

CITY COUNCIL AGENDA

March 4, 2014

REGULAR SESSION - 6:00 P.M.

ANDERSON CITY HALL

1887 Howard Street

PARTICIPATION BY PUBLIC IN MEETING

Please review the Agenda to determine if the subject you wish to discuss is scheduled for Council consideration. If it is on the Agenda, you will have an opportunity when that matter comes up for discussion to briefly address the Council.

If the subject is *not* on tonight's Agenda, please complete an Agenda Request Form (on Clerk's table) and present it to the City Council Clerk. You will have the opportunity to speak on the subject under Item 5.2. However, if the item is not on the Agenda, each speaker will be limited to one three (3) minute opportunity to speak, unless the City Council makes an exception due to special circumstances.

The Brown Act prohibits the Council from taking action on any item not placed on the printed Agenda in most cases.

Effective July 1, 2008, the Brown Act requires any non-confidential documents or writings distributed to a majority of the City Council less than 72 hours before a regular meeting will be made available to members of the public at the same time they are distributed.

City Council meetings are televised and can be seen live on Cable Public Access Channel 11 and on tape delay the following morning at 10:00 a.m.

In compliance with the Americans with Disabilities Act, the City of Anderson will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's office (378-6646) to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

This is an Equal Opportunity Program. Discrimination is prohibited by Federal Law. Complaints of discrimination may be filed with the Secretary of Agriculture, Washington, D.C. 20250.

REGULAR SESSION – 6:00 P.M.

- 1.0 **ROLL CALL – COUNCIL:** Councilmember Day
Councilmember Yarbrough
Councilmember Hunt
Vice-Mayor Baugh
Mayor Hopkins
- 2.0 **INVOCATION** – Pastor Doug Deese, Anderson-Cottonwood Neighborhood Church, will give the invocation.
- 3.0 **PLEDGE OF ALLEGIANCE** – Councilmember Day.
- 4.0 **INTRODUCTION** – Police Chief Johnson will introduce recently hired Police Officer Heinrich Saltow, who will be sworn in by the City Clerk.
- 4.1 **PRESENTATION** – District Manager Peter Bonkrude will present the 2013 annual report for the Shasta Mosquito and Vector Control District.
- 5.1 **SCHEDULED CITIZEN REQUEST TO ADDRESS THE CITY COUNCIL** – *Persons who have, by the deadline set for the agenda, requested to address the Council shall be limited to one 5-minute opportunity to speak.*
- None.
- 5.2 **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** - *Anyone in the audience who wishes to address the Council on a subject which is not on tonight’s agenda is now invited to come to the podium. Please provide your name and the subject you wish to discuss. Please limit your remarks to 3 minutes or less.*
- 5.3 **STUDENT REPORTS** – None.

CONSENT AGENDA

- 6.0 **CONSENT AGENDA** - *Consent Agenda items are expected to be routine and non-controversial. They will be acted upon by the Council at one time without discussion. Any member of the public, staff or City Council may request that an item be removed from the Consent Agenda for separate discussion. Are there any requests to remove any items from the Consent Agenda?*
- 6.1 **MINUTES** - Approve the minutes of the regular meeting of February 18, 2014.

- 6.2 **WARRANTS** – Receive and file warrant 129608 to 129680 in the amount of \$34,023.58; warrant 129681 to 129748 in the amount of \$144,659.00; and an ACH in the amount of \$1,190.13.
- 6.3 **CITY ATTORNEY** – None.
- 6.4 **CITY CLERK**
- 6.4a Waive reading, except by title, of any ordinances under consideration at this meeting for either introduction or passage per Government Code Section 36934.
- 6.4b Adopt a resolution updating CalPERS Employer Paid Member Contributions by rescinding and replacing Resolution No. 12-70.
- 6.5 **CITY MANAGER** – None.
- 6.6 **ASSISTANT CITY MANAGER/FINANCE DIRECTOR/TREASURER** – None.
- 6.7 **COMMUNITY SERVICES DEPARTMENT** – None.
- 6.8 **DEVELOPMENT SERVICES DEPARTMENT** – None.
- 6.9 **POLICE DEPARTMENT** – None.
- 6.10 **PUBLIC WORKS DEPARTMENT** – None.

END OF CONSENT CALENDAR

- 6.11 **ITEMS (IF ANY) REMOVED FROM THE CONSENT CALENDAR** – *Items removed from the Consent Agenda for discussion will be treated as Regular Agenda items and any member of the public may request to address the Council on any such item as it comes up for discussion. Please provide your name and limit your remarks to 3 minutes or less.*
- 7.0 **PUBLIC HEARINGS** – None.

REGULAR AGENDA

- 8.0 **REGULAR AGENDA** – *Regular Agenda Items will be discussed individually and in order. Any member of the public may request to address the Council on an item as it comes up for discussion. Please provide your name and limit your remarks to 3 minutes or less.*
- 8.1 **CITY COUNCIL** – None.
- 8.2 **CITY ATTORNEY** – None.

8.3 **CITY MANAGER** – None.

8.4 **CITY CLERK** – None.

8.5 **ASSISTANT CITY MANAGER/FINANCE DEPARTMENT**

8.5a **2013-2014 MID-YEAR BUDGET UPDATE**

RECOMMENDED ACTION:

No action is requested at this time as this is informational only.

8.5b **SECOND READING OF ORDINANCE ADDING CHAPTER 3.38 TO THE ANDERSON MUNICIPAL CODE AUTHORIZING A ONE-HALF CENT TRANSACTIONS AND USE TAX AND APPOINTMENT OF REPRESENTATIVES TO WRITE ARGUMENTS AND REBUTTALS FOR THE BALLOT MEASURE**

RECOMMENDED ACTION:

- 1. Conduct the second reading of, and enact, Ordinance No. 785 adding Chapter 3.38 to the Anderson Municipal Code authorizing a one-half cent transactions and use tax; and**
- 2. Appoint one or two members of the Council to write arguments and rebuttals for the ballot measure.**

8.6 **COMMUNITY SERVICES DEPARTMENT** – None.

8.7 **DEVELOPMENT SERVICES DEPARTMENT** – None.

8.8 **POLICE DEPARTMENT** – None.

8.9 **PUBLIC WORKS DEPARTMENT** – None.

10.0 **SUCCESSOR AGENCY** – *(The City Council will, as the Successor Agency, conduct business related to the now dissolved Anderson Redevelopment Agency.)* - Assistant City Manager/Finance Director Liz Cottrell will give a brief report on the Successor Agency Oversight Board.

