



AGENDA

Meeting of the Scotts Valley City Council

REMOTE ACCESS ONLY

Date: December 1, 2021

Time: 6:00 PM

CONTACT INFORMATION	MEETING LOCATION	POSTING
City of Scotts Valley 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5600	Zoom Videoconference https://us02web.zoom.us/j/85607380506 <i>See information below for how to participate.</i>	The agenda was posted 11-24-2021 at City Hall and on the Internet at www.scottsvally.org .

PUBLIC ADVISORY REGARDING COVID-19 AND PUBLIC PARTICIPATION

On September 16, 2021, Governor Newsom signed Assembly Bill 361 ("AB 361"), an urgency measure effective upon adoption, amending the Brown Act to allow legislative bodies to continue teleconferencing during a proclaimed State of Emergency, and either state or local officials have imposed or recommended measures to promote social distancing, or the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees. In accordance with AB 361, the Scotts Valley City Council adopted Resolution No. 2007.1 on November 17, 2021, authorizing the continued use of teleconferenced meetings pursuant to AB 361. Elected Officials and City Staff Members will be participating remotely via videoconference.

Public Participation:

The meeting will be available on Zoom and broadcast through Community Television of Santa Cruz on Channel 25 and via their website at the following link: <https://communitytv.org/watch/> (be sure to click on Channel 25). For those wishing to participate via Zoom you can join the following ways:

- Join from a PC, Mac, iPad, iPhone or Android device:
Please click this URL to join. <https://us02web.zoom.us/j/85607380506>
- Or iPhone one-tap:
+16699009128,,88999122100# US (San Jose)
+12532158782,,88999122100# US (Tacoma)
- Or join by phone:
Dial (for higher quality, dial a number based on your current location):
US: +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799 or +1 646 558 8656
or +1 301 715 8592 or +1 312 626 6799

Webinar ID: 856 0738 0506

You will be given opportunities to provide public comment at the appropriate times throughout the meeting via Zoom. If you are participating via dial-up only, use *9 to raise your hand at the requested time.

How to comment via Zoom:

1. At the appropriate times during the meeting for public comment, on items not on the agenda, and on specific agenda items, the Mayor will announce that public comment will be accepted. Our usual time limits of 3 minutes per individual, or 5 minutes for an individual who is representing a group of three or more, will apply. Please note that per our standard practice, this is not a question and answer time, but simply a time for you to provide your comments to the Council.
2. There is an option on Zoom to raise your hand. Please click on this option when the Mayor announces that public comment will be taken. Zoom places people in line automatically. If you are participating via dial-up, you can raise your hand at the appropriate time by pressing *9. When it is your turn, the City Clerk will unmute you, and you will be able to make your comments based on the above time frames. Once your time is up, you will once again be muted and the next person in line will be given their opportunity to speak.

How to comment via email:

1. Members of the public may provide public comment by sending comments to the City Clerk via email at cityhall@scottsvalley.org.
2. Additional materials and emails must be received by 5:30 pm the day of the meeting and will be distributed to agenda recipients prior to the meeting.
3. Emails received after 5:30 pm the day of the meeting will not be included in the record.

ELECTED OFFICIALS	CITY STAFF MEMBERS
Derek Timm, Mayor Jim Reed, Vice Mayor Jack Dilles, Council Member Randy Johnson, Council Member Donna Lind, Council Member	Brian Haddix, Interim City Manager Kirsten Powell, City Attorney Steve Walpole, Chief of Police Taylor Bateman, Community Development Director Casey Estorga, Administrative Services Director Chris Lamm, Public Works Director Tracy Ferrara, City Clerk

MEETING NOTICE AND AGENDA PACKET MATERIALS

Notice regarding City Council Meetings:

The City Council meets regularly on the 1st and 3rd Wednesday of each month at 6:00 pm.

Agenda and Agenda Packet Materials:

The City Council agenda and the complete agenda packet are available for review by 5:00 pm the Friday before the Wednesday meeting on the Internet at the City's website: <http://scottsvalley.org/AgendaCenter>. Due to COVID-19, City Hall is closed to the public therefore, the agenda is only available for viewing online.

Televised Meetings:

City Council meetings are cablecast "Live" on Community Television of Santa Cruz County on Comcast Channel 25 and are also available livestream on the Community TV website at the following link: <https://communitytv.org/watch/>

Zoom Meetings/Webinars:

For those wishing to participate via Zoom you can join from a PC, Mac, iPad, iPhone or Android device by entering or clicking on the following URL:

<https://us02web.zoom.us/j/85607380506>

CALL TO ORDER 6:00 PM

MOMENT OF SILENCE

ROLL CALL

COMMITTEE REPORTS

Council members are appointed to committees which are either City committees or committees dealing with other jurisdictions. This portion of the agenda allows the committee member to present oral or written reports to the Council regarding their committee assignments. It also allows the Council to make comments and give the committee member direction, as required.

CITY MANAGER REPORT

PUBLIC COMMENT TIME

This is the opportunity for individuals to make and/or submit written or oral comments to the Council on any items within the purview of the Council, which are NOT part of the Agenda. No action on the item may be taken, but the Council may request the matter be placed on a future agenda.

ALTERATIONS TO CONSENT AGENDA

Council can remove or add items to the Consent Agenda.

CONSENT AGENDA

The Consent Agenda is comprised of items which appear to be non-controversial. Persons wishing to speak on any items may do so raising their hand to be recognized by the Mayor.

- A. Approve City Council minutes of 8-4-21, 8-18-21, 9-1-21
- B. Approve check registers dated 10-20-2021, 10-29-2021, 11-05-2021, 11-19-2021
- C. Approve the employment agreement between the City of Scotts Valley and Mali Lagoe for the position of City Manager
- D. Approve the second reading and adoption of Ordinance No. 198 repealing and replacing Title 8, Chapter 8.12 (Refuse) to Implement SB 1383, Solid Waste, Recyclable Material, Organic Material and Excluded Waste Management
- E. Approve Resolution No. 2008, adopting a records retention schedule and authorizing destruction of certain City records
- F. Authorize an additional budget expenditure appropriation for the 2021-2022 Pavement Preservation Project Whispering Pines, PW Project No. P21-005, in the amount of \$29,500 from Fund Account # 003.90.4535.904 and authorize the Interim City Manager to execute a change order in a form acceptable to the City Attorney

- G. Authorize Interim City Manager to execute an agreement with Environmental Innovations for environmental compliance services, in a form acceptable to the City Attorney

ALTERATIONS TO REGULAR AGENDA

Council can remove or add items to the Regular Agenda.

REGULAR AGENDA

Persons wishing to speak on any item may do so by raising their hand to be recognized by the Mayor.

PUBLIC HEARING(S) (To be heard after 6:30 p.m.)

1. PUBLIC HEARING: Consider Planning Commission's recommendation of approval for a subdivision to reconfigure 23 existing parcels into 18 parcels, part of the 1440 Multiversity Campus, located at 800 Bethany Drive, APN's 023-021-01 to -04 and -14; 023-022-01 to -05; 023-031-20 to -26; 023-033-06, -07 and -08; 023-041-25, -26 and -27; and 023-072-01
(Community Development Director Bateman)
- Open public hearing
 - Close public hearing
 - Approve Resolution No. 1895.24

REGULAR AGENDA (resumed)

2. Future Council agenda items
(This portion of the Regular Agenda allows the Council to determine items to be placed on a future agenda and to choose a date, if so desired.)

ADJOURNMENT

ADA NOTICE

The City of Scotts Valley does not discriminate against persons with disabilities. The City Council Chambers is an accessible facility. If you wish to attend a City Council meeting and require assistance such as sign language, a translator, or other special assistance or devices in order to attend and participate at the meeting, please call the City Clerk's office at (831) 440-5602 five to seven days in advance of the meeting to make arrangements for assistance. If you require the agenda of a City Council meeting be available in an alternative format consistent with a specific disability, please call the City Clerk's Office. The California State Relay Service (TTY/VCO/HCO to Voice: English 1-800-735-2929, Spanish 1-800-855-3000; or, Voice to TTY/VCO/HCO: English 1-800-735-2922, Spanish 1-800-855-3000), provides Telecommunications Devices for the Deaf and Disabled and will provide a link between the TDD caller and users of telephone equipment.

PROCEDURAL INFORMATION FOR THE PUBLIC

**THE FOLLOWING IS THE PROCEDURE COUNCIL SHOULD TAKE IN
APPROVAL OF A RESOLUTION:**

1. Move the Resolution number for approval.
2. Second the motion.
3. Vote by body, a roll call vote is not required.

**THE FOLLOWING IS THE PROCEDURE COUNCIL SHOULD TAKE IN
INTRODUCTION/ADOPTION OF AN ORDINANCE:**

1. Move the Ordinance number for introduction (or adoption).
2. Move the Ordinance be introduced by title only and waive the reading of the text.
3. Read the Ordinance title.
4. Second the motion.
5. Vote by body, a roll call vote is not required.

**THE FOLLOWING IS THE PROCEDURE COUNCIL SHOULD TAKE IN
PUBLIC COMMENT/PUBLIC HEARINGS:**

Unless otherwise determined by the presiding officer of the meeting:

1. Three minutes allowed per individual to speak.
2. Five minutes allowed per individual representing a group of three or more.



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MINUTES

Meeting of the Scotts Valley City Council

Date: August 4, 2021

Time: 6:00 pm

CONTACT INFORMATION	MEETING LOCATION	POSTING
City of Scotts Valley 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5600	Zoom Videoconference	The agenda was posted 7-30-21 at City Hall and on the Internet at www.scottsvalley.org .

CALL TO ORDER 6:00 PM

The City Council meeting was called to order at 6:04 pm.

MOMENT OF SILENCE

ROLL CALL

ELECTED OFFICIALS PRESENT:

Derek Timm, Mayor
Jim Reed, Vice Mayor
Jack Dilles, Council Member
Donna Lind, Council Member
Randy Johnson, Council Member

CITY STAFF MEMBERS PRESENT:

Tina Friend, City Manager
Kirsten Powell, City Attorney
Steve Walpole, Chief of Police
Taylor Bateman, Community Development Director
Casey Estorga, Administrative Services Director
Tracy Ferrara, City Clerk

SPECIAL SET MATTERS

- (1) Danny Reber, Executive Director of the Scotts Valley Chamber of Commerce, presented the Scotts Valley Chamber of Commerce Annual Report, and thanked the City Council and City Staff for their assistance on the City of Scotts Valley's Economic Recovery Committee Member. He stated that he would be distributing Certificates of Appreciation as a thank you to the Committee Members.

COMMITTEE REPORTS

CM Lind thanked all of the 4th of July sponsors and staff for their support and hard work on the parade.

CM Lind reported that the Criminal Justice Council Executive Committee met and they are continuing to work on and review policies throughout the County for consistency.

CM Lind reported that the Santa Margarita Groundwater Agency held a community event at Skypark to provide information and answer questions related to the work being done by the Santa Margarita Groundwater Agency.

CM Lind reported that planning for the Art Wine and Beer Event being held on August 21st and 22nd at Siltanen Park is going well.

CM Dilles reported that he attended a public outreach community event at the Farmer's Market as a member of the Santa Margarita Groundwater Agency. He reported that the Santa Margarita Groundwater Agency also reviewed their Groundwater Sustainability Plan Public Review Draft, which is now available for a 60 day public review at www.smgwa.org. The Sustainability Plan must be submitted to the State before the end of January 2022.

CM Dilles reported that he attended the Seniors Advisory Council Board meeting where they discussed the challenges related to re-opening Senior Centers around the County. The Board also discussed concerns regarding the potential closure of the Live Oak Senior Center, which houses Senior Network Services and is the location where Meals on Wheels prepares their meals for distribution throughout the County.

CM Johnson reported that the Town Center Subcommittee met and they are going through an educational process right now related to the Town Center.

CITY MANAGER REPORT

4th of July Parade: CM Friend thanked Council Member Lind for all of her hard work in planning and organizing the City's Annual 4th of July event. It was a great event and well attended.

PG&E Wall/Mt. Hermon Road: The new wall is going up on Mt. Hermon Road in front of the PG&E Substation and she thanked CDD Bateman for his hard work on this project.

Skypark Field Update: Work has been completed, however, we are waiting for the grass to establish itself before use can begin. The opening is scheduled for no later than September 20th and the City is filing a claim for reimbursement to the State.

Adult Softball: In response to community requests, the City is putting together an Adult Softball League. Additional information will be posted on the City's website and social media once it is available.

New Public Works Director: Chris Lamm, the City's new Public Works Director/City Engineer, will be starting with the City on Monday, August 9, 2021.

COVID Update: The City is staying up to date on the ever changing landscape of COVID, especially with the Delta variant, and the cities and agencies throughout the County will continue to work together and keep the community and Council informed.

PUBLIC COMMENT TIME

None.

ALTERATIONS TO CONSENT AGENDA

M/S: Lind/Johnson

To approve Consent Agenda as presented with CM Dilles voting No on Item D. Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm; NOES: Dilles on Item D only)

CONSENT AGENDA

- A. Approve Special City Council Closed Session minutes of 6-2-21, 7-21-21, 7-29-21
- B. Approve check registers dated 6-24-21, 7-1-21, 7-16-21
- C. Approve the second reading and adoption of Ordinance No. 16-ZC-230, approving a Planned District Overlay (PD19-001) for the "Bay Village Planned Development" for a ten-lot subdivision in the High Density Residential General Plan and Zoning District for ten units (six detached single-family dwellings and two attached duet/duplexes), and related site improvements on a 1.04 acre site at Erba Lane (No Situs), APN's 022-481-18 and 022-481-22
- D. Approve the second reading and adoption of Ordinance No. 16-ZC-231 approving a Planned Development District Overlay (PD19-004) for the 4303 B Scotts Valley Drive Planned Development for a three-lot subdivision and a common parcel for two single-family homes and a detached two-car garage for the existing single-family home and related site improvements on a 0.43-acre site located at 4303 Scotts Valley Drive, APN 022-902-11
- E. Approve the appointment of Council Member Jack Dilles as the Voting Delegate, and Council Member Donna Lind as the Alternate Voting Delegate, to represent the City of Scotts Valley at the League of California Cities Annual Business Meeting on September 24, 2021, at the Sacramento Convention Center

- F. Approve the Landlord Incentive Program Agreement between the City of Scotts Valley and the Housing Authority of Santa Cruz County for the term of July 1, 2021 through June 30, 2022, authorize the City Manager to sign the amendment and approve non-monetary and administrative amendments if approved by the City Attorney
- G. Approve the appointment of Pamela (Peppy) Woll to serve on the Library Advisory Commission
- H. Approve the appointment of Council Member Donna Lind to a one-year term on the Youth Action Network Steering Committee
- I. Approve Resolution No. 1955.14 modifying the salary schedule for the Police Captain class specification
- J. Approve Resolution No. 1596.45 authorizing the levy of the Annual Special Tax for the City of Scotts Valley Community Facilities District No. 97-1 for Fiscal Year 2021/22
- K. Approve Resolution No. 2000 establishing a road closure along the above specified route of Vine Hill School Road in order for the Scotts Valley Chamber of Commerce to safely host the Cops and Rodders car show and to increase pedestrian safety during the event

ALTERATIONS TO REGULAR AGENDA

M/S: Lind/Johnson

To approve the Regular Agenda.

Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)

REGULAR AGENDA

- 1. **Consider partnership and agreements for 2021-2022 After School Childcare Services**

CM Friend presented the written staff report and responded to questions from Council.

M/S: Lind/Reed

To authorize the City Manager to enter into a lease agreement with the Boys and Girls Clubs of Santa Cruz County for use of the City's Brook Knoll childcare facility and execute a Memoranda of Understanding for the guarantee of gap funding, in forms approved by the City Attorney, and to authorize the expenditure of funds from identified sources in order to deliver after school childcare for the 2021-2022 school year for Vine Hill and Brook Knoll Elementary students.

Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed Timm)

2. Consider award of Scotts Valley Branch Library Measure S Renovation Contracts

CM Friend presented the written staff report and responded to questions from Council.

M/S: Dilles/Lind

To authorize a FY 2021/22 budget expenditure and appropriation up to \$3,002,150 from Measure S Bond proceeds and/or Library Development Impact Fees and Excess Maintenance of Effort proceeds.

Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)

M/S: Dilles/Lind

To authorize the City Manager to execute a contract in an amount not to exceed \$2,878,450 for the base scope and Alternates #1-3, and any amendments thereto for Alternates #4 and 5 if determined to be in the best interest of the City, in a form approved by the City Attorney, with Patriot Contracting, Inc., for the Scotts Valley Library Seismic and Library Facility Upgrades Project.

Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)

M/S: Dilles/Lind

To authorize the City Manager to execute a contract amendment with Group 4 in an amount not to exceed \$100,000 for construction observation and close-out services related to the renovation of the Scotts Valley Branch Library.

Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)

3. Presentation of Police Department Annual Report

Police Chief Walpole presented the Police Department Annual Report and responded to questions from Council.

4. Consider contribution for viability study for a Central Coast Public Bank

CM Friend presented the written staff report and responded to questions from Council.

The majority of the City Council agreed to postpone any action on this item until it is clear how the other agencies in Santa Cruz County plan to proceed.

5. Future Council agenda items

None.

CLOSED SESSION: Mayor Timm announced that City Council would be going into closed session to discuss the following:

- (1) Conference with labor negotiator regarding employee negotiations with Service Employees International Union (SEIU).
Legal Authority: Government Code Section 54957.6
Name of Case: N/A
Staff Present: City Manager, City Attorney, Administrative Services Director, Labor Negotiator
- (2) Conference with legal counsel regarding liability claim.
Legal Authority: Government Code Section 54961
Claimant: Elizabeth M. Caballero, Attorney for Shari Smith, Paige Smith and Lindsey Smith
Staff Present: City Manager, City Attorney, Administrative Services Director
- (3) Public Employment
Legal Authority: Government Code Section 54957
Position: City Manager
Staff Present: City Attorney

ADJOURNMENT

The meeting adjourned at 8:32 pm.

Approved: _____
Derek Timm, Mayor

Attest: _____
Tracy A. Ferrara, City Clerk



MINUTES

Meeting of the Scotts Valley City Council

Date: August 18, 2021

Time: 6:00 pm

CONTACT INFORMATION	MEETING LOCATION	POSTING
City of Scotts Valley 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5600	Zoom Videoconference	The agenda was posted 8-13-21 at City Hall and on the Internet at www.scottsvally.org .

CALL TO ORDER 6:00 PM

The City Council meeting was called to order at 6:05 pm.

PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

Pledge of Allegiance lead by Boy Scout Henry Kim who is working toward his Citizenship in the Community merit badge.

ROLL CALL

ELECTED OFFICIALS PRESENT:

Derek Timm, Mayor
Jim Reed, Vice Mayor
Jack Dilles, Council Member
Donna Lind, Council Member

ELECTED OFFICIALS ABSENT:

Randy Johnson, Council Member

CITY STAFF MEMBERS PRESENT:

Tina Friend, City Manager
Kirsten Powell, City Attorney
Steve Walpole, Chief of Police
Taylor Bateman, Community Development Director
Casey Estorga, Administrative Services Director
Chris Lamm, Public Works Director
Tracy Ferrara, City Clerk

SPECIAL SET MATTERS

- (1) Mayor Timm presented a Mayor's Proclamation to Eagle Scout Leah Cawley, the first female in the Loma Prieta District of the Boy Scouts of America, Silicon Valley Monterey Bay Council, to pass her Eagle Scout Board of Review.

COMMITTEE REPORTS

CM Lind reported that she and the Mayor met to review the recruitment proposals received for the City Manager recruitment process and announced that they selected Bob Murray and Associates.

CM Lind reported that the Criminal Justice Council met and they are continuing to work on and review policies throughout the County for consistency. She also stated that their new website will be going live soon.

CM Lind reported that the Santa Cruz Metropolitan Transit District Finance Committee met and discussed pension and OPEB, which she shared with City staff.

CM Lind reported that planning for the Art Wine and Beer Event being held on August 21st and 22nd at Siltanen Park is going well. She stated that a shuttle service will be available due to limited parking on-site.

CM Dilles reported that the Seniors Advisory Council met and heard about the possibility of obtaining iPads for the Scotts Valley Senior Center. He also reported that County staff is taking the lead in identifying funding to carry out local goals related to the recent State Master Plan on Aging.

CM Dilles reported that the Monterey Bay Air Resources District met and received a report on AB 2766, which is the \$4 fee on DMV registrations that is used to provide funds to reduce emissions in the air. He reported that the funds are being used to: assist with funding the purchase of electric fleet vehicles for Watsonville and Santa Cruz; and provide up to \$1,000 E-Bike incentives to low-income residents.

Mayor Timm reported that AMBAG met and they are beginning the Regional Housing Needs Assessment (RHNA) cycle and looking at what may impact our RHNA numbers.

Mayor Timm reported that the Town Center Subcommittee met and they are working on identifying staff and consultants to assist the City in moving forward due to CM Friend moving to Coronado.

Mayor Timm reported that the Economic Recovery Subcommittee and the Chamber of Commerce met and discussed the upcoming Art, Wine and Beer Festival, business grants, and a Fall Shop Local campaign.

Mayor Timm reported that the City Select Committee met where they discussed COVID impacts and vaccination numbers.

CITY MANAGER REPORT

Art, Wine and Beer Festival: The Art Wine and Beer Event is being held on August 21st and 22nd at Siltanen Park and everyone is encouraged to attend.

COVID-19 Update: City Managers and Mayors met with Gail Newell, the Santa Cruz County Health Officer, to receive an update on COVID-19 and its impacts and the Delta variant, along with case numbers and vaccination numbers.

Adult Softball League: The Adult Softball League will be held September 7 through December 15. Teams can sign up at the Recreation Office by calling 813-438-3251 and additional information is available on the City's website.

Public Works Director/City Engineer: Chris Lamm, the City's new Public Works Director/City Engineer, started with the City on Monday, August 9, 2021. Chris is a local resident with over 20 years of experience.

PUBLIC COMMENT TIME

None.

ALTERATIONS TO CONSENT AGENDA

M/S: Lind/Reed

To approve Consent Agenda.

Carried 4/0/1 (AYES: Dilles, Lind, Reed, Timm; ABSENT: Johnson)

CONSENT AGENDA

- A. Approve Special City Council Closed Session minutes of 7-1-21 and 8-4-21
- B. Approve check registers dated 7-29-21 and 8-6-21
- C. Approve the ratified terms for the FY 2021/22-2023/24 Memoranda of Understanding between the City and SEIU, authorize the City Manager to sign once finalized, and authorize the City Manager and the Administrative Services Director to take any administrative actions necessary to effectuate the terms and conditions of the agreements
- D. Approve the Amendment to Employment Agreement Between the City of Scotts Valley and Christina J. Friend and authorize the Mayor to sign the amendment to increase the City Manager's base salary to \$18,276.00 per month (Step 7)
- E. Approve Resolution 2001 appointing Brian Haddix as interim City Manager, effective September 7, 2021, and authorizing the Mayor to execute the temporary employment agreement contingent upon the successful completion of a background investigation, including Live Scan fingerprint analysis
- F. Approve Resolution No. 2002 unfreezing one Police Captain position by increasing the total number of authorized positions in the FY 2021-22 budget by 1.00 Full Time Equivalent (FTE)

ALTERATIONS TO REGULAR AGENDA

M/S: Lind/Dilles

To approve the Regular Agenda.

Carried 4/0/1 (AYES: Dilles, Lind, Reed, Timm; ABSENT: Johnson)

REGULAR AGENDA

7. Future Council agenda items

None.

CLOSED SESSION: Mayor Timm announced that City Council would be going into closed session to discuss the following:

- (1) Conference with labor negotiator regarding employee negotiations with Service Employees International Union (SEIU), Mid-Management Group, Management/Confidential Group, Scotts Valley Police Bargaining Unit and Scotts Valley Police Supervisors Association.
Legal Authority: Government Code Section 54957.6
Name of Case: N/A
Staff Present: City Manager, City Attorney, Administrative Services Director
- (2) Public Employment
Legal Authority: Government Code Section 54957
Position: City Manager
Staff Present: City Attorney

ADJOURNMENT

The meeting adjourned at 6:35 pm.

Approved: _____
Derek Timm, Mayor

Attest: _____
Tracy A. Ferrara, City Clerk



MINUTES

Meeting of the Scotts Valley City Council

Date: September 1, 2021

Time: 6:00 pm

CONTACT INFORMATION	MEETING LOCATION	POSTING
City of Scotts Valley 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5600	Zoom Videoconference	The agenda was posted 8-27-21 at City Hall and on the Internet at www.scottsvalley.org .

CALL TO ORDER 6:00 PM

The City Council meeting was called to order at 6:04 pm.

MOMENT OF SILENCE

ROLL CALL

ELECTED OFFICIALS PRESENT:

Derek Timm, Mayor
Jim Reed, Vice Mayor
Jack Dilles, Council Member
Donna Lind, Council Member
Randy Johnson, Council Member

CITY STAFF MEMBERS PRESENT:

Tina Friend, City Manager
Kirsten Powell, City Attorney
Steve Walpole, Chief of Police
Taylor Bateman, Community Development Director
Casey Estorga, Administrative Services Director
Chris Lamm, Public Works Director/City Engineer
Tracy Ferrara, City Clerk

SPECIAL SET MATTERS

- (1) Mayor Timm presented a Mayor's Proclamation to Brittany Maldonado, Deputy Director of Jacob's Heart Children's Cancer Support Services, proclaiming September as Childhood Cancer Awareness Month in the City of Scotts Valley and honoring Jacob's Heart Children's Cancer Support Services for outstanding support to our community and acknowledging the organization's contributions to Childhood Cancer Awareness Month.
- (2) Mayor Timm presented a Mayor's Proclamation proclaiming Scotts Valley's continuing commitment to be an inclusive community that rejects stigma and bias against individuals because of race, ethnicity, place of origin, physical ability, socio-economic status, gender identity, sexual orientation, age or

religion, and we urge all our members and residents of our community to treat each other with respect and work together to overcome all expressions of hate and bigotry.

COMMITTEE REPORTS

CM Lind reported that the Santa Cruz Metropolitan Transit Board developed a policy to deal with COVID, vaccinations and testing. She announced that a ribbon cutting is being held next Tuesday at 11:00 am for a new electronic bus in Watsonville.

CM Dilles reported that the Affordable Housing Subcommittee met to discuss the Encore project, which is on this agenda for consideration.

Mayor Timm reported that the Economic Recovery Committee met and they are continuing to work on a program for grants to local businesses through the SBDC. He reported that they are also working with the Chamber to kick start the Fall Shop Local Campaign.

CITY MANAGER REPORT

Skypark Fields: Work is continuing on the repair, restoration and reopening of the Skypark fields. Things are going well and the latest reopening date is still set as September 20th.

Business Assistance Grants: The Council supported applying for grant money so that the City will be able to provide business grants for our business who were impacted by COVID. The Economic Recovery Committee will work on the policies for these grants with future actions coming before the Council. She thanked the Chamber, Danny Reber and Angela Marshall, for all of their hard work on the Economic Recovery Committee and supporting local businesses.

City Manager: CM Friend announced that this was her last Council meeting. She thanked and commended the City Council and City Staff for their support and expressed her appreciation for the community.

All City Council Members spoke regarding CM Friend and thanked her for all of her hard work during her time with the City, and wished her the best in her future endeavors.

PUBLIC COMMENT TIME

Wendy Brannan, Scotts Valley resident, thanked the Mayor for his proclamations that were presented tonight, and encouraged the City to update its dialogue and language in its documents as it relates to people of color and inclusivity, i.e. "Master" Bedroom.

Danny Reber, Executive Director of the Scotts Valley Chamber of Commerce, expressed his gratitude to Tina Friend for her leadership and hard work. He also thanked all of the volunteers for their hard work and efforts on the Art, Wine and Beer Festival, including the Police Department, Council Members, Public Works Maintenance Staff and Kristin Ard.

Angela Marshall, Chamber of Commerce, stated that she had received over 20 emails regarding the Shugart Park entrance to the Glenwood Preserve. She also thanked everyone who volunteered at the Art, Wine and Beer Festival.

ALTERATIONS TO CONSENT AGENDA

M/S: Dilles/Lind

To approve the Consent Agenda.

Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)

CONSENT AGENDA

- A. Approve City Council minutes of 6-2-21 (Special Study Session), 6-16-21 (Closed Session), 8-18-21 (Closed Session)
- B. Approve check registers dated 8-13-21
- C. Approve the Site Rental Agreement between the City of Scotts Valley and The Vineyard Church for rental of the Community Center and authorize the City Manager to execute the agreement
- D. Authorize the City Manager to execute an agreement, in a form approved by the City Attorney, with the Adams Ashby Group, for CDBG Program Administration Services in an amount not to exceed \$60,000
- E. Approve the ratified terms for the FY 2021/22-2023/24 MOU between the City of Scotts Valley and the Scotts Valley Mid-Management Association and adopt Resolution No. 1551.27, approving the Unrepresented Management and Confidential Employees Compensation Benefits Package, authorize the City Manager to sign the agreements once finalized; and, authorize the City Manager and the Administrative Services Director to take any administrative actions necessary to effectuate the terms and conditions of the agreements.

ALTERATIONS TO REGULAR AGENDA

M/S: Lind/Dilles

To approve the Regular Agenda.

Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)

REGULAR AGENDA

PUBLIC HEARING(S) (To be heard after 6:30 p.m.)

1. **PUBLIC HEARING: Consider approval of a Minor Land Division application to subdivide an existing 21, 857 square foot parcel into two parcels in the R-1-10 Zoning District located at 223 Sunset Terrace, APN 024-081-16**

CM Dilles recused himself from this item due to a conflict of interest as he lives within a 500' radius of the project.

Jonathan Kwan, Contract Planner for the City, gave a PowerPoint presentation, presented the written staff report and responded to questions from Council.

PUBLIC HEARING OPENED – 6:55 PM

No one came forward.

PUBLIC HEARING CLOSED – 6:55 PM

M/S: Lind/Johnson

To approve Resolution No. 2004 approving Minor Land Division No. MLD21-002 to subdivide an existing 21,857 square foot lot into two parcels in the R-1-10 Zoning District located at 223 Sunset Terrace, APN 024-081-16.

Carried 4/0/1 (AYES: Johnson, Lind, Reed, Timm; ABSENT: Dilles)

2. **PUBLIC HEARING: Consider approval of a Tentative Subdivision Map, Use Permit and Design Review approval for a 16-unit condominium project with one common lot known as the “Encore” at 4104 Scotts Valley Drive, APN’s 22-732-01 and 22-732-48**

Kim Tschantz, Contract Planner for the City, gave a PowerPoint presentation, presented the written staff report and responded to questions from Council.

Chris Perri, Developer/Applicant, spoke regarding the proposed project and responded to questions from Council. Mr. Perri requested an amendment to the Conditions of Approval allowing him to remove trees at the discretion of the Community Development Director.

CDD Bateman stated that Condition No. 17 in the Conditions of Approval could be amended to include an additional sentence as follows: *“Tree removal may occur prior to the issuance of a grading permit at the discretion of the Community Development Director.”*

PUBLIC HEARING OPENED – 6:45 PM

Tyler Crawford, Scotts Valley resident, spoke in support of the project.

Jeff Rebbeck, Scotts Valley resident, spoke in support of the project.

Linda Kerner, Affordable Housing Now, spoke in support of the project.

Bill, Scotts Valley resident, expressed his appreciation for Chris Perri's responsiveness to neighborhood concerns.

Jared Fujishin, Scotts Valley resident, spoke in support of the project.

PUBLIC HEARING CLOSED – 7:52 PM

CM Johnson stated that he is not in favor of the development. He would like to see apartments constructed as that is what he feels the community needs.

M/S: Lind/Dilles

To approve Resolution No. 2003 approving the Mitigated Negative Declaration for the Encore Condominium Project at 4104 Scotts Valley Drive, Scotts Valley, California, APN's 022-732-01 and 022-732-48.

Carried 4/1 (AYES: Dilles, Lind, Reed, Timm: NOES: Johnson)

M/S: Lind/Dilles

To approve Resolution No. 2003.1 approving a Tentative Map for a Subdivision (LD21-001) regarding the Encore Condominium Project located at 4104 Scotts Valley Drive, Scotts Valley, California, APN's 022-732-01 and 022-732-48, as amended to include the addition of the following sentence to Condition No. 17 in the Conditions of Approval: "Tree removal may occur prior to the issuance of a grading permit at the discretion of the Community Development Director."

Carried 4/1 (AYES: Dilles, Lind, Reed, Timm: NOES: Johnson)

M/S: Lind/Dilles

To approve Resolution No. 2003.2 approving a Use Permit (U21-001) for the Encore Condominium project located at 4104 Scotts Valley Drive, Scotts Valley, California, APN's 022-732-01 and 022-732-48, as amended to include the addition of the following sentence to Condition No. 17 in the Conditions of Approval: "Tree removal may occur prior to the issuance of a grading permit at the discretion of the Community Development Director."

Carried 4/1 (AYES: Dilles, Lind, Reed, Timm: NOES: Johnson)

M/S: Lind/Dilles

To approve Resolution No. 2003.3 approving Design Review (DR21-001) for the Encore Condominium project located at 4104 Scotts Valley Drive, Scotts Valley, California, APN's 022-732-01 and 022-732-48, to include the addition of the following sentence to Condition No. 17 in the Conditions of Approval: "Tree removal may occur prior to the issuance of a grading permit at the discretion of the Community Development Director."

Carried 4/1 (AYES: Dilles, Lind, Reed, Timm: NOES: Johnson)

REGULAR AGENDA (resumed)

3. Discussion: Scotts Valley Parks and Recreation Advocates

CM Friend presented the written staff report and responded to questions from Council.

The City Council expressed its appreciation of the Advocates Board Members and their positive community impacts over the years.

Council discussed a variety of options to continue the mission of community assistance for Parks and Recreation amenities, events and programs to include:

- Looking at partnering with the Monte Foundation to help with a 4th of July celebration in 2022 that could potentially be hosted and underwritten by the Monte Foundation.
- Encouraging the formation of a community-led and managed 501(c)3 organization to fundraise and support City Parks and Recreation, something like the Friends of the Library.

Wendy Brannan, Scotts Valley resident, recommended considering the dissolution of the Arts Commission and encouraging the formation of a separate entity for the community that works with parks and recreation supporters. She recommended staying separate from the Scotts Valley Ed Foundation due to potential fundraising confusion.

Given the City's limited resources, the City Council reached consensus that more research and analysis of options and impacts to the City would be needed.

M/S: Dilles/Lind

To: (1) Direct City staff, in coordination with the remaining Advocates Board Member, to pursue all necessary legal actions for the unwinding and dissolution of the Scotts Valley Parks and Recreation Advocates 501(c)3 organization; and (2) Direct City staff, with the Advocates, to take appropriate steps to transfer and hold the remaining donor funds of approximately \$109,870 in a designated City fund with uses restricted to Scotts Valley Parks and Recreation amenities or future City-led community special or cultural events, with City Council approval required for expenditures from the fund.

Carried 5/0 (AYES: Dilles, Johnson, Lind, Reed, Timm)

4. Future Council agenda items

Mayor Timm requested a future agenda item regarding a banner policy and flag policy for the City.

CLOSED SESSION: Mayor Timm announced that City Council would be going into closed session to discuss the following:

- (1) Conference with legal counsel regarding real property negotiations
Legal Authority: Government Code Section 54956.8
Address: Portion of 251 Kings Village Road
Staff Present: City Manager, City Attorney, Administrative Services Director
- (2) Public Employment
Legal Authority: Government Code Section 54957
Position: City Manager
Staff Present: City Attorney

ADJOURNMENT

The meeting adjourned at 9:07 pm.

