NEIGHBORHOOD IMPROVEMENT PROGRAM



POLICIES AND PROCEDURES MANUAL

COUNCIL APPROVED EDITION
December 4, 2012

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CITY OF MONTEREY

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I. PURPOSE OF THIS MANUAL

The purpose of this Policies and Procedures Manual is to provide the background, policies, and procedures of Monterey's innovative Neighborhood and Community Improvement Program ("Neighborhood Improvement Program" or "NIP"). Publication of this document will provide the members of the Neighborhood Improvement Program Committee ("NIP Committee"), as well as all citizens interested in the Neighborhood Improvement Program, with a set of guidelines in order to understand the functions and rules under which the Neighborhood Improvement Program is planned and implemented throughout each fiscal year. Like any policy and procedures manual, it is a "living document." This means that the manual can be revised, altered, or amended at any time upon recommendation of the NIP Committee. All alterations/amendments will be by affirmative minute action of the Monterey City Council.

II. BACKGROUND AND INTENT OF THE PROGRAM

A. <u>Program History</u>. For many years, the City of Monterey, like most cities in the State of California, did not have a very large discretionary income. While being one of the most beautiful as well as historical locations in the Western United States, Monterey was a working person's city. This was illustrated by the sardine canneries, which operated from the turn of the century through the 1950's.

While Monterey became a tourist destination in 1879 with the establishment of the Hotel Del Monte, tourism did not cause the city government to thrive. In fact, for many years, tourism was in direct conflict with the flourishing fishing/cannery industry. Operating canneries did not provide an enticing backdrop until they were depicted by John Steinbeck and later turned into the hostelries, shops, and focal points, which they are today. Monterey was a basic service city that catered to local businesses while providing minimal services to residents.

With the construction of the Monterey marina in the early 1960's, Monterey became a tourist destination in its own right. However, the California Coastal Act of 1972 limited the supply of coastal facilities for tourists throughout the 1970's, creating a pent-up demand for construction in the city.

From 1981 through 1985, various elements of Monterey's local coastal land-use plans were adopted, breaking the logjam of tourist-oriented development. As a result, Monterey's tourist industry experienced explosive growth during that period.

Residents of Monterey experienced a tremendous influx of tourist dollars as well as tourists because of the following factors: (1) the State of California allows local governments to charge a transient occupancy tax on the gross receipts of hotel and motel rooms; (2) the number of such rooms in Monterey doubled from 2500 in 1981 to almost 5000 in 1985; and (3) the occupancy rates for these rooms has historically been quite high.

This situation led to a counter-reaction. Monterey residents felt that leaving this fragile environment to the action of the free market could destroy the very reason for the market's growth in the first place. Many citizens felt that the City of Monterey had to preserve what was so appealing about it.

By 1984, this situation reached a climax. The opening of the Monterey Bay Aquarium in October of that year created monumental traffic and parking problems, which no one predicted. Leading a City Council dedicated to preserving the uniqueness of Monterey, then-Mayor Clyde Roberson recommended creating a system that would funnel funds from revenues created by tourism directly into residential neighborhoods while searching for ways to deal with tourism impacts. Mayor Roberson hoped that these funds could meet significant and long-standing needs that existed due to the lack of money in the city treasury. This would deal with one side of the problem while the physical impacts of the growth in tourism were being reevaluated.

Eventually the transient-occupancy tax was raised from 8% to 10%, creating an additional \$2 million per year. This occurred after an advisory vote was taken in the election of May 1985. This advisory ballot measure was approved by a two-thirds majority of the voters. (Note: the exact ballot language follows Section B. Charter Amendment, on page 7. Ballot arguments for and against appear in Appendix 1 attached hereto.)

The interest in, and approval of, this concept, as evidenced by this vote, was the underpinning of our Neighborhood Improvement Program funding.

To carry out the Neighborhood Improvement program, the City Council authorized the formation of an NIP Committee. This NIP Committee was comprised of the various residential neighborhood association presidents or their representatives and was assisted by a city staff member. The NIP Committee first met in early 1986. At that time, more than \$2 million had been set aside for the program. The NIP Committee worked out some rough policies and procedures and commenced constructing a sophisticated tool for improving the quality of life in residential neighborhoods. That tool is Monterey's Neighborhood Improvement Program.

The program has grown and become more formal and complicated over the years. This manual is reflective of this maturity.

B. <u>Charter Amendment</u>. In the general election of November 8, 1988, Measure B was approved by voters of the City of Monterey. This measure was an amendment to the Monterey City Charter and incorporates the Neighborhood Improvement Program into it.

The title of the measure was "Monterey City Charter Amendment Neighborhood and Community Projects Program Measure B." The body of the measure was as follows: "Shall Section 6.16 entitled, Neighborhood Improvement and Community Projects Program, be added to the Monterey City Charter to provide that at least 16% of the annual Transient Occupancy Tax revenue be budgeted for capital projects to improve the residential neighborhoods or projects of community-wide benefit, provided that the City Council may, by a four-fifths vote, reduce said budget below 16%? The Council shall select the specific projects from recommendations of a Neighborhood Improvement Program Committee composed of at least one representative from each residential neighborhood. The Committee shall be appointed by the City Council."



E

OFFICIAL BALLOT CONSOLIDATED GENERAL ELECTION

MONTEREY COUNTY

NOVEMBER 8, 1988

This ballot stub shall be torn off by precinct board member and handed to the voter.

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\bowtie	MEASURES SUBMITTED TO VOTE OF VOT	ERS
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MONTEREY CITY CHARTER AMENDMENT NEIGHBORHOOD AND COMMUNITY PROJECT PROGRAM MEASURE B		- 1
	to improve the residential prighborhoods or	ES +

This amendment was adopted by a wide majority of voters. The resultant codification of the measure, and what currently charters the Neighborhood Improvement Program Committee and the Neighborhood Improvement Program in the Monterey City Charter is as follows:

Section 6.6 Neighborhood and Community Improvement Program.

a) Purpose: The purpose of the Neighborhood and Community Improvement Program is to insure that a minimum portion of the City's annual budget is expended to improve the residential neighborhoods of the City and to provide for capital projects of community-wide benefit.

