

## ITEM 9.C.

### MOORPARK CITY COUNCIL AGENDA REPORT

**TO:** Honorable City Council

**FROM:** Deborah S. Traffenstedt, Deputy City Manager *DST*  
Maureen Benson, City Clerk *MB*

**DATE:** April 11, 2013 (CC Meeting of 4/17/13)

**SUBJECT:** Consider Adopting Revised City Council Policies Resolution and Rescinding Resolution No. 2012-3091

#### BACKGROUND AND DISCUSSION

The attached draft City Council Policies Resolution has been revised to include two individual policies (Credit Card Acceptance and Processing, and Review of Appealed Parking Citations) adopted by the Council since the last Policies Resolution update was approved on March 7, 2012. In addition, staff is proposing two more new policies and amendments to existing policies as shown with the use of legislative format in the attached draft Policies Resolution update. Since the draft resolution is 166 pages, staff has only included the new and revised policies with the printed paper copy of the agenda report. The agenda report with the entire 166-page draft resolution will be available in electronic format on the City's website and will be emailed to the City Council. The new policies and amendments are summarized below (format corrections are also included in the revised resolution but not discussed in the following summary):

- Policy 2.2, Advertising and Appointment Procedures for Appointments to Boards, Commissions, and Committees was revised (see page 14) to add a requirement for City Clerk's Division staff to personally accept applications to board, commissions, and committees, as directed by Council on November 28, 2012.
- Policy 2.6, Policy against Harassment, Discrimination, and Retaliation was revised (see page 26) to include the requirement for redistribution to all employees and applicable volunteers no less than once every two years.
- Policy 2.9, Employee, Contract Staff, Consultant, and Volunteer Letters of Recommendation and Background Check Response was revised (see page 53) to prohibit current employees from soliciting verbal or written commendation from City residents, and from owners and employees of City businesses, organizations, and agencies for the purpose of enhancing a City employee performance evaluation. The

reason for this change is that for the purpose of evaluating an employee's annual performance, commendations should be voluntarily submitted and not solicited.

- New Policy 2.19, Personal Social Media Use by City of Moorpark ("City") Employees and Employees of City Contractors (see pages 64 to 67) was added to assist City employees and City contractor employees in acting responsibly in connection with personal use of social media. This proposed new policy has been reviewed by the City Attorney's office.
- New Policy 5.9, Credit Card Acceptance and Processing was added (see pages 97 to 101) as approved by the City Council on July 18, 2012.
- Policy 6.4, Active Adult Center Annual Meeting (see page 104) has been corrected to reflect the City Council's prior change to require that at least once per year Active Adult Center program participants will be invited to attend an annual meeting for the purpose of soliciting comments.
- Policy 6.14, Sports Field Rental Policy has been amended (see pages 126 and 127) to permit the Parks and Recreation Director or his/her designee to determine a rotating schedule for sports fields availability at Arroyo Vista Community Park, which schedule will be established in writing no less than quarterly each year. This is intended to provide more flexibility for staff to determine rental availability based on field conditions.
- New Policy 6.17, Public Art in New City Public Facilities (pages 135 and 136) was added consistent with the following objectives from the City Council's current Goals and Objectives:

Objective VII.A.2. - Develop policies and program guidelines for use of Art in Public Places and Tree and Landscape fees by June 30, 2013. (PRCS & CD)

Objective VII.A.8. - Consider items of public art for Police Services Center, Arroyo Vista Recreation Center, High Street Post Office, and Train Station by December 31, 2013. (PRCS)

Policy 6.17 as drafted requires the City's new public facilities to include public art as a feature of the building design unless the Council votes to waive the requirement.

- New Policy 7.9, Review of Appealed Parking Citations has been added (see pages 161 to 166) as was approved by Council on February 20, 2013.

**FISCAL IMPACT**

The cost of public art pursuant to Policy 6.17, at an amount not less than one (1) percent of the facility's total building valuation (excluding land value and off-site improvements), would need to be funded by the same source as for the facility with supplemental funding potentially available from the private project funded Art in Public Places Fund or other sources as authorized by the City Council at the time of art project approval. The other policy additions and amendments are not expected to result in a fiscal impact.

**STAFF RECOMMENDATION**

Adopt Resolution No. 2013-\_\_\_\_\_, rescinding Resolution No. 2012-3091.

Attachment: Draft Resolution (The attachment to the City Council printed agenda report includes only the revised pages of the draft resolution as summarized above. The complete draft resolution is available on the City's website and will be distributed by email to Council.)

RESOLUTION NO. 2013-\_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, ADOPTING REVISED COUNCIL POLICIES AND RESCINDING RESOLUTION NO. 2012-3091

WHEREAS, the City Council has directed that its policies be compiled and adopted in one resolution; and

WHEREAS, the City Council adopted Policies Resolution No. 2012-3091 on March 7, 2012, and since that update the Council has considered and approved several new policies to be incorporated into the next update of the Council's Policies Resolution, and at the April 17, 2013, regular meeting considered a revised Policies Resolution incorporating all of the prior approved Council policies as well as other amendments and new policies as follows:

- Policy 2.2, Advertising and Appointment Procedures for Appointments to Boards, Commissions, and Committees was revised to add a requirement for the City Clerk's Division staff to personally accept applications to board, commissions, and committees, as directed by Council on November 28, 2012;
- Policy 2.6, Policy against Harassment, Discrimination, and Retaliation was revised to require review and acknowledgment no less than once every two years;
- Policy 2.9, Employee, Contract Staff, Consultant, and Volunteer Letters of Recommendation and Background Check Response was revised to prohibit current City employees from soliciting verbal or written commendation from City residents, and from owners and employees of City businesses, organizations, and agencies for the purpose of enhancing a City employee performance evaluation;
- New Policy 2.19, Personal Social Media Use by City of Moorpark ("City") Employees and Employees of City Contractors was added to assist City employees and City contractor employees in acting responsibly in connection with personal use of social media;
- New Policy 5.9, Credit Card Acceptance and Processing was added, as approved by Council on July 18, 2012;
- Policy 6.4, Active Adult Center Annual Meeting was revised to correctly reflect the City Council's prior change to require that at least once per year Active Adult Center program participants will be invited to attend an annual meeting for the purpose of soliciting comments;
- Policy 6.14, Sports Field Rental Policy was amended to show the Parks and Recreation Director or his/her designee will establish the sports fields rental schedule for Arroyo Vista Community Park in writing no less than quarterly each year to permit proper field maintenance;
- New Policy 6.17, Public Art in New City Public Facilities was added; and
- New Policy 7.9, Review of Appealed Parking Citations was added as approved by Council on February 20, 2013.

WHEREAS, Policies Resolution No. 2012-3091 is proposed to be rescinded and an updated Policies Resolution adopted; and

WHEREAS, the index for the updated City Council Policies Resolution is as follows:

**SECTION 1. POLICIES APPLICABLE TO CITY COUNCIL OR CITY COUNCIL CANDIDATES**

- Policy 1.1: Information to be Provided to Official City Councilmember and Mayor Candidates
- Policy 1.2: City Council Standing Committees
- Policy 1.3: City Council Comments on Development Projects before the Planning Commission
- Policy 1.4: City Council Use of City Website
- Policy 1.5: City Council Use of City Computers and Acceptable Internet and E-Mail Use on City Computer Network
- Policy 1.6: City Council Credit Card Use
- Policy 1.7: City Council Use of City Pool Vehicles
- Policy 1.8: City Council Cellular Telephone Reimbursement
- Policy 1.9: City Council Completion of City Manager Evaluation
- Policy 1.10: City Council Identification Badge
- Policy 1.11: City Council Dinner Meal
- Policy 1.12: City Council Use of Mass Mailings
- Policy 1.13: City Councilmember and Office of Mayor Candidates Campaign Advertising Prohibited in Any City Sponsored Publication

**SECTION 2. POLICIES ADMINISTERED BY ADMINISTRATIVE SERVICES DEPARTMENT AND CITY CLERK**

- Policy 2.1: City Clerk Records Destruction Approval Authority
- Policy 2.2: Advertising and Appointment Procedures for Appointments to Boards, Commissions, and Committees
- Policy 2.3: Reports from Appointees
- Policy 2.4: Ethics Training
- Policy 2.5: Conflict of Interest Appraisal
- Policy 2.6: Policy against Harassment, Discrimination, and Retaliation
- Policy 2.7: Drug-Free Workplace
- Policy 2.8: Drug and Alcohol Testing Regulations for Employees that are Drivers of Commercial Vehicles
- Policy 2.9: Employee, Contract Staff, Consultant, and Volunteer Letters of Recommendation and Background Check Response and Restriction on Current City Employee Solicitation of Written or Verbal Commendation
- Policy 2.10: Employee Anniversary Recognition Program
- Policy 2.11: City Payment for Employee Recognition at the Time of Retirement from the California Public Employees Retirement System (CalPERS)
- Policy 2.12: Procedure for Filing a Complaint against a City Employee or Contract Staff
- Policy 2.13: Americans with Disabilities Act Grievance
- Policy 2.14: City Wireless Internet Network

Policy 2.15: City Website Content and External Links

Policy 2.16: Process for Preparation of Initial Drafts of Ordinances by City Departments

Policy 2.17: Gift and Honoraria Regulations for City Employees

Policy 2.18: Employment of Family Members

Policy 2.19: Personal Social Media Use by City of Moorpark ("City") Employees and Employees of City Contractors

### **SECTION 3. POLICIES ADMINISTERED BY CITY MANAGER'S OFFICE**

Policy 3.1: City Manager Approval of Cellular Telephone Reimbursement for Designated Competitive Service Employees

Policy 3.2: Authorization for City Manager to Approve Small Claims Court Filing and Civil Compromise for City Claim against Another Party Having a Value Not to Exceed \$5,000.00, and Authorization for City Manager to Allow, Settle and/or Compromise any Claim Filed against the City Having a Value Not to Exceed \$50,000.00

Policy 3.3: Authorization for City Manager to Approve Reduction and/or Exoneration of a Surety with a Value Not to Exceed \$10,000.00

Policy 3.4: Pre-Qualification of Bidders

Policy 3.5: Authority for Execution of City Affordable Housing Project Agreements and Repayment Documents and Acceptance of Deed of Trust

Policy 3.6: Appointment of Personnel Officer

Policy 3.7: Distribution, Use, and Reporting of Tickets or Passes Given to City

Policy 3.8: Right-of-Way Acquisition Process

Policy 3.9: Employment Agreement Approval

### **SECTION 4. POLICIES ADMINISTERED BY COMMUNITY DEVELOPMENT DEPARTMENT**

Policy 4.1: Temporary Use Permit Fee Waivers

Policy 4.2: Refunds for Business Registration

Policy 4.3: Code Compliance Program

Policy 4.4: Street Naming

### **SECTION 5. POLICIES ADMINISTERED BY FINANCE DEPARTMENT**

Policy 5.1: Meeting, Training, Conference, and Professional Association Membership Expense Reimbursement

Policy 5.2: General Fund Reserve

Policy 5.3: Authorization for the Issuance and Countersigning of Warrants Pursuant to Chapter 3.12 of the Moorpark Municipal Code

Policy 5.4: Accounts Receivable Collection

Policy 5.5: Landscape and Lighting Assessment District Capital Reserve Fund Balance

Policy 5.6: Investments

Policy 5.7: Annual Review of Fee Resolutions

Policy 5.8 Fund Balance Reporting as Required by Governmental Accounting Standards Board Statement No. 54 (GASB)

Policy 5.9 Credit Card Acceptance and Processing

**SECTION 6. POLICIES ADMINISTERED BY PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT**

Policy 6.1: Flag Etiquette

Policy 6.2: Non-Profit Organizations Annual Facility Reservation

Policy 6.3: Park Naming

Policy 6.4: Active Adult Center Annual Meeting

Policy 6.5: Active Adult Center Standards of Conduct

Policy 6.6: Community Services Recreation and Active Adult Program Cancellation and Withdrawal

Policy 6.7: Teen Council

Policy 6.8 Allocation of Park Fee Payments

Policy 6.9: Moorpark City Library Materials Selection

Policy 6.10: Moorpark City Library Internet and Computer Use and Patron Agreement

Policy 6.11: Moorpark City Library Circulation

Policy 6.12 Ban on Use of Anti-coagulant Rodenticides for City Landscape Maintenance Agreements

Policy 6.13 Youth Scholarship Program

Policy 6.14 Sports Field Rental Policy

Policy 6.15 High Street Arts Center Ticket Donation and Discounting Policy

Policy 6.16 Recreation Programs and Services Cost Recovery Policy

Policy 6.17 Public Art in New City Public Facilities

**SECTION 7. POLICIES ADMINISTERED BY PUBLIC WORKS DEPARTMENT**

Policy 7.1: Waiver of Street Sweeping Parking Restrictions for Vehicles Displaying Special Identification License Plates or Distinguished Placards for Disabled Persons, and Waiver of Street Sweeping Parking Restrictions on Designated City Holidays

Policy 7.2: City Public Sidewalk Maintenance and Repair

Policy 7.3: Transit Security System Electronic File Retention Pursuant to Public Utilities Code Section 99164 and Government Code Section 34090.8

Policy 7.4: Crossing Guard Warrant

Policy 7.5: Utility Street Cuts Restricted for Public Streets with New Rubberized and Conventional Asphalt Overlay

Policy 7.6: Fee for the Cancellation of Parking Citations Relations to Disabled Persons Parking Zones

Policy 7.7: Waste Reduction and Recycled-Content Product Procurement Practices

Policy 7.8 Engineering and Grading Policies and Standards

Policy 7.9 Review of Appealed Parking Citations

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

The following policies are intended to support the efficient administration of the business of the City, and the City Manager shall have the authority, consistent with the Moorpark Municipal Code, to further establish administrative procedures.

**SECTION 1. POLICIES APPLICABLE TO CITY COUNCIL OR CITY COUNCIL CANDIDATES**

**Policy 1.1: Information to be Provided to Official City Councilmember and Mayor Candidates**

Councilmember and Mayor Candidates who have successfully completed the election filing requirements will be notified by the City Clerk of the City Council agendas, staff reports, live broadcasts and meeting recordings available on the City's website. If a candidate does not have internet access, the City Clerk's staff will provide that candidate with a complete copy of the agenda packet prior to each regular meeting in either electronic or paper format. Special Meeting agendas will be made available to official candidates after the agenda is posted. The City Clerk will also provide each official candidate with a copy of the City's current fiscal year budget and most recent audit report in either electronic or paper format. A request for any other City files by Councilmember or Mayor candidates will be handled in the same manner as a public records request, with a copy charge as set forth by City Council resolution.

**Policy 1.2: City Council Standing Committees**

1. Standing Committees

The City Council Standing Committees shall be:

Community and Economic Development

To consider matters as directed by the City Council generally relating to: 1) community development, economic development, and Successor Agency and Successor Housing Agency for redevelopment; 2) affordable housing; and 3) homelessness. This committee shall also review proposed GPA Pre-screening requests for a recommendation to the City Council, and a member shall represent the City on countywide economic development groups including Regional Defense Partnership, Base Retention and Closure (BRAC) and Economic Development Collaborative of Ventura County.

Finance, Administration, and Public Safety

To consider matters as directed by the City Council generally relating to: 1) law enforcement and public safety (police, fire, and emergency medical / ambulance); 2) emergency management; 3) City finances; and 4) state, federal, and county legislation affecting the City.

Transportation and Public Works

To consider matters as directed by the City Council generally relating to: 1) traffic, streets, roads, street lights, speed limits, traffic calming, and public transportation; 2) solid waste, refuse, recycling and handling of hazardous materials; 3) water and waste water; 4) City facilities, buildings and parks; and 5) drainage and NPDES. Because Standing Committee assignments periodically change, a member of this Committee may or may not be the City's Ventura County Transportation Commission representative. This committee shall also annually review City's Capital Improvement Programs (CIP) and forward its recommendations to the City Council.

Each committee shall consist of two Council members and a designated alternate. The Finance, Administration, and Public Safety Committee shall consist of the Mayor and Mayor Pro Tempore. The alternate shall be the prior Mayor Pro Tempore. The Finance, Administration, and Public Safety Committee shall serve as the Mobilehome Hardship Review Panel, along with the mobilehome park owner, in compliance with Section 5.52.140.B. of the Moorpark Municipal Code.

2. Committee Appointments

With the approval of the majority of the members of the City Council, the Mayor shall make all appointments to Standing Committees of the City Council, including the designated alternate. The appointments shall be made at the first regularly scheduled meeting in January of each odd-numbered year and at the reorganization meeting of the City Council in each even-numbered year.

3. Alternates to Committees

To avoid potential Brown Act violations of having more than two City Councilmembers consider an item at the committee level, each City Councilmember should determine: a) pursuant to applicable provisions of the Political Reform Act, if a potential conflict of interest exists (consult with the City Attorney if necessary); b) although there is no conflict of interest under the Political Reform Act, there is a desire to avoid an appearance of conflict; or c) if for other reasons a decision is made not to participate. If a Councilmember should so determine/decide not to participate, then that City Councilmember shall contact the designated alternate to serve in his/her place for that item. If the City Councilmember determines/decides not to continue participating after having been involved in Committee discussions of a specific item, he/she should contact the City Attorney to determine if the alternate can serve on the Committee for

that item. If an alternate has a conflict or otherwise is not available, the Mayor shall serve or request another City Councilmember to serve.

4. Ad Hoc Committee

Items shall be assigned to Standing Committees whenever possible. If not so assigned, at the Mayor's discretion, an Ad Hoc Committee shall be formed.

Ad Hoc Committees are not generally subject to the provisions of the Brown Act unless composed of members other than less than a quorum of the legislative body.

5. Assigned Staff

Community and Economic Development Committee  
Staff: Community Development Director

Finance, Administration and Public Safety Committee  
Staff: Deputy City Manager

Transportation and Public Works Committee  
Staff: City Engineer/Public Works Director

The City Manager may designate an alternate and/or substitute as determined necessary.

6. Meeting Schedule

A regular meeting schedule for Standing Committees shall be approved by minute action of the City Council at the first regularly scheduled meeting in January of each year. Meetings scheduled prior to a regular, adjourned, or special City Council meeting should be concluded no more than ten minutes prior to the start of the scheduled City Council meeting and shall not extend beyond the regular meeting time.

7. Agenda and Reports out of Committee

The assigned staff person to a Council Committee will prepare an agenda for the Committee meetings. In addition, the staff person will provide action minutes in the form of an annotated agenda to the full Council within seventy-two (72) hours of the Council Committee meeting showing the Committee's recommendation.

Concurrence with the staff's recordation of Committee recommendation(s) to the full Council will be completed prior to the adjournment of the Committee meeting in order to accurately report to the full Council via the action minutes. Action minutes will not be formally approved by the Committee.

8. Committee Assignments

The City Manager shall maintain a list of specific assignments for each Standing Committee. The list shall be distributed to the Mayor, City Council and City Staff each calendar quarter (January, April, July and October). The purpose of Standing Committees is to allow consideration of Council directed items by less than a quorum of the Council to assist staff in evaluating the item for a recommendation to the City Council. It is intended to help focus the efforts of staff on a particular item to obtain more efficient, effective and productive use of staff and related resources. This structure is not intended to expand or enhance Councilmembers' authority over City operations, programs or staff. Except as authorized for the Mobilehome Hardship Review Panel, Committees do not make final decisions, and their recommendations are forwarded to the City Council for consideration.

9. Items Referred to Committee

At the time the City Council approves annual objectives, it shall decide the staff work for which objectives, if any, will be reviewed by a Standing Committee prior to consideration by the City Council. These items, along with other items assigned by the City Council, make up the work program for the Standing Committee. To avoid potential conflicts between Standing Committees and to appropriately manage staff's workload, any item not previously identified above shall be directed to a Standing Committee by the City Council at a regular or special meeting. A Standing Committee may meet with neighborhood residents or groups concerning a matter assigned to that Committee (such as public safety or traffic concerns expressed by residents in a specific area of the City).

10. Items Referred to the Full Council from Committee

A consensus of the Committee is required to send an item back to the full Council. A consensus relative to a recommendation on the item need not have been reached. In addition, with three (3) affirmative votes, the City Council may move an item being considered by an Ad Hoc or Standing Committee for consideration by the City Council.

11. Items Recommended by City Boards, Commissions, and Committees

Any matters recommended to the City Council by the Library Board, Arts Commission, Parks and Recreation Commission, Planning Commission, and other commissions, committees, or other advisory panels appointed by the Mayor with the approval of the City Council shall be forwarded directly to the City Council for consideration at a regular or special meeting.

**Policy 1.3: City Council Comments on Development Projects before the Planning Commission**

It is the City Council's policy to avoid any attempt to influence the recommendations or decisions of the Planning Commission. Accordingly, Councilmembers shall refrain from making or submitting comments on a project while the matter is before the Planning Commission and shall instead make such comments at the time of the Council's consideration of the matter as the decision-making body; or in the case of the Planning Commission acting as the final decision-making body, a Councilmember wishing to make comment on the matter may act to call the matter up before the Council on appeal consistent with Section 17.44.090 of the Municipal Code, rather than comment on the matter while it is before the Planning Commission.

Notwithstanding the foregoing, a Councilmember may make or submit a comment on a matter while it is before the Planning Commission, if the Councilmember does not participate in consideration of the matter when that matter is before the City Council. In such a situation, the Councilmember shall make clear at the time of any comment that the Councilmember is making or submitting such comment as an individual, rather than in his or her capacity as a Councilmember.

Additionally, a Councilmember may submit written comments on a project during the California Environmental Quality Act (CEQA) comment period for an Environmental Impact Report (EIR), if the Councilmember wishes written responses to be generated by the City to such written comments. If the Councilmember submits such comments, the Councilmember need not refrain from participating in consideration of the project at the Council level, provided that such written comments must be limited to the environmental issues associated with the project.

**Policy 1.4: City Council Use of City Website**

The City Council page of the City's website will include a photograph and a brief biographical summary for the Mayor and each Councilmember, along with City contact information consisting of the City e-mail address and voice mail telephone number. The Mayor and each Councilmember may also provide telephone contact numbers if desired.

Any additional information to be placed on the City's website by the Mayor or a Councilmember must be approved by a majority of the Council as to content, with legal review by the City Attorney, and a factual review by the City Manager.

**Policy 1.5: City Council Use of City Computers and Acceptable Internet and E-Mail Use on City Computer Network**

The Mayor and Councilmembers, in connection with the fulfillment of their City obligations, need to access internet resources, including, but not limited to, the City's web page, League of California Cities materials, and other resources, and to reply to constituent matters.

In order to facilitate access to computer resources, the Mayor and each Councilmember shall be issued a City e-mail address, and a laptop computer will be provided upon request for use in conducting City business. All use of City computers and internet and e-mail use on the

City's computer network shall be in compliance with the provisions contained within this policy as set forth below.

1. The use of City supplied computer equipment and software and internet and e-mail use requires the appropriate, efficient, and legal utilization of City computer hardware and network resources.
2. The City's network and computers may be used for lawful City business-related purposes only. Any personal use should be incidental. Users must comply with all applicable contract provisions of the software and equipment as well as federal, state, and local statutes, ordinances, rules and regulations, including, but not limited to, provisions relating to copyright protection. Only City acquired, legally obtained software programs are to be installed and/or used on city computers and all software will be installed and retained only by the City's Information Systems Division staff. Use of City computer equipment to run other than City-acquired and authorized software is prohibited. City-owned software shall not be copied for personal use.
3. The use of City-provided computer equipment and network resources for an individual's participation in, including but not limited to, charitable, social, political or religious purposes, commercial use or profit, election campaigns, or for outside employment is prohibited. This includes notices/solicitations for donations.
4. All City electronic information systems, hardware, software, temporary or permanent files and any related systems or devices created or stored on the City's computers are the property of the City and may be subject to public disclosure under the Public Records Act, cooperation with law enforcement, or litigation. If disclosure of e-mail messages or any other data files should be required under the Public Records Act, cooperation with law enforcement, or other lawful requests (despite the designation of any message as "private" or "confidential"), the City shall not be liable for this disclosure in any way. These computer systems are provided for official City business.
5. All electronic files and e-mails sent and received through the City's internet network are the property of the City and users can have no expectation of privacy in or ownership of same. Any and all e-mails, files, work product, etc., may be subject to disclosure as public records. The user should not have any expectation of privacy as to any information contained on the Council computers, any use made of such computers, and any use of the City's computer network.
6. Network accounts are to be accessed only by the authorized user of the account and the system administrator. The confidentiality of passwords and user accounts shall be protected for security purposes.
7. Users are prohibited at all times from downloading, viewing, creating, or transmitting any inappropriate material on or through the City's network. Inappropriate material includes, but is not limited to, material that: (a) is unlawful or illegal; (b) is

pornographic or obscene; (c) is threatening; (d) is abusive; (e) is libelous or defaming; (f) is offensive; (g) encourages or incites conduct that would constitute a criminal offense; (h) violates the City's harassment policies; (i) is categorized as adult/sexually explicit, personal or dating, or weapons; or (j) could potentially lead to civil and/or criminal liability or adverse publicity for the City, its officers and/or employees. Users are also prohibited at all times from creating and/or maintaining an internet log (also known as a web log or a blog). The City also reserves the right to remove any inappropriate material from its software/hardware and computer network.

8. Users may not attempt to circumvent user authentication or security of any host, network, or account. This includes, but is not limited to, accessing data not intended for the user, logging into a server or account the user is not expressly authorized to access, or probing the security of other networks. Users may not attempt to interfere with service to any user, host, or network. This includes, but is not limited to "flooding" of networks, deliberate attempts to overload a service, and/or attempts to "crash" a host. Users may not use any kind of program/script/command, or send messages of any kind, designed to interfere with another user's session, via any means, locally or by the Internet.
9. It is important to use care when sending e-mail messages from City-owned equipment and from City-supplied e-mail addresses. As noted in Paragraph 4, above, the confidentiality of electronic mail cannot be assured. Any communication that needs to remain confidential should not be sent electronically.
10. To ensure that public records are retained for the legal retention period, the System Administrator shall ensure that all e-mail received and sent by the Mayor and Councilmembers through the City's computer network has a back-up copy. In order to preserve network resources, all other e-mail messages in the City Council e-mail inbox, sent and discarded folders will be retained in the network system for 90 days then deleted.
11. The Council computers shall be maintained by the City, and City staff may be called upon to provide remote service and maintenance on such computers, including ensuring that such computers have internet access. Additionally, City staff may require that such computers be returned to the City periodically for maintenance and upgrades.
12. Should the Mayor or a Councilmember elect to utilize a computer not owned by the City to conduct City business, including accessing or responding to City related e-mails, the City will not service or maintain such computers, nor will the City in any way fund the use of such computers. Use of a non-City owned computer and/or use of a personal e-mail account to conduct City business is strongly discouraged, due to the potential for City records to be saved on that non-City owned computer that may be subject to public disclosure under the Public Records Act, cooperation with law enforcement, or litigation.

**Policy 1.6: City Council Credit Card Use**

Each member of the City Council shall be issued a City credit card with a credit limit of \$5,000.00. Use of the credit card shall be consistent with Policy 5.1 (Meeting, Training, and Conference and Professional Association Membership Expenses), shall be used for City business purposes only, and shall be subject to the credit card administrative policies established by the City Manager for City employees.

**Policy 1.7: City Council Use of City Pool Vehicles**

A member of the City Council may use a City pool car vehicle for City business purposes, if a pool car is available at the time of the request, and if the member of the City Council requesting such use has complied with all of the established City vehicle usage procedures approved by the City Manager for City employees, including but not limited to providing proof of a valid California driver license, providing documentation to permit and complete enrollment in the State Department of Motor Vehicles (DMV) pull notice program, and completion of a California Joint Powers Insurance Authority (JPIA) driver training class every two years. The City's Human Resources/Risk Management Division is responsible for providing the City Council with notice of scheduled California JPIA driver training in Moorpark. The alternative to City pool car use is mileage reimbursement for private vehicle use, consistent with the requirements of Policy 5.1.

**Policy 1.8: City Council Cellular Telephone Reimbursement**

Cellular telephones (cell phones) are a necessary expense for City Councilmembers, to ensure the Council is readily accessible to deal with City business. Monthly reimbursement for City Council cell phones shall be the base monthly cell phone contract amount, not to exceed \$70.00 dollars per month. In addition to the monthly allowance, the City shall reimburse each Councilmember up to a maximum of \$125.00 every two years upon submittal of an invoice showing proof of payment for a new cell phone. Each Councilmember shall obtain a cell phone service with no less than nationwide access, unlimited mobile to mobile and unlimited night/weekend minutes, voice mail and paging capabilities, and a local 805 area code. To receive reimbursement for the monthly base service, each Councilmember shall complete a reimbursement form provided by the Finance Director and attach the portion of their monthly bill which identifies the base monthly charge.

Information on calls made and received should not be included with the reimbursement form. The reimbursement request must be submitted to the Finance Director no later than 30 days following the date of the cell phone service invoice to obtain reimbursement. City Councilmembers would be eligible for additional cell phone use reimbursement for costs exceeding the \$70.00 dollars per month due to increased cell phone usage during a City declared emergency, and for the additional cost required to respond to the business of the City while traveling out of the country. To receive additional cell phone use reimbursement, for either of the two qualifying reasons, a reimbursement form along with supporting documentation must be submitted to the Finance Director.

**Policy 1.9: City Council Completion of City Manager Evaluation**

The City Council will conduct an annual performance evaluation for the City Manager within 60 days from his/her anniversary date. The form of the evaluation shall be as approved by the majority of the City Council, and following completion, the Mayor shall sign the evaluation and a memorandum that provides direction to the City's Personnel Officer regarding any related personnel action.

**Policy 1.10: City Council Identification Badge**

Each member of the City Council will be provided with a metal identification badge to be worn when attending meetings, and will also be provided a wallet identification badge or card, to be used for identification purposes, such as to permit access for a City special event and to serve as proof of identity in the event of a City emergency.

**Policy 1.11: City Council Dinner Meal Policy**

A dinner meal will be provided by the City at a special meeting of the City Council, if such meeting is scheduled to begin at 6:15 p.m. or earlier and prior to a regular City Council meeting.

**Policy 1.12: City Council Use of Mass Mailings**

An individual member of the City Council may not require a City-funded mass mailing (such as a survey) by paper, email, internet or other technological device without a majority vote of the City Council.

**Policy 1.13: City Councilmember and Office of Mayor Candidates Campaign Advertising Prohibited in Any City Sponsored Publication**

City Councilmember and office of Mayor candidates shall not be permitted to place campaign advertising in City sponsored publications.

**SECTION 2. POLICIES ADMINISTERED BY ADMINISTRATIVE SERVICES DEPARTMENT AND CITY CLERK**

**Policy 2.1: City Clerk Records Destruction Approval Authority**

In accordance with Government Code Section 34090.5, and Municipal Code Section 2.16.030.4, the City Council authorizes the City Clerk to approve the destruction of records, documents, instruments, books, and papers, without the approval of the legislative body or the written consent of the City Attorney, subject to compliance with the conditions specified in Government Code Section 34090.5.

**Policy 2.2: Advertising and Appointment Procedures for Appointments to Boards, Commissions, and Committees**

1. At the end of each calendar year, an Appointments List will be prepared and posted at the City Community Center, Moorpark Library, and on the City's website, of all citizen appointive positions and their expiring term of office (in compliance with the Maddy Act requirements, Government Code Section 54973). A contact number and request for communication with the City Clerk will be included, to allow residents to obtain information on any requirements for the appointed positions, and to facilitate communication with the City Clerk in the event a citizen has an interest in being placed on the appointee resource list. Notice of the availability of the Appointments List shall also be provided on the City's local government channel. The Appointments List and notice of availability shall remain posted for the month of January. In addition, the Local Appointments List shall be made available for the public to purchase for the actual cost of reproduction.
2. Not later than 30 days prior to the expiring term of office of a citizen appointee, the City Clerk will prepare and distribute a press release to all newspapers of local distribution and radio stations that have requested such notice, advertising the citizen appointment opportunity. The City Clerk will also post such notice in the office of the City Clerk, the Moorpark Library, on the City's website, local government channel, and at the City Community Center.
3. Interested persons will be asked to submit a City Board, Commission, and Committee Application to the City Clerk. The application form shall include language that asks applicants to identify all open recruitment citizen appointments for which they would like to be considered to facilitate use of one application form for more than one open recruitment occurring at the time of application. Staff from the City Clerk's Division will personally receive all applications delivered to City Hall.
4. When an unscheduled vacancy occurs for any City Council citizen appointment, and six (6) months or less will remain in the citizen appointment term following a thirty (30)-day recruitment, the City Clerk will request the City Council give direction on whether to recruit or leave the appointment position vacant. When more than six (6) months will remain in the appointment term following a 30-day recruitment, recruitment will be initiated and notice of the vacancy will be posted not later than twenty (20) days after the vacancy occurs in the office of the City Clerk, at the Moorpark Library, on the City's website, on the local government channel, and at the City Community Center (in compliance with the Maddy Act requirements). Advertisement of the citizen appointment opportunity will be initiated by the City Clerk in the same manner as for an expiring term, unless the City Council determines that the vacancy will not be filled due to the length of the remaining term of office.
5. The City Clerk shall maintain a resource list of citizens who have expressed an interest in serving as appointees on advisory boards, commissions and committees and will mail an application at the time of the next advertisement.

6. In order to be considered for City Council appointment to a board, commission, or committee, the applicant must be a resident of the City of Moorpark and shall also be a registered voter, in the City of Moorpark, with the following exceptions:
  - A. There is no registered voter requirement for Teen Council.
  - B. An applicant for the Moorpark Arts Commission must reside within the City, the City's Area of Interest, the Moorpark Unified School District boundaries, or own a business within the City of Moorpark.
7. Applicants for the Arts Commission, Parks and Recreation Commission, and Planning Commission are required to attend a regular or special City Council meeting in December of each even-numbered year to make a brief presentation on qualifications and interest in the appointment (not to exceed three minutes). Use of PowerPoint will be permitted if the City Clerk has been provided with the PowerPoint file no less than 24 hours prior to the presentation. The City Clerk shall schedule the presentations at one or both of the December regular meetings, or at a special meeting, as directed by the Mayor. Failure to make a presentation shall result in disqualification for appointment. The City Council may by majority vote extend the date for the presentations to the next calendar year. Applicants for the Library Board are required to attend a regular or special City Council meeting prior to appointment in July of each year to make a brief presentation (not to exceed three minutes) on qualifications and interest in the appointment. Failure of any applicants to make a presentation shall result in disqualification for appointment. Use of PowerPoint will be permitted if the City Clerk has been provided with the PowerPoint file no less than 24 hours prior to the presentation.
8. As per Government Code Section 40605, the Mayor shall make all appointments to boards, commissions and committees.
9. The procedure for appointments shall be as follows:
  - A. The Mayor shall solicit suggested nominees from members of the Council.
  - B. Prior to making a motion for appointment, the Mayor shall announce the names of all persons he/she intends to nominate, and in the order to be nominated, for a board, commission, or committee.
  - C. The Mayor shall then make a motion putting forth each individual name to be approved for appointment.
  - D. A second shall be required.
  - E. The Council shall vote on each appointment individually.

**Policy 2.3: Reports from Appointees**

1. Reports are required from appointees to the following:  
Area Agency on Aging  
Area Housing Authority  
Citizens Transportation Advisory Committee  
Air Pollution Control District Advisory Committee
2. A report shall be required for each scheduled meeting of the agency, authority, district, commission or committee and is due in written form to the City Council five (5) days following the meeting. An e-mail report is acceptable.

In lieu of a written report, an oral report may be presented to the Council under the public comment portion of the next regularly scheduled City Council meeting after the meeting of the agency, authority, district, etc.

3. Where the City is represented by more than one person, the appointees shall coordinate and collaborate their efforts so that only one report is presented to the Council.
4. If neither the appointee nor alternate is in attendance at a meeting of the agency, authority, district, etc., or if the meeting is canceled, that will be reported to the Council by the appointee(s) as prescribed above.

**Policy 2.4: Ethics Training**

All City Councilmembers, Planning Commissioners, Parks and Recreation Commissioners, Arts Commissioners, Library Board Members, and any other member of the legislative body (as defined by Government Code Section 54952) that receives any type of compensation, salary, or stipend or reimbursement of expenses, shall attend ethics training within twelve (12) months of assuming office and receive no less than two (2) hours of said training within two (2) years of assuming office and every two (2) years thereafter, as required by Government Code Section 53235 et seq. All City management staff shall be required to either attend ethics training scheduled by the City Clerk, or complete authorized internet training, and obtain a certification of completion once every odd numbered calendar year. In addition to City management staff, the City Manager may designate other City employees and/or contract staff that will also be required to attend ethics training.

In January of every year, the City Clerk shall provide the City Council, Planning Commission, Parks and Recreation Commission, Arts Commission, and Library Board with information on training available to meet the requirements of this policy and applicable state law. Within the first three months of each odd numbered year, the City Clerk shall schedule group ethics training and will invite the members of the City Council, all Commissioners, all Board Members, all City Management staff, and all other City Manager designated employees and contract staff to attend. Any member of the City Council, Commissioner, Board Member, management employee, designated employee, or designated contract staff unable to attend the scheduled group ethics training shall be required to complete other ethics training that

complies with requirements of Government Code Section 53235 et seq. The City Clerk shall maintain a record of completion on the required ethics training, for each person, consistent with applicable state law.

