

City of Capitola Agenda

Mayor: Dennis Norton
Vice Mayor: Ed Bottorff
Council Members: Jacques Bertrand
Stephanie Harlan
Michael Termini
Treasurer: Christine McBroom



REVISED

CAPITOLA CITY COUNCIL REGULAR MEETING

THURSDAY, MARCH 26, 2015

**CITY HALL COUNCIL CHAMBERS
420 CAPITOLA AVENUE, CAPITOLA, CA 95010**

**CLOSED SESSION – 6:00 PM
CITY MANAGER’S OFFICE**

An announcement regarding the items to be discussed in Closed Session will be made in the City Hall Council Chambers prior to the Closed Session. Members of the public may, at this time, address the City Council on closed session items only. There will be a report of any final decisions in City Council Chambers during the City Council's Open Session Meeting.

CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)

Negotiator: Allyson Hauck, Public Law Group

Employee Organizations: (1) Association of Capitola Employees; (2) Capitola Police Captains, (3) Capitola Police Officers Association, (4) Confidential Employees; (5) Mid-Management Group; and (6) Department Heads; and (7) City Manager

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7:00 PM

All correspondences received prior to 5:00 p.m. on the Wednesday preceding a Council Meeting will be distributed to Councilmembers to review prior to the meeting. Information submitted after 5 p.m. on that Wednesday may not have time to reach Councilmembers, nor be read by them prior to consideration of an item.

All matters listed on the Regular Meeting of the Capitola City Council Agenda shall be considered as Public Hearings.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Members Stephanie Harlan, Ed Bottorff, Jacques Bertrand, Michael Termini, and Mayor Dennis Norton

2. PRESENTATIONS

A. Proclamation honoring John Barisone, City Attorney, on his 14 years of service to the City of Capitola.

3. REPORT ON CLOSED SESSION

4. ADDITIONAL MATERIALS

Additional information submitted to the City Council after distribution of the agenda packet.

A. 9.B.
DETAILS:
Communication from the Public.

B. 10.A.
DETAILS:
Communication from the Public.

C. 10.B.
DETAILS:
Communications from the Public and Revised Draft Ordinance.

5. ADDITIONS AND DELETIONS TO AGENDA

6. PUBLIC COMMENTS

Oral Communications allows time for members of the Public to address the City Council on any item not on the Agenda. Presentations will be limited to three minutes per speaker. Individuals may not speak more than once during Oral Communications. All speakers must address the entire legislative body and will not be permitted to engage in dialogue. All speakers are requested to print their name on the sign-in sheet located at the podium so that their name may be accurately recorded in the minutes. A MAXIMUM of 30 MINUTES is set aside for Oral Communications at this time.

7. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

City Council Members/City Treasurer/Staff may comment on matters of a general nature or identify issues for staff response or future council consideration.

8. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

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9. CONSENT CALENDAR

All items listed in the "Consent Calendar" will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Council votes on the action unless members of the public or the City Council request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Government.

Note that all Ordinances which appear on the public agenda shall be determined to have been read by title and further reading waived.

- A. Consider approving the March 12, 2015, Regular City Council Minutes.
RECOMMENDED ACTION:
Approve Minutes.

- B. Consider a Resolution in support of Senate Bill 344 requiring the completion of a commercial driving institution course before being issued a California Commercial Driver's License.
RECOMMENDED ACTION:
Adopt Resolution.

- C. Adoption of an Ordinance amending Chapter 17.03 (Zoning) of the Capitola Municipal Code to add definitions for Transitional and Supportive Housing as required by State law.
RECOMMENDED ACTION:
Adopt Ordinance.

- D. Adoption of an Ordinance amending Section 2.04.140 of the Capitola Municipal Code regarding Council Members placing an item on the City Council agenda.
RECOMMENDED ACTION:
Adopt Ordinance.

10. GENERAL GOVERNMENT / PUBLIC HEARINGS

General Government items are intended to provide an opportunity for public discussion of each item listed. The following procedure is followed for each General Government item: 1) Staff explanation; 2) Council questions; 3) Public comment; 4) Council deliberation; 5) Decision.

- A. Consider the Countywide Homeless Strategic Plan (Plan).
RECOMMENDED ACTION:
Approve the Plan.

- B. Introduction of an Ordinance amending Chapter 8.38 (Smoking Regulations) of the Capitola Municipal Code to establish regulations for electronic cigarettes.
RECOMMENDED ACTION:
Introduce Ordinance.

- C. Consider the approval of the City of Capitola becoming a partner agency in the Regional Water Management Group for the purposes of developing an Integrated Regional Water Management Plan (IRWM).
RECOMMENDED ACTION:
(1) Approve the City of Capitola becoming a partner agency in the Santa Cruz Regional Water Management Group at a cost of \$5,000 annually; (2) Authorize the City Manager to sign the Memorandum of Agreement for the Santa Cruz IRWM; and (3) Adopt a Resolution approving the 2014 Update of the Santa Cruz IRWM.

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- D. Consider a Resolution authorizing the City to enter into a Joint Powers Agreement with the California Hero Program for renewable energy.

RECOMMENDED ACTION:

Adopt Resolution.

- E. Introduction of a Temporary Surf School Ordinance Amendment regarding Surf School Permits for the 2015 Calendar Year Surf Schools.

RECOMMENDED ACTION:

Introduce Temporary Ordinance.

11. ADJOURNMENT

Adjourn to the next Regular Meeting of the City Council on Thursday, April 9, 2015, at 7:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Note: Any person seeking to challenge a City Council decision made as a result of a proceeding in which, by law, a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that court action within ninety (90) days following the date on which the decision becomes final as provided in Code of Civil Procedure §1094.6. Please refer to code of Civil Procedure §1094.6 to determine how to calculate when a decision becomes “final.” Please be advised that in most instances the decision become “final” upon the City Council’s announcement of its decision at the completion of the public hearing. Failure to comply with this 90-day rule will preclude any person from challenging the City Council decision in court.

Notice regarding City Council: The Capitola City Council meets on the 2nd and 4th Thursday of each month at 7:00 p.m. (or in no event earlier than 6:00 p.m.), in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

Agenda and Agenda Packet Materials: The City Council Agenda and the complete Agenda Packet are available for review on the City’s website: www.cityofcapitola.org and at Capitola City Hall and at the Capitola Branch Library, 2005 Wharf Road, Capitola, on the Monday prior to the Thursday meeting. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue, Capitola. Need more information? Contact the City Clerk’s office at 831-475-7300.

Agenda Materials Distributed after Distribution of the Agenda Packet: Pursuant to Government Code §54957.5, materials related to an agenda item submitted after distribution of the agenda packet are available for public inspection at the Reception Office at City Hall, 420 Capitola Avenue, Capitola, California, during normal business hours.

Americans with Disabilities Act: Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the City Clerk’s office at least 24-hours in advance of the meeting at 831-475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

Televised Meetings: City Council meetings are cablecast “Live” on Charter Communications Cable TV Channel 8 and are recorded to be rebroadcasted at 8:00 a.m. on the Wednesday following the meetings and at 1:00 p.m. on Saturday following the first rebroadcast on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings are streamed “Live” on the City’s website at www.cityofcapitola.org by clicking on the Home Page link “**Meeting Video**”. Archived meetings can be viewed from the website at anytime.

In Recognition of JOHN BARISONE

*Capitola City Attorney
September 2002 to March 2015*

WHEREAS, John Barisone is a native of San Francisco where he lived for 35 years; and

WHEREAS, John went to Gonzaga University in Spokane, Washington, where he met his future wife, Susan Atchison, and then he received his bachelor's degree cum laude in 1975, and his law degree with honors in 1979 from the University of San Francisco; and

WHEREAS, John and Susan have been married for the last 32 years and have three children, Eamon, age 30; Meaghan, age 28; and Amelia, age 25; and

WHEREAS, John and his family moved to Santa Cruz County in 1987 when he joined the Atchison law firm in Santa Cruz after practicing law for nine years in the Bay Area; and

WHEREAS, John was appointed City Attorney for Santa Cruz in 1990, and appointed as the Capitola City Attorney in 2002; and

WHEREAS, John is the managing partner of that firm, now known as Atchison, Barisone, Condotti & Kovacevich; and

WHEREAS, John served in the United States Coast Guard Reserve for eight years, belongs to the Santa Cruz Sunrise Rotary Club (Club President 1995-1996), and is an active member of the League of California Cities City Attorneys Department, as well as various City Attorney organizations; and

WHEREAS, John has served on the boards for several local non-profits, including Goodwill Industries, the Dominican Hospital Foundation, and the Live Oak Senior Center; and

WHEREAS, John has provide enlightened legal advice to the City of Capitola for the last 14 years as our City Attorney, guiding the City through numerous legal "opportunities" and challenges; and

WHEREAS, John will be retiring from both City Attorney positions on March 31st.

NOW, THEREFORE, I, Dennis R. Norton, Mayor of the City of Capitola, on behalf of the entire City Council, hereby recognize John Barisone for his dedication, loyalty and excellent service to the employees and citizens of the City of Capitola, and wish him all the best life has to offer in his retirement.

*Dennis Norton, Mayor
Signed and sealed this 26th day of March 2015*

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Sneddon, Su (ssneddon@ci.capitola.ca.us)

From: Lynn Robinson [robinsonlynn8@gmail.com]
Sent: Thursday, March 26, 2015 8:20 AM
To: City Council
Subject: Fwd: Support for SB344

>
> Dear Dennis, Ed, Jacques, Stephanie and Michael,
>
> I am reaching out to all of you regarding your support for SB344 on your consent agenda this Thursday.
> Last year, when I was Mayor of Santa Cruz, the tragic big rig accident during the morning work commute of July 10th took the life of one of our own, young Daniel McGuire. He was a close friend of my son Conrad, and at his memorial at the Warriors arena, where over one thousand people attended, I witnessed how deep and wide Daniel's connections were throughout Santa Cruz County. When a loss like this happens in our community, sometimes it is hard to know how to help, or what we can do to make a difference. I have had the honor of working closely with his family and close friends to create a positive out of something so tragic, which is where you can also help make a difference.
>
> Senator Bill Monning has been incredibly helpful in bringing forward this very reasonable legislation to improve the driver training experience and requirement for new commercial big truck drivers. All the other cities in the county as well as the Board of Supervisors have just recently supported this resolution and we look forward to your support as well. Having all the local elected representatives supporting SB344 is extremely valuable as we go to committee in Sacramento in early April.
> Daniel's mom, Gail-Jean McGuire-Sais, myself and Paula Mahoney (who has worked closely with Monning's office) will be at your meeting Thursday night. We are happy it is on consent and don't need to get up to speak. If for some reason it does get pulled, we are available if needed. We are grateful the Mayor put this on the agenda, and will be in the audience to show our support.
> Feel free to call me in advance of your meeting if you have any questions by calling my cell at [REDACTED]
>
> All the best,
>
> Lynn Robinson
>
> Sent from my iPad

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Sneddon, Su (ssneddon@ci.capitola.ca.us)

From: JA Festa JM Graham [rocknjean@cruzio.com]
Sent: Sunday, March 22, 2015 11:55 AM
To: City Council
Subject: Strategic Plan to End Homelessness

Dear Capitola City Council:

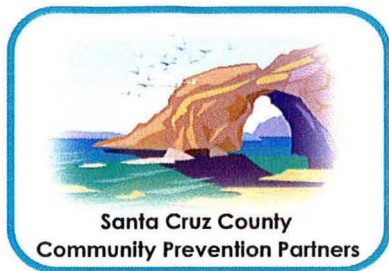
I am writing to you to urge you to support the proposed strategic plan to end homelessness entitled "All In-Toward A Home For Every County Resident" that you will be considering at your meeting on March 26, 2015. As a resident of Capitola and a voter, as a union member and as a 12+ year employee of the County's Homeless Persons Health Project, I have been closely involved with issues related to homelessness in our community. I think that it is essential to have a comprehensive and collaborative approach such as the one embodied in this proposal if we are going to make meaningful and lasting change in our community. In particular I believe it is essential as a County that we increase the supply of and increase access to affordable housing, improve efforts to prevent public and private institutions from discharging individuals into homelessness (the Recuperative Care Center which opened in January of 2014 is a 12 bed enhanced shelter facility that has already been hugely successful in helping homeless clients discharged from the hospital receive appropriate care to aid their recovery and reduce the likelihood of re-hospitalization) and provide a system that is truly countywide.

Please vote yes on March 26 to support the "All In" plan. Thank you for your ongoing support.

Respectfully,

Jean Graham RN, PHN
920 Capitola Avenue #34
Capitola, CA 95010

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Community Prevention Partners of Santa Cruz County
A Drug Free Communities Coalition

March 26, 2015

Mayor Dennis Norton and City Council Members
420 Capitola Avenue
Capitola, CA 95010

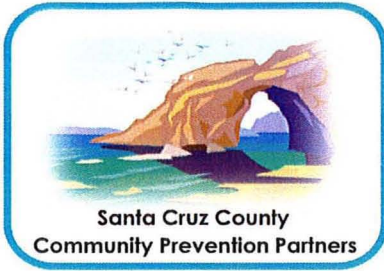
Dear Mayor Norton and City Council Members:

On behalf of the Community Prevention Partners Marijuana Initiative, we want to express our strong support for amending your current no smoking policy to include electronic smoking devices. The Santa Cruz Community Prevention Partners are dedicated to building a diverse community that promotes health and wellbeing, and enhances youth and community safety through sustainable alcohol and drug prevention efforts. Our Coalition has extensive history working with community organizations, community members and local youth to prevent and reduce alcohol, drug, and tobacco use.

Despite the growing use of electronic tobacco products, there are currently no regulations governing how e-cigarettes are made, what is in them or how they are marketed. This lack of regulation poses serious risks to public health. E-cigarettes are being marketed to non-smokers in ways that make smoking appear attractive, and falsely advertised as a safer alternative for smokers. An analysis published in January in the New England Journal of Medicine, states that the exposure to formaldehyde from e-cigarettes, based on similar chronic use as tobacco, could be five to 15 times higher than from smoking cigarettes.

Community Prevention Partners is extremely concerned as youth and young adults are also loading E-cigarettes with marijuana and hash oil concentrates that are extremely strong. Marijuana flowers can contain up to about 20 percent THC, the psychoactive chemical that makes you feel high. But the concentrates can contain up to 90 percent THC. Even Allen St. Pierre, executive director of the National Organization to Reform Marijuana Laws, a nonprofit lobbying group working to broadly legalize marijuana use is concerned. "Between the fact that you can potentially pass out with a single inhalation, these [issues of the vape pen] definitely need to be addressed," he says. "This is a screaming call for regulation if there ever was one."

E-cigarette use doubled in a one-year period among middle and high school students. It's alarming to see the increase in popularity and use of e-cigarettes, especially when very little is known about them.



Community Prevention Partners of Santa Cruz County
A Drug Free Communities Coalition

E-cigarette companies are now targeting youth through marketing the same way traditional cigarette companies did before they faced advertising restrictions. They are targeting us through television ads, social media, and magazines using appeals like celebrities, cartoons and flavors. This wasn't acceptable then with cigarettes and it's not acceptable now.

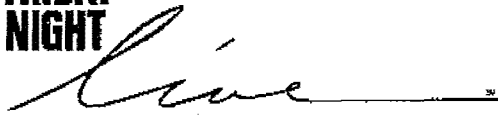
The Santa Cruz Community Prevention Partners believes in health in all policies and that restricting the use of electronic cigarettes and pipes where smoking is already prohibited is good public policy that aligns with other communities across the State.

As representatives of the Santa Cruz Community Prevention Partners we thank you for addressing this important emerging public health issue.

Sincerely,

Representatives of Community Prevention Partners Marijuana Initiative Members
Shebreh Kalantari Johnson, Parent Teela Williams, United Way of Santa Cruz County
Deb Elston, Santa Cruz Neighbors Jorge Bru, UCSC Student Health
Frank Horst, Cabrillo College Student Michelle Sapena, Parent

FRIDAY
NIGHT



**Santa Cruz County Friday Night Live Partnership
Friday Night Live builds partnerships for positive and healthy youth development
which engage youth as active leaders and resources in their community.**

March 25, 2015

City Council Members
420 Capitola Avenue
Capitola, CA 95010

Dear City Council Members:

On behalf of The Santa Cruz County Friday Night Live Partnership, we want to express our strong support for amending your current no smoking policy to include electronic smoking devices.

Our program has a long history of working with local youth to prevent alcohol, drug, and tobacco use. We are youth driven and lead, designed to prevent alcohol, tobacco and other drug use among middle school and high school students. Recently, we learned that e-cigarette use doubled in a one-year period among middle and high school students. It's alarming to see the increase in popularity and use of e-cigarettes, especially when very little is known about them.

E-cigarette companies are now targeting youth through marketing the same way traditional cigarette companies did before they faced advertising restrictions. They are targeting us through television ads, social media, and magazines using appeals like celebrities, cartoons and flavors. This wasn't acceptable then with cigarettes and it's not acceptable now.

Despite the growing use of electronic tobacco products, there are currently no regulations governing how e-cigarettes are made, what is in them or how they are marketed. This lack of regulation poses serious risks to public health. We have already seen e-cigarettes being marketed to non-smokers in ways that make smoking appear attractive, and falsely advertised as a safer alternative for smokers or to assist in smokers quitting tobacco use.

Finally, e-cigarettes can be used to smoke other substances such as marijuana products. There use on school campuses is increasing as it is more easily hidden as it does not produce smoke or the smell associated with smoking marijuana.

The Santa Cruz County Friday Night Live Partnership believe that restricting the use of electronic cigarettes and pipes where smoking is already prohibited is a step in the right direction, and it's a step that several communities across the State are already taking.

As representatives of the Santa Cruz County Friday Night Live Partnership Youth Council we thank you for addressing this important emerging public health issue.

Sincerely,

Eddie Robles

Edgard Martinez

Caleb Bryant

Alex Santillan

Carla Zuniga

Aaron Gaxiola

Dorothy Baron-Bryant

REVISED

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF CAPITOLA AMENDING
CHAPTER 8.38 SMOKING REGULATIONS OF THE CAPITOLA MUNICIPAL CODE
TO ESTABLISH REGULATIONS FOR ELECTRONIC CIGARETTES**

WHEREAS, the City Council of the City of Capitola does hereby find, determine and declare as follows:

- A. That electronic smoking devices, commonly known as “electronic cigarettes,” “e-cigarettes,” “e-cigars,” “e-cigarillos,” “e-pipes,” “e-hookahs,” “electronic nicotine delivery systems,” etc., are battery operated devices designed to deliver nicotine, flavor, and/or other substances through a vapor inhaled by the user¹; and
- B. That the use of electronic smoking devices has increased significantly in recent years, as evidenced by the fact that:
- Between 2011 and 2012 the percentage of all youth in grades 6 to 12 who had tried electronic smoking devices doubled;²
 - 6.8% of all youth between 6th and 12th grade report trying electronic smoking devices;³
 - 10% of high school students have tried electronic smoking devices;⁴
 - 9.3% of youth who have used electronic smoking devices have never smoked conventional cigarettes;⁵
 - Between 2010 and 2011, rates of both awareness and use of unregulated electronic smoking devices by adults also increased significantly; and
- C. That existing studies on electronic smoking devices’ vapor emissions and cartridge contents have found a number of dangerous substances including:
- Chemicals known to the State of California to cause cancer⁶ such as formaldehyde, acetaldehyde, lead, nickel, and chromium;^{7, 8}
 - PM_{2.5}, acrolein, tin, toluene, and aluminum,^{9, 10, 11, 12} which are associated with a range of negative health effects such as skin, eye, and respiratory irritation,^{13, 14, 15, 16} neurological effects,¹⁷ damage to reproductive systems,¹⁸ and even premature death from heart attacks and stroke;¹⁹
 - Inconsistent labeling of nicotine levels in electronic smoking device products;²⁰ and
 - In one instance, diethylene glycol, an ingredient used in antifreeze and toxic to humans;²¹ and
- D. That case studies have concluded that exposure to vapor from electronic smoking devices may cause passive or secondhand vaping; and

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- E. That some cartridges used by electronic smoking devices can be re-filled with liquid nicotine solution, creating the potential for exposure to dangerous concentrations of nicotine, and as a result:
- Poisonings from electronic smoking devices have increased dramatically in the last three and half years from “one [a month] in September 2010 to 215 a month in February 2014; and
 - Analysis of reports of poisonings from electronic smoking devices finds that calls reporting exposure to electronic smoking devices are much more likely to involve adverse health effects when compared to calls reporting exposure to conventional cigarettes;²² and
- F. That studies about the safety and efficacy of these products have not been submitted to the FDA for the over 400 brands of electronic smoking devices that are on the market and for this reason, consumers currently have no way of knowing:
- Whether electronic smoking devices are safe;
 - What types or concentrations of potentially harmful chemicals the products contain; and
 - What dose of nicotine the products deliver; and
- G. That the World Health Organization has strongly advised consumers against the use of electronic smoking devices until they are “deemed safe and effective and of acceptable quality by a competent national regulatory body”; and
- H. That the World Medical Association has determined that electronic smoking devices “are not comparable to scientifically-proven methods of smoking cessation” and that “neither their value as therapeutic aids for smoking cessation nor their safety as cigarette replacements is established”; and
- I. That the State of California’s Tobacco Education and Research Oversight Committee (TEROC) “opposes the use of e-cigarettes in all areas where other tobacco products are banned.”
- J. That a study published in the Journal of Environmental and Public Health suggests that electronic smoking devices “may have the capacity to ‘re-normalize’ tobacco use in a demographic that has had significant denormalization of tobacco use previously”; and
- K. That electronic smoking devices often mimic conventional tobacco products in shape, size, and color, with the user exhaling a smoke-like vapor similar in appearance to the exhaled smoke from cigarettes and other conventional tobacco products; and
- L. That the use of electronic smoking devices in smoke free locations threatens to undermine compliance with smoking regulations and reverse the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment;

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M. That over 59 jurisdictions within California require retailers to obtain a license to sell electronic smoking devices and at least 44 local jurisdictions in California prohibit the use of electronic smoking devices in specific locations.

NOW, THEREFORE BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS FOLLOWS:

Section 1. Chapter 18.38 SMOKING REGULATIONS of the Title 18

Chapter 8.38 SMOKING REGULATIONS Title 18 HEALTH AND SAFETY of the Capitola Municipal Code is hereby amended to read as follows:

**"Chapter 8.38
SMOKING REGULATIONS**

Sections:

- 8.38.010 Findings.
- 8.38.020 Purpose.
- 8.38.030 Definitions.
- 8.38.040 Application of chapter to city facilities.
- 8.38.050 Prohibition of smoking in indoor public places.
- 8.38.06055 Prohibition of smoking in outdoor public places.
- 8.38.0760 Smoking prohibited in certain places.
- 8.38.0870 More restrictive private rules allowed.
- 8.38.0980 Smoking policy in places of employment.
- 8.38.1090 —Retaliation against persons exercising rights under chapter provisions.
- 8.38.1100 Where smoking is not regulated.
- 8.38.1210 Posting of signs.
- 8.38.131220 —Regulating the sale of tobacco products.
- 8.38.1420 Enforcement.
- 8.38.1530 Violations and penalties.
- 8.38.1640 Other applicable laws.

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8.38.010 Findings.

The city council of the city of Capitola finds that:

A. Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution and that breathing secondhand smoke is a cause of disease in nonsmokers; and

B. The U.S. Environmental Protection Agency has classified secondhand smoke as a carcinogen for which there is no safe level of exposure. At special risk are children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

C. Health hazards induced by breathing secondhand smoke include lung cancer, heart disease, respiratory infection, decreased respiratory function, bronchoconstriction and bronchospasm.

8.38.020 Purpose.

The city council of the city of Capitola declares that the purposes of the ordinance codified in this chapter are:

A. To protect the public health, safety and welfare by prohibiting smoking in public places and work places; and

B. To guarantee the right of nonsmokers to breathe smoke-free air shall have priority over the desire to smoke; and

C. To make the public aware of hazards of secondhand smoke.

8.38.030 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

A. "Business" means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.

B. "City health officer" means the director of the county health department or designee serving as the city's health officer.

C. ~~"E-Cigarette" means any electronically or battery-operated device, often shaped like a cigarette, containing a nicotine-based liquid, sometimes flavored, that is vaporized and inhaled, and which is used to simulate the experience of smoking tobacco or other combustible substances.~~ means an

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electronic smoking device which can be used to deliver an inhaled dose of nicotine or other substances, including any component, part, or accessory of such a device, whether or not sold separately. "E-Cigarette" includes any such electronic smoking device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor.

- D. "Employee" means any person who is employed **or retained as an independent contractor** by any employer in consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services to a nonprofit entity.
- E. "Employer" means any person, partnership, corporation, public agency or nonprofit entity, which employs the services of one or more individual persons.
- F. "Enclosed area," for purposes of Section 8.38.050, which prohibits smoking in enclosed public places and Section 8.38.030 which means an area substantially surrounded by a combination of walls, windows, doors, partitions or other architectural feature which significantly prevent smoke from escaping into the open air.
- G. "Nonprofit entity" means any corporation, unincorporated association or other entity created for charitable, philanthropic, educational, charter building, political, social or other similar purposes, the net proceeds from the operations of which are committed to the promotion of the objects or purposes of the organization and not to private financial gain. A public agency is not a nonprofit entity within the meaning of this subsection.
- H. "Place of employment" means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference rooms and classrooms, employee cafeterias and hallways. A private residence is not a place of employment unless it is used as a child care, health care, board and care, or community foster care facility.
- I. "Public libraries" means any public library maintained and operated within the city of Capitola.
- J. "Public place" means any area to which the public is invited or in which the public is permitted, including, but not limited to, banks, educational facilities, places of employment, health facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, theaters and waiting rooms. A private residence is not a public place.
- K. "Reasonable distance" means a distance that ensures that occupants of an area in which smoking is prohibited are not exposed to secondhand smoke

Item #: 4.C. 10.B. Revised Draft Ordinance.pdf

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created by smokers outside the area. This distance shall be a minimum of twenty feet.

L. "Restaurant" means any coffee shop, cafeteria, sandwich stand, private or public school cafeteria, outdoor dining areas, and any other eating establishment which gives or offers for sale food to the public, guests or employees; any kitchen in which food is prepared on the premises for serving elsewhere, including catering facilities. The term "restaurant" shall not include a cocktail lounge or tavern if said cocktail lounge or tavern is a "stand alone bar" as defined in this section.

M. "Retail tobacco store" means a retail store where the majority of its sales are from tobacco products and smoking accessories and in which the sale of other products is merely incidental.

N. "Right-of-way" means any portion of the street, sidewalk or adjacent public property, over which people and goods have the right to pass or travel.

O. "Schools" means any public or private pre-school, elementary, middle, junior high or high school within the city of Capitola.

P. "Service line" means any indoor or outdoor line at which one or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

Q. "Smoking" means inhaling, exhaling, burning, ~~operating~~ or carrying any lighted, ~~heated or ignited or operating~~ cigar, cigarette, e-cigarette, ~~e-cigarette, weed, plant or other combustible or vaporized substance in any manner or in any form, cigarillo, pipe, hookah, or any plant product intended for human inhalation.~~

R. "Sports arena" means auditoriums where sporting events are conducted from time to time; gymnasiums, health spas; indoor or outdoor swimming pools, skating rinks; bowling hallways; and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sporting events.

S. "Stand alone bar" means an area in which: (1) the serving of alcoholic beverages for consumption by patrons on the premises is its primary purpose; (2) persons under the age of twenty-one are not permitted on the premises; and (3) serves no food but snack-type foods. A "stand alone bar" for the purpose of this chapter does not include any bar which is structurally part of a building also hosting other business operations, unless it is physically separate from other uses in the same building and has a separate ventilating system ventilating directly to the outside of the building. "Physically separate" means separated (except for doors and windows left closed during business hours) by durable, smoke impervious materials from other areas (except open air areas) of the same structure.

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T. "Tobacco" or "Tobacco Product" shall mean:

(1) Any substance containing tobacco, including, but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, e-cigarette or any other preparation of tobacco; or

(2) Any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco-product dependence.

1. Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; and
2. Any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to an e-cigarette, cigar, pipe, or hookah.
3. Notwithstanding any provision of subsections (1) and (2) to the contract, "tobacco product" includes any component, part, or accessory of a tobacco product, whether or not sold separately. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration for sales as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

U. "Tobacco retailer" shall mean any person or business which sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products, tobacco paraphernalia or e-cigarettes, or who distributes free or low-cost samples of tobacco products, tobacco paraphernalia or e-cigarettes. "Tobacco retailing" shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco, tobacco products, tobacco paraphernalia or e-cigarettes sold, offered for sale, exchanged, or offered for exchange.

8.38.040 Application of chapter to city facilities.

Facilities owned, operated or leased by the city of Capitola are not exempt from this chapter.

8.38.050 Prohibition of smoking in indoor public places.

Except as provided in Section 8.38.100, smoking is prohibited in all enclosed

Item #: 4.C. 10.B. Revised Draft Ordinance.pdf

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public places within the city, including, but not limited to, the following: because of the effects of residual smoke, this prohibition is applicable twenty-four hours a day unless another time frame is specifically provided:

- A. Elevators;
- B. Restrooms;
- C. Retail stores;
- D. All areas available to and customarily used by the general public in all businesses and nonprofit entities patronized by the public, including, but not limited to, offices, banks, laundromats, hotels and motels;
- E. Restaurants and outdoor dining areas (except the open air portions thereof);
- F. Theater-bar combinations and dinner theaters;
- G. Public areas of galleries, libraries and museums;
- H. Any area or facility which is primarily used for exhibiting a motion picture, stage or drama production, lecture, musical recital or other similar performance, except when smoking is part of the production or performance;
- I. Sports areas and convention halls;
- J. Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, including joint committees, or agencies of the city or any political subdivision of the state during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city;
- K. Waiting rooms, hallways, wards and patient rooms of health facilities, including, but not limited to hospitals, medical centers, clinics, physical therapy facilities, and medical, dental and chiropractic offices;
- L. Lobbies, hallways and other common areas in apartment buildings, condominiums, retirement facilities, nursing homes and other multiple-unit facilities;
- M. Lobbies, hallways and other common areas in multiple-unit commercial facilities;
- N. Polling places;
- O. Video arcades, bingo parlors, card rooms, game rooms, pool halls, dance halls, amusement centers and bowling alleys;
- P. Areas which share their air space, including, but not limited to, air conditioning,

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heating or other ventilation systems, entries, doorways, open windows, hallways and stairways with other enclosed areas in which smoking is prohibited;

Q. At least seventy-five percent of the guest rooms in every hotel and motel shall be maintained as fixed nonsmoking rooms;

R. Service lines including, but not limited to, food services lines and ticket or admissions lines.

8.38.06055 Prohibition of smoking in outdoor public places.

Smoking is prohibited in the following specifically delineated outdoor public places:

- A. Capitola Beach;
- B. Any portion of the Esplanade right-of-way;
- C. Any portion of the Stockton Avenue right-of-way between Wharf Road and the Esplanade;
- D. Any portion of Monterey Avenue south of Lawn Way;
- E. Esplanade Park;
- F. Capitola Wharf;
- G. Jade Street Park;
- H. Library property at 2005 Wharf Road;
- I. Rispin Mansion property;
- J. Peery Park;
- K. Soquel Creek Park;
- L. Public Parcel located north of Stockton Bridge at 101 Stockton Avenue;
- M. City Hall property;
- N. Noble Gulch Park;
- O. Monterey Park;
- P. Cortez Park;
- Q. McGregor Park

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R. Public events that are open to the general public regardless of any fee or age requirement to include farmer's markets, theater plays and permitted public events;

~~R. Reasonable distance means a distance that ensures that occupants of an area in which smoking is prohibited are not exposed to secondhand smoke created by smokers outside the area. This distance shall be a minimum of twenty feet.~~

8.38.0760 Smoking prohibited in certain places.

Smoking is prohibited in the following places:

- A. Taxicabs, para-transit, and other public transit vehicles at all times;
- B. Child care facilities, as defined in California Health and Safety Code Section 1596.750, and private residences where used as day care homes. This prohibition applies even when children are not present.

8.38.0870 More restrictive private rules allowed.

Notwithstanding any other provision of this chapter, any owner, operator, manager or other person who controls any establishment or facility may declare that entire establishment or facility, including its outdoor areas, to be a nonsmoking establishment or facility.

8.38.0980 Smoking policy in places of employment.

A. Within ninety days of the effective date of the ordinance codified in this chapter, each employer with an enclosed place of employment located within the city of Capitola shall make known and maintain a written smoking policy which shall contain the following requirements:

Smoking is prohibited in all enclosed facilities within a place of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, locker rooms, dressing areas, and all other enclosed facilities.

- B. The smoking policy shall be communicated to all employees upon its adoption.
- C. All employers shall comply with the provisions of this section and shall be responsible for implementation of its provisions in their place(s) of employment.
- D. All employers shall make available a written copy of the smoking policy to any employee who so requests.

8.38.1090 Retaliation against persons exercising rights under chapter provisions.

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No person or employer shall discharge, refuse to hire, refuse to serve or in any other manner retaliate against any employee, applicant for employment, customer, service user, business patron or any other person because that person exercises any rights afforded by this chapter.

8.38.1100 Where smoking is not regulated.

Notwithstanding any other provision of this chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter:

- A. Private residences, except where used as a child day care, health care, board and care, or community care facility;
- B. Retail tobacco stores;
- C. Stand alone bars;
- D. Smoking that is an integral part of medical research and treatment.

8.38.1240 Posting of signs.

- A. Where smoking is prohibited throughout the building or structure, a sign stating "No Smoking" shall be posted at each entrance to the building or structure.
- B. Where smoking is permitted in designated areas of, the building or structure, a sign stating "Smoking is Prohibited Except in Designated Areas" shall be posted at each entrance to the building or structure.
- C. Every hotel and motel shall have plainly visible signs posted in the registration and lobby areas which state that nonsmoking rooms are maintained and may be available. Rooms designated as nonsmoking rooms shall have signs designating such restriction conspicuously placed within the room.
- D. Businesses that sell tobacco products shall visibly post Penal Code Section 308(c) signage at the entrance of any premises subject to regulation under this chapter and applicable state or federal law.
- E. Businesses that sell tobacco products shall visibly post signs at the point of purchase of tobacco products which comply with the signage requirements of California Business and Professions Code Section 22952, as amended from time to time.
- F. Businesses that sell tobacco products shall visibly post signs at each entrance to any premises on which any tobacco product is offered for sale, plainly visible from outside the premises, which state:

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“Warning: The fine for buying tobacco or e-cigarettes for anyone under 18 is \$200” in letters at least one-half inch tall, and which cite California Penal Code Section 308(a). These signs shall be updated to conform to any subsequent state or federal requirements and/or amendments to Penal Code Section 308(a).

8.38.1320 Regulating the sale of tobacco products.

A. No business shall sell, offer to sell or permit to be sold any tobacco product to an individual without requesting and examining identification establishing the purchaser’s age as eighteen years or greater unless the seller has some other clear and convincing basis for knowing the buyer’s age.

B. No business shall be permitted to sell tobacco products from a location within one thousand feet of a school and/or a public library, as measured by the shortest distance traveled from any entrance of the proposed location for tobacco retailing to the parcel boundary of the school; provided, however, that the prohibition contained in this subsection shall not apply to the following:

1. A business selling tobacco products that was in operation lawfully on the date immediately prior to the ordinance codified in this chapter becoming effective; and

2. Any lawfully operating business that sells tobacco products that would otherwise become ineligible to receive or renew a tobacco retailer permit due to the creation or relocation of a school. (Ord. 994 § 2, 2014; Ord. 980 § 5, 2013)

8.38.1320 Enforcement.

A. Any person who desires to register a complaint under this chapter should direct such complaints to the health officer.

B. Whenever any facility in which smoking is prohibited by this chapter applies for any permit or regulatory approval from the city or undergoes any required inspection, the city department to whom the application is submitted shall require a certification from the owner, manager, operator or other person having control of such facility that all requirements of this chapter have been complied with.

C. Any owner, operator or employee of any facility in which smoking is prohibited may inform persons violating this chapter of the appropriate provisions of this chapter.

D. Notwithstanding any other provision of this chapter, a private citizen may bring

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legal action to enforce this chapter.

8.38.1430 Violations and penalties.

A. It is unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this chapter to fail to comply with any of its provisions.

B. It is unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this chapter.

C. Any person, business or owner, proprietor, manager or operator of any establishment or facility subject to this chapter who violates any provision of this chapter shall be guilty of an infraction, punishable in accordance with Section 1.01.090 and Title 4 of this code.

D. Business or property owners required to post signs and notify customers or visitors of smoking prohibitions are not otherwise required to compel such customers or visitors to comply with this chapter.

8.38.1540 Other applicable laws.

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws. ”

Section 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

Section 3. This Ordinance shall take effect and be in force thirty (30) days after final adoption.

This Ordinance was introduced on the 26th day of March, 2015, and was passed and adopted by the City Council of the City of Capitola on the _____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED: _____

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Dennis Norton, Mayor

ATTEST: _____, CMC
Susan Sneddon, City Clerk

DRAFT

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Endnotes

- ¹ U.S. Food and Drug Administration. (2001). *Electronic Cigarettes*. Retrieved on September 22, 2013 from www.fda.gov/newsevents/publichealthfocus/ucm172906.htm.
- ² Corey, C., Johnson, S., Apelberg, B., et al. (2013). "Notes from the Field: Electronic Cigarette Use Among Middle and High School Students - United States, 2011- 2012." *Morbidity and Mortality Weekly Report (MMWR)*. 62(35):729-730. Available at: www.cdc.gov/mmwr/preview/mmwrhtml/mm6235a6.htm.
- ³ Ibid.
- ⁴ Ibid.
- ⁵ Ibid.
- ⁶ State of California Environmental Protection Agency, Office of Environmental Health Hazard Assessment, Safe Drinking Water and Toxic Enforcement Act of 1986. (2013) *Chemicals known to the State of California to cause cancer or reproductive toxicity*. Available at: http://oehha.ca.gov/prop65/prop65_list/files/P65single091313.pdf.
- ⁷ German Cancer Research Center. (2013). "Electronic Cigarettes - An Overview" *Red Series Tobacco Prevention and Control*. Available at: www.dkfz.de/de/tabakkontrolle/download/Publikationen/RoteReihe/Band_19_e-cigarettes_an_overview.pdf.
- ⁸ Goniewicz M, Knysak J, Gawron M, et al. Levels of selected carcinogens and toxicants in vapour from electronic cigarettes. *Tob. Control*. 2013;1:1-8. Available at: www.ncbi.nlm.nih.gov/pubmed/23467656. Accessed August 2, 2013.
- ⁹ German Cancer Research Center. (2013). "Electronic Cigarettes - An Overview" *Red Series Tobacco Prevention and Control*. Available at: www.dkfz.de/de/tabakkontrolle/download/Publikationen/RoteReihe/Band_19_e-cigarettes_an_overview.pdf.
- ¹⁰ Goniewicz M, Knysak J, Gawron M, et al. (2013). Levels of selected carcinogens and toxicants in vapour from electronic cigarettes. *Tob. Control*. 1:1-8. Available at: www.ncbi.nlm.nih.gov/pubmed/23467656.
- ¹¹ Williams, M., Villarreal, A., Bozhilov, K., Lin, S., & Talbot, P. (2013). Metal and silicate particles including nanoparticles are present in electronic cigarette cartomizer fluid and aerosol. *PLoS one*, 8(3), e57987. doi:10.1371/journal.pone.0057987
- ¹² Schober W, Szendrei K, Matzen W, et al. (2013). Use of electronic cigarettes (e-cigarettes) impairs indoor air quality and increases FeNO levels of e-cigarette consumers. *Int. J. Hyg. Environ. Health*. Available at: <http://dx.doi.org/10.1016/j.ijheh.2013.11.003>
- ¹³ Agency for Toxic Substances and Disease Registry (ATSDR). (2008). Toxic Substances Portal – Aluminum. Available at: www.atsdr.cdc.gov/phs/phs.asp?id=1076&tid=34.
- ¹⁴ Agency for Toxic Substances and Disease Registry (ATSDR). (2005). Toxic Substances Portal – Tin. Available at: www.atsdr.cdc.gov/phs/phs.asp?id=541&tid=98.
- ¹⁵ United States Environmental Protection Agency. (N.d.) EPA Schools Monitoring Initiative Fact Sheet. Available at: www.epa.gov/air/sat/pdfs/acroleinupdate.pdf.
- ¹⁶ Agency for Toxic Substances and Disease Registry (ATSDR). (2007). Toxic Substances Portal – Acrolein. Available at: www.atsdr.cdc.gov/PHS/PHS.asp?id=554&tid=102.
- ¹⁷ State of California Environmental Protection Agency Office of Environmental Health Hazard Assessment. (n.d.). Chronic Toxicity Summary: Toluene. CAS Registry Number: 108-88-3. Available at:

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http://oehha.ca.gov/air/chronic_rels/pdf/108883.pdf.

¹⁸ [State of California Environmental Protection Agency Office of Environmental Health Hazard Assessment. \(n.d.\). Chronic Toxicity Summary: Toluene. CAS Registry Number: 108-88-3. Available at: http://oehha.ca.gov/air/chronic_rels/pdf/108883.pdf.](http://oehha.ca.gov/air/chronic_rels/pdf/108883.pdf)

¹⁹ [Environmental Protection Agency. \(2012\). Particle Pollution and Health. Available at: www.epa.gov/pm/2012/fshealth.pdf.](http://www.epa.gov/pm/2012/fshealth.pdf)

²⁰ [Department of Health and Human Services Food and Drug Administration. \(2009\). "FDA Evaluation of E-Cigarettes." Available at: www.fda.gov/downloads/drugs/scienceresearch/UCM173250.pdf.](http://www.fda.gov/downloads/drugs/scienceresearch/UCM173250.pdf)

²¹ [Department of Health and Human Services Food and Drug Administration. \(2009\). "FDA Evaluation of E-Cigarettes." Available at: www.fda.gov/downloads/drugs/scienceresearch/UCM173250.pdf.](http://www.fda.gov/downloads/drugs/scienceresearch/UCM173250.pdf)

²² [Chatham-stephens, K., Law, R., Taylor, E., Melstrom, P., Bunnell, R., Wang, B., & Apelberg, B. \(2014\). Calls to Poison Centers for Exposures to Electronic Cigarettes - United States, September 2010 – February 2014. *Morbidity and Mortality Weekly Report \(MMWR\)*, 63\(13\), 292–294.](http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6313a.htm)

DRAFT



CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 26, 2015

FROM: OFFICE OF THE CITY CLERK

SUBJECT: MARCH 12, 2015, REGULAR CITY COUNCIL MINUTES

RECOMMENDED ACTION: Approve the subject minutes as submitted.

DISCUSSION: Attached for City Council review and approval are the minutes of the subject meeting.

