



**City Council  
Redevelopment Agency  
Financing Authority**

**AGENDA**

**Wednesday**

**Regular**

**Closed Session 5:00 PM  
Regular Session 6:00 PM**

**August 3, 2011**

**City Hall  
100 West California Avenue  
Ridgecrest CA 93555**

**(760) 499-5000**

**Ronald H. Carter, Mayor  
Marshall G. Holloway, Mayor Pro Tempore  
Jerry D. Taylor, Vice Mayor  
Steven P. Morgan, Council Member  
Jason Patin, Council Member**

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LAST ORDINANCE NO. 11-xx  
LAST RESOLUTION CITY COUNCIL NO. 11-xx  
LAST RESOLUTION REDEVELOPMENT AGENCY NO. 11-xx  
LAST RESOLUTION FINANCING AUTHORITY NO. 11-xx

**CITY OF RIDGECREST**

**CITY COUNCIL  
RIDGECREST REDEVELOPMENT AGENCY  
FINANCING AUTHORITY**

**AGENDA**

Regular Council/Agency Meeting  
Wednesday August 3, 2011

**CITY COUNCIL CHAMBERS CITY HALL**  
100 West California Avenue  
Ridgecrest, CA 93555

**Closed Session – 5:00 p.m.**  
**Regular Session – 6:00 p.m.**

This meeting room is wheelchair accessible. Accommodations and access to City meetings for people with other handicaps may be requested of the City Clerk (499-5002) five working days in advance of the meeting.

In compliance with SB 343. City Council/Ridgecrest Redevelopment Agency Agenda and corresponding writings of open session items are available for public inspection at the following locations:

1. City of Ridgecrest City Hall, 100 W. California Ave., Ridgecrest, CA 93555
2. Kern County Library – Ridgecrest Branch, 131 E. Las Flores Avenue, Ridgecrest, CA 93555
3. City of Ridgecrest official website at <http://ci.ridgecrest.ca.us>

**CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF AGENDA**

# AGENDA - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR

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## PUBLIC COMMENT – CLOSED SESSION

### CLOSED SESSION – 5:00 p.m.

- GC54956.9 (A) Conference With Legal Counsel; Existing Litigation; City Of Ridgecrest V. Benz Sanitation, Inc.
- GC54957.6 Labor Negotiations – United Food and Commercial Workers Local 8 (UFCW); Police Employee Association of Ridgecrest (PEAR); Mid-Management Group of Employees (MM); Confidential Group of Employees (CO); Management Group of Employees (MG) – Agency Negotiator City Manager Kurt Wilson
- GC54956.9(B) Conference With Legal Counsel, Potential Litigation – Public Disclosure Of Potential Litigant Would Prejudice The City Of Ridgecrest
- GC54956.9(B) Conference With Legal Counsel, Potential Litigation – Public Disclosure Of Potential Litigant Would Prejudice The City Of Ridgecrest

### REGULAR SESSION – 6:00 p.m.

- Pledge Of Allegiance
- Invocation

### CITY ATTORNEY REPORTS

- Closed Session
- Other

### PUBLIC COMMENT

### PROCLAMATIONS

1. A Proclamation Of The Ridgecrest City Council Posthumously Honoring Ridgecrest Citizen Fred Etoch

### CONSENT CALENDAR

2. Approve A Resolution Requesting Authorization To Enter Into A Program Supplement Agreement No. 025-N To The Administering Agency-State (State California Department Of Transportation) Agreement No 09-5385R And Authorizing The City Manager To Sign The Agreement Speer

**AGENDA - CITY COUNCIL / REDEVELOPMENT AGENCY - REGULAR**

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3. Approve A Resolution Requesting Authorization To Enter Into A Program Supplement Agreement No. 0i-15 Rev. 000 To The Administering Agency-State (State California Department Of Transportation) Agreement No 00036S And Authorizing The City Manager To Sign The Agreement Speer

**PUBLIC HEARING**

4. A Public Hearing Of The Ridgecrest City Council To Receive Comments Pertaining To A Golden Handshake For The Position Of Administrative Assistant – Finance Staheli

**DISCUSSION AND OTHER ACTION ITEMS**

5. Discussion and Minute Motion Of The Ridgecrest Redevelopment Agency Project; China Lake Technologies Economic Development Concept Agreement; Pending AB 1X 26 And 27 Or TAB Analysis McRea
6. Discussion And Appeal Of The Community Remittance Payment Amount McRea
7. Approve A Resolution Of The City Council Of The City Of Ridgecrest Declaring Its Intention To Enact An Ordinance Whereby The City Shall Elect To Comply With And Participate In The Alternative Voluntary Redevelopment Program Contained In Part 1.9 Of Division 24 Of The California Health And Safety Code McRea

