

# AGENDA

# CITY OF PLYMOUTH

## City Council

### REGULAR MEETING

**THURSDAY, MARCH 28, 2024**

Council Chambers  
9426 Main Street, Plymouth, California



**Marianne Akerland, Mayor**

**Michael McLaughlin, Vice Mayor**

**Doug Sim, Council Member**

**Peter Amoruso, Council Member**

**Keith White, Council Member**

**PLEASE NOTE:** The Council may take up any agenda item at any time, regardless of the order listed. Action may be taken on any item on the agenda. **Members of the public who wish to speak may be subject to a three (3) minute maximum time limit when addressing the Council, and/or the City may require speaker identification sheets be submitted to the Deputy City Clerk prior to being called upon by the Mayor to provide public comment.**





**CITY OF PLYMOUTH CITY COUNCIL  
REGULAR MEETING AGENDA  
Thursday, March 28, 2024  
6:30 PM**

In-person participation by the public is permitted. As an alternative to in-person public comment, members of the public not attending in-person may submit written comments prior to the meeting by emailing your comment to the Deputy City Clerk at [vmchenry@cityofplymouth.org](mailto:vmchenry@cityofplymouth.org) before 3:30 PM on the day of the meeting. Emailed public comments will be distributed to the City Council and made part of the official record.

**Marianne Akerland, Mayor**

Michael McLaughlin, Vice Mayor  
Douglas Sim, Council Member

Peter Amoruso, Council Member  
Keith White, Council Member

**MISSION STATEMENT**

***The City of Plymouth preserves our small-town atmosphere and provides fiscally responsible services that fulfill public needs while protecting their quality of life.***

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This meeting will be recorded. Council Chambers are wheelchair accessible. Special accommodation may be requested by contacting the Deputy City Clerk 72 hours before the meeting. **Please silence all cell phones or similar devices.**

**1. CALL TO ORDER/ROLL CALL:**

- Roll Call
- Pledge of Allegiance

**2. APPROVAL OF CITY COUNCIL REGULAR MEETING AGENDA OF MARCH 28, 2024**

**3. PUBLIC COMMENT:**

Under provisions of the Government Code, citizens wishing to address the Council for any matter not on the agenda may do so at this time. Please submit a completed Speaker Submittal Form to the Deputy City Clerk. Comments are limited to three minutes or less and speakers are requested to state their name and community of residence. For public comments on agenda items, speakers will be called by the Mayor at the point on the agenda when the item will be heard. The City Council is prohibited from materially discussing or acting on any item not on the agenda unless it can be demonstrated to be of an emergency nature or an urgent need to take immediate action arose after the posting of the agenda.

**4. PRESENTATIONS/PROCLAMATIONS/APPOINTMENTS:**

**4.1 PRESENTATION BY THE AMADOR SENIOR CENTER**

**4.2 PROCLAMATION NAMING MARCH AS AMERICAN RED CROSS MONTH**

**5. CONSENT CALENDAR ITEMS:**

All matters listed under the Consent Calendar are to be considered routine by the City Council and will be enacted by one motion in the form listed. There will be no separate discussion of these items unless, before the City Council votes on the motion to adopt, members of the

Council, staff or the public request specific items to be removed from the Consent Calendar for separate discussion and action.

**5.1 CORRESPONDENCE**

**5.2 APPROVE THE REGULAR MEETING MINUTES OF FEBRUARY 22, 2024**

**5.3 APPROVE THE REGULAR MEETING MINUTES OF MARCH 14, 2024**

**6. PUBLIC HEARINGS: NONE**

**7. REGULAR AGENDA ITEMS:**

**7.1 ADOPT RESOLUTION 2024-03 GRANTING CONSENT TO THE COUNTY OF AMADOR TO FORM THE AMADOR COUNTY WINE HERITAGE DISTRICT (ACWHD)**

**RECOMMENDATION: ADOPT RESOLUTION 2024-03 AS PRESENTED**

**7.2 REVIEW AND DISCUSS MID-YEAR BUDGET AND APPROVE MID-YEAR ADJUSTMENTS AND OTHER POSSIBLE DIRECTION**

**RECOMMENDATION: APPROVE MID-YEAR BUDGET ADJUSTMENTS AND PROVIDE ANY OTHER DIRECTION**

**7.3 RECEIVE INFORMATION AND PROVIDE DIRECTION ON POSSIBLY PLACING THE CITY CLERK AND CITY TREASURER POSITION ON THE NOVEMBER 2024 BALLOT TO CONVERT TO APPOINTED POSITIONS**

**RECOMMENDATION: RECEIVE INFORMATION AND PROVIDE DIRECTION ON POSSIBLY PLACING ON THE NOVEMBER BALLOT**

**7.4 RECEIVE REPORT AND EITHER (1) ADOPT RESOLUTION 2024-04 AUTHORIZING CITY-RUN POOL PROGRAM, AND ACCEPTING HEAD LIFEGUARD, LIFEGUARD AND RECREATION AIDE JOB CLASSIFICATIONS AND MAKE AN APPROPRIATION OF \$20,000 FOR THE 2024 SWIM PROGRAM OR (2) DIRECT STAFF TO INITIATE CONTRACT NEGOTIATIONS WITH ACRA**

**RECOMMENDATION: ADOPT RESOLUTION 2024-04 AS PRESENTED**

**8. COUNCIL/STAFF COMMUNICATIONS – Brief reports on matters of general interest**

**8.1 CITY MANAGER’S REPORT**

**8.2 MAYOR & COUNCIL MEMBERS’ REPORTS**

**8.3 COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS**

**9. CLOSED SESSION: NONE**

**10. ADJOURNMENT**

**ADDITIONAL INFORMATION**

Public documents related to an item on the open session portion of this agenda, which are distributed to the City Council less than 72 hours prior to the meeting, shall be available for public inspection at the Deputy City Clerk's office located in Plymouth City Hall and at the time of the meeting. Persons interested in proposing an item for the City Council Agenda should contact a member of the City Council, or the City Manager.

**NOTICE:**

*As presiding officer for this meeting, the Mayor has the authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any such meeting for disruptive conduct, and to enforce the rules of the Council.*

In compliance with the Americans with Disabilities Act, if you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the Deputy City Clerk's Office at (209) 245-6941 prior to the meeting.

**CERTIFICATION OF POSTING OF AGENDA**

I, Victoria McHenry, Deputy City Clerk for the City of Plymouth, declare that the foregoing agenda for the March 28, 2024, Regular Meeting of the Plymouth City Council was posted and available for review on March 25, 2024, at the City Hall of the City of Plymouth, 9426 Main Street, Plymouth, California, 95669. The agenda is also available on the city website at [cityofplymouth.org](http://cityofplymouth.org).

Signed at Plymouth, California

//s//

Victoria McHenry  
Deputy City Clerk



# 3

## **PUBLIC COMMENT**





# 4.1

## **PRESENTATIONS/PROCLAMATIONS/ APPOINTMENTS**



# 4.2





## **PROCLAMATION DECLARING MARCH AS AMERICAN RED CROSS MONTH**

**WHEREAS**, March is nationally recognized as American Red Cross Month and the City of Plymouth would like to recognize the compassion of the citizens in Plymouth and reaffirm our commitment to care for one another in times of crisis.

**WHEREAS**, This generous spirit is woven into the fabric of our community and advances the humanitarian legacy of American Red Cross founder Clara Barton – one of the most honored women in our country’s history – who nobly dedicated herself to alleviating suffering.

**WHEREAS**, Today, kindhearted individuals in our community exemplify Barton’s commitment as they step up through the Red Cross in the California Gold Country Region to provide a beacon of hope for our neighbors in need. Through their voluntary and selfless contributions, they make a lifesaving difference in people’s darkest hours – whether it’s delivering shelter, food, and comfort during disasters; providing critical blood donations for hospital patients; supporting military families, veterans and caregivers through the unique challenges of service; saving lives with first aid, CPR and other skills; or delivering aid and reconnecting loved ones separated by global crises.

**WHEREAS**, We hereby recognize this month of March in honor of all those who lead with their hearts to serve people in need, and we ask everyone to join in this commitment to strengthen our community.

**THEREFORE, BE IT RESOLVED** that the City Council of Plymouth, CA hereby proclaims the month of March as American Red Cross Month. We encourage all citizens of Plymouth to reach out and support its humanitarian mission.

**IN WITNESS WHEREOF**, this proclamation is duly adopted on March 28, 2024

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**Marianne Akerland, Mayor**

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**DATE**



# **5.1**

**CORRESPONDENCE**

**NONE**





# 5.2





**CITY OF PLYMOUTH CITY COUNCIL  
REGULAR MEETING MINUTES DRAFT  
Thursday, February 22, 2024  
6:30 PM**

In-person participation by the public is permitted. Members of the public not attending in-person may submit written comments prior to the meeting by emailing your comment to the Deputy City Clerk at [vmchenry@cityofplymouth.org](mailto:vmchenry@cityofplymouth.org) before 3:30 PM on the day of the meeting. Emailed public comments will be distributed to the City Council and made part of the official record.

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Michael McLaughlin, Vice Mayor  
Douglas Sim, Council Member

Peter Amoruso, Council Member  
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**MISSION STATEMENT**

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**1. CALL TO ORDER/ROLL CALL:**

**COUNCIL MEMBERS PRESENT:** Marianne Akerland, Mayor, Peter Amoruso, Keith White

**COUNCIL MEMBERS ABSENT:** Vice Mayor, Michael McLaughlin, Doug Sim

**STAFF/ADVISORY PRESENT:** Margaret S. Roberts, City Manager; Frank Splendorio, City Attorney, Victoria McHenry, Deputy City Clerk, Dana Knight, Zoom Technician, Erica Fraser, Senior Planner

**STAFF/ADVISORY ABSENT:** McLean Sonnenberg, City Clerk, Joyce Czerwinsky, City Treasurer

**Flag Salute Led By: Mayor Akerland**

**2. APPROVAL OF CITY COUNCIL REGULAR MEETING AGENDA OF FEBRUARY 22, 2024**

Mayor Akerland requested to have Item 7.3 tabled. Motion made by Council Member White, second by Council Member Amoruso to approve the meeting agenda with Item 7.3 tabled. Motion passed by a roll call vote 3-0-2 with Vice Mayor McLaughlin and Council Member Sim absent.

**3. PUBLIC COMMENT:  
February 22, 2024**

Erika Simmons from the Amador Childcare Council came to give us an overview of what they offer. She also gave notice of two surveys that will give them the data they need to update their needs assessment. The surveys will be linked to the City webpage. She will return this summer to let us know their plan.

Jamie Lubenko from Fiddletown complimented the Public Works Department on how nice the landscaping on the round-a-bout looks.

Written public comments were submitted by the following: Kenneth R. Williams, Jon Colburn, Amy Gomes, Stephanie Moreno and D.W. Cranford. These comments will be added to the permanent record.

**4. PRESENTATIONS/PROCLAMATIONS/APPOINTMENTS: NONE**

**5. CONSENT CALENDAR ITEMS:**

**5.1 CORRESPONDENCE**

**5.2 APPROVE THE REGULAR MEETING MINUTES OF FEBRUARY 8, 2024**

Motion made by Council Member White, second by Council Member Amoruso to approve the consent calendar. Motion passed by a roll call vote 3-0-2 with Vice Mayor McLaughlin and Council Member Sim absent.

**6. PUBLIC HEARINGS: NONE**

**7. REGULAR AGENDA ITEMS:**

**7.1 REVIEW AND PROVIDE DIRECTION ON A POTENTIAL MEET AND CONFER WITH THE IONE BAND OF MIWOK INDIANS REGARDING THE TRIBAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE CASINO PROJECT**

**RECOMMENDATION: REVIEW PRELIMINARY LIST OF ISSUES AND PROVIDE DIRECTION TO STAFF TO PROCEED WITH MEET AND CONFER PROCESS WITH TRIBE**

D.W. "Butch" Cranford from Plymouth appreciated the thorough staff report. He feels as if the tribe's document is flawed. Mr. Cranford would like the map to be corrected before the Council meets and confers. He stated the information in the report is outdated and strongly recommended the Council not enter into an agreement with the tribe.

Jon Colburn from Plymouth appreciated that the tribe wanted to meet and confer. He brought up several issues in the past that NCIP had with the tribe. Mr. Colburn feels that the tribe will build a bigger casino once they get established.

Jamie Lubenko from Fiddletown stated she owns land that is very close to the tribal land. She questioned if the City, County or State has the authority to change things once the casino had started could they enforce the contract agreements. Ms. Lubenko cited that the well data that the tribe provided was 20 years old. She questioned the impact of three 24-hour pumping wells and how that would affect the agricultural lands around the area. Ms. Lubenko also cited concerns regarding crime, fire, and gambling addiction issues.

Craig Baracco from Foothill Conservancy stated his team is reviewing the documents. He attended

tonight to hear feedback from the public. Mr. Baracco urged the Council to meet and confer to try to cooperate with the tribe to come to an agreement.

Mike Lubenko from Fiddletown felt the tribe's report was out of date and incomplete. He wanted the Council to keep the future of Plymouth in mind when making their decision.

After Council discussion it was decided by consensus to move forward with ongoing analysis and research. The City staff along with the current Ad Hoc Committee to meet and confer with the tribe.

## **7.2 DISCUSS AND PROVIDE DIRECTION ON SUMMER 2024 POOL OPERATIONS**

**RECOMMENDATION: PROVIDE DIRECTION ON HOW TO PROCEED WITH SUMMER 2024 POOL OPERATIONS INCLUDING WHETHER CITY SHOULD TAKE OVER OPERATIONS**

After discussion the Council decided by consensus to move forward for the City to take over the pool operations.

## **7.3 RECEIVE AND DISCUSS MID-YEAR BUDGET REVIEW AND CONSIDER MID-YEAR ADJUSTMENTS**

**RECOMMENDATION: APPROVE MID-YEAR BUDGET ADJUSTMENTS**

This Item was tabled.

## **8. COUNCIL/STAFF COMMUNICATIONS**

### **8.1 CITY MANAGER'S REPORT**

City Manager Roberts noted that she would be out of town for the 3/14/2024 meeting. She stated that bid openings for the Fire Station Project would take place next Thursday, and the award of the bid would come to the Council at the 3/14/2024 meeting. Weber Ghio will be at that meeting to make the presentation. City Manager Roberts announced that the Amador County Fair has announced this year's theme of "Going for the Gold!". She stated that the City would be reaching out to the Ambassadors to see if they would like to volunteer to decorate our City window like last year. The City is planning a family event in the park on April 13<sup>th</sup>.

### **8.2 MAYOR & COUNCIL MEMBERS' REPORTS**

Council Member White noted that it is National Future Farmers of America Week. He stated that his Mother was the first female FFA Member in Amador County.

### **8.3 COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS**

Mayor Akerland would like to discuss having the positions of City Clerk and Treasurer to be appointed instead of elected. City Manager Roberts said that she is working on bringing this issue back to the Council soon. Mayor Akerland also asked to revisit and follow up on the discussion about the 49er Village and possible solutions to address the issue of stays vs. permanent residences.

## **9. CLOSED SESSION: NONE**

## **10. ADJOURNMENT: 7:46 pm**



# 5.3







**CITY OF PLYMOUTH CITY COUNCIL**  
**REGULAR MEETING MINUTES**  
**Thursday, March 14, 2024**  
**6:30 PM**

In-person participation by the public is permitted. Members of the public not attending in-person may submit written comments prior to the meeting by emailing your comment to the Deputy City Clerk at [vmchenry@cityofplymouth.org](mailto:vmchenry@cityofplymouth.org) before 3:30 PM on the day of the meeting. Emailed public comments will be distributed to the City Council and made part of the official record.

**Marianne Akerland, Mayor**

Michael McLaughlin, Vice Mayor  
Douglas Sim, Council Member

Peter Amoruso, Council Member  
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**MISSION STATEMENT**

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**1. CALL TO ORDER/ROLL CALL:**

**COUNCIL MEMBERS PRESENT:** Marianne Akerland, Mayor, Vice Mayor, Michael McLaughlin, Peter Amoruso, Doug Sim, Keith White

**COUNCIL MEMBERS ABSENT:** None

**STAFF/ADVISORY PRESENT:** Cathleen Johnson, Director of Public Works; Frank Splendorio, City Attorney, Larry White, WGA Senior Inspector, Victoria McHenry, Deputy City Clerk, Dana Knight, Zoom Technician

**STAFF/ADVISORY ABSENT:** Margaret S. Roberts, City Manager, McLean Sonnenberg, City Clerk, Joyce Czerwinsky, City Treasurer

- **Flag Salute led by Vice Mayor McLaughlin**

**2. APPROVAL OF CITY COUNCIL REGULAR MEETING AGENDA OF MARCH 14, 2024**

Motion made by Council Member Amoruso, second by Vice Mayor McLaughlin to approve the meeting agenda of March 14, 2024. Motion passed by a roll call vote 5-0.

**3. PUBLIC COMMENT:**

D.W. Cranford from Plymouth spoke regarding the proposed Lone Band of Miwok Indian Casino project. He feels that the items included in the project documents are wrong and would like the council to ask the tribe for supporting documents to support their claims as an act of good faith before the council meets and confers with them.

**4. PRESENTATIONS/PROCLAMATIONS/APPOINTMENTS: NONE**

**5. CONSENT CALENDAR ITEMS:**

**5.1 CORRESPONDENCE**

**5.2 ACCEPT THE FEBRUARY WARRANT REGISTER**

Motion made by Council Member White, with Item 5.2 Approve the Regular Meeting Minutes from 2.22.2024, making 5.2 Accept the February Warrant Register and Item 5.4 moved to regular agenda Item 7.4, second by Council Member Sim to approve the Consent Calendar, with changes. The motion passed by a roll call vote 5-0.

**6 PUBLIC HEARINGS: NONE**

**7 REGULAR AGENDA ITEMS:**

**7.1 ADOPT RESOLUTION NO. 2024-02 AWARDING A CONSTRUCTION CONTRACT TO LGM CONSTRUCTION FOR THE PLYMOUTH FIRE STATION IMPROVEMENT PROJECT IN THE AMOUNT OF \$187,345.75**

**RECOMMENDATION: ADOPT THE RESOLUTION AS PRESENTED AWARDING THE CONTRACT AND DEEMING THE PROJECT CATEGORICALLY EXCLUDED UNDER NEPA (24 CFR 58.35(A)(3)(III)) AND EXEMPT UNDER CEQA AS CLASS 1 PROJECT (SECTION 15301)**

Motion made by Vice Mayor McLaughlin, second by Council Member Amoruso to adopt Resolution 2024-02 Awarding a Construction Contract to LGM Construction for the Plymouth Fire Station Improvement Project in the Amount of \$187,345.75. The motion passed by a roll call vote 5-0.

**7.2 AUTHORIZE AN ADDITIONAL \$49,706.30 IN CITIZENS OPTIONS FOR PUBLIC SAFETY (COPS) FUNDS, IN ADDITION TO THAT WHICH WAS PREVIOUSLY AUTHORIZED IN 2021, FOR THE PURCHASE OF TWO SHERIFF PATROL VEHICLES IN THE COMBINED AMOUNT OF \$206,139.46.**

**RECOMMENDATION: APPROVE THE INVOICE OF \$206,139.46 AND THE OVERAGE OF \$49,706.30 FROM THE PREVIOUS AUTHORIZATION OF \$190,000 FOR TRAILERS AND VEHICLES TO BE PAID OUT OF COPS FUNDS**

Motion made by Council Member Amoruso, second by Council Member Sim to Authorize an Additional \$49,706.30 in Citizens Options for Public Safety (COPS) Funds, in Addition to that Which was Previously Authorized in 2021, for the Purchase of two Sheriff Patrol Vehicles in the Combined Amount of \$206,139.46. The motion passed by a roll call vote 4-1 vote with Vice Mayor McLaughlin abstaining.

### **7.3 RECEIVE REPORT FROM CITY COUNCIL SHERIFF CONTRACT AD HOC COMMITTEE**

**RECOMMENDATION: PROVIDE DIRECTION FOR NEXT STEPS, INCLUDING DEFINING BUDGET PARAMETERS FOR CONTRACT, FORMAL RFP OR RFQ PROCESS AND ANY OTHER IMPORTANT FACTORS**

Vice Mayor McLaughlin gave a PowerPoint presentation reporting on the progress of the Ad Hoc Committee and asked for direction from the council for their next steps. After council discussion there was consensus to move forward with prioritizing the five-year fiscal projections, holding two town hall meetings, putting out an RFP and having the Ad Hoc Committee and the City Manager do the negotiations.

### **7.4 APPROVE THE JOB CLASSIFICATIONS AND PAY RATE FOR HEAD LIFEGUARD, LIFEGUARD, AND RECREATION AIDE:**

**RECOMMENDATION: APPROVE THE JOB CLASSIFICATIONS AND PAY RATE FOR HEAD LIFEGUARD, LIFEGUARD, AND RECREATION AIDE.**

After a lengthy discussion, the council decided to table this until the next City Council Meeting on March 28, 2023. The council asked Cathleen Johnson Public Works Director to create and bring back a budget and comprehensive plan of implementation so they can make an informed decision on this item.

## **8. COUNCIL/STAFF COMMUNICATIONS – Brief reports on matters of general interest**

### **8.1 CITY MANAGER'S REPORT**

Public Works Director Cathleen Johnson complimented the City staff on their hard work and dedication to the City. Mayor Akerland added that Curtis Cantwell from Public Works is much appreciated in Zinfandel Ridge, and they are thankful for his hard work.

### **8.2 MAYOR & COUNCIL MEMBERS' REPORTS**

Vice Mayor McLaughlin voiced that he may have a work conflict for the next council meeting. He wanted to make sure everyone was aware.

Mayor Akerland spoke of a webinar that she, Council Member Sim and City Manager Roberts were a part of that was from Senator Marie Avarado-Gil's office. The webinar was regarding how to request and find funding for infrastructure. They will be working on that item.

### **8.3 COUNCIL REQUESTS FOR FUTURE AGENDA ITEMS**

Council Member Sim would like to place on a future agenda for discussion only the pros and cons of turning over our water distribution system to AWA. The council agreed that this would be something they would like to discuss.

Vice Mayor McLaughlin would like to discuss the points that Mr. Cranford brought up during his public

comments. He questioned whether the City had legal say in the issue. Frank Splendorio City Attorney clarified that the comments were pertaining to the report from Erica Fraser Senior Planner at the City Council Meeting on February 22, 2024. Those comments would be addressed by the Ad Hoc Committee with its letter to the Tribe prior to the Meet and Confer.

Mayor Akerland is hoping to see the mid-year budget review at our next City Council Regular Meeting on March 28, 2024, for the council to review.

**9. CLOSED SESSION: NONE**

**10. ADJOURNMENT: 9:06pm**

DRAFT

# 7.1





## CITY COUNCIL AGENDA ITEM NO. 7.1

03/28/2024

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**SUBJECT:** Consent to the County of Amador to form the Amador County Wine Heritage District.

**DEPARTMENT:** City Manager's Office

**STAFF:** Margaret S. Roberts, City Manager

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### TITLE

**ADOPT RESOLUTION 2024-03 GRANTING CONSENT TO THE COUNTY OF AMADOR TO FORM THE AMADOR COUNTY WINE HERITAGE DISTRICT (ACWHD).**

### BACKGROUND

The ACWHD is a benefit assessment district proposed to create a revenue source to help fund marketing and brand awareness efforts and quality education programs for Amador County wineries. This approach has been used successfully in other destination areas throughout the country to provide the benefit of additional sales directly to payors. The proposed ACWHD includes all wineries, existing and in the future, within the boundaries of the County of Amador, including the cities of Plymouth, Amador City, and Sutter Creek.

Winery owners decided to pursue formation of the ACWHD in order to create a revenue source devoted to marketing Amador County as a tourist destination. If established, the ACWHD would generate approximately \$342,000 on an annual basis for promotion of winery businesses in Amador County.

### WINE HERITAGE DISTRICTS

Wine Heritage Districts (WHDs) utilize the efficiencies of private sector operation in the market-based promotion of business districts. These special assessment districts allow winery owners to organize their efforts to increase sales and promotional efforts. Winery owners within the WHD fund the WHD (not taxpayers), and those funds are used to provide services that are desired by and benefit the wineries within the WHD.

### WHD BENEFITS:

- Funds cannot be diverted for other government programs;



## **CITY COUNCIL AGENDA ITEM NO. 7.1**

**03/28/2024**

- Services are customized to fit the needs of each district;
- They allow for a wide range of services, including marketing of the district, business promotion activities, and infrastructure improvements;
- They are designed, created, and governed by those who will pay the assessment; and
- They provide a stable funding source for business promotion.

In California, WHDs are primarily formed pursuant to the Property and Business Improvement District Law of 1994 (94 Law). This law allows for the creation of special benefit assessment districts to raise funds within a specific geographic area. The key difference between WHDs and other special benefit assessment districts is that funds raised are returned to the private non-profit corporation governing the WHD.

### **MANAGEMENT DISTRICT PLAN**

The Management District Plan (Attachment 2) includes the proposed boundary of the ACWHD, a service plan and budget and a proposed means of governance. The ACWHD will include all wineries, existing and in the future, within the boundaries of the County of Amador, including the cities of Plymouth, Amador City and Sutter Creek.

The annual assessment rate is one percent (1%) of gross direct to consumer sales revenue on winery sales. Based on the benefit received, assessments will not be collected on purchases made outside of the County of Amador. Revenue generated from the ACWHD is intended only to provide programs and services for assessed businesses, all of which are located in the County of Amador. Sales made outside of the ACWHD boundaries are not subject to assessment due to a lack of benefit. Assessment dollars will not be spent on any programs or activities to benefit individual winery businesses outside of the County of Amador.