Approved: _____
Derek Timm, Mayor

Attest: _____
Tracy A. Ferrara, City Clerk

SCOTTS VALLEY ACCOUNTS PAYABLE
10/22/2021 10:35:35 Check Register

CITY OF SCOTTS VALLEY
GL050S-V08.15 COVERPAGE
GL540R

Report Selection:

RUN GROUP... 102221 COMMENT... 10/22/2021 A/P

DATA-JE-ID DATA COMMENT

W-10222021-427 10/22/2021 A/P

Run Instructions:

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	003497 ALVAREZ INDUSTRIES, INC	122559	10/22/21	2,296.00	
	000097 AT&T	122560	10/22/21	33.34	
	001566 BUSINESS WITH PLEASURE	122561	10/22/21	263.34	
	003521 CARD SERVICE CENTER	122562	10/22/21	3,091.11	
	003521 CARD SERVICE CENTER	122563	10/22/21	6,103.36	
	003787 CARMEL AREA WASTEWATER D	122564	10/22/21	5,836.00	
	000037 CRYSTAL SPRINGS WATER CO	122565	10/22/21	17.45	
	003990 DIBENEDETTO/GUNNAR	122566	10/22/21	42.00	
	000202 FEDERAL EXPRESS	122567	10/22/21	342.47	
	.15823 FRIENDS OF SANTA CRUZ	122568	10/22/21	5,000.00	
	001053 GOVERNMENT FINANCE OFFIC	122569	10/22/21	420.00	
	001881 GRAINGER	122570	10/22/21	645.35	
	004025 GVP VENTURES, INC.	122571	10/22/21	8,152.33	
	000057 HACH COMPANY	122572	10/22/21	156.95	
	004023 HOUSEKEYS, INC.	122573	10/22/21	5,000.00	
	003289 JETMULCH INC	122574	10/22/21	7,002.09	
	004024 K & D LANDSCAPING, INC.	122575	10/22/21	6,742.63	
	001660 KING/KATI	122576	10/22/21	106.16	
	000066 KING'S PAINT & PAPER	122577	10/22/21	41.42	
	001092 KNOX ROOFING	122578	10/22/21	573.00	
	.15824 MARY CADOS	122579	10/22/21	425.88	
	003171 MICHALAK/GENE	122580	10/22/21	125.00	
	001418 MONTEREY REGIONAL	122581	10/22/21	4,560.99	
	001615 OLIN CORP-CHLOR ALKALI	122582	10/22/21	2,306.00	
	001233 PORTER DDS MS/BRENT J	122583	10/22/21	59.10	
	003503 PURETEC INDUSTRIAL WATER	122584	10/22/21	130.60	
	003572 REGIONAL GOVERNMENT SERV	122585	10/22/21	5,841.00	
	001894 S.V. WATER DISTRICT - BU	122586	10/22/21	73.66	
	000294 SANTA CRUZ CNTY TAX COLL	122587	10/22/21	543.22	
	001823 SANTA CRUZ CO ENVIRONMEN	122588	10/22/21	150.50	
	001909 SANTA CRUZ COUNTY	122589	10/22/21	20,564.00	
	000319 SCOTTS VALLEY CAR WASH	122590	10/22/21	674.66	
	000133 SCOTTS VALLEY SPRINKLER	122591	10/22/21	94.35	
	002053 STEPFORD	122592	10/22/21	6,407.50	
	003973 THOMAS/TYLER	122593	10/22/21	92.50	
	003548 TORO PETROLEUM CORP	122594	10/22/21	3,770.53	
	001106 VERIZON WIRELESS	122595	10/22/21	163.65	
	003971 WIZIX TECHNOLOGY GROUP,	122596	10/22/21	249.46	
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SCOTTS VALLEY ACCOUNTS PAYABLE
CITY OF SCOTTS VALLEY
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GL540R-V08.15 PAGE 2

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RECORDS PRINTED - 000076

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CITY OF SCOTTS VALLEY
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GL060S-V08.15 RECAPPAGE

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GL540R

FUND RECAP:

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001	GENERAL	65,996.50
002	RECYCLING/ENVIRONMENTAL	2,123.00
004	RECREATION	22.82
010	WASTEWATER OPERATIONS	15,046.00
011	TERTIARY TREATMENT PLANT	5,097.55
019	AFFORDABLE HOUSING	5,000.00
112	DENTAL INS INTERNAL SERV	151.60
123	COMMUNITY FACILITY CENTER	390.00
150	GENERAL CAPITAL IMPROVEMENTS	6,893.13
TOTAL ALL FUNDS		100,720.60

BANK RECAP:

BANK	NAME	DISBURSEMENTS
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BA	GENERAL CHECKING ACCOUNT	100,720.60
TOTAL ALL BANKS		100,720.60

SCOTTS VALLEY ACCOUNTS PAYABLE
10/29/2021 12:02:05 Check Register

CITY OF SCOTTS VALLEY
GL050S-V08.15 COVERPAGE
GL540R

Report Selection:

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DATA-JE-ID DATA COMMENT

W-10292021-435 10/29/21 A/P

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001670	AT & T	122599	10/29/21	479.98
000097	AT&T	122600	10/29/21	126.07
003557	BARTEL ASSOCIATES, LLC	122601	10/29/21	1,638.00
000614	BATTERIES + BULBS #314	122602	10/29/21	62.67
.15825	BAY SPORTS PHOTOGRAPHY	122603	10/29/21	27.00
001066	BEHAVIORAL HEALTH CARE I	122604	10/29/21	110.00
001633	CAL-WEST LIGHTING & SIGN	122605	10/29/21	5,048.63
001659	CALIFORNIA BUILDING	122606	10/29/21	441.00
000756	CENTRAL HOME SUPPLY	122607	10/29/21	318.89
002091	COMCAST	122608	10/29/21	177.61
002091	COMCAST	122609	10/29/21	320.71
001546	CRAIG/ROBERT J	122610	10/29/21	1,875.00
000389	DASSEL'S PETROLEUM INC	122611	10/29/21	4,717.75
003373	DAVEY TREE EXPERT CO/THE	122612	10/29/21	2,040.00
000274	DEPT OF CONSERVATION	122613	10/29/21	1,046.56
.15827	ENGINEERING NEWS-RECORD	122614	10/29/21	60.00
003185	EUROFINS EATON ANALYTICA	122615	10/29/21	425.00
000202	FEDERAL EXPRESS	122616	10/29/21	223.00
003253	FIRST ALARM	122617	10/29/21	405.00
003673	GORDON/CHLOE	122618	10/29/21	139.25
001817	GROUP 4	122619	10/29/21	6,558.42
000057	HACH COMPANY	122620	10/29/21	107.07
001471	JACKSON DDS/ALISON K	122621	10/29/21	191.36
001660	KING/KATI	122622	10/29/21	68.77
.15828	LENNAR HOMES	122623	10/29/21	800.40
001673	LINCOLN FINANCIAL GROUP	122624	10/29/21	1,356.45
003389	LOCKE/CERINA	122625	10/29/21	198.00
003913	LONG/AMANDA	122626	10/29/21	155.61
001872	NORTH CENTRAL LABORATORI	122627	10/29/21	94.22
000101	PACIFIC GAS & ELECTRIC C	122628	10/29/21	167.26
000101	PACIFIC GAS & ELECTRIC C	122629	10/29/21	28.76
003503	PURETEC INDUSTRIAL WATER	122630	10/29/21	571.30
001479	ROBB DDS/JOSEPH W	122631	10/29/21	100.00
003012	ROBBINS/AMANDA	122632	10/29/21	92.69
001118	RUTHERFORD/JAYSON	122633	10/29/21	198.00
000135	SAN LORENZO VALLEY WATER	122634	10/29/21	43.33
001885	SANTA CRUZ BIOTECHNOLOGY	122635	10/29/21	346.70
000446	SANTA CRUZ ORAL & MAX SU	122636	10/29/21	184.00
003957	SANTA CRUZ/CITY OF	122637	10/29/21	48.73
003957	SANTA CRUZ/CITY OF	122638	10/29/21	146.19
003957	SANTA CRUZ/CITY OF	122639	10/29/21	146.19
003957	SANTA CRUZ/CITY OF	122640	10/29/21	3,765.00
000130	SCOTTS VALLEY FIRE DISTR	122641	10/29/21	14,449.31
003745	SCOTTS VALLEY HOTEL LP	122642	10/29/21	23,408.92
004033	SECURE SOLUTIONS	122643	10/29/21	1,464.96
004020	STOEBERL/NICHOLAS	122644	10/29/21	80.00

Check Register

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	003548 TORO PETROLEUM CORP	122647	10/29/21	3,770.53	
	001560 TRITON CONSTRUCTION	122648	10/29/21	400.00	
	004032 URETSKY SECURITY	122649	10/29/21	1,362.72	
	004034 V&A CONSULTING ENGINEERS	122650	10/29/21	4,975.00	
	000151 VISION SERVICE PLAN	122651	10/29/21	1,157.10	
	003145 WAGE WORKS	122652	10/29/21	125.00	
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SCOTTS VALLEY ACCOUNTS PAYABLE
CITY OF SCOTTS VALLEY
10/29/2021 12:02:05
GL540R-V08.15 PAGE 3

Check Register

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RECORDS PRINTED - 000112

GL540R

FUND RECAP:

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004	RECREATION	221.93
005	SMIP	1,046.56
010	WASTEWATER OPERATIONS	16,428.00
011	TERTIARY TREATMENT PLANT	3,877.60
025	GENERAL TRUST	800.40
028	SENIOR CENTER	190.54
035	GREEN BUILDING FUNDING	441.00
088	LIBRARY FACILITIES-MEAS "S"	6,558.42
112	DENTAL INS INTERNAL SERV	630.97
123	COMMUNITY FACILITY CENTER	172.18
TOTAL ALL FUNDS		90,163.06

BANK RECAP:

BANK	NAME	DISBURSEMENTS
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BA	GENERAL CHECKING ACCOUNT	90,163.06
TOTAL ALL BANKS		90,163.06

SCOTTS VALLEY ACCOUNTS PAYABLE
11/05/2021 11:19:25 Check Register

CITY OF SCOTTS VALLEY
GL050S-V08.15 COVERPAGE
GL540R

Report Selection:

RUN GROUP... 110521 COMMENT... 11/05/2021 A/P

DATA-JE-ID DATA COMMENT

W-11052021-458 11/05/2021 A/P

Run Instructions:

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001840	A TOOL SHED, INC.	122653	11/05/21	216.00
000729	ABACHERLI FENCE COMPANY	122654	11/05/21	5,120.00
001219	ALHAMBRA	122655	11/05/21	132.84
001219	ALHAMBRA	122656	11/05/21	14.90
003497	ALVAREZ INDUSTRIES, INC	122657	11/05/21	256.00
001009	ARD/KRISTIN	122658	11/05/21	50.00
004029	ARMSTRONG/AMANDA	122659	11/05/21	206.00
000097	AT&T	122660	11/05/21	727.78
003746	AVENU HOLDINGS, LLC	122661	11/05/21	2,029.09
004035	BABCOCK/COLTON	122662	11/05/21	50.00
001928	BATEMAN/TAYLOR	122663	11/05/21	50.00
000614	BATTERIES + BULBS #314	122664	11/05/21	139.33
001373	BAY TREE, LLC	122665	11/05/21	3,620.38
001822	BC LABORATORIES INC.	122666	11/05/21	1,586.00
000773	CENTRAL COAST LANDSCAPE	122667	11/05/21	766.00
002075	CENTRAL COAST MEDIA COAL	122668	11/05/21	4,000.00
003887	CHEUNG/ATHENA	122669	11/05/21	50.00
001051	COASTAL EVERGREEN CORP	122670	11/05/21	1,285.00
002091	COMCAST	122671	11/05/21	146.31
004007	COMMUNITY TREE SERVICE,	122672	11/05/21	5,400.00
001896	D & G SANITATION	122673	11/05/21	2,847.34
000975	DEAN/MICHAEL R.	122674	11/05/21	50.00
003990	DIBENEDETTO/GUNNAR	122675	11/05/21	50.00
003160	DIXON & SON TIRE	122676	11/05/21	614.20
001362	DUNCAN AUTO TECH	122677	11/05/21	32.82
003752	DUPERON CORPORATION	122678	11/05/21	161,991.00
001537	DYNAMIC PRESS	122679	11/05/21	378.64
001257	EBRAHIMIAN DDS/MARK	122680	11/05/21	250.40
001257	EBRAHIMIAN DDS/MARK	122681	11/05/21	457.60
004005	ESTORGA/CASEY	122682	11/05/21	71.00
000202	FEDERAL EXPRESS	122683	11/05/21	458.39
004037	FERGUSON ENTERPRISES, LL	122684	11/05/21	1,342.10
001881	GRAINGER	122685	11/05/21	160.16
003706	GRANADOS/JUSTIN	122686	11/05/21	50.00
003127	GRUNDY/LAURIE	122687	11/05/21	50.00
003944	HEBARD/TYLER	122688	11/05/21	50.00
003271	HOME DEPOT CREDIT SERVIC	122689	11/05/21	2,166.06
001841	IDEXX LABORATORIES, INC.	122690	11/05/21	1,544.70
003266	INTERGRITY AUTOMOTIVE	122691	11/05/21	2,836.57
001903	JONES/KIMARIE	122692	11/05/21	450.00
003993	JORDAN/ZACHARY	122693	11/05/21	50.00
000238	KENNEDY-JENKS CONSULTANT	122694	11/05/21	12,285.00
001660	KING/KATI	122695	11/05/21	134.65
004018	LAMBERT/LAUREN	122696	11/05/21	50.00
003761	LEDGER/CHASE	122697	11/05/21	50.00
001950	LEWIS TREE SERVICE INC	122698	11/05/21	2,560.00
000078	LLOYD'S TIRE SERVICE INC	122699	11/05/21	636.08
003389	LOCKE/CERINA	122700	11/05/21	50.00

Check Register

BANK	VENDOR	CHECK#	DATE	AMOUNT	
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	001591 MARKELL/ROD	122703	11/05/21	1,974.00	
	001815 MC GRATH/TRISH	122704	11/05/21	50.00	
	003171 MICHALAK/GENE	122705	11/05/21	125.00	
	000218 MID VALLEY SUPPLY	122706	11/05/21	438.99	
	000083 MISSION UNIFORM SERVICE	122707	11/05/21	239.49	
	001615 OLIN CORP-CHLOR ALKALI	122708	11/05/21	2,285.69	
	003766 ORMONDE/ROBERT	122709	11/05/21	50.00	
	004036 PEREZ/ERIC	122710	11/05/21	36.00	
	001097 PRODESSE PROPERTY GROUP	122711	11/05/21	3,523.52	
	000463 RALEY'S	122712	11/05/21	86.87	
	003786 RENN/TIMOTHY	122713	11/05/21	36.00	
	001118 RUTHERFORD/JAYSON	122714	11/05/21	50.00	
	001875 SANTA CRUZ COUNTY	122715	11/05/21	693.03	
	003367 SANTA CRUZ LIVE SCAN, IN	122716	11/05/21	30.00	
	000128 SCARBOROUGH LUMBER	122717	11/05/21	1,780.24	
	000319 SCOTTS VALLEY CAR WASH	122718	11/05/21	166.95	
	002065 SOTO/ART	122719	11/05/21	50.00	
	003928 SOUTH BAY REGIONAL PUBLI	122720	11/05/21	140.00	
	003958 STANDEN/BENJAMIN	122721	11/05/21	108.00	
	004026 STEELE-FREITAS/SETH	122722	11/05/21	50.00	
	003757 SWEDBERG ELECTRIC INC.	122723	11/05/21	3,592.50	
	001085 SYCAL ENGINEERING INC	122724	11/05/21	1,150.00	
	003973 THOMAS/TYLER	122725	11/05/21	342.79	
	000153 THOMSON REUTERS-WEST	122726	11/05/21	355.92	
	003908 TRANSUNION RISK & ALTERN	122727	11/05/21	82.00	
	000098 TROWBRIDGE ENTERPRISES	122728	11/05/21	8,934.54	
	000146 U.S. POSTMASTER	122729	11/05/21	800.00	
	001831 USA BLUE BOOK	122730	11/05/21	103.50	
	003924 VIRTUAL PROJECT MANAGER	122731	11/05/21	1,000.00	
	003533 WATSON MARLOW, INC	122732	11/05/21	1,545.77	
	000154 WINCHESTER AUTO STORES	122733	11/05/21	46.93	
	003991 WOWAK/PASCALE	122734	11/05/21	995.00	
	GENERAL CHECKING ACCOUNT			251,425.07	***

SCOTTS VALLEY ACCOUNTS PAYABLE
CITY OF SCOTTS VALLEY
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BANK	VENDOR	CHECK#	DATE	AMOUNT
REPORT TOTALS:				251,425.07

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FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
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001	GENERAL	38,708.93
002	RECYCLING/ENVIRONMENTAL	4,000.00
004	RECREATION	3,196.31
010	WASTEWATER OPERATIONS	11,013.79
011	TERTIARY TREATMENT PLANT	3,697.14
012	WASTEWATER CAPITAL RESERVE	179,396.00
019	AFFORDABLE HOUSING	1,974.00
023	SVRDA SUCCESSOR AGENCY	7,143.90
028	SENIOR CENTER	800.00
050	PINEWOOD EST LNDSCP MAINT DT	766.00
112	DENTAL INS INTERNAL SERV	729.00
TOTAL ALL FUNDS		251,425.07

BANK RECAP:

BANK	NAME	DISBURSEMENTS
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BA	GENERAL CHECKING ACCOUNT	251,425.07
TOTAL ALL BANKS		251,425.07

SCOTTS VALLEY ACCOUNTS PAYABLE
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Report Selection:

RUN GROUP... 111921 COMMENT... 11/19/2021 A/P

DATA-JE-ID DATA COMMENT

W-11192021-491 11/19/2021 A/P

Run Instructions:

Jobq	Banner	Copies	Form	Printer	Hold	Space	LPI	Lines	CPI	CP	SP	RT
L		01			Y	S	6	066	10			

BANK	VENDOR	CHECK#	DATE	AMOUNT
BA	GENERAL CHECKING ACCOUNT			
000041	ACC BUSINESS	122735	11/19/21	593.58
003597	ADAMS ASHBY GROUP, INC	122736	11/19/21	500.00
001405	AFLAC-FLEX ONE	122737	11/19/21	1,563.20
001125	ASHFIELD/CHARLENE	122738	11/19/21	47.08
001670	AT &T	122739	11/19/21	3,535.40
000097	AT&T	122740	11/19/21	169.10
000614	BATTERIES + BULBS #314	122741	11/19/21	55.84
001786	BEWICK/KENNETH	122742	11/19/21	135.00
000021	BOWMAN & WILLIAMS	122743	11/19/21	2,482.50
001566	BUSINESS WITH PLEASURE	122744	11/19/21	1,112.65
003178	BUTANO GEOTECHNICAL	122745	11/19/21	512.50
001555	CA DEPT OF TAX & FEE ADM	122746	11/19/21	4,006.32
001888	CALIF. PEACE OFFICER ASS	122747	11/19/21	125.00
001015	CALIFORNIA POLICE CHIEF'	122748	11/19/21	1,000.00
003521	CARD SERVICE CENTER	122749	11/19/21	2,297.64
003521	CARD SERVICE CENTER	122750	11/19/21	5,841.23
003887	CHEUNG/ATHENA	122751	11/19/21	43.20
002091	COMCAST	122752	11/19/21	330.71
002091	COMCAST	122753	11/19/21	323.22
000037	CRYSTAL SPRINGS WATER CO	122754	11/19/21	36.30
000037	CRYSTAL SPRINGS WATER CO	122755	11/19/21	71.05
003043	CSG CONSULTANTS, INC	122756	11/19/21	42,507.45
000389	DASSEL'S PETROLEUM INC	122757	11/19/21	10,077.52
000207	DEPARTMENT OF JUSTICE	122758	11/19/21	64.00
000318	DEPT OF TRANSPORTATION	122759	11/19/21	1,433.54
003160	DIXON & SON TIRE	122760	11/19/21	212.73
001537	DYNAMIC PRESS	122761	11/19/21	227.18
001597	ENVIRONMENTAL INNOVATION	122762	11/19/21	5,170.00
.15830	FASTRAK INVOICE PROCESSI	122763	11/19/21	6.00
004037	FERGUSON ENTERPRISES, LL	122764	11/19/21	6.34
000582	FERRARA/TRACY A.	122765	11/19/21	1,246.00
004019	FERRO/ARMANDO	122766	11/19/21	1,045.00
004039	GARNER/SCOTT	122767	11/19/21	80.00
001881	GRAINGER	122768	11/19/21	222.94
003266	INTERGRITY AUTOMOTIVE	122769	11/19/21	186.66
004041	INTERWEST CONSULTING GRO	122770	11/19/21	3,463.75
.15829	JIM RUIZ	122771	11/19/21	400.00
004040	JOHNSON/SHEA	122772	11/19/21	225.74
004024	K & D LANDSCAPING, INC.	122773	11/19/21	5,935.45
003292	KIMLEY-HORN & ASSOCIATES	122774	11/19/21	2,065.88
003995	LIPARI/NICOLAS	122775	11/19/21	80.00
003389	LOCKE/CERINA	122776	11/19/21	35.00
000284	LOGAN & POWELL, LLP	122777	11/19/21	24,275.00
003942	M-GROUP	122778	11/19/21	11,503.75
000195	MESITI-MILLER ENGINEERIN	122779	11/19/21	3,566.10
003756	MICHAEL BAKER INTERNATIO	122780	11/19/21	8,959.60
001787	MICHAEL WADE PETRINI	122781	11/19/21	125.00
000083	MISSION UNIFORM SERVICE	122782	11/19/21	829.88

BANK	VENDOR	CHECK#	DATE	AMOUNT	
BA	GENERAL CHECKING ACCOUNT				
	001418 MONTEREY REGIONAL	122783	11/19/21	4,011.54	
	000939 NATIONAL COMTEL NETWORK	122784	11/19/21	6.67	
	000088 NORTH BAY FORD-LINCOLN-	122785	11/19/21	192.04	
	001872 NORTH CENTRAL LABORATORI	122786	11/19/21	1,540.58	
	003970 PAC SHIELD ROOF SERVICES	122787	11/19/21	16,076.85	
	004042 PACE ANALYTICAL SERVICES	122788	11/19/21	288.00	
	000101 PACIFIC GAS & ELECTRIC C	122789	11/19/21	107.06	
	000101 PACIFIC GAS & ELECTRIC C	122790	11/19/21	66.25	
	001857 PHOENIX GROUP	122791	11/19/21	249.20	
	000723 PIED PIPER INC./THE	122792	11/19/21	2,450.00	
	003675 REDER DDS/SETH	122793	11/19/21	219.60	
	000134 S.V. WATER DISTRICT	122794	11/19/21	11,627.81	
	001894 S.V. WATER DISTRICT - BU	122795	11/19/21	10.23	
	001544 SANTA CRUZ COUNTY CONFER	122796	11/19/21	20,963.05	
	000126 SANTA CRUZ FIRE EQUIPMEN	122797	11/19/21	546.52	
	000127 SANTA CRUZ SENTINEL	122798	11/19/21	1,456.00	
	000820 SANTA CRUZ/COUNTY OF	122799	11/19/21	37.00	
	.15831 SANTA ROSA JUNIOR COLLEG	122800	11/19/21	78.00	
	000319 SCOTTS VALLEY CAR WASH	122801	11/19/21	154.85	
	000133 SCOTTS VALLEY SPRINKLER	122802	11/19/21	5.26	
	004038 SIGNET TESTING LABORATOR	122803	11/19/21	1,287.55	
	001361 STEVENS DDS/JOHN A	122804	11/19/21	67.50	
	004020 STOEBERL/NICHOLAS	122805	11/19/21	1,045.00	
	000143 SUMMIT UNIFORMS	122806	11/19/21	108.28	
	.15832 TARANTINO/CHRISTOPHER	122807	11/19/21	500.00	
	003548 TORO PETROLEUM CORP	122808	11/19/21	4,077.83	
	001366 U.S. BANCORP OFFICE	122809	11/19/21	1,300.62	
	004030 U.S. BANK CORPORATE	122810	11/19/21	2,530.61	
	001106 VERIZON WIRELESS	122811	11/19/21	1,036.68	
	004043 WATTS REGULATOR CO	122812	11/19/21	4,457.92	
	003971 WIZIX TECHNOLOGY GROUP,	122813	11/19/21	280.76	
	001625 YOSHIDA DDS/NOREEN	122814	11/19/21	1,505.80	
	GENERAL CHECKING ACCOUNT			227,017.09	***

SCOTTS VALLEY ACCOUNTS PAYABLE
CITY OF SCOTTS VALLEY
11/19/2021 13:44:26
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BANK	VENDOR	CHECK#	DATE	AMOUNT
REPORT TOTALS:				227,017.09

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FUND RECAP:

FUND	DESCRIPTION	DISBURSEMENTS
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001	GENERAL	171,165.34
002	RECYCLING/ENVIRONMENTAL	5,170.00
004	RECREATION	760.37
010	WASTEWATER OPERATIONS	11,551.25
011	TERTIARY TREATMENT PLANT	6,594.79
028	SENIOR CENTER	732.02
077	SKYPARK MAINT ASSESS DIST	2,796.06
088	LIBRARY FACILITIES-MEAS "S"	17,364.40
112	DENTAL INS INTERNAL SERV	3,032.10
123	COMMUNITY FACILITY CENTER	1,915.31
150	GENERAL CAPITAL IMPROVEMENTS	5,935.45
TOTAL ALL FUNDS		227,017.09

BANK RECAP:

BANK	NAME	DISBURSEMENTS
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BA	GENERAL CHECKING ACCOUNT	227,017.09
TOTAL ALL BANKS		227,017.09

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: November 24, 2021

TO: Honorable Mayor and City Council

FROM: Kirsten Powell, City Attorney

SUBJECT: **EMPLOYMENT AGREEMENT BETWEEN THE CITY OF SCOTTS VALLEY AND MALI LAGOE FOR THE POSITION OF CITY MANAGER**

SUMMARY OF ISSUE

In July 2021, City Manager Tina Friend announced she would be leaving the City of Scotts Valley to become the City Manager of the City of Coronado. Shortly after Ms. Friend's resignation, the City hired Bob Murray & Associates to conduct the recruitment for a new City Manager. Bob Murray & Associates received 48 applicants, resulting in 6 interviews.

After extensive interviews, the City Council offered the position of City Manager to Mali LaGoe. Ms. LaGoe is currently the Assistant County Executive Officer for Nevada County. She has worked for Nevada County since 2012. As the Assistant County Executive Officer, Ms. LaGoe has delivered results to accomplish the Board of Supervisor's Policy Objectives in areas including wildfire preparedness, economic development, the County's long term financial stability and community engagement. She has also been responsible for executing the County Executive Officer's priorities including gaining organizational efficiencies, improving communication and ensuring excellent customer service across all departments and service areas. She has also served in interim roles as Human Resources Director, Social Services Director and Community Development Agency Director.

To formalize the appointment of Ms. LaGoe, the City and Ms. LaGoe must enter into an employment agreement. Such an agreement has been prepared and is attached to this report. The terms of this agreement are similar to agreements with prior City Managers. Ms. LaGoe will be paid an annual salary of \$238,116.00. She will accrue the same benefits as all Department Heads with additional vacation accrual. In the event Ms. LaGoe is terminated from her employment, she will be entitled to a lump sum cash payment in an amount equal to 6 months aggregate base pay and benefits. Ms. LaGoe's performance will be reviewed at least annually. She will begin work on January 10, 2022.

FISCAL IMPACT

Funding for this position has been included as part of the FY 2021-22 Adopted Budget as approved by the City Council.

STAFF RECOMMENDATION

It is recommended that the City Council review and approve the proposed agreement between the City and Ms. LaGoe.

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AGREEMENT BETWEEN THE CITY OF SCOTTS VALLEY AND MALI LAGOE FOR EMPLOYMENT AS CITY MANAGER

THIS AGREEMENT is made and entered into this 1st day of December, 2021, by and between the City of Scotts Valley, a municipal corporation ("City") and Mali LaGoe ("Manager").

RECITALS

- A. Manager was selected by the City Council of the City ("City Council") to serve as City Manager of the City and was chosen on the basis of her executive, administrative and management qualifications and knowledge in the field of governmental and municipal administration.
- B. The City Council believes it is in the best interest of City and Manager to provide for the terms and conditions of Manager's employment by this Agreement.
- C. Manager desires to accept employment as City Manager under the conditions contained in this agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the promises, covenants and conditions contained herein the parties agree as follows:

- 1. **Duties.** City hereby hires Manager and Manager hereby accepts employment with City to perform the functions and duties of City Manager as specified in the Municipal Code of City and to perform any and all other legally permissible and proper duties and functions as the City Council may from time-to-time assign beginning January 10, 2022. Manager shall work exclusively for the City.
- 2. **Salary.** Commencing January 10, 2022, as compensation for the services to be performed for City, Manager shall receive an annual base salary of Two Hundred Thirty Eight Thousand One Hundred Sixteen Dollars (\$238,116.00) per annum, payable in the manner customarily followed by City with respect to payment of other full-time employees of the City.
- 3. **Term and Salary Adjustments.**
 - A. **Term.** This Agreement shall remain in effect for an indeterminate period until either Manager retires, resigns, or until the City Council removes Manager from office for any reason or for no reason at all as provided in Section 4 below.

Manager agrees to remain in the exclusive employ of City for an indefinite term as provided by the Scotts Valley Municipal Code, and neither to accept other employment nor to become employed by any other employer until Manager has terminated employment with City, unless said termination is affected as hereinafter provided.

B. Salary Adjustments.

1. The City Council shall review Manager's job performance on or before December 31st of each calendar year. Following the evaluation, the City Council shall determine if an adjustment will be made in the Manager's base compensation and, if so, the Mayor shall advise the City Clerk of City to implement the change as determined by the City Council by forwarding a report following any closed or open session regarding the Manager's performance to the City Clerk.
2. Manager shall be entitled to any Cost of Living Adjustment (COLA) or similar across-the-board salary increase granted to Non-Safety Management and Confidential Employees.
3. Manager's salary shall also be adjusted for longevity with the City. Adjustments to salary shall be five percent (5%) after 15 years of service.
4. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of Manager at any time during the term of the Agreement for any reason or no reason at all.
5. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Manager to resign at any time from her position with City, subject only to the provision set forth in Section 4C of this Agreement.

4. Termination and Severance Pay.

- A. In the event Manager is terminated by the City Council from her employment as Manager during the term of this Agreement and Manager is willing and able to perform her duties under this Agreement, then, and in that event, City agrees to pay Manager a lump sum cash payment in an amount equal to six (6) months aggregate base pay at the amount in effect at the time of termination as a severance payment City also agrees to pay life and medical

insurance premiums as well as pay for all eligible costs as part of the City's dental reimbursement program for a period of six (6) months after date of termination. The City and Manager understand that should the City decide to terminate the employment relationship, it need not give notice of the reasons nor a hearing to review the decision and that any such termination shall terminate this Agreement on the date of termination.

- B. In the event the City Council, at any time during the term of this Agreement, reduces the salary or other financial benefits of Manager in a greater percentage than an applicable across-the-board reduction for all employees of City, Manager may, at her option, give written notice that she be deemed to be "terminated" at the date of such reduction. In the event Manager gives written notice of her intent to exercise the option to terminate pursuant to this subsection B, the provisions of Section 4A shall apply in the same manner as if the City Council had terminated Manager.
 - C. In the event Manager voluntarily resigns her position with City, Manager shall give City at least sixty (60) days written notice in advance, unless the parties otherwise agree. If Manager voluntarily resigns she shall not be entitled to severance pay. In addition, voluntary resignation shall terminate the provisions of this Agreement effective on the date of resignation.
5. **Leave.** Manager shall accrue leave in the same manner as other department heads of the City. However, the following exception shall apply:
- Vacation Leave: Manager shall accrue Vacation Leave at a rate of 4 weeks (160 hours) per year. In addition, upon commencement of employment, Manager shall begin with a bank of 3 weeks (120 hours) of Vacation Leave
- After 1 year of employment, Manager shall be subject to associated accrual maximum of 400 hours. City agrees to buy-back up to 3 weeks (120 hours) of Vacation Leave from Manager on an annual basis, so long as the Manager maintains an accrued Vacation Leave balance of at least 40.00 hours.
6. **Other Employment Benefits.** Manager shall be entitled to receive medical insurance, disability insurance, life insurance, workers' compensation, retirement and all other employee benefits granted to the Non-Safety Management and Confidential Employees in the Management and Confidential Employees MOU. In the event of a conflict between the terms of the MOU and this Agreement, the terms of this Agreement shall control.
7. **Auto Allowance.** Manager, at her sole option, may (i) receive a monthly automobile allowance of Five Hundred Dollars (\$500) and shall provide for herself

an appropriate automobile and shall maintain in full force and effect during the term of this Agreement automobile liability insurance in an amount not less than \$500,000 for personal injury and \$300,000 for property damage, or (ii) use a vehicle provided by the City. If a City vehicle is selected, all costs of maintenance, repair and insurance shall be paid by the City. Manager shall not be eligible for mileage reimbursement.

8. **Performance Evaluation.**

- A. The City Council shall review and evaluate the performance of Manager at least once annually. The review and evaluation shall be in accordance with specific criteria developed jointly by Manager and City. The criteria may be changed from time-to-time as the City Council may determine in consultation with Manger.
- B. The City Council and Manger shall annually define goals and performance objectives which they determine necessary for the proper operation of the City and in the attainment of the City Council's policy objectives and shall further establish a relative priority among those various goals and objectives, said goals and objectives to be specified in writing. The goals shall generally be attainable within the time limitations as specified and the annual operating and capital budgets and appropriations provided.

9. **Professional Development.** The City acknowledges the benefit of the continuing professional development of Manager. Therefore, City agrees to pay all expenses (up to \$5,000.00 per year) associated with membership fees as well as employment-related conferences, including meals, subscriptions, and professional development costs associated with professional organizations, such as the International City Management Association, the League of California Cities, and the California City Managers Association, to the extent those organizations and conferences benefit the City. Anything above \$5,000.00 per year must be approved in advance by the City Council. Professional development activities shall not distract Manager from her other duties as City Manager.

10. **Bonding.** City shall obtain and bear the full cost of any fidelity or other bonds required of the Manager under any law or ordinance.

11. **Other Terms and Conditions of Employment.**

- A. The salary, compensation and other provisions set forth in this Agreement for Manager may be revised from time-to-time as mutually agreed upon by Manager and the City Council.

- B. It is one of the duties of the City Manager of the City of Scotts Valley to implement, support, and articulate the policies and objectives of the Scotts Valley City Council and to serve as the primary administrative official of the City. As such, Manager is expected to maintain a reasonably high level of community involvement, and should become an active participant in community activities including those conducted or sponsored by City and its departments and those conducted or sponsored by various community organizations.
12. **Notices.** Notices pursuant to this Agreement shall be given by depositing such notice to the custody of the United States Postal Service, postage prepaid, addressed as follows:
- City:
City Clerk
City of Scotts Valley
1 Civic Center Drive
Scotts Valley, CA 95066
- Manager:
Mali LaGoe
City of Scotts Valley
1 Civic Center Drive
Scotts Valley, CA 95066
13. **Amendment.** This Agreement may be amended, modified, or changed by the parties provided that said agreement, modification or change is in writing and approved by the authorized representative of the parties.
14. **Applicable Law and Attorneys' Fees.** This Agreement shall be construed and enforced in accordance with the laws of the State of California. Should any legal action be brought by a party for breach of this Agreement or to enforce any provision of the Agreement, the prevailing party of such action shall be entitled to reasonable attorneys' fees, court costs and any costs as may be fixed by the court.
15. **Entire Agreement.** This Agreement contains the entire understanding between the parties with respect to the subject matter herein. There are no representations, agreements or understandings, whether oral or written between or among the parties relating to the subject matter of this agreement which are not fully expressed herein. The drafting and negotiation of This Agreement has been participated in by each of the parties and/or their counsel and for all purposes of This Agreement shall be deemed to have been drafted jointly by all parties.

16. **Severability**. If any one or more of the covenants, agreements or portions thereof of this Agreement shall be held by a court of competent jurisdiction in a final judicial action to be void, voidable or unenforceable, such covenant or covenants, agreement or agreements, or such portions thereof shall be null and void and shall be deemed severable from the remaining covenants and agreements or portions thereof, and shall in no way affect the validity or enforceability of the remaining portions of this Agreement.

IN WITNESS WHEREOF, this Agreement is executed by the City and Manager on the 1st day of December, 2021, at Scotts Valley, California.

CITY OF SCOTTS VALLEY:

MANAGER:

Derek Timm, Mayor

DocuSigned by:
Mali LaGoe
CA25DC49B5394DC...

Mali LaGoe

APPROVED AS TO FORM:

Kirsten Powell, City Attorney

ATTEST:

Tracy Ferrara, City Clerk

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: December 1, 2021

TO: Honorable Mayor and City Council

FROM: Kirsten Powell, City Attorney

SUBJECT: **INTRODUCTION OF ORDINANCE NO. 198 IMPLEMENTING SB 1383, MANDATORY ORGANIC WASTE DISPOSAL REDUCTION ORDINANCE**

SUMMARY OF ISSUE

At the March 17, 2021 City Council meeting, City staff presented information regarding organics recycling as required by Senate Bill 1383. The State passed Senate Bill 1383 (SB1383) in 2016 to reduce organic waste disposal by 75% and increase edible food recovery by 20% by 2025. SB 1383 also requires all businesses, residents, and multi-family apartments to have access to recycling programs that capture food scraps and landscaping waste, among other organic waste materials. Under this law, jurisdictions must provide organics recycling service to nearly all residents and businesses. Jurisdictions must also develop or expand existing organic collection systems in all sectors and plan for adequate organic processing. Additionally, jurisdictions must implement other requirements, such as contamination monitoring, record keeping, and reporting.

As directed by SB 1383, the California Department of Resources Recycling and Recovery (CalRecycle) developed prescriptive regulations to achieve the State's goals. The regulations comprise 127 pages and place requirements on multiple entities including cities, counties, special districts, residential households, commercial businesses, business owners, multi-family property owners or managers, commercial edible food generators, haulers, self-haulers, food recovery organizations, and food recovery services to support achievement of statewide organic waste disposal reduction targets. The SB 1383 Regulations require cities, counties and special districts that provide Solid Waste collection services to adopt and enforce an ordinance or an enforceable mechanism to implement relevant provisions of the regulations. Staff has prepared the attached ordinance to comply with this requirement. A summary of the key provisions is also attached.