**ORDINANCES**

8. First Reading And Introduction, An Ordinance Of The City Council Of The City Of Ridgecrest Determining It Will Comply With The Voluntary Alternative Redevelopment Program Pursuant To Part 1.9 Of Division 24 Of The California Health And Safety Code In Order To Permit The Continued Existence And Operation Of The Redevelopment Agency Of The City Of Ridgecrest, And The Discussion Of The RDA Options In Accordance With AB 1x 26 And 27 Lemieux
9. Second Reading And Adoption, Ordinance 11-01, An Ordinance Of The City Council Of The City Of Ridgecrest Solid Waste Emergency Procedures Lemieux
10. Second Reading And Adoption, Ordinance 11-02, An Ordinance Of The City Council Of The City Of Ridgecrest Amending And Adding Department Of Transportation Requirements To The Taxi Ordinance Lemieux

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**PUBLIC COMMENT**

**DEPARTMENT AND COMMITTEE REPORTS**

**Infrastructure Committee**

Members: Steve Morgan, Jerry Taylor, Craig Porter, James Sanders  
Meeting: 2<sup>nd</sup> Thursday of the month at 5:00 p.m., Council Conference Room  
Next Meeting: August 11, 2011

**Quality of Life**

Members: Chip Holloway, Jason Patin, Craig Porter, Carter Pope  
Meetings: 1<sup>st</sup> Thursday of every even month at 12:00 p.m.; Kerr-McGee Center  
Next Meeting: August 4, 2011

**City Organization**

Members: Ron Carter, Jerry Taylor, Lois Beres, Christopher LeCornu  
Meeting: 3<sup>rd</sup> Tuesday of the month at 5:00 p.m.; Council Conference Room  
Next meeting: August 16, 2011

**Community Development Committee**

Members: Steve Morgan, Jason Patin, Christopher LeCornu, James Sanders  
Meetings: 1<sup>st</sup> Thursday of the month at 5:00 p.m.; Council Conference Room  
Next Meeting: August 4, 2011

**Activate Community Talents and Interventions For Optimal Neighborhoods Task Force (ACTION)**

Members: Ron Carter, Chip Holloway, Ron Strand  
Meetings: 2<sup>nd</sup> Monday of odd numbered months at 6:00 p.m., Kerr-McGee Center  
Next Meeting: September 12, 2011

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**August 3, 2011**

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**Ridgecrest Area Convention and Visitors Bureau (RACVB)**

Members: Chip Holloway, Jason Patin

Meetings: 1<sup>st</sup> Wednesday of the month, 8:00 a.m.

Next meeting: September 7, 2011 and location to be announced

**OTHER COMMITTEES, BOARDS, OR COMMISSIONS**

**CITY MANAGER/EXECUTIVE DIRECTOR REPORTS**

**MAYOR AND COUNCIL COMMENTS**

**ADJOURNMENT**

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**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

**SUBJECT:**

Request for authorization to enter into a Program Supplement Agreement No. 01-15 REV. 000 to the Administering Agency-State (State California Department Of Transportation) Agreement NO 00036S and to authorize the City Manager to sign the agreement.

**PRESENTED BY:**

Dennis Speer, Director Public Works

**SUMMARY:**

The Program Supplement Agreement is for the construction of curb, gutter and sidewalk at various locations East side of Guam Avenue –Upjohn Avenue to Bowman Road; north side of Las Flores Avenue – Downs Street to Sierra View Street; and south side of East Upjohn Avenue – Appaloosa Street to Gateway Boulevard. The total estimated cost of this construction work is \$100,833.00 with a local match of \$10,083.00. The funding source for this project is the State Funded Safe Route to School Cycle 9.

The local match of \$10,083.00 will be funded out of the 262 fund Traffic Impact Fees.

The State requires that one person in the local agency be designated to sign the agreements with the State. The City's Master Agreement with the State stipulates the City Manager as the designated person.

**FISCAL IMPACT: \$10,083.00**

Reviewed by Finance Director

**ACTION REQUESTED:**

Request for authorization to enter into Program Supplement Agreement No. 021-N1 and to authorize the City Manager to sign the agreement(s).

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested:

Submitted by: Dennis Speer

Action Date: August 3, 2011

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**RESOLUTION NO. 11-**

**REQUEST FOR AUTHORIZATION TO ENTER INTO A PROGRAM SUPPLEMENT AGREEMENT NO. 0I-15 REV. 000 TO THE ADMINISTERING AGENCY-STATE (STATE CALIFORNIA DEPARTMENT OF TRANSPORTATION) AGREEMENT NO 00036S AND TO AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT**

**WHEREAS**, the City of Ridgecrest is eligible to receive Federal and/or State funding for certain transportation project, through the California Department of Transportation, and

**WHEREAS**, Program Supplemental Agreements need to be executed with the California Department of Transportation before such funds can be claimed, and

**WHEREAS**, this is a curb, gutter and sidewalk project at various locations; and

**WHEREAS**, the total estimated cost of this construction work is \$100,833.00 and the funding source being the Safe Routes to School Cycle 9, and

**WHEREAS**, matching funds in the amount of \$10,083.00 is coming from funding source Fund 262 Traffic Impact Fees, and

**WHEREAS**, the State requires that one person in the local agency be designated to sign the agreements with the State, and

**WHEREAS**, The City's Master Agreement with the State stipulates the City Manager as the designated person, and

**NOW THEREFORE**, the City Council authorizes the City Manager to execute the, Program Supplemental Agreements with the California Department of Transportation.