11.0 **STAFF REPORTS** - City Manager Jeff Kiser will give a report on homeless camps in Anderson.

12.0 **COUNCIL REPORTS/COMMENTS** – *City Councilmembers will report on attendance at conferences/meetings reimbursed at City expense (Requirement of Assembly Bill 1234.)*

CLOSED SESSION – None.

13.0 **ADJOURN** - ***The City Council will adjourn to March 18, 2014.***

DRAFT

ANDERSON CITY COUNCIL MINUTES

**Regular Meeting
February 18, 2014**

REGULAR SESSION

The regular session was called to order at 6:00 p.m.

ROLL CALL

Councilmembers present: Councilmember Yarbrough
Councilmember Hunt
Vice-Mayor Baugh
Mayor Hopkins

Councilmembers absent: Councilmember Day

Also present: City Manager Jeff Kiser, City Attorney Joshua Nelson, Assistant City Manager/Finance Director Liz Cottrell, Development Services Director Kristen Maze, Police Chief Michael Johnson, Deputy Public Works Director David Durette, City Clerk Juanita Barnett and Deputy City Clerk Brenda Hicken.

INVOCATION

Mr. Amarjit Singh, The Sikh Centre, gave the invocation.

PLEDGE OF ALLEGIANCE

Councilmember Hunt led the Pledge of Allegiance.

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Jeff Nelson addressed the Council on his involvement with helping to clean-up the feral cat issue in the location of City Circle and the Anderson River Park.

STUDENT REPORTS

Anderson New Tech High School student representative Josh Bollinger gave an update on school activities.

The City of Anderson is an Equal Opportunity Provider

Anderson Union High School student representative Nina Tucker gave an update on school activities for Candace Rumery.

Teen Center student representative A.J. DiMattia gave an update on Teen Center activities.

CONSENT AGENDA

Councilmember Yarbrough requested Item 6.10, Adopt a resolution making temporary changes to parking restrictions in the vicinity of the Shasta District Fairgrounds during the Nor-Cal Boat, Sport, and RV Show, Shasta District Fair and Anderson Explodes, be removed from the consent agenda.

By motion made, seconded (Hunt/Baugh), and carried by a 4-0 vote, the Council took the following actions:

Approved the minutes of the regular meeting of February 4, 2014.

Received and filed warrant 129479 to 129538 in the amount of \$72,740.21; warrant 129539 to 129607 in the amount of \$172,924.62; and an ACH in the amount of \$1,190.13.

Waived reading, except by title, of any ordinances under consideration at this meeting for either introduction or passage per Government Code Section 36934.

Vote: Ayes: Councilmembers Hunt, Baugh, Yarbrough and Mayor Hopkins.
Noes: None.
Abstain: None.
Absent: Councilmember Day.

ITEMS REMOVED FROM THE CONSENT CALENDAR

ADOPT A RESOLUTION MAKING TEMPORARY CHANGES TO PARKING RESTRICTIONS IN THE VICINITY OF THE SHASTA DISTRICT FAIRGROUNDS DURING THE NOR-CAL BOAT, SPORT, AND RV SHOW. SHASTA DISTRICT FAIR AND ANDERSON EXPLODES; RESOLUTION NO. 14-08

Councilmember Yarbrough asked City Manager Jeff Kiser questions regarding recovery of costs involved in the set-up and tear down of these barricades.

By motion made, seconded (Hunt/Yarbrough), and carried, the Council adopted Resolution No. 14-08, by a 4-0 vote, establishing a temporary "No Parking" zone along the south side of Briggs Street between West Center and Church Street, and along the south side of First Street between Church Street and Fairgrounds Drive, during the Nor-Cal Boat, Sport, and RV Show February 28th – March 3rd, the Shasta District Fair June 11th – 15th and Anderson Explodes July

3rd, 2014 and a temporary "Loading Zone" along the east side of Fairgrounds Drive during the Shasta District Fair.

Vote: Ayes: Councilmembers Hunt, Yarbrough, Baugh, and Mayor Hopkins.
Noes: None.
Abstain: None.
Absent: Councilmember Day.

PUBLIC HEARINGS – None.

REGULAR AGENDA

CITY MANAGER

**SALARY AND BENEFIT CHANGES FOR MANAGEMENT AND CONFIDENTIAL EMPLOYEES;
RESOLUTION NO. 14-09**

City Manager Jeff Kiser gave a staff report and answered questions from the Council.

By motion made, seconded (Hunt/Baugh), and carried by a 4-0 vote, the Council adopted Resolution No. 14-09 approving salary and benefit changes for ten non-contract Management and Confidential classifications and three contract Management classifications as follows:

1. Effective July 6, 2013 a salary increase of 5.73% for the classifications of City Manager, Assistant City Manager, Chief Wastewater Treatment Plant Operator, City Clerk, Deputy City Clerk, Deputy Public Works Director, Development Services Director, Engineering Services Manager, Building Official, Public Works Superintendent, and Support/Administrative Services Division Manager, and a 9% increase for Police Chief and Police Lieutenant.
2. Effective July 6, 2013 all classifications in the Management and Confidential group will pay 8% of the employee PERS member contribution on a pre-tax basis, excluding the Police Chief and Police Lieutenant who will pay 9% of the employee PERS member contribution.
3. Effective January 1, 2015, all Management and Confidential classifications will split 50/50 any future increase in the health insurance premium.
4. Employees will receive a salary increase based upon increased sales tax dollars received, above the adopted budgeted sales tax revenue of at least 1%, equal to one-half of the percentage increase in sales tax above 1%.

Vote: Ayes: Councilmembers Hunt, Baugh, Yarbrough, and Mayor Hopkins.
Noes: None.
Abstain: None.
Absent: Councilmember Day.

ASSISTANT CITY MANAGER/FINANCE DEPARTMENT

ADD CHAPTER 3.38 TO THE ANDERSON MUNICIPAL CODE AUTHORIZING A ONE-HALF CENT TRANSACTIONS AND USE TAX; ORDINANCE NO. 785

CALL A SPECIAL ELECTION FOR JUNE 3, 2014 TO SUBMIT TO THE VOTERS FOR APPROVAL A BALLOT MEASURE TO ENACT THE TRANSACTIONS AND USE TAX AND A RELATED ADVISORY MEASURE; RESOLUTION NO. 14-10

Assistant City Manager Liz Cottrell gave a staff report and, together with City Manager Jeff Kiser and City Attorney Joshua Nelson, answered questions from the Council.

