



## **CITY OF ATASCADERO CITY COUNCIL AGENDA**

### **\* COVID-19 NOTICE \***

**Consistent with Executive Orders N-25-20 and No. N-29-20 from the Executive Department of the State of California and the San Luis Obispo County Health Official's March 18, 2020 Shelter at Home Order, the City Council Meeting will not be physically open to the public and City Council Members will be teleconferencing into the meeting.**

#### **HOW TO OBSERVE THE MEETING:**

To maximize public safety while still maintaining transparency and public access, the meeting will be live-streamed on SLO-SPAN.org, on Spectrum cable Channel 20 in Atascadero, and on KPRL Radio 1230AM. The video recording of the meeting will repeat daily on Channel 20 at 1:00 am, 9:00 am, and 6:00 pm and will be available through the City's website or by visiting <https://attendee.gotowebinar.com/rt/8539114475191636236>.

#### **HOW TO SUBMIT PUBLIC COMMENT:**

Members of the public are highly encouraged to call **805-538-2888** to listen and provide public comment via phone, or submit written public comments to [cityclerk@atascadero.org](mailto:cityclerk@atascadero.org) by 5:00 pm on the day of the meeting. Such email **comments must identify the Agenda Item Number in the subject line of the email**. The comments will be read into the record, with a maximum allowance of 3 minutes per individual comment, subject to the Mayor's discretion. All comments should be a maximum of 500 words, which corresponds to approximately 3 minutes of speaking time. If a comment is received after the agenda item is heard but before the close of the meeting, the comment will still be included as a part of the record of the meeting but will not be read into the record.

#### **AMERICAN DISABILITY ACT ACCOMMODATIONS:**

Any member of the public who needs accommodations should contact the City Clerk's Office at [cityclerk@atascadero.org](mailto:cityclerk@atascadero.org) or by calling 805-470-3400 at least 48 hours prior to the meeting or time when services are needed. The City will use their best efforts to provide reasonable accommodations to afford as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

City Council agendas and minutes may be viewed on the City's website: [www.atascadero.org](http://www.atascadero.org).

Copies of the staff reports or other documentation relating to each item of business referred to on the Agenda are on file in the office of the City Clerk and are available for public inspection on our website, [www.atascadero.org](http://www.atascadero.org). Contracts, Resolutions and Ordinances will be allocated a number once they are approved by the City Council. The Minutes of this meeting will reflect these numbers. All documents submitted by the public during Council meetings that are either read into the record or referred to in their statement will be noted in the Minutes and available for review by contacting the City Clerk's office. All documents will be available for public inspection during City Hall business hours once City Hall is open to the public following the termination of the Shelter at Home Order.



# **CITY OF ATASCADERO CITY COUNCIL**

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## **AGENDA**

**Tuesday, December 8, 2020**

**City Hall Council Chambers, 4th floor  
6500 Palma Avenue, Atascadero, California**

|   |                  |
|---|------------------|
| <b><u>City Council Closed Session:</u></b>  | <b>5:00 P.M.</b> |
| <b><u>City Council Regular Session:</u></b> | <b>6:00 P.M.</b> |

### **CITY COUNCIL CLOSED SESSION:**

- 1. CLOSED SESSION -- PUBLIC COMMENT**
- 2. COUNCIL LEAVES CHAMBERS TO BEGIN CLOSED SESSION**
- 3. CLOSED SESSION -- CALL TO ORDER**
  - a. Conference with Legal Counsel – Existing Litigation**  
Government Code Sec. 54956.9 (d)(1)  
Name of Case: City of Atascadero v. Darin A. Vandeventer;  
San Luis Obispo Superior Court Case No. 20CV-0046
- 4. CLOSED SESSION -- ADJOURNMENT**
- 5. COUNCIL RETURNS TO CHAMBERS**
- 6. CLOSED SESSION – REPORT**

### **ADJOURNMENT**

**REGULAR SESSION – CALL TO ORDER: 6:00 P.M.**

**PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Bourbeau

**ROLL CALL:** Mayor Moreno  
Mayor Pro Tem Bourbeau  
Council Member Fonzi  
Council Member Funk  
Council Member Newsom

**APPROVAL OF AGENDA:** Roll Call

Recommendation: Council:

1. Approve this agenda; and
2. Waive the reading in full of all ordinances appearing on this agenda, and the titles of the ordinances will be read aloud by the City Clerk at the first reading, after the motion and before the City Council votes.

**A. CONSENT CALENDAR:** (All items on the consent calendar are considered to be routine and non-controversial by City staff and will be approved by one motion if no member of the Council or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the Consent Calendar and will be considered in the listed sequence with an opportunity for any member of the public to address the Council concerning the item before action is taken.)

**1. City Council Draft Action Minutes – November 24, 2020**

- Recommendation: Council approve the November 24, 2020 Draft City Council Regular Meeting Minutes. [City Clerk]

**2. City Council 2021 Meeting Schedule**

- Fiscal Impact: None.
- Recommendation: Council approve the City Council meeting schedule for 2021. [City Manager]

**3. Reciting the Fact of the November 3, 2020 General Municipal Election**

- Fiscal Impact: None.
- Recommendation: Council adopt the Draft Resolution, reciting the fact of the General Municipal Election held on November 3, 2020, declaring the result and such other matters as provided by law. [City Clerk]

**4. Adoption of Public Transit Agency Safety Plan for Atascadero Transit**

- Fiscal Impact: The City of Atascadero benefits from Federal 5307 capital and operating assistance funding. Federal funds could be withheld from Atascadero Transit should the City fail to submit a PTASP.
- Recommendation: Council approve and adopt the Atascadero Public Transit Agency Safety Plan. [Public Works]

**5. Approve Final Map for Tract 3161 (South Mirasol Way)**

- Fiscal Impact: None.
- Recommendation: Council adopt Draft Resolution approving the Final Map for Tract 3161. [Public Works]

**6. Essential Services Transactions and Use Tax Contracting with the State of California**

- Fiscal Impact: The sales tax measure will generate an estimated \$4.5 million in additional annual revenue. Staff anticipates costs to the State to be between \$10,000-40,000 for the Preparatory Fee and on-going administrative costs will be 0.57% of the revenue received from the tax increase. HdL will charge a \$200 monthly fee for the review and analysis services that will be paid from the General Fund, and 25% of the initial amount of new transactions or use tax revenue received by the City as a result of audit and recovery work performed by HdL.

- Recommendations: Council:
  1. Adopt Draft Resolution A authorizing the City Manager to execute agreements with the California Department of Tax and Fee Administration for implementation of a local transactions and use tax.
  2. Adopt Draft Resolution B authorizing representatives of the City of Atascadero to examine confidential transactions and use tax records of the California Department of Tax and Fee Administration (CDTFA) pertaining to transactions and use taxes collected by the CDTFA for the City of Atascadero.
  3. Authorize the City Manager to enter into a contract with Hinderliter, De Llamas and Associates for transactions tax audit and information services related to the Measure D-20 Sales Tax Revenue. [City Manager]

**B. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS:** (On their own initiative, Council Members may make a brief announcement or a brief report on their own activities. The following represent standing committees. Informative status reports will be given, as felt necessary):

Mayor Moreno

1. City Selection Committee
2. County Mayors Round Table
3. Economic Vitality Corporation, Board of Directors (EVC)
4. SLO Council of Governments (SLOCOG)
5. SLO Regional Transit Authority (RTA)

Mayor Pro Tem Bourbeau

1. City / Schools Committee
2. City of Atascadero Finance Committee
3. Integrated Waste Management Authority (IWMA)
4. SLO County Water Resources Advisory Committee (WRAC)

Council Member Fonzi

1. Air Pollution Control District
2. Atascadero Basin Ground Water Sustainability Agency (GSA)
3. City of Atascadero Design Review Committee
4. SLO Local Agency Formation Commission (LAFCo)

Council Member Funk

1. City of Atascadero Finance Committee
2. Homeless Services Oversight Council
3. League of California Cities – Council Liaison

Council Member Newsom

1. California Joint Powers Insurance Authority (CJPIA) Board
2. City / Schools Committee
3. City of Atascadero Design Review Committee
4. Visit SLO CAL Advisory Committee



## **OATHS OF OFFICE:**

### **1. Administration of Oaths of Office**

- Swearing in of Mayor Heather Moreno and Council Members Charles Bourbeau and Mark Dariz

## **PRESENTATIONS:**

### **1. Recognition of outgoing City Council Member Roberta Fonzi**

## **CITY COUNCIL REORGANIZATION:**

### **1. Council Appointment of Mayor Pro Tem**

- Accept nominations from the Council Members and appoint a Mayor Pro Tem for a two-year term ending December 2023.

**UPDATES FROM THE CITY MANAGER:** (The City Manager will give an oral report on any current issues of concern to the City Council.)

**COMMUNITY FORUM:** (This portion of the meeting is reserved for persons wanting to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Speakers are limited to three minutes. Please state your name for the record before making your presentation. Comments made during Community Forum will not be a subject of discussion. A maximum of 30 minutes will be allowed for Community Forum, unless changed by the Council. Any members of the public who have questions or need information may contact the City Clerk's Office, between the hours of 8:30 a.m. and 5:00 p.m. at (805) 470-3400, or [cityclerk@atascadero.org](mailto:cityclerk@atascadero.org).)

## **C. PUBLIC HEARINGS:**

### **1. Tentative Parcel Map 2930, 2945 Ramona Road (SBDV 20-0047)**

- Fiscal Impact: Approval of the map creating one additional residential unit will have a slight negative fiscal impact on the City.
- Recommendation: Council adopt Draft Resolution approving Tentative Parcel Map AT 20-0013, including an abandonment of a portion of Ramona Road right-of-way and dedication of new right-of-way, based on findings and conditions of approval. [Community Development]

### **2. 2021 Community Development Block Grant Draft Recommendations**

- Fiscal Impact: Approval of Atascadero's total 2021 CDBG allocation would result in the estimated revenue and expenditure of \$144,792 of CDBG funds.
- Recommendation: Council develop and adopt draft recommendations for the 2021 Community Development Block Grant (CDBG) funds. [Public Works]

**D. MANAGEMENT REPORTS:**

**1. Confirm the Appointment of Police Chief**

- Fiscal Impact: The Police Chief's monthly salary of \$13,466.96, at Step E, is included in the Police Department budget for fiscal year 2020-2021.
- Recommendation: Council concur and confirm the appointment of Robert (Bob) Masterson as Atascadero's new Police Chief. [City Manager]

**2. Council Policy Discussion Drive-Through Businesses, Fuel Stations and Other High Traffic Producing Uses**

- Fiscal Impact: Discussion of the current Drive-Through Businesses, Fuel Station, and Other High Traffic Producing Uses Policy has no direct fiscal impact; however, any future action by the Council to amend the Policy may have a significant effect on City revenues.
- Recommendation: Council reaffirm the "Drive-Through Businesses, Fuel Station, and Other High Traffic Producing Uses Policy" to guide use permit applications and traffic impact fees to ensure orderly development in the City.[Community Development]

**3. Draft Response to Grand Jury Report "Joint Agency Dispatch – Better Together?"**

- Fiscal Impact: None.
- Recommendation: Council approve the Draft Response to the Grand Jury Report Form and authorize the City Manager to execute the document on the City Council's behalf. [City Manager]

**E. DISCUSSION ITEM:** Discussion of COVID 19 issues including oral updates by Mayor Moreno and City Manager Rickard, questions by City Council, public comment and comments by City Council.

1. Coronavirus (COVID-19) update – Mayor Moreno
2. Coronavirus (COVID-19) update – City Manager Rickard

**F. COMMITTEE REPORTS:** (The newly elected Mayor will assign Council Members to standing committees.)

**G. INDIVIDUAL DETERMINATION AND / OR ACTION:** (Council Members may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda. The Council may take action on items listed on the Agenda.)

1. City Council
2. City Clerk
3. City Treasurer
4. City Attorney
5. City Manager

**ADJOURN**

**Please note:** Should anyone challenge any proposed development entitlement listed on this Agenda in court, that person may be limited to raising those issues addressed at the public hearing described in this notice, or in written correspondence delivered to the City Council at or prior to this public hearing. Correspondence submitted at this public hearing will be distributed to the Council and available for review in the City Clerk's office.



# **CITY OF ATASCADERO CITY COUNCIL**

## **DRAFT MINUTES**

**Tuesday, November 24, 2020**

**City Hall Council Chambers, 4th floor  
6500 Palma Avenue, Atascadero, California**

**City Council Regular Session:**

**6:00 P.M.**

### **REGULAR SESSION – CALL TO ORDER: 6:00 P.M.**

Mayor Moreno called the meeting to order at 6:00 p.m. and Council Member Fonzi led the Pledge of Allegiance.

### **ROLL CALL:**

Present: **By Teleconference** - Council Members Fonzi, Funk, and Newsom, Mayor Pro Tem Bourbeau, and Mayor Moreno

Absent: None

Others Present: None

Staff Present: **By Teleconference** – City Manager Rachelle Rickard, Interim Police Chief Bob Molle, Fire Chief Casey Bryson, Administrative Services Director Jeri Rangel, Public Works Director Nick DeBar, Community Development Director Phil Dunsmore, City Attorney Brian Pierik, Deputy City Manager/City Clerk Lara Christensen, and IT Manager Luke Knight

### **APPROVAL OF AGENDA:**

**MOTION:** By Council Member Fonzi and seconded by Council Member Funk to:

- 1. Approve this agenda; and,**
- 2. Waive the reading in full of all ordinances appearing on this agenda, and the titles of the ordinances will be read aloud by**

the City Clerk at the first reading, after the motion and before the City Council votes.  
*Motion passed 5:0 by a roll-call vote.*

**PRESENTATIONS: None.**

**A. CONSENT CALENDAR:**

**1. City Council Draft Action Minutes – November 10, 2020**

- Recommendation: Council approve the November 10, 2020 Draft City Council Regular Meeting Minutes. [City Clerk]

**2. October 2020 Accounts Payable and Payroll**

- Fiscal Impact: \$2,764,004.52
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for October 2020. [Administrative Services]

**3. Conflict of Interest Code - Biennial Review**

- Fiscal Impact: None.
- Recommendation: Council adopt Draft Resolution, updating and amending the Conflict of Interest Code for the City of Atascadero. [City Clerk]

**4. Amendment to the San Luis Obispo Regional Transit Authority Joint Powers Agreement**

- Fiscal Impact: None.
- Recommendation: Council approve Draft Resolution authorizing execution of the amended and restated Joint Powers Agreement for the San Luis Obispo Regional Transit Authority allowing consolidation of South County Transit into the San Luis Obispo Regional Transit Authority. [City Manager]

**MOTION: By Council Member Newsom and seconded by Council Member Funk to approve the Consent Calendar. (#A-3: Resolution No. 2020-080)(#A-4: Resolution No. 2020-081)**  
*Motion passed 5:0 by a roll-call vote.*

**UPDATES FROM THE CITY MANAGER:**

City Manager Rachelle Rickard gave an update on projects and issues within the City.

**COMMUNITY FORUM:**

The following citizens spoke by telephone during Community Forum: None.

Emails from the following citizens were read into the record by Deputy City Manager/City Clerk Christensen: Mitch Paskin

**B. PUBLIC HEARINGS: None.**

**C. MANAGEMENT REPORTS:**

**1. Discussion of Proposed Pickleball Courts at Colony Park**

- Fiscal Impact: None.
- Recommendation: Council provide feedback and staff direction regarding the proposed Pickleball Courts at Colony Park.[Public Works]

Public Works Director DeBar gave the presentation and answered questions from the Council.

**PUBLIC COMMENT:**

The following citizens spoke by telephone on this item: Colleen Avery, Barbara Sims, and Edmund Temple

Emails from the following citizens were read into the record by Deputy City Manager/City Clerk Christensen: John Goers

***Mayor Moreno closed the Public Comment period.***

***There was Council consensus for the City to contribute \$150,000 towards the construction of the Pickleball Courts with the potential for additional monies to be appropriated dependent on the soils report and the thickness of concrete required.***

*Mayor Moreno recessed the Meeting at 7:47 p.m.*

*Mayor Moreno reconvened the Meeting at 7:57 p.m. with all present.*

**2. Cannabis Regulations Update Discussion (CPP 2020-0011)**

- Fiscal Impact: None.
- Recommendation: Council direct staff to conduct further analyses on commercial cannabis uses and/or draft ordinance language to amend Title 9-Chapter 15 of the Zoning Regulations to allow for limited commercial cannabis uses. [Community Development]

Community Development Director Dunsmore gave the presentation and answered questions from the Council.

**PUBLIC COMMENT:**

The following citizens spoke by telephone on this item: None.

***Mayor Moreno closed the Public Comment period.***

**MOTION:** By Mayor Pro Tem Bourbeau and seconded by Mayor Moreno to direct staff to return at a future date with information providing the necessary guidance for the operation of non-store front cannabis delivery businesses in the City.  
***Motion passed 5:0 by a roll-call vote.***

**3. CDBG Traffic Way Sidewalk Accessibility and Pedestrian Ramp Project Construction Award**

- Fiscal Impact: \$386,296.00
- Recommendations: Council:
  1. Reject the bid protest of JJ Fisher Construction, Inc. and award the contract for the construction of the CDBG Traffic Way Sidewalk Accessibility and Pedestrian Ramp Project to G. Sosa Construction, Inc.
  2. Authorize the City Manager to execute a contract with G. Sosa Construction, Inc. for \$286,385 to construct the CDBG Traffic Way Sidewalk Accessibility and Pedestrian Ramp Project. [Public Works]

Public Works Director DeBar gave the presentation and answered questions from the Council.

**PUBLIC COMMENT:**

The following citizens spoke by telephone on this item: None.

Deputy City Manager/City Clerk Christensen noted that an email had been received by David Geffen, and at his request, would not be read into the record but forwarded to the City Council and made a part of the Minutes.

***Mayor Moreno closed the Public Comment period.***

**MOTION:** By Council Member Funk and seconded by Council Member Newsom to:

1. Reject the bid protest of JJ Fisher Construction, Inc. and award Contract No. 2020-015 for the construction of the CDBG Traffic Way Sidewalk Accessibility and Pedestrian Ramp Project to G. Sosa Construction, Inc.
2. Authorize the City Manager to execute Contract No. 2020-015 with G. Sosa Construction, Inc. for \$286,385 to construct the CDBG Traffic Way Sidewalk Accessibility and Pedestrian Ramp Project.
3. Approve the request by R. Burke Corporation to withdraw their bid proposal.

***Motion passed 5:0 by a roll-call vote.***

**D. DISCUSSION ITEM:** Discussion of COVID 19 issues including oral updates by Mayor Moreno and City Manager Rickard, questions by City Council, public comment and comments by City Council.

1. Coronavirus (COVID-19) update – Mayor Moreno
2. Coronavirus (COVID-19) update – City Manager Rickard

City Manager Rickard and Mayor Moreno provided updates on Coronavirus (COVID-19) and answered questions from the Council.

**PUBLIC COMMENT:**

The following citizens spoke on this item: None.

***Mayor Moreno closed the Public Comment period.***

**E. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS:**

The following Council Members made brief announcements and gave brief update reports on their committees since their last Council meeting:

Mayor Moreno

1. Economic Vitality Corporation, Board of Directors (EVC)

Mayor Pro Tem Bourbeau

1. Integrated Waste Management Authority (IWMA)

Council Member Funk

1. Homeless Services Oversight Council

Council Member Newsom

1. City of Atascadero Design Review Committee

**F. INDIVIDUAL DETERMINATION AND / OR ACTION:** (Council Members may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda. The Council may take action on items listed on the Agenda.)

1. City Council

Mayor Pro Tem Bourbeau requested that discussion on non-owner occupied short-term rentals come before the Council for discussion. Given the current priorities of the Council, and the limited staff resources, there was not consensus for staff to return to the Council with an item for discussion at this time.

**G. ADJOURN**

Mayor Moreno adjourned the meeting at 9:48 p.m.

**MINUTES PREPARED BY:**

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Lara K. Christensen  
Deputy City Manager/City Clerk

The following exhibit is available for review in the City Clerk's office:

- Exhibit A – Email from David Geffen

**APPROVED:**

Atascadero City Council  
November 24, 2020  
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# ***Atascadero City Council***

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## ***Staff Report – City Manager’s Office***

### **City Council 2021 Meeting Schedule**

#### **RECOMMENDATION:**

Council approve the City Council meeting schedule for 2021.

#### **DISCUSSION:**

The City Council, pursuant to Chapter 2, Section 1.01 of the Atascadero Municipal Code, meets the second and fourth Tuesday of each month. On occasion, the Council will hold special study sessions and/or joint meetings with one or both of the Commissions on a fifth Tuesday. Generally, in the summer months, the Council meets once a month and avoids conflicts with major holidays. Staff has prepared the attached schedule for the year 2021 to help in the coordination of these meetings with personal schedules.

#### **FISCAL IMPACT:**

None.

#### **ATTACHMENT:**

City Council 2021 Meeting Schedule



# ***City of Atascadero***

## ***Office of the City Clerk***

### **Atascadero City Council 2021 Meeting Schedule**

| <b>MEETING DATE</b> | <b>TYPE OF MEETING</b> |
|---------------------|------------------------|
| January 12          | Regular                |
| January 26          | Regular                |
| February 9          | Regular                |
| February 23         | Regular                |
| March 9             | Regular                |
| March 23            | Regular                |
| April 13            | Regular                |
| April 27            | Regular                |
| May 11              | Regular                |
| May 25              | Regular                |
| June 8              | Regular                |
| June 22             | Regular                |
| July 13             | Regular                |
| August 10           | Regular                |
| September 14        | Regular                |
| September 28        | Regular                |
| October 12          | Regular                |
| October 26          | Regular                |
| November 9          | Regular                |
| November 23         | Regular                |
| December 14         | Regular                |

***Meetings are held at 6:00 p.m.***

**6500 Palma Avenue, Atascadero, CA 93422  
(805) 470-3400**



# ***Atascadero City Council***

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## ***Staff Report - City Clerk***

### **Reciting the Fact of the November 3, 2020 General Municipal Election**

#### **RECOMMENDATION:**

Council adopt the Draft Resolution, reciting the fact of the General Municipal Election held on November 3, 2020, declaring the result and such other matters as provided by law.

#### **DISCUSSION:**

The General Municipal Election was held on November 3, 2020. California Elections Code §10262 states that the City Council shall meet to declare the results of the election upon certification of results by the County Election Department. The California Elections Code §10262 & 10264 also states that the Council shall adopt a resolution reciting the fact of the election, including a statement of the results.

Total voter registration for the City of Atascadero was 20,206, which is 1,541 more than the total voter registration for the year 2018. For the City of Atascadero 17,881 registered voters (88.5%) voted in the November 3, 2020 election.

Atascadero voters were asked to vote for a Mayor, two Council Members and Ballot Measure D-20. The final official results are attached to this report.

#### **FISCAL IMPACT:**

None.

#### **ATTACHMENTS:**

1. Final Official Results
2. Draft Resolution

## ***City of Atascadero Office of the City Clerk***

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### **FINAL - ELECTION RESULTS (11/25/2020)**

| <b><u>NAME</u></b> | <b><u>VOTES</u></b> | <b><u>% of VOTES</u></b> |
|--------------------|---------------------|--------------------------|
|--------------------|---------------------|--------------------------|

#### **ATASCADERO MAYOR**

Mayor – Two Year Term

|                       |              |               |
|-----------------------|--------------|---------------|
| <b>Heather Moreno</b> | <b>7,347</b> | <b>43.63%</b> |
| Jerry Tanimoto        | 5,555        | 32.98%        |
| Josh Donovan          | 3,939        | 23.39%        |

#### **ATASCADERO CITY COUNCIL**

City Council - Four Year Term – 2 seats

|                         |              |               |
|-------------------------|--------------|---------------|
| <b>Charles Bourbeau</b> | <b>6,862</b> | <b>27.71%</b> |
| <b>Mark Dariz</b>       | <b>6,170</b> | <b>24.91%</b> |
| Tori Keen               | 5,578        | 22.52%        |
| Nicholas Mattson        | 4,604        | 18.59%        |
| Bret Heinemann          | 1,553        | 6.27%         |

#### **BALLOT MEASURE #D-20 – Sales Tax Measure**

|            |              |               |
|------------|--------------|---------------|
| <b>Yes</b> | <b>9,843</b> | <b>58.60%</b> |
| No         | 6,955        | 41.40%        |

***THIS IS THE FINAL TOTAL COUNT.  
SAN LUIS OBISPO COUNTY CLERK-RECORDER  
CERTIFIED THE RESULTS ON DECEMBER 1, 2020, AND  
THE NEW OFFICIALS WILL BE SWORN IN AT  
THE CITY COUNCIL MEETING ON DECEMBER 8, 2020.***

## DRAFT RESOLUTION

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 3, 2020, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW

**WHEREAS**, a General Municipal Election was held and conducted in the City of Atascadero, California, on Tuesday, November 3, 2020, as required by law; and

**WHEREAS**, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

**WHEREAS**, the County Election Department canvassed the returns of the election and has certified the results to this City Council, the results are received, attached and made a part hereof as "Exhibit A."

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Atascadero:

**SECTION 1.** That the whole number of ballots cast in the precincts except *vote by mail* voter ballots and provisional ballots was 1,036.

That the whole number of *vote by mail* voter ballots cast in the City was 16,845, making a total of 17,881 ballots cast in the City.

**SECTION 2.** That the names of persons voted for at the election for Mayor are as follows:

Jerry Tanimoto, Heather Moreno, and Josh Donovan

That the names of the persons voted for at the election for Member of the City Council are as follows:

Charles Bourbeau, Bret Heinemann, Nicholas Mattson, Mark Dariz, and Tori Keen

That the measures voted upon at the election are as follows:

|   |     |
|---|-----|
| <p style="text-align: center;"><b><u>BALLOT MEASURE #D-20</u></b></p> <p>To provide funding for fire protection, paramedics, and 911 emergency response, police, crime prevention and investigations, maintenance of parks, public facilities and infrastructure, graffiti removal, and recreation, community services, and other general city services in the City of Atascadero, shall an ordinance establishing a one-percent sales tax be adopted, providing approximately 4.5 million dollars annually for city services until ended by voters, with annual independent audits ensuring money is spent properly, and all money locally controlled?</p> | Yes |
|   | No  |

**SECTION 3.** That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective offices for which the persons were candidates and for and against the measures are as listed in Exhibit “A” attached.

**SECTION 4.** The City Council does declare and determine that: Heather Moreno was elected as Mayor for the full term of two years; Charles Bourbeau was elected as Member of the City Council for the full term of four years; and Mark Dariz was elected as Member of the City Council for the full term of four years.

That as a result of the election, a majority of the voters voting on Measure #D-20 relating to an increased sales tax did vote in favor of it, and that the measure was carried, and shall be deemed adopted and ratified.

**SECTION 5.** The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing: (1) The whole number of ballots cast in the City; (2) The names of the persons voted for; (3) The measures voted upon; (4) For what office each person was voted for; (5) The number of votes given at each precinct to each person, and for and against each measure; (6) The total number of votes given to each person, and for and against each measure.

**SECTION 6.** That the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

**SECTION 7.** That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the 8th day of December, 2020.

On Motion by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_, the foregoing Resolution was adopted on the following roll-call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ATASCADERO:

\_\_\_\_\_  
Heather Moreno, Mayor

ATTEST:

\_\_\_\_\_  
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Brian A. Pierik, City Attorney

**CERTIFICATE OF THE COUNTY CLERK  
RESULTS OF CANVASS OF ALL VOTES CAST  
NOVEMBER 3, 2020 CONSOLIDATED PRESIDENTIAL GENERAL ELECTION  
CITY OF ATASCADERO**

I, **TOMMY GONG**, County Clerk-Recorder of the County of San Luis Obispo, do hereby certify that pursuant to law I did canvass the returns of the votes cast at the above referenced election in the City of Atascadero on November 3, 2020, and that a copy of the Statement of Votes Cast to which this certificate is attached, shows the number of votes cast in said city for each candidate for the office of Mayor and Member of the City Council and that the totals shown for each candidate for the office of Mayor and Member of the City Council in said City in each of the respective precincts therein, are full, true and correct.

WITNESS, my hand and Official Seal this 1<sup>st</sup> Day of December 2020.



TOMMY GONG, County Clerk-Recorder



**CERTIFICATE OF THE COUNTY CLERK  
RESULTS OF CANVASS OF ALL VOTES CAST  
CITY OF ATASCADERO MEASURE D-20  
CONSOLIDATED PRESIDENTIAL GENERAL ELECTION  
NOVEMBER 3, 2020**

**I, TOMMY GONG**, County Clerk-Recorder of the County of San Luis Obispo, do hereby certify that pursuant to law I did canvass the returns of the votes cast at the above referenced election in the City of Atascadero on November 3, 2020, and that a copy of the Statement of Votes Cast to which this certificate is attached, shows the number of votes cast in said city for and against said measure, and that the totals shown for and against said measure in said city, and in each of the respective precincts therein, are full, true and correct.

**MEASURE D-20**

To provide funding for fire protection, paramedics, and 911 emergency response, police, crime prevention and investigations, maintenance of parks, public facilities and infrastructure, graffiti removal, and recreation, community services, and other general city services in the City of Atascadero, shall an ordinance establishing a one-percent sales tax be adopted, providing approximately 4.5 million dollars annually for city services until ended by voters, with annual independent audits ensuring money is spent properly, and all money locally controlled?

WITNESS, my hand and Official Seal this 1<sup>st</sup> Day of December 2020.



TOMMY GONG, County Clerk-Recorder





Summary for: All Contests, All Districts, All Tabulators, All Counting Groups

## ELECTION SUMMARY REPORT

### NOVEMBER 3, 2020 CONSOLIDATED PRESIDENTIAL GENERAL ELECTION

### COUNTY OF SAN LUIS OBISPO

### FINAL OFFICIAL ELECTION RESULTS

Precincts Reported: 112 of 112 (100.00%)

Voters Cast: 162,615 of 184,050 (88.35%)

## United States President and Vice President (Vote for 1)

Precincts Reported: 112 of 112 (100.00%)

|            | Polling | Vote by Mail | Total             |        |
|------------|---------|--------------|-------------------|--------|
| Times Cast | 9,874   | 152,741      | 162,615 / 184,050 | 88.35% |
| Undervotes | 131     | 2,681        | 2,812             |        |
| Overvotes  | 18      | 71           | 89                |        |

| Candidate   | Polling | Vote by Mail | Total   |        |
|---|---------|--------------|---------|--------|
| <b>JOSEPH R. BIDEN /<br/>KAMALA D. HARRIS (DEM)</b>             | 3,914   | 84,396       | 88,310  | 55.29% |
| DONALD J. TRUMP /<br>MICHAEL R. PENCE (REP)                     | 5,557   | 61,879       | 67,436  | 42.22% |
| JO JORGENSEN / JEREMY<br>"SPIKE" COHEN (LIB)                    | 149     | 2,259        | 2,408   | 1.51%  |
| HOWIE HAWKINS / ANGELA<br>NICOLE WALKER (GRN)                   | 50      | 744          | 794     | 0.50%  |
| ROQUE "ROCKY" DE LA<br>FUENTE GUERRA / KANYE<br>OMARI WEST (AI) | 40      | 415          | 455     | 0.28%  |
| GLORIA LA RIVA / SUNIL<br>FREEMAN (PF)                          | 13      | 265          | 278     | 0.17%  |
| Write-in  | 2       | 31           | 33      | 0.02%  |
| Total Votes   | 9,725   | 149,989      | 159,714 |        |

|  |          | Polling | Vote by Mail | Total |       |
|--|----------|---------|--------------|-------|-------|
| BRIAN CARROLL / AMAR<br>PATEL          | WRITE-IN | 2       | 20           | 22    | 0.01% |
| MARK CHARLES / ADRIAN<br>WALLACE       | WRITE-IN | 0       | 7            | 7     | 0.00% |
| JESSE VENTURA / CYNTHIA<br>MCKINNEY    | WRITE-IN | 0       | 3            | 3     | 0.00% |
| JOSEPH KISHORE / NORISSA<br>SANTA CRUZ | WRITE-IN | 0       | 1            | 1     | 0.00% |
| BROCK PIERCE / KARLA<br>BALLARD        | WRITE-IN | 0       | 0            | 0     | 0.00% |
| Unresolved Write-In                    |          | 0       | 0            | 0     |       |

**United States Representative, 24th District (Vote for 1)**

Precincts Reported: 112 of 112 (100.00%)

|            | Polling | Vote by Mail | Total             |        |
|------------|---------|--------------|-------------------|--------|
| Times Cast | 9,874   | 152,741      | 162,615 / 184,050 | 88.35% |
| Undervotes | 572     | 4,254        | 4,826             |        |
| Overvotes  | 0       | 9            | 9                 |        |

| Candidate             | Polling | Vote by Mail | Total   |        |
|-----------------------|---------|--------------|---------|--------|
| <b>SALUD CARBAJAL</b> | 3,648   | 80,960       | 84,608  | 53.62% |
| ANDY CALDWELL         | 5,654   | 67,518       | 73,172  | 46.38% |
| Total Votes           | 9,302   | 148,478      | 157,780 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

**State Senator, 17th District (Vote for 1)**

Precincts Reported: 112 of 112 (100.00%)

|            | Polling | Vote by Mail | Total             |        |
|------------|---------|--------------|-------------------|--------|
| Times Cast | 9,874   | 152,741      | 162,615 / 184,050 | 88.35% |
| Undervotes | 843     | 7,427        | 8,270             |        |
| Overvotes  | 1       | 16           | 17                |        |

| Candidate         | Polling | Vote by Mail | Total   |        |
|-------------------|---------|--------------|---------|--------|
| <b>JOHN LAIRD</b> | 3,576   | 77,425       | 81,001  | 52.49% |
| VICKI NOHRDEN     | 5,454   | 67,873       | 73,327  | 47.51% |
| Total Votes       | 9,030   | 145,298      | 154,328 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

**Member of the State Assembly, 35th District (Vote for 1)**

Precincts Reported: 111 of 111 (100.00%)

|            | Polling | Vote by Mail | Total             |        |
|------------|---------|--------------|-------------------|--------|
| Times Cast | 9,874   | 152,741      | 162,615 / 184,050 | 88.35% |
| Undervotes | 576     | 5,670        | 6,246             |        |
| Overvotes  | 0       | 9            | 9                 |        |

| Candidate                | Polling | Vote by Mail | Total   |        |
|--------------------------|---------|--------------|---------|--------|
| <b>JORDAN CUNNINGHAM</b> | 5,997   | 79,533       | 85,530  | 54.70% |
| DAWN ADDIS               | 3,301   | 67,529       | 70,830  | 45.30% |
| Total Votes              | 9,298   | 147,062      | 156,360 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

**Member of the State Assembly, 37th District (Vote for 1)**

Precincts Reported: 1 of 1 (100.00%)

|            | Polling | Vote by Mail | Total |     |
|------------|---------|--------------|-------|-----|
| Times Cast | 0       | 0            | 0 / 0 | N/A |
| Undervotes | 0       | 0            | 0     |     |
| Overvotes  | 0       | 0            | 0     |     |

| Candidate       | Polling | Vote by Mail | Total |     |
|-----------------|---------|--------------|-------|-----|
| STEVE BENNETT   | 0       | 0            | 0     | N/A |
| CHARLES W. COLE | 0       | 0            | 0     | N/A |
| Total Votes     | 0       | 0            | 0     |     |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

**Santa Barbara County Board Of Education GOVERNING BOARD MEMBER, TRUSTEE AREA NO. 4 (Vote for 1)**

Precincts Reported: 2 of 2 (100.00%)

|            | Polling | Vote by Mail | Total |        |
|------------|---------|--------------|-------|--------|
| Times Cast | 0       | 3            | 3 / 4 | 75.00% |
| Undervotes | 0       | 0            | 0     |        |
| Overvotes  | 0       | 0            | 0     |        |

| Candidate               | Polling | Vote by Mail | Total |        |
|-------------------------|---------|--------------|-------|--------|
| <b>MICHELLE DE WERD</b> | 0       | 2            | 2     | 66.67% |
| JIM RICHARDSON          | 0       | 1            | 1     | 33.33% |
| ROBERTA E. HETER        | 0       | 0            | 0     | 0.00%  |
| Write-in                | 0       | 0            | 0     | 0.00%  |
| Total Votes             | 0       | 3            | 3     |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

**Allan Hancock Joint Community College District GOVERNING BOARD MEMBER, TRUSTEE AREA NO 2 (Vote for 1)**

Precincts Reported: 2 of 2 (100.00%)

|            | Polling | Vote by Mail | Total |        |
|------------|---------|--------------|-------|--------|
| Times Cast | 0       | 3            | 3 / 4 | 75.00% |
| Undervotes | 0       | 1            | 1     |        |
| Overvotes  | 0       | 0            | 0     |        |

| Candidate           | Polling | Vote by Mail | Total |         |
|---------------------|---------|--------------|-------|---------|
| <b>SUZANNE LEVY</b> | 0       | 2            | 2     | 100.00% |
| KERI LYNN COMMON    | 0       | 0            | 0     | 0.00%   |
| Write-in            | 0       | 0            | 0     | 0.00%   |
| Total Votes         | 0       | 2            | 2     |         |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

