



# City of Port Hueneme

## PORT HUENEME CITY COUNCIL SPECIAL MEETING

MARCH 21, 2016  
5:30 PM

PORT HUENEME CITY HALL: 250 NORTH VENTURA ROAD  
PORT HUENEME, CA 93041

### A G E N D A

**Public Communications:** Each member of the public may speak on any item appearing on the Agenda or that is within the subject matter jurisdiction of the City Council. Speakers will be allowed three minutes per Agenda item to address the Council. Members of the public who want to address the Council should fill out a speaker card located on the back table in the City Council Chamber and provide the speaker card to the City Clerk. If a speaker wishes to address an item on the Agenda please note the Agenda item number or topic on the speaker card to ensure that you are called to speak before the Council takes action on the Agenda item. All speakers wishing to address the Council on items not on the Agenda will be called on to speak during the Open Forum portion of the Agenda.

1. **CALL TO ORDER, ROLL CALL**
2. **AGENDA:** *(Amend / Approve)*
3. **OPEN FORUM (10 Minutes)**

The Council will hear public comments for a maximum of 10 minutes. A person may address the Council only on matters within the Council's subject matter jurisdiction. The Council cannot enter into a detailed discussion or take any action on comments, but may refer them to the City Manager for follow up or scheduling on a subsequent agenda for discussion. Each speaker shall limit comments to three minutes.

#### 4. **CLOSED SESSION:**

With respect to every item of business to be discussed in Closed Session, pursuant to the California Government Code:

- A. **CONFERENCE WITH LABOR NEGOTIATORS**  
(Pursuant to Government Code Section 54957.6)

AGENCY DESIGNATED REPRESENTATIVES: John Baker, Interim City Manager; Carmen Nichols, Deputy City Manager; Steven M. Berliner, Special Counsel.

EMPLOYEE ORGANIZATIONS: Service Employees International Union (SEIU), Port Hueneme Police Officers Association (PHPOA).

**ADJOURNMENT:** Adjourn to the next Regular Meeting to be held March 21, 2016 at 6:30 p.m. in the City Council Chamber.

Copies of staff reports or other written documentation relating to each item of business referred to in this Agenda are available for public inspection in the Office of the City Clerk and on the City's website at [www.cityofporthueneme.org](http://www.cityofporthueneme.org). Materials received after agenda packet distributions are made available to the public on the City's website and in the City Clerk's office at the same time they are provided to the Council. **IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, CONTACT THE OFFICE OF THE CITY CLERK AT 986-6503 OR THE CALIFORNIA RELAY SERVICE. NOTICE 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ALLOW PARTICIPATION IN THIS MEETING.**



# City of Port Hueneme

## PORT HUENEME CITY COUNCIL REGULAR MEETING

**MARCH 21, 2016**  
**6:30 PM**

**PORT HUENEME CITY HALL: 250 NORTH VENTURA ROAD  
PORT HUENEME, CA 93041**

### **A G E N D A**

**Public Communications:** Each member of the public may speak on any item appearing on the Agenda or that is within the subject matter jurisdiction of the City Council. Speakers will be allowed three minutes per Agenda item to address the Council. Members of the public who want to address the Council should fill out a speaker card located on the back table in the City Council Chamber and provide the speaker card to the City Clerk. If a speaker wishes to address an item on the Agenda please note the Agenda item number or topic on the speaker card to ensure that you are called to speak before the Council takes action on the Agenda item. All speakers wishing to address the Council on items not on the Agenda will be called on to speak during the Open Forum portion of the Agenda.

1. **CALL TO ORDER, FLAG SALUTE**
2. **INSPIRATION:** Council Member Jim Hensley
3. **ROLL CALL**
4. **AGENDA:** (*Amend / Approve*)
5. **OPEN FORUM (30 Minutes)**

The Council will hear public comments for a maximum of 30 minutes. A person may address the Council only on matters NOT appearing on the agenda and within the Council's subject matter jurisdiction. Anyone not able to address the Council before the 30 minutes expires may do so during the "Continuation of Open Forum" period just prior to adjournment of the meeting. The Council cannot enter into a detailed discussion or take any action on comments, but may refer them to the City Manager for follow up or scheduling on a subsequent agenda for discussion. Each speaker shall limit comments to three minutes.

6. **CONSENT AGENDA:**
  - A. CASH DISBURSEMENTS RATIFICATION

Action: It is recommended the City Council ratify the cash disbursements listing for the period February 26, 2016 through March 11, 2016.

**B. SOLICIT BIDS FOR VENTURA ROAD BIKEWAY UPGRADES**

Action: It is recommended the City Council adopt the plans and specifications, and authorize the solicitation of bids, for a public project entitled Ventura Road Bikeway Upgrades - Cash Contract No. 5001.

**7. DEPUTY CITY MANAGER:**

**A. REQUEST FOR ADDITIONAL FUNDS FOR CONTRACT WITH VENTURA COUNTY ANIMAL SERVICES**

Action: It is recommended the City Council authorize additional funds of \$35,000 from the General Fund for the Ventura County Animal Services (VCAS) contract.

**8. CITY ATTORNEY:**

**A. LETTER FROM VENTURA COUNTY DISTRICT ATTORNEY'S ("VCDA") OFFICE REQUESTING THAT PURSUANT TO THE BROWN ACT THAT THE CITY CEASE AND DESIST CERTAIN ACTIVITIES RELATING TO RECRUITMENT OF A CITY MANAGER**

Action: In an abundance of caution, it is recommended the City Council accept the offer of compromise proposed by the VCDA's Office by the City issuing the requested cease and desist letter (draft copy attached). This will avoid the unnecessary expenditure of County and City taxpayer funds in a Brown Act dispute for which there is no specific legal precedent which directly addresses the issues outlined in VCDA's letter. Moreover, the process to date has been transparent and the next steps in the process are not substantively affected by VCDA's request.

**9. CITY MANAGER:**

**A. FY 2016-17 BUDGET REPORT**

Action: It is recommended the City Council consider the proposed actions for achieving budget reductions in Fiscal Year 2016-17 to result in a structural balance between revenues and expenditures for two fiscal years and direct staff to proceed with the next steps in the budget process.

**10. CITY MANAGER REPORTS/COMMENTS**

**11. COUNCIL MEMBERS' REPORTS, COMMENTS, AND REQUESTS FOR FUTURE AGENDA ITEMS**

**12. CONTINUATION OF OPEN FORUM**

The Council will allow a continuation of public comments, if necessary, due to exceeding the total time allotted in the earlier Open Forum section.

**13. CLOSED SESSION: (None)**

**ADJOURNMENT:** Adjourn to the next Regular Meeting to be held April 7, 2016 at 6:30 p.m. in the City Council Chamber.

Copies of staff reports or other written documentation relating to each item of business referred to in this Agenda are available for public inspection in the Office of the City Clerk and on the City's website at [www.cityofporthueneme.org](http://www.cityofporthueneme.org). Materials received after agenda packet distributions are made available to the public on the City's website and in the City Clerk's office at the same time they are provided to the Council. **IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, IF YOU NEED SPECIAL ASSISTANCE TO PARTICIPATE IN THIS MEETING, CONTACT THE OFFICE OF THE CITY CLERK AT 986-6503 OR THE CALIFORNIA RELAY SERVICE. NOTICE 48 HOURS PRIOR TO THE MEETING WILL ENABLE THE CITY TO MAKE REASONABLE ARRANGEMENTS TO ALLOW PARTICIPATION IN THIS MEETING.**

**CITY OF PORT HUENEME**  
**CASH DISBURSEMENTS**  
*For the period February 26, 2016 through March 11, 2016*

March 21, 2016

Presented are the cash disbursements issued by the Finance Dept. for the period February 26, 2016 through March 11, 2016. Shown are cash disbursements by date of occurrence and type of payment.

<b>Date</b>	<b>Type of Payment</b>	<b>Attachment</b>	<b>Amount</b>
<b>February 29, 2016</b>	EFT Transactions 4854-4864	A	\$556,519.65
<b>March 4, 2016</b>	EFT Transaction 5048 A/P Checks 106475-106505	B	\$46,157.58
<b>March 4, 2016</b>	Payroll Distribution	C	\$224,545.89
<b>March 10, 2016</b>	A/P Checks 106506-106602	D	\$542,853.82
<b>Total</b>			<b><u>\$1,370,076.94</u></b>

6A

## Transactions for 2/29/2016

Date: 3/14/2016

Vendor Name	Description	Check Date	Number	Amount
AFLAC	DEC'15 PREMIUMS	2/29/2016	4854	1,724.23
AFLAC	JAN'16 PREMIUMS	2/29/2016	4854	1,724.23
BURNS RETIREE MEDICAL	FEB'16 REIMBURSEMENT	2/29/2016	4855	859.48
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	381.49
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	1,945.19
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	3,097.35
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	5,287.80
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	2,609.55
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	1,192.15
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	972.99
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	22,570.00
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	5,116.20
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	1,654.17
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	1,974.55
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	649.89
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	1,044.97
CALPERS CONTRIBUTIONS	ARREARS CONTRIBUTIONS	2/29/2016	4856	2,893.65
CALPERS CONTRIBUTIONS	ARREARS CONTRIBUTIONS	2/29/2016	4856	3,988.37
CALPERS CONTRIBUTIONS	ARREARS ADMIN FEE	2/29/2016	4856	500.00
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	3,843.26
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	2,348.10
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	257.01
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	781.85
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	1,007.83
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	424.59
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	4,404.35
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	2,092.34
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	4,810.76
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	4,725.41
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	1,599.27
CALPERS CONTRIBUTIONS	1/22/16 PERS CONTRIBUTION	2/29/2016	4856	24,791.71
CALPERS CONTRIBUTIONS	1/22/16 PERS CONTRIBUTION	2/29/2016	4856	30,366.26
CALPERS CONTRIBUTIONS	1/22/16 PERS CONTRIBUTION	2/29/2016	4856	624.71
CALPERS CONTRIBUTIONS	1/22/16 PERS CONTRIBUTION	2/29/2016	4856	1,878.61
CALPERS CONTRIBUTIONS	JAN'16 COUNCIL	2/29/2016	4856	387.09
CALPERS CONTRIBUTIONS	JAN'16 COUNCIL	2/29/2016	4856	93.82
CALPERS CONTRIBUTIONS	2/5/16 PERS CONTRIBUTION	2/29/2016	4856	27,534.93
CALPERS CONTRIBUTIONS	2/5/16 PERS CONTRIBUTION	2/29/2016	4856	29,704.61
CALPERS CONTRIBUTIONS	2/5/16 PERS CONTRIBUTION	2/29/2016	4856	624.71
CALPERS CONTRIBUTIONS	2/5/16 PERS CONTRIBUTION	2/29/2016	4856	1,904.92
CALPERS CONTRIBUTIONS	2/19/16 PERS CONTRIBUTION	2/29/2016	4856	24,818.47
CALPERS CONTRIBUTIONS	2/19/16 PERS CONTRIBUTION	2/29/2016	4856	29,703.00
CALPERS CONTRIBUTIONS	2/19/16 PERS CONTRIBUTION	2/29/2016	4856	624.71
CALPERS CONTRIBUTIONS	2/19/16 PERS CONTRIBUTION	2/29/2016	4856	1,904.53
CALPERS CONTRIBUTIONS	FEB'16 UNFUNDED LIABILITY	2/29/2016	4856	424.59

## Transactions for 2/29/2016

Date: 3/14/2016

Vendor Name	Description	Check Date	Number	Amount
CALPERS HEALTH INSURANCE	FEB'16 PREMIUMS	2/29/2016	4857	3,500.00
CALPERS HEALTH INSURANCE	FEB'16 PREMIUMS	2/29/2016	4857	305.88
CALPERS HEALTH INSURANCE	FEB'16 PREMIUMS	2/29/2016	4857	73,384.81
CALPERS 457	2/5/16 457	2/29/2016	4858	3,306.56
CALPERS 457	2/19/16 457	2/29/2016	4858	3,226.39
EDD EFT	2/5/16 STATE PR TAX	2/29/2016	4859	13,767.70
EDD EFT	2/19/16 STATE PR TAX	2/29/2016	4859	266.56
EDD EFT	2/19/16 STATE PR TAX	2/29/2016	4859	11,396.94
EFTPS	2/5/16 SSMC PR TAX	2/29/2016	4860	51,539.64
EFTPS	2/19/16 SSMC PR TAX	2/29/2016	4860	1,854.26
EFTPS	2/19/16 SSMC PR TAX	2/29/2016	4860	48,062.34
EFTPS	2/5/16 FEDERAL PR TAX	2/29/2016	4860	42,540.78
EFTPS	2/19/16 FEDERAL PR TAX	2/29/2016	4860	664.86
EFTPS	2/19/16 FEDERAL PR TAX	2/29/2016	4860	36,015.27
GAGER RETIREE MEDICAL	FEB'16 REIMBURSEMENT	2/29/2016	4861	543.00
HART RETIREE MEDICAL	FEB'16 REIMBURSEMENT	2/29/2016	4862	543.00
TEXAS LIFE INSURANCE COMPANY	JAN'16 PREMIUMS	2/29/2016	4863	435.98
TEXAS LIFE INSURANCE COMPANY	FEB'16 PREMIUMS	2/29/2016	4863	435.98
WELLS ONE	SALES TAX	2/29/2016	4864	-3.19
WELLS ONE	EDC VC ANNUAL MEETING	2/29/2016	4864	75.00
WELLS ONE	CALIFORNIA CITY NEWS	2/29/2016	4864	195.00
WELLS ONE	ENVATOMARKET	2/29/2016	4864	10.00
WELLS ONE	SMART&FINAL	2/29/2016	4864	100.23
WELLS ONE	RALPHS	2/29/2016	4864	314.30
WELLS ONE	SHRM MEMBERSHIP	2/29/2016	4864	190.00
WELLS ONE	AMAZON	2/29/2016	4864	13.05
WELLS ONE	FIRSTAID PRODUCT.COM	2/29/2016	4864	34.57
WELLS ONE	RALPHS	2/29/2016	4864	21.56
WELLS ONE	CODE 3 PRODUCTS	2/29/2016	4864	55.00
WELLS ONE	CHEVRON	2/29/2016	4864	26.02
WELLS ONE	SHOPLET.COM CREDIT	2/29/2016	4864	-14.83
WELLS ONE	SHOPLET.COM CREDIT	2/29/2016	4864	-141.26
WELLS ONE	SHOPLET.COM CREDIT	2/29/2016	4864	-34.45
WELLS ONE	OFFICE DEPOT	2/29/2016	4864	53.99
WELLS ONE	OFFICE DEPOT	2/29/2016	4864	354.95
WELLS ONE	BISHOP CO	2/29/2016	4864	292.38
WELLS ONE	COLE SAFETY PRODUCTS	2/29/2016	4864	48.64
WELLS ONE	ACCRUE SALES TAX	2/29/2016	4864	3.19
WELLS ONE	BEST BUY	2/29/2016	4864	32.39
WELLS ONE	VENTURA DIVE AND SPORT	2/29/2016	4864	90.00
WELLS ONE	SALES TAX	2/29/2016	4864	-15.81
WELLS ONE	AMAZON	2/29/2016	4864	68.03
WELLS ONE	GALCO	2/29/2016	4864	236.73
WELLS ONE	ACCRUE SALES TAX	2/29/2016	4864	15.81
WELLS ONE	SECORP	2/29/2016	4864	485.90

