				25	26.00		
Janitorial, non-refundable, per event based on group size:		Permit processing fee: \$7.50, non-refundable				7.5	8.00		
100 - 200 participants: \$50		Insurance: cost based on event size/type		50	52.00				
201 or more participants: \$100		Cancellations: 20% charge of invoiced costs		100	103.00				
Building set-up/breakdown: \$21.50/hr				21.5	22.00				
Veteran's Memorial Building stage use, set-up and breakdown: \$76 flat rate				76	79.00				

**City of Morro Bay  
Master Fee Schedule  
For the 2011/12 Fiscal Year**

**Recreation and Parks Department  
Public Area Use Permits**

	<u>Non-Profit and Resident Groups</u>	<u>Non-resident Groups</u>	<u>For Profit Groups</u>						
Del Mar Park Hillside or Meadow	\$46/Permit	\$82/Permit	\$205/Permit	46	\$48.00	82	\$85.00	205	\$212.00
Multi-Area, Entire Park, Multi Day Event	\$128/Day+Permit	\$128/Day+Permit	\$128/Day+Permit	128	\$132.00	128	\$132.00	128	\$132.00
Lila Keiser Park BBQ or Fields <sup>10</sup>	\$46/Permit	\$82/Permit	\$205/Permit	46	\$48.00	82	\$85.00	205	\$212.00
Multi-Area, Entire Park, Multi Day Event <sup>10</sup>	\$128/Day+Permit	\$128/Day+Permit	\$128/Day+Permit	128	\$132.00	128	\$132.00	128	\$132.00
Monte Young Tennis Courts <sup>11</sup>	\$46/Permit	\$82/Permit	\$205/Permit	46	\$48.00	82	\$85.00	205	\$212.00
Tidelands Open Area	\$46/Permit	\$82/Permit	\$205/Permit	46	\$48.00	82	\$85.00	205	\$212.00
Multi-Area, Entire Park, Multi Day Event	\$96/Day+Permit	\$96/Day+Permit	\$96/Day+Permit	96	\$99.00	96	\$99.00	96	\$99.00
Cloisters Open Area	\$46.00/Permit	\$82.00/Permit	\$205.00/Permit	46	\$48.00	82	\$85.00	205	\$212.00
Multi-Area, Entire Park, Multi Day Event	\$96/Day+Permit	\$96/Day+Permit	\$96/Day+Permit	96	\$99.00	96	\$99.00	96	\$99.00
Bayshore Bluffs Open Area	\$46/Permit	\$82/Permit	\$205/Permit	46	\$48.00	82	\$85.00	205	\$212.00
Multi-Area, Entire Park, Multi Day Event	\$64/Day+Permit	\$64/Day+Permit	\$64/Day+Permit	64	\$66.00	64	\$66.00	64	\$66.00
Morro Rock Open Area	\$46/Permit	\$82/Permit	\$205/Permit	46	\$48.00	82	\$85.00	205	\$212.00
Multi-Area, Entire Park, Multi Day Event	\$96/Day+Permit	\$96/Day+Permit	\$96/Day+Permit	96	\$99.00	96	\$99.00	96	\$99.00
City Park Open Area	\$46/Permit	\$82/Permit	\$205/Permit	46	\$48.00	82	\$85.00	205	\$212.00
Multi-Area, Entire Park, Multi Day Event	\$64/Day+Permit	\$64/Day+Permit	\$64/Day+Permit	64	\$66.00	64	\$66.00	64	\$66.00
North Point Overlook	\$46/Permit	\$82/Permit	\$205/Permit	46	\$48.00	82	\$85.00	205	\$212.00
Multi-Area, Entire Park, Multi Day Event	\$64/Day+Permit	\$64/Day+Permit	\$64/Day+Permit	64	\$66.00	64	\$66.00	64	\$66.00
<b>Coleman Park</b>	<b>\$48/Permit</b>	<b>\$85/Permit</b>	<b>\$212/Permit</b>						
<b>Multi-Area, Entire Park, Multi Day Event</b>	<b>\$66/Day+Permit</b>	<b>\$66/Day+Permit</b>	<b>\$66/Day+Permit</b>						<b>NEW</b>
Deposit - Public Area Use Permit - \$150.00									
Deposit - Organized Sports Facilities - \$500.00									
Hourly and Park Use Fees									
Giant Chessboard use	\$24	\$38	\$102	24	\$25.00	38	\$39.00	102	\$105.00
<sup>10</sup> Lila Keiser hourly field rental	\$3.50 without lights \$14.50 with lights	\$5 without lights \$16 with lights	\$6 without lights \$18 with lights	3.5 14.5	\$4.00 \$15.00	5 16	\$5.00 \$17.00	6 18	\$6.00 \$19.00
<sup>10</sup> Lila Keiser field preparation	\$22	\$27	\$30	22	\$23.00	27	\$28.00	30	\$31.00
<sup>11</sup> Monte Young Tennis Court Hourly Rate	\$3.50	\$5	\$6	3.5	\$4.00	5	\$5.00	6	\$6.00

**City of Morro Bay  
Master Fee Schedule  
For the 2011/12 Fiscal Year**

**Recreation and Parks Department  
Miscellaneous Property Use**

	<u>Non-Profit and Resident Groups</u>	<u>Non-resident Groups</u>	<u>For Profit Groups</u>								
Recreation equipment rental, per bag <sup>12</sup>	<del>\$8.50</del>	<del>\$10</del>	<del>\$11</del>	\$	9.00	\$	10.00	\$	11.00		
Event tent rental, per day <sup>12</sup>	<del>\$137</del>	<del>\$137</del>	<del>\$220</del>	\$	142.00	\$	142.00	\$	227.00		
Soccer goal, hourly rate, 2 hr. min. <sup>12</sup>	<del>\$6.50</del>	<del>\$8</del>	<del>\$9</del>	\$	7.00	\$	8.00	\$	9.00		
Skate park rental, 2 hr. min.	<del>\$100</del>	<del>\$100</del>	<del>\$150</del>	\$	103.00	\$	103.00	\$	155.00		
Photography/filming, per day <sup>13</sup>	<del>\$106, outdoor</del>	<del>N/A</del>	<del>\$208, outdoor</del>								
	<del>\$140, indoor</del>	<del>N/A</del>	<del>\$348, indoor</del>								
					106	\$	109.00		208	\$	215.00
					140	\$	145.00		348	\$	359.00

<sup>12</sup> Equipment rental deposit: \$50

<sup>13</sup> Photography/filming deposit: \$1,000

Insurance cost is dependent on the size/type of event

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Transit (See Notes)