During the five (5) year term, the assessment rate may be increased annually by the ACWHD Owners' Association upon approval from the County of Amador Board of Supervisors (Board) by a maximum of one-half of one percent (0.5%) of gross direct to consumer sales revenue per year. The total assessment rate may not exceed two percent (2%). The assessment rate may also be decreased but shall not drop below the initial assessment rate of one percent (1%). Any proposed assessment rate increase or decrease approved by the Owners' Association shall be included in the annual report and shall not be effective until approved by the Board.





## **CITY COUNCIL AGENDA ITEM NO. 7.1**

**03/28/2024**

The proposed ACWHD will have a five (5) year term, beginning June 1, 2024, or as soon as possible thereafter, and ending five (5) years from its start date. Once per year beginning on the anniversary of ACWHD formation there is a thirty (30) day period in which business owners paying fifty percent (50%) or more of the assessment may protest and begin proceedings to terminate the ACWHD.

The County or a third-party collection agency will be responsible for collecting the assessment on a quarterly basis from each winery located in the ACWHD boundaries. The County shall forward the assessments to an Owners' Association, which will have the responsibility of managing ACWHD programs as provided in the Management District Plan. The County or a third-party collection agency shall be paid a fee equal to three percent (3%) of the amount of assessment collected to cover its costs of collection and administration.

### **ACWHD FORMATION PROCESS**

#### **March 12, 2024 RESOLUTION OF INTENTION HEARING**

Upon the submission of a written petition, signed by the winery owners in the proposed ACWHD who will pay more than fifty percent (50%) of the assessments proposed to be levied, the Board may initiate proceedings to establish the ACWHD by the adoption of a resolution expressing its intention to form the ACWHD.

Petition Status: Petitions in favor of ACWHD formation were submitted by 32 wineries, which represent 59.82% of the total ACWHD assessment. This majority petition allowed the Board to initiate proceedings for ACWHD formation at the March 12, 2024 meeting.

#### **March 12, 2024 RESOLUTION REQUESTING CONSENT**

Upon adoption of the Resolution of Intention 2024-030, the County of Amador is requesting consent from all jurisdictions to be included in the proposed ACWHD. Consent must be received from the jurisdictions prior to the final public hearing for their jurisdiction to be included in the established ACWHD

We have received the request from the County and so the request is to consent to form the ACWHD. The Resolution would give the City's consent to the process. The County would continue with the process. The remaining County timeline and process is outlined in Attachment 3.



## **CITY COUNCIL AGENDA ITEM NO. 7.1**

**03/28/2024**

### **FISCAL IMPACT**

There is no fiscal impact associated with this item to the City.

### **RECOMMENDATION**

Adopt Resolution 2024-03 granting consent to the County of Amador to form the Amador County Wine Heritage District within the City of Plymouth.

### **ATTACHMENT(S)**

1. Draft Resolution No. 2024-03
2. Management District Plan
3. County Resolutions, including proposed boundary of the ACWHD and Management District Plan
4. County Timeline

**RESOLUTION NO. 2024-03**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLYMOUTH,  
STATE OF CALIFORNIA, GRANTING CONSENT TO THE COUNTY OF  
AMADOR TO FORM THE AMADOR COUNTY WINE HERITAGE DISTRICT  
(ACWHD)**

**WHEREAS**, the Property and Business Improvement Law of 1994, Streets and Highways Code § 36600 et seq., authorizes the County of Amador to establish business improvement districts for the purposes of driving increased business sales directly to payors; and

**WHEREAS**, with adoption of Amador County Board of Supervisors Resolution No. 24-029, dated March 12, 2024, the Board of Supervisors of the County of Amador has requested consent to form the ACWHD in the City of Plymouth.

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

Section 1: The above recitals are true and correct.

Section 2: The County of Amador is hereby granted consent to include the City of Plymouth in the ACWHD, for the formation of the ACWHD and future renewals.

Section 3: The City Clerk or Deputy City Clerk is hereby directed to transmit a certified copy of this Resolution to the Clerk of the County of Amador.

Section 4: This Resolution is effective upon its adoption.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Plymouth, State of California, held on this 28<sup>th</sup> day of March, 2024 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Marianne, Akerland, Mayor

ATTEST:

\_\_\_\_\_  
Victoria McHenry  
Deputy City Clerk



2023-2028



**AMADOR COUNTY  
WINE HERITAGE DISTRICT  
MANAGEMENT DISTRICT PLAN**

*Prepared pursuant to the Property and Business Improvement District Law of 1994, Streets and Highways Code section 36600 et seq.*

**April 27, 2023**

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## I. OVERVIEW

Developed by Amador Vintners' Association (AVA), the Amador County Wine Heritage District (ACWHD) is an assessment district proposed to provide specific benefits to payors, by funding marketing and brand awareness efforts and quality and education programs for assessed businesses. This approach has been used successfully in other destination areas throughout the country to provide the benefit of additional sales directly to payors.

*Location:* The ACWHD includes all wineries, existing and in the future, located within the boundaries of the County of Amador, including the cities of Plymouth, Amador City and Sutter, as shown on the map in Section III.

*Services:* The ACWHD is designed to provide specific benefits directly to payors by increasing winery sales and revenue therefrom. Marketing and brand awareness, and quality and education programs will promote assessed wineries in the ACWHD to increase winery sales revenue.

*Budget:* The total ACWHD annual assessment budget for the initial year of its five (5) year operation is anticipated to be approximately \$342,000. A similar budget is expected to apply to subsequent years, but this budget is expected to fluctuate as sales do and if the assessment rate is increased pursuant to this Plan.

*Cost:* The annual assessment rate is one percent (1%) of gross direct to consumer sales revenue on winery sales. Based on the benefit received, assessments will not be collected on purchases made outside of the state of California. Revenue generated from the ACWHD is intended only to provide programs and services for assessed businesses, all of which are located in California. Sales made outside of the state of California are not subject to assessment due to a lack of benefit. Assessment dollars will not be spent on any programs or activities to benefit individual winery businesses outside of the state of California. Assessment dollars may be spent outside of California to elevate the notoriety of Amador County as a premier winery destination with the desired outcome of increased in-person visitation to businesses paying the assessment.

During the five (5) year term, the assessment rate may be increased annually by the ACWHD Owners' Association upon approval from the Board of Supervisors by a maximum of one-half of one percent (0.5%) of gross direct to consumer sales revenue per year. The total assessment rate may not exceed two percent (2%). The assessment rate may also be decreased but shall not drop below the initial assessment rate of one percent (1%). Any proposed assessment rate increase or decrease approved by the Owners' Association shall be included in the annual report and shall not be effective until approved by the Board of Supervisors.

*Collection:* The County or a third-party collection agency will be responsible for collecting the assessment on a quarterly basis (including any delinquencies, penalties and interest) from each winery located in the boundaries of the ACWHD. The County or a third-party collection agency shall take all reasonable efforts to collect the assessments from each winery.

*Duration:* The ACWHD will have a five (5) year life, beginning October 1, 2023 or as soon as possible thereafter, and ending five (5) years from its start date. After the life of the ACWHD, the ACWHD may be renewed pursuant to the 94 Law if assessed business owners support continuing the ACWHD programs. Once per year, beginning on the anniversary of ACWHD formation, there is a thirty (30) day period in which owners paying fifty percent (50%) or more of the assessment may protest and initiate a Board of Supervisors hearing on ACWHD termination.

*Management:* A new 501(c)(6) non-profit corporation shall be formed to serve as the ACWHD's Owners' Association. The Owners' Association is charged with managing funds and implementing programs in accordance with this Plan and must provide annual reports to the Board of Supervisors.



## II. BACKGROUND

Wine Heritage Districts (WHDs) are an evolution of the traditional Business Improvement District (BID). BIDs utilize the efficiencies of private sector operation in the market-based promotion of business districts. BIDs allow business owners to organize their efforts to increase sales and promotional efforts. Business owners within the district fund a BID, and those funds are used to provide services that the businesses desire and benefit the businesses within the district.

### **Business Improvement District services may include, but are not limited to:**

- Marketing of the District
- Business Promotion Activities
- Infrastructure Improvements

In California, BIDs are formed pursuant to the Property and Business Improvement District Law of 1994 (94 Law). This law allows for the creation of special benefit assessment districts to raise funds within a specific geographic area. *The key difference between BIDs and other special benefit assessment districts is that funds raised are managed by the private non-profit corporation governing the district.*

### **There are many benefits to Business Improvement Districts:**

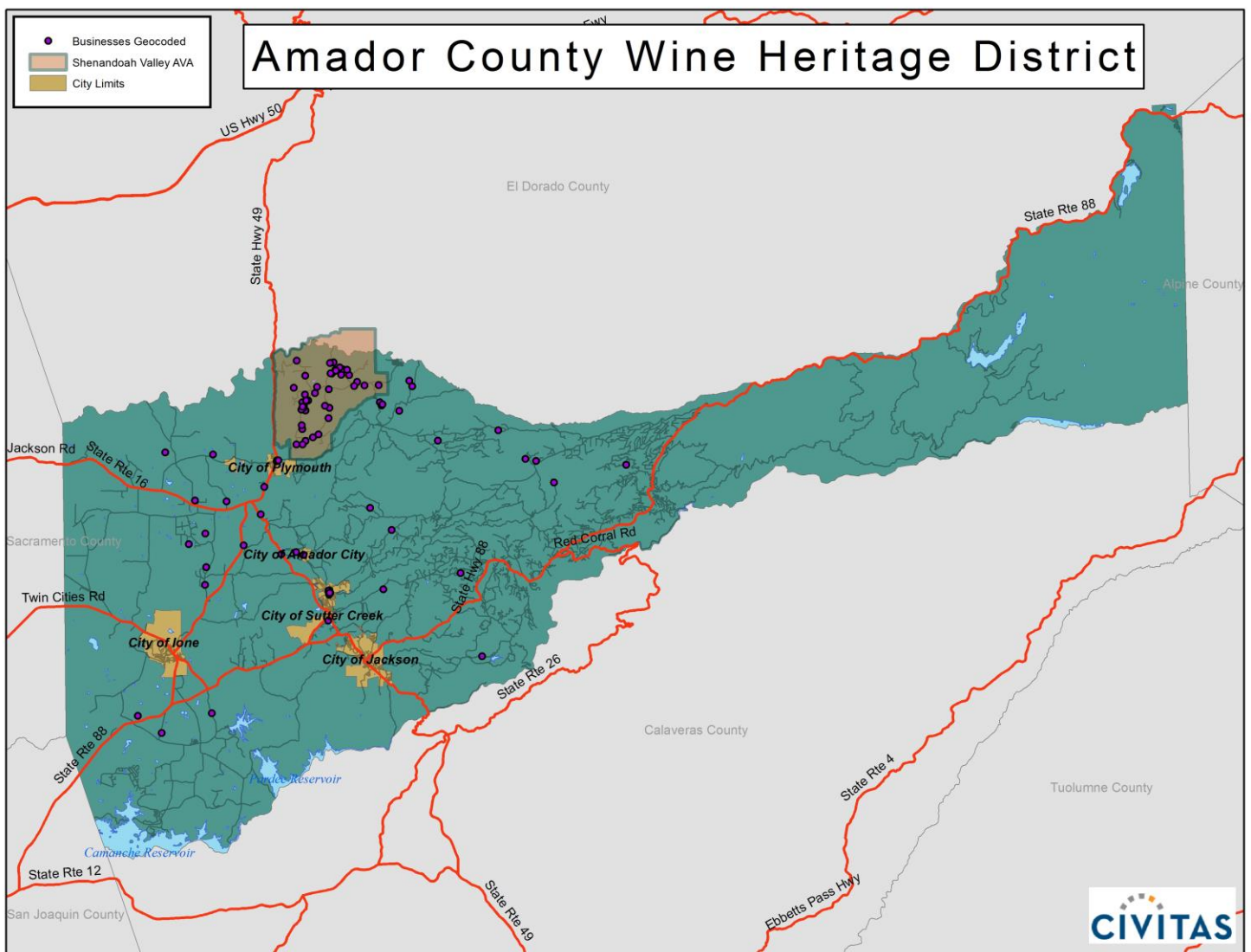
- Funds cannot be diverted for other government programs;
- Services are customized to fit the needs of each district;
- They allow for a wide range of services, including those listed above;
- Business Improvement Districts are ***designed, created and governed by those who will pay*** the assessment; and
- They provide a stable funding source for business promotion.

The 94 Law is provided in Appendix 1 of this document.

### III. BOUNDARY

The ACWHD will include all wineries, existing and in the future, available for public occupancy within the boundaries of the County of Amador, including the cities of Plymouth, Amador City and Sutter Creek, as shown on the map below. A complete listing of wineries within the ACWHD can be found in Appendix 2.

The term “winery” as used herein means: an agricultural facility used for the processing (fermentation when combined with any two of the following: crushing, pressing, aging, blending or bottling) of juices into wine or the re-fermenting of still wine into sparkling wine and which is currently bonded as such by the Alcohol and Tobacco Tax and Trade Bureau and has a current California Alcohol Beverage Control winegrower’s 02 master license. (Ord. 1708 §2, 2011: Ord. 1320 §2, 1993).

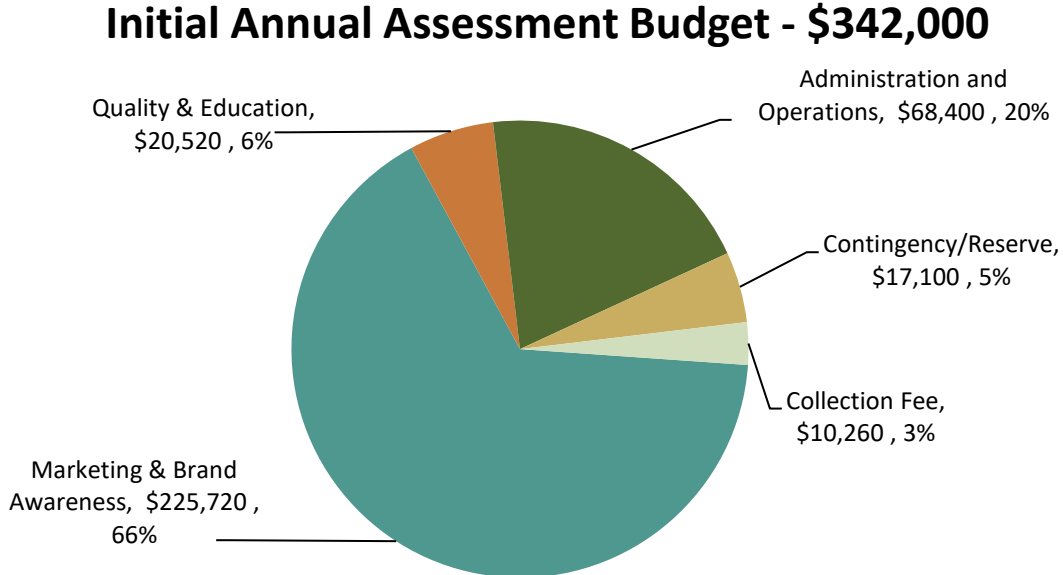


## IV. ASSESSMENT BUDGET AND SERVICES

### A. Annual Service Plan

Assessment funds will be spent to provide specific benefits conferred or privileges granted directly to the payors that are not provided to those not charged, and which do not exceed the reasonable cost to the County of conferring the benefits or granting the privileges. The privileges and services provided with the ACWHD funds are marketing and brand awareness and quality and education programs available only to assessed businesses.

A service plan assessment budget has been developed to deliver services that benefit the assessed businesses. A detailed annual assessment budget will be developed and approved by the Owners' Association. The table below illustrates the initial annual assessment budget allocations. These activities and allocations will also apply in subsequent years. The total initial assessment budget is \$342,000.



Although actual revenues will fluctuate due to market conditions, the proportional allocations of the budget shall remain the same. However, the County and the Owners' Association board shall have the authority to adjust budget allocations between the categories by no more than fifteen percent (15%) of the total budget per year. A description of the proposed improvements and activities for the initial year of operation is below. The same activities are proposed for subsequent years. In the event of a legal challenge against the ACWHD, any and all assessment funds may be used for the costs of defending the ACWHD. Over the (5) year term, the costs of creating the ACWHD may be repaid by deducting repayment funds proportionally from budget categories. Repayment costs shall not exceed \$15,000 annually.

Each budget category includes all costs related to providing that service. For example, the sales and marketing budget includes the cost of staff time dedicated to overseeing and implementing the sales and marketing program. Staff time dedicated purely to administrative tasks is allocated to the administrative portion of the budget. The costs of an individual staff member may be allocated to

multiple budget categories. The staffing levels necessary to provide the services below will be determined by the Owners' Association on an as-needed basis.

### **Marketing & Brand Awareness**

A brand awareness marketing program will promote the ACWHD as a premium winegrowing region and as a leader in the global wine community. The brand awareness marketing program will have a central theme of promoting the ACWHD as a desirable place to experience Amador County wineries, and as a desirable area to purchase wines and other estate produced products. The program has the goal of increasing demand for visitation to the winegrowing region, retail sales, affinity for ACWHD grapes and wines, and recognition at and for assessed businesses, and may include but is not limited to the following activities:

- **Advertising** across any and all media channels to promote assessed winery tasting rooms on a local, regional or national level, including but not limited to: digital, print, television, radio and strategic brand partnerships;
- **Media Relations** – Promoting assessed winery tasting rooms through development of media relations strategies, including but not limited to: media familiarization tours, proactive media pitching and influencer relations;
- **Digital Marketing** – Utilizing paid, earned and owned social media to increase awareness of and engagement with assessed businesses;
- **Events** – Developing and executing winery focused special events to attract customers to assessed businesses;
- **Trade & Industry Engagement** – Ensuring representatives are provided the opportunity to attend trade shows, meetings, industry conferences, road shows, and events to promote assessed businesses; Create programs that engage key trade and industry influencers with the Amador region;
- **Print Collateral** – Preparing and producing collateral, promotional materials such as brochures, flyers and maps for assessed winery tasting rooms;
- **Brand Enhancement** – Engage with third party brand development agency to develop brand platform and materials to assist with marketing assessed winery hospitality facilities;
- **Consumer Analytics** – Identify and leverage consumer demographic, geographic and psychographic data to target messaging that markets Amador County as a premier, unique wine destination to attract customers to assessed winery hospitality facilities; and
- **Signage Program** – Ensure coordinated local signage for the Amador County wine region.

### **Quality & Education**

Educational programs for assessed wineries shall be designed to establish excellence and leadership in the industry and developed with the goal of increasing visitation, sales, and brand value for assessed wineries. The program may include initiatives to enhance wine quality and secure industry recognition for Amador County Wine Country as a premier wine region, and to provide support for assessed wineries in emerging technical trends. Educational programs and training for assessed wineries may be developed related to sales, hospitality, direct to consumer, marketing, media interviews, business operations and best practices.

### **Administration and Operations**

The administration and operations portion of the budget shall be utilized for administrative staffing costs, office costs, advocacy, and other general administrative costs such as insurance, legal, and accounting fees.

### Collection Fee

Amador County or a third-party collection agency shall be paid a fee equal to three percent (3%) of the amount of assessment collected to cover its costs of collection and administration.

### Contingency / Reserve

The budget includes a contingency line item to account for lower than anticipated assessments. If there are contingency funds collected, they may be held in a reserve fund or utilized for other programs, administration or renewal costs at the discretion of the Owners' Association. Policies relating to contributions to the reserve fund, the target amount of the reserve fund, and expenditure of monies from the reserve fund shall be set by the Owners' Association. Contingency/reserve funds may be spent on District programs or administrative and renewal costs in such proportions as determined by the Owners' Association. The reserve fund may be used for the costs of renewing the ACWHD.

### B. Annual Budget

The total five (5) year assessment budget is projected at approximately \$342,000 annually, or \$3,113,319 through 2028 if maximum assessment rates are adopted. A similar budget is expected to apply to subsequent years, but this budget is expected to fluctuate as sales do and if the assessment rate is increased pursuant to this Plan.

The table below demonstrates the estimated maximum total assessment with the assumption that assessment rates will be increased by one half percent (0.5%) in each fiscal year until the maximum assessment rate of two percent (2%) has been reached, as it is a required disclosure, it is not the anticipated course of action. If the maximum annual assessment increases are adopted by the Owners' Association, the estimated annual budget may increase as shown in the table below. Additionally, a three percent (3%) annual increase in the total budget is shown to account for estimated increased sales as a result of ACWHD efforts. This three percent (3%) annual increase is a conservative estimate based on the effect of similarly sized WHD budgets.

| Year         | Marketing & Brand Awareness | Quality & Education | Administration & Operations | Contingency/Reserve | Collection Fee  | Total              |
|--------------|-----------------------------|---------------------|-----------------------------|---------------------|-----------------|--------------------|
| 2023-24      | \$225,720                   | \$20,520            | \$68,400                    | \$17,100            | \$10,260        | \$342,000          |
| 2024-25      | \$348,737                   | \$31,703            | \$105,678                   | \$26,420            | \$15,852        | \$528,390          |
| 2025-26      | \$478,933                   | \$43,539            | \$145,131                   | \$36,283            | \$21,770        | \$725,656          |
| 2026-27      | \$493,301                   | \$44,846            | \$149,485                   | \$37,371            | \$22,423        | \$747,425          |
| 2027-28      | \$508,100                   | \$46,191            | \$153,970                   | \$38,492            | \$23,095        | \$769,848          |
| <b>Total</b> | <b>\$2,054,790</b>          | <b>\$186,799</b>    | <b>\$622,664</b>            | <b>\$155,666</b>    | <b>\$93,400</b> | <b>\$3,113,319</b> |

The table below demonstrates the estimated annual improvement and service plan budget with the assumption that the rates will not be increased during the ACWHD's five (5) year term. Additionally, a three percent (3%) annual increase in the total budget is shown to account for estimated increased sales as a result of ACWHD efforts.

| Year | Marketing & Brand Awareness | Quality & Education | Administration & Operations | Contingency/Reserve | Collection Fee | Total |
|------|-----------------------------|---------------------|-----------------------------|---------------------|----------------|-------|
|------|-----------------------------|---------------------|-----------------------------|---------------------|----------------|-------|

|              |                    |                  |                  |                 |                 |                    |
|--------------|--------------------|------------------|------------------|-----------------|-----------------|--------------------|
| 2023-24      | \$225,720          | \$20,520         | \$68,400         | \$17,100        | \$10,260        | \$342,000          |
| 2024-25      | \$232,492          | \$21,136         | \$70,452         | \$17,613        | \$10,568        | \$352,260          |
| 2025-26      | \$239,466          | \$21,770         | \$72,566         | \$18,141        | \$10,885        | \$362,828          |
| 2026-27      | \$246,650          | \$22,423         | \$74,743         | \$18,686        | \$11,211        | \$373,713          |
| 2027-28      | \$254,050          | \$23,095         | \$76,985         | \$19,246        | \$11,548        | \$384,924          |
| <b>Total</b> | <b>\$1,198,378</b> | <b>\$108,943</b> | <b>\$363,145</b> | <b>\$90,786</b> | <b>\$54,472</b> | <b>\$1,815,724</b> |

**C. California Constitutional Compliance**

The ACWHD assessment is not a property-based assessment subject to the requirements of Proposition 218. Courts have found Proposition 218 limited the term ‘assessments’ to levies on real property.<sup>1</sup> Rather, the ACWHD assessment is a business-based assessment, and is subject to Proposition 26. Pursuant to Proposition 26 all levies are a tax unless they fit one of seven exceptions. Two of these exceptions apply to the ACWHD, a “specific benefit” and a “specific government service.” Both require that the costs of benefits or services do not exceed the reasonable costs to the County of conferring the benefits or providing the services.

**1. Specific Benefit**

Proposition 26 requires that assessment funds be expended on, “a specific benefit conferred or privilege granted directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of conferring the benefit or granting the privilege.”<sup>2</sup> The services in this Plan are designed to provide targeted benefits directly to assessed businesses, and are intended only to provide benefits and services directly to those businesses paying the assessment. These services are tailored not to serve the general public, businesses in general, or parcels of land, but rather to serve the specific businesses within the ACWHD. The activities described in this Plan are specifically targeted to increase sales for assessed wineries within the boundaries of the ACWHD, and are narrowly tailored. ACWHD funds will be used exclusively to provide the specific benefit of increased sales directly to the assessees. Assessment funds shall not be used to feature non-assessed wineries in ACWHD programs, or to directly generate sales for non-assessed businesses. The activities paid for from assessment revenues are business services constituting and providing specific benefits to the assessed businesses. Nothing in this Plan limits the ability of the Owners’ Association to enter into private contracts with non-assessed wineries for the provision of services to those businesses.

The assessment imposed by this ACWHD is for a specific benefit conferred directly to the payors that is not provided to those not charged. The specific benefit conferred directly to the payors is an increase in sales. The specific benefit of an increase in sales for assessed wineries will be provided only to wineries paying the district assessment, with marketing and brand awareness and quality and education programs promoting wineries paying the ACWHD assessment. The marketing and brand awareness, and quality and education programs will be designed to increase sales at each assessed winery. Because they are necessary to provide the marketing and brand awareness and quality and education programs that specifically benefit the assessed wineries, the administration and contingency services also provide the specific benefit of increased sales to the assessed wineries.