**Transactions for 2/29/2016**

Date: 3/14/2016

Vendor Name	Description	Check Date	Number	Amount
WELLS ONE	SALES TAX	2/29/2016	4864	-11.42
WELLS ONE	MARINE AND REEF.COM	2/29/2016	4864	142.82
WELLS ONE	ACCRUE SALES TAX	2/29/2016	4864	11.42
WELLS ONE	FRY'S	2/29/2016	4864	161.98
WELLS ONE	ASSOC OF WORKPLACE INVEST	2/29/2016	4864	50.00
				<b><u>\$556,519.65</u></b>

## Transactions for 3/4/2016

Date: 3/14/2016

Vendor Name	Description	Check Date	Number	Amount
PORT HUENEME POLICE OFCR ASSN	PAYROLL SUMMARY	3/4/2016	5048	1,578.84
ALCANTAR, PETER	LIGHTING REMIMB	3/4/2016	106475	554.63
AMERICAN FIDELITY ASSURANCE	PAYROLL SUMMARY	3/4/2016	106476	1,974.14
AMERICAN FIDELITY ASSURANCE COMPANY	PAYROLL SUMMARY	3/4/2016	106477	1,424.25
AMERICAN FUNDS SERVICE COMPANY	PAYROLL SUMMARY	3/4/2016	106478	30.00
CAL COAST RECREATION	AUTOMOTIVE PARTS	3/4/2016	106479	416.02
CANON FINANCIAL SERVICES, INC	001-0668326-004 COPIER	3/4/2016	106480	159.04
CANON FINANCIAL SERVICES, INC	001-0668326-006 FAX	3/4/2016	106480	9.99
CANON FINANCIAL SERVICES, INC	001-0668326-002 COPIER	3/4/2016	106480	216.00
CANON FINANCIAL SERVICES, INC	001-0668326-007 FAX	3/4/2016	106480	9.99
CANON FINANCIAL SERVICES, INC	001-0668326-001 COPIER	3/4/2016	106480	247.33
CANON FINANCIAL SERVICES, INC	001-0668326-005 COPIER	3/4/2016	106480	137.17
CHAVEZ, GEORGE	R-0799-03 242 FIFTH ST	3/4/2016	106481	225.40
DST SYSTEMS INC	PAYROLL SUMMARY	3/4/2016	106482	3,631.16
HERALD PRINTING, LTD	#10 REGULAR ENVELOPES	3/4/2016	106483	363.51
HERALD PRINTING, LTD	#10 INSIDE TINT ENVELOPES	3/4/2016	106483	483.15
MCI COMM SERVICE	805 986-6565 UTIL BILL	3/4/2016	106484	33.50
MCI COMM SERVICE	805 986-6660 UTIL BILL	3/4/2016	106484	35.30
MCI COMM SERVICE	805 488-1805 UTIL BILL	3/4/2016	106484	34.27
MCI COMM SERVICE	805 986-6516 UTIL BILL	3/4/2016	106484	38.09
MONTELONGO, FRANK	BALANCE DUE TRAINING REIM	3/4/2016	106485	5.00
NRS	PAYROLL SUMMARY	3/4/2016	106486	520.33
PHILLIPS, DON	TWIC RENEWAL/PHILLIPS	3/4/2016	106487	128.00
PITNEY BOWES INC	POSTAGE MACHINE RENTAL	3/4/2016	106488	220.88
SCHNOPP, SYLVIA	REIMBURSEMENT SEABEE BALL	3/4/2016	106489	130.00
SEIU, LOCAL 721	PAYROLL SUMMARY	3/4/2016	106490	3.50
SEIU, LOCAL 721	PAYROLL SUMMARY	3/4/2016	106490	809.00
SOTO, MARTIN	CERTIFICATE REIMBURSEMENT	3/4/2016	106491	60.00
SOUTHERN CALIFORNIA EDISON	2-31-780-7485 UTIL BILL	3/4/2016	106492	47.50
SOUTHERN CALIFORNIA EDISON	2-02-419-5869 UTIL BILL	3/4/2016	106492	1,275.98
SOUTHERN CALIFORNIA EDISON	2-02-419-2262 UTIL BILL	3/4/2016	106492	153.54
SOUTHERN CALIFORNIA EDISON	2-02-419-2585 UTIL BILL	3/4/2016	106492	12,336.94
SOUTHERN CALIFORNIA EDISON	2-02-419-3286 UTIL BILL	3/4/2016	106492	118.29
SOUTHERN CALIFORNIA EDISON	2-02-419-2338 UTIL BILL	3/4/2016	106492	338.16
SOUTHERN CALIFORNIA EDISON	2-02-425-5572 UTIL BILL	3/4/2016	106492	322.08
SOUTHERN CALIFORNIA EDISON	2-11-005-6629 UTIL BILL	3/4/2016	106492	6,066.20
SOUTHERN CALIFORNIA EDISON	2-02-419-2502 UTIL BILL	3/4/2016	106492	636.36
SOUTHERN CALIFORNIA EDISON	2-02-425-5572 UTIL BILL	3/4/2016	106492	322.08
SOUTHERN CALIFORNIA EDISON	2-02-425-5572 UTIL BILL	3/4/2016	106492	322.09
SOUTHERN CALIFORNIA GAS CO	024 114 1580 1 UTIL BILL	3/4/2016	106493	90.15
SOUTHERN CALIFORNIA GAS CO	097 514 7000 7 UTIL BILL	3/4/2016	106493	164.74
SOUTHERN CALIFORNIA GAS CO	160 614 2000 2 UTIL BILL	3/4/2016	106493	46.72
SOUTHERN CALIFORNIA GAS CO	158 514 2000 8 UTIL BILL	3/4/2016	106493	21.12
SOUTHERN CALIFORNIA GAS CO	158 514 2000 8 UTIL BILL	3/4/2016	106493	21.12
SOUTHERN CALIFORNIA GAS CO	158 514 2000 8 UTIL BILL	3/4/2016	106493	21.12
STAPLES CREDIT PLAN	OFFICE SUPPLIES	3/4/2016	106494	4.74
STAPLES CREDIT PLAN	OFFICE SUPPLIES	3/4/2016	106494	42.07

## Transactions for 3/4/2016

Date: 3/14/2016

Vendor Name	Description	Check Date	Number	Amount
STAPLES CREDIT PLAN	OFFICE SUPPLIES	3/4/2016	106494	119.46
STAPLES CREDIT PLAN	OFFICE SUPPLIES	3/4/2016	106494	119.46
STAPLES CREDIT PLAN	OFFICE SUPPLIES	3/4/2016	106494	119.46
STEM, JAMES	TWIC RENEWAL/STEM	3/4/2016	106495	128.00
THE HIDEAWAY AT BEACH HOUSE	303 HARBOR BREEZE DR	3/4/2016	106496	289.00
THE HIDEAWAY AT BEACH HOUSE	304 HARBOR BREEZE DR	3/4/2016	106496	289.00
THE HIDEAWAY AT BEACH HOUSE	322 HARBOR BREEZE DR	3/4/2016	106496	289.00
THE HIDEAWAY AT BEACH HOUSE	323 HARBOR BREEZE DR	3/4/2016	106496	289.00
THE HIDEAWAY AT BEACH HOUSE	775 OCEAN BREEZE DR	3/4/2016	106496	289.00
THE HIDEAWAY AT BEACH HOUSE	776 OCEAN BREEZE DR	3/4/2016	106496	289.00
THE HIDEAWAY AT BEACH HOUSE	802 MORNING MIST LN	3/4/2016	106496	289.00
THE HIDEAWAY AT BEACH HOUSE	803 MORNING MIST LN	3/4/2016	106496	289.00
THE HIDEAWAY AT BEACH HOUSE	332 HARBOR BREEZE DR	3/4/2016	106496	289.00
TIME WARNER CABLE	8448200250052429 CABLE	3/4/2016	106497	122.23
UNITED WAY OF VENTURA COUNTY	PAYROLL SUMMARY	3/4/2016	106498	87.00
VANTAGE TRSFER-800897	PAYROLL SUMMARY	3/4/2016	106499	317.99
VANTAGEPOINT TRSF-301495	PAYROLL SUMMARY	3/4/2016	106500	1,904.86
VERIZON BUSINESS SERVICES	SV193395 UTIL BILL	3/4/2016	106501	333.14
VERIZON BUSINESS SERVICES	SV193394 UTIL BILL	3/4/2016	106501	1,442.54
VERIZON CALIFORNIA	805 486-9195 UTIL BILL	3/4/2016	106502	116.86
VERIZON CALIFORNIA	805 271-0227 UTIL BILL	3/4/2016	106502	52.00
VERIZON CALIFORNIA	805 167-8928 UTIL BILL	3/4/2016	106502	119.87
VERIZON CALIFORNIA	805 QJ5-1445 UTIL BILL	3/4/2016	106502	569.92
VERIZON CALIFORNIA	805 181-0126 UTIL BILL	3/4/2016	106502	46.19
VERIZON CALIFORNIA	805 167-9235 UTIL BILL	3/4/2016	106502	93.22
VERIZON CALIFORNIA	805 181-0127 UTIL BILL	3/4/2016	106502	46.19
VERIZON WIRELESS	971818098-00002 UTIL BILL	3/4/2016	106503	130.08
VERIZON WIRELESS	971818098-00002 UTIL BILL	3/4/2016	106503	73.46
VERIZON WIRELESS	971818098-00002 UTIL BILL	3/4/2016	106503	12.65
VERIZON WIRELESS	971818098-00002 UTIL BILL	3/4/2016	106503	11.95
VERIZON WIRELESS	971818098-00002 UTIL BILL	3/4/2016	106503	103.31
VERIZON WIRELESS	971818098-00002 UTIL BILL	3/4/2016	106503	17.22
VERIZON WIRELESS	971818098-00002 UTIL BILL	3/4/2016	106503	67.33
VERIZON WIRELESS	971818098-00002 UTIL BILL	3/4/2016	106503	39.61
VERIZON WIRELESS	971818098-00002 UTIL BILL	3/4/2016	106503	111.66
VERIZON WIRELESS	971818098-00002 UTIL BILL	3/4/2016	106503	22.66
VERIZON WIRELESS	971818098-00002 UTIL BILL	3/4/2016	106503	12.04
VERIZON WIRELESS	971818098-00002 UTIL BILL	3/4/2016	106503	63.57
VERIZON WIRELESS	971818098-00002 UTIL BILL	3/4/2016	106503	98.65
VERIZON WIRELESS	971818098-00002 UTIL BILL	3/4/2016	106503	33.58
VERIZON WIRELESS	971818098-00002 UTIL BILL	3/4/2016	106503	118.82
VERIZON WIRELESS	971818098-00002 UTIL BILL	3/4/2016	106503	120.50
VERIZON WIRELESS	971818098-00001 UTIL BILL	3/4/2016	106504	2.20
VERIZON WIRELESS	971818098-00003 UTIL BILL	3/4/2016	106504	38.05
WEX BANK	FEB'16 FUEL PURCHASES	3/4/2016	106505	911.36
				<b>\$46,157.58</b>

CITY OF PORT HUENEME  
PAYROLL CASH DISBURSEMENT FOR

ATTACHMENT C

MARCH 4, 2016

SALARY DISTRIBUTIONS

PAYROLL DIRECT DEPOSIT TOTALS:	214,429.24	
PAYROLL CHECK REGISTER:	<u>10,116.65</u>	<b>224,545.89</b>
TOTAL DISBURSEMENT:	<u><u>224,545.89</u></u>	