The City Clerk read the ordinance by title only.

By motion made, seconded (Hunt/Baugh), and carried by a 4-0 vote, the Council adopted Resolution No. 14-10, calling a special election to submit for voter approval the transactions and use tax and the related advisory measure and requesting that Shasta County consolidate the election with the Statewide primary election on June 3, 2014.

Vote: Ayes: Councilmembers Hunt, Baugh, Yarbrough, and Mayor Hopkins.
Noes: None.
Abstain: None.
Absent: Councilmember Day.

By motion made, seconded (Yarbrough/Baugh), and carried by a 4-0 vote, the Council introduced Ordinance No. 785 (first reading), adding Chapter 3.38 to the Anderson Municipal Code authorizing a one-half cent transactions and use tax.

Vote: Ayes: Councilmembers Yarbrough, Baugh, Hunt, and Mayor Hopkins.
Noes: None.
Abstain: None.
Absent: Councilmember Day.

DEVELOPMENT SERVICES DEPARTMENT

RESOLUTION FOR APPLICATION REQUESTING THE SHASTA LOCAL AGENCY FORMATION COMMISSION (LAFCO) TO INITIATE PROCEEDINGS FOR THE SOUTH ANDERSON DESCHUTES ROAD AREA ANNEXATION OF APPROXIMATELY 385 ACRES; RESOLUTION NO. 14-11

Development Services Director Kristen Maze gave a staff report and answered questions from the Council.

By motion made, seconded (Yarbrough/Baugh), and carried by a 4-0 vote, the Council adopted Resolution No. 14-11 requesting the Shasta Local Agency Formation Commission to initiate proceedings for the South Anderson Deschutes Road Area Annexation.

Vote: Ayes: Councilmembers Yarbrough, Baugh, Hunt, and Mayor Hopkins.
Noes: None.
Abstain: None.
Absent: Councilmember Day.

COUNCIL REPORTS/COMMENTS

Councilmembers used this time to report on meetings and activities they participated in and to announce upcoming events.

CLOSED SESSION

Public Comment on Closed Session Item(s): - None.

6:44 p.m.: ***The City Council convened to Closed Session.***

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

(Pursuant to Gov't. Code Sec. 54956.9(d)(1))

Name of case: City of Anderson v. Diana Johnson, et al., Shasta County Superior Court
Case No. 179175

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

(Pursuant to Gov't. Code Sec. 54956.9(d)(4))

Initiation of litigation: one case

6:55 p.m.: ***The City Council reconvened to Open Session.***

CLOSED SESSION ANNOUNCEMENT

Mayor Hopkins announced the Council sat in Closed Session to receive and update on both existing and potential litigation with no reportable action taken.

ADJOURNMENT

6:55 p.m.: ***The City Council adjourned to March 4, 2014.***

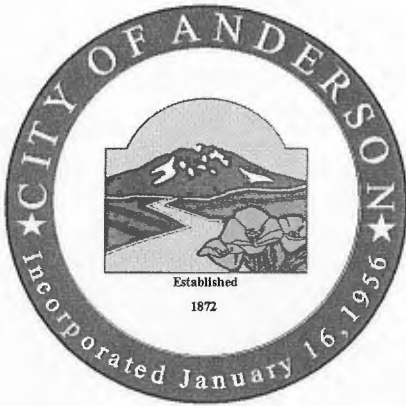
Debe Hopkins, Mayor

ATTEST:

Juanita Barnett, City Clerk

AGENDA ITEM

March 4, 2014 City Council Meeting



Approved for Submittal By:

Jeff Kiser

Jeff Kiser, City Manager

To Be Presented By:

Liz Cottrell

Liz Cottrell, Finance Director/Treasurer

To: Honorable Mayor and Members of the Anderson City Council

Through: Jeff Kiser, City Manager

From: Liz Cottrell, Finance Director/Treasurer

Date: March 4, 2014

SUBJECT

Receive and File Weekly Warrant Registers.

RECOMMENDATION

Receive and file warrant 129608 to 129680 in the amount of \$34,023.58; Receive and file warrant 129681 to 129748 in the amount of \$144,659.00; Receive and file ACH in the amount of \$1,190.13.

ATTACHMENTS

Warrant Registers.