**Policy 2.5: Conflict of Interest Appraisal**

1. Conflict of Interest Appraisals shall be allowed to provide proof and rebut the presumption that the financial effect of a governmental decision on real property, in which a public official has an economic interest, is presumed to be material (Section 18705.2 of Title 2, Division 6, California Code of Regulations), as provided below:
  - A. Two conflict of interest appraisals shall be allowed per year per Councilmember if real property in which a Councilmember has an economic interest is the subject of a City Council decision or if any part of that real property is located within 500 feet of the boundaries (or proposed boundaries) of the real property which is the subject of the governmental decision.
  - B. One conflict of interest appraisal shall be allowed per year per Planning Commissioner, if real property in which a Planning Commissioner has an economic interest is the subject of a Commission decision or if any part of that real property is located within 500 feet of the boundaries (or proposed boundaries) of the real property which is the subject of the governmental decision.
  - C. One conflict of interest appraisal shall be allowed per year per for the City Manager, if real property in which the City Manager has an economic interest is the subject of a City government decision or if any part of that real property is located within 500 feet of the boundaries (or proposed boundaries) of the real property which is the subject of the governmental decision.
  - D. One conflict of interest appraisal shall be allowed per year for the Community Development Director, if real property in which the Community Development Director has an economic interest is the subject of a City government decision or if any part of that real property is located within 500 feet of the boundaries (or proposed boundaries) of the real property which is the subject of the governmental decision.
2. The amount of funding for conflict of interest appraisals shall be a budgetary consideration determined during the budget process as the Council looks at actual projects that are likely to be considered during the following fiscal year.

**Policy 2.6: Policy against Harassment, Discrimination, and Retaliation**

1. Purpose and Policy.

- A. Purpose. The City of Moorpark is committed to providing a work environment which is free of harassment or discrimination because of gender, gender identity or expression, genetic characteristics or information, race, color, national origin, ancestry, religion, creed, sex, physical or mental disability, medical condition, marital status, veteran status, sexual orientation, age, or any basis protected by applicable federal, state, or local law. The City is also committed to providing a work environment free from retaliation because of an employee's opposition to unlawful harassment or discrimination or participation in an employment discrimination or harassment investigation, proceeding, or hearing. In keeping with this commitment, this Policy strictly prohibits harassment, discrimination, and retaliation of this nature. Behavior or actions which result in or establish an environment of such harassment, discrimination, or retaliation are strictly prohibited.
  
- B. Policy. The City maintains a strict policy prohibiting all types of harassment or discrimination because of gender, gender identity or expression, genetic characteristics or information, race, color, national origin, ancestry, religion, creed, sex, physical or mental disability, medical condition, marital status, veteran status, sexual orientation, age, or any basis protected by applicable federal, state, or local law. The City also maintains a strict policy prohibiting retaliation because of an employee's opposition to unlawful harassment or discrimination or participation in an employment discrimination or harassment investigation, proceeding, or hearing. All such harassment, discrimination, or retaliation is prohibited. This policy applies to all employees involved in the operations of the City and prohibits harassment by any employee of the City including supervisors, co-workers, volunteers, and by anyone doing business with the City. If harassment or alleged harassment occurs on the job by someone not employed by the City, the applicable procedures in this policy should be followed as if the harasser were an employee of the City.

2. Definitions.

- A. Discrimination. Discrimination is any action or conduct by which an employee is treated differently or less favorably than other employees similarly situated to him/her for the sole reason that he/she is a member of a legally protected category, such as genetic characteristics or information, race, color, national origin, ancestry, religion, creed, sex, physical or mental disability, medical condition, marital status, veteran status, sexual orientation, age, or any basis protected by applicable federal, state, or local law. For example, it would be discrimination for an individual to be denied employment or terminated from employment because that individual has a disability or is 40 years of age or older.
  
- B. Harassment. Harassment is unwelcome verbal, visual, or physical conduct that creates an intimidating, offensive, or hostile work environment or that interferes with work performance when such conduct is based on an

employee's genetic characteristics or information, race, color, national origin, ancestry, religion, creed, sex, physical or mental disability, medical condition, marital status, veteran status, sexual orientation, age, or any basis protected by applicable federal, state, or local law. Such conduct constitutes harassment when:

- 1) Submission to the conduct is made either an explicit or implicit condition of employment;
- 2) Submission to or rejection of the conduct is used as the basis for an employment decision; or
- 3) The harassment unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

C. Harassment Examples. Harassing conduct can take many forms and includes, but is not limited to, slurs, jokes, statements, gestures, pictures, computer images, or cartoons regarding an employee's gender, genetic characteristics or information, race, color, national origin, ancestry, religion, creed, sex, physical or mental disability, medical condition, marital status, veteran status, sexual orientation, age, or any basis protected by applicable federal, state, or local law.

D. Sexual Harassment.

- 1) Sexual harassment is unwanted sexual advances; requests for sexual favors; or visual, verbal or physical conduct of a sexual nature when:
  - a) Submission to such conduct is made a term or condition of employment; or
  - b) Submission to or rejection of such conduct is used as a basis for employment decisions affecting the individual; or
  - c) Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.
- 2) This definition includes many potential forms of offensive behavior. The following is a list of some examples:
  - a) Unwanted sexual advances.
  - b) Offering employment benefits in exchange for sexual favors.

- c) Making or threatening reprisals after a negative response to sexual advances.
- d) Visual conduct: leering, making sexual gestures, or displaying of sexually explicit jokes.
- e) Verbal sexual advances or propositions.
- f) Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body or dress, sexually degrading words to describe an individual, suggestive or obscene letters, notes or invitations.
- g) Physical conduct: touching, assault, impeding or blocking movements.
- h) Retaliation for threatening to or reporting harassment.
- i) Sexual harassment can occur between members of the same or opposite sex. Sexual harassment on the job is unlawful whether it involves co-worker harassment, harassment by a supervisor or manager, or harassment by anyone doing business with or for the City.

E. Supervisor. Any employee having authority to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or to effectively recommend that action, if, in connection with the foregoing, the exercise of that authority is not merely of a routine or clerical nature, but requires the use of independent judgment.

### 3. Mandatory Training.

A. All Employees. A copy of this Policy will be given to all employees of the City on the first day of employment, and acknowledgment will be required as described in Section 10 of this Policy. This Policy shall be redistributed to all employees following any amendment action, and acknowledgment will be required as described in Section 10.

B. Supervisory Employees.

- 1) All supervisors will be trained once every two (2) years, as scheduled by the City's Human Resources/Risk Management Division, on matters relating to the prevention, reporting, and investigation of harassment, discrimination, and retaliation. Further, individuals appointed to supervisory positions from a non-supervisory position or as a new

employee shall receive training within six (6) months of their hiring or assumption of the supervisory position.

- 2) Supervisory training will last for a minimum of two (2) hours.
- 3) Supervisory training will be conducted in a classroom or other interactive setting and will, at a minimum, cover the following topics:
  - a) Information and practical guidance regarding federal and state statutory laws about harassment, including sexual harassment;
  - b) Information about the correction of harassment and the remedies available to victims of harassment; and
  - c) Practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation.

4. Preventing Harassment and Discrimination. The City's complaint procedure provides for a prompt, thorough and objective investigation of every harassment or discrimination claim, appropriate disciplinary action against one found to have engaged in unlawful harassment or discrimination, and appropriate remedies to any victim of harassment or discrimination. Employees should follow the following procedure to notify the City of alleged harassment and/or discrimination:

A. Submitting a Complaint. Employees who believe they have been harassed or discriminated against on the job, including by persons doing business with or for the City, must provide a verbal or written complaint to his/her supervisor, department head, Personnel Officer, Human Resources Analyst, or the City Manager as soon as possible. If the reported conduct involves a person in the employee's direct chain of command or if for any reason the employee feels uncomfortable making a report to his/her direct supervisor or department head, the report must be made to the Personnel Officer, Human Resources Analyst, or the City Manager. If the complaint involves the City Manager, the complaint should be reported to the Personnel Officer or in his/her absence, directly to the City Attorney. Complaints regarding the City Manager will be forwarded by the Personnel Officer or City Attorney to the City Council for consideration during closed session. Complaints regarding a member of the City Council must be reported to the City Manager or the City Attorney.

The complaint should include details of the incident(s), names of individuals involved, and the names of any witnesses. Supervisors and/or department heads must immediately refer all harassment and discrimination complaints to the Personnel Officer, Human Resources Analyst, or City Manager.

B. Investigation of Complaints. All incidents of alleged harassment and discrimination that are reported must be investigated. The City will undertake

and/or direct a prompt, thorough, and objective investigation of the harassment or discrimination allegations. The investigation will be completed and a determination regarding the harassment or discrimination alleged will be made and communicated to the employee(s) who complained and the accused harasser(s). If the City determines that harassment or discrimination has occurred, the City will take effective remedial action commensurate with the circumstances. Appropriate action will also be taken to deter any future harassment or discrimination. If a complaint of harassment or discrimination is substantiated, appropriate disciplinary action, up to and including termination of employment, will be taken. The City will also take appropriate action to remedy any loss to the employee resulting from the harassment or discrimination. The City Attorney's office will notify the complainant in writing regarding action taken against the person responsible for the harassment or discrimination. The City Attorney's office will also instruct the complainant to immediately report recurring or continuing harassment, discrimination, or retaliation.

- C. Employees may be placed on a paid administrative leave during an investigation until the conclusion of discrimination or harassment investigation.
  - D. All employees should note that the failure to use the City's complaint procedure may have an adverse effect on any claim under this Policy if such claims are litigated.
  - E. If a complaint is found to be a malicious false accusation, the employee who brought forth the complaint will be subject to disciplinary action.
5. Confidentiality. The City will take all reasonable steps available to maintain the confidentiality of all complaints of harassment and discrimination as well as all information gathered during the investigation. However, employees may not make an anonymous complaint and the City cannot guarantee absolute confidentiality as disclosure of information is necessary to complete the investigation. All employees involved in the investigation of harassment or discrimination complaints will be admonished to keep all information related to the investigation confidential, and that revealing such information is grounds for discipline.
6. Employee's Duty to Disclose Benefits Received. Employees are hereby informed that no supervisor, manager, or officer of the City, or other person or entity doing business with the City, is authorized to expressly or impliedly condition the receipt or denial of any benefit, compensation, or other term or condition of employment on an employee's consent to any sexual demand. To the contrary, all employees are instructed that they must refuse such demands and report them promptly either to his/her supervisor, department head, Personnel Officer, Human Resources Analyst, or City Manager. Any employee who is found to have obtained any benefit from the City because he/she submitted to an unreported sexual demand will be disciplined

appropriately, and may be subject to reimbursing the City for the value of any benefits received. Any employee making such a demand will also be subject to discipline.

7. Anti-Retaliation Policy. The City prohibits retaliation against any employee because of the employee's opposition to a practice the employee reasonably believes to constitute employment discrimination or harassment; or because of the employee's participation in an employment discrimination or harassment investigation, proceeding, or hearing. Any retaliatory adverse action because of such opposition or participation will not be tolerated; and may also be unlawful.

A. Examples of Opposition. Opposition to perceived harassment or discrimination includes, but is not limited to, threatening to file or filing harassment and/or discrimination complaint with the Equal Employment Opportunity Commission ("EEOC"), the Department of Fair Employment and Housing ("DFEH"), union or court, or complaining or protesting about alleged harassment or discrimination to a supervisor, manager, co-worker or other official. Opposition also includes a complaint or protest made on behalf of another employee or made by the employee's representative.

B. Examples of Participation. The City will not tolerate retaliation against any individual because he/she has filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding, hearing or litigation under federal or state harassment or discrimination statutes or at other hearings regarding protected employee rights, such as an application for unemployment benefits. The City also prohibits retaliation against somebody closely related to or associated with the employee exercising such rights.

C. Examples of Adverse Actions. For purposes of this Policy, an adverse action can include, but is not limited to, the following acts, when the act is taken because of the employee's opposition to harassment or discrimination, or because of the employee's participation in an employment discrimination or harassment investigation, proceeding, or hearing: disciplinary actions, negative performance evaluations, undesirable transfer, undesirable assignments, negative comments, unwarranted criticism, actions that harm the employee outside the workplace, undesirable change in benefits, undesirable change in work schedule, unwarranted exclusion from meetings or events, or undesirable change in work duties.

D. The City's Complaint Procedure. The City's complaint procedure provides for a prompt, thorough and objective investigation of any claim of retaliation because of opposition to alleged discrimination or harassment, or participation in a proceeding regarding alleged discrimination or harassment. Employees who believe that they have been retaliated against because of their opposition to an employment practice which they reasonably believe to be discriminatory harassing, or because of their participation in a hearing or proceeding

regarding alleged harassment or discrimination should follow the following procedure to notify the City of retaliation:

- 1) **Submitting a Complaint.** Employees who believe they have been retaliated against because of opposition to alleged discrimination or harassment, or participation in a proceeding regarding alleged discrimination or harassment, must provide a verbal or written complaint to his/her supervisor, department head, Personnel Officer, Human Resources Analyst, or the City Manager as soon as possible. If the reported conduct involves a person in the employee's direct chain of command, or if for any reason the employee feels uncomfortable making a report to his/her supervisor or department head, the report must be made to the Personnel Officer, Human Resources Analyst, or the City Manager. If the complaint involves the City Manager, the complaint should be reported to the Personnel Officer, or in his/her absence, directly to the City Attorney. Complaints regarding the City Manager will be forwarded by the Personnel Officer or City Attorney to the City Council for consideration during closed session. Complaints regarding a member of the City Council must be reported to the City Manager or the City Attorney.

The complaint should include details of the incident(s), names of individuals involved, and the names of any witnesses. Supervisors and/or department heads must immediately refer all retaliation complaints to the Personnel Officer, Human Resources Analyst, or City Manager.

- 2) **Investigation of Complaints.** All complaints of prohibited retaliation which are reported to the City will be investigated. The City will undertake and/or direct a prompt, thorough and objective investigation of the retaliation allegations. The investigation will be completed and a determination regarding the alleged retaliation will be made and communicated to the employee who complains and to the person(s) accused of retaliation.
- 3) If the City determines that an individual has suffered adverse action in retaliation for opposition to alleged harassment or discrimination, or participation in a proceeding related to alleged harassment or discrimination, the City will take effective remedial action appropriate to the circumstances. The City will also take action to deter any future retaliation. If a complaint of unlawful retaliation is substantiated, appropriate disciplinary action, up to and including termination of employment, will be taken. The City Attorney's office will notify the complainant in writing regarding action taken against the person responsible for the retaliation. The City Attorney's office will also

instruct the complainant to immediately report recurring or continuing harassment, discrimination, or retaliation.

- 4) Employees may be placed on a paid administrative leave during an investigation until the conclusion of a retaliation investigation.
- 5) All employees should note that the failure to use the City's complaint procedure may have an adverse effect on any claim under this Policy if such claims are litigated.
- 6) If a complaint is found to be a malicious false accusation, the employee who brought forth the complaint will be subject to disciplinary action.

E. Confidentiality. The City will take all reasonable steps available to maintain the confidentiality of all complaints of retaliation as well as all information gathered during the investigation. However, employees may not make an anonymous complaint and the City cannot guarantee absolute confidentiality as disclosure of information is necessary to complete the investigation. All employees involved in the investigation of retaliation complaints will be admonished to keep all information related to the investigation confidential, and that revealing such information is grounds for discipline.

8. Additional Enforcement Information. In addition to the City's internal complaint procedure, employees should also be aware that the EEOC and the DFEH investigate and prosecute complaints of harassment, discrimination, and/or retaliation in employment. You can contact the EEOC as follows: Los Angeles District Office, 255 East Temple, 4th Floor, Los Angeles, California 90012; 800-669-4000. You can contact the DFEH as follows: Los Angeles Office, 611 West Sixth Street, Suite 1500, Los Angeles, California 91117; 800-884-1684. Additional information can be found on the EEOC's website ([www.eeoc.gov](http://www.eeoc.gov)) and/or the DFEH's website ([www.dfeh.ca.gov](http://www.dfeh.ca.gov)).
9. Documentation. All harassment, discrimination, and retaliation complaint investigations and corrective actions shall be documented by the Human Resources/Risk Management Division and/or City Attorney. The documentation shall include a summary of the investigation and an explanation of the appropriateness of the corrective actions. All related files shall be retained by the Human Resources/Risk Management Division until such time as file destruction is approved by the City Council in accordance with records retention requirements. A record of a harassment complaint will not be included in an employee's personnel file if the complaint is found to be unwarranted or a false accusation after conducting an investigation.
10. Employee/Volunteer Acknowledgment of Receipt of Policy against Harassment, Discrimination, and Retaliation. All employees shall be given a copy of this Policy on the first day of employment, shall be given the time to read the Policy during their new

employee orientation meeting, and shall be required to sign a form acknowledging the following:

I acknowledge receipt of the City of Moorpark Policy against Harassment, Discrimination, and Retaliation. I understand that it is my responsibility to read and comprehend its contents. If I have any questions, I shall submit any questions in writing to the Personnel Officer or Human Resources Analyst within seven (7) days of receipt of the Policy and signing the acknowledgment form.

The City Manager or his/her designee may determine that certain volunteers shall also be required to receive, read, and acknowledge receipt of the City of Moorpark Policy against Harassment, Discrimination, and Retaliation.

This Policy shall be redistributed to all employees and applicable volunteers following any amendment, and no less than once every two years, with reading and receipt acknowledgment required as described above.

### **Policy 2.7: Drug-Free Workplace**

1. **General Policy:** It is the goal of the City of Moorpark ("City") to create a healthy and safe work environment in order to deliver the best and most cost-efficient municipal service. It is the responsibility of the City employees to cooperate in efforts to protect the life, personal safety, and property of co-workers and fellow citizens. Substance abuse has been found to be a contributing factor to absenteeism, substandard performance, increased potential for accidents, poor morale, and impaired public relations. It is the goal of this policy to prevent substance abuse in the workplace. Employees must take all reasonable steps to abide by and cooperate in the implementation and enforcement of this policy. Alcohol and/or drug abuse will not be tolerated on or off the job for any employee, and disciplinary action, up to and including termination, will be used as necessary to achieve the goal of eliminating substance abuse in the workplace.

This policy applies to all City employees. Certain City employees are also subject to the Omnibus Transportation Employee Testing Act of 1991 (Pub. L. No. 102-143, 105 Stat. 952), which requires alcohol and drug testing of safety-sensitive transportation employees who are required to have a commercial driver's license (49 CFR Parts 40, 382, as amended).

In order to comply with the Department of Transportation regulations, the City has developed specific guidelines regarding when and how drug-alcohol testing will occur, as well as provisions on rehabilitative services available to all covered employees. The specific guidelines for employees who are required to have a commercial driver's license are set forth in Policy 2.8.

2. **Definitions:**

- A. Alcohol: Any liquid containing ethyl alcohol (ethanol).
- B. Applicant: Any person applying for employment with the City who has been extended a conditional offer of employment.
- C. Controlled Substance: Any drug that is classified by the Drug Enforcement Administration into the five schedules or classes on the basis of their potential for abuse, accepted use, and accepted safety under medical supervision.
- D. Drug(s): Legal and/or illegal drugs, as defined herein.
- E. Illegal Drug: A controlled substance; a legal drug which has not been legally obtained; or a legal drug which was legally obtained, but that is being sold or distributed unlawfully.
- F. Legal Drug: Any drug, including any prescription drug or over the counter drug, that has been legally obtained and that is not unlawfully sold or distributed.
- G. Reasonable Suspicion: A belief based upon objective facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform his/her job safely is reduced. For example, any of the following, alone or in combination, may constitute reasonable suspicion:
  - 1) Slurred speech;
  - 2) Alcohol odor on breath;
  - 3) Unsteady walking and movement;
  - 4) Physical impairment (e.g., glassy eyes, eye dilation, shaking, or erratic movement);
  - 5) An accident involving City property;
  - 6) Physical altercation;
  - 7) Verbal altercation;
  - 8) Unusual behavior;
  - 9) Job impairment;

10) Possession of alcohol or drugs; or

11) Information obtained from a reliable person with personal knowledge.

H. Under the Influence of Drugs or Alcohol: The use of (1) any alcoholic beverage; (2) any illegal drug or substance, or (3) misuse of any prescribed drug, in a manner and to a degree that impairs the employee's work performance or ability to use City property or equipment safely.

3. Employee Responsibilities:

A. Sign and return the Acknowledgement of Receipt of Drug Free Workplace Policy, noting specifically that the employee has read, understands, and agrees to abide by the provisions of this policy as a condition of continued employment.

B. Not report to work or be subject to duty while under the influence of illegal drugs or alcohol.

C. Not report to work or be subject to duty while under the influence of a legal drug whenever the use of the legal drug might (1) endanger the safety of the employee or another person; (2) pose a risk of significant damage to City property or equipment; or (3) substantially interfere with the employee's job performance or the safe or efficient operation of the City's business or equipment.

D. Notify his/her supervisor, before beginning work, when taking any medications or drugs, prescription or nonprescription, which may interfere with the safe and effective performance of duties or operation of City equipment.

E. Not manufacture, possess, use, trade, offer to sell, sell, or buy drugs or alcohol during working hours or while subject to duty, on breaks, during meal periods, or anytime while on City property.

F. Not store in a locker, desk, automobile, or other repository on City property, any alcohol or illegal drug. This policy is not intended to prevent an employee from possessing alcoholic beverages in sealed containers in his/her personal vehicle. Nor is this policy intended to prevent presentation of alcohol as a gift.

G. Not directly or through a third party sell or provide drugs or alcohol to any person, including any employee, while either employee or both employees are on duty or subject to being called to duty. This policy is not intended to prevent an employee from possessing alcoholic beverages in sealed containers in his/her personal vehicle. Nor is this policy intended to prevent presentation of alcohol as a gift.

- H. Submit to an alcohol and/or drug test when requested to do so by the employee's Department Head, Personnel Officer, or City Manager, as provided for in accordance with the guidelines set forth herein.
- I. Provide within twenty-four (24) hours of request bona fide verification of a current valid prescription for any potentially impairing drug or medication identified when a drug test is positive. The prescription must be in the employee's name.
- J. File an "Employee Report of Conviction for Violating Criminal Drug Statutes in the Workplace" to the City Personnel Officer within five (5) days of such conviction.

4. City Responsibilities:

- A. The City Manager, Personnel Officer, and the Department Heads are responsible for reasonable enforcement of this policy.
- B. The City Manager, Personnel Officer, or a Department Head may request that an employee submit to a drug and/or alcohol test in accordance with the guidelines set forth herein.
- C. Whenever an employee refuses an order to submit to a drug or alcohol test upon request, the employee shall be reminded of the requirements of this policy and the disciplinary consequences provided for in this policy. Such refusal may be considered insubordination and grounds for disciplinary action up to and including termination.
- D. Where there is a reasonable suspicion that an employee is under the influence of drugs or alcohol, the Department Head should detain the employee for a reasonable time until the employee can be safely transported home.
- E. Department Heads shall not physically search the person of employees, nor shall they search the personal possessions of employees without freely given consent in the presence of the City Manager, Personnel Officer, or other City Manager designee.
- F. Department Heads shall notify the City Manager or Personnel Officer, whenever they have reasonable suspicion to believe that an employee may have illegal drugs in his/her possession or in an area not jointly or fully controlled by the City. If the City Manager or Personnel Officer concurs that there is reasonable suspicion of illegal drug possession, the City Manager or Personnel Officer shall notify the appropriate law enforcement agency.

5. Drug Testing Guidelines:

- A. Drug Testing: Employees subjected to a drug test shall be tested by submitting to a urinalysis test.
- B. Alcohol Testing: Employees subjected to an alcohol test shall be tested by submitting to a breathalyzer test.
- C. Testing Protocol: All testing will be conducted according to DHHS/SAMHSA guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody. A copy of the DHHS/SAMHSA Guidelines may be obtained from Human Resources, or are available at the DHHS Website at: [www.workplace.samhsa.gov](http://www.workplace.samhsa.gov).
- D. Pre-Employment Examinations:
  - 1) Required: The City Manager shall establish by administrative procedure the City job positions requiring drug and alcohol testing, based on safety sensitive responsibilities. The drug and alcohol testing for such positions shall be done in conjunction with the pre-employment examination. No drug and alcohol test shall be administered prior to the applicant receiving a conditional offer of employment from the City.
  - 2) Results: A positive result for a drug and/or alcohol analysis may result in the applicant not being hired. If a drug screen is positive at the pre-employment physical, the applicant may be requested to provide within twenty-four (24) hours of request bona fide verification of a valid current prescription for the drug identified in the drug screen. If the prescription is not in the applicant's name or the applicant does not provide acceptable verification, or if the drug is one that is likely to impair the applicant's ability to perform the job duties, the applicant may not be hired.
- E. Alcohol/Drug Testing of Employees: The City shall require drug and/or alcohol tests of employees when reasonable suspicion exists as defined in Section 2 of this policy. Employees shall also be required to submit to return to duty and follow-up drug/alcohol tests as part of a last chance agreement as set forth in Section 6 of this policy.
  - 1) Documentation: Any Department Head requesting an employee to submit to a drug and/or alcohol test shall document in writing the facts constituting reasonable suspicion that the employee in question is under the influence of drugs or alcohol. When possible, the Department Head should have Human Resources staff, another Department Head, and/or supervisor witness the behavior and independently document it.

- 2) Prerequisite: Prior to the administration of any drug and/or alcohol testing, the City Physician and/or the Department Head shall attempt to obtain from the employee to be tested a completed and signed consent form. This form will provide for the employee's consent in writing to physical and/or psychological examination and testing and the release of result information by the City Physician to the City. Refusal by the employee to sign a consent form may be considered insubordination and may be grounds for disciplinary action up to and including termination of employment.
- 3) Interference with Required Test: An employee will be subject to the same consequences of a positive test if he/she:
  - a) Refuses the screening or the test;
  - b) Adulterates or dilutes the specimen;
  - c) Substitutes the specimen with that from another person or sends an imposter;
  - d) Will not sign the required forms; and/or
  - e) Refuses to cooperate in the testing process in such a way that prevents completion of the test.
- 4) Results: If the drug screen is positive, the employee may be requested to provide within twenty-four (24) hours of the test bona fide verification of a valid current prescription for the drug identified in the drug screen. The prescription must be in the employee's name.

6. Rehabilitation:

- A. General: The City encourages those employees who think that they may have a problem with drugs and/or alcohol to seek assistance and rehabilitation at an early date prior to notification of testing for any substance abuse problem and/or prior to discovery by the City of the employee's drug and/or alcohol problem. The City reserves the right to discipline employees, up to and including termination of employment, who are discovered to have a problem with drugs and/or alcohol, and do not come forward for help prior to the City's discovery.
- B. Employee Assistance: The Employee Assistance Program (E.A.P.) is available to assist regular full-time and regular part-time employees in these efforts. Information pertaining to the City's E.A.P. provider is given to all new employees receiving this benefit at the time of orientation, the telephone

number is posted with the notices of employee rights at each work site, and such information may also be obtained by contacting Human Resources staff.

- C. **Voluntary Referral:** A decision by an employee to voluntarily seek treatment or rehabilitation for the first time will not be used as the basis for disciplinary action; however, the City may in such cases require such employees to comply with the provisions of the Last Chance Agreement and Follow-Up Testing. An employee who tests positive for drugs under the provisions of this policy and then decides to enroll in a treatment or rehabilitation program does not qualify under this section. Likewise, an employee is not qualified under this section if the City discovers his/her alcohol and/or drug use prior to the employee's admission and request for treatment or rehabilitation.
  - D. **Leave:** If necessary, the employee may be granted a leave of absence without pay in order to participate in treatment and rehabilitation. Such a leave of absence shall be unpaid and subject to the requirements of Section 13.3 of the City's Personnel Rules regarding unpaid leaves of absences. However, an employee is required to exhaust all accumulated paid leave time prior to being granted an unpaid leave of absence for the purpose of receiving treatment and rehabilitation. The City reserves the right to deny such leave if so doing would impose an undue hardship on the City.
  - E. **Last Chance Agreement:** Employees who undergo treatment and/or rehabilitation may be required to sign a Last Chance Agreement as a condition of continued employment. In said agreement, the employee must promise to complete the treatment or the rehabilitation program and to comply with other terms stated therein. If the employee refuses to sign the Last Chance Agreement or violates such agreement, he/she may be subject to disciplinary action up to and including termination of employment.
  - F. **Return to Duty and Follow-up Testing:** An employee entering a rehabilitation program will be required to submit to a return to duty drug/alcohol test prior to his/her return to work. An employee entering a rehabilitation program may be required to submit to random follow up testing for up to one (1) year after completion of the program. If the employee fails to comply or if further substance abuse is detected upon such testing, the employee may be subject to disciplinary action, up to and including termination of employment.
7. **Confidentiality:** Laboratory reports or test results shall not appear in an employee's general personnel file. Information of this nature will be contained in a separate confidential medical folder that will be securely kept under the control of the Human Resources/Risk Management Division. The reports or test results may be disclosed to supervisors on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without patient consent, may also occur when:
- A. The information is compelled by law or by judicial or administrative process;

- B. The information has been placed at issue in a formal dispute between the employer and employee;
  - C. The information is to be used in administering an employee benefit plan; or
  - D. The information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.
8. Disciplinary Action: Disciplinary action, up to and including termination of employment, may be taken against an employee for any violation of this policy, including, but not limited to the following reasons:
- A. Failure to comply with any of the Employee Responsibilities set forth in this policy.
  - B. Positive results from a drug and/or alcohol test.
  - C. Refusal to be tested in accordance with this policy.
  - D. Violation of or refusal to enter into a “Last Chance Agreement.”
9. Relation to Disabilities: Nothing in this policy shall affect the City’s obligation to not discriminate and to reasonably accommodate certain alcoholics and/or drug addicts who are participating in or have completed a rehabilitation program in accordance with the Americans with Disabilities Act, the Fair Employment and Housing Act, and the Rehabilitation Act of 1973. Employees should be aware that none of these laws prohibits the City from taking disciplinary action against employees who are currently using illegal drugs.
10. Acknowledgement of Receipt of City of Moorpark Drug Free Workplace Policy:
- All employees shall be required to sign the following acknowledgment, along with their printed name, signature, and date of signature, at either the time of hire or within two weeks of the initial adoption of this policy and any amendment:
- I acknowledge that I have received a copy of the City of Moorpark Drug Free Workplace Policy. I further acknowledge that I have read and understand the Policy and that I will abide by its terms. I understand that compliance with the terms of this policy is a condition of continued employment with the City.
- I further recognize that the Policy supersedes any related Personnel Rules and Regulations, policy statements, manuals, and/or administrative policies previously issued by the City of Moorpark.

**Policy 2.8: Drug and Alcohol Testing Regulations for Employees that are Drivers of Commercial Vehicles**

1. Purpose: The City of Moorpark (“City”) has established procedures and guidelines for the performance of alcohol and drug testing to help protect the health and well-being of City employees and the public and to comply with the Omnibus Transportation Employee Testing Act of 1991 (Pub. L. No. 102-143, 105 Stat. 952), and the regulations that implement it. Specifically, the City must comply with the regulations set forth by the Federal Motor Carrier Safety Administration, 49 C.F.R. Part 382 (FMCSA). This policy incorporates those federal requirements and state requirements, and any amendments that may be made subsequent to the adoption of this policy. This policy expressly restates portions of those requirements; however, the partial restatement should not in any way be interpreted to mean that those requirements not restated herein are inapplicable to drivers.

The obligations and requirements set forth under this policy apply to those employees who are required to hold a commercial driver’s license, and are in addition to the obligations set forth in the City of Moorpark Drug Free Workplace Policy (“DFWP”) establishing a drug-free workplace. In the event that this policy conflicts with the DFWP, this policy and the federal Department of Transportation regulations shall supersede the DFWP.

It is the goal of the City to create a healthy and safe working environment for the safety of its employees, co-workers, and the traveling public, and to deliver the best and most efficient municipal service to the citizens of Moorpark. Employees who abuse alcohol and drugs are a danger to themselves and to other employees. Under City policy, drug and alcohol use, which affects the employee’s job performance, or jeopardizes City and public safety, is proper cause for disciplinary action up to and including termination of employment.

The City has a strong commitment to the health and well-being of its employees. Any regular full-time or regular part-time employee or eligible dependents, who may be experiencing the pressures and problems of substance abuse and/or related problems, are urged to seek help through the City’s Employee Assistance Program (“EAP”). The EAP provides confidential counseling and may be called directly. Information pertaining to the City’s E.A.P. provider is given to all new employees receiving this benefit at the time of orientation, the telephone number is posted with the notices of employee rights at each work site, and such information may also be obtained by contacting Human Resources staff.

Questions concerning this policy should be directed to the Human Resources/Risk Management Division at (805) 517-6213 or (805) 517-6238.

2. Applicability: The policy applies to all drivers/employees who operate a commercial motor vehicle as part of their job duties and position classification. Employees who are subject to this policy will receive written notification from the City Manager. In

order to comply with the Omnibus Transportation Employee Testing Act of 1991, and the regulations that implement it, the identification of covered job classifications can be modified at any time at the discretion of the City Manager.

3. Condition of Employment: Compliance with this policy is a condition of employment. Failure or refusal of an employee to cooperate fully, violate any section of this policy, sign any required document, submit to any inspection or test, or follow any prescribed course of substance abuse treatment is grounds for discipline up to and including termination.
4. Definitions: The following definitions apply to this policy:
  - A. Accident: An occurrence associated with the operation of a commercial motor vehicle, if, as a result, any of the following occur:
    - 1) An individual dies; or
    - 2) An individual suffers bodily injury and immediately receives medical treatment away from the scene of the accident; or
    - 3) One (1) or more of the motor vehicles involved incurred disabling damage requiring that the motor vehicle be transported away from the scene by a tow truck or other motor vehicle.
  - B. Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol.
  - C. Applicant: Any person applying for employment with City who has been extended a conditional offer of employment.
  - D. Breath Alcohol Technician ("BAT"): A person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.
  - E. Commerce:
    - 1) Any trade, traffic, or transportation within the jurisdiction of the United States between a place in a State and a place outside of such State, including a place outside of the United States; and
    - 2) Trade, traffic, and transportation in the United States which affects any trade, traffic, and transportation described in Section 4.E.1. above.
  - F. Commercial Motor Vehicle: A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

- 1) Has a gross combination weight rating of 26,001 or more pounds, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or
  - 2) Has a gross vehicle weight rating of 26,001 or more pounds; or
  - 3) Is designed to transport sixteen (16) or more passengers, including the driver; or
  - 4) Is used in the transportation of hazardous materials found in the Hazardous Materials Transportation Act (49 USC § 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, Subpart F).
- G. Controlled Substance/Drug: Marijuana, cocaine, opiates, amphetamines, or phencyclidine.
- H. Department of Health and Human Services (“DHHS”): The United States Department of Health and Human Services.
- I. Designated Employer Representative (“DER”): An employee who is able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The City’s DER is the City’s appointed Personnel Officer and can be contacted at 805-517-6213. In his/her absence, the City Manager may serve as DER or designate an alternate DER.
- J. Disabling Damage: Damage that precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs. This includes damage to the motor vehicle where the vehicle could have been driven, but would have been further damaged if so driven. This excludes the following:
- 1) Damage that can be remedied temporarily at the scene of the accident without special tools or parts;
  - 2) Tire disablement without other damage even if no spare tire is available;
  - 3) Headlamp or taillight damage; and
  - 4) Damage to turn signals, horn, or windshield wipers, which make them inoperable.
- K. DOT: The federal Department of Transportation.

- L. Driver: Any person who operates a commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent, or occasional drivers; leased drives; and independent owner-operator contractors.
- M. FMCSA: The Federal Motor Carrier Safety Administration.
- N. Illegal Drug(s): Any controlled substance; a legal drug which has not been legally obtained, or a legal drug which was legally obtained, but that is sold or distributed unlawfully.
- O. Legal Drug(s): Any drug, including any prescription drug or over the counter drug, that has been legally obtained and that is not unlawfully sold or distributed.
- P. Medical Review Officer (“MRO”): A person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by the City’s drug testing program and evaluating medical explanations for certain drug test results.
- Q. Performing a Safety Sensitive Function: A driver is considered to be performing a safety-sensitive function during any period in which he/she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.
- R. Safety Sensitive Function: All time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions include:
  - 1) All time at a City plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City;
  - 2) All time inspecting equipment as required by sections 392.7 and 392.8 of Title 49, Subtitle B, Chapter III of the Code of Federal Regulations, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
  - 3) All time spent at the driving controls of a commercial motor vehicle in operation;
  - 4) All time, other than driving time, spent on or in any commercial motor vehicle, except time spent resting in a sleeper berth;
  - 5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded,

remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and

- 6) All time spent repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
- S. Substance Abuse Professional ("SAP"): A person who evaluates employees who have violated this policy and/or other DOT drug and alcohol regulation(s) and who makes recommendations concerning education, treatment, follow-up testing, and aftercare.
- T. Transferee: A person who transfers from a position in the City service that does not have safety sensitive functions to a position in the City service that does have safety sensitive functions.
- U. Verified Test: A drug test result or validity testing result from a Department of Health and Human Services certified laboratory that has undergone review and final determination by an MRO.

5. General Prohibitions:

- A. Controlled Substances: Under this policy, no employee shall refuse to submit to a drug test. No employee shall report for duty, remain on duty or perform safety-sensitive functions if the employee tests positive for controlled substances under this policy. No employee shall report for duty, remain on duty, or perform safety-sensitive functions if the employee used controlled substances, unless the driver receives authorization to work from (1) the City Manager or the Personnel Officer; and (2) the City's MRO prior to taking any legal drugs which may cause drowsiness or which may otherwise impair to any extent the employee's ability to safely and efficiently perform his/her job.

The City's MRO, after consultation with the City Manager or the Personnel Officer, may authorize the employee to work while under the influence of a legal drug upon receipt of a fully completed and signed authorization form which states to the City's satisfaction that the employee will not be impaired in the performance of his/her duties. The City, in its discretion, may request the MRO to issue an independent decision, which will be binding on the employee, at any time and as to any driver who is working or intends to work while under the influence of a legal drug. In making such an independent determination, the MRO may require the employee to submit to a physical examination to ensure that the drug does not impair job performance.

- B. Alcohol:
  - 1) Concentration: No driver shall report for duty or remain on duty requiring the performance of safety sensitive functions while having an alcohol concentration of 0.04 or greater.