- b) Capital Projects Defined: Capital projects include, but are not limited to, streets, storm drains, sewers, sidewalks, lighting, traffic control devices, landscaping and beautification, parks, recreational facilities and other public buildings. Capital projects do not include ordinary services.
- c) Annual Budget: As part of the annual budget, the City Council shall appropriate at least 16% of the Transient Occupancy Tax estimated to be collected during the fiscal year to be expended on neighborhood and community improvements. If the City Council determines that there are insufficient funds available to provide for the ordinary and necessary services in any budget year, they may, by an affirmative vote of four (4) members of the City Council, reduce the amount to be appropriated for neighborhood and community improvements.
- d) Neighborhood Improvement Program Committee: The City Council shall appoint at least one resident from each residential neighborhood to the Neighborhood Improvement Program Committee. The Committee shall recommend a list of capital improvements desired to be accomplished in each neighborhood. Recommendations may include multi-year projects and funding.
- e) Council Action: From the recommendations of the Neighborhood Improvement Program Committee, the City Council shall include a Neighborhood Improvement Program in the annual budget. The determination of the projects, priorities, and expenditures shall be within the sound discretion of the City Council.

The Charter Amendment indicates that community-wide and neighborhood projects can be nominated and recommended to the City Council for approval in each fiscal year's program.

- C. What is a Neighborhood/Community-wide Improvement Project? As indicated in the Charter excerpt above, a neighborhood/community-wide improvement project must be a capital project, which has a public benefit. Section 6.16.b contains a description of the types of projects envisioned in the program. The program provides for capital projects only and not for the burden of the maintenance and operations costs those projects impose. For example, under the Charter, funds could not be used for police services to a particular neighborhood nor could they be used for park maintenance or beach cleaning. The City Council has, however, accepted the reforestation/landscaping/tree planting/fuel reduction in city greenbelts and open spaces as capital projects. This was confirmed by minute motion at a City Council meeting.
- D. <u>Neighborhood Improvement Program Committee Formation</u>. The Charter specifies the composition and functions of the NIP Committee. The NIP Committee itself will be formed under the following rule:
 - a. In September of each year, the neighborhood associations will submit the names of their representatives and designated alternates, if applicable, to the Neighborhood Improvement Program Committee designated staff coordinator ("NIP Coordinator").
 - b. The NIP Coordinator will forward these recommendations to the City Council for their recognition and approval.
 - c. If the City Council wishes to reject any of the names on the list, Council shall request other names from the applicable neighborhood (See IV.B.).

- d. The City Council shall approve any change of NIP Committee members during the calendar year.
- e. After approval, representatives and alternates must file all applicable forms with the City Clerk prior to their first meeting.
- f. The list of all NIP Committee representatives and alternates, their phone numbers, and email addresses will be distributed to the Committee.

III. PROGRAM FUNDING

A. <u>Transient Occupancy Tax (TOT)</u>. The Charter indicates that a "minimum" of 16% of the annually estimated TOT will be allocated to the "Neighborhood and Community Improvement Program."

These funds are transferred to a Neighborhood Improvement Fund, which is a separate fund of the city and administered by the Finance Director. While not so stated in the Charter, accrued interest on the balance of these funds, as indicated by the average percent return on investments accrued through the city's overall investment portfolio, may be credited to the Neighborhood Improvement Fund as well.

- B. <u>Overhead Costs</u>. Estimated General and Departmental Overhead costs to conduct the NIP program are charged to the Neighborhood Improvement Fund each year, net of the prior year reconciliation. Staff shall disclose those costs to the NIP Committee annually prior to voting night.
- C. Neighborhood Base Allocation. The Neighborhood Improvement Fund has an element called Neighborhood Base Allocation ("Base Allocation"). This is a separate revenue account for each neighborhood, represented or not. Base Allocation consists of an amount equal to \$7.50 per capita per year. Base Allocations accrue interest in the same manner as indicated above. The formula for the Base Allocation can be changed from year to year by the City Council upon a recommendation of the NIP Committee. Neighborhoods may use their Base Allocation to provide funding for any project. The NIP Committee shall vote on each project separately that is proposed for full funding from Base Allocation. At the discretion of the NIP Committee, Base Allocation funds for unrepresented neighborhoods can be applied to projects beneficial to those unrepresented neighborhoods.
- D. <u>Base Allocation Carryover</u>. Base Allocation for any neighborhood that has an active neighborhood association may be carried over for no more than two years unless approved by the NIP Committee. Base Allocations may not accumulate for unrepresented neighborhoods.
- E. <u>Per Capita Formula</u>. The population of each neighborhood is calculated by the Plans and Public Works Department, using United States Census figures. Significant additions/deletions to a neighborhood's population between census counts, such as new subdivision/apartments, may justify adjustments to a neighborhood's population total. Any neighborhood association may request the NIP Committee consider and concur that population figures be revised between census periods.
- F. <u>Contingency Fund</u>. Unanticipated costs within the original scope of the project (i.e. costs that were unknown when project cost was estimated) are covered by the "Contingency Fund." The NIP Committee considers the creation and maintenance of a Contingency

Fund annually. The goal is 10% of the budget, but the NIP Committee has the right to adjust this amount as applicable each year. City staff is allowed to use the Contingency Fund for individual project construction cost estimate overruns of a maximum of 10% and land acquisition cost estimate overruns of a maximum of 5%.

If an individual project cost exceeds these contingency authorizations, staff must get authority from the NIP Committee and the City Council to commence work. The NIP Committee can set a dollar cap on individual land acquisitions exclusive of the 5% contingency. If it does so, the motion approving the land acquisition will indicate the same.

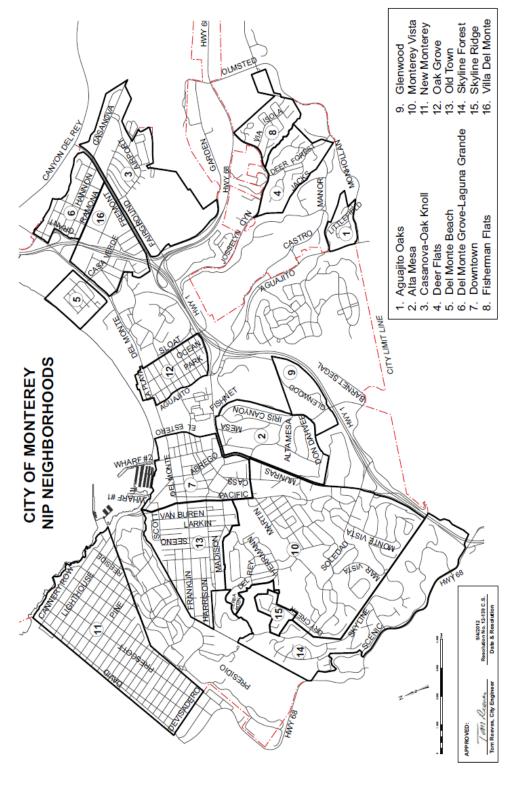
G. <u>Projects Charged to the Fund</u>. All projects charged to the Neighborhood Improvement Fund or any sub-element of it, such as Base Allocation, <u>must</u> have the prior approval of the NIP Committee. Proposed changes to project cost estimates previously approved by NIP Committee or Contingency Fund are subject to this requirement.

