



Sue Frost, Mayor
Jeannie Bruins, Vice Mayor
Steve Miller, Council Member
Jeff Slowey, Council Member
Mel Turner, Council Member

**CITY OF CITRUS HEIGHTS
CITY COUNCIL
Special/Regular Meetings of Thursday, August 13, 2015
Citrus Heights Community Center
6300 Fountain Square Dr., Citrus Heights, CA
Special Meeting 6:00 p.m.
Regular Meeting 7:00 p.m.**

PLEASE NOTE: The Council may take up any agenda item at any time, regardless of the order listed. Action may be taken on any item on the agenda. The City Council has established a procedure for addressing the Council. Speaker Identification Sheets are provided on the table inside the Council Chambers. If you wish to address the Council during the meeting, please complete a Speaker Identification Sheet and give it to the City Clerk. So that everyone who wishes may have an opportunity to speak, there is a five-minute maximum time limit when addressing the Council. Audio/Visual presentation material must be provided to the City Clerk's Office at least 48 hours prior to the meeting.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at City Hall located at 7927 Auburn Blvd., Citrus Heights during normal business hours. Email subscriptions of the agenda are available online by signing up with the City's Notify Me service.

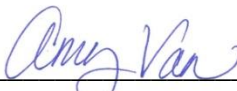
City Council meetings are televised live on Metro Cable 14, the government affairs channel on the Comcast and SureWest Cable Systems and replayed on the following Monday at 9:00 a.m. Meetings are also webcast live at www.citrusheights.net.

The Agenda for this meeting of the City Council for the City of Citrus Heights was posted in the following listed sites before the close of business at 5:00 p.m. on the Friday preceding the meeting.

1. City of Citrus Heights, 7927 Auburn Blvd., Citrus Heights, CA
2. Rusch Park Community Center, 7801 Auburn Boulevard, Citrus Heights, CA
3. Sacramento County Library, Sylvan Oaks Branch, 6700 Auburn Blvd., Citrus Heights, CA

If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the City Clerk's Office 916-725-2448, 7927 Auburn Blvd., at least 48 hours prior to the meeting. TDD (hearing impaired only) 916-725-6185.

August 7, 2015



Amy Van, City Clerk

Please turn off all cellular phones and pagers while the City Council meeting is in session.

SPECIAL MEETING
6:00 PM

CALL SPECIAL MEETING TO ORDER

1. Roll Call: Council Members: Miller, Slowey, Turner, Bruins, Frost

PUBLIC COMMENT

CLOSED SESSION

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pursuant to Government Code Section 54956.9(d)(1)
Preserve Our Civic Center vs. City of Citrus Heights
Sacramento Superior Court Case No. 34-2015-80002080

ADJOURNMENT

REGULAR MEETING
7:00 PM

CALL REGULAR MEETING TO ORDER

1. Flag Salute:
2. Roll Call: Council Members: Miller, Slowey, Turner, Bruins, Frost
3. Video Statement

APPROVAL OF AGENDA

PRESENTATIONS

4. California Police Chiefs Association Recognition of Outgoing President, Chief Christopher Boyd
(Presented by California Police Chiefs Association President, Chief David Bejarano)
5. Proclamation of the City of Citrus Heights Proclaiming the Month of September 2015 as Prostate Cancer Awareness Month
6. History and Arts Commission Annual Report

COMMENTS BY COUNCIL MEMBERS AND REGIONAL BOARD UPDATES**PUBLIC COMMENT**

Under Government Code Section 54954.3, members of the audience may address the Council on any item of interest to the public and within the Council's purview, or on any Agenda Item before or during the Council's consideration of the Item. If you wish to address the Council during the meeting, please fill out a Speaker Identification Sheet and give it to the City Clerk. When you are called upon to speak, step forward to the podium and state your name for the record. Normally, speakers are limited to five minutes each with 30 minutes being allowed for all comments. Any public comments beyond the initial 30 minutes may be heard at the conclusion of the agenda. The Mayor has the discretion to lengthen or shorten the allotted times.

CONSENT CALENDAR

It is recommended that all consent items be acted on simultaneously unless separate discussion and/or action are requested by a Council Member.

7. **SUBJECT:** Approval of Minutes
RECOMMENDATION: Approve the Minutes of the Special and Regular Meetings of July 9, 2015 and July 23, 2015
8. **SUBJECT:** California Office of Emergency Services Children Exposed to Domestic Violence Grant Funds
STAFF REPORT: C. Boyd / G. Anderson
RECOMMENDATION: Adopt Resolution No. 2015 - ____ A Resolution of the City of Citrus Heights, California, Accepting the 2014 California Office of Emergency Services Children Exposed to Domestic Violence Grant Funds and Recommended Expenditures
9. **SUBJECT:** Contract with the California State Board of Equalization to Receive Utility User Tax on Prepaid Mobile Services
STAFF REPORT: S. Daniell / F. Merrill
RECOMMENDATION: Adopt Resolution No. 2015 - ____ A Resolution of the City of Citrus Heights Authorizing City Manager to Execute Agreement with the State Board of Equalization for Implementation of the Local Prepaid Mobile Telephony Service Collection Act

PUBLIC HEARING

10. **SUBJECT:** Citrus Heights Lighting Assessment District – Levy of Fiscal Year 2015-2016 Assessments
STAFF REPORT: D. Wheaton / S. Hodgkins / D. Dunn
RECOMMENDATION: Adopt Resolution No. 2015 - ____ A Resolution of the City Council of the City of Citrus Heights, California, to Confirm the Diagram and Assessment and to Levy Fiscal Year 2015/2016 Assessments for the Citrus Heights Lighting Assessment District

REGULAR CALENDAR

11. **SUBJECT:** Designation of Voting Delegate and Alternate(s) for the League of California Cities Annual Conference
 STAFF REPORT: A. Van
 RECOMMENDATION: Staff Recommends that the City Council make a Motion to Designate a Voting delegate and Alternate(s) to Participate at the Annual Business Meeting on October 2, 2015, During the League of California Cities Annual Conference

DEPARTMENT REPORTS

12. Report on Police Department Study of Body Worn Cameras

CITY MANAGER ITEMS

ITEMS REQUESTED BY COUNCIL MEMBERS/ FUTURE AGENDA ITEMS

ADJOURNMENT

**CITY OF CITRUS HEIGHTS
CITY COUNCIL
MINUTES
Regular Meeting of Thursday, July 9, 2015
Citrus Heights Community Center
6300 Fountain Square Drive, Citrus Heights, CA**

ITEM 7

CALL REGULAR MEETING TO ORDER

The regular council meeting was called to order at 7:00 p.m. by Mayor Frost.

1. The flag salute was led by Council Member Miller.
2. Roll Call: Council Members present: Miller, Slowey, Turner, Bruins and Frost
Council Members absent: None
Staff present: Daniell, Flores, Rivera, Sherman, Tingle, Van, Ziegler and department directors.
3. The video statement was read by City Clerk Van.

APPROVAL OF AGENDA

ACTION: On a motion by Council Member Slowey, seconded by Vice Mayor Bruins, the City Council approved the agenda.

AYES: Miller, Slowey, Turner, Bruins and Frost
NOES: None
ABSENT: None

PRESENTATIONS

4. Presentation by Gary Goodman with the Sacramento-Yolo Mosquito and Vector Control District

Gary Goodman with the Sacramento-Yolo Mosquito and Vector Control District provided a presentation on current issues and challenges related to mosquito control.

COMMENTS BY COUNCIL MEMBERS AND REGIONAL BOARD UPDATES

Vice Mayor Bruins provided a report from the City Council Quality of Life 2x2 Committee meeting. She met with Congressman Ami Bera, along with Mayor Frost on issues relating to Citrus Heights. She attended the Stone's Casino 1 Year Anniversary event. She announced that the California Dream Tennis Team begins on Monday, July 13th.

Council Member Miller commented on the Red, White & Blue Parade event. He announced the Police Department will be hosting a Motorcycle Skills Challenge event at Sunrise Mall on July 25th. He announced that the temporary City Hall will open on July 13th in the Grand Oaks Shopping Center. He also announced the New City Hall Groundbreaking event will be held on July 15th, and the Community Cash and Carry event to be held at the old City Hall on July 18th.

Council Member Slowey provided a report from the Sacramento Area Council of Governments Board meeting.

Council Member Turner announced that the Texas Roadhouse Restaurant has opened in Citrus Heights.

Mayor Frost announced the New City Hall Groundbreaking event on July 15th, at 10:00 a.m.

PUBLIC COMMENT

Jayne Woods lives in the Greengate community that has 70 homes, and 22 of those homes are served by a sewer lift pump which is deteriorating. She explained that the homeowners association doesn't have the funds to fix the old pump. She stated Vice Mayor Bruins has been working with their community to see what can be done. She asked the Council to support the efforts by Vice Mayor Bruins and said they will be coming to the City to ask for money to help fix the sewer lift pump.

Vice Mayor Bruins stated that as the City's representative on the Sacramento Area Sewer District Board she is involved in looking at solutions but doesn't have anything to report.

Art Ketterling stated that there is a temporary bus stop for route 95 by the Post Office but there is no bus stop on the other side of the street in the other direction.

CONSENT CALENDAR

5. **SUBJECT:** Approval of Minutes
 RECOMMENDATION: Approve the Minutes of the Special and Regular Meetings of June 11, 2015

6. **SUBJECT:** Second Reading – Amendments to the Zoning Code in Regards to Alcoholic Beverages
 STAFF REPORT: A. Van
 RECOMMENDATION: Ordinance No. 2015- 005 An Ordinance of the City Council of the City of Citrus Heights, California to Amend Certain Sections of the Zoning Code in Regards to Alcoholic Beverage Sales

7. **SUBJECT:** Auburn Boulevard Complete Streets Revitalization Segment III Project – Final Project Acceptance- City PN 20-13-001
 STAFF REPORT: R. Sherman / D. Wheaton / K. Becker
 RECOMMENDATION: Adopt Resolution No. 2015 - 061 A Resolution of the City Council of the City of Citrus Heights, California, Accepting the Auburn Boulevard Complete Streets Revitalization Segment III Project as Complete and Authorizing the City Engineer to Record a Notice of Completion and Release the Contract Retention

8. **SUBJECT:** Adopt Resolution Authorizing the Public Works Director to Prepare and Send a "Letter of Request" to the Sacramento Municipal Utility District Requesting Undergrounding Overhead Electrical Facilities Along Auburn Boulevard Between Rusch Park and I80 (Auburn Blvd. Revitalization Project – Phase 2.) (CEQA Exemption)
 STAFF REPORT: D. Wheaton / K. Becker
 RECOMMENDATION: Adopt Resolution No. 2015 - 062 A Resolution of the City Council of the City of Citrus Heights, California, Authorizing The City Manager to Prepare and Send A "Letter Of Request" to the Sacramento Municipal Utility District Requesting

Undergrounding Overhead Electrical Facilities Along Auburn Boulevard Between Rusch Park and Interstate 80

ACTION: On a motion by Council Member Miller, seconded by Council Member Slowey, the City Council approved Consent Calendar Items 5, 6 and 7.

AYES: Miller, Slowey, Turner, Bruins and Frost
NOES: None
ABSENT: None

PUBLIC HEARING

9. **SUBJECT:** Resolution to Record Delinquent Solid Waste Service Charges on the Tax Roll

STAFF REPORT: S. Daniell

RECOMMENDATION: Adopt Resolution No. 2015 - 063 A Resolution of the City of Citrus Heights to record Delinquent Solid Waste Service Charges to the Tax Roll

Finance Director Daniell reported that as of July 6, 2015, there were 874 delinquent solid waste service accounts with a total levy of \$362,604.55. She recommended that the City Council hold a public hearing regarding the placement of delinquent solid waste service charges on the property tax roll.

Mayor Frost opened the public hearing at 7:53 p.m. hearing no speakers she closed the public hearing.

ACTION: On a motion by Council Member Slowey, seconded by Vice Mayor Bruins, the City Council adopted Resolution No. 2015 - 063 A Resolution of the City of Citrus Heights to record Delinquent Solid Waste Service Charges to the Tax Roll.

AYES: Miller, Slowey, Turner, Bruins and Frost
NOES: None
ABSENT: None

REGULAR CALENDAR

10. **SUBJECT:** Receive and File Sunrise Recreation and Park District Ten - Year Master Plan
STAFF REPORT: H. Tingle / R. Sherman
RECOMMENDATION: Staff Recommends that the City Council of the City of Citrus Heights Receive and File the Sunrise Recreation and Park District's Ten – Year Master Plan

Community and Economic Development Director Sherman reported that the Sunrise Recreation and Park District is in the process of updating their Ten Year Master Plan and staff is recommending that the City Council receive and file the District's report.

Dave Mitchell with the Sunrise Recreation and Park District explained the Master Plan addresses parks, programs, facilities and operations. He provided an overview of their community participation in updating the Master Plan. He also highlighted several park improvements since 2000.

Kate Kirsh with Foothill Associates provided an overview of the analysis and community participation they conducted as part of the update to the Master Plan.

Dave Mitchell with Sunrise Recreation and Park District responded to questions from Council Members.

11. **SUBJECT:** Landscape Maintenance Assessment District 97-01 Initiate Proceedings for Fiscal Year 2015/2016 Annual Update
STAFF REPORT: D. Wheaton / S. Hodgkins / A. Flores
RECOMMENDATION: Staff Recommends Council Approve the Following:
- a. Resolution No. 2015-064 A Resolution of the City Council of the City of Citrus Heights, California, to Initiate Proceedings Pursuant to the Landscaping and Lighting Act of 1972 for Landscape Maintenance Assessment District No. 97-01 (Zones 1,2,3, and 4)
 - b. Resolution No. 2015 - 065 A Resolution of the City Council of the City of Citrus Heights, California, For the Intention to Levy and Collect Assessments for Fiscal year 2015/2016 for Landscape Maintenance Assessment District No. 97-01 (Zones 1,2,3, and 4)

Associate Civil Engineer Flores reported that the item is the City's annual update pursuant to the Landscaping and Lighting Act of 1972.