- 2) On-Duty Use: Drivers are prohibited from using alcohol while performing safety-sensitive functions.
- 3) No driver who is found to have an alcohol concentration of 0.02 or greater, but less than 0.04, may perform or continue to perform safety-sensitive functions until the start of the driver's next regularly scheduled duty period, but not less than twenty-four (24) hours following the administration of the test. In accordance with City policy the employee may be retested to ensure that his/her alcohol level is below 0.02 before being authorized to perform safety-sensitive functions.
- 4) Pre-Duty Use: Drivers are prohibited from using alcohol within four (4) hours prior to performing a safety-sensitive function.
- 5) Following an Accident: Drivers who are required to submit to a post-accident alcohol test under Section 6.C.1, are prohibited from using alcohol for eight (8) hours following the accident, or until he/she undergoes a post-alcohol accident test, whichever occurs first.
- 6) Refusal to Submit to Testing: Drivers are prohibited from refusing to submit to an alcohol test under this policy.
- 7) On Call Employees: Under City policy, any driver who is subject to being on call or who is on standby is prohibited from using alcohol while the employee remains on call or on standby. If a driver has consumed alcohol during this time, and he/she is called to report to duty, he/she must immediately notify his/her supervisor that he/she has consumed alcohol. The employee must also notify the supervisor whether the employee believes that he/she can perform his/her safety-sensitive function. If the employee admits to having consumed alcohol, but asserts that he/she can perform safety-sensitive functions, the employee shall be required to submit to an alcohol test prior to performing any safety-sensitive functions.

6. Types of Drug and Alcohol Testing:

A. Pre-Employment/Promotional:

- 1) All applicants and transferees who will perform safety-sensitive functions are required to submit to a pre-employment drug and alcohol test before the performance of safety-sensitive functions. Only applicants and transferees who have been made a conditional offer of employment or transfer shall be subject to the pre-employment/promotional drug and alcohol tests. No applicant or transferee shall be permitted to perform safety-sensitive functions until the applicant or transferee's drug test has a verified negative result. No applicant or transferee shall perform safety-sensitive functions until the

applicant or transferee's alcohol test indicates that he/she has an alcohol concentration of less than 0.02.

- 2) When a driver or applicant has not performed a safety-sensitive function for thirty (30) consecutive calendar days, regardless of the reason, and the employee has not been in the City's random selection pool during that time, the City shall ensure that the employee takes a pre-employment drug test with a verified negative result.
- 3) Under City policy if an applicant does not pass an alcohol and drug test, he/she must wait twelve (12) months before reapplying and then must present evidence of completion of a drug and/or alcohol rehabilitation program that is acceptable to the City before he/she is eligible to reapply.

B. Random: All drivers are subject to random drug and alcohol testing. The minimum annual percentage rate for random drug testing is fifty percent (50%) of all drivers and the random alcohol testing rate shall be ten percent (10%) of all drivers. The City may test more than these minimum percentages.

- 1) Selection of Employees: The selection of employees for random drug and alcohol testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with employees' social security numbers, or other identifying numbers. Each driver shall have an equal chance of being tested each time selections are made.
- 2) Testing Pool: Drivers will be placed in a pool of all employees covered under this policy, who are required to be randomly tested by the DOT. The City Manager may at his/her discretion determine to partner with another public agency to increase the size of the pool of employees for random testing.
- 3) Timing: The City will ensure that random drug and alcohol tests are unannounced and unpredictable, and that the dates for administering the random tests are spread reasonably throughout the calendar year. An employee shall only be randomly tested for alcohol while performing safety-sensitive functions, just before the employee is to perform safety-sensitive functions, or just after the employee has ceased performing such functions. An employee can be randomly tested for drugs anytime while on duty.
- 4) Procedures: Employees who are notified that they have been selected for random testing under this policy are required to proceed immediately to the test site.

C. Post-Accident:

- 1) Alcohol Test: As soon as practicable following an occurrence involving a City commercial motor vehicle operator on a public road in commerce, the City shall conduct a test for alcohol on each of its surviving drivers:
  - a) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
  - b) Who was performing safety-sensitive functions with respect to the vehicle and who receives a citation within eight (8) hours of the occurrence under state or local law for a moving traffic violation arising from the accident, if the accident involved:
    - i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
    - ii) One or more motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

If an alcohol test is required, it should be administered within two (2) hours following the accident, but it must be administered within eight (8) hours following the accident. If it is not administered within eight (8) hours following the accident, the City shall cease attempts to administer the alcohol test. The supervising Department Head must submit documentation to the Human Resources/Risk Management Division explaining why the test was not promptly administered. Drivers subject to post-accident testing must refrain from using alcohol for eight (8) hours following the accident or until completing a post-accident alcohol test, whichever comes first.

- 2) Drug Test: As soon as practicable following an occurrence involving a City commercial motor vehicle operator on a public road in commerce, the City shall conduct a test for controlled substances on each of its surviving drivers:
  - a) Who was performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
  - b) Who was performing safety-sensitive functions with respect to the vehicle and who receives a citation within thirty-two (32) hours of the occurrence under state or local law for a moving traffic violation arising from the accident, if the accident involved:

- i) Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or
- ii) One or more of the motor vehicles incurring disabling damage as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

If a drug test is required, it must be administered within thirty-two (32) hours following the accident, or the City must cease its attempts to administer the drug test and the supervising Department Head must submit documentation to the Human Resources/Risk Management Division explaining why the test was not promptly administered.

- 3) Failure to Remain Available: An employee who is subject to post-accident drug and/or alcohol testing, and who fails to remain readily available for such testing, including notifying the employee's supervisor or Department Head of his/her location if he/she leaves the scene of the accident prior to submitting to such test, will be deemed to have refused to submit to testing.
- 4) Need for Medical Attention: Nothing in the post-accident testing requirements should be read to require the delay of necessary medical attention for the injured following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

D. Reasonable Suspicion: The City shall order an employee to submit to a drug and/or alcohol test when the City has reasonable suspicion to believe that the employee has used a controlled substance and/or has misused alcohol.

- 1) Finding of Reasonable Suspicion: The City's determination that reasonable suspicion exists shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances. A supervisor who is trained in detecting the signs and symptoms of drug use and alcohol misuse must make the required observations.
- 2) Reasonable Suspicion Alcohol Testing: An employee may only be subjected to alcohol testing if the observations are made during, just preceding or just after the period of the workday that the driver is performing safety-sensitive functions. A reasonable suspicion alcohol test should be performed within two (2) hours of the reasonable

suspicion finding. If not, the supervisor making the observation shall provide written documentation as to why the test was not promptly conducted. An alcohol test shall not be administered more than eight (8) hours after making the reasonable suspicion finding.

Notwithstanding the absence of a reasonable suspicion alcohol test, drivers shall not perform safety-sensitive functions if under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse until:

- a) An alcohol test is administered and the employee's alcohol concentration measures less than 0.02; or
- b) Twenty-four (24) hours have elapsed following the reasonable suspicion finding.

- 3) Reasonable Suspicion Drug Testing: An employee may be subjected to drug testing under reasonable suspicion based on observations at any time the employee is on duty.
- 4) Written Record of Reasonable Suspicion: A written record shall be made of the observations leading to an alcohol or drug reasonable suspicion test and signed by the supervisor who made the observations, within twenty-four (24) hours of the observed behavior or before the results of the alcohol and/or drug tests are released, whichever is earlier.
- 5) Commuting to Test Site: It is City policy, that under no circumstances will an employee being directed to submit to a reasonable suspicion test be allowed to self-commute. A supervisor or manager must drive the employee to the test site and return the employee to the worksite.

- E. Return-to-Duty and Follow-Up Testing: Before the City allows an employee to return to duty to perform a safety-sensitive function following certain prohibited conduct, including refusing to submit to a test, having a verified positive drug test result, and/or a confirmed alcohol test result of 0.04 or greater, the employee must first have been evaluated by the SAP, successfully participated and complied with any prescribed treatment program, and passed a controlled substance and/or alcohol return-to-duty test.

The employee must have a verified negative test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties. If allowed to return to duty, an employee must be subject to unannounced follow-up testing, which is separate from the random testing obligations, for at least twelve (12) months.

All testing under this Section shall be in accordance with 49 CFR Part 40, Subpart O.

7. Alcohol Testing Procedures: Testing will be performed in strict compliance with DOT regulations for alcohol testing (49 CFR Part 40) by professionals on contract with the City. This Section contains selected portions of the DOT regulations. A complete copy of 49 CFR Part 40 is available at [www.dot.gov](http://www.dot.gov), or a copy may be requested from the Human Resources/Risk Management Division.

Under no circumstance will testing be conducted by a supervisor of the employee. The City will take every possible step to ensure that testing can be completed and the employee can return to work prior to the end of the employee's shift, in order to accommodate the employee's off-duty schedule, including carpooling and other transportation concerns.

- A. General Testing Procedures: Tests for alcohol concentration will be conducted at the City's expense utilizing an NHTSA-approved EBT device operated by a qualified BAT. Non-EBT devices may be used for the initial test ("screening test").

The screening test is conducted first. If the result is an alcohol concentration of anything less than 0.02, no further testing is required and the test will be reported as a "negative" test. If the alcohol concentration is 0.02 or greater, a second test will be performed ("confirmation test"), no earlier than fifteen (15) minutes and no later than thirty (30) minutes after the screening test, to confirm the results of the screening test.

In the event that the screening test and confirmation test results are not identical, the confirmation test result shall be deemed to be the final result upon which any action pursuant to this policy shall be based. The BAT will transmit all results to the DER in a confidential manner and shall notify the DER immediately if an employee must be removed from safety-sensitive functions. An employee with an alcohol concentration of 0.02 or greater, but less than 0.04, must be removed from duty for 24 hours. If the alcohol concentration is 0.04 or greater, the driver shall be removed from his/her driving duties and attendant safety-sensitive functions and be evaluated by a SAP.

- B. Inability to Provide Sufficient Amount of Breath: If an employee is unable after two (2) attempts to provide an amount of breath sufficient to permit a valid breath test, the City shall direct the employee to obtain, at the City's expense, an evaluation from a licensed physician, satisfactory to the City, concerning the employee's medical ability to provide an adequate amount of breath. If the physician determines that a medical condition has, or with a high degree of probability could have, precluded the employee from providing an adequate amount of breath, the employee's failure to do so shall not be deemed a refusal to test. If the physician is not able to make such a determination, then

the employee's failure to provide an adequate amount of breath shall be regarded as a refusal to test.

8. Drug Testing Procedures: Testing will be performed in strict compliance with DOT regulations for drug testing (49 CFR Part 40) by professionals on contract with the City. This Section contains selected portions of the DOT regulations. A complete copy of 49 CFR Part 40 is available at [www.dot.gov](http://www.dot.gov), or a copy may be requested from the Human Resources/Risk Management Division.

Under no circumstance will testing be conducted by a supervisor of the employee. The City will take every possible step to ensure that testing can be completed and the employee can return to work prior to the end of the employee's shift, in order to accommodate the employee's off-duty schedule, including carpooling and other transportation concerns.

- A. All drug tests performed under this policy shall test for the following controlled substances (or their metabolites): marijuana, cocaine, opiates, amphetamines, and phencyclidine. Pursuant to the DOT and FMCSA regulations, the drugs or classes of drugs to be tested, as well as the initial and confirmatory cutoff levels for each drug or class of drug, are listed below.

**Cutoff Concentrations for  
Initial and Confirmation Drug Tests**

<b>Type of Drug or Metabolite</b>	<b>Initial Test</b>	<b>Confirmation Test</b>
(1) Marijuana metabolites  (a) Delta-9-tetrahydrocannabinol-9-carboxylic acid (THC)	50	15
(2) Cocaine metabolites (Benzoylecgonine)	300	150
(3) Phencyclidine (PCP)	25	25
(4) Amphetamines  (a) Amphetamine  (b) Methamphetamine	1000	500  500 (Specimen must also contain amphetamine at a concentration of greater than or equal to 200 ng/mL.)
(5) Opiate metabolites  (a) Codeine	2000	2000

(b) Morphine		2000
(c) 6acetylmorphine		10 (Test for 6-AM in the specimen. Conduct this test only when specimen contains morphine at a concentration of greater than or equal to 2000 ng/mL.)

- B. Drug testing is a two-stage process utilizing a urine specimen. First a screening test using an immunoassay technique is performed. If it is positive for one or more drugs, a confirmation test is performed for each identified drug using state-of-the-art gas chromatography/mass spectrometry (GC/MS) analysis.
- C. DOT regulations require that all urine specimens be collected at an appropriate collection site. The City uses off-site collection sites staffed by medical/technical personnel that meet the DOT requirements. A trained health care worker will collect a split urine sample at the designated collection site approved by the City. A strict chain of custody will be followed from the point of collection to the DHHS certified testing laboratory approved by the City. The primary sample is screen tested by the laboratory using an immunoassay technique. If the sample is positive for one or more drugs covered by this policy, a confirmatory test is performed for each identified drug using gas chromatography/mass spectrometry.
- D. All test results will be reviewed at the City's expense by a MRO approved by the City for the purpose of verifying and validating the test results. If test results are positive, the MRO will contact the employee, as confidentially as possible, to determine if there is an alternate medical explanation for the drugs found. If the employee provides appropriate documentation, or if the MRO determines based upon all available information that there is a legitimate medical use, or other valid explanation, the test result is reported as negative.
- E. The employee may request that the MRO have the split specimen sent to another DHHS-certified laboratory for analysis at the employee's expense. If such costs are paid by the City, the costs may be reimbursed to the City through payroll deduction. This request must be made by the employee directly to the MRO no later than seventy-two (72) hours after the MRO has notified the employee of a positive test result, which has been confirmed by the MRO. The split specimen will be tested according to the same screening and confirmatory procedures for that drug(s) or drug metabolite(s) found in the primary specimen.
- F. The employee shall provide a minimum of forty-five (45) milliliters of urine for the collection. If the employee is unable to provide such a quantity of urine, the employee shall drink not more than forty (40) ounces of fluids and, after a

period of up to three (3) hours, again attempt to provide a complete sample. If the employee is unable to provide an adequate specimen the testing shall be discontinued. The DER shall refer the employee, at the City's expense, for a medical evaluation from a licensed physician satisfactory to the MRO concerning whether the inability to provide a specimen is genuine. If the physician determines and the MRO accepts the physician's recommendation that a medical condition has, or with a high degree of probability could have, precluded the employee from providing an adequate urine sample, the employee's failure to do so shall not be deemed a refusal to test. If the physician is not able to make such a determination, then the employee's failure to provide an adequate urine sample shall be regarded as a failure of the test.

- G. Under City policy any employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be subject to disciplinary action up to and including termination of employment.
  - H. The privacy of the employee shall be protected at all times. The City shall adhere to all standards of confidentiality regarding employee testing.
9. **Medical Review Officer:** The City's MRO shall be qualified under the DOT regulations, and will adhere to all pertinent DOT regulations in performing his/her duties as an MRO. The MRO shall have no relationship with the drug testing laboratory that creates a conflict of interest. The City's MRO is: Simi Workplace Multi-Specialty Clinic, Inc., 2650 Jones Way, Suite 24, Simi Valley, CA 93065, (805) 210-7107. The City Manager shall have the authority to select a qualified alternate MRO.
  10. **Breath Alcohol Technician:** The City's BAT shall be qualified under the DOT regulations, and will adhere to all pertinent DOT regulations in performing his/her duties as a BAT. The City's BAT is: Simi Workplace Multi-Specialty Clinic, Inc., 2650 Jones Way, Suite 24, Simi Valley, CA 93065, (805) 210-7107. The City Manager shall have the authority to select a qualified alternate BAT.
  11. **Testing Laboratory:** The City shall only use testing laboratories that are certified by DHHS under the National Laboratory Certification Program. The testing laboratory must adhere to all requirements set forth in the DOT regulations. The drug testing laboratory and the MRO may not have any relationship that creates a conflict of interest. The City's drug testing laboratory is: Pacific Toxicology, 9348 De Soto Avenue, Chatsworth, CA 91311, or eScreen, P.O. Box 25902, Overland Park, KS 66225-5902, (800) 881-0722. The City's alcohol testing laboratory is: Pacific Toxicology, 9348 De Soto Avenue, Chatsworth, CA, 91311 (800) 328-6942. The City Manager shall have the authority to select a qualified alternate drug testing laboratory and alternate alcohol testing laboratory.
  12. **Refusal to Submit to Testing:**

A. Acts that Constitute a Refusal to Submit to Testing: In accordance with DOT regulations, a driver who engages in any of the following conduct has refused to submit to a drug and/or alcohol test under this Section:

- 1) Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the City, consistent with DOT regulations, after being directed to do so by the City.
- 2) Fails to remain at the testing site until the testing process is complete, except for an employee who leaves the testing site prior to the commencement of a pre-employment test;
- 3) Fails to provide a urine specimen for any drug test, except for an employee who leaves the testing site prior to the commencement of a pre-employment test;
- 4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen;
- 5) Fails to provide a sufficient amount of urine when directed, and it has been determined, though a required medical evaluation, that there was no adequate medical explanation for the failure;
- 6) Fails or declines to take a second test the City or collector has directed the driver to take;
- 7) Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER when the employee cannot produce a sufficient amount of urine;
- 8) Fails to cooperate with any part of the testing process; or
- 9) Is reported by the MRO as having a verified adulterated or substituted test result.

13. Consequences of a Positive Test or a Refusal to Test:

A. Pre-Employment Test: Under City policy, an applicant whose test results are positive for any illegal drug or alcohol will not be hired. Under City policy, any applicant who refuses to submit to testing shall be disqualified for employment.

B. Transfer, Reasonable Suspicion, Post-Accident, Return-to-Duty, or Random Tests:

- 1) Drugs:

- a) A driver who refuses to submit to a drug test or has a verified positive controlled substances test result under this policy shall not be permitted to perform safety-sensitive functions.
  - b) A driver who refuses to submit to a drug test or receives a verified positive drug test result under this policy shall be placed off work and shall be referred to a SAP for evaluation. The SAP shall make a determination as to whether the employee requires rehabilitation, and if so, shall recommend a course of rehabilitation to be completed under the City's EAP.
  - c) A driver may not be returned to his/her former safety-sensitive position until the employee complies with the Return-to-Duty and Follow-Up Testing set forth in 49 USC 40, Subpart O and summarized in Section 6.E. of this policy.
  - d) In accordance with City policy, a driver whose test results are positive for any illegal drug will be subject to disciplinary action up to and including termination of employment. The City shall treat any refusal to submit to testing by an employee to be both insubordination and as though the employee had tested positive and the City will proceed accordingly.
  - e) In accordance with City policy, a driver whose test results are positive for a legal drug which has not been approved by the City's MRO for use by that employee at work (or such authorization has been revoked) may be placed off work pending the employee obtaining such approval.
- 2) Alcohol:
- a) A driver who refuses to submit to an alcohol test or has an alcohol concentration of 0.04 or greater shall not be permitted to perform safety-sensitive functions.
  - b) A driver whose final test result shows an alcohol percentage of 0.02 or greater but less than 0.04 shall not be permitted to perform safety-sensitive functions and shall not return for duty until at least twenty-four (24) hours following the administration of the test.
  - c) A driver who refuses to submit to an alcohol test or has an alcohol concentration of 0.04 under this policy shall be placed off work and shall be referred to a SAP for evaluation. The SAP shall make a determination as to whether the employee requires rehabilitation, and if so, shall recommend a course of

rehabilitation for the misuse of alcohol to be completed under the City's EAP.

- d) A driver may not be returned to his/her former safety-sensitive position until the employee complies with the Return-to-Duty and Follow-Up Testing set forth in 49 USC 40, Subpart O and summarized in Section 6.E. of this policy.
- e) In accordance with the City policy, a driver whose test results are positive for alcohol will be subject to disciplinary action up to and including termination of employment. The City shall treat any refusal to submit to testing by an employee to be both insubordination and as though the employee had tested positive and the City will act accordingly.

14. Employee Admission of Drug and/or Alcohol Use:

A. An employee who admits to alcohol misuse or drug use is not subject to the referral, evaluation, and treatment requirements of the DOT regulations, and the referral, evaluation, and treatment provisions discussed above when the following conditions are met:

- 1) The admission is pursuant to the provisions set forth in the City's DFWP;
- 2) The driver does not self-identify in order to avoid drug or alcohol testing under this policy;
- 3) The driver makes the admission of alcohol misuse or drug use prior to performing a safety-sensitive function; and
- 4) The driver does not perform a safety-sensitive function until the City is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the provisions of the City's DFWP.

In the event that all of the above criteria are not met, the employee remains subject to all DOT regulations regarding referral, evaluation, and treatment.

B. When the employee is qualified to seek treatment or rehabilitation under the City's DFWP and the employee meets the above-stated criteria, the following conditions shall also apply:

- 1) The City will not take adverse job action against an employee who comes forward for the first time and makes a voluntary admission of alcohol misuse or controlled substances use within the guidelines set forth in Section 14.A;

- 2) The employee shall have sufficient opportunity to seek evaluation, education, or treatment to establish control over the employee's drug or alcohol problem;
- 3) The employee may return to safety-sensitive functions only upon successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert (i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor);
- 4) Prior to the employee participating in a safety-sensitive function, the employee shall undergo a return to duty alcohol test which must indicate an alcohol concentration of less than 0.02 and/or a return to duty drug test which must be verified negative for controlled substances; and
- 5) The employee must adhere to the follow-up testing and monitoring established under Section 6.E.

15. Education:

A. Training: To assist employees and their families to understand and to avoid the perils of drug and alcohol abuse, the City has developed a comprehensive Drug and Alcohol Awareness Program. The City will use that program in an ongoing educational and training effort to prevent and eliminate drug and alcohol abuse that may affect the workplace. The Drug and Alcohol Awareness Program will include the display and distribution of informational material and will inform employees and their families about: (1) the dangers of alcohol and drug abuse in the workplace; (2) the consequences of drug and/or alcohol use on personal health, safety, and the work environment; (3) the manifestation and behavioral cues that may indicate drug and/or alcohol use and abuse; (4) this policy; (5) the availability of treatment and counseling service hotline telephone number for employee assistance, and (6) the sanctions the City will impose for violations of this policy.

- 1) Drivers: Drivers will receive at least sixty (60) minutes of training on the effects and consequences of prohibited drug use and alcohol use on personal health, safety, and the work environment. The training shall also include the signs and symptoms that may indicate prohibited drug use and alcohol use.
- 2) Supervisors: Supervisors who are authorized to make determinations of reasonable suspicion shall receive at least sixty (60) minutes of training on the physical, behavioral, speech, and performance indicators of probable drug use. Supervisors shall also receive at least sixty (60) minutes of training on physical, behavioral, speech, and performance indicators of probable alcohol misuse.

16. **Employee Assistance Program:** The City maintains an Employee Assistance Program (“EAP”) which offers confidential, professional counseling to eligible employees and their family members. It provides a constructive way by which employees can deal with alcohol and/or drug-related problems before such problems impact job performance, family relations, and other areas of one’s life. Employees experiencing personal or work performance problems associated with alcohol or drug use are urged to utilize the EAP.

It is the responsibility of employees to seek assistance from the EAP before alcohol and/or drug problems lead to disciplinary action, which under City Personnel Rules and Policies can include termination of employment for a first offense. Enrollment and participation in the EAP will not be used as the basis for disciplinary action and will not be used against the employee in any disciplinary proceeding. However, enrollment and participation in the EAP will not exempt an employee from discipline if that employee is found to have violated this policy.

Provisions for leaves of absence for employees with alcohol and/or drug related problems who have not been found in violation of this policy and who voluntarily have sought assistance through the EAP will be granted in accordance with the City Personnel Rules and Policies.

Any employee who tests positive for the presence of illegal drugs or alcohol at or above the cutoff levels established by the DOT shall be referred to a Substance Abuse Professional (“SAP”) to determine what assistance, if any, the employee needs in resolving problems associated with drugs or alcohol misuse.

The cost of any treatment or rehabilitation services may be covered by the medical insurance policy provided by the City, which may require a co-payment by the employee paid directly by the employee or his/her insurance provider. The City will not pay for treatment or rehabilitation.

17. **Confidentiality:** The City shall make every effort to assure confidentiality throughout the testing process and to protect the individual dignity and right to privacy of all employees. Personal data regarding the drug and alcohol testing results and EAP evaluations will be forwarded only to the MRO or the SAP and are confidential. Except as required by law, or expressly authorized or required by the DOT and FMCSA regulations, the City shall not release any information from the records it is required to maintain under the regulations. The employee, upon written request, is entitled to obtain copies of any records pertaining to the employee’s drug and alcohol testing.
18. **Acknowledgment:** All City employees that are required to maintain a Class A or B Commercial Driver License shall be required to sign the following acknowledgment, along with their printed name, signature, and date of signature, at either the time of hire or within two weeks of the initial adoption of this policy and any amendment:

I acknowledge that I have received a copy of the City of Moorpark Policy for Drivers of Commercial Vehicles Subject to Department of Transportation Drug and Alcohol Testing Regulations ("Policy"). I understand that conformance with this Policy is a condition of my employment, and that violation of this Policy can, in certain circumstances, be grounds for discipline, up to and including termination of employment. I further understand that additional information regarding the testing procedures that will be used under the DOT regulations are available from the Human Resources/Risk Management Division should I wish to review them. I understand that it is my obligation to read this Policy, and will abide by its terms.

**Policy 2.9: Employee, Contract Staff, Consultant, and Volunteer Letters of Recommendation and Background Check Response and Restriction on Current City Employee Solicitation of Written or Verbal Commendation**

Given the liability potential related to letters of recommendation and responses to background check inquiries, the City Council's policy is that letters of recommendation and background check responses shall be restricted in accordance with this policy.

All current or former City employee, contract staff, private contractor, consultant, volunteer or other business entity letters of recommendation and testimonials written by a City employee, contract staff, or City Council appointee (including but not limited to Planning Commissioners, Parks and Recreation Commissioners, Arts Commissioners, and Library Board Members), and pertaining in any way to the business of the City, must be approved by the City Manager or his/her designee. Prior to any staff response to a background check inquiry for contract staff, private contractor, consultant, or volunteer, the Personnel Officer or City Manager approval is required.

All background check inquiries for current or former City employees shall be directed to the City's Human Resources/Risk Management Division staff for response.

City Councilmembers shall contact the City Manager prior to providing any letter of recommendation for a current or former City employee, contract staff, private contractor, consultant, and/or volunteer to ensure that such Councilmember is made aware of any liability and/or human resources related concerns.

Current City employees are not permitted to solicit written or verbal commendation from City residents and from owners and employees of City businesses, organizations, and agencies for the purpose of enhancing a City employee performance evaluation. Unsolicited commendation of City employee performance is genuine and always welcome.

**Policy 2.10: Employee Anniversary Recognition Program Policy**

The City Manager shall have the authority to approve an Employee Anniversary Recognition Program for regular competitive service and management employees consistent with the dollar limits set forth in this policy. All years of service will be calculated on a cumulative basis and will not include unpaid leave of absence time.

5 Years of Full-Time Service:	Award gift not to exceed \$100.00.
5 Years of Part-Time Service:	Award gift not to exceed \$50.00.
10 Years of Full-Time Service:	Award gift not to exceed \$300.00.
10 Years of Part-Time Service:	Award gift not to exceed \$200.00.
15 Years of Full-Time Service:	Award gift not to exceed \$500.00.
15 Years of Part-Time Service:	Award gift not to exceed \$350.00.
20 Years of Full-Time Service:	Award gift not to exceed \$750.00.
20 Years of Part-Time Service:	Award gift not to exceed \$450.00.
25 Years of Full-Time Service:	Award gift not to exceed \$1,000.00.
25 Years of Part-Time Service:	Award gift not to exceed \$550.00.
30 Years of Full-Time Service:	Award gift not to exceed \$1,200.00.
30 Years of Part-Time Service:	Award gift not to exceed \$650.00.
40 Years of Full-Time Service:	Award gift not to exceed \$1,400.00.
40 Years of Part-Time Service:	Award gift not to exceed \$750.00.

**Policy 2.11: City Payment for Employee Recognition at the Time of Retirement from the California Public Employees Retirement System (CalPERS)**

Regular competitive service and management employees with five or more years (60 plus months) of full-time equivalent service with the City of Moorpark will receive a contribution from the City to be used towards a retirement recognition event (for this full-time equivalent calculation, unpaid leave of absence time will not be included and regular part-time hours will be converted to equivalent full-time years). The event may be held at a City facility with the room provided free of cost, if the City Manager is provided with no less than 30 days' notice of pending retirement; the event contribution is to be used for catering, decorations, gift, entertainment, and/or related costs, as approved by the City Manager to supplement event donations; and all City employees are invited to attend the retirement event. There is no cash value for this retirement benefit if the employee elects to not have a retirement event. The dollar limits for the event contribution will be based on full-time equivalent service time with the City as follows:

\$250.00 for 60 to 119 months of full-time equivalent service.

\$500.00 for 120 to 179 months of full-time equivalent service.

\$750.00 for 180 to 239 months of full-time equivalent service.

\$1,000.00 for 240 to 299 months of full-time equivalent service.

\$1,250.00 for 300 or more months of full-time equivalent service.

**Policy 2.12: Procedure for Filing a Complaint against a City Employee or Contract Staff**

All charges or complaints against an employee or contract staff shall be submitted to the City Manager in writing for appropriate action. The City Manager may waive the requirement for the complaint to be in writing if he/she determines an accommodation is needed; an example would be a disability accommodation. The City Manager shall determine whether the complaint shall be referred to the Human Resources/Risk Management Division for investigation or resolved by the Department Head to whom the employee or contract staff reports.

City staff supervisors shall be instructed to refer any person with a verbal complaint about an employee and/or contract staff received during regular office hours to the Human Resources/Risk Management Division. Human Resources staff will then meet privately with the person requesting to file a complaint to either resolve the complaint or provide instruction on the City's written complaint procedure.

Consistent with the City Council Rules of Procedure for City Council meetings, a speaker that verbally complains about an employee of the City, or any employee of a private firm or public agency providing a contract service to the City, during a Council meeting will be directed to contact the City's Human Resources/Risk Management Division for assistance in documenting and resolving their complaint.

**Policy 2.13: Americans with Disabilities Act Grievance**

1. Purpose

This policy has been created to comply with the Americans with Disabilities Act (ADA), 28 Code of Federal Regulations Part 35.107. This policy provides a procedure to be followed to respond to individuals, or a specific class of individuals, who believe they have been subject to discrimination on the basis of disability by the City, not including employment related discrimination complaints. The Competitive Service employees of the City of Moorpark are subject to the grievance procedures contained in the City Council adopted Personnel Rules, and all other City employees are subject to the discrimination complaint grievance procedures adopted in a City Manager approved administrative procedure.

2. Authority

This policy has been adopted by the City Council for use in all departments.

3. Definitions

The following terms are used in this policy:

- A. ADA: Americans with Disability Act of 1990.
- B. ADA Coordinator: Responsible employee with a working knowledge of the requirements of ADA and designated to coordinate the City's efforts to comply with and carry out the City's ADA responsibilities. The Personnel Officer is the ADA Coordinator for the City of Moorpark.
- C. CFR: Code of Federal Regulations.
- D. TDD: Telecommunications Device for the Deaf.

4. Confidentiality

The ADA Coordinator maintains confidentiality with regard to complaints, consultations, mediations, and records, unless disclosure is notwithstanding the requirements of litigation and court proceedings. If the disclosure of information to another person is necessary to proceed with an investigation, the complainant or their designated representative will be advised first and consulted on whether and/or how to proceed.

5. Retaliation

Retaliation against a person who files a complaint of discrimination or harassment, participates in an investigation of such a complaint, or opposes an unlawful employment practice is prohibited by Federal and State law and City policy. Anyone who believes she or he has been retaliated against for filing a complaint of discrimination or harassment is encouraged to report the retaliatory actions to the ADA Coordinator.

6. Complaint Procedure

This procedure is established to meet the requirements of the Americans with Disabilities Act of 1990. This procedure shall be liberally construed to protect the substantial rights of interested persons, to meet appropriate due process standards, and to assure compliance with the ADA. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City. The City's Personnel Rules govern employment-related complaints of disability discrimination for Competitive

Service Employees. Policy No. 2.6 shall govern employment-related complaints of disability discrimination for all other employees.

All other discrimination complaints pertaining to compliance with the ADA should be in writing and contain information about the alleged discrimination, such as the name, address, and phone number of the complainant, and location, date, and description of the problem. Alternative means of filing a complaint, such as a personal interview, use of a TDD, or a tape recording of the complaint, will be made available for persons with disabilities upon request. A non-written complaint will only be accepted for disability accommodation.

The complaint should be submitted by the grievant and/or his/her designee as soon as possible, but no later than 60 calendar days after the alleged violation to:

ADA Coordinator  
City of Moorpark  
799 Moorpark Avenue  
Moorpark, CA 93021

Within 15 calendar days after receipt of the complaint, the ADA Coordinator or her/his designee will meet with the complainant to discuss the complaint and the possible resolutions. Within 15 calendar days of the meeting, the ADA Coordinator or her/his designee will respond in writing, and where appropriate, in format accessible to the complainant, such as large print, Braille, or audio recording. The response will explain the position of the City and offer options for substantive resolution of the complaint.

## 7. Appeal

If the response by the ADA Coordinator or her/his designee does not satisfactorily resolve the issue, the complainant and/or her/his designee may appeal the decision within 15 calendar days after receipt of the response to the City Manager.

Within 15 calendar days after receipt of the appeal, the City Manager or his/her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the City Manager will respond in writing, and, where appropriate, also respond in a format accessible to the complainant, with a final resolution of the complaint. Any appeal of the City Manager's decision would be pursuant to Section 2.04.080 of the City Municipal Code.

The file retention period for all written ADA complaints received by the City and responses from the City will be included in the City's Records Retention Schedule.

## **Policy 2.14: City Wireless Internet Network**

A City wireless internet network will be made available for public use at the Moorpark Library, Active Adult Center, City Hall offices and Community Center, and other City facilities, as approved by the City Manager, for users with portable electronic devices capable of receiving wireless signals. Prior to each use, acknowledgment of a wireless user agreement shall be required, the form of which shall be approved by the City Manager and City Attorney.

**Policy 2.15: City Website Content and External Links**

Staff is hereby directed to include the following provisions of this policy on the City website.

1. Purpose

It is the purpose of the Moorpark City Government website to provide accurate, non-editorial content that will inform Moorpark citizens about City of Moorpark services, operations, projects, and special events, and provide information pertaining to City officials and personnel. In addition, the website should be used to facilitate the delivery of services provided by the City of Moorpark to its citizens and other customers. All City of Moorpark departments and divisions are eligible to submit content or request the posting or hypertext linking to appropriate information to support the mission of the City and department service initiatives.

2. Website Disclaimer

The City of Moorpark website is maintained to provide information to the public. Information found on the City's website has been compiled from a variety of sources, and is subject to change at any time and without notice from the City of Moorpark. While every effort is made to keep such information accurate and up-to-date, the City of Moorpark assumes no liability for damages incurred directly or indirectly as a result of errors, omissions or discrepancies. The Information Systems Division of the Administrative Services Department acts as the City's Webmaster and is responsible for the management and oversight of the City of Moorpark website. Questions or comments concerning information contained in the City of Moorpark website should be directed to the Administrative Services Manager. Comments about the City's website are welcome from any source and are always appreciated.

By using the City of Moorpark website, the user assumes all risks associated with its use, including but not limited to the risk of damage to computer, software, or data by any virus, program, or file, which might be transmitted through the Internet. Under no circumstances shall the City of Moorpark be liable for any damages resulting from the use of the City of Moorpark website or any external link.

The opinions expressed in any linked websites are not those of the City of Moorpark, and any questions on other websites should be addressed to the entity sponsoring such site.

3. Privacy

A computer communicates with the City of Moorpark's website using a particular Internet Protocol address (IP). Like most sites, the City of Moorpark can track the user's IP address when visiting the site. The IP address allows the City of Moorpark to track for each user, information such as the IP address, the browser type, and the identity of the user's Internet service provider; however, the IP address does not provide any personally identifiable information and allows the user to remain anonymous. This information helps the City to improve site navigation and to make improvements to the City's website and content.

To the extent that the City website contains or may in the future contain online registration forms for special activities or other services, such as recreation classes, an applicant may be asked during the application process for name, address, e-mail address, phone number, birth date, or other general or special purpose information needed to complete registration for the specific activity or service.

To the extent that the City website contains or may in the future contain online volunteer or employment application forms, an applicant may be asked during the application process to provide name, address, e-mail address, phone number, drivers license number, occupations, work experiences, employment history, education level, and/or references.

To the extent that the City website contains or may in the future contain online payment services, the City of Moorpark will collect personal information, such as name, postal address, e-mail address and credit card number should you decide to use an online payment service.

4. Permitted External Links

The City of Moorpark website contains links to other websites as a convenience to the public and does not constitute an endorsement. The City of Moorpark is not responsible for information contained on sites linked from any City of Moorpark page and has not reviewed such for accuracy or legal sufficiency.

The City of Moorpark permits the establishment of links to external websites on the City's official website solely in conformance with this policy. In the establishment and maintenance of its official website, the City does not intend in any manner to create a forum or other means by which public disclosure, exchange of opinions, or discussion on issues of any nature may occur. Rather, the sole and limited purpose of this City's website and permitted external links is to provide non-political and/or non-religious information of a factual nature about the City of Moorpark including various services and resources available within and around the City, or as may be available from other government agencies.

The Moorpark City Government website includes links to other websites, and the City is not responsible for the actions and policies of these third parties, and recommends

the privacy policies of each website be reviewed before supplying personally identifiable information.

5. External Link Application Process

Organizations and City staff requesting to establish external links to the City's website must submit an External Link Application Form, as approved by the City Manager or his/her designee, to the City's Administrative Services Department. This form will contain all information necessary to verify the facts as stated and is necessary to establish that the proposed link is in compliance with this policy.

A. Consistent with the foregoing policy, it is the City's policy to limit external links to the following kinds of entities and organizations:

- 1) Sites that are owned and managed by a state, local or federal governmental agency, local public school, college board, or special district;
- 2) Public Utilities;
- 3) Sites that are maintained by a non-profit organization that receives direct financial support from the City of Moorpark and supports the mission of the City; or
- 4) Sites that have a direct contractual relationship with the City for the provision of goods and/or services.