ATTACHMENTS:

1. March 12, 2015, Regular City Council Minutes

Report Prepared By: Susan Sneddon, CMC
City Clerk

Reviewed and Forwarded
By City Manager: 

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**CAPITOLA CITY COUNCIL
REGULAR MEETING ACTION SUMMARY
THURSDAY, MARCH 12, 2015**

**CLOSED SESSION – 6:15 PM
CITY MANAGER’S OFFICE**

CALL TO ORDER

Mayor Norton called the meeting to order at 6:15 PM. He announced the items to be discussed in Closed Session, as follows:

CONFERENCE WITH LABOR NEGOTIATOR (Govt. Code §54957.6)

Negotiator: Allyson Hauck, Public Law Group
Employee Organizations: (1) Association of Capitola Employees; (2) Capitola Police Captains, (3) Capitola Police Officers Association, (4) Confidential Employees; and (5) Mid-Management Group

Mayor Norton recessed the meeting at 6:17 PM to the Closed Session in the City Manager’s Office.

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7:00 PM

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Members Stephanie Harlan, Ed Bottorff, Jacques Bertrand, Michael Termini, and Mayor Dennis Norton
City Treasurer McBroom was absent.

2. PRESENTATIONS

- A. Certificate of Appreciation to Maddie Marlatt for her term on the Commission on the Environment.
Certificate of Appreciation was received.
- B. Appreciation plaques to Police Volunteers Diana Cunningham, Mike Banks, and Gayle Brock.
Appreciation plaques were received.
- C. Presentation by United Way regarding the Healthy School Food Environment Project.
Presentation was not provided.

3. REPORT ON CLOSED SESSION

City Attorney Barisone stated that the City Council received a status report from Allyson Hauck, the City’s labor negotiator, regarding the following employee organizations: (1) Association of Capitola Employees; (2) Capitola Police Captains, (3) Capitola Police Officers Association, (4) Confidential Employees; and (5) Mid-Management Group. The City Council provided direction to staff; there was no reportable action.

Item #: 9.A. Attach 1.pdf

CAPITOLA CITY COUNCIL MINUTES – Thursday, March 12, 2015

4. ADDITIONAL MATERIALS

The following additional material was received at the posting the agenda for this meeting:

Item 10.A.: Correspondence from the following:

- March 10, 2015, letter from the Capitola Wharf and Village Business Improvement Area
- Email from Kathleen DeFrancesco
- Email from Molly Ording

Item 10.C.: Correspondence from the following:

- Email from Edward Newman

5. ADDITIONS AND DELETIONS TO AGENDA

6. PUBLIC COMMENTS

Veronica Elsea, Pedestrian Safety Work Group Chair (subcommittee of the Santa Cruz County Regional Transportation's Commission Elderly and Disabled Transportation Advisory Committee), stated that the Commission recently made available to the public a brochure entitled *What Pedestrians and Motorists Want Us to Know*.

Richard Lippi, 620 Monterey Avenue, stated concerns regarding improper noticing for the March 11, 2015, Architectural Site and Review Committee meeting.

Marilyn Warten, local resident, stated that she opposes the proposed skate park at Monterey Park.

Matt Arthur, local resident, thanked the City Council for providing the public process regarding proposed skate park at Monterey Park.

Richard Lippi, 620 Monterey Avenue, commented on the February 11, 2015, City Council Minutes. He stated that he had requested that the minutes be amended to include City Manager Goldstein's remarks regarding all costs related to the proposed skate park at Monterey Park would be paid for by the developer. In addition, Council Member Termini stated that 95% of the neighbors bordering the Monterey Park and almost 80% of the neighbors within one block from Monterey Park were opposed to the proposed skate park. Mr. Lippi stated that the February 11, 2015, City Council regular meeting action summary are no longer available and would like them to be made available on the City's website.

7. CITY COUNCIL / CITY TREASURER / STAFF COMMENTS

Council Member Termini stated that the Capitola Art Walk will be from 5:30 PM - 8:30 PM at the Capitola Mall on March 20th; and the Historical Museum Exhibit "A History Through Postcards" reception will be held on March 31st at the Museum from 12 (Noon) to 2 PM.

Council Member Harlan stated that the 2015 Capitola-Soquel Chamber of Commerce Annual Awards Dinner will be held at the Aptos Seascope Golf Club from 6 PM to 9 PM.

8. BOARDS, COMMISSIONS AND COMMITTEES APPOINTMENTS

None provided.

CAPITOLA CITY COUNCIL MINUTES – Thursday, March 12, 2015

9. CONSENT CALENDAR

- A. Consider approving the February 25, 2015, City Council/Successor Agency Special Joint Budget Study Session Minutes; and the February 26, 2015, Regular City Council Minutes.
- B. Receive the March 5, 2015, Regular Planning Commission Meeting Action Minutes.
- C. Consider approving an Amendment to the Monterey Bay Self-Insurance Authority/Alternate Joint Powers Agreement. [180-05/500-10 A/C: Monterey Bay Self-Insurance Authority]
- D. Consider awarding a contract to MV Transportation for operation of the 2015 Beach Shuttle Service for the 2015 summer shuttle bus service. [770-20/500-10 A/C: MV Transportation]
- E. Consider approving the selection of Kimley-Horn and Associates and Nichols Consulting Engineers for on-call Capital Improvement Project Design and Implementation Services. [500-10 A/C: Kimley-Horn and Associates, Nichols Consulting Engineers]

ACTION Motion made by Council Member Termini, seconded by Council Member Bottorff, to approve the following Consent Calendar items 9.A., 9.B., 9.C., 9.D., and 9.E. The motion was passed unanimously.

10. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. Consider rescinding Resolution No. 3954 establishing parking time limits within Designated Parking Meter Zones by increasing Zone A(1) Village Area from 2 hours to 3 hours. [470-30]

Molly Ording, Traffic and Parking Commissioner and Capitola Village Resident's Association member, stated that she is in favor of providing the three-hour parking in the Village on a trial basis.

Carin Hanna, Traffic and Parking Commissioner, stated that she opposes the proposed three-hour parking in the Village on a trial basis.

Matt Arthur, local resident, stated that he is in favor of three-hour parking in the Village on the trial basis.

ACTION Motion made by Council Member Termini, seconded by Council Member Bertrand, to adopt Resolution No. 4013 rescinding Resolution No. 3954 and establishing parking time limits within Designated Parking Meter Zones by increasing Zone A(1) Village Area from 2 hours to 3 hours; and directed staff to edit Resolution No. 4013 to read "Beach and Village Parking Lot" instead of "Zone B (Pacific Cove Parking Lot)". The motion carried with the following vote: **AYES: Council Members Bertrand, Termini, and Mayor Norton. NOES: Council Members Bottorff and Harlan. ABSENT: None. ABSTAIN: None.**

- B. Consider adopting an Administrative Policy to provide a process for the issuance of Surf School Permits. [100-10/1020-20]

Cliff Hodges, Adventure Out, requested Council to consider authorizing five surf school permits instead of the proposed four permits per year.

Matt Arthur, Capitola Beach Company, stated that the City should have a fair public process for obtaining Surf School Permits.

CAPITOLA CITY COUNCIL MINUTES – Thursday, March 12, 2015

Ed Guzman, Club Ed Surf Camps, stated that he did not receive a notice regarding this item.

TJ Welch, local resident, provided support for this item.

ACTION Motion made by Council Member Termini, seconded by Council Member Bottorff, to approve the Administrative Policy to provide a process for the issuance of Surf School Permits; and directed staff to agendize the introduction of a Temporary Surf School Ordinance Amendment regarding Surf School Permits for the 2015 Calendar Year Surf Schools for the March 26, 2015, City Council meeting. The motion was passed unanimously.

City Council took a five minute recess.

C. Zoning Code Update – Issues and Options White Paper Presentation. [730-85]

ACTION Motion made by Council Member Termini, seconded by Council Member Bertrand, for staff to request that the Planning Commission provide the City Council with a proposed Zoning Code Update Schedule to be approved at a future City Council meeting, and to place the item in the Consent Calendar. The motion was passed unanimously.

D. Introduction of an Ordinance amending Chapter 17.03 (Zoning) of the Capitola Municipal Code to add definitions for Transitional and Supportive Housing as required by State law.

ACTION Motion made by Council Member Harlan, seconded by Council Member Bertrand, to approve the first reading of an Ordinance amending Chapter 17.03 (Zoning) of the Capitola Municipal Code to add definitions for Transitional and Supportive Housing as required by State law. The motion was passed unanimously.

E. Introduction of an Ordinance amending Section 2.04.140 of the Capitola Municipal Code regarding Council Members placing an item on the City Council agenda.

ACTION Motion made by Council Member Bottorff, seconded by Council Member Bertrand, to approve the first reading of an Ordinance amending Section 2.04.140 of the Capitola Municipal Code regarding Council Members placing an item on the City Council agenda. The motion was passed unanimously.

11. ADJOURNMENT

At 9:37 PM Mayor Norton adjourned the meeting to the next Regular Meeting of the City Council on Thursday, March 26, 2015, at 7:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola.

Dennis Norton, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk



CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 26, 2015

FROM: POLICE DEPARTMENT

SUBJECT: RESOLUTION IN SUPPORT OF SENATE BILL 344 REQUIRING THE COMPLETION OF A COMMERCIAL DRIVING INSTITUTION COURSE BEFORE BEING ISSUED A CALIFORNIA COMMERCIAL DRIVER'S LICENSE

RECOMMENDED ACTION: Adopt the proposed Resolution in support of Senate Bill 344 requiring the completion of a commercial driving institution course before issuing a California Commercial Driver's License, and direction to staff to distribute copies of the Resolution to State Senator Bill Monning.

BACKGROUND: Commercial vehicles that require a Commercial Driver's License (CDL) include a variety of motor vehicles over 26,000 lbs. (e.g. trucks). Federal law requires the Federal Motor Carrier Safety Administration (FMCSA) to complete a negotiated rulemaking on Entry-Level Driver Training for individuals who want to operate commercial vehicles.

DISCUSSION: In California, there were 5,327 truck collisions reported in 2012, of which 235 were fatal. Recently, a tragic truck accident on Highway 17 occurred when a truck driver lost control and crashed into 10 cars, injuring 7 and killing 25-year-old Daniel McGuire of Santa Cruz. The truck driver's lack of adequate training and experience was a major factor in the crash.

State Senator Monning introduced legislation aimed at establishing training requirements for commercial drivers in California. Senate Bill 344 requires those seeking a Commercial Driver's License to complete a course of instruction from a commercial driving institution before they can be issued a license by the Department of Motor Vehicles (DMV). The DMV will certify the course training program meets minimum standards necessary to ensure drivers are proficient in safely operating commercial vehicles. Senate Bill 344 will improve the CDL Program and provides the DMV with the authority to update the Program in order to comply with FMCSA requirements.

FISCAL IMPACT: None

ATTACHMENTS:

1. Draft Resolution
2. SB 344 Fact Sheet
3. SB 344 Legislative Counsel's Digests

Report Prepared By: Susan Sneddon
City Clerk

Reviewed and Forwarded
By City Manager

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RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
SUPPORTING SENATE BILL 344 PERTAINING TO REQUIRING THE COMPLETION
OF A COMMERCIAL DRIVING INSTITUTION COURSE PRIOR TO THE ISSUANCE
OF A CALIFORNIA COMMERCIAL DRIVER'S LICENSE**

WHEREAS, in California, there were 5,327 truck collisions reported in 2012, of which 235 were fatal; and

WHEREAS, in 2014, a tragic truck accident on Highway 17 occurred when a truck driver lost control and crashed into 10 cars, injuring 7 and killing 25-year-old Daniel McGuire of Santa Cruz. The truck driver's lack of adequate training and experience was a major factor in the crash; and

WHEREAS, a grassroots citizens committee collected more than 3,000 signatures asking for tougher training requirements for commercial truck drivers, and

WHEREAS, State Senator Bill Monning, received the Committee's recommendations and authored Senate Bill 344, and

WHEREAS, Senate Bill 344 requires those seeking a Commercial Driver's License to complete a course of instruction from a commercial driving institution before being issued a California Driver's License, and

WHEREAS, the Department of Motor Vehicles will certify the course training program meets minimum standards necessary to ensure drivers are proficient in safely operating commercial vehicles, and

WHEREAS, commercial drivers can pose a serious safety risk to the public if they are not held to the highest safety standards, and

WHEREAS, ensuring that commercial truck drivers are receiving an adequate standard of training, will reduce the risk of tragic and fatal commercial vehicle accidents, and

BE IT FURTHER RESOLVED, that the City Manager or his designee is directed to provide a copy of this Resolution to State Senator Bill Monning.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 26th day of March, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dennis Norton, Mayor

ATTEST:

_____, CMC

Susan Sneddon, City Clerk

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SB 344
Fact Sheet
SENATOR BILL MONNING
COMMERCIAL DRIVER SAFETY TRAINING

PROPOSED BILL

Senate Bill (SB) 344 requires those seeking a commercial driver's license (CDL) to complete a course of instruction from a commercial driving institution before being issued a CDL.

The Department of Motor Vehicles (DMV) will certify the course training program meets minimum standards necessary to ensure drivers are proficient in safely operating commercial vehicles.

SB 344 removes the Bureau for Private Postsecondary Education exemption for institutions offering certified CDL courses.

EXISTING LAW

To obtain a valid CDL, you must pass a written test and driving test established by the DMV that complies with the federal Commercial Motor Vehicle Safety Act.

Institutions that charge less than \$2,500 for a course are exempt from Bureau regulation.

BACKGROUND

Commercial vehicles that require a CDL include a variety of motor carriers (trucks) over 26,000 lbs., passenger buses, and vehicles carrying hazardous materials.

Federal law requires the Federal Motor Carrier Safety Administration (FMCSA) to complete a negotiated rulemaking on Entry-Level Driver Training for individuals who want to operate commercial vehicles. States

are allowed to exceed federal standards when adopting CDL programs.

Washington State passed legislation that requires mandatory training for entry level commercial vehicle drivers and ensures driver training schools meet minimum state standards (House Bill 2829, Chapter 219, Laws of 2006).

NEED FOR LEGISLATION

In California, there were 5,327 truck collisions reported in 2012, of which 235 were fatal. Recently, a tragic truck accident on Highway 17 occurred when a truck driver lost control and crashed into 10 cars, injuring 7 and killing 25-year-old Daniel McGuire of Santa Cruz. The truck driver's lack of adequate training and experience was a major factor in the crash.

Without holding commercial vehicles and drivers to the highest safety standards, they can pose a serious safety risk to the public. By ensuring that commercial truck drivers are receiving an adequate standard of training, we will reduce the risk of tragic and fatal commercial vehicle accidents.

SB 344 increases California's CDL requirements to be close to industry best standards and will eliminate truck driving diploma mills, which allow a driver to pass a DMV test without acquiring the driving skills necessary to operate commercial vehicles.

California needs to act now to ensure that new commercial vehicle drivers receive effective training and operate safely on our roads. SB 344 will improve the CDL program and provides the DMV with the authority to update the program in order to comply with FMCSA requirements.

SUPPORT

None at this time

OPPOSITION

None at this time

FOR MORE INFORMATION

Contact: Ryan Guillen
Phone: (916) 651-4017
Email: ryan.guillen@sen.ca.gov

BILL NUMBER: SB 344 INTRODUCED
BILL TEXT

INTRODUCED BY Senator Monning
(Coauthor: Assembly Member Mark Stone)

FEBRUARY 24, 2015

An act to add Section 94874.3 to the Education Code, and to amend Section 15250 of the Vehicle Code, relating to commercial vehicle driver education.

LEGISLATIVE COUNSEL'S DIGEST

SB 344, as introduced, Monning. Commercial driver's license: education.

Existing law prohibits the Department of Motor Vehicles from issuing a commercial driver's license to any person to operate a commercial motor vehicle unless the person has passed a written and driving test for the operation of a commercial motor vehicle that complies with the minimum standards established by the federal Commercial Motor Vehicle Safety Act of 1986 and specified federal regulations, and has satisfied all other requirements of that act as well as any other requirements imposed by state law.

This bill, commencing January 1, 2017, would also require a person to successfully complete a course of instruction from a commercial driver training institution with an approved training program that has been certified by the department before he or she is issued a commercial driver's license, except as specified. The bill would require the program to include, at a minimum, standards necessary to ensure a driver is proficient in safely operating a commercial vehicle.

Existing law, the California Private Postsecondary Education Act of 2009, provides for the regulation of private postsecondary educational institutions by the Bureau for Private Postsecondary Education in the Department of Consumer Affairs. The act exempts an institution from its provisions, if any of a list of specific criteria are met.

The bill, commencing January 1, 2017, would remove the exemption from its provisions for an institution that is certified by the Department of Motor Vehicles to offer a course of instruction to prepare students to obtain a commercial driver's license, thereby making the act applicable to the institution.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 94874.3 is added to the Education Code, to read:

94874.3. Commencing January 1, 2017, an institution that offers a course of instruction to prepare students to obtain a commercial driver's license that is certified by the Department of Motor Vehicles pursuant to Section 15250 of the Vehicle Code, may not claim an exemption from this chapter.

SEC. 2. Section 15250 of the Vehicle Code is amended to read:

15250. (a) (1) A person shall not operate a commercial motor vehicle unless that person has in his or her immediate possession a valid commercial driver's license of the appropriate class.

(2) A person shall not operate a commercial motor vehicle while transporting hazardous materials unless that person has in his or her possession a valid commercial driver's license with a hazardous materials endorsement. An instruction permit does not authorize the operation of a vehicle transporting hazardous materials.

(b) (1) Before an application for an original or renewal of a commercial driver's license with a hazardous materials endorsement is submitted to the United States Transportation Security Administration for the processing of a security threat assessment, as required under Part 1572 of Title 49 of the Code of Federal Regulations, the department shall complete a check of the applicant's driving record to ensure that the person is not subject to a disqualification under Part 383.51 of Title 49 of the Code of Federal Regulations.

(2) (A) A person shall not be issued a commercial driver's license until he or she has ~~passed~~ satisfied all of the following requirements:

(i) Commencing January 1, 2017, successful completion of a course of instruction from a commercial motor vehicle driver training institution that has been certified by the department, except as provided in subclauses (I) and (II). The department shall not certify a commercial motor vehicle driver training institution until the institution has submitted an approved training program that meets minimum standards set by the department. The program shall include, at a minimum, standards necessary to ensure a driver is proficient in safely operating a commercial vehicle. The department shall, as necessary, update the required standards to comply with the guidance or requirements issued by the federal Motor Carrier Safety Administration.

The following persons shall not be required to satisfy the requirement described in clause (i):

(I) A commercial motor vehicle driver with military motor vehicle experience who is currently licensed with the United States Armed Forces and who meets the waiver requirements in subparagraph (B).

(II) A commercial motor vehicle driver who presents a valid certificate of driving skill from an approved employer-testing program.

(ii) Successful completion of a written and driving test for the operation of a commercial motor vehicle that complies with the minimum federal standards established by the federal Commercial Motor Vehicle Safety Act of 1986 (Public Law 99-570) and Part 383 of Title 49 of the Code of Federal Regulations, ~~and has satisfied~~ Regulations.

(iii) Satisfaction of all other requirements of that act as well as any other requirements imposed by this code.

(B) The driving skills test as specified in Section 383.113 of Title 49 of the Code of Federal Regulations may be waived for a commercial motor vehicle driver with military commercial motor vehicle experience who is currently licensed with the United States Armed Forces at the time of his or her application for a commercial driver's license, and whose driving record in combination with his or her driving experience meets, at a minimum, the conditions required by Section 383.77(a) and (b) of Title 49 of the Code of Federal Regulations.

(c) The tests shall be prescribed and conducted by or under the direction of the department. The department may allow a third-party tester to administer the driving test part of the examination required under this section and Section 15275 if all of the following conditions are met:

(1) The tests given by the third party are the same as those that would otherwise be given by the department.

(2) The third party has an agreement with the department that includes, but is not limited to, the following provisions:

(A) Authorization for the United States Secretary of Transportation, or his or her representative, and the department, or its representative, to conduct random examinations, inspections, and audits without prior notice.

(B) Permission for the department, or its representative, to conduct onsite inspections at least annually.

(C) A requirement that all third-party testers meet the same qualification and training standards as the department's examiners, to the extent necessary to conduct the driving skill tests in compliance with the requirements of Part 383 of Title 49 of the Code of Federal Regulations.

(D) The department may cancel, suspend, or revoke the agreement with a third-party tester if the third-party tester fails to comply with the standards for the commercial driver's license testing program, or with any other term of the third-party agreement, upon 15 days' prior written notice of the action to cancel, suspend, or revoke the agreement by the department to the third party. Any action to appeal or review any order of the department canceling, suspending, or revoking a third-party testing agreement shall be brought in a court of competent jurisdiction under Section 1085 of the Code of Civil Procedure, or as otherwise permitted by the laws of this state. The action shall be commenced within 90 days from the effective date of the order.

(E) Any third-party tester whose agreement has been canceled pursuant to subparagraph (D) may immediately apply for a third-party testing agreement.

(F) A suspension of a third-party testing agreement pursuant to subparagraph (D) shall be for a term of less than 12 months as determined by the department. After the period of suspension, the agreement shall be reinstated upon request of the third-party tester.

(G) A revocation of a third-party testing agreement pursuant to subparagraph (D) shall be for a term of not less than one year. A third-party tester may apply for a new third-party testing agreement after the period of revocation and upon submission of proof of correction of the circumstances causing the revocation.

(H) Authorization for the department to charge the third-party tester a fee, as determined by the department, that is sufficient to defray the actual costs incurred by the department for administering and evaluating the third-party testing program, and for carrying out any other activities deemed necessary by the department to ensure sufficient training for the drivers participating in the program.

(3) Except as provided in Section 15250.3, the tests given by the third party shall not be accepted in lieu of tests prescribed and conducted by the department for applicants for a passenger vehicle endorsement specified in paragraph (2) of subdivision (a) of Section 15278, if the applicant operates or will operate a tour bus.

(d) Commercial driver's license applicants who take and pass driving tests administered by a third party shall provide the department with certificates of driving skill satisfactory to the department that the applicant has successfully passed the driving

tests administered by the third party.

(e) If a driving test is administered to a commercial driver's license applicant who is to be licensed in another state pursuant to Section 383.79 of Subpart E of Part 383 of Title 49 of the Code of Federal Regulations, the department may impose a fee on the applicant that does not exceed the reasonable cost of conducting the tests and reporting the results to the driver's state of record.

(f) Implementation dates for the issuance of a commercial driver's license pursuant to this chapter may be established by the department as it determines is necessary to accomplish an orderly commercial driver's license program.

(g) Active duty members of the United States Armed Forces, members of the military reserves, members of the National Guard who are on active duty, including personnel on full-time National Guard duty, personnel on part-time National Guard training, and National Guard military technicians (civilians who are required to wear military uniforms), and active duty personnel of the United States Coast Guard are exempt from all commercial driver's license requirements and sanctions, as provided in Section 383.3(c) of Subpart A of Part 383 of Title 49 of the Code of Federal Regulations when operating motor vehicles for military purposes. This exception shall not apply to United States Armed Forces reserve technicians.



CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 26, 2015

FROM: OFFICE OF THE CITY CLERK

SUBJECT: ORDINANCE AMENDING CHAPTER 17.03 (ZONING) OF THE CAPITOLA MUNICIPAL CODE TO ADD DEFINITIONS FOR TRANSITIONAL AND SUPPORTIVE HOUSING AS REQUIRED BY STATE LAW [2ND READING]

RECOMMENDED ACTION: Adopt the proposed Ordinance amending Chapter 17.03 (Zoning) of the Capitola Municipal Code to add definitions for Transitional and Supportive Housing as required by State law [2nd Reading].

BACKGROUND: The draft Ordinance amending Chapter 17.03 (Zoning) of the Capitola Municipal Code to add definitions for Transitional and Supportive Housing as required by State law is presented for a second reading. The City Council approved the first reading of this Ordinance at the Council meeting held on March 12, 2015.

The proposed Ordinance is before the City Council for its second reading and final adoption.

FISCAL IMPACT: None

ATTACHMENTS:

1. Proposed Ordinance

Report Prepared By: Susan Sneddon
City Clerk

Reviewed and Forwarded
By City Manager 

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ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AMENDING CHAPTER 17.03 OF THE CAPITOLA MUNICIPAL CODE BY
ADDING SECTIONS 17.03.665 AND 17.03.688 TO DEFINE SUPPORTIVE HOUSING
AND TRANSITIONAL HOUSING AS REQUIRED BY STATE LAW**

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS
FOLLOWS:

Section 1. Section 17.03.665 is hereby added to the Capitola Municipal Code to read as follows:

“17.03.665 Supportive Housing.

“Supportive Housing” means housing with no limit on length of stay and that is occupied by a target population as defined in subdivision (d) of Section 53260 of the California Health & Safety Code, and that is linked to onsite or offsite services that assist residents in retaining housing, improving their health status, maximizing their ability to live and, when possible, work in the community. Supportive Housing shall be treated as a residential use and shall be subject only to those restrictions that apply to other residential uses of the same residential housing type located in the same zoning district.”

Section 2. Section 17.03.688 is hereby added to the Capitola Municipal Code to read as follows:

“17.03.688 Transitional Housing.

“Transitional Housing” means residential units operated under program requirements that call for: 1) the termination of any assistance to an existing program recipient, and 2) the subsequent recirculation of the assisted residential unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. Transitional Housing may be provided in all residential housing types. In all cases, Transitional Housing is and shall be treated as a residential use and shall be subject only to those restrictions that apply to other residential uses of the same residential housing type located in the same zoning district.

Section 3. This ordinance shall take effect and be in full force thirty (30) days after its final adoption.

This ordinance was introduced on the 12th day of March, 2015, and was passed and adopted by the City Council of the City of Capitola on the 26th day of March, 2015, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

APPROVED:

Dennis R. Norton, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk

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CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 26, 2015

FROM: OFFICE OF THE CITY CLERK

SUBJECT: ORDINANCE AMENDING SECTION 2.04.140 OF THE CAPITOLA MUNICIPAL CODE REGARDING COUNCIL MEMBERS PLACING AN ITEM ON THE CITY COUNCIL AGENDA [2ND READING]

RECOMMENDED ACTION: Adopt the proposed Ordinance amending Section 2.04.140 of the Capitola Municipal Code regarding Council Members placing an item on the City Council agenda [2nd Reading].

BACKGROUND: The draft Ordinance amending Section 2.04.140 of the Capitola Municipal Code regarding Council Members placing an item on the City Council agenda is presented for a second reading. The City Council approved the first reading of this Ordinance at the Council meeting held on March 12, 2015.

The proposed Ordinance is before the City Council for its second reading and final adoption.

FISCAL IMPACT: None

ATTACHMENTS:

1. Proposed Ordinance

Report Prepared By: Susan Sneddon
City Clerk

Reviewed and Forwarded
By City Manager _____

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ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AMENDING SECTION 2.04.140 OF THE CAPITOLA MUNICIPAL CODE PERTAINING TO
THE PLACEMENT OF ITEMS ON THE CITY COUNCIL MEETING AGENDAS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS FOLLOWS:

Section 1. Section 2.04.140 of the Capitola Municipal Code is hereby amended to read as follows:

2.04.140 Agenda.

The following have authority to place a matter on the Council agenda:

~~A.~~ The Mayor or any member of the City Council with the condition that the proposed agenda item be requested at an open City Council meeting;

~~B.A.~~ The City Manager;

~~C.B.~~ The City Council may, after the seventy-two hour agenda-posting deadline has expired, add items to the agenda in the manner provided in Government Code Section 54954.2(b). A majority of a quorum of the city council may order that any designated matter be on any future agenda;

~~D.C.~~ The Chair of any Board or Commission provided the subject is reasonably related to the powers and duties of the body and concerns a matter upon which the council has authority to act;

~~E.D.~~ The City Treasurer, City Clerk, or City Attorney, provided the subject is reasonably related to their powers and duties and concerns a subject upon which the council has authority to act.

Other persons must direct their agenda requests to the City Council (at Council meetings), the Mayor, or the City Manager. Agendas shall otherwise be prepared under the direction of the City Manager and shall be posted, noticed and distributed in accordance with the Brown Act. For purposes of Government Code Section 54954.2(a), agendas shall be posted in the entrance area to the City Council Chambers.

Section 2. This ordinance shall take effect and be in force thirty (30) days after final adoption.

This ordinance was introduced on the 12th day of March, 2015, and was passed and adopted by the City Council of the City of Capitola on the 26th day of March, 2015, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Dennis Norton, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk

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CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 26, 2015

FROM: OFFICE OF THE CITY CLERK

SUBJECT: CONSIDER COUNTYWIDE HOMELESS STRATEGIC PLAN: *ALL IN - TOWARD A HOME FOR EVERY COUNTY RESIDENT*

RECOMMENDED ACTION: Approve the Countywide Homeless Strategic Plan entitled: "ALL IN – Toward a Home for Every County Resident; the Santa Cruz County Community Strategic Plan to Prevent, Reduce and Eventually End Homelessness".

BACKGROUND: Since 1994, the U. S. Department of Housing and Urban Development (HUD) has been encouraging communities to address the problems of housing and homelessness in a coordinated, comprehensive, and strategic fashion. HUD increasingly has required communities to work together in this fashion in order to receive more federal funding for homeless services and programs. The Homeless Action Partnership (HAP), a community-wide organization that is staffed by the County's Planning Department was formed to provide leadership for the regional effort to address homeless. The HAP is funded by all of the jurisdictions in the County, including Capitola. In 2003, the HAP created the first Countywide 10-year Plan to End Homelessness. As a result of this coordinated effort over the last 15 years, the HAP has successfully increased the amount of federal funding received in the County for homeless services and housing from \$500,000 in 2001 to over \$2.3 million in 2015.

In 2014, the Santa Cruz region initiated a process to develop a broader more inclusive coordinated, Countywide long range strategic plan to address homelessness. United Way of Santa Cruz County (United Way) was retained by the County to facilitate development of the new strategic plan (Plan) in partnership with the HAP and other local partners.

A 30 person Strategic Planning Committee representing diverse stakeholder interests directed compilation of the Plan which was developed in sections by a number of working groups involving 100 people from the nonprofit and private sectors as well as staff from the County, cities, the Housing Authority and school districts. These groups made recommendations focusing on Adults, Families, the Pajaro Valley, Youth and Young Adults, Veterans, and Coordinated Entry. Two Community Forums – one in Santa Cruz and one in Watsonville – brought together more than 160 persons to provide additional critical input from the public and persons with experience of homelessness.

The development of the Plan was informed by data, local priorities, current and foreseeable resources, risks, and external opportunities. Although it was prepared to fulfill HUD requirements, the Plan has been written to be more inclusive in reflecting Santa Cruz's circumstances.

Item #: 10.A. Staff Report.pdf

AGENDA STAFF REPORT – MARCH 26, 2015

CONSIDER COUNTYWIDE HOMELESS STRATEGIC PLAN

DISCUSSION: Developing this strategic Plan required detailed analysis of past and current best-practices for addressing homelessness and the resulting recommendations are intended to reduce first time homelessness and the amount of time individuals and families are homeless.

The following are key recommendations which are explained more fully in the attached Plan:

- Establish a Coordinated Entry System using the VI-SPDAT
- Implement Housing First
- Expand Permanent Supportive Housing
- Add More Housing Affordable to the Lowest Income Households.


Each jurisdiction will be considering adoption of *All In* during the last week of March and the first week in April after which the Plan will be formatted for release, and unveiled at a public event.

FISCAL IMPACT: None at this time

ATTACHMENT:

1. ALL IN – Toward a Home for Every County Resident; the Santa Cruz County Community Strategic Plan to Prevent, Reduce and Eventually End Homelessness

Report Prepared By: Jamie Goldstein
City Manager

Reviewed and Forwarded
By City Manager 

FINAL DRAFT

**ALL IN -
*Toward A Home For Every County Resident***

***The Santa Cruz County Community
Strategic Plan to Prevent, Reduce, and Eventually End
Homelessness***

[Pictures, Graphics, Publishing Layout to be Added]

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Executive Summary

All In – Toward a Home for Every County Resident represents a new vision for the Santa Cruz County community, a vision that everyone can share. In this resilient community that rallied after the destruction of the 1989 Loma Prieta Earthquake, we know great things can happen. We believe that preventing, reducing, and eventually ending homelessness is possible. And we hold firmly to the vision that everyone in Santa Cruz County should have access to safe, stable housing.

The community's original strategic plan, the *Ten Year Plan to End Homelessness*, made impressive strides since being introduced in 2003. *All In* reaffirms the ambitious goals of the *Ten Year Plan*, while expanding our scope and commitment to aid our most vulnerable residents, who can be found throughout the county, north and south, urban and rural, sheltered and unsheltered. As we continue our recovery from the worst economic slump since the Depression, we find even more of our neighbors are at risk – just a paycheck from the streets – and increased homelessness demands our urgent attention.

The end of the previous plan, the shock of a homeless count that found a 27% increase in homelessness in just two years, the effect of homelessness on everyone, and new national strategic directions and ideas have all served as catalysts for creating *All In*. It was a timely opportunity for all the stakeholders in Santa Cruz County – policymakers, providers, funders, advocates, people with experience of homelessness, and community members – to reflect on successes and challenges we all faced over the past decade and to plan for new, innovative strategies to prevent, reduce, and eventually end homelessness, and to lessen its impact.

All In has eight strategic priorities (cross-systems and population-specific) that reflect the most innovative thinking both locally and nationally on how best to address homelessness and its results. It was created over a full year of extensive community participation and feedback from over 250 stakeholders, including people who have experienced homelessness themselves. At the very core of these strategic priorities is the intent to use the evidence-based Vulnerability Index and Service Prioritization Decision Assistance Tool (VI-SPDAT)¹ to match individuals and families to the most appropriate housing and service intervention available. In this way, residents experiencing the longest-term, chronic homelessness – often the most visible – will be prioritized for services. Below is summary of the strategic priorities and intended results.

1. Transforming the Crisis Response System

- Coordinated entry system implemented to improve access to housing and services for all populations.
- Increased prevention and diversion resources to reduce the number of households falling into homelessness.
- Interim housing returned to its original emergency purpose.

2. Increasing Access to Permanent Housing

- Sufficient permanent affordable housing developed & maintained for all who are homeless or at risk.

¹ See <http://100khomes.org/resources/spdat-and-vi-spdat-evidence-brief> for further information on the VI-SPDAT.

<p>3. Integrating Systems and Community Support</p> <ul style="list-style-type: none"> ➤ People experiencing homelessness receive the mainstream services needed and become and remain stably housed. ➤ Protocols are in place to prevent institutional discharge of persons directly to the streets. ➤ Community perception of safety is improved.
<p>4. Ending Chronic and Other Adult Homelessness</p> <ul style="list-style-type: none"> ➤ End chronic homelessness by 2020, while reducing homelessness among seniors and other adults.
<p>5. Ending Family Homelessness</p> <ul style="list-style-type: none"> ➤ Family homelessness is ended by 2020. ➤ Fewer at risk families fall into homelessness.
<p>6. Addressing Needs in South County</p> <ul style="list-style-type: none"> ➤ Ensure that the benefits of a comprehensive, culturally competent homeless assistance system fully extend to traditionally underserved communities in the Pajaro Valley.
<p>7. Initiating a Response to Youth and Young Adult Homelessness</p> <ul style="list-style-type: none"> ➤ Initiate a comprehensive, developmentally appropriate system of services for unaccompanied youth and young adults, ages 14-24, including youth formerly in foster care.
<p>8. Ending Veteran Homelessness</p> <ul style="list-style-type: none"> ➤ Veteran homelessness is ended by 2016. ➤ All veterans have stable housing and uniquely tailored supportive services enabling them to stay housed.

Community Vision and Process for Developing the Plan

In 2003, Santa Cruz County became one of the first communities in America to adopt a ten-year plan to end homelessness. Our goal then was the same as it is now – to establish a single countywide blueprint for action to prevent, reduce, and eventually end homelessness in Santa Cruz County, and ameliorate the impact of homelessness on all people.

Challenge, Commitment, & Vision

Although a system and programs for preventing and ending homelessness have been painstakingly developed, the obvious continuation of so much suffering and homelessness in our midst challenges and shocks the whole community to action. Today we recommit to finding and carrying out solutions that help our most vulnerable residents – and the whole community – to succeed and thrive. Together, we – housing and service providers, health providers and educators, City and County governments, people with experience of homelessness, business leaders, philanthropic partners, faith communities, and many other committed Santa Cruz County residents – will build momentum, promote new ideas, and meet the needs of those without stable housing. Together, we are *all in* – working toward a home for every county resident.

Our Vision, Mission, Key Recommendations & Guiding Principles for the Plan
<p>VISION</p> <p>Our vision is that the diverse residents of Santa Cruz County will have access to safe, stable housing, will have incomes to support their well-being, and will have access to culturally competent services empowering them to meet their basic needs and lead dignified lives.</p>
<p>MISSION</p>

Our mission is to prevent, dramatically reduce, and eventually end homelessness and its impact on communities throughout Santa Cruz County by implementing effective programs and strategies, by working collaboratively to increase key resources and change systems to better meet the needs of diverse homeless sub-populations, and by engaging all persons and organizations needed to work together for these purposes.

KEY RECOMMENDATIONS

The following are All In's most important recommendations (not listed in priority order):

- Establish a Coordinated Entry System Using the VI-SPDAT
- Implement Housing First
- Expand Permanent Supportive Housing
- Add More Housing Affordable to the Lowest Income Households
- Increase Prevention and Rapid Rehousing Programs.

GUIDING PRINCIPLES

Systems Changing: We believe that changing all systems to be more effective is a critical approach for preventing and ending homelessness. The plan should strive to streamline access to housing and services, improve the efficiency and capacity of existing programs, create better linkages among programs, and better target existing resources.

Data Driven: The plan should set realistic, relevant, measurable goals, and use agreed upon, accurate data to regularly measure progress and success. Outcome goals will encompass federal HEARTH Act performance measures (relating to reducing homelessness, reducing first-time homelessness, reducing homelessness recidivism, etc.), as well as community-defined outcomes using the Results-Based Accountability methodology. Key data sources are the Homeless Management Information System (HMIS) and periodic point-in-time (PIT) studies of the homeless population, housing inventory, and gaps analysis.

Countywide: Homelessness is present in all parts of the county, whether urban, suburban, agricultural, or rural. With this as the reality, we are developing a *countywide* plan that engages members of each community, maps unique needs, and develops unique solutions to homelessness and its impacts for every sub-part of the county, including North County, Mid-County, South County, and the San Lorenzo Valley.

Builds Community: Success in preventing and ending homelessness requires the united, coordinated efforts of all individuals and organizations who are interested in, and have something to contribute to, resolving the problem. Thus, the plan should seek to build cohesion and collaboration among all relevant sectors, which at a minimum include nonprofits, advocacy groups, local governments, faith groups, educational systems, health providers, food providers, law enforcement, citizens, funders, and persons with experience of homelessness. To help build community our plan will attempt to minimize any potential adverse impacts on the entire community as we implement our recommendations.

Inclusive: The “homeless” population is not monolithic, but is actually composed of a diversity of people and cultures, each with unique strengths and needs. For this reason, the plan and system should strive to meet these needs, including but not limited to the needs of individuals with experience of chronic homelessness, unaccompanied youth and former foster youth, families with children, veterans, and other adults with homelessness experience. Within these sub-groups, the needs of seniors and persons suffering from mental illness, substance abuse, HIV/AIDS, and family violence must also be considered. The plan and system should also be culturally competent, accounting for the special circumstances of each unique community sharing Santa Cruz County. To be fully inclusive, the plan will also recognize and address the impacts of our disproportionately large homeless population on the entire community.

Visionary AND Pragmatic: The plan can and should envision a community without homelessness, yet set forth goals and objectives that are practical and achievable. Part of being pragmatic is providing a plan that fully meets the specific strategic planning requirements of the federal HEARTH Act, as well as other key federal and state funders, such as U.S. Departments of Housing and Urban Development and Veterans Affairs and the State of California Emergency Solutions Grant program.

Structure and Process for Developing the Plan

In 2014, the Santa Cruz County Human Services Department, the Santa Cruz County Planning Department, the United Way of the County of Santa Cruz, Homeless Action Partnership (HAP), and Smart Solutions to Homelessness formed a process design team to steer a strategic planning process for creating the new plan. Smart Solutions is a diverse coalition working to broaden community understanding and involvement on the issue of homelessness, and the HAP is an inclusive countywide action team for designing and implementing a comprehensive Continuum of Care (CoC) homeless assistance system.

The process design team started by establishing a Strategic Planning Committee (SPC), a knowledgeable, geographically balanced group of 30 persons representative of diverse stakeholder interests. The purpose of the SPC was to guide and oversee the development of the plan. Next, population and *ad hoc* work groups were created, encompassing 100 persons representative of the nonprofit, government, and private sectors. These groups developed initial recommendations (for SPC review) covering Adults, Families, the Pajaro Valley, Youth and Young Adults, Veterans, and Coordinated Entry.² Finally, two Community Forums – one in Santa Cruz and one in Watsonville – brought together more than 160 persons to provide critical input from the public and persons with experience of homelessness.

As guided and overseen by the SPC, the development of *All In – Toward a Home for Every County Resident* was inclusive of as many stakeholders as possible with differing perspectives, informed by data, attentive to federal performance measures and local priorities, and aware of the current and foreseeable resources, risks, and external opportunities. The process had five stages:

1. *Planning Process Kick Off*

In April and May 2014, the SPC met to approve the structure and process and to develop a vision for the plan.

2. *Development of Initial Recommendations*

From June to December 2014, population and *ad hoc* work groups met frequently to review relevant data and best practices, discuss local needs and strategies, and develop initial recommendations for action. During this period, the SPC met monthly to guide the process, coordinate the work groups, review and comment on the initial recommendations, and plan further public engagement.

3. *Public Forums*

In December 2014, two evening public forums (Watsonville and Santa Cruz) were held to provide the opportunity for persons with experience of homelessness and the general public to review and comment on the initial recommendations and to provide input for the plan. Survey responses were also collected from persons experiencing homelessness.

4. *Drafting the Plan with Community Input*

From January to February 2015, the SPC met twice to review and comment on the draft plan document, which integrated and synthesized extensive comments from SPC members, population work groups, Smart Solutions, HAP, County and City staff, persons with experience of homelessness, and other community members.

² Please see the Acknowledgements below for a listing of SPC and work group of members.

5. *County and City Adoption and Plan Launch*

Between March and April 2015, *All In* was reviewed and approved by the County Board of Supervisors and City Councils, formatted for release, and unveiled at a public event.

Homelessness in Santa Cruz

Achievements of the Prior Ten Year Plan to End Homelessness

Completed in 2003, *Ten Year Plan to End Homelessness*³ envisioned a comprehensive and coordinated system of affordable housing and supportive services for the prevention and end of homelessness. It addressed the causes of homelessness and identified specific, measurable outcome objectives in the areas of housing, jobs and incomes, supportive services, health care and the overall administration and coordination of the County's homeless assistance system. For each outcome objective identified in the plan, specific action steps were laid out for implementation.

In this way, the *Ten Year Plan* provided the first countywide blueprint to guide the County, the Cities, affordable housers, homeless service and mainstream providers, educators, health providers, the business sector, philanthropy, persons with homelessness experience, and the broader community in realizing the vision of a community in which all residents have stable housing and services they need to live in dignity and reach their highest potential.