ACTION: On a motion by Council Member Slowey, seconded by Council Member Miller, the City Council adopted:

- a. Resolution No. 2015-064 A Resolution of the City Council of the City of Citrus Heights, California, to Initiate Proceedings Pursuant to the Landscaping and Lighting Act of 1972 for Landscape Maintenance Assessment District No. 97-01 (Zones 1,2,3, and 4)
- b. Resolution No. 2015 - 065 A Resolution of the City Council of the City of Citrus Heights, California, For the Intention to Levy and Collect Assessments for Fiscal year 2015/2016 for Landscape Maintenance Assessment District No. 97-01 (Zones 1,2,3, and 4)

AYES: Miller, Slowey, Turner, Bruins and Frost
NOES: None
ABSENT: None

12. **SUBJECT:** Landscape Maintenance Assessment Districts 98-01, 98-02 (Zones 1 & 2), and 03-01 (Zones 1 & 2) Initiate Proceedings for Fiscal Year 2015 / 2016 Annual Update
STAFF REPORT: D. Wheaton / S. Hodgkins / A. Flores
RECOMMENDATION: Staff Recommends Council Adopt the Following Resolutions:

- a. Approve Resolution No. 2015 - 066 Adopting a Resolution of the City Council of the City of Citrus Heights, California, to Initiate Proceedings Pursuant to the Landscape and Lighting Act of 1972 for Landscape Maintenance Assessment District No. 98-01
- b. Approve Resolution No. 2015 - 067 Adopting a Resolution of the City Council of the City of Citrus Heights, California, to Initiate Proceedings Pursuant to the Landscape and Lighting Act of 1972 for Landscape Maintenance Assessment District No. 98-02 (Zones 1 & 2)
- c. Approve Resolution No. 2015 - 068 Adopting a Resolution of the City Council of the City of Citrus Heights, California, to Initiate Proceedings Pursuant to the Landscape and Lighting Act of 1972 for Landscape Maintenance Assessment District No. 03-01 (Zones 1 & 2)

AND ADOPT:

- d. Approve Resolution No. 2015 - 069 Adopting a Resolution of the City Council of the City of Citrus Heights, California, for the Intention to Levy and Collect Assessments for Fiscal year 2015/2016 for Landscape Maintenance Assessment District No. 98-01
- e. Approve Resolution No. 2015 - 070 Adopting a Resolution of the City Council of the City of Citrus Heights, California, for the Intention to Levy and Collect Assessments for Fiscal year 2015/2016 for Landscape Maintenance Assessment District No. 98-02 (Zones 1 & 2)
- f. Approve Resolution No. 2015 - 071 Adopting a Resolution of the City Council of the City of Citrus Heights, California, for the Intention to Levy and Collect Assessments for Fiscal year 2015/2016 for Landscape Maintenance Assessment District No. 03-01 (Zones 1 & 2)

Associate Civil Engineer Flores reported that the item is the City's annual update pursuant to the Landscaping and Lighting Act of 1972. She stated that the only significant change is the annexation of the Autumnwood subdivision as Zone 2 in Assessment District No. 98-02.

ACTION: On a motion by Vice Mayor Bruins, seconded by Council Member Slowey, the City Council adopted:

- a. Resolution No. 2015 - 066 Adopting a Resolution of the City Council of the City of Citrus Heights, California, to Initiate Proceedings Pursuant to the Landscape and Lighting Act of 1972 for Landscape Maintenance Assessment District No. 98-01
- b. Resolution No. 2015 - 067 Adopting a Resolution of the City Council of the City of Citrus Heights, California, to Initiate Proceedings Pursuant to the Landscape and Lighting Act of 1972 for Landscape Maintenance Assessment District No. 98-02 (Zones 1 & 2)

- c. Resolution No. 2015 - 068 Adopting a Resolution of the City Council of the City of Citrus Heights, California, to Initiate Proceedings Pursuant to the Landscape and Lighting Act of 1972 for Landscape Maintenance Assessment District No. 03-01 (Zones 1 & 2)
- d. Resolution No. 2015 - 069 Adopting a Resolution of the City Council of the City of Citrus Heights, California, for the Intention to Levy and Collect Assessments for Fiscal year 2015/2016 for Landscape Maintenance Assessment District No. 98-01
- e. Resolution No. 2015 - 070 Adopting a Resolution of the City Council of the City of Citrus Heights, California, for the Intention to Levy and Collect Assessments for Fiscal year 2015/2016 for Landscape Maintenance Assessment District No. 98-02 (Zones 1 & 2)
- f. Resolution No. 2015 - 071 Adopting a Resolution of the City Council of the City of Citrus Heights, California, for the Intention to Levy and Collect Assessments for Fiscal year 2015/2016 for Landscape Maintenance Assessment District No. 03-01 (Zones 1 & 2)

AYES: Miller, Slowey, Turner, Bruins and Frost
NOES: None
ABSENT: None

13. **SUBJECT:** Amendment to the City's Cardroom Ordinance Regarding Equipment and Credit

STAFF REPORT: H. Tingle / R. Sherman

RECOMMENDATION: Move to Introduce for First Reading, and waive reading of the entire ordinance, Ordinance No. 2015- 006 An Ordinance of the City of Citrus Heights Amending Article II of Chapter 10 of the Citrus Heights Code Relating to Cardrooms

Community and Economic Development Director Sherman stated staff is recommending the Council approve two amendments to the cardroom ordinance. The first is related to an amendment that the Council approved in February. The Bureau of Gambling Control asked the City to eliminate some of the language that was in there. The second amendment is related to the extension of credit to patrons, currently the City's ordinance does not allow extension of credit to patrons but the Bureau does allow for that, therefore staff is recommending a change to allow for extension of credit to patrons.

ACTION: On a motion by Council Member Slowey, seconded by Council Member Miller, the City Council introduced for a First Reading and waived reading of the entire ordinance, Ordinance No. 2015- 006 An Ordinance of the City of Citrus Heights Amending Article II of Chapter 10 of the Citrus Heights Code Relating to Cardrooms.

AYES: Miller, Slowey, Turner, Bruins and Frost
NOES: None
ABSENT: None

14. **SUBJECT:** FY 15-16 Update to Executive Compensation and the Amended Payrate Schedule for the City of Citrus Heights
STAFF REPORT: R. Rivera
RECOMMENDATION: Staff recommends that the City Council approve the attached Resolutions amending Executive Compensation and adopting the amended Payrate Schedule for the City of Citrus Heights effective with the pay date of July 17, 2015.
- a. Resolution No. 2015- 072 A Resolution to the City Council of the City of Citrus Heights, California, Adopting FY 15/16 Update to Executive Compensation
 - b. Resolution No. 2015 - 073 A Resolution of the City Council of the City of Citrus Heights Adopting the Amended Payrate Schedule

Human Resources and City Information Director Rivera reported that the Fiscal Year 2015-2016 Budget included personnel costs as part of the approved budget. The recommendation is to increase Executive Management compensation by 3% effective the pay date of July 17, 2015. It is further recommended to remove salary ranges for the current Director Classifications in order to establish new salary ranges by classification as the positions are vacated. She explained the City's governing body is required to approve the agency's payrate schedule. An updated payrate schedule is being presented to include the proposed removal of the salary ranges for Director positions as well as the addition of the Senior Animal Resources Officer and Associate Engineer – Extra Help classifications. She also responded to questions from Council Members.

City Council Member questions and comments followed.

City Manager Tingle responded to questions from Council Members.

Based on Council comments Human Resources and City Information Director Rivera suggested that the Council consider approval of the resolution increasing the City Manager and Director's salary by 3%, with the removal of the portion that eliminates the salary ranges for incumbent Director Classifications. Staff further suggests that Council not take action on the resolution amending the payrate schedule, staff would update the resolution to leave the salary ranges for incumbent Director Classifications in the payrate schedule and then bring it back at the next City Council meeting.

ACTION: On a motion by Council Member Slowey, seconded by Vice Mayor Bruins, the City Council adopted Resolution No. 2015- 072 A Resolution to the City Council of the City of Citrus Heights, California, Adopting FY 15/16 Update to Executive Compensation, as amended to remove the recommendation to eliminate salary ranges for incumbent Director Classifications.

AYES: Miller, Slowey, Turner and Bruins
NOES: Frost
ABSENT: None

No action was taken on Item 14.b.

15. **SUBJECT:** FY 15-16 Update to Police Specific Benefits
STAFF REPORT: R. Rivera

RECOMMENDATION: Resolution No. 2015- 074 A Resolution to the City Council of the City of Citrus Heights, California, Adopting FY 15-16 Update to Police Specific Benefits

Human Resources and City Information Director Rivera said staff has done a review of the benefits specific to safety positions and recommends the Council approve the addition of an education incentive and bilingual incentive for Communications Center staff. An education incentive is also being recommended for non-represented sworn personnel.

Council Member questions and comments followed.

ACTION: On a motion by Council Member Slowey, seconded by Vice Mayor Bruins, the City Council adopted Resolution No. 2015- 074 A Resolution to the City Council of the City of Citrus Heights, California, Adopting FY 15-16 Update to Police Specific Benefits.

AYES: Miller, Slowey, Turner and Bruins
NOES: Frost
ABSENT: None

16. **SUBJECT:** Approval of a Side Letter Agreement with the Citrus Heights Police Officers Association (CHPOA) to the Memorandum of Understanding Covering the Period of October 1, 2009 through September 30, 2012 Mutually Extended to September 30, 2016
STAFF REPORT: D. Fletcher / M. Alejandrez / R. Rivera
RECOMMENDATION: Resolution No. 2015- 075 A Resolution to the City Council of the City of Citrus Heights, California, Adopting a Side Letter Agreement with the Citrus Heights Police Officers Association

Human Resources and City Information Director Rivera explained the Side Letter Approval approves effective with the pay date of July 17, 2015, a 2% base salary increase for all members and if a member is currently at the top of the salary range, the member will receive the 2% salary increase in the form of a lump sum merit award and the member's base pay will not be changed. The Side Letter Approval also approves a salary range placement adjustment for members based on time in their current classification, education incentive pay, bilingual pay and an increase in the education reimbursement amount.

Council Member questions and comments followed.

ACTION: On a motion by Vice Mayor Bruins, seconded by Council Member Miller, the City Council approved Resolution No. 2015- 075 A Resolution to the City Council of the City of Citrus Heights, California, Adopting a Side Letter Agreement with the Citrus Heights Police Officers Association.

AYES: Miller, Slowey, Turner and Bruins
NOES: Frost
ABSENT: None

DEPARTMENT REPORTS

None

CITY MANAGER ITEMS

City Manager Tingle reported staff has finished the final draft of the color scheme board for the New City Hall building and will be brought to City Council for review and approval in the near future.

ITEMS REQUESTED BY COUNCIL MEMBERS/FUTURE AGENDA ITEMS

None

ADJOURNMENT

Mayor Frost adjourned the regular meeting at 9:09 p.m.

Respectfully submitted,

Amy Van, City Clerk

**CITY OF CITRUS HEIGHTS
CITY COUNCIL
MINUTES
Regular Meeting of Thursday, July 23, 2015
Citrus Heights Community Center
6300 Fountain Square Drive, Citrus Heights, CA**

CALL REGULAR MEETING TO ORDER

The regular council meeting was called to order at 7:00 p.m. by Mayor Frost.

1. The flag salute was led by Council Member Slowey.
2. Roll Call: Council Members present: Miller, Slowey, Turner, Bruins and Frost
Council Members absent: None
Staff present: Hodgkins, Saario, Tingle, Van, Wheaton, Ziegler and department directors.
3. The video statement was read by City Clerk Van.

APPROVAL OF AGENDA

There were no changes to the agenda.

PRESENTATIONS

4. Recognition of Red, White & Blue Parade Committee Members

Community Center and Event Technician Saario recognized the following parade committee members for their service: Tamara Barbu-Brown, Colleen Beatty, Kathy Cook, Jack Duncan, Jean Duncan, Isabel Gomez, Alex Guerra, David Gutierrez, Sarah Hendricks, Ray Marchese, Janice McCarthy, James Paige, Darrell Parker, Peggy Spiegel, Tonya Wagner, Michael Wilson and Patty Wood.

Vice Mayor Bruins presented committee members with certificates of recognition.

COMMENTS BY COUNCIL MEMBERS AND REGIONAL BOARD UPDATES

Council Member Turner attended one of the California Dream Tennis matches at Sunrise Mall. He announced the passing of Hershell Ervin, husband of Gloria Ervin former San Juan High School Principal.

Council Member Slowey provided a report from the Sacramento Public Library Authority Board meeting. He announced that the Citrus Heights Police Department is hosting a motorcycle skills event on Saturday, July 25th.

Council Member Miller commented on the Community Campout event. He provided a report from the Metro Chamber Transportation Committee meeting.

Vice Mayor Bruins commented on the Community Campout event. She provided a report from the Sacramento Regional County Sanitation District and Sacramento Area Sewer District Board meeting. She also provided a report from the Citrus Heights Police Activities League Board meeting.

Mayor Frost thanked the California Dream for hosting the Citrus Heights night.

PUBLIC COMMENT

Tamara Barbu-Brown Introduced the Miss Citrus Heights Queens.

Michael Neumann with the Sacramento Youth Symphony stated they will hold a Symphony of 2000 event on November 20, 2016 and asked the City Council if they would be a sponsor of the event.

Jayna Karpinski-Costa, the City's representative on the Sacramento-Yolo Mosquito and Vector Control District provided an update on West Nile activities in the Sacramento Region.

Faith Bedingfield asked for signs for ducks crossing on Fair Oaks Boulevard because many have been hit by cars.

CONSENT CALENDAR

5. **SUBJECT:** Approval of Minutes
 RECOMMENDATION: Approve the Minutes of the Special and Regular Meetings of June 25, 2015
6. **SUBJECT:** Quarterly Treasure's Report
 STAFF REPORT: S. Daniell
 RECOMMENDATION: Staff Recommends that the Council Receive and File the Quarterly Treasurer's Report for the Quarter Ending June 30, 2015
7. **SUBJECT:** Sylvan Road Accessibility and Safety Improvements Project Contract Change Order #1 (Additive Alternate) – Project No. 20-11-003
 STAFF REPORT: D. Wheaton / I. Chaudry / S. Hodgkins
 RECOMMENDATION: Adopt Resolution No. 2015 - 076 A Resolution of the City Council of the City of Citrus Heights, California, Authorizing the City Manager to Execute Contract Change Order #01 With McGuire and Hester for the Sylvan Road Accessibility and Safety Improvements Project
8. Pulled for discussion.