**APPROVED AND ADOPTED** this 3<sup>rd</sup> day of August 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Ronald H. Carter, Mayor

ATTEST \_\_\_\_\_  
Rachel Ford, City Clerk

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**PROGRAM SUPPLEMENT NO. I15**  
**to**  
**ADMINISTERING AGENCY-STATE AGREEMENT**  
**FOR STATE FUNDED PROJECTS NO 00036S**

**Date:** June 15, 2011  
**Location:** 09-KER-0-RGCR  
**Project Number:** SR2SL-5385(041)  
**E.A. Number:** 09-955168  
**Locode:** 5385

This Program Supplement, effective \_\_\_\_\_, hereby adopts and incorporates into the Administering Agency-State Agreement No. 00036S for State Funded Projects which was entered into between the ADMINISTERING AGENCY and the STATE with an effective date of 03/23/07 and is subject to all the terms and conditions thereof. This PROGRAM SUPPLEMENT is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. \_\_\_\_\_ approved by the ADMINISTERING AGENCY on \_\_\_\_\_ (See copy attached).

The ADMINISTERING AGENCY further stipulates that as a condition to the payment by the State of any funds derived from sources noted below encumbered to this project, Administering Agency accepts and will comply with the Special Covenants and remarks set forth on the following pages.

**PROJECT LOCATION:**

East side of Guam Ave. - Upjohn Ave. to Bowman Rd.; north side of Flores Ave. - Downs St. to Sierra View St.; and south side of E. Upjohn Ave. - Appaloosa St. to Gateway Blvd.

**TYPE OF WORK:** Sidewalk, ADA curb ramps, crosswalks, and retrofit driveways

Estimated Cost	State Funds		Matching Funds	
	STATE	LOCAL	LOCAL	OTHER
\$100,833.00	\$90,750.00	\$10,083.00		\$0.00

**CITY OF RIDGECREST**

By \_\_\_\_\_  
 Title \_\_\_\_\_  
 Date \_\_\_\_\_  
 Attest \_\_\_\_\_

**STATE OF CALIFORNIA**  
**Department of Transportation**

By \_\_\_\_\_  
 Chief, Office of Project Implementation  
 Division of Local Assistance  
 Date \_\_\_\_\_

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer Caleb Kwong

Date 6-16-11 \$90,750.00



**SPECIAL COVENANTS OR REMARKS**

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT

**SPECIAL COVENANTS OR REMARKS**

1. All obligations of STATE under the terms of this Agreement are subject to the appropriation of resources by the Legislature and the encumbrance of funds under this Agreement. Funding and reimbursement are available only upon the passage of the State Budget Act containing these STATE funds.
2.
  1. This PROJECT is funded with State-only funding from the Safe Route to School (SR2S) Program.
  2. ADMINISTERING AGENCY agrees to administer PROJECT in accordance with the SR2S Program Guidelines under which the project was selected.
  3. This PSA allows reimbursement of eligible PROJECT expenditures to the ADMINISTERING AGENCY for which the SR2S State funds are allocated. The effective State allocation date establishes the eligibility date for the ADMINISTERING AGENCY to start reimbursable work. Any work performed prior to the effective allocation date is not eligible for reimbursement from the SR2S funds.
  4. ADMINISTERING AGENCY agrees that SR2S funds available for reimbursement will be limited to the amount allocated and encumbered by the STATE consistent with the scope of work in the STATE approved application. Funds encumbered may not be used to increase the scope of work after a project is awarded for construction unless approved by the Statewide SR2S Coordinator prior to performing work. Future allocations of SR2S funds will be encumbered by use of a STATE approved Allocation Letter and Finance Letter.
  5. ADMINISTERING AGENCY agrees to the program delivery and reporting requirements established for the applicable SR2S Program funding cycle.
  6. ADMINISTERING AGENCY agrees to provide contract award information to the State prior to submitting the first invoice for construction of this PROJECT. The required Construction Contract Award Information is available at the Caltrans Safe Routes to School (SR2S) Project Implementation web site:  
  