The language in the new ordinance will also help reduce food insecurity by requiring Commercial Edible Food Generators to arrange to have the maximum amount of their Edible Food, that would otherwise be disposed, be recovered for human consumption. The SB 1383 Regulations include separate requirements for procurement of materials, such as a specified amount of compost or other material recovered from organic waste processing and procurement of recycled content paper. These separate requirements can be satisfied without action by the City Council.

At their meeting of November 17, 2021, the City Council approved the first reading and introduction of Ordinance No. 198.

FISCAL IMPACT

The introduction and adoption of this Ordinance will have no direct fiscal impact on the City. The overall implementation of SB 1383 will cause increased costs for the waste hauler and the City. Solid Waste collection rate increases have occurred and are expected to increase over a period of several years.

STAFF RECOMMENDATION

Staff recommends that the City Council approve the second reading and adoption of Ordinance No. 198 repealing and replacing Title 8, Chapter 8.12 (Refuse) to Implement SB 1383, Solid Waste, Recyclable Material, Organic Material and Excluded Waste Management.

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Summary of Proposed Chapter 8.12 of the Scotts Valley Municipal Code

The text of Chapter 8.12 is based largely on a model ordinance developed by CalRecycle to assist local governments in complying with its SB 1383 Regulations. The regulations and ordinance are very detailed. This summary provides a general description of the key requirements.

8.12.010 Definitions

This section adopts definitions of the various terms used in the SB 1383 Regulations that the City is required to follow in administering the ordinance.

8.12.110 Single Family Requirements

As required by the SB 1383 Regulations this section provides that residents must 1) Have access to an organics recycling program--cart with appropriate lid color that accepts landscaping and food waste, 2) Place all organic waste in their curbside organics recycling container, 3) Place all recyclables in recycling cart, and 4) not contaminate carts with materials that do not belong in the cart.

8.12.120 Commercial and Multi-Family Requirements

Commercial and Multi-family properties must 1) Have access to an organics recycling program (cart or dumpster with appropriate lid color that accepts landscaping and food waste), 2) Place all organic waste in organics recycling container, 3) Place all dry recyclables in recycling, 4) not contaminate carts with materials that do not belong in the cart, 5) Businesses must train staff on which materials are acceptable in the recycling and organics recycling programs, 6) Businesses must include signage and color-coded lids on recycling and organics recycling bins in customer-facing locations such as lobbies or dining areas at fastcasual locations, and 7) Periodically monitor for contamination of recycling and organics recycling streams.

8.12.130 Waivers for Residential and Commercial Generators

Businesses that do not generate high volumes of organics waste as defined in this section or do not have adequate space in their trash enclosure may apply for a compliance waiver from the City.

8.12.140 Commercial Edible Food Generator Requirements

Certain food service businesses must make arrangements with edible food recovery operations to recover edible food. Tier 1 businesses will be required to make arrangements to recover edible food by 2022. Tier 2 businesses will be required to have edible food recovery programs by 2024.

8.12.150 Requirements for Food Recovery Organizations and Services

These entities will be required to document their edible food recovery activities.

8.12.160 Hauler and Facility Operator Requirements

The City's exclusive franchise hauler must provide organics recycling service and transport organics to an organics waste processing facility. Haulers and organics facility operators must provide reports to the City upon request within 60 days.

8.12.170 Self-Hauler Requirements

Businesses are allowed to self-haul their organic waste, such as spoiled produce from a grocery store or landscaping waste handled by a landscaping contractor, provided the materials are taken to a recycling facility and that the business provides the City with reports upon request.

8.12.200 Non-Local Entities and Local Education Agency Requirements

Non-local entities (such as special districts) and local education agencies shall comply with requirements 14 CCR Chapter 12, Article 5 and shall comply with Food Recovery requirements of Section 8.12.140.

8.12.210 Inspections and Investigations by City

City officials or their designee are authorized to enter into non-residential properties to assess compliance of provisions outlined in this Article.

ORDINANCE NO. 198

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY REPEALING AND REPLACING TITLE 8, CHAPTER 8.12 (REFUSE) TO IMPLEMENT SB 1383, SOLID WASTE, RECYCLABLE MATERIAL, ORGANIC MATERIAL AND EXCLUDED WASTE MANAGEMENT

BE IT ORDAINED by the City Council of the City of Scotts Valley as follows:

Section 1. Chapter 8.12 of Title 8 of the Scotts Valley Municipal Code, entitled “Refuse,” is hereby repealed in its entirety and is of no further force or effect.

Section 2. A new Chapter 8.12 of Title 8 of the Scotts Valley Municipal Code, entitled “” is hereby adopted to read as follows:

“Chapter 8.12 – Solid Waste, Recyclable Material, Organic Material and Excluded Waste Management

8.12.010	Definitions
8.12.020	Regulations for Accumulation
8.12.030	Burying and Burning of Materials
8.12.040	Unauthorized Use and Handling of Receptacles
8.12.050	Period of Accumulation Limited
8.12.060	Minimum Service—Containers
8.12.070	Materials Transportation
8.12.080	Collection
8.12.090	Placing for Collection
8.12.100	Emergency Removal
8.12.110	Single Family Requirements
8.12.120	Commercial and Multi-family Requirements
8.12.130	Waivers for Residential and Commercial Generators
8.12.140	Commercial Edible Food Generators Requirements.
8.12.150	Requirements for Food Recovery Organizations and Services
8.12.160	Hauler and Facility Operator Requirements
8.12.170	Self-Hauler Requirements
8.12.180	Compliance with CALGreen Recycling Requirements
8.12.190	Model Water Efficient Landscaping Ordinance Requirements
8.12.200	Non-Local Entities and Local Education Agency Requirements
8.12.210	Inspections and Investigations by City
8.12.220	Enforcement
8.12.230	Effective Date

8.12.010 - Definitions.

Words used in this chapter are defined as hereinafter provided, as follows:

- (a) "California Code of Regulations" or "CCR" means the State of California Code of Regulations. CCR references in this chapter are preceded with a number that refers to the relevant Title of the CCR (e.g., "14 CCR" refers to Title 14 of CCR).
- (b) "CalRecycle" means California's Department of Resources Recycling and Recovery, which is the Department designated with responsibility for developing, implementing, and enforcing SB 1383 Regulations on cities, counties, special districts, and other regulated entities.
- (c) "City" means the City of Scotts Valley, California, a political subdivision of the State of California, and its duly authorized representatives.
- (d) "City Enforcement Official" means the city code enforcement officer, city manager, or other executive in charge or their authorized Designee(s) who is/are partially or whole responsible for enforcing the chapter. See also "County Agency Enforcement Official".
- (e) "Commercial Business" or "Commercial" means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a multifamily residential dwelling with five or more units, or as otherwise defined in 14 CCR Section 18982(a)(6); with the exception that Multi-Family is excluded from this definition. A Multi-Family Residential Dwelling that consists of fewer than five (5) units is not a Commercial Business for purposes of implementing this chapter.
- (f) "Commercial Edible Food Generator" includes a Tier One or a Tier Two Commercial Edible Food Generator as defined in Definitions (xxx) and (yyy) of this chapter or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- (g) "Compliance Review" means a review of records by the City to determine compliance with this chapter.
- (h) "Compost" has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this chapter, that "Compost" means the product resulting from the controlled biological decomposition of organic Solid Wastes that are Source Separated from the municipal Solid Waste stream, or which are separated at a centralized facility.
- (i) "Compostable Plastics" or "Compostable Plastic" means plastic materials that meet the ASTM D6400 standard for compostability, or as otherwise described in 14 CCR Section 18984.1(a)(1)(A) or 18984.2(a)(1)(C).

- (j) "Container Contamination" or "Contaminated Container" means a container, regardless of color, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- (k) "County" means the County of Santa Cruz, California.
- (l) "County Agency Enforcement Official" means an authorized designee of the County of Santa Cruz in the Health Services Agency or other departments who is/are partially or whole responsible for enforcing the chapter.
- (m) "Customer" means the person who receives the collection contractor's services and to whom the Exclusive Hauler submits its billing invoice to and collects payment from for collection services provided to a premises. The Customer may be either the occupant, owner, or property manager of the premises.
- (n) "C&D" means construction and demolition debris.
- (o) "Dead animals" means those animals that die naturally, from disease, or are accidentally killed, but shall not mean condemned animals or parts of animals from slaughterhouses or similar places.
- (p) "Designee" means an entity that the City contracts with or otherwise arranges to carry out any of the City's responsibilities of this chapter as authorized in 14 CCR Section 18981.2. A Designee may be a government entity, a hauler, a private entity, or a combination of those entities.
- (q) "Edible Food" means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this chapter or as otherwise defined in 14 CCR Section 18982(a)(18), "Edible Food" is not Solid Waste if it is recovered and not discarded. Nothing in this chapter or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code.
- (r) "Enforcement Action" means an action of the City to address non-compliance with this chapter including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- (s) "Enforcement Entity" means an appointed designee for the enforcement of this chapter. A designee may be the City Enforcement Official, County Enforcement Official, or other designee.
- (t) "Excluded Waste" means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from the City and its Generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or

accepted at the facility by permit conditions, waste that in City's or its Designee's reasonable opinion would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the City or its Designees to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the California Public Resources Code. Excluded Waste does not include used motor oil and filters, and household batteries when such materials are defined as allowable materials for collection through the City's collection programs and the Generator or Customer has properly placed the materials for collection pursuant to instructions provided by City or Exclusive Hauler for collection services.

- (u) "Exclusive Hauler" means the collection contractor that has been granted the exclusive rights to collect Recyclable Materials, Organic Materials, Solid Waste, and C&D in the City through the agreement entered into by the collection contractor and the City.
- (v) "Food Distributor" means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- (w) "Food Facility" has the same meaning as in Section 113789 of the Health and Safety Code.
- (x) "Food Recovery" means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
- (y) "Food Recovery Organization" means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:
 - (1) A food bank as defined in Section 113783 of the Health and Safety Code;
 - (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
 - (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this chapter.

- (z) “Food Recovery Service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- (aa) “Food Scraps” means those discarded materials that will decompose and/or putrefy including: (i) all kitchen and table food waste; (ii) animal or vegetable waste that is generated during or results from the storage, preparation, cooking or handling of food stuffs; (iii) discarded paper (including paper containers and cartons) that is contaminated with Food Scraps and compostables; (iv) fruit waste, grain waste, dairy waste, meat, and fish waste; and, (v) vegetable trimmings, houseplant trimmings and other compostable organic waste common to the occupancy of Residential dwellings. Food Scraps are a subset of Organic Waste. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.
- (bb) “Food Service Provider” means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
- (cc) “Food-Soiled Paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, paper coffee cups, napkins, pizza boxes, and milk cartons.
- (dd) “Food Waste” includes Food Scraps and Food-Soiled Paper, and includes Compostable Plastics, unless City, its Designee, or Exclusive Hauler excludes Compostable Plastics in the Organic Materials Containers.
- (ee) “Generator” means any person whose act first causes discarded materials to become subject to regulation under this chapter 8.12 of the City Code or under federal, State, or local laws or regulations.
- (ff) “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- (gg) “Hauler Route” means the designated itinerary or sequence of stops for each segment of the City’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).

- (hh) “High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average Mixed Waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
- (ii) “Inspection” means a site visit where a City or its Designee reviews records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this chapter, or as otherwise defined in 14 CCR Section 18982(a)(35).
- (jj) “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this chapter.
- (kk) “Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility. For purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this chapter and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this chapter.
- (ll) “Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- (mm) “Materials” means any item falling under the definitions of Solid Waste, Recyclable Material, Organic Material, and Excluded Waste.
- (nn) “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five (5) or more dwelling units. Multi-Family premises

do not include hotels, motels, or other transient occupancy facilities, which are considered Commercial Businesses. Residential premises with fewer than five (5) dwelling units shall be considered Single-Family.

- (oo) “MWELO” refers to the Model Water Efficient Landscape Ordinance (MWELO), 23 CCR, Division 2, Chapter 2.7.
- (pp) “Non-Compostable Paper” includes, but is not limited to, paper that is coated in a plastic material that will not breakdown in the composting process, or as otherwise defined in 14 CCR Section 18982(a)(41).
- (qq) “Non-Local Entity” means the following entities that are not subject to the Jurisdiction’s enforcement authority, or as otherwise defined in 14 CCR Section 18982(a)(42):
 - (1) Special district(s) located within the boundaries of the City.
 - (2) Federal facilities, including military installations, located within the boundaries of the City.
 - (3) Prison(s) located within the boundaries of the City.
 - (4) Facilities operated by the State park system located within the boundaries of the City.
 - (5) Public universities (including community colleges) located within the boundaries of the City.
 - (6) County fairgrounds located within the boundaries of the City.
 - (7) State agencies located within the boundaries of the City.
- (rr) “Notice of Violation (NOV)” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.
- (ss) “Organic Materials” means Yard Waste, Food Waste, lumber, and wood waste.
- (tt) “Organic Materials Container” has the same meaning as in 14 CCR Section 18982.2(a)(29) and shall be used for the purpose of storage and collection of Source Separated Organic Materials.
- (uu) “Organic Waste” means Solid Wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, Yard Waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).

- (vv) "Organic Waste Generator" means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).
- (ww) "Paper Products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- (xx) "Printing and Writing Papers" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).
- (yy) "Prohibited Container Contaminants" means the following: (i) discarded materials placed in the Recyclable Materials Container that are not identified as acceptable Source Separated Recyclable Materials for the City's Recyclable Materials Container; (ii) discarded materials placed in the Organic Materials Container that are not identified as acceptable Source Separated Organic Materials for the City's Organic Materials Container; (iii) discarded materials placed in the Solid Waste Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Organic Materials to be placed in City's Organic Materials Container and/or Recyclable Materials Container; and, (iv) Excluded Waste placed in any container.
- (zz) "Recovered Organic Waste Products" means products made from California, landfill-diverted recovered Organic Waste processed in a permitted or otherwise authorized facility, or as otherwise defined in 14 CCR Section 18982(a)(60).
- (aaa) "Recovery" means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).
- (bbb) "Recyclable Materials" means materials authorized by Exclusive Hauler listing.
- (ccc) "Recyclable Materials Container" has the same meaning as in 14 CCR Section 18982.2(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials.
- (ddd) "Recycled-Content Paper" means Paper Products and Printing and Writing Paper that consists of at least 30 percent, by fiber weight, postconsumer fiber, or as otherwise defined in 14 CCR Section 18982(a)(61).
- (eee) "Remote Monitoring" means the use of the internet of things (IoT) and/or wireless electronic devices to visualize the contents of Recyclable Materials Containers, Organic Materials Containers, and Solid Waste Materials Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.

- (fff) “Renewable Gas” means gas derived from Organic Waste that has been diverted from a California landfill and processed at an in-vessel digestion facility that is permitted or otherwise authorized by 14 CCR to recycle Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(62).
- (ggg) “Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).
- (hhh) “Route Review” means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).
- (iii) “SB 1383” means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a Statewide effort to reduce emissions of short-lived climate pollutants as amended, supplemented, superseded, and replaced from time to time.
- (jjj) “SB 1383 Regulations” or “SB 1383 Regulatory” means or refers to, for the purposes of this chapter, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- (kkk) “Self-Hauler” means a person, who hauls Solid Waste, Organic Waste or recyclable material they have generated to another person. Self-hauler also includes a person who back-hauls waste, or as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the Generator using the Generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A). Self-hauler also includes a landscaper.
- (lll) “Single-Family” means of, from, or pertaining to any residential premises with fewer than five (5) units.
- (mmm) “Solid Waste” has the same meaning as defined in State Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:

- (1) Hazardous waste, as defined in the State Public Resources Code Section 40141.
 - (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the State Health and Safety Code).
 - (3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the State Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in State Public Resources Code Section 40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the State Public Resources Code.
- (nnn) "Solid Waste Materials Container" has the same meaning as in 14 CCR Section 18982.2(a)(28) and shall be used for the purpose of storage and collection of Solid Waste.
- (ooo) "Source Separated" means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of the chapter, Source Separated shall include separation of materials by the Generator, property owner, property owner's employee, property manager, or property manager's employee into different containers for the purpose of collection such that Source Separated materials are separated from Solid Waste for the purposes of collection and processing.
- (ppp) "Source Separated Organic Materials" means Source Separated Organic Materials that can be placed in an Organic Materials Container that is specifically intended for the separate collection of Organic Waste.
- (qqq) "Source Separated Recyclable Materials" means Source Separated Recyclables Materials that can be placed in a Recyclable Materials Containers that is specifically intended for the separate collection of Recyclable Materials. Source Separated Recyclable Materials.
- (rrr) "State" means the State of California.
- (sss) "Supermarket" means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).

(ttt) "Tier One Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

- (1) Supermarket.
- (2) Grocery Store with a total facility size equal to or greater than 10,000 square feet.
- (3) Food Service Provider.
- (4) Food Distributor.
- (5) Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this chapter.

(uuu) "Tier Two Commercial Edible Food Generator" means a Commercial Edible Food Generator that is one of the following:

- (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- (2) Hotel with an on-site Food Facility and 200 or more rooms.
- (3) Health facility with an on-site Food Facility and 100 or more beds.
- (4) Large Venue.
- (5) Large Event.
- (6) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- (7) A Local Education Agency facility with an on-site Food Facility.

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this chapter.

(vvv) "Wholesale Food Vendor" means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

(www) "Yard Waste" means tree trimmings, grass cuttings, dead plants, leaves, branches and dead trees (not more than three (3) inches in diameter), garden and tree fruits and vegetables, and similar materials generated and Source Separated from other materials at the Premises.

8.12.020 - Regulations for accumulation.

It is unlawful for any person to deposit, keep, accumulate, or permit or cause any material to be deposited, kept, or accumulated upon any lot or parcel of land, streets, and

alleys or drives, unless the same is kept, deposited, or allowed to accumulate in galvanized metal receptacles provided with handles, or acceptable plastic containers.

Storage within buildings, or outside and within five feet of a combustible surface, must be within a metal receptacle. Storage of combustibles within a building in individual containers of one and one-half cubic yards or greater shall be provided with a one-hour occupancy separation from the remaining area of the building or protected by an automatic fire sprinkler head(s). Outside storage within five feet of combustible surfaces may be allowed when protected by an automatic fire sprinkler head.

Receptacles shall have a capacity of not less than twenty gallons, nor more than six yards, unless an approved container of larger size is provided by the Exclusive Hauler, and the receptacles shall be provided with close-fitting lids or covers which shall be kept closed at all times except when necessarily opened to permit deposit or removal of material. Container shall be kept in sanitary condition by owners and free of holes that might cause leakage or the emission of any offensive vapors, gases or odors. No container shall be placed in any manner such that the container impedes normal vehicular traffic, public transportation or pedestrian or wheelchair access to public rights-of-way. No material containers shall be placed at curbside or other location visible to the public more than twenty-four hours preceding the day of scheduled collection by the Exclusive Hauler and shall be removed from the curbside or any other location visible to the public within twenty-four hours the day immediately following the scheduled collection by the contractor.

8.12.030 - Burying and burning of materials.

No person shall place any solid waste, recyclable material, organic material, or excluded waste upon or beneath the surface of any premises. No person shall burn any materials, except that dry waste may be burned by owners or producers thereof on privately owned property, when the hours and conditions of such burning have been approved in advance by the Monterey Bay Air Resources District. No person shall burn any material which shall cause an obnoxious odor.

8.12.040 - Unauthorized use and handling of receptacles.

- (a) It is unlawful for any person to deposit, keep, accumulate or permit or cause any material to be deposited, kept or accumulated in any material container owned or rented by any owner, resident or tenant, except that prior permission be obtained from the owner or renter of the material container.
- (b) No person other than the owner, his agents or employees or the contractor shall handle any source separated or solid waste containers or remove the contents thereof from the location where the same has been placed by such owner or his agent.

8.12.050 - Period of accumulation limited.

Every person occupying or who owns property occupied by others where there is any accumulation of Source Separated Organic Material and Solid Waste materials shall dispose of the materials in some lawful manner at least once each calendar week. In cases of premises containing more than one dwelling unit, pick-up must be at least once per week per unit with the container equal to at least one twenty gallon container per unit.

8.12.060 - Minimum service—Containers.

- (a) Commercial, business, apartments, multi-family, and industrial manufacturing occupancy must have the minimum of once-a-week service. Each separate occupancy shall have its own containers, or access to a container large enough to dispose of all material generated by all occupancies using the container.
- (b) Each commercial, business, industrial, apartment, multi-family, or manufacturing occupancy shall maintain its material container(s) in an area(s) approved by the Community Development Director or duly appointed assistant, hereafter known as "agent of the city" or "agent" in accordance with the following criteria: containers shall be within an enclosure(s) constructed and consisting of a concrete floor or asphalt no less than six inches in depth, surrounded by a minimum five-foot sight-obscuring wall or fence and having a gate (unless otherwise determined to be unnecessary for proper access), and of a size approved by the "agent" as safe and adequate for the intended use. The fence, gate and surface inside the enclosure must be kept in sound repair.
- (c) Commercial, business, apartments, multi-family, and industrial manufacturing shall provide adequate, accessible, and convenient areas for collecting and loading materials.
- (d) Multi-Family External Storage Requirements. Multi-Family residential solid waste, recycling and organics receptacles must be stored in a trash enclosure or trash room for all units without access to an individual garage. Trash enclosures/trash rooms must be distributed throughout larger complexes so that no resident will have to travel more than 250 feet to reach a trash enclosure/trash room. Trash enclosures/trash rooms for multi-family unites must observe requirements of the current California Building Code regarding accessibility to solid waste collection receptacles for persons with disabilities as required by CCR Title 24, Part
- (e) Commercial External Storage Requirements. Capacity of trash enclosure areas must have adequate storage space for waste and recycling. Compactors, composting systems, food waste bins, and fats, oils and grease bins should also be stored in an enclosure or inside a building. Trash enclosures used by food-related facilities must provide sufficient space for separate food/organics bins and grease barrel/tallow bin. Trash enclosures shall be designed based on the size of the bins, the number of bins, the tenant or property use, but should remain under 500sf. If additional capacity is required, another trash enclosure must be added.

8.12.070 - Materials transportation.

No materials shall be removed and carried on and along a public right-of-way of the city except that same be carried, conveyed or hauled in conveyances so constructed as to be dustproof, and so arranged as not to permit dust or other matter to sift through or fall upon a public right-of-way. The contents of such conveyances must be completely covered and enclosed so as to prevent the contents from being blown upon the public right-of-way and adjacent lands.

8.12.080 - Collection.

- (a) It is unlawful for any person other than the City or Exclusive Hauler to engage in the business of collection, disposing of, transporting, carrying or conveying through the

public right-of-way of the city any matter offensive to the sight, provided, however, that material collection or disposal contractors when serving the municipalities county material collection district, state or federal institutions or any person in the employ of such governmental agencies may haul such materials and provided no loss occurs from such vehicles upon the public right-of-way. Nothing shall prevent a producer from hauling his own materials to a designated disposal site.

- (b) Exclusive Hauler shall have the sole and exclusive right for material collection services provided for in this code as it relates to all residential areas, to each single-family dwelling, to all multiple apartment units, to all commercial, business, industrial, and manufacturing establishments, located within the city boundaries of this city, with the following exceptions:
 - (1) That whenever a commercial, business, industrial or manufacturing establishment produces rubbish or debris that has resaleable value, it may negotiate with a scavenger company other than the contractor under contract with the city, for the opportunity of selling these specific items. The scavenger company providing this service must receive a permit issued by the fire chief or delegated representative and obtain a business license pursuant to Title 5 of this Code.
 - (2) In those cases where a commercial, business, industrial or manufacturing establishment can show to the satisfaction of the fire chief or delegated representative that the contractor under contract with the city cannot provide the necessary service required by said establishment, the fire chief may grant a permit for a scavenger company other than the contractor to provide service to the establishment. Scavenger company requesting this permit must also obtain a business license pursuant to Chapter 5.04 of this Code.

8.12.090 - Placing for collection.

The Exclusive Hauler shall collect and remove, from all places and premises in the city, all material which is contained in a receptacle of the type or kind prescribed by this chapter, located no more than fifty feet from face of curb or curb line of a public right-of-way or private alley accessible to the contractor.

8.12.100 - Emergency removal.

Nothing in this chapter shall be deemed to prohibit the removal and hauling by any unlicensed person of materials considered by the health officer or fire chief to constitute a health menace of such nature as necessary to be ordered by any of said officers to be promptly removed.

8.12.110– Single Family Requirements.

- (a) Owner, occupant, or property manager of Single-Family premises, except those that meet the Self-Hauler requirements in 8.12.170 of this chapter shall subscribe to the City's Source Separated and Solid Waste collection services for all Recyclable Materials, Organic Materials, and Solid Waste generated as described below in Section (b). City or its Designee shall have the right to review the number and size of a Recyclable Materials Containers, Organic Materials Containers, and Solid Waste Containers to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, owner,

occupant, or property manager of Single-Family premises shall adjust its service level for its collection services as requested by the City or its Designee. Owner, occupant, or property manager may additionally manage their Source Separated and Solid Waste by preventing or reducing their discarded materials, by managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

- (b) Generators shall participate in the City's Source Separated and Solid Waste collection service(s) by placing designated materials in designated containers as described below, and shall not place Prohibited Container Contaminants in collection containers.
- (c) Generators shall place Source Separated Organic Materials, including Food Waste, in the Organic Materials Container; Source Separated Recyclable Materials in the Recyclable Materials Container; and Solid Waste in the Solid Waste Container. Generators shall not place materials designated for the Solid Waste Container into the Recyclable Materials Container or Organic Materials Container.

8.12.120 – Commercial and Multi-family Requirements.

- (a) Commercial Businesses and Multi-Family Residential Dwellings shall comply with the following requirements:
 - (1) Subscribe to City's Source Separated and Solid Waste collection services and comply with requirements of those services as described below in 8.12.120(b), except Commercial Businesses and Multi-Family Residential Dwellings that meet the Self-Hauler requirements in 8.12.170 of this chapter. City or its Designee shall have the right to review the number and size of a Commercial Business's or Multi-Family Residential Dwellings' Source Separated and Solid Waste containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, owner, occupant, or property manager of Commercial Businesses and Multi-Family Residential Dwellings shall adjust their service level for their collection services as requested by the City or its Designee.
 - (2) Except Commercial Businesses and Multi-Family Residential Dwellings that meet the Self-Hauler requirements in Section 8.12.170 of this chapter, participate in the City's Source Separated and Solid Waste collection service(s) by placing designated materials in designated containers. Commercial and Multi-Family Generators shall place Source Separated Organic Materials, including Food Waste, in the Organic Materials Container; Source Separated Recyclable Materials in the Recyclable Materials Container; and Solid Waste in the Solid Waste Containers Generator shall not place materials designated for the Solid Wastes Container into the Organic Materials Container or Recyclable Materials Container.
 - (3) Supply and allow access to adequate number, size, and location of collection containers with sufficient labels or colors for employees, contractors, tenants, and customers, consistent with City's Source Separated and Solid Waste collection service or, if self-hauling, in a manner to support its compliance with its self-haul program, in accordance with Section 8.12.170.

- (4) Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and proper sorting of Source Separated Materials.
 - (5) Provide education information before or within fourteen (14) days of occupation of the premises to new tenants that describes requirements to keep Source Separated Materials and separate from Solid Waste and the location of containers and the rules governing their use at each property.
 - (6) Provide or arrange access for City or its Designee to their properties during all Inspections conducted in accordance with 8.12.210 of this chapter to confirm compliance with the requirements of this chapter.
 - (7) Accommodate and cooperate with City's or its Designee's Remote Monitoring program for Inspection of the contents of containers for Prohibited Container Contaminants, which may be implemented at a later date, to evaluate Generator's compliance with 8.12.210(b). The Remote Monitoring program shall involve installation of Remote Monitoring equipment on or in the Source Separated and Solid Waste Materials Containers.
 - (8) At Commercial Business's or Multi-Family Residential Dwelling's option and subject to any approval required from the City or its Designee implement a Remote Monitoring program for Inspection of the contents of its Source Separated and Solid Waste Materials Containers for the purpose of monitoring the contents of containers to determine appropriate levels of service and to identify Prohibited Container Contaminants. Generators may install Remote Monitoring devices on or in the Source Separated and Solid Waste Materials Containers subject to written notification to or approval by the City or its Designee.
 - (9) If a Commercial Business or Multi-Family Residential Dwelling wants to self haul, meet the Self-Hauler requirements in 8.12.170 of this chapter.
- (b) Commercial Businesses shall also comply with the following requirements:
- (1) Provide containers for the collection of Source Separated materials in all indoor and outdoor areas where containers for Solid Waste are provided for customers, for materials generated by that Commercial Business. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the Commercial Business does not have to provide that particular container in all areas where solid waste containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the Commercial Business shall have either:
 - (i) A body or lid that conforms with the container colors provided through the collection service provided by the Exclusive Hauler, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. A Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply

with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.

- (ii) Existing containers shall be clearly marked with educational signage indicating the appropriate material types to be placed in each container in accordance with requirements of the Exclusive Hauler's collection program. Commencing January 1, 2022, new containers shall have container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container pursuant 14 CCR Sections 18984.8 and 18984.9.
- (2) To the extent practical through education, training, Inspection, and/or other measures, shall prohibit employees from placing materials in a container not designated for those materials per the City's Separated Source and Solid Waste collection service or, if self-hauling, in a manner to support its compliance with its self-haul program, in accordance with 8.12.170.
- (3) Periodically inspect Separated Source and Solid waste containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
- (4) For Commercial Businesses that are Tier One or Tier Two Commercial Edible Food Generators, comply with Food Recovery requirements, pursuant to 8.12.140.
- (c) Nothing in this Section prohibits a Generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

8.12.130 – Waivers for Residential and Commercial Generators.

- (a) De Minimis Waivers. The City may waive a Commercial Business' or Multi-Family Residential Dwellings' obligation to comply with some or all of the Source Separated Material requirements of this chapter if the Commercial Business or Multi-Family Residential Dwellings provides documentation that it generates below a certain amount of Recyclable Materials and Organic Materials as described in 8.120.130(a)(2) below. Commercial Businesses or Multi-Family Residential Dwellings requesting a de minimis waiver shall:
 - (1) Submit an application specifying the services that they are requesting a waiver from and provide documentation as noted in 8.12.130(a)(2) below.
 - (2) Provide documentation that either:
 - (A) The Commercial Business' or Multi-Family Residential Dwellings' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Recyclable Materials Container and/or Organic Materials Container comprises less than 20 gallons per week per applicable container of the Commercial Business's or Multi-Family Residential Dwellings' total waste; or,

- (B) The Commercial Business' or Multi-Family Residential Dwellings' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Recyclable Materials Container and/or Organic Materials comprises less than 10 gallons per week per applicable container of the Commercial Business's or Multi-Family Residential Dwellings' total waste.
- (3) Notify City if circumstances change such that Commercial Business's or Multi-Family Residential Dwelling's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.
- (4) Provide written verification of eligibility for de minimis waiver every 5 years, if City has approved de minimis waiver.
- (b) Physical Space Waivers. City may waive a Commercial Business's or Multi-Family Residential Dwelling's or property owner's obligations to comply with some or all of the Recyclable Materials and/or Organic Waste collection service requirements if the City has reliable evidence from its own staff, the Exclusive Hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers required for compliance with the Organic Waste collection requirements of 8.12.120.

A Commercial Business or Multi-Family Residential Dwelling owner or property owner may request a physical space waiver through the following process:

- (1) Submit an application form specifying the type(s) of collection services for which they are requesting a compliance waiver.
- (2) Provide documentation that the premises lacks adequate space for Recyclable Materials Containers and/or Organic Materials Containers including documentation from its Exclusive Hauler, licensed architect, or licensed engineer.
- (3) Provide written verification to City that it is still eligible for physical space waiver every five years, if City has approved application for a physical space waiver.
- (c) The Department of Public Works will review and approve of waivers by City.

8.120.140 – Commercial Edible Food Generators Requirements.

- (a) Tier One Commercial Edible Food Generators must comply with the requirements of this Section 7 commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024 pursuant to 14 CCR Section 18991.3.
- (b) Large Venue or Large Event operators providing food service shall comply with requirements of this Section, commencing January 1, 2024. Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
- (c) Commercial Edible Food Generators shall comply with the following requirements:

- (1) Arrange to recover the maximum amount of Edible Food that would otherwise be disposed.
 - (2) Contract with, or enter into a written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
 - (3) Shall not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
 - (4) Allow City's designated enforcement entity or designated third party enforcement entity to access the premises and review records pursuant to 14 CCR Section 18991.4.
 - (5) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
 - (A) A list of each Food Recovery Service or organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
 - (B) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
 - (C) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
 - (iii) The established frequency that food will be collected or self-hauled.
 - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.
 - (d) Nothing in this chapter shall be construed to limit or conflict with the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 [commencing with Section 49580] to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time).
- 8.12.150 – Requirements for Food Recovery Organizations and Services.
- (a) Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14

CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):

- (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
 - (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
 - (3) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
 - (4) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.
- (b) Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
- (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
 - (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
 - (3) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
- (c) Food Recovery Organizations and Food Recovery Services shall inform Generators about California and Federal Good Samaritan Food Donation Act protection in written communications, such as in their contract or agreement established under 14 CCR Section 18991.3(b).
- (d) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in the City and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the City the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than January 31.
- (e) In order to support Edible Food Recovery capacity planning assessments or other studies conducted by the County, City or its Designee, Food Recovery Services and Food Recovery Organizations operating in the City shall provide information and consultation to the City, upon request, regarding existing, or proposed new or expanded, Food Recovery capacity that could be accessed by the City and its Commercial Edible Food Generators. A Food Recovery Service or Food Recovery Organization contacted by the City or its Designee shall respond to such request for information within 60 days, unless another timeframe is otherwise specified by the City.

8.12.160 – Hauler and Facility Operator Requirements.

(a) Requirements for Haulers

- (1) The Exclusive Hauler providing Single-family, Multi-family Residential Dwellings, and Commercial Recyclable Materials, Organic Waste, C&D, and Solid Waste collection services to Generators within the City's boundaries shall meet the following requirements and standards:
 - (A) Transport:(i) Source Separated Recyclable Materials to a facility that recovers Recyclable Materials; (ii) transport Source Separated Organic Materials to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2; and (iii) Solid Waste to a Disposal facility; and all facilities shall be approved by the City through the Exclusive Hauler's collection agreement with the City.
- (2) The Exclusive Hauler authorized to collect Source Separated Materials and Solid Waste shall comply with education, equipment, signage, container labeling, container color, contamination monitoring, reporting, and other requirements contained within its franchise agreement entered into by the Exclusive Hauler and the City.

(b) Requirements for Facility Operators and Community Composting Operations.

Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon City request, provide information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes. Entities contacted by the City shall respond within 60 days.

8.12.170 – Self-Hauler Requirements.

- (a) Self-Haulers shall Source Separate all materials in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste that is mixed with Solid Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
- (b) Self-Haulers shall haul their Source Separated materials to facilities that recover those materials. Alternatively, Self-Haulers may haul Organic Waste that is mixed with Solid Waste to a High Diversion Organic Waste Processing Facility.
- (c) Self-Haulers that are owners or property managers of Commercial Businesses and Multi-Family Residential Dwellings shall keep a record of the amount of Recyclable Materials and Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Recyclable Materials Organic Waste; this record shall be subject to Inspection by the City or its Designee. The records shall include the following information:
 - (1) Delivery receipts and weight tickets from the entity accepting the Recyclable Materials, Organic Waste, or Solid Waste.

- (2) The amount of material in cubic yards or tons transported by the Generator to each entity.
- (3) If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Recyclable Materials, Organic Waste, or Solid Waste.
- (d) Self-Haulers that are owners or property managers of Commercial Businesses and Multi-Family Self-Haulers shall provide information collected in 8.120.260(c) to City or its Designee, if requested.
- (e) A Single-Family Generator that self hauls Recyclable Materials, Organic Waste, or Solid Waste is not required to record or report information in 8.120.260(c) and (d).

8.12.180 – Compliance with CALGreen Recycling Requirements.

Persons applying for a permit from the City for new construction and building additions and alternations shall comply with the requirements of this Section and all required components of the California Green Building Standards Code, 24 CCR, Part 11, known as CALGreen, as amended, if its project is covered by the scope of CALGreen and enforced by the City Municipal Code Section 15.04.060 and Chapter 17.51.

Project applicants shall refer to City's building and/or planning divisions for complete CALGreen requirements.

8.120.190 – Model Water Efficient Landscaping Ordinance Requirements.

Property owners or their building or landscape designers, including anyone requiring a building or planning permit, plan check, or landscape design review from the City, who are constructing a new (Single-Family, Multi-Family, public, institutional, or Commercial) project with an applicable landscape area, shall comply with Sections 492.6(a)(3)(B) (C), (D), and (G) of the MWELO and any revised requirements of 23 CCR, Division 2, Chapter 2.7.