IV. NEIGHBORHOOD IMPROVEMENT PROGRAM COMMITTEE

A. What is a Neighborhood? Webster defines a neighborhood as "the people living near one another" or "a section lived in by neighbors and usually having distinguishing characteristics." For NIP purposes, an area must be eligible for NIP-funded projects within its boundaries to qualify as a neighborhood. Currently, Monterey has sixteen (16) distinctive neighborhoods. These neighborhoods are:

	<u>NEIGHBORHOOD</u>	POPULATION - 2010
1.	Aguajito Oaks	97
2.	Alta Mesa	290
3.	Casanova-Oak Knoll	1,713
4.	Deer Flats	451
5.	Del Monte Beach	525
6.	Del Monte Grove-Laguna Grande	1,243
7.	Downtown	287
8.	Fisherman Flats	447
9.	Glenwood	993
10.	Monterey Vista	3,806
11.	New Monterey	5,091
12.	Oak Grove	1,642
13.	Old Town	3,105
14.	Skyline Forest	1,098
15.	Skyline Ridge	151
16.	Villa Del Monte	2,212

A map showing the above neighborhoods follows:



NOTE: With the exception of Downtown & Glenwood, these neighborhoods all have some form of neighborhood or homeowner's association.

If a neighborhood association votes to change its boundaries, the neighborhood's NIP Representative should request the NIP Committee alter the map to reflect the change. Any change to the map changes total neighborhood population and Base Allocation.

B. <u>Association Registration</u>. Each calendar year all neighborhoods are required to have on file with the City of Monterey a current copy of neighborhood association bylaws and a list of the officers selected for that year. If the association has changed its bylaws, a copy should be included with the association's letter.

By the third Friday of September, each neighborhood association must submit to the NIP Coordinator a letter signed by an officer of the association board with the names of proposed representatives and alternates and the date of the General Meeting or Board Meeting when the nominations were formally acted upon by the Association.

Nominees may be interviewed by a subcommittee of the City Council prior to formal City Council approval of the NIP Representatives and Alternates at the first meeting in December (See II.D.c.).

- C. <u>Committee Member Requirements</u>. All NIP Representatives and Alternates must have Conflict of Interest Forms 700 on file with the city prior to participation on the NIP Committee. Members of the NIP Committee are subject to the California Fair Political Practices (FPPC) ruling attached hereto as Appendix 2. Completed Forms 700 are submitted to the NIP Coordinator.
- D. Role of the NIP Committee. The role of the NIP Committee is to vet and "recommend a list of capital improvements desired to be accomplished in each neighborhood" (MCC 6.16d) to the City Council. The role of the NIP Committee is advisory in nature. The City Council is responsible for all final decisions.

Each member of the NIP Committee represents the interests of all residents and property owners within their neighborhood. They do not represent their neighborhood association.

E. Role of the NIP Coordinator, Spokesperson and Alternates. The NIP Committee has no Chairperson. Meetings are conducted by the designated City of Monterey NIP Coordinator, who is appointed by the Monterey City Manager. The NIP Coordinator acts as a neutral facilitator and not a project advocate.

The NIP Spokesperson and Alternate Spokesperson(s) are selected by the NIP Committee by vote at the January Kick-off Meeting for a one-year term. The role of spokesperson/alternate is to attend city Commission and City Council meetings, the Mayor's Meeting, and any related city gatherings to clarify NIP Committee actions and to raise policy issues as directed by majority vote of the NIP Committee.

F. <u>Rules of Proceeding/Changes</u>. Roberts Rules of Order is used at all NIP Committee meetings.

The NIP Coordinator ensures that minutes are taken at all meetings and that a written record is maintained in city archives. Additionally, each meeting is taped and the tapes stored for future reference (at least two years).

<u>Policy Manual Subcommittee</u>. Two or more members are selected by the NIP Committee by vote at the January Kick-off Meeting for a one-year term. The Policy Manual Subcommittee is responsible for drafting revisions and additions to the NIP Policies and Procedures Manual as directed by the NIP Committee.

Possible changes to this manual are discussed by the NIP Committee after the NIP budget has been adopted. Recommendations to add or change any rule or procedure contained in this manual may be noted at NIP meetings or submitted in writing.

All revisions and additions are discussed and voted on by the NIP Committee as a recommendation to City Council for adoption. NIP Committee-approved revisions and additions are taken to the City Council NIP Subcommittee for review and approval prior to being taken to full City Council.

G. Special Meetings/Agenda Items. Any Representative of the NIP Committee can call a special meeting by sending a written request to the NIP Coordinator. The NIP Coordinator does everything reasonably possible to ensure an appropriate date is scheduled to occur within fourteen (14) days of receiving the request and then inform the membership, in writing, of the time, date, place, and subject of the meeting. Any NIP Committee member can place an item on the agenda by communicating with the NIP Coordinator at least ten (10) days prior to any meeting. Special meetings may be called to discuss any topic relevant to the NIP process with the exception of the project selection process as outlined in section K. Topics may include change of scope, deappropriation, or opportunity buying.

V. THE NEIGHBORHOOD IMPROVEMENT PROCESS

- A. <u>Orientation Meeting</u>. An Orientation Meeting shall be conducted within the first forty-five (45) days of each calendar year. New representatives are advised of the existence of Area Plans, Traffic Calming Studies, and other relevant city documents and told that they may request copies. At that meeting, the NIP Committee adopts a proposed schedule for the annual program, conducts a mid-year review of previously approved projects and current 'cut-off' projects, and staff reports on the execution of the previous years' programs.
- B. <u>Project Nomination</u>. Nominations for projects may be made by individuals, organizations or City staff. Nominations may be submitted to neighborhood associations or directly to the NIP Coordinator. The proposer's name, address, and/or telephone number must appear on the nomination form for the project to be considered. The Project Nomination form includes a separate space for neighborhood comments. The NIP Representative for the neighborhood uses this space to note if the project is to be funded in phases. It is preferred that the name of an individual contact person be given on the Proposal Form, rather than an organization.