Check Register Report

Date: 02/14/2014

Time: 11:36 am

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City of Anderson

BANK: NORTH VALLEY BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
NORTH VALLEY BANK Checks							
129608	02/14/2014	Printed		0500	A & A MACHINE AND WELDING	PROFESSIONAL SERVICES	180.00
129609	02/14/2014	Printed		0574	ANDERSON LANDFILL	DUMP FEES	13.41
129610	02/14/2014	Printed		1038	ANDERSON TIRE FACTORY	PROFESSIONAL SVCS & EQUIPMENT	611.12
129611	02/14/2014	Printed		1150	ANTHEM BLUE CROSS LIFE AND	HEALTH INS PREMIUM-HOPKINS	610.78
129612	02/14/2014	Void	02/14/2014			Void Check	0.00
129613	02/14/2014	Printed		111011	AT& T CALNET	PHONE CHARGES	1,540.37
129614	02/14/2014	Printed		1133	BASIC LAB,INC.	PROFESSIONAL SERVICES	1,869.40
129615	02/14/2014	Printed		1180	BORGES & MAHONEY INC.	SUPPLIES	76.45
129616	02/14/2014	Printed		1210	CALIFORNIA SAFETY CO.	PROFESSIONAL SERVICES	1,152.50
129617	02/14/2014	Printed		1246	RENEE CANAVAN	TRAINING PER DIEM	7.00
129618	02/14/2014	Printed		1246	RENEE CANAVAN	TRAVEL PER DIEM	64.00
129619	02/14/2014	Printed		124856	CAPITOL CLUTCH AND BRAKE, INC.	SUPPLIES	47.30
129620	02/14/2014	Printed		118992	CBCINNOVIS, INC.	PROFESSIONAL SERVICES	17.30
129621	02/14/2014	Printed		127996	CCUG	MEMBERSHIP DUES 2014	75.00
129622	02/14/2014	Void	02/14/2014			Void Check	0.00
129623	02/14/2014	Printed		1080	CITY OF ANDERSON	PETTY CASH REIMBURSEMENT	279.08
129624	02/14/2014	Printed		133030	DAVID COATES	TRAVEL PER DIEM	64.00
129625	02/14/2014	Printed		133030	DAVID COATES	TRAINING PER DIEM	7.00
129626	02/14/2014	Printed		141580	CRAMER TRUCK PERMIT SERVICE	OVERPAYMENT BUSINESS LICENSE	2.00
129627	02/14/2014	Printed		143816	D.T. CUSTOM CUT	OVERPAYMENT BUSINESS LICENSE	4.17
129628	02/14/2014	Printed		14773	DEPT OF HOUSING & COMMUNITY	MOBILEHOME PARKS FEE	390.00
129629	02/14/2014	Printed		149020	DESERT SNOW, LLC	REGISTRATION-HALLAGAN	590.00
129630	02/14/2014	Printed		149020	DESERT SNOW, LLC	REGISTRATION-BAILEY	590.00
129631	02/14/2014	Printed		15178350	CRAIG DUNN	CLEANING DEPOSIT REFUND	500.00
129632	02/14/2014	Printed		152503	THE ED JONES CO.,INC.	SUPPLIES	1,205.25
129633	02/14/2014	Printed		100155	EWING	SUPPLIES	560.72
129634	02/14/2014	Printed		05808	FASTENERS INC.	SUPPLIES	25.24
129635	02/14/2014	Printed		159455	FERGUSON ENTERPRISES, INC.	SUPPLIES	508.76
129636	02/14/2014	Printed		16117013	TYLER FINCH	TRAINING PER DIEM	21.00
129637	02/14/2014	Printed		1645160	FOREMOST PROMOTIONS	SUPPLIES	393.00
129638	02/14/2014	Printed		17210	GRAINGER	SUPPLIES	45.20
129639	02/14/2014	Printed		17895	HAVEN HUMANE SOCIETY	SPAY & NEUTER CERT	20.00
129640	02/14/2014	Printed		17390	HDL SOFTWARE LLC	PROFESSIONAL SERVICES	5,198.39
129641	02/14/2014	Printed		1850430	INLAND BUSINESS SYSTEMS	MAINTENANCE OVERAGE	113.80
129642	02/14/2014	Printed		185071	INTL. ASSN FOR PROPTY. & EVIDN	MEMBERSHIP DUES-CANAVAN	50.00
129643	02/14/2014	Printed		1880	J.W. WOOD COMPANY INC.	SUPPLIES	6.28
129644	02/14/2014	Void	02/14/2014			Void Check	0.00
129645	02/14/2014	Printed		1890	JEFF'S PEST CONTROL	PROFESSIONAL SERVICES	326.00
129646	02/14/2014	Printed		18915570	MICHAEL L. JOHNSON	TRAVEL PER DIEM	193.00
129647	02/14/2014	Printed		193209	LASSEN LANDSCAPE MATERIALS	SUPPLIES	225.75
129648	02/14/2014	Printed		1977584	STEFANIE MALLORY	CLEANING DEPOSIT REFUND	75.00
129649	02/14/2014	Printed		20012	MIKE'S HEATING AND AIR, INC.	PROFESSIONAL SERVICES	180.00
129650	02/14/2014	Printed		2040	MT. SHASTA SPRING WATER	DRINKING WATER	164.39
129651	02/14/2014	Printed		2074650	NATIONAL METER & AUTOMATION,	EQUIPMENT	1,116.57
129652	02/14/2014	Printed		307521	OVIVO USA, LLC	PROFESSIONAL SVCS & PARTS	1,900.03
129653	02/14/2014	Void	02/14/2014			Void Check	0.00
129654	02/14/2014	Printed		4000	PACIFIC GAS & ELECTRIC	UTILITIES	541.87
129655	02/14/2014	Printed		4020	PAINT MART	SUPPLIES	558.92
129656	02/14/2014	Printed		4040	PAYLESS BUILDING SUPPLY	SUPPLIES	10.84
129657	02/14/2014	Printed		40570115	PET TOWN	SUPPLIES	128.98
129658	02/14/2014	Printed		4073925	PORTOLA HOTEL & SPA	LODGING-TRAINING/JOHNSON	1,052.18
129659	02/14/2014	Printed		50103	RAY MORGAN CO	MONTHLY LEASE-SINTF	223.68
129660	02/14/2014	Printed		50700550	REEVES COMPANY, INC.	SUPPLIES	58.88
129661	02/14/2014	Printed		60046150	SCHOOL OUTFITTERS	EQUIPMENT	320.65

Check Register Report

Date: 02/14/2014

Time: 11:36 am

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City of Anderson

BANK: NORTH VALLEY BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
NORTH VALLEY BANK Checks							
129662	02/14/2014	Printed		600508	SEFNCO COMMUNICATIONS	OVERPAYMENT BUSINESS LICENSE	25.00
129663	02/14/2014	Printed		60062	SHANE'S AUTO ACCESSORIES	PROFESSIONAL SERVICES	283.00
129664	02/14/2014	Printed		6025	SHASTA CASCADE CHAPTER ICC	MEMBERSHIP DUES-MOFILED	50.00
129665	02/14/2014	Printed		60801	SHASTA CO. DEPT RESOURCE MGT.	CUPA BILLING	984.02
129666	02/14/2014	Printed		70110	SHASTA COUNTY RECORDER	RECORDING FEES	57.00
129667	02/14/2014	Printed		7050	SIERRA CHEMICAL CO.	SUPPLIES	1,970.17
129668	02/14/2014	Printed		706402	SIRCHIE FINGER PRINT LAB	PROFESSIONAL SERVICES	432.69
129669	02/14/2014	Printed		70643	SMOGMASTERS II	PROFESSIONAL SERVICES	45.00
129670	02/14/2014	Printed		7067010	SONSRAY MACHINERY, LLC	SUPPLIES	114.06
129671	02/14/2014	Printed		709195	TELSTAR INSTRUMENTS, INC.	SUPPLIES	143.75
129672	02/14/2014	Printed		800370	CAROL TINGSTAD	CHANCE MCKINNEY BAND	450.00
129673	02/14/2014	Printed		800372	TRANSUNION RISK AND ALTERNATIV	PROFESSIONAL SERVICES	3.25
129674	02/14/2014	Printed		800594	TRI-COUNTIES BANK	REDEVELOPMENT LOAN #310306360	2,712.99
129675	02/14/2014	Printed		8009051	TWIN PINE CASINO & HOTEL	LODGING TRAINING-CANAVAN	183.12
129676	02/14/2014	Printed		8009051	TWIN PINE CASINO & HOTEL	LODGING TRAINING-COATES	183.12
129677	02/14/2014	Printed		800926	US BANK CORP PYMT SYSTEMS	SUPPLIES	863.22
129678	02/14/2014	Printed		80101	USA BLUEBOOK	SUPPLIES	523.28
129679	02/14/2014	Printed		80911	WEST COAST INNOVATIONS	EQUIPMENT	399.61
129680	02/14/2014	Printed		902844	JAMES YARBROUGH	HEALTH INS. REIMBURSEMENT	685.04