The Santa Cruz County community achieved very significant outcomes under the first plan. Developed through a yearlong, comprehensive community process, the *Ten Year Plan* began the process of shifting the community away from an emergency shelter-based system toward one focused more on permanent housing with appropriate supportive services as the longer-term solution to homelessness.

As a result of this new, more strategic approach, the community achieved significant success, especially in the first six years of the plan. As the chart below indicates, overall Santa Cruz

Causes of Homelessness

The path to individual or family homelessness varies, e.g., eviction, foreclosure, job loss, underemployment, domestic violence, runaway or throwaway, and/or health crisis.

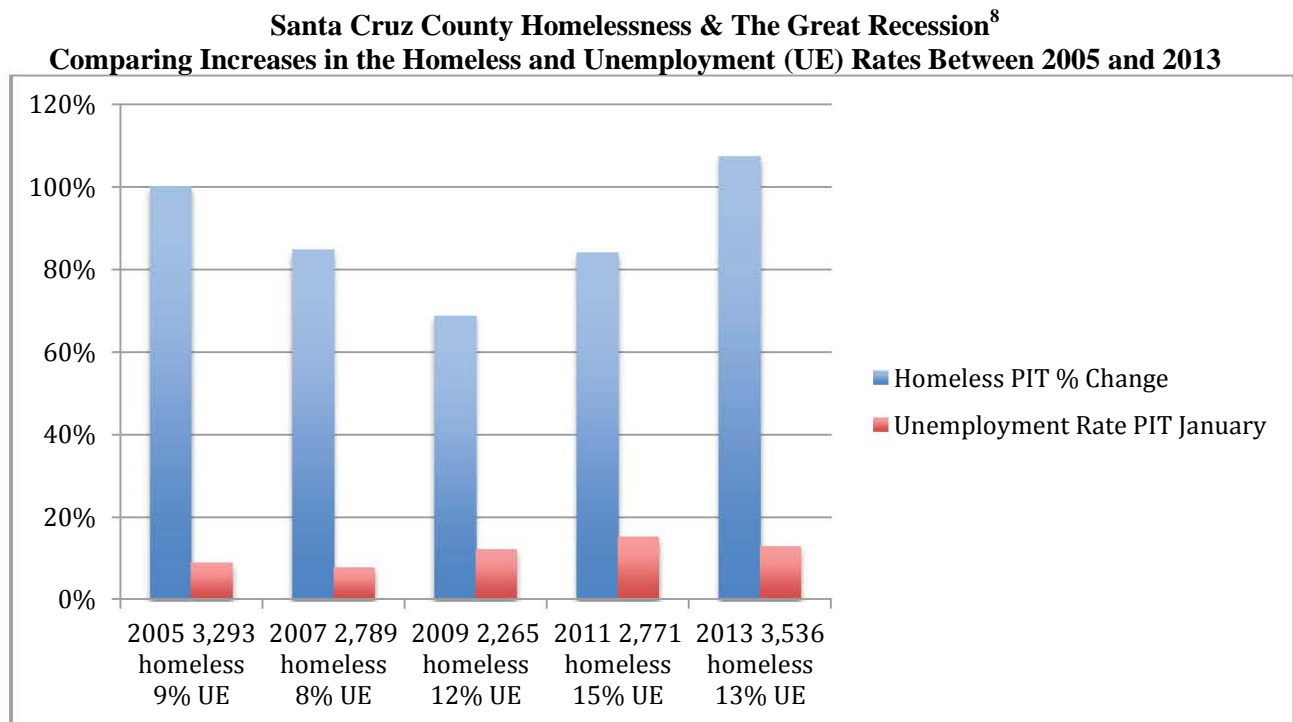
The primary cause of structural homelessness is an imbalance between the ***high cost and lack of availability of affordable housing*** on the one hand, and the ***insufficient income from jobs and public supports*** to afford living expenses on the other hand. Additional factors correlating with homelessness are: lack of health insurance, discharges from jails and other institutions, poor credit or rental history, lack of mental health and addiction treatment services, and family violence and relationship problems.

³ Originally, it was a Five Year Plan, but was extended into a Ten Year Plan in 2005; available at: <http://www.ctagroup.org/wp-content/uploads/Santa-Cruz-10-Year-Plan.pdf>.

County point-in-time (PIT) homelessness⁴ was reduced by 31% between 2005 and 2009. Had this pace of reduction continued homelessness would have ended by 2018.

Unfortunately, the Great Recession intervened. The Santa Cruz County poverty rate jumped from 10.1% in 2007 to 14.6% in 2011,⁵ while in 2011 Santa Cruz County became the third *least* affordable rental market in the country, requiring a full-time hourly wage of \$33.27 to afford a two-bedroom apartment at the fair market rate.⁶ All Santa Cruz County residents were impacted by the recession, but clearly the lowest income persons were harmed the most.

The National Alliance to End Homelessness has noted, “homelessness is a lagging indicator,” meaning it takes months or years before a recession translates into increased homelessness.⁷ This is evident in the Santa Cruz County data below, showing unemployment peaking in January 2011 at 15% (30% in Watsonville), but PIT homelessness not peaking till January 2013 at 3,536, or 107% of the 2005 baseline.



⁴ The U.S. Department of Housing and Urban Development (HUD) requires communities receiving HUD homeless assistance funds to conduct a complete PIT count of homeless persons every two years during the last 10 days of January. A PIT count includes fewer persons than an annual count, which covers all persons who are homeless at some point during a year.

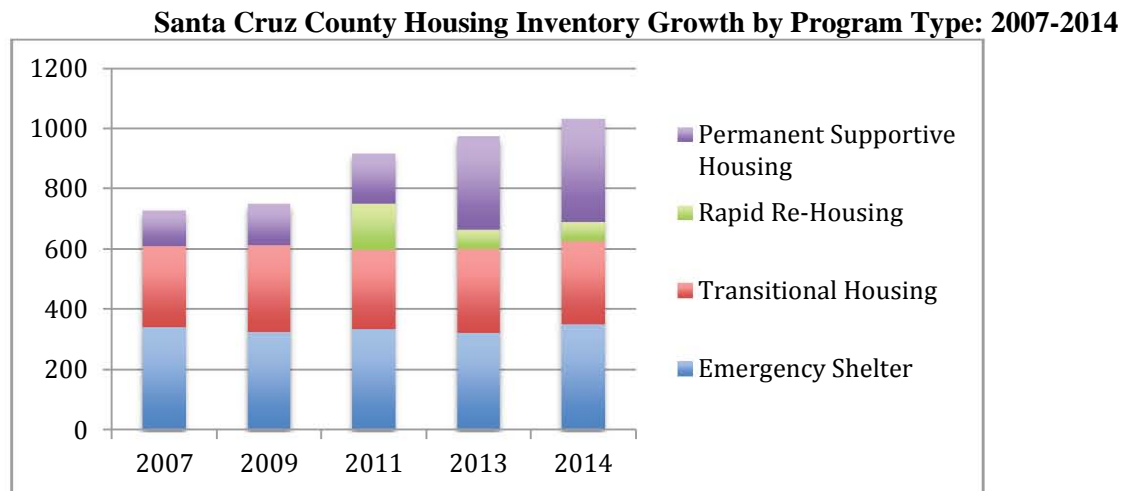
⁵ “Santa Cruz County poverty highest among Bay Area counties,” Santa Cruz Sentinel, September 22, 2011.

⁶ “Out of Reach 2011” (Most Expensive Jurisdictions Table), National Low Income Housing Coalition.

⁷ “Increase in Homelessness on the Horizon,” by the National Alliance to End (Homelessness Research Institute), September 28, 2011.

⁸ Homeless data from Santa Cruz County biennial homeless PIT count; unemployment data summarized from U.S. Bureau of Labor Statistics.

As the Great Recession was manufacturing more poverty and homelessness, the community was working harder than ever to house those in need, despite major resource limitations and recession budget cuts, such as California’s elimination of redevelopment funding. As the following chart shows, the *10-Year Plan* was successful in growing the housing options targeted to persons experiencing homelessness people from 728 beds in 2007 to 1,048 year-round beds in 2014. And in keeping with the Plan’s emphasis on permanent solutions, virtually all of the new homes were permanent supportive housing or rapid rehousing. The latter had a bubble in 2011 due to one-time Homelessness Homeless Prevention and Rapid Rehousing Program (HPRP).

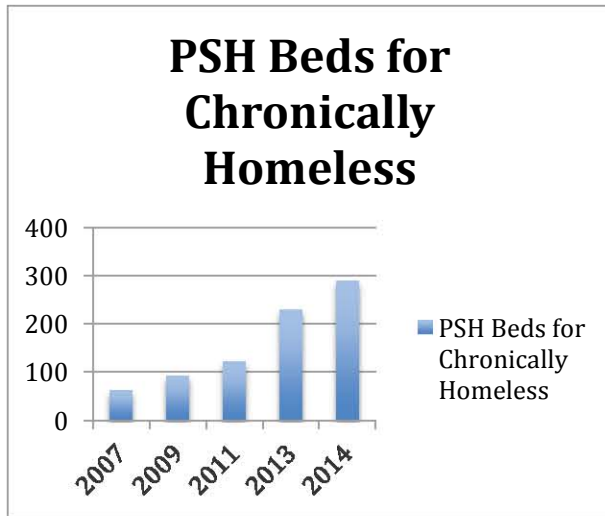


Another plan goal was to shift the programmatic emphasis from persons who are “transitionally homeless” (those who are temporarily homeless due to a housing, economic, or life crisis) to those who are “chronically homeless,”⁹ who often have disabilities, including serious mental illness, chronic substance use disorders, or chronic medical issues, and are homeless repeatedly or for long periods of time. National research (e.g., Cullhane) has shown that they cycle in and out of homeless shelters, jails, hospitals, and treatment programs, taking up a disproportionate share of public resources. Numerous studies have demonstrated that stable housing with wraparound services is the key to ending chronic homelessness, and that permanent supportive housing is more cost effective than continued homelessness.¹⁰

For these reasons, national experts, HUD, and our *Ten Year Plan* have all placed strong emphasis on addressing chronic homelessness through permanent supportive housing solutions. As the following chart delineates, Santa Cruz County housing providers have steadily grown the stock of chronically homeless-targeted permanent supportive housing beds from 61 beds in 2007 to 289 beds in 2014 (an average of 33 beds per year). Ending chronic homelessness will require continuing and increasing this housing trend.

⁹ HUD defines a “chronically homeless person” as a person with one or more disabilities who has been homeless for at least one year, or four times within the past three years, and who is currently living on the streets or in an emergency shelter.

¹⁰ E.g., a study of the Seattle Eastlake PSH Program for persons experiencing chronic homelessness with extensive health problems found savings of almost \$30,000 per year, while producing better housing and health outcomes for tenants.



The key programmatic areas of the *Ten Year Plan* were Housing (from prevention through permanent), Health and Supportive Services, and Community Planning. Please see the Appendices below for a detailed description of successes in these areas, upon which the new plan builds.

LESSONS LEARNED FROM THE PREVIOUS PLAN

Although there were significant accomplishments, we learned that the level of resources committed to the plan

was insufficient to meet the scale of the problem. Also, we discovered that a systemic shock like the Great Recession will undermine even the best-laid plans. And finally, we confirmed that a plan is a powerful vehicle for bringing the community together around a single strategic approach and for promoting innovative and effective solutions, such as permanent supportive housing, rapid rehousing, and more. The new plan builds on the successes of the old, and renews the community’s commitment to preventing, reducing, and eventually ending homelessness in Santa Cruz County.

The Current System

POPULATION EXPERIENCING HOMELESSNESS

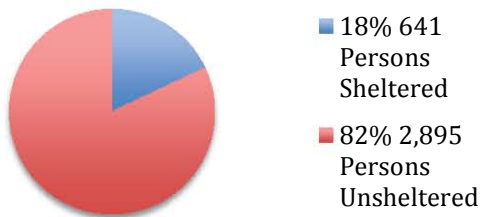
People experiencing homelessness are not easy to identify, and can be difficult to count in a large area. Nevertheless, Santa Cruz County’s most recent PIT count found 3,536 people experiencing homelessness on the night of January 22, 2013.¹¹ This is approximately 1.3% of the countywide population, an unacceptable level. The *annual* number of people experiencing homelessness is higher due to regular turnover. The count is based upon the HUD definition of “homeless,” which includes persons who are sleeping outdoors, in places not meant for human habitation, in emergency shelters or similar institutions, about to lose their housing, or are fleeing domestic or similar violence.¹²

The following figures, based on the 2013 homeless census and survey, paint a picture of key characteristics of the homeless population:

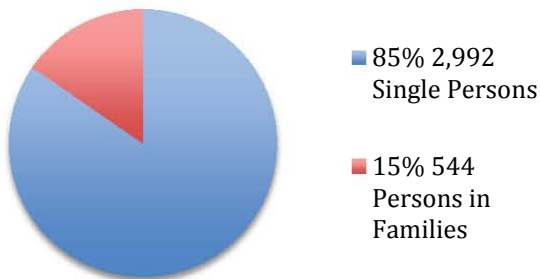
¹¹ See 2013 Santa Cruz County Homeless Census and Survey, Applied Survey Research, for details about the community process for, methodologies used, and results of the census at <http://www.appliedsurveyresearch.org/>.

¹² See Final Rule, Homeless Emergency Assistance and Rapid Transition to Housing: Defining “Homeless,” HUD Community Planning and Development, Federal Register, p. 75995 *et seq.*, 12/5/11, for further details.

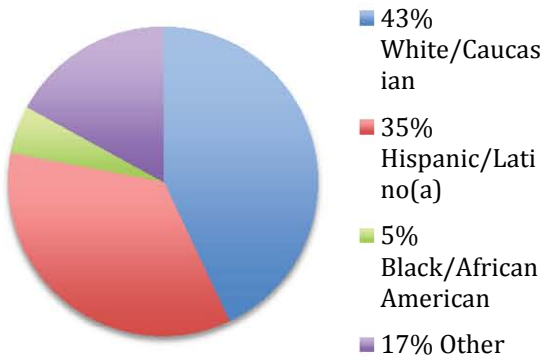
Sheltered vs. Unsheltered



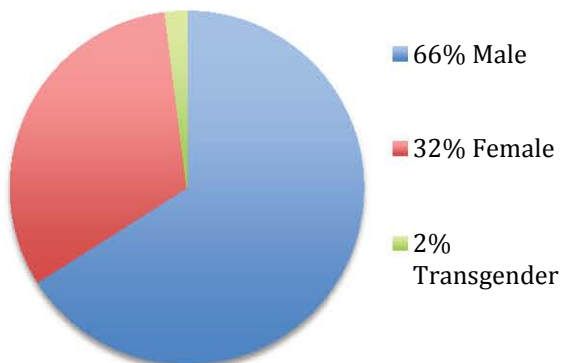
Singles vs. Families



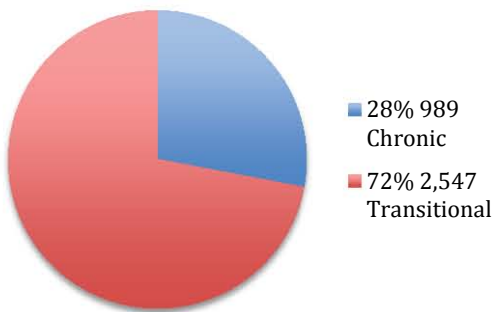
Demographics



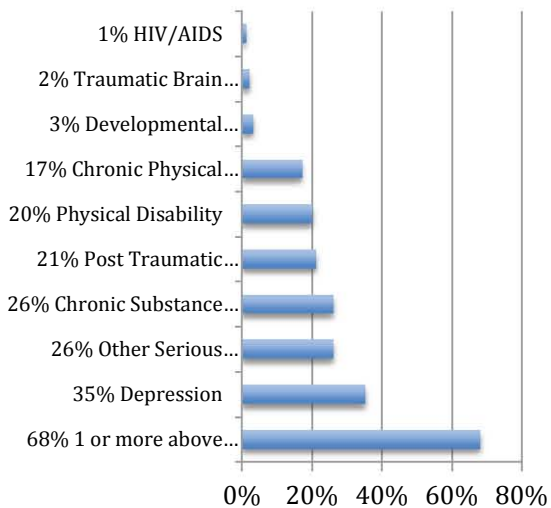
Gender

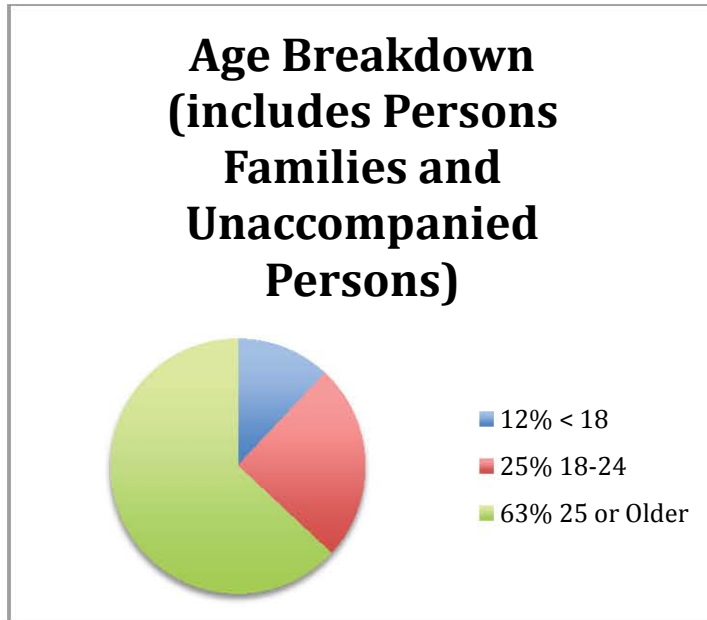


Chronic vs. Transitional Homelessness



Disabling Conditions





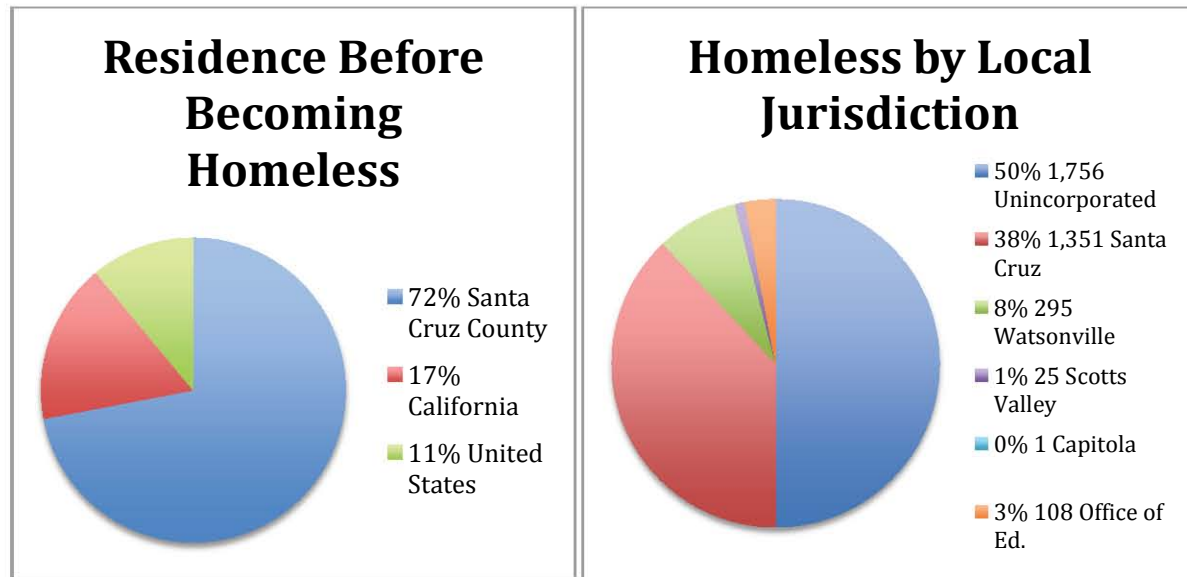
Part of the story told by the above figures is that despite the tremendous efforts of many, sadly homelessness remains a huge problem, that many have significant health problems along with homelessness, and that the rates of both unsheltered and chronic homelessness remain far too high. In fact, according to HUD 2013 data,¹³ which compared CoCs nationally, Santa Cruz County ranked 6th among smaller CoCs for most people experiencing homelessness, 4th for most individuals experiencing homelessness, and 6th for most people experiencing chronic homelessness. Although such comparisons are questionable due to great variations among CoCs in the methods, completeness, and accuracy of their PIT counts,¹⁴ it is very clear that major changes are needed in Santa Cruz County if homelessness is to be resolved.

Moreover, the homeless population is countywide (which encourages a regional planning approach) and mostly made up of people living in Santa Cruz County prior to becoming homeless. The following figures, again from the 2013 PIT homelessness study, show the geographic spread of the problem, as well as the fact that most people experiencing homelessness were already living in Santa Cruz County *before* they became homeless. Of who were living elsewhere, 21% were “passing through,” 18% came for family or friends, and 14% came for employment. These statistics contradict the common notion that local homeless services are a magnet for people experiencing homelessness elsewhere, although people do come from other communities impacting local services. In reality, the rate of migration to Santa Cruz County is no higher among people experiencing homelessness than the general population, and all of the neighboring communities—Monterey County, San Mateo County, San Francisco,

¹³ 2013 Annual Homeless Assessment Report (AHAR) to Congress, HUD Community Planning and Development.

¹⁴ With Applied Survey Research, Santa Cruz County conducts one of the most comprehensive and complete biennial PIT counts in the nation. Many other CoCs' counts may be considerably less complete and accurate.

etc.—have high rates of homelessness for similar reasons,¹⁵ and all provide considerable homeless services like those here.¹⁶



HOMELESS HOUSING, SERVICES, FUNDING, & GAPS

Over the years, the County, Cities, and nonprofit agencies have developed a significant array of homeless assistance programs. Together, these programs form a countywide homeless assistance system, also known as the Continuum of Care, which works to resolve the crisis of homelessness, to house people as quickly as possible, and meet service needs along the way. Despite the great progress under the previous plan, there are still not enough:

- Prevention services to divert people from homelessness in the first place;
- Housing options (including rapid rehousing, permanent supportive housing, and affordable housing) to end people's homelessness; and
- Supportive services to help people cope with the personal, family, economic, and health challenges often interlinked with homelessness.

In addition, the community must redouble its efforts to transform the existing system by better coordinating services and by shifting valuable resources where possible from costly temporary solutions (while still meeting pressing needs for emergency assistance) to more cost-effective permanent solutions (such as permanent supportive housing). Finally, mainstream systems for serving low-income populations, the private sector, and community at large can and should do more to support preventing, reducing, and eventually ending homelessness.

¹⁵ E.g., lack of affordable housing and insufficient income to pay for rent. Sources: 2013 PIT homelessness studies for various comparable counties.

¹⁶ Comparable percentages of homeless people who lived within the county prior to homelessness: Monterey County – 72%, San Mateo County – 69% (hometown in San Mateo County), San Francisco – 61%, San Luis Obispo – 71%, Humboldt County (less than 50%). Sources: 2013 PIT homelessness studies for each county.

Interim Housing Overview

Of the current housing inventory of 1,048 year-round beds,¹⁷ a full 61% (642 beds) are temporary, including 353 emergency shelter beds and 289 transitional housing beds.¹⁸ These interim resources include programs for specific populations such as families, single adults, seriously mentally ill adults, pregnant women, persons fleeing domestic violence, and veterans. Also, a winter shelter program provides 100 seasonal beds at the National Guard Armory.

Unfortunately, due to the lack of permanent housing options, these temporary programs have tended to become *de facto* housing with long stays the norm. Transforming the system will require moving people to more appropriate housing, thereby freeing these temporary beds for a true emergency purpose and shortening lengths of stay. It may also require shifting some transitional housing to more cost effective rapid rehousing or permanent supportive housing.

Permanent Housing Overview

Despite significant growth under the previous plan, only 39% of housing resources (406 beds) are permanent, including 99 rapid rehousing beds and 307 permanent supportive housing beds.¹⁹ As mentioned earlier, most permanent supportive housing beds (289) are now set-aside for persons experiencing chronic homelessness, including those with medical vulnerabilities. Many of the rapid rehousing beds are targeted to rehouse families with children. A full 57% of permanent beds (overlapping other categories) are targeted to veterans under the HUD VASH and SSVF programs.²⁰

A growing number of the permanent housing programs use a Housing First strategy.²¹ Nearly all the permanent housing is of the tenant-based or scattered rental kind (370 beds), and far too few are of the site-based or single building type (only 36 beds).

This inventory does not reflect the full potential of all programs, such as the Housing Authority's Housing Choice Voucher limited preference for persons with medically vulnerabilities experiencing homelessness, progressively leasing up to at least 120 units/beds. Also, it doesn't reflect the fact that many people eventually leave homelessness for market rate housing or affordable or subsidized housing programs that are targeted to broader low-income populations. Nevertheless, significantly increasing permanent housing (including new site-based units) and

¹⁷ See the 2013 CoC Housing Inventory Chart for a complete listing of beds/units targeted to homeless people.

¹⁸ "Emergency shelter" refers to a facility for providing temporary shelter for addressing an immediate housing crisis, while "transitional housing" refers to housing with services where people can stay up to 24 months as they prepare to move into permanent housing. "Interim housing" includes both types of temporary housing.

¹⁹ "Rapid rehousing" refers to programs that use financial assistance and housing-focused services to move people quickly from emergency shelter into permanent housing," while "permanent supportive housing" refers to programs that provide housing with services with no time limits and with tenant rights to homeless people with disabling conditions.

²⁰ "HUD VASH" refers to HUD's Veterans Affairs Supportive Housing program, while "SSVF" refers to the VA's Supportive Services for Veteran Families program (which provides rapid rehousing and prevention services).

²¹ "Housing First" refers to a best practice program model that provides housing quickly with minimal preconditions or sobriety and then providing services as needed.

widely adopting Housing First are linchpins to reducing and eventually ending homelessness. And the housing ratio must flip from a majority of interim beds to a majority of permanent beds.

Supportive Services Overview

Over the years, Santa Cruz County agencies, nonprofits, and faith groups have developed a considerable array of services to help overcome the homelessness crisis and meet other related needs, including outreach programs, information and referral tools, basic need services, mental health and substance abuse treatment, job training and placement, mainstream benefits assistance, family and childcare services, educational supports, and more.

Some of these programs are not directly part of a shelter or housing program, such as the Homeless Persons Health Project (health outreach and services), Daytime Essential Services Center (daytime shelter, basic needs, and service linkages), the Homeless Garden Project (employment), the Shelter Project (basic needs assistance), Students in Transition program (educational services for children experiencing homelessness), and food programs. These bring critical services directly to people experiencing homelessness, but many are located in the City of Santa Cruz. Reducing and eventually ending homelessness will require increased outreach and services to underserved areas with large homeless populations, such as Watsonville.

Virtually all interim and permanent housing programs provide some level of supportive services to residents – for example, case management, housing search, and mainstream benefits help. Service referral is key component of the service model, which is fine for some people, but often results in service fragmentation and missed connections for persons with serious medical vulnerabilities and life challenges. This population needs “wraparound services,”²² in which integrated teams of health and social workers work together on an individualized service plan to help the person achieve and maintain housing and self-sufficiency. While some Santa Cruz permanent supportive housing programs have already implemented wraparound services, reducing and eventually ending chronic and other homelessness will require a major expansion of wraparound services in conjunction with the Housing First and coordinated entry approaches.

Various service programs serve specific need groups, or subpopulations, such as emancipated foster youth, victims of domestic violence, persons with HIV/AIDS, veterans, pregnant women, and persons with serious mental illness. A glaring gap is the lack of programs for youth and young adult subpopulation (14-24 years), which includes 947 persons experiencing homelessness²³ and who are not comfortable in adult programs. Reducing and eventually ending homelessness will entail building a youth and young adult housing/service system from the ground up.

It is key to understand that the majority of all supportive services are provided by county mainstream human care systems, either directly or by funding homeless assistance programs.

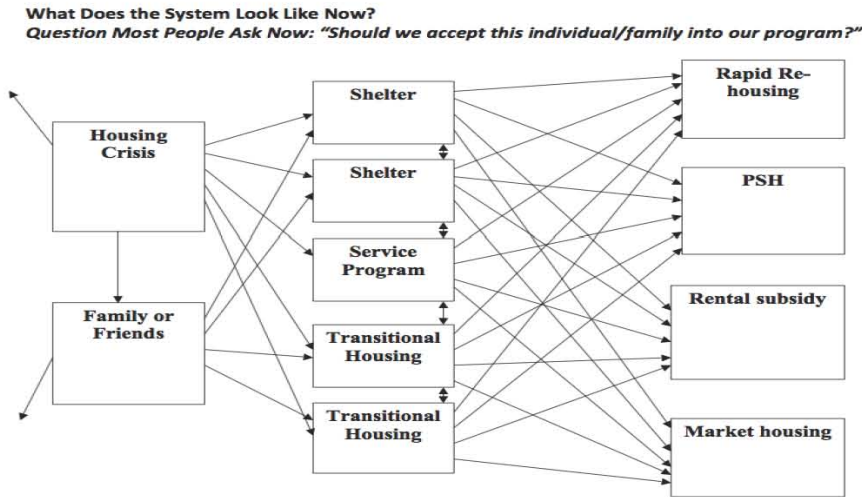
²² “Wraparound services” refers to a national best practice model that coordinates all caregiver services, often through a team case-management or shared service plan system, bringing mainstream and non-profit providers together for case conferencing and problem solving. It is often used in permanent supportive housing and sometimes coincides with a “harm reduction” model.

²³ See 2013 Santa Cruz County Homeless Census and Survey, Applied Survey Research.

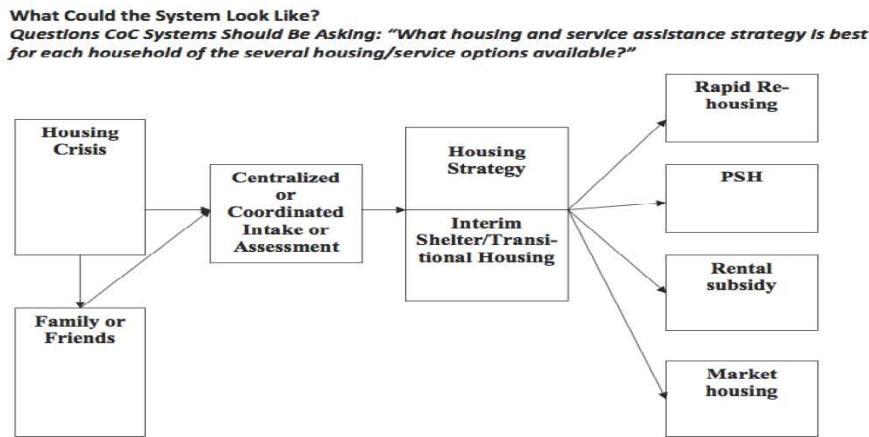
Reducing and eventually ending homelessness will require eliminating access barriers and further integrating the homeless-specific and mainstream systems of care.

Importance of Implementing Coordinated Entry

A key problem with the homeless assistance system now is that it can be fragmented and difficult for persons experiencing homelessness to find the services and housing they need. This is because most programs are asking: Should we accept this family/individual into our program?



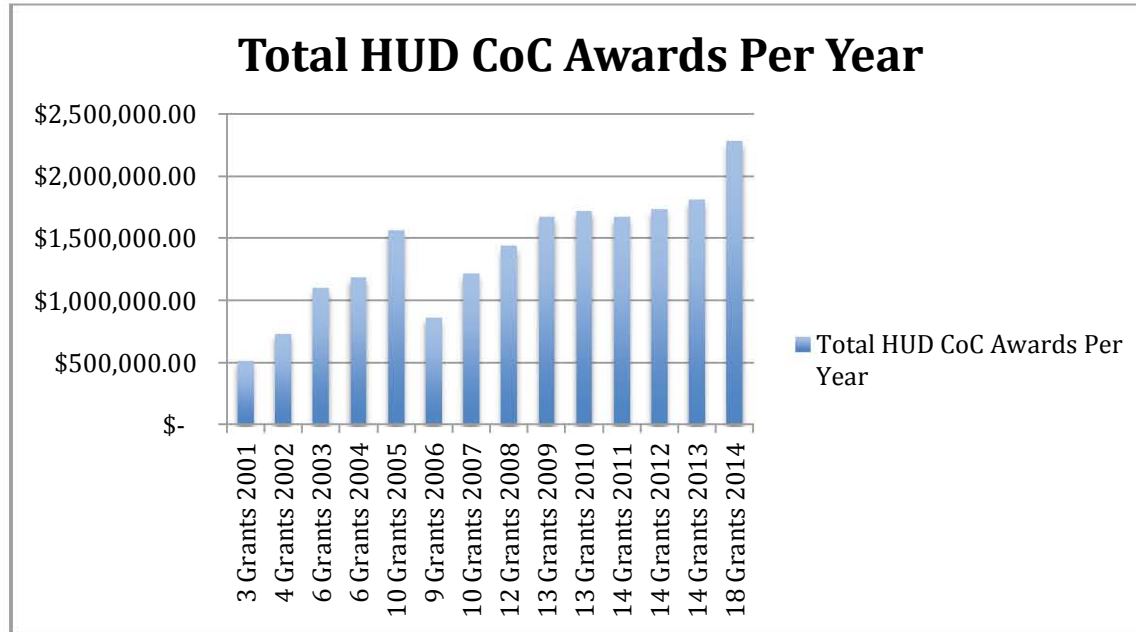
The system would work better for service seekers if instead every program asked: What housing and service strategy is best for this family/individual out of the several housing/service options available?



Funding Overview

Overall funding is woefully inadequate given the scale of need for existing and new homeless assistance programs. Each year, agencies that assist people experiencing homelessness expend great effort fundraising from a range of federal, state, county, city, foundation, faith, and private sources. The volunteer hours and in-kind donations of numerous citizens are pivotal.

Perhaps the largest single source of funding is HUD’s CoC Homeless Assistance Grants. More than \$21.5 million in CoC grants have been secured since the Year 2001. The following chart shows the year-by-year increases in grants and CoC funds for Santa Cruz County agencies.²⁴



Each year, HUD asks CoCs to make ranking decisions among different projects. Of the \$2,274,747 ranked by the HAP and awarded in 2014, 69% (\$1,573,125) went to permanent housing, 26% (\$586,801) to transitional housing, and 5% (\$114,821) to HMIS and planning.

Other Selected Funding Sources Typically Used for Homeless Assistance Programs

Type	Funding Source	Typical Uses
Federal	HUD Emergency Solutions Grants	Shelter, outreach, rapid rehousing, prevention
	HUD Veterans Affairs Supportive Housing	Permanent supportive housing/veterans
	HUD Housing Choice Vouchers	Permanent supportive housing
	HUD HOME Partnership	Housing, prevention, rapid rehousing
	HUD Community Services Block Grants	Homeless services/CAB
	HHS Health Resources and Services Administration	Health care, outreach, wraparound services
	HHS Substance Abuse & Mental Health Services Admin.	Wraparound services
	HHS Community Services Block Grants	Day center, shelter, housing
	HHS CalWORKS	Housing assistance, emergency assistance
	VA Supportive Services for Veteran Families	Prevention, rapid rehousing/veterans
	VA Contract Beds & Grant Per Diem	Shelter, transitional housing/veterans
	FEMA Emergency Food and Shelter Program	Shelter, food programs
State	Emergency Housing Assistance Program	Shelter, development and operations
	Multifamily Housing Program	Housing development
	Mental Health Services Act	Housing, development and operations
Local	City and County General Funds	Shelter, housing, various services
Private	Foundation and Corporate Grants/Private Donations	Various agency programs/operations

²⁴ Actual amounts possible are limited by such factors as the national pro rata formula, the number of renewal grants held harmless, and permanent housing bonus amounts.

Reducing and ending homeless will require redoubled efforts to apply for as much funding as possible and making sure funds are used as effectively as possible for plan objectives.

Importantly, many mainstream programs incidentally serve people experiencing homelessness as part of their broader low-income mandate. These include housing assistance, health care, employment and benefits, and special population programs. Reducing and ending homelessness will require taking steps to increase people's access to mainstream benefits.

Gaps & Needs Summary

Interim Housing:

- Need to shorten interim housing stay and return to a true emergency function
- Need to meet health and safety needs of persons still without housing

Permanent Housing:

- Not enough permanent supportive and affordable housing
- Not enough prevention and rapid rehousing programs
- Need to consider converting some transitional housing to cost effective permanent housing
- Need to more widely implement Housing First
- Need to improve utilization of existing housing resources
- Not enough site-based housing programs for people experiencing homelessness
- Need to flip the housing ratio from interim to permanent bed majority

Supportive Services & Coordinated Entry:

- Need to improve CoC functioning through coordinated entry and placement
- Not enough homeless services in underserved areas such as Watsonville
- Lack of any services and housing for youth and young adults without housing
- Not enough wraparound services, and need for more harm reduction approaches
- Need for more mainstream/homeless program service coordination around access to housing, health, employment and benefits, and special needs services

Funding:

- Need to apply for more funding from all sources and use the dollars wisely
- Need to advocate for increased funding from all federal and state sources.

The World Around Us

Environmental Scan

All In does not exist in a vacuum. Our ability to reduce and eventually end homelessness will depend in part upon the trends, opportunities, risks, and resources in the wider world. Systemic forces, such as the housing affordability crisis, persistent unemployment and poverty, restrictions and cuts to government funding, and the impact of homelessness on the community all affect our ability to succeed. Given high homelessness coupled with serious resource limitations, we are

mindful of the need for a plan that is not only ambitious, but also realistic. Keeping the external environment in mind helps to inform and improve our strategic plan.

HOUSING AFFORDABILITY CRISIS

Lack of affordable housing is the leading cause of homelessness.²⁵ This is especially true in the Santa Cruz Watsonville Metropolitan Statistical Area, which remains the 6th least affordable rental market in the nation, requiring a fulltime hourly wage of \$30.71 to afford a two-bedroom apartment at the fair market rate.²⁶ The combination of extraordinarily high rental costs along with a relatively low median income level makes rental housing hard to acquire for thousands of local residents. This challenge is particularly acute because middle-income residents, now priced out of the ownership market, have entered the rental housing market in greater numbers. Middle-income renters, while struggling to afford Santa Cruz County rents, are able to manage those rents, while those at the lower income level are often pushed out of the market. We can expect housing costs to continue rising.

Moreover, the waiting list for the kind of federal housing subsidies that might make rental housing affordable is currently closed and includes 12,372 households.²⁷ And the development of new affordable housing has come to a near standstill in Santa Cruz County (and across the State) due to such factors as the reduction and elimination of key funding sources (see below), the lack of developable land in Santa Cruz County, and planning-type barriers. Finally, the south county is particularly beset with overcrowded, substandard housing.

PERSISTENT POVERTY AND UNEMPLOYMENT

While the worst impacts of the Great Recession have passed, too many Santa Cruz County residents still live in poverty and have trouble finding living wage jobs. According to the U.S. Census Bureau, 14.6% of county residents, or 39,335 people, lived below the federal poverty line in 2013. And the medium household income is near the state average (also U.S. Census Bureau), even though housing costs are among the state's highest. Moreover, the unemployment rate remains stubbornly high in Santa Cruz County – 10.9% in January 2014.²⁸ The situation is even worse in the south county and Watsonville, where due the cyclical nature of agricultural work, the unemployment rate is higher and fluctuates between 16.6% in September 2013 to 23.8% in January 2014. Without employment income, many households are simply unable to sustain their rental housing.

REDUCED GOVERNMENT SUPPORT

Impacted by the Great Recession and large budget deficits, governments at all levels – federal, state, county, and city – have all made painful budget cuts that weaken the safety net and reduce

²⁵ See National Alliance to End Homelessness FAQ “Why are people homeless” at <http://www.endhomelessness.org/pages/faqs#why>.

²⁶ “Out of Reach 2014” (Most Expensive Jurisdictions Table), National Low Income Housing Coalition.

²⁷ Information for Potential Applicants, Housing Choice Voucher Program, Housing Authority of the County of Santa Cruz.

²⁸ 2014 unemployment data summarized from U.S. Bureau of Labor Statistics.

overall resources for affordable housing and homeless assistance programs. These budget cutbacks – for instance those from the federal “sequester” process – have impacted a range of programs including housing, health, employment, and public benefits, and have reduced funding for nonprofit agencies serving low-income and homeless persons.

Due to funding limits, HUD has come close to abandoning its role as a creator of low-income housing (developing 10% of what it did 40 years ago). HUD CoC Homeless Assistance grants, while not cut, have been flat-funded nationally, and the CoC funding formula gives short shrift to Santa Cruz County, compared to other CoCs, and relative to the size of the homeless PIT count. The State completely eliminated redevelopment agency funds, a primary source for affordable housing in Santa Cruz County and elsewhere, and eliminated important funding programs for emergency shelters and homeless mental health services. Meanwhile, voter-approved state general affordable housing bonds have been nearly expended, but not replaced.

IMPACT OF HOMELESSNESS ON THE COMMUNITY

The persistence of homelessness in our county comes at great cost. With many hundreds living without any shelter at all, we see damage to the lives of those experiencing life on the street. Perhaps most significant in this regard, we see the average age of death for those experiencing homelessness is 30 years younger than the average for all Americans.

At the same time, we see the burdens of increased damage to public spaces (from, for instance, homeless encampments) and increased community costs in terms of law enforcement, emergency health services and hazardous waste and environmental cleanup. Emergency services providers and the community spend millions of dollars annually attempting to deal with both the needs and community disruptions of people living on the street.

There is also a persistent tension within our community as many residents wrestle with the question of how best to address homelessness. When focused on solutions, debate of these issues can be helpful as we seek common ground. We hope that the community will continue to work to find a path that provides both accountability and effective approaches that will move individuals and families out of homelessness.

Significant Initiatives

While the environmental scan shows significant challenges, there are a number of new and innovative initiatives at the federal and state levels that carry great promise for our ability to reduce and eventually end homelessness if we build upon them and carefully work them into our planning.

FEDERAL HEARTH ACT ENACTMENT

The federal Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009 amended the McKinney-Vento Homeless Assistance Act, which now provides \$2.3 million to Santa Cruz County annually – the single largest source of funding for our homeless assistance system. The HEARTH Act introduction of new performance measures, coordinated entry, and new program types and priorities (e.g., rapid rehousing) has major implications for

how we work to address homelessness.

FEDERAL HEALTHCARE REFORM

Implementation of the Patient Protection and Affordable Care Act (ACA) also increases the potential resources available to meet the health care needs of people experiencing homelessness. In 2014, Medicaid expanded to include all single individuals who are at or below 133% of the federal poverty level. The County Health Services Agency estimated that an additional 8,600 persons became eligible for Medi-Cal.²⁹ As the ACA advances, we need to make sure that all eligible persons are in fact enrolled in Medi-Cal, that we work to incorporate Medi-Cal funded services with the permanent housing proposed in this plan, and that we use emerging best practices to leverage Medicaid-funded services to meet the needs of the homeless population.