Although the ACWHD, in providing specific benefits to payors, may produce incidental benefits to non-paying businesses, the incidental benefit does not preclude the services from being considered a

<sup>1</sup> *Jarvis v. the City of San Diego* 72 Cal App. 4<sup>th</sup> 230

<sup>2</sup> Cal. Const. art XIII C § 1(e)(1)

specific benefit. The legislature has found that, “A specific benefit is not excluded from classification as a ‘specific benefit’ merely because an indirect benefit to a nonpayor occurs incidentally and without cost to the payor as a consequence of providing the specific benefit to the payor.”<sup>3</sup>

## ***2. Specific Government Service***

The assessment may also be utilized to provide, “a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product.”<sup>4</sup> The legislature has recognized that marketing and promotions services like those to be provided by the ACWHD are government services within the meaning of Proposition 26<sup>5</sup>. Further, the legislature has determined that “a specific government service is not excluded from classification as a ‘specific government service’ merely because an indirect benefit to a nonpayor occurs incidentally and without cost to the payor as a consequence of providing the specific government service to the payor.”<sup>6</sup>

## ***3. Reasonable Cost***

ACWHD services will be implemented carefully to ensure they do not exceed the reasonable cost of such services. The full amount assessed will be used to provide the services described herein. Funds will be managed by the Owners’ Association, and reports submitted on an annual basis to the County. Only assessed wineries will be featured in marketing materials, receive sales leads generated from ACWHD-funded activities, be featured in advertising campaigns, and benefit from other ACWHD-funded services. Non-assessed wineries will not receive these, nor any other, ACWHD-funded services and benefits.

The ACWHD-funded programs are all targeted directly at and feature only assessed businesses. It is, however, possible that there will be a spill over benefit to non-assessed businesses. If non-assessed wineries receive incremental sales, that portion of the promotion or program generating those sales shall be paid with non-ACWHD funds. ACWHD funds shall only be spent to benefit the assessed businesses, and shall not be spent on that portion of any program which directly generates incidental sales for non-assessed businesses.

## **D. Assessment**

The annual assessment rate is one percent (1%) of gross direct to consumer sales revenue on winery sales. Based on the benefit received, assessments will not be collected on purchases made outside of the state of California. Revenue generated from the ACWHD is intended only to provide programs and services for assessed businesses, all of which are located in California. Sales made outside of the state of California are not subject to assessment due to a lack of benefit, including those sales made to ship wine from assessed wineries within the ACWHD, as described below. Assessment dollars will not be spent on any programs or activities to benefit individual winery businesses outside of the state of California. Assessment dollars may be spent outside of California to elevate the notoriety of Amador County as a premier winery destination with the desired outcome of increased in-person visitation to business paying the assessment. Assessments shall only be levied on sales conducted within the boundaries of the ACWHD. Sales derived from wine shipping purchases, including but not limited to those made in relation to wine club memberships, out of state purchases, or purchases made by phone, shall not be subject to ACWHD assessment. For example, if an assessed winery owner travels outside of the state of California to sell wine from their ACWHD assessed business, such sales

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<sup>3</sup> Government Code § 53758(a)

<sup>4</sup> Cal. Const. art XIII C § 1(e)(2)

<sup>5</sup> Government Code § 53758(b)

<sup>6</sup> Government Code § 53758(b)

shall not be subject to assessment. However, if a customer from outside of the state travels to wineries assessed within the ACWHD and purchases wine, such sales shall be subject to assessment.

During the five (5) year term, the assessment rate may be increased annually by the ACWHD Owners' Association upon approval from the Board of Supervisors by a maximum of one-half of one percent (0.5%) of gross direct to consumer sales revenue per year. The total assessment rate may not exceed two percent (2%). The assessment rate may also be decreased but shall not drop below the initial assessment rate of one percent (1%). Any proposed assessment rate increase or decrease approved by the Owners' Association shall be included in the annual report and shall not be effective until approved by the Board of Supervisors.

The term "gross sales revenue" as used herein means: the consideration charged by wineries, for all direct-to-consumer sales of wine, wine club shipments (whether shipped or picked up), ticket sales, tasting fees, tours and private and public special events, or events where the assessed winery business furnishes food and/or beverages as part of a facility use fee or listed as a separate fee, merchandise, prepared and packaged foods for on-premise or off-premise consumption (whether sold in a tasting room or a stand-alone restaurant on- premise), orders placed via telemarketing, telephone, online, email, whether carried out at the time of purchase, shipped or picked up at a later date (pre-sales). Gross sales revenue shall not include, and therefore the assessment shall not be charged upon, any federal, state or local taxes collected, including but not limited to sales and use taxes.

The assessment is levied upon and a direct obligation of the assessed winery. However, the assessed winery may, at its discretion, pass the assessment on to customers. The amount of assessment, if passed on to each customer, shall be disclosed in advance and separately stated from the amount charged and any other applicable taxes, and each customer shall receive a receipt for payment from the business. If the ACWHD assessment is identified separately it shall be disclosed as the "ACWHD Assessment." The assessment is imposed solely upon, and is the sole obligation of the assessed winery even if it is passed on to customers. The California Department of Tax and Fee Administration (CDTFA) issued a written opinion that state sales tax applies to the revenue generated from Business Improvement District assessments on items where state sales tax is levied. In light of CDTFA's opinion, businesses that pay both state sales tax and ACWHD assessments on sales are advised to collect sales tax on the assessment revenue.

Bonds shall not be issued.

### **E. Penalties and Interest**

The ACWHD shall reimburse the County of Amador or the third-party collection agency for any costs associated with collecting unpaid assessments. If sums in excess of the delinquent ACWHD assessment are sought to be recovered in the same collection action by the County, the ACWHD shall bear its pro rata share of such collection costs. Assessed businesses which are delinquent in paying the assessment shall be responsible for paying:

*1. Original Delinquency*

Any winery that fails to remit any assessment imposed by this section within the time required shall pay a penalty of ten percent (10%) of the amount of the assessment in addition to the assessment.

*2. Continued Delinquency*

Any winery that fails to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second



delinquency penalty of ten percent (10%) of the assessment in addition to the assessment and the ten percent (10%) penalty first imposed.

*3. Fraud*

If the County or third-party collection agency determines that the nonpayment of any remittance due under this article is due to fraud, a penalty of twenty-five percent (25%) of the amount of the assessment shall be added thereto in addition to the penalties stated in paragraph one (1) and two (2) above of this section.

*4. Interest*

In addition to the penalties imposed, any winery who fails to remit any assessment imposed by this section shall pay interest at the rate of one-quarter of one percent (0.25%) per month or fraction thereof on the amount of the assessment, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

**F. Time and Manner for Collecting Assessments**

The ACWHD assessment will be implemented beginning October 1, 2023 and will continue five (5) years from the start date. The County or a third-party collection agency will be responsible for collecting the assessment on a quarterly basis (including any delinquencies, penalties and interest) from each winery. The County or a third-party collection agency shall take all reasonable efforts to collect the assessments from each winery. The County or a third-party collection agency shall forward the assessments collected to the Owners' Association.

## **V. GOVERNANCE**

### **A. Owners' Association**

The Board of Supervisors, through adoption of this Management District Plan, has the right, pursuant to Streets and Highways Code §36651, to identify the body that shall implement the proposed program, which shall be the Owners' Association of the ACWHD as defined in Streets and Highways Code §36612. The Board of Supervisors has determined that a new 501(c)(6) non-profit corporation shall be formed to serve as the Owners' Association for the ACWHD. The Owners' Association must provide an annual report on activities and expenditures to the County, which is also available to business owners.

### **B. Brown Act and California Public Records Act Compliance**

An Owners' Association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. The Owners' Association is, however, subject to government regulations relating to transparency, namely the Ralph M. Brown Act and the California Public Records Act. These regulations are designed to promote public accountability. The Owners' Association acts as a legislative body under the Ralph M. Brown Act (Government Code §54950 et seq.). Thus, meetings of the Owners' Association board and certain committees must be held in compliance with the public notice and other requirements of the Brown Act. The Owners' Association is also subject to the record keeping and disclosure requirements of the California Public Records Act. Accordingly, the Owners' Association shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

### **C. Annual Report**

The Owners' Association shall present an annual report at the end of each year of operation to the Board of Supervisors pursuant to Streets and Highways Code §36650 (see Appendix 1). The annual report shall include:

- Any proposed changes in the boundaries of the improvement district or in any benefit zones or classification of businesses within the district.
- The improvements and activities to be provided for that fiscal year.
- An estimate of the cost of providing the improvements and the activities for that fiscal year.
- The method and basis of levying the assessment in sufficient detail to allow each business owner to estimate the amount of the assessment to be levied against his or her business for that fiscal year.
- The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.
- The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.

# APPENDIX 1 – LAW

\*\*\* THIS DOCUMENT IS CURRENT THROUGH THE 2023 SUPPLEMENT \*\*\*  
(ALL 2022 LEGISLATION)

## STREETS AND HIGHWAYS CODE DIVISION 18. PARKING PART 7. PROPERTY AND BUSINESS IMPROVEMENT DISTRICT LAW OF 1994

### CHAPTER 1. General Provisions

#### ARTICLE 1. Declarations

##### **36600. Citation of part**

This part shall be known and may be cited as the “Property and Business Improvement District Law of 1994.”

##### **36601. Legislative findings and declarations; Legislative guidance**

The Legislature finds and declares all of the following:

- (a) Businesses located and operating within business districts in some of this state’s communities are economically disadvantaged, are underutilized, and are unable to attract customers due to inadequate facilities, services, and activities in the business districts.
- (b) It is in the public interest to promote the economic revitalization and physical maintenance of business districts in order to create jobs, attract new businesses, and prevent the erosion of the business districts.
- (c) It is of particular local benefit to allow business districts to fund business related improvements, maintenance, and activities through the levy of assessments upon the businesses or real property that receive benefits from those improvements.
- (d) Assessments levied for the purpose of conferring special benefit upon the real property or a specific benefit upon the businesses in a business district are not taxes for the general benefit of a city, even if property, businesses, or persons not assessed receive incidental or collateral effects that benefit them.
- (e) Property and business improvement districts formed throughout this state have conferred special benefits upon properties and businesses within their districts and have made those properties and businesses more useful by providing the following benefits:
  - (1) Crime reduction. A study by the Rand Corporation has confirmed a 12-percent reduction in the incidence of robbery and an 8-percent reduction in the total incidence of violent crimes within the 30 districts studied.
  - (2) Job creation.
  - (3) Business attraction.
  - (4) Business retention.
  - (5) Economic growth.
  - (6) New investments.
- (f) With the dissolution of redevelopment agencies throughout the state, property and business improvement districts have become even more important tools with which communities can combat blight, promote economic opportunities, and create a clean and safe environment.
- (g) Since the enactment of this act, the people of California have adopted Proposition 218, which added Article XIII D to the Constitution in order to place certain requirements and restrictions on the formation of, and activities, expenditures, and assessments by property-based districts. Article XIII D of the Constitution provides that property-based districts may only levy assessments for special benefits.
- (h) The act amending this section is intended to provide the Legislature’s guidance with regard to this act, its interaction with the provisions of Article XIII D of the Constitution, and the determination of special benefits in property-based districts.
  - (1) The lack of legislative guidance has resulted in uncertainty and inconsistent application of this act, which discourages the use of assessments to fund needed improvements, maintenance, and activities in property-based districts, contributing to blight and other underutilization of property.
  - (2) Activities undertaken for the purpose of conferring special benefits upon property to be assessed inherently produce incidental or collateral effects that benefit property or persons not assessed. Therefore, for special benefits to exist as a separate and distinct category from general benefits, the

incidental or collateral effects of those special benefits are inherently part of those special benefits. The mere fact that special benefits produce incidental or collateral effects that benefit property or persons not assessed does not convert any portion of those special benefits or their incidental or collateral effects into general benefits.

(3) It is of the utmost importance that property-based districts created under this act have clarity regarding restrictions on assessments they may levy and the proper determination of special benefits. Legislative clarity with regard to this act will provide districts with clear instructions and courts with legislative intent regarding restrictions on property-based assessments, and the manner in which special benefits should be determined.

### **36602. Purpose of part**

The purpose of this part is to supplement previously enacted provisions of law that authorize cities to levy assessments within property and business improvement districts, to ensure that those assessments conform to all constitutional requirements and are determined and assessed in accordance with the guidance set forth in this act. This part does not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes.

### **36603. Preemption of authority or charter city to adopt ordinances levying assessments**

Nothing in this part is intended to preempt the authority of a charter city to adopt ordinances providing for a different method of levying assessments for similar or additional purposes from those set forth in this part. A property and business improvement district created pursuant to this part is expressly exempt from the provisions of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 (Division 4 (commencing with Section 2800)).

### **36603.5. Part prevails over conflicting provisions**

Any provision of this part that conflicts with any other provision of law shall prevail over the other provision of law, as to districts created under this part.

### **36604. Severability**

This part is intended to be construed liberally and, if any provision is held invalid, the remaining provisions shall remain in full force and effect. Assessments levied under this part are not special taxes.

## **ARTICLE 2. Definitions**

### **36606. “Activities”**

“Activities” means, but is not limited to, all of the following that benefit businesses or real property in the district:

- (a) Promotion of public events.
- (b) Furnishing of music in any public place.
- (c) Promotion of tourism within the district.
- (d) Marketing and economic development, including retail retention and recruitment.
- (e) Providing security, sanitation, graffiti removal, street and sidewalk cleaning, and other municipal services supplemental to those normally provided by the municipality.
- (f) Other services provided for the purpose of conferring special benefit upon assessed real property or specific benefits upon assessed businesses located in the district.

### **36606.5. “Assessment”**

“Assessment” means a levy for the purpose of acquiring, constructing, installing, or maintaining improvements and providing activities that will provide certain benefits to properties or businesses located within a property and business improvement district.

### **36607. “Business”**

“Business” means all types of businesses and includes financial institutions and professions.

**36608. “City”**

“City” means a city, county, city and county, or an agency or entity created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code, the public member agencies of which includes only cities, counties, or a city and county, or the State of California.

**36609. “City council”**

“City council” means the city council of a city or the board of supervisors of a county, or the agency, commission, or board created pursuant to a joint powers agreement and which is a city within the meaning of this part.

**36609.4. “Clerk”**

“Clerk” means the clerk of the legislative body.

**36609.5. “General benefit”**

“General benefit” means, for purposes of a property-based district, any benefit that is not a “special benefit” as defined in Section 36615.5.

**36610. “Improvement”**

“Improvement” means the acquisition, construction, installation, or maintenance of any tangible property with an estimated useful life of five years or more including, but not limited to, the following:

- (a) Parking facilities.
- (b) Benches, booths, kiosks, display cases, pedestrian shelters and signs.
- (c) Trash receptacles and public restrooms.
- (d) Lighting and heating facilities.
- (e) Decorations.
- (f) Parks.
- (g) Fountains.
- (h) Planting areas.
- (i) Closing, opening, widening, or narrowing of existing streets.
- (j) Facilities or equipment, or both, to enhance security of persons and property within the district.
- (k) Ramps, sidewalks, plazas, and pedestrian malls.
- (l) Rehabilitation or removal of existing structures.

**36611. “Management district plan”; “Plan”**

“Management district plan” or “plan” means a proposal as defined in Section 36622.

**36612. “Owners’ association”**

“Owners’ association” means a private nonprofit entity that is under contract with a city to administer or implement improvements, maintenance, and activities specified in the management district plan. An owners’ association may be an existing nonprofit entity or a newly formed nonprofit entity. An owners’ association is a private entity and may not be considered a public entity for any purpose, nor may its board members or staff be considered to be public officials for any purpose. Notwithstanding this section, an owners’ association shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), at all times when matters within the subject matter of the district are heard, discussed, or deliberated, and with the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code), for all records relating to activities of the district.

**36614. “Property”**

“Property” means real property situated within a district.

**36614.5. “Property and business improvement district”; “District”**

“Property and business improvement district,” or “district,” means a property and business improvement district established pursuant to this part.

**36614.6. “Property-based assessment”**

“Property-based assessment” means any assessment made pursuant to this part upon real property.

**36614.7. “Property-based district”**

“Property-based district” means any district in which a city levies a property-based assessment.

**36615. “Property owner”; “Business owner”; “Owner”**

“Property owner” means any person shown as the owner of land on the last equalized assessment roll or otherwise known to be the owner of land by the city council. “Business owner” means any person recognized by the city as the owner of the business. “Owner” means either a business owner or a property owner. The city council has no obligation to obtain other information as to the ownership of land or businesses, and its determination of ownership shall be final and conclusive for the purposes of this part. Wherever this part requires the signature of the property owner, the signature of the authorized agent of the property owner shall be sufficient. Wherever this part requires the signature of the business owner, the signature of the authorized agent of the business owner shall be sufficient.

**36615.5. “Special benefit”**

(a) “Special benefit” means, for purposes of a property-based district, a particular and distinct benefit over and above general benefits conferred on real property located in a district or to the public at large. Special benefit includes incidental or collateral effects that arise from the improvements, maintenance, or activities of property-based districts even if those incidental or collateral effects benefit property or persons not assessed. Special benefit excludes general enhancement of property value.

(b) “Special benefit” also includes, for purposes of a property-based district, a particular and distinct benefit provided directly to each assessed parcel within the district. Merely because parcels throughout an assessment district share the same special benefits does not make the benefits general.

**36616. “Tenant”**

“Tenant” means an occupant pursuant to a lease of commercial space or a dwelling unit, other than an owner.

**ARTICLE 3. Prior Law**

**36617. Alternate method of financing certain improvements and activities; Effect on other provisions**

This part provides an alternative method of financing certain improvements and activities. The provisions of this part shall not affect or limit any other provisions of law authorizing or providing for the furnishing of improvements or activities or the raising of revenue for these purposes. Every improvement area established pursuant to the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500) of this division) is valid and effective and is unaffected by this part.

**CHAPTER 2. Establishment**

**36620. Establishment of property and business improvement district**

A property and business improvement district may be established as provided in this chapter.

**36620.5. Requirement of consent of city council**

A county may not form a district within the territorial jurisdiction of a city without the consent of the city council of that city. A city may not form a district within the unincorporated territory of a county without the consent of the board of supervisors of that county. A city may not form a district within the territorial jurisdiction of another city without the consent of the city council of the other city.

### **36621. Initiation of proceedings; Petition of property or business owners in proposed district**

- (a) Upon the submission of a written petition, signed by the property or business owners in the proposed district who will pay more than 50 percent of the assessments proposed to be levied, the city council may initiate proceedings to form a district by the adoption of a resolution expressing its intention to form a district. The amount of assessment attributable to property or a business owned by the same property or business owner that is in excess of 40 percent of the amount of all assessments proposed to be levied, shall not be included in determining whether the petition is signed by property or business owners who will pay more than 50 percent of the total amount of assessments proposed to be levied.
- (b) The petition of property or business owners required under subdivision (a) shall include a summary of the management district plan. That summary shall include all of the following:
  - (1) A map showing the boundaries of the district.
  - (2) Information specifying where the complete management district plan can be obtained.
  - (3) Information specifying that the complete management district plan shall be furnished upon request.
- (c) The resolution of intention described in subdivision (a) shall contain all of the following:
  - (1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property or businesses within the district, a statement as to whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements do not need to be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities, and the location and extent of the proposed district.
  - (2) A time and place for a public hearing on the establishment of the property and business improvement district and the levy of assessments, which shall be consistent with the requirements of Section 36623.

### **36622. Contents of management district plan**

The management district plan shall include, but is not limited to, all of the following:

- (a) If the assessment will be levied on property, a map of the district in sufficient detail to locate each parcel of property and, if businesses are to be assessed, each business within the district. If the assessment will be levied on businesses, a map that identifies the district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the district boundaries. If the assessment will be levied on property and businesses, a map of the district in sufficient detail to locate each parcel of property and to allow a business owner to reasonably determine whether a business is located within the district boundaries.
- (b) The name of the proposed district.
- (c) A description of the boundaries of the district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected property and businesses included, which may be made by reference to any plan or map that is on file with the clerk. The boundaries of a proposed property assessment district shall not overlap with the boundaries of another existing property assessment district created pursuant to this part. This part does not prohibit the boundaries of a district created pursuant to this part to overlap with other assessment districts established pursuant to other provisions of law, including, but not limited to, the Parking and Business Improvement Area Law of 1989 (Part 6 (commencing with Section 36500)). This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with another business assessment district created pursuant to this part. This part does not prohibit the boundaries of a business assessment district created pursuant to this part to overlap with a property assessment district created pursuant to this part.
- (d) The improvements, maintenance, and activities proposed for each year of operation of the district and the estimated cost thereof. If the improvements, maintenance, and activities proposed for each year of operation are the same, a description of the first year's proposed improvements, maintenance, and activities and a

statement that the same improvements, maintenance, and activities are proposed for subsequent years shall satisfy the requirements of this subdivision.

(e) The total annual amount proposed to be expended for improvements, maintenance, or activities, and debt service in each year of operation of the district. If the assessment is levied on businesses, this amount may be estimated based upon the assessment rate. If the total annual amount proposed to be expended in each year of operation of the district is not significantly different, the amount proposed to be expended in the initial year and a statement that a similar amount applies to subsequent years shall satisfy the requirements of this subdivision.

(f) The proposed source or sources of financing, including the proposed method and basis of levying the assessment in sufficient detail to allow each property or business owner to calculate the amount of the assessment to be levied against their property or business. The plan also shall state whether bonds will be issued to finance improvements.

(g) The time and manner of collecting the assessments.

(h) The specific number of years in which assessments will be levied. In a new district, the maximum number of years shall be five. Upon renewal, a district shall have a term not to exceed 10 years. Notwithstanding these limitations, a district created pursuant to this part to finance capital improvements with bonds may levy assessments until the maximum maturity of the bonds. The management district plan may set forth specific increases in assessments for each year of operation of the district.

(i) The proposed time for implementation and completion of the management district plan.

(j) Any proposed rules and regulations to be applicable to the district.

(k)

(1) A list of the properties or businesses to be assessed, including the assessor's parcel numbers for properties to be assessed, and a statement of the method or methods by which the expenses of a district will be imposed upon benefited real property or businesses, in proportion to the benefit received by the property or business, to defray the cost thereof.

(2) In a property-based district, the proportionate special benefit derived by each identified parcel shall be determined exclusively in relationship to the entirety of the capital cost of a public improvement, the maintenance and operation expenses of a public improvement, or the cost of the activities. An assessment shall not be imposed on any parcel that exceeds the reasonable cost of the proportional special benefit conferred on that parcel. Only special benefits are assessable, and a property-based district shall separate the general benefits, if any, from the special benefits conferred on a parcel. Parcels within a property-based district that are owned or used by any city, public agency, the State of California, or the United States shall not be exempt from assessment unless the governmental entity can demonstrate by clear and convincing evidence that those publicly owned parcels in fact receive no special benefit. The value of any incidental, secondary, or collateral effects that arise from the improvements, maintenance, or activities of a property-based district and that benefit property or persons not assessed shall not be deducted from the entirety of the cost of any special benefit or affect the proportionate special benefit derived by each identified parcel.

(3) In a property-based district, properties throughout the district may share the same special benefits. In a district with boundaries that define which parcels are to receive improvements, maintenance, or activities over and above those services provided by the city, the improvements, maintenance, or activities themselves may constitute a special benefit. The city may impose assessments that are less than the proportional special benefit conferred, but shall not impose assessments that exceed the reasonable costs of the proportional special benefit conferred. Because one or more parcels pay less than the special benefit conferred does not necessarily mean that other parcels are assessed more than the reasonable cost of their special benefit.

(l) In a property-based district, a detailed engineer's report prepared by a registered professional engineer certified by the State of California supporting all assessments contemplated by the management district plan.

(m) Any other item or matter required to be incorporated therein by the city council.

### **36623. Procedure to levy assessment**

(a) If a city council proposes to levy a new or increased property assessment, the notice and protest and hearing procedure shall comply with Section 53753 of the Government Code.

(b) If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with Section 54954.6 of the Government Code, except that notice shall be mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the clerk at or before the time fixed for the



public hearing. The city council may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business or the authorized representative. A written protest that does not comply with this section shall not be counted in determining a majority protest. If written protests are received from the owners or authorized representatives of businesses in the proposed district that will pay 50 percent or more of the assessments proposed to be levied and protests are not withdrawn so as to reduce the protests to less than 50 percent, no further proceedings to levy the proposed assessment against such businesses, as contained in the resolution of intention, shall be taken for a period of one year from the date of the finding of a majority protest by the city council.

(c) If a city council proposes to conduct a single proceeding to levy both a new or increased property assessment and a new or increased business assessment, the notice and protest and hearing procedure for the property assessment shall comply with subdivision (a), and the notice and protest and hearing procedure for the business assessment shall comply with subdivision (b). If a majority protest is received from either the property or business owners, that respective portion of the assessment shall not be levied. The remaining portion of the assessment may be levied unless the improvement or other special benefit was proposed to be funded by assessing both property and business owners.

#### **36624. Changes to proposed assessments**

At the conclusion of the public hearing to establish the district, the city council may adopt, revise, change, reduce, or modify the proposed assessment or the type or types of improvements, maintenance, and activities to be funded with the revenues from the assessments. Proposed assessments may only be revised by reducing any or all of them. At the public hearing, the city council may only make changes in, to, or from the boundaries of the proposed property and business improvement district that will exclude territory that will not benefit from the proposed improvements, maintenance, and activities. Any modifications, revisions, reductions, or changes to the proposed assessment district shall be reflected in the notice and map recorded pursuant to Section 36627.

#### **36625. Resolution of formation**

(a) If the city council, following the public hearing, decides to establish a proposed property and business improvement district, the city council shall adopt a resolution of formation that shall include, but is not limited to, all of the following:

- (1) A brief description of the proposed improvements, maintenance, and activities, the amount of the proposed assessment, a statement as to whether the assessment will be levied on property, businesses, or both within the district, a statement on whether bonds will be issued, and a description of the exterior boundaries of the proposed district, which may be made by reference to any plan or map that is on file with the clerk. The descriptions and statements need not be detailed and shall be sufficient if they enable an owner to generally identify the nature and extent of the improvements, maintenance, and activities and the location and extent of the proposed district.
- (2) The number, date of adoption, and title of the resolution of intention.
- (3) The time and place where the public hearing was held concerning the establishment of the district.
- (4) A determination regarding any protests received. The city shall not establish the district or levy assessments if a majority protest was received.
- (5) A statement that the properties, businesses, or properties and businesses in the district established by the resolution shall be subject to any amendments to this part.
- (6) A statement that the improvements, maintenance, and activities to be conferred on businesses and properties in the district will be funded by the levy of the assessments. The revenue from the levy of assessments within a district shall not be used to provide improvements, maintenance, or activities outside the district or for any purpose other than the purposes specified in the resolution of intention, as modified by the city council at the hearing concerning establishment of the district. Notwithstanding the foregoing, improvements and activities that must be provided outside the district boundaries to create a special or specific benefit to the assessed parcels or businesses may be provided, but shall be limited to marketing or signage pointing to the district.