<b>Fixed Route:</b>		
Regular fare, per ride	\$	1.25
Discount fare, per ride [2]	\$	0.60
Regular punch pass (11 rides for the price of 10)	\$	12.50
Discount punch pass (11 rides for the price of 10)	\$	6.00
Regular day pass	\$	4.00
Discount day pass	\$	2.00
<b>Call-A-Ride:</b>		
Fare, per ride	\$	2.50
Call-A-Ride punch pass (11 rides for the price of 10)	\$	25.00
<b>Trolley :</b>		
Fares:		
Per ride	\$	1.25
Per ride, 5-12 years old	\$	0.50
All day pass	\$	3.00
Advertising:		
<b>Exterior Side of Trolley (approx. 36"x20") - with supplied sign</b>	<b>\$</b>	<b><del>350.00</del> 362.00</b>
<b>Exterior Side of Trolley (approx. 36"x20") - MB Community Foundation supplied sign</b>	<b>\$</b>	<b><del>400.00</del> 412.00</b>
<b>Exterior Rear of Trolley (approx. 24"x20") - with supplied sign</b>	<b>\$</b>	<b><del>300.00</del> 310.00</b>
<b>Exterior Rear of Trolley (approx. 24"x20") - MB Community Foundation supplied sign</b>	<b>\$</b>	<b><del>350.00</del> 362.00</b>
<b>Interior (approx. 26"x12") - with supplied sign</b>	<b>\$</b>	<b><del>150.00</del> 155.00</b>
<b>Interior (approx. 26"x12") - MB Community Foundation supplied sign</b>	<b>\$</b>	<b><del>175.00</del> 182.00</b>
<b>Waterfront route:</b>		
Curbside (36" x 20"), per space	\$	340.00
Curbside by door (36" x 20"), per space	\$	350.00
Street side (36" x 20"), per space	\$	340.00
Street side (25" x 20"), per space	\$	275.00
Rear (32" x 20"), per space	\$	350.00
Interior (27.5" x 12.5"), per space	\$	150.00
<b>Downtown route:</b>		
Curbside (36" x 20"), per space	\$	340.00
Curbside by door (36" x 18.5"), per space	\$	350.00
Street side (36" x 20"), per space	\$	340.00
Street side by driver (36" x 18.5"), per space	\$	320.00
Street side rear (32" x 20"), per space	\$	340.00
Street side rear (14" x 20"), per space	\$	200.00
Rear (24" x 20"), per space	\$	340.00
Interior (26" x 12"), per space	\$	150.00

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Transit (See Notes)

<b>Trolley (continued):</b>		
<b>Advertising:</b>		
<b>North Morro Bay route:</b>		
Curbside (36" x 20"), per space	\$ — 340.00	
Curbside by door (36" x 17.25"), per space	\$ — 350.00	
Curbside by rear (24" x 20"), per space	\$ — 300.00	
Street side (36" x 20"), per space	\$ — 340.00	
Street side by driver (36" x 17.25"), per space	\$ — 320.00	
Street side rear (32" x 20"), per space	\$ — 340.00	
Street side rear (14" x 20"), per space	\$ — 200.00	
Rear (24" x 20"), per space	\$ — 340.00	
Interior (26" x 12"), per space	\$ — 150.00	
<b>Combined spaces:</b>		
One Curb or Street side space can be combined with space next to it to make one 60" x 20" space, per combined space	\$ — 640.00	
One Curb or Street side space can be combined with space next to it to make one 72" x 20" space, per combined space	\$ — 680.00	
<b>Rental rates:</b>		
<b>One day, within City Limits, per hour (2 hour minimum):</b>		
Transportation of passengers to and from one location to another	\$ — 100.00	<b>103.00</b>
Shuttle transportation (continuous loop with multiple stops); hourly plus cost of fuel	\$ — 100.00	<b>103.00</b>
<b>One day, outside City limits, per hour (3 hour minimum)</b>		
Transportation of passengers to and from one location to another	\$ — 100.00	<b>103.00</b>
Shuttle transportation (continuous loop with multiple stops); hourly plus cost of fuel	\$ — 100.00	<b>103.00</b>
<b>Multiple days, 2 consecutive days:</b>		
Within City limits	\$ — 1,625.00	<b>1,679.00</b>
Outside City limits; rate plus cost of fuel	\$ — 1,625.00	<b>1,679.00</b>

# City of Morro Bay Master Fee Schedule For the 2011/12 Fiscal Year

## Transit Notes

### Fixed Route:

A child, under 5 years old, may ride free with a fare-paying adult (limit 2 per fare-paying adult).

Senior citizens (65 & over) and mobility-impaired/disabled individuals are eligible for the discount fare. Senior citizens may be required to provide proof of age.

### Call-A-Ride:

Call-A-Ride service is available to senior, disabled and K-12 individuals.

### Trolley

#### Rides:

The trolley is seasonal, and operates weekends only from Memorial Day weekend through the 1st weekend in October, and on Friday and Monday from Memorial Day through Labor Day.

Children, under 5 years old, ride free (limit 2 per fare-paying adult)

#### Advertising:

The City has entered into a revenue-sharing agreement with the Morro Bay Community Foundation (MBCF). MBCF will sell advertising spaces on the trolleys, to include having signs made, and split the revenue, per the agreement. The agreement term is one year. Advertising rates in this Schedule apply to the May 2012 through October 2013 trolley operating season.

Discounts are available when purchasing more than one advertising space. ~~Purchase 2 or more spaces, and get 15% off. First-time advertiser gets 20% discount.~~ **Buy two exterior or interior signs an get a second sign @ 10% off; buy three exterior or interior signs and get the third sign @ 20% off; buy three exterior signs and get one interior sign @ 50% off.**

**Cost for space with MBCF sign includes the cost to have the sign made.**

#### Rentals:

Hourly rate includes driver, fuel, cleaning, standby mechanic and administration, unless otherwise noted.

Trolley seats 30 passengers.

The trolley is only to be operated on paved roads (no dirt or gravel roads).

The trolley is to be returned to the City in the condition it was received by the renter. The renter shall be held responsible for any damages to the trolley resulting from the rental that is not due to the negligence of the City or its transit contractor.



AGENDA NO:   D-2  

MEETING DATE:   August 23, 2011  

## Staff Report

**TO:**           Honorable Mayor and City Council

**DATE:** August 17, 2011

**FROM:**       Rob Schultz, City Attorney

**SUBJECT:**    Resolution 62-11 Amending the City of Morro Bay Advisory Boards Handbook and By-Laws.

**RECOMMENDATION:**

Staff recommends that the City Council review the attached Advisory Board Handbook and By-Laws and approve Resolution 62-11.

**FISCAL IMPACT:**

None.