8.120.200 – Non-Local Entities and local education agency requirements.

- (a) Non-Local Entities and Local Education Agencies shall comply with requirements 14 CCR Chapter 12, Article 5 to prevent and reduce the generation of Organic Waste.
- (b) Local Education Agencies with on-site Food Facility shall comply with Food Recovery requirements of 8.120.230 of this chapter.

8.120.210 – Inspections and Investigations by City.

- (a) City representatives or its Designee representatives are authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from Generators, or Source Separated materials to confirm compliance with this chapter by Single-Family Generators, Commercial Businesses, Multi-Family Residential Dwellings, property owners, Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, and other entities regulated hereunder subject to applicable laws. This Section does not allow City to enter the interior of a private residential property for Inspection. For the purposes of inspecting Commercial Business and Multi-Family Residential

Dwellings containers for compliance with 8.12.120(b) of this chapter, City may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses and Multi-Family Residential Dwellings shall accommodate and cooperate, if applicable, with the Remote Monitoring pursuant to 8.12.120 of this chapter.

- (b) Regulated entity shall provide or arrange for access during all Inspections (with the exception of residential property interiors) and shall cooperate with the City's or its Designee's employee during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, Edible Food Recovery activities, records, or any other requirement of this chapter described herein. Failure to provide or arrange for: (i) access to an entity's premises; (ii) installation and operation of Remote Monitoring equipment; or (ii) access to records for any Inspection or investigation is a violation of this chapter and may result in penalties described.
- (c) Any records obtained during Inspections, Remote Monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- (d) City shall receive written complaints from persons regarding an entity that may be potentially non-compliant with this chapter, including receipt of anonymous complaints.

8.120.220 – Enforcement.

- (a) Violation of any provision of this chapter shall be enforced in accordance with Title 4 of this Code. Violations of any provision of this chapter constitute grounds for issuance of a Notice of Violation and assessment of a fine. Other remedies allowed by law may be used, including civil action or prosecution as misdemeanor or infraction. The City may pursue civil actions in the California courts to seek recovery of unpaid administrative citations. The Enforcement Entity may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of Entity's resources.
- (b) Responsible Entity for Enforcement
 - (1) Enforcement Entity's pursuant to this chapter may be undertaken by the City Enforcement Official, County Agency Enforcement Official, or combination thereof, see Definitions Section 8.12.010 (d) and (l).
 - (A) The Enforcement Entity will interpret this chapter; determine the applicability of waivers, if violation(s) have occurred; implement Enforcement Actions; and, determine if compliance standards are met.
 - (B) The Enforcement Entity's procedures on imposition of administrative fines are hereby incorporated in their entirety, as modified from time to time, and shall govern the administrative citations issued to enforce this chapter and any rule or regulation adopted pursuant to this chapter, except as otherwise indicated in this chapter.
 - (C) The Enforcement Entity may issue Notices of Violation(s).

(c) Process for Enforcement

- (1) The process for enforcement shall be in accordance with Chapter 4 of the Scotts Valley Municipal Code. The Enforcement Entity will monitor compliance through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program (that may include Remote Monitoring). Chapter 8.12.210 establishes City's right to conduct Inspections and investigations.
- (2) The Enforcement Entity may issue an official notification to notify regulated entities of its obligations under this chapter.
- (3) Notices shall be sent to "owner" at the official address of the owner maintained by the tax collector for the City or if no such address is available, to the owner at the address of the dwelling or Commercial property or to the party responsible for paying for the collection services, depending upon available information.

(d) Penalty Amounts for Types of Violations

The penalty levels follow City Municipal Code Section 4.14.070.

(e) Civil Penalties for Non-Compliance

Beginning January 1, 2024, if the Enforcement Entity determines that an Organic Waste Generator, Self-Hauler, hauler, Tier One or Tier Two Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this chapter, it shall document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to 8.120.310, as needed.

8.12.230 – Effective Date.

This chapter shall be effective commencing on January 1, 2022."

Section 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision of such Ordinance and shall not affect the validity of the remaining portions thereof.

Section 3. REPEALS CONFLICTING ORDINANCES. All other ordinances of the City of Scotts Valley or provisions of the Scotts Valley Municipal Code which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4. CEQA COMPLIANCE. The City Council finds and determines that the enactment of this Ordinance is exempt from the California Environmental Quality Act ("CEQA" Cal.Pub.Res.Code Section 21000 et seq.) and the State CEQA Guidelines (Cal.Code of Regs. Title 14, Section 15000 et seq.) in accordance with CEQA Guidelines Section 15061(a)(3) as there is no possibility that the activity in question may have a significant effect on the environment. Therefore, no environmental assessment is required or necessary.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect on January 1, 2022. Prior to the expiration of 15 days from the date of adoption, this Ordinance shall be published in three public places within the City.

This ordinance was introduced on the 17th day of November, 2021, and was passed and adopted by the City Council of the City of Scotts Valley on the 1st day of December, 2021, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED: _____
Derek Timm, Mayor

ATTEST:

Tracy A. Ferrara, City Clerk

APPROVED AS TO FORM:

Kirsten Powell, City Attorney

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: December 1, 2021

TO: Honorable Mayor and City Council

FROM: Tracy Ferrara, City Clerk/Administrative Manager

APPROVED: Kirsten Powell, City Attorney

SUBJECT: **RESOLUTION NO. 2008 TO ADOPT A RECORDS RETENTION SCHEDULE AND AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS**

SUMMARY OF ISSUE

The City is proposing to adopt our own records retention schedule that is specifically tailored to the needs of Scotts Valley. In the past, we have followed the guidelines provided by the State of California for records retention. The adoption of this retention schedule will result in efficiency gains and cost savings.

In order to assure compliance with a multitude of State laws, the City selected Gladwell Governmental Services, Inc., an expert in local government records, to prepare its records retention schedule. An upgrade in the existing program was necessary to reduce current and future records storage costs, eliminate duplication of effort, increase efficiency and take advantage of current technology and changes in law.

The purpose of the program is to apply efficient and economical methods to the creation, utilization, maintenance, retention, preservation and disposal of all records managed by the City. The retention periods are in compliance with all laws and are standard business practice for California cities.

The new retention schedules were written interactively with representatives from all departments participating in the project. They provide clear, specific records descriptions and retention periods, and apply current law and technology to the management of City records. By identifying which department is responsible for maintaining the original record, and by establishing clear retention periods for different categories of records, Scotts Valley will realize significant savings in labor costs, storage costs, free filing cabinet and office space, and realize operational efficiencies.

It is standard business practice for California cities to authorize the routine destruction of records that have exceeded their adopted retention period, upon the request of the Department Head and with the consent in writing of the Department Head, City Clerk and City Attorney, which is provided in Section 2 of the resolution. This will reduce costs and improve efficiency for the City. It is also standard business practice for California cities to authorize updates to the schedule without further action of the City Council, which is provided in Section 3.

FISCAL IMPACT

The City will realize significant savings both in labor and storage expenses; including the avoidance of future storage and/or construction costs.

STAFF RECOMMENDATION

It is recommended that the City Council approve Resolution No. 2008 adopting a Records Retention Schedule and authorizing destruction of certain City records.

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RESOLUTION NO. 2008

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY,
CALIFORNIA, ADOPTING A RECORDS RETENTION SCHEDULE
AND AUTHORIZING DESTRUCTION OF CERTAIN CITY RECORDS**

WHEREAS, the maintenance of numerous records is expensive, slows document retrieval, and is not necessary after a certain period of time for the effective and efficient operation of the government of the City of Scotts Valley; and

WHEREAS, Section 34090 of the Government Code of the State of California provides a procedure whereby any City record which has served its purpose and is no longer required may be destroyed.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY DOES RESOLVE AS FOLLOWS:

Section 1. The City of Scotts Valley hereby adopts the Records Retention Schedule, attached hereto as Exhibit A. The records identified in Exhibit A, are hereby authorized to be destroyed as provided by Section 34090 et seq. of the Government Code of the State of California and in accordance with the provision of said schedule upon the request of the Department Head and with the consent in writing of the Department Head, City Clerk and City Attorney, without further action by the City Council of the City of Scotts Valley.

Section 2. Updates are hereby authorized to be made to the Records Retention Schedule, without any further action by the City Council, with the consent of the Department Head, City Clerk, City Attorney and City Manager.

Section 3. The term "records" as used herein shall include documents, instructions, books, microforms, electronic files, magnetic tape, optical media, or papers; as defined by the California Public Records Act.

Section 4. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Section 5. This resolution shall become effective immediately upon its passage and adoption.

The above and foregoing resolution was duly and regularly adopted by the City Council of the City of Scotts Valley at a regular meeting held on the 1st day of December, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved: _____
Derek Timm, Mayor

Attest: _____
Tracy A. Ferrara, City Clerk

RECORDS RETENTION SCHEDULE LEGEND

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OFR (Office of Record): The department that keeps the original or “record copy.” Usually it is the department that originates the record, unless the item is for a City Council meeting (then it is the City Clerk.)

Records Description: The record series (a group of like records).

Transitory Records not retained in the ordinary course of business, that do NOT have substantive content: Preliminary drafts, notes, or interagency or intra-agency memoranda and records having only transitory value. Examples: Telephone messages, meeting room reservation schedules, logs, source records entered into a computer system that qualifies as a “trusted system”, etc.

Non-Record: Documents, studies, books and pamphlets produced by outside agencies, preliminary drafts not retained in the ordinary course of business.

Retention/Disposition:
Active: How long the file remains in the immediate office area (*guideline*)
Inactive: How long the file is in off-site storage, stored on Optical Disk or Microforms (*guideline*)
Total Retention: The total number of years the record will be retained

For file folders containing documents with different retention timeframes, use the document with the longest retention time.

P = Permanent

Indefinite = No fixed or specified retention period; used for databases, because the data fields are interrelated.

Vital? = Those records that are needed for basic operations in the event of a disaster.

Media Options (*guideline*) – the form of the record:
Mag = Computer Magnetic Media (hard drive, disks, tapes, USB Drives, Cloud, etc.)
Mfr = Microforms (aperture cards, microfilm, microfiche, or jackets)
Ppr = Paper
OD = Optical Disk, CD-r, DVD-r, WORM, or other **media** which **does not allow changes**

Scan / Import (*guideline*):
“S” indicates the record should be scanned into the document imaging system;
“I” indicates the record should be electronically imported into the document imaging system;
“M” indicates the record should be microfilmed

Destroy Paper after Imaged & QC’d / Trustworthy Electronic Record: “Yes” indicates the electronic record may serve as the OFFICIAL record (and the paper version may be destroyed) **IF** the document has been imaged (electronically generated, scanned or imported **and** placed on **Unalterable Media – DVD-R, CD-R, or WORM, or microfilmed**), and both the images and indexing Quality Checked (“QC’d”). The electronic record or image must contain all significant details from the original and be an adequate substitute for the original document for all purposes, and other legal mandates apply. Includes all electronic records which are to serve as the Official Record.

Legend for legal citations (§: Section)

CC: Civil Code (CA)

CFC: California Fire Code

EVC: Evidence Code (CA)

FTB: Franchise Tax Board (CA)

HUD: Housing & Urban Develop. (US)

PC: Penal Code (CA)

USC: United States Code (US)

B&P: Business & Professions Code (CA)

CCP: Code of Civil Procedure (CA)

CFR: Code of Federal Regulations (US)

FA: Food & Agriculture Code

GC: Government Code (CA)

LC: Labor Code (CA)

R&T: Revenue & Taxation Code (CA)

VC: Vehicle Code (CA)

CBC: California Building Code

CCR: California Code of Regulations (CA)

EC: Elections Code (CA)

FC: Family Code (CA)

H&S: Health & Safety Code (CA)

Ops. Cal. Atty. Gen.: Attorney General Opinions (CA)

UFC: Uniform Fire Code

W&I: Welfare & Institutions Code (CA)

RECORDS RETENTION SCHEDULE: CITY-WIDE STANDARDS

Office of Record (OFR)	Retention No.	Records Description	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
<i>Retentions apply to the department that is NOT the Office of Record (OFR), or the "Lead Department". If you are the OFR, refer to your department retention schedule.</i>								
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, claims, complaints, audits, public records act requests, and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
CITY-WIDE (Used by All Departments)								
Lead Dept.	CW-001	Accident Reports / Incident Reports (No Claim Filed)	2 years		Mag, Ppr			GC §34090
Lead Dept.	CW-002	Affidavits of Publications / Affidavits of Posting Notices / Legal Advertising / Notices / Proofs of Publications / Public Hearing Notices	2 years		Mag, Ppr			Brown Act challenges must be filed within 30 or 90 days of action; Statute of Limitations on Municipal Government actions is 3 - 6 months; GC §§34090, 54960.1(c)(1)
Lead Dept.	CW-003	Agreements & Contracts: ADMINISTRATIVE FILES, ORIGINALS NOT SIGEND BY MAYOR (Correspondence, Insurance Certificates, Project Administration, Project Schedules, Certified Payrolls, Invoice copies, Logs, etc.) City Clerk maintains originals (except for Recreation Instructors)	Completion + 10 years	Yes: Before Completion	Mag, Mfr, OD, Ppr	S/I	Yes: Upon Completion	City preference; Covers E&O Statute of Limitations; Published Audit Standards=4-7 years; Statute of Limitations: Contracts & Spec's=4 years, Wrongful Death=comp. + 5 years, Developers=comp. + 10 years; Statewide guidelines propose termination + 5 years; CCP §337 et. seq., GC §34090
Lead Dept.	CW-004	Agreements & Contracts: ADMINISTRATIVE FILES - ORIGINALS NOT SIGEND BY MAYOR (with Grant Funding) (Correspondence, Insurance Certificates, Project Administration, Project Schedules, Certified Payrolls, Invoice copies, Logs, etc.) City Clerk maintains originals (except for Recreation Instructors)	Completion + 10 years or After Funding Agency Audit, if required, whichever is longer	Yes: Before Completion	Mag, Mfr, OD, Ppr	S/I	Yes: Upon Completion	Some grant funding agencies require audits; Statute of Limitations for Errors & Omissions is 10 years; Published Audit Standards=4-7 years; Statute of Limitations: Contracts & Spec's=4 years, Wrongful Death=comp. + 5 years, Developers=comp. + 10 years; Statewide guidelines propose termination + 5 years; CCP §337 et. seq., 2 CFR 200.333; 24 CFR 91.105(h), 92.505, & 570.502(b), 29 CFR 97.42; OMB Circular A-133GC §34090

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Lead Dept.	CW-005	Bid Packets: Bids or Proposals in response to RFPs (Request for Proposals) and/or RFQs (Request for Qualifications), Notices, Specifications, Unsuccessful Proposals	2 years		Mag, Ppr		Yes: After QC & OD	GC §34090
	CW-006	Boards, Commissions, & Committees: External Organizations - Agendas, Minutes, Resolutions, or other documents (e.g. County Board of Supervisors)	When No Longer Required		Mag, Ppr			Non-records
Staffing Dept.	CW-007	Boards, Committees, Commissions, Task Forces: Citizen Advisory Created by the City Council, - AGENDAS & STAFF REPORTS	Minimum 2 years		Mag, Ppr			GC §34090 et seq.
Staffing Dept.	CW-008	Boards, Committees, Commissions, Task Forces: Citizen Advisory Created by the City Council, - AUDIO or VIDEO Recordings	2 years		Mag, OD			Department preference; Audio Required for 30 days; GC §54953.5(b); video tapes of meetings are required for 90 days; GC §34090.6
Staffing Dept.	CW-009	Boards, Committees, Commissions, Task Forces: Citizen Advisory Created by the City Council, - MINUTES	P		Mag, Ppr			GC §34090
Staffing Dept.	CW-010	Committees: City Council Subcommittees, Employee Committees, Employee Staff Meetings / Department Staff Meetings AGENDAS and MINUTES	2 years		Mag, Ppr			Only Citizen Advisory Boards appointed by the City Council must retain minutes permanently (Council Subcommittees present their recommendations to the full Council); GC §34090 et seq.
Lead (Responding) Dept.	CW-011	Complaints / Concerns from Citizens	Minimum 2 years		Mag, Ppr			City preference; Statute of Limitations for personal property, fraud, etc. is 3 years; Claims must be filed in 6 months; CCP §§338 et seq., 340 et seq., 342, GC §34090

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Lead Dept.	CW-012	Copies or duplicates of any record	Copies - When No Longer Required		Mag Ppr			GC §34090.7
Dept. that Authors Document or Receives the City's Original Document	CW-013	Correspondence - ROUTINE (Content relates in a substantive way to the conduct of the public's business) (e.g. Letters, Memorandums, Administrative, Chronological, General Files, Reading File, Working Files, etc.)	2 years		Mag, Ppr			GC §34090

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Dept. that Authors Document or Receives the City's Original Document	CW-014	Correspondence - TRANSITORY / PRELIMINARY DRAFTS, Interagency and Intraagency Memoranda NOT retained in the ordinary course of business Content NOT Substantive, or NOT made or retained for the purpose of preserving the informational content for future reference (e.g. calendars, checklists, e-mail, social media posting, employee directories, flyers, invitations, instant messaging, inventories, logs, mailing lists, meeting room registrations, speaker cards, staff videoconference chats, notes and recordings, supply inventories, staff videoconferences, chats, notes, recordings, telephone messages, text messages, transmittal letters, thank yous, requests from other cities, preliminary notices for construction projects, undeliverable envelopes, visitors logs, voice mails, webpages, etc.)	When No Longer Required		Mag, Ppr			Electronic and paper records are filed and retained based upon their CONTENT . Records, e-mails, electronic records, or social media postings where the Content relates in a substantive way to the conduct of the public's business, or that ARE made or retained for the purpose of preserving the informational content for future reference are saved by printing them out and placing in a file folder, or saving them electronically in a folder outside the e-mail system; If not mentioned here, consult the City Attorney to determine if a record is considered transitory / preliminary drafts. GC §34090, GC §6252; 64 Ops. Cal. Atty. Gen. 317 (1981)); City of San Jose v. Superior Court (Smith). S218066. Supreme Court of California, 2017
Lead Dept.	CW-015	Drafts & Notes: Drafts that are revised (retain final version)	When No Longer Required		Mag, Ppr			As long as the drafts and notes are not retained in the "Regular Course of Business". Consult the City Attorney to determine if a record is considered a draft. GC §§34090, 6252, 6254(a)

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Lead Dept.	CW-016	GIS Database / Data / Layers (both City-wide and Specialized)	When No Longer Required	Yes	Mag			The Lead Department should print out historical documents (or save source data) prior to replacing the data, if they require the data or output for historical purposes; Department Preference (Preliminary documents); GC §34090 et seq.
Lead Dept.	CW-017	Grants (UNSUCCESSFUL) Applications, Correspondence)	2 years		Mag, Ppr			GC §34090
Lead Dept.	CW-018	Grants / CDBG (Community Development Block Grant) / Reimbursable Claims / FEMA Reimbursements / OES Reimbursements (SUCCESSFUL) Reports, other records required to pass the funding agency's audit, if required) Applications (successful), grant agreement, copies of invoices, program rules, regulations & procedures, reports to grant funding agencies, correspondence, audit records, completion records	After Funding Agency Audit, if required - Minimum 5 years		Mag, Ppr			Meets auditing standards; Grants covered by a Consolidated Action Plan are required for 5 years; Uniform Admin. Requirements for Grants to Local Governments is 3 years from expenditure report or final payment of grantee or subgrantee; statewide guidelines propose 4 years; 2 CFR 200.333; 24 CFR 91.105(h), 92.505, 570.490, & 570.502(a&b), 29 CFR 97.42; OMB Circular A-110 & A-133; GC §34090
Lead Dept.	CW-019	Newspaper Clippings	When No Longer Required		Ppr			Used by City Manager's staff; Non-records - may be obtained from the newspaper company; GC §34090
Human Resources	CW-020	Personnel Files (Department-level Files)	Separation + 3 years	Before Separation	Mag, Ppr			Ensure records kept in Department files comply with City policy (all originals are sent to Human Resources); GC §34090.7

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Lead Dept.	CW-021	Personnel Files (Supervisor's Notes)	Shred After Incorporation into Performance Evaluation or Documented Discipline	Before Annual Evaluation	Mag, Ppr			Notes maintained in a separate folder to be incorporated into performance evaluation, or to document progressive discipline; GC §34090 et seq.
Lead Dept.	CW-022	Photographs	When No Longer Required		Mag, Ppr			Preliminary Drafts; destroy unnecessary photographs. GC §§34090, 6252, 6254(a)
Lead Dept.	CW-023	Public Relations / Press Releases	2 years		Mag, Ppr			GC §34090
Lead Dept. (Who Ordered the Appraisal)	CW-024	Real Estate Appraisal Reports: Property NOT purchased, Loans not funded, etc.	2 years		Mag, Ppr			Not accessible to the public; Statewide Guidelines show 2 years; GC §§34090, 6254(h)
Lead Dept. (Who Ordered the Appraisal)	CW-025	Real Estate Appraisal Reports: Purchased Property, Funded Loans	Minimum 5 years	Yes: Before Purchase	Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Not accessible to the public until purchase has been completed; meets grant auditing requirements; 2 CFR 200.333; 24 CFR 91.105(h), & 570.502(b); 29 CFR 97.42, GC §34090
	CW-026	Reference Materials: Policies, Procedures, Brochures, Flyers, Manuals, Newsletters, etc: Produced by OUTSIDE ORGANIZATIONS (League of California Cities, Chamber of Commerce, etc.)	When No Longer Required		Mag, Ppr			Non-Records
Lead Dept.	CW-027	Reference Materials: Policies, Procedures, Brochures, Flyers, Manuals, Newsletters, Administrative Policies, etc: Produced by YOUR Department	Minimum 2 years		Mag, Ppr			Statewide guidelines propose superseded + 2 or 5 years; GC §34090

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Lead Dept.	CW-028	Reference Materials: Policies, Procedures, Brochures, Flyers, Manuals, Newsletters, Administrative Policies, etc: Produced by OTHER Departments	When Superseded		Mag, Ppr			Copies; GC §34090.7
Lead Dept.	CW-029	Reports and Studies (Historically significant - e.g., Zoning Studies)	P		Mag, Mfr, OD, Ppr	S/I	Yes: After 10 years	Administratively and Historically significant, therefore retained permanently; GC §34090
Lead Dept.	CW-030	Reports and Studies (other than Historically significant reports - e.g. Annual Reports)	10 years		Mag, Ppr			Information is outdated after 10 years; statewide guidelines propose 2 years; If historically significant, retain permanently; GC §34090
Lead Dept.	CW-031	Safety Meetings (all)	5 years		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	OSHA requires 5 years; State law requires 2 years; 8 CCR §3203(b)(1), OMB 1220-0029; GC §34090; LC §6429c
Lead Dept.	CW-032	Special Projects / Subject Files / Issue Files	Minimum 2 years		Mag, Ppr			Department Preference; GC §34090 et seq.
Lead Dept.	CW-033	Surveys / Questionnaires (that the City issues). If a summary of the data is compiled, the survey forms are considered a draft or transitory record, and can be destroyed as drafts (When No Longer Required)	2 years		Mag, Ppr			GC §34090

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Lead Dept.	CW-034	Training Presented by City Staff - ALL COURSE RECORDS (Attendance Rosters, Outlines and Materials; includes Ethics, Harassment, & Safety Training & Tailgates) Certificates are retained in Personnel File	5 years		Mag, Mfr, OD, Ppr	S	Yes: When Inactive	Department preference; Ethics Training is 5 years; Statewide guidelines propose 7 years; Calif. Labor Division is required to keep their OSHA records 7 years; EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 -3 years for personnel actions; 8 CCR §3203 et seq., 29 CFR 1627.3(b)(ii), LC §6429(c); GC §§12946, 34090, 53235.2(b)

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HUMAN RESOURCES								
Human Resources	HR-001	1095-C, 1094-C (Employer-Provided Health Insurance Offer and Coverage & Transmittal Form)	5 years		Mag, Ppr			Department Preference; Instructions state "Generally, keep copies of information returns you filed with the IRS or have the ability to reconstruct the data for at least 3 years, from the due date of the returns"; GC §34090
Human Resources	HR-002	Benefit Plan Documents (Optical, Dental, etc.)	Duration of the Contract + 6 years	Yes: For Duration of Contract	Mag, Ppr			EEOC / ADEA (Age) requires 1 year after benefit plan termination; Federal law requires 6 years after filing date for retirement; State Law requires 2 years after action; 29 CFR 1627.3(b)(2); 29 USC 1027; 11 CCR 560; 28 CCR 1300.85.1; GC §34090
Human Resources	HR-003	Classification / Reorganization Studies (for employee classifications and department structures)	Minimum 3 years		Mag, Ppr			Department preference; Bureau of National Affairs recommends 2 years for all supplementary Personnel records; Wage rate tables are 1 or 2 years; State requires 2 years; 29 CFR 516.6, 29 CFR 1602.14, GC §§12946, 34090
Human Resources	HR-004	Compensation Surveys & Studies	Minimum 3 years		Mag, Ppr			Department preference; Bureau of National Affairs recommends 2 years for all supplementary Personnel records; Wage rate tables are 1 or 2 years; State requires 2 years; 29 CFR 516.6(2), 29 CFR 1602.14, GC §§12946, 34090

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Human Resources	HR-005	Contracts for Investigators	Completion + 5 years	Yes: Before Completion	Mag, Ppr			Department preference; Statute of Limitations for contractual obligations is 4 years; CCP §§337. 337.1(a), 337.15, 343; GC §34090
Human Resources	HR-006	COVID-19 Notifications to Employees	3 years		Mag Ppr			LC §6409.6(k), GC §34090
Human Resources	HR-007	Department of Fair Employment & Housing (DFEH or EEOC) Claims	Minimum Final Disposition + 5 years		Mag, Ppr			Department preference; All State and Federal laws require retention until final disposition of formal complaint; State requires 2 years after "fully and finally disposed"; 2 CCR 11013(c); GC §§12946, 34090
Human Resources	HR-008	DMV Pull Notices (ALL)	When Superseded or Upon Separation		Mag, Ppr			Department Preference; GC §34090
Human Resources	HR-009	Drug & Alcohol Test Results (All - Positives and Negatives)	5 years		Mag Ppr			Department preference; D.O.T. Requires 5 years for positive tests, 1 year for negative tests; EEOC/FLSA/ADEA (Age) requires 3 years physical examinations; State Law requires 2 years; 29 CFR 1627.3(b)(1)(v), GC §§12946, 34090; 49 CFR 655.71 et seq.; 49 CFR 382.401 et seq. 49 CFR 653.71
Human Resources	HR-010	EDD Claims (Employment Development Department Claims)	Final Disposition + 2 years		Mag, Ppr			All State and Federal laws require retention until final disposition of formal complaint; State requires 2 years after action is taken; GC §§12946, 12960, 34090

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Human Resources	HR-011	Employee Investigations	Minimum Separation + 3 years		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department Preference; statute of limitations for EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 -3 years; 29 CFR 1602.31 & 1627.3(b)(ii), GC §§12946, 34090;
Human Resources	HR-012	Employee Verifications (responses to outside banks, mortgage brokers, and others about an employee's employment status)	When No Longer Required		Mag, Ppr			Non-records / Content Not Substantive, therefore there is no obligation to retain responses; GC §34090 et seq.
Human Resources	HR-013	Equal Opportunity Employment - EEOC Reports (EEO-4 Reports) / EDD Reports (Employment Development Department Claims)	3 years		Mag, Ppr			29 CFR 1602.30; 29 CFR 1602.32
Human Resources	HR-014	Harassment Prevention Training Certificates	5 years		Mag, Mfr, OD, Ppr	S	Yes: After QC'd & OD	GC §§34090, 53237.2(b)
Human Resources	HR-015	I-9s	Separation + 6 years		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Required for 1 year from termination or 3 years from hiring, whichever is later; EEOC / FLSA / ADEA (Age) requires 3 years for "any other forms of employment inquiry"; State Law requires 2 -3 years; 8 CFR 274a.2; 29 CFR 1627.3(b)(1); GC §§12946, 34090

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Human Resources	HR-016	Job Descriptions / Classification Specifications	Minimum Superseded + 3 years		Mag, Mfr, OD, Ppr	S / I	Yes: After 1 year	Department preference; EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 -3 years; retirement benefits is 6 years from last action; 29 CFR 1602.31 & 1627.3(b)(ii), 8 CCR §3204(d)(1) et seq., GC §§12946, 34090
Human Resources	HR-017	Labor Relations / Negotiations	10 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department preference; GC §34090
Human Resources	HR-018	OSHA Logs - 200, 300, 301, 301A	5 years		Mag, Ppr			OSHA requires 5 years; State law requires 2 years; 8 CCR §3203(b)(1), GC §34090.7; LC §6429c
Human Resources	HR-019	Personnel Files - Employee File / Benefit File (Main File) Includes Application, Benefit Enrollments, Evaluations, Grievances, Policy Acknowledgements, Personnel Action Forms, Livescan results or Log, etc.	Separation + 6 years		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department Preference; statute of limitations for retirement benefits is 6 years from last action; EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 -3 years; 29 CFR 1602.31 & 1627.3(b)(ii), GC §§ 3105, 12946, 34090; LC 1198.5; 26 CFR 31-6001-1; 53235.2(b); 53237.2(b)

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<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
Human Resources	HR-020	Personnel Files - Medical File (all employees) Pre-employment Medical Clearances, ADA Accommodations, Fit for Duty, Respirator Fit Tests, etc.	Separation + 30 years or Termination of Benefits + 5 years (whichever is longer)	Yes: Until Separation	Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department preference; Files maintained separately; Claims can be made for 30 years for toxic substance exposure; 8 CCR §3204(d)(1) et seq., 8 CCR 5144, 8 CCR 15400.2; 29 CFR 1910.1020(d)(1)(i), GC §§12946, 34090
Human Resources	HR-021	Recruitment and Testing File - (Includes Advertisements, Applications for Unsuccessful Candidates, Interview Notes, Job Brochures, Test Data, Testing Analysis & statistical Metric, Job Analysis, Rating Sheets, Scantrons, etc.)	Expiration of Eligibility List + 3 years		Mag, Ppr			Department preference (Part Time Employee Recruitments are retained by the Department, except for the Successful Application); EEOC / FLSA / ADEA (Age) requires 1-3 years; State Law requires 2 - 3 years; 29 CFR 1627.3(b)(i), 29 CFR 1602.14 et seq.2 CCR 11013(c); GC §§12946, 34090
Human Resources	HR-022	Studies & Surveys Conducted on Behalf of the City (Sick Leave, Attrition, Benefits, etc.)	When No Longer Required		Mag, Ppr			Content not substantive; Preliminary drafts not retained in the ordinary course of business; GC §34090
Human Resources	HR-023	Workers Compensation Claim Runs	5 years		Mag Ppr			Department preference (meets municipal government auditing standards); GC §34090
Human Resources	HR-024	Workers Compensation Claims / Long Term Disability Claims (Includes all Accident, Incident, or Injury Reports from Employees)	Separation + 30 years or Termination of Benefits + 5 years (whichever is longer)	Yes: Until Separation	Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department preference; Files maintained separately; Claims can be made for 30 years for toxic substance exposure; 8 CCR §3204(d)(1) et seq., 8 CCR 5144, 8 CCR 15400.2; 29 CFR 1910.1020(d)(1)(i), GC §§12946, 34090
RISK MANAGEMENT								

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<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
Human Resources / Risk Manage.	HR-025	Employee Litigation / Lawsuits Send Final Settlement Agreements to City Clerk	Separation + 6 years		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department preference to match the Personnel File retention ; CCP §§ 337 et seq.; GC §§ 911.2, 34090, 34090.6; PC §832.5
Human Resources / Risk Manage.	HR-026	OSHA Inspections & Citations	5 years		Mag, Ppr			OSHA requires 5 years; State law requires 2 years; 8 CCR §3203(b)(1), OMB 1220-0029; GC §34090; LC §6429c

RECORDS RETENTION SCHEDULE: BUILDING

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<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
BUILDING								
Building	BL-001	Address Files / Building Permits	Life of the Structure	Yes (all)	Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	GC §34090, H&S §19850
Building	BL-002	Board of Appeals AGENDAS, AGENDA PACKETS	When No Longer Required - Minimum 2 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department Preference; GC §34090
Building	BL-003	Board of Appeals AUDIO RECORDINGS or VIDEO RECORDINGS	2 years		Mag, OD			Department preference; Audio Required for 30 days; GC §54953.5(b); video tapes of meetings are required for 90 days; GC §34090.6
Building	BL-004	Board of Appeals MINUTES, BYLAWS	P	Yes	Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	GC §34090
Building	BL-005	Building Permit Database	Indefinite	Yes (all)	Mag			Department Preference - Data is interrelated; GC §34090, H&S §19850
Building	BL-006	Building Plans - Cancelled or Withdrawn	Minimum Cancelled or Withdrawn		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department preference; Preliminary drafts not retained in the ordinary course of business; CBC §104.7; H&S§19850, GC §34090
Building	BL-007	Building Plans - Expired	Life of the Structure		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department preference; CBC §104.7; H&S§19850, GC §34090

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<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
Building	BL-008	Building Plans - Finalled - TENANT IMPROVEMENTS	Life of the Structure	Yes (all)	Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department Preference; Law requires for the life of the building for commercial and common interest dwellings only; CBC 104.7 & 107.5, H&SS§19850, GC §34090
Building	BL-009	Building Plans / Grading Plans - Finalled - INDUSTRIAL, COMMERCIAL, MULTI-FAMILY DWELLINGS, PLACES OF PUBLIC ACCOMMODATION	Life of the Structure	Yes (all)	Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department Preference; Law requires for the life of the building for commercial and common interest dwellings only; CBC 104.7 & 107.5, H&SS§19850, GC §34090
Building	BL-010	Building Plans / Grading Plans - Finalled - SINGLE FAMILY RESIDENTIAL - SFR and APPURTENANCES Energy Calculations, Structural Calculations, Soil Reports, Geotechnical Reports	Completion + 180 days		Mag, Ppr			Department preference; State law requires plans need not be filed for dwellings less than 2 stories, garages & appurtenances, farms/ranches, 1-story with bearing walls less than 25'; CBC requires 180 days from completion date; CBC 104.7 & 107.5, H&SS§19850, GC §34090
Building	BL-011	California Building Codes / Uniform Building Codes	Minimum While Ordinance is in Force		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	GC §50022.6
Building	BL-012	Certificate of Occupancy (Cofo)	P	Yes (all)	Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department Preference; GC §34090
Building	BL-013	Copyright Release Forms / Requests & Permissions to Receive Copies of Plans (to and from Architects)	2 years		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department Preference (kept with the Building Permit file); GC §34090

RECORDS RETENTION SCHEDULE: BUILDING

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<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
Building	BL-014	Correction Notices	When Permit is Finalled		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department Preference (Preliminary Drafts); GC §34090
Building	BL-015	Plan Check Comments (Site Plan File)	When Permit is Finalled		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department Preference (Preliminary Drafts); GC §34090
Building	BL-016	Reports: Building Activity	2 years		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	GC §34090
Building	BL-017	Stop Work Notices	Life of the Structure		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department Preference (Preliminary Drafts); GC §34090
CODE ENFORCEMENT								
Building / Code Enforce.	BL-018	Code Enforcement Appeals Board AGENDAS, AGENDA PACKETS	When No Longer Required - Minimum 2 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department Preference; GC §34090
Building / Code Enforce.	BL-019	Code Enforcement Appeals Board AUDIO RECORDINGS or VIDEO RECORDINGS	2 years		Mag, OD			Department preference; Audio Required for 30 days; GC §54953.5(b); video tapes of meetings are required for 90 days; GC §34090.6
Building / Code Enforce.	BL-020	Code Enforcement Appeals Board MINUTES, BYLAWS	P	Yes	Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	GC §34090

RECORDS RETENTION SCHEDULE: BUILDING

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<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>								
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
Building / Code Enforce.	BL-021	Notice of Violations ./ Code Enforcement Citations	5 years		Mag, Mfr, OD, Ppr	S/I	Yes: When Inactive	Department preference; may have grant funding; California Fire Code requires 5 years; Allows the removal and purging of these records in the event the address file is too large; GC §34090
Building / Code Enforce.	BL-022	Code Compliance Database	Indefinite	Yes (all)	Mag			Department Preference - Data is interrelated; GC §34090, H&S §19850
Building / Code Enforce.	BL-023	Code Enforcement / Abatement Case Files (Includes appeals and Code Enforcement Complaint Letters)	Minimum 5 years	Yes: Until Resolution	Mag, Ppr			Department preference; Case is open until satisfactorily resolved (some cases are not resolved); GC §34090