# San Luis Obispo County Community College District GOVERNING BOARD MEMBER, TRUSTEE AREA NO. 5 (Vote for 1)

Precincts Reported: 28 of 28 (100.00%)

|            | Polling | Vote by Mail | Total           |        |
|------------|---------|--------------|-----------------|--------|
| Times Cast | 2,020   | 30,066       | 32,086 / 36,412 | 88.12% |
| Undervotes | 573     | 7,525        | 8,098           |        |
| Overvotes  | 0       | 3            | 3               |        |

| Candidate                 | Polling | Vote by Mail | Total  |        |
|---------------------------|---------|--------------|--------|--------|
| <b>MARY T. STROBRIDGE</b> | 677     | 14,872       | 15,549 | 64.83% |
| BRIAN KENNELLY            | 770     | 7,666        | 8,436  | 35.17% |
| Write-in                  | 0       | 0            | 0      | 0.00%  |
| Total Votes               | 1,447   | 22,538       | 23,985 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

# Atascadero Unified School District GOVERNING BOARD MEMBER (Vote for 3)

Precincts Reported: 17 of 17 (100.00%)

|            | Polling | Vote by Mail | Total           |        |
|------------|---------|--------------|-----------------|--------|
| Times Cast | 1,236   | 21,463       | 22,699 / 25,639 | 88.53% |
| Undervotes | 1,866   | 27,803       | 29,669          |        |
| Overvotes  | 0       | 15           | 15              |        |

| Candidate                | Polling | Vote by Mail | Total  |        |
|--------------------------|---------|--------------|--------|--------|
| <b>MARY KAY MILLS</b>    | 489     | 9,678        | 10,167 | 26.47% |
| <b>TERRI E. SWITZER</b>  | 473     | 9,506        | 9,979  | 25.98% |
| <b>CORINNE C. KUHNLE</b> | 413     | 9,116        | 9,529  | 24.81% |
| VY PIERCE                | 467     | 8,271        | 8,738  | 22.75% |
| Write-in                 | 0       | 0            | 0      | 0.00%  |
| Total Votes              | 1,842   | 36,571       | 38,413 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

**Paso Robles Joint Unified School District GOVERNING BOARD MEMBER  
(Vote for 4)**

Precincts Reported: 17 of 17 (100.00%)

|            | Polling | Vote by Mail | Total           |        |
|------------|---------|--------------|-----------------|--------|
| Times Cast | 1,694   | 24,531       | 26,225 / 30,357 | 86.39% |
| Undervotes | 2,875   | 29,373       | 32,248          |        |
| Overvotes  | 32      | 196          | 228             |        |

| Candidate              | Polling | Vote by Mail | Total  |        |
|------------------------|---------|--------------|--------|--------|
| <b>DORIAN K. BAKER</b> | 467     | 9,016        | 9,483  | 13.09% |
| <b>CHRIS BAUSCH</b>    | 424     | 8,653        | 9,077  | 12.53% |
| <b>JIM REED</b>        | 479     | 8,302        | 8,781  | 12.12% |
| <b>NATHAN WILLIAMS</b> | 506     | 6,331        | 6,837  | 9.44%  |
| JIM COGAN              | 376     | 6,312        | 6,688  | 9.23%  |
| GREG S. GOODMAN        | 295     | 5,654        | 5,949  | 8.21%  |
| FRANK TRIGGS           | 269     | 5,121        | 5,390  | 7.44%  |
| LAURA PARKER           | 294     | 4,523        | 4,817  | 6.65%  |
| CAITLIN J. VIERRA      | 220     | 4,363        | 4,583  | 6.33%  |
| JOAN SUMMERS           | 149     | 3,968        | 4,117  | 5.68%  |
| RUBEN CANALES, JR.     | 263     | 3,796        | 4,059  | 5.60%  |
| LEONARD WASHINGTON     | 127     | 2,516        | 2,643  | 3.65%  |
| Write-in               | 0       | 0            | 0      | 0.00%  |
| Total Votes            | 3,869   | 68,555       | 72,424 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

**San Luis Coastal Unified School District GOVERNING BOARD MEMBER,  
TRUSTEE AREA NO. 1 (Vote for 2)**

Precincts Reported: 31 of 31 (100.00%)

|            | Polling | Vote by Mail | Total           |        |
|------------|---------|--------------|-----------------|--------|
| Times Cast | 3,040   | 47,869       | 50,909 / 56,867 | 89.52% |
| Undervotes | 3,045   | 39,365       | 42,410          |        |
| Overvotes  | 0       | 16           | 16              |        |

| Candidate                        | Polling | Vote by Mail | Total  |        |
|----------------------------------|---------|--------------|--------|--------|
| <b>KATHRYN EISENDRATH ROGERS</b> | 973     | 24,129       | 25,102 | 42.26% |
| <b>EVE DOBLER-DREW</b>           | 1,265   | 17,847       | 19,112 | 32.18% |
| WALT MILLAR                      | 797     | 14,381       | 15,178 | 25.56% |
| Write-in                         | 0       | 0            | 0      | 0.00%  |
| Total Votes                      | 3,035   | 56,357       | 59,392 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## San Miguel Joint Union School District GOVERNING BOARD MEMBER (Vote for 2)

Precincts Reported: 2 of 2 (100.00%)

|            | Polling | Vote by Mail | Total         |        |
|------------|---------|--------------|---------------|--------|
| Times Cast | 255     | 2,724        | 2,979 / 3,521 | 84.61% |
| Undervotes | 289     | 2,645        | 2,934         |        |
| Overvotes  | 0       | 2            | 2             |        |

| Candidate                         | Polling | Vote by Mail | Total |        |
|-----------------------------------|---------|--------------|-------|--------|
| <b>CONSTANTINO VICTOR DELGADO</b> | 97      | 1,108        | 1,205 | 39.87% |
| <b>MICHAEL J. SANDERS</b>         | 83      | 967          | 1,050 | 34.75% |
| LILY HUYNH                        | 41      | 726          | 767   | 25.38% |
| Write-in                          | 0       | 0            | 0     | 0.00%  |
| Total Votes                       | 221     | 2,801        | 3,022 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## Shandon Joint Unified School District GOVERNING BOARD MEMBER, TRUSTEE AREA NO. 2 (Vote for 1)

Precincts Reported: 3 of 3 (100.00%)

|            | Polling | Vote by Mail | Total     |        |
|------------|---------|--------------|-----------|--------|
| Times Cast | 33      | 558          | 591 / 732 | 80.74% |
| Undervotes | 10      | 84           | 94        |        |
| Overvotes  | 0       | 0            | 0         |        |

| Candidate          | Polling | Vote by Mail | Total |        |
|--------------------|---------|--------------|-------|--------|
| <b>FLINT SPEER</b> | 14      | 254          | 268   | 53.92% |
| AMY RUSSELL        | 9       | 220          | 229   | 46.08% |
| Write-in           | 0       | 0            | 0     | 0.00%  |
| Total Votes        | 23      | 474          | 497   |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

**Templeton Unified School District GOVERNING BOARD MEMBER (Vote for 3)**

Precincts Reported: 8 of 8 (100.00%)

|            | Polling | Vote by Mail | Total         |        |
|------------|---------|--------------|---------------|--------|
| Times Cast | 425     | 6,763        | 7,188 / 8,031 | 89.50% |
| Undervotes | 589     | 7,339        | 7,928         |        |
| Overvotes  | 3       | 9            | 12            |        |

| Candidate              | Polling | Vote by Mail | Total  |        |
|------------------------|---------|--------------|--------|--------|
| <b>NELSON YAMAGATA</b> | 133     | 2,886        | 3,019  | 22.16% |
| <b>TED DUBOST</b>      | 117     | 2,645        | 2,762  | 20.27% |
| <b>MENDI SWAN</b>      | 132     | 2,451        | 2,583  | 18.96% |
| MATT ALLISON           | 110     | 1,533        | 1,643  | 12.06% |
| PETER ROMWALL          | 73      | 1,436        | 1,509  | 11.08% |
| JAY L. RAFTERY         | 69      | 1,085        | 1,154  | 8.47%  |
| NAGLA ORLANDO          | 49      | 905          | 954    | 7.00%  |
| Write-in               | 0       | 0            | 0      | 0.00%  |
| Total Votes            | 683     | 12,941       | 13,624 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

**Santa Maria Joint Union High School District GOVERNING BOARD MEMBER (Vote for 2)**

Precincts Reported: 1 of 1 (100.00%)

|            | Polling | Vote by Mail | Total |     |
|------------|---------|--------------|-------|-----|
| Times Cast | 0       | 0            | 0 / 0 | N/A |
| Undervotes | 0       | 0            | 0     |     |
| Overvotes  | 0       | 0            | 0     |     |

| Candidate             | Polling | Vote by Mail | Total |     |
|-----------------------|---------|--------------|-------|-----|
| DAVID E. BASKETT      | 0       | 0            | 0     | N/A |
| ANGIE MARIE BOLDEN    | 0       | 0            | 0     | N/A |
| AMY LOPEZ             | 0       | 0            | 0     | N/A |
| JACK C. GARVIN        | 0       | 0            | 0     | N/A |
| JENNIFER MELENA       | 0       | 0            | 0     | N/A |
| GABRIEL AMARO MORALES | 0       | 0            | 0     | N/A |
| Write-in              | 0       | 0            | 0     | N/A |
| Total Votes           | 0       | 0            | 0     |     |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## City Of Atascadero MAYOR (Vote for 1)

Precincts Reported: 10 of 10 (100.00%)

|            | Polling | Vote by Mail | Total           |        |
|------------|---------|--------------|-----------------|--------|
| Times Cast | 1,036   | 16,845       | 17,881 / 20,206 | 88.49% |
| Undervotes | 93      | 942          | 1,035           |        |
| Overvotes  | 1       | 4            | 5               |        |

| Candidate                | Polling | Vote by Mail | Total  |        |
|--------------------------|---------|--------------|--------|--------|
| <b>HEATHER L. MORENO</b> | 443     | 6,904        | 7,347  | 43.63% |
| JERRY TANIMOTO           | 245     | 5,310        | 5,555  | 32.98% |
| JOSH DONOVAN             | 254     | 3,685        | 3,939  | 23.39% |
| Write-in                 | 0       | 0            | 0      | 0.00%  |
| Total Votes              | 942     | 15,899       | 16,841 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## City Of Atascadero COUNCILMEMBER (Vote for 2)

Precincts Reported: 10 of 10 (100.00%)

|            | Polling | Vote by Mail | Total           |        |
|------------|---------|--------------|-----------------|--------|
| Times Cast | 1,036   | 16,845       | 17,881 / 20,206 | 88.49% |
| Undervotes | 800     | 10,065       | 10,865          |        |
| Overvotes  | 10      | 120          | 130             |        |

| Candidate               | Polling | Vote by Mail | Total  |        |
|-------------------------|---------|--------------|--------|--------|
| <b>CHARLES BOURBEAU</b> | 293     | 6,569        | 6,862  | 27.71% |
| <b>MARK DARIZ</b>       | 322     | 5,848        | 6,170  | 24.91% |
| TORI KEEN               | 264     | 5,314        | 5,578  | 22.52% |
| NICHOLAS MATTSON        | 256     | 4,348        | 4,604  | 18.59% |
| BRET HEINEMANN          | 127     | 1,426        | 1,553  | 6.27%  |
| Write-in                | 0       | 0            | 0      | 0.00%  |
| Total Votes             | 1,262   | 23,505       | 24,767 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |



## City Of Grover Beach MAYOR (Vote for 1)

Precincts Reported: 3 of 3 (100.00%)

|            | Polling | Vote by Mail | Total         |        |
|------------|---------|--------------|---------------|--------|
| Times Cast | 504     | 6,436        | 6,940 / 8,130 | 85.36% |
| Undervotes | 84      | 651          | 735           |        |
| Overvotes  | 0       | 3            | 3             |        |

| Candidate        | Polling | Vote by Mail | Total |        |
|------------------|---------|--------------|-------|--------|
| <b>JEFF LEE</b>  | 268     | 4,061        | 4,329 | 69.80% |
| ELIZABETH DOUKAS | 152     | 1,721        | 1,873 | 30.20% |
| Write-in         | 0       | 0            | 0     | 0.00%  |
| Total Votes      | 420     | 5,782        | 6,202 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## City of Grover Beach COUNCILMEMBER (Vote for 2)

Precincts Reported: 3 of 3 (100.00%)

|            | Polling | Vote by Mail | Total         |        |
|------------|---------|--------------|---------------|--------|
| Times Cast | 504     | 6,436        | 6,940 / 8,130 | 85.36% |
| Undervotes | 405     | 3,606        | 4,011         |        |
| Overvotes  | 2       | 28           | 30            |        |

| Candidate           | Polling | Vote by Mail | Total |        |
|---------------------|---------|--------------|-------|--------|
| <b>KAREN BRIGHT</b> | 143     | 2,796        | 2,939 | 29.87% |
| <b>ANNA MILLER</b>  | 139     | 2,108        | 2,247 | 22.84% |
| WILL BRUCE          | 129     | 1,625        | 1,754 | 17.83% |
| DANIEL RUSHING      | 65      | 1,407        | 1,472 | 14.96% |
| JOSEPH HOLMES       | 125     | 1,302        | 1,427 | 14.50% |
| Write-in            | 0       | 0            | 0     | 0.00%  |
| Total Votes         | 601     | 9,238        | 9,839 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## City of Grover Beach COUNCILMEMBER, 2 Year Short Term (Vote for 1)

Precincts Reported: 3 of 3 (100.00%)

|            | Polling | Vote by Mail | Total         |        |
|------------|---------|--------------|---------------|--------|
| Times Cast | 504     | 6,436        | 6,940 / 8,130 | 85.36% |
| Undervotes | 126     | 1,141        | 1,267         |        |
| Overvotes  | 4       | 35           | 39            |        |

| Candidate            | Polling | Vote by Mail | Total |        |
|----------------------|---------|--------------|-------|--------|
| <b>ROBERT ROBERT</b> | 140     | 1,802        | 1,942 | 34.47% |
| DAVID R. DURINGER    | 151     | 1,738        | 1,889 | 33.53% |
| FRED BUENROSTRO, JR. | 81      | 1,683        | 1,764 | 31.31% |
| Write-in             | 2       | 37           | 39    | 0.69%  |
| Total Votes          | 374     | 5,260        | 5,634 |        |

|                     |          | Polling | Vote by Mail | Total |       |
|---------------------|----------|---------|--------------|-------|-------|
| KARA RAMIREZ        | WRITE-IN | 2       | 37           | 39    | 0.69% |
| Unresolved Write-In |          | 0       | 0            | 0     |       |

## City Of Morro Bay MAYOR (Vote for 1)

Precincts Reported: 4 of 4 (100.00%)

|            | Polling | Vote by Mail | Total         |        |
|------------|---------|--------------|---------------|--------|
| Times Cast | 431     | 6,967        | 7,398 / 8,174 | 90.51% |
| Undervotes | 52      | 508          | 560           |        |
| Overvotes  | 0       | 0            | 0             |        |

| Candidate            | Polling | Vote by Mail | Total |        |
|----------------------|---------|--------------|-------|--------|
| <b>JOHN HEADDING</b> | 160     | 3,316        | 3,476 | 50.83% |
| JOHN R. WEISS        | 219     | 3,143        | 3,362 | 49.17% |
| Write-in             | 0       | 0            | 0     | 0.00%  |
| Total Votes          | 379     | 6,459        | 6,838 |        |

|                     |  | Polling | Vote by Mail | Total |  |
|---------------------|--|---------|--------------|-------|--|
| Unresolved Write-In |  | 0       | 0            | 0     |  |

**City Of Morro Bay COUNCILMEMBER (Vote for 2)**

Precincts Reported: 4 of 4 (100.00%)

|            | Polling | Vote by Mail | Total         |        |
|------------|---------|--------------|---------------|--------|
| Times Cast | 431     | 6,967        | 7,398 / 8,174 | 90.51% |
| Undervotes | 269     | 2,929        | 3,198         |        |
| Overvotes  | 0       | 4            | 4             |        |

| Candidate                 | Polling | Vote by Mail | Total  |        |
|---------------------------|---------|--------------|--------|--------|
| <b>ROBERT "RED" DAVIS</b> | 148     | 3,049        | 3,197  | 27.57% |
| <b>LAUREL BARTON</b>      | 127     | 2,973        | 3,100  | 26.74% |
| BETTY WINHOLTZ            | 151     | 2,549        | 2,700  | 23.29% |
| RICHARD E.T. SADOWSKI     | 167     | 2,430        | 2,597  | 22.40% |
| Write-in                  | 0       | 0            | 0      | 0.00%  |
| Total Votes               | 593     | 11,001       | 11,594 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

**City Of El Paso De Robles COUNCILMEMBER - District 3 (Vote for 1)**

Precincts Reported: 3 of 3 (100.00%)

|            | Polling | Vote by Mail | Total         |        |
|------------|---------|--------------|---------------|--------|
| Times Cast | 252     | 3,892        | 4,144 / 4,765 | 86.97% |
| Undervotes | 110     | 1,392        | 1,502         |        |
| Overvotes  | 0       | 0            | 0             |        |

| Candidate            | Polling | Vote by Mail | Total |         |
|----------------------|---------|--------------|-------|---------|
| <b>STEVE GREGORY</b> | 142     | 2,500        | 2,642 | 100.00% |
| Write-in             | 0       | 0            | 0     | 0.00%   |
| Total Votes          | 142     | 2,500        | 2,642 |         |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

**City of El Paso de Robles COUNCILMEMBER - District 4 (Vote for 1)**

Precincts Reported: 1 of 1 (100.00%)

|            | Polling | Vote by Mail | Total         |        |
|------------|---------|--------------|---------------|--------|
| Times Cast | 285     | 3,028        | 3,313 / 3,944 | 84.00% |
| Undervotes | 51      | 505          | 556           |        |
| Overvotes  | 0       | 1            | 1             |        |

| Candidate          | Polling | Vote by Mail | Total |        |
|--------------------|---------|--------------|-------|--------|
| <b>FRED STRONG</b> | 140     | 1,558        | 1,698 | 61.61% |
| JACOB ALLRED       | 94      | 964          | 1,058 | 38.39% |
| Write-in           | 0       | 0            | 0     | 0.00%  |
| Total Votes        | 234     | 2,522        | 2,756 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

**City Of El Paso De Robles CITY TREASURER (Vote for 1)**

Precincts Reported: 8 of 8 (100.00%)

|            | Polling | Vote by Mail | Total           |        |
|------------|---------|--------------|-----------------|--------|
| Times Cast | 1,052   | 14,686       | 15,738 / 18,373 | 85.66% |
| Undervotes | 392     | 5,018        | 5,410           |        |
| Overvotes  | 0       | 0            | 0               |        |

| Candidate           | Polling | Vote by Mail | Total  |         |
|---------------------|---------|--------------|--------|---------|
| <b>RYAN CORNELL</b> | 660     | 9,668        | 10,328 | 100.00% |
| Write-in            | 0       | 0            | 0      | 0.00%   |
| Total Votes         | 660     | 9,668        | 10,328 |         |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

**City Of Pismo Beach MAYOR (Vote for 1)**

Precincts Reported: 3 of 3 (100.00%)

|            | Polling | Vote by Mail | Total         |        |
|------------|---------|--------------|---------------|--------|
| Times Cast | 325     | 5,565        | 5,890 / 6,475 | 90.97% |
| Undervotes | 64      | 476          | 540           |        |
| Overvotes  | 1       | 0            | 1             |        |

| Candidate       | Polling | Vote by Mail | Total |        |
|-----------------|---------|--------------|-------|--------|
| <b>ED WAAGE</b> | 161     | 3,031        | 3,192 | 59.67% |
| DAN SHADWELL    | 99      | 2,058        | 2,157 | 40.33% |
| Write-in        | 0       | 0            | 0     | 0.00%  |
| Total Votes     | 260     | 5,089        | 5,349 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

**City Of Pismo Beach COUNCILMEMBER (Vote for 2)**

Precincts Reported: 3 of 3 (100.00%)

|            | Polling | Vote by Mail | Total         |        |
|------------|---------|--------------|---------------|--------|
| Times Cast | 325     | 5,565        | 5,890 / 6,475 | 90.97% |
| Undervotes | 230     | 2,621        | 2,851         |        |
| Overvotes  | 2       | 24           | 26            |        |

| Candidate              | Polling | Vote by Mail | Total |        |
|------------------------|---------|--------------|-------|--------|
| <b>SCOTT A. NEWTON</b> | 169     | 2,990        | 3,159 | 35.48% |
| <b>MARCIA GUTHRIE</b>  | 57      | 2,032        | 2,089 | 23.46% |
| ERIK HOWELL            | 94      | 1,954        | 2,048 | 23.00% |
| DEBORA ANN LOSSING     | 65      | 835          | 900   | 10.11% |
| JAMES ROBERT PRICHARD  | 33      | 674          | 707   | 7.94%  |
| Write-in               | 0       | 0            | 0     | 0.00%  |
| Total Votes            | 418     | 8,485        | 8,903 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## City Of San Luis Obispo MAYOR (Vote for 1)

Precincts Reported: 12 of 12 (100.00%)

|            | Polling | Vote by Mail | Total           |        |
|------------|---------|--------------|-----------------|--------|
| Times Cast | 1,757   | 25,523       | 27,280 / 30,597 | 89.16% |
| Undervotes | 228     | 1,517        | 1,745           |        |
| Overvotes  | 1       | 10           | 11              |        |

| Candidate               | Polling | Vote by Mail | Total  |        |
|-------------------------|---------|--------------|--------|--------|
| <b>HEIDI HARMON</b>     | 648     | 12,710       | 13,358 | 52.34% |
| CHERRISSE SWEENEY       | 660     | 8,057        | 8,717  | 34.15% |
| SANDRA MARSHALL-EMINGER | 157     | 2,838        | 2,995  | 11.73% |
| DONALD E. HEDRICK       | 63      | 391          | 454    | 1.78%  |
| Write-in                | 0       | 0            | 0      | 0.00%  |
| Total Votes             | 1,528   | 23,996       | 25,524 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## City Of San Luis Obispo COUNCILMEMBER (Vote for 2)

Precincts Reported: 12 of 12 (100.00%)

|            | Polling | Vote by Mail | Total           |        |
|------------|---------|--------------|-----------------|--------|
| Times Cast | 1,757   | 25,523       | 27,280 / 30,597 | 89.16% |
| Undervotes | 1,229   | 10,194       | 11,423          |        |
| Overvotes  | 6       | 120          | 126             |        |

| Candidate                  | Polling | Vote by Mail | Total  |        |
|----------------------------|---------|--------------|--------|--------|
| <b>ANDREA "ANDY" PEASE</b> | 306     | 9,764        | 10,070 | 23.41% |
| <b>JAN HOWELL MARX</b>     | 348     | 7,990        | 8,338  | 19.39% |
| ABRIANNA TORRES            | 552     | 7,279        | 7,831  | 18.21% |
| JAMES PAPP                 | 243     | 4,717        | 4,960  | 11.53% |
| KELLY EVANS                | 239     | 4,488        | 4,727  | 10.99% |
| ROBIN WOLF                 | 199     | 2,425        | 2,624  | 6.10%  |
| ERIK LONG                  | 197     | 2,338        | 2,535  | 5.89%  |
| JEFFERY SPECHT             | 195     | 1,731        | 1,926  | 4.48%  |
| Write-in                   | 0       | 0            | 0      | 0.00%  |
| Total Votes                | 2,279   | 40,732       | 43,011 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

**Port San Luis Harbor District COMMISSIONER (Vote for 3)**

Precincts Reported: 42 of 42 (100.00%)

|            | Polling | Vote by Mail | Total           |        |
|------------|---------|--------------|-----------------|--------|
| Times Cast | 4,634   | 70,309       | 74,943 / 84,837 | 88.34% |
| Undervotes | 7,472   | 93,486       | 100,958         |        |
| Overvotes  | 9       | 69           | 78              |        |

| Candidate                | Polling | Vote by Mail | Total   |        |
|--------------------------|---------|--------------|---------|--------|
| <b>JIM BLECHA</b>        | 1,621   | 31,415       | 33,036  | 26.69% |
| <b>ROBERT S. VESSELY</b> | 848     | 26,208       | 27,056  | 21.86% |
| <b>BILL BARROW</b>       | 1,613   | 21,924       | 23,537  | 19.01% |
| DAVE FRIESEN             | 900     | 15,481       | 16,381  | 13.23% |
| GARY MAIER               | 817     | 12,636       | 13,453  | 10.87% |
| SCOTT R. LATHROP         | 622     | 9,708        | 10,330  | 8.34%  |
| Write-in                 | 0       | 0            | 0       | 0.00%  |
| Total Votes              | 6,421   | 117,372      | 123,793 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

**Cambria Community Services District DIRECTOR (Vote for 3)**

Precincts Reported: 2 of 2 (100.00%)

|            | Polling | Vote by Mail | Total         |        |
|------------|---------|--------------|---------------|--------|
| Times Cast | 278     | 3,880        | 4,158 / 4,498 | 92.44% |
| Undervotes | 349     | 3,700        | 4,049         |        |
| Overvotes  | 0       | 0            | 0             |        |

| Candidate            | Polling | Vote by Mail | Total |        |
|----------------------|---------|--------------|-------|--------|
| <b>HARRY FARMER</b>  | 146     | 2,383        | 2,529 | 30.02% |
| <b>KAREN A. DEAN</b> | 119     | 2,179        | 2,298 | 27.28% |
| <b>TOM GRAY</b>      | 116     | 1,785        | 1,901 | 22.56% |
| DAVID PIERSON        | 104     | 1,593        | 1,697 | 20.14% |
| Write-in             | 0       | 0            | 0     | 0.00%  |
| Total Votes          | 485     | 7,940        | 8,425 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## Ground Squirrel Hollow Community Services District DIRECTOR (Vote for 3)

Precincts Reported: 1 of 1 (100.00%)

|            | Polling | Vote by Mail | Total     |        |
|------------|---------|--------------|-----------|--------|
| Times Cast | 34      | 654          | 688 / 766 | 89.82% |
| Undervotes | 26      | 598          | 624       |        |
| Overvotes  | 0       | 6            | 6         |        |

| Candidate              | Polling | Vote by Mail | Total |        |
|------------------------|---------|--------------|-------|--------|
| <b>ALLEN DUCKWORTH</b> | 21      | 415          | 436   | 30.40% |
| <b>KEVIN MCCAMY</b>    | 20      | 380          | 400   | 27.89% |
| <b>SCOTT SIMONS</b>    | 19      | 378          | 397   | 27.68% |
| JAMES SCOTT DURIAN     | 16      | 185          | 201   | 14.02% |
| Write-in               | 0       | 0            | 0     | 0.00%  |
| Total Votes            | 76      | 1,358        | 1,434 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## Nipomo Community Services District DIRECTOR (Vote for 2)

Precincts Reported: 5 of 5 (100.00%)

|            | Polling | Vote by Mail | Total         |        |
|------------|---------|--------------|---------------|--------|
| Times Cast | 507     | 6,808        | 7,315 / 8,578 | 85.28% |
| Undervotes | 475     | 5,528        | 6,003         |        |
| Overvotes  | 0       | 0            | 0             |        |

| Candidate                       | Polling | Vote by Mail | Total |        |
|---------------------------------|---------|--------------|-------|--------|
| <b>RICHARD EUGENE MALVAROSE</b> | 248     | 2,976        | 3,224 | 37.37% |
| <b>BOB BLAIR</b>                | 164     | 2,819        | 2,983 | 34.58% |
| PHILIP HENRY III                | 127     | 2,293        | 2,420 | 28.05% |
| Write-in                        | 0       | 0            | 0     | 0.00%  |
| Total Votes                     | 539     | 8,088        | 8,627 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## Oceano Community Services District DIRECTOR (Vote for 3)

Precincts Reported: 2 of 2 (100.00%)

|            | Polling | Vote by Mail | Total         |        |
|------------|---------|--------------|---------------|--------|
| Times Cast | 315     | 3,013        | 3,328 / 4,159 | 80.02% |
| Undervotes | 464     | 3,100        | 3,564         |        |
| Overvotes  | 3       | 3            | 6             |        |

| Candidate                | Polling | Vote by Mail | Total |        |
|--------------------------|---------|--------------|-------|--------|
| <b>LINDA M. AUSTIN</b>   | 111     | 1,330        | 1,441 | 22.47% |
| <b>SHIRLEY D. GIBSON</b> | 89      | 1,022        | 1,111 | 17.32% |
| <b>CYNTHIA REPLOGLE</b>  | 46      | 998          | 1,044 | 16.28% |
| REO CORDES               | 72      | 876          | 948   | 14.78% |
| APRIL DURY               | 92      | 845          | 937   | 14.61% |
| BARNEY G. FOSTER         | 68      | 865          | 933   | 14.55% |
| Write-in                 | 0       | 0            | 0     | 0.00%  |
| Total Votes              | 478     | 5,936        | 6,414 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## Templeton Community Services District DIRECTOR (Vote for 3)

Precincts Reported: 2 of 2 (100.00%)

|            | Polling | Vote by Mail | Total         |        |
|------------|---------|--------------|---------------|--------|
| Times Cast | 311     | 4,291        | 4,602 / 5,119 | 89.90% |
| Undervotes | 467     | 5,351        | 5,818         |        |
| Overvotes  | 0       | 0            | 0             |        |

| Candidate              | Polling | Vote by Mail | Total |        |
|------------------------|---------|--------------|-------|--------|
| <b>PAMELA JARDINI</b>  | 149     | 2,387        | 2,536 | 31.75% |
| <b>NAVID FARDANESH</b> | 139     | 2,328        | 2,467 | 30.88% |
| <b>DEBRA J. LOGAN</b>  | 121     | 1,994        | 2,115 | 26.48% |
| DIANNA VONDERHEIDE     | 57      | 813          | 870   | 10.89% |
| Write-in               | 0       | 0            | 0     | 0.00%  |
| Total Votes            | 466     | 7,522        | 7,988 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |



**Cambria Community Healthcare District DIRECTOR (Vote for 2)**

Precincts Reported: 3 of 3 (100.00%)

|            | Polling | Vote by Mail | Total         |        |
|------------|---------|--------------|---------------|--------|
| Times Cast | 311     | 4,297        | 4,608 / 5,006 | 92.05% |
| Undervotes | 246     | 2,817        | 3,063         |        |
| Overvotes  | 2       | 2            | 4             |        |

| Candidate                 | Polling | Vote by Mail | Total |        |
|---------------------------|---------|--------------|-------|--------|
| <b>CESILIA ANN LOMELI</b> | 180     | 2,715        | 2,895 | 47.08% |
| <b>CECILIA MONTALVO</b>   | 81      | 1,584        | 1,665 | 27.08% |
| KRISTI A. JENKINS         | 113     | 1,476        | 1,589 | 25.84% |
| Write-in                  | 0       | 0            | 0     | 0.00%  |
| Total Votes               | 374     | 5,775        | 6,149 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

**Cayucos Sanitary District DIRECTOR (Vote for 2)**

Precincts Reported: 1 of 1 (100.00%)

|            | Polling | Vote by Mail | Total         |        |
|------------|---------|--------------|---------------|--------|
| Times Cast | 113     | 1,749        | 1,862 / 2,057 | 90.52% |
| Undervotes | 81      | 1,065        | 1,146         |        |
| Overvotes  | 0       | 0            | 0             |        |

| Candidate               | Polling | Vote by Mail | Total |        |
|-------------------------|---------|--------------|-------|--------|
| <b>HANNAH MILLER</b>    | 58      | 1,070        | 1,128 | 43.75% |
| <b>ROBERT B. ENNS</b>   | 52      | 1,003        | 1,055 | 40.92% |
| "J.P." JOHN PAUL DRAYER | 35      | 360          | 395   | 15.32% |
| Write-in                | 0       | 0            | 0     | 0.00%  |
| Total Votes             | 145     | 2,433        | 2,578 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

**PROPOSITION 14 AUTHORIZES BONDS CONTINUING STEM CELL RESEARCH (Vote for 1)**

Precincts Reported: 112 of 112 (100.00%)

|            | Polling | Vote by Mail | Total             |        |
|------------|---------|--------------|-------------------|--------|
| Times Cast | 9,874   | 152,741      | 162,615 / 184,050 | 88.35% |
| Undervotes | 799     | 7,906        | 8,705             |        |
| Overvotes  | 0       | 20           | 20                |        |

| Candidate   | Polling | Vote by Mail | Total   |        |
|-------------|---------|--------------|---------|--------|
| <b>NO</b>   | 5,246   | 81,202       | 86,448  | 56.18% |
| <b>YES</b>  | 3,829   | 63,613       | 67,442  | 43.82% |
| Total Votes | 9,075   | 144,815      | 153,890 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

**PROPOSITION 15 INCREASES FUNDING FOR SCHOOLS, COMMUNITY COLLEGES, AND LOCAL GOVERNMENT (Vote for 1)**

Precincts Reported: 112 of 112 (100.00%)

|            | Polling | Vote by Mail | Total             |        |
|------------|---------|--------------|-------------------|--------|
| Times Cast | 9,874   | 152,741      | 162,615 / 184,050 | 88.35% |
| Undervotes | 599     | 4,881        | 5,480             |        |
| Overvotes  | 0       | 34           | 34                |        |

| Candidate   | Polling | Vote by Mail | Total   |        |
|-------------|---------|--------------|---------|--------|
| <b>NO</b>   | 5,968   | 90,576       | 96,544  | 61.45% |
| YES         | 3,307   | 57,250       | 60,557  | 38.55% |
| Total Votes | 9,275   | 147,826      | 157,101 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

**PROPOSITION 16 ALLOWS DIVERSITY AS A FACTOR IN PUBLIC EMPLOYMENT, EDUCATION, AND CONTRACTING DECISIONS (Vote for 1)**

Precincts Reported: 112 of 112 (100.00%)

|            | Polling | Vote by Mail | Total             |        |
|------------|---------|--------------|-------------------|--------|
| Times Cast | 9,874   | 152,741      | 162,615 / 184,050 | 88.35% |
| Undervotes | 781     | 7,520        | 8,301             |        |
| Overvotes  | 0       | 23           | 23                |        |

| Candidate   | Polling | Vote by Mail | Total   |        |
|-------------|---------|--------------|---------|--------|
| <b>NO</b>   | 6,735   | 97,082       | 103,817 | 67.29% |
| YES         | 2,358   | 48,116       | 50,474  | 32.71% |
| Total Votes | 9,093   | 145,198      | 154,291 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

**PROPOSITION 17 RESTORES RIGHT TO VOTE AFTER COMPLETION OF PRISON TERM (Vote for 1)**

Precincts Reported: 112 of 112 (100.00%)

|            | Polling | Vote by Mail | Total             |        |
|------------|---------|--------------|-------------------|--------|
| Times Cast | 9,874   | 152,741      | 162,615 / 184,050 | 88.35% |
| Undervotes | 613     | 5,256        | 5,869             |        |
| Overvotes  | 2       | 9            | 11                |        |

| Candidate   | Polling | Vote by Mail | Total   |        |
|-------------|---------|--------------|---------|--------|
| <b>YES</b>  | 4,466   | 74,093       | 78,559  | 50.12% |
| NO          | 4,793   | 73,383       | 78,176  | 49.88% |
| Total Votes | 9,259   | 147,476      | 156,735 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## PROPOSITION 18 PERMIT 17-YEAR-OLDS TO VOTE IN PRIMARY AND SPECIAL ELECTIONS (Vote for 1)

Precincts Reported: 112 of 112 (100.00%)

|            | Polling | Vote by Mail | Total             |        |
|------------|---------|--------------|-------------------|--------|
| Times Cast | 9,874   | 152,741      | 162,615 / 184,050 | 88.35% |
| Undervotes | 579     | 4,580        | 5,159             |        |
| Overvotes  | 0       | 10           | 10                |        |

| Candidate   | Polling | Vote by Mail | Total   |        |
|-------------|---------|--------------|---------|--------|
| <b>NO</b>   | 6,351   | 94,405       | 100,756 | 63.99% |
| YES         | 2,944   | 53,746       | 56,690  | 36.01% |
| Total Votes | 9,295   | 148,151      | 157,446 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## PROPOSITION 19 CHANGES CERTAIN PROPERTY TAX RULES (Vote for 1)

Precincts Reported: 112 of 112 (100.00%)

|            | Polling | Vote by Mail | Total             |        |
|------------|---------|--------------|-------------------|--------|
| Times Cast | 9,874   | 152,741      | 162,615 / 184,050 | 88.35% |
| Undervotes | 978     | 8,972        | 9,950             |        |
| Overvotes  | 2       | 36           | 38                |        |

| Candidate   | Polling | Vote by Mail | Total   |        |
|-------------|---------|--------------|---------|--------|
| <b>NO</b>   | 5,166   | 80,691       | 85,857  | 56.25% |
| YES         | 3,728   | 63,042       | 66,770  | 43.75% |
| Total Votes | 8,894   | 143,733      | 152,627 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## PROPOSITION 20 RESTRICTS PAROLE FOR CERTAIN OFFENSES, AUTHORIZES FELONY SENTENCES FOR CERTAIN OFFENSES (Vote for 1)

Precincts Reported: 112 of 112 (100.00%)

|            | Polling | Vote by Mail | Total             |        |
|------------|---------|--------------|-------------------|--------|
| Times Cast | 9,874   | 152,741      | 162,615 / 184,050 | 88.35% |
| Undervotes | 989     | 10,003       | 10,992            |        |
| Overvotes  | 4       | 52           | 56                |        |

| Candidate   | Polling | Vote by Mail | Total   |        |
|-------------|---------|--------------|---------|--------|
| <b>NO</b>   | 4,986   | 83,636       | 88,622  | 58.47% |
| YES         | 3,895   | 59,050       | 62,945  | 41.53% |
| Total Votes | 8,881   | 142,686      | 151,567 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

