

City of Morro Bay

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.

**NOTICE OF SPECIAL MEETING
WEDNESDAY, APRIL 13, 2016
MORRO BAY VETERAN'S HALL – 4:00 P.M.
209 SURF STREET, MORRO BAY, CA**

**ESTABLISH QUORUM AND CALL TO ORDER JOINT MEETING OF THE CITY COUNCIL AND TOURISM BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD
PUBLIC COMMENT RE: ITEM ON THE AGENDA
SPECIAL MEETING AGENDA ITEM:**

JOINT MEETING OF THE CITY COUNCIL AND TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) ADVISORY BOARD TO DISCUSS FISCAL YEAR 2016/17 WORK PLANS BASED ON COUNCIL-ADOPTED GOALS AND PRIORITIES

Adjourn TBID Board meeting and recess City Council meeting

**ESTABLISH QUORUM AND CALL TO ORDER PERSONNEL BOARD MEETING
PUBLIC COMMENT RE: ITEM ON THE AGENDA
SPECIAL MEETING AGENDA ITEM:**

ADOPTION OF RESOLUTION NO. PB01-16 OF THE PERSONNEL BOARD OF THE CITY OF MORRO BAY AUTHORIZING THE ISSUANCE OF SUBPOENAS FOR CERTAIN CITY ADMINISTRATIVE APPEALS HEARINGS

Adjourn Personnel Board meeting and reconvene City Council meeting, with the Mayor reading the agenda title for the Closed Session item and the Council then recessing to reconvene in Closed Session at 595 Harbor Street.

CS-1 GOVERNMENT CODE SECTION 54956.8 - CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

Property: Lease Site 89/89W, The Boatyard, 845 Embarcadero

Property Negotiators: Cliff Branch, Trustee of Branch Family Trust and James and Beverly Smith, Trustee of Smith Family Trust

Agency Negotiators: Eric Endersby, Harbor Director, David Buckingham, City Manager and Joseph Pannone, City Attorney

Under Negotiation: Price and Terms of Payment

Property: Lease Site 144/144W, Morro Bay Oyster Company, LLC, 1287 Embarcadero
Property Negotiators: Neal Maloney, Morro Bay Oyster Company, LLC
Agency Negotiators: Eric Endersby, Harbor Director and Joseph Pannone, City Attorney
Under Negotiation: Price and Terms of Payment

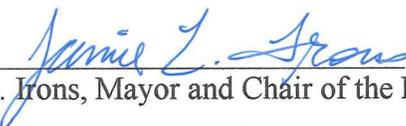
Property: Lease Site 113W, 1213 Embarcadero (Morro Bay Landing)
Property Negotiators: Robert Fowler/MMBS, LLC, Leonard Gentieu, Papagallo Yacht
Charters, Inc.
Agency Negotiators: Eric Endersby, Harbor Director and Joseph Pannone, City Attorney
Negotiations: Price and Terms of Payment

Property: 2783 Coral Avenue
Property Negotiators: IVDC, LLC and Valley Affordable Builders
Agency Negotiators: David Buckingham, City Manager and Joseph Pannone, City
Attorney
Negotiations: Price and Terms of Payment

RECONVENE TO OPEN SESSION – Announcement of reportable action from closed session, if any.

ADJOURNMENT

DATED: April 8, 2016



Jamie L. Irons, Mayor and Chair of the Personnel Board

Not available for signature
Michele Jacquez, Chair of the Tourism Business Improvement District Advisory Board

MATERIALS RELATED TO AN ITEM ON THIS AGENDA SUBMITTED TO THE AFTER DISTRIBUTION OF THE AGENDA PACKET ARE AVAILABLE FOR PUBLIC INSPECTION AT CITY HALL LOCATED AT 595 HARBOR STREET; MORRO BAY LIBRARY LOCATED AT 625 HARBOR STREET; AND MILL'S COPY CENTER LOCATED AT 495 MORRO BAY BOULEVARD DURING NORMAL BUSINESS HOURS. IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN A CITY MEETING, PLEASE CONTACT THE CITY CLERK'S OFFICE AT LEAST 24 HOURS PRIOR TO THE MEETING TO INSURE THAT REASONABLE ARRANGEMENTS CAN BE MADE TO PROVIDE ACCESSIBILITY TO THE MEETING.