RECORDS RETENTION SCHEDULE: CITY ATTORNEY

Office of Record (OFR)	Retention No.	Records Description	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
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<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, claims, complaints, audits, pending records requests, and/or investigations suspend normal retention periods (retention resumes after settlement).</i>								
CITY ATTORNEY								
City Attorney	CA-001	Advice Files / Attorney Work Product (Notes, etc.)	Follows Retention for Associated Case	Yes: Until Settlement	Mag, Mfr, OD, Ppr	S	Yes: After Settled	Department Preference; GC §34090 et seq.
City Attorney	CA-002	City Attorney Opinions	Follows Retention for Associated Case	Yes	Mag, Mfr, OD, Ppr	S	Yes: After QC'd	Department Preference; GC §34090
City Attorney	CA-003	Claims Against the City City Clerk retains initial Claim form 2 years - Initial Claim Form and Final Resolution only remaining records are held at TPA (Third Party Administrator) Send all final Settlement Agreements to the City Clerk	Resolution + 5 years	Yes: Until Resolution	Mag, Mfr, OD, Ppr	S	Yes: After QC'd	Department Preference; Claim must be filed within 1 year, lawsuit within 2 years; complaints against peace officers within 5 years; CCP §§ 337 et seq.; GC §§ 911.2, 34090, 34090.6; PC §832.5(b)
City Attorney	CA-004	Lawsuits / Litigation Send all final Settlement Agreements to the City Clerk	Resolution + 5 years	Yes: Until Resolution	Mag, Mfr, OD, Ppr	S	Yes: After QC'd	Department Preference; Claim must be filed within 1 year, lawsuit within 2 years; complaints against peace officers within 5 years; CCP §§ 337 et seq.; GC §§ 911.2, 34090, 34090.6; PC §832.5(b)
City Attorney	CA-005	Legislative Advocacies, Amicus Briefs, Miscellaneous, etc.	Minimum 2 years		Mag, Ppr			Department preference; GC §34090
City Attorney	CA-006	Subject / Project Files (Cable TV, etc.)	Minimum 2 years		Mag, Ppr			Department preference; GC §34090

RECORDS RETENTION SCHEDULE: CITY CLERK

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CITY CLERK								
City Clerk	CC-001	Agenda Packets: City Council, Public Financing Authority, Redevelopment Agency, Successor Agency, Oversight Board	10 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department preference; GC §34090
City Clerk	CC-002	Agreements & Contracts - SIGNED BY MAYOR - Non-Infrastructure that are NOT Imaged includes all contractual obligations (e.g. Amendments, Insurance Certificates, Scope of Work or Successful Proposal) Examples of NON-Infrastructure: Consulting, disposal, City Manager employment contracts, leases, loans, mutual aid, professional services, services, etc.	Completion + 10 years	Yes: Before Completion	Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department preference; Covers E&O Statute of Limitations; Published Audit Standards=4-7 years; Statute of Limitations: Contracts & Spec's=4 years, Wrongful Death=comp. + 5 years, Developers=comp. + 10 years; Statewide guidelines propose termination + 5 years; CCP §337 et. seq., GC §34090
City Clerk	CC-003	Agreements & Contracts - SIGNED BY MAYOR - If Imaged, Infrastructure, CIPs, MOUs, MOAs, Settlement Agreements includes all contractual obligations (e.g. Amendments, Insurance Certificates, Scope of Work or Successful Proposal) Examples of Infrastructure: Architects, CalPERS, CIPs (Capital Improvement Projects,) franchise agreements, settlement agreements, subdivision improvement agreements, development, Joint Powers, MOUs, settlement, water rights, etc.	P	Yes: Before Completion	Mag, Mfr, OD, Ppr	S/I	Yes: After QC & OD	Department Preference; All infrastructure contracts should be permanent for emergency response; Statute of Limitations is 4 years; 10 years for Errors & Omissions; land records are permanent by law; CCP §337 et. seq., GC §34090
City Clerk	CC-004	Annexations / Deannexations	P		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department preference; GC §34090
City Clerk	CC-005	Assessment Districts (Formation)	P		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department preference; GC §34090

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City Clerk	CC-006	Board & Commission / Committee Maddy Act Lists / Vacancy Notices	2 years		Mag, Ppr		Yes: After QC & OD	GC §34090
City Clerk	CC-007	City Articles of Incorporation	P		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department preference; GC §34090
City Clerk	CC-008	City Council, Board & Commission Historical List of Members / Rosters	P		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department preference; GC §34090
City Clerk	CC-009	Claims Against the City (Initiating form; Claim sent to City Attorney and Third Party Administrator)	2 years		Mag, Ppr		Yes: After QC & OD	GC §34090
City Clerk	CC-010	Filing System / Subject Files / Function Filing System	Minimum 2 years		Mag, Ppr		Yes: After QC & OD	Department preference; GC §34090
City Clerk	CC-011	FPPC Economic Interest Filings (FPPC 700 Series Forms - Statement of Economic Interests): ALL	7 years		Mag, Mfr, OD, Ppr	S / I	Yes: After 2 years	City maintains original statements; GC §81009(d)(e)(f)&(g)
City Clerk	CC-012	FPPC Economic Interest Filings (FPPC 700 Series Forms - Statement of Economic Interests): ELECTRONICALLY FILED	10 years		Ppr			Statements filed electronically are required for 10 years; City maintains copies only; original statements are filed with FPPC; GC §81009(f)&(g); GC §84615
City Clerk	CC-013	FPPC Form 801 (Gift to Agency Report)	7 years		Mag, Ppr	S / I	Yes: After 2 years	Must post on website; GC §81009(e)
City Clerk	CC-014	FPPC Form 802 (Event Ticket / Pass Distributions Agency Report)	7 years		Mag, Ppr	S / I	Yes: After 2 years	Should post on website for 4 years; GC §81009(e)
City Clerk	CC-015	FPPC Form 803 (Behested Payment Report)	7 years		Mag, Ppr	S / I	Yes: After 2 years	GC §81009(e)
City Clerk	CC-016	FPPC Form 806 (Agency Report of Public Official Appointments)	7 years		Mag, Ppr	S / I	Yes: After 2 years	Must post on website; 2 CCR 18705.5; 2 CCR 18702.5(b)(3); GC §34090; GC §81009(e)
City Clerk	CC-017	FPPC Lobbyist Authorization / Reporting - FPPC Form 635 / 602	5 years		Mag, Ppr		Yes: After 2 years	2 CCR 18615(d); GC §34090
CITY CLERK ELECTIONS (CONSOLIDATED)								
City Clerk	CC-018	Campaign Filings (FPPC 400 Series Forms & Form 501): UNSUCCESSFUL CANDIDATES	5 years		Mag, Mfr, OD, Ppr	S	Yes: After 2 years	Paper must be retained for at least 2 years; GC §81009(b)&(g)

RECORDS RETENTION SCHEDULE: CITY CLERK

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City Clerk	CC-019	Campaign Filings (FPPC 400 Series Forms & Form 501): SUCCESSFUL CANDIDATES (Elected Officials)	P		Mag, Mfr, OD, Ppr	S	Yes: After 2 years	Paper must be retained for at least 2 years; GC §81009(b)&(g)
City Clerk	CC-020	Campaign Filings (FPPC 400 Series Forms): THOSE NOT REQUIRED TO FILE ORIGINAL WITH CITY CLERK (copies)	4 years		Mag, Ppr		Yes: After 2 years	Paper must be retained for at least 2 years; GC §81009(f)&(g)
City Clerk	CC-021	Campaign Filings (FPPC 400 Series Forms): OTHER COMMITTEES (PACS - not candidate-controlled)	7 years		Mag, Ppr		Yes: After 2 years	Paper must be retained for at least 2 years; GC §81009(c)&(g)
City Clerk	CC-022	Candidate File: Nomination Papers, Candidate Statement Forms, etc. - SUCCESSFUL CANDIDATES	Term of Office + 4 years		Mag, Ppr		Yes: After QC & OD	Department Preference; Statewide guidelines proposes 4 years for successful candidates, 2 years for unsuccessful; CA law states term of office and 4 years after the expiration of term and does not delineate between the two; EC §17100
City Clerk	CC-023	Candidate File: Nomination Papers, Candidate Statement Forms, etc. - UNSUCCESSFUL CANDIDATES	Election + 4 years		Mag, Ppr		Yes: After QC & OD	Statewide guidelines proposes 4 years for successful candidates, 2 years for unsuccessful; CA law states term of office and 4 years after the expiration of term and does not delineate between the two; EC §17100
City Clerk	CC-024	Elections - GENERAL, WORKING or ADMINISTRATION Files (Correspondence, Applications to fill a Vacancy on the City Council, Precinct Maps, County Election Services, Candidate Statements to be printed in the Sample Ballot, Polling Locations and Precinct Board Members, Notices, Postings, etc.)	Minimum 2 years		Mag, Ppr		Yes: After QC & OD	GC §34090

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<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
City Clerk	CC-025	Elections - Petitions (Initiative, Recall or Referendum)	Results + 8 months, or Final Examination + 1 year after petition examination if petition is insufficient		Ppr			Not accessible to the public; The 8 month retention applies after election results, or final examination if no election, unless there is a legal or FPPC proceeding. EC §§17200(b)(3), 17400
(End of Elections Section)								
City Clerk	CC-026	Ethics Training Certificates - ALL	5 years		Mag, Mfr, OD, Ppr	S	Yes: After QC'd & OD	GC §§34090, 53235.2(b)
City Clerk	CC-027	Historical Records, Photographs, & Historical Projects (e.g. City Anniversaries, Incorporation, City Seal, Awards of significant historical interest, Grand Openings, etc.)	P		Mag, Mfr, OD, Ppr	S	Yes: After QC'd & OD	City Clerk determines historical significance; records can address a variety of subjects and media. Some media (e.g. audio and video tape) may be limited because of the media's life expectancy; GC §34090
City Clerk	CC-028	Insurance Certificates - Miscellaneous / that ARE doing business with the City	11 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC'd & OD	Department preference; E&O and Latent Defect Statute of Limitations are 10 years, which are filed with the Agreement or contract; CCP §337 et. seq., GC §34090
City Clerk	CC-029	Minutes: City Council, Public Financing Authority, Redevelopment Agency, Successor Agency, Oversight Board	P		Mag, Mfr, OD, Ppr	S / I	No	GC §34090(e)
City Clerk	CC-030	Oath of Office / Appointments: City Council, Boards and Commissions	Separation + 4 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC'd & OD	Department Preference; Statute of Limitations: Public official misconduct is discovery of offense + 4 years, GC §§36507, 34090; PC §§801.5, 803(c); 29 USC 1113
City Clerk	CC-031	Ordinances	P		Mag, Mfr, OD, Ppr	S / I	No	GC §34090(e)

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City Clerk	CC-032	Proclamations / Commendations / Memoriums / Recognitions, etc.	2 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC'd & OD	GC §34090
City Clerk	CC-033	Prop. 218 proceedings - Protest Letters / Ballots / Mailing List	2 years		Ppr			GC §53753(e)(2)
City Clerk	CC-034	Public Records Requests / Subpoenas Duces Tecum	2 years		Mag, Ppr		Yes: After QC'd & OD	GC §34090
City Clerk	CC-035	Recorded Documents: Deeds, Easements, Right of Ways, Abandonments / Vacation, Liens / Lien Releases	P		Mag, Mfr, OD, Ppr	S / I	No	GC §34090(a)
City Clerk	CC-036	Recordings - AUDIO - City Council, Public Financing Authority, Redevelopment Agency, Successor Agency, Oversight Board	2 years		Mag, OD		Yes: After QC'd & OD	Department preference; State law only requires for 30 days; GC §54953.5(b)
City Clerk	CC-037	Recordings - VIDEO - City Council, Public Financing Authority, Redevelopment Agency, Successor Agency, Oversight Board	2 years		Mag, OD		Yes: After QC'd & OD	Department preference; Video tapes of meetings are required for 90 days; GC §34090.6
City Clerk	CC-038	Records Destruction Authorization Forms & Certifications (All Departments)	P		Mag, Mfr, OD, Ppr	S / I	Yes: After QC'd & OD	Department preference; GC §34090
City Clerk	CC-039	Resolutions: City Council, Public Financing Authority, Redevelopment Agency, Successor Agency, Oversight Board	P		Mag, Mfr, OD, Ppr	S / I	No	GC §34090(e)
City Clerk	CC-040	Secretary of State Statement of Facts / Registry of Public Officials	2 years		Mag, Ppr		Yes: After QC'd & OD	GC §34090
City Clerk	CC-041	Subpoenas or Summons for City Employees	2 years		Mag, Ppr			GC §34090

RECORDS RETENTION SCHEDULE: CITY MANAGER

Office of Record (OFR)	Retention No.	Records Description	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
<i>If the record is not listed here, refer to the Retention for City-Wide Standards .</i>								
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
CITY MANAGER								
City Manager	CM-001	City Council Correspondence	4 years		Mag, Ppr			Department Preference; GC §34090
City Manager	CM-002	Film Permits	Minimum 2 years	Yes: Before Completion	Mag, Ppr			Department Preference; GC §34090 et. seq.
City Manager	CM-003	Legislation - Support or Oppose State or Federal Legislation	2 years		Mag, Ppr			GC §34090
City Manager	CM-004	Projects, Programs, Subject & Issues (Issues and/or projects will vary over time - e.g. Sister City, Goals & Objectives, etc.)	Minimum 2 years	Yes: While Active Issues	Mag, Ppr			Department Preference; GC §34090

RECORDS RETENTION SCHEDULE: ECONOMIC DEVELOPMENT

Office of Record (OFR)	Retention No.	Records Description	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
<i>If the record is not listed here, refer to the Retention for City-Wide Standards .</i>								
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
ECONOMIC DEVELOPMENT								
Economic Develop.	ED-001	Economic Development Projects, Programs, Subject & Issues (Issues and/or projects will vary over time)	Minimum 2 years		Mag, Ppr			Department Preference; GC §34090

RECORDS RETENTION SCHEDULE: FINANCE

Office of Record (OFR)	Retention No.	Records Description	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>								
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
FINANCE / ACCOUNTS PAYABLE & PURCHASING								
Finance / Accounts Payable & Purchasing	FIN-001	1099's / 1096's	7 years		Mag, Ppr			Department Preference; IRS: 4 years after tax is due or paid (longer for auditing & contractor delinquency); Ca. FTB: 3 years; 26 CFR §31.6001-1(e)(2), R&T §19530, GC §34090; 29 USC 436
Finance / Accounts Payable & Purchasing	FIN-002	Accounts Payable / Invoices and Backup / Warrants / Refunds / Credit Card Statements / P-Card Statements (Includes Invoices, Travel Expense Reimbursements, etc.)	7 years	Yes: Until Paid	Mag, Mfr, OD, Ppr	S / I	Yes: After 5 years	Department preference; 5 years meets municipal government auditing standards and Statute of Limitations for contracts; Purchasing preference for P-Card Invoices (48 CFR 4.805 requires Federal Agencies to retain their contracts, unsuccessful & successful proposals 6 years after final payment); CCP §337 et. seq.; GC §34090
Finance / Accounts Payable & Purchasing	FIN-003	W-9s	Vendor Inactive + 7 years	Yes: Until Paid	Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Exceeds IRS Auditing Standards (3 years after the last payment to the vendor); GC §34090
FINANCE / ACCOUNTS RECEIVABLE								
Finance / Accounts Receivable	FIN-004	Accounts Receivable: Revenue - Our Invoices to Outside Entities / Insurance Companies, Franchise Fees, DUI Billing, Transient Occupancy Tax (TOT), Wastewater billing, Auctions of Surplus Property, etc.	5 years	Yes: Until Paid	Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department preference; Meets auditing standards; GC §34090 et seq.

RECORDS RETENTION SCHEDULE: FINANCE

Office of Record (OFR)	Retention No.	Records Description	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>								
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
Finance / Accounts Receivable	FIN-005	Bankruptcies - NOT pursued	When No Longer Required		Mag, Ppr			Preliminary drafts not retained in the ordinary course of business; GC §34090
Finance / Accounts Receivable	FIN-006	Bankruptcies - Where a claim is filed	10 years		Mag, Ppr			Department Preference (negative information remains on credit ratings for 7 years); GC §34090
Finance / Accounts Receivable	FIN-007	Billing for Damage to City Property (DUI, etc.) / Third-Party Claims to Insurance Companies or Private Parties to Reimburse City	When No Longer Required - Minimum 5 years	Yes (all)	Mag, Mfr, OD, Ppr	S	Yes: After 2 years	Department preference (meets municipal government auditing standards); GC §34090
Finance / Accounts Receivable	FIN-008	Cash Receipts / Daily Cash Summaries / Cashiers Reports / Cash Reports / Petty Cash, etc.	5 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department preference; Meets auditing standards; GC §34090 et seq.
Finance / Accounts Receivable	FIN-009	Special Event Permits (other than in City Parks or Film Permits)	Minimum 2 years	Yes: Before Completion	Mag, Ppr			Department Preference; GC §34090 et seq.
FINANCE / DEBT SERVICES								
Finance / Debt Services	FIN-010	Bonds & Bond Sales / Official Statements / Transcripts / Certificates of Participations (COPs) - Includes Continuing Disclosure Reports See Bank Statements for statement retention.	Fully Defeased + 10 years	Yes: Until Maturity	Mag, Ppr			Department Preference; Statute of Limitations for bonds, mortgages, trust deeds, notes or debentures is 6 years; Bonds issued by local governments are 10 years; There are specific requirements for disposal of unused bonds; CCP §§336 et seq. 337.5(a); 26 CFR 1.6001-1(e); GC §43900 et seq.
FINANCE / GENERAL LEDGER								
Finance / General Ledger	FIN-011	_Financial Services Database	Indefinite	Yes	Mag			Data Fields / Records are interrelated; GC §34090

RECORDS RETENTION SCHEDULE: FINANCE

Office of Record (OFR)	Retention No.	Records Description	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>								
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
Finance / General Ledger	FIN-012	Audit Work Papers	When No Longer Required		Mag, Ppr			Preliminary drafts / content not substantive; GC §34090
Finance / General Ledger	FIN-013	Audits - Annual Financial Reports / Consolidated Annual Financial Report	P		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Copies (City Clerk maintains original); GC §34090.7
Finance / General Ledger	FIN-014	Audits - Single Audits, Grant Audits, IRS Audits, Transportation Audits, PERS Audit, etc.	5 years		Mag, Ppr			Department Preference (meets municipal government auditing standards); GC §34090
Finance / General Ledger	FIN-015	Bank Statements and Trustee Statements, Fiscal Agent Statements, Investment Account Statements, Bank Reconciliations	5 years		Mag, Ppr			Department Preference; meets auditing standards; GC §34090, 26 CFR 31.6001-1
Finance / General Ledger	FIN-016	Budgets - Finals	P		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Copies (City Clerk maintains original); GC §34090.7
Finance / General Ledger	FIN-017	Budgets Work Papers	When No Longer Required		Mag, Ppr			Preliminary drafts; GC §34090
Finance / General Ledger	FIN-018	Checks / Warrants (Cashed)	5 years		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Meets municipal government auditing standards; GC § 34090
Finance / General Ledger	FIN-019	Escheat (Unclaimed money / uncashed checks)	5 years		Mag, Ppr			Department preference; All tangible property held by government agencies escheats after 3 years; Statute of Limitations is 1 year for seized property; CCP §§340(d), 1519; GC §34090
Finance / General Ledger	FIN-020	Investment Reports & Backup	5 years		Mag, Ppr			Department Preference; GC §34090

RECORDS RETENTION SCHEDULE: FINANCE

Office of Record (OFR)	Retention No.	Records Description	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>								
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
Finance / General Ledger	FIN-021	Investments / Arbitrage / Certificate of Deposit / Investment Bonds (Receipts / Advisor Reports / Trade Tickets / LAIF (Local Agency Investment Fund))	5 years		Mag, Ppr			Department Preference; Meets auditing standards; statewide guidelines propose permanent; FTC Reg's rely on "self-enforcement"; GC§§ 34090, 43900
Finance / General Ledger	FIN-022	Journal Entries / Journal Vouchers	5 years		Mag, Ppr			Department Preference; meets auditing standards; GC §34090, 26 CFR 31.6001-1
Finance / General Ledger	FIN-023	OES / FEMA Claims	10 years		Mag, Ppr			Department Preference (meets municipal government auditing standards); GC §34090
Finance / General Ledger	FIN-024	Reports, General Ledger, Subsidiary Ledgers, Reconciliations, Registers, Transaction Histories, Balance Sheets, Revenue & Expenditure Reports, etc. (FROM DATABASE - ANNUAL, MONTHLY OR PERIODIC)	When No Longer Required		Mag, Ppr			Department preference (The Financial System Database is the original; reports are considered drafts or copies); GC §34090
Finance / General Ledger	FIN-025	Reports: Annual State or Federal: State Controller's Report, Local Government Compensation Report, Gas Tax, MOE (Maintenance of Effort) Report, Street Report, etc.	5 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department Preference; Meets auditing standards; GC §34090
Finance / General Ledger	FIN-026	Tax - Annual Tax Roll and Special Assessments: Landscape and Lighting Districts, etc.	5 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department Preference; Meets auditing standards; GC §34090
Finance / General Ledger	FIN-027	Tax - Sales Tax Reports (HdL)	When No Longer Required		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Compilation of Non-Records / Preliminary drafts used to project revenue; GC §34090
Finance / General Ledger	FIN-028	Vehicle Titles "Pink Slips"	Upon Sale of Vehicle		Ppr			Provided to new owner upon sale; GC §34090

Office of Record (OFR)	Retention No.	Records Description	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>								
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
FINANCE / PAYROLL								
Finance / Payroll	FIN-029	CalPERS Reports - Annual Valuation Reports, Actuarial Valuation Reports	7 years		Mag, Ppr			Department Preference; GC §34090
Finance / Payroll	FIN-030	DE-6, DE-7, DE-9, DE-34, DE-43, W-3 & DE-166, 941 Forms, PERS / FICA & Medicare Adjustments - Quarterly Payroll Tax Returns / OASDI, Federal Tax Deposits, Adjustments, etc.	7 years		Mag, Ppr			Department Preference; IRS: 4 yrs after tax is due or paid; Ca. FTB: 3 years; Articles show 7 years; IRS Reg §31.6001-1(e)(2), R&T §19530; 29CFR 516.5 - 516.6, 29USC 436, GC §34090
Finance / Payroll	FIN-031	Employee Payroll Files - Includes W-4s, Benefit Enrollments	Separation + 7 years		Mag, Ppr			Department preference; Meets municipal government auditing standards; W-4s are required four years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 31-6001-1; GC §34090
Finance / Payroll	FIN-032	Garnishments	Satisfied + 7 years, or Separation of Employee		Mag, Ppr			GC §34090; 26 CFR 31.6001.1
Finance / Payroll	FIN-033	Payroll Database	Indefinite	Yes	Mag			Data Fields / Records are interrelated; GC §34090
Finance / Payroll	FIN-034	Payroll Reports - Periodic Bi-weekly Payroll Report	7 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department preference; Meets municipal government auditing standards; PERS Circular letter 200-051-17; GC §34090

RECORDS RETENTION SCHEDULE: FINANCE

Office of Record (OFR)	Retention No.	Records Description	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>								
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
Finance / Payroll	FIN-035	Time Sheets / Time Cards (includes Overtime)	7 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department preference; Meets auditing standards (audit + 4 years); IRS requires 4 years; Ca. requires 2 yr min.; FTB keeps 3 years; Most Employees provide digital signatures when they submit their timecards, but some in Public Works and Community Services do not (another employee enters their time); IRS Reg §31.6001-1(e)(2), R&T §19530; LC § 1174(d); 29 CFR 516.5; 29 CFR 516.5 & 516.6(c); GC §34090
Finance / Payroll	FIN-036	W-2's	7 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department preference for Grant Auditing Purposes; Meets municipal government auditing standards; GC §34090

RECORDS RETENTION SCHEDULE: INFORMATION TECHNOLOGY

Office of Record (OFR)	Retention No.	Records Description	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>								
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
INFORMATION TECHNOLOGY								
Information Technology	IT-001	Backups - DAILY	When No Longer Required	Yes	Mag.			Used for Disaster Recovery Purposes Only; Considered a copy and can be destroyed when no longer required; GC §34090 et seq.
Information Technology	IT-002	Backups - WEEKLY	When No Longer Required	Yes	Mag.			Used for Disaster Recovery Purposes Only; Store off-site in commercial storage for disaster recovery; Considered a copy and can be destroyed when no longer required; GC §34090 et seq.
Information Technology	IT-003	Enterprise System Catalogue (Listing of Enterprise-wide Software, posted on line)	When Superseded	Yes	Mag.			GC §34090 et seq.
Information Technology	IT-004	UNALTERABLE MEDIA (WORM / DVD-r / CD-r / Blue Ray-R) or other unalterable media that does not permit additions, deletions, or changes	P		OD			For legal compliance for Trustworthy Electronic Records (when the electronic record serves as the official record); GC 34090, 12168.7, EVC 1550, CCR 22620 et seq.
Information Technology	IT-005	Video Recordings - Department Activity / Building Security See City Clerk's schedule for City Council Video Recordings	1 year		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Records regular ongoing operations of the City; GC §34090.6 et seq.
Information Technology	IT-006	Video Recordings - Public Activity (Parks, Pool, Public Areas, etc.) See City Clerk's schedule for City Council Video Recordings	When No Longer Required		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Does not record regular ongoing operations of the City; GC §34090.6 et seq.

RECORDS RETENTION SCHEDULE: PLANNING & HOUSING

Office of Record (OFR)	Retention No.	Records Description	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>								
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
HOUSING / FORMER REDEVELOPMENT PROJECTS								
Housing	PL-001	Housing Applications Rejected (First Time Home Buyers, Life/Safety, Rehabilitation, HOME, etc.)	2 years		Mag, Ppr			GC §34090
Housing	PL-002	Housing Programs: Affordable Housing Projects, HOME, Rehabilitation, CDBG-funded Housing Projects, etc. WITH a Recapture / Resale Restriction Deeds are sent to City Clerk	5 years after the Affordability Period Terminates, or the Written Agreement Terminates, Whichever is Longer		Mag, Mfr, OD, Ppr	S / I	Yes: When Inactive	HUD requires 5 years after the project completion; documents imposing recapture / resale restrictions are 5 years after the affordability period terminates; Uniform Admin. Requirements for Grants to Local Governments is 3 years from expenditure report; statewide guidelines propose 4 years; 2 CFR 200.333; 24 CFR 92.508(a)&(c) & 570.502(a)(16), 982.158, 884.214; 29 CFR 97.42, GC §34090
Housing	PL-003	Housing Programs: CDBG-funded Housing Projects, etc. WITHOUT a Recapture / Resale Restriction	Loan Pay-off OR Forgiveness + 5 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	HUD requires 5 years after the agreement terminates; Consistent with Consolidated Plan Requirements; Required for 3-4 years from expenditure or performance report; 2 CFR 200.333; 24 CFR 92.508(a)&(c) & 570.502(a)(16), 982.158, 884.214; 29 CFR 97.42, GC §34090
Housing	PL-004	Redevelopment Plans, Redevelopment Projects (Historical)	P	Yes	Mag, Ppr			Department preference; GC §34090 et seq.

RECORDS RETENTION SCHEDULE: PLANNING & HOUSING

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<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
Housing	PL-005	Redevelopment Projects (Not Historical)	10 years	Yes	Mag, Ppr			Department preference; GC §34090 et seq.
PLANNING								
Planning	PL-006	Planning Projects - Discretionary & Ministerial - Approved Permanent Entitlements & Permits (Includes Associated CEQA Noticing, Conditions of Approval, Environmental Determinations, Staff Reports, Plans) Examples: Administrative Use Permits, Conditional Use Permits (CUPs), Determination of Similarity, Development Review, Development Plan Review, Environmental Assessment, General Plan Amendment, Historic District Designation, Home Occupation Permit, Certificate of Appropriateness, Site Development Permit, Master Sign Program, Mills Act Participation, Outdoor Dining, Planned Development, Specific Plans, Tentative Parcel or Tract Map, Variances, Wireless Communication, Zone Changes, etc.	P	Yes	Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department preference; Final environmental determinations are required to be kept a "reasonable period of time"; 14 CCR §15095(c); GC§§34090, 34090.7
Planning	PL-007	Annexations / Boundaries / Consolidations / LAFCO	P		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Land Records; GC §34090
Planning	PL-008	Census, Demographics	When No Longer Required		Mag, Ppr			(Non-Records - Census Bureau is OFR)

RECORDS RETENTION SCHEDULE: PLANNING & HOUSING

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<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
Planning	PL-009	Environmental Determinations: Environmental Impact Reports (EIRs), Negative Declarations, etc.) / CEQA Correspondence submitted to, or transferred from the agency, and all internal agency communications, including staff notes related to a non-exempt CEQA action. Includes all emails and communications connected with the project	Project Approval or Denial + 180 days		Mag, Ppr			Not all internal communications and notes are required to be saved; "E-mails that do not provide insight into the project or the agency's CEQA compliance with respect to the project — are not within the scope of section 21167.6, subdivision (e) and need not be retained." Golden Door Properties, LLC v. Superior Court of San Diego County (County of San Diego, et al., Real Parties in Interest) (53 Cal.App.5th 733); PRC 21167,6; GC §34090
Planning	PL-010	Environmental Determinations: Environmental Impact Reports (EIRs), Negative Declarations, etc.) / CEQA Inside City boundaries	P		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Usually filed in the project file; Final environmental determinations are required to be kept a "reasonable period of time"; 14 CCR §15095(c); GC §34090
Planning	PL-011	Environmental Determinations: Environmental Impact Reports (EIRs), Negative Declarations, etc.) / CEQA Outside City boundaries	When No Longer Required		Mag, Ppr			Non-records; EIRs and Negative Declarations within the City Boundaries are with the project file
Planning	PL-012	General Plan, Elements and Amendments	P		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department preference; GC §34090

RECORDS RETENTION SCHEDULE: PLANNING & HOUSING

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<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
Planning	PL-013	Long Range Planning / Planning Studies	P		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Usually filed in the project file; Final environmental determinations are required to be kept a "reasonable period of time"; 14 CCR §15095(c); GC §34090
Planning	PL-014	Master Plans, Specific Plans, Land Use Plans and Amendments	P		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department preference; GC §34090
Planning	PL-015	Materials Boards	When No Longer Required		Mag, Ppr			Preliminary drafts not retained in the ordinary course of business; GC §34090
Planning	PL-016	Planning Commission AGENDAS & AGENDA PACKETS	P		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department preference; Original Staff Reports are filed in the project file; GC §34090
Planning	PL-017	Planning Commission AUDIO or VIDEO RECORDINGS	2 years		Mag, OD			Department preference; Audio Required for 30 days; GC §54953.5(b); video tapes of meetings are required for 90 days; GC §34090.6
Planning	PL-018	Planning Commission MINUTES, BYLAWS, RESOLUTIONS	P		Mag, Ppr			GC §34090
Planning	PL-019	Temporary Use Permits (TUP) / Temporary Signs / Banner Permits, Film Permits, etc. (Approved & Unapproved) Christmas Tree Lots, Pumpkin Lots, etc.	Expiration + 2 years	Yes: During Event	Mag, Ppr			Department preference; GC§§34090
Planning	PL-020	Zoning Maps (Historically Significant)	P	Yes (all)	Mag, Mfr, OD, Ppr	S	No	Department Preference; GC §34090

RECORDS RETENTION SCHEDULE: PLANNING & HOUSING

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<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
Planning	PL-021	Zoning Ordinance Amendments / Zone Changes	P	Yes	Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department Preference (copies); GC §34090.7

RECORDS RETENTION SCHEDULE: POLICE

Office of Record (OFR)	Retention No.	Records Description	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
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<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
POLICE ADMINISTRATION / POLICE CHIEF								
Police / Admin. / Chief	PD-001	Background Files - Successful Applicants	Separation + 5 years	Yes: Until Separation	Mag, Mfr, OD, Ppr	S	Yes: After Separation + QC & OD	Department Preference; EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 -3 years; 29 CFR 1672.3(b)(i), 29 CFR 1602.14; GC §§12946, 12960, 34090; 29 USC 1113
Police / Admin. / Chief	PD-002	Background Files - Unsuccessful Applicants	3 years		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department Preference; EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 -3 years; 29 CFR 1672.3(b)(i), 29 CFR 1602.14; GC §§12946, 12960, 34090
Police / Admin. / Chief	PD-003	CCW Permits (Carry Concealed Weapon Permits) - Retired Employees Qualifications	Expiration + 5 years		Mag, Ppr			Department preference; GC §34090
Police / Admin. / Chief	PD-004	Contracts for Investigators (Police only)	Completion + 5 years	Yes: Before Completion	Mag, Ppr			Department preference; Statute of Limitations for contractual obligations is 4 years; CCP §§337. 337.1(a), 337.15, 343; GC §34090
Police / Admin. / Chief	PD-005	Internal Affairs Investigations / Complaints: Civilian-Generated	Final Disposition + 5 years		Mag, Ppr			Consistent with Lexipol Policy; State requires for at least 5 years for civilian complaints; other State & Federal laws require retention until final disposition of formal complaint; State requires 2 years after action is taken; Statute of Limitations is 4 years for misconduct after the discovery of the offense for misconduct in office; EVC §1045, GC §§12946, 12960, 34090, PC §§801.5, 803(c), 832.5, VC §2547

RECORDS RETENTION SCHEDULE: POLICE

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<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
Police / Admin. / Chief	PD-006	Internal Affairs Investigations / Complaints: Internally-Generated or Observation of Misconduct	Final Disposition + 5 years		Mag, Ppr			Department Preference; Exceeds with Lexipol Policy; Not a civilian complaint; other State & Federal laws require retention until final disposition of formal complaint; State requires 2 years after action is taken; EVC §1045, GC §§12946,12960, 34090
Police / Admin. / Chief	PD-007	Logs (Watch Commander Logs, etc.)	2 years		Mag, Ppr			GC§ 34090 et seq.
Police / Admin. / Chief	PD-008	Personnel Files - Employees	Separation + 6 years	Yes: Until Separation	Mag, Mfr, OD, Ppr	S	Yes: After Separation + QC & OD	Department Preference to be consistent with Human Resources; EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 -3 years; retirement benefits is 6 years from last action; 29 CFR 1602.31 & 1627.3(b)(1), 8 CCR §3204(d)(1) et seq., GC §§12946,12960, 34090; 29 USC 1113
Police / Admin. / Chief	PD-009	Policies & Procedures / Lexipol / Operation Directives / General Orders (Department Policies and Procedures)	Superseded + 2 years		Mag, Mfr, OD, Ppr	S / I	Yes: After superseded	Department Preference; GC § 34090 et seq.
Police / Admin. / Chief	PD-010	Press Releases	2 years		Mag, Ppr			GC §34090
Police / Admin. / Chief	PD-011	Report of data regarding the number, type, or disposition of complaints made against its officers	2 years		Mag, Ppr			GC §34090 et seq.
Police / Admin. / Chief	PD-012	Reports and Studies - Historical	P		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department Preference; GC § 34090 et seq.
Police / Admin. / Chief	PD-013	Reports and Studies regarding Police operations (not historical - manpower, consolidation, etc.)	Minimum 2 years		Mag, Ppr			Department Preference; GC § 34090 et seq.