<u>Forms</u>: Project Nomination forms are prepared by staff and distributed at the Orientation Meeting and posted online. Additionally, nomination forms are made available to the general public by mail; projects may be nominated throughout the year. Staff may prepare preliminary cost estimates on valid NIP projects throughout the year.

Submittal Deadline: The period for making project nominations closes in mid-February.

Any project submitted after that time is considered for the following year. The deadline for nomination of projects is published in local newspapers.

<u>Neighborhood Support</u>: NIP representatives are required to determine to what extent projects have support within their neighborhood.

- Representatives record the extent of support and the geographic area surveyed, if applicable, on the nomination forms.
- Support documentation (e.g. phone logs, petitions, or letters of support from adjacent or affected owners and residents), if any, shall be provided to the NIP Committee by the "Review of the Projects" meeting (April).
- For staff-nominated projects in unrepresented neighborhoods, staff shall confirm neighborhood support.
- For non-traffic related projects in the public right-of-way, NIP representatives
 determine the extent of support from property-owners and residents whose
 properties are adjacent to the proposed physical changes.
- For traffic-related projects, all properties that front onto the project and at least_one
 property beyond on each side are the 'affected properties." Traffic-related projects
 are highly sensitive, so Representatives must provide proof of support from affected
 properties.
- If improvements involve sidewalks, curb and gutter, or retaining walls, the NIP representative shall give adjacent property owners a copy of City Code Section 32-23 that addresses maintenance and repair of improvements in the public right of way (See Appendix 3).

Neighborhood Association recommendations are encouraged for projects of broader neighborhood impact (e.g. parks).

<u>Traffic-Related</u>: Neighborhoods are urged to contact the City Traffic Engineering Division about proposed roadway configuration or direction changes at the earliest possible date. Traffic Committee and/or Planning Commission may need to review proposals. City Council shall approve proposed changes to circulation or parking prior to their being eligible for NIP consideration. The review process may take several months.

A "Traffic Calming Study," conducted in accordance with the policies and procedures of the City of Monterey and the Traffic Division, shall be completed and the resulting "Neighborhood Traffic Calming Plan" shall be approved by City Council prior to any neighborhood traffic calming project being recommended for funding by the NIP Committee.

A Traffic Calming Study looks at traffic circulation within an identified area (an entire neighborhood or part thereof), allowing all owners and residents to work with a traffic consultant to develop a Neighborhood Traffic Calming Plan for that area. The goals of the Traffic Calming Study and resulting Neighborhood Traffic Calming Plan are to provide drivers visual clues as they enter a neighborhood, increase safety, reduce speed, and improve the quality of life within that area.

NIP may fund a Traffic Calming Study and resulting Neighborhood Traffic Calming Plan. Only neighborhood traffic calming-related projects included in a Neighborhood Traffic Calming Plan, defined herein, can be funded by NIP.

Once funding has been approved and a conceptual design has been agreed upon by owners directly adjacent to the project, owners will be asked to sign the design. If a conceptual design cannot be developed to the satisfaction of adjacent owners, the project is referred back to the neighborhood representative for possible revision or relocation.

<u>Assessment Districts</u>: Projects that require the formation of an assessment district, such as undergrounding utilities, are required to have a petition signed by a majority of the affected property owners, showing that they are willing to financially support the project. The petition format may be obtained from the NIP Coordinator.

<u>Out of Jurisdiction Projects</u>: When projects are proposed for property not within the jurisdiction of the City of Monterey or outside the city limits of Monterey, the person or entity submitting the project shall provide documentation as required below:

- a. If the property is owned by county, state, or federal governments, the submitter shall provide documentation of conceptual approval of the controlling jurisdiction as well as information stating that shared funding has been considered.
- b. If the property is under the jurisdiction of an independent agency, such as the Monterey Peninsula Unified School District or Airport District, submitter shall provide documentation that the proposed project has received conceptual approval of the board of directors of said agency or person in authority and joint funding has been considered.

Prior to start of construction on projects described in the paragraph above, there must be executed a comprehensive Joint Use Agreement, Funding Agreement and/or Lease to protect the city's investment and ensure use of the completed project by Monterey City residents.

<u>Projects on Private Property</u>: Any project on privately owned property requires a dedicated public easement before funds can be expended.

<u>NIP/Council Communication</u>: Communication between the City Council and NIP Committee is by joint session, by Council NIP Subcommittee, or by staff.

In January, as the City Council sets objectives for the coming year's budget, the City Council may identify priority projects that the City Council wants funded in the upcoming fiscal year. Those priorities shall be submitted to the NIP Committee not later than the next NIP meeting following the second (2nd) City Council meeting in January and prior to the NIP project submittal date in mid-February.

In March, the preliminary list of proposed projects is taken to the City Council for review and comment along with any proposed roadway configuration or direction changes not previously approved.

Responsibilities of the NIP Coordinator include but are not limited to:

1. ensure that NIP Representatives and Alternates have completed all state-required paperwork (Form 700) and that neighborhood associations have provided current bylaws, names of current officers, and neighborhood association Letters of

Nomination to the city

- 2. see that project nominations are screened for duplication and consistency
- ensure that each NIP Representative receives a complete set of nominations for his/her neighborhood as soon as possible. This allows the neighborhood association the opportunity to gather public comment for prioritizing all projects proposed for their neighborhood.
- 4. facilitate and coordinate NIP Committee meetings
- 5. coordinate with Parks and Recreation Commission and Planning Commission their review and comment on the NIP program
 - a. Parks and Recreation Commission advises NIP Committee concerning conformity with the Parks Master Plan
 - b. Parks and Recreation Commission and Planning Commission advise City Council concerning conformity of the NIP Program with Parks Master Plan and with General Plan, Area Plans, and other policy documents
- 6. coordinate development and execution of the NIP
- C. <u>Preliminary Project Screening Meeting</u>. Soon after the close of the nomination period, staff sends copies of neighborhood project submittals to NIP Committee members for refinement. The NIP Committee then meets to weed out duplicates, projects already funded, proposals that are not capital projects, etc. Early revisions to project scope are noted. Proposals ordinarily funded by other city programs may be referred to those departments.

