



Last Resolution No. 15-977  
Last Ordinance No. 15-315

REGULAR MEETING OF THE SOLVANG CITY COUNCIL

COUNCIL CHAMBERS  
1644 OAK STREET

January 11, 2016  
6:30pm

Please be advised that, pursuant to State Law, any member of the public may address the Council concerning any item on the Agenda. Please be aware that Items on the Consent Calendar are considered to be routine and are normally enacted by one vote of the Council.

**If you wish to speak on Items 3, 4, or 5 please do so during Public Communications.**  
Regular City Council meetings are broadcast live on **Channel 23** in the Santa Ynez Valley

**CALL TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**CITY MANAGERS REPORT**

**1. PUBLIC COMMUNICATIONS – WRITTEN OR VERBAL**

At this time, please direct comments to the City Council regarding Consent Calendar Items or matters NOT on the agenda but within the jurisdiction of the Council. (Speakers are limited to five (5) minutes).

**2. COUNCIL COMMENTS AND REQUESTS**

Comments and requests from City Council Members. No action will be taken at this meeting.

**3. APPROVAL OF AGENDA AS PRESENTED**

**4. CITY COUNCIL MINUTES OF DECEMBER 14, 2015**

Approval of Minutes.

**5. CONSENT AGENDA**

- a. Approval of Warrant Register
- b. Receive and File Santa Barbara County Sheriff's Report for November 2015
- c. Approve Update to the Employee Handbook

- d. Adopt on second reading, by title only, Ordinance No. 15-\_\_\_ of the City Council of the City of Solvang, amending the Zoning Ordinance, Title 11 of the Municipal Code, to provide an expedited, streamlined permit process for small, residential rooftop solar systems.
- e. Adopt on second reading, by title only, Ordinance No. 15-\_\_\_, an Ordinance of the City Council of the City of Solvang, amending the Zoning Ordinance, Title 11 of the Municipal Code, to provide regulations for the location of Massage establishments, and Title 4, Chapter 10 of the Municipal Code amending Regulations for Massage establishments.
- f. Authorize the Mayor to sign letter to Caltrans in support of permitting a new right turn driveway for westbound vehicles on Highway 246 at Valley Plaza.

## **REGULAR AGENDA**

### **6. ANNUAL WATER AND SEWER RATE INCREASES AND POTENTIAL GENERAL FUND SUBSIDIES AND REVIEW OF STAGE 2 DROUGHT REGULATIONS**

1. Discuss and provide staff direction on implementation of the annual water rate increases.
2. Discuss and provide staff direction on implementation of the annual sewer rate increases.
3. Review Stage 2 Drought Resolution and provide direction on potential changes.

### **7. DISCUSSION AND DIRECTION FOR AD HOC COMMITTEE WITH THE SANTA YNEZ BAND OF CHUMASH INDIANS**

Discuss and provide committee with direction for discussions with the Chumash ad hoc committee regarding possible funding for the expansion of Fire Station 30.

### **8. COUNCIL MEMBER REPORTS (Oral reports: Each Council Member will give oral reports on their activities in relation to the following committee or agencies. In addition, each member may report on items that will be included on the agenda for such committee or agency and seek guidance from the Council as a whole on such items, including on what position to take on behalf of the City)**

- Santa Barbara County Association of Governments
- Air Pollution Control Board
- Joint Wastewater Committee
- Finance Committee
- Chumash Tribe
- Indian Gaming Benefit Committee
- California Joint Powers Insurance Authority

### **9. ADVANCE CALENDAR**

Informational Calendar – no action.

## **10. ADJOURNMENT**

Copies of staff reports and supporting documentation pertaining to each item on this agenda are available for public viewing and inspection at City Hall, 1644 Oak Street, Solvang, during regular business hours and on the City's website [www.cityofsolvang.com](http://www.cityofsolvang.com), in addition, any writings relating to an open session agenda item provided to a majority of the Council that is distributed within 72 hours of the meeting, after the posting of the agenda, will be identified and available separately at City Hall and may be posted to the website.

**In Compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, you should contact the office of Administrative Services at 688-5575 or the California Relay Service. Notification 48 hours prior to the meeting would enable the City to make reasonable arrangements to ensure accessibility to this meeting.**





MINUTES OF THE REGULAR MEETING OF THE  
SOLVANG CITY COUNCIL

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Council Chambers  
1644 Oak Street  
Solvang, CA 93463

December 14, 2015  
Monday  
6:30 pm

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**CALL TO ORDER:** Mayor Richardson called the meeting to order at 6:30 p.m.

**ROLL CALL:**

**PRESENT:** Mayor Richardson, Council Members Duus, Jamieson, Skytt, and Zimmerman

**STAFF:** Brad Vidro, City Manager; Roy Hanley, City Attorney; Lt. Shawn O'Grady; Arleen Pelster, Planning & Economic Development Director; Matt van der Linden, Public Works Director; Sandra Featherson, Administrative Services Director; and Lisa Martin, City Clerk

**PLEDGE OF ALLEGIANCE:** Led by Council Member Jamieson

**CITY MANAGERS REPORT:** Informational report only

1. **PUBLIC COMMUNICATIONS – WRITTEN OR VERBAL**

Tracy Farhad, SCVB

- Presented the new Visitor's Guide which is a collaboration with VisitSYV.
- Julefest update: 1,115 people have had their pictures taken with Santa in Solvang Park. Many thanks to Fred, Jenny and Debbie of the Parks Department for the beautiful job decorating. Double last year's ticket sales for the Wine & Beer Walk, with 191 tickets sold. Thank you to all the sponsors.

Fred Kovol, Resident

- Water from a wastewater treatment plant will never be safe to drink. The federal requirements are not adequate. Reconsider use of recycled water for drinking.

Sam Cohen, Santa Ynez Band of Chumash Indians

- The Tribe is in the middle of a hotel expansion and has dedicated a ladder truck to the Fire Department. Hopes that they can locate this truck at the Solvang station. Looks forward to a discussion with the City relating to the feasibility of an addition to the fire station at the ad-hoc committee meeting next quarter.

2. **COUNCIL REQUESTS**

Council Member Zimmerman indicated his wish to go on record with a recommendation for development of a groundwater sustainability plan specific to Solvang. Would like the Council to consider creating a rotating full-time Council Member position including an office and salary, with full involvement in every day activities of the City.

3. **APPROVAL OF AGENDA AS PRESENTED**

No changes to the agenda.

4. **CITY COUNCIL MINUTES OF NOVEMBER 23, 2015**

*Motion made by Council Member Duus to approve the minutes as written, seconded by Council Member Skytt, and **carried** with a verbal response of 5 ayes.*

5. **CONSENT AGENDA**

- a. Approval of Warrant Register
- b. Approval of Amendment No. 2 for extension of time for Professional Services Agreement with Firma Consultants to update the Open Space/Conservation Element of the General Plan, and authorize the Mayor to execute
- c. Renewal of Adventures Out West conveyance license to allow use of city streets for Segway tours

*Motion was made by Council Member Jamieson, seconded by Council Member Duus, to approve the consent agenda as presented. **Motion carried** with a roll call vote of 5 ayes.*

**REGULAR AGENDA**

6. **WATER SUPPLY UPDATE**

Staff presentation by Matt van der Linden, Public Works Director. Update on upland wells project. The HCA South Well is under construction. No need to purchase additional State water for 2016. Described draft water banking concept. The Well 22/23 Blending Study is in progress, slated for completion by the end of February. The Fjord Drive extension has been determined to be unfavorable for river wells.

Council Member Skytt asked if there was a chance that our water could contain uranium as some of the water has been contaminated with in the San Joaquin Valley. Matt van der Linden responded that the new wells have indicated no trace of uranium when tested.

Council Member Duus questioned the costs of banking water. Matt van der Linden indicated that he would anticipate there would not be a monetary cost as it is typical in a banking arrangement that the agency storing the water would take a portion of the water that is banked as payment. That would be negotiated above the staff level.

Council Member Duus suggested that we look at well locations on the south side of the river. Matt van der Linden commented that our EIR only included wells drilled on the north side.

Council Members Duus and Jamieson recommended that we try water witching to find where the water is prevalent.

Council Member Duus asked what the remaining costs were for the carryover water. Matt van der Linden responded that we have to pay back the water within 10 years, and we must pay transportation costs.

Council Member Zimmerman asked what the blending study will determine. Matt van der Linden responded that this would determine the optimum flow rates and feasibility for quality water without having to treat it.

Mayor Richardson opened the Public Comment period at 7:35 p.m.

Fred Kovol

- The City of Solvang paid for the reservoir at the top of Hill Haven Rd. We have a lot of money invested in ID#1 infrastructure over the years.
- Discussed the MOU with ID#1.

Ken Palmer

- Why can't the City enter into a contract with ID#1 for 30 acre feet per month?
- Discussed the geology of the Santa Ynez river. Staff should read more about it.
- There is a real possibility that settlement of land will occur if additional ground water is pumped.

Mayor Richardson closed the Public Comment period at 7:47 p.m.

Council Member Zimmerman suggested that we eliminate the water conservation requirements.

Mayor Richardson commented that the public is conserving as required and suggested that we eliminate the penalties and raise the water rates per the rate study already approved.

Council Member Duus stated that we have to follow the State mandate for conservation.

City Attorney Hanley specified what the City can do as far as rates and the mandatory conservation measures, and also explained that if we were to negotiate a consistent water contract with ID#1 it would have to be in conjunction with a new Prop. 218 rate study.

Council Member Zimmerman requested that when staff brings back possible water funding options to include an investment option.

*Council accepted the update.*

7. **DISCUSSION AND DIRECTION FOR AD HOC COMMITTEE WITH THE SANTA YNEZ RIVER WATER CONSERVATION DISTRICT, IMPROVEMENT DISTRICT NO. 1- CENTRAL COAST WATER AUTHORITY (CCWA) MEMBERSHIP**

City Manager Vidro asked that the ad hoc committee members explain their thoughts and discuss with Council in an effort to gain a consensus on direction.

Council Member Duus identified the first issue as being the potential detachment from ID#1. We won't go far with CCWA without detachment. Mayor Richardson asked if he was suggesting that we disband the ad hoc committee due to that.

Council Member Zimmerman would suggest that we detach and instead contract with ID#1 for a guaranteed amount of water per year. Mayor Richardson indicated that he would like to see financials on that. Detachment might work in the opposite manner; we could see a limited quantity of water, and higher prices.

Council Member Skytt agreed with Mayor Richardson that a detachment would be equal to forfeiting our investment. Essentially, it would be like paying off the mortgage on your house and then giving it away. We have paid for a water system, we now own a portion of that system, and that has value.

City Attorney Hanley explained that the detachment process is not something that the Council can decide. It is LAFCO, and an election process.

Council Member Skytt mentioned that the Groundwater Sustainability Act requires the formation of a committee of all basin players. Matt van der Linden stated that Solvang does not qualify to become its own Groundwater Sustainability agency based on geological evidence that we do not have our own separate sub-basin. Santa Ynez River Water Conservation is the parent district, and is proposed to be the groundwater manager.

Mayor Richardson opened the Public Comment period at 8:34 p.m.

Fred Kovol

- SRWCD will manage all of the basins in the valley. Apparently they've been approved to do that. Has heard from many ID#1 board members that there is no way they would let Solvang detach. It would give Solvang too much power. Merging is the answer.

The Public Comment period was closed at 8:36 p.m.

*Direction to ad hoc committee members is that if detachment is the only way to proceed with CCWA membership, then dissolution of the ad hoc committee is recommended. Additionally, a merger or joint powers agreement may be discussed.*

8. **FIRST READING OF A PROPOSED AMENDMENT TO THE ZONING ORDINANCE, TITLE 11 OF THE MUNICIPAL CODE, TO PROVIDE AN EXPEDITED, STREAM-LINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS**

Staff presentation by Arleen Pelster, Planning & Economic Development Director. Assembly Bill 2188 requires cities to develop an ordinance to streamline the permitting and inspection process for small rooftop solar systems.

Mayor Richardson suggested that we include small ground mounted systems in the ordinance.

City Attorney responded that the Planning Commission recommended approval as written and we have to comply with State law, so staff should bring back a ground mount inclusion.

Mayor Richardson opened the Public Comment period at 8:56 p.m.

Fred Kovol

- Brief comment on power generated by solar.

*Motion to approve the staff recommendation made by Council Member Skytt, seconded by Council Member Zimmerman, and **carried** by a roll call vote of 5 ayes.*

9. **FIRST READING OF PROPOSED AMENDMENT TO THE ZONING ORDINANCE, TITLE 11 OF THE MUNICIPAL CODE, TO PROVIDE REGULATIONS FOR THE LOCATION OF MASSAGE ESTABLISHMENTS, AND PROPOSED AMENDMENT TO TITLE 4, CHAPTER 10 OF THE MUNICIPAL CODE, AMENDING REGULATIONS FOR MASSAGE ESTABLISHMENTS**

Staff report by Arleen Pelster, Planning & Economic Development Director. The changes are the result of the State returning regulatory authority to local jurisdictions with the passage of Assembly Bill 1147.

Mayor Richardson opened the Public Comment period at 8:59 p.m.

Tracy Beard, Commission for Woman

- Massage establishments should not be allowed. They need to be very highly regulated and watched closely as they create human trafficking issues.

Fred Kovol

- Asked where the C-2 zone district was located. Staff responded that the Alamo Pintado shopping center areas are C-2.
- What would happen to the existing massage establishments? Staff answered that they would be grandfathered in.

The Public Comment period was closed at 9:02 p.m.

Council Member Jamieson asked how many existing establishments we have that are not part of a hotel? Staff responded we have one, on Copenhagen.

Council Member Duus indicated that we should specify lumens in the ordinance instead of wattage in the ordinance. Suggested that the language on page 12 be changed to 400 lumens or less.

*Motion made by Council Member Duus to accept the staff recommendation with the lighting verbiage change to lumens, seconded by Council Member Skytt, and carried by a roll call vote of 5 ayes.*

#### **10. CITY COUNCIL REORGANIZATION**

Staff report by the Lisa Martin, City Clerk.

Mayor Richardson opened and closed the matter to Public Comment period at 9:05 p.m.

Mayor Richardson indicated that according to protocol it was Council Member Duus' turn to serve as Mayor Pro Tem. Council Member Duus agrees.

Mayor Richardson asked if anyone would like to change their positions on any boards or committees. No Council Members were inclined to change.

*Motion made by Council Member Skytt to appoint Council Member Duus Mayor Pro Tem and for all boards and committees to remain the same, seconded by Council Member Zimmerman, and carried by a roll call vote of 5 ayes.*

#### **11. CANCELLATION OF THE SECOND CITY COUNCIL MEETING IN DECEMBER**

City Manager Vidro reported that a simple yes or no vote is required.

Mayor Richardson opened and closed the matter to Public Comment at 9:08 p.m.

*Motion made by Council Member Skytt to cancel the meeting of 12/28/15, seconded by Council Member Duus, and carried by a roll call vote of 5 ayes.*

#### **12. COUNCIL MEMBER REPORTS (Oral reports: Each Council Member will give oral reports on their activities in relation to the following committee or agencies. In addition, each member may report on items that will be included on the agenda for such committee or agency and seek guidance from the Council as a whole on such items, including on what position to take on behalf of the City)**

- Santa Barbara County Association of Governments
- Air Pollution Control Board
- Joint Wastewater Committee
- Finance Committee
- Chumash Tribe
- Water Committee
- Indian Gaming Benefit Committee

- California Joint Powers Insurance Authority

*No committee reports.*

**13. ADVANCE CALENDAR**

None.

**14. ADJOURNMENT** Mayor Richardson adjourned the meeting at 9:13 p.m.

DRAFT





City of Solvang

# City of Solvang Warrant Register

By Check Number

Date Range: 12/01/2015 - 12/31/2015

Number	Payment Date	Vendor Number	Vendor Name	Payment Type	Payment Amount	Payment Amount
Payable #	Payable Type	Payable Date	Payable Description		Payable Amount	
<b>Bank Code: APBNK-AP Bank Code</b>						
10009	California Code Check, Inc.		12/07/2015 EFT	0.00	385.00	1018
<a href="#">SLVG15-33</a>	Invoice	10/15/2015	Pre-Fab Bldg for Wastewater Facility Storage...	0.00	385.00	
10797	Engel & Gray		12/07/2015 EFT	0.00	3,096.01	1019
<a href="#">14698</a>	Invoice	11/09/2015	Sludge Disposal	0.00	515.06	
<a href="#">14708</a>	Invoice	11/10/2015	Sludge Disposal	0.00	514.74	
<a href="#">14732</a>	Invoice	11/13/2015	Sludge Disposal	0.00	497.69	
<a href="#">14745</a>	Invoice	11/16/2015	Sludge Disposal	0.00	519.92	
<a href="#">14761</a>	Invoice	11/17/2015	Sludge Disposal	0.00	540.00	
<a href="#">14779</a>	Invoice	11/19/2015	Sludge Disposal	0.00	508.60	
10028	Hanley & Fleishman, LLP		12/07/2015 EFT	0.00	8,184.00	1020
<a href="#">2662</a>	Invoice	12/01/2015	Legal fees	0.00	8,184.00	
10723	Procure Janitorial Supply, Inc		12/07/2015 EFT	0.00	814.58	1021
<a href="#">88901</a>	Invoice	11/25/2015	Restroom 3	0.00	359.99	
<a href="#">88902</a>	Invoice	11/25/2015	Restroom 1	0.00	454.59	
10611	Farm Supply Co		12/07/2015 EFT	0.00	21.55	1022
<a href="#">15396</a>	Invoice	11/25/2015	Hats Mike Garley	0.00	21.55	
11182	Underground Service Alert of Southern California		12/07/2015 EFT	0.00	13.50	1023
<a href="#">1120150672</a>	Invoice	12/01/2015	14 New Tickets	0.00	13.50	
10258	The Valley Gardener		12/09/2015 EFT	0.00	460.00	1024
<a href="#">20924</a>	Invoice	11/25/2015	WWTP Bank Restoration - Long Term Maint...	0.00	460.00	
10009	California Code Check, Inc.		12/09/2015 EFT	0.00	1,820.00	1025
<a href="#">osSLV15-24</a>	Invoice	12/03/2015	Building Inspector	0.00	1,820.00	
10797	Engel & Gray		12/09/2015 EFT	0.00	1,540.30	1026
<a href="#">14804</a>	Invoice	11/24/2015	Sludge Diposal blanket PO	0.00	533.32	
<a href="#">14824</a>	Invoice	11/27/2015	Sludge Diposal blanket PO	0.00	503.49	
<a href="#">14833</a>	Invoice	12/08/2015	Sludge Diposal blanket PO	0.00	503.49	
11320	Rafael Ruiz Janitor Service		12/09/2015 EFT	0.00	1,500.00	1027
<a href="#">748</a>	Invoice	12/07/2015	Janitorial Service	0.00	1,500.00	
10885	Moore & Associates, Inc.		12/09/2015 EFT	0.00	4,620.61	1028
<a href="#">15:3385</a>	Invoice	12/04/2015	Moore & Assoc SYVT Prof Serv Management	0.00	1,185.15	
<a href="#">15:3386</a>	Invoice	12/04/2015	Moore & Assoc SYVT Marketing-Advertising	0.00	3,435.46	
10723	Procure Janitorial Supply, Inc		12/09/2015 EFT	0.00	891.98	1029
<a href="#">89009</a>	Invoice	12/02/2015	Streets	0.00	144.07	
<a href="#">89126</a>	Invoice	12/04/2015	Restroom 2	0.00	531.80	
<a href="#">89128</a>	Invoice	12/04/2015	Streets	0.00	216.11	
10611	Farm Supply Co		12/09/2015 EFT	0.00	225.65	1030
<a href="#">15482</a>	Invoice	12/03/2015	Supplies Sewer dept	0.00	182.47	
<a href="#">15571</a>	Invoice	12/08/2015	Boot PVC for Water dept	0.00	43.18	
10009	California Code Check, Inc.		12/21/2015 EFT	0.00	4,152.50	1031
<a href="#">SLVG15-36</a>	Invoice	12/02/2015	Code Check fees	0.00	4,152.50	
10166	Clinical Lab of San Bernardino		12/21/2015 EFT	0.00	710.00	1032
<a href="#">947068</a>	Invoice	12/08/2015	Lab Fees Blanket PO	0.00	710.00	
10460	Coastal Copy, LP		12/21/2015 EFT	0.00	140.48	1033

City of Solvang Warrant Register

Date Range: 12/01/2015 - 12/31/2015

Number	Payment Date	Vendor Number	Vendor Name	Payment Type	Payment Amount
Payable #	Payable Type	Payable Date	Payable Description		Payable Amount
<a href="#">644932</a>	Invoice	12/10/2015	City hall copier	0.00	140.48
10797	Engel & Gray		12/21/2015 EFT	0.00	1,030.31 1034
<a href="#">14879</a>	Invoice	12/01/2015	Sludge Disposal blanket PO	0.00	505.49
<a href="#">14897</a>	Invoice	12/03/2015	Sludge Disposal blanket PO	0.00	524.82
10611	Farm Supply Co		12/21/2015 EFT	0.00	328.76 1035
<a href="#">15630</a>	Invoice	12/11/2015	Supplies Sewer dept.	0.00	228.92
<a href="#">15631</a>	Invoice	12/11/2015	Glove	0.00	2.69
<a href="#">15657</a>	Invoice	12/12/2015	Mike Garley uniform	0.00	97.15
91257	Richardson, Jim		12/21/2015 EFT	0.00	78.60 1036
<a href="#">INV0002551</a>	Invoice	12/15/2015	Mileage reimbursement	0.00	78.60
10337	Santa Ynez Valley Hotel Assn., Inc dba Visit the Sai		12/02/2015 Regular	0.00	38,822.70 32111
<a href="#">INV0002534</a>	Invoice	12/02/2015	September 2015	0.00	38,822.70
11295	Advanced Automotive Solutions Inc.		12/07/2015 Regular	0.00	66.75 32112
<a href="#">17213</a>	Invoice	11/30/2015	#627 Smog Test	0.00	66.75
10656	Alfa Laval, Inc		12/07/2015 Regular	0.00	274.85 32113
<a href="#">275057130</a>	Invoice	11/12/2015	Blade Scraper	0.00	274.85
10262	American Services & Products dba American Janit		12/07/2015 Regular	0.00	664.00 32114
<a href="#">47327</a>	Invoice	11/30/2015	Custodial	0.00	664.00
11225	Clean Machine Laundromat		12/07/2015 Regular	0.00	48.00 32115
<a href="#">961986</a>	Invoice	11/02/2015	8 Lbs Maint.	0.00	8.00
<a href="#">961987</a>	Invoice	11/02/2015	8 Lbs Parks	0.00	8.00
<a href="#">962009</a>	Invoice	11/09/2015	8 Lbs Parks	0.00	8.00
<a href="#">962010</a>	Invoice	11/09/2015	8 Lbs Maint	0.00	8.00
<a href="#">962030</a>	Invoice	11/16/2015	8 Lbs Parks	0.00	8.00
<a href="#">962048</a>	Invoice	11/23/2015	8 Lbs Maint	0.00	8.00
51759	AYSO REGION 180		12/07/2015 Regular	0.00	100.00 32116
<a href="#">INV0002529</a>	Invoice	12/02/2015	DEPOSIT REFUND 11/22/15	0.00	100.00
11234	Cheese Sandwich Inc.		12/07/2015 Regular	0.00	395.08 32117
<a href="#">11/30/15</a>	Invoice	11/30/2015	Reimbursement street fair supplies	0.00	395.08
51760	DURAN, ELBA		12/07/2015 Regular	0.00	650.00 32118
<a href="#">INV0002530</a>	Invoice	12/02/2015	DEPOSIT REFUND 11/27-11/28/15	0.00	650.00
11145	Ferguson Enterprises, Inc		12/07/2015 Regular	0.00	251.92 32119
<a href="#">2655056</a>	Invoice	11/17/2015	Supplies Water dept	0.00	251.92
10029	Firma Consultants, Inc.		12/07/2015 Regular	0.00	1,320.00 32120
<a href="#">21524.102615</a>	Invoice	10/26/2015	Valley Plaza Project	0.00	1,320.00
10068	Gymnastics North		12/07/2015 Regular	0.00	837.75 32121
<a href="#">12/1/15</a>	Invoice	12/02/2015	November - December 2015	0.00	837.75
11187	Nu-Tech Pest Management		12/07/2015 Regular	0.00	125.00 32122
<a href="#">0115674</a>	Invoice	11/16/2015	Ground Squirrels SunnyFields	0.00	125.00
11237	Hanly General Engineering Corp		12/07/2015 Regular	0.00	69,445.00 32123
<a href="#">PW 042 1</a>	Invoice	11/23/2015	WWTP Garage Structure Project	0.00	69,445.00
10081	Harrison Hardware		12/07/2015 Regular	0.00	612.82 32124
<a href="#">11/2015</a>	Invoice	11/25/2015	Supplies	0.00	612.82
10283	J.B. Dewar, Inc.		12/07/2015 Regular	0.00	162.81 32125
<a href="#">129061</a>	Invoice	11/23/2015	Chevron Gst Oil	0.00	162.81
10148	Gemplers		12/07/2015 Regular	0.00	613.56 32126
<a href="#">SI02076700</a>	Invoice	11/17/2015	Frank Pacheco safety gear	0.00	256.81

City of Solvang Warrant Register

Date Range: 12/01/2015 - 12/31/2015

Number	Payment Date	Vendor Number	Vendor Name	Payment Type	Payment Amount
Payable #	Payable Type	Payable Date	Payable Description		Payable Amount
<a href="#">SI02083074</a>	Invoice	11/19/2015	Tim Keaty Gloves	0.00	60.26
<a href="#">SI02089930</a>	Invoice	11/23/2015	Alfredo Trejo uniform & safety gear	0.00	296.49
10027	Lompoc Excel Personnel Svs Inc	12/07/2015	Regular	0.00	37.20 32127
<a href="#">1838902</a>	Invoice	11/19/2015	Kim Mossison	0.00	37.20
10259	Direct Image	12/07/2015	Regular	0.00	205.20 32128
<a href="#">3080</a>	Invoice	11/19/2015	Name Plates	0.00	205.20
10221	R & M Diesel Service & Towing	12/07/2015	Regular	0.00	284.61 32129
<a href="#">8104</a>	Invoice	11/19/2015	Bus # 965	0.00	284.61
10224	Christophe Millner	12/07/2015	Regular	0.00	365.40 32130
<a href="#">11/20/15</a>	Invoice	11/20/2015	Kung Fu Instructor	0.00	365.40
10034	ReadyRefresh by Nestle	12/07/2015	Regular	0.00	11.87 32131
<a href="#">15K0018038034</a>	Invoice	11/26/2015	Drinking water for WWTP	0.00	11.87
11128	Nielsen Building Material	12/07/2015	Regular	0.00	248.03 32132
<a href="#">470669</a>	Invoice	11/17/2015	Supplies Maint. Dept	0.00	24.27
<a href="#">470674</a>	Invoice	11/17/2015	Supplies Maint. Dept	0.00	15.89
<a href="#">470730</a>	Invoice	11/17/2015	Supplies Maint. Dept	0.00	21.66
<a href="#">470740</a>	Invoice	11/17/2015	Supplies Maint. Dept	0.00	4.34
<a href="#">470769</a>	Invoice	11/17/2015	Supplies Maint. Dept	0.00	24.32
<a href="#">470830</a>	Invoice	11/17/2015	Supplies Maint. Dept	0.00	8.11
<a href="#">471258</a>	Invoice	11/19/2015	Supplies Santas Village	0.00	122.91
<a href="#">472146</a>	Invoice	11/24/2015	Supplies Maint. dept	0.00	6.84
<a href="#">472214</a>	Invoice	11/24/2015	Supplies Xmas	0.00	11.10
<a href="#">472333</a>	Invoice	11/25/2015	Supplies Xmas	0.00	3.94
<a href="#">472467</a>	Invoice	11/25/2015	Supplies Julefest Santa's Village	0.00	4.65
11111	Pacific Materials Laboratory of Santa Barbara, Inc.	12/07/2015	Regular	0.00	820.00 32133
<a href="#">118404</a>	Invoice	10/30/2015	WWTP Garage Constr Inspection & Testing	0.00	820.00
10299	Praxair Distribution, Inc.	12/07/2015	Regular	0.00	48.44 32134
<a href="#">54289718</a>	Invoice	11/20/2015	Industrial Acetylene	0.00	48.44
10063	Rio Vista Chevrolet	12/07/2015	Regular	0.00	88.14 32135
<a href="#">13822</a>	Invoice	11/09/2015	Truck 619 repairs	0.00	88.14
50841	Robert Leite	12/07/2015	Regular	0.00	86.38 32136
<a href="#">INV0002527</a>	Invoice	12/02/2015	Rain Barrel Rebate	0.00	86.38
10033	S.Y.R.W.C.D. ID #1	12/07/2015	Regular	0.00	5,409.30 32137
<a href="#">INV0002528</a>	Invoice	12/02/2015	300 Acre feet	0.00	5,409.30
11167	Santa Ynez Valley Hardware	12/07/2015	Regular	0.00	1,216.35 32138
<a href="#">11/15</a>	Invoice	11/30/2015	Supplies	0.00	1,216.35
51761	SNOW-FLESHER, APRIL	12/07/2015	Regular	0.00	100.00 32139
<a href="#">INV0002531</a>	Invoice	12/02/2015	DEPOSIT REFUND 11/29/15	0.00	100.00
11174	Solvang Bakery Inc.	12/07/2015	Regular	0.00	22.05 32140
<a href="#">58277-2</a>	Invoice	12/02/2015	JPIA Class	0.00	22.05
10142	SP Maintenance Services, Inc	12/07/2015	Regular	0.00	3,000.00 32141
<a href="#">54649</a>	Invoice	11/30/2015	Street Sweeping	0.00	3,000.00
11150	Sprint Communications Company	12/07/2015	Regular	0.00	37.68 32142
<a href="#">6674 11/15</a>	Invoice	11/19/2015	Acc# 921051930	0.00	37.68
10902	Staples Advantage	12/07/2015	Regular	0.00	282.11 32143
<a href="#">8036846884</a>	Invoice	11/14/2015	Supplies	0.00	282.11
10183	State Water Resources Control Board (SWRCB)	12/07/2015	Regular	0.00	4,579.00 32144

City of Solvang Warrant Register

Date Range: 12/01/2015 - 12/31/2015

Number	Payment Date	Vendor Number	Vendor Name	Payment Type	Payment Amount
Payable #	Payable Type	Payable Date	Payable Description		Payable Amount
<a href="#">SW-0104351</a>	Invoice	11/17/2015	Facility ID 3 42M2000036 7/1/15-6/30/16	0.00	4,579.00
10478	Statewide Traffic Safety and Signs, Inc	12/07/2015	Regular	0.00	134.46 32145
<a href="#">03002468</a>	Invoice	11/30/2015	Sandbags	0.00	134.46
11179	Todd Pipe & Supply	12/07/2015	Regular	0.00	126.26 32146
<a href="#">305897</a>	Invoice	11/25/2015	Supplies	0.00	126.26
10205	Central Coast Airless Repair	12/07/2015	Regular	0.00	447.43 32147
<a href="#">11/15</a>	Invoice	11/20/2015	Maintenance on Line Striper	0.00	447.43
10992	Tyler Technologies, Inc	12/07/2015	Regular	0.00	40.00 32148
<a href="#">025-141363</a>	Invoice	12/01/2015	Utlitiy billing	0.00	40.00
10005	Valley PC Repair	12/07/2015	Regular	0.00	1,800.00 32149
<a href="#">8921</a>	Invoice	12/02/2015	City IT Support	0.00	1,800.00
11212	Verizon California	12/07/2015	Regular	0.00	62.54 32150
<a href="#">7459 11/15</a>	Invoice	11/25/2015	Acc# 01 1780 1123432309 01	0.00	62.54
10656	Alfa Laval, Inc	12/14/2015	Regular	0.00	209.56 32159
<a href="#">275058191</a>	Invoice	11/18/2015	Belt Press rehab parts	0.00	209.56
11252	All Around Landscape Supply	12/14/2015	Regular	0.00	34.86 32160
<a href="#">S1842668.001</a>	Invoice	11/20/2015	Supplies Parks Dept	0.00	34.86
10073	Buellflat Rock Co, Inc	12/14/2015	Regular	0.00	917.03 32161
<a href="#">15-972</a>	Invoice	11/30/2015	Fuel	0.00	861.45
<a href="#">92053</a>	Invoice	11/30/2015	Concrete Sand	0.00	55.58
11299	California Association for Corrdinated Transportat	12/14/2015	Regular	0.00	435.00 32162
<a href="#">2016-0096</a>	Invoice	12/08/2015	2016 Membership for Matt van der Linden	0.00	435.00
11008	Carrs Boots & Western Wear	12/14/2015	Regular	0.00	130.00 32163
<a href="#">93233</a>	Invoice	11/30/2015	Frank Pacheco Boots	0.00	130.00
11135	Colantuono, Highsmith & Whatley, PC	12/14/2015	Regular	0.00	2,017.00 32164
<a href="#">30029</a>	Invoice	12/03/2015	2013 id #1 Rate-Making	0.00	2,017.00
10655	Comcast	12/14/2015	Regular	0.00	103.89 32165
<a href="#">5898 11/15</a>	Invoice	11/28/2015	Acc# 8155 70 005 0125898	0.00	103.89
10197	County of Santa Barbara	12/14/2015	Regular	0.00	938.13 32166
<a href="#">SOL12032015</a>	Invoice	12/03/2015	Stormwater Monitoring, Testing and Modeli...	0.00	938.13
10220	D.J. Dunn Construction	12/14/2015	Regular	0.00	31,070.00 32167
<a href="#">884</a>	Invoice	11/30/2015	Special Events Storage Building	0.00	31,070.00
10083	Inner Nature	12/14/2015	Regular	0.00	4,200.00 32168
<a href="#">10589</a>	Invoice	10/31/2015	Village planters	0.00	2,100.00
<a href="#">10590</a>	Invoice	11/30/2015	Village planters	0.00	2,100.00
10286	G.J. Jedlicka's Saddlery Inc.	12/14/2015	Regular	0.00	129.54 32169
<a href="#">165461</a>	Invoice	12/08/2015	Jorge Garcia uniform	0.00	129.54
10492	Glenn A. Rick Engineering & Development Compa	12/14/2015	Regular	0.00	10,258.20 32170
<a href="#">0046125</a>	Invoice	12/04/2015	Mission Drive Preliminary Design-Plans	0.00	10,258.20
11210	Hach Company	12/14/2015	Regular	0.00	502.86 32171
<a href="#">9698901</a>	Invoice	12/04/2015	Colorimeter	0.00	502.86
10180	Jim's Service Center	12/14/2015	Regular	0.00	912.47 32172
<a href="#">11/30</a>	Invoice	11/30/2015	Fuel	0.00	912.47
11121	Jones & Jones, LLP	12/14/2015	Regular	0.00	1,533.60 32173
<a href="#">#2</a>	Invoice	12/03/2015	Fire Dept building	0.00	1,533.60

## City of Solvang Warrant Register

Date Range: 12/01/2015 - 12/31/2015

Number	Payment Date	Vendor Number	Vendor Name	Payment Type	Payment Amount
Payable #	Payable Type	Payable Date	Payable Description	Payable Amount	
10906	League of California Cities		12/14/2015 Regular	0.00	150.00 32174
<a href="#">102841</a>	Invoice	12/08/2015	2016 Local streets and roads assessments	0.00	150.00
10027	Lompoc Excel Personnel Svs Inc		12/14/2015 Regular	0.00	111.60 32175
<a href="#">1844292</a>	Invoice	11/26/2015	Kim Morrison	0.00	74.40
<a href="#">1844293</a>	Invoice	11/26/2015	Kim Morrison	0.00	37.20
10046	Lunde's Solvang Auto Repair		12/14/2015 Regular	0.00	567.87 32176
<a href="#">003648</a>	Invoice	12/01/2015	Truck 621	0.00	60.66
<a href="#">003681</a>	Invoice	12/01/2015	Truck 624 Smog	0.00	64.75
<a href="#">003772</a>	Invoice	12/01/2015	Truck 634 Smog	0.00	64.75
<a href="#">003810</a>	Invoice	12/01/2015	Truck # 623	0.00	312.96
<a href="#">003844</a>	Invoice	12/01/2015	Truck #618	0.00	64.75
10224	Christophe Millner		12/14/2015 Regular	0.00	160.30 32177
<a href="#">11/30/15</a>	Invoice	12/08/2015	Kung Fu Instructor	0.00	160.30
11232	MRK inc. dba Santa Ynez Paint		12/14/2015 Regular	0.00	52.58 32178
<a href="#">330572</a>	Invoice	11/04/2015	Paint for Streets	0.00	52.58
11147	Muniservices Company		12/14/2015 Regular	0.00	150.00 32179
<a href="#">39796</a>	Invoice	11/24/2015	Sales Tax Reporting systems	0.00	150.00
10700	Mr. Rooter Plumbing of the Central Coast		12/14/2015 Regular	0.00	574.56 32180
<a href="#">27404</a>	Invoice	12/08/2015	Cleared main line Annex building	0.00	574.56
11133	Nielsen's Market		12/14/2015 Regular	0.00	102.67 32181
<a href="#">11/2015</a>	Invoice	12/08/2015	Supplies	0.00	102.67
10975	O'Reilly Automotive Stores, Inc. dba O'Reilly Auto		12/14/2015 Regular	0.00	162.26 32182
<a href="#">4372235237</a>	Invoice	10/30/2015	Batteries WWTP	0.00	28.21
<a href="#">4372235324</a>	Credit Memo	10/30/2015	Return inv# 4372235237	0.00	-13.26
<a href="#">4372235732</a>	Invoice	11/02/2015	Wiper blade Maintenance	0.00	46.95
<a href="#">4372235881</a>	Invoice	11/03/2015	Truck 622	0.00	93.98
<a href="#">4372236045</a>	Invoice	11/04/2015	Truck 624	0.00	10.66
<a href="#">4372236370</a>	Credit Memo	12/08/2015	Return inv# 4372235881	0.00	-43.19
<a href="#">4372238107</a>	Invoice	11/16/2015	Truck 620	0.00	38.91
10790	Polydyne, Inc		12/14/2015 Regular	0.00	1,146.96 32183
<a href="#">1011101</a>	Invoice	11/30/2015	Polymer	0.00	1,146.96
11235	R.H.F. Inc.		12/14/2015 Regular	0.00	423.06 32184
<a href="#">70000</a>	Invoice	11/25/2015	Recertification Pro-Laser III	0.00	423.06
10033	S.Y.R.W.C.D. ID #1		12/14/2015 Regular	0.00	9,076.68 32185
<a href="#">0001 11/15</a>	Invoice	12/08/2015	Acc# 17040001 900 Alamo Pintado	0.00	876.30
<a href="#">5001 11/15</a>	Invoice	12/08/2015	Acc# 17005001 1890 Old Mill Rd	0.00	2,338.62
<a href="#">7501 11/15</a>	Invoice	11/30/2015	Acc# 17037501 Alamo Pintado Rd	0.00	5,861.76
10004	Santa Barbara Co Sheriff Dept		12/14/2015 Regular	0.00	129,367.40 32186
<a href="#">16-062</a>	Invoice	09/21/2015	October contract services	0.00	129,329.00
<a href="#">16-138</a>	Invoice	12/02/2015	Business Cards Alan Ater	0.00	38.40
10281	Satcom Global FZE		12/14/2015 Regular	0.00	42.75 32187
<a href="#">AS12150996</a>	Invoice	12/01/2015	SIM Card	0.00	42.75
51762	SOLVANG DANISH DAYS		12/14/2015 Regular	0.00	262.18 32188
<a href="#">INV0002541</a>	Invoice	12/08/2015	SHERIFF REFUND	0.00	262.18
11152	Sterling Codifiers		12/14/2015 Regular	0.00	461.00 32189
<a href="#">17082</a>	Invoice	11/12/2015	Supplement #24	0.00	461.00
10526	Storer Transit Systems		12/14/2015 Regular	0.00	26,790.11 32190
<a href="#">7338T</a>	Invoice	11/30/2015	SYVT Storer Operations Contract	0.00	22,034.14