## Transactions for 3/10/2016

Date: 3/14/2016

Vendor Name	Description	Check Date	Number	Amount
ACOM SOLUTIONS	SIGNATURE CARD	3/10/2016	106506	500.00
AFTERMATH, INC	2/18/16 SERVICE	3/10/2016	106507	245.00
ALBERTSON, ROBERT	POST MANAGEMENT COURSE	3/10/2016	106508	655.82
ALL CITY MANAGEMENT SERVICES, INC	1/31/16 - 2/13/16	3/10/2016	106509	3,002.40
AMREP INC	AUTOMOTIVE PARTS	3/10/2016	106510	197.16
AQUA-FLO SUPPLY	LANDSCAPE SUPPLIES	3/10/2016	106511	205.40
AVERY ASSOCIATES	INITIAL SEARCH FEE	3/10/2016	106512	6,900.00
BAY ALARM	746 INDUSTRIAL	3/10/2016	106513	289.50
BERRY GENERAL ENGINEERING	SERVICES THRU 2/15/16	3/10/2016	106514	13,623.75
BSN CONSTRUCTION	LEAK RPR 441 LAS PALOMAS	3/10/2016	106515	3,519.00
BSN CONSTRUCTION	LEAK RPR 2600 CAPTAINS	3/10/2016	106515	3,144.00
BSN CONSTRUCTION	INSTALL BOLLARDS	3/10/2016	106515	6,002.00
CAIN, LINDA	FEB'16 MEAL DELIVERIES	3/10/2016	106516	6.48
CALIFORNIA CODE CHECK, INC.	ON-SITE BUILDING OFFICIAL	3/10/2016	106517	2,600.00
CALIFORNIA WOOD RECYCLING	FEBRUARY 1-15, 2016	3/10/2016	106518	2,441.57
CANON FINANCIAL SERVICES, INC	001-0668326-003 COPIER	3/10/2016	106519	72.00
CANON FINANCIAL SERVICES, INC	001-0668326-003 COPIER	3/10/2016	106519	72.00
CANON FINANCIAL SERVICES, INC	001-0668326-003 COPIER	3/10/2016	106519	72.00
CAPCO ANALYTICAL SERVICES, INC	JAN'16 SERVICES	3/10/2016	106520	900.00
CAPCO ANALYTICAL SERVICES, INC	JAN'16 SERVICES	3/10/2016	106520	620.00
CAPITAL ONE COMMERCIAL - COSTCO	OFFICE SUPPLIES	3/10/2016	106521	164.26
CASTRO, JACOB	DOT EXAM	3/10/2016	106522	90.00
CHANNEL ISLANDS DO IT BEST	FM SUPPLIES	3/10/2016	106523	20.85
CHANNEL ISLANDS DO IT BEST	STREETS SUPPLIES	3/10/2016	106523	14.56
CINTAS CORPORATION	FEB'16 SERVICE	3/10/2016	106524	69.11
CITY OF OXNARD	230981-253278 UTIL BILL	3/10/2016	106525	78,821.00
CIVICPLUS	ANNUAL WEBSITE HOSTING	3/10/2016	106526	690.00
CIVICPLUS	ANNUAL WEBSITE HOSTING	3/10/2016	106526	690.00
CIVICPLUS	ANNUAL WEBSITE HOSTING	3/10/2016	106526	690.00
CIVICPLUS	ANNUAL WEBSITE HOSTING	3/10/2016	106526	690.00
CJ LAKE, LLC	JAN'16 SERVICES	3/10/2016	106527	3,000.00
CLEAN HARBORS ENV. SERVICES	JANUARY 8 & 9, 2016	3/10/2016	106528	74.40
COUNTY OF VENTURA IT SVCS DEPT	FEB'16 SERVICE	3/10/2016	106529	662.83
COUNTY OF VENTURA IT SVCS DEPT	FEB'16 SERVICE	3/10/2016	106529	19.50
DELL MARKETING LP	COMPUTER SYSTEMS	3/10/2016	106530	1,734.26
DELL MARKETING LP	COMPUTER SYSTEM	3/10/2016	106530	694.19
DELL MARKETING LP	COMPUTER SYSTEM	3/10/2016	106530	694.19
DOCUPRODUCTS CORPORATION	7/10/15-10/9/15 COPIER	3/10/2016	106531	263.76
DOCUPRODUCTS CORPORATION	TONER	3/10/2016	106531	113.92
DOCUPRODUCTS CORPORATION	11/23/15-2/22/16 OVERAGE	3/10/2016	106531	695.50
DOCUPRODUCTS CORPORATION	ADMIN FEE	3/10/2016	106531	5.00
DOCUPRODUCTS CORPORATION	TAX	3/10/2016	106531	25.69
DOCUPRODUCTS CORPORATION	10/10/15-1/9/16 OVERAGE	3/10/2016	106531	146.76
DOCUPRODUCTS CORPORATION	10/10/15-1/9/16 OVERAGE	3/10/2016	106531	146.76
DOCUPRODUCTS CORPORATION	10/10/15-1/9/16 OVERAGE	3/10/2016	106531	146.76

## Transactions for 3/10/2016

Date: 3/14/2016

Vendor Name	Description	Check Date	Number	Amount
DOWNING, LARRY	DISPLAY FRAMES REIMB	3/10/2016	106532	386.82
DUNN-EDWARDS CORPORATION	FM SUPPLIES	3/10/2016	106533	81.06
DUNN-EDWARDS CORPORATION	WATER SUPPLIES	3/10/2016	106533	63.86
EMPIRE CLEANING SUPPLY	JANITORIAL SUPPLIES	3/10/2016	106534	610.52
FAMCON PIPE SUPPLY INC	FM SUPPLIES	3/10/2016	106535	157.21
FAMCON PIPE SUPPLY INC	WATER SUPPLIES	3/10/2016	106535	64.24
FEDERAL EXPRESS CORP	ACOM	3/10/2016	106536	42.44
FILM PERMITS UNLIMITED, INC	REFUND PARKING FEES	3/10/2016	106537	240.00
FORD OF VENTURA - MAIN STREET	AUTOMOTIVE PARTS	3/10/2016	106538	77.57
FRANKLIN TRUCK PARTS, INC.	AUTOMOTIVE PARTS	3/10/2016	106539	711.33
FRIEDLEY'S MOBILE SCREEN & GLASS	249 E A ST #5	3/10/2016	106540	200.28
GENERAL BUILDING MANAGEMENT CO, INC	FEB'16 SERVICE	3/10/2016	106541	3,066.92
GENERAL BUILDING MANAGEMENT CO, INC	FEB'16 SERVICE	3/10/2016	106541	38.40
GOLD COAST GLASS, INC	CITY HALL REPAIRS	3/10/2016	106542	467.84
GOLD COAST TRANSIT	FEB'16 TICKET SALES	3/10/2016	106543	359.00
GRAINGER INC	LANDSCAPE SUPPLIES	3/10/2016	106544	70.61
GRAINGER INC	LANDSCAPE SUPPLIES	3/10/2016	106544	90.05
GRAINGER INC	REFUSE SUPPLIES	3/10/2016	106544	115.08
GREGORY, DONNA	R-0260-04 1836 SEVENTH PL	3/10/2016	106545	127.43
H&H AUTO PARTS WHOLESALE	AUTOMOTIVE PARTS	3/10/2016	106546	12.83
H&H AUTO PARTS WHOLESALE	AUTOMOTIVE PART	3/10/2016	106546	13.72
HACH COMPANY	CHLORINE	3/10/2016	106547	3,668.32
HD SUPPLY FACILITIES MAINTENANCE	CD SUPPLIES	3/10/2016	106548	81.12
HD SUPPLY FACILITIES MAINTENANCE	CD SUPPLIES	3/10/2016	106548	17.25
HD SUPPLY FACILITIES MAINTENANCE	CD SUPPLIES	3/10/2016	106548	113.02
HD SUPPLY FACILITIES MAINTENANCE	CD SUPPLIES	3/10/2016	106548	49.96
HD SUPPLY FACILITIES MAINTENANCE	CD SUPPLIES	3/10/2016	106548	156.98
HD SUPPLY FACILITIES MAINTENANCE	CD SUPPLIES	3/10/2016	106548	15.02
HD SUPPLY FACILITIES MAINTENANCE	CD SUPPLIES	3/10/2016	106548	40.34
HENSLEY, MARK	SERVICES THRU 12/31/15	3/10/2016	106549	13,228.70
HENSLEY, MARK	SERVICES THRU 1/31/16	3/10/2016	106549	9,927.20
HENSLEY, MARK	SERVICES THRU 2/29/16	3/10/2016	106549	6,367.00
HOME DEPOT CREDIT SERVICES	FM SUPPLIES	3/10/2016	106550	135.01
HOME DEPOT CREDIT SERVICES	FM SUPPLIES	3/10/2016	106550	34.95
HOME DEPOT CREDIT SERVICES	FM SUPPLIES	3/10/2016	106550	13.96
HOME DEPOT CREDIT SERVICES	FM SUPPLIES	3/10/2016	106550	182.61
HOME DEPOT CREDIT SERVICES	STREETS SUPPLIES	3/10/2016	106550	406.94
HOME DEPOT CREDIT SERVICES	STREETS SUPPLIES	3/10/2016	106550	22.55
HOME DEPOT CREDIT SERVICES	STREETS SUPPLIES	3/10/2016	106550	271.30
HOME DEPOT CREDIT SERVICES	STREETS SUPPLIES	3/10/2016	106550	40.55
HOME DEPOT CREDIT SERVICES	CD SUPPLIES	3/10/2016	106550	19.72
HOUSE SANITARY SUPPLY INC	ENGINEERING SUPPLIES	3/10/2016	106551	62.78
HOUSE SANITARY SUPPLY INC	JANITORIAL SUPPLIES	3/10/2016	106551	55.93
HUB INTERNATIONAL	FEB'16 LIABILITY INS	3/10/2016	106552	338.64
JOHNSON, TAISHA	UUT	3/10/2016	106553	5.43

## Transactions for 3/10/2016

Date: 3/14/2016

Vendor Name	Description	Check Date	Number	Amount
JOHNSON, TAISHA	WATER CONSUMPTION	3/10/2016	106553	34.20
JOHNSON, TAISHA	FIXED WATER	3/10/2016	106553	101.61
KATZ, NORMAN	FEB'16 SERVICES	3/10/2016	106554	750.00
KIMBALL MIDWEST	AUTOMOTIVE PARTS	3/10/2016	106555	201.14
KLOERIS, SHARON	FEB'16 CLASSES	3/10/2016	106556	480.00
LANDMARK GRADING & PAVING, INC	148 PV RD & 708 SAN PEDRO	3/10/2016	106557	4,195.00
LAUTERBACH & ASSOCIATES INC	SERVICES THRU 2/21/15	3/10/2016	106558	2,970.00
LEGALSHIELD	ALIX	3/10/2016	106559	25.90
LEVEL 4 SERVICES, INC.	FEB'16 SERVICE	3/10/2016	106560	43.90
LIEBERT CASSIDY WHITMORE	SERVICES THRU 1/31/16	3/10/2016	106561	20,033.69
LIEBERT CASSIDY WHITMORE	SERVICES THRU 1/31/16	3/10/2016	106561	1,137.50
LIEBERT CASSIDY WHITMORE	SERVICES THRU 1/31/16	3/10/2016	106561	2,665.00
LIEBERT CASSIDY WHITMORE	SERVICES THRU 1/31/16	3/10/2016	106561	1,367.30
LIEBERT CASSIDY WHITMORE	SERVICES THRU 1/31/16	3/10/2016	106561	269.50
LIEBERT CASSIDY WHITMORE	SERVICES THRU 1/31/16	3/10/2016	106561	73.50
LIEBERT CASSIDY WHITMORE	SERVICES THRU 1/31/16	3/10/2016	106561	98.00
LINCOLN NATIONAL LIFE INSURANCE CO	MAR'16 PREMIUMS	3/10/2016	106562	4,485.40
LINCOLN NATIONAL LIFE INSURANCE CO	MAR'16 VOLUNTARY	3/10/2016	106562	1,426.50
MALTUN, GLORIA	EGG-STRAVAGNZA	3/10/2016	106563	175.00
MANN, JACKIE	FEB'16 MEAL DELIVERIES	3/10/2016	106564	6.48
MASON'S SAW AND LAWN MOWER SVC INC	LANDSCAPE SUPPLIES	3/10/2016	106565	391.86
MILNER-VILLA CONSULTING	BWRDF OPERATION AUDIT	3/10/2016	106566	6,112.11
MIWALL CORPORATION	TRAINING SUPPLIES	3/10/2016	106567	1,291.08
MUNICIPAL MAINTENANCE EQUIPMENT	WEAR PLATE	3/10/2016	106568	280.67
OFFICE DEPOT	OFFICE SUPPLIES	3/10/2016	106569	124.91
OFFICE DEPOT	OFFICE SUPPLIES	3/10/2016	106569	102.83
ONDEMAND EMPLOYMENT GROUP, LLC	2/16/16-2/19/16 SERVICES	3/10/2016	106570	1,429.00
ONDEMAND EMPLOYMENT GROUP, LLC	2/8/16-2/11/16 SERVICES	3/10/2016	106570	1,491.12
OXNARD AUTO SUPPLY	GREASE GUN	3/10/2016	106571	54.00
OXNARD PRINTING	DISTURBANCE REPORT BOOKS	3/10/2016	106572	265.16
PACIFIC TELEMAGEMENT SERVICES	JAN'16 SERVICE	3/10/2016	106573	75.00
PEREZ, JOSE	3/4/16 PDPAT CAR WASH	3/10/2016	106574	114.00
PEREZ, JOSE	2/10/16 PWADM CAR WASH	3/10/2016	106574	12.00
PEREZ, JOSE	2/10/15 PWSW CAR WASH	3/10/2016	106574	15.00
PEREZ, JOSE	2/10/16 PWW CAR WASH	3/10/2016	106574	30.00
PEREZ, JOSE	2/19/16 PDPAT CAR WASH	3/10/2016	106574	102.00
PEREZ, JOSE	2/22/16 ADMIN CAR WASH	3/10/2016	106574	12.00
PEREZ, JOSE	2/22/16 CDBLD CAR WASH	3/10/2016	106574	15.00
PEREZ, JOSE	2/22/16 CDPK CAR WASH	3/10/2016	106574	27.00
PEREZ, JOSE	2/22/16 PDADM CAR WASH	3/10/2016	106574	75.00
PEREZ, JOSE	2/24/16 PWENG CAR WASH	3/10/2016	106574	30.00
PEREZ, JOSE	2/26/16 PDPAT CAR WASH	3/10/2016	106574	114.00
PORT HUENEME MARINE SUPPLY	UPS SHIP/BCP	3/10/2016	106575	13.88
PORT HUENEME MARINE SUPPLY	FM SUPPLIES	3/10/2016	106575	185.79
PORT HUENEME MARINE SUPPLY	STREETS SUPPLIES	3/10/2016	106575	13.76