**PROPOSITION 21 EXPANDS LOCAL GOVERNMENTS' AUTHORITY TO ENACT RENT CONTROL ON RESIDENTIAL PROPERTY (Vote for 1)**

Precincts Reported: 112 of 112 (100.00%)

|            | Polling | Vote by Mail | Total             |        |
|------------|---------|--------------|-------------------|--------|
| Times Cast | 9,874   | 152,741      | 162,615 / 184,050 | 88.35% |
| Undervotes | 881     | 8,675        | 9,556             |        |
| Overvotes  | 2       | 27           | 29                |        |

| Candidate   | Polling | Vote by Mail | Total   |        |
|-------------|---------|--------------|---------|--------|
| <b>NO</b>   | 6,134   | 97,213       | 103,347 | 67.53% |
| YES         | 2,857   | 46,826       | 49,683  | 32.47% |
| Total Votes | 8,991   | 144,039      | 153,030 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

**PROPOSITION 22 EXEMPTS APP-BASED TRANSPORTATION AND DELIVERY COMPANIES (Vote for 1)**

Precincts Reported: 112 of 112 (100.00%)

|            | Polling | Vote by Mail | Total             |        |
|------------|---------|--------------|-------------------|--------|
| Times Cast | 9,874   | 152,741      | 162,615 / 184,050 | 88.35% |
| Undervotes | 782     | 7,677        | 8,459             |        |
| Overvotes  | 2       | 40           | 42                |        |

| Candidate   | Polling | Vote by Mail | Total   |        |
|-------------|---------|--------------|---------|--------|
| <b>YES</b>  | 5,785   | 90,912       | 96,697  | 62.74% |
| NO          | 3,305   | 54,112       | 57,417  | 37.26% |
| Total Votes | 9,090   | 145,024      | 154,114 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

**PROPOSITION 23 ESTABLISHES STATE REQUIREMENTS FOR KIDNEY DIALYSIS CLINICS (Vote for 1)**

Precincts Reported: 112 of 112 (100.00%)

|            | Polling | Vote by Mail | Total             |        |
|------------|---------|--------------|-------------------|--------|
| Times Cast | 9,874   | 152,741      | 162,615 / 184,050 | 88.35% |
| Undervotes | 945     | 8,597        | 9,542             |        |
| Overvotes  | 1       | 34           | 35                |        |

| Candidate   | Polling | Vote by Mail | Total   |        |
|-------------|---------|--------------|---------|--------|
| <b>NO</b>   | 5,877   | 101,921      | 107,798 | 70.44% |
| YES         | 3,051   | 42,189       | 45,240  | 29.56% |
| Total Votes | 8,928   | 144,110      | 153,038 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## PROPOSITION 24 AMENDS CONSUMER PRIVACY LAWS (Vote for 1)

Precincts Reported: 112 of 112 (100.00%)

|            | Polling | Vote by Mail | Total             |        |
|------------|---------|--------------|-------------------|--------|
| Times Cast | 9,874   | 152,741      | 162,615 / 184,050 | 88.35% |
| Undervotes | 982     | 9,718        | 10,700            |        |
| Overvotes  | 2       | 26           | 28                |        |

| Candidate   | Polling | Vote by Mail | Total   |        |
|-------------|---------|--------------|---------|--------|
| <b>NO</b>   | 4,367   | 75,963       | 80,330  | 52.89% |
| YES         | 4,523   | 67,034       | 71,557  | 47.11% |
| Total Votes | 8,890   | 142,997      | 151,887 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## PROPOSITION 25 REFERENDUM ON LAW THAT REPLACED MONEY BAIL WITH SYSTEM (Vote for 1)

Precincts Reported: 112 of 112 (100.00%)

|            | Polling | Vote by Mail | Total             |        |
|------------|---------|--------------|-------------------|--------|
| Times Cast | 9,874   | 152,741      | 162,615 / 184,050 | 88.35% |
| Undervotes | 1,069   | 10,613       | 11,682            |        |
| Overvotes  | 2       | 24           | 26                |        |

| Candidate   | Polling | Vote by Mail | Total   |        |
|-------------|---------|--------------|---------|--------|
| <b>NO</b>   | 5,791   | 86,331       | 92,122  | 61.05% |
| YES         | 3,012   | 55,773       | 58,785  | 38.95% |
| Total Votes | 8,803   | 142,104      | 150,907 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## MEASURE B-20 Pismo Beach Transient Occupancy Tax (50 percent+1) (Vote for 1)

Precincts Reported: 3 of 3 (100.00%)

|            | Polling | Vote by Mail | Total         |        |
|------------|---------|--------------|---------------|--------|
| Times Cast | 325     | 5,565        | 5,890 / 6,475 | 90.97% |
| Undervotes | 50      | 458          | 508           |        |
| Overvotes  | 0       | 0            | 0             |        |

| Candidate   | Polling | Vote by Mail | Total |        |
|-------------|---------|--------------|-------|--------|
| <b>YES</b>  | 203     | 4,147        | 4,350 | 80.82% |
| NO          | 72      | 960          | 1,032 | 19.18% |
| Total Votes | 275     | 5,107        | 5,382 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## MEASURE C-20 Atascadero USD School Bond Measure (55 percent) (Vote for 1)

Precincts Reported: 17 of 17 (100.00%)

|            | Polling | Vote by Mail | Total           |        |
|------------|---------|--------------|-----------------|--------|
| Times Cast | 1,236   | 21,463       | 22,699 / 25,639 | 88.53% |
| Undervotes | 112     | 1,595        | 1,707           |        |
| Overvotes  | 0       | 3            | 3               |        |

| Candidate          | Polling | Vote by Mail | Total  |        |
|--------------------|---------|--------------|--------|--------|
| <b>BONDS - YES</b> | 648     | 10,769       | 11,417 | 54.40% |
| BONDS - NO         | 476     | 9,096        | 9,572  | 45.60% |
| Total Votes        | 1,124   | 19,865       | 20,989 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## MEASURE D-20 Atascadero Sales Tax Measure (50 percent+1) (Vote for 1)

Precincts Reported: 10 of 10 (100.00%)

|            | Polling | Vote by Mail | Total           |        |
|------------|---------|--------------|-----------------|--------|
| Times Cast | 1,036   | 16,845       | 17,881 / 20,206 | 88.49% |
| Undervotes | 75      | 1,004        | 1,079           |        |
| Overvotes  | 0       | 4            | 4               |        |

| Candidate   | Polling | Vote by Mail | Total  |        |
|-------------|---------|--------------|--------|--------|
| <b>YES</b>  | 613     | 9,230        | 9,843  | 58.60% |
| NO          | 348     | 6,607        | 6,955  | 41.40% |
| Total Votes | 961     | 15,837       | 16,798 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## MEASURE E-20 Morro Bay Sales Tax Measure (50 percent+1) (Vote for 1)

Precincts Reported: 4 of 4 (100.00%)

|            | Polling | Vote by Mail | Total         |        |
|------------|---------|--------------|---------------|--------|
| Times Cast | 431     | 6,967        | 7,398 / 8,174 | 90.51% |
| Undervotes | 29      | 344          | 373           |        |
| Overvotes  | 0       | 0            | 0             |        |

| Candidate   | Polling | Vote by Mail | Total |        |
|-------------|---------|--------------|-------|--------|
| <b>YES</b>  | 212     | 3,901        | 4,113 | 58.55% |
| NO          | 190     | 2,722        | 2,912 | 41.45% |
| Total Votes | 402     | 6,623        | 7,025 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## MEASURE F-20 Grover Beach Sales Tax Measure (50 percent+1) (Vote for 1)

Precincts Reported: 3 of 3 (100.00%)

|            | Polling | Vote by Mail | Total         |        |
|------------|---------|--------------|---------------|--------|
| Times Cast | 504     | 6,436        | 6,940 / 8,130 | 85.36% |
| Undervotes | 60      | 527          | 587           |        |
| Overvotes  | 0       | 0            | 0             |        |

| Candidate   | Polling | Vote by Mail | Total |        |
|-------------|---------|--------------|-------|--------|
| <b>YES</b>  | 233     | 3,114        | 3,347 | 52.68% |
| NO          | 211     | 2,795        | 3,006 | 47.32% |
| Total Votes | 444     | 5,909        | 6,353 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## MEASURE G-20 San Luis Obispo Sales Tax Measure (50 percent+1) (Vote for 1)

Precincts Reported: 12 of 12 (100.00%)

|            | Polling | Vote by Mail | Total           |        |
|------------|---------|--------------|-----------------|--------|
| Times Cast | 1,757   | 25,523       | 27,280 / 30,597 | 89.16% |
| Undervotes | 281     | 2,069        | 2,350           |        |
| Overvotes  | 0       | 7            | 7               |        |

| Candidate   | Polling | Vote by Mail | Total  |        |
|-------------|---------|--------------|--------|--------|
| <b>YES</b>  | 890     | 13,623       | 14,513 | 58.23% |
| NO          | 586     | 9,824        | 10,410 | 41.77% |
| Total Votes | 1,476   | 23,447       | 24,923 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## MEASURE H-20 Shandon JUSD School Bond Measure (55 percent) (Vote for 1)

Precincts Reported: 3 of 3 (100.00%)

|            | Polling | Vote by Mail | Total     |        |
|------------|---------|--------------|-----------|--------|
| Times Cast | 33      | 558          | 591 / 732 | 80.74% |
| Undervotes | 6       | 24           | 30        |        |
| Overvotes  | 0       | 0            | 0         |        |

| Candidate          | Polling | Vote by Mail | Total |        |
|--------------------|---------|--------------|-------|--------|
| <b>BONDS - YES</b> | 19      | 332          | 351   | 62.57% |
| BONDS - NO         | 8       | 202          | 210   | 37.43% |
| Total Votes        | 27      | 534          | 561   |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## MEASURE I-20 San Miguel JUSD School Bond Measure (55 percent) (Vote for 1)

Precincts Reported: 2 of 2 (100.00%)

|            | Polling | Vote by Mail | Total         |        |
|------------|---------|--------------|---------------|--------|
| Times Cast | 255     | 2,724        | 2,979 / 3,521 | 84.61% |
| Undervotes | 44      | 288          | 332           |        |
| Overvotes  | 0       | 1            | 1             |        |

| Candidate          | Polling | Vote by Mail | Total |        |
|--------------------|---------|--------------|-------|--------|
| <b>BONDS - YES</b> | 116     | 1,344        | 1,460 | 55.18% |
| BONDS - NO         | 95      | 1,091        | 1,186 | 44.82% |
| Total Votes        | 211     | 2,435        | 2,646 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |

## MEASURE J-20 Paso Robles Sales Tax Measure (50 percent+1) (Vote for 1)

Precincts Reported: 8 of 8 (100.00%)

|            | Polling | Vote by Mail | Total           |        |
|------------|---------|--------------|-----------------|--------|
| Times Cast | 1,052   | 14,686       | 15,738 / 18,373 | 85.66% |
| Undervotes | 107     | 760          | 867             |        |
| Overvotes  | 0       | 2            | 2               |        |

| Candidate   | Polling | Vote by Mail | Total  |        |
|-------------|---------|--------------|--------|--------|
| <b>YES</b>  | 571     | 7,839        | 8,410  | 56.56% |
| NO          | 374     | 6,085        | 6,459  | 43.44% |
| Total Votes | 945     | 13,924       | 14,869 |        |

|                     | Polling | Vote by Mail | Total |  |
|---------------------|---------|--------------|-------|--|
| Unresolved Write-In | 0       | 0            | 0     |  |





# ***Atascadero City Council***

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## ***Staff Report – Public Works Department***

### **Adoption of Public Transit Agency Safety Plan for Atascadero Transit**

#### **RECOMMENDATION:**

Council approve and adopt the Atascadero Public Transit Agency Safety Plan.

#### **DISCUSSION:**

In 2018, the Federal Transit Administration (FTA) published the Public Transportation Agency Safety Plan (PTASP) Rule, requiring public transportation providers to develop a documented safety plan with an integrated Safety Management System (SMS). This requirement applies to Atascadero Transit and all transit operators receiving Federal 5307 funding.

Every Atascadero Transit employee and contractors shall comply with the provisions of the Agency Safety Plan (ASP) and shall take an active role in the identification and reporting of hazards.

The intent of the SMS is to reduce accidents by making safety everyone's responsibility, empowering employees to play a role in safety, and encouraging employees and contractors to report safety concerns to senior management. The SMS has been developed to ensure that public transit agencies have a strategic decision-making process to proactively identify, prioritize, and control emerging safety risks before those risks become critical system failures. The SMS is based on four components, Safety Management Policy, Safety Risk Management, Safety Assurance, and Safety Promotion, that continuously work together to support a safe, reliable transportation system.

1. Safety Management Policy establishes senior management's commitment to continually improve safety.
2. Safety Risk Management (SRM) involves identifying, evaluating, and developing a means to eliminate, mitigate, or accept hazards. Since not all hazards can be eliminated given resources at hand, the goal with SRM is to mitigate hazards to a level as low as reasonably practicable.
3. Safety Assurance evaluates the continued effectiveness of implemented risk control strategies and supports the identification of new hazards.

4. Safety Promotion utilizes training and communication to create a positive safety culture within all levels of the workforce and reinforce that everyone has a role in promoting safety.

Atascadero Transit must establish and self-certify its initial PTASP by December 31, 2020 and re-certify its plan annually thereafter. As part of the PTASP, Atascadero Transit must establish safety performance targets to address the safety performance measures identified in the National Public Transportation Safety Plan. The safety performance targets are included as part of Atascadero Transit's strategies for minimizing the exposure of the public, personnel, and property to unsafe conditions.

After adoption, Atascadero's PTASP will be reviewed annually in the month of January. Revisions will be made, if needed, to reflect the up-to-date organizational structure, processes or procedures, and any other safety program changes. Should revisions or updates be necessary, the ASP will be signed by the City Manager (Accountable Executive) and submitted to the City Council for approval.

The draft PTASP plan has been reviewed by the FTA, San Luis Obispo Regional Transit Authority and SLOCOG. Upon City Council approval of the Atascadero PTASP, the plan will be submitted to Caltrans and SLOCOG for acceptance.

## **FISCAL IMPACT:**

The City of Atascadero benefits from Federal 5307 capital and operating assistance funding. Federal funds could be withheld from Atascadero Transit should the City fail to submit a PTASP. These funds are vital to insure that Dial-A-Ride can continue to provide safe transportation to our residents.

## **ALTERNATIVES:**

Provide modifications to the proposed plan as needed. Staff recommends caution in changes to the document in that PTASP guidelines are specific and need significant verification prior to adoption and submittal to the Federal government.

## **ATTACHMENT:**

Draft Atascadero Public Transit Agency Safety Plan

# City of Atascadero

## Public Transportation Agency Safety Plan (PTASP)



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Revision History

| Version Number and Updates                                       |                        |                   |             |
|--|------------------------|-------------------|-------------|
| Record the complete history of successive versions of this plan. |                        |                   |             |
| Version Number   | Section/Pages Affected | Reason for Change | Date Issued |
| 01   | Original               | New Document      | 10/2020     |
|  |                        |                   |             |
|  |                        |                   |             |
|  |                        |                   |             |

## A. Transit Agency Information

|  |  |  |  |
|--|--|--|--|
| <b>Transit Agency Name</b>   | City of Atascadero, Atascadero Transit<br>Subrecipient to the San Luis Obispo Regional Transit Authority (SLORTA). |  |  |
| <b>Transit Agency Address</b>  | 6500 Palma Avenue, Atascadero, CA 93422  |  |  |
| <b>Name and Title of Accountable Executive</b>   | Rachelle Rickard, City of Atascadero City Manager  |  |  |
| <b>Name of Chief Safety Officer or SMS Executive</b>   | Nick DeBar, City of Atascadero Director of Public Works  |  |  |
| <b>Mode(s) of Service Covered by This Plan</b>   | Demand Response  | <b>List All FTA Funding Types (e.g., 5307, 5337, 5339)</b> | 5307   |
| <b>Mode(s) of Service Provided by the Transit Agency (Directly operated or contracted service)</b> | Demand Response, Contracted Service  |  |  |
| <b>Does the agency provide transit services on behalf of another transit agency or entity?</b>     | Yes<br><input type="checkbox"/>  | No<br><input checked="" type="checkbox"/>                  | <b>Description of Arrangement(s)</b><br>Not applicable |
| <b>Name and Address of Transit Agency(ies) or Entity(ies) for Which Service Is Provided</b>        | Not applicable   |  |  |

## B. Plan Development, Approval, and Updates

|  |   |                              |
|--|---|------------------------------|
| <b>Name of Entity That Drafted This Plan</b>                         | City of Atascadero, Atascadero Transit  |                              |
| <b>Signature by the Accountable Executive</b>                        | <b>Signature of Accountable Executive</b>   | <b>Date of Signature</b>     |
|  | <div style="border-bottom: 1px solid black; height: 20px; width: 100%;"></div> Rachelle Rickard |                              |
| <b>Approval by the Board of Directors or an Equivalent Authority</b> | <b>Name of Individual/Entity That Approved This Plan</b>  | <b>Date of Approval</b>      |
|  | <div style="border-bottom: 1px solid black; height: 20px; width: 100%;"></div> [Name]           |                              |
|  | <b>Relevant Documentation (Title and Location)</b>  |                              |
|  |   |                              |
| <b>Certification of Compliance</b>                                   | <b>Name of Individual/Entity That Certified This Plan</b>                                       | <b>Date of Certification</b> |
|  | <div style="border-bottom: 1px solid black; height: 20px; width: 100%;"></div>                  |                              |
|  | <b>Relevant Documentation (Title and Location)</b>  |                              |
|  |   |                              |

|  |
|--|
| <b>Annual Review and Update of the Agency Safety Plan</b><br><i>Describe the process and timeline for conducting an annual review and update of the ASP.</i>   |
| <p>The City of Atascadero Public Transportation Agency Safety Plan (PTASP) addresses all applicable requirements and standards as set forth in FTA's Public Transportation Safety Program and the National Public Transportation Safety Plan.</p> <p>The City of Atascadero PTASP will be reviewed annually in the month of January. If needed, revisions will be made to reflect the most up-to-date organizational structure, processes or procedures, and any other safety program changes.</p> <p>The Agency Safety Plan (ASP) will be signed off by the Accountable Executive, City of Atascadero City Manager, and submitted to the Board of Directors for approval. The submission will include a revision page, new targets and objectives, and any highlighted changes.</p> |

## C. Emergency Preparedness and Response Plan

|  |
|--|
| <b>Emergency Preparedness and Response Plan</b>  |
| Small Public Transportation Providers are NOT required to include an Emergency Preparedness and Response Plan - §673.11(a) |

## D. Safety Performance Targets

| <b>Safety Performance Targets</b><br>Specify performance targets based on the safety performance measures established under the National Public Transportation Safety Plan. |                    |                           |                  |                         |                       |                              |                                     |
|---|--------------------|---------------------------|------------------|-------------------------|-----------------------|------------------------------|-------------------------------------|
| Mode of Transit Service   | Fatalities (Total) | Fatalities (per 100k VRM) | Injuries (Total) | Injuries (per 100k VRM) | Safety Events (Total) | Safety Events (per 100k VRM) | System Reliability (VRM / Failures) |
| Demand Response   | 0.00               | 0.00                      | 0.00             | 0.00                    | 1.00                  | 1.04                         | 25,216                              |

| Safety Performance Target Coordination   |   |   |
|--|---|---|
| <i>Describe the coordination with the State and Metropolitan Planning Organization(s) (MPO) in the selection of State and MPO safety performance targets.</i>  |   |   |
| <p>The contractor will work with the City of Atascadero to support in analyzing historical trends to establish reasonable and attainable safety performance targets. The safety performance measures will be based on the measures established under the National Public Transportation Safety Plan. Safety Management Policies, Risk Management, Safety Assurances and Safety Promotion programs are appropriately scored to the size, scope and complexity of the public transit services provided by the City of Atascadero.</p> <p>The City of Atascadero will coordinate directly with the State and the local MPO, and the contractor will help support this process as needed.</p> <p>The SMS Executive, City of Atascadero Director of Public Works, will select safety performance targets on an annual basis by December. The Accountable Executive, City of Atascadero City Manager, will review, approve, and sign the ASP with updated safety performance targets annually. The Accountable Executive, City of Atascadero City Manager, will seek formal approval by the Board of Directors. The finalized targets will be submitted to the State, the local MPO and SLORTA every year.</p> <p>City of Atascadero personnel are available to coordinate with the State and the local MPO in the selection of safety performance targets upon request.</p> |   |   |
| Targets Transmitted to the State   | State Entity Name                       | Date Targets Transmitted                  |
|  | California DOT                          | February following final approval of plan |
|  | Metropolitan Planning Organization Name | Date Targets Transmitted                  |



|   |   |   |
|---|---|---|
| <b>Targets Transmitted to the Metropolitan Planning Organization(s)</b> | San Luis Obispo County of Governments<br>San Luis Obispo Regional Transit Authority | February following final approval of plan |
|---|---|---|

## E. Safety Management Policy

### Safety Management Policy Statement

*Use the written statement of safety management policy, including safety objectives.*

The City of Atascadero is committed to providing the highest level of safety as our core operating value for all employees, passengers, and the communities we serve. Managing safety is a core business function and safety leadership is a core responsibility of management.

For purposes of this Agency Safety Plan (ASP), employees of Atascadero Transit include Atascadero Transit personnel and its contractor teams; MV Transportation, Inc and American West Tire & Auto. All employees of Atascadero Transit are expected to conduct their duties in a safe manner that will prevent collisions, reduce injuries, and avoid property damage. Together with our contractor teams, we will continually develop and improve our safety processes to ensure the safety of our employees, passengers, and the public.

To achieve our safety goals and objectives, we have adopted Safety Management System (SMS) principles, which includes the safety management processes identified in this ASP and in the corresponding SMS plan developed by the contractor. The SMS process will be utilized to reinforce safety as our core operating value and proactively manage our safety risk. Every employee and contractor shall comply with the provisions of the ASP and shall take an active role in the identification and reporting of hazards.

All levels of management and front-line employees are accountable for the delivery of safety performance and understand that safety is the primary responsibility of all employees.

The City of Atascadero is committed to the following safety objectives:

- An executive commitment to safety and management involvement to establish a safety culture whereby management leads by example.
- Communicating the purpose and benefits of the SMS to all staff, managers, supervisors, and employees through formal, ongoing SMS communications.
- Clearly defining the duties and responsibilities of each employee throughout the organization and their role in an effective SMS.
- Providing all employees with appropriate safety information and training to successfully carry out SMS duties.
- Ensuring that all employees and contractors are aware that safety is their primary responsibility.
- Ensuring no punitive action will be taken against any employee for the act of disclosing a safety concern, according to the Employee Safety Reporting Program (ESRP), and ensuring open, honest communication will be a result of any concern brought forth.
- Examining our operations through reporting review and continuously improving through data analysis and informed decision-making.
- Establishing safety performance targets that are realistic, measurable, and data driven.
- Complying with federal, state, and agency-related requirements, rules, and standards, and ensuring that external systems and services that support the City of Atascadero meets these standards.
- Continuously review, develop, and improve our safety management processes, and ensure these practices are effective and integrated into all of our activities.

This plan is approved by the board of directors and endorsed by the Chief Executive Officer.

### Safety Management Policy Communication

*Describe how the safety management policy is communicated throughout the agency. Include dates where applicable.*

The ability to communicate safety information in a timely and professional manner is important for the success of our Agency Safety Plan to function as intended.

The Safety Management Policy statement, as well as the contractor's Commitment to Safety Statement found in their SMS Plan, will be distributed to all employees and posted on bulletin boards. The statements will be available via electronic and hard copy. These statements will be distributed during new-hire training and reviewed annually during refresher training.

Should the SMP statement be updated during the year, the SMS executive and the contractor's General Manager will redistribute it throughout the agency.

### **Authorities, Accountabilities, and Responsibilities**

*Describe the role of the following individuals for the development and management of the transit agency's Safety Management System (SMS).*

|   |  |
|---|--|
| <b>Accountable Executive</b>                      | <p>City of Atascadero City Manager, as the Accountable Executive, has ultimate responsibility for the safe, effective and reliable operation of the City of Atascadero transit system. He/she is responsible for ensuring resources are dedicated to the management of safety, through the successful development and implementation of the Agency Safety Plan and an effective SMS.</p> <p>The Accountable Executive meets all the requirements in §673.5 and §673.23(d)(1) in that this position is ultimately responsible for:</p> <ul style="list-style-type: none"> <li>• Carrying out the Agency Safety Plan (ASP) and the Transit Asset Management (TAM) Plan,</li> <li>• Controlling or directing the human and capital resources needed to develop and maintain the ASP and the TAM Plan, and</li> <li>• Ensuring that the agency's SMS is effectively implemented, and action is taken, as necessary, to address substandard performance in the agency's SMS.</li> </ul> |
| <b>Chief Safety Officer or SMS Executive</b>      | <p>As the SMS executive is responsible for the SMS implementation plan. The SMS Executive is responsible for monitoring the contractor teams to ensure that our safety goals and objectives are being met.</p> <p>The SMS Executive meets the requirements in § 673.5 and § 673.23(d)(2) in that the SMS Executive:</p> <ul style="list-style-type: none"> <li>• Is an adequately trained individual who is responsible for safety,</li> <li>• Reports directly or holds a direct line of reporting to the Accountable Executive, City of Atascadero City Manager, and</li> <li>• Has the authority and responsibility for day-to-day implementation and operation of the SMS.</li> </ul>  |
| <b>Agency Leadership and Executive Management</b> | <p>Agency Leadership and Executive Management are tasked and authorized with making sure that the organization safety policies and procedures are followed and communicated to their direct reports, managers, and front-line employees. They will provide positive leadership and direction in maintaining the safety policy as a major priority in all operations.</p> <p>The contractor's General Manager is responsible for implementing the City of Atascadero's Agency Safety Plan and carrying out a successful SMS for the operation of the service. The contractor's General Manager will coordinate and communicate with the SMS Executive, the City of Atascadero Director of Public Works, as required.</p>  |
| <b>Key Staff</b>                                  | <p>All employees and contractors are responsible for safe operations. All employees are tasked with following all agency safety policies. Managers and supervisors are responsible for staying current on all internal and external safety training. They are also responsible for promoting the ESRP and reviewing and resolving all submissions responsibly.</p> <p>Key staff includes vehicle operators, mechanics, dispatchers, managers/supervisors, who are all responsible for supporting the Agency Safety Plan and SMS implementation.</p>  |

### Employee Safety Reporting Program

*Describe the process and protections for employees to report safety conditions to senior management. Describe employee behaviors that may result in disciplinary action (and therefore, are excluded from protection).*

Our front-line employees are our best source of information for identifying hazards. Nobody knows more about the actual safety performance of the transit system than the employees who deliver the service.

The Employee Safety Reporting Program (ESRP) is intended to help the Accountable Executive, City of Atascadero City Manager, and other senior managers get important safety information from across the transit agency. It can be an agency's most important source of safety data.

There are two types of safety reporting programs: mandatory and voluntary.

- **Mandatory:** Employees must report hazards that are compliance-based and address regulatory issues. Employees are required to immediately report every incident and accident. An employee's failure to report or provide false information of an unsafe hazard or act could result in disciplinary action.
- **Voluntary:** Employees are strongly encouraged to report hazards and can report anonymously. Every employee is empowered to report any unsafe hazard / risk to their supervisor or senior management without fear of retribution or penalty.

Under the voluntary ESRP, employees will have the option to report anonymously to maintain confidentiality. The ESRP is non-punitive and employees will not be disciplined for the act of reporting the Hazard or Near Miss. However, employees must report hazards that are compliance-based and address regulatory issues. Record falsification, Drug & Alcohol violations, gross negligent behavior, and failure to report accidents/incidents and serious safety hazards are examples of employee behaviors that may result in disciplinary action.

Acceptable means of reporting safety concerns or hazards include:

- Emailing a completed hazard report form to [dpatterson@atascadero.org](mailto:dpatterson@atascadero.org)
- Completing a hazard report form and placing it in the collection box at City Hall, Maintenance Shop, or Driver Yard
- Notifying operations control center bus dispatch
- Providing verbal or email notification to a supervisor or manager

The SMS Executive, the City of Atascadero Director of Public Works, ensures that these reports are entered into a tracking log and reviewed and analyzed for potential improvements to safety processes. The reports are stored for a minimum of three (3) years.

Additional procedures for operators wanting to report safety concerns or hazards are detailed in the contractors SMS plan.

## F. Safety Risk Management

### Safety Risk Management Process

*Describe the Safety Risk Management process, including:*

- *Safety Hazard Identification: The methods or processes to identify hazards and consequences of the hazards.*
- *Safety Risk Assessment: The methods or processes to assess the safety risks associated with identified safety hazards.*

- *Safety Risk Mitigation: The methods or processes to identify mitigations or strategies necessary as a result of safety risk assessment.*

The City of Atascadero utilizes the Safety Risk Management process to identify hazards and analyze, assess, and mitigate the safety risk.

The SMS Executive, the City of Atascadero Director of Public Works, collaborates with all departments to ensure adequate safety control measures are incorporated into daily and special operations, and the efforts are taken to resolve significant safety issues. The SMS Executive requests subject matter experts, and the relevant department head to provide access to experts such as mechanics, engineers, operations supervisors, etc., to assist the agency in assessing related hazards.

#### **Safety Hazard Identification –**

All existing elements of the operation system will be continually reviewed as part of the on-going risk assessment process. Atascadero Transit trains employees on the principles of SMS, including what a hazard, event, and consequence is. This training enables employees to be well-versed in their ability to identify and report hazards to the agency.

Atascadero Transit identifies hazards and potential consequences from a variety of sources, including the following:

- Operator daily trip sheet
- Operator incident reports
- Bus maintenance reports
- Employee reported concerns
- Risk management reports
- Information from public safety officials, oversight authorities, community advisory committees or public outreach events
- Operator observed behavior
- Investigations, inspections, or audits
- Passenger feedback
- Supervisor or manager reports
- On-board video monitoring technology
- Hazards and potential consequences as reported through FTA processes and other oversight activities, including the MPO and SLORTA

When hazards are identified, depending on the nature of where it originates from, the contractor's general manager or the SMS executive, the City of Atascadero Director of Public Works, will take the lead on performing the initial assessment to determine the potential consequences of hazards, and then will review for prioritization. A single hazard could have multiple consequences, and that review is completed through this process to identify what the consequences of those hazards could be.

All hazards and potential consequences will be tracked through a dedicated tracking log. Instructions for completing the dedicated tracking log is available through "Mitigation Monitoring Instructions" document found in Appendix II.

Open hazards are regularly reviewed. All items received will be reviewed to determine if the item qualifies as a safety hazard in need of mitigation, based on the risk assessment of potential consequences of those hazards. Those items that do warrant a further evaluation will be put through the full Safety Risk Management process and recorded as such in the dedicated tracking log. The SMS Executive, the City of Atascadero Director of Public Works, will be responsible for keeping the Risk Register log up to date.

Additional detailed procedures for operators identifying hazards are listed out in the contractors SMS plan.

#### **Safety Risk Assessment –**

All identified hazards will be reviewed and analyzed and assigned a safety risk according to the Safety Risk Matrix. Risk assessment will be conducted for the "as reported" condition and again conducted for the "mitigated" condition.

The safety risk assessment has five steps:

1. Collecting Information
2. Assessing Severity

3. Assessing Likelihood
4. Determining the Safety Risk Index
5. Documenting Results and Follow-Up

The SMS Executive, the City of Atascadero Director of Public Works, requests subject matter experts, and the relevant department head to provide access to experts such as mechanics, engineers, operations supervisors, etc., to assist the agency in assessing related hazards.

The SMS Executive, the City of Atascadero Director of Public Works, engages American West Tire & Auto, the contracted service provider for maintenance, specifically its Service Manager, directly to assess of any maintenance-related safety hazards.

When a hazard is identified, it will be reviewed and recorded on the Risk Register log. Once it's identified, a safety risk assessment must occur to evaluate the potential consequences of hazards. Instructions for completing these steps and logging the risk assessment is available through the "Mitigation Monitoring Instructions" document.

A safety risk assessment has two elements: hazard risk severity and hazard risk probability. In general accordance with MIL-STD-882E practices, a number of different means can be employed to resolve identified risk/hazards. The FTA is also a source of hazard information Section 673.25(b)(2). The MPO and SLORTA will also participate in this process.

Hazard severity is a qualitative determination of the worst likely case that could be anticipated because of human error, poor design, failure or malfunction of component(s). Hazard severity ratings are as follows:

- **Catastrophic** – Operating conditions are such that human error, poor design, failure or malfunction of components **may commonly cause multiple deaths, numerous casualties or major system loss**. Catastrophic hazards require immediate cessation of the unsafe activity or operation.
  - Death, system loss, or severe environmental damage, or monetary loss equal to or exceeding \$10M.
- **Critical** – Operating conditions are such that human error, poor design, failure or malfunction of components **may commonly cause death, limited casualties or significant system loss** that will require immediate termination of the unsafe activity or operation.
  - Death, severe injury, severe occupational illness, system loss, or severe environmental damage, or monetary loss equal to or exceeding \$1M but less than \$10M.
- **Marginal** – Operating conditions are such that they **commonly cause minor injury, minor occupational illness, or minor system damage**. Human error or component failures can be controlled or counteracted.
  - Minor injury, minor occupational illness, minor system, or environmental damage, or monetary loss exceeding \$100k but less than \$1M.
- **Negligible** – Operating conditions are such that human error, poor design, failure or malfunction of components **may commonly cause no, or less than minor injury, occupational illness, or system damage**.
  - Less than minor injury, occupational illness, minimal environmental impact, or monetary loss less than \$100k.

Hazard probability is a subjective measure of likelihood that a specific hazard will occur during the useful life of the asset. Hazard probability is categorized as follows:

- **Frequent** – Likely to occur frequently
- **Probable** – Likely to occur several times
- **Occasional** – Likely to occur sometime
- **Remote** – Unlikely but possible to occur
- **Improbable** – So unlikely that it can be rejected from consideration
- **Eliminated** – Incapable of occurrence within the life of an item

Once the hazard risk severity and probability has been determined, an "as reported" safety risk will be recorded by using the Safety Risk Assessment Matrix. This will help to assess the level of risk (risk rating) for the potential consequences of each identified hazard and subsequent control measures to apply through hazard risk resolution or mitigation.

| RISK ASSESSMENT MATRIX  |                     |                 |                 |                   |
|-------------------------|---------------------|-----------------|-----------------|-------------------|
| SEVERITY<br>PROBABILITY | Catastrophic<br>(1) | Critical<br>(2) | Marginal<br>(3) | Negligible<br>(4) |
| Frequent<br>(A)         | High                | High            | Serious         | Medium            |
| Probable<br>(B)         | High                | High            | Serious         | Medium            |
| Occasional<br>(C)       | High                | Serious         | Medium          | Low               |
| Remote<br>(D)           | Serious             | Medium          | Medium          | Low               |
| Improbable<br>(E)       | Medium              | Medium          | Medium          | Low               |
| Eliminated<br>(F)       | Eliminated          |                 |                 |                   |

| Hazard Risk Index              | Hazard Category | Risk Decision Criteria                                  |
|--------------------------------|-----------------|---|
| 1A, 1B, 1C, 2A, 2B             | I               | High – Unacceptable (UN)                                |
| 1D, 2C, 3A, 3B                 | II              | Serious – Undesirable Management Decision Required (UD) |
| 1E, 2D, 2E, 3C, 3D, 3E, 4A, 4B | III             | Medium – Acceptable with Review by Management (AC/WR)   |
| 4C, 4D, 4E                     | IV              | Low – Acceptable Without Review (AC)                    |
| F                              | V               | Eliminated (EL)   |

#### Safety Risk Mitigation –

The goal of the safety risk mitigation process is to eliminate the hazard that could cause the possible consequence, if possible. When a hazard cannot be eliminated, we will reduce the associated risk of the potential consequence to the lowest acceptable level within the constraints of cost, schedule, and performance by applying the design order of precedence as follows:

- Design for minimum hazard;
- Incorporate engineered features or safety devices;
- Provide warning devices; and
- Incorporate signage, procedures, training, and personal protective equipment.

It is important that any risk mitigation does not create an additional hazard. The goal is to eliminate a safety risk wherever possible. If this cannot be accomplished, safety devices, administrative controls, and/or PPE requirements will be instituted to lower the safety risk.

In most cases, acceptable hazard resolution will require a combination of actions or methods of control. Agency Leadership will monitor our mitigation activities in the Mitigation Monitoring Plan. The Mitigation Monitoring Plan will detail the actions needed to control the hazard or address the causal factor and prevent recurrence. A completed mitigation plan for the hazard should impact the final risk assessment category by reducing the probability of recurrence and/or reduce the severity should the event recur. Please refer to **Appendix I** for the **Risk Mitigation Monitoring Form** and **Appendix II** for the **Risk Mitigation Monitoring Form Instructions**.

The City of Atascadero works closely with American West Tire & Auto, the contracted service provider for maintenance, specifically its Service Manager, to provide risk mitigation and, where possible, hazard resolution related to maintenance-related safety hazards.

During quarterly meetings with its contractor teams, any risks that have been identified are reviewed, the action plan discussed, and the status of those mitigation actions will be reviewed. Hazards that have been open for over one year or have had target dates extended for reasons such as funding will be reviewed with the Accountable Executive, City of Atascadero City Manager.