[http://www.dot.gov/hq/LocalPrograms/saferoutes/sr2s\\_instruct.htm](http://www.dot.gov/hq/LocalPrograms/saferoutes/sr2s_instruct.htm)
  7. The ADMINISTERING AGENCY agrees to follow all relevant State laws and requirements including the California Environmental Quality Act (CEQA).
  8. The ADMINISTERING AGENCY agrees to submit the "Final Report of Expenditures" to the DLAE within six (6) months of project completion in accordance with Section 17.5 of the Local Assistance Procedures Manual (LAPM).
3. ADMINISTERING AGENCY agrees to comply with Office of Management and Budget (OMB) Circular A-87, Cost Principles for State and Local Governments, and 49 CFR, Part 18, Uniform Administrative Requirements for Grants and Cooperative Agreements to

**SPECIAL COVENANTS OR REMARKS**

State and Local Governments. Notwithstanding the foregoing, ADMINISTERING AGENCY shall not be required to comply with 49 CFR, Part 18.36 (i), subsections (3), (4), (5), (6), (8), (9), (12) and (13).

4. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

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**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

**SUBJECT:**

Request for authorization to enter into a Program Supplement Agreement No.025-N to the Administering Agency-State (State California Department Of Transportation) Agreement NO 09-5385R Downs Street from West Drummond Avenue to West Ward Avenue and to authorize the City Manager to sign the agreement.

**PRESENTED BY:**

Dennis Speer, Director Public Works

**SUMMARY:**

The Program Supplement Agreement is for the design of the resurfacing and rehabilitation project on Downs Street from West Drummond Avenue to West Ward Avenue. The total estimated cost of this preliminary engineering work is \$35,467.00. The funding source for this project is the Regional Surface Transportation Program.

The local match of \$4,069.00 and will be funded out of the 262 fund Traffic Impact Fees.

The State requires that one person in the local agency be designated to sign the agreements with the State. The City's Master Agreement with the State stipulates the City Manager as the designated person.

**FISCAL IMPACT: \$4,069.00**

Reviewed by Finance Director

**ACTION REQUESTED:**

Request for authorization to enter into Program Supplement Agreement No. 025N and to authorize the City Manager to sign the agreement(s).

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested:

Submitted by: Dennis Speer

Action Date: August 3, 2011

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**RESOLUTION NO. 11-**

**REQUEST FOR AUTHORIZATION TO ENTER INTO A PROGRAM SUPPLEMENT AGREEMENT NO. 025-N TO THE ADMINISTERING AGENCY-STATE (STATE CALIFORNIA DEPARTMENT OF TRANSPORTATION) AGREEMENT NO 09-5385R AND TO AUTHORIZE THE CITY MANAGER TO SIGN THE AGREEMENT**

**WHEREAS**, the City of Ridgecrest is eligible to receive Federal and/or State funding for certain transportation projects, through the California Department of Transportation, and

**WHEREAS**, Program Supplemental Agreements need to be executed with the California Department of Transportation before such funds can be claimed, and

**WHEREAS**, this is a resurfacing and rehabilitation project at Downs Street from West Drummond Avenue to West Ward Avenue; and

**WHEREAS**, the total estimated cost of this preliminary engineering work is \$35,467.00 and the funding source being the Regional Surface Transportation Program, and

**WHEREAS**, matching funds in the amount of \$4.069.00 is coming from funding source Fund 262 Traffic Impact Fees, and

**WHEREAS**, the State requires that one person in the local agency be designated to sign the agreements with the State, and

**WHEREAS**, The City's Master Agreement with the State stipulates the City Manager as the designated person, and

**NOW THEREFORE**, the City Council authorizes the City Manager to execute the, Program Supplemental Agreements with the California Department of Transportation.

**APPROVED AND ADOPTED** this 3<sup>rd</sup> day of August 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Ronald H. Carter, Mayor

ATTEST \_\_\_\_\_  
Rachel Ford, City Clerk

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PROGRAM SUPPLEMENT NO. N025  
to  
ADMINISTERING AGENCY-STATE AGREEMENT  
FOR FEDERAL-AID PROJECTS NO 09-5385R

Date: June 24, 2011  
Location: 09-KER-0-RGCR  
Project Number: STPL-5385(044)  
E.A. Number: 0900020103  
Locode: 5385

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 02/02/07 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. \_\_\_\_\_ approved by the Administering Agency on \_\_\_\_\_ (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

**PROJECT LOCATION:**

North Downs Street from West Drummond Avenue to West Ward Avenue

**TYPE OF WORK:** Road rehabilitation

**LENGTH:** 0.5(MILES)

Estimated Cost	Federal Funds		Matching Funds	
	L240	\$	LOCAL	OTHER
\$35,467.00		\$31,398.00	\$4,069.00	\$0.00

**CITY OF RIDGECREST**

**STATE OF CALIFORNIA**  
Department of Transportation

By \_\_\_\_\_  
Title \_\_\_\_\_  
Date \_\_\_\_\_  
Attest \_\_\_\_\_

By \_\_\_\_\_  
Chief, Office of Project Implementation  
Division of Local Assistance  
Date \_\_\_\_\_

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer Margaret Lee Date 6/27/11 \$31,398.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT



**SPECIAL COVENANTS OR REMARKS**

1. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).
2. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

3. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.
4. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

5. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if

**SPECIAL COVENANTS OR REMARKS**

PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

6. The Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
7. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Excluded Parties List System (EPLS).
8. In the event that right of way acquisition for or construction of this project of the initial federal authorization for preliminary engineering is not started by the close of the tenth fiscal year following the fiscal year in which the project is authorized, the ADMINISTERING AGENCY shall repay the Federal Highway Administration through Caltrans the sum of Federal funds paid under the terms of this agreement.