ACTION: On a motion by Council Member Turner, seconded by Council Member Miller, the City Council approved Consent Calendar Items 5, 6 and 7.

AYES: Miller, Slowey, Turner, Bruins and Frost
NOES: None
ABSENT: None

CONSENT CALENDAR ITEM PULLED FOR DISCUSSION

8. **SUBJECT:** Resolution Adopting the Amended Pay Rate Schedule for the City of Citrus Heights

STAFF REPORT: R. Rivera / S. Neilson

RECOMMENDATION: Adopt Resolution No. 2015 - 077 A Resolution of the City Council of the City of Citrus Heights, California, Adopting the Amended Pay Rate Schedule

Mayor Frost pulled Item 8 for a separate vote.

ACTION: On a motion by Council Member Miller, seconded by Vice Mayor Bruins, the City Council adopted Resolution No. 2015 - 077 A Resolution of the City Council of the City of Citrus Heights, California, Adopting the Amended Pay Rate Schedule.

AYES: Miller, Slowey, Turner and Bruins,

NOES: Frost

ABSENT: None

PUBLIC HEARING

9. **SUBJECT:** Landscape Maintenance Assessment Districts 97-01 (Zones 1, 2, 3, and 4) Levy of Fiscal Year 2015-2016 Assessments

STAFF REPORT: D. Wheaton / S. Hodgkins / A. Flores

RECOMMENDATION: Adopt Resolution No. 2015 - 078 A Resolution of the City Council of the City of Citrus Heights, California, to Confirm the Diagram and Assessment and to Levy Fiscal Year 2015 / 2016 Assessments for Landscape Maintenance Assessment District No. 97-01 (Zones 1, 2, 3, and 4)

Principal Civil Engineer Hodgkins reported that this is the second step in the process for levying the City's annual assessments for Landscape Maintenance Assessment District 97-01. He provided a summary of Zone 4 shortfall history.

Mayor Frost opened the public hearing at 7:39 p.m.; hearing no speakers she closed the public hearing.

ACTION: On a motion by Vice Mayor Bruins, seconded by Council Member Miller, the City Council adopted Resolution No. 2015 - 078 A Resolution of the City Council of the City of Citrus Heights, California, to Confirm the Diagram and Assessment and to Levy Fiscal Year 2015 / 2016 Assessments for Landscape Maintenance Assessment District No. 97-01 (Zones 1, 2, 3, and 4).

AYES: Miller, Slowey, Turner, Bruins and Frost

NOES: None

ABSENT: None

10. **SUBJECT:** Landscape Maintenance Assessment Districts 98-01, 98-02 & 03-01 Levy of Fiscal Year 2015 – 2016 Assessments

STAFF REPORT: D. Wheaton / S. Hodgkins / A. Flores

RECOMMENDATION: Staff Recommends Council Adopt the Following Resolutions:

- a. Approve Resolution No. 2015 - 079 A Resolution of the City Council of the City of Citrus Heights, California, to Confirm the Diagram and Assessment and to Levy Fiscal Year 2015 / 2016 Assessments for Landscape Maintenance Assessment District No. 98-01 (Stock Village Units No's. 1 and 2)

- b. Approve Resolution No. 2015 - 080 A Resolution of the City Council of the City of Citrus Heights, California, to Confirm the Diagram and Assessment and to Levy Fiscal Year 2015 / 2016 Assessments for Landscape Maintenance Assessment District No. 98-02 (Zone 1: Sorenson Ranch and Zone 2: Autumnwood)
- c. Approve Resolution No. 2015 - 081 A Resolution of the City Council of the City of Citrus Heights, California, to Confirm the Diagram and Assessment and to Levy Fiscal Year 2015 / 2016 Assessments for Landscape Maintenance Assessment District No. 03-01 (Stock Ranch Zones 1 and 2)

Principal Civil Engineer Hodgkins reported that this is the second step in the process for levying the City's annual assessments for Landscape Maintenance Assessment Districts 98-01, 98-02 and 03-01.

Mayor Frost opened the public hearing at 7:40 p.m.; hearing no speakers she closed the public hearing.

ACTION: On a motion by Vice Mayor Bruins, seconded by Council Member Miller, the City Council adopted:

- a. Resolution No. 2015 - 079 A Resolution of the City Council of the City of Citrus Heights, California, to Confirm the Diagram and Assessment and to Levy Fiscal Year 2015 / 2016 Assessments for Landscape Maintenance Assessment District No. 98-01 (Stock Village Units No's. 1 and 2)
- b. Resolution No. 2015 - 080 A Resolution of the City Council of the City of Citrus Heights, California, to Confirm the Diagram and Assessment and to Levy Fiscal Year 2015 / 2016 Assessments for Landscape Maintenance Assessment District No. 98-02 (Zone 1: Sorenson Ranch and Zone 2: Autumnwood)
- c. Resolution No. 2015 - 081 A Resolution of the City Council of the City of Citrus Heights, California, to Confirm the Diagram and Assessment and to Levy Fiscal Year 2015 / 2016 Assessments for Landscape Maintenance Assessment District No. 03-01 (Stock Ranch Zones 1 and 2)

AYES: Miller, Slowey, Turner, Bruins and Frost

NOES: None

ABSENT: None

REGULAR CALENDAR

11. **SUBJECT:** Citrus Heights Lighting Assessment District Initiate Proceedings for Fiscal Year 2015 / 2016 Annual Update

STAFF REPORT: D. Wheaton / S. Hodgkins / D. Dunn

RECOMMENDATION: Adopt Resolution No. 2015 - 082 A Resolution of the City Council of the City of Citrus Heights, California, to Initiate Proceedings Pursuant to the Landscaping and Lighting Act of 1972 for the City of Citrus Heights Lighting District

Principal Civil Engineer Hodgkins explained that this item is the first step for the Citrus Heights Lighting Assessment District to initiate proceedings pursuant to the Landscaping and Lighting act of 1972. No increases are being proposed in the assessments. He responded to questions from Council Members.

General Services Director Wheaton responded to questions from Council Members.

ACTION: On a motion by Vice Mayor Bruins, seconded by Council Member Turner the City Council adopted:

- a. Resolution No. 2015 - 082 A Resolution of the City Council of the City of Citrus Heights, California, to Initiate Proceedings Pursuant to the Landscaping and Lighting Act of 1972 for the City of Citrus Heights Lighting District.
- b. Resolution No. 2015-083 A Resolution of the City Council of the City of Citrus Heights, California, to Levy and Collect Assessments for Fiscal Year 2015/2016 for the Citrus Heights Lighting District.

AYES: Miller, Slowey, Turner, Bruins and Frost

NOES: None

ABSENT: None

12. **SUBJECT:** Approval of a Resolution of the City Council of the City of Citrus Heights in Support of Safe Digging Day – August 11, 2015

STAFF REPORT: D. Wheaton

RECOMMENDATION: Adopt Resolution No. 2015 - 084 A Resolution of the City Council of the City of Citrus Heights, California, Supporting Safe-Digging Day – August 11th (8/11/15): Always Call Before Digging

General Services Director Wheaton responded to questions from Council Members.

ACTION: On a motion by Council Member Slowey, seconded by Council Member Miller, the City Council adopted Resolution No. 2015 - 084 A Resolution of the City Council of the City of Citrus Heights, California, Supporting Safe-Digging Day – August 11th (8/11/15): Always Call Before Digging.

AYES: Miller, Slowey, Turner, Bruins and Frost

NOES: None

ABSENT: None

DEPARTMENT REPORTS

None

CITY MANAGER ITEMS

City Manager Tingle commended Monica Alejandrez, Stephanie Cotter and Chris Myers for their work on the New City Hall Groundbreaking event and moving City Hall. He also commended Monica Alejandrez, Stephanie Cotter and Ruthann Ziegler for their work to make sure the project was kept on schedule.

ITEMS REQUESTED BY COUNCIL MEMBERS/FUTURE AGENDA ITEMS

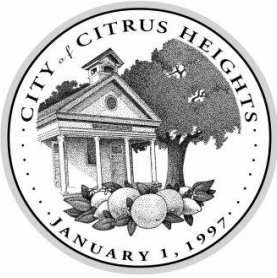
Vice Mayor Bruins requested that staff bring a study session to a future Council meeting regarding temporary use permits for food carts. She said she had been approached by a vendor that would like to bring food products into the city via a semi-permanent food cart that would be primarily during the spring/summer months however the temporary use permit only allows for one day. Council Member Turner seconded the request.

ADJOURNMENT

Mayor Frost adjourned the regular meeting at 7:59 p.m.

Respectfully submitted,

Amy Van, City Clerk



CITY OF CITRUS HEIGHTS

Memorandum

DATE: July 29, 2015

TO: Mayor and City Council Members
Henry Tingle, City Manager

FROM: Christopher Boyd, Chief of Police

VIA: Gina Anderson, Commander

SUBJECT: California Office of Emergency Services Children Exposed to Domestic Violence Grant Funds

Approved and Forwarded to City Council

_____ Fin.

_____ Atty.

Henry Tingle, City Manager

Summary and Recommendation

Staff recommends that the City Council adopt the resolution accepting the 2014 California Office of Emergency Services (Cal OES) Children Exposed to Domestic Violence Grant funding and the recommended expenditures in the amount of \$175,000. These funds must be expended by December 31, 2015.

Fiscal Impact

There is no fiscal impact and no matching requirements for grant money expended, and no direct impact on the City's General Fund associated with this action. Equipment purchases will be made in accordance with the City's adopted purchasing policies and procedures.

The Chief of Police requests to use the 2014 Cal OES funds in accordance with the grant guidelines and will encompass the following items:

1. A Level I Reserve Officer to oversee this program and to work collaboratively with the domestic violence response team:
2. Two domestic violence (DV) contract staff
3. One Child Protective Services (CPS) contract staff
4. Therapist
5. Other miscellaneous items related to the grant

Background and Analysis

The federal Children's Justice Act (CJA) produces funding for the Cal OES Children Exposed to Domestic Violence Response Program. The purpose of the program is to fund agencies to build a multi-disciplinary team for the purpose of responding to the needs of children exposed to domestic violence. By documenting the presence of children at the scene of a domestic violence incident, law enforcement officers not only make record of the harmful exposure, they also enable the children to be reimbursed for treatment services through the Victim's Compensation and Government Claims Board.

The CJA Task Force, in conjunction with the former Governor's Office of Emergency Services, conducted workshops in which over 300 representatives from 42 counties attended. These representatives provided valuable information regarding how counties currently respond to domestic violence cases involving children as well as deficiencies in providing services.

This grant program was developed in response to these workshops, in an attempt to reduce the trauma and suffering of children exposed to domestic violence. This program was designed to be a collaborative effort and partnership between law enforcement and social services agencies to strengthen each other's understandings of their partner's role.

By using Cal OES Children Exposed to Domestic Violence grant funding, the Citrus Heights Police Department in collaboration with a Community for Peace and Child Protective Services developed a response program. These funds will support the third year of an established Children Exposed to Domestic Violence program.

Policy Implications

Approval of these resolutions is consistent with existing Council policy to provide enhanced law enforcement services to the community.

Conclusion

The Police Department is requesting to strategically use grant funds to support the Department's relationship with A Community for Peace – formerly known as the Domestic Violence Intervention Center (DVIC) - and Child Protective Services (CPS) to render services to domestic violence victims and provide enhanced treatment services to child victims. By accepting and using grant funds in this manner, the Police Department will be able to continue to provide enhanced services to the victims of domestic violence while strengthening the partnership with A Community for Peace and CPS.

Attachments: (1) Resolution

RESOLUTION NO. 2015-_____

**A RESOLUTION OF THE CITY OF CITRUS HEIGHTS, CALIFORNIA, ACCEPTING
THE 2014 CALIFORNIA OFFICE OF EMERGENCY SERVICES CHILDREN
EXPOSED TO DOMESTIC VIOLENCE GRANT FUNDS AND RECOMMENDED
EXPENDITURES**

WHEREAS, the California Office of Emergency Services, using federal Children's Justice Act funds, awards funding to assist agencies in building a multi-disciplinary team for the purpose of responding to the needs of children exposed to domestic violence

WHEREAS, the Citrus Heights Police Department was awarded \$175,000;

WHEREAS, the City Council accepts these grant funds;

WHEREAS, under the conditions of the program, the City Council shall appropriate monies exclusively to fund costs associated with the grant guidelines;

WHEREAS, the City Council authorizes the Chief of Police to execute the grant; and

WHEREAS, the Chief of Police requests to use these funds for department personnel, contract personnel, equipment, and miscellaneous items related to services provided to children exposed to domestic violence.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City Council of the City of Citrus Heights, California, hereby approves the Chief of Police to use the 2014 California Office of Emergency Services grant funds to provide services to children who are exposed to domestic violence.

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

PASSED AND ADOPTED by the City Council of the City of Citrus Heights, California, this 13 day of August 2015, by approving the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Susan Frost, Mayor

ATTEST:

AMY VAN, City Clerk



CITY OF CITRUS HEIGHTS

Memorandum

August 13, 2015

TO: Mayor and City Council Members
Henry Tingle, City Manager

FROM: Stefani Daniell, Finance Director
Fawn Merrill, Finance Manager

SUBJECT: **Contract with the California State Board of Equalization
to Receive Utility User Tax on Prepaid Mobile Services**

Approved and Forwarded to
City Council

_____ Fin.

_____ Atty.

Henry Tingle, City Manager

Summary and Recommendation

Beginning January 1, 2016, a new law, AB 1717, requires local jurisdictions to contract with the California State Board of Equalization (BOE) in order to receive revenue from local utility user taxes (UUT), local 911 charges, and any other local charges imposed on consumers of prepaid mobile services.

To ensure the uninterrupted collection of these local revenues, local jurisdictions must contract with the BOE by September 1, 2015. If a local jurisdiction does not contract with the BOE, any local charges imposed upon prepaid mobile telephony services (MTS) will not be collected by the sellers and the local jurisdiction will not receive local charge revenue from prepaid MTS once the new law is effective on January 1, 2016.