The effectiveness of mitigations will be monitored through reviews, observations, and audits. It is the responsibility of the SMS Executive, the City of Atascadero Director of Public Works, and the contractor's General Manager to monitor the mitigation process.

Monthly reports that includes activities on the SRM process will be maintained for three (3) years.

## G. Safety Assurance

### Safety Performance Monitoring and Measurement

*Describe activities to monitor the system for compliance with procedures for operations and maintenance.*

The City of Atascadero and its contractor teams monitor the system for compliance with operations and maintenance procedures through the following methods:

- Regular vehicle inspections and preventative maintenance reports
- Daily data gathering and monitoring of data related to the delivery of service
- Safety inspections and audits
- Investigation of safety events and operator incident reports
- Employee safety reporting program
- On-board video monitoring technology
- External feedback from passengers or public safety officials
- Operator observed behavior through ride evaluations
- Verification of training compliance

The SMS Executive, the City of Atascadero Director of Public Works, and the contractors General Manager will review the results to determine where action needs to be taken. Any non-compliant or ineffective activities will be submitted through the SRM process for re-evaluation of hazards and safety risk.

Additional details are available in the contractors SMS plan.

*Describe activities to monitor operations to identify any safety risk mitigations that may be ineffective, inappropriate, or were not implemented as intended.*

Continuous monitoring occurs throughout the course of operation to identify any potential safety risk mitigations that may be ineffective.

Maintenance functions are continuously monitored to ensure that the activities are carried out in accordance with SOPs. Vehicle maintenance SOPs address safety-related vehicle equipment to ensure that no unsafe vehicles are dispatched for service. Safety-related equipment is inspected during a pre-trip inspection to ensure that the vehicle is fit for service. Additional details are found in the City of Atascadero Preventative Maintenance Plan.

Operational functions are continuously monitored to measure the outcomes of activities that operational personnel must engage in for the delivery of services, according to SOPs.

A vehicle pre-trip inspection is completed prior to putting a vehicle into service. Periodically throughout the operator's shift, an on-board inspection is conducted to ensure safe operation throughout the shift.

Additional means of monitoring existing safety risk mitigations includes:

- Review results of internal and external safety audits and inspections
- Monitoring employee safety reporting
- Analyze operational and safety data to identify emerging safety concerns

The Mitigation Monitoring plan is used to revisit existing mitigations on a routine basis to ensure that the mitigations are working as intended. This will be conducted with the contractor's General Manager Monthly Inspection checklist. The SMS Executive, the City of Atascadero Director of Public Works, will review the existing mitigations on a quarterly basis during the quarterly SMS meeting.

Any deficiencies found throughout the monitoring activities may be put through the SRM process to re-evaluate its safety risk again. A corrective action plan will be created for any deficiencies found.



*Describe activities to conduct investigations of safety events, including the identification of causal factors.*

It is the policy of the agency that all accidents, incidents, and occurrences are investigated, as defined in §673.5. This shall include, at a minimum:

- A loss of life
- A report of a serious injury to a person
- A collision of the agency's vehicles
- An evacuation for life safety reasons

Under the service contractor, all incidents, including near misses and minor events, shall be reported as soon as possible – whether the incident did or could have resulted in personnel injuries, illnesses, or property damage. The contractor is responsible for ensuring a timely investigation and report, with oversight by the agency.

Safety events will be promptly and thoroughly investigated. Initial safety event assessment will occur within 12 hours after event. Investigations will proceed as soon as practical to collect all relevant information, analyze contributing factors to determine root cause, determine preventability, and identify the preventative strategies. The vehicle may be isolated for a post incident safety inspection depending on the accident level or departmental discretion.

Near-miss incidents will be investigated, if it is not readily determined the root cause of the near-miss. However, for near-miss reports, a full investigation may not be required. The onboard camera technology will be used to monitor near-misses. Near-miss incidents will be available through DriveCam reviews or through the ESRP. These will be reviewed during the quarterly SMS meetings with the Accountable Executive, the City of Atascadero City Manager, Chief Safety Officer, and Agency leaders.

The contractor maintains all documentation of investigation results, including the policies, processes, forms, checklists, activities, and results. Additional details are available in the contractors SMS plan and Safety Policy Manual.

Facility inspections will be completed to review that safety equipment is up to date according to OSHA standards.

*Describe activities to monitor information reported through internal safety reporting programs.*

The SMS Executive, the City of Atascadero Director of Public Works, and the contractors General Manager will routinely review information reported through internal safety reporting programs, including:

- ESRP
- Investigations, inspections, or audits
- Passenger feedback
- Supervisor or manager reports
- Any other safety communication channel

This will be a topic on the agenda for the quarterly reoccurring meeting between the SMS Executive, the City of Atascadero Director of Public Works, and the contractors General Manager. When necessary, the SMS Executive, the City of Atascadero Director of Public Works, and the contractors General Manager will ensure that concerns are investigated or analyzed through the SRM process.

### **Management of Change (Not Required for Small Public Transportation Providers)**

*Describe the process for identifying and assessing changes that may introduce new hazards or impact safety performance.*

Small Public Transportation Providers are required to develop processes for safety performance monitoring and measurement under the Safety Assurance component of SMS – §673.27(b)

Small Public Transportation Providers are NOT required to development and implement processes for management of change and continuous improvement - §673.27(d)

Small Public Transportation Providers are NOT required to include or incorporate by reference in the ASP an emergency preparedness and response plan or procedures - §673.11 (a)

### **Continuous Improvement (Not Required for Small Public Transportation Providers)**

*Describe the process for assessing safety performance. Describe the process for developing and carrying out plans to address identified safety deficiencies.*

Small Public Transportation Providers are required to develop processes for safety performance monitoring and measurement under the Safety Assurance component of SMS – §673.27(b)

Small Public Transportation Providers are NOT required to development and implement processes for management of change and continuous improvement - §673.27(d)

Small Public Transportation Providers are NOT required to include or incorporate by reference in the ASP an emergency preparedness and response plan or procedures - §673.11 (a)

## **H. Safety Promotion**

### **Competencies and Training**

*Describe the safety training program for all agency employees and contractors directly responsible for safety.*

The SMS Executive, the City of Atascadero Director of Public Works, is responsible for the oversight of the safety training program, which incorporates safety-related skill training and SMS roles and responsibilities. The scope of training will depend on the role and position of the individual for those directly responsible for safety, including bus vehicle operators, dispatchers, maintenance technicians, managers, supervisors, agency leadership and executive management, SMS Executive, the City of Atascadero Director of Public Works, , and the Accountable Executive, City of Atascadero City Manager.

The safety training program for bus vehicle operators is administered through the contractor, MV Transportation. Safety-related skill training for vehicle maintenance is administered through the current maintenance contractor, American West Tire & Auto. Classroom and on-the-job training for dispatch and supervisory personnel is administered through the City of Atascadero.

The City of Atascadero Accountable Executive, City of Atascadero City Manager and SMS Executive, the City of Atascadero Director of Public Works, will complete the FTA's SMS Awareness online training.

Training for those that are directly responsible for safety includes initial and annual training, to include at a minimum:

- Employee handbook and safety policies and procedures
- Compliance related activities, including OSHA and Drug & Alcohol
- Training on basic SMS principles
- The mandatory and voluntary ESRP
- Job-specific safety-related skill training

Refresher training on key areas will be conducted, along with periodic promotion of prevention activities. This will vary based on role and position, as well as for-cause.

For operators of the Atascadero Transit system, they will undergo a continuous safety communication campaign, through the form of safety meetings. This is delivered through the contractor that provides the operators for the service. Every month, a fleet safety and injury prevention topic will be reviewed to refresh the fundamentals and key learning points.

All operators will receive refresher or remedial training, as necessary, throughout their employment with the contractor. This can include, but is not limited to, defensive driving techniques, ADA and Wheelchair Securement activities, Fatigue Management, Pedestrian and Bicyclist awareness, as well as hands-on training. This training provides a procedure for evaluation job skills and determining subsequent retraining needs or employees who are returning to work after an extended leave, employees who have been involved in an accident and refresher skill training.

The City of Atascadero provides its employees copies of the Safety Plan for review in January each year and require employees to watch the safety video. American West Tire & Auto, the contracted maintenance provider, holds monthly safety meetings for all staff members.

Training, retraining, proficiency checks, and safety meeting attendance will be recorded and documented by the operator contract provider.

Additional details of the operator training program is available in the contractors SMS plan and Safety Manual.

### **Safety Communication**

*Describe processes and activities to communicate safety and safety performance information throughout the organization.*

Safety information and performance communication is coordinated by the SMS Executive and the contractors General Manager. Various methods of communication will be leveraged, including, but not limited to, safety bulletins, flyers, emails, toolbox talks, one-on-one discussions, and monthly safety meetings.

A daily safety message is distributed to all bus vehicle operators from the contractors General Manager. A weekly fundamental technique is reviewed to promote a culture of continual development.

Information on safety and safety performance will be communicated during the monthly safety meeting and in the form of a bulletin. For bus vehicle operators, this includes a fleet safety topic, an injury prevention topic, analysis of near-miss events, safety performance statistics, lessons learned, and any upcoming events.

During the monthly safety meeting, information on hazards and safety risks relevant to employees' roles and responsibilities throughout the agency will be reviewed. Resolution of safety actions in response to reports submitted through the ESRP will also be reviewed during this time. Please refer to **Appendix III** for the City of Atascadero SMS Meeting Template.

## **I. Additional Information**

### **Supporting Documentation**

*Include or reference documentation used to implement and carry out the ASP that are not included elsewhere in this Plan.*

The City of Atascadero and its contractor(s) will maintain documentation related to the implementation of its SMS; the programs, policies, and procedures used to carry out this ASP; and the results from its SMS processes and activities for three (3) years after creation. This documentation will be available to the Federal Transit Administration or other Federal or oversight entity upon request.

## J. Definitions of Special Terms and Acronyms Used in the ASP

### Definitions of Special Terms Used in the ASP

| Term                           | Definition  |
|--------------------------------|---|
| Accident                       | An event that involves any of the following: a loss of life; a report of a serious injury to a person; a collision of rail transit vehicles; a runaway train; an evacuation for life safety reasons; or any derailment of a rail transit vehicle, at any location, at any time, whatever the cause.   |
| Audit                          | An official inspection of safety risk and or hazard of an organization's work environment to identify and mitigate safety concerns  |
| Accountable Executive          | A single, identifiable person who has ultimate responsibility for carrying out the Safety Management System of a public transportation agency, and control or direction over the human and capital resources needed to develop and maintain both the agency's Public Transportation Agency Safety Plan, in accordance with 49 U.S.C. 5329(d), and the agency's Transit Asset Management Plan in accordance with 49 U.S.C. 5326. |
| Consequence                    | An effect of a hazard, involving injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.   |
| Event                          | An accident, incident, or occurrence  |
| Hazard                         | Any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment  |
| Incident                       | An event that involves any of the following: a personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a transit agency.   |
| Inspection                     | An on-site walk through to identify potential hazards to occupants and personnel and options for remedial action.   |
| Investigation                  | A process conducted for the purpose of accident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of causes and, when appropriate, the making of safety recommendations  |
| Major Mechanical Failures      | Failures caused by vehicle malfunctions or subpar vehicle condition which requires that it be pulled from service   |
| Mitigate                       | To reduce the risk of a safety hazard   |
| Safety Assurance               | The process within a transit agency's Safety Management System that functions to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that the transit agency meets or exceeds its safety objectives through the collection, analysis, and assessment of information.   |
| Safety Communication           | Represents the way in which safety is communicated to support the SMS in a way that is received both visually and verbally received by the individuals working in the organization  |
| Safety Culture                 | The collection of the beliefs, perceptions and values that employees share in relation to risks within an organization, such as a workplace or community  |
| Safety Management Policy       | A transit agency's documented commitment to safety, which defines the transit agency's safety objectives and the accountabilities and responsibilities of its employees regarding safety.   |
| Safety Management System (SMS) | The formal, top-down, data-driven, organization-wide approach to managing safety risk and assuring the effectiveness of a transit agency's safety risk mitigation. SMS  |

|                               |  |
|-------------------------------|--|
|                               | includes systematic procedures, practices, and policies for managing risks and hazards.  |
| Safety Objective              | A general goal or desired outcome related to safety.   |
| Safety Performance            | An organization's safety effectiveness and efficiency, as defined by safety performance indicators and targets, measured against the organization's safety objectives.   |
| Safety Performance Indicator  | A data-driven, quantifiable parameter used for monitoring and assessing safety performance.  |
| Safety Performance Measure    | An expression based on a quantifiable indicator of performance or condition that is used to establish targets and to assess progress toward meeting the established targets.   |
| Safety Performance Monitoring | Activities aimed at the quantification of an organization's safety effectiveness and efficiency during service delivery operations, through a combination of safety performance indicators and safety performance targets. |
| Safety Performance Target     | A quantifiable level of performance or condition, expressed as a value for a given performance measure, achieved over a specified timeframe related to safety management activities.                                       |
| Safety Promotion              | A combination of training and communication of safety information to support SMS as applied to the transit agency's public transportation system.  |
| Safety Risk                   | The assessed probability and severity of the potential consequence(s) of a hazard, using as reference the worst foreseeable, but credible, outcome   |
| Safety Risk Assessment        | The formal activity whereby a transit agency determines Safety Risk Management priorities by establishing the significance or value of its safety risks  |
| Safety Risk Management        | A process within a Transit Agency's Safety Plan for identifying hazards, assessing the hazards, and mitigating safety risk.  |
| Safety Risk Mitigation        | The activities whereby a public transportation agency controls the probability or severity of the potential consequences of hazards.   |
| Safety Risk Probability       | The likelihood that a consequence might occur, taking as reference the worst foreseeable—but credible—condition.   |
| Safety Risk Severity          | The anticipated effects of a consequence, should it materialize, taking as reference the worst foreseeable—but credible—condition  |
| State of Good Repair          | The condition in which a capital asset is able to operate at a full level of performance.  |

#### Acronyms Used in the ASP

| Acronym    | Word or Phrase                           |
|------------|--|
| ADA        | Americans with Disabilities Act          |
| BTW        | Behind the Wheel                         |
| DVI        | Daily Vehicle Inspections                |
| EAP        | Emergency Action Plan                    |
| ESRP       | Employee Safety Reporting Program        |
| HCS/HAZCOM | Hazard Communication Standard            |
| LSC        | Location Safety Committee                |
| MVR        | Motor Vehicle Record                     |
| OSHA       | Occupational Safety & Health Association |
| PPE        | Personal Protective Equipment            |
| PTASP      | Public Transportation Agency Safety Plan |

|     |                          |
|-----|--------------------------|
| SA  | Safety Assurance         |
| SDS | Safety Data Sheet        |
| SMP | Safety Management Policy |
| SMS | Safety Management System |
| SP  | Safety Promotion         |
| SRM | Safety Risk Management   |

## **Appendix I - Risk Mitigation Monitoring Form**



Risk Mitigation  
Monitoring Form

## **Appendix II – Risk Mitigation Monitoring Form Instructions**



Risk Mitigation  
Monitoring Form In:

## **Appendix III – City of Atascadero SMS Meeting Template**



City of Atascadero  
SMS Meeting Templ.



# **Atascadero City Council**

## **Staff Report – Public Works Department**

### **Approve Final Map for Tract 3161 (South Mirasol Way)**

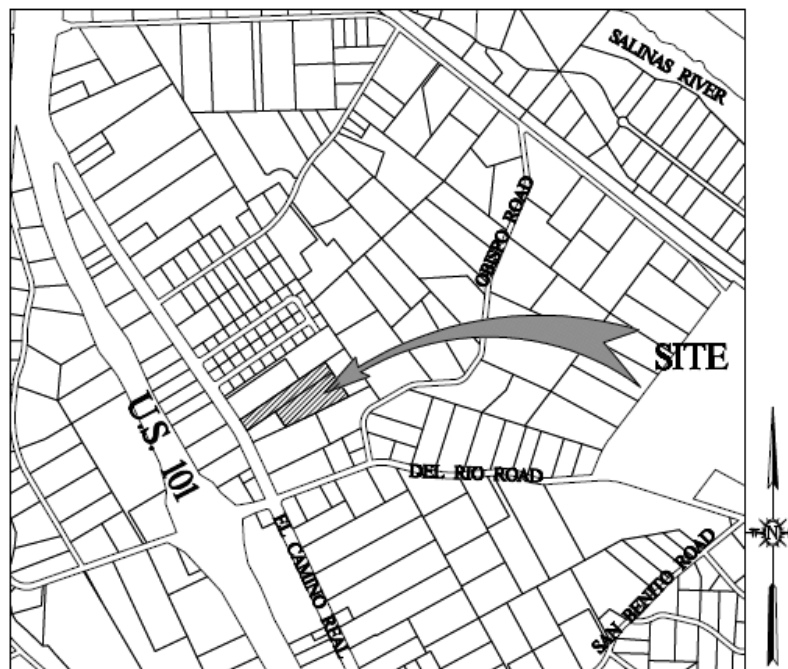
#### **RECOMMENDATION:**

Council adopt Draft Resolution approving the Final Map for Tract 3161.

#### **DISCUSSION:**

##### Background

The Vesting Tentative Map for Tract 3161 (previously Tract 3104) was originally approved by the Atascadero Planning Commission on November 21, 2017 (PC Resolution No. 2017-0035), which authorized the subdivision of two lots located at 1827 and 1843 El Camino Real (APN 102-032-049 and 102-032-020) into six single-family and one designated remainder parcel. A vicinity map is shown below.



VICINITY MAP

N.T.S.



Subdivision Improvement Plans were approved by the City Engineer and comprised of a new cul-de-sac street to be constructed to City Standards (South Mirasol Way) and public utilities, including a public sanitary sewer main, to serve the subdivision.

The subdivider, M P Annex, LLC, opted to construct subdivision improvements prior to seeking approval for recordation of the Final Map, which eliminated the need for a subdivision improvement agreement and financial security for the performance of those improvements. During that time, the tentative tract map expired and the subdivider was required to obtain a new tract number from the County (now Tract 3161) and reapply to approve the tentative map. The Planning Commission reconsidered and approved Vesting Tentative Map for Tract 3161 on October 20, 2020 (PC Resolution No. 2020-0012).

With exception to some minor items involving irrigation and landscaping, and relocation of a secondary power line and removal of two power poles on Lots 3 and 6, all other public improvements are complete and the subdivider has requested the City to approve the final map. However, without all public improvements complete, the subdivider is required to enter into a subdivision improvement agreement with the City and provide faithful performance and payment securities for the construction work left to complete, which is roughly \$40,000 of the \$961,200 total estimate of public improvements. A guarantee and warranty security in the amount of 10% of the total estimate is also required and will be in effect for one year after completion. The subdivider is planning to build and retain the properties, and building permits will not be issued for Lots 3 and 6 until the power relocation/pole removals are complete.

The map is being considered for approval by the City Council since the subdivider has provided offers of dedication on the final map that need to be accepted or rejected by the governing body.

#### Analysis

The City Engineer and Community Development Director have reviewed the final map and accompanying documents, fees, and materials for filling of Tract 3161, and determined they are in substantial conformity with the approved tentative map and conditions of approval. Pursuant to California Government Code (CGC) Section 66458, the approving legislative body (City Council) shall approve a final map provided it conforms to all requirements of CGC Section 66458 and any local subdivision ordinance.

In addition, the following offers of dedication to the public and City Engineer's recommended action to accept, accept subject to improvement, or reject without prejudice are indicated on the Final Map for Tract 3161 and include:

- Offers of dedication for Public Utility Easements, Atascadero Mutual Water Company Easement, and Public Sanitary Sewer System easements (Accept).
- An offer of Right-of-Way for South Mirasol Way (Reject without prejudice to future acceptance by City Council).

Furthermore, the Director of Public Works/City Engineer recommends that the Council accept the sanitary sewer main constructed with Tract 3161 improvements into the

City's Wastewater Collection System. Doing so will allow these facilities to be owned and maintained by the City of Atascadero, which is funded by the Wastewater Enterprise Fund through on-going sewer service charges. Staff also recommends that the City Engineer is authorized to accept the satisfactory completion of the subdivision improvement work for the tract and execute a subdivision maintenance agreement for the guarantee and warranty bond that will be in effect for one year upon acceptance.

**FISCAL IMPACT:**

None.

**ATTACHMENTS:**

1. Draft Resolution
2. Final Map for Tract 3161

## **DRAFT RESOLUTION**

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING FINAL MAP FOR TRACT 3161 AND ACCEPTING PORTIONS OF THE SUBDIVISION PUBLIC IMPROVEMENTS INTO THE CITY OF ATASCADERO WASTEWATER COLLECTION SYSTEM**

**WHEREAS**, the Vesting Tentative Map for Tract 3161 (previously Tract 3104) was originally approved by the Atascadero Planning Commission on November 21, 2017 (PC Resolution 2017-0035) and Public Improvement Plans for “Tract 3104 – The Annex” were approved by the City Engineer on December 5, 2018; and

**WHEREAS**, the Vesting Tentative Map expired and was reconsidered and approved by the Atascadero Planning Commission on October 20, 2020 (PC Resolution 2020-0012) as Tract 3161; and

**WHEREAS**, the Subdivider, M P Annex, LLC, has completed the majority of required construction for the Improvement Plans comprised of a new cul-de-sac street (South Mirasol Way) and public utilities, including a public sanitary sewer main, to serve the six lot subdivision; and

**WHEREAS**, the Subdivider, M P Annex, LLC, has agreed to enter into a subdivision improvement agreement with the City of Atascadero and to provide faithful performance and payment securities for the remaining construction work comprised of irrigation, landscaping, and relocation of a secondary power line and removal of two power poles, and will provide guarantee and warranty security for all the required improvements; and

**WHEREAS**, the City Engineer and Community Development Director have reviewed the final map and accompanying documents, fees, and materials for filling of Tract 3161, and determined they are in substantial compliance with the approved tentative map and conditions of approval.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Atascadero:

**SECTION 1.** Final Map for Tract 3161, on file in the City Clerk’s Office and incorporated herein by this reference, is hereby approved.

**SECTION 2.** Final Map for Tract 3161 offers of dedication for public utility easements, Atascadero Mutual Water Company easement, and public sanitary sewer system easements are accepted on behalf of the public.

**SECTION 3.** Final Map for Tract 3161 offer of Right-of-way for South Mirasol Way are rejected without prejudice to future acceptance on behalf of the public and shall be privately maintained.

**SECTION 4.** The public sanitary sewer main on Bosque Court in Tract 3161, constructed as part of the Improvement Plans, is hereby accepted into the Atascadero Wastewater Collection System and the offer of dedication for public sewer is hereby accepted.

**SECTION 5.** The City Manager is hereby authorized to execute a subdivision improvement agreement for Tract 3161 with M P Annex, LLC on behalf of the Council.

**SECTION 6.** The City Engineer is hereby authorized to accept the subdivision improvement work on behalf of the Council for Tract 3161 upon satisfactory completion of the work.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the 8th day of December, 2020.

On motion by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ATASCADERO

\_\_\_\_\_  
Heather Moreno, Mayor

ATTEST:

\_\_\_\_\_  
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Brian A. Pierik, City Attorney

## OWNER'S STATEMENT

WE THE UNDERSIGNED HEREBY STATE THAT WE ARE ALL THE OWNERS OF AND THE RECORD HOLDERS OF ALL SECURITY INTEREST IN, AND ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION AND PROJECT SHOWN ON THIS MAP AND THAT EACH OF US DOES HEREBY CONSENT TO THE FILING AND/OR RECORDATION OF THIS MAP.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES:

- EASEMENTS FOR PUBLIC UTILITIES, FOR THE USE AND BENEFIT OF THE SEVERAL PUBLIC UTILITY COMPANIES WHICH ARE AUTHORIZED TO SERVE IN SAID SUBDIVISION, AS DELINEATED ON THIS MAP AS PUBLIC UTILITY EASEMENT OR P.U.E.
- EASEMENT FOR ATASCADERO MUTUAL WATER COMPANY AS DELINEATED ON THIS MAP.
- EASEMENT FOR PUBLIC SANITARY SEWER SYSTEM AS DELINEATE ON THIS MAP.
- FOR STREET RIGHT-OF-WAY, SOUTH MIRASOL WAY AS DELINEATED ON THIS MAP.

WE HEREBY RESERVE TO OURSELVES, OUR HEIRS AND ASSIGNS, FOR THE USE AND BENEFITS OF THE PRESENT AND OR FUTURE OWNERS OF THE LOTS AFFECTED BY SUCH EASEMENTS AS DELINEATED ON THIS MAP:

- EASEMENTS FOR PRIVATE DRAINAGE FACILITIES.
- EASEMENTS FOR PRIVATE ACCESS.
- S. MIRASOL WAY AS A PRIVATE ROAD EASEMENT FOR ACCESS, INGRESS, AND EGRESS UNTIL SUCH TIME AS SAID RIGHT-OF-WAY IS ACCEPTED ON BEHALF OF THE PUBLIC FOR STREET PURPOSES.

AS OWNER

M P ANNEX, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
CLINT PEARCE  
ITS: AUTHORIZED REPRESENTATIVE

## ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY OR VALIDITY OF THAT DOCUMENT.

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
ON \_\_\_\_\_ BEFORE ME  
PERSONALLY APPEARED \_\_\_\_\_  
AND \_\_\_\_\_

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THIER AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THIER SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL

NOTARY SIGNATURE \_\_\_\_\_ NAME (PRINTED) \_\_\_\_\_

COUNTY OF \_\_\_\_\_ COMMISSION EXPIRES: \_\_\_\_\_

COMMISSION NUMBER: \_\_\_\_\_

## SIGNATURE OMISSIONS

THE SIGNATURE OF THE OWNERS OF THE UNDERLYING DEEDS HAVE BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436 SUBSECTION (a)-(3)-(A)-(1) OF THE SUBDIVISION MAP ACT, AS THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO FEE TITLE AND SAID SIGNATURES ARE NOT REQUIRED BY THE GOVERNING BODY.

- ATASCADERO MUTUAL WATER COMPANY, EASEMENT HOLDER PER BOOK 113, PAGE 56 OF DEEDS, RECORDED NOVEMBER 8, 1916
- STATE OF CALIFORNIA, A POLITICAL BODY, EASEMENT HOLDER PER BOOK 72, PAGE 169, OF OFFICIAL RECORDS AND BOOK 72 PAGE 29 OF OFFICIAL RECORDS.
- MOLLISSIE A. EVASIU, A WIDOW, EASEMENT HOLDER PER BOOK 3413, PAGE 26, OF OFFICIAL RECORDS.
- SOUTHERN CALIFORNIA GAS COMPANY, EASEMENT HOLDER PER INSTRUMENT NO. 2019-024610 OF OFFICIAL RECORDS.
- CHALES CLEMMENSEN AND NELLIE A. CLEMMENSEN, HUSBAND AND WIFE, EASEMENT HOLDER PER BOOK 631, PAGE 203 OF OFFICIAL RECORDS.

# TRACT 3161

A SUBDIVISION OF A PORTION OF LOT 30 IN BLOCK 49 OF ATASCADERO COLONY, RECORDED AS BOOK 3AC AT PAGE 66 OF MAPS IN THE CITY OF ATASCADERO, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.



## VICINITY MAP

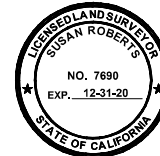
N.T.S.

## SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION, IS TRUE AND COMPLETE AS SHOWN, AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF, M P ANNEX, LLC. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP.

SUSAN ROBERTS LS 7690

DATE \_\_\_\_\_



## CITY PLANNING COMMISSION STATEMENT

THIS IS TO STATE THAT I HAVE EXAMINED THIS MAP AND HAVE DETERMINED THAT SAID MAP SUBSTANTIALLY CONFORMS TO THE TENTATIVE MAP AS APPROVED BY THE CITY OF ATASCADERO ON OCTOBER 20, 2020, AND THE CONDITIONS IMPOSED THEREON.

PHIL DUNSMORE, COMMUNITY DEVELOPMENT DIRECTOR DATED \_\_\_\_\_  
CITY OF ATASCADERO, CALIFORNIA

## CITY COUNCIL'S STATEMENT

I HEREBY STATE THAT THIS SUBDIVISION WAS DULY ADOPTED AND APPROVED AND THE OFFERS OF DEDICATION FOR PUBLIC UTILITY EASEMENTS, ATASCADERO MUTUAL WATER COMPANY EASEMENT, AND PUBLIC SANITARY SEWER SYSTEM EASEMENTS ARE ACCEPTED AND SOUTH MIRASOL WAY RIGHT-OF-WAY WERE REJECTED WITHOUT PREJUDICE ON BEHALF OF THE PUBLIC BY THE COUNCIL OF THE CITY OF ATASCADERO ON \_\_\_\_\_ 20, AND THAT THE CITY CLERK WAS DULY AUTHORIZED AND DIRECTED TO ENDORSE HEREON ITS APPROVAL OF THE SAME.

LARA K. CHRISTENSEN, CITY CLERK DATED \_\_\_\_\_  
CITY OF ATASCADERO, CALIFORNIA

## CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE ANNEXED MAP ENTITLED TRACT 3161, THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, IF REQUIRED, AND ANY APPROVED ALTERATIONS THEREOF AND THAT ALL THE PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF THE APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

NICHOLAS D. DE BAR, R.C.E. 89291, CITY ENGINEER DATED \_\_\_\_\_  
CITY OF ATASCADERO

I, JOHN R. SANDERS, ACTING ON BEHALF OF THE CITY ENGINEER OF THE CITY OF ATASCADERO, DO HEREBY STATE THAT I HAVE EXAMINED THE MAP SHOWN HEREON AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

JOHN R. SANDERS, L.S. 5812 DATED \_\_\_\_\_  
ACTING CITY SURVEYOR

## COUNTY RECORDER'S STATEMENT

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AT \_\_\_\_\_ M. IN BOOK \_\_\_\_\_ OF MAPS, AT PAGE \_\_\_\_\_ THROUGH \_\_\_\_\_ INCLUSIVE, AT THE REQUEST OF SUSAN ROBERTS.

DOCUMENT NO. \_\_\_\_\_

FEE: \_\_\_\_\_

SIGNED: \_\_\_\_\_ BY: \_\_\_\_\_  
COUNTY RECORDER DEPUTY

## RECORDER'S (DISCLAIMER)

THE TABULATION, LISTING AND NUMBERING OF ANY SEPARATE DOCUMENTS AUTHORIZED TO BE RECORDED CONCURRENTLY WITH THIS MAP HAVE BEEN PROVIDED BY THE SUBDIVIDER OR BY THE LOCAL AGENCY APPROVING THE MAP. THE COUNTY RECORDER MAKES NO REPRESENTATIONS REGARDING THE ACCURACY OF THE TABULATION, LISTING AND NUMBERING OF ANY SEPARATE DOCUMENTS REFERRED TO ON THE MAP.

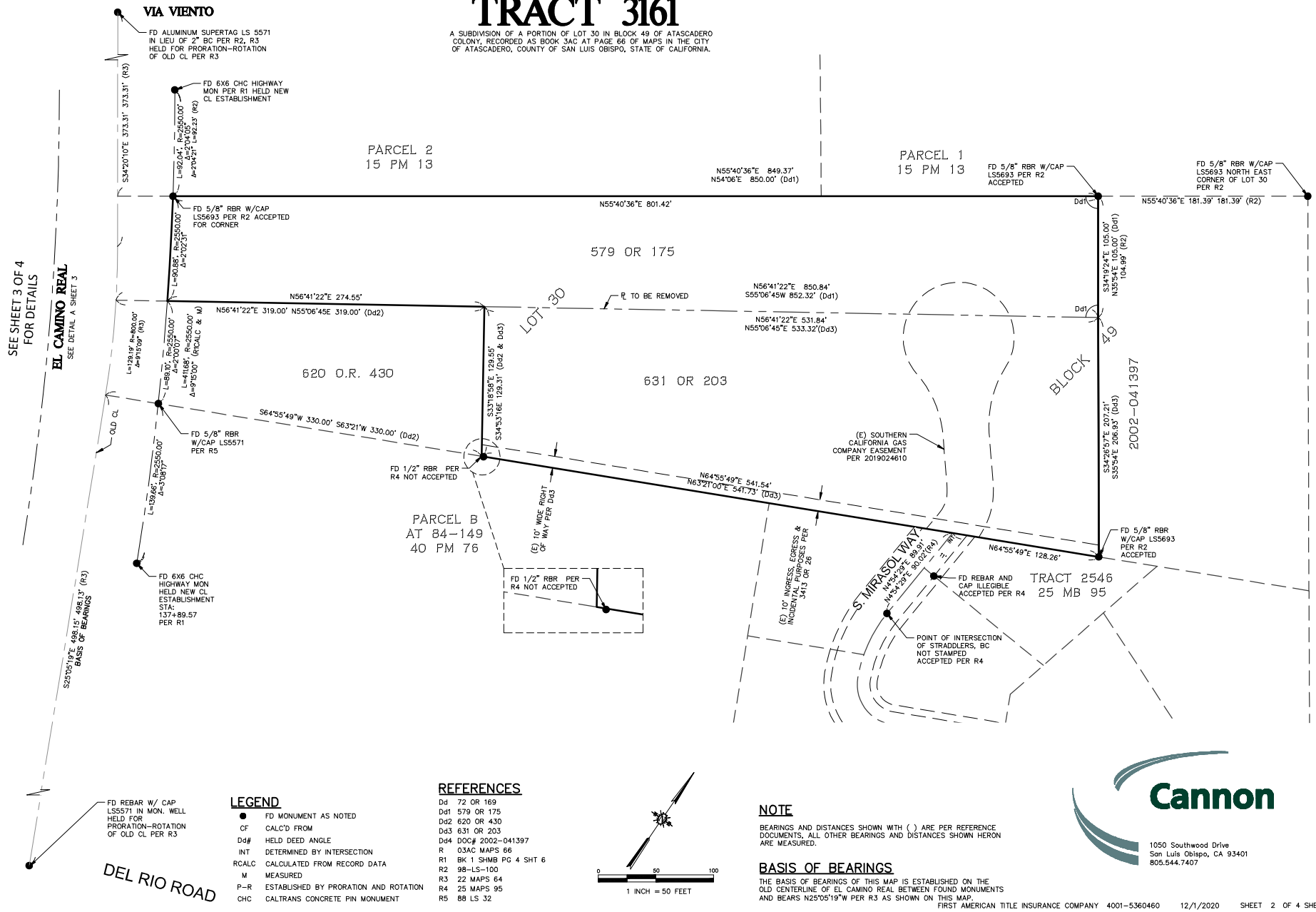
NOTE: THE FOLLOWING DOCUMENTS AFFECTING THE PROPERTY DENOTED HEREON ARE BEING RECORDED CONCURRENTLY HEREWITH:

- TITLE: CC AND Rb DOCUMENT NO: \_\_\_\_\_
- TITLE: RESERVATION OF EASEMENTS AND MAINTENANCE AGREEMENT DOCUMENT NO: \_\_\_\_\_



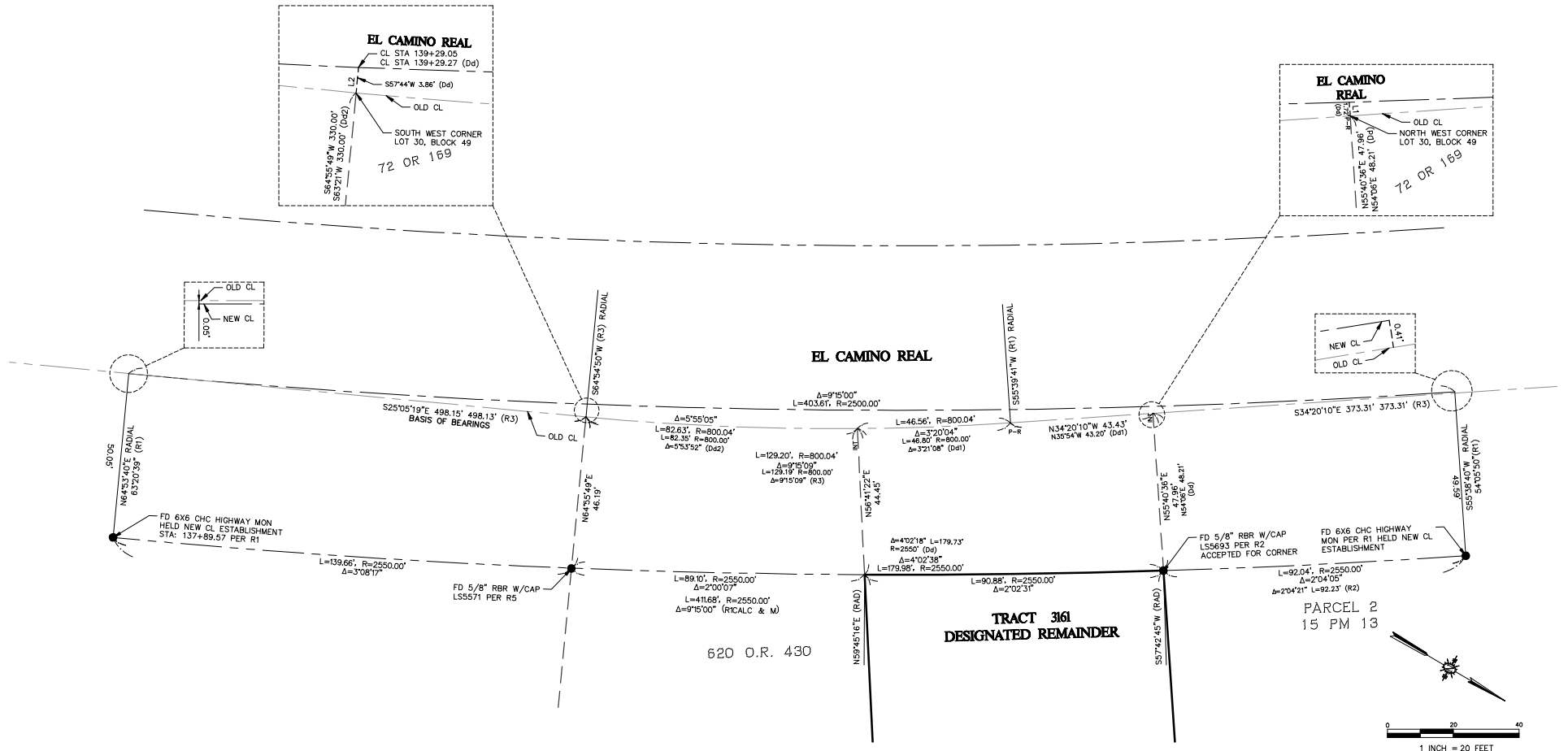
# TRACT 3161

A SUBDIVISION OF A PORTION OF LOT 30 IN BLOCK 49 OF ATASCADERO COLONY, IN LIEU OF 2" BC PER R2, R3 HELD FOR PRORATION-ROTATION OF OLD CL PER R3.



