



AGENDA
Regular Meeting of the Lompoc City Council
Tuesday, December 18, 2018
City Hall, 100 Civic Center Plaza, Council Chamber

Please be advised that, pursuant to State Law, any member of the public may address the City Council concerning any Item on the Agenda, before or during Council consideration of that Item. Please be aware that Items on the Consent Calendar are considered to be routine and are normally enacted by one vote of the City Council. If you wish to speak on a Consent Calendar Item, please do so during the first Oral Communications.

"Members of the Public are Advised that all **PAGERS, CELLULAR TELEPHONES** and any **OTHER COMMUNICATION DEVICES** are to be **turned off** upon entering the City Council Chambers."

Regular City Council meetings will be videotaped and available for review on the City's website by the end of the day on the Thursday following the City Council Meeting. **The Agenda and related Staff reports are available on the City's web site: www.cityoflomdoc.com the Friday before Council meetings between 9:00 a.m. and 5:00 p.m.**

Any documents produced by the City and distributed to a majority of the City Council regarding any item on this agenda will be made available the Friday before Council meetings at the City Clerk's Office at City Hall, 100 Civic Center Plaza, Monday through Friday between 9 a.m. and 5 p.m. and at the Information Desk at the Lompoc Library, 501 E. North Avenue, Lompoc, California, Monday - Thursday between 10 a.m. and 7 p.m. and Friday and Saturday between 1 p.m. and 5 p.m. The City may charge customary photocopying charges for copies of such documents.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, including review of the Agenda and related documents, please contact the City Clerk at (805) 875-8241 at least 72 hours prior to the meeting. This will allow time for the City to make reasonable arrangements to ensure accessibility to the meeting.

CLOSED SESSION

OPEN SESSION – 5:45 P.M. – Council Chamber

ROLL CALL: Mayor Jenelle Osborne
Council Member James Mosby
Council Member Dirk Starbuck
Council Member Victor Vega

ORAL COMMUNICATIONS: (maximum of three minutes per speaker, limited to subject of “Closed Session”)

CLOSED SESSION – City Council Conference Room

BUSINESS ITEM:

1. **CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION:** Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: Two Cases.

OPEN SESSION - 6:30 P.M. – Council Chamber

REPORT ON ACTION TAKEN DURING CLOSED SESSION:

INVOCATION: Reverend Jane Quandt

PLEDGE OF ALLEGIANCE: Mayor Jenelle Osborne

CITY MANAGER REPORT: (Information only)

- **List of City expenditures**
 - November 5 – 9, 2018 - \$840,105.40
 - November 12 – 16, 2018 - \$463,963.07
 - November 19 - -21, 2018 - \$2,00,906.02
 - Payroll November 16, 2018 - \$1,500,736.21
 - Payroll November 30, 2018 - \$1,433,117.15

PUBLIC COMMENT ON CONSENT CALENDAR ITEMS (Max of 3 Minutes):

CONSENT CALENDAR: All items listed under Consent Calendar are considered to be routine and will be enacted, after one motion, in the form listed below. There will be no separate discussion of these items unless good cause is shown prior to the Council vote. Any items withdrawn from the Consent Calendar for separate discussion will be addressed immediately before the second Oral Communications, near the end of the meeting.

1. **Review of the Need for Continuing the Local Emergency Proclaimed by the City Council on October 2, 2018, Relating to the Clean-up of the Santa Ynez Riverbed.**

City Manager Jim Throop
j_throop@ci.lompoc.ca.us

Recommendation: Council review, receive and file, this staff report regarding the need for continuing the local emergency proclaimed by the City Council on October 2, 2018, relating to the clean-up of the Santa Ynez riverbed.

2. **Adoption of Resolution No, 6232(18) Approving the Update of the City of Lompoc Transit (COLT) Title VI Program.**

Aviation/Transportation Administrator Richard Fernbaugh,
r_fernbaugh@ci.lompoc.ca.us

Recommendation: Council adopt Resolution No. 6232(18), approving submittal of the City of Lompoc Transit Title VI Plan Update, based upon approval as to form by the City Attorney, along with revisions as may be required by the Federal Transit Administration.

3. **Adoption of Resolution No, 6233(18) Approving the Update of the City of Lompoc Transit Disadvantaged Business Enterprise Plan Goals for Fiscal Year 2019-21.**

Aviation/Transportation Administrator Richard Fernbaugh,
r_fernbaugh@ci.lompoc.ca.us

Recommendation: Council adopt Resolution No. 6233(18), approving and adopting the City of Lompoc Transit Disadvantaged Business Enterprise Plan Goals for Fiscal Year 2019-21, based upon approval as to form by the City Attorney, along with revisions as may be required by Caltrans or the Federal Transit Administration.

4. **Issuance of a Purchase Order in the Amount of \$204,249.62 for Ethylene Propylene Rubber (EPR) Insulated Cable for Inventory.**

Purchasing and Materials Manager Ray Ambler
r_ambler@ci.lompoc.ca.us

Recommendation: Council authorize the Purchasing and Materials Manager to issue a purchase order in the amount of \$204,249.62 to the Okonite Company for EPR insulated, 15 kV concentric neutral jacketed cable, to replenish inventory for underground service projects.

CONSENT CALENDAR: (cont'd)

5. **Adoption of Resolution No. 6230(18) Rescinding and Restating the Previously Adopted Resolution No. 6230(18) Declaring the Results of the Consolidated General Election Held in Lompoc November 6, 2018.**

City Clerk Stacey Haddon
s_haddon@ci.lompoc.ca.us

Recommendation: Council adopt Resolution No. 6230(18), which rescinds and restates recitation of facts and declaration of the results of the Consolidated General Election held on November 6, 2018, as provided by the County Clerk-Recorder-Assessor and Registrar of Voters Certification of Election Results of the Official Canvass.

ORAL COMMUNICATIONS (3 Minutes Maximum):

NEW BUSINESS:

6. **Positions and Funding Allocations Changes in the Community Development, Fire and Utility Departments; Amendments to the City's Compensation and Classification Plans to Include the Revised Community Development Director Job Classification and Control Points; Adoption of Resolution No. 6231(18).**

City Manager Jim Throop
j_throop@ci.lompoc.ca.us

Recommendation: Council take the following actions:

- a) Reestablish the Community Development Department and approve the reorganization and reallocation of position allocations within the department's budget;
- b) Reorganize and reallocate positions from the Fire Department to the Community Development Department and adjust the departments' budgets accordingly; and
- c) Adopt Resolution No. 6231(18), which will:
 - i. Approve and adopt the Community Development Director job classification;
 - ii. Approve and adopt the proposed control points for the Community Development Director reallocation;
 - iii. Amend the Classification Plan to include the revised job descriptions for Battalion Fire Chief/Fire Marshal, Battalion Fire Chief, and Community Development Director, and
 - iv. Amend the Compensation Plan to include the control points for Community Development Director; and
 - v. Approve and adopt the proposed reallocation and adjustment of funding allocations for each affected department for the remaining Fiscal Year (FY) 2018-19 budget cycles.

d) Or provide alternate direction.

(Public Comment)

COUNCIL REQUEST:

8. **Council Approval of Application Form and Selection of Appointment Process to Fill the Mid-Term City Council Vacancy.**

City Manager Jim Throop
j_throop@ci.lompoc.ca.us

Recommendation: Council approve the Application Form for City Council Candidates; consider and select an appointment process to fill the remaining term for the at-large City Council seat vacated by Mayor Osborne; and determine the order of events for the Special Meeting to interview candidates.

(Public Comment)

WRITTEN COMMUNICATIONS:

ORAL COMMUNICATIONS (2 Minutes Maximum):

COUNCIL REQUESTS, COMMENTS, AND MEETING REPORTS:

ADJOURNMENT:

Lompoc City Council will adjourn to a Regular Meeting at 6:30 P.M. on Tuesday, January 15, 2019.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting. Dated this 14th day of December 2018

/Stacey Haddon/
Stacey Haddon, City Clerk
By: Shannon Marrs



City Council Agenda Item

City Council Meeting Date: December 18, 2018

TO: Mayor and Members of the City Council

FROM: Jim Throop, City Manager
j_throop@ci.lompoc.ca.us

Jeff Malawy, Assistant City Attorney
jmalawy@awattorneys.com

SUBJECT: Review of the Need for Continuing the Local Emergency Proclaimed by the City Council on October 2, 2018, Relating to the Clean-up of the Santa Ynez Riverbed

Recommendation:

Staff recommends the City Council review, receive and file, this staff report regarding the need for continuing the local emergency proclaimed by the City Council on October 2, 2018, relating to the clean-up of the Santa Ynez riverbed (Riverbed).

Background and Discussion:

On October 2, 2018, the City Council adopted Resolution No. 6220(18) proclaiming a local emergency relating to the clean-up of the Riverbed.

Government Code section 8630(c) requires the City Council to review the need for continuing the local emergency at least once every 30 days until the City Council terminates the local emergency.

The City Council undertook the first review at the October 16, 2018, City Council meeting.

The City Council undertook a second review on or before November 15, 2018.

The City Council undertook a third review at the December 6, 2018 City Council meeting.

As of today, there is a need to continue the local emergency because the conditions described in the October 2, 2018, City Council staff report and in Resolution No. 6220(18) continue to exist.

Trash and refuse still exist in the Riverbed and continue to pose significant risks to surface water quality and potentially to groundwater and drinking water quality. Additionally, significant dangers still exist related to excavations of the river's bank by the former Riverbed inhabitants, which have potentially compromised the bank's integrity and increased the risk of flow and flood-related damage to the bank, the City's bike path, and

the roadway beyond. Continued consistent clean-up of homeless encampments is necessary to discourage re-inhabitation of these areas and associated crime.

Mitigation and clean-up of these conditions continue to require assistance from the Federal, State and/or other local entities. A source for funding the clean-up of the Riverbed still has not been identified. It is crucial for this work to take place prior to the impending rainy season when flows occur in the river, giving rise to the potential for flow and flood-related damage to the banks and mobilizing pollutants in the Riverbed.

Fiscal Impact:

The continuation of the declaration of a local emergency by the City Council does not have a material fiscal impact on the City or the City's General Fund.

Conclusion:

For the above reasons, there is a need to continue the local emergency proclaimed by the City Council in Resolution No. 6220(18) on October 2, 2018.

Respectfully submitted,

Jim Throop, City Manager



Jeff Malawy, Assistant City Attorney



City Council Agenda Item

City Council Meeting Date: December 18, 2018

TO: James Throop, City Manager

FROM: Richard Fernbaugh, Aviation/Transportation Administrator
r_fernbaugh@ci.lompoc.ca.us

SUBJECT: Adoption of Resolution No. 6232(18) Approving the Update of the City of Lompoc Transit Title VI Program

Recommendation:

Staff recommends the City Council adopt Resolution No. 6232(18) (attached), approving and authorizing submittal of the City of Lompoc Transit (COLT) Title VI Program (Exhibit A to the Resolution), based upon approval as to form by the City Attorney, along with revisions as may be required by the Federal Transit Administration (FTA).

Background:

The FTA issued revised guidance to federal aid recipients in the form of a circular on October 1, 2012. The circular guides transit agencies and other aid recipients on how to comply with Title VI of the Civil Rights Act of 1964, which ensures public services, including transportation, are provided in a nondiscriminatory manner.

Discussion:

In order to ensure compliance with FTA Title VI requirements and guidelines, the California Department of Transportation (Caltrans) required all recipients and subrecipients of federal transportation funding (of which the City is a sub-recipient) to develop and submit updated or new Title VI programs. COLT's original Title VI Program was approved by the City Council and Caltrans in June 2016 and is required to be updated every three years. COLT's deadline for submittal of the Title VI Program Update is April 19, 2019. The consulting firm of Moore and Associates was hired to assist the City with the update to the Title VI Program Update, due to the associated required surveys.

The Title VI Program Update included the development of the following elements:

- Title VI Notice to the Public (including such matters as onboard vehicles, website).
- Title VI Complaint Procedures (*i.e.*, instructions to the public regarding how to file a Title VI discrimination complaint).
- Title VI Complaint Form (English/Spanish).
- List of transit-related Title VI investigations, complaints, and legal actions.
- Public Participation Plan:
 - Including information about outreach methods intended to engage minority and limited-English proficient populations (LEP), and
 - A summary of outreach efforts made within the prior three years.
- Language Assistance Plan for providing language assistance to LEP persons, based on Title VI guidance.
- Discussion of non-elected committees and councils.
- Title VI equity analysis for transportation-related facilities (*e.g.*, maintenance facility, operations center).

Further, the Title VI Program Update maintains performance standards and monitoring protocols for COLT, and provides guidance in the event the City modifies existing services and/or begins the planning of new transit facilities.

The COLT Title VI Program Update is currently under review by Caltrans, and may require minor revisions. It is recommended the City Council adopt a resolution approving and adopting the COLT Title VI Program Update as developed, based upon approval as to form of the final version of the Title VI Program Update by the City Attorney (in the event Caltrans requires minor revisions). If the City Attorney determines the changes needed due to Caltrans' action are more than minor, then this matter will be returned to the City Council for approval of the revised final version of the Title VI Program Update through another resolution, which will also rescind the subject resolution.

Fiscal Impact:

The adoption of the Title VI Program Update does not result in any initial significant fiscal impacts. Minor administrative tasks will be accomplished with the assistance of Moore & Associates, Inc. under its existing approved consulting contract. Implementation of the recommendations contained within the Program may result in additional operating expenses in future years. Those costs will vary based on the usage of translation services, future transit-related facilities planning and development, and demographic make-up of the COLT service area population. If an updated Title VI Program is not timely delivered, then receipt of FTA funding could be in jeopardy.

Conclusion:

Adoption of Resolution 6232(18) will authorize staff to submit the updated COLT Title VI Program to continue to meet the requirements for funding from the FTA for COLT operations.

Respectfully submitted,

Richard Fernbaugh, Aviation/Transportation Administrator

APPROVED FOR SUBMITTAL TO THE CITY MANAGER:

Kevin P. McCune, P.E., Public Works Director

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

James Throop, City Manager

Attachment: [Resolution No. 6232\(18\)](#)

RESOLUTION NO. 6232(18)

**A Resolution of the Council of the City of Lompoc,
County of Santa Barbara, State of California,
Approving the City's Title VI Program and
Authorizing Its Submittal to the Federal Transit Administration
and Certain Staff to Sign Necessary Documents**

WHEREAS, a Title VI Program is a requirement of the Federal Transit Administration (FTA) to receive federal funding for transit operations; and

WHEREAS, the City of Lompoc hereby submits a Title VI Program to the FTA.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, STATE OF CALIFORNIA, DOES HEREBY RESOLVE, AS FOLLOWS:

SECTION 1. The City Council of the City of Lompoc approves and authorizes the submittal of a Title VI Program to the FTA, which is attached hereto as Exhibit A.

SECTION 2. The City Manager, Public Works Director, Assistant Public Works Director, and the Aviation/Transportation Administrator are each authorized to sign all documents related to Title VI for Transit Program on behalf of the City of Lompoc.

SECTION 3. This Resolution is effective upon its adoption.

The above and foregoing Resolution was proposed by Councilmember _____, seconded by Councilmember _____, and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting on December 18, 2018, by the following electronic vote:

AYES: Councilmember:
NOES: Councilmember:
ABSENT: Councilmember:

Jenelle Osborne, Mayor
City of Lompoc

ATTEST:

Stacey Haddon, City Clerk
City of Lompoc

Attachment: [Exhibit A: Title VI Program](#)



City of Lompoc
COLT
2019 Title VI Program

Adopted by the City of Lompoc City Council:
December 18, 2018

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SECTION 1

**TITLE VI NOTICE TO THE PUBLIC
AND LOCATIONS WHERE DISPLAYED**



CITY OF LOMPOC
City of Lompoc Transit - COLT
Title VI Notice & Complaint Process

The City of Lompoc is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964. Any person who believes that he or she has been subjected to discrimination under Title VI on the basis of race, color or national origin may file a Title VI complaint with the City within 60 calendar days from the date of the alleged discrimination.

Complaints may be filed with the City in writing and may be addressed to:

Mr. Richard Fernbaugh
Title VI Compliance Coordinator
City of Lompoc
100 Civic Center Plaza
Lompoc, CA 93436

A copy of the Title VI Complaint Form (in English or Spanish) and additional information may be obtained from the City's web site at www.cityoflompoc.com (under "Departments – Public Works – Transportation") or by calling (805)-875-8268. The City will provide appropriate assistance to complainants who are limited in their ability to communicate in English.



CIUDAD DE LOMPOC
Ciudad de Lompoc
Título VI Noticia y Proceso de Quejas

La Ciudad de Lompoc, se compromete a garantizar que ninguna persona sea excluida de participar o denegar los beneficios de servicios basado por raza, color, linaje u origen nacional, según lo dispuesto en el Título VI de la Ley de Derechos Civiles de 1964. Cualquier persona que cree que él o ella ha sido objeto de discriminación en virtud del Título VI basado por raza, color u origen nacional puede presentar una queja del Título VI con la Ciudad dentro de 60 días del calendario a partir de la fecha de la supuesta discriminación.

Las quejas pueden ser presentadas en la Ciudad por escrito y pueden ser dirigidas a:

Richard Fernbaugh
Coordinadora de Conformidad Titulo VI
Ciudad de Lompoc
100 Civic Center Plaza
Lompoc, CA 93438-8001

Una copia del Título VI Formulario de Queja (en Inglés o Español) y la información adicional se puede obtener desde el sitio web de la Ciudad en www.cityoflompoc.com (en "Departamentos - Servicios administrativos – Vivienda") o llamando al (805)-875-8268. La Ciudad proveerá asistencia apropiada para los denunciantes que sean limitados en su capacidad de comunicarse en inglés.

Title VI List of Locations where Title VI Notice is Posted

The City of Lompoc Transit (COLT) Title VI Notice to the Public is currently posted at the following locations:

Exhibit 1.3 Locations Where Title VI Notice Is Posted

Location Name	Address
City of Lompoc Transit Administrations Office	1300 Laurel Ave., Lompoc, CA 93438
City of Lompoc City Hall	100 Civic Center Plaza, Lompoc, CA 93436
City of Lompoc Library	501 E. North Ave., Lompoc, CA 93436
City of Lompoc website	www.cityoflompoc.com
COLT public transit vehicles	

The COLT Title VI Notice to the Public, Complaint Procedure/Form, and program information are also provided in English and Spanish on the City’s website at www.cityoflompoc.com.

SECTION 2

TITLE VI COMPLAINT PROCEDURES AND FORM

City of Lompoc Title VI Policy Statement

The City of Lompoc (City) is committed to a policy of non-discrimination in the conduct of its business, including its Title VI responsibilities, and to the delivery of equitable and accessible transportation services.

The City is committed to ensuring that no person is excluded from participation in or denied the benefits of its services on the basis of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964, as amended. The City's objectives are to:

- Ensure the level and quality of transportation service is provided without regard to race, color or national origin.
- Identify and address, as appropriate, disproportionately high and adverse human health and environmental effects, including social and economic effects of programs and activities on minority populations and low-income populations.
- Promote the full and fair participation of all affected populations in transportation decision making.
- Prevent the denial, reduction or delay in benefits related to programs and activities that benefit minority populations or low-income populations.
- Ensure meaningful access to programs and activities by persons with limited English proficiency (LEP).

Any person who believes that he or she has been subjected to discrimination under Title VI on the basis of race, color or national origin may file a Title VI complaint with the City within 60 days from the date of the alleged discrimination.

Complaints may be filed with the City in writing and may be addressed to:

*Mr. Richard Fernbaugh
Title VI Compliance Coordinator
City of Lompoc
100 Civic Center Plaza
Lompoc, CA 93438*

A copy of the Title VI Complaint Form may also be obtained by calling (805) 875-8268. The City will provide appropriate assistance to complainants who are limited in their ability to communicate in English.

Title VI Transit Complaint Process

Submission of Complaint

If a customer believes he/she has received discriminatory treatment by COLT on the basis of race, color or national origin, the customer will have the right to file a complaint with the Transit Title VI Compliance Coordinator. The complaint must be filed no later than sixty (60) calendar days of the alleged discriminatory incident.

Investigation of Complaint

Upon receipt of the complaint, the Compliance Coordinator will begin an investigation. The investigation may include discussion(s) of the complaint with all affected parties to determine the problem. Based upon the information received, the Compliance Coordinator will prepare an investigation report for submittal to the Assistant Public Works Director. The complainant will receive a letter from the Compliance Coordinator stating the final decision within forty-five (45) calendar days of receipt of the complaint.

If more time is needed to review the complaint, the Compliance Coordinator will notify the complainant of the estimated time-frame for completing the review. Upon completion of the review, the Compliance Coordinator shall make a recommendation regarding the merit of the complaint, whether remedial actions are available to provide redress, and whether improvements to the City's Title VI process are needed.

Request for Reconsideration

The complainant shall be notified of his/her right to appeal the decision. If the complainant disagrees with the Compliance Coordinator's finding, the complainant may request reconsideration by submitting a written request to the Assistant Public Works Director within ten (10) calendar days after receipt of the Compliance Coordinator's response. The complainant shall provide a detailed description of items not fully understood. The Assistant Public Works Director will notify the complainant of his/her decision either to accept or reject the request for reconsideration within ten (10) calendar days. When the Assistant Public Works Director agrees to reconsider the matter, the complaint shall be returned to the Compliance Coordinator for re-evaluation in accordance with the "Investigation of Complaint" procedures described above.

Appeal Process

If the request for reconsideration is denied, the complainant may appeal the Assistant Public Works Director's response to the complaint by submitting a written request to the Compliance Coordinator. The appeal request will be forwarded to the City Manager and City Attorney for final determination.

Submission of Complaint to the Department of Transportation

If the complainant is dissatisfied with the City's resolution of the complaint, he or she may submit a complaint to the Department of Transportation for investigation. The complaint may be submitted to the Title VI Program Coordinator, FTA Office of Civil Rights, East Building, 5th Floor – TCR, 1200 New Jersey Ave., S.E., Washington, D.C. 20590. In accordance with Chapter 9, Complaints, of FTA Circular 4702.1B, such a complaint must be filed within 180 calendar days after the date of the alleged discrimination. Chapter 9 of FTA Circular 4702.1B, which outlines the complaint process to the Department of Transportation, may be obtained by requesting a copy from the City's Compliance Coordinator at (805) 875-8268.

For additional information on the City's non-discrimination obligations, please contact:

*Mr. Richard Fernbaugh
Title VI Compliance Coordinator
City of Lompoc
100 Civic Center Plaza
Lompoc, CA 93438
Phone: (805) 875-8268*

**CITY OF LOMPOC
CITY OF LOMPOC TRANSIT (COLT)
Title VI Complaint Form**

Have you filed a complaint with any other federal, state or local agencies? (Check one)

Yes No

If yes, list agency or agencies and contact information below:

Agency: _____

Street Address: _____

Phone: _____

Contact Name: _____

Agency: _____

Street Address: _____

Phone: _____

Contact Name: _____

I affirm that I have read the above charge, and it is true to the best of my knowledge.

Complainant's Signature

Date

Print or Type Name of Complainant

Date Received: _____

Received By: _____

**CITY OF LOMPOC
CITY OF LOMPOC TRANSIT (COLT)
Formulario de Quejas Título VI**

¿Ha presentado alguna queja ante otra agencia federal, estatal o local con respecto a este incidente? (Marque Uno)

____ Sí ____ No

Si la respuesta es afirmativa, por favor, a continuación enumere la agencia o agencias y la información de contacto:

Agencia: _____

Dirección: _____

Teléfono: _____

Nombre de contacto: _____

Agencia: _____

Dirección: _____

Teléfono: _____

Nombre de contacto: _____

Confirmando que he leído el cargo que se indica arriba y que es verdadero hasta donde tengo conocimiento.

Firma del declarante

Fecha

Imprima o escriba el nombre del declarante

Fecha de recepción: _____

Recibido por: _____

SECTION 3

LIST OF TRANSIT-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS, AND LAWSUITS

Per FTA Circular 4702.1B, “all recipients are required to prepare and maintain a list of any of the following that allege discrimination on the basis of race, color, or national origin”:

- Active investigations conducted by FTA and entities other than FTA,
- Lawsuits, and
- Complaints naming the recipient (i.e., City and/or COLT).

To date, neither the COLT program nor the City has been subject to any Title VI investigations, Title VI complaints, or Title VI lawsuits. Below is a matrix which will be utilized by City staff to internally track and report any and all future incidents.

Exhibit 3.1 Title VI Investigations, Lawsuits and Complaints Summary Table

Action	Date (Month, Day, Year)	Summary (basis of complaint: race, color, or national origin)	Status	Action(s) Taken
Investigations				
(None)				
Lawsuits				
(None)				
Complaints				
(None)				

SECTION 4

PUBLIC PARTICIPATION PLAN

The City has developed this Public Participation plan as part of its Title VI Program. The City is committed to ensuring it provides equal and equitable access to its services in the safest and most cost-effective manner possible. Through a combination of input and insight from community residents, current and prospective riders, community stakeholders, and COLT staff, the City has enhanced its methodologies of reaching the public within its service area and will be able to further refine its strategies in the future.

