



**Winters City Council Meeting
City Council Chambers
318 First Street
Tuesday, September 1, 2015
6:30 p.m.
AGENDA**

Members of the City Council

*Cecilia Aguiar-Curry, Mayor
Woody Fridae, Mayor Pro-Tempore
Harold Anderson
Wade Cowan
Pierre Neu*

*John W. Donlevy, Jr., City Manager
Ethan Walsh, City Attorney
Nanci Mills, City Clerk*

PLEASE NOTE – The numerical order of items on this agenda is for convenience of reference. Items may be taken out of order upon request of the Mayor or Councilmembers. Public comments time may be limited and speakers will be asked to state their name.

Roll Call

Pledge of Allegiance

Approval of Agenda

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS

At this time, any member of the public may address the City Council on matters, which are not listed on this agenda. Citizens should reserve their comments for matter listed on this agenda at the time the item is considered by the Council. An exception is made for members of the public for whom it would create a hardship to stay until their item is heard. Those individuals may address the item after the public has spoken on issues that are not listed on the agenda. Presentations may be limited to accommodate all speakers within the time available. Public comments may also be continued to later in the meeting should the time allotted for public comment expire.

CONSENT CALENDAR

All matters listed under the consent calendar are considered routine and non-controversial, require no discussion and are expected to have unanimous Council support and may be enacted by the City Council in one motion in the form listed below. There will be no separate discussion of these items. However, before the City Council votes on the motion to adopt, members of the City Council, staff, or the public may request that specific items be removed from the Consent Calendar for separate discussion and action. Items(s) removed will be discussed later in the meeting as time permits.

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, August 18, 2015. (pp. 5-9)
- B. Request for Street Closure and Amplified Sound Permit Application Submitted by the Hispanic Advisory Committee for the Festival de la Comunidad for Saturday, September 26, 2015. (pp. 10-13)
- C. Resolution 2015-40, a Resolution of the City Council of the City of Winters Approving a Contract with the Board of Equalization of Local Charges on Prepaid Mobile Telephony Services. (pp. 14-28)
- D. Approval of Consultant Services for Citywide Scanning and Indexing Services – Backup to be Provided Following Clarification (pp. 29)
- E. Approval of Part-time Building Inspector, Job Description and Hourly Rate. (pp. 30-32)
- F. Recommendation to the FCC for the Broadband Lifeline Program “Internet For All Now” (pp.33-35)

PRESENTATIONS

Yolo Conflict Resolution Center Presentation – Orit Kalman, Executive Director through the Winters Police Department. (pp. 36-41)

DISCUSSION ITEMS

- 1. Public Hearing and Consideration of Resolution 2015-38, A Resolution of the City Council of the City of Winters Setting Water Rates for 9/1/15 to 6/30/18. (pp. 42-46)
- 2. Animal Control Update – No Backup
- 3. Wastewater Update (pp. 47)

CITY OF WINTERS AS SUCCESSOR AGENCY TO THE WINTERS
COMMUNITY DEVELOPMENT AGENCY

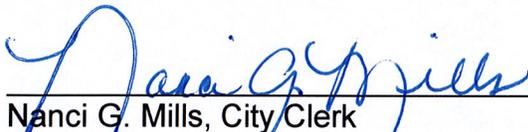
1. None

CITY MANAGER REPORT

INFORMATION ONLY

ADJOURNMENT

I declare under penalty of perjury that the foregoing agenda for the September 1, 2015 regular meeting of the Winters City Council was posted on the City of Winters website at www.cityofwinters.org and Councilmembers were notified via e-mail of its' availability. A copy of the foregoing agenda was also posted on the outside public bulletin board at City Hall, 318 First Street on August 27, 2015, and made available to the public during normal business hours.



Nanci G. Mills, City Clerk

Questions about this agenda – Please call the City Clerk’s Office (530) 794-6701. Agendas and staff reports are available on the city web page www.cityofwinters.org/administrative/admin_council.htm

General Notes: Meeting facilities are accessible to persons with disabilities. To arrange aid or services to modify or accommodate persons with disability to participate in a public meeting, contact the City Clerk.

Staff recommendations are guidelines to the City Council. On any item, the Council may take action, which varies from that recommended by staff.

The city does not transcribe its proceedings. Anyone who desires a verbatim record of this meeting should arrange for attendance by a court reporter or for other acceptable means of recordation. Such arrangements will be at the sole expense of the individual requesting the recordation.

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Winters Library – 708 Railroad Avenue

City Hall – Finance Office - 318 First Street

During Council meetings – Right side as you enter the Council Chambers

City Council meetings are televised live on City of Winters Government Channel 20 (available to those who subscribe to cable television) and replayed following the meeting.

Wednesday at 10:00 a.m.

Videotapes of City Council meetings are available for review at the Winters Branch of the Yolo County Library.



Minutes of the Winters City Council Meeting
Held on August 18, 2015

Mayor Aguiar-Curry called the meeting to order at 6:31 p.m.

Present: Council Members Harold Anderson, Wade Cowan, Pierre Neu,
Mayor Cecilia Aguiar-Curry
Absent: Council Member Woody Fridae (arrived at 7:08 p.m.)
Staff: City Manager John Donlevy, City Attorney Ethan Walsh, City Clerk
Nanci Mills, Economic Development/Housing Programs Manager
Dan Maguire, Environmental Services Manager Carol Scianna, and
Management Analyst Tracy Jensen.

Nicki Chapman led the Pledge of Allegiance.

Approval of Agenda: Motion by Council Member Cowan, second by Council
Member Neu to approve the agenda with no changes. Motion carried by the
following vote:

AYES: Council Members Anderson, Cowan, Neu, Mayor Aguiar-Curry
NOES: None
ABSENT: Council Member Fridae
ABSTAIN: None

COUNCIL/STAFF COMMENTS

PUBLIC COMMENTS: Butch Branscum, the owner of the property at 2 Russell
St., said a garage business won't do well on a brick sidewalk and suggested red
colored cement instead. Paul Biasi, the tenant of the property at 2 Russell St.
said turning Wolfskill into a two-way street will create additional issues and asked
to meet with the Mayor one-on-one to discuss his ideas. Council Member Cowan
said they were doing a great job fixing up the building.

