



AGENDA

REGULAR MEETING OF THE LAKEPORT CITY COUNCIL

(ALSO MEETS AS THE CITY OF LAKEPORT MUNICIPAL SEWER DISTRICT, THE LAKEPORT INDUSTRIAL DEVELOPMENT AUTHORITY, THE MUNICIPAL FINANCING AGENCY OF LAKEPORT and THE SUCCESSOR AGENCY TO THE FORMER LAKEPORT REDEVELOPMENT AGENCY)

Tuesday, July 20, 2021 6:00 p.m.

City Council Chambers, 225 Park Street, Lakeport, California 95453

See Teleconferencing Instructions Below

In accordance with updated guidelines from the State of California and revised Cal OSHA Emergency Temporary Standards, persons that are NOT fully vaccinated for COVID-19 are required to wear a face covering at this meeting.

Pursuant to Section 3 of Executive Order N-08-21, issued by Governor Newsom on June 11, 2021, the regular meeting of the City Council for **July 20, 2021** will be conducted both in person, and telephonically through Zoom.

If you cannot attend in person, and would like to speak on an agenda item, you can access the **Zoom** meeting remotely:

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://zoom.us/j/97368201787?pwd=a2NvVnN6MEFjQ2Exc2pTZkpldU1sQT09>

Passcode: 477973

Or join by phone:

Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 9128 or +1 346 248 7799 or +1 253 215 8782 or +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 973 6820 1787

Passcode: 477973

International numbers available: <https://zoom.us/u/abNyiaqY1I>

The City wants you to know that you can also submit your comments by email to virtualhost@cityoflakeport.com.

To give the City Clerk adequate time to print out your comments for consideration at the meeting, please submit your written comments prior to **3:30 p.m. on Tuesday, July 20, 2021.**

Please indicate in the email Subject Line "FOR PUBLIC COMMENT" and list the item number you wish to comment on.

Comments that you want read to the Council will be subject to the three minute time limitation (approximately 350 words).

Written comments that are only to be provided to Council and not read at the meeting will be distributed to the Council prior to the meeting.

The City of Lakeport thanks you in advance for taking all precautions to prevent spreading the COVID-19 virus.



AGENDA

REGULAR MEETING OF THE LAKEPORT CITY COUNCIL (ALSO MEETS AS THE CITY OF LAKEPORT MUNICIPAL SEWER DISTRICT, THE LAKEPORT INDUSTRIAL DEVELOPMENT AUTHORITY, THE MUNICIPAL FINANCING AGENCY OF LAKEPORT and THE SUCCESSOR AGENCY TO THE FORMER LAKEPORT REDEVELOPMENT AGENCY)

Tuesday, July 20, 2021, 6:00 p.m.

City Council Chambers, 225 Park Street, Lakeport, California 95453

6:00 p.m.

- I. CALL TO ORDER & ROLL CALL:**
- II. PLEDGE OF ALLEGIANCE:**
- III. ACCEPTANCE OF AGENDA/ URGENCY ITEMS:**
- Move to accept agenda as posted, or move to add or delete items.
- To add item, Council is required to make a majority decision that an urgency exists (as defined in the Brown Act) and a 2/3rds determination that the need to take action arose subsequent to the Agenda being posted.*
- The following Consent Agenda items are expected to be routine and noncontroversial. They will be acted upon by the Council at one time without any discussion. Any Council Member may request that any item be removed from the Consent Agenda for discussion under the regular Agenda. Removed items will be considered following the Consent Calendar portion of this agenda.*
- IV. CONSENT AGENDA:**
- A. Ordinances: Waive reading except by title, of any ordinances under consideration at this meeting for either introduction or passage per *Government Code* Section 36934.
- B. Minutes: Approve minutes of the City Council regular meeting of June 15, 2021, and the special meeting of June 29, 2021.
- C. Ordinance Introduction: Introduce the proposed ordinance to the Lakeport Municipal Code and schedule a public hearing for August 17, 2021.
- D. Third Quarter Financial Statement: Review and file the 3rd Quarter 2020-21 financial statements
- E. Delinquent Utility Bills: Adopt the resolution to cause a written report to be prepared and filed with the City Clerk regarding delinquent water and sewer user charges, fees, and penalties for the period of June 1, 2020 through May 31, 2021 and setting a public hearing on the written report prior to collection on the tax roll.
- F. Contract Amendment: Authorize the Mayor to sign the first amendment to the 2019 PEG Agreement extending the term of the agreement through 2023.
- V. PUBLIC PRESENTATIONS/REQUESTS:**
- A. Public Input: *Any person may speak for 3 minutes about any subject within the authority of the City Council, provided that the subject is not already on tonight's agenda. Per Government Code §54954.3(a), the City Council cannot take action or express a consensus of approval or disapproval on any public comments regarding matters which do not appear on the printed agenda*
- B. Presentation: Introduce new Police K-9 Olin to the Council and community.
- VI. PUBLIC HEARINGS:**
- A. Community Development Block Grant Close-Out: Hold a public hearing and approve the close out of grant contract 14-CDBG-9883, and direct staff to submit the final close out documents to the State.
- VII. COUNCIL BUSINESS:**
- A. Community Development Director

1. Safety Element Amendment: Adopt the proposed Resolution to approve an Amendment to the Safety Element of the General Plan.

B. Police Chief

1. Use of Force Analysis Report: Receive and file the 2021 Use of Force Analysis Report.

C. City Manager

1. League of California Cities Annual Conference: Nominate voting delegates for the League of California Cities Annual Conference to be held September 22-24, 2021.

VIII. CITY COUNCIL COMMUNICATIONS:

- A. Travel, Calendar, and Miscellaneous Reports, if any:

IX. ADJOURNMENT:

Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office at 225 Park Street, Lakeport, California, during normal business hours. Such documents are also available on the City of Lakeport's website, www.cityoflakeport.com, subject to staff's ability to post the documents before the meeting.

The City of Lakeport, in complying with the *Americans with Disabilities Act (ADA)*, requests individuals who require special accommodations to access, attend and/or participate in the City meeting due to disability, to please contact the City Clerk's Office, (707) 263-5615, 72 hours prior to the scheduled meeting to ensure reasonable accommodations are provided.

Hilary Britton, Deputy City Clerk



MINUTES

REGULAR MEETING OF THE LAKEPORT CITY COUNCIL (ALSO MEETS AS THE CITY OF LAKEPORT MUNICIPAL SEWER DISTRICT, THE LAKEPORT INDUSTRIAL DEVELOPMENT AUTHORITY, THE MUNICIPAL FINANCING AGENCY OF LAKEPORT and THE SUCCESSOR AGENCY TO THE FORMER LAKEPORT REDEVELOPMENT AGENCY)

Tuesday, June 15, 2021

- I. CALL TO ORDER & ROLL CALL:** Mayor Parlet called the meeting to order at 6:21 p.m., with Council Members Froio, Green, and Mayor Parlet present and Council Members Mattina and Turner absent.
- II. PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was observed via video.
- III. ACCEPTANCE OF AGENDA/ URGENCY ITEMS:** A motion was made by Council Member Green, seconded by Council Member Froio, and passed 3-0-0-2 by the following roll call vote: Froio – aye; Green – aye; Mattina – absent; Turner – absent; Parlet – aye to accept agenda as posted.
- The following Consent Agenda items are expected to be routine and noncontroversial. They will be acted upon by the Council at one time without any discussion. Any Council Member may request that any item be removed from the Consent Agenda for discussion under the regular Agenda. Removed items will be considered following the Consent Calendar portion of this agenda.*
- IV. CONSENT AGENDA:**
- A. Ordinances: Waive reading except by title, of any ordinances under consideration at this meeting for either introduction or passage per *Government Code* Section 36934.
- B. Minutes: Approve minutes of the City Council regular meeting of June 1, 2021.
- C. Warrants: Approve the warrant register of June 10, 2021.
- D. Application WP2021-002: Approve event application WP2021-002, with staff recommendations, for the 2021 Grillin’ on the Green event.
- E. Application 2021-017: Approve amended event application 2021-017, with staff recommendations, for the Summer Concert Series to be held Fridays in Library Park from July 16 through August 20, 2021, with reserved parking for food vendors.
- F. Master Salary Schedule: Approve a Resolution rescinding Resolution 2772 (2021) and revising the Master Pay Schedule in conformance with California Code of Regulations, Title 2, Section 570.5.
- G. Renew Emergency Resolution: COVID-19 Confirm the continuing existence of a local emergency for the COVID-19 Public Health Emergency.
- H. Meeting Cancellation: Authorize the cancellation of the regular meeting of July 6, 2021.
- Vote on Consent Agenda: A motion was made by Council Member Froio, seconded by Council Member Green, and passed 3-0-0-2 by the following roll call vote: Froio – aye; Green – aye; Mattina – absent; Turner – absent; Parlet – aye to approve the consent agenda, items A-H.
- V. PUBLIC PRESENTATIONS/REQUESTS:**
- A. Public Input: There was no input offered from the public.
- B. Presentation: Faith Hornby and Justin Gaddy of Hope Rising Lake County gave a presentation on the All Children Thrive grant’s Youth Governance Board project.
- C. Proclamation: The Mayor presented a proclamation for retiring Executive Director of the Lake County Chamber of Commerce, Melissa Fulton.
- VI. PUBLIC HEARINGS:**
- A. General Plan Update: The staff report was presented by Community Development Director Byers.

Mayor Parlet opened the public hearing at 6:53 p.m. With no comment offered from the public, Mayor Parlet closed the public hearing at 6:53 p.m.

Council Member Green noted that the Resolution adopting the Safety Element was omitted from the agenda packet. City Attorney Ruderman stated the item was sufficiently noticed and the Clerk could place the item on the website and the Council could still consider the item at the end of the meeting. Council member Green stated he would not approve the Resolution. Mayor Parlet recommended moving the item to the special meeting on June 29.

B. Community Development Block Grant Applications: Program Income (PI) and 2021 Notice of Funding Availability (NOFA):

The staff report was presented by Community Development Director Byers.

Mayor Parlet opened the public hearing at 7:09 p.m. Nancy Ruzicka spoke about repaving Parallel Drive. Mayor Parlet closed the public hearing at 7:12 p.m.

A motion was made by Council Member Green, seconded by Council Member Froio, and passed 3-0-0-2 by the following roll call vote: Froio – aye; Green – aye; Mattina – absent; Turner – absent; Parlet – aye to schedule a Special Meeting on June 29, 2021 to consider possible activities and projects for funding under the 2021 NOFA and for use of PI.

VII. COUNCIL BUSINESS:

A. Finance Director

1. FY 2021-22 Budget:

The staff report was presented by Finance Director Walker.

A motion was made by Council Member Froio, seconded by Council Member Green, and passed 3-0-0-2 by the following roll call vote: Froio – aye; Green – aye; Mattina – absent; Turner – absent; Parlet – aye to adopt the recommended budget for the City of Lakeport and its component units authorize the City Manager to expend the appropriations found therein for the fiscal year 2021-22.

2. FY 2021-022 Appropriations Limit:

The staff report was presented by Finance Director Walker

A motion was made by Council Member Green, seconded by Council Member Froio, and passed 3-0-0-2 by the following roll call vote: Froio – aye; Green – aye; Mattina – absent; Turner – absent; Parlet – aye to approve the appropriations limit of \$14,074,200 in Fiscal Year 2021-22 for the City of Lakeport and adopt the proposed resolution.

B. Community Development Director

1. Abandoned Vehicle Abatement Service Authority:

The staff report was presented by Community Development Director Byers.

A motion was made by Council Member Froio, seconded by Council Member Green, and passed 3-0-0-2 by the following roll call vote: Froio – aye; Green – aye; Mattina – absent; Turner – absent; Parlet – aye to approve the proposed Resolution which will allow the City's continued participation in the Lake County Abandoned Vehicle Abatement Service Authority (AVA).

2. Weed Abatement:

The staff report was presented by Community Development Director Byers

Nancy Ruzicka spoke in favor of the item.

A motion was made by Council Member Green, seconded by Council Member Froio, and passed 3-0-0-2 by the following roll call vote: Froio – aye; Green – aye; Mattina – absent; Turner – absent; Parlet – aye to approve the proposed resolution declaring dry weeds, brush, and similar vegetation to constitute a public nuisance and providing staff may utilize the Administrative Citations to obtain abatement of nuisance weeds.

C. Public Works Director

1. Bid Award: Forbes Creek Neighborhood Improvement Project:

The staff report was presented by Community Development Director Byers.

Nancy Ruzicka expressed concern about repeating the plans that may already exist at City Hall.

A motion was made by Council Member Green, seconded by Council Member Froio, and passed 3-0-0-2 by the following roll call vote: Froio – aye; Green – aye; Mattina – absent; Turner – absent; Parlet – aye to approve and authorize the City Manager to execute a professional services agreement with the chosen consulting firm for the Forbes Creek Neighborhood Improvement Project.

2. Bid Award: Waterfront Parking Rehabilitation Project:

The staff report was presented by Public Works Director Grider.

A motion was made by Council Member Froio, seconded by Council Member Green, and passed 3-0-0-2 by the following roll call vote: Froio – aye; Green – aye; Mattina – absent; Turner – absent; Parlet – aye to award a construction contract to Argonaut Constructors for the Waterfront Parking Rehabilitation Project.

D. Utilities Superintendent

1. Urgent Drinking Water Needs Funding Application:

The staff report was presented by Utilities Superintendent Harris.

A motion was made by Council Member Green, seconded by Council Member Froio, and passed 3-0-0-2 by the following roll call vote: Froio – aye; Green – aye; Mattina – absent; Turner – absent; Parlet – aye to approve the submittal of an application to the State Water Resources Control Board.

VIII. CITY COUNCIL COMMUNICATIONS:

- A. Miscellaneous Reports, if any:

Council Member Froio gave no report.

Council Member Mattina was absent.

Mayor Parlet wished everyone a great Fourth of July.

Council Member Turner was absent.

Council Member Green acknowledged it is Re-Opening Day for the State of California, and requested the staff come back with an update on how the City is handling the transition.

Administrative Services Director Buendia gave no report.

City Attorney Ruderman wished everyone a happy Flag Day.

City Manager Ingram reported that Council Member Turner was absent as she is sitting as a member of the Community Visioning Board at its initial meeting which was scheduled concurrently with the Council meeting. Council Member Mattina was absent due to connectivity issues while traveling.

Community Development Director Byers gave no report.

Finance Director Walker gave no report.

Police Chief Rasmussen reported that the Lakeport Police Department, along with the Public Works department and other mutual aid, will be running a command post in the Council Chambers for the Fourth of July event. He invited Council Members to stop by the command post.

Public Works Director Grider gave no report.

Utilities Superintendent Harris gave no report.

Mayor Parlet adjourned the meeting at 8:03 p.m.

IX. ADJOURNMENT:

Attest:

Kenneth Parlet, II, Mayor

Kelly Buendia, City Clerk



MINUTES
NOTICE AND CALL OF SPECIAL MEETING
OF THE LAKEPORT CITY COUNCIL
Tuesday, June 29, 2021
5:00 p.m.

Call to Order & Roll Call:

Mayor Parlet called the meeting to order at 5:00 p.m., with Council Members Froio, Green, Mattina, Turner, and Mayor Parlet present.

Community Development Block Grant (CDBG) – Economic Development:

The staff report was presented by Community Development Director Byers.

A motion was made by Council Member Turner, seconded by Council Member Mattina, and passed 5-0-0 by the following roll call vote: Froio – aye; Green – aye; Mattina – aye; Turner – aye; Parlet – aye to adopt the Resolution authorizing the City Manager to sign the statement of assurances and submit an application for the State Community Development Block Grant for the staff recommended purposes.