(7) A finding that the property or businesses within the area of the property and business improvement district will be benefited by the improvements, maintenance, and activities funded by the proposed assessments, and, for a property-based district, that property within the district will receive a special benefit.

(8) In a property-based district, the total amount of all special benefits to be conferred on the properties within the property-based district.

(b) The adoption of the resolution of formation and, if required, recordation of the notice and map pursuant to Section 36627 shall constitute the levy of an assessment in each of the fiscal years referred to in the management district plan.

### **36627. Notice and assessment diagram**

Following adoption of the resolution establishing district assessments on properties pursuant to Section 36625, the clerk shall record a notice and an assessment diagram pursuant to Section 3114. No other provision of Division 4.5 (commencing with Section 3100) applies to an assessment district created pursuant to this part.

### **36628. Establishment of separate benefit zones within district; Categories of businesses**

The city council may establish one or more separate benefit zones within the district based upon the degree of benefit derived from the improvements or activities to be provided within the benefit zone and may impose a different assessment within each benefit zone. If the assessment is to be levied on businesses, the city council may also define categories of businesses based upon the degree of benefit that each will derive from the improvements or activities to be provided within the district and may impose a different assessment or rate of assessment on each category of business, or on each category of business within each zone.

### **36628.5. Assessments on businesses or property owners**

The city council may levy assessments on businesses or on property owners, or a combination of the two, pursuant to this part. The city council shall structure the assessments in whatever manner it determines corresponds with the distribution of benefits from the proposed improvements, maintenance, and activities, provided that any property-based assessment conforms with the requirements set forth in paragraph (2) of subdivision (k) of Section 36622.

### **36629. Provisions and procedures applicable to benefit zones and business categories**

All provisions of this part applicable to the establishment, modification, or disestablishment of a property and business improvement district apply to the establishment, modification, or disestablishment of benefit zones or categories of business. The city council shall, to establish, modify, or disestablish a benefit zone or category of business, follow the procedure to establish, modify, or disestablish a property and business improvement district.

### **36630. Expiration of district; Creation of new district**

If a property and business improvement district expires due to the time limit set pursuant to subdivision (h) of Section 36622, a new management district plan may be created and the district may be renewed pursuant to this part.

## **CHAPTER 3. Assessments**

### **36631. Time and manner of collection of assessments; Delinquent payments**

The collection of the assessments levied pursuant to this part shall be made at the time and in the manner set forth by the city council in the resolution levying the assessment. Assessments levied on real property may be collected at the same time and in the same manner as for the ad valorem property tax, and may provide for the same lien priority and penalties for delinquent payment. All delinquent payments for assessments levied pursuant to this part may be charged interest and penalties.

### **36632. Assessments to be based on estimated benefit; Classification of real property and businesses; Exclusion of residential and agricultural property**

- (a) The assessments levied on real property pursuant to this part shall be levied on the basis of the estimated benefit to the real property within the property and business improvement district. The city council may classify properties for purposes of determining the benefit to property of the improvements and activities provided pursuant to this part.
- (b) Assessments levied on businesses pursuant to this part shall be levied on the basis of the estimated benefit to the businesses within the property and business improvement district. The city council may classify businesses for purposes of determining the benefit to the businesses of the improvements and activities provided pursuant to this part.
- (c) Properties zoned solely for residential use, or that are zoned for agricultural use, are conclusively presumed not to benefit from the improvements and service funded through these assessments, and shall not be subject to any assessment pursuant to this part.

**36633. Time for contesting validity of assessment**

The validity of an assessment levied under this part shall not be contested in an action or proceeding unless the action or proceeding is commenced within 30 days after the resolution levying the assessment is adopted pursuant to Section 36625. An appeal from a final judgment in an action or proceeding shall be perfected within 30 days after the entry of judgment.

**36634. Service contracts authorized to establish levels of city services**

The city council may execute baseline service contracts that would establish levels of city services that would continue after a property and business improvement district has been formed.

**36635. Request to modify management district plan**

The owners' association may, at any time, request that the city council modify the management district plan. Any modification of the management district plan shall be made pursuant to this chapter.

**36636. Modification of plan by resolution after public hearing; Adoption of resolution of intention**

- (a) Upon the written request of the owners' association, the city council may modify the management district plan after conducting one public hearing on the proposed modifications. The city council may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications. If the modification includes the levy of a new or increased assessment, the city council shall comply with Section 36623. Notice of all other public hearings pursuant to this section shall comply with both of the following:
  - (1) The resolution of intention shall be published in a newspaper of general circulation in the city once at least seven days before the public hearing.
  - (2) A complete copy of the resolution of intention shall be mailed by first class mail, at least 10 days before the public hearing, to each business owner or property owner affected by the proposed modification.
- (b) The city council shall adopt a resolution of intention which states the proposed modification prior to the public hearing required by this section. The public hearing shall be held not more than 90 days after the adoption of the resolution of intention.

**36637. Reflection of modification in notices recorded and maps**

Any subsequent modification of the resolution shall be reflected in subsequent notices and maps recorded pursuant to Division 4.5 (commencing with Section 3100), in a manner consistent with the provisions of Section 36627.

**CHAPTER 3.5. Financing**

**36640. Bonds authorized; Procedure; Restriction on reduction or termination of assessments**

(a) The city council may, by resolution, determine and declare that bonds shall be issued to finance the estimated cost of some or all of the proposed improvements described in the resolution of formation adopted pursuant to Section 36625, if the resolution of formation adopted pursuant to that section provides for the issuance of bonds, under the Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500)) or in conjunction with Marks-Roos Local Bond Pooling Act of 1985 (Article 4 (commencing with Section 6584) of Chapter 5 of Division 7 of Title 1 of the Government Code). Either act, as the case may be, shall govern the proceedings relating to the issuance of bonds, although proceedings under the Bond Act of 1915 may be modified by the city council as necessary to accommodate assessments levied upon business pursuant to this part.

(b) The resolution adopted pursuant to subdivision (a) shall generally describe the proposed improvements specified in the resolution of formation adopted pursuant to Section 36625, set forth the estimated cost of those improvements, specify the number of annual installments and the fiscal years during which they are to be collected. The amount of debt service to retire the bonds shall not exceed the amount of revenue estimated to be raised from assessments over 30 years.

(c) Notwithstanding any other provision of this part, assessments levied to pay the principal and interest on any bond issued pursuant to this section shall not be reduced or terminated if doing so would interfere with the timely retirement of the debt.

#### **CHAPTER 4. Governance**

##### **36650. Report by owners' association; Approval or modification by city council**

(a) The owners' association shall cause to be prepared a report for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvements, maintenance, and activities described in the report. The owners' association's first report shall be due after the first year of operation of the district. The report may propose changes, including, but not limited to, the boundaries of the property and business improvement district or any benefit zones within the district, the basis and method of levying the assessments, and any changes in the classification of property, including any categories of business, if a classification is used.

(b) The report shall be filed with the clerk and shall refer to the property and business improvement district by name, specify the fiscal year to which the report applies, and, with respect to that fiscal year, shall contain all of the following information:

(1) Any proposed changes in the boundaries of the property and business improvement district or in any benefit zones or classification of property or businesses within the district.

(2) The improvements, maintenance, and activities to be provided for that fiscal year.

(3) An estimate of the cost of providing the improvements, maintenance, and activities for that fiscal year.

(4) The method and basis of levying the assessment in sufficient detail to allow each real property or business owner, as appropriate, to estimate the amount of the assessment to be levied against his or her property or business for that fiscal year.

(5) The estimated amount of any surplus or deficit revenues to be carried over from a previous fiscal year.

(6) The estimated amount of any contributions to be made from sources other than assessments levied pursuant to this part.

(c) The city council may approve the report as filed by the owners' association or may modify any particular contained in the report and approve it as modified. Any modification shall be made pursuant to Sections 36635 and 36636.

The city council shall not approve a change in the basis and method of levying assessments that would impair an authorized or executed contract to be paid from the revenues derived from the levy of assessments, including any commitment to pay principal and interest on any bonds issued on behalf of the district.

##### **36651. Designation of owners' association to provide improvements, maintenance, and activities**

The management district plan may, but is not required to, state that an owners' association will provide the improvements, maintenance, and activities described in the management district plan. If the management district plan designates an owners' association, the city shall contract with the designated nonprofit corporation to provide services.

#### **CHAPTER 5. Renewal**

**36660. Renewal of district; Transfer or refund of remaining revenues; District term limit**

- (a) Any district previously established whose term has expired, or will expire, may be renewed by following the procedures for establishment as provided in this chapter.
- (b) Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed district. If the renewed district includes additional parcels or businesses not included in the prior district, the remaining revenues shall be spent to benefit only the parcels or businesses in the prior district. If the renewed district does not include parcels or businesses included in the prior district, the remaining revenues attributable to these parcels shall be refunded to the owners of these parcels or businesses.
- (c) Upon renewal, a district shall have a term not to exceed 10 years, or, if the district is authorized to issue bonds, until the maximum maturity of those bonds. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior district.

**CHAPTER 6. Disestablishment**

**36670. Circumstances permitting disestablishment of district; Procedure**

- (a) Any district established or extended pursuant to the provisions of this part, where there is no indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the district, may be disestablished by resolution by the city council in either of the following circumstances:
  - (1) If the city council finds there has been misappropriation of funds, malfeasance, or a violation of law in connection with the management of the district, it shall notice a hearing on disestablishment.
  - (2) During the operation of the district, there shall be a 30-day period each year in which assesseses may request disestablishment of the district. The first such period shall begin one year after the date of establishment of the district and shall continue for 30 days. The next such 30-day period shall begin two years after the date of the establishment of the district. Each successive year of operation of the district shall have such a 30-day period. Upon the written petition of the owners or authorized representatives of real property or the owners or authorized representatives of businesses in the district who pay 50 percent or more of the assessments levied, the city council shall pass a resolution of intention to disestablish the district. The city council shall notice a hearing on disestablishment.
- (b) The city council shall adopt a resolution of intention to disestablish the district prior to the public hearing required by this section. The resolution shall state the reason for the disestablishment, shall state the time and place of the public hearing, and shall contain a proposal to dispose of any assets acquired with the revenues of the assessments levied within the property and business improvement district. The notice of the hearing on disestablishment required by this section shall be given by mail to the property owner of each parcel or to the owner of each business subject to assessment in the district, as appropriate. The city shall conduct the public hearing not less than 30 days after mailing the notice to the property or business owners. The public hearing shall be held not more than 60 days after the adoption of the resolution of intention.

**36671. Refund of remaining revenues upon disestablishment or expiration without renewal of district; Calculation of refund; Use of outstanding revenue collected after disestablishment of district**

- (a) Upon the disestablishment or expiration without renewal of a district, any remaining revenues, after all outstanding debts are paid, derived from the levy of assessments, or derived from the sale of assets acquired with the revenues, or from bond reserve or construction funds, shall be refunded to the owners of the property or businesses then located and operating within the district in which assessments were levied by applying the same method and basis that was used to calculate the assessments levied in the fiscal year in which the district is disestablished or expires. All outstanding assessment revenue collected after disestablishment shall be spent on improvements and activities specified in the management district plan.
- (b) If the disestablishment occurs before an assessment is levied for the fiscal year, the method and basis that was used to calculate the assessments levied in the immediate prior fiscal year shall be used to calculate the amount of any refund.

## APPENDIX 2 – ASSESSED BUSINESSES\*

| Business Name                 | Street # | Street Name       | Street Suffix | Street Suite | City         | State | Zip   |
|-------------------------------|----------|-------------------|---------------|--------------|--------------|-------|-------|
| 2m3ys Llc dba Le Mulet Rouge  | 59       | Main              | St            |              | Sutter Creek | CA    | 95685 |
| Amador Cellars                | 11093    | Shenandoah        | Rd            |              | Plymouth     | CA    | 95669 |
| Amador Foothill Winery        | 12500    | Steiner           | Rd            |              | Plymouth     | CA    | 95669 |
| Andis Wines                   | 11000    | Shenandoah        | Rd            |              | Plymouth     | CA    | 95669 |
| Avio Vineyards                | 14520    | Ridge             | Rd            |              | Sutter Creek | CA    | 95685 |
| Baiocchi Wines & Vineyards    | 82       | Main              | St            |              | Sutter Creek | CA    | 95685 |
| Bella Grace Vineyards         | 73       | Main              | St            |              | Sutter Creek | CA    | 95685 |
| Bellagrace Vineyards          | 30       | Prospect          | Dr            | Ste 3        | Sutter Creek | CA    | 95685 |
| Bellagrace Vineyards          | 22715    | Upton             | Rd            |              | Plymouth     | CA    | 95669 |
| Belledor Vineyards            | 13391    | Shenandoah        | Rd            |              | Plymouth     | CA    | 95669 |
| Bianchini Cellars             | 18590    | Ponderosa Hills   | Rd            |              | Volcano      | CA    | 95689 |
| Binz Wines                    | 14167    | Main              | St            |              | Amador City  | CA    | 95601 |
| Borjon Winery                 | 11270    | Shenandoah        | Rd            |              | Plymouth     | CA    | 95669 |
| Bray Vineyards                | 10590    | Shenandoah        | Rd            |              | Plymouth     | CA    | 95669 |
| Casino Mine Vineyard          | 13608    | Shenandoah        | Rd            |              | Plymouth     | CA    | 95669 |
| CG Di Arie Vineyard & Winery  | 19919    | Shenandoah School | Rd            |              | Plymouth     | CA    | 95669 |
| Charles Spinetta Winery       | 12557    | Steiner           | Rd            |              | Plymouth     | CA    | 95669 |
| Cmv Llc                       | 13608    | Shenandoah        | Rd            |              | Plymouth     | CA    | 95669 |
| Convergence Vineyards         | 14650    | Highway 124       |               |              | Plymouth     | CA    | 95669 |
| Cooper Vineyards              | 21365    | Shenandoah School | Rd            |              | Plymouth     | CA    | 95669 |
| Cooper Vineyards              | 21215    | Shenandoah School | Rd            |              | Plymouth     | CA    | 95669 |
| Damas Vineyards               | 21004    | Ostrom            | Rd            |              | Fiddletown   | CA    | 95629 |
| Davancy Winery                | 21220    | Ostrom            | Rd            |              | Fiddletown   | CA    | 95629 |
| Deaver Vineyards              | 12455    | Steiner           | Rd            |              | Plymouth     | CA    | 95669 |
| Di Stasio Vineyards and Wines | 10788    | Shenandoah        | Rd            |              | Plymouth     | CA    | 95669 |
| Dianda Vin                    | 22105    | Lawrence          | Rd            |              | Fiddletown   | CA    | 95629 |
| Dillian Wines                 | 12138    | Steiner           | Rd            |              | Plymouth     | CA    | 95669 |
| Distant Cellars               | 40       | Bryson            | Dr            |              | Sutter Creek | CA    | 95685 |
| Dobra Zemlja Winery           | 12505    | Steiner           | Rd            |              | Plymouth     | CA    | 95669 |
| Domaine De La Terre Rouge     | 10601    | Valley            | Dr            |              | Plymouth     | CA    | 95669 |
| Domaine De La Terre Rouge     | 10081    | Dickson           | Rd            |              | Plymouth     | CA    | 95669 |
| Drytown Cellars               | 16030    | Highway 49        |               |              | Drytown      | CA    | 95699 |
| End Of Nowhere                | 14204    | Main              | St            | Ste 3        | Amador City  | CA    | 95601 |
| Estey Family Vineyard         | 21271    | Latrobe           | Rd            |              | Plymouth     | CA    | 95669 |
| Fate Wines                    | 9414     | Main              | St            | Unit 2       | Plymouth     | CA    | 95669 |
| Feist Wines                   | 15       | Eureka            | St            |              | Sutter Creek | CA    | 95685 |

|                                    |                          |                      |     |           |              |    |       |
|------------------------------------|--------------------------|----------------------|-----|-----------|--------------|----|-------|
| Feist Wines                        | 15950                    | State Highway<br>49  |     |           | Drytown      | CA | 95699 |
| Helwig Tasting Room                | 11555                    | Shenandoah           | Rd  |           | Plymouth     | CA | 95669 |
| Holgate Hill                       | 18055                    | Climax               | Rd  |           | Jackson      | CA | 95642 |
| James M Gullett dba Vino<br>Noceto | 11011                    | Shenandoah           | Rd  |           | Plymouth     | CA | 95669 |
| Jeff Runquist Wines                | 10776                    | Shenandoah           | Rd  |           | Plymouth     | CA | 95669 |
| Karmere Vineyards & Winery         | 11970                    | Shenandoah           | Rd  |           | Plymouth     | CA | 95669 |
| Kraemer Family Wines               | 51                       | Hanford              | St  |           | Sutter Creek | CA | 95685 |
| La Mesa Vineyards                  | 13200                    | Shenandoah           | Rd  |           | Plymouth     | CA | 95669 |
| Linsteadt Family Winery            | 23200                    | Upton                | Rd  |           | Plymouth     | CA | 95669 |
| Lusso Della Terra Cellars          | 21390                    | Ostrom               | Rd  |           | Fiddletown   | CA | 95629 |
| Matthew Gibson Winery Llc          | 6110                     | Martin               | Ln  |           | Ione         | CA | 95640 |
| Meikle Family Vineyards            | 19001                    | Ponderosa            | Way |           | Volcano      | CA | 95689 |
| Miller Wine Works Llc              | 33                       | Main                 | St  |           | Sutter Creek | CA | 95685 |
| Morse Wines                        | 22355                    | Lawrence             | Rd  |           | Fiddletown   | CA | 95629 |
| Overlook Winery Llc                | 5530                     | Overlook             | Ct  | Bldg<br>2 | Plymouth     | CA | 95669 |
| Paul J Wines                       | 10775                    | Shenandoah           | Rd  |           | Plymouth     | CA | 95669 |
| Pleinair                           | 21090                    | Ostrom               | Rd  |           | Fiddletown   | CA | 95629 |
| Rancho Victoria Vineyard           | 22355                    | Lawrence             | Rd  |           | Fiddletown   | CA | 95629 |
| Rancho Victoria Vineyard           | 16868                    | Greilich             | Rd  |           | Plymouth     | CA | 95669 |
| Ravens Reach                       | no<br>address<br>on file |                      |     |           |              |    |       |
| Rombauer Vineyards                 | 12225                    | Steiner              | Rd  |           | Plymouth     | CA | 95669 |
| Rubidoux Ridge                     | 15000                    | Tyler                | Rd  |           | Fiddletown   | CA | 95629 |
| Schmitz Wines                      | 17585                    | Ca-49                |     |           | Plymouth     | CA | 95669 |
| Scott Harvey Wines                 | 79                       | Main                 | St  |           | Sutter Creek | CA | 95685 |
| Sera Fina Cellars                  | 17000                    | Latrobe              | Rd  |           | Plymouth     | CA | 95669 |
| Shenandoah Vineyards               | 12300                    | Steiner              | Rd  |           | Plymouth     | CA | 95669 |
| Six Blocks Winery                  | 14920                    | Muller               | Rd  |           | Plymouth     | CA | 95669 |
| SLO 2 20 Winery & Vineyard         | 19955                    | Shenandoah<br>School | Rd  |           | Plymouth     | CA | 95669 |
| Sobon Estate                       | 14430                    | Shenandoah           | Rd  |           | Plymouth     | CA | 95669 |
| Story Winery                       | 10525                    | Bell                 | Rd  |           | Plymouth     | CA | 95669 |
| Stride Wines                       | 22715                    | Upton                | Rd  |           | Plymouth     | CA | 95669 |
| Tabeaux Cellars                    | 10201                    | Tabeaud              | Rd  |           | Jackson      | CA | 95642 |
| Tanis Vineyards                    | 13120                    | Willow Creek         | Rd  |           | Ione         | CA | 95640 |
| Terra D Oro                        | 20680                    | Shenandoah<br>School | Rd  |           | Plymouth     | CA | 95669 |
| TKC Vineyards                      | 11001                    | Valley               | Dr  |           | Plymouth     | CA | 95669 |
| Turley Wine Cellars                | 10851                    | Shenandoah           | Rd  |           | Plymouth     | CA | 95669 |
| Villa Toscano/Bella Piazza         | 10600                    | Shenandoah           | Rd  |           | Plymouth     | CA | 95669 |
| Villa Toscano/Bella Piazza         | 19900                    | Shenandoah<br>School | Rd  |           | Plymouth     | CA | 95669 |

|                      |       |                      |    |  |              |    |       |
|----------------------|-------|----------------------|----|--|--------------|----|-------|
| Vines                | 9383  | Main                 | St |  | Plymouth     | CA | 95669 |
| Wilderotter Vineyard | 19890 | Shenandoah<br>School | Rd |  | Plymouth     | CA | 95669 |
| Wine Tree Farm       | 14467 | Highway 49           |    |  | Amador City  | CA | 95601 |
| Yorba Wines          | 14885 | Shake Ridge          | Rd |  | Sutter Creek | CA | 95685 |
| Youngs Vineyard      | 10120 | Shenandoah           | Rd |  | Plymouth     | CA | 95669 |

\* The list was developed with the most reliable information provided; however, the list may contain discrepancies. This list shall include any future to-be opened businesses. Any business that may have been missed in this list, but is still within the boundaries of the ACWHD, shall also be subject to assessment.



**BEFORE THE BOARD OF SUPERVISORS OF THE  
COUNTY OF AMADOR, STATE OF CALIFORNIA**

IN THE MATTER OF:

RESOLUTION REQUESTING CONSENT OF THE )  
CITIES OF PLYMOUTH, AMADOR CITY, AND ) RESOLUTION NO. 24-029  
SUTTER CREEK TO FORM THE AMADOR COUNTY )  
WINE HERITAGE DISTRICT )

WHEREAS, the Board of Supervisors of the County of Amador (the Board) desires to begin proceedings to form the Amador County Wine Heritage District (ACWHD);

WHEREAS, certain business owners have requested that the Board form the ACWHD;  
and

WHEREAS, a portion of the territory proposed to be included in the ACWHD lies within the boundaries of the cities of Plymouth, Amador City, and Sutter Creek (the Granting Cities), as shown on the map attached hereto as Exhibit A and incorporated herein by such attachment; and

WHEREAS, the area of the Granting Cities which lies within the boundaries of the proposed ACWHD will, in the opinion of the Board, be benefited by the improvements and activities, and the purpose sought to be accomplished by the work can best be accomplished by a single comprehensive scheme of work.


NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE CITY OF AMADOR that:

Section 1: The above recitals are true and correct.

Section 2: Consent of the cities of Plymouth, Amador City, and Sutter Creek, through their City Councils, is hereby requested to form the ACWHD, and to grant to the Board of Supervisors of the County of Amador jurisdiction for all the purposes in connection with the creation, operation, and future renewals of the proposed ACWHD.

Section 3: The County Clerk is hereby directed to transmit a certified copy of this Resolution to the clerks of the Granting Cities.

The foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 12<sup>th</sup> day of March 2024, by the following vote:

AYES: Brian Oneto, Patrick Crew, Frank Axe, Jeff Brown  
NOES: None  
ABSENT: Richard Forster  
  
\_\_\_\_\_  
Brian Oneto, Chairman, Board of Supervisors

ATTEST:


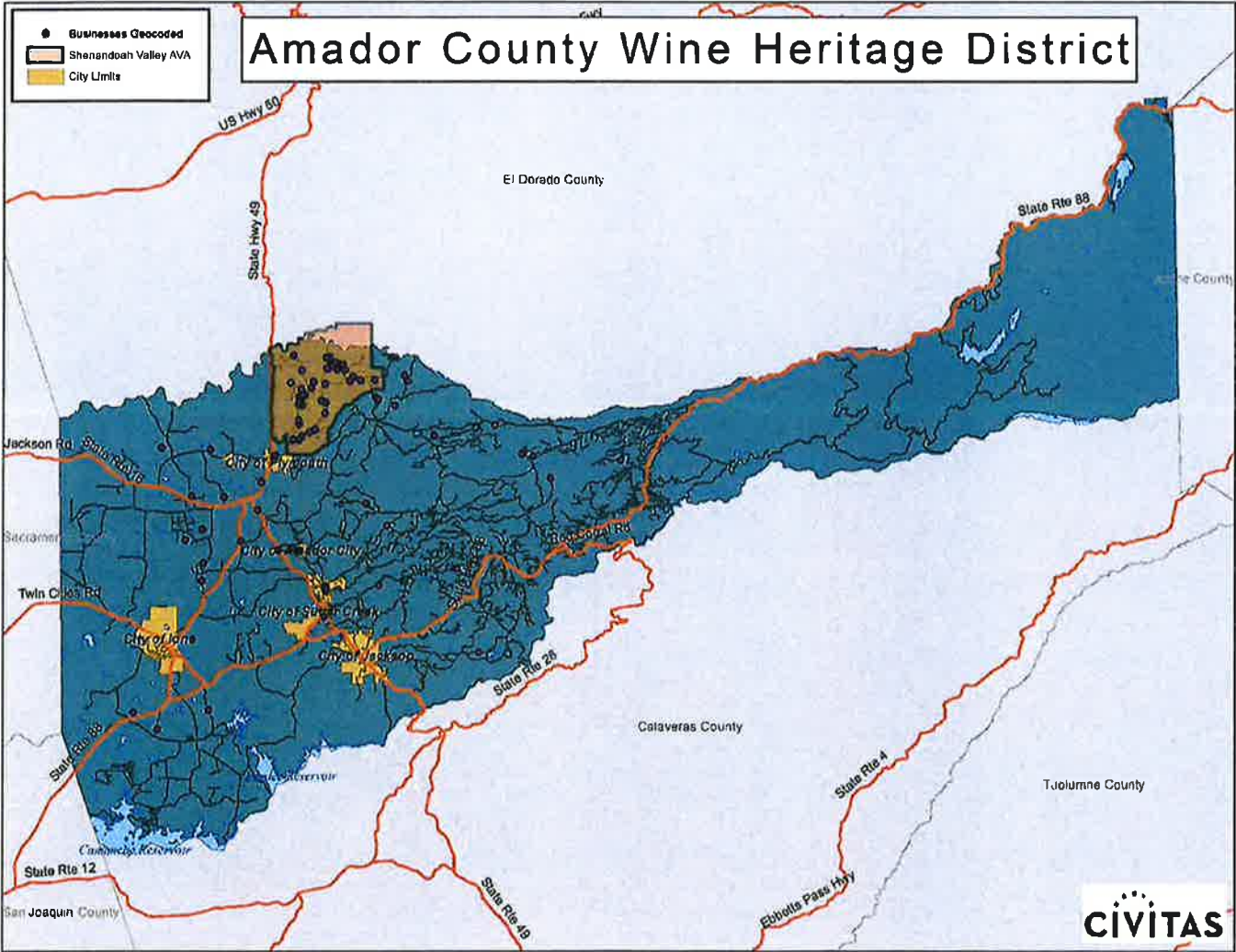
  
\_\_\_\_\_  
JENNIFER BURNS  
Deputy  
Clerk of the Board of Supervisors Amador County, California

Exhibit A  
Boundary Map



**BEFORE THE BOARD OF SUPERVISORS OF THE  
COUNTY OF AMADOR, STATE OF CALIFORNIA**

IN THE MATTER OF:

|   |   |                       |
|---|---|-----------------------|
| RESOLUTION DECLARING ITS INTENTION      | ) | RESOLUTION NO. 24-030 |
| TO ESTABLISH THE AMADOR COUNTY WINE     | ) |                       |
| HERITAGE DISTRICT (ACWHD) AND FIXING    | ) |                       |
| THE TIME AND PLACE OF A PUBLIC MEETING  | ) |                       |
| AND A PUBLIC HEARING THEREON AND GIVING | ) |                       |
| NOTICE THEREOF                          | ) |                       |

**WHEREAS**, the Property and Business Improvement Law of 1994, Streets and Highways Code § 36600 et seq., authorizes the County of Amador (County) to establish business improvement districts for the purposes of promoting tourism; and

**WHEREAS**, Amador Vintners Association (AVA), Amador County winery owners, and representatives from the County have met to consider the formation of the ACWHD; and

**WHEREAS**, AVA has drafted a Management District Plan (Plan) which sets forth the proposed boundary of the ACWHD, a service plan and budget, and a proposed means of governance; and

**WHEREAS**, the proposed ACWHD includes wineries in the cities of Plymouth, Amador and Sutter Creek and

**WHEREAS**, consent to include wineries in their respective jurisdictions will be requested from the cities of Plymouth, Amador and Sutter Creek; and

**WHEREAS**, wineries who will pay fifty percent (50%) or more of the assessment under the ACWHD have petitioned the Board of Supervisors of the County of Amador (Board of Supervisors) to establish the ACWHD.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS THAT:**

1. The recitals set forth herein are true and correct.
2. The Board of Supervisors finds that wineries that will pay more than fifty percent (50%) of the assessment proposed in the Plan have signed and submitted petitions in support of the formation of the ACWHD. The Board of Supervisors accepts the petitions and adopts this Resolution of Intention to form the ACWHD and to levy an assessment on all wineries, existing in the future, within the ACWHD boundaries in accordance with the Property and Business Improvement District Law of 1994.
3. The Board of Supervisors finds that the Plan satisfies all requirements of Streets and Highways Code § 36622.

4. The Board of Supervisors declares its intention to establish the ACWHD and to levy and collect assessments on all wineries within the ACWHD boundaries pursuant to the Property and Business Improvement District Law of 1994.
5. The ACWHD shall include all wineries, existing and in the future, within the boundaries of the County of Amador, including the cities of Plymouth, Amador City and Sutter Creek, as shown in the map attached as Exhibit A.
6. The name of the district shall be Amador County Wine Heritage District (ACWHD).
7. The annual assessment rate is one percent (1%) of gross direct to consumer sales revenue on winery sales. Based on the benefit received, assessments will not be collected on purchases made outside of the County of Amador. Revenue generated from the ACWHD is intended only to provide programs and services for assessed businesses, all of which are located in the County of Amador. Sales made outside of the ACWHD boundaries are not subject to assessment due to a lack of benefit. Assessment dollars will not be spent on any programs or activities to benefit individual winery businesses outside of the County of Amador.

During the five (5) year term, the assessment rate may be increased annually by the ACWHD Owners' Association upon approval from the Board of Supervisors by a maximum of one-half of one percent (0.5%) of gross direct to consumer sales revenue per year. The total assessment rate may not exceed two percent (2%). The assessment rate may also be decreased but shall not drop below the initial assessment rate of one percent (1%). Any proposed assessment rate increase or decrease approved by the Owners' Association shall be included in the annual report and shall not be effective until approved by the Board of Supervisors.

8. The assessments levied for the ACWHD shall be applied toward marketing and brand awareness, and quality and education programs to promote assessed wineries in ACWHD to increase winery sales revenue, as described in the Plan. Funds remaining at the end of any year may be used in subsequent years in which ACWHD assessments are levied as long as they are used consistent with the requirements of this resolution, the Ordinance, and the Plan.
9. The proposed ACWHD will have a five (5) year term, beginning June 1, 2024, or as soon as possible thereafter, and ending five (5) years from its start date, unless renewed pursuant to Streets and Highways Code § 36660.
10. Bonds shall not be issued.
11. The time and place for the public meeting to hear testimony on establishing the ACWHID and levying assessments are set for April 9, 2024, at 9:00 AM, or as soon thereafter as the matter may be heard, at the Board Chambers located at 810 Court Street, First Floor, East Wing, Jackson, CA 95642. Following the public meeting, the Board of Supervisors shall move to introduce the Ordinance to form the ACWHID and continue the levy of assessments.

12. The time and place for the public hearing establish the ACWHID and the levy of assessments are set for May 14, 2024, at 9:00 AM, or as soon thereafter as the matter may be heard, at the Board Chambers located at 810 Court Street, First Floor, East Wing, Jackson, CA 95642. The Clerk of Board of Supervisors is directed to provide written notice to the wineries subject to assessment of the date and time of the meeting and hearing, and to provide that notice as required by Streets and Highways Code § 36623, no later than March 30, 2024.
13. At the public meeting and hearing, the testimony of all interested persons for or against the establishment of the ACWHID may be received. If at the conclusion of the public hearing, there are of record written protests by the owners of the wineries within the proposed ACWHID that will pay more than fifty percent (50%) of the estimated total assessment of the entire ACWHID, no further proceedings to establish the ACWHID shall occur for a period of one (1) year.
14. Following a successful public hearing, at the same Board of Supervisors meeting on May 14, 2024, held at Board Chambers located at 810 Court Street, First Floor, East Wing, Jackson, CA 95642, the Board of Supervisors may conduct a hearing to adopt the Ordinance to form the ACWHID and to continue the levy of assessments. At the conclusion of the hearing, the Board of Supervisors may adopt the Ordinance, forming the ACWHID and levying the assessments.
15. The complete Plan is on file with the Clerk of the Board of Supervisors and may be reviewed upon request.
16. This resolution shall take effect immediately upon its adoption by the Board of Supervisors.

**I HEREBY CERTIFY** that the foregoing Resolution of Intention was introduced and adopted at a regular meeting of the Board of Supervisors on the 12 day of March 2024 by the following vote:

The foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 12<sup>th</sup> day of March 2024, by the following vote:


AYES: Brian Oneto, Patrick Crew, Frank Axe, Jeff Brown

NOES: None

ABSENT: Richard Forster

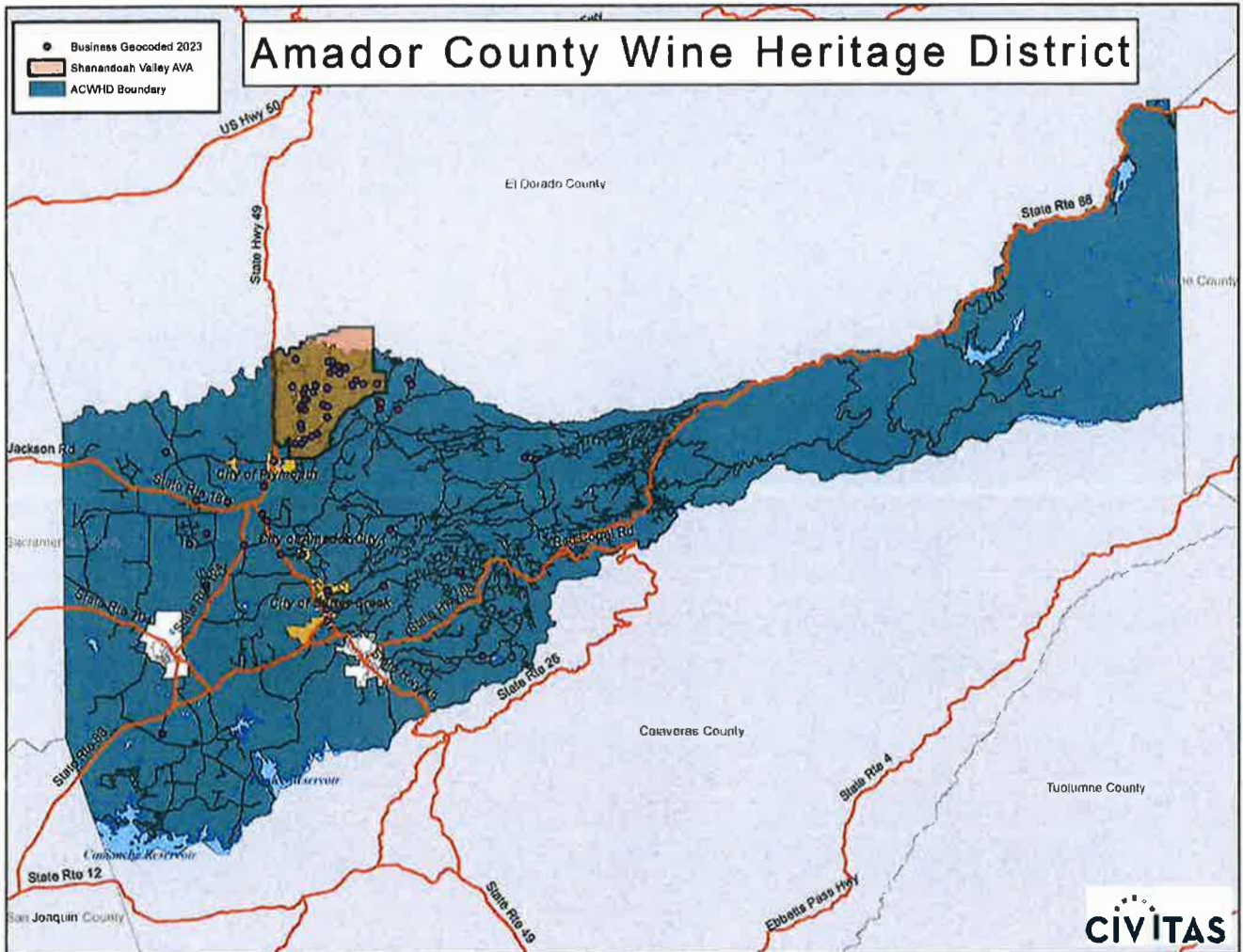
  
\_\_\_\_\_  
Brian Oneto, Chairman, Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
JENNIFER BURNS Deputy  
Clerk of the Board of Supervisors Amador County, California



**EXHIBIT A**  
**District Boundaries**





## Amador County Wine Heritage District Formation Timeline

March 2024

| Action  | Date  | Responsible Party                        |
|---|---|--|
| Business outreach and consensus building  | December 2022; ongoing                          | AVA, MMS, Steering Committee             |
| <b>Develop initial draft Management District Plan (MDP)</b>   | Mid-December 2022                               | Civitas                                  |
| Submit draft MDP to Steering Committee; ongoing review  | January 2023                                    | Civitas, Steering Committee              |
| Submit draft MDP and Petition to County; ongoing review   | February 2023                                   | Civitas, County                          |
| Ongoing outreach to wineries and County; collection conversation delays   | February – late April 2023                      | AVA, MMS, Steering Committee             |
| Final MDP and Petition approved by County; County approval to move forward with petition drive  | Late April 2023                                 | County                                   |
| <b>**Petition Drive**</b>   | May 2023 – January 2024                         | AVA, MMS, Steering Committee             |
| Calculate signed petitions' weight  | January 2024                                    | Civitas                                  |
| Submit to County: <ul style="list-style-type: none"> <li>• Petitions totaling over 50% of assessment</li> <li>• Schedule BOS and Consent hearings</li> <li>• Draft ROI, Notice, and ROF</li> </ul> <i>Typically need to be submitted two weeks ahead of ROI</i>   | Mid-January 2024                                | AVA, MMS, Civitas                        |
| <b>Board of Supervisors</b> <ul style="list-style-type: none"> <li>• Resolution of Intention (ROI) <i>(can be on consent agenda)</i></li> <li>• Resolutions Requesting Consent <i>(can be on consent agenda)</i></li> </ul>   | March 12, 2024                                  | Civitas, County                          |
| Mail <ul style="list-style-type: none"> <li>• Notice of Public Meeting/Hearing <i>Should be mailed 1 day after ROI is adopted. Must be mailed 45 days before public hearing. Clerk certification of mailing is required.</i></li> </ul>   | March 13, 2024 or no later than March 30, 2024  | County                                   |
| <b>City Council – Consent Hearings</b><br>Resolutions Granting Consent to Amador County <i>(can be on consent agenda)</i> <ul style="list-style-type: none"> <li>• Plymouth – <i>(meets 2<sup>nd</sup> &amp; 4<sup>th</sup> Thursdays)</i></li> <li>• Amador City – <i>(meets 3<sup>rd</sup> Thursday)</i></li> <li>• Sutter Creek – <i>(meets 1<sup>st</sup> &amp; 3<sup>rd</sup> Monday)</i></li> </ul> | Can be completed any time before Public Hearing | Cities of Plymouth, Amador, Sutter Creek |
| <b>Board of Supervisors – Public Meeting</b> <ul style="list-style-type: none"> <li>• Public Meeting – No action required - <i>Must be held at least 10 days after Notice of Public Meeting/Hearing is mailed and at least 7 days before Public Hearing is held.</i></li> <li>• Introduce the Ordinance of Formation</li> </ul>   | April 9, 2024                                   | County                                   |
| <b>Board of Supervisors – Public Hearing</b> <ul style="list-style-type: none"> <li>• Public Hearing &amp; Adopt Resolution of Formation - <i>Must be held at least 45 days after Notice is mailed.</i></li> <li>• Adopt Ordinance of Formation</li> </ul>  | May 14, 2024                                    | Civitas, County                          |
| District begins collecting assessment   | June 1, 2024                                    | Businesses                               |

Amador County Board of Supervisors generally meets on the 2<sup>nd</sup> & 4<sup>th</sup> Tuesday of the month





# 7.2





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**SUBJECT:** Mid-Year Budget Review

**DEPARTMENT:** City Manager's Office

**STAFF:** Mary Morris-Mayorga, Finance Director  
Margaret S. Roberts, City Manager

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## **TITLE**

**REVIEW AND DISCUSS MID-YEAR BUDGET AND APPROVE MID-YEAR BUDGET ADJUSTMENTS AND OTHER POSSIBLE DIRECTION.**

## **BACKGROUND**

In February of each year, the mid-year budget is reviewed with requested adjustments for revenues and expenditures that are projected to be higher or lower than the original budget. With further implementation of the Black Mountain Software (BMS), we are approaching the point where reporting from the system will be significantly improved by programming appropriate formats into the system. For this mid-year budget review, we have a report by fund for revenues and expenditures with current year-to-date and projected through June 30, 2024. While projections are not an exact science, they represent a gauge to analyze trends during the year. Most expenditure adjustments are not substantial while several revenues are coming in higher than expected (i.e. property taxes, TOT, water revenues) which will be reviewed at the meeting.

We have included budget adjustments for those accounts which we are more confident will be either above or below the adopted budget. While we continue to review and establish account coding improvements as well as programming allocations into the BMS system, some do not have adjustments included until we complete that process. The timing of that should coincide with budget planning to facilitate that in the coming months.



## **CITY COUNCIL AGENDA ITEM NO. 7.2**

**03/28/2024**

### **FISCAL IMPACT**

The requested budget adjustments will better estimate anticipated year-end revenues and expenditures with an overall net increase to General Fund operating reserves as well as Impact Fee funds.

### **RECOMMENDATION**

Make a motion to approve the Mid-Year Budget adjustments.

### **ATTACHMENT(S)**

1. Mid-Year financial reports

Fiscal Year 2023-2024

| Fund          | Description  | Account Description | Description                 | FY 2023-24<br>Budget | Year-To-Date<br>12/31/2023 | Year-To-Date<br>% | Projected<br>Through<br>6/30/2024 | Budget Adjustments | Revised<br>Budget<br>Request |
|---------------|--------------|---------------------|-----------------------------|----------------------|----------------------------|-------------------|-----------------------------------|--------------------|------------------------------|
| <b>Fund 1</b> |              |                     |                             |                      |                            |                   |                                   |                    |                              |
| 1             | General Fund | 400001              | Current Secured Tax         | \$ 297,155           | \$ 179,682                 | 60.47%            | 359,364                           | 62,000             | 359,155                      |
| 1             | General Fund | 400002              | Current Unsecured Tax       | 20,600               | -                          | 0.00%             | 20,600                            |                    | 20,600                       |
| 1             | General Fund | 400012              | Motor Vehicle In Lieu Tax   | 162,740              | -                          | 0.00%             | 162,740                           |                    | 162,740                      |
| 1             | General Fund | 400013              | Homeowners Prop. Tax Relief | 2,575                | 483                        | 18.76%            | 2,575                             |                    | 2,575                        |
| 1             | General Fund | 400040              | COVID - Relief Grant        | 100,000              | -                          | 0.00%             | 100,000                           |                    | 100,000                      |
| 1             | General Fund | 410001              | Sales & Use Tax             | 211,023              | 101,299                    | 48.00%            | 211,023                           |                    | 211,023                      |
| 1             | General Fund | 420001              | Transient Occupancy Tax     | 309,000              | 101,812                    | 32.95%            | 332,352                           | 23,000             | 332,000                      |
| 1             | General Fund | 430001              | Business License Tax        | 2,575                | 773                        | 30.02%            | 2,575                             |                    | 2,575                        |
| 1             | General Fund | 430003              | Real Property Transfer Tax  | 10,300               | 1,476                      | 14.33%            | 5,300                             | (5,000)            | 5,300                        |
| 1             | General Fund | 440001              | Electric Franchise Fee      | 17,000               | 6,538                      | 38.46%            | 17,000                            |                    | 17,000                       |
| 1             | General Fund | 440002              | Cable Franchise Fees        | 12,949               | 2,723                      | 21.03%            | 12,949                            |                    | 12,949                       |
| 1             | General Fund | 440003              | Solid Waste Franchise Fee   | 33,580               | 10,132                     | 30.17%            | 33,580                            |                    | 33,580                       |
| 1             | General Fund | 440004              | Propane Franchise Fee       | 3,257                | -                          | 0.00%             | 3,257                             |                    | 3,257                        |
| 1             | General Fund | 460101              | Building Permit             | 25,000               | 2,126                      | 8.50%             | 25,000                            |                    | 25,000                       |
| 1             | General Fund | 460102              | Plan Check Fees             | 10,000               | -                          | 0.00%             | 10,000                            |                    | 10,000                       |
| 1             | General Fund | 460201              | Planning Application Fees   | 500                  | -                          | 0.00%             | 500                               |                    | 500                          |
| 1             | General Fund | 460301              | Encroachment Fee            | 550                  | -                          | 0.00%             | 500                               |                    | 550                          |
| 1             | General Fund | 461000              | Code Enforcement Fees       | -                    | 100                        |                   | 200                               | 200                | 200                          |
| 1             | General Fund | 462001              | Pop-Up Plaza Rental         | 1,020                | 380                        | 37.25%            | 1,020                             |                    | 1,020                        |
| 1             | General Fund | 480101              | Town Hall Rental            | 765                  | 245                        | 32.03%            | 765                               |                    | 765                          |
| 1             | General Fund | 480102              | Lodge Hill Rental           | 255                  | -                          | 0.00%             | 255                               |                    | 255                          |
| 1             | General Fund | 490001              | Sale Of Photo Copies-Etc.   | -                    | 5                          |                   | 10                                | 10                 | 10                           |
| 1             | General Fund | 490003              | Miscellaneous               | 35,306               | 115                        | 0.33%             | 35,306                            |                    | 35,306                       |
| 1             | General Fund | 491001              | Interest Income             | 2,000                | -                          | 0.00%             | 2,000                             |                    | 2,000                        |
| 1             | General Fund | 492001              | Donations                   | -                    | 1,080                      |                   | 2,160                             | 1,080              | 1,080                        |
| 1             | General Fund | 495001              | General Fines               | -                    | 100                        |                   | 199                               | 100                | 100                          |
|               |              |                     |                             | <b>1,258,150</b>     | <b>409,068</b>             |                   | <b>1,341,230</b>                  | <b>81,390</b>      | <b>1,339,540</b>             |
| 1             | General Fund | 511000              | General Administration      | 35,000               | -                          | 0.00%             | 35,000                            |                    | 35,000                       |
| 1             | General Fund | 511000              | General Administration      | 190,559              | 57,110                     | 29.97%            | 114,220                           |                    | 190,559                      |
| 1             | General Fund | 511000              | General Administration      | 15,566               | 4,395                      | 28.24%            | 8,790                             |                    | 15,566                       |
| 1             | General Fund | 511000              | General Administration      | 23,711               | 2,872                      | 12.11%            | 5,744                             |                    | 23,711                       |
| 1             | General Fund | 511000              | General Administration      | 600                  | -                          | 0.00%             | 600                               |                    | 600                          |
| 1             | General Fund | 511000              | General Administration      | 3,200                | 239                        | 7.47%             | 3,200                             |                    | 3,200                        |
| 1             | General Fund | 511000              | General Administration      | 2,800                | 650                        | 23.21%            | 2,800                             |                    | 2,800                        |
| 1             | General Fund | 511000              | General Administration      | 5,000                | 3,934                      | 78.68%            | 7,868                             | 2,900              | 7,900                        |
| 1             | General Fund | 511000              | General Administration      | -                    | 67                         |                   | 134                               |                    | -                            |
| 1             | General Fund | 511000              | General Administration      | 1,700                | 623                        | 36.64%            | 1,700                             |                    | 1,700                        |
| 1             | General Fund | 511000              | General Administration      | -                    | 23                         |                   | 46                                |                    | -                            |
| 1             | General Fund | 511000              | General Administration      | 4,000                | 1,107                      | 27.67%            | 4,000                             |                    | 4,000                        |
| 1             | General Fund | 511000              | General Administration      | 2,500                | 1,560                      | 62.40%            | 3,120                             | 650                | 3,150                        |