FEDERAL HOMELESSNESS PLAN

In 2010, the U.S. Interagency Council on Homelessness unveiled *Opening Doors*, the nation's first comprehensive strategic plan to prevent and end homelessness. The bold goals of *Opening Doors* are meant to catalyze change at the local and state level and improve the use of resources and cross-system collaboration. The strategic priorities of *All In* are closely aligned with those of *Opening Doors*, and we will continue to align our strategies with the best national thinking.

FEDERAL GOAL TO END VETERAN HOMELESSNESS

Also in 2010, the Obama Administration set a goal of ending veteran homelessness in five years. In response, the U.S. Department of Veterans Affairs' budget for homeless assistance programs has grown dramatically over the past few years to support prevention, rapid rehousing, and permanent supportive housing for veterans experiencing homelessness. The Housing Authority of Santa Cruz County, in collaboration with VAPAHCS, which provides case management, now administers 209 HUD-VASH vouchers, with more likely coming to house our 395 homeless veterans.³⁰ And \$3.2 million in SSVF grants have been awarded for use in Santa Cruz County.

STATE PROPOSITION 41

In 2014, the California Veterans Housing and Homeless Prevention Act (Proposition 41) was signed into law, totaling \$600 million to fund the development of permanent supportive and transitional housing targeted for homeless veterans and their families. Beginning in 2015, an estimated \$75 million will be made available competitively per year.

STATE CAP-AND-TRADE

The State Global Warming Solutions Act of 2006 created a cap-in-trade system whereby large California companies can pay a fee for excess greenhouse gas emissions. For the 2015 budget year, the State had \$832 million in program proceeds, of which \$130 million is being made available competitively through the Department of Housing and Community Development for

²⁹ The Medicaid program is called "Medi-Cal" in California.

³⁰ 2013 Santa Cruz County PIT homelessness study, Applied Survey Research.

affordable housing and sustainable communities projects. This is an ongoing funding stream, with significant amounts to be made available for qualified affordable housing every year.

Essential Elements to Make Homeless Interventions Successful

This plan builds on the accomplishments of the previous plan, and establishes a blueprint for future coordinated action to address homelessness. Our ability to make progress will rest on the degree to which we are able to integrate into our homeless assistance system all of the components required to make it a success. The system as a whole should embrace the following essential components that national best practices and local experience tell us are needed if we are to make true progress in reducing and eventually ending homelessness:

- *Restoring, preserving, and increasing the resources of the homeless assistance system, including homeless prevention, a range of housing options, and supportive services.*
- *Increasing the supply of and increasing access to affordable housing so that all Santa Cruz County residents can eventually afford a stable home of their own.*
- *Ensuring a well-functioning safety net so that all households who are at risk of or experiencing homelessness have access to shelter, mainstream resources, public benefits, and quality health care.*
- *Reaching all homeless populations to ensure the unique and multiple needs of each person are recognized and addressed in a holistic way. Special populations include but are not limited to families, unaccompanied minor youth, victims of domestic violence, seniors, persons who have been convicted of a crime, persons with a disability, persons who are chronically homeless, persons with HIV/AIDS, persons who are LGBTQ, veterans, persons with limited English proficiency, and persons who are undocumented.*
- *Providing a system that is truly countywide, so that housing and supportive services are appropriate and accessible for each sub-region of the county.*
- *Ensuring harm reduction, trauma-informed, and asset-based principles are embraced in order to provide housing and services with care, dignity, and respect to all people.*
- *Holding the homeless system accountable to the highest quality of services to ensure that dollars are put to their best use and consumers are provided with respect, support, and advocacy that empowers the consumer to be his or her own agent of change.*
- *Putting the safety and well being of clients, providers, and community first by making sure programs are located, designed, and structured so that all people are comfortable and safe.*
- *Improving efforts to prevent public and private institutions from discharging individuals into homelessness.*

- *Expanding cultural competency and consumer choice* to respect the unique situation and aspirations of each individual who interacts with the homeless assistance system.
- *Creating meaningful avenues for community engagement, dialogue, and participation* on issues of homelessness and its impact.

Santa Cruz Strategic Plan to Prevent, Reduce & Eventually End Homelessness

Created with extensive public input, *All In* builds on the successes of the earlier *Ten Year Plan* and renews our commitment to reducing and eventually ending homelessness. Community efforts over the past years have helped a considerable number of Santa Cruz County residents to move from the streets and despair to stable housing and meaningful, community-connected lives. Implementation of the *Ten Year Plan* also helped transform the community effort from a patchwork of emergency programs to a coordinated system striving to end homelessness with permanent, integrated solutions. Although much has been accomplished, a great deal more must be done as clearly shown by the PIT data and by the daily realities of homelessness.

Successful programs and practices will continue under the new plan and will be augmented by creative new ideas that incorporate key lessons learned, the best thinking from around the country and in our own backyard, and the realities of the world around us. In this way, the new plan proposes eight strategic priorities, detailed in the following pages, for transforming how the system works and adding the programs and resources that will be needed to prevent, reduce, and eventually end homelessness, rather than just manage the problem. The strategic priorities, which are not listed in priority rank order, are:

Cross-Systems Strategic Priorities

1. Transforming the Crisis Response System
2. Increasing Access to Permanent Housing
3. Integrating Systems and Community Support

Population-Specific Strategic Priorities

4. Ending Chronic and Other Adult Homelessness
5. Ending Family Homelessness
6. Addressing Needs in South County
7. Initiating a Response to Youth and Young Adult Homelessness
8. Ending Veteran Homelessness

Developed with a Results-Based Accountability methodology, the strategic priorities encompass:

- *Results that we aim to achieve in the lives of people*
- *Measurable indicators of the challenges we are facing*
- *Action Strategies needed to achieve the results*

Item #: 10.A. Attach 1.pdf

The action strategies are divided into short-term strategies (to be accomplished within two to three years) and long-term/ongoing strategies (within six to seven years). Again, these action strategies are not in priority rank order. Integrated throughout are recommendations for new services and programs, system changes, and policy advocacy.

This plan is meant to be a living document that requires ongoing planning and collaboration to ensure success. We call on all the whole community to help us to achieve the plan's goals by creating a home and safety for everyone in Santa Cruz County.

Strategic Priority 1: Transforming the Crisis Response System

Results

- Coordinated entry system implemented to improve access to all housing and service types for all populations.
- Increased prevention and diversion resources to reduce the number of households falling into homelessness.
- Interim housing returned to its original emergency purpose.

Overview

Reducing and eventually ending homelessness will require a more streamlined and targeted crisis response system that quickly and compassionately assesses a household's needs and provides tailored resources for persons in crisis. We must move beyond our fragmented approach to a more unified set of efficient interventions that effectively prevents people from becoming homeless and quickly stabilizes people who are already experiencing homelessness. We can achieve this goal by better assessing people's need and barriers; targeting prevention and diversion resources to those most at risk of entering shelter; equipping providers with the necessary resources to quickly re-house people; and further coordinating outreach for those currently on the streets.

Measurable Indicators

- Coordinated entry system is in place and functioning.
- Increased rates of prevention and diversion from shelter.
- Reduced rates of first-time shelter use and shelter recidivism.
- Reduced lengths of stay in shelter and transitional housing.
- Increased rates of permanent housing placement.
- Increased numbers contacted by street outreach.

Action Strategies

Short-Term

1. Implement standardized assessment of all households entering government-supported programs using the VI-SPDAT (family and individual) evidence-based tools.
2. Develop and implement protocols for use of HMIS in data collection and sharing for coordinated entry.
3. Expand system access by transferring 2-1-1 calls for shelter to the coordinated entry system; connecting persons in danger to the domestic violence system; linking veterans to the VA system of care; and widely advertising coordinated entry points.
4. Maintain existing emergency shelters to meet the pressing unsheltered need, adding new ones only where identified below.
5. Expand prevention program funding from varied sources (e.g., CDBG, ESG, and SSVF), clearly link it to coordinated entry, and target prevention resources to those most at risk of entering the shelter system.
6. Integrate street outreach and day centers with coordinated entry, so that the system assesses all unsheltered persons.
7. Encourage interim housing programs to shorten lengths of stay by equipping them with more housing tools and resources, and considering standardizing lengths of stay.
8. Engage the community around developing additional emergency and interim services for unmet health and safety needs of persons living outdoors, including small shelters around the county, warming centers, and improvements to existing shelters.

Long-Term

9. Create an electronic system for real time bed management and program-to-program referrals using HMIS.
10. Create and implement a diversion program model for use by shelters in finding alternatives to a shelter stay.
11. Expand a range of safety net programs, including eviction prevention and legal services, mental health and substance abuse treatment, domestic violence programs, and financial literacy to prevent homelessness and reduce shelter use and recidivism.

Strategic Priority 2: Increasing Access to Permanent Housing

Results

- Sufficient permanent affordable housing³¹ developed and maintained for all households who are homeless or at risk.

Overview

As mentioned earlier, affordable housing is both a cause of and solution to homelessness. For many people, a short-term housing subsidy and stabilizing case management is all that is needed to regain stable housing. For people who are disabled or medically vulnerable and require additional time and supports, permanent supportive housing has proven to be a cost efficient and effective intervention. For the rest who are struggling with high rents and low paying jobs, subsidized, affordable housing will end their homelessness. Recognizing the unique affordability and development limitations in our county, we are challenged to find creative solutions for the range of permanent and affordable housing options needed to address homelessness and fit well into the community fabric.

Measurable Indicators

- Rapid rehousing beds increased from 99 in 2013 to 600 in 2020 to meet the projected need.³²
- Permanent supportive housing beds increased from 307 in 2013 to 2,000 in 2020 to meet the projected need.
- Increased permanent beds targeted to persons experiencing chronic homelessness.
- Increased affordable housing for all low-income and special needs populations in Santa Cruz County.

³¹ “Affordable housing” is often defined as housing costs that are no more than 30% of gross household income.

³² The figures are from a HAP gaps analysis of beds needed to fully end homelessness.

Action Strategies

Short-Term

1. Expand rapid rehousing programs, in collaboration with existing interim housing providers, to enable more households to quickly escape shelter and return to housing. Blend funding from varied sources to meet the scale of need.
2. Create a new housing pipeline initiative, combining varied funding to expand the supply of permanent supportive housing, including development, master leasing, and scattered sites; work with local jurisdictions to address relevant land use issues. Consider innovative leasing and purchase approaches.
3. Through coordinated entry, prioritize access to rapid rehousing and permanent supportive housing based on severity of need.
4. Widely adopt a Housing First approach, providing low barrier access to units and delivering services to stabilize housing.
5. Create 60 new “limited local preferences” per year for persons experiencing homelessness on the Housing Choice waiting list.
6. Consider converting existing transitional housing programs to permanent supportive housing.
7. Encourage agencies and collaboratives to apply for all possible funds (e.g., CoC bonus funds) available for new housing.
8. Develop a landlord outreach and incentive program to recruit new housing partners and increase usage of housing subsidies.

Long-Term

9. Participate in national and state advocacy for more funds (e.g., CoC program, state bonds, redevelopment successor funding).
10. Explore innovative housing models, such as “tiny houses” and relaxed second-unit rules
11. Consider modifications to existing density bonus programs that may work in Santa Cruz County.
12. Support community efforts to preserve and develop site-based affordable housing opportunities, including for workers, seniors, and disabled persons; encourage income targeting to extremely low-income persons at risk of homelessness.

Strategic Priority 3: Integrating Systems and Community Support

Action Strategies

Results

- People experiencing homelessness receive the mainstream health, employment, and social services needed to become and remain stably housed.
- Protocols are in place to prevent institutional discharge of persons directly to the streets.
- Community perception of safety is improved.

Overview

Homelessness impacts the whole community. Not only does it harm those without homes, but it also tears at the broader social fabric. To truly meet our goals, we need a plan that works across systems to address the problem holistically, producing concrete benefits for all. The housing proposed above will not be enough; to remain stable people experiencing homelessness need an adequate safety net of health, employment, and social services – funded mainly by larger mainstream service systems. Prevention requires addressing the policies of jails, hospitals, and other institutions that discharge people to the streets. The safety of all – whether homeless or housed – demands better coordination and communication among providers, governments, the justice system, businesses, and neighbors.

Measurable Indicators

- Increased rates of permanent housing retention; for 6 months, for one year.
- Reduced public costs associated with homelessness.
- Increased access to employment and mainstream benefits.
- Reduced rates of discharge from institutions to the streets.
- Reduced crime committed by and against people while experiencing homelessness.

Short-Term

1. Expand supportive services linked to permanent housing, including: a) integrated support teams providing wraparound services, and b) less intensive models for persons with low needs.
2. Explore opportunities under the Affordable Care Act and Medi-Cal managed care to fund services linked to housing.
3. Expand volunteer programs, such as Wings and 180 Housing Navigators, to bolster and expand the integrated support network for those using the most health resources.
4. Enhance access to mainstream benefits (e.g., SSI, CalWORKS, CalFRESH, WIC, Veterans Benefits, Medi-Cal, etc.) for all people experiencing homelessness by connecting them early to benefits applications through the coordinated entry process.
5. Replicate the Downtown Accountability Program countywide, connect it to addiction recovery and mental health services, and expand substance abuse treatment inpatient programs.
6. Use facilitated community conversations, mediation, and public education for community problem and conflict resolution.

Long-Term

7. Add specialty courts, e.g., homeless court and behavioral health court, and constructive “sentencing” to social services.
8. Increase networking of street outreach mental health and law enforcement personnel for appropriate service responses and improved community relations.
9. Increase funding for inpatient alcohol and drug treatment, and ensure housing reserve units for those in treatment programs.
10. Work with jails, hospitals, mental health institutions, and sober living programs to develop policies to prevent discharges directly to the streets.
11. Build and strengthen connections to the workforce development system, creating new pathways to jobs and more intentional partnerships between homeless and workforce programs.
12. Provide training and develop program models to ensure cultural competence is practiced in all service transactions.

Strategic Priority 4: Ending Chronic & Other Adult Homelessness

Results

- Chronic homelessness is ended by 2020.
- Senior homelessness is reduced 50% by 2018.
- 50% of currently unsheltered in interim or permanent housing by end of 2020

Overview

The data show that Santa Cruz County has a very large problem with homelessness among single adults, too many of whom are unsheltered, elderly, or at serious health risk. Of the 3,536 people who were homeless identified in the 2013 PIT count, a full 1,777 were unsheltered adults over age 24, and 989 persons (28% of overall homelessness) are defined as chronically homeless. Moreover, the homeless population is aging, with an estimated 7% persons 60 years or older according the 2011 PIT count.³³ As non-housing costs continue to rise, so does the proportional cost burden of housing for fixed low-income seniors making them less secure in their housing. Many seniors and persons experiencing chronic homelessness face serious medical conditions and vulnerabilities that are worsened by homelessness and lead too often to premature death. Studies (above) show that ending chronic homelessness reduces public costs and frees resources for resolving transitional homelessness. The recommendations here work with the crisis response, housing, and integrated systems sections above to address adult homelessness.

Measurable Indicators

- Reduced rates of unsheltered homelessness, chronic homelessness, and homelessness among persons 55 or older.
- Reduced number of persons dying while homeless to 0 by 2017.

- Increased number of permanent housing beds set aside or targeted for persons experiencing chronic homelessness.
- At risk seniors identified and receive prevention services.

Action Strategies

Short-Term

1. Target 90% of the permanent supportive housing beds and 50% of the rapid rehousing beds proposed above to single adults to meet the relative need.
2. Make appropriate housing placements for persons experiencing chronic and other homelessness through coordinated entry based on the severity of need as follows: (1) most severe - PSH with wraparound services, (2) less severe - PSH with less intensive services, and (3) least severe - rapid rehousing or general affordable housing.
3. Expand 180/2020 initiative to house all persons experiencing chronic homelessness.
4. Redouble street outreach to contact more persons experiencing homelessness and assess their needs.
5. Support new projects prioritizing engagement, housing and services for persons experiencing chronic homelessness.
6. Support new collaborative program to assist at risk seniors.
7. Continue to track homeless deaths until they stop.

Long-Term

8. Establish north and south county service locations specifically for adults above 55 years; these can be separate programs at existing service sites.
9. Work with existing shelter and service providers to provide “senior friendly” services.
10. Embed employment as a goal in every step of the housing process from coordinated entry to housing placement.
11. Advocate for a new local funding initiative using dollars “saved” by providing housing (e.g., hospital and jail costs averted).
12. Advocate for additional federal and state funds for senior affordable housing and the range of senior services.

³³ The 2013 PIT Count did not collect data on this age range.

Strategic Priority 5: Ending Family Homelessness

Results

- Family homelessness³⁴ is ended by 2020.
- Fewer at risk families fall into homelessness.

Overview

The 2013 PIT count found 544 persons in families experiencing homelessness, of whom 201 persons (37%) were unsheltered. In line with a national trend, family homelessness may be rising as 17% more families were found than in the 2011 PIT count.³⁵ Impacted by the lack of affordable housing and unemployment, far too many families are experiencing homelessness in Santa Cruz County, and an even greater number living below the federal poverty line in precarious situations at risk of homelessness. In general, intact families have less severe barriers to housing, and can often return to housing stability with rapid rehousing assistance or a housing subsidy. Still, poverty, domestic violence, mental health or substance abuse problems, relationship issues, children's trauma, lack of education and job skills, and language or cultural differences are often key barriers to housing for families who are homeless or at risk of homelessness.

Measurable Indicators

- Reduced number of families experiencing homelessness.
- Reduced number of families experiencing homelessness for the first time.
- Increased number of at-risk families receiving prevention services.
- Increased number of families receiving rapid rehousing services.

³⁴ “Family homelessness” generally refers to homelessness among households or groups including one or more adults with one or more children.

³⁵ Comparing the 2011 and 2013 PIT family counts is problematic due to changes in both the “homeless” definition and methods of identifying homeless families.

Action Strategies

Short-Term

1. Establish a countywide steering committee of representatives of the key partners serving families to develop a method for identifying families most in need of prevention services.
2. Target 10% of the permanent supportive housing beds and 50% of the rapid rehousing beds proposed above to families to meet the relative need.
3. Provide the new rapid rehousing programs in collaboration with existing family interim housing to assure a continuum of services.
4. Sustain existing family (and domestic violence) shelters to meet the scale of need (including for woman only and women with children). Coordinate common lengths of stay, self-sufficiency goals and outcomes among all family shelters.
5. Working with coordinated entry, develop a common policies and a shared family waiting list, making appropriate housing interventions, based on severity of need.
6. Link children experiencing homelessness and their families to the County Office of Education Students in Transition Program.
7. Advocate for a “limited local preference” for families experiencing homelessness who are on the waiting list for the Housing Choice Voucher Program.

Long-Term

8. Increase sustainable employment opportunities by linking with workforce programs and a system of employment navigators.
9. Coordinate available resources using a client-centered model, providing a continuum of services and a path to self-sufficiency.
10. Support and expand the awareness of this population of the benefits of the 2-1-1 community information service.
11. Advocate for a political/economic change that can result in economic opportunities and a decrease in the poverty rate.
12. Advocate for funding increases for family-focused counseling and education, transportation, childcare, and nutritional assistance.

Strategic Priority 6: Addressing Needs in South County

Results

- Ensure that the benefits of a comprehensive, culturally competent homeless assistance system fully extend to traditionally underserved communities in the Pajaro Valley.

Overview

The Pajaro Valley, including Watsonville, faces challenges due to its distance from the county seat, relative poverty, agricultural economy and seasonal farmworker population, and multiplicity of cultures and languages spoken. Many persons who are undocumented regularly cross the Pajaro River between Santa Cruz and Monterey counties, seek to remain hidden, and thus are more exposed to danger. Still more are living in overcrowded or substandard housing. Although 645 persons experiencing homelessness were identified in south county by the 2013 PIT count (including a majority of the families experiencing homelessness in the county), homeless assistance is very limited and fragmented, and the area lacks a strong agency and central location for access to homeless services. Reducing and eventually ending homelessness demands key steps to fully include the Pajaro Valley and its residents in the homeless assistance system.

Measurable Indicators

- A strong agency and one-stop day center with comprehensive basic services are in place in Watsonville.
- More housing and services available in the south county.
- A stakeholder network meets regularly to coordinate homeless services in the Pajaro Valley.
- South county agencies have strengthened capacity to raise funds, administer programs, and provide the needed services.

Action Strategies

Short-Term

1. Develop a centralized one-stop day center for people experiencing homelessness to go during the day and incorporating: coordinated entry point, bathrooms, showers, laundry, mail, three meals, multilingual trauma-informed case managers, benefits assistance, job ready placements, community outreach and education, and linkage to whole network of programs such as shelter, housing, health, treatment, corrections transition, legal aid, social, family, transportation, VA services, and employment opportunities.
2. Develop a comprehensive south county homeless services agency that builds relationships among mainstream service providers, non-profits, faith-based communities, private business partners, homeless clients, and the public; provides complete information on system-wide homeless services; maintains a website for information on South county services, demographics, and best practices; and participates in County-wide homelessness efforts.
3. Regularly convene a network meeting of agencies to coordinate case management and services in the Pajaro Valley.
4. Work with landlords to understand and accept families with poor credit and acceptance of Housing Choice vouchers.

Long-Term

5. Provide additional emergency shelter and transitional housing in south county to meet the high level of demand among families.
6. Ensure an equitable distribution of 1) funds to south county and 2) low-income housing countywide (not concentrated in Watsonville).
7. Train police on what to do when encountering housing units where multiple families live.
8. Increase culturally competent services for homeless youth and young adults (including foster and LGBTQ youth) and undocumented and seasonal workers.

Strategic Priority 7: Initiating a Response to Youth & Young Adult Homelessness

Results

- Initiate a comprehensive, developmentally appropriate system of services for unaccompanied youth and young adults experiencing homelessness, ages 14-24, including youth formerly in foster care.

Overview

Unaccompanied youth and young adults, disconnected from a trusted older person, face developmental challenges and dangers on the street. Youth and young adults need a full range of comprehensive, accessible services in order to become stably housed and successful in adulthood. Sadly, no such services currently exist in Santa Cruz County, although independent and transitional living programs are available for the segment of this population currently or formerly in foster care. According to the 2013 PIT count, there are a 947 unaccompanied youth and young adults (27% of the total homeless population), including 814 between ages 18 and 24, and 133 under age 18. The plan will launch effective, evidence-based services tailored for youth and young adults. We must do a better job of helping this vulnerable group, including runaways, throwaways, and LGBTQ youth, who currently languish on our streets not realizing their promise.

Measurable Indicators

- Youth and young adult-focused homeless assistance system in place, with a continuum of housing and services identified.
- Reduced numbers of youth and young adults experiencing homelessness.
- Reduced numbers of former foster youth falling into homelessness.

Action Strategies

Short-Term

1. Convene a stakeholder group to examine best practices, e.g., Larkin St. and the Portland model, and make recommendations for youth/young adult-focused housing and services.
2. Create a central point-of-contact and services for youth and young adults that includes 1) a day center with counseling and comprehensive resources (including mainstream benefits), and 2) an emergency shelter. Explore funding through ESG and Youth Basic Center grants.
3. Support and increase all programs for existing and former foster youth, including outreach, counseling, educational and job linkages, family unification, group homes, LGBTQ support, the Independent Living Program, and Transitional Living Program.
4. Increase mobile outreach with basic needs resources at locations where youth gather, e.g., downtown and Capitola Mall.
5. Communicate with an app for youth/young adult resources.

Long-Term

6. Develop a menu of additional youth/young adult-focused housing options, including transitional housing, permanent supportive housing, affordable housing, increased Family Unification Program vouchers, college housing, and group housing.
7. Expand permanency and family unification counseling to all youth and young adults experiencing homelessness.
8. Request all systems serving youth and young adults – medical, probation, and school systems, and Cabrillo College – to ask about housing status, and if homeless to connect the youth to coordinated entry; consider how to assess this group and prioritize them for different housing and service interventions.
9. Work with the John Burton Foundation to advocate for youth/young adult program funding and increased time limits in transitional living.
10. Reduce cultural barriers to mainstream benefits access, by offering enrollment at youth/young adult-friendly locations.

Strategic Priority 8: Ending Veteran Homelessness

Results

- Veteran homelessness is ended by 2016.
- All veterans have stable housing and uniquely tailored supportive services enabling them to stay housed and/or prevent further or new episodes of homelessness.

Overview

Nobody should be without a home, but this is especially true for our veterans who have bravely served our country and often bear the physical and mental scars of their service. That is why the federal government has committed to preventing and ending veteran homelessness and has dramatically expanded funding to do so. As our 2013 PIT data show, we have 395 veterans experiencing homelessness, one of the highest per-capita concentrations in the nation. These, and those at risk of homelessness, include returnees from Afghanistan and Iraq, as well as earlier campaigns such Vietnam, Desert Storm and Korea, and also include subpopulations, such as women, senior veterans who lack social supports, veterans with a higher number of traumatic brain injuries, post traumatic stress disorder, and substance use disorders.

Measurable Indicators

- Reduced number of veterans experiencing homelessness, including sub-counts of single woman, families, older adults, and those with substance use disorders or mental illness.
- Increased number of veterans stably housed.
- Reduced rate of veterans falling into homelessness.

Action Strategies

Short-Term

Long-Term

1. Continue to expand the use of HUD-VASH for permanent supportive housing, SSVF for prevention and rapid rehousing, and VA contract beds and Grant Per Diem for interim housing.
2. Convene stakeholders to develop a coordinated new housing strategy countywide that takes into account the needs of different sub-populations (women, families, older adults, those with addiction or mental health services).
3. Make sure coordinated entry identifies all veterans and refers them to VAPAHCS Medical Outreach for eligibility/enrollment and health care services located every Wednesday at Veteran Memorial Building, and refers to the Housing Resource Group for veteran-specific housing (e.g., HUD-VASH and SSVF providers) and community services, as well as services designed for their subpopulation (e.g., VAPAHCS Women's Health Program located at the Santa Cruz Vet Center in Capitola; harm reduction group at VMB weekly). Advertise all VA services.
4. Develop harm reduction and Housing First models that do not require sobriety for admission to and continuing in housing.
5. Create additional peer-support and wraparound services (geared to specific subpopulations) co-located in housing to help veterans overcome housing instability and meet service needs.
6. Utilize non-veteran specific housing programs (e.g., Housing Choice Vouchers) where possible.
7. Educate and engage landlords to increase the acceptance of HUD-VASH and other subsidies used by veterans.
8. Engage volunteers to provide housing acquisition assistance and housing retention support for veterans.
9. Ensure all veterans are linked to mainstream (veteran and non-veteran specific) benefits and employment programs.
10. Create a veterans' specialty court and other mechanisms to divert homeless veterans from the criminal justice system.
11. Conduct outreach to veterans and families at-risk of housing loss and widely advertise SSVF and other prevention programs.

Continue prevention efforts through VAPAHCS for Medical Outreach linkage to VA health care, HUDVASH, and SSVF.

Plan Implementation Strategy

“Plan implementation strategy” refers to the community structures, resources, and steps put in place to encourage the successful implementation of the Plan.

Over the past ten years, a countywide system for responding to homelessness has been developed and implemented. Guided by the *Ten Year Plan*, the HAP and its committee structure were created to coordinate countywide planning and action. The County and Cities have collaborated to share costs for staffing, planning, fundraising, data collection, and winter shelter. The Human Services Department and now the Planning Department have provided dedicated homelessness coordination staffing. HMIS and biennial PIT homelessness studies have brought unprecedented information and insight into the problem of homelessness. And recently, a new generation of community activism has sparked the creation of new planning initiatives, such as Smart Solutions to Homelessness and 180/2020.

While a great deal has been accomplished, a significantly higher level of coordinated planning and action will be required if we are to achieve the ambitious systems change, housing expansion, service integration, and population-based initiatives envisioned by *All In*, as well as to track and communicate our progress along the way. The required planning bodies for such work are largely in place, but could be better adapted for the new plan and given more resources to be successful. The proposed steps below will better align all efforts behind the goals of *All In*.

Enhancing the Planning Structure

The HAP and Smart Solutions to Homelessness (and existing committee structures of each) should continue and play central roles in plan implementation activities. However, their efforts should be better integrated than they are now, and their specific roles more clearly defined. Following are the proposed roles of each planning group in implementing the plan.

HOMELESS ACTION PARTNERSHIP

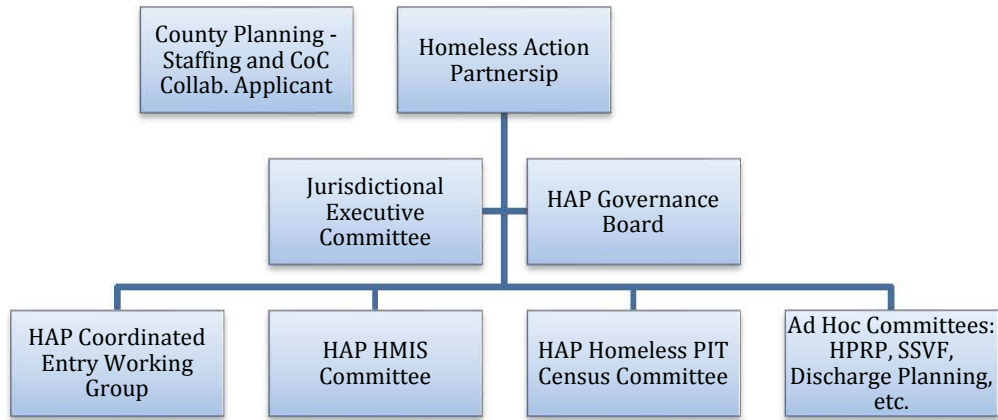
The HAP is the HUD-designated CoC planning group and should continue in that lead role. Key functions for the HAP, defined more fully in the group’s Governance Charter,³⁶ should include:

- Planning and submitting the annual HUD CoC application.
- Coordinating efforts to access other homeless-targeted government funds, such as Emergency Solutions Grants and Supportive Services for Veterans Families grants.
- Overseeing HMIS and the biennial PIT homelessness study.
- Planning and implementing coordinated entry.
- Planning and implementing a HEARTH Act performance measures.

The HAP structure includes a non-conflicted Governance Board (required by the HEARTH Act) for key funding and policy decisions, a jurisdictional Executive Committee to coordinated HAP

³⁶ HUD’s CoC Program Interim Rule requires CoCs to “develop, follow, and annually update a governance charter...”

funding among the County and Cities. The following committee structure serves key needs and should evolve as described below in support of *All In*.

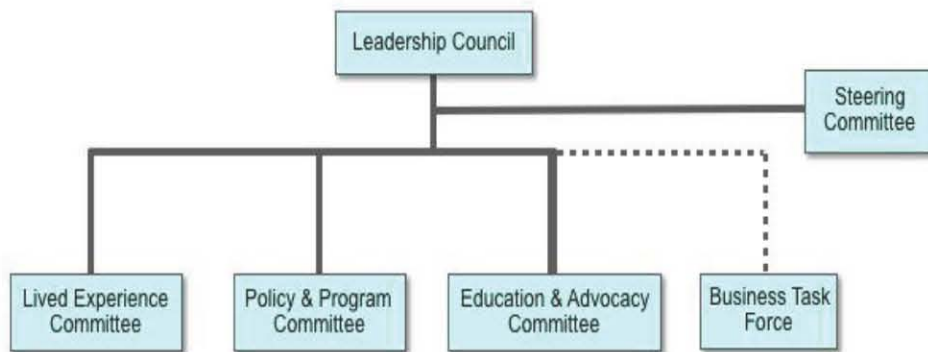


SMART SOLUTIONS TO HOMELESSNESS

Smart Solutions, which was launched from a December 2012 Homelessness Summit, has made great progress in broadening the public dialogue and engagement on homelessness and in promoting and supporting evidence-based programs (“smart solutions”), such as 180/2020. Key roles, defined more fully at www.smartsolutionstohomelessness.org, may include:

- Holding an annual Summit on Homelessness.
- Engaging the business, faith, and homeless lived experience communities.
- Identifying policies and programs that represent promising smart solutions.³⁷
- Educating the public on homelessness, its causes, and its solutions.
- Advocating for federal and state funding increases and policy improvements.

Smart Solutions has developed the following committee structure that serves key current needs and can evolve new roles for the plan.



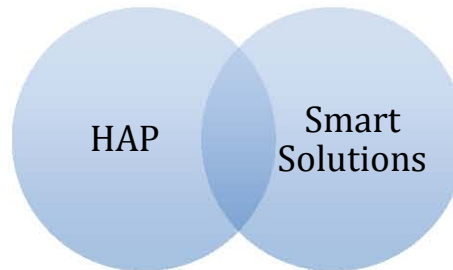
³⁷ Smart Solutions: Are evidenced-based. Produce measurable results. Are cost effective. Benefit the entire community. See <http://smartsolutionstohomelessness.org/smart-solutions/>.

STRENGTHENING INTEGRATION BETWEEN THE HAP & SMART SOLUTIONS

Together, the HAP and Smart Solutions represent a broad array of the needed participation, functions, and roles that will be needed to succeed with the plan. Because many community members participate in both groups, the groups' activities are already partially integrated. Nevertheless, the following steps are recommended to ensure the highest possible level of integration and alignment behind the shared goal of preventing, reducing, and eventually end homelessness in Santa Cruz County:

- The HAP Governance Board should be revised to include a formal Smart Solutions seat.
- The Smart Solutions Steering Committee should be revised to include a formal HAP seat.
- The HAP and Smart Solutions should collaborate on plan implementation, dividing steps based upon capacity, needs, and interests, and adapting existing committee structures accordingly; this could include an annual plan progress report and annual work plan.

A More Integrated Planning Structure



ENHANCING COUNTY AND CITY COORDINATION

The County and Cities have a long history of working together on homelessness. Meeting the challenging goals of the plan suggests that this collaborative working relationship should be further enhanced. Key topics for County and Cities coordination should include:

- Exploring ways to strengthen the inter-jurisdictional coordination structure.³⁸
- Cost sharing on projects recommended by the plan (e.g., through Community Program funding among the Cities and County).
- Promoting systems integration (e.g., between housing and health programs).
- Increasing access to mainstream resources for persons experiencing homelessness.
- Coordinating on specific population priorities, e.g., homeless youth and young adults.
- Collaborating on interim solutions and homelessness impact issues.
- Document costs savings to mainstream systems from best practices (e.g., Housing First).

Increasing Staffing for Homelessness Coordination

In previous years, the Human Services Department, and now the Planning Department, have stepped up to provide needed staffing for the HAP and related homelessness coordination

³⁸ Ideas to explore include expansion of the role of the Executive Committee, creation of an interagency council (such has been adopted in some other counties and cities), or increased staff-level coordination.

functions. And the County and Cities have shared costs for consulting services and other HAP functions. While this support has been critically important, succeeding with *All In* will undoubtedly require a considerably higher level of staffing than the current .25 FTE position provided by the Planning Department. Thus, the plan recommends:

- Increasing overall homeless coordination staffing to 2 FTE.³⁹ This should include:
 - Maintain the existing staffing at the Planning Department to continue fulfilling the Planning Department’s role as the HUD-required Collaborative Applicant for CoC funding applications and to keep a housing development focus.
 - Adding new staffing to perform a variety of critically needed functions, which could include:
 - Overall homelessness coordination
 - Supporting coordinated entry planning
 - Implementing performance measures (see data section below)
 - Project oversight
 - Resource development.

Developing the Needed Funding and Resources

The funding currently available is woefully inadequate in relation to the scale of programs needed to truly “move the dial” on the problem. A basic truth of this plan is that while the system efficiency improvements proposed will help fill the gap, a significant increase in overall funding and resources will certainly be required if we are to come close to succeeding in meeting the plan’s ambitious goals. Gathering the needed resources – which includes funding for interim solutions and housing development, operations, supportive and health services, and plan implementation activities – will take hard work, creativity, and the willingness of all to explore new and increased sources. Therefore, the plan recommends all of the following:

- Build the capacity of nonprofit affordable housing and homeless assistance agencies to aggressively pursue and apply for additional federal, state, local and private funding opportunities to support efforts to address homelessness and quickly secure local funds whenever needed to leverage state and federal resources.
- Consider *All In*-recommended programs for priority funding within existing and future County and City budgets and Community Programs funding.
- Consider implementation of an inter-agency Collective Impact funding model.
- Prioritize evidence-based practices for all new funding to ensure best use of limited funds.
- Systematically review existing County and City funding streams to determine what additional sources might be available to support plan activities.
- Create a “Housing Pipeline” Committee to focus on the unique affordable housing development issue for new units targeted or set-aside for homeless people.
- Explore increasing each jurisdiction’s proportionate share of costs for homeless coordination activities (to help cover the increased staffing costs proposed above).

³⁹ This homelessness coordinated staffing level would be comparable to that provided by other similarly sized counties, such as Marin County, which provides a 1 FTE Homelessness Policy Analyst, a 1 FTE HMIS Project Manager, and considerable outside CoC application consulting services.

- Document costs savings to mainstream systems from best practices (e.g., Housing First) and explore reinvestment of savings in permanent housing.
- Explore increasing the use of set asides or “preferences” for persons experiencing homelessness within existing mainstream affordable housing programs.
- Explore the establishment of a dedicated local source of funds (e.g., hotel occupancy tax, developer’s fees, etc.) to pay for homeless housing and services.⁴⁰
- Develop a private campaign to increase business, faith, and private donations (e.g., for shelters) and volunteerism (e.g., volunteering to be a housing mentor or to provide move in help for homeless family).
- Launch a business leaders’ task force, based on the Home for Good model in Los Angeles,⁴¹ to support the state and federal advocacy activities and to support implementation of the plan with resources.
- Consider strategies that will raise funds from individuals (e.g., a merchant-sponsored donation box system as an alternative to panhandling coupled with donated gift cards).
- Explore innovative new funding models, such as Pay for Success, Social Impact Bonds, and social business model projects.
- Explore ways to incentivize private investors to build/develop affordable housing.

Using Data to Drive Decisions and Evaluate Plan Progress

How many people experiencing homelessness are there? Are we succeeding in reducing homelessness? Which programs are working well in getting people into housing? How are limited funds best used? How much do services cost? What is the return on investment or cost savings from a given intervention or service? What do people experiencing homelessness actually need and want? How can we identify what services a person has accessed or which agencies are serving them? How do we know what level of intervention is most appropriate for a given individual? How do we prioritize services? These are just a few of the questions that can best be answered using quality data. Fortunately, the HAP sponsors a comprehensive PIT homelessness study every two years and oversees an HMIS⁴² that now covers most homeless assistance programs, and produces numerous management and *ad hoc* reports for case management, shelter and housing inventory, demographics and service use, funder reporting, and performance measurement. Both the needs of this plan and the federal HEARTH Act mandate greater use of data, especially for measuring system-wide and projects-specific performance, tracking plan progress, and reporting to funders and the community. For these reasons, *All In* recommends:

- Continue conducting the PIT study of the unsheltered homeless population every two years, but increase the frequency of the *sheltered* homeless population study to *every year* (as now required by HUD). Add questions on the City of Santa Cruz per the Public Safety Citizens Task Force.

⁴⁰ For example, in 1993 the Dade County Board of Supervisors approved a 1% food and beverage tax to finance the Miami Dade Homeless Trust. To date, the Homeless Trust has collected \$97 million in tax proceeds, used to leverage hundreds of millions in federal and state funding for homeless housing and service programs.

⁴¹ Los Angeles businesses have donated \$18.3 million since 2012 to match government dollars used for rapid rehousing, coordinated entry, and systems changes to advance housing.

⁴² The Santa Cruz County HMIS uses the ServicePoint software and is hosted by the nonprofit Community Technology Alliance. For more information, see <http://www.ctagroup.org/hmis/santa-cruz-hmis/>.

- Set and track community-wide performance benchmarks for program types (e.g., rapid rehousing) that consider both the HEARTH Act performance measures (see below) and the measureable indicators proposed in the strategic priority sections 1 – 8 (see above).

Summary of HEARTH Act Performance Measures⁴³

FEDERAL GOAL:

Ensure that individuals and families who become homeless return to permanent housing within 30 days.

PERFORMANCE MEASURES:

1. The length of time individuals and families remain homeless.
2. The extent to which individuals and families who leave homelessness experience additional spells of homelessness.
3. The thoroughness of grantees in the geographic area in reaching individuals and families experiencing homelessness.
4. Overall reduction in the number of individuals and families experiencing homelessness.
5. Jobs and income growth for individuals and families experiencing homelessness.
6. Success at reducing the number of individuals and families who become homeless for the first time.

- Set project-specific performance benchmarks (for different program types) for use in evaluating project applications for a range of funding sources, including HUD CoC Homeless Assistance and local grants and contracts.
- Continue broadening and improving HMIS by:
 - Input all existing assessment data (VI-SPDAT) for individual homeless persons into HMIS.
 - Requiring HMIS participation and reporting as a condition of all County and City grants or contracts for homeless assistance programs.
 - Updating and implementing a data quality continuous improvement plan.
 - Finalizing and implementing HMIS security and privacy plans and procedures.
- Evaluate progress every year toward plan goals, publish an evaluation report, and develop an annual work plan based upon the trends and lessons learned. The HAP and Smart Solutions should collaborate in producing this annual *All In* evaluation and work plan.

⁴³ Source: Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009.

Appendices

The Appendices below include all of the following:

1. Detailed Achievements of the Prior Ten Year Plan: Housing, Health & Supportive Services, & Community Planning
2. Glossary of Acronyms & Homelessness-Related Terms
3. Consideration of City of Santa Cruz Public Safety Citizen Task Force Final Report
4. Acknowledgements

1. Detailed Achievements of the Prior Ten Year Plan: Housing, Health & Supportive Services, & Community Planning

The key programmatic areas of the *Ten Year Plan* were Housing (from prevention through permanent), Health and Supportive Services, and Community Planning. Progress in these areas required increased investment, effective collaboration, innovative strategies, and hard work from many organizations and individuals. The new plan will build on those successes, and more.

PROGRAM AREA 1: HOUSING

In addition to growing permanent housing options (above), the *Ten Year Plan* promoted prevention as a cost-effective means to keep people in their own housing and out of the homeless assistance system, rapid rehousing as another cost-effective measure to get people out of emergency shelter and back into housing as quickly as possible, discharge planning as way to prevent homelessness among persons leaving other systems of care, and emergency shelter and transitional housing⁴⁴ as an interim housing solution pending the availability of suitable permanent housing. Under the *Ten Year Plan*, community members:

- Delivered extensive prevention and rapid rehousing services (including financial assistance and housing stabilization services) through the federal HPRP, state-administered Emergency Solutions Grants (ESG), federal CalWORKS Housing Support Program, federal Supportive Services for Veteran Families (SSVF) program, and County and City sources (that target senior and medically frail persons). Through a \$4 million HPRP grant alone, 14 agencies collaborated to serve 885 households (2,053 persons), 83% of whom retained or obtained permanent housing.⁴⁵
- Coordinated strategically with representative from the Foster Care, Mental Health, Public Health, and Corrections systems to implement protocols to avoid discharging people to homelessness and to help prevent institutional recidivism.
- Developed new emergency shelter programs to cope with influx of persons newly homeless, including the 90-bed Rebele Family Shelter, 46-bed Paul Lee Loft Shelter for adults, and 12-bed Paget Center for homeless veterans, while maintaining a sizable pre-existing stock of emergency shelter and transitional housing, serving varied populations and subpopulations such as families, adults, seriously mentally ill, persons with drug or alcohol issues, emancipating foster youth, persons with HIV/AIDS, and farm workers.
- Piloted nationally recognized, innovative models of permanent supportive housing for persons experiencing chronic homelessness with serious mental illness and substance addictions, including the 13-bed Nuevo Sol project, 33-bed MATCH project, and 36-bed Shelter Plus Care program.
- Emphasized housing the most medically vulnerable persons as part of the national 100,000 Homes Campaign, succeeded in housing more 200 from this population, and the Housing Authority of the County of Santa Cruz created 120 Housing Choice Voucher preference slots for program participants.