Staff recommends that the City Council adopt the following resolution:

- Resolution authorizing the City Manager to execute an agreement with the State Board of Equalization for the implementation of the Local Prepaid Mobile Telephony Services Collection Act.

Fiscal Impact

It is unknown at this time the amount of revenue that will be generated from the collection of utility user tax on prepaid mobile services.

Background and Analysis

Current law imposes a variety of surcharges on phone services, including prepaid mobile phone services. Currently, phone carriers are generally responsible for collecting and paying these surcharges (for example, the 911 emergency surcharge and California Public Utilities Commission surcharges) to the state. The new law replaces all current charges imposed upon prepaid mobile phone services with a new prepaid MTS surcharge. The prepaid MTS surcharge will be paid by purchasers of prepaid wireless services in California and be collected at the time of purchase.

Under the new law, the MTS surcharge will be the only method for local jurisdictions to collect taxes and surcharges imposed upon prepaid mobile telephone services sold in their jurisdiction.

Beginning January 1, 2016, a new law, AB 1717, requires local jurisdictions to contract with the California State Board of Equalization (BOE) in order to receive revenue from local utility user taxes (UUT), local 911 charges, and any other local charges imposed on consumers of prepaid mobile services.

To ensure the uninterrupted collection of these local revenues, local jurisdictions must contract with the BOE by September 1, 2015. If a local jurisdiction does not contract with the BOE, any local charges imposed upon prepaid mobile telephony services (MTS) will not be collected by the sellers and the local jurisdiction will not receive local charge revenue from prepaid MTS once the new law is effective on January 1, 2016.

Conclusion

To ensure uninterrupted collection of utility user tax on prepaid mobile services, staff recommends that the City Council adopt the following resolution:

- Resolution authorizing the City Manager to execute an agreement with the State Board of Equalization for the implementation of the Local Prepaid Mobile Telephony Services Collection Act.

Attachments: (A) Agreement for State Collection and Administration of Local Charges
(B) Certification
(C) Resolution authorizing the City Manager to execute an agreement with the State Board of Equalization for the implementation of the Local Prepaid Mobile Telephony Services Collection Act.
(D) Citrus Heights Utility User Tax Ordinance 97-08

AGREEMENT FOR STATE COLLECTION AND ADMINISTRATION OF LOCAL CHARGES

This Agreement is for the purpose of implementing the Local Prepaid Mobile Telephony Services Collection Act (Part 21.1, commencing with Section 42100) of Division 2 of the Revenue and Taxation Code), hereinafter referred to as the Local Charge Act. The _____ and the State Board of Equalization, hereinafter called the Board, do agree as follows:

Insert name of local jurisdiction

ARTICLE I DEFINITIONS

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

A. “Administrative Expenses” means all expenses incurred by the Board in the administration and collection of the local charges, including preparation and wind down costs which are reimbursable to the Board from the revenues collected by the Board on behalf of the local jurisdiction.

B. “Contingent Fee” includes, but is not limited to, a fee that is based on a percentage of the tax liability reported on a return, a fee that is based on a percentage of the taxes owed, or a fee that depends on the specific tax result attained.

C. “Direct Seller” means a prepaid Mobile Telephony Service (MTS) provider or service supplier, as defined in section 41007, that makes a sale of prepaid mobile telephony services directly to a prepaid consumer for any purpose other than resale in the regular course of business. A direct seller includes, but is not limited to, a telephone corporation, a person that provides an interconnected Voice over Internet Protocol (VoIP) service, and a retailer as described in section 42004(b)(1).

D. “Local Charges” means a utility user tax imposed on the consumption of prepaid mobile telephony services, as described in section 42102, and charges for access to communication services or to local “911” emergency telephone systems imposed by a local jurisdiction, as described in section 42102.5.

E. “Local Jurisdiction” or “local agency” means a city, county, or city and county, which includes a charter city, county, or city and county of this State, which has adopted an ordinance imposing a local charge of the kind described in Part 21.1 of Division 2 of the Revenue and Taxation Code and has entered into a contract with the Board to perform all functions incident to the collection of the local charges.

F. “Ordinance” means an ordinance of a local jurisdiction imposing a local charge, including any local enactment relating to the filing of a refund or a claim arising under the ordinance, attached hereto, as amended from time to time.

G. “Quarterly local charges” means the total amount of local charges transmitted by the Board to a local jurisdiction for a calendar quarter, as set forth in section 42106(a)(1).

H. “Refund” means the amount of local charges deducted by the Board from a local jurisdiction’s quarterly local charges in order to pay that jurisdiction’s share of a local charge refund due to one taxpayer.

I. “Section” – all section references are to the Revenue and Taxation Code.

J. “Seller” means a person that sells prepaid mobile telephony service to a person in a retail transaction.

ARTICLE II BOARD ADMINISTRATION AND COLLECTION OF LOCAL CHARGES

A. Administration. The Board and the local jurisdiction agree that the Board shall perform functions incident to the collection of the local charges from sellers that are not direct sellers.

B. Collection. The Board shall collect the local charges in the same manner as it collects the prepaid MTS Surcharge in the Prepaid Mobile Telephony Services Surcharge Collection Act, subject to specified limitations in the Local Charge Act for which the local jurisdiction is responsible, as set forth in Article III of this Agreement.

C. Audits. The Board’s audit duties shall be limited to verification that the seller that is not a direct seller complied with the Local Charge Act.

D. Other applicable laws. The Board and the local jurisdiction agree that all provisions of law applicable to the administration and operation of the Local Charge Act, Prepaid Mobile Telephony Services Surcharge Collection Act, and the Fee Collection Procedures Law (FCPL) shall be applicable to the collection of local charges. References in the FCPL to feepayer include a person required to pay the local charge, including the seller. All future amendments to applicable laws are automatically incorporated into this Agreement.

E. Deposit of Local Charges. All local charges collected by the Board shall be deposited in the Local Charges for Prepaid Mobile Telephony Services Fund in the State Treasury to be held in trust for the local taxing jurisdiction. Local charges shall consist of all taxes, charges, interest, penalties, and other amounts collected and paid to the Board, less payments for refunds and reimbursement to the Board for expenses incurred in the administration and collection of the local charges, including preparation and wind-down costs.

F. Allocation of Expenses. The Board shall allocate the total combined annual expenses incurred for administration and collection pursuant to the Prepaid Mobile Telephony Services Surcharge Collection Act and the Local Charge Act on a pro rata basis according to revenues collected for: (1) the emergency telephone users surcharge portion of the prepaid MTS surcharge, (2) the Public Utilities Commission surcharges

portion of the prepaid MTS surcharge, and (3) local charges. The Board shall charge a local jurisdiction its pro rata share of the Board's cost of collection and administration.

G. Transmittal of money. All local charges collected by the Board shall be transmitted to the local jurisdiction once in each calendar quarter. Transmittals may be made by mail or by deposit to the account of the local jurisdiction in a bank designated by that jurisdiction. The Board shall furnish a statement quarterly indicating the amounts paid and withheld for expenses of the Board.

H. Rules. The Board shall prescribe and adopt such rules and regulations as in its judgment are necessary or desirable for the administration and collection of local charges and the distribution of the local charges collected.

I. Security. The Board agrees that any security which it hereafter requires to be furnished under the FCPL section 55022 will be upon such terms that it also will be available for the payment of the claims of the local jurisdiction for local taxes owing to it as its interest appears. The Board shall not be required to change the terms of any security now held by it, and the local jurisdiction shall not participate in any security now held by the Board.

J. Records of the Board.

1. Information obtained by the local jurisdiction from the examination of the Board's records shall be used by the local jurisdiction only for purposes related to the collection of the prepaid mobile telephony services surcharge and local charges by the Board pursuant to this Agreement.

2. When requested by resolution of the legislative body of a local jurisdiction, the Board shall permit any duly authorized officer or employee or other person designated by that resolution to examine any information for its own jurisdiction that is reasonably available to the Board regarding the proper collection and remittance of a local charge of the local jurisdiction by a seller, including a direct seller, subject to the confidentiality requirements of sections 7284.6, 7284.7 and 19542. (sections 42110(b), 42103(e).).

3. The resolution of the local jurisdiction shall certify that any person designated by the resolution, other than an officer and an employee, meets all of the following conditions:

- a. Has an existing contract with the local jurisdiction that authorizes the person to examine the prepaid MTS surcharge and local charge records.
- b. Is required by that contract with the local jurisdiction to disclose information contained in or derived from, those records only to an officer or employee of the local jurisdiction authorized by the resolution to examine the information.
- c. Is prohibited by that contract from performing consulting services for a seller during the term of that contract.
- d. Is prohibited by that contract from retaining information contained in, or derived from, those prepaid MTS surcharge and local charge records, after that contract has expired.

4. Any third party contract between the local jurisdiction and an entity or person authorized by the local jurisdiction to request information from the Board shall be subject to the following limitations:

a. Any third party shall, to the same extent as the Board, be subject to Section 55381, relating to unlawful disclosures.

b. A third party contract shall not provide, in whole or in part, in any manner a contingent fee arrangement as payment for services rendered.

5. Information obtained by examination of Board records shall be used only for purposes related to the collection of the prepaid MTS surcharge and local charges by the board pursuant to the contract, or for purposes related to other governmental functions of the local jurisdiction set forth in the resolution.

6. If the Board believes that any information obtained from the Board's records related to the collection of the prepaid MTS surcharge and local charges has been disclosed to any person not authorized or designated by the resolution of the local jurisdiction, or has been used for purposes not permitted by section 42110(b), the board may impose conditions on access to its local charge records that the board considers reasonable, in order to protect the confidentiality of those records. (section 42110 (c).)

7. The costs incurred by the Board in complying with a request for information shall be deducted by the Board from those revenues collected by the Board on behalf of the local jurisdiction making the request, as authorized by section 42110(b)(1).

ARTICLE III LOCAL JURISDICTION ADMINISTRATION AND RESPONSIBILITIES

A. The local jurisdictions shall be solely responsible for all of the following:

1. Defending any claim regarding the validity of the ordinance in its application to prepaid mobile telephony service. The claim shall be processed in accordance with the provisions of the local ordinance that allows the claim to be filed.

2. Interpreting any provision of the ordinance, except to the extent specifically superseded by section 42105 of the Local Charge Act. The claim shall be processed in accordance with the provisions of the local enactment that allows the claim to be filed.

3. Responding to specified consumer claims for refund involving: (1) rebutting the presumed location of the retail transaction; (2) a consumer claim of exemption from the local charge under the ordinance; or (3) any action or claim challenging the validity of a local tax ordinance, in whole or part. The claim shall be processed in accordance with the provisions of the local enactment that allows the claim to be filed.

4. Refunding the taxes in the event a local jurisdiction or local government is ordered to refund the tax under the local ordinance.

5. Reallocating local charges as a result of correcting errors relating to the location of the point of sale of a seller or the known address of a consumer, for up to two past quarters from the date of knowledge.

6. Collecting local charges on prepaid mobile telephony service and access to communication services or access to local 911 emergency telephone systems imposed on direct sellers.

7. Enforcement, including audits, of the collection and remittance of local charges by direct sellers pursuant to the ordinance.

8. The local jurisdiction shall be the sole necessary party defendant on whose behalf the local charge is collected in any action seeking to enjoin collection of a local charge by a seller, in any action seeking declaratory relief concerning a local charge, in any action seeking a refund of a local charge, or in any action seeking to otherwise invalidate a local charge. There shall be no recovery from the State for the imposition of any unconstitutional or otherwise invalid local charge that is collected under the Local Act.

9. Entering into an agreement with the Board to perform the functions incident to the collection of the local charges imposed on sellers that are not direct sellers.

10. Submitting an executed Certification to the Board, certifying that:

(a) the local jurisdiction's ordinance applies the local charge to prepaid mobile telephony services;

(b) the amount of the rate charged for access to local 911 emergency telephone systems or access to communications services complies with the requirements of section 42102.5; and/or applies the tiered rate for the utility user tax, as identified in section 42102.

(c) The local jurisdiction shall further certify that it agrees to indemnify and to hold harmless the Board, its officers, agents, and employees for any and all liability for damages that may result from the Board's collection pursuant to this Agreement.

11. Submitting signed documents to the Board to include agreement(s), certification, copy of ordinance(s), and resolution(s).

12. Providing payment to the Board of the local jurisdiction's pro rata share of the Board's cost of collection and administration as established pursuant to subdivision (e) of section 42020.

ARTICLE IV LOCAL CHARGES

A. Local Charges – Timeliness – This part shall remain in effect until proposed California Code of Regulations, title 18, section 2460 is adopted by the Board and approved by the Office of Administrative Law.

1. Ordinances in effect as of September 1, 2015.

On or after January 1, 2016, a local charge imposed by a local jurisdiction on prepaid mobile telephony services shall be collected from the prepaid consumer by a seller at the same time and in the same manner as the prepaid MTS surcharge is collected under Part 21 (commencing with section 42001) provided that, on or before September 1, 2015, the local jurisdiction enters into a contract with the Board pursuant to section 42101.5. Thereafter, all subsequently enacted local charges, increases to local charges, or other changes thereto, shall become operative pursuant to paragraphs (2), (3), and (4).

2. New charges. When a local jurisdiction adopts a new local charge after September 1, 2015, the local jurisdiction shall enter into a contract with the Board, pursuant to section 42101.5, on or before December 1st, with collection of the local charge to commence April 1st of the next calendar year.

3. **Increases in local charges.** When a local jurisdiction increases an existing local charge after September 1, 2015, the local jurisdiction shall provide the Board written notice of the increase, on or before December 1st, with collection of the local charge to commence April 1st of the next calendar year.

4. **Inaccurate rate posted on the Board’s website.** When a local jurisdiction notifies the Board in writing that the rate posted on the Board’s Internet Web site (posted rate) for a local charge imposed by that local jurisdiction is inaccurate, including scenarios where the local charge was reduced or eliminated, the recalculated rate applicable to the local jurisdiction shall become operative on the first day of the calendar quarter commencing more than 60 days from the date the Board receives the local jurisdiction’s written notification that the posted rate is inaccurate.