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**CITY COUNCIL/REDEVELOPMENT AGENCY AGENDA ITEM**

**SUBJECT:**

A Public Hearing for Council to receive comments from members of the community pertaining to the estimated employer cost of offering the two years additional service credit option benefit (Golden Handshake) for members currently holding the classification of Administrative Assistance – Finance.

**PRESENTED BY:** Rachel Ford

**SUMMARY:**

Government Code Section 7507 requires that the costs to provide this benefit be made at a public meeting at least two weeks prior to the adoption of the resolution establishing the designated retirement window.

This is an estimate of the present value of additional employee contributions which will be required in the future for providing the additional two years service credit.

Currently the City pays annually \$17,072.76 to PERS for the employee.

The City will pay approximately \$ 12,066.55 annually for two years for the service credit for the employee. The savings of approximately \$5,006.21 per year to PERS.

The “additional employer contributions” are paid by the agency through an increase in the employer contribution rate starting two fiscal years after the end of the designated period. The increase in the employer contribution rate is amortized over 20 years.

**FISCAL IMPACT:**

\$12,066.55 annually for a period of two years. Increase to the employee contribution rates, amortized over a 20 year time period, is estimated to be .0452%

Reviewed by Finance Director

**ACTION REQUESTED:**

Receive public hearing comments for consideration prior to adopting a resolution establishing and authorizing a designated retirement period for specified classifications

**CITY MANAGER /EXECUTIVE DIRECTOR RECOMMENDATION**

Action as requested:

Submitted by: Rachel Ford

Action Date: 08/03/11

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**CITY COUNCIL/REDEVELOPMENT AGENCY/FINANCING AUTHORITY AGENDA ITEM**

**SUBJECT:**

Ridgecrest Redevelopment Agency Project; China Lake Technologies Economic Development Concept Agreement; Pending AB 1X 26 And 27 Or TAB Analysis

**PRESENTED BY:** James E. McRea

**SUMMARY:**

The City Council/Redevelopment Agency, in Closed session, reviewed a Redevelopment Agency Real Property negotiation of 105 E. Sydnor Avenue and a China Lake Technologies Economic Development Concept. The matter was further reviewed with representatives of China Lake Technologies and two members of the City Council/Agency.

The Redevelopment Agency currently may not enter into any agreements until further clarification and Legal Counsel review of the specific considerations of the Enforceable Obligation Considerations Under AB 1X 26 and 27. Redevelopment Agencies, the California Redevelopment Association (CRA), legal experts, & fiscal and financial consultants have all been working to interpret this legislation. Recently, CRA and the League of California Cities filed legal actions to overturn these provisions; however, until either a stay of its provisions or a decision of its merits occurs, Agencies have to comply with these requirements. Therefore the agenda item discussion and action may be held pending such clarification and/or action is taken as implementation of a Tax Allocation Bond (TAB) Business Park project as authorized within the Official Statement for TAB issuance.

The Economic Development Analysis by China Lake Technologies, LLC (“CLT”) is presented as a Proposal to the City of Ridgecrest. The concept proposal outlines a number of example activities and approaches that CLT could take to support the City’s overall economic development within the community and the Ridgecrest Business Park. Staff expressed support for CLT’s proposal, provided that it could be sufficiently differentiated from other existing economic development efforts and offer tangible deliverables for a \$75,000 professional services fee. The initial phase would be limited to approximately a \$25,000 fee for services, which could be extended to a further level of development and increased fee. It became clear during the discussions that CLT’s experience and capabilities would be best applied to the Industrial Development aspect of Ridgecrest’s overall economic development plan. We are referring to this as the Industrial Sector mainly to differentiate it from the other efforts being implemented by Ridgecrest, but CLT will obviously have a technology and R&D focus to the plan. Accordingly, CLT has prepared this specific *Economic Development Proposal for the Industrial Sector*. CLT will conduct the targeted outreach activity described in this proposal with the objective of attracting as many relevant companies as possible to establish a physical presence in the City of Ridgecrest. Furthermore, they will coordinate their efforts with the other City economic development initiatives related to retail and tourism to ensure there is no interference or overlap of efforts. As a proposed measure of the effectiveness of the planned outreach efforts, they will consider our Industrial outreach to have been a success if, by the end of this project, there are soft and hard results we can point to. Obviously, the main focus and easiest to quantify will be those companies that have decided to, or are considering, establishing a physical presence in Ridgecrest as a direct result of understanding the opportunity described by CLT.