⁴⁴ “Transitional housing” provides time-limited housing up to two years with supportive services to support preparation for eventual permanent housing and self-sufficiency.

⁴⁵ The data are from Santa Cruz County collaborative HPRP quarterly and annual reports; HPRP was one-time only funding over three years from 2009-2012.

- Partnered with the HUD and the U.S. Department of Veterans Affairs to implement 135 HUD Veterans Affairs Supportive Housing (HUD VASH) vouchers to help end veteran homelessness through permanent supportive housing.
- Regularly exceeded HUD housing outcome targets. For example, in 2013 81% of people housed in CoC-funded permanent housing successfully retained permanent housing for 6 months or longer, 80% of people who exited CoC-funded transitional housing successfully moved to permanent housing.

PROGRAM AREA 2: HEALTH AND SUPPORTIVE SERVICES

The *Ten Year Plan* recognized that housing alone was not enough, and that people needed access to individualized, comprehensive health and supportive services to help address their homelessness and health crises and move toward housing and independence. Key supportive services developed under the plan were integrated healthcare, jobs and mainstream benefits, and other services such as outreach, case management, food, and education. Under the *Ten Year Plan*, community members:

- Created a comprehensive system of supportive services that included various outreach programs; 2-1-1 and Shelter Hotline (with community Voicemail); basic need services and day programs, such as the Homeless Services Resource Center; case management and supportive services (e.g., benefits assistance, employment counseling, child care, and food and nutrition) delivered within all shelter and housing programs; referrals to in- and out-patient recovery programs; and specialized services for unique subpopulations, such as victims of domestic violence, emancipating foster youth, veterans, and persons with HIV/AIDS.
- Expanded and developed one of the nation’s most innovative Healthcare for the Homeless programs (the Homeless Persons Health Project or “HHP”), outreaching to 23 sites around the county; serving 3,000 persons per year; supporting medical and dental treatment through a network of seven community clinics; and providing permanent supportive housing serving persons experiencing chronic homelessness, mental health, substance abuse, and other health issues.
- Piloted a range of innovative service strategies for addressing homelessness including Housing First, integrated service teams, harm reduction, transition-in-place, and vulnerability index assessments.
- Brought a plethora of services directly to persons experiencing homelessness through the annual Project Homeless Connect event in Santa Cruz (and now also in Watsonville), serving more than 1,000 people per year.
- Ensured that all homeless programs linked clients to a full range of mainstream employment services and benefits, e.g., CalWORKS, Medi-Cal, Supplemental Security Income (SSI), Cal Fresh (Food Stamps), veterans’ benefits, and more. Regularly exceeded HUD employment and benefits outcome targets. For example, in 2013 24% of homeless people who exited CoC-funded projects had paying jobs, 35% had SSI, 12% had CalWORKS, 49% had Medi-Cal, and 41% Cal Fresh).

- Provided a countywide McKinney-Vento Homeless Education Program to ensure education rights and supports for 3,000 children experiencing homelessness.⁴⁶

PROGRAM AREA 3: COMMUNITY PLANNING

The *Ten Year Plan* recognized that achieving the goal of preventing and ending homelessness would require the strengthening of community capacity to plan and coordinate a countywide homeless assistance system. Key planning issues included establishment of a HUD-compliant countywide Continuum of Care (CoC) and annual funding applications, interaction with HUD and other funders, inter-jurisdictional coordination among the County and Cities, homelessness coordination staffing, information and data collection, community education and engagement, and more. Under the *Ten Year Plan*, community members:

- Established and evolved a CoC planning infrastructure that now includes the Homeless Action Partnership (HAP) as the CoC, the HAP Governance Board for key funding and policy choices, Jurisdictional Executive Committee for County-City coordination and funding, and a series of working groups.
- Selected the County Planning Department as the Collaborative Applicant, or lead agency, for convening the HAP, submitting consolidated community applications for HUD CoC Homeless Assistance funds, and for interacting with HUD and other key funders. The *Ten Year Plan* recommended a two full-time staff as a Homeless Coordination Team, but resource constraints exacerbated by the recession budget cuts (e.g., the elimination of redevelopment funding) have limited staffing to one .25 FTE and a CoC consultant. This is a significantly lower level of staffing than comparable CoCs in California.
- Reached agreement among the County and Cities for formula cost sharing of core homelessness planning and winter shelter funding.
- Steadily increased annual competitive CoC funding for Santa Cruz County agencies from only \$350,000 in 1999 to \$2,274,747 in 2014. Since 2000, more than \$22 million in HUD CoC funding has been secured, underpinning the countywide homeless assistance system. Over the years, the majority of funding has shifted from transitional housing to permanent housing projects in keeping with the *Ten Year Plan*.
- Implemented major new homeless information and data initiatives, including a biennial point-in-time (PIT) census (since 2000) and survey of the homeless population, and a Homeless Management Information System (HMIS) started in 2003 to provide standardized case management tools and data reports for participating homeless assistance providers, and now providing a comprehensive homelessness database.
- Supported a range of programmatic collaborations and successful funding applications, for example \$4 million for the HPRP collaboration, \$3.2 million for the SSVF collaboration, and \$5 million in the past 10 years for ESG projects funding emergency shelter, day shelter, transitional housing, and rapid rehousing programs.
- Launched Smart Solutions to Homelessness, following a daylong homelessness summit, as a means to broaden community engagement on the issue of homelessness.

⁴⁶ The federal McKinney-Vento Education program definition of “homeless” is broader than the definition used by HUD; it includes children in shared housing, substandard housing, motels and hotels, awaiting foster care placements, among other things.

2. Glossary of Acronyms & Homelessness-Related Terms

Annual Homeless Assessment Report (AHAR): Report to the U.S. Congress on the extent and nature of homelessness.

Area Median Income (AMI): Midpoint in the family-income range for a metropolitan statistical area. In 2013, the AMI in Santa Cruz County for a family of four is \$87,000 and 30% of AMI (Extremely Low Income) was \$30,250.

Asset-Based Services: An approach that values the capacity, skills, knowledge, connections, and potential in individuals and works to build upon people’s assets in order to move toward self-sufficiency.

At Risk of Homelessness: An individual or family below 30% AMI (Extremely Low Income) with out resources or support networks to prevent moving to a shelter or the streets, who will be evicted within 21 days or has other evidence of current housing instability (e.g., living doubled up, in a motel, or moved often).

Case management: Case managers work with clients and do some or all of the following: assessment, personal plan development, connection with necessary services, coordination of service providers, monitoring, and personal advocacy.

Coordinated Entry System: A centralized or coordinated process designed to coordinate program participant intake assessment and provision of referrals. A centralized or coordinated assessment system covers the geographic area, is easily accessed by individuals and families seeking housing or services, is well advertised, and

includes a comprehensive and standardized assessment tool.

Collaborative Applicant: The eligible applicant that has been designated by the CoC to apply for a grant for CoC planning funds under this part on behalf of the CoC. This is the County of Santa Cruz County Planning Department for our CoC.

Continuum of Care (CoC): A CoC is a regional or local planning body that coordinates housing and services funding for homeless families and individual. In Santa Cruz County this is the Homeless Action Partnership (HAP).

HAP - Homeless Action Partnership: The Homeless Action Partnership (HAP) implements a Continuum of Care (CoC) strategy for resolving homelessness in Santa Cruz County. Its mission is to develop and implement a coordinated system of housing and services for preventing and ending homelessness.

Emergency Shelter: Refers to a facility or program for providing temporary shelter for addressing an immediate housing crisis. Sometimes provides additional services and housing assistance. “Interim housing” includes both emergency shelter and transitional housing (see below).

Harm Reduction: A range of policies and services designed to reduce the harmful consequences associated with drug use and other high-risk activities in order to maintain housing stability.

HEARTH Act - Homeless Emergency and Rapid Transition to Housing Act: National legislation that authorizes Federal Government spending on homelessness, and specifies (Continuum of Care) CoC requirements and performance standards.

“Homeless” (Federal HUD definition):

People who are living in a place not meant for human habitation, in emergency shelter, in transitional housing, or are exiting an institution where they are temporarily resided. This includes:

- People who are imminently losing their primary nighttime residence, which may include a motel or hotel or a double up situations such as “couch surfing”.
- Families with children or unaccompanied youth who are unstably housed and likely to continue in that state.
- People who are fleeing or attempting to flee domestic violence, have no other residence, and lack the resources or support network to obtain other permanent supportive housing.

Chronically homeless (Federal HUD definition):

HUD defines a “chronically homeless person” as a person with one or more disabilities who has been homeless for at least one year, or four times within the past three years, and who is currently living on the streets or in an emergency shelter.

HMIS - Homeless Management

Information System: HMIS is a computerized data collection tool specifically designed to capture client-level, system-wide information over time on the characteristics and service needs of men, women and children experiencing homelessness.

Homeless Prevention: Short-term (0-3 months) and medium-term (4-18 months) financial assistance and stabilization services to prevent shelter entrance and promote housing retention.

HPRP (Homeless Prevention and Rapid Rehousing Program): HUD Recovery Act program (now defunct) that provided funds

to prevent eviction for a household on the verge of homelessness or funds to get an individual or family that is has quite recently lost housing to get back into housing.

Housing Authority (or Public Housing Authority or PHA):

The Housing Authority of the County of Santa Cruz provides rental assistance for low and moderate-income residents and administers the federal rental assistance program known as the Section 8 Housing Choice Voucher program, the Veteran Assisted Supported Housing (VASH) program as well as the Low Income Public Housing program and the USDA Farm worker Housing Program. They also operate a security deposit program.

“Section 8 Vouchers” or Housing

Choice Vouchers: The Section 8 voucher program is the federal government’s major program for assisting very low- income families, the elderly, and the disabled to afford decent, safe, and sanitary housing in the private market. The Housing Authority administers section 8 vouchers locally.

Housing First: Refers to a best practice program model that provides housing quickly with minimal preconditions or sobriety and then providing services as needed.

Housing Inventory Chart (HIC): Annually updated inventory of the number of housing units and beds dedicated to serve individuals and families experiencing homelessness.

HUD (U.S. Department of Housing and Urban Development):

HUD has a broad scope that includes many aspect of affordable housing. It administers rental subsidies for low-income and disabled individuals, including voucher-based

housing programs and provides funding for a variety of homelessness programs.

HUD-VASH (Housing and Urban Development – Veterans Affairs Supportive Housing): This program is a partnership between the Department of Housing and Urban Development (HUD) and the Department of Veteran Affairs (VA). Low-income veterans who are eligible for HUD-VASH receive a specialized Housing Choice Voucher to be used at the rental of their choosing. In addition to the rental subsidy, eligible veterans also receive supportive case management services and other clinical based interventions to ensure success with achieving housing and to maintain housing.

Interim Housing: Short-term housing program that provides housing-focused services aimed at quickly rehousing persons who are homeless into appropriate permanent housing.

Mainstream Resources: Services made available to the general population including mental health services, substance use treatment, income supports, health care, education, job training, and childcare.

“Opening Doors”: Opening Doors is the title of the USICH’s 2010 Federal Strategic Plan to Prevent and End Homelessness.

Permanent Supportive Housing (PSH): Refers to programs that provide housing with services with no time limits and with tenant rights to homeless people with disabling conditions.

Point in Time Count (PIT): A HUD-required count during the last 10 days in January (every other year) of all individuals and families in shelter and on the streets.

Rapid Rehousing (RRH): Short-term housing subsidy and strategic case management provided to persons who are homeless in order to reduce the length of time households spend homeless and increase the rate at which households are placed into permanent housing.

Shelter Diversion: At the point of shelter entry, providing temporary alternative housing options when appropriate in order to divert households away from homelessness.

SSVF (Supportive Services for Veteran Families): This is a federal grant program administered by the VA whose stated purpose is “to promote housing stability among very low-income veteran families who reside in or are transitioning to permanent housing.

Strategic Planning Committee (SPC): The 30-person stakeholder group that oversaw development of this plan.

Systems Integration: A strategy to identify barriers to resources and then develop, coordinate, and improve the availability, quality, and comprehensiveness of resources. The goal is to improve consumer outcomes through greater access to resources across multiple service systems.

Transitional Housing: Refers to time-limited housing with services where people can stay up to 24 months as they prepare to move into permanent housing.

Trauma-Informed Care: An approach to engaging people with histories of trauma that recognizes the presence of trauma symptoms and acknowledges the role that trauma has played in their lives.

VI-SPDAT (Vulnerability Index and Service Prioritization Decision Assistance Tool): An evidence-based client assessment

and services/housing prioritization tool that includes both family and individual versions.

VA (U.S. Department of Veterans

Administration: Federal department serving people who left the armed services.

VA Mobile Medical Outreach: Weekly program at Veterans Memorial Building (VMB) where doctors and nurses provide healthcare and linkage to primary/specialty care for veterans with no appointment necessary. Eligibility and enrollment is provided. Veterans must be eligible for VA healthcare to be eligible for VA housing programs.

VAPAHCS (Veterans Affairs Palo Alto Health Care System): Provides extensive outreach, health, and supportive services to veterans. Headquartered in Palo Alto, it serves nine counties, including Santa Cruz County.

Wraparound Services: Refers to a national best practice model that coordinates all caregiver services, often through a team case-management or shared service plan system, bringing mainstream and non-profit providers together for case conferencing and problem solving. It is often used in permanent supportive housing and sometimes coincides with “harm reduction.”

3. Consideration of City of Santa Cruz Public Safety Citizen Task Force Final Report

In early 2013 the City of Santa Cruz created the Public Safety Citizen Task Force (Task Force) to provide a platform for community members to come together to better understand the City's public safety concerns and recommend actions that the City and its partners could take to improve quality of life in Santa Cruz. Released in December 2013, the Task Force's final report considered a number of public safety concerns. A number of Task Force recommendations related to homelessness and thus were considered for this plan. The following chart compares Task Force recommendation on homelessness with corresponding recommendations in this plan:

Comparison of Public Safety Citizen and All In Recommendations

Public Safety Citizen Task Force Homelessness Recommendations	Corresponding All In Recommendations (with Location in the Plan)
Add to the point in time Homeless Census Survey questions that concern the City of Santa Cruz	Continue conducting the PIT study of the unsheltered homeless population every two years, but increase the frequency of the <i>sheltered</i> homeless population study to <i>every year</i> (as now required by HUD). <u>Add questions on the City of Santa Cruz per the Public Safety Citizens Task Force.</u> (See <i>Using Data to Drive Decisions and Evaluate Plan Progress</i>)
Expand the Homeward Bound program	Not addressed.
Recommend that City and County Planning Departments encourage landlords to support best practice housing programs (like Housing First) and incentives for renting to special needs populations	Widely adopt a Housing First approach, providing low barrier access to units and delivering services to stabilize housing. Develop a landlord outreach and incentive program to recruit new housing partners and increase usage of housing subsidies. (See <i>Strategic Priority 2: Increasing Access to Permanent Housing</i>)
City of Santa Cruz to coordinate with government and non-government programs to operate social service programs to ensure public safety impacts to community are minimized	Replicate the Downtown Accountability Program countywide and connect it to addiction recovery and mental health services. Use facilitated community conversations, mediation, and public education for community problem and conflict resolution. Add specialty courts, e.g., homeless court and behavioral health court, and constructive "sentencing" to social services. Increase networking of street outreach mental health, and law enforcement personnel for appropriate service responses and improved community relations. Increase funding for inpatient alcohol and drug treatment, and ensure housing reserve units for those in treatment programs. (See <i>Strategic Priority 3: Integrating Systems and Community Support</i>)
City of Santa Cruz to develop and publicize alternatives to giving money to panhandlers	Consider strategies that will raise funds from individuals (e.g., a merchant-sponsored donation box system as an alternative to panhandling coupled with donated gift cards). (See <i>Developing the Needed Funding and Resources</i>)

4. Acknowledgements

We wish to acknowledge all of those individuals whose commitment of time, resources, and expertise has guided this yearlong process. We could not have created a plan that incorporates the input of our diverse community without the commitment of countless community members, including all those who attended work group meetings and the Public Forums in December, 2014.

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CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 26, 2015

FROM: POLICE DEPARTMENT

SUBJECT: ORDINANCE AMENDING CHAPTER 8.38 OF THE CAPITOLA MUNICIPAL CODE
TO ESTABLISH REGULATIONS FOR ELECTRONIC CIGARETTES

RECOMMENDED ACTION: Adopt a proposed Ordinance Amendment to the Capitola Municipal Code, Section 8.38 Smoking Regulations, to establish regulations for electronic cigarettes.

BACKGROUND: In 1994, the Capitola City Council adopted section 8.38 of the Capitola Municipal Code to address smoking regulations in certain areas accessible to the public. At its February 28th, 2013 meeting, the City Council passed ordinance 980 that amended section 8.38 adding regulations relative to signage, distance requirements, outdoor and indoor public places, and dining areas. At its February 27th, 2014 meeting, the code was amended adding a distance requirement for tobacco retailers from "public libraries".

DISCUSSION: Over the last few years, the use of Electronic Cigarettes (E-Cigs) has significantly increased. Despite their increased attraction, more information is being discovered about the effects from their long term use and the effects of second hand smoke associated with the use of e-cigarettes.

E-cigarettes are battery-operated products designed to deliver nicotine, flavor and other chemicals, and are typically marketed and packaged to appeal to young adults or adults looking to kick a tobacco habit. e-cigarettes often look like a cigarette, including a battery-lit flow at the end of the device and are currently unregulated by the U.S. Food and Drug Administration (FDA). They turn nicotine, which is highly addictive, and other chemicals into a vapor that is inhaled by the user. The FDA, however, has not approved these devices as cessation aids. At this time there are no local regulations regarding the use of e-cigarettes, though the State of California prohibits the sale of these products to minors. Recent information on the growth in use of these devices in the United States suggests there were up to four million users in 2013.

According to the Centers for Disease Control and Prevention (CDC), the percentage of high school students who have ever used e-cigarettes more than doubled, from 4.7% to 10% between 2011 and 2012. The FDA, US Health and Lung Association and other public health organizations are concerned that e-cigarettes can increase nicotine addiction among young people and may lead young people to try other tobacco products, including conventional cigarettes. In addition, a 2013 study on Nicotine and Tobacco confirmed that electronic smoking devices that contain nicotine may also emit nicotine in the released vapor and involuntarily expose non-smokers to nicotine. Finally, the FDA has conducted laboratory analysis of e-cigarette samples and found they contained carcinogens and toxic chemicals to which users and bystanders could potentially be exposed.

In addition to the health risks associated with these products, there is concern that the use of e-cigarettes in public places, where conventional smoking is currently prohibited, could increase social acceptance of smoking, and trigger a relapse in those who are trying to quit smoking. This

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ELECTRONIC CIGARETTES ORDINANCE

use also makes it difficult to enforce existing smoking prohibition laws.

These public health concerns coupled with a lack of federal regulations regarding e-cigarette manufacturing, sales and marketing have triggered nearly 50 cities and counties in California to revise their smoke-free policies to address e-cigarette use in their communities. Many of these communities have independently passed or modified existing ordinances to require a license to sell e-cigarettes.

Based on the information above, staff recommends that the City Council revise several sections of CMC Chapter 8.38 to prohibit the use of e-cigarettes in areas where smoking is currently prohibited in the City of Capitola. All distance requirements, locations, and signage requirements currently applicable in the current ordinance will then be applicable to e-cigarettes as well. Staff has worked with the City Attorney's Office to draft a proposed ordinance amendment that is attached to this report.

FISCAL IMPACT: None

ATTACHMENTS:

- 1) Draft Ordinance with Amendments
- 2) Current Ordinance
- 3) American Lung Association Fact Sheet
- 4) Legacy for Health Fact Sheet

Report Prepared By: Rudy Escalante
Chief of Police

Reviewed and Forwarded
By City Manager



ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF CAPITOLA AMENDING
CHAPTER 8.38 SMOKING REGULATIONS OF THE CAPITOLA MUNICIPAL CODE
TO ESTABLISH REGULATIONS FOR ELECTRONIC CIGARETTES**

WHEREAS, the City Council of the City of Capitola does hereby find, determine and declare as follows:

- A. That electronic smoking devices, commonly known as “electronic cigarettes,” “e-cigarettes,” “e-cigars,” “e-cigarillos,” “e-pipes,” “e-hookahs,” “electronic nicotine delivery systems,” etc., are battery operated devices designed to deliver nicotine, flavor, and/or other substances through a vapor inhaled by the user¹; and
- B. That the use of electronic smoking devices has increased significantly in recent years, as evidenced by the fact that:
- Between 2011 and 2012 the percentage of all youth in grades 6 to 12 who had tried electronic smoking devices doubled;²
 - 6.8% of all youth between 6th and 12th grade report trying electronic smoking devices;³
 - 10% of high school students have tried electronic smoking devices;⁴
 - 9.3% of youth who have used electronic smoking devices have never smoked conventional cigarettes;⁵
 - Between 2010 and 2011, rates of both awareness and use of unregulated electronic smoking devices by adults also increased significantly; and
- C. That existing studies on electronic smoking devices’ vapor emissions and cartridge contents have found a number of dangerous substances including:
- Chemicals known to the State of California to cause cancer⁶ such as formaldehyde, acetaldehyde, lead, nickel, and chromium;^{7, 8}
 - PM_{2.5}, acrolein, tin, toluene, and aluminum,^{9, 10, 11, 12} which are associated with a range of negative health effects such as skin, eye, and respiratory irritation,^{13, 14, 15, 16} neurological effects,¹⁷ damage to reproductive systems,¹⁸ and even premature death from heart attacks and stroke;¹⁹
 - Inconsistent labeling of nicotine levels in electronic smoking device products;²⁰ and
 - In one instance, diethylene glycol, an ingredient used in antifreeze and toxic to humans;²¹ and
- D. That case studies have concluded that exposure to vapor from electronic smoking devices may cause passive or secondhand vaping; and

ORDINANCE NO. ____

- E. That some cartridges used by electronic smoking devices can be re-filled with liquid nicotine solution, creating the potential for exposure to dangerous concentrations of nicotine, and as a result:
- Poisonings from electronic smoking devices have increased dramatically in the last three and half years from “one [a month] in September 2010 to 215 a month in February 2014; and
 - Analysis of reports of poisonings from electronic smoking devices finds that calls reporting exposure to electronic smoking devices are much more likely to involve adverse health effects when compared to calls reporting exposure to conventional cigarettes;²² and
- F. That studies about the safety and efficacy of these products have not been submitted to the FDA for the over 400 brands of electronic smoking devices that are on the market and for this reason, consumers currently have no way of knowing:
- Whether electronic smoking devices are safe;
 - What types or concentrations of potentially harmful chemicals the products contain; and
 - What dose of nicotine the products deliver; and
- G. That the World Health Organization has strongly advised consumers against the use of electronic smoking devices until they are “deemed safe and effective and of acceptable quality by a competent national regulatory body”; and
- H. That the World Medical Association has determined that electronic smoking devices “are not comparable to scientifically-proven methods of smoking cessation” and that “neither their value as therapeutic aids for smoking cessation nor their safety as cigarette replacements is established”; and
- I. That the State of California’s Tobacco Education and Research Oversight Committee (TEROC) “opposes the use of e-cigarettes in all areas where other tobacco products are banned.”
- J. That a study published in the Journal of Environmental and Public Health suggests that electronic smoking devices “may have the capacity to ‘re-normalize’ tobacco use in a demographic that has had significant denormalization of tobacco use previously”; and
- K. That electronic smoking devices often mimic conventional tobacco products in shape, size, and color, with the user exhaling a smoke-like vapor similar in appearance to the exhaled smoke from cigarettes and other conventional tobacco products; and
- L. That the use of electronic smoking devices in smoke free locations threatens to undermine compliance with smoking regulations and reverse the progress that has been made in establishing a social norm that smoking is not permitted in public places and places of employment;

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M. That over 59 jurisdictions within California require retailers to obtain a license to sell electronic smoking devices and at least 44 local jurisdictions in California prohibit the use of electronic smoking devices in specific locations.

NOW, THEREFORE BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS FOLLOWS:

Section 1. Chapter 18.38 SMOKING REGULATIONS of the Title 18

Chapter 8.38 SMOKING REGULATIONS Title 18 HEALTH AND SAFETY of the Capitola Municipal Code is hereby amended to read as follows:

**"Chapter 8.38
SMOKING REGULATIONS**

Sections:

- 8.38.010 Findings.
- 8.38.020 Purpose.
- 8.38.030 Definitions.
- 8.38.040 Application of chapter to city facilities.
- 8.38.050 Prohibition of smoking in indoor public places.
- 8.38.06055 Prohibition of smoking in outdoor public places.
- 8.38.0760 Smoking prohibited in certain places.
- 8.38.0870 More restrictive private rules allowed.
- 8.38.0980 Smoking policy in places of employment.
- 8.38.1090 —Retaliation against persons exercising rights under chapter provisions.
- 8.38.1100 Where smoking is not regulated.
- 8.38.1210 Posting of signs.
- 8.38.131220 —Regulating the sale of tobacco products.
- 8.38.1420 Enforcement.
- 8.38.1530 Violations and penalties.
- 8.38.1640 Other applicable laws.

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8.38.010 Findings.

The city council of the city of Capitola finds that:

A. Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution and that breathing secondhand smoke is a cause of disease in nonsmokers; and

B. The U.S. Environmental Protection Agency has classified secondhand smoke as a carcinogen for which there is no safe level of exposure. At special risk are children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

C. Health hazards induced by breathing secondhand smoke include lung cancer, heart disease, respiratory infection, decreased respiratory function, bronchoconstriction and bronchospasm.

8.38.020 Purpose.

The city council of the city of Capitola declares that the purposes of the ordinance codified in this chapter are:

A. To protect the public health, safety and welfare by prohibiting smoking in public places and work places; and

B. To guarantee the right of nonsmokers to breathe smoke-free air shall have priority over the desire to smoke; and

C. To make the public aware of hazards of secondhand smoke.

8.38.030 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

“Business” means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.

“City health officer” means the director of the county health department or designee serving as the city’s health officer.

“E-Cigarette” means any electronically or battery-operated device, often shaped like a cigarette, containing a nicotine-based liquid, sometimes flavored, that is vaporized and inhaled, and which is used to simulate the experience of smoking tobacco or other combustible substances.

ORDINANCE NO. ____

“Employee” means any person who is employed or retained as an independent contractor by any employer in consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services to a nonprofit entity.

“Employer” means any person, partnership, corporation, public agency or nonprofit entity, which employs the services of one or more individual persons.

“Enclosed area,” for purposes of Section 8.38.050, which prohibits smoking in enclosed public places and Section 8.38.030 which means an area substantially surrounded by a combination of walls, windows, doors, partitions or other architectural feature which significantly prevent smoke from escaping into the open air.

“Nonprofit entity” means any corporation, unincorporated association or other entity created for charitable, philanthropic, educational, charter building, political, social or other similar purposes, the net proceeds from the operations of which are committed to the promotion of the objects or purposes of the organization and not to private financial gain. A public agency is not a nonprofit entity within the meaning of this subsection.

“Place of employment” means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference rooms and classrooms, employee cafeterias and hallways. A private residence is not a place of employment unless it is used as a child care, health care, board and care, or community foster care facility.

“Public libraries” means any public library maintained and operated within the city of Capitola.

“Public place” means any area to which the public is invited or in which the public is permitted, including, but not limited to, banks, educational facilities, places of employment, health facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, theaters and waiting rooms. A private residence is not a public place.

“Reasonable distance” means a distance that ensures that occupants of an area in which smoking is prohibited are not exposed to secondhand smoke created by smokers outside the area. This distance shall be a minimum of twenty feet.

“Restaurant” means any coffee shop, cafeteria, sandwich stand, private or public school cafeteria, outdoor dining areas, and any other eating establishment which gives or offers for sale food to the public, guests or employees; any kitchen in which food is prepared on the premises for serving elsewhere, including catering facilities. The term “restaurant” shall not include a cocktail lounge or tavern if said cocktail lounge or tavern is a “stand alone bar” as defined in this section.

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“Retail tobacco store” means a retail store where the majority of its sales are from tobacco products and smoking accessories and in which the sale of other products is merely incidental.

“Right-of-way” means any portion of the street, sidewalk or adjacent public property, over which people and goods have the right to pass or travel.

“Schools” means any public or private pre-school, elementary, middle, junior high or high school within the city of Capitola.

“Service line” means any indoor or outdoor line at which one or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

“Smoking” means inhaling, exhaling, burning, operating or carrying any lighted or operating cigar, cigarette, e-cigarette, weed, plant or other combustible or vaporized substance in any manner or in any form.

“Sports arena” means auditoriums where sporting events are conducted from time to time; gymnasiums, health spas; indoor or outdoor swimming pools, skating rinks; bowling hallways; and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sporting events.

“Stand alone bar” means an area in which: (1) the serving of alcoholic beverages for consumption by patrons on the premises is its primary purpose; (2) persons under the age of twenty-one are not permitted on the premises; and (3) serves no food but snack-type foods. A “stand alone bar” for the purpose of this chapter does not include any bar which is structurally part of a building also hosting other business operations, unless it is physically separate from other uses in the same building and has a separate ventilating system ventilating directly to the outside of the building. “Physically separate” means separated (except for doors and windows left closed during business hours) by durable, smoke impervious materials from other areas (except open air areas) of the same structure.

“Tobacco” or “Tobacco Product” shall mean:

(1) Any substance containing tobacco, including, but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, e-cigarette or any other preparation of tobacco; or

(2) Any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco-product dependence.

ORDINANCE NO. ____

“Tobacco retailer” shall mean any person or business which sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products, tobacco paraphernalia or e-cigarettes, or who distributes free or low-cost samples of tobacco products, tobacco paraphernalia or e-cigarettes.
“Tobacco retailing” shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco, tobacco products, tobacco paraphernalia or e-cigarettes sold, offered for sale, exchanged, or offered for exchange.

8.38.040 Application of chapter to city facilities.

Facilities owned, operated or leased by the city of Capitola are not exempt from this chapter.

8.38.050 Prohibition of smoking in indoor public places.

Except as provided in Section 8.38.100, smoking is prohibited in all enclosed public places within the city, including, but not limited to, the following: because of the effects of residual smoke, this prohibition is applicable twenty-four hours a day unless another time frame is specifically provided:

- A. Elevators;
- B. Restrooms;
- C. Retail stores;
- D. All areas available to and customarily used by the general public in all businesses and nonprofit entities patronized by the public, including, but not limited to, offices, banks, laundromats, hotels and motels;
- E. Restaurants and outdoor dining areas (except the open air portions thereof);
- F. Theater-bar combinations and dinner theaters;
- G. Public areas of galleries, libraries and museums;
- H. Any area or facility which is primarily used for exhibiting a motion picture, stage or drama production, lecture, musical recital or other similar performance, except when smoking is part of the production or performance;
- I. Sports areas and convention halls;
- J. Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, including joint committees, or agencies of the city or any political subdivision of the state during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city;

ORDINANCE NO. ____

K. Waiting rooms, hallways, wards and patient rooms of health facilities, including, but not limited to hospitals, medical centers, clinics, physical therapy facilities, and medical, dental and chiropractic offices;

L. Lobbies, hallways and other common areas in apartment buildings, condominiums, retirement facilities, nursing homes and other multiple-unit facilities;

M. Lobbies, hallways and other common areas in multiple-unit commercial facilities;

N. Polling places;

O. Video arcades, bingo parlors, card rooms, game rooms, pool halls, dance halls, amusement centers and bowling alleys;

P. Areas which share their air space, including, but not limited to, air conditioning, heating or other ventilation systems, entries, doorways, open windows, hallways and stairways with other enclosed areas in which smoking is prohibited;

Q. At least seventy-five percent of the guest rooms in every hotel and motel shall be maintained as fixed nonsmoking rooms;

R. Service lines including, but not limited to, food services lines and ticket or admissions lines.

8.38.06055 Prohibition of smoking in outdoor public places.

Smoking is prohibited in the following specifically delineated outdoor public places:

A. Capitola Beach;

B. Any portion of the Esplanade right-of-way;

C. Any portion of the Stockton Avenue right-of-way between Wharf Road and the Esplanade;

D. Any portion of Monterey Avenue south of Lawn Way;

E. Esplanade Park;

F. Capitola Wharf;

G. Jade Street Park;

H. Library property at 2005 Wharf Road;

I. Rispin Mansion property;

ORDINANCE NO. ____

J. Peery Park;

K. Soquel Creek Park;

L. Public Parcel located north of Stockton Bridge at 101 Stockton Avenue;

M. City Hall property;

N. Noble Gulch Park;

O. Monterey Park;

P. Cortez Park;

Q. McGregor Park

R. Public events that are open to the general public regardless of any fee or age requirement to include farmer's markets, theater plays and permitted public events;

~~R. Reasonable distance means a distance that ensures that occupants of an area in which smoking is prohibited are not exposed to secondhand smoke created by smokers outside the area. This distance shall be a minimum of twenty feet.~~

8.38.0760 Smoking prohibited in certain places.

Smoking is prohibited in the following places:

A. Taxicabs, para-transit, and other public transit vehicles at all times;

B. Child care facilities, as defined in California Health and Safety Code Section 1596.750, and private residences where used as day care homes. This prohibition applies even when children are not present.

8.38.0870 More restrictive private rules allowed.

Notwithstanding any other provision of this chapter, any owner, operator, manager or other person who controls any establishment or facility may declare that entire establishment or facility, including its outdoor areas, to be a nonsmoking establishment or facility.

8.38.0980 Smoking policy in places of employment.

A. Within ninety days of the effective date of the ordinance codified in this chapter, each employer with an enclosed place of employment located within the city of Capitola shall make known and maintain a written smoking policy which shall contain the following requirements:

ORDINANCE NO. ____

Smoking is prohibited in all enclosed facilities within a place of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, locker rooms, dressing areas, and all other enclosed facilities.

B. The smoking policy shall be communicated to all employees upon its adoption.

C. All employers shall comply with the provisions of this section and shall be responsible for implementation of its provisions in their place(s) of employment.

D. All employers shall make available a written copy of the smoking policy to any employee who so requests.

8.38.1090 Retaliation against persons exercising rights under chapter provisions.

No person or employer shall discharge, refuse to hire, refuse to serve or in any other manner retaliate against any employee, applicant for employment, customer, service user, business patron or any other person because that person exercises any rights afforded by this chapter.

8.38.1100 Where smoking is not regulated.

Notwithstanding any other provision of this chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter:

A. Private residences, except where used as a child day care, health care, board and care, or community care facility;

B. Retail tobacco stores;

C. Stand alone bars;

D. Smoking that is an integral part of medical research and treatment.

8.38.1240 Posting of signs.

A. Where smoking is prohibited throughout the building or structure, a sign stating "No Smoking" shall be posted at each entrance to the building or structure.

B. Where smoking is permitted in designated areas of, the building or structure, a sign stating "Smoking is Prohibited Except in Designated Areas" shall be posted at each entrance to the building or structure.

ORDINANCE NO. ____

C. Every hotel and motel shall have plainly visible signs posted in the registration and lobby areas which state that nonsmoking rooms are maintained and may be available. Rooms designated as nonsmoking rooms shall have signs designating such restriction conspicuously placed within the room.

D. Businesses that sell tobacco products shall visibly post Penal Code Section 308(c) signage at the entrance of any premises subject to regulation under this chapter and applicable state or federal law.

E. Businesses that sell tobacco products shall visibly post signs at the point of purchase of tobacco products which comply with the signage requirements of California Business and Professions Code Section 22952, as amended from time to time.

F. Businesses that sell tobacco products shall visibly post signs at each entrance to any premises on which any tobacco product is offered for sale, plainly visible from outside the premises, which state:

“Warning: The fine for buying tobacco or e-cigarettes for anyone under 18 is \$200” in letters at least one-half inch tall, and which cite California Penal Code Section 308(a). These signs shall be updated to conform to any subsequent state or federal requirements and/or amendments to Penal Code Section 308(a).

8.38.1320 Regulating the sale of tobacco products.

A. No business shall sell, offer to sell or permit to be sold any tobacco product to an individual without requesting and examining identification establishing the purchaser’s age as eighteen years or greater unless the seller has some other clear and convincing basis for knowing the buyer’s age.

B. No business shall be permitted to sell tobacco products from a location within one thousand feet of a school and/or a public library, as measured by the shortest distance traveled from any entrance of the proposed location for tobacco retailing to the parcel boundary of the school; provided, however, that the prohibition contained in this subsection shall not apply to the following:

1. A business selling tobacco products that was in operation lawfully on the date immediately prior to the ordinance codified in this chapter becoming effective; and

2. Any lawfully operating business that sells tobacco products that would otherwise become ineligible to receive or renew a tobacco retailer permit due to the creation or relocation of a school. (Ord. 994 § 2, 2014; Ord. 980 § 5, 2013)

ORDINANCE NO. ____

8.38.1320 Enforcement.

- A. Any person who desires to register a complaint under this chapter should direct such complaints to the health officer.
- B. Whenever any facility in which smoking is prohibited by this chapter applies for any permit or regulatory approval from the city or undergoes any required inspection, the city department to whom the application is submitted shall require a certification from the owner, manager, operator or other person having control of such facility that all requirements of this chapter have been complied with.
- C. Any owner, operator or employee of any facility in which smoking is prohibited may inform persons violating this chapter of the appropriate provisions of this chapter.
- D. Notwithstanding any other provision of this chapter, a private citizen may bring legal action to enforce this chapter.

8.38.1430 Violations and penalties.

- A. It is unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this chapter to fail to comply with any of its provisions.
- B. It is unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this chapter.
- C. Any person, business or owner, proprietor, manager or operator of any establishment or facility subject to this chapter who violates any provision of this chapter shall be guilty of an infraction, punishable in accordance with Section 1.01.090 and Title 4 of this code.
- D. Business or property owners required to post signs and notify customers or visitors of smoking prohibitions are not otherwise required to compel such customers or visitors to comply with this chapter.

8.38.1540 Other applicable laws.

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws. ”

Section 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance

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provisions will be in full force and effect.

~~Section 3.~~ This Ordinance shall take effect and be in force thirty (30) days after final adoption.

This Ordinance was introduced on the 26th day of March, 2015, and was passed and adopted by the City Council of the City of Capitola on the ____ day of _____, 2015, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED: _____
Dennis Norton, Mayor

ATTEST: _____, CMC
Susan Sneddon, City Clerk

DRAFT

ORDINANCE NO. ____

Endnotes

- ¹ U.S. Food and Drug Administration. (2001). *Electronic Cigarettes*. Retrieved on September 22, 2013 from www.fda.gov/newsevents/publichealthfocus/ucm172906.htm.
- ² Corey, C., Johnson, S., Apelberg, B., et al. (2013). "Notes from the Field: Electronic Cigarette Use Among Middle and High School Students - United States, 2011- 2012." *Morbidity and Mortality Weekly Report (MMWR)*. 62(35):729–730. Available at: www.cdc.gov/mmwr/preview/mmwrhtml/mm6235a6.htm.
- ³ Ibid.
- ⁴ Ibid.
- ⁵ Ibid.
- ⁶ State of California Environmental Protection Agency, Office of Environmental Health Hazard Assessment, Safe Drinking Water and Toxic Enforcement Act of 1986. (2013) Chemicals known to the State of California to cause cancer or reproductive toxicity. Available at: http://oehha.ca.gov/prop65/prop65_list/files/P65single091313.pdf.
- ⁷ German Cancer Research Center. (2013). "Electronic Cigarettes - An Overview" *Red Series Tobacco Prevention and Control*. Available at: www.dkfz.de/de/tabakkontrolle/download/Publikationen/RoteReihe/Band_19_e-cigarettes_an_overview.pdf.
- ⁸ Goniewicz M, Knysak J, Gawron M, et al. Levels of selected carcinogens and toxicants in vapour from electronic cigarettes. *Tob. Control*. 2013;1:1–8. Available at: www.ncbi.nlm.nih.gov/pubmed/23467656. Accessed August 2, 2013.
- ⁹ German Cancer Research Center. (2013). "Electronic Cigarettes - An Overview" *Red Series Tobacco Prevention and Control*. Available at: www.dkfz.de/de/tabakkontrolle/download/Publikationen/RoteReihe/Band_19_e-cigarettes_an_overview.pdf.
- ¹⁰ Goniewicz M, Knysak J, Gawron M, et al. (2013). Levels of selected carcinogens and toxicants in vapour from electronic cigarettes. *Tob. Control*. 1:1–8. Available at: www.ncbi.nlm.nih.gov/pubmed/23467656.
- ¹¹ Williams, M., Villarreal, A., Bozhilov, K., Lin, S., & Talbot, P. (2013). Metal and silicate particles including nanoparticles are present in electronic cigarette cartomizer fluid and aerosol. *PLoS one*, 8(3), e57987. doi:10.1371/journal.pone.0057987
- ¹² Schober W, Szendrei K, Matzen W, et al. (2013). Use of electronic cigarettes (e-cigarettes) impairs indoor air quality and increases FeNO levels of e-cigarette consumers. *Int. J. Hyg. Environ. Health*. Available at: <http://dx.doi.org/10.1016/j.ijheh.2013.11.003>
- ¹³ Agency for Toxic Substances and Disease Registry (ATSDR). (2008). Toxic Substances Portal – Aluminum. Available at: www.atsdr.cdc.gov/phs/phs.asp?id=1076&tid=34.
- ¹⁴ Agency for Toxic Substances and Disease Registry (ATSDR). (2005). Toxic Substances Portal – Tin. Available at: www.atsdr.cdc.gov/phs/phs.asp?id=541&tid=98.
- ¹⁵ United States Environmental Protection Agency. (N.d.) EPA Schools Monitoring Initiative Fact Sheet. Available at: www.epa.gov/air/sat/pdfs/acroleinupdate.pdf.
- ¹⁶ Agency for Toxic Substances and Disease Registry (ATSDR). (2007). Toxic Substances Portal – Acrolein. Available at: www.atsdr.cdc.gov/PHS/PHS.asp?id=554&tid=102.
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¹⁸ [State of California Environmental Protection Agency Office of Environmental Health Hazard Assessment. \(n.d.\). Chronic Toxicity Summary: Toluene. CAS Registry Number: 108-88-3. Available at: http://oehha.ca.gov/air/chronic_rels/pdf/108883.pdf.](http://oehha.ca.gov/air/chronic_rels/pdf/108883.pdf)

¹⁹ [Environmental Protection Agency. \(2012\). Particle Pollution and Health. Available at: www.epa.gov/pm/2012/fshealth.pdf.](http://www.epa.gov/pm/2012/fshealth.pdf)

²⁰ [Department of Health and Human Services Food and Drug Administration. \(2009\). "FDA Evaluation of E-Cigarettes." Available at: www.fda.gov/downloads/drugs/Scienceresearch/UCM173250.pdf.](http://www.fda.gov/downloads/drugs/Scienceresearch/UCM173250.pdf)

²¹ [Department of Health and Human Services Food and Drug Administration. \(2009\). "FDA Evaluation of E-Cigarettes." Available at: www.fda.gov/downloads/drugs/Scienceresearch/UCM173250.pdf.](http://www.fda.gov/downloads/drugs/Scienceresearch/UCM173250.pdf)

²² [Chatham-stephens, K., Law, R., Taylor, E., Melstrom, P., Bunnell, R., Wang, B., & Apelberg, B. \(2014\). Calls to Poison Centers for Exposures to Electronic Cigarettes - United States, September 2010 – February 2014. *Morbidity and Mortality Weekly Report \(MMWR\)*, 63\(13\), 292–294.](http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6313a.htm)

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Chapter 8.38

SMOKING REGULATIONS

Sections:

- 8.38.010 Findings.
- 8.38.020 Purpose.
- 8.38.030 Definitions.
- 8.38.040 Application of chapter to city facilities.
- 8.38.050 Prohibition of smoking in indoor public places.
- 8.38.055 Prohibition of smoking in outdoor public places.
- 8.38.060 Smoking prohibited in certain places.
- 8.38.070 More restrictive private rules allowed.
- 8.38.080 Smoking policy in places of employment.
- 8.38.090 Retaliation against persons exercising rights under chapter provisions.
- 8.38.100 Where smoking is not regulated.
- 8.38.110 Posting of signs.
- 8.38.112 Regulating the sale of tobacco products.
- 8.38.120 Enforcement.
- 8.38.130 Violations and penalties.
- 8.38.140 Other applicable laws.