B. External links will not be made to sites that fall within any of the following criteria, as determined by the City Manager or his/her designee:

- 1) Sites that are owned or managed by a political party, candidate or special interest group or are of a political nature that are associated with, sponsored by or serving a candidate for elected office, any political party or organization supporting or seeking to defeat any candidate for elective office or ballot proposal;
- 2) Sites that are owned, managed or provide content for commercial entities that do not have a direct contractual relationship with the City for the provision of goods and/or services; or
- 3) Sites containing any materials that may reasonably be considered scurrilous or offensive. Offensive materials are defined as sexual content or images, slurs against race, religious or political beliefs, age, gender, sexual orientation, national origin or physical attributes.

The City of Moorpark reserves the right to: 1) deny an external link application to any person, business or organization when it is determined, following review of a complete application, that the entity or organization for which application is made does not meet the criteria set forth in this policy; and 2) deny an external link application to any

person, business or organization which fails to provide all required information, or fails to provide truthful information.

6. Removal of External Link

The City Manager or his/her designee is authorized to remove any external link if the nature of the organization or business to which the link relates no longer complies with the City's external link policy; and discontinue an external link at any time if an entity's website provides or promotes false, slanderous, illegal, immoral, offensive, or incorrect information at any time.

**Policy 2.16: Process for Preparation of Initial Drafts of Ordinances by City Departments**

1. Staff may confer with the City Attorney at a scheduled meeting after first determining if the City Manager wants to participate. Staff will bring any sample ordinance to the meeting.

City Attorney to determine lead time (Step One to Step Six), except when the City Manager determines that staff priorities or Council direction require adjustment of the lead time, but generally a minimum of two weeks in most instances will be required -- possibly longer depending upon the length, complexity of the ordinance and quality of the sample ordinances. Agenda deadlines should be considered in determining lead time. The meeting with the City Attorney shall be scheduled on the first Wednesday afternoon of the month by contacting the Executive Secretary.

2. Staff confers with City Clerk for codification determination and section number confirmation.
3. Staff drafts the ordinance for content and format and if necessary reviews with City Manager during the drafting process.
4. City Manager and City Clerk review draft ordinance.
5. E-mail draft ordinance to City Attorney.
6. City Attorney reviews for content and form; makes changes in legislative format and returns draft ordinance, making comments if required.

Management staff who are authorized by the Department Head, may seek input directly from the City Attorney.

7. Staff reviews changes made by City Attorney, if any, and shall discuss with City Attorney and City Manager as needed. Meeting with City Attorney to be scheduled on the first Wednesday afternoon of the month.

8. Recognize and reconcile differences. If differences cannot be reconciled, talk to the City Manager, if still unable to reconcile differences, write the staff report to recognize the points of disagreement.
9. If needed, schedule the agenda item, and public hearing if required, after City Attorney and City Manager have approved the draft ordinance.

**Policy 2.17: Gift and Honoraria Regulations for City Employees**

1. Purpose.

The purpose of this policy is to establish a City of Moorpark procedure that supplements the California Political Reform Act of 1974 (Government Code Section 81000, et seq., as the same may from time to time be amended) and the Regulations of the Fair Political Practices Commission (FPPC) in Title 2, Division 6 of the California Code of Regulations (Section 18110 et seq., as the same may from time to time be amended) pertaining to gift and honoraria prohibitions. This policy also supplements the City Council's adopted Conflict of Interest resolution. If there is a conflict between this policy and the State law and Regulations of the FPPC, as the same may from time to time be amended, the provisions of State law in Government Code Section 81000, et seq. and the Regulations of the FPPC in Title 2, Division 6 of the California Code of Regulations are controlling.

2. Definitions

"City" or "City of Moorpark" shall mean and include the City of Moorpark and any other affiliated agency created or activated by the Moorpark City Council, and any departments, boards, and commissions thereof.

"Gift" and "honoraria" shall have the same definition as given in the referenced FPPC Regulations.

3. Gift and Honoraria Prohibition for all Employees

The gift and honoraria policy for all City employees shall be that no employee shall directly accept a gift or honoraria of any dollar amount from a City contractor or vendor whose contract they administer, supervise, or monitor; or from a business entity which provides supplies, equipment or services of the type utilized by the department or division for which the employee is assigned. Additionally, no supervising employee shall directly accept a gift or honoraria of any dollar amount from a City contractor or vendor whose contract is administered, supervised, or monitored by their subordinate employee, or from a business entity which provides supplies, equipment or services of the type utilized by the department or division for which the supervisor is assigned. The intent of this prohibition is to effectively prohibit

the acceptance of all gifts and honoraria from all current City contractors and vendors and all past City contractor and vendors that did business with the City within no less than five (5) years from the date the gift or honoraria is offered. Gifts and honoraria received in violation of this policy shall be refused and/or returned, with the exception of a gift given to the City and not an individual employee, as verified in writing by the sender. The intent of this prohibition is that City employees will not accept any gifts on the basis of their employment with the City, unless the gift is given to the City for overall employee recognition as addressed in the following paragraph. This prohibition is also intended to be more restrictive than the gift allowance specified in the regulations of the FPPC (Title 2, Division 6 of the California Code of Regulations, Section 18110 et seq.).

4. Gift to City

All gifts given to the City for employee recognition shall be immediately turned over to the City Clerk's Division to determine the value and comply with the reporting requirements pursuant to the Regulations of the FPPC (Title 2, Division 6 of the California Code of Regulations, Section 18110 et seq.) Employee recognition gifts given to the City shall be shared with all employees to the extent feasible, or distributed through the use of a random drawing. Employees required by State law or by the City's Conflict of Interest Resolution to annually file a Statement of Economic Interests may have gift reporting obligations from any gift acquired in an employee recognition drawing that has a fair market value of \$50.00 or more, in accordance with the Regulations of the FPPC and the employee's designated disclosure category. The City Clerk shall assist employees with a determination of employee recognition prize disclosure requirements.

City Council Policy 3.7 sets forth the City's procedures for Distribution, Use, and Reporting of Tickets or Passes, including those distributed to City employees.

5. Non-Profit Fundraiser

All employees are prohibited from individually accepting tickets or passes to attend a fundraiser for a non-profit organization exempt from taxation under Section 501(c) of the Internal Revenue Code (an example would be a golf tournament for which the entry fee is paid for by a City contractor or vendor), unless such ticket or pass is given to the City and not the individual employee and the provisions of Policy 3.7 are followed.

6. Gift Exceptions

All of the gift exceptions listed in the Regulations of the FPPC are applicable, including but not limited to gifts from family members and gifts approximately equal in value exchanged between an employee and another individual on holidays, birthdays, or similar occasions to the extent that the gifts exchanged are not substantially disproportionate in value.

**Policy 2.18: Employment of Family Members**

For the purposes of this policy, a “relative” shall be defined to include the following: mother, father, grandfather, grandmother, aunt, uncle, cousin, sister, brother, son, daughter, son-in-law, daughter-in-law, nephew, niece, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, spouse as defined as a partner in marriage (California Civil Code Section 4100), and domestic partner as defined by California Family Code Section 297 and including the requirement for the filing of a Declaration of Domestic Partnership with the Secretary of State. In addition, a “relative” shall be defined to include non-blood relatives as a result of a subsequent marriage commonly referred to as a step-relative, including but not limited to step-mother, step-father, step-sister, step-brother, step-son, step-daughter, step-grandchild, step-mother-in-law, step-father-in-law, step-brother-in-law, and step-sister-in-law. Employment of relatives shall be restricted to avoid conflicts of interest and any adverse impact on supervision, safety, security, morale, and/or privacy rights, as described below.

An applicant for employment with the City, with a relative currently employed by the City, may not be denied the right to file an application for employment and compete in the examination process. Following the examination, if the applicant is successfully certified as eligible, employment shall be prohibited by the City Manager when the following circumstances are applicable:

- A. Employment would place one relative under the supervision of another relative.
- B. Employment would place two relatives in the same department, division or facility.
- C. Employment would result in one of the relatives having access to information concerning confidential personnel matters, which may compromise such confidential information.
- D. The applicant for employment is a relative of a then current member of the City Council, City Manager, or City employee designated as Personnel Director or Personnel Officer.
- E. The applicant for employment is a relative of a then current member of a City Council appointed commission or board.

**Policy 2.19: Personal Social Media Use by City of Moorpark (“City”) Employees and Employees of City Contractors**

1. Social media are defined as various forms of user-created content tools such as social networks, blogs, video sharing, pod casts, wikis, message boards and online forums – collectively known as “Web 2.0” or interactive use of the Internet. Technologies include but are not limited to: picture and video sharing, wall postings

(an area on a social network page where friends and “fans” can post their thoughts, views, or criticisms), email, instant messaging, etc. Familiar names include MySpace, Facebook, Twitter, LinkedIn, Flickr, YouTube, Blogger, Yelp and others.

2. Social media makes possible the broad and instant dissemination of information and views on a scale and with an ease that was not previously possible. This policy covers both City employees and City contractors. Contractors must require the compliance of their employees with this policy to the extent those employees may be identified or associated with the City. This Policy is intended to help employees and employees of City contractors address issues in relation to all social media, as it currently exists or may exist in the future.

3. This Policy neither encourages nor discourages a City employee or an employee of a City contractor from utilizing social media for strictly personal purposes on the employee’s personal time. The use of social media for work-related purposes is addressed in the City Manager approved Moorpark Administrative Procedure CM-49.

4. By adopting this Policy, it is not the City’s intention to unnecessarily restrict an employee’s ability to have a personal online presence or mandate what they shall or shall not say. Even with personal use, employees need to be aware of how their use of social media may reflect on them and on the City. The City respects the free speech rights of employees, but these rights are not without limit, especially where the speech impairs the City’s interests in avoiding undue disruption and operating efficiently and effectively. For this reason, and due to the fact that the social media activities of a City employee or employee of a City contractor may otherwise negatively impact the City, the following guidelines have been established to assist City employees and employees of City contractors in acting responsibly in connection with personal use of social media. It is important for all City employees and employees of City contractors to know and adhere to this Policy when using social media in reference to the City.

5. Guidelines for Personal Social Media Use:

A. City employees and employees of City contractors are responsible for everything they write and/or post on the internet. At all times, City employees and employees of City contractors shall exercise good judgment and caution when posting anything related to the City on the Internet. One approach is to follow the three R’s.

1) Be clear that you are **representing** yourself and not the City.

2) Be **respectful** of your co-workers, those you come in contact with at work, and the community.

3) Take **responsibility** for assuring that any references to the City are correct and accurate, do not breach confidentiality requirements and do not violate policy.

- B. The City recognizes that employees and employees of City contractors who participate in social media networks may decide to include information about their work with the City as part of their personal profile. This may include, for example, City name, job title and duties. Having identified themselves with the City, employees and employees of City contractors need to be conscious of how their comments and use of social media may reflect on the City and their work.
- C. At no time shall a City employee or employee of a City contractor post private, confidential, or proprietary information about the City or its employees, elected officials, agents, or the public learned in the course of the employee's work for the City or the City contractor.
- D. Social media may not be used in a manner that violates City or departmental policy, such as policies that prohibit sexual and other unlawful harassment, workplace violence or unlawful discrimination. Likewise, bullying or stalking through the use of social media is prohibited where it is contrary to City policy and has a connection to or any impact on the workplace.
- E. Post only what you want the world to see. While privacy settings may be available in some social media, sometimes they do not work as the user anticipated and their effectiveness may change with updates to the social media service. Also, it may be possible for those granted private access to either re-post material publically or to grant access to others. Deleting information on a site does not necessarily mean that it is not accessible. Always assume that anything written about an elected official, supervisor or co-worker will be read by them, and potentially others.
- F. Employees should be respectful of their co-workers and not post images of co-workers on social media sites without the co-worker's consent.
- G. Employees and employees of City contractors shall not post any non-public images of City premises and property, including floor plans. Taking photos or videos on personal devices, including cell phones, in private areas is prohibited. Private areas may include locker rooms, rest rooms, dressing areas or other areas designated by the applicable department. This is not intended to restrict photos or videos taken for internal City or department use or for department sanctioned training purposes. It is also not intended to restrict photos and videos of public areas or secure areas taken for purposes of safety, security or monitoring.
- H. City employees and employees of City contractors should be mindful of copyright and fair use issues related to their work and not post material in violation of any federal, state or local law or that which may expose the City or the City employee or employee of a City contractor to legal liability.

- I. Employees should be mindful of blurring their personal and professional lives when engaging in social media activities. Personal use of social media is to be restricted to personal sites, registration and memberships. City email addresses or accounts and passwords are not to be used in connection with the personal use of social media. Employees and employees of City contractors may not use the City seal, logo or slogan, uniforms, trademarks, and/or branding imagery on any social media without written permission from the City Manager or his/her designee.
  
  - J. If a City employee or employee of a City contractor posts information or comments about the City from a strictly personal viewpoint, which information or comments are not otherwise in violation of this Policy, it is recommended that language be added to make it clear that the views expressed are not reflective of the City's views as follows: "The opinions expressed on this site are my own and do not necessarily represent the views of the City of Moorpark."
  
  - K. The City's computer systems, software and equipment are for business purposes only; therefore, personal use by City employees or employees of City contractors for social media purposes is prohibited. Personal use of social media on private owned equipment shall not occur on City paid time and shall not interfere with City employee and City contractor work responsibilities.
  
  - L. A City employee who violates this Policy may be subject to disciplinary action up to and including termination of employment, and may be required to correct or remove a social media post that violates this or any other City policy.
  
  - M. If an employee of a City contractor violates this Policy, the City may require remedial measures and may initiate suspension or termination of the contractor agreement, subject to the provisions of the agreement.
6. Questions regarding social media issues and this Policy may be directed to an employee's supervisor, department head, or the Personnel Officer.

### **SECTION 3. POLICIES ADMINISTERED BY CITY MANAGER'S OFFICE**

#### **Policy 3.1: City Manager Approval of Cellular Telephone Reimbursement for Designated Competitive Service Employees**

The City Manager may approve a monthly cellular (cell) phone allowance of \$45.00 for a Competitive Service employee whose duties, as determined by the City Manager, necessitate access to a cell phone. Employees receiving a cell phone allowance shall be subject to compliance with cell phone standards to be approved by the City Manager. Such standards shall include, but not be limited to, the cell phone company to be used, the service area, and voice mail and paging capabilities. In addition to the monthly allowance, the City shall reimburse the designated Competitive Service employees up to a maximum of \$125.00

every two years upon submittal of an invoice showing proof of payment for a new cell phone that is in compliance with the established cell phone standards. City Manager approval is required prior to an employee receiving the monthly allowance and the cell phone acquisition reimbursement.

(Cell Phone reimbursement provisions for Management employees are addressed in the City's Management Benefits resolution.)

**Policy 3.2: Authorization for City Manager to Approve Small Claims Court Filing and Civil Compromise for City Claim against Another Party Having a Value Not to Exceed \$5,000.00, and Authorization for City Manager to Allow, Settle and/or Compromise any Claim Filed against the City Having a Value Not to Exceed \$50,000.00**

It is the City Council's policy that the City Manager shall have the authority to approve the filing of a small claims court action, with the City as the plaintiff, when money is owed the City. The City Manager shall also have the authority to settle and/or compromise any claim of the City against another party, when the value of the City's claim does not exceed \$5,000.00.

Pursuant to the authority provided in California Government Code 935.4, the City Council authorizes the City Manager by written order to take administrative actions necessary to allow, settle, and/or compromise any claim filed against the City having a value less than \$50,000.00, in the quickest most efficient manner possible, including a written order for a warrant to be drawn upon the treasury of the City in the amount for which a claim has been allowed, compromised or settled for an amount not to exceed \$50,000.00.

**Policy 3.3: Authorization for City Manager to Approve Reduction and/or Exoneration of a Surety with a Value Not to Exceed \$10,000.00**

It is the Council's policy that the City Manager shall have the authority to approve in writing the reduction and/or exoneration of a surety with a value not exceeding \$10,000, when all work guaranteed by the surety has been completed to the satisfaction of the responsible Department Director. The responsible City Department will initiate research on surety reduction and/or exoneration upon receipt of a written request for such action. The applicable City Department will then request a copy of the surety records on file with the City Clerk's Division and verify completion of work guaranteed by the surety. The City Manager will consider reduction and/or exoneration of a surety after receipt of a written recommendation from the responsible Department Director, with a copy to the City Clerk. Upon receipt of the City Manager's written approval to reduce and/or exonerate a surety, the City Clerk will take the actions necessary to implement the reduction or exoneration, including but not limited to providing written notification to a bonding company or requesting the Finance Director to re-fund a cash surety.

**Policy 3.4: Pre-Qualification of Bidders**

1. City Program

The City Manager shall cause to be prepared, the City of Moorpark Bidder Pre-Qualification Program (herein "City Program"). The City Program shall set forth guidelines and procedures related to the pre-qualification of bidder for Projects as defined herein. The City Program shall be consistent with the requirements of a) Sections 1103, 4107 and 20101 (AB574) of the Public Contracts Code and statues amendatory or supplementary thereto, and b) the bidder pre-qualification model documents promulgated by the State Department of Industrial Relations (herein "DIR"). The City Program shall be maintained and updated as needed, by the City Manager or his/her designee.

2. Applicability

All construction projects with an estimated construction cost exceeding one million dollars (\$1,000,000.00) (herein "Project") shall require the pre-qualification of bidders. To that end, the bidding documents for all Projects shall include provisions for the pre-qualification of bidders in a manner consistent with the procedures and requirements set forth in the City Program. Notwithstanding the above, certain exceptions to these requirements may be authorized as follows:

- A. The City Manager may waive bidder pre-qualification for any Project, provided a report is forwarded to the City Council at least ten (10) days prior to the Notice Inviting Bids, stating the reasons for, and/or the benefits resulting from, such a waiver; and
- B. The City Council may waive these requirements for any Project.

3. Project Specific Program vs. Annual Program

The DIR "model documents" describe two separate programs: a) one for "project specific" bidder pre-qualification; and b) one for an annual bidder pre-qualification process. The City Program shall set forth a project specific bidder pre-qualifications process. However, should it be determined by the City Manager that it would be in the best interest of the City to administer an annual bidder pre-qualifications process for a number of Projects, the City Program shall be modified for such purpose, provided all such revisions and modifications are consistent with the requirements of the DIR model documents.

4. Evaluation Committee

Pre-qualification packages shall be reviewed and scored by an Evaluation Committee. The Evaluation Committee for each Project or annual process shall consist of one (1) to three (3) staff members or consultants retained for such purpose, as determined by the City Manager or his/her designee.

5. Appeals Panel

The Appeals Panel shall consist of one or more staff members or consultants retained for such purpose, as determined by the City Manager, provided that no member of the Evaluation Committee shall sit on the Appeals Panel. Further appeal shall be to the City Council in accordance with Section 2.04.080 of the Municipal Code.

**Policy 3.5: First-Time Home Buyer Affordable Housing Program**

Periodically, the City and/or the Successor Housing Agency to the Redevelopment Agency of the City of Moorpark will make available for sale one or more attached or detached dwelling units to very low, low, or moderate income persons/households as further defined below as part of its First-Time Home Buyer Affordable Housing Program (Program). This policy sets forth the primary criteria for eligibility for participation in said Program and determining priority for participant selection. This policy also sets forth the primary criteria and parameters for retaining the affordable units as affordable for the longest feasible period, but in no event less than forty-five (45) years; equity sharing requirement upon resale; and establishes the requirement that upon resale the affordable dwelling unit is sold to a City approved buyer in the same income category as the original buyer at the time of the initial sale.

Other criteria to determine participant eligibility and to ensure compliance with this policy, including but not limited to purchase agreement documents, shall be established by the City Manager prior to the advertisement of the availability of one or more affordable dwelling units as part of the Program.

1. Home Buyer Qualification Guidelines

- A. Low Income (less than 80 percent of Ventura County median income based on household size); Very Low Income (less than 50 percent of Ventura County median income based on household size); and when applicable Moderate income (less than 120 percent of Ventura County median income based on household size).
- B. First time home buyers (no previous home or mobilehome ownership).
- C. First priority for City of Moorpark residents who have lived in the City of Moorpark for no less than one year prior to Program application deadline (Category 1).
- D. Second priority to people who have worked within the City of Moorpark for no less than one year prior to Program application deadline (Category 2).
- E. Third priority all others (Category 3).

- F. Five percent (5%) minimum down payment, based on sales price [No more than two percent (2%) of affordable sales price may be a qualified gift with remainder from borrower's own funds; under certain circumstances, down payment assistance loan, not to exceed one percent (1%) of affordable sales price, with four percent (4%) from borrower's own funds.]
- G. Non-occupant co-borrowers are not allowed.

2. Selection Process

- A. Advertisement of program and orientation meetings on City website, City government channel, and distribution of a press release and other means as determined by the City Manager.
- B. Mandatory attendance of all interested buyers at an orientation meeting.
- C. Pre-screening applications offered at orientation meetings.
- D. Neighborhood Housing Services of America (NHTSA) or other City-approved underwriting guidelines to be used, subject to additional City requirements.
- E. City-approved Home Buyer Education required prior to purchase, and City-approved post-purchase home owner workshops (foreclosure intervention, predatory lending, etc.) required after close of escrow.
- F. A public lottery drawing shall be conducted for residential developments with affordable units. Applicants may participate in the lottery process for more than one development. Each lottery will consist of three "mini-lotteries" for the three priority categories listed in Section 1 of this policy. Categories will be exhausted before moving to the next category (Category 1 first, followed by Category 2, followed by Category 3).
- G. The income category for an applicant will be determined when the application is reviewed, prior to the lottery. If an applicant's personal, financial or other circumstances change and it is later determined they are no longer eligible in that income category, then they shall no longer be eligible for any units that might be available during the applicable lottery drawing period.

3. First-Time Home Buyer Affordable Housing Program Participant Exclusion List

- A. Moorpark City Council, Moorpark Planning Commission, Moorpark Parks and Recreation Commission, Moorpark Arts Commission, and Library Board Members.
- B. Mayor and City Council appointees including but not limited to Air Pollution Control District Advisory Committee, Area Housing Authority, Senior Center

Advisory Committee, Area Agency on Aging, Citizens Transportation Advisory Committee, and Teen Council.

- C. All City employees in non-competitive service (management positions).
- D. Financial institutions participating as lenders for the Home Buyer Program.
- E. Developers and Developer's General Contractor(s) for specific projects they developed or constructed that contain 1 or more affordable units.
- F. City contractors involved with City/Successor Housing Agency First-Time Home Buyer Affordable Housing Program and affiliates of these City contractors, as determined by the City Manager on a case-by-case basis, which may include title and escrow companies, contractors, subcontractors, subsidiaries, partnerships, and affiliates of these City contractors.
- G. Family members are excluded for all of the above-listed participant exclusions. "Family members" is defined as follows: mother, father, grandfather, grandmother, aunt, uncle, cousin, sister, brother, son, daughter, step-son, step-daughter, son-in-law, daughter-in-law, nephew, niece, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, spouse as defined as a partner in marriage (California Civil Code Section 4100), and domestic partner as defined by California Family Code Section 297 and including the requirement for the filing of a Declaration of Domestic Partnership with the Secretary of State. In addition, "family members" shall be defined to include non-blood relatives as a result of a subsequent marriage commonly referred to as a step-relative, including but not limited to step-mother, step-father, step-sister, step-brother, step-son, step-daughter, step-grandchild, step-mother-in-law, step-father-in-law, step-brother-in-law, and step-sister-in-law.

#### 4. Housing Pricing and Selection of Units

- A. Initial Sale Price: Units will be priced based on Affordable Housing Cost for the family size appropriate to the unit (Section 50052.5, b-c and h), regardless of size of actual household:
  - 3 bedroom unit priced for a household of 4
  - 4 bedroom unit priced for a household of 5
- B. Resale Price – Resale price for affordable units will be based on Affordable Housing Cost at time of resale. Affordable Sales Price is not based on market price at initial sale, or at resale. (City will provide this information to homeowners in this Program on an ongoing basis.)
- C. Applicants will be assigned a unit in their income category based on household size, following conditional loan approval. Household size will be determined at the time of receipt of application. At its discretion, the City may assign a unit

with more bedrooms than the applicant would otherwise be eligible for, if it is the last unit that is available during the applicable period of the Priority List.

5. City Staff Authority

The City Manager is authorized to execute all affordable housing project deferred loan agreements and repayment documents for all affordable housing projects for which the City will own an equity share. The City clerk is authorized to accept interest in real estate secured by any Deed of Trust associated with this program.

**Policy 3.6: Appointment of Personnel Officer**

The City Manager may by letter designate a qualified city employee to exercise any of the powers and perform any of the duties conferred upon him/her as Personnel Director to the Personnel Officer for administering the City's Personnel System pursuant to Chapter 2.56 of the Moorpark Municipal Code and Sections 1.37 and 2.1 of the City Council Resolution adopting Personnel Rules for Competitive Service Employees. The letter of appointment shall be filed in the appointee's personnel file with a copy to the City Council and City Clerk.

**Policy 3.7: Distribution, Use, and Reporting of Tickets or Passes Given to City**

1. Purpose.

The purpose of this policy is to establish a City of Moorpark procedure for the City's distribution, use, and reporting of tickets or passes for admission to a facility, event, show, or performance for an entertainment, amusement, recreational or similar purpose in compliance with Section 18944.1 of the Regulations of the Fair Political Practices Commission ("FPPC") in Title 2, Division 6, California Code of Regulations. Section 18944.1 sets forth the circumstances under which a public agency's distribution of tickets or passes, for which no consideration of equal or greater value is provided by the public official or employee, does not result in a gift to the public official or employee. Tickets or passes for admission to a facility, event, show, or performance for an entertainment, amusement, recreational or similar purpose, distributed and accounted for in compliance with this policy and FPPC Regulation 18944.1, will not be considered as gifts to the City officials and employees who make use of such tickets or passes.

2. Definitions.

Unless otherwise expressly provided herein, words and terms used in this policy shall have the same meaning as that ascribed to such words and terms in the California Political Reform Act of 1974 (Government Code section 81000, et seq., as the same may from time to time be amended) and the Regulations of the FPPC in Title 2, Division 6 of the California Code of Regulations (Sections 18110 et seq., as the same may from time to time be amended).

A. "City" or "City of Moorpark" shall mean and include the City of Moorpark and any other affiliated agency created or activated by the Moorpark City Council, and any departments, boards, and commissions thereof.

B. "City Official" means every member, officer, employee or consultant of the City of Moorpark, as defined in Government Code Section 82048 and FPPC Regulation 18701. Such term shall include, without limitation, any City Council member, City commission member, or other appointed official, employee, or consultant required to file an annual Statement of Economic Interests (FPPC Form 700) with the City.

C. "City Venue" means and includes any facility owned, controlled, or operated by the City of Moorpark.

D. "Event" means admission to a facility, event, show, or performance for an entertainment, amusement, recreational or similar purpose.

E. "Immediate family" means the spouse and dependent children.

F. "Ticket" shall mean any ticket or pass which provides any form of admission privilege to an Event.

3. Application of Policy.

A. This policy applies to Tickets provided to a City Official by the City, which provide admission to an Event, which Tickets are:

- 1) Gratuitously provided to the City by an outside source;
- 2) Acquired by the City by purchase at fair market value;
- 3) Acquired by the City as consideration pursuant to the terms of a contract for the use of a City Venue;
- 4) Acquired by the City because the City controls the Event; or
- 5) Acquired and distributed by the City in any other manner.

B. This policy does not apply to any Ticket provided to a City Official by a source other than the City for admission to an event at which the City Official performs a ceremonial role or function on behalf of the agency; or which Ticket is earmarked by the original source for use by the City Official who uses the Ticket.

C. This policy does not apply to any other item of value or benefits provided to the City or any City Official, regardless of whether received gratuitously or for which consideration is provided. (For example food, beverages, or other items

provided to a City Official at an Event are subject to the disclosure and reporting requirements applicable to gifts.)

- D. This policy shall supersede any other inconsistent City written policy applicable to distribution, use, and/or reporting of Tickets.

4. General Provisions.

- A. Purpose: The purpose of this policy is to ensure that all Tickets provided to the City shall be distributed in furtherance of public purposes.
- B. No Right to Tickets: The use of complimentary Tickets is a privilege extended by the City and not the right of any person to which the privilege may from time to time be extended.
- C. Limitation on Transfer of Tickets: Tickets distributed to a City Official pursuant to this policy shall not be transferred to any other person, except to members of such City Official's immediate family solely for their personal use.
- D. Prohibition against Sale or Receiving Reimbursement for Tickets: No person who receives a Ticket pursuant to this policy shall sell or receive reimbursement for the value of such Ticket, and shall not give such Ticket to anyone other than a member of such City Official's immediate family for their personal use.

5. Ticket Administrator.

- A. The City Manager or his/her designee(s) shall be the Ticket Administrator for purposes of implementing the provisions of this policy.
- B. The Ticket Administrator shall have the authority, in his or her sole discretion, to establish procedures for the distribution of Tickets in accordance with this policy. All requests for Tickets that fall within the scope of this policy shall be made in accordance with the procedures established by the Ticket Administrator.
- C. The Ticket Administrator shall determine the face value of Tickets distributed by the City for purposes of Sections 6.A, 6.B, and 8.A. (subparagraph 4), of this policy.
- D. The Ticket Administrator, in his or her sole discretion, may revoke or suspend the Ticket privileges of any person who violates any provision of this policy or the procedures established by the Ticket Administrator for the distribution of Tickets in accordance with this policy.

6. Conditions under which Tickets May be Distributed.

Subject to the provisions this policy, complimentary Tickets may be distributed to City Officials under any of the following conditions:

- A. The City Official reimburses the City for the face value of the Ticket(s).
  - 1) Reimbursement shall be made at the time the Ticket(s) is/are distributed to the City Official.
  - 2) The Ticket Administrator shall, in his or her sole discretion, determine which Event Tickets, if any shall be available under this section.
- B. The City Official treats the Ticket(s) as income consistent with applicable federal and state income tax laws.
- C. The City distributes such Ticket(s) to or at the behest of, an official in order to accomplish a public purpose. The following is a list of public purposes the City may accomplish through the distribution of Tickets:
  - 1) Performance of a ceremonial role or function representing the City at the Event, for which the City Official may receive enough Tickets for the City Official and one member of his or her immediate family.
  - 2) The job duties of the City Official require his or her attendance at the Event, for which the City Official may receive enough Tickets for the City Official and one member of his or her immediate family.
  - 3) Economic or business development purposes on behalf of the City.
  - 4) Intergovernmental relations purposes, including but not limited to attendance at an Event with elected or appointed public officials from other jurisdictions, and/or their staff members.
  - 5) Attracting or rewarding volunteer public service.
  - 6) Supporting and/or showing appreciation for programs or services rendered by non-profit organizations benefiting Moorpark residents.
  - 7) Encouraging or rewarding significant academic, athletic, or public service achievements by Moorpark students, residents, or businesses.
  - 8) In support of the City's employee recognition program for the purpose of attracting and retaining highly qualified employees in City service, as special recognition or reward for meritorious service by a City employee, and/or in connection with a City employee competition or drawing, for which such employee may receive no more than four (4) Tickets per Event.

7. Tickets Distributed at the Behest of a City Official.
  - A. Only the following City Officials shall have authority to behest Tickets: City Council Members, the City Manager, and Department Directors.
  - B. Tickets shall be distributed at the behest of the City Official only for one or more public purposes set forth in Section 6.C, above.
8. Disclosure Requirements.
  - A. Tickets distributed by the City to any City Official either for which the City Official treats as income pursuant to Section 6.B, above, or for one or more public purposes described in Section 6.C, above, shall be recorded on a form provided by the FPPC, maintained as a public record, and forwarded to the FPPC for posting on its website within thirty (30) days after distribution. Such posting shall include the following information:
    - 1) The name of the recipient, except that if the recipient is an organization, the City may post the name, address, description of the organization and number of Tickets provided to the organization in lieu of posting the names of each recipient;
    - 2) A description of the Event;
    - 3) The date of the Event;
    - 4) The face value of the Ticket;
    - 5) The number of Tickets provided to each person;
    - 6) If the Ticket was distributed at the behest of a City Official and the name of the City Official who made the behest; and
    - 7) A description of the public purpose(s) under which the distribution was made, or alternatively, that the City Official is treating the ticket as income.
  - B. Tickets distributed by the City for which the City receives reimbursement from the City Official as provided under Section 6.A, above, shall not be subject to the income reporting provisions of Section 6.B. and the FPPC website disclosure provisions of Section 8.A.
  - C. Following adoption, this policy shall be posted on the City's website in a prominent fashion.

**Policy 3.8 Right-of-Way Acquisition Process**

1. For capital projects approved by the City Council, the City Manager shall have authority to:

- A. Execute documents and otherwise administer the right-of-way acquisition process required to complete the acquisition of street rights-of-way, including all related easements; and
  - B. Authorize payment of amounts for acquisition, consistent with the values set forth in a City Manager approved Appraisal Report and City Council approved budget appropriations.
2. Should it become necessary to initiate eminent domain proceedings for any such right-of-way acquisition, the matter shall be brought to the City Council for authorization to initiate such proceedings.

### **Policy 3.9 Employment Agreement Approval**

The City Manager shall have the authority to approve an employment agreement for a new management employee and prior to promotion or reclassification of a current management employee, consistent with the authority granted in Chapter 2.12, City Manager, and Chapter 2.56, Personnel System, of the Moorpark Municipal Code, and consistent with the provisions of State law, including but not limited to California Government Code Section 3511.2 and Section 53243 et seq. and any section amendatory or supplementary thereto.

## **SECTION 4. POLICIES ADMINISTERED BY COMMUNITY DEVELOPMENT DEPARTMENT**

### **Policy 4.1: Temporary Use Permit Fee Waivers**

1. Once each calendar year, a City of Moorpark organization having non-profit status may apply for and be granted a temporary use permit fee waiver for one event.
2. The Community Development Director shall waive a Temporary Use Permit Fee pursuant to this policy after an eligible organization has submitted: a) a completed temporary use permit application; b) a request for fee waiver; and c) proof of non-profit status.
3. Examples for which Temporary Use Permits are issued are special events such as Christmas tree sales, promotional parking lot sales, church carnivals, Country Days and sidewalk sales.
4. The Temporary Use Permit shall be issued for a single event of less than thirty (30) consecutive days in duration.

### **Policy 4.2: Refunds for Business Registration**

The City will not issue refunds for business registration permits.

### **Policy 4.3: Code Compliance Program**

1. Program Objective:

The objective of this Code Compliance Program is to create a clear, concise guide to achieve compliance with the Moorpark Municipal Code. This Program is designed to promote code compliance through public awareness.

2. Program Purpose:

The Moorpark Municipal Code sets minimum property maintenance standards for health, safety, welfare, aesthetics and compliance with development standards and conditions of entitlement approvals. Code Compliance staff will be assigned a structured schedule for visits to the City's industrial, commercial and residential neighborhoods to insure compliance with the Municipal Code in such areas as:

- Unkempt yards and overgrown vegetation
- Junk, litter, and debris/illegal dumping
- Storage of inoperable vehicles
- Unpermitted outdoor storage
- Abandoned or unsafe buildings
- General property maintenance issues (broken windows, deteriorated roofs, hazardous properties, broken plaster, peeling paint)
- Excessive noise
- Illegal signs and banners
- Keeping of animals/farm animals in excess of allowed numbers
- Garage conversions and other unpermitted occupancies
- Structures constructed without a City permit
- Grading without a City permit
- Adherence to entitlement permit conditions, if applicable

In addition to a regular schedule, occasional weekend and evening work may be needed to address unique code compliance concerns that are not visible or are not occurring during regular hours of work. The Community Development Director (Director) is responsible for the Code Compliance Program. The Director may designate other staff for supervision and implementation of the Program.

3. The Work Program:

This work program is divided into four major categories:

- Administration
- Public Awareness
- Prosecution
- Safety

A. Administration.

The Director is responsible for and administers the Code Compliance Program. In that regard, Code Compliance staff, including any assigned supervisor, are the direct line staff responsible for the implementation of the Code Compliance Program. Standard forms, letters and documents are used to assure consistency in administration. These forms, letters and documents, as approved by the Director, are based upon four types, 1) Investigation Report, 2) Compliance Request Letters, 3) Administrative Citations and 4) City Attorney Letter. The Director may issue additional procedures and guidelines to implement and clarify as determined necessary.

- 1) Investigation Report: The Investigation Report (As approved by the Director) is used to document the report of a code compliance request and to document ongoing staff actions. A request may be made by telephone; electronic mail; traditional mail; in person or through a field contact; or by city staff, Council or an appointed Committee or Commission member. The identity of the reporting party is considered by the City to be confidential information; however, if the investigation leads to the filing of a court case, it may be determined by the City Attorney to be discoverable. Upon receipt of a code compliance request, an Investigation Report is prepared. The purpose of the Investigation Report is to document a potential violation. Once the request has been made it is logged in and staff schedules a field visit to ascertain if a violation exists. If the staff determines that a violation does not exist, the complainant may be informed by telephone, email, or by traditional mail. If a code violation is determined, a Code Compliance Case Number will be assigned, a file created, and a Notice of Violation sent to the property owner or responsible party. Contact with the property owner or tenant may be made at the time of the field investigation if the Director or his/her designee has determined it to be necessary and appropriate. The reporting party may only be informed that a case has or has not been opened, but may not be given any other information with respect to details on the violation(s) or remedy, unless the reporting party is a City employee, contract employee of the City, Police Department employee, Fire Department employee, or other public employee and the report was made in the employee's official capacity as a public servant. All information will be entered into the Code Compliance Log utilizing City approved software.