Approach to Public Participation

The public participation process should be considered at the earliest stages of any COLT project or service enhancement which may impact the surrounding communities, existing riders, and potential riders. As transit-related services and projects vary in scope and goals, the public participation process should be tailored to most effectively assist each. The following process outlines tools and strategies to ensure that public input is invited and all foreseeable impacts to the service area communities are considered.

The City has developed three prioritized categories of projects which guided the development of minimum public participation requirements. During the initial planning phase of each transit-related project or major service revisions, City and COLT staff will identify into which level the project falls and develop a tailored participation plan accordingly. At any time during a project's development and/or implementation process, the project may be reclassified to a higher level if the City deems appropriate. The levels of public participation are presented below.

- **Baseline.** Routine service, route, schedule, and system enhancements and revisions. Also includes short-term projects (less than one year in duration) where potential impacts to COLT and its customers should be considered during planning phases. Examples include minor revisions to fixed-route schedules and minor route alignments or stop closures due to construction and/or events. Also includes updates to service branding and fare media and collateral.
- **Moderate.** Projects involving a year or longer of development and/or implementation where impacts to existing and future riders must be considered. Examples include development and implementation of new/expanded services, development of Short Range Transit Plans, Bus Stop Infrastructure Plans, Marketing Plans, and facility/storage construction projects, etc. Any project within this level to be conducted by a third-party (i.e., consultant or contractor) will include public participation requirements and criteria as part of the RFP process.
- **High.** Projects involving multiple years of development and/or implementation where impacts to existing and future riders must be considered. Examples include Comprehensive Operational Analyses, development and construction of transit center/facilities, transit system redesign (complete overhaul of existing system and operations), transition of administration of services, etc. Any project within this level to be conducted by a third-party (i.e., consultant or contractor) will include public participation requirements and criteria as part of the RFP process.

Outreach Requirements and Activities

The following activities are intended to serve as guidelines for each level of outreach to ensure existing and future riders of COLT services are provided with equal access and opportunity to participate in transit and transportation planning.

Baseline Level – Minimum Outreach

- Notices for public events may include car cards, posters, email blasts, media releases to local papers, and/or radio announcements as funding allows.
 - Any notice for a public event will be posted at least one week prior to the event.
- Notices may be posted at the COLT Office, onboard service vehicles, at bus stops/shelters as deemed appropriate, and at key community centers.
- Whenever possible, information regarding public participation opportunities will also be posted on the City and/or COLT website at least two weeks prior to a public event.
- Comments will be accepted via public outreach events and by email, mail, and phone to ensure that all populations have the opportunity to participate.

Moderate Level – Minimum Outreach

- All applicable Baseline Level elements are included within Moderate Level projects.
- Unique notices/fliers will be developed and posted a minimum of two weeks in advance for the following outreach activities (as deemed appropriate for each project):
 - Focus group participation,
 - Stakeholder discussions,
 - Community surveying efforts, and
 - Customer survey efforts.
- Materials may be developed specifically for public participation including FAQ sheets, presentation slides, newsletters, and media releases.
- Where more than one workshop or meeting open to the public is planned, the workshops shall be scheduled throughout multiple day-parts (i.e., mornings, afternoons, and evenings) as funding and resources allow to maximize opportunity for participation.
- Public participation events shall be held in central locations within walking distance of fixed-routes stops whenever feasible.

High Level – Minimum Outreach

- All applicable Baseline and Moderate Level elements are included within High Level projects.
- The City shall conduct expanded outreach to community stakeholders.
- The City shall investigate the establishment of a transit-oriented committee to guide the development and implementation of the project and public participation.
- The City shall expand regional entity participation, including but not limited to Santa Barbara County Association of Government (SBCAG), Santa Maria Organization of Transportation Helpers (SMOOTH), Santa Ynez Valley Transit (SYVT), and Santa Maria Area Transit (SMAT), by seeking comments and participation in project meetings and planning activities.

Currently, Spanish is the only quantifiable population within COLT's service area that is limited in English proficiency. The City will continue assessing the language needs of citizens in its service area through its Language Assistance Plan. Should another population with limited English proficiency reach or surpass population levels as defined by the FTA Title VI Circular (currently 5% of the total service area population

or 1,000 persons, whichever is less), the City will reassess this element of its Title VI program and the strategies presented below.

Outreach Methods for Engaging Minority and Limited English Proficient Populations

Baseline Level – Minimum Minority Outreach

- Notices will be bilingual or Spanish-language notices will be developed and posted alongside English notices.
- Spanish-language notices will be posted on all revenue vehicles and at bus shelters that have been identified as key destinations of Limited English Populations (LEP), if such information exists.
- Event information on the COLT website will be posted in English and Spanish.
- The City will distribute event information to community groups and agencies that work with LEP populations, if such contacts exist.
- Spanish interpretation or translation at any public meetings or workshop will be provided by COLT staff as is possible.
- When it is deemed appropriate or necessary, the City will ensure non-English-language interpretation in additional languages is made available.

Moderate Level – Minimum Minority Outreach

- All applicable Baseline Level elements are included within Moderate Level projects.
- The City will continue cultivating relationships with community agencies that serve LEP populations.
- Public outreach events may include attending existing community meetings and gatherings, such as school meetings, farmers markets, faith-based events, and other community activities, in order to invite participation from LEP populations who are not likely to attend City-hosted public events.

High Level – Minimum Minority Outreach

- All applicable Baseline and Moderate Level elements are included within High Level projects.
- Translated notices will be sent to Spanish-language magazine, newspapers, and/or radio stations as they are identified.
- The City will ensure that non-English-language interpretation will be available at any public meeting or workshop associated with a High Level project as deemed appropriate and necessary.

Summary of Completed Outreach Efforts

When staff prepares a document or schedules a meeting, for which the target audience is expected to include LEP individuals, documents, meeting notices, flyers, and agendas will be printed in an alternative language based on the known LEP population. Interpreters will be available as needed. The City currently uses a variety of outreach approaches, as described below.

Public Outreach Activities

The City website includes COLT schedules. The City's website provides material in both English and Spanish. The City also provides easy access to bilingual (English and Spanish) administrative staff and drivers at the City's Transit office during normal business hours to answer questions during their regular shift schedules for those LEP passengers who use the City's public transit service.

The City reaches out to the community directly through meetings with agency and community staff and their clients, as needed. Information regarding the City's transit services is disseminated at these meetings, including schedules and appropriate fliers. Schedules also are made available at a variety of locations throughout the community and on the COLT system.

Public Meetings

The City also collaborates with the Santa Barbara County Transportation Advisory Committee (SBCTAC), the Metropolitan Planning Organization (MPO) and the Santa Barbara County Association of Governments (SBCAG), in its Unmet Transit Needs process. The Unmet Transit Needs hearings are accessible to the general public, offer bilingual translation, and are consistent with SBCAG's comprehensive Public Participation Plan and process that ensures meaningful access to LEP throughout the Santa Barbara County region.

COLT staff also participates in the development of the SBCAG "Public Participation Plan." A series of meetings are conducted with participants from throughout the community.

Recommendations to maximize community involvement are reflected in this plan and adopted by the SBCAG Board.

Participation in Community Activities

The City engages in community activities that promote its transit services. These activities include functions where a broad cross-section of the community can access available transit information, including schedules, brochures and fliers. In addition staff, as requested (as many as three times a year), speaks at public functions and provides published materials. City staff has, this year, provided materials at the Lompoc Senior Expo and the FOOD, FOOD, FOOD Expo.

SECTION 5

LANGUAGE ASSISTANCE PLAN (LEP PLAN)

Introduction

This Language Assistance Plan/Limited English Proficiency (LEP) Plan has been prepared to address the City Transit Division's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, Federal Transit Administration Circular 4702.1A dated May 13, 2007, which state that no person shall be subjected to discrimination on the basis of race, color, or national origin.

Executive Order 13166, titled Improving Access to services for Persons with Limited English Proficiency, indicated that differing treatment based upon a person's inability to speak, read, write, or understand English is a type of national origin discrimination. It directs each federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all State and local agencies which receive federal funds.

The City Language Assistance Plan/LEP Plan and the Title VI Program are included in the City's website at www.cityoflompoc.com. Any person or agency with internet access will be able to access and download the plan from the City website. Alternatively, any person or agency may request a copy of the plan via telephone, fax, mail, or in person and shall be provided a copy of the plan at no cost. LEP individuals may request copies of the Plan in translation which the City will provide, if feasible. Questions or comments regarding the LEP Plan may be submitted to the City Aviation/Transportation Division, Title VI Administrator:

City of Lompoc
Aviation/Transportation Division
100 Civic Center Plaza
Lompoc, CA 93436
Phone: (805) 875-8268
Fax: (805) 875-8368
Email: r_fernbaugh@ci.lompoc.ca.us

Background

The City Transit Division administers COLT which is operated by a contract service provider. The current transit operations contractor is RATP Dev USA. The Lompoc City Council is the policymaking body for the system. The COLT services consist of a fixed route service and a Dial-a-Ride service (DAR). The COLT Transit Division has developed this LEP Plan to help identify reasonable steps for providing language assistance to persons with limited English proficiency who wish to access services provided by COLT. As defined by Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write, or understand English.

This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, and how to notify LEP persons that assistance is available.

Language Assistance Goals

One of the overarching goals of the City's Title VI Program is to provide meaningful access for LEP customers to COLT services, information, and materials by developing a Language Assistance Plan and by regular evaluation of the developed methods and strategies.

In order to prepare this plan, City staff undertook the U.S. Department of Transportation (U.S. DOT) four-factor LEP analysis which considers the following factors:

1. The number or proportion of LEP persons in the service area who may be served or are likely to encounter the COLT transit programs, activities, or services.
2. The frequency with which LEP persons come in contact with City transit services programs, activities, or services.
3. The nature and importance of programs, activities, or services provided by the City transit services to the LEP population.
4. Resources available to the City's Transit Division and overall cost to provide LEP assistance.

A summary of the results of the City's transit services' four-factor analysis is in the following section.

Four-Factor Analysis

Factor 1: The number or proportion of LEP persons in the service area who may be served or are likely to encounter COLT transit programs, activities, or services.

Estimating the number or proportion of LEP individuals that may be encountered by COLT will help identify the populations covered by the USDOT's Safe Harbor Provision. This provision stipulates that if an LEP group speaking a given non-English language constitutes 5% or 1,000 persons, whichever is less, of the total population of persons likely to be encountered by transit services, then the service provider must make the following materials and services available to speakers of that language:

- Documents critical for accessing recipient's services or benefits,
- Letters requiring response from customer,
- Informing customers of free language assistance,
- Complaint forms, and
- Notification of rights.

City Transit staff reviewed the 2015 American Community Survey 2015 five-year estimates and current population. While the majority of Lompoc residents are classified as "white" (63.2%), more than half of the population (54.4%) identifies as Hispanic or Latino.

Exhibit 5.1 Service Area Demographics – Race/Ethnicity

Race or Ethnicity	Lompoc	
	Estimate	Percentage
White alone	27,425	63.2%
Black or African American alone	2,460	5.7%
American Indian and Alaska Native alone	700	1.6%
Asian alone	1,459	3.4%
Native Hawaiian and Other Pacific Islander alone	260	0.6%
Some other race alone	7,927	18.3%
Two or more races	3,197	7.4%
Hispanic or Latino (of any race)	23,622	54.4%
Total	43,428	

Of the population of 39,607 residents age five years and older, 42.2% speak a language other than English. In the City 7,481 residents (18.9%) have limited English proficiency; that is, they speak English less than “very well.” Of those persons with limited English proficiency, the majority speak Spanish. The next two most common languages are Tagalog and Hmong, both of which are well below the Safe Harbor threshold of 5% or 1,000 persons.

Exhibit 5.2 Service Area Demographics – Language Proficiency

Language	Number	Percentage
Speak only English	22,896	57.8%
Spanish	15,278	38.6%
<i>Speak English very well</i>	8,230	20.8%
<i>Speak English less than very well</i>	7,048	17.8%
Tagalog	272	0.7%
<i>Speak English very well</i>	232	0.6%
<i>Speak English less than very well</i>	40	0.1%
Hmong	175	0.4%
<i>Speak English very well</i>	122	0.3%
<i>Speak English less than very well</i>	53	0.1%

The only significant LEP population in the COLT service area is comprised of Spanish-speakers. As of the 2011-2015 American Community Survey, there were 7,048 Spanish speakers, comprising 17.8% of the service area population, who reported speaking English “less than very well.” This significant population means the Safe Harbor Provision would apply to the City’s Spanish-speaking population, requiring the City to provide the materials listed under Factor 1.

For the 2017-18 school year, the Lompoc Unified School District reported 21.4% of its students were considered “English Learners.” An English Learner is defined by the California Department of Education as:

A student in kindergarten through grade 12 for whom there is a report of a language other than English on the Home Language Survey and who, upon initial assessment in California using an appropriate state assessment (currently the California English Language Development Test (CELDT)) and from additional information when appropriate, is determined to lack the clearly defined English language skills of listening, speaking, reading, and/or writing necessary to succeed in the school's regular instructional programs.¹

Based on this definition, English Learners can be considered to speak English less than “very well.” This concentration of LEP individuals is consistent with what can be observed from American Community Survey data discussed above. In addition, 95.6% of those identified as English Learners speak Spanish as their primary language.

Finally, a survey of City transit staff resulted in responses from 15 individuals representing drivers, dispatchers, and customer service representatives. All indicated Spanish as the most common language other than English they encountered.

From this data, it is apparent Spanish is the only language that a) meets the Safe Harbor threshold and b) is likely to be frequently encountered by the City’s transit programs.

Factor 2: The frequency with which LEP come in contact with COLT transit services programs, activities, or services.

In order to estimate how often LEP populations come into contact with COLT services, the City relied on input from both transit staff and transit riders. As drivers and dispatchers are typically on the “front lines” and most frequently come into contact with transit patrons, their observations and insights provide an informative picture of how many LEP persons use COLT.

Rider demographics generally reflect those of the community at large. In a customer survey conducted in October 2018, while 71.9% of respondents were white, half (50%) identified themselves as Hispanic or Latino. Spanish was the most frequently cited language spoken at home (45.3% of respondents), though only 29.7% indicated speaking English less than “very well.” This translates to nearly 30% of COLT riders who potentially face challenges in using the transit system due to language barriers.

Four respondents (3.1%) said they or someone they knew experienced challenges accessing transit service or information in Lompoc due to a language barrier. Eight transit staff reported having occasional problems communicating effectively with individuals who speak English less than very well.

Three staff survey respondents indicated interacting with more than 10 unique individuals each week that do not speak English or do not speak English well. Another seven respondents reported such interactions with five to 10 such individuals each week.

¹ California Department of Education, Dataquest database, <https://dq.cde.ca.gov/dataquest/dataquest.asp>.

It can be concluded that LEP persons do utilize the City's transit program on a regular basis, and there are some issues with communication.

Factor 3: The nature and importance of programs, activities, or services provided by COLT transit services to the LEP population.

To better understand COLT's role among LEP populations, the City contacted approximately 70 local stakeholders comprised of social service agencies, senior centers, faith-based organizations, ethnic organizations, and educational institutions. These stakeholders act as representatives for, or come into frequent contact with, LEP populations. Of the groups contacted, 23 completed the stakeholder survey (the survey instrument is provided in Exhibit J). These stakeholders provided important insight into the COLT service area's key LEP groups, including Spanish speakers. As representatives who serve as leaders for these communities, they are attuned to the needs and potential language barriers members of these communities may face when using COLT.

Stakeholders reported Spanish was the most common language other than English spoken by the populations they represented (91.3%), followed by Hmong (30.4%) and Tagalog (26.1%). Nearly 40% said they often experience language-related barriers within their organizations. Nearly 70% (69.6%) indicated those they served use COLT services, with another 26.1% unsure as to transit usage. Two stakeholders said they were aware of language barriers specific to transit in the past 12 months. Most organizations (73.9%) said they provided Spanish-language translation services.

In addition, nearly two-thirds of surveyed customers reported an annual household income of less than \$25,000. Another 22.3% cited an income between \$25,000 and \$35,000. Fewer than 12% of respondents cited an annual income of \$35,000 or greater. While low income is not the only motivator for transit use, it is a very common one. Given COLT's customer base as a whole tends to be lower income, it can be assumed this applies to COLT's minority populations as well. Therefore, it can be inferred that COLT's services are important to members of LEP populations.

Factor 4: The resources available to City Transit Division and overall cost to provide LEP assistance.

Six current COLT employees (City staff and contract staff) speak Spanish, while one speaks Thai.

City transit staff also has access to a variety of resources that can help in outreaching and providing LEP assistance at low or no cost. Community-based resources include:

- City of Lompoc Senior Center,
- Santa Barbara County Transportation Advisory Committee (SBCTAC),
- SBCAG Board "Unmet Transit Needs" process,
- Santa Barbara County Social Services Department, and
- Community Action Partnership of Santa Barbara County.

The above community resources will be consulted on a regular basis to assist in identifying needs of the City's LEP population. They will also serve as a means to widely disseminate bilingual transit service information and announcements and to notify the LEP population of planned workshops and outreach efforts.

COLT

December 2018

Based on the four-factor analysis, it can be determined that there is a fairly sizeable Spanish-speaking population that speaks English less than “very well” residing within the COLT service area, and that members of this population use COLT.

The City of Lompoc’s Language Assistance Plan will address outreach to LEP populations as well as the provision of Spanish-language documents and information.

Identification of LEP Population

To further identify LEP persons within the city as they interact with COLT, the Transit Division also proposes the following activities on an ongoing basis to supplement the four-factor analysis:

1. Examine records to see if requests for language assistance have been received in the past, either at meetings or over the phone, to determine whether language assistance might be needed at future events or meetings.
2. Have a staff person greet participants as they arrive to City transit-sponsored events. By informally engaging participants in conversation it is possible to gauge each attendee’s ability to speak and understand English.
3. At City transit meetings and events, develop identification cards that indicate primary language spoken, as appropriate. This will assist the City in identifying language assistance needs for future events and meetings.
4. Network with local human services organizations (such as Social Services and Public Health) to assist in identifying LEP groups and individuals most in need of LEP assistance and to further facilitate dissemination of information about Lompoc’s transit services.

Language Assistance Measures

There are a number of language assistance options available to LEP persons, including both oral and written language services. There are also various ways in which City transit staff can respond to LEP persons, whether in person, by telephone, or in writing.

Interpretation Services

1. The City (or its transit operations contractor) shall establish a contract with Telelanguage to provide simultaneous interpretation for callers and customers with whom staff cannot communicate due to a language barrier.
2. When a customer calls COLT directly and a staff member cannot communicate with them, staff will connect with Telelanguage to translate. This step will be followed for customers at the COLT office. If there is no staff member available who can translate, Telelanguage services will be used.
3. Simultaneous interpretation at public events will be determined on a case-by-case basis by examining several factors, such as:
 - The type and size of event,
 - The availability of an City or contractor staff member to interpret, or

- The availability of a staff member of a host organization to interpret.

For small outreach events, such as Baseline Level activities, proactive outreach, or smaller transit awareness events, bilingual staff members should assist with translation where appropriate and feasible. For Moderate and High Level public outreach events, where it is appropriate and necessary to do so, the City will arrange for an interpreter through a local or regional service.

It is important to note that not all interpreters are of equal skill. Before relying on Spanish-speaking staff to provide event interpretation, the individual's interpretation skills should be evaluated. If necessary, the City will prepare a policy for determining the competency of potential interpreters. If it is determined bilingual staff cannot provide effective interpretation, a professional interpreter should be engaged.

Community Outreach Activities

The City reaches out to the community directly through meetings with agency and community staff and their clients, as needed. Information regarding the City's transit services is disseminated at these meetings, including schedules and appropriate fliers. Schedules also are made available at a variety of locations throughout the community and on the COLT system.

The City also engages in community activities that promote its transit services. These activities include functions where a broad cross-section of the community can access available transit information, including schedules, brochures and fliers.

Public Meetings

The City also collaborates with the Santa Barbara County Transportation Advisory Committee (SBCTAC), the Metropolitan Planning Organization (MPO) and the Santa Barbara County Association of Governments (SBCAG), in its Unmet Transit Needs process. The Unmet Transit Needs hearings are accessible to the general public, offer bilingual translation, and are consistent with SBCAG's comprehensive Public Participation Plan and process that ensures meaningful access to LEP throughout the Santa Barbara County region.

City transit staff also participate in the development of the SBCAG "Public Participation Plan." A series of meetings are conducted with participants from throughout the community. Recommendations to maximize community involvement are reflected in this plan and adopted by the SBCAG Board.

City Website

The City's website provides information in both English and Spanish (through a Google Translate widget). The City also provides access to bilingual (English and Spanish) administrative staff and drivers at the City's Transit office during operating hours to answer questions during their regular shift schedules for those LEP passengers who use the City's bus system.

The City website includes COLT schedules as downloadable .pdf files. Currently, these schedules are only provided in English. While the translation widget translates the website text into Spanish, it does not extend to linked documents. Therefore, the City will develop Spanish versions of these files for posting on the website.

Translation of Vital Documents

Based on the results of the Four Factor Analysis, the following vital documents will be translated into Spanish, the sole identified LEP language within the COLT service area. This listing includes all documents to be translated; those that are already available in Spanish are marked with an asterisk.

Vital Documents

1. Title VI Notice to the Public*
2. Title VI Complaint Form*
3. Title VI Complaint Procedures
4. COLT webpage*(translation currently provided through a Google Translate widget)
5. COLT System Map and General Information Brochure
6. COLT Paratransit Application/ADA Certification Form
7. Fare Saver Monthly Bus Pass Order Form

COLT Website

1. Parallel Spanish translation of the COLT webpage (via a link on the sidebar).
2. All translated vital documents will be posted on the COLT webpage.

In the future, the City shall translate written documents on a case-by-case basis, after assessing all elements presented in the Four Factor Analysis. If deemed a vital document under the Safe Harbor Provision it will be translated into all applicable languages.

It is important to note that not all translators are of equal skill. Before relying on Spanish-speaking staff to provide written document translation, the individual's translation skills should be evaluated (including vocabulary and grammar). If necessary, the City will prepare a policy for determining the competency of potential translators. If it is determined bilingual staff cannot provide effective written translation, a professional translation provider should be engaged.

Implementation Plan**Spanish-Speaking Staff**

According to a survey of staff, 40% of COLT personnel speak Spanish. As part of their customer service responsibilities, each of these employees utilizes their language skills to assist Spanish-speaking LEP persons whenever possible.

Cost: No additional cost anticipated.

Written Materials Translated into Spanish

Supplementing the City's bilingual personnel are translations of all essential rider information and service notice documents, as identified in the "Translation of Vital Documents" section.

Cost: Professional translation costs for written documents estimated at \$0.05 per word.

Phone Services

Given several customer service representatives speak Spanish, in many cases Spanish calls can be addressed appropriately when received. However, a Spanish-speaking staffer is not always available when Spanish calls come in. Therefore, the City will contract with a live translation service (Telelanguage) which will be available to all transit customers, and will also allow for real-time assistance to customers at the COLT main office or those who call into the COLT main phone number. Initial contact is made with a COLT employee who then determines if language assistance is required. The COLT employee dials into Telelanguage, enters the appropriate PIN, and can reach a live translator for over 200 languages. No charges are assessed unless the service is actually used.

Cost: Estimated annual cost of \$119. Assumes \$0.99 per minute for Telelanguage live translation in Spanish and an average of 10 minutes of translation per month.

Web Services in Spanish

The City currently provides Spanish translation of its website content through a Google Translate widget. It is the City's goal to provide additional levels of support for Spanish-language content, including a parallel Spanish version of the website and Spanish translations of all documents linked to the site.

Cost: No additional cost anticipated. Future translation costs for written website text estimated at \$0.05 per word.

Event Interpretation in Spanish

The City will schedule and arrange for live Spanish interpretation at workshops and public meetings. The primary source for this interpretation will be current COLT staff (where available) and professional translation services as necessary.

Cost: Variable, will be based primarily on employee salary hourly rate and the number of events where Spanish translation is required/requested. All California labor laws will be adhered to.

Services in Other Languages

As the four-factor analysis describes, there are small populations which speak languages other than English within the COLT service area. However, at this time the number of people who speak these languages who also speak English "less than very well" is well below the Safe Harbor threshold of 1,000 speakers. In addition, input from stakeholders and drivers did not reveal any significant language-related barriers to using transit for these speakers. Therefore the City is not required to provide translations of written documents nor is it required to advertise free translation services for these languages. If desired, phone requests for information can be addressed through the Telelanguage service, though this is not required.

The matrix below presents an implementation Plan for ensuring the Language Assistance Plan is quickly and efficiently implemented.