CONSENT CALENDAR

- A. Minutes of the Regular Meeting of the Winters City Council Held on Tuesday, August 4, 2015.
- B. Amplified Sound Permit Application by Saint Anthony's Parish for the Festival Mexicana Church Festival to be Held on Sunday, September 13, 2015.
- C. Resolution 2015-36, A Resolution of the City Council of the City of Winters Authorizing an Amendment and Restatement of the City of Winters STARS Retirement Plan via Adoption of VALIC Retirement Services Company Retirement Plan for Governmental Employers, and the Approval of Adoption Agreement #001, Profit Sharing Plan.

City Manager Donlevy gave an overview. Motion by Council Member Cowan, second by Council Member Neu to approve the Consent Calendar. Motion carried with the following vote:

AYES: Council Members Anderson, Cowan, Neu, Mayor Aguiar-Curry
NOES: None
ABSENT: Council Member Fridae
ABSTAIN: None

DISCUSSION ITEMS

- 1. Update on the Exclusive Negotiation Agreement with Urban Community Partners for Development of a Commercial Project on the City-Owned property located on the Corner of Railroad Avenue and East Main (APN # 003 224 001)

Council Member Anderson recused himself due to a possible conflict of interest.

Economic Development/Housing Programs Manager Dan Maguire gave an overview and introduced Ian Gillis from Urban Community Partners, who gave a power point presentation. As a member of the Design Review Committee along with Council Member Fridae, Council Member Cowan said the committee liked the Option D floor plan, the wood and metal design, and thought the project fit well with the downtown. Council Member Neu liked the design concept, but was concerned about the buildings located behind the project and asked if the signage could include these businesses. Ian said way finder signs made sense. He also said he recognized the parking issue and wants to be part of the dialogue.

Council Member Fridae entered the meeting at 7:08 p.m.

John Pickerel, 488 Main St., said he met with and started a dialogue with Ian Gillis and Keith McCoy of Urban Community Partners and said there are difficulties associated with operating a retail business in the downtown, but they have done a good job marketing their plan.

Justin Cox of the Winters Express asked how they would go about finding tenants to fill the retail space (work with a good retail broker) and how they determine if a project is to include a mixed use(residential) component (look at pricing and the real estate market and whether the value is there to support it.) Ian Gillis said mixed use development isn't feasible at this time.

Council Member Fridae said if new businesses come to town and comply with the zoning regulations, Council does not have much to say about it. City Manager Donlevy said there are two driving documents regarding new businesses: the Downtown Master Plan and the Form Based Code.

Motion by Council Member Cowan, second by Council Member Fridae to authorize staff to issue a Purchase and Sale Agreement for the development of property at Railroad and E. Main Street. Motion carried with the following vote:

AYES: Council Members Cowan, Fridae, Neu, Mayor Aguiar-Curry
NOES: None
ABSENT: Council Member Anderson
ABSTAIN: None

Council Member Anderson returned to the dais.

2. Winters Intern Project Presentations

Intern Jacquelin Plasencia thanked City Manager Donlevy, the Council and Staff and then reviewed the components of the Storm Water Grant Project.

Intern Angelica Arellano thanked City Manager Donlevy and the Council for the great experience and then reviewed the components of the Chromium VI (Chrom 6) Notification Project and the new MCL standards for drinking water standards. Angelica drafted a quarterly notification letter, which was reviewed and approved by the Department of Drinking Water and then mailed out to residents. Council Member Anderson noted that a local centenarian has drank the local water for 100 years.

Intern Rigoberto Fierros thanked City Manager Donlevy and the Council for giving him the opportunity to modernize and maximize the City's website. He displayed a new website design with contact/call to action buttons, open layout and links to social media. The new design would also be mobile friendly for

smart phones and tablets and could include revolving photos of Winters as part of the home page to show off what a beautiful place Winters is.

Mayor Aguiar-Curry thanked the interns for their hard work and for being part of the staff and community.

CITY OF WINTERS AS SUCCESSOR AGENCY TO THE WINTERS
COMMUNITY DEVELOPMENT AGENCY

1. Public Hearing and Adoption of Resolution SA-2015-05, a Resolution of the Successor Agency for the Dissolved Winters Community Development Agency for Consideration of a Successor Agency/Winters Healthcare Foundation Purchase & Sale Agreement.

Successor Agency Chairman Woody Fridae opened the meeting of the Successor Agency at 7:58 p.m.

Economic Development/Housing Manager Dan Maguire gave an overview and said the Winters Healthcare Foundation (WHF) has a new site development committee, which was confirmed by Joyce Jordan, WHF's Director of Strategic Projects, who was present at the meeting.

Chairman Fridae opened the public hearing at 8:02 p.m. and closed the public hearing at 8:02 p.m. with no public comment.

Motion by Agency Member Aguiar-Curry, second by Council Member Neu to approve the sale of portions of the Grant Avenue Commercial Property to Winters Healthcare Foundation and adopt Resolution SA-2015-05, approving the real property purchase and sale agreement and joint escrow instructions by and between the City of Winters and Winters Healthcare Foundation, and authorize the Executive Director to execute the purchase and sale agreement with Winters Healthcare Foundation. Motion carried with the following vote:

AYES: Agency Members Aguiar-Curry, Anderson, Cowan, Neu, and
Agency Chairman Fridae
NOES: None
ABSENT: None
ABSTAIN: None

Agency Chairman Fridae closed the meeting of the Successor Agency at 8:03 p.m.