Fiscal Year 2023-2024

| Fund | Description  | Account Description | Description            | FY 2023-24<br>Budget                  | Year-To-Date<br>12/31/2023 | Year-To-Date<br>% | Projected<br>Through<br>6/30/2024 | Budget Adjustments | Revised<br>Budget<br>Request |        |
|------|--------------|---------------------|------------------------|---------------------------------------|----------------------------|-------------------|-----------------------------------|--------------------|------------------------------|--------|
| 1    | General Fund | 511000              | General Administration | Communications                        | 1,000                      | 1,955             | 195.53%                           | 3,911              | 3,000                        | 4,000  |
| 1    | General Fund | 511000              | General Administration | Building & Grounds Maintenance        | 750                        | 1,329             | 177.18%                           | 2,658              | 2,000                        | 2,750  |
| 1    | General Fund | 511000              | General Administration | Maintenance Supplies                  | -                          | 140               |                                   | 280                | 300                          | 300    |
| 1    | General Fund | 511000              | General Administration | Equipment Maint & Repair              | -                          | 58                |                                   | 115                | 120                          | 120    |
| 1    | General Fund | 511000              | General Administration | Contract Services                     | 36,000                     | 7,426             | 20.63%                            | 36,000             |                              | 36,000 |
| 1    | General Fund | 511000              | General Administration | City Attorney                         | 70,000                     | 32,042            | 45.77%                            | 76,890             |                              | 70,000 |
| 1    | General Fund | 511000              | General Administration | Miscellaneous Expense                 | -                          | 539               |                                   | 539                |                              | -      |
| 1    | General Fund | 511000              | General Administration | HR Expense Allocation                 | 23,711                     | 11,285            | 47.59%                            | 23,711             |                              | 23,711 |
| 1    | General Fund | 511000              | General Administration | CS Expense                            | 2,800                      | 1,371             | 48.95%                            | 2,800              |                              | 2,800  |
| 1    | General Fund | 511000              | General Administration | FM Expense                            | 5,000                      | -                 | 0.00%                             | 5,000              |                              | 5,000  |
| 1    | General Fund | 511000              | General Administration | IT Expense                            | 31,000                     | 29,479            | 95.09%                            | 35,000             |                              | 31,000 |
| 1    | General Fund | 511000              | General Administration | RM Expense                            | 2,500                      | 2,520             | 100.81%                           | 5,041              | 2,600                        | 5,100  |
| 1    | General Fund | 512000              | City Council           | Salaries & Wages                      | 4,950                      | 3,620             | 73.13%                            | 7,240              | 2,300                        | 7,250  |
| 1    | General Fund | 512000              | City Council           | FICA                                  | 607                        | 512               | 84.35%                            | 1,024              | 420                          | 1,027  |
| 1    | General Fund | 512000              | City Council           | Conference Expense                    | 10,000                     | 725               | 7.25%                             | 1,450              |                              | 10,000 |
| 1    | General Fund | 512000              | City Council           | Office Expense                        | 1,600                      | 125               | 7.81%                             | 250                |                              | 1,600  |
| 1    | General Fund | 512000              | City Council           | Advertising                           | -                          | 537               |                                   | 1,075              |                              | -      |
| 1    | General Fund | 512000              | City Council           | Dues & Memberships                    | 9,000                      | 6,838             | 75.98%                            | 9,000              |                              | 9,000  |
| 1    | General Fund | 512000              | City Council           | Communications                        | 450                        | -                 | 0.00%                             | -                  |                              | 450    |
| 1    | General Fund | 512000              | City Council           | HR Expense Allocation                 | 2,025                      | -                 | 0.00%                             | -                  |                              | 2,025  |
| 1    | General Fund | 513000              | City Clerk             | Salaries & Wages                      | 2,275                      | 1,481             | 65.10%                            | 2,962              |                              | 2,275  |
| 1    | General Fund | 513000              | City Clerk             | Uniforms                              | -                          | 255               |                                   | 510                |                              | -      |
| 1    | General Fund | 513000              | City Clerk             | Training & Education                  | 500                        | -                 | 0.00%                             | -                  |                              | 500    |
| 1    | General Fund | 513000              | City Clerk             | Travel                                | 1,500                      | -                 | 0.00%                             | -                  |                              | 1,500  |
| 1    | General Fund | 513000              | City Clerk             | Conference Expense                    | 3,000                      | -                 | 0.00%                             | -                  |                              | 3,000  |
| 1    | General Fund | 513000              | City Clerk             | Dues & Memberships                    | 400                        | 560               | 140.00%                           | 560                |                              | 400    |
| 1    | General Fund | 513000              | City Clerk             | Municipal Code                        | 2,500                      | 150               | 6.00%                             | 150                |                              | 2,500  |
| 1    | General Fund | 514000              | Finance                | Salaries & Wages                      | 44,009                     | 53,094            | 120.64%                           | 106,188            |                              | 44,009 |
| 1    | General Fund | 514000              | Finance                | FICA                                  | 3,590                      | 4,064             | 113.20%                           | 8,128              |                              | 3,590  |
| 1    | General Fund | 514000              | Finance                | Employee Health Ins.                  | 604                        | -                 | 0.00%                             | -                  |                              | 604    |
| 1    | General Fund | 514000              | Finance                | Stipends                              | 600                        | -                 | 0.00%                             | -                  |                              | 600    |
| 1    | General Fund | 514000              | Finance                | Contract Services                     | 40,000                     | 12,529            | 31.32%                            | 25,058             |                              | 40,000 |
| 1    | General Fund | 518000              | City Engineer          | Engineering                           | 22,000                     | 10,074            | 45.79%                            | 20,147             |                              | 22,000 |
| 1    | General Fund | 518000              | City Engineer          | Engineer-Reimbursable Costs           | 5,735                      | 2,487             | 43.37%                            | 4,974              |                              | 5,735  |
| 1    | General Fund | 519000              | Non- Departmental      | Workers Comp. Ins.                    | 24,445                     | -                 | 0.00%                             | -                  |                              | 24,445 |
| 1    | General Fund | 519000              | Non- Departmental      | Medical Expense                       | 2,234                      | -                 | 0.00%                             | -                  |                              | 2,234  |
| 1    | General Fund | 519000              | Non- Departmental      | Computer Hardware                     | 3,395                      | -                 | 0.00%                             | -                  |                              | 3,395  |
| 1    | General Fund | 519000              | Non- Departmental      | Computer Software                     | 6,790                      | -                 | 0.00%                             | -                  |                              | 6,790  |
| 1    | General Fund | 519000              | Non- Departmental      | Maintenance Contracts                 | 27,161                     | -                 | 0.00%                             | -                  |                              | 27,161 |
| 1    | General Fund | 519000              | Non- Departmental      | Contract Services                     | 6,790                      | 600               | 8.84%                             | 1,200              |                              | 6,790  |
| 1    | General Fund | 519000              | Non- Departmental      | Website Maintenance Contract Services | 16,975                     | -                 | 0.00%                             | -                  |                              | 16,975 |
| 1    | General Fund | 519000              | Non- Departmental      | Miscellaneous Expense                 | -                          | 19,396            |                                   | 38,792             |                              | -      |

Fiscal Year 2023-2024

| Fund | Description  | Account Description                 | Description                    | FY 2023-24<br>Budget | Year-To-Date<br>12/31/2023 | Year-To-Date<br>% | Projected<br>Through<br>6/30/2024 | Budget Adjustments | Revised<br>Budget<br>Request |
|------|--------------|-------------------------------------|--------------------------------|----------------------|----------------------------|-------------------|-----------------------------------|--------------------|------------------------------|
| 1    | General Fund | 519000 Non- Departmental            | FM Expense                     | 6,620                | -                          | 0.00%             | -                                 |                    | 6,620                        |
| 1    | General Fund | 519000 Non- Departmental            | IT Expense                     | 7,544                | -                          | 0.00%             | -                                 |                    | 7,544                        |
| 1    | General Fund | 521000 Fire                         | Repairs & Maintenance          | 1,050                | -                          | 0.00%             | -                                 |                    | 1,050                        |
| 1    | General Fund | 521000 Fire                         | Fire Protection Agreement      | 32,451               | 17,827                     | 54.94%            | 35,654                            |                    | 32,451                       |
| 1    | General Fund | 531000 Public Works/Public Services | Salaries & Wages               | 71,480               | 74,538                     | 104.28%           | 149,076                           |                    | 71,480                       |
| 1    | General Fund | 531000 Public Works/Public Services | FICA                           | 5,732                | 5,704                      | 99.51%            | 11,408                            |                    | 5,732                        |
| 1    | General Fund | 531000 Public Works/Public Services | Employee Health Ins.           | 2,346                | -                          | 0.00%             | -                                 |                    | 2,346                        |
| 1    | General Fund | 531000 Public Works/Public Services | Stipends                       | 1,200                | 150                        | 12.50%            | 300                               |                    | 1,200                        |
| 1    | General Fund | 531000 Public Works/Public Services | Uniforms                       | 1,300                | 140                        | 10.77%            | 280                               |                    | 1,300                        |
| 1    | General Fund | 531000 Public Works/Public Services | Training & Education           | 800                  | -                          | 0.00%             | -                                 |                    | 800                          |
| 1    | General Fund | 531000 Public Works/Public Services | Operating Supplies             | 700                  | 75                         | 10.77%            | 151                               |                    | 700                          |
| 1    | General Fund | 531000 Public Works/Public Services | Office Expense                 | -                    | 388                        |                   | 776                               | 800                | 800                          |
| 1    | General Fund | 531000 Public Works/Public Services | Gasoline-Fuel                  | 3,500                | 4,443                      | 126.95%           | 8,887                             | 5,500              | 9,000                        |
| 1    | General Fund | 531000 Public Works/Public Services | Rents, Leases Of Equip & Prop. | 3,000                | 4,920                      | 164.01%           | 9,841                             | 6,900              | 9,900                        |
| 1    | General Fund | 531000 Public Works/Public Services | Chemicals                      | -                    | 5,854                      |                   | 11,708                            | 12,000             | 12,000                       |
| 1    | General Fund | 531000 Public Works/Public Services | Electricity                    | 3,500                | 701                        | 20.02%            | 1,402                             |                    | 3,500                        |
| 1    | General Fund | 531000 Public Works/Public Services | Communications                 | 1,950                | 832                        | 42.68%            | 1,665                             |                    | 1,950                        |
| 1    | General Fund | 531000 Public Works/Public Services | Building & Grounds Maintenance | 1,500                | 872                        | 58.16%            | 1,745                             |                    | 1,500                        |
| 1    | General Fund | 531000 Public Works/Public Services | Maintenance Supplies           | 500                  | 300                        | 59.99%            | 600                               |                    | 500                          |
| 1    | General Fund | 531000 Public Works/Public Services | Equipment Maint & Repair       | 5,000                | 1,535                      | 30.69%            | 3,069                             |                    | 5,000                        |
| 1    | General Fund | 531000 Public Works/Public Services | VM Expense                     | -                    | 1,037                      |                   | 2,073                             |                    | -                            |
| 1    | General Fund | 532000 Street                       | Electricity                    | 2,100                | 1,385                      | 65.97%            | 2,771                             |                    | 2,100                        |
| 1    | General Fund | 532000 Street                       | Building & Grounds Maintenance | 3,900                | 626                        | 16.05%            | 1,252                             |                    | 3,900                        |
| 1    | General Fund | 532000 Street                       | Maintenance Supplies           | 300                  | 2,093                      | 697.66%           | 4,186                             | 3,900              | 4,200                        |
| 1    | General Fund | 532000 Street                       | Equipment Maint & Repair       | 2,500                | 224                        | 8.96%             | 448                               |                    | 2,500                        |
| 1    | General Fund | 532000 Street                       | Storm Drain                    | 1,000                | -                          | 0.00%             | -                                 |                    | 1,000                        |
| 1    | General Fund | 532000 Street                       | Street Signs                   | 1,000                | -                          | 0.00%             | -                                 |                    | 1,000                        |
| 1    | General Fund | 541000 Building Regulation          | Salaries & Wages               | 52,226               | 14,027                     | 26.86%            | 28,054                            |                    | 52,226                       |
| 1    | General Fund | 541000 Building Regulation          | FICA                           | 4,653                | 1,074                      | 23.08%            | 2,148                             |                    | 4,653                        |
| 1    | General Fund | 541000 Building Regulation          | Training & Education           | 450                  | -                          | 0.00%             | -                                 |                    | 450                          |
| 1    | General Fund | 541000 Building Regulation          | Office Expense                 | 250                  | -                          | 0.00%             | -                                 |                    | 250                          |
| 1    | General Fund | 541000 Building Regulation          | Engineer-Reimbursable Costs    | -                    | 1,193                      |                   | 2,386                             |                    | -                            |
| 1    | General Fund | 542000 Planning                     | Planning Commission Stipends   | 200                  | 375                        | 187.50%           | 750                               | 550                | 750                          |
| 1    | General Fund | 542000 Planning                     | Conference Expense             | 2,500                | -                          | 0.00%             | -                                 |                    | 2,500                        |
| 1    | General Fund | 542000 Planning                     | Advertising                    | 2,050                | 585                        | 28.51%            | 1,169                             |                    | 2,050                        |
| 1    | General Fund | 542000 Planning                     | Planning Reimburse             | -                    | 99                         |                   | 198                               |                    | -                            |
| 1    | General Fund | 542000 Planning                     | Contract Services              | 40,000               | 14,844                     | 37.11%            | 29,689                            |                    | 40,000                       |
| 1    | General Fund | 542000 Planning                     | Planner                        | -                    | 6,683                      |                   | 13,365                            |                    | -                            |
| 1    | General Fund | 542000 Planning                     | Miscellaneous Expense          | -                    | 3,476                      |                   | 6,952                             |                    | -                            |
| 1    | General Fund | 551000 Parks & Recreation           | Salaries & Wages               | 135,176              | 35,397                     | 26.19%            | 70,794                            |                    | 135,176                      |
| 1    | General Fund | 551000 Parks & Recreation           | FICA                           | 11,460               | 2,708                      | 23.63%            | 5,416                             |                    | 11,460                       |
| 1    | General Fund | 551000 Parks & Recreation           | Employee Health Ins.           | 18,891               | 4,908                      | 25.98%            | 9,816                             |                    | 18,891                       |

Fiscal Year 2023-2024

| Fund           | Description                    | Account Description | Description                   | FY 2023-24<br>Budget           | Year-To-Date<br>12/31/2023 | Year-To-Date<br>% | Projected<br>Through<br>6/30/2024 | Budget Adjustments | Revised<br>Budget<br>Request |                  |
|----------------|--------------------------------|---------------------|-------------------------------|--------------------------------|----------------------------|-------------------|-----------------------------------|--------------------|------------------------------|------------------|
| 1              | General Fund                   | 551000              | Parks & Recreation            | Propane                        | 2,725                      | 347               | 12.74%                            | 695                | 2,725                        |                  |
| 1              | General Fund                   | 551000              | Parks & Recreation            | Electricity                    | 2,500                      | 1,622             | 64.88%                            | 3,244              | 2,500                        |                  |
| 1              | General Fund                   | 551000              | Parks & Recreation            | Building & Grounds Maintenance | 1,550                      | 767               | 49.47%                            | 1,534              | 1,550                        |                  |
| 1              | General Fund                   | 551000              | Parks & Recreation            | Maintenance Supplies           | 225                        | 63                | 27.92%                            | 126                | 225                          |                  |
| 1              | General Fund                   | 551000              | Parks & Recreation            | Equipment Maint & Repair       | -                          | 2,313             |                                   | 4,625              | -                            |                  |
| 1              | General Fund                   | 551000              | Parks & Recreation            | Contract Services              | 12,000                     | 123               | 1.03%                             | 246                | 12,000                       |                  |
| 1              | General Fund                   | 551000              | Parks & Recreation            | City Attorney                  | 200                        | -                 | 0.00%                             | -                  | 200                          |                  |
| 1              | General Fund                   | 551000              | Parks & Recreation            | Engineering                    | 170                        | -                 | 0.00%                             | -                  | 170                          |                  |
| 1              | General Fund                   | 552000              | Community Development         | Maintenance Supplies           | 150                        | -                 | 0.00%                             | -                  | 150                          |                  |
| 1              | General Fund                   | 553000              | Cemetery                      | Trees and Vegetation Maint.    | -                          | 5,950             |                                   | 11,900             | -                            |                  |
| 1              | General Fund                   | 554000              | Swimming Pool                 | Salaries & Wages               | 33,281                     | 17,657            | 53.05%                            | 35,314             | 33,281                       |                  |
| 1              | General Fund                   | 554000              | Swimming Pool                 | FICA                           | 2,543                      | 1,353             | 53.20%                            | 2,706              | 2,543                        |                  |
| 1              | General Fund                   | 554000              | Swimming Pool                 | Training & Education           | 550                        | -                 | 0.00%                             | -                  | 550                          |                  |
| 1              | General Fund                   | 554000              | Swimming Pool                 | Swimming Pool Supplies         | 250                        | 65                | 25.84%                            | 129                | 250                          |                  |
| 1              | General Fund                   | 554000              | Swimming Pool                 | Chemicals                      | 10,000                     | 5,552             | 55.52%                            | 11,105             | 10,000                       |                  |
| 1              | General Fund                   | 554000              | Swimming Pool                 | Building & Grounds Maintenance | 500                        | 120               | 23.91%                            | 239                | 500                          |                  |
| 1              | General Fund                   | 554000              | Swimming Pool                 | Maintenance Supplies           | 450                        | 5                 | 1.20%                             | 11                 | 450                          |                  |
| 1              | General Fund                   | 554000              | Swimming Pool                 | Equipment Maint & Repair       | 1,000                      | 200               | 20.02%                            | 400                | 1,000                        |                  |
| 1              | General Fund                   | 554000              | Swimming Pool                 | Permits                        | 1,650                      | 180               | 10.91%                            | 360                | 1,650                        |                  |
| 1              | General Fund                   | 554000              | Swimming Pool                 | Contract Services              | 27,500                     | 3,627             | 13.19%                            | 7,254              | 27,500                       |                  |
|                |                                |                     |                               |                                | <b>1,226,605</b>           | <b>526,727</b>    |                                   | <b>1,105,792</b>   | <b>43,940</b>                | <b>1,270,545</b> |
| <b>Fund 2</b>  |                                |                     |                               |                                |                            |                   |                                   |                    |                              |                  |
| 2              | TOT - Streets & Promotion Fund | 531000              | Public Works/Public Services  | Maintenance Supplies           | -                          | 27                |                                   | 54                 | -                            |                  |
| 2              | TOT - Streets & Promotion Fund | 560000              | Program Expenditures          | Equipment Maint & Repair       | -                          | 5,657             |                                   | 11,314             | -                            |                  |
| 2              | TOT - Streets & Promotion Fund | 560000              | Program Expenditures          | TOT - Promotions Support       | 60,000                     | 22,969            | 38.28%                            | 45,939             | 60,000                       |                  |
| 2              | TOT - Streets & Promotion Fund | 560000              | Program Expenditures          | TOT - Street Expenditures      | 100,000                    | 870               | 0.87%                             | 1,740              | 100,000                      |                  |
|                |                                |                     |                               |                                | <b>160,000</b>             | <b>29,523</b>     |                                   | <b>59,047</b>      | <b>-</b>                     | <b>160,000</b>   |
| <b>Fund 10</b> |                                |                     |                               |                                |                            |                   |                                   |                    |                              |                  |
| 10             | Gas Tax Fund                   | 470101              | Road Maint & Rehab-SB1        |                                | 15,794                     | 13,058            | 82.68%                            | 13,058             | 15,794                       |                  |
| 10             | Gas Tax Fund                   | 470111              | Hwy user tax - Section 2103   |                                | 5,911                      | 6,143             | 103.92%                           | 6,143              | 5,911                        |                  |
| 10             | Gas Tax Fund                   | 470112              | Hwy user tax - section 2105   |                                | 4,003                      | 3,784             | 94.53%                            | 3,784              | 4,003                        |                  |
| 10             | Gas Tax Fund                   | 470113              | Hwy user tax - section 2106   |                                | 6,501                      | 5,603             | 86.19%                            | 5,603              | 6,501                        |                  |
| 10             | Gas Tax Fund                   | 470114              | Hwy user tax - section 2107   |                                | 4,434                      | 5,244             | 118.26%                           | 5,244              | 4,434                        |                  |
| 10             | Gas Tax Fund                   | 470115              | Hwy user tax - section 2107.5 |                                | 1,051                      | 2,000             | 190.29%                           | 2,000              | 1,051                        |                  |
| 10             | Gas Tax Fund                   | 470201              | RSTP (ACTC)                   |                                | 2,013                      | -                 | 0.00%                             | -                  | 2,013                        |                  |
|                |                                |                     |                               |                                | <b>39,707</b>              | <b>35,832</b>     |                                   | <b>35,832</b>      | <b>-</b>                     | <b>39,707</b>    |
| 10             | Gas Tax Fund                   | 560000              | Program Expenditures          | Electricity                    | <b>15,999</b>              | <b>7,481</b>      | <b>46.76%</b>                     | <b>14,962</b>      | <b>15,999</b>                |                  |
| <b>Fund 11</b> |                                |                     |                               |                                |                            |                   |                                   |                    |                              |                  |
| 11             | COPS Grant Fund                | 471001              | COPS Program                  |                                | <b>163,770</b>             | <b>138,059</b>    | <b>84.30%</b>                     | <b>276,118</b>     |                              | <b>163,770</b>   |



Fiscal Year 2023-2024

| Fund           | Description                    | Account Description | Description                  | FY 2023-24<br>Budget | Year-To-Date<br>12/31/2023 | Year-To-Date<br>% | Projected<br>Through<br>6/30/2024 | Budget Adjustments | Revised<br>Budget<br>Request |
|----------------|--------------------------------|---------------------|------------------------------|----------------------|----------------------------|-------------------|-----------------------------------|--------------------|------------------------------|
| 11             | COPS Grant Fund                | 560000              | Program Expenditures         | 100,000              | 40,148                     | 40.15%            | 80,295                            |                    | 100,000                      |
| 11             | COPS Grant Fund                | 560000              | Program Expenditures         | -                    | 9,852                      |                   | 19,705                            |                    | -                            |
|                |                                |                     |                              | <b>100,000</b>       | <b>50,000</b>              |                   | <b>100,000</b>                    | <b>-</b>           | <b>100,000</b>               |
| <b>Fund 20</b> |                                |                     |                              |                      |                            |                   |                                   |                    |                              |
| 20             | Capital Projects Fund-General  | 460711              | Admin Facilities Impact Fees | 35,136               | -                          | 0.00%             | -                                 |                    | 35,136                       |
| 20             | Capital Projects Fund-General  | 460712              | Museum Impact Fees           | 3,468                | -                          | 0.00%             | -                                 |                    | 3,468                        |
| 20             | Capital Projects Fund-General  | 460713              | Library Impact Fees          | 11,244               | -                          | 0.00%             | -                                 |                    | 11,244                       |
| 20             | Capital Projects Fund-General  | 460714              | Corp Yard Impact Fees        | 14,748               | -                          | 0.00%             | -                                 |                    | 14,748                       |
|                |                                |                     |                              | <b>64,596</b>        | <b>-</b>                   |                   | <b>-</b>                          | <b>-</b>           | <b>64,596</b>                |
| 21             | Capital Projects Fund - Street | 460701              | Development Impact Fees      | 30,000               | -                          | 0.00%             | -                                 |                    | 30,000                       |
| 22             | Capital Projects Fund - Fire   | 460701              | Development Impact Fees      | 17,000               | -                          | 0.00%             | -                                 |                    | 17,000                       |
| 23             | Capital Projects Fund - Police | 460701              | Development Impact Fees      | 1,900                | -                          | 0.00%             | -                                 |                    | 1,900                        |
| 24             | AB1600 Project Fund            | 460701              | Development Impact Fees      | 2,200                | -                          | 0.00%             | -                                 |                    | 2,200                        |
| 25             | General Plan Update            | 460202              | Long Range Planning Fee      | 2,300                | -                          | 0.00%             | -                                 |                    | 2,300                        |
| 32             | SR49 Main Street Intersection  | 472001              | State Grants                 | -                    | (6,367)                    |                   | (12,735)                          |                    | -                            |
| <b>Fund 40</b> |                                |                     |                              |                      |                            |                   |                                   |                    |                              |
| 40             | Water Enterprise Fund          | 450005              | Penalties                    | 10                   | 12,755                     | 127548.60%        | 12,755                            |                    | 10                           |
| 40             | Water Enterprise Fund          | 450008              | Misc Charges                 | -                    | 4,905                      |                   | 9,809                             | 9,900              | 9,900                        |
| 40             | Water Enterprise Fund          | 451001              | Water Commodity Charge       | 310,000              | 138,014                    | 44.52%            | 276,027                           | (30,000)           | 280,000                      |
| 40             | Water Enterprise Fund          | 451002              | Water Delivery Charge        | 240,000              | 215,271                    | 89.70%            | 430,541                           | 160,000            | 400,000                      |
| 40             | Water Enterprise Fund          | 451005              | Wholesale Water Sales        | 9,400                | -                          | 0.00%             | -                                 |                    | 9,400                        |
| 40             | Water Enterprise Fund          | 480501              | AT & T Land Lease            | 15,000               | 3,077                      | 20.52%            | 6,155                             |                    | 15,000                       |
|                |                                |                     |                              | <b>574,410</b>       | <b>374,021</b>             |                   | <b>735,287</b>                    | <b>139,900</b>     | <b>714,310</b>               |
| 40             | Water Enterprise Fund          | 519000              | Non- Departmental            | -                    | 5,040                      |                   | 10,080                            |                    | -                            |
| 40             | Water Enterprise Fund          | 519000              | Non- Departmental            | -                    | 2,832                      |                   | 5,664                             |                    | -                            |
| 40             | Water Enterprise Fund          | 600000              | Water Operations             | 126,464              | 86,642                     | 68.51%            | 173,284                           |                    | 126,464                      |
| 40             | Water Enterprise Fund          | 600000              | Water Operations             | 10,365               | 6,627                      | 63.94%            | 13,254                            |                    | 10,365                       |
| 40             | Water Enterprise Fund          | 600000              | Water Operations             | 5,040                | -                          | 0.00%             | -                                 |                    | 5,040                        |
| 40             | Water Enterprise Fund          | 600000              | Water Operations             | 7,193                | 2,939                      | 40.86%            | 5,878                             |                    | 7,193                        |
| 40             | Water Enterprise Fund          | 600000              | Water Operations             | 461                  | -                          | 0.00%             | -                                 |                    | 461                          |
| 40             | Water Enterprise Fund          | 600000              | Water Operations             | -                    | 2,773                      |                   | 5,546                             |                    | -                            |
| 40             | Water Enterprise Fund          | 600000              | Water Operations             | 5,000                | -                          | 0.00%             | -                                 |                    | 5,000                        |
| 40             | Water Enterprise Fund          | 600000              | Water Operations             | 3,350                | 79                         | 2.37%             | 159                               |                    | 3,350                        |
| 40             | Water Enterprise Fund          | 600000              | Water Operations             | 2,300                | -                          | 0.00%             | -                                 |                    | 2,300                        |