# TRACT 3161

A SUBDIVISION OF A PORTION OF LOT 30 IN BLOCK 49 OF ATASCADERO COLONY, RECORDED AS BOOK 34C AT PAGE 66 OF MAPS IN THE CITY OF ATASCADERO, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.



DETAIL A  
 1" = 2'

## LEGEND

- FD MONUMENT AS NOTED
- CF CALC'D FROM
- Dd# HELD DEED ANGLE
- INT DETERMINED BY INTERSECTION
- RCALC CALCULATED FROM RECORD DATA
- M MEASURED
- P-R ESTABLISHED BY PRORATION AND ROTATION
- CHC CALTRANS CONCRETE PIN MONUMENT

## REFERENCES

- Dd 72 OR 169
- Dd1 579 OR 175
- Dd2 620 OR 430
- Dd3 631 OR 203
- Dd4 DOC# 2002-041397
- R 034C MAPS 66
- R1 BK 1 SHWB PG 4 SHT 6
- R2 98-LS-100
- R3 22 MAPS 64
- R4 25 MAPS 95
- R5 88 LS 32

| TIE LINE TABLE |        |             |
|----------------|--------|-------------|
| Line #         | Length | Direction   |
| L1             | 2.08'  | N55°40'36"E |
| L2             | 3.89'  | S64°55'49"W |

## BASIS OF BEARINGS

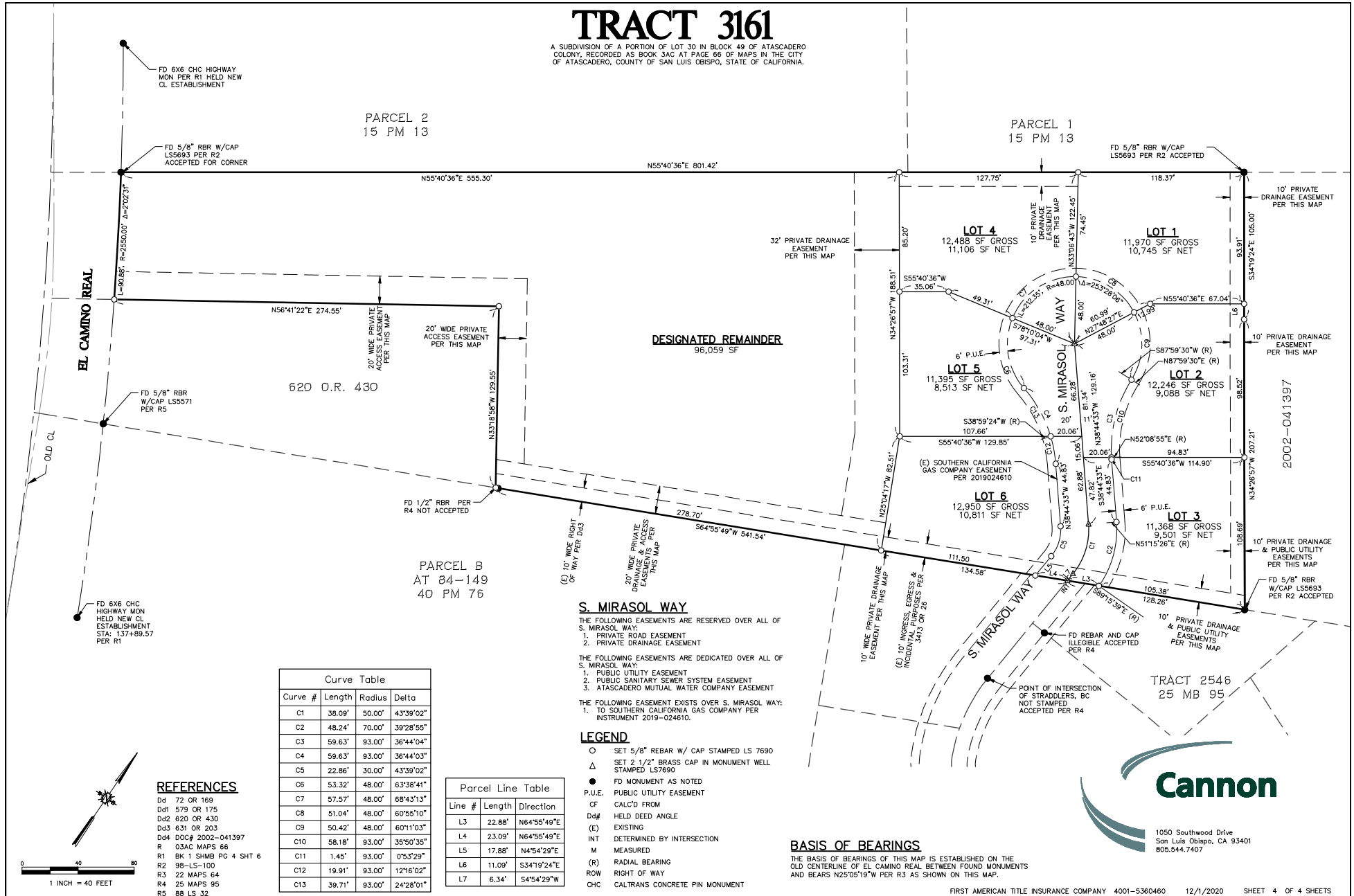
THE BASIS OF BEARINGS OF THIS MAP IS ESTABLISHED ON THE OLD CENTERLINE OF EL CAMINO REAL BETWEEN FOUND MONUMENTS AND BEARS N25°05'19"W PER R3 AS SHOWN ON THIS MAP.

FIRST AMERICAN TITLE INSURANCE COMPANY 4001-5360460 12/1/2020 SHEET 3 OF 4 SHEETS



# TRACT 3161

A SUBDIVISION OF A PORTION OF LOT 30 IN BLOCK 49 OF ATASCADERO COLONY, RECORDED AS BOOK 3AC AT PAGE 66 OF MAPS IN THE CITY OF ATASCADERO, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.







## ***Atascadero City Council***

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### ***Staff Report – City Manager’s Office***

#### **Essential Services Transactions and Use Tax Contracting with the State of California**

#### **RECOMMENDATIONS:**

Council:

1. Adopt Draft Resolution A authorizing the City Manager to execute agreements with the California Department of Tax and Fee Administration for implementation of a local transactions and use tax.
2. Adopt Draft Resolution B authorizing representatives of the City of Atascadero to examine confidential transactions and use tax records of the California Department of Tax and Fee Administration (CDTFA) pertaining to transactions and use taxes collected by the CDTFA for the City of Atascadero.
3. Authorize the City Manager to enter into a contract with Hinderliter, De Llamas and Associates for transactions tax audit and information services related to the Measure D-20 Sales Tax Revenue.

#### **DISCUSSION:**

The City Council placed a Ballot Measure on the November 2020 ballot asking voters in Atascadero this question:

*To provide funding for fire protection, paramedics, and 911 emergency response, police, crime prevention and investigations, maintenance of parks, public facilities and infrastructure, graffiti removal, and recreation, community services, and other general city services in the City of Atascadero, shall an ordinance establishing a one-percent sales tax be adopted, providing approximately 4.5 million dollars annually for city services until ended by voters, with annual independent audits ensuring money is spent properly, and all money locally controlled?*

58.5% of the voting public voted Yes. The Essential Services Transaction and Use Tax Ordinance (No. 638), that was adopted in August 2020, imposes the Transactions and Use Tax (one cent sales tax) to be administered by the California Department of Tax and Fee Administration. Included in this Ordinance, under Section 3-18.040 of

Attachment A, it states, "Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this Chapter..." The operative date of this Ordinance is April 1, 2021.

There are two contracts that need to be executed between the City and the California Department of Tax and Fee Administration:

1. Agreement for Preparation to Administer and Operate District's Transactions and Use Tax Ordinance; and,
2. Agreement for State Administration of District Transactions and Use Taxes.

The State will charge a Preparatory Fee for the work necessary to administer the City's Transaction and Use Tax Ordinance. The Department's costs for preparatory work include costs of developing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing forms, developing instructions for the Department's staff and for taxpayers, and other appropriate and necessary preparatory costs to administer a transactions and use tax ordinance.

By law, the maximum preparatory cost is \$175,000. However, the actual amount charged is typically less than \$175,000 particularly in smaller cities and counties where fewer notification mailings are required. The preparatory fee is also influenced by how many new taxes are implemented concurrently. The size of the county and/or adjacent counties, the number of other taxes being implemented at the same time, and the number of taxpayer notifications sent influence the total preparatory costs. When several new taxes are implemented at the same time, the fee is lower because of the efficiencies achieved through group implementation. While it is difficult for the CDTFA to estimate the preparatory cost until all the above mention variables are known for preparation of Measure F-14 administration the City was billed \$7,800

The State will also be charging on-going administrative costs, at the rate of 0.57% of the revenue received from the tax increase.

The State requires a Resolution authorizing the City Manager to execute the agreements (Draft Resolution A). The State also requires the City adopt a Resolution authorizing representatives of the City of Atascadero to examine confidential transactions and use tax records of the California Department of Tax and Fee Administration (CDTFA) pertaining to transactions and use taxes collected by the CDTFA for the City of Atascadero (Draft Resolution B).

While the City Manager and the Administrative Services Director are currently authorized to examine transactions and use tax records for the Bradley-Burns Sales tax (the base 1% sales tax) as well as review of the Measure F-14 sales tax information, a new Resolution must be adopted to allow for review of Measure D-20 sales tax information. Draft Resolution B would also authorize HdL to access the data necessary to provide the review and analysis services to the City.

Hinderliter, De Llamas and Associates (HdL) currently provides sales tax review and analysis services to the City for sales tax revenue received from the Bradley-Burns tax and Measure F-14 general sales tax. CDTFA requires that a separate agreement be executed for the Measure D-20 sales tax revenue and authorization be granted in a new Resolution.

Under the additional agreement for Measure D-20 sales tax revenue services, HdL will provide updated reports each quarter identifying changes in allocation totals by individual businesses, business groups, and by categories. Quarterly aberrations will be identified and quarterly reconciliation worksheets to assist finance officers with budget forecasting will be included. HdL will also provide the City with deficiency/allocation reviews and recovery to identify and correct unreported transactions and use tax payments and distribution errors.

Staff is recommending the Council adopt the Draft Resolutions. Following adoption of these Resolutions, the City Clerk will prepare the documentations and submit them to the CDTFA prior to January 4, 2021 allowing for an April 1, 2021 operative date. Documents received after January 4, 2021 will have a July 1, 2021 operative date.

### **FISCAL IMPACT:**

The sales tax measure will generate an estimated \$4.5 million in additional annual revenue. While the CDTFA cannot provide an estimate for the Preparatory Fee, staff anticipates costs being between \$10,000-40,000, and the on-going State administrative costs will be 0.57% of the revenue received from the tax increase.

HdL will charge a \$200 monthly fee for the review and analysis services that will be paid from the General Fund, and 25% of the initial amount of new transactions or use tax revenue received by the City as a result of audit and recovery work performed by HdL. However, revenue will be received that otherwise would not have been realized, through the audit services that HdL will provide to the City, offsetting the costs.

### **ATTACHMENTS:**

1. Draft Resolution A
2. Draft Resolution B

**DRAFT RESOLUTION A**

**A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF ATASCADERO AUTHORIZING THE CITY MANAGER TO  
EXECUTE AGREEMENTS WITH THE CALIFORNIA DEPARTMENT OF  
TAX AND FEE ADMINISTRATION FOR IMPLEMENTATION OF A LOCAL  
TRANSACTIONS AND USE TAX**

**WHEREAS**, on August 11, 2020, the Atascadero City Council approved Ordinance No. 638 amending the City Municipal Code and providing for a local transactions and use tax; and,

**WHEREAS**, the California Department of Tax and Fee Administration (Board) administers and collects the transactions and use taxes for all applicable jurisdictions within the state; and,

**WHEREAS**, the Board will be responsible to administer and collect the transactions and use tax for the City; and,

**WHEREAS**, the Board requires that the City enter into a “Preparatory Agreement” and an “Administration Agreement” prior to implementation of said taxes; and,

**WHEREAS**, the Department requires that the City Council authorize the agreements.

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Atascadero that the “Preparatory Agreement” attached as Exhibit A and the “Administrative Agreement” attached as Exhibit B are hereby approved and the City Manager is hereby authorized to execute each agreement.

\* \* \* \* \*

The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Atascadero held on December 8, 2020, by the following vote, to wit:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

DATED: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Lara K. Christensen, City Clerk

\_\_\_\_\_  
Heather Moreno, Mayor

**AGREEMENT FOR PREPARATION TO ADMINISTER AND OPERATE  
CITY'S TRANSACTIONS AND USE TAX ORDINANCE**

In order to prepare to administer a transactions and use tax ordinance adopted in accordance with the provision of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code, the City of Atascadero, hereinafter called *City*, and the CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION, hereinafter called *Department*, do agree as follows:

1. The Department agrees to enter into work to prepare to administer and operate a transactions and use tax in conformity with Part 1.6 of Division 2 of the Revenue and Taxation Code which has been approved by a majority of the electors of the City and whose ordinance has been adopted by the City.

2. City agrees to pay to the Department at the times and in the amounts hereinafter specified all of the Department's costs for preparatory work necessary to administer the City's transactions and use tax ordinance. The Department's costs for preparatory work include costs of developing procedures, programming for data processing, developing and adopting appropriate regulations, designing and printing forms, developing instructions for the Department's staff and for taxpayers, and other appropriate and necessary preparatory costs to administer a transactions and use tax ordinance. These costs shall include both direct and indirect costs as specified in Section 11256 of the Government Code.

3. Preparatory costs may be accounted for in a manner which conforms to the internal accounting and personnel records currently maintained by the Department. The billings for costs may be presented in summary form. Detailed records of preparatory costs will be retained for audit and verification by the City.

4. Any dispute as to the amount of preparatory costs incurred by the Department shall be referred to the State Director of Finance for resolution, and the Director's decision shall be final.

5. Preparatory costs incurred by the Department shall be billed by the Department periodically, with the final billing within a reasonable time after the operative date of the ordinance. City shall pay to the Department the amount of such costs on or before the last day of the next succeeding month following the month when the billing is received.

6. The amount to be paid by City for the Department's preparatory costs shall not exceed one hundred seventy-five thousand dollars (\$175,000) (Revenue and Taxation Code Section 7272.)

7. Communications and notices may be sent by first class United States mail. Communications and notices to be sent to the Department shall be addressed to:

California Department of Tax and Fee Administration  
P.O. Box 942879 MIC: 27  
Sacramento, California 94279-0027

Attention: Administrator  
Local Revenue Branch

Communications and notices to be sent to City shall be addressed to:

City of Atascadero  
6500 Palma Avenue  
Atascadero, California 93422

Attention: Administrative Services Director

8. The date of this agreement is the date on which it is approved by the Department of General Services. This agreement shall continue in effect until the preparatory work necessary to administer City's transactions and use tax ordinance has been completed and the Department has received all payments due from City under the terms of this agreement.

CITY OF ATASCADERO

By \_\_\_\_\_  
Rachelle Rickard  
City Manager

CALIFORNIA DEPARTMENT OF TAX  
AND FEE ADMINISTRATION

By \_\_\_\_\_  
Administrator  
Local Revenue Branch

**AGREEMENT FOR STATE ADMINISTRATION  
OF CITY TRANSACTIONS AND USE TAXES**

The City Council of the City of Atascadero has adopted, and the voters of the City of Atascadero (hereafter called "City" or "District") have approved by the required majority vote, the City of Atascadero Essential Services Transactions and Use Tax Ordinance (hereafter called "Ordinance"), a copy of which is attached hereto. To carry out the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code and the Ordinance, the California State Department of Tax and Fee Administration, (hereinafter called the "Department") and the City do agree as follows:

**ARTICLE I  
DEFINITIONS**

Unless the context requires otherwise, wherever the following terms appear in the Agreement, they shall be interpreted to mean the following:

1. "District taxes" shall mean the transactions and use taxes, penalties, and interest imposed under an ordinance specifically authorized by Revenue and Taxation code Section \_\_\_\_\_, and in compliance with Part 1.6, Division 2 of the Revenue and Taxation Code.

2. "City Ordinance" shall mean the City's Transactions and Use Tax Ordinance referred to above and attached hereto, Ordinance No.638, as amended from time to time, or as deemed to be amended from time to time pursuant to Revenue and Taxation Code Section 7262.2.

**ARTICLE II  
ADMINISTRATION AND COLLECTION  
OF CITY TAXES**

**A. Administration.** The Department and City agree that the Department shall perform exclusively all functions incident to the administration and operation of the City Ordinance.

**B. Other Applicable Laws.** City agrees that all provisions of law applicable to the administration and operation of the Department Sales and Use Tax Law which are not inconsistent with Part 1.6 of Division 2 of the Revenue and Taxation Code shall be applicable to the administration and operation of the City Ordinance. City agrees that money collected pursuant to the City Ordinance may be deposited into the State Treasury to the credit of the Retail Sales Tax Fund and may be drawn from that Fund for any authorized purpose, including making refunds, compensating and reimbursing the Department pursuant to Article IV of this Agreement, and transmitting to City the amount to which City is entitled.

**C. Transmittal of money.**

1. For the period during which the tax is in effect, and except as otherwise provided herein, all district taxes collected under the provisions of the City Ordinance shall be transmitted to City periodically as promptly as feasible, but not less often than twice in each calendar quarter.

2. For periods subsequent to the expiration date of the tax whether by City's self-imposed limits or by final judgment of any court of the State of California holding that City's ordinance is invalid or void, all district taxes collected under the provisions of the City Ordinance shall be transmitted to City not less than once in each calendar quarter.

3. Transmittals may be made by mail or electronic funds transfer to an account of the City designated and authorized by the City. A statement shall be furnished at least quarterly indicating the amounts withheld pursuant to Article IV of this Agreement.

**D. Rules.** The Department shall prescribe and adopt such rules and regulations as in its judgment are necessary or desirable for the administration and operation of the City Ordinance and the distribution of the district taxes collected thereunder.

**E. Preference.** Unless the payor instructs otherwise, and except as otherwise provided in this Agreement, the Department shall give no preference in applying money received for state sales and use taxes, state-administered local sales and use taxes, and district transactions and use taxes owed by a taxpayer, but shall apply moneys collected to the satisfaction of the claims of the State, cities, counties, cities and counties, redevelopment agencies, other districts, and City as their interests appear.



**F. Security.** The Department agrees that any security which it hereafter requires to be furnished by taxpayers under the State Sales and Use Tax Law will be upon such terms that it also will be available for the payment of the claims of City for district taxes owing to it as its interest appears. The Department shall not be required to change the terms of any security now held by it, and City shall not participate in any security now held by the Department.

**G. Records of the Department.**

When requested by resolution of the legislative body of the City under section 7056 of the Revenue and Taxation Code, the Department agrees to permit authorized personnel of the City to examine the records of the Department, including the name, address, and account number of each seller holding a seller's permit with a registered business location in the City, pertaining to the ascertainment of transactions and use taxes collected for the City. Information obtained by the City from examination of the Department's records shall be used by the City only for purposes related to the collection of transactions and use taxes by the Department pursuant to this Agreement.

**H. Annexation.** City agrees that the Department shall not be required to give effect to an annexation, for the purpose of collecting, allocating, and distributing District transactions and use taxes, earlier than the first day of the calendar quarter which commences not less than two months after notice to the Department. The notice shall include the name of the county or counties annexed to the extended City boundary. In the event the City shall annex an area, the boundaries of which are not coterminous with a county or counties, the notice shall include a description of the area annexed and two maps of the City showing the area annexed and the location address of the property nearest to the extended City boundary on each side of every street or road crossing the boundary.

**ARTICLE III**  
**ALLOCATION OF TAX**

**A. Allocation.** In the administration of the Department's contracts with all districts that impose transactions and use taxes imposed under ordinances, which comply with Part 1.6 of Division 2 of the Revenue and Taxation Code:

1. Any payment not identified as being in payment of liability owing to a designated district or districts may be apportioned among the districts as their interest appear, or, in the discretion of the Department, to all districts with which the Department has contracted using ratios reflected by the distribution of district taxes collected from all taxpayers.

2. All district taxes collected as a result of determinations or billings made by the Department, and all amounts refunded or credited may be distributed or charged to the respective districts in the same ratio as the taxpayer's self-declared district taxes for the period for which the determination, billing, refund or credit applies.

**B. Vehicles, Vessels, and Aircraft.** For the purpose of allocating use tax with respect to vehicles, vessels, or aircraft, the address of the registered owner appearing on the application for registration or on the certificate of ownership may be used by the Department in determining the place of use.

#### **ARTICLE IV**

##### **COMPENSATION**

The City agrees to pay to the Department as the State's cost of administering the City Ordinance such amount as is provided for by law. Such amounts shall be deducted from the taxes collected by the Department for the City.

#### **ARTICLE V**

##### **MISCELLANEOUS PROVISIONS**

**A. Communications.** Communications and notices may be sent by first class United States mail to the addresses listed below, or to such other addresses as the parties may from time to time designate. A notification is complete when deposited in the mail.

Communications and notices to be sent to the Department shall be addressed to:

California State Department of Tax and Fee Administration  
P.O. Box 942879  
Sacramento, California 94279-0027

Attention: Administrator  
Local Revenue Branch

Communications and notices to be sent to the City shall be addressed to:

City of Atascadero  
6500 Palma Avenue  
Atascadero, California 93422

Attention: Administrative Services Director

**Unless otherwise directed, transmittals of payment of District transactions and use taxes will be sent to the address above.**

**B. Term.** The date of this Agreement is the date on which it is approved by the Department of General Services. The Agreement shall take effect on \_\_\_\_\_. This Agreement shall continue until December 31 next following the expiration date of the City Ordinance, and shall thereafter be renewed automatically from year to year until the Department completes all work necessary to the administration of the City Ordinance and has received and disbursed all payments due under that Ordinance.

**C. Notice of Repeal of Ordinance.** City shall give the Department written notice of the repeal of the City Ordinance not less than 110 days prior to the operative date of the repeal.

**ARTICLE VI**  
**ADMINISTRATION OF TAXES IF THE**  
**ORDINANCE IS CHALLENGED AS BEING INVALID**

**A. Impoundment of funds.**

1. When a legal action is begun challenging the validity of the imposition of the tax, the City shall deposit in an interest-bearing escrow account, any proceeds transmitted to it under Article II. C., until a court of competent jurisdiction renders a final and non-appealable judgment that the tax is valid.

2. If the tax is determined to be unconstitutional or otherwise invalid, the City shall transmit to the Department the moneys retained in escrow, including any accumulated interest, within ten days of the judgment of the trial court in the litigation awarding costs and fees becoming final and non-appealable.

**B. Costs of administration.** Should a final judgment be entered in any court of the State of California, holding that City's Ordinance is invalid or void, and requiring a rebate or refund to taxpayers of any taxes collected under the terms of this Agreement, the parties mutually agree that:

1. Department may retain all payments made by City to Department to prepare to administer the City Ordinance.

2. City will pay to Department and allow Department to retain Department's cost of administering the City Ordinance in the amounts set forth in Article IV of this Agreement.

3. City will pay to Department or to the State of California the amount of any taxes plus interest and penalties, if any, that Department or the State of California may be required to rebate or refund to taxpayers.

4. City will pay to Department its costs for rebating or refunding such taxes, interest, or penalties. Department's costs shall include its additional cost for developing procedures for processing the rebates or refunds, its costs of actually making these refunds, designing and printing forms, and developing instructions for Department's staff for use in making these rebates or refunds and any other costs incurred by Department which are reasonably appropriate or necessary to make those rebates or refunds. These costs shall include Department's direct and indirect costs as specified by Section 11256 of the Government Code.

5. Costs may be accounted for in a manner, which conforms to the internal accounting, and personnel records currently maintained by the Department. The billings for such costs may be presented in summary form. Detailed records will be retained for audit and verification by City.

6. Any dispute as to the amount of costs incurred by Department in refunding taxes shall be referred to the State Director of Finance for resolution and the Director's decision shall be final.

7. Costs incurred by Department in connection with such refunds shall be billed by Department on or before the 25th day of the second month following the month in which the judgment of a court of the State of California holding City's Ordinance invalid or void becomes final. Thereafter Department shall bill City on or before the 25th of each month for all costs incurred by Department for the preceding calendar month. City shall pay to Department the amount of such costs on or before the last day of the succeeding month and shall pay to Department the total amount of taxes, interest, and penalties refunded or paid to taxpayers, together with Department costs incurred in making those refunds.

CITY OF ATASCADERO

CALIFORNIA STATE DEPARTMENT OF  
TAX AND FEE ADMINISTRATION

By \_\_\_\_\_  
Rachelle Rickard  
City Manager

By \_\_\_\_\_  
Administrator  
Local Revenue Branch

**ORDINANCE NO. 638**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING TITLE 3 OF THE ATASCADERO MUNICIPAL CODE TO ADD A NEW CHAPTER 18 "ESSENTIAL SERVICES TRANSACTIONS AND USE TAX" TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND ADMINISTRATION, SUBJECT TO ADOPTION BY THE ELECTORATE**

**WHEREAS**, pursuant to California Revenue & Taxation Code Sections 7251 *et seq.* and 7285.9, the City of Atascadero ("City") is authorized to levy a Transactions and Use Tax for general purposes, subject to voter approval and

**WHEREAS**, the City proposes to levy a Transactions and Use Tax for general purposes to fund maintain and enhance important City services, with the rate set at one cent; and

**WHEREAS**, the City is fiscally challenged and while it does well with the funding that it has, general fund revenue growth has not kept pace with the increasing costs of providing services to a growing population; and

**WHEREAS**, the City seeks to maintain essential services and is coming to a crossroads where it cannot sustain the services it provides with the projected available resources; and

**WHEREAS**, one of the two fire stations protecting lives and property within the City's approximately 26 square miles was built in 1951 and has critical safety deficits requiring replacement; and

**WHEREAS**, the City, has approximately half the national average of police officers per capita for a City its size, is amongst the lowest paying City employer in the County for most positions, and has deteriorating infrastructure including fire stations, parks, roads, zoo facilities and other buildings; and

**WHEREAS**, Atascadero receives the lowest revenue per capita in Sales Tax, in Property Tax and in General Fund revenues among all San Luis Obispo County cities and money from a local, voter-approved funding measure is needed at the local level to address the community's local needs; and

**WHEREAS**, the proceeds from such transactions and use tax could not be taken by the State and would remain local, to be spent in the City of Atascadero for services such as police, fire, paramedic, parks, recreation, public facilities, infrastructure and other services; and

**WHEREAS**, all City revenues are subject to annual independent audits with public review of the City's budget being widely available, including at City Hall, and online; and

**WHEREAS**, under applicable law, to enact a transactions and use tax, the City Council of the City of Atascadero must approve the Essential Services Transactions and Use Tax Ordinance and the voters of the City of Atascadero must also adopt it upon majority vote at an election.



**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1. Title and Text.** This Ordinance shall be known as the Essential Services Transactions and Use Tax Ordinance, the full text of which is set forth in Attachment "A," attached hereto and incorporated herein by reference.

**SECTION 2. Approval by City Council.** Pursuant to California Revenue Taxation Code Section 7285.9, this Ordinance was duly introduced on July 14, 2020 and approved upon second reading for placement on the ballot by a two-thirds (2/3) supermajority of all members of the City Council on August 11, 2020.

**SECTION 3. Approval by the Voters.** Pursuant to California Elections Code Section 9217, this Ordinance shall be deemed adopted and take effect only if approved by a majority of the eligible voters of the City of Atascadero voting at the Regular Election on November 3, 2020, and shall be deemed adopted and take effect ten (10) days after the City Council has certified the results of that election by resolution.

**SECTION 4. Operative Date.** "Operative Date" for the Essential Services Transactions and Use Tax means the first day of the first calendar quarter commencing more than one hundred ten (110) days after the effective date of this Ordinance, as set forth in Section 3, above.


**SECTION 5. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**SECTION 6. Summary.** The title and a summary of the Ordinance, along with the names of the City Council members voting for and against the Ordinance, shall be published twice in a newspaper of general circulation in the City of Atascadero.

**SECTION 7. Publication.** The City Clerk shall certify to the adoption of this Ordinance no later than fifteen (15) days following the passage of this Ordinance, and shall cause this Ordinance to be published by title and summary.

**PASSED AND ADOPTED** by the City Council of the City of Atascadero, California, held on the 11 day of August 2020, by a vote of at least two-thirds of the City Council.

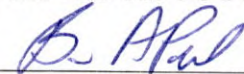
CITY OF ATASCADERO

  
Heather Moreno, Mayor

ATTEST:

  
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

  
Brian A. Pierik, City Attorney

## ATTACHMENT A

### CHAPTER 3-18 ESSENTIAL SERVICES TRANSACTIONS AND USE TAX

#### Sections:

- 3-18.010 Title.
- 3-18.020 Operative Date.
- 3-18.030 Purpose.
- 3-18.040 Contract with State.
- 3-18.050 Transaction Tax Rate.
- 3-18.060 Place of Sale.
- 3-18.070 Use Tax Rate.
- 3-18.080 Adoption of Provisions of State Law.
- 3-18.090 Limitations on Adoption of State Law and Collection of Use Taxes.
- 3-18.100 Permit Not Required.
- 3-18.110 Exemptions and Exclusions.
- 3-18.120 Amendments.
- 3-18.130 Enjoining Collection Forbidden.
- 3-18.140 Severability.
- 3-18.150 Effective Date.
- 3-18.140 Termination and Repeal.
- 3-18.170 Independent Annual Financial Audit.

#### **3-18.010 Title.**

This chapter is designated and shall be known as the Atascadero Essential Services Transactions and Use Tax Ordinance. The city of Atascadero hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

#### **3-18.020 Operative Date.**

"Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this chapter, the date of such adoption being as set forth below.

#### **3-18.030 Purpose.**

This chapter is intended to achieve the following, among other purposes, and shall be interpreted liberally in order to accomplish all of its lawful purposes:

A. To impose a retail transactions and use tax to be applied throughout the entire territory of the City to the fullest extent permitted by law and in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.



C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter.

E. To provide transaction and use tax revenue for unrestricted general revenue purposes, and not for specific purposes. All of the proceeds from the tax imposed by this chapter shall be placed in the City's general fund and be available for any legal municipal purposes.

**3-18.040 Contract with State.**

Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this chapter; provided that, if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

**3-18.050 Transaction tax rate.**

For the privilege of selling tangible personal property at retail, a tax is imposed upon all retailers in the incorporated territory of the City at the rate of 1% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date.

**3-18.060 Place of sale.**

For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

**3-18.070 Use tax rate.**

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date for storage, use or other consumption in the territory of the City at the rate of 1% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

**3-18.080 Adoption of provision of State law.**



Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this chapter as though fully set forth herein.

**3-18.090 Limitations on adoption of State law and collection of use taxes.**

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of the City of Atascadero shall be substituted. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Treasury, or the Constitution of the State of California;
2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this chapter;
3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
  - a. Provide an exemption from the taxes of this chapter with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;
  - b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property, which would not be subject to tax by the State under the said provision of that code.
4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

1. "A retailer engaged in business in the District" shall also include any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property in this state or for delivery in the State by the retailer and all persons related to the retailer that exceeds five hundred thousand dollars (\$500,000). For purposes of this section, a person is related to another person if both persons are related to each other pursuant to Section 267(b) of Title 26 of the United States Code and the regulations thereunder.

**3-18.100 Permit not required.**

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this chapter.

**3-18.110 Exemptions and exclusions.**

A. There shall be excluded from the measure of the transactions tax and the use tax the



amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.



3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

### **3-18.120 Amendments.**

All amendments subsequent to the effective date of this chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter. The City Council may amend this chapter to comply with applicable law or as may be otherwise necessary in order to further the chapter's stated purposes.

However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment that would increase the rate of any tax levied pursuant to this Chapter. The people of the City of Atascadero affirm that the following actions shall not constitute an increase of the rate of a tax:

A. The restoration of the rate of the tax to a rate that is no higher than that set by this Chapter, if the City Council has acted to reduce the rate of the tax;



B. An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Chapter; or

C. The collection of the tax imposed by this Chapter even if the City had, for some period of time, failed to collect the tax.

**3-18.130 Enjoining collection forbidden.**

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

**3-18.140 Severability.**

If any provision of this chapter or its application to any person or circumstance is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall not effect on any other provision of this chapter or the application of this chapter to any other person or circumstance and, to that end, the provisions hereof are severable.

**3-18.150 Effective date.**

This chapter relates to the levying and collecting of the City transactions and use taxes and shall take effect 10 days after the election results are declared by the City Council (CA Elections Code §9217). The operative date (Section 2) will be the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, which will be April 1, 2021.

**3-18.160 Termination and repeal.**

The authority to levy a retail transaction and use tax shall be in effect until and unless repealed by the voters of the City in the manner provided by law.

**3-18.170 Independent annual financial audit.**

The revenue and expenditures of this new transactions and use tax shall be included in the annual audit of the City's financial operations by an independent certified public accountant.

STATE OF CALIFORNIA )  
COUNTY OF SAN LUIS OBISPO ) ss  
CITY OF ATASCADERO )

I, LARA K. CHRISTENSEN, City Clerk of the City of Atascadero, DO HEREBY CERTIFY that Ordinance No. 638 was duly introduced at a regular meeting held July 14, 2020 and adopted at a regular meeting of the City Council held on the 11th day of August 2020 by the following roll call vote, to wit:

AYES: Council Members Bourbeau, Fonzi, Funk, Newsom and Mayor Moreno

NOES: None

ABSENT: None

  
\_\_\_\_\_  
LARA K. CHRISTENSEN, CITY CLERK



I hereby certify that the foregoing is the original of Ordinance No. 638 duly passed and adopted by the Atascadero City Council at their regular meeting held on August 11, 2020 and that summaries of the Ordinance were published on July 30, 2020 and August 13, 2020 in the Atascadero News newspaper.

  
\_\_\_\_\_  
LARA K. CHRISTENSEN, CITY CLERK



DRAFT RESOLUTION B

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
ATASCADERO AUTHORIZING THE EXAMINATION OF  
TRANSACTIONS (SALES) AND USE TAX RECORDS

**WHEREAS**, pursuant to Ordinance No. 638 of The City of Atascadero hereinafter called District and Section 7270 of the Revenue and Taxation Code, the District entered into a contract with the California Department of Tax and Fee Administration (CDTFA) to perform all functions incident to the administration and operation of the Transactions and Use Tax Ordinance; and

**WHEREAS**, the District deems it desirable and necessary for authorized representatives of the District to examine confidential transactions and use tax records of the California Department of Tax and Fee Administration pertaining to transactions and use taxes collected by the Board for the District pursuant to that contract; and

**WHEREAS**, Section 7056 of the Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of California Department of Tax and Fee Administration records and establishes criminal penalties for the unlawful disclosure of information contained in or derived from, the transactions and use tax records of the Board;

**NOW, THEREFORE IT IS RESOLVED AND ORDERED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF ATASCADERO:**

**Section 1.** That the City Manager, Director of Administrative Services, or other officer or employee of the District designated in writing by the City Manager to the California Dept of Tax and Fee Administration (hereafter referred to as the CDTFA) is hereby appointed to represent the District with authority to examine transactions and use tax records of the CDTFA pertaining to transactions and use taxes collected for the District by the CDTFA pursuant to the contract between the District and the CDTFA. The information obtained by examination of CDTFA records shall be used only for purposes related to the collection of the District's transactions and use taxes by the CDTFA pursuant to the contract.

**Section 2.** That the City Manager, Director of Administrative Services, or other officer or employee of the District designated in writing by the City Manager to the California Dept of Tax and Fee Administration is hereby appointed to represent the District with authority to examine those transactions and use tax records of the Board for purposes related to the following governmental functions of the District:

- a) City administration
- b) Revenue management and budgeting
- c) Community and economic development
- d) Business license tax administration
- e) Financial Management

The information obtained by examination of CDTFA records shall be used only for those governmental functions of the District listed above.