Responsibilities of Representatives:

- transfer and clarify projects from City Focus newsletter cards onto Project Nomination forms
- 2. clarify incomplete Project Nomination forms

Cost estimates are based on the scope (the stated purpose or goal) of the project described on the Project Nomination forms.

NOTE: Completed forms with fully described projects are due to the NIP Coordinator by the Preliminary Project Screening Meeting the last week of February.

D. <u>Cost/Information Formulation by Staff</u>. Staff computes preliminary cost estimates and reviews the physical feasibility of projects. Cost estimates are included in the complete set of nominations distributed to each neighborhood Representative. Preliminary cost estimates are extremely important because they influence the voting for final prioritization.

Project scope is refined by staff and NIP Representatives during the cost estimating process, seeking to address the project intent. Staff or Representative contacts the

nominator(s) of projects if there are questions or if the scope of the project is significantly revised from the originally stated intent. During the cost estimate process, staff gathers as much information on each project as possible, including design, construction, and administrative overhead consistent with project requirements. A video showing each project is prepared by staff.

Proposed projects may only be withdrawn by the original submitter.

- E. <u>NIP Committee Meeting to Review Project Nominations</u>. The NIP Committee meets at least once for the purpose of reviewing project nominations. At this meeting, the staff videotape is shown. If there are more than 120 projects nominated, the review will be done in two evenings. Each neighborhood representative may briefly discuss their neighborhood's projects, stating neighborhood priority, describing the extent of support for each project and base allocation information if known. Preliminary cost estimates are usually complete in time for the Review meeting(s).
- F. <u>Van Tour and Committee Discussion Meeting</u>. The NIP Committee may decide by consensus to have a van tour of selected projects. It is strongly encouraged that a Representative or Alternate from each neighborhood participate. An evening session for NIP Committee discussion and clarification of project scope follows.
- G. <u>Public Discussion Meeting</u>. The primary purpose of this meeting is for members of the public to address the NIP Committee concerning projects proposed for funding. The NIP Committee may choose to divide projects into two public discussion meetings if there are a large number of projects proposed for that year. It is advisable that Neighborhood Representatives tell the NIP Committee of their Neighborhood's voting priorities at this meeting.
- H. NIP Committee Meeting to Rank Projects and Prepare Recommendations for the City Council. This is the most important meeting of the NIP budget cycle. Individual neighborhood representatives can vote only if that representative or alternate (the one voting) attended the April Project Review meetings or reviewed the video and taperecorded proceedings of missed meetings.

<u>Criteria</u>. The NIP Committee has approved the following check list as a guide for project ranking (This is not to be construed as priority order.)

- Project is consistent with city or neighborhood plans.
- Project has confirmed neighborhood support.
- Project is feasible and can be completed in a reasonable time.
- Project provides a health and safety benefit for residents.
- Project reduces potential property damage.
- Project promotes improvement in traffic/safety flow.
- Project addresses a documented neighborhood deficiency.
- Project completes or ties together an existing improvement.
- Project promotes neighborhood self-help efforts.
- Neighborhood improvement and beautification.
- High benefit compared to cost.
- Water and energy conservation project.
- Project reduces operation and maintenance costs of capital assets.

- Neighborhood is willing to spend its base allocation on the project.
- Availability for public use.

<u>Voting</u>. The following procedures will be followed:

- a. All submitted projects will be considered in the voting process regardless of whether the Representative from a given neighborhood is present.
- b. Each neighborhood representative indicates on the Project Nomination form, as well as in person, whether any part of a neighborhood's base allocation can be used toward the project.
- c. There are no proxy votes.
- d. Each registered neighborhood has one vote.
- e. Any change in the voting method shall be decided by a majority of the NIP Committee prior to the beginning of the next programming cycle.
- f. Members of the public remain seated during the voting process. The public is encouraged to comment upon any projects <u>prior</u> to voting.
- g. Only staff counts the votes. Two staff members check the tally.
- h. A record of the vote on each project is kept. It includes recording the vote count and neighborhoods voting to ensure a neighborhood has not inadvertently put two or more votes on one project.
- i. After the votes are all recorded, the neighborhood representatives retrieve their voting cards for the next round of votes. Voting continues until available funds are voted.
- j. The NIP Committee has the discretion to recommend additional unfunded "Cut-off" projects to City Council. As funding becomes available during the fiscal year, staff shall come back to the NIP Committee for approval before proceeding with "Cut-off" projects. City Council approval is also required. Any "Cut-off" projects not funded by the January kick-off meeting will be resubmitted by staff for consideration by the NIP Committee the following year.
- k. The NIP Program that is recommended for Council approval is comprised of the following:
 - a list of recommended projects that includes cost estimates for each project,
 - estimated cost of ongoing Operations and Maintenance where applicable, and
 - Contingency Fund.

Council may choose not to fund one or more projects. If City Council wishes to approve a greater or lesser scope of project than the NIP Committee's recommended dollar amount, City Council shall refer that change back to the NIP Committee for possible revisions to the recommended NIP Program prior to

approving that project.

NIP representatives are responsible for amending any of their neighborhood's Project Nomination forms to reflect revisions to scope of project. The NIP forms become part of the Project Description Binder maintained by staff.

Staff circulates the Project Summary descriptions to NIP Representatives for comments and corrections prior to taking the NIP Project List to City Council.

I. Recommendations from the NIP Committee Prioritization Meeting. The NIP Committee recommendations are presented by the NIP Coordinator to the City Council at the next appropriate Council meeting for comment/discussion. As part of the budget review process and in accordance with California State Law and the City Charter, the prioritized list of recommended NIP projects is sent by the NIP Coordinator to the Planning Commission and Parks and Recreation Commission for conformity with the City's adopted General Plan, Area Plans, Parks Master Plan and other policy documents before being forwarded to the City Council. The NIP Coordinator incorporates the recommendations into the city proposed budget or budget amendment.

Throughout the budget review process, the NIP Spokesperson presents relevant information on the project list as a whole and on individual projects, which require clarification. Details about a neighborhood project may also be provided by the neighborhood's NIP Representative.