Closed Session:

Mayor Parlet adjourned the meeting to closed session at 5:02 p.m. to consider the following:

1. Conference with Legal Counsel; Initiation of Litigation (Gov. Code § 54956.9(d)(4))
Number of potential cases: One (1) case

2. Conference with Legal Counsel; Existing Litigation (Gov. Code § 54956.9(d)(1))
The City Council finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation. *City of Lakeport et al. v. Amerisourcebergen Drug Corporation et al.* (NDO MDL 1:20-op-45242-DAP)

Report out of Closed Session:

Open Session resumed at 5:26 p.m. City Attorney Ruderman reported that with regard to item one (1) the City Council approved the initiation of litigation. The action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the City's ability to effectuate service of process on one or more unserved parties.

City Attorney Ruderman reported that with regard to item two (2) there was no reportable action from the Closed Session.

Adjournment:

City Clerk Buendia adjourned the meeting at 5:28 p.m.

Kenneth Parlet II, Mayor

Attest:

Kelly Buendia, City Clerk



CITY OF LAKEPORT

- City Council
- City of Lakeport Municipal Sewer District
- Lakeport Redevelopment Successor Agency
- Lakeport Industrial Development Authority
- Municipal Financing Agency of Lakeport

STAFF REPORT	
RE: First Reading and Consideration of Changes to the "Travel Expenses for Officers and Employees" Ordinance	MEETING DATE: 07/20/2021
SUBMITTED BY: Kelly Buendia, Administrative Services Director	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to initiate proceedings and set a public hearing for the consideration of an ordinance amending section 2.36 "Travel Expenses for Officers and Employees" of the Lakeport Municipal Code.

BACKGROUND/DISCUSSION:

In response to an employee inquiry, management staff discovered a need to update the city ordinance with regard to travel expense reimbursement. In 2006, the City Council adopted a travel and expense policy which was subsequently amended in 2010 and 2011. The 1981 ordinance was not repealed or otherwise changed. While the ordinance and the policy are aligned with one another, there is confusion by travelers on which one to use. Staff is recommending amending the ordinance to state that the policy shall be adopted by resolution.

Attached to this report is the amended ordinance that recommends policy adoption by resolution. Additionally staff is providing a Draft Travel Expense Authorization and Reimbursement Policy that has been extensively reviewed for consistency with IRS Regulations. The IRS takes a very strict view with regard to meals and expenses that could be considered a taxable fringe benefit. Staff also hopes that the City Council and employees will find this policy to be more user-friendly. Staff will present the policy for consideration at the August 17, 2021 City Council meeting in coordination with the public hearing.

OPTIONS:

1. Introduce the proposed Ordinance amending section 2.36 "Travel Expenses for Officers and Employees" of the Lakeport Municipal Code for adoption of the ordinance on August 17, 2021.
2. Provide other direction.

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Water OM Fund Sewer OM Fund Other:

Comments:

SUGGESTED MOTIONS: Move to introduce the proposed ordinance to the Lakeport Municipal Code and schedule a public hearing for August 17, 2021.

Attachments:

1. Ordinance Amending Section 2.36 "Travel Expenses for Officers and Employees" of the Lakeport Municipal Code.
2. DRAFT Resolution and Travel Expense Authorization & Reimbursement Policy
3. 2011 Staff Report and Amendment to Policy

ORDINANCE NO.XXX (2021)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKEPORT AMENDING ~~SECTION~~ CHAPTER
2.36 "TRAVEL EXPENSES FOR OFFICERS AND EMPLOYEES" OF THE LAKEPORT MUNICIPAL CODE

WHEREAS, the City of Lakeport takes its stewardship over the use of its limited public resources seriously; and

WHEREAS, the City Council so desires to adopt a policy for officers and employees through the resolution process; and

WHEREAS, this amendment to the ordinance will provide for the more effective and efficient operation of government.

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

SECTION 1. Chapter 2.36 is amended as follows:

Chapter 2.36
TRAVEL EXPENSES FOR OFFICERS AND EMPLOYEES

Sections:

- ~~2.36.010010~~ Purpose of provisions.Policy Adopted and Amended
- ~~2.36.020~~ Scope of provisions.
- ~~2.36.030~~ Authorization.
- ~~2.36.040~~ Claim requirements.
- ~~2.36.050~~ General expense guidelines.
- ~~2.36.060~~ Out of city travel Over twenty four hours Per diem allowance.
- ~~2.36.070~~ Out of city travel Under twenty four hours Per diem allowance.
- ~~2.36.080~~ Reimbursement of factual expenses.
- ~~2.36.090~~ Transportation expenses.

~~2.36.010~~ Purpose of provisions.Policy Adopted and Amended

A travel and expense policy for officers and employees shall be adopted by resolution of the city council for the purpose of this chapter is to establishing rules and regulations governing the expenditure of public funds for travel, subsistence, lodging and other related costs incurred during the conduct of official city business or performance of official duties of the city. ~~(Ord. 599 §1.1, 1981)~~

~~2.36.020~~ Scope of provisions.

~~All city council members, officers, employees or other official representatives of the city may claim reimbursement for the expenditure governed by this policy. (Ord. 599 §1.2, 1981)~~

~~2.36.030~~ Authorization.

~~All travel outside the city, and all reimbursement for travel, subsistence, lodging or other related costs must be authorized as follows:~~

~~A. City council members by authorization of the mayor;~~

~~B.—All other officers, employees or representatives by a travel authorization certified by the department head. Whenever possible, travel authorizations are to be submitted to the city council prior to the expected departure date.~~

~~C.—Representatives of the police department shall require no authorization other than police chief approval for expenses incurred in connection with investigation, prisoner pickup and transportation and prosecution to the extent that such funds are provided for in the police department budget.~~

~~D.—The city attorney-city legal counsel shall require no authorization for expenses incurred with regard to litigation of civil matters in which the city is interested to the extent that such funds are provided for in the legal council budget. (Ord. 599 §2, 1981)~~

~~2.36.040 Claim requirements.~~

~~A.—No expenses shall be reimbursed under this policy unless rendered upon the currently approved travel expense claim form and approved by the duly authorized department head and by the city council.~~

~~B.—Each claimant must provide the information required including but not limited to dates and times of departure and return, destination, travel authorization of purpose for trip, mileage, lodging, etc.~~

~~Each claimant under the provisions of Section 2.36.030 of this chapter must state the purpose for which the expenses were incurred. (Ord. 599 §3, 1981)~~

~~2.36.050 General expense guidelines.~~

~~A.—The allowances for meals and lodging shall be in accordance with the allowances set forth in this chapter unless the cost and circumstances are beyond the control of the claimant, in which case, actual costs may be paid at the discretion of the city council.~~

~~B.—Subsistence. Whenever possible and within their control, claimants are expected to incur expenses comparable to those arising from the use of good, moderately priced establishments catering to the general public.~~

~~C.—Transportation. Claimants are expected to use the method of transportation that is in the best interest of the city, considering both total direct expense as well as the claimants time. (Ord. 599 §4, 1981)~~

~~2.36.060 Out of city travel—Over twenty four hours—Per diem allowance.~~

~~A.—The sum of fifty eight dollars will be allowed for each full twenty four hour period or fraction thereof.~~

~~B.—Documentation. No receipts or vouchers are necessary for lodging or meal expenditures when claiming under subsection A of this section.~~

~~C.—Other Expenses. Parking mileage and transportation costs can be claimed in addition to the per diem allowance allowed under this section. The charges will be paid in accordance with the applicable sections elsewhere in this chapter.~~

~~D.—Registration. Actual registration costs will be paid in addition to per diem when supported by a receipt or other documentation. (Ord. 619 §1, 1983; Ord. 599 S5, 1981)~~

~~**2.36.070 Out of city travel—Under twenty four hours—Per diem allowance.**~~

~~Claimants out of the city for a period less than twenty four hours shall not be allowed a per diem. Claimants shall be entitled for reimbursement for actual expenses incurred pursuant to the terms of this chapter. (Ord. 599 §6, 1981)~~

~~**2.36.080 Reimbursement of actual expenses.**~~

~~A.—Eligibility. Total actual expenses incurred will be allowed for certain conditions and circumstances as follows:~~

- ~~1.—Actual expenses incurred by a member of the city council if travel is authorized by the mayor;~~
- ~~2.—Actual expenses of a claimant as defined in Section 2.36.040 of this chapter if certified by the duly authorized officer in the manner provided in this chapter;~~

~~B.—Actual costs must be supported by proper receipt or documentation as set forth in this policy for each item claimed.~~

~~C.—Other Expenses. Parking, mileage and transportation costs can be claimed in addition to the other expenses allowed under this section. Said charges shall be paid in accordance with the applicable sections elsewhere in this chapter. Registration cost shall be paid in addition to other costs when supported by a receipt or other documentation. Actual costs of meals if supported by a receipt or other documentation if included in registration fee will be also allowed.~~

~~D.—Limitations. Claims for actual costs reimbursement of this section shall not include per diem claims. (Ord. 599 §7, 1981)~~

~~236090 Transportation expenses.~~

~~A.—Definition. Transportation expenses consist of charges for commercial carrier fees, private car mileage allowance, emergency repairs to county cars, overnight or day parking fees, bridge and road tolls, necessary taxi, bus or streetcar fares and all other charges essential to the transportation to and from official destinations.~~

~~B.—Eligibility. Allowances will be paid for expenses authorized as provided in Section 2.36.030 of this chapter.~~

~~C.—Allowance. Private car mileage allowance will be paid at the rate of twenty five cents per mile. Actual regular class fare will be paid for in any commercial transportation service utilizing special and round trip rates whenever possible. Actual bridge, parking, ferry, taxi or streetcar fares will be paid when necessary.~~

~~D.—Documentation. Mileage should reasonably conform to the standard mileage schedule attached to the ordinance codified in this chapter and on file in the office of the city clerk. Receipts must accompany the claim for all other expenses claimed hereunder. (Ord. 599 §8, 1981)~~

SECTION 2. Severability: Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 3. CEQA. The project is exempt from environmental review per CEQA Guidelines under the General Rule (Section 15061(b)(3)). The project involves updates and revisions to existing regulations. It can be seen with certainty that there is no possibility the proposed Municipal Code text amendments will have ~~no~~ a significant negative effect on the environment.

SECTION 4. Effective Date. This ordinance shall take effect thirty (30) days after adoption as provided by Government Code section 36937.

SECTION 5. Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting the entire text.

INTRODUCED and first read at a regular meeting of the City Council on the 20th day of July, 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

FINAL PASSAGE AND ADOPTION by the City Council of Lakeport occurred at a meeting thereof held on the 17th day of August, 2021, by the following vote:

AYES:

NOES:
ABSTAIN:
ABSENT:

KENNETH PARLET, MAYOR

ATTEST:

KELLY BUENDIA, City Clerk
City of Lakeport

|

RESOLUTION NO. XXXX (2021)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEPORT
ADOPTING A TRAVEL EXPENSE AUTHORIZATION AND
REIMBURSEMENT POLICY FOR OFFICERS AND EMPLOYEES**

WHEREAS, the City of Lakeport takes its stewardship over the use of its limited public resources seriously; and

WHEREAS, public resources should only be used when there is a substantial benefit to the City of Lakeport; and

WHEREAS, such benefits include the opportunity to discuss the community's concerns with state and federal officials; participating in regional, state and national organizations whose activities affect the City of Lakeport; attending educational seminars designed to improve officials' skill and information levels; and promoting public service and morale by recognizing such service; and

WHEREAS, 1) legislative and other regional, state and federal agency business is frequently conducted over meals; 2) sharing a meal with regional, state and federal officials is frequently the best opportunity for a more extensive, focused and uninterrupted communication about the City of Lakeport's policy concerns; and 3) each meal expenditure must comply with the limits and reporting requirements of local, state and federal law; and

WHEREAS, this policy provides guidance to elected and appointed officials on the use and expenditure of City of Lakeport resources, as well as the standards against which those expenditures will be measured; and

WHEREAS, this policy satisfies the requirements of Government Code sections 53232.2 and 53233.3; and

WHEREAS, this policy supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources; and

WHEREAS, this policy also supplements the definition of necessary and reasonable expenses for purposes of federal and state income tax laws; and

WHEREAS, this policy also applies to any charges made to a city's credit card, cash advances or other line of credit.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKEPORT AS FOLLOWS:

1. The City Council does hereby adopt the Travel Expense Authorization and Reimbursement Policy attached to this Resolution.
2. In accordance with the Lakeport Municipal Code section 2.36, this resolution shall become effective upon its adoption.
3. The City Clerk shall cause a copy of this resolution to be sent to all affected employees and officers upon its effective date.

The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Lakeport held on the on the 17th day of August, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

KENNETH PARLET, MAYOR

ATTEST:

KELLY BUENDIA, City Clerk
City of Lakeport

TRAVEL EXPENSE AUTHORIZATION AND REIMBURSEMENT POLICY

ADOPTED AUGUST XX, 2021

City of Lakeport
Regulations Governing
the Expenditure of
Public Funds

Contents

1	PURPOSE	3
2	PROCEDURE FOR IMPLEMENTATION	3
3	ELIGIBLE AND PROHIBITED EXPENSES.....	3
3.1	Authorized Activities.....	4
3.2	Eligible Expenses.....	4
3.3	Prohibited Expenses	4
4	REIMBURSEMENT POLICY.....	5
4.1	Registration Fees	5
4.2	Lodging.....	5
4.3	Transportation.....	6
4.3.1	Air Transportation.....	6
4.3.2	Ground Transportation	6
4.3.3	City Vehicles	6
4.3.4	Personal or Private Vehicles	6
4.3.5	Baggage Charges	7
4.3.6	Taxi, Shuttle, Transportation Network Carrier (Rideshare) and/or Car Rental.....	7
4.3.7	Car Rental.....	7
4.3.8	Bus, Train and/or Public Transit.....	8
4.3.9	Parking and Tolls.....	8
4.4	Meals	8
4.4.1	Per Diem Rates	8
4.4.2	Allowable Meals	8
4.5	Required Documentation.....	9
4.6	Tips	9
4.7	Telephone, Internet Access, FAX and Postage.....	9
4.8	Miscellaneous.....	9
5	CASH ADVANCE POLICY.....	9
6	INTERNATIONAL AND OUT-OF-STATE TRAVEL.....	10
7	COMPLIANCE WITH LAWS	10

City of Lakeport
Travel Expense Authorization and Reimbursement Policy

8 VIOLATION OF THIS POLICY 10
9 TRAVEL TIME 11
10 RESPONSIBILITY 11

DRAFT

1 PURPOSE

The purpose of this procedure is to implement the Travel Expense Authorization & Reimbursement Policy and to define authorized, reimbursable expenses incurred in travel on City business, establish citywide parameters for authorization and reimbursement of qualified expenses, and provide for audit controls. This procedure does not claim to address every issue, contingency, exception or condition that may arise in the course of authorized travel for City business. Accordingly, the basic standard that should always prevail is to exercise good judgment in the use and stewardship of the City's resources. This policy applies to City Council, Management, Commissioners and Personnel traveling on City business and is intended to satisfy the requirements of GC 53232.2 and 53233.3

2 PROCEDURE FOR IMPLEMENTATION

Travelers shall follow their individual department rules for travel. In the absence of specific department rules travelers shall make their own travel arrangements, obtain required authorizations or approvals, and complete proper forms for any expenses related to the travel or training. Travelers must follow Finance Department procedures to obtain travel advances, pre-pay expenses, and/or obtain reimbursement.

If the traveler is an authorized primary CAL-Card cardholder, authorized travel-related expenses may be paid with traveler's assigned CAL-Card, *with the exception of travel-related meals*. (See Meals Section 4.4). These paid expenses will be reflected in the cardholder's monthly statement.

Participating City Departments may pre-pay travel expenses (e.g., airfare, hotel, conference registration, etc.) for their travelers with an assigned CAL-Card. Travelers shall make reference to this pre-payment arrangement within their monthly credit card log.

The department head bears responsibility to monitor the mode of transportation, the class of accommodations, the necessity and amount of all other expenses incurred prior to authorizing the travel expense.

Expense reimbursement requests must be submitted within 5 business days after the last day of travel, listing only expenses incurred by the City representative. If a traveler is paying for a meal for other City representatives, the names of the others must be listed on the itemized receipt. At a minimum, receipts or documentation are required for all expenses including registration, City vehicle fuel costs, and all miscellaneous expenses (defined below).