CITY MANAGER REPORT: The League of California Cities is having positive conversations with the Association of California Water Agencies (ACWA) regarding Senate Bill 385, which they have sponsored. The bill relates to compliance with California's chromium-6 drinking water standard. The bill has wide bipartisan support and AWCA is a powerful influence. An organizational meeting for the PG&E project was held recently, with Staff being tasked to develop a submittal form. Staff is also waiting for the building permit application to be submitted. A Design Review Committee (DRC) meeting is scheduled for Thursday regarding Yolo Federal Credit Union. Staff received a letter from the Corp. of Army Engineers, which has given us a ray of hope regarding Walnut Park. Federal Fish & Wildlife Service needs to get on board. The City will move on construction sometime in the spring after this has gone before the Planning Commission. Staff is working with Assembly Member Dodd's office for the planning of the Napa seismic tour, which has been scheduled for September 16th. Staff is also looking to secure transportation for the tour. Council Member Neu asked about an update on the animal and tobacco ordinances, which will be brought back before Council. Mayor Aguiar-Curry suggested that staff meet with OES and Red Cross to discuss how things might have been done differently during the Wragg Fire. City Manager Donlevy said a debriefing will be held to discuss the impacts on Cold Canyon.

ADJOURNMENT: Mayor Aguiar-Curry adjourned the meeting at 8:16 p.m. into Executive Session for the Public Employee Performance Evaluation for the City Manager.

Cecilia Aguiar-Curry, MAYOR

ATTEST:

Nanci G. Mills, City Clerk



STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: September 1, 2015
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Nanci G. Mills, Administrative Services Director
SUBJECT: Approval of Street Closure, Amplified Sound Permit Application and Exclusive Use of Rotary Park and the Community Center for the Festival de la Comunidad

RECOMMENDATION:

Approve the street closure request, amplified sound permit application and exclusive use of Rotary Park and the Community Center for the Festival de la Comunidad.

BACKGROUND:

September 26, 2015 marks the return of the annual Festival de la Comunidad and Carnitas Cook-Off. This is a family event with lots of great entertainment, activities for children, and great food, craft and information booths and the ever popular carnitas cook-off.

The City of Winters Hispanic Advisory Committee works to foster communication, outreach and understanding between the City of Winters and the Latino community. The committee also provides support at community events and organizes the annual Festival de la Comunidad and Carnitas Cook-Off. Events like this are important in creating a sense of unity and celebration for all of the Winters citizens.

The City of Winters Hispanic Advisory Committee is requesting the closure of East Main Street between Railroad Avenue to just past the entrance to the Community Center parking lot, the approval of the attached amplified sound permit, and permission for exclusive use of Rotary Park and the Community Center on Saturday, September 26, 2015.

FISCAL IMPACT:

None

ATTACHMENTS:

Amplified Sound Permit Application
Street Closure Application



City of Winters Request for Street Closure

This application is for citizens or groups that have occasion to request that streets be temporarily closed for such things as bicycle races, running contests, block parties and other such events requiring the re-routing of traffic. For a parade or amplified sound an additional permit is required.

A request to close streets shall be filed with the Police and Public Works Departments at least ten (10) business days prior to the date the street would be closed.

There shall be no closure of the following streets without Council approval:

1. Main Street
2. Railroad Street
3. Grant Avenue
4. Valley Oak Drive
5. Abbey Street

Request to close these streets shall be processed in much the same manner except that the request shall be submitted to the City Council by the Police Department. Requests to close the streets herein listed shall be submitted at least thirty (30) business days prior to the street closure.

Requests for street closures that are not submitted by the minimum time lines may be granted only by the Winters City Council.

Name: <u>Leticia L. Quirarte</u>	Organization: <u>Hispanic Advisory Committee</u>
Address: <u>318 First St., Winters</u>	Mailing Address: <u>318 First St., Winters</u>
Telephone: <u>530-383-1000</u>	Today's Date: <u>8-24-15</u>
Streets Requested: <u>Main Street between Railroad Avenue & Elliot St., Winters</u>	
Date of Street Closure: <u>9/26/2015</u>	Time of Street Closure: <u>4:00-11:00pm</u>
Description of Activity: <u>Hispanic Advisory Committee's Festival de la Comunidad</u>	
Services Requested of City: <u>Street Barriers</u>	
<p>APPROVED: _____ <i>Police Department</i> _____ <i>Public Works Department</i></p>	

Date of Application: 08/24/2015 To City Council: _____

Name of Person(s)/ Organization: Hispanica A. C. Contact: Leticia Q.

Business Address: 314 First St. Telephone: (530) 383-1000

Winters
Telephone: (530) 383-1000

Type of Event: Festival de la Comunidad

Purpose of Event: (ie; fundraiser, parade, festival, etc.): Festival

Date/Time of Event: Sept. 26, 2015 From: 5:00 pm To: 11:00 pm

Location/Address of Event: 201 Realroad Ave.
Winters, CA

Rated Output of Amplifier in Watts: 3,000 wats Number of Speakers: 4

I have provided a list of and contacted all property owners adjacent to and within 300 feet of the event. Their approval of this event is indicated by their signature on the attached petition. Complaints about the sound will result in a warning and a request to reduce the volume. Additional complaints will result in the cessation of amplified sound. All amplified sound must be extinguished no later 10:00 p.m. pursuant to Winters Municipal Code Title VI; Chapter 7-Noise Control. Signing below certifies that all information contained within this application is correct. In the event that any of this information is found to be fraudulent, it may result in an automatic denial of this application.

Signature: Leticia L. Quiroste

For City Use Only

Proof of Insurance: N/A (Not City Property) Yes No

Rental Fee Paid: N/A (Not City Property) Yes No

Police Department: Approved Denied Date: 8/25/15

Authorized Signature: _____

City Council: Approved Denied Date: _____

Authorized Signature: _____



**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: September 1, 2015
THROUGH: John W. Donlevy, Jr., City Manager *[Signature]*
FROM: Shelly A. Gunby, Director of Financial Management *[Signature]*
SUBJECT: Resolution 2015-40 Contract with Board of Equalization for Collection of Local Charges on Prepaid Mobile Telephony Services

RECOMMENDATION:

Staff recommends that the City Council:

1. Receive the staff report regarding collection of local charges on prepaid mobile telephony services.
2. Adopt Resolution 2015-40 Authorizing the Examination of Mobile Telephony Services Surcharge and Local Charge Records
3. Authorize the City Manager to Execute an Agreement with the State Board of Equalization for State Collection and Administration of Local Charges.