Fiscal Year 2023-2024

| Fund           | Description                  | Account Description            | Description                           | FY 2023-24 Budget | Year-To-Date 12/31/2023 | Year-To-Date % | Projected Through 6/30/2024 | Budget Adjustments | Revised Budget Request |
|----------------|------------------------------|--------------------------------|---------------------------------------|-------------------|-------------------------|----------------|-----------------------------|--------------------|------------------------|
| 40             | Water Enterprise Fund        | 600000 Water Operations        | Propane                               | -                 | 32                      |                | 64                          |                    | -                      |
| 40             | Water Enterprise Fund        | 600000 Water Operations        | Computer Hardware                     | 700               | -                       | 0.00%          | -                           |                    | 700                    |
| 40             | Water Enterprise Fund        | 600000 Water Operations        | Computer Software                     | 1,400             | 2,600                   | 185.71%        | 2,600                       | 1,200              | 2,600                  |
| 40             | Water Enterprise Fund        | 600000 Water Operations        | Water Testing By Lab                  | 6,000             | 799                     | 13.31%         | 1,597                       |                    | 6,000                  |
| 40             | Water Enterprise Fund        | 600000 Water Operations        | Repair and Maint of Meters            | 1,000             | 267                     | 26.71%         | 534                         |                    | 1,000                  |
| 40             | Water Enterprise Fund        | 600000 Water Operations        | Water Commodity Purchase - AWA        | 150,000           | 132,482                 | 88.32%         | 264,965                     |                    | 150,000                |
| 40             | Water Enterprise Fund        | 600000 Water Operations        | Water Meter Charge - AWA              | 218,263           | 118,820                 | 54.44%         | 237,640                     |                    | 218,263                |
| 40             | Water Enterprise Fund        | 600000 Water Operations        | Electricity                           | 5,000             | 2,656                   | 53.12%         | 5,312                       |                    | 5,000                  |
| 40             | Water Enterprise Fund        | 600000 Water Operations        | Communications                        | 1,000             | 365                     | 36.48%         | 730                         |                    | 1,000                  |
| 40             | Water Enterprise Fund        | 600000 Water Operations        | Building & Grounds Maintenance        | 1,000             | 440                     | 44.00%         | 880                         |                    | 1,000                  |
| 40             | Water Enterprise Fund        | 600000 Water Operations        | Maintenance Supplies                  | 2,050             | -                       | 0.00%          | -                           |                    | 2,050                  |
| 40             | Water Enterprise Fund        | 600000 Water Operations        | Maintenance Contracts                 | 48,600            | 19,078                  | 39.25%         | 38,156                      |                    | 48,600                 |
| 40             | Water Enterprise Fund        | 600000 Water Operations        | Equipment Maint & Repair              | -                 | 1,049                   |                | 2,098                       |                    | -                      |
| 40             | Water Enterprise Fund        | 600000 Water Operations        | Permits                               | 8,400             | 8,967                   | 106.75%        | 8,967                       |                    | 8,400                  |
| 40             | Water Enterprise Fund        | 600000 Water Operations        | Contract Services                     | 1,400             | 1,415                   | 101.08%        | 2,830                       |                    | 1,400                  |
| 40             | Water Enterprise Fund        | 600000 Water Operations        | Website Maintenance Contract Services | 3,500             | -                       | 0.00%          | -                           |                    | 3,500                  |
| 40             | Water Enterprise Fund        | 600000 Water Operations        | City Attorney                         | 20,000            | 7,168                   | 35.84%         | 14,337                      |                    | 20,000                 |
| 40             | Water Enterprise Fund        | 600000 Water Operations        | Engineering                           | 5,000             | 4,792                   | 95.84%         | 9,584                       |                    | 5,000                  |
| 40             | Water Enterprise Fund        | 600000 Water Operations        | Contract Services - AWA               | 30,000            | 3,656                   | 12.19%         | 7,312                       |                    | 30,000                 |
| 40             | Water Enterprise Fund        | 600000 Water Operations        | HR Expense Allocation                 | 40,000            | 34,483                  | 86.21%         | 68,965                      |                    | 40,000                 |
| 40             | Water Enterprise Fund        | 600000 Water Operations        | FM Expense                            | 4,365             | -                       | 0.00%          | -                           |                    | 4,365                  |
| 40             | Water Enterprise Fund        | 600000 Water Operations        | IT Expense                            | 5,555             | 622                     | 11.20%         | 1,245                       |                    | 5,555                  |
| 40             | Water Enterprise Fund        | 600000 Water Operations        | RM Expense                            | 4,416             | -                       | 0.00%          | -                           |                    | 4,416                  |
| 40             | Water Enterprise Fund        | 600000 Water Operations        | Interest Payment                      | 96,404            | 45,703                  | 47.41%         | 91,406                      |                    | 96,404                 |
| 40             | Water Enterprise Fund        | 700000 Sewer Operations        | Office Expense                        | -                 | 218                     |                | 436                         |                    | -                      |
|                |                              |                                |                                       | <b>814,226</b>    | <b>492,544</b>          |                | <b>973,523</b>              | <b>1,200</b>       | <b>815,426</b>         |
| 41             | Water Impact Fee Fund        | 460701 Development Impact Fees |                                       | 59,021            | -                       | 0.00%          | -                           |                    | 59,021                 |
| 43             | Water CIP - Meter Automation | 450001 Parcel Charges          |                                       | 1,250             | 1,315                   | 105.19%        | 2,630                       |                    | 1,250                  |
| 44             | Meter Maint. Fund            | 451007 Water Meter             |                                       | 5,183             | -                       | 0.00%          | -                           |                    | 5,183                  |
| 45             | Water Cap Imp Arroyo Ditch   | 600000 Water Operations        | Engineering                           | -                 | 99                      |                |                             | 198                | -                      |
| <b>Fund 50</b> |                              |                                |                                       |                   |                         |                |                             |                    |                        |
| 50             | Sewer Enterprise Fund        | 452001 Sewer Service Revenue   |                                       | 1,190,000         | 609,128                 | 51.19%         | 1,218,255                   |                    | 1,190,000              |
| 50             | Sewer Enterprise Fund        | 452009 Low Income Credit       |                                       | -                 | (4,160)                 |                | (8,320)                     |                    | -                      |
| 50             | Sewer Impact Fee Fund        | 480701 Ranch House Rental      |                                       | 26,600            | 3,800                   | 14.29%         | 7,600                       |                    | 26,600                 |
|                |                              |                                |                                       | <b>1,216,600</b>  | <b>608,768</b>          |                | <b>1,217,535</b>            | <b>-</b>           | <b>1,216,600</b>       |
| 50             | Sewer Impact Fee Fund        | 519000 Non- Departmental       | Workers Comp. Ins.                    | -                 | 13,030                  |                | 26,060                      |                    | -                      |

Fiscal Year 2023-2024

| Fund           | Description           | Account Description                 | Description                           | FY 2023-24<br>Budget | Year-To-Date<br>12/31/2023 | Year-To-Date<br>% | Projected<br>Through<br>6/30/2024 | Budget Adjustments | Revised<br>Budget<br>Request |
|----------------|-----------------------|-------------------------------------|---------------------------------------|----------------------|----------------------------|-------------------|-----------------------------------|--------------------|------------------------------|
| 50             | Sewer Impact Fee Fund | 519000 Non- Departmental            | Contract Services                     | -                    | 2,613                      |                   | 5,225                             |                    | -                            |
| 50             | Sewer Enterprise Fund | 600000 Water Operations             | Building & Grounds Maintenance        | 570                  | -                          | 0.00%             | -                                 |                    | 570                          |
| 50             | Sewer Impact Fee Fund | 600000 Water Operations             | RM Expense                            | 14,146               | -                          | 0.00%             | -                                 |                    | 14,146                       |
| 50             | Sewer Enterprise Fund | 700000 Sewer Operations             | Salaries & Wages                      | 295,526              | 106,002                    | 35.87%            | 212,004                           |                    | 295,526                      |
| 50             | Sewer Enterprise Fund | 700000 Sewer Operations             | FICA                                  | 24,648               | 8,102                      | 32.87%            | 16,204                            |                    | 24,648                       |
| 50             | Sewer Impact Fee Fund | 700000 Sewer Operations             | Workers Comp. Ins.                    | 13,030               | -                          | 0.00%             | -                                 |                    | 13,030                       |
| 50             | Sewer Enterprise Fund | 700000 Sewer Operations             | Employee Health Ins.                  | 16,160               | 7,674                      | 47.49%            | 15,349                            |                    | 16,160                       |
| 50             | Sewer Enterprise Fund | 700000 Sewer Operations             | Stipends                              | 600                  | -                          | 0.00%             | -                                 |                    | 600                          |
| 50             | Sewer Impact Fee Fund | 700000 Sewer Operations             | Medical Expense                       | 1,190                | -                          | 0.00%             | -                                 |                    | 1,190                        |
| 50             | Sewer Enterprise Fund | 700000 Sewer Operations             | Training & Education                  | 1,500                | 60                         | 4.00%             | 120                               |                    | 1,500                        |
| 50             | Sewer Impact Fee Fund | 700000 Sewer Operations             | Office Expense                        | 6,400                | 6,287                      | 98.23%            | 12,573                            |                    | 6,400                        |
| 50             | Sewer Enterprise Fund | 700000 Sewer Operations             | Gasoline-Fuel                         | -                    | 542                        |                   | 1,084                             |                    | -                            |
| 50             | Sewer Impact Fee Fund | 700000 Sewer Operations             | Rents, Leases Of Equip & Prop.        | 5,000                | 2,041                      | 40.82%            | 4,082                             |                    | 5,000                        |
| 50             | Sewer Enterprise Fund | 700000 Sewer Operations             | Chemicals                             | 60,000               | 40,277                     | 67.13%            | 80,555                            |                    | 60,000                       |
| 50             | Sewer Enterprise Fund | 700000 Sewer Operations             | Computer Hardware                     | 1,810                | -                          | 0.00%             | -                                 |                    | 1,810                        |
| 50             | Sewer Impact Fee Fund | 700000 Sewer Operations             | Computer Software                     | 3,620                | -                          | 0.00%             | -                                 |                    | 3,620                        |
| 50             | Sewer Enterprise Fund | 700000 Sewer Operations             | Water Testing By Lab                  | 30,350               | 12,109                     | 39.90%            | 24,219                            |                    | 30,350                       |
| 50             | Sewer Enterprise Fund | 700000 Sewer Operations             | Electricity                           | 227,000              | 151,545                    | 66.76%            | 303,090                           | 77,000             | 304,000                      |
| 50             | Sewer Enterprise Fund | 700000 Sewer Operations             | Communications                        | 15,000               | 4,750                      | 31.67%            | 9,500                             |                    | 15,000                       |
| 50             | Sewer Impact Fee Fund | 700000 Sewer Operations             | Building & Grounds Maintenance        | 50,000               | 16,982                     | 33.96%            | 33,964                            | (15,000)           | 35,000                       |
| 50             | Sewer Impact Fee Fund | 700000 Sewer Operations             | Ranch House Repairs                   | 6,000                | 880                        | 14.67%            | 1,760                             |                    | 6,000                        |
| 50             | Sewer Impact Fee Fund | 700000 Sewer Operations             | Maintenance Supplies                  | 6,400                | 6,211                      | 97.04%            | 12,421                            |                    | 6,400                        |
| 50             | Sewer Enterprise Fund | 700000 Sewer Operations             | Maintenance Contracts                 | 14,478               | -                          | 0.00%             | -                                 |                    | 14,478                       |
| 50             | Sewer Enterprise Fund | 700000 Sewer Operations             | Equipment Maint & Repair              | 26,000               | 5,129                      | 19.73%            | 10,258                            |                    | 26,000                       |
| 50             | Sewer Impact Fee Fund | 700000 Sewer Operations             | Permits                               | 60,000               | 61,590                     | 102.65%           | 61,590                            | 1,600              | 61,600                       |
| 50             | Sewer Enterprise Fund | 700000 Sewer Operations             | Contract Services                     | 3,620                | 7,325                      | 202.35%           | 14,650                            |                    | 3,620                        |
| 50             | Sewer Impact Fee Fund | 700000 Sewer Operations             | Website Maintenance Contract Services | 9,050                | -                          | 0.00%             | -                                 |                    | 9,050                        |
| 50             | Sewer Impact Fee Fund | 700000 Sewer Operations             | Engineering                           | 32,000               | 7,118                      | 22.24%            | 14,237                            |                    | 32,000                       |
| 50             | Sewer Impact Fee Fund | 700000 Sewer Operations             | Contract Services - AWA               | 100,000              | 127,970                    | 127.97%           | 127,970                           |                    | 100,000                      |
| 50             | Sewer Enterprise Fund | 700000 Sewer Operations             | Bond Payment FHA 92-02                | 12,000               | -                          | 0.00%             | -                                 |                    | 12,000                       |
| 50             | Sewer Impact Fee Fund | 700000 Sewer Operations             | Bond Payment FHA 92-01                | 22,000               | 3,400                      | 15.45%            | 6,800                             |                    | 22,000                       |
| 50             | Sewer Enterprise Fund | 700000 Sewer Operations             | HR Expense Allocation                 | 100,000              | 68,965                     | 68.97%            | 100,000                           |                    | 100,000                      |
| 50             | Sewer Impact Fee Fund | 700000 Sewer Operations             | FM Expense                            | 7,730                | -                          | 0.00%             | -                                 |                    | 7,730                        |
| 50             | Sewer Enterprise Fund | 700000 Sewer Operations             | IT Expense                            | 12,022               | 1,245                      | 10.35%            | 2,489                             |                    | 12,022                       |
| 50             | Sewer Enterprise Fund | 700000 Sewer Operations             | RM Expense                            | 400                  | -                          | 0.00%             | -                                 |                    | 400                          |
| 50             | Sewer Enterprise Fund | 700000 Sewer Operations             | Interest Payment FHA 92-02            | 4,000                | 2,250                      | 56.25%            | 4,500                             |                    | 4,000                        |
| 50             | Sewer Enterprise Fund | 700000 Sewer Operations             | Interest Payment FHA 92-01            | 9,000                | -                          | 0.00%             | -                                 |                    | 9,000                        |
| 50             | Sewer Impact Fee Fund | 700000 Sewer Operations             | Equipment                             | 20,000               | -                          | 0.00%             | -                                 |                    | 20,000                       |
|                |                       |                                     |                                       | <b>1,211,250</b>     | <b>664,096</b>             |                   | <b>1,100,704</b>                  | <b>63,600</b>      | <b>1,274,850</b>             |
| <b>Fund 51</b> |                       |                                     |                                       |                      |                            |                   |                                   |                    |                              |
| 51             | Sewer Impact Fee Fund | 460731 Sewer Treatment Impact Fees  |                                       | 67,692               | -                          | 0.00%             | -                                 |                    | 67,692                       |
| 51             | Sewer Impact Fee Fund | 460732 Sewer Collection Impact Fees |                                       | 7,212                | -                          | 0.00%             | -                                 |                    | 7,212                        |

Fiscal Year 2023-2024

| Fund           | Description                 | Account Description         | Description                           | FY 2023-24 Budget | Year-To-Date 12/31/2023 | Year-To-Date % | Projected Through 6/30/2024 | Budget Adjustments | Revised Budget Request |
|----------------|-----------------------------|-----------------------------|---------------------------------------|-------------------|-------------------------|----------------|-----------------------------|--------------------|------------------------|
|                |                             |                             |                                       | <b>74,904</b>     | -                       |                | -                           | -                  | <b>74,904</b>          |
| <b>Fund 63</b> |                             |                             |                                       |                   |                         |                |                             |                    |                        |
| 63             | Community Devel Block Grant | 560000 Program Expenditures | CDBG CV Expenditures                  | -                 | 116                     |                | 233                         |                    | -                      |
| 63             | Community Devel Block Grant | 560000 Program Expenditures | Fire Station Improvement expenditures | -                 | 8,496                   |                | 16,992                      |                    | -                      |
|                |                             |                             |                                       | -                 | <b>8,612</b>            |                | <b>17,225</b>               | -                  | -                      |
| <b>Fund 75</b> |                             |                             |                                       |                   |                         |                |                             |                    |                        |
| 75             | Risk Management ISF         | 519000 Non- Departmental    | Workers Comp. Ins.                    | -                 | 14,143                  |                | 28,286                      |                    | -                      |
| <b>Fund 80</b> |                             |                             |                                       |                   |                         |                |                             |                    |                        |
| 80             | CFD 2016-01 ZR              | 400901 CFD 2016-01 O&M      |                                       | <b>45,000</b>     | <b>92,491</b>           | <b>205.54%</b> | <b>184,982</b>              |                    | <b>45,000</b>          |
| 80             | CFD 2016-01 ZR              | 519000 Non- Departmental    | Electricity                           | 220               | 203                     | 92.43%         | 407                         |                    | 220                    |
| 80             | CFD 2016-01 ZR              | 519000 Non- Departmental    | Communications                        | 1,210             | -                       | 0.00%          | -                           |                    | 1,210                  |
| 80             | CFD 2016-01 ZR              | 519000 Non- Departmental    | Building & Grounds Maintenance        | 23,100            | 4,950                   | 21.43%         | 9,900                       |                    | 23,100                 |
| 80             | CFD 2016-01 ZR              | 519000 Non- Departmental    | Maintenance Supplies                  | 500               | -                       | 0.00%          | -                           |                    | 500                    |
| 80             | CFD 2016-01 ZR              | 519000 Non- Departmental    | Equipment Maint & Repair              | 500               | -                       | 0.00%          | -                           |                    | 500                    |
| 80             | CFD 2016-01 ZR              | 519000 Non- Departmental    | CFD 2016-01 ADMIN                     | 4,650             | 1,335                   | 28.70%         | 2,670                       |                    | 4,650                  |
| 80             | CFD 2016-01 ZR              | 519000 Non- Departmental    | Water Utility Billing                 | 7,565             | 4,171                   | 55.14%         | 8,342                       |                    | 7,565                  |
| 81             | CFD 2016-01 P&F Tax         | 519000 Non- Departmental    | Equipment                             | 6,300             | -                       | 0.00%          | -                           |                    | 6,300                  |
|                |                             |                             |                                       | <b>44,045</b>     | <b>10,659</b>           |                | <b>21,319</b>               | -                  | <b>44,045</b>          |

# 7.3





## CITY COUNCIL AGENDA ITEM NO. 7.3

03/28/2024

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**SUBJECT:** Receive information on converting City Clerk and City Treasurer to Appointed positions.

**DEPARTMENT:** City Manager's Office

**STAFF:** Margaret S. Roberts, City Manager

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### TITLE

**RECEIVE INFORMATION AND PROVIDE DIRECTION ON POSSIBLY PLACING THE CITY CLERK AND CITY TREASURER POSITION ON THE NOVEMBER 2024 BALLOT TO CONVERT TO APPOINTED POSITIONS.**

### BACKGROUND

The City has previously put forward to the electors of the City to change the positions of City Clerk and City Treasurer from being elected to appointed positions. There are currently 482 cities in California and approximately 80% of City Clerks are appointed and approximately 68% of City Treasurers are appointed.

The reason more cities have gone to appointed is due to the professionalization and many responsibilities that are required of both positions. The skill and knowledge that is needed and the new requirements being placed on these positions makes it important to think about having an appointed position in order to have a person in the position that has the technical skills and professional experience to adequately perform the duties of the office rather than having a person who may not have experience (to be elected one only has to be 18 years of age who lives in the city).

Currently, all of the work of the City Clerk has been done by deputized City staff and has been this way since at least the pandemic. The City Treasurer was previously doing some of the work only because she was also a full-time employee. But City staff has been doing the work of City Treasurer since November 2023 when she left City employment.

Putting the items on the ballot will require the City Council to call for and pass a resolution supporting a ballot measure, converting these offices from elected positions to appointed position at the November 2024 Statewide General Election. The measures would put the question to the voters as to whether the position of the



## **CITY COUNCIL AGENDA ITEM NO. 7.3**

**03/28/2024**

City Clerk and City Treasurer should be converted from elected to appointed. Any ballot measure item would only allow the voters to decide at the next election; a resolution is not necessarily an endorsement of the City Council.

### **FISCAL IMPACT**

There would be minimal fiscal impact to add two measures to an already consolidated statewide election in November. If the residents pass the two measures there would be an annual savings of \$5,100 from stipends.

### **RECOMMENDATION**

Staff recommends the Council direct staff to bring back the necessary documents to put the items on the ballot when appropriate.

### **ATTACHMENT(S)**

None



# 7.4





## CITY COUNCIL AGENDA ITEM NO. 7.4

03/28/2024

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**SUBJECT:** 2024 Summer Pool Operations

**DEPARTMENT:** City Manager's Office

**STAFF:** Margaret S. Roberts, City Manager

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### TITLE

**RECEIVE REPORT AND EITHER ADOPT RESOLUTION AUTHORIZING POOL PROGRAM, ACCEPTING HEAD LIFEGUARD, LIFEGUARD, AND RECREATION AIDE JOB CLASSIFICATIONS AND AUTHORIZING FILLING THOSE CLASSIFICATIONS AND MAKE A BUDGET APPROPRIATION OF \$20,000 FOR THE 2024 SWIM PROGRAM OR DIRECT STAFF TO INITIATION CONTRACT NEGOTIATIONS WITH ACRA**

### BACKGROUND

At the March 14, 2024, City Council meeting City Council directed the Public Works Director to come back with a comprehensive plan for pool operations for the summer with a budget with a comparison to ACRA costs last year.

### POOL PLAN:

#### 1. *Staff Recruitment*

The plan for the swimming pool this year would begin with recruiting for and hiring one head lifeguard and four lifeguards and one recreation aide. Recruitment would begin on pending Council approval and conclude on April 7, 2024. Application review period would be from April 8 - 10. Interviews would be from April 11-17. Final candidate selection and notification is planned for April 18, 2024. Lifeguard certification would begin on April 19, 2024 with completed background checks and certifications done by April 30, 2024. The pool plan is designed to have 2 lifeguards on duty at all times when the pool is in operation.

The job classifications for Head Lifeguard, Lifeguard and Recreation Aide are back before the City Council for approval if they choose to move forward with a City run pool program.



## CITY COUNCIL AGENDA ITEM NO. 7.4

03/28/2024

### 2. *Swim Lessons*

Group Swim lesson sign-ups are planned for April 22-May 15. Schedules for swim lessons and will be finalized on May 20, 2024. First day of swim lessons are planned for June 10, 2024. Swim lessons will be held Monday through Thursday from 12:30 – 1:00 and 1:00 – 1:30 broken down into 0.5-hour blocks. Two swim classes will be held during each 0.5-hour block. Lessons will be separated out by age and ability. The cost for each four-day session will be \$50.00.

Private one-on-one lessons will be offered during lap swim from 12:00 – 12:30 with two spots open each time slot Monday through Thursday. The cost of the one-on-one lessons will be \$65.00 for the four days. They will be done on a first-come, first-serve basis.

### 3. *Lap Swim/Adult Swim*

Lap swim will be from 12-12:30 on Sunday through Thursday. Passes would be available for purchase for a cost of \$70.00 for the entire summer.

### 4. *Family Swim*

Family Swim is planned for Sunday through Thursday from 2:00 – 6:30 p.m. These hours would be open to everyone for open swim. A snack bar will operate during family swim hours.

### 5. *Pool Passes*

Season passes which would include lap swim/adult swim and night swim will be available for purchase at the following rates:

Individual Season Pass                    \$88.00

Family Season Pass\*                    \$264.00

\*Four or less family members

For any additional members add \$60.00

Monthly Individual Pass                    35.00

Monthly Family Pass                    105.00

\*Four or less family members

For any additional members add \$20.00



## CITY COUNCIL AGENDA ITEM NO. 7.4

03/28/2024

### FISCAL IMPACT

The total cost for running the pool all summer, including all staff costs as well as additional equipment such as, snack bar supplies and misc. items is estimated to total \$34,258.50 with revenue estimated to equal \$15,800. This includes the estimated revenue from lap swim, family swim, and swim lessons. Accounting for revenue and expenses, the total leftover cost to the City for running the pool for this season would be \$18,458.50. Attachment 3 highlights the estimated revenue and expenses broken down. The cost is comparable to what the City paid ACRA to run the pool. Staff is asking for a budget appropriation of \$20,000 for the 2024 Summer Program.

### RECOMMENDATION

Approve Resolution 2024-04 approving authorizing Pool Program, accepting Head Lifeguard, Lifeguard, and Recreation Aide job classifications and authorizing filling those classifications and authorizing a budget appropriation of \$20,000 for the 2024 swim season.

### ATTACHMENT(S)

1. Job classifications for Head Lifeguard, Lifeguard, Recreation Aide
2. Pool Regulations - draft
3. Pool Schedule
4. Cost analysis
5. Resolution
6. ACRA 2023 Invoices

# CITY OF PLYMOUTH

## HEAD LIFEGUARD

### **DEFINITION**

Performs a variety of skilled, semi-skilled, and unskilled activities and program needs, will perform various duties including guarding and protecting patrons during Open Swim and Swim Lessons, and teach basic to advanced swim lessons. Lifeguard will educate and enforce rules and regulations to patrons.

### **Distinguishing Characteristics**

The **Head Lifeguard** class is a journey level position.

### **Supervision Received**

Works under the general direction of the any full Time City staff.

### **Essential Duties**

(These duties are a representative sample; position assignments may vary)

- Becomes familiar with pool rules and regulations and enforces them.
- Displays leadership, responsibility, and professionalism during and after work hours.
- Communicates strongly with patrons, students, other Lifeguards, and City staff.
- Follows work procedures and schedules.
- Issues written and oral instructions to students and patrons.
- Prepares attendance and accident reports, and swim lesson report cards; maintain records and reports.
- Performs a variety of miscellaneous duties such as answering the phone, conducting classes, collecting fees, helping set up for classes, events, maintenance duties, etc.
- Responds to public inquiries about aquatics programs.
- Plan, implement, and evaluate of a variety of events at a pool,.
- Assist in the preparation of and lead outdoor activities; and special events; oversee the safety and welfare of participants.
- Follow rules, regulations, policies and procedures for the program(s) and learn to provide some instruction to participants.
- Assist in preparing facilities for programs and events.
- Perform duties as a Designated Disaster Service Worker per California State law during natural and manmade disasters, as needed.
- Perform related duties and responsibilities as assigned.

## **QUALIFICATIONS**

### **Experience/Education**

Sufficient experience and education to successfully perform the duties of a **Head Lifeguard** in the City of Plymouth. A typical way of obtaining the required qualifications is to possess a lifeguard certificate and CPR certificate and first aid certificate.

### **Knowledge of:**

- Aquatic facilities, operations and techniques used in a community aquatics program.
- Skill in First Aid, CPR, and Lifeguarding; rescue and resuscitate drowning persons; rescue and provide first aid to persons affected by life threatening injuries.