3 ELIGIBLE AND PROHIBITED EXPENSES

The City will pay for department head authorized allowable business travel expenses when reasonable, necessary and directly related to conducting business for the City of Lakeport.

Expenses incurred for City travel which are not in compliance with the policies outlined below will not be paid or reimbursed. Eligible and prohibited expenses are identified below, followed by itemized procedures for each travel expense classification.

3.1 Authorized Activities

City of Lakeport funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized City of Lakeport business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:

- Communicating with representatives of regional, state and national government on the City of Lakeport's adopted policy positions;
- Attending educational seminars designed to improve officials' skill and information levels;
- Participating in regional, state and national organizations whose activities affect the City of Lakeport's interests;
- Recognizing service to the City of Lakeport (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost);
- Attending City of Lakeport events; and
- Implementing a city-approved strategy for attracting or retaining businesses to the City of Lakeport, which will typically involve at least one staff member.

3.2 Eligible Expenses - The following are considered reasonable and necessary business travel expenses:

- Transportation (Airfare, City or personal vehicle, car for hire services, bicycle, public transportation, parking and tolls)
- Lodging
- Meals
- Registration fees for conferences, training and program fees
- Other incidental business expenses (e.g. copies, fax, internet services)

3.3 Prohibited Expenses - Expenses which are prohibited from prepayment, advance or reimbursement of city funds include:

- Purchase of personal items or the personal portion of any trip
- Alcoholic beverages
- Political contributions
- Program functions which are solely for the entertainment and/or recreation of the official or employee
- Other entertainment unless determined necessary in the conduct of City business
- Personal phone calls except as specifically permitted
- Traffic citations

- First class travel
- Use of a private aircraft
- Personal losses incurred while on City of Lakeport business.
- Expenses for family members or friends who may accompany an official or employee on a trip. The employee is responsible for any incremental expenses, such as per-person hotel occupancy charges, for traveling companions like family members, including those of a partner, child, or pet care.
- Expenses for persons who are not city officials or employees, including consultants, developers, vendors, etc., for such occasions as miscellaneous travel and meeting expenses, business lunches, etc., unless prior approval is obtained from the department head, or council has appropriated funds for such purchase(s).

4 REIMBURSEMENT POLICY

4.1 Registration Fees

Convention or meeting registration fees are eligible expenses provided a receipt or some other documentation, such as a conference program or meeting agenda showing the fee, is submitted with the Travel Expense Report. Registration fees for meetings or convention programs, where a meal is served and costs for the meal are included in the registration, are fully allowed. Proof of attendance is required in the form of a final program, certificate of attendance, receipt of fees paid at the event, or some other document which would prove attendance.

4.2 Lodging

Lodging may be necessary for travel based on the distance from Lakeport, number of days of travel, or other factors. Department heads may determine when it is appropriate to provide lodging. The City shall reimburse for lodging costs from the night prior to the registration date of the conference through the ending day of the conference.

Expenses are allowed for adequate lodging, however reimbursement is limited to the lesser of the hotel's government rate or the convention rate if applicable, for a single-occupancy room. If the government or convention rate is not available, expenses are allowed for the actual costs of lodging that is comparable in location and quality, as approved by the Department Head. Employees will not be required to share a room. The department head may limit reimbursement to the single room rate with the employee paying the difference if they prefer a larger room. An original detailed hotel receipt, showing the single room rate plus taxes, must be submitted with the request for payment.

Expenses for an extra days' lodging and meals will only be paid to secure lower airfare, if it results in savings including human resources costs. Additional lodging expenses incurred during in route travel stops are not reimbursable when using a personal or private vehicle unless no other mode of transportation is available to the destination and the normal duration of travel necessitates overnight lodging.

4.3 Transportation

The City representative shall choose the mode (or modes) of transportation with due consideration of the amount of time involved in taking that particular mode. Only the cost of the least expensive appropriate mode, or combination of modes, of transportation will be reimbursed by the City, except as noted below under Bus, Train and/or Public Transit.

4.3.1 Air Transportation

Reimbursable airfare is determined using the least cost round trip economy, coach ticket, or voucher, available from a reputable common carrier at the time of purchase. Consider taking connecting flights if there is a significant savings over direct non-stop flights. Employee must document on the airline receipt the purpose of the purchase of tickets at a business class or economy plus class. Costs associated with early check-in may be permissible in order to accommodate the employee's individual needs and/or ensure carry-on baggage is secured.

From time to time employees may choose the lowest fare to book an airline ticket that is below the market price (e.g., Southwest's Wanna Get Away pricing); however, the employees may incur additional costs if there are any changes to the airline schedule or flight changes. The City shall reimburse employee any difference in the airline fare if the change is necessary to accommodate adjustments to the traveler's business itinerary. Changes made to airline tickets would not be reimbursed just to satisfy the employee's personal schedule.

4.3.2 Ground Transportation

Reimbursement of round trip costs will be made when round trip ground travel does not exceed the cost for round trip airfare, or a combination of airfare and car rental. Local travel costs will be reimbursed as specified below when required for the destination event. When two or more city representatives travel to the same destination and the least cost mode of transportation is an automobile, carpooling is encouraged.

4.3.3 City Vehicles

Employees are encouraged to use City vehicles for all local and regional travel, if available. Fuel for City vehicles should be drawn from the Corporation Yard fuel facility whenever possible. Where use of the City's rental car program under section 4.3.7 below is more cost effective than use of a City vehicle, City personnel shall use the City's rental car.

4.3.4 Personal or Private Vehicles

Officials and employees are required to carry personal automobile insurance coverage as required by law when driving a private vehicle on City business. Mileage for use of personal vehicles is allowed at the Internal Revenue Service standard mileage rate. Use of personal vehicle, where air travel is an option, is limited to a reimbursement rate not to exceed the lowest cost round-trip airfare. Documentation of the lower airfare rate dated prior to the travel date must be attached and submitted with mileage reimbursement request form.

Where use of the City's rental car program under section 4.3.7 below is more cost effective than use of a private vehicle, City personnel shall use the City's rental car.

Allowance shall be made only to one City representative per vehicle, or per each City representative's share of any pooled costs. The mileage allowance is calculated based on the actual driving distance between Lakeport and the destination. If it is reasonable to expect the employee to depart from, or return to, their home on either of the travel legs, the mileage allowance will be calculated based on the actual driving distance from the employee's home to the destination minus the employee's normal commute distance. Local mileage incurred at the point of destination and necessary to conduct city business is reimbursable at the approved mileage rate.

The following information must be recorded on the personal mileage reimbursement form: the date and destination, business purpose of trip, total mileage as calculated from the workplace. Miles traveled will be documented using standard highway mileage guides or by printed internet map showing total miles traveled.

Mileage expenses will be reimbursed at the current mileage rate set by the Internal Revenue Service. The IRS updates the rate annually. The City gas or Cal-Card should not be used in conjunction with private vehicles, since the established mileage rate covers all costs of vehicle operation including gasoline, insurance, and maintenance.

4.3.5 Baggage Charges

The City shall reimburse for the first checked bag. Employee shall provide a receipt for the checked baggage to seek reimbursement or support the charges on the employee Cal-Card.

4.3.6 Taxi, Shuttle and Transportation Network Carrier (Rideshare)

Expenses for transit to or from the main mode of transportation taken, and/or for necessary local transportation at the destination are allowable at cost. When local travel is not required for the destination, event reimbursement is limited to the lesser of round trip shuttle cost, rideshare costs, or taxi-cab fare. Employees using rideshare applications shall pick the lowest costs option. Employees shall not pick a rideshare service that has a limousine designation (e.g., UBER Black or Lyft Premier).

4.3.7 Car Rental.

The City has secured a government rate on rental car services through Enterprise Car Rental. If it is more cost efficient than using an existing city or personal vehicle (with mileage and fuel reimbursement based on the IRS rate mentioned above), City personnel shall utilize this service for all out of town travel requiring an overnight stay or greater than 50 miles in distance, one-way, unless otherwise approved by a department head. When two or more employees plan to attend the same event and a rental car is necessary, they are required to carpool unless the requirement is waived by the City Manager.

4.3.8 Bus, Train and/or Public Transit

The City encourages the use of alternative modes of transportation in the interest of cost and the environment. Actual expenses for such alternative modes of transportation are allowable provided the total cost does not exceed the least cost mode of transportation by more than 10% and travel time does not overly extend the trip length.

4.3.9 Parking and Tolls

Necessary charges for parking and tolls are paid or reimbursable at actual cost provided the vehicle transportation is also necessary in the conduct of City business.

4.4 Meals

Eligible meal expenses, while on travel status, are paid on a per diem basis consistent with the Federal General Services Administration (GSA) requirements. Reimbursed meal costs in excess of GSA rates are considered a fringe benefit by the Internal Revenue Service and subject to personal income tax to the employee.

4.4.1 Per Diem Rates

Per Diem is allowed for meals and incidental expenses. The Federal GSA establishes per diem rates for destinations within the Continental United States (CONUS). As set by the GSA, the City will reimburse the employee a daily per diem rate equal to the GSA lowest tier rate for meals and incidental expenses (M&IE), based on the travel destination, including taxes and gratuity. The rate will be adjusted down for partial days of travel and for meals included in conference registration fees. No receipts will be required for per diem reimbursement. Current rates can be found on the US General Services Administration per diem website: <http://www.gsa.gov/perdiem>. Request for per diem payment should be approved by a department approving official and received by Accounts Payable 10 business days prior to travel. If the request is not received at least 10 days in advance, the Actual Cost method will need to be used.

4.4.2 Allowable Meals

All meals purchased by the traveler during the inclusive dates of travel including during the course of transit, are allowable at per diem cost, including tip. Meal allowance limits should be verified with the GSA website prior to travel.

If the traveler is attending training or a conference where meals are provided in the cost of the registration, a per diem allowance is not appropriate. A department head may approve exceptions only due to dietary restrictions. In addition, if the traveler is traveling on City business where the first or last day is a partial day, the meal allowance/reimbursement amount will be prorated.

Travelers who are attending a training out of county (e.g. Willits, Ukiah, etc.), where lodging is not being provided by the City, will be provided an allowance for meals (e.g., luncheon

included in a conference or with a speaker or program) as the traveler does not have the opportunity to bring and store lunch as they are able to do in a work place.

Unanticipated or unscheduled trainings or special events requiring a meal. Staff, City Official, or other City representative may receive reimbursement for a meal resulting from an unexpected or unscheduled event. Such reimbursement shall be in accordance with the provisions of this policy and subject to the approval of the responsible department head or the City Manager.

4.5 Required Documentation

The following is a list of **required** documentation supporting travel expenses:

- Copy of conference or training registration showing dates, location and cost;
- Conference, training, or meeting agenda to document business purpose;
- Travel Itinerary as appropriate;
- Per Diem request for meals
- Personal vehicle mileage reimbursement form, if applicable, including internet mapping verification of miles traveled.
- Receipts or other supporting documentation and completed Reimbursement Request Form for reimbursable expenses
- Receipts or other supporting documentation for any Cal-Card purchases

It shall be the responsibility of the Finance Department to provide the forms and instructions necessary for implementation of the travel policies.

4.6 Tips

Reasonable amounts for tips (15% - 20%) are allowed for meals and transportation purposes.

4.7 Telephone, Internet Access, FAX and Postage

Actual costs are allowed when incurred for official City business. Charges for phone calls are eligible for reimbursement only when the call results in additional charges above their monthly plan. Examples of eligible expenses are: calls to a family member to confirm arrival, checking on the status of family, confirm or change itinerary, or respond to a home emergency.

4.8 Miscellaneous

Expenses not otherwise classified or prohibited are allowable when they are specifically necessary to successful completion of City business. Any expenses in question should be discussed with Department Head prior to travel.

5 CASH ADVANCE POLICY

In extreme cases, it may be necessary for an official to request a cash advance to cover anticipated expenses while traveling or doing business on the City of Lakeport's behalf. Such

request for an advance should be submitted to the City Manager 14 days prior to the need for the advance with the following information:

- The purpose of the expenditure(s);
- The benefits of such expenditure to the residents of the City of Lakeport;
- The anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and
- The dates of the expenditure(s).

Any unused advance must be returned to the City of Lakeport treasury within two business days of the official's return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

In the event the City Manager or his/her designee is uncertain as to whether a request complies with this policy, such individual must seek resolution from the City Council of the City of Lakeport.

6 INTERNATIONAL AND OUT-OF-STATE TRAVEL

International and Out-of-State Travel require prior City Council approval except that representatives of the police department shall require no authorization other than police chief approval for expenses incurred in connection with investigation, prisoner pickup and transportation and prosecution to the extent that such funds are provided for in the police department budget.

7 COMPLIANCE WITH LAWS

City of Lakeport officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All documents related to agency expenditures and reimbursements are public records subject to disclosure under the Public Records Act.

8 REPORTS TO GOVERNING BOARD

Members of the City Council or any appointed member to a City commission or committee shall briefly report on meetings attended at City of Lakeport expense at the next regular meeting of the legislative body. If multiple officials attended, a joint report may be made.

9 VIOLATION OF THIS POLICY

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: 1) loss of reimbursement privileges; 2) a demand for restitution to the City of Lakeport; 3) the agency's reporting the expenses as income to the elected official to state and federal tax authorities; 4) civil penalties of up to \$1,000 per day and three times the value of the resources used; and 5) prosecution for misuse of public resources.

10 TRAVEL TIME

FLSA (Federal Fair Labor Standards Act) regulations regarding travel time will be followed, except where terms of an MOU (labor memorandum of understanding) supersede FLSA regulations.

- One-day Trips: Such travel time is normally considered work time. However, travel time between home and an airport, etc., or the destination, which is comparable to normal commuting time is not work time.
- Overnight Trips: Travel at the direction or request of the City is considered work time (except for regular meal period or sleep time) when the travel time cuts across the employee's "normal working hours". This is true when the employee travels at normal work hours (e.g. from 8 to 5) on a day off (e.g. weekend). Travel time at other than normal working hours is not considered work time.

Employees shall not be reimbursed for travel time during their off-duty hours which includes time outside of normal working hours as well as meal breaks, sleep time, and the normal commuting time. Non-Management employees must obtain department head approval for travel time that will be counted as work time if it will result in overtime pay whether or not travel occurred during work hours.

Please consult Human Resources for additional information related to FLSA regulations.

11 RESPONSIBILITY

Finance Department – for overseeing administration of this policy and revising it as necessary to maintain compliance with federal tax law, and distributing related forms and for auditing all expenses for budgetary adequacy.

Department Heads – for pre-approving travel, monitoring expenses and authorizing reimbursements, and for compliance with this policy according to internal audit procedures established by the department.

City Manager – has discretion in approving travel requests and expenses in order to provide for unusual circumstances. The City Manager is authorized to administer this policy for members of the City of Lakeport City Council, Management, Commissioners and Personnel.



CITY OF LAKEPORT

City Council
Lakeport Redevelopment Agency
City of Lakeport Municipal Sewer District

STAFF REPORT

RE: Amendment to City Expense Policy - Per Diem

MEETING DATE: 02/15/2011

SUBMITTED BY: Dan Buffalo, Interim Finance Manager

PURPOSE OF REPORT: Information only Discussion Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/AGENCY/BOARD:

The Council is being asked to adopt a second amendment to the City's Administrative Policy on the Expense and Use of Public Resources.

BACKGROUND:

In an effort to reduce administrative work load and increase efficiency, staff is recommending the revision of the current expense policy, which provides guidelines and standards for the use of public resources and allowable expenses for travel and business. The primary revisions to the policy include the establishment of a per diem allowance for City personnel and representatives who accrue expenses while traveling on official City business.

DISCUSSION:

The revisions to the policy have been outlined so that the Council may have an opportunity to review the proposed deletions as well as the additions to the policy. Basic tenets of the policy additions include:

Establishment of a per diem in accordance with reimbursable meal rates adopted by the Council on April 6, 2010. The proposed per diem is designed to promote frugality whenever possible, improve oversight of eligible meal expenses, and increase accountability of department heads and personnel. Additionally, the provisions of the per diem will reduce the need for staff time and resources in reviewing and verifying expense reports and supporting documentation that currently must be provided to the Finance Department following an overnight and/or out-of-town business trip.