**Section 3.** That Hinderliter, de Llamas & Associates is hereby designated to examine the transactions and use tax records of the California Department of Tax and Fee Administration pertaining to transactions and use taxes collected for the District by the Department. The person or entity designated by this section meets all of the following conditions:

- a) has an existing contract with the District to examine those transactions and use tax records;
- b) is required by that contract to disclose information contained in, or derived from those transactions and use tax records only to the officer or employee authorized under Section 1 (or Section 2) of this resolution to examine the information;
- c) is prohibited by that contract from performing consulting services for a retailer during the term of that contract;
- d) is prohibited by that contract from retaining the information contained in or derived from those transactions and use tax records after that contract has expired.

**BE IT FURTHER RESOLVED** that the information obtained by examination of Board records shall be used only for purposes related to the collection of District's transactions and use taxes by the Board pursuant to the contracts between the District and Board.

**Section 4.** That this resolution supersedes all prior transactions and use tax resolutions of the City of Atascadero adopted pursuant to subdivision (b) of Revenue and Taxation Section 7056.

Introduced, approved and adopted this 8th day of December, 2020.

ATTEST: \_\_\_\_\_  
Lara K. Christensen, City Clerk

\_\_\_\_\_  
Heather Moreno, Mayor





# ***Atascadero City Council***

## ***Staff Report – Community Development Department***

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### **Tentative Parcel Map 2930 and 2945 Ramona Road (SBDV 20-0047)**

#### **RECOMMENDATION:**

The Planning Commission recommends:

Council adopt Draft Resolution approving Tentative Parcel Map AT 20-0013 including an abandonment of a portion of Ramona Road right-of-way and dedication of new right-of-way, based on findings and conditions of approval.

#### **REPORT-IN-BRIEF:**

The project involves a lot line adjustment, subdivision of one parcel into two parcels, the abandonment of an unimproved portion of Ramona Road right-of-way (ROW), and dedication of new right-of-way. The proposed lot line adjustment and abandonment of the Ramona Road right-of-way will allow for:

1. The realignment of the public road right-of-way onto the existing Ramona Road pavement location, and
2. Sufficient acreage to subdivide Lot 14 (2930 Ramona Road) into two parcels for future residential development. In summary, this project will simply allow the property owner to use the undeveloped the right-of-way, while shifting the right-of-way onto the existing road where it belongs, correcting a pre-existing condition.

#### **DISCUSSION:**

##### Background

The City received a request for tentative parcel map process (TPM) including a Lot Line Adjustment, subdivision, and the abandonment of a portion of Ramona Road right-of-way (ROW). The Planning Commission reviewed the project at the October 20, 2020 meeting and recommended approval of the project by a 5-0 vote (two Commissioners were absent). The requested abandonment is located in an area within the Residential Suburban district adjacent to Highway 101. The portion of the ROW was created on the Map of Atascadero Colony and has never been constructed on or used as a roadway.

Instead, the road was constructed adjacent to the right-of-way. This project will correct a historical condition by bringing the right-of-way back onto the existing paved road, while allowing the property owner to utilize the undeveloped right-of-way.

#### Analysis

The property to the southwest of Ramona Road contains an existing historic home and two underlying colony lots (Lot 15 and 14A). Lot 14A currently consists of land on both sides of the existing Ramona Road pavement as the existing road was built outside of the recorded easement. The property to the northeast (Lot 14, and a portion of Lot 14A) is vacant and contains the unimproved portion of Ramona Road right-of-way.

The parcels are located in the Residential Suburban zoning district where the minimum lot size ranges from two and one-half (2.5) acres to ten (10) acres based on performance standards. Performance standards include distance from center of community, septic suitability, percolation rate, average slope, condition of access, and average lot sizes within a 1,500 feet radius. The calculated minimum lot size for these parcels is 2.5 acres based on an overall property slope that ranges between 5% and up to less than 20%. The proposed map will correct the road alignment and allow for subdivision of the remaining land on the east side of Ramona Road into 2 parcels of 2.50 and 3.04 acres, consistent with City standards.

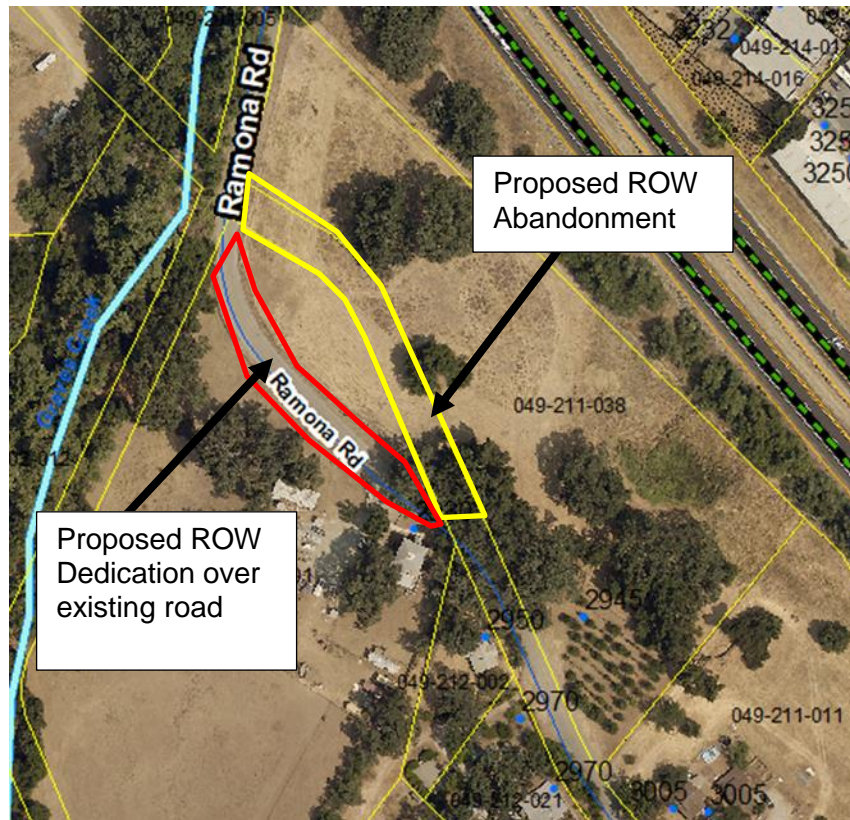
The proposed subdivision and Lot Line Adjustment acreage is summarized as follows:

|         | Historic Lot<br>Areas (acres) | Proposed LLA<br>Areas (acres) | Proposed Subdivision Parcel<br>Areas (acres) |       |
|---------|-------------------------------|-------------------------------|--|-------|
| Lot 14  | 4.53                          | 5.54                          | 2.50   | 3.04  |
| Lot 14A | 4.48                          | 3.59                          | -----  | ----- |
| Lot 15  | 3.34                          | 3.22                          | -----  | ----- |
| Total   | 12.35                         | 12.35                         | -----  | ----- |

#### Right-of-Way Abandonment

The applicant is proposing to abandon an unbuilt portion of Ramona Road (recorded with the original Colony Map) and dedicate new right-of-way over the existing road. The relocated road easement (right-of-way) will correct a historical issue. The following map shows the proposed right-of-way abandonment and dedication.

## Ramona Road Existing Conditions



There are specific findings that need to be made to abandon the unbuilt portion of Ramona Road. The City must find that:

1. The abandonment is consistent with the Circulation Element of the City's General Plan.
2. Right-of-way to be abandoned is deemed excess right-of-way and no longer required by the public.

While Ramona Road is shown on the Circulation Element, Figure III-2 (General Plan Circulation Diagram), this unused portion of Ramona Road right-of-way is not needed if right-of-way is dedicated over the existing road alignment to ensure that Ramona Road is contiguous. In addition, the abandonment does not conflict with Policy 2.1 Program 4 of the City's Circulation Element since a potential trail in this location is not practicable or desired. Therefore, both findings can be made.

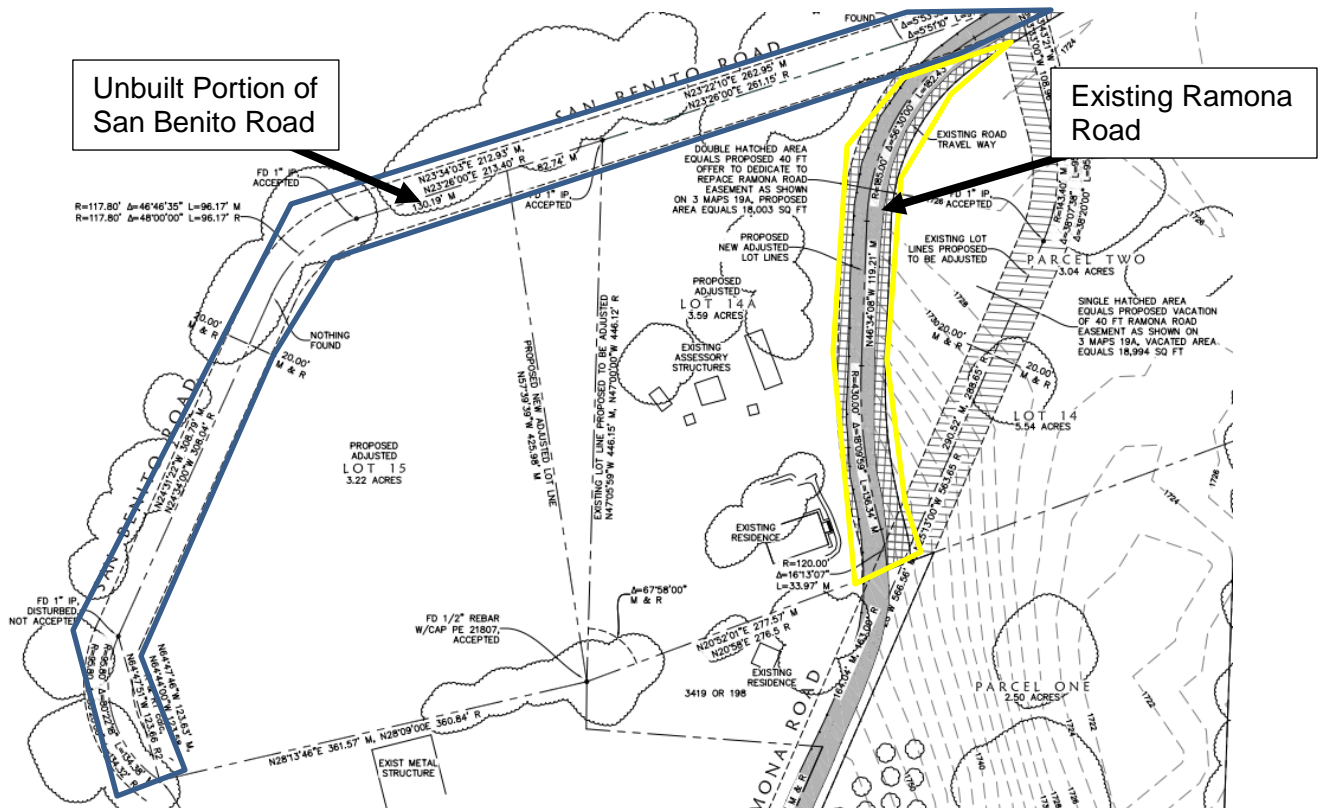
Because this abandonment is part of a Parcel Map that includes dedication of new right-of-way, the City does not need to follow the State and Highways code (Section 8331) process for summary vacation, however, it is important to note that these findings, while not required, can still be met, including:

- (a) *For a period of five consecutive years, the street or highway has been impassable for vehicular travel.*
- (b) *No public money was expended for maintenance on the street or highway during such period.*

### Access

With the corrected alignment of Ramona Rd, all resulting parcels will be served by Ramona Road with the exception of Lot 15, which is accessible from the unbuilt portion of San Benito Road that runs along the property line boundary of Lots 14A and Lot 15. Future development of this parcel will require construction of the unbuilt right-of-way along the property frontage and connecting to Ramona Rd.

### **San Benito Road Detail**



### Conclusion

The proposed Tentative Parcel Map, which includes a right-of-way abandonment and dedication of new right-of way will correct a historic alignment issues with the existing build portion of Ramona Road and allow for an additional parcel to be created. All proposed parcels meet City standards for minimum lot size. If the City Council approves the tentative map, the final map will be brought back for final approval and completion of the road abandonment and map recordation process. The Planning Commission reviewed the project and recommended approval, determining that all findings can be made.

### **ENVIRONMENTAL DETERMINATION:**

The proposed project is Categorically Exempt (Class 15315) from the provisions of the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.) pursuant to Section 15315, because it is considered a minor land division of four (4) or fewer parcels on slopes less than twenty (20) percent.

## **FISCAL IMPACT:**

Approval of the map creating one additional residential unit will have a slight negative fiscal impact on the City. The cost to provide services to a residential unit typically outpaces the expected taxes and revenue generated by the residential unit.

## **ALTERNATIVES:**

1. The City Council may recommend modifications to the project and/or conditions of approval for the project. Any proposed modifications including conditions of approval, should be clearly stated in the motion.
2. The City Council may determine that more information is needed on some aspect of the project and may refer the item back to the applicant and staff to develop the additional information. The City Council should clearly state the type of information that is required. A motion, and approval of that motion, is required to continue the item.
3. The City Council may deny the project. The Council must specify what findings cannot be made, and provide a brief oral statement, based on the Staff Report, oral testimony, site visit, correspondence, or any other rationale introduced and deliberated by the City Council.

## **ATTACHMENT:**

Draft Resolution

**DRAFT RESOLUTION**

**RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF ATASCADERO, CALIFORNIA, APPROVING TENTATIVE  
PARCEL MAP AT 20-0013, INCLUDING AN ABANDONMENT OF A  
PORTION OF RAMONA ROAD RIGHT-OF-WAY AND DEDICATION OF  
NEW RIGHT-OF-WAY, BASED ON FINDINGS AND  
CONDITIONS OF APPROVAL**

**2930 AND 2945 RAMONA ROAD  
(APN 049-212-001, 049-211-038)  
MILLER**

**WHEREAS**, an application has been received from Viki and Nick Miller, 2930 Ramona Road, Atascadero, CA 93422 (Owner) and Granite Ridge Development, 8679 Santa Rosa Road, Atascadero, CA 93422 (Applicant) to consider the abandonment of a portion of Ramona Road that is located within a residential property, a lot line adjustment, and subdivision of parcel (project) through the approval of Tentative Parcel Map at 2930 Ramona Road (APN 049-212-001) and 2945 (APN 049-211-038) Ramona Road and

**WHEREAS**, the site's current General Plan Designation Residential Estate (RE); and

**WHEREAS**, the site's current zoning district is Residential Suburban (RS); and

**WHEREAS**, the minimum lot size within the RS zoning district is 2.5 to 10 acres consistent with performance standard in the Atascadero Municipal Code; and

**WHEREAS**, the existing site has a combined gross area of 12.35 acres; and

**WHEREAS**, the project includes the abandonment of an unbuilt portion of the Ramona Road right-of-way and dedication of new public right-of-way over the existing roadway location as part of the Tentative Parcel Map; and

**WHEREAS**, with the dedication of new public right-of-way, the proposed road abandonment is in conformance with the Circulation Element of the General Plan and all other applicable General Plan policies; and

**WHEREAS**, the portion of the right-of-way to be abandoned has never been improved and has been impassable for vehicular travel for a period of five consecutive years and no public funds have been expended for maintenance on the subject right-of-way during such period; and

**WHEREAS**, the laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the state and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to; and

**WHEREAS**, a timely and properly noticed Public Hearing upon the subject project was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said Master Plan of Development; and

**WHEREAS**, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on October 20, 2020, studied and considered Tentative Parcel Map 20-0047 (AT 20-0013), after first studying and considering the Findings of Fact prepared for the project.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Atascadero:

**SECTION 1. Recitals.** The above recitals are true and correct.

**SECTION 2. Public Hearing.** The City Council of the City of Atascadero, at a Public Hearing held on December 8, 2020, considered the proposed project.

**SECTION 3. Facts and Findings.** The City Council makes the following findings, determinations and approvals with respect to the Tentative Parcel Map:

*Tentative Parcel Map:*

1. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan (Government Code §§ 66473.5 and 66474(a) and (b)).

**Fact:** The General Plan designation for the site is Residential Estate with a two and a half-acre minimum lot size (RE) based on performance standards. The lots created will each be a minimum of 2.5 acres (gross) and comply with performance standards in the Atascadero Municipal Code. They will also have a General Plan designation of Residential Estate.

2. The site is physically suitable for the type of development (Government Code § 66474(c)).

**Fact:** The lots are located along a minor arterial road with utilities, excepting the City sewer, available. The site is surrounded single-family residential properties and open space. The topography is gently sloped (less than 20% grade) and no development is proposed.

3. The site is physically suitable for the proposed density of development (Government Code § 66474(d)).

**Fact:** The proposed lots are a minimum of two and a half acre in size. Under current standards, each lot could have a primary residence, accessory dwelling unit, and two detached accessory structures. The topography and suitable soil conditions can support the proposed maximum density if development was proposed.

4. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. (Government Code § 66474(e)), and

**Fact:** The proposed project will effect two parcels, one that is vacant and one that currently contains existing residential structures. Both parcels do not have significant tree coverage or water drainage features that might support fish or significant wildlife habitat. The parcels are located adjacent to Graves Creek. Future residences are subject to post-construction stormwater and creek setback requirements that will prevent significant impact to water drainage and creek areas. Additionally, the project will utilize existing roads and will not affect the drainage pattern of the neighborhood.

5. The design of the subdivision or the type of improvements will not cause serious health problems. (Government Code § 66474(f)), and

**Fact:** Future development of single-family residences will not cause serious health problems.

6. The design of the subdivision will not conflict with easements for access through or use of property within the proposed subdivision. (Government Code § 66474(g)), and

**Fact:** The proposed subdivision includes a right-of-way abandonment of an unconstructed portion of Ramona Road. The projects includes a new right-of-way dedication for the constructed portion of Ramona Road that shall be offered to the public in perpetuity. San Benito Road right-of-way exists on the northern and western boundaries of the parcels. The subdivision will not conflict with this right-of-way. Therefore, the design of the subdivision will not conflict existing easements.

7. The installation of any public improvements deemed necessary prior to recordation of a Final Map is in order to insure orderly development of the surrounding area (Government Code § 66411.1(b)(2)), and

**Fact:** The map contains conditions as shown in Exhibit A to allow for future public improvements within the new right-of-way dedication and all conditions shall be met prior to recordation of a Final Map.

8. The subdivision and subsequent development will be accomplished without detriment to adjacent properties, and

**Fact:** The neighborhood consists of a range of lot sizes that have been subdivided over time. The creation of an additional lot could increase residential density by up to one primary residential unit. Surrounding parcels range in size from less than a quarter acre to nearly twelve.

*Road Abandonment:*

1. The abandonment is consistent with the circulation element of the City's General Plan.

**Fact:** The abandonment would not conflict with Policy 2.1 Program 4 of the City's Circulation Element as the abandonment would not be appropriate for a potential trail location. Ramona Road is identified as a City-maintained road, however the realignment of the right-of-way is offered for dedication on the constructed portion of Ramona Road allows for a contiguous roadway.

2. Right-of-way to be abandoned is deemed excess right-of-way and no longer required by the public.



**Fact:** The applicant is proposing to abandon an unbuilt portion of Ramona Road and dedicate new public right-of-way over the existing road alignment. With the dedication, the unbuilt portion is not needed for public vehicular or pedestrian. The proposed lot line adjustment ensures that all resulting parcels abut a public right-of-way for access.

**SECTION 4. CEQA.** The proposed map qualifies for a Categorical Exemption from the California Environmental Quality Act (CEQA), Public resources Code Section 21000 et seq., Section 15315: Minor Land Divisions.

**SECTION 5. Approval.** The City Council of the City of Atascadero, in a regular session assembled on December 8, 2020 resolved to approve Parcel Map AT 20-0013 including an abandonment for a portion of the Ramona Rd right-of-way and dedication of new public right-of-way subject to the following:

EXHIBIT A: Conditions of Approval  
EXHIBIT B: Tentative Parcel Map  
EXHIBIT C: Road Abandonment Detail

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Atascadero, State of California, held on this \_\_\_\_ day of \_\_\_\_\_, 2020 by the following vote:

On motion by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

CITY OF ATASCADERO

\_\_\_\_\_  
Heather Moreno, Mayor

ATTEST:

\_\_\_\_\_  
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Brian Pierik, City Attorney

|                   |   |
|-------------------|---|
| <b>Exhibit A:</b> | <b>Conditions of Approval<br/>SBDV20-0047</b> |
|-------------------|---|

| <b>Conditions of Approval</b>  | <b>Timing</b>  |
|--|--|
| <b><i>Tentative Parcel Map</i></b><br><b>2930 and 2945 Ramona Road</b><br><b>SBDV 20-0047 / AT 20-0013</b>   | BL: Business License<br>FM: Final Map<br>GP: Grading Permit<br>BP: Building Permit<br>FI: Final Inspection<br>TO: Temporary Occupancy<br>FO: Final Occupancy |
| <b>Planning Services</b>   |  |
| 1. The project approval becomes effective fourteen (14) days following the Planning Commission approval unless prior to the time, an appeal to the decision is filed as set forth in Section 9-1.111(b) of the Zoning Ordinance.   | <b>Ongoing</b>   |
| 2. Approval of this Tentative Parcel Map shall be valid for a period of twenty-four (24) months from the date of City Council action, consistent with Section 66452.6(a)(1) of the California Subdivision Map Act.   | <b>FM</b>  |
| 3. The approved Tentative Parcel Map may be extended consistent with Section 66452.6(e) of the California Subdivision Map Act. Any requested map extension shall be consistent with Section 11-4.23 of the Atascadero Municipal Code.  | <b>FM</b>  |
| 4. The Community Development Department shall have the authority to approve minor changes to the project that (1) result in a superior site design or appearance, and/or (2) address a construction design issue that is not substantive to the Tentative Parcel Map.                        | <b>FM</b>  |
| 5. The Subdivider shall defend, indemnify, and hold harmless the City of Atascadero or its agents, officers, and employees against any claim or action brought to challenge an approval by the City, or any of its entities, concerning the subdivision.                                     | <b>Ongoing</b>   |
| 6. The Subdivider shall pay all applicable Quimby Act fees to the City in accordance with the fee schedule and policies in effect at the time of subsequent applications.  | <b>FM</b>  |
| <b>Engineering</b>   |  |
| 7. Documents that the City of Atascadero requires to be recorded concurrently with the Map (e.g.: easements not shown on the map, common driveway agreements, etc.) shall be listed on the certificate sheet of the map.   | <b>FM</b>  |
| 8. The City of Atascadero may require an additional map sheet for information purposes in accordance with the Subdivision Map Act.   | <b>FM</b>  |
| 9. Easements that are not intended to continue in perpetuity shall not be shown on the Parcel Map and shall be recorded by separate instrument.  | <b>FM</b>  |
| 10. The Parcel Map shall include a new right-of-way dedication to the public for the constructed portion of Ramona Road right-of-way to the satisfaction of the City Engineer.   | <b>FM</b>  |
| 11. The new right-of-way alignment within the subject property shall be a minimum of 40-feet in width and shall provide sufficient space to allow for a future road shoulder, four feet wide from the edge of pavement, to the extent feasible and to the satisfaction of the City Engineer. | <b>FM</b>  |
| 12. The Subdivider shall be responsible for the placement of monuments in accordance with City Standards, to the satisfaction of the City Engineer. Type and placement of monuments shall be determined by the City Engineer.  | <b>FM</b>  |
| 13. The new right-of-way shall be offered to the public in perpetuity.   | <b>FM</b>  |

ITEM NUMBER:  
DATE:  
ATTACHMENT:

C-1  
12/08/20  
1A

| Conditions of Approval   | Timing   |
|--|--|
| <b><i>Tentative Parcel Map</i></b><br><b>2930 and 2945 Ramona Road</b><br><b>SBDV 20-0047 / AT 20-0013</b>   | BL: Business License<br>FM: Final Map<br>GP: Grading Permit<br>BP: Building Permit<br>FI: Final Inspection<br>TO: Temporary Occupancy<br>FO: Final Occupancy |
| 14. The right-of-way abandonment shall be perfected upon recordation of the Parcel Map.  | <b>FM</b>  |
| 15. Prior to recording the Map, the Applicant shall have the map reviewed by the public utility providers for power, telephone, gas, cable TV, and the Atascadero Mutual Water Company. The Applicant shall obtain a letter from each utility company stating that the easements and rights-of-way shown on the map for public utility purposes are acceptable | <b>FM</b>  |

ITEM NUMBER:

C-1

DATE:

12/08/20

ATTACHMENT:

1B

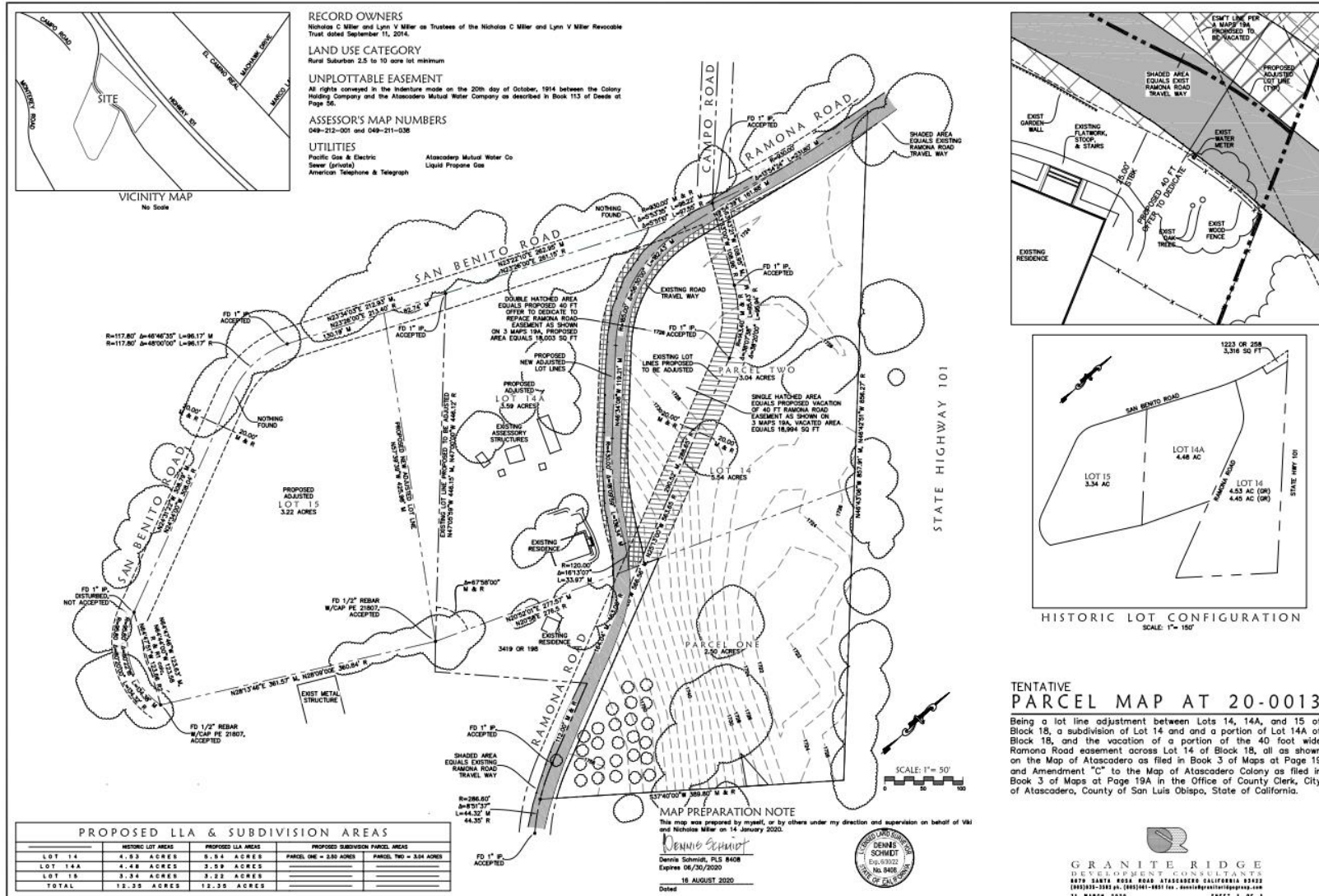
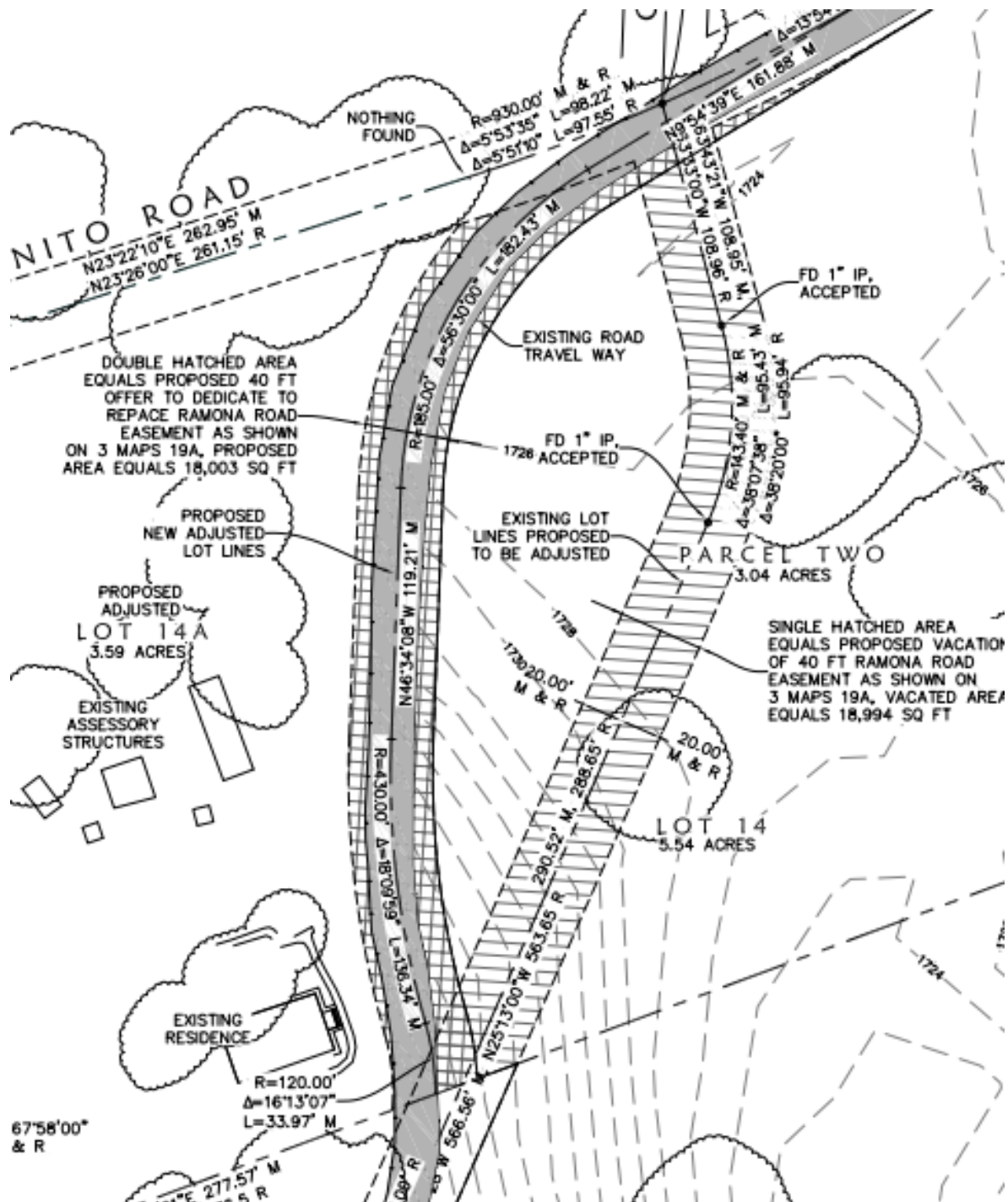
**Exhibit B: AT 20-0013**

Exhibit C: Road Abandonment Detail





# ***Atascadero City Council***

## ***Staff Report – Public Works Department***

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### **2021 Community Development Block Grant Draft Recommendations**

#### **RECOMMENDATION:**

Council develop and adopt draft recommendations for the 2021 Community Development Block Grant (CDBG) funds.

#### **DISCUSSION:**

##### Background

The 2021 CDBG award process began in the fall of 2020. Workshops were held throughout the County to solicit public comment on community needs. The County published a request for CDBG proposals and the City received nine applications. Total available funding for the 2021 cycle, based on previous levels, is anticipated to be approximately \$144,792. Final funding amounts are anticipated to be released by the Department of Housing and Community Development (HUD) in spring 2021.

CDBG funds are available for community development activities, which meet at least one of the three national objectives:

1. A benefit to low and moderate-income persons;
2. Aid in the prevention or elimination of blight;
3. Address urgent needs that pose a serious and immediate threat to the health or welfare of the community.

In order for a program to qualify under the low and moderate income objective, at least 51% of the persons benefiting from the project or program must earn no more than 80% of the area median. Additionally, at least 70% of the CDBG funds must be spent toward this objective.

There is a minimum award threshold of \$8,000 per project, meaning the City can only allocate less than \$8,000 for a particular public service activity if another agency in the County commits to programming the remainder to equal a Countywide cumulative total of at least \$8,000. This will apply to the 2021 application from the 5 Cities Homeless Coalition for \$2,200 and CASA's application for \$2,500.

The following criteria should also be used to guide selection of CDBG programs:

1. The proposal is consistent with the national objectives and eligibility criteria of the HUD CDBG program;
2. The proposal is consistent with the Urban County Consolidated Plan;
3. The proposal is consistent with the General Plan and other City codes/ordinances.
4. The proposal will achieve multiple community development objectives;
5. The proposal can be implemented in a timely manner, without significant environmental, policy, procedural, legal, or fiscal obstacles to overcome; and
6. The project is not financially feasible without CDBG funding.

### Analysis

The City received the following applications for the 2021 funding cycle:

|  |                  |
|--|------------------|
| <b>Public Facilities (PF) and Housing Projects (HP) – Estimated 2021 Allocation \$94,115</b>           |                  |
| City of Atascadero – <i>Viejo Camino (PF)</i>  | \$110,000        |
| Family Care Network, Inc. – <i>Sombrilla Transitional Housing (PF)</i>                                 | 35,000           |
| Peoples' Self Help Housing – <i>Del Rio Ridge (HP)</i>   | 144,792          |
| The Salvation Army – <i>Permanent Supportive Housing II (HP/PF)</i>                                    | TBD              |
| <b>Public Services – Limited to 15% of 2021 Allocation (\$21,719)</b>                                  |                  |
| City of Atascadero – <i>Youth Activity Scholarships</i>  | 12,500           |
| El Camino Homeless Organization (ECHO) – <i>Operation of Homeless Shelter</i>                          | 13,000           |
| Court Appointed Special Advocates– <i>Foster Child Intervention to Avert Homelessness</i>              | 2,500            |
| 5 Cities Homeless Coalition – <i>Subsistence Payments, Homeless Assistance &amp; Security Deposits</i> | 2,200            |
| Peoples' Self Help Housing – <i>Supportive Housing Program</i>   | 14,825           |
| <b>Administration – Limited to 20% of 2021 Allocation (\$28,958)</b>                                   |                  |
| City Program Administration Costs  | 10,135           |
| County Program Administration Costs  | 18,823           |
| <b>Total Funds Requested</b>   | <b>\$363,775</b> |

Atascadero received four applications for Public Facilities/Housing Projects totaling \$289,792, which exceeds the estimated allocation of \$94,115 by \$195,677. There are five applicants for public services funding with the requests totaling \$45,025, exceeding the estimated public service allocation of \$21,719 by \$23,306. As part of the CDBG process, Council must develop a draft recommendation for the 2021 grant year that meets the funding criteria while adhering to the categorical limits.

Upon approval, the draft funding recommendations will be forwarded to the County for publishing along with recommendations from all participating agencies. A minimum of 30 days after publication, a second workshop will be held to allow questions from applicants regarding the draft recommendations, after which the draft allocations will be forwarded to City Council, with comments from the workshop, for final approval and forwarded to the County Board of Supervisors. The following is a brief explanation of the funding groups and applications within each:

**PUBLIC FACILITIES (PF) & HOUSING PROJECTS (HP) 2021 Funds Available: \$94,115**

*Public Facilities are defined as activities relating to real property, including the acquisition, construction, rehabilitation or installation of public improvements.*

City of Atascadero – Viejo Camino Barrier Removal Project (PF)

Funds Requested: \$110,000

The project consists of approximately 450 linear feet of sidewalk, curb and gutter infill at two locations on Viejo Camino between El Camino Real and Halcon Road. The sidewalk infill will provide connection to a regional bus stop, and will provide a new bench and shelter for riders.

1. Location 1 proposes approximately 300 linear feet of 5' wide concrete sidewalk, curb and gutter, and a bus pullout, bench and cover. Improvements would be built along the edge of the existing roadway on what is currently a dirt shoulder.
2. Location 2 proposes to construct approximately 150 linear feet of 5' wide concrete walkway connecting the existing sidewalk on the eastern edge of Viejo Camino with the parking lot and walkway surrounding Paloma Park.