* Prior ordinance history: Ord. 600.

8.38.010 Findings.

The city council of the city of Capitola finds that:

- A. Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution and that breathing secondhand smoke is a cause of disease in nonsmokers; and
- B. The U.S. Environmental Protection Agency has classified secondhand smoke as a carcinogen for which there is no safe level of exposure. At special risk are children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and
- C. Health hazards induced by breathing secondhand smoke include lung cancer, heart disease, respiratory infection, decreased respiratory function, bronchoconstriction and bronchospasm. (Ord. 771, 1994)

8.38.020 Purpose.

The city council of the city of Capitola declares that the purposes of the ordinance codified in this chapter are:

- A. To protect the public health, safety and welfare by prohibiting smoking in public places and work places; and
- B. To guarantee the right of nonsmokers to breathe smoke-free air shall have priority over the desire to smoke; and
- C. To make the public aware of hazards of secondhand smoke. (Ord. 771, 1994)

8.38.030 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

“Business” means any sole proprietorship, partnership, joint venture, corporation or other business entity formed for profit-making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities where legal, medical, dental, engineering, architectural or other professional services are delivered.

“City health officer” means the director of the county health department or designee serving as the city’s health officer.

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“Employee” means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services to a nonprofit entity.

“Employer” means any person, partnership, corporation, public agency or nonprofit entity, which employs the services of one or more individual persons.

“Enclosed area,” for purposes of Section 8.38.050, which prohibits smoking in enclosed public places and Section 8.38.030 which means an area substantially surrounded by a combination of walls, windows, doors, partitions or other architectural feature which significantly prevent smoke from escaping into the open air.

“Nonprofit entity” means any corporation, unincorporated association or other entity created for charitable, philanthropic, educational, charter building, political, social or other similar purposes, the net proceeds from the operations of which are committed to the promotion of the objects or purposes of the organization and not to private financial gain. A public agency is not a nonprofit entity within the meaning of this subsection.

“Place of employment” means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and restrooms, conference rooms and classrooms, employee cafeterias and hallways. A private residence is not a place of employment unless it is used as a child care, health care, board and care, or community foster care facility.

“Public libraries” means any public library maintained and operated within the city of Capitola.

“Public place” means any area to which the public is invited or in which the public is permitted, including, but not limited to, banks, educational facilities, places of employment, health facilities, laundromats, public transportation facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, theaters and waiting rooms. A private residence is not a public place.

“Reasonable distance” means a distance that ensures that occupants of an area in which smoking is prohibited are not exposed to secondhand smoke created by smokers outside the area. This distance shall be a minimum of twenty feet.

“Restaurant” means any coffee shop, cafeteria, sandwich stand, private or public school cafeteria, outdoor dining areas, and any other eating establishment which gives or offers for sale food to the public, guests or employees; any kitchen in which food is prepared on the premises for serving elsewhere, including catering facilities. The term “restaurant” shall not include a cocktail lounge or tavern if said cocktail lounge or tavern is a “stand alone bar” as defined in this section.

“Retail tobacco store” means a retail store where the majority of its sales are from tobacco products and smoking accessories and in which the sale of other products is merely incidental.

“Right-of-way” means any portion of the street, sidewalk or adjacent public property, over which people and goods have the right to pass or travel.

“Schools” means any public or private pre-school, elementary, middle, junior high or high school within the city of Capitola.

“Service line” means any indoor or outdoor line at which one or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

“Smoking” means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, weed, plant or other combustible substance in any manner or in any form.

“Sports arena” means auditoriums where sporting events are conducted from time to time; gymnasiums, health spas; indoor or outdoor swimming pools, skating rinks; bowling hallways; and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition, or witness sporting events.

“Stand alone bar” means an area in which: (1) the serving of alcoholic beverages for consumption by patrons on the premises is its primary purpose; (2) persons under the age of twenty-one are not permitted on the premises; and (3) serves no food but snack-type foods. A “stand alone bar” for the purpose of this chapter does not include any bar which is structurally part of a building also hosting other business operations, unless it is physically separate from other uses in the same building and has a separate ventilating system ventilating directly to the outside of the building. “Physically separate” means separated (except for doors and windows left closed during business hours) by durable, smoke impervious materials from other areas (except open air areas) of the same structure. (Ord. 994 § 1, 2014; Ord. 980 § 1, 2013; Ord. 943 § 1, 2009; Ord. 771, 1994)

8.38.040 Application of chapter to city facilities.

Facilities owned, operated or leased by the city of Capitola are not exempt from this chapter. (Ord. 771, 1994)

8.38.050 Prohibition of smoking in indoor public places.

Except as provided in Section 8.38.100, smoking is prohibited in all enclosed public places within the city, including, but not limited to, the following: because of the effects of residual smoke, this prohibition is applicable twenty-four hours a day unless another time frame is specifically provided:

- A. Elevators;
- B. Restrooms;
- C. Retail stores;
- D. All areas available to and customarily used by the general public in all businesses and nonprofit entities patronized by the public, including, but not limited to, offices, banks, laundromats, hotels and motels;
- E. Restaurants and outdoor dining areas (except the open air portions thereof);
- F. Theater-bar combinations and dinner theaters;
- G. Public areas of galleries, libraries and museums;
- H. Any area or facility which is primarily used for exhibiting a motion picture, stage or drama production, lecture, musical recital or other similar performance, except when smoking is part of the production or performance;
- I. Sports areas and convention halls;
- J. Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, council, commission, committee, including joint committees, or agencies of the city or any political subdivision of the state during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city;
- K. Waiting rooms, hallways, wards and patient rooms of health facilities, including, but not limited to hospitals, medical centers, clinics, physical therapy facilities, and medical, dental and chiropractic offices;
- L. Lobbies, hallways and other common areas in apartment buildings, condominiums, retirement facilities, nursing homes and other multiple-unit facilities;
- M. Lobbies, hallways and other common areas in multiple-unit commercial facilities;
- N. Polling places;
- O. Video arcades, bingo parlors, card rooms, game rooms, pool halls, dance halls, amusement centers and bowling alleys;
- P. Areas which share their air space, including, but not limited to, air conditioning, heating or other ventilation systems, entries, doorways, open windows, hallways and stairways with other enclosed areas in which smoking is prohibited;

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Q. At least seventy-five percent of the guest rooms in every hotel and motel shall be maintained as fixed nonsmoking rooms;

R. Service lines including, but not limited to, food services lines and ticket or admissions lines. (Ord. 980 § 2, 2013; Ord. 943 § 2, 2009; Ord. 875 § 1, 2004; Ord. 771, 1994)

8.38.055 Prohibition of smoking in outdoor public places.

Smoking is prohibited in the following specifically delineated outdoor public places:

A. Capitola Beach;

B. Any portion of the Esplanade right-of-way;

C. Any portion of the Stockton Avenue right-of-way between Wharf Road and the Esplanade;

D. Any portion of Monterey Avenue south of Lawn Way;

E. Esplanade Park;

F. Capitola Wharf;

G. Jade Street Park;

H. Library property at 2005 Wharf Road;

I. Rispin Mansion property;

J. Peery Park;

K. Soquel Creek Park;

L. Public Parcel located north of Stockton Bridge at 101 Stockton Avenue;

M. City Hall property;

N. Noble Gulch Park;

O. Monterey Park;

P. Cortez Park;

Q. Public events that are open to the general public regardless of any fee or age requirement to include farmer's markets, theater plays and permitted public events;

R. Reasonable distance means a distance that ensures that occupants of an area in which smoking is prohibited are not exposed to secondhand smoke created by smokers outside the area. This distance shall be a minimum of twenty feet. (Ord. 980 § 3, 2013; Ord. 943 § 3, 2009)

8.38.060 Smoking prohibited in certain places.

Smoking is prohibited in the following places:

A. Taxicabs, para-transit, and other public transit vehicles at all times;

B. Child care facilities, as defined in California Health and Safety Code Section 1596.750, and private residences where used as day care homes. This prohibition applies even when children are not present. (Ord. 771, 1994)

8.38.070 More restrictive private rules allowed.

Notwithstanding any other provision of this chapter, any owner, operator, manager or other person who controls any establishment or facility may declare that entire establishment or facility, including its outdoor areas, to be a nonsmoking establishment or facility. (Ord. 771, 1994)

8.38.080 Smoking policy in places of employment.

A. Within ninety days of the effective date of the ordinance codified in this chapter, each employer with an enclosed place of employment located within the city of Capitola shall make known and maintain a written smoking policy which shall contain the following requirements:

Smoking is prohibited in all enclosed facilities within a place of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, locker rooms, dressing areas, and all other enclosed facilities.

B. The smoking policy shall be communicated to all employees upon its adoption.

C. All employers shall comply with the provisions of this section and shall be responsible for implementation of its provisions in their place(s) of employment.

D. All employers shall make available a written copy of the smoking policy to any employee who so requests. (Ord. 771, 1994)

8.38.090 Retaliation against persons exercising rights under chapter provisions.

No person or employer shall discharge, refuse to hire, refuse to serve or in any other manner retaliate against any employee, applicant for employment, customer, service user, business patron or any other person because that person exercises any rights afforded by this chapter. (Ord. 771, 1994)

8.38.100 Where smoking is not regulated.

Notwithstanding any other provision of this chapter to the contrary, the following areas shall not be subject to the smoking restrictions of this chapter:

A. Private residences, except where used as a child day care, health care, board and care, or community care facility;

B. Retail tobacco stores;

C. Stand alone bars;

D. Smoking that is an integral part of medical research and treatment. (Ord. 771, 1994)

8.38.110 Posting of signs.

A. Where smoking is prohibited throughout the building or structure, a sign stating "No Smoking" shall be posted at each entrance to the building or structure.

B. Where smoking is permitted in designated areas of, the building or structure, a sign stating "Smoking is Prohibited Except in Designated Areas" shall be posted at each entrance to the building or structure.

C. Every hotel and motel shall have plainly visible signs posted in the registration and lobby areas which state that nonsmoking rooms are maintained and may be available. Rooms designated as nonsmoking rooms shall have signs designating such restriction conspicuously placed within the room.

D. Businesses that sell tobacco products shall visibly post Penal Code Section 308(c) signage at the entrance of any premises subject to regulation under this chapter and applicable state or federal law.

E. Businesses that sell tobacco products shall visibly post signs at the point of purchase of tobacco products which comply with the signage requirements of California Business and Professions Code Section 22952, as amended from time to time.

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F. Businesses that sell tobacco products shall visibly post signs at each entrance to any premises on which any tobacco product is offered for sale, plainly visible from outside the premises, which state:

“Warning: The fine for buying tobacco for anyone under 18 is \$200”

in letters at least one-half inch tall, and which cite California Penal Code Section 308(a). These signs shall be updated to conform to any subsequent state or federal requirements and/or amendments to Penal Code Section 308(a). (Ord. 980 § 4, 2013; Ord. 771, 1994)

8.38.112 Regulating the sale of tobacco products.

A. No business shall sell, offer to sell or permit to be sold any tobacco product to an individual without requesting and examining identification establishing the purchaser’s age as eighteen years or greater unless the seller has some other clear and convincing basis for knowing the buyer’s age.

B. No business shall be permitted to sell tobacco products from a location within one thousand feet of a school and/or a public library, as measured by the shortest distance traveled from any entrance of the proposed location for tobacco retailing to the parcel boundary of the school; provided, however, that the prohibition contained in this subsection shall not apply to the following:

1. A business selling tobacco products that was in operation lawfully on the date immediately prior to the ordinance codified in this chapter becoming effective; and
2. Any lawfully operating business that sells tobacco products that would otherwise become ineligible to receive or renew a tobacco retailer permit due to the creation or relocation of a school. (Ord. 994 § 2, 2014; Ord. 980 § 5, 2013)

8.38.120 Enforcement.

A. Any person who desires to register a complaint under this chapter should direct such complaints to the health officer.

B. Whenever any facility in which smoking is prohibited by this chapter applies for any permit or regulatory approval from the city or undergoes any required inspection, the city department to whom the application is submitted shall require a certification from the owner, manager, operator or other person having control of such facility that all requirements of this chapter have been complied with.

C. Any owner, operator or employee of any facility in which smoking is prohibited may inform persons violating this chapter of the appropriate provisions of this chapter.

D. Notwithstanding any other provision of this chapter, a private citizen may bring legal action to enforce this chapter. (Ord. 771, 1994)

8.38.130 Violations and penalties.

A. It is unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to regulation under this chapter to fail to comply with any of its provisions.

B. It is unlawful for any person to smoke in any area where smoking is prohibited by the provisions of this chapter.

C. Any person, business or owner, proprietor, manager or operator of any establishment or facility subject to this chapter who violates any provision of this chapter shall be guilty of an infraction, punishable in accordance with Section 1.01.090 and Title 4 of this code.

D. Business or property owners required to post signs and notify customers or visitors of smoking prohibitions are not otherwise required to compel such customers or visitors to comply with this chapter. (Ord. 955 § 7, 2011; Ord. 771, 1994)

8.38.140 Other applicable laws.

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws. (Ord. 771, 1994)



E-Cigarettes

On April 25, 2011, the U.S. Food and Drug Administration (FDA) [announced](#) that e-cigarettes will be regulated as tobacco products unless the products are marketed as therapeutic, making a claim that e-cigarettes can help someone quit smoking for example. While FDA made the initial announcement that it intends to regulate most e-cigarettes as tobacco products, much more research is needed about the potential health effects of e-cigarettes. The American Lung Association urges the Obama Administration and FDA to move forward without delay to begin overseeing these products to determine the public health impacts of their use.

What is an E-Cigarette?

- According to the FDA, electronic cigarettes, or e-cigarettes, are devices that allow users to inhale a vapor containing nicotine or other substances.¹
- Unlike traditional cigarettes, e-cigarettes are generally battery-operated and use an atomizer to heat a refillable cartridge that then releases a chemical-filled vapor.
- E-cigarettes are often available in flavors that may appeal to children and teens, including cotton candy, bubble gum, chocolate, strawberry and mint.²

Who Uses E-Cigarettes?

- *An increasing number of youth:* According to CDC, the number of students in grades 6-12 reporting having ever used an e-cigarette doubled from 3.3 percent to 6.8 percent from 2011 to 2012. Recent use of e-cigarettes among students grades 6-12 increased from 1.1 percent to 2.1 percent.³
- *Former and current smokers:* According to CDC, during 2010 to 2011, adults reporting that they have used an e-cigarette increased among both sexes, those aged 45-54 years old, non-Hispanic Whites, those living in the South, and current and former smokers. One in five current cigarette smokers has used an e-cigarette, with their use higher than that of former or never-smokers.⁴
- Additional and on-going research is needed to understand the full public health impact of e-cigarettes, including their impact on youth initiation, whether current smokers are switching to these products instead of quitting or are using them in conjunction with regular cigarettes.

What are the Health Effects of E-Cigarettes?

- The health consequences of the use of e-cigarettes and the vapor that they give off are unknown. There is currently no scientific evidence establishing the safety of e-cigarettes. No brand of e-cigarettes has been submitted to the FDA for evaluation of their safety.⁵
- In initial lab tests conducted in 2009, FDA found detectable levels of toxic cancer-causing chemicals, including an ingredient used in anti-freeze, in two leading brands of e-cigarettes and 18 various cartridges.⁶ The lab tests also found that cartridges labeled as nicotine-free had traceable levels of nicotine.
- There is no evidence that shows the vapors emitted by e-cigarettes are safe for non-users to inhale. The use of e-cigarettes in public places and workplaces may also complicate efforts to enforce and

comply with smokefree laws. Because e-cigarettes have not been thoroughly evaluated, the American Lung Association supports prohibiting the use of e-cigarettes under smokefree laws.

Can E-Cigarettes Help Someone Quit Smoking?

- The FDA has not approved e-cigarettes as an effective method to help smokers quit. The U.S. Public Health Service has found that the seven therapies approved by the U.S. Food and Drug Administration in combination with individual, group or phone cessation counseling is the most effective way to help smokers quit. Until and unless the FDA approves a specific e-cigarette for use as a tobacco cessation aid, the American Lung Association does not support any direct or implied claims that e-cigarettes help smokers quit.

¹ U.S. Food and Drug Administration. "E-Cigarettes: Questions and Answers." September 9, 2010. Available at: <http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm225210.htm>.

² U.S. Food and Drug Administration. "FDA Warns of Health Risks Posed by E-Cigarettes." July 23, 2009. Available at: <http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm173401.htm>.

³ Centers for Disease Control and Prevention. "Electronic Cigarette Use Among Middle and High School Students — United States, 2011–2012." *Morbidity and Mortality Weekly Report*. September 6, 2013; 62(35):729-30.

⁴ King BA, Alam S, Promoff G, Arrazola R, Dube SR. "Awareness and Ever Use of Electronic Cigarettes Among U.S. Adults, 2010–2011." *Nicotine & Tobacco Research*. February 2013; 15:1623-7.

⁵ U.S. Food and Drug Administration. "FDA and Public Health Experts Warn About Electronic Cigarettes." July 22, 2009. Available at: <http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/2009/ucm173222.htm>.

⁶ U.S. Food and Drug Administration. "Summary of Results: Laboratory Analysis of Electronic Cigarettes Conducted by FDA." July 22, 2009. Available at: <http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm173146.htm>.

TOBACCO FACT SHEET

ELECTRONIC CIGARETTES (E-CIGARETTES)

Electronic cigarettes (e-cigarettes or e-cigs), known formally as electronic nicotine delivery systems (ENDS), are devices designed to look similar to cigarettes in shape, size, and general appearance.¹ They operate by vaporizing a solution containing nicotine, creating a mist that is then inhaled.¹ The tips of these devices often have an indicator light, designed to emulate the burning ash of a traditional cigarette.¹ According to product manufacturers, e-cigarette cartridges are available in various flavors, such as vanilla,² menthol,² and piña colada,² and varying claimed levels of nicotine.¹ Using an e-cigarette is commonly referred to as “vaping.”¹ Popular brands of e-cigarettes, sold at convenience stores and gas stations, include “blu” and “NJOY.”

BACKGROUND

- The components of a typical e-cigarette are illustrated below:



- Cartridges generally contain up to 20 mg of nicotine.³
- Some users refill their own cartridges, which may be dangerous because it involves dealing with potentially dangerous concentrations of nicotine.⁴ Refill bottles contain up to 7 grams of nicotine;⁵ the fatal dose of nicotine in adults is estimated at 30-60 mg while for children it is estimated at only 10 mg⁶ – or approximately 4 drops of a maximum strength refill solution. This risk is more consistent with nicotine-based pesticides, rather than traditional tobacco products and pose a danger via inhalation, ingestion, and skin contact.⁷

PREVALENCE

- Between 6.4% and 7.1% of current smokers have ever used an e-cigarette, compared to ever use of e-cigarettes among never smokers (less than 1.0%).⁸

SAFETY & QUALITY

- On July 22, 2009 the U.S. Food and Drug Administration’s (FDA) Division of Pharmaceutical Analysis analyzed the ingredients in a small sample of cartridges from two leading brands of e-cigarettes and found that the tested products contained detectable levels of known carcinogens and toxic chemicals. Diethylene glycol, a potentially lethal organic compound,⁹ was found in one cartridge, while nitrosamines were detected in several cartridges.¹⁰
- Other important findings from the FDA include the following:
 - The quality control processes used to manufacture e-cigarettes seem to be inconsistent or non-existent. Three different e-cigarette cartridges with the same label were tested and each emitted a distinct amount of nicotine with each puff.⁹
 - In all but one, the e-cigarette cartridges that were labeled as containing no nicotine had low levels of nicotine.⁹

Item #: 10.B. Attach 4.pdf

- The vapor from one high-nicotine cartridge delivered twice as much nicotine when inhaled than was delivered by the control, a sample of FDA-approved nicotine inhalation products.⁹
- Studies^{11,12} suggest adverse effects associated with e-cigarettes, but additional non-biased national and international research is needed to understand the effects of both short- and long-term use

LEGAL STATUS & REGULATION

- The FDA attempted to regulate e-cigarettes as drug-delivery devices but failed after the courts determined that e-cigarettes were properly regulated under the FDA's tobacco authority pursuant to the 2009 Family Smoking Prevention and Tobacco Control Act (FSPTCA) and not the FDA's drug delivery device authority.^{13,14}
- In April 2011, the FDA issued a statement announcing that they intend to regulate e-cigarettes as "tobacco products." This includes: (1) marketing restrictions, (2) mandated ingredient listing, and (3) pre-market review.¹² However, to date, FDA has not asserted its authority over e-cigarettes and they remain unregulated.
- Several state and local governments, including New Jersey¹⁵ and King County, Washington,¹⁶ have included or are in the process of adding e-cigarettes to their smoking bans. Additionally, the U.S. Department of Transportation banned the use of e-cigarettes on planes.¹⁷
- California, Minnesota, New Hampshire, New Jersey, and Utah have prohibited the sale of e-cigarettes to minors since March 2011.¹⁸

MARKETING & COMMERCIAL APPEAL

- The e-cigarette companies advertise their products as a better-smelling, cheaper, and guilt-free alternative to smoking.¹⁹ They are also marketed as a way to circumvent some smoking bans.²⁰
- E-cigarettes are promoted heavily online^{1,21} and are more widely searched than snus and NRTs (nicotine replacement therapy).¹⁹
- There is concern that e-cigarettes may appeal to youth because of their high-tech design, easy availability online or via mall kiosks, and the wide array of flavors of cartridges.²²

ATTITUDES & CONCERNS

- A nationally-representative survey found that 40.2% of Americans have heard of e-cigarettes and more than 70.0% of smokers believe that e-cigarettes are less harmful than regular cigarettes.²³
- The most commonly cited reasons for use by e-cigarette users include: the perception that they are healthier/less toxic than traditional cigarettes, aid in tobacco craving/withdrawal symptoms, smoking cessation facilitator, and relapse avoidance.²⁴
- In addition to the health concerns cited above, recent studies suggest that e-cigarettes could be worrisome regarding relapse of former smokers,²⁵ the "re-normalization" of tobacco,²³ and a gateway for cigarettes.^{23,26} It is also thought that e-cigarettes can contribute to tobacco use by allowing smokers to use nicotine despite ever-increasing smoking bans (dual use).²² Since they recently emerged on the market, however, more research must be done to fully understand the consequences.
- The World Health Organization (WHO) expressed concern with e-cigarettes, stating they may undermine tobacco control efforts, such as smoking bans and FDA-approved NRTs. Several countries, including Australia, China, and Brazil have banned the sale and marketing of e-cigarettes.²⁷

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- ¹⁴Deyton, LR, Woodcock, J. Regulation of e-cigarettes and other tobacco products. Letter to stakeholders. U.S Food and Drug Administration Web site. 2011. <http://www.fda.gov/newsevents/publichealthfocus/ucm252360.htm>. Accessed June 13, 2012.
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CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 26, 2015

FROM: DEPARTMENT OF PUBLIC WORKS
 SUBJECT: APPROVAL OF THE CITY OF CAPITOLA BECOMING A PARTNER AGENCY IN THE REGIONAL WATER MANAGEMENT GROUP FOR THE PURPOSES OF DEVELOPING AN INTEGRATED REGIONAL WATER MANAGEMENT PLAN

RECOMMENDED ACTION: City Council to take the following actions:

1. Approve the City of Capitola becoming a partner agency in the Santa Cruz Regional Water Management Group at a cost of \$5,000 annually; and
2. Authorize the City Manager to sign the Memorandum of Agreement for the Santa Cruz Integrated Regional Water Management Plan; and
3. Adopt a Resolution approving the 2014 Update of the Santa Cruz Integrated Regional Water Management Plan.

BACKGROUND: The Santa Cruz Regional Water Management Group, consisting of nine local agencies, has developed an Integrated Regional Water Management Plan (IRWMP) to protect, enhance, develop, and maintain water resources throughout the region. These collaborative efforts focus on adequate water supply maintenance, watershed protection, and flood and stormwater management. The plan also identifies ways to conserve water and use both water and water-related energy efficiently.

With the adoption of Proposition 1 last November, over \$43 million in funding for water related grants will become available. In order for the City of Capitola to apply for these funds, the City's projects must be included in the IRWMP.

DISCUSSION: Staff is recommending the City join the management group to ensure our inclusion in the planning efforts and grant process. The management group is coordinated by the Regional Water Management Foundation, a subsidiary of the Community Foundation of Santa Cruz County, who supports the plan implementation under the guidance of a steering committee made up of three representatives of local agencies. The IRWMP is updated every 5-10 years and was last updated in 2014. The project list is updated more frequently as new projects and funding sources are identified. In order to place City projects in this plan for possible funding from Prop 1 money, the City must first approve the 2014 plan. A draft resolution has been prepared for this approval.

It is currently anticipated the first release of Prop 1 money will be earmarked for water conservation and drinking water source development projects, but that subsequent funding releases will be for other projects. Staff believes that flood control projects along Noble Gulch and Soquel Creek would qualify along with enhancement projects and potentially repairs to the flume and jetty.

FISCAL IMPACT: To offset the costs of the Regional Water Management Foundation to coordinate and administer the plan there is a \$5,000 fee for small agencies such as Capitola. Larger agencies, like the County and City of Santa Cruz pay \$10,000. The payment will be due in FY 2015/16 and will be included in the contract services budget for Public Works.

ATTACHMENTS:

1. Draft Resolution
2. Memorandum of Agreement
3. 2014 Integrated Regional Water Management Plan (the complete Plan available at City Hall)

Report Prepared By: Steven Jesberg
 Public Works Director

Reviewed and Forwarded
 By City Manager: 

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RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
ADOPTING THE 2014 SANTA CRUZ INTEGRATED
REGIONAL WATER MANAGEMENT PLAN**

WHEREAS, California's electorate approved Proposition 84 on November 7, 2006, which contains a total of \$5.39 billion for water and natural resource projects and programs, including \$1 billion for the Integrated Regional Water Management (IRWM) Program, with \$52 million of that amount allocated to the Central Coast Funding Area, and California's electorate approved Proposition 1 on November 4, 2014, which contains a total of \$7.5 billion for water and natural resource projects and programs, including \$510 million for IRWM Program, with \$43 million of that amount allocated to the Central Coast Funding Area; and

WHEREAS, the benefits of integrated regional planning for water resource management activities are intended to include multiple benefits, increased efficiency and effectiveness, enhanced collaboration across agencies and stakeholders, and improved responsiveness to regional needs and priorities; and

WHEREAS, the City of Capitola is a partner in the Santa Cruz IRWM Regional Water Management Group and signatory to the 2010 Santa Cruz IRWM Memorandum of Agreement; and

WHEREAS, the Santa Cruz Region is an approved region as determined by California Department of Water Resources (DWR) in 2009 under DWR's Region Acceptance Process; and

WHEREAS, the initial 2005 Santa Cruz IRWM Plan was updated in 2014 by the Regional Water Management Group and approved by DWR in 2014 making the region eligible for future IRWM grant funding; and

WHEREAS, the IRWM Plan includes a list of projects that are anticipated to contribute towards the goals and objectives of the IRWM Plan and this list is updated as needed as projects are completed, as new priorities arise, and in response to future state IRWM funding solicitations; and

WHEREAS, the 2014 IRWM Plan, developed under the direction of the Steering Committee and vetted through public workshops and meetings, is herewith presented for adoption by the City of Capitola City Council; and

WHEREAS, adoption of the updated Santa Cruz IRWM Plan does not entail a direct commitment of resources, and implementation of each project listed in the Santa Cruz IRWM Plan will be the responsibility of individual project proponents; and

WHEREAS, the adoption of the updated Santa Cruz IRWM Plan is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines §15262 and §15306; and

WHEREAS, the Santa Cruz IRWM Plan is meant to be complimentary to participating agencies' individual plans and programs and does not supersede such plans and programs, and adoption of the Santa Cruz IRWM Plan does not proscribe the participating agencies' planning efforts separate from the Santa Cruz IRWM Plan.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Capitola does hereby adopt the 2014 Santa Cruz Integrated Regional Water Management Plan.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Capitola, State of California, held on this 26th day of March, 2015 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Dennis Norton, Mayor

_____, CMC
Susan Sneddon, City Clerk

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**MEMORANDUM of AGREEMENT
FOR THE SANTA CRUZ INTEGRATED REGIONAL WATER
MANAGEMENT PLAN**

1. PURPOSE

The purpose of this interagency cooperative memorandum of agreement (MOA) is to reaffirm the mutual agreements of the participating organizations with respect to their joint efforts in developing, implementing, and updating an Integrated Regional Water Management Plan (IRWMP) that will increase coordination, collaboration and communication in addressing the region's water resources issues. The signatories hereby join together for a common and specific purpose to develop and implement the Santa Cruz IRWMP. This MOA updates and continues the efforts initiated under the previous MOA for implementation of the Northern Santa Cruz County IRWMP, dated June 1, 2006.

2. GOALS

The goals of the Santa Cruz IRWMP are to:

- 2.1 Develop and maintain an adequate, reliable, secure, and sustainable water supply that promotes regional water self-sufficiency and maintains ecosystem values.
- 2.2 Protect and improve surface and groundwater quality.
- 2.3 Practice resource stewardship to protect, enhance, and maintain watersheds, environmental resources, biodiversity and ecosystem services.
- 2.4 Promote flood and stormwater management to protect public health and safety, property, water quality, and hydrologic function.
- 2.5 Identify and implement integrated water management strategies adaptable to a changing climate. Promote water and water-related energy conservation and efficiency strategies.
- 2.6 Promote coordinated and collaborative planning and management of water and water-related resources. Provide a framework for identifying and implementing equitable policies and projects to achieve the region's near-term priorities and long-term sustainability.

3. DEFINITIONS

3.1. Integrated Regional Water Management Plan (IRWMP). The California Water Code defines IRWMP as "a comprehensive plan for a defined geographic area, the specific development, content, and adoption of which shall satisfy requirements developed pursuant to this part. At a minimum, an Integrated Regional Water Management Plan describes the major water-related objectives and conflicts within a region, considers a broad variety of resource management strategies, identifies the appropriate mix of water demand and supply management alternatives, water quality protection, and environmental

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stewardship actions to provide long-term, reliable, and high-quality water supply and protect the environment, and identifies disadvantaged communities in the region and takes the water-related needs of those communities into consideration." (CWC §10530 *et seq.*)

3.2. Santa Cruz Region also known as the IRWM Region. Regions are self-forming and organizing. Regions are to be geographically contiguous and determined with regard to shared water management issues, stakeholders, and water-related conflicts. In March 2009, the California Department of Water Resources' (DWR) established a Region Acceptance Process to evaluate and approve an IRWM region. Approval of an IRWM region by DWR is required before a region can submit an application for IRWM grant funds. In September 2009, DWR formally approved the Santa Cruz IRWM region. The Santa Cruz region encompasses all of the watersheds of Santa Cruz County, excluding the Pajaro watershed, but including the Watsonville Sloughs watershed. The Pajaro watershed is within the adjacent Pajaro IRWM region.

3.3. Regional Water Management Group (RWMG). State guidelines define the RWMG as a group of three or more agencies, at least two of which have a statutory authority over water supply or water management, as well as those persons who may be necessary for the development and implementation of an IRWM Plan, pursuant to the requirements in CWC §10540 and §10541. The RWMG for the Santa Cruz Region consists of the Partner Agencies.

3.4 Participants. The Santa Cruz IRWM region categorizes participants as follows:

Partner Agency. Public agencies with elected or publicly appointed governing boards that receive taxpayer support either through taxes, user charges, or fees; and have the authority, obligation, and responsibility to carry out water resources management on a long-term basis.

Implementation Affiliate. Agencies and organizations that play an active role in the IRWMP development or that have a direct role in IRWM project implementation.

Stakeholder. Entities that do not necessarily have a direct role in IRWM project implementation but facilitate those efforts or have an interest in the IRWMP.

3.5 Partner Agency Steering Committee also known as Steering Committee. The Santa Cruz IRWM region utilizes a Steering Committee comprised of three regional water managers to oversee planning and implementation efforts, outreach, and pursuing funding opportunities. The Steering Committee is appointed by the larger representative group of Partner Agencies and currently consists of the County of Santa Cruz Water Resources Division Director, the Executive Director of the Resource Conservation District of Santa Cruz County, and the General Manager of Soquel Creek Water District. These individuals shall continue to serve as the Steering Committee unless a majority vote of the Partner Agencies (based on one vote per agency) replaces all or some of the Steering Committee members or a replacement is necessary due to an individual's resignation. The Steering Committee meets on a regular basis to discuss IRWMP administration and coordinate efforts as needed. The Steering Committee shall provide information and consult with the

other Partner Agencies as needed. All Steering Committee decisions with material financial implications shall be ratified by the Partner Agencies.

3.6. Regional Water Management Foundation (RWMF). The RWMF was established in 2007 to provide an organizational structure to support the implementation of the Santa Cruz IRWMP. The RWMF is a subsidiary of the Community Foundation Santa Cruz County (CFSCC). The RWMF is a separate 501(c)(3) tax-exempt nonprofit organization. It has its own Board of Directors and staff, with an office located at the CFSCC. The seven member Board, includes four directors appointed by the Community Foundation and three Public Agency directors; currently, the Public Agency director seats are filled by the Steering Committee members. The primary objectives of the RWMF are to (1) protect communities in Santa Cruz County from water shortages and floods; (2) protect and improve water quality and the natural environment in Santa Cruz County; and, (3) improve water supply reliability in Santa Cruz County. The RWMF is the grantee of a Proposition 50 Round 1 IRWM Implementation grant, awarded to the Santa Cruz IRWM region in 2007. The RWMF provides management and administration for implementation of this grant. The RWMF provides a central hub and technical expertise for consolidation of items for review, reporting, invoicing, and inter-agency coordination, as well as an interface between the implementation partners and the State Water Resources Control Board. The RWMF has also served as the applicant on behalf of partner agencies for several other grant applications and may provide supporting role for IRWMP implementation, not limited to but including serving as grant applicant.

3.7 IRWM Projects. The California Water Code (§10537) establishes that IRWM projects and programs are those that accomplish any of the following objectives;

- a) Reduce water demand through agricultural and urban water use efficiency.
- b) Increase water supplies for any beneficial use through the use of any of the following, or other, means:
 - 1. Groundwater storage and conjunctive water management
 - 2. Desalination
 - 3. Precipitation enhancement
 - 4. Water recycling
 - 5. Regional and local surface storage
 - 6. Water-use efficiency
 - 7. Stormwater management
- c) Improve operational efficiency and water supply reliability, including conveyance facilities, system reoperation, and water transfers.
- d) Improve water quality, including drinking water treatment and distribution, groundwater and aquifer remediation, matching water quality to water use, wastewater treatment, water pollution prevention, and management of urban and agricultural runoff.

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e) Improve resource stewardship, including agricultural lands stewardship, ecosystem restoration, flood plain management, recharge area protection, urban land use management, groundwater management, water-dependent recreation, fishery restoration, including fish passage improvement, and watershed management.

f) Improve flood management through structural and non-structural means, or by any other means.

Additionally, to be included in the Santa Cruz IRWMP, a project must meet the following five criteria:

1. The project is sponsored by a public agency that has water resources management as a key mission (a Partner Agency);
2. The project has a reasonable method identified for evaluating project effectiveness;
3. The project is technically feasible and viable;
4. The project is consistent with applicable existing laws and land-use regulations; and,
5. The project proponent and/or sponsor is able to meet any required funding match commitment.

4. SUMMARY OF SANTA CRUZ IRWM EFFORTS TO DATE

- In 2005, a Preliminary IRWMP was developed and a Proposition 50 IRWM grant proposal submitted to the Department of Water Resources and the State Water Resources Control Board, with the Community Foundation of Santa Cruz County (CFSCC) serving as applicant at the behest of the Partner Agencies.
- On June 1, 2006, the Partner Agencies entered into a Memorandum of Agreement (MOA) to establish an institutional framework to implement the IRWMP under the context of a single, regional grant agreement. The MOA describes the Partner Agencies' and CFSCC's responsibilities to fulfill the terms of the Prop 50 IRWM Implementation grant agreement. The term of the MOA expires December 31, 2010. Signatories to the 2006 MOA include:
 - Soquel Creek Water District
 - Scotts Valley Water District
 - County of Santa Cruz
 - Resource Conservation District of Santa Cruz County
 - Santa Cruz County Sanitation District
 - Davenport County Sanitation District
 - City of Santa Cruz
 - City of Watsonville
 - Watsonville Wetlands Watch
 - Community Foundation of Santa Cruz County

- In 2007, the SWRCB awarded a \$12.5 million grant to the CFSCC to fund the implementation of high priority IRMW projects in the region. In 2007, the CFSCC created a subsidiary organization, the RWMF, to support the IRWMP efforts and the Prop 50 administrative duties.
- In March 2008, the RWMF and the SWRCB executed the Prop 50 grant which established the term of the Grant Agreement effective as of July 1, 2007 with all work to be completed by March 31, 2011 and all funds requested prior to May 1, 2011. The RWMF entered into agreements with sub-grantee partner agencies for their respective components of the grant. It is anticipated that the grant agreement will be amended to extend the completion date by at minimum one year to accommodate current project completion dates.
- In June 2010, as part of the Santa Cruz IRWM Plan Update efforts the Region conducted an open solicitation for partners, affiliates, and stakeholders to submit planning and implementation projects for inclusion in the IRWMP.

5. PROPOSITION 50 IRWM IMPLEMENTATION GRANT

The June 2006 MOA and the March 2008 Prop 50 Partner Agency (sub-grantee) agreements define the responsibilities to fulfill the terms of the Prop 50 IRWM Grant agreement:

- 5.1 Under the terms of this MOA, the RWMF will continue to act as the grantee for the Prop 50 IRWM Implementation Grant and, in this capacity, continue to receive monies from the state, disburse funds to the participating Partner Agencies, and track local match contributions, in accordance with the terms of the SWRCB Grant Agreement and other agreements and procedures developed between the Partner Agencies and RWMF. The RWMF is authorized to enter into amendments of the grant agreement with the SWRCB, for the benefit of the partner agencies. The Partner Agencies will continue to complete approved projects on a reimbursable basis. The RWMF will submit monthly invoices to the state for reimbursement and, upon payment, will grant the funds back to the Partner Agencies.
- 5.2 The RWMF will continue, as grantee, to manage the integration and coordination of the Prop 50 Implementation Grant and provide day to day contract administration. The RWMF will act as the central "hub" for the grant, ensuring that all grant requirements are met, including reporting.
- 5.3 Partner Agencies will continue to use a designated project manager/point of contact for each project receiving funding from the grant. Project managers are responsible for executing the projects according to the schedule, budget and conditions identified in the grant agreement and coordinating with the RWMF IRWM Project Manager as needed.
- 5.4 Partner Agencies will provide project updates and invoices to the RWMF and the IRWMP Project Manager in a timely manner. At a minimum, it is anticipated that there

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will be monthly progress reports and monthly invoices to the State for reimbursement for the life of the grant, which is currently anticipated to be from March 1, 2008 through May 1, 2012. Deliverables and measurements of success will be tracked via Project Assessment and Evaluation Plans for each individual project. Partner Agencies agree to keep records according to the terms of the grant agreement, and each agency's Project Manager will be responsible for timely submittal of all reporting requirements.

- 5.5 The signatories to this MOA recognize that the projects funded by the IRWMP grant are integrated and inter-related; therefore, the success of the whole rests on the successful implementation of each individual project.

6. FUTURE IRWM COLLABORATION AND NEW PARTNERSHIPS

As the IRWMP is expanded, and future collaborations develop, new agencies may join this partnership. The Steering Committee will serve a lead role in identifying and cultivating new partnerships. The Partner Agencies are committed to:

- 6.1 Establish and foster relationships with regional, state, and local governments, individuals, and other interested organizations to develop and implement management practices to preserve and protect Santa Cruz County water resources.
- a. Undertake cooperative research and resource management initiatives that are regional in scope and disseminate information resulting from these activities.
 - b. Produce and share relevant informational materials among the Partner Agencies.
 - c. Recommend to the respective governing boards actions necessary to successfully develop and implement the IRWMP.
- 6.2 All parties to this agreement wish to join in a common effort to develop and implement an IRWMP which shall include, but not be limited to establishing water quality, water supply, watershed stewardship, and stormwater and flood management objectives for the Santa Cruz IRWM Region.
- 6.3 As with IRWM efforts to date, the Partner Agencies will contribute the personnel and financial resources necessary to develop and implement the IRWMP proportional to their potential benefit.
- 6.4 As new partners elect to participate, they shall approve and execute this Memorandum of Agreement which establishes the understanding among participating agencies with regard to the purposes, development, and implementation of the Santa Cruz IRWMP.
- 6.5 In the event of future IRWM-related grant awards, sub-grantee agreements are anticipated to be developed that establish the specific roles and responsibilities of the grantee and sub-grantee based upon the terms and conditions of the grant award.

7. IRWMP AMENDMENTS, IRWMP FORMAL UPDATES, AND IRWMP PROJECT LIST UPDATES

The Santa Cruz IRWMP is intended to be a dynamic document that changes over time in response to changing conditions and priorities in order to remain current in identifying strategies to address the region's water resource needs. The updates also serve to keep the document up to date with the State's IRWM Plan Standards. These updates include interim updates for minor changes, formal updates for significant modifications, and updates to the IRWMP Project List.