City of Solvang Warrant Register

Date Range: 12/01/2015 - 12/31/2015

Number	Payment Date	Vendor Number	Vendor Name	Payment Type	Payment Amount
Payable #	Payable Type	Payable Date	Payable Description		Payable Amount
<a href="#">7341T</a>	Invoice	12/08/2015	Fuel Reimbursement 10/25-11/24/15	0.00	4,755.97
10873	Thirkettle Corporation dba Aqua-Metric Sales Con	12/14/2015	Regular	0.00	5,425.92 32191
<a href="#">0058632-IN</a>	Invoice	12/08/2015	3/4" Sensus iPerl Water Meters	0.00	5,425.92
11212	Verizon California	12/14/2015	Regular	0.00	151.42 32192
<a href="#">1998 12/15</a>	Invoice	12/01/2015	Acc# 01 1780 1111698911 01	0.00	103.45
<a href="#">2900 11/15</a>	Invoice	12/08/2015	Acc# 01 1780 1152005294 00	0.00	47.97
10686	ZWorld GIS	12/14/2015	Regular	0.00	5,310.00 32193
<a href="#">2015-0061</a>	Invoice	12/08/2015	Easements Plotted in GIS	0.00	2,080.00
<a href="#">2015-0062</a>	Invoice	11/02/2015	GIS System-Wide Updates	0.00	575.00
<a href="#">2015-0068</a>	Invoice	12/01/2015	GIS System-Wide Updates	0.00	575.00
<a href="#">2015-0069</a>	Invoice	12/01/2015	Easements Plotted in GIS	0.00	2,080.00
10613	Advantage Group, The	12/21/2015	Regular	0.00	158.00 32203
<a href="#">89896</a>	Invoice	11/30/2015	November 2015	0.00	158.00
10991	A-OK Power Equipment	12/21/2015	Regular	0.00	692.26 32204
<a href="#">139128</a>	Invoice	12/08/2015	Echo String Trimmer (replacement)	0.00	335.87
<a href="#">139378</a>	Invoice	12/09/2015	Back Pack Blower (replacement)	0.00	356.39
10065	Brenntag Pacific, Inc	12/21/2015	Regular	0.00	1,078.92 32205
<a href="#">BP1584331</a>	Invoice	12/09/2015	Chlorine, Ammonia, and Analyzer Chemicals	0.00	1,078.92
10170	Buellton Medical Center	12/21/2015	Regular	0.00	170.00 32206
<a href="#">INV0002549</a>	Invoice	12/03/2015	Trevor Holly DMV Physical	0.00	170.00
10070	Cal-Coast Irrigation	12/21/2015	Regular	0.00	105.08 32207
<a href="#">765585</a>	Invoice	12/15/2015	Supplies Broken water line	0.00	76.00
<a href="#">765587</a>	Invoice	12/14/2015	Supplies broken water line	0.00	29.08
10099	International Institute of Municipal Clerks (IIMC)	12/21/2015	Regular	0.00	50.00 32208
<a href="#">INV0002550</a>	Invoice	12/15/2015	Application for CMC Designation Fee	0.00	50.00
51763	LUQUIN, MARIA	12/21/2015	Regular	0.00	645.35 32209
<a href="#">INV0002546</a>	Invoice	12/15/2015	DEPOSIT REFUND 12/4-12/5/15	0.00	645.35
10294	MailFinance	12/21/2015	Regular	0.00	814.27 32210
<a href="#">N5663825</a>	Invoice	12/15/2015	lease	0.00	814.27
51764	MEXICO, DAVID	12/21/2015	Regular	0.00	74.73 32211
<a href="#">INV0002547</a>	Invoice	12/15/2015	BULD WATER METER REFUND	0.00	74.73
11068	MNS Engineers, Inc.	12/21/2015	Regular	0.00	8,482.50 32212
<a href="#">66272-R1</a>	Invoice	12/15/2015	SWMP Professional Services	0.00	4,432.50
<a href="#">66342</a>	Invoice	12/10/2015	Annual NPDES Stormwater Report	0.00	4,050.00
10120	Newegg, Inc.	12/21/2015	Regular	0.00	1,359.18 32213
<a href="#">1201531982</a>	Invoice	12/04/2015	HP EliteBook 850 G2	0.00	1,359.18
11138	Northern Tool & Equipment Co	12/21/2015	Regular	0.00	125.71 32214
<a href="#">34343823</a>	Invoice	12/07/2015	Pump head for Water dept	0.00	125.71
11187	Nu-Tech Pest Management	12/21/2015	Regular	0.00	383.00 32215
<a href="#">0114721</a>	Invoice	09/09/2015	HCA Ground Squirrels	0.00	129.00
<a href="#">0116284</a>	Invoice	12/02/2015	Sunny Fields Ground Squirrels	0.00	125.00
<a href="#">0116558</a>	Invoice	12/15/2015	HCA Ground Squirrels	0.00	129.00
11111	Pacific Materials Laboratory of Santa Barbara, Inc.	12/21/2015	Regular	0.00	620.00 32216
<a href="#">118499</a>	Invoice	11/30/2015	WWTP Garage Constr Inspection & Testing	0.00	620.00
11136	Petty Cash	12/21/2015	Regular	0.00	64.27 32217
<a href="#">12/15 AD</a>	Invoice	12/14/2015	Reimbursement of Admin Petty Cash	0.00	64.27
10299	Praxair Distribution, Inc.	12/21/2015	Regular	0.00	36.44 32218

City of Solvang Warrant Register

Date Range: 12/01/2015 - 12/31/2015

Number	Payment Date	Vendor Number	Vendor Name	Payment Type	Payable Amount	Payment Amount
Payable #	Payable Type	Payable Date	Payable Description			
<a href="#">54408013</a>	Invoice	12/04/2015	Carbon Dioxide	0.00	36.44	
10004	Santa Barbara Co Sheriff Dept	12/21/2015	Regular	0.00	1,442.42	32219
<a href="#">16-144</a>	Invoice	12/14/2015	Julefest Parade & Vets hall Liquin	0.00	1,442.42	
51765	SCOTT, DEBORAH	12/21/2015	Regular	0.00	250.00	32220
<a href="#">INV0002548</a>	Invoice	12/15/2015	DEPOSIT REFUND 12/14/15	0.00	250.00	
11174	Solvang Bakery Inc.	12/21/2015	Regular	0.00	42.00	32221
<a href="#">58548</a>	Invoice	12/10/2015	Environmental Safety JPIA	0.00	42.00	
10902	Staples Advantage	12/21/2015	Regular	0.00	195.63	32222
<a href="#">8037119732</a>	Invoice	12/05/2015	Admin/Finance supplies	0.00	195.63	
10478	Statewide Traffic Safety and Signs, Inc	12/21/2015	Regular	0.00	87.08	32223
<a href="#">03002526</a>	Invoice	12/07/2015	Custom Sign	0.00	87.08	
11113	SYV Salvation Army Service	12/21/2015	Regular	0.00	745.80	32224
<a href="#">INV0002552</a>	Invoice	12/15/2015	Proceeds Turkey Trot	0.00	745.80	
11179	Todd Pipe & Supply	12/21/2015	Regular	0.00	70.92	32225
<a href="#">306666</a>	Invoice	12/09/2015	Small Backflow cover Parks dept	0.00	70.92	
10107	UPS Store 1882	12/21/2015	Regular	0.00	80.49	32226
<a href="#">4444</a>	Invoice	11/23/2015	Return of uniform for Frank Pacheco	0.00	80.49	
10005	Valley PC Repair	12/21/2015	Regular	0.00	1,600.00	32227
<a href="#">8926</a>	Invoice	12/08/2015	City IT Support	0.00	1,600.00	
10553	ValleyCrest Landscape	12/21/2015	Regular	0.00	3,292.00	32228
<a href="#">4906515</a>	Invoice	11/30/2015	SM LLM D Landscape Maintenance	0.00	3,292.00	
11212	Verizon California	12/21/2015	Regular	0.00	232.29	32229
<a href="#">5452 12/15</a>	Invoice	12/04/2015	Acc# 01 1780 1185131516 07	0.00	232.29	

Bank Code APBNK Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	145	102	0.00	390,622.49
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	34	19	0.00	30,013.83
	<b>179</b>	<b>121</b>	<b>0.00</b>	<b>420,636.32</b>

### Fund Summary

Fund	Name	Period	Amount
998	POOLED CASH	12/2015	420,636.32
			<u>420,636.32</u>

# MEMORANDUM

**Date:** December 13, 2015  
**To:** Solvang City Council  
**From:** Senior Deputy Charlie Uhrig  
**Subject:** Solvang Statistics and Activity Report for November  
**CC:** Lt. Shawn O'Grady

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This statistics report is designed to provide a general overview of law enforcement activity in the City of Solvang for the month of November. The report highlights and describes patterns of activity, significant felonies in the city, and noteworthy performances by deputies assigned to the Solvang station.

## **Burglary:**

Four burglaries were reported in Solvang during the month of November.

On 11-02-15 (case 15-16887), the Solvang Patrol took a report of burglary from a local residence. The victim stated that someone entered the unlocked residence and stole some cameras and electronic equipment from his bedroom. The victim didn't have any suspect or witness information and valued the stolen property at about \$750. The victim confirmed that nothing else had been taken from his room. The next day, a reported stolen vehicle from Solvang, was recovered in a Santa Ynez parking lot, and inside were items taken from this victim's residence. While talking to this victim about the cameras and electronic equipment, the victim's father reported that they had some items taken as well. Those items were recovered during a search of the suspects' hotel room. All of the items were returned to the victim's in this case and two arrest warrants were authored for the two suspects', a male and a female, in the burglaries and stolen vehicle. As of the writing of this report, the suspects are still at large.

On 11-09-15 (case 15-17271), the Solvang Patrol deputy responded to a local residence for a late report of a burglary. Upon arrival the deputy contacted the victim

and learned the following. The victim stated that about two months prior, she had had major construction going on at her residence, and she felt that one of the former employees of her construction manager had possibly stolen jewelry from her jewelry box. She had no evidence to support her claims only that the suspect had begun to act change and was subsequently fired from his job. She was not able to provide the deputy with a loss value at this time. The construction manager was located and it was learned that he didn't have any reason to believe that his former employee would steal the clients' property, but also admitted that the alleged suspect had developed a problem with drugs, which is what had prompted his termination. The case is closed pending further leads.

On 11-10-15 (case 15-17280), the Solvang Patrol deputy responded for a report of a residential burglary. Upon arrival he contacted the reporting party/victim, and learned that sometime during the day, unknown suspect(s) had taken a television set, valued at about \$300 from his residence. The victim had no possible suspects in mind, but expressed amazement that items of greater value, including cash and video games, had not been taken in the theft. During the subsequent investigation, two possible witnesses were located, but both did not see or hear anything unusual during the supposed time frame of the theft. The case is closed pending further leads.

On 11-24-15 (case 15-17995), deputies responded to a possible theft in progress at a local pharmacy. Upon arrival, no suspect was located, and it was discovered during the investigation that the female suspect had been confronted by security inside the store. It was also learned that she admitted to and had returned some property to the security officer, prior to her fleeing the store. The security officer was not able to determine what else, if anything, the suspect may have had on her person. As of the writing of this report, no video surveillance had been obtained, but a description of the suspect was broadcast to the areas' law enforcement stations. The case is suspended pending further leads.

#### **Other Significant Activity:**

During the month of November deputies conducted 40 traffic stops which resulted in 22 citations written for various offenses. There were 6 moving citations written this month. There were no DUI violations or arrests, but there were 3 Public Intoxication arrests, 1 misdemeanor warrant arrest, and 2 narcotics arrests during the month. In addition, there were 2 traffic accident investigations during the month of November. Deputies also responded to 10 burglar alarm calls, 19 check the welfare calls, and 9 - 911 phone call follow-ups.

#### **Murder:**

No murders were reported in Solvang for the month of November.

**Rape:**

No rapes were reported in Solvang for the month of November.

**Robbery:**

No robberies were reported in Solvang during the month of November.

**Domestic Assault/Assault:**

During the month of November there was one felony and one misdemeanor domestic incidents reported.

On 11-19-15 (case 15-17766), deputies responded to a domestic violence in progress. Upon arrival deputies found the victim, with visible injuries to her person. It was learned her boyfriend had hit her with a wine bottle and caused the visible trauma to her face. The suspect had fled the scene, but was eventually located and arrested for felony domestic violence, booked and transported to County Jail. This arrest was the suspects' second in less than a year for the same offense.

**Grand Theft:**

One grand theft was reported in Solvang during the month of November.

On 11-20-15 (case 15-17801), the Solvang Patrol deputy took a report of forgery and fraud from a local resident. The victim stated that she had been mailed a check in the amount of \$15000 but did not receive it. She then said the person who wrote her the check discovered it had been cashed for only \$1000, and it was deposited in another person's account. The author of the check was able to put a fraud alert on the check and get reimbursed for the lost amount. The case is still pending further investigation and no arrests have been made at this time.

**Auto Theft**

No thefts of an auto were reported in Solvang during the month of November.

**Misdemeanors/Thefts:**

There was 1 vandalism and 4 petty thefts reported during the month of November.

**Arrests:**

During the month of November, deputies made a total of 9 arrests, including 1 felony arrest. These arrests included the following types of Misdemeanor arrests: none for DUI, 3 for Public Intoxication and 2 for Narcotics.

On 11-19-15 (case 15-17766), deputies responded to a domestic violence in progress. Upon arrival deputies found the victim, with visible injuries to her person. It was learned her boyfriend had hit her with a wine bottle and caused the visible trauma to her face. The suspect had fled the scene, but was eventually located and arrested for felony domestic violence, booked and transported to County Jail. This arrest was the suspects' second in less than a year for the same offense.

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## Monthly Activity Report for November

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This is the November end of the month report from the Solvang Community Resource Deputy. It highlights all the activities, meetings, and presentations by the Community Resource Deputy for the month of November.

### **MEETINGS:**

On November 10, I attended a City staff meeting.

On November 13, I met with Buellton Rec to discuss the upcoming RATS Basketball program and usage of the Jonata gym for the program.

On November 16, I moderated and attended a SYV Salvation Army meeting. The upcoming Kettle Drive was the major topic of discussion.

On November 18, I met with some church leaders to discuss the financial needs of their congregation during this Christmas season. The SYV Salvation Army will donate food vouchers to them, as needed and requested, through Christmas.

On November 19, I met with Rotary club representatives who will help coordinate their portion of the Kettle Drive for the SYV Salvation Army.

On November 23, I attended a City Council meeting.

### **PRESENTATIONS:**

No presentations were given in the month of November.

### **ACTIVITIES:**

On November 4, 5, 12, and 17, I worked a security detail for the Courts.

On November 27, I coordinated and worked the Turkey Trot 5K Run/Walk with Solvang Parks and Rec.

On November 25, I was able to deliver food vouchers to one of the local church pastors who had requested vouchers for his congregation.

On November 28 and 29, I coordinated and worked the SYV Salvation Army Kettle Drive. We had a good weekend of collections to start our campaign.





## CITY OF SOLVANG STATISTICS 2014

ACTIVITY	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	YTD Total
Log Entries	314	281	356	321	314	329	414	367	341	299	290	290	3916
OAI Reports	34	48	42	36	35	33	63	62	46	38	45	28	510
Trfc Invest.	7	12	11	10	7	13	7	16	12	9	17	10	131
Coroner	2	2	1	0	0	1	1	4	0	0	1	1	13
Burglaries	3	2	1	10	0	1	9	2	6	4	2	0	40
Attempts	0	0	0	0	0	0	2	0	0	0	0	0	2
Residential	1	0	1	0	0	1	0	0	0	1	1	0	5
Vehicle	1	0	0	9	0	0	7	0	0	2	0	0	19
Commercial	1	2	0	1	0	0	2	2	6	1	1	0	16
Other	0	0	0	0	0	0	0	0	0	0	0	0	0
Felonies	0	3	4	3	2	2	3	3	6	2	0	4	32
Murder	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	1	0	0	0	0	0	1	0	0	2
Robbery	0	1	0	0	0	0	0	0	0	0	0	0	1
Assault	0	1	2	0	2	2	2	0	1	0	0	1	11
Grand Theft	0	1	0	1	0	0	1	0	5	1	0	3	12
Auto Theft	0	0	0	1	0	0	0	0	0	0	0	0	1
Other	0	1	2	0	0	0	0	3	0	0	0	0	6
Misd./Thefts	6	4	2	2	2	3	2	3	4	1	2	2	33
Arrests	7	8	12	4	6	11	15	10	7	6	5	5	96
Misd.	5	5	8	3	4	8	8	6	5	6	5	4	67
Felony	2	3	4	1	2	3	7	4	2	0	0	1	29
DUI	2	0	2	1	1	3	2	2	1	0	3	0	17
Public Intox.	1	0	4	0	2	3	4	3	3	2	1	3	26
Narcotic	0	1	0	1	1	1	2	1	0	1	0	0	8
Citations	19	17	20	29	10	7	10	34	16	4	6	5	177
Moving	11	6	8	21	5	3	3	2	8	2	1	5	75
Equipment	6	3	4	7	2	3	1	6	0	0	2	0	34
Other	2	0	6	1	3	1	4	21	5	1	3	0	47
Parking	0	8	2	0	0	0	2	5	8	1	0	0	26
Viborg Rd.	1	0	3	2	0	0	1	0	0	0	0	2	9
Skate Park	0	0	0	0	0	0	0	13	0	0	1	0	14



**CITY COUNCIL  
STAFF REPORT/CONSENT AGENDA**

**TO: SOLVANG CITY COUNCIL MEMBERS**

**FROM:** Sandra Featherson, Director of Administrative Services

**MEETING DATE:** January 11, 2016

**DATE PREPARED:** January 2, 2016

**SUBJECT: REVISED EMPLOYEE HANDBOOK**

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**I. RECOMMENDATION:**

Approve revised City Employee Handbook.

**II. DISCUSSION:**

With the approval of the Memorandum of Understanding (MOU) in June 2015, staff felt it was prudent to review the City Employee Handbook which was last updated in 2011. Upon review it was determined there were a few corrections, clarifications, additions, and changes needed. The highlighted changes are below:

**Section 2: Your Employment with the City**

- Additional definition related to “At-will Employees”. This identifies that employees appointed directly by the City Manager, can be released at any time with or without cause, without right of appeal.
- Included information related to “At-will Employees” in relation to the probationary period.

**Section 3: Payroll Practices and Work Schedules**

- Included additional information about the contributions paid by the employee and the employer for the Public Employees’ Retirement System.
- Clarified the process for vacation and sick leave accruals when an employee is out on a leave.

- Clarified the process for payment of Housing and Cafeteria benefits when an employee is out on a Workers' Compensation leave.
- Replaced terms "City Treasurer" and "Personnel Director" with "Administrative Services Director."
- Added language requiring employees using their own vehicle for City travel to provide a copy of their insurance showing liability coverage annually by December 31<sup>st</sup>.
- Clarified time sheet process as it relates to new electronic time sheet system.
- Replaced term "Personnel" with "Human Resources".

#### **Section 4: Compensation**

- Clarified benefits start date for new employees.
- Reorganized text for better flow.

#### **Section 5: Employee Benefits**

- Clarified the three day waiting period as it relates to Worker's Compensation. Employees can use vacation or sick leave to make up the difference between their full salary and the Workers' Compensation payment.
- Added language that says the City will pay medical premiums on behalf of the employee for only 12 weeks to align with FMLA and CFRA and the MOU.
- Clarified the process by which the medical premiums will be paid for both the employee and their dependents. Added language identifying the employee is responsible for paying for their dependents medical premiums.

The revised City Employee Handbook includes all of the necessary language to ensure equal opportunity employment practices and has been reviewed and approved by the City Attorney.

### **III. ALTERNATIVES:**

The City Council could choose not to approve the revised City Employee Handbook.

### **IV. FISCAL IMPACT:**

By limiting payment of medical premiums to the employee for only 12 weeks to align with FMLA and CFRA and the MOU, the City will save funds in the event an employee is out of work longer than 12 weeks. The amount varies depending on the employee's medical plan.

**V. ATTACHMENTS:**

- A. City Employee Handbook - Redlined
- B. Revised City Employee Handbook





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# CITY OF SOLVANG

## EMPLOYEE HANDBOOK OF PERSONNEL RULES & REGULATIONS

*Last update: December 15, 2015*

**Represented union employees should also refer to the  
Memorandum of Understanding**

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"We are glad to have you as a member of the "Solvang Team", as every employee is involved in providing the highest level of service to our residents and visitors!

The information in this handbook is designed to assist you in understanding the benefits and obligations, which accompany your employment with the City of Solvang. A thorough knowledge of the policies, rules, regulations and resolutions, which pertain to your job, is essential to your efficiency and career as a member of our team. We are glad to have you as a team member and trust you will find employment with the City of Solvang a satisfying and stimulating experience. As a City employee, your job exists to help provide essential services to the citizens of Solvang. In performing your work it is expected that you will provide courteous, efficient, responsible and impartial services.

Please understand that this Handbook can only highlight the City's policies and practices, and therefore cannot anticipate every situation or answer every question about your employment with the City.

We look forward to working with you as a member of the "Solvang Team" to ~~insure~~ ensure that our community is operated in an effective, safe and responsible fashion.

\_\_\_\_\_  
Jim Richardson, Mayor

\_\_\_\_\_  
Brad Vidro, City Manager

~~July NovemberxxJanuary 11, 20152016~~

\_\_\_\_\_  
Date

## 1. INTRODUCTION

### History of Solvang

Solvang, founded in 1911 as a Danish Colony on a portion of the sprawling Rancho Carlos de Jonata, has developed into one of the principle tourist attractions of California. Located inland along the Central California Coast some 45 miles north of Santa Barbara, Solvang is living up to the expression "Denmark lives in Solvang" with the village of [5,4465.363](#) representing a page from Hans Christian Andersen.

Solvang, meaning "Sunny Fields", was founded by a group of Danish educators from the Midwest who were in search of a site for a Danish-type folk school. They liked what they saw and envisioned the location of the potential town, nestled between the Santa Ynez and San Rafael mountain ranges, as an ideal place to launch the school and where settlers could earn a living tilling the rich soil.

Included among the first arrivals were not only farmers, but carpenters and other artisans as well, who set about constructing the first buildings, including homes, a hotel and folk school, and a two story frame structure on Alisal Road, which is now the site of the Bit O' Denmark restaurant. The realization of a folk school in the true sense of the word came in 1914 with the creation of Atterdag College on a hill on the north side of town. In addition to serving as a place of learning, Atterdag in earlier years served as the site for Lutheran Church services.

The role of Atterdag College declined in later years and in the spring of 1970 was torn down to make way for the Santa Ynez Recovery Residence, a convalescent facility, located adjacent to the Solvang Lutheran Home ([Atterdag Village](#)).

Although Solvang has developed into one of the major tourist meccas, its many Danish-American residents continue to perpetuate their Danish heritage. The emphasis on going "all Danish" with its architectural style in the downtown area was accelerated after World War II and the publication of a big photo-word spread on the town in the Saturday Evening Post.

Another indication of Solvang's Danish background is found by the array of artificial storks gracing the chimneys and rooflines of many of the Danish homes and commercial buildings. The people of Solvang, like those in Denmark, believe a stork on the roof will bring good luck.

Although it is frequented by thousands of visitors from all parts of the country, as well as from all over the world each year, Solvang has still managed to retain its charm and quaintness.

|

## **Solvang City Government**

The City of Solvang is a charter city with a Council/Manager form of government. Under this form of government, the City Council is the policy making body and the City Manager is responsible for carrying out Council policy.

The City Council consists of five members elected from the City at large. The Council members serve four-year staggered terms; municipal elections are held in November of each even numbered year. The Mayor is elected by the Council for a two-year term and serves as presiding officer during all public meetings. The duties of the City Council include appointing a City Manager, City Attorney, and members of City Boards, Committees, and Commissions; adopting the budget; enacting legislation and establishing basic policy for the City.

| The City Council meets the second and fourth Mondays of each month at ~~7:00~~6:30 p.m. in the Board Room of the Solvang Municipal Center, 1644 Oak Street.

### **Handbook Revisions**

Please understand that this Handbook can only highlight the City's policies and practices, and therefore cannot anticipate every situation or answer every question about your employment with the City. In addition, employees covered by a memorandum of understanding (MOU) between the City and the applicable employee representative should consult the MOU for further information on terms, conditions and benefits of employment.

|

## **2. YOUR EMPLOYMENT WITH THE CITY**

### **Equal Opportunity**

It is the policy of the City of Solvang to ensure equal opportunity to all individuals, without discrimination because of race, color, ancestry, national origin, religious belief, physical or mental disability, medical condition (genetic or cancer-related), marital status, sex, sexual orientation or age, or because of any other basis protected under applicable anti-discrimination statutes.

### **Employee Classifications**

Employee benefits, overtime rights, and/or disciplinary actions applicable to certain City employees may vary depending upon their particular classification. The following is a summary of the different types of employee classifications utilized by the City.

**Probationary Employees.** Employees who have not yet completed their probationary period.

**Regular Full-Time Employees.** Employees who have completed their probationary period and who are regularly scheduled to work forty (40) hours or more per week (unless approved by the City Manager).

**Regular Part-Time Employees.** Employees who have completed their probationary period and who are regularly scheduled to work less than forty (40) hours per week.

**Contract Employees.** The City Manager and other employees appointed directly by the City Council pursuant to a contract which specifically provides that the employee can be released by the City at any time with or without cause.

**At-will Employees.** Employees appointed directly by the City Manager who serve at the pleasure of the City Manager and who can be released by the City at any time with or without cause, without right of appeal. Department heads are considered at-will employees.

**Exempt Employees.** Administrative, professional and executive employees who are exempt from the overtime/compensatory time off provisions of the Federal Fair Labor Standards Act.

**Non-Exempt Employees.** Employees who are covered by the overtime/compensatory time off provisions of the Federal Fair Labor Standards Act.

## **Work Standards**

It is expected that all employees of the City will render the finest service and will reflect credit on the City of Solvang, and therefore the highest standards of personal and professional conduct are expected. Any improper action by an employee adversely reflects upon the City and your fellow workers and may seriously affect continued employment with the City. If you are unable to resolve a situation, you should turn the matter over to your supervisor **as** quickly as possible. Accordingly, the following general policies have been formulated:

- To employ people best qualified to do the job.
- To encourage self-training, to be better prepared and to become eligible for promotion.
- To treat all employees fairly and free from bias and discrimination.

|

- To provide working conditions and equipment which result in effective performance of duties.
- To organize working schedules to coordinate working hours for employees.
- When opportunities for promotion become available, first consideration will be given to current regular employees, taking into account employment stability, organizational loyalty and qualifications.

## Probationary Period

Every individual hired to fill a regular City position, other than the City Manager, at-will employees, and other contract employees appointed directly by the City Council, is given a conditional appointment and must serve an initial probationary period of at least six months. Employees hired into Water and Sewer Operator positions requiring State Certification shall remain on probation until they receive their required State Certification, but in no event less than six months. The City reserves the right to extend any employee's probationary period in order to allow further time to evaluate the employee and to allow the employee to demonstrate successful job performance. The City Manager and other contract employees appointed directly by the City Council serve at the pleasure of the City Council, and accordingly do not serve a probationary period, but instead may be released by the City Council at any time, with or without cause and without right of appeal. -Department heads and other at-will employees appointed directly by the City Manager serve at the pleasure of the City Manager, and accordingly do not not serve-serve a probationary period, but instead may be released by the City Council-Manager at any-any time, with or without cause and without right of appeal.

An employee's probationary period serves two functions:

- To extend the selection process: enabling your supervisor and department head to determine if you are able to perform the duties and responsibilities of the job satisfactorily. At the same time, during the probationary period, you may be terminated from City employment at any time, with or without notice, with or without cause, and without right of appeal or hearing.
- To give you a firsthand look at your job: this is the time for you to decide if the job, the career opportunity and the City's work and environment meet your needs and expectations.

## Confidentiality

Each employee is responsible for safeguarding confidential information obtained in connection with his or her employment. In the course of your work, you may have

access to confidential information regarding the City, its citizens, or perhaps even fellow employees. It is your responsibility to in no way reveal or divulge any such information unless it is necessary for you to do so in the performance of your duties. Access to confidential information should be on a "need-to-know" basis and must be authorized by your supervisor. Any breach of this policy will not be tolerated and disciplinary action and/or termination may be taken by the City.

### **Pre-Employment Physical**

Applicants for safety-sensitive positions or positions requiring the use of potentially dangerous equipment may be required to complete a drug screening prior to a job offer, and all applicants will be required to complete a health screening before employment, but after a job offer, with a City appointed physician at the expense of the City.

### **Anti-Nepotism Policy**

While it is not the intention of the City of Solvang to unduly interfere with the personal lives of its employees outside of working hours, it is the policy of the City of Solvang to avoid personal conflicts within the workplace to the maximum extent possible. For the purposes of this policy, "immediate family" includes the employee's parent, child, spouse, brother, sister, in-laws and step-relationships. For the purpose of this policy, "close personal relationship" shall be defined to mean an intimate relationship between two persons similar in nature to boyfriend-girlfriend, husband-wife, or other similar relationship such as unmarried-co-habitants.

- A. No applicant for employment with the City of Solvang shall be considered for employment when a member of the applicant's immediate family, or a person with whom the applicant has a close personal relationship, either by rule or by practice, regularly nominates, recommends, or screens for the purposes of employment.
- B. No employee shall be employed in a position supervised by a member of his/her immediate family or by a person with whom the employee has a close personal relationship.
- C. No employee shall be employed in a position in the same department where a member of the employee's immediate family or a person with whom the employee has a close personal relationship is presently employed, whether or not that person stands in a supervisory relationship with the employee.
- D. If two employees of the City of Solvang marry, they may continue their employment if it does not adversely affect City operations. In the event the relationship between two married employees adversely affects the operations, either employee may be offered a transfer to an open position, if any exists, where the relationship does not adversely affect operations. In the event neither accepts such a transfer or no open position exists, one of the employees may be

offered the option of resigning or being terminated. ~~3.~~ The City Manager may elect which employee shall be terminated, taking into account the impact of the absence of the employee on City operations.

- E. The City Manager has the sole authority to determine the effect on operations of the continued employment of two employees who marry or who enter into a close personal relationship. Notwithstanding the foregoing sentence, the decision of the City Manager to terminate an employee as a result of the adverse effect on City operations shall be subject to grievance in conformity with the City's personnel rules.

### **3. PAYROLL PRACTICES AND WORK SCHEDULES**

#### **Pay and Benefits**

All regular employees of the City will be paid on the Friday following the end of each pay period. The following items/benefits may be deducted from Gross Pay:

<u>Federal Withholding</u>	<u>Deferred Comp (457)</u>
<u>State Withholding</u>	<u>Life Insurance</u>
<u>OASDI (Social Security)</u>	<u>Credit Union</u>
<u>State Disability (SDI)</u>	<u>Accident/Disability/Other Insurance</u>
<u>Health/Dental/Vision Insurance</u>	

Public Employees' Retirement System (PERS) - The City of Solvang pays the employee contribution, (mandatory- eight percent (8%)) of your gross salary (less modification for OASDI) each month for PERS "Classic Members". "Classic Members" also contribute towards the "Employer Contribution" per the MOU, up to 50% of the Normal Cost. Employees hired after January 1, 2013 are considered "New" members and will fall under the PEPRRA retirement regulations and will be required to pay the employee contribution.

#### **Health & Welfare Benefits**

Full-time regular employees not covered by an MOU are entitled to such health and welfare benefits as are established by City Council resolution from time to time.

If a full-time regular employee is working a reduced schedule, ~~due to injury,~~ or is otherwise on a leave without pay, Vacation and Sick Leave will be accrued

proportionately to the actual percentage of time worked (including vacation, sick leave, jury duty, etc.) in the pay period.

Unless otherwise required by law, if for some reason an employee works a reduced schedule, or is part time or has been on a leave off without pay, the City will apportion prorate the Housing and Cafeteria benefits according to the number ~~health and welfare benefits for the number~~ of days worked in a pay period.

If the employee is not working due to a work-related injury, the City will prorate the Housing and Cafeteria benefits by deducting the amount already included as part of their disability payment from Workers' Compensation. The total of the City portion and the payment from Workers' Compensation will equal the employee's normal total benefit amounts.

## Paydays

If you are not utilizing Direct Deposit to receive your pay, ~~the City Treasurer~~ Administrative Services Director or designee will issue your check/stub only to you. Exceptions to this policy must be requested in writing, signed by you, and presented to the City Treasurer~~Administrative Services Director or designee~~ by the person you have authorized to receive your check.

## Reimbursement of Expenses

The following are the basic guidelines for reimbursement, which may be changed as circumstances warrant: (See Training Policy)

- To qualify for financial reimbursement from the City, all meetings, conferences, college courses and workshops need to be preauthorized by the department supervisor and City Manager. A form for estimated costs and approvals ~~may be picked up in the Administration Office.~~ is available on the City Server.
- Documentation of all charges will be required (receipts required).
- Registration and material costs will be reimbursed for college courses with proof of course completion and with a passing grade if applicable.
- Except as authorized by a Department Head or the City Manager, a City vehicle shall be used to travel for authorized City related business. If a City vehicle is not available, and you take your own vehicle, the following rules apply:
  1. If an employee ~~uses~~ their personal vehicle in compliance with the City's vehicle use policy the City will reimburse the employee for mileage at the current rate established by the Internal Revenue Service. An employee

must annually (by December 31<sup>st</sup>) provide a copy of their current insurance showing liability coverage to Human Resources.

2. All Department Heads may use their own vehicle and the City will reimburse the employee for mileage at the current rate established by the Internal Revenue Service.
3. Such reimbursement shall be deemed to cover all expenses associated with the employee's use of the employee's vehicle. This includes, but is not limited to, gasoline, oil, maintenance, wear and tear, depreciation and insurance.

➤ Hotel/Motel; the City will pay actual cost for a single room rate.

➤ Meals; will be reimbursed at \$45.00 per day for three consecutive meals away from home with receipts, or may be reimbursed at the current IRS per diem rate.

### **Natural Disaster**

In case of a natural disaster or emergency, all employees are encouraged to contact City Hall if possible, or when possible. Your immediate and coordinated actions may well determine the seriousness of the emergency and could result in the saving of life and property.

### **Time Sheets**

All employees must complete and ~~sign-submit~~ a timesheet that accurately reflects hours worked and time taken off for each biweekly pay period using the online electronic timesheet. Completed timesheets are to be submitted to the employee's direct supervisor or department head, for verification and authorizing signature approval. ~~All signatures on timesheets will be in ink.~~ A time clock system may be substituted at any time.

All timesheets reflecting overtime (for non-exempt employees) and/or time off for vacation, sick leave, etc., must have the appropriate overtime and/or time off requests. Time off requests must be submitted electronically by the employee and approved attached to the timesheet. ~~All overtime and time off requests must be signed by the employee and the~~ employee's direct supervisor and/or department head. ~~All signatures on overtime and time off requests will be in ink.~~

Time sheets are due in the payroll office as to be submitted as soon after 8:00 a.m. as possible, but no later than 10:00 a.m. on the first work day following the end of the pay period. Department Heads are responsible for ensuring that all of their employees have turned in a timesheet submitted their time for approval. Department Heads are also responsible for ensuring ~~that the timesheets are complete, signed and have the necessary attachments before they are turned into the payroll department. prior to approval.~~ If that is not possible; due to time constraints, it is the responsibility of the Department Head to contact his/her employee regarding questions or inconsistencies

on the timesheet and, if necessary, to have the employee report to the payroll department.

**Exempt Employees**

–Exempt employees are paid a fixed salary that is intended to cover all hours worked in a specified work period. Because they are exempt, such employees are not entitled to paid overtime compensation.

## Administrative Leave

Exempt employees are entitled to eighty (80) hours administrative leave per year. This leave may not be carried forward at the end of each calendar year and cannot be cashed out. Administrative Leave will not accrue until the employee has completed their six (6) month probation periodsix (6) months of employment, and will be prorated to the end of the calendar year.

## Personal Changes

It is important that employees promptly notify the City PersonnelHuman Resources office of any changes in address, telephone number, marital status, and number of dependents.

## Personnel Records

All personnel records will be maintained in the City PersonnelHuman Resources office and will remain confidential. An employee's departmental personnel file is confidential but will be available to the employee, employee's supervisor, or department head'shead for inspection upon request.

## Department of Motor Vehicles - Pull Notice Program

When an employee is hired, the City PersonnelofficeHuman Resources department will request a "Pull Notice" from the Department of Motor Vehicles. If any changes are made to your driving status, an updated Pull Notice is automatically sent to the City. You should report immediately to the PersonnelManagerAdministrative Services Director if your driver's license is taken away from you, or your driving status has changed in any way. Your employment with the City may be affected by your Pull Notice.

## 4. COMPENSATION

### Rates of Pay

Each employee is paid a rate of pay within the salary range for the position in which employed as set forth in the Salary Range Schedule adopted from time to time by the City Council.

### Entrance Salary

An employee is appointed at the minimum rate for the position, except when the department head believes it is necessary to make an appointment above the minimum rate. In reviewing such requests, consideration will be given to the candidate's qualifications and salary history, the availability of other qualified candidates, and the

resulting salary relationships with similar positions. All hires must be approved by the City Manager.

If the employee starts in the middle of a pay period, the employee will not be covered by health and welfare benefits until the first day of the following month. ~~that employee will be paid hourly with no benefits.~~ Starting at with the next pay period, the employee will be paid according to the adopted range ~~table schedule~~ and will start benefits on that day, provided the employee is otherwise eligible for benefits.

~~An employee is appointed at the minimum rate for the position, except when the department head believes it is necessary to make an appointment above the minimum rate. In reviewing such requests, consideration will be given to the candidate's qualifications and salary history, the availability of other qualified candidates, and the resulting salary relationships with similar positions.~~

### **Severance Pay**

Exempt employees may receive severance pay upon layoff. One week's salary, or the equivalent of forty (40) hours pay, shall be given for each year of service, with the minimum of two (2) weeks (80 hours), and a maximum of six (6) weeks (240) hours.

### **Merit Salary Adjustments**

Employees may receive merit salary adjustments within the salary range applicable to their position as set forth in the Employee Salary Range Schedule. The purpose of the merit salary increase is to recognize individual employee performance. Salary increases by reason of advancement in salary step shall not be automatic and are at the sole discretion of the City.

### **Movement to a Higher Position**

An employee who is promoted to a position with a higher salary range shall be placed on at the lowest rate of the range for the new position which provides the employee at least a five (5%) percent salary increase, except where a five percent increase would place the employee above the top rate of the range for the new position. A new salary anniversary date will be assigned effective on the date of promotion.

### **Movement to a Lower Position**

An employee who is demoted may be placed at any rate in the range for the lower position, which is equal to or less than that which the employee was receiving in the higher position and which is appropriate for the employee's level of performance. Employees who are demoted shall receive a new salary anniversary date (the effective date of the demotion).

## **Transfer**

An inter-departmental transfer may be approved after agreement of both department heads involved in the change and the City Manager. When an employee is transferred from one position to another in the same range, the employee's pay and anniversary date shall remain unchanged. In the event that the employee's position has been filled by a bargaining unit employee with less bargaining unit seniority, the probationary employee shall have bumping privileges back into their original position.

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## **Filling a Temporary Vacancy**

When a position is temporarily unfilled, either due to vacancy or a leave of absence by the incumbent, another employee may be temporarily appointed by the Department Head to perform the duties of that position. Once the employee has served in the temporary position in excess of 14 calendar days, the employee shall retroactively to the date of appointment receive a temporary salary that will be calculated using the current salary range for the unfilled position such that the temporary increase in salary shall be not less than 5% greater than the employee's existing salary. The City may implement the pay increase prior to 14 calendar days service at its option.

## **5. EMPLOYEE BENEFITS**

Employee benefits are provided either in a separate memorandum of understanding between the City and a recognized representation unit organization, or in a resolution of the City Council for unrepresented employees.

### **Paid Time-off Donations**

While it is each employee's responsibility to accumulate leave time and use it wisely, occasionally a City employee (or an immediate family member) may experience an illness or injury that causes the employee to take an extended leave of absence from the workplace. During such periods, an employee may face severe financial hardship because he/she has exhausted all his/her accumulated leave time.