**DISCUSSION:**

Pursuant to City Council direction, staff has reviewed the Advisory Board Handbook and By-Laws and made corrections, deletions and amendments to more clearly define how each Advisory Board is currently working. In addition, staff has added By-Laws for the Planning Commission. If these are approved, then staff will return with an Ordinance to delete Morro Bay Municipal Code 2.28.

**CONCLUSION:**

Approval of Resolution 62-11 will update the City's Advisory Board Handbook and By-Laws and create By-Laws for the Planning Commission which will allow for the streamlining of the City's Municipal Code.

Prepared By: \_\_\_\_\_

Dept Review: \_\_\_\_\_

City Manager Review: \_\_\_\_\_

City Attorney Review: \_\_\_\_\_

**RESOLUTION NO. 62-11**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA  
AMENDING THE CITY OF MORRO BAY ADVISORY BOARDS  
HANDBOOK AND BY-LAWS**

**THE CITY COUNCIL  
CITY OF MORRO BAY, CALIFORNIA**

**WHEREAS**, to ensure that all Advisory Board Members are familiar with and understand the City of Morro Bay's philosophies and policies regarding serving on an Advisory Board, the City of Morro Bay adopted the Advisory Boards Handbook and By-Laws on August 12, 2002; and

**WHEREAS**, the Advisory Boards Handbook and By-Laws for the City of Morro Bay is a composite of the City Council actions, policies, references, and information regarding the City Advisory Boards;

**WHEREAS**, the current By-Laws for each Advisory Body need to be updated and By-Laws need to be established for the Planning Commission; and

**WHEREAS**, The City Council desires to amend the Advisory Boards Handbook and By- Laws for the City of Morro Bay as set forth in Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Morro Bay does hereby amend the By-Laws of all Advisory Bodies to reflect those that are set forth in Exhibit A and dated August 16, 2011 Advisory Boards Handbook.

**PASSED AND ADOPTED** by the City Council, City of Morro Bay at a regular meeting thereof held on the 23rd day of August 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

WILLIAM YATES, Mayor

ATTEST:

---

BRIDGETT KESSLING, City Clerk

CITY OF MORRO BAY  
ADVISORY BOARDS  
HANDBOOK  
AND  
BY-LAWS

Date: August 16, 2011

Approved by Resolution 62-11

### *Mission Statement*

***The City of Morro Bay is dedicated to the preservation and enhancement of the quality of life. The City shall be committed to this purpose and will provide a level of municipal service and safety consistent with and responsive to the needs of the public.***

## **INTRODUCTION**

Welcome and thank you for your interest in serving on one of the City's Advisory Boards. By serving on one of Morro Bay's Advisory Boards, you can help plan and guide the City's future. It is important that members of the Advisory Boards understand the functions and responsibilities of a board member. We hope that you find serving on the City's advisory board personally satisfying, and in the process gain invaluable knowledge and experience.

The City of Morro Bay Municipal Code empowers the City Council to form boards and commissions to assist the City Council in legislating and managing the affairs of the City. From time to time citizen advisory committees are appointed to meet a specific topic and need. Their varied roles provide significant opportunities for formulating City policy and for creating public forums for meaningful community participation.

Consistent with the City's Mission Statement, advisory boards can help the City achieve its mission and purpose, which is to preserve and enhance the citizens of Morro Bay's quality of life. This Handbook shall serve as a guide to assist you in the sometimes-complex, but often rewarding, process of serving on one of the City's Advisory Boards. These advisory bodies assist the City Council in making better-informed decisions by formulating new ideas, information gathering, receiving public testimony and comments, analyzing complex issues, and making recommendations on specific projects and broad policy.

Advisory Boards advise the City Council and the City Manager on matters within their area of responsibility and interest; help focus attention on specific issues and problems within their scope of responsibilities, and recommend action and alternatives for Council consideration; act as channels of communication among City government, the general public, and interest groups; and balance community wants with municipal responsibility and resources.

At times, your role may be challenging and complex. Public opinion can be sharply divided, questions may overlap, and sometimes the province of one body may also be the territory of another. Therefore, we have created this handbook to assist you with some of the fundamental aspects of your new responsibility.

Much of the information in this handbook comes from City policy, such as the City's Municipal Code and the City Council Policies and Procedures Manual. In addition, State Law governs certain responsibilities of advisory body members. The material presented is intended to: (1) Give interested persons an understanding of why the City's advisory bodies have been established and how they function within the overall governmental framework and, (2) Summarize the roles, relationships and responsibilities of each advisory body member.

Each Advisory Board within the City has its own By-Laws. The By-Laws are included herein for your ease of reference. The sections of the Handbook are divided as follows:

1. General Information on Advisory Boards
2. FAQs
3. Background Information of City Government
4. The Brown Act
5. Political Reform Act of 1974 (Conflict of Interest)
6. Advisory Body Summary
7. Advisory Board By-Laws

We hope this handbook will answer many of your questions, get you off to a good start, and contribute to your satisfaction in serving the citizens of the City of Morro Bay.

# 1. General Information on Advisory Bodies

Advisory bodies are authorized by both the Morro Bay Municipal Code and the City Council.

Advisory boards provide an opportunity for interested residents to participate in the governing of their community under guidelines and procedures established by the Council. Advisory bodies can improve the quality of City government by providing the Council with resources to make better-informed decisions. Because of the nature of various advisory bodies, they can serve as the “eyes and ears” of the Council for issues and matters that otherwise might not receive attention. Other benefits of advisory boards include improvement in the lines of communication between the public and the Council, greater opportunities for discussion of public issues, and more citizen involvement in City government. There is considerable variety in the purpose or responsibility of these bodies. Advisory Boards have been created by the City Council to serve the City of Morro Bay’s unique needs.

The authority of an advisory body will depend upon its specific purpose. Each has a specific focus and will make recommendations to the Council on issues related to that specific field. Decisions made by an advisory body may be appealed to the Council. The Council may not always accept the recommendation of an advisory body because of additional information available or a need to balance the recommendation with policy or community priorities.

Generally, advisory bodies are empowered only to make recommendations to the Council or to the City staff, unless specifically authorized by law or Council to do otherwise. There should be two-way communication so that commissions are aware of the long-term goals Council has adopted, and the advisory body is able to present new ideas to the Council. Advisory Board members are encouraged to attend and/or watch Council meetings.

Members of the advisory boards are volunteers who are appointed by the City Council and serve at the pleasure of the City Council. There is no compensation or benefits for board members, except for Planning Commission, whose responsibilities are greater and meetings more frequent. All members are expected to attend scheduled advisory board meetings and all meetings shall be conducted in accordance with Robert’s Rules of Order, City Council Policies and Procedures Manual and State Law.