Use of government rates through an established contract for car rentals through Enterprise Rent-A-Car in lieu of using another vendor, a personal vehicle, or an existing City vehicle. Currently, the cost to utilize services through Enterprise Rent-A-Car is more economical than reimbursing personnel for the use of their personal vehicle. Because City vehicles are in limited supply and in frequent need of repair, use of personal vehicles often remains the only viable option when traveling out of town. Through this policy, the City Manager will be charged with determining which method of travel is most pragmatic.

Credit card use by City officials and personnel is more rigidly defined to promote stronger internal controls and accountability.

OPTIONS:

1. Approve and adopt the amended expense policy.
2. Revise the policy, pursuant to the discretion of the Council, and approve and adopt.
3. Do not approve and adopt the policy, but provide direction to staff.

FISCAL IMPACT:

- None** **\$**No cost to participate and approximately \$300 per year in avoided penalties and fees
 Account Number: N/A

SUGGESTED MOTIONS:

Adopt the second amendment to the City of Lakeport Administrative Policy on Expense and Use of Public Resources.

- Attachments:** Administrative Policy on the Expense and Use of Public Resources

CITY OF LAKEPORT

ADMINISTRATIVE POLICY Expense And Use Of Public Resources

Adopted May 2, 2006

Amended April 6, 2010

Amended February 15, 2011

Findings

Whereas, the City of Lakeport takes its stewardship over the use of its limited public resources seriously; and

Whereas, public resources should only be used when there is a substantial benefit to the City of Lakeport; and

Whereas, such benefits include:

1. The opportunity to discuss the community's concerns with state and federal officials;
2. Participating in regional, state and national organizations whose activities affect the City of Lakeport.
3. Attending educational seminars designed to improve officials' skill and information levels; and
4. Promoting public service and morale by recognizing such service; and

Whereas, 1) legislative and other regional, state and federal agency business is frequently conducted over meals; 2) sharing a meal with regional, state and federal officials is frequently the best opportunity for a more extensive, focused and uninterrupted communication about the City of Lakeport's policy concerns; and 3) each meal expenditure must comply with the limits and reporting requirements of local, state and federal law; and

Whereas, this policy provides guidance to elected and appointed officials on the use and expenditure of City of Lakeport resources, as well as the standards against which those expenditures will be measured; and

Whereas, this policy satisfies the requirements of *Government Code* Sections 53232.2 and 53233.3; and

Whereas, this policy supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources; and

Whereas, this policy also supplements the definition of necessary and reasonable expenses for purposes of federal and state income tax laws; and

Whereas, this policy also applies to any charges made to a city's credit card, cash advances or other line of credit.

Authorized Expenses

City of Lakeport funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized City of Lakeport business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this policy are met:

1. Communicating with representatives of regional, state and national government on the City of Lakeport's adopted policy positions;
2. Attending educational seminars designed to improve officials' skill and information levels;
3. Participating in regional, state and national organizations whose activities affect the City of Lakeport's interests;
4. Recognizing service to the City of Lakeport (for example, thanking a longtime employee with a retirement gift or celebration of nominal value and cost);
5. Attending City of Lakeport events;
6. Implementing a city-approved strategy for attracting or retaining businesses to the City of Lakeport, which will typically involve at least one staff member; and
7. Meetings such as those listed above for which a meeting stipend is expressly authorized under this policy.

All other expenditures require prior approval by the City of Lakeport governing body.

The following expenses also require prior governing body approval:

1. International and out-of-state travel;
2. Expenses which exceed the annual limits established for each office holder; and
3. Expenses exceeding \$2,500.00 per trip.

Examples of personal expenses that the City of Lakeport will not reimburse include, but are not limited to:

1. The personal portion of any trip;
2. Political or charitable contributions or events;
3. Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children- or pet-related expenses;

4. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
5. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
6. Personal losses incurred while on City of Lakeport business.

Any questions regarding the propriety of a particular type of expense should be resolved by the approving authority before the expense is incurred.

Cost Control

To conserve the City of Lakeport's resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the City of Lakeport will be limited to the costs that fall within the guidelines.

Transportation

The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Government and group rates must be used when available.

Airfare. Airfares that are equal or less than those available through the Enhanced Local Government Airfare Program offered through the League of California Cities (www.cacities.org/travel), the California State Association of Counties (<http://www.csac.counties.org/default.asp?id=635>) and the State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy.

Automobile. Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect (see www.irs.gov). For 2010, the rate is .50 cents per mile. These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable. The Internal Revenue Service rates will not be paid for rental vehicles; only receipted fuel expenses will be reimbursed.

Car Rental. The City has secured a government rate on rental car services through Enterprise Car Rental. If it is more cost efficient than using an existing city or personal vehicle (with mileage and fuel reimbursement based on the IRS rate mentioned above), City personnel shall utilize this service for all out of town travel requiring an overnight stay or greater than 50 miles in distance, one-way. The City Manager shall determine which method of ground transportation is most cost efficient.

Taxis/Shuttles. Taxis or shuttles fares may be reimbursed, including a 15 percent gratuity per fare, when the cost of such fares is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.

Lodging

Lodging expenses will be reimbursed or paid for when travel on official City of Lakeport business reasonably requires an overnight stay.

Conferences/Meetings. If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, see next section.

Other Lodging. Travelers must request government rates, when available. A listing of hotels offering government rates in different areas is available at <http://www.catravelmart.com/lodguideframes.htm>. Lodging rates that are equal or less to government rates are presumed to be reasonable and hence reimbursable for purposes of this policy.

Option #1 (Median Hotel Cost): In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the median retail price for lodging for that area listed on websites like www.priceline.com or an equivalent service shall be considered reasonable and hence reimbursable.

Option #2 (Flat Cap): In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed \$150 per night are presumed reasonable and hence reimbursable.

Option #3 (IRS Rates): In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates for a given area are presumed reasonable and hence reimbursable.

Meals

All travel requiring an overnight stay, or of such duration that a meal is required, shall be reimbursable or subject to a per diem as is follows:

Attendance of a local or out of town conference, training, or special event (no overnight stay required). Any member of staff or City official ("Traveler") shall receive a per diem, as defined in the Per Diem rates below, for all required meals as part of a scheduled out of town travel. Each staff person shall be required to submit a per diem request to their respective department head for review and approval prior to travel. All other Travelers must submit a per diem request to the City Clerk for approval by the City Manager. Unless special accommodations are necessary and irreconcilable (e.g. dietary restrictions that cannot be met by the meal options available), any meals provided in the cost or course of the event in question must be considered in the per diem request. The City shall not include in the approved per diem the cost of a meal provided therein.

Approved per diems shall be paid to the Traveler in advance or included in their normal pay check, if applicable. Each Traveler is responsible to convey that preference to the Finance Department no later than 14 days before travel, unless otherwise permitted by the City Manager or designee.

Attendance of a conference, training, or special event requiring overnight stay. Any Traveler shall receive a per diem for three meals per day (breakfast, lunch, and dinner) as defined in the Per Diem rates below. Each staff person shall be required to submit a per diem request to their respective department head for review and approval prior to travel. All other Travelers must submit a per diem

request to the City Clerk for approval by the City Manager. Unless special accommodations are necessary and irreconcilable (e.g., dietary restrictions that cannot be met by the meal options available), any meals provided in the cost or course of the event in question must be considered in the per diem request. The City shall not include in the approved per diem the cost of any meal provided therein.

Approved per diems shall be paid to the Traveler in advance, unless otherwise requested by the Traveler. Each Traveler is responsible to convey that preference to the Finance Department no later than 14 days before travel, unless otherwise permitted by the City Manager or designee.

Unanticipated or unscheduled trainings or special events requiring a meal. Staff, City Official, or other City representative may receive reimbursement for a meal resulting from an unexpected or unscheduled event. Such reimbursement shall be in accordance with the provisions of this policy and subject to the approval of the responsible department head or the City Manager.

Per Diem Rates. Eligible meals shall qualify for per diem or reimbursement at the following rates:

Breakfast	\$13
Lunch	\$20
Dinner	\$38

Per IRS rules, business meals eaten during day trips (travel without overnight stay) may qualify for reimbursement on a tax-free basis if the Traveler is in continuous travel for 12 hours or more. Travelers must indicate on the travel reimbursement form the time travel began and the time travel ended to document 12 hour travel status, if no overnight lodging is listed; otherwise, the meal will not be reimbursed. Should travel be for 12 hours or more, the full reimbursable amount shall not exceed the total of the sums listed for meals above, and the meals will not need to be broken down as set forth above.

Such amounts will be annually adjusted to reflect changes in the cost of living in accordance with statistics published by the United States Department of Labor, Bureau of Labor Statistics Consumer Price Index, all urban consumers for the San Francisco Metropolitan Area. (The annual adjustment will be based on this area whether travel is within the area or not.)

Receipt of a per diem shall not preclude reimbursement for an unexpected or unscheduled meal, pursuant to the provisions of this policy.

The City of Lakeport will not pay for alcohol/personal bar expenses.

Telephone/Fax/Cellular

Officials will be reimbursed for actual telephone and fax expenses incurred on City of Lakeport business. Unless otherwise directed by the City Manager, telephone bills should identify which calls were made on City of Lakeport business. For cellular calls when the official has a particular number of minutes included in the official's plan, the official can identify the percentage of calls made on public business.

Internet

Officials will be reimbursed for Internet access connection and/or usage fees away from home, not to exceed \$15.00 per day, if Internet access is necessary for City of Lakeport-related business.

Airport Parking

Long-term parking must be used for travel exceeding 24-hours.

Other

Baggage handling fees of up to \$1 per bag and gratuities of up to 15 percent will be reimbursed. Expenses for which City of Lakeport officials receive reimbursement from another agency are not reimbursable.

Cash Advance Policy

From time to time, it may be necessary for an official to request a cash advance to cover anticipated expenses while traveling or doing business on the City of Lakeport's behalf. Such request for an advance should be submitted to the City Manager 14 days prior to the need for the advance with the following information:

1. The purpose of the expenditure(s);
2. The benefits of such expenditure to the residents of the City of Lakeport;
3. The anticipated amount of the expenditure(s) (for example, hotel rates, meal costs, and transportation expenses); and
4. The dates of the expenditure(s).

Any unused advance must be returned to the City of Lakeport treasury within two business days of the official's return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

In the event City Manager or his/her designee is uncertain as to whether a request complies with this policy, such individual must seek resolution from the City Council of the City of Lakeport.

Credit Card Use Policy

Pursuant to Administrative Policy (Credit Card Procedures), adopted July 6, 2010, The City of Lakeport issues credit cards only to staff members and City officials determined necessary by the City Manager. These officials may use the City of Lakeport credit card for such purposes as airline tickets and hotel reservations by following the same procedures for cash advances. Receipts documenting expenses incurred on the City of Lakeport credit card and compliance with this policy must be submitted within five business days of use.

City of Lakeport credit cards may not be used for personal expenses, even if the official subsequently reimburses the City of Lakeport.

Expense Report Content and Submission Deadline

Except for approved per diem allowances, all cash advance expenditures, Credit Card expenses, and expense reimbursement requests must be submitted on an expense report form provided by the City of Lakeport. This form shall include the following advisory:

“All expenses reported on this form must comply with the City of Lakeport’s policies relating to expenses and use of public resources. The information submitted on this form is a public record. Penalties for misusing public resources and violating the city/county/ district’s policies include loss of reimbursement privileges, restitution, civil and criminal penalties as well as additional income tax liability.”

Expense reports must document that the expense in question met the requirements of this policy. For example, if the meeting is with a legislator, the local agency official should explain whose meals were purchased, what issues were discussed and how those relate to the City of Lakeport’s adopted legislative positions and priorities.

Officials must submit their expense reports within 30 days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation.

The manner in which per diem requests are made, reviewed, and approved shall be at the discretion of each department head and/or the City Manager. Approved per diem requests shall be submitted to the Finance Department in writing no later than 14 days before the event or travel, unless otherwise permitted by the City Manager or designee. The Finance Department shall provide the appropriate form for such submissions to be made.

In the event that a per diem was approved and paid to a Traveler who did not attend the conference, training, or special event for which the per diem was granted, that Traveler must return the per diem in full to the City within 21 days from issue of the per diem. Failure to do so shall constitute a violation of this policy and subject the Traveler to reciprocity outlined herein below.

Inability to provide such documentation in a timely fashion may result in the expense being borne by the official.

Audits of Expense Reports

All expenses are subject to verification that they comply with this policy.

Reports to Governing Board

At the following City of Lakeport City Council meeting, each official shall briefly report on meetings attended at City of Lakeport expense. If multiple officials attended, a joint report may be made.

Compliance with Laws

City of Lakeport officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act.

Violation of This Policy

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: 1) loss of reimbursement privileges; 2) a demand for restitution to the City of Lakeport; 3) the agency's reporting the expenses as income to the elected official to state and federal tax authorities; 4) civil penalties of up to \$1,000 per day and three times the value of the resources used; and 5) prosecution for misuse of public resources.



CITY OF LAKEPORT

- City Council
City of Lakeport Municipal Sewer District
Lakeport Redevelopment Successor Agency
Lakeport Industrial Development Agency
Municipal Financing Agency of Lakeport

STAFF REPORT

RE: 3rd Quarter Update, FY 2020-21

MEETING DATE: 07/20/2021

SUBMITTED BY: Nicholas Walker, Finance Director

PURPOSE OF REPORT: Information only Discussion Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to review and file the 3rd Quarter 2020-21 financial statements.

BACKGROUND/DISCUSSION:

Financial Update

Attachment A to this staff report includes summarized unaudited financial statements for the general fund, water operating and maintenance fund, and the sewer operating and maintenance fund, which include revenue and expense activity through March 31, 2020. The format in which the statements are prepared is similar to the annual budget. The schedule includes amounts available for discretionary spending for each fund as presented in the 2019-20 audited financial statements, in accordance with Generally Accepted Accounting Principles (GAAP), as well as the amounts of anticipated ending discretionary spending expected to be available at the 2020-21 year-end. In the enterprise funds this term "working capital" is defined as current assets minus current liabilities. For budgeting purposes, the modified accrual method is used and this is common practice among governmental agencies. Working capital is the enterprise funds equivalent of the general funds amounts available for discretionary spending.

In accordance with GAAP, financial statements in the Comprehensive Annual Financial Report (CAFR) are presented in two distinctly different ways, (1) the governmental fund financial statements and (2) government wide and enterprise fund financial statements. Governmental fund financial statements present balances using a current financial resources measurement focus which emphasizes the current available spendable resources available for appropriation. This method of accounting is known as modified accrual. Government wide and enterprise fund financial statements are presented on a flow of economic resources measurement focus which reports all assets and liabilities whether current or long term. This method is referred to as accrual accounting and is similar to the type of presentation that is used in private industry.

Investments

According to the idle funds investment policy for the City of Lakeport, the City of Lakeport Municipal Sewer District (CLMSD) and Municipal Financing Agency of Lakeport (MFAL) quarterly updates are to be provided to the City Council for review.