~~Without assistance, the employee would be required to take leave without pay or terminate employment.~~

Over the years, however, City employees have asked if they may donate certain benefits provided to them by the City to assist individuals who find themselves caught in such situations. In an effort to provide a consistent policy and establish eligibility guidelines, the City has established a Paid Time-off Donation Policy to collect and distribute paid time off to eligible employees. There is no guarantee of the availability of paid time off leave donations implied in this policy. ~~T~~; this policy is not an entitlement to extra leave during serious illness, nor is it a formal supplement to current employee leave benefits as defined in the relevant memoranda of understanding. It is, rather, a consistent set of procedures that shall be applied equally to eligible individuals.

### **Procedures**

Employees may give and receive paid time off in accordance with the following policy.

#### **A. Eligibility: Donors**

1. All full-time, regular employees who have successfully completed their probationary period may donate vacation time and compensatory time off to

an employee who is on an extended leave of absence due to an illness or injury of the employee, or of the employee's child, spouse or parent. Sick leave may not be donated.

2. There is no limit to the amount of vacation or compensatory time off that can be donated to another employee. However, donors shall maintain a balance of accumulated vacation leave of at least 80 hours.
3. Donations of paid time off, once made, are irrevocable. Donated leave time will not be returned to donating employees.
4. All leave time donations shall be deemed confidential and shall not be disclosed except upon approval of the donating employee or as required by law. Donations are entirely voluntary, and no employee shall be required to donate paid time off to another employee.

B. Eligibility: Recipients

1. All regular City employees who experience illness or injury resulting in absence from work in excess of accumulated paid time off may accept and use donated leave time with the approval of the City Manager. For purposes of this policy, the only illness or injuries for which donated leave time may be granted which are those that are serious, debilitating and will cause severe financial hardship because all of an individual's accumulated paid time off has been exhausted. An illness or injury to an employee's child, spouse or parent that results in the employee being required to take time off work for an extended period of time to care for the family member is also a proper basis for accepting donated leave time.
2. Employees are eligible to receive donated time off as follows:
  - a. Employees must have successfully completed their initial probationary period to be eligible for donations from other employees.
  - b. All forms of available accumulated leave must be exhausted (CTO, Sick Leave, Administrative Leave, Vacation) prior to the acceptance of donated leave time.
  - c. The anticipated duration of the leave for which donated leave time benefits are being requested must be not less than one week.
  - d. Depending on the availability of accumulated leave donated by other employees, the employee will be eligible to receive donated leave benefits for a maximum of 30 work days after the date on which all other accumulated leave is exhausted; donated leave benefits for an additional 30 work days may be requested by an employee, and will be evaluated and granted on a case-by-case basis at the sole discretion of the City Manager.
  - e. Written verification of the long term nature of the injury or illness, including the expected recovery period, must be obtained from the treating physician and submitted with all requests for donated leave time.

~~e.~~

- f. Eligibility for use of donated leave time will depend, in part, on the determination by the City Manager that the requesting employee has not irresponsibly or unwisely failed to accumulate leave or has not otherwise improperly used or abused his/her other paid time off. Eligibility for use of donated leave time is at the sole discretion of the City Manager, and notwithstanding any other provision of these Rules, the determination shall neither be subject to appeal or to the grievance procedures set forth elsewhere in these Rules.

An employee using donated time off will be considered to be on an unpaid leave of absence, as he/she will be utilizing leave benefits that have been donated and not earned. Upon the employee's return to work, an effort will be made to return the employee to the same position from which the employee took leave; however, unless otherwise required by applicable law, the City shall not guarantee reinstatement to the same or a comparable position upon return from the leave. The City will continue to pay the City's share of any applicable paid benefit costs during a leave to which donated leave time is applied. For purposes of PERS service credit and length of service only, donated leave time will be considered time worked.

C. Donated time procedures:

1. All donated leave time shall be transferred from the donor on a value basis. In other words, the number of hours donated shall be multiplied by the employee's equivalent hourly rate, which is determined by multiplying the employee's monthly compensation, as set forth in the salary classification schedule by 12, then dividing that number by 2080. For example, an employee with a monthly salary of \$2000 would have an equivalent hourly rate of \$11.54 ( $\$2000 \times 12$  divided by 2080). An employee with a monthly salary of \$2000, who wishes to donate 10 hours of paid time-off, would donate the equivalent of \$115.38 to the recipient employee. For the recipient, donated leave time shall be credited at the recipient employee's equivalent hourly rate each pay period, up to the equivalent of the employee's regularly scheduled work hours, and shall be subject to the recipient's normal payroll deductions. In no case shall an employee be permitted to receive or use more donated time during a pay period than the employee would otherwise be entitled to use if the recipient employee had his/her own remaining paid time off available.

2. When the use of donated time off is approved for an employee, time will be drawn from the amount of donated time as needed to maintain the employee at the equivalent of the employee's regular number of hours of employment during each pay period. No advance lump sum cash payment for donated leave shall be permitted.

3. While an employee is using donated leave time, no sick leave or vacation will accrue. In no event will an employee receive more than her/his regular full salary through use of donated time off.
- D. Nothing in this policy shall be construed to modify the employment relationship between the City and the receiving employee, or to restrict the City's management rights. Neither shall this policy modify existing City rules, policies or agreements regarding accrual of paid leave, or the granting of unpaid leave of absence.

## Injury

Any employee of the City who incurs a work related injury requiring immediate medical attention must report to their immediate supervisor who will make arrangements to transport the injured to the hospital emergency room or the employee's personal physician (if previously designated and on file). If the injury does not require immediate attention, it shall be reported to the immediate supervisor and appropriate arrangements made for medical attention. An appropriate injury report must be completed.

## Worker's Compensation

All City employees are covered under the Worker's Compensation Insurance and Safety Act (the "Act"). If an employee suffers an injury in the course and scope of employment, ~~and during the first three (3) calendar days of absence due to such injury the employee qualifies for and received temporary disability payments under the Act,~~ the employee may ~~continue to receive his/her full salary, by using~~ any accrued sick or vacation time as necessary so that the sum of workers' compensation payments and accrued sick/vacation pay will equal straight time pay for the employee's regularly scheduled working hours.

~~—If during the first three (3) day period of his/her injury, an employee does not qualify for temporary disability payments under the Act, then the City shall similarly continue to pay the employee his/her full salary; provided, however, that if it is subsequently determined that the employee's injury was not incurred in the course and scope of his/her employment, then such salary continuation payments shall be charged against the employee's accumulated sick leave and vacation time. While out on a work injury, †The City will pay for the employee's health/dental/vision/life premiums for up to twelve weeks consistent with the Family Medical Leave Act and California Family Rights Act only. The employee is responsible for the premiums for their dependents. The City will advance the payment for the premium and the employee will be billed biweekly for the premium cost.- If the premiums are not paid within 14 days by the employee, the City will deduct the amount of the premium from the employee's next check if funds are available. If the premiums are not paid within 30 days by the employee, the City may drop coverage for the employee. The City will provide written notice to the employee that the payment has not been received and allow at least 15 days after the date of the~~

letter before coverage stops. In the event the employee does not return to work, and does not pay the premiums, the City reserves the right to recover the cost of any premiums advanced for the employee.

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## 6. JOB PERFORMANCE

### Performance Evaluations

The Performance Evaluation is an extremely important tool for both the employee and the City in reviewing strengths and weaknesses of an individual. It is important that this appraisal be used fairly and frankly. The appraisal shall not be used as either a reward or a punishment. All employee evaluations shall be reviewed by the Department Head **and** the City Manager, **prior** to reviewing it with the employee. This is intended to develop consistent comments, requirements for improvement, and appropriate timelines for follow-up to assess the employee's degree of improvement, if necessary.

Employees deserve and have a right to discuss their performance evaluation with their reviewer and to make comments if they believe that comments or ratings need to be clarified. Equally, performance reviewers deserve and have a right to expect that employees perform their duties in a professional manner consistent with their duties and training. It is a disservice to the employer as well as the employee to treat this process lightly, or to simply grade an employee for the sake of expediency or to avoid conflict. In order to ~~insure~~ ensure that employee performance is appropriately related to salary step placement and to maintain a dialogue between employee and immediate supervisor, periodic evaluation of employee performance is made. An evaluation by the appropriate supervisor takes place upon completion of the probation period. You will receive a written evaluation based on your job performance. After the probationary period, evaluations occur annually on your anniversary date (start date). Salary step increases (merit increases) within the Salary Range Schedule are normally considered at the end of each successful year of performance.

### Attendance and Absences

One of the most basic indicators of employee performance is regular attendance. Employees must report to work on time. If you cannot come to work or will be more than a few minutes late, you must let your supervisor know of your expected late arrival as soon as practical.

An absence is a failure to report to work as scheduled, other than in situations involving vacations, personal holidays, sick leave, bereavement leave, jury duty, witness duty, or other approved leaves of absence, as provided in this Handbook. If you are sick or injured and cannot come to work, the City needs your cooperation to properly cover your job. Therefore, you are expected to call your supervisor, and tell him/her you will be absent and when you will return to work. If you do not know your return date, you must call your supervisor each day within one (1) hour of the beginning of your regularly scheduled arrival. If you know in advance you are going to be absent, you must schedule the absence with your supervisor at least one (1) week in advance.

Excessive absences and failures to report absences on time will result in disciplinary action, up to and including dismissal. Absences are considered to be excessive, even if

authorized, if they occur frequently, or if they show a pattern. Absences immediately before or after holidays and weekends are suspect. Frequent absences for minor complaints such as headaches or stomachaches, or similar ailments are also suspect. An employee absent without approved leave for three consecutive workdays will be deemed to have voluntarily resigned employment as of the date of the third day of unapproved absence.

## **Tardiness**

Employees must arrive at their job locations and be ready to start work at the beginning of their assigned workday. Employees should be ready to resume work on time after authorized rests and meal periods.

Traffic or weather conditions may cause you to be late once in a while. If this happens, notify your supervisor that you will be late and when you will be able to report for work. However, you should understand that employees are expected to plan for traffic and weather problems, and to allow for extra time to commute to work, if necessary.

Repeated or excessive tardiness will lead to disciplinary action, up to and including dismissal. Tardiness is considered to be excessive if an employee is frequently or unnecessarily late, or if he/she demonstrates a pattern of tardiness.

## **7. CITY RULES AND DISCIPLINARY ACTION**

### **Grievance Procedures**

The purpose of the Grievance Procedure is to: Afford employees [other than at-will employees](#) a systematic means of obtaining consideration of concerns or problems; provide that grievances are settled as near as possible to the point of origin; provide that grievances are conducted as informally as possible. [At-will employees are not entitled to pursue grievances through this procedure, but they are encouraged to resolve any concerns or problems directly with the City Manager.](#) The grievant is the employee filing the grievance. An employee may choose to be represented at any stage of the grievance procedure by his/her recognized employee organization, or other representative. Grievances must be filed within thirty (30) days of the incident, giving rise to the grievance, or the grievance is deemed waived and the employee shall have no further right to pursue the grievance. Notwithstanding the foregoing provisions, in the event a grievance procedure is set forth in an MOU for a representation unit covering a particular employee's position, the grievance procedure in the MOU shall supersede this grievance procedure.

## **Matters Subject To Grievance**

All alleged violation of these rules and regulations, any alleged improper treatment of an employee, or any decision affecting an employee's terms and conditions of employment is considered to be a matter subject to review through the grievance procedure.

## **Matters Not Subject To Grievance**

A decision may be made at any step in the grievance procedure that the matter involved is a management right, and is not grievable. Such decision is not subject to the grievance procedure. Matters which may not be grieved, include but are not limited to disciplinary action, compensation, work methods, equipment, hours of work, services provided, staffing levels and allocation to classifications.

## **Procedure**

**Step One** - An attempt must be made to resolve all grievances on an informal basis between the employee and the immediate supervisor. It is the responsibility of the employee to initiate this process within thirty (30) days of the date when the action or incident became known, or, reasonably could be expected to have become known to the employee.

**Step Two** - If the grievance is not satisfactorily resolved on an informal basis, the employee shall submit the grievance in writing to his/her immediate supervisor within ten (10) working days after the informal decision of the immediate supervisor, if any. The supervisor shall respond in writing to the employee within ten (10) working days after receiving the written grievance.

**Step Three** - If the grievance is not satisfactorily resolved at the second step, the employee may present his/her grievance to the department head within ten (10) working days after receipt of the written decision of his/her supervisor. In the event the supervisor issues no written decision as required in the second step, the employee may present the grievance to the department head within ten (10) working days after the last date on which the supervisor's response would have been due. The department head receiving the grievance shall render a decision, in writing, and return it to the employee within ten (10) working days after receiving the grievance.

**Step Four** - If the grievance is not satisfactorily resolved at the third step, the employee may submit the grievance in writing to the City Manager within ten (10) working days after receipt of the written decision of the department head. In the event the department head issues no written decision as required in the third step, the employee may present the grievance to the City Manager within ten (10) working days after the last date on which the department head's response would have been due.

## Conduct of Grievance Procedure

**Time Limits** - Time limits specified above may be extended to a definite date by mutual agreement of the employee and the reviewer concerned. However, the time requirements are mandatory unless otherwise agreed to by the parties in specific cases, and there is no obligation by either party to agree to such extensions.

**Use Of Work Time** - The employee may use a reasonable amount of work time in pursuing the grievance, as determined by the appropriate department head or supervisor. If other employees are asked by the grievant to use work time for participating in the grievance process, the other employee's time must be authorized by the City Manager.

**No Reprisal** – All employees are assured of freedom from reprisal, harassment or dismissal for using the grievance procedure.

**Forms** - All grievances shall be filed on forms approved by the City Manager or designee after consultation with employee representatives and department heads.

**Final Decision** - The decision of the City Manager on a grievance shall be final and binding.

## Harassment

It is the policy of the City of Solvang to treat its employees with respect and dignity, and to provide a working environment free of unlawful discrimination and harassment. The City therefore prohibits all forms of unlawful harassment in the work place. This policy applies to all employees, supervisors and agents and all non employees who have contact with employees during working hours.

An employee who has been found, after an investigation, to have unlawfully harassed another employee shall be subject to disciplinary action up to and including dismissal.

Any agent or non-employee who has been found to have unlawfully harassed a City employee will be subject to appropriate sanctions.

Legal Definition of Sexual Harassment. Sexual harassment is unlawful harassment, and it is a form of sex discrimination. It is also an "unlawful employment practice" under Title VII of the 1964 Civil Rights Act. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct constitute sexual harassment when:

- A. They are part of a manager or supervisor's decision to hire or fire.
- B. They are used to make other employment decisions such as pay, promotion, or job assignment. They are part of a manager or supervisor's decision to hire or fire.
- C. They interfere with the employee's work performance.
- D. They create an intimidating, hostile, or offensive work environment.

Behavior That Can Constitute Sexual Harassment. Sexual harassment is defined as deliberate or repeated behavior of a sexual nature, which is unwelcome. It can include verbal behavior such as unwanted sexual comments, suggestions, jokes, or pressure for sexual favors; nonverbal behavior such as suggestive looks or leering; and physical behavior such as pats or squeezes, or repeatedly brushing against someone's body.

Some specific examples of inappropriate or illegal behavior include:

- A. Negative or offensive comments, jokes, or suggestions about another employee's gender or sexuality.
- B. Obscene or lewd sexual comments, jokes, suggestions, or innuendoes.
- C. Slang, names, or labels, such as "honey," "sweetie," "boy," "girl," that others find offensive.
- D. Talking about or calling attention to an employee's body or sexual characteristics in a negative or embarrassing way.
- E. Laughing at, ignoring, or not taking seriously an employee who experiences sexual harassment.
- F. Blaming the victims of sexual harassment for causing the problems.
- G. Continuing certain sexual behavior after a co-worker has objected to that behavior.
- H. Displaying nude or sexual pictures, cartoons, or calendars on City property or in City vehicles.

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Responsibility. The City Manager shall be responsible for enforcement of the unlawful harassment policy and shall be responsible for ensuring that all complaints of unlawful harassment are investigated thoroughly and are responded to in a timely fashion, including the presentation of recommendations for any necessary action to the City Manager. A determination regarding the complaint will be made at the conclusion of the investigation and the complaining individual will be advised of the determination. If the City concludes that unlawful harassment occurred, the City shall take effective action to stop any further harassment, discipline the harasser and attempt to remedy the effects of the harassment. Discipline imposed on a harasser may include dismissal. Disciplinary action will be commensurate with the severity of the offense. Individuals who make a harassment complaint or participate in a harassment investigation will not be subject to retaliation for doing so.

The department heads and supervisors shall be responsible for informing employees of the City Policy on unlawful harassment, and for taking all steps necessary to set a positive example and to prevent unlawful harassment from occurring.

Complaint Resolution Process.

Informal Pre-Grievance Process. An employee who has been harassed on the job must inform the employer, its agents or supervisors of the harassment. To accommodate the unique nature of the harassment complaints, a pre-grievance process is provided for the

primary purpose of resolving complaints at the earliest possible date. Elements of this process are:

1. The employee who believes he or she has been the subject of unlawful harassment shall report the incident(s) in writing to the immediate supervisor, the department head or the City Manager within 72 hours of any such occurrence.

The City Manager shall be available to receive harassment complaints and to:

2.

- a. Counsel the victimized employee and outline the options available;

b.

Assist in or conduct the investigation, interview the accused, witnesses and supervisors as appropriate, and recommend disposition of the complaint to the department head, or take steps personally to dispose of the complaint.

3. At the request of the City Manager, the department head shall assist in the investigation of the complaint, review factual information collected to determine whether the alleged conduct constitutes harassment, giving consideration to the record as a whole and the totality of circumstances including the nature of the verbal, physical, visual or sexual favor aspect of the harassment and the context in which the alleged incidents occurred, and initiate and/or recommend appropriate action.

4. Confidentiality. Every effort will be made to protect the privacy of parties involved in a complaint.

Formal Grievance Process. Administrative Hearing – Any employee affected by the resolution of the complaint in the informal pre-grievance process may request an administrative hearing before the City Manager (or the City Council if the complaint involves the City Manager). This formal grievance process shall be initiated by filing a written request with the City Manager (or City Council if the complaint involves the City Manager) within 10 days after disposition of the complaint in the informal pre-grievance process. As permitted by law, the administrative hearing shall be held in private, unless the employee requesting the administrative hearing submits a written request for a public hearing.

However, if the City Manager determines that a public hearing is likely to adversely affect the rights of other City personnel, then at the City Manager's discretion, the hearing will remain closed.

Extension of Time Requirements. If the employee fails to initiate either the informal pre-grievance process or the formal grievance process within the applicable time limits, the City Manager may permit extension of the filing deadlines. It should be reemphasized that the City wishes to know of any complaint alleging harassment as soon as possible and in any event within 72 hours of its occurrence.

Waiver of Informal Step. Preliminary informal steps to resolve a grievance may, depending on circumstances of the complaint, be waived by the City Manager and the formal grievance initiated at an appropriate higher step in the grievance procedure.

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Policy Implementation. Each department Head is responsible for ensuring that the work environment in their department is free of unlawful harassment by:

Setting a positive example of behavior appropriate to the work place;

Having supervisors inform their employees of the City policy and complaint resolution procedure;

Requiring supervisors to report instances of unlawful harassment to their respective supervisors and/or the City Manager.

Enforcement of Laws Against Harassment. Employees or job applicants who believe they have been unlawfully harassed may, within one year of the act of harassment, file a complaint of discrimination with the department of Fair Employment and Housing (“DFEH”). The DFEH serves as a fact-finder and attempts to help employers and employees to voluntarily resolve unlawful harassment disputes.

If the DFEH finds evidence of illegal harassment, it may file a formal accusation against the employer and the alleged harasser. The accusation will lead to either a public hearing before the Fair Employment and Housing Commission or a lawsuit filed on the complainant’s behalf by the DFEH.

Remedies for Harassment. If the FEHC finds that unlawful harassment occurred, it can order remedies, including fines or damages for emotional distress from each employer or harasser found to be at fault. The FEHC may also order hiring or reinstatement, back pay and benefits, promotions, and changes in the policies or practices of an employer. A court may order damages of any amount.

Victims of harassment may be entitled to damages even though they have not been denied an employment opportunity, pay or benefits. If unlawful harassment occurs, the City may be liable for the conduct of its managers, supervisors, employees and non-employees. Harassers and management representatives who condone or ratify unlawful harassment may be held personally liable for their misconduct.

Additional Information. For more information regarding employee rights and remedies regarding unlawful harassment, contact the State of California Department of Fair Employment and Housing. The location of the nearest DFEH office can be obtained by calling (~~916800~~) ~~445884-1684-9918~~ or (~~916800~~) ~~700-2320~~ ~~324-1678~~(TDDI TY).

## **Gifts and Gratuities**

Except as set forth in this section, all City employees are prohibited from accepting gifts, gratuities or special favors from any person or firm doing business with the City. If there is any uncertainty, the employee should receive prior approval from the City Manager. In recognition of the subjective nature of this determination, the first violation will result in a verbal and not a written warning. City employees may accept the following:

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- a) Consumable, non-alcoholic gifts, such as boxes of candy, fruit, popcorn, or cookies, delivered to City offices by businesses or individuals that provide such gifts to clients at holidays or similar times.- Such gifts shall be placed out to be shared by all City employees.
- b) Food provided to emergency personnel at the scene of an emergency.
- c) Promotional items of nominal value handed out by vendors and consultants at conferences, training events, and grand openings, provided that such items are made available to any person attending the event.
- d) Gifts of nominal value, such as pens, paper weights, and other desk accessories and novelties, given to an employee in appreciation for a presentation to a group or organization, or in recognition of the employee's accomplishment
- e) Gifts of nominal value, with company advertising, such as mugs, calendars, or paper items, which are appropriate for use in the workplace.
- f) Meals provided to an employee who is speaking at a meeting at which a meal is being served to other attendees of the meeting.
- g) Business meals paid for by consultants under contract to the City as part of a project meeting or discussion, when the cost of the meal is included in the consultant's compensation.

As used herein, "nominal value" means less than \$25.00.

### **Drug Free Work Place Policy**

It is the policy of the City of Solvang to maintain a safe, healthful and productive work environment for all employees. To that end, the City shall act to eliminate the unlawful use of drugs and other controlled substances including, but not limited to, alcohol and prescription drugs, which could impair an employee's ability to safely and effectively perform the functions of his/her job and/or threaten the safety of co-workers. All City employees, regardless of their employment status (i.e. permanent, temporary, contract, etc.), are subject to this policy.

#### **Policy**

1. Employees are expected and required to report to work in appropriate mental and physical condition to perform their jobs. The unlawful manufacture, distribution, dispensation, possession or use of drugs or other controlled substances, including alcohol, on City premises or while conducting City business off premises is absolutely prohibited.
2. This policy is intended to assure that no employee with an alcohol or drug problem will have his or her job security or promotional opportunities jeopardized by a request for help.

3. Employees shall, as a condition of employment, abide by the terms of this Policy and notify the City within five (5) days of any criminal drug statute conviction, which he/she receives for a violation occurring in the workplace.
4. The City shall notify any appropriate federal granting agency of any criminal convictions of any employee for illegal drug activity in the workplace within ten (10) days of the City's notification of such conviction.

Otherwise, the individual's rights to confidentiality and privacy are recognized. The pertinent information and records of employees with an alcohol or drug problem will be preserved in the same manner as all other confidential records.

### **Political Activities**

All City employees are prohibited from using their official position with the City of Solvang in an effort to influence the outcome of a political campaign; engaging in political activity during work hours or while in City uniform; using City facilities or materials for any political campaign.

## **Appearance / Dress Code**

The City's professional atmosphere is maintained, in part, by the image that employees present to the citizens and visitors. Employees should therefore utilize good judgment in determining their dress and appearance. Maintenance of appropriate dress is the responsibility of the department supervisor. The City provides a uniform allowance to field personnel. ~~supplies the field personnel with city uniforms. These u~~ Uniforms shall be worn during working hours.

## **Safety**

It is the personal responsibility of each employee of the City of Solvang to comply with the City's safety rules and regulations, to comply with the current OSHA safety requirements, to use equipment guards and safety devices, to wear proper clothing and protective devices, and to immediately report hazardous or unsafe conditions to their immediate supervisor. Any hazard or unsafe condition that cannot be corrected immediately by the supervisor shall be reported to the City Manager for correction prior to resumption of work.

## **Bulletin Boards**

Information of City policies, personnel announcements, items of City interest, educational opportunities and job announcements, will be posted on bulletin boards. Departmental supervisor shall approve all materials, posted on any bulletin board, in advance.

## **Outside Employment**

City employees may engage in outside employment in addition to the employment with the City, only under the following conditions:

- There will be no conflict of interest or incompatibility with City employment.
- The time involved in outside employment will not adversely affect the employee's attitude or efficiency in his or her City employment.
- No telephone calls or personal contacts concerning outside employment shall be made during hours of City employment. Any outside employment must be reported in writing and approved by the City Manager.

## **Doing Personal Business on City Time**

Abuse of work hours will not be tolerated. Every employee is expected and required to put in a day's work for a day's pay. If you do not have anything to do, for whatever reason, immediately contact your supervisor or department head for additional assignments. Be aware that the abuse of work hours is a disciplinary offense and may result in disciplinary action up to and including dismissal. Employees who see abuses are expected to document those abuses and report them to City management. Supervisors and department heads are required to enforce work rules.

## **Resignation of Employment**

Should an employee decide to resign, the City requests that a minimum of two (2) weeks' notice be given in writing to the department head or supervisor. The written resignation should include reason(s) for leaving, last day to be worked and the employee's signature.

## **8. DISCIPLINE POLICY**

### **Purpose**

There is simply no hard and fast rule that certain behavior warrants a specific discipline in each and every case. The purpose of this discipline policy is not to establish any such rule or rules, but rather to set forth standards of employee conduct and provide guidelines for disciplinary action for City employees consistent with memoranda of agreement, City ordinances and resolutions, personnel rules and regulations, administrative policies and procedures, and department rules and regulations.

## **Policy**

It is the policy of the City to emphasize the use of positive measures by department heads and supervisors to eliminate and resolve problems before discipline. It is also the policy of the City to encourage progressive discipline because progressive discipline promotes appropriate disciplinary action for the offense by beginning with the least severe action and progressing to more serious action. However, the City is not obligated to implement lesser forms of discipline in any specific case simply because the offense is the first by the employee. If the offense is sufficiently severe in the City's sole discretion, a first offense may result in any level of discipline up to and including dismissal.

The provisions of this policy do not abridge any rights to which an employee may be entitled under City ordinances and resolutions, the personnel rules and regulations, or memoranda of agreement, nor do they abrogate any power, which, under City Code may be within the sole province and discretion of the City Manager.

## **General**

In accepting employment with the City, each employee agrees to be governed by, and to comply with, the City of Solvang Municipal Code, personnel rules and regulations, the administrative rules and procedures established by the City Manager, and the rules and regulations and directives of the department in which employed.

All employees in the City are expected to adhere to standards of reasonable and prudent conduct. The City expects all employees under its jurisdiction to maintain the highest traditions of public service.

Specifically, the City expects each employee:

1. To be regular and punctual in reporting for work, to be absent only for good and sufficient reason, and to give proper notice of anticipated absences.
2. To perform his/her duties and to discharge his/her responsibilities safely, effectively and with proper regard for economy of time and material.
3. To be courteous and cooperative in relations with other City employees and with the public.
4. To conduct himself/herself, both on and off the job, in a manner that reflects favorably on the department and on City service.

Employees who violate the standards of employee conduct should expect department heads and supervisors to take appropriate disciplinary actions. Conversely, management should commend employees who do exceptionally well, or go beyond the normal demands of a job.

The standards of employee conduct apply to all employees of the City. These standards are not to be considered as a total and complete statement of management's expectations of employee behavior and performance. They are designed to serve as a framework within which employees are expected to administer discipline should these standards be violated.

The standards of employee conduct include a variety of offenses as well as possible corrective actions to be considered by management in determining whether an employee's actions constitute an offense subject to discipline. Not all possible offenses are listed - only those which are of greater significance and/or are most common. The list is descriptive, not restrictive. Various kinds of corrective actions for first, second and third offenses are also listed. These corrective actions are recommendations only and are for general reference. The City is not restricted to lesser forms of discipline in any specific case, and if the offense is sufficiently severe in the City's sole discretion, a first offense may result in any level of discipline up to and including dismissal. At-will employees are expected to adhere to the standards of employee conduct as well, but the designation of standards of employee conduct for at-will employees is in no way deemed to alter the at-will nature of their employment with the City. At-will employees serve at the pleasure of the City Manager.

The appropriate disciplinary action may be either more or less severe, depending on the circumstances of a case. Department heads and supervisors will exercise discretion in recognizing that a single minor offense by a long-term employee with a good work record could be less severe than if committed by a relatively new employee with a poor work record.

Progressive discipline requires that repeated offenses will normally carry more severe corrective actions than first offenses. A pattern of offenses after successive corrective actions ultimately results in dismissal.

### **Department Head / Supervisor Responsibility**

It is the responsibility of each department head and supervisor to become familiar with the standards of employee conduct and the discipline procedures. It is also the responsibility of each to use the following corrective procedures:

1. Explain and answer any questions relative to the standards.
2. Counsel employees regarding performance and/or behavior.
3. Complete performance evaluations to stress improvement in particular areas.

It is expected that department heads will authorize supervisors to use positive measures and take corrective action when an employee has engaged in improper conduct.

## Standards of Employee Conduct

This guide establishing standards of employee conduct serves three main purposes. First, it sets forth reasonable standards of conduct to which all employees are expected to adhere. Second, it indicates the kinds of offenses which are considered violations of these standards, and for which City employees may expect to be disciplined. Third, it suggests an initial and subsequent disciplinary action, which may be warranted for various offenses.

### Standard 1:

Employees must perform their duties in a manner, which earns and maintains the trust and respect of their supervisors, other employees and the public.

#### **Conduct Unbecoming**

#### **aA City Employee**

#### **————— Potential Suggested Corrective Actions**

Offense	First Offense	Second Offense	Third Offense
a. Using official position or office for personal gain or advantage	Written notice to dismissal	10 days suspension to dismissal	Dismissal
b. Engaging in any employment, activity or enterprise which constitutes a conflict of interest	Written notice to 10 days	5 days suspension to dismissal	Dismissal
c. Accepting favors or gratuities for services required on the job	Oral Warning to dismissal	Written notice to dismissal	Dismissal
d. Unauthorized disclosure of confidential information as defined by law or by written directive of the City Manager	Written notice to dismissal	10 days suspension to dismissal	Dismissal
e. Using City property or equipment without authorization	Written notice to dismissal	10 days suspension to dismissal	Dismissal
f. Abuse, damage or malicious destruction of City property or equipment	Restitution and written notice to restitution and 10 days suspension	Restitution and 5 days suspension to restitution to dismissal	Restitution and dismissal
g. Misconduct, on or off the job adversely reflecting on City employees or employment	1 day suspension to dismissal	10 days suspension to dismissal	Dismissal
h. Commission of acts, which if proven, constitute a felony or misdemeanor as established by	1 day suspension to dismissal	10 days suspension to dismissal	Dismissal

proper investigation			
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<b><u>Offense</u></b>	<b><u>First Offense</u></b>	<b><u>Second Offense</u></b>	<b><u>Third Offense</u></b>
i. Unauthorized possession of City equipment or material in fabricating articles for private use	Written notice to dismissal	10 days suspension to dismissal	Dismissal
j. Unauthorized use of City equipment or material in fabricating articles for private use	Written notice to dismissal	10 days suspension to dismissal	Dismissal
k. Political activity in violation of the law	Written notice to 10 days suspension	5 days suspension to dismissal	Dismissal
l. Conducting personal business on City time	Oral warning or written notice	Written notice to 5 days suspension	10 days suspension to dismissal

**Standard 2:**

Employees must provide a high quality of service to the public and must consistently perform their duties effectively and efficiently.

**Job Performance  
Below Standard**

**Potential Corrective Actions**

<b>Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
a. A violation of City or department rules	Oral warning to 10 days suspension	Written notice to 30 days suspension	Dismissal
b. Requiring excessive supervision or instruction in performance	Oral warning or written notice	Written notice to 10 days suspension	5 days suspension to dismissal of duties after completion of training for the position.
c. Misusing, or failing to use, delegated authority in the performance of duties.	Oral warning to 10 days suspension	Written notice to 30 days suspension	Dismissal
d. Personal appearance not appropriate for the job in terms of community standards and job safety	Oral warning or written notice	Written notice to 10 days suspension	5 days suspension to dismissal
e. Failure to carry out assigned work or supervisory responsibilities adequately, directly, or promptly	Oral warning to dismissal	Written notice to dismissal	Dismissal
f. Repeated errors relative to work assignments	Oral warning or written notice	Written notice to 10 days suspension	5 days Suspension to dismissal

<b>Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
g. Covering up or attempting to conceal defective work; removing or destroying defective work without permission	Written notice to dismissal	10 days suspension to dismissal	Dismissal

**Standard 3:**

Employees must perform all duties reasonably required of them, and report for work as scheduled unless ill, injured, or involved in an emergency.

**Neglect Of, Or Inexcusable  
Absence From Duty**

**Potential Corrective Action**

<b>Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
a. Wasting time or loitering during working hours	Oral warning to 10 days suspension	Written notice to 30 days suspension	Dismissal
b. Neglect of duty	Oral warning to dismissal	Written notice to dismissal	Dismissal
c. Unexcused, excessive or patterned absenteeism	Written notice to 5 day suspension	3 to 20 days suspension	15 days to suspension
d. Failure to make reasonable effort to notify supervisor of inability to report for work.	Oral warning or written notice	Written notice to 10 days suspension	5 days suspension to dismissal
e. Leaving assigned work location without proper approval	Oral warning or written notice	Written notice to 10 days suspension	5 days to Suspension to dismissal
f. Frequent and unexcused tardiness	Oral warning or written notice	Written notice to 10 days suspension	5 days to Suspension to dismissal
g. Sleeping on the job	Oral warning to dismissal	Written notice to dismissal	Dismissal
h. Using sick leave for purposes other than legitimate illness of employee or family member	Written notice to 5 days suspension	3 to 20 days suspension	15 days Suspension to dismissal
i. Absence of more than two work hours in any workday without proper notice to immediate supervisor or department head	Oral warning to 1 day suspension	Written notice to 10 days suspension	5 to 30 days suspension
j. Absence of 3 consecutive work days without proper notice to immediate supervisor or department head	Deemed Resignation	Deemed Resignation	Deemed Resignation

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**Standard 4:**

Employees must cooperate and work well with other employees and the public.

**Improper Behavior In Relations With Supervisors,  
Fellow Employees Or The Public**

**Potential Corrective Action**

<b>Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
a. Flagrant refusal to perform reasonable work assignments or to cooperate with supervisor or management in the performance of duties (insubordination)	1 day suspension to dismissal	10 days suspension to dismissal	Dismissal
b. Failure to cooperate with or using insulting, obscene or abusive language toward other employees or the public.	Oral warning to 10 days suspension	Written notice to 30 days suspension	Dismissal
c. Unnecessarily disrupting the work of other employees	Oral warning or written notice	Written notice to 10 days suspension	5 days suspension to dismissal
d. Using threats or attempting to harm another employee or the public.	Written notice to dismissal	5 days suspension to dismissal	Dismissal
e. Making or publishing false, vicious or malicious statements about any employee, or City government or department manager	Oral warning to 15 days suspension	5 days suspension to dismissal	Dismissal
f. Actions on the job intended to destroy property or inflict bodily injury (whether or not the destruction or the injury actually occurs)	Written notice to dismissal	10 days suspension to dismissal	Dismissal
g. Creating unsanitary conditions	Oral warning to 10 days suspension	Written notice to 30 days suspension	Dismissal

**Standard 5:**

While at work, employees must not do anything, which would impair their ability to perform their duties, or discredit the City or the Department and their employees.

**Gambling, Drunkenness Or Use of Liquor Or Narcotics**

**Potential Corrective Actions**

<b>Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
a. Gambling on the job, on City property, or using City equipment	Written notice to 10 days suspension	5 days suspension to dismissal	Dismissal
b. Operating or conducting organized gambling for profit on the job, on City property or using City equipment	10 days suspension to dismissal	Dismissal	
c. Possession of, or drinking alcoholic beverages on the job site during the work period.	Written notice to dismissal (see note at end of this standard)	10 days suspension to dismissal (see note at end of this standard)	Dismissal (see note at end of this standard)
d. Drinking of alcoholic beverages which results in unfitness to work at reasonable efficiency, or which may endanger the employee, City property, or the public, or using marijuana on the job site or on City property	Written notice to dismissal (see note at end of this standard)	10 days suspension to dismissal (see note at end of this standard)	Dismissal (see note at end of this standard)
e. Reporting for duty under the influence of drugs or alcohol	Written notice to dismissal (see note at end of this standard)	10 days suspension to dismissal (see note at end of this standard)	Dismissal (see note at end of this standard)
f. Operating City vehicle or other equipment while under the influence of any alcoholic beverage, or any drug or narcotics which will impair operative capability	20 days suspension to dismissal (see note at end of this standard)	Dismissal (see note at end of this standard)	
g. Illegal possession of marijuana on the job site or on City property	1 day suspension to dismissal	10 days suspension to dismissal	Dismissal
h. Illegally possessing or using drugs or narcotics (other than marijuana) on the job site or on City property	20 days suspension to dismissal	Dismissal	
i. Unlawful selling of any prescription drug, including narcotics, barbiturates, or	Dismissal		

tranquilizers			
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NOTE: The action may be: (1) Reduced in severity if the employee successfully participates in an alcoholism or drug abuse rehabilitation program; or (2) delayed during employee participation in the rehabilitation program, depending on progressive rehabilitation and improvement of job performance. The supervisor should make every effort to take or arrange to take the employee home safely and to ensure that the employee is released in the custody of another responsible person.

**Standard 6:**

Employees must perform their duties in a safe manner. This standard is not restricted to operating equipment or motor vehicles.

<b>Safety</b>	<b>Potential Corrective Actions</b>		
<b>Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
a. Operating City equipment unsafely or carelessly	Oral warning or written notice	Written notice to 10 days suspension	5 days suspension to dismissal
b. Causing or contributing to an accident by operator City equipment in an unsafe manner as established by proper investigation.	Restitution and written note to restitution and 10 days suspension	Restitution and 5 days suspension to restitution and dismissal	Restitution and dismissal
c. Violating safety rules/practices which endanger the employee or others or damages City property or equipment	Oral warning or written notice	Written notice to 10 days suspension	5 days suspension to dismissal
d. Failing to report suspension or restrictions of driver's license to supervisor as soon as possible.	Written notice to 10 days suspension	5 days suspension to dismissal	Dismissal

e. Operating City equipment with a suspended and/or restricted driver's license	Written notice to 10 days suspension	5 days suspension to dismissal	Dismissal
f. Failing to report on-the-job injury or accident to supervisor as soon as possible	Oral warning or written notice	Written notice to 10 days suspension	5 days suspension to dismissal
g. Playing tricks or jokes, or engaging in horseplay on the job which may lead to physical injury to employees or others, or damage to equipment or property.	Written notice to 10 days suspension	5 days suspension	Dismissal

**Standard 7:**

Department employees must be characterized by high personal integrity both in securing employment and in performing their duties.

**Fraud, Dishonesty, Theft Or Falsification Of Records**

**Potential Corrective Actions**

<b>Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
a. Soliciting, accepting a bribe	Dismissal		
b. Theft of or aiding or encouraging the theft of cash or City property or equipment as established by proper investigation	Restitution and dismissal		
c. Intentionally falsifying or destroying, without proper authorization of City records or confidential information of any nature	Dismissal		
d. Sabotage	Dismissal		
e. Misusing or removing from the premises without proper authorization of City records or confidential information of any nature	Dismissal		
f. Intentionally falsifying application for employment or medical information which would have otherwise caused employment disqualification	Dismissal		
g. Deliberately withholding information related to work from supervisors or others requiring the information.	Written notice to 10 day suspension	5 days suspension to dismissal	Dismissal
h. Falsifying time reports, mileage reports, expense accounts or similar work oriented documents, falsely claiming sick or allowed pay, falsifying reasons for absence	5 days suspension to dismissal	Dismissal	

**Standard 8:**

The City's equal employment opportunity policies and City Manager's instructions require employees to practice non-discrimination in the performance of their duties.