A. Local Charges – Timeliness – This part shall take effect and supersede the above “Local Charges – Timeliness section when California Code of Regulations, title 18, section 2460 is adopted by the Board and approved by the Office of Administrative Law.

1. Ordinances in effect as of September 1, 2015. On or after January 1, 2016, a local charge imposed by a local jurisdiction on prepaid mobile telephony services shall be collected from the prepaid consumer by a seller at the same time and in the same manner as the prepaid MTS surcharge is collected under Part 21 (commencing with section 42001) provided that, on or before September 1, 2015, the local jurisdiction enters into a contract with the Board pursuant to section 42101.5.

In the event a local jurisdiction does not enter into a contract with the Board by September 1, 2015, the local jurisdiction may enter into a contract with the Board, pursuant to section 42101.5, on or before December 1st, with collection of the local charge to commence April 1st of the next calendar year. Thereafter, all subsequently

enacted local charges, increases to local charges, or other changes thereto, shall become operative pursuant to paragraphs (2), (3), (4) and (5) of this subdivision.

2. New charges. When a local jurisdiction adopts a new local charge after September 1, 2015, the local jurisdiction shall enter into a contract with the Board, pursuant to section 42101.5, on or before December 1st, with collection of the local charge to commence April 1st of the next calendar year.

3. Increases in local charges. When a local jurisdiction increases an existing local charge after September 1, 2015, the local jurisdiction shall provide the Board written notice of the increase, on or before December 1st, with collection of the local charge to commence April 1st of the next calendar year.

4. Advance written notification. When a local charge is about to expire or decrease in rate, the local jurisdiction imposing the local charge shall notify the Board in writing of the upcoming change, not less than 110 days prior to the date the local charge is scheduled to expire or decrease. The change shall become operative on the first day of the calendar quarter commencing after the specified date of expiration or decrease in rate.

If advance written notice is provided less than 110 days prior to the specified date of expiration or decrease in rate, the change shall become operative on the first day of the calendar quarter commencing more than 60 days after the specified date of expiration or decrease.

5. Inaccurate Rate Posted on the Board's Web site. When a local jurisdiction notifies the Board in writing that the rate posted on the Board's Internet Web site (posted rate) for a local charge imposed by that local jurisdiction is inaccurate, including scenarios where the local charge was reduced or eliminated and the local jurisdiction failed to provide advance written notice pursuant to paragraph 4 of this subdivision, the recalculated rate applicable to the local jurisdiction shall become operative on the first day of the calendar quarter commencing more than 60 days from the date the Board receives the local jurisdiction's written notification that the posted rate is inaccurate. The local jurisdiction shall promptly notify the Board in writing of any such discrepancies with the posted rate that are known or discovered by the local jurisdiction.

ARTICLE V COMPENSATION

The local jurisdiction agrees to pay the Board its pro rata share of the Board's cost of collection and administration of the local charges, as established pursuant to section 42020, subdivision (e). Such amounts shall be deducted from the local charges collected by the Board for the local jurisdiction.

ARTICLE VI MISCELLANEOUS PROVISIONS

A. Communications. Communications and notices may be sent by first-class United States Mail. A notification is complete when deposited in the mail. Communications and notices to be sent to the Board shall be addressed to:

State Board of Equalization
P.O. Box 942879 MIC: 27
Sacramento, California 94279-0001

Attention: Supervisor,
Local Revenue Allocation Unit

Communications and notices to be sent to the local jurisdiction shall be addressed to:

B. Term. The date of this Agreement is the date on which it is approved by the Department of General Services. The Agreement shall take effect on the first day of the calendar quarter next succeeding the date of such approval, but in no case before the operative date of the local jurisdiction's ordinance, nor on a day other than the first day of a calendar quarter. This Agreement shall be renewed automatically from year to year until January 1, 2020, when the Local Charge Act is repealed, unless a statute enacted prior to that date extends that date. In such event, this Agreement will continue to renew automatically from year to year to the date authorized by statute.

STATE BOARD OF EQUALIZATION

By _____
Administrator,
Return Analysis and Allocation Section

LOCAL
JURISDICTION _____

By _____
(Signature on this line)

(Type name here)

(Type title here)

CERTIFICATION

I, _____ am authorized to sign this certification on behalf of _____.
(Insert name of local jurisdiction)

I certify to the following:

Please check all the following that apply to your jurisdiction:

1. ___ **911 Charges/Access to Communication Services** - Ordinance No. ___ of the _____ imposes the local charge set forth in the ordinance to prepaid mobile telephony services for access to communication services or to local 911 emergency telephone systems. As required by section 42102.5, the percentage reflecting the rate for access to the local 911 emergency telephone systems or access to communications services is _____.
(Insert name of local jurisdiction)
2. ___ **Utility User Tax** - Ordinance No. ___ of the _____ imposes the local charge set forth in the ordinance to the consumption of prepaid mobile telephony services. The tiered rate for the utility user tax, as identified in section 42102 is _____.
(Insert name of local jurisdiction)
3. The _____ agrees to indemnify and to hold harmless the Board of Equalization (Board), its officers, agents, and employees for any and all liability for damages that may result from the Board's collection pursuant to this agreement.
(Insert name of local jurisdiction)

Executed in the _____ on _____.
(Insert name of local jurisdiction) (Add date)

Printed name _____

Title of person _____

RESOLUTION NO. _____

**A RESOLUTION OF THE _____
Local Jurisdiction
AUTHORIZING _____ TO EXECUTE
Title of Authorized Position
AGREEMENT WITH THE STATE BOARD OF EQUALIZATION FOR IMPLEMENTATION
OF THE LOCAL PREPAID MOBILE TELEPHONY SERVICES COLLECTION ACT**

WHEREAS, on _____, the _____ certified that Ordinance No. _____ applies its
Date Local Jurisdiction
local charge(s) (access to 911 or communication services and/or utility user tax) to prepaid mobile
telephony services; and

WHEREAS, the Local Prepaid Mobile Telephony Services Collection Act, mandates the Board of
Equalization (Board) to administer and collect the local charges for all applicable local jurisdictions
(Rev. & Tax Code section 42103); and

WHEREAS, the Board will perform all functions incident to administration and collection of the local
charges for the _____ ; and
Local Jurisdiction

WHEREAS, the Board requires that the _____ enter into an “Agreement for State
Local Jurisdiction
Collection and Administration of Local Charges” prior to implementation of the Local Prepaid Mobile
Telephony Services Collection Act, and

Whereas, the Board requires that the _____ authorize the agreement;
Local Jurisdiction

NOW, THEREFORE BE IT RESOLVED by the _____ that the attached “Agreement
Local Jurisdiction
for State Collection and Administration of Local Charges” is hereby approved and the
_____ is hereby authorized to execute the agreement.
Title of Authorized Position

* * * * *

The foregoing resolution was introduced and adopted at a regular meeting of the _____
held on _____, by the following vote:
Date

AYES: _____

NOES: _____

ABSENT: _____

DATED: _____

ATTEST: (s) _____
(Printed Name & Title)

(s) _____
(Printed Name & Title)

Sec. 86-141. - Short title.

This article shall be known as the Citrus Heights utility user tax ordinance.

(Ord. No. 97-08, § 2(1), 1-2-1997)

Sec. 86-142. - Tax imposed.

There is established and levied, on the effective date of the ordinance from which this article is derived, a utility user tax in the manner and at the rates set forth in this article.

(Ord. No. 97-08, § 2(2), 1-2-1997)

Sec. 86-143. - Disposition of tax revenue.

The utility user tax imposed by this article is levied to raise revenue for the general governmental purposes of the city. All of the proceeds from the tax imposed by this article shall be placed in the city's general fund and used for the usual current expenses of the city.

(Ord. No. 97-08, § 2(3), 1-2-1997)

Sec. 86-144. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cable television corporation has the same meaning as defined in Public Utilities Code § 215.5.

Electrical corporation has the same meaning as defined in Public Utilities Code § 218 and includes a municipal utility district.

Gas means natural or manufactured gas or any alternate hydrocarbon fuel which may be substituted therefor.

Gas corporation has the same meaning as defined in Public Utilities Code § 222.

Month means a calendar month.

Person means all domestic and foreign corporations, associations, syndicates, joint stock companies, partnerships of every kind, joint ventures, clubs, Massachusetts business or common law trusts, societies, governmental agencies and individuals.

Residential service user means any service user who is charged for electrical, gas or telephone service based on:

- (1) A residential rate schedule filed with the state public utilities commission by an electrical, gas or telephone corporation; or
- (2) A residential rate schedule approved by a municipal utility district.

Service supplier means a person required to collect and remit a tax imposed under this article.

Service user means a person required to pay a tax imposed under this article.

Sewer service means the collection, transmission, treatment or disposal of sewage or industrial waste.

Tax administrator means the city treasurer.

Telephone corporation has the same meaning as defined in Public Utilities Code § 234.

(Ord. No. 97-08, § 2(4), 1-2-1997)

Cross reference— Definitions generally, § 1-2.

Sec. 86-145. - Constitutional exemption.

Nothing in this article shall be construed as imposing a tax upon any person when the imposition of such tax upon that person would be in violation of the Constitution of the United States or that of the state.

(Ord. No. 97-08, § 2(5), 1-2-1997)

Sec. 86-146. - Exemptions.

- (a) The taxes imposed by this article shall not be levied on any governmental agency.
- (b) Notwithstanding section 86-147, electrical energy which is separately billed and metered by the service supplier as agricultural service use shall be exempt from the tax levied by that section.
- (c) Notwithstanding section 86-147, the first \$45.00 in total monthly charges made for electrical energy to a residential service user shall be exempt from the tax levied by section 86-147.
- (d) Notwithstanding section 86-148, the charges made for the baseline rate usage approved by the state public utilities commission for gas furnished to a residential service user shall be exempt from the tax levied by section 86-148.
- (e) Notwithstanding section 86-149, the tax imposed by that section shall not be imposed upon any person for using intrastate, interstate or international telephone communications services to the extent that the amounts paid for such services are exempt from or not subject to the tax imposed under Revenue and Taxation Code §§ 41001—41176 or the tax imposed under section 4251 of the Internal Revenue Code, as that section was interpreted by the Internal Revenue Service before May 25, 2006.

(Ord. No. 97-08, § 2(6), 1-2-1997; Ord. No. 2007-07, § 1, 6-14-2007)

Sec. 86-147. - Electricity user tax.

- (a) As used in this section, the term "using electrical energy" shall not be construed to include the following:
 - (1) The storage of such energy by a person in a battery owned or possessed by him or her for use in an automobile or other machinery or device apart from the premises upon which the energy was received; provided, however, that the term shall include the receiving of such energy for the purpose of using it in the charging of batteries;
 - (2) The receiving of such energy by an electrical corporation at a point within the city for resale;
 - (3) The use of such energy in the production or distribution of water by a public utility; or
 - (4) The use of electrical energy used in the conduct of business by an electrical corporation, gas corporation or telephone corporation furnishing service in the city.
- (b) There is hereby levied a tax on every person using electrical energy in the city. The tax imposed by this section shall be at the rate of 2.50 percent of the charges made for such energy and shall be paid by the person paying for such energy. The tax applicable to electrical energy provided by a

nonutility supplier shall be determined by applying the tax rate to the equivalent charge the service user would have incurred if the energy used had been provided by the electrical corporation furnishing service in the city. Rate schedules for this purpose shall be available from the city. Nonutility suppliers shall install, maintain and use an appropriate utility-type metering system which will enable compliance with this section. The term "charges," as used in this subsection, shall include charges made for metered energy and charges for service, including but not limited to customer charges, service charges, standby charges, charges for temporary services, demand charges, annual and monthly charges, and any other charge authorized by the state public utilities commission, the Sacramento Municipal Utility District or the Federal Energy Regulatory Commission.

- (c) The tax imposed in this section shall be collected from the service user by the person supplying such energy. The amount of tax collected in one month shall be remitted to the tax administrator on or before the last day of the following month, unless the due date occurs on a weekend or a holiday in which case the due date is the first business day following. Taxes shall be deemed remitted on the date received by the tax administrator or on the date postmarked if remitted by first class United States mail with postage fully prepaid. With prior written approval of the tax administrator, remittance of the tax may be predicated on a formula based upon the payment pattern of the supplier's customers.

(Ord. No. 97-08, § 2(7), 1-2-1997)

Sec. 86-148. - Gas user tax.

- (a) As used in this section, the term "charges" shall include charges made for metered gas and charges for service, including but not limited to customer charges, service charges, and annual and monthly charges and any other charge authorized by the state public utilities commission or the Federal Energy Regulatory Commission. As used in this section, the term "charges" shall not include the following:
 - (1) Charges made for gas which is to be resold and delivered through mains or pipes;
 - (2) Charges made for gas sold for use in the generation of electrical energy or for the production or distribution of water by a public utility;
 - (3) Charges made for gas used in the propulsion of a motor vehicle, as that phrase is deemed in the Vehicle Code, utilizing natural gas;
 - (4) Gas used in the conduct of business by an electrical corporation, a gas corporation or a telephone corporation furnishing service in the city; and
 - (5) Charges made for as used by a nonutility supplier to generate electrical energy for its own use, or for sale to others, provided the electricity so generated is subject to the tax in accordance with section 86-147.
- (b) There is hereby levied a tax on every person using gas in the city which is delivered through mains or pipes. The tax imposed by this section shall be at the rate of 2.50 percent of the charges made for such gas and shall be paid by the person paying for such gas.
- (c) The tax imposed in this section shall be collected from the service user by the person selling the gas. The amount of tax collected in one month shall be remitted to the tax administrator on or before the last day of the following month, unless the due date occurs on a weekend or a holiday, in which case the due date is the first business day following. Taxes shall be deemed remitted on the date received by the tax administrator or on the date postmarked if remitted by first class United States mail with postage fully prepaid. With prior written approval of the tax administrator, remittance of tax may be predicated on a formula based upon the payment pattern of the supplier's customers.

(Ord. No. 97-08, § 2(8), 1-2-1997)

Sec. 86-149. - Telephone user tax.