## Transactions for 3/10/2016

Date: 3/14/2016

Vendor Name	Description	Check Date	Number	Amount
PORT HUENEME MARINE SUPPLY	STREETS SUPPLIES	3/10/2016	106575	4.19
PORT HUENEME MARINE SUPPLY	STREETS SUPPLIES	3/10/2016	106575	5.51
PORT HUENEME MARINE SUPPLY	STREETS SUPPLIES	3/10/2016	106575	289.40
PORT HUENEME MARINE SUPPLY	WATER SUPPLIES	3/10/2016	106575	4.15
PORT HUENEME MARINE SUPPLY	WATER SUPPLIES	3/10/2016	106575	17.11
PORT HUENEME MARINE SUPPLY	WATER SUPPLIES	3/10/2016	106575	71.28
PORT HUENEME MARINE SUPPLY	WATER SUPPLIES	3/10/2016	106575	8.60
PORT HUENEME MARINE SUPPLY	WATER SUPPLIES	3/10/2016	106575	12.68
PORT HUENEME MARINE SUPPLY	UPS SHIP/ROOTX	3/10/2016	106575	40.44
PORT HUENEME MARINE SUPPLY	SHRINK WRAP/E-WASTE	3/10/2016	106575	30.19
PORT HUENEME MARINE SUPPLY	REFUSE SUPPLIES	3/10/2016	106575	24.34
PORT HUENEME, CITY OF	2671-1025784 UTIL BILL	3/10/2016	106576	937.38
PORT HUENEME, CITY OF	2671-1026336 UTIL BILL	3/10/2016	106576	614.82
PORT HUENEME, CITY OF	2671-1026356 UTIL BILL	3/10/2016	106576	605.86
PORT HUENEME, CITY OF	2671-1026488 UTIL BILL	3/10/2016	106576	703.25
PORT HUENEME, CITY OF	2671-1031536 UTIL BILL	3/10/2016	106576	254.20
PORT HUENEME, CITY OF	2671-1032416 UTIL BILL	3/10/2016	106576	138.74
PORT HUENEME, CITY OF	2671-1032782 UTIL BILL	3/10/2016	106576	542.82
PORT HUENEME, CITY OF	2671-1032784 UTIL BILL	3/10/2016	106576	628.26
PORT HUENEME, CITY OF	2671-1032786 UTIL BILL	3/10/2016	106576	633.82
PORT HUENEME, CITY OF	2671-1032788 UTIL BILL	3/10/2016	106576	382.94
PORT HUENEME, CITY OF	2671-1032790 UTIL BILL	3/10/2016	106576	2,240.74
PORT HUENEME, CITY OF	2671-1032792 UTIL BILL	3/10/2016	106576	1,767.06
PORT HUENEME, CITY OF	2671-1032794 UTIL BILL	3/10/2016	106576	342.62
PORT HUENEME, CITY OF	2671-1032796 UTIL BILL	3/10/2016	106576	1,198.10
PORT HUENEME, CITY OF	2671-1032798 UTIL BILL	3/10/2016	106576	4,065.12
PORT HUENEME, CITY OF	2671-1032800 UTIL BILL	3/10/2016	106576	169.08
PORT HUENEME, CITY OF	2671-1032802 UTIL BILL	3/10/2016	106576	329.18
PORT HUENEME, CITY OF	2671-1032804 UTIL BILL	3/10/2016	106576	498.02
PORT HUENEME, CITY OF	2671-1032806 UTIL BILL	3/10/2016	106576	329.18
PORT HUENEME, CITY OF	2671-1032808 UTIL BILL	3/10/2016	106576	160.12
PORT HUENEME, CITY OF	2671-1032810 UTIL BILL	3/10/2016	106576	320.22
PORT HUENEME, CITY OF	2671-1032812 UTIL BILL	3/10/2016	106576	347.10
PORT HUENEME, CITY OF	2671-1032814 UTIL BILL	3/10/2016	106576	329.18
PORT HUENEME, CITY OF	2671-1032816 UTIL BILL	3/10/2016	106576	320.22
PORT HUENEME, CITY OF	2671-1032818 UTIL BILL	3/10/2016	106576	329.18
PORT HUENEME, CITY OF	2671-1032820 UTIL BILL	3/10/2016	106576	315.74
PORT HUENEME, CITY OF	2671-1032822 UTIL BILL	3/10/2016	106576	315.74
PORT HUENEME, CITY OF	2671-1032824 UTIL BILL	3/10/2016	106576	320.22
PORT HUENEME, CITY OF	2671-1032826 UTIL BILL	3/10/2016	106576	320.22
PORT HUENEME, CITY OF	2671-1032828 UTIL BILL	3/10/2016	106576	672.74
PORT HUENEME, CITY OF	2671-1032838 UTIL BILL	3/10/2016	106576	155.64
PORT HUENEME, CITY OF	2671-1032840 UTIL BILL	3/10/2016	106576	524.90
PORT HUENEME, CITY OF	2671-1032842 UTIL BILL	3/10/2016	106576	315.74
PORT HUENEME, CITY OF	2671-1032844 UTIL BILL	3/10/2016	106576	610.02

## Transactions for 3/10/2016

Date: 3/14/2016

Vendor Name	Description	Check Date	Number	Amount
PORT HUENEME, CITY OF	2671-1032846 UTIL BILL	3/10/2016	106576	1,032.34
PORT HUENEME, CITY OF	2671-1032848 UTIL BILL	3/10/2016	106576	735.46
PORT HUENEME, CITY OF	2671-1032850 UTIL BILL	3/10/2016	106576	660.70
PORT HUENEME, CITY OF	2671-1032852 UTIL BILL	3/10/2016	106576	784.74
PORT HUENEME, CITY OF	2671-1032854 UTIL BILL	3/10/2016	106576	3,365.22
PORT HUENEME, CITY OF	2671-1032856 UTIL BILL	3/10/2016	106576	638.30
PORT HUENEME, CITY OF	2671-1032860 UTIL BILL	3/10/2016	106576	2,182.50
PORT HUENEME, CITY OF	2671-1032862 UTIL BILL	3/10/2016	106576	547.30
PORT HUENEME, CITY OF	2671-1032864 UTIL BILL	3/10/2016	106576	709.98
PORT HUENEME, CITY OF	2671-1032866 UTIL BILL	3/10/2016	106576	605.54
PORT HUENEME, CITY OF	2671-1032868 UTIL BILL	3/10/2016	106576	551.78
PORT HUENEME, CITY OF	2671-1032870 UTIL BILL	3/10/2016	106576	320.22
PORT HUENEME, CITY OF	2671-1032872 UTIL BILL	3/10/2016	106576	547.30
PORT HUENEME, CITY OF	2671-1032874 UTIL BILL	3/10/2016	106576	565.22
PORT HUENEME, CITY OF	2671-1032876 UTIL BILL	3/10/2016	106576	498.02
PORT HUENEME, CITY OF	2671-1032878 UTIL BILL	3/10/2016	106576	502.50
PORT HUENEME, CITY OF	2671-1032880 UTIL BILL	3/10/2016	106576	338.14
PORT HUENEME, CITY OF	2671-1032882 UTIL BILL	3/10/2016	106576	62.26
PORT HUENEME, CITY OF	2671-1032884 UTIL BILL	3/10/2016	106576	472.54
PORT HUENEME, CITY OF	2671-1032886 UTIL BILL	3/10/2016	106576	592.42
PORT HUENEME, CITY OF	2671-1032888 UTIL BILL	3/10/2016	106576	191.48
PORT HUENEME, CITY OF	2671-1032890 UTIL BILL	3/10/2016	106576	134.26
PORT HUENEME, CITY OF	2671-1032892 UTIL BILL	3/10/2016	106576	134.26
PORT HUENEME, CITY OF	2671-1032894 UTIL BILL	3/10/2016	106576	798.18
PORT HUENEME, CITY OF	2671-1032898 UTIL BILL	3/10/2016	106576	744.74
PORT HUENEME, CITY OF	2671-1032900 UTIL BILL	3/10/2016	106576	232.12
PORT HUENEME, CITY OF	2671-1032902 UTIL BILL	3/10/2016	106576	281.40
PORT HUENEME, CITY OF	2671-1032926 UTIL BILL	3/10/2016	106576	502.50
PORT HUENEME, CITY OF	2671-1032968 UTIL BILL	3/10/2016	106576	134.26
PORT HUENEME, CITY OF	2671-1032970 UTIL BILL	3/10/2016	106576	573.62
PORT HUENEME, CITY OF	2671-1032972 UTIL BILL	3/10/2016	106576	169.78
PORT HUENEME, CITY OF	2671-1032976 UTIL BILL	3/10/2016	106576	134.26
PORT HUENEME, CITY OF	2671-1032978 UTIL BILL	3/10/2016	106576	134.26
PORT HUENEME, CITY OF	2671-1032980 UTIL BILL	3/10/2016	106576	134.26
PORT HUENEME, CITY OF	2671-1032982 UTIL BILL	3/10/2016	106576	98.10
PORT HUENEME, CITY OF	2671-1032984 UTIL BILL	3/10/2016	106576	134.26
PORT HUENEME, CITY OF	2671-1032986 UTIL BILL	3/10/2016	106576	111.54
PORT HUENEME, CITY OF	2671-1032988 UTIL BILL	3/10/2016	106576	152.18
PORT HUENEME, CITY OF	2671-1032992 UTIL BILL	3/10/2016	106576	311.26
PORT HUENEME, CITY OF	2671-1033042 UTIL BILL	3/10/2016	106576	134.26
PORT HUENEME, CITY OF	2671-1033052 UTIL BILL	3/10/2016	106576	62.26
PORT HUENEME, CITY OF	2671-1033054 UTIL BILL	3/10/2016	106576	62.26
PORT HUENEME, CITY OF	2671-1033056 UTIL BILL	3/10/2016	106576	71.22
PORT HUENEME, CITY OF	2671-1033058 UTIL BILL	3/10/2016	106576	690.66
PORT HUENEME, CITY OF	2671-1033452 UTIL BILL	3/10/2016	106576	311.26

## Transactions for 3/10/2016

Date: 3/14/2016

Vendor Name	Description	Check Date	Number	Amount
PORT HUENEME, CITY OF	2683-1026490 UTIL BILL	3/10/2016	106576	628.16
PORT HUENEME, CITY OF	30801-1033322 UTIL BILL	3/10/2016	106576	163.36
PORT HUENEME, CITY OF	30801-1033322 UTIL BILL	3/10/2016	106576	163.37
PORT HUENEME, CITY OF	2689-1026470 UTIL BILL	3/10/2016	106576	596.55
PORT HUENEME, CITY OF	2685-1026468 UTIL BILL	3/10/2016	106576	568.88
PORT HUENEME, CITY OF	2691-1026494 UTIL BILL	3/10/2016	106576	474.04
PORT HUENEME, CITY OF	11501-1023530 UTIL BILL	3/10/2016	106576	1,375.52
PORT HUENEME, CITY OF	16173-1030962 UTIL BILL	3/10/2016	106576	262.33
PORT HUENEME, CITY OF	22341-1030632 UTIL BILL	3/10/2016	106576	200.77
PORT HUENEME, CITY OF	19231-1026480 UTIL BILL	3/10/2016	106576	980.46
PORT HUENEME, CITY OF	2697-1026496 UTIL BILL	3/10/2016	106576	529.36
PORT HUENEME, CITY OF	FEB'16 FIXED O&M	3/10/2016	106577	122,435.45
PORT HUENEME, CITY OF	FEB'16 VARIABLE COSTS	3/10/2016	106577	111,321.72
PPG ARCHITECTURAL FINISHES	REFUSE SUPPLIES	3/10/2016	106578	718.20
PRAXAIR DISTRIBUTING INC	INDUSTRIAL ACETYLENE	3/10/2016	106579	193.05
PRIME BUILDING MATERIALS INC	FM SUPPLIES	3/10/2016	106580	140.67
PRIME BUILDING MATERIALS INC	FM SUPPLIES	3/10/2016	106580	28.35
PRIME BUILDING MATERIALS INC	STREETS SUPPLIES	3/10/2016	106580	113.37
PRIME BUILDING MATERIALS INC	STREETS SUPPLIES	3/10/2016	106580	108.00
QUALITY PLUMBING	249 E A ST #8	3/10/2016	106581	95.00
ROOTX	ROOTX	3/10/2016	106582	1,873.12
RUBIO'S WELDING SERVICE	SALES TAX/RUBIO'S/#3961	3/10/2016	106583	-4.73
RUBIO'S WELDING SERVICE	WELDING SVCS/LABOR/PARTS	3/10/2016	106583	1,579.87
RUBIO'S WELDING SERVICE	ACCRUE SALES TAX	3/10/2016	106583	4.73
RUSH TRUCK CENTER	AUTOMOTIVE REPAIRS	3/10/2016	106584	958.76
RUSH TRUCK CENTER	AUTOMOTIVE REPAIRS	3/10/2016	106584	577.50
RUSH TRUCK CENTER	AUTOMOTIVE REPAIRS	3/10/2016	106584	2,198.65
SAFELITE AUTOGLASS	AUTOMOTIVE REPAIR	3/10/2016	106585	218.49
SMART SOURCE OF CALIFORNIA, LLC	ADDITIONAL ART	3/10/2016	106586	58.05
SOUTHERN CALIFORNIA EDISON	2-34-195-9849 UTIL BILL	3/10/2016	106587	6.24
SOUTHERN COUNTIES FUELS	800 GALS DIESEL/350 GAS	3/10/2016	106588	1,896.42
SOUTHERN COUNTIES FUELS	820 GALS DIESEL/530 GAS	3/10/2016	106588	2,174.78
SOUTHERN COUNTIES FUELS	AUTOMOTIVE SUPPLIES	3/10/2016	106588	564.20
STOCK BUILDING SUPPLY - 1219	LANDSCAPE SUPPLIES	3/10/2016	106589	108.55
SUNGARD PUBLIC SECTOR INC	MAR'16 SERVICE	3/10/2016	106590	7,722.94
TIME WARNER CABLE	8448200250320222 CABLE	3/10/2016	106591	143.49
TOSHIBA FINANCIAL SERVICES	500-0460769-000 COPIER	3/10/2016	106592	95.04
TRAFFIC TECHNOLOGIES LLC	STREETS SUPPLIES	3/10/2016	106593	97.98
TRAFFIC TECHNOLOGIES LLC	STREETS SUPPLIES	3/10/2016	106593	1,020.60
TRAFFIC TECHNOLOGIES LLC	STREETS SUPPLIES	3/10/2016	106593	349.60
UNITED SITE SERVICES OF CA INC	2/10/16-3/16/16 SERVICE	3/10/2016	106594	162.26
VELOCITY TRUCK CENTER	AUTOMOTIVE PART	3/10/2016	106595	68.83
VENTURA COUNTY PROBATION AGENCY	JAN'16 SERVICE	3/10/2016	106596	1,650.00
VENTURA COUNTY STAR CIRCULATION	3159309 SUBSCRIPTION	3/10/2016	106597	86.36
VENTURA COUNTY STAR CIRCULATION	3159309 SUBSCRIPTION	3/10/2016	106597	86.36

## Transactions for 3/10/2016

Date: 3/14/2016

Vendor Name	Description	Check Date	Number	Amount
VENTURA COUNTY STAR CIRCULATION	3159309 SUBSCRIPTION	3/10/2016	106597	86.35
VENTURA FEED & PET SUPPLIES	BOOT ALLOWANCE	3/10/2016	106598	200.00
VENTURA FEED & PET SUPPLIES	BOOT ALLOWANCE	3/10/2016	106598	200.00
VENTURA REFRIGERATION SALES &	FREEZER REPAIRS	3/10/2016	106599	245.51
VENTURA REFRIGERATION SALES &	SR NUTRITION FREEZER	3/10/2016	106599	1,253.31
VERIZON CALIFORNIA	805 986-9877 UTIL BILL	3/10/2016	106600	52.00
VERIZON CALIFORNIA	805 986-3538 UTIL BILL	3/10/2016	106600	335.11
VERIZON WIRELESS	672523155-00001 UTIL BILL	3/10/2016	106601	418.11
VERIZON WIRELESS	542063381-00001 UTIL BILL	3/10/2016	106601	38.01
VERIZON WIRELESS	242004078-00001 UTIL BILL	3/10/2016	106601	38.01
WARREN DISTRIBUTING INC	AUTOMOTIVE PART	3/10/2016	106602	124.29
WARREN DISTRIBUTING INC	AUTOMOTIVE PART	3/10/2016	106602	70.58
				<b><u>\$542,853.82</u></b>



# City of Port Hueneme

## COUNCIL AGENDA STAFF REPORT

**TO:** City Council

**FROM:** Chris Theisen, Public Works Director

**SUBJECT:** SOLICIT BIDS FOR VENTURA ROAD BIKEWAY UPGRADES

**DATE:** March 21, 2016

### **RECOMMENDATION:**

It is recommended the City Council adopt the plans and specifications, and authorize the solicitation of bids, for a public project entitled Ventura Road Bikeway Upgrades - Cash Contract No. 5001.