**Equal Employment Opportunity Policies**

**Potential Corrective Actions**

<b>Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
a. Failure to hire eligible, or to promote, train, or apply disciplinary actions equally to all employees regardless of a particular race, color, national origin, sex, age, religion, sexual orientation, disability, or other protected class	1 day suspension to dismissal	10 days suspension to dismissal	Dismissal
b. Failure, after counseling, to assume or carry out equal employment opportunity policies and City Manager's instructions	Written notice to 5 day suspension	3 to 20 days suspension	15 days suspension to dismissal
c. Making derogatory racial, ethnic, or sexist remarks in the presence of the public or other employees while on duty	Oral warning to 10 days suspension	Written notice to 30 days suspension	Dismissal

**Applicability Of Discipline Policy**

- A. This guide to disciplinary action shall apply to all employees except at-will and contract employees.
- B. ~~Executive management employees~~ At-will and contract employees are subject to disciplinary action by the City Manager, or by the City Council, depending on the appointing authority for the position. The imposition of disciplinary action less than termination in no manner changes the at-will nature of employment for these employees.
- C. Before implementation of any discipline, department head and/or supervisor should review applicable provisions, and if necessary, consult with our City Attorney.

## **Standards For Disciplinary Procedure**

- A. The discipline policy should be followed closely in an effort to obtain uniformity of discipline in all organizational elements of the City and its departments.
- B. The discipline procedure is designed to ensure fair treatment to all employees--to prevent impulsive and unreasonable discipline for improper conduct. The rights of the individual must be protected. However, this does not give any employee the right to disobey rules, to fail to be productive, to be insubordinate, to be discourteous, to endanger others, or to engage in conduct unbecoming a City employee.
- C. Initial problems may be minor and not easily definable offenses. This behavior should not be overlooked, as it can grow more serious with time. A private conference can often resolve the problem and give the individual an opportunity to correct the behavior. Recognition should be given to the employee who has received discipline and has demonstrated that the problem has been corrected.
- D. Notwithstanding the provisions of Subsections A, B and C of this section, it is equally important to give recognition to the good employee, to the employee who does a job exceptionally well or even goes beyond the normal demands of the job.

## **Purpose Of Discipline**

The primary goal of discipline is to correct employee behavior or performance. To achieve that goal requires a mutual understanding among department heads, supervisors, and employees that the following criteria apply:

- 1. Behavior and performance standards must relate to the job to be done, and employees should be made aware of them.
- 2. Employees are expected to adhere to standards of reasonable and prudent conduct.
- 3. Employees are subject to corrective action when they violate those standards.
- 4. Disciplinary actions must be appropriate to the type and seriousness of the offense, while employees who commit serious offenses, or who show a pattern of offenses after successive efforts at corrective action, must not remain in City service.

## **Offenses**

- A. An offense is considered a "first" offense the first time formal action is taken by the supervisor under the applicable section of this guide.

- B. An offense will be considered as a "second" or "third" offense only when it is of the same general nature (not necessarily identical) as the previous offense and the undesirable action has been pointed out to the employee previously. When a previous offense has occurred, the time elapsed between that offense and the current offense will be considered in determining the corrective action.
- C. On some occasions, an employee may commit more than one kind of offense at the same time. Generally, the discipline imposed will not be determined by adding together the corrective actions for each offense. In such cases, the appropriate corrective action will be selected from the range of actions applicable for the more serious offense and the severity of the disciplinary action will be determined after considering the less serious offenses.
- D. An employee may commit various kinds of offenses over a period of time. In the absence of any intervening pattern of good conduct, all past offenses are indicative of a pattern of unsatisfactory behavior and will be considered when determining an appropriate corrective action.

### **Offenses During Off-Duty Hours**

- A. For offenses which occur during off-duty hours, whether or not on City property, corrective actions taken should be related to the job performed by the employee, the effect of the offense on the conduct of departmental operations, and should be in accord with any other applicable policies, instructions and directives.
- B. For offenses which occur during off-duty hours, whether or not on City government property, which result in the employee being unable to perform job duties (detention and booking or incarceration for a period of time), periods of absence from work normally should be treated as unexcused absence. An employee absent without approved leave for three consecutive workdays as a result of such offenses will be deemed to have voluntarily resigned employment as of the date of the third day of unexcused absence.

### **Procedures In Taking Disciplinary Action**

In taking any disciplinary action, the department heads and supervisors are expected to obtain all possible information, investigate the activities, decide on the disciplinary action, and implement the disciplinary action.

### **Obtaining All Possible Information**

- A. When it is suspected that violation of a behavior or performance standard has occurred, and before deciding whether corrective action is necessary, department heads and supervisors should conduct a thorough, objective

investigation and get all available facts, including the employee's side of the story.

- B. When an investigation shows that an offense occurred, the actions required by this discipline policy should be taken.
- C. When an investigation shows that an offense did not occur, or that all allegations is lacking in substance, a record of the incident should not be placed in the employee's personnel file where it might prejudice future actions.

### **Making The Investigation / Non-Emergency Circumstances**

- A. Investigation of activities, which may require formal disciplinary action, should be initiated by the employee's immediate supervisor. The investigating supervisor should notify higher management levels and the ~~Personnel~~ Administrative Services Director of the initiation and progress of the investigation, and should be guided by instructions on continuing the investigation. The purpose of the investigation is to assure that the supervisor has considered all relevant facts through:
  - 1. Discussing with and obtaining from the employee an explanation of the activities, which led to the investigation.
  - 2. Reviewing any written documentation available, including police reports and citizen complaints.
  - 3. ~~Interviewing~~ interviewing supervisors, other employees or citizens who may have knowledge of the incident(s).
  - 4. ~~Determining~~ Determining the rules, practices, job performance standards, or general standards of behavior involved and the extent to which the employee could reasonably have been expected to know and follow them.
  - 5. ~~Reviewing~~ Reviewing the employee's total work record, including records of ~~past~~ past performance, conduct and attendance.
  - 6. ~~Discussing~~ Discussing the findings and conclusions with the employee.
- B. An interview with the employee should be private and informal. The interview may include the employee's representative. The supervisor should be careful in these discussions to avoid argument or make statements, which could be used later to show that a fair investigation was not conducted. The supervisor should remain objective in determining the facts. The supervisor should make notes documenting what occurred in the interview.



### **Making The Investigation / Emergency Circumstances**

- A. Circumstances may occur where it is necessary to remove the employee from the work situation before final decisions can be reached on disciplinary action to be taken. This can include behavior that creates an immediate hazard to the employee, other employees, the public or the City.
- | B. The supervisor should immediately notify the Administrative Services Personnel Director concerning any proposed action to remove an employee from the job. Such removal from the job is subject to final approval by the City Manager in consultation with the City Attorney. Generally, even in instances involving immediate hazard to the employees or others, an employee removed from the job shall be placed on paid administrative leave pending completion of the investigation.

### **Making The Decision On Disciplinary Action**

The decision on whether or not to take disciplinary action, and the form of action, requires consideration of several factors. These factors include the following:

1. City and department policies, practices, and general standards of conduct applicable to the incident involved.
2. Uniformity and currency of past departmental disciplinary actions.
3. Reference to the Standards of Employee Conduct of this disciplinary policy.

### **Probationary Termination**

Although a pre-discipline procedure is not required for a probationary termination, it is advisable that such actions be documented. Department heads and supervisors should continue to use the probationary period as the working test period of fitness to perform the duties of the job and meet the standards of performance.

### **Available Disciplinary Actions**

- A. The meaning of disciplinary actions should be understood to include any action of management, which reinforces or shapes employee behavior in the direction management has determined is reasonable and necessary for realizing City goals. Under this definition, salary increases, promotion, praise, special privileges, as well as training, counseling, and punitive actions are part of the overall disciplinary system.
- B. Supervisors at all levels should avoid the negative label "disciplinary procedure" in favor of such terminology as "employee performance /conduct procedure" and

having that formalized procedure address itself to evaluation, recognition, rewards, in-service training and counseling, as well as adverse action procedure.

- C. Disciplinary actions may range from informal conversations to formal dismissal. An effective, reasonable system of disciplinary actions is founded on the premise that the actions are to be corrective rather than punitive, the actions are progressively more severe, and the actions fit the nature of the problem.
- D. A typical progressive sequence of disciplinary actions includes the following: counseling, oral warning, written notice of reprimand, suspension, and dismissal. However, a progressive sequence is not required where the conduct in question is sufficiently severe so as to warrant more serious disciplinary action in the first instance.

### **Counseling**

- A. Counseling, in a broad sense, includes any informal discussion with an employee designed to assist him/her to fully develop his/her skills and abilities. Usually, the immediate supervisor counsels the employee.
- B. The counseling discussion is intended to clarify standards, evaluate the employee's strengths and weaknesses, seek information or solve problems. When there is a discipline problem, counseling is usually the action taken to assist the employee in clarifying and remedying the problem.
- C. How the counseling interview is conducted, is of utmost importance. Ideally, counseling will resolve the problem early and avoid the need to escalate the punitive approach.

### **Oral Warning**

- A. An oral warning is a verbal notification to the employee stating the need for improvement in work performance or behavior and is generally used relative to minor infractions.
- B. In general, the following apply when an oral warning is given:
  - 1. The oral warning is given in private. It is conducted on a one-to-one basis between the supervisor and the employee.
  - 2. The supervisor should explain to the employee the City's and Department's standards and requirements, what is expected in the future, and the possible consequences if the behavior or performance is ~~not~~ not corrected. \_\_\_\_\_

3. The supervisor should prepare a personal reminder memorandum documenting the conversation. In some cases, a memorandum to the employee summarizing the discussion, including what was agreed, may be in order.
4. The written copy of the memorandum should not be placed in the employee file.

### **Written Notice Of Reprimand**

- A. A written notice of reprimand is a formal record stating the need for improvement in work performance or behavior, or the formal record of an interview with an employee who has been informed that more serious action will be taken unless there is immediate and sustained improvement in work performance or behavior.
- B. In general, the following apply when a written notice of reprimand is given:
  1. The written notice is prepared by the immediate supervisor (or higher authority) to the employee.
  2. The written notice should contain:
    - a. Reason(s) for the notice.
    - b. Reference to prior warnings, if any.
    - c. Statement of the City's and department's standards and requirements.
    - d. The means for improvement and the time limit for expected improvement.
    - e. A general indication of further discipline to be taken if the behavior or performance in question is not corrected.
    - f. A reasonable time limit in which an employee may respond either orally or in writing to the department head.
  3. The written notice must be approved and signed by the department head.
  4. The written notice is given to the employee in private.
  5. A copy of the written notice shall be forwarded to the City Manager and to the Personnel/Administrative Services Director.
  6. The written notice shall be placed in the employee's personnel file, but it will be expunged after three (3) years, provided there are no other disciplinary actions taken against the employee during that period.

### **Suspension**

- A. Suspension is time off from work without pay for serious violation of rule(s), misconduct or failure to improve in work performance or behavior. Suspension of

employees exempt from overtime payment under the Fair Labor Standards Act shall be undertaken in conformance with that Act to avoid loss of exempt status.

B. In general, the following apply when an employee is suspended:

1. A written notice of suspension is prepared by the department head to the employee.

2. The written notice should contain:

- a. Notice of the proposed suspension.
- b. Date(s) the suspension will be effective.
- c. Reference to prior warnings, if any.
- d. Reason(s) for the suspension, the specific grounds, and the particular facts upon which the action is taken.
- e. Notification of 10 calendar day time period in which an employee may respond either orally or in writing to the department head.

3. Suspension shall require the approval and signature of the City Manager via a memo from the department head recommending the suspension. Approval and signature by the City Manager shall be obtained as soon as possible, but in some instances may be after the suspension.

4. The employee must be provided with any written materials, reports and documents upon which the suspension is based.

5. The employee must be advised of his/her right to appeal through the appropriate procedure should the disciplinary action ultimately be imposed.

6. A copy of the written notice of suspension, together with all attachments, shall be forwarded to the City Manager and to the ~~Personnel~~Administrative Services Director.

7. The record of suspension shall be placed in the employee's personnel file, but it will be expunged after five (5) years, provided there are no other disciplinary actions taken against the employee during that period.

C. An emergency suspension may be accomplished when a serious violation has occurred and it is considered in the best interest of the City to suspend an employee immediately. However, written notice is still necessary in accordance with B1 and B2 above. Such emergency suspension should be undertaken in consultation with the City Attorney.

## **Dismissal**

- A. Dismissal is the permanent removal of an employee from employment.
- B. In general, the following apply when an employee is dismissed:
1. A written notice of intent to terminate is prepared by the department head to the employee.
  2. The written notice should contain:
    - a. Statement of the intent to terminate.
    - b. Date the dismissal will be effective.
    - c. Reference to prior warnings, if any.
    - d. Reason(s) for the dismissal, the specific grounds and the particular facts upon which the action is taken.
    - e. Notification of ten (10) calendar day time period in which an employee may respond either orally or in writing to the department head.
  3. Dismissal shall require the approval and signature of the City Manager via a memorandum from the department head recommending dismissal.
  4. The employee must be provided with any written materials, reports, and documents upon which the dismissal is based.
  5. The employee must be advised of his/her right to appeal through the appropriate procedure should the disciplinary action ultimately be imposed.
  6. A copy of the written notice of intent to terminate, together with all attachments, shall be provided to the City Manager and to the ~~Personnel~~Administrative Services Director.
- C. An employee who has received a notice of intent to terminate may elect to resign in lieu of dismissal; however, the City has the right to refuse the resignation. Furthermore, such resignation shall be considered a resignation not in good standing with disciplinary charges pending.

## **Appeal**

- A. Appeal of Disciplinary Actions: Any regular employee other than an at-will or contract employee who has been suspended, demoted, or dismissed for disciplinary reasons, may appeal the disciplinary action. In order to appeal the disciplinary action, the employee must file a written notice of appeal with the City Manager for a hearing within ten (10) working days after having been furnished with a copy of the notice of disciplinary action.

- B. Time of Hearing: The hearing on the employee's appeal shall be conducted within ninety (90) calendar days after the employee's filing of the written notice of appeal with the City Manager. This time limit may be extended by the City Manager for good cause and by agreement of the employee and the City Manager.
- C. Hearing Procedure: The following procedures shall govern hearings on appeals of disciplinary action:
1. The City Manager shall conduct the hearing. If the City Manager files the written statement to discipline an employee that works directly for the City Manager, the City Manager at his/her discretion may appoint a third party (deemed to be qualified by the City Manager) as the hearing officer for any disciplinary hearing.
  2. Hearings shall be conducted in the manner most conducive to determination of the truth, and the City Manager shall not be bound by technical rules of evidence. Decisions made shall not be invalidated by informality in the proceedings.
  3. The City Manager shall make arrangements to have the hearing transcribed or recorded to preserve the proceedings and testimony. The employee may obtain a copy of the transcript or recording upon request and upon payment of any copying or transcription charges incurred by the City.
  4. The City Manager shall determine the relevancy, weight and credibility of all testimony and evidence.
  5. The City Manager shall base his/her findings and decision on the preponderance of the evidence presented.
  6. The Department Head shall have the burden of proof. Each side will be permitted an opening statement and closing argument. The Department Head shall first present its witnesses and evidence to support the charges and disciplinary action. The employee shall then present his/her witnesses and evidence in defense. The Department Head may thereafter present witnesses and evidence in rebuttal.
  7. Each side will be allowed to examine and cross-examine witnesses. All witnesses shall testify under oath. The City Manager may question any witness.

8. Both the Department Head and the employee may be represented by a designee or by legal counsel. The City Manager may obtain the legal advice of the City Attorney in performing the function of the hearing officer.
  9. The City Manager is empowered to and, if requested by either side, subpoena witnesses and/or require the production of documents or other material evidence.
  10. The City Manager may, during a hearing, grant a continuance for any reason believed to be important to the reaching of a fair and proper decision.
  11. Within thirty (30) calendar days after the conclusion of the hearing, the City Manager shall prepare and serve on both sides a written decision setting forth the charges found to be sustained, and the reasons therefore, and the propriety of the disciplinary action imposed. If the City Manager finds in favor of the employee, all or part of any loss of the employee's full compensation may be ordered restored. The decision of the City Manager shall be final and conclusive for all purposes.
- D. Any legal action to challenge any decision of the City Manager must be filed in a court of competent jurisdiction no later than ninety (90) days following the date the City Manager's written decision becomes final as provided in California Code of Civil Procedure Section 1094.6.
- E. Notwithstanding anything to the contrary in this Handbook, employees who serve at the pleasure of their appointing authority are not entitled to advance notice of disciplinary action, or appeal of any such disciplinary action. These employees, who include the City Manager, contract employees appointed directly by the City Council, and ~~department at-will head~~Employees, serve at the will of the appointing authority and may be disciplined or dismissed with or without advance notice, and without right of appeal.

**CITY OF SOLVANG**

**ACKNOWLEDGEMENT OF RECEIPT OF EMPLOYEE HANDBOOK**

This is to acknowledge that I have received a copy of the City of Solvang Employee Handbook. The Handbook contains important information on the City's general personnel policies and on my privileges and obligations as an employee. I understand that I am required to read, understand and adhere to the policies set forth in the Handbook. If I have any questions regarding these policies or procedures, I should discuss them with my supervisor and/or the Human Resource Director.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_



# **CITY OF SOLVANG**

## **EMPLOYEE HANDBOOK** **OF PERSONNEL RULES & REGULATIONS**

*Last update: December 15, 2015*

**Represented union employees should also refer to the  
Memorandum of Understanding**

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We are glad to have you as a member of the "Solvang Team", as every employee is involved in providing the highest level of service to our residents and visitors!

The information in this handbook is designed to assist you in understanding the benefits and obligations, which accompany your employment with the City of Solvang. A thorough knowledge of the policies, rules, regulations and resolutions, which pertain to your job, is essential to your efficiency and career as a member of our team. We are glad to have you as a team member and trust you will find employment with the City of Solvang a satisfying and stimulating experience. As a City employee, your job exists to help provide essential services to the citizens of Solvang. In performing your work it is expected that you will provide courteous, efficient, responsible and impartial services.

Please understand that this Handbook can only highlight the City's policies and practices, and therefore cannot anticipate every situation or answer every question about your employment with the City.

We look forward to working with you as a member of the "Solvang Team" to ensure that our community is operated in an effective, safe and responsible fashion.

---

Jim Richardson, Mayor

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Brad Vidro, City Manager

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January 11, 2016

Date

## 1. INTRODUCTION

### History of Solvang

Solvang, founded in 1911 as a Danish Colony on a portion of the sprawling Rancho Carlos de Jonata, has developed into one of the principle tourist attractions of California. Located inland along the Central California Coast some 45 miles north of Santa Barbara, Solvang is living up to the expression "Denmark lives in Solvang" with the village of 5,363 representing a page from Hans Christian Andersen.

Solvang, meaning "Sunny Fields", was founded by a group of Danish educators from the Midwest who were in search of a site for a Danish-type folk school. They liked what they saw and envisioned the location of the potential town, nestled between the Santa Ynez and San Rafael mountain ranges, as an ideal place to launch the school and where settlers could earn a living tilling the rich soil.

Included among the first arrivals were not only farmers, but carpenters and other artisans as well, who set about constructing the first buildings, including homes, a hotel and folk school, and a two story frame structure on Alisal Road, which is now the site of the Bit O' Denmark restaurant. The realization of a folk school in the true sense of the word came in 1914 with the creation of Atterdag College on a hill on the north side of town. In addition to serving as a place of learning, Atterdag in earlier years served as the site for Lutheran Church services.

The role of Atterdag College declined in later years and in the spring of 1970 was torn down to make way for the Santa Ynez Recovery Residence, a convalescent facility, located adjacent to the Solvang Lutheran Home (Atterdag Village)

Although Solvang has developed into one of the major tourist meccas, its many Danish-American residents continue to perpetuate their Danish heritage. The emphasis on going "all Danish" with its architectural style in the downtown area was accelerated after World War II and the publication of a big photo-word spread on the town in the Saturday Evening Post.

Another indication of Solvang's Danish background is found by the array of artificial storks gracing the chimneys and rooflines of many of the Danish homes and commercial buildings. The people of Solvang, like those in Denmark, believe a stork on the roof will bring good luck.

Although it is frequented by thousands of visitors from all parts of the country, as well as from all over the world each year, Solvang has still managed to retain its charm and quaintness.

## **Solvang City Government**

The City of Solvang is a charter city with a Council/Manager form of government. Under this form of government, the City Council is the policy making body and the City Manager is responsible for carrying out Council policy.

The City Council consists of five members elected from the City at large. The Council members serve four-year staggered terms; municipal elections are held in November of each even numbered year. The Mayor is elected by the Council for a two-year term and serves as presiding officer during all public meetings. The duties of the City Council include appointing a City Manager, City Attorney, and members of City Boards, Committees, and Commissions; adopting the budget; enacting legislation and establishing basic policy for the City.

The City Council meets the second and fourth Mondays of each month at 6:30 p.m. in the Board Room of the Solvang Municipal Center, 1644 Oak Street.

### **Handbook Revisions**

Please understand that this Handbook can only highlight the City's policies and practices, and therefore cannot anticipate every situation or answer every question about your employment with the City. In addition, employees covered by a memorandum of understanding (MOU) between the City and the applicable employee representative should consult the MOU for further information on terms, conditions and benefits of employment.

## **2. YOUR EMPLOYMENT WITH THE CITY**

### **Equal Opportunity**

It is the policy of the City of Solvang to ensure equal opportunity to all individuals, without discrimination because of race, color, ancestry, national origin, religious belief, physical or mental disability, medical condition (genetic or cancer-related), marital status, sex, sexual orientation or age, or because of any other basis protected under applicable anti-discrimination statutes.

### **Employee Classifications**

Employee benefits, overtime rights, and/or disciplinary actions applicable to certain City employees may vary depending upon their particular classification. The following is a summary of the different types of employee classifications utilized by the City.

**Probationary Employees.** Employees who have not yet completed their probationary period.

**Regular Full-Time Employees.** Employees who have completed their probationary period and who are regularly scheduled to work forty (40) hours or more per week (unless approved by the City Manager).

**Regular Part-Time Employees.** Employees who have completed their probationary period and who are regularly scheduled to work less than forty (40) hours per week.

**Contract Employees.** The City Manager and other employees appointed directly by the City Council pursuant to a contract which specifically provides that the employee can be released by the City at any time with or without cause.

**At-will Employees.** Employees appointed directly by the City Manager who serve at the pleasure of the City Manager and who can be released by the City at any time with or without cause, without right of appeal. Department heads are considered at-will employees.

**Exempt Employees.** Administrative, professional and executive employees who are exempt from the overtime/compensatory time off provisions of the Federal Fair Labor Standards Act.

**Non-Exempt Employees.** Employees who are covered by the overtime/compensatory time off provisions of the Federal Fair Labor Standards Act.

## **Work Standards**

It is expected that all employees of the City will render the finest service and will reflect credit on the City of Solvang, and therefore the highest standards of personal and professional conduct are expected. Any improper action by an employee adversely reflects upon the City and your fellow workers and may seriously affect continued employment with the City. If you are unable to resolve a situation, you should turn the matter over to your supervisor **as** quickly as possible. Accordingly, the following general policies have been formulated:

- To employ people best qualified to do the job.
- To encourage self-training, to be better prepared and to become eligible for promotion.
- To treat all employees fairly and free from bias and discrimination.

- To provide working conditions and equipment which result in effective performance of duties.
- To organize working schedules to coordinate working hours for employees.
- When opportunities for promotion become available, first consideration will be given to current regular employees, taking into account employment stability, organizational loyalty and qualifications.

## **Probationary Period**

Every individual hired to fill a regular City position, other than the City Manager, at-will employees, and other contract employees appointed directly by the City Council, is given a conditional appointment and must serve an initial probationary period of at least six months. Employees hired into Water and Sewer Operator positions requiring State Certification shall remain on probation until they receive their required State Certification, but in no event less than six months. The City reserves the right to extend any employee's probationary period in order to allow further time to evaluate the employee and to allow the employee to demonstrate successful job performance. The City Manager and other contract employees appointed directly by the City Council serve at the pleasure of the City Council, and accordingly do not serve a probationary period, but instead may be released by the City Council at any time, with or without cause and without right of appeal. Department heads and other at-will employees appointed directly by the City Manager serve at the pleasure of the City Manager, and accordingly do not serve a probationary period, but instead may be released by the City Manager at any time, with or without cause and without right of appeal.

An employee's probationary period serves two functions:

- To extend the selection process: enabling your supervisor and department head to determine if you are able to perform the duties and responsibilities of the job satisfactorily. At the same time, during the probationary period, you may be terminated from City employment at any time, with or without notice, with or without cause, and without right of appeal or hearing.
- To give you a firsthand look at your job: this is the time for you to decide if the job, the career opportunity and the City's work and environment meet your needs and expectations.

## **Confidentiality**

Each employee is responsible for safeguarding confidential information obtained in connection with his or her employment. In the course of your work, you may have access to confidential information regarding the City, its citizens, or perhaps even fellow employees. It is your responsibility to in no way reveal or divulge any such information

unless it is necessary for you to do so in the performance of your duties. Access to confidential information should be on a "need-to-know" basis and must be authorized by your supervisor. Any breach of this policy will not be tolerated and disciplinary action and/or termination may be taken by the City.

### **Pre-Employment Physical**

Applicants for safety-sensitive positions or positions requiring the use of potentially dangerous equipment may be required to complete a drug screening prior to a job offer, and all applicants will be required to complete a health screening before employment, but after a job offer, with a City appointed physician at the expense of the City.

### **Anti-Nepotism Policy**

While it is not the intention of the City of Solvang to unduly interfere with the personal lives of its employees outside of working hours, it is the policy of the City of Solvang to avoid personal conflicts within the workplace to the maximum extent possible. For the purposes of this policy, "immediate family" includes the employee's parent, child, spouse, brother, sister, in-laws and step-relationships. For the purpose of this policy, "close personal relationship" shall be defined to mean an intimate relationship between two persons similar in nature to boyfriend-girlfriend, husband-wife, or other similar relationship such as unmarried-co-habitants.

- A. No applicant for employment with the City of Solvang shall be considered for employment when a member of the applicant's immediate family, or a person with whom the applicant has a close personal relationship, either by rule or by practice, regularly nominates, recommends, or screens for the purposes of employment.
- B. No employee shall be employed in a position supervised by a member of his/her immediate family or by a person with whom the employee has a close personal relationship.
- C. No employee shall be employed in a position in the same department where a member of the employee's immediate family or a person with whom the employee has a close personal relationship is presently employed, whether or not that person stands in a supervisory relationship with the employee.
- D. If two employees of the City of Solvang marry, they may continue their employment if it does not adversely affect City operations. In the event the relationship between two married employees adversely affects the operations, either employee may be offered a transfer to an open position, if any exists, where the relationship does not adversely affect operations. In the event neither accepts such a transfer or no open position exists, one of the employees may be offered the option of resigning or being terminated. The City Manager may elect

which employee shall be terminated, taking into account the impact of the absence of the employee on City operations.

- E. The City Manager has the sole authority to determine the effect on operations of the continued employment of two employees who marry or who enter into a close personal relationship. Notwithstanding the foregoing sentence, the decision of the City Manager to terminate an employee as a result of the adverse effect on City operations shall be subject to grievance in conformity with the City's personnel rules.

**3. PAYROLL PRACTICES AND WORK SCHEDULES**

**Pay and Benefits**

All regular employees of the City will be paid on the Friday following the end of each pay period. The following items/benefits may be deducted from Gross Pay:

Federal Withholding	Deferred Comp (457)
State Withholding	Life Insurance
OASDI (Social Security)	Credit Union
State Disability (SDI)	Accident/Disability/Other Insurance
Health/Dental/Vision Insurance	

Public Employees' Retirement System (PERS) - The City of Solvang pays the employee contribution, (mandatory eight percent (8%)) of your gross salary (less modification for OASDI) each month for PERS "Classic Members". "Classic Members" also contribute towards the "Employer Contribution" per the MOU, up to 50% of the Normal Cost. Employees hired after January 1, 2013 are considered "New" members and will fall under the PEPRA retirement regulations and will be required to pay the employee contribution.

**Health & Welfare Benefits**

Full-time regular employees not covered by an MOU are entitled to such health and welfare benefits as are established by City Council resolution from time to time.

If a full-time regular employee is working a reduced schedule or is otherwise on a leave without pay, Vacation and Sick Leave will be accrued proportionately to the actual percentage of time worked (including vacation, sick leave, jury duty, etc.) in the pay period.

Unless otherwise required by law, if for some reason an employee works a reduced schedule, or is on a leave without pay, the City will prorate the Housing and Cafeteria benefits according to the number of days worked in a pay period.

If the employee is not working due to a work-related injury, the City will prorate the Housing and Cafeteria benefits by deducting the amount already included as part of their disability payment from Workers' Compensation. The total of the City portion and the payment from Workers' Compensation will equal the employee's normal total benefit amounts.

## **Paydays**

If you are not utilizing Direct Deposit to receive your pay, the Administrative Services Director or designee will issue your check/stub only to you. Exceptions to this policy must be requested in writing, signed by you, and presented to the Administrative Services Director or designee by the person you have authorized to receive your check.

## **Reimbursement of Expenses**

The following are the basic guidelines for reimbursement, which may be changed as circumstances warrant: (See Training Policy)

- To qualify for financial reimbursement from the City, all meetings, conferences, college courses and workshops need to be preauthorized by the department supervisor and City Manager. A form for estimated costs and approvals is available on the City Server.
- Documentation of all charges will be required (receipts required).
- Registration and material costs will be reimbursed for college courses with proof of course completion and with a passing grade if applicable.
- Except as authorized by a Department Head or the City Manager, a City vehicle shall be used to travel for authorized City related business. If a City vehicle is not available, and you take your own vehicle, the following rules apply:
  1. If an employee uses their personal vehicle in compliance with the City's vehicle use policy the City will reimburse the employee for mileage at the current rate established by the Internal Revenue Service. An employee must annually (by December 31<sup>st</sup>) provide a copy of their current insurance showing liability coverage to Human Resources.
  2. All Department Heads may use their own vehicle and the City will reimburse the employee for mileage at the current rate established by the Internal Revenue Service.
  3. Such reimbursement shall be deemed to cover all expenses associated with the employee's use of the employee's vehicle. This includes, but is

not limited to, gasoline, oil, maintenance, wear and tear, depreciation and insurance.

- Hotel/Motel: the City will pay actual cost for a single room rate.
- Meals will be reimbursed at \$45.00 per day for three consecutive meals away from home with receipts, or may be reimbursed at the current IRS per diem rate.

### **Natural Disaster**

In case of a natural disaster or emergency, all employees are encouraged to contact City Hall if possible, or when possible. Your immediate and coordinated actions may well determine the seriousness of the emergency and could result in the saving of life and property.

### **Time Sheets**

All employees must complete and submit a timesheet that accurately reflects hours worked and time taken off for each biweekly pay period using the online electronic timesheet. Completed timesheets are to be submitted to the employee's direct supervisor or department head, for verification and approval. A time clock system may be substituted at any time.

All timesheets reflecting overtime (for non-exempt employees) and/or time off for vacation, sick leave, etc., must have the appropriate overtime and/or time off requests. Time off requests must be submitted electronically by the employee and approved by the employee's direct supervisor and/or department head.

Time sheets are to be submitted as soon after 8:00 a.m. as possible, but no later than 10:00 a.m. on the first work day following the end of the pay period. Department Heads are responsible for ensuring that all of their employees have submitted their time for approval. Department Heads are also responsible for ensuring the timesheets are complete prior to approval. If that is not possible due to time constraints, it is the responsibility of the Department Head to contact his/her employee regarding questions or inconsistencies on the timesheet and, if necessary, to have the employee report to the payroll department.

### **Exempt Employees**

Exempt employees are paid a fixed salary that is intended to cover all hours worked in a specified work period. Because they are exempt, such employees are not entitled to paid overtime compensation.

## **Administrative Leave**

Exempt employees are entitled to eighty (80) hours administrative leave per year. This leave may not be carried forward at the end of each calendar year and cannot be cashed out. Administrative Leave will not accrue until the employee has completed six (6) months of employment, and will be prorated to the end of the calendar year.

## **Personal Changes**

It is important that employees promptly notify the City Human Resources office of any changes in address, telephone number, marital status, and number of dependents.

## **Personnel Records**

All personnel records will be maintained in the City Human Resources office and will remain confidential. An employee's departmental personnel file is confidential but will be available to the employee, employee's supervisor, or department head for inspection upon request.

## **Department of Motor Vehicles - Pull Notice Program**

When an employee is hired, the City Human Resources department will request a "Pull Notice" from the Department of Motor Vehicles. If any changes are made to your driving status, an updated Pull Notice is automatically sent to the City. You should report immediately to the Administrative Services Director if your driver's license is taken away from you, or your driving status has changed in any way. Your employment with the City may be affected by your Pull Notice.

## **4. COMPENSATION**

### **Rates of Pay**

Each employee is paid a rate of pay within the salary range for the position in which employed as set forth in the Salary Range Schedule adopted from time to time by the City Council.

### **Entrance Salary**

An employee is appointed at the minimum rate for the position, except when the department head believes it is necessary to make an appointment above the minimum rate. In reviewing such requests, consideration will be given to the candidate's qualifications and salary history, the availability of other qualified candidates, and the resulting salary relationships with similar positions. All hires must be approved by the City Manager.

If the employee starts in the middle of a pay period, the employee will not be covered by health and welfare benefits until the first day of the following month. Starting with the next pay period, the employee will be paid according to the adopted range schedule and will start benefits on that day, provided the employee is otherwise eligible for benefits.

### **Severance Pay**

Exempt employees may receive severance pay upon layoff. One week's salary, or the equivalent of forty (40) hours pay, shall be given for each year of service, with the minimum of two (2) weeks (80 hours), and a maximum of six (6) weeks (240) hours.

### **Merit Salary Adjustments**

Employees may receive merit salary adjustments within the salary range applicable to their position as set forth in the Employee Salary Range Schedule. The purpose of the merit salary increase is to recognize individual employee performance. Salary increases by reason of advancement in salary step shall not be automatic and are at the sole discretion of the City.

### **Movement to a Higher Position**

An employee who is promoted to a position with a higher salary range shall be placed at the lowest rate of the range for the new position which provides the employee at least a five (5%) percent salary increase, except where a five percent increase would place the employee above the top rate of the range for the new position. A new salary anniversary date will be assigned effective on the date of promotion.

### **Movement to a Lower Position**

An employee who is demoted may be placed at any rate in the range for the lower position, which is equal to or less than that which the employee was receiving in the higher position and which is appropriate for the employee's level of performance. Employees who are demoted shall receive a new salary anniversary date (the effective date of the demotion).

### **Transfer**

An inter-departmental transfer may be approved after agreement of both department heads involved in the change and the City Manager. When an employee is transferred from one position to another in the same range, the employee's pay and anniversary date shall remain unchanged. In the event that the employee's position has been filled by a bargaining unit employee with less bargaining unit seniority, the probationary employee shall have bumping privileges back into their original position.

## **Filling a Temporary Vacancy**

When a position is temporarily unfilled, either due to vacancy or a leave of absence by the incumbent, another employee may be temporarily appointed by the Department Head to perform the duties of that position. Once the employee has served in the temporary position in excess of 14 calendar days, the employee shall retroactively to the date of appointment receive a temporary salary that will be calculated using the current salary range for the unfilled position such that the temporary increase in salary shall be not less than 5% greater than the employee's existing salary. The City may implement the pay increase prior to 14 calendar days service at its option.

## **5. EMPLOYEE BENEFITS**

Employee benefits are provided either in a separate memorandum of understanding between the City and a recognized representation unit organization, or in a resolution of the City Council for unrepresented employees.

### **Paid Time-off Donations**

While it is each employee's responsibility to accumulate leave time and use it wisely, occasionally a City employee (or an immediate family member) may experience an illness or injury that causes the employee to take an extended leave of absence from the workplace. During such periods, an employee may face severe financial hardship because he/she has exhausted all his/her accumulated leave time. Without assistance, the employee would be required to take leave without pay or terminate employment.

Over the years, however, City employees have asked if they may donate certain benefits provided to them by the City to assist individuals who find themselves caught in such situations. In an effort to provide a consistent policy and establish eligibility guidelines, the City has established a Paid Time-off Donation Policy to collect and distribute paid time off to eligible employees. There is no guarantee of the availability of paid time off leave donations implied in this policy. This policy is not an entitlement to extra leave during serious illness, nor is it a formal supplement to current employee leave benefits as defined in the relevant memoranda of understanding. It is, rather, a consistent set of procedures that shall be applied equally to eligible individuals.

### ***Procedures***

Employees may give and receive paid time off in accordance with the following policy.

#### **A. Eligibility: Donors**

1. All full-time, regular employees who have successfully completed their probationary period may donate vacation time and compensatory time off to an employee who is on an extended leave of absence due to an illness or

- injury of the employee, or of the employee's child, spouse or parent. Sick leave may not be donated.
2. There is no limit to the amount of vacation or compensatory time off that can be donated to another employee. However, donors shall maintain a balance of accumulated vacation leave of at least 80 hours.
  3. Donations of paid time off, once made, are irrevocable. Donated leave time will not be returned to donating employees.
  4. All leave time donations shall be deemed confidential and shall not be disclosed except upon approval of the donating employee or as required by law. Donations are entirely voluntary, and no employee shall be required to donate paid time off to another employee.

B. Eligibility: Recipients

1. All regular City employees who experience illness or injury resulting in absence from work in excess of accumulated paid time off may accept and use donated leave time with the approval of the City Manager. For purposes of this policy, the only illness or injuries for which donated leave time may be granted which are those that are serious, debilitating and will cause severe financial hardship because all of an individual's accumulated paid time off has been exhausted. An illness or injury to an employee's child, spouse or parent that results in the employee being required to take time off work for an extended period of time to care for the family member is also a proper basis for accepting donated leave time.
2. Employees are eligible to receive donated time off as follows:
  - a. Employees must have successfully completed their initial probationary period to be eligible for donations from other employees.
  - b. All forms of available accumulated leave must be exhausted (CTO, Sick Leave, Administrative Leave, Vacation) prior to the acceptance of donated leave time.
  - c. The anticipated duration of the leave for which donated leave time benefits are being requested must be not less than one week.
  - d. Depending on the availability of accumulated leave donated by other employees, the employee will be eligible to receive donated leave benefits for a maximum of 30 work days after the date on which all other accumulated leave is exhausted; donated leave benefits for an additional 30 work days may be requested by an employee, and will be evaluated and granted on a case-by-case basis at the sole discretion of the City Manager.
  - e. Written verification of the long term nature of the injury or illness, including the expected recovery period, must be obtained from the treating physician and submitted with all requests for donated leave time.

- f. Eligibility for use of donated leave time will depend, in part, on the determination by the City Manager that the requesting employee has not irresponsibly or unwisely failed to accumulate leave or has not otherwise improperly used or abused his/her other paid time off. Eligibility for use of donated leave time is at the sole discretion of the City Manager, and notwithstanding any other provision of these Rules, the determination shall neither be subject to appeal or to the grievance procedures set forth elsewhere in these Rules.

An employee using donated time off will be considered to be on an unpaid leave of absence, as he/she will be utilizing leave benefits that have been donated and not earned. Upon the employee's return to work, an effort will be made to return the employee to the same position from which the employee took leave; however, unless otherwise required by applicable law, the City shall not guarantee reinstatement to the same or a comparable position upon return from the leave. The City will continue to pay the City's share of any applicable paid benefit costs during a leave to which donated leave time is applied. For purposes of PERS service credit and length of service only, donated leave time will be considered time worked.

C. Donated time procedures:

1. All donated leave time shall be transferred from the donor on a value basis. In other words, the number of hours donated shall be multiplied by the employee's equivalent hourly rate, which is determined by multiplying the employee's monthly compensation, as set forth in the salary classification schedule by 12, then dividing that number by 2080. For example, an employee with a monthly salary of \$2000 would have an equivalent hourly rate of \$11.54 ( $\$2000 \times 12$  divided by 2080). An employee with a monthly salary of \$2000, who wishes to donate 10 hours of paid time-off, would donate the equivalent of \$115.38 to the recipient employee. For the recipient, donated leave time shall be credited at the recipient employee's equivalent hourly rate each pay period, up to the equivalent of the employee's regularly scheduled work hours, and shall be subject to the recipient's normal payroll deductions. In no case shall an employee be permitted to receive or use more donated time during a pay period than the employee would otherwise be entitled to use if the recipient employee had his/her own remaining paid time off available.
2. When the use of donated time off is approved for an employee, time will be drawn from the amount of donated time as needed to maintain the employee at the equivalent of the employee's regular number of hours of employment during each pay period. No advance lump sum cash payment for donated leave shall be permitted.