Total Checks: 73

Checks Total (excluding void checks):

34,023.58

Total Payments: 73

Bank Total (excluding void checks):

34,023.58

Total Payments: 73

Grand Total (excluding void checks):

34,023.58

 2/18/14
SIGNATURE DATE

Check Register Report

Date: 02/21/2014

Time: 9:08 am

Page: 1

City of Anderson

BANK: NORTH VALLEY BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
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129681	02/21/2014	Printed		0500	A & A MACHINE AND WELDING	PROFESSIONAL SERVICES	1,462.52
129682	02/21/2014	Printed		051405	ACI SPECIALTY BENEFITS	EMPLOYEE ASSISTANCE PROGRAM	401.76
129683	02/21/2014	Printed		05197	ADAMS VIDEO PRODUCTIONS	PROFESSIONAL SERVICES	455.00
129684	02/21/2014	Printed		05645	AMERICAN FIDELITY ASSURANCE	INSURANCE PREMIUM FOR JAN-14	1,747.60
129685	02/21/2014	Printed		05644	AMERICAN FIDELITY ASSURANCE CO	CAFETERIA 125 P/E 02/14/2014	334.61
129686	02/21/2014	Printed		057015	ANDERSON CHAMBER OF COMMERCE	RANCHERIA DINNER TICKETS	125.00
129687	02/21/2014	Printed		1038	ANDERSON TIRE FACTORY	PROFESSIONAL SVCS & EQUIPMENT	145.79
129688	02/21/2014	Printed		0580	APOA	DUES FOR P/E 02/14/2014	520.00
129689	02/21/2014	Printed		10895	APPLIED INDUSTRIAL TECH.	SUPPLIES	30.62
129690	02/21/2014	Printed		11095	AT & T	PHONE CHARGES	95.62
129691	02/21/2014	Printed		111011	AT& T CALNET	PHONE CHARGES	68.62
129692	02/21/2014	Printed		1133	BASIC LAB,INC.	PROFESSIONAL SERVICES	608.00
129693	02/21/2014	Printed		113759	BEST BEST & KRIEGER	PROFESSIONAL SERVICES	13,680.84
129694	02/21/2014	Printed		11880050	BULLERT INDUSTRIAL ELEC, INC.	PROFESSIONAL SERVICES	312.50
129695	02/21/2014	Printed		11811	BRANDON BURSON	PROFESSIONAL SERVICES	300.00
129696	02/21/2014	Printed		120602	CA. DEPT. OF CHILD SUPPORT SER	PAR #0000024225 P/E 02/14/2014	161.53
129697	02/21/2014	Printed		120602	CA. DEPT. OF CHILD SUPPORT SER	PAR# 0002232853 P/E 02/14/2014	69.23
129698	02/21/2014	Printed		131750	CHARTER COMMUNICATIONS	INTERNET SERVICES	271.98
129699	02/21/2014	Printed		132203	CITY OF REDDING	LIBRARY CONTRIBUTION	2,675.58
129700	02/21/2014	Printed		1394580	JEREMY CORT	PROFESSIONAL SERVICES	96.00
129701	02/21/2014	Printed		141597	CRESCO EQUIPMENT RENTALS	EQUIPMENT RENTAL	288.83
129702	02/21/2014	Printed		1430	CROWN MOTORS	PARTS	1,387.14
129703	02/21/2014	Printed		1450611	DENISE ROGERS	PROFESSIONAL SERVICES	100.00
129704	02/21/2014	Printed		1520	ECONOMIC DEVELOPMENT CORP.	PROFESSIONAL SERVICES	1,620.00
129705	02/21/2014	Printed		1540	EMPLOYMENT DEVELOPMENT	STATE W/H P/E 2/14/2014	3,871.65
129706	02/21/2014	Printed		1540	EMPLOYMENT DEVELOPMENT	SDI W/H FOR P/E 2/14/2014	842.86
129707	02/21/2014	Printed		154855	ENERPOWER	UTILITIES	1,134.00
129708	02/21/2014	Printed		05808	FASTENERS INC.	SUPPLIES	25.74
129709	02/21/2014	Printed		159455	FERGUSON ENTERPRISES, INC.	SUPPLIES	1,551.81
129710	02/21/2014	Printed		1680	GENERAL TEAMSTERS #137	DUES FOR FEB-2014	1,117.26
129711	02/21/2014	Printed		17210	GRAINGER	SUPPLIES	27.75
129712	02/21/2014	Printed		17895	HAVEN HUMANE SOCIETY	SPAY & NEUTER CERT	80.00
129713	02/21/2014	Printed		181293	MARIA HERNANDEZ	WATER DEPOSIT REFUND	12.70
129714	02/21/2014	Printed		1807583	HIGHWAY SPECIALTY CO, INC	SUPPLIES	109.11
129715	02/21/2014	Printed		1820	HOY & SON CONSTRUCTION,INC	PROFESSIONAL SERVICES	95.00
129716	02/21/2014	Printed		182525	MELISSA HUNT	TRAVEL REIMBURSEMENT	467.34
129717	02/21/2014	Printed		1840	ICMA RETIREMENT TRUST 457	PLAN #302204 W/H P/E 2/14/2014	2,041.15
129718	02/21/2014	Printed		1898694	JAMES JONES	CLEANING DEPOSIT REFUND	75.00
129719	02/21/2014	Printed		1900	MILDRED JONES	WATER DEPOSIT REFUND	31.02
129720	02/21/2014	Printed		197799	MARK A. CRUMPTON	PROFESSIONAL SERVICES & PARTS	639.25
129721	02/21/2014	Printed		1980563	MATSON AND ISOM	PROFESSIONAL SERVICES	14,500.00
129722	02/21/2014	Printed		1982053	BLAKE LEE MAYFIELD	PROFESSIONAL SERVICES	112.00
129723	02/21/2014	Printed		198787	MCMaster-CARR SUPPLY CO.	SUPPLIES	376.97
129724	02/21/2014	Printed		199042	ELIZABETH MEZA	PROFESSIONAL SERVICES	56.00
129725	02/21/2014	Printed		201570	SYDNEY MILLER	PROFESSIONAL SERVICES	120.00
129726	02/21/2014	Printed		2060	N.C.G.T. TRUST FUND	INSURANCE PREMIUM MAR-14	73,650.00
129727	02/21/2014	Printed		20900	NORMED	SUPPLIES	290.40
129728	02/21/2014	Void	02/21/2014			Void Check	0.00
129729	02/21/2014	Void	02/21/2014			Void Check	0.00
129730	02/21/2014	Printed		3050	OFFICE DEPOT	OFFICE SUPPLIES	1,059.57
129731	02/21/2014	Printed		4000	PACIFIC GAS & ELECTRIC	UTILITIES	35.03
129732	02/21/2014	Printed		50100	RAY MORGAN CO.	MONTHLY LEASE	184.14