### **Skill to:**

- Provide excellent customer service.
- Communicate clearly and effectively.
- Take direction from a variety of upper-level staff.
- Work in a safe manner, following City safety practices and procedures.
- Operate a computer and do report writing

### **Ability to:**

- Supervise Lifeguards and Recreation Aide to maintain order at the swimming pool
- Assist in creating the schedule for the pool workers
- Coordinate activities at the swimming pool
- Ability to establish and maintain effective working relationships with employees, supervisors, other agencies, participants, community leaders, and the general public.
- Ability to communicate effectively orally and in writing.
- Ability to effectively enforce safety rules and regulations in pool and surrounding area to ensure patron safety and prevent accidents.

### **Licensing Requirements:**

- Must be at least sixteen (16) years of age
- Lifesaving (Red Cross, YMCA or Ellis), and First Aid CPR/AED for Professional Rescuers, ability to obtain Title 22 First Aid Certifications are required and must be obtained before the start of the aquatics season.
- Satisfactory fingerprint clearance by the Department of Justice.
- Valid work permit if under 18 years of age

**Working Conditions:**

## ENVIRONMENT:

Indoor and outdoor work environment with ability to work a flexible work schedule, depending upon program needs, including working evenings, weekends, holidays and shifting assignments as program needs change. The noise level in the work environment can vary, ranging from quiet to loud. Incumbents will work in warm to hot environments with sufficient water, breaks and shade provided.

## PHYSICAL DEMANDS:

Stand, walk, sit, kneel, stoop, crouch and swim for prolonged periods; reach with hands and arms; talk and hear; use hands to finger, handle, feel or operate objects and tools and operate motorized equipment. Occasionally lift and/or move up to 40 pounds. Specific vision requirements of this job include close vision, distance vision, peripheral vision, and the ability to adjust focus. Incumbents are required to use vision and/ or hearing to identify and evaluate field emergencies, and to respond physically to these emergencies quickly and appropriately.



# CITY OF PLYMOUTH

## LIFEGUARD

### DEFINITION

Performs a variety of skilled, semi-skilled, and unskilled activities and program needs, will perform various duties including guarding and protecting patrons during Open Swim and Swim Lessons, and teach basic to advanced swim lessons. Lifeguard will educate and enforce rules and regulations to patrons.

### Distinguishing Characteristics

The **Lifeguard** class is an entry level to journey level position.

### Supervision Received

Works under the general direction of the Head Lifeguard and any full Time City staff.

### Essential Duties

(These duties are a representative sample; position assignments may vary)

- Becomes familiar with pool rules and regulations and enforces them.
- Displays leadership, responsibility, and professionalism during and after work hours.
- Communicates strongly with patrons, students, other Lifeguard and supervisors.
- Follows work procedures and schedules.
- Issues written and oral instructions to students and patrons.
- Prepares accident reports, and swim lesson report cards; maintain records and reports.
- Performs a variety of miscellaneous duties such as answering the phone, conducting classes, collecting fees, helping set up for classes, events, maintenance duties, etc.
- Provide excellent customer service.
- Communicate clearly and effectively.
- Take direction from a variety of upper-level staff.
- Work in a safe manner, following Town safety practices and procedures.
- Responds to public inquiries about aquatics programs.
- Perform duties as a Designated Disaster Service Worker per California State law during natural and manmade disasters, as needed.

### QUALIFICATIONS

#### Experience/Education

Sufficient experience and education to successfully perform the duties of a **Lifeguard** in the City of Plymouth. A typical way of obtaining the required qualifications is to possess a lifeguard certificate and CPR certificate and first aid certificate.

**Knowledge of:**

- Aquatic facilities, operations and techniques used in a community aquatics program.
- Skill in First Aid, CPR, and Lifeguarding; rescue and resuscitate drowning persons; rescue and provide first aid to persons affected by life threatening injuries.

**Skill to:**

- Provide excellent customer service.
- Communicate clearly and effectively.
- Take direction from a variety of upper-level staff.
- Work in a safe manner, following City safety practices and procedures.

**Ability to:**

- Ability to establish and maintain effective working relationships with employees, supervisors, other agencies, participants, community leaders, and the general public.
- Ability to communicate effectively orally and in writing.
- Ability to effectively enforce safety rules and regulation in pool and surrounding area to ensure patron safety and prevent accidents.

**Licensing Requirements:**

- Must be at least sixteen (16) years of age
- Lifesaving (Red Cross, YMCA or Ellis), and First Aid CPR/AED for Professional Rescuers, ability to obtain Title 22 First Aid Certifications are required and must be obtained before the start of the aquatics season.
- Satisfactory fingerprint clearance by the Department of Justice.
- Valid work permit if under 18 years of age

**Working Conditions:****ENVIRONMENT:**

Indoor and outdoor work environment with ability to work a flexible work schedule, depending upon program needs, including working evenings, weekends, holidays and shifting assignments as program needs change. The noise level in the work environment can vary, ranging from quiet to loud. Incumbents will work in warm to hot environments with sufficient water, breaks and shade provided.

**PHYSICAL DEMANDS:**

Stand, walk, sit, kneel, stoop, crouch and swim for prolonged periods; reach with hands and arms; talk and hear; use hands to finger, handle, feel or operate objects and tools and operate motorized equipment. Occasionally lift and/or move up to 40 pounds. Specific vision requirements of this job include close vision, distance vision, peripheral vision, and the ability to adjust focus. Incumbents are required to use vision and/ or hearing to identify and evaluate field emergencies, and to respond physically to these emergencies quickly and appropriately.

# CITY OF PLYMOUTH

## RECREATION AIDE

### DEFINITION

Performs a variety of activities.

### Distinguishing Characteristics

The **Recreation Aide** class is an entry level position.

### Supervision Received

General supervision is provided by the Head Lifeguard.

### Essential Duties

(These duties are a representative sample; position assignments may vary)

- Assist in the planning, implementation, and evaluation of a variety of recreational programs and events at a pool, park, and/or other recreational facility.
- Assist in the preparation of and lead outdoor activities; and special events; oversee the safety and welfare of participants.
- Follow rules, regulations, policies and procedures for the program(s) and learn to provide some instruction to participants under the guidance of the Head Lifeguard.
- Assist in preparing facilities for programs and events including setting up and cleaning up activities and equipment, stocking bathrooms, emptying trash cans, etc.
- Perform duties as a Designated Disaster Service Worker per California State law during natural and manmade disasters, as needed.
- Perform related duties and responsibilities as assigned.

### QUALIFICATIONS

#### Experience/Education

Sufficient experience and education to successfully perform the duties of a **Recreation Aide** in the City of Plymouth. A typical way of obtaining the required qualifications is to.

#### Knowledge of:

- Techniques, rules and equipment used in recreational activities and games.
- Youth supervision and interaction techniques.
- How to take in money and provide change back correctly.

#### Skill to:

- Provide excellent customer service.
- Communicate clearly and effectively.
- Take direction from a variety of upper-level staff.

- Work in a safe manner, following City safety practices and procedures.

**Ability to:**

- Work collaboratively with diverse community members and City staff.
- Lift and carry at least twenty (20) pounds.
- Interpret and apply rules, regulations and health and safety standards.
- Respond to requests and inquiries from the participants, parents, other staff and general public.
- Exercise good judgment, flexibility, creativity, and sensitivity in response to changing situations and needs.

**Maintain a flexible work schedule based on program requirements.**

**Licensing Requirements:**

- There are no licensing requirements for this position.

**Working Conditions:**

**ENVIRONMENT:**

Indoor and outdoor work environment with ability to work a flexible work schedule, depending upon program needs, including working evenings, weekends, holidays and shifting assignments as program needs change. The noise level in the work environment can vary, ranging from quiet to loud. Incumbents will work in warm to hot environments with sufficient water, breaks and shade provided.

**PHYSICAL DEMANDS:**

Stand, walk, sit, kneel, stoop, crouch and swim for prolonged periods; reach with hands and arms; talk and hear; use hands to finger, handle, feel or operate objects and tools and operate motorized equipment. Occasionally lift and/or move up to 40 pounds. Specific vision requirements of this job include close vision, distance vision, peripheral vision, and the ability to adjust focus. Incumbents are required to use vision and/ or hearing to identify and evaluate field emergencies, and to respond physically to these emergencies quickly and appropriately.

## **POOL REGULATIONS-DRAFT**

The following rules and regulations have been established for the benefit of all users of the Swimming Pool to assure the safe operation of the aquatic facility and to provide safe, enjoyable recreation for all.

Patrons are requested to cooperate in observing these rules and to obey the instructions of the Pool Staff. Patrons violating swimming rules are subject to the revocation of their swimming privileges.

The City of Plymouth reserves the right to refuse admittance to the pool facility when the capacity of the pool has been reached or when otherwise deemed necessary for the health, welfare or safety of its patrons.

The Pool Manager or their designated assistants are responsible for the operation of the pool. Their instruction must be followed at all times. Should disagreement arise, patrons are advised to contact the Pool Manager.

### **GENERAL RULES & ADMISSION POLICIES**

1. No one will be allowed in the swimming area unless the pool is officially open, and a lifeguard is on duty. Entry upon the pool premises when it is not open for public use is trespassing and will be punished accordingly.
2. The City of Plymouth assumes no liability for injuries or damage arising from the results of participation. Due to the strenuous nature of some activities, the participant is advised to consult his/her physician concerning fitness to participate. All activities present certain inherent risks and hazards which the participant assumes.
3. Admission fees must be paid by all patrons using pool services upon each entry to the pool complex.

4. Guards have authority to enforce all pool rules. Patrons who repeatedly violate the rules may be denied use of the pool complex by the City.
5. Pool users must wear swimming suits or swimming trunks upon entry into the pool. Clothing such as cut-offs, gym shorts, and underwear are not permitted as swimwear. Clean swim shirts (noncotton) may be worn for modesty or medical reasons.
6. Children under 12 entering the pool complex must be accompanied and actively supervised at poolside by a responsible adult, 18 years old or older. Children (5) five years and under need to have a responsible adult, 18 years old or older in the water with them at all times.
7. Food, refreshments, and sunscreens may be consumed only in prescribed areas. No food, drinks, sunscreens are permitted on pool decks or sunning areas other than water in plastic bottles. All refuse and waste must be deposited in designated receptacles.
8. Leave valuables at home. The City of Plymouth is not responsible for personal property or valuables at any time. Valuables may not be checked with pool staff.
9. Alcoholic beverages, drugs and pets are not permitted in the pool complex. An exception will be made for service dogs as required.
10. Persons under the influence of alcohol or drugs will not be permitted in the pool complex.
11. Smoking or vaping is NOT permitted anywhere in the pool complex. All smoking or vaping must be done at least 50 feet from the nearest entrance or fence.

12. No person within the pool complex shall behave in such a manner as to jeopardize the safety, health and enjoyment of himself/herself and others. Doing so are grounds for expulsion.
13. Loitering will not be permitted on the pool grounds or within any of its facilities.
14. Running, rough play, pushing, dunking, wrestling, diving or jumping haphazardly, snapping of towels, abusive or profane language, and other improper conduct causing undue disturbances in or about the pool area or any acts which would endanger any patron are grounds for expulsion.
15. Headphones must be worn when listening to musical or entertainment devices.
16. Spitting, spouting water, blowing nose or urinating in the pool is prohibited.
17. All patrons must take a cleansing soap shower before entering the deck area. Sun bathers SHOULD shower before each entrance into the water in order to rinse off perspiration, lotions, sunscreens, etc.
18. Children 6 years of age or older must change in the appropriate bathroom or see a Pool Manager for special arrangements.
19. Any person having a skin disease, sore or inflamed eyes, cold, nasal or ear discharge, communicable disease will not be permitted in the pool. Watertight bandages are advised in the case of abrasions or open sores.
20. Persons having any considerable area of exposed sub-skin, tissues, open blisters, cuts, etc., are warned that these are likely to become infected. Such persons may not use the pool.
21. Any adult or child who is experiencing even a mild case of diarrhea may not use the pool.

22. Anyone not toilet-trained (incontinent) who wishes to enter any pool must wear clean disposable swim pants covered by separate rubber/vinyl pants, all of which must fit snugly around the legs and waist. Disposable diapers are not allowed. If the swim pants become soiled, this person must leave the pool immediately, and may not return until he/she has taken or been given a soap shower and has been recovered by a new swim pants with clean rubber/vinyl pants. For health reasons please change all diapers, off deck, in the bathrooms.
23. Prior to entering the pool complex, any patron requiring special accommodation must inform the pool staff of his/her needs. Such a person must provide additional assistance as required.
24. Any injury occurring in the pool area must be reported to the pool staff immediately.
25. Employees are the only persons allowed in the guard room, filter room, mechanical room, storage room and offices.
26. Cell phones, cameras, or any device with a camera on it may not be used in the locker rooms, bathrooms, or changing areas.

### **RULES FOR GENERAL SWIMMERS**

1. Each child must be supervised at poolside by a responsible adult, 18 years old or older, in the water with them at all times. Children must not be left unattended.
2. Approved and labeled personal flotation devices designed to provide vertical support, must be worn by all non-swimmers less than 48" tall, provided each non-swimmer is accompanied by an adult in the pool, within arm's reach at all times.



3. Non-swimmers must remain in shallow water (chest deep or less). Management reserves the right to swim test all swimmers to assess swimming proficiency for access to deep water.
4. Pools will be cleared of all youths seventeen years of age and under for fifteen minutes prior to each hour for a rest period.
5. Single groups shall not monopolize a particular area of the pool and thereby limit its use by or intimidate other patrons.
6. Wearing eyeglasses in the pool is discouraged unless absolutely necessary. Non-breakable lenses and frames are necessary for safety.
7. Gum chewing is not permitted anywhere in the pool complex for health and safety reasons.
8. Chairs are not permitted within 6 feet of the pool side.
9. NO DIVING IN WATER LESS THAN 8 FEET.

| <b>STAFFING COSTS:</b>      |                      | <i>Staff per Shift</i> | <i>Shifts per Day</i>     | <i>Cost per Employee</i> | <i>Cost per Hour</i>    | <i>Cost per Shift</i> | <i>Daily Cost</i> | <i>Weekly Cost:</i> | <i>Cost:</i>       | <i>Revenue:</i>    |
|-----------------------------|----------------------|------------------------|---------------------------|--------------------------|-------------------------|-----------------------|-------------------|---------------------|--------------------|--------------------|
| Sun-Thurs 12:15-6:45        | Head Lifeguard       | 1                      | 1                         | \$20.00                  | \$20.00                 | \$130.00              | \$130.00          | \$650.00            | \$7,150.00         | \$0.00             |
| Sun-Thurs 12:15-6:45        | Lifeguards           | 2                      | 3                         | \$18.00                  | \$36.00                 | \$234.00              | \$234.00          | \$1,170.00          | \$12,870.00        | \$0.00             |
| Sun-Thurs 12:15-6:45        | Recreation Aide      | 1                      | 1                         | \$16.00                  | \$16.00                 | \$104.00              | \$104.00          | \$520.00            | \$5,720.00         | \$0.00             |
| <b>Total Cost:</b>          |                      |                        |                           |                          |                         |                       |                   |                     | <b>\$25,740.00</b> | <b>\$0.00</b>      |
| <b>15% workers comp</b>     |                      |                        |                           |                          |                         |                       |                   |                     | <b>\$3,861.00</b>  |                    |
| <b>Total Cost:</b>          |                      |                        |                           |                          |                         |                       |                   |                     | <b>\$29,601.00</b> | <b>\$0.00</b>      |
| <b>ANTICIPATED REVENUE:</b> |                      |                        | <i>Quantity Available</i> | <i>Cost per Item</i>     | <i>potential Income</i> |                       |                   |                     | <i>Cost:</i>       | <i>Revenue:</i>    |
|                             | one-one swim lessons |                        | 20                        | \$65.00                  | \$1,300.00              |                       |                   |                     | *                  | \$1,300.00         |
|                             | Group Swim Lessons   |                        | 110                       | \$50.00                  | \$5,500.00              |                       |                   |                     | *                  | \$5,500.00         |
|                             | Season Passes        |                        |                           |                          | \$3,000.00              |                       |                   |                     | *                  | \$3,000.00         |
|                             | Regular Gate Fees    |                        |                           |                          | \$2,000.00              |                       |                   |                     | *                  | \$2,000.00         |
| <b>Total Cost:</b>          |                      |                        |                           |                          |                         |                       |                   |                     | <b>\$0.00</b>      | <b>\$11,800.00</b> |

\*Lifeguard costs included in above

| <b>SUPPLIES NEEDED:</b>        |                     |  | <i>Quantity Needed</i> | <i>Cost per Item</i> |  |  |  |  | <i>Cost:</i>       | <i>Revenue:</i>    |
|--------------------------------|---------------------|--|------------------------|----------------------|--|--|--|--|--------------------|--------------------|
|                                | Wrist Bands         |  | 100                    | \$50.00              |  |  |  |  | \$50.00            | \$0.00             |
|                                | Snack Bar Equipment |  |                        | \$1,000.00           |  |  |  |  | \$1,000.00         | \$0.00             |
|                                | Snack Bar Supplies  |  |                        | \$2,000.00           |  |  |  |  | \$2,000.00         | \$4,000.00         |
|                                | Misc. Items         |  |                        | \$1,000.00           |  |  |  |  | \$1,000.00         | \$0.00             |
| <b>Total Cost:</b>             |                     |  |                        |                      |  |  |  |  | <b>\$4,050.00</b>  | <b>\$4,000.00</b>  |
| <b>15% Program Contingency</b> |                     |  |                        |                      |  |  |  |  | <b>\$607.50</b>    | <b>\$0.00</b>      |
| <b>Total Program Cost:</b>     |                     |  |                        |                      |  |  |  |  | <b>\$34,258.50</b> | <b>\$15,800.00</b> |

|                   |                    |
|-------------------|--------------------|
| <b>Cost Minus</b> |                    |
| <b>Revenue</b>    | <b>\$18,458.50</b> |

## Pool Schedule

| MONTH:                      | ACTIVITY:  | DATE/TIME:          |
|-----------------------------|--|---------------------|
| April                       | Hire staff; lifeguards, swim instructors, snack shack, | 4/01-4-20           |
|                             | Finalize sign-up process and payment collection        | 4/15-4/20           |
|                             | Announce pool programs & hours to the public           | 4/20                |
|                             | Prepare for pool parties & events                      | 4/01-4/20           |
|                             | Sign-ups for swim lessons                              | 4/22-5/15           |
|                             |  |                     |
| May                         | Purchase remaining items for pool & programs           | 5/01-5/31           |
|                             | Finalize schedule for swim lessons, etc.               | 5/20-5/31           |
|                             |  |                     |
| June-August:                | First day of work- Lifeguards, etc.                    | Friday, June 7th    |
|                             | Pool Grand Opening                                     | Sunday, June 9th    |
|                             | 4th of July Pool Party                                 | Thursday, July 4th  |
|                             | End of Summer Pool Party                               | Sunday, August 11th |
|                             |  |                     |
|                             |  |                     |
| <u>Daily Pool Schedule:</u> |  |                     |
| Sunday – Thursday           | Lap Swim   | 12:30 – 1:30        |
|                             | Private Swim Lesson                                    | 12:30 -1:00         |
|                             | Private Swim Lesson                                    | 1:00 – 1:30         |
|                             | Swim Lessons   | 1:30 – 2:00         |
|                             | Family Swim  | 2:00 – 6:30         |
|                             | <i>snack bar open during family swim only</i>          |                     |
|                             |  |                     |
|                             |  |                     |
|                             |  |                     |
|                             |  |                     |
|                             | <i>Pool available for party rentals</i>                |                     |
|                             |  |                     |
|                             |  |                     |
|                             |  |                     |
|                             |  |                     |
|                             |  |                     |
|                             |  |                     |

|  |  |  |
|--|--|--|
|  |  |  |
|  |  |  |

**RESOLUTION NO. 2024-04**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLYMOUTH,  
AUTHORIZING THE POOL PROGRAM FOR THE SUMMER OF 2024 AND  
APPROVING THE HEAD LIFEGUARD, LIFEGUARD AND RECREATION  
AIDE JOB CLASSIFICATION AND SETTING THE RATE OF PAY AND  
AUTHORIZING A BUDGET APPROPRIATION NOT TO EXCEED TWENTY  
THOUSAND DOLLARS FOR THE POOL PROGRAM**

**WHEREAS**, the City presented a Pool Program for the Summer of 2024; and

**WHEREAS**, the Head Lifeguard, Lifeguard and Recreation job classifications were presented; and

**WHEREAS**, the City was previously paying ACRA approximately \$20,000 for management of the pool which included only free swim hours with no additional services. The approved pool schedule allows for lap swim, swim lessons, snack bar, and facility rentals at an estimated cost of \$34,258.50, with a projected revenue of \$15,800, thus only costing the City approximately \$18,458.50; and

**WHEREAS**, a budget appropriation for the 2024 Pool Program in the amount of not to exceed twenty thousand dollars (\$20,000.00) is recommended for the Pool Program.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Plymouth, that they are authorizing the Pool Program as presented for the Summer 2024; and

**BE IT FURTHER RESOLVED**, that the job classifications for Head Lifeguard, Lifeguard, and Recreation Aide and their wages are approved as presented; and

**BE IT FURTHER RESOLVED**, that a budget appropriation for the 2024 Pool Program is hereby made in the amount not to exceed in the amount of twenty thousand dollars (\$20,000.00) to the Swimming Pool budget.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Plymouth, State of California, held on this 28<sup>th</sup> day of March, 2024 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Marianne, Akerland, Mayor

ATTEST: \_\_\_\_\_  
Victoria McHenry  
Deputy City Clerk

Invoice No. **J-1103**

Amador County Recreation Agency

# INVOICE

**Customer**

Name City of Plymouth  
 Address 9426 Main Street  
 City Plymouth State CA ZIP 95669  
 Phone

**Misc**

Date 7/13/2023  
 Order No.  
 Rep  
 FOB

| Qty | Description                                    | Unit Price  | TOTAL         |
|-----|--|-------------|---------------|
| 1   | Plymouth Pool June 2023                        | \$ 4,839.00 | \$ 4,839.00   |
| 1   | Lifeguards, Pool Manager & Staff               | \$ 50.00    | \$ 50.00      |
| 1   | Advertising, Supplies and Travel Reimbursement | \$ 725.85   | \$ 725.85     |
| 1   | Worker's Comp @ 15%                            | \$ 483.90   | \$ 483.90     |
| 1   | Administration Fee @ 10%                       |             |               |
| -1  | Less Income                                    | \$ 2,472.00 | \$ (2,472.00) |
|     | Please Pay by 8/1/2023                         |             |               |

**Payment**

Select One...

Comments

Name

CC #

Expires

Tax Rate(s)

|              |                    |
|--------------|--------------------|
| SubTotal     | \$ 3,626.75        |
| Shipping     |                    |
| <b>TOTAL</b> | <b>\$ 3,626.75</b> |

Office Use Only

ACRA 10877 Conductor Blvd., Suite 100, Sutter Creek, Ca. 95685 (209)223-6349

Everybody gets to PLAY!

Amador County Recreation Agency

**INVOICE**

**Customer**

Name City of Plymouth  
 Address 9426 Main Street  
 City Plymouth State CA ZIP 95669  
 Phone

**Misc**

Date 7/13/2023  
 Order No.  
 Rep  
 FOB

| Qty | Description                                    | Unit Price  | TOTAL         |
|-----|--|-------------|---------------|
| 1   | Plymouth Pool July 2023                        |             |               |
| 1   | Lifeguards, Pool Manager & Staff               | \$ 6,808.00 | \$ 6,808.00   |
| 1   | Advertising, Supplies and Travel Reimbursement | \$ 50.00    | \$ 50.00      |
| 1   | Worker's Comp @ 15%                            | \$ 1,021.20 | \$ 1,021.20   |
| 1   | Administration Fee @ 10%                       | \$ 680.80   | \$ 680.80     |
| -1  | Less Income                                    | \$ 1,177.00 | \$ (1,177.00) |
|     | Please Pay by 9/1/2023                         |             |               |

**Payment**

Select One...

Comments  
 Name  
 CC #  
 Expires

|              |                    |
|--------------|--------------------|
| SubTotal     | \$ 7,383.00        |
| Shipping     |                    |
| Tax Rate(s)  |                    |
| <b>TOTAL</b> | <b>\$ 7,383.00</b> |

Office Use Only

ACRA 10877 Conductor Blvd., Suite 100, Sutter Creek, Ca. 95685 (209)223-6349

Everybody gets to PLAY!

Amador County Recreation Agency

# INVOICE

**Customer**

Name City of Plymouth  
 Address 9426 Main Street  
 City Plymouth State CA ZIP 95669  
 Phone

**Misc**

Date 10/1/2023  
 Order No.  
 Rep  
 FOB

| Qty | Description                                    | Unit Price  | TOTAL         |
|-----|--|-------------|---------------|
| 1   | Plymouth Pool August/September 2023            | \$ 5,253.00 | \$ 5,253.00   |
| 1   | Lifeguards, Pool Manager & Staff               | \$ 50.00    | \$ 50.00      |
| -1  | Advertising, Supplies and Travel Reimbursement | \$ 1,283.00 | \$ (1,283.00) |
| 1   | 1 week Free Swim                               | \$ 595.50   | \$ 595.50     |
| 1   | Worker's Comp @ 15%                            | \$ 525.30   | \$ 525.30     |
| 1   | Administration Fee @ 10%                       |             |               |
| -1  | Less Income                                    | \$ 345.00   | \$ (345.00)   |
|     | 10/15/2023                                     |             |               |

**Payment**

Select One...

Comments

Name

CC #

Expires

Tax Rate(s)

|              |                    |
|--------------|--------------------|
| SubTotal     | \$ 4,795.80        |
| Shipping     |                    |
| <b>TOTAL</b> | <b>\$ 4,795.80</b> |

Office Use Only

ACRA 10877 Conductor Blvd., Suite 100, Sutter Creek, Ca. 95685 (209)223-6349

Everybody gets to PLAY!