SPECIAL JOINT MEETING DATE:
April 13, 2016

Staff Report

DATE: April 8, 2016

TO: Honorable Mayor and City Council and Tourism Business Improvement District Advisory Board

FROM: David Buckingham, City Manager

SUBJECT: Special Joint Meetings with Advisory Bodies to Discuss Fiscal Year 2016/17 Work Plans based on Council-Adopted Goals and Priorities

BACKGROUND/DISCUSSION

In December, Council approved Resolution 79-15 adopting the Advisory Board Work Plan Development Structure as attached. Under that structure, the Council's goals and objectives inform the work conducted by staff and what items are brought before the advisory bodies. In order to provide a more orderly and functional system for addressing annual objectives, staff prepares annual work plans to meet said objectives. The advisory bodies review and provide input on the annual work plans. The Council then adopts the annual work plans. The structure also provides a mechanism for advisory bodies to recommend additions of items to said work plans, which can be brought back to Council for approval.

The draft work plans prepared by staff for each advisory board are attached for review and discussion at Tuesday afternoon's meetings.

ATTACHMENTS

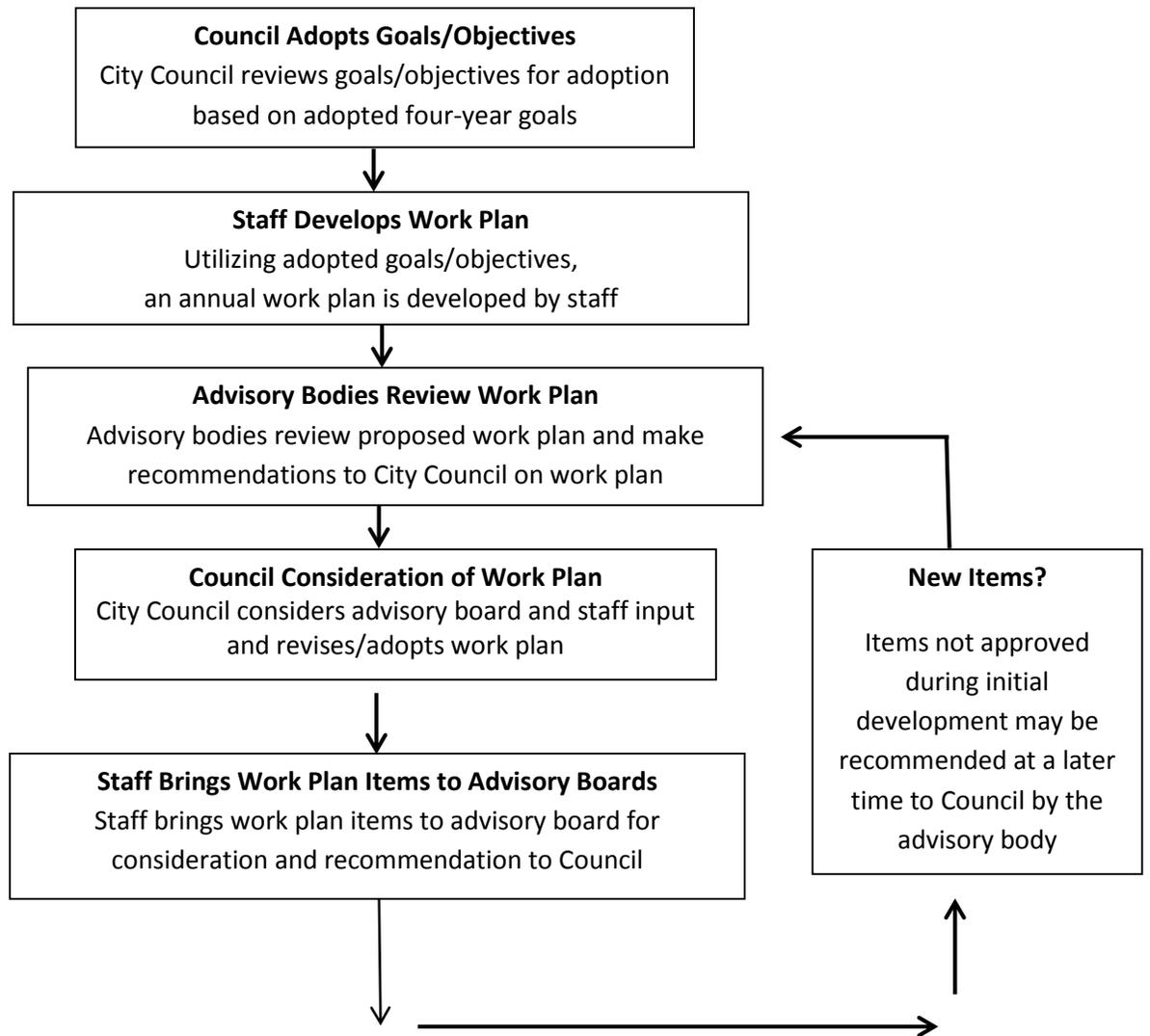
Advisory Body Work Plan Development Structure
Tourism Business Improvement District Advisory Board Draft Work Plan