BACKGROUND:

Beginning January 1, 2016, a new law (AB1717) requires local jurisdictions to contract with California State Board of Equalization 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.

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. The new law replaces all current charges imposed upon prepaid mobile phone services with a new prepaid MTS surcharge. The 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 jurisdictions.

FISCAL IMPACT:

Exact amount unknown as we haven't audited the prepaid mobile phone providers for compliance with UUT tax payment, however, this resolution and agreement will allow for the City to review all records pertaining to the purchase of prepaid wireless phones and provide a means for collecting the proper taxes for those phones.

ATTACHMENTS:

Resolution 2015-40

Agreement for State Collection and Administration of Local Charges

Certification Form

RESOLUTION No. 2015-40

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
AUTHORIZING THE EXAMINATION OF PREPAID MOBILE TELEPHONY
SERVICES SURCHARGE AND LOCAL CHARGE RECORDS**

WHEREAS, pursuant to Ordinance 2008-07 of the City of Winters and the Local Prepaid Mobile Telephony Services Act, the City of Winters, hereinafter called Local Jurisdiction, entered into a contract with the State Board of Equalization, hereinafter referred to as the Board, to perform all functions incident to the administration and collection of the prepaid mobile telephony services surcharge and local charges (Rev. & Tax. Code section 42101.5; and

WHEREAS, the Local Jurisdiction deems it desirable and necessary for authorized representatives of the Local Jurisdiction to examine confidential prepaid mobile telephony services surcharge and local charge records pertaining to the prepaid mobile telephony services surcharge and local charges collected by the Board for the Local Jurisdiction pursuant to that contract; and

WHEREAS, the Board will make available to the local Jurisdiction any information 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 of the Revenue and Taxation Code; and

WHEREAS, Sections 42110 and 42103 of the Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of Board of Equalization records and establishes criminal penalties for the unlawful disclosure of information contained in or derived from the prepaid mobile telephony services surcharge and local charge records of the Board;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Winters the following:

Section 1. That the City Manager and Director of Financial Management or other officer or employee of the Local Jurisdiction designated in writing by the City Manager to the Board is hereby appointed to represent the Local Jurisdiction with authority to examine prepaid mobile telephony services surcharge and local charge records of the Board pertaining to prepaid mobile telephony services surcharge and local charges collected for the Local Jurisdiction by the Board pursuant to the contract between the Local Jurisdiction and the Board. The information obtained by the examination of the Board records shall be used only for the purposes related to the collection of the Local Jurisdiction's prepaid mobile telephony services surcharge and local charges by the Board pursuant to the contract.

BE IT FURTHER RESOLVED THAT the information obtained by examination of the Board records shall only be used for purposes related to the collection of the Local Jurisdiction's prepaid mobile telephony services surcharge and local charges by the Board pursuant to the contract between the Local Jurisdiction and Board.

PASSED AND ADOPTED by the City Council, City of Winters, this 1st day of September 2015 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Cecilia Aguiar-Curry, MAYOR

ATTEST:

Nanci G. Mills, CITY CLERK

RESOLUTION No. 2015-40

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
AUTHORIZING THE EXAMINATION OF PREPAID MOBILE TELEPHONY
SERVICES SURCHARGE AND LOCAL CHARGE RECORDS**

WHEREAS, pursuant to Ordinance 2010-2 of the City of Winters and the Local Prepaid Mobile Telephony Services Act, the City of Winters, hereinafter called Local Jurisdiction, entered into a contract with the State Board of Equalization, hereinafter referred to as the Board, to perform all functions incident to the administration and collection of the prepaid mobile telephony services surcharge and local charges (Rev. & Tax. Code section 42101.5; and

WHEREAS, the Local Jurisdiction deems it desirable and necessary for authorized representatives of the Local Jurisdiction to examine confidential prepaid mobile telephony services surcharge and local charge records pertaining to the prepaid mobile telephony services surcharge and local charges collected by the Board for the Local Jurisdiction pursuant to that contract; and

WHEREAS, the Board will make available to the local Jurisdiction any information 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 of the Revenue and Taxation Code; and

WHEREAS, Sections 42110 and 42103 of the Revenue and Taxation Code sets forth certain requirements and conditions for the disclosure of Board of Equalization records and establishes criminal penalties for the unlawful disclosure of information contained in or derived from the prepaid mobile telephony services surcharge and local charge records of the Board;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Winters the following:

Section 1. That the City Manager and Director of Financial Management or other officer or employee of the Local Jurisdiction designated in writing by the City Manager to the Board is hereby appointed to represent the Local Jurisdiction with authority to examine prepaid mobile telephony services surcharge and local charge records of the Board pertaining to prepaid mobile telephony services surcharge and local charges collected for the Local Jurisdiction by the Board pursuant to the contract between the Local Jurisdiction and the Board. The information obtained by the examination of the Board records shall be used only for the purposes related to the collection of the Local Jurisdiction's prepaid mobile telephony services surcharge and local charges by the Board pursuant to the contract.

BE IT FURTHER RESOLVED THAT the information obtained by examination of the Board records shall only be used for purposes related to the collection of the Local Jurisdiction's prepaid mobile telephony services surcharge and local charges by the Board pursuant to the contract between the Local Jurisdiction and Board.

PASSED AND ADOPTED by the City Council, City of Winters, this 1st day of September 2015 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Cecilia Aguiar-Curry, MAYOR

ATTEST:

Nanci G. Mills, CITY CLERK

**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 City of Winters insert name of local jurisdiction and the State Board of Equalization, hereinafter called the Board, do agree as follows:

**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:

Shelly A. Gunby
Director of Financial Management
City of Winters
318 First Street
Winters, CA 95694

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 _____ City of Winters

By _____
(Signature on this line)

John W. Donlevy, Jr,
(Type name here)

City Manager
(Type title here)

CERTIFICATION

I, Shelly A. Gunby am authorized to sign this certification on behalf of City of Winters.
(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 _____
(Insert name of local jurisdiction) 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 _____.

2. **Utility User Tax** - Ordinance No. 2010-02 of the City of Winters
(Insert name of local jurisdiction) 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 9.5%.