- (a) As used in this section, the term "charges" shall not include the following:
- (1) Charges for services paid for by inserting coins in coin-operated telephones except that, where such coin-operated service is furnished for a guaranteed amount, the amounts paid under such guarantee plus any fixed monthly or other periodic charge shall be included in the base for computing the amount of tax due;
 - (2) Land mobile services or maritime mobile services as deemed in 47 CFR 2.1 as such section existed on January 1, 1970;
 - (3) Telephone service used in the conduct of business by an electrical corporation, a gas corporation or a telephone corporation furnishing service in the city; and
 - (4) Charges for any type of service or equipment furnished by a service supplier subject to public utility regulation during any period in which the same or similar services or equipment are also available for sale or lease from persons other than a service supplier subject to public utility regulation.
- (b) There is hereby levied a tax on every person using intrastate, interstate and international telephone services in the city. The tax imposed by this section shall be at the rate of 2.50 percent of the charges made for such services and shall be paid by the person paying for such services.
- (c) The tax imposed by this section shall be collected from the service user by the person providing the telephone services or the person receiving payment for such services. The amount of the tax collected in one month shall be remitted to the tax administrator on or before the last day of the following month, unless the due date occurs on a weekend or a holiday, in which case the due date is the first business day following. Taxes shall be deemed remitted on the date received by the tax administrator or on the date postmarked if remitted by first class United States mail with postage fully prepaid. With prior written approval of the tax administrator, remittance of the tax may be predicated on a formula based upon the payment pattern of the supplier's customers.

(Ord. No. 97-08, § 2(9), 1-2-1997)

Sec. 86-150. - Cable television user tax.

- (a) There is hereby levied a tax on every person using cable television service furnished by a cable television corporation in the city. The tax levied by this section shall be at the rate of 2.50 percent of the charges made for such services and shall be paid by the person paying for such service. The term "charges" as used in this subsection shall include charges for all cable television services, including but not limited to basic and premium cable services, customer charges, service charges, per-program charges, and annual and monthly charges.
- (b) The tax imposed by this section shall be collected from the service user by the person providing the cable television services. The amount of the tax collected in one month shall be remitted to the tax administrator on or before the last day of the following month, unless the due date occurs on a weekend or a holiday, in which case the due date is the first business day following. Taxes shall be deemed remitted on the date received by the tax administrator or on the date postmarked if remitted by first class United States mail with postage fully prepaid. With prior written approval of the tax administrator, remittance of the tax may be predicated on a formula based upon the payment pattern of the supplier's customers.

(Ord. No. 97-08, § 2(10), 1-2-1997)

Sec. 86-151. - Sewer service user tax.

- (a) There is hereby levied a tax on every person using sewer service in the city. The tax levied by this section shall be at the rate of 2.50 percent of the charges made for such service and shall be paid by the person paying for such service. The term "charges" as used in this subsection shall include all charges for sewer service, including but not limited to customer charges, service charges, standby charges, charges for temporary devices, demand charges, and annual and monthly charges.
- (b) The tax imposed by this section shall be collected from the service user by the person providing the sewer service. The amount of the tax collected in one month shall be remitted to the tax administrator on or before the last day of the following month, unless the due date occurs on a weekend or a holiday, in which case the due date is the first business day following. Taxes shall be deemed remitted on the date received by the tax administrator or on the date postmarked if remitted by first class United States mail with postage fully prepaid. With prior written approval of the tax administrator, remittance of the tax may be predicated on a formula based upon the payment pattern of the supplier's customers.

(Ord. No. 97-08, § 2(11), 1-2-1997)

Sec. 86-152. - Interest and penalty.

- (a) Taxes collected from a service user which are not remitted to the tax administrator on or before the due dates provided in this article are delinquent and are subject to penalties and interest.
- (b) Any person who fails to remit taxes collected in the time required by this article shall pay a penalty of five percent of the amount of the tax and, if not remitted within two working days after the date of delinquency, shall pay a total penalty of 20 percent of the amount of tax owed. Such penalty shall attach to the amount of tax due and shall be paid by the person required to collect and remit the tax.
- (c) If the failure to collect or remit a tax levied by this article is the result of fraud or gross negligence, the tax administrator shall impose an additional penalty of 20 percent of taxes owed upon persons required to collect and remit taxes under this article.
- (d) Any person required to remit to the tax administrator delinquent taxes as required in this section shall pay interest at the rate of 1.5 percent per month, or portion thereof, on the amount of tax owed, exclusive of penalties, from the date on which the tax first became delinquent until paid.
- (e) Notwithstanding subsections (b) and (d) of this section, no penalty or interest shall be applied if the person charged with collecting and remitting the tax establishes to the satisfaction of the tax administrator that the delinquency is the result of natural disasters or other phenomena beyond the control of the person charged with collecting and remitting the tax and so notifies the tax administrator as soon as normal communications permit.

(Ord. No. 97-08, § 2(12), 1-2-1997)

Sec. 86-153. - Actions to collect.

Any tax required to be paid by a service user under this article shall be deemed a debt owed by the service user to the city. Any such tax collected from a service user which has not been remitted to the tax administrator shall be deemed a debt owed to the city by the person required to collect and remit the tax. Any person owing money to the city under this article shall be liable in an action brought in the name of the city for the recovery of such amount.

(Ord. No. 97-08, § 2(13), 1-2-1997)

Sec. 86-154. - Duty to collect and procedures.

The duty to collect and remit the taxes imposed by this article shall be performed as follows:

- (1) The tax shall be collected insofar as practicable at the same time as, and along with, the collection of charges made in accordance with the regular billing practices of the service supplier. Except when a service user pays the full amount of the charges but does not pay any portion of a tax imposed by this article, or where a service user has notified a service supplier that he or she is refusing to pay a tax imposed by this article which the service supplier is required to collect, if the amount paid by a service user is less than the full amount of the charge and tax which has accrued for the billing period, such amount and any subsequent payments by a service user shall be applied to the utility charge first. Any remaining balance shall be applied to taxes due.
- (2) The duty to collect the tax from a service user shall commence with the beginning of the first full regular billing period applicable to the service user where charges are subject to this article. Where a person receives more than one bill, one or more being for different periods than another, the duty to collect shall arise separately for each billing period.

(Ord. No. 97-08, § 2(14), 1-2-1997)

Sec. 86-155. - Additional powers and duties of tax administrator.

- (a) The tax administrator shall have the power and duty, and is hereby directed, to enforce each and all of the sections of this article.
- (b) The tax administrator shall have the power to adopt rules and regulations not inconsistent with this article for the purpose of carrying out and enforcing the payment, collection and remittance of the taxes imposed under this article. A copy of such rules and regulations shall be on file in the tax administrator's office.
- (c) The tax administrator may make administrative agreements, subject to approval as to form by the city attorney, to vary the strict requirements of this article so that collection of any tax imposed may be made in conformance with the billing procedures of a particular service supplier so long as the agreements result in collection of the tax in conformance with the general purpose and scope of this article. A copy of each such agreement shall be on file in the tax administrator's office.
- (d) The tax administrator shall determine the eligibility of any person who asserts a right to exemption from the tax imposed by this article. The tax administrator shall provide the service supplier with the name of any person who the tax administrator determines is exempt from the tax imposed hereby, together with the address and account number to which services are supplied to any such exempt person. The tax administrator shall notify the service supplier of the termination of any person's right to exemption under this article or the change of any address to which service is supplied to any exempt person.
- (e) The tax administrator may file suit in the name of the city to collect delinquent taxes, together with penalties and interest.

(Ord. No. 97-08, § 2(15), 1-2-1997)

Sec. 86-156. - Assessment; administrative remedy.

- (a) Under this article, the tax administrator may assess the service user for taxes not paid to the service supplier.
- (b) Whenever the tax administrator determines that a service user has deliberately withheld the amount of the tax owed by such user from the amounts remitted to a person required to collect the tax, or that a service user has refused to pay the amount of tax to such person, or whenever the tax administrator deems it in the best interest of the city, the administrator may relieve such person of

the obligation to collect taxes due under this article from certain named service users for specified billing periods.

- (c) The service supplier shall provide the tax administrator with amounts refused, along with the names, addresses and reasons of the service users refusing to pay the tax imposed under this article. Whenever the service user has failed to pay the amount of tax for a period of two or more billing periods, the tax administrator may relieve the service supplier of the obligation to collect taxes due.
- (d) The tax administrator shall notify the service user that the tax administrator has assumed responsibility to collect the taxes due for the stated periods and demand payment of such taxes. The notice shall be served on the service user by handing it to him or her personally or by deposit of the notice in the United States mail, postage prepaid thereon, addressed to the service user at the address to which billing was made by the person required to collect the tax or, should the service user have changed his or her address, to his or her last known address. If a service user fails to remit the tax to the tax administrator within 15 days from the date of the service of the notice upon the user, which shall be the date of mailing if service is not accomplished in person, a penalty of 25 percent of the amount of the tax set forth in the notice, but not less than \$5.00, shall be imposed.

(Ord. No. 97-08, § 2(16), 1-2-1997)

Sec. 86-157. - Records.

It shall be the duty of every person required to collect and remit to the city any tax imposed by this article to keep and preserve, for a period of three years, all records as may be necessary to determine the amount of such tax as the person may have been liable for the collection of and remittance to the tax administrator. The tax administrator shall have the right to inspect such records at all reasonable times.

(Ord. No. 97-08, § 2(17), 1-2-1997)

Sec. 86-158. - Refunds.

- (a) Whenever the amount of any tax has been overpaid or paid more than once or has been erroneously or illegally collected or received by the tax administrator under this article, it may be refunded as provided in this section.
- (b) Notwithstanding subsection (a) of this section, a service supplier may, with prior written approval from the tax administrator, claim a refund or take as credit against taxes collected and remitted the amount overpaid, paid more than once, or erroneously or illegally collected or received when it is established that the service user from whom the tax has been collected did not owe the tax; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the service user or credited to charges subsequently payable by the service user to the person required to collect and remit. A service supplier that has collected any amount of tax in excess of the amount of tax imposed by this article, and actually due from a service user, may refund such amount to the service user and may, with prior written approval of the tax administrator, claim credit for such overpayment against the amount of tax which is due upon any other monthly returns, provided such credit is claimed in a return dated no later than three years from the date of overpayment.
- (c) No refund shall be paid under this section unless the claimant:
 - (1) Files a written claim for refund with the tax administrator within 30 days of the date on which the tax for which a refund is claimed was due; and
 - (2) Establishes his or her right to a refund by written records showing entitlement thereto.
- (d) Notwithstanding other subsections of this section, whenever a service supplier, pursuant to an order of the state public utilities commission or a court of competent jurisdiction, makes a refund to service

users of charges for past utility services, the taxes paid pursuant to this article on the amount of such refunded charges shall also be refunded to service users, and the service supplier may, with prior written approval of the tax administrator, take a credit for such refunded taxes against the amount of tax which is due upon the next monthly returns. If this article is repealed, the amounts of any refundable taxes will be borne by the city.

(Ord. No. 97-08, § 2(18), 1-2-1997)

Sec. 86-159. - Delays in implementation.

Each service supplier shall immediately implement collection procedures in accordance with the effective dates contained in this article.

(Ord. No. 97-08, § 2(19), 1-2-1997)

Sec. 86-160. - Annual review.

The city council shall annually conduct a public hearing prior to the adoption of the final city budget to determine whether the rate of the utility user taxes levied by this article should be reduced. After the close of such public hearing, the city council may, by ordinance approved by majority of all members of the city council, reduce the rate of any of the utility user taxes levied by this article.

(Ord. No. 97-08, § 2(20), 1-2-1997)



CITY OF CITRUS HEIGHTS

Memorandum

August 13, 2015

Approved and Forwarded to
City Council

Fin.

Atty.

Henry Tingle, City Manager

TO: Henry Tingle, City Manager

FROM: David Wheaton, General Services Director
Stuart Hodgkins, Principle Civil Engineer
Dennis Dunn, Traffic Signal Operations Supervisor
Ardelyn Flores, Associate Civil Engineer

SUBJECT: Citrus Heights Lighting Assessment District
Levy of Fiscal Year 2015-2016 Assessments

Summary and Recommendation

On July 23, 2015, the City Council took the first steps toward the proposed annual update for Fiscal Year 2015/2016 for the Citrus Heights Lighting District. At that time, the City Council adopted a Resolution of Intention to update the district and called for a public hearing on August 13, 2015. Subsequently, the City Clerk published the required notice.

Staff recommends the City Council convene the public hearing for the district regarding the proposed annual assessment for Fiscal Year 2015/2016 and adopt the following resolution:

Resolution No. 2015-____: Resolution confirming the diagram and assessment for the Citrus Heights Lighting District, and levying assessments for fiscal year 2015/2016 as presented in the Engineer's Report (on file at the City Clerk's office); and

Fiscal Impact

Last year's Engineer's Report (FY 2014/15), approved by the City Council on August 14, 2014, projected a shortfall of approximately \$36,986 for the Lighting District. The actual shortfall for FY 14/15 is approximately \$52,095 and will be covered by combination of Gas Tax (50%) and Measure A Maintenance (50%) revenues. For Fiscal Year 2015/2016, the annual special assessment revenue and cost recovery related to insurance settlements on damaged lights are projected to cover the majority of the District's anticipated expenditures. However, as a result of the increased electrical power costs, ongoing repair related to aging equipment, staff projects a budget shortfall of approximately \$39,486. Note: This shortfall amount has been reduced by \$921 from the figure presented to your Council on July 23rd in response to corresponding increase in the Special Assessment amount shown on page 7 of the Revised Engineer's Report. A combination of Gas Tax (50%) and Measure A Maintenance (50%) revenues are proposed to balance the District budget.

Background and Analysis

Sacramento County created County Service Area No. 1 (CSA 1) to provide revenue to operate and maintain street and highway safety lights throughout the County. In June 2005, the City Council voted to begin the process of detaching from CSA 1 in an effort to improve levels of service on lights within the City. In June 2006, the City completed the process by forming the Citrus Heights Lighting Assessment District (the District) and became fully responsible for operation and maintenance of all street and safety lights within the City.

Specific maintenance responsibilities for the District are discussed in the Engineer's Report, dated July 23, 2015.

On July 23, 2015, the City Council adopted a Resolution of Intention for the District approving the Engineer's Report; declaring its intention to order the annual update for Fiscal Year 2015/2016; to levy and collect assessments for the District; and setting the time and date for the public hearing.