### **BACKGROUND/ANALYSIS:**

Ventura Road Bikeway Upgrades is a multi-phased project designed to upgrade the existing off-road bikeway along Ventura Road to California Department of Transportation (Caltrans) Class I bike path standards. This phase of the project will improve the section from Park Avenue north towards Bard Road until funds are expended.

### **FISCAL IMPACT**

This project is fully-funded through an \$80,000 Transportation Development Act Article 3 (TDA 3) grant. The grant funds have been appropriated in the FY 15-16 Annual Budget, are restricted, and can be used for no other purpose than this project. There is no General Fund contribution towards this phase of the project.

### **Attachment:**

- Plans and Specifications (Due to size, this attachment has been placed in the Office of the City Clerk.)

# 6B



# City of Port Hueneme

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## COUNCIL AGENDA STAFF REPORT

**TO:** City Council

**FROM:** Carmen Nichols, Deputy City Manager

**SUBJECT:** REQUEST FOR ADDITIONAL FUNDS FOR CONTRACT WITH VENTURA COUNTY ANIMAL SERVICES

**DATE:** March 21, 2016

### **RECOMMENDATION:**

It is recommended the City Council authorize additional funds of \$35,000 from the General Fund for the Ventura County Animal Services (VCAS) contract.

### **BACKGROUND/ANALYSIS:**

In April 2015, the Council approved a new contract with Ventura County Animal Services for service calls, intake, shelter services, canvassing, and licensing efforts. The new contract replaced an inconsistent system of payments for all agencies in the County. The new allocation formula included animal shelter operation costs that had not been included in the prior contract. These types of costs are now charged to the respective cities based on the percentage of shelter intakes for each city. While some agencies saw a decrease in estimated costs with the new contract, Port Hueneme saw a rather large increase of \$61,000. Staff also built in an additional \$5,000 to the FY 2015-2016 budget in case of overages or unforeseen costs. The current budget for VCAS is \$145,000.

The first quarter billing under the new contract revealed an unexpected increase in shelter fees and a decrease in revenues. This resulted in a higher than expected billing. Using the invoice amount as a guide for the remaining 3 quarters, a deficit of approximately \$35,000 was projected for the remaining year's contract (\$145,000 increasing to \$180,000).

At the VCAS Commission meeting held December 10, 2015, other agencies also discussed having similar concerns with their invoices. Questions from staff were

## **REQUEST FOR ADDITIONAL FUNDS FOR ANIMAL SERVICES CONTRACT**

**March 21, 2016**

**Page 2**

posed to the Commission Chair, Supervisor Steve Bennett and VCAS Director Tara Diller regarding the increase with the promise that this would be looked into.

In the meantime, staff received a call from VCAS Deputy Director Donna Gillesby indicating the second quarter invoices were late. The reason given was that the City of Oxnard had decreased its intake numbers significantly. The contract is designed to be full cost recovery for the County so when one agency reduces its cost, the other cities pay a higher fee to cover the decrease. Because the increase was so substantial, VCAS Director Diller had taken the matter to the County CEO's office to look into a reduction that would be more palatable for the other agencies.

VCAS and County staff met with City staff in late February to go over the City's second quarter billing. The County indicated that the cost to the City had actually increased to \$224,000. This took into account the actual cost of shelter services but did not reflect any offsetting revenue (revenue from door-to-door canvassing and licensing will not be included until the third quarter invoice). VCAS/County staff said that they were going to the Board of Supervisors on March 15, 2016 to ask for a one-time waiver of fees (the difference between the estimated costs to the City of \$180,000 and the projected \$224,000). This was also being proposed for all of the member agencies. However, in next year's budget, the full \$224,000 will be the amount of Port Hueneme's share for intake services.

Staff from all member agencies are currently working with VCAS to come up with a different methodology for next year's budget. It has been mutually agreed upon that this current contract is not working for anyone and the need to find a new way to recover costs must be sought.

However, with this year's budget and contract and with the estimates from the County of Ventura, staff is recommending that the Council authorize an additional \$35,000 from the General Fund to cover the predicted shortfall for VCAS services for FY 15-16.

### **FISCAL IMPACT:**

The City approved \$145,000 for FY 2015-2016 costs, which is an additional \$61,000 from previous years. An additional General Fund appropriation of approximately \$35,000 is needed to pay the projected costs of the contract.

### **Attachment**

- Actual/Revised Cost Chart for FY 2015-16

**City of Port Huememe  
Actual Cost/Actual Intake**

	Quantity Estimated or Requested	2015-16 Estimate	Qtr 1	Qtr 2	Total	% to Quantity as of 12/31/15	Remaining Quantity	Remaining Estimate	Projected Actual	Projected Variance (Under)	% Variance
<b>Total Cost</b>		195,148	56,964	75,859	132,823	1,001		62,325	265,216	70,068	36%
<b>Revenue</b>											
License Revenue		53,580	9,320	10,300	19,620	37%		33,960	39,240	(14,340)	-26.8%
Redemption Revenue		3,200	400	660	1,060	33%		2,140	2,120	(1,080)	-33.8%
Admin Citations											
Total Revenue		56,780	9,720	10,960	20,680	276,736		36,100	41,360	(15,420)	-27%
Total Contract		138,368	47,136	64,899	112,035			26,225	223,856	85,488	62%

Revised to Limit Shelter Costs to Original Estimate (only for FY 15-16)

	Quantity Requested	2015-16 Estimate	Qtr 1	Qtr 2	Total	% to Quantity as of 12/31/15	Remaining Quantity	Remaining Estimate	Projected Actual	Projected Variance (Under)	% Variance
<b>Total Cost</b>		195,148	56,964	75,859	132,823	1,001		62,325	202,025	6,877	4%
<b>Revenue</b>											
License Revenue		53,580	9,320	10,300	19,620	37%		33,960	39,240	(14,340)	-26.8%
Redemption Revenue		3,200	400	660	1,060	33%		2,140	2,120	(1,080)	-33.8%
Admin Citations											
Total Revenue		56,780	9,720	10,960	20,680	276,736		36,100	41,360	(15,420)	-27%
Total Contract		138,368	47,136	64,899	112,035			26,225	160,665	22,297	16%



# City of Port Hueneme

## CITY COUNCIL STAFF REPORT

**TO:** City Council

**FROM:** Mark Hensley, City Attorney

**SUBJECT:** LETTER FROM VENTURA COUNTY DISTRICT ATTORNEY'S ("VCDA") OFFICE REQUESTING THAT PURSUANT TO THE BROWN ACT THAT THE CITY CEASE AND DESIST CERTAIN ACTIVITIES RELATING TO RECRUITMENT OF A CITY MANAGER

**DATE:** March 21, 2016

### **RECOMMENDATION:**

In an abundance of caution, it is recommended the City Council accept the offer of compromise proposed by the VCDA's Office by the City issuing the requested cease and desist letter (draft copy attached). This will avoid the unnecessary expenditure of County and City taxpayer funds in a Brown Act dispute for which there is no specific legal precedent which directly addresses the issues outlined in VCDA's letter. Moreover, the process to date has been transparent and the next steps in the process are not substantively affected by VCDA's request.

### **BACKGROUND/ANALYSIS:**

#### **Interim City Manager and City Manager Appointment Closed and Open Session Meetings**

On October 19, 2015, the City Council met in closed session to discuss the issue of selecting an interim and permanent city manager. The meeting was relatively brief and the Council discussed potential candidates for the positions. It was then determined that the current City Manager and Dr. Bill Mathis would be utilized to look for candidates for an interim city manager. Thereafter, the City Manager would issue a request for proposals to hire a recruiting firm to assist in searching for a permanent city manager. The City Council made a point of publicly announcing these facts and to let the public know that the recruitment process for the permanent city manager would be publicly discussed at a future date.

## **RECRUITMENT OF INTERIM AND PERMANENT CITY MANAGER**

**March 21, 2016**

**Page 2**

During the above described meeting there was no discussion of the attributes the Council was looking for in the candidates. There was only a discussion of potential candidates and the decision that there would be two separate recruiting processes for the interim and permanent city manager position.

On October 31, 2015, the Council met again in closed and public session and had a similar discussion and public announcement regarding the recruitment process for the interim and permanent city manager position. There was also some discussion of potential candidates during this October 31 meeting. There was also a closed session and public session discussion regarding the priorities for interim city manager as is set forth in the City Council Minutes.

The Council later met on November 16 and November 30, 2015. During those meetings, the City Council again made substantially the same announcements it did at the prior two meetings regarding the “next steps” for selecting a permanent city manager. Potential candidates for the interim city manager position were discussed during both meetings and, in fact, interviewed during the second meeting. There was no discussion regarding the attributes being sought for the permanent city manager during these two meetings. In any event, actual candidates were discussed.

On December 7, 2015, the Council appointed John Baker as the interim City Manager and, once again, announced that it was in the process of hiring a recruiter for the permanent city council position and that a public meeting would be held to allow the public to provide input into the selection process.

On February 1, 2016, the Council approved the hiring of Avery and Associates to assist the City in conducting the search for the permanent city manager. It is currently contemplated that the consultant will seek input from residents, businesses, and other stakeholders regarding the attributes they find desirable for the permanent city manager on March 29, 2016.

### **VCDA February 19, 2016 Letter**

On February 19, 2016, the VCDA sent a letter to Mayor Breeze (the letter references 3 letters from 2013 which are attached) requesting that the City cease and desist from engaging in some of the above described actions and more specifically the following actions:

“Discussion in closed session under the personnel exception for appointment or employment of a public employee, of expectations, selection procedures, or discussion otherwise general in nature, that does not relate to specific individuals.”

## **RECRUITMENT OF INTERIM AND PERMANENT CITY MANAGER**

**March 21, 2016**

**Page 3**

The VCDA's main contention appears to be that there should not be any discussion in closed session of the process by which a city manager may be selected or the attributes that are sought in a city manager. With regard to this former point, the Council did meet in closed session on October 19, 2015 and decided there were no immediate candidates that could be identified for the position. Accordingly, the City Council logically concluded during its deliberations that it would need to utilize a recruitment process. The VCDA believes, apparently, that the moment the Council decided there were no immediately identified candidates for the position, that all discussion should have ceased and the Council should have gone into open session and made the decision in open session to hire a recruiter. This is almost a distinction without a difference as the Council simply as matter of natural thought pattern came to such conclusion in closed session and immediately went out into open session and made such announcement. It is hard to understand how such violates either the letter, spirit, or intent of the Brown Act. The Council then simply made the same public announcements during the November 16 and 30 meetings, based upon its October 19 action, to ensure the public was fully aware of the process being utilized. The VCDA evidently interprets these announcements as being evidence of the Council having further discussions about the process of selecting a permanent city manager rather than reflecting the Council's intent of simply repeating for public transparency purposes a decision that was made on October 19.

The VCDA's other issue appears to be that the Council discussed priorities for the interim city manager at the October 31 Council Meeting. This, again, was discussed publicly and to some extent in closed session. The VCDA relies on a 1983 case captioned *San Diego Union v. City Council* for purposes of supporting its belief that such discussion violates the Brown Act. That case, however, deals with the issue of a city council impermissibly discussing salaries in closed session. Thus, its relevance to the instant issue is hard to understand.

The attached letters from 2013 between the VCDA and the City (and City Attorney's Office) provide further background regarding the nature of the issue between the City and the VCDA regarding the Brown Act and city manager recruiting activities.

### **Brown Act Options Regarding Response to VCDA**

The VCDA has essentially offered the City the option to enter into a "truce" with regard to the issues at hand. The Brown Act, Government Code Section 54960.2, provides that if a demand is made upon a public agency to cease and desist certain activities that might be a violation of the Brown Act, that the public agency can issue a letter agreeing to such, but that the letter does not legally

## **RECRUITMENT OF INTERIM AND PERMANENT CITY MANAGER**

**March 21, 2016**

**Page 4**

constitute an admission of a violation or evidence that can be used against the public agency in a court proceeding.

The City Council has been quite transparent in its explanations to the public regarding the procedure for selecting an interim and permanent city manager. It is unclear why the VCDA takes exception to the City Council's attempts to go above and beyond what is required by the Brown Act. That said, however, it seems imprudent to expend a great deal of public resources fighting with the VCDA since all further meetings regarding the selection of a city manager would, in any event, be public (except for interviewing actual candidates). It would seem that County and City resources could be used in a more positive fashion than argue about matters that have been very publicly disclosed. Attached is a copy of the letter that is being proposed to be sent to the VCDA.

Alternatively, the Council could decide not to send out the letter that agrees to cease and desist the activities noted by the VCDA. If the VCDA files a legal challenge and the City loses it will have to cease and desist the conduct and pay the VCDA's legal fees associated with the litigation. As is shown in the 2013 letter sent from the City Attorney's Office the City does have arguments as to why its conduct is legal. With that said, the arguments are based upon extrapolations of case law that does not specifically deal with the issue at hand so there is a risk the City could lose.

It should also be noted that in the future if the City does agree to cease and desist the conduct, it can at a later date and upon 30 days notice to the VCDA (and risking a legal challenge at that time) decide whether it wants to engage in the complained of conduct again in the future. This may or may not be necessary depending on future recruitment activities.