Currently, the City of Morro Bay has seven Advisory Boards:

- Harbor Advisory Board
- Public Works Advisory Board
- Recreation and Parks Commission
- Community Promotions Committee
- Planning Commission
- Tourism Business Improvement District
- Citizens Oversight Committee

## 2. Frequently Asked Questions

### A. HOW ARE BOARD OR COMMISSION MEMBERS CHOSEN?

#### ◆ **APPLICATION AND SELECTION PROCESS**

- All recruitment for Board and Commission members is open and published in a local newspaper. The City accepts applications from interested persons throughout the year.
- Applicants will be sought from all segments of the community, representing various interests and groups.
- Appointment is made by the City Council. Each application is carefully reviewed by the City Council.
- Members serve at the pleasure of the City Council.
- Incumbents are considered for reappointment at the conclusion of their terms.
- Terms are four years, commencing on February 1<sup>st</sup>, and the terms are staggered.

#### ◆ **HOW DO I GET AN APPLICATION?**

- Applications may be obtained from the City Clerk's office at City Hall. Information on vacancies and/or specific recruitment periods may be requested by phoning the City Clerk. An official application form must be completed for each position.

#### ◆ **ARE THERE ANY TIPS TO IMPROVE MY CHANCES OF BEING APPOINTED?**

- Fill out a separate form for each board or commission in which you are interested. It is to your advantage to tailor each application to the specific board or commission for which you are applying. Emphasize different aspects of your background to match those needed for a particular board or commission.
- Emphasize your talents. Clearly indicate how your particular talents, skills, training, or experience will benefit the board or commission for which you wish to be considered.
- Become familiar with the appropriate board or commission. Attend meetings, talk with board or commission members, or read documents they have developed to acquaint yourself with their work. Talk with the department head responsible for staffing the specific board or commission in which you are interested.

## **B. QUALIFICATIONS FOR SERVICE**

Board and Commission members may be required to wear "different hats" at different times. The ability to suitably perform the varied roles requires specialized skills and knowledge. Qualification for service can be divided into four general areas:

### **◆ LONG-RANGE INTEREST IN THE COMMUNITY**

The ability to conceive and be concerned with the impact of current decisions on future citizens is paramount. Board and commission members are required to analyze issues, to listen to public comment through formal hearings or informal discussion, to interpret and apply mandates of the General Plan, and to analyze all the pertinent data before arriving at objective decisions which will be in the best interest of the community as a whole.

### **◆ FAIRNESS, COMMON SENSE, HONESTY AND GOOD CHARACTER**

Keeping the public interest in mind, a board member will be called upon to use everyday good sense in balancing the need of public and private groups. Controversial issues do arise, and the ability to make decisions based on merit rather than personalities is a must. Other traits include imagination, flexibility and the ability to act in a judicial vs. legislative capacity.

### **◆ KNOWLEDGE OF THE COMMUNITY MARKETPLACE, PROCESS, OBJECTIVES, AND LAWS**

A first-hand knowledge of economic systems, the general operation of government, and a basic understanding of the legal process is important. This knowledge will be of tremendous value when board members are required to conduct public hearings, analyze and receive testimony and make meaningful decisions.

### **◆ TIME TO SERVE IN APPOINTED CAPACITY**

The amount of time that a board or commission member devotes to his/her duties varies with each board or commission. Before making a personal commitment, a prospective applicant should honestly evaluate whether he/she has adequate free time to attend the meetings, to review and be familiar with meeting materials, and to communicate with the public as well as with department staff.

**C. STATEMENTS OF ECONOMIC INTERESTS / CONFLICT OF INTEREST**

Members of any board or commission are required to file Statements of Economic Interest. Additionally, Board and Commission members are required to refrain from participation in matters where they have the potential for conflict of interest. (See Section 5 for the City's policy on Conflict of Interest)

### 3. Background Information on City Government

The City of Morro Bay is a general law city and became incorporated in 1964 and operates under the laws of the State of California.

The City Council, City Manager, City Clerk and City Attorney are integral to the day-to-day operations of the City. As such, we have included a summary of the City government's main function for your information and reference.

a. City Council:

The City Council is elected by a majority vote by the citizens of Morro Bay. The City Council is the governing body of the City and is made up of the Mayor and four council members. The City Council is accountable to the citizens of Morro Bay. The decisions of the City Council are reached by a majority vote.

The City Council formulates policy, approves programs, appropriates funds and establishes local taxes and assessments. The City Council enacts local laws (ordinances) and regulations for governing of the City. The local ordinances adopted by the City Council are compiled in the City's Municipal Code.

b. City Manager:

The City Manager is the administrative head of the government of the City. The City Manager is appointed by the City Council, and serves at its pleasure. The City Manager's duties include implementation of policies and procedures initiated by the City Council. The City Manager also is responsible for all City personnel, except as to the City Attorney, and serves as a liaison to each board, unless otherwise noted in the Board By-Laws.

c. City Clerk:

The City Clerk's duties include, but are not limited to: recording, writing and maintaining Council proceedings, conducting municipal elections, publishing ordinances and resolutions and other official City documents, storing and indexing official documents and City records for retrieval, administering Conflict of Interest disclosures, and serving as the custodian of the seal of the City.

d. City Attorney:

The City Attorney is appointed by the City Council. The City Attorney advises the City Council and City Officers (in their official capacity) in legal matters, attends all Council meetings and some board meetings, represents the City in legal actions and proceedings, and retains, supervises and monitors outside legal counsel. The City Attorney also approves all bonds and contracts made by the City, prepares ordinances and resolutions as required by the Council and prosecutes violations of the City's Municipal Codes and Ordinances.

## 4. The Brown Act

This is a mere glimpse of the Brown Act. A more detailed Brown Act and Political Reform Act Booklet is available to the advisory board through the City Attorney's office.

### a. The Brown Act.

The general purpose of the Brown Act is to aid in the conduct of the people's business. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not for the people to know. Therefore, it is the intent of this Act that the actions and deliberations of all local agencies be taken openly, including deliberations and collective discussion involving the examination, weighing and reflection on the reasons for or against a choice. It also includes the exchange of facts preliminary to the ultimate decision.

Generally all meetings of City boards, commissions, committees and groups are to be open and public and all persons are to be permitted to attend any meeting. Under certain strict circumstances, closed session meetings are permitted.

Brown Act Compliance is absolutely required. We encourage you to carefully review the Brown Act Booklet which is available through the City Attorney's Office which describes in detail the Brown Act.

## 5. Political Reform Act (Conflicts of Interest)

### A. Background

The Political Reform Act (Government Code sections 81000, et seq.) was approved by the voters of the State of California and is intended to prevent conflicts of interest by requiring public officials to disclose certain personal financial interests which could foreseeably cause conflicts. In addition, a public official may be required to disqualify himself/herself from making, participating in, or attempting to influence any government decision which will affect any of his/her financial interests, not just those that are required to be disclosed. The City's Brown Act and Political Reform Act Booklet explains in more detail what a conflict of interest is, and when the law requires disqualification. In addition, the Fair Political Practices Commission is available for advice.