Pursuant to State Law, the City must hold a public hearing on the matter for the District. Since an increase in assessments is not proposed, the Code only requires the Notice to be published in a newspaper.

The annual update and the levy of assessments for Fiscal Year 2015/2016 for the Citrus Heights Lighting Assessment District, proposed by the resolution will fund the following: operation and maintenance of street lights and highway safety lights, including the cost of electricity, replacement of bulbs and repair and replacement of damaged light poles and luminaires.

The Engineer's Report proposes the assessment rates will not exceed the rate levied in fiscal year 2014/2015. No ballot procedure or special notice will be necessary to maintain these assessments. The Assessment District diagram and assessment rolls are contained in the Engineer's Reports.

Conclusion

The Citrus Heights Lighting Assessment District will provide for the operation and maintenance of street and highway safety lighting, as described in the Engineer's Report. The Engineer's Report proposes no change to the current assessments collected for the Citrus Heights Lighting Assessment District.

Staff recommends the City Council adopt a resolution confirming the diagram and assessment for the District.

Attachment: Resolution

RESOLUTION NO. 2015-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CITRUS HEIGHTS, CALIFORNIA, TO CONFIRM THE DIAGRAM AND ASSESSMENT AND TO LEVY FISCAL YEAR 2015/2016 ASSESSMENTS FOR THE CITRUS HEIGHTS LIGHTING ASSESSMENT DISTRICT

WHEREAS, on July 23, 2015, the City Council (the “Council”) of the City of Citrus Heights (the “City”) adopted its Resolution No. 2015-083, initiating proceedings pursuant to the landscaping and Lighting Act of 1972, being California Streets and Highways Code Sections 22500 *et seq.* (the “Act”), to levy and collect assessments for Fiscal Year 2015/2016 in the City of Citrus Heights Lighting Assessment District; and

WHEREAS, as directed by this City Council, the City Engineer has prepared and filed with the City Clerk a report for Fiscal Year 2015/2016 (the “Engineer’s Report”) in accordance with the Act; and

WHEREAS, on July 23, 2015, the Council adopted its Resolution No. 2014-083, approving Engineer’s Report, and setting a public hearing date of August 13, 2015, at 7:00 p.m., or soon after, at the Citrus Heights Community Center located at 6300 Fountain Square Drive, Citrus Heights, California 95621; and

WHEREAS, a notice of the public hearing was published in the form, time and manner required by law; and

WHEREAS, at the public hearing, the Council duly heard all interested persons desiring to be heard.

NOW THEREFORE BE IT RESOLVED AND ORDERED, by the City Council of the City of Citrus Heights hereby declares that:

Section 1. Recitals The foregoing recitals are true and correct and the City Council so finds and determines.

Section 2. Approval of Engineer’s Report. This Council hereby approves the Engineer’s Report as now on file with the City Clerk.

Section 3. Improvements Ordered. This Council hereby orders the proposed improvements described in the Engineer’s Report to be made.

Section 4. Special Benefit Finding. This Council hereby finds and determines that the assessment included in the Engineer’s Report assesses all of the subdivisions of land in the assessment district for the special benefits provided by the improvements in proportion to the special benefits to be received by such subdivision, respectively, from the improvements.

Section 5. Confirmation of Assessment Diagram. This Council hereby confirms the diagram and the assessment now on file with it.

Section 6. Directive to file Diagram and Assessment. This Council hereby directs the City Clerk to file a certified copy of the diagram and the assessment as confirmed with the Sacramento County Auditor.

Section 7. Entry on the Roll. The Sacramento County Auditor is hereby requested to enter on the County Assessment Roll opposite each lot or parcel of land the amount assessed thereupon, as shown on the assessment filed by the City Clerk.

Section 8. Effective Date. This resolution shall take effect from and after the date of its passage.

The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the City Council of the City of Citrus Heights, California, this 13th day of August, 2015 by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

Susan Frost, MAYOR

ATTEST:

Amy Van, City Clerk

CITY OF CITRUS HEIGHTS

SACRAMENTO COUNTY

CALIFORNIA



ENGINEER'S REPORT

For

Citrus Heights Lighting District

Annual Update for Fiscal Year 2015/2016

Prepared by

Stuart Hodgkins

Acting City Engineer

July 23, 2015

Revised: August 7, 2015



CERTIFICATIONS

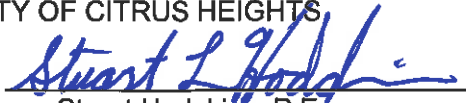
CITRUS HEIGHTS LIGHTING DISTRICT
(Pursuant to the Landscaping and Lighting Act of 1972)
Engineer's Report for Fiscal Year 2015/2016

The undersigned respectfully submits the enclosed report as directed by the City Council.

DATED: July 23, 2015

CITY OF CITRUS HEIGHTS

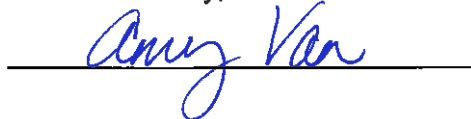
By


Stuart Hodgkins, P.E.
ACTING CITY ENGINEER

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was filed with me on the 23 day of July, 2015.

Amy Van, City Clerk
City of Citrus Heights,
Sacramento County, California

By



I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was approved and confirmed by the City Council of the City of Citrus Heights, California, on the _____ day of _____, 2015.

Amy Van, City Clerk
City of Citrus Heights,
Sacramento County, California

By

I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment and Assessment Diagram thereto attached, was filed with the County Auditor of the County of Sacramento on the _____ day of _____, 2015.

Amy Van, City Clerk
City of Citrus Heights,
Sacramento County, California

By

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Section I: Overview

A. Contents of the Engineer's Report

This Report describes the District boundaries and the proposed improvements to be assessed to the property owners located within the District. The Report is made up of the following sections:

Section I: Introduction and Background – Provides a general introduction into the Report and provides background on the assessment.

Section II: Plans and Specifications – Contains a general description of the improvements that are maintained and serviced by the District.

Section III: Estimate of Costs – Identifies the cost of the maintenance and services to be provided by the District including incidental costs and expenses.

Section IV: Method of Apportionment – Describes the basis in which costs have been apportioned to lots and parcels within the District, in proportion to the special benefit received by each lot and parcel.

Section V: Assessment Roll – The assessment roll identifies the maximum assessment to be levied to each lot or parcel within the District.

Section VI: Assessment Diagram – Displays a diagram of the District showing the boundaries of the District.

For this Report, each lot or parcel to be assessed, refers to an individual property assigned its own Assessment Parcel Number by the Sacramento County Assessor's Office as shown on the last equalized roll of the assessor.

The City will hold a public hearing on the matter of transferring the assessment and maintenance responsibility from CSA-1 to the City. Following consideration of all public comments and written protests after the conclusion of the Public Hearing, the City Council will determine if a majority protest exists and may order amendments to the Report or confirm the Report as submitted.

B. Introduction and Background

County Service Area 1 (CSA-1) was created in 1986 by the Sacramento County Board of Supervisors (Board) by reorganizing five existing street light maintenance districts. CSA-1 provides street light services to those portions of Sacramento County that were unincorporated in 1986. Since that time, the Cities of Citrus Heights, Elk Grove and Rancho Cordova have incorporated, but street light services remained with CSA-1. On June 14, 2005 the Board approved the establishment of

separate zones within CSA-1 for each of the incorporated cities served. The City of Citrus Heights was been identified as Zone 3.

The City of Citrus Heights (City) was incorporated on January 1, 1997. In the time since incorporation, City staff has worked with CSA-1 staff to get street lights repaired by forwarding requests for service from City residents. CSA-1's revenues were essentially fixed since the passage of Proposition 218 in 1996 and expenses (electricity, labor, materials, etc.) continued to rise. Ultimately, CSA-1 was forced to reduce staffing levels, which eventually increased the response time for repairs.

Believing the transfer of street light maintenance responsibilities and assessments from CSA-1 to the City was essential to improving the maintenance response on our street lights, the City Council passed and adopted Resolution No. 2005-58 on June 22, 2005 advising the Board of the City's desire to detach Zone 3 from CSA-1.

After working closely with CSA-1 and the Local Agency Formation Commission (LAFCO) over the next year, on June 8, 2006 the City Council adopted Resolution No. 2006-63 declaring its intent to form the Citrus Heights Lighting District. The final step in the process came on June 22, 2006, when the City Council adopted Resolution No. 2006-70 forming the Citrus Heights Lighting District (CHLD) pursuant to the *Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code §22500* (1972 Act). Formation of the CHLD in this way allowed the City to continue to levy the direct assessment charges previously authorized under CSA-1. The City assumed revenues and maintenance responsibilities from Sacramento County at the start of Fiscal Year 06/07.

This Engineer's Report (Report) has been prepared pursuant to the 1972 Act (*Part 2 of Division 15 Sections 22500 through 22679 of the Streets and Highways Code*) and describes the District and the proposed assessments for the annual update. The proposed assessments are based on the historical cost to maintain the improvements, energy rates, and historical information from neighboring jurisdictions. Assessments will be applied to those parcels that receive a special benefit from street and safety lights. Each parcel within the District is required to be assessed proportionately for the special benefits provided to the parcel from the improvements.

Section II: Plans and Specifications

A. General Description of the District

The boundaries of the Citrus Heights Lighting District are coterminous with the boundaries of the City of Citrus Heights. Citrus Heights is located in the northernmost section of Sacramento County along Interstate 80 and covers approximately 14 square miles.

B. Description of Services and Improvements to be Maintained

All lighting improvements and facilities maintained and serviced through District assessments are owned or operated by the City of Citrus Heights or Sacramento Municipal Utility District (SMUD). For the purposes of the Report, charges are separated into two categories by type of light. Highway Safety Lights are those lights located at intersections, on major streets and along the rear of properties that abut major streets. Street Lights are all lights not designated as Highway Safety lights, primarily local street lighting. Maintenance services will be provided by City personnel, contractors, and SMUD. The District provides funding for all Street and Highway Safety Lighting services within the City, including, but not limited to the following activities:

- Maintenance, repair and replacement of street light poles and fixtures, including changing light bulbs, painting, photoelectric cell repair or replacement, and repairing damage caused by automobile accidents, vandalism, time and weather.
- Electrical conduit and pullbox repair and replacement due to damage by construction, vehicle accidents, and weather.
- Payment of the electrical bill for the existing street light system.
- Responding to constituent and business inquiries and complaints regarding street lighting.
- Remedial projects for major repairs or upgrading of facilities. Engineering services are provided by General Services Department staff or by consultant.
- Installation of Highway Safety Lights for highway safety purposes only along major streets and at intersections. These Safety Lights are normally installed with new construction of signalized intersections, or as a condition of development. The capital costs are typically paid through the City's Capital Improvement Program for newly signalized intersections and by the developer for new installations adjacent to new development construction.

- Street light inventory database creation and maintenance, pole numbering, and mapping to establish and keep current the number of street lights that must be maintained, as well as the condition and location of these street lights as part of an effective maintenance program.
- Acquisition of land, easements, and rights of way necessary to maintain the Street and Highway Safety Lighting system.
- Administration of the District.

Maintenance means the furnishing of services and materials for the ordinary and usual operation of the public lighting facilities. This includes repair, removal, or replacement of all or part of any of the improvements or appurtenant facilities necessary for the operation of the lighting improvements.

Service means the furnishing of all labor materials, equipment, and utilities necessary to maintain and operate all public facilities provided by the City.

Based upon current maintenance records, the combined number of Street Lights and Highway Safety Lights within the Citrus Heights Lighting District is 4,358.

Section III: District Budget

A. Proposed Fiscal Year Budget

Since taking over responsibility for the lighting district from the County in June 2006, the City has identified current revenue sources and developed a clear understanding of all District expenditures. Additionally, the City has substantially improved the level of service related to street light and highway safety light maintenance and operations and refined the procedures guiding the annual maintenance contract to reduce expenditures to a minimum.

For the 2015/2016 Fiscal Year funds collected through special assessments are projected to cover the majority of the District's anticipated expenditures. However, as a result of the increased electrical power costs, ongoing repair related to aging equipment, there is a projected shortfall of approximately \$40,407.00 to cover all of the District's regular operation and maintenance costs. Cost recovery related to insurance settlements on street light knockdowns will be pursued as appropriate.

In the past year, the City has converted existing street lights and added new energy efficient LED with roadway projects; which bring the total to approximately 693 LED lights citywide. SMUD is evaluating a new rate structure for the more efficient lights at the City's request. Staff continues to identify and evaluate additional measures to reduce District expenditures and offset rising electricity costs. Measures under consideration include, but are not limited to, negotiating with SMUD to reduce the costs associated with lights operated and maintained by SMUD, requiring the

installation of more energy efficient lighting fixtures (i.e. LED's) for all new installations and continuing a the current program of replacing existing safety lights with energy efficient fixtures. No expansion of the existing system will be considered until additional revenues can be identified to cover the initial and ongoing costs associated with an expansion.

The proposed District budget is summarized in the following Budget Analysis, including the estimated costs to provide the improvements, the collection of administrative costs and the special benefit assessment (Balance to Levy):

**CITRUS HEIGHTS LIGHTING DISTRICT
BUDGET ANALYSIS**

LMAD 269 (Fund 29900)

DESCRIPTION	FY 14/15 ACTUAL (3)	FY 15/16 PROPOSED BUDGET
SOURCES OF FUNDS:		
Interest on Fund Balance	\$ -	\$ -
Special Assessments	\$ 343,871.04	\$ 348,364.00
Other Revenue (1)	\$ 52,095.26	\$ 39,486.00
Total Sources of Funds:	\$ 395,966.30	\$ 387,850.00

USES OF FUNDS:		
Advertising	\$ 1,350.00	\$ 1,350.00
Materials and Supplies		
Utilities (2)	\$ 274,477.78	\$ 272,000.00
Professional Services	\$ 15,284.84	\$ 15,000.00
Contract Maintenance	\$ 86,332.00	\$ 89,000.00
Membership Dues	\$ 438.98	\$ 500.00
Contract - MISC	\$ -	\$ -
ROW Damage and MISC (Theft & Repairs)	\$ 18,082.72	\$ 10,000.00
Total Uses of Funds:	\$ 395,966.30	\$ 387,850.00

FUND BALANCE		
Beginning Fund Balance (July 1st)	\$0.00	\$0.00
Add Sources of Funds	\$395,966.30	\$387,850.00
Subtract Uses of Funds	\$395,966.30	\$387,850.00
Ending Fund Balance (June 30th)	\$0.00	\$0.00

- (1) Contribution from other sources to balance District Budget
- (2) Includes SMUD maintenance costs - Certain street lights are mounted on SMUD owned power poles. The District reimburses SMUD for the operation and maintenance of these lights.
- (3) Recorded actual expenses for the first 3 quarters of previous Fiscal Year plus projection for the 4th quarter.