This schedule provides detailed information on each individual CD as of December 31, 2020:

General Fund									
CD Title	Yield	FDIC #	Settlement Date	Term	Original Amount	Estimated Current Market Value	Accrued Interest Through 3/31/21	Total	
Fidelity Govt MMKT Capital	0.72%					255,224.53		255,224.53	
Ally Bank	3.15%	57803	11/9/2021	3 Years	200,000.00	203,746.00	2,485.48	206,231.48	
Discover Bank	3.30%	5649	11/7/2022	4 Years	200,000.00	210,142.00	2,621.92	212,763.92	
Morgan Stanley Bank	3.55%	32992	11/8/2023	5 Years	200,000.00	217,108.00	2,801.10	219,909.10	
State Bank India	0.92%	33664	7/10/2025	5 Years	200,000.00	202,932.00	421.64	203,353.64	
Total					800,000.00	1,089,152.53	8,330.14	1,097,482.67	
Wastewater									
CD Title	Yield	FDIC #	Settlement Date	Term	Original Amount	Estimated Current Market Value	Accrued Interest Through 3/31/21	Total	
Fidelity Govt MMKT Capital	0.72%					264,279.94		264,279.94	
Goldman Sachs Bank	3.25%	33124	11/15/2021	3 Years	200,000.00	203,990.00	2,457.53	206,447.53	
Barclays Bank Delaware	3.35%	57203	11/7/2022	4 Years	200,000.00	210,302.00	2,661.64	212,963.64	
Morgan Stanley Private Bank	3.55%	34221	11/8/2023	5 Years	200,000.00	216,726.00	2,801.10	219,527.10	
Wells Fargo Bank	1.95%	949763	1/17/2025	5 Years	200,000.00	209,606.00	160.27	209,766.27	
Total					800,000.00	1,104,903.94	8,080.54	1,112,984.48	

This schedule provides balances and concentration percentages of the City-wide cash and investment balances as of March 31, 2021:

Investment Type	Fair Value	Concentration
Local Agency Investment Fund (LAIF)	\$ 2,689,316	17.19%
Certificates of Deposit	2,210,467	14.13%
Demand Deposits (checking)	10,745,172	68.68%
Total Funds	\$ 15,644,955	100.00%

OPTIONS:

1. Review and file the 3rd Quarter Financial Statements.
2. Do not review and file but provide direction to staff.

FISCAL IMPACT:

None Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase:

Affected fund(s): General Fund Water OM Fund Sewer OM Fund Other:

Comments:

SUGGESTED MOTIONS:

Review and file the 3rd Quarter 2020-21 financial statements

- Attachments:** 1. 3rd Quarter Financial Statements

Fiscal Year 2020-21
Fund: 110
Name: General Fund

	2020-21 Adjusted Budget	2020-21 As of March 31, 2021	Remaining \$	% Collected/ Used
Revenue Sources				
Taxes	\$ 4,625,209	\$ 3,725,392	\$ 899,817	81%
Franchises	285,000	254,142	30,858	89%
Licenses	500	215	285	43%
Permits	52,500	51,510	990	98%
Fines, forfeitures, and penalties	12,000	5,587	6,413	47%
Use of money and property	77,000	28,097	48,903	36%
Income from other agencies	375,394	193,668	181,726	52%
Federal funding	1,000	1,977	(977)	198%
State funding	100,500	103,479	(2,979)	103%
Charges for service	60,000	67,643	(7,643)	113%
Other revenue	75,250	217,276	(142,026)	289%
Total revenue	5,664,353	4,648,986	1,015,367	82%
Expenditures				
Salaries and benefits	3,243,636	2,195,900	1,047,736	68%
Operations	1,820,704	963,255	857,449	53%
Capital outlay/CIP	1,366,194	847,595	518,599	62%
Total expenditures	6,430,534	4,006,750	2,423,784	62%
Financing Sources (Uses)				
Use of fund balance	-	-	-	-
Transfers in	29,500	-	-	-
Transfers (out)	(1,070,542)	-	-	-
Net sources (uses)	(1,041,042)	-	-	-
Resources - Use				
Surplus (deficit)	\$ (1,807,223)	\$ 642,236		
Audited Beginning Discretionary General Fund Balance	5,365,088	5,365,088		
Inflows	5,693,853	4,648,986		
Outflows	7,501,076	4,006,750		
Change to fund balance	(1,807,223)	642,236		
Anticipated Ending Fund Balance	\$ 3,557,865	\$ 6,007,324		
Anticipated Ending Discretionary General Fund Balance	\$ 2,144,165	\$ 4,593,624		

Departmental Use	Adjusted Budget	As of March 31, 2021		
Non-Departmental	1,301,943	217,465	1,084,478	17%
Legislative	97,631	57,625	40,006	59%
Administration	410,338	280,950	129,388	68%
Economic Development	115,001	25,525	89,476	22%
City Attorney	68,000	58,910	9,090	87%
Finance and Information Technology	326,556	209,981	116,575	64%
Community Development:				
Planning	396,274	168,318	227,956	42%
Building	143,604	141,267	2,337	98%
Engineering	74,835	60,446	14,389	81%
Police	2,431,405	1,475,825	955,580	61%
Public Works:				
Administration and Compliance	188,408	91,401	97,007	49%
Roads and Infrastructure	1,356,980	747,645	609,335	55%
Parks, Buildings, and Grounds	586,101	471,392	114,709	80%
Westshore Pool	4,000	-	4,000	0%
Total use	7,501,076	4,006,750	3,494,326	53%

Fiscal Year 2020-21
Fund: 501
Name: Water Utility M & O Fund

	2020-21 Adjusted Budget	2020-21 As of March 31, 2021	Remaining \$	% Collected/ Used
Revenue Sources				
Charges for service	2,265,000	1,775,041	489,959	78%
Interfund services provided	13,000	-	13,000	0%
Other revenue	-	-	-	
Total revenue	2,278,000	1,775,041	502,959	78%
Expenditures				
Salaries and benefits	1,163,084	787,482	375,602	68%
Operations	727,577	339,936	387,641	47%
Debt service	379,073	300,085	78,988	79%
Capital outlay/CIP	172,459	22,726	149,733	13%
Total expenditures	2,442,193	1,450,229	991,964	59%
Financing Sources (Uses)				
Use of fund balance	-	-	-	
Transfers in	-	-	-	
Transfers (out)	-	-	-	
Loan/Bond Proceeds	-	-	-	
Additions to	-	-	-	
Depreciation	-	-	-	
Net sources (uses)	-	-	-	
Resources - Use				
Surplus (deficit)	(164,193)	324,812		
Audited Beginning Working Capital	307,735	307,735		
Inflows	2,278,000	1,775,041		
Outflows	2,442,193	1,450,229		
Change to fund balance	(164,193)	324,812		
Anticipated Ending Working Capital \$	143,542	\$ 632,547		

Departmental Use	Adjusted Budget	As of March 31, 2021		
Non-Departmental	457,873	312,018	145,855	68%
Legislative	12,723	8,814	3,909	69%
Administration	128,674	104,388	24,286	81%
City Attorney	26,000	15,095	10,905	58%
Finance and Information Technology	217,487	152,264	65,223	70%
Community Development:			-	
Planning	35,074	29,477	5,597	84%
Building	32,900	24,275	8,625	74%
Engineering	30,202	20,847	9,355	69%
Public Works:			-	
Administration and Compliance	181,876	89,102	92,774	49%
Roads and Infrastructure	32,950	-	32,950	0%
Water O&M	1,286,434	693,949	592,485	54%
Total use	2,442,193	1,450,229	991,964	59%

Fiscal Year 2020-21
Fund: 601
Name: Sewer Utility M & O Fund

	2020-21 Adjusted Budget	2020-21 As of March 31, 2021	Remaining \$	% Collected/ Used
Revenue Sources				
Taxes	\$ 53,550	\$ 40,577	\$ 12,973	76%
Use of money and property	52,500	22,756	29,744	43%
Charges for service	2,715,000	2,119,892	595,108	78%
Interfund services provided	25,000	16,619	8,381	66%
Total revenue	2,846,050	2,199,844	646,206	77%
Expenditures				
Salaries and benefits	1,144,955	758,534	386,421	66%
Operations	940,424	414,366	526,058	44%
Debt service	586,466	470,351	116,115	80%
Capital outlay/CIP	237,051	155,163	81,888	65%
Total expenditures	2,908,896	1,798,414	1,110,482	62%
Financing Sources (Uses)				
Transfers in	-	-		
Transfers (out)	-	-		
Loan/Bond Proceeds	-	-		
Other financing uses	-	-		
Net sources (uses)	-	-		
Resources - Use				
Surplus (deficit)	(62,846)	401,430		
Audited Beginning Working Capital	3,583,676	3,583,676		
Inflows	2,846,050	2,199,844		
Outflows	2,908,896	1,798,414		
Change to fund balance	(62,846)	401,430		
Anticipated Ending Working Capital	\$ 3,520,830	\$ 3,985,106		

Departmental Use	Adjusted Budget	As of March 31, 2021		
Non-Departmental	668,267	482,284	185,983	72%
Legislative	12,723	8,814	3,909	69%
Administration	127,626	104,389	23,237	82%
City Attorney	26,000	15,095	10,905	58%
Finance and Information Technology	229,556	153,826	75,730	67%
Community Development:				
Planning	35,074	29,477	5,597	84%
Building	32,900	24,272	8,628	74%
Engineering	30,202	22,247	7,955	74%
Public Works:				
Administration and Compliance	181,876	89,100	92,776	49%
Roads and Infrastructure	62,450	68,804	(6,354)	110%
Sewer O&M	1,502,222	800,106	702,116	53%
Total use	2,908,896	1,798,414	1,110,482	62%



CITY OF LAKEPORT

City Council

City of Lakeport Municipal Sewer District

Lakeport Redevelopment Successor Agency

STAFF REPORT

RE: Delinquent Utility User Accounts

MEETING DATE: 07/20/2021

SUBMITTED BY: Nicholas Walker, Finance Director

PURPOSE OF REPORT: Information only Discussion Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to cause a written report ("Written Report") to be prepared and filed with the City Clerk containing a description of each parcel of real property within the City/CLMSD to which delinquent water and sewer user charges, fees, and penalties are applicable and the amount of the delinquent water and sewer user charge, fee, and penalty for each such parcel for the period of June 1, 2020 through May 31, 2021.

BACKGROUND/DISCUSSION:

California Health and Safety Code, sections 5473a and sections 13.04.060 and 13.20.560 of the Lakeport Municipal Code authorize the City to have the delinquent charges collected by means of inclusion on the property tax roll by Lake County. It is advantageous for the City and CLMSD to have delinquent water and sewer user charges for the period of June 1, 2020 through May 31, 2021 collected on the tax roll.

To collect on these accounts, the City is required to notify the delinquent account holders via mail and published notice and give them an opportunity to bring their account current.

Utility bills and delinquency notices are mailed monthly. Final notice to delinquent accounts, as of May 31, 2021, will be sent to account holders on July 21st, 2020.

These accounts will be updated as payments are received prior to Council's review at a public hearing on August 3, 2021. Currently, the dollar amount of delinquent accounts is approximately \$20,000. The remaining accounts will be sent to the Auditor-Controller.

In order to meet the noticing requirements for the public hearing notification letters, they were published prior to 7/20/21. If the council does not wish to go through with this process staff will rescind the notice and the letters.

OPTIONS:

1. Cause a Written Report to be prepared and filed with the City Clerk.
2. Do not cause the preparation of a Written Report but provide direction to staff.

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Water OM Fund Sewer OM Fund Other:

Comments:

SUGGESTED MOTIONS:

Move to adopt the resolution to cause a written report to be prepared and filed with the City Clerk regarding delinquent water and sewer user charges, fees, and penalties for the period of June 1, 2020 through May 31, 2021 and setting a public hearing on the written report prior to collection on the tax roll.

Attachments:

Proposed Resolution:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEPORT AND THE BOARD OF DIRECTORS OF THE CITY OF LAKEPORT MUNICIPAL SEWER DISTRICT ELECTING TO HAVE DELINQUENT UTILITY CHARGES COLLECTED ON THE TAX ROLL FOR THE PERIOD OF JUNE 1, 2020 THROUGH MAY 31, 2021, FIXING THE TIME AND PLACE OF A HEARING ON THE WRITTEN REPORT ON SUCH CHARGES, AND PRESCRIBING NOTICE OF SUCH HEARING

RESOLUTION NO. ____ (2021)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEPORT AND THE BOARD OF DIRECTORS OF THE CITY OF LAKEPORT MUNICIPAL SEWER DISTRICT ELECTING TO HAVE DELINQUENT UTILITY CHARGES COLLECTED ON THE TAX ROLL FOR THE PERIOD OF JUNE 1, 2020 THROUGH MAY 31, 2021, FIXING THE TIME AND PLACE OF A HEARING ON THE WRITTEN REPORT ON SUCH CHARGES, AND PRESCRIBING NOTICE OF SUCH HEARING

WHEREAS, the City of Lakeport (the “City”) and the City of Lakeport Municipal Sewer District (“CLMSD”) provides certain water and sewer services to its residents and occupants;

WHEREAS, pursuant to section 5473 et seq. of the Health and Safety Code, the City Council/Board of Directors may elect to have delinquent water and sewer user charges collected on the tax roll in any fiscal year in the same manner, by the same persons, and at the same time as, together with and not separately from, the general taxes of the City in the manner prescribed by those sections of the Health & Safety Code;

WHEREAS, it is advantageous for the City and CLMSD to have delinquent water and sewer user charges for the period of June 1, 2020 through May 31, 2021 collected on the tax roll;

WHEREAS, pursuant to section 5473a, of the Health & Safety Code and sections 13.04.060 and 13.20.560 of the Lakeport Municipal Code, the City Council shall cause a written report (“Written Report”) to be prepared and filed with the City Clerk containing a description of each parcel of real property within the City/CLMSD to which delinquent water and sewer user charges, fees, and penalties are applicable and the amount of the delinquent water and sewer user charge, fee, and penalty for each such parcel for the period of June 1, 2020 through May 31, 2021; and

WHEREAS, prior to adopting the Written Report and the charges therein contained, the City Council/Board of Directors must give notice and hold a hearing thereon.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lakeport and the Board of Directors of the City of Lakeport Municipal Sewer District as follows:

1. The City Council/Board of Directors does hereby elect to have delinquent water and sewer user charges, fees, and penalties for the period of June 1, 2020 through May 31, 2021 collected on the tax roll, in the same manner, by the same persons and at the same time as, together with and not separately from, the general taxes of the City.

2. The City Council/Board of Directors directs the preparation of the Written Report containing a description of each parcel of real property within the City/CLMSD to which delinquent water and sewer user charges are applicable and the amount of the delinquent water and sewer user charge, fee, and penalty for each such parcel for the period of June 1, 2020 through May 31, 2021 and further directs the filing of such Written Report with the City Clerk.

3. On Tuesday, August 3, 2021, at 6:00 p.m., the City Council/Board of Directors shall hold a hearing for the purposes of hearing and considering all objections or protests, if any, to the Written Report filed with the City Clerk.

4. The City Clerk shall cause a notice of the filing of the Written Report and of a time and place of hearing thereon to be published in a newspaper of general circulation printed and published once a week for two consecutive weeks in the City and CLMSD, pursuant to section 6066 of the Government Code prior to the date of said hearing, and shall cause a notice in writing of the filing of the Written Report to be mailed at least 15 days in advance to each person to whom any parcel or parcels of real property described in such report is/are assessed in the equalized assessment roll available on the date the Written Report was prepared, at the address shown on the assessment roll or as known to the City Clerk.

THIS RESOLUTION was passed and adopted by the City Council of the City of Lakeport at a regular meeting held on the 20th day of July, 2021.

AYES:

NOES:

ABSENT:

ABSTAIN:

KENNETH PARLET, MAYOR

ATTEST:

KELLY BUENDIA, City Clerk
City of Lakeport



CITY OF LAKEPORT

- City Council
- City of Lakeport Municipal Sewer District
- Lakeport Redevelopment Successor Agency
- Lakeport Industrial Development Authority
- Municipal Financing Agency of Lakeport

STAFF REPORT	
RE: Local Public, Educational, Government (PEG) Channel Agreement Extension	MEETING DATE: 07/20/2021
SUBMITTED BY: Kevin M. Ingram, City Manager	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to authorize the Mayor to sign the First Amendment to the 2019 Local Public, Education, Government (PEG) Channel Agreement extending the term of the agreement through 2023.

BACKGROUND/DISCUSSION:

The County of Lake and Cities of Lakeport and Clearlake entered into an agreement in 2015 to operate a Local Public, Educational, Governmental Cable Television Channel (PEG). A new agreement was signed in 2019 and expires June 2021. The proposed amendment extends the 2019 agreement through 2023.