Under the Political Reform Act, no public official may make, participate in making, or in anyway attempt to use his or her official position to influence a governmental decision if he or she knows or has reason to know that he or she has a financial interest. (Government Code Section 87100). A public official has a financial interest in a decision if it is reasonably foreseeable that the decision will have a material financial effect on one or more of his or her economic interests. (Government Code Section 87103; 2 Cal. Code of Regs. Section 18700 (a)).

The term "financial interest" denotes a conclusion that a public official has a financial interest in a decision if it is concluded that it is reasonably foreseeable that the decision will have a material financial effect on his or her economic stake greater than that of other citizens. The term "economic interest" is a label applied to the particular types of stakes recognized by the Act as potential sources of a conflict of interest. There are specific types of economic interest recognized by the Act, as such, we direct you to carefully review the Brown Act and Political Reform Act Booklet which is available from the City Attorney's Office and/or visit the Fair Political Practices Commission Web page for more detailed information.

### B. City Policy Regarding Conflicts of Interests

Because the City of Morro Bay is a small, closely knit community it is imperative that the citizens have trust and confidence in City government. Therefore, the City has adopted this public policy to prevent any possibility of conflict that may arise.

Generally stated, any elected or appointed official has a conflict of interest if he or she has a financial interest in a project before the City and/or when compensation is received from anyone seeking approvals from the City. There are some exceptions but, generally, elected or appointed officials are prohibited from voting on projects where a conflict exists. A conflict of interest also occurs when officials live within a certain distance from a project (usually 500 feet). Even if a legal conflict does not exist, it may be inappropriate to participate in a decision for personal reasons to avoid even the appearance of a conflict of interest. As an example, there

could be a conflict if your good friend has a matter before your board, and you do not feel that it would be appropriate for you to voice an opinion in your "City" capacity. While the latter case is not defined by the Fair Political Practices Commission as a conflict, it could be perceived as a conflict, and then stepping down is appropriate.

It is the policy of the City that, in addition to strictly adhering to the FPPC rules, all elected and appointed officials conduct themselves in a manner that does not raise a reasonable perception or belief that there is a conflict of interest or an abuse of your position. All board and commission members should avoid the appearance of conflict at all costs.

If you step down from the dais and refrain from voting on an issue, you are not precluded from speaking as an individual. Your presentation, however, must be made from the floor, at the microphone with the rest of the public. You should state for the record that you are speaking as an *individual*. Many times in the past, Councilmembers and Board and Commissioners have stepped down from their official position at the dais when projects are presented in which there may be the potential for conflict of interest. This provides the opportunity to present your views as an *individual* on any matter before any City body.

## 6. ADVISORY BOARD BY-LAWS

The City Council has approved the rules and regulations (referred to herein as By-Laws) to set forth their purpose, procedures, and specific issues such as their functions, meeting dates, officers, vacancies and budgets.

All advisory board meetings will be conducted in strict compliance with Robert's Rules of Order, the City Council Policy and Procedures and State Law. For more detailed information, we suggest you review the City Council's Policies and Procedures Manual.

Attached hereto are the applicable By-Laws for all of the City of Morro Bay's Advisory Boards.

The Citizens Oversight Committee does not have by-laws, but is guided by Chapter 3.22 of the Morro Bay Municipal Code and we have attached that Chapter for your ease of reference.

# **CITY OF MORRO BAY HARBOR ADVISORY BOARD BY-LAWS**

## **PURPOSE AND AUTHORITY**

The Harbor Advisory Board is established to review, advise and recommend to the City Council on items pertaining to the City Harbor. These include, but are not limited to:

- A. Use, control, promotion and operation of vessels and watercraft within the harbor, docks, piers, slips, utilities and publicly-owned facilities as a part of the City's Harbor, and water commerce, navigation, or fishery in the Harbor.
- B. Review and recommend rules and regulations pertaining to any of the matters listed in subsection A of this section.
- C. Review and recommend rates, tolls, fees, rents, charges or other payments to be made for use or operation of the Harbor.
- D. The Board shall make reports and recommendations to the various city boards, commissions or the City Council on matters relating to activities within the harbor. When requested to do so, will review items referred by other city boards, commissions or the City Council. Resulting reports and recommendations will be included in presentations before the City Council.

## **APPOINTMENT**

The Harbor Advisory Board shall be comprised of seven (7) voting members, four of which must be qualified electors of the City of Morro Bay. Appointments and the filling of vacancies shall be made by the City Council. Committee members shall serve at the pleasure of the City Council. The City Council will attempt to select members from the following categories:

Morro Bay Commercial Fishermen's Association  
Waterfront Leaseholders  
Marine Oriented Business  
Recreational Boating  
Representative of South Bay/Los Osos  
Two Members at Large

## **TERMS OF OFFICE**

Members shall serve, without compensation, for a period of four (4) years commencing February 1<sup>st</sup>. in the year specified when members are appointed. Appointments shall be made in such a manner so as no more than three members' terms expire concurrently. Unanticipated vacancies shall be filled for the duration of the unexpired term only.

## **QUALIFICATIONS**

Four of the seven members must be a resident and registered voter of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and, may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

## **ABSENCE FROM MEETINGS**

Absence of a Board Member from three (3) consecutive meetings or four (4) meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.

## **ORGANIZATION**

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chairperson and Vice-Chairperson who shall hold office for a period of one year. The Chairperson shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chairperson, duties of the office shall be performed by the Vice-Chairperson. If both the Chair and Vice-Chair are absent, the remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Committee.

## **PROCEDURE**

Regular meetings shall be held monthly on a regular schedule. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. The Chair may close meetings to public comments, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended.

All advisory board meetings will be conducted in strict compliance with the City Council Policies and Procedures Manual. Where used in the City Council Policies and Procedure Manual, the term “City Council” shall mean the “Board” or “Commission”, the term “Mayor” shall mean “Chairperson and the term “Councilmember” shall mean “Board” or “Commission. In all matters and things not otherwise provided for in the by-laws or the Policies and Procedures of the City Council, proceedings shall be governed by “Robert's Rules of Order,” revised edition. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Committee shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow “Robert’s Rules of Order.”

Communication between the Advisory Group, its members and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

### **QUORUM**

A majority of voting members shall constitute a quorum.

### **CITY STAFF**

The City Manager or the designee of the City Manager shall be responsible for preparing agendas, reports, and minutes pertaining to Committee business and shall attend the Committee meetings.