Goal	Task	Anticipated Completion
Assess LEP Population in the COLT service Area	Title VI Four-Factor Analysis	Completed
	Staff Survey	Completed
	Stakeholder Survey	Completed
	Demographics Analysis	Completed
Develop Language Assistance Procedures	Develop Title VI Customer Service Procedures for Title VI complaints and concerns	March 2019
	Develop policy regarding competency of Title VI translations and interpreters	June 2019
Staff Training	Identify COLT staff with likely contact with LEP individual	March 2019
	Develop curriculum for training of COLT staff	June 2019
	Train COLT staff in Title VI Customer Service Procedures	December 2019
	Develop refresher training schedule for tenured employees	June 2020
Notification to LEP Persons of Title VI Rights and Materials	Inventory existing notification methodologies and/or locations	Completed
	Post Title VI Notice in public locations	Completed
	Translate all vital documents into Spanish	June 2019
	Upload translated forms and documents to COLT website	June 2019
	Translate COLT website into Spanish	December 2019
	Develop, translate, and post notice of Language Assistance options	June 2019
	Undertake targeted outreach to LEP populations	Beginning FY 2020
Monitor and Update Language Assistance Plan	Assign administration of Title VI Program	Completed
	Develop process for obtaining feedback on language assistance measures	June 2019
	Regularly review ACS and Census demographic data	Spring 2022
	Receive and review reports from Telelanguage (when used)	Ongoing
	Incorporate discussion of Title VI into regular Contractor Operations Meetings	Ongoing
	Update Language Assistance Plan based on feedback received	Spring 2022

Monitoring, Evaluating, and Updating the LAP

A thorough review of this Language Assistance Plan will be undertaken every three years concurrent with updating and submitting the COLT Title VI Program. At that time, the LEP population will be reassessed, to ensure all significant LEP languages are included in COLT language assistance efforts. The following reoccurring reporting and evaluation measures will be used to update the Language Assistance Plan.

The City will regularly assess the effectiveness of how it communicates with LEP individuals by:

- Including questions about language assistance and information needs on any community and customer surveys;
- Conversations with stakeholders, organizations, and entities which work with LEP populations; and
- As-needed outreach with LEP groups.

The City will monitor its language assistance efforts, including:

- Recording and reporting on customer service interactions with LEP individuals,
- Reviewing Telelanguage reports,
- Incorporating discussion of Title VI into regular contractor operations meetings, and
- Updating the Language Assistance Plan based on feedback received.

Staff Training

The COLT Title VI Program Administrator has developed training guidelines for COLT staff with training being conducted until all pertinent staff has completed the training. This training will be incorporated into existing operations contractor training and will include the following:

- How to respond to LEP callers,
- How to respond to correspondence from LEPs,
- How to respond to LEPs in person,
- How to document LEP needs, and
- How to respond to civil rights complaints.

Assurances

The City transit services will ensure that no person, on the grounds of race, color, national origin, as provided by Title VI of the Civil Rights Act of 1964, will be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination. Further, the City will notify the public of protections against discrimination afforded them by Title VI Regulations and will take preventive corrective and disciplinary action necessary to stem behavior that violates the rights and privileges the regulations are designed to protect.

The City will post information on its website and ensure that it reflects up to date information consistent with the requirements of 49 CFR Section 21.9(d).

SECTION 6

MEMBERSHIP OF NON-ELECTED COMMITTEES AND COUNCILS

Recipients that have transit-related, non-elected planning boards, advisory councils or committees, or similar bodies, the membership of which is selected by the recipient, must provide a table depicting membership of those committees broken down by race, and a description of efforts made to encourage the participation of minorities on such committees.

The City does not currently have any transit-related, non-elected planning boards, advisory councils, or advisory committees. Should a non-elected committee or council be established in the future, a summary of the committee members broken down by race and a description of efforts made to encourage the participation of minorities on said committee will be provided in this section. Member participation and selection will be monitored by the City’s Title VI Compliance Coordinator and documented using the table below

Exhibit 6.1 Sample Non-Elected Committee Membership Table

Race/Ethnicity	Committee/Council (Percentage)
Caucasian	xx.xx%
Hispanic/Latino	xx.xx%
African American	xx.xx%
Asian American	xx.xx%
Native American	xx.xx%

SECTION 7

SUBRECIPIENT MONITORING AND SCHEDULE OF SUBRECIPIENT TITLE VI PROGRAM SUBMISSIONS

The City does not have any subrecipients of Federal funding at this time and does not anticipate expanding to include subrecipients. If in the future the City elects to expand its services and begins contracting with subrecipients, the City will ensure compliance with Title VI regulations by updating this element of its Title VI Program to include the monitoring methodology and reporting schedules for all subrecipients.

SECTION 8

TITLE VI SITE EQUITY ANALYSIS

Title VI regulations require the completion of a Site Equity Analysis whenever a recipient or subrecipient begins planning the location and construction of a new transit facility (not including bus shelters, transit stations, power substations, or other facilities already evaluated through NEPA).

The City recently completed its new downtown Transit Transfer Center, which it began using in April 2018. The Transfer Center consists primarily of bus shelters, with accompanying landscaping and pedestrian/sidewalk improvements. Given the Title VI guidance excludes bus shelters and transit stations from this requirement, no site equity analysis was undertaken.

If in the future the City begins planning for the development and construction of a new transit facility, it will conduct an equity analysis prior to the selection of a construction site inclusive of the Title VI requirements below:

- a. The City shall complete a Title VI equity analysis during the planning stage with regard to where a project is located or sited to ensure the location is selected without regard to race, color, or national origin. The City shall engage in outreach to persons potentially impacted by the siting of facilities. The Title VI equity analysis shall compare the equity impacts of various siting alternatives, and the analysis shall occur before the selection of the preferred site.
- b. When evaluating locations of facilities, the City shall give attention to other facilities with similar impacts in the area to determine if any cumulative adverse impacts might result. Analysis shall be done at the Census tract or block group where appropriate to ensure that proper perspective is given to localized impacts.
- c. If the City determines that the location of the project will result in a disparate impact on the basis of race, color, or national origin, then the City may only locate the project in that location if there is a substantial legitimate justification for locating the project there, and where there are no alternative locations that would have a less disparate impact on the basis of race, color, or national origin. The City shall show how both tests are met; it is important to understand that in order to make this showing, the City must consider and analyze alternatives to determine whether those alternatives would have less of a disparate impact on the basis of race, color, or national origin, and then implement the least discriminatory alternative.

The equity analysis shall be completed and submitted as part of the City's next Title VI Program update.

SECTION 9

CITY COUNCIL ADOPTION OF TITLE VI PROGRAM UPDATE

EXHIBITS

EXHIBIT A

CITY OF LOMPOC FIXED-ROUTE SERVICE STANDARDS

Background

Recipients of Federal transit funding which operate less than 50 fixed-route vehicles during peak revenue service and are not located in an Urbanized Area (UZA) with a population of 200,000 or more are required to provide additional information with respect to *service standards* and *service policy* to ensure Title VI compliance.

Definitions

Fixed-Route Service Standards are divided into four primary categories: Vehicle Load Standards, Vehicle Headway Standards, On-time Performance Standards, and Service Availability Standards.

- **Vehicle load:** Generally expressed as the ratio of passengers to the number of seats on a vehicle, relative to the vehicle's maximum load point.
- **Vehicle headways:** The amount of time between two vehicles traveling in the same direction on a given line or combination of lines.
- **On-time performance:** A measure of runs completed as scheduled.
- **Service availability:** A general measure of the distribution of routes within an agency's service area.

The City ensures Title VI compliance by adhering to the following:

Vehicle Load Standards

The City calculates vehicle load as the total number of ambulatory passenger seats available on a revenue vehicle divided by number of passengers. The average passenger load for COLT fixed-route services during all operating periods (peak and off-peak) should not exceed 1.25 passengers per available seat.

Vehicle Headway Standards

COLT offers four fixed routes which operate throughout the service area. Routes 1, 2, and 3 operate within Lompoc, while Route 4 travels to Allan Hancock College, Vandenberg Village, and Mission Hills. Routes 1, 2, and 3 operate on 45-minute headways on weekdays and weekends. Route 4 operates on headways ranging from 59 minutes to 69 minutes on weekdays and weekends.

On-time Performance Standards

A vehicle is considered on time if it departs a scheduled time-point no more than one minute early and no more than five minutes late. COLT's on-time performance objective is 90% or greater. The City continuously monitors on-time performance and system results are part of monthly performance reports covering all aspects of operations.

Service Availability Standards

The City's service availability standards strive to ensure that 90% of residents in the service area are within one-half mile of bus service.

Exhibit E.1 COLT Service Area Map

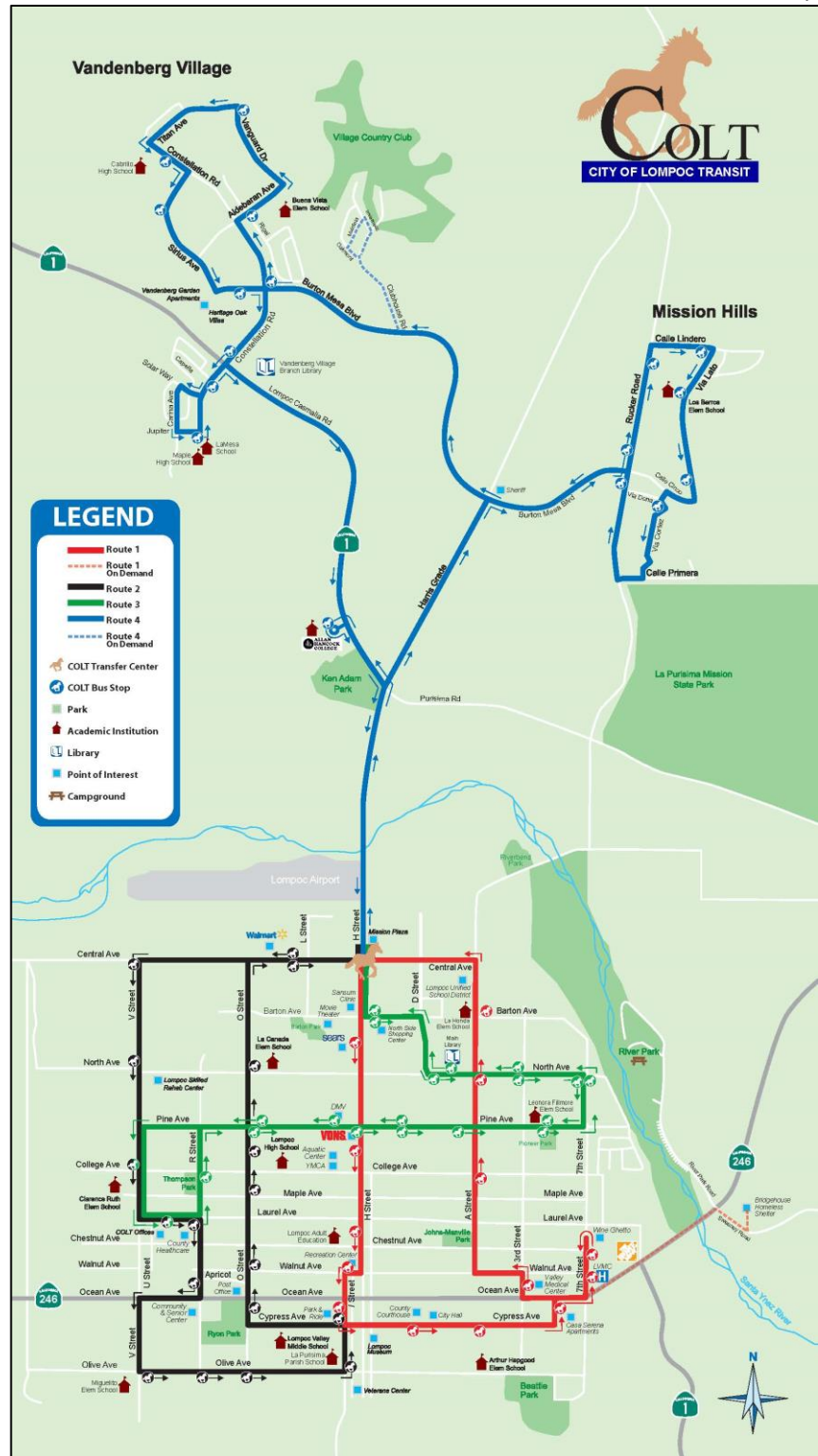


EXHIBIT B

CITY OF LOMPOC FIXED-ROUTE SERVICE POLICIES

Fixed-Route Service Policy requirements are divided into two primary areas, *Vehicle Assignment Policy* and *Transit Amenities Policy*. COLT ensures Title VI compliance by adhering to the following policies.

Vehicle Assignment Policy

A vehicle(s) will be assigned to each of the COLT fixed-routes such that the average age of the fleet serving each route does not exceed over three years beyond the FTA “useful life standard” of the assigned vehicle type. All vehicles will be equipped with air conditioning. All vehicles will be equipped with wheelchair lifts. All vehicles will be equipped with bike racks. The capacity of vehicles will be matched to the operating characteristics of the route.


Transit Amenities Policy

Installation of transit amenities along bus routes will be based on the number of passenger boarding at stops along those routes.

EXHIBIT C

FOUR-FACTOR ANALYSIS SURVEY INSTRUMENTS

Exhibit E.2 Rider Survey Instruments (English and Spanish)




Rider Demographic and Language Assistance Survey

- What route are you riding?
 1 2 3 4
- How did you pay your fare today?
 Cash 10-punch pass
 31-day pass Transfer I did not pay
- What is your race? (Select all that apply.)
 White Black/African American
 Asian Native Hawaiian/Pacific Islander
 American Indian/Alaska Native
- Do you identify as Hispanic or Latino?
 Yes No
- What language(s) other than English do you speak at home?
 Hmong Spanish Tagalog
 Thai None Other _____
- How well do you speak English?
 Very Well / Native Speaker
 Less than very well Not at all
- Have you or someone you know ever had trouble accessing transit services or information in Lompoc due to a language barrier?
 No Yes (explain): _____

- How many people (including yourself) live in your household?
 1 2 3 4
 5 6 7 8
 9 or more
- What is your annual household income?
 Less than \$15,000 \$15,000-\$24,999
 \$25,000-\$34,999 \$35,000-\$44,999
 \$45,000-\$54,999 \$55,000-\$74,999
 \$75,000-\$99,999 \$100,000 or more

Para Español, mira el otro lado.



Encuesta de Demografía de Pasajeros y Asistencia Lingüística

- ¿En qué ruta está viajando actualmente?
 1 2 3 4
- ¿Qué tipo de tarifa usó para pagar este viaje?
 Efectivo Pase de 10 viajes
 Pase de 31 días Transferencia No pagué
- ¿Cuál es su raza? (Marque todos las que correspondan)
 Blanco Afroamericano/Negro
 Asiático Nativo de Hawái/Isleño del pacífico
 Nativo americano/Nativo de Alaska
- ¿Se identifica como Hispánico o Latino?
 Sí No
- ¿Qué idioma(s) que no sea Inglés se habla en su hogar? (Marque todos las que correspondan)
 Hmong Español Tagalo
 Thai Ninguno Otro: _____
- ¿Qué tan bien hablas inglés?
 Muy bien o hablante nativo
 Menos de muy bien Para nada
- ¿Usted o alguien que usted conoce alguna vez tuvo problemas para acceder a servicios de tránsito o información en Lompoc debido a una barrera lingüística?
 No Sí (explicar): _____

- ¿Cuántas personas viven en su hogar?
 1 2 3 4
 5 6 7 8
 9 o más
- ¿Cuáles son los ingresos totales de su hogar al año?
 Menos de \$15,000 \$15,000-\$24,999
 \$25,000-\$34,999 \$35,000-\$44,999
 \$45,000-\$54,999 \$55,000-\$74,999
 \$75,000-\$99,999 Más de \$100,000

For English, see other side



STAFF SURVEY

1. ALL: Please indicate the languages you speak other than English.

- Hmong Spanish Tagalog Thai

 None Other _____

2. **DRIVERS:** In a typical week, how many unique customers board your vehicle that either do not speak English or do not speak English very well? Please count unique individuals only.

- None/Never Less than 5 5 to 10 More than 10

3. **DRIVERS:** Are these customers boarding and/or alighting in specific areas within the service area? If so, which?

Origins _____

Destinations _____

4. **CUSTOMER SERVICE/DISPATCHERS:** In a typical week, how many unique customers board your vehicle that either do not speak English or do not speak English very well? Please count unique individuals only.

- None/Never Less than 5 5 to 10 More than 10

5. ALL: Among City of Lompoc Transit customers, please indicate the most common language(s) you encounter other than English (check all that apply).

- Hmong Spanish Tagalog

 Thai Other _____

6. ALL: How would you rate your ability to effectively communicate with individuals who do not speak English or do not speak English very well?

- No problems Occasional problems Frequent problems

7. ALL: What type of materials/services would be most beneficial to you and to riders who do not speak English or do not speak English well?

- Cell phone-based live-voice translation services such as Google Translate
 Translated service brochures or brochures translated in multiple languages
 Translation services through call center/dispatch
 Translated online materials
 "I speak" cards or common phrase cards
 Other _____
 No additional material/s/service s are needed

8. ALL: Identify the most common topics that arise where language/communication barriers occur:

- How to use the service
 Fares and how to pay
 Routes and destinations
 Where to get off or when destinations are reached
 Other _____
 I have not experienced language/communication barriers.

9. ALL: What is your role at City of Lompoc Transit? (Check all that apply.)

- Bus Operator Dispatcher Supervisor/Manager
 Customer Service Representative
 Other

10. ALL: What suggestions do you have to help City of Lompoc Transit better serve its customers?



STAKEHOLDER SURVEY

1. Organization Name:

2. Type of Organization:

Social Services Health Services Employment Services

Education Faith-based Government/Business/Industry

Other _____

3. Your name, title, and contact information

Name _____

Title _____

Email _____

Phone _____

Mailing Address _____

4. What languages other than English are spoken by your customers/clients/members/employees, etc.?

Hmong Spanish Tagalog

Thai Other _____

5. How often do you experience language barriers at your organization?

Never Rarely Occasionally Often

6. Do customers/clients/members/employees use City of Lompoc Transit Services?

Yes – Go to Question 7

No – Go to Question 9

I don't know – Go to Question 9

7. Approximately what percent of you those identified in question 6 would you estimate are non-native speakers?

Less than 25 percent 26-50 percent 51-75 percent
 76-100 percent

8. Are you aware of any instances where language barriers prevented those you identified in question 6 from using transit services?

Yes-approximate number of instances in last 12 months _____
 No

9. Does your organization provide translation services?

NO YES In which language(s)?

Hmong Spanish Tagalog

Thai Other _____

10. Of the languages listed, use numbers (1, 2, 3, etc.) to prioritize them in the order that your organization's customers/clients/members/employees most often speak.

English Hmong Spanish

Tagalog Thai

Other _____

11: What suggestion(s) do you have to help City of Lompoc Transit better serve your customers/clients/members/employees?



City Council Agenda Item

City Council Meeting Date: December 18, 2018

TO: James Throop, City Manager

FROM: Richard Fernbaugh, Aviation/Transportation Administrator
r_fernbaugh@ci.lompoc.ca.us

SUBJECT: Adoption of Resolution No. 6233(18) Approving the Update of the City of Lompoc Transit Disadvantaged Business Enterprise Plan Goals for Fiscal Year 2019-21

Recommendation:

Staff recommends the City Council adopt Resolution No. 6233(18) (attached), approving and adopting the City of Lompoc Transit (COLT) Disadvantaged Business Enterprise (DBE) Plan Goals for Fiscal Year (FY) 2019-21 (Exhibit A to the resolution), based upon approval as to form by the City Attorney, along with revisions as may be required by Caltrans or the Federal Transit Administration (FTA).

Background:

COLT has established a DBE program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 Code of Federal Regulations (CFR) Part 26. COLT's original DBE Plan was submitted on August 6, 2015, and is required to be updated every three years. The deadline for submittal of COLT's updated DBE goals is December 28, 2018.

Discussion:

In August 2018, the City hired Moore and Associates, Inc., to assist in preparing the new goals for the DBE program for the period of FYs 2019-21. Moore and Associates, Inc., were hired to assist based on their experience with the new Federal requirements for setting goals for the DBE program, including securing statewide labor information and doing required local surveys. The City has received federal financial assistance from DOT, and as a condition of receiving that assistance, the City has signed an assurance it will comply with 49 CFR Part 26. It is the policy of COLT to ensure DBEs, as defined in

Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also COLT's policy to:

1. Ensure non-discrimination in the award and administration of DOT-assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. Ensure the DBE program is tailored in accordance with applicable law;
4. Ensure only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove barriers to the participation of DBEs in DOT-assisted contracts;
6. Assist the development of firms that can compete successfully in the marketplace outside the DBE program.

The Aviation/Transportation Administrator, as COLT's DBE Liaison Officer, is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by COLT in its financial assistance agreements with DOT. COLT has disseminated that policy statement to all COLT management and staff as well as to those DBE and non-DBE business entities that perform work for COLT on DOT-assisted contracts.

COLT's policy statement is publicly displayed on the COLT website, procurement contracting documents, and provided in annual written notification to all vendors via U.S. Mail and/or email.

The COLT DBE Plan Goals are currently under review by Caltrans, and may require minor revisions. It is recommended the City Council adopt a resolution approving and adopting the COLT DBE Plan Goals as developed, based upon approval as to form of the Final Program by the City Attorney (in the event Caltrans requires minor revisions). If the City Attorney determines the changes needed due to Caltrans' action are more than minor, then this matter will be returned to the City Council for approval of the revised final version of the Title VI Program Update through another resolution, which will also rescind the subject resolution.

Fiscal Impact:

The adoption of the DBE Plan Goals for FYs 2019-21 does not result in any initial significant fiscal impacts. Minor administrative tasks will be accomplished with the assistance of Moore & Associates, Inc. under its consulting agreement with the City. Implementation of the recommendations contained within the Plan designed to assist the City in meeting its goals may result in modest advertising expenses in future years for the COLT program.

Conclusion:

Adopting the new DBE Plan Goals for FYs 2019-21 will allow the City to continue to receive transit funding from the FTA.

Respectfully submitted,

Richard Fernbaugh, Aviation/Transportation Administrator

APPROVED FOR SUBMITTAL TO THE CITY MANAGER:

Kevin P. McCune, P.E., Public Works Director

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

James Throop, City Manager

Attachment: [Resolution 6233\(18\)](#)

RESOLUTION NO. 6233(18)

**A Resolution of the Council of the City of Lompoc,
County of Santa Barbara, State of California,
Approving a Disadvantaged Business Enterprise (DBE) Plan Goals
For FY 2019-2021 and Authorizing Its Submittal to the Federal Transit
Administration and Certain Staff to Sign Necessary Documents**

WHEREAS, a Disadvantaged Business Enterprise (DBE) Goal for FY 2019-2021 is a requirement of Caltrans and the Federal Transit Administration (FTA) to receive federal funding for transit operations; and

WHEREAS, the City of Lompoc hereby submits a DBE goal update to the FTA.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, STATE OF CALIFORNIA, DOES HEREBY RESOLVE, AS FOLLOWS:

SECTION 1. The City Council of the City of Lompoc approves and authorizes the submittal of a DBE Plan Goals for FY 2019-2021 to the Federal Transit Administration, which is attached hereto as Exhibit A.

SECTION 2. The City Manager, Public Works Director, Assistant Public Works Director, or the Aviation/Transportation Administrator are each authorized to sign all documents related to the DBE Plan Goals for FY 2019-2021 on behalf of the City of Lompoc.

SECTION 3. This Resolution is effective upon its adoption.

The above and foregoing Resolution was proposed by Councilmember _____, seconded by Councilmember _____, and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting on December 18, 2018, by the following electronic vote:

AYES: Councilmember:
NOES: Councilmember:
ABSENT: Councilmember:

Jenelle Osborne, Mayor
City of Lompoc

ATTEST:

Stacey Haddon, City Clerk
City of Lompoc

Attachment: [Exhibit A: DBE Goals](#)



OVERALL DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL SETTING FOR THE CITY OF LOMPOC

Recipient# 1651

Period FFY 2019 to FFY 2021

Effective date: August 1, 2018

City of Lompoc
Department of Public Works, Aviation/Transportation Division
100 Civic Center Plaza
Lompoc CA 93436
805-875-8268
Richard Fernbaugh, Aviation/Transportation Administrator

OVERALL DBE GOAL

The City of Lompoc's (City) overall DBE goal for the period Federal Fiscal Years (FFY) 2019-2021 is 13.8% of the federal financial assistance the City will expend on DOT-assisted contract opportunities exclusive of vehicle purchases.

PROGRAM OF PROJECTS

The City approved a program of projects for FFY 2019-2021 in March 2018. These projects include:

1. Continuation of existing contract for transit service operations and vehicle maintenance. Currently awarded to RATP Dev, this five-year contract includes two one-year options. The contract was executed on July 1, 2016, and will expire on June 30, 2021, if no options are executed.
2. Construction of a new transit maintenance and operations facility with contract to be awarded in 2019.