The other metrics for success in an endeavor of this nature include:

- (1) the number of organizations that we are inviting and/or are visiting Ridgecrest, and the attendant economic benefits of their visits;

(2) the increased brand awareness of Ridgecrest as the gateway to NAWCWD within the commercial sector; and

(3) the formulation of an initial plan for a Technology Acceleration Campus, either adjacent to or within the Ridgecrest Business Park.

**CLT Deliverables:**

Upon execution and payment of Stage 1, and pending legal counsel recommendations, CLT will schedule a start-of-work meeting with Ridgecrest. The conclusion of this meeting will produce a working outline to move forward. Through the course of this Program CLT will deliver two (2) Interim Progress Reports to the City of Ridgecrest detailing our Industrial Development outreach efforts and results to date. At the conclusion of the project, CLT will also deliver and present a Summary Report highlighting key findings, activities, results, recommendations, lessons learned, and any immediate actions that can be taken to increase the likelihood of industrial companies establishing a physical presence in Ridgecrest. These reports will include all Points-of-Contact; call reports, and rationale for contacting them, to encourage communications directly with Ridgecrest.

**Timeline & Milestones:**

CLT proposes the following timeline and payment for this Economic Development – Industrial project, broken out into a 3 Stage program:

Stage 1 – Execution of a contract between City of Ridgecrest and CLT	\$25,000
Stage 2 – Delivery of Interim Progress Report #1	\$25,000
Stage 3 – Delivery of Interim Progress Report #2	\$25,000
Day 180 – Delivery and presentation of final Summary Report	<u>\$ 0</u>
	TOTAL: \$75,000

It is expected that all 3 Stages of this proposal will proceed but CLT will allow Ridgecrest the opportunity to cancel prior to progressing to the next Stage. The first payment is due upon contract execution. Stage 2 will not proceed without approval and payment. At the end of Stage 2, Stage 3 will not proceed without approval and payment.

**FISCAL IMPACT:** TAB Project implementation or?  
Reviewed by Finance Director

**ACTION REQUESTED:**

Minute motion for approval of the CLT Economic Development Agreement, pending AB 1X 26 and 27 and/or TAB utilization and authorize the Executive Director to execute the Agreement.

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested:

Submitted by: James McRea  
(Rev. 6-12-09)

Action Date: 08-03-11

# China Lake Technologies

## **ECONOMIC DEVELOPMENT PROPOSAL FOR THE INDUSTRIAL SECTOR**

Submitted  
June 2011  
to  
The City of Ridgecrest,  
California

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**CITY COUNCIL/REDEVELOPMENT AGENCY/FINANCING AUTHORITY AGENDA ITEM**

**SUBJECT:**

Discussion of Potential Appeal of State Community Remittance Payment as to be determined by the Department of Finance on or before August 01, 2011 pursuant to Section 34194(b)(2)(L)(i)

**PRESENTED BY:** James E. McRea

**SUMMARY:**

Redevelopment Agencies, the California Redevelopment Association (CRA), legal experts, & fiscal and financial consultants have all been working to interpret AB1X26 and 27, as adopted June 15, 2011 which effectively dissolves redevelopment agencies, but allows agencies willing to comply with a "voluntary" community remittance payment to be exempted from elimination. The Governor signed these bills and they became effective on June 29, 2011.

Recently, CRA and the League of California Cities filed legal actions to overturn these provisions; however, until either a stay of its provisions or a decision of its merits occurs, Agencies must comply with these requirements.

Attachments 1 & 2 of Agenda Item # 8 (Redevelopment Ordinance) are recommended actions on the assumption that all Redevelopment activities have been suspended. Attachment 1 is the recommendation of Rosenow Spevacek Group Inc. (RSG), the consultant which assisted in the Five Year Implementation Plan of February 2010 for the Ridgecrest Redevelopment Project. Attachment 2 is a similar recommended actions flowchart provided by the Agency Special Counsel.

There are additional Agenda Items presented at this meeting which relate to AB1X26 and 27 and the Agency's decision to continue with the Redevelopment Agency including the introduction and first reading of an ordinance to authorize a voluntary redevelopment agency and a resolution authorizing payment of the community remittance. The Dept. of Finance will release certain required information and determinations on or before August 01, 2011 and these will be included within the meeting discussion and actions.

Certain deadlines and recommend actions are due by August 15, Aug. 28, and Oct. 01, 2011 and are required if the Agency is to continue or dissolve.