Family Care Network, Inc.(FCNI) – Sombrilla Transitional Housing (HP)

Funds Requested: \$35,000

Sombrilla Transitional Housing is a four-unit complex constructed in the 1970's with little to no improvements made in kitchens and bathrooms since construction. The property is operated under a contract between FCNI and the San Luis Obispo County Department of Social Services, which provides for only immediate maintenance needs and deficiencies that affect the safety of tenants. The top priority is the replacement of cabinetry in kitchens and bathrooms that have exceeded their useful life, and the replacement of countertops and flooring that are well worn and out of date. Associated flooring and fixtures will be replaced as needed with durable products to reduce future maintenance costs. The updates will ensure the units remain available for homeless families in the future.

(FCNI also requested \$35,000 from SLO County in Title 29 funds – only one award needed)

Peoples' Self Help Housing (PSHH) – Del Rio Ridge (HP)

Funds Requested: \$144,792

PSHH is proposing to develop an affordable multi-family residential apartment project on a 1.95-acre project site located east of Highway 101 and accessed off El Camino Real (2455 El Camino Real / APN 049-151-056) in Atascadero. The project will provide 42 units, which will be 100% affordable. The apartments will range from 1, 2, and 3 bedroom units. The project will target income levels of extremely low, to low income.



Amenities would include a 3,865 square foot community room with a kitchen, multipurpose room, laundry facilities, restrooms, and office space for the onsite manager and resident supportive services. Other amenities will include a courtyard with children's play equipment and a basketball court.

CDBG funds will be used for property acquisition. The City of Atascadero has committed \$400,000 in In-lieu funds and PSHH is working with the Housing Trust Fund to secure an additional \$1,000,000 toward the project. The total project budget is \$15,025,560.

The Salvation Army (TSA) – Permanent Supportive Housing II (HP/PF)  
Funds Requested: \$TBD

CDBG funding will be used for the acquisition of a four-unit permanent supportive housing program for homeless single adults who require long-term support to avoid returning to homelessness. In the 2020 CDBG grant year, San Luis Obispo County approved a similar TSA project, awarding \$247,380 for the acquisition of property. The 2021 project would purchase another house creating four more units of permanent supportive housing, for a total of eight housing units.

The primary use of CDBG funds would be the purchase of a house priced at approximately \$600,000. Other activities, for both houses, would consist of hiring a Project Coordinator, publicizing the availability of the houses, accepting residents and operating each house as supportive housing for residents.

TSA submitted 2021 CDBG applications to San Luis Obispo County, Arroyo Grande, Atascadero, Morro Bay, Paso Robles, Pismo Beach, and the City of San Luis Obispo for a cumulative request of \$300,000 for a portion of acquisition costs. TSA has secured a private donation match up to \$300,000 for property acquisition, upon CDBG grant approval. Additional funding of \$50,000 is available through a private donation to cover various costs to bring the house "on-line" (e.g., closing costs, minor rehabilitation if needed, furniture, etc.).

(Per County staff, TSA doesn't have the funding or resources to provide oversight of this project)

**PUBLIC SERVICES – (15% cap)**

**2021 Funds Available: \$21,719**

*CDBG regulations allow for a wide range of public service activities, including, but not limited to: employment services, crime prevention, childcare, health services, substance abuse services, fair housing counseling and recreational services.*

City of Atascadero – Youth Activity Scholarship Fund  
Funds Requested: \$12,500

The City administers the Youth Activity Scholarship Fund to allow the children of very low and low-income families to participate in recreational and social activities, to keep children active and engaged. Because this program is limited to very-low and low-income families, the benefit criteria will be met.

Every youth serving organization in Atascadero has received requests for assistance in paying registrations or enrollment fees for their activities. Many families are unable to afford fees that usually range from \$35 per child to \$300 per child. Applications have grown dramatically over the past several years, but the need has been more acute in the last couple of years. These children would not be able to participate in the activities that promote self-esteem, feelings of community, friendships, health, etc. if they are not provided with financial aid.

El Camino Homeless Organization (ECHO) – Operation of Homeless Shelter and Meals  
Funds Requested: \$13,000

El Camino Homeless Organization maintains 50 emergency and transitional shelter beds, housing 200 adults and children each year from throughout San Luis Obispo County. ECHO is now a 24/7 shelter, accessible to residents during daytime hours to shelter in place during the pandemic while conducting job and housing searches. This also allows children at the shelter to participate in remote schooling. In addition to the physical shelter, staff provides the case management and supportive services needed for clients to increase their income and secure permanent housing.

This project will provide funding to maintain ECHO's daily operations. Due to the pandemic, ECHO's community dinner program changed to a "to-go" meal and the shower program for unsheltered homeless residents has been expanded to five days per week. ECHO worked with the County and cities to ensure safety at the shelter and plan for possible outbreaks, while expanding local services for the unsheltered homeless population. The goal of the project is to continue to house at least 110 people in ECHO's Atascadero transitional/emergency shelter (more if COVID-19 restrictions are lifted) and to provide outreach from the shelter to 235 unsheltered homeless annually through the dinner meal and shower program.

The shelter operates 365 days/year, 24 hours a day, providing a safe space for residents with electricity, heat, water, and sewer. This is especially critical during the pandemic, with increased demands for a place to stay clean and sheltered.

ECHO is taking over the operation of a warming shelter in Atascadero that will serve approximately 45 people this winter during the pandemic and potentially more each season once pandemic health restrictions end.

Peoples' Self Help Housing (PSHH) – SLO County Supportive Housing Program  
Funds Requested: \$14,825

PSHH will provide clinical social services and case management through the San Luis Obispo County Supportive Housing Program (SHP), developing personalized wrap-around services for those living at PSHH's 26 affordable, sliding-scale rental properties in the County. Most households are certified as very-low-income at time of move-in, meaning they earn 50% or less of Area Median Income. Free confidential services are provided by licensed and associate clinical social workers with a master's degree in social services. Throughout the pandemic, SHP has helped residents find resources to offset the COVID-19 health and economic impacts on low-income and Hispanic households.

PSHH will provide continued services at PSHH properties throughout San Luis Obispo County, including COVID-19 Wellness Checkups. SHP will serve approximately 609 households through over 3,500 hours of clinical social work and case management.

Court Appointed Special Advocates (CASA) of SLO – Foster Child Intervention to Avert Homelessness

Funds Requested: \$2,500

Project funding will be used to recruit, train, and supervise lay people from the community who volunteer to advocate for an abused child, one on one, until the child is reunified with parents or otherwise finds a permanent placement. A CASA volunteer remains connected to the child through the changing of home placements or schools. Each volunteer relies upon a paid CASA Advocate Supervisor for professional guidance in navigating the terminology, legal proceedings, educational rights, social service systems, and resources of the child welfare system.

When a child enters the court's care, they are typically assigned to CASA at the same moment. When an appropriate volunteer is available, the judge assigns the volunteer to immediately begin reviewing all available information concerning that child (court documents, medical & educational files, and reports from therapists, social workers & law enforcement). In addition to visiting the child weekly (virtually during a pandemic), the CASA volunteer consults regularly with everyone associated with the child: teachers, doctors, dentists, attorneys, foster parents, and group home personnel. The CASA volunteer also attends meetings at the child's school. In 2019, CASA volunteers devoted 32,318 hours to SLO children. CASA delivers individual, focused, long-term attention to a child in the court's care.

5 Cities Homeless Coalition (5CHC) – Subsistence Payments, Homeless Assistance & Security Deposits

Funds Requested: \$2,200

This program provides emergency subsistence and deposit payments, with case management services. These emergency subsistence payments (rental assistance) and deposits will be provided for those who are homeless or at risk of becoming homeless. Services assist the homeless and those at risk of homelessness to develop a housing stability plan, and provide short-term emergency homeless prevention rental assistance or move-in deposits.

This program will be augmented by other services also provided by 5CHC, including benefits determination and streamlining access, client resource center (mailing address, computer access, printer, phone, internet), transportation and utilities assistance, family reunification opportunities, and documentation assistance.

The investment in housing subsidies for deposit, and rent for eviction prevention addresses the challenges of homelessness, and preventing homelessness.

**ADMINISTRATION** – (20% cap)

**2021 Funds Available: \$28,958**

City of Atascadero – CDBG Program Administration- (7% cap)

Allocated Funds: \$10,135

Significant City staff time from Public Works and Administrative Services is required for CDBG administration, and coordination with County Planning staff. The City's administrative portion of the funding cannot exceed 7%, or \$10,135 of the total administrative grant amount.

If administration costs exceed the funding allocation, the remaining cost of administering the program will need to be paid from the general fund.

County of San Luis Obispo – CDBG Program Administration- (13% cap)

Allocated Funds: \$18,823

Due to the complexity of grant administration responsibilities and the consequences of non-compliance, HUD recommends that the County provide all monitoring and oversight for all CDBG grants. The County assumes the duties of project oversight, and receives a required 13% of the total grant funds for administration services for Atascadero in the amount of \$18,823.

Conclusion

The City received funding requests for approximately \$218,983 (this does not include TSA amount) more than the anticipated 2021 available CDBG funding. In addition, there are limits related to categories of funding for Public Services and Administration. As part of the CDBG process, Council must develop a draft recommendation for the 2021 grant year that meets the funding criteria while adhering to the category limits. A final recommendation will be made by Council in March 2021.

**FISCAL IMPACT:**

Approval of Atascadero's total 2021 CDBG allocation would result in the estimated revenue and expenditure of \$144,792 of CDBG funds.

**ALTERNATIVES:**

CDBG allocation awards must meet program requirements, providing a minimum of 70% of funding to benefit low- and moderate-income persons, and no more than 15% may be allocated to the public service category.

**ATTACHMENTS:**

None.

A complete packet of submitted applications is available for public review at the City of Atascadero, Public Works Department, 6500 Palma Avenue.



# ***Atascadero City Council***

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## ***Staff Report - City Manager's Office***

### **Confirm the Appointment of Police Chief**

#### **RECOMMENDATION:**

Council concur and confirm the appointment of Robert (Bob) Masterson as Atascadero's new Police Chief.

#### **DISCUSSION:**

With the retirement of former Police Chief Jerel Haley in October, the position of Police Chief was left temporarily vacant. After Chief Haley's retirement was announced earlier this year, the City began a nationwide recruitment process to locate a highly qualified law enforcement candidate to fill the position. The process included the thorough review of numerous applications, an extensive interview panel process as well as in-depth background and reference checks. Upon the conclusion of that recruitment process and after thorough review, Robert (Bob) Masterson, who currently serves as Police Chief for King City, was selected to fill the vacant position.

Per the Atascadero Municipal Code:

"The City Manager shall be the appointing authority for all officers and employees of the City except elective officers, the City Attorney, and persons appointed by the City Council to the Planning Commission or other boards, commissions and committees who are not salaried regular employees of the City. Appointment to department head positions shall be submitted to the City Council for concurrence and confirmation. (Ord. 24 § 2-2.08, 1980)

Chief Masterson is a professionally recognized police executive with experience spanning over 34 years in small and mid-sized law enforcement agencies. He has organizational leadership experience and a proven community outreach background that are both key to success in the Chief's role. His experience also demonstrates a history of building community relationships and business partnerships to foster trust and cooperation between the members of the department and the community.

Chief Masterson began his law enforcement career with the Tulare County Sheriff's Department, where he was hired in 1986 to serve as a Deputy Trainee and progressed through the ranks to the position of Police Lieutenant. While in his tenure to that department, he served key roles including that of detective, internal affairs sergeant and leader of the gang suppression unit.

After leaving the Tulare County Sheriff's Department, Masterson served as director of a faith-based non-profit organization that provides gang prevention and other services to at-risk youth, and was Chief of Police for the College of Sequoias Community College District, receiving their Administrator of the Year Award.

Chief Masterson has served as Police Chief for King City since 2016, where he has played an integral role in that city's Comprehensive Plan to End Youth Violence with highly dramatic results, helping to reduce gang violence and improve crime statistics by a tremendous measure. In addition, he has successfully guided advancements in the King City Police Department, greatly improving community relations as well as department morale and turning it from dysfunction into the professional organization it is today. Chief Masterson has received high marks from city management for his tremendous performance and achievements within the department, their community and the city, in addition to receiving a Congressional Commendation Letter for violent crime reduction in King City, together with State Assembly and Senate letters of commendation for milestone achievement in King City.

## **FISCAL IMPACT:**

The Police Chief's monthly salary of \$13,466.96 at Step E is included in the Police Department budget for fiscal year 2020-2021.

## **ATTACHMENTS:**

1. Bob Masterson Resume
2. Draft Chief of Police Employment Agreement

## ***Robert E. Masterson***

**Professionally recognized, successful police executive with over 34 years of widely varied experience in small and mid-sized agencies. A proven track record in organizational leadership and development of community outreach programs with strong traits in ethics and integrity.**

### **PROFESSIONAL EXPERIENCE**

#### **King City July 2016- Present**

##### **Chief of Police**

- Successfully leading 21 member police department (17 sworn)
- Developed, implemented, and completed a three-year strategic plan resulting in the significant reduction of violent crime
- Established Monterey South County Major Crimes Collaborative Investigations Unit
- Established Police Chiefs Advisory Committee
- Introduced Community Oriented Policing
- Significantly increased department morale resulting in the ability to maintain full staffing and decrease turnover
- Maintained and enhanced services through deficit budget years
- Improved department relations with community & civil rights groups
- Established Youth Diversion Program
- Significantly improved press relations with the department
- Researched and implemented new technology for the department such as the first weapons mounted camera system implemented in a California agency
- Established Community Police Academy
- Maintain professional working relationship with the City Manager, City Council and community groups

#### **College of the Sequoias Community College District July 2008- July 2016**

##### **Chief of District Police**

- Oversaw, planned, and coordinated district wide Law Enforcement and Parking Services. District campuses covered area in two counties and three cities.
- Planned and implemented the public safety for the three sites of the district to ensure the safety and protection of the public and protection of assets
- Liaison between the district and allied agencies to include local, state and federal law enforcement.
- Developed, implemented and administered memorandum of understandings for mutual aide with local and state governments.
- Oversaw the collection of crime statistics for the purpose of deployment of staff and for the purpose of preparing state and federal reports to Department of Justice and Department of Education.

#### **Reaching Youth (Non-Profit) January 2007- June 2008**

##### **Executive Director**

- Assured that the organization had a long-range strategy to achieve its mission.
- Provided leadership in developing program, organizational and financial plans with the Board of Directors and staff.
- Maintained official records and documents, and ensured compliance with federal, state and local regulations.

- Maintained a working knowledge of significant developments and trends in the field.
- Ensured that the board was kept fully informed on the condition of the organization and important factors influencing it.
- Developed and maintained sound financial practices.
- Created programs and activities for at risk youth in Visalia to guide them into positive life choices

## **Tulare County Sheriff's Department December 1986-January 2007**

### **Lieutenant 2001-2007**

#### *Court Services Commander*

- Wrote accepted contract between the Tulare County Sheriff's Department and the State of California Superior Court
- Managed \$3.7 million budget for Court Security
- Managed Sheriff's Civil Division and Transportation Unit
- Oversaw 65 Line staff and 6 supervisory positions

#### *Men's Correction Facility Commander*

- Oversaw 52 Line staff and 8 supervisory positions
- Managed Residence Substance Abuse Treatment Program
- Managed Day Report/ Work Alternative Program

#### *Porterville Sub-station Commander*

- Oversaw 45 Line staff and 5 supervisory positions
- Liaison for Sheriff's Department and 4 allied agencies
- Managed 3 contracts for services with US Parks Service and Army Corps of Engineers, maintaining compliance with each contract and services

#### *Street Crimes Investigations Commander*

- Oversaw 23 line staff and 4 supervisory positions
- Special Weapons and Tactics Commander
- Managed 3 Federal grants and 2 State grants
- Oversaw Rural Crimes Task Force, Gang Suppression Unit and Marijuana Suppression Eradication

### **Sergeant 1998-2001**

#### *Internal Affairs*

- Investigated citizen's complaints regarding staff
- Investigated alleged policy violations by Sheriff Department staff
- Assisted County Counsel with all claims and lawsuits against Sheriff's Department staff
- Tracked all traffic accidents and conducted Collision Committee Meetings

#### *Main Jail*

- Supervised daily shift activity
- Maintained daily count in compliance with court order
- Trained and supervised new staff
- Maintained and managed shift schedule for entire facility
- Developed Millennium Disaster plan for Main Jail

### **Deputy Sheriff**

- Detectives 1996-1998
- Swat Team Leader 1997/1998
- Field Training Officer 1993-1996
- Patrol Deputy 1989-1993
- Jail Deputy/ Deputy Trainee 1986-1993

## **ADDITIONAL RESPONSIBILITIES**

- Search and Rescue Sergeant/Lieutenant 1997-2007
- Law Enforcement Memorial Committee
- Established Baker to Vegas Relay Race Team 1996/Team Captain 1996/1997



### **AWARDS AND COMMENDATIONS**

- Congressional Commendation Letter for violent crime reduction in King City
- State Assembly and Senate letters of commendation for milestone achievement in criminal shootings in King City
- College of Sequoias Administrator of the Year Award 2016

### **EDUCATION:**

- Bachelor of Science, Criminal Justice Management  
Union Institute and University

### **CERTIFICATES**

- Executive Certificate California Peace Officer Standards and Training
- Management Certificate California Peace Officer Standards and Training
- Supervisory Certificate California Peace Officer Standards and Training
- Advanced Certificate California Peace Officer Standards and Training
- Intermediate Certificate California Peace Officer Standards and Training
- Basic Certificate California Peace Officer Standards and Training

### **PROFESSIONAL AFFILIATIONS**

- Current Board Member Pro-Youth
- California Police Chiefs Association
- Monterey County Chief Law Enforcement Officers Association
- Monterey County Communications Operations Board Member
- Monterey County Community Corrections Board AB 109 Oversight
- Member King City Homeless Coalition
- Past President Tulare County Chiefs Association
- Past Board Member, Visalia Emergency Aid
- Past Homeland Security Grant representative for Tulare County Chiefs Association
- Past Area Representative for Community Colleges and University Police Chiefs Association
- Past President of Fellowship of Christian Peace Officers, Visalia Chapter
- Past Member Tulare Regional Auto Theft Taskforce (TRATT) Oversight Board Member
- Founder and Past Coordinator for Tulare County Chiefs Law Enforcement Critical Incident Stress Management Team
- Past board member Visalia Emergency Aide
- Past member Tulare County Gang Task Force Oversight

### **DOCUMENTATION AND REFERENCES**

Documentation and references for all assignments and accomplishments as well as personal and professional references available upon request

## EMPLOYMENT AGREEMENT

**THIS AGREEMENT**, (hereinafter referred to as the "Agreement") is made and entered into the XXth day of \_\_\_\_\_, 2020, by and between the City of Atascadero, County of San Luis Obispo, State of California, a municipal corporation (hereinafter referred to as the "City") and Robert (Bob) Masterson (hereinafter referred to as "Masterson").

### **SECTION 1 EMPLOYMENT**

- A. The City agrees to and shall employ Masterson as the Chief of Police of the City of Atascadero. Masterson agrees to perform the functions and duties of the position of Chief of Police of the City of Atascadero as described by state law, the Municipal Code of the City of Atascadero, the job description of the position of Chief of Police as developed by the City Manager of the City, and all other duties and functions as the City Manager of the City shall from time to time assign.
- B. Masterson agrees to perform all such functions and duties to the best of his abilities and in a competent and efficient manner. Masterson agrees to focus his full professional time, ability, and attention to City business during the term of this Agreement and agrees not to engage in any other business pursuits whatsoever or, directly or indirectly, render any services of a business, commercial or professional nature to any other person or organization, whether for compensation or otherwise, without the prior written consent of the City Manager.
- C. It is recognized that the Chief of Police is expected to engage in the hours of work that are necessary to fulfill the obligations of the position, must be available at all times, and must devote significant time outside normal hours to the business of the City. Masterson will generally be required to work a 9/80 work schedule, subject to change at the City Manager's discretion and/or based on operational needs of the department. Masterson acknowledges that proper performance of the duties of Chief of Police will also often require the performance of necessary services outside of normal business hours. Masterson shall be generally required to have an onsite presence at the City's Police Department Headquarters, Police Stations and/or City Hall in order to fulfill the duties and obligations of the position as determined by the City Manager.
- D. Masterson's compensation (whether salary or benefits) is not based on hours worked. The Chief of Police position remains an "exempt" classification under the overtime provisions of the federal Fair Labor Standards Act ("FLSA") and Masterson shall not be entitled to any overtime compensation nor subject to the overtime provisions of the FLSA.
- E. The Chief of Police position is exempt from competitive service pursuant to Atascadero Municipal Code, Title 2, Chapter 2, Section 2.2.05(a).

## **SECTION 2 TERM**

- A. The Chief of Police position is considered at-will and Masterson shall serve at the will and pleasure of the City Manager, subject to the termination provisions set forth in Section 3. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the City Manager to terminate the employment of Masterson at any time and for any reason, or for no reason, subject only to the provisions specified in Section 3 of this Agreement. Masterson understands and agrees that he has no property or other interest in continued employment as Chief of Police. However, nothing in this Agreement is intended to conflict with or limit Masterson's rights relating to termination of Police Chiefs under the Public Safety Officers Procedural Bill of Rights ("POBOR") or as otherwise required under governing law.
- B. This Agreement shall become effective on \_\_\_\_\_ XX, 2020, and unless otherwise terminated under the provisions of Section 3, shall remain in effect indefinitely.
- C. Nothing in this Section shall or is intended to prevent, limit, or otherwise interfere with the right of the City or Masterson to terminate the employment of Masterson at any time during the duration of this Agreement, in accordance with Section 3 of this Agreement.

## **SECTION 3 TERMINATION**

- A. The City Manager may terminate Masterson's employment at any time without cause, for any reason, or for no reason, with the concurrence and confirmation of the City Council pursuant to Atascadero Municipal Code, Title 2, Chapter 11, Section 2-11.01. In the event that Masterson is terminated by the City without cause, and Masterson is otherwise ready, willing, and able to perform his duties under this Agreement, the City shall pay Masterson severance compensation equal to six (6) months of salary and benefits, pursuant to Paragraph E, below. In consideration of this severance payment, Masterson agrees that he shall not be entitled to any other payment or compensation of any kind from the City in connection with the termination of his employment.
- B. Masterson may terminate his employment at any time for any reason by providing 90 days prior written notice to the City Manager. In the event that Masterson provides such written notice, he shall be entitled to receive at the termination of this employment only such accrued unused leave and other such benefits as may be due and payable under applicable City rule, regulation or policy, and/or under applicable local, state or federal law. Masterson shall not, however, be entitled to any severance pay or other compensation at the termination of his employment. During the period subsequent to Masterson's submission of his notice terminating his employment, he shall continue to perform his duties as Chief of Police pursuant to this Agreement unless removed from those duties and/or terminated by the City Manager pursuant to the terms of this Agreement. However, in the event that Masterson is then removed from those duties and/or terminated by the City, Masterson shall continue to receive compensation in the form of salary and benefits

through the completion of the 90 (ninety) day notice period.

- C. The City Manager may terminate Masterson's employment for cause with the concurrence and confirmation of the City Council pursuant to Atascadero Municipal Code, Title 2, Chapter 11, Section 2-11.01. Cause shall include, but is not be limited to, material breach of this Agreement or the duties set forth herein; conviction or a felony or crime of moral turpitude; conduct unbecoming or tending to bring embarrassment or disrepute to the City and/or Police Department; abuse of power or position, as defined in Government Code Section 53243.4; dishonesty; repeated or protracted unauthorized absences; engaging in prohibited harassment, discrimination, or retaliation; uncorrected drug or alcohol abuse; violation of City rules, regulations, or policies; engaging in a prohibited conflict of interest; misuse of public funds; and/or any other misfeasance or conduct incompatible with the position of Chief of Police.
- D. In the event that Masterson is terminated by the City Manager, with or without cause,, Masterson shall be entitled to prior written notification of the reason(s) for the termination, the facts upon which such reason(s) are based, copies of all supporting evidence and investigations regarding the facts and reason(s) for the termination, and the right to respond, orally or in writing or both, to the City Manager within five (5) working days of receipt of the notice of such termination. Furthermore, if requested by Masterson, Masterson shall have the right to a hearing before the City of Atascadero City Council which shall be a hearing de novo. . In the event a decision to terminate without cause is upheld by the City Council, Masterson shall be entitled to severance pay, as set forth in Paragraphs A and E. In the event a decision to terminate for cause is upheld by the City Council, Masterson shall not be entitled to any severance pay, other than the payment of accrued unused vacation leave.
- E. As a condition for the payment of any severance provided in this Section, Masterson will, pursuant to a separate Severance Agreement:
1. Release and discharge the City and its elected officials, appointed officers, employees, attorneys, or agents, both past and present, from any and all personal claims, demands, actions, causes of action, obligations, damages, liabilities, losses, costs and expenses, including attorney's fees, of any kind or nature whatsoever, past, present and future, arising from or related to Masterson's employment with the City (collectively, the "Released Matters"); and;
  2. Execute a waiver pursuant to California Civil Code § 1542 which currently states: "A general release does not extend to the claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party."
- F. The City Manager and/or Masterson may terminate this Agreement in the event that Masterson has been unable to perform the essential functions of his position due to

disability for a period of three (3) months and after engaging in a good faith interactive process.

1. A determination that Masterson is permanently disabled shall be made by the City Manager based upon competent medical evidence and evaluation and in accord with the applicable state and federal laws pertaining to the protection of disabled persons.
  2. In the event it is determined by the City Manager that a question exists as to Masterson's ability to perform the essential functions of his position due to a mental or physical condition, based upon objective facts and/or medical reporting provided to the City, the City Manager may require Masterson to undergo a fitness for duty examination. Masterson will cooperate in the fitness for duty process and will execute all necessary authorizations for release of medical information necessary to ensure a comprehensive and objective fitness for duty examination. Any such evaluation is to be conducted, at the City's expense, by a healthcare provider selected by the City, consistent with all governing law and regulations.
- G. In the event Masterson is convicted of a crime involving an abuse of his office or position as defined in California Government Code section 53243.4, Masterson shall be required to fully reimburse the City in accordance with California Government Code sections 53243, 53243.1, and/or 53243.2.

#### **SECTION 4 COMPENSATION AND BENEFITS**

- A. Effective upon the commencement of this Agreement, the City shall pay to Masterson a base salary within salary range PC59 at step "E". This salary shall be paid on a pro rata basis in regular installments pursuant to the City's normal payroll procedures. Masterson shall be eligible for step advancements in accordance with Atascadero Personnel System Rules Section 4.3.
- B. The City Manager may set forth annually in writing certain goals consisting of duties and responsibilities above and beyond Masterson's ordinary duties and responsibilities. In the event that Masterson achieves such goals, he may be entitled to receive other compensation in addition to his regular salary and benefits. The City Manager shall set forth the amount of additional compensation to which Masterson would be entitled in the same writing setting forth the annual goals. Any such additional compensation will be at the discretion of the City Manager with the approval of the City Council if necessary.
- C. The City shall deduct or withhold from Masterson's salary any and all sums as Masterson may from time to time direct, or as required by law, including, but not limited to, sums for the payment of federal, state and/or local income taxes and retirement or pension plans.
- D. In addition to the compensation set forth in Sub-Section A above, Masterson shall be entitled to receive the same benefits as are accorded all other executive

management employees as set forth in the governing Resolution adopted by the City Council each year, and which may be modified or revised from time to time, , except as herein provided:

1. In addition to the vacation leave granted to all other executive management employees as outlined in the Resolution governing compensation for executive management, which may be modified or revised from time to time, Masterson shall be granted an additional 1.54 hours per pay period; however in no instance shall Masterson receive more vacation than that granted to an employee upon completing 20 years of service to the City as outlined in the Resolution governing compensation for executive management.
  2. The City shall permit Masterson to attend, at City expense, a reasonable number of local, state, and national conferences relevant to his duties as the Chief of Police with the approval of the City Manager.
- E. In its sole discretion, the City may increase Masterson's base salary and/or other benefits beyond those set forth in this Agreement in such amounts and/or to such an extent as may be recommended by the City Manager on the basis of a salary review. Any such increases shall be subject to the approval of the City of Atascadero City Council as required.
- F. The City shall provide Masterson with an automobile to be used for City business. The Chief of Police is on call 24 hours per day and as such is provided a take home vehicle equipped with emergency equipment and a radio to be able to respond to an emergency situation as per IRS Code 1.274-5T (k) (1)-(8). Due to the nature of Masterson's responsibilities as Chief of Police, the City understands and will permit Masterson incidental personal use of this automobile. Personal use of the automobile shall require the approval of the City Manager. Masterson shall be required to adhere to Atascadero Administrative Policy No. 18 - Vehicle Use Policy. Any exceptions to this requirement must be authorized in writing by the City Manager.
- G. The City Manager shall fix any other terms and conditions of employment relating to Masterson's performance as the City Manager may from time to time determine, provided that such other terms and conditions of employment are not contrary to or inconsistent with the terms set forth in this Agreement, the City's rules, regulations and ordinances, local, state and/or federal law.

## **SECTION 5 PERFORMANCE EVALUATION**

- A. The City Manager, with the assistance of Masterson, may define such goals and performance objectives which the City Manager determines necessary for the proper operation of City's Police Department and shall further establish a relative priority among those various goals and objectives. These goals and objectives shall be reduced in writing and should be reasonably attainable within the time limitations specified by the City Manager and in light of the appropriations provided through the annual operating and capital budgets.

- B. The City Manager shall periodically review and evaluate Masterson's performance. This review and evaluation shall take into account any goals that may have been developed by the City Manager, as well as Masterson's performance of other functions and duties. The City Manager shall provide to Masterson a summary written statement of the evaluation and shall provide Masterson with the opportunity to discuss the evaluation with the City Manager.

## **SECTION 6 GENERAL PROVISIONS**

- A. This Agreement constitutes the sole understanding and agreement of the City and Masterson with respect to the matters set forth herein and supersedes any and all prior negotiations, statements, instructions, representations or agreements, whether written or oral.
- B. The parties agree and acknowledge that no representations, inducements, promises or agreements, oral or otherwise, have been made by any party, or by anyone acting on behalf of any party, which are not contained herein and that any agreement, statement or promise not contained in this Agreement shall not be valid or binding on either party.
- C. Any amendment to this Agreement shall be valid only if in writing approved and signed by both parties, unless otherwise specified in this Agreement.
- D. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions shall nevertheless continue in full force and effect.
- E. If any action at law or in equity is necessary to enforce or interpret the terms of this Agreement, the prevailing party shall be entitled to recover reasonable attorney's fees and costs in addition to any other relief to which that party may be entitled.
- F. This Agreement shall be governed by and construed in accordance with the laws of the State of California.
- G. If any provision of this AGREEMENT is held to be invalid and/or unenforceable, the AGREEMENT shall be considered as if the invalid and/or unenforceable portion did not exist, with all remaining portions considered valid and enforceable.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date and year first written above.

**CITY:**

\_\_\_\_\_  
Rachelle Rickard, City Manager

**Masterson:**

\_\_\_\_\_  
Robert Masterson, Chief of Police



# **Atascadero City Council**

## **Staff Report - Community Development Department**

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### **Council Policy Discussion Drive-Through Businesses, Fuel Stations and Other High Traffic Producing Uses**

#### **RECOMMENDATION:**

Council reaffirm the "*Drive-Through Businesses, Fuel Station, and Other High Traffic Producing Uses Policy*" to guide use permit applications and traffic impact fees to ensure orderly development in the City.

#### **DISCUSSION:**

##### Background

On September 24, 2019, the City Council discussed the impacts of vehicle oriented, drive-through business and the existing municipal code sections that regulate these businesses. Council directed staff to draft a Council Policy to guide future development of high traffic volume businesses in the City and the City Council adopted the Policy (Attachment 1). The Policy, which was adopted by the Council on November 26, 2019, placed a "moratorium" on new high traffic generating land uses within the commercial areas served by the Del Rio and San Anselmo Road overpasses at Highway 101, and commercial zones between these locations. The Policy also provided that high traffic generating land uses pay their fair share of traffic fees based on the projected number of vehicle trips rather than their commercial floor area. The City's fee ordinance already allows such a calculation, however, prior to policy adoption, the per-trip fee calculation was rarely utilized.

##### Analysis

The issues identified during discussion at the September 24, 2019 Council meeting were community character, aesthetics, and environmental concerns, particularly traffic impacts. In the City of Atascadero, there are three types of drive-through businesses:

- Food/coffee service
- Banks
- Pharmacies

There are other businesses that simply generate high traffic volumes such as fuel stations and car washes. The fuel services and fast food drive-through services, which are the most common type of drive-through businesses in the City, typically generate the highest



traffic volumes, while banks and pharmacies often have longer wait times and much lower volumes.

The three objectives of the Council Policy were to:

- Activate the City's existing "Alternative Cost Per Single Trip Method" for calculating impact fees. This method allows the City to appropriately mitigate circulation impacts of commercial uses that generate high traffic counts, including drive-through businesses.
- Utilize the City's discretionary conditional use permit and design review processes to responsibly restrict drive-through businesses in the areas near and between Del Rio Road and San Anselmo Road based on potential traffic impacts and the impacts on the goals and orderly development of commercial nodes in the corridor. This area has been identified as a commercial node along the El Camino corridor that features office park, mixed-use, commercial tourist, and experience retail uses. Drive-through businesses, fuel stations, and other high traffic producing uses are considered incompatible with future corridor goals and will reduce the ability of other retail, lodging, or job producing land uses to locate there.
- In order to approve a high traffic volume use within the area outlined in Attachment 1, Exhibit A, the new use must not:
  - a. Generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project.
  - b. Generate a volume of traffic beyond the normal traffic volume of the surrounding neighborhood that would result from full, cumulative development in accordance with the land use element and Del Rio Specific Plan.
  - c. Generate a traffic volume that would be contrary to the anticipated orderly development of the area.

Additionally, all other findings necessary for approval of a conditional use permit will be carefully analyzed in light of the Council's goals of preserving community character and aesthetics, future development of high-quality commercial nodes, and environmental concerns. Since both the San Anselmo and Del Rio Road overpasses and intersections at Highway 101 and El Camino Real are approaching capacity, based on anticipated development, new drive-through land uses are not likely to meet findings.

The higher traffic volume associated with drive-through businesses and fuel stations has a significant impact on the functionality of nearby intersections. This has potentially reduced the opportunity for other commercial business to expand or develop in the City as these intersections near capacity and are failing typical level of service standards. This traffic factor has reduced the amount of floor area that can be dedicated to job or revenue producing commercial uses that may otherwise be located in a commercial node near a highway intersection such as Del Rio Road or San Anselmo Road. Del Rio Road is projected to reach traffic capacity with proposed development in the Specific Plan, while San Anselmo Road is already at capacity and is operating at a poor level of service during

peak traffic times. Additionally, the high traffic demand and previous method of calculating traffic impact fees, has shifted the burden of traffic improvements and impact fees to larger, lower traffic generating land uses such as large office buildings or potential clean industrial sites that could accommodate head of household jobs.

#### Circulation System Impact Fees and the Alternative Cost per Single Trip Method

In order to protect the health, safety, and welfare of the community and to ensure that adequate capital facilities are provided for the residents of the City, assuring new development in the City pays its fair share of the cost of providing these facilities, the City levies Development Impact Fees. A portion of these fees address circulation impacts of new development and the fee is determined based on the type of development (i.e. residential, commercial, office, tourist-commercial lodging, manufacturing/industrial, etc.) In 2006, the City adopted the current Circulation Impact Fees which are based on the estimated trip mile generated by the category of land-use. The fee study used the ITE Trip Calculation Manual to determine an estimated average daily trip. The fee then used factors derived from other studies to determine the percentage of pass-by trips, diverted trips and average trip length to arrive at the trip miles generated by a general category of land-use. The land-use categories generating different trip information for Circulation Fees are as follows:

- Single Family Residential
- High Density Residential
- Mobile Homes (in Mobile Home Park)
- Tourist – Commercial Lodging
- Commercial
- Office
- Manufacturing/Industrial

The land-use categories may include a very broad category of business types. For example, the commercial category would include everything from fast food to small retail, and banks to grocery stores. Because the trip miles generated for a particular business type within the broad category may vary significantly, the adopted fee includes the following clause:

*“When the average daily trip generation per square foot is 25% higher or lower than 0.041 for commercial use and 0.004 for industrial use, the City may charge Circulation Impact Fees for Commercial or Manufacturing/Industrial Development using the Alternative Cost per Single Trip Method using the ITE Trip Calculation, 7th Edition for Commercial/Industrial Uses.” (City Fee Ordinance, 2006)*

Without implementing the Alternative Cost per Single Trip Method, a gas station which generates a tremendous number of trips and trip miles would pay a very small amount per trip mile, while single-family homes, small retail, office and other uses pay the amount per trip mile calculated as needed to continue to expand the road system to accommodate the generated trip miles. Below is a table with some examples of land-use types and the fee calculation under the standard fee calculation and the Alternative Cost per Single Trip Method.

|  | Est.<br>Daily<br>Trips | Adj. for<br>Pass-by<br>and<br>Diverted | Trip<br>Length | Adj.<br>for<br>In/<br>Out | Trip<br>Miles | Standard Method |                       | Alternative Cost per<br>Single Trip Method |                       |
|--|------------------------|--|----------------|---------------------------|---------------|-----------------|-----------------------|--|-----------------------|
|  |                        |  |                |                           |               | Current<br>Fee  | Cost per<br>Trip Mile | Alternative<br>Fee                         | Cost per Trip<br>Mile |
| Residential Unit-<br>3,000sf                   | 9.6                    | 0.915                                  | 7.9            | 0.5                       | 34.5          | \$ 5,597        | \$ 162.00             | \$ 5,597                                   | \$ 162.00             |
| Small Retail-<br>3,000sf                       | 124.0                  | 0.650                                  | 4.3            | 0.5                       | 173.3         | \$ 28,113       | \$ 162.00             | \$ 28,113                                  | \$ 162.00             |
| Industrial-<br>3,000sf                         | 11.6                   | 0.885                                  | 9.0            | 0.5                       | 46.2          | \$ 7,491        | \$ 162.00             | \$ 7,491                                   | \$ 162.00             |
| Office-<br>3,000sf                             | 33.4                   | 0.865                                  | 8.8            | 0.5                       | 127.1         | \$ 20,616       | \$ 162.00             | \$ 20,616                                  | \$ 162.00             |
| Lg. Gas Station w/<br>Food Mart- 3,000sf       | 1,956.0                | 0.465                                  | 2.8            | 0.5                       | 1273.4        | \$ 28,113       | \$ 22.00              | \$ 206,291                                 | \$ 162.00             |
| Lg. Gas Station<br>w/booth- 60sf               | 1,956.0                | 0.465                                  | 2.8            | 0.5                       | 1273.4        | \$ 562          | \$ 0.44               | \$ 206,291                                 | \$ 162.00             |
| Busy Fast Food w/<br>Drive Through-<br>3,000sf | 1,950.0                | 0.695                                  | 4.7            | 0.5                       | 3184.8        | \$ 28,113       | \$ 9.00               | \$ 515,938                                 | \$ 162.00             |
| Bank with Drive-<br>Through- 3,000sf           | 740.7                  | 0.560                                  | 3.4            | 0.5                       | 705.1         | \$ 28,113       | \$ 40.00              | \$ 114,226                                 | \$ 162.00             |

While the Alternative Cost per Single Trip Method substantially increases the total fee paid for proposed gas stations and other high-volume uses, it also brings the fee per trip mile in line with all of the other uses.