The agreement outlines parameters for funding of the PEG Channel and continues the PEG Board membership as was created in 2019. The proposed amendment continues the current mechanisms in place for funding with the City of Lakeport contributing \$2,000 annually.

OPTIONS:

1. Authorize the Mayor to sign the First Amendment to the 2019 PEG Agreement extending the term of the agreement through 2023.
2. Deny or recommend changes to the 2019 PEG Agreement

Or alternatively, the Council may provide staff alternative direction.

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Water OM Fund Sewer OM Fund Other:

Comments: Authorization of this agreement extension will not result in any monetary expense. The annual payment of \$2,000 to PEG is included in the current fiscal year budget.

SUGGESTED MOTIONS:

Move to authorize the Mayor to sign the first amendment to the 2019 PEG Agreement extending the term of the agreement through 2023.

- Attachments:**
1. 2019 PEG Agreement
 2. First Amendment to the 2019 PEG Agreement

AGREEMENT BETWEEN THE CITY OF CLEARLAKE, CITY OF LAKEPORT AND COUNTY OF LAKE FOR OPERATION OF A LOCAL PUBLIC, EDUCATIONAL, GOVERNMENTAL (PEG) CABLE TELEVISION CHANNEL

THIS AGREEMENT is entered into this 16th day of July, 2019, by and between the City of Clearlake, City of Lakeport and County of Lake, for operation of a local public, educational, governmental cable television channel, hereinafter referred to as Lake County PEG TV.

RECITALS

WHEREAS, the California State Legislature passed the Digital Infrastructure and Video Competition Act (DIVCA) of 2006 (Public Utilities Code Section 5800, et seq.), shifting cable television franchising from local to State control, and establishing a 5% fee on the franchise holder's gross revenues, remitted to the local jurisdiction for use of Public Rights of Way; and

WHEREAS, DIVCA additionally enabled jurisdictions within the territory served by a cable television provider holding a State franchise to, by Ordinance, establish a 1% fee on the gross revenues of said provider to support Public, Educational and Governmental (PEG) television facilities; and

WHEREAS, in 2015, the City of Clearlake, City of Lakeport and County of Lake entered into a written Agreement for the operation, maintenance and funding of the PEG Channel in the best interest of the citizens of Lake County; and

WHEREAS, all parties are in accord that a new Agreement shall be developed, to continue PEG TV's service for Lake County residents.

NOW, THEREFORE, IT IS UNDERSTOOD AND AGREED by the parties hereto as follows:

1. ESTABLISHMENT, MEMBERSHIP, AND TERM OF OFFICE OF THE LAKE COUNTY PEG TV

BOARD OF DIRECTORS

- A. The County of Lake, City of Lakeport and City of Clearlake agree to jointly administer and manage the Lake County PEG TV Channel, through establishment of the Lake County PEG TV Board of Directors.
- B. The five-member Lake County PEG TV Board of Directors shall be comprised of the following:
 - One (1) member appointed by the Lake County Board of Supervisors
 - One (1) member appointed by the City Council of the City of Clearlake
 - One (1) member appointed by the City Council of the City of Lakeport

///

- Two (2) at-large members, appointed by a majority vote of the three Directors representing the parties to this Agreement

C. Terms of office:

- The term of the three (3) board members appointed by the County and Cities shall expire on the first Monday in January of every even-numbered year
- The term of the two (2) at-large board members shall expire on the first Monday in January of every odd-numbered year.

Upon expiration, board members may apply for reappointment. Each member shall serve until his or her successor is duly qualified and appointed.

2. DUTIES AND POWERS OF THE LAKE COUNTY PEG TV BOARD OF DIRECTORS

The Board of Directors so established shall be responsible for:

- A. Prescribing all rules and regulations for the operation and management of the PEG channel, including adoption of community programming policies;
- B. Establishing the duties and providing general supervision of the Lake County PEG TV Manager;
- C. Securing underwriting funds for operation of the PEG Channel;
- D. Reviewing and authorizing the expenditure of funds provided by the parties to this Agreement for operation of the PEG Channel;
- E. Reviewing and authorizing capital expenditures, funded by the 1% fees collected pursuant to Section 5870 (n) of the Public Utilities Code;
- F. By December 1 each fiscal year, providing fiscal-year-to-date expenditure reports to each participating agency.
- G. By March 1 each fiscal year, preparing and submitting to the County Administrative Office and City Managers' Offices:
 - An Operating Budget; and
 - A Capital Budget.

The Lake County PEG TV Board of Directors will ensure capital expenditures are consistent with FCC regulations; i.e. capital equipment, such as vans, studios, cameras, and/or PEG facilities-related expenses.

March 1 budget submissions shall be accompanied by a report and records documenting fiscal-year-to-date and prior fiscal year operating and capital expenditures.

- H. By April 1 each fiscal year, reporting on the status of Lake County PEG TV before the governing body of each entity party to this Agreement.
- I. Providing for the maximum public benefit and use of the PEG Channel, by supporting progress relevant to the Performance Measures described in Section 6 of this Agreement; and
- J. Recommending modification of this Agreement as may be deemed appropriate; and
- K. Upon any pending termination of this Agreement, recommending the manner of disposition of property and improvements purchased with funding provided through this Agreement.

3. LEAD AGENCY

The City of Clearlake shall be the Lead Agency in administering Lake County PEG TV. Any employees or contractors hired to operate the PEG Channel under the supervision of the Lake County PEG TV Board of Directors shall be employees or contractors of the City of Clearlake. Any change of Lead Agency must be enacted by written agreement of all parties.

4. FISCAL OBLIGATIONS OF THE PARTIES

A. Operating Budget Support. The County of Lake, City of Clearlake and City of Lakeport will allocate operating funds in each fiscal year throughout the term of this Agreement.

Annual allocations are expected in the following amounts:

- City of Clearlake (\$8,000);
- City of Lakeport (\$2,000); and
- County of Lake (\$15,000).

The City of Clearlake’s contribution may be provided in-kind, e.g. provision of or for staffing, facilities, insurance and other operating needs.

As described in Section 2 (H), above, by April 1, a representative of the Lake County PEG TV Board of Directors will report on the status of the PEG Channel before the governing body of each jurisdiction.

Upon completion of said presentation, funds allocated to the PEG Channel shall be distributed c/o the City of Clearlake within 15 days.

Upon receipt, said monies shall be deposited in a special agency fund established by the Finance Director of the City of Clearlake, and shall be used exclusively for payment of expenses incurred in operating the PEG Channel, as authorized by the Lake County PEG TV Board of Directors.

1 B. Capital Budget Support. It is further understood and agreed that the Clearlake City Council,
 2 Lakeport City Council and Lake County Board of Supervisors have implemented that portion of
 3 Section 5870(n) of the Public Utilities Code which enables each of their respective
 4 governmental entities to impose an additional franchise fee specifically and exclusively for
 5 purposes of funding to support PEG Channel capital expenses consistent with federal law.
 6 Revenues generated from this fee are remitted to the respective local governments by
 7 Mediacom. The City of Clearlake, City of Lakeport, and County of Lake shall forward all such
 8 revenues to the City of Clearlake to deposit into a special agency fund for the capital budget to
 9 be utilized exclusively for legally allowable capital expenses incurred by the PEG Channel.
 10 Revenues not spent in the current fiscal year may be retained for qualifying use in future fiscal
 11 years.

12 C. Fiscal Records. As the Lead Agency, the City of Clearlake shall prepare and maintain
 13 accounting records and adopt fiscal policies and practices that are in compliance with standard
 14 governmental accounting practices.

15 The City of Clearlake shall timely furnish the Lake County PEG TV Board of Directors with all
 16 documentation necessary to distribute December and March annual reports, as described in
 17 section 2 (G). All documentation detailing how funds provided under this Agreement are
 18 expended shall be maintained by the City of Clearlake for the current and three previous fiscal
 19 years. The parties may request any available fiscal records at any time.

20 D. Non-appropriation. In the event any party to this Agreement does not appropriate the amount
 21 specified in section IV (1) in their annual budget, that party shall have the right to withhold the
 22 amount without incurring any damages or penalties. If such funding is not provided in one fiscal
 23 year, the governing body of the party withholding said monies shall consider providing that
 24 amount in the next fiscal year, in addition to the monies provided for the current year.

5. TERM OF AGREEMENT

26 This Agreement shall begin on the date of execution by all parties to this Agreement, and shall continue
 27 in full force and effect until June 30, 2021, unless terminated as hereinafter provided. By March 1,
 28 2021, the City Managers of each City and the County Administrative Officer shall meet to discuss the
 29 extension of this Agreement for an additional two-year period.

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6. PERFORMANCE MEASURES

Except as specified below, timelines and oversight will be established by the Lake County PEG TV Board of Directors, in the following areas of priority:

- A. **By June 30, 2020**, work with staff from each jurisdiction to equip all Board rooms with high quality Audio/Visual technology, to ensure the accessibility of Council and Board meetings; and
- B. Enable content providers to upload video content for broadcast on the PEG Channel, and provide clear instructions for the public on any requirements for submission; and
- C. Live stream Lake County PEG TV content via YouTube or a similarly freely and publicly available channel that offers multilingual Closed Captioning, and promote the availability of this content through appropriate Social Media; and
- D. **By December 31, 2019**, provide equipment and training to County Library staff, to facilitate broad access to digital video tools, promoting digital literacy in Lake County; and
- E. Document and report upon fundraising/underwriting efforts at Lake County PEG TV Board Meetings, and provide updates to the Cities and County, upon request.

7. TERMINATION

Any party to this Agreement may withdraw from the Agreement by submitting a letter of withdrawal to the Board of Directors no later than May 1st of each year, to become effective on June 30th. Additionally, the parties may mutually agree to terminate this Agreement at any time, with 90 days' notice.

8. MODIFICATION

This Agreement may only be modified by a written amendment thereto, executed by all parties.

9. NOTICES

All notices that are required to be given by one party to the other party under this Agreement shall be in writing, and shall be deemed to have been given if delivered personally or enclosed in a properly addressed envelope and deposited with the United States Post Office for delivery by registered or certified mail addressed to the parties at the following addresses, unless such addresses are changed by notice, in writing, to the other party.

County of Lake	City of Clearlake	City of Lakeport
Administrative Office	City Manager	City Manager
255 N. Forbes St.	14050 Olympic Dr.	225 Park St.
Lakeport, CA 95453	Clearlake, CA 95422	Lakeport, CA 95453

10. EXHIBIT

Exhibit "A" – Compliance Provisions, is incorporated herein by reference.

11. ADDITIONAL PROVISIONS

This Agreement shall be governed by the laws of the State of California. It constitutes the entire Agreement between the parties regarding its subject matter. This Agreement supersedes all proposals, oral and written, and all negotiations, conversations or discussion hereto and between the parties related to the subject matter of this Agreement.

Agreement Between the City of Clearlake, City of Lakeport and County of Lake for Operation of a PEG Cable Television Channel, executed July 16, 2019.

IN WITNESS WHEREOF, the parties have executed this Amendment by their proper officers.

COUNTY OF LAKE

[Handwritten signature]



Chair, Board of Supervisors

7-16-19

Date executed

ATTEST: CAROL J. HUCHINGSON

Clerk to the Board of Supervisors

APPROVED AS TO FORM:

ANITA L. GRANT

County Counsel

By:

[Handwritten signature]

[Handwritten signature]

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CITY OF CLEARLAKE

Russell Comer

Mayor, City of Clearlake

July 25, 2019

Date executed

ATTEST: City Clerk

APPROVED AS TO FORM:

RYAN JONES

City of Clearlake, Attorney

By: Melina Swanson

Ryan Jones

CITY OF LAKEPORT

SEE ATTACHED

Mayor, City of Lakeport

Date executed

ATTEST: City Clerk

APPROVED AS TO FORM:

DAVID RUDERMAN

City of Lakeport, Attorney

By: _____

PEG AGREEMENT

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CITY OF CLEARLAKE

SEE ATTACHED

Mayor, City of Clearlake

Date executed

ATTEST: City Clerk

APPROVED AS TO FORM:

RYAN JONES

City of Clearlake, Attorney

By: _____

CITY OF LAKEPORT

[Signature]

Mayor, City of Lakeport

9/3/19

Date executed

ATTEST: City Clerk

APPROVED AS TO FORM:

DAVID RUDERMAN

City of Lakeport, Attorney

By: Kelly Buendia

[Signature]

EXHIBIT "A" – COMPLIANCE PROVISIONS

1. NON-DISCRIMINATION

In the performance of the work authorized under this Agreement, the parties shall not unlawfully discriminate against any qualified worker because of race, religious creed, color, sex, sexual orientation, national origin, ancestry, physical disability, mental disability, medical condition, marital status or age.

2. INDEMNIFICATION AND HOLD HARMLESS

Each party shall indemnify and hold the other parties harmless against all actions, claims, demands, and liabilities, and against all losses, damages, costs, expenses, and attorney's fees, arising directly or indirectly out of an actual or alleged injury to a person or property in the same proportion that its own acts and/or omissions are attributed to said claims, demands, liabilities, losses, damages, costs, expenses, and/or attorney's fees. This provision shall not extend to any claim, demand, liability, loss, damage, cost, expenses, and/or attorney's fees covered by the insurance of either party.

The obligations under this Section shall survive the termination of the Agreement.

3. DUE PERFORMANCE – DEFAULT

Each party agrees to fully perform all aspects of this Agreement. If any default occurs, a party shall give written notice of said default to the other parties. If the party in default does not fully correct (cure) the default within 30 days of that notice (i.e. the time to cure), then such party shall be in default.

The time period for corrective action of the party in default may be extended upon written agreement, executed by all parties. The executed notice must include the reason(s) for the extension and the date the extension expires.

Notice given under this provision shall specify the alleged default and the applicable Agreement provision, and shall demand that the party in default perform the provisions of this Agreement within the applicable period. No such notice shall be deemed a termination of this Agreement, unless the party giving notice so elects in that notice, or so elects in a subsequent written notice after the time to cure has expired.

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1 **4. INSURANCE**

2 As the Lead Agency, the City of Clearlake shall procure and maintain, at its own expense during the
3 term hereof, the following:

4 **A. Compensation Insurance.** Workers' Compensation Insurance and Employer's Liability
5 Insurance, as required by the State of California, for all employees to be engaged in work under
6 this Agreement. In any case such work is contracted, contractors shall be required similarly to
7 provide Employer's Liability Insurance and Workers' Compensation Insurance for all of the
8 latter's employees to be engaged in such work, unless such employees are covered by the
9 protection afforded by Contractor's Workers' Compensation Insurance and Employer's Liability
10 Insurance. Employer's Liability Insurance shall be in an amount not less than One Million
11 Dollars (\$1,000,000.00) per occurrence.

12 **B. Commercial General Liability.** Upon itself and its employees at all times during the course of
13 this Agreement, Commercial General Liability Insurance (Occurrence Form CG0001) for bodily
14 injury, personal injury, and broad form property damage, in an amount of not less than One
15 Million Dollars (\$1,000,000.00) combined single limit coverage per occurrence, including but not
16 limited to endorsements for the following coverages: personal and advertising injury, premises-
17 operations, products and completed operations, blanket contractual and independent
18 contractor's liability.

19 **C. Automobile Liability Insurance.** Comprehensive Automobile Liability Insurance, both bodily
20 injury and property damage, on owned, hired, leased and non-owned vehicles used in
21 connection with fulfilling the terms of this Agreement in an amount not less than One Million
22 Dollars (\$1,000,000.00) combined single limit coverage per occurrence.

23 **5. ATTORNEYS FEES AND COSTS**

24 If any action at law or in equity is necessary to enforce or interpret the terms of this Agreement, the
25 prevailing party shall be entitled to reasonable attorney's fees, costs, and necessary disbursements in
26 addition to any other relief to which such party may be entitled.

27 **6. SEVERABILITY**

28 If any provision of this Agreement is held to be unenforceable, the remainder of this Agreement shall be
29 severable and not affected thereby.