RECORDS RETENTION SCHEDULE: POLICE

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<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
Police / Admin. / Chief	PD-014	Use of Force Supervisory Reviews	5 years		Mag, Ppr			Department Preference; GC §§12946, 12960, 34090, PC §§801.5, 803(c), 832.5, VC §2547
ADMINISTRATION / TRAINING								
Police / Admin. / Training	PD-015	Personnel Training File - Officer Training - BY EMPLOYEE (Includes POST printouts) Includes Range Qualifications, Retiree Fire Arson Qualifications	Separation + 6 years		Mag, Ppr			Department Preference to be consistent with Human Resources; OSHA requires safety training 5 years; EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 -3 years; 8 CCR §3203 et seq., 29 CFR 1602.31 LC §6429(c); GC §§12946,12960, 34090, 53235.2(b)
Police / Admin. / Training	PD-016	Training - Department Training Records - COURSE RECORDS (Attendance Rosters, Outlines and Materials; includes Use of Force training, safety training, etc.)	Minimum 5 years		Mag, Ppr			Rosters are sent to POST; OSHA requires safety training 5 years; EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 -3 years; 8 CCR §3203 et seq., 29 CFR 1602.31 LC §6429(c); GC §§12946,12960, 34090, 53235.2(b)
ADMINISTRATION / VOLUNTEERS								
Police / Admin. / Volunteers	PD-017	Background Files - Volunteers - SUCCESSFUL (Explorers, CERT, Chaplains, etc.)	Separation / Inactive + 3 years		Mag, Mfr, OD, Ppr	S	Yes: After QC &OD	Department Preference; OSHA requires safety training 5 years; EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 -3 years; 8 CCR §3203 et seq., 29 CFR 1602.31 LC §6429(c); GC §§12946, 12960, 34090, 53235.2(b)

RECORDS RETENTION SCHEDULE: POLICE

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<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
Police / Admin. / Volunteers	PD-018	Background Files - Volunteers - UNSUCCESSFUL (Explorers, CERT, Chaplains, etc.)	3 years		Mag, Mfr, OD, Ppr	S	Yes: After QC &OD	Department Preference; OSHA requires safety training 5 years; EEOC/FLSA/ADEA (Age) requires 3 years for promotion, demotion, transfer, selection, or discharge; State Law requires 2 -3 years; 8 CCR §3203 et seq., 29 CFR 1602.31 LC §6429(c); GC §§12946, 12960, 34090, 53235.2(b)

RECORDS RETENTION SCHEDULE: POLICE

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OPERATIONS / PATROL								
Police / Ops / Patrol	PD-019	Officer Recordings: Automated License Plate Reader Data (ALPR) - that are NOT evidence	1 year		Mag, Ppr			Recordings that become evidence are stored with evidence - these are preliminary documents / transitory recordings; Consistent with Lexipol requirements; GC §34090.6
Police / Ops / Patrol	PD-020	Officer Recordings: Body-Worn Cameras – LOGS of Access or Deletion of Data	P		Mag,			PC§ 832.18(b)(5)(E); GC §34090.6 et seq.
Police / Ops / Patrol	PD-021	Officer Recordings: Body-Worn Cameras - that ARE evidence, Officer Involved Shootings / Detention or Arrest / Complaints	Follows retention for Evidence, Minimum 2 years		Mag,			PC§ 832.18(b)(5)(B)&(C); GC §34090.6 et seq.
Police / Ops / Patrol	PD-022	Officer Recordings: Body-Worn Cameras - that are NOT evidence	1 year		Mag,			Department preference (law recommends 90 days); PC§ 832.18(b)(5)(A); GC §34090.6 et seq.
Police / Ops / Patrol	PD-023	Officer Recordings: Mobile Audio Video (MAV) Recordings - that are NOT evidence	1 year		Mag, Ppr			Recordings that become evidence are stored with evidence - these are preliminary documents / transitory recordings; Consistent with Lexipol requirements; GC §34090.6
Police / Ops / Patrol	PD-024	Patrol Schedules	When No Longer Required		Mag, Ppr			Preliminary drafts (the timecard / timesheet is the final); GC §34090 et seq.
Police / Ops / Patrol	PD-025	Traffic Control: Radar Calibration Records	Life of the Equipment		Mag, Ppr			Department preference; GC §34090 et seq.
Police / Ops / Patrol	PD-026	Traffic Control: Radar Trailer Surveys, etc.	When No Longer Required - Minimum 2 years		Mag, Ppr			GC §34090 et seq.

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Police / Ops / Patrol	PD-027	Vacation Checks / Patrol Requests	When No Longer Required		Mag, Ppr			Preliminary Draft (entered in RMS / CAD system; GC §34090 et seq.
SERVICES / CAD / DISPATCH								
Police / Commun.	PD-028	Audio Recordings or Tapes - (CAD / Computer Aided Dispatch) Recordings of Telephone & Radio Communications Dispatch Tapes (CAD)	2 years		Mag			Department Preference; Statewide guidelines propose 180 days (legally mandated for 100 days); (may be discoverable or made public in some circumstances), GC §§34090, 34090.6
SERVICES / INVESTIGATIONS								
Police / Investig.	PD-029	Business Permits Background Files (Regulatory) - BUSINESS OWNER AND TECHNICIANS: Bingo Permit, Massage Establishments, Pawn Shops, etc.	Termination of Business + 2 years		Mag, Ppr			Department Preference; GC § 34090 et seq.
Police / Investig.	PD-030	Criminal Intelligence Files Confidential informant information & activities	Last Entry + 5 years		Mag, Ppr			Files contain criminal intelligence information concerning an individual only if there is reasonable suspicion that the individual is involved in criminal conduct or activity and the information is relevant to that criminal conduct or activity. Misleading, obsolete or unreliable information is required to be destroyed; remaining records must not be retained longer than 5 years; 28 CFR 23.20(h); GC §34090
Police / Investig.	PD-031	Detectives Investigation Files and Arrest Files (Notes)	When No Longer Required		Ppr, Mag			GC §34090 et seq.
Police / Investig.	PD-032	Detectives Investigation Files and Arrest Files (Official Reports)	Transferred into Record's Crime Report Files		Ppr, Mag			Transfer all Official Reports to Records to be placed in the Crime Report Files.

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Police / Investig.	PD-033	Forfeiture Notification	5 years		Mag, Ppr			Per Federal DOJ requirements (Equitable Sharing Guide); GC §34090
Police / Investig.	PD-034	Guns: Dealers Record of Sale (DROS)	2 years		Mag, Ppr			GC §34090
Police / Investig.	PD-035	Informant Files	When No Longer Required - Minimum 2 years		Ppr, Mag			Informant information; Does not contain criminal intelligence information concerning individuals; Department preference; GC §34090
Police / Investig.	PD-036	Pawn Slips	2 years		Mag, Ppr			Department Preference (Dealers are required to keep for 3 years); Non-records used for investigations; Originals entered into the State Automated Property System; most agencies retain for 2 years; B&P §21633; GC §34090

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SERVICES / PROPERTY AND EVIDENCE								
Police / Property & Evidence	PD-037	Crime Report Photos	Follows the Retention of the Evidence		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department Preference; GC §34090
Police / Property & Evidence	PD-038	Gun and Narcotics Destruction Log (Documents related to)	Minimum 2 years		Mag, Ppr			Department Preference; GC §34090
Police / Property & Evidence	PD-039	Lost & Found Property (Documents related to)	2 years		Mag, Ppr			GC §34090
Police / Property & Evidence	PD-040	Property & Evidence Database	Indefinite		Mag, Ppr			Department Preference (data is interrelated); GC §34090
Police / Property & Evidence	PD-041	Property & Evidence Logs	2 years		Mag, Ppr			GC §34090
SERVICES / RECORDS								
Police / Records	PD-042	Cannabis Public Safety Licenses - SUCCESSFUL	Expiration + 6 years		Mag, Ppr			GC §34090 et seq.
Police / Records	PD-043	Cannabis Public Safety Licenses - UNSUCCESSFUL	Expiration + 6 years		Mag, Ppr			GC §34090 et seq.
Police / Records	PD-044	Citation Log Books (#s / ranges) - Parking, Traffic	2 years		Mag, Ppr			GC §34090 et seq.
Police / Records	PD-045	Citations (Parking, Traffic, Marijuana / Cannabis). Includes requests for dismissals, cancellations, and appeals.	2 years		Mag, Ppr			GC §34090 et seq.

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Police / Records	PD-046	CRIME REPORTS / SEALED RECORDS: Sealed Juvenile and Ward Cases - Except those with Child Abuse or Severe Neglect, (Substantiated), outstanding stolen property, including firearms, or lost firearms	Sealing Date + 5 years (or Court Order)	Yes: Before Disposition	Mag, Mfr, OD, Ppr	S/M/I	Yes: After QC & OD	Statute of Limitations runs up to age of majority + 8 years; sealed records for juveniles and wards of the Court must be destroyed 5 years after sealing date; CCP §§340.1, GC §34090; W&I §§389(a), 781(d)
Police / Records	PD-047	CRIME REPORTS: Lost Property: Firearms entered into CLETS (if not Permanent Retention)	Until Found or Recovered	Yes	Mag, Mfr, OD, Ppr	S/M/I	Yes: After QC & OD	Department Preference to facilitate Three Strikes law and ease of document imaging administration; PC§ 11108.2(b); GC §34090
Police / Records	PD-048	CRIME REPORTS: ALL Capital Crimes, Homicide, Juvenile, Child Abuse (substantiated), Elder Abuse (substantiated), & Sexual Assault (Rape), Arson (Suspected or	P	Yes	Mag, Mfr, OD, Ppr	S/M/I	Yes: After QC & OD	Department Preference; DOJ retains CACI (Child Abuse Central Index) information for adults 100 years; Most have no limitations on commencement of action; PC §§ 261, 286, 288, 288a, 288.5, 289, 289.5, and 799; 803(h), 11169 et seq.; 11170(a); WIC 707(b)
Police / Records	PD-049	CRIME REPORTS: Child Abuse or Neglect Investigation Reports - Unsubstantiated or Inconclusive	No Further Report on Suspected Abuser + 10 years		Mag, Mfr, OD, Ppr	S/M/I	Yes: After QC & OD	PC §§11169(c), 11170(a)(3)
Police / Records	PD-050	CRIME REPORTS: Except those specifically mentioned in the schedule (ALL Others)	6 years	Yes	Mag, Mfr, OD, Ppr	S/M/I	Yes: After QC & OD	Department Preference; Provided there are no outstanding warrants, unrecovered identifiable items, criminal deaths, they are not historically significant, and it is not classified under PC §800 & 290; Stat. of Limit. is 2 yrs; Destroy juvenile marijuana after age 18; H&S §11361.5, GC §34090, PC §802, PC §§187, 800 et seq.

RECORDS RETENTION SCHEDULE: POLICE

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Police / Records	PD-051	CRIME REPORTS: Misdemeanor or Infraction - Adult Marijuana / Cannabis - H&S §11357(b)(c)(d)(e) or H&S §11360(b) (with procedure in H&S §11361.5) - Except those with outstanding stolen property, including firearms, or lost firearms	Conviction or Arrest (If No Conviction) + 2 years	Yes: Before Disposition	Mag, Mfr, OD, Ppr	S/M/I	Yes: After QC & OD	(Courts and other Agencies "Shall" destroy); H&S§ 11361.5 et seq.
Police / Records	PD-052	CRIME REPORTS: Misdemeanor or Infraction - Juvenile Marijuana / Cannabis - H&S §11357(E) - Except those with outstanding stolen property, including firearms, or lost firearms	2 years or Juvenile 18 years old	Yes: Before Disposition	Mag, Mfr, OD, Ppr	S/M/I	Yes: After QC & OD	If no subsequent conviction ("Shall" Destroy); H&S §11361.5
Police / Records	PD-053	CRIME REPORTS: Missing Persons	P (If Returned, Follows the Retention for the Crime Report)	Yes: Before Disposition	Mag, Mfr, OD, Ppr	S/M/I	Yes: After QC & OD	Department Preference; GC §34090
Police / Records	PD-054	CRIME REPORTS: Factually Innocent Petition Accepted Records Sealed Pending Destruction - Except those with outstanding stolen property, including firearms, or lost firearms	Date of Arrest + 3 years	Yes: Before Disposition	Mag, Mfr, OD, Ppr	S/M/I	Yes: After QC & OD	Individual petitions District Attorney; Sheriff concurs that person is factually innocent, then seals record ("Shall" Destroy); GC §34090; PC §851.8(a)

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Police / Records	PD-055	CRIME REPORTS: Misdemeanor or Infraction Marijuana / Cannabis §11357(de) - Juvenile on School Grounds during School Hours (with procedure in H&S §11361.5)	Offender is 18 Years Old	Yes: Before Disposition	Mag, Mfr, OD, Ppr	S/M/I	Yes: After QC & OD	(Courts and other Agencies "Shall" destroy); H&S§ 11361.5 et seq., 11357(e)
Police / Records	PD-056	Hearings / Administration CSO Determinations (Parking, Tows, etc.)	2 years		Mag, Ppr			GC §34090
Police / Records	PD-057	Registrants: Arson Registrations: Adults	P, or Death of Registrant		Mag, Mfr, OD, Ppr	S/I	Yes: After QC & OD	Department preference; Pursuant to PC §457.1 et seq.; required to register for life; If released from CYA, records are destroyed after age 25 or sealing pursuant to W&I §781; GC §34090.7
Police / Records	PD-058	Registrants: Arson Registrations: Juveniles released from California Youth Authority	Age 25 or Sealing Date + 5 years		Mag, Ppr			Pursuant to PC §457.1 et seq.; If released from CYA, records are destroyed after age 25 or sealing pursuant to W&I §781; GC §34090.7
Police / Records	PD-059	Registrants: Narcotic Registrants	5 years		Mag, Mfr, OD, Ppr	S/I	Yes: After QC & OD	Department Preference; Registration is required for 5 years; GC §34090, H&S §11590 et seq., H&S §11594(a)
Police / Records	PD-060	Registrants: Sex Offender Registrations: Adults	P, or Death of Registrant		Mag, Mfr, OD, Ppr	S/I	Yes: After QC & OD	Department Preference; After 2021, Offenders can petition Court for removal 10 or 20 years after offense, provided there are no subsequent offenses; Pursuant to PC §290 et seq.
Police / Records	PD-061	Registrants: Sex Offender Registrations: Juveniles	P or Sealing Date + 5 years (or Court Order), or Death of Registrant		Mag, Ppr			Department Preference; After 2021, Offenders can petition Court for removal 10 or 20 years after offense, provided there are no subsequent offenses; Pursuant to PC §290 et seq.

RECORDS RETENTION SCHEDULE: POLICE

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Police / Records	PD-062	Ride A-Long Waiver Form	2 years		Mag, Ppr			GC §34090 et seq.
Police / Records	PD-063	RMS Database	Indefinite	Yes	Mag			Data Fields / Records are interrelated; GC §34090
Police / Records	PD-064	STOP Source Data	3 years		Mag, Ppr			11 CCR 999.228; GC §34090
Police / Records	PD-065	Subpoenas (all)	2 years		Mag, Mfr, OD, Ppr	S/I	Yes: After QC & OD	GC §34090
Police / Records	PD-066	Video Recordings - Public Areas / Public Activity See City Clerk's schedule for City Council Video Recordings	When No Longer Required		Mag			Does not record regular and ongoing operations; GC §34090.6 et seq,
Police / Records	PD-067	Video Recordings - Temporary Holding Cells See City Clerk's schedule for City Council Video Recordings	1 year		Mag			GC §34090.6 et seq,

RECORDS RETENTION SCHEDULE: PUBLIC WORKS (ALL DIVISIONS)

Office of Record (OFR)	Retention No.	Records Description	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
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ENGINEERING								
Public Works / Engineering	PW-001	ADA Accessibility Committee AGENDAS, AGENDA PACKETS	When No Longer Required - Minimum 2 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department Preference; GC §34090
Public Works / Engineering	PW-002	ADA Accessibility Committee AUDIO RECORDINGS or VIDEO RECORDINGS	2 years		Mag, OD			Department preference; Audio Required for 30 days; GC §54953.5(b); video tapes of meetings are required for 90 days; GC §34090.6
Public Works / Engineering	PW-003	ADA Accessibility Committee MINUTES, BYLAWS	P	Yes	Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	GC §34090
Public Works / Engineering	PW-004	Bonds: CIP Labor & Materials, Performance Bonds, Letters of Credit, Encroachment Permit Bonds, etc.	Release of Bond / Letter of Credit		Mag, Ppr		Yes: After QC & OD	Securities (Performance Bonds, Letters of Credit, CD's, etc.) are released after the Notice of Completion is issued and replaced with the Warranty Bond, which is released 1 year after the Notice of Completion date. GC §34090

RECORDS RETENTION SCHEDULE: PUBLIC WORKS (ALL DIVISIONS)

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Public Works / Engineering	PW-005	Capital Improvement Projects (CIP) - Where Engineering is the Lead: Administration File Project Administration, Certified Payrolls, Hazardous Materials Plans, Meeting Minutes, Project Schedules, Progress meetings, Real Estate Appraisals, RFIs & Responses	Completion + 10 years or After Funding Agency Audit, if required, whichever is longer	Yes: Until Completed	Mag, Mfr, OD, Ppr	S/I	Yes: After QC & OD	Some grant funding agencies require audits; Statute of Limitations for Errors & Omissions is 10 years; Published Audit Standards=4-7 years; Statute of Limitations: Contracts & Spec's=4 years, Wrongful Death=comp. + 5 years, Developers=comp. + 10 years; Statewide guidelines propose termination + 5 years; CCP §337 et. seq., GC §34090
Public Works / Construction Manage.	PW-006	Capital Improvement Projects (CIP) - Where Engineering is the Lead: Construction Management Construction Manager's Logs, Daily Inspections, Daily Logs, Photos, Punch Lists, etc.	Completion + 10 years or After Funding Agency Audit, if required, whichever is longer	Yes: Until Completed	Mag, Mfr, OD, Ppr	S/I	Yes: After QC & OD	Some grant funding agencies require audits; Statute of Limitations for Errors & Omissions is 10 years; Published Audit Standards=4-7 years; Statute of Limitations: Contracts & Spec's=4 years, Wrongful Death=comp. + 5 years, Developers=comp. + 10 years; Statewide guidelines propose termination + 5 years; CCP §337 et. seq., GC §34090
Public Works / Engineering	PW-007	Capital Improvement Projects (CIP) - Where Engineering is the Lead: Permanent File Specifications & Addenda, Contract Copies, Change Orders, CEQA / Environmental Documents - EIRs, Negative Declarations, Exemptions, Materials Testing Reports, Soil Reports, Studies, Submittals, Successful Proposal, Surveys, etc.	P	Yes: Until Completed	Mag, Mfr, OD, Ppr	S/I	Yes: After QC & OD	Department preference; retained for disaster preparedness purposes; Statewide guidelines propose Permanent for Infrastructure plans; Final environmental determinations are required to be kept a "reasonable period of time"; 14 CCR §15095(c); CCP §337 et. seq., GC §34090

RECORDS RETENTION SCHEDULE: PUBLIC WORKS (ALL DIVISIONS)

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Public Works / Engineering	PW-008	Drawings, Maps, Plans and Record Drawings, Large-Format Drawings, Survey Record Maps, Capital Improvement Project "As-Built"	P	Yes (all)	Mag, Mfr, OD, Ppr	S	No	Drafts should be destroyed; Some maps are also retained by Planning; Selected maps are retained in Public Works for administrative purposes; GC §34090, 34090.7
City Clerk	PW-009	Easements, Deeds, Right of Ways	Copies - When No Longer Required		Mag, Mfr, OD, Ppr	S/I	Yes: After QC & OD	Send all originals to the City Clerk; GC §34090.7
Public Works / Engineering	PW-010	Encroachment Permits / Excavation Permits: Temporary (Street Permits, Temporary Construction, Sidewalk Repairs, Traffic Control, Transportation Permits, Utility Cuts, Street Closure Permits, etc.) Includes Insurance Certificates	Final / Completion + 2 years	Yes: Until Completion	Mag, Ppr			GC § 34090
Public Works / Engineering	PW-011	Encroachments - Permanent (Permanent structures in the City's Right of Way)	P		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department Preference; GC §34090
Public Works / Engineering	PW-012	Engineering Studies / Surveys (Public Right-of-Way) - Geotechnical and Soil Reports / Hydrology Reports / Preliminary Studies / Project Assessments	P		Mag, Mfr, OD, Ppr	S/I	Yes: After QC & OD	Department Preference; GC §34090
Public Works / Engineering	PW-013	Stormwater / WWTP (Wastewater Treatment Plant): NPDES Monitoring Reports	3 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department preference; Monitoring records required for 3 years; 40 CFR §§122.21, 122.41
Public Works / Engineering	PW-014	Stormwater / WWTP (Wastewater Treatment Plant): NPDES Permits / Water Quality Permits	Permit Superseded + 3 years	Yes: Until Expiration	Mag, Ppr			Department Preference to conform with Statewide Guidelines; Monitoring records required for 3 years; 40 CFR §§122.21, 122.41; CCP §337 et seq.
ENGINEERING - PRIVATE DEVELOPMENT								

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Public Works / Engineering / Private Develop.	PW-015	Design & Construction Standards & Details - Authored by the City for Private Development	P		Mag, Mfr, OD, Ppr	S/I	Yes: After QC & OD	Department Preference; GC §34090
Public Works / Engineering / Private Develop.	PW-016	Improvement Plans (for Tracts / Subdivisions)	P	Yes (all)	Mag, Mfr, OD, Ppr	S	No	Drafts should be destroyed; Some maps are also retained by Planning; Selected maps are retained in Public Works for administrative purposes; GC §34090, 34090.7
Public Works / Engineering / Private Develop.	PW-017	Private Development Projects / Job Files: Administration File Correspondence, Project schedules, etc.	Completion + 10 years	Yes: Until Completed	Mag, Ppr			Statute of Limitations for Errors & Omissions is 10 years; Statute of Limitations: Contracts & Spec's=4 years, Wrongful Death=comp. + 5 years, Developers=comp. + 10 years; CCP §337 et. seq., GC §34090
Public Works / Construction Manage.	PW-018	Private Development Projects / Job Files: Construction Inspection Construction Inspections, Daily Logs, Inspector's Records, Photos, etc.	Completion + 10 years	Yes: Until Completed	Mag, Ppr			Statute of Limitations for Errors & Omissions is 10 years; Statute of Limitations: Contracts & Spec's=4 years, Wrongful Death=comp. + 5 years, Developers=comp. + 10 years; CCP §337 et. seq., GC §34090
Public Works / Engineering / Private Develop.	PW-019	Private Development Projects / Job Files: Permanent Files Certificate of Acceptance / Approval (copy), Dedications, Abandonments, Drainage, Driveway, Private Lab Verifications, Testing Lab Final Reports, Studies, Reports, Geotechnical and Soil Reports / Hydrology Reports, etc.	P	Yes: Until Completed	Mag, Mfr, OD, Ppr	S/I	Yes: After QC & OD	Department preference; retained for disaster preparedness purposes; GC §34090
ENGINEERING - TRANSPORTATION								

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Public Works / Engineering / Transportation	PW-020	Traffic Calming Requests / Stop Sign Surveys (Speed Humps, etc.)	10 years		Mag Ppr			Department preference; GC §34090
Police	PW-021	Traffic Collision Reports / SWTRS	Copies - When No Longer Required		Mag Ppr			copies; GC §34090.7
Public Works / Engineering / Transportation	PW-022	Traffic Counts	10 years		Mag Ppr			Department preference; GC §34090
Public Works / Engineering / Transportation	PW-023	Traffic Speed Surveys / Stop Sign Warrants	10 years		Mag Ppr			Department preference (required every 5 years, but can be extended to 7 or 10 years); GC §34090
Public Works / Engineering / Transportation	PW-024	Transportation Permits issued by the City (Wide Load Permits, Heavy Load Permits, etc.)	2 years		Mag Ppr			GC §34090
CONSTRUCTION MANAGEMENT								
Public Works / Construction Manage.	PW-025	Capital Improvement Projects (CIP) - Where Engineering is the Lead: Construction Management Construction Manager's Logs, Daily Inspections, Daily Logs, Photos, Punch Lists, etc.	Completion + 10 years or After Funding Agency Audit, if required, whichever is longer	Yes: Until Completed	Mag, Mfr, OD, Ppr	S/I	Yes: After QC & OD	Some grant funding agencies require audits; Statute of Limitations for Errors & Omissions is 10 years; Published Audit Standards=4-7 years; Statute of Limitations: Contracts & Spec's=4 years, Wrongful Death=comp. + 5 years, Developers=comp. + 10 years; Statewide guidelines propose termination + 5 years; CCP §337 et. seq., GC §34090

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Public Works / Construction Manage.	PW-026	Private Development Projects / Job Files: Construction Inspection Construction Inspections, Daily Logs, Inspector's Records, Photos, etc.	Completion + 10 years	Yes: Until Completed	Mag, Ppr			Statute of Limitations for Errors & Omissions is 10 years; Statute of Limitations: Contracts & Spec's=4 years, Wrongful Death=comp. + 5 years, Developers=comp. + 10 years; CCP §337 et. seq., GC §34090
MAINTENANCE								
Public Works / Maintenance	PW-027	BAAQMD Permits (Generators, etc.)	Issue Date + 5 years		Mag, Ppr			40 CFR 70.6; GC §34090
Public Works / Maintenance	PW-028	Generator Operation Logs & Inspections	5 years		Mag, Ppr			AQMD Rule 1470; Form 400-E-13a instructions; GC §34090
Public Works / Maintenance	PW-029	Inspections or Audits by the DMV & CHP	5 years		Mag, Mfr, OD, Ppr	S/I	Yes: After QC & OD	Consistent with CHP requirements; OSHA requires 1 year; 8 Ca. Code Reg. § 3203(b)(1); GC § 34090
Public Works / Maintenance	PW-030	Operations & Maintenance Manuals (O&M Manuals)	Life of Facility or Equipment		Mag, Ppr			Department Preference; GC §34090 et. seq.
Public Works / Maintenance	PW-031	Pesticide Use / Pesticide Applications / Herbicide Use	5 years		Mag, Ppr			Department Preference (agricultural pesticide records are required for 2 years); GC §34090; 3 CCR 6623, 40 CFR 171.11 et seq.
Public Works / Maintenance	PW-032	Playground Inspections	5 years		Mag, Ppr			Department preference; GC §34090
Public Works / Maintenance	PW-033	Pre-Trip Inspections / Vehicle Safety Checks / Daily Vehicle Inspections / Daily Equipment Checks	2 years		Ppr			GC §34090; 13 CCR 1234(3)
Public Works / Maintenance	PW-034	Swimming Pool Chemical Addition Logs	5 years	Yes: During Class or Program	Mag, Ppr			8 CCR §3195.12; GC §34090

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Public Works / Maintenance	PW-035	Tire Disposal / Waste Manifests	3 years		Mag, Ppr			14 CCR 18459.3; GC §34090
Public Works / Maintenance	PW-036	Tree & Sidewalk Repair, Inspection (City-owned trees and sidewalks)	5 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department Preference; GC §34090 et. seq.
Public Works / Maintenance	PW-037	Used Oil Disposal Manifests	3 years		Mag, Ppr			22 CCR 66266.130(c)(5), H&S §25250.18(b), 25250.19(a)(3) et seq.
Public Works / Maintenance	PW-038	Vehicle & Equipment History Files Maintenance, Smog Certificates, Registrations, Inspections, Testing of Push-out Windows, Emergency Doors, etc.	Disposal of Vehicle or Equipment + 2 years		Mag, Ppr			Department Preference; If a motor carrier, required for 18 months after vehicle is sold; CHP requires life of vehicle; OSHA requires 1 year; 8 CCR § 3203(b)(1); 49 CFR 396.21(b)(1); 49 CFR 396.3; CCP §337 et. seq., 3 CCR 1234(f); GC §34090
Division Providing Service / Work	PW-039	Work Orders / Service Requests (Division providing service retains originals; Division requesting service is considered a copy)	5 years		Mag Ppr			City Preference; CCP §§338 et seq., 340 et seq., 342, GC §34090
PARKS & RECREATION (and SENIOR CENTER)								
Public Works / Parks & Recreation / Recreation	PW-040	_Recreation Database / Class Registration Database	Indefinite		Mag, Ppr			Data is interrelated; GC §34090
Public Works / Parks & Recreation / Recreation	PW-041	Activity Guide (Final)	P	Yes: During Class or Program	Mag, Mfr, OD, Ppr	S / I	Yes: After QC'd & OD	Department preference; GC §34090

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Public Works / Parks & Recreation / Recreation	PW-042	Applications / Participants' Registration / Liability Forms / Release of Liability Forms / Photo Releases / Waivers of Liability / Permissions: Camps, Field Trips, Authorization to give Medicine, etc.	2 years	Yes: During Class or Program	Mag, Ppr			GC §34090
Public Works / Parks & Recreation / Recreation	PW-043	Arts Commission AUDIO RECORDINGS or VIDEO RECORDINGS	2 years		Mag, OD			Department preference; Audio Required for 30 days; GC §54953.5(b); video tapes of meetings are required for 90 days; GC §34090.6
Public Works / Parks & Recreation / Recreation	PW-044	Arts Commission AGENDAS, AGENDA PACKETS	When No Longer Required - Minimum 2 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department Preference; GC §34090
Public Works / Parks & Recreation / Recreation	PW-045	Arts Commission MINUTES, BYLAWS	P	Yes	Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	GC §34090
Public Works / Parks & Recreation / Recreation	PW-046	Contracts (Short-Form) for Instructors and Performers Long-Form Contracts are retained by the City Clerk	Completion + 2 years	Yes: During Class or Program	Mag, Ppr			Department preference; CCP §337; GC §34090
Public Works / Parks & Recreation / Recreation	PW-047	Evaluations / Surveys (Programmatic Evaluations of Recreation programs)	When No Longer Required		Mag, Ppr			Content Not Substantive / Preliminary drafts / Transitory records; GC §34090

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Public Works / Parks & Recreation / Recreation	PW-048	Income Assistance Subventions (from General Fund)	2 years	Yes: During Class or Program	Mag, Ppr			GC §34090
Recreation	PW-049	Licensed Day Care Participant Files: Registration / Fee & Charge / Liability Forms / Release of Liability Forms / Permissions Licensed Childcare only	End of Participation + 7 years	Yes: During Class or Program	Mag, Ppr			Meets State Licensing requirements; May have grant funding; GC §34090; Education Code 8482.3(g)(1)(F) and (2); 22 CCR 101221
Public Works / Parks & Recreation / Recreation	PW-050	Manager's Program Development Files / Activity Files / Program Files / Special Programs / Sports / Seniors, etc.	Minimum 2 years		Mag, Ppr			Department preference; GC §34090
Public Works / Parks & Recreation / Recreation	PW-051	Park Facility Use Requests / Field Rentals / Facility Use Applications and Permits (includes ABC Permits, where required)	2 years		Mag, Ppr			GC §34090 et. seq.
Public Works / Parks & Recreation / Recreation	PW-052	Parks & Recreation Commission AUDIO RECORDINGS or VIDEO RECORDINGS	2 years		Mag, OD			Department preference; Audio Required for 30 days; GC §54953.5(b); video tapes of meetings are required for 90 days; GC §34090.6
Public Works / Parks & Recreation / Recreation	PW-053	Parks & Recreation Commission AGENDAS, AGENDA PACKETS	When No Longer Required - Minimum 2 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department Preference; GC §34090

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Public Works / Parks & Recreation / Recreation	PW-054	Parks & Recreation Commission MINUTES, BYLAWS	P	Yes	Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	GC §34090
Public Works / Parks & Recreation / Recreation	PW-055	Rosters / Sign-in / Sign-Out Sheets for classes and programs	2 years		Mag, Ppr			GC §34090
Public Works / Parks & Recreation / Recreation	PW-056	Schedules / Hours	When No Longer Required		Mag, Ppr			Content not substantive; Preliminary drafts not retained in the ordinary course of business; GC §34090
Public Works / Parks & Recreation / Recreation	PW-057	Scotts Valley Senior Center Board AUDIO RECORDINGS or VIDEO RECORDINGS	2 years		Mag, OD			Department preference; Audio Required for 30 days; GC §54953.5(b); video tapes of meetings are required for 90 days; GC §34090.6
Public Works / Parks & Recreation / Recreation	PW-058	Scotts Valley Senior Center Board MINUTES, BYLAWS	P	Yes	Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	GC §34090
Public Works / Parks & Recreation / Recreation	PW-059	Scotts Valley Senior Center Board AGENDAS, AGENDA PACKETS	When No Longer Required - Minimum 2 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department Preference; GC §34090
Public Works / Parks & Recreation / Recreation	PW-060	Senior Programs (from General Fund)	2 years		Mag, Ppr			GC §34090

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Public Works / Parks & Recreation / Recreation	PW-061	Special Event Permits in City-owned Parks: City-sponsored, Entertainment, etc	Minimum 2 years	Yes: Before Completion	Mag, Ppr			Department Preference; GC §34090 et seq.
Public Works / Parks & Recreation / Recreation	PW-062	Swimming Pool Chemical Addition Logs	5 years	Yes: During Class or Program	Mag, Ppr			8 CCR §3195.12; GC §34090
SOLID WASTE / RECYCLING								
Public Works / Solid Waste	PW-063	Solid Waste Liens / Garbage Liens & Releases	P		Mag, Ppr			GC §34090 et seq.
Public Works / Solid Waste	PW-064	Solid Waste Reduction / AB 939 Compliance / Tonnage Reports / Recycling / Construction Recycling	10 years		Mag, Ppr			Department preference; GC §34090 et seq.
WASTEWATER COLLECTIONS								
Public Works / Wastewater Collections	PW-065	Alterations to Systems / Replacement of Pipes or Pumps / Split Services (Install 2 meters) / Receipts for Parts	Life of Facility or Equipment		Mag, Mfr, OD, Ppr	S / I	Yes - After QC & OD	Department preference; GC §34090
Lead Dept.	PW-066	BAAQMD Permits (Generators, etc.)	Issue Date + 5 years		Mag, Ppr			40 CFR 70.6; GC §34090
Public Works / Wastewater Collections	PW-067	Backflow Test Results / Backflow Assembly Test Reports	5 years		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department preference; 17 CCR 7605(f); GC §34090
Public Works / Wastewater Collections	PW-068	CCTV Videos of Sewer Lines	10 years		Mag, Ppr			Department preference; GC §34090
Lead Dept.	PW-069	Confined Space Entries / Hot Work Permits	2 years		Mag, Ppr			8 CCR 5157(d)(14) & (e)(6); 29 CFR 1910.146(e)(6) GC §34090

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Public Works / Wastewater Collections	PW-070	Fire Hydrant Pressure / Water Pressure Measurements . Fire Flow Pressure Test Fire / Ops maintains Flush and Valve Maintenance Records	Minimum 5 years		Mag, Ppr			Department preference; GC §34090
Public Works / Wastewater Collections	PW-071	FOG (Fats, Oil & Grease) Inspections / Pretreatment Annual & Quarterly Reports	5 years		Mag, Ppr			Department preference; Monitoring records required for 3 years; 40 CFR §§122.21, 122.41; 40 CFR 403.12
Lead Dept.	PW-072	Generator Operation Logs & Inspections	5 years		Mag, Ppr			AQMD Rule 1470; Form 400–E–13a instructions; GC §34090
Lead Dept.	PW-073	Pressure Vessel Certifications or Permits (Air Compressors, Propane, etc.)	Expiration of Certificate or Permit		Mag, Mfr, OD, Ppr	S	Yes: After 1 year	Department preference; GC §34090 et. seq.
Lead Dept.	PW-074	Safety Data Sheet (SDS) / Material Safety Data Sheet (MSDS) / Chemical Use Report Form (or records of the chemical / substance / agent, where & when it was used)	30 years		Mag, Mfr, OD, Ppr	S	Yes - After QC & OD	Previous MSDS may be obtained from a service; MSDS may be destroyed as long as a record of the chemical / substance / agent, where & when it was used is maintained for 30 years; Applies to qualified employers; Claims can be made for 30 years for toxic substance exposures; 8 CCR 3204(d)(1)(B)(2 and 3), 29 CFR 1910.1020(d)(1)(i), GC §34090
Public Works / Wastewater Collections	PW-075	Sanitary Spills and Overflows (SSOs)	5 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Required for a minimum of 5 years; 40 CFR 122.41(j)(2); SWRCB Order 2006-03; 40 CFR 122.41(j)(2); GC §34090

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Public Works / Wastewater Collections	PW-076	Sewer System Management Plans (SSMP) and Audits / Sanitary Spills Overflow Prevention Plan (SSOPP) and Sanitary Sewer Overflow Response Plan	Superseded + 5 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC & OD	Department preference; SSOs are required for a minimum of 5 years; 40 CFR 122.41(j)(2); SWRCB Order 2006-03; GC §34090
Lead Dept.	PW-077	Underground Service Alerts (USA's)	3 years		Mag, Ppr			Required for 3 years; GC §§4216.2(f) & 4216.3(d); GC §34090
Division Providing Service / Work	PW-078	Work Orders / Service Requests (Division providing service retains originals; Division requesting service is considered a copy)	5 years		Mag Ppr			City Preference; CCP §§338 et seq., 340 et seq., 342, GC §34090
WASTEWATER LAB								
Public Works / Wastewater Lab	PW-074	Lab Reports & Chains of Custody: Wastewater	Minimum 5 years		Mag, Mfr, OD, Ppr	S / I	Yes - After QC & OD	Department preference; GC §34090
Public Works / Wastewater Lab	PW-075	Laboratory Equipment Calibration Records - Wastewater	5 years		Mag, Mfr, OD, Ppr	S / I	Yes: After QC	Consistent with Chemical Reports; 40 CFR 141.33(a)
Lead Dept.	PW-076	Safety Data Sheet (SDS) / Material Safety Data Sheet (MSDS) / Chemical Use Report Form (or records of the chemical / substance / agent, where & when it was used)	30 years		Mag, Mfr, OD, Ppr	S	Yes - After QC & OD	Previous MSDS may be obtained from a service; MSDS may be destroyed as long as a record of the chemical / substance / agent, where & when it was used is maintained for 30 years; Applies to qualified employers; Claims can be made for 30 years for toxic substance exposures; 8 CCR 3204(d)(1)(B)(2 and 3), 29 CFR 1910.1020(d)(1)(i), GC §34090
WASTEWATER TREATMENT PLANT (WWTP)								

RECORDS RETENTION SCHEDULE: PUBLIC WORKS (ALL DIVISIONS)

Office of Record (OFR)	Retention No.	Records Description	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>								
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
Lead Dept.	PW-077	BAAQMD Permits (Generators, etc.)	Issue Date + 5 years		Mag, Ppr			40 CFR 70.6; GC §34090
Public Works / WWTP	PW-078	Biosolids / Sewage Sludge Handling Logs and Weigh Tickets (Blockages)	5 years		Mag, OD, Ppr	S	Yes: After QC & OD	Code of Federal Regulations requires 5 years; 40 CFR 503.17; 40 CFR 122.41(j)(2); GC §34090
Lead Dept.	PW-079	Correspondence - Regulatory Agencies (Wastewater)	Minimum 5 years	Yes: While Active Issues	Mag, Ppr			Department Preference; Some correspondence from Regulatory Agencies need to be retained for long periods of time; GC §34090
Lead Dept.	PW-080	Fire System Testing / Fire Sprinkler Testing & Backflow Results	5 years		Mag, OD, Ppr	S	Yes: After QC & OD	Department preference; GC §34090
Lead Dept.	PW-081	Generator Operation Logs & Inspections	5 years		Mag, Ppr			AQMD Rule 1470; Form 400–E–13a instructions; GC §34090
Public Works / WWTP	PW-082	Logs: Vac Con Trucks, Recycled Water, etc.	5 years		Mag, OD, Ppr	S	Yes: After QC & OD	Department preference; GC §34090
Lead Dept.	PW-083	Operations & Maintenance Manuals / O & M Manuals	When No Longer Required		Mag, Ppr			Department preference (some equipment is from the 1950's, and the O&M Manual isn't helpful); GC §34090
Public Works / WWTP	PW-084	Permits - Wastewater Regulatory / Operating Permits: Examples (BAAQMD, CalARP, Cal OSHA, CERS, CUPA, NPDES, SWRCB, etc.)	Minimum 5 years		Mag, Mfr, OD, Ppr	S	Yes: After QC & OD	Department Preference; NPDES Monitoring records required for 3 years; 40 CFR §§122.21, 122.41, 122.44; GC §34090 CCP §337 et seq.
Lead Dept.	PW-085	Pressure Vessel Certifications or Permits (Air Compressors, Propane, etc.)	Expiration of Certificate or Permit		Mag, Mfr, OD, Ppr	S	Yes: After 1 year	Department preference; GC §34090 et. seq.