City of Lompoc Program of Projects 2019-2021				
Project	Total budget	Federal dollars	Local dollars	Include in DBE goal
Transit Operations	\$4,800,000	\$2,400,000	\$2,400,000	YES
Facility Construction	\$13,000,000	\$5,000,000	\$8,000,000	YES
Totals	\$17,800,000	\$7,400,000 or 41.57% of total budget	\$10,400,000 or 58.42% of total budget	

MARKET AREA

The market area for determining the DBE goal is based on the potential availability of respondents for the identified program of projects for the triennial period.

Given there are no established qualified bidders based in the immediate region for Transit Operations, the market area for this project is expanded to include all of California. Search criteria included firms willing, ready, and able to work in Caltrans District 5 (five county area) or which indicated ability to work state-wide.

The "facilities construction" market area also is comprised of Caltrans' District 5 region and those entities willing to work state-wide. This area will yield a sufficient number of ready, willing, and able entities from which to solicit competitive proposals.

METHODOLOGY FOR GOAL CALCULATION

Step 1 - Base Figure (26.45(c))

Source of Data	Contract or Sub-contract	NAICS Codes	Total Number of Entities	Number of DBE Entities	% DBE
U.S. Census Data 2012 Snapshot and U.S. Census County Business Patterns and Non-employer Statistics Combined Report , CA UCP website	City and Local Bus Services	485113	139	0	0%
U.S. Census County Business Patterns and Non-employer Statistics Combined Report , CA UCP website	General Contracting	236210	420	77	18.3%
Totals			559	77	13.8%

Using the State of California Unified Certification Program (CUCP), the City searched the CUCP to identify DBE firms with the NAICS Code of 485113 – Bus and Other Motor Vehicle Transit Systems. The City also searched the U.S. Census Data Snapshot website as well as the County Business Patterns and Non-employer Statistics combined report to determine the total number of firms ready, willing and able to respond to a request for proposals. The search area included all firms willing to work in Caltrans District 5 as well as those willing to work state-wide. This research revealed an absence of certified or potential DBEs for this NAICS code.

Operations

The total number of DBE entities ready, willing, and able 0
 The total number of all firms ready, willing, and able 139 = 0% base figure

Using the CUCP, the City searched the CUCP to identify DBE firms with the NAICS Code of 236210 – Industrial Building Construction. The City also searched the U.S. Census Data Snapshot website as well as the County Business Patterns and Non-employer Statistics combined report to determine the total number of firms ready, willing and able to respond to a request for proposals. The search area included all firms willing to work in Caltrans District 5. Research revealed 77 certified or potential DBEs for this NAICS code.

Capital Facilities

The total number of DBE entities ready, willing, and able 77
 The total number of all firms ready, willing, and able 420 = 18.3% base figure

To establish a base figure, the City combined the total number of ready, willing, and able DBE entities across both projects and divided it by the number of all firms that are ready, willing, and able to respond to a request for proposals. This calculation established a base DBE goal figure.

All Projects

The total number of DBE entities ready, willing, and able 77
 The total number of all firms ready, willing, and able 559 = 13.8% base figure

Step 2 - Weighted Figure (26.45(d))

The City then established a weighted goal figure using the project budget estimates for both transit operations and construction projects. The Construction project represents 73% of the total project budget while the Operations project represents the balance (27%). When weighted, the goal is reduced by less than one-half of one percent.

Total Expected Project Budget = \$17,800,000.

NAICS Code	Work Category	All Firms (A)	DBE Firms (B)	DBE firm ratio to all firms (C=A/B)	Project Budget (D)	Weighted % (E=D/Total Budget)	Weighted % Goal (C*E*100)
236210	Industrial Construction	420	77	18.3	\$13,000,000	73%	13.35
485113	Transit Operations	139	0	0	\$4,800,000	27%	0
Total							13.35%

Project documentation indicates an absence of participation in bidding opportunities by DBEs for the past three years. Likewise, the City has not had many projects out for bid during that same time period.

One exception was an RFP for Transit Operations Services in 2016 that yielded one certified DBE which was awarded the current contract. That firm, Roadrunner Management Services, was recently purchased by a non-certified organization, thereby reducing the pool of potential DBE participants.

A review of the FTA website revealed no recent disparity studies relevant to the City or the surrounding region. Additionally, a search for disparity studies among the Santa Barbara County Association of Governments, City of Santa Maria, Santa Barbara Metropolitan Transit District, and County of Santa Barbara revealed no studies available for comparison.

Given the modest difference between the base figure and the weighted figure, the City will maintain the 13.8% base figure as its goal.

Given the Construction project is new to this triennial period and not reflected in previous DBE goals, the base figure may be recalculated upon completion of the project as its inclusion significantly increased the goal when compared with previous goals for the City.

PUBLIC PARTICIPATION

The following published Notice will inform the public of the proposed overall goal and its rationale. The DBE Goal will be available for inspection for 30 calendar days following the date of publication of the Notice. The Notice will also inform the public the City and the Federal Transit Administration will accept comments on the goals for 45 calendar days from the date of the publication of the Notice. The public Notice will include the FTA Regional Civil Rights Officer's business address in addition to the City's point of contact information.

The City will publish its goal information in the following publications: City website, general circulation media, available minority-focused media, and trade association publications.

The City will document and summarize received comments from individuals or organizations and all responses to comments received.

PUBLIC NOTICE CITY OF LOMPOC TRANSIT LOMPOC, CALIFORNIA

FTA Disadvantaged Business Enterprise (DBE) Goal from 2019-2021

In accordance with requirements of the U.S. Department of Transportation as set forth in 49 CFR Part 26, as amended, the City of Lompoc (Lompoc Transit), hereby notifies the public it is recommending the following Disadvantaged Business Enterprise (DBE) goal for applicable professional services, construction, and other prime contracting opportunities during FFY 2019-2021, beginning October 1, 2019, and ending September 30, 2021. The overall DBE goal for FFY 2019-2021 is 13.8%. Information pertaining to this goal and description of how it was selected is available for inspection from 8:00 a.m. to 5:00 p.m. local time at the City of Lompoc Transit office located at 1300 W. Laurel Ave., Lompoc, CA. The information will be available for 30 days following the date of publication of this notice. Written comments on this goal will be accepted for 45 calendar days from the date of the publication of this notice. The comments are for informational purposes only and may be sent to the DBE Officer, 1300 W. Laurel Ave. Lompoc, CA 93436, and to the Regional Civil Rights Officer, Federal Transit Administration, Region 9, San Francisco Federal Building, 90 Seventh Street, Suite 15-300, San Francisco, CA 94103.

RACE NEUTRAL/RACE CONCIOUS PARTICIPATION

The City of Lompoc Transit will strive to maximize goal attainment using race-neutral means. Given limited data availability regarding past DBE participation, and given the City's past program of projects has not included construction projects, it is not possible to determine whether race-neutral methods will be effective in meeting program goals. Until such time as a benchmark of DBE participation can be established, particularly for construction projects, all contracts need to be negotiated, to the extent possible, with race-neutral goals.

The City estimates, given the availability of DBE certified entities in the construction field, that it can meet the 13.8% goal using race-neutral means. To assure goal achievement, the City will evaluate and consider race-conscious measures and elements should the City not meet its goals through race-neutral participation. The City will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation and will track and report race-neutral and race-conscious participation separately.

For reporting purposes, the race-neutral DBE participation includes, but is not limited to, the following:

- Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses;
- Providing opportunities for pre-bid questions and technical assistance; and
- Using California UCP lists when communicating proposal opportunities.

THIS PAGE IS A SUPPLEMENT FOR INTERNAL PURPOSES ONLY AND SHOULD NOT BE INCLUDED WITH THE SUBMISSION

Possible publications and outlets for Public Notice

City of Lompoc Website

Lompoc Valley Chamber of Commerce
Website and Newsletter
Address: 111 S I St, Lompoc, CA 93436
Phone: (805) 736-4567

Black Business Association
Mailing Address:
P.O. Box 43159
Los Angeles, CA 90043
Office: (323) 291-9334
Fax: 323.291.7820

Santa Barbara News-Press
Main Switchboard:
805-564-5200
715 Anacapa St.
Santa Barbara, CA 93101
Mailing Address:
P.O. Box 1359
Santa Barbara, CA 93102

Hispanic Business Association
POB 4453
Paso Robles CA 93447

Lompoc Record
322 N. H Street, Suite F
Lompoc, CA 93436

California Department of General Services
(SB/DVBE Only)
Business Development Program
Tanya Little – (916) 375-4936
BusinessDevelopment@dgs.ca.gov

Santa Maria Times
3200 Skyway Drive
Santa Maria, CA 93455
805-925-2691

Mission Community Services Women's
Business Partners Center (San Luis Obispo)
71 Zaca Lane, Suite 130
San Luis Obispo, CA 93401
Phone: 805-595-1357

San Luis Obispo Tribune
3825 S. Higuera St.
P.O. Box 112
San Luis Obispo, CA 93406
805-781-7800

Women's Economic Ventures of Santa Barbara
333 S. Salinas Street
Santa Barbara, CA 93103
Phone: 805-965-6073 x106



City Council Agenda Item

City Council Meeting Date: December 18, 2018

TO: Jim Throop, City Manager

FROM: Ray Ambler, Purchasing and Materials Manager
r_ambler@ci.lompoc.ca.us

Tikan Singh, Utilities Director (Acting)
t_singh@ci.lompoc.ca.us

SUBJECT: Issuance of a Purchase Order in the Amount of \$204,249.62 for Ethylene Propylene Rubber (EPR) Insulated Cable for Inventory

Recommendation:

Staff recommends the City Council authorize the Purchasing and Materials Manager to issue a purchase order in the amount of \$204,249.62 to the Okonite Company for EPR insulated, 15 kV concentric neutral jacketed cable, to replenish inventory for underground service projects.

Background:

The Electric Division works closely with the Purchasing Division on a routine basis to secure electric cable, as necessary, for all projects. Projects range significantly in scope with some requiring smaller quantities of cable while other projects may require the separate purchase of cable beyond what may be regularly available in inventory at any point in time. Typical purchases of electric cable to replenish inventory do not ordinarily exceed \$200,000; however, purchases for multiple projects or for a single large project may require the acquisition of electric cable valued at more than \$200,000 for a single purchase.

The City's purchasing regulations pursuant to Lompoc Municipal Code (LMC) requires individual purchases exceeding \$175,000 (and exceeding \$200,000 beginning January 1, 2019) to be bid competitively and awarded by the City Council. Although purchases of less than \$175,000 of electric cable are more common than purchases over \$175,000, the Purchasing Division utilizes competitive bidding procedures for electric cable purchases under \$175,000, except for the step of having the award approved by the City Council. This proposed award exceeds the \$175,000 threshold of the Purchasing Code and, as such, approval by the City Council is sought in compliance with the LMC.

The Electric Division has a scheduled replacement program of existing underground cable throughout the City. This particular proposed award would provide materials for replacements throughout the Electric Division's service areas.

Discussion:

Standard City specifications require underground cable to meet certain specifications. A portion of the specifications stipulate the jacketed copper cable must have an EPR insulation shield without a polyethylene base. The Electric Division has standardized the use of this type of insulation due to its superior pliability, long life, and ease of use in electric applications. That specification improves upon the existing distribution system in the proposed project areas and will result in an increased life expectancy of the system in those project areas where the replacement electric cabling is installed, as compared with the areas of the existing system where installed electric cabling does not meet the current specifications.

There are currently three companies that manufacture the EPR insulated cable – one is located in Italy (Prysmian Group), one is in Connecticut (Marmon), and one is located in Santa Maria, California (the Okonite Company). In the past, the Purchasing Division has solicited bids from all three companies, but, due to the shipping costs, the consistent low bidder has always been the Okonite Company in Santa Maria. A comparison of the EPR insulated cable products has resulted in the selection of the Okonite Company as offering the superior product. Electric Division staff has stated the Okonite Company's product is more pliable and easier to handle than that manufactured by the other companies. The pricing of the EPR insulated cable is adjusted at ship date based on any metal market price variance for copper. An Invitation to Bid (ITB) for this product was published on September 6, 2012, for a set quantity of 16,035 feet of EPR insulated cable. The ITB closed on September 27, 2012, with the following responsive bids based on the specifications, the requested quantity of 16,035 feet of EPR insulated cable and the then current market price of copper:

Bidder's Name	Percent of Average Bid	Bid Amount
The Okonite Company	92%	\$226,700.86
Prysmian Group c/o Pacific Utilities	94%	230,519.24
Elliott Electric	98%	240,450.00
Marmon Utility	119%	283,630.92

The City has used the results of the 2012 ITB process for the acquisition of EPR insulated cable for specific named projects and to replenish inventory for ongoing maintenance and minor projects and intends to utilize the results for this proposed purchase.

Fiscal Impact:

The Electric Division has an active underground capital replacement and improvement program that has been funded for a number of years. Appropriations for the materials budget for the underground programs, that includes procurement of EPR insulated cable,

has been \$400,000 annually for eight of the prior ten fiscal years with average annual expenditures of approximately \$300,000 during the same period.

This proposed expenditure is in anticipation of a capital improvement project for an existing distribution system, along with development projects located within the existing underground system's footprint. The Electric Division has authority to construct facilities and the City has a construction tracking system to account for all material, labor, equipment and other costs related to individual projects. The contract tracking program utilizes the Purchasing Division's inventory management system to properly account for inventory and materials used each fiscal year and by each individual project. As such, the proposed Purchase Order for the acquisition of EPR insulated cable material requested, will be accounted for as a distribution of inventory at the time the project is under construction. By associating the specific quantity of EPR insulated cable to a specific project using the contracting tracking program managed by the Electric Division, the capitalization of the project properly accounts for all materials, labor and equipment costs for the project.

If awarded, then the purchase order will be issued to the successful vendor. The purchase order will be assigned to inventory, account number 876-130030. Once project construction begins, the material will be released from inventory to the Electric Division. The Electric Division will then assign the released quantity to a specific project in the contract tracking system. Once the project is complete and the infrastructure construction is finished and placed into service, the project costs will be capitalized, including the cost of the EPR insulated cable. For budgetary purposes, the EPR insulated cable will be charged out as an expenditure and assigned to the specific project being constructed. Appropriations for the purchase of materials are part of the overall underground capital improvement program and funds are available in account number 752EDS-528210 – Electric – Underground Material. Development funded projects requiring underground electric services are also charged to account number 752EDS-528219 – Electric – Underground Material, however, utilizing the contracting tracking program provides documentation so the Electric Division can recover the cost of the developer paid infrastructure from the Developer. That segregation allows for the reimbursement of expenditures from the Developer rather than utilizing rate revenue generated by customers of the Electric Fund. Reimbursement of Developer funding projects are accounted in account number 752REL 482330 – Developer Contribution Income. Utility customers do not subsidize developer projects with rate revenue.

Conclusion:

Specifications incorporated in the ITB issued by the Purchasing Division were provided by Electric Division staff and are compliant with the Electric Division's cabling requirements. The process utilized with the proposed award complies with the LMC, the proposed award has been reviewed by both the Purchasing Division and the Electric Division, and is recommended.

Respectfully submitted,

Ray Ambler, Purchasing and Materials Manager

Tikan Singh, Utilities Director (Acting)

APPROVED FOR SUBMITTAL TO THE CITY MANAGER:

Brad Wilkie, Management Services Director

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Jim Throop, City Manager



City Council Agenda Item

City Council Meeting Date: December 18, 2018

TO: Jim Throop, City Manager

FROM: Stacey Haddon, City Clerk
s_haddon@ci.lompoc.ca.us

SUBJECT: Adoption of Resolution No. 6230(18) Rescinding and Restating the Previously Adopted Resolution No. 6230(18) Declaring the Results of the Consolidated General Election Held in Lompoc November 6, 2018

Recommendation:

Staff recommends the City Council adopt Resolution No. 6230(18) (attached), which rescinds and restates recitation of facts and declaration of the results of the Consolidated General Election held on November 6, 2018, as provided by the County Clerk-Recorder-Assessor and Registrar of Voters Certification of Election Results of the Official Canvass.

Discussion:

As noted in Exhibit A of Resolution No. 6230(18), the County Clerk has canvassed the returns of the election and provided the City with an official Certification of Election Results of the Official Canvass and Certified Results. The City Council is requested to adopt a resolution reciting the results as determined by the Election:

- Jenelle Osborne was elected as Mayor for the full term of two years;
- Victor Vega was elected as City Council Member from District 2 for the full term of four years; and
- Dirk Starbuck was elected as City Council Member from District 3 for the full term of four years.
- Measure D2018 – relating to a commercial cannabis tax did vote in favor of it; and the measure was carried, and shall be deemed adopted and go into effect ten days after the date the vote is declared by the City Council of the City of Lompoc, pursuant to Election Code section 9217. Measure D2018 (Ordinance No. 1651(18)) is attached hereto as Exhibit B of Resolution No. 6230(18). (This was not included in the previous version of the subject Resolution.)

Fiscal Impact:

Earlier in the year, the City took the appropriate steps to consolidate the election for Mayor and City Council Members from Districts 2 and 3 with the General Election. This action minimized the cost to the City of the election to be reimbursed to Santa Barbara County consistent with past elections. The City budgeted approximately \$18,000 in the Biennial Budget Fiscal Years (Budget) 2017-2019 for election costs. While Santa Barbara County will not invoice the City for the November 6, 2018, election immediately, the prior election reimbursement cost was \$19,097.16 for the November 2016 election cycle to provide context for the cost of the most recent election.

While these costs were authorized with the Budget 2017-2019 and affirmed with the actions to consolidate the City's election with the County's process, the action to certify the election does not have a fiscal impact other than the time to create this staff report, the related resolution and the time to present this item.

Conclusion:

City Council must adopt Resolution No. 6230(18), declaring the results of the Consolidated General Election, including the results of the vote on the cannabis tax measure.

Respectfully submitted,

Stacey Haddon, City Clerk

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

Jim Throop, City Manager

Attachment: [Resolution No. 6230\(18\)](#)

RESOLUTION NO. 6230(18)

**A Resolution of the City Council of the City of Lompoc,
County of Santa Barbara, State of California,
In the Matter of Reciting the Facts of the Consolidated
General Election Held in Lompoc on November 6, 2018,
Declaring the Result Thereof, and Other Matters as Provided by Law**

WHEREAS, a Consolidated General Election was held and conducted in the City of Lompoc (City), California, on Tuesday, November 6, 2018, as required by law (Election); and

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

WHEREAS, the County Clerk has canvassed the returns of the Election and provided the City with an Official Certification of Election Results of the Official Canvass and Certified Results, attached hereto as Exhibit A.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Resolution No. 6230(18) adopted on December 6, 2018, is hereby rescinded and restated hereby and herein.

SECTION 2. There were seventeen precincts established for the purpose of holding the Consolidated General Election.

SECTION 3. The Election was held for the purposes of electing the following officers of the City as required by applicable laws:

A Mayor of the City of Lompoc for a full term of two years; and
Two members of the City Council for full terms of four years.

SECTION 4. The names of candidates for Mayor at the Election were as follows:

James Mosby
Jenelle Osborne

SECTION 5. The names of candidates at the Election for Member of the City Council of the City of Lompoc were as follows:

District 2:
Victor Vega
Shirley Sherman

District 3:
Dirk Starbuck
Robert Cuthbert

The measure voted upon at the election is as follows:

CITY OF LOMPOC MEASURE D2018

Shall a measure imposing a CANNABIS TAX of six cents per \$1.00 of non-medical retail sales proceeds, one cent per \$1.00 of cultivation proceeds, flat \$15,000 for net income less than \$2 Million and \$30,000 for net income of \$2 Million and more of manufacturing/distribution proceeds, a total aggregate tax of six cents per \$1.00 of microbusinesses proceeds, no tax on testing, with no sunset clause, estimated to collect \$130,000 to \$470,000, annually, be adopted?	YES
	NO

SECTION 6. The number of votes given at each precinct and the number of votes given in the City to each of the above-named candidates were as listed in attached Exhibit A.

SECTION 7. The City Council hereby determines and declares, as a result of the election:

Jenelle Osborne was elected as Mayor of the City of Lompoc for a full term of two years;

Victor Vega was elected as Member of the City Council of the City of Lompoc for District 2 for a full term of four years;

Dirk Starbuck was elected as Member of the City Council of the City of Lompoc for District 3 for a full term of four years; and

A majority of the voters voting on Measure D2018, relating to a commercial cannabis tax did vote in favor of it; and the measure was carried, and shall be deemed adopted and go into effect ten days after the date the vote is declared by the City Council of the City of Lompoc, pursuant to Election Code section 9217. Measure D2018. Ordinance No. 1651(18) is attached hereto as Exhibit B.

SECTION 8. The City Clerk shall enter in the records of the City Council of the City of Lompoc a statement of the Election results, showing:

1. The whole number of votes cast in the City;
2. The names of the candidates;
3. Each office sought by the candidates;
4. The number of votes given at each precinct to each candidate; and
5. The number of votes given in the City to each candidate.

SECTION 9. The City Clerk shall immediately make and deliver to the persons so elected a Certificate of Election signed by the City Clerk and duly authenticated; the City Clerk shall administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have such persons subscribe thereto and file the same in the Office of the City Clerk; whereupon, each and all of the persons duly elected shall be inducted into the respective offices to which they have been elected.

SECTION 10. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions and shall note its passage in the minutes of the proceedings of the City Council meeting at which the resolution is passed and adopted.

SECTION 11. This Resolution is effective upon its adoption.

The foregoing Resolution was proposed by Council Member _____ seconded by Council Member _____ and was passed and adopted by the Council of the City of Lompoc at a duly noticed special meeting on December 18, 2018, by the following electronic vote:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

Jenelle Osborne, Mayor
City of Lompoc

ATTEST:

Stacey Haddon, City Clerk
City of Lompoc

Exhibit A: [Official Certification of Election Results of the Official Canvass and Certified Results](#)

Exhibit B: [Ordinance No. 1651\(18\)](#)

CERTIFICATION OF
COUNTY CLERK/REGISTRAR OF VOTERS
OF THE RESULTS OF THE CANVASS
OF THE November 6, 2018,
GENERAL ELECTION

STATE OF CALIFORNIA

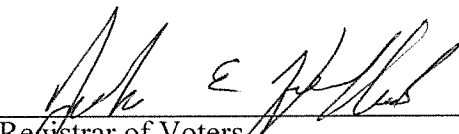
ss.

COUNTY OF SANTA BARBARA

I, Santa Barbara, County Clerk/Registrar of Voters of said county, do hereby certify that, in pursuance to the provisions of Elections Code Section 15300, et seq., I did canvass the results of the votes cast in the General Election held in said County on November 6, 2018, for measures and contests that were submitted to the vote of the voters, and that the Statement of Votes Cast, to which this certificate is attached is full, true, and correct.

I hereby set my hand and official seal this 5th day of December 2018 at
the County of Santa Barbara.