What has happened in the year since the Policy has been adopted?

Over the past year, the City has seen some activity in pursuit of new drive-through or fuel station applications. However, no applications have been formally received for these land uses and no applicant has yet been charged with the alternative rates. Two fuel stations were approved prior to adoption of the City Council Policy, one of which is currently pursuing construction permits at the south end of the City near the Santa Rosa intersection. The other approved station is adjacent to the new Hilton Home 2 Suites Hotel north of Del Rio Road and includes a small café, convenience store, and electric vehicle charging stations. Both of these stations may move forward without consideration of the new Council policy, so long as they maintain active construction permits.

There are two other fuel stations that are currently evaluating the potential of locating adjacent to San Anselmo Road within the "moratorium" area. One fuel station is contemplating the vacant site at the former K-Mart center, however, that site is already highly constrained due to traffic impacts associated with the ECR/San Anselmo intersection, San Anselmo overpass and Highway 101 on/off ramps. Additionally, staff has received a request to amend the General Plan to amend a residential parcel to commercial zoning at the corner of San Anselmo and Monterey Road to allow for a new fuel station and convenience store. Since the traffic is already failing at these locations due to the constrained San Anselmo overpass and potential delays at the on and off ramps, either of these developments would likely trigger significant traffic mitigation in addition to a cautious review of conditional use permit findings. The General Plan

Amendment would also be subject to Council authorization prior to moving forward in addition to being subject to the Council Policy.

A major change that has happened since the adoption of the Policy, is the approval of amendments to the Del Rio Commercial Area Specific Plan, including a solution to allow for development, based on specific traffic mitigation. That amendment assumed development of a large fuel station site, a fast food restaurant and commercial development. Current traffic mitigation plans can accommodate the single drive-through restaurant and the fuel station. However, it is important to note that the drive-through restaurant in addition to the fuel station exceed the total number of vehicle trips compared to the entire business park (190,000 square feet of business park) contemplated at the north east corner of Del Rio and El Camino Real. The drive-through and the fuel station combined will result in up to 3,500 daily trips while the business park is estimated to generate up to 2,400 daily trips. Therefore, the drive-through and fuel station will trigger the need for the Del Rio improvements to be completed sooner and will shift the cost burden of these improvements onto other, less intensive development within the specific plan.

#### How has Covid Impacted Traffic and Drive-Through Land Uses?

For obvious reasons, the pandemic has significantly increased drive-through restaurant traffic. However, fuel station traffic has slightly reduced due to reduced regional travel and increased telecommuting. Lines at the In and Out restaurant are nearly double what they were at this time last year. Other drive-through restaurants are experiencing similar increases.

#### Justification for the Policy

As drive-through businesses continue to increase in popularity and traffic volume, City policies need to continue to respond. Such businesses must be appropriately reviewed to ensure that use permit findings are clearly made and that impacts are clearly addressed with appropriate conditions, especially through the use of traffic impact fees. The City Council Policy continues to help guide staff and the Planning Commission towards the appropriate review of and mitigation measures for these types of businesses and their impacts.

The Highway 101 overpass area and intersection of El Camino Real and San Anselmo Road has reached or exceeded traffic capacity, and the Del Rio Road overpass and intersection at El Camino Real is anticipated to reach capacity if commercial uses are developed as anticipated in the Specific Plan. The area around these two roads is also important as it heavily impacts the traffic in these two areas. Multiple housing units are now being developed near the north end of El Camino Real, which will contribute to vehicle trips at both of these interchanges. In order to ensure that these important commercial nodes can continue to develop consistent with the General Plan, traffic intensive uses such as drive-through restaurants and fuel stations must be carefully reviewed and limited in scope, especially within locations that rely on these Highway 101 interchanges.

### **FISCAL IMPACT:**

Discussion of the current Drive-Through Businesses, Fuel Station, and Other High Traffic Producing Uses Policy has no direct fiscal impact; however, any future action by the Council to amend the Policy may have a significant effect on City revenues.

**ALTERNATIVES:**

1. Council may suggest edits to the City Council Policy.
2. Council may take no action, or continue the item for additional information.

**ATTACHMENT:**

Adopted Council Policy

**City of Atascadero  
City Council**

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**Policy Regarding Drive-Through Businesses, Fuel Stations and Other High Traffic Producing Uses**

At the September 24, 2019 City Council meeting, the City Council determined that a policy was needed to address the potential impacts of future drive-through and fuel station businesses in the City, particularly within the Highway 101 overpass areas at San Anselmo Road and at Del Rio Road and along the El Camino Real corridor that provide vehicle access to these two roads.

The City Council has noted that certain businesses are characterized by significant traffic volumes. These include but are not limited to drive-through restaurants, fuel stations, car washes and coffee shops. The City Council identified issues posed by the approval of these high traffic volume businesses in the City including the preservation of community character and aesthetics and environmental concerns, particularly traffic impacts.

In discussing a policy, the City Council determined that consistent application of the City's existing Alternative Cost per Single Trip Method for the calculation of circulation impact fees will allow the City to appropriately mitigate for circulation impacts of commercial uses that generate high traffic counts, including drive-through businesses and fuel stations.

It is the intent of the Council to guide the development of the El Camino Real corridor, near and between San Anselmo Road and Del Rio Road, and the adopted Del Rio Specific Plan area into high-quality commercial nodes that feature office parks, mixed-use, commercial tourist, and experience retail uses. The higher traffic volume associated with drive-through and fuel station business may potentially reduce the opportunity for other commercial business to expand or develop in the City because the traffic generated by these uses tends to significantly impact intersections especially in a commercial node. This means that additional high traffic volume businesses may be contrary to the orderly development of the area. Drive-through and fuel station businesses are considered incompatible with future corridor goals and will reduce the ability of other retail, lodging, or job producing land uses to locate there due to potential traffic impacts.

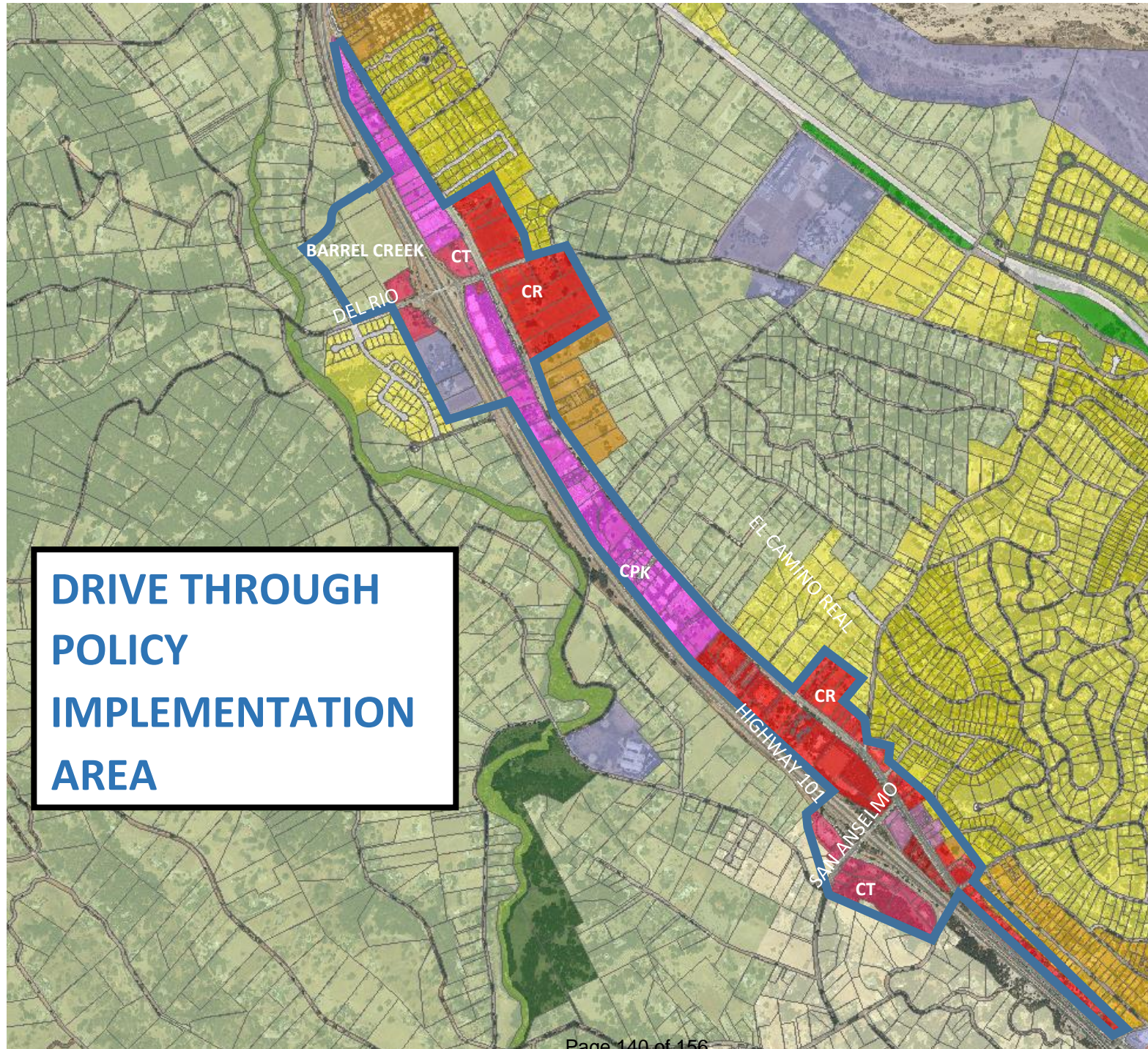
Council recognizes that the overpass area and intersection of El Camino Real and San Anselmo Road is nearing traffic capacity, and the Del Rio Road overpass and intersection at El Camino Real is anticipated to reach capacity if commercial uses are developed as anticipated in the Specific Plan. The El Camino Real corridor between these two roads is also impacted and the areas near these two Highway 101 overpasses also contribute to the impact of these areas. Since these areas are approaching capacity based on anticipated development, new drive-through land uses are unlikely to be permitted due to traffic impacts.

The following objectives are intended to guide future development of drive-through businesses in the City.

1. When calculating Circulation Impact fees, staff will utilize the City of Atascadero's existing "Alternative Cost Per Single Trip Method" for drive-through business applications including fuel stations, car washes, restaurants and coffee shops, in order to account for the higher than average vehicle trips.
2. Utilize the City's discretionary conditional use permit and design review processes to responsibly restrict new drive-through businesses, including drive-through food and beverage services, drive-through banks, drive-through pharmacies, fuel stations, car washes, and similar land uses that contribute to vehicle trips within the area outlined in Exhibit A.
3. In order to approve a high traffic volume use within the area outlined in Exhibit A, the new use must not:
  - a. Generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project.
  - b. Generate a volume of traffic beyond the normal traffic volume of the surrounding neighborhood that would result from full, cumulative development in accordance with the land use element and Del Rio Specific Plan.
  - c. Generate a traffic volume that would be contrary to the anticipated orderly development of the area.

Additionally, all other findings necessary for approval of a conditional use permit will be carefully analyzed in light of the Council's goals of preserving community character and aesthetics, future development of high-quality commercial nodes, and environmental concerns. Since these areas are approaching capacity based on anticipated development, new high traffic volume land uses are likely to be contrary to these findings.





**DRIVE THROUGH  
POLICY  
IMPLEMENTATION  
AREA**





## ***Atascadero City Council***

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### ***Staff Report - City Manager's Office***

#### **Draft Response to Grand Jury Report "Joint Agency Dispatch – Better Together?"**

#### **RECOMMENDATION:**

Council approve the Draft Response to the Grand Jury Report Form and authorize the City Manager to execute the document on the City Council's behalf.

#### **DISCUSSION:**

On November 3, 2020, the San Luis Obispo County Grand Jury transmitted a copy of their report entitled, "Joint Agency Dispatch – Better Together?" to the City of Atascadero on the subject of consolidation of dispatch services with the County Sheriff's Department and Cal Fire. In this report, the Grand Jury commented upon the subject of consolidated dispatch services with Cal Fire and the County Sheriff and the incorporated cities in the County of San Luis Obispo who do not already contract with these agencies for dispatch services – Atascadero, Grover Beach, Paso Robles, Pismo Beach, and San Luis Obispo.

As pointed out in the Grand Jury report, there are some inherent benefits to consolidating dispatch services- chief among them is the ease of sharing high call volume and radio traffic volume in a localized emergency incident.

Currently, if an incident were to occur in the City, that produced more call/radio traffic than could be handled by the dispatchers on duty, the City does have the ability to move some of the radio dispatch traffic to the Sheriff dispatchers. However, this is not as smooth as having multiple dispatchers in the same place handling the incident. Coordinated handling of these rare localized high call/radio traffic incidents would be better served through a consolidated dispatch center. (Consolidated dispatch may, however, reduce county-wide capacity in large scale incident such as an earthquake since there are fewer dispatchers on duty throughout the County.)

The City has looked at various potential options for consolidating dispatch services with other local jurisdictions in the past both in 2009 and again in 2019. In 2019, the City along with partnering jurisdictions hired consultants that specialized in dispatch efficiency

studies to look at forming a joint powers agency to run consolidate dispatch services with other local jurisdictions. This model would have been similar to the model currently used effectively in Santa Cruz County.

While the 2019 analysis determined that consolidating dispatch with Atascadero, San Luis Obispo, Paso Robles, and Cal Poly could be operationally feasible, and would require less personnel than individual dispatch centers, it would not be financially advantageous for the cities of Atascadero and Paso Robles. When comparing compensation across the jurisdictions and analyzing the projected merged dispatch center personnel costs compared to current personnel costs by agency as well as the total merged dispatch center costs to current personnel costs, merging would produce a small net aggregate savings over current personnel costs. Unfortunately, that savings would not be evenly distributed amongst the jurisdictions. Atascadero and Paso Robles would see increased costs, while SLO and Cal Poly would realize a savings. Moreover, Atascadero, Paso Robles and Cal Poly would need to incur additional costs to hire personnel to cover ancillary duties currently performed by dispatchers, reducing the overall merger cost savings.

The joint powers methodology was explored after conversations with the Sheriff's Office regarding the potential for consolidating dispatch with the Sheriff were discussed. While the Sheriff's Office was open to having agencies contract with them for their dispatch services, the Sheriff's Office was could not accommodate a scenario where the contracting agencies had any formal decision making authority in methodology, quality, and cost of those dispatch services. Because dispatch is such an integral part of our police and fire services, this was a barrier to moving forward in contracting with the Sheriff.

Other barriers to contracting with the Sheriff's Office and Cal Fire for dispatch include:

- Significant capital costs for procurement of compatible equipment
- Disparity in salary and benefits between the City and the contracting agencies (potential additional costs to City unless Sheriff mitigates this disparity)
- Increased costs to City to cover ancillary duties currently covered by dispatchers
- Lack of institutional knowledge required for safety and service levels when responding to calls that is not available through GPS technology or mapping and traffic analysis provided by CAD
- No option for specific services such as Quickest Route or Pulse Point

The Grand Jury made a number of Findings and Recommendations in the Report and the City is required to prepare and transmit a response to Recommendation No. 1 no later than January 5, 2021. Recommendation No. 1 reads as follows:

*R1. The Cities of Atascadero, Grover Beach, Paso Robles, Pismo Beach and San Luis Obispo, should each request a proposal from the San Luis Obispo County Sheriff and Cal Fire to provide contract dispatch services and present it as an option in future budgets.*

In addition to the City response to Recommendation No. 1, the City must indicate whether they will be implementing the recommendation, studying the recommendation further, or will not be implementing the recommendation.

Staff recommends that the City not pursue contracting with the Sheriff's Office and Cal Fire for dispatch services at this time, but that the City continue to be open to all discussions regarding the provision of dispatch services that are right for our community in the most cost effective, efficient and effective manner possible.

A Draft Response to the Grand Jury Report is included as Attachment 2.

**FISCAL IMPACT:**

None.

**ALTERNATIVES:**

1. The Council may modify the Draft Response to the Grand Jury Report in such manner as the Council may determine appropriate.
2. If the Mayor has any comments regarding the Grand Jury Report in addition to the comments set forth in the Draft Response, then the Mayor may make separate comments in response to the Grand Jury Report

**ATTACHMENTS:**

1. Grand Jury Report of November 5, 2020
2. Draft Response to Grand Jury Report

## **JOINT AGENCY DISPATCH: BETTER TOGETHER?**

### **SUMMARY**

Improvements in technology, budget constraints and discussions about a co-located dispatch center have led several agencies to consider combining dispatch operations for public safety agencies in San Luis Obispo County. There are several examples of successful joint dispatch operations in our county. Cal Fire provides dispatch service to all the local agencies in the unincorporated areas of the county and the cities of Arroyo Grande, Grover Beach, Morro Bay and Pismo Beach. The County Sheriff provides 911 service and Law Enforcement Dispatch service to the Cities of Arroyo Grande and Morro Bay through contracts. The contract expense formula for sheriff dispatch service provided significantly lower cost for both cities. Our interviews revealed that contracting agencies are satisfied with the service they receive. They note that separate fire and police dispatch services are superior. Additional dispatch capacity relieves stress in busy periods as well as the ability to stage or send interagency help when necessary. This action provides faster response for major incidents.

Several cities were considering a joint dispatch operation as well, with the city of San Luis Obispo providing the service. This effort was abandoned after the initial findings indicated it was fiscally unfeasible. Despite a net savings of over \$500,000 in personnel costs it was not advantageous to all four agencies. Primarily, this was a result of the 16%-32% difference in pay scales between the agencies. Paso Robles and Atascadero would incur higher costs while the city of San Luis Obispo and California Polytechnic State University (Cal Poly) would receive considerable savings.

The Grand Jury found that Cal Fire and County Sheriff have provided equal or superior dispatch service for less cost to several agencies in our county. The real benefit for taxpayers and residents countywide is the financial and operational efficiencies of a joint agency dispatch service. We recommended the Sheriff provide long term pricing for dispatch service to the remaining cities in the county, one with and one without the new co-dispatch center. Each of the cities should present this as a future budget option.

## **INTRODUCTION/PURPOSE**

Improvements in technology, budget constraints and discussions about a co-located dispatch center have led several agencies to consider combined dispatch operations for the public safety agencies in San Luis Obispo County. In this report the San Luis Obispo Grand Jury (SLOGJ) reviewed dispatch operations throughout the county for potential financial, operational, and service efficiencies that may be achieved by combining dispatch operations. Although discussion about the co-located dispatch center was part of the original purpose for this report, the relocation and redesign during the investigation made accurate information unavailable at this time.

## **METHOD/PROCEDURE**

To obtain information for this report the SLOGJ requested and received budgets for dispatch operations, personnel requirements, and call volumes for all seven cities, County Sheriff and Cal Fire. We interviewed several public safety chiefs and toured both the County Sheriff and Cal Fire dispatch centers. The 2018-19 fiscal year was our primary time frame for comparison. Due to differences in budget detail and definitions for “call for service,” exact comparisons were not possible. Some cities included administration and tech service costs while others did not. We included 911 calls and total calls for service in our report, but used total calls for service as the best proxy for call volume comparisons. We also studied how dispatch operations work when two or more services might be required (i.e. fire and ambulance for a medical emergency). We were unable to find extensive cost information for the current Co-Dispatch Center plan.

## **BACKGROUND/HISTORY**

In 2013, the SLOGJ issued a report entitled “Consolidation of Public Safety Dispatch Systems.” It focused on the Arroyo Grande and Grover Beach attempt to consolidate their police departments and, when that failed, on the potential for consolidation of their public safety dispatch operations. They recommended “The City Councils of Arroyo Grande and Grover Beach should consider consolidating the public safety dispatch systems of their respective cities.”

In 2014, Arroyo Grande and Morro Bay moved forward on contracting with the County Sheriff for Public Safety Answering Point (PSAP aka 911) and Law Enforcement dispatch. Grover Beach retained its PSAP and dispatch operation, and took over full dispatch of the Five Cities Fire Authority (FCFA) including Arroyo Grande and Oceano. In 2018, the FCFA began contracting for dispatch service with Cal Fire.

Recently, there has been discussion of a new co-dispatch center that would house both Cal Fire and the County Sheriff, with the capacity to provide service to all the cities and agencies in SLO County. In addition, there has been discussion and a feasibility study about the potential for a smaller consolidation of just Paso Robles, Atascadero, Cal Poly University and the city of San Luis Obispo. Based on these changes and renewed interest, the SLOGJ is once again, reviewing the potential for consolidation of public safety dispatch throughout the county.

## **NARRATIVE**

Dispatchers are the starting point for most public safety events and nearly all emergencies. Computer Aided Dispatch (CAD) combines a number of technologies that greatly enhance a dispatcher's ability to handle higher volumes of calls and provide real-time information about incidents and the assets that are available to respond.

Not long ago a dispatcher would require detailed knowledge about the area into which they are dispatching. Today, thanks to Global Positioning System (GPS) technology, a dispatcher is instantly provided with information about the location of the caller and the nearest police or fire personnel available to respond. Through mapping and traffic analysis CAD provides the fastest route for emergency responders. CAD allows one dispatcher to take a 911 call and collect the information concerning the call. In the case of cross service type calls, this information is transferred through the CAD system to the correct agency dispatcher. The transfer is based on geographic data related to the address of the incident. In the case of medical calls, the call is routed to the ambulance dispatcher and to fire dispatch who sends the nearest available fire crew. This ensures the fastest possible response with adequate personnel for the situation.

The public has come to expect timely response to emergency calls. The public expects their 911 calls to be answered instantly, handled professionally, and with service personnel arriving with all the key information necessary to assist them. Although dispatchers excel at multi-tasking and prioritizing, a single dispatcher can easily be over-taxed, handling multiple calls while also assisting officers and firefighters in the field. The combination of new technology and varying intensity of demand for service, make public safety dispatch a natural area for combining the dispatch service of multiple law enforcement and fire service agencies. San Luis Obispo County already has several examples of successful integration of dispatch for multiple agencies.

Cal Fire provides dispatch service to all the unincorporated areas of the county including areas like Templeton and San Miguel. Through contracts, they provide dispatch services to the cities of Pismo Beach, Arroyo Grande, and Grover Beach. In total, Cal Fire dispatches 34 fire stations and crews in SLO County. SLOGJ toured their dispatch center located at their county headquarters on Highway 1. They normally have two or three dispatchers plus a Battalion Commander (BC) on duty and can add more when conditions demand it. They do not provide PSAP (911) service directly, but did dispatch response to 12,863 calls for service (medical and fire) in 2018. The BC is empowered to send additional personnel when the situation warrants it.

Cal Fire is due to start a long-planned remodel of their headquarters in 2020. They did not include a new dispatch center in that plan in expectation that the co-dispatch center would be available. In the interim they will be moving their dispatch operation into a temporary location until either the co-located dispatch center is available or a new Cal Fire dispatch center is planned and funded by the state. The staff indicated that this could be “a long process.”

SLO County Sheriff provides PSAP (911) services to all the unincorporated areas of the County and by contract to the cities of Arroyo Grande and Morro Bay. In addition to dispatching sheriff deputies, they dispatch law enforcement officers from those two cities. In 2018 they received 134,000 calls for service in total, and dispatched nearly 24,000 emergency ambulance calls.

SLOGJ toured the Sheriff Dispatch center located in the Emergency Operations Center (EOC), and made several follow-up inquiries. They have four dispatchers, a supervisor and a watch

commander on duty. Each of the agencies (County Sheriff, Arroyo Grande PD, Morro Bay PD and San Luis Ambulance Service) have a dedicated dispatcher. Any dispatcher can answer a 911 call from any of the PSAP areas they serve. The call is then posted to the correct agency dispatcher, and when necessary, backup or additional dispatch service is provided. The Watch Commander does not provide direction to the officers in Arroyo Grande and Morro Bay, but is available to monitor a developing situation in those communities and reposition resources in case they are requested. In total Sheriff dispatch has 21 full time equivalent (FTE) employees (not counting the Watch Commanders) including the five contracted for Arroyo Grande and Morro Bay. San Luis Ambulance receives emergency dispatch service at no cost from the Sheriff dispatch center.

The Sheriff dispatch center uses approximately a third of the EOC building. The remainder of the building is reserved for emergency operations in the event of an accident at the Diablo Canyon Nuclear Power Plant. Staff noted this building was built in 1984 and does not meet a number of current code requirements. Their space allocation is not sufficient to provide dispatch service for all seven cities. In the event the Co-dispatch Center is not available, there is a contingency plan that could provide service to all seven cities.

Both Cal Fire and SLO County Sheriff use a similar methodology to develop the pricing element for their contract service. The county sheriff dispatch service contract accounts for the direct expense of a dedicated dispatcher for each agency without any additional expense for management, administration or, of special note, building rent or capital outlay. Arroyo Grande requires three FTE's for a total of \$393,658 and Morro Bay two FTE's for a total of \$267,436.

The Cal Fire contract adds all direct dispatch costs without any additional expense for management administration or rent. Those costs are divided based on the total calls-for-service from each agency. Morro Bay pays \$71,086 and Arroyo Grande pays \$77,867.

Arroyo Grande and Morro Bay Police chiefs' report they are satisfied with the service they receive and that it is better than their in-house service, due to having multiple dispatchers available when needed, and having the fire dispatch service provided by a separate agency. Both reported that when backup is required there is better coordination than was possible with multiple law enforcement dispatch operations.



In the first six months of operation there were a few issues that were quickly resolved. Any issues today are handled between supervisors with a simple phone call or email.

Both agencies note that it would be difficult to bring back in-house dispatch service, costing over a million dollars and requiring a year or more of lead time.

Similar approval was voiced by the FCFA Chief. Although expense was essentially the same, the Cal Fire dispatchers are trained and dedicated to fire and medical response. With better technology they deliver superior emergency response. In addition, a Battalion Commander is available 24/7 to determine if additional resources are needed. This ensures adequate response from multiple agencies when required.

Cal Fire is under a general contract to provide fire services, including dispatch, to Pismo Beach and San Luis Obispo County. The county then subcontracts out the fire dispatch service provided by Cal Fire to other agencies. In addition, the county contracts Law Enforcement Dispatch services through the County Sheriff's Department to Arroyo Grande and Morro Bay.

There are many factors affecting 911 and public safety calls for service from the various agencies in SLO County. A few of these factors are population, demographics, tourism, job concentration, and homeless populations. In 2018, calls for service from the seven cities in SLO County varied from just over 13,000 for Morro Bay to nearly 60,000 for the city of San Luis Obispo. The unincorporated areas of the county generated nearly 100,000 calls for service. The 911 calls had a more dramatic distribution (911 calls are a subset of calls for service). Morro Bay totaled just over 1,000, San Luis Obispo over 19,000, and the unincorporated areas of the county over 43,000. It should be noted that the definition for calls for service may vary from agency to agency, some include calls from traffic stops, others included all the calls created in the CAD system.

A key number to note is the total base personnel (dispatchers plus supervision without management or computer tech support), in each of the cities that have in-house dispatch operations. With the exception of the city of SLO, which has 12 FTE's, the other cities have six to eight FTEs, despite

a wide range of call levels. For example, the city of Atascadero, with a call for service volume of just over 27,000, has seven FTE's and the city of Grover Beach, with a call for service volume just over 16,000, has six FTEs.

On the expense side, the cities of Grover Beach, Pismo Beach, Atascadero and Paso Robles pay in the \$650,000-\$850,000 range for their base dispatch personnel. Using a conservative figure of \$100,000 for maintenance and management of their own PSAP and radio systems, the minimum cost for a PSAP dispatch operation would be approximately \$750,000 – \$950,000.

The cities of San Luis Obispo, Atascadero, Paso Robles and Cal Poly University hired City Gate Associates to provide a Fire/Police Merger Analysis. Initial findings indicated that the merger was fiscally unfeasible, Phase I of the study was reported in May of 2020 and the Grand Jury received a copy in June, 2020.

The report highlights several key hurdles to the merging (by contract or JPA) of dispatch operations. The first is the 16-31% disparity in salary and benefits between agencies. For example, Atascadero dispatcher's (Support Services Technician) salary and benefits are 27% lower than that of a dispatcher in the City of San Luis Obispo. Second, this analysis allocated cost based on the percentage of "total workload". As a result, there was a total savings of over \$500,000 in personnel costs, however it would not be evenly distributed. The cities of Atascadero and Paso Robles would pay over \$320,000 and Cal Poly and the city of SLO would save \$830,000. The analysis noted that there were solutions for the reliable radio communication between the various agencies but did not estimate any expense to achieve them. They also noted concerns by the Fire Chiefs about, 911 performance standards, dispatcher training, and dispatch of resources into other jurisdictions.

## **CONCLUSIONS**

Since the Grand Jury report "Consolidation for Dispatch Operation for Public Safety" in 2012, the cities of Arroyo Grande and Morro Bay have worked through the governance and operational concerns and contracted with the County Sheriff and Cal Fire for dispatch service that is less expensive and is equal or better than their in-house service.

It is likely that the similar sized cities of Grover Beach and Pismo Beach could achieve similar results for their PSAP and law enforcement dispatch. For the cities of Atascadero and Paso Robles to achieve similar financial results, the County Sheriff would need to mitigate the difference in pay scales. The city of San Luis Obispo has similar pay scales to the County Sheriff and would likely realize some financial benefit from joint dispatch.

Beyond expense, there are significant service level benefits from joint dispatch. Dispatchers trained and dedicated to either fire or police operations provide a safer environment for first responders and improved service to the public. Better coordination during major incidents, where mutual or emergency aid is required, will improve response times and ensure timely additional support. The higher capacity of a larger operation will reduce the impact from turnover, illness or injury. There are challenges as well, but the recent success of agencies who contract for dispatch service indicates they can be met and still deliver more cost effective and operational service.

## **FINDINGS**

- F1. The cities of Atascadero, Grover Beach, Paso Robles, Pismo Beach and San Luis Obispo who operate their own PSAPs, could benefit financially and operationally by contracting their dispatch operation with Cal Fire and the County Sheriff.
- F2. The County Sheriff and Cal Fire have demonstrated that they can provide cost effective and operational dispatch service that is equal or better to the smaller agencies in San Luis Obispo county through contracting.
- F3. The portion of the EOC building now allocated to County Sheriff Dispatch operations is insufficient to provide dispatch service to all seven cities.
- F4. A state-of-the-art dispatch center could be a benefit to the County Sheriff's aging building inventory, but the real benefit for taxpayers and residents countywide is the financial and operational efficiencies of a joint agency dispatch service.

## **RECOMMENDATIONS**

- R1. The Cities of Atascadero, Grover Beach, Paso Robles, Pismo Beach and San Luis Obispo, should each request a proposal from the San Luis Obispo County Sheriff and Cal Fire to provide contract dispatch services and present it as an option in future budgets.
- R2. The San Luis Obispo County Sheriff and Cal Fire should modify their contingency plans for dispatch to all seven cities into a viable alternative to the proposed co-dispatch center.
- R3. The San Luis Obispo County Board of Supervisors should require the San Luis Obispo County Sheriff to provide a clear, long-term pricing for dispatch service with and without the proposed co-dispatch center.
- R4. The San Luis Obispo County Board of Supervisors should include the reallocation of space in the EOC building for expanded dispatch operations in their current negotiations with PG&E regarding the closing of Diablo Canyon Nuclear Power Plant in 2025.

## **REQUIRED RESPONSES**

The following people are required to respond to the findings and recommendations within the timeframe shown and in accordance with the California Penal Code Section 933.05:

The City of Atascadero shall respond to R1

The City of Grover Beach shall respond to R1

The City of Pismo Beach shall respond to R1

The City of Paso Robles shall respond to R1

The City of San Luis Obispo shall respond to R1

San Luis Obispo County Sheriff shall respond to R2 and R3

San Luis Obispo County Board of Supervisors shall respond to R3 and R4

The responses shall be submitted to the Presiding Judge of the San Luis Obispo County Superior Court by January 5, 2021. Please provide a paper copy and an electronic version of all responses to 323 the Grand Jury.

## **AGENCY RESPONSE REQUIREMENTS**

The Penal Code Section 933.05 that specifies the format and methodology for agency responses is listed below. All agency respondents are required to respond to all findings and recommendations in the following manner:

- If the respondent disagrees wholly or partially with an item, the respondent must elaborate on the portion of the item that they disagree with, and provide an explanation.
- If a respondent notes that an item will be implemented in the future, the response must include a timeframe for implementation.
- If a respondent notes that an item requires further analysis, the agency must include in the response an explanation of and the scope of what will be studied and the timeframe needed for the study. The timeframe for follow-up from the agency cannot exceed six months.
- If the item will not be implemented or is not reasonable, the respondent is required to provide a detailed explanation.

### **933.05. Findings and Recommendations**

- (a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:
- (1) The respondent agrees with the finding.
  - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.
- (b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
- (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
  - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or

reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.

- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

| Presiding Judge  | Grand Jury  |
|--|---|
| Presiding Judge Jacquelyn H. Duffy<br>Superior Court of California<br>1035 Palm Street Room 355<br>San Luis Obispo, CA 93408 | San Luis Obispo County Grand Jury<br>P.O. Box 4910<br>San Luis Obispo, CA 93403 |

## **APPENDICES, ATTACHMENTS, BIBLIOGRAPHY, GLOSSARY AND SUGGESTED READING**

City of San Luis Obispo Merger Analysis May 14, 2020.

## RESPONSE TO GRAND JURY REPORT

**Report Title:** Joint Agency Dispatch: Better Together?

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**Report Date:** November 6, 2020

**Response by:** Rachelle Rickard      **Title:** City Manager

### RECOMMENDATIONS

1. Recommendations numbered \_\_\_\_\_ have been implemented.  
*(Attach a summary describing the implementation actions.)*
2. Recommendations numbered \_\_\_\_\_ have not yet been implemented, but will be implemented in the future.  
*(Attach a timeframe for the implementation.)*
3. Recommendations numbered \_\_\_\_\_ require further analysis.  
*(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of the publication of the Grand Jury report.)*
4. Recommendations numbered 1 will not be implemented because they are not warranted or are not reasonable.  
*(Attach an explanation.)*

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

Number of pages attached: 1

*R1. The Cities of Atascadero, Grover Beach, Paso Robles, Pismo Beach and San Luis Obispo, should each request a proposal from the San Luis Obispo County Sheriff and Cal Fire to provide contract dispatch services and present it as an option in future budgets.*

The City of Atascadero is committed to providing excellent, efficient, and cost effective services to our residents. The City has hired specialized consultants to study consolidation of dispatch operations on multiple occasions in order to ensure the City is providing cost effective services that meet the needs of our residents. Upon conclusion of these studies, the consultants have not recommended pursuing consolidation.

Some of the barriers to consolidated dispatch operations for the City of Atascadero include:

- Significant capital costs for procurement of compatible equipment
- Loss of City control on quality, method, and costs of dispatch services
- Increased costs to City to cover ancillary duties currently covered by dispatchers
- Disparity in salary and benefits between the City and the contracting agencies
- Lack of institutional knowledge required for safety and service levels when responding to calls that is not available through GPS technology or mapping and traffic analysis provided by CAD
- No option for specific services such as Quickest Route or Pulse Point

While the Grand Jury Report concluded there are benefits to consolidation, and those benefits may be better realized by some agencies over others, the current barriers to consolidated dispatch operations for the City of Atascadero outweigh any potential benefits at this time.

As always, City staff will continue to look for ways to streamline operations while providing efficient and cost effective services to the community. The Atascadero Police Department's goal is to be the premier law enforcement agency on the Central Coast. They do this through a commitment to Professionalism, Partnerships and Personal Growth. Dispatch is an integral part of the Department and City. The City is fortunate to have these dedicated professionals serving our community as part of our public safety team.