3. The City of Winters
(Insert name of local jurisdiction) 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.

Executed in the City of Winters on August 5, 2015.
(Insert name of local jurisdiction) (Add date)

Printed name Shelly A. Gunby

Title of person Director of Financial Management, City of Winters



TO: Honorable Mayor and Council Members
DATE: September 1, 2015
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Nanci G. Mills, Director of Administrative Services/City Clerk *Nanci*
SUBJECT: Approval of Consultant Services for Scanning and Indexing Services -
Planning and Building Files

RECOMMENDATION:

Staff recommends that the City Council authorize the City Manager to enter into a Consulting Services Agreement with Access to provide scanning and indexing services of the Building and Planning files in an amount not to exceed \$25,000.

BACKGROUND:

Staff has determined that a mix of in-house and outsourced scanning is the most effective/efficient manner to add records to the City's system. The Administrative Services/City Clerk Department ensures critical information is archived, organized, and retrievable of demand.

We have received three proposals for scanning and indexing services for efficient importing into the City's system. Responsive proposals were received from the following businesses:

Access
Pacific
Statewide Records

All proposals were independently evaluated based on the City's criteria. A critical component was the ability to present all scanned and indexed records to the City, allowing staff to automatically import records into our system in a streamlined process.

FISCAL IMPACT:

Up to \$25,000 – General Fund - Economic Development/Building Fund



TO: Honorable Mayor and Council Members
DATE: September 1, 2015
THROUGH: John W. Donlevy, Jr., City Manager *JW*
FROM: Nanci G. Mills, Director of Administrative Services/City Clerk *Nanci*
SUBJECT: Approval of Part-Time Building Inspector/s

RECOMMENDATION:

Approval of Part-Time Building Inspector and hourly rate range:

Part-Time Building Inspector/s

Building Inspector	30.00 - 40.00 per hour
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BACKGROUND:

Periodically, the City will look at staffing levels within the organization to ensure that the resources are in place for desired service levels, to identify area of enhancement of service and to accommodate staff requirements in conjunction with new programs, projects, development or reorganizations.

The Building Division has requested staffing within this division with Part-Time Building Inspector/s to help with additional workload produced by the new development projects.

FISCAL IMPACT:

Increase staffing for one part time on-call Building Inspector for 20 hours a week will be \$43,400. This will be out of the General Fund – Economic Development/Building Dept.



PART-TIME BUILDING INSPECTOR

DEFINITION

To perform on-site inspection to determine compliance with building, plumbing, mechanical, electrical, and housing codes and other governing laws and ordinances including basic zoning, grading, and flood zone regulations; to determine adherence with the approved plans; to check plans and specifications; and to issue building permits and respond to inquiries from the public.

SUPERVISION RECEIVED AND EXERCISED

The Building Inspector is a journey level position and will perform responsible and technical assignments in support of the division. The Building Inspector may provide technical and functional training and supervision to the Building Official.

EXAMPLES OF DUTIES

The following are typical illustrations of duties encompassed by the job class, not an all inclusive or limiting list:

ESSENTIAL JOB FUNCTIONS:

Make field inspections of industrial, commercial, and residential buildings during various stages of construction and remodeling; inspect foundation, framing, plumbing, mechanical, and electrical installations. Perform field review of plans and specifications; perform office plan check of residential structures and commercial/industrial projects as assigned. Provide general information to the public, development community and other government agencies; respond to difficult citizen complaints and requests for information. Confer with architects, contractors, builders, other City departments and divisions, and the general public in the field and office. Issue and process building permits. Maintain records and prepare reports. Regular and consistent attendance.

OTHER JOB FUNCTIONS

Participate in committees or on special projects as assigned. Attend work or project related meetings outside of normal work schedule, when requested. Assist other co-workers with essential division functions to promote smooth operation of division and appropriate levels of customer service, as determined by supervision. Perform related duties as assigned. Work cooperatively with others.

QUALIFICATIONS

Knowledge of: California Code of Regulations Title 24, and applicable state codes. Principles and techniques of building construction. Principles of building inspection and plan examining. Principles and practices of customer service, including conflict resolutions. Building tools and materials and methods of building construction. Safe

work methods and safety regulations pertaining to the work, including driving habits. Operation and programs of a personal computer.

Skill to:

Provide information to the general public regarding building inspection and code enforcement. Deal courteously, but firmly, and communicate effectively, verbally and in writing, with a variety of individuals contacted in the course of work including resolving conflicts and problems. Apply technical knowledge and follow proper inspection techniques to examine workmanship and materials, and detect deviations from plans, regulations, and standard construction practices; advise on standard construction methods and requirements. Read and interpret building plans, specifications, and building codes; make mathematical computations rapidly and accurately. Establish and maintain effective work relationships with those contacted in the performance of required duties. Efficiently operate a personal computer.

Ability to:

Apply technical knowledge and follow proper inspection techniques to examine workmanship and materials. Learn applicable codes, ordinances and regulations enforceable by the City.

Minimum Education and Experience

Education:

High School diploma supplemented by a minimum of fifteen (15) units of technical or college courses in construction technology, building inspection or a related field.

Experience:

Two (2) years of journey-level experience in construction or the building trades is preferred. This work must have included significant public contact and the exercise of investigative or inspection skills.

License or Certificate:

Required upon hire, certification as a Building Inspector by the International Conference of Building Officials or the International Code Council, or appropriate specialty certifications and possession of a valid California Driver's License.

Building Inspector	30.00 - 40.00 per hour
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**CITY COUNCIL
STAFF REPORT**

TO: Honorable Mayor and Councilmembers
DATE: September 1, 2015
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Nanci G. Mills, Director of Administrative Services
SUBJECT: Recommendation to the FCC for the Broadband Lifeline Program

RECOMMENDATION: Endorse the recommendation to the FCC to support the establishment of an affordable Broadband Lifeline Program entitled "Internet For All Now" (IFAN)

BACKGROUND: "Internet For All Now" is urging the Federal Communications Commission to establish an affordable Broadband Lifeline Program through reform of the Universal Services Fund that addresses the three primary barriers to broadband adoption: (1) Cost; (2) Relevance; and (3) Digital Literacy.