Registrar of Voters
County of Santa Barbara
State of California

Certification of Elections Official (11/2018)

Santa Barbara County
General Election
November 6, 2018
Certified Results

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Registered Voters 217417 - Cards Cast 157697 72.53%

Num. Report Precinct 263 - Num. Reporting 263 100.00%

GOVERNOR

		Polling	VBM	Total	
Number of Precincts		263	0	263	
Precincts Reporting		263	0	263	100.0 %
Vote For		1	1	1	
Total Votes		44231	110910	155141	
GAVIN NEWSOM	DEM	28328	65513	93841	60.49%
JOHN H. COX	REP	15903	45397	61300	39.51%

LIEUTENANT GOVERNOR

		Polling	VBM	Total	
Number of Precincts		263	0	263	
Precincts Reporting		263	0	263	100.0 %
Vote For		1	1	1	
Total Votes		36773	88665	125438	
ELENI KOUNALAKIS	DEM	22143	53852	75995	60.58%
ED HERNANDEZ	DEM	14630	34813	49443	39.42%

SECRETARY OF STATE

		Polling	VBM	Total	
Number of Precincts		263	0	263	
Precincts Reporting		263	0	263	100.0 %
Vote For		1	1	1	
Total Votes		43517	109252	152769	
ALEX PADILLA	DEM	29450	67733	97183	63.61%
MARK P. MEUSER	REP	14067	41519	55586	36.39%

CONTROLLER

		Polling	VBM	Total	
Number of Precincts		263	0	263	
Precincts Reporting		263	0	263	100.0 %
Vote For		1	1	1	
Total Votes		43022	108602	151624	
BETTY T. YEE	DEM	29222	68546	97768	64.48%
KONSTANTINOS RODITIS	REP	13800	40056	53856	35.52%

TREASURER

		Polling	VBM	Total	
Number of Precincts		263	0	263	
Precincts Reporting		263	0	263	100.0 %
Vote For		1	1	1	
Total Votes		42999	108166	151165	
FIONA MA	DEM	28587	66565	95152	62.95%
GREG CONLON	REP	14412	41601	56013	37.05%

ATTORNEY GENERAL

		Polling	VBM	Total	
Number of Precincts		263	0	263	
Precincts Reporting		263	0	263	100.0 %
Vote For		1	1	1	
Total Votes		43219	108817	152036	
XAVIER BECERRA	DEM	28684	66320	95004	62.49%
STEVEN C BAILEY	REP	14535	42497	57032	37.51%

Santa Barbara County
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Registered Voters 217417 - Cards Cast 157697 72.53%

Num. Report Precinct 263 - Num. Reporting 263 100.00%

INSURANCE COMMISSIONER

		Polling	VBM	Total	
Number of Precincts		263	0	263	
Precincts Reporting		263	0	263	100.0 %
Vote For		1	1	1	
Total Votes		41590	103898	145488	
RICARDO LARA	DEM	23812	53560	77372	53.18%
STEVE POIZNER	NPP	17778	50338	68116	46.82%

BOARD OF EQUALIZATION 2ND DISTRICT

		Polling	VBM	Total	
Number of Precincts		263	0	263	
Precincts Reporting		263	0	263	100.0 %
Vote For		1	1	1	
Total Votes		41902	105816	147718	
MALIA COHEN	DEM	27743	63759	91502	61.94%
MARK BURNS	REP	14159	42057	56216	38.06%

UNITED STATES SENATOR

		Polling	VBM	Total	
Number of Precincts		263	0	263	
Precincts Reporting		263	0	263	100.0 %
Vote For		1	1	1	
Total Votes		39592	96899	136491	
DIANNE FEINSTEIN	DEM	21667	53607	75274	55.15%
KEVIN DE LEON	DEM	17925	43292	61217	44.85%

U.S. REPRESENTATIVE 24TH DISTRICT

		Polling	VBM	Total	
Number of Precincts		263	0	263	
Precincts Reporting		263	0	263	100.0 %
Vote For		1	1	1	
Total Votes		44083	110833	154916	
SALUD CARBAJAL	DEM	28882	66983	95865	61.88%
JUSTIN FAREED	REP	15201	43850	59051	38.12%

STATE ASSEMBLY 35TH DISTRICT

		Polling	VBM	Total	
Number of Precincts		93	0	93	
Precincts Reporting		93	0	93	100.0 %
Vote For		1	1	1	
Total Votes		13616	37427	51043	
JORDAN CUNNINGHAM	REP	7782	22524	30306	59.37%
BILL OSTRANDER	DEM	5834	14903	20737	40.63%

STATE ASSEMBLY 37TH DISTRICT

		Polling	VBM	Total	
Number of Precincts		170	0	170	
Precincts Reporting		170	0	170	100.0 %
Vote For		1	1	1	
Total Votes		25654	59449	85103	
S. MONIQUE LIMON	DEM	21822	50563	72385	85.06%
DAVID L. NORRDIN	DEM	3832	8886	12718	14.94%

Santa Barbara County
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Registered Voters 217417 - Cards Cast 157697 72.53%

Num. Report Precinct 263 - Num. Reporting 263 100.00%

AJ OF THE SUPREME COURT-CAROL A. CORRIGAN

	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	31164	78281	109445	
YES	21138	54852	75990	69.43%
NO	10026	23429	33455	30.57%

AJ OF THE SUPREME COURT-LEONDRA R. KRUGER

	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	30450	75252	105702	
YES	21572	53427	74999	70.95%
NO	8878	21825	30703	29.05%

AJ 2ND APP DIST, DIV 1-VICTORIA G. CHANEY

	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	29343	74120	103463	
YES	20996	54835	75831	73.29%
NO	8347	19285	27632	26.71%

AJ 2ND APP DIST, DIV 1-HELEN BENDIX

	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	28836	72882	101718	
YES	20657	53922	74579	73.32%
NO	8179	18960	27139	26.68%

PJ 2ND APP DIST, DIV 2-ELWOOD LUI

	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	28517	72017	100534	
YES	18820	48521	67341	66.98%
NO	9697	23496	33193	33.02%

AJ 2ND APP DIST, DIV 2-VICTORIA M. CHAVEZ

	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	29104	73662	102766	
YES	21372	54300	75672	73.64%
NO	7732	19362	27094	26.36%

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Registered Voters 217417 - Cards Cast 157697 72.53%

Num. Report Precinct 263 - Num. Reporting 263 100.00%

AJ 2ND APP DIST, DIV 3-LUIS A. LAVIN				
	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	28302	71643	99945	
YES	19087	49063	68150	68.19%
NO	9215	22580	31795	31.81%

AJ 2ND APP DIST, DIV 3-HALIM DHANIDINA				
	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	28305	71376	99681	
YES	17920	45289	63209	63.41%
NO	10385	26087	36472	36.59%

AJ 2ND APP DIST, DIV 3-ANNE H. EGERTON				
	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	28407	71965	100372	
YES	19406	50636	70042	69.78%
NO	9001	21329	30330	30.22%

PJ 2ND APP DIST, DIV 4-NORA M. MANELLA				
	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	28469	72124	100593	
YES	21032	53759	74791	74.35%
NO	7437	18365	25802	25.65%

AJ 2ND APP DIST, DIV 4-THOMAS WILLHITE				
	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	28333	72175	100508	
YES	17692	49074	66766	66.43%
NO	10641	23101	33742	33.57%

AJ 2ND APP DIST, DIV 5-DOROTHY C. KIM				
	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	28494	72052	100546	
YES	20114	50890	71004	70.62%
NO	8380	21162	29542	29.38%

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Registered Voters 217417 - Cards Cast 157697 72.53%

Num. Report Precinct 263 - Num. Reporting 263 100.00%

AJ 2ND APP DIST, DIV 5-CARL H. MOOR				
	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	27798	70371	98169	
YES	17503	46705	64208	65.41%
NO	10295	23666	33961	34.59%

AJ 2ND APP DIST, DIV 5-LAMAR W. BAKER				
	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	27728	70269	97997	
YES	18293	46963	65256	66.59%
NO	9435	23306	32741	33.41%

PJ 2ND APP DIST, DIV 6-ARTHUR GILBERT				
	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	27718	70517	98235	
YES	17884	47754	65638	66.82%
NO	9834	22763	32597	33.18%

AJ 2ND APP DIST, DIV 6-MARTIN J. TANGEMAN				
	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	27577	70182	97759	
YES	17630	46815	64445	65.92%
NO	9947	23367	33314	34.08%

AJ 2ND APP DIST, DIV 7-GAIL R. FEUER				
	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	27858	70304	98162	
YES	18926	49069	67995	69.27%
NO	8932	21235	30167	30.73%

AJ 2ND APP DIST, DIV 7-JOHN L. SEGAL				
	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	27581	69901	97482	
YES	17775	46882	64657	66.33%
NO	9806	23019	32825	33.67%

Santa Barbara County
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Registered Voters 217417 - Cards Cast 157697 72.53%

Num. Report Precinct 263 - Num. Reporting 263 100.00%

PJ 2ND APP DIST, DIV 8-TRICIA A. BIGELOW

	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	28043	71728	99771	
YES	20099	53691	73790	73.96%
NO	7944	18037	25981	26.04%

SUPERINTENDENT OF PUBLIC INSTRUCTION

	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	36316	91420	127736	
MARSHALL TUCK	18032	45471	63503	49.71%
TONY K. THURMOND	17979	45409	63388	49.62%
Write-in Votes	305	540	845	0.66%

SBCC DISTRICT - TA 2 - SHORT TERM

	Polling	VBM	Total	
Number of Precincts	15	0	15	
Precincts Reporting	15	0	15	100.0 %
Vote For	1	1	1	
Total Votes	2787	7306	10093	
ROBERT K. MILLER	1868	4897	6765	67.03%
BRANDON T. MORSE	875	2313	3188	31.59%
Write-in Votes	44	96	140	1.39%

SBCC DISTRICT - TA 5

	Polling	VBM	Total	
Number of Precincts	28	0	28	
Precincts Reporting	28	0	28	100.0 %
Vote For	1	1	1	
Total Votes	2908	9194	12102	
MARSHA CRONINGER	1648	5609	7257	59.97%
DARCEL ELLIOTT	1227	3483	4710	38.92%
Write-in Votes	33	102	135	1.12%

SBCC DISTRICT - TA 7

	Polling	VBM	Total	
Number of Precincts	22	0	22	
Precincts Reporting	22	0	22	100.0 %
Vote For	1	1	1	
Total Votes	2568	8588	11156	
KATE PARKER	1526	5553	7079	63.45%
DANIEL SEYMOUR	518	1645	2163	19.39%
LAURIE PUNCHES	507	1331	1838	16.48%
Write-in Votes	17	59	76	0.68%

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ALLAN HANCOCK JOINT COMMUNITY COLLEGE DISTRICT - TA 3

	Polling	VBM	Total	
Number of Precincts	24	0	24	
Precincts Reporting	24	0	24	100.0 %
Vote For	1	1	1	
Total Votes	1840	4974	6814	
LARRY LAHR	874	2916	3790	55.62%
JESSE RAMIREZ	955	2035	2990	43.88%
Write-in Votes	11	23	34	0.50%

CUYAMA JOINT UNIFIED SCHOOL DISTRICT

	Polling	VBM	Total	
Number of Precincts	3	0	3	
Precincts Reporting	3	0	3	100.0 %
Vote For	2	2	2	
Total Votes	0	423	423	
HEATHER LOMAX	0	176	176	41.61%
WHITNEY N. GOLLER	0	169	169	39.95%
JUAN GONZALEZ	0	75	75	17.73%
Write-in Votes	0	3	3	0.71%

LOMPOC UNIFIED SCHOOL DISTRICT - FULL

	Polling	VBM	Total	
Number of Precincts	24	0	24	
Precincts Reporting	24	0	24	100.0 %
Vote For	2	2	2	
Total Votes	6499	17295	23794	
NANCY SCHULER-JONES	2304	5978	8282	34.81%
STEVE STRAIGHT	1785	5025	6810	28.62%
GLORIA U. GRIJALVA	1495	3917	5412	22.75%
DEB ANDREWS	866	2271	3137	13.18%
Write-in Votes	49	104	153	0.64%

LOMPOC UNIFIED SCHOOL DISTRICT - SHORT

	Polling	VBM	Total	
Number of Precincts	24	0	24	
Precincts Reporting	24	0	24	100.0 %
Vote For	1	1	1	
Total Votes	4037	10439	14476	
WILLIAM "BILL" HEATH	2051	5155	7206	49.78%
TIMOTHY C. MONCIER	1089	2809	3898	26.93%
ALAN SKINNER	879	2435	3314	22.89%
Write-in Votes	18	40	58	0.40%

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SANTA BARBARA UNIFIED SCHOOL DISTRICT

	Polling	VBM	Total	
Number of Precincts	124	0	124	
Precincts Reporting	124	0	124	100.0 %
Vote For	2	2	2	
Total Votes	37335	88182	125517	
KATE FORD	7870	21668	29538	23.53%
ROSE MUNOZ	8078	15914	23992	19.11%
MARK ALVARADO	5077	13158	18235	14.53%
ISMAEL PAREDES ULLOA	5392	12292	17684	14.09%
JILL RIVERA	3492	8564	12056	9.61%
BONNIE B. RAISIN	2278	7133	9411	7.50%
RICARDO SISTO COTA	3372	5695	9067	7.22%
JIM GRIBBLE	1635	3479	5114	4.07%
Write-in Votes	141	279	420	0.33%

SANTA MARIA JOINT UNION HIGH SCHOOL DISTRICT

	Polling	VBM	Total	
Number of Precincts	72	0	72	
Precincts Reporting	72	0	72	100.0 %
Vote For	3	3	3	
Total Votes	17534	51130	68664	
CAROL KARAMITSOS	5265	15965	21230	30.92%
DIANA PEREZ	4911	13853	18764	27.33%
DOMINICK PALERA	4138	12314	16452	23.96%
DAVID E. BASKETT	3047	8575	11622	16.93%
Write-in Votes	173	423	596	0.87%

SANTA YNEZ VALLEY UNION HIGH SCHOOL DISTRICT

	Polling	VBM	Total	
Number of Precincts	27	0	27	
Precincts Reporting	27	0	27	100.0 %
Vote For	3	3	3	
Total Votes	5222	18199	23421	
JAN CLEVINGER	1015	3848	4863	20.76%
TORY BABCOCK	907	3206	4113	17.56%
JOHN L. BAEKE	469	1681	2150	9.18%
ERIC J. ZIVIC	417	1527	1944	8.30%
CARL JOHNSON	454	1381	1835	7.83%
ELIZABETH S. BREEN	356	1393	1749	7.47%
TYLER SPRAGUE	405	1198	1603	6.84%
EILEEN PRESTON	330	1156	1486	6.34%
KROS ANDRADE	345	1060	1405	6.00%
LORI PARKER	271	906	1177	5.03%
JESSICA YACOUNB	245	793	1038	4.43%
Write-in Votes	8	50	58	0.25%

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GOLETA UNION SCHOOL DISTRICT

	Polling	VBM	Total	
Number of Precincts	50	0	50	
Precincts Reporting	50	0	50	100.0 %
Vote For	3	3	3	
Total Votes	20055	34815	54870	
LUZ REYES-MARTIN	7226	11779	19005	34.64%
RICHARD MAYER	5592	10428	16020	29.20%
CARIN EZAL	4574	8644	13218	24.09%
BRUCE J. WALLACH	2529	3741	6270	11.43%
Write-in Votes	134	223	357	0.65%

GUADALUPE UNION SCHOOL DISTRICT

	Polling	VBM	Total	
Number of Precincts	3	0	3	
Precincts Reporting	3	0	3	100.0 %
Vote For	3	3	3	
Total Votes	804	1968	2772	
DIANA R. ARRIOLA	221	568	789	28.46%
SHEILA COSTA CEPEDA	193	488	681	24.57%
RAUL RODRIGUEZ JR	208	429	637	22.98%
M. SABEDRA-CUELLO	176	455	631	22.76%
Write-in Votes	6	28	34	1.23%

ORCUTT UNION SCHOOL DISTRICT

	Polling	VBM	Total	
Number of Precincts	26	0	26	
Precincts Reporting	26	0	26	100.0 %
Vote For	3	3	3	
Total Votes	8249	25263	33512	
MARK STELLER	2095	5967	8062	24.06%
MELANIE WAFFLE	1762	5841	7603	22.69%
SHAUN HENDERSON	1522	4654	6176	18.43%
ERIC MELSHEIMER	1490	4326	5816	17.35%
LAUREL CIERVO	1339	4342	5681	16.95%
Write-in Votes	41	133	174	0.52%

SANTA MARIA-BONITA SCHOOL DISTRICT

	Polling	VBM	Total	
Number of Precincts	39	0	39	
Precincts Reporting	39	0	39	100.0 %
Vote For	2	2	2	
Total Votes	6680	18337	25017	
RICKY LARA	2076	5903	7979	31.89%
V. R. ALVAREZ-FLORES	1851	5225	7076	28.28%
ABRAHAM MELENDREZ	1840	4667	6507	26.01%
GARY MICHAELS	874	2444	3318	13.26%
Write-in Votes	39	98	137	0.55%

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CITY OF BUELLTON MAYOR

	Polling	VBM	Total	
Number of Precincts	3	0	3	
Precincts Reporting	3	0	3	100.0 %
Vote For	1	1	1	
Total Votes	479	1313	1792	
HOLLY SIERRA	455	1249	1704	95.09%
Write-in Votes	24	64	88	4.91%

CITY OF BUELLTON CITY COUNCIL MEMBER - FULL

	Polling	VBM	Total	
Number of Precincts	3	0	3	
Precincts Reporting	3	0	3	100.0 %
Vote For	3	3	3	
Total Votes	1245	3307	4552	
ED ANDRISEK	400	956	1356	29.79%
DAVE KING	323	797	1120	24.60%
ART MERCADO	310	806	1116	24.52%
JUDITH DALE	205	713	918	20.17%
Write-in Votes	7	35	42	0.92%

CITY OF BUELLTON CITY COUNCIL MEMBER - SHORT

	Polling	VBM	Total	
Number of Precincts	3	0	3	
Precincts Reporting	3	0	3	100.0 %
Vote For	1	1	1	
Total Votes	519	1358	1877	
JOHN SANCHEZ	232	539	771	41.08%
R. ALBRECHT CAPLAN	167	477	644	34.31%
ELYSIA LEWIS	120	336	456	24.29%
Write-in Votes	0	6	6	0.32%

CITY OF CARPINTERIA CITY COUNCIL MEMBER

	Polling	VBM	Total	
Number of Precincts	6	0	6	
Precincts Reporting	6	0	6	100.0 %
Vote For	3	3	3	
Total Votes	3383	9318	12701	
ROY LEE	827	2184	3011	23.71%
GREGG A. CARTY	790	2214	3004	23.65%
AL CLARK	723	2031	2754	21.68%
BRAD STEIN	581	1621	2202	17.34%
D. "DAR" RINGLING	434	1194	1628	12.82%
Write-in Votes	28	74	102	0.80%

CITY OF GOLETA MAYOR

	Polling	VBM	Total	
Number of Precincts	15	0	15	
Precincts Reporting	15	0	15	100.0 %
Vote For	1	1	1	
Total Votes	3438	8791	12229	
PAULA PEROTTE	2144	5446	7590	62.07%
MICHAEL T. BENNETT	1276	3310	4586	37.50%
Write-in Votes	18	35	53	0.43%

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CITY OF GOLETA CITY COUNCIL MEMBER

	Polling	VBM	Total	
Number of Precincts	15	0	15	
Precincts Reporting	15	0	15	100.0 %
Vote For	2	2	2	
Total Votes	3960	10729	14689	
JAMES KYRIACO	2005	5724	7729	52.62%
ROGER S. ACEVES	1881	4853	6734	45.84%
Write-in Votes	74	152	226	1.54%

CITY OF GUADALUPE MAYOR

	Polling	VBM	Total	
Number of Precincts	2	0	2	
Precincts Reporting	2	0	2	100.0 %
Vote For	1	1	1	
Total Votes	347	794	1141	
ARISTON D. JULIAN	328	759	1087	95.27%
Write-in Votes	19	35	54	4.73%

CITY OF GUADALUPE CITY COUNCIL MEMBER

	Polling	VBM	Total	
Number of Precincts	2	0	2	
Precincts Reporting	2	0	2	100.0 %
Vote For	2	2	2	
Total Votes	620	1405	2025	
LILIANA CARDENAS	286	612	898	44.35%
EUGENE A. COSTA JR.	129	297	426	21.04%
M. "MANNY" ESTORGA	115	274	389	19.21%
RICHARD JENNE II	88	211	299	14.77%
Write-in Votes	2	11	13	0.64%

CITY OF GUADALUPE TREASURER

	Polling	VBM	Total	
Number of Precincts	2	0	2	
Precincts Reporting	2	0	2	100.0 %
Vote For	1	1	1	
Total Votes	341	727	1068	
A. SANTILLAN MICHAUD	325	683	1008	94.38%
Write-in Votes	16	44	60	5.62%

CITY OF LOMPOC MAYOR

	Polling	VBM	Total	
Number of Precincts	14	0	14	
Precincts Reporting	14	0	14	100.0 %
Vote For	1	1	1	
Total Votes	2974	7391	10365	
JENELLE OSBORNE	1408	3835	5243	50.58%
JAMES MOSBY	1542	3489	5031	48.54%
Write-in Votes	24	67	91	0.88%

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CITY OF LOMPOC CITY COUNCIL MEMBER - DIST. 2

	Polling	VBM	Total	
Number of Precincts	2	0	2	
Precincts Reporting	2	0	2	100.0 %
Vote For	1	1	1	
Total Votes	438	1112	1550	
VICTOR VEGA	289	735	1024	66.06%
SHIRLEY SHERMAN	147	368	515	33.23%
Write-in Votes	2	9	11	0.71%

CITY OF LOMPOC CITY COUNCIL MEMBER - DIST. 3

	Polling	VBM	Total	
Number of Precincts	3	0	3	
Precincts Reporting	3	0	3	100.0 %
Vote For	1	1	1	
Total Votes	728	1898	2626	
DIRK STARBUCK	447	1106	1553	59.14%
ROBERT CUTHBERT	277	782	1059	40.33%
Write-in Votes	4	10	14	0.53%

CITY OF SANTA MARIA CITY COUNCIL MEMBER - DIST. 3

	Polling	VBM	Total	
Number of Precincts	13	0	13	
Precincts Reporting	13	0	13	100.0 %
Vote For	1	1	1	
Total Votes	912	2981	3893	
GLORIA SOTO	537	1469	2006	51.53%
MICHAEL W. MOATS	301	1313	1614	41.46%
RAYMOND ACOSTA	70	190	260	6.68%
Write-in Votes	4	9	13	0.33%

CITY OF SANTA MARIA CITY COUNCIL MEMBER - DIST. 4

	Polling	VBM	Total	
Number of Precincts	12	0	12	
Precincts Reporting	12	0	12	100.0 %
Vote For	1	1	1	
Total Votes	1894	5291	7185	
ETTA WATERFIELD	1002	3077	4079	56.77%
R. "RAFA" GUTIERREZ	882	2180	3062	42.62%
Write-in Votes	10	34	44	0.61%

CITY OF SOLVANG MAYOR

	Polling	VBM	Total	
Number of Precincts	6	0	6	
Precincts Reporting	6	0	6	100.0 %
Vote For	1	1	1	
Total Votes	630	2147	2777	
RYAN TOUSSAINT	391	1316	1707	61.47%
JIM RICHARDSON	238	825	1063	38.28%
Write-in Votes	1	6	7	0.25%

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CITY OF SOLVANG CITY COUNCIL MEMBER - FULL

	Polling	VBM	Total	
Number of Precincts	6	0	6	
Precincts Reporting	6	0	6	100.0 %
Vote For	2	2	2	
Total Votes	1050	3665	4715	
ROBERT CLARKE	253	914	1167	24.75%
N."CHRIS" DJERNAES	236	886	1122	23.80%
JOAN LAIRD JAMIESON	199	723	922	19.55%
KIM K. JENSEN	194	689	883	18.73%
DENISE EL AMIN	118	348	466	9.88%
"ESKO" LAMA NEWYORK	45	93	138	2.93%
Write-in Votes	5	12	17	0.36%

CITY OF SOLVANG - CITY COUNCIL MEMBER - SHORT

	Polling	VBM	Total	
Number of Precincts	6	0	6	
Precincts Reporting	6	0	6	100.0 %
Vote For	1	1	1	
Total Votes	586	2010	2596	
KAREN M. WAITE	358	1135	1493	57.51%
EDWIN H. SKYTT	224	864	1088	41.91%
Write-in Votes	4	11	15	0.58%

EMBARCADERO MUNICIPAL IMPROVEMENT DISTRICT

	Polling	VBM	Total	
Number of Precincts	3	0	3	
Precincts Reporting	3	0	3	100.0 %
Vote For	3	3	3	
Total Votes	0	647	647	
HOLLY MCCORD DUNCAN	0	204	204	31.53%
TOM MENNA	0	199	199	30.76%
NOEL LANGLE	0	130	130	20.09%
CHARLES RIHARB	0	110	110	17.00%
Write-in Votes	0	4	4	0.62%

GOLETA WATER DISTRICT

	Polling	VBM	Total	
Number of Precincts	55	0	55	
Precincts Reporting	55	0	55	100.0 %
Vote For	2	2	2	
Total Votes	19255	34822	54077	
KATHLEEN WERNER	7092	13375	20467	37.85%
THOMAS EVANS	5139	10454	15593	28.83%
MATIAS EUSTERBROCK	6068	8813	14881	27.52%
BOBBI MCGINNIS	860	2073	2933	5.42%
Write-in Votes	96	107	203	0.38%

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LOMPOC VALLEY MEDICAL CENTER

	Polling	VBM	Total	
Number of Precincts	27	0	27	
Precincts Reporting	27	0	27	100.0 %
Vote For	3	3	3	
Total Votes	9053	25238	34291	
C. LUMSDAINE	2259	6254	8513	24.83%
LESLIE M. KELLY	1994	5546	7540	21.99%
E. NOVIN-BAHERAN	1511	4306	5817	16.96%
SHARON L. MARTINEZ	1184	3247	4431	12.92%
MARY SHARP	1012	2953	3965	11.56%
ROGER J. MCCONNELL	1060	2845	3905	11.39%
Write-in Votes	33	87	120	0.35%

MISSION HILLS COMMUNITY SERVICES DISTRICT

	Polling	VBM	Total	
Number of Precincts	4	0	4	
Precincts Reporting	4	0	4	100.0 %
Vote For	2	2	2	
Total Votes	683	1581	2264	
KARINA M. NAUGHTON	246	607	853	37.68%
BRUCE NIX	216	496	712	31.45%
JAMES S. MACKENZIE	178	404	582	25.71%
Write-in Votes	43	74	117	5.17%

MONTECITO SANITARY DISTRICT

	Polling	VBM	Total	
Number of Precincts	6	0	6	
Precincts Reporting	6	0	6	100.0 %
Vote For	2	2	2	
Total Votes	1545	5150	6695	
"WOODY" T BARRETT II	447	1456	1903	28.42%
DANA NEWQUIST	434	1442	1876	28.02%
JUDITH ISHKANIAN	351	1175	1526	22.79%
ROBERT WILLIAMS	307	1065	1372	20.49%
Write-in Votes	6	12	18	0.27%