The NIP fiscal year begins no sooner than July 1 and only after the City Council acts on the final budget. In order for the public to know what projects have been approved each year, the City Focus and the city Website shall make available the complete list of approved projects. Coverage in a local newspaper is encouraged for review by the community.

- J. <u>Project Implementation/Construction</u>. All citizens should understand that the implementation of the projects approved by the City Council under the Neighborhood Improvement Program will occur in conjunction with the balance of the city's Capital Improvement Program (CIP). This will provide for economies of scale and is also the most efficient way to implement the NIP.
 - Projects approved in one fiscal year should be completed by the conclusion of that year. This is not always possible and, in fact, the City Charter Amendment allows for multi-year phasing of projects.
 - The city staff uses every opportunity to keep the NIP Committee as well as the citizens informed of construction progress.
 - The End-of-Year Close-Out List of completed projects is prepared and distributed to the NIP Committee prior to closing accounts.

<u>Change of Scope</u>: The NIP Committee shall meet and discuss requests to change the original intent of the scope, to significantly alter the project beyond its initial description, or to significantly increase the cost of an approved/funded project. Prior to that meeting, staff notifies the neighborhood representative who notifies affected neighborhood residents and original submitter, if possible.

a. If the project is not feasible as originally approved, the NIP Committee reviews the

- details and documentation with staff.
- b. If neighborhood residents want the project scope changed, the neighborhood Representative discusses to what extent there is neighborhood consensus to revise the scope. No action is taken unless the neighborhood Representative or Alternate is present for the meeting.
- c. If a citywide project is brought to the NIP Committee for change of scope, staff discusses relevant details.
- d. If a petition signed by affected residents and property owners has been submitted, the petition is provided to the NIP Committee. Any significant change of scope is taken back to original supporters.
- e. If the proposed change of scope is significant enough, the NIP Committee may choose to deappropriate the project.
- f. The NIP Committee's vote may need to be forwarded as a recommendation to the City Council.

The NIP Committee may choose to put a deadline on a specific project, triggering followup NIP Committee review and action. City staff may also bring back for review any project that has encountered unanticipated problems or extenuating circumstances that threaten to delay the project for an extended period of time.

Plaques or other modest signage that identifies Neighborhood Improvement Program funding for projects is desired where feasible.

K. <u>Sample Schedule of Time Lines with City Budget Process</u>. The following schedule is a proposed time line for the Neighborhood Improvement Program. Please note that these are targeted time lines and general in nature. (These dates were from 2009-2010.)

NIP GENERAL ANNUAL SCHEDULE TENTATIVE

The following general schedule is tentative. Each year the NIP Committee sets a specific schedule.

<u>SEP 18</u>	NIP Representatives/Alternates Nominations. Names of neighborhood representatives and alternates are submitted to NIP Coordinator.
<u>OCT</u>	Council NIP Subcommittee may interview nominees for representative and alternates.
<u>DEC 1</u>	Council Approval of Representatives and Alternates. Council NIP Subcommittee recommends names of neighborhood representatives and alternates to City Council for approval.
<u>JAN 14</u>	<u>Submittal of Form 700 to City Clerk's Office</u> . In order to participate, representatives and alternates must have turned in required forms to City Clerk's office.
<u>JAN 19</u>	Council Discusses Budget Priorities. Whether by joint session with NIP,

projects they are focusing on in the upcoming budget cycle.

by Council NIP Subcommittee, or by staff, Council informs NIP of priority

- JAN 21 Orientation Meeting. The NIP Committee holds an orientation each year for representatives and alternates. The schedule of NIP Meetings is adopted at this meeting. Spokesperson and Alternate(s) and Policy Manual subcommittee are selected. Status of projects is reviewed. This is the last chance "Cut-off" project(s) may be recommended for funding.
- <u>FEB 15</u> <u>Project Nomination Deadline</u>. Project nominations must be submitted to the City directly or through neighborhood associations by this date.
- <u>Preliminary Project Screening Meeting.</u> Projects are reviewed and discussed between NIP Coordinator and NIP Committee to "weed out" projects that are not capital improvement projects or are duplicates, violate area or use plans, or are withdrawn by the project submitter.
- MAR 16 Council Project Review. City Council receives the preliminary list of projects. City Council may also consider any proposed roadway configuration or direction changes not previously approved. Council comments are taken back to the NIP Committee.
- MAR 18 Parks and Recreation Review. Parks and Recreation Commission reviews the preliminary list of projects and advises NIP Committee of any inconsistencies with the Parks Master Plan.
- MAR 31 Project Review Deadline. Projects nominated for funding have been reviewed by staff, neighborhood associations, Traffic Committee, Planning Commission, and City Council (as appropriate) and the Parks and Recreation Commission (parks-related items only). Rough cost estimates have been formulated.
- APR 1 NIP Committee Project Review. The NIP Committee meets to review all projects. A staff-produced video and NIP representative presentations are included in the review. More than one meeting may be needed. Projects may be eliminated or reduced in scope at this time.
- APR 15 Van Tour. A van tour is held to visit specific projects.
- APR 15

 Public Discussion. A meeting following the van tour is held to discuss the projects. The NIP Committee hears comments from the public in an informal discussion format. Answers to questions from the Project Review meeting(s) are addressed by staff or NIP representatives, as appropriate. More than one meeting may be needed.
- <u>APR 29</u> <u>Project Selection Process</u>. The NIP will rank order all projects and compose their final recommendation to the City Council.
- MAY 7

 Revised/Amended NIP Project Nomination Forms are submitted by Representatives to the NIP Coordinator, reflecting the final project scope voted upon by the NIP Committee.

 Staff sends project descriptions to NIP Representatives for review and comment.