3. While an employee is using donated leave time, no sick leave or vacation will accrue. In no event will an employee receive more than her/his regular full salary through use of donated time off.
- D. Nothing in this policy shall be construed to modify the employment relationship between the City and the receiving employee, or to restrict the City's management rights. Neither shall this policy modify existing City rules, policies or agreements regarding accrual of paid leave, or the granting of unpaid leave of absence.

## **Injury**

Any employee of the City who incurs a work related injury requiring immediate medical attention must report to their immediate supervisor who will make arrangements to transport the injured to the hospital emergency room or the employee's personal physician (if previously designated and on file). If the injury does not require immediate attention, it shall be reported to the immediate supervisor and appropriate arrangements made for medical attention. An appropriate injury report must be completed.

## **Worker's Compensation**

All City employees are covered under the Worker's Compensation Insurance and Safety Act (the "Act"). If an employee suffers an injury in the course and scope of employment, the employee may use any accrued sick or vacation time as necessary so that the sum of workers' compensation payments and accrued sick/vacation pay will equal straight time pay for the employee's regularly scheduled working hours.

The City will pay for the employee's health/dental/vision/life premiums for up to twelve weeks consistent with the Family Medical Leave Act and California Family Rights Act. The employee is responsible for the premiums for their dependents. The City will advance the payment for the premium and the employee will be billed biweekly for the premium cost. If the premiums are not paid within 14 days by the employee, the City will deduct the amount of the premium from the employee's next check if funds are available. If the premiums are not paid within 30 days by the employee, the City may drop coverage for the employee. The City will provide written notice to the employee that the payment has not been received and allow at least 15 days after the date of the letter before coverage stops. In the event the employee does not return to work, and does not pay the premiums, the City reserves the right to recover the cost of any premiums advanced for the employee.

## **6. JOB PERFORMANCE**

### **Performance Evaluations**

The Performance Evaluation is an extremely important tool for both the employee and the City in reviewing strengths and weaknesses of an individual. It is important that this appraisal be used fairly and frankly. The appraisal shall not be used as either a reward or a punishment. All employee evaluations shall be reviewed by the Department Head **and** the City Manager, **prior** to reviewing it with the employee. This is intended to develop consistent comments, requirements for improvement, and appropriate timelines for follow-up to assess the employee's degree of improvement, if necessary.

Employees deserve and have a right to discuss their performance evaluation with their reviewer and to make comments if they believe that comments or ratings need to be clarified. Equally, performance reviewers deserve and have a right to expect that employees perform their duties in a professional manner consistent with their duties and training. It is a disservice to the employer as well as the employee to treat this process lightly, or to simply grade an employee for the sake of expediency or to avoid conflict. In order to ensure that employee performance is appropriately related to salary step placement and to maintain a dialogue between employee and immediate supervisor, periodic evaluation of employee performance is made. An evaluation by the appropriate supervisor takes place upon completion of the probation period. You will receive a written evaluation based on your job performance. After the probationary period, evaluations occur annually on your anniversary date (start date). Salary step increases (merit increases) within the Salary Range Schedule are normally considered at the end of each successful year of performance.

### **Attendance and Absences**

One of the most basic indicators of employee performance is regular attendance. Employees must report to work on time. If you cannot come to work or will be more than a few minutes late, you must let your supervisor know of your expected late arrival as soon as practical.

An absence is a failure to report to work as scheduled, other than in situations involving vacations, personal holidays, sick leave, bereavement leave, jury duty, witness duty, or other approved leaves of absence, as provided in this Handbook. If you are sick or injured and cannot come to work, the City needs your cooperation to properly cover your job. Therefore, you are expected to call your supervisor, and tell him/her you will be absent and when you will return to work. If you do not know your return date, you must call your supervisor each day within one (1) hour of the beginning of your regularly scheduled arrival. If you know in advance you are going to be absent, you must schedule the absence with your supervisor at least one (1) week in advance.

Excessive absences and failures to report absences on time will result in disciplinary action, up to and including dismissal. Absences are considered to be excessive, even if

authorized, if they occur frequently, or if they show a pattern. Absences immediately before or after holidays and weekends are suspect. Frequent absences for minor complaints such as headaches or stomachaches, or similar ailments are also suspect. An employee absent without approved leave for three consecutive workdays will be deemed to have voluntarily resigned employment as of the date of the third day of unapproved absence.

## **Tardiness**

Employees must arrive at their job locations and be ready to start work at the beginning of their assigned workday. Employees should be ready to resume work on time after authorized rests and meal periods.

Traffic or weather conditions may cause you to be late once in a while. If this happens, notify your supervisor that you will be late and when you will be able to report for work. However, you should understand that employees are expected to plan for traffic and weather problems, and to allow for extra time to commute to work, if necessary.

Repeated or excessive tardiness will lead to disciplinary action, up to and including dismissal. Tardiness is considered to be excessive if an employee is frequently or unnecessarily late, or if he/she demonstrates a pattern of tardiness.

## **7. CITY RULES AND DISCIPLINARY ACTION**

### **Grievance Procedures**

The purpose of the Grievance Procedure is to: Afford employees other than at-will employees a systematic means of obtaining consideration of concerns or problems; provide that grievances are settled as near as possible to the point of origin; provide that grievances are conducted as informally as possible. At-will employees are not entitled to pursue grievances through this procedure, but they are encouraged to resolve any concerns or problems directly with the City Manager. The grievant is the employee filing the grievance. An employee may choose to be represented at any stage of the grievance procedure by his/her recognized employee organization, or other representative. Grievances must be filed within thirty (30) days of the incident, giving rise to the grievance, or the grievance is deemed waived and the employee shall have no further right to pursue the grievance. Notwithstanding the foregoing provisions, in the event a grievance procedure is set forth in an MOU for a representation unit covering a particular employee's position, the grievance procedure in the MOU shall supersede this grievance procedure.

## **Matters Subject To Grievance**

All alleged violation of these rules and regulations, any alleged improper treatment of an employee, or any decision affecting an employee's terms and conditions of employment is considered to be a matter subject to review through the grievance procedure.

## **Matters Not Subject To Grievance**

A decision may be made at any step in the grievance procedure that the matter involved is a management right, and is not grievable. Such decision is not subject to the grievance procedure. Matters which may not be grieved, include but are not limited to disciplinary action, compensation, work methods, equipment, hours of work, services provided, staffing levels and allocation to classifications.

## **Procedure**

**Step One** - An attempt must be made to resolve all grievances on an informal basis between the employee and the immediate supervisor. It is the responsibility of the employee to initiate this process within thirty (30) days of the date when the action or incident became known, or, reasonably could be expected to have become known to the employee.

**Step Two** - If the grievance is not satisfactorily resolved on an informal basis, the employee shall submit the grievance in writing to his/her immediate supervisor within ten (10) working days after the informal decision of the immediate supervisor, if any. The supervisor shall respond in writing to the employee within ten (10) working days after receiving the written grievance.

**Step Three** - If the grievance is not satisfactorily resolved at the second step, the employee may present his/her grievance to the department head within ten (10) working days after receipt of the written decision of his/her supervisor. In the event the supervisor issues no written decision as required in the second step, the employee may present the grievance to the department head within ten (10) working days after the last date on which the supervisor's response would have been due. The department head receiving the grievance shall render a decision, in writing, and return it to the employee within ten (10) working days after receiving the grievance.

**Step Four** - If the grievance is not satisfactorily resolved at the third step, the employee may submit the grievance in writing to the City Manager within ten (10) working days after receipt of the written decision of the department head. In the event the department head issues no written decision as required in the third step, the employee may present the grievance to the City Manager within ten (10) working days after the last date on which the department head's response would have been due.

## Conduct of Grievance Procedure

**Time Limits** - Time limits specified above may be extended to a definite date by mutual agreement of the employee and the reviewer concerned. However, the time requirements are mandatory unless otherwise agreed to by the parties in specific cases, and there is no obligation by either party to agree to such extensions.

**Use Of Work Time** - The employee may use a reasonable amount of work time in pursuing the grievance, as determined by the appropriate department head or supervisor. If other employees are asked by the grievant to use work time for participating in the grievance process, the other employee's time must be authorized by the City Manager.

**No Reprisal** – All employees are assured of freedom from reprisal, harassment or dismissal for using the grievance procedure.

**Forms** - All grievances shall be filed on forms approved by the City Manager or designee after consultation with employee representatives and department heads.

**Final Decision** - The decision of the City Manager on a grievance shall be final and binding.

## Harassment

It is the policy of the City of Solvang to treat its employees with respect and dignity, and to provide a working environment free of unlawful discrimination and harassment. The City therefore prohibits all forms of unlawful harassment in the work place. This policy applies to all employees, supervisors and agents and all non employees who have contact with employees during working hours.

An employee who has been found, after an investigation, to have unlawfully harassed another employee shall be subject to disciplinary action up to and including dismissal.

Any agent or non-employee who has been found to have unlawfully harassed a City employee will be subject to appropriate sanctions.

Legal Definition of Sexual Harassment. Sexual harassment is unlawful harassment, and it is a form of sex discrimination. It is also an "unlawful employment practice" under Title VII of the 1964 Civil Rights Act. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct constitute sexual harassment when:

- A. They are part of a manager or supervisor's decision to hire or fire.
- B. They are used to make other employment decisions such as pay, promotion, or job assignment. They are part of a manager or supervisor's decision to hire or fire.
- C. They interfere with the employee's work performance.
- D. They create an intimidating, hostile, or offensive work environment.

Behavior That Can Constitute Sexual Harassment. Sexual harassment is defined as deliberate or repeated behavior of a sexual nature, which is unwelcome. It can include verbal behavior such as unwanted sexual comments, suggestions, jokes, or pressure for sexual favors; nonverbal behavior such as suggestive looks or leering; and physical behavior such as pats or squeezes, or repeatedly brushing against someone's body. Some specific examples of inappropriate or illegal behavior include:

- A. Negative or offensive comments, jokes, or suggestions about another employee's gender or sexuality.
- B. Obscene or lewd sexual comments, jokes, suggestions, or innuendoes.
- C. Slang, names, or labels, such as "honey," "sweetie," "boy," "girl," that others find offensive.
- D. Talking about or calling attention to an employee's body or sexual characteristics in a negative or embarrassing way.
- E. Laughing at, ignoring, or not taking seriously an employee who experiences sexual harassment.
- F. Blaming the victims of sexual harassment for causing the problems.
- G. Continuing certain sexual behavior after a co-worker has objected to that behavior.
- H. Displaying nude or sexual pictures, cartoons, or calendars on City property or in City vehicles.

Responsibility. The City Manager shall be responsible for enforcement of the unlawful harassment policy and shall be responsible for ensuring that all complaints of unlawful harassment are investigated thoroughly and are responded to in a timely fashion, including the presentation of recommendations for any necessary action to the City Manager. A determination regarding the complaint will be made at the conclusion of the investigation and the complaining individual will be advised of the determination. If the City concludes that unlawful harassment occurred, the City shall take effective action to stop any further harassment, discipline the harasser and attempt to remedy the effects of the harassment. Discipline imposed on a harasser may include dismissal. Disciplinary action will be commensurate with the severity of the offense. Individuals who make a harassment complaint or participate in a harassment investigation will not be subject to retaliation for doing so.

The department heads and supervisors shall be responsible for informing employees of the City Policy on unlawful harassment, and for taking all steps necessary to set a positive example and to prevent unlawful harassment from occurring.

#### Complaint Resolution Process.

Informal Pre-Grievance Process. An employee who has been harassed on the job must inform the employer, its agents or supervisors of the harassment. To accommodate the unique nature of the harassment complaints, a pre-grievance process is provided for the primary purpose of resolving complaints at the earliest possible date. Elements of this process are:

1. The employee who believes he or she has been the subject of unlawful harassment shall report the incident(s) in writing to the immediate supervisor, the department head or the City Manager within 72 hours of any such occurrence.
2. The City Manager shall be available to receive harassment complaints and to:
  - a. Counsel the victimized employee and outline the options available;
  - b. Assist in or conduct the investigation, interview the accused, witnesses and supervisors as appropriate, and recommend disposition of the complaint to the department head, or take steps personally to dispose of the complaint.
3. At the request of the City Manager, the department head shall assist in the investigation of the complaint, review factual information collected to determine whether the alleged conduct constitutes harassment, giving consideration to the record as a whole and the totality of circumstances including the nature of the verbal, physical, visual or sexual favor aspect of the harassment and the context in which the alleged incidents occurred, and initiate and/or recommend appropriate action.
4. Confidentiality. Every effort will be made to protect the privacy of parties involved in a complaint.

Formal Grievance Process. Administrative Hearing – Any employee affected by the resolution of the complaint in the informal pre-grievance process may request an administrative hearing before the City Manager (or the City Council if the complaint involves the City Manager). This formal grievance process shall be initiated by filing a written request with the City Manager (or City Council if the complaint involves the City Manager) within 10 days after disposition of the complaint in the informal pre-grievance process. As permitted by law, the administrative hearing shall be held in private, unless the employee requesting the administrative hearing submits a written request for a public hearing.

However, if the City Manager determines that a public hearing is likely to adversely affect the rights of other City personnel, then at the City Manager's discretion, the hearing will remain closed.

Extension of Time Requirements. If the employee fails to initiate either the informal pre-grievance process or the formal grievance process within the applicable time limits, the City Manager may permit extension of the filing deadlines. It should be reemphasized that the City wishes to know of any complaint alleging harassment as soon as possible and in any event within 72 hours of its occurrence.

Waiver of Informal Step. Preliminary informal steps to resolve a grievance may, depending on circumstances of the complaint, be waived by the City Manager and the formal grievance initiated at an appropriate higher step in the grievance procedure.

Policy Implementation. Each department Head is responsible for ensuring that the work environment in their department is free of unlawful harassment by:

- Setting a positive example of behavior appropriate to the work place;
- Having supervisors inform their employees of the City policy and complaint resolution procedure;
- Requiring supervisors to report instances of unlawful harassment to their respective supervisors and/or the City Manager.

Enforcement of Laws Against Harassment. Employees or job applicants who believe they have been unlawfully harassed may, within one year of the act of harassment, file a complaint of discrimination with the department of Fair Employment and Housing ("DFEH). The DFEH serves as a fact-finder and attempts to help employers and employees to voluntarily resolve unlawful harassment disputes.

If the DFEH finds evidence of illegal harassment, it may file a formal accusation against the employer and the alleged harasser. The accusation will lead to either a public hearing before the Fair Employment and Housing Commission or a lawsuit filed on the complainant's behalf by the DFEH.

Remedies for Harassment. If the FEHC finds that unlawful harassment occurred, it can order remedies, including fines or damages for emotional distress from each employer or harasser found to be at fault. The FEHC may also order hiring or reinstatement, back pay and benefits, promotions, and changes in the policies or practices of an employer. A court may order damages of any amount.

Victims of harassment may be entitled to damages even though they have not been denied an employment opportunity, pay or benefits. If unlawful harassment occurs, the City may be liable for the conduct of its managers, supervisors, employees and non-employees. Harassers and management representatives who condone or ratify unlawful harassment may be held personally liable for their misconduct.

Additional Information. For more information regarding employee rights and remedies regarding unlawful harassment, contact the State of California Department of Fair Employment and Housing. The location of the nearest DFEH office can be obtained by calling (800) 884-1684 or (800) 700-2320 (TTY).

## **Gifts and Gratuities**

Except as set forth in this section, all City employees are prohibited from accepting gifts, gratuities or special favors from any person or firm doing business with the City. If there is any uncertainty, the employee should receive prior approval from the City Manager. In recognition of the subjective nature of this determination, the first violation will result in a verbal and not a written warning. City employees may accept the following:

- a) Consumable, non-alcoholic gifts, such as boxes of candy, fruit, popcorn, or cookies, delivered to City offices by businesses or individuals that provide such gifts to clients at holidays or similar times. Such gifts shall be placed out to be shared by all City employees.
- b) Food provided to emergency personnel at the scene of an emergency.
- c) Promotional items of nominal value handed out by vendors and consultants at conferences, training events, and grand openings, provided that such items are made available to any person attending the event.
- d) Gifts of nominal value, such as pens, paper weights, and other desk accessories and novelties, given to an employee in appreciation for a presentation to a group or organization, or in recognition of the employee's accomplishment
- e) Gifts of nominal value, with company advertising, such as mugs, calendars, or paper items, which are appropriate for use in the workplace.
- f) Meals provided to an employee who is speaking at a meeting at which a meal is being served to other attendees of the meeting.
- g) Business meals paid for by consultants under contract to the City as part of a project meeting or discussion, when the cost of the meal is included in the consultant's compensation.

As used herein, "nominal value" means less than \$25.00.

### **Drug Free Work Place Policy**

It is the policy of the City of Solvang to maintain a safe, healthful and productive work environment for all employees. To that end, the City shall act to eliminate the unlawful use of drugs and other controlled substances including, but not limited to, alcohol and prescription drugs, which could impair an employee's ability to safely and effectively perform the functions of his/her job and/or threaten the safety of co-workers. All City employees, regardless of their employment status (i.e. permanent, temporary, contract, etc.), are subject to this policy.

#### **Policy**

1. Employees are expected and required to report to work in appropriate mental and physical condition to perform their jobs. The unlawful manufacture, distribution, dispensation, possession or use of drugs or other controlled substances, including alcohol, on City premises or while conducting City business off premises is absolutely prohibited.
2. This policy is intended to assure that no employee with an alcohol or drug problem will have his or her job security or promotional opportunities jeopardized by a request for help.
3. Employees shall, as a condition of employment, abide by the terms of this Policy and notify the City within five (5) days of any criminal drug statute conviction, which he/she receives for a violation occurring in the workplace.

4. The City shall notify any appropriate federal granting agency of any criminal convictions of any employee for illegal drug activity in the workplace within ten (10) days of the City's notification of such conviction.

Otherwise, the individual's rights to confidentiality and privacy are recognized. The pertinent information and records of employees with an alcohol or drug problem will be preserved in the same manner as all other confidential records.

### **Political Activities**

All City employees are prohibited from using their official position with the City of Solvang in an effort to influence the outcome of a political campaign; engaging in political activity during work hours or while in City uniform; using City facilities or materials for any political campaign.

### **Appearance / Dress Code**

The City's professional atmosphere is maintained, in part, by the image that employees present to the citizens and visitors. Employees should therefore utilize good judgment in determining their dress and appearance. Maintenance of appropriate dress is the responsibility of the department supervisor. The City provides a uniform allowance to field personnel. Uniforms shall be worn during working hours.

### **Safety**

It is the personal responsibility of each employee of the City of Solvang to comply with the City's safety rules and regulations, to comply with the current OSHA safety requirements, to use equipment guards and safety devices, to wear proper clothing and protective devices, and to immediately report hazardous or unsafe conditions to their immediate supervisor. Any hazard or unsafe condition that cannot be corrected immediately by the supervisor shall be reported to the City Manager for correction prior to resumption of work.

### **Bulletin Boards**

Information of City policies, personnel announcements, items of City interest, educational opportunities and job announcements, will be posted on bulletin boards. Departmental supervisor shall approve all materials, posted on any bulletin board, in advance.

## **Outside Employment**

City employees may engage in outside employment in addition to the employment with the City, only under the following conditions:

- There will be no conflict of interest or incompatibility with City employment.
- The time involved in outside employment will not adversely affect the employee's attitude or efficiency in his or her City employment.
- No telephone calls or personal contacts concerning outside employment shall be made during hours of City employment. Any outside employment must be reported in writing and approved by the City Manager.

## **Doing Personal Business on City Time**

Abuse of work hours will not be tolerated. Every employee is expected and required to put in a day's work for a day's pay. If you do not have anything to do, for whatever reason, immediately contact your supervisor or department head for additional assignments. Be aware that the abuse of work hours is a disciplinary offense and may result in disciplinary action up to and including dismissal. Employees who see abuses are expected to document those abuses and report them to City management. Supervisors and department heads are required to enforce work rules.

## **Resignation of Employment**

Should an employee decide to resign, the City requests that a minimum of two (2) weeks' notice be given in writing to the department head or supervisor. The written resignation should include reason(s) for leaving, last day to be worked and the employee's signature.

## **8. DISCIPLINE POLICY**

### **Purpose**

There is simply no hard and fast rule that certain behavior warrants a specific discipline in each and every case. The purpose of this discipline policy is not to establish any such rule or rules, but rather to set forth standards of employee conduct and provide guidelines for disciplinary action for City employees consistent with memoranda of agreement, City ordinances and resolutions, personnel rules and regulations, administrative policies and procedures, and department rules and regulations.

## **Policy**

It is the policy of the City to emphasize the use of positive measures by department heads and supervisors to eliminate and resolve problems before discipline. It is also the policy of the City to encourage progressive discipline because progressive discipline promotes appropriate disciplinary action for the offense by beginning with the least severe action and progressing to more serious action. However, the City is not obligated to implement lesser forms of discipline in any specific case simply because the offense is the first by the employee. If the offense is sufficiently severe in the City's sole discretion, a first offense may result in any level of discipline up to and including dismissal.

The provisions of this policy do not abridge any rights to which an employee may be entitled under City ordinances and resolutions, the personnel rules and regulations, or memoranda of agreement, nor do they abrogate any power, which, under City Code may be within the sole province and discretion of the City Manager.

## **General**

In accepting employment with the City, each employee agrees to be governed by, and to comply with, the City of Solvang Municipal Code, personnel rules and regulations, the administrative rules and procedures established by the City Manager, and the rules and regulations and directives of the department in which employed.

All employees in the City are expected to adhere to standards of reasonable and prudent conduct. The City expects all employees under its jurisdiction to maintain the highest traditions of public service.

Specifically, the City expects each employee:

1. To be regular and punctual in reporting for work, to be absent only for good and sufficient reason, and to give proper notice of anticipated absences.
2. To perform his/her duties and to discharge his/her responsibilities safely, effectively and with proper regard for economy of time and material.
3. To be courteous and cooperative in relations with other City employees and with the public.
4. To conduct himself/herself, both on and off the job, in a manner that reflects favorably on the department and on City service.

Employees who violate the standards of employee conduct should expect department heads and supervisors to take appropriate disciplinary actions. Conversely, management should commend employees who do exceptionally well, or go beyond the normal demands of a job.

The standards of employee conduct apply to all employees of the City. These standards are not to be considered as a total and complete statement of management's expectations of employee behavior and performance. They are designed to serve as a framework within which employees are expected to administer discipline should these standards be violated.

The standards of employee conduct include a variety of offenses as well as possible corrective actions to be considered by management in determining whether an employee's actions constitute an offense subject to discipline. Not all possible offenses are listed - only those which are of greater significance and/or are most common. The list is descriptive, not restrictive. Various kinds of corrective actions for first, second and third offenses are also listed. These corrective actions are recommendations only and are for general reference. The City is not restricted to lesser forms of discipline in any specific case, and if the offense is sufficiently severe in the City's sole discretion, a first offense may result in any level of discipline up to and including dismissal. At-will employees are expected to adhere to the standards of employee conduct as well, but the designation of standards of employee conduct for at-will employees is in no way deemed to alter the at-will nature of their employment with the City. At-will employees serve at the pleasure of the City Manager.

The appropriate disciplinary action may be either more or less severe, depending on the circumstances of a case. Department heads and supervisors will exercise discretion in recognizing that a single minor offense by a long-term employee with a good work record could be less severe than if committed by a relatively new employee with a poor work record.

Progressive discipline requires that repeated offenses will normally carry more severe corrective actions than first offenses. A pattern of offenses after successive corrective actions ultimately results in dismissal.

### **Department Head / Supervisor Responsibility**

It is the responsibility of each department head and supervisor to become familiar with the standards of employee conduct and the discipline procedures. It is also the responsibility of each to use the following corrective procedures:

1. Explain and answer any questions relative to the standards.
2. Counsel employees regarding performance and/or behavior.
3. Complete performance evaluations to stress improvement in particular areas.

It is expected that department heads will authorize supervisors to use positive measures and take corrective action when an employee has engaged in improper conduct.

## Standards of Employee Conduct

This guide establishing standards of employee conduct serves three main purposes. First, it sets forth reasonable standards of conduct to which all employees are expected to adhere. Second, it indicates the kinds of offenses which are considered violations of these standards, and for which City employees may expect to be disciplined. Third, it suggests an initial and subsequent disciplinary action, which may be warranted for various offenses.

### Standard 1:

Employees must perform their duties in a manner, which earns and maintains the trust and respect of their supervisors, other employees and the public.

#### **Conduct Unbecoming a City Employee**

#### **Potential Corrective Actions**

<b>Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
a. Using official position or office for personal gain or advantage	Written notice to dismissal	10 days suspension to dismissal	Dismissal
b. Engaging in any employment, activity or enterprise which constitutes a conflict of interest	Written notice to 10 days	5 days suspension to dismissal	Dismissal
c. Accepting favors or gratuities for services required on the job	Oral Warning to dismissal	Written notice to dismissal	Dismissal
d. Unauthorized disclosure of confidential information as defined by law or by written directive of the City Manager	Written notice to dismissal	10 days suspension to dismissal	Dismissal
e. Using City property or equipment without authorization	Written notice to dismissal	10 days suspension to dismissal	Dismissal
f. Abuse, damage or malicious destruction of City property or equipment	Restitution and written notice to restitution and 10 days suspension	Restitution and 5 days suspension to restitution to dismissal	Restitution and dismissal
g. Misconduct, on or off the job adversely reflecting on City employees or employment	1 day suspension to dismissal	10 days suspension to dismissal	Dismissal
h. Commission of acts, which if proven, constitute a felony or misdemeanor as established by proper investigation	1 day suspension to dismissal	10 days suspension to dismissal	Dismissal

<b>Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
i. Unauthorized possession of City equipment or material in fabricating articles for private use	Written notice to dismissal	10 days suspension to dismissal	Dismissal
j. Unauthorized use of City equipment or material in fabricating articles for private use	Written notice to dismissal	10 days suspension to dismissal	Dismissal
k. Political activity in violation of the law	Written notice to 10 days suspension	5 days suspension to dismissal	Dismissal
l. Conducting personal business on City time	Oral warning or written notice	Written notice to 5 days suspension	10 days suspension to dismissal

**Standard 2:**

Employees must provide a high quality of service to the public and must consistently perform their duties effectively and efficiently.

**Job Performance Below Standard**

**Potential Corrective Actions**

<b>Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
a. A violation of City or department rules	Oral warning to 10 days suspension	Written notice to 30 days suspension	Dismissal
b. Requiring excessive supervision or instruction in performance	Oral warning or written notice	Written notice to 10 days suspension	5 days suspension to dismissal of duties after completion of training for the position.
c. Misusing, or failing to use, delegated authority in the performance of duties.	Oral warning to 10 days suspension	Written notice to 30 days suspension	Dismissal
d. Personal appearance not appropriate for the job in terms of community standards and job safety	Oral warning or written notice	Written notice to 10 days suspension	5 days suspension to dismissal
e. Failure to carry out assigned work or supervisory responsibilities adequately, directly, or promptly	Oral warning to dismissal	Written notice to dismissal	Dismissal
f. Repeated errors relative to work assignments	Oral warning or written notice	Written notice to 10 days suspension	5 days Suspension to dismissal

<b>Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
g. Covering up or attempting to conceal defective work; removing or destroying defective work without permission	Written notice to dismissal	10 days suspension to dismissal	Dismissal

**Standard 3:**

Employees must perform all duties reasonably required of them, and report for work as scheduled unless ill, injured, or involved in an emergency.

**Neglect Of, Or Inexcusable  
Absence From Duty**

**Potential Corrective Action**

<b>Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
a. Wasting time or loitering during working hours	Oral warning to 10 days suspension	Written notice to 30 days suspension	Dismissal
b. Neglect of duty	Oral warning to dismissal	Written notice to dismissal	Dismissal
c. Unexcused, excessive or patterned absenteeism	Written notice to 5 day suspension	3 to 20 days suspension	15 days to suspension
d. Failure to make reasonable effort to notify supervisor of inability to report for work.	Oral warning or written notice	Written notice to 10 days suspension	5 days suspension to dismissal
e. Leaving assigned work location without proper approval	Oral warning or written notice	Written notice to 10 days suspension	5 days to Suspension to dismissal
f. Frequent and unexcused tardiness	Oral warning or written notice	Written notice to 10 days suspension	5 days to Suspension to dismissal
g. Sleeping on the job	Oral warning to dismissal	Written notice to dismissal	Dismissal
h. Using sick leave for purposes other than legitimate illness of employee or family member	Written notice to 5 days suspension	3 to 20 days suspension	15 days Suspension to dismissal
i. Absence of more than two work hours in any workday without proper notice to immediate supervisor or department head	Oral warning to 1 day suspension	Written notice to 10 days suspension	5 to 30 days suspension
j. Absence of 3 consecutive work days without proper notice to immediate supervisor or department head	Deemed Resignation	Deemed Resignation	Deemed Resignation

**Standard 4:**

Employees must cooperate and work well with other employees and the public.

**Improper Behavior In Relations With Supervisors,  
Fellow Employees Or The Public**

**Potential Corrective Action**

<b>Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
a. Flagrant refusal to perform reasonable work assignments or to cooperate with supervisor or management in the performance of duties (insubordination)	1 day suspension to dismissal	10 days suspension to dismissal	Dismissal
b. Failure to cooperate with or using insulting, obscene or abusive language toward other employees or the public.	Oral warning to 10 days suspension	Written notice to 30 days suspension	Dismissal
c. Unnecessarily disrupting the work of other employees	Oral warning or written notice	Written notice to 10 days suspension	5 days suspension to dismissal
d. Using threats or attempting to harm another employee or the public.	Written notice to dismissal	5 days suspension to dismissal	Dismissal
e. Making or publishing false, vicious or malicious statements about any employee, or City government or department manager	Oral warning to 15 days suspension	5 days suspension to dismissal	Dismissal
f. Actions on the job intended to destroy property or inflict bodily injury (whether or not the destruction or the injury actually occurs)	Written notice to dismissal	10 days suspension to dismissal	Dismissal
g. Creating unsanitary conditions	Oral warning to 10 days suspension	Written notice to 30 days suspension	Dismissal

**Standard 5:**

While at work, employees must not do anything, which would impair their ability to perform their duties, or discredit the City or the Department and their employees.

<b>Gambling, Drunkenness Or Use of Liquor Or Narcotics</b>		<b>Potential Corrective Actions</b>	
<b>Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
a. Gambling on the job, on City property, or using City equipment	Written notice to 10 days suspension	5 days suspension to dismissal	Dismissal
b. Operating or conducting organized gambling for profit on the job, on City property or using City equipment	10 days suspension to dismissal	Dismissal	
c. Possession of, or drinking alcoholic beverages on the job site during the work period.	Written notice to dismissal (see note at end of this standard)	10 days suspension to dismissal (see note at end of this standard)	Dismissal (see note at end of this standard)
d. Drinking of alcoholic beverages which results in unfitness to work at reasonable efficiency, or which may endanger the employee, City property, or the public, or using marijuana on the job site or on City property	Written notice to dismissal (see note at end of this standard)	10 days suspension to dismissal (see note at end of this standard)	Dismissal (see note at end of this standard)
e. Reporting for duty under the influence of drugs or alcohol	Written notice to dismissal (see note at end of this standard)	10 days suspension to dismissal (see note at end of this standard)	Dismissal (see note at end of this standard)
f. Operating City vehicle or other equipment while under the influence of any alcoholic beverage, or any drug or narcotics which will impair operative capability	20 days suspension to dismissal (see note at end of this standard)	Dismissal (see note at end of this standard)	
g. Illegal possession of marijuana on the job site or on City property	1 day suspension to dismissal	10 days suspension to dismissal	Dismissal
h. Illegally possessing or using drugs or narcotics (other than marijuana) on the job site or on City property	20 days suspension to dismissal	Dismissal	
i. Unlawful selling of any prescription drug, including narcotics, barbiturates, or tranquilizers	Dismissal		

NOTE: The action may be: (1) Reduced in severity if the employee successfully participates in an alcoholism or drug abuse rehabilitation program; or (2) delayed during employee participation in the rehabilitation program, depending on progressive rehabilitation and improvement of job performance. The supervisor should make every effort to take or arrange to take the employee home safely and to ensure that the employee is released in the custody of another responsible person.

**Standard 6:**

Employees must perform their duties in a safe manner. This standard is not restricted to operating equipment or motor vehicles.

<b>Safety</b>	<b>Potential Corrective Actions</b>		
<b>Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
a. Operating City equipment unsafely or carelessly	Oral warning or written notice	Written notice to 10 days suspension	5 days suspension to dismissal
b. Causing or contributing to an accident by operator City equipment in an unsafe manner as established by proper investigation.	Restitution and written note to restitution and 10 days suspension	Restitution and 5 days suspension to restitution and dismissal	Restitution and dismissal
c. Violating safety rules/practices which endanger the employee or others or damages City property or equipment	Oral warning or written notice	Written notice to 10 days suspension	5 days suspension to dismissal
d. Failing to report suspension or restrictions of driver's license to supervisor as soon as possible.	Written notice to 10 days suspension	5 days suspension to dismissal	Dismissal
e. Operating City equipment with a suspended and/or restricted driver's license	Written notice to 10 days suspension	5 days suspension to dismissal	Dismissal
f. Failing to report on-the-job injury or accident to supervisor as soon as possible	Oral warning or written notice	Written notice to 10 days suspension	5 days suspension to dismissal
g. Playing tricks or jokes, or engaging in horseplay on the job which may lead to physical injury to employees or others, or damage to equipment or property.	Written notice to 10 days suspension	5 days suspension	Dismissal

**Standard 7:**

Department employees must be characterized by high personal integrity both in securing employment and in performing their duties.

**Fraud, Dishonesty, Theft Or Falsification Of Records**

**Potential Corrective Actions**

<b>Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
a. Soliciting, accepting a bribe	Dismissal		
b. Theft of or aiding or encouraging the theft of cash or City property or equipment as established by proper investigation	Restitution and dismissal		
c. Intentionally falsifying or destroying, without proper authorization of City records or confidential information of any nature	Dismissal		
d. Sabotage	Dismissal		
e. Misusing or removing from the premises without proper authorization of City records or confidential information of any nature	Dismissal		
f. Intentionally falsifying application for employment or medical information which would have otherwise caused employment disqualification	Dismissal		
g. Deliberately withholding information related to work from supervisors or others requiring the information.	Written notice to 10 day suspension	5 days suspension to dismissal	Dismissal
h. Falsifying time reports, mileage reports, expense accounts or similar work oriented documents, falsely claiming sick or allowed pay, falsifying reasons for absence	5 days suspension to dismissal	Dismissal	

**Standard 8:**

The City's equal employment opportunity policies and City Manager's instructions require employees to practice non-discrimination in the performance of their duties.

**Equal Employment  
Opportunity Policies**

**Potential Corrective Actions**

<b>Offense</b>	<b>First Offense</b>	<b>Second Offense</b>	<b>Third Offense</b>
a. Failure to hire eligible, or to promote, train, or apply disciplinary actions equally to all employees regardless of a particular race, color, national origin, sex, age, religion, sexual orientation, disability, or other protected class	1 day suspension to dismissal	10 days suspension to dismissal	Dismissal
b. Failure, after counseling, to assume or carry out equal employment opportunity policies and City Manager's instructions	Written notice to 5 day suspension	3 to 20 days suspension	15 days suspension to dismissal
c. Making derogatory racial, ethnic, or sexist remarks in the presence of the public or other employees while on duty	Oral warning to 10 days suspension	Written notice to 30 days suspension	Dismissal

**Applicability Of Discipline Policy**

- A. This guide to disciplinary action shall apply to all employees except at-will and contract employees.
- B. At-will and contract employees are subject to disciplinary action by the City Manager, or by the City Council, depending on the appointing authority for the position. The imposition of disciplinary action less than termination in no manner changes the at-will nature of employment for these employees.
- C. Before implementation of any discipline, department head and/or supervisor should review applicable provisions, and if necessary, consult with our City Attorney.

## **Standards For Disciplinary Procedure**

- A. The discipline policy should be followed closely in an effort to obtain uniformity of discipline in all organizational elements of the City and its departments.
- B. The discipline procedure is designed to ensure fair treatment to all employees--to prevent impulsive and unreasonable discipline for improper conduct. The rights of the individual must be protected. However, this does not give any employee the right to disobey rules, to fail to be productive, to be insubordinate, to be discourteous, to endanger others, or to engage in conduct unbecoming a City employee.
- C. Initial problems may be minor and not easily definable offenses. This behavior should not be overlooked, as it can grow more serious with time. A private conference can often resolve the problem and give the individual an opportunity to correct the behavior. Recognition should be given to the employee who has received discipline and has demonstrated that the problem has been corrected.
- D. Notwithstanding the provisions of Subsections A, B and C of this section, it is equally important to give recognition to the good employee, to the employee who does a job exceptionally well or even goes beyond the normal demands of the job.

## **Purpose Of Discipline**

The primary goal of discipline is to correct employee behavior or performance. To achieve that goal requires a mutual understanding among department heads, supervisors, and employees that the following criteria apply:

- 1. Behavior and performance standards must relate to the job to be done, and employees should be made aware of them.
- 2. Employees are expected to adhere to standards of reasonable and prudent conduct.
- 3. Employees are subject to corrective action when they violate those standards.
- 4. Disciplinary actions must be appropriate to the type and seriousness of the offense, while employees who commit serious offenses, or who show a pattern of offenses after successive efforts at corrective action, must not remain in City service.

## **Offenses**

- A. An offense is considered a "first" offense the first time formal action is taken by the supervisor under the applicable section of this guide.

- B. An offense will be considered as a "second" or "third" offense only when it is of the same general nature (not necessarily identical) as the previous offense and the undesirable action has been pointed out to the employee previously. When a previous offense has occurred, the time elapsed between that offense and the current offense will be considered in determining the corrective action.
- C. On some occasions, an employee may commit more than one kind of offense at the same time. Generally, the discipline imposed will not be determined by adding together the corrective actions for each offense. In such cases, the appropriate corrective action will be selected from the range of actions applicable for the more serious offense and the severity of the disciplinary action will be determined after considering the less serious offenses.
- D. An employee may commit various kinds of offenses over a period of time. In the absence of any intervening pattern of good conduct, all past offenses are indicative of a pattern of unsatisfactory behavior and will be considered when determining an appropriate corrective action.

### **Offenses During Off-Duty Hours**

- A. For offenses which occur during off-duty hours, whether or not on City property, corrective actions taken should be related to the job performed by the employee, the effect of the offense on the conduct of departmental operations, and should be in accord with any other applicable policies, instructions and directives.
- B. For offenses which occur during off-duty hours, whether or not on City government property, which result in the employee being unable to perform job duties (detention and booking or incarceration for a period of time), periods of absence from work normally should be treated as unexcused absence. An employee absent without approved leave for three consecutive workdays as a result of such offenses will be deemed to have voluntarily resigned employment as of the date of the third day of unexcused absence.

### **Procedures In Taking Disciplinary Action**

In taking any disciplinary action, the department heads and supervisors are expected to obtain all possible information, investigate the activities, decide on the disciplinary action, and implement the disciplinary action.

### **Obtaining All Possible Information**

- A. When it is suspected that violation of a behavior or performance standard has occurred, and before deciding whether corrective action is necessary, department heads and supervisors should conduct a thorough, objective

investigation and get all available facts, including the employee's side of the story.

- B. When an investigation shows that an offense occurred, the actions required by this discipline policy should be taken.
- C. When an investigation shows that an offense did not occur, or that all allegations is lacking in substance, a record of the incident should not be placed in the employee's personnel file where it might prejudice future actions.

### **Making The Investigation / Non-Emergency Circumstances**

- A. Investigation of activities, which may require formal disciplinary action, should be initiated by the employee's immediate supervisor. The investigating supervisor should notify higher management levels and the Administrative Services Director of the initiation and progress of the investigation, and should be guided by instructions on continuing the investigation. The purpose of the investigation is to assure that the supervisor has considered all relevant facts through:
  - 1. Discussing with and obtaining from the employee an explanation of the activities, which led to the investigation.
  - 2. Reviewing any written documentation available, including police reports and citizen complaints.
  - 3. Interviewing supervisors, other employees or citizens who may have knowledge of the incident(s).
  - 4. Determining the rules, practices, job performance standards, or general standards of behavior involved and the extent to which the employee could reasonably have been expected to know and follow them.
  - 5. Reviewing the employee's total work record, including records of past performance, conduct and attendance.
  - 6. Discussing the findings and conclusions with the employee.
- B. An interview with the employee should be private and informal. The interview may include the employee's representative. The supervisor should be careful in these discussions to avoid argument or make statements, which could be used later to show that a fair investigation was not conducted. The supervisor should remain objective in determining the facts. The supervisor should make notes documenting what occurred in the interview.