### **BY-LAW AMENDMENTS**

All amendments to the By-Laws shall be approved by the City Council.

# **CITY OF MORRO BAY PUBLIC WORKS ADVISORY BOARD BY-LAWS**

## **PURPOSE AND AUTHORITY**

The Public Works Advisory Board is established to review, advise and recommend to the City Council on items pertaining to Water, Waste-water, Streets, Recycling, and Solid Waste, Cable Television, Telecommunications, Trees, Transportation and other issues related to Public Services Department responsibilities.

The Board shall make reports and recommendations to the various city boards, commissions or the City Council on the above matters. When requested to do so, will review items referred by other city boards, commissions or the City Council. Resulting reports and recommendations will be included in presentations before the City Council.

## **APPOINTMENT**

The Public Works Advisory Board shall be comprised of five (5) voting members, all of which must be qualified electors of the City of Morro Bay. Appointments and the filling of vacancies shall be made by the City Council. Committee members shall serve at the pleasure of the City Council.

## **TERMS OF OFFICE**

Members shall serve, without compensation, for a period of four (4) years commencing February 1<sup>st</sup>. in the year specified when members are appointed. Appointments shall be made in such a manner so as no more than three members' terms expire concurrently. Unanticipated vacancies shall be filled for the duration of the unexpired term only.

## **QUALIFICATIONS**

A member must be a resident and registered voter of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and, may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

## **ABSENCE FROM MEETINGS**

Absence of a Board Member from three (3) consecutive meetings or four (4) meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.

## **ORGANIZATION**

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chairperson and Vice-Chairperson who shall hold office for a period of one year. The Chairperson shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chairperson, duties of the office shall be performed by the Vice-Chairperson. If both the Chair and Vice-Chair are absent, the remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Committee.

## **PROCEDURE**

Regular meetings shall be held every other month on even numbered months on a regular schedule. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. The Chair may close meetings to public comments, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended.

All advisory board meetings will be conducted in strict compliance with the City Council Policies and Procedures Manual. Where used in the City Council Policies and Procedure Manual, the term "City Council" shall mean the "Board" or "Commission", the term "Mayor" shall mean "Chairperson and the term "Councilmember" shall mean "Board" or "Commission. In all matters and things not otherwise provided for in the by-laws or the Policies and Procedures of the City Council, proceedings shall be governed by "Robert's Rules of Order," revised edition. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Committee shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow "Robert's Rules of Order."

Communication between the Advisory Group, its members and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

## **QUORUM**

A majority of voting members shall constitute a quorum.

## **CITY STAFF**

The City Manager or the designee of the City Manager shall be responsible for preparing agendas, reports, and minutes pertaining to Committee business and shall attend the Committee meetings.

## **BY-LAW AMENDMENTS**

All amendments to the By-Laws shall be approved by the City Council.

**CITY OF MORRO BAY  
RECREATION AND PARKS COMMISSION  
BY-LAWS**

**PURPOSE AND AUTHORITY**

The Recreation and Parks Commission is established to provide the following:

- A. Act in an advisory capacity to the City Council in all matters pertaining to parks and public recreation and to cooperate with other governmental agencies and civic groups in the advancement of sound recreation and parks planning and programming. The Board shall make reports and recommendations to the various city boards, commissions or the City Council on the above matters. When requested to do so, will review items referred by other city boards, commissions or the City Council. Resulting reports and recommendations will be included in presentations before the City Council.
- B. Formulate policies on recreation services, parks and open space for approval by the City Council.
- C. Recommend to the City Council the development of recreational areas, parks, facilities, open spaces, programs, and improved recreation services.
- D. Recommend to the City Council the adoption of rules, regulations and standards concerning recreation and parks in respect to organization, personnel, areas and facilities, program and financial support.
- E. Advise the Recreation and Parks Director in the preparation of the annual parks maintenance, park improvement and recreation budgets and long-range recreation and parks facilities improvements.
- F. Hold public hearings and meetings to conduct investigations and surveys for the purpose of securing facts and data concerning parks and public recreation.

**APPOINTMENT**

The Recreation and Parks Commission shall be comprised of seven (7) voting members, five of which must be qualified electors of the City of Morro Bay. Appointments and the filling of vacancies shall be made by the City Council. Committee members shall serve at the pleasure of the City Council.

## **TERMS OF OFFICE**

Members shall serve, without compensation, for a period of four (4) years commencing February 1<sup>st</sup>. in the year specified when members are appointed. Appointments shall be made in such a manner so as no more than three members' terms expire concurrently. Unanticipated vacancies shall be filled for the duration of the unexpired term only.

## **QUALIFICATIONS**

Five of the seven members must be a resident and registered voter of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and, may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

## **ABSENCE FROM MEETINGS**

Absence of a Board Member from three (3) consecutive meetings or four (4) meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.

## **ORGANIZATION**

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chairperson and Vice-Chairperson who shall hold office for a period of one year. The Chairperson shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chairperson, duties of the office shall be performed by the Vice-Chairperson. If both the Chair and Vice-Chair are absent, the remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Committee.

## **PROCEDURE**

Regular meetings shall be held every other month on odd numbered months on a regular schedule. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. The Chair may close meetings to public comments, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended.

All advisory board meetings will be conducted in strict compliance with the City Council Policies and Procedures Manual. Where used in the City Council Policies and Procedure Manual, the term “City Council” shall mean the “Board” or “Commission”, the term “Mayor” shall mean “Chairperson and the term “Councilmember” shall mean “Board” or “Commission. In all matters and things not otherwise provided for in the by-laws or the Policies and Procedures of the City Council, proceedings shall be governed by “Robert's Rules of Order,” revised edition. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Committee shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow “Robert’s Rules of Order.”

Communication between the Advisory Group, its members and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

## **QUORUM**

A majority of voting members shall constitute a quorum.

## **CITY STAFF**

The City Manager or the designee of the City Manager shall be responsible for preparing agendas, reports, and minutes pertaining to Committee business and shall attend the Committee meetings.

## **BY-LAW AMENDMENTS**

All amendments to the By-Laws shall be approved by the City Council.

# **CITY OF MORRO BAY COMMUNITY PROMOTIONS COMMITTEE BY-LAWS**

## **PURPOSE AND AUTHORITY**

The Community Promotions Committee (CPC) was created in the belief that tourism is essential to the economic health and quality of life of this community. The purpose of the CPC shall be to act on behalf of the Morro Bay City Council on policies and expenditure programs to advertise and promote the City of Morro Bay and its special events as a tourist destination point in areas both inside and outside the boundaries of San Luis Obispo County. In addition, the CPC shall carry on a continuing and sustainable program designed to make known the advantages of tourism, recreation, business and community events to the people of Morro Bay, which helps to maintain the highest quality of life for the residents.