- MAY 18 City Council sees the proposed NIP Program for comment and discussion.
- MAY 20 Parks and Recreation Commission reviews the parks and park-related NIP proposed projects list for conformity with the Parks Master Plan, advising City Council.
- MAY 25 Planning Commission reviews the NIP program for conformity with General Plan, Area Plans, and other guiding policy documents.
- JUNE 15 Council Budget Action. The NIP recommendation is presented to the City Council along with recommendations from the Planning Commission and Parks and Recreation Commission for adoption as part of the budget process.
- L. <u>Deappropriation of Approved Projects</u>. In the event that an approved project is not feasible or is no longer wanted, the following procedure shall be followed:
 - The NIP Committee will meet and discuss the project. Prior to that meeting, staff will notify the neighborhood representative who will notify affected neighborhood residents and the original submitter, if possible. If a citywide project, staff will notify the original submitter.
 - a. If the project is not feasible, the NIP Committee will review the details and documentation with staff.
 - b. If a neighborhood project is no longer wanted, the neighborhood representative will discuss to what extent there is neighborhood consensus to deappropriate the funds. No deappropriation action will be taken if the neighborhood representative or alternate is absent from the meeting.
 - c. If a citywide project is not feasible or no longer wanted, staff will discuss the pertinent facts.
 - d. If a petition signed by "affected residents and property owners" has been submitted, the petition will be provided to the NIP Committee.
 - 2. A vote of the NIP Committee is required to deappropriate funds. The End-of-Year Close-Out List of completed projects is not to include any deappropriated projects.
 - 3. The NIP Committee's vote is to be forwarded as a recommendation to the City Council.
 - 4. Funds deappropriated are transferred to the NIP Ending Balance and Base Allocation, if appropriate.
 - 5. To reinstate a deappropriated project, a Project Nomination form shall be resubmitted for consideration through the standard project nomination process.

VI. PROPERTY ACQUISITION PROCEDURES

A. <u>General</u>. The acquisition of property for public use is complicated and time consuming. Timeliness, budget, the far-ranging effect on surrounding property owners, and intracommission/committee coordination and communication are all-important elements.

- B. <u>Methods</u>. There are two basic methods for property purchases under the Neighborhood Improvement Program. These are:
 - Regular Cycle. Properties can be purchased under the regular rules of the NIP Committee as indicated above and in the same manner as for any other project. Additional steps are required, such as appraisal, preliminary title search, and usually input from the Parks and Recreation Commission. Nevertheless a property could be nominated for purchase during the regular cycle of events.
 - 2. Opportunity Purchase. Due to the fast-moving real estate market in the City of Monterey, an NIP opportunity purchase is more likely than a regular cycle property purchase. In the past, the NIP Committee has set aside a large sum to be used for opportunity purchases throughout the year. If funds have been budgeted for opportunity purchases, this type of purchase should follow the procedure below.
 - a. An NIP Committee member submits a written nomination for a property purchase to the NIP Coordinator. The written nomination will indicate whatever the neighborhood representative knows about the property's zoning, related discussion in an area plan and/or the Parks Master Plan, and any other pertinent facts or planning issues. The submittal of the project will constitute a request for a Special Meeting as outlined above.
 - b. An NIP meeting will be scheduled by the NIP Coordinator within two weeks of the request. Simultaneously, the NIP Coordinator will forward copies of the nomination to the City Council and Parks and Recreation Commission for review and comment on their next Agendas. Parks and Recreation Commission will review the proposed use and consider its conformity to the Parks Master Plan, City General Plan, and adopted area plans. Operational and maintenance costs are to be identified. It is desirable that the Parks and Recreation Commission comments be available for the NIP meeting and City Council preliminary review, but the process should not be delayed for them.
 - c. The NIP Coordinator will ask the city's real estate consultant to contact the owner or sales agent to determine the asking price and do a preliminary investigation into the ownership of the property, including easements and other conditional aspects that relate to it. The NIP Coordinator will review related zoning and planning issues, identifying any special considerations.
 - d. The NIP Committee shall hold its Special Meeting and determine by vote whether staff is to proceed with the acquisition process.
 - e. The City Council does a preliminary review of the NIP Committee's recommended purchase to be certain that the city is interested in owning the property. A negative vote stops the acquisition process.
 - f. The Property/Housing Manager will obtain a letter of appraisal from the city's real estate consultant for the property.
 - g. The NIP Committee's nomination, the letter of appraisal, and the Parks and Recreation Commission recommendation will be forwarded to the City Council for

approval.

- h. If the City Council approves the purchase, the Property/Housing Manager will request that the real estate consultant begin negotiations for the property.
- i. The property will be purchased if the negotiations are successful and the City Council approves.
- j. The acquisition will be placed into the city-owned inventory and be utilized as directed by the City Council.
- C. Time Model. A theoretical best time model of this approach is listed below:
 - 1. <u>August 27 (Thursday)</u>. NIP Committee member contacts the NIP Coordinator and recommends an opportunity purchase. As soon thereafter as possible:
 - a. NIP Coordinator will:
 - 1) Ask the real estate consultant to contact sales agent or owner for asking price and other available information.
 - 2) Contact Planning Department for conformity to the City General Plan, adopted area plans, and zoning.
 - 3) Contact City Manager's staff to insure item is placed on next City Council Agenda for preliminary review.
 - 4) Parks and Recreation Commission staff to insure item is placed on next agenda for discussion/input.
 - 5) Arrange for video of site, time permitting.
 - 6) Set emergency NIP meeting date prior to City Council preliminary review.
 - b. Concurrently Neighborhood Association will:
 - 1) Prepare written proposal for use of parcel and forward to NIP Coordinator immediately. Identify any zoning/planning issues associated with this parcel.
 - 2) Prepare objective survey on the degree of support that exists for the purchase in the entire neighborhood and in the area immediately adjacent to the parcel and state whether the property is a part of the approved Neighborhood Plan.
 - 2. <u>September 1 (Tuesday)</u>. Parks and Recreation Commission will review the proposed use and consider its conformity to the Parks Master Plan, City General Plan, and adopted area plans. Operational and maintenance requirements of the proposal will be considered. Forward review and recommendation to City Council.
 - 3. <u>September 2 (Wednesday)</u>. NIP Committee holds emergency meeting to discuss acquisition and prepare recommendation to the City Council.

- 4. <u>September 15 (Tuesday)</u>. City Council does a preliminary review of the proposed purchase. If the City Council opposes this purchase, the acquisition process is halted.
- 5. <u>September 16 (Wednesday)</u>. The NIP Coordinator notifies Property/Housing Manager to obtain a letter of appraisal from the city's real estate consultant.
- October 6 (Tuesday). City Council considers the NIP recommendation, the letter of appraisal, and the Parks and Recreation Commission recommendation in deciding whether to purchase the property.
- 7. October 7 (Wednesday). Property/Housing Manager authorizes the city's real estate consultant to make an offer on the property.
- D. <u>Additional Comment</u>. All property acquisitions require some type of future cost to the city. An active park (such as a tot lot) or recreation center may require development costs and upkeep in addition to its acquisition costs. Open space will be maintained by the Parks Division. These additional "life-cycle" costs will be identified by the Parks and Recreation Commission and forwarded to the City Council for its consideration.