### **Making The Investigation / Emergency Circumstances**

- A. Circumstances may occur where it is necessary to remove the employee from the work situation before final decisions can be reached on disciplinary action to be taken. This can include behavior that creates an immediate hazard to the employee, other employees, the public or the City.
- B. The supervisor should immediately notify the Administrative Services Director concerning any proposed action to remove an employee from the job. Such removal from the job is subject to final approval by the City Manager in consultation with the City Attorney. Generally, even in instances involving immediate hazard to the employees or others, an employee removed from the job shall be placed on paid administrative leave pending completion of the investigation.

### **Making The Decision On Disciplinary Action**

The decision on whether or not to take disciplinary action, and the form of action, requires consideration of several factors. These factors include the following:

1. City and department policies, practices, and general standards of conduct applicable to the incident involved.
2. Uniformity and currency of past departmental disciplinary actions.
3. Reference to the Standards of Employee Conduct of this disciplinary policy.

### **Probationary Termination**

Although a pre-discipline procedure is not required for a probationary termination, it is advisable that such actions be documented. Department heads and supervisors should continue to use the probationary period as the working test period of fitness to perform the duties of the job and meet the standards of performance.

### **Available Disciplinary Actions**

- A. The meaning of disciplinary actions should be understood to include any action of management, which reinforces or shapes employee behavior in the direction management has determined is reasonable and necessary for realizing City goals. Under this definition, salary increases, promotion, praise, special privileges, as well as training, counseling, and punitive actions are part of the overall disciplinary system.
- B. Supervisors at all levels should avoid the negative label "disciplinary procedure" in favor of such terminology as "employee performance /conduct procedure" and

having that formalized procedure address itself to evaluation, recognition, rewards, in-service training and counseling, as well as adverse action procedure.

- C. Disciplinary actions may range from informal conversations to formal dismissal. An effective, reasonable system of disciplinary actions is founded on the premise that the actions are to be corrective rather than punitive, the actions are progressively more severe, and the actions fit the nature of the problem.
- D. A typical progressive sequence of disciplinary actions includes the following: counseling, oral warning, written notice of reprimand, suspension, and dismissal. However, a progressive sequence is not required where the conduct in question is sufficiently severe so as to warrant more serious disciplinary action in the first instance.

### **Counseling**

- A. Counseling, in a broad sense, includes any informal discussion with an employee designed to assist him/her to fully develop his/her skills and abilities. Usually, the immediate supervisor counsels the employee.
- B. The counseling discussion is intended to clarify standards, evaluate the employee's strengths and weaknesses, seek information or solve problems. When there is a discipline problem, counseling is usually the action taken to assist the employee in clarifying and remedying the problem.
- C. How the counseling interview is conducted, is of utmost importance. Ideally, counseling will resolve the problem early and avoid the need to escalate the punitive approach.

### **Oral Warning**

- A. An oral warning is a verbal notification to the employee stating the need for improvement in work performance or behavior and is generally used relative to minor infractions.
- B. In general, the following apply when an oral warning is given:
  - 1. The oral warning is given in private. It is conducted on a one-to-one basis between the supervisor and the employee.
  - 2. The supervisor should explain to the employee the City's and Department's standards and requirements, what is expected in the future, and the possible consequences if the behavior or performance is not corrected.
  - 3. The supervisor should prepare a personal reminder memorandum documenting the conversation. In some cases, a memorandum to the

employee summarizing the discussion, including what was agreed, may be in order.

4. The written copy of the memorandum should not be placed in the employee file.

### **Written Notice Of Reprimand**

- A. A written notice of reprimand is a formal record stating the need for improvement in work performance or behavior, or the formal record of an interview with an employee who has been informed that more serious action will be taken unless there is immediate and sustained improvement in work performance or behavior.
- B. In general, the following apply when a written notice of reprimand is given:
  1. The written notice is prepared by the immediate supervisor (or higher authority) to the employee.
  2. The written notice should contain:
    - a. Reason(s) for the notice.
    - b. Reference to prior warnings, if any.
    - c. Statement of the City's and department's standards and requirements.
    - d. The means for improvement and the time limit for expected improvement.
    - e. A general indication of further discipline to be taken if the behavior or performance in question is not corrected.
    - f. A reasonable time limit in which an employee may respond either orally or in writing to the department head.
  3. The written notice must be approved and signed by the department head.
  4. The written notice is given to the employee in private.
  5. A copy of the written notice shall be forwarded to the City Manager and to the Administrative Services Director.
  6. The written notice shall be placed in the employee's personnel file, but it will be expunged after three (3) years, provided there are no other disciplinary actions taken against the employee during that period.

### **Suspension**

- A. Suspension is time off from work without pay for serious violation of rule(s), misconduct or failure to improve in work performance or behavior. Suspension of employees exempt from overtime payment under the Fair Labor Standards Act shall be undertaken in conformance with that Act to avoid loss of exempt status.

- B. In general, the following apply when an employee is suspended:
1. A written notice of suspension is prepared by the department head to the employee.
  2. The written notice should contain:
    - a. Notice of the proposed suspension.
    - b. Date(s) the suspension will be effective.
    - c. Reference to prior warnings, if any.
    - d. Reason(s) for the suspension, the specific grounds, and the particular facts upon which the action is taken.
    - e. Notification of 10 calendar day time period in which an employee may respond either orally or in writing to the department head.
  3. Suspension shall require the approval and signature of the City Manager via a memo from the department head recommending the suspension. Approval and signature by the City Manager shall be obtained as soon as possible, but in some instances may be after the suspension.
  4. The employee must be provided with any written materials, reports and documents upon which the suspension is based.
  5. The employee must be advised of his/her right to appeal through the appropriate procedure should the disciplinary action ultimately be imposed.
  6. A copy of the written notice of suspension, together with all attachments, shall be forwarded to the City Manager and to the Administrative Services Director.
  7. The record of suspension shall be placed in the employee's personnel file, but it will be expunged after five (5) years, provided there are no other disciplinary actions taken against the employee during that period.
- C. An emergency suspension may be accomplished when a serious violation has occurred and it is considered in the best interest of the City to suspend an employee immediately. However, written notice is still necessary in accordance with B1 and B2 above. Such emergency suspension should be undertaken in consultation with the City Attorney.

## **Dismissal**

- A. Dismissal is the permanent removal of an employee from employment.
- B. In general, the following apply when an employee is dismissed:
  - 1. A written notice of intent to terminate is prepared by the department head to the employee.
  - 2. The written notice should contain:
    - a. Statement of the intent to terminate.
    - b. Date the dismissal will be effective.
    - c. Reference to prior warnings, if any.
    - d. Reason(s) for the dismissal, the specific grounds and the particular facts upon which the action is taken.
    - e. Notification of ten (10) calendar day time period in which an employee may respond either orally or in writing to the department head.
  - 3. Dismissal shall require the approval and signature of the City Manager via a memorandum from the department head recommending dismissal.
  - 4. The employee must be provided with any written materials, reports, and documents upon which the dismissal is based.
  - 5. The employee must be advised of his/her right to appeal through the appropriate procedure should the disciplinary action ultimately be imposed.
  - 6. A copy of the written notice of intent to terminate, together with all attachments, shall be provided to the City Manager and to the Administrative Services Director.
- C. An employee who has received a notice of intent to terminate may elect to resign in lieu of dismissal; however, the City has the right to refuse the resignation. Furthermore, such resignation shall be considered a resignation not in good standing with disciplinary charges pending.

## **Appeal**

- A. Appeal of Disciplinary Actions: Any regular employee other than an at-will or contract employee who has been suspended, demoted, or dismissed for disciplinary reasons, may appeal the disciplinary action. In order to appeal the disciplinary action, the employee must file a written notice of appeal with the City Manager for a hearing within ten (10) working days after having been furnished with a copy of the notice of disciplinary action.

- B. Time of Hearing: The hearing on the employee's appeal shall be conducted within ninety (90) calendar days after the employee's filing of the written notice of appeal with the City Manager. This time limit may be extended by the City Manager for good cause and by agreement of the employee and the City Manager.
- C. Hearing Procedure: The following procedures shall govern hearings on appeals of disciplinary action:
1. The City Manager shall conduct the hearing. If the City Manager files the written statement to discipline an employee that works directly for the City Manager, the City Manager at his/her discretion may appoint a third party (deemed to be qualified by the City Manager) as the hearing officer for any disciplinary hearing.
  2. Hearings shall be conducted in the manner most conducive to determination of the truth, and the City Manager shall not be bound by technical rules of evidence. Decisions made shall not be invalidated by informality in the proceedings.
  3. The City Manager shall make arrangements to have the hearing transcribed or recorded to preserve the proceedings and testimony. The employee may obtain a copy of the transcript or recording upon request and upon payment of any copying or transcription charges incurred by the City.
  4. The City Manager shall determine the relevancy, weight and credibility of all testimony and evidence.
  5. The City Manager shall base his/her findings and decision on the preponderance of the evidence presented.
  6. The Department Head shall have the burden of proof. Each side will be permitted an opening statement and closing argument. The Department Head shall first present its witnesses and evidence to support the charges and disciplinary action. The employee shall then present his/her witnesses and evidence in defense. The Department Head may thereafter present witnesses and evidence in rebuttal.
  7. Each side will be allowed to examine and cross-examine witnesses. All witnesses shall testify under oath. The City Manager may question any witness.

8. Both the Department Head and the employee may be represented by a designee or by legal counsel. The City Manager may obtain the legal advice of the City Attorney in performing the function of the hearing officer.
  9. The City Manager is empowered to and, if requested by either side, subpoena witnesses and/or require the production of documents or other material evidence.
  10. The City Manager may, during a hearing, grant a continuance for any reason believed to be important to the reaching of a fair and proper decision.
  11. Within thirty (30) calendar days after the conclusion of the hearing, the City Manager shall prepare and serve on both sides a written decision setting forth the charges found to be sustained, and the reasons therefore, and the propriety of the disciplinary action imposed. If the City Manager finds in favor of the employee, all or part of any loss of the employee's full compensation may be ordered restored. The decision of the City Manager shall be final and conclusive for all purposes.
- D. Any legal action to challenge any decision of the City Manager must be filed in a court of competent jurisdiction no later than ninety (90) days following the date the City Manager's written decision becomes final as provided in California Code of Civil Procedure Section 1094.6.
- E. Notwithstanding anything to the contrary in this Handbook, employees who serve at the pleasure of their appointing authority are not entitled to advance notice of disciplinary action, or appeal of any such disciplinary action. These employees, who include the City Manager, contract employees appointed directly by the City Council, and at-will employees, serve at the will of the appointing authority and may be disciplined or dismissed with or without advance notice, and without right of appeal.

**CITY OF SOLVANG**

**ACKNOWLEDGEMENT OF RECEIPT OF EMPLOYEE HANDBOOK**

This is to acknowledge that I have received a copy of the City of Solvang Employee Handbook. The Handbook contains important information on the City's general personnel policies and on my privileges and obligations as an employee. I understand that I am required to read, understand and adhere to the policies set forth in the Handbook. If I have any questions regarding these policies or procedures, I should discuss them with my supervisor and/or the Human Resource Director.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_





**CITY COUNCIL  
STAFF REPORT/CONSENT AGENDA**

**TO:** SOLVANG CITY COUNCIL MEMBERS

**FROM:** Arleen T. Pelster, AICP, Planning & Economic Development Director

**MEETING DATE:** January 11, 2016

**DATE PREPARED:** December 15, 2015

**SUBJECT:** **Second Reading of Proposed Amendment to the Zoning Ordinance, Title 11 of the Municipal Code, to Provide an Expedited, Streamlined Permitting Process for Small Residential Rooftop Solar Systems**

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**I. RECOMMENDATION:**

Adopt Ordinance No. 15-\_\_\_\_\_, on second reading by title only, an ordinance of the City Council of the City of Solvang amending Title 11.

**II. BACKGROUND:**

State law was amended in 2015 to change regulations for small residential rooftop solar systems. The Planning Commission reviewed the draft ordinance at the regular meeting of November 2, 2015, and recommended approval to the City Council.

**III. DISCUSSION:**

The changes are in the interest of the general community welfare and are consistent with good zoning and planning practices. Full text of the proposed amendments is provided in the draft ordinance, which is attached.

Assembly Bill AB 2188 requires cities to develop an ordinance to streamline the permitting and inspection process for small residential rooftop solar systems. The Building Division already provides the permitting and inspections processes called for in AB 2188, but an ordinance needs to be adopted.

**Ordinance Amendment, 2<sup>nd</sup> Reading – Rooftop Solar Regulations**

City Council Hearing Date: January 11, 2016

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**IV. ENVIRONMENTAL REVIEW**

The proposed amendments to the Zoning Ordinance were determined to be exempt from environmental review pursuant to §15061 of the Guidelines for the Implementation of CEQA.

This section states that CEQA only applies to “*projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA*”. The proposed ordinance amendments are in the interest of the general community welfare and are consistent with good zoning and planning practices. Any potential environmental impacts associated with the proposed impacts are considered insignificant. The amendments are consistent with the General Plan, the requirements of State Planning & Zoning Laws and the Solvang Municipal Code, Title 11.

**V. ALTERNATIVES:**

The City Council could provide direction and refer back to staff.

**VI. FISCAL IMPACT:**

None.

**VII. ATTACHMENTS:**

1. City Council Ordinance 15-\_\_

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE ADDING TITLE 11 CHAPTER 16 SECTION 7 TO THE MUNICIPAL CODE OF SOLVANG TO PROVIDE AN EXPEDITED, STREAMLINED PERMITTING PROCESS FOR SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS AND AMENDING SECTION 11-12-13 TO EXEMPT SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS FROM BOARD OF ARCHITECTURAL REVIEW**

WHEREAS, the City Council of the City of Solvang seeks to implement AB 2188 (Chapter 521, Statutes 2014) through the creation of an expedited, streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, the City Council wishes to advance the use of solar energy by all of its citizens, businesses and industries; and

WHEREAS, the City Council seeks to meet the climate action goals set by the City and the State; and

WHEREAS, solar energy creates local jobs and economic opportunity; and

WHEREAS, the City Council recognizes that rooftop solar energy provides reliable energy and pricing for its residents and businesses; and

WHEREAS, it is in the interest of the health, welfare and safety of the people of Solvang to provide an expedited permitting process to assure the effective deployment of solar technology.

NOW, THEREFORE, THE PEOPLE OF THE CHARTERED CITY OF SOLVANG DO ORDAIN AS FOLLOWS:

Section 1. Amendment.

Title 11 Chapter 16 Section 11-12-13 is hereby amended to read as follows:

A. Solar Panels:

1. Solar heating systems may be used for the heating of any new swimming pool, spa or hot tub, as specified under the primary plumbing code and the solar energy requirements of this code. The location and appearance shall be reviewed by the board of architectural review, unless the solar system meets the definition of a small residential rooftop solar energy system. (Ord. 04-242, 8-9-2004)

2. When solar panels or solar heating systems are proposed to be located on the roof of an existing building or structure within the Tourist Related Commercial District (TRC), or on the grounds of a parcel within the TRC, a major conditional use permit shall be required. The city council finds that issuance of a nondiscretionary permit for solar panels as required by Government Code section 65850.5(b) would result in the following specific adverse impacts on

the public health and safety: the Danish/Northern European character of the TRC, a defining and essential characteristic of the city, vital to its continued desirability as a tourism destination would be dramatically diminished through the unregulated installation of solar panels on buildings on the grounds of buildings with the TRC. The location and appearance shall be reviewed by the board of architectural review, unless the solar system meets the definition of a small residential rooftop solar energy system. (Ord. 10-287, 6-14-2010)

3. The location and appearance shall be reviewed by the board of architectural review, unless the solar system meets the definition of a small residential rooftop solar energy system. (Ord. 90-112, 7-23-1990; and. Ord. 07-272, 11-13-2007, eff. 12-13-2007)

Section 1. Title 11-16-7 is hereby added to read as follows:

11-16-7 Small Residential Rooftop Solar Systems:

#### DEFINITIONS

A “Solar Energy System” means either of the following:

Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

A “small residential rooftop solar energy system” means all of the following:

A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and all state and City health and safety standards.

A solar energy system that is installed on a single or duplex family dwelling.

A solar panel or module array that does not exceed the maximum legal building height as defined by the City.

“Electronic submittal” means the utilization of one or more of the following:

Email;

The Internet;

Facsimile.

An “Association” means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

“Common Interest Development” means any of the following:

- A community apartment project.
- A condominium project.
- A planned development.
- A stock cooperative.

“Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

“Reasonable restrictions” on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

“Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance” means:

For Water Heater Systems or Solar Swimming Pool Heating Systems: an amount exceeding 10 percent of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed.

For Photovoltaic Systems: an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.

#### A. PURPOSE

1. The purpose of the Ordinance is to adopt an expedited, streamlined solar permitting process that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. The Ordinance encourages the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the City and expanding the ability of property owners to install solar energy systems. The Ordinance allows the City to achieve these goals while protecting the public health and safety.

#### B. APPLICABILITY

1. This Ordinance applies to the permitting of all small residential rooftop solar energy systems in the City.

2. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this Ordinance are not subject to the requirements of this Ordinance unless physical modifications or alterations are undertaken that materially change the size, type, or

components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

### C. SOLAR ENERGY SYSTEM REQUIREMENTS

1. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the City local fire department or district [and utility director, if applicable].
2. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.
3. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

### D. DUTIES OF BUILDING DEPARTMENT AND BUILDING OFFICIAL

1. All documents required for the submission of an expedited solar energy system application shall be made available on the publicly accessible City Website.
2. Electronic submittal of the required permit application and documents by [email, the Internet, or facsimile] shall be made available to all small residential rooftop solar energy system permit applicants.
3. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature. The City Building Department shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.
4. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the *California Solar Permitting Guidebook* adopted by the Governor's Office of Planning and Research.
5. All fees prescribed for the permitting of small residential rooftop solar energy system must comply with Government Code Section 65850.55, Government Code Section 66015, Government Code Section 66016, and State Health and Safety Code Section 17951.

### E. PERMIT REVIEW AND INSPECTION REQUIREMENTS

1. The City Building Department shall adopt an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems within [30 days] of the adoption on this Ordinance. The Building Department shall issue a building permit or other

nondiscretionary permit [the same day for over-the-counter applications or within [1-3] business days for electronic applications] of receipt of a complete application and meet the requirements of the approved checklist and standard plan. A building official may require an applicant to apply for a use permit if the official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the City Planning Commission.

2. Review of the application shall be limited to the building official's review of whether the application meets local, state, and federal health and safety requirements.

3. If a use permit is required, a building official may deny an application for the use permit if the official makes written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the City Planning Commission. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

4. "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the City on another similarly situated application in a prior successful application for a permit. The City shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

5. City shall not condition approval of an application on the approval of an association, as defined in Section 4080 of the Civil Code.

6. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

7. Only one inspection shall be required and performed by the Building Department for small residential rooftop solar energy systems eligible for expedited review.

8. The inspection shall be done in a timely manner and should include consolidated inspections. An inspection will be scheduled within two (2) business days of a request and provide a two-hour inspection window.

9. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this Ordinance.

Section 2. Exemptions From CEQA.

The City Council finds, pursuant to Title 14 of the California Code of Regulations, section 15061 (b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project, which has the potential for causing a significant effect on the environment.

Section 3. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or effective. To this end the provisions of this Ordinance are declared to be severable.

Section 4. Effective Date

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

Section 5. Publication

Solvang is a Charter City and has adopted its own rules for summarizing and posting ordinance once they are adopted. The City Attorney will prepare a summary of this ordinance. The summary will be posted in three locations after adoption as directed in the Solvang Municipal Code. The City Clerk shall keep a true and correct copy of the full ordinance together with a record of the vote of each council member.

PASSED, APPROVED, AND ADOPTED this 11<sup>TH</sup> day of January, 2016.

BY: \_\_\_\_\_  
Jim Richardson, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Martin, City Clerk

STATE OF CALIFORNIA )

COUNTY OF SANTA BARBARA )

CITY OF SOLVANG )

I, Lisa S. Martin, City Clerk of the City of Solvang, do hereby certify that the foregoing Ordinance had its first reading on December 14, 2015 and had its second reading on January 11, 2016, and was passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

BY: \_\_\_\_\_  
Lisa Martin, City Clerk





**CITY COUNCIL  
STAFF REPORT/CONSENT AGENDA**

**TO:** SOLVANG CITY COUNCIL MEMBERS

**FROM:** Arleen T. Pelster, AICP, Planning & Economic Development Director

**MEETING DATE:** January 11, 2016

**DATE PREPARED:** December 15, 2015

**SUBJECT:** **Second Reading of Proposed Amendment to the Zoning Ordinance, Title 11 of the Municipal Code, to Provide Regulations for the Location of Massage Establishments and Proposed Amendment to Title 4 Chapter 10 Amending Regulations for Massage Establishments**

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**I. RECOMMENDATION:**

Adopt Ordinance No. 15-\_\_\_\_\_, on second reading by title only, an ordinance of the City Council of the City of Solvang amending Title 11.

**II. BACKGROUND:**

State law was amended in 2015 by AB 1147 to change regulations for massage establishments. The Planning Commission reviewed the ordinance on November 2, 2015 and recommended approval to the City Council.

**III. DISCUSSION:**

State law was amended to restore local control over permitting for massage establishments. The City regulations currently in effect provide regulations for massage establishments but do not require a permit; a Business Certificate is required. After conferring with the City Attorney and reviewing the League of California Cities' recommendations, staff recommends that only certified massage professionals be allowed to conduct business in the City, and that the City utilize the Business Certificate process to permit massage establishments. Operating standards and remedies are in the existing

**Ordinance Amendment, 2<sup>nd</sup> Reading – Massage Establishments**

City Council Date: January 11, 2016

Page 2 of 2

regulations; the changes primarily consist of updating the title of the California Massage Therapy Council and changing references to “permit” to “Business Certificate.” The changes are shown in an attached redlined/strikethrough version of the draft ordinance.

The Planning Commission considered and recommends amendment of the Zoning Ordinance allow massage establishments only when they are an accessory use to a hotel or motel in the TRC, C-3, and P-O Districts. Massage establishments would be permitted in the C-2 District without being part of a hotel or motel.

**IV. ENVIRONMENTAL REVIEW**

The proposed amendments to the Zoning Ordinance were determined to be exempt from environmental review pursuant to §15061 of the Guidelines for the Implementation of CEQA.

This section states that CEQA only applies to *“projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment, the activity is not subject to CEQA”*. The proposed ordinance amendments are in the interest of the general community welfare and are consistent with good zoning and planning practices. Any potential environmental impacts associated with the proposed impacts are considered insignificant. The amendments are consistent with the General Plan, the requirements of State Planning & Zoning Laws and the Solvang Municipal Code, Title 11.

**V. ALTERNATIVES:**

The City Council could provide direction and refer back to staff.

**VI. FISCAL IMPACT:**

None.

**VII. ATTACHMENT:**

1. City Council Ordinance 15-\_\_

**ORDINANCE NO. 15-\_\_**

**AN ORDINANCE AMENDING TITLE 4 CHAPTER 10 OF THE MUNICIPAL CODE OF SOLVANG TO PROVIDE UPDATED REGULATIONS FOR MASSAGE THERAPY AND AMENDING TITLE 11 (ZONING ORDINANCE) OF THE SOLVANG MUNICIPAL CODE TO REGULATE THE LOCATION OF MASSAGE ESTABLISHMENTS**

WHEREAS, the City Council of the City of Solvang seeks to implement AB 1147 by amending the Municipal Code to provide lawful regulations for massage therapy businesses; and

WHEREAS, it is in the interest of the health, welfare and safety of the people of Solvang to provide regulations regarding massage therapy businesses.

NOW, THEREFORE, THE PEOPLE OF THE CHARTERED CITY OF SOLVANG DO ORDAIN AS FOLLOWS:

Section 1. Amendment.

Title 4, Chapter 10 is hereby amended to read as follows:

4-10-1: PURPOSE:

4-10-2: DEFINITIONS:

4-10-3: STATE CERTIFICATION:

4-10-4: BUSINESS CERTIFICATE:

4-10-5: EXEMPTIONS:

4-10-6: HEALTH AND SAFETY REQUIREMENTS:

4-10-7: PHYSICAL FACILITY AND BUILDING CODE REQUIREMENTS:

4-10-8: ATTIRE AND PHYSICAL HYGIENE REQUIREMENTS:

4-10-9: INSPECTION BY GOVERNMENT OFFICIALS:

4-10-10: OWNER AND OPERATOR RESPONSIBILITY; DENIAL, REVOCATION, RESTRICTION OR SUSPENSION OF BUSINESS REGISTRATION:

4-10-11: REMEDIES CUMULATIVE; EACH DAY A SEPARATE OFFENSE:

4-10-12: PUBLIC NUISANCE:

4-10-13: CRIMINAL PENALTIES:

4-10-14: CIVIL INJUNCTION:

4-10-15: INSPECTIONS:

4-10-16: ZONING:

4-10-1: PURPOSE:

It is the purpose and intent of this chapter to provide for the orderly regulation of massage therapists, massage practitioners and massage establishments in the interest of public health, safety and welfare by providing minimum sanitation and health standards for such establishments and by ensuring that persons offering services therein possess the minimum

qualifications necessary to operate such businesses and to perform such services. (Ord. 11-295, 6-27-2011)

#### 4-10-2: DEFINITIONS:

For the purposes of this chapter, the following words and phrases shall have the following meanings:

**CALIFORNIA MASSAGE THERAPY COUNCIL (CAMTC) CERTIFICATE:** The certificate issued by the Massage Therapy Organization to massage therapists pursuant to California Business And Professions Code section 4600 et seq.

**MESSAGE ESTABLISHMENT:** Any business, including a sole proprietorship, which offers massage therapy in exchange for compensation, whether at a fixed place of business or at a location designated by the patron.

**MESSAGE, MESSAGE THERAPY AND BODYWORK:** Are used in this chapter interchangeably and mean the application of various techniques to the muscular structure and soft tissues of the human body, including, but not limited to, any method of pressure or friction against, or stroking, kneading, rubbing, tapping, compression, pounding, vibrating, rocking or stimulating of, the external surfaces of the body with the hands or with any object or appliance.

**MESSAGE PRACTITIONER:** Any person to whom a CAMTC certificate has been issued pursuant to Section 4600 et seq. of the California Business and Professions Code.

**MESSAGE THERAPIST:** Any person to whom a CAMTC certificate has been issued pursuant to Section 4600 et seq. of the California Business and Professions Code.

**MESSAGE THERAPY ORGANIZATION:** The organization created pursuant to California Business and Professions Code section 4600 et seq.

**POLICE CHIEF:** The officer of the Santa Barbara County sheriff's department designated by the Santa Barbara County sheriff to serve the city of Solvang pursuant to the agreement for services between the city of Solvang and the county of Santa Barbara. (Ord. 11-295, 6-27-2011)

#### 4-10-3: STATE CERTIFICATION:

A. Any person practicing massage therapy in the city shall have a valid CAMTC certificate that is in full force and effect.

B. Notwithstanding subsection A of this section, any person who has in full force and effect a previously issued and valid business certificate from the city for a massage establishment shall obtain an CAMTC certificate prior to the expiration of their current valid city business certificate.

C. Massage establishments shall maintain on the premises and file at the city copies of or provide other evidence of the CAMTC certificates held by massage therapists and massage practitioners, the persons providing massage therapy at that business. (Ord. 11-295, 6-27-2011)

#### 4-10-4: BUSINESS CERTIFICATE:

A. Massage establishments shall obtain an annual business certificate in accordance with Chapter 9 of this title and pay a business certificate fee sufficient to cover costs, in accordance with the registration fee schedule set forth in section 4-9-9 of this title.

B. A massage establishment's business registration may be suspended, revoked or restricted for violations of California Business And Professions Code section 4600 et seq., pursuant to subsection 4-10-10B4 of this chapter.

C. Massage establishments shall notify the city of any intent to rename, change management or convey the business. (Ord. 11-295, 6-27-2011)

#### 4-10-5: EXEMPTIONS:

The provisions of this chapter shall not apply to the following classes of individuals or businesses while engaged in the performance of their duties, provided sufficient documentation verifying exempt status is furnished to the chief of police:

A. Physicians, surgeons, chiropractors, osteopaths, nurses or any physical therapists who are duly licensed to practice their respective professions in the state of California.

B. Barbers, beauticians, cosmetologists and aestheticians who are duly licensed under the laws of the state of California while engaging in practices within the scope of their licenses, except that this provision shall apply solely to the massaging of the neck, face, scalp, feet and lower limbs up to the knees, and hands and arms of the customers.

C. Hospitals, nursing homes, sanatoriums, or any other health facilities duly licensed by the state of California.

D. Accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are acting within the scope of their employment.

E. Trainers of amateur, semiprofessional or professional athletes or athletic teams while engaging in their training responsibilities for and with athletes.

F. Registered schools of massage, as defined in section 4600 et seq. of the California Business and Professions Code. (Ord. 11-295, 6-27-2011)

#### 4-10-6: HEALTH AND SAFETY REQUIREMENTS:

The following health and safety requirements shall be applicable to all massage establishments:

A. The entrance door allowing access to the massage establishment shall remain unlocked during business hours. Doors to dressing rooms and treatment rooms shall open inward and may not be locked. Separate dressing rooms and toilet facilities complying with the city building code shall be provided for each sex. The premises shall be maintained in a clean and sanitary condition.

B. No massage establishment may provide massage therapy between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M.

C. No massage establishment shall have more than ten (10) massage therapists or practitioners employed or practicing at the business premises.

D. The business or establishment shall at all times be equipped with an adequate supply of clean, sanitary towels, coverings and linens, and all massage tables shall be covered with a clean sheet or other clean covering for each patron. After a towel, covering or linen has once been used it shall be deposited in a closed receptacle and not used until properly laundered and sanitized. Towels, coverings and linens shall be laundered either by regular commercial laundering or by a noncommercial laundering process which includes immersion in water at least one hundred forty degrees Fahrenheit (140°F) for not less than fifteen (15) minutes during the washing or rinsing operation. Clean towels, coverings and linens shall be stored in closed, clean cabinets when not in use.

E. All massage therapy rooms or cubicles, wet and dry heat rooms, toilet rooms, shower compartments, and hot tubs and pools shall be thoroughly cleaned and disinfected as needed, and at least once each business day the premises are open and such facilities are in use. All bathtubs shall be thoroughly cleaned and disinfected after each use.

F. All liquids, creams, or other preparations used on or made available to patrons shall be kept in clean and closed containers. Powders may be kept in clean shakers. All bottles and containers shall be distinctly and correctly labeled to disclose their contents. When only a portion of a liquid, cream or other preparation is to be used on or made available to a patron, it shall be removed from the container in such a way as not to contaminate the remaining portion.

G. No invasive procedures shall be performed on any patron. Invasive procedures include, but are not limited to: 1) application of electricity which contracts the muscle; 2) application of topical lotions, creams, or other substances which affect living tissue, such as chemical peel preparations or bleaches; 3) penetration of the skin by metal needles; 4) abrasion of the skin below the nonliving, epidermal layers; 5) removal of skin by means of any razor edged instrument or other device or tool; and 6) any needlelike instrument which is used for the purpose of extracting skin blemishes and other similar procedures.

H. All bathrobes, bathing suits and/or other garments that are provided for the use of patrons shall be either fully disposable and shall not be used by more than one patron, or shall be laundered after each use pursuant to subsection D of this section.

I. All combs, brushes, and/or other personal items of grooming or hygiene that are provided for the use of patrons shall be either fully disposable and shall not be used by more than one patron, or shall be fully disinfected after each use.

J. No patrons shall be allowed to use any shower facilities of the business or establishment unless such patrons are wearing slip resistant sandals or flip flops while in the shower compartment. All footwear such as sandals or flip flops that are provided for the use of patrons shall be either fully disposable and shall not be used by more than one patron, or shall be fully disinfected after each use.

K. The patron's genitals, pubic area, anus, and female patrons' breasts below a point immediately above the top of the areola must be fully draped at all times while any employee of the business or establishment is in the massage therapy room or cubicle with the patron. No massage therapy shall be provided to a patron that results in intentional contact or occasional and repetitive contact with the genitals, anus, or areola of a patron. (Ord. 11-295, 6-27-2011)

#### 4-10-7: PHYSICAL FACILITY AND BUILDING CODE REQUIREMENTS:

The following physical facility and building code requirements shall be applicable to all nonexempt massage businesses or establishments, and to all massage businesses or establishments described in Section 4600 et seq. of the California Business and Professions Code:

A. Locked Doors: Except when there is no staff available to assure security for massage therapy patrons and staff who are behind closed doors, no massage therapy may be carried on behind locked, closed doors.

B. Doors to Dressing Rooms: All doors to dressing rooms, toilet rooms and massage therapy rooms or cubicles shall open inward and shall be self-closing. Draw drapes, curtain enclosures, or accordion pleated closures in lieu of doors are acceptable on all inner dressing rooms and massage therapy rooms or cubicles.

C. Lighting: Minimum lighting equivalent to at least 400 lumens shall be provided in each massage therapy room or cubicle.

D. Massage Table: A massage table shall be used for all massage therapy, with the exception of Thai, shiatsu, and similar forms of massage therapy, which may be provided on a padded mat on the floor, provided the patron is fully attired in loose clothing, pajamas, scrubs or similar style of garment. The tables should have a minimum height of eighteen inches (18"). Beds, floor mattresses and waterbeds are not permitted on the premises of the business or establishment.

E. Locker Facilities: All locker facilities that are provided for the use of patrons shall be fully secured for the protection of the patron's valuables, and the patron shall be given control of the key or other means of access.

F. Building Standards: The business or establishment shall comply with the following state building standards as adopted in this code:

1. Have a system of adequate ventilation in accordance with the provisions of section 705 of the uniform building code of 1982, as referenced in part 2, chapter 7 of the matrix adoption tables, of title 24 of the California Code of Regulations.

2. Have a supply of hot and cold running water in accordance with part 5, section 1001(d)(1), of title 24 of the California Code Of Regulations.

3. Have a supply of potable drinking water in accordance with part 5, section 1001(d)(3), of title 24 of the California Code Of Regulations.

4. Provide hand washing facilities in accordance with part 5, section 1001(d)(2), of title 24 of the California Code Of Regulations.

5. Provide public toilet rooms in accordance with part 5, sections 910(b) and 910(c), and table no. C-1, of title 24 of the California Code Of Regulations.

G. Change Of Address: The massage therapists, massage practitioners and massage establishments shall submit any change of address for purposes of providing notice.

H. Insurance: Proof of massage malpractice insurance in the sum of no less than one million dollars (\$1,000,000.00) shall be provided to the chief of police or his representative.

I. Exceptions: In room massage may be provided by technicians certified by the state board or by those already possessing a Solvang city license. A list of those technicians licensed by the city shall be provided to the hotel by the police department. A selection may be made from this list or proof of certification may be provided by the technician. A massage therapist properly licensed pursuant to Business And Professions Code section 4600 et seq., is not required to obtain a permit pursuant to this chapter, but is otherwise required to pay for and obtain a business license and to follow all of the regulatory provisions of this chapter, and is subject to revocation of a business certificate as set forth in subsection 4-10-10B4 of this chapter. (Ord. 11-295, 6-27-2011)

#### 4-10-8: ATTIRE AND PHYSICAL HYGIENE REQUIREMENTS:

The following attire and physical hygiene requirements shall be applicable to all massage therapists and massage practitioners who are employed or retained by a nonexempt massage business or establishment, or by a massage business or establishment described in Section 4600 et seq. of the California Business And Professions Code:

A. All persons shall be clean and wear clean and sanitary outer garments at all times. All outer garments shall be of a fully opaque, nontransparent material and provide complete covering from at least the mid thigh to two inches (2") below the collarbone. The midriff may not be exposed.

B. All persons shall thoroughly wash their hands with soap and water or any equally effective cleansing agent immediately before providing massage therapy to a patron. No massage therapy shall be provided upon a surface of the skin or scalp of a patron where such skin is inflamed or broken (e.g., abraded, cut) or where a skin infection or eruption is present.

C. No person afflicted with an infection or parasitic infestation capable of being transmitted to a patron shall knowingly provide massage therapy to a patron, or remain on the premises of a massage business or establishment while so infected or infested. Infections or parasitic infestations capable of being transmitted to a patron include, but are not limited to: 1) cold, influenza or other respiratory illness accompanied by a fever, until twenty four (24) hours after resolution of the fever; 2) streptococcal pharyngitis (strep throat), until twenty four (24) hours after treatment has been initiated and twenty four (24) hours after resolution of fever; 3) purulent conjunctivitis (pink eye), until examined by a physician and approved for return to work; 4) pertussis (whooping cough), until five (5) days of antibiotic therapy have been completed; 5) varicella (chicken pox), until the sixth day after onset of rash or sooner if all lesions have dried and crusted; 6) mumps, until nine (9) days after onset of parotid gland swelling; 7) tuberculosis, until a physician or local health department authority states that the person is noninfectious; 8) impetigo (bacterial skin infection), until twenty four (24) hours after treatment has begun; 9) pediculosis (head lice), until the morning after first treatment; and 10) scabies (crabs), until after treatment has been completed. Blood borne diseases, such as HIV/AIDS and hepatitis B (HBV), shall not be considered infectious or communicable diseases for the purpose of this subsection. (Ord. 11-295, 6-27-2011)

#### 4-10-9: INSPECTION BY GOVERNMENT OFFICIALS:

A. All nonexempt massage businesses or establishments, and all massage businesses or establishments described in Section 4600 et seq. of the California Business And Professions Code, shall permit representatives of the county health department, the city of Solvang police department, fire department, community development department, and/or other city or county departments or agencies, to conduct a reasonable inspection of the public areas of and areas otherwise open to plain view on or within the premises, to the extent allowed by law and during the regular business hours of the business or establishment, for the purpose of ensuring compliance with state and local law, including, but not limited to, chapter 10.5 (commencing with section 4600) of the California Business And Professions Code, the requirements of this chapter, or other applicable fire and health and safety requirements.

B. All massage therapists and massage practitioners shall provide their full, true name, and other names used, date of birth, California driver's license number or California identification number, social security number, present residence address, telephone number, their sex, height, weight, color of hair, and color of eyes. Such other identification and information shall be provided as required by the chief of police or his representative, necessary to confirm the identity of those claiming to hold a valid CAMTC certificate.

C. All massage therapists, massage practitioners and establishments shall provide a complete definition of all services to be provided.

D. All massage therapists, massage practitioners and massage establishments shall notify the chief of police of any intention to rename, change management, or convey the massage business or establishment to another person or entity.

E. Nothing in this section shall be deemed to prohibit the above described government officials from pursuing any and all available legal remedies to secure entry into and inspection of the premises of the business or establishment if such entry is refused, or for any other reason allowed by law.

F. It is a violation of this chapter for the business or establishment to prohibit or interfere with such lawful inspection of the premises at any time it is open for business. (Ord. 11-295, 6-27-2011)

#### 4-10-10: OWNER AND OPERATOR RESPONSIBILITY; DENIAL, REVOCATION, RESTRICTION OR SUSPENSION OF BUSINESS REGISTRATION:

The following provisions shall apply to all nonexempt massage businesses or establishments, and all massage businesses or establishments described in Section 4600 et seq. of the California Business And Professions Code:

A. For the purpose of enforcement of the requirements of this chapter, all owners and operators of the business or establishment shall be responsible for the conduct of all of its employees, agents, independent contractors or other representatives, while on the premises of the business or establishment or providing massage therapy.