Check Register Report

Date: 02/21/2014

Time: 9:08 am

Page: 2

City of Anderson

BANK: NORTH VALLEY BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
NORTH VALLEY BANK Checks							
129733	02/21/2014	Printed		502024	RECORD SEARCHLIGHT	ADVERTISING	148.20
129734	02/21/2014	Printed		5060145	REDDING TELEPHONE ANSWERING	PROFESSIONAL SERVICES	26.00
129735	02/21/2014	Printed		6050	SHASTA CO.OPPORTUNITY CENTER	JANITORIAL SERVICES	2,500.00
129736	02/21/2014	Printed		7064860	HEINRICH SOLTOW	UNIFORM ALLOWANCE	900.00
129737	02/21/2014	Printed		70800	STATE OF CALIFORNIA	ASSIGN OF WAGES 2/14/2014	150.00
129738	02/21/2014	Printed		70800	STATE OF CALIFORNIA	ASSIGN OF WAGES 02/14/2014	45.00
129739	02/21/2014	Printed		80980	UNION BANK OF CALIFORNIA	ADMINISTRATION FEE	2,127.50
129740	02/21/2014	Printed		80092105	UPS	SHIPPING CHARGES	38.04
129741	02/21/2014	Printed		8150	VALLEY INDUSTRIAL	MONTHLY MAINTENANCE	696.00
129742	02/21/2014	Printed		81597	VIRTUAL PROJECT MANAGER	PROFESSIONAL SERVICES	500.00
129743	02/21/2014	Printed		809385	WESTSIDE AGGREGATE	MATERIALS	232.20
129744	02/21/2014	Printed		90201	WILLDAN	PROFESSIONAL SERVICES	5,324.68
129745	02/21/2014	Printed		9027259	GARY WORKMAN	PROFESSIONAL SERVICES	360.00
129746	02/21/2014	Printed		902844	JAMES YARBROUGH	HEALTH INS. REIMBURSEMENT	648.86
129747	02/21/2014	Printed		902846	YARD MANICURIST	PROFESSIONAL SERVICES	1,342.00
129748	02/21/2014	Printed		90290470	ERIC YOUNG	PROFESSIONAL SERVICES	156.00

Total Checks: 68	Checks Total (excluding void checks):	144,659.00
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Total Payments: 68	Bank Total (excluding void checks):	144,659.00
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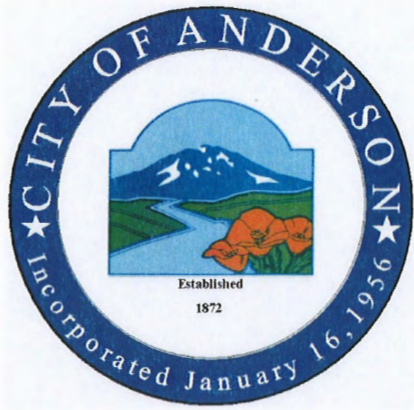
Total Payments: 68	Grand Total (excluding void checks):	144,659.00
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Cory Cottrell 2/21/14

 SIGNATURE DATE

02/21/2014 ACH Members First Credit Union \$1,190.13

For Payroll Ending 02/14/2014



AGENDA ITEM

March 4, 2014 City Council Meeting

Approved for Submittal By:

Jeff Kiser

Jeff Kiser, City Manager

To Be Presented By:

Juanita Barnett

Juanita Barnett, City Clerk

To: Honorable Mayor and Members of the Anderson City Council

Through: Jeff Kiser, City Manager

From: Juanita Barnett, City Clerk

Date: March 4, 2014

SUBJECT

CalPERS Employer Paid Member Contributions

RECOMMENDATION

The City Manager recommends that the City Council:

Adopt a resolution updating Employer Paid Member Contributions by rescinding and replacing Resolution No. 12-70.

FISCAL IMPACT

This action will create future savings by removing Employer Paid Member Contributions.

DISCUSSION and BACKGROUND

Prior to the implementation of the Public Employees' Pension Reform Act of 2013 (PEPRA), as a contracting public agency, the City of Anderson had the option to pay all or a portion of the normal contributions required to be paid to CalPERS by members of a group or class. This option is called Employer Paid Member Contributions (EPMC). The City of Anderson has paid all or part of their employee's member contribution for a number of years. With State take-backs and other budget cuts, this is no longer a viable option.

Through our most recent labor negotiations, all member groups, (Miscellaneous and Safety) agreed to pay their full member contribution. Due to that change, CalPERS requires a new EPMC resolution be submitted showing that the City is now paying zero percent (0%) of the respective member contributions. To accommodate this change with CalPERS the City Council will need to adopt a new EPMC resolution showing the agreed upon change. A copy of the resolution is attached hereto for your review.

By adopting the proposed resolution the City Council will be replacing the previous resolution and amending our agreement to show that the City no longer pays any portion of member contribution.

If you have questions regarding this matter, please let me know.