7.1 Interim Amendments. Interim or minor amendments to the IRWMP may include informal changes that reflect minor process or organizational changes that occur relatively frequently and do not necessitate a decision by the governing bodies of the Partner Agencies. The IRWM Steering Committee will provide guidance and coordination of amendments. A Partner Agency may present an amendment for consideration to the Steering Committee. The Partner Agencies will be informed of and provided opportunity for input on proposed interim amendments. The Steering Committee will ratify amendments by consensus. Interim amendments will be incorporated into the IRWMP during the next formal update.

7.2 Formal updates. Formal updates will reflect any significant changes to IRWMP including processes, organizational structure and governance, water management conditions, or goals and objectives. An IRWMP update is a time and resource intensive undertaking. DWR encourages IRWM regions to formally review, revise, and adopt the IRWMP no less frequently than every five years. The Santa Cruz IRWM region will strive to adhere to this recommended update frequency. The IRWM Steering Committee will provide a leadership role in guiding and coordinating the formal IRWMP updates to ensure an inclusive and transparent decision-making process. Formal updates will include outreach efforts to partners, affiliates, and stakeholders, including disadvantaged communities, to ensure that interested entities have the opportunity to comment and participate in the IRWMP development and implementation. Following completion of the IRWMP update, it is expected that it will be approved and adopted by all participating partner agencies in accordance with section 8.4 of this MOA.

7.3 Project list updates. The IRWMP includes a list of projects submitted by proponents, such as partner agencies or stakeholder organizations, which were evaluated and included based upon each project's anticipated contribution towards meeting the goals and objectives of the IRWMP. To ensure that the IRWMP is not a static document, but rather continues to be useful and reflects current priorities, the list of projects will be periodically updated as projects are completed and as new priorities arise. The Steering Committee is tasked with coordinating updates. The Steering Committee will conduct a review of the Project List no less frequently than every five years, and as needed, initiate and coordinate a publicly announced solicitation for projects. Projects may also be submitted for addition to the list during interim periods. Projects submitted will be vetted for eligibility by the Steering Committee; eligible projects will be added to the list of IRWMP Projects and incorporated into future IRWMP updates.

8. MUTUAL UNDERSTANDINGS

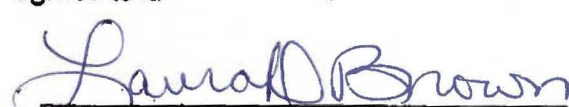



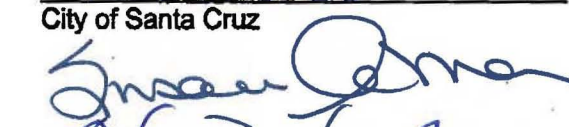

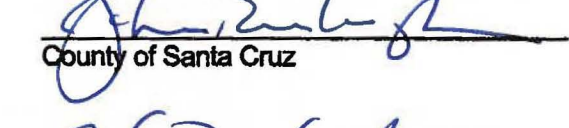

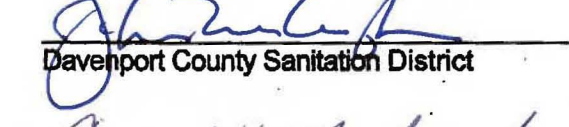
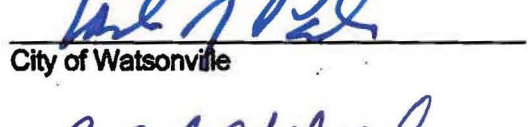
- 8.1 **Purpose of the MOA.** This MOA pertains to the joint efforts of the participating agencies in developing, implementing, and updating an IRWMP that will increase coordination, collaboration and communication in addressing the region's water resources issues. This MOA updates and continues the efforts initiated under the previous MOA for implementation of the Northern Santa Cruz County IRWMP, dated June 1, 2006.
- 8.2 **Subject matter scope of the IRWMP.** The IRWMP will include, but may not necessarily be limited to, water supply, water quality, wastewater, recycled water, water conservation, stormwater and flood management, watershed planning and habitat protection and restoration.
- 8.3 **Decision-making.** Consensus will be sought in decision making. The Steering Committee will provide a lead role in the decision making process and coordinating input from the participating agencies. As needed, the Steering Committee will ratify decisions by majority vote. Amendments resulting in material financial implications shall also be ratified by a majority of the Partner Agencies. Votes shall be recorded as one vote per partner agency.
- 8.4 **Approval of the IRWMP.** IRWMP approval and adoption will occur by the Partner Agencies by resolution adopted by each corresponding governing body.
- 8.5 **Non-binding nature.** This MOA and participation in this IRWMP effort are nonbinding, and in no way suggest that an agency may not continue its own planning and undertake efforts to secure project funding from any source. An agency may terminate their participation in the IRWMP effort by providing 60 calendar days written notice to all signatory parties.
- 8.6 **Personnel and financial resources.** It is expected that agencies and organizations will contribute the personnel and financial resources necessary to develop and implement the IRWMP.
- 8.7 **Reports and communications.** The Steering Committee will regularly report on IRWMP progress to the participating agencies and stakeholders. The Steering Committee serves the lead role in communicating to Partner Agencies. The SantaCruzIRWMP.org website will be used for disseminating news, reports and updates to the participating agencies and the public.
- 8.8 **Future awards.** In the event of future grant awards, it is expected that agreement(s) will be entered into by the applicable participating agencies that establish the terms and conditions applicable to the specific grant award.

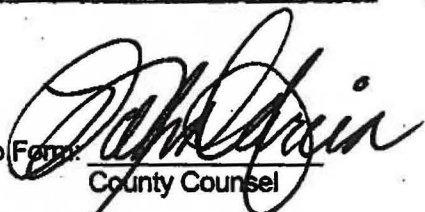
8.9 Term. This MOA shall commence as of January 1, 2011 and shall continue until terminated by action of the Parties. This agreement shall be evaluated and reviewed no later than five years after its implementation, at which time, recommendations for improvements and modifications shall be considered by all parties. Any amendment or modification to this agreement shall be in writing, agreed upon by all signatories, executed by the duly authorized representatives of the parties hereto, and incorporated into this agreement by reference.

9. SIGNATORIES TO THE MEMORANDUM OF AGREEMENT

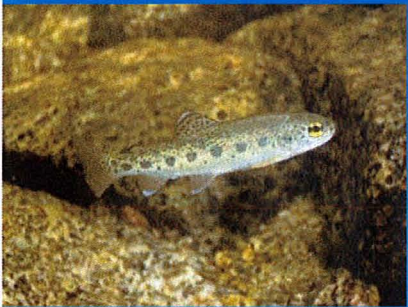
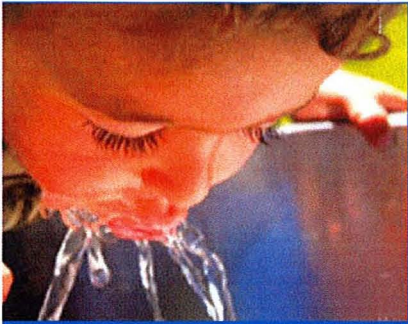
We, the undersigned representatives of our respective agencies, acknowledge the above as our understanding of how the Santa Cruz Integrated Regional Water Management Plan will be developed and implemented.

Each party has full power and authority to enter into and perform this MOA and the person signing this MOA on behalf of each party is authorized and empowered to enter into this MOA. Each party further acknowledges that it has read this MOA, understands it and agrees to it.

 _____ Soquel Creek Water District	 _____ Scotts Valley Water District
 _____ City of Santa Cruz	 _____ Resource Conservation District of Santa Cruz County
 _____ County of Santa Cruz	 _____ Santa Cruz County Sanitation District
 _____ Davenport County Sanitation District	 _____ City of Watsonville
 _____ Central Water District	 _____ Regional Water Management Foundation

Approved as to Form: 
County Counsel

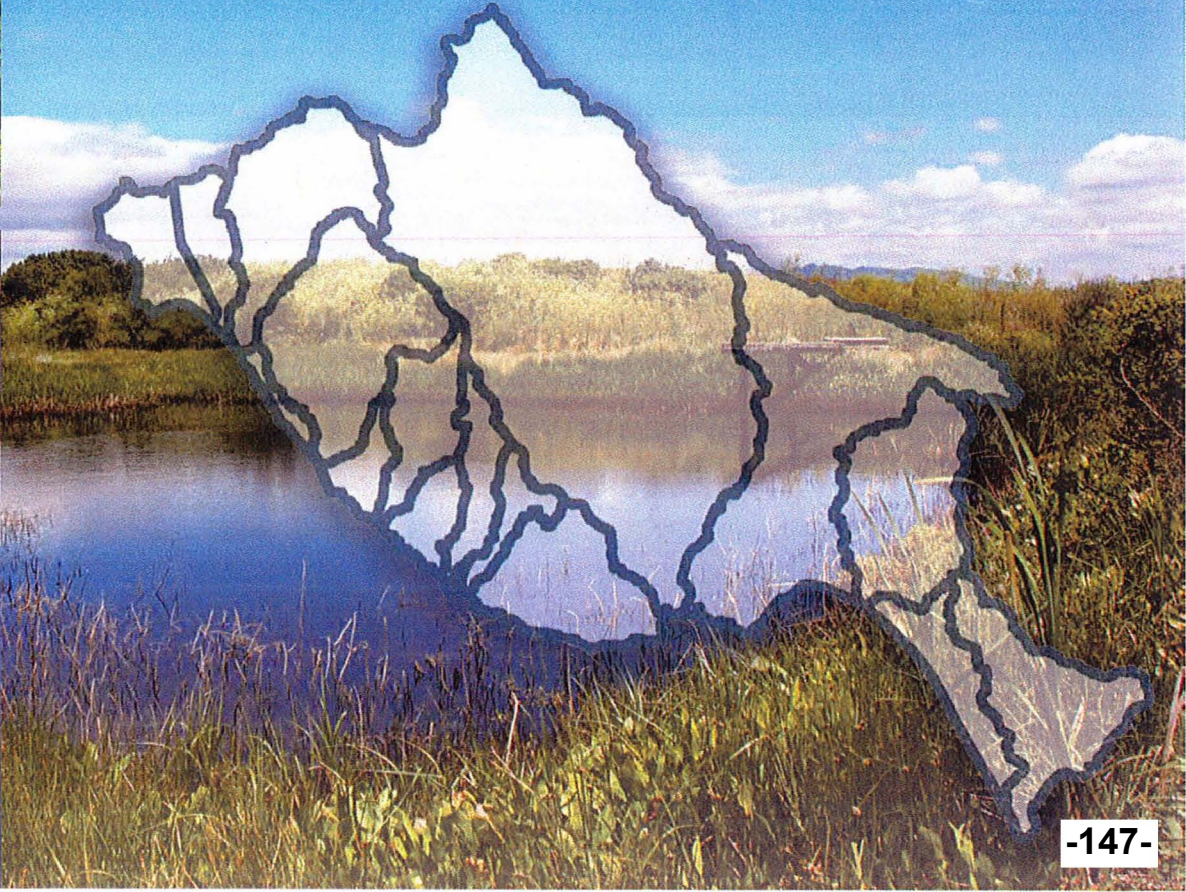
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SANTA • CRUZ

INTEGRATED REGIONAL WATER MANAGEMENT PLAN

2014



SANTA CRUZ
INTEGRATED REGIONAL WATER MANAGEMENT PLAN

JULY 2014

PREPARED BY:

**COUNTY OF SANTA CRUZ, HEALTH SERVICES AGENCY,
ENVIRONMENTAL HEALTH DIVISION, WATER RESOURCES PROGRAM**



IN ASSOCIATION WITH:

**REGIONAL WATER MANAGEMENT FOUNDATION, A SUBSIDIARY OF
COMMUNITY FOUNDATION SANTA CRUZ COUNTY**



ACKNOWLEDGEMENTS

Participating Agencies:

Central Water District
City of Santa Cruz
City of Watsonville
County of Santa Cruz
Santa Cruz County Sanitation District
Davenport County Sanitation District
Resource Conservation District of Santa Cruz County
Scotts Valley Water District
Soquel Creek Water District

IRWM Steering Committee Members:

Current

Chris Coburn, Executive Director, Resource Conservation District Santa Cruz County
Piret Harmon, General Manager, Scotts Valley Water District
John Ricker, Water Resources Division Director, County of Santa Cruz

Prior

Bill Kocher, Director (*retired*), City of Santa Cruz, Water Department
Karen Christensen, Executive Director (*prior*), Resource Conservation District Santa Cruz County
Laura Brown, General Manager (*retired*), Soquel Creek Water District

IRWM Conceptual Framework Working Group:

Nicole Beck, Chris Coburn, Gary Conley, John Ricker, Jeremy Sokulsky, Tim Carson, Chris Berry, Mike Cloud, Taj Dufour, Ron Duncan, Mike Ferry, Bridget Hoover, Robert Ketley, Kristen Kittleson, Charles McNiesh, Siobhan O'Neil, Armand Ruby, Mike Sapanour, Nik Strong-Cvetich

REGIONAL WATER MANAGEMENT FOUNDATION:

Tim Carson, Jacqueline Strong

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APPENDICIES

Appendix A: Memorandum of Agreement

Appendix B: Adoption Resolution

Appendix C: Project Template

ACRONYMS

AB – Assembly Bill

ACS – US Census American Community Survey

AF – Acre Feet

AFY – Acre Feet Year

AMBAG – Association of Monterey Bay Area Governments

ASBS – Area of Special Biological Significance

BLM – U.S. Bureau of Land Management

BMP – Best Management Practice

CCAMP – Central Coast Ambient Monitoring Program

CCC – California Coastal Commission

CDFG – California Department of Fish and Game

CDP – Census Designated Place

CDPH – California Department of Public Health

CEDEN – California Environmental Data Exchange Network

CEQA – California Environmental Quality Act

CFR – Code of Federal Regulations

CISC – City of Santa Cruz

CiW – City of Watsonville

COS – Center for Ocean Solutions

CoSC – County of Santa Cruz

CPUC – California Public Utilities Commission

CRAM – California Rapid Assessment Methods

CWC – California Water Code

CWD – Central Water District

DAC – Disadvantaged Community

DAU – Data Analysis Unit

DCSD – Davenport Sanitation District

DMS – Data Management System

DWR – California Department of Water Resources

DWS – Drinking Water Standard

EIR – Environmental Impact Report

EJCW – Environmental Justice Coalition for Water

FEMA – Federal Emergency Management Agency

GAMA – Groundwater Ambient Monitoring and Assessment

GIS – Geographic Information System

GPM – Gallons per Minute

IPCC – Intergovernmental Panel on Climate Change

IRWM – Integrated Regional Water Management

IWRP – Integrated Watershed Restoration Program

LAFCO – Local Agency Formation Commission

LCP – Local Coastal Program or Local Coastal Plan

LID – Low Impact Development

MBNMS – Monterey Bay National Marine Sanctuary

MCL – Maximum Contaminant Level

MGD – Million Gallons per Day

MHI – Median Household Income

MOA – Memorandum of Agreement

MPA – Marine Protected Area

MS4 – Municipal Separate Storm Sewer System

NFWF – National Fish and Wildlife Foundation

NMFS – National Marine Fisheries Service

NOAA – National Oceanic and Atmospheric

NPDES – National Pollutant Discharge Elimination System

NPS – Nonpoint Source

NRCS – Natural Resources Conservation Service

O&M – Operations and Maintenance

OPR – Governor’s Office of Planning and Research

PRC – California Public Resources Code

Item #: 10.C. Attach 3.pdf

RCAC – Rural Community Assistance Corporation
RCD – Resource Conservation District
RCDSCC – Resource Conservation District Santa Cruz County
RCM – Regional Climate Model
RWMF – Regional Water Management Foundation
RWMG – Regional Water Management Group
RWMG – Regional Water Management Group
RWQCB – Regional Water Quality Control Board

SB – Senate Bill
SCCSD – Santa Cruz County Sanitation District
SLR – Sea Level Rise
SqCWD – Soquel Creek Water District
SVWD – Scotts Valley Water District
SWAMP – California Surface Water Ambient Monitoring Program
SWMP – Stormwater Management Plan
SWRCB – State Water Resources Control Board

TAC – Technical Advisory Committee
TDS – Total Dissolved Solids
TMDL – Total Maximum Daily Load

US EPA – United States Environmental Protection Agency
USDA – United States Department of Agriculture
USFWS – United States Fish and Wildlife Service
USGS – United States Geological Survey
UWMP – Urban Water Management Plan

WDR – Waste Discharge Requirement
WQPP – Water Quality Protection Program
WWW – Watsonville Wetlands Watch

EXECUTIVE SUMMARY

Integrated Regional Water Management (IRWM) is an initiative by California's resource management agencies and local agencies that promotes an informed, collaborative, locally-driven approach to water resource management. At the core of the IRWM program is an IRWM Plan (IRWMP or Plan) developed by self-forming Regional Water Management Groups (RWMGs). The state IRWM program under the direction of the Department of Water Resources (DWR) provides standards that guide Plan development but the region-specific goals, priorities, strategies are for the RWMG and stakeholders to establish through a comprehensive, consensus-based, planning process.

The first IRWM Plan for the Santa Cruz Region was adopted in 2005 by six partner agencies. That Plan integrated various existing studies and programs to provide a framework for managing this region's water and water-related resources. The Plan characterized the region's conditions, issues, and needs and identified resource management strategies and projects to incrementally address these issues. In 2006, the Region successfully applied for a \$12.5 million IRWM Implementation Grant from the State Water Resources Control Board (SWRCB). This award, paired with \$17 million in local funding, enabled the completion of high priority projects identified in the initial IRWM Plan. From 2008 – 2013, 65 projects were completed at more than 80 sites throughout the County.

Santa Cruz IRWM:

- Promotes regional collaboration in managing water resources across jurisdictional and political boundaries
- Provides a cooperative framework for integrated planning in the region
- Identifies strategies, programs, and projects to address the region's needs
- Opens the door to state and federal funding opportunities

In 2012, the Santa Cruz RWMG initiated an update to the 2005 IRWM Plan to ensure that it remains current in addressing the region's water resources challenges and that it complies with the standards contained in the state's 2012 Integrated Regional Water Management Grant Program Guidelines. The update expands upon the 2005 IRWM Plan, responds to the guidelines, and identifies ongoing regional water resources-related challenges and opportunities. Financial assistance from a DWR IRWM Planning Grant and contributions from the participating Santa Cruz agencies funded the development of this Plan and key technical studies.

The purpose of the Santa Cruz IRWM Plan is to develop a cooperative regional framework for water resources management that supports the identification and implementation of high priority projects and programs to address the challenges facing the region. This IRWM Plan is not intended to supersede local planning efforts; rather the intent of the IRWM Plan is to reflect those efforts, provide a regional context, and to support stakeholders in the IRWM process. As regional goals, objectives, and priorities evolve over time, the IRWM Plan will be adapted and updated to meet the changing needs of the region.

CHAPTER 1: INTRODUCTION

This chapter provides background on the IRWM program, the 2002 state legislation that established the IRWM program, the formation of the Santa Cruz region, and a summary of the Region's IRWM planning and implementation efforts.

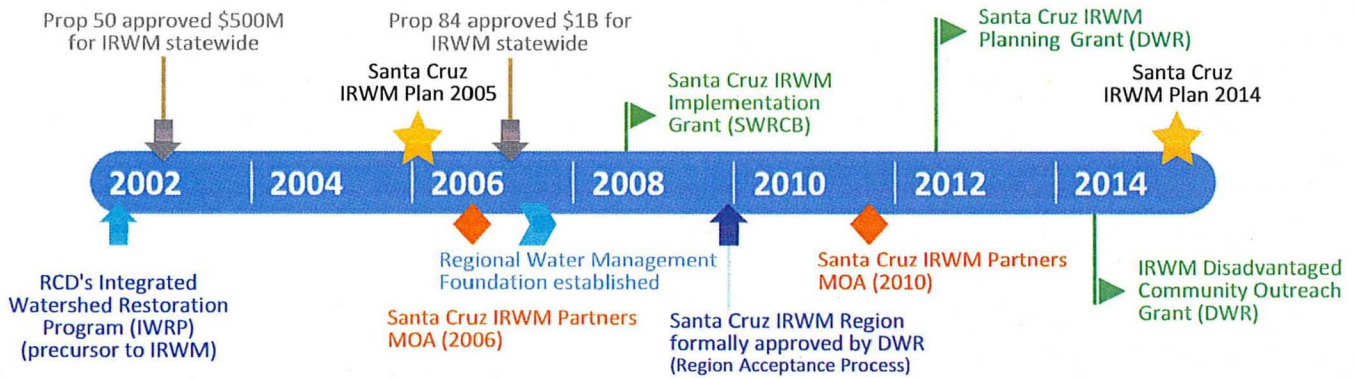


Figure ES-1. Timeline of Integrated Regional Water Management (IRWM) Program and Related Efforts

CHAPTER 2: GOVERNANCE

Chapter 2 describes the IRWM governance structure, the participating agencies and their management responsibilities, stakeholders, decision making, communications, opportunities for participation, and the process for future interim and formal Plan updates.

REGIONAL WATER MANAGEMENT GROUP

For the Santa Cruz IRWM program, the RWMG consists of nine local agencies with statutory authority over water management and related resources. They include:

- Central Water District
- City of Santa Cruz
- City of Watsonville
- County of Santa Cruz
- County Sanitation District
- Davenport County Sanitation District
- Resource Conservation District of Santa Cruz County
- Scotts Valley Water District
- Soquel Creek Water District



STEERING COMMITTEE

The IRWM Steering Committee is an active, decision-making sub-group of the RWMG that is designed to be broadly representative of the RWMG yet small enough to effectively make decisions in a timely manner. The Steering Committee is composed of three members selected from the RWMG, and appointed to ensure representation for each of the four functional planning areas – water supply, water quality, watershed resources, and flood and stormwater management. The Steering Committee currently consists of the County Water Resources division director, the executive director of the Resource Conservation District, and a water supply agency director/district general manager. The Steering Committee provides information and consults with the RWMG, and performs the following functions on behalf of the RWMG:

- guides IRWM Plan implementation;
- acts as a liaison to the Regional Water Management Foundation (see below) and all stakeholders, including state agencies, elected officials, and the public;
- coordinates funding proposals;
- promotes project integration of multi-benefit projects;
- ensures stakeholder participation; and,
- tends to administrative matters concerning IRWM efforts.

REGIONAL WATER MANAGEMENT FOUNDATION

The Regional Water Management Foundation (RWMF) was created in 2007 to serve an administrative role for the first IRWM Implementation grant awarded to the region and has subsequently provided a similar role on IRWM Planning grants. The RWMF is a separate 501(c)(3) tax-exempt nonprofit organization established as a subsidiary of the Community Foundation Santa Cruz County. In addition to serving as the fiscal agent, the RWMF also provides ongoing management and administration for the IRWM grants awarded to the region. The RWMF is guided by a seven-member Board of Directors consisting of four members appointed by the Community Foundation and the three members of the IRWM Steering Committee.

STAKEHOLDERS

The intent of IRWM stakeholder engagement is to engage, inform and provide opportunities for the region's diverse range of resource agencies, municipalities, local districts, interest groups, and residents to actively participate in IRWM efforts by providing opportunities to participate on an ongoing basis. The stakeholder engagement sought to ensure the diverse interests and perspectives were considered in establishing the region's water management goals, objectives, strategies and priorities. Local agencies, organizations, and stakeholders had opportunities for input on Plan development and specific projects through meetings and workshops and the broader community informed through boards, advisory groups, meetings and events.

MEMORANDUM OF AGREEMENT

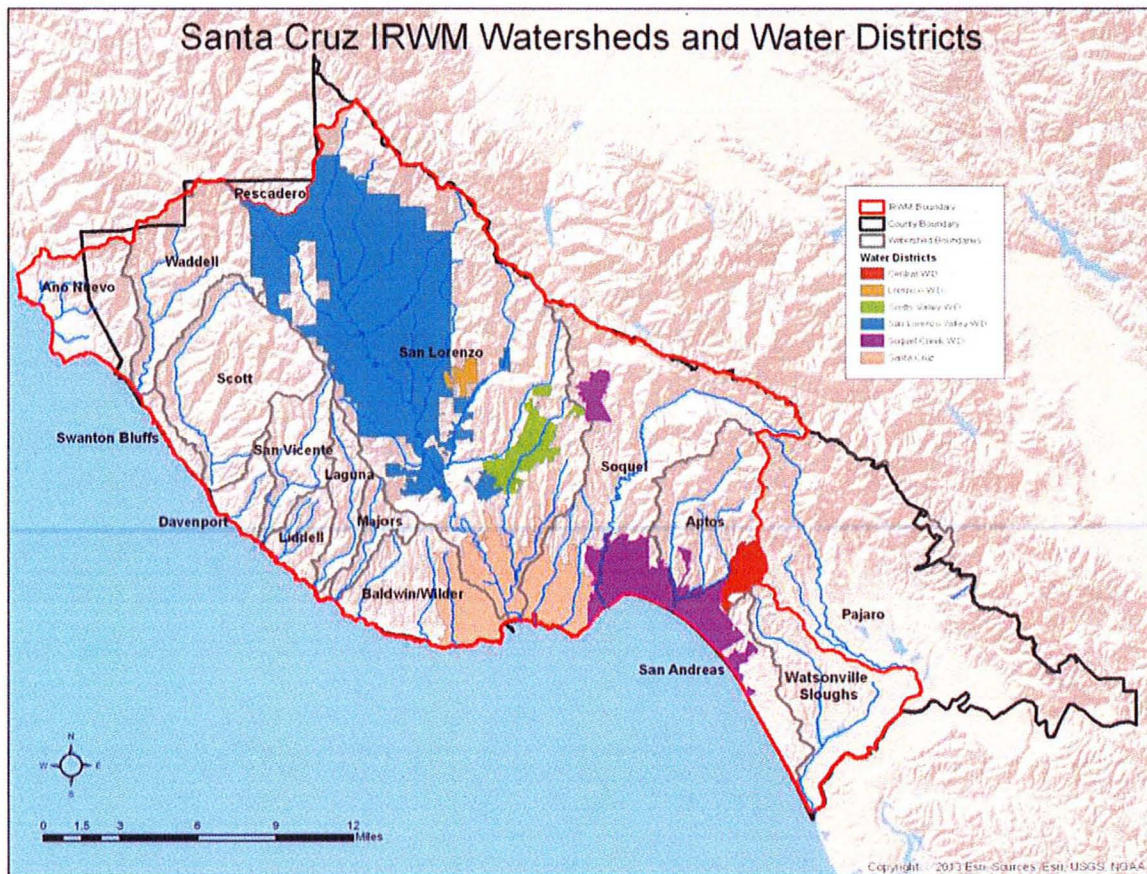
Each of the nine RWMG members is signatory to the 2010 Memorandum of Agreement for the Santa Cruz Integrated Regional Water Management Plan (MOA). The MOA establishes the institutional framework for the joint efforts of the participating agencies in developing, implementing, and updating the IRWM Plan.

FUTURE PLAN UPDATES

This IRWM Plan is intended to be a living document to be updated as conditions change, new issues arise, or as new projects need to be added. Minor changes to the Plan will be addressed by the Steering Committee through informal, interim amendments. Formal updates will occur for significant changes to the Plan, such as organizational structure and governance, water management conditions, or goals and objectives, and will require approval of the RWMG. An IRWM Plan update is a time and resource intensive undertaking. State guidelines encourage IRWM regions to formally review, revise, and adopt the IRWM Plan no less frequently than every five years. The RWMG will strive to adhere to this recommendation.

CHAPTER 3: REGION DESCRIPTION

Chapter 3 describes the physical, environmental, social, and demographic characteristics of the Region, provides an overview of its water systems, and identifies key issues and challenges facing the Region.



Although relatively small geographically, the Santa Cruz IRWM region features a complex mix of entities involved with water resources management who face a number of water supply, environmental, and social issues. The Region generally mirrors Santa Cruz County, and includes approximately 95% of the population and 85% of the geographic extent of County. The eastern and western boundaries are defined by the ridgeline of the Santa Cruz Mountains and the coastline of the Pacific Ocean, respectively. The northern boundary is roughly based on the County's boundary and the boundary between the Whitehouse Creek and Gazos Creek watersheds, which straddle the County line. The southern boundary is an overlapping border with the Pajaro River IRWM Region. Most of the Santa Cruz County portion of the Pajaro River watershed is addressed by the adjacent Pajaro River Watershed IRWM Region with the exception of the Watsonville Sloughs, for which both regions share management responsibilities. Specifically, the Santa Cruz IRWM Plan is responsible for water quality and watershed resource management in the shared area whereas the Pajaro IRWM Plan is responsible for water supply and flood management.

The following sections describe general and specific water resource issues and challenges in the Santa Cruz Region.

WATER SUPPLY

The Region relies entirely on rainfall, surface water, and groundwater within watersheds located in the County; no water is imported from outside the region. Water supply is not sustainable within the Region in years with normal precipitation, a situation that is exacerbated when below average water years occur. On average, the City of Santa Cruz obtains 79% of its supply from the San Lorenzo River and North Coast streams and 17% from Loch Lomond Reservoir on Newell Creek. The reliance upon surface water makes this supply vulnerable during dry years when there is inadequate supply to meet demands and aquatic habitat needs. Groundwater is the primary source of supply for agencies and residents in the mid and southern portion of the county. Groundwater basins are in a state of overdraft from long-term extraction rates exceeding the natural rate of recharge and replenishment. Streams and groundwater basins are both subject to extraction by private pumpers and agricultural users.

SURFACE WATER QUALITY

Water quality impairments caused by elevated bacteria and sediment levels are among the most pressing water quality concerns in the region. Elevated bacteria levels in surface waters can limit recreational activities and create human health threats. The supply of sand-sized sediment to streams significantly degrades the aquatic habitat quality, resulting in a myriad of negative ecosystem impacts that particularly affect the spawning and rearing habitat of sensitive salmonid species.

GROUNDWATER QUALITY

Seawater intrusion is occurring in the mid-County and Watsonville Sloughs watersheds, jeopardizing that source of supply. Much of the Region's groundwater has naturally high concentrations of arsenic and chromium VI, and newly proposed regulations by the State of California may require significant investments in treatment infrastructure to meet the new standard.

WATERSHED RESOURCES

Riparian encroachment and hydrologic modifications of wetlands, streams, estuaries, and lagoons impact the preservation and quality of habitat by affecting circulation (water quality), habitat structure (geomorphology), and the exchange of energy and nutrients.

FLOOD AND STORMWATER MANAGEMENT

Several areas of the Region have experienced flooding resulting in loss of life and significant economic impacts. Stormwater nuisance flooding is an ongoing concern in several low-lying areas, and stormwater regulations present a significant, unfunded mandate.

CLIMATE CHANGE

Findings from a 2012 U.S. Geologic Survey¹ study showed strong evidence for temperature increases in the future for the Santa Cruz Region along with altered patterns of rainfall and runoff and reduced recharge. Projected sea level rise will also challenge portions of water-related infrastructure and increase potential for flooding of coastal areas and channels.

¹ Flint, L.E., and Flint, A.L., 2012, Simulation of climate change in San Francisco Bay Basins, California: U.S. Geological Survey Scientific Investigations Report 2012-5132, 55 p.

CHAPTER 4: GOALS AND OBJECTIVES

Chapter 4 presents the goals and objectives for the Plan, and describes how they were developed. In 2012, as part of the Plan Update, the vision, goals, and objectives were revised through a year-long planning process to ensure objective-based decision making and strategy prioritization for the IRWM Plan. This collaborative process was led by a working group of representatives from the RWMG and stakeholders. The draft objectives were presented to the RWMG in 2012 as well as to stakeholders at a public workshop on August 16, 2012, which provided an opportunity for oral and written comments. The draft goals and objectives were posted to the Santa Cruz IRWM website and brought to the RWMG for review and comment prior to their finalization.

The Santa Cruz IRWM Plan goals are intended to be a general summary of the desired state that regional strategies are collectively working to achieve. The following are the goals for the Santa Cruz IRWM Plan:

- Provide a safe, reliable, and affordable water supply to meet current and expected regional demand without causing undesirable environmental impacts.
- Maintain and improve regional surface and groundwater quality to protect beneficial uses.
- Improve the condition of riparian and aquatic ecosystems to support the native species, watershed functions, and regional water needs.
- Reduce flood hazards and manage stormwater runoff through economical policies and projects that enhance natural hydrologic function and protect communities.

Objectives for the Santa Cruz IRWM Region are listed below, according to the four functional areas. Each objective is measurable by means of “objective indicators,” which are specific, quantifiable, time-limited statements that enable performance of the IRWM Plan to be measured over time. The Santa Cruz IRWM Plan objectives consist of the following:

Water Supply

- Ensure a reliable and sustainable local water supply through strategies that diversify the supply portfolio, develop production from alternative/supplemental sources, protect and enhance surface and ground water, protect against seawater intrusion, and maximize efficient delivery and use.
- Reduce water demand as technically and economically feasible, particularly in relation to the cost of additional sources.

Water Quality

- Reduce the sources of harmful pollutants (e.g., sediment, bacteria, nitrate, persistent organics and other toxic constituents) and their impacts on aquatic resources.

Watershed Resources

- Increase the habitat quality and quantity of critical aquatic ecosystems (i.e., streams, tidal wetlands, and freshwater wetlands).

Flood/Stormwater Management

- Implement integrated flood management strategies that reduce hazards and impacts from floods and, where feasible, provide multi-benefits (e.g., improve stormwater quality, ecosystem benefits, Low Impact Development (LID) / redevelopment and groundwater recharge).

CHAPTER 5: RESOURCE MANAGEMENT STRATEGIES

Within the context of IRWM planning, a resource management strategy is a project, program, or policy that helps local agencies manage their water and related resources. The IRWM Program Guidelines require the RWMG to evaluate the resource management strategies identified in the California Water Plan Update 2009 when considering which resource management strategies to include in the Region's portfolio. The intent is to promote a diversification of water management approaches in the region.

Santa Cruz IRWM Plan resource management strategies were developed specifically to address the region's objectives and include the following:

Objective	Strategy (<i>high priority</i> ; moderate priority)
<p>Ensure a reliable and sustainable local water supply through strategies that diversify the supply portfolio, develop production from alternative/supplemental sources, protect and enhance surface and ground water, protect against seawater intrusion, and maximize efficient delivery and use.</p>	<i>Develop production from alternative/supplemental sources</i>
	<i>Increase production from existing resources</i>
	<i>Implement system inerties</i>
	<i>Construct and maintain groundwater recharge facilities</i>
	<i>Shift groundwater pumping from coastal zone</i>
	Update/replace aging infrastructure
	Remove impervious coverage in recharge zones
<p>Reduce water demand as technically and economically feasible, particularly in relation to the cost of additional sources.</p>	<i>Support low impact development (LID)/redevelopment</i>
	<i>Utilize tiered rates /conservation pricing</i>
	<i>Conduct education/outreach on conservation strategies</i>
	<i>Implement policies to minimize additional demand from new growth</i>
	<i>Implement groundwater management that includes non-municipal pumpers, to promote sustainable groundwater use.</i>
	Utilize rebate/retrofit programs
<p>Reduce the sources of harmful pollutants (i.e. sediment, bacteria, nitrate, persistent organics and other toxic constituents) and their impacts on aquatic resources.</p>	Utilize temporary use restrictions as needed during critical supply shortages.
	<i>Conduct irrigation management and water conservation</i>
	<i>Perform rural road improvements and maintenance</i>
	<i>Implement BMPs related to timber harvest activities</i>
	<i>Implement erosion control / sediment capture BMPs for row crops / vineyard / orchards</i>
	<i>Implement fertilizer and irrigation management measures</i>
	<i>Implement septic system upgrades, provide incentives for upgrades and/or maintenance</i>
Perform sewer system upgrades and maintenance	
<i>Promote/implement private property sewer lateral upgrades and maintenance</i>	
Promote/implement private property sewer lateral upgrades and maintenance	

Objective	Strategy (<i>high priority</i> ; moderate priority)
	Restore riparian zones Remove homeless encampments from riparian zones Conduct street sweeping Conduct regular infrastructure cleaning and maintenance Implement exclusion of (livestock from riparian zones. Implement livestock waste management BMPs
Increase the habitat quality and quantity of critical aquatic ecosystems (i.e. streams, tidal wetlands and fresh water wetlands).	<p><i>Reduce stream withdrawals and increase base flow at critical times to achieve streamflow targets</i></p> <p><i>Identify and eliminate illegal diversions</i></p> <p><i>Restore natural stream form & function</i></p> <p><i>Restore riparian zone through acquisition/easements</i></p> <p><i>Reduce riparian encroachment</i></p> <p><i>Reduce erosion and sedimentation from public and private roads, unpermitted grading, and other sources.</i></p> <p><i>Restore lagoon /wetland structure and biotic habitat complexity</i></p> <p><i>Increase/enhance wetland edge habitat</i></p> Conduct riparian revegetation Remove or retrofit fish passage barriers Preserve or enhance large woody material in streams and riparian zone Remove non-native species Promote natural sand bar function Improve wetland hydrology Support education/outreach/technical training programs Support volunteer stewardship programs Support environmental education programs for schoolchildren Reduce illegal dumping
Implement integrated flood management strategies that reduce hazards and impacts from floods and, where feasible, provide multi-benefits (e.g., improve stormwater quality, ecosystem benefits, Low Impact Development (LID) / redevelopment and groundwater recharge).	<p><i>Utilize riparian zones for flood management through acquisition or easement</i></p> <p><i>Maintain and improve levee conditions for flood management and environmental quality</i></p> <p><i>Increase channel width and floodplain function</i></p> <p><i>Remove channel constrictions</i></p> <p><i>Maintain storm drain conveyance efficiency</i></p> <p><i>Improve stormwater infrastructure & conduct maintenance</i></p>

Objective	Strategy (<i>high priority</i> ; moderate priority)
	<i>Reduce directly connected impervious area</i>
	<i>Implement low impact development/redevelopment</i>
	Conduct education and outreach on flood and stormwater issues
	Increase riparian setbacks
	Conduct vegetation management

CHAPTER 6: INTEGRATION AND PROJECT REVIEW PROCESS

This chapter describes the process in place to coordinate and integrate separate efforts to promote a more unified regional planning approach and promote greater institutional, stakeholder, resource and project integration. An example of integration of effort is the involvement of multiple public agencies, organizations, and private property owners in the development and promotion of stormwater infiltration practices that provide increased groundwater recharge, reduced runoff, and improved water quality.

This chapter also describes the methodology for evaluating projects that serves as a tool to help project proponents, stakeholders, and the State to categorize, describe, and assess the status, benefits, feasibility, and costs of the numerous projects in the Santa Cruz IRWM Plan. The RWMG has developed a suite of potential projects to address the objectives and strategies of the IRWM Plan.

76 projects were submitted in response to the call for projects for the 2014 Plan Update. These projects were evaluated using a methodology developed by the Steering Committee, which sought to characterize the extent to which projects:

- Address multiple high and/or moderate priority Santa Cruz IRWM Plan strategies
- Demonstrate partnership, geographic, and resource management integration
- Will be ready to proceed within a reasonable timeframe
- Demonstrate technical feasibility
- Will be able to demonstrate an effective cost/benefit ratio
- Will be able to demonstrate project effectiveness
- Assist the region in adapting to effects of climate change or in mitigating effects
- Directly address a critical water supply or water quality need of a DAC or Tribal interest, and/or address an environmental justice issue

In the event of future solicitations for IRWM funding applications, the Santa Cruz IRWM Steering Committee will work with the RWMG to develop an application derived from the 2014 list of projects. The Steering Committee will consider strategic aspects of plan implementation in determining which projects to include in an application, including selecting the projects that implement high and moderate level strategies in order to best enable the Region to achieve its objectives. Projects may also be submitted for other grant applications, depending on the specific criteria of those solicitations and the priority needs of the RWMG and its partner agencies at that time.

The current progress and trajectory of project implementation is described in the last section.

CHAPTER 7: BENEFITS AND IMPACTS

This chapter presents a summary of the anticipated benefits and impacts that will result from implementing in the IRWM Plan. There are numerous potential benefits from the strategies and projects in the Plan as they are implemented to achieve the stated goals and objectives. A summary of benefits by area is presented below.

Water Supply

- A more reliable water supply. If alternative water supplies are developed, (e.g., recycled water, increased use of winter streamflow, desalination) then water supply reliability would be enhanced and impacts on streamflows and groundwater would be reduced.
- Water system infrastructure improvements (repairs or upgrades to conveyance, storage, treatment, or distribution) would yield benefits to water supply, supply reliability, water use efficiency, and energy efficiency.
- Infrastructure improvements would provide greater operational flexibility and conveyance capacity and could improve delivery flexibility and redundancy.
- Upgraded and/or new treatment and storage facilities could improve drinking water quality (e.g., Chromium 6 wellhead treatment; water storage tank aerators)
- Diversification of the water supply portfolio and/or system interties could benefit water supply reliability under normal and emergency conditions.
- Groundwater recharge and conjunctive use would benefit groundwater aquifers and yield benefits for stormwater runoff management.
- Increased use of recycled water would benefit the reliability of regional water supplies and provide a comparatively more drought resistant source of water than surface water supply.

Water Conservation and Demand Management

- Continuation and/or expansion of water conservation strategies (retrofits; rebates; education/outreach; tiered rates; greywater use; rain capture) reduces overall water demand, and benefits water supply sources in the region with reduced impacts on summer stream flows, less groundwater extraction and improved drought preparedness.
- Water conservation and reduced consumption provides benefits from reducing water-related energy use (less water treatment and transport) and decreasing greenhouse gas emissions.

Water Quality

- Programs and projects to protect and improve surface water and groundwater quality benefits human health, aquatic species, ecosystem health, recreational opportunities, and the economy.
- Projects to maintain/improve septic systems, sewer systems, sewer laterals, and storm drain infrastructure would yield benefits by reducing potential sources of bacteria, pathogens, and nutrients.

Watershed Stewardship and Aquatic Ecosystems

- Programs and projects include measures to protect existing high quality habitat and restore and enhance impaired habitat with benefits to watershed conditions in critical aquatic ecosystems and native species.

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- Projects to protect and enhance aquatic ecosystems and restore natural stream form and function promote the recovery of threatened and endangered species, notably keystone salmonid species.
- Programs to restore riparian zones through acquisitions/easements and reduce riparian encroachment provide benefits to aquatic habitat and species.
- If alternative water sources are developed (e.g., recycled water, increased use of winter streamflow, desalination) then impacts on streamflows and groundwater could be reduced. In addition to reduced diversions, reducing withdrawals could increase stream base (summertime) flow and benefit aquatic habitat and species.
- Efforts to identify and eliminate illegal stream diversions could increase streamflow and provide benefits to habitat and aquatic species.
- Projects to reduce erosion and control sediment will provide both habitat and water quality benefits.
- Riparian and wetland habitats provide benefits to water quality. These habitats also can delay and reduce peak flood flows, reducing localized flooding, with benefits to stormwater management as well as public health and safety.