Prepared By: BRA Dept Review: DS

City Manager Review: _____

City Attorney Review: _____

Advisory Board Work Development Structure



Goal # 1 – Annual Goals

a) Current review and annual goals development.

WPE1 – City Staff and the Tourism Business Improvement District Advisory Board conduct a mid-year goal review in December and make recommendations for any modifications to the current goals.

WPE2 – The Tourism Business Improvement District Advisory Board will review in February and make recommendations to city staff for modifications or recommend to city council for approval.

WPE3 - The goals will be incorporated within the full city budget and then reviewed, modified or approved by city council in May or June.

Goal # 2 – Annual Budget

a) Current review and annual budget development.

WPE1 – City Staff and the Tourism Business Improvement District Advisory Board conduct a mid-year budget review in November and make recommendations for any modifications to the current budget.

WPE2 – The Tourism Business Improvement District Advisory Board will review in February and make recommendations to city staff for modifications or recommend to city council for approval.

WPE4 - The budget is incorporated within the full city budget and then reviewed, modified or approved by city council in May or June.

Goal # 3 – Annual Marketing, Public Relations & Sales Plan

a) Current review and annual plan development.

WPE1 – City Staff and the Tourism Business Improvement District Advisory Board conduct a mid-year review of the annual marketing, public relations & sales plan (annual plan) in December and make recommendations for any modifications for the remainder of the fiscal year.

WPE2 – The Tourism Business Improvement District Advisory Board will review in February and make recommendations to city staff for modifications or recommend to city council for approval.

WPE3 - The annual plan is incorporated within the full city budget and then reviewed, modified or approved by city council in May or June.

Goal # 4 – China Readiness Program

a) Preparation of the Morro Bay business community for the in-bound Chinese travel market.

WPE1 – Research and find the proper industry resources to establish a viable China Readiness Program by mid-September.

WPE2 – Assemble a committee consisting of the Tourism Business Improvement District Advisory Board, City Council, community business & industry partner organizations for an information meeting in September.

WPE3 – The committee helps establish first year goals and objectives to execute within the community the first year by October.

WPE4 – Identify opportunities within the business community to host and/or promote China Readiness Workshops by the end of December.

WPE5 – Provide Phase I: China Readiness Informational Workshops for restaurants, retail and lodging in January & February.

WPE6 – The committee evaluates feedback and begins designing Phase II: China Readiness Workshops for a more in-depth training for restaurants, retail and lodging by the end of March.

WPE6 – The committee begins to work on the second year goals and objectives by the end of March, including a community residential component.

WPE7 – Report the progress of this program to City Council in March.

WPE8 - Create a shared resource guide for the business community by the end of April.

WPE9 – The committee review and evaluates first year goals and objectives by the end of May and makes any modifications as necessary.

WPE10 – A staff report is created and presented to both the Tourism Business Improvement District Advisory Board and City Council in May outlining the progress of year one and the presentation of the second year goals, objectives and community workshops.



AGENDA NO: I

MEETING DATE: April 13, 2016

Staff Report

TO: Honorable Chair and Board Members **DATE:** April 6, 2016

FROM: Susan Slayton, Administrative Services Director

SUBJECT: Adoption of Resolution No. PB01-16 of the Personnel Board of the City of Morro Bay Authorizing the Issuance of Subpoenas for Certain City Administrative Appeals Hearings

RECOMMENDATION

Staff recommends the Personnel Board, adopt Resolution No. PB01-16.