ATTACHMENT

1. Resolution for Employer Paid Member Contributions (EPMC)

COPY TO

1. Dave Hawley, Teamsters Local 137
2. Anderson Police Officers Association

RESOLUTION NO. 14-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANDERSON RESCINDING AND REPLACING RESOLUTION NO. 12-70 FOR EMPLOYER PAID MEMBER CONTRIBUTIONS

WHEREAS, the governing body of the City of Anderson has the authority to implement Government Code Section 20691;

WHEREAS, the governing body of the City of Anderson has a written labor policy or agreement which specifically provides for the normal member contributions to be paid by the employer;

WHEREAS, one of the steps in the procedures to implement Section 20691 is the adoption by the governing body of the City of Anderson of a Resolution to commence said Employer Paid Member Contributions (EPMC);

WHEREAS, the governing body of the City of Anderson has identified the following conditions for the purpose of its election to pay EPMC:

- This benefit shall apply to all employees of both the Miscellaneous Group and Safety Group as follows:
- Effective July 1, 2013 this benefit shall apply to all employees in the Miscellaneous Group and shall consist of paying zero percent (0%) of the normal member contributions as EPMC; and
- For Safety Group employees this benefit shall consist of paying zero percent (0%) of the normal member contributions as EPMC; and
- The effective date of this Resolution shall be March 4, 2014.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the City of Anderson elects to pay EPMC, as set forth above.

PASSED AND ADOPTED by the City Council of the City of Anderson this 4th day of March, 2014, by the following vote:

AYES:

NOES:

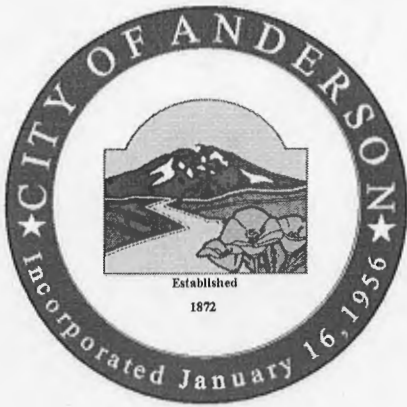
ABSTAIN:

ABSENT:

Debe Hopkins, Mayor

ATTEST:

Juanita Barnett, City Clerk
City of Anderson
1887 Howard Street
Anderson, CA 96007



AGENDA ITEM

March 4, 2014, City Council Meeting

Approved for Submittal By:

Jeff Kiser
Jeff Kiser, City Manager

To Be Presented By:

Liz Cottrell
Liz Cottrell, Assistant City Manager/
Finance Director/Treasurer

To: Honorable Mayor and Members of the Anderson City Council
Through: Jeff Kiser, City Manager
From: Liz Cottrell, Assistant City Manager/Finance Director/Treasurer
Date: March 4, 2014

SUBJECT

2013-2014 Mid-Year Budget Update

RECOMMENDATION

No action is requested at this time as this is informational only.

FISCAL IMPACT

This action has no direct fiscal impact. The report is for information purposes only.

DISCUSSION and BACKGROUND

We are at the mid-point of the 2013-2014 budget. At this time we would like to review how revenues and expenditures are performing mid-way through the year. Revenue and expenditure numbers are recorded through January which is approximately 58% of the budget year. Below is a table comparing budgeted general fund revenues to actual receipts through January 2014.

General Fund Revenues

Revenue	Budget	To Date	% to Date
Property Tax	1,392,400.00	911,605.00	65%
Sales Tax	2,270,892.00	992,083.00	44%
All Other GF Revenue	1,505,150.00	523,039.00	35%
Total GF Revenues	5,168,442.00	2,426,728.00	47%

While it seems general fund revenues have come in slightly less than projected, receipts are not always received in equal installments. At this time staff believes projected revenues will be received as budgeted. Staff has not received Sales Tax numbers for the 4th quarter of 2013 which typically is the highest quarter due to holiday spending.

General Fund Expenditures

Total general fund expenditures for 2013-2014 are budgeted at \$ 5,094,519 with actual expenditures through January 2014 (which is 58% of the budget year) at \$ 2,620,166 or approximately 51%. Most departments are on target to stay within budgeted expenditures. As the year progresses staff will continue to monitor expenditures in all departments and if needed a budget amendment may be requested to cover additional expenditures over the budget.

General Fund - Looking Ahead

Since the City has made changes to the retirement benefits offered to employees with 2nd tiers and refinancing the Side Fund with CalPERS and negotiating with employee groups to pay their employee contribution rate to reduce costs, the CalPERS Board has recently approved making changes to the mortality assumptions used in calculating employers rates. These changes are amortized over 20 years and phased in over 5 years. These changes are projected to increase as follows:

	<u>2016-2017 (Year 1)</u>	<u>2021-2022 (Year 5)</u>
Safety	1.9% - 3.3%	5.3% - 9.3%
Miscellaneous	.9% - 1.9%	6.1% - 6.5%
Misc. 2% @ 62 (PEPRA)	.1% - .4%	

Worker's Compensation rates are another cost that continues to climb. In the 2012-2013 fiscal year actual premiums were at \$ 131,990.00. The 2013-2014 is projected to come in at \$ 158,146.00, an increase of approximately 12%.

While some of these changes are future cost projections staff strives to stay abreast of the many issues affecting costs to the City and better inform the Council in efforts to manage reserves and revenue streams so the City continues to be able to provide essential services.

General Fund Reserve

The General Fund reserve is projected to show an increase of \$ 121,000.00 in the fiscal year 2012-2013. This balance brings the reserve level to 15% which is the minimum percentage set by the Council in 1999. As mentioned at the Council Meeting of February 18, 2014, the increase is due to a one-time payment received from Shasta County for a refund of Property Tax Administration Fees. Had the City not received this refund there would have been essentially no increase to the general fund reserve.

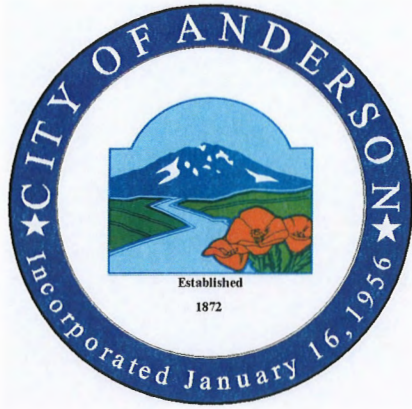
All departments are actively working to provide services without adding additional costs to the best of their ability to avoid further reductions to the reserve. Management continues to look for ways to operate more efficiently to work towards maintaining an adequate general fund reserve.

All Other Funds

Revenues and expenditures in all other funds at this time are coming in as projected. Staff is reviewing rates for the water and sewer funds to determine if the current rates are still at an appropriate level. Later in the year staff will bring the results of reviewing the rates to the Council for direction.