MONTECITO WATER DISTRICT

	Polling	VBM	Total	
Number of Precincts	12	0	12	
Precincts Reporting	12	0	12	100.0 %
Vote For	3	3	3	
Total Votes	2263	8816	11079	
BRIAN C. GOEBEL	621	2374	2995	27.03%
CORI HAYMAN	612	2376	2988	26.97%
KENNETH J. COATES	593	2284	2877	25.97%
DICK SHAIKEWITZ	383	1525	1908	17.22%
Write-in Votes	54	257	311	2.81%

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SANTA MARIA PUBLIC AIRPORT DISTRICT - SHORT

	Polling	VBM	Total	
Number of Precincts	68	0	68	
Precincts Reporting	68	0	68	100.0 %
Vote For	1	1	1	
Total Votes	7782	21499	29281	
STEVEN M. BROWN	3754	10972	14726	50.29%
JIM BRAY	3963	10389	14352	49.01%
Write-in Votes	65	138	203	0.69%

SANTA YNEZ COMMUNITY SERVICES DISTRICT

	Polling	VBM	Total	
Number of Precincts	5	0	5	
Precincts Reporting	5	0	5	100.0 %
Vote For	2	2	2	
Total Votes	633	1930	2563	
ROBERT P. D'AMBRA	193	532	725	28.29%
DAVID BEARD	178	483	661	25.79%
DAVE SEYMOUR	130	473	603	23.53%
DAVID K. HIGGINS	132	436	568	22.16%
Write-in Votes	0	6	6	0.23%

SANTA YNEZ RIVER WCD - ID #1 - AT LARGE

	Polling	VBM	Total	
Number of Precincts	14	0	14	
Precincts Reporting	14	0	14	100.0 %
Vote For	1	1	1	
Total Votes	1213	3864	5077	
R. BRAD JOOS	781	2460	3241	63.84%
ALLEN ANDERSON	420	1374	1794	35.34%
Write-in Votes	12	30	42	0.83%

SANTA YNEZ RIVER WCD - ID #1 - DIV 2

	Polling	VBM	Total	
Number of Precincts	2	0	2	
Precincts Reporting	2	0	2	100.0 %
Vote For	1	1	1	
Total Votes	280	1018	1298	
JEFF CLAY	175	676	851	65.56%
ANITA FINIFROCK	103	339	442	34.05%
Write-in Votes	2	3	5	0.39%

SANTA YNEZ RIVER WCD - ID #1 - DIV 3

	Polling	VBM	Total	
Number of Precincts	5	0	5	
Precincts Reporting	5	0	5	100.0 %
Vote For	1	1	1	
Total Votes	251	1092	1343	
KEVIN WALSH	116	563	679	50.56%
BRIAN SCHULTZ	134	526	660	49.14%
Write-in Votes	1	3	4	0.30%

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VANDENBERG VILLAGE COMMUNITY SERVICES DISTRICT

	Polling	VBM	Total	
Number of Precincts	3	0	3	
Precincts Reporting	3	0	3	100.0 %
Vote For	2	2	2	
Total Votes	1209	3413	4622	
DANIEL REDMON	351	956	1307	28.28%
KATHERINE A. STEWART	326	944	1270	27.48%
CHARLES E. BLAIR	256	816	1072	23.19%
STEVEN W. HEURING	272	683	955	20.66%
Write-in Votes	4	14	18	0.39%

PROP 1 VETERANS AND AFFORDABLE HOUSING BOND ACT OF 2018

	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	43089	107847	150936	
YES	25187	57277	82464	54.64%
NO	17902	50570	68472	45.36%

PROP 2 NO PLACE LIKE HOME ACT OF 2018

	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	43145	107996	151141	
YES	28142	66074	94216	62.34%
NO	15003	41922	56925	37.66%

PROP 3 BONDS. WATER, FISH/WILDLIFE, GROUNDWATER PROJECTS.

	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	42398	105857	148255	
NO	20752	59196	79948	53.93%
YES	21646	46661	68307	46.07%

PROP 4 BONDS. CHILDREN'S HOSPITAL CONSTRUCTION. INITIATIVE STATUTE.

	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	42602	106354	148956	
YES	26739	59544	86283	57.93%
NO	15863	46810	62673	42.07%

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Registered Voters 217417 - Cards Cast 157697 72.53%

Num. Report Precinct 263 - Num. Reporting 263 100.00%

PROP 5 TRANSFER PROPERTY TAX BASE. INIT. CONS. AMEND.

	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	42184	106348	148532	
NO	27417	65254	92671	62.39%
YES	14767	41094	55861	37.61%

PROP 6 ELIMINATE TRANSPORTATION FUNDING. INIT. CONST. AMEND.

	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	42995	108233	151228	
NO	27170	65623	92793	61.36%
YES	15825	42610	58435	38.64%

PROP 7 DAYLIGHT SAVING TIME.

	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	42720	106396	149116	
YES	27295	70195	97490	65.38%
NO	15425	36201	51626	34.62%

PROP 8 STATE REGULATION OF KIDNEY DIALYSIS CLINICS. INITIATIVE STATUE.

	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	42567	107099	149666	
NO	23153	64641	87794	58.66%
YES	19414	42458	61872	41.34%

PROP 10 LOCAL GOVT AUTHORITY TO ENACT RENT CONTROL. INITIATIVE STATUTE.

	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	43006	108373	151379	
NO	22560	64130	86690	57.27%
YES	20446	44243	64689	42.73%

PROP 11 CONDITIONS OF EMPLOYMENT. EMERGENCY AMBULANCE EMPLOYEES.

	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	42572	106826	149398	
YES	23879	67500	91379	61.16%
NO	18693	39326	58019	38.84%

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Registered Voters 217417 - Cards Cast 157697 72.53%

Num. Report Precinct 263 - Num. Reporting 263 100.00%

PROP 12 STANDARDS FOR CONFINEMENT OF CERTAIN FARM ANIMALS.

	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	42624	106434	149058	
YES	27098	64128	91226	61.20%
NO	15526	42306	57832	38.80%

MEASURE Y2018 ALLAN HANCOCK BOND

	Polling	VBM	Total	
Number of Precincts	127	0	127	
Precincts Reporting	127	0	127	100.0 %
Vote For	1	1	1	
Total Votes	15640	44968	60608	
BONDS NO	7819	23567	31386	51.79%
BONDS YES	7821	21401	29222	48.21%

MEASURE E2018 LOMPOC USD BOND

	Polling	VBM	Total	
Number of Precincts	24	0	24	
Precincts Reporting	24	0	24	100.0 %
Vote For	1	1	1	
Total Votes	4333	11582	15915	
BONDS YES	2316	6101	8417	52.89%
BONDS NO	2017	5481	7498	47.11%

MEASURE A2018 BUELLTON USD BOND

	Polling	VBM	Total	
Number of Precincts	6	0	6	
Precincts Reporting	6	0	6	100.0 %
Vote For	1	1	1	
Total Votes	564	2056	2620	
YES	332	1260	1592	60.76%
NO	232	796	1028	39.24%

MEASURE G2018 COUNTY ORDINANCE

	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	38383	98480	136863	
YES	20445	52886	73331	53.58%
NO	17938	45594	63532	46.42%

MEASURE H2018 COUNTY INITIATIVE

	Polling	VBM	Total	
Number of Precincts	263	0	263	
Precincts Reporting	263	0	263	100.0 %
Vote For	1	1	1	
Total Votes	36680	96124	132804	
NO	23835	65066	88901	66.94%
YES	12845	31058	43903	33.06%

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Registered Voters 217417 - Cards Cast 157697 72.53%

Num. Report Precinct 263 - Num. Reporting 263 100.00%

MEASURE U2018 CITY SANTA MARIA PUB SAFETY SVCS

	Polling	VBM	Total	
Number of Precincts	38	0	38	
Precincts Reporting	38	0	38	100.0 %
Vote For	1	1	1	
Total Votes	4772	13297	18069	
YES	3597	9806	13403	74.18%
NO	1175	3491	4666	25.82%

MEASURE W2018 CITY GOLETA SALARIES

	Polling	VBM	Total	
Number of Precincts	15	0	15	
Precincts Reporting	15	0	15	100.0 %
Vote For	1	1	1	
Total Votes	3390	8672	12062	
YES	2209	5614	7823	64.86%
NO	1181	3058	4239	35.14%

MEASURE Z2018 CITY GOLETA CANNABIS TAX

	Polling	VBM	Total	
Number of Precincts	15	0	15	
Precincts Reporting	15	0	15	100.0 %
Vote For	1	1	1	
Total Votes	3601	9233	12834	
YES	2868	7650	10518	81.95%
NO	733	1583	2316	18.05%

MEASURE X2018 CITY CARPINTERIA SALES TAX

	Polling	VBM	Total	
Number of Precincts	6	0	6	
Precincts Reporting	6	0	6	100.0 %
Vote For	1	1	1	
Total Votes	1472	3884	5356	
YES	815	2201	3016	56.31%
NO	657	1683	2340	43.69%

MEASURE B2018 CITY SANTA BARBARA EVEN-NUMBER YR ELECTION

	Polling	VBM	Total	
Number of Precincts	55	0	55	
Precincts Reporting	55	0	55	100.0 %
Vote For	1	1	1	
Total Votes	8292	24523	32815	
YES	5584	17643	23227	70.78%
NO	2708	6880	9588	29.22%

MEASURE C2018 CITY SANTA BARBARA DISTRICT ELECTIONS

	Polling	VBM	Total	
Number of Precincts	55	0	55	
Precincts Reporting	55	0	55	100.0 %
Vote For	1	1	1	
Total Votes	7861	23571	31432	
YES	5770	18005	23775	75.64%
NO	2091	5566	7657	24.36%

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Registered Voters 217417 - Cards Cast 157697 72.53%

Num. Report Precinct 263 - Num. Reporting 263 100.00%

MEASURE D2018 CITY LOMPOC CANNABIS TAX

	Polling	VBM	Total	
Number of Precincts	14	0	14	
Precincts Reporting	14	0	14	100.0 %
Vote For	1	1	1	
Total Votes	2976	7492	10468	
YES	2171	5713	7884	75.32%
NO	805	1779	2584	24.68%

MEASURE F2018 CITY SOLVANG CANNABIS TAX

	Polling	VBM	Total	
Number of Precincts	6	0	6	
Precincts Reporting	6	0	6	100.0 %
Vote For	1	1	1	
Total Votes	610	2103	2713	
YES	486	1707	2193	80.83%
NO	124	396	520	19.17%

ORDINANCE NO. 1651(18)

**An Ordinance of the People of the City of Lompoc,
County of Santa Barbara, State of California,
Approving Taxes on Commercial Cannabis Business Activities by
Adding Chapter 3.50 (Cannabis Taxes) to the Lompoc Municipal Code**

WHEREAS, because all commercial cannabis business, except outdoor cultivation, are allowed in the City of Lompoc (City) pursuant to Chapter 9.36 of the Lompoc Municipal Code (LMC), the City Council desires taxes be imposed on commercial cannabis businesses; and

WHEREAS, pursuant to Subdivision (b) of Section 2 of Article XIII C of the California Constitution and Section 53720 *et seq.* of the Government Code, the City Council is authorized to impose a general tax upon submission of such general tax to the voters of the City and approval by a majority of the voters voting on the issue, at an election consolidated with a regularly scheduled general election for members of the City Council; and

WHEREAS, Business & Professions Code subdivision 19320(d) provides local jurisdictions retain the power to assess fees and taxes, as applicable, on medical cannabis operations that are licensed pursuant to the Medical Marijuana Regulation and Safety Act (MMRSA); and

WHEREAS, MMRSA and the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA) do not preempt local taxation of cannabis business activities; and

WHEREAS, presently the City has no local tax specifically imposed on commercial cannabis businesses; and

WHEREAS, the City Council estimates the City could collect approximately between \$130,000 to \$490,000 in local tax revenue annually; and

WHEREAS, the City Council finds taxation of commercial cannabis businesses and cannabis products can generate the revenue needed by the City to ensure its citizens and visitors are safe and cannabis operations comply with the City's standards; and

WHEREAS, the City Council further finds tax revenue from commercial cannabis businesses and cannabis products can provide funds for additional City services to protect the general health and welfare of the citizens of the City.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF LOMPOC, CALIFORNIA DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 3.50 (Cannabis Taxes) is hereby added to the LMC to read as follows:

CHAPTER 3.50 CANNABIS TAXES

- Section 3.50.010. Expenditure of Cannabis Taxes Revenue
- Section 3.50.020. Definitions.
- Section 3.50.030. Tax.
- Section 3.50.040. Operation.
- Section 3.50.050. Returns and Remittances.
- Section 3.50.060. Failure to Pay Tax.
- Section 3.50.070. Refunds.
- Section 3.50.080. Enforcement.
- Section 3.50.080. Debts; Deficiencies; Determinations; Hearings.

Section 3.50.10. Expenditure of the Cannabis Taxes Revenue

The revenue generated by the cannabis taxes imposed by this chapter may be spent for any unrestricted general purpose.

Section 3.50.020. Definitions.

- A. The definitions contained in Chapter 9.36 of this code shall apply to this chapter, unless otherwise expressly stated or the context otherwise requires.
- B. The following definitions apply to this chapter unless the context otherwise requires.
 - 1. "Cannabis products" means cannabis that has undergone a process whereby the plant material has been transformed into a concentrate, including, but not limited to, concentrated cannabis, or an edible or topical product containing cannabis or concentrated cannabis and other ingredients, including, but not limited to, edible cannabis products.
 - 2. "Location" means any parcel of land, whether vacant or occupied by a building, group of buildings, or accessory buildings, and includes the buildings, structures, yards, open spaces, lot width, and lot area. Where contiguous parcels are under common ownership or control, such contiguous parcels shall be counted as a single "location." For purposes of this chapter "premises" shall have the same meaning as "location."
 - 3. "Manufacturer" means a person that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, at a fixed location that packages or repackages cannabis or cannabis products or labels or re-labels its container.
 - 4. "Management Services Director" shall mean the Management Services Director/Finance Director/Treasurer of the City of Lompoc and her/his designee.

5. "Net income" means total revenue and moneys received by a commercial cannabis activity, minus costs of doing business, such as deductions and allowances for rent, depreciation, cost of goods sold, labor costs, losses, interest and taxes.
6. "Operation" means an activity permitted by this chapter, including the retail distribution, dispensary, delivery, cultivation, manufacture, or testing of cannabis or cannabis products.
7. "Permit" means a regulatory license issued pursuant to Chapter 9.36 of this code, and such permit constitutes a "local permit, license, or other authorization" as used in Subdivision 19320(a) of the Business & Professions Code.
8. "Person" means any natural person, firm, corporation, partnership, club, or any association or combination of natural persons, whether acting by themselves or through any servant, agent or employee.
9. "Proceeds" means total revenue and moneys received by a commercial cannabis activity before any deductions or allowances, including, but not limited to, rent, depreciation, cost of goods sold, labor costs, losses, interest and taxes.

Section 3.50.030. Tax.

- A. Cannabis Cultivation Tax. Every person cultivating commercial cannabis within the City, including nurseries, whether for profit or by a non-profit organization, either pursuant to this code or otherwise, and regardless of whether such operation has a valid permit pursuant to this code, shall pay an annual maximum tax of up to 1% of proceeds.
- B. Cannabis Retail Operations Tax. Every person engaged in any commercial cannabis business for the delivery, dispensing or retail sale of cannabis, or a cannabis product, whether fixed or mobile, as part of a for-profit or non-profit business within the City, either pursuant to this code or otherwise, and regardless of whether such operation has a valid permit pursuant to this code, shall pay to the City a maximum of up to 6% of proceeds received for non-medical cannabis transactions.
- C. Cannabis Manufacturing/Distribution Tax. Every person engaged in any commercial cannabis manufacturing or distribution business, as part of a for-profit or non-profit business within the City, either pursuant to this code or otherwise, and regardless of whether such operation has a valid permit pursuant to this code, shall pay to the City an annual flat fee tax of \$15,000 if net income is less than \$2 Million and of \$30,000 if net income is \$2 Million or more.
- D. Cannabis Testing. No separate tax shall be assessed for any cannabis testing business.

- E. Cannabis Microbusiness Tax. Every person engaged in any commercial cannabis microbusiness, as part of a for-profit or non-profit business within the City, either pursuant to this code or otherwise, and regardless of whether such operation has a valid permit pursuant to this code, shall pay taxes to the City in accordance with this section based on the type of cannabis business, but up to an aggregate total of 6% of proceeds for the microbusiness, not including proceeds received for retail medical cannabis transactions.
- F. The taxes imposed by this chapter are in addition to all other applicable taxes imposed by this code, including, but not limited to, the business taxes imposed by Chapter Title 5 of this code.

Section 3.50.040. Operation.

- A. Failure to pay the taxes set forth in this chapter shall be subject to penalties, interest charges, and determinations of tax due as the City Council may establish and the City may use any or all other enforcement remedies provided for in this code, or pursuant to state law.
- B. The City Council may impose the tax authorized by this chapter at a lower rate and may establish exemptions, incentives, or other reductions, and penalties and interest charges, or determinations of tax due for failure to pay the tax in a timely manner, as otherwise allowed by Code or California law. No action by the City Council under this section shall prevent it from later increasing the tax or removing any exemption, incentive, or reduction, and restoring the maximum tax specified in this chapter.
- C. The payment of the tax required pursuant to this chapter shall not be construed as authorizing the conduct or continuance of any illegal business or of a legal business in an illegal manner. Nothing in this chapter shall be construed to authorize any cannabis business activity.
- D. Taxes provided for hereunder are not sales or use taxes and shall not be calculated or assessed as such.
- E. The taxes imposed pursuant to this chapter shall not be separately identified or otherwise specifically assessed or charged to any individual member, consumer or customer; rather, the taxes are imposed upon each applicable commercial cannabis activity.
- F. The Management Services Director shall promulgate rules, regulations, and procedures to implement and administer this chapter to ensure the efficient and timely collection of the tax imposed by this chapter, including without limitation, formulation and implementation of penalties and interest to be assessed for failure to pay the tax as provided.

Section 3.50.050. Returns and Remittances.

The Tax shall be due and payable as follows:

- A. Each person owing tax, on or before the last business day of each term, as established by the Management Services Director, shall prepare a tax return to the Management Services Director of the total proceeds/net income, as applicable, and the amount of tax owed for the preceding term. At the time the tax return is filed, the full amount of the tax owed for the preceding term shall be remitted to the City.
- B. All tax returns shall be completed on forms provided by the Management Services Director.
- C. Tax returns and payments for all outstanding taxes owed the City are immediately due the Management Services Director upon cessation of business for any reason.
- D. Whenever any payment, statement, report, request or other communication received by the Management Services Director is received after the time prescribed by this section for the receipt thereof, but is in an envelope bearing a postmark showing that it was mailed on or prior to the date prescribed in this section for the receipt thereof, or whenever the Management Services Director is furnished substantial proof that the payment, statement, report, request, or other communication was in fact deposited in the United States mail on or prior to the date prescribed for receipt thereof, the Management Services Director may regard such payment, statement, report, request, or other communication as having been timely received. If the due day falls on Saturday, Sunday, or a federal holiday, then the due day shall be the last regular business day on which the City Hall is open to the public prior to the due date.
- E. Unless otherwise specifically provided under other provisions of this chapter, the taxes required to be paid pursuant to this chapter shall be deemed delinquent if not paid on or before the due date specified by this section.
- F. The Management Services Director is not required to send a delinquency or other notice or bill to any person subject to the provisions of this chapter and failure to send such notice or bill shall not affect the validity of any tax or penalty due under the provisions of this chapter.

Section 3.50.060. Failure to Pay Tax.

Any person who fails, or refuses, to pay any tax required to be paid pursuant to this chapter on or before the due date shall pay penalties and interest as follows:

- A. A penalty of no more than 25% of the amount of the tax (in addition to the amount of the tax), plus interest (determined on a daily basis and a 365 day year) on the unpaid tax calculated from the due date of the tax at a rate not to exceed 10% and these penalties

and rates will be set at the maximum amounts unless established otherwise by resolution of the City Council.

- B. Whenever a check is submitted in payment of a tax and the check is subsequently returned unpaid by the bank upon which the check is drawn, and the check is not redeemed prior to the due date, the taxpayer will be liable for the amount of taxes due, plus penalties and interest as provided for in this section plus any amount allowed under state law.
- C. The taxes due shall be the amount due and payable from the operative date of this chapter.
- D. The Management Services Director may waive the up to the first and second penalties of 25% each imposed upon any person for the failure to timely pay taxes pursuant to this section if:
 - 1. The person provides evidence satisfactory to the Management Services Director failure to pay timely was due to circumstances beyond the control of the person and occurred notwithstanding the exercise of ordinary care and the absence of willful neglect, and the person paid the delinquent taxes and accrued interest owed the city prior to applying to the Management Services Director for a waiver.
 - 2. The waiver provisions specified in this subsection shall not apply to interest accrued on the delinquent taxes and a waiver shall be granted only once during any 24-month period for taxation of proceeds.
 - 3. Notwithstanding Section 3.50.060 (D) (1), imposition of the third (or more) penalty of 25% for failure to pay taxes within any 24-month period shall not be considered for waiver.

Section 3.50.070. Refunds.

- A. No refund shall be made of any taxes collected pursuant to this chapter, except as provided in this Section.
- B. No refund of any taxes collected pursuant to this chapter shall be made because of the discontinuation, dissolution, or other termination of an operation.
- C. Any person entitled to a refund of taxes paid pursuant to this chapter may elect in writing to the Management Services Director to have such refund applied as a credit against cannabis taxes due for the next term.
- D. Whenever the amount of any tax, penalty, or interest has been overpaid, paid more than once, or has been erroneously or illegally collected or received by the City under this chapter, such amount may be refunded to the person who paid the taxes (claimant);

provided, that a written claim for refund is filed with the City Clerk and Management Services Director.

- E. The Management Services Director shall have the right to examine and audit all the books and business records of the claimant, or to have all the books and business records of the claimant examined and audited, in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of claimant's books and business records after request by the Management Services Director to do so.
- F. In the event the tax was erroneously paid and the error is attributable to the City, the entire amount of the taxes erroneously paid shall be refunded to the claimant. If the error is attributable to the claimant, then the City shall retain the amount set forth in this chapter from the amount to be refunded to cover expenses.
- G. The Management Services Director shall initiate a refund of any taxes, which have been overpaid or erroneously collected, whenever the overpayment or erroneous collection is uncovered by a City initiated audit of tax receipts. In the event the taxes were erroneously paid and the error is attributable to the City, the entire amount of the taxes erroneously paid shall be refunded to the person who paid the taxes. If the error is attributable to the person, then the City shall retain the amount set forth in this chapter from the amount to be refunded to cover expenses.

Section 3.50.080. Enforcement.

- A. It shall be the duty of the Management Services Director to enforce each and all of the provisions of this chapter.
- B. For purposes of administration and enforcement of this chapter generally, the Management Services Director, with the assistance of the City Attorney, may from time to time promulgate administrative rules and regulations.
- C. The Management Services Director shall have the power to, or have done, audit and examine all books and records of operations as well as persons engaged in the conducting of an operation, including both state and federal income tax returns, California sales tax returns, logs, receipts, bank records, or other evidence documenting the proceeds of the operation, or persons engaged in the conduct of an operation, for the purpose of ascertaining the amount of Tax, if any, required to be paid by the provisions of this chapter, and for the purpose of verifying any statements or any items thereof when filed by any person pursuant to the provisions of this chapter. If such operations or person, after written demand by the Management Services Director, refuses to make available for audit, examination or verification such books, records, or equipment as the Management Services Director requests, the Management Services Director may, after full consideration of all information within the Management Services Director's knowledge concerning the operation and activities of the person so refusing, make a determination of tax due in the manner provided in Section 3.50.080 of this chapter.

- D. The conviction and punishment of any person for failure to pay the required tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this chapter or of any state law requiring the payment of all taxes.
- E. Any person violating any of the provisions of this chapter or any regulation or rule passed in accordance herewith, or knowingly or intentionally misrepresenting to any officer or employee of the city any material fact in procuring permits from the City as provided for in this chapter, shall be deemed guilty of a misdemeanor.

Section 3.50.090. Debts; Deficiencies; Determinations; Hearings.

- A. The amount of any tax, penalties, and interest imposed by the provisions of this chapter shall be deemed a debt to the City and any person conducting an operation without also making payment to the City of the taxes imposed by this chapter shall be liable in an action in the name of the City in any court of competent jurisdiction for the amount of the tax, and penalties and interest imposed on such operation.
- B. If the Management Services Director is not satisfied any statement filed as required under the provisions of this chapter is correct, or the amount of tax is correctly computed, then he/she may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement or upon the basis of any information in his or her possession or that may come into his or her possession. One or more deficiency determinations of the amount of tax due for a period or periods may be made. When a person discontinues engaging in an operation, a deficiency determination may be made at any time within three years thereafter as to any liability arising from engaging in such business, whether or not a deficiency determination is issued prior to the date the tax would otherwise be due.
- C. Under any of the following circumstances, the Management Services Director may make and give notice of a determination of the amount of tax owed by a person under this chapter:
 - 1. If the person has not filed any statement or return required under the provisions of this chapter.
 - 2. If the person has not paid any tax due under the provisions of this chapter.
 - 3. If the person has not, after demand by the Management Services Director, filed a corrected statement or return, or furnished to the Management Services Director adequate substantiation of the information contained in a statement or return already filed, or paid any additional amount of tax due under the provisions of this chapter.
 - 4. If the Management Services Director determines the nonpayment of any tax due under this chapter is due to fraud, then a penalty of 25% of the amount of the tax shall be added thereto in addition to penalties and interest otherwise stated in this chapter.