- 2) **Compliance Request Letters:** There are a series of form letters, (as approved by the Director) which are used to inform property owners regarding Municipal Code violation(s) and the progressive course of action to obtain voluntary compliance. The Notice of Violation is initially sent to indicate that a violation has been verified by the City and voluntary compliance is requested by a specific date, generally within a thirty (30) calendar day time period, depending upon the extent of the violation. A second Notice of Violation may be sent, depending on the circumstances and the extent of the violations. If compliance is achieved within the given period, or within an alternative time period mutually agreed to after the first contact, a Notice of Compliance is sent and the case is closed. If voluntary compliance is not achieved, a Notice of Office Hearing is sent setting a date for an Office Hearing, and reminding the responsible party that voluntary compliance is desired. The Office Hearing purpose is to work out a plan of action directly with the property owner in order to obtain compliance and to recover City costs, where possible. A Follow-up letter is sent after the Office Hearing, documenting the agreed to plan of action. If compliance is still not obtained, an Administrative Citation is issued, or permission to recommend filing of legal action is requested from the City Council (See "Prosecution" below). If City Council authorizes legal action, Notice of Pending Court Action is sent to the property owner, certified mail, return receipt requested.
- 3) **Administrative Citations:** The Administrative Citation process can effectively be used in cases of repeat offenders, egregious violations, or non-static violations, such as vendors and peddlers. When authorized by the Director, Code Compliance staff may issue an Administrative Citation. If the violator fails to comply with the Code within a reasonable period of time after the initial Administrative Citation, additional Administrative Citations could be issued until compliance is achieved.
- 4) **City Attorney Letter:** A letter prepared by the City Attorney signals to the violator the final opportunity for compliance prior to prosecution. This letter advises that the case has been turned over to the City Attorney, and includes a final compliance date has been set, a warning that legal remedies will thereafter be sought, and a warning that a Notice of Violation will be recorded against the property to give prospective future buyers constructive notice that a violation exists on the property at the time of sale.

B. Public Awareness.

Violations of the Municipal Code occur due to at least two factors, i.e. the laws are not clear or are not generally known. Pamphlets to inform the public have

been prepared, in English and Spanish, on specific topics including, but not limited to garage conversions, property maintenance, grading, signs, and temporary events. These pamphlets are available at City Hall public counter, on the website, and through personal distribution. The City newsletter may be used to advertise the availability of these pamphlets and periodically publish articles on code compliance issues. The City cable channel may also be used to provide information regarding code compliance.

C. Prosecution.

When all administrative and awareness remedies have been exhausted without achieving compliance; the case will be submitted to the Director, who will confer with the City Manager and City Attorney to evaluate the merits of a case prior to presenting it to the City Council. If the City Council concurs with the findings of the Director that the case should be pursued, the City Council will make a determination as to whether to recommend that the City Attorney seek a civil remedy (injunction, nuisance abatement, etc.) or to submit the case to the City Attorney for possible criminal prosecution. Once a case is turned over to the City Attorney's office for prosecution, the City Attorney's office will be responsible for managing the case, with support from the Code Compliance staff as requested by the City Attorney's office.

The City Attorney will review the case to determine whether sufficient probable cause exists prior to filing any criminal action and may also be authorized by the City Council or City Manager to seek a Civil Compromise in lieu of a prosecution. The Civil Compromise is a binding agreement between the City and the violator, where the violator agrees to remedy the violation within a certain period of time and reimburse the City for staff costs, attorney costs and other administrative costs. After City Council's election to recommend a case for prosecution, Code Compliance staff will prepare a draft complaint for the supervisor, Director, and City Attorney to review, revise and file with the Superior Court. Upon acceptance by the Superior Court, an arraignment is scheduled. Prior to arraignment, the City Attorney and the party responsible for the violations may hold a meeting to discuss the case. Staff from the City Attorney's office shall coordinate with the Director or his/her designee to determine if any Code Compliance staff need to be present at this meeting. At the arraignment, the responsible party may request a continuance to work out a plan of action with the City, plead guilty and agree to a plan of action, or plead not guilty. In those circumstances when a not guilty plea is entered, the case is held over for trial.

D. Safety.

The Code Compliance staff, including any assigned supervisor, are responsible for minimizing risk of personal harm by avoiding entering potentially dangerous buildings or potentially dangerous situations in the field,

including but not limited to a building which appears structurally unstable or has visible unstable building elements; buildings with strong odors, including but not limited to a potential natural gas leak or gasoline spill, or the odor of a deceased animal or person; and properties with known residents with a criminal history or gang affiliation, which may represent risk of harm to a City employee without Police escort. If a building or situation has a reasonable probability of being dangerous, the Code Compliance staff shall not proceed with an inspection until the Director or his/her designated code compliance supervisor has arranged for escort by Police, Fire, or Building and Safety staff as appropriate. The Code Compliance staff shall not enter a building that appears structurally unsafe, and shall use appropriate protective equipment in buildings that appear structurally safe but have conditions that warrant the use of protective equipment, such as apparent lack of sanitary conditions, which may include solid waste accumulation. City-provided protective equipment such as a hard hat, work gloves, and a face mask shall be used as appropriate in such situations.

Code Compliance staff shall not carry any legal or illegal weapons, such as a gun, knife, pepper spray, mace, club, etc., or carry tools that may appear as weapons. The appropriate response to a situation that is perceived to be potentially dangerous, or becomes dangerous, is to exit that situation and call 911.

4. Future Programs:

To increase public awareness, decrease code compliance calls, and increase efficiencies in code compliance the following programs will be periodically implemented.

- A. Solid Waste Refuse Bill Inserts and/or City Newsletter Articles: This program would periodically insert public information regarding code compliance, such as awareness of the dates each year that unlimited dumping is permitted at the landfill and the number of times per year that scheduled free pick up of large items may be arranged. Greater awareness of this kind of refuse program may decrease the amount of illegal dumping and property maintenance issues.
- B. Managed Enforcement/Neighborhood Development (MEND): MEND would be implemented to maintain the quality of our neighborhoods. Experience has shown that over time, if left unchecked, small problems develop into major problems that can result in neighborhood decline. The MEND Program is designed to identify problems and intervene early for compliance. MEND would provide proactive awareness and compliance within residential and commercial neighborhoods taking a coordinated multi-agency approach focusing first on existing nuisance properties, one neighborhood at a time. Representatives from Code Compliance, Police, Fire, Building and Safety, Community Services and Public Works would participate in the Program. Staff

would develop an inspection schedule for each residential, commercial and industrial neighborhood, eventually covering the entire City.

- C. **Community Outreach:** Community outreach would be a program to meet with community groups at least annually to discuss the code compliance process, and identify the most common types of violations and what permits are required for various activities. The Code Compliance staff, supervisor, and/or the Director would offer to meet with homeowner association boards, the Chamber of Commerce Board, merchant groups, service clubs and the like as needed to educate its members on the City's Code Compliance Program, how it works, and why it is beneficial to the City. Copies of business cards and other material such as Code excerpts and pamphlets would be made available.

#### **Policy 4.4: Street Naming**

The Community Development Director, in consultation with the City Manager and in conjunction with the Ventura County Fire Department shall determine street names for recommendation to the City Council. All street names shall be approved by the City Council prior to approval of a final subdivision map. The following criteria shall be used: North/South streets shall be designated as avenues or roads; East/West streets as streets or drives; and cul-de-sacs as circles, courts or places.

### **SECTION 5. POLICIES ADMINISTERED BY FINANCE DEPARTMENT**

#### **Policy 5.1: Meeting, Training, Conference, and Professional Association Membership Expense Reimbursement**

On various occasions it will be necessary for City officials, elected and appointed, and staff to attend meetings, seminars, training, and/or conferences on City business, and join professional associations related to the business of the City. Such occasions fall basically into the following categories:

1. Meetings/Seminars/Training Sessions, which do not Require Overnight (Lodging) Accommodations;
2. Meetings/Seminars/Training Sessions which Require Lodging or an Expenditure Exceeding \$250.00;
3. Staff Travel – Special Meetings or Training for which Funds Are Not Appropriated;
4. Legislative Body Authorized Expense Procedures; and
5. Mileage Reimbursement for City Appointees to Boards, Commissions, and Committees.

This policy is intended to identify the procedures for receiving approval for travel and reimbursement of expenses. The City Manager may issue further rules for City employees that are consistent with this policy.

1. Meetings/Seminars/Training Sessions, which do not Require Overnight (Lodging) Accommodations (one day or less and return)
  - A. The costs of registration, meals, parking and mileage for private vehicle use are allowable City expenses, and Department Heads, Assistant City Manager, and City Manager shall be required to pre-approve City reimbursement for employees they supervise.
  - B. Department Heads, Assistant City Manager, and City Manager may not approve attendance unless funds have been budgeted and are available for the subject purpose.
  - C. Wherever possible, registration fees will be paid in advance by the City. The individual attending shall typically advance mileage and parking costs.
  - D. Upon return to the City, the individual attending shall complete a petty cash reimbursement form for total costs less than \$50.00, or a "Travel Authorization and Reconciliation Report" form (available on City Share/City Share/Finance/Forms) when total costs exceed \$50.00. The reimbursement form shall be submitted to the Department Head, Assistant City Manager, or City Manager for approval, as applicable.
  - E. Meal and travel expenses will be reimbursed consistent with the more detailed policy language included, below, for subsections 2.E. and 2.F. of this policy, with the exception that rental car reimbursement is not permitted for one day or less training with no lodging.
2. Meetings/Seminars/Training Sessions, which Require Lodging or an Expenditure Exceeding \$250.00
  - A. Allowable Expenditures. The costs of registration, lodging, meals, parking, and mileage for private vehicle use are allowable City expenses. Attendance at City expense shall be subject to the advance approval of the City Manager, if funds have been appropriated for the travel. Otherwise, attendance shall require approval and an appropriation of funds by the City Council.
  - B. Travel Expense Report. A "Travel Authorization and Reconciliation Report" form (available on City Share/City Share/Finance/Forms) is to be completed for each employee traveling. The Department Head must approve the form, indicating that sufficient funding is included in the budget. Once approved by the Department Head, the report is to be submitted to the City Manager for approval at least one week prior to the City Council Meeting preceding the date

of the Conference/Training Session. The City Manager shall either approve/disapprove the travel or refer to the City Council and recommend attendance/non-attendance based on the availability of funds, proposed content of the meeting, and other meetings in the same general subject area, which may be scheduled later during the budget year.

Following City Manager or City Council approval, the Department Head must ensure the form is submitted to the Finance staff in a timely manner.

- C. Registration. Registration will be paid in advance by regular warrant whenever possible. A registration form shall be completed by the department and submitted to the Finance Department with the approved Travel Authorization and Reconciliation Report form. Finance will process the warrant and mail the registration form.
- D. Lodging.
  - 1) The City will pay lodging expenses for City employees during business travel requiring one or more overnight stays.
  - 2) The City will pay for lodging for the evening preceding or subsequent to a meeting or business event when the employee would have to travel at unreasonably early or late hours to reach his or her destination. Payment for pre-event lodging shall require City Manager approval and will typically not be approved if the total miles of travel from City Hall to the site of the event are less than 75 miles.
  - 3) Costs for lodging must be reasonable, based on availability of hotels and proximity to conference/training location. Lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the employee at the time of booking.
  - 4) Receipts are required.
  - 5) Lodging may be guaranteed or paid by a City credit card. If overnight accommodation has received prior approval in accordance with 2.B. of this policy, Department Heads may use their City credit card to charge lodging for themselves, other employees in their department, and/or commissioners.
  - 6) If overnight accommodation has received prior approval in accordance with 2.B. of this policy, lodging may be guaranteed or paid by a personal credit card, with a reimbursement request to be submitted after the training or conference.

- 7) When requesting a check for lodging, an employee shall attach a copy of the approved Travel Authorization and Reconciliation Report form. The request shall typically be submitted to the Finance Department no less than three (3) weeks prior to travel. Finance will process the warrant and give it to the Department Head to give to the appropriate employee.

E. Meals.

- 1) The traveler may receive a per-diem allowance for meals plus tips. The per diem allowance shall conform to the currently allowed Internal Revenue Service (IRS) allowance for the city of travel and does not require substantiation with receipts. Regarding partial days, travel beginning on or before 7:00 a.m. qualifies for breakfast. A return time beyond 1:30 p.m. qualifies for lunch. Return times beyond 7:00 p.m. qualify for dinner. Travelers will not be reimbursed for the cost of a lunch or dinner meal, if such meal is already paid for and provided as part of the conference expenses, and the per-diem allowance will be reduced accordingly, per the IRS published allowance, with the exception that the cost for breakfast will be reimbursed if the conference includes only a light continental breakfast, and the traveler provides a receipt for the additional breakfast expense. Breakfast shall be considered to occur between 12:00 midnight and 11:00 a.m.; lunch 11:00 a.m. to 4:00 p.m.; and dinner 4:00 p.m. to 12:00 midnight at the time zone of the location of the meal.
- 2) The City will pay reasonable and customary gratuities and tips during City business travel. Tips for meals are included in the standard per diem rate.
- 3) If no per diem rate is published for the city of travel, or if the traveler prefers, receipts may be submitted for food and tips up to \$50.00 per day based on the limits of \$10.00 for breakfast, \$15.00 for lunch and \$25.00 for dinner.
- 4) Advance payments of per diems are permitted for multi-day conferences only. A request for a per diem advance shall be submitted to the Finance Department, typically no less than three (3) weeks prior to travel. Finance will process the warrant and give it to the department head to give to the appropriate employee.

F. Travel.

- 1) Use of air, train, private car or bus shall be selected on the basis of the most reasonable and appropriate method, taking into consideration distance, time, and total costs to the City after all expense items are

tabulated, including travel time and salary costs. Travel for all personnel shall be in coach class or equivalent service.

- 2) While traveling, the use of rental vehicles is to be discouraged. Hotel courtesy buses, local shuttle services or public transportation, if available, should be utilized between airports and meeting locations. If a shuttle service is used from home to the airport, bus, or train terminal, the cost for the shuttle shall not exceed the cost for personal vehicle mileage reimbursement plus parking (if the trip originates or ends at the employee's residence, personal vehicle mileage reimbursement shall be calculated based upon the number of miles between the travel destination and either the employee's designated work location or residence, whichever is the shortest distance). Taxi service shall be used only when no other convenient, less costly mode of transportation is available. Rental vehicles may be approved in advance by the City Manager when no other transportation is available, or when alternate transportation would be more expensive or impractical. When rental vehicles are used, the least expensive vehicle practical will be used. Payment for air travel is to be made by City credit card at the time of booking. If a travel agency will invoice for the payment, that method may be used. Employees may also use personal credit cards and then request reimbursement from the City.
- 3) Employees pre-approved to use personal vehicles for travel will be reimbursed for mileage at the then current IRS mileage rate; however, the total expense of said travel shall not exceed the combined total of the round-trip air fare to the destination, plus the private vehicle mileage expense to and from the airport and appropriate parking fees. Use of a privately owned vehicle on City business requires the driver to possess a valid California driver's license and to carry automobile insurance. Any damages to the vehicle or service repairs are of a personal nature, and are not reimbursed by the City. Reimbursement will be based on the vehicle and not on the number of employees attending (i.e. the owner of the vehicle will be paid and not the passengers). If the trip originates or ends at an employee's residence, personal vehicle mileage compensation shall be based upon the number of miles between the travel destination and either the employee's designated work location or residence, whichever is the shortest distance.
- 4) Expenses such as tolls and parking will be fully reimbursed upon presentation of the original receipt. Valet parking will only be reimbursed if there is no self-parking option.
- 5) Reimbursement for use of a personal vehicle for local travel is not applicable to those management employees receiving an automobile allowance. These employees may, however, receive reimbursement if

travel is outside of the six county area of Santa Barbara, Ventura, Los Angeles, San Bernardino, Riverside and Orange Counties.

- 6) To receive reimbursement for a City work related internet use charge at the conference or lodging location, preapproval of an estimated expense must have been received on the preliminary Travel Expense Report.

G. Final Expense Report.

- 1) A final Travel Authorization and Reconciliation Report form is to be completed by the employee within ten (10) days of completing the travel. Any reimbursement requests not submitted within 30 days of the meeting date may not be honored and traveler shall assume all costs, unless waived by the City Manager. Unsubstantiated advances may result in the issuance of an IRS form 1099 to the traveler. The report is to include a final accounting of all expenses related to the travel, including expenses already paid by the City (by warrant or credit card) and expenses paid by the employee. All hotel bills, rental bills, airline ticket invoices and other receipts are to be attached to the form. If the employee has received, or is requesting, the per diem amount for food and tips, receipts for meals are not required. If any reimbursement to the City is required, a personal check in the correct amount is to be submitted with the expense report.
- 2) Items of a personal nature are not reimbursable including movies (in-room or at the theater), entertainment, premium television services, sporting events, alcoholic beverages, laundry/dry-cleaning, spas, gyms, massage, barber, magazines, shoeshine, travel insurance, purchase of clothing or toiletries, loss of tickets, fines or traffic violations, excess baggage, valet service, spouse/and or guest accommodations, office equipment and other items of a personal nature. If unauthorized expenses have been paid by the City (i.e. via credit card), the employee will be responsible for reimbursement to the City within ten (10) days of the date of the expense. Reimbursement of travel expenses received from an outside source must be forwarded to the Finance Department upon receipt.
- 3) The final Travel Authorization and Reconciliation Report form is to be signed by the Department Head, Assistant City Manager, or City Manager, as applicable, and submitted to the Finance Department for verification. If payment is due to the employee, the payment will be processed in the next available warrant cycle.

3. Staff Travel - Special Meetings or Training for which Funds Are Not Appropriated

Attendance at a special meeting or training, for which funds are not appropriated, attendance by the City of Moorpark is deemed urgent, and which occurs at a time which precludes advance approval by the Council as a whole, may be authorized by the Mayor and one other member of the City Council, subject to the ratification of the expense and appropriation of funds at the next regular Council Meeting.

#### 4. Legislative Body Authorized Expense Procedures

It is the policy of the City of Moorpark to reimburse members of the City Council, Planning Commission, and Parks and Recreation Commission and any other member of the legislative body (as defined by Government Code Section 54952) that receives reimbursement of expenses, for actual and necessary expenses incurred in the performance of their official duties.

The travel and expense reimbursement of the legislative body as defined in Government Code Section 54952 (including but not limited to members of the Council, the Planning Commission, and the Parks and Recreation Commission) shall be governed by the same rules contained in this policy for City employees, and the additional requirements listed below.

- A. The Travel Authorization and Reconciliation Report form shall be reviewed and subject to the approval of the City Council Finance, Administration, and Public Safety Committee. If a member of the Finance, Administration, and Public Safety Committee submits a Travel Authorization and Reconciliation Report form, it shall be subject to the approval of the two most senior, by tenure, members of the City Council who are not members of that Committee.
- B. The following types of expenses generally constitute authorized legislative body expenses:
  - 1) Use of personal vehicle for business travel outside the City limits (reimbursed at the per mile reimbursement rate for City employees and volunteers and consistent with Policy 5.1, Section 5);
  - 2) Communicating with representatives of regional, state and national government on City adopted policy positions;
  - 3) Attending educational seminars designed to improve public officials' skill and information levels;
  - 4) Participating in regional, state and national organizations whose activities affect the City's interests;
  - 5) Lodging, Meals, and Travel – Traveler may receive a per-diem allowance consistent with the provisions of Policy 5.1, Sections 2.D, 2.E, and 2.F. Any expense for which reimbursement is requested

(which is not subject to the per diem requirements of this policy) shall include a statement of the reason/purpose and who else was in attendance, even if reimbursement is not requested for others in attendance. The cost of a meal shall not exceed the applicable Internal Revenue Service (IRS) per diem reimbursement rate for the Los Angeles area regardless of the location;

- 6) Professional association membership and meeting attendance when included in the adopted City Council budget.
  - C. Items that are of a personal nature are not reimbursable (examples are listed in Policy 5.1, Section 2.G.).
  - D. Legislative body members (City Council, Planning Commission, Parks and Recreation Commission, Moorpark Arts Commission, and Library Board) shall briefly report on meetings attended at City expense at the next regular meeting for that legislative body member under the agenda item "Announcements, Future Agenda Items, and Reports on Meetings/Conferences Attended". If multiple members of the same legislative body attended the same meeting, a joint report may be made.
  - E. If a reimbursement rate for travel, meals, lodging and other actual and necessary expenses is not specifically identified in this policy, then the Internal Revenue Service rates for reimbursement as established in publication 463 or any successor publication shall be used for those items.
  - F. All expenses not covered by this policy shall be approved by the City Council in a public meeting before the expense is incurred.
  - G. Pursuant to Section 53232.4 of the Government Code, penalties for misuse of public resources or falsifying expense reports in violation of expense reporting policies may include, but are not limited to the following: (a) The loss of reimbursement privileges. (b) Restitution to the local agency; (c) Civil penalties for misuse of public resources pursuant to Government Code Section 8314; and (d) Prosecution for misuse of public resources pursuant to Section 424 of the Penal Code.
5. Mileage Reimbursement for City Appointees to Boards, Commissions, and Committees
    - A. City Council public appointees to boards, commissions, and committees, who do not receive an honorarium and travel outside of the Moorpark City limits to attend regular and special meetings of that board, commission, or committee, shall be eligible to receive mileage reimbursement for that travel. Mileage will be calculated from the appointee's residence in Moorpark as the point of departure to the meeting location. Mileage expense reimbursement for the

use of a personal vehicle for travel shall be at the rate currently allowed by the Internal Revenue Service, and as verified by the Finance Director annually.

- B. To encourage the use of public transportation, in lieu of a mileage reimbursement, an appointee may instead submit for reimbursement for public transit expenses (Metrolink, fixed-transit services, or paratransit services), if public transportation is utilized instead of a personal vehicle.
- C. The appointee shall complete the City's Travel Authorization and Reconciliation Report form, and submit the form to the City Clerk at the end of the month, with the meeting agenda attached as supporting documentation for the mileage reimbursement or public transportation claim. Recognizing that not all public transit agencies have a receipt system in place at the time of travel, a fare structure brochure or print-out from the respective transit agency's website will be sufficient supporting documentation for the public transportation claim. The Finance Department will submit an appointee's completed Travel Authorization and Reconciliation Report form to the City Council Finance, Administration, and Public Safety Committee for review and approval.

## **Policy 5.2: General Fund Reserve**

### **1. Introduction**

Fiscal stability is an important factor to any city. Sound financial management includes the practice and discipline of maintaining adequate reserve funds for known and unknown contingencies. Such contingencies and occurrences include, but are not limited to:

- Cash flow requirements
- Economic uncertainties and other financial hardships or downturns in the local, state or national economy
- Local disasters or catastrophic events
- Loss of major revenue source
  
- Unanticipated operating or capital expenditures
- Capital asset and infrastructure repair and replacement

The establishment of prudent financial reserve policies is important to ensure the long-term financial health of the City.

### **2. Applicability**

This policy will apply to the City General Fund.

### **3. Unreserved Fund Balance**

The City will maintain a maximum General Fund unreserved fund balance of \$3 million. Any excess General Fund unreserved fund balance will be transferred out to the Special Projects Fund. Interest generated from the Special Projects Fund will be posted to the General Fund as interest income, which is vital to the City's General Fund operating budget. The Special Projects Fund will be used to maintain and build new projects including major rehabilitation of streets, parks and facilities (e.g. Construction of Civic Center Complex, Moorpark Library, Street Capital Improvement Projects, etc.). These funds may also be used for any other purpose as deemed appropriate by the City Council by a separate vote.

4. Annual Adjustment of Reserve Levels

Reserve levels will be adjusted annually in accordance with this policy. General Fund unreserved fund balance in excess of the \$3 million maximum will be transferred by the Finance Director to the Special Projects Fund in conjunction with the year-end analysis and preparation of the City's Comprehensive Annual Financial Report (CAFR) and only after Council action to confirm such action.

**Policy 5.3: Authorization for the Issuance and Countersigning of Warrants Pursuant to Chapter 3.12 of the Moorpark Municipal Code**

Demand warrants shall be issued for payment of operational expenses related to the purchase of goods, services or equipment, and payroll warrants shall be issued to compensate employees for services rendered or to pay for benefits or other related personnel costs.

The City Manager is hereby designated to countersign warrants signed by the Mayor or Mayor Pro Tempore in the absence of the City Treasurer.

Any payroll warrant shall be signed by the City Manager, Mayor, or Mayor Pro Tempore, and countersigned by the City Treasurer, City Manager, Deputy City Manager, or City Treasurer designee; however, the City Manager may not countersign his own signature.

Any demand warrant shall be signed by the Mayor or Mayor Pro Tempore and shall be countersigned by the City Treasurer, City Manager, Deputy City Manager, or City Treasurer designee, except demand warrants less than or equal to \$5,000.00 may be signed by the City Manager and countersigned by the City Treasurer, Deputy City Manager, or City Treasurer designee. In the absence of the City Manager, the City Manager may authorize the City Treasurer to sign and the Deputy City Manager to countersign demand warrants less than or equal to \$2,500.00.

**Policy 5.4: Accounts Receivable Collection**

The City of Moorpark has the need to issue invoices for various types of services such as, but not limited to, false alarms, rent for City owned facilities, grant reimbursements, not

sufficient funds (NSF) checks and emergency response (DUI and property damage). The City's Accounts Receivable Collection Policy shall be as follows:

1. The first notice to a debtor of an amount due is the issuance of the City of Moorpark invoice.
2. Past due accounts will be sent a past due statement at 30 and 60 days by the Finance Department. A one-time penalty fee in the amount of ten percent (10%) and a ten percent (10%) annual finance charge shall be added each month to any fee imposed in the event the fee is not paid within thirty (30) days after the billing date. The 60-day notice will state that the account will be turned over to a collection agency unless it is immediately cleared by the date specified.
  - A. Where appropriate, debtor contact by telephone will be used during the collection process. The date and discussion will be noted on internal records.
  - B. If the debtor responds, the Finance Department will make every effort to work out a solution for payment (such as an installment plan for larger amounts due).
  - C. If the account is paid off or cleared by other means, the correspondence will be retained in the Finance Department customer files for such time period as required by applicable law.
3. When Finance has exhausted regular means of collections, accounts will be turned over to a collection agency in a final attempt to collect before the invoice is adjusted. Documentation required for the collection agency must include a copy of the original invoice or a list of charges. Other available information such as address and driver's license number will also be sent to the collection agency, if available.
4. Finance will send a Final Notice to the debtor noting that the account will be turned over to an appropriate external collection agency and collection costs may be charged if arrangements to pay are not made within 15 days. Note: If additional charges appeared for an account that has already been turned over to a collection agency, the new final notice should be for the same collection agency.
5. If the collection agency is not successful, further action will be considered as follows:
  - A. Amounts between \$500.00 and \$5,000.00 will be presented to the City Manager for review and possible filing of a small claims court action, which may be instituted without further Council approval.
  - B. Amounts in excess of \$5,000.00 will be presented to the City Attorney by the City Manager for review and possible legal action, which may be instituted without further Council approval.

6. The Finance Department will keep the City Manager informed of any collection issues as part of the monthly report process. Should adjustments be necessary, after all attempts have been made to collect and the Finance Director has determined that it is not cost effective to continue with the collection process, he/she has the authority to authorize up to \$100.00 per adjustment. A report of any adjustments authorized by the Finance Director shall be provided to the City Manager on a monthly basis. Any amount over \$100.00 up to \$1,000.00 may be approved for adjustment by the City Manager. A report of any adjustments made by the Finance Director and City Manager shall be provided to the City Council on a quarterly basis. Any amount over \$1,000.00 must be presented semi-annually to the City Council for consideration of an adjustment or other action. Documentation of all adjustments will be kept in a separate file for year-end audit purposes.
7. Each department will be immediately informed, in writing, by the Finance Department of NSF check issues each time an NSF check is received. Backup documentation showing the name, date and type of service that the NSF check covered will be sent to the respective department. It will be the responsibility of each department to determine if service is continuing to be provided and should be ceased for the individual and/or company that submitted a NSF check until payment for the NSF check is collected. Only cash, cashier's check or money orders will be accepted as payment to satisfy NSF checks.

**Policy 5.5: Landscape and Lighting Assessment District Capital Reserve Fund Balance**

The Finance Director shall work with the responsible department head and assessment engineer to calculate annual operating costs and the Capital Reserve Account balance for each landscape and lighting assessment district in conjunction with preparation of the City's annual fiscal year budget. The Capital Reserve Account fund balance to be maintained for each landscape or lighting assessment district shall not exceed one year of projected current operating budget for each such district.

**Policy 5.6: Investments**

Consistent with applicable State law, the City Council shall adopt an Investment Policy by separate resolution and review and update said policy by December 31 of each year. The Finance, Administration, and Public Safety Committee shall review the Investment Policy resolution on an annual basis prior to consideration by the City Council.

Pursuant to applicable State law, the City Council delegates authority to the City Treasurer to invest or reinvest City funds, or to sell or exchange securities so purchased. The City Treasurer shall also invest or reinvest Successor Agency and Successor Housing Agency funds, or sell or exchange securities so purchased, as may be consistent with State law. Consistent with the Investment Policy, the City Treasurer shall make a quarterly report of those transactions to the City Council and City Manager. A separate quarterly report shall be provided to the City Council acting as Successor Agency and Successor Housing Agency.

**Policy 5.7: Annual Review of Fee Resolutions**

The Finance Director is responsible for requiring that all City fee resolutions are reviewed annually by each City department in conjunction with preparation of the next fiscal year budget, to determine if an adjustment of any fee is appropriate. The City Council will be provided with information on the scheduling of any fee resolution update in conjunction with consideration of fiscal year budget adoption.

**Policy 5.8: Fund Balance Reporting as Required by Governmental Accounting Standards Board Statement No. 54 (GASB 54)**

1. The Finance Director is responsible for implementing this policy.
2. Consistent with the Governmental Accounting Standards Board Statement No. 54, "Fund Balance Reporting and Governmental Fund Type Definitions", the City Council has adopted the following method to self-classify fund balances for financial statement reporting purposes:

A. Committed Fund Balance

Fund Balance may be committed to specific purposes using the highest level of decision-making authority, the City Council. It is the City Council's policy that commitments of fund balance for a fiscal year must be adopted by resolution prior to fiscal year end, June 30th. Amounts that have been committed by the City Council cannot be used for any other purposes unless the City Council adopts another resolution to remove or change the constraint.

B. The Classified Fund Balance

The General Fund balance may be assigned for amounts the City Council intends to use for a specific purpose. It is the City Council's policy that assignments of fund balance for a fiscal year must be approved by the City Council prior to the fiscal year end, June 30th. Any changes to assignments must also be made by the City Council.

It is the City Council's policy to spend Classified Fund Balance in the following order when amounts in more than one classification are available for a particular purpose:

- 1) Restricted Fund Balance – amounts constrained to specific purpose by their providers through constitutional provisions or enabling legislation. Examples include grants, bond proceeds and pass-through revenue from other levels of government.

- 2) Committed Fund Balance – amounts constrained to specific purpose by resolution of the City Council.

The City Council has designated the following Committed Fund Balance: Library Fund (1010) for the purpose of providing library services.

- 3) Assigned Fund Balance – amounts which are intended to be used for a specific purpose, expressed by the City Council.

The City Council has designated the following Assigned Fund Balances for the future design and construction of infrastructure improvement projects: Capital Projects (4000), City Hall Improvement (4001), Police Facilities (4002), Equipment Replacement (4003), Special Projects (4004), Moorpark Highlands (4010), MRA 2001 Bond Proceeds (2904), MRA 2006 Bond Proceeds (2905).

- 4) Unassigned Fund Balance – amounts available for any purpose in the General Fund.

### **Policy 5.9 Credit Card Acceptance and Processing**

The purpose of this policy is to establish standards for accepting and processing credit card payments and maintaining the security of confidential credit card data. The method is to implement reasonable policies and procedures that will prevent the improper use or disclosure of customer credit card information.

Compliance with this policy will:

- Provide reasonable assurance that all credit card transactions are properly authorized, timely settled, and accurately and completely recorded;
- Monitor for errors, both unintentional and intentional, including fraud; and
- Protect the security, confidentiality and integrity of cardholder information.

This policy is further intended to ensure compliance with Payment Card Industry (PCI) standards, as required by Visa and Mastercard. Failure to comply with PCI standards may result in unnecessary costs to the City and/or revocation of merchant status allowing for the acceptance of credit cards.

#### 1. Authorized Transactions

The following revenue transaction types are authorized as credit card payments.

- |   |  |
|---|--|
| <u>A. Parking Citations</u>   | <u>J. SMIP Fees</u>  |
| <u>B. Business Registrations/Permits</u>  | <u>K. NPDES Fees</u>   |
| <u>C. Zoning Clearances</u>   | <u>L. SB473 Building Standards Fees</u>  |
| <u>D. Encroachment Permits</u>  | <u>M. Imaging Fees</u>   |
| <u>E. Residential Building Permits</u>  | <u>N. Fines &amp; Penalties (e.g. Social Host)</u>   |
| <u>F. Home Occupation Permits</u>   | <u>O. Class Registration</u>   |
| <u>G. Sign/Banner Permits</u>   | <u>P. Security Deposits &amp; Room Rentals</u>   |
| <u>H. Non-Residential Plan Checks</u>   | <u>Q. Recreation League Fees</u>   |
| <u>I. Non-Residential Building Permits<br/>(tenant improvements,<br/>commercial equipment, high pile<br/>storage and MEP mechanical,<br/>electrical and plumbing)</u> | <u>R. Temporary Use Permits</u>  |
|   | <u>S. Other transaction types approved in writing<br/>by City Manager except development<br/>impact fees which may not be authorized</u> |

2. Authorized City Staff

The following personnel are authorized to accept credit card transactions: Administrative Assistants, Receptionist, Community Development Department personnel, Recreation Assistant, Recreation Superintendent, Recreation Supervisor, Recreation Coordinator I, II, and III, Recreation Leader II, Finance Department personnel and other staff authorized in writing by the City Manager.

3. Transaction Control Requirements

The City accepts Visa and Mastercard credit cards as a form of payment of amounts due to the City. Debit cards with Visa or Mastercard logos are also accepted and processed only as credit cards. The City will accept transactions through the credit card machine at the designated front counter of the Development Building City Hall. It is important that staff adhere to the processes to ensure the accurate processing and recording of transactions and guard against erroneous or fraudulent transactions.

4. City Hall Front Counter Credit Card Machine

A. One Credit card swipe machine shall be placed at the front counter for use by authorized City Staff. However, a customer's credit card should be visible to the customer at all times during the transaction.

B. Prior to swiping the credit card:

- 1) Verify that the card is not visibly altered or mutilated.

- 2) Verify that the credit card expiration date has not passed. Expired credit cards are not accepted for payment.
- 3) Verify that the credit card has been signed by the cardholder.
- 4) Confirm that the transaction amount is not less than the minimum limit of \$10.00 and that the transaction type is within policy.
- 5) Transactions less than \$5,000.00 can be processed without City Manager written approval. Transactions greater than \$5,000.00 must have prior City Manager written approval.

C. A signature must be obtained on the credit card payment slip and compared to the signed credit card and a driver license or other identification which includes a photograph. In the event of unmatched signatures, the credit card transaction must be voided and the credit card returned to the customer.

D. If the credit card's magnetic strip cannot be read, the card number should be keyed into the credit card terminal. To reduce the risk of access to confidential credit card data, manual imprints of the card should not be made.

E. Obtain an Approval Code / Authorization number and enter the code on the receipt paperwork. If the authorization network (via the credit card machine) sends a "decline" or "no match" response, the credit card must not be accepted.

F. In all circumstances of declined or unaccepted transactions, return the credit card to the customer and offer to accept another method of payment. Customers disputing the decline or non-acceptance of the credit card should be referred to their bank which issued the credit card.

G. Credit/Refund Transactions: Per the merchant card processing agreement, the City will not make a cash refund, but will deliver a credit for a refund (or adjustment to the cardholder account) within three (3) days of the refund (or adjustment). The Cardholder will receive a copy/notification of the credit transaction at the time the refund (or adjustment) is made. In certain cases, a refund may be processed as a check and will be refunded within thirty (30) days.

H. Confirm that the amount charged to the credit card matches the transaction.

I. Cash back transactions are not authorized.

J. Attach the signed credit card slip to the supporting documentation. Give an unsigned copy to the cardholder.

## 5. Telephone and Mail Transactions

The City shall accept credit card information by telephone and U.S. Mail for Arroyo Vista Recreation Center customers only. In order to protect the Cardholder from unauthorized disclosure of credit card information, credit card numbers should not be written down on City applications or registration forms. Confirm the three digit verification code on the back of the credit card for phone orders.

6. Settlement and Deposit of Credit Card Payments

- A. The transaction history report from the credit card machine will be printed daily and be reconciled to the total receipts.
- B. The settlement batch, transaction history and reconciliation reports and supporting documentation will be reconciled by the Finance Department on the following business day.
- C. Deposits are generally settled within three business days, depending upon the credit card type. If a report indicates a settlement was declined it shall be researched by Finance and the customer contacted to obtain an alternate form of payment.

7. Merchant Fees and Other Credit Card Charges

Merchant fees for all Community Development authorized credit card transactions shall be paid by the City.

Other credit card charges, such as disputed items related to a specific transaction will be researched by the Finance Department and appropriate action taken with prior written approval by the Finance Director or Budget and Finance Manager. This will ensure proper reconciliation for the merchant account.

8. Safeguarding of Confidential Data

To the extent that the City may have possession of credit card records, including but not limited to, receipts, credit card numbers, expiration date, card type and bank information, such credit card records are exempt from public disclosure, and shall not be disclosed by the City unless required via Court subpoena or in writing by the City Attorney.

Any credit card documents not remitted to Finance before the close of the business day must be secured to prevent against loss and/or theft of confidential customer data, provided the documents shall be remitted to Finance in the morning on the next business day.

Full credit card numbers are not to be recorded, maintained or viewable in any computer systems, receipts, or reports.

To the extent required by law and/or service agreements, the City will notify credit card

customers of any breach of security which has placed the confidential credit card information at risk.