B. Notwithstanding section 4-10-14 of this chapter, the city may:

1. Require the business or establishment in its application for a business certificate, or for the renewal of a business certificate, to provide relevant information to the activities of the business or establishment regulated by this chapter;

2. Make reasonable investigations into the information so provided;

3. Charge a business certificate fee sufficient to cover the costs of the business licensing activities regulated by this chapter; and

4. Deny, revoke, restrict or suspend a business registration for either of the following causes: a) an employee, agent, independent contractor or other representative of the business or establishment has committed a violation of this chapter, or of chapter 10.5 (commencing with section 4600) of division 2 of the California Business And Professions Code; or b) the business or establishment has provided materially false information in its application for a business registration.

a. When the city manager concludes that one or more grounds exist for suspending, revoking, restricting, or imposing new or additional conditions on a business certificate issued under this chapter, the city clerk shall:

(1) Notify the business certificate holder in writing of the city manager's intent to suspend, revoke, restrict, or impose new or additional conditions on the business certificate;

(2) State in the notice to the business certificate holder:

(A) The notice's issuance date,

(B) The reason or reasons for the proposed action,

(C) The date on which the proposed action will go into effect, and

(D) The business certificate holder's right, within ten (10) days after the notice's issuance date, to request a hearing with the city manager or a person whom the city manager designates; and

(3) Give the business certificate holder the written notice by certified mail, postage prepaid, or by personal delivery.

b. The city manager's proposed action to suspend, revoke, restrict, or impose new or additional conditions on the business certificate will go into effect and will become final action, and a business certificate holder will waive any appeal to the city council under title 1, chapter 6 of this code, if the business certificate holder fails to do one or more of the following:

(1) Request a hearing within ten (10) days after the issuance date listed in the city's written notice to the business certificate holder of the proposed action on the business certificate; or

(2) Attend the hearing with the city manager or the person whom the city manager designates.

c. Within fifteen (15) days after the hearing date, the city manager shall decide whether to uphold and impose the proposed suspension, revocation, restriction, or imposition of new or additional conditions on the business certificate. The city clerk shall give the business certificate holder written notice of the city manager's final decision by certified mail, postage prepaid, or by personal delivery.

d. If the city manager suspends, restricts, or revokes a business certificate under this section, the business certificate holder shall return that business certificate to the city clerk within three (3) days after the business certificate holder receives written notice of the city manager's final decision.

e. In addition to the action that the city manager may take under subsection B4a of this section, the city manager, at any time and without advance notice or a hearing, may suspend a business certificate issued under this chapter for a period not exceeding thirty (30) days, when necessary or appropriate to immediately protect the public's health, safety, welfare or peace. The city clerk shall give the business certificate holder written notice of the suspension under this subsection by certified mail, postage prepaid, or by personal delivery.

f. A business certificate holder aggrieved by the city manager's final decision to suspend, revoke, restrict, or impose new or additional conditions on the business certificate may appeal to the council within the time and in the manner provided in title 1, chapter 6 of this code. (Ord. 11-295, 6-27-2011)

#### 4-10-11: REMEDIES CUMULATIVE; EACH DAY A SEPARATE OFFENSE:

Any person subject to this chapter who personally, or through an agent, employee, independent contractor or other representative, violates any provision of this chapter shall be guilty of a separate offense for each and every day during any portion of which any such violation is committed, continued or permitted by such person. All remedies provided herein shall be cumulative and not exclusive. (Ord. 11-295, 6-27-2011)

#### 4-10-12: PUBLIC NUISANCE:

Any use or condition caused or permitted to exist in violation of any of the provisions of this chapter shall be and is hereby declared a public nuisance and, as such, may be abated or enjoined from further operation pursuant to this code. (Ord. 11-295, 6-27-2011)

#### 4-10-13: CRIMINAL PENALTIES:

Any person subject to this chapter who personally, or through an agent, employee, independent

contractor or other representative, violates any provision of this chapter commits a misdemeanor. Any person convicted of a misdemeanor shall be subject to punishment by fine and/or imprisonment to the maximum extent permitted by state law. (Ord. 11-295, 6-27-2011)

4-10-14: CIVIL INJUNCTION:

The violation of any provision of this chapter shall be and is hereby declared to be contrary to the public interest and shall, at the discretion of the city, create a cause for injunctive relief. (Ord. 11-295, 6-27-2011)

4-10-15: INSPECTIONS:

Massage establishments shall permit the city to conduct reasonable inspections during regular business hours to ensure compliance with state and local laws, including, but not limited to, this chapter and California Business and Professions Code sections 4600 et seq., or applicable fire and health and safety requirements. (Ord. 11-295, 6-27-2011)

4-10-16: ZONING:

This chapter establishes regulations for massage therapists and operators, and is not intended to, nor shall it be interpreted to, amend the zoning code of the city of Solvang to allow a massage establishment to operate in any location except as such location is permitted under the zoning code. (Ord. 11-295, 6-27-2011)

Title 11, Chapter 7 is hereby amended to read as follows:

11-7A-2: Permitted Uses is amended to add subsection P to read as follows:

“P. Massage establishments, as an Accessory Use in hotels and motels only, subject to the regulations contained in Sections 4-10 of this Code.”

11-7B-2 Permitted Uses is amended to add subsection Q to read as follows:

“Q. Massage establishments, subject to the regulations contained in Sections 4-10 of this Code.”

11-7C-2 Permitted Uses is amended to add subsection J to read as follows:

“J. Massage establishments, as an Accessory Use in hotels and motels only, subject to the regulations contained in Sections 4-10 of this Code.”

11-7D-2 is amended to add subsection I to read as follows:

“I. Massage establishments, as an Accessory Use in hotels and motels only, subject to the regulations contained in Sections 4-10 of this Code.”

Section 2. Exemptions From CEQA.

The City Council finds, pursuant to Title 14 of the California Code of Regulations, section 15061 (b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project, which has the potential for causing a significant effect on the environment.

Section 3. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or effective. To this end the provisions of this Ordinance are declared to be severable.

Section 4. Effective Date

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

Section 5. Publication

Solvang is a Charter City and has adopted its own rules for summarizing and posting ordinance once they are adopted. The City Attorney will prepare a summary of this ordinance. The summary will be posted in three locations after adoption as directed in the Solvang Municipal Code. The City Clerk shall keep a true and correct copy of the full ordinance together with a record of the vote of each council member.

PASSED, APPROVED, AND ADOPTED this day of \_\_\_\_\_ , 2015.

BY: \_\_\_\_\_  
Jim Richardson, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Martin, City Clerk

STATE OF CALIFORNIA )

COUNTY OF SANTA BARBARA )

CITY OF SOLVANG )

I, Lisa S. Martin, City Clerk of the City of Solvang, do hereby certify that the foregoing Ordinance had its first reading on December 14, 2015 and had its second reading on January 11, 2015 and was passed by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

BY: \_\_\_\_\_  
Lisa Martin, City Clerk



**CITY COUNCIL  
STAFF REPORT/CONSENT AGENDA**

**TO:** SOLVANG CITY COUNCIL MEMBERS

**FROM:** Arleen T. Pelster, AICP, Planning & Economic Development Director

**MEETING DATE:** January 11, 2016

**DATE PREPARED:** December 22, 2016

**SUBJECT:** **Request for Letter of Support to Caltrans for Proposed New Right Turn Driveway for Westbound Vehicles on Highway 246 at the Valley Plaza Shopping Center Located at the Northwest Corner of Highway 246 and Alamo Pintado**

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**I. RECOMMENDATION:**

Authorize the Mayor to sign letter to Caltrans in support of permitting a new right turn driveway for westbound vehicles on Highway 246 at Valley Plaza.

**II. BACKGROUND:**

The applicant has submitted an application for a Development Plan, to reconfigure and reconstruct the existing Valley Plaza shopping center with 42,365 square feet of commercial space and eight (8) apartment units. The application was submitted in March of 2015. A Development Review Committee meeting was held in April of 2015, and the draft Mitigated Negative Declaration, prepared to meet the requirements of the California Environmental Quality Act (CEQA), was circulated for review in November of 2015.

**III. DISCUSSION:**

The proposed project includes a new access point to the property from Mission Drive/Highway 246, as shown on the attachments to the letter from Joshua Richman dated December 16, 2015 (attached). The driveway is proposed to be designed to allow westbound vehicles to enter the site near the westerly end of the property. The driveway would be a "right in" only design; vehicles travelling east would not be allowed to enter,

and exiting would not be permitted at this driveway. Caltrans holds the exclusive authority to approve or deny new access points on State highways.

Staff sees several benefits resulting from the construction of the proposed access point, which are outlined in the applicant's letter. The benefits include direct access to the site for westbound vehicles, fewer delivery trucks on Old Mission Drive adjacent to residential areas, and fewer vehicles passing through the intersections of Mission Drive/Highway 246 and Alamo Pintado, and Old Mission Drive and Alamo Pintado.

The applicant has engaged in early consultation with Caltrans representatives regarding the proposed new driveway access. A Caltrans representative attended the Development Review Committee in April and provided generally positive comments regarding the new access point. However, the applicant has not been able to secure conceptual approval for the access point, and plans to revise the site plan to retain the access points as they currently exist in order to proceed to the Planning Commission. However, the applicant intends to continue to work with Caltrans to secure the necessary approval and permits for the new driveway, and process an amendment to the Development Plan at the Planning Commission level if the Caltrans permit can be obtained.

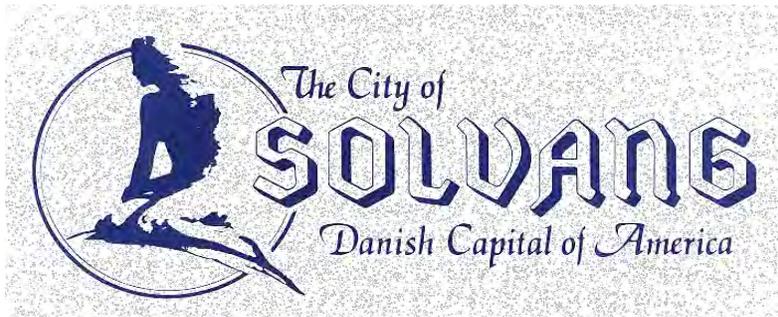
The applicant's development team has experienced some success in securing Caltrans approvals on other projects when aided by the support of the affected local agency. Therefore, the applicant has requested a letter of support from the City to Caltrans for the new access point. Staff has drafted the attached letter for the Council's review and consideration.

**IV. FISCAL IMPACT:**

None.

**V. ATTACHMENTS:**

1. Draft Letter to Caltrans
2. Letter from J. Richman dated 12-16-15



January 12, 2016

Tim Gubbins, Director  
California Department of Transportation  
District 5  
50 Higuera Street  
San Luis Obispo CA 93401-5415

Re: Support for New Access Point on Highway 246

Dear Mr. Gubbins:

The City of Solvang has received a Development Plan application to reconfigure and reconstruct an existing shopping center, Valley Plaza, with 42,365 square feet of commercial space and eight (8) apartment units. The project is known as The Merkantile, and is located at the northwest corner of Highway 246 and Alamo Pintado in the City. Mr. Steve Rigor of Arris Studio Architects is the applicant's representative.

The applicant has engaged in early consultation with Caltrans District 5 staff regarding the design and required environmental review studies. To date, the applicant has not been able to secure conceptual approval for the access point.

The City sees several benefits which would be realized from the new access point. Vehicles travelling westbound on Mission Drive will be able to more easily enter the center, and take traffic directly off of Mission Drive. Delivery trucks will enter the center from Mission Drive, rather than routing through the neighborhood behind the center. This will result in less commercial traffic on an otherwise quiet neighborhood street. The number of vehicles using the Old Mission Drive/Alamo Pintado intersection will be reduced, since westbound traffic on Mission Drive destined for the center will no longer need to pass through this intersection.

The purpose of this letter is to communicate the City's support for the proposed new access point, and to respectfully request your agency's assistance in working with the project proponent to permit the new access point.

Thank you for your assistance. Please contact Brad Vidro, City Manager, if City staff can be of assistance.

**Subject: Letter to Caltrans – Valley Plaza Access**

**Date: January 12, 2106**

**Page 2 of 2**

Sincerely,

Jim Richardson, Mayor  
City of Solvang

c: Larry Newland, Caltrans  
Frank Boyle, Caltrans  
Adam Fukushima, Caltrans

## 1980s Old Mission Drive, LLC

Joshua J. Richman  
Manager  
425 Market Street, Suite 2200  
San Francisco, CA 94105  
Phone: 805-350-1791  
Email: [jjrichman@gmail.com](mailto:jjrichman@gmail.com)

December 16, 2015

Solvang City Council  
1644 Oak Street  
Solvang, CA 93463

Re: Valley Plaza Shopping Center  
Proposed Access Point on Mission Drive (Hwy 246)  
Request for Support from the City of Solvang

Dear Honorable Council Members,

I am the managing agent for 1980s Old Mission Drive, LLC, the company that owns and operates the Valley Plaza shopping center at the corner of Alamo Pintado Road and Mission Drive, at the eastern entrance to the City of Solvang.

You may have heard that we have applied for entitlements to remodel and rebuild the shopping center. We are excited at the possibility of redeveloping this site to meet the current and future needs of popular local tenants, such as New Frontiers market and others. Our team is working hard on designing a project that will be outstanding architecturally and that will contribute to a welcoming eastern gateway to the city.

Our entitlement application has been deemed complete by the Solvang Planning & Community Development Department and a Mitigated Negative Declaration ("MND") has been circulated for public comment. We anticipate the project will go before the Solvang Planning Commission for a vote in early 2016, and are eager to move the project forward in a timely manner.

As part of our project, we are exploring the possibility of building a one-way driveway into the shopping center for traffic travelling westbound on Mission Drive. As part of this redesign, we would agree to close off the westernmost driveway that we currently have on Old Mission Drive on the backside of the shopping center. We feel that changing access to the center in this way will yield benefits to both the center and the local community, including the following:

- Cars travelling westbound on Mission Drive will be able to more easily enter the center, and take traffic directly off of Mission Drive.
- Delivery trucks will enter the center from Mission Drive, rather than routing through the neighborhood behind the center. This will result in less commercial traffic on an otherwise quiet neighborhood street.

- It is anticipated that traffic at the Old Mission Drive/Alamo Pintado intersection will be reduced, since westbound traffic on Mission Drive destined for the center will no longer need to pass through this intersection.

Accompanying this letter for your reference are two different variations of our proposed Mission Drive entrance (one showing aerial overlay, and one not). You can view a simulation of our proposed access point at 1:05 in the following YouTube video that we produced:

<https://www.youtube.com/watch?v=1FX0tzkqaQ4&feature=youtu.be>

As you may know, Caltrans has exclusive jurisdiction over access points on Mission Drive due to it being a state highway. As a result, we have asked them for conceptual approval for our proposed access point, which was designed by experts in the field following the Caltrans design manual. We also conducted a traffic study to understand the impact such an access point would have. The traffic study concluded that our proposed Mission Drive access point would not materially impact traffic at any of the surrounding streets or intersections. Notwithstanding our proposed design and traffic study, Caltrans has thus far not conceptually approved our access point.

The purpose of this letter is to ask the City Council for a formal written statement in support of Mission Drive access into our shopping center. We would like to provide such a written statement to Caltrans as part of our continuing discussions with them, as we believe a statement of support from local government would help stress the importance of this access point to our project, and more generally to the community.

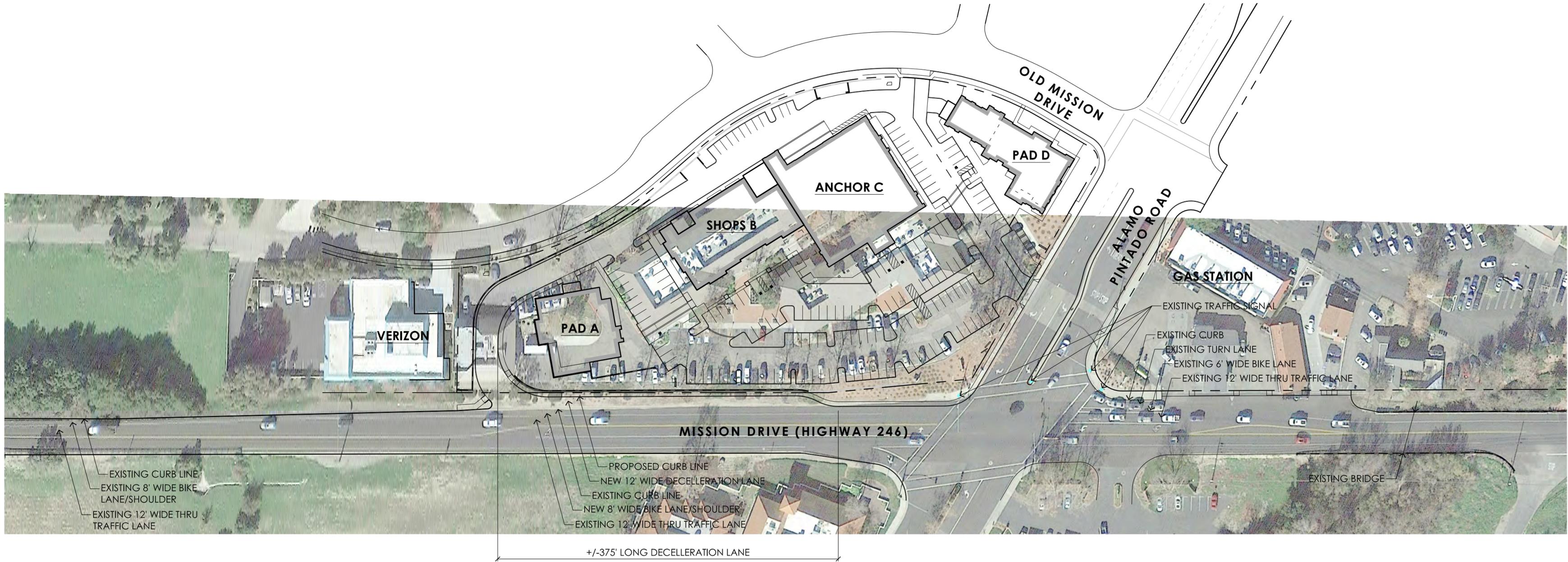
I sincerely appreciate you taking the time to consider this matter.

Yours truly,

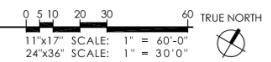
A handwritten signature in blue ink, appearing to read "Joshua J. Richman", written over a light blue horizontal line.

Joshua J. Richman

Encl.



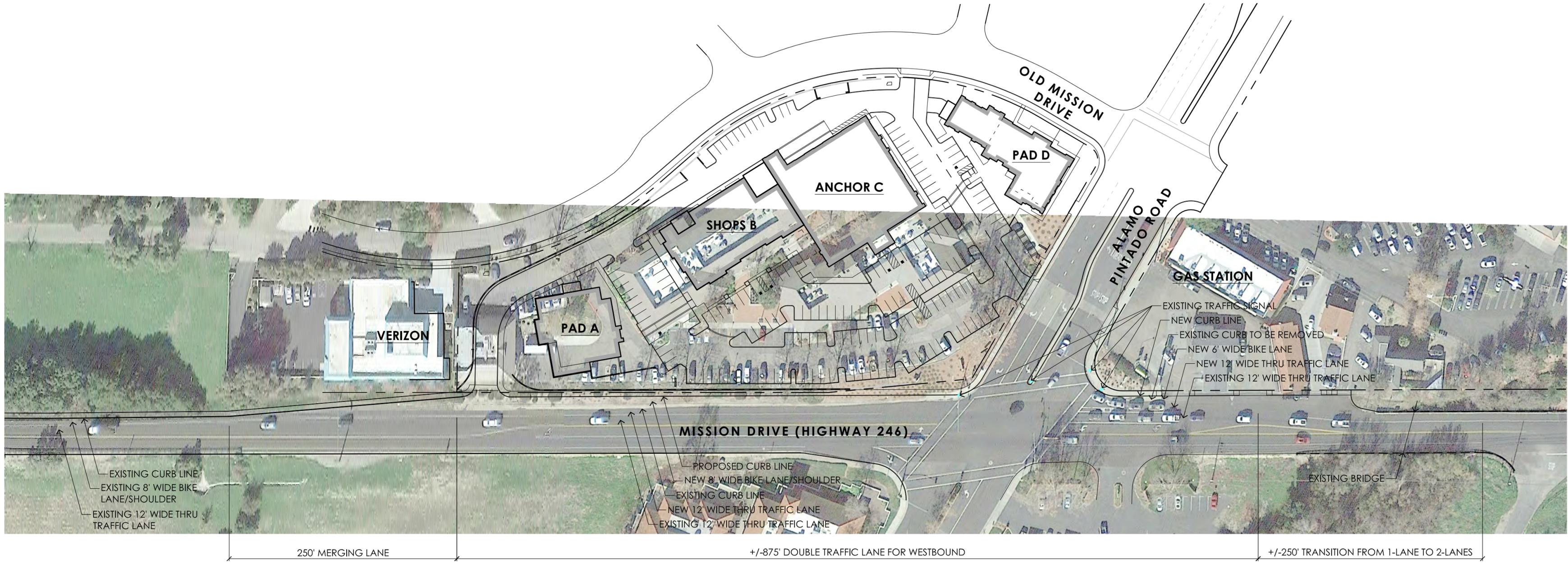
# CALTRANS EXHIBIT: DECELERATION LANE



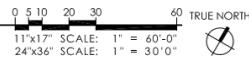
*The Merkantile*  
 SCHEMATIC DESIGN PACKAGE  
 1980 - 1992 OLD MISSION DRIVE SOLVANG, CA

**CALTRANS EXHIBIT**  
**DECELERATION LANE**

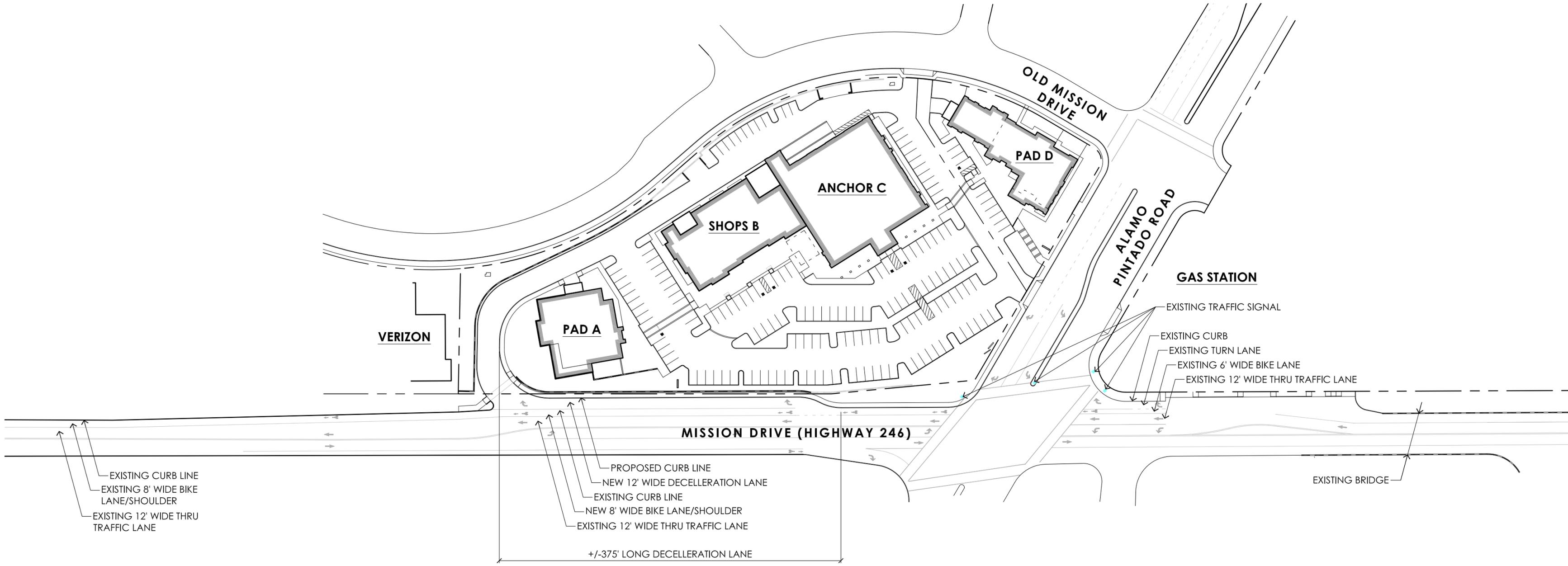
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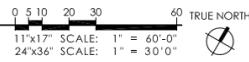
**CALTRANS EXHIBIT: NEW THRU LANE**



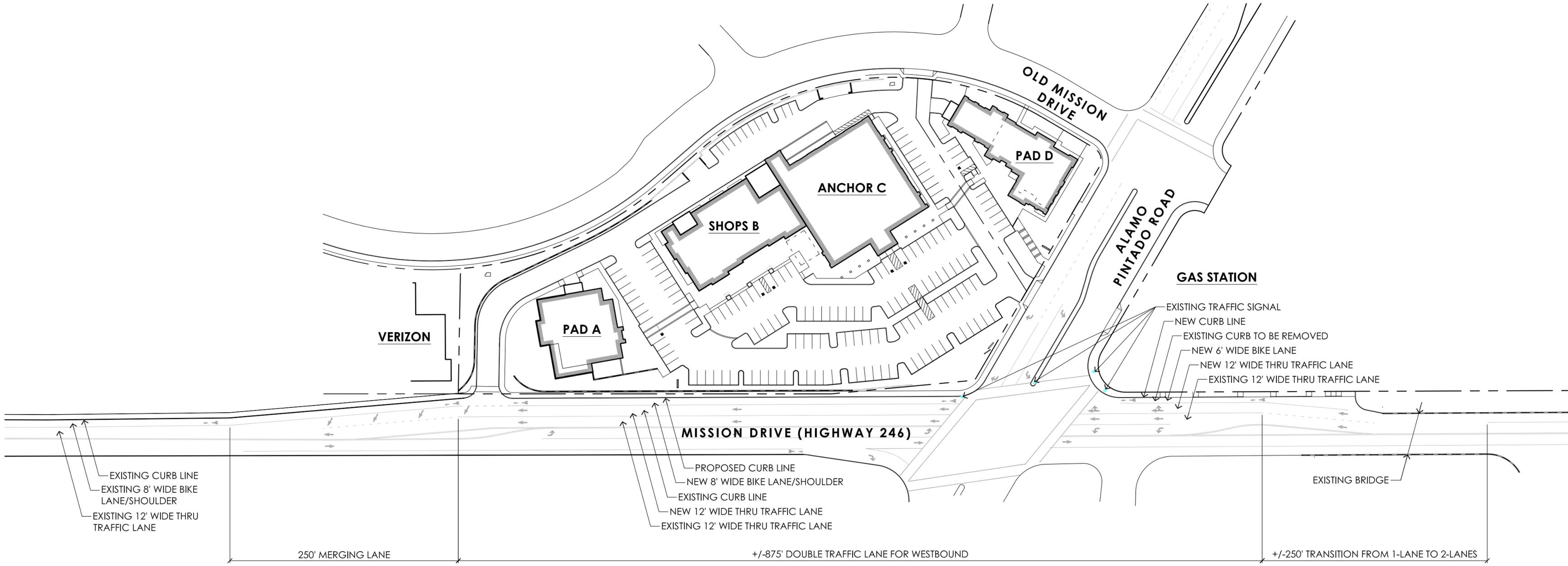
	<i>The Merkantile</i> <small>SCHEMATIC DESIGN PACKAGE          1980 - 1992 OLD MISSION DRIVE SOLVANG, CA</small>
	<b>CALTRANS EXHIBIT          NEW THRU LANE</b>
	<small>12-16-2015</small> <b>2</b>



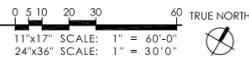
**CALTRANS EXHIBIT: DECELERATION LANE**



	<i>The Merkantile</i> SCHEMATIC DESIGN PACKAGE 1980 - 1992 OLD MISSION DRIVE SOLVANG, CA	
	<b>CALTRANS EXHIBIT          DECELERATION LANE</b>	12-16-2015 <b>1</b>



**CALTRANS EXHIBIT: NEW THRU LANE**



	<i>The Merkantile</i> SCHEMATIC DESIGN PACKAGE 1980 - 1992 OLD MISSION DRIVE SOLVANG, CA
	<b>CALTRANS EXHIBIT</b> <b>NEW THRU LANE</b>
	12-16-2015 <b>2</b>



**CITY COUNCIL  
STAFF REPORT**

**TO:** SOLVANG CITY COUNCIL MEMBERS

**FROM:** Brad Vidro, City Manager

**MEETING DATE:** January 11, 2016

**DATE PREPARED:** December 30, 2015

**SUBJECT: ANNUAL WATER AND SEWER RATE INCREASE AND  
POTENTIAL GENERAL FUND SUBSIDIES AND REVIEW OF  
STAGE 2 DROUGHT RESOLUTION**

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**I. RECOMMENDATION:**

1. Discuss and provide staff direction on implementation of the annual water rate increases.
2. Discuss and provide staff direction on implementation of the annual sewer rate increases.
3. Review Stage 2 Drought Resolution and provide direction on potential changes.

**II. DISCUSSION:**

At the November 9, 2015 City Council meeting the City Council discussed the annual water rate increase and requested staff return with options to utilize general fund money to subsidize the water fund without violating the rate covenant in the City's Water Supply Agreement Santa Ynez River Water Conservation District, Improvement District No.1 (ID#1). The staff report from that City Council meeting is attached, which addressed the scheduled annual rate increase as approved through the Proposition 218 process in 2010. The approved rate increases for 2016 were 3.75% for water and 1.6% for wastewater.

When evaluating water rates it is important to be aware of the requirements of the City of Solvang's Water Supply Agreement with (ID#1) dated August 1, 1991. There is a requirement of the following covenant:

*Section 14.(a) Amounts of Rates and Charges. The City will fix, prescribe and collect rates and charges for the City Water System which will be at least*

*sufficient to yield during each Fiscal Year City Net Water System Revenues equal to one hundred twenty-five (125%) of the City Payments for such Fiscal Year. The City may make adjustments from time to time in such rates and charges and may make such classification thereof as it deems necessary, but shall not reduce the rates and charges then in effect unless the City Net Water System Revenues from such reduced rates and charges will at all times be sufficient to meet the requirements of this Section.*

Please note that in the Water Supply Agreement, Net Water System Revenue is defined as City Water System Revenues (revenue derived by operating the water system, and not including general fund contributions) minus City Operation and Maintenance Expenses. This means that the rate covenant requirement must be met from the rate payers and not from general fund contributions. Rates must be set high enough to pay for operation and maintenance and comply with the 125% covenant. Capital expenditures can be made from the general fund, but even then, the additional operation and maintenance costs to the system that occur as a result of the new capital project must be included in the rates and can't be paid by the general fund just because the particular capital project that creates the expenses did not exist when the rate covenant was entered into. Absent the rate covenant there is no such legal limitation on the use of general fund revenues to help pay for the cost of water.

The City is required to report to the Central Coast Water Authority the rate coverage ratio in January of each year for the previous fiscal year. For the last fiscal year (FY 2014/15) the City's ratio of net revenues to the total state water payments was 133%. We do not believe the City will meet the ratio requirement in FY 2015/16 as the ratio is estimated to be 104%, due to the inclusion in the total state water payments of the one-time payment of \$702,000 for the 300 AF of Suspended Table A Water.

**Rate Coverage Calculations**

	<b>Actual FY 2014/15</b>	<b>Estimated FY 2015/16</b>
<b>REVENUES</b>		
Water Sales	\$4,361,233	\$4,300,000
Other Fees & Income	54,817	19,200
Capital contributions	497,405	132,000
Interest Income	6,942	16,000
<b>TOTAL REVENUES:</b>	<b>\$4,920,397</b>	<b>\$4,467,200</b>
<b>OPERATING EXPENSES</b>		
Operating Expenses	1,163,032	\$1,312,711
Interest Expense	5,797	6,000
<b>TOTAL OPERATING EXPENSES:</b>	<b>1,168,829</b>	<b>1,318,711</b>
<b>NET REVENUES</b>	<b>3,751,568</b>	<b>\$3,148,489</b>

Rate Coverage Fund Deposit	606,183	725,257
Adjusted Net Revenues	4,357,751	3,873,746
State Water Payments	3,287,871	3,713,971
<b>Coverage Ratio:</b>	<b>1.33</b>	<b>1.04</b>
Other Debt Service	-0-	-0-
Available for Capital improvements and other purposes	\$463,697	\$(565,302)*

\*This is negative because there is no excess funding for other purposes.

If the City ends up not meeting the rate coverage requirement it would be in breach of its contract and would need to show a plan that would bring the ratio to the minimum coverage requirement. Recently a CCWA member agency was threatened with enforcement action, but an increase in rates brought the coverage ration above 125%.

During the last two years the City has incurred additional increases in expenses to the water fund and decreases in revenues in both water and wastewater funds from a reduction in water sales due to conservation by customers as a result of the Stage 2 Drought Declaration. In addition, approximately \$918,494 was expended to secure additional State Water for calendar years 2014 & 2015. The current capital program includes a project to drill upland wells with an estimated cost of \$1,400,000. None of these factors were included in the five-year rate study done by NBS in 2011 that concluded a 5.25% annual increase was needed to fund operational and capital costs.

**Stage 2 Drought Penalties**

When the City Council adopted the Resolution establishing penalties for Stage 2 drought conditions they were tied to the water consumption rates. Any increase in the water consumption rate would result in an increase in the penalties. If the full 8.96% (5.75% plus 3.71%) increase to the usage rates is approved the penalties would be as follows (shown in parenthesis):

**Single Family Residential Customers penalties:**

<i>Usage</i>	<i>Penalty</i>	<i>Current penalty</i>	<i>Increased penalty</i>	<i>Increase per HCF</i>
0-13 HCF	no penalty	\$3.16/HCF	(\$3.45)	\$0.29
14-21 HCF	1.5x	\$4.74/HCF	(\$5.17)	\$0.43
22-53 HCF	2x	\$6.32/HCF	(\$6.90)	\$0.58
>53 HCF	2.5x	\$7.90/HCF	(\$8.62)	\$0.72

**Commercial/Industrial/Institutional customer penalties:**

0-80% of use in the same month the prior year (2013)      \$3.43/HCF (\$3.75)

80-125% from prior year use 1.5x penalty \$5.15/HCF \$(5.62)  
 Over 125% from prior year use = fixed penalty of \$100 1<sup>st</sup> month; \$250  
 2<sup>nd</sup> month; \$500 3<sup>rd</sup> month

**Irrigation Only customer penalties:**

0-50% of use in the same month the prior year (2013) \$3.43/HCF(\$3.75)  
 2<sup>nd</sup> month over \$500 penalty; 3<sup>rd</sup> month over flow restrictor placed on meter

**Multi-family Residential/Mobile Home customer penalties:**

0-90% of use in the same month the prior year (2013) \$3.43/HCF (\$3.75)  
 Over 90% from prior year use 1.5x penalty \$5.15/HCF (\$5.62)

**Stage 2 Drought and State Regulations**

Because the City of Solvang is under 3,000 service connections we are not considered an urban water supplier and only one section of the emergency regulations are directly aimed at non-urban water suppliers. It is as follows:

*(e) To promote water conservation, each distributor of a public water supply, as defined in Water Code section 350, that is not an urban water supplier shall, within thirty (30) days, take one or more of the following actions: (1) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or (2) Implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013. Authority: Water Code, § 1058.5*

The City is not required to have penalties in its Drought Resolution, but our current penalties have helped to realize the 25% required conservation the State of California is pursuing.

The Water and Wastewater Funds include both operating and capital components. Below is a table showing total expenses and revenues for the last five fiscal years and the budgeted amounts for the current fiscal year. Both funds have a large capital component in the current fiscal year.

**Water Fund:**

<b>Fiscal Year</b>	<b>Expenses</b>	<b>Revenue</b>	<b>Increase/Decrease in Net Position</b>
2010/2011	\$4,082,761	\$3,995,627	(\$87,134)
2011/2012	\$3,875,275	\$4,230,365	\$352,090
2012/2013	\$4,312,353	\$4,677,243	\$364,890
2013/2014	\$5,067,560	\$5,152,838	\$85,278
2014/2015	\$4,765,816	\$4,920,397	\$154,581
2015/2016*	\$7,065,138	\$4,467,200	(\$2,597,938)

**Wastewater Fund:**

<b>Fiscal Year</b>	<b>Expenses</b>	<b>Revenue</b>	<b>Increase/Decrease in Net Position</b>
2010/2011	\$1,709,935	\$1,561,380	(\$148,555)
2011/2012	\$1,710,790	\$1,507,045	(\$203,745)
2012/2013	\$2,295,437	\$1,997,145	(\$298,292)
2013/2014	\$1,800,351	\$1,905,806	\$105,455
2014/2015	\$1,799,891	\$1,943,850	\$143,959
2015/2016*	\$2,368,743	\$2,124,621	(\$244,122)

\*Budgeted numbers for the current year which include large capital projects in both water and wastewater funds.

These tables include all revenues, not just those derived from rates. The overall Net Positions (similar to Fund Balance) in the Water Fund increased \$154,581 and the Wastewater Fund increased \$143,959 at the close of FY 2014/15. The projected budgets for both Water and Wastewater, anticipate more expenses than revenue. While it is never good to budget a deficit, the Wastewater fund has enough in its “reserves” to cover the projected shortfall in FY 2015/16.

The current adjusted fiscal year water fund budget has a total of \$7,465,138 in expenditures. Several of these will most likely not be fully expended in the current fiscal year.

	<b>Adjusted Budget</b>	<b>Anticipated Expense</b>	<b>Difference</b>
Purchased Water	\$1,150,000	\$750,000	\$(400,000)
State Water Payments	\$3,038,000	\$2,867,000	\$(171,000)
Upland Well Development	\$ 880,000	\$800,000	\$(80,000)
River Well Development	\$ 560,000	\$200,000	\$(340,000)
<b>Total</b>	<b>\$5,628,000</b>	<b>\$4,617,000</b>	<b>\$(1,011,000)</b>

With these changes, the likely decrease to net position is expected to be approximately (\$1.9M) vs. the initial adopted budget projection of (\$2.59M).

**III. ALTERNATIVES:**

The City Council can choose to direct staff in variety of ways and combinations of alternatives.

1. The City Council could choose to implement any amount of increase up to the maximum amounts of 3.71% for the monthly meter fee and up to 8.96% for the water usage fee and 1.6% for wastewater. If the Council chooses not to follow the recommendation of the rate study consultant and not implement the full increase, at a minimum staff would recommend an increase consistent

- with the consumer's price index increase to keep up with ongoing expenses.
2. The City Council could choose to utilize money from the General Fund reserves to fund some of the capital or one-time expenditures. An example would be to utilize it to pay the initial investment for the 300 Acre-Feet of Suspended Table A State Water with an estimated cost of \$702,000. Contributions for capital costs would not affect the rate coverage requirement as that is based on operating expenses and not capital expenses. The cost of the suspended water is included in the State Water Payment portion of the formula.
  3. Part of the cost of the operations budget of the Water Fund is an annual Overhead contribution for the services provided by City staff, such as purchasing, payroll, benefits administration, etc. The budgeted amount for FY 2015/16 is \$254,685. The City Council could choose not to require that transfer from the Water Fund to the General Fund. While not a good accounting practice, this would be a way for the general fund to subsidize the Water Fund by not requiring it to pay for the support function that general fund staff provide to water fund operations. This would result in less revenue for the General Fund, which is already budgeted to end in a deficit of approximately \$43,000.
  4. The City Council could choose to implement the full rate increase up to the maximum amounts of 3.71% for the monthly meter fee and up to 8.96% for the water usage fee and remove the Stage 2 Drought penalties. This would result in residential rates of \$3.45/hcf for the first 16 units and \$4.05/hcf for usage over 16 units. Commercial rates would go to \$3.75/hcf. Monthly meter fees would be increased as shown on the staff report from November 9, 2015.
  5. Invest unassigned fund balance (reserves) in a higher risk investment and utilize returns to offset water costs. If \$3,000,000 of General Fund unassigned were invested in a 5 year fixed-rate bond at a 2% rate of return (per Multi-Bank Securities, Inc.) it would result in approximately \$60,000 in annual revenue.
  6. The City could pursue bonding for capital improvements which would require that rates be increased to meet the additional debt payment obligation.
  7. The City could reevaluate its Capital Improvement Plan and spread out the cost of certain projects. However, some of the projects are related to the current drought, such as upland well development, and have been approved by Council as measures to mitigate the drought impacts to the residents.