5. The notice of determination shall separately set forth the amount of any tax known by the Management Services Director to be due, or estimated by the Management Services Director, after consideration of all information within the Management Services Director's knowledge concerning the business and activities of the person assessed, under each applicable section of this chapter, and shall include the amount of any penalties or interest accrued on each amount to the date of the notice of determination.
 6. The notice of determination shall be served upon the person either by handing it to him/her/it (through an officer or clerk) personally, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business appearing on the face of the business tax certificate issued under this code, or to such other address as he/she/it shall register with the Management Services Director for the purpose of receiving notices provided under this chapter; or, if the person has no business tax certificate issued, and if the person has no address registered with the Management Services Director for such purpose, then to such person's last known address. For the purposes of this section, service by mail is complete at the time of deposit in the United States mail.
- D. Within 10 days after the date of service of a determination of the amount of tax owed by a person under this chapter, the person may apply in writing to the Management Services Director for a hearing on the determination. If application for a hearing before the City is not timely made, then the tax assessed by the Management Services Director shall become final. The procedures for such a hearing shall be conducted as required by law and as follows:
1. The City Council delegates its authority to conduct such a hearing on the determination to an independent hearing officer. The compensation of the hearing officer shall not depend on any particular outcome of the appeal. The hearing officer shall have full authority and duty to preside over the hearing on the determination in the manner set forth herein and as required by law.
 2. Within 30 days after the receipt of any such application for hearing, the Management Services Director shall cause the matter to be set for hearing before the independent hearing officer, unless a later date is agreed to by the Management Services Director and the person requesting the hearing.
 3. Notice of the hearing shall be given by the Management Services Director to the person requesting the hearing not later than five days prior to the date of the hearing. For good cause, the hearing officer may continue the administrative hearing from time to time. At the hearing the applicant may appear and offer evidence to show why the determination as made by the Management Services Director should not be confirmed and fixed as the tax due. In conducting the hearing, the hearing officer shall not be limited by the technical rules of evidence. Failure of the person who applied for a hearing on the determination to appear shall not affect the validity of the proceedings or order issued thereon.

4. Upon conclusion of the hearing, or no later than 10 days after the conclusion of the hearing, the hearing officer shall determine and reassess the proper tax to be charged and shall give written notice to the person in the manner prescribed in this chapter for giving notice of determination, and the hearing officer shall submit its decision and the record to the City Clerk. The decision of the hearing officer shall be final.

SECTION 2. Effective Date.

If a majority of the voters of the City voting at the General Municipal Election of November 6, 2018, vote in favor of this Ordinance, then this Ordinance shall become a valid and binding ordinance of the City, and shall be considered as adopted upon the date the vote is declared by the City Council, and this Ordinance shall go into effect 10 days after that date, pursuant to Election Code section 9217.

SECTION 3. City Council Authority to Amend

This is a City Council sponsored initiative Ordinance, which otherwise would only be subject to amendment by the voters of the City. However, pursuant to Section 9217 of the California Elections Code, the City Council expressly reserves the right and authority to amend the Ordinance, and Chapter 3.50 of the LMC, to further the purposes and intent of the Ordinance (including, but not limited to, suspending or reducing any tax established herein or thereby an amendment for more efficient administration as determined by the City Council) in any manner that does not increase a tax rate, or otherwise constitute a tax increase for which voter approval is required by Article XIII C of the California Constitution.

SECTION 4. Execution.

The Mayor of the City of Lompoc is hereby authorized and ordered to attest to the adoption of the Ordinance by the voters of the City by signing where indicated below.

I hereby certify the foregoing Ordinance was PASSED, APPROVED and ADOPTED by the People of the City of Lompoc, California voting on the 6th day of November, 2018.

Jenelle Osborne, Mayor

ATTEST:

Stacey Haddon, City Clerk



City Council Agenda Item

City Council Meeting Date: December 18, 2018

TO: Honorable Mayor and City Council Members

FROM: Jim Throop, City Manager
j_throop@ci.lompoc.ca.us

SUBJECT: Positions and Funding Allocation Changes in Community Development, Fire and Utility Departments; Amendments to the City's Compensation and Classification Plans to Include Revised Community Development Director Job Classification and Control Points; Adoption of Resolution No. 6231(18)

Recommendation:

Staff recommends the City Council:

- 1) Reestablish the Community Development Department and approve the reorganization and reallocation of position allocations within the department's budget;
- 2) Reorganize and reallocate positions from the Fire Department to the Community Development Department and adjust the departments' budgets accordingly; and
- 3) Adopt Resolution No. 6231(18) (Attachment 1), which will:
 - a. Approve and adopt the Community Development Director job classification;
 - b. Approve and adopt the proposed control points for the Community Development Director reallocation;
 - c. Amend the Classification Plan to include the revised job descriptions for Battalion Fire Chief/Fire Marshal, Battalion Fire Chief, and Community Development Director, and
 - d. Amend the Compensation Plan to include the control points for Community Development Director; and
 - e. Approve and adopt the proposed reallocation and adjustment of funding allocations for each affected department for the remaining Fiscal Year (FY) 2018-19 budget cycles; or
- 4) Provide alternate direction.

Background:

During the FYs 2011-13 biennial budget process, the City Administration Division and Community Development Department were reorganized and a joint Economic Development Director/Assistant City Manager job description was developed. Budget allocations were also appropriately revised.

A new City organizational chart was adopted at that time (Attachment 2). However, the new organizational chart did not specifically identify the Economic Development Department as an independent City Department, but rather it just listed the new Economic Development Director/Assistant City Manager position and its associated responsibilities. That inherently resulted in the departmental reference as the Economic & Community Development Department.

Additionally, as part of the FYs 2011-13 biennial budget process, budgeted Building Official/Fire Marshal and Building Inspector position allocations were abolished, as those services were contracted out effective in April 2011. The contract and the Development Services Assistant I/II position were managed by the Public Works Department from April 2011 until June 30, 2015, after the contractor had provided proper notice of cancellation of the contractual relationship. As part of the FYs 2015-17 biennial budget process, and in response to the contracted Building Inspection company's notice to cancel their contract, the Building Inspection Division reverted to being managed by the Fire Department as it had been prior to contracting out the service in April 2011. As part of the FYs 2015-17 biennial budget process the position of the Building & Safety Services Manager (Building Official) was established and implemented while building inspection services continued to be provided to the City by a contracted servicer. The existing Development Services Assistant I/II and the new Building & Safety Services Manager positions were placed under the Fire Department's management for supervision and oversight. The Building Inspection Program budgeted funded allocations included the Building & Safety Services Manager and Development Services Assistant I/II positions at a full FTE (Full Time Equivalent) allocation with partial allocations for the Fire Chief, Battalion Fire Chief/Fire Marshal and Fire Administrative Aide

Discussion:

The City Manager has reviewed the City's current operational needs, and, in light of the opportunity due to the recent vacancy of the Economic Development Director/Assistant City Manager position, he has determined certain management reorganizations would be beneficial for operational efficiencies prior to implementation of the next biennial budget. The recommended reorganization entails the following:

- Reallocate the recently vacated Economic Development Director/Assistant City Manager position to Community Development Director. In addition, formally reestablish the Community Development Department. The benchmark for the control points for the revised Community Development Director position is

proposed to be the same as the Economic Development Director/Assistant City Manager's control points.

- Reallocate and move the Building & Safety Services Manager (Building Official) and Development Services Assistant I/II, as well as oversight of the Building Inspection Program and Building Inspector and Plan Check services contract, from the Fire Department to the Community Development Department.
- Funding allocations of the Fire Chief, Battalion Fire Chief/Fire Marshal, and Fire Administrative Aide positions are recommended to be reassigned to the Fire Department's Fire Services and Fire Protection Programs at their full FTE allocation within the Fire Department's purview and budget.

Additionally, the Fire Department has reviewed certain job classifications for current operations and has proposed revisions be made to the Battalion Fire Chief/Fire Marshal and Battalion Fire Chief job descriptions.

For your reference, the current City organizational chart is attached at Attachment 2. The proposed revised City organizational chart is attached at Attachment 3. Please note the proposed organizational chart strictly lists the City's departments and their respective divisions. That organizational chart does not list responsibilities or essential functions of those areas. Although, those functions are still part of the organizational structure they are under the purview of a specific division, *i.e.*, storm water is required, but oversight and supervision falls to the Planning Division.

Fiscal Impact:

While there is no overall increase or decrease in budgeted appropriations due to the proposed reorganizations, there is a small but positive fiscal impact to the City's General Fund as a result of the proposed reorganizations and recommended funding reallocations. The reallocations of existing budgeted appropriations resulting from the proposed organizational changes will increase or decrease budgetary appropriations on a departmental, divisional or program basis to the various departments. As there are no salary adjustments associated with the proposed changes, the appropriation changes can be accomplished with budget adjustments between departments, divisions, and programs. Additionally, those reorganization and reallocation changes will not result in any changes in total approved budgeted FTE personnel numbers or total approved appropriation amounts.

Due to the proposed reorganization and recommended reallocation of budgeted appropriations, Table 1 shows proposed budget amendments to **decrease** existing appropriations for the remainder of FY 2018-19 (13 of 26 payroll cycles) due to the proposed reductions in allocations due to position reallocations:

Line Item Decreases	FTE	Program	Salaries	Benefits	Retirement	Total
			511100	512300	512400	
City Administration	0.10	110CAD	\$ 7,629.48	\$ 820.55	\$ 1,486.35	\$ 9,936.38
Economic Development	0.50	110EDV	38,147.40	4,102.75	7,431.75	49,681.90
Building Inspection	0.70	110BLD	41,171.74	8,045.44	8,941.22	58,158.40
General Fund Totals	1.30		<u>\$ 86,948.62</u>	<u>\$ 12,968.74</u>	<u>\$ 17,859.32</u>	<u>\$ 117,776.68</u>

Table 1

Conversely, due to the proposed reorganization and recommended reallocation of budgeted appropriations, Table 2 contains proposed budget amendments to **increase** existing appropriations for the remainder of FY 2018-19 (13 of 26 payroll cycles) due to the proposed increases in allocations due to position reallocations:

Line Item Increases	FTE	Program	Salaries	Benefits	Retirement	Total
			511100	512300	512400	
Planning Division	0.15	110PLN	\$ 11,444.22	\$ 1,230.83	\$ 2,229.53	\$ 14,904.57
Fire Services	0.20	110FR	11,186.14	1,806.94	2,594.88	15,587.95
Fire Prevention Program	0.50	110FR5	29,985.61	6,238.51	6,346.35	42,570.46
Building Inspection	0.20	110BLD	15,258.96	1,641.10	2,972.70	19,872.76
General Fund Totals			<u>67,874.92</u>	<u>10,917.37</u>	<u>14,143.45</u>	<u>92,935.73</u>
Housing Successor Agency	0.05	237SHF	3,814.74	410.28	743.18	4,968.19
CDBG Program Income	0.10	243HRR	7,629.48	820.55	1,486.35	9,936.38
CDBG Administration	0.10	244CAD	7,629.48	820.55	1,486.35	9,936.38
Non-General Fund Totals			<u>19,073.70</u>	<u>2,051.38</u>	<u>3,715.88</u>	<u>24,840.95</u>
Total line item increases	1.30		<u>\$ 86,948.62</u>	<u>\$ 12,968.74</u>	<u>\$ 17,859.32</u>	<u>\$ 117,776.68</u>

Table 2

As shown above in the two tables, total line item budget amendment increases are directly offset by total line item budget amendment decreases. Net General Fund appropriations are reduced approximately \$24,840 as the offsetting appropriation increases are proposed in non-General Fund, housing related funds.

Conclusion:

Adoption of Resolution No. 6231(18), will effectuate the inclusion of the authorized revised job descriptions and control points into the City's Classification and Compensation Plans, and formally allocate the positions in the Community Development Department's budget.

This staff report memorializes the other aforementioned actions and effectuates the reorganization within the agency.

December 18, 2018
Resolution No. 6231(18)
Page 5 of 5

Respectfully submitted,

James Throop, City Manager

Attachments: 1) [Resolution No. 6231\(18\)](#)
2) [Current City Organizational Chart](#)
3) [Proposed City Organization Chart](#)

RESOLUTION NO. 6231(18)

**A Resolution of the City Council of the City of Lompoc,
County of Santa Barbara, State of California,
Amending the Classification Plan (Rule III) and Compensation
Plan (Rule IV) Effectuating the Revised Community Development
Director Job Classification and Control Points**

WHEREAS, on September 5, 2017, the City Council approved and adopted the Biennial Budget Fiscal Years 2017-19 (Budget); and

WHEREAS, the City Council desires to reorganize, amend, and reallocate current budgeted positions and funding allocations in Community Development, Fire, and Utility Departments; and

WHEREAS, the City Council desires to reestablish the Community Development Department in the City of Lompoc's (City) organization structure; and

WHEREAS, the City Council desires to reallocate the Economic Development Director/Assistant City Manager position allocation to Community Development Director; and

WHEREAS, revisions to the Battalion Fire Chief/Fire Marshal and Battalion Fire Chief job descriptions have been proposed; and

WHEREAS, the reorganization and funding reallocation will result in no net overall budgetary effect for the remainder of the Budget cycle but will result in program level budget changes within the General Fund and other funding sources of the City; and

WHEREAS, the deleted job classification of Community Development Director and control points have been revised for the reallocated position; and

WHEREAS, Rule III, Section 1 and 2 of the Personnel Rules of the City provide for the adoption, amendment, and revision of the Classification Plan; and

WHEREAS, Rule IV, Section 1 and 2 of the Personnel Rules of the City provide for the adoption, amendment, and revision of the Compensation Plan; and

WHEREAS, the City Council desires to amend the Classification and Compensation Plans; and

WHEREAS, the City Council desires to approve budget amendments to amend program budgets due to the impacts of the amendment to the Compensation Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Classification Plan, designated as Exhibit A of Personnel Rule III, Section 1, is hereby approved and amended to incorporate the following revised job classifications:

Job Class	Revised Job Descriptions
090	Battalion Fire Chief (Exhibit A)
091	Battalion Fire Chief/Fire Marshal (Exhibit B)
165	Community Development Director (Exhibit C)

SECTION 2. The Compensation Plan, designated as Exhibit B of Personnel Rule IV, Section 1 is hereby approved and amended to incorporate the following control points:

Job Class	Revised Control Points
165	Community Development Director
Control Points: – Low: \$9,308/mo.; Mid: \$10,920/mo.; High \$12,672/mo.	

SECTION 3. The City’s Pay Schedule is hereby approved and amended to incorporate new control points, as outlined in Exhibit D attached hereto.

SECTION 4. Personnel Rule IV, Section 4 “Overtime” is amended to include the following classifications ineligible for overtime, except as may be otherwise provided for under the Fair Labor Standards Act:

Community Development Director

SECTION 5. The City’s organizational positions and budget amendments for funding allocations are hereby approved as follows:

<u>Line Item Increases</u>	<u>FTE</u>	<u>Program</u>	<u>Salaries</u>	<u>Benefits</u>	<u>Retirement</u>	<u>Total</u>
			<u>511100</u>	<u>512300</u>	<u>512400</u>	
Planning Division	0.15	110PLN	\$ 11,444.22	\$ 1,230.83	\$ 2,229.53	\$ 14,904.57
Housing Successor Agency	0.05	237SHF	3,814.74	410.28	743.18	4,968.19
CDBG Program Income	0.10	243HRR	7,629.48	820.55	1,486.35	9,936.38
CDBG Administration	0.10	244CAD	7,629.48	820.55	1,486.35	9,936.38
Fire Services	0.20	110FR	11,186.14	1,806.94	2,594.88	15,587.95
Fire Prevention Program	0.50	110FR5	29,985.61	6,238.51	6,346.35	42,570.46
Building Inspection	0.20	110BLD	15,258.96	1,641.10	2,972.70	19,872.76
Totals	1.30		<u>\$ 86,948.62</u>	<u>\$ 12,968.74</u>	<u>\$ 17,859.32</u>	<u>\$ 117,776.68</u>
<u>Line Item Decreases</u>						
City Administration	0.10	110CAD	\$ 7,629.48	\$ 820.55	\$ 1,486.35	\$ 9,936.38
Economic Development	0.50	110EDV	38,147.40	4,102.75	7,431.75	49,681.90
Building Inspection	0.70	110BLD	41,171.74	8,045.44	8,941.22	58,158.40
Totals	1.30		<u>\$ 86,948.62</u>	<u>\$ 12,968.74</u>	<u>\$ 17,859.32</u>	<u>\$ 117,776.68</u>

SECTION 6. Effective Date. This Resolution is effective on the day of its adoption. The allocation and budget amendments are effective the first day of the payroll cycle following adoption of this resolution.

The foregoing Resolution was proposed by Council Member _____, seconded by Council Member _____, and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting on December 18, 2018, by the following vote:

AYES: Council Member(s):

NOES: Council Member(s):

ABSENT: Council Member(s):

Jenelle Osborne, Mayor
City of Lompoc

ATTEST:

Stacey Haddon, City Clerk
City of Lompoc

- Attachments: Exhibit A: [Battalion Fire Chief Job Description](#)
Exhibit B: [Battalion Fire Chief/Fire Marshal Job Description](#)
Exhibit C: [Community Development Director Job Description](#)
Exhibit D: [Amendment to the City's Compensation Plan/Pay Schedule](#)

CITY OF LOMPOC**BATTALION FIRE CHIEF****DEFINITION:**

Under direction of the Fire Chief on an assigned shift, to have administrative responsibility for an assigned department-wide function, such as fire prevention, training or general administration; to have administrative charge of an assigned fire company; and to perform related work as required.

CLASS CHARACTERISTICS:

Positions in the class of Battalion Chief serve as the administrator in charge of an assigned department-wide function and take command of department operation during an assigned shift (in the absence of the Chief) particularly during emergency scene operation. Positions are subject to rotation.

LICENSE REQUIRED:

Possession of a valid and appropriate California Driver's License AND Emergency Medical Technician D Certificate. Completion of Lompoc Fire Department suppression Battalion Chief Task Book highly desirable.

ESSENTIAL FUNCTIONS:

The following duties are typical of this classification. Incumbents may not perform all of the duties and/or may be required to perform additional or different duties from those set forth below to address business needs and changing business practices.

Assumes administrative responsibility for assigned department-wide administrative functions; plans, organizes and implements fire prevention programs; makes or recommends decisions regarding hiring, promotions, terminations, discipline or other change in status; conducts fire, safety, health and related inspections, issues notices of violation and follows-up inspections; reviews and recommends modification of codes, regulations and ordinances; evaluates building plans, determines code requirements and conducts on-site construction inspection; plans, organizes and implements staff training programs presented by the department; schedules personnel to attend training; develops and presents training programs for personnel; conducts drills; prepares functional and department budget; purchases budget items; directs the maintenance of buildings and equipment; prepares administrative studies and reports; assumes control of emergency scene making decisions and gives directions on tactics and strategies; assumes responsibility for the operation of the department on an assigned shift; prepares personnel performance evaluations; responds to citizen inquiries and complaints; develops and implements community relations and information programs; assumes the duties of the Chief, as assigned; participates in Department's Battalion Chief Certification program; performs related work as required.

PHYSICAL AND MENTAL/PSYCHOLOGICAL DEMANDS:

The conditions herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

**CITY OF LOMPOC
(Battalion Fire Chief)**

Physical:

Strength category: Very Heavy-exert force over 100 pounds rarely, over 50 pounds rarely, or over 20 pounds occasionally to lift, carry, push pull or move objects when called upon to respond to an emergency situation. When working in the office, the strength category is Light-exert force to 20 pounds occasionally, or 10 pounds frequently, or negligible force constantly to lift, carry, push pull or move objects. May involve significant standing, walking, pushing and/or pulling Frequent fingering, typing, sitting. Occasional standing, walking, bending. Rare to occasional stooping, climbing stairs, pushing, pulling, twisting at the waist, handling, gripping, grasping, reaching at, above and below shoulder level, extending neck upward, downward and side to side. On rare occasion crouching, crawling, kneeling, climbing ladders. **Vision:** visual acuity sufficient to perform the essential functions of the position; average depth perception needed. **Hearing:** effectively hear/comprehend oral instructions and communication and equipment noise.

Mental/Psychological:

Work cooperatively and interact appropriately with those contacted in the course of work, including the general public, without exhibiting extreme responses; respond appropriately to criticism from supervisor; utilize complex reading, math and writing skills; understand, remember and carry out complex job instructions; respond quickly to changing situations under emergency pressures; maintain mental and emotional control in the face of extremely stressful situations; communicate effectively orally; work under pressure; work within deadlines; supervise other workers; train other workers.

ENVIRONMENTAL CONDITIONS:

Work in extremely hazardous conditions. Works both indoors and outdoors. Depending on the day's assignments and the number and nature of emergency responses in a day, rarely to frequently is exposed to extreme temperatures, dust, fumes, smoke, gases, odors, flames, solvents, grease, oil, slippery or uneven walking surfaces, electrical energy, and chemicals. Rarely to occasionally works at unprotected heights and in confined spaces. Occasionally works around machinery, uses a computer, drives motorized equipment/vehicles. On rare occasion works with explosives. Works both alone and with others. May be exposed to biohazards including blood borne pathogens and infectious diseases.

**CITY OF LOMPOC
(Battalion Fire Chief)**

SPECIAL REQUIREMENTS:

Employees in this classification may be required to utilize respirators in the course of their job duties or under emergency circumstance, and thus must be in compliance with California Code of Regulations Title 8 General Industry Safety Order 5144. Employees shall not wear beards, mustaches, sideburns, facial hair or other conditions in such a manner that may prevent or interfere with establishing and maintaining a proper seal of the respirator facemask. This requirement is implemented in order to ensure the safety and health of the employee.

MINIMUM QUALIFICATIONS:

Knowledge of:

- Principles of fire administration and general management and organization;
- Modern fire suppression and prevention principles, methods, practices and techniques;
- Principles of personnel development, supervision and training;
- Principles of hydraulic and construction engineering;
- Emergency medical techniques;
- City geography and water systems;
- Principles of correct English usage, grammar and composition;
- Basic mathematical and mechanical procedures;
- Fire codes, standards and investigation procedures;
- Building construction methods;
- Hazardous materials and their products;

Ability To:

- Perform responsible administrative work;
- Assume responsibility for tactics, strategies, and decision-making at the scene of an emergency;
- Supervise and evaluate supervisory level and shift personnel;
- Conduct inspections;
- Determine code and other requirements and enforce such requirements;
- Prepare and present concise written and oral reports;
- Operate a vehicle observing legal and defensive driving practices.

EDUCATION AND EXPERIENCE:

Any combination of training, education, and experience which demonstrates an ability to perform the duties of the position. The typical qualifying entrance background is:

**CITY OF LOMPOC
(Battalion Fire Chief)**

Education: Graduation from high school or equivalent supplemented by college level course work in Fire Science, Fire Administration or a related field AND completion of two (2) courses in Chief Officer Certification through the California Fire Service Training and Educational System (CFSTES). Bachelor's degree from a recognized four (4)-year college or university with major course work in Fire Science, Fire Protection Engineering, Business and Management, Public Administration, or related field is highly desirable. (Certified Managers Certificate may be substituted for BA/BS degree.)

Experience: Five (5) years of increasingly responsible fire suppression and/or prevention experience two years of the five at a Fire Captain rank or higher. Completion of the Departmental Acting Battalion Chief Certification program highly desirable.

12/18

CITY OF LOMPOC**FIRE MARSHAL
BATTALION CHIEF****DEFINITION:**

Under direction of the Fire Chief, serves as the Fire Marshal planning, organizing, coordinating and directing the City's Community Risk Reduction, including fire prevention, investigations, inspections and public fire education programs; provides training and coordination to Fire Department personnel in fire prevention and protection techniques; and enforces City and State fire and safety laws.

CLASS CHARACTERISTICS:

Positions in the class of **Battalion Chief/Fire Marshal** serve as the administrator in charge of an assigned department-wide function and may take command of department operation (in the absence of the Fire Chief) particularly during emergency scene operation. Positions are subject to rotation.

LICENSE REQUIRED:

Possession of a valid and appropriate California Driver's License AND Emergency Medical Technician D Certificate. Completion of Lompoc Fire Department suppression Battalion Chief Task Book highly desirable.