AB1X26 and 27 requires the State Community Remittance Payment be made by the City of Ridgecrest and allows for a transfer from the Agency to reimburse the general fund for the payment. The Dept. of Finance will release these figures and other determinations on or before August 1, 2011 and an appeal of the payment amount may be filed prior to August 15, 2011.

**FISCAL IMPACT:** State Payment in excess of two million dollars in 2012, and annually thereafter as may be determined.

Reviewed by Finance Director

**ACTION REQUESTED:**

Discussion and direction; and authorize the Executive Director to amend and submit Dept. of Finance required actions to continued Agency functions under the reorganization of the Agency.

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested:

Submitted by: James McRea  
(Rev. 6-12-09)

Action Date: 08-03-11

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## WELCOME TO THE CALIFORNIA DEPARTMENT OF FINANCE

### Assembly Bills 26 and 27

#### **Administrative Activities Under Redevelopment Legislation**

AB 26 (Chapter 5, Statutes of 2011) and AB 27 (Chapter 6, Statutes of 2011), First Extraordinary Session

AB 26 provides for the dissolution of redevelopment agencies (RDAs) effective October 1, 2011.

AB 27 provides an alternative for communities to continue redevelopment.

This webpage may be changed frequently as procedures are developed and information becomes available.

The following e-mail address is provided for all communications with the Department of Finance regarding these bills. Please do not send e-mail directly to staff, as your message may be misdirected:

- [email\\_redevelopment\\_administration@dof.ca.gov](mailto:email_redevelopment_administration@dof.ca.gov)

The Department of Finance is working to calculate each RDA's payment amount pursuant to ABx1 27. These amounts will be distributed to RDAs and to county auditor-controllers by mail no later than August 1, 2011, and will be posted on this website as well.

The Department of Finance also is developing a list of information RDAs will need to submit if they wish to appeal their ABx1 27 payment amount. This information also will be posted on this website no later than August 1, 2011.

**WHO AND WHERE DO AGENCIES SEND CORRESPONDENCE TO THE DOF AND THE SCO?**

DOF has created a web section on their website for AB 1X 26 and AB 1X 27 related issues. The link is in the left-hand column at [www.dof.ca.gov](http://www.dof.ca.gov). Regarding the non-binding resolutions on intent to participate that must be adopted by October 1, and ordinances that must be enacted by November 1, DOF advises agencies need only notify DOF that the resolutions and ordinances have been adopted; it is unnecessary to send actual copies of the resolutions or ordinances.

For the State Controller's Office (SCO), Priscilla Moss, Chief of Local Government Accounting, has advised CRA that **Jones Kasonso is the point of contact in the SCO for continuance ordinances.**

***THIS MESSAGE FROM THE CALIFORNIA REDEVELOPMENT ASSOCIATION, 1400 K STREET, SUITE 204, SACRAMENTO, CA 95825.***

**WEBSITE, [www.calredevelop.org](http://www.calredevelop.org).**

***QUESTIONS AND CONCERNS REGARDING THIS UPDATE CAN BE SENT TO***

***LILLIAN HENEGAR at [lhenegar@calredevelop.org](mailto:lhenegar@calredevelop.org)***



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**CITY COUNCIL/REDEVELOPMENT AGENCY/FINANCING AUTHORITY AGENDA ITEM**

**SUBJECT:**

Approval of A Resolution Of The City Council Of The City Of Ridgecrest Declaring Its Intention To Enact An Ordinance Whereby The City Shall Elect To Comply With And Participate In The Alternative Voluntary Redevelopment Program Contained In Part 1.9 Of Division 24 Of The California Health And Safety Code

**PRESENTED BY:**

James E. McRea

**SUMMARY:**

Redevelopment Agencies, the California Redevelopment Association (CRA), legal experts, & fiscal and financial consultants have all been working to interpret AB1X26 and 27, as adopted June 15, 2011 which effectively dissolves redevelopment agencies, but allows agencies willing to comply with a "voluntary" community remittance payment to be exempted from elimination. The Governor signed these bills and they became effective on June 29, 2011.

Recently, CRA and the League of California Cities filed legal actions to overturn these provisions; however, until either a stay of its provisions or a decision of its merits occurs, Agencies must comply with these requirements.

Attachments 1 & 2 of Agenda Item # 8 (Redevelopment Ordinance) are recommended actions on the assumption that all Redevelopment activities have been suspended. Attachment 1 is the recommendation of Rosenow Spevacek Group Inc. (RSG), the consultant which assisted in the Five Year Implementation Plan of February 2010 for the Ridgecrest Redevelopment Project. Attachment 2 is a similar recommended actions flowchart provided by the Agency Special Counsel.

There are additional Agenda Items presented at this meeting which relate to AB1X26 and 27 and the Agency's decision to continue with the Redevelopment Agency including the introduction and first reading of an ordinance to authorize a voluntary redevelopment agency and a resolution authorizing payment of the community remittance. The Dept. of Finance will release certain required information and determinations on or before August 01, 2011 and these will be included within the meeting discussion and actions.