### **Attachments:**

- February 19, 2016 letter from VCDA
- 2013 correspondence between the City and VCDA (two letters from VCDA to City and one letter from City Attorney's Office to VCDA)
- Draft Cease and Desist Letter proposed to be sent to VCDA



# OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF VENTURA, STATE OF CALIFORNIA

**GREGORY D. TOTTEN**  
District Attorney

**JANICE L. MAURIZI**  
Chief Assistant District Attorney

**MICHAEL K. FRAWLEY**  
Chief Deputy District Attorney  
Criminal Prosecutions

**W. CHARLES HUGHES**  
Chief Deputy District Attorney  
Administrative Services

**MICHAEL D. SCHWARTZ**  
Special Assistant District Attorney  
Justice Services

**R. MILES WEISS**  
Chief Deputy District Attorney  
Special Prosecutions

**MICHAEL BARAY**  
Chief Investigator  
Bureau of Investigation

February 19, 2016

The Honorable Douglas A. Breeze  
Mayor of Port Hueneme  
250 N. Ventura Road  
Port Hueneme, CA 93041

Re: **Brown Act Cease and Desist Letter**

Dear Mayor Breeze:

Pursuant to Government Code section 54960.2, subdivision (a), the Ventura County District Attorney hereby submits this cease and desist letter to the Port Hueneme City Council with respect to the Brown Act violations discussed below. To avoid legal action against you, you must respond within 30 days of receiving this letter.

## CLOSED SESSION VIOLATION

The Port Hueneme City Council appears to have improperly discussed general matters relating to the positions of Interim City Manager and City Manager in closed session, in violation of the Ralph M. Brown Act (Brown Act).

The October 19, 2015, Special Meeting Closed Session Agenda Item 4.C. reads: "PUBLIC EMPLOYMENT/EMPLOYEE APPOINTMENT (Pursuant to Government Code section 54957) Title: City Manager."

The minutes associated with this closed session state, in part:

The City Council recessed to Closed Session at 4:07 p.m. The City Council reconvened following the Closed Session. The City Attorney announced that the Council directed the City Manager to work with Dr. Bill Mathis to begin the search for an interim City Manager. The Council also directed the City Manager to begin the Request for Proposals process for a recruiting firm for the City Manager recruitment. The Council also wished to announce that the City Manager recruitment process will be discussed publicly at a future date.

## SPECIAL PROSECUTIONS

The Honorable Douglas A. Breeze  
Mayor of Port Hueneme  
February 19, 2016  
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The October 31, 2015, Special Meeting Closed Session Agenda Item 5.A. reads:  
“PUBLIC EMPLOYMENT/EMPLOYEE APPOINTMENT (Pursuant to Government  
Code section 54957) Title: City Manager.”

The minutes associated with this closed session state in part:

The City reconvened at 1:32 p.m. Mayor Pro Tem Breeze announced that the Council decided on the following priorities for the Interim City Manager: review of Council Norms; teambuilding and staff morale; next year's Budget; HUD, Department of Finance, and water/drought issues; and finalizing negotiations with the labor groups.

The November 16, 2015, Regular Meeting Closed Session Agenda Item 10.C reads:  
“PUBLIC EMPLOYMENT/EMPLOYEE APPOINTMENT (Pursuant to Government  
Code section 54957) Title: City Manager.”

The minutes associated with this closed session state, in part:

The City Council met in closed session regarding potential appointment of a City Manager. In an abundance of caution, we are announcing that the City Council discussed next steps for selecting a City Manager; discussed potential candidates; and tentatively scheduled a special meeting for November 30, 2015 to further discuss the matter. In the meantime, individual Council Members will meet with potential candidates.

The November 30, 2015, Special Meeting Closed Session Agenda Item 4.A. reads:  
“PUBLIC EMPLOYMENT/EMPLOYEE APPOINTMENT (Pursuant to Government  
Code section 54957) Title: City Manager.”

The minutes associated with this closed session state, in part:

The City Council also asked that the City begin an active recruitment process for identifying and selecting a candidate for the permanent city manager position. That will be placed on the December 7<sup>th</sup> agenda for additional consideration.

The minutes from December 7, 2015, reflect John Baker was appointed Interim City Manager in open session at that meeting.

The Brown Act provides, in Government Code section 54962, that all closed sessions must be conducted pursuant to expressly authorized statutory exceptions. Section 54957(b)(1), which articulates the personnel exception, states that closed session is permissible “to consider the appointment [or] employment...of a public employee.” The Attorney General of California has interpreted this provision to allow closed session

discussions of the qualifications of specific persons, but determined that generally applicable personnel criteria or expectations should be discussed in open session. (58 Ops. Cal. Atty. Gen. 180 (1975).) While Attorney General opinions are not binding on the courts, they are not merely “advisory” opinions, but are “entitled to great respect,” particularly in the context of the Brown Act. (*Shapiro v. Board of Directors of Centre City Development Corp.* (2005) 134 Cal.App.4th 170, 184, fn. 17.)

In *Duval v. Board of Trustees* (2001) 93 Cal.App.4th 902, 908, the Court of Appeal noted, “[T]he underlying purposes of the ‘personnel exception’ are to protect the employee from public embarrassment and to permit free and candid discussions of personnel matters by a local governmental body. [Citations.] [W]e must construe [it] narrowly and the ‘sunshine law’ liberally in favor of openness [citation]....” The court in *Duval* concluded the selection of criteria for an employee evaluation under the personnel exception is appropriate where the discussion of such criteria is integral to the evaluation of a *particular employee*:

[I]n circumstances such as the present case, the selection of criteria, the establishment of a fact-gathering mechanism, and a designation of particular areas of emphasis in the evaluation each might reflect the board’s initial perception of the superintendent’s performance since the last evaluation. That is, the evaluation commonly would be tailored to issues arising from the superintendent’s actual discharge of her duties through time. As such, these preliminary considerations are an integral part of the actual evaluation of the superintendent and are properly a part of defendant’s “consider[ation] [of] the .... evaluation of performance” of the superintendent.

(*Duval* at p. 909.) Thus, in *Duval*, discussion of general criteria for the evaluation of a superintendent was appropriate in closed session only because the selection of the criteria was tailored to a specific employee – the incumbent superintendent. Consistent with the holding in *Duval*, the Attorney General of California has opined that application of the personnel exception hinges upon “whether a personnel matter relating to an *individual employee* is involved.” (63 Ops. Cal. Atty. Gen. 153, 156 (1980), emphasis added.) In that opinion, the Attorney General considered whether discussion relating to the establishment of new administrative positions falls within the scope of the personnel exception. The Attorney General concluded in the negative stating:

Under the provision of the Ralph M. Brown Act, the subject of the establishment of new administrative positions would not usually be a proper subject for an executive session by the governing body of a local agency. This is so because the positions usually are not yet in existence, and hence have no incumbents. Accordingly, the discussions would be as to personnel matters generally, or in the abstract. However, we can envision the possibility that in some situations the question might arise in

The Honorable Douglas A. Breeze  
Mayor of Port Hueneme  
February 19, 2016  
Page 4

the context of a reorganization which might involve a discussion of the job performance of particular individuals.

(63 Cal.Ops.Atty.Gen. 153 at p. 157.) In the present case, the minutes outlined above support the complaint that the Port Hueneme City Council held discussions in closed session pertaining to the Interim City Manager and City Manager positions that were general in nature, unrelated to specific candidates. One example is reflected in the minutes from the October 31, 2015, meeting which indicate the Council held a closed session to discuss the priorities of the future Interim City Manager – apparently unrelated to any specific candidate(s). The Interim City Manager position was not filled until December 7, 2015, five weeks later. The City Manager position has not been filled as of the date of this letter.

General discussions relating to priorities for the Interim City Manager position and the process by which a City Manager will be sought are matters of public interest warranting open discussion. “Public visibility breeds public awareness which in turn fosters public activism politically and subtly encouraging the governmental entity to permit public participation in the discussion process.” (*San Diego Union v. City Council* (1983) 146 Cal.App.3d 947, 955.)

During at least one closed session, the City Council discussed *specific candidates* for the position of Interim City Manager. Such discussions *do* fall within the personnel exception of the Brown Act and were proper for closed session.

The general discussions referred to above (unless integral to the discussion of specific individuals) should have been in public while the discussions relating to specific candidates were properly held in closed session. Courts have described a two-step process where a properly noticed open session occurs for general matters, and a properly noticed closed session occurs for personal matters relating to particular individuals. (See *San Diego Union v. City Council* (1983) 146 Cal.App.3d 947, 955.)

I have reviewed a letter dated April 15, 2013, from this office to former Mayor Ellis Green wherein we expressed a similar concern and advised general discussion of personnel criteria and expectations pertaining to the City Manager position should be in open session, unless related to a specific individual. I have also reviewed City Attorney Mark Hensley’s response to our letter and our second letter dated May 8, 2013, wherein we confirmed our initial advice. I should note that later open session discussion of information originally discussed in closed session can sometimes serve as a “cure” for a violation, but it does not authorize the original improper closed session discussions.

The Honorable Douglas A. Breeze  
Mayor of Port Hueneme  
February 19, 2016  
Page 5

### CEASE AND DESIST DEMAND

Pursuant to Government Code section 54960.2, the District Attorney hereby demands the Port Hueneme City Council cease and desist from the following:

Discussion in closed session under the personnel exception for appointment or employment of a public employee, of expectations, selection procedures, or discussion otherwise general in nature, that does not relate to specific individuals.

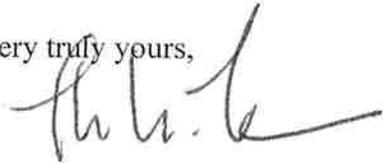
The City Council may respond within 30 days of receiving the letter (Gov. Code, § 54960.2, subd. (b)) or “elect[ ] to respond to [this] cease and desist letter with an unconditional commitment to cease, desist from, and not repeat the past action[s] that [are] alleged to [have] violate[d] this chapter.” (Gov. Code, § 54960.2, subd. (c)(1).) The format for such a commitment is laid out in section 54960.2, subdivision (c)(1). The unconditional commitment must be approved by the City Council in open session at a regular or special meeting as a separate item of business. (Gov. Code, § 54960.2, subd. (c)(2).) The City Council need not admit that a violation occurred; an “unconditional commitment shall not be construed or admissible as evidence of a violation.” (Gov. Code, § 54960.2, subd. (c)(1) and (4).)

### CONCLUSION

The District Attorney’s Office has the authority to file a civil lawsuit to enforce the Brown Act. (Gov. Code §§ 54960, 54960.1, 54960.2.) I remain hopeful that the City Council will agree to comply, and will comply, with the Brown Act, and that no legal action will be necessary.

Should you have questions or concerns, I may be contacted at (805) 662-1753.

Very truly yours,



THOMAS M. FRYE  
Deputy District Attorney

cc: City Attorney Mark Hensley  
Mayor Pro Tem Jonathan Sharkey  
Council Member Tom Figg  
Council Member Jim Hensley  
Council Member Sylvia Munoz Schnopp  
Interim City Manager John Baker  
City Clerk Michelle Ascencion



# OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF VENTURA, STATE OF CALIFORNIA

**GREGORY D. TOTTEN**  
District Attorney

**JANICE L. MAURIZI**  
Chief Assistant District Attorney

**MICHAEL K. BRAWLEY**  
Chief Deputy District Attorney  
Criminal Prosecutions

**W. CHARLES HUGHES**  
Chief Deputy District Attorney  
Administrative Services

**MICHAEL D. SCHWARTZ**  
Special Assistant District Attorney  
Justice Services

**R. MILES WEISS**  
Chief Deputy District Attorney  
Special Prosecutions

**KENNETH A. VALENTINI**  
Chief Investigator  
Bureau of Investigation

April 15, 2013

The Honorable Ellis L. Green  
Mayor, City of Port Hueneme  
250 N. Ventura Road  
Port Hueneme, CA 93041

Re: Brown Act Complaint

Dear Mayor Green:

We have received a complaint regarding the City Council special meeting of April 8, 2013. Agenda item 9B was a closed session regarding the employment/appointment of city manager. The complaint we received is that the council discussed in closed session the characteristics, skill sets and qualities that the council was seeking for the position, where the opening would be advertised, and the time frame involved. We are informed that after the closed session, the council "reported out" publicly that a recruitment would be open for 30 days and would be advertised.

We are writing to seek the council's position as to whether a general discussion of desirable characteristics for city manager (as opposed to a discussion of specific individuals) occurred in closed session, and whether such discussion was proper in closed session.

The Ralph M. Brown Act (public meeting law) provides in Government Code section 54957(b)(1) that closed session is permissible "to consider the appointment [or] employment . . . of a public employee." The Attorney General of California has interpreted this provision to allow closed session discussion of the qualifications of specific persons, but that generally applicable personnel criteria or expectations should be discussed in open session. (58 Ops. Cal. Atty. Gen. 180 (1975).) While Attorney General opinions are not binding on the courts, they are not a mere "advisory" opinions, but are "entitled to great respect," particularly in the context of the Brown Act. (*Shapiro v. Board of Directors of Centre City Development Corp.* (2005) 134 Cal.App.4th 170, 184, fn. 17.)

Closed session is permitted, not only to make an actual appointment, but also to nominate candidates for appointment. (*Gillespie v. San Francisco Public Library Committee* (1998) 67 Cal.App.4th 1165.) However, in *Duval v. Board of Trustees* (2001) 93 Cal.App.4th 902, 908, the Court of Appeal noted, "[T]he underlying purposes of the 'personnel exception' are to protect the employee from public embarrassment and to permit free and candid discussions of personnel matters by a local governmental body. [Citations.] [¶] [W]e must construe [it] narrowly and the 'sunshine law' liberally in favor of openness [citation]...." The court concluded that an employee

The Honorable Ellis L. Green  
April 15, 2013  
Page 2

evaluation under the personnel exception “may properly include consideration of the criteria for such evaluation, consideration of the process for conducting the evaluation, and other preliminary matters, *to the extent those matters constitute an exercise of defendant’s discretion in evaluating a particular employee.*” (*Id.* at p. 909, emphasis added.)

In the present case, the complaint is that the council discussed general criteria and desired qualities for a city manager, apart from a discussion of the qualities of specific persons. If that occurred, it would appear to be a matter that the public would have a right to hear, and would not involve the issue of embarrassment of specific candidates.

According to the enclosed article in the *Ventura County Star*, the Mayor disclosed some of the characteristics sought by the council. According to the article, the council is seeking a manager who is able to create synergy with the city staff, school district, port, businesses, and naval base. The council reportedly highlighted the importance of working with staff, cultivating staff and getting the most productivity from city resources. The ideal candidate was described as being able to run the city in a sustainable way to take the city into the future given limited financial resources. If these matters were discussed during what the council viewed to be a legally authorized closed session, disclosure by the Mayor would appear to be inconsistent with Government Code section 54963, which generally prohibits the disclosure of confidential closed session information. (That section specifically permits confidential disclosure of information from a closed session to a district attorney to establish the potential illegality of action taken, or expressing an opinion concerning the property or legality of action taken in closed session.)