Credit card transactions shall not be accepted in the event of a power outage or other processing service interruption, so as to prevent the loss and/or theft of confidential customer data. In the event of a service interruption, notification should be made to the Finance Director to determine the cause and restoration of the service.

The City will maintain a secure firewall configuration to protect cardholder data.

The City will not use vendor-supplied defaults for system passwords and other security parameters.

The City will regularly test security systems and processes.

9. Payment Card Industry (PCI) Compliance

The City will annually renew and update PCI Self-Assessment Questionnaire (SAQ) as required.

**SECTION 6. POLICIES APPLICABLE TO PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT**

**Policy 6.1: Flag Etiquette**

1. The Flag of the United States of America and the Flag of the State of California will be displayed at each municipal facility which has an appropriate flagpole.
2. The National and State Flags are to be displayed daily from the start of the business day through the close of the business day during the normal work week. Flags may be flown 24 hours per day if appropriately lighted.
3. Flag etiquette allows the flag to be displayed during inclement weather provided it is made of all-weather material (such as the flags the City uses). If it rains after raising of the flag, the flag will remain on the pole. If it is raining prior to raising the flag, the flag will not be raised; however, it may be raised later, weather permitting, and remain until close of the business day.
4. Flags will be flown at half-staff as follows:
  - A. When ordered by the President or the Governor of the State in the event of the death of a present or former official as follows:

President,	30 days from the day of death
former or	
President	

Vice President, the  
 Chief Justice or  
 Retired Chief Justice  
 of the United States or  
 the Speaker of the  
 House of Representatives

10 days from the day of death

Associate Justice of  
 the Supreme Court; a  
 Secretary of an  
 executive or military  
 department; a former Vice  
 President; or Governor  
 of a State, territory  
 or possession.

Day of death to day of interment

Member of Congress

Day of death and day following

By order of the President

Period to be prescribed

By order of the Governor

Day of death to day of interment

- B. On Memorial Day, the last Monday in May, flags will be flown at half-staff from sunrise until noon; and on Peace Officers Memorial Day, May 15, flags will be flown at half-staff from sunrise to sunset, unless that day is also Armed Forces Day, the third Saturday in May.
  - C. On Patriot Day (September 11) and National Pearl Harbor Remembrance Day (December 7), flags will be flown at half-staff from sunrise to sunset if the President issues a proclamation each year directing the flag of the United States to be flown at half-staff on September 11 and December 7.
5. Flags will be flown at half-staff from the day of death to the day of interment for any currently seated Member of the City Council, Member of the City Council Elect or any previously seated Member of the City Council, not to exceed 14 calendar days.
  6. Flags will be flown at half-staff from the day of death to the day of interment for any currently serving City Manager or City Department Head, not to exceed 14 calendar days.
  7. Flags will be flown at half-staff from the day of death to the day of interment for any City employee or local public safety officer killed in the line of duty, not to exceed 14 calendar days.

8. When a flag is no longer fit for display, it will be destroyed in a dignified way such as by an American Legion Post at Flag Disposal Ceremonies on Flag Day (June 14) each year.
9. It is the responsibility of the Parks, Recreation and Community Services Department to display the National and State Flags at municipal facilities in accordance with the United States Flag Code (includes Title 4, Chapter 1, The Flag) and the pamphlet "Our Flag" published by the Joint Committee on Printing United States Congress by authority of House Concurrent Resolution 361, 100th Congress.
10. The City Manager or his designee is to determine at what location(s) flags are to be flown 24 hours and for ceremonial purposes. The City Manager may delegate certain ceremonial flag lowering responsibilities at the Moorpark Veteran's Memorial to the American Legion.
11. The flag policy for the City of Moorpark Police Services Center shall be consistent with Nos. 1 through 10 of this Flag Etiquette Policy and will also include the following provisions:
  - A. Flags may be flown at half-staff and for the same length of time as followed by the Ventura County Sheriff's Department (Sheriff), consistent with other facilities managed by the Sheriff, so long as the Sheriff's Department is a tenant at the Police Services Center; and
  - B. Flags may be flown at half-staff and for the same length of time as followed by the California Highway Patrol (CHP), consistent with other facilities managed by the CHP, so long as the CHP is a tenant at the Police Services Center.

**Policy 6.2: Non-Profit Organizations Annual Facility Reservation**

1. Once each calendar year, a City of Moorpark organization having a non-profit status, may reserve the Arroyo Vista Recreation Center, the Moorpark Community Center, or park facilities, to hold one (1) event with only direct staff costs being charged to that organization, so long as the majority of the park remains open to the public.
2. Those events which qualify shall be of a nature whereby the benefit of the event will serve the community and/or involve all those City residents who are interested in this event. Examples for which these procedures may apply include citywide events by Girl or Boy Scouts, service organization events, including fund-raising activities, and special events, such as Country Days, which have a direct benefit to City residents.
3. Regular organizational meetings or activities shall not qualify for this reduced fee.
4. Direct staff costs shall be defined as hourly staff costs, including all personnel benefit costs required for the event.

5. The Parks, Recreation and Community Services Director shall waive the standard rental fees pursuant to these procedures after an eligible organization has submitted:  
a) A completed Facility Reservation Form; b) a request for fee waiver; and c) proof of non-profit status.
6. One-time events shall further be defined as an event for one day per calendar year, not to exceed twelve (12) hours.
7. City staff shall maintain a record of each organization's request for the one-time-event fee, and shall notify the organization if they have already used their one-time-event option within a calendar year.
8. For Moorpark Unified School District (MUSD) one-day events involving three (3) or less hours, such as year-end school parties, MUSD may request a waiver of rental fees provided a park rental application is submitted and signed, and MUSD provides a signed hold harmless and indemnification agreement in a form approved by the City. Additionally, MUSD must ensure that supervision, in a ratio of no less than one (1) adult to thirty (30) students, is provided at all times during the rental, and that the rented facility is cleaned after use. MUSD will be charged for City direct costs associated with the rental, including, but not limited to, lights and electricity, staff time if needed, excessive trash removal, or repair to damaged facilities.

**Policy 6.3: Park Naming**

1. The City Council will direct the Parks and Recreation Commission to make recommendations on names for all new park projects during or before park construction.
2. City parks may be named in a manner which identifies the geographic location of each park. The name of a street, or the street upon which the park is located, may be part of the park name. In special circumstances, parks may be named for individuals under the following conditions: for a City of Moorpark resident who has made significant contributions that enhance and improve the quality of life in Moorpark, or a prominent state or national figure who has had a positive impact on the lives of Moorpark residents. Park names may be designated to recognize a national or historical event.
3. The City Council will consider the Parks and Recreation Commission's recommendations and will adopt the chosen park name by resolution.

**Policy 6.4: Active Adult Center Annual Meeting**

~~Twice annually,~~ At least once a year, City staff will invite all Active Adult Center program participants to attend a meeting for the purpose of discussion and receipt of comments on the development of programs and activities of interest to local seniors, and to facilitate communication between City staff and participants. Following the meeting, staff will prepare

a summary report of comments received at the annual meeting, and will provide the City Council with a copy of the report.

**Policy 6.5: Active Adult Center Standards of Conduct**

In order to provide the Moorpark Active Adult Center with an atmosphere of safety, courtesy, integrity and respect; the City of Moorpark has established a "Standards of Conduct Policy." This policy applies to all participants, defined as individuals, contract instructors, facility users, organizations or groups, and volunteers using, gathering and/or participating in activities at or associated with the Moorpark Active Adult Center. Each participant, as described in the prior sentence, is responsible for regulating his or her own conduct in a positive, productive, and mature manner. In matters of general conduct, participants shall be governed by the ordinary and reasonable rules of behavior observed by law-abiding and self-respecting citizens.

All participants and City staff have the right to be safe, and feel safe while attending a City facility or program. With this right comes the responsibility to be law-abiding citizens and to be accountable for actions that put at risk the safety of others or oneself.

1. All participants at the Moorpark Active Adult Center or its programs are expected to:
  - A. Treat others with respect. Use courteous language at all times.
  - B. Be flexible in accepting alternate facility assignments or modification to schedules due to maintenance and scheduling conflicts and emergency situations, etc.
  - C. Comply with the decisions of staff and abide by the established grievance procedures when concerns arise.
  - D. Refrain from being a part of malicious gossip or activities, which would tend to be disruptive.
  - E. Refrain from all forms of harassment, including unwelcome verbal, visual, or physical conduct that creates an intimidating, offensive, or hostile environment, including physical or verbal sexual approaches, racial or gender slurs towards staff, volunteers or participants.
  - F. Participants and staff have a responsibility to maintain an environment where conflict and differences can be addressed in a manner characterized by respect and civility.
  - G. Show proper care and regard for City property and the property of others; and make a reasonable effort at cleanup, returning facilities to the condition immediately prior to use.
  - H. Smoking is not permitted, except in designated areas.

- I. Selling or “soliciting” is not permitted; no one may panhandle or solicit spare change on premises.
  - J. Defacing of property, such as spitting and littering, is not permitted.
  - K. Exhibit appropriate behavior, cleanliness and dress.
  - L. Comply with all established and adopted rules and procedures governing City buildings.
2. Disciplinary Process for Moorpark Active Adult Center
- A. Failure to comply with these standards of conduct may result in disciplinary actions, up to and including permanent suspension from the Active Adult Center. The severity of the infraction may be cause for immediate suspension without warning. When a serious act of misconduct by a participant occurs, the Active Adult Supervisor shall immediately investigate the allegation. The Supervisor shall make a recommendation to the Parks, Recreation and Community Services Director, or his designated representative regarding the final disciplinary action. In the interim, the Supervisor and/or Director may immediately impose reasonable restrictions up to a temporary suspension verbally or in writing until the final action can be determined.
  - B. The disciplinary actions below may be enforced and escalate directly to permanent suspension and/or any step(s) in between depending on the behavior, level of disruption of normal activities or severity of the offense. The Moorpark Police Department will be called for assistance if necessary. If the disruption at the Center is suspected to be related to mental health issues, Adult Protective Services will be contacted for an investigation, as required by law. Family members may also be contacted to help alleviate issues, where appropriate.
    - 1) First Occurrence – Verbal or written warning including a review of the Moorpark Active Adult Center Standards of Conduct. This staff review will also include possible suggestions on ways to avoid a reoccurrence of the incident or behavior. Depending on the severity of the incident, the first occurrence can lead to permanent suspension.
    - 2) Second Occurrence – A written admonishment to the participant may result in temporary or permanent suspension from the Center, depending upon nature and/or severity of the infraction.
    - 3) Third Occurrence – May include a temporary or permanent suspension from attendance at the Moorpark Active Adult Center. Two suspensions within a one-year period of time may result in an extended or permanent suspension. A written suspension notice will be delivered to the participant.

3. Appeal Process of Aggrieved Party

Request for review and appeal of any of the above steps must be in written form and delivered to the Parks, Recreation and Community Services Director within ten (10) working days of the warning or suspension. After investigation of the incident, the Parks, Recreation and Community Services Director will notify the offending party of his/her decision within fifteen (15) working days.

**Policy 6.6: Recreation and Active Adult Program Cancellation and Withdrawal**

1. Purpose

The purpose and intent of the City Council in adopting the Cancellation and Withdrawal Policy is to provide direction to staff and the public relating to the refunding, crediting, or transferring of fees paid for program cancellations or withdrawals.

2. Definitions

“Director” shall mean the Parks, Recreation and Community Services Director or such successive position as determined by the City Manager.

“Program” shall mean any recreation and active adult activity offered by the City of Moorpark, including but not limited to classes, camps, sports leagues and special events. A “Program” shall further be defined as having a unique activity or point-of-sale code.

“Participant” shall mean the individual enrolled in a Program, or if under 18 years of age, his/her parent or legal guardian.

“Payee” shall mean the individual who paid the Program fees, or if under 18 years of age, his/her parent or legal guardian.

“Cancellation” shall mean the discontinuing of a Program that is initiated by the City.

“Withdrawal” shall mean the withdrawal from a Program initiated by the Participant.

“Refund” shall mean refunding monies paid directly to the Payee.

“Credit” shall mean applying credit to the Payee’s account at the Arroyo Vista Recreation Center or Active Adult Center.

“Transfer” shall mean applying monies paid for a Program to another Program.

“Non-Refundable Fees” shall mean fees which cannot be refunded, credited, or transferred by the City. Such fees include but are not limited to Active Network convenience fees, instructor lab fees, and any other fees not collected by the City.

3. Cancellations Initiated by the City:

A. Programs cancelled prior to the first meeting date

Fees paid shall be refunded, credited, or transferred in full for Programs cancelled by the City prior to the first meeting date. The Convenience Fee identified in Section 2 under Non-Refundable Fees cannot be refunded, but will be credited or transferred. Every effort will be made to reschedule cancelled programs.

B. Programs cancelled after the first meeting date

Fees paid shall be refunded, credited, or transferred at a pro-rated rate for Programs cancelled by the City after the first meeting date, less Non-Refundable Fees as defined in No. 2 of this policy.

4. Participant Initiated Withdrawals

A. Application Process

In order for Refunds, Credits, or Transfers to be processed for Withdrawals, the Participant must submit a request to the City. Requests for Withdrawal must be submitted by the Participant via telephone, e-mail, fax, or in person to an authorized City staff member.

B. Application Period

Requests must be received by the City within the prescribed time frame as indicated below in order to be considered. Requests must be received as follows:

1) One-day programs and day camps (including but not limited to individual camp days, workshops and other single-day classes, and registered events): One business day prior to the Program date.

2) Programs consisting of two or more meeting dates (including but not limited to multi-session classes and individual registration sports leagues): Prior to the start of the second meeting date.

3) Sports Leagues and Tournaments (including all team registration programs; only team managers may submit withdrawal requests): Prior to the

posting of the game schedule or five (5) business days before the first scheduled game, whichever occurs first.

5. Refunds, Credits, and Transfers

A. General Conditions

Any costs incurred by the City or a contract instructor including but not limited to uniforms, supplies, or equipment provided to the Participant, will be deducted from Refunds, Credits, or Transfers.

B. Refunds

Refunds will be made to the original Payee only. Refunds will be processed based on the original payment method. For credit card payments, fees will be refunded to the credit card account used to pay the fees. For cash or check payments, fees will be refunded via check within four weeks. In addition to deductions as stated in 5.A, a \$10.00 processing fee will be deducted from all refunds resulting from participant initiated refunds. The \$10.00 processing fee will be waived for Programs canceled by the City.

C. Credits

Credits will be applied to the Payee's account at the Arroyo Vista Recreation Center or Active Adult Center. Credits may be applied toward fees for other Programs or park or facility rentals. Credits are valid from the date of issue until the end of the fiscal year. Credits not used by the end of the fiscal year will be refunded in accordance with the process described in 5.B.

D. Transfers

Participants who withdraw from one Program may transfer into another Program. If the cost of the Program being transferred into exceeds the fees available from the withdrawn Program, the balance due must be paid at the time of the transfer. If the cost of the program being transferred into is less than available fees, excess fees will be refunded or credited to the Payee.

6. Special Conditions and Interpretation

The Director may designate fees for certain programs as non-refundable. Written notice will be posted at the registration window or admission booth indicating fees which are non-refundable. Event admission fees are an example of a fee that is non-refundable.

In the event of unique circumstances not specifically and clearly addressed in this policy document, the Director is authorized to make interpretations of this policy and render a decision.

7. Right of Appeal

A Participant has the right to appeal the decision by City staff to deny a Refund, Credit, or Transfer. An appeal must be filed in writing to the City of Moorpark, 799 Moorpark Avenue, Moorpark, CA 93021 within five (5) business days of receiving notification of the denial. The City Manager or his/her designee will affirm or deny the appeal in ten (10) business days. The decision of the City Manager or his/her designee shall be final.

**Policy 6.7: Teen Council**

1. Purpose

The purpose of the Teen Council shall be to investigate and make recommendations to City Parks, Recreation and Community Services Department staff on recreational programming and other matters of concern to Moorpark teens, and such other duties and functions as may be specifically assigned to the Teen Council by the City Council.

2. Goals

To encourage young residents to actively participate in the operations of their City government in a positive and productive manner.

To provide the opportunity to facilitate communication and a spirit of involvement by youth in City government.

To provide a learning experience for Teen Council members that is conducive to leadership growth.

3. Membership and Organization

All appointments to the Teen Council shall be made by the Mayor of the City of Moorpark, with approval of the City Council, consistent with the adopted Council on procedure for appointments (Policy 2.2). The Teen Council shall consist of no less than seven (7) and no more than fifteen (15) members, with a goal of having a minimum of one (1) representative from each grade level from 7<sup>th</sup> grade to 12<sup>th</sup> grade.

All representatives must be City of Moorpark residents and must be enrolled in school. Special attention should be given to insure that all middle schools and high schools in Moorpark have some representation on the Teen Council. Representatives would typically be limited to not serving more than a total of three years on the Teen

Council to allow more teens the opportunity to serve as a Teen Council representative.

In addition to the advertisement procedures specified in Policy 2.2, applications for Teen Council shall be made available at City Hall, Arroyo Vista Recreation Center, Moorpark High School, Moorpark Community High School, High School at Moorpark College, Chaparral Middle School, Mesa Verde Middle School, and any other location selected by the Parks, Recreation and Community Services Director or City Clerk to encourage more applications.

Teen Council members shall each serve a one (1)-year term commencing on July 1 of each year. If a vacancy occurs otherwise than by expiration of a term, an appointment may be made to fill the unexpired portion of the term of office in accordance with Policy 2.2 of this resolution (Advertising and Appointment Policy for Citizen Appointments to Boards, Commissions and Committees).

The Teen Council shall conduct itself in an orderly fashion at all meetings and shall follow and obey the standing rules established by the Parks, Recreation and Community Services Department. A meeting quorum shall be defined as a majority of the total appointed members.

No member of the Teen Council shall use the title of Teen Council member on any form of communication unless authorized by the Parks, Recreation and Community Services Director and then channeled through the Teen Council for approval.

The Teen Council shall not present or purport to represent any position, policy, or direction for the City of Moorpark without the prior approval of the City Council.

The Teen Council shall hold monthly meetings with the day, time and location to be determined at the first annual meeting of the Teen Council. Meetings shall be open to all interested participants. The Teen Council shall annually elect its chair and vice-chair from its appointed members. City staff will attend all meetings and provide administrative support to the Teen Council, including establishment of the agenda.

#### 4. Duties and Responsibilities

- A. Attend all Teen Council meetings and other Teen Council activities.
- B. Actively participate in at least one Teen Council subcommittee, as approved by the City staff representative to the Teen Council.
- C. Solicit, receive, and relay to City staff input and suggestions about any matters of concern to the teen residents in Moorpark.
- D. Participate in publicity and promotional activities of the Teen Council.

5. Brown Act Compliance

The Teen Council is subject to the Brown Act, including notice and agenda requirements.

6. Removal of Members

Any appointed member of the Teen Council may be removed by either of the following:

A. A majority vote of the City Council; or

B. Following three (3) consecutive, unexcused or excused Teen Council meeting absences or five (5) total absences during the term of the Teen Council member, the Parks, Recreation and Community Services Director may determine the seat of such member to be vacant.

**Policy 6.8: Allocation of Park Fee Payments**

Chapter 16.44 of the City's Municipal Code, Public Parkland Dedications and/or Fees, includes requirements for the Amount of Fee in Lieu of Parkland Dedication (Section 16.44.050), and Limitation on Use of Land and Fees (Section 16.44.100). Ordinance No. 52, adopted on October 14, 1985, established a fee for new apartment houses and mobilehome parks for the purpose of providing park and recreational facilities to serve the future residents. Additionally, parks and recreation fees are required as a standard condition of approval for new commercial and industrial projects. This policy is intended to supplement Chapter 16.44 and Ordinance No. 52 and formalize a previously adopted policy of the City Council that fees paid in lieu of parkland dedication for residential subdivisions, apartment houses, mobilehome parks, and commercial and industrial projects (hereinafter referred to as park fee payment) shall be deposited into the City's Park Improvement Fund and sixty percent (60%) of such fees will be used for neighborhood park facilities and forty percent (40%) for community park facilities. The sixty percent (60%) allocation for neighborhood park facilities will be further allocated into one of the three (3) established neighborhood park zones approved by the City Council on December 6, 2000, except as may be revised by subsequent City Council action. When development is proposed for a property in the City not currently assigned to a neighborhood park zone, and for which a park fee payment is required, the City Council shall make the determination of park fee payment allocation, including park zone allocation, prior to approval of a tentative map for a residential subdivision or a planned development permit for projects without a tentative map.

**Policy 6.9: Moorpark City Library Materials Selection**

1. Mission

The Moorpark City Library (Library) provides information, lifelong learning, inspiration and enjoyment to people of all ages through reading and technology. This Materials

Selection Policy sets guidelines used by the Library for the selection of books and other print and electronic materials.

2. General Governing Factors

The selection of materials for the Library is governed by four factors:

- A. The needs of the individual and of the community.
- B. The individual merit of each work.
- C. The existing collection, budget and services of the Library.
- D. The Library adheres to the *Library Bill of Rights* and *The Intellectual Freedom Statement* (copy is available at the Moorpark Library Circulation Desk and at the City Clerk's office).

3. Principles of Selection

- A. The Library aims to obtain and make readily accessible materials that fill the cultural, educational and leisure needs of City residents.
- B. Materials are selected from a number of sources. The basic consideration for the selection of any item is whether it is of proven or potential interest to the community served.
- C. Additional criteria include:
  - Availability and cost of the material
  - The amount of similar material already in the collection
  - The availability of the material elsewhere in the community
  - The physical makeup of the material
  - Opinions expressed by critics or reviewers
  - Local interest or demand
- D. In Selecting Materials to reflect the diversity of the needs and interests of the residents of Moorpark, it should be recognized that some materials chosen may be offensive or trivial to some persons while being meaningful or significant to others. The Library does not endorse or agree with all opinions expressed in the materials in the collection.
- E. Materials shall be made as accessible as possible to the public. The Library does not serve as censor of the reading of any person. The Library recognizes the importance in an open and democratic society of allowing individuals to form their own opinions on issues and, therefore, acquires materials that may be of a controversial nature.

F. Responsibility for the use of Library materials by minors rests with their parents or guardians. The selection of materials for the Library will not be governed by the possibility that these materials may come into the possessions of minors. The Library cannot be expected to act *in loco parentis*.

4. Responsibility for Selection

~~B.~~ A. The initial responsibility for materials selection lies with the professional staff working within the area of service to children, young adults, and adults. The general public may recommend material for consideration.

~~C.~~ B. In making selections, Library staff shall do so in a manner based on principle rather than personal opinion, reason rather than prejudice, and judgment rather than censorship. The spirit of selection should be inclusive rather than exclusive. Variety and balance of opinion are sought whenever possible.

~~D.~~ C. The Moorpark City Representative shall be the City Manager or his/her designee, who shall be responsible for overseeing the development of the Library collection according to the principles set forth in this policy.

5. Placement of Materials in the Library

A. The Public has free access to all Library materials consistent with this policy.

B. Placement of materials within the Library is a professional decision. Criteria include:

- Assigned Classification
- Format
- Susceptibility to loss or damage
- Rarity or cost

C. The Library labels materials for placement only, not to predispose the user for or against any materials.

6. Bindery

Only those materials of local significance, of long-term importance to the collections, or heavily used items will be bound or rebound as needed.

7. Gifts

Donations of materials or funds to enrich the collection are welcome. Gift materials must meet the same selection criteria as purchased materials. The Library reserves the right to make the final decision on use or disposition of gifts.

8. Withdrawal of Materials

Damaged, worn, obsolete, superseded, or unused items may be withdrawn from the Library upon the recommendation of the City Librarian or Library Director with the approval of the Moorpark City Representative.

Weeding and/or disposal of Library Materials shall be at the discretion of the Moorpark City Representative. Recommendation regarding resale, donation, or disposal of weeded material will be made by the City Librarian and approved by the City Representative prior to undertaking the following procedural options:

- A. Materials determined worthy of re-sale or donation will be offered to the Friends of the Moorpark City Library for the purpose of sale(s) with all proceeds to benefit the Moorpark City Library. Items that remain unsold are the responsibility of the Moorpark Friends of the Library who will dispose of the material.
- B. If the Friends of the Moorpark Library do not accept the discards worthy of re-sale or donation, the City will hold book sales or donate the material to non-profit, charitable organizations.
- C. Books determined not worthy of re-sale or donation will be appropriately disposed of by the City as determined by the Moorpark City representative. Any material that can be recycled will be recycled.

9. Reconsideration of Materials

Persons objecting to the content of materials in the Library shall be invited to state their objection in writing. Any request for reconsideration will be reviewed by the Library Director in consultation with the City Representative. The decision of the Library Director shall be final.

**Policy 6.10: Moorpark City Library Internet and Computer Use and Patron Agreement**

1. Introduction

The Moorpark City Library (Library) provides the opportunity for public access to the Internet, which allows individuals of all ages the freedom to explore and expand their knowledge beyond the traditional "walls" of the Library.

The following policy governs the use of public computer resources in the Moorpark City Library, including public Internet access, library workstations and library laptop computers, non-Internet applications, wireless, and remote use of the library's computer services.

Before using any public workstation at the Moorpark City Library, a patron must read and agree to abide to the "Moorpark City Library Internet and Computer Use Policy and Patron Agreement" (Policy), the form of which shall be approved by the City Manager. By signing for a library card for their children under the age of 18, parents and legal guardians acknowledge that their children will be allowed access to the Internet. Parents and legal guardians should be aware that any patron of any age, with or without a Moorpark City Library Card, can access Library laptop computers, if available.

Library patrons that access the City's wireless network while using their own wireless capable devices will be required to affirmatively acknowledge a wireless user agreement prior to each use.

## 2. Internet Content

The Internet is an unregulated, global resource that contains materials that some persons may find offensive. While the City will take precautions to regulate internet access by minors on the City's library computers, the City is not responsible for anything that any Library user may see or read while in the Library that the user or, in the case of minors, the user's parents, may find offensive. The City is not responsible for a minor that brings into the library a wireless capable device that permits access to the wireless internet network. The City urges parents or legal guardians to accompany their children while visiting the Library to ensure that their children are safe at all times.

## 3. Internet Users

Internet users are expected to act in a responsible, ethical, and legal manner. Users may not use Library computers to access Internet sites that depict or transmit material that violates state or federal law. The Library is not responsible for the content of retrieved information. Library users are responsible for critically evaluating the quality and accuracy of material obtained from the Internet. Internet filter software is not infallible and even when using filtering tools minors may be exposed to explicit material.

The Library expressly disclaims and shall have no liability for any direct, indirect, or consequential damages related to information obtained from the Internet. All users shall expressly assume the risk of receiving incorrect, inaccurate, defective, fraudulent, or unlawful information while accessing the Internet through any equipment or service offered by the City of Moorpark.

Wireless Internet users must agree to the wireless network user agreement, the wording of which shall be approved by the City Manager or his/her designee, before accessing the Library's network with their own wireless capable devices.

To protect their privacy, Internet users must log off at the end of their session.

4. Internet Access

Access on most of the Library computers is filtered as to sexually explicit content. Adult patrons, by default, have unfiltered access for themselves. Children under the age of 18 will have filtered access unless a parent or guardian signs a form authorizing their child to be given unfiltered access and signs a waiver of liability in the presence of Library staff.

Users whose conduct while using public computer systems is disruptive or interferes with the use of the Library by others, will be asked to modify their behavior or, if unable to modify their behavior, will be asked to leave the Library.

The Moorpark City Library reserves the right to revoke or suspend computer privileges in the case of failure to comply with this policy or the violation of local, state, or federal law. The Library may suspend privileges by a minor without notification to the parent or legal guardian. In addition, unlawful activities will be reported to the County Sheriff's department and dealt with appropriately.

5. Wireless Network Security Warning and Disclaimer

- A. The Moorpark City Library cannot guarantee the safety of data transmitted across its wireless network.
- B. The Moorpark City Library assumes no responsibility for the configurations, security, or changes to personal data files resulting from a connection to the City network; the safety of equipment (patrons should keep equipment with them at all times); for the availability of a wireless connection (there is no guarantee that users will be able to make a wireless connection).
- C. Library staff do not provide technical assistance of any kind.
- D. The City's Wireless Internet Network Policy (Policy 2.14) applies to the Moorpark City Library use. All users with portable computers or devices capable of receiving wireless signals will be required to acknowledge they have read the City's wireless network user agreement prior to each use.

6. Rules of Conduct for Internet and Computer Use

- A. Library workstations are available for one hour per day per user. Sessions may be extended if no other patrons are waiting for workstations. Staff may designate one or more computers for use as online homework tutoring stations and may allow an exemption from the one-hour rule on any such computer for this use between the hours of 3:00 p.m. and closing Monday through Thursday.

- B. One workstation will be designated as the “express” computer terminal. This computer will be specifically for quick use and limited to a 15 minutes at a time.
- C. Use of a workstation is on a first-come/first-served basis.
- D. Users must sign up to use a workstation on a next-available basis. Requests for specific computers cannot be honored.
- E. Only one person at a time may use a workstation. Exceptions may be made at the discretion of Library staff.
- F. Printing may not be available at all workstations. The printing fee shall be set by resolution of the City Council, and customers are not permitted to supply their own paper. Printers may not be used for other purposes or attached to other computers.
- G. Library laptop usage and procedures are at the discretion of Library Staff and the Moorpark City Representative and may change at any time. Laptop usage is unmonitored and there is no sign-in required to use library laptops, if available.
- H. Users may purchase a compact disk (CD) or Universal Serial Bus (USB) flash drive or bring one from home.
- I. Users are prohibited from interfering with the performance of the network. Users must not reconfigure workstations, “hack” passwords, gain entry to closed areas of the network, or introduce computer viruses. Users are responsible for any hardware or software damage they cause. Tampering with hardware or software is considered vandalism and may result in legal action (violation of California Penal Code Section 502 et. seq.).
- J. Users may not use the workstation or laptops for illegal activity, including violating copyright laws or software license agreements.
- K. Users may not install their own software programs or attach personal hardware to Library computers.
- L. Users must not interfere with the work of others and must respect one’s right to privacy.
- M. The Moorpark City Library upholds the right of confidentiality and privacy for all users; however, the Library reserves the right to monitor the use of its Internet services and review any electronic data on the Library’s lines (including e-mail communications) if necessary for the proper operation of the Library or to

ensure compliance with this policy and/or local, state, or federal laws. Sign-up sheets for Internet use are not retained as permanent records by the Library.

- N. Absolute privacy for patrons using electronic resources in the Library cannot be guaranteed. There exists a possibility of inadvertent viewing by other patrons, either by watching the user's screen, or because a user may leave the screen unattended.
- O. The Library does not provide individual e-mail accounts to users; however, users with existing e-mail accounts may access their accounts or users may register for free e-mail services available on the Internet. The Library assumes no responsibility and shall have no liability for any claim or damage resulting from the provision of such access to users.
- P. Use of the Library's computers is a privilege. Users must end their sessions and leave the workstations or laptops when asked to do so by Library staff.

#### 7. Supervising Computer Use by Children

The public library does not serve *in loco parentis* (in the place of a parent). Librarians cannot provide supervision of children as they explore the Internet. The responsibility for what minors read or view on the Internet rests with parents or guardians.

The following are recommended guidelines for parents and guardians to ensure that children have positive online experiences, whether at home or at the Library.

- A. Use the Internet as a family. Join your children in Internet exploration.
- B. Explore the wide range of available information and tell your children about sites you consider inappropriate for them.
- C. Provide guidelines for your children on the amount of time they spend online, just as for television viewing.
- D. Instruct children NEVER to give out personal information (name, address, password, telephone number, credit card number) online.
- E. Teach children to be good online consumers. As with print information, consider the source, date and accuracy of online information.
- F. Parents and children are encouraged to read "Child Safety on the Information Highway" and "Teen Safety on the Information Highway" available free at any library location or at [www.safekids.com](http://www.safekids.com) and [www.safeteens.com](http://www.safeteens.com).

#### 8. Policy May Be Revised

The City of Moorpark reserves the right to revise this policy from time to time. If revised, a copy of the current policy will be available at the Library Circulation Desk and in the City Clerk's office. All patron use of the Library Internet workstations must be in compliance with the current policy whether or not a patron has signed or read the revised policy.

### **Policy 6.11: Moorpark City Library Circulation**

The following policy governs the terms by which materials may be borrowed from the Moorpark City Library.

#### **1. Library Card Registration**

Any person residing in California may borrow materials free of charge from the Moorpark City Library. Borrowers are responsible for all material checked out on their card.

**Library Cards for Adults.** Any person 18 years of age or older applying for a Moorpark City Library card must show proof of identity and residence. Post office boxes are acceptable as mailing addresses; however, proof of residence is required to obtain a card. Acceptable identification may be any of the following:

- A. California driver's license
- B. California identification card
- C. Check imprinted with name and address
- D. Official mail (postmarked with current address)
- E. Current bill imprinted with name and address
- F. Current monthly rent receipt
- G. Tax payment receipt

**Restricted Temporary Library Cards for Teenagers Without Parental Signature.** Patrons 12 years of age through 17 years of age are classified as teenagers in this policy. Teenagers do not need a parent's or legal guardian's signature to get a restricted, temporary, one-time use card; however, a parent or legal guardian must sign the application in person, in the presence of Library staff, for the teenager to obtain their permanent card, which allows continued checkout of material, use of the public computers, and the ability to check out videos or DVD's. In order to obtain a temporary, one-time use card, the teenager must be a Moorpark resident or attend a Moorpark School. To obtain their temporary card, the teenager must present a picture ID verifying residency or attendance at a Moorpark School. The temporary,

one-time use card allows teenagers to check out two written material items only. Library staff will provide the teenager with a letter for their parent or guardian which explains the temporary card.

Library Cards for Children. Children are eligible for a library card as soon as they can print both their first and last names on the applicant signature line. In the event a child is unable to print, and at least 5-years of age, parental signature will be accepted. The minor's date of birth is required on the application. The signature of a parent or legal guardian, in person at the Library, is required on applications of children under 12 years of age.

Once the library card application is signed, the user agrees to follow the rules and regulations of the Library. New borrowers are limited to borrowing two items on the day the card is issued. When those items are returned, the borrower may borrow with full privileges if in good standing.

## 2. Confidentiality of Library Records

California State law (*Government Code*, Title I, Division 7, Chapter 3.5, Sections 6254 (j) and 6267) protects the confidentiality of library patrons. Library staff will always operate in a manner that conforms to the requirements of the law in the handling of patron records and accounts. According to this statute, library staff may not release information to any other party regarding any item borrowed by any other person, including information released to a parent or legal guardian regarding what items their child has checked out.

As permitted by the above-cited statute, library staff may release information on a borrower's account to a third party if the borrower has provided a written notice allowing the third party access to the borrower's account information. A borrower may authorize another party to pick up and check out materials by sending his or her library card along with the written request or notice with the third party.

Demographic information may be gathered in order to plan Moorpark City Library services. This information is used anonymously and is not disclosed in any way that would identify the person registering. All information provided on the registration form is protected by the statute cited above.

## 3. Non-Resident Borrowers

Persons residing outside of the State of California may obtain a Moorpark City Library card by paying a non-resident fee as determined by resolution of the City Council. Payment of this fee will entitle the borrower to the same borrowing privileges enjoyed by all other Library card holders.

## 4. Loan Periods

Reference the Moorpark City Council Resolution adopting a Library Fine and Fee Schedule (a copy of the current Schedule will be available at the Library Circulation Desk) for detail regarding loan periods. All items, except DVDs and new bestsellers, can be renewed once, for a full loan period, unless the item is on hold for another borrower. Loan periods for inter-library loaned materials will be determined by the lending institution and are generally non-renewable.

Certain new and high-demand books and other library materials in the Library's collection will be included in the Library's new bestseller book collection at the discretion of Library staff. New bestseller items will be available for a one-week check-out period with no renewals and will not be available for holds. New bestseller items will be clearly labeled and shelved separate from other materials.

Reference materials and microforms must be used in the Library and are not available for checkout. These materials may be loaned to other libraries for in-library use only.

#### 5. Renewals

All items, with the exception of DVDs and "Hot off the Press" books can be renewed once for the standard loan period for the item unless the item is on hold for another borrower. Patrons may renew overdue items provided they pay any outstanding fines before renewing.

Cataloged materials may be renewed at the Moorpark City Library Circulation Desk, from any Library computer, via the Internet, or by phone.

#### 6. Number of Items per Library Card

Reference the Moorpark City Library Fine and Fee Schedule for details regarding borrowing limitations for specific material.

#### 7. Parental Control of Minors' Access to Video and DVD Materials

The Library will honor written requests by a parent or legal guardian that their minor children not be permitted to borrow any video or DVD item.

#### 8. Reserves and Interlibrary Loan

Holds may be placed to reserve items (excluding "Hot off the Press" books) by completing a hold request form on the online catalog. Users will be notified via e-mail or by phone when items are available. Items will be held for one week from the date of notification of the users.

Items not owned by the Moorpark City Library may be requested from other libraries by filling out an "Interlibrary Loan Request" form on the online library catalog. Library

users are also welcome to fill in a "Suggestion for Purchase" form, available at the library, for items not currently in the collection. A librarian will review each of these suggestions.

#### 9. Overdue, Lost, and Damaged Material

Library users assume full responsibility for the return of materials, in good condition, on or before the due date noted on the receipt. Fines will be charged for each day the Library is open. Fines vary by item type.

Media materials should not be returned in the book drop. There are two drops, one for books and one for media (CDs, DVDs, Audio Books, etc.). Patrons are advised to return media to the circulation desk or place media in the media designated book drop. Patrons will be charged for media materials that have been damaged from being returned in the book drop marked for books.

Library users assume full responsibility for loss or damage to materials they check out. Damage includes, but is not limited to, stained and/or torn covers or pages, writing in or on materials, liquid damage, missing pages, missing pieces, scratched discs, and dirty or damaged cases or damaged parts. Charges for materials lost or damaged beyond repair will be the price shown in the Library's automated catalog, either the actual cost or a default cost for the type of item plus a processing fee (reference the Moorpark City Library Fine and Fee Schedule), and accrued fines (if applicable). In the cases of unusual circumstances, it will be left to the City Librarian under direction of the City Representative to assess charges for lost or damaged materials other than as specified by the Moorpark City Library Fine and Fee Schedule.