The key components are: (1) establishment of an affordable high-speed Internet service plan for all low-income households offered by and through all broadband providers; (2) capitalization of an independent fund to support community-based organizations (CBO's), schools, libraries (as "trusted messengers") to assist in enrolling eligible low-income households and participate in true public-private partnerships; and (3) establish an oversight advisory body to ensure transparency and accountability with a broad base of stakeholders and community leaders knowledgeable about broadband adoption.

FISCAL IMPACT: None



California Partnership for the San Joaquin Valley



Centro Latino for Literacy



Internet For All Now

Recommendation to the FCC for the Broadband Lifeline Program
(WC Docket No. 11-42; WC Docket No. 09-197; WC Docket No. 10-90)

Endorsement Form

July 2015

Internet For All Now is urging the Federal Communications Commission to establish an affordable Broadband Lifeline Program through reform of the Universal Services Fund that addresses the 3 primary barriers to broadband adoption: (1) Cost; (2) Relevance; and (3) Digital Literacy. The following are the key components of an effective Broadband Lifeline Program:

- Establishment of an affordable high-speed Internet service plan for all low-income households offered by and through all broadband providers (in the \$10/month range) with sufficient speeds and a wireless modem for compatibility with school-issued devices. A Broadband Lifeline Program should augment Telephone Lifeline and not force consumers to choose between the two necessary technologies and programs.
- Capitalization of an independent fund to support community-based organizations (CBOs), schools and libraries (as “trusted messengers”) to assist in enrolling eligible low-income households and participate in true public-private partnerships:
 - Amount of capitalization and length of time set according to adopted goals for broadband adoption (such as 80% broadband adoption by 2020).
 - Administered through state regulatory commissions that opt in (a multi-state fund for rest of nation) with fund managers selected through an open, competitive process administered by an appropriate state agency.
 - Performance-based grants with accountability for results (subscriptions).
- Establishment of an oversight advisory body to ensure transparency and accountability with a broad base of stakeholders and community leaders knowledgeable about broadband adoption.

You are invited to support **Internet For All Now** and join the growing coalition of organizations and prominent civic leaders urging the FCC to adopt these recommendations by signing the form on the back.



HARNESING TECHNOLOGY & CHANGING LIVES



Southeast Community Development Corporation



I Support *Internet For All Now*

Please include me as a supporter of
Internet For All Now!

I endorse the recommendations to the FCC.
You may list my name on the IFAN website and in
correspondence to the FCC.

Name (Print): _____

Signature: _____

Title: _____

Organization: _____

Email: _____

Address: _____

Telephone: _____

Cell: _____

Date: _____

California Emerging Technology Fund
5 3RD Street, Suite 320
San Francisco, CA 94103

www.cetfund.org
www.internetforallnow.org



Phone: (530) 564-2324
(916) 692-9316
PO Box 1874 Davis, CA 95617
Email: programs@yolocrc.org
Web: www.yolocrc.org

August 24, 2015

Winters City Council
Winters City Hall
318 First Street
Winters, CA 95694

Re: Yolo Conflict Resolution Center (YCRC) Introduction

Dear Winters City Council,

I contact you today on behalf of a local non-profit, the Yolo Conflict Resolution Center (YCRC), whose mission and vision statements are as follows:

Mission Statement

We are an affordable community-based center for helping people resolve conflicts by delivering mediation, facilitation, education, and restorative justice services.

Vision Statement

We envision a future in which communities and individuals: view conflict as an opportunity for growth and transformation, access and develop their inherent capacity for constructive dialogue, and effectively resolve issues and conflicts using creative, peaceful, and respectful means.

YCRC provides community mediation services that can be applied to resolving a variety of conflicts including neighborhood disputes, tenants and landlords disagreements, conflicts at the workplace and among family members. Mediation services are affordable (sliding scale based on income level is available) and can lead to reduced police engagement and legal actions.

YCRC is partially funded by Yolo County (through Dispute Resolution Programs Act- DRPA funding). YCRC community mediation services are endorsed by the City of Davis, Davis Police Department, the Davis School District, and Yolo County Housing. In addition, we are currently in the process of developing referral relationships with the City of Woodland, and the City of West Sacramento and hope to gain the City of Winters' support as well.

In addition to community meditation services, YCRC provides workshops and training on communication and conflict resolution skills to support the community in developing conflict resolution capacity. YCRC delivers training services to community members who volunteer as facilitators in the Yolo County District's Attorney Neighborhood Program. YCRC facilitates community engagement events to advance community issues. YCRC services are delivered by community members who volunteer to serve as community mediators.

I would like to ask the City of Winters for support in the following ways:

- Access for YCRC to use unstaffed city facilities (with no hard costs to the city) for mediation sessions, facilitations, and services, on a request basis. YCRC would enter into an in-kind agreement and provide any insurance necessary to cover any city liability/interests.
- Informational referrals of YCRC for potential mediation or facilitation services from Fair Housing Services, Police Department, Commissions, or others.

We believe our non-profit, volunteer-based organization provides financially accessible conflict resolution services with far-reaching community benefit at little to no city cost.

Thank you for your interest and support in the Yolo Conflict Resolution Center. I can be reached at (530) 564-2324 or by email at orit@yolocrc.org for any follow-up requests to this letter.

With gratitude,



Orit Kalman, Executive Director
Yolo Conflict Resolution Center



A nonprofit serving all residents of Yolo County

Community Mediation Services

- ✓ *Time-Efficient*
- ✓ *Cost-Effective*
- ✓ *Reduces Potential for Legal Action*

What is community mediation? Community mediation is a process in which trained, impartial volunteer mediators help participants communicate their concerns to each other, clarify options for resolution, and develop mutually acceptable solutions. Community mediation is voluntary, confidential, neutral, and less time-consuming and expensive than litigation and arbitration.

Who can benefit from YCRC's community mediation services?