The district attorney has jurisdiction to enforce the Brown Act. (Gov. Code, §§ 54960, 54960.1.) We have not made any factual determination as to whether the facts in the complaint are correct, or whether or not a violation has occurred. This purpose of this letter is to seek your response as to what occurred, and whether it constituted a violation of the Brown Act.

In order to evaluate this matter, I would appreciate a response to our inquiry within three weeks of this letter. Thank you for your attention to this matter.

Very truly yours,



MICHAEL D. SCHWARTZ  
Special Assistant District Attorney

MDS/ck

Enclosures

pc: Interim City Manager John Richard Velthoen

Opinion No. CV 74-219—March 28, 1975

**SUBJECT:** EXECUTIVE SESSION TO DISCUSS PERSONAL QUALIFICATIONS OF SCHOOL BOARD MEMBERS TO SERVE AS OFFICERS—It is proper to hold an executive session during regular meeting of a school board for purpose of discussing personal qualifications of members to serve as board president and vice-president. But to the extent that "expectations of a board president or vice-president" concern generally applicable criteria employed by board members to select a president and vice-president from among themselves, such would not be a proper subject of discussion in an executive session.

**Requested by:** COUNTY COUNSEL, YOLO COUNTY

**Opinion by:** EVELLE J. YOUNGER, Attorney General  
David Rapport, Deputy

The Honorable Charles R. Mack, County Counsel of Yolo County, has requested an opinion on the following questions:

1. Was it valid for the governing board of the Washington Unified School District to meet in executive session at a regular meeting of said board for the purpose of discussing "expectations of a board president and vice-president" and the personal qualifications of board members to serve as president or vice-president?
2. Is the answer to that question affected by the fact that the motion to hold said executive session passed by a 5 to 2 vote and the two dissenting members did not attend the executive session?

The conclusions are:

1. An executive session held at the time of a regular meeting of a school board is proper for the purpose of discussing the personal qualifications of board members to serve as president and vice-president of said board. To the extent that "expectations of a board president or vice-president" concern the generally applicable criteria employed by board members to select a president and vice-president from among themselves, such would not be a proper subject of discussion in an executive session.

2. The conclusion is unaffected by the facts described in question two.

#### ANALYSIS

The facts giving rise to these questions are as follows. At the regular meeting of the Board of Education of the Washington Unified School District on July 11, 1974, the annual organizational meeting required by Education Code Section 964 was also held. The meeting and agenda items were timely noticed and adequately described in accordance with Education Code Sections 964 and 966; see, also *Carlson v. Paradise Unified School District*, 18 Cal. App. 3d 196, 199 (1971). Prior to selecting the president and vice-president for the 1974-75 term, some board members expressed a desire to meet in executive session<sup>1</sup> to discuss "the expecta-

<sup>1</sup> A session closed to the public.

tions of a board president of individual board request, the County Counsel purpose of discussing the proper. A motion to hold was passed by a five to two the executive session.

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<sup>2</sup> All section references

<sup>3</sup> Education Code Secti governing board considers the confidentiality provision: to the subject meeting of th

128, 1975

**PERSONAL QUALIFICATIONS TO SERVE AS OFFICERS**—It is a regular meeting of a school board of members to serve as board officers that "expectations of a board of members to serve as board officers" are applicable criteria employed by the board to select a president from among themselves, and a vice-president in an executive session.

**UNITY**

general

Counsel of Yolo County, has re-

quested the Washington Unified School District to hold a regular meeting of said board for the purpose of discussing the qualifications of members to serve as president and vice-president" and to discuss the personal qualifications of individual board members to act as president and vice-president. On request, the County Counsel advised the board that an executive session held for the purpose of discussing the personal qualifications of individual board members was proper. A motion to hold an executive session for both purposes described above was passed by a five to two vote. The two dissenting board members did not attend the executive session.

the fact that the motion to hold an executive session for both purposes described in question two.

described in question two.

As follows. At the regular meeting of the Washington Unified School District on July 11, 1974, held in accordance with Education Code Section 964 and 966; see, also Cal. App. 3d 196, 199 (1971). For the 1974-75 term, some board members proposed an executive session<sup>1</sup> to discuss "the expecta-

tions of a board president and vice-president" and to discuss the personal qualifications of individual board members to act as president and vice-president. On request, the County Counsel advised the board that an executive session held for the purpose of discussing the personal qualifications of individual board members was proper. A motion to hold an executive session for both purposes described above was passed by a five to two vote. The two dissenting board members did not attend the executive session.

Two sets of statutory provisions apply to meetings held by the elected, governing bodies of school districts. These are: Division 4, Chapter 2, Article 3 (commencing with section 961) of the Education Code and Division 2, Part 1, Chapter 9 (commencing with section 54950) of the Government Code, commonly known as "the Ralph M. Brown Act."

Education Code Section 966 provides generally:

"Except as provided in Section 54957 of the Government Code or in Section 967, all meetings of the governing board of any school district shall be open to the public . . ."

The "Ralph M. Brown Act" requirement that all meetings of the legislative body of a local agency shall be open and public is found in section 54953. It reads as follows:

"All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter."

Section 54951 defines "local agency" as including school districts, and section 54952 defines "legislative body" as including the governing board or body of any local agency. Thus, the general open meeting requirement of the Brown Act as well as Education Code Section 966 applies to the meetings of the Board of Education of the Washington Unified School District.

Both provisions require all meetings of the governing bodies of school districts to be open and public subject to specifically stated exceptions. Education Code Section 966 provides only two: those contained in Education Code Section 967<sup>2</sup> and those contained in section 54957. Section 54953 refers to exceptions "as otherwise provided in this chapter [the Ralph M. Brown Act]." Among the exceptions to the open meeting requirement contained in the Brown Act is section 54957. Section 54957, therefore, contains the only exception to the open meeting requirements of both section 54953 and Education Code Section 966 which could apply here.

<sup>2</sup> All section references are to the Government Code unless otherwise indicated.

<sup>3</sup> Education Code Section 967 authorizes an executive session, when a school district governing board considers student disciplinary matters, if a public hearing would violate the confidentiality provisions of Education Code Section 10751. The section is inapplicable to the subject meeting of the Washington Unified School District.



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closed, executive session. 40 Ops. Cal. Atty. Gen. 4 (1962). Citation of authority concerning the application of section 54957 to the elected members of a city council clearly indicates that the court would have concluded in the same manner had it considered the selection of the officers of a public body composed of elected, rather than appointed, members.

The exception contained in section 54957 includes the limitation that an executive session can only be held "to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person or employee," if such officer or employee does not request a public hearing. There is no case law or prior opinion of this office describing what constitutes a request for a public hearing.

The dissenting members of the Washington Unified School District appear to have objected to an executive session on the general ground that the provisions of section 54957 do not apply to elective legislative bodies. They did not request a public hearing to discuss their qualifications to act as president or vice-president of the board. Members of the board who are engaged in debating and voting on a motion before the board would have to do some additional act to notify the majority board members that they were invoking their right to a public hearing as individuals under consideration for appointment.<sup>4</sup>

Accordingly, we conclude that the executive session was proper to consider the personal qualification of board members to act as president and vice-president of the board but that discussions concerning generally applicable personnel criteria, rather than considerations relating exclusively to specific persons, were outside the exception to the general open meeting requirement embodied in section 54957.

Opinion No. CV 74-300—March 7, 1975

**SUBJECT:** LEGISLATOR'S RETIREMENT ALLOWANCE—Legislator eligible to retire on Dec. 2, 1974, and receiving full salary until Jan. 6, 1975, pursuant to the State Constitution, may not receive retirement allowance until Jan. 6, 1975; legislator retiring on Dec. 2, 1974, may receive allowance based on computation provided for in Government Code, section 9359.18.

**Requested by:** BOARD OF ADMINISTRATION, PUBLIC EMPLOYEES' RETIREMENT SYSTEM

**Opinion by:** EVELLE J. YOUNGER, Attorney General  
Carol Hunter, Deputy

<sup>4</sup>Since we conclude that no request for a public hearing was made, we do not reach, and express no opinion, on the question whether the right to a public hearing exists when appointment, employment or dismissal is considered, as distinguished from the hearing on the charges themselves. cf. 44 Ops. Cal. Atty. Gen. 147, 149 (1964).

May 03, 2013

Michael Schwartz, Esq.  
Special Assistant District Attorney,  
Office of the District Attorney, County of Ventura  
Hall of Justice  
800 South Victoria Avenue, Suite 314  
Ventura, California 93009-2730

Re: Brown Act

Dear Mr. Schwartz:

As City Attorney for the City of Port Hueneme, I am responding to your April 15, 2013 letter that makes certain inquiries of the Mayor regarding a closed session meeting held by the City Council on April 8, 2013, regarding the City's current search for a city manager.

First, as your letter points out I am not at liberty to disclose what the Council discussed in closed session at its April 8, 2013, Council Meeting. Without making any such disclosure let me assure that I fully understand the Brown Act with regard to discussion of personnel matters in closed session. I believe we are in agreement that the Council has the right to discuss potential candidates and interview candidates as part of a closed session meeting. Accordingly, the Council has been conducting lawful meetings in closed session.

With regard to your inquiry as to whether it is lawful for a council to discuss in closed session the criteria that a council will utilize for hiring a city manager, you cite some legal sources but do not draw any conclusions regarding the allegations against the city or the law. Since this is an issue that could come up again in the future, I am providing my perspective on the law. My position is that such discussions are allowed under the Brown Act for the following reasons..

I would first point out that consistent with Government Code 54957 which allows a city council to discuss appointment **and** employment (separate items, to fill a vacant position) in closed session, Government Code Section 54954.5 provides:

“For purposes of describing closed session items pursuant to Section 54954.2, the agenda may describe closed sessions as provided below. No legislative body or elected official shall be in violation of Section 54954.2 or 54956 if the closed session items were described in substantial compliance with this section.

Substantial compliance is satisfied by including the information provided below, irrespective of its format.

(e)With respect to every item of business to be discussed in closed session pursuant to Section 54957:

PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)”

The Brown Act by its very terms identifies two separate agenda descriptions (generally referred to as safe harbor provisions for purposes of posting and conducting closed session meetings) for filling public employee positions. On its April 8, 2013, publicly posted agenda, Port Hueneme combined these into one description (which is specifically allowed since the above agenda descriptions were noticed on the agenda “irrespective of its format”).

When interpreting a statute, “if possible, significance should be given to every word, phrase, sentence and part of an act in pursuance of the legislative purpose,”<sup>1</sup> i.e., the language should be read to have some meaning and not as being superfluous or surplusage. It is contrary to the law and pointless to interpret two separate provisions relating to filling vacant public employee positions such that they have the same meaning. Your letter suggests that perhaps both provisions should be interpreted to mean that a council can only meet in closed session to actually select the person for the vacant city manager position.

Based upon the above analysis, it seems clear the legislature contemplated that there would need to be at least two steps in the process of filling vacant positions – determining the process for filling the position and the actual selection of the person to fill the position. These are steps that any agency or business would use to fill employment positions.

I also note that you cite to a couple of key sentences from *Duval v. Board of Trustees*, (2001) Cal. App. 4<sup>th</sup> 902, 902 (your cited sentences are underlined for your reference), but did not include the next sentence (**bolded** for your reference) which is critical to understanding the point the Court was making and the issue that you are analyzing:

“[T]he underlying purposes of the ‘personnel exception’ are to protect the employee from public embarrassment and to permit free and candid discussions of personnel matters by a local governmental body. [Citations.] [¶] [W]e must construe [it] narrowly and the ‘sunshine law’ liberally in favor of openness [citation]....” (*San Diego Union v. City Council* (1983) 146 Cal.App.3d 947, 955 [196 Cal.Rptr. 45].) **“[T]he Legislature has drawn a reasonable compromise, leaving the majority of personnel matters to be discussed freely and candidly in closed session, but permitting an employee to request an open session to defend against specific complaints or charges brought against him or her by another individual and thus to clear his or her name.”** (*Bell v. Vista Unified School Dist.* (2000) 82 Cal.App.4th 672, 682 [98 Cal.Rptr.2d 263].)”

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<sup>1</sup> *People v. Cruz* (1996) 13 Cal.4th 764, 782.

Thus, the very case you cite clearly states that the purpose of the personnel exception (Government Code Section 54957) is to allow for free and candid discussions of personnel matters by cities except when an employee request an open session to defend against charges brought against him. This specific statement from *Duval* supports a city's right to meet in closed session to discuss the criteria for selecting a city manager. In fact, *Duval* specifically found that discussing criteria for conducting employee evaluations is permitted under the Brown Act. There is no distinction between allowing a local agency to discuss the criteria for evaluating a position as opposed to filling a position, particularly since both are allowed pursuant to the same Government Code Section which is meant to provide for "free and candid discussions" of personnel issues.

Your letter also highlights language from *Duval* that you suggest may mean that it is only lawful to discuss criteria in closed session when such relates to a particular employee. You then hypothesize whether *Duval* implies that since a city manager recruitment is not for a specific person (that is, a named individual), that the discussion of criteria for a city manager position may not be permissible in closed session. However, the plaintiffs' allegations that were used as the facts in *Duval* (see, e.g., *Duval* pp. 9-10) state that the board in *Duval* was meeting to discuss *guidelines for superintendants generally*. More importantly, the *Duval* Court states:

"Further, we conclude "evaluation" may properly include consideration of the criteria for such evaluation, consideration of the process for conducting the evaluation, and other preliminary matters, to the extent those matters constitute an exercise of defendant's discretion in evaluating a particular employee. In some circumstances, a public employer might be bound by a collective bargaining agreement to evaluate certain employees pursuant to fixed criteria or by use of a particular form. In that instance, a determination to employ the required criteria does not reflect a "personnel decision" by the employer."(*Duval* at 909).

The point made in *Duval* is that when a legislative body exercises discretion and is not bound by fixed criteria, then such is a personnel decision which is subjective in nature and thus a permissible closed session discussion pursuant to Government Code Section 54957. As is set forth in detail below, the decision regarding the criteria and process to be used for hiring a city manger is subjective in nature as there is no requirement that a council use particular criteria or a particular process for hiring a city manager. Moreover, a council in searching for a city manager is looking for a particular type of individual that a council subjectively believes will best fit the needs of its city. Hence, a closed session discussion regarding the criteria and process for selecting a particular city manager for a city is squarely within the reasoning of the *Duval* court as to when a council is authorized to conduct a closed session personnel discussion.