In lieu of paying for a lost item, a patron may replace the lost material with like material of equal or greater quality. The City Librarian has final authority to determine the acceptability of the substitute item. The borrower is still responsible for the processing fee and any fines accrued. Charges for damaged materials that can be repaired will be determined on a case-by-case basis by the City Librarian under the direction of the City Representative.

For materials borrowed for a Moorpark patron from another library (interlibrary loan materials), the replacement cost is determined by the lending library. The borrower is still responsible for the processing fee and any fines accrued.

It is the responsibility of the borrower to return borrowed items on time. Overdue notification is done as a courtesy only. Overdue items are considered lost 30 days after the due date and applicable fines, fees, and charges will be assessed. Accounts with balances of \$100.00 or more will be referred to the City Finance Department. Patrons are responsible for all late fines and fees whether or not they receive a notice.

User accounts with fines and fees totaling \$20.00 or more will be blocked from further use until fines are paid. In financial hardship cases, the City Librarian may work with the patron to provide an alternate payment plan, will note such arrangements on the patron record for tracking purposes, and will report such payment arrangements to City staff.

**Policy 6.12 Ban on Use of Anti-coagulant Rodenticides for City Landscape Maintenance Agreements**

The Scope-of-Work for City maintenance agreements for eradicating rodents shall contain the following in regard to Rodent Control:

1. The Contractor's Pest Control Advisor's (PCA) recommendations shall provide specific names of the specific vertebrate specie(s) expected to be killed by the use of the rodenticide recommended, and shall further include any known secondary target host (other vertebrate animals) that would likely be killed by the use of the rodenticide recommended.
2. The Contractor shall provide for the safe control and eradication of rodents with the intent to safeguard and promote the well-being of all surrounding habitat in the areas to be treated. Contractor further agrees to follow PCA recommendation and to advise the City of any known alternative methods for the control and eradication of rodents. The City reserves the right to reject the use of any rodenticide at any time.
3. In no instance shall the Contractor, Contractor's PCA or other subcontractors apply any anticoagulant rodenticides.

**Policy 6.13 Youth Scholarship Program**

1. The City of Moorpark Youth Scholarship Program provides financial assistance to the children of a City household with an income of less than 80 percent of the Ventura County median income based on household size. The intent is to provide the children of a lower-income household with an opportunity to participate in City sponsored recreation activities and programs offered through the City's Arroyo Vista Recreation Center, including day camps, youth sports leagues, and recreation classes. Youth scholarships may be awarded to qualified applicants on a first-come, first-served basis, as approved by the City Manager or his/her designee, and may not be available for all qualified applicants.
2. The Youth Scholarship Program is available to qualifying City of Moorpark residents under the age of 18. Both the child and a parent/guardian must reside within the City of Moorpark. Proof of City residency is required and includes:
  - A. A valid California driver's license or California identification card; and

- B. If the address on the driver's license or identification card is not current, then along with that identification, a current utility bill addressed to the parent/guardian must accompany the document.
3. Qualification to participate is based on total household gross income, which must be less than 80 percent of the Ventura County median income based on household size. Household income includes all sources of income for the family, including wages, public assistance, alimony, child support, etc.
4. The following documents are required to verify household income:
  - A. Official letter from the Moorpark Unified School District confirming qualification for the current annual school year lunch program; or
  - B. Current Federal tax return, current paycheck stub, and official documentation of child support, alimony, public assistance, or any other monies or income received.
5. Scholarships are awarded on a fiscal year basis, July 1 through June 30, and there is no carry over to the next fiscal year if not used by June 30.
6. The maximum scholarship award is \$100.00 per qualifying child and \$400.00 per qualifying household per fiscal year. If the applicant is requesting to use the awarded scholarship for a program fee that exceeds the scholarship limit, the balance of the program fee not funded by the scholarship would need to be paid to complete enrollment and permit participation.
7. Fees paid by scholarship awards cannot be refunded or transferred. Scholarship awards do not cover the annual registration fee for day camps nor the lab fees associated with other programs. Scholarship awards may not be applied to a prior registration or payment.
8. Current City employees, members of the City Council, and appointees to the Parks and Recreation Commission and their family members are not eligible for the City's Youth Scholarship Program. For the purpose of this policy, "family members" is defined as follows: mother, father, grandfather, grandmother, aunt, uncle, cousin, sister, brother, son, daughter, step-son, step-daughter, son-in-law, daughter-in-law, nephew, niece, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, spouse as defined as a partner in marriage (California Civil Code Section 4100), and domestic partner as defined by California Family Code Section 297 and including the requirement for the filing of a Declaration of Domestic Partnership with the Secretary of State. In addition, "family members" shall be defined to include non-blood relatives as a result of a subsequent marriage commonly referred to as a step-relative, including but not limited to step-mother, step-father, step-sister, step-brother, step-son, step-daughter, step-grandchild, step-mother-in-law, step-father-in-law, step-brother-in-law, and step-sister-in-law.

**Policy 6.14 Sports Field Rental Policy**

1. Purpose

The purpose and intent of the City Council in adopting the Sports Field Rental Policy (Policy) is to establish guidelines for staff in determining appropriate rental use of City sports fields and to manager rental use of sports fields to allow for proper maintenance. This Policy is consistent with the Rules and Regulations Governing City Park Rentals adopted by separate Council resolution. This Policy does not apply to use by Youth Sports Organizations, which have a use agreement approved by the City Council.

2. Rental Use of Sports Fields in Neighborhood Parks

Rental use of sports fields in neighborhood parks shall be limited to the following:

- A. Only at the following neighborhood parks: Campus Canyon Park; Mammoth Highlands Park; Miller Park; Mountain Meadows Park; Peach Hill Park; and Poindexter Park.
- B. Group 2 and Group 3 Renters with a total attendance of 20 or less.
- C. Group 2 and Group 3 Renters with a total attendance of 100 or less, when the rental of athletic fields is in conjunction with a picnic pavilion or other park facility and the use is for family and friends only.
- D. Rental use by Youth Sports Organizations that is not included in their respective agreements, when the rental has a total attendance of 49 or fewer.
- E. All other rental use must be approved in writing by the City Manager or his/her designee.

3. Rental Use of Sports Fields at Arroyo Vista Community Park

A. Rental use of sports fields at Arroyo Vista Community Park, including for soccer, football, and softball, shall be managed on a rotating schedule to be established in writing by the Parks and Recreation Director or his/her designee no less than quarterly each year. The intent of the rotating rental use schedule is to permit appropriate maintenance of the fields, as follows:

~~A. Athletic Fields: Soccer and football fields available for rental shall be rotated on a four month schedule as follows (numbered fields are soccer fields, FB is the football field, PFB is the practice football field):~~

~~\_\_\_\_\_ Odd year \_\_\_\_\_ Even year~~

Months: \_\_\_\_\_ Fields available: \_\_\_\_\_ Fields available: \_\_\_\_\_  
Jan. / Feb. / March / April \_\_\_\_\_ #5, 6, 7, 8, FB \_\_\_\_\_ #1, 2, 3, 4, PFB  
May / June / July / August \_\_\_\_\_ #1, 2, 3, 4, PFB \_\_\_\_\_ #5, 6, 7, 8, FB  
Sept. / Oct. / Nov. / Dec. \_\_\_\_\_ #5, 6, 7, 8, FB \_\_\_\_\_ #1, 2, 3, 4, PFB  
on a schedule as determined by the Parks and \_\_\_\_\_, based on the condition of  
each field.

B. \_\_\_\_\_ Softball Fields: Softball fields available for rental shall be rotated on a  
schedule as determined by the Parks and Landscape Manganer, based on the  
condition of each field. The Parks and Landscape Manager will establish a  
schedule on a quarterly basis. monthly schedule as follows:

	Odd year	Even year
<u>Months: _____</u>	<u>Fields available: _____</u>	<u>Fields available: _____</u>
January	#1, 2	#3, 4
February	#3, 4	#1, 2
March	#1, 2	#3, 4
April	#3, 4	#1, 2
May	#1, 2	#3, 4
June	#3, 4	#1, 2
July	#1, 2	#3, 4
August	#3, 4	#1, 2
September	#1, 2	#3, 4
October	#3, 4	#1, 2
November	#1, 2	#3, 4
December	#3, 4	#1, 2

G. \_\_\_\_\_ B. \_\_\_\_\_ Tournaments (other than tournaments held by Youth Sports  
Organizations as allowed under a current use agreement) shall be restricted to  
the months of January through April.

D. \_\_\_\_\_ C. \_\_\_\_\_ All other rental use must be approved in writing by the City Manager or  
his/her designee.

**Policy 6.15 High Street Arts Center Ticket Donation and Discounting Policy**

1. Purpose

The purpose and intent of the City Council in adopting the High Street Arts Center Ticket Donation and Discounting Policy (Policy) is to govern the use of complimentary Ticket donations or price discounting in furtherance of public purposes for events or performances held at the High Street Arts Center. From time to time, requests are received from various entities for High Street Arts Center event or performance Tickets to be donated or sold at a discounted price for fundraising purposes. In addition, the City may offer to provide complimentary or discounted Tickets in exchange for financial donations in furtherance of public purposes. The use of

complimentary or discounted Tickets is a privilege extended by the City and not the right of any person to which the privilege may be extended from time to time.

2. Definitions.

- A. "City" or "City of Moorpark" shall mean and include the City of Moorpark, the Successor Agency and Successor Housing Agency of the Redevelopment Agency of the City of Moorpark, any other affiliated agency created or activated by the Moorpark City Council, and any departments, boards, and commissions thereof.
- B. "City Official" means every member, officer, employee or consultant of the City of Moorpark, as defined in Government Code Section 82048 and Fair Political Practices Commission (FPPC) Regulation 18701. In addition for the purposes of this Policy, such term shall include, without limitation, any City Council member, City commission or board member or other appointed official, any employee of the City, and shall also include any employee of a consultant under contract to the City, who is required to file an annual Statement of Economic Interests (FPPC Form 700) with the City.
- C. "Event" means admission to a facility, event, show, or performance for an entertainment, amusement, recreational or similar purpose.
- D. "Ticket" shall mean any ticket or pass which provides any form of admission privilege to an Event.

3. Ticket Administrator

The City Manager or his/her designee(s) shall be the Ticket Administrator for purposes of implementing and interpreting the provisions of this policy, and as such shall not be eligible to receive any donated Ticket distributed pursuant to this policy.

4. Approved Public Purposes for Complimentary or Discounted Tickets

The following is a list of approved public purposes the City may accomplish through the distribution of complimentary or discounted Tickets:

- A. A maximum of up to four (4) Tickets per calendar year may be donated to each public school located in the City of Moorpark and to any non-profit, non-political organization that benefits City of Moorpark residents, and specifically to non-profit organizations that benefit Moorpark youth (examples: local service clubs, organized youth groups, the Boys and Girls Club of Moorpark, and parent-teacher organizations).
- B. The City Manager may approve the donation of Tickets in support of a City employee recognition program for the purpose of attracting and retaining

highly qualified employees in City service. An employee may receive no more than two (2) Tickets per calendar year.

- C. The City Manager may approve the donation of Tickets in support of a City volunteer recognition program for the purpose of attracting and rewarding volunteer public service, for which such volunteer may receive no more than two (2) Tickets per calendar year.
  - D. The City Manager may approve the donation of Tickets in support of promoting the High Street Arts Center programs at intergovernmental meetings, City sponsored training events, or other special events held at the High Street Arts Center, not to exceed a maximum of four (4) Tickets per event.
  - E. The Moorpark Chamber of Commerce may be given up to a maximum of four (4) complimentary Tickets per show in support of economic or business development purposes.
  - F. Up to a maximum of thirty (30) Tickets per calendar year may be discounted in price up to fifty percent (50%) for purchase by the Moorpark Foundation for the Arts in support of increasing their membership and encouraging donations.
  - G. Members of the cast and crew of the shows at the High Street Arts Center may be given up to a maximum of two (2) complimentary Tickets per production in which they are participating.
  - H. Directors of each production may be given up to a maximum of ten (10) complimentary Tickets for that production.
  - I. Tickets may be discounted in price up to a maximum of twenty percent (20%) for purchase of no less than twenty (20) group Tickets at one time, except as prohibited by Section 5 of this policy. The group Tickets purchased at the discounted price for an annual fundraiser can be sold for the regular box office price or less, with any profit going to the charity.
5. Prohibited Complimentary and Discounted Tickets

Complimentary and discounted Tickets are not permitted to be distributed to the following:

- A. For-profit or not-for-profit organizations with political objectives such as political action committees.
- B. Candidates for public office or their campaign committees.
- C. Elected officials.

- D. City Officials as defined in Section 2, except for the purposes of employee recognition, as permitted by Section 4.B. of this policy.
6. The High Street Arts Center General Manager shall file an annual report with the City Clerk with a copy to the City Council and City Manager no later than the first day of February of each calendar year, showing the documentation for all complimentary and discounted Tickets issued for the prior calendar year, including but not limited to the following:
- A. Name of organization or individual receiving complimentary Tickets
  - B. Non-profit tax identification number for non-profit organizations
  - C. Address of non-profit organization or other benefit verification documentation pursuant to Section 4.A.
  - D. Quantity of Tickets Donated or Discounted
  - E. Date of Ticket(s) donation or discount sale

**Policy 6.16 Recreation Programs and Services Cost Recovery Policy**

1. Purpose

The purpose and intent of the City Council in adopting the Recreation Programs and Services Cost Recovery Policy is to provide direction to staff in calculating and establishing fees and charges for recreation programs, to establish a process to recover the appropriate portion of cost based on the recovery goals of the program, to provide a framework to modify or eliminate programs that do not meet the minimum cost recovery goals, and to determine the extent to which the General Fund will fund above the amount collected in fees recreation programs and services.

2. Program Costs

Costs for each program shall be divided into three categories: 1. direct costs; 2. division indirect costs; and 3. other indirect costs. Each cost category shall have established minimum and target cost recovery percentages. Costs for programs shall be defined as follows:

“Direct Costs” shall mean all costs directly associated with a program and charged to the program’s budget, and all part-time staff costs associated with direct staffing of a program.

“Division Indirect Costs” shall mean all division costs associated with the program and charged to the division budget, facility costs, and staff costs associated with planning and administration of the program.

“Other Indirect Costs” shall mean department overhead costs for the department director and his/her administrative staff and city-wide overhead costs associated with the operation of the division.

### 3. Revenue Sources

A variety of revenue sources may be used to meet a program’s designated cost recovery goal. The City Manager or his/her designee shall determine the most appropriate revenue sources to assign to a program. Revenue sources include the following:

**User Fees:** Fees charged to the individual or team participating in a program, including admission fees and registration fees.

**Sponsorships and Donations:** Contributions in support of a specific program or service given to the City by private businesses or organizations.

**Vendor Fees:** Fees charged to vendors (such as food booths and arts and crafts booths) to participate in recreation programs.

**Grants:** Funding received by the City from a public, private, or non-profit grant or subvention program.

**Advertising and Promotional Fees:** Fees charged for advertisements placed in recreation publications, temporary program or facility naming rights, providing program or service equipment or supplies bearing the promoter’s name or logo, and providing ancillary items or printed materials bearing the promoter’s name or logo.

### 4. Program Categories

Each recreation program and service offered by the Recreation Division shall be placed in a Program Category. A program shall be placed in the category that best defines the type, purpose, and structure of the program. Program Categories shall be defined as follows:

A. “Community Event” shall mean a community-wide event that meets all of the following criteria: 1) benefits the community as a whole; 2) appeals to broad segments of the community; 3) is traditionally offered by a public agency; 4) does not require advance registration to attend. *Examples: Fireworks Extravaganza, Moorpark Arts Festival.*

B. “Special Event” shall mean an event that meets the following criteria: 1) benefits a large segment of the community; 2) appeals to a specific demographic or population; 3) is typically offered by a public agency. *Examples: Easter Egg Hunt, Trick or Treat Village, Teen events.*

- C. "Other Event" shall mean all other events that do not fall into Community or Special event categories. *Example: Visits from Santa.*
- D. "Day Camp" shall mean a general camp program for youth that does not focus on a specific activity type or topic. *Examples: Camp Moorpark, Adventure Camp.*
- E. "Recreation Classes and Specialty Camps" shall mean any class, workshop, or specialty camp that focuses on a specific activity type or topic and is instructional or developmental in nature. *Examples: Beginning Ballet, Lego Engineering Camp, Tot Sports classes, Yoga.*
- F. "Adult Sports Program" shall mean an intra-community sports program which is offered for individuals ages 18 and older, is recreational in nature, and is open to a variety of playing abilities. *Examples: Adult softball league, soccer league.*
- G. "Youth Sports Program" shall mean an intra-community sports program which is offered for individuals ages 17 and younger, is recreational in nature, and is open to all playing abilities. *Example: Youth Basketball League.*
- H. "Tournaments and Competitions" shall mean an activity that offers a higher level of competition than typical recreation level programs. Sports tournaments, extreme challenge events, and timed bicycle or running events are included under this definition. *Example: Softball tournament sponsored by the City.*
- I. "Vital Services" shall be defined as services or activities that are essential to the health and well-being of the individual or community, are typically offered by a public agency, and are not generally available to the public through other sources. *Example: Women's assault prevention clinic.*
- J. "Special Interest Groups" shall be defined as social gatherings that do not have a paid instructor or supervisor at which the group will: 1. Discuss topics of interest; 2. Provide emotional or social support to group members; or 3. Work together on or participate in a common activity. *Example: Book club.*

5. Definition of Recovery Levels

Program Categories will be placed into recovery levels establishing the percentage of required minimum and target cost recovery the program. Levels are defined as follows:

- A. \_\_\_\_\_ Level One: Programs that are of a benefit to the whole community or are essential to the health and well-being of a target segment of the community, are typically provided by public agencies and not typically available through

other providers, and require minimal commitment from participants (minimal time or financial investment is required, performance of program would not be altered by the absence of a single participant, and/or advance registration is not required.)

B. Level Two: Programs that provide a benefit to a targeted segment of the community, are often offered by public agencies, are limited in availability from other providers, and require minimal commitment from participants.

C. Level Three: Programs that provide both a community and individual benefit, are often offered by public agencies and may be available through other providers; and require some level of commitment from participants.

D. Level Four: Programs that have a greater individual than community benefit, may be offered by public agencies or private businesses or other providers, are instructional or recreational in nature, and require a strong commitment from the participant (substantial time or financial investment is required, performance of program may be altered by the absence of a participant, and/or advance registration is required.)

E. Level Five: Programs that provide primarily an individual benefit and are specialized or competitive in nature.

## 6. Cost Recovery Matrix

In accordance with the Cost Recovery Levels, the following matrix has been developed. The minimum recovery indicates the percentage of costs that must be recovered in order to continue offering the program without modification. The target recovery indicates the percentage of costs that staff will attempt to recover through program fees and other revenue sources.

Programs and Levels	Direct Costs		Division Indirect Costs		Other Indirect Costs	
	Minimum Recovery	Target Recovery	Minimum Recovery	Target Recovery	Minimum Recovery	Target Recovery
<b>Level One:</b> Includes:						
Community Events (A)	25%	100%	0%	25%	0%	0%
Vital Services (I)						
<b>Level Two:</b> Includes:						
Special Events (B)	50%	100%	0%	50%	0%	0%
Special Interest Groups (J)						
<b>Level Three:</b> Includes:						
Day Camps (D)	100%	100%	50%	75%	0%	0%
Youth Sports Programs (G)						
<b>Level Four:</b> Includes:						
Recreation Classes and Specialty Camps (E)	100%	100%	75%	100%	0%	25%
Adult Sports Programs (F)						
<b>Level Five:</b> Includes:						
Other Events (C )	100%	100%	100%	100%	50%	100%
Tournaments and Competitions (H)						

7. Cost Recovery Implementation and Management

Division staff will establish, and the Department Director will approve, strategies for achieving cost recovery goals. Strategies will be implemented based on the best interests of maintaining a strong program and reaching the designated recovery goals within a period not to exceed one year. The process for cost recovery shall be as follows:

- a. A. Each recreation program or service will be assigned to the appropriate Program Category, establishing the recovery level for the program.
- B. Staff will determine appropriate revenue source(s) for the program and establish user fees, sponsorships/donations, vendor fees, and/or grant amounts necessary to meet minimum cost recovery.
- b. C. Programs will be reviewed annually to determine if they are meeting the minimum cost recovery percentage.
- c. D. Programs that are unable to meet the minimum cost recovery will be reviewed by the Department Director for consideration of appropriate action, including restructuring or eliminating the program.
- d. E. Programs that meet minimum cost recovery and do not exceed target recovery will not require action.

- e. F. Programs that exceed target cost recovery will be reviewed to determine whether or not fees should be decreased, the program should be placed in a different Program Category or Recovery Level, or other action is needed.
- f.
- g. G. An annual report will be presented to the Parks and Recreation Commission by October 31 and to the City Council by December 31 each year summarizing the programs offered during the prior fiscal year and whether cost recovery goals for each program were met.

8. Right of Exclusion

The City Manager is authorized to exclude individual programs from the Cost Recovery Policy. Said programs shall be budgeted as approved by the City Council. Said programs shall not be required to meet Cost Recovery requirements and may operate below recovery levels for the program category, or without revenue sources.

**Policy 6.17 Public Art in New City Public Facilities**

1. Purpose

The purpose and intent of this policy is to ensure that the City of Moorpark's public facilities include public art as a feature of the exterior or, in some cases, the interior building design. Consideration for the placement and type of public artworks shall be considered during the concept design phase of all new City public facility projects. The Arts Commission (Commission) shall consider placement and type of public art and make a recommendation to the City Council prior to the Council's consideration of the final design concept for the artwork. The artwork design concept for a City public facility may involves, a theme about persons or groups of persons, historic sites, cultural representations; style (such as sculpture or mural); and medium (such as metals, concrete, rock or paint). Artworks are as defined in City of Moorpark Municipal Code, Chapter 17.50.020.

2. Artwork Site Selection Planning

Staff shall consult with the Commission during the early stages of new public facility project development regarding site planning and possible placement of artworks.

3. Project Funding, Administration, and Management

Costs for each public art project shall be included in the capital improvement budget for each new public facility in an amount not less than one (1) percent of the facility's total building valuation excluding land value and off-site improvements. The City Council may waive the one (1) percent requirement by a specific vote to do so.

The primary source of funding for public art projects at new public facilities shall be the same as the funding source for the facility. Supplemental funding may be provided from the Art in Public Places Fund (Fund) or other sources as authorized by

the City Council. This Fund is considered finite, since future private developments are limited.

The selection of artists and the actual development for public art projects at new City of Moorpark public facilities shall be administered by the Parks, Recreation and Community Services Department for final approval by the City Council.

## **SECTION 7. POLICIES ADMINISTERED BY PUBLIC WORKS DEPARTMENT**

### **Policy 7.1: Waiver of Street Sweeping Parking Restrictions for Vehicles Displaying Special Identification License Plates or Distinguished Placards for Disabled Persons, and Waiver of Street Sweeping Parking Restrictions on Designated City Holidays**

It is the Council's policy that vehicles displaying special identification license plates or distinguished placards for disabled persons, as defined in the Vehicle Code, shall be exempt from the City's street sweeping parking restrictions.

It is also the Council's policy that posted City street sweeping parking restrictions will not be enforced on City holidays designated by resolution of the Council for the closure of City offices.

### **Policy 7.2: City Public Sidewalk Maintenance and Repair**

1. Inspection: All public sidewalks shall be inspected at least once per year.
2. Maintenance: All public sidewalks shall be maintained in good condition.
3. Repair: Any sidewalk defects causing a vertical separation of three-quarters of an inch (3/4") or greater shall be repaired. Repair may include any appropriate methods as determined by the Public Works Department, including but not limited to grinding or sidewalk replacement. Efforts should be undertaken to remove or minimize the possibility of a reoccurrence of any sidewalk problem caused by tree roots.

### **Policy 7.3: Transit Security System Electronic File Retention Pursuant to Public Utilities Code Section 99164 and Government Code Section 34090.8**

Pursuant to subdivision (a) of Public Utilities Code Section 99164 and Government Code Section 34090.8, the City Council has adopted the following findings for transit security system electronic file retention:

1. The City has made a diligent effort to identify a transit security system that is capable of storing recorded data for one year.
2. The technology to store recorded transit security data in an economically and technologically feasible manner for one year is not currently available, and such

videotapes or recordings shall be preserved for as long as the installed technology allows.

3. The City has purchased and installed the best available technology with respect to storage capacity that is both economically and technologically feasible at this time.
4. The transit security videotapes or recordings that are evidence in any claim filed or any pending litigation shall be preserved until the claim or the pending litigation is resolved.
5. The transit videotapes or recordings that recorded an event that was or is the subject of an incident report shall be preserved until the incident is resolved.

**Policy 7.4: Crossing Guard Warrant**

The warrant for the provision of a Crossing Guard at a roadway intersection in the City is as follows:

1. The traffic volume shall be greater than 250 vehicles per hour;
2. At least one of the roadways comprising the intersection shall have a minimum of four travel lanes; and
3. There shall be a minimum of 40 elementary school aged (grade K-5) pedestrians per hour.

**Policy 7.5: Utility Street Cuts Restricted for Public Streets with New Rubberized and Conventional Asphalt Overlay**

To protect and maintain the integrity and appearance of new overlay pavement on public streets, no utility street cuts will be permitted for a 5-year period following installation of a rubberized asphalt overlay, and for a 3-year period following installation of a conventional asphalt overlay, with the exception of a utility street cut for a bona fide emergency, as verified and approved by the City Engineer. In the event an emergency utility trench is approved, the pavement shall be required to be repaved for the entire width of the street, for a minimum of 10 feet from both sides of the trench, with pavement material that matches the existing street surface.

**Policy 7.6: Fee for Cancellation of Parking Citations Relating to Disabled Persons Parking Zones**

An individual who fails to properly display a distinguishing placard for disabled persons, as defined in Vehicle Code Section 22511.55, and is cited pursuant to the City of Moorpark Municipal Code Section 10.04.180 (Disabled persons parking zones), may request that the City consider the cancellation of said citation. This request may be approved by the City Manager or the City Manager's designee as long as the City Manager or the City Manager's

designee is satisfied that a valid and current distinguishing placard was appropriately issued to and should have been displayed by the requesting individual at the time of citation.

Should the City Manager or the City Manager's designee approve the request and cancel the citation, no fee shall be applied, providing it is the individual's first such approved request during any consecutive twelve (12) month period. A fee pursuant to Vehicle Code Section 40226 shall be applied if the City Manager or the City Manager's designee approves any subsequent requests, by the same individual, to cancel any citation of the same nature during any consecutive twelve (12) month period.

**Policy 7.7: Waste Reduction and Recycled Content Product Procurement Practices**

1. The City shall purchase and use reusable, recyclable, and recycled products whenever possible to the extent that such use does not negatively impact health, safety, economic constraints, performance standards or operational efficiency.
2. When approved by the City Manager, a not-to-exceed ten (10) percent price preference may be given to qualified products that are reusable, recyclable, or made from recycled material.
3. Recycled paper shall be used for products that are highly visible to the public, including letterhead, copy paper, and business cards.
4. When recycled products are used, reasonable efforts shall be undertaken to label them to indicate that they contain recycled materials.
5. All City staff shall practice waste reduction procedures, such as duplex copying, avoiding excess packaging, and minimizing use of disposables (toner cartridges, kitchen supplies, etc.).
6. Each City department shall examine purchasing requirements and maximize use of products that are durable, reusable, recyclable, and made from recycled feedstock. Such products could include office supplies, compost, motor oil, paint, tires, and construction materials.
7. Contractors and consultants bidding to provide products or services to the City should demonstrate compliance with the City's purchasing and waste reduction practices to the greatest extent possible.
8. The City shall incorporate conditions of approval for new residential and commercial construction that will require adequate space for recycling activities. Use of recycled building materials and the recycling of demolition and construction materials shall be encouraged.
9. The City shall investigate joint purchasing opportunities with other local governments as a way to maximize economic benefit to all jurisdictions.

10. Staff from the Finance Department and Public Works Department shall meet annually to review purchasing practices and shall propose any identified changes to the City Manager for possible adoption and implementation.

**Policy 7.8: Engineering and Grading Policies and Standards**

1. Placement of Above Ground Structures in the Sidewalk:

The following guidelines shall be followed in determining the location of above ground structures in the sidewalk. Such structures include, but are not limited to, facilities owned by the City, any utility company or district, and the U.S. Postal Service. The location of such structures shall be consistent with these guidelines unless unique circumstances require other action. In any case, the placement of such structures shall be consistent with minimum requirements for handicap access.

- A. Whenever possible, traffic control signs shall be placed on street light poles instead of separate sign poles.
- B. Sidewalks having widths greater than five feet (5') and sidewalks with parkways:
  - 1) All signs, poles, mailboxes, etc. shall be placed behind the curb with the minimum setback.
  - 2) Fire hydrants shall be placed five feet (5') from the curb face.
- C. Sidewalks having a width of five feet (5') or less:
  - 1) All stop signs, yield signs, turn prohibition signs, large guide signs, traffic signal poles and similar traffic signs shall be placed behind the curb with the minimum setback.
  - 2) Except as noted in Item #1.A. above, all other traffic control and traffic warning signs shall be placed behind the sidewalk, provided adequate visibility is maintained. Parking restriction signs placed behind the sidewalk may require placement at shorter intervals.
  - 3) Mailboxes may be placed behind the curb with the minimum setback, provided additional sidewalk width is constructed sufficient to provide a sidewalk width consistent with the width of the sidewalk adjacent to the mailbox.
  - 4) All other facilities shall be placed behind the sidewalk.

2. Public Notification of Street Projects:

When deemed necessary and appropriate, City staff shall provide those property owners and residents affected with written notice of the City's intent to construct a street improvement project. Such notice shall only be given when and if the City Engineer/Public Works Director determines that a given project could adversely impact certain properties. When given, such notice shall be mailed to the owners and residents of properties, which could be adversely affected by the project. Any such notice shall be mailed at least ten (10) days prior to the date the City Council is scheduled to consider the approval of the plans and specifications for such project and/or authorization to advertise for receipt of bids for the construction of such project.

3. Grading:

The following guidelines shall be followed by the City Engineering Department in the review and approval of grading plans and the administration of grading operations:

- A. Conceptual Grading Plans: On all tentative tract maps, parcel maps, and applications for land development where grading quantities will be equal to or greater than fifty cubic yards (50 cu. yds.), obstruct a drainage course or impact another property owner's property, a conceptual grading plan shall be a part of the submittal to the City. The conceptual grading plan shall show pad elevations, tops and toes of slopes and walls, borrow and fill quantities, and the general drainage pattern. The location of any anticipated siltation, retention or debris basins shall be shown. As a condition of approval, surety shall be provided for the full cost of the grading operations, including implementation and maintenance of Best Management Practices for erosion control.

On projects where the grading quantities do not exceed twenty thousand cubic yards (20,000 cu. yds.) and where all grading is in an isolated self-contained area (such as agricultural land) and where the actual limits of proposed grading will have a significant buffer from and have no drainage impact to adjacent properties, and the grading creates no adverse aesthetic impacts to views or hillsides, the City Engineer in consultation with the Community Development Director after review of a plot plan and supporting information concerning drainage and buffer areas, may determine that a grading plan is unnecessary.

B. Contour Grading:

- 1) Findings: The Council hereby finds that the terrain of certain areas of the City provides a unique and substantial character to the area and forms an integral part of the City's total environment. Due to their physical dominance on the City's landscape, development of the hillside areas will definitely affect the visual and environmental character of the community. The City's primary objective regarding hillside development

is to preserve the natural terrain and aesthetic character of the City while encouraging creative, innovative, and safe residential development with a variety of housing types. Such characteristics will only be achieved when special consideration is given to those developments, subdivisions, and lot splits within hillside areas, on an individual basis and proper consideration of the variations in conditions, design criteria, and other factors. All contour grading shall be in conformance with the requirements of Chapter 17.38 Hillside Management of the Moorpark Municipal Code.

- 2) Slope Design Standards: Where the creation of cut and fill slopes is approved, they shall be rounded at the edges and contoured as necessary to blend with existing topography. All cut and fill slopes shall conform to the following standards:
  - a) All cut and fill slopes in excess of five feet (5') vertical height shall be rounded with vertical curves from the crest of the slope and from any surface drains constructed on the face or top of the slope and must keep concentrated water from roofs, drives or pads from going over slopes or onto adjacent properties;
  - b) Where cut or fill slopes intersect the ends of each graded slope, the slope shall be horizontally rounded and blended with a minimum radius of twenty-five feet (25'). A smaller radius may be permissible for short slope lengths;
  - c) Where a cut or fill slope intersects a natural slope, the horizontal contours of the slope shall be curved so as to blend with the natural slope;
  - d) Where any cut or fill slope exceeds seventy feet (27') in horizontal length, the horizontal contours of the slope shall be curved in a continuous undulating fashion with radii no greater than three hundred feet (300') nor less than twenty feet (20');
  - e) Slope rounding shall be designed in proportion to the total height of the slope. The top and toe of each slope in excess of ten feet (10') height, excepting the toe of any slope within twenty-five feet (25') of a dwelling, shall be vertically rounded with radii equal to one-fifth of the height of the slope and no less than five feet (5'). This shall not apply to the toe of any cut slope that is supported by a retaining wall;
  - f) All engineered slopes shall be contour graded to achieve a natural appearance. Borders of cut slopes and fills are to be rounded to blend with the existing terrain;



horizontal to 1' vertical]: Special hillside architectural and design techniques are required within this slope zone. Architectural designs are to conform to the natural landform. Mass grading is discouraged except on a case-by-case basis as permitted by the Planning Commission. Mass grading is particularly discouraged where development is proposed within a high-risk landslide area. This does not preclude grading necessary to mitigate slide hazards. A cut and fill map is required to verify maximum heights of cut and fill.

- e) A Conditional Use permit is required for grading on areas having an average slope of thirty-four percent (34%) or more [greater than 3' horizontal to 1' vertical). Approval of any Conditional Use permit for development within this slope zone is contingent that the Planning Commission making findings that such grading and development:
  - i) Has been clearly demonstrated to minimize safety, environmental and aesthetic impacts.
  - ii) Includes the minimum amount of grading.
  - iii) Includes the grading necessary to mitigate slope instability or slide hazards that may exist on the site.
  - iv) Has had thorough geotechnical investigation.
  - v) Has had a detailed grading plan prepared as well as a cut and fill exhibit that shows maximum heights of cut and fill.
  - vi) Will require no import or export of soils.

C. Import/Export: On all required conceptual grading plans where the total on-site borrow and fill yardages differ by one thousand cubic yards (1,000 cu. yds.) or more, plans for handling the import/export shall be part of the conceptual grading plan.

- 1) The import/export plan shall show quantity of import/export, location of borrow/stockpile sites, temporary and final grading of the site, height of fill/depth of cut, visibility of the site from public roads and lands, vegetation and screening for sites located within the City of Moorpark.
- 2) Unanticipated off-site import/export operations requiring an excess of one thousand (1,000) total truck loads or ten thousand cubic yards (10,000 cu. yds.), whichever is less, shall require Council approval prior

to the commencement of hauling or staged grading operations. A haul route shall be submitted to the City Council for review and approval.

- 3) If the borrow/fill site(s) are within the City limits, a grading plan for such sites, showing the before and after condition, shall also be shown.

D. Stockpiles: The temporary placement of soil on any property prior to its placement as imported certified fill (herein "Stockpile"), shall comply with the following requirements:

- 1) Design: All Stockpile shall:

- a) not exceed five feet (5') in height;
- b) have side slopes which do not exceed 3:1

- 2) Approval:

- a) Development Entitlement: For any property having an approved development entitlement (Commercial Planned Development, Industrial Planned Development, Residential Planned Development), requests for placement of a Stockpile are to be reviewed and conditionally approved, or denied, by the City Engineer and the Community Development Director as a discretionary action. The conditions and requirements for any approval of a Stockpile shall be consistent with an approved grading plan for the property and the conditions of approval for the development entitlement. Such approval shall also require the deposit of adequate and appropriate bonds to guarantee the removal of the Stockpile within the prescribed time limits of subsection D. 3). In addition, the City Engineer and the Community Development Director shall require appropriate conditions relative to the placement and maintenance of the Stockpile, including but not limited to:

- i) distance and screening from public rights-of-way and adjacent properties, with fencing or landscaping as determined necessary;
- ii) erosion control;
- iii) weed abatement;
- iv) construction of public improvements as required by the conditions of approval of the development entitlement, if

said public improvements are determined to be needed at the time the Stockpile approval is requested; and

- v) payment of applicable fees for processing of the request for the placement of the Stockpile(s).

The quantity of soil for any approved Stockpile(s) being placed upon any such approved property or project shall not exceed 5,000 cubic yards per acre, unless prior approval of a greater amount is granted by the City Council.

- b) All Other Properties: For any property which has not been granted a development entitlement (including any property located within any One Hundred (100) Year Flood Boundary as shown on the current Flood Insurance Rate Map [FIRM]), requests for a Stockpile shall require approval by the City Council. Any application for such approval shall be accompanied by an adequate and appropriate Environmental Document assessing and addressing any potential environmental impacts associated with the placement and removal of the Stockpile. Such application shall be accompanied by appropriate conditions of approval as recommended by the City Engineer, including a requirement for the deposit of bonds to guarantee the removal of the Stockpile site(s) if deemed necessary.

- 3) Duration: The duration of the placement of a Stockpile shall not exceed the following time limits:

- a) Development Entitlements: For any property having an approved development entitlement, the duration of the placement of any Stockpile shall not exceed the time limits specified in said entitlement or two years whichever is less.

- b) All Other Properties: For any other Stockpile approved by the City Council [see subsection D.2)b)], the duration of the placement of any Stockpile shall not exceed the time limits set forth in the conditions of approval as determined by the City Council.