B. Description of Budget Items

The following is a brief description of the various components of the District budget including the sources and uses of funds, which are included in the table above.

Sources of Funds – This includes the sources of funds used by the District in maintaining and servicing lighting improvements. This may include interest on any fund balance, special assessments, cost recovery and other sources.

- Interest on Fund Balance – Includes any interest earned on the balances in the District's fund.
- Special Assessments – Revenue received from assessments levied on properties within the District that benefit from the street and highway safety lights.
- Cost Recovery – Revenue from cost recovery efforts associated with insurance settlements on knockdowns and/or damage to street lights and highway safety lights.
- Other Revenue – Contributions from the City's General Fund or other source to offset excess expenditures.

Uses of Funds – This includes the costs of maintaining and servicing lighting improvements. This may include, but is not limited to, the costs for labor, utilities, equipment, supplies, repairs, replacements and upgrades that are required to properly maintain the items that provide a direct benefit to the District.

- Electrical Costs – Includes the cost of providing electricity to the lights. Additionally, some lights are maintained by SMUD, the cost for maintenance of these lights is also included on the utility bill.
- Professional Services – Includes costs for the City's consultant to verify that all assessor information is correct for each parcel on the assessment role for the district. The consultant also incorporates all new parcels into the role, assessment collection fees charged by the Sacramento County Assessor's office to collect the District assessments from property owners and disperse those proceeds to the City.
- Contract Maintenance – Includes the contract labor associated with the maintenance of the street lights and the cost of preparing and maintaining the light inventory.
- Construction – Funds set aside for special projects to upgrade street and safety lights and related facilities.

Section IV: Method of Apportionment

A. General

The 1972 Act permits the establishment of **assessment districts** by agencies for the purpose of providing certain public improvements, which include the construction, maintenance, and servicing of street lights, traffic signals, landscaping, parks and drainage facilities.

Streets and Highways Code Section 22573 requires that maintenance assessments be levied according to benefit rather than the assessed value.

"The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements."

Section 22574 of the 1972 Act also allows the designation of zones of benefit within an assessment district if "by reason of variations in the nature, location, and extent of the improvements, the various areas will receive differing degrees of benefit from the improvements."

In addition, Article XIID and the Implementation Act require that a parcel's assessment may not exceed the reasonable cost for the proportional special benefit conferred to that parcel. Article XIID and the Implementation Act further provides that only special benefits are assessable and the City must separate the general benefits from the special benefits. They also require that publicly owned properties which specifically benefit from the improvements be assessed.

B. Special Benefit Analysis

Special benefit is derived from street lights as follows:

All properties within the District benefit equally from the enhanced Safety provided by Highway Safety Lights as roadways and major intersections are illuminated. This lighting assists drivers traveling to or from a property in seeing traffic controls (stop signs, yield signs), in reading street name signs, and identifying pedestrians that may be attempting to cross the street after dark. These features also assist emergency service providers (police, fire, etc.) to respond and locate properties within the District.

In addition to the Highway Safety Light special benefit, individual parcels may receive special benefit from the presence of a Street Light on or near the parcel, which enhances safety/security in the area. For a parcel to receive this safety/security benefit from street lighting, fifty percent or more of the property's frontage must be illuminated (based on the road width and spacing of the lights

found in the County of Sacramento Improvement Standards). The Street Lighting service charge is apportioned only to those parcels that benefit directly from Street lighting. A distinction is made between residential benefit parcels and non-residential benefit parcels based on the zoning of the parcel. This results in a flat rate service charge on each residential benefit parcel and a service charge per front foot on each non-residential benefit parcel.

The formula used for calculating the District assessment reflects the composition of the parcels, the improvements and the services provided, and fairly proportions the costs based on special benefit to each parcel. Only parcels receiving benefit from Street Lights and Highway Safety Lights will be assessed.

General Benefits

There are no general benefits related to Highway Safety Lights or Street Lights.

C. Assessment Methodology

Highway Safety Lighting – All properties are considered to benefit equally from Safety Lighting, as defined above in Special Benefit Analysis. The County of Sacramento established the following formula for the Highway Safety Light levy when it created CSD-1 in 1986:

The Highway Safety Lighting service charge per benefit parcel is equal to the quotient obtained by taking the product of the total estimated Highway Safety Lighting operating and maintenance expenses plus any provisions for reserves less the estimated fund balance, interest, other income, and the reserve release and dividing by the total number of benefit parcels.

(Safety Light Maintenance & Operations Cost/Total # Parcels = Levy per Parcel)

The service charge per residential benefit parcel is equal to the quotient obtained by taking the product of the total estimated Street Lighting operating and maintenance expenses plus any provisions for reserves less the estimated fund balance, interest, other income, and the reserve release multiplied by the percentage of total lights that are residential lights and dividing by the total number of residential benefit parcels.

The service charge per front foot per non-residential benefit parcel is equal to the quotient obtained by taking the product of the total estimated Street Lighting operating and maintenance expenses plus any provision for reserves less the estimated fund balance, interest, other income, and the reserve release multiplied by the percentage of total lights that are non-residential lights and dividing by the total front footage of all non-residential benefit parcels. The service charge per front foot is then multiplied by the front footage of each non-residential parcel to give the service charge for that particular parcel.

Exempt – Excepted from the assessment would be the areas of public streets and other roadways (typically not assigned an APN by the County), dedicated public easements, open space areas and rights of ways including public greenbelts and parkways. Also excepted from assessment would be utility rights of ways, common areas (such as in condominium complexes), landlocked parcels, small parcels vacated by City/County, bifurcated lots, and any other property that can not be developed. These types of parcels have little or no value and therefore do not benefit from the improvements.

Land use classification for each parcel is based on the Sacramento County Assessor's Roll.

D. Rates

The Fiscal Year 2014/2015 assessments for the District are proposed to remain the same as Fiscal Year 2013/2014. The following shows the assessments proposed to be levied:

Street Lighting

Single Family Residential (RD-7 or less)	\$15.32 per parcel
Non-Residential (all other zones)	\$0.2519 per front foot

Highway Safety Lighting

All parcels (except 'Exempt')	\$2.56 per parcel
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Note: In 1996, the passage of Proposition 218 mandated that proposed assessment increases must be approved by a vote of the assessed property owners. As a result, the assessment rates for the Sacramento County's CSA-1 Zone 3 were essentially frozen at the levels in effect at that time. These same rates were carried over in 2006 upon creation of the Citrus Heights Lighting District and have now been unchanged in 16 years.

Section V: Assessment Roll

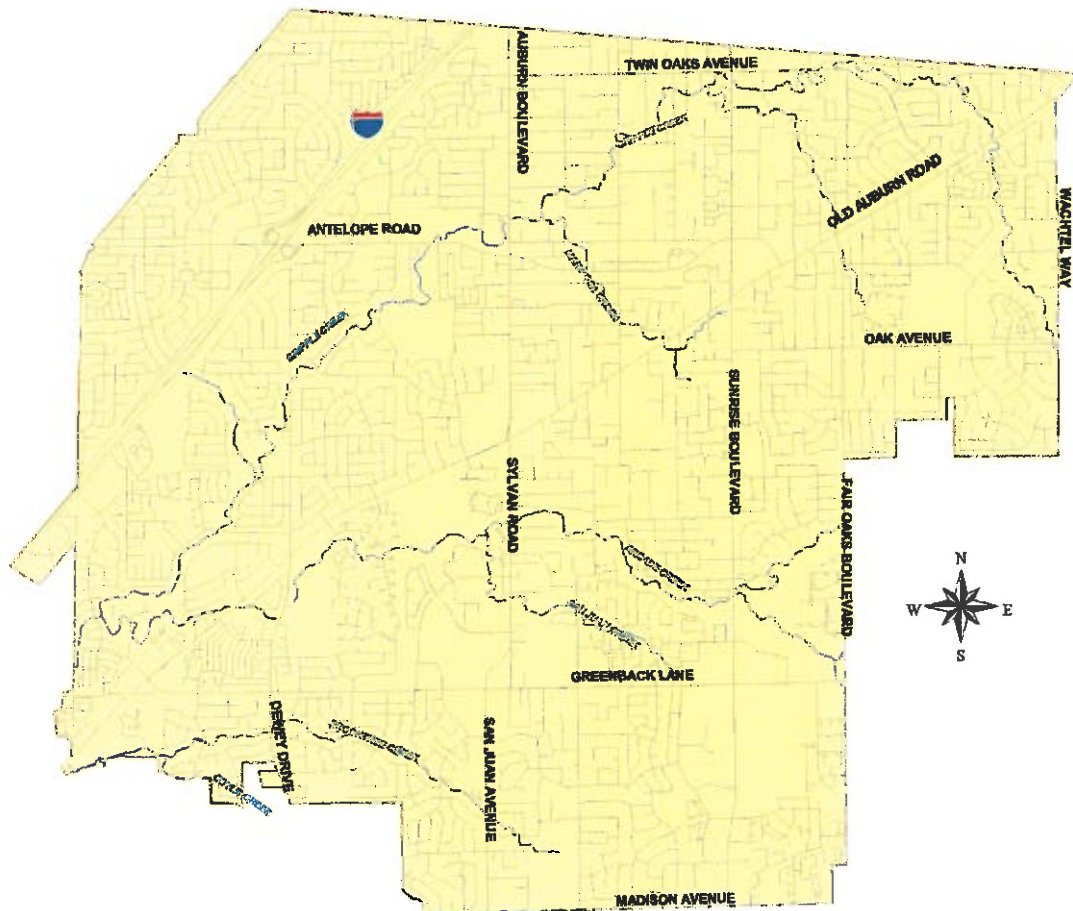
Parcel identification, for each lot or parcel within the District, shall be the parcel as shown on the Sacramento County Assessor's map for the year in which this Report is prepared.

Non-assessable lots or parcels include all developed non-residential parcels, vacant parcels, government-owned and public utility-owned parcels, land principally encumbered with public rights of way and other tax exempt parcels such as common areas or open space for which the County does not generate a tax bill. These parcels will not be assessed for the District improvements.

A listing of parcels assessed within this District, along with the proposed assessment amounts, is on file with the City Clerk, and by reference is made part of this Report. Said listing of parcels to be assessed shall be submitted to the County Auditor/Controller and included on the property tax roll for each parcel in FY 15/16. If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the current fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel(s) shall be based on the method of apportionment and the assessment rate approved in this Report. Therefore, if a single parcel has changed to multiple parcels, the assessment amount applied to each of the new parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment.

Section VI: Assessment Diagram

The boundaries of the District are coterminous with the boundaries of the City of Citrus Heights.





CITY OF CITRUS HEIGHTS

Memorandum

August 13, 2015

TO: Mayor and City Council Members
Henry Tingle, City Manager

FROM: Amy Van, City Clerk

SUBJECT: Designation of Voting Delegate and Alternate(s) for the League of California Cities Annual Conference

Approved and Forwarded to City Council

_____ Fin.

_____ Atty.

Henry Tingle, City Manager

Summary and Recommendation

The League of California Cities Annual Conference is scheduled for September 30 – October 2, 2015, in San Jose. The Annual Business Meeting is scheduled for 12:00 p.m., Friday, October 2. At this meeting the League membership considers and takes action on resolutions that establish League policy. In order to vote at the Annual Business Meeting, the City Council must designate a voting delegate and may appoint up to two alternate voting delegates.

Consistent with League bylaws, the City's voting delegate and alternate(s) must be designated by action of the City Council. The voting delegate and alternate(s) must be registered to attend the conference.

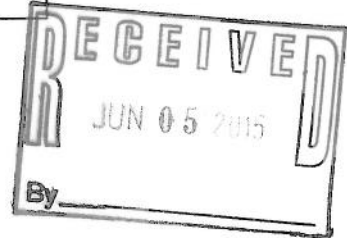
Staff recommends that the City Council make a motion to designate a voting delegate and alternate(s) to participate at the Annual Business Meeting on October 2, 2015, during the League of California Cities Annual Conference.

Attachments: (1) League of California Cities Memo dated May 29, 2015
(2) 2015 Annual Conference Voting Procedures



1400 K Street, Suite 400 • Sacramento, California 95814
Phone: 916.658.8200 Fax: 916.658.8240
www.cacities.org

Council Action Advised by July 31, 2015



May 29, 2015

TO: Mayors, City Managers and City Clerks

RE: **DESIGNATION OF VOTING DELEGATES AND ALTERNATES**
League of California Cities Annual Conference – September 30 – October 2, San Jose

The League's 2015 Annual Conference is scheduled for September 30 – October 2 in San Jose. An important part of the Annual Conference is the Annual Business Meeting (*at the General Assembly*), scheduled for noon on Friday, October 2, at the San Jose Convention Center. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

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

Please complete the attached Voting Delegate form and return it to the League's office no later than Friday, September 18, 2015. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures that are intended to ensure the integrity of the voting process at the Annual Business Meeting.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates must be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. To register for the conference, please go to our website: www.cacities.org. In order to cast a vote, at least one voter must be present at the

-over-

Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the San Jose Convention Center, will be open at the following times: Wednesday, September 30, 8:00 a.m. – 6:00 p.m.; Thursday, October 1, 7:00 a.m. – 4:00 p.m.; and Friday, October 2, 7:30–10:00 a.m. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

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

Once again, thank you for completing the voting delegate and alternate form and returning it to the League office by Friday, September 18. If you have questions, please call Kayla Gibson at (916) 658-8247.

Attachments:

- 2015 Annual Conference Voting Procedures
- Voting Delegate/Alternate Form

Annual Conference Voting Procedures 2015 Annual Conference

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