ESSENTIAL FUNCTIONS:

The following duties are typical of this classification. Incumbents may not perform all of the duties and/or may be required to perform additional or different duties from those set forth below to address business needs and changing business practices.

The Fire Marshal is the lead Chief Officer responsible for supervising, planning, organizing, coordinating and directing the City's, Community Risk Reduction/Fire Prevention Programs including investigations, inspections and public fire education programs; responds to major fires; functions as an incident Safety Officer, conducts investigations and analyses to determine cause and origin of fire; prepares analytical reports to reveal findings; organizes and conducts inspections of buildings and other structures for compliance with applicable provisions of State and/or local codes; prepares inspection records and technical letters pertaining to recommendations and violations; checks plans for fire code compliance and conducts inspections for installation of sprinkler systems, heat activated alarm systems and other fire protection devices and equipment; conducts special inspections of industrial occupancies, flammable liquid tanks, hazardous material operations, blasting operations before and after detonation, and vapor recovery systems; monitors commercial and industrial use of hazardous substances through permits, inspections and recommendations for handling and disposal; prepares plans and presents programs for public education and information regarding fire safety and prevention; responds to questions and inquiries from the public; may counsel juveniles regarding fire safety; supervises, trains and coordinates assigned Fire Department personnel in fire prevention and protection techniques; performs performance evaluations for assigned employees as necessary; coordinates Engine Company Inspection Program; approves and issues a variety of permits; manages the Department's

comprehensive cost recovery program; represents the Fire Department to other departments regarding fire codes as necessary; recommends and implements changes in procedures; attends staff development meetings to coordinate inspections and conduct plan checks of new construction; plan checks new/remodeled building plans for fire safety; in the event of major fires or emergencies, may be called in from off duty to work an extended period of time; may assume duties of the Fire Chief in absence of same; and performs other related duties as required.

PHYSICAL AND MENTAL/PSYCHOLOGICAL DEMANDS:

The conditions herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Mental/Psychological:

Work cooperatively and interact appropriately with those contacted in the course of work, including the general public, without exhibiting extreme responses; respond appropriately to criticism from supervisor; utilize complex reading, math and writing skills; understand, remember and carry out complex job instructions; respond quickly to changing situations under emergency pressures; maintain mental and emotional control in the face of extremely stressful situations; communicate effectively orally; work under pressure; work within deadlines; supervise other workers; train other workers.

ENVIRONMENTAL CONDITIONS:

Must work in extremely hazardous conditions. Frequently uses a computer. Occasionally drives motorized equipment/vehicles. Rarely to frequently exposed to extreme temperatures, slippery or uneven walking surfaces, flames or smoke, dust, fumes, gases or odors. Rarely to occasionally works at unprotected heights, works around machinery, is exposed to chemicals, excessive noises. On rare occasion works in confined spaces, is exposed to solvents, grease, oil, electrical energy, works with explosives. Works both alone and with others. May be exposed to biohazards including blood borne pathogens and infectious diseases.

PHYSICAL: Strength: Very Heavy-exert force over 100 pounds rarely, over 50 pounds rarely, or over 20 pounds occasionally to lift, carry, push pull or move objects when called upon to respond to an emergency situation. Frequent sitting. Occasional standing, walking, bending, stooping, climbing stairs, reaching at, above and below shoulder level, pushing, pulling, twisting at the waist, handling, gripping, grasping, fingering, typing, extending the neck upward, downward and side-to-side. On rare occasion crouches, crawls, kneels, climbs ladders and scaffolding. **Vision:** visual acuity sufficient to perform the essential functions of the position; average depth perception needed. **Hearing:** effectively hear/comprehend oral instructions and communication, and equipment noise. Must have excellent general health and physical fitness.

MENTAL/PSYCHOLOGICAL: Work cooperatively and interact tactfully and appropriately with those contacted in the course of work, including the general public, press, or other agencies; respond clearly and concisely to requests and inquiries from the general public, press or other agencies on sensitive issues in area of responsibility; demonstrate an awareness and appreciation of the cultural diversity of the community; respond appropriately to criticism from supervisor; utilize complex reading and writing skills; utilize simple math skills; understand, remember and carry out complex job instructions; respond quickly to changing situations under emergency pressures; maintain

**CITY OF LOMPOC
(Battalion Fire Chief)**

mental and emotional control in the face of extremely stressful situations; communicate effectively orally and in writing; work under pressure; work within deadlines; supervise other workers; and train other workers.

ENVIRONMENTAL CONDITIONS: Work in extremely hazardous conditions. Works both indoors and outdoors. Depending on the day's assignments and the number and nature of emergency responses in a day, rarely to frequently is exposed to extreme temperatures, dust, fumes, smoke, gases, odors, flames, solvents, grease, oil, slippery or uneven walking surfaces, electrical energy, and chemicals. Rarely to occasionally works at unprotected heights and in confined spaces. Occasionally works around machinery, uses a computer, drives motorized equipment/vehicles. On rare occasion works with explosives. Works both alone and with others. May be exposed to biohazards including blood borne pathogens and infectious diseases.

SPECIAL REQUIREMENTS: Employees in this classification are assigned to a 40 hour work week, are subject to afterhours call out, may be required to utilize respirators in the course of their job duties or under emergency circumstance, and thus must be in compliance with General Industry Safety Order 5144. Employees shall not wear beards, mustaches, sideburns, facial hair or other conditions in such a manner that may prevent or interfere with establishing and maintaining a proper seal of the respirator facemask. This requirement is implemented in order to ensure the safety and health of the employee.

Incumbents are required to wear department-approved uniform. During emergencies incumbents will be required to wear protective equipment. Employee must live within 60 minutes response time from Fire Station #1 (required for fire investigation duty coverage). Must be willing to work standby and overtime as required.

MINIMUM QUALIFICATIONS:

Knowledge of:

Perform responsible administrative work; assume responsibility for tactics, strategies, and decision-making at the scene of an emergency; plan, organize, coordinate and direct the Engine Company Inspection Program and the City's Community Risk Reduction; supervise, organize, and review the work of assigned staff involved in fire prevention; train and evaluate staff; perform inspections and detect violations of applicable codes and regulations; read and interpret codes, regulations, technical reports and building plans; prepare clear, concise records and reports; prepare and present professional fire safety presentations to civic organizations; work cooperatively with other departments, City officials, and outside agencies; effectively represent the Fire Prevention Program to outside individuals and agencies to

**CITY OF LOMPOC
(Battalion Fire Chief)**

accomplish the goals and objectives of the unit; communicate clearly and concisely, both orally and in writing; and establish and maintain effective working relationships with those contacted in the course of work.

Ability To:

Perform responsible administrative work; assume responsibility for tactics, strategies, and decision-making at the scene of an emergency; plan, organize, coordinate and direct the Engine Company Inspection Program and the City's Community Risk Reduction; supervise, organize, and review the work of assigned staff involved in fire prevention; train and evaluate staff; perform inspections and detect violations of applicable codes and regulations; read and interpret codes, regulations, technical reports and building plans; prepare clear, concise records and reports; prepare and present professional fire safety presentations to civic organizations; work cooperatively with other departments, City officials, and outside agencies; effectively represent the Fire Prevention Program to outside individuals and agencies to accomplish the goals and objectives of the unit; communicate clearly and concisely, both orally and in writing; and establish and maintain effective working relationships with those contacted in the course of work.

EDUCATION AND EXPERIENCE:

Any combination of training, education, and experience which demonstrates an ability to perform the duties of the position. The typical qualifying entrance background is:

Education: Graduation from high school or equivalent supplemented by college level course work in Fire Science, Fire Administration or a related field AND completion of two (2) courses in Chief Officer Certification through the California Fire Service Training and Educational System (CFSTES). BA/BS degree from a recognized four (4)-year college or university with major course work in Fire Science, Fire Protection Engineering, Business and Management, Public Administration, or related field is highly desirable. (Certified Managers Certificate may be substituted for BA/BS degree.)

Experience: Five (5) years of increasingly responsible fire suppression and/or prevention experience two years of the five at a Fire Captain rank or higher. Completion of the Departmental Acting Battalion Chief Certification program highly desirable.

CITY OF LOMPOC

COMMUNITY DEVELOPMENT DIRECTOR

DEFINITION:

Under administrative direction, to plan, organize and direct the activities of the Community Development Department, including planning, redevelopment, building inspection, and grant programs; and perform related duties as required.

CLASS CHARACTERISTICS:

The Community Development Director is the executive manager responsible for coordinating the activities of current and advanced planning, redevelopment, building inspection, and various federal and state grant programs. The incumbent receives direction from and is responsible to the City Manager for day-to-day operations.

LICENSE REQUIRED:

Possession of a valid and appropriate California Driver's License is required.

ESSENTIAL FUNCTIONS/EXAMPLES OF DUTIES: *The following duties are typical of this classification. Incumbents may not perform all of the duties and/or may be required to perform specific additional or different duties from those set forth below to address business needs and changing business practices. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to this class.*

Develops, plans and implements Community Development Department goals and objectives; monitors the department's performance; identifies and implements action which will increase the department's level of performance in coordinating activities and projects between Community Development divisions and outside agencies; directs and supervises division managers; integrates and implements policies and procedures; directs the development of the Community Development work plan; represents Community Development to outside work groups and organizations; consults with citizens, developers and officials on planning and redevelopment issues; provides complex technical and administrative support to the City Manager, City Council, Planning Commission, Human Services Commission, and other boards and commissions; prepares staff reports and implements projects; oversees the preparation and administration of the bi-annual budget; ensures various regulatory programs are successfully implemented within the department; ensures that employee appraisals, employee development, safety and training programs are designed and successfully implemented; acts as a resource person in the problem-solving activities of division managers; acts as an appeal source in employee grievances; and performs related work as required.

**CITY OF LOMPOC
(Community Development Director)**

PHYSICAL DEMANDS AND WORKING CONDITIONS: *The conditions herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.*

PHYSICAL: Strength Category: Light - exert force to 25 pounds occasionally, or 10 pounds frequently, or negligible force constantly. May involve significant standing, walking, pushing and/or pulling. Frequent fingering, typing. Occasional to frequent standing; occasional walking, sitting, bending, stooping, pushing, pulling, handling, gripping, grasping, twisting at the waist, reaching at, above and below shoulder level, extending neck upward, downward and side to side, climbing stairs. On rare occasion, climbing ladders, crouching, kneeling. **Vision:** Visual acuity which could be corrected sufficiently to perform the essential functions of the position; average depth perception needed. **Hearing:** Effectively hear/comprehend oral instructions and communication.

MENTAL/PSYCHOLOGICAL: Must endure long hours of intense mental application and stress. Work cooperatively and interact appropriately with those contacted in the course of work, including the general public, management, staff, City officials, consultants, media, citizen groups, and vendors; utilize complex reading, writing, and math skills; read and interpret complex data; communicate effectively orally and in writing; thoroughly analyze and solve problems; investigate and resolve interpersonal conflicts; exercise sound judgment; respond quickly to changing priorities; perform effective multi-tasking; work under pressure; and establish priorities and work within deadlines.

ENVIRONMENTAL CONDITIONS: Constantly works indoors. On rare occasion works outdoors. Frequent use of a computer, facsimile, electronic copier, and printer. Occasional use of an adding machine, calculator and other modern office equipment. Occasionally drives City vehicles to attend meetings at various City facilities, meeting sites, and public and private events. Works both alone and with others.

TYPICAL QUALIFICATIONS: *Include any combination of training, education and experience which demonstrates an ability to perform the duties of the position. The typical qualifying entrance background is:*

EDUCATION: Possession of a Bachelor's Degree in urban and regional planning or a related field (Master's Degree is desirable) or other closely related field.

EXPERIENCE: Five (5) years of progressively responsible management experience in urban planning or community development, including three (3) years in a management capacity in local government.

**CITY OF LOMPOC
(Community Development Director)**

Knowledge of:

Principles and practices of community development, and urban and regional planning;
Pertinent federal, state and local laws, rules and regulations;
Organizational and management practices as applied to analysis and evaluation of programs, policies and operational needs;
Principles of management, training and performance appraisal.

Ability to:

Plan, organize and coordinate the activities of work teams in Community Development;
Integrate and implement policies and procedures;
Analyze complex problems and issues, identify alternative solutions and implement recommendations;
Interpret and apply City policies and regulations;
Motivate and lead employees;
Establish and maintain effective working relationships with those contacted in the course of work;
Communicate clearly and concisely, both orally and in writing;
Interact effectively with staff, the public, officials and representatives of business and other agencies.

CITY OF LOMPOC
PAY SCHEDULE AMENDMENT

TITLE and JOB CATEGORY	CAT	U	PERS		STEP-A	STEP-B	STEP-C	STEP-D	STEP-E	STEP-F	CONTROL PTS or STEP-G
Community Development Director	165	9	PERS	BASE	.0000	.0000	10920.000	.0000	.0000	.0000	
Effective Dec-22-2018	165	9	120	MO.	0	0	10920	0	0	0	LOW 9,308
W/C EEO-CL OT STBY PROB JOB-FLAGS	165	9	122	HR.	.000	.000	63.00	.000	.000	.000	MID 10,920
8810 A 0 0 2 Pfw	165	9	123	BW.	.00	.00	5,040	.00	.00	.00	HI 12,672

CITY OF LOMPOC ORGANIZATIONAL CHART



CITIZENS OF LOMPOC

LOMPOC CITY COUNCIL

**COMMISSIONS
COMMITTEES, BOARDS**

CITY ATTORNEY

CITY MANAGER

*City Clerk
Human Resources
Safety & Risk Management*

*Recreation
CDBG
Successor Agency
Housing Successor Agency*

**ECONOMIC DEVELOPMENT
DIRECTOR/ASSISTANT CITY
ADMINISTRATOR**

*Economic Development
Public Information/Community Relations
Planning
Code Enforcement
Stormwater*

*Fire & Emergency Medical Services
Building & Life Safety Services
Disaster Response & Recovery*

**FIRE
DEPARTMENT**

**UTILITY
DEPARTMENT**

*Water
Wastewater
Electric
Broadband
TAP TV
Solid Waste*

Library Services

LIBRARY

**POLICE
DEPARTMENT**

*Police Services
Graffiti Control*



*Finance
Purchasing
Treasury
Utility Billing
Information Systems*

**MANAGEMENT
SERVICES/CITY
TREASURER**

**PUBLIC WORKS
DEPARTMENT**

*Engineering
Airport
Transit
Streets
Fleet Maintenance
Facilities Maintenance
Parks Maintenance
Urban Forestry
Campground*

CITY OF LOMPOC ORGANIZATIONAL CHART



CITIZENS OF LOMPOC

LOMPOC CITY COUNCIL

COMMISSIONS
COMMITTEES, BOARDS

CITY ATTORNEY

CITY MANAGER

*City Clerk
Human Resources/Risk Management*

Fire Services

FIRE DEPARTMENT

Police Services

POLICE DEPARTMENT

*Finance
Purchasing
Treasury
Utility Billing
Information Technology*

MANAGEMENT SERVICES/CITY TREASURER

Library Services

LOMPOC LIBRARY

*Planning
Building Inspection
Economic Development
CDBG/Housing
Recreation*

COMMUNITY DEVELOPMENT DEPARTMENT

*Water
Wastewater
Electric
Broadband
Solid Waste*

UTILITY DEPARTMENT

*Engineering
Airport / Transit
Urban Forestry
Streets
Fleet & Facilities
Parks*

PUBLIC WORKS DEPARTMENT





City Council Agenda Item

City Council Meeting Date: December 18, 2018

TO: Honorable Mayor and Members of the City Council

FROM: Jim Throop, City Manager
j_throop@ci.lompoc.ca.us

Jeff Malawy, Assistant City Attorney
jmalawy@awattorneys.com

SUBJECT: City Council Approval of Application Form and Selection of Appointment Process to Fill the Mid-Term City Council Vacancy

Recommendation:

Staff recommends the City Council:

- 1) Approve the Application Form for City Council candidates (Attachment 1);
- 2) Consider and select an appointment process to fill the remaining term for the at-large City Council seat vacated by Mayor Osborne; and
- 3) Determine the order of events for the special meeting to interview candidates.

Background/Discussion:

At the meeting of December 6, 2018, the City Council decided to fill, by appointment, the vacancy in Mayor Osborne's at-large City Council seat. A schedule for applications, interviews and appointment was also established, with applications accepted until January 3, 2019 (or postmarked by December 31, 2018, if by mail) and interviews to be held at a special Council meeting on January 8, 2019.

Each Council Member submitted a question to staff for the application form. Staff used those questions to prepare a proposed Application Form (Attachment 1).

Also at the December 6, 2018, meeting, the City Council requested staff to bring forward various options for voting on the candidates, including one or more that could help reduce the chances of a tie vote.

December 18, 2018

Process for Appointment to Fill the Mid-Term Council Vacancy

Page 2 of 4

The City Attorney contacted the League of California Cities General Counsel to see if he was aware of any possible solutions to this situation. He was not able to provide any suggestions. The City Manager found that a number of California cities, if faced with the situation of a tie vote have used a “by lot” approach (i.e. random selection of one of the finalists). One city in Maryland, which was in a tie for appointing a council member, was in discussion to go to a special election.

State law does not establish any method or process to be used for the appointment. Therefore, the City Council has the discretion to determine what process will be used. After considerable thought, it seems the only way to avoid the possibility of a tie *with certainty*, is to use a random selection method once the top few “finalist” candidates are determined.

For example, the City Council could adopt a process in which the four Council Members each select a person to appoint from all the qualified applicants. If one of the applicants receives three votes, then that person is appointed. If no one receives at least three votes, then any applicant receiving at least one vote is placed in a second round. If on that second round, again no person receives at least three votes, then the names of all those candidates receiving at least one vote in that second round could be placed into a “hat,” with someone assigned beforehand (Mayor/City Clerk/City Attorney/etc.) to draw a name from the “hat” and that person is deemed appointed.

Rather than that name-drawing approach, another similar method could be for “lots,” with the numbers 1-12 on them (or some other multiple of 4), to be placed in the “hat.” Then each of those candidates from the second round who receives at least one vote could be directed to draw a number and the person who picks the highest number would be deemed appointed.

Either of those approaches, although certain to avoid a tie vote, leave such a fundamental decision to chance, and therefore may not be acceptable to the City Council or the community.

With that in mind, below are a few other options, but none would be certain to avoid a tie vote.

- 1) A “multi-round” process similar to that used by the City Council in 2014 (see Attachment 2). There are multiple rounds of voting in which Council Members have a certain number of votes to award to candidates. In each round, each Council Member must use each of their votes, and must use each vote for a separate candidate. Any candidate that receives three votes in any round can be nominated by any Council Member immediately and will be appointed if the receive a traditional majority vote at that time. If no candidate is appointed, then all candidates receiving at least two votes move on to the next round. It is also important to ensure at least two candidates move on to the next round (i.e. a 2-1-1-1-1-1 vote must be avoided). In order to ensure at least two candidates move on to the next round, in any round with 11-14 candidates

December 18, 2018

Process for Appointment to Fill the Mid-Term Council Vacancy

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each Council Member must have 4 votes, in any round with 7-10 candidates each Council Member must have 3 votes, and in any round with 3-6 candidates each Council Member must have 2 votes. This system works to find the top two candidates. However, when only two candidates remain, there does not seem to be a way to eliminate the possibility of a tie vote.

- 2) Ranked choice voting. There are multiple ways to tabulate votes using a ranked choice voting system. One way that may make sense for a City Council appointment situation is as follows. If there are 10 candidates, each Council Member must rank their top 7 candidates from 1 to 7 (1 for first choice). Every "1" vote a candidate receives is worth 7 points. Every "2" vote is worth 6 points, etc., until every "7" vote is worth 1 point. Each candidate's points are added up, and the candidate with the highest score is appointed. Note this type of system can sometimes have unexpected results. For example, it could result in appointment of a candidate who was not the top choice of any of the Council Members. In addition, although it reduces the chance of a tie, it does not totally eliminate that possibility, especially if there are few candidates.

There are other possible approaches to breaking a tie vote. For example, by having the Planning Commission (or some other Commission) vote to break the tie, or appoint one of the commission's members to cast the tie-breaking vote. Another possibility is a mailed citizen survey to break the tie. But that is fraught with possible security breaches, as well as there possibly not being sufficient time before the February 4, 2019, deadline to accomplish that approach.

There is also the traditional "nominate and vote" procedure for making appointments, similar to how the City Council makes commission appointments.

Finally, the City Council may also want to consider the order of events for the interview meeting. A suggestion would be for each Council Member to have one additional question that would be verbally asked of each candidate. The City Council could also ask for the audience to submit questions, which would be reviewed by the City Attorney for appropriateness, and the Mayor could then randomly pick one or two questions for all candidates to answer. Any remaining questions could then possibly be used in any additional rounds of voting.

For instance, if after the first round, there is not a final candidate, the City Council could again discuss the finalists, and then ask additional questions of the remaining audience questions before the next vote. This pattern could continue until such time a finalist is selected. Again, this is just one option for the City Council to select.

Additionally, the City Council must decide will it be only a presentation by each candidate, or will there be a question/answer period with the City Council? Must Council Members ask the same question to each candidate? Should all candidates be present in the room at all times, or should the City Council request that candidates leave the room while others

are being interviewed? When during the interview meeting will public comment be received?

These are just thoughts that should be considered by the City Council during their discussion of the selection process.

Fiscal Impact:

There is no fiscal impact resulting from establishing the appointment process to fill the City Council vacancy.

Conclusion:

The City Council is requested to select how the appointment to fill the current vacancy on the Council will be made.

Respectfully submitted,

Jim Throop, City Manager



Jeff Malawy, Assistant City Attorney

Attachment 1 – [Proposed Application Form](#)
Attachment 2 – [Sample Multi-Round Process for Filling Vacancy](#)



CITY COUNCIL MEMBER APPOINTMENT APPLICATION

**Original Applications must be received by the City Clerk
By NOON Monday, January 3, 2019 OR Postmarked by December 31, 2019
Applications received after this time will not be accepted or considered**

100 Civic Center Plaza Lompoc, CA 93436 – Ph: (805) 875-8241

INSTRUCTIONS: Please type or print in ink this application in full. For more complete information or assistance, please contact the City Clerk’s Department. All applicants must be residents and registered voters within the City of Lompoc. Appointed applicants must file a Statement of Economic Interest Form pursuant to Fair Political Practices regulations.

NAME: _____ Last First Middle	ARE YOU 18 YEARS OF AGE OR OLDER? Yes___ No___
ADDRESS: _____ Number Street City Zip	ARE YOU REGISTERED TO VOTE? Yes_____ No_____ If no, Explain _____ (optional).
TELEPHONE: Hm () _____ Wk () _____ E-MAIL ADDRESS: _____	Are you related to any City Employee or City Official? (See Attachment A for definition of relative), If yes, please explain and list the department in which they are employed: _____ City of Lompoc employees are not eligible for appointment.

CURRENT OCCUPATION AND EMPLOYER: _____

EDUCATION (Highest Grade Completed): _____

LICENSES OR SPECIAL CERTIFICATES HELD: _____

APPLICANT QUESTIONS: The following questions must be answered for consideration of appointment. For each question please limit answers to no more than the attached lined pages.

1. What will you bring to the dais that you feel is currently missing?
2. Are there any conflicts of interest that the public should be made aware of at this time?
3. What is your experience working with, or for, a government body (explain how it works differently than a business or non-profit.)?
4. Explain in detail your experience in analyzing a budget. (size, frequency, your role, etc).

ADDITIONAL INFORMATION: Explain the reason(s) you desire to be appointed. Describe your relevant education, experience, training, volunteer activities, community organization membership, or personal interests that you think are relevant to this position. Resume/Bio may be attached. Please limit answers to no more than the attached lined page.

I declare under penalty of perjury that all statements in this application and attachment, if any, are true and complete to the best of my knowledge and belief.

Signature of Applicant _____ **Dated** _____

FOR USE BY CITY CLERK’S DEPARTMENT: _____ **(Date Stamp)**

Application Received by: _____

Example Multi-Round Process with 11 Candidates

Round 1

11 Candidates:

- Each Council Member has 4 votes. Must use all 4. Must use each vote for a separate candidate.
- Any candidate receiving 3 or more votes may be nominated by any Council Member immediately, and will be appointed if they receive a majority vote of the City Council at that time. (No substitute motions allowed.) If the nomination fails, another candidate who received at least 3 votes may be nominated.
- If no candidate is appointed, then all candidates receiving at least 2 votes move on to Round 2.

Round 2

4 Candidates Remain:

- Each Council Member has 2 votes. Must use both. Must use each vote for a separate candidate.
- Any candidate receiving 3 or more votes may be nominated by any Council Member immediately, and will be appointed if they receive a majority vote of the City Council at that time. (No substitute motions allowed.) If the nomination fails, another candidate who received at least 3 votes may be nominated.
- If no candidate is appointed, then all candidates receiving at least 2 votes move on to Round 3.

Round 3

2 Candidates Remain:

- Each Council Member has 1 vote.
- Any candidate receiving 3 or more votes is appointed.
- If no candidate is appointed, continue voting or develop new process to break tie.