RECORDS RETENTION SCHEDULE: PUBLIC WORKS (ALL DIVISIONS)

Office of Record (OFR)	Retention No.	Records Description	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>								
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
Lead Dept.	PW-086	Regulatory Reports - Wastewater Reports to Regulatory Agencies: Examples (BAAQMD, CalARP, Cal OSHA, CERS, CUPA, NPDES, SWRCB, etc.)	Minimum 5 years		Mag, Ppr			Department Preference; NPDES Monitoring records required for 3 years; 40 CFR §§122.21, 122.41, 122.44; GC §34090 CCP §337 et seq.
Lead Dept.	PW-087	Safety Data Sheet (SDS) / Material Safety Data Sheet (MSDS) / Chemical Use Report Form (or records of the chemical / substance / agent, where & when it was used)	30 years		Mag, Mfr, OD, Ppr	S	Yes - After QC & OD	Previous MSDS may be obtained from a service; MSDS may be destroyed as long as a record of the chemical / substance / agent, where & when it was used is maintained for 30 years; Applies to qualified employers; Claims can be made for 30 years for toxic substance exposures; 8 CCR 3204(d)(1)(B)(2 and 3), 29 CFR 1910.1020(d)(1)(i), GC §34090
Public Works / Utilities / Field Services	PW-088	Sanitary Survey of Sewer System	5 years		Mag, OD, Ppr	S	Yes: After QC & OD	Department preference; GC §34090
Public Works / Wastewater	PW-089	SCADA Database (Wastewater)	Indefinite		Mag			Data is interrelated; GC §34090
Public Works / Wastewater	PW-090	Sewer Odor Complaints / Gas Detection Results / Investigations	5 years		Mag, OD, Ppr	S	Yes: After QC & OD	Department preference; GC §34090
Public Works / Wastewater	PW-091	Wastewater Treatment Plant Operators Certificates (posting required)	When Superseded		Mag, OD, Ppr	S	Yes: After QC & OD	Department preference; GC §34090

RECORDS RETENTION SCHEDULE: PUBLIC WORKS (ALL DIVISIONS)

Office of Record (OFR)	Retention No.	Records Description	Total Retention	Vital?	Media Options	Image: I=Import M=Mfr S=Scan	Destroy Paper after Imaged & QC'd?	Comments / Reference
<i>If the record is not listed here, refer to the Retention for City-Wide Standards</i>								
<i>Retentions begin when the act is completed, and imply a full file folder (e.g. last document + 2 years), since destruction is normally performed by file folder.</i>								
<i>HOLDS: Litigation, complaints, claims, public records act requests, audits and/or investigations suspend normal retention periods (retention resumes after settlement or completion).</i>								
Public Works / Wastewater	PW-092	Wastewater Treatment Plant Safety Training Certificates (posting required)	Minimum 5 years		Mag, OD, Ppr	S	Yes: After QC & OD	Department preference; 8 CCR §3203 et seq., 29 CFR 1627.3(b)(1), LC §6429(c); GC §§12946, 21960, 34090
Division Providing Service / Work	PW-093	Work Orders / Service Requests (Division providing service retains originals; Division requesting service is considered a copy)	5 years		Mag Ppr			City Preference; CCP §§338 et seq., 340 et seq., 342, GC §34090

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: December 1, 2021

TO: Honorable Mayor and City Council

FROM: Chris Lamm, Public Works Director/City Engineer

APPROVED: Brian Haddix, Interim City Manager

SUBJECT: **APPROVAL OF A BUDGET APPROPRIATION AND CHANGE ORDER APPROVAL TO SILICON VALLEY PAVING, INC, FOR THE 2021-2022 PAVEMENT PRESERVATION PROJECT WHISPERING PINES, PW PROJECT NO. P21-005**

SUMMARY OF ISSUE

On April 28, 2017, the Governor signed Senate Bill (SB) 1, which is known as the Road Repair and Accountability Act of 2017. SB 1 was passed by the legislature as a means of providing additional funding for basic road maintenance, rehabilitation and critical safety needs on both state highways and local streets and road system. SB 1 increases per gallon fuel excise taxes, diesel fuel excise taxes and vehicle registration fees, and provides for adjustments for inflation in future years.

The call for bids for the repaving of Whispering Pines Drive between Estrella Drive and Baja Sol Drive was advertised August 21 & 22, 2021 and August 28 & 29, 2021 as a formal bid. Public Works received nine bids on Monday, September 14, 2021. The low bid in the amount of \$166,713.65 from the Silicon Valley Paving, Inc., was found to be both responsive and responsible and approximately \$60,000 below the engineer's estimate on the project. A contract was awarded by the City Council on October 6, 2021, which included a 10% project contingency.

Due to inclement weather, work has yet to begin, however a preconstruction meeting was held in October. It was discovered during the walkthrough of the project that additional pavement deterioration had occurred since the project inception and a budget conscious pavement design would be insufficient to meet the project needs. City staff requested pricing for additional base failure repairs. Without repairing base failures, overlay work will start to see failures within a few years and the City will need to continue to make repairs on a roadway that should otherwise last 12-15 years.

Silicon Valley Paving provided pricing for a requested amount of 3,214 square feet of base repair at a unit cost of \$11.60/sf totaling \$37,000. A credit of \$7,500 for the originally scoped 460sf at \$16.30/sf was provided resulting in a net increase of \$29,500 to the project for the requested work.

FISCAL IMPACT

The overall Project is included within the Adopted Fiscal Year 2020-2021 Capital Improvement Program (CIP-14 and is currently funded with SB1/RMRA funds) the project with the proposed change order is within the funded project budget.

There is no impact on the General Fund.

STAFF RECOMMENDATION

Staff recommends that Council consider and take the following actions:

1. Authorize an additional budget expenditure appropriation for the 2021-2022 Pavement Preservation Project Whispering Pines, PW Project No. P21-005, in the amount of \$29,500 from Fund Account # 003.90.4535.904.
2. Authorize the Interim City Manager to execute a change order in a form acceptable to the City Attorney.

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City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: December 1, 2021

TO: Honorable Mayor and City Council

FROM: Chris Lamm, Public Works Director/City Engineer

APPROVED: Brian Haddix, Interim City Manager

**SUBJECT: PROFESSIONAL SERVICES AGREEMENT WITH
ENVIRONMENTAL INNOVATIONS FOR ENVIRONMENTAL
COMPLIANCE SERVICES**

SUMMARY OF ISSUE

The Public Works Department is responsible for a number of environmental compliance activities across multiple disciplines including; stormwater, wastewater, solid waste, and recycling and organics associated with AB341, AB1826 and SB1383, and the City's wastewater and stormwater discharge permits. Compliance activities include inspection, outreach and education, training, reporting and enforcement when necessary.

In support of City staff, Environmental Innovations has provided environmental compliance services for the City since 2007. With expertise in the various compliance categories and with local offices enabling quick response when called upon, they are uniquely qualified to support the City in the activities proposed.

Tasks are divided into 3 categories, Source Control and Environmental Compliance, Solid Waste, Recycling and Organics Compliance, and MS4 NPDES (Stormwater) Compliance as follows:

Source Control

- Assess all business and industry in Scotts Valley for potential to impact wastewater and/or stormwater. Maintain a database of sites to monitor, sites to inspect, and sites considered "dry" or not a potential impact.
- Inspect 80 businesses per year considered potential impact. Inspect and regulate by permit 2-3 significant industrial users.
- Enforcement Response of wastewater compliance, estimating 10 cases of enforcement/year
- Plan reviews for new construction pertaining to environmental compliance

Solid Waste Recycling and Organics Compliance

- Inspect 100 businesses per year to ensure mandatory, commercial recycling of non-organics meets AB 341 requirements (inventory and inspections included above in Environmental Compliance.)

- Inspect 75 businesses per year to ensure mandatory, commercial recycling of organics meets AB 1826 requirements (inventory and inspections included above in Environmental Compliance.)
- Implement requirements necessary to meet SB 1383 legislation
- Submit Electronic Annual Report (EAR) to CalRecycle

MS4 NPDES (Stormwater) Permit Compliance FY 2021/22

- Program Management: Implement the enforcement response plan for stormwater violations, estimating 10 cases of enforcement/year.
- Education and Outreach: oversee school outreach, Property Managers outreach, and outreach to businesses adjacent to the creeks.
- Public Involvement and Participation. Trash Total Maximum Daily Load (TMDL) and CBSM may have a heavier aspect this FY.
- Illicit Discharge Elimination (inventory and inspections included above in Environmental Compliance.
- Field Sampling to detect illicit discharges
- Pollution prevention/good housekeeping
- Program Effectiveness Assessment and Implementation: Include the BMP effectiveness assessment and trash capture implementation and reporting
- Total Maximum Daily Load (TMDL) reporting requirements
- Annual Reporting: Answer SMARTS questions (10), generate and provide backup documents where required (10), ensure that paper files are Audit ready.

Tasks are provided by appropriately qualified personnel such as Senior Scientist/Program Manager, Compliance Inspector, Staff Scientist, and Interns. Rates for the personnel are included in the attached proposal from Environmental Innovations. The total value of the proposal for all tasks is \$100,960.

FISCAL IMPACT

The scope of services and fee \$100,960 associated with the services provided are currently budgeted as contract services across multiple division budgets within the Public Works Department. There is no impact on the General Fund as part of this action.

STAFF RECOMMENDATION

Staff recommends that Council consider and take the following actions:

1. Authorize the Interim City Manager to execute an agreement with Environmental Innovations for environmental compliance services, in a form acceptable to the City Attorney.

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**ENVIRONMENTAL
INNOVATIONS**

November 12, 2021

City of Scotts Valley
Attn: Chris Lamm
Public Works Director

RE: Proposal to Provide Environmental Compliance for Wastewater, NPDES / MS4, Solid Waste and Transportation Consulting

Dear Mr. Lamm:

Thanks for the opportunity to continue services for the City of Scotts Valley by allowing us to propose work for the 2021/2022 fiscal year. As you know, Environmental Innovations (EI) has been conducting environmental compliance and consulting services for the City of Scotts Valley since 2007, stormwater compliance since 2009, transportation grant services since 2015, and AB186 (commercial organics composting) implementation and reporting since 2019.

EI is uniquely qualified to perform this work. We are a local sustainability consulting firm working with several municipalities in the region, across California and we partner with seven other states. EI provides environmental consulting services to businesses, non-profits, institutions, local, state, and the federal government in the areas of Green Business, environmental awareness, public outreach, Environmental Compliance/Wastewater Pretreatment, and Sustainability Planning and Management.

We obtained over \$700,000 in grant funding for the City to do road improvements and active transportation outreach. We also implemented a grant for the safe disposal of sharps (needles) and pharmaceutical waste regionally in the County of Santa Cruz in 2010. We have also been the key drivers behind the Monterey Bay Green Business Program as well as the California Green Business Network. We were the catalyst for fryer oil from Scotts Valley being used to make biodiesel as part of an EPA grant. As a long-time resident in Scotts Valley, I am very familiar with the City. I volunteered to lead an Active Transportation Committee that was recently instrumental in obtaining grant funding.

More details about EI and our capabilities can be found in the proposal. We are happy to modify the proposal if needed. EI looks forward to the opportunity to do this inspiring work. Please do not hesitate to contact us with questions.

Sincerely,

Josephine Fleming
Environmental Scientist and Owner
jofleming@environmentalin.com
831-706-7384

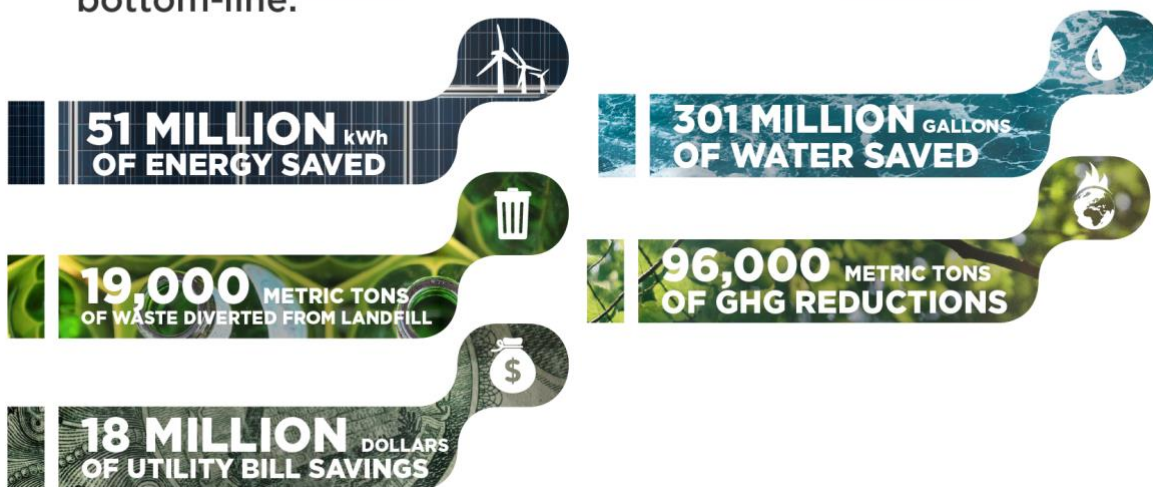
Proposal to Provide Environmental Compliance Services to the City of Scotts Valley

Environmental Innovations (environmentalin.com, EI) provides environmental consulting services to businesses, non-profits, institutions and local governments in the areas of Green Business, environmental awareness, public outreach, Environmental Compliance/Wastewater Pretreatment, and Sustainability Planning and Management. Our strengths lie in the following:

- ❖ **Excellent Facilitation and Communication:** EI coordinates many multi-stakeholder groups that often times have competing interests. We are able to recognize individual strengths and highlight them in group settings. We are also able to leverage sharing costs for work with neighboring Cities and Counties that have the same mandates. We maintain strong relationships with neighbors and higher state regulatory agencies, such as the Regional Water Quality Control Board.
- ❖ **Data and Technology Strong:** We were the architects of the software used to track green businesses in California through the certification program while simultaneously measuring environmental outcomes. Our system, GreenBizTracker, is leased by seven other states. We research the best and most cost effective solutions to meeting regulatory mandates and tracking of the data necessary to comply. We can tie in Scotts Valley work with other work we do in the region, making the City's contribution to public outreach and partnership appear strong.

OUR IMPACT 2020

Businesses that join our network conserve precious resources, prevent harmful pollution, and enhance their bottom-line.



- ❖ **Experienced Wastewater and Stormwater Experts:** Jo has been working in wastewater and stormwater environmental compliance for over 15 years with significant experience in gaining compliance from business and industry with the least amount of conflict possible. Julianne has a Masters in Applied Marine and Watershed Science from CSU Monterey Bay and Steven has over 30 years of experience in Environmental Compliance in the Santa Cruz and San Jose. The team can dove-tail the two programs with public outreach, technical assistance and incentives to make the

programs more educational than they are regulatory. Julianne also has significant knowledge in watershed modeling and complying with MS4 NPDES permits.

- ❖ Sustainable Results: We are proud to have long-term clients. Many of the environmental programs we have started continue to run independently. We design our work to have lasting effects, and to benefit our clients. There's nothing we enjoy more than seeing municipal clients get long-term credit for our work.

Project Description: The City of Scotts Valley requested a proposal to provide the following:

- ❖ Wastewater/Stormwater Environmental Compliance (Source Control)
- ❖ Stormwater Environmental Compliance with an MS4 NPDES Permit.
- ❖ Solid Waste and Recycling Compliance with AB 341, AB 1826, and SB 1383
- ❖ Transportation Funding Development as-needed

Each year, there are different requirements for the NPDES permit. The tasks for this year are still unknown as the new MS4 NPDES permit is still forthcoming. We can only assume continuation of the past fiscal year. Based on the previous year, the following tasks can be expected:

E.6 – Program Management

Use Enforcement Response Plan developed in PY3, to enforce procedures and actions and identify the Permittee's responses to violations and describe how the Permittee will address repeat and continuing violations by implementing progressively stricter responses as needed to achieve compliance.

E.7 – Education and Outreach

The Public Education and Outreach Program increases the knowledge and awareness of a targeted audience about the impacts of urban runoff and non-storm water discharges on receiving waters, and potential BMP solutions for the target audiences, thereby reducing pollutant releases to the MS4 and the environment. It is a combination of jurisdictional and regional programs consisting of the following:

- Schools - Watershed education targeting middle-school children.
- Library lectures - Citizen science lectures on topics relating to water quality.
- Workshops - These are aimed at specific sectors. This year, we propose to work with property managers and businesses adjacent to Carbonera and Camp Evers Creeks.

E.7.b. Staff and Site Operator Training and Education

This biennial training shall include a general storm water education component, any new technologies, operations, or responsibilities that arise during the year, and the permit requirements that apply to the staff being trained. Employees shall receive clear guidance on appropriate storm water BMPs to use at municipal facilities and during typical O&M activities.

E.8 – Public Involvement and Participation Program

Create opportunities for citizens to participate in the implementation of BMPs through sponsoring activities (e.g., stream/beach/lake clean-ups, storm drain stenciling, volunteer monitoring and educational activities). Ensure the public can easily find information about the

Permittee's storm water program. Actively engage in the Permittee's IRWMP or other watershed-level planning effort.

- Snapshot Day - Annual event that involves the public directly in water quality monitoring in local creeks.
- Storm Water Resource Plan – developed with IRWM group in PY3 and PY4, implementation occurred in PY4 and PY5.
- Property Owners and Managers - specific outreach as it relates to maintaining outdoor areas.
- Illicit Discharge – target remaining outfalls with dry weather flow for pathogen reduction efforts

E.9 – Illicit Discharge and Elimination

Permittees must have an existing up-to-date outfall map, develop and enforce a program to detect, investigate, and eliminate illicit discharges, including illegal dumping, into its system, to the extent allowable under law. Priority outfall list is updated annually.

E.9.b. Illicit Discharge Source/Facility Inventory

The Permittee shall maintain an inventory of all industrial/commercial facilities/sources within the Permittee's jurisdiction (regardless of ownership) that could discharge pollutants in storm water to the MS4. We utilize the inventory to identify facilities for inspections of potential illicit discharges and determine if the facilities that are required to be covered under the Statewide Industrial General Permit have done so. We also update the inventory annually and assess priority areas for the presence of illicit discharges at least once over the length of the permit term. Methods include field observations, field screening, inspections, and any other appropriate and effective survey methods.

E.9.c. Field Sampling to Detect Illicit Discharges

The Permittee shall sample any outfalls that are flowing or ponding more than 72 hours after the last rain event. The Permittee shall also conduct dry weather sampling (more than 72 hours since the last rain event) of outfalls annually identified as priority areas. Permittee shall verify that indicator parameter Action Level Concentrations are not exceeded and conduct follow up investigations per Section E.9.d. if the action level concentrations are exceeded.

E.11 – Pollution Prevention/Good Housekeeping

The Permittee shall use SWPPP developed in PY4 to assess pollutant hotspots. At least once per year, the Permittee shall conduct a comprehensive inspection of each hotspot facility, including all storm water BMPs, in accordance with the facility-specific inspection procedures and inspection checklist. At least once per quarter visually observe discharge locations from hotspot facilities. Where discharges are observed identify any observed problems (e.g., color, foam, sheen, turbidity) associated with pollutant sources or BMPs shall be remedied as soon as practicable or before the next storm event, whichever is sooner. Visual observations shall be documented, and records kept with the SWPPP. This inspection shall be done in accordance with the developed standard operating procedures. The inspection report shall also include any identified deficiencies and the corrective actions taken to correct the deficiencies.

E.11.g. Maintenance of Storm Drain System

We inspect storm drain systems all high priority, catch basins and systems annually and ensure the following is done:

- Clean storm drains – Clean high priority catch basins and other systems.
- Labeling catch basins – Ensure that each catch basin in high foot traffic areas includes a legible storm water awareness message
- Maintain surface drainage structures –Removal of trash and debris from high priority areas shall occur annually prior to the rainy season.
- Dispose of waste materials – Develop and implement a procedure to dewater and dispose of materials extracted from catch basins.

E.14 – Program Effectiveness Assessment and Implementation

The Program Effectiveness Assessment and Improvement Plan assesses BMP and program effectiveness in terms of the following Outcome Levels:

- Storm water program activities
- Awareness
- Behavior
- Pollutant load reductions
- MS4 discharge quality (where assessment is supported by MS4 discharge quality data)
- Receiving water conditions

These are evaluated annually through direct quantitative measurement of pollutant load removal for BMPs that lend themselves to such measurement or model-based estimates of pollutant load removal for BMPs where direct measurement of pollutant removal is overly challenging.

E.15 – Total Maximum Daily Loads Compliance Requirements

Several watersheds within Santa Cruz County have been identified by the State of California as impaired waterbodies pursuant to Section 303(d) of the Federal Clean Water Act (CWA). By definition, 303(d) listings and adopted TMDLs are related to impacts on one or more beneficial uses and the need to control the source(s) of these impairments. The overarching goal of each TMDL is to identify sources of contamination and develop strategies to meet specific targets within a 20 to 25-year timeframe. Carbonera Creek has TMDLs for sediment and bacteria. Extensive stakeholder collaboration between the regional stakeholders to identify MS4 pollution sources and implement best management practices (BMPs), monitoring programs, and modeling tools to aid in achieving each TMDL is carried out each year and documented in an annual report that includes contributions from the County of Santa Cruz and the Cities of Santa Cruz, Scotts Valley, and Capitola.

E.16 – Annual Reporting Program

Permittees shall prepare and submit an annual report by October 15th, with documentation supporting required activities from the previous permit year beginning July 1st and ending June 30th. The Permittee is responsible for maintaining documentation as necessary to support their

Annual Report and make that information available to the Regional Water Board's Executive Officer.

Solid Waste and Recycling Compliance

Collection & Processing

- Offer organic waste collection services and recycling (30.a) to all commercial and residential generators. Comply with Section 30.a by offering three-container collection system no later than January 1st, 2022.
- Conduct enforcement, initially through outreach, if notified by processor that route contains contamination (full enforcement will take effect by Jan 1, 2024).
- Allow limited waivers for de minimus volumes and physical space constraints and maintain records.

Edible Food Recovery

- Implement edible food recovery program that educates commercial generators and increases access to edible food recovery
- Increase edible food recovery capacity if current capacity is insufficient. Develop and maintain a list of food recovery organizations by February 1, 2022
- Annually provide Tier One and Two edible food generators with information about food recovery program, generator requirements, and food recovery organizations.

Ordinances & Policies

- Help jurisdiction adopt enforceable ordinance or similar mechanism requiring compliance with SB 1383 (Title 14, Division 7, Chapter 12) **(0.1.2.a)**
- Help jurisdiction adopt ordinance(s) or similar mechanism(s) requiring compliance with Sections **30.9, 70.3, 80.1, 9, 10.1, 12 and 16.1.b**

Procurement Requirements

- Help jurisdiction procure a quantity of recovered organic waste, such as compost, that meets or exceeds the organic waste product procurement target as determined by CalRecycle.
- Help jurisdiction purchase at least 75% of paper products with recycled content of at least 30 percent (by fiber weight, postconsumer fiber).

Compliance with SB 1383 requires the passing of ordinances and the implementation of inspection and reporting procedures be in place by January 1st, 2022 in order to carry out the following tasks. SB 1383 implementation will take place during the fiscal year of 2021/22.

Education and Outreach

- By February 1, 2022, annually provide generators utilizing the three-container system with information on properly separating materials, organic waste prevention, on-site recycling, methane reduction benefits, how to recycle organic waste, a list of approved haulers, and information related to food recovery.
- By February 1, 2022, annually provide self-haulers with information regarding their requirements (outlined in Section 70.3)
- By February 1, 2022, annually provide businesses that generate edible food waste with information regarding the jurisdiction's edible food recovery program, generator requirements, and food recovery organizations.

Record Keeping & Reporting

- By February 1, 2022, file an initial compliance report containing the ordinance(s) adopted, the date when containers will comply with standards in Sections 30.7-30.8, and the reporting items listed in the annual reporting section.
- Commencing August 1, 2022, shall submit an annual report relative to their compliance with SB 1383
- Maintain all implementation records in a central location (physical or electronic) that can be made available to or accessed by CalRecycle within one business day.

Capacity Planning- coordinated by the County

- Conduct organics waste recycling and edible food recovery capacity planning.
- Estimate the amount of organic waste disposed, verifiable organic waste recycling capacity available to the jurisdiction, and estimate the amount of new or expanded capacity required.
- If verifiable available organic waste recycling capacity is insufficient for jurisdiction's needs, submit an implementation schedule (including timelines and milestones) demonstrating how capacity will be secured by the end of the reporting period.
- Estimate the edible food that will be disposed by applicable generators, identify existing food recovery capacity available, identify new planned capacity, and calculate minimum capacity necessary to recover 20% of edible food disposed
- If existing and planned edible food recovery capacity is insufficient for jurisdiction's needs, submit an implementation schedule (including timelines and milestones) demonstrating how capacity will be secured by the end of the reporting period.

Project Tasks and Estimated Costs:

Source Control and Environmental Compliance	Timeline	Estimated Hours	Cost
Assess all business and industry in Scotts Valley for potential to impact wastewater and/or stormwater. Maintain a database of sites to monitor, sites to inspect, and sites considered "dry" or not a potential impact.	FY 21/22	10	1,100
Inspect 80 businesses per year considered potential impact. Inspect and regulate by permit 2-3 significant industrial users.	FY 21/22	250	27,500
Enforcement Response of wastewater compliance, estimating 10 cases of enforcement/year	FY 21/22	30	3,300
Plan reviews for new construction pertaining to environmental compliance	As needed	20	2,200
Subtotal:		310	\$34,100
Solid Waste and Recycling Compliance	Timeline	Estimated Hours	Cost
Inspect 100 businesses per year to ensure mandatory, commercial recycling of non-organics meets AB 341 requirements (inventory and inspections included above in Environmental Compliance.)	FY 21/22	50	5,500
Inspect 75 businesses per year to ensure mandatory, commercial recycling of organics meets AB 1826 requirements (inventory and inspections included above in Environmental Compliance.)	FY 21/22	50	5,500
Implement requirements necessary to meet SB 1383 legislation	FY 21/22	200	22,000
Submit Electronic Annual Report (EAR) to CalRecycle	Due Aug 15 th ,	40	4,400
Subtotal:			\$37,400
MS4 NPDES Permit Compliance FY 2020/21	Timeline	Estimated Hours	Cost
E.6 Program Management: Implement the enforcement response plan for stormwater violations, estimating 10 cases of enforcement/year.	FY 21/22	20	2,200
E.7 Education and Outreach: oversee school outreach conducted by CWC , Property Managers outreach, and outreach to businesses adjacent to the creeks.	FY 21/22	36	3,960
E.8 Public Involvement and Participation. Trash TMDL and CBSM may have a heavier aspect this FY.	FY 21/22	40	4,400
E.9 Illicit Discharge Elimination (E.9b inventory and inspections included above in Environmental Compliance.	FY 21/22	25	2,750
E.9c Field Sampling to detect illicit discharges	Annually	20	2,200
E.11 Pollution prevention/good housekeeping	Quarterly	20	2,200
E.14 Program Effectiveness Assessment and Implementation: Include the BMP effectiveness assessment and trash capture implementation and reporting	FY 21/22	45	4,950
Total Maximum Daily Load (TMDL) reporting requirements	FY 21/22	20	2,200
Annual Reporting: Answer SMARTS questions (10), generate and provide backup documents where required (10), ensure that paper files are Audit ready, an ongoing task (20).	Report due 10/15/21	40	4,400
Printing/material expenses			\$200
Subtotal:			\$29,460
Total			\$100,960



City of Scotts Valley Proposal 2021/ 2022 Fiscal Year

Assurances: EI services are done with Professional and General Liability insurance up to 2,000,000. Workers' Compensation and automobile insurances of up to \$1,000,000. Although EI maintains the extensive insurances often required by government and institutional clients, EI has never been involved in any lawsuit or litigation for any of its work. EI will provide a Certificate of Insurance, naming the City of Scotts Valley as additional insured upon request.

Rates: It is expected that this project will be completed by the Senior Scientist and Compliance Inspector. However, if speed or budget requires, a Staff Scientist or Student Intern could be utilized.

Labor Rate Sheet

Staff Position	Hourly Rate
Senior Scientist / Program Manager	110
Compliance Inspector	110
Staff Scientist	85
Student Intern	50

References: EI delivers programs successfully within the budget and schedule indicated on the contract. Following is a table detailing most recent and relative clients. Any client may be contacted for references for verifying the quality of work provided.

Project Name	Client/Contact	Description of Work Performed
Environmental Compliance and Stormwater Permit Coordination	City of Salinas, Michael Ricker (831) 758-7450	Developed Stormwater Pollution Prevention Plans for municipal sites.
Municipal Stormwater Permit and De-designation	CSU Monterey Bay Anya Spear, Sustainability Director (831) 582-5098	Updated and filed a Municipal Stormwater Permit to achieve compliance with the RWQCB. Immediately following, produced a technical report. The technical report sought to provide documentation that no WOTUS are present on the CSUMB campus and that no stormwater runoff is discharged from the campus during historical precipitation events; therefore, the campus should be de-designated from permit requirements.
Bernardus Winery Industrial General Permit Compliance	Bernardus Winery Dean DeKorth (831) 659-4300	Obtained an Industrial Stormwater Permit and developed a SWPPP. Verified no need for monitoring with the RWQCB.
Environmental Compliance Regulator, NPDES Permit Compliance Management, Transportation Grants Management	City of Scotts Valley, Kati King (831) 438-0732	Conduct Environmental Compliance Inspections of SIU and light industrial users of the sewer systems. Update regulations, assist with stormwater compliance of a NPDES permit. Obtained STBG funding for 2017.

Project Name	Client/Contact	Description of Work Performed
Green Business Program Administration	County of Santa Cruz, Beau Hawksford (831) 454-2160	Coordinated all aspects of the GBP for the County of Santa Cruz.
Green Business Program Administration	City of Watsonville, Hilda Peralta (831) 768-3164	Coordinated the all aspects of the GBP for the City of Watsonville.
Green Business Program Administration	County of San Mateo, Kim Springer (650) 599-1412	Coordinate portions of the GBP in concert with county staff.
Sustainability Plan for University Vendors and Staff	CSU Monterey Bay Lacey Raak (831) 521-2630 Anya Spear (831) 332-0865	Performed detailed Scopes of Work for Custodial and Landscaping Services to ensure sustainable operations. Assisted with STARs reporting for recognition. Currently assisting with stormwater compliance.
California Green Business Network (CAGBN) Oversight and Direction to 42 Regional Programs in CA, 7 State Partners	CAGBN Board Chair: Pamela Evans (510) 452-7638	Executive Director of the centralized aspects of CAGBN, including facilitation of meetings, committees, and funding partners. Main task is the operation of the web-based tracking tool GreenBizTracker.
California Air Resources Board (CARB)	Office of the Ombudsman, Judy Notoli (916) 322-7429	Coordinated three Federal EPA Region 9 Pollution Prevention Grants for the CAGBN, contracted with CARB.

Staff Bios and Qualifications

Josephine Fleming Owner, Environmental Scientist



Jo has 30 years of experience in the environmental realm in a wide breadth of scientific research, environmental remediation, commercial/industrial pollution prevention, environmental outcome data and community-based programs to address some of the environmental problems of our time. She has a Bachelor of Science in Environmental Science and a Minor in Spanish Literature. She has worked to establish numerous Green Business Programs, green hundreds of businesses, and serves as the Executive Director of the California Green Business Network. Her company, Environmental Innovations serves local, state, and federal governments, non-profit organizations, institutions, and private businesses.

**Julianne Rhodes,
Senior Scientist and Program Manager**



Julianne has worked in both the public and private sectors developing specifications for on-site regulatory compliance of projects involving the assessment and removal of hazardous materials from 1987 to 1996. She gained extensive project, personnel, technology and contract management experience during her 12 years as engineering manager at Cruzio.com and subsequently earned a Masters in Applied Marine and Watershed Science from California State University Monterey Bay. Her focus on water quality and conservation efforts has led to projects working for the Monterey Peninsula Water Management District, Ventana Wilderness Alliance, Coastal Watershed Council, Farmers for Water Quality, the Watershed Institute at

CSUMB, the Greater Monterey Integrated Regional Water Management Group, City of Scotts Valley, and the City of Salinas. She has developed Storm Water Pollution Prevention Plans (SWPPPs) for both the municipal and industrial NPDES permit program.

**Steven Hildebrand,
Compliance Inspector**



Steven has worked in the environmental field in both the public and private sector for more than 30 years. In the private sector, he has worked on hazardous waste site cleanup, remediation, and monitoring as well as Phase 1 site assessments and Storm Water Pollution Prevention Plans (SWPPPs). He worked on the design, construction, and installation of remote water quality monitoring systems and on energy efficiency programs for PG&E. In the public sector, Steven worked for the City of Santa Cruz and currently works for the City of San Jose as an Environmental Inspector. In these roles he is or has been responsible for Illicit Discharge Detection and Elimination (IDDE), Sanitary Sewer Overflow (SSO), Fats Oils and Grease (FOG), and stormwater inspections. Steven has

maintained his OSHA 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) certification since 1989.

City of Scotts Valley CITY COUNCIL STAFF REPORT

DATE: December 1, 2021

TO: Honorable Mayor and Members of the City Council

FROM: Paula Bradley, Consulting Planner

APPROVED: Brian Haddix, Interim City Manager

SUBJECT: **PUBLIC HEARING TO CONSIDER THE PLANNING COMMISSION'S RECOMMENDATION OF APPROVAL FOR A SUBDIVISION TO RECONFIGURE 23 EXISTING PARCELS INTO 18 PARCELS, PART OF THE 1440 MULTIVERSITY CAMPUS, LOCATED AT 800 BETHANY DRIVE, APN'S 023-021-01 TO -04 AND -17; 023-022-01 TO -05; 023-031-20 TO -26; 023-033-06, -07 AND -08; 023-041-25, -26 AND -27; AND 023-072-01**

SUMMARY OF ISSUE

On October 15, 2014, the City Council approved the redevelopment of the existing Bethany University campus into an educational learning center for the 1440 Multiversity. To complete the entitlement process, 1440 is proposing to realign the parcels and buildings that comprise the 1440 Multiversity campus.

The project proposes a Land Division to reconfigure and merge 23 existing parcels into 18 parcels. The site is zoned P/QP Public/Quasi Public General Plan and Zoning District, is 17.38-acres in size. Upon completion of this Land Division, 10 new parcels would be created and eight existing parcels will remain the same. No development is proposed and all required improvements such as roads, utilities, grading, and public access were completed in 2018.

PLANNING COMMISSION REVIEW

The project was reviewed by the Planning Commission on October 21, 2021 and recommended for approval. A complete analysis of the project's General Plan and zoning compliance is contained in the Planning Commission staff report for the October 21st hearing (see attachment).

PUBLIC COMMENT

A public notice was posted on site and mailed to surrounding property owners within 300 feet pursuant to State law. As of this date no comments have been received.

FISCAL IMPACT

There is no fiscal impact to the City as a result of the proposed development.