- E. Haul Routes: On all required conceptual grading plans that require import/export of more than one hundred (100) truckloads or one thousand cubic yards (1,000 cu. yds.), whichever is less, the following information shall be made a part of the conceptual grading plan: haul routes, hours of hauling, numbers and frequency of trucks and other information necessary to define hauling impacts. Additional surety for the cleaning and/or repair of streets used as haul routes may be required as determined by the City Engineer.

- F. Community Development Director Review: On all grading plans, the Community Development Director shall provide comment to the City Engineer concerning: contour grading, aesthetics, viewshed and consistency with the Hillside Management Ordinance where applicable and Moorpark General Plan. With said comments, the City Engineer shall develop and provide to the Community Development Director, appropriate recommendations relative to those matters plus slope stability, drainage, erosion protection and related issues, before approval of any conceptual or final grading plan.
- G. Final Grading Plan: The final grading plan shall be in substantial compliance with the approved conceptual grading plan. The City Engineer and the Community Development Director shall make the determination as to substantial compliance with the approved conceptual grading plan. The City Engineer may administratively approve minor changes from the conceptual grading plan. Minor changes are defined as:
- 1) changes in elevation of five (5) feet or less from the conceptual plan;
  - 2) changes in total borrow/fill quantities which do not exceed one thousand cubic yards (1,000 yd<sup>3</sup>);
  - 3) additional import/export quantities not exceeding one thousand cubic yards (1,000 yd<sup>3</sup>);
  - 4) changes which cause no adverse impacts to slope stability, drainage, and erosion control; and,
  - 5) changes which, in the view of the Community Development Director, do not result in any adverse impact on aesthetics or viewshed.

If the City Engineer finds that the final grading plan is not in substantial conformance with the approved conceptual grading plan, the City Engineer shall submit a report with recommendations to the City Council. The City Engineer shall not issue a grading permit for those final grading plans that are not in substantial conformance with the conceptual grading plan without approval of the City Council.

- H. Erosion Control: Concurrent with submittal of the final grading plan, an erosion control plan shall be submitted for review and approval by the City Engineer. The design shall include measures for erosion control to be implemented on all graded areas. These measures shall apply to temporary grading activity that remains or is anticipated to remain unfinished or undisturbed in its altered condition for a period of time greater than thirty (30) days or for a period of time which extends into the wet season defined as that period between October 15th of a given year and April 15th of the following year.

I. National Pollution Discharge Elimination System (NPDES): As part of each final grading plan, NPDES regulations shall be addressed to the satisfaction of the City Engineer. As a minimum the following shall be included:

- 1) A Stormwater Pollution Control Plan (SWPCP) shall be developed and implemented in accordance with requirements of the Ventura Countywide Stormwater Quality Management Program, NPDES Permit No. CAS004002.
- 2) The project construction plans shall incorporate Best Management Practices (BMPs) applicable to the development for the review and approval of the City Engineer.

If the site is five (5) acres or more in size, the following items shall also be included:

- 3) A permit shall be obtained from the State Water Resources Control Board. A Notice of Intent (NOI) shall be submitted to the City Engineer and to the California State Water Resources Control Board, Storm Water Permit Unit in accordance with the NPDES Construction General Permit No. CAS000002.
- 4) A Stormwater Pollution Prevention Plan (SWPPP) shall be prepared and approved by the City Engineer consistent with the requirements of the City's Stormwater Quality standards and regulations.

J. Dust Control: Dust control measures shall be identified to the satisfaction of the City Engineer. These measures shall include, but not be limited to, minimization of ground disturbance, application of water/chemicals, temporary/permanent ground cover/seeding, street sweeping, and covering loads of dirt.

All clearing, grading, earth moving, or excavation operations shall cease during periods of high winds (greater than 15 miles per hour (mph) averaged over one hour).

K. Field Changes: During grading operations, changes to the approved final grading plan may be authorized by the City Engineer, when such changes are in conformance with the approved Final Grading Plan and result in an "equal to" or "improved" final graded condition, provided the Community Development Director concurs that the changes do not result in any adverse impact to aesthetics or viewshed within or adjacent to the graded area.

4. Utility Trench Backfill Requirements:

The following guidelines shall be followed by the City Engineering Department in the review and approval of plans and the inspection of work related to the backfill and compaction of utility trenches:

- A. Except as noted below, all utility trenches within any street right-of-way or easement shall be backfilled from the top of the pipe zone to the bottom of the pavement structural section with a one sack cement and sand slurry mix. A maximum of one percent (1%) of calcium chloride may be added when a faster cure is required.
- B. All utility trenches within a parkway, median or sidewalk area shall be backfilled from the top of the pipe zone to a point one foot (1') below the finished grade.
- C. Upon written request to the City Engineer, this requirement may be waived for specific special conditions such as excessively wide or deep (in excess of eight feet) trenches.

5. Size of Speed Limit Signs:

The following guidelines shall be followed in determining the size of Speed Limit signs:

- Less than 45 mph: 24" x 36";
- 45 mph or more: 36" x 45".

The City Engineer/Public Works Director may determine that a different size of speed limit sign may be warranted or may be more suitable at certain locations.

6. Traffic Control Plan:

Where streets are to be dedicated to the City in conjunction with the recordation of a final map, a regulatory traffic signing and striping plan shall be submitted to, and approved by the City Council, along with City Council review and approval of the final map. The traffic signing and striping plan shall show, as a minimum, all proposed regulatory signing and striping, such as stop signs, speed limit signs and parking restriction signs.

7. Street Improvements on a State Highway:

The construction of street improvements on a State Highway by a private developer may require the City to act in the role of facilitator. To that end the City Engineer/Public Works Director is authorized to take certain actions as follows:

- A. Sign Caltrans Encroachment Permit Applications, if required, provided the developer provides the City with appropriate hold harmless indemnification.

- B. Take all steps necessary and appropriate to provide for City acceptance of additional street right-of-way and/or easements within and/or adjacent to a State Highway.
- C. Take all steps necessary and appropriate to convey such additional street right-of-way, easements and improvements to Caltrans upon completion and acceptance of said improvements.

8. Repair of damaged sidewalks, curbs, and gutters:

The responsibility for undertaking the repair of damaged sidewalks, curbs and gutters, shall be as follows:

<u>Damage Caused by:</u>	<u>Responsible Party</u>
A. Street trees or other landscaping located within a parkway maintained by the City.	City
B. Street trees or other landscaping located within a Parkway maintained by a Home Owners' Association (HOA).	HOA
C. Street trees or other landscaping within a parkway located within the street right-of-way or a City-owned landscape easement adjacent thereto.	City
D. Trees or other landscaping located on private property: First repair: Subsequent repair:	City Owner of the property fronting the damage.
E. Any activity of the owner of the property fronting the damage, including an agent of the owner (e.g. renter, contractor, etc.).	Owner of the property fronting the damage.

9. Rear Yard Access through Block Walls:

In order to maintain and preserve the structural integrity and the aesthetic quality of Perimeter Walls throughout the City, such walls shall not be altered or removed and reconstructed to provide temporary access to a work site, unless a Wall Access Permit is issued in accordance with the requirements set forth herein.

- A. Building Permits: Identification of Work Access: The plot plan attached to any building permit issued for the construction of improvements or modifications to

any property shall identify, on the plot plan, the method or location of the access to the work site.

B. Prohibited Access: Any requested access which requires the removal and reconstruction of a wall located along a rear of side property line shared with any street, SHALL NOT BE APPROVED.

C. Exceptions: Wall Access Permit:

A Perimeter Wall Access Permit may be issued by the City Engineer, when and if the contractor or property owner can adequately demonstrate that it is not possible to construct the desired improvements or modifications without the removal and reconstruction of the Perimeter Wall in order to gain rear access to the property. Exemptions (Wall Access Permit) shall not be granted for the purpose of facilitating the work (i.e. avoid damage to existing landscaping, make the project easier, reduce the cost of the project, etc.). Exemptions may only be granted when there is no way to construct the project without access through the wall. Prior to the approval of any Wall Access Permit, a representative of the City Engineer shall visit the site to confirm that access to the work site is not possible without the removal and reconstruction of a perimeter wall.

D. Conditions of Approval: Any Wall Access Permit issued by the City Engineer shall include Conditions of Approval designed to assure that the wall is restored to its "pre-project" condition. Such Conditions may include any of the following:

- 1) A block wall restoration plan shall be provided;
- 2) Block samples shall be provided to the City prior to the approval of the Permit, to assure that the "match" between the existing block wall and the new block is adequate;
- 3) All approved block shall be procured and delivered to the site prior to the issuance of the final permit and the commencement of construction, in order to assure that the final block material "matches" the approved sample [Note: a conditional permit may be issued setting forth all requirements and advising of the City's intent to issue a Wall Access Permit upon delivery and approval of the block material]; and
- 4) If new block does not adequately match the existing wall, the restoration plan shall provide for the removal and reconstruction of the block wall for an entire wall section (pilaster to pilaster).

10. Street improvement plans: U-Turns:

During the review and approval of the Tentative Tract Map and/or the review and plan checking of street improvements plans for the development of proposed new arterial streets, consideration shall be given to the geometric design for proposed new intersections; and, unless conditions preclude such installation, the final design shall adequately provide for "U-Turn" traffic movements at such intersections. In the event the City Engineer finds that conditions exist which preclude the need or necessity to provide for "U-Turn" traffic movements, the City Engineer shall prepare a report to the City Manager setting forth the reasons why such provisions should not be included in the final design, prior to making a final determination.

11. Second Driveways:

Street Encroachment Permits for the construction of a second driveway on a residential lot shall not be approved unless and until the applicant has obtained a Zone Clearance approved by the Community Development Director. Such approval shall be consistent with the requirements of the Moorpark Municipal Code [Section 17.32.110].

12. Placement of banners on street light poles:

This policy shall govern the placement of vertical banners on light poles owned by Southern California Edison during City-sponsored or City Co-sponsored community events such as Country Days, Independence Day Celebrations or similar events with a maximum of two events per year with no overlap permitted. Requests to place banners will be considered only for 60-day time periods prior to and during said City Sponsored or Co-sponsored events. Requests will be considered only from Moorpark based, non-profit groups recognized as religious, educational, civic or cultural. Such requests will be considered pursuant to the following criteria and subject to the City's License Agreement with Southern California Edison.

- A. One million dollars insurance coverage must be provided by the applicant organization, with such insurance subject to approval by the City Risk Manager.
- B. Applicant organizations are required to execute a defense, indemnity and hold harmless agreement with the City on a form prescribed by the City.
- C. Applicant organizations are responsible for all labor (including installation, maintenance, and removal) of the banners and attaching hardware, as well as any claims arising out of their use.
- D. Applicant organization must obtain an encroachment permit and sign permit from the City.
- E. All requests must be received 60 days in advance of the proposed date for placement of banners.

- F. Banners may be in place no longer than 60 days. Only one organization shall have banners in place for any such period.
- G. Banners may contain only the following:
  - 1) Logo or identification of the event to be promoted.
  - 2) One sponsorship on each side of the banner.
  - 3) If an individual or family is the sponsor only the family name may appear on the banner.
  - 4) Sponsorship of a banner is restricted by the following:
    - a) Banners may be sponsored only by City of Moorpark businesses/organizations and residents.
    - b) Banners are not to display product symbols, product names, phone numbers or addresses.
    - c) Banners are not to include name-brand advertising.
    - d) Banners are not to include any political statements or sponsorship (i.e., no elected officials or officials appointed to an elected office, official candidates, candidate/ballot measure committees, etc.).
- H. Requests for the placement of such banners must be accompanied by a sample or rendering of the proposed banner and indicate the size and shape. A sample of the material and colors of the proposed banners must be submitted at the time of application.
- I. All requests will be administered by the City Manager or his/her designee whose decision will be final.

13. Slough Walls:

- A. Criteria: Slough Walls shall be required at the back of the sidewalk when there is a slope of more than four feet (4') in height, immediately adjacent to the sidewalk. Slough Walls shall not be required if there is an area at least five feet (5') wide between the back of sidewalk and the toe of slope.
- B. Standards: The City Engineer shall develop and maintain a set of design standards and specifications for the construction of Slough Walls.

- C. Implementation: The City Engineer shall require the construction of Slough Walls, in a manner consistent with current design standards and specifications, whenever the above criteria exist.
- D. Materials: the materials used for the construction of the slough walls shall be approved by the City Engineer and the Community Development Director.

14. Pavement Structural Section, Traffic Index and Subsurface Drainage:

This standard pertains to the design and construction of the structural section and subdrain systems for public and private streets.

- A. Criteria: Except as provided herein, the methods contained in the Caltrans Design Manual shall be used to design pavement sections and subsurface drainage for streets. Pavement structural sections for public streets shall be designed using Equivalent Single Axle Loads (ESAL) for a 50-year term. Pavement structural sections for private streets shall be designed using Equivalent Single Axle Loads (ESAL) for a 20-year term. The structural section of all public and private streets shall be founded on well-drained basement soils. The determination of the need for subsurface drainage systems to prevent saturation of the pavement structural section or underlying foundation materials shall consider conditions anticipated throughout the design life of all pavement structural sections. Subsurface drainage systems shall be marked with detectable underground utility marking tape buried 6 inches above the pipe. The ends of the marking tape shall be accessible at each surface feature of the subsurface drainage system.
- B. Standards: Unless calculations to the contrary are approved by the City, the Traffic Indices shown in table 7.8.A shall be used for public streets and the Traffic Indices shown in table 7.8.B shall be used for private streets. The wearing surface of all streets shall be 1.5 inches of rubberized asphalt, which shall not be included when computing the required structural section. Except as modified herein, the provisions of the Caltrans "Design Manual" relating to subsurface drainage shall be implemented in the design of all streets. Subsurface water drainage systems shall be designed for ease of maintenance, operation and locatability.
- C. Implementation: The City Engineer shall require the construction of street structural sections and subsurface drainage systems to conform to the design standards herein and the provisions of the Caltrans "Design Manual". Construction materials and methods shall conform to the most recent edition of the "Standard Specification for Public Works Construction". Geotechnical and hydrologic investigations to determine the physical characteristics of the soil and likelihood of subsurface water that may affect the pavement structural section shall be performed and documented to the satisfaction of the City Engineer.

- D. Materials: Except as provided herein, all materials and construction methods used in the construction of street structural sections, features and subsurface drainage systems shall conform to the latest edition of the "Standard Specifications for Public Works Construction".
- 1) Pipe used for subsurface drains shall:
    - a) Be no less than 6 inches in diameter.
    - b) Be smooth-walled polyvinyl chloride pipe conforming to ASSHTO M278.
    - c) Have perforations located in the bottom half of collector pipes.
    - d) Have belled ends or sleeve or stop-type couplings per AASHTO M278. Solvent cementing of joints is not required.
    - e) When used for outlets, terminal risers, vertical and 45-degree risers, elbows, wyes and tees shall not be perforated.
  - 2) Permeable material used for backfilling trenches under, over and around subsurface drains shall:
    - a) Consist of hard, durable, clean gravel, or crushed stone conforming to the quality requirements of table 200-1.6(B) of the "Standard Specifications for Public Works Construction".
    - b) Be free from organic material, clay balls, or other deleterious substances.
    - c) Conform to the gradation requirements of Table 7.8.C.
  - 3) When permeable material type is not specified Type B permeable material shall be used.
  - 4) Filter fabric shall be type 180N.
  - 5) Detectable underground utility marking tape has a minimum 0.13 mm (0.005") overall thickness, with no less than a 35 gauge (AWG), 0.14 mm aluminum foil core. The foil must be visible from both sides. The layers shall be laminated together with the extrusion lamination process, not adhesives. No inks or printing shall extend to the edges of the tape. All printing shall be encased to avoid ink rub-off. The color-coding of the tape shall be green and the legend shall be "SEWER". Detectable Underground Utility Marking Tape shall conform to the

properties listed in Table 7.8.D. Detectable Underground Utility Marking Tape shall meet the requirements of the current edition of each of the following agency/association publications.

- a) Department of Transportation, Materials Transportation Bureau, Office of Pipeline Safety. USAS code for pressure piping B31.8.
- b) National Transportation Safety Board, Washington, DC, Special Study Prevention of Damage to Pipelines. Adopted June 7, 1974. Report NTSB-PSS-73-1.
- c) American Petroleum Institute (API). Recommended practice for marking buried liquid petroleum pipelines - APR RP 1109.
- d) General Services Administration, Washington, DC, Public Buildings Service Guide Specification for Mechanical and Electrical Equipment - PBS 4-1501, Amendment 2, Page 501-14, Paragraph 18, Subparagraph 18.1, Clause 18.1.1.
- e) Rural Electrification Authority (REA), U.S. Department of Agriculture, Washington, DC, National Electrical Safety Code for Underground Construction for remote and immediate hazards.

**TABLE 7.8.A**  
**TRAFFIC INDICES FOR PUBLIC STREETS**

Roadway Designation	Maximum Build-out Average Daily Traffic	50 yr ESAL	T.I.
B-4 Residential	<10,000	171,375	7.5
B-3D Minor Commercial/Industrial	8,000	270,000	8.0
B-3C Commercial/Industrial	16,000	540,000	8.5
B-3B Major Commercial/Industrial	20,000	540,000	8.5
B-3A Secondary Arterial	20,000	540,000	8.5
B-2 Secondary Arterial	24,000	720,000	9.0
B-2 Primary Arterial	36,000	1,217,500	9.5

**TABLE 7.8.B**  
**TRAFFIC INDICES FOR PRIVATE STREETS**

Roadway Designation	Maximum Build-out Average Daily Traffic	20 yr ESAL	T.I.
B-4 Residential	1,540	35,400	6.0

**TABLE 7.8.C**  
**PERMEABLE MATERIAL**

Sieve Sizes	Percentage Passing	
	Type A	Type B
50-mm (2")	---	100
37.5-mm (1 1/2")	---	95-100
19-mm (3/4")	100	50-100
12.5-mm (1/2")	95-100	---
9.5-mm (3/8")	70-100	15-55
4.75-mm (No. 4)	0-55	0-25
2.36-mm (No. 8)	0-10	0-5
75-µm (no. 200)	0-3	0-3

**TABLE 7.8.D**  
**DETECTABLE UNDERGROUND UTILITY MARKING TAPE PROPERTIES**

Property	Method	Value
Thickness	ASTM D2103	0114 mm (0.0056")
Tensile strength	ASTM D882	4500g/cm (25 lbs/inch) (5,500 PSI)
Elongation	ASTM D882-88	<50 percent at break
Printability	ASTM D2578	>50 dynes/square centimeter
Flexibility	ASTM D671-81	Pliable hand
Inks	Manufacturing specifications	Heat-set Mylex
Message repeat	Manufacturing specifications	Every 500 mm(20")
Foil	Manufacturing specifications	Dead soft/annealed
Top layer	Manufacturing specifications	Virgin PET
Bottom layer	Manufacturing specifications	Virgin LDPE
Adhesives	Manufacturing specifications	>30 percent, solid 1.5#/R
Bond strength	Boiling H2O at 100 degrees Celsius	Five hours without peel
Colors	APWA Color Code	n/a

15. Use of Temporary Steel Plates Over Street Excavations

- A. Steel Plate Bridging: With a Non-Skid Surface. This standard covers the use of steel plate bridging. Persons conducting work within the public right-of-way shall not use steel plate bridging or trench plate that does not meet the requirements of this section both in application and circumstance of use.
- B. Requirements for Use: Alternate construction methods that avoid the use of steel plate bridging shall be used by the persons conducting work within the public right-of-way unless otherwise approved by the Engineer. It is recognized that to accommodate excavation work, steel plate bridging may be

necessary. All conditions for use of steel plate bridging set forth in the requirements of this standard must be fulfilled as conditions of approval of the use of steel plate bridging. Consideration of the use of steel plate bridging in the review process will take into account the following factors:

- 1) Traffic volume and composition.
- 2) Duration of use of the steel plate bridging.
- 3) Size of the proposed excavation.
- 4) Weather conditions.

C. Plate Score Formula: The following formula shall be used to score the permitted use of steel plate bridging:

$$PS = \left[ \frac{ADT + EWL}{1000} + D + 10 \times WE + 5 \times N + 20 \times W + \frac{S \text{ (kmh)}}{8} + R \times 100 \right] \times L$$

$$PS = \left[ \frac{ADT + EWL}{1000} + D + 10 \times WE + 5 \times N + 20 \times W + \frac{S \text{ (mph)}}{5} + R \times 100 \right] \times L$$

where:

- PS = plate score.
- ADT = average daily traffic as defined in the CALTRANS Traffic Manual.
- EWL = equivalent wheel loads as defined in the CALTRANS Traffic Manual.
- D = total number of 24-hour periods during which the plates will be utilized at the site being considered.
- WE = total number of Saturdays, Sundays and holidays that the plates will be utilized at the site being considered.
- N = total number of overnight periods that the plates will be in place, exclusive of Saturday, Sunday and holiday nights.
- W = total number of 24-hour periods that the plates will be utilized at the site being considered when the possibility of rain exceeds 40 percent.
- S = the design speed in kilometers per hour or miles per hour, as applicable in the formulae above, of the street where the plates are to be installed. This number shall not be reduced for construction zone speed reductions.
- R = the quotient of the vertical differential divided by the horizontal distance. The vertical and horizontal dimensions shall be measured at the locations spanning a distance of 15 m (50') up and downstream of the position of the proposed steel plate bridging.

- L = the number of lanes where plates will be used.
- D. Plate Score Use: When the computed value of the plate score exceeds 50, steel plate bridging shall not be used unless, and at the sole discretion of the City Engineer, it is determined that no alternative method of construction is possible in lieu of using steel plate bridging or that other overriding considerations make the use of steel plate bridging acceptable. Alternatives considered to bridging shall include, but not be limited to, detouring traffic, construction detour routes, tunneling, boring and other methods of trenchless construction. Unless specifically noted in the provisions of the City Engineer's approval, the use of steel plate bridging at each location so approved shall not exceed four (4) consecutive working days in any given week.
- E. Additional Requirements: In all cases when the depth of the trench exceeds the width of the steel plate bridging resting on each side of the pavement adjacent to the trench, safety regulations require or the City Engineer determines that shoring is necessary to protect the health or safety of workers or the public. The person(s) conducting work within the public way shall install shoring conforming to Section 7-10.4.1 of the Standard Specifications for Public Works Construction (SSPWC). The trench shoring shall be designed and installed to support the steel plate bridging and traffic loads. All approvals for design, substitution of materials or methods shall be submitted by the persons conducting work within the public way in accordance with all provisions of section 2-5.3 SSPWC Shop Drawings and Submittals. The Contractor shall backfill and resurface excavations in accordance with section 306-1.5 SSPWC.
- F. Installation: When backfilling operations of an excavation in the traveled way, whether transverse or longitudinal cannot be properly completed within a work day, steel plate bridging with a non-skid surface and shoring may be required to preserve unobstructed traffic flow. In such cases, the following conditions shall apply:
- 1) Steel plate bridging when the plate score exceeds 50 is not allowed except when, at the sole discretion of the City Engineer, it is approved as specified above.
  - 2) Steel plates used for bridging must extend no less than 610 mm (2') beyond the edges of the trench.
  - 3) Steel plate bridging shall be installed and maintained to operate with a noise level such that no sound generated by the steel plate can be heard by a person with normal hearing acuity from a distance of 15 meters (50').
  - 4) No longitudinal trench excavation longer than 15 meters (50') shall be covered with steel plates.

- G. Installation Methods: When the use of steel plate bridging and shoring is approved by the City Engineer, the persons conducting work within the public right-of-way shall install using either Method (1) or (2) depending on the design speed of the portion of street where the steel plate bridging is proposed for use.
- 1) Method 1 [For speeds equal to or more than 56 Km/hr (35 MPH)]: The pavement shall be cold planed to a depth equal to the thickness of the plate and to a width and length equal to the dimensions of the plate. The cold milling shall produce a flat surface that the plate shall rest on with no horizontal or vertical movement. Horizontal gaps between the unmilled pavement and the plate shall not exceed 25 mm (1") and shall be filled with elastomeric sealant material which may, at the contractor's option, be mixed with no more than 50%, by volume, of Type I aggregate conforming to the requirements of tables 203-5.2(B) and 203-5.3(A) SSPWC .
  - 2) Method 2 [For speeds less than 56 Km/hr (35 MPH)]: Approach plate(s) and ending plate (if longitudinal placement) shall be attached to the roadway and shall be secured against displacement by using two adjustable cleats that are no more than 50 mm (2") shorter than the width of the trench. The cleats shall be bolted to the underside of each plate and located within 150 mm (6") of the beginning and end of the trench for plates at the beginning and end of the trench. A minimum of two 300 mm long by 19 mm diameter (12" x 3/4") steel bolts shall be placed through the plate and driven into holes drilled 300 mm (12") into the pavement section, or other devices approved by the City Engineer. Subsequent plates shall be butted and tack welded to each other along 10% of the butted faces. Fine graded asphalt concrete shall be compacted to form ramps, maximum slope 8.5% with a minimum 300 mm (12") taper to cover all edges of the steel plates. When steel plates are removed, the dowel holes in the pavement section shall be completely filled with elastomeric sealant material. At the Contractor's option, the methods required for Method 1 may be used. If the use of Method 1 is elected, all requirements of Method 1 shall be used. The Contractor shall maintain the steel plates, shoring, and asphalt concrete ramps and maintain and restore the street surface during and after their use.
- H. Materials: The minimum thickness of steel plate bridging shall be as shown in Table 7.8.E.

**TABLE 7.8.E**  
**REQUIRED PLATE THICKNESS FOR A GIVEN TRENCH WIDTH**

Maximum Trench Width (1)	Minimum Plate Thickness
0.3 m (10")	13 mm (1/2")
0.6 m (23")	19 mm (3/4")
0.8 m (31")	22 mm (7/8")
1.0 m (41")	25 mm (1")
1.6 m (63")	32 mm (1 1/4")

- I. Longer Spans: For spans greater than 1.6 m (5'), a structural design shall be prepared by a registered civil engineer and submitted to the City Engineer for review and approval in accordance with section 2-5.3 SSPWC of the Standard Specifications for Public Works Construction.
- J. Design Criteria: Steel plate bridging shall be steel plate designed to support the HS20-44 truck loading per CALTRANS Bridge Design Specifications Manual. The Contractor use steel plate with a non-skid surface having no less than a coefficient of friction of 0.35 as determined by California Test Method 342. In addition to all other required construction signing, the Contractor shall install Rough Road (W33) sign with black lettering on an orange background in advance of steel plate bridging.

16. Advance Street Name Signs:

- A. Requirement: All signing and striping plans shall include requirements for the installation of advance street name signs, consistent with the requirements set forth herein.
- B. Purpose: The purpose for such signs is to provide advance notice of the name of the streets the driver is approaching.
- C. Location / Design: The location and design of all advance street name signs shall be determined by the City Engineer and shall be approved by the Community Development Director and, if the sign is to be placed in a landscaped parkway or median to be maintained by the City, the Parks, Recreation and Community Services Director.
- D. Monument Signs: A monument sign shall be used whenever possible. Pole signs may be used when the City Engineer determines that the use of a monument sign is inappropriate for a given application.
- E. Medians: On streets with raised / landscaped medians, the preferred location for the sign is in the median.
- F. Signalized Intersections: Advance street name signs shall not be required for signalized intersections, which have overhead internally illuminated street name signs.

**Policy 7.9: Review of Appealed Parking Citations**

This policy is intended to be consistent with the applicable requirements in the California Vehicle Code, which shall be controlling. California Vehicle Code (CVC) §40215 and CVC §40230, and as such may be amended from time to time, describe three distinct steps for an individual wishing to appeal a parking citation. The three steps are summarized as follows:

1. The individual may request an initial review of the notice by the issuing agency (the individual then becomes an appellant).
2. If the appellant is not satisfied with the results of the initial review he/she may request an administrative hearing of the violation.
3. If the appellant is not satisfied with the outcome of the administrative hearing he/she may file an appeal through the Ventura County Municipal Court Small Claims Division- Parking Appeals (Court).

At any time during the process, the citation can be paid and the issue shall be closed. Late notices issued to appellants who are recorded as being in the process for appealing a citation are suspended until the final outcome has been determined. Any additional procedures for appealing a parking citation in the City may be approved by the City Manager consistent with this policy. Currently, the Public Works Department provides initial review of citations issued by designated City employees. The Moorpark Police Department (Ventura County Sheriff's Office) provides initial review of citations issued by designated Police Department employees.

1. Initial Review:

- A. An appellant may request an initial review of the notice by telephone, in writing, or in person. For purposes of tracking citation appeals, an Initial Review of Parking Citation Form ("IRF") must be completed by the appellant in order for an initial review to take place. The City Receptionist shall receive the IRF before the IRF is reviewed for citations issued by both City employees and the Police Department. In instances where the appellant's IRF is incomplete, the City shall request additional information from the appellant in writing. The appellant shall have seven (7) calendar days to provide the requested additional information. If the appellant fails to provide the requested information within seven (7) calendar days, the appellant shall be found "Liable" for the citation.
- B. During the initial review, the respective Department evaluates the information and makes a determination which either confirms the citation or excuses the appellant from liability. CVC §40215(a) states that the issuing agency shall cancel a citation if it is satisfied that the violation did not occur, that the registered owner was not responsible for the violation, or that extenuating

circumstances make dismissal of the citation appropriate in the interest of justice. For a detailed description of determining when an appellant is "Not Liable" see Section 7.9(4).

- C. If during the initial review, the issuing agency determines the appellant is "Not Liable," the IRF is forwarded to the City Manager for final approval.
- D. If during the initial review the issuing agency determines the appellant is "Liable," the appellant is informed in writing of the results. The appellant can either pay the citation (providing payment within twenty-one (21) calendar days from the date of the letter) or, the appellant can request to schedule an administrative hearing within twenty-one (21) calendar days from the date of the letter.
- E. The administrative hearing shall be performed by a hearing examiner. The hearing examiner shall be appointed by the issuing agency's chief executive officer. The hearing examiner shall meet the requirements specified in CVC §40215 and as amended from time to time.

2. Administrative Hearing Requests:

Within twenty-one (21) calendar days of mailing the outcome of the City's IRF, the appellant may contact the City Receptionist to schedule an administrative hearing. The request may be done in person, over the phone or in writing. A hearing shall be conducted without the appellant present, if requested (referred to as a written declaration); or the appellant shall arrange to have the hearing completed by appearing and providing personal testimony. The appellant may also request to attend the hearing by telephone. If the appellant attends the hearing by telephone then the City shall advise appellant (in writing) that the phone hearing will limit the appellant's ability to see what is occurring during the hearing. The appellant who participates in a phone hearing will also be required to provide all evidence to the hearing examiner prior to hearing; no new evidence can be admitted during the administrative review. The City shall advise appellant (in writing) that if the appellant participates in a phone hearing then the appellant shall be waiving the right to contest on procedural due process grounds the outcome of the hearing.

Waiver of Administrative Hearing Prepayment Fee Due to Hardship:

- A. If an appellant believes the requirement to prepay the parking citation is a financial hardship, he/she may request to have the prepayment requirement waived.
- B. The appellant shall provide, in writing, a request to have the administrative hearing prepayment requirement waived.
- C. The written request shall be presented to the City Manager.

D. The City Manager, or designee employed by the City, shall determine if the appellant's request will be granted.

E. The appellant shall be notified of the outcome in writing.

3. Failure to Properly Post a Disabled Persons Parking Placard Resulting in a Violation:

A. Per CVC §22507.8, it is unlawful for any person to park or leave standing any vehicle in a stall or space designed for disabled persons without properly displaying a valid disabled persons parking placard. A person who violates the disabled persons parking law shall be fined an amount established by City Council Resolution. Occasionally, a person with a valid disabled persons parking placard does not place his/her placard in plain view resulting in a citation. A disabled person in this situation may appeal the citation (appellant).

B. The appellant shall fill out an IRF. To complete an IRF, three pieces of information are required: A valid disabled persons parking placard, a copy of the DMV placard identification, and a photocopy of a valid photo identification.

C. If the appellant's placard is not expired, the identifications match, and the appellant who is issued the placard testifies that it was in his/her possession at the time of the citation, then the citation shall be cancelled during the initial review process.

D. According to CVC §40226 the City may, in lieu of collecting a fine for a citation for failure to display a disabled persons parking placard, charge an administrative fee for processing citation cancellations in any case where an appellant who receives a citation shows proof that he/she had been issued a valid placard at the time the citation was received.

4. Cancellation of Parking Citations:

Upon submittal of a complete IRF and all required supplemental documentation, an appellant may be found "Not Liable" for a citation if one of the conditions below applies to the citation. The City Manager, or designee employed by the City, shall approve all findings of "Not Liable."

A. The violation did not occur:

1) The officer issued a ticket that was incorrect. For example, the officer cited a vehicle for parking in a restricted street sweeping zone on Tuesday at 2:00 p.m. but the actual restricted street sweeping zone was Monday between the hours of 9:00 a.m. and Noon.

2) Commercial vehicles in a residential district are exempt from resolutions or ordinances relating to street sweeping, when the commercial vehicle is making pickups or deliveries of goods, wares, or merchandise from or to any building or structure located on the restricted street or highway, or for the purpose of delivering materials to be used in the repair, alteration, remodeling, or reconstruction of any building or structure for which a building permit has previously been obtained (CVC 22507.6).

B. The registered owner was not responsible for the violation:

1) The vehicle was stolen. The appellant would need to provide a valid police report to prove the theft.

2) The person sold/transferred the vehicle to another person. The appellant would need to show proof of sale or transfer. Also, the parking citation would then need to be transferred to the new vehicle owner.

3) Leased/rental vehicles. The person who leases or rents rather than owns a vehicle is jointly liable with the vehicle owner for citations issued to that vehicle. The lease or rental company that owns the vehicle has thirty (30) days to supply the name, address and driver's license number of the person that is leasing or renting the vehicle to the processing agency. If this information is supplied within the thirty (30) day time limit, liability is transferred to the lessee or renter and a notice of delinquent parking violation is mailed to the lessee or renter. If the thirty (30) day time limit is not met, there is no statutory requirement to transfer liability. Therefore, responsibility remains with the lease or rental company.

C. Extenuating Circumstances:

1) Inoperable vehicle. If a vehicle suffers a mechanical breakdown and if reasonable efforts are made to have the vehicle removed from the street, a citation for illegal parking issued while the car was incapacitated may be cancelled. To maintain the claim of "mechanical breakdown", four elements must be proven:

a) The appellant must prove that the breakdown actually occurred.

b) The appellant must prove that the vehicle was not illegally parked before the breakdown occurred.

c) The violation must have resulted from the breakdown.

- d) Reasonable steps must have been taken to remove the vehicle from the situation that caused the violation, including proof of repair occurring no later than three (3) calendar days from the date of violation.
- 2) Medical emergency. The appellant suffered, or was responding to, a medical emergency that prevented him/her from moving the vehicle. The appellant shall provide proof such as hospitalization records or an ambulance receipt. Medical emergency does not include scheduled procedures whereby the appellant had prior knowledge he/she was going to be at a hospital or doctor's office.
- 3) Construction-related activities. A contractor who was providing services, such as home repair or installation services may have a street sweeping citation cancelled. This may apply to the property owner as well if the construction activities prevented him/her from parking in the garage or driveway. The appellant must provide the vehicle registration of the cited vehicle as well as proof that construction occurred. Proof could include a contract or receipt for services. If the contractor is requesting cancellation, he/she must have or obtain a valid business registration prior to cancellation of the parking citation. Cancellation of the citation shall be limited to one occurrence per vehicle per site.
- 4) Non-neighborhood residency (street sweeping citation only). This is a one-time only waiver per location with a maximum of two locations in a twelve month period. The appellant shall provide a valid vehicle registration that shows an address from a different neighborhood than where the citation was issued. If the appellant's vehicle is registered to the neighborhood where the citation occurred, the citation will not be cancelled. If the appellant claims to have been at the location for work then the appellant shall (when applicable) have, obtain, or provide proof that the appellant or business employing appellant has a valid Moorpark business registration prior to cancellation of the citation.
- 5) New to the neighborhood (street sweeping citation only). This is a one-time only waiver. An appellant who moved to the neighborhood where the citation was issued no more than sixty (60) days prior to receipt of a parking citation may be found "Not Liable" upon providing proof of new residency. Proof includes either a lease agreement or escrow papers, or, a utility bill indicating new service start-up. The appellant shall also provide a copy of the vehicle registration.
- 6) Disabled person (street sweeping citation only). Policy 7.1 exempts vehicles with disabled person license plates or placards from the City's street sweeping parking restrictions. The appellant shall provide proof of disability as indicated in Section 7.9(3)(B).

- 7) Bereavement (street sweeping citation only). An appellant who has experienced the loss of a family member (defined as husband, wife, parent, brother, sister, child (including child beyond the first trimester of a pregnancy) step-child, grandchild, grandparent, father-in-law, mother-in-law, son-in-law, daughter-in-law, or step-parent) may be found "Not Liable" upon providing proof that the death occurred within thirty (30) days prior to receiving the parking citation and the appellant needed to park on the street due to visiting family, funeral or similar activity. Proof includes, either, a published obituary or death certificate.
  
- 8) The City Manager, or designee employed by the City, shall have the discretion to consider and grant cancelation of parking citation appeals that do not fall within the above criteria but meet the intent of a justifiable "extenuating circumstance."

**SECTION 8.** This Council Policies resolution shall be updated from time to time as needed but not less often than following each General Municipal Election. The revised resolution will be presented to the City Council for review and adoption.

**SECTION 9.** The City Manager shall have the authority to determine that certain policies and procedures are applicable to appointees, independent contractors, and/or volunteers, such as those who may regularly work on City premises, and may require compliance.

**SECTION 10.** City Council Resolution No. 2012-3091 is hereby rescinded.

**SECTION 11.** The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Janice S. Parvin, Mayor

ATTEST:

\_\_\_\_\_  
Maureen Benson, City Clerk