In addition, the CPC will be responsible for developing cooperative marketing opportunities with existing and new local businesses. This shall be accomplished through targeted promotions of special events and consistent branding of the City of Morro Bay. The CPC shall work with the MBTBID in a way that is mutually supportive of each/both committees' goals for marketing, advertising and budgeting to bring more visitors and tourism to the City, which in turn, provides valuable TOT and sales tax revenues to the City of Morro Bay.

The CPC shall develop a specific set of goals and budgetary requests prior to the beginning of each fiscal year and present those goals and requests to the City Council prior to the adoption of the annual budget. The CPC shall also make any additional reports and recommendations to the various city boards, commissions or the City Council as requested by the City Council.

## **APPOINTMENT**

The Community Promotions Committee shall be comprised of seven (7) voting members, four of which must be qualified electors of the City of Morro Bay. Appointments and the filling of vacancies shall be made by the City Council. Committee members shall serve at the pleasure of the City Council. The City Council will attempt to select members from the following categories:

- Morro Bay Chamber of Commerce
- Morro Bay Merchants Association
- Morro Bay Motel or Restaurant Representative
- Embarcadero Business Representative
- Special Events Representative
- Two Members at Large

## **TERMS OF OFFICE**

Members shall serve, without compensation, for a period of four (4) years commencing February 1<sup>st</sup> in the year specified when members are appointed. Appointments shall be made in such a manner so as no more than three members' terms expire concurrently. Unanticipated vacancies shall be filled for the duration of the unexpired term only.

## **QUALIFICATIONS**

Four of the 7 members of the Community Promotions Committee must be residents and registered voters of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and, may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

Annually, each committee member will be required to familiarize himself or herself with the operation of the Visitor Center by volunteering and/or participating in business forums, chamber meetings, or merchants' association meetings.

## **ABSENCE FROM MEETINGS**

Absence of a Board Member from three (3) consecutive meetings or four (4) meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.

## **ORGANIZATION**

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chairperson and Vice-Chairperson who shall hold office for a period of one year. The Chairperson shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chairperson, duties of the office shall be performed by the Vice-Chairperson. If both the Chair and Vice-Chair are absent, the remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Committee.

## **PROCEDURE**

Regular meetings shall be held monthly on a regular schedule. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. The Chair may close meetings to public comments, provided that the action is consistent with the Brown Act. Agendas, reports,

meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended.

All advisory board meetings will be conducted in strict compliance with the City Council Policies and Procedures Manual. Where used in the City Council Policies and Procedure Manual, the term "City Council" shall mean the "Board" or "Commission", the term "Mayor" shall mean "Chairperson and the term "Councilmember" shall mean "Board" or "Commission. In all matters and things not otherwise provided for in the by-laws or the Policies and Procedures of the City Council, proceedings shall be governed by "Robert's Rules of Order," revised edition. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Committee shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow "Robert's Rules of Order."

Communication between the Advisory Group, its members and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

## **QUORUM**

A majority of voting members shall constitute a quorum.

## **CITY STAFF**

The City Manager or the designee of the City Manager shall be responsible for preparing agendas, reports, and minutes pertaining to Committee business and shall attend the Committee meetings.

## **BY-LAW AMENDMENTS**

All amendments to the By-Laws shall be approved by the City Council.

**CITY OF MORRO BAY  
TOURISM BUSINESS IMPROVEMENT DISTRICT  
ADVISORY BOARD BY-LAWS**

**PURPOSE AND AUTHORITY**

The Morro Bay Tourism Business Improvement District (MBTBID) Advisory Board (“Board”) advises the City Council on the administration and use of the MBTBID assessment funds. The Board recommends projects to the City of Morro Bay to promote tourism to directly benefit the City’s lodging industry.

The primary purpose of the MBTBID is to increase occupancy and room nights across all lodging types (motel, hotels, bed and breakfast) that pay the business improvement assessment (BID) along with transient occupancy tax (TOT) within the City while placing particular emphasis on marketing that positively impacts the lodging.

**APPOINTMENT**

The MBTBID Board shall be comprised of seven (7) voting members. Appointments and the filling of vacancies shall be made by the City Council. Committee members shall serve at the pleasure of the City Council. Because of the diversity among assessment district members represented by the Board including local, regional and national lodging industry interests, it is neither practical nor advisable to limit Board membership to City residents. Accordingly, membership on the MBTBID Board shall be exempt from residency requirements otherwise applicable to City Advisory bodies. In addition, a member of the TBID may not sit on any other city advisory board or commission.

**TERMS OF OFFICE**

Members of the MBTBID Board shall serve, without compensation, for a period of four (4) years. Appointments shall be made in such a manner such that no more than three members’ terms expire concurrently. Unanticipated vacancies shall be filled for the duration of the unexpired term only. If a vacancy is within the last 6 months of a term, it will be held over to the normal interview process.

**QUALIFICATIONS**

The MBTBID Board shall consist of five (5) members from the Morro Bay lodging industry and two (2) members from the community at large.

The five members from the lodging industry shall consist of one member representing lodging rooms of less than 22 rooms, one member representing 50 or less rooms (single hotel or cumulative representation), and three members representing hotels “at large” (no specific number of rooms).

The community “at large” members shall be residents and registered voters of the City during the term of appointment.

Each member must be at least 18 years of age at the time of appointment and may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

## **FUNCTIONS AND DUTIES**

The functions and duties of the MBTBID Board shall include, but not be limited to, the following:

1. Plan a comprehensive program to promote tourism to the City of Morro Bay and prepare an annual marketing program consistent with industry goals and objectives.
2. Develop advertising and promotional programs and projects to benefit the lodging industry in Morro Bay
3. Present an annual assessment report to the City Council regarding the implemented promotional programs and projects.
4. Perform any other lawful tasks as directed by the Council.

## **ABSENCE FROM MEETINGS**

Absence of a Board Member from three (3) consecutive meetings or four (4) meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.

## **ORGANIZATION**

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chairperson and Vice-Chairperson who shall hold office for a period of one year. The Chairperson shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chairperson, the Vice-Chairperson shall perform duties of the office. If both the Chair and Vice-Chair are absent, the remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Committee.

## **PROCEDURE**

Regular meetings shall be held monthly on a regular schedule. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. The Chair may close meetings to public comment, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended.

All advisory board meetings will be conducted in strict compliance with the City Council Policies and Procedures Manual. Where used in the City Council Policies and Procedure Manual, the term "City Council" shall mean the "Board" or "Commission", the term "Mayor" shall mean "Chairperson and the term "Councilmember" shall mean "Board" or "Commission. In all matters and things not otherwise provided for in the Bylaws or the Policies and Procedures of the City Council, proceedings shall be governed by "Robert's Rules of Order," revised edition. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Committee shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow "Robert's Rules of Order."