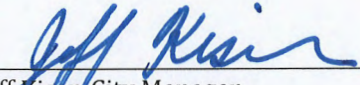
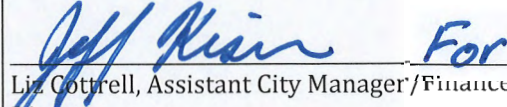
ATTACHMENTS

None.



AGENDA ITEM

March 4, 2014 City Council Meeting

Approved for Submittal By:

Jeff Kiser, City Manager
To Be Presented By:
 For
Liz Cottrell, Assistant City Manager/Finance Director

To: Honorable Mayor and Members of the Anderson City Council
Through: Jeff Kiser, City Manager
From: Liz Cottrell, Assistant City Manager/Finance Director
Date: March 4, 2014

SUBJECT

Second Reading of Ordinance Adding Chapter 3.38 to the Anderson Municipal Code authorizing a one-half cent transactions and use tax and appointment of representatives to write arguments and rebuttals for the ballot measure.

RECOMMENDATION

The Assistant City Manager recommends that the City Council:

- 1. Conduct the second reading of, and enact, Ordinance No. 785 adding Chapter 3.38 to the Anderson Municipal Code authorizing a one-half cent transactions and use tax; and**
- 2. Appoint one or two members of the Council to write arguments and rebuttals for the ballot measure.**

FISCAL IMPACT

The City must reimburse the County for its share of the election costs.

DISCUSSION and BACKGROUND

On February 18, 2014, the City Council introduced Ordinance No. 785 (attached as Attachment 1), and adopted Resolution No. 14-10 declaring a fiscal emergency and calling for a sales tax initiative to be placed on the June 3, 2014 ballot. The next step in the process is to enact (adopt) the ordinance by conducting a second reading and enact the ordinance by a vote of the Council. Additionally, the Council has the option of appointing someone from among their ranks to represent them by writing arguments and rebuttals for the ballot measure. The reason to limit the number to less than a quorum is to avoid having to write the arguments as part of a noticed meeting.

In order to submit the resolution to the County Election office in a timely manner, I am recommending the Council:

- 1) Discuss who, from among their members, they would like to have represent them in writing arguments and rebuttals for this ballot measure;
- 2) By motion, appoint one or two members from the Council to write arguments and rebuttals for the 0.5% Sales Tax initiative;
- 3) Direct the City Clerk read the ordinance by title only; and
- 4) Enact (adopt) Ordinance No. 785 adding Chapter 3.38 to the Anderson Municipal Code authorizing a one-half cent transactions and use tax.

Once the ordinance has been enacted, the City Clerk will provide certified copies of both the Ordinance and the Resolution to the Shasta County Elections office by no later than March 7, 2014, to be placed on the June 3, 2014 ballot. However, the ordinance will go into effect only if and when it is approved by a majority of voters voting on the measure.

ATTACHMENTS

1. Ordinance 785

ORDINANCE NO. 785

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANDERSON, CALIFORNIA,
ADDING CHAPTER 3.38 TO THE ANDERSON MUNICIPAL CODE TO IMPOSE A
TRANSACTIONS AND USE TAX TO BE ADMINISTERED
BY THE STATE BOARD OF EQUALIZATION**

WHEREAS, pursuant to California Revenue and Taxation Code Section 7285.9 the City of Anderson ("City") has the authority to levy a Transactions and Use Tax for general purposes; and

WHEREAS, the City would like to levy a one-half of one percent (0.5%) Transactions and Use Tax for general purposes to fund essential City services; and

WHEREAS, the City believes only a locally-approved voter funding source would guarantee that new revenue stays in Anderson to help the City provide essential services to its residents; and

WHEREAS, the City's Transactions and Use Tax Ordinance will be added to the Anderson Municipal Code as Chapter 3.38; and

WHEREAS, the City plans to submit a ballot measure to the voters for a majority vote to authorize the Transactions and Use Tax at a special election on June 3, 2014.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ANDERSON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title. This ordinance shall be known as the Anderson Transactions and Use Tax Ordinance. This ordinance shall be applicable in the incorporated territory of the City.

Section 2. Operative Date. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

Section 3. Approval by the Voters. This ordinance shall be submitted to the voters at an election to be held on June 3, 2014. Upon approval by a majority of the voters of the City voting on this ordinance, a Transactions and Use Tax shall be authorized.

Section 4. Addition. Upon approval by the voters, Chapter 3.38 will be added to the Anderson Municipal Code to read in full as set forth in the attached Exhibit "A," which is incorporated into this ordinance.

Section 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 6. Effective Date. This ordinance relates to the levying and collecting of the City's Transactions and Use Tax and shall take effect immediately.

INTRODUCED at a regular meeting of the City Council held on February 18, 2014, and PASSED and ADOPTED by the City Council of the City of Anderson, State of California, on March 4, 2014, by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

CITY OF ANDERSON

Debe Hopkins, Mayor

ATTEST:

Juanita Barnett, City Clerk

APPROVED AS TO FORM:

Ann Siprelle, City Attorney

EXHIBIT "A"

Chapter 3.38- Transactions and Use Tax

Sections:

3.38.010 - Purpose.

3.38.020 - Contract With State.

3.38.030 - Transactions Tax Rate.

3.38.040 - Place of Sale.

3.38.050 - Use Tax Rate.

3.38.060 - Adoption of Provisions of State Law.

3.38.070 - Limitations on Adoption of State Law and Collection of Use Taxes.

3.38.080 - Permit Not Required.

3.38.090 - Exemptions and Exclusions.

3.38.100 - Amendments.

3.38.110 - Enjoining Collection Forbidden.

Sections:

3.38.010 - Purpose.

This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

- A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.
- B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.
- C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.
- D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

3.38.020 - Contract With State.

Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3.38.030 - Transactions Tax Rate.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of 0.5% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

3.38.040 - Place of Sale.

For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3.38.050 - Use Tax Rate.

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of 0.5% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3.38.060 - Adoption of Provisions of State Law.

Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

3.38.070 - Limitations on Adoption of State Law and Collection of Use Taxes.

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

- A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:
1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;
 2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.
 3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
 - a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;
 - b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.
 4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.
- B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

3.38.080 - Permit not Required.

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

3.38.090 - Exemptions and Exclusions.

- A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.
- B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.
 2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:
 - a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and
 - b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
 3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.
 4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.
 5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
- C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:
1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.
 2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the

exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.
 4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.
 5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
 6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.
 7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.
- D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3.38.100 - Amendments.

All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

3.38.110 - Enjoining Collection Forbidden.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.