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7. ADHERENCE TO APPLICABLE DISABILITY LAW

The parties to this Agreement shall be responsible for knowing and adhering to the requirements of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, (42 U.S.C Sections 12101, et seq.), California Government Code Sections 12920 et seq., and all related state and local laws.

8. HIPAA COMPLIANCE

The parties to this Agreement will adhere to Titles 9 and 22 and all other applicable Federal and State statutes and regulations, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and will make their best efforts to preserve data integrity and the confidentiality of protected health information.

9. SAFETY RESPONSIBILITIES

The parties to this Agreement will adhere to all applicable CalOSHA requirements in performing work pursuant to this Agreement. All parties agree that in the performance of work under this Agreement, they will provide for the safety needs of their employees and will be responsible for maintaining the standards necessary to minimize health and safety hazards.

10. JURISDICTION AND VENUE

This Agreement shall be construed in accordance with the law of the State of California, and the parties hereto agree that venue of any action or proceeding regarding this Agreement or performance thereof shall be in Lake County, California. All parties waive any right of removal they might have under California Code of Civil Procedure Section 394.

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FIRST AMENDMENT TO THE AGREEMENT BETWEEN THE CITY OF CLEARLAKE, CITY OF LAKEPORT AND COUNTY OF LAKE FOR OPERATION OF A LOCAL PUBLIC, EDUCATIONAL, GOVERNMENTAL (PEG) CABLE TELEVISION CHANNEL

THIS AMENDMENT is entered into this _____ day of _____, 2021, by and between the City of Clearlake, City of Lakeport and County of Lake, for operation of a local public, educational, governmental cable television channel, hereinafter referred to as Lake County PEG TV.

WITNESSETH

WHEREAS, in July of 2019, the City of Clearlake, City of Lakeport and County of Lake entered into a written Agreement to continue the operation, maintenance and funding of Lake County PEG TV, in the best interest of the citizens of Lake County, with said Agreement to expire June 30, 2021; and

WHEREAS, that Agreement envisioned extension of the "Term of Agreement," in two-year increments, as found to be desirable and appropriate by the parties thereto and the Lake County PEG TV Board of Directors.

WHEREAS, all parties wish to continue their participation through at least June 30, 2023.

NOW, THEREFORE, the parties hereto agree as follows:

- 1. That Section 5. of the original 2019 agreement is hereby amended as follows:

This Agreement shall begin on the date of execution by all parties to this Agreement and shall continue in full force and effect until June 30, 2023, unless terminated as hereinafter provided.

By March 1, 2023, the City Managers of each City and the County Administrative Officer shall meet to discuss the extension of this Agreement.

Except as specifically modified herein, all other terms and conditions of the July 16, 2019 Agreement shall remain in full force and effect.

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1 IN WITNESS WHEREOF, the parties have executed this Amendment by their proper officers.

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3 **COUNTY OF LAKE**

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7 Chair, Board of Supervisors

Date executed

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9 **ATTEST: CAROL J. HUCHINGSON**

APPROVED AS TO FORM:

10 Clerk to the Board of Supervisors

ANITA L. GRANT

11

County Counsel

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13 By: _____

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15 **CITY OF CLEARLAKE**

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19 Mayor, City of Clearlake

Date executed

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21 ATTEST: City Clerk

APPROVED AS TO FORM:

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RYAN JONES

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City of Clearlake, Attorney

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25 By: _____

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CITY OF LAKEPORT

Mayor, City of Lakeport

ATTEST: City Clerk

Date executed

APPROVED AS TO FORM:

DAVID RUDERMAN

City of Lakeport, Attorney



CITY OF LAKEPORT

- City Council
City of Lakeport Municipal Sewer District
Lakeport Redevelopment Successor Agency
Lakeport Industrial Development Agency
Municipal Financing Agency of Lakeport

STAFF REPORT

RE: CDBG 14-CDBG-9883 Close Out Public Hearing

MEETING DATE: 07/20/2021

SUBMITTED BY: Nicholas Walker, Finance Director

PURPOSE OF REPORT: Information only Discussion Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to hold a Public Hearing and consider any public comments and approve the close out of the 14-CDBG-9883, and direct staff to submit the final close out documents to the State.

BACKGROUND:

On March 17th 2015 City Council approved Resolution #2533 authorizing staff to submit application for funding under the 2014 NOFA

As part of the grant procedure a Public Hearing must be conducted and the close out of the contract approved by City Council before the close out documents can be submitted and approved by CDBG for grant closeout.

Funding in grant contract 14-CDBG-9883 is outlined below:

Economic Development – Direct Financial Assistance to For- Profits - \$242,670

Activity Delivery - Direct Financial Assistance to For- Profits - \$36,400

General Program Administration - \$27,907

Planning - \$93,023

Supplemental Activity – Public Facility – Carnegie Library

DISCUSSION:

A Notice of Public Hearing was published in the Lake County Record Bee on July 3, 2021. The notice informed the public that a Public Hearing would be held during the July 20th 2021 council meeting.

The purpose of this hearing is to review and approve the accomplishments that were produced from the City's 14-CDBG-9883 agreement with the State of California Housing Community Development Department and to solicit citizen input regarding the outcome and accomplishments of the funding expended under this contract.

Outcomes and accomplishments under this contract include completing the Lakefront Revitalization Study, issuing 5 loans totaling \$397,563 and contributing \$153,593 towards the nearly \$300,000 Carnegie ADA Accessibility Projects. All projects are now complete, and the contract will be closed out with the State.

OPTIONS:

Hold a Public Hearing and consider any public comments and approve the close out of the 14-CDBG-9883, and direct staff to submit the final close out documents to the State.

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Water OM Fund Sewer OM Fund Other:

Comments:

SUGGESTED MOTIONS:

Move to approve the close out of grant contract 14-CDBG-9883, and direct staff to submit the final close out documents to the State.

Attachments:



CITY OF LAKEPORT

City Council
Lakeport Redevelopment Successor Agency
City of Lakeport Municipal Sewer District

STAFF REPORT	
RE: Safety Element Amendment and CEQA Categorical Exemption (Project 2021-04)	MEETING DATE: 07/20/2021
SUBMITTED BY: Jennifer M. Byers, Community Development Director	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input checked="" type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL:

The City Council is requested to adopt a City Council Resolution to update the General Plan Safety Element to incorporate the Local Hazard Mitigation Plan.

BACKGROUND/DISCUSSION:

On June 15, 2021, City staff presented an item requesting council to adopt a draft Resolution to update the General Plan’s Safety element to incorporate the Local Hazard Mitigation Plan. City Council opened the public hearing and after receiving no comments regarding the item Council closed the public hearing. It was identified that the draft Resolution was not included in the agenda packet.

City Council requested that the Resolution be brought back at the next scheduled meeting for review prior to making a motion.

The intent of this General Plan Amendment (GPA) is to include the LHMP by reference in the Safety Element. The City of Lakeport Local Hazard Mitigation Plan is accessible at the city’s website www.cityoflakeport.com and searching for “LHMP”.

OPTIONS:

1. Approve and adopt the Resolution that will amend the General Plan to update the Safety Element to incorporate the previously adopted Local Hazard Mitigation Plan.
2. Do not approve but provide direction to staff.

FISCAL IMPACT:

None \$ TBD Budgeted Item? Yes No
Budget Adjustment Needed? Yes No If yes, amount of appropriation increase:
\$

Affected fund(s): General Fund Water OM Fund Sewer OM Fund Other:

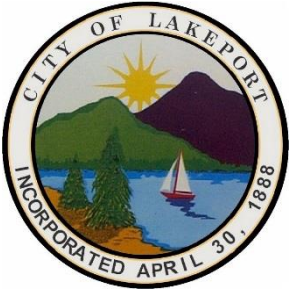
Comments: No significant adverse fiscal impacts are anticipated as a result of the adoption of the Safety Element Amendment. It is noted that State law AB 2140 allows each city and county to incorporate the Local Hazard Mitigation Plan (LHMP) by reference into the Safety Element of the General Plan which would allow the City and LFPD to be eligible for certain federal disaster assistance, specifically, the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program (HMGP), Pre-Disaster Mitigation (PDM) Program, and the Flood Mitigation Assistance (FMA) Program.

SUGGESTED MOTIONS:

Move to adopt the proposed Resolution to approve an Amendment to the Safety Element of the General Plan.

ATTACHMENTS:

1. Planning Commission Minute Order
2. Planning Commission Staff Report
3. Draft City Council Resolution



MINUTE ORDER

LAKEPORT PLANNING COMMISSION REGULAR MEETING MARCH 10, 2021

Please be advised of the following action taken by the Lakeport Planning Commission:

The Planning Commission reviewed the Draft Safety Element on March 10, 2021 and discussed the Draft Safety Element, including outreach efforts, specific wording changes in the Safety Element and reference to the City's Local Hazard Mitigation Plan. The Planning Commission recommended that the City Council adopt a resolution to approve the City of Lakeport Safety Element Update.

Public hearing was opened at 5:46 p.m. and closed with no input at 5:47 p.m.

Commissioner Barnett moved that the Planning Commission find that 2021-04, pertaining to the adoption and implementation of the Safety Element, has been determined to be exempt from the California Environmental Quality Act as it meets the criteria established in Section 15061(b)(3) of the CEQA Guidelines because there will be no physical changes to the environment and requires no further review pursuant to Section 15168(c)(2). Seconded by Commissioner Maxman.

The vote was called and was as follows:

AYES: Commissioners Maxman, Barnett and Chair Mitchell. (3-0)

NOES: None

ABSENT: Commissioner Warrenburg and Commissioner Combs

Commissioner Barnett moved that the Planning Commission forward a recommendation to the City Council to take the following actions:

1. Adopt a resolution to approve the amendment to the City of Lakeport Safety Element referencing the City of Lakeport's Local Hazard Mitigation Plan.

Seconded by Commissioner Maxman.

The vote was called and was as follows:

AYES: Commissioners Maxman, Barnett and Chair Mitchell. (3-0)

NOES: None

ABSENT: Commissioner Warrenburg and Commissioner Combs

Commissioner Combs joined the meeting at the end of Associate Planner Chance's presentation of the item.

Respectfully Submitted,

Jennifer M. Byers
Community Development Director



CITY OF LAKEPORT PLANNING COMMISSION

STAFF REPORT

RE: 2021-04 / Draft Safety Element /
Categorical Exemption

MEETING DATE: March 10, 2021

SUBMITTED BY: Daniel Chance, Associate Planner

PURPOSE OF REPORT: Information only Discussion Commission Action

WHAT IS BEING ASKED OF THE PLANNING COMMISSION:

The Planning Commission is requested to consider amending the Safety Element of the General Plan to reference the City's Local Hazard Mitigation Plan and make a recommendation to City Council for its adoption.

SUMMARY OF THE ISSUE:

State law AB 2140 mandates that each city and county incorporate the Local Hazard Mitigation Plan (LHMP) by reference into the Safety Element of the General Plan. The City of Lakeport adopted the City's Local Hazard Mitigation Plan in July of 2019, which included coordination between the City of Lakeport Staff, the Lakeport Fire Protection District (LFPD) and the general public. The intent of this General Plan Amendment is to include the LHMP by reference in the Safety Element.

The City of Lakeport Local Hazard Mitigation Plan is accessible at the city's website www.cityoflakeport.com and searching for "LHMP".

ISSUE ANALYSIS:

The Amendment to the Safety Element in the City's General Plan is to add the LHMP by reference and inclusion as part of the Safety Element. The Safety Element identifies objectives and policies to reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from fires, floods, earthquakes, and other hazards. The second purpose of the element is to guide land use planning and policy decisions to achieve an acceptable level of public safety from known natural and man-made hazardous events.

The LHMP was adopted by the City Council in July of 2019. The goal is to guide hazard mitigation planning to better protect people and property of the City and LFPD Planning area from the effects of natural disasters and hazard events. The LHMP demonstrates the community's commitment to reducing risks from hazards and serves as a tool to help decision makers direct mitigation activities and resources. The LHMP is a resource to the

City and LFPD for being eligible for certain federal assistance, from the Federal Emergency Management Agency's grant programs and federal emergency programs.

The Safety Element is one of the mandatory elements that comprise a local agency's General Plan according to Section 65302(D) of the Government Code. Under 65302(D) the Safety Element requires the following:

- (i) *If a city or county has adopted the local hazard mitigation plan, or other climate adaptation plan or document that fulfills commensurate goals and objectives and contains the information required pursuant to this paragraph, separate from the general plan, an attachment of, or reference to, the local hazard mitigation plan or other climate adaptation plan or document.*
- (ii) *Cities or counties that have an adopted hazard mitigation plan, or other climate adaptation plan or document that substantially complies with this section, or have substantially equivalent provisions to this subdivision in their general plans, may use that information in the safety element to comply with this subdivision, and shall summarize and incorporate by reference into the safety element the other general plan provisions, climate adaptation plan or document, specifically showing how each requirement of this subdivision has been met.*

For the City to request Federal Emergency Management Agency (FEMA) grants and other types of FEMA emergency funding, the City would not only be required to adopt the LHMP, but also incorporate the LHMP by reference in the Safety Element of the General Plan. The purpose of this General Plan Amendment is to tie these two documents together by reference, as required by state law. With this amendment that includes specific wording incorporated into the Safety Element of the General Plan that clearly references the City of Lakeport LHMP, the City would be consistent with AB 2140.

Safety Element Wording Contents

The following wording would be added to the Safety Element, at the end of the Purpose Section on Page X-1.

"In 2006, the state adopted Assembly Bill (AB) 2140 which added provisions specifying what is to be included in a Local Hazard Mitigation Plan (LHMP) and requiring a linkage between a local jurisdiction's LHMP and the Safety Element of their General Plan. AB 2140 requires a jurisdiction to adopt the LHMP into the Safety Element of the General Plan to be fully eligible for disaster relief funding under the California Disaster Assistance Act. AB 2140 can be met by either including the LHMP language specific to AB 2140 as part of the Safety Element or to incorporate the LHMP by reference into the Safety Element of the General Plan.

The City of Lakeport has a current LHMP which includes an assessment of the City of Lakeport's risk and vulnerability related to natural and other identified hazards and a comprehensive mitigation strategy which includes actions and projects designed to mitigate or reduce the impacts of those hazards and to increase community resiliency. This LHMP has been formally adopted and incorporated by reference into the Safety Element of the General Plan via a City Council resolution.

To further meet the requirements of AB 2140, the City of Lakeport adopts and incorporates by reference the most current LHMP as part of this Safety Element to the General Plan

which should be consulted when addressing known hazards to ensure the general health and safety of people within the City of Lakeport. The City of Lakeport Local Hazard Mitigation Plan is accessible at the city's website www.cityoflakeport.com and searching for "LHMP".

In addition, the following wording establishing a reference to the LHMP with the following Policy in the Safety Element on Page X-11:

"Policy S 1.11: City of Lakeport Local Hazard Mitigation Plan. The City of Lakeport, in coordination with the Lakeport Fire Protection District (LFPD), prepared this Local Hazard Mitigation Plan (LHMP) to guide hazard mitigation planning to better protect the people and property of the City and LFPD Planning Area from the effects of natural disasters and hazard events. This LHMP demonstrates the community's commitment to reducing risks from hazards and serves as a tool to help decision makers direct mitigation activities and resources. This Plan was also developed for the City and LFPD to be eligible for certain federal disaster assistance, specifically, the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program (HMGP), Pre-Disaster Mitigation (PDM) Program, and the Flood Mitigation Assistance (FMA) Program."

GENERAL PLAN FINDINGS:

Section 17.32.020 spell out specific criteria and findings necessary for the approval of General Plan Amendments, respectively. General Plan Amendments require four (4) findings listed below:

1. The proposed General Plan Amendment is in the public's interest.

Staff Analysis: The Amendment to the Safety Element is to incorporate the LHMP by reference to the Safety Element that provides further health and safety protocols to the existing Safety Element that would be in the Public's interest.

2. The proposed General Plan Amendment is consistent and compatible with the entire General Plan and any implementation programs that may be affected.