At the City Council meeting of September 28, 2015, staff presented information regarding possible funding options for the Water fund. There is great concern about how to fund the Capital Improvement plan projects outlined for the Water Fund. If the City Council chooses to further explore issuing bonds, we know that we do not currently have enough revenue to meet the debt service payment requirements. Should the City Council choose not to raise rates now, and wishes to issue bonds later, the potential rate increases could be much greater. In addition, any use of General Fund monies, other than for interest revenue, would only be a short term solution to the continued potential operating deficit. Rates need to be increased at a minimum of CPI in order to try and minimize an

accumulating shortfall of available funds for capital projects and ongoing expenses.

**IV. FISCAL IMPACT:**

The fiscal impact of any change in rates or penalties is dependent on the effective date. Due to the City's billing cycle, any increase would be effective January 21, 2016 (January billing), which would result in five months of changed revenue for the fiscal year that ends on June 30, 2016.

When evaluating the fiscal impact of the rate increase just the monthly operating revenue should be looked at not total revenue. Operating revenues from rates (fixed meter and consumption) for the **calendar year** for water and wastewater are as follows:

<b>Calendar Year</b>	<b>Consumption (HCF)</b>	<b>Water Revenue</b>	<b>Change</b>	<b>Wastewater Revenue</b>	<b>Change</b>
2012	584,985	\$4,339,007		\$1,287,523	
2013	616,867	\$4,608,348	+\$269,341	\$1,282,303	-\$5,220
2014	529,031	\$4,391,437	-\$216,911	\$1,358,578	+\$76,275
2015	426,635	\$4,390,946	-\$491	\$1,366,120	+\$7,542

An across the board 3.71% increase to water rates will result in an estimated \$160,000 of additional revenue assuming water sales in 2016 are similar to 2015. Wastewater would see an annual increase of approximately \$22,000 with a 1.6% increase in rates.

If rates were raised to the amounts approved in the Prop 218 process (3.71% for the monthly meter fee and up to 8.96% for the water usage fee and 1.6% for wastewater) revenue for the water fund would increase approximately \$243,134 and \$22,000 for the wastewater fund.

**V. ATTACHMENTS:**

- November 9, 2015 staff report
- Resolution No. 15-968



# ATTACHMENT A





**CITY COUNCIL  
STAFF REPORT**

**TO:** SOLVANG CITY COUNCIL MEMBERS

**FROM:** Brad Vidro, City Manager

**MEETING DATE:** November 9, 2015

**DATE PREPARED:** October 29, 2015

**SUBJECT: ANNUAL WATER AND SEWER RATE INCREASE**

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**I. RECOMMENDATION:**

Discuss and provide staff direction on implementation of the annual water and sewer rate increases.

**II. DISCUSSION:**

On October 10, 2011 the City Council adopted a five year rate increase for water and sewer customers in accordance with Proposition 218 legislation. At that time the rates were structured to equitably distribute the cost of service. When the rate study was presented to the City Council for adoption of the new rates, the Consultant informed the Council that it was anticipated that approximately \$337,000 of additional annual revenue would be generated to help build the Water Fund reserves but the City would still need to use debt financing to complete the numerous capital improvements that the system needs. Based on that process the City Council has the ability to approve increases annually up to the amount that was included in the original notice used to inform the customers of the future rate increases. The effective date annually is November 21, which is considered the beginning of the December billing cycle.

The adopted maximum annual increases to rates are as follows:

Effective Date	Water	Sewer
November 21, 2011	5.25%	-0-
November 21, 2012	5.25%	CPI (1.7%)
November 21, 2013	5.25%	CPI (1.5%)
November 21, 2014	5.25%*	CPI (1.7%)
November 21, 2015	3.71%	CPI**

\*Only the monthly meter fee was increased, the usage fee remained the same due to Stage 2 drought penalties being in affect.

\*\*Defined as the annual inflation rate published in the Consumer Price Index, U.S. Cities Average, not below 0.0% nor exceeding 5.0%. The CPI increase for the most recent available twelve month period (August 2014-August 2015) is 1.6%.

**Water Rates**

The maximum increases that can be approved for November 21, 2015 are as follows:

**Monthly Meter Fee (3.71%)**

Meter Size	2015	2016	Increase
5/8-Inch	\$72.71	\$75.43	\$2.72
3/4-Inch	\$109.06	\$113.15	\$4.09
1-Inch	\$181.77	\$188.58	\$6.81
1 1/2-Inches	\$363.53	\$377.17	\$13.64
2-Inches	\$581.65	\$603.47	\$21.82
3-Inches	\$1,163.32	\$1,206.94	\$43.62
4-Inches	\$1,817.68	\$1,885.84	\$68.16
6-Inches	\$3,635.36	\$3,771.68	\$136.32
8-Inches	\$5,816.57	\$6,034.69	\$218.12

The City Council can increase the usage rates up to a total of 8.96% which would be the 5.25% that was not implemented last year and the 3.71% that was scheduled for this year. The next two tables show the water consumption rates for 2015 that were not implemented and the Proposition 218 approved scheduled increase for 2016.

**Single Family Residential Users Quantity Rate Per 100 Cubic Feet**

Cubic Feet	2014	2015 (5%)	2016 (3.71%)	Max. Increase
0 to 1,600	\$3.16	\$3.33	\$3.45	\$0.29
1,601 & above	\$3.71	\$3.90	\$4.05	\$0.34

**All Other Water Users Quantity Rate Per 100 Cubic Feet**

2014	2015 (5%)	2016 (3.71%)	Max. Increase
\$3.43	\$3.61	\$3.75	\$0.32

**Wastewater Rates**

Wastewater rate increases are tied to the Consumers Price Index which had a 1.6% increase in the last year. That increase would be as follows:

**Residential Sewer Users Base Rate Per Dwelling Unit**

User Class	2015	2016	Increase
Single Family	\$ 34.10	\$ 34.65	\$0.55
Multi-Family	\$ 34.10	\$ 34.65	\$0.55

**Commercial and Industrial Users Sewer Rate  
 Per 100 Cubic Feet (HCF) of Water Consumption**

User Class	2015	2016	Increase
Domestic-Strength	\$2.81	\$2.85	\$0.04
High-Strength	\$7.30	\$7.42	\$0.12

**Commercial and Industrial Users Minimum Rate Per Connection**

User Class	2015	2016	Increase
All	\$ 34.10	\$ 34.65	\$0.55

**Stage 2 Drought Penalties**

When the City Council adopted the Resolution establishing penalties for Stage 2 drought conditions they were tied to the water consumption rates. Any increase in the water consumption cost would result in an increase in the penalties. If the full 8.96% increase to the usage rates is approved the penalties would be as follows (shown in parenthesis):

**Single Family Residential Customers penalties:**

<i>Usage</i>	<i>Penalty</i>	<i>Current penalty</i>	<i>Increased penalty</i>	<i>Increase per HCF</i>
0-13 HCF	no penalty	\$3.16/HCF	(\$3.45)	\$0.29
14-21 HCF	1.5x	\$4.74/HCF	(\$5.17)	\$0.43
22-53 HCF	2x	\$6.32/HCF	(\$6.90)	\$0.58
>53 HCF	2.5x	\$7.90/HCF	(\$8.62)	\$0.72

**Commercial/Industrial/Institutional customer penalties:**

0-80% of use in the same month the prior year (2013) \$3.43/HCF (\$3.75)  
 80-125% from prior year use 1.5x penalty \$5.15/HCF (\$5.62)  
 Over 125% from prior year use = fixed penalty of \$100 1<sup>st</sup> month; \$250;  
 2<sup>nd</sup> month; \$500 3<sup>rd</sup> month

**Irrigation Only customer penalties:**

0-50% of use in the same month the prior year (2013) \$3.43/HCF (\$3.75)  
 2<sup>nd</sup> month over \$500 penalty; 3<sup>rd</sup> month over flow restrictor placed on meter

**Multi-family Residential/Mobile Home customer penalties:**

0-90% of use in the same month the prior year (2013) \$3.43/HCF (\$3.75)  
 Over 90% from prior year use 1.5x penalty \$5.15/HCF (\$5.62)

A residential customer with a 5/8" meter that used 16 units of water would see a monthly fee increase of \$8.33 if the 3.71% increase to the monthly meter fee, the 8.96% increase for water rates and 1.6% increase for sewer rates are implemented. This includes the Stage 2 Drought penalties.

Since the implementation of the rate structure approximately 40 customers have down sized their meters. This results in an estimated reduction in annual revenue of \$40,000 from the revenue calculations utilized by the consultant in the rate study.

The Water and Wastewater Funds include both operating and capital components. Below is a table showing total expenses and revenues for the last five fiscal years and the budgeted amounts for the current fiscal year. Both funds have a large capital component in the current fiscal year.

**Water Fund:**

<b>Fiscal Year</b>	<b>Expenses</b>	<b>Revenue</b>	<b>Increase/Decrease in Net Position</b>
2010/2011	\$4,082,761	\$3,995,627	(\$87,134)
2011/2012	\$3,875,275	\$4,230,365	\$352,090
2012/2013	\$4,312,353	\$4,677,243	\$364,890
2013/2014	\$5,067,560	\$5,152,838	\$85,278

2014/2015	\$4,765,816	\$4,920,397	\$154,581
2015/2016*	\$7,065,138	\$4,467,200	(\$2,597,938)

**Wastewater Fund:**

Fiscal Year	Expenses	Revenue	Increase/Decrease in Net Position
2010/2011	\$1,709,935	\$1,561,380	(\$148,555)
2011/2012	\$1,710,790	\$1,507,045	(\$203,745)
2012/2013	\$2,295,437	\$1,997,145	(\$298,292)
2013/2014	\$1,800,351	\$1,905,806	\$105,455
2014/2015	\$1,799,891	\$1,943,850	\$143,959
2015/2016*	\$2,368,743	\$2,124,621	(\$244,122)

\*Budgeted numbers for the current year which include large capital projects in both water and sewer accounts.

These tables include all revenues, not just those derived from rates. The overall Net Positions (similar to Fund Balance) in the Water Fund increased \$154,581 and the Wastewater Fund increased \$143,959 at the close of FY 2014/15.

The projected budgets for both Water and Wastewater, anticipate more expenses than revenue. While it is never good to budget a deficit, the Wastewater fund has enough in its “reserves” to cover the projected shortfall in FY 2015/16. As discussed previously with City Council, the Water fund does not have enough in its “available reserves” to cover the shortfall, and the projected unrestricted net position at the end of FY 2015/16 will be (\$202,641).

**III. ALTERNATIVES:**

Attachment B is the Letter of Transmittal from the rate study consultant that indicated the need to implement a five year rate increase in the water fund to correct the structural deficit the Water Fund will have with implementation of the capital improvement needs of the system. This is critical information for the Council to consider when taking action on the annual rate increases.

The City Council could choose to implement any amount of increase up to the maximum amounts of 3.71% for the monthly meter fee and up to 8.96% for the water usage fee and 1.6% for wastewater. If the Council chooses not to follow the recommendation of the rate study consultant and not implement the full increase, at a minimum staff would recommend an increase consistent with the consumer’s price index increase to keep up with ongoing expenses.

**IV. FISCAL IMPACT:**

When evaluating the fiscal impact of the rate increase just the monthly operating revenue should be looked at not total revenue. Total revenues from rates for the calendar year for water and wastewater are as follows:

Year	Consumption (HCF)	Water Revenue	Change	Wastewater Revenue	Change
2012	584,985	\$4,339,007		\$1,172,205	
2013	616,867	\$4,608,348	+\$269,341	\$1,319,675	+\$147,470
2014	529,031	\$4,392,828	-\$215,520	\$1,354,981	+\$35,306
2015*	426,635	\$4,307,556	-\$85,272	\$1,368,712	+\$13,731

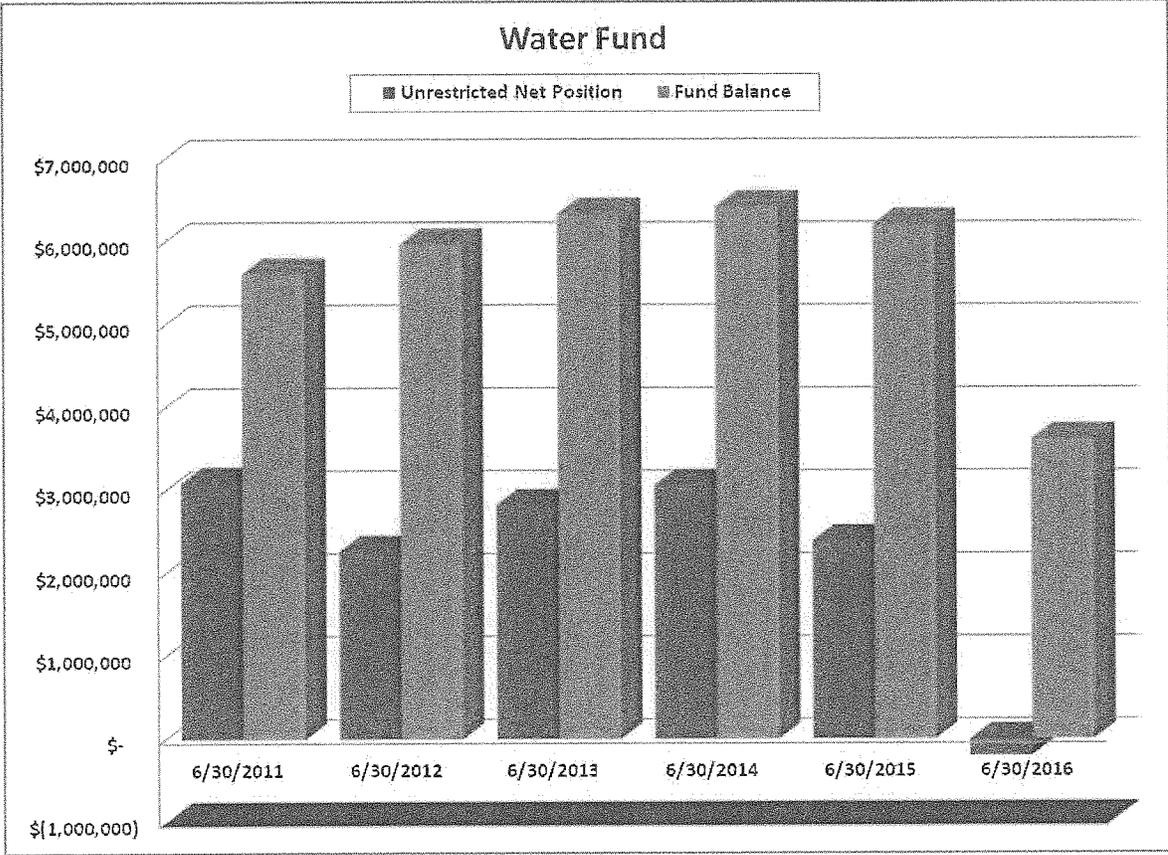
\*Estimated through the end of the year without rate increases

An across the board 3.71% increase to water rates will result in an estimated \$160,000 of additional revenue assuming water sales are similar to 2015. Wastewater would see an increase of approximately \$22,000 with a 1.6% increase in rates.

During the last two years the City has incurred additional increases in expenses to the water fund and decreases in revenues in both water and sewer funds from a reduction in water sales due to conservation by customers as a result of the Stage 2 Drought declaration. Approximately \$918,494 was expended to secure additional State Water for calendar year 2014 & 2015. Water revenue is down due to conservation efforts. Additionally the City has pursued a project to drill upland wells with an estimated cost of \$1,400,000. None of these factors were included in the five-year rate study done by NBS in 2011 that conclude a 5.25% annual increase was needed to fund operational and capital costs.

At the City Council meeting of September 28, 2015, staff presented information regarding possible funding options for the Water fund. There is great concern about how to fund the Capital Improvement plan projects outlined for the water fund. If the City Council chooses to further explore issuing bonds, we know that we do not currently have enough revenue to meet the debt service payment requirements. Should the City Council choose not to raise rates now, and wishes to issue bonds later, the potential rate increases could be much greater.

The chart on the next page shows the dramatic change in unrestricted net position due primarily to the \$1,400,000 planned expenses for well development.



V. ATTACHMENTS:

- A. Five year rate increase schedule from the Notice to Customers
- B. NBS Letter of Transmittal dated July 6, 2011



**CURRENT MONTHLY WATER RATE SCHEDULE**

Meter Charge:	\$3.77
5/8-Inch	3.66
3/4-Inch	9.43
1-Inch	18.87
1 1/2-Inches	30.20
2-Inches	60.40
3-Inches	84.92
4-Inches	188.74
Demand Fee:	
Amount per Demand Unit, applied below:	
Single Family	13.87
Condominium	55.48
Multi-Family, First Unit	55.48
Multi-Family, Each Additional Unit	18.03
Mobile Home	55.48
Motel/Hotel, First Unit	55.48
Motel/Hotel, Each Additional Unit	15.26
Office, First Suite	55.48
Office, Each Additional Suite	12.34
Medical/Dental, First Professional	55.48
Medical/Dental, Each Additional Professional	41.61
Medical/Dental, Each Lab	41.61
Quantity Charge:	
Per 100 Cubic Feet	3.05

**CURRENT MONTHLY SEWER RATE SCHEDULE**

Single Family Dwelling Unit	\$32.48 per dwelling unit
Multi-Family Dwelling Unit	\$32.48 per dwelling unit
General Commercial	\$2.67 per 100 cubic feet
Restaurant and Baltery	\$6.95 per 100 cubic feet
Hotel with Dining	\$5.07 per 100 cubic feet
Market with Disposal	\$6.95 per 100 cubic feet
School	\$2.67 per 100 cubic feet
Minimum Charge	\$32.48

All Water and Sewer users outside City limits are subject to 1.5 times the above-listed rates.

QUESTIONS? Please call (805) 688-5575 if you have any questions regarding the proposed rate increases.

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**NOTICE OF PROPOSED  
INCREASES TO  
WATER AND SEWER  
RATES**



**PUBLIC HEARING**

**OCTOBER 10, 2011  
at 7 p.m.**

**CITY OF SOLVANG  
COUNCIL CHAMBERS  
1644 OAK STREET  
SOLVANG, CA 93463**

**NOTICE OF PUBLIC HEARING**

The City of Solvang, in compliance with Article XIII D of the California State Constitution and the Proposition 218 Omnibus Implementation Act, is hereby notifying all affected property owners of the following:

1. The City is proposing to increase the monthly rates for its Water and Sewer Utilities. The purpose of the proposed increase is to adequately fund the ongoing costs of providing water and sewer service to properties within the City. Revenue from water and sewer rates pays for operations, maintenance, debt service, and capital improvements for the City's Water and Sewer systems.
2. This notice includes the proposed schedule of rates for the 2011/12 fiscal year through the 2015/16 fiscal year. If the proposed rate increases are approved by the City Council, the rates will become effective November 21st of each successive fiscal year and remain in effect until otherwise modified by the City Council. The Water and Sewer rates cannot exceed the amounts adopted by the City Council without providing future written notice to property owners.

**COMMENTS AND WRITTEN PROTEST**

A Public Hearing will be held on Monday, October 10, 2011 at 7 p.m. at the City of Solvang, City Council Chambers, located at 1644 Oak Street in Solvang, California. The City Council will hear and consider all oral and written testimony concerning the proposed Water and Sewer rates. If you oppose the proposed rate changes, you may submit a formal written protest at the hearing or, via postal mail or hand-delivery, to the City Clerk. A formal written protest must be submitted in writing and state any opposition to the proposed increases, contain a description of the property (the parcel number is preferred and is printed above your mailing address on this notice), and include the original signature of the property owner. (Fax or e-mail are not acceptable.) Protests will be tabulated pursuant to procedures adopted by the City Council. If written protests are submitted with respect to a majority (50% plus 1) of the parcels within the City, then the proposed changes will not be imposed. Written Protests must be received prior to the close of the public hearing on Oct. 10<sup>th</sup>, 2011. Protests may be mailed to:

City Clerk  
City of Solvang  
1644 Oak Street  
Solvang, California 93463

**PROPOSED MONTHLY WATER RATE SCHEDULE**

On a monthly basis, every connection to the Water system will be subject to both a Base Rate and a Quantity Rate, as follows:

Base Rate Per Connection, All Water Connections  
*Effective November 21st of each year*

Meter Size	2011	2012	2013	2014	2015
5/8-Inch	\$62.36	\$65.63	\$69.08	\$72.71	\$75.43
3/4-Inch	93.54	98.45	103.62	109.06	113.15
1-Inch	155.90	164.09	172.70	181.77	188.58
1 1/2-Inches	311.80	328.17	345.40	363.54	377.17
2-Inches	498.89	525.08	552.64	581.66	603.47
3-Inches	997.77	1,050.15	1,105.29	1,163.31	1,206.94
4-Inches	1,559.02	1,640.86	1,727.01	1,817.68	1,885.84
6-Inches	3,118.03	3,281.73	3,454.02	3,635.35	3,771.08
8-Inches	4,988.85	5,230.76	5,528.43	5,816.57	6,034.69

Quantity Rate Per 100 Cubic Feet, Single Family Residential Users  
*Effective November 21st of each year*

Cubic Feet	2011	2012	2013	2014	2015
0 to 1,600	\$2.85	\$3.00	\$3.16	\$3.32	\$3.45
1,601 & above	3.35	3.53	3.71	3.91	4.05

Quantity Rate Per 100 Cubic Feet, All Other Users  
*Effective November 21st of each year*

Cubic Feet	2011	2012	2013	2014	2015
All	\$3.10	\$3.26	\$3.43	\$3.61	\$3.75

All Water users outside City limits are subject to 1.5 times the above-listed rates.

**PROPOSED MONTHLY SEWER RATE SCHEDULE**

On a monthly basis, every connection to the Sewer system will be subject to either a Base Rate or a Quantity Rate and Minimum Rate, as follows:

Base Rate Per Dwelling Unit, Residential Sewer Users  
*Effective November 21st of each year*

User Class	2011	2012	2013	2014	2015
Single Family	\$32.48	see index	see index	see index	see index
Multi-Family	32.48	see index	see index	see index	see index

Quantity Rate Per 100 Cubic Feet of Water Consumption, Commercial and Industrial Users  
*Effective November 21st of each year*

User Class	2011	2012	2013	2014	2015
Domestic-Strength	\$2.67	see index	see index	see index	see index
High-Strength	6.95	see index	see index	see index	see index

Minimum Rate Per Connection, Commercial and Industrial Users  
*Effective November 21st of each year*

User Class	2011	2012	2013	2014	2015
All	\$32.48	see index	see index	see index	see index

All Sewer Users outside City limits are subject to 1.5 times the above-listed rates.

Index

In each year where noted, the Sewer rate will be adjusted by the annual inflation rate published in the *Consumer Price Index, US Cities Average*, in an amount equal to that source, however, not below 0.0% and not to exceed 5.0% annually.



32605 Temecula Parkway, Suite 100  
Temecula, CA 92592  
Toll free: 800.876.7516 (P) 951.206.1997  
nbsgov.com

## TRANSMITTAL

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**TO:** BRAD VIDRO, CITY MANAGER  
CITY OF SOLVANG

**FROM:** JEANETTE HAHN, DIRECTOR  
NBS

**RE:** WATER & WASTEWATER RATE STUDY FINDINGS FOR CITY COUNCIL REVIEW

**DATE:** JULY 6, 2011

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### PURPOSE

The purpose of this transmittal is to distribute findings to the City of Solvang regarding the financial sufficiency of the user rates collected for the City's Water and Wastewater utilities. Findings communicated in this transmission focus on rate revenue management strategies facing the City to fully fund the forecasted operational and planned capital obligations of the utilities in a manner that is fiscally sustainable.

NBS plans to present information from the rate study onsite at the regular meeting of the City Council on July 11, 2011, in order to assist Council members in their formulation of direction for both utilities.

Two attachments are included in this transmission:

- Attachment A: Water Utility Rate Revenue Requirement Analysis
- Attachment B: Wastewater Utility Rate Revenue Requirement Analysis

### WATER UTILITY

To fund established operations of over \$3.1 million – existing, budgeted levels of service – and satisfy existing debt service obligations of nearly \$1.2 million, the Water Utility is reliant upon the use of cash reserves accumulated from prior year revenues. Current-year revenues of just over \$4.0 million, comprised predominantly of user rates, are not sufficient to fund those basic



needs: The Utility operates currently at a “structural deficit.” This is not a sustainable position.

Furthermore, the City has planned over \$7.4 million in capital improvement projects between Fiscal Years 2012 and 2021. Of this total, just under \$5.0 million is scheduled within the first two years of the period, comprised significantly of two projects deemed of critical value to the City: the drilling of six new wells and installation of associated transmission lines, and the development of a water treatment facility. Without capacity in its existing revenue stream to contribute toward these projects, cash reserves represent the Utility’s next readily accessible revenue source. However, the structural deficit in current operations is already straining that finite source, and there is insufficient cash within the Water Utility to immediately fund these projects. Reliance on other minor revenue sources for the utility, such as connection/hook-up fees, is not viable within this timeframe. Funding for this program will have to be derived from rates. (To view the list of projects in the planned capital program, refer to Exhibit 2 in Attachment A.)

Combining this capital program with the Utility’s operations and debt service obligations would fully exhaust all cash reserves within Fiscal Year 2012, leaving no resource thereafter to continue subsidizing ongoing operations and debt service and no resource to complete the planned capital program. This position requires the City to either increase its user rates to fund its planned program on a sustainable basis or both reduce recurring operating expenses and defer the capital program to operate within current revenue capacity.

Tapping user rates as the solution to meeting the Utility’s defined funding needs – both operating and capital – this study has projected the following pattern of annual rate revenue increases:

FISCAL YEAR	OVERALL INCREASE TO RATE REVENUE	ANNUAL RATE REVENUE COLLECTED BY THE UTILITY	SAMPLE MONTHLY BILL, SINGLE FAMILY RESIDENCE
2011	--	\$4.00 million	\$89.75
2012	5.25%	\$4.26 million	\$94.46
2013	5.25%	\$4.53 million	\$99.42
2014	5.25%	\$4.82 million	\$104.64
2015	5.25%	\$5.13 million	\$110.13
2016	3.71%	\$5.38 million	\$114.22

*The five-year period shown above represents the maximum length of time over which the City Council may, at one time, adopt increases to utility rates, in accordance with Proposition 218.*

Financial performance before and after the above-described rate revenue strategy can be viewed in Attachment A on Exhibits 7 and 8.

This study recommends the levelized pattern of 5.25% annual rate revenue increases over a four-year period to correct the fiscal deficit of the Water Utility and fully fund all defined

obligations. (Annual increases approximating inflationary levels should follow this period.) If enacted in full, this strategy will also generate capacity within the rate revenue stream to eventually fund a capital replacement reserve for the Utility at an annual pace equal to the Utility's annual depreciation expense: considered to be a minimum standard under best management practices for utility operations. Under this practice, the Utility should be contributing from rates to capital reserves roughly \$337,000 annually by Fiscal Year 2016. This represents a local resource funded by the users of the water system to reinvest in the assets and equipment that make perpetual, on-demand utility service possible.

Due to the front-loading of the Utility's capital program, it is critical to note that the outcome listed above requires the use of debt financing to generate the resulting rate levels. To entirely cash-fund the well and water treatment projects without external assistance would require immediate and sustained rate increases well in excess of 10% per year, an outcome which this study has been directed very clearly by the City Council as not viable for the community. To conservatively establish rate levels, this study has assumed a costly form of debt financing: revenue bonds. Successful pursuit of loans from the State or other program or interfund borrowing from another City fund may reduce the resulting annual debt service burden in rates. In this rate forecast, it is assumed the City will issue revenue bonds totaling just under \$4.6 million, resulting in annual principal and interest payments of over \$345,000.

#### **WASTEWATER UTILITY**

In contrast to the challenges of the Water Utility, the Wastewater Utility presently operates within the capacity of its current-year revenue sources. With annual operations of just over \$1.3 million against annual revenues of nearly \$1.5 million, no structural deficit is evident.

The City has planned over \$4.6 million in capital improvement projects for the Utility between Fiscal Years 2012 and 2021, with the pacing of those projects fairly level from year to year in the near-term rate-setting period. (A significant improvement at the treatment plant is anticipated at the end of the decade.) With healthy cash reserves held by the Utility and minor capacity in annual revenues to add to those reserves in early years of the period, this capital program can be funded without additional rate revenue and without debt financing. (To view the list of projects in the planned capital program, refer to Exhibit 2 in Attachment B.)

Given the conditions described above, this study finds no cause for immediate increases to rates, reductions to operations, or deferral of the capital program. The raw forecast finds the following pattern of annual rate increases for the Wastewater Utility:

*(Table is shown on the following page.)*

FISCAL YEAR	OVERALL INCREASE TO RATE REVENUE	ANNUAL RATE REVENUE COLLECTED BY THE UTILITY	AVERAGE MONTHLY BILL, SINGLE FAMILY RESIDENCE
2011	--	\$1.11 million	\$32.48
2012	0.00%	\$1.11 million	\$32.48
2013	0.00%	\$1.12 million	\$32.48
2014	0.00%	\$1.14 million	\$32.48
2015	0.00%	\$1.15 million	\$32.48
2016	0.00%	\$1.16 million	\$32.48

Financial performance before and after the above-described rate revenue strategy can be viewed in Attachment B on Exhibits 7 and 8.

The above-described rate revenue strategy does not create additional capacity within the revenue stream to fund a capital replacement reserve at minimum industry standards: an annual reserve contribution no less than the annual depreciation expense for the Utility. (Current annual depreciation is just over \$470,000.) Given frank feedback from the City Council in prior sessions, economic conditions, and the challenges facing user's water bills at this time, this study is not presenting an option to activate funding of a replacement reserve. However, when an opportunity arises to do so in the future, it is highly recommended that the City pursue this for the long-term health and viability of its Wastewater Utility.

As noted earlier, the planned capital program for the Utility includes more costly improvements scheduled at the end of the decade, including the addition of a second aerobic digester at the treatment plant. The Utility likely will need additional resources by Fiscal Year 2019 to fully fund this project. Cash reserves will have been substantially depleted by prior-year projects, and rates will no longer have excess capacity by this time to add to reserves in anticipation of peaks in the capital program such as this. This study recommends that by Fiscal Year 2018, the Utility will need to begin adjusting user rates near 10% annually to establish an active capital replacement reserve – as discussed similarly for the Water Utility – and provide an adequate resource to fund the remainder of the planned capital program. As this timing is outside the present window for rate-setting allowed by Proposition 218, no action is needed at this time.

#### CITY COUNCIL DIRECTION

Within this rate study, the City Council is presented with a critical decision points for its Water Utility

- Will the City pursue a Proposition 218 increase to its prevailing water rates to correct the existing structural deficit and fund its planned capital program? *Without an increase to rates, the City must immediately reduce expenses in the Utility and defer the planned*

*capital program to remain solvent.*

- Will the City adopt the presented five-year schedule of water rate increases to ensure sustained, sufficient funding for the Utility? *Full funding for the Utility requires completion of the entire rate adjustment program, not just a single year.*
- Will the City accept the use of and pursue debt-financing to fund its well and water treatment projects, currently planned for 2012 through 2013? *The planned immediacy of these projects requires an immediate, substantial funding source.*

These findings and decision points, as well as other aspects of the rate study are scheduled to be discussed by NBS at the City Council's regular meeting on July 11, 2011.



ATTACHMENT B



**RESOLUTION 15 -968**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLVANG  
DECLARING A STAGE TWO DROUGHT CONDITION**

**WHEREAS**, in California, water year 2012 was a dry year, 2013 was a record dry year and 2014 thus far has been dry; and

**WHEREAS**, on January 13, 2014 the Solvang City Council declared a Stage 1 Drought Condition; and

**WHEREAS**, on January 17, 2014 Governor Brown declared a statewide Drought Emergency; and

**WHEREAS**, the 2014 State Water allocation made by the Department of Water Resources is a record low of only 5%; and

**WHEREAS**, during Fiscal Year 2013-14 the City of Solvang incurred unplanned expenses of approximately \$625,000 to secure supplemental water for its customers for 2014; and

**WHEREAS**, due to the statewide drought conditions it is highly unlikely supplemental water will be available for purchase during 2015; and

**WHEREAS**, long-range rainfall projections for Southern California for winter 2015 have recently been downgraded by the National Oceanic & Atmospheric Administration (NOAA) and National Weather Service (NWS); and

**WHEREAS**, it has taken multiple "wet" years for Santa Barbara County water purveyors to recover from major droughts in the past; and

**WHEREAS**, the City of Solvang, since the introduction of State Water, has relied heavily each year on State Water as its primary source of water supply; and

**WHEREAS**, the City of Solvang is facing uncertainty with respect to water supply; and

**WHEREAS**, on *May 18, 2015 the Office of Administrative Law approved the State Water Resources Control Board Emergency Regulations for Statewide Urban Water Conservation; and*

**WHEREAS**, the City of Solvang may declare a Stage Two Drought Condition, per City Code Section 9-3D-3, which would activate mandatory reduction of water consumption and water use restrictions;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Solvang that the City of Solvang hereby declares a Stage Two Drought Condition, per City Code Section 9-3D-3, with the following modifications to the included water regulations:

Mandatory (subject to penalties)

1. Mandatory temporary reduction in monthly water consumption by all City water customers based on customer class as follows:
  - a. Commercial and Industrial: Mandatory 15% reduction from 2013 usage. Usage beyond 95% of 2013 usage shall be billed at 3x the current base rate.
  - b. Irrigation: Mandatory 40% reduction from 2013 usage. Usage beyond 80% of 2013 usage shall be billed at 3x the current base rate.
  - c. Multi Family Residential: Mandatory 15% reduction from 2013 usage. Usage beyond 90% of 2013 usage shall be billed at 3x the current base rate.
  - d. Single Family Residential: temporary tiered water rate adjustment as follows:
    - 0-10 HCF = current base water rate;
    - 11-16 HCF = 2x the current base water rate; and
    - 17 and above = 3x the current base water rate
2. Outdoor irrigation of ornamental landscapes or turf shall be limited to no more than two days per week. **Watering shall be restricted to Mondays and Thursdays for addresses ending in even numbers, and to Tuesdays and Fridays for addresses ending in odd numbers.**
3. The application of water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures is prohibited.
4. The use of water in a fountain or other decorative water feature, except where the water is part of a recirculating system, is prohibited.
5. The use of water for the flushing of water mains, storm drains, and fire department training exercises shall be allowed only upon advance written approval of the City Manager.
6. The penalty for violation of any Stage One or Stage Two Drought Regulations shall be \$100 per violation.
7. Provision 1 of the Stage Two Drought Regulations shall take effect beginning immediately following the reading of water meters in August 2014 and shall be reflected on the September 2014 water bills. All other provisions of the Stage two Drought Regulations shall take effect August 1, 2014.
8. Stage Two Drought Regulations shall remain in effect until such time as they are cancelled by resolution of the Solvang City Council.
9. Each of the following Stage One Drought Regulations shall remain in force where not in conflict with these Stage Two Drought Regulations.

Mandatory Stage One Regulations (subject to penalties)

10. Irrigation of turf such as school yards, parks, ball fields, golf courses, green spaces, etc., shall be allowed only between the hours of 10:00 PM and 6:00 AM.

11. All restaurants that provide table service shall post, in a conspicuous place, a notice of drought condition and shall refrain from serving water except upon specific request by a customer.
12. Operators of hotels, motels, and other commercial establishments offering lodging shall post in each room a notice of drought condition containing water conservation information; and a separate notice with a message similar to the following:

*Sheets and towels are customarily changed between guests. If you feel your sheets need to be changed, please leave this card on your pillow each morning. If you feel your towels need to be change, please leave them on the floor of the bath room each morning. Housekeeping will be pleased to accommodate you.*

13. Exterior watering of plants, lawns, shrubbery, ground cover, etc., shall be permitted only between the hours of 7:00 PM and 9:00 AM.
14. Vehicles shall be washed only at commercial car washing facilities (no hand car washing allowed).
15. The washing of hard surfaces such as driveways and sidewalks shall be prohibited except where necessary to protect the public health and safety.
16. The loss of water through breaks or leaks in any water user's plumbing must be corrected within twenty four (24) hours of the user's knowledge of that condition.

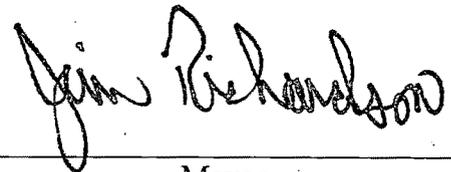
**PASSED, APPROVED AND ADOPTED** this 22<sup>th</sup> day of June 2015, by the following vote:

AYES: Mayor Richardson, Council Members Duus, Jamieson, Skytt and Zimmerman

NOES:

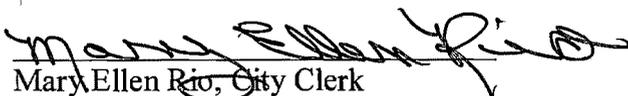
ABSTAIN:

ABSENT:



Mayor

ATTEST:



Mary Ellen Rio, City Clerk





CITY COUNCIL  
STAFF REPORT

TO: SOLVANG CITY COUNCIL MEMBERS

FROM: Brad Vidro, City Manager

MEETING DATE: January 11, 2016

DATE PREPARED: December 16, 2015

**SUBJECT: DISCUSSION AND DIRECTION FOR AD HOC COMMITTEE WITH THE  
SANTA YNEZ BAND OF CHUMASH INDIANS**

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I. RECOMMENDATION:

Discuss and provide committee with direction for discussions with the Chumash ad hoc committee regarding possible funding for the expansion of Fire Station 30.

II. DISCUSSION:

At the February 10, 2014 meeting, the Solvang City Council established a two member ad hoc committee to meet with a similar committee from the Santa Ynez Band of Chumash Indians. Mayor Richardson and Councilmember Duus are the Solvang members and Chairman Armenta and Tribal Councilmember Kahn represent the Tribe. The committee was established for a duration of one year, and then extended by the City Council on February 9, 2015 for another one year period that would end on February 9, 2016.

The two ad hoc committees have met several times to discuss items of mutual interest which was the intent of the committee when it was established. Most recently the city's ad hoc subcommittee requested and was granted approval for preliminary architectural plans for a possible expansion of the Solvang Fire Station to provide for a new aerial ladder truck that will be purchased by the Tribe for the Santa Barbara County Fire Department at a cost not to exceed \$1.6 million.

Preliminary plans have been completed and the architect has provided a preliminary estimate of \$38,000 to complete plans and specifications for construction. A ball park figure on construction costs is \$500,000.

The Tribe has also committed to fund an additional firefighter/paramedic position at Station 30 (Solvang) starting April 1, 2016 with an estimated annual cost of \$581,000.

III. ALTERNATIVES:

The City Council can provide a variety of direction to the ad hoc committee.

IV. FISCAL IMPACT:

Any financial commitments would require City Council approval.



## ADVANCE CALENDAR ITEMS

Below is an Advance Calendar of anticipated agenda items. The dates are tentative but reflect an overview of items to come.

Tentative Meeting Date	Item
January 25, 2016	Mayor for the Day- Dan Maiyo Groundwater Sustainability Plan Presentation- SYRWCD Resolution for Updated SYVT FTA Drug & Alcohol Policy Mid Year Budget Adjustments Sheriff's Report for December 2015 Fire Department Quarterly Report
February 8, 2016	CAFR SB County Fire Quarterly Report for 4 <sup>th</sup> Quarter 2015 City/Chumash Ad Hoc Committee Status Notice of Completion WWTP Garage Structure
February 22, 2016	CERBT Trust for OPEB liability
<b><u>Future Unscheduled Items</u></b>	Award Consultant Contract- Seismic Retrofit Construction Mngmt Award Construction Contract- Alisal Bridge Seismic Retrofit Resolution of Intent re: Installment Sale Water Revenue Bonds Citywide Sidewalk Master Plan Storm Water Resource Plan ADA Transition Plan Marijuana Cultivation & Delivery Ordinance First Reading Building Fee revisions/Calif. Code Check Agreement Drought Ordinance Update Model Water Efficient Landscape Ordinance Wireless Facilities Regulations Conveyance Ordinance Update /Conveyance Renewals –July Can and Will Serve Letter Expiration Code Revision Award Consultant Contract for Recycled Water Feasibility Study Resolution of Support for SBCAG Regional Bike & Ped Plan Award Contract for Vets Hall Lead Abatement & Painting

Warrant Register 1<sup>st</sup> meeting of each month  
 SCVB Report 2<sup>nd</sup> meeting of each month (biennial)  
 Sheriff's Report 2<sup>nd</sup> meeting of each month  
 Fire Department Report quarterly