Community mediation services are appropriate for cases such as:

- Roommate disagreements
- Claims regarding rent, security deposit, and cleaning fees
- Ongoing neighborhood conflicts regarding noise, landscaping, and parking
- Disputes between merchants and customers
- Disputes between businesses
- Conflicts within community groups and organizations
- Family disagreements
- Repairing and building relationships

How much does it cost?

YCRC's mediation session fee is \$50.00 per participant. (A sliding scale based on income level is available.)

How can I access YCRC's community mediation services?

- Call us at (530) 564-2324 or (916) 692-9316
- Visit our Web site at www.Yolocrc.org
- Email us at Programs@Yolocrc.org



A nonprofit serving all residents of Yolo County

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TRAINING AND EDUCATION

YCRC training and education programs are designed to support YCRC volunteers and our communities. Specific training programs may include:

- Intake and case development practices.
- 40-hours certification mediation training to meet professional/industry standard.
- Service specific training.
- Same Page training- refresher training course to current mediators.
- Communication and conflict resolution skills training



WORKING WITH YOLO COUNTY COMMUNITIES

Davis - West Sacramento
Winters - Woodland

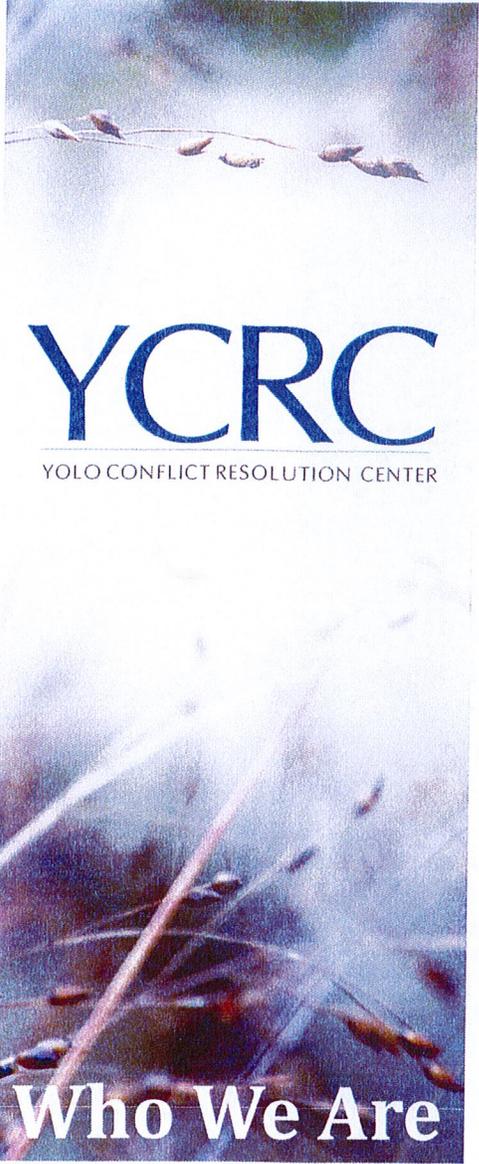
Yolo Conflict Resolution Center

PO Box 1874, Davis CA 95617

(530) 564-2324

programs@ycrc.org

www.yolocrc.org



STATEMENT OF PURPOSE

The specific purpose of Yolo Conflict Resolution Center is to lessen the burden of government by reducing stress on the formal justice system by offering affordable mediation, facilitation, and restorative justice services; combating community deterioration and potentially reducing the incidence of crime through constructive conflict resolution; and educating the public in general about alternative dispute resolution.

MISSION STATEMENT

We are an affordable community-based center for helping people resolve conflicts by delivering mediation, facilitation, education, and restorative justice services.

VISION STATEMENT

We envision a future in which communities and individuals view conflict as an opportunity for growth and transformation, access and develop their inherent capacity for constructive dialogue, and effectively resolve issues and conflicts using creative, peaceful, and respectful means.

COMMUNITY MEDIATION PROGRAM

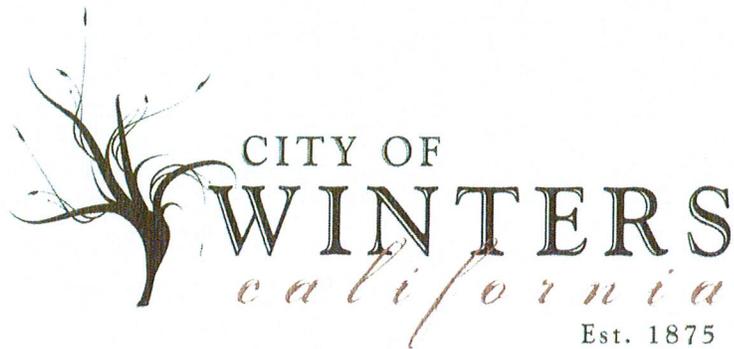
The Yolo Conflict Resolution Center provides a community mediation process as defined by the National Association for Community Mediation which is "a process of dispute resolution in which one or more impartial third parties intervenes in a conflict with the consent of the disputants and assists them in negotiating a consensual, informal agreement."

- The decision-making authority rests with the parties themselves.
- Individuals learn how to improve their conflict resolution and communication skills so that the next time they encounter a problem, they can solve it on their own.
- A successful mediation process can help parties improve communication and relationships; define issues and concerns; build mutual understanding, generate options for resolving problems, reduce the time and costs associated with resolving disputes.

RESTORATIVE PRACTICES

The Yolo Conflict Resolution Center is committed to peaceful resolution of human conflicts. YCRC Restorative Practices are:

- Are voluntary.
- Ensure psychological and physical safety for all parties.
- Are collaborative and inclusive.
- Promote involvement of all affected parties.
- Provide for maximum exchange of information between parties.
- Identify active steps to address harms and meet related needs.
- Yield mutually agreed upon outcomes that promote accountability, responsibility, reparation, support, reintegration, and healing for all.
- Are strategic while being responsive to specific needs of Yolo County.
- Allow for innovation and ensure continuous improvement and quality control.
- Promote personal and relational transformation, empowerment, and lifelong learning and growth.
- Celebrate our ability to make a difference in our community through inclusiveness, accessibility, and diversity.