Staff Analysis: The Amendment to the Safety Element incorporating the LHMP by reference would be consistent with the policy's in the Safety Element, as well as all goals and objectives identified in the General Plan. The Policy's in the LHMP further expands compatibility with health and safety, goals and objectives identified in the existing Safety Element.

3. The potential impacts of the proposed General Plan Amendment have been assessed and have been determined not to be detrimental to the public health, safety, and welfare.

Staff Analysis: The Amendment to the Safety Element to incorporate the LHMP by reference further expands the health and safety goals and would not reflect a detriment to the public health, safety, and welfare.

4. The proposed General Plan Amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

Staff Analysis: The Amendment to the Safety Element to incorporate the LHMP by reference was reviewed and determined that the amendment would have no significant environmental impact. The amendment would not require any changes from what was originally addressed as part of the original General Plan Environmental Impact Report (EIR). This amendment would be exempt from the California Environmental Impact Report (CEQA).

ENVIRONMENTAL REVIEW:

The Amendment to the Safety Element was reviewed to analyze the potential environmental impacts of the Safety Element pursuant to the California Environmental Quality Act (CEQA). The Safety Element was determined to have been fully addressed by the General Plan EIR and would not result in any new environmental impacts and would not increase the significance of environmental impacts that were addressed in the General Plan EIR. Pursuant to Section 15168(c)(2) of the CEQA Guidelines, no new environmental document is required. In addition, adoption and implementation of the Amendment to the Safety Element has been determined to be exempt from CEQA as it meets with the criteria established in Section 15061(b)(3) of the CEQA Guidelines because there will be no physical changes to the environment and requires no further review pursuant to Section 15168(c)(2).

POINTS OF CONSIDERATION:

Under AB 52, all General Plan Amendments require Tribal Consultation with all local Tribes. On March 1, 2021, a letter was sent to the Chairperson of both Scotts Valley Band of Pomo Indians and the Big Valley Band of Pomo Indians. With the consultation, no adoption of the amendment can take place until completion of a 90-day review period. The Planning Commission can make a recommendation to the City Council; however, the City Council cannot act until on or after June 15, 2021, unless staff receives concurrence from the local Tribes. Any comments received will be included in the staff report for City Council.

NEXT STEPS:

Staff plans to take the Planning Commission's recommendation to the City Council for their consideration at the June 15, 2021 meeting.

SUGGESTED MOTIONS:

CEQA Exemption

I move that the Planning Commission find that 2021-04, pertaining to the amendment of the Safety Element referencing the LHMP, has been determined to be exempt from the California Environmental Quality Act as it meets the criteria established in Section 15061(b)(3) of the CEQA Guidelines because there will be no physical changes to the environment and requires no further review pursuant to Section 15168(c)(2).

General Plan Amendment Recommendation to the City Council

I move that the Planning Commission forward a recommendation to the City Council to take the following action:

Adopt a resolution to approve the amendment to the City of Lakeport Safety Element referencing the City of Lakeport's Local Hazard Mitigation Plan.

Attachment 1. Notice of CEQA Exemption

ATTACHMENT 1
NOTICE OF CEQA EXEMPTION

NOTICE OF EXEMPTION

To: Office of Planning and Research
1400 Tenth Street
Sacramento, CA 95814

From: City of Lakeport
225 Park Street
Lakeport, CA 95453

Lake County Auditor-Controller/County Clerk
Lake County Courthouse
255 North Forbes Street, Room 223
Lakeport, CA 95453

Project Title: Amendment of Safety Element
Project Location: City of Lakeport – citywide.
Project Description: Incorporating the LHMP by reference in the Safety Element of the General Plan
Lead Agency: City of Lakeport
Lead Agency Contact: Daniel Chance
Applicant: N/A (City is carrying out project)
Exemption Status: Ministerial [Section 21080(b); 15268];
 Declared Emergency [Section 21080(b)(3); 15269(a)];
 Emergency Project [Section 21080(b)(4); 15269(b)(c)];
 General Rule [Section 15061(b)(3)];
 Categorical Exemption Section 15301: Existing Facilities
 Statutory Exemption Code Number
 Other - Section 15168(c)(2): Program EIR prepared previously. No new environmental document required.

REASONS WHY THIS PROJECT IS EXEMPT OR DOES NOT REQUIRE FURTHER ENVIRONMENTAL DOCUMENTATION:

State law AB 2140 mandates that each city and county incorporate the Local Hazard Mitigation Plan (LHMP) by reference into the Safety Element of the General Plan. The City of Lakeport adopted the City's Local Hazard Mitigation Plan in July of 2019, which included coordination between the City of Lakeport Staff, the Lakeport Fire Protection District (LFPD) and the general public. The intent of this General Plan Amendment is to include the LHMP by reference in the Safety Element.

The Amendment to the Safety Element was reviewed to analyze the potential environmental impacts of the Safety Element pursuant to the California Environmental Quality Act (CEQA). The amendment would not change any policy's or create any new or unforeseen environmental issue with the reference of the City of Lakeports Local Hazard Mitigation Plan (LHMP). The Safety Element was determined to have been fully addressed by the General Plan EIR and would not result in any new environmental impacts and would not increase the significance of environmental impacts that were addressed in the General Plan EIR. Pursuant to Section 15168(c)(2) of the CEQA Guidelines, no new environmental document is required. In addition, adoption and implementation of the Amendment to the Safety Element has been determined to be exempt from CEQA as it meets with the criteria established in Section 15061(b)(3) of the CEQA Guidelines because there will be no physical changes to the environment and requires no further review pursuant to Section 15168(c)(2).

City of Lakeport

By _____

Daniel Chance
Associate Planner
(707) 263-5613 x.203
Date: March 11, 2021

RESOLUTION NO. _____ (2021)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKEPORT ADOPTING
AN AMENDMENT TO THE SAFETY ELEMENT OF THE GENERAL PLAN**

WHEREAS, On October 22, 2019, the Lakeport City Council adopted the Lakeport Hazard Mitigation Plan (LHMP) and on November 12, 2019, the Lakeport Fire Protection District (LFPD) adopted by resolution the LHMP. The LHMP was subsequently found to be in conformance with Title 44 Code of Federal Regulations (CFR) Part 201.6 *Local Mitigation Plans* by the Federal Emergency Management Agency (FEMA); and

WHEREAS, the LHMP was prepared, in coordination with the LFPD, to better protect the people and property of the City and the LFPD Planning Area from the effects of natural disasters and hazard events; and

WHEREAS, the City solicited public involvement and participation through several stakeholder and public meetings, as well as public outreach activities, advertised and available November 2018 through July, 2019; and

WHEREAS, Sections 8685.9 and Section 65302.6 of the California Government Code encourages local jurisdictions to incorporate into the Safety Element (one of the mandated elements required in the General Plan), a Local Hazard Mitigation Plan in accordance with the federal Disaster Mitigation Act of 2000; and

WHEREAS, this adoption makes the city eligible to be considered for part or all of its local-share costs on eligible Public Assistance funding to be provided by the State through the California Disaster Assistance Act (CDAA); and

WHEREAS, adoption and implementation of the Safety Element are determined to be exempt from the California Environmental Quality Act as it meets with the criteria established in Section 15061(b)(3) of the CEQA Guidelines because there will be no physical changes to the environment and requires no further review pursuant to Section 15168(c)(2); and

WHEREAS, section 65358 of the Government Code of the State of California limits the amendment of any mandatory element of the Lakeport General Plan to not more than four times per calendar year; and

WHEREAS, this Resolution is presented as the first amendment of the mandatory Safety Element in calendar year 2021; and

WHEREAS, the Planning Commission held a public hearing on March 10, 2021 at which time the Planning Commission considered the Safety Element Amendment; and

WHEREAS, the City Council held a public hearing on June 15, 2021 regarding the Safety Element Amendment including consideration of the Planning Commission, at which time all interested persons were given an opportunity to be heard.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Lakeport makes the following findings:

SECTION 1: CEQA

- A. Adoption and implementation of the Safety Element was determined to have been fully addressed by the General Plan EIR and would not result in any new environmental impacts and would not increase the significance of environmental impacts that were addressed in the General Plan EIR. Therefore, no new environmental document is required pursuant to CEQA Guidelines Section 15168(c)(2).
- B. Adoption and implementation of the Safety Element is determined to be exempt from the California Environmental Quality Act as it meets with the criteria established in Section 15061(b)(3) of the CEQA Guidelines because there will be no physical changes to the environment and requires no further review pursuant to Section 15061(b)(3).
- C. The documents and other materials that constitute the administrative record on which these CEQA findings are based are located at the City of Lakeport, 225 Park Street, Lakeport, CA 95453. The City Council designates the City Clerk as custodian of all such documents.

SECTION 2: Adoption of the Amended Safety Element

- A. The City Council has considered the Safety Element Amendment and the Planning Commission's recommendation regarding the Safety Element.
- B. The goals, policies, programs, and objectives contained in the Lakeport Hazard Mitigation Plan and Safety Element, considered individually and cumulatively, do not adversely affect the internal consistency of the City of Lakeport General Plan.
- C. For the reasons set forth in the Planning Commission Staff Report, incorporated by this reference, the City Council finds that this Safety Element Amendment meets the criteria of Lakeport Municipal Code section 17.32.020(B) that:
 - 1. The proposed general plan amendment is in the public's interest.
 - 2. The proposed general plan amendment is consistent and compatible with the entire general plan and any implementation programs that may be affected.

3. The potential impacts of the proposed general plan amendment have been assessed and have been determined not to be detrimental to the public health, safety, and welfare.
4. The proposed general plan amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act.

D. The City Council hereby amends the City of Lakeport General Plan to adopt the Safety Element and repeal the existing Safety Element adopted on August 19, 2014.

This resolution was passed and adopted by the City Council of the City of Lakeport at a regular meeting held on the 20th day of July, 2021.

AYES:

NOES:

ABSENT:

ABSTAIN:

Kenneth Parlet, II, Mayor

ATTEST:

Kelly Buendia, City Clerk
City of Lakeport



CITY OF LAKEPORT

- City Council
City of Lakeport Municipal Sewer District
Lakeport Redevelopment Successor Agency
Lakeport Industrial Development Agency
Municipal Financing Agency of Lakeport

STAFF REPORT

RE: Use of Force Analysis Report – California Department of Justice Reportable - 2021

MEETING DATE: 07/20/2021

SUBMITTED BY: Chief of Police Brad Rasmussen

PURPOSE OF REPORT: Information only Discussion Action Item

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to receive the 2021 Use of Force Analysis Report reported to the California Department of Justice (DOJ) by Lakeport Police Officers (LPD). This use of force reporting pertains only to incidents where the people who force was used upon received serious bodily injury.

BACKGROUND/DISCUSSION:

As with all California law enforcement, the Lakeport Police Department is required to report to the state Department of Justice all incidents where the use of force by a LPD Officer resulted in serious bodily injury to a subject. In our May 2021 audit for these use of force incidents for 2020, we found that it showed a 50% reduction in DOJ reportable Use of Force incidents, which continued a trend of declination since 2018, with 2019 showing a 50% decline, as well. To provide more prospective, these use of force incidents numbered 4 in 2018, 2 in 2019 and 1 in 2020.

In considering Use of Force incidents that occurred in other jurisdictions throughout the State and Country, which gained national scrutiny and criticism, relative to the Lakeport Police Department, the police administration has identified some training recommendations for future internal training. These training considerations relate to Firearms, Less Lethal Devices and Arrest & Control/Defensive Tactics. The training includes force transition training and simulation between firearms and other available force option, consistent with the employees duty assignments. Additional training topics should contain elements of multiple officers with force transitions, including both use of force and no-force options based on successful de-escalation tactics.

We also examined equipment needs and do not believe that the department has any critical equipment needs as the Lakeport Police department has available, issues and maintains several force options, spanning a broad array of force levels, for use by police staff including chemical spray, chemical deploy-ables, batons, electronic less lethal devices, less lethal deploy-ables, handguns, shotguns and patrol rifles. Although there is other equipment on the market, our array is more than appropriate.

We did however find that additional simulation equipment was needed for the force transition training. We used available 2020/2021 budget funds to purchase that equipment.

Lastly, we conducted a quarterly review of department policy, including any suggested policy changes, deletions and/or additions received from out third party policy consultant, Lexipol, that have been provided during those

three months, giving primary attention to critical policy updates, and then any use of force policy suggestions. Relative to policy training, policy Daily Training Bulletins (DTBs), which regularly include Use of Force specific policy topics, are pushed out to all department employees on a monthly basis. Supervisory oversight of policy review and training is conducted on an on-going basis to ensure that policy changes are reviewed and acknowledged, and DTBs are timely completed.

The training and policy components play a significant role in continuing to reduce use of force by police officers.

OPTIONS:

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Water OM Fund Sewer OM Fund Other:

Comments:

SUGGESTED MOTIONS:

Move to receive and file the 2021 Use of Force Analysis Report

Attachments:



CITY OF LAKEPORT

- City Council
- City of Lakeport Municipal Sewer District
- Lakeport Redevelopment Successor Agency
- Lakeport Industrial Development Agency
- Municipal Financing Agency of Lakeport

STAFF REPORT	
RE: Nominate Voting Delegate and Alternate(s) for League of California Cities Conference September 22-24, 2021.	MEETING DATE: 07/20/2021
SUBMITTED BY: Kevin Ingram, City Manager	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to nominate a voting delegate and alternate(s) for the League of California Cities 2021 Annual Conference.

BACKGROUND/DISCUSSION:

The League of California Cities 2021 Annual Conference is scheduled for September 22-24, 2021. An important part of the Annual Conference is the Annual Business meeting, where the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business meeting, each city council must designate a voting delegate. In the event that the designated voting delegate is unable to serve in that capacity, each city may appoint up to two alternate voting delegates. The Voting Delegate form must be returned to the League's office no later than Wednesday, September 15, 2021, so that voting delegate/alternates records may be established prior to the conference.

The voting delegate and alternate(s) must be registered to attend the conference. At least one must be present at the Business Meeting and in possession of a voting card in order to cast a vote. Each member city has a right to cast one vote on matters pertaining to League Policy. In order for the City of Lakeport to vote, a delegate must be designated.

OPTIONS:

The Council has the option of choosing not to designate a voting member.

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Water OM Fund Sewer OM Fund Other:

Comments:

SUGGESTED MOTIONS:

1. Move to nominate _____ as the voting delegate and _____ as the first alternate and _____ as the second alternate voting delegate for the League of California Cities Annual Conference to be held September 22-24, 2021.

Attachments:

1. Voting Delegate Letter from the League of California Cities



Council Action Advised by August 31, 2021

June 16, 2021

TO: City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference & Expo – September 22-24, 2021**

Cal Cities 2021 Annual Conference & Expo is scheduled for September 22-24, 2021 in Sacramento. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly) on Friday, September 24. At this meeting, Cal Cities membership considers and acts on resolutions that establish Cal Cities policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote if the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to Cal Cities office no later than Wednesday, September 15. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note: Our number one priority will continue to be the health and safety of participants. We are working closely with the Sacramento Convention Center to ensure that important protocols and cleaning procedures continue, and if necessary, are strengthened. Attendees can anticipate updates as the conference approaches.

- **Action by Council Required.** Consistent with Cal Cities bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration will open mid-June at www.cacities.org. In order to cast a vote, at least one voter must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.
- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but

only between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.

- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Sacramento Convention Center, will be open at the following times: Wednesday, September 22, 8:00 a.m. – 6:00 p.m.; Thursday, September 23, 7:00 a.m. – 4:00 p.m.; and Friday, September 24, 7:30 a.m.– 11:30 a.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League's office by Wednesday, September 15. If you have questions, please call Darla Yacub at (916) 658-8254.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



CITY: _____

**2021 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to Cal Cities office by Wednesday, September 15, 2021. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

To vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____

Email _____

Mayor or City Clerk _____
(circle one) (signature)

Date _____ Phone _____

Please complete and return by Wednesday, September 15, 2021 to:

Darla Yacub, Assistant to the Administrative Services Director

E-mail: dyacub@cacities.org

Phone: (916) 658-8254



Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to Cal Cities policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the Cal Cities Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in their possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.