A city manager reports directly to a city council and as is stated above, the process of choosing a city manager is a subjective process based upon a council's determination as to what type of individual will best serve the city. It seems not only likely but also advisable that a council would have an in depth discussion about the criteria for selecting a city manager that may involve some or all of the following considerations:

- the attributes and shortcomings of a city’s former city managers for purposes of determining the type of candidates a council is looking for (such would provide attribute reference points for a council);
- the qualities that a candidate would need to address existing personnel matters (including, but not limited to, the performance of particular departments within a city and the type of experience that would be useful in addressing such performance issues);
- significant anticipated or pending litigation matters and the attributes and/or experience necessary for working with staff and legal counsel for purposes of managing the litigation and assisting in bringing such to resolution;
- the interpersonal skills the city manager would need to deal with specific individuals from other agencies that the city interacts with;
- how best to recruit for the position if there are numerous other city manager positions being recruited for in the region as such makes the process more competitive between cities in the region;
- and other potentially sensitive topics.

A council could not have a meaningful “free and candid discussion” during an open session meeting regarding the above-referenced matters to form a consensus of the qualifications needed for its city manager and develop a successful recruitment strategy. A council would not only be weary of and unlikely to discuss such sensitive issues in an open session meeting but would also risk violating former and current employees’ privacy rights, potentially disclosing attorney-client information, disclosing information to individuals or agencies seeking to gain an advantage over the city, potentially unnecessarily harming the city’s relationship with other agencies, etc.

If a council were forced to conduct the recruitment process in public, then the likely outcome would be relatively meaningless. Such a stilted discussion would not benefit the city or its residents as the discussion would likely result in a recitation of generic traits that all employers look for in their employees – an individual that is experienced, honest, hard working, self-motivated, with good people skills. The Brown Act does not require such a meaningless exercise and common sense dictates against such.

Please contact me should you wish to have further communications on this matter.

Sincerely,

Mark D. Hensley,  
City Attorney

Cc: City Council  
Dick Velthoen, Interim City Manager  
Carmen Nichols, Assistant City Manager  
Michelle Ascencion, City Clerk



# OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF VENTURA, STATE OF CALIFORNIA

**GREGORY D. TOTTEN**  
District Attorney

**JANICE L. MAURIZI**  
Chief Assistant District Attorney

**MICHAEL K. FRAWLEY**  
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**MICHAEL D. SCHWARTZ**  
Special Assistant District Attorney  
Justice Services

**R. MILES WEISS**  
Chief Deputy District Attorney  
Special Prosecutions

**KENNETH A. VALENTINI**  
Chief Investigator  
Bureau of Investigation

May 8, 2013

Mark D. Hensley  
JENKINS & HOGIN, LLP  
1230 Rosecrans Avenue, Suite 110  
Manhattan Beach, CA 90266

Re: Brown Act Issue

Dear Mr. Hensley:

Thank you for your letter of May 3, 2013, regarding the Port Hueneme City Council closed session discussion at the special meeting of April 8, 2013, regarding hiring of a city manager. I appreciate your perspective on this matter and your discussion of the law. However, it is still my position that, based upon the intent of the Brown Act, the Attorney General's opinion is correct, and that a discussion of generally applicable personnel criteria and expectations should be in open session. (58 Ops. Cal. Atty. Gen. 180 (1975).)

Your letter suggests in general terms that a discussion of qualifications *may* involve discussions of the attributes, shortcomings and issues regarding particular city officials or employees. I do not know if specific officials or employees were discussed here, although if they were, that portion of the discussion would appear to be appropriate for closed session discussion under Government Code section 54957. But there is no statutory or practical reason why a more general discussion of criteria or expectations, or of the process to be used for selection, could not occur in open session. The Mayor's public disclosure of what criteria were discussed in closed session supports the conclusion that at least some of the discussion was appropriate for public consumption.

In light of our limited information as to the content of the closed session discussions, and in light the Mayor's public disclosures, we are not at this time demanding either a "cure" (Gov. Code, § 54960.1) or a commitment to cease and desist (Gov. Code, § 54960.2). If we receive additional complaints of Brown Act violations, we will evaluate them at that time.

Mr. Mark D. Hensley  
May 8, 2013  
Page 2

Thank you for your courtesy and promptness in responding to my inquiry.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Michael D. Schwartz". The signature is fluid and cursive, with the first name "Michael" being the most prominent.

MICHAEL D. SCHWARTZ  
Special Assistant District Attorney

MDS/ck

cc: Hon. Ellis L. Green, Mayor  
Dick Velthoen, Interim City Manager

# DRAFT

March 22, 2016

Thomas M. Frye, Esq.  
Deputy District Attorney  
5720 Ralston Street, Suite 300  
Ventura, CA 93003-4010

Dear Mr. Frye:

The City of Port Hueneme has received your cease and desist Letter dated February 19, 2016 alleging that the following described past action of the legislative body violates the Ralph M. Brown Act:

"Discussion in closed session under the personnel exception for appointment or employment of a public employee, of expectations, selection procedures, or discussion otherwise general in nature, that does not relate to specific individuals."

In order to avoid unnecessary litigation and without admitting any Violation of the Ralph M. Brown Act, the City Council hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action as described above.

The City Council may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address or addresses you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to subdivision (a) of Section 54960 of the Government Code. That notice will be delivered to you by the same means as this commitment, or may be mailed to an address that you have designated in writing.

Very truly yours,

Douglas A. Breeze,  
Mayor

Cc: City Council  
John Baker, City Manager  
Mark Hensley, City Attorney



# City of Port Hueneme

## COUNCIL AGENDA STAFF REPORT

**TO:** City Council

**FROM:** John Baker, Interim City Manager

**SUBJECT:** FY 2016-17 BUDGET REPORT

**DATE:** March 21, 2016

### **RECOMMENDATION:**

It is recommended the City Council consider the proposed actions for achieving budget reductions in Fiscal Year 2016-17 to result in a structural balance between revenues and expenditures for two fiscal years and direct staff to proceed with the next steps in the budget process.

### **BACKGROUND/ANALYSIS**

The City Council adopted the Fiscal Year (FY) 2015-16 budget on November 9, 2105. That budget essentially required \$1,440,895 to be taken from General Fund (GF) reserves to achieve a balance. Upon assuming the position as our Interim City Manager on December 21<sup>st</sup> and after talking with each Council Member, I set a goal to reduce the take from GF reserves in the current year and develop a budget for FY 2016-17 that would not only be balanced for the coming year but would return the undesignated GF reserve to its previous balance at the end of the FY 2014-15, i.e., \$6 million. Achieving this goal would still leave the City short of its stated policy of maintaining a minimum undesignated reserve of \$8.5 million and the targeted reserve of \$11.2 million. In other words, our budget on June 30, 2017 will be \$2.5 million short of the minimum undesignated reserve and \$5.2 million short of the desired target for reserves. Beginning this process it was actually my hope to provide the City Council with some cushion at the end of the FY 2016-17 budget that could be applied to FY 2017-18 budget. It is anticipated there will be some one-time savings in FY 2017-18, but one-time moneys should not be calculated into the operations budget in any year as a way of achieving a balance, as they will run out and leave the City with potentially large holes to be filled in the future.

## **BUDGET REPORT**

**March 21, 2016**

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Achieving a balanced budget for the current year (ending June 30, 2016) was made difficult as almost one half of the year had already passed when the City Council adopted the budget. Concessions with employee groups were not achieved until February. Restructuring requires analysis of the impacts it will have on services and employees. Program reductions that will impact employees must be carefully considered and communications must be initiated with employee organizations in accordance with labor agreements and laws governing representation.

While there are some known savings that will be available to the City for both the current year and FY 2016-17, there are also some very possible unknowns that could dramatically affect our budget picture. The most significant one could be a negative decision from HUD and its financial audit of our housing program. We are awaiting a determination and will hope to have it before the middle of April. Secondly, it is expected that pension costs will continue to increase. The trend has been an annual increase of approximately four percent (4 %).

### **Current Year Adjustments**

The FY 2015-17 budget “borrowed” \$1,440,895 from GF reserves to achieve a balance of revenues and expenditures. Realistically the reductions in the current year had to come from 1) concessions from employee groups through the meet-and-confer process, 2) maintenance of vacant positions, 3) limited right-sizing, and 4) one-time savings. There was generally not sufficient time to deal with programs unless they did not contain existing employees.

Attachment A summarizes the adjustments that are projected for two budget years. The first column represents the current year and indicates that a combination of employee concessions, unfilled positions, minimal rightsizing, ongoing savings, the elimination of lifeguard services for the final two months of the year, and one-time savings results in a deficit of approximately \$665,018 on June 30 (as contrasted against the deficit of \$1,440,895 at the beginning of the budget cycle). This amount is carried to column two as part of the deficit that needs to be made up in FY 2016-17.

When projecting the deficit for FY 2016-17, the one-time savings from the prior year (column one) must be added to the resulting structural deficit from year one to get the true deficit for year two as the one-time savings are no longer available to offset a deficit. At this point there would be impacts on two part-time employees in Recreation.

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**2016-17 Budget Projections**

In project we will begin the new budget year with a two-year deficit of \$1,734,236. This is the amount needed to erase the structural deficit that will have grown over a two year period beginning July 1, 2015. If we can achieve the adjustments included in this report, we will enter FY 2017-18 with an addition to the undesignated GF reserve balance of \$216,833 – subtracting the one-time adjustments from the balance shown at the bottom of column two on Attachment A. We will still be approximately \$2.5 million behind the Council stated policy of maintaining a minimum reserve of \$8.5 million.

As stated previously, to this point we have impacted only two part-time filled employee positions. Unfortunately, we will not be able to get to a structural balance of revenues and expenditures without some further employee reductions.

The process that was followed in developing a plan of savings included the following: 1) analysis of current vacancies and projected retirements, 2) a survey of employees requesting input on possible ways of saving money [the results of the survey were limited but provided some fruitful ideas that have been incorporated into the proposed reductions], and 3) department head analysis of every GF program/service to determine savings that could be achieved by consolidation of tasks, reduction of service levels in less essential programs, elimination of entire programs, and transition to contracted services.

The result of all these efforts are summarized in column two of Attachment A. More than one-half of the cost savings is made up of employee concessions (for a full year) and holding vacant positions as unfilled (\$1,205,604). It is noted that the vacant position figure includes some positions from the Police Department, including the vacant permanent Police Chief position, which will be filled sometime in the future. The others are part-time service and intern positions that will remain vacant. No sworn police positions are impacted by the GF reductions.

The right sizing in the organization includes the two positions noted in the current year (two in Recreation) and two positions in Public Works that are currently filled. It also includes the addition of a full time planner in place of the on board contract planner.

The next largest reduction comes from outsourcing landscape maintenance and facilities maintenance in Public Works (\$346,501). This is an action that will result in the layoff of twelve full-time employees – eight in landscaping and four in facilities.

## **BUDGET REPORT**

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The program reductions of \$282,722 shown in column two of Attachment A include City Council deferred compensation and insurance (\$56,700), city administration and City Clerk expenses (\$6,367), reduction of CARE and Chamber of Commerce subsidies (\$61,135), recreation program expenses (\$118,520), and charging customers for charges related to customer credit card transactions currently paid by the City (\$60,000).

The final two reductions are elimination of the lifeguard program (\$175,900) and a continuing reduction of street paving (\$70,000). In the case of the lifeguard program, we have been informed by CJPIA that the City has less liability exposure with no program and a posting of signs saying "Warning: No Lifeguards on Duty. Swim at Your Own Risk" (CA Govt. Code 831.2 and 831.21).

I am also projecting that we will have some added costs in the coming fiscal year that will add to our costs – costs that cannot be avoided. Animal Control services from the county are expected to increase \$100,000 over the currently budgeted amount. We should also expect an increase in our liability insurance of approximately \$100,000, and as reported in the budget presentation, it is expected that pension costs will continue to increase.

One-time savings during FY 2016-17 should be \$248,850 and includes delaying or eliminating the electronic document management implementation that includes not replacing network servers for proper electronic storage, reduced equipment purchases and delaying roof work in Public Works.

If all the projections we are currently making come to pass, we would end FY 2016-17 with an increase in the GF balance of \$216,833. It is almost a certainty there will be a requirement to look for further savings during FY 2016-17 to ensure a balance of revenues and expenditures by June 30, 2017.

We do not have the luxury of completely relying on projections 18 or more months in advance. The projections contained in this report are the best we can make, hoping that we do not have any major "landmines" that will disrupt the projections. As we look at FY 2016-17, it is likely that we will see a GF budget that is 49.3% police services. If we are faced with any significant deficit in subsequent years, I do not think it will be possible to leave police services out of consideration for service reductions. The City Council may want to begin to consider now other alternatives as budgets are assembled in years ahead.

## **BUDGET REPORT**

**March 21, 2016**

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### **Process Going Forward**

The City Council must provide staff with direction on how it wishes to proceed with the preparation of the FY 2016-17 budget. Should we proceed with the areas that have been covered in this report? Are there other areas that need to be considered for reductions? Should we use up more of the GF reserves in anticipation of better times in the future?

We have already had initial meetings with SEIU and POA to inform them of the financial status of the City and of the contents of this report. If we move forward with any of the contents of this report that impact employees, more meetings will be held.

We will continue to refine the numbers contained in this report, looking for ways to increase our revenues and ensure that our projections of reductions/adjustments are as accurate as possible. If there are further developments as we do this refinement, we will report back to the Council in order to get further direction.

It is recommended that the Council set June 6, 2016 as the date for final adoption of the FY 2016-17 budget. Updates will be provided between now and then to ensure that all remain on the same page during this very difficult process.

### **FISCAL IMPACT**

There is no specific GF fiscal impact with this report. However, there will be considerable impact with the implementation of the recommendations contained in this report for the remainder of FY 2015-16 and for FY 2016-17.

### **Attachment**

- FY 2015-16, 2016-17 Comparison

## ATTACHMENT A

	2015/2016	2016/2017	2015/2016 FILLED POSITIONS	2016/2017 FILLED POSITIONS
<b>Beg G/F Balance</b>	(1,440,895)	(665,018)		
Structural Deficit		(1,069,218)		
Concessions	46,956	377,468		
Unfilled Positions	334,330	828,136		
Right Sizing	20,317	40,342	2	4
Outsourcing	-	346,501	0	12
Insourcing	-	30,000		
Budget Reductions	-	282,722	0	1
Program Eliminations	29,317	175,900		15
CIP Street Paving	70,000	70,000	0	
Ongoing Adjustments	(129,243)	(200,000)		
<b>Ongoing Savings</b>	371,677	1,951,069		
<b>One Time Adjustments</b>				
Non Labor Related	404,200	248,850		
Net Changes	775,877	1,130,701		
End G/F Balance	(665,018)	465,683		