VII. FINAL COMMENT ON THE NEIGHBORHOOD IMPROVEMENT PROGRAM

The Neighborhood Improvement Program is an extremely innovative and substantive program and unique in its nature. There are very few cities, which can afford to fund this kind of program anywhere in the United States. However, money is not the only unique aspect of our NIP. Requesting input from various citizen groups and neighborhood associations on matters of capital improvements, to the degree accomplished in this program, is also very unusual. We in the City of Monterey are extremely proud of this program and will work extremely hard to see that it is a continuing success.

APPENDIX 1

MONTEREY CITY CHARTER AMENDMENT NEIGHBORHOOD AND COMMUNITY PROJECTS PROGRAM MEASURE B

(Full Text of Measure)

Add Section 6.16 "Neighborhood Improvement and Community Projects" to Article 6 "Fiscal Administration" of the Monterey City Charler to read as follows:

"Section 6.16 Neighborhood Improvement and Community Projects Program.

a. Purpose: The purpose of the Neighborhood Improvement and Community Projects Program is to insure that a minimum portion of the City's annual budget is expended to improve the residential neighborhoods of the City and to provide for capital projects of community-wide benefit.

b. Capital Projects Defined: Capital Projects Include, but are not limited to, streets, storm drains, sewers, sidewalks, lighting, traffic control devices, landscaping and beautification, parks, recreational facilities and other public

buildings. Capital Projects do not include ordinary services.

c. Annual Budget: As part of the annual budget, the City Council shall appropriate at least 16% of the Transient Occupancy Tax estimated to be collected during the fiscal year to be expended on Neighborhood and Community improvements. If the Council determines that there are insufficient fund available to provide for the ordinary and necessary services in any budget year, they may, by an affirmative vote of four (4) members of the City Council, reduce the amount to be appropriated for Neighborhood and Community Improvements.

d. Neighborhood Improvement Program Committee: The City Council shall appoint at least one representative from each residential neighborhood to the Neighborhood Improvement Program Committee. The Committee shall recommend a list of capital improvements desired to be accomplished in each neighborhood. Recommendations may include multi-year projects and funding.

e. Council Action: From the recommendations of the Neighborhood Improvement Program Committee the Council shall include a Neighborhood Improvement Program in the annual budget. The determination of the projects, periorities and expenditures shall be within the sound discretion of the City Council."

IMPARTIAL ANALYSIS BY CITY ATTORNEY MEASURE B

This measure was placed on the ballot by the City Council. It proposes to amend the Monterey City Charter by adding Section 6.16 entitled "Neighborhood Improvement and Community Projects". This will place in the Charter an existing program to construct capital improvements in residential neighborhoods, such as sidewalks, parks, improved storm drain and sanitary sewer systems, and projects of special benefit to the residential neighborhoods as well as projects of general benefit to all residents such as recreational facilities and other public buildings.

Each budget year, 16% of the Transient Occupancy Tax will be allocated to the program. A committee composed of at least one representative from each neighborhood will be appointed by the City Council. This committee will recommend to the City Council the projects for which these funds should be spent. From these recommendations the City Council will select the projects

to be constructed with the available funds.

This does not preclude the City Council from spending other available City funds on additional capital improvements. If, in any budget year, other City funds are not sufficient to meet the operating expenses of the City, the Council may reduce the 16% budgeted from the Transient Occupancy Tax to a lesser

Respectfully submitted, s/ William C. Marsh City Attorney City of Monterey

ARGUMENT IN FAVOR OF MEASURE B

The Neighborhood Improvement Fund was established in 1985 following an advisory vote which the residents overwhelmingly approved. The measure stated that a portion of the increase in the hotel/motel tax would be used "for such purposes as neighborhood and park improvements, the preservation of open-space and the waterfront, and other municipal public facility improvements."

Since then, about \$1 million a year has been spent, above normal city capital expenditures, for walkways and sidewalks, street improvements, and park expansion WITH NO TAX INCREASE TO RESIDENTS. Wherever we look in Monterey, we see the wonderful results of the neighborhood improvements.

The Charter Amendment will make the Neighborhood Improvement Fund a permanent part of the city budget and insure that a portion of the hotel-motel tax will go directly to our neighborhoods. As explained in 1985, "since visitors use city facilities and services, it is only appropriate that they pay their fair share for police and fire protection, streets and road maintenance, recreation opportunities, and other City functions."

The Charter Amendment "will help us preserve our City, maintain a high level of service to our citizens, and keep Monterey a beautiful place to visit

as well as work and live."

Councilmember s/ Dan Albert Mayor s/ Ruth Vreeland Councilmember s/ Carl Outzen Councilmember

s/ Clyde Roberson

s/ Theresa Canepa Councilmember

APPENDIX 2

Placeholder

Conflict of Interest

(Summary of California Fair Political Practices (FPPC) ruling)

APPENDIX 3

APPENDIX 3

Excerpt from City of Monterey City Code As of October 13, 2011

CHAPTER 32

ARTICLE 4. SIDEWALK REPAIR AND MAINTENANCE.

Sec. 32-23. "Sidewalk" defined.

For the purposes of this Article, the term "sidewalk" means improved sidewalks paved with concrete, asphaltic concrete, mortared stone, mortared rock, mortared brick, including a park or parking strip maintained in the area between the property line and the street line and curbing, bulkheads, retaining walls or other works for the protection of any sidewalk or any such park or parking strip.

Sec. 32-24. Duty of property owners, City permittees, etc., to repair, etc.; exception.

The owners of lots or portions of lots adjacent to any portion of a public street or place when that street or place is improved, or when the area between the property line of the adjacent property and the street line is maintained as a park or parking strip, shall maintain any sidewalk in such condition that the sidewalk will not endanger persons or property, and maintain it in a condition which will not interfere with the public safety or convenience in the use of those walks or areas save and except as to those conditions created or maintained in, upon, along or in connection with such sidewalk by any person other than the owner, under and by virtue of any permit or right granted to him by law, or by the City authorities in charge thereof, and such persons shall be under a like duty in relation thereto, save and except as to defects in any sidewalk caused by street trees or the roots thereof. (Ord. 3424 § 12, 2009)