STAFF RECOMMENDATION

It is recommended that the City Council approve Resolution No. 1895.24, approving a Land Division (LD21-002) for a Subdivision to reconfigure 23 existing parcels into 18 parcels totaling 17.38 acres in the P/QP Public/Quasi Public Zoning District, part of the 1440 Multiversity Campus, located at 800 Bethany Drive, APN's 023-021-01 to -04 and -17; 023-022-01 to -05; 023-031-20 to -26; 023-033-06, 07 and -08; 023-041-25, -26 and -27; and 023-072-01 and the associated Conditions of Approval in Exhibit A.

ATTACHMENTS

PAGE NO.

Resolution No. 1895.24 Approving the Land Division	3
Exhibit A: Conditions of Approval	6
Planning Commission Staff Report (10/21/21)	7

RESOLUTION NO. 1895.24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTS VALLEY APPROVING A LAND DIVISION (LD21-002) FOR A SUBDIVISION TO RECONFIGURE 23 EXISTING PARCELS INTO 18 PARCELS TOTALING 17.38 ACRES IN THE P/QP PUBLIC/QUASI PUBLIC ZONING DISTRICT, PART OF THE 1440 MULTIVERSITY CAMPUS, LOCATED AT 800 BETHANY DRIVE, APN'S 023-021-01 TO 04 AND -17; 023-022-01 TO -05; 023-031-20 TO -26; 023-033-06, 07 AND -08; 023-041-25, -26 AND -27; AND 023-072-01

WHEREAS, the Planning Department of the City of Scotts Valley has received the application filed by Ken Baker, Manager for 1440 Devco LLC, property owner, for Land Division LD21-002 to reconfigure 23 existing parcels into 18 parcels, totaling 17.38 acres, located at 800 Bethany Drive in the P/QP Zoning District as shown on project plans on file with the Planning Department / (APNs: 023-021-01 to 04 and 023-021-17; 023-022-01 to -05; 023-031-20 to -26; 023-033-06, 07 and -08; 023-041-08 and -25, -26 and -27; and 023-072-01) collectively referred to as "Application"; and,

WHEREAS, Ken Baker, Manager for 1440 Devco LLC, owner, (referred to as "Applicant") has presented substantial evidence which supports the Application; and

WHEREAS, the Application was reviewed for completeness and is determined to be a "project" as defined by the California Environmental Quality Act (CEQA); and,

WHEREAS, on October 15, 2014, the City Council approved Resolution No. 1895 approving the Mitigated Negative Declaration for the 1440 Project; and

WHEREAS, the Planning Commission held a public hearing on October 21, 2021, to consider the Application and after consideration of public testimony, the staff report and evidence submitted to support the Application, the Planning Commission recommended approval of the Application to the City Council; and

WHEREAS, a public hearing on the proposed project was held by the City Council on December 1, 2021, and such hearing was noticed pursuant to the requirements of the Scotts Valley Municipal Code and State Law; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Scotts Valley as follows:

SECTION 1: The City Council of the City of Scotts Valley does hereby make the following Land Division findings, as further clarified in the staff report dated December 1, 2021:

1. ***That the location of the uses is in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located.*** The project meets these requirements of this finding in that the land division to create 18 parcels from 23 existing parcels totaling 17.38 acres, each conforming to the General Plan designation of Public Quasi Public, and the development standards of the Public Quasi Public (P/QP) zoning district.
2. ***That the proposed tentative map/land division, together with the provisions for its design and improvement, is consistent with the General Plan.*** The project meets the requirement of this finding in that the land division to create 18 parcels from 23 existing parcels, totaling 17.38 acres is consistent with both the General Plan and Zoning lot size and density ranges. No development is proposed and public services and utilities are existing and are of adequate capacity to accommodate the project.
3. ***That the project site is physically suitable for the density of the land division.*** The project meets the requirements of this finding in that the Mitigated Negative Declaration determined that there were no potentially significant adverse environmental impacts from the 1440 Multiversity, and the project will not degrade the quality of the environment or impact critical fish or wildlife habitat with the implementation of standard conditions of approval. No development is proposed with the approval of the Land Division.
4. ***That the design of the land division or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*** The project meets the requirement of this finding as it will merely create 18 new parcels from 23 existing parcels and does not include any development. The Land Division will not generate hazardous emissions nor provide for the storage facility for hazardous/ combustible materials. The existing use is an education, training and personal enrichment facility which would not have adverse health effects on the surrounding single-family residential uses. The Mitigated Negative Declaration evaluated that the project is not expected to cause serious public health problems.
5. ***That the design of the land division will not conflict with easements acquired by the public at large (for access through or use of property within the land division).*** The project meets the requirement of this finding in that there are no conflicts with easements known to affect the project site. All necessary easements were obtained upon the completion of the redevelopment of the project prior to the land division application and therefore the issuance of a Final Map. No development is proposed as part of the project.

NOW THEREFORE, BE IT FURTHER RESOLVED that, after careful consideration of the Application and related materials, plans, maps, facts, exhibits, staff report, testimony and other evidence submitted in this matter, and incorporated herein by this reference, the City Council approves Land Division, LD21-002, to reconfigure 23 existing parcels into 18 parcels totaling 17.38 acres located at 800 Bethany Drive, subject to the Conditions of Approval set forth in Exhibit A, which is incorporated herein by this reference.

THE ABOVE AND FOREGOING RESOLUTION was duly and regularly passed by the City Council of the City of Scotts Valley at a meeting held on the 1st day of December 2021, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Derek Timm, Mayor

ATTEST:

Tracy A. Ferrara, City Clerk

Exhibit A

Legal

1. The developer has agreed to and shall defend, indemnify and hold harmless the City of Scotts Valley, its officers, agents and employees from any claim, action or proceeding against the City or its officers, agents or employees to attach, set aside, void or annul any action of the City in connection with approvals under the California Environmental Quality Act or with respect to approval of the project, which action is brought within the time period(s) prescribed by law. The City shall promptly notify the developer of any such claim, action or proceeding and shall fully cooperate in defense.
2. After City Council approval, the property owner shall have a signed and notarized copy of the Notice of Conditions of Approval recognizing this application (provided by the City) recorded at the County Recorder's Office prior to issuance of any building permits or operation of the use.
3. Any required building permits shall be obtained and the applicant shall pay all appropriate fees prior to commencement of any construction on the property.

Planning Department

4. Modifications to the approved project may require approval by the Planning Commission or City Council at the discretion of the Community Development Director.

Department of Public Works

Standard

5. A final subdivision or parcel map in conformance with the California Government Code, Section 66410 *et seq*, and with the City Subdivision Ordinance, and including the conditions of the tentative subdivision map, shall be filed to the satisfaction of the Public Works Director/City Engineer.
6. All required documents, final or parcel map sheets, covenants, developer and city improvement agreements and bonds, shall be provided to the satisfaction of the Public Works Director/City Engineer prior to the recordation of any final map or application for any building permit. (Applicant should be advised that officials of Santa Cruz County, such as the Auditor-Controller, Recorder and Clerk of the Board have requirements, such as payment of taxes and present title guarantee, which precede recordation of the map.)

STAFF REPORT

Applicant: Jon Ifland, Ifland Engineers

Owner: 1440 DEVCO, LLC

Application: Land Division No. LD21-002

Location: 800 Bethany Drive // APNs: 023-021-01 to 04 and -17; 023-022-01 to -05; 023-031-20 to -26; 023-033-06, 07 and -08; 023-041-25, -26 and -27; and 023-072-01

General Plan/Zoning: Public/Quasi Public (P/QP)

Environmental Status: Mitigated Negative Declaration

Request: Consideration of a subdivision application to reconfigure 23 existing parcels into 18 parcels. No construction is proposed and all required improvements such as roads, utilities, grading, and public access were completed in 2018. The site is 756,847 acres in the P/QP Public/Quasi Public zoning district, part of the 1440 Multiversity Campus, located at 800 Bethany Drive.

Staff Planner: Paula Bradley Contract Planner

STAFF RECOMMENDATION

It is recommended that the Planning Commission recommend approval of the Land Division Application LD21-002 to the City Council by adoption of the attached resolution, subject to the Conditions of Approval in Exhibit A.

BACKGROUND

On October 15, 2014, the City Council approved the redevelopment of the existing Bethany University campus into an educational learning center for the 1440 Multiversity. The 1440 Multiversity Center is an education, training, and personal enrichment facility.

The project site consists of 23 parcels totaling 756,847 acres, located on the east and west sides of Bethany Drive, and Gaston Circle (now Bridge Way) to the north of Scotts Valley Drive and State Route 17 (Attachment 1 - Location Map).

The applicant is proposing to reconfigure 23 existing parcels into 18 parcels. Ten new parcels would be created and eight existing parcels will remain the same. No development is proposed and all required improvements such as roads, utilities, grading, and public access were completed in 2018. The purpose of this subdivision is to align the parcel lines with the buildings. The proposed ten new lots with lot size are as follows:

Lot 1	58,791	Lot 6	38,665
Lot 2	831,813	Lot 7	18,985
Lot 3	192,251	Lot 8	24,187
Lot 4	60,070	Lot 9	53,420
Lot 5	21,667	Lot 10	40,248

Each of the proposed lots meets the minimum required lot size (10,000 sf) for the P/QP zoning district (Attachment 2 - Tentative Map). The buildings are shown on Tentative Map sheet TM5.0.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A Mitigated Negative Declaration was certified for the project on October 15, 2014.

PUBLIC NOTICE & COMMENT

On October 8, 2021 Public Hearing Notices were posted at City Hall, and were mailed to surrounding property owners located within 300 feet of the subject property, pursuant to the City's Municipal Code and State law. To date, no comments have been received.

ATTACHMENTS

PAGE No.

Resolution recommending approval of LD21-002 (Action Item)

1. Location Map 7
2. Tentative Map 8

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SCOTTS VALLEY RECOMMENDING APPROVAL TO THE CITY COUNCIL OF LAND DIVISION NO. LD21-002 TO RECONFIGURE 23 EXISTING PARCELS INTO 18 PARCELS TOTALING 756,847 ACRES, LOCATED AT 800 BETHANY DRIVE IN THE P/QP ZONING DISTRICT (APNs: 023-021-01 to 04 and 023-021-17; 023-022-01 to -05; 023-031-20 to -26; 023-033-06, 07 and -08; 023-041-25, -26 and -27; and 023-072-01).

WHEREAS, the Planning Department of the City of Scotts Valley has received the application filed by Ken Baker, Manager, for 1440 Devco LLC, property owner, for Land Division LD21-002 to reconfigure 23 existing parcels into 18 parcels, totaling 756,847 acres, located at 800 Bethany Drive in the P/QP Zoning District as shown on project plans on file with the Planning Department / (APNs: 023-021-01 to 04 and 023-021-17; 023-022-01 to -05; 023-031-20 to -26; 023-033-06, 07 and -08; 023-041-08 and -25, -26 and -27; and 023-072-01) and

WHEREAS., the 1440 Multiversity (referred as applicant) has presented substantial evidence which support the application; and

WHEREAS, the application was reviewed for completeness and is determined to be a “project” as defined by the California Environmental Quality Act (CEQA); and,

WHEREAS, on October 15, 2014, the City Council approved Resolution No. 1895 approving the Mitigated Negative Declaration for the 1440 Project; and

WHEREAS, the project was reviewed by the Planning Commission at a duly noticed public hearing on October 21, 2021, to consider the Application and after considering public testimony, the staff report, and evidence submitted to support the Application, the Planning Commission recommended approval of the Application to the City Council; and

NOW THEREFORE, the Planning Commission of the City of Scotts Valley hereby resolves as follows:

SECTION 1: The Planning Commission of the City of Scotts Valley does hereby specifically make the following findings, as further clarified in the staff report dated October 21, 2021:

1. ***That the proposed tentative map/land division, together with the provisions for its design and improvement, is consistent with the General Plan.*** The project meets these requirements of this finding in that the land division to create eighteen parcels from twenty-three existing parcels totaling 756,847 acres, each conforming to the General Plan designation of Public Quasi Public, and the development standards of the Public Quasi Public (P/QP) zoning district.
2. ***That the project site is physically suitable for the density of the land division.*** The project meets the requirement of this finding in that the land division to reconfigure 23 existing parcels into 18 parcels, totaling 756,847 acres is consistent with both the General Plan and Zoning lot size and density ranges. No development is proposed and public services and utilities are existing and are of adequate capacity to accommodate the project.
3. ***The design of the subdivision or the proposed improvements are not likely cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.*** The project meets the requirements of this finding in that the Mitigated Negative Declaration determined that there were no potentially significant adverse environmental impacts, and the project will not degrade the quality of the environment or impact critical fish or wildlife habitat with the implementation of standard conditions of approval. No development is proposed with the approval of the subdivision project.
4. ***That the design of the land division or the type of improvements is not likely to cause serious public health problems.*** The project meets the requirement of this finding as it will not generate hazardous emissions nor be a storage facility for hazardous/ combustible materials. The existing use is an education, training and personal enrichment facility which would not have adverse health effects on the surrounding single-family residential uses. The Mitigated Negative Declaration evaluated that the project is not expected to cause serious public health problems.
5. ***That the design of the subdivision will not conflict with easements, acquired by the public at large, for access through or use of property within the subdivision.*** The project meets the requirement of this finding in that there are no conflicts with easements known to affect the project site. All necessary easements were obtained upon the completion of the redevelopment of the project prior to the land division application and therefore the issuance of a Final Map. No development is proposed as part of the project.

SECTION 2: After careful consideration of the application and related materials, plans, maps, facts, exhibits, staff report, testimony and other evidence submitted in this matter, and incorporated herein by this reference, the Planning Commission of the City of Scotts Valley does hereby recommend approval to the City Council of Land Division

No. LD21-002 to reconfigure 23 existing parcels into 18 parcels with a combined square footage of 756,847 acres located at 800 Bethany Drive, subject to the conditions set forth in the attached Exhibit A, which are incorporated herein by this reference.

THE ABOVE AND FOREGOING RESOLUTION was duly adopted and passed by the Planning Commission of the City of Scotts Valley at a special meeting held on October 21, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Approved: _____
Lori Gentile, Chair

Attest: _____
Taylor Bateman, Community Development Director

EXHIBIT A

CONDITIONS OF APPROVAL
(Nos. 1-6)

STANDARD - LEGAL

1. Developer has agreed to and shall defend, indemnify and hold harmless the City of Scotts Valley, its officers, agents and employees from any claim, action or proceeding against the City or its officers, agents or employees to attach, set aside, void or annul any action of the City in connection with approvals under the California Environmental Quality Act or with respect to approval of the project, which action is brought within the time period(s) prescribed by law. The City shall promptly notify the developer of any such claim, action or proceeding and shall fully cooperate in defense.
2. After City Council approval, the property owner shall have a signed and notarized copy of the Notice of Conditions of Approval recognizing this application (provided by the City) recorded at the County Recorder's Office prior to issuance of any building permits or operation of the use.
3. Any required building permits shall be obtained and the applicant shall pay all appropriate fees prior to commencement of any construction on the property.

PLANNING DEPARTMENT

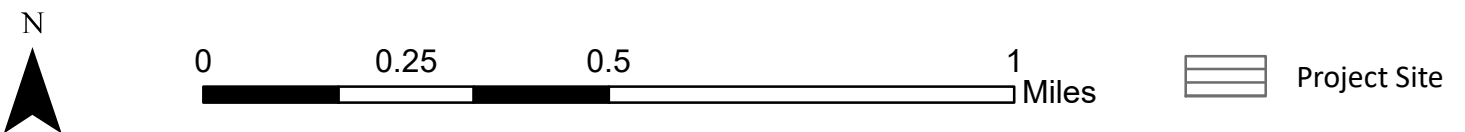
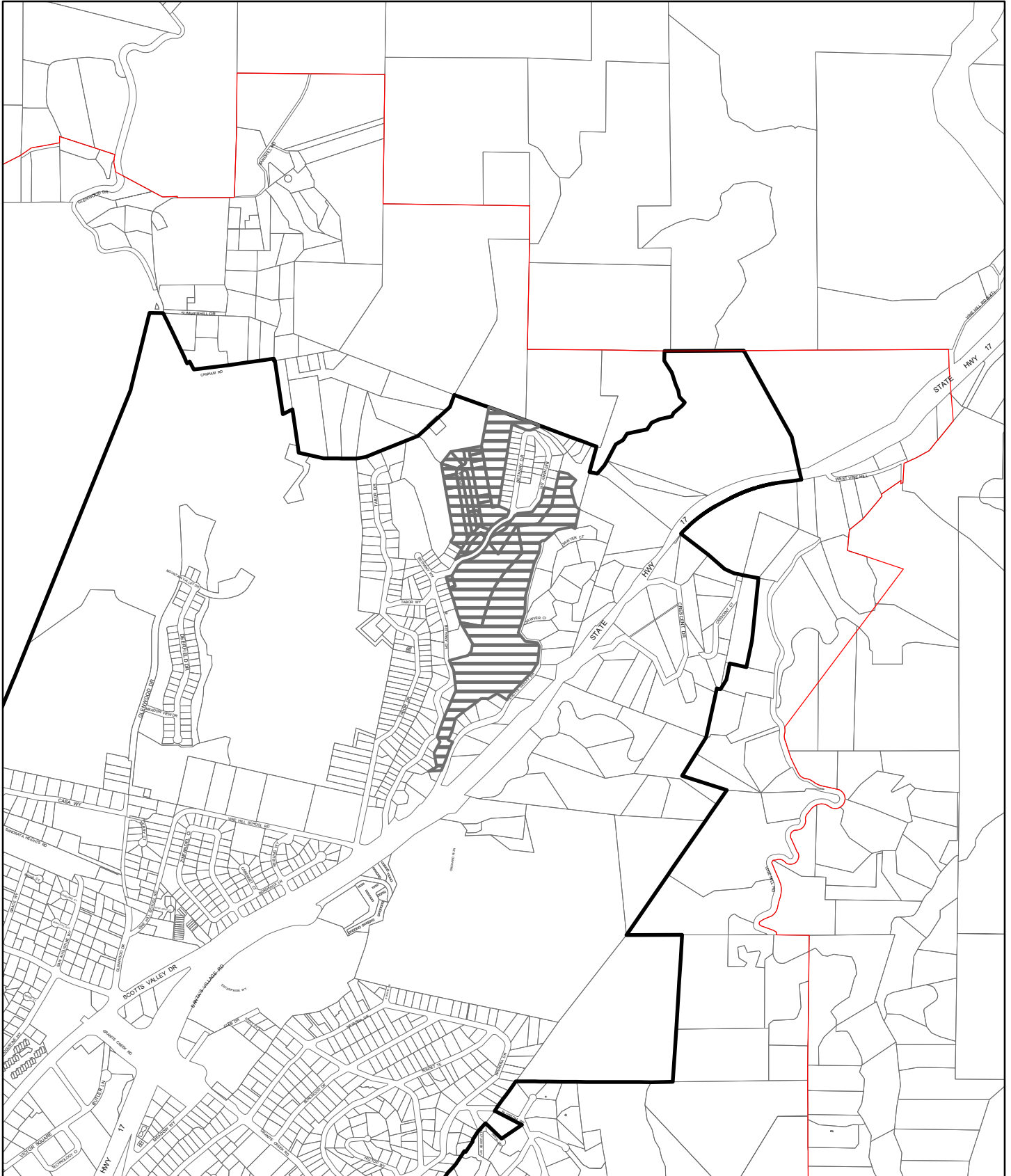
4. Modifications to the approved project may require approval by the Planning Commission or City Council at the discretion of the Community Development Director.

DEPARTMENT OF PUBLIC WORKS

Standard

5. A final subdivision or parcel map in conformance with the California Government Code, Section 66410 *et seq*, and with the City Subdivision Ordinance, and including the conditions of the tentative subdivision map, shall be filed to the satisfaction of the Public Works Director/City Engineer.
6. All required documents, final or parcel map sheets, covenants, developer and city improvement agreements and bonds, shall be provided to the satisfaction of the Public Works Director/City Engineer prior to the recordation of any final map or application for any building permit. (Applicant should be advised that officials of Santa Cruz County, such as the Auditor-Controller, Recorder and Clerk of the Board have requirements, such as payment of taxes and present title guarantee, which precede recordation of the map.)

Location Map

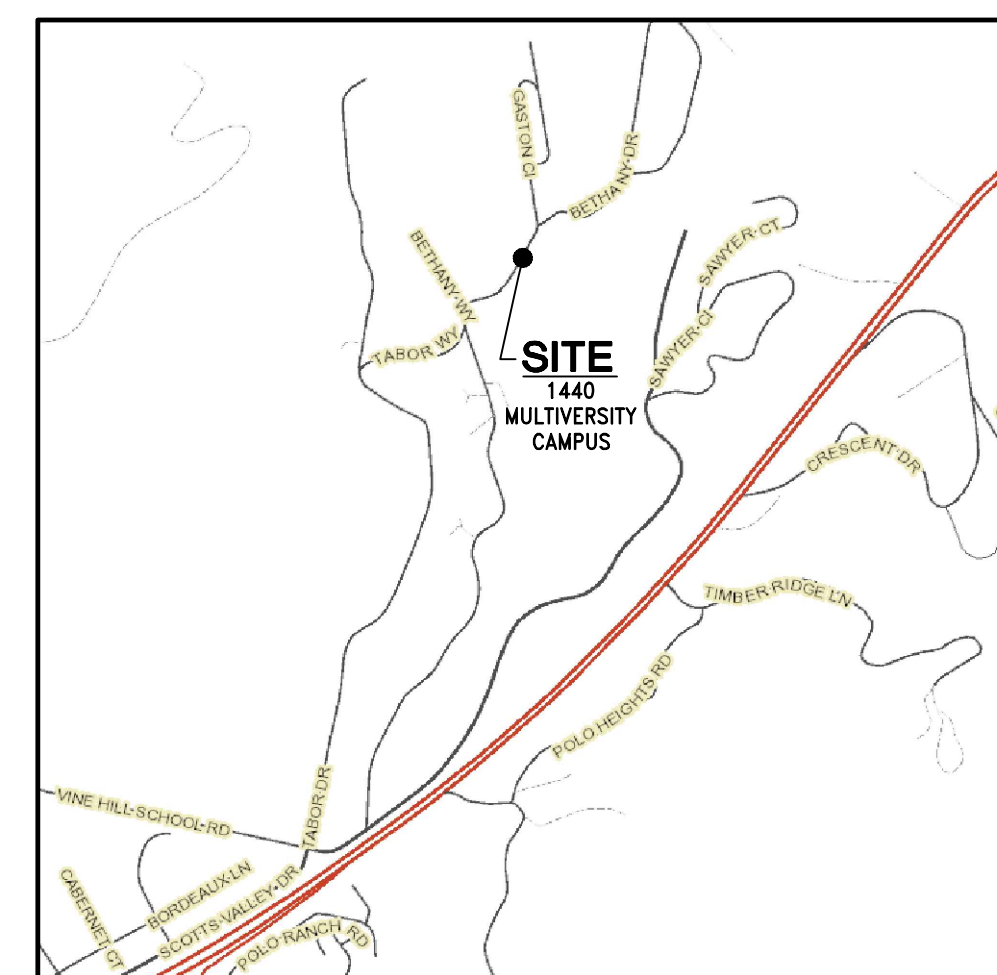
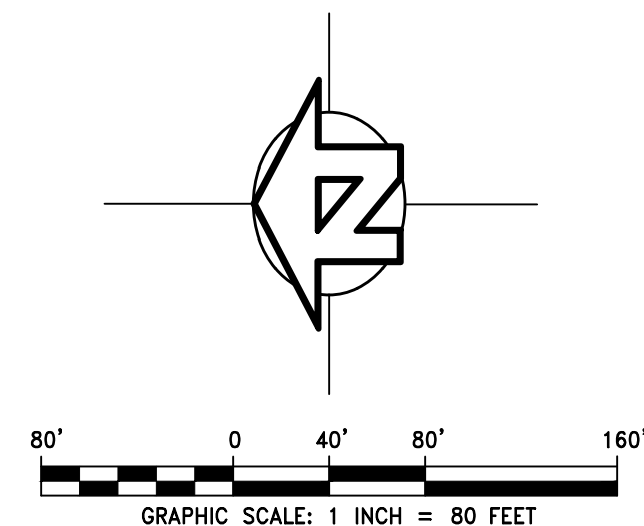
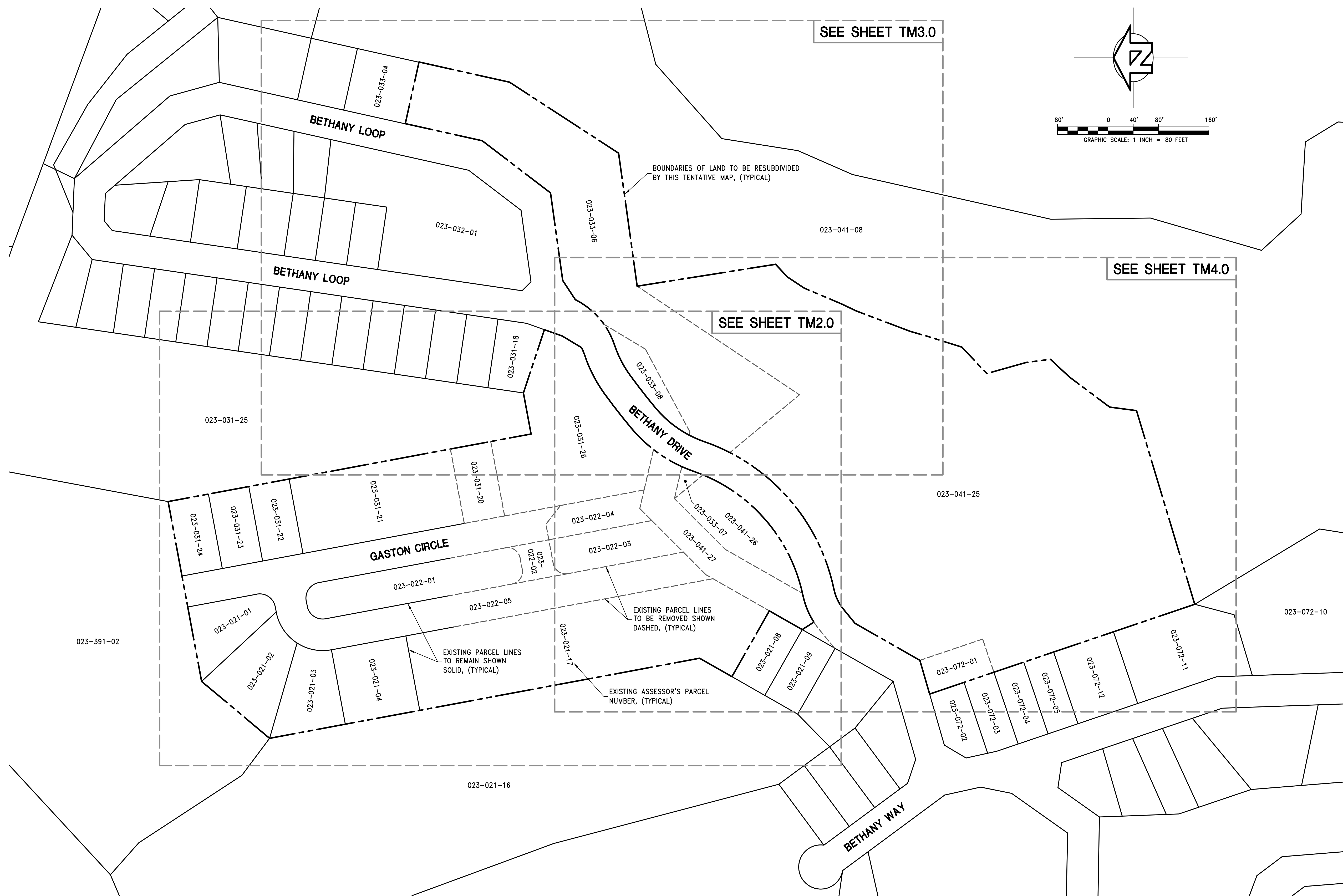


 Project Site

TENTATIVE MAP FOR 1440 MULTIVERSITY

TRACT NO. 1613

800 BETHANY DRIVE, SCOTTS VALLEY, CALIFORNIA



MAP DATA © COUNTY OF SANTA CRUZ GIS

VICINITY MAP
N.T.S.

BENCHMARK

BENCHMARK FOR THIS SURVEY IS BENCHMARK JRC RMF 8-3-93 78/12 AS PROVIDED BY THE CITY OF SCOTTS VALLEY. LOCATED AT THE SOUTHWEST CORNER OF THE CENTERLINE OF VINE HILL SCHOOL ROAD, TABOR DRIVE, AND SCOTTS VALLEY DRIVE, APPROXIMATELY 16.6 FEET SOUTHWEST OF THE CENTERLINE OF SCOTTS VALLEY DRIVE, A BRASS DISC 1.0 FOOT SOUTHEAST OF A DROP INLET ON TOP OF A CONCRETE CURB.

ELEVATION= 680.876 FEET DATUM: NGVD 29

BASIS OF BEARINGS

BASIS OF BEARINGS FOR THIS SURVEY IS THE CALCULATED TIE BETWEEN
FOUND 1-1/2" IRON PIPES AS SHOWN ON 28 M 71.

BEARING = S 20°56'44" E

GENERAL DATA

MAP PREPARED BY: IFLAND ENGINEERS
5300 SOQUEL AVENUE, SUITE 101
SANTA CRUZ, CA 95062
(831) 426-5313
CONTACT: JON IFLAND

OWNER: 1440 DEVCO, LLC.
P.O. BOX 3141
SARATOGA, CA 95070-1141
(510) 708-0663
CONTACT: KEN BAKER - MANAGER

APN: MULTIPLE - SEE KEY MAP AT LEFT

EXISTING USE: 1440 MULTIVERSITY CAMPUS

PROPOSED USE: 1440 MULTIVERSITY CAMPUS

EXISTING ZONING: P: PUBLIC/QUASI PUBLIC

PROPOSED ZONING: P: PUBLIC/QUASI PUBLIC

WATER SUPPLY: SCOTTS VALLEY WATER DISTRICT

SANITARY SEWER: CITY OF SCOTTS VALLEY

STORM DRAIN: CITY OF SCOTTS VALLEY

PARCELS: 23 EXISTING - 15 TO BE RECONFIGURED
INTO 10 - 8 REMAIN AS IS

PROPOSED UNITS: NONE – ALL UNITS ARE EXISTING

TOTAL ACREAGE: 756,857 SF / 17.38± AC

EXISTING AREA: 756.857 SF / 17.38± AC

PROPOSED AREA: 756.857 SF / 17.38± AC

INDEX OF SHEETS

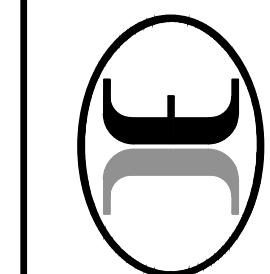
<u>SHEET NO.</u>	<u>DESCRIPTION</u>
TM1.0	COVER SHEET & KEY MAP OF EXISTING PARCEL CONFIGURATION
TM2.0	NEW PARCELS (NORTH)
TM3.0	NEW PARCELS (EAST)
TM4.0	NEW PARCELS (SOUTH)
TM5.0	BUILDING SETBACKS
TM6.0	UTILITY SERVICE LOCATIONS

NOT FOR CONSTRUCTION

[illegible]

3300 SOQUEL AVE, SUITE 101
SANTA CRUZ, CA 95062
TEL (831) 426-5313
FAX (831) 426-1763
www.iflandengineers.com

WILLIAMS



COVER SHEET & KEY MAP OF EXISTING PARCEL CONFIGURATION

1440 MULTIVERSITY

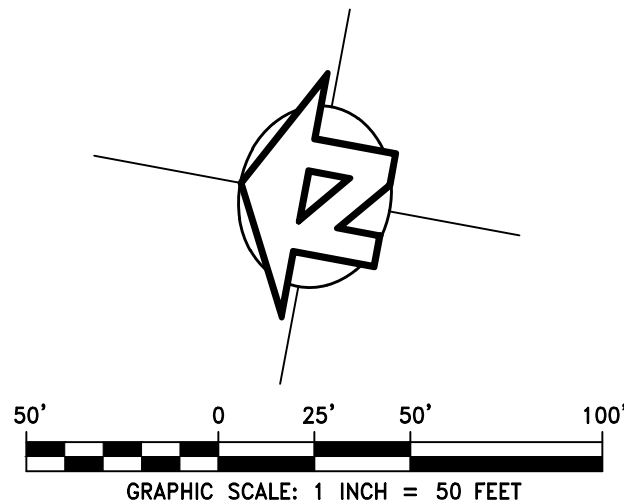
800 BETHANY DRIVE, SCOTTS VALLEY, CALIFORNIA

TRACT NO. 1613

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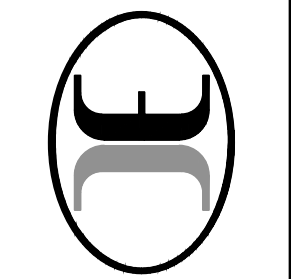
JOB NO. 13024



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FAX (831) 426-1763
www.iflandengineers.com

IG ■ STRUCTURAL DESIGN

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CIVIL ENGINEERING ■ LAND PLANNING



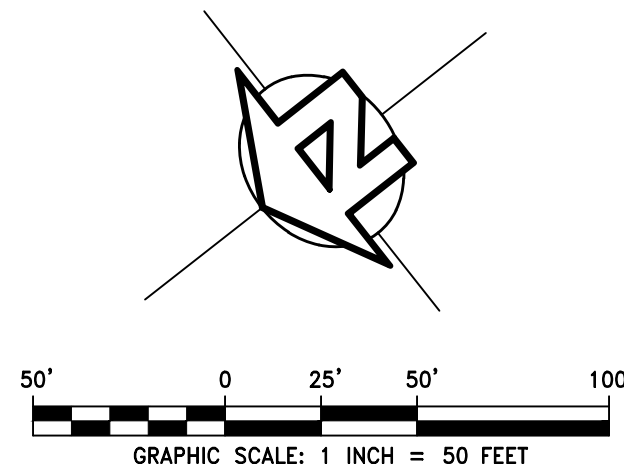
NEW PARCELS (NORTH)
1440 MULTIVERSITY
800 BETHANY DRIVE, SCOTTS VALLEY, CALIFORNIA

TRACT NO. 1613	DATE	DESIGN	DRAWN
TENTATIVE MAP	02/22/2021	JPI	JAI

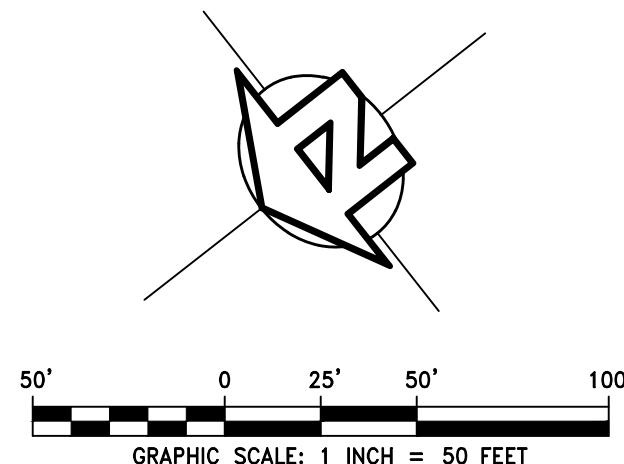
SHEET

TM2.0

JOB NO. 13024



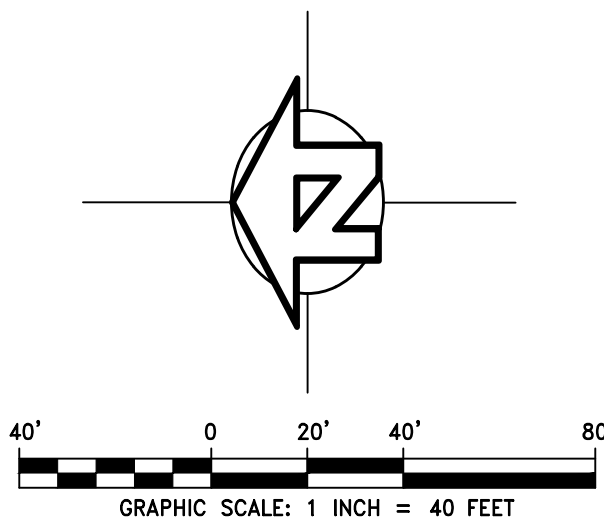
TRACT NO. 1613 TENTATIVE MAP	DATE	DESIGN	DRAWN
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NOT FOR CONSTRUCTION

UTILITY SERVICE LOCATIONS

1440 MULTIVERSITY

800 BETHANY DRIVE, SCOTTS VALLEY, CALIFORNIA

TRACT NO. 1613

TENTATIVE MAP

DATE 02/22/2021

DESIGN JPI

DRAWN JAI

SHEET

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DATE 05/03/2021

BY	DATE	REVISION
JAI		PER CITY PLAN REVIEW COMMENTS