DISCUSSION

From time to time, administrative appeal hearings may be held, with respect to employment matters, pursuant to the Morro Bay Municipal Code, Personnel Rules and Regulations. The MBMC states the City Council is the City's Personnel Board and as that board, has the right of subpoena, authorizing the issuance of subpoenas in such employment-related administrative appeal proceedings to compel the attendance of witnesses or the production of records or other evidence relevant to the proceedings. In order to ensure such hearings afford City employees adequate procedural due process rights, and to ensure the parties representing the City are also afforded the ability to present adequate testimony and evidence, and examine witnesses, staff recommends the City of Morro Bay Personnel Board authorize the issuance of subpoenas in such administrative appeal proceedings, and establish related procedures for the issuance of such subpoenas.

The adoption of the proposed Resolution would provide clear authority for the issuance of subpoenas in employment-related administrative hearing proceedings, delegates the authority for issuing subpoenas to the applicable hearing officer, and provides the relevant procedures for the issuance, service, and objection to such a subpoena.

CONCLUSION

Staff recommends the Personnel Board adopt Resolution No. PB01-16.

RESOLUTION NO. PB01-16

**A RESOLUTION OF THE PERSONNEL BOARD OF THE CITY OF MORRO BAY
AUTHORIZING THE ISSUANCE OF SUBPOENAS FOR CERTAIN CITY
ADMINISTRATIVE APPEAL HEARINGS**

City of Morro Bay, California

WHEREAS, the Morro Bay Municipal Code Section (“MBMC”) 2.32.030 states, in part, the following:

The City Council shall act as the personnel board. The functions of the City Council, when acting as the personnel board, shall be:

- A. As provided by this chapter and by the rules, to hear appeals submitted by any person in the competitive service, relative to any disciplinary action, dismissal, demotion, interpretation, or alleged violation of this chapter or the personnel rules...; and

WHEREAS, MBMC Section 2.32.110 states: “the personnel board shall have the right of subpoena, the power to examine witnesses under oath, the power to compel the attendance of witnesses, and the power to require the production of evidence by subpoena;” and

WHEREAS, pursuant to the MBMC and Personnel Rules and Regulations of the City of Morro Bay (the “Rules”), the City may hold administrative hearings to review appeals submitted by any person in the competitive service, relative to any disciplinary action, dismissal, demotion, interpretation, or alleged violation of this chapter or the personnel rules (the “Hearings”).

NOW, THEREFORE, BE IT RESOLVED by the Personnel Board of the City of Morro Bay, California, as follows:

Section 1. In order to ensure the Hearings afford (i) City employees adequate procedural due process rights and (ii) the parties representing the City the ability to present adequate testimony and evidence and examine witnesses, the Personnel Board desires to authorize the issuance of subpoenas, for the Hearings, to the hearing officer holding each of the Hearings, and to establish related procedures for the issuance of such subpoenas (the “Procedures”).

Section 2. The Procedures shall be as presented below:

- A. When, pursuant to the MBMC and the Rules an administrative appeal is made to the City, the hearing officer, is authorized to issue subpoenas in order to compel:
 - 1. The presence of witnesses to any of the Hearings to testify under oath and
 - 2. The production of evidence relevant to any of the Hearings.
- B. All subpoenas issued must be on the form provided by the City, and must be attested to by the City Clerk, in order to be valid.

- C. Any subpoena issued must be served in the same way subpoenas are served in civil actions in California State court proceedings, and subject to the same requirements for service of subpoenas in such civil actions.
- D. The City will be responsible for the payment of any witness fees and costs in accordance with the applicable provisions of Government Code sections 68092 through 68097.2, with respect to attendance at a civil proceeding.
- E. If a person, or entity, upon whom a subpoena is served, objects to the service, scope, or other aspect of the subpoena, then such objections must be stated in writing, and the objections will be ruled upon by the Chair of the Personnel Board. In ruling on such objections, the Chair of the Personnel Board will be governed by the rules of privilege and other requirements applicable to the service of civil subpoenas in California State court proceedings.
- F. If any person subpoenaed (i) neglects or refuses to obey a subpoena, (ii) refuses to comply with a ruling on written objections or (iii) refuses to testify or answer questions at the hearing, which the hearing officer determines to be proper and relevant to the hearing, then the hearing officer, through the City's legal counsel, may report the conduct to the presiding judge of the San Luis Obispo County Superior Court and request contempt proceedings be initiated in the same manner as provided in Government Code sections 37107 - 37109.

Section 3. This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED on the 13th day of April, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

JAMIE IRONS, Chair

ATTEST:

DANA SWANSON, City Clerk