Flood and Stormwater Management

- The benefits of implementing integrated flood management strategies include reducing the hazards and impacts from floods and, where feasible, provide multiple benefits (e.g., maintaining and improving levee conditions for flood management and environmental quality; stormwater capture and recharge).
- Infrastructure improvements which reduce impervious area directly connected to storm sewers with low-impact development measures can benefit stormwater management by reducing runoff volumes and peak flood events with the benefit of reducing flooding and improving public safety.

Enhanced Collaboration

- A benefit of IRWM that is less tangible but of significant value is fostering positive collaboration and strengthening partnerships amongst agencies, organizations, and stakeholders.
- The planning process encourages new partnerships and provides opportunities to identify multi-benefit projects that may achieve a multitude of goals and objectives for different entities.
- Integrated planning and collaboration can achieve cost savings through project cost-sharing, resource sharing, economies of scale, and the avoidance of duplication of efforts.

Some adverse environmental impacts may occur from implementation of the IRWM Plan. Adverse impacts would be purposefully minimized during the project planning and permitting process. Construction-related impacts may include temporary and localized disturbances to air and water quality, habitat, noise, and other environmental factors. Economic impacts may include increased costs associated with water infrastructure financing.

Project specific impacts and benefits will be analyzed in more detail prior to implementation of specific projects. For projects to be implemented, environmental review will be conducted in accordance with the California Environmental Quality Act (CEQA) and, if applicable, the National Environmental Policy Act (NEPA).

CHAPTER 8: PLAN PERFORMANCE AND MONITORING

This chapter documents the metrics by which IRWM Plan effectiveness will be evaluated and the institutional structure through which these evaluations will be carried out. This IRWM Plan is a dynamic document and its success is related to how well its goals and objectives are accomplished, at both the project and plan levels.

Plan performance will generally be evaluated through two mechanisms. First, project-specific monitoring will be done to demonstrate that projects were implemented as designed and functioning as intended. Second, broad, interdisciplinary environmental trends analysis for key parameters will evaluate the integrated effort as a whole. As resources allow, ideally at least once every three years, the RWMF will conduct an assessment of overall IRWM Plan performance using the indicators described in this chapter. The RWMG will use an adaptive management approach to incorporate lessons learned from project-specific monitoring into the IRWM Plan in terms of objectives, resource management strategies, or other aspects of the Plan or planning process.

CHAPTER 9: DATA MANAGEMENT

Chapter 9 discusses data management needs associated with the IRWM Plan. This section provides an overview of data needs in the Region, discusses data collection techniques, and the approach to data management and dissemination. Existing data collection and monitoring efforts are described, and data gaps with potential new data collection programs are identified. This section also discusses supporting statewide data needs via the abundance of information collected by the RWMG.

As part of IRWM Plan implementation, information and data will be collected and compiled at several levels, including: the IRWM programmatic information (e.g., meeting agendas, workshop notices, website); the project information (e.g., who, where, what, how much); and ambient environmental data (e.g., water quality, streamflow). At each of these levels, the RWMG considers effective data management and dissemination critical to successful implementation of the IRWM Plan.

CHAPTER 10: FINANCING

Chapter 10 identifies various funding sources, including their associated requirements and guidelines, which may be available to assist with implementation of Plan projects. The chapter also provides a summary of funding opportunities from local, state, and federal sources. The challenge of project funding is not unique to Santa Cruz, and is a major obstacle for the implementation of projects. Demands on limited local funds continue to increase, construction costs continue to rise, and existing infrastructure continues to require upgrades to meet growing demands. In this economic climate, agencies are challenged to balance costs associated with ensuring the highest standards of water quality and supply reliability for existing customers while protecting and enhancing the sensitive ecosystems within the region.

Historically, financial support for IRWM Plan development has come from the participating agencies. The original, 2005 Northern Santa Cruz IRWM Plan was funded by contributions from each agency. State grants through voter-approved bonds have funded a number of IRWM projects. With regard to projects and programs which form the Santa Cruz IRWM Plan, the estimated costs of projects range from several tens of thousands of dollars to multi-million dollars. Many of the project proponents have not yet

identified local funding sources to support implementation, as well as ongoing operations and maintenance, of their proposed projects.

CHAPTER 11: TECHNICAL ANALYSIS

This chapter documents that the IRWM Plan is based on sound technical information and analyses. It provides a description of the plans, studies, and methodologies used to shape the RWMG and Steering Committee's understanding of water management in the Santa Cruz IRWM Region. The Santa Cruz IRWM Plan was developed through collaborative discussions regarding regional water issues and proposed projects to address them. The basis for many of these discussions were the numerous studies, assessments, and planning documents prepared for the various stakeholders in the Region, which in turn included public review and comment. As the various regional stakeholders shared their needs and objectives, similarities and opportunities for collaboration were identified. During Plan preparation and development, particularly through the development of the Plan's conceptual framework, data and water management strategies were collected from a number of existing local and/or sub-regional planning documents, and were integrated into the regional strategies presented in this document. Examples of local planning documents reviewed during the IRWM Plan development and update include urban water management plans, water supply master plans, capital improvement plans, recycled water master plans, project environmental impact reports/environmental impact statements, and grant applications for other state and federal programs.

CHAPTER 12: RELATION TO LOCAL WATER AND LAND USE PLANNING

The 2012 IRWM Grant Program Guidelines require that the IRWM Plan describe the current relationship between land use and water resource managers (e.g., how water management input is considered in land use decisions and vice versa), identify current constraints to collaboration, and explore opportunities to facilitate improved collaboration between land use planners and water managers in the future. Local jurisdictions in the Santa Cruz Region have long sought to protect the environment, and specifically water resources, through ordinances and strong general plan policies. Water managers have relied upon the development and growth projections of local and regional land use agencies in projecting future water demands.

CHAPTER 13: STAKEHOLDER INVOLVEMENT

Ongoing public outreach to local agencies, organizations, and the general public about IRWM efforts has occurred since the development of the 2005 Plan and more actively following the 2008 IRWM Implementation grant award to the Region. A collaborative approach to regional water planning is not new to the Santa Cruz region, as local water districts, cities and the County share a history of working together that pre-dates the IRWM program by many years. However, the recent IRWM effort has provided a very effective vehicle to invigorate and create new relationships between agencies and stakeholders in the region and has provided a critical source of funding for planning and the implementation of more than 70 projects since 2008.

The intent of the stakeholder involvement process is to ensure that the wide range of interest groups and citizens are afforded the opportunity to participate in the IRWM Plan development and its implementation. Collectively, the identified stakeholders include a broad representation of water supply, water quality, wastewater, stormwater, flood control, watershed, municipal, environmental,

agricultural, regulatory, and community interests in the IRWM planning region, including non-governmental organizations, disadvantaged community representatives, Native American tribal contacts, and interested residents.

The list of stakeholders that have been notified of IRWM activities includes all of the major water resource management authorities in the region, as well as representatives from the neighboring Bay Area and Pajaro IRWM regions. The RWMG communicates through a website, meetings, workshops, email, and written correspondence and announcements. The participating agencies regularly conduct outreach with their own boards, councils, commissions, and constituents. Local agencies, organizations, and stakeholders are engaged through meetings, workshops and the broader community informed through boards, advisory groups, meetings and events.

CHAPTER 14: COORDINATION

This chapter presents an overview of the process to coordinate water management projects and activities with local, regional and state agencies, diverse stakeholders and neighboring IRWM regions. The intent of these efforts is to ensure an appropriate level of coordination is occurring within the region to avoid conflict and duplication of efforts, as well as to integrate planning efforts across agencies and jurisdictions to take advantage of efficiencies and optimize use of the region's water resources.

Within the region, IRWM-related planning and implementation activities are coordinated by the RWMG and include agencies with statutory authority over water management and related resources. The Santa Cruz IRWM region is bordered by the San Francisco Bay Area IRWM Region and the Pajaro IRWM Region. There is an open dialogue with these neighboring regions to coordinate on any projects that overlap regional boundaries, issues of mutual concern, and opportunities for collaboration. Coordination with numerous state and federal regulatory and resource agencies occurs in IRWM planning and implementation to ensure appropriate consideration of resource management, resource enhancement, and regulatory compliance. These agencies often play a critical role in the review and approval of IRWM projects in prior to implementation.

CHAPTER 15: CLIMATE CHANGE

Water managers in the Santa Cruz IRWM Region recognize the potential impact that climate change could have on local water resources resulting from increasing temperatures and changing patterns of precipitation. The potential impacts of these future climatic and hydrologic changes were evaluated in the context of each of the IRWM functional areas to identify opportunities for adaptation to reduce the vulnerability of water supply, water quality, aquatic ecosystems, and flood hazards in the region. In some instances projected changes may dramatically exacerbate the severity of local water issues, thus providing additional justification for the implementation of effective strategies now.

A 2012 U.S. Geological Survey study² of the Santa Cruz region indicated strong evidence for temperature changes in the future, but disagreement between simulation models for future precipitation patterns. Temperature projections show an increase of 3-4° C for average monthly maximums and an increase in

² Flint, L.E., and Flint, A.L., 2012, Simulation of climate change in San Francisco Bay Basins, California: Case studies in the Russian River Valley and Santa Cruz Mountains: U.S. Geological Survey Scientific Investigations Report 2012-5132.

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the variability (20-30% larger standard deviation) above the historic reference period (1971-2000), with spring and fall months experiencing warmer temperatures. While there is disagreement amongst climate model projections as to the timing of precipitation patterns, there is agreement that the future will be generally drier, resulting in a higher frequency of droughts and increased water demand for irrigation. Overall groundwater recharge in the Santa Cruz Region is projected to decline by 30% by 2100, which will reduce groundwater supplies and stream baseflow needed for water supply and aquatic habitat.

A 2009 report from the California Climate Change Center prepared by the Pacific Institute³ stated that rising sea levels will be among the most significant impacts of climate change to California, with climate model scenarios suggesting a very substantial increase in sea level over the coming century. Climate models indicate that sea level could rise by 3 feet by the year 2100, and will result in increased frequency of flooding, gradual inundation, increased rates of erosion, and exacerbated effects of storm surge, larger waves, and high tides.

³ California Climate Change Center, 2009, CEC-500-2009-024-F, Impacts of Sea-Level Rise on the California Coast.

PROJECT IMPLEMENTATION

Many of the sections of the Plan provide the information on the development of the Plan, according to a format specified by the State IRWM guidelines. This section on project Implementation describes how project implementation in the Santa Cruz region is anticipated to proceed, based on the IRWM Plan and current RWMG and stakeholder efforts. The timing and pace of project implementation is a function of the goals, objectives, priority strategies, and funding sources. It is also influenced by the activities of the individual agencies, and may shift depending on timing, outcome of ongoing evaluations, and availability of funding.

Following is the current trajectory of project implementation for the major projects in the four functional areas.

Water Supply

- Soquel Creek Water District has declared a groundwater emergency and is implementing significant mandatory demand reduction and demand-neutral development while the District completes evaluation of the feasibility of various supplemental supplies, including desalination, wastewater recycling, water exchange, recharge enhancement.
- The Soquel Creek Water District and Central Water District are seeking to expand groundwater management programs to include the County, the City of Santa Cruz, Pajaro Valley Water Management Agency and private pumpers.
- Soquel Creek Water District, Central Water District and the City of Watsonville are evaluating methods to address naturally occurring chromium 6 in their current water sources that is in excess of the new drinking water standard by wellhead treatment or shifting pumping to other aquifers.
- Santa Cruz City Water Department is currently working with a Water Supply Advisory Committee to reevaluate the current supply and demand projections, consider the implications on water supply reliability of potential long term flow release commitments to restore fish habitat, and consider potential supplemental supply options to improve water supply reliability.
- Scotts Valley Water District is pursuing options to address overdraft of the Santa Margarita Groundwater Basin by optimizing use of its available recycled water supply, increasing groundwater recharge through stormwater retention and managed recharge projects, utilizing surface water through conjunctive use and water exchange.

Water Quality

- The County continues to implement wastewater management programs in the San Lorenzo Watershed and other parts of the county to identify and upgrade problematic onsite sewage disposal systems and promote improved function.
- The City of Santa Cruz is supporting management of watershed lands to protect and improve water quality for water supply and habitat.
- The County Sanitation District and the City of Santa Cruz have secured funding assistance to upgrade aging sewer infrastructure that has contributed leaks and spills of sewage into coastal waterways and beaches. More effort to improve private sewer laterals is anticipated.
- The County Public Works Department and Resource Conservation District are implementing a number of projects to improve drainage and reduce discharge of sediment from rural roads.

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- The County Planning Department and other regulatory agencies are increasing efforts to prevent and correct illegal grading and land clearing.
- Various stormwater programs implemented by the Cities and County as described below will also result in water quality improvements.

Watershed Resources

- The Resource Conservation District continues to work with partner agencies to identify and implement priority projects through the Integrated Watershed Restoration Program. These projects include modification of fish passage barriers, restoration of streambank habitat, wetland restoration, and promotion of restoration projects on private land through permit coordination.
- The Watershed Resources Workgroup of the City of Santa Cruz Water Department implements the Watershed Resources Management Plan, which includes activities such as removing homeless encampments, educating school groups, maintaining the forestlands, patrolling City's watershed lands, and complying with environmental regulations.
- The County, City of Santa Cruz, and Resource Conservation District are working with the San Lorenzo River Alliance and other partners to assess riparian conditions and to develop priority implementation measures for the Coho and Steelhead Recovery Plans.

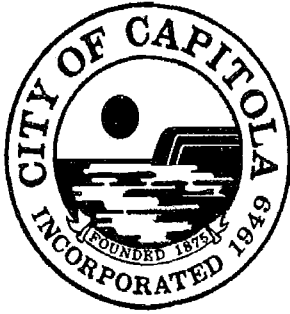
Flood and Stormwater Management

- The County, City of Santa Cruz, and City of Watsonville are enhancing monitoring and management programs to reduce stormwater runoff and pollutant loading and meet the new requirements of state stormwater regulations.
- The County, City of Santa Cruz, and City of Watsonville are implementing projects to infiltrate stormwater, reduce polluted runoff, improve groundwater recharge, reduce erosion and restore streambanks. For example, projects in the City of Santa Cruz are being designed to reduce polluted runoff and infiltrate storm water using Low Impact Development (LID) measures, such as vegetative drainage features and buffers. These measures reduce erosion and sedimentation which improves water quality, enhancing habitat for fish, aquatic, and riparian species. The City has increased its efforts to ensure that Low Impact Development (LID) design measures and both LID and Construction Best Management Practices are implemented during all phases of a construction project including: design, construction, and post-development long-term maintenance.
- The City of Santa Cruz is pursuing a project to repair and upgrade the Branciforte Creek flood control channel to improve fish passage and maintain flood protection.

CONCLUSION

The initial 2005 Santa Cruz IRWM Plan presented information and identified multi-benefit opportunities for addressing regional water resources issues in a collaborative manner. Much has been accomplished since that Plan was adopted, including the implementation of more than 70 projects, completion of key technical studies to inform resources management, and development of a framework to support effective IRWM implementation. The IRWM Plan 2014 incorporates the efforts to date, provides updated information and approaches to ensure it remains current in addressing the Region's challenges, and is compliant with the state's 2012 IRWM Plan Guidelines. The impacts of climate change on the Santa Cruz Region were evaluated through a U.S. Geologic Survey examining impacts upon rainfall, runoff and recharge. Efforts to engage stakeholders included the development of a new website

(www.SantaCruzIRWMP.org) and several community meetings and workshops where the public were encouraged to participate, review and comment on IRWM efforts. In 2014, ongoing resource management technical studies as well as outreach to assess water needs of local disadvantaged communities will continue to add breadth to the Plan. This IRWM Plan provides a framework for continued collaboration by describing the Region's most critical water resources challenges and identifying opportunities for regional collaboration. The implementation of the Santa Cruz IRWM Plan can better equip agencies to overcome future challenges by coordinating resources and more effectively meeting the needs of the region as a whole.



CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 26, 2015

FROM: COMMUNITY DEVELOPMENT DEPARTMENT
 SUBJECT: RESOLUTION AUTHORIZING THE CITY TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE CALIFORNIA HERO PROGRAM FOR RENEWABLE ENERGY

RECOMMENDED ACTION: Adopt the attached draft Resolution authorizing the City's participation in the California HERO Program.

BACKGROUND: Assembly Bill (AB) 811 and AB 474 authorizes cities to designate an area within which authorized public officials and property owners may enter into voluntary contractual assessments to finance the installation of distributed generation renewable energy sources, energy efficiency, and/or water conservation improvements that are permanently fixed to real property, as specified.

The Home Energy Renovation Opportunity (HERO) Program has been very successful in California since its launch in late 2011. The Program has approved over \$1.4 billion in applications and has funded nearly \$500 million in projects.

Because of its success, the HERO Program is now being offered to provide additional California cities and counties with a turnkey program that saves time, cost, and local resources that would otherwise be needed to develop a new local program.

DISCUSSION: The HERO Program is being offered to allow property owners in participating cities and counties to finance renewable energy, energy water efficiency improvements and electric vehicle charging infrastructure on their property. If a property owner chooses to participate, the improvements will be financed by the issuance of bonds by a joint power authority, Western Riverside Council of Governments ("WRCOG"), secured by a voluntary contractual assessment levied on such owner's property. Participation in the Program is 100% voluntary. Property owners who wish to participate in the Program agree to repay the money through the voluntary contractual assessment collected together with their property taxes. Financing is available for eligible improvements on both residential and non-residential properties.

The benefits to the property owner include:

- **Eligibility:** In today's economic environment, alternatives for property owners to finance renewable energy/energy efficiency/water efficiency improvements or electric vehicle charging infrastructure may not be available. As such, many property owners do not have available options to lower their utility bills.
- **Savings:** Energy prices continue to rise and selecting in energy efficient, water efficient and renewable energy models lower utility bills.
- **100% voluntary.** Property owners can choose to participate in the Program at their discretion.

Item #: 10.D. Staff Report.pdf

AGENDA STAFF REPORT – MARCH 26, 2015 CALIFORNIA HERO PROGRAM FOR RENEWABLE ENERGY

- Payment obligation stays with the property. Under Chapter 29, a voluntary contractual assessment stays with the property upon transfer of ownership. Even if there were private enterprise alternatives, most private loans are due on sale of the benefited property, which makes it difficult for property owners to match the life of the repayment obligation with the useful life of the financed improvements. Certain mortgage providers will, however, require the assessment be paid off at the time the property is refinanced or sold.
- Prepayment option. The property owner can choose to pay off the assessments at any time, subject to applicable prepayment penalties.
- Customer oriented program. Part of the success of the Program is the prompt customer service.

Potential benefits to the City include:

- Increase local construction jobs;
- An increase in property values;
- As in conventional assessment financing, the City is not obligated to repay the bonds or to pay the assessments levied on the participating properties;
- All HERO Program and assessment administration, bond issuance and bond administration functions are handled by California HERO. Little, if any, City staff time is needed to participate in the HERO Program;
- The City can provide access for its residents to the HERO Program without the higher staff costs that an independent program established by the City would require.

The proposed draft Resolution enables the HERO Program to be available to owners of property within Capitola to finance renewable energy, energy efficiency and water efficiency improvements and electric vehicle charging infrastructure. The draft Resolution (Attachment 2) approves an Amendment to the WRCOG Joint Powers Agreement (JPA) to add the City of Capitola as an Associate Member in order that the HERO Program may be offered to the owners of property located within the Capitola who wish to participate in the HERO Program.

FISCAL AND STAFF IMPACTS: There is no fiscal impact to the City's General Fund incurred by consenting to the inclusion of properties within the City limits in the HERO Program. All HERO Program administrative costs are covered through an initial administrative fee included in the property owner's voluntary contractual assessment and an annual administrative fee which is also collected on the property owner's tax bill.

ATTACHMENTS:

1. Draft Resolution;
2. Amendment to the JPA adding the City as an Associate Member of the Western Riverside Council of Governments;
3. FAQ sheet.

Report Prepared By: Ryan Safty
Assistant Planner

Reviewed and Forwarded
By City Manager: 

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA, CALIFORNIA, CONSENTING TO THE INCLUSION OF PROPERTIES WITHIN THE CITY'S JURISDICTION IN THE CALIFORNIA HERO PROGRAM TO FINANCE DISTRIBUTED GENERATION RENEWABLE ENERGY SOURCES, ENERGY AND WATER EFFICIENCY IMPROVEMENTS AND ELECTRIC VEHICLE CHARGING INFRASTRUCTURE AND APPROVING THE AMENDMENT TO A CERTAIN JOINT POWERS AGREEMENT RELATED THERETO

WHEREAS, the Western Riverside Council of Governments ("Authority") is a joint exercise of powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Section 6500 and following) (the "Act") and the Joint Power Agreement entered into on April 1, 1991, as amended from time to time (the "Authority JPA"); and

WHEREAS, Authority intends to establish the California HERO Program to provide for the financing of renewable energy distributed generation sources, energy and water efficiency improvements and electric vehicle charging infrastructure (the "Improvements") pursuant to Chapter 29 of the Improvement Bond Act of 1911, being Division 7 of the California Streets and Highways Code ("Chapter 29") within counties and cities throughout the State of California that elect to participate in such program; and

WHEREAS, City of Capitola (the "City") is committed to development of renewable energy sources and energy efficiency improvements, reduction of greenhouse gases, protection of our environment, and reversal of climate change; and

WHEREAS, in Chapter 29, the Legislature has authorized cities and counties to assist property owners in financing the cost of installing Improvements through a voluntary contractual assessment program; and

WHEREAS, installation of such Improvements by property owners within the jurisdictional boundaries of the counties and cities that are participating in the California HERO Program would promote the purposes cited above; and

WHEREAS, the City wishes to provide innovative solutions to its property owners to achieve energy and water efficiency and independence, and in doing so cooperate with Authority in order to efficiently and economically assist property owners the City in financing such Improvements; and

WHEREAS, Authority has authority to establish the California HERO Program, which will be such a voluntary contractual assessment program, as permitted by the Act, the Authority JPA, originally made and entered into April 1, 1991, as amended to date, and the Amendment to Joint Powers Agreement Adding the City of Capitola as an Associate Member of the Western Riverside Council of Governments to Permit the Provision of Property Assessed Clean Energy (PACE) Program Services within the City (the "JPA Amendment"), by and between Authority and the City, a copy of which is attached as Exhibit "A" hereto, to assist property owners within the incorporated area of the City in financing the cost of installing Improvements; and

WHEREAS, the City will not be responsible for the conduct of any assessment proceedings; the levy and collection of assessments or any required remedial action in the case of delinquencies in the payment of any assessments or the issuance, sale or administration of any bonds issued in connection with the California HERO Program.

RESOLUTION NO. _____

NOW, THEREFORE, BE IT RESOLVED THAT:

1. This City Council finds and declares that properties in the City's incorporated area will be benefited by the availability of the California HERO Program to finance the installation of Improvements.

2. This City Council consents to inclusion in the California HERO Program of all of the properties in the incorporated area within the City and to the Improvements, upon the request by and voluntary agreement of owners of such properties, in compliance with the laws, rules and regulations applicable to such program; and to the assumption of jurisdiction thereover by Authority for the purposes thereof.

3. The consent of this City Council constitutes assent to the assumption of jurisdiction by Authority for all purposes of the California HERO Program and authorizes Authority, upon satisfaction of the conditions imposed in this Resolution, to take each and every step required for or suitable for financing the Improvements, including the levying, collecting and enforcement of the contractual assessments to finance the Improvements and the issuance and enforcement of bonds to represent and be secured by such contractual assessments.

4. This City Council hereby approves the JPA Amendment and authorizes the execution thereof by appropriate City officials.

5. City staff is authorized and directed to coordinate with Authority staff to facilitate operation of the California HERO Program within the City, and report back periodically to this City Council on the success of such program.

This Resolution shall take effect immediately upon its adoption. The City Clerk is directed to send a certified copy of this Resolution to the Secretary of the Authority Executive Committee.

This Resolution was approved and adopted at a regular meeting of the City Council held on the 26th day of March, 2015 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Dennis Norton, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk

EXHIBIT A

AMENDMENT TO THE JOINT POWERS AGREEMENT ADDING CITY OF CAPITOLA AS AS AN ASSOCIATE MEMBER OF THE WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS TO PERMIT THE PROVISION OF PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM SERVICES WITH SUCH CITY

This Amendment to the Joint Powers Agreement (“JPA Amendment”) is made and entered into on the 26th day of March, 2015, by City of Capitola (“City”) and the Western Riverside Council of Governments (“Authority”) (collectively the “Parties”).

RECITALS

WHEREAS, Authority is a joint exercise of powers authority established pursuant to Chapter 5 of Division 7, Title 1 of the Government Code of the State of California (Section 6500 and following) (the “Joint Exercise of Powers Act”) and the Joint Power Agreement entered into on April 1, 1991, as amended from time to time (the “Authority JPA”); and

WHEREAS, as of October 1, 2012, Authority had 18 member entities (the “Regular Members”).

WHEREAS, Chapter 29 of the Improvement Act of 1911, being Division 7 of the California Streets and Highways Code (“Chapter 29”) authorizes cities, counties, and cities and counties to establish voluntary contractual assessment programs, commonly referred to as a Property Assessed Clean Energy (“PACE”) program, to fund certain renewable energy sources, energy and water efficiency improvements, and electric vehicle charging infrastructure (the “Improvements”) that are permanently fixed to residential, commercial, industrial, agricultural or other real property; and

WHEREAS, Authority intends to establish a PACE program to be known as the “California HERO Program” pursuant to Chapter 29 as now enacted or as such legislation may be amended hereafter, which will authorize the implementation of a PACE financing program for cities and county throughout the state; and

WHEREAS, City desires to allow owners of property within its jurisdiction to participate in the California HERO Program and to allow Authority to conduct proceedings under Chapter 29 to finance Improvements to be installed on such properties; and

WHEREAS, this JPA Amendment will permit City to become an Associate Member of Authority and to participate in California HERO Program for the purpose of facilitating the implementation of such program within the jurisdiction of City; and

WHEREAS, pursuant to the Joint Exercise of Powers Act, the Parties are approving this JPA Agreement to allow for the provision of PACE services, including the operation of a PACE financing program, within the incorporated territory of City; and

WHEREAS, the JPA Amendment sets forth the rights, obligations and duties of City and Authority with respect to the implementation of the California HERO Program within the incorporated territory of City.

MUTUAL UNDERSTANDINGS

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions hereinafter stated, the Parties hereto agree as follows:

A. **JPA Amendment.**

1. The Authority JPA. City agrees to the terms and conditions of the Authority JPA, attached.

2. Associate Membership. By adoption of this JPA Amendment, City shall become an Associate Member of Authority on the terms and conditions set forth herein and the Authority JPA and consistent with the requirements of the Joint Exercise of Powers Act. The rights and obligations of City as an Associate Member are limited solely to those terms and conditions expressly set forth in this JPA Amendment for the purposes of implementing the California HERO Program within the incorporated territory of City. Except as expressly provided for by this JPA Amendment, City shall not have any rights otherwise granted to Authority's Regular Members by the Authority JPA, including but not limited to the right to vote on matters before the Executive Committee or the General Assembly, the right to amend or vote on amendments to the Authority JPA, and the right to sit on committees or boards established under the Authority JPA or by action of the Executive Committee or the General Assembly, including, without limitation, the General Assembly and the Executive Committee. City shall not be considered a member for purposes of Section 9.1 of the Authority JPA.

3. Rights of Authority. This JPA Amendment shall not be interpreted as limiting or restricting the rights of Authority under the Authority JPA. Nothing in this JPA Amendment is intended to alter or modify Authority Transportation Uniform Mitigation Fee (TUMF) Program, the PACE Program administered by Authority within the jurisdictions of its Regular Members, or any other programs administered now or in the future by Authority, all as currently structured or subsequently amended.

B. **Implementation of California HERO Program within City Jurisdiction.**

1. Boundaries of the California HERO Program within City Jurisdiction. City shall determine and notify Authority of the boundaries of the incorporated territory within City's jurisdiction within which contractual assessments may be entered into under the California HERO Program (the "Program Boundaries"), which boundaries may include the entire incorporated territory of City or a lesser portion thereof.

2. Determination of Eligible Improvements. Authority shall determine the types of distributed generation renewable energy sources, energy efficiency or water conservation improvements, electric vehicle charging infrastructure or such other improvements as may be authorized pursuant to Chapter 29 (the "Eligible Improvements") that will be eligible to be financed under the California HERO Program.

3. Establishment of California HERO Program. Authority will undertake such proceedings pursuant to Chapter 29 as shall be legally necessary to enable Authority to make contractual financing of Eligible Improvements available to eligible property owners within the Program Boundaries.

4. Financing the Installation of Eligible Improvements. Authority shall develop and implement a plan for the financing of the purchase and installation of the Eligible Improvements under the California HERO Program.

5. Ongoing Administration. Authority shall be responsible for the ongoing administration of the California HERO Program, including but not limited to producing education plans to raise public awareness of the California HERO Program, soliciting, reviewing and approving applications from residential and commercial property owners participating in the California HERO Program, establishing contracts for residential, commercial and other property owners participating in such program, establishing and collecting assessments due under the California HERO Program, adopting and implementing any rules or regulations for the California HERO Program, and providing reports as required by Chapter 29.

City will not be responsible for the conduct of any proceedings required to be taken under Chapter 29; the levy or collection of assessments or any required remedial action in the case of delinquencies in such assessment payments; or the issuance, sale or administration of any bonds issued in connection with the California HERO Program.

6. Phased Implementation. The Parties recognize and agree that implementation of the California HERO Program as a whole can and may be phased as additional other cities and counties execute similar agreements. City entering into this JPA Amendment will obtain the benefits of and incur the obligations imposed by this JPA Amendment in its jurisdictional area, irrespective of whether cities or counties enter into similar agreements.

C. **Miscellaneous Provisions.**

1. Withdrawal. City or Authority may withdraw from this JPA Amendment upon six (6) months written notice to the other party; provided, however, there is no outstanding indebtedness of Authority within City. The provisions of Section 6.2 of the Authority JPA shall not apply to City under this JPA Amendment. City may withdraw approval for conduct of the HERO Program within the jurisdictional limits of City upon thirty (30) written notice to WRCOG without liability to the Authority or any affiliated entity. City withdrawal shall not affect the validity of any voluntary assessment contracts (a) entered prior to the date of such withdrawal or (b) entered into after the date of such withdrawal so long as the applications for such voluntary assessment contracts were submitted to and approved by WRCOG prior to the date of City's notice of withdrawal.

2. Mutual Indemnification and Liability. Authority and City shall mutually defend, indemnify and hold the other party and its directors, officials, officers, employees and agents free and harmless from any and all claims, demands, causes of action, costs, expenses, liabilities, losses, damages or injuries of any kind, in law or equity, to property or persons, including wrongful death, to the extent arising out of the willful misconduct or negligent acts, errors or omissions of the indemnifying party or its directors, officials, officers, employees and agents in connection with the California HERO Program administered under this JPA Amendment, including without limitation the payment of expert witness fees and attorneys fees and other related costs and expenses, but excluding payment of consequential damages. Without limiting the foregoing, Section 5.2 of the Authority JPA shall not apply to

this JPA Amendment. In no event shall any of Authority's Regular Members or their officials, officers or employees be held directly liable for any damages or liability resulting out of this JPA Amendment.

3. Environmental Review. Authority shall be the lead agency under the California Environmental Quality Act for any environmental review that may be required in implementing or administering the California HERO Program under this JPA Amendment.

4. Cooperative Effort. City shall cooperate with Authority by providing information and other assistance in order for Authority to meet its obligations hereunder. City recognizes that one of its responsibilities related to the California HERO Program will include any permitting or inspection requirements as established by City.

5. Notice. Any and all communications and/or notices in connection with this JPA Amendment shall be either hand-delivered or sent by United States first class mail, postage prepaid, and addressed as follows:

Authority:

Western Riverside Council of Governments
4080 Lemon Street, 3rd Floor. MS1032
Riverside, CA 92501-3609
Att: Executive Director

City:

City of Capitola
420 Capitola Ave
Capitola, CA 95010

6. Entire Agreement. This JPA Amendment, together with the Authority JPA, constitutes the entire agreement among the Parties pertaining to the subject matter hereof. This JPA Amendment supersedes any and all other agreements, either oral or in writing, among the Parties with respect to the subject matter hereof and contains all of the covenants and agreements among them with respect to said matters, and each Party acknowledges that no representation, inducement, promise of agreement, oral or otherwise, has been made by the other Party or anyone acting on behalf of the other Party that is not embodied herein.

7. Successors and Assigns. This JPA Amendment and each of its covenants and conditions shall be binding on and shall inure to the benefit of the Parties and their respective successors and assigns. A Party may only assign or transfer its rights and obligations under this JPA Amendment with prior written approval of the other Party, which approval shall not be unreasonably withheld.

8. Attorney's Fees. If any action at law or equity, including any action for declaratory relief is brought to enforce or interpret the provisions of this Agreement, each Party to the litigation shall bear its own attorney's fees and costs.

9. Governing Law. This JPA Amendment shall be governed by and construed in accordance with the laws of the State of California, as applicable.

10. No Third Party Beneficiaries. This JPA Amendment shall not create any right or interest in the public, or any member thereof, as a third party beneficiary hereof, nor shall it authorize anyone not a Party to this JPA Amendment to maintain a suit for personal injuries or property damages under the provisions of this JPA Amendment. The duties, obligations, and responsibilities of the Parties to this JPA Amendment with respect to third party beneficiaries shall remain as imposed under existing state and federal law.

11. Severability. In the event one or more of the provisions contained in this JPA Amendment is held invalid, illegal or unenforceable by any court of competent jurisdiction, such portion shall be deemed severed from this JPA Amendment and the remaining parts of this JPA Amendment shall remain in full force and effect as though such invalid, illegal, or unenforceable portion had never been a part of this JPA Amendment.

12. Headings. The paragraph headings used in this JPA Amendment are for the convenience of the Parties and are not intended to be used as an aid to interpretation.

13. Amendment. This JPA Amendment may be modified or amended by the Parties at any time. Such modifications or amendments must be mutually agreed upon and executed in writing by both Parties. Verbal modifications or amendments to this JPA Amendment shall be of no effect.

14. Effective Date. This JPA Amendment shall become effective upon the execution thereof by the Parties hereto.

IN WITNESS WHEREOF, the Parties hereto have caused this JPA Amendment to be executed and attested by their officers thereunto duly authorized as of the date first above written.

[SIGNATURES ON FOLLOWING PAGES]

WESTERN RIVERSIDE COUNCIL OF GOVERNMENTS

By: _____
Randon Lane, Executive Committee Chair
Western Riverside Council of Governments

Date: _____

CITY OF CAPITOLA

By: _____
Benjamin Goldstein

Date: _____

Title: City Manager _____


Frequently Asked Questions
Q: What is the HERO Program, and how does it work?

A: HERO enables residential and commercial property owners to install energy and water efficient improvements and renewable energy systems by having a special assessment put on their property tax bill. Payments are made through their local county with their property taxes over time.

Q: What types of home improvements are available under the Program?

A: Over 150,000 products and services quality. Typical projects include: solar photovoltaic (PV) systems; energy efficient space heating, air cooling and ventilation (HVAC); cool roof systems; energy efficient windows, skylights, and doors; solar thermal water heating; air sealing and weatherization; insulation; water heating; indoor energy efficient light fixtures; and water efficiency measures.

Q: What are the costs and benefits of joining HERO for my community?

A: There are no hard costs to joining the HERO program and it does not require any dedicated staff resources to develop or implement the Program. Additionally, your community will see numerous economic benefits including;

- Reduce energy consumption
- Stimulates local businesses
- Creates sustainable jobs
- Lowers greenhouse gas emissions

Q: Why should we choose HERO compared to another PACE program?

A: HERO is the nation's fastest-growing PACE program. By choosing HERO, your community is choosing a program with a proven track-record of stimulating economic growth. The program was developed with a network of home improvement contractors who count on HERO to build their businesses. They are creating new jobs everyday and planning on expanding into regions where HERO Financing is offered.

HERO is not an exclusive program so you don't have to choose it over another program. We believe competition is an important benefit to consumers. Not only does it provide options like restaurants, gas stations or banks provide but it also increases overall demand because more companies are working harder to educate consumers on the benefits of a particular type of product or service. When there are multiple options to consider solution providers are forced to continually improve their product if they want to succeed in the marketplace.

Q: What about Freddie/Fannie/FHFA?

A: PACE legislation was adopted by the State of California to encourage the adoption of energy efficiency, renewable energy and water efficiency measures on homes and businesses. When the legislation was enacted, many people believed PACE was an attractive financing option due to its ability to automatically transfer payments to a new owner if the property sold. Freddie/Fannie/FHFA have indicated that they are not willing to purchase mortgages with PACE assessments on the property, therefore, property owners that sell or refinance to conforming loans may need to repay their assessment.

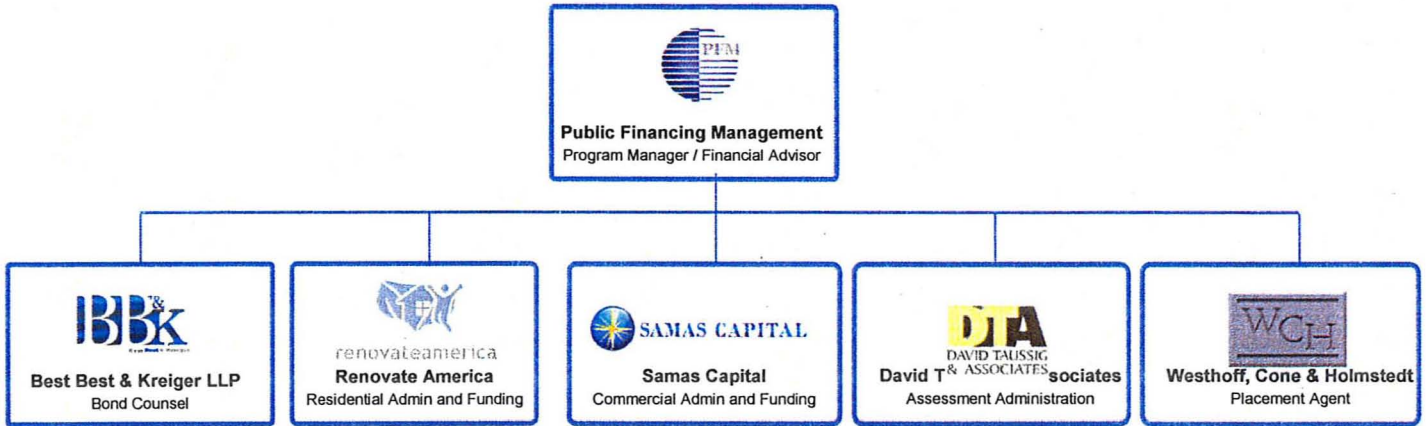
The HERO Program works within this provision and we have found that property owners are comfortable attending to this if, and when, the situation should arise. For most property owners the most attractive benefits are low interest rates that are fixed, the ability to deduct the interest portion of the payments, the ability to select 5, 10, 15 and 20 year payment terms, and a simple straightforward application and document process to enable them to get the energy efficiency, renewable energy or water efficiency product they are interested in. Being able to transfer the balance of the financing has not proven to be a feature that has impacted a consumer's decision.

hero Frequently Asked Questions

Whether or not this provision remains in place or is removed, HERO provides numerous benefits that make PACE an attractive financing option for consumers.

Q: Who is the HERO Team?

A: The HERO team is made up of a network of partners who have been working closely since January 2010 on active residential and commercial PACE programs. Each team member is uniquely qualified for their specific role and are industry experts within their field.



Q: Can the HERO Program be customized to my municipality?

A: Yes, marketing materials, including the HERO website and contractor training materials, can be co-branded with your municipality's logo and contact information. Additionally, the HERO team will work with your municipality to review all policy considerations.

Q: Can the HERO Program be integrated with existing municipal programs?

A: Yes, the HERO Program can be integrated with existing municipal rebate, energy finance, or other PACE programs. Our team will work to implement the Program as a complementary component to other programs.

Q: How does our community get started?

A: Below are the process steps for HERO Financing to be offered in your community:

1 Approve Resolution

Approval by municipality of the resolution will allow the HERO Program to operate in the municipality. The conduit issuer then completes a corresponding acceptance of the municipality to the Program.

2 Judicial Validation of City's Participation

Program legal counsel files judicial validation documents.

3 Program Marketing and Outreach

During the program validation phase, team members initiate local marketing efforts and begin outreach to educate local contractors and property owners of funding availability, eligibility and application procedures.

4 Program Launch

Upon completion of the validation process, the HERO Program launches and projects are able to apply for and receive funding.



CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 26, 2015

FROM: OFFICE OF CITY ATTORNEY

SUBJECT: UNCODIFIED SURF SCHOOL ORDINANCE AMENDMENT ALLOWING FOR
FIVE SURF SCHOOLS FOR THE 2015 CALENDAR YEAR

RECOMMENDED ACTION: Adopt the proposed Ordinance Amendment.

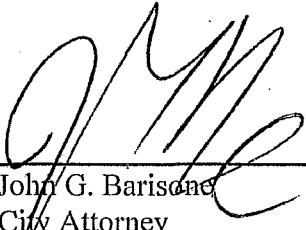
BACKGROUND: At its March 12, 2015 meeting, the City Council directed the City Attorney to draft and bring back to Council an uncodified Ordinance pursuant to which, for the 2015 calendar year only, a maximum of five surf schools would be permitted to operate in Capitola, as opposed to the four surf schools which are authorized currently pursuant to the Capitola Municipal Code Section 9.30.020B.

DISCUSSION: In the attached Ordinance Amendment all other provisions of Chapter 9.30 regulating surf schools including, but not limited to, the number of surf school students who can be in the water at any one time (eight students) would remain in full force and effect. Since the Ordinance would only apply in the calendar year 2015, it would not be codified into the Capitola Municipal Code.

ATTACHMENT:

1. Proposed Draft Ordinance

Report Prepared By:



John G. Barisoni
City Attorney

Reviewed and Forwarded
By City Manager 

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ORDINANCE NO. _____

**AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF CAPITOLA
PERTAINING TO SURF SCHOOLS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS
FOLLOWS:

Section 1. Notwithstanding any provision to the contrary in Chapter 9.30 of the Capitola Municipal Code, for the calendar year 2015 only, a maximum of five surf schools will be licensed and permitted within the City of Capitola to conduct surf lessons on Capitola beaches during the 2015 calendar year. All 2015 calendar year surf school permits shall expire on December 31, 2015 without reference to the date of issuance. All other provisions of Capitola Municipal Code Chapter 9.30 shall remain in full force and effect. Commencing with the 2016 calendar year the four surf school limit set forth in Capitola Municipal Code Section 9.30.020B shall be reinstated.

Section 2. This ordinance shall take effect and be in full force thirty (30) days after its final adoption.

This ordinance was introduced on the 26th day of March, 2015, and was passed and adopted by the City Council of the City of Capitola on the _____ day of _____, 2015, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

APPROVED:

Dennis Norton, Mayor

ATTEST:

_____, CMC
Susan Sneddon, City Clerk

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