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Councilmembers
DATE: September 1, 2015
THROUGH: John W. Donlevy, Jr., City Manager *JWD*
FROM: Shelly A. Gunby, Director of Financial Management *Shelly*
SUBJECT: Water Rate Increase

RECOMMENDATION:

Staff recommends the City Council

1. Hold a Public Hearing on the proposed increase in water rates.
2. Approve Resolution 2015-38 Amending Resolution 2009-02 Establishing Fees, Rates and Charges for Maintenance, Replacement and Repair of the City's Water and Sewer Systems.

BACKGROUND:

On June 16, 2015 staff engaged NBS to review the revenues and expenditures for the water system based on the occurrence of two issues:

1. California Court case in which it was determined that the use of tiered rates as a means of encouraging conservation was not consistent with Proposition 218,
2. The requirement by the State of California that all agencies reduce water consumption by 25%.

We requested that NBS provide staff with the information necessary to determine what rates would be required to provide the revenues necessary to continue operating the water system with a single tiered rate, all customers pay the same rate per unit of water used, as well as providing appropriate revenue with a 25% reduction in water use.

Based on the review by NBS, it was determined that we needed to adjust our rates to comply with the court ruling that Tiered Rates for the purpose of conservation was not consistent with Proposition 218, and to provide appropriate revenues to operate the system with a 25% reduction in water usage.

On July 7th, the City Council approved sending Proposition 218 notices to all property owners within the City of Winters notifying all that a Public Hearing would be held on September 1, 2015 regarding the proposed rate increase. Notices were mailed on July 13, 2015 to all residents and property owners throughout the City of Winters.

The water rate continues to be composed of both a fixed rate (based on meter size) and a consumption charge per hundred cubic foot (hcf). The proposed rate provides a single rate per hcf for all water customers, and provided the funding needed to operate the water system with a 25% reduction in water consumption.

The proposed rates are a part of a comprehensive financial plan for the operation of the water system of the City of Winters, and are necessary to provide quality service to our customers and to meet the regulatory requirements of the State of California.

FISCAL IMPACT:

Adoption of Resolution 2015-38 will provide the revenues required for Water Operation and Maintenance until June 30, 2018, or until the impacts of implementing the reduction of Chrome 6 in the water wells is known.

ATTACHMENTS: Resolution 2015-38

RESOLUTION No. 2015-38

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WINTERS
AMENDING RESOLUTION 2009-02 ESTABLISHING FEES, RATES AND
CHARGES FOR MAINTENANCE, REPLACEMENT AND REPAIR OF THE
CITY'S WATER SYSTEM AND THE CITY'S SEWER SYSTEM**

WHEREAS, The Municipal code of the City of Winters, Section 13-04-040 authorizes the City Council to adopt by resolution a schedule of charges and fees for the support of the City's Water System ; and

WHEREAS, on January 20, 2009 the City Council adopted Resolution 2009-02 amending the fees, rates and charges contained within Resolution 93-33. Said resolution also resolved that the rates would annually be increased in accordance with the cited methodology; and

WHEREAS, on January 20, 2009 the City Council adopted Resolution 2009-02 amending the fees, rates and charges contained within Resolution 95-15. Said resolution also resolved that the rates would annually be increased in accordance with the cited methodology; and

WHEREAS, the Water Operation and Maintenance Fund is not receiving adequate revenues for reasonable operations; and

WHEREAS, the City Council of the City of Winters after duly studying and determining reasonable cost of operations, maintenance and repair and replacement of the water system and having duly deliberated thereon;

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Winters does hereby amend Resolution 2009-02 with the Water Service Rates attached hereto as Exhibit A and incorporated herein as fully set forth.

PASSED AND ADOPTED by the City Council, City of Winters, this 1st day of September 2015 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Cecilia Aguiar-Curry, MAYOR

ATTEST:

Nanci G. Mills, CITY CLERK

Exhibit A
City of Winters Proposed Water Rates
Effective September 1, 2015

City of Winters Water Rate Schedule	Current Rates	Proposed/Revised Rates ¹		
		FY 2015/16	FY 2016/17	FY 2017/18
<i>Projected Increase in Rev. Reqts.</i>		0.00%	0.00%	0.00%
Fixed Meter Charge (\$/mo.)				
3/4 inch	\$20.03	\$20.03	\$20.03	\$20.03
1 inch	\$31.01	\$31.01	\$31.01	\$31.01
1 1/2 inch	\$38.33	\$38.33	\$38.33	\$38.33
2 inch	\$74.93	\$74.93	\$74.93	\$74.93
3 inch	\$111.52	\$111.52	\$111.52	\$111.52
4 inch	\$148.12	\$148.12	\$148.12	\$148.12
6 inch	\$367.71	\$367.71	\$367.71	\$367.71
Uniform Commodity Charge (per hcf)				
Single-Family Residential	NA	\$1.96	\$1.96	\$1.96
All Other Users	\$1.09	\$1.96	\$1.96	\$1.96
<i>Two-Tiered Single-Family Residential Commodity Charges (for comparison only)</i>				
<i>Tier 1: 0-18 hcf</i>	\$1.35	NA	NA	NA
<i>Tier 2: 18+ hcf</i>	\$1.91	NA	NA	NA

1. Reflects 40% of rate revenue collected from fixed charges, a 25% conservation mandate, and a uniform tier.



CITY COUNCIL
STAFF REPORT

TO: Honorable Mayor and Council Members
DATE: September 1, 2015
THROUGH: John W. Donlevy, Jr., City Manager 
FROM: Eric Lucero, Public Works Superintendent
SUBJECT: Wastewater Update

RECOMMENDATION: Council Update

BACKGROUND: In 2014 Council approved the operations of the wastewater treatment plant that had been subbed out to a third party since the 1990s to be brought back under the direction of the Public Works Department. As of December 1, 2014, the wastewater treatment plant has been integrated into the Public Works Department with the addition of three full time employees in that department. Staff would like to give a quick update on the progress of taking over the operations as well as a quick yearly update of the wastewater department.

FISCAL IMPACT: None at this time