Communication between the Advisory Group, its members, and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

## **QUORUM**

A majority of voting members shall constitute a quorum.

## **CITY STAFF**

The City Manager or the designee of the City Manager shall be responsible for preparing agendas, reports, and minutes pertaining to Committee business and shall attend the Committee meetings.

## **BY-LAW AMENDMENTS**

All amendments to the By-Laws shall be approved by the City Council.

# **CITY OF MORRO BAY PLANNING COMMISSION BY-LAWS**

## **PURPOSE AND AUTHORITY**

The Planning Commission is established in accordance with the provisions of Government Code Section 65100, et sec. The functions of the Planning Commission shall be as follows:

- A. To develop a general plan and recommend its adoption by the city council;
- B. To maintain the general plan after its adoption by the city council;
- C. To develop specific plans as may be necessary to implement the general plan;
- D. To periodically review the capital improvement program of the city for recommendations to the city council;
- E. To perform such other functions as the city council may direct.

The Planning Commission shall:

- A. In addition to the duties and responsibilities set forth by state laws and local ordinances, the planning commission shall act in an advisory capacity to the city council on all matters pertaining to the planning function;
- B. Cooperate with other city boards and commissions, governmental agencies and civic groups in the advancement of sound planning, both within and without the city;
- C. Formulate policies on planning services for recommendation to the city council;
- D. Upon the request of the City Council, hold a joint meeting with the city council twice annually to discuss proposed policies, programs, goals and objectives, budgeting, future planning, or any other planning matter requiring joint deliberation. The city clerk shall in January of each year bring forth an agenda item to the city council to schedule the two joint meetings;
- E. Recommend to the city council the adoption of standards with respect to organization, personnel, facilities, programs and financial support of the planning commission;
- F. Disseminate to the public information concerning the policies and functions of the planning commission.

## **APPOINTMENT**

The Planning Commission shall consist of five members and they shall be qualified electors and residents of the City. Appointments and the filling of vacancies shall be made by the City Council. Commissioners shall serve at the pleasure of the City Council.

## **TERMS OF OFFICE**

Members of the Planning Commission shall be appointed by and serve at the pleasure of the City Council. Terms shall be for a period of four years; vacancies shall be filled for the unexpired term only. Two-year short terms may be established to stagger terms. Expiration dates of specific terms shall be established by resolution of the City Council.

## **QUALIFICATIONS**

A member must be a resident and registered voter of the City during the term of appointment, unless excepted by State Law or Council approved special requirements; must be at least 18 years of age at the time of appointment; and, may not be an Elected Official, Officer, or Employee of the City of Morro Bay. (Council Policies and Procedures, Section 6.6.1)

## **ABSENCE FROM MEETINGS**

Absence of a Board Member from three (3) consecutive meetings or four (4) meetings in any consecutive 12-month period will constitute the voluntary resignation of the absent member and the position will be declared vacant.

## **ORGANIZATION**

At the first regular meeting in each year wherein newly appointed Members are seated, the Members shall elect a Chairperson and Vice-Chairperson who shall hold office for a period of one year. The Chairperson shall preside over meetings, appoint appropriate sub-committees, and direct the affairs of the Committee. In the absence of the Chairperson, duties of the office shall be performed by the Vice-Chairperson. If both the Chair and Vice-Chair are absent, the remaining quorum shall appoint one member to preside at that meeting. The City of Morro Bay staff will maintain accurate minutes of the official activities of the Committee.

## **PROCEDURE**

Regular meetings shall be held twice a month on a regular schedule. The meetings shall be open to the public. The date, time and location along with the meeting agenda shall be noticed in accordance with Government Code Sections 54970-54975. The Chair may close meetings to public comment, provided that the action is consistent with the Brown Act. Agendas, reports, meetings and any and all actions shall be governed by the requirements of the Brown Act, as amended.

All advisory board meetings will be conducted in strict compliance with the City Council Policies and Procedures Manual. Where used in the City Council Policies and Procedure Manual, the term “City Council” shall mean the “Board” or “Commission”, the term “Mayor” shall mean “Chairperson” and the term “Councilmember” shall mean “Board Member” or “Commissioner”. In all matters and things not otherwise provided for in the Bylaws or the Policies and Procedures of the City Council, proceedings shall be governed by “Robert's Rules of Order,” revised edition. However, no ordinance, resolution, proceeding or other action of the City Council pertaining to the Committee shall be invalidated or the legality thereof otherwise affected by the failure or omission to observe or follow “Robert’s Rules of Order.”

Communication between the Advisory Group, its members, and the Council shall be in accordance with the City Council Policies and Procedures as currently adopted.

## **QUORUM**

A majority of voting members shall constitute a quorum.

## **BY-LAW AMENDMENTS**

All amendments to the By-Laws shall be approved by the City Council.

# **CITY OF MORRO BAY CITIZENS OVERSIGHT COMMITTEE**

## **Morro Bay Municipal Code 3.22.120**

### **3.22.120 Citizens Oversight Committee.**

A. Citizens Oversight Committee Established. There shall be a permanent citizens' advisory committee called the "Citizens Oversight Committee" (hereinafter "Committee"), which shall semi-annually review revenues and expenditures from the collection of the tax.

B. Committee Membership. The Committee shall have 5 citizen-members appointed by the City Council for six year terms with initially 3 members serving 3 years, and 3 members serving 6 years. Appointees shall be residents of the City; however, no member of the Committee shall be an elected official.

C. Committee Organization Procedures. The committee shall select one of its members as Chairperson. The Committee shall follow the rules of procedure of the City unless and until, upon the report and recommendation from the Committee, the City Council adopts a specific set of procedural rules for the Committee.

D. Regular Meeting; Provision of Support Services and Information. The Committee shall be subject to the provisions of the Brown Act (California Government Code sections 54950 et seq.) and shall meet at least once each calendar year. A regular meeting schedule shall be determined in accordance with the Brown Act and thereafter meetings shall be noticed by the City Clerk. The City Manager or his/her designee shall serve as executive staff to the Committee. In addition to receiving materials directly related to the functioning of the Committee, the Committee members shall also receive all agenda material and other primary staff reports (other than those which are confidential) as are provided to the City Council.

E. Citizens Oversight Committee Functions. The Committee shall have the following function:

Semi- annual Report: The Committee shall review a semi-annual expense report of the City relative to activities funded with the additional general purpose local sales tax monies. Not later than the last day of the sixth month following the end of the each City fiscal year, the Committee will present its findings and conclusions to the City Council for its review.