Certain deadlines and recommend actions are due by August 15, Aug. 28, and Oct. 01, 2011 and are required if the Agency is to continue or dissolve.

At the time of Agenda Posting, the State Department of Finance had not posted the calculated amount for City of Ridgecrest Community Remittance Payment. This resolution may be amended during the meeting to reflect the amount owed.

This resolution reaffirms City of Ridgecrest intent to enact an ordinance electing to comply with a voluntary redevelopment agency and pay the Community Remittance Payment required by the State as calculated by the Department of Finance.

**FISCAL IMPACT:**

State Payment in excess of two million dollars in 2012, and annually thereafter as may be determined.

Reviewed by Finance Director

**ACTION REQUESTED:**

Discussion and direction; adoption of Resolution No. 11-XX, as may be amended, pending AB 1X 26 and 27 determinations; and authorize the Executive Director to execute and submit required actions to continued Agency functions under the reorganization of the Agency.

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested:

Submitted by: James McRea  
(Rev. 6-12-09)

Action Date: 08-03-11

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIDGECREST DECLARING ITS INTENTION TO ENACT AN ORDINANCE WHEREBY THE CITY SHALL ELECT TO COMPLY WITH AND PARTICIPATE IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM CONTAINED IN PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE**

**WHEREAS**, the Ridgecrest Redevelopment Agency("Agency") is a community redevelopment agency organized and existing under the California Community Redevelopment Law, Health and Safety Code Sections 33000, *et seq.* ("CRL") and has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council ("City Council") of the City of Ridgecrest ("City"); and

**WHEREAS**, the Redevelopment Plan for a redevelopment project known and designated as the "Ridgecrest Redevelopment Project" has been adopted and approved by Ordinance No. 86 37 of the City of Ridgecrest on November 16, 1986, and amended by Ordinance No. 91 13 adopted on April 17, 1991 and amended by Ordinance No. 95-04 adopted on March 15, 1995 and all requirements of law for and precedent to the adoption and approval of the Redevelopment Plan, as amended, have been duly complied with; and

**WHEREAS**, since adoption of the Redevelopment Plan, the Agency has undertaken redevelopment projects in the Project Area to eliminate blight, to improve public facilities and infrastructure, to renovate and construct affordable housing, and to generate employment opportunities within the community; and

**WHEREAS**, Parts 1.8, 1.85 and 1.9 of Division 24 of the Health and Safety Code were added to the CRL by ABX1 26 and ABX1 27, which measures purport to become

effective immediately. ABX1 26 and ABX1 27, which are trailer bills to the 2011-12 budget bills, were approved by both houses of the Legislature on June 15, 2011 and became effective on June 29, 2011; and

**WHEREAS**, Part 1.85 of the CRL (“Part 1.85”) provides for the statewide dissolution of all redevelopment agencies, including the Agency, as of October 1, 2011, and provides that, thereafter, a successor agency to administer the enforceable obligations of the Agency and otherwise wind up the Agency’s affairs, all subject to the review and approval by an oversight committee; and

**WHEREAS**, Part 1.8 of the CRL (“Part 1.8”) provides for the restriction of activities and authority of the Agency in the interim period prior to dissolution to certain “enforceable obligations” and to actions required for the general winding up of affairs, preservation of assets, and certain other goals delineated in Part 1.8; and

**WHEREAS**, the dissolution of the Agency would be detrimental to the health, safety, and economic well-being of the residents of the City and cause irreparable harm to the community, because, among other reasons, the redevelopment activities and projects made possible, implemented, and funded by the Agency are highly significant and of enduring benefit to the community and the City, and are a critical component of its future; and

**WHEREAS**, Part 1.9 of the CRL (“Part 1.9”) provides that a redevelopment agency may continue in operation if a city or county that includes a redevelopment agency adopts an ordinance agreeing to comply with and participate in the Alternative Voluntary Redevelopment Program established in Part 1.9 (“Program”); and

**WHEREAS**, as a condition of the Agency's continued existence and operation of its redevelopment agency, the City is required to make certain annual remittances to the county auditor-controller pursuant to Chapter 3 of Part 1.9, beginning with a larger upfront remittance for the 2011-2012 fiscal year ("First Remittance"), to be paid in two equal installments on January 15, 2012 and May 15, 2012; and

**WHEREAS**, the City expects it will have sufficient moneys and revenues to fund an amount equal to the City's payment of the First Remittance and further expects to have sufficient moneys and revenues to fund the subsequent annual remittances required by Part 1.9; and

**WHEREAS**, the City's needs are such that it can commit to spend the funds received from the Agency pursuant to the Agreement to Transfer Tax Increment (defined below) to finance activities within the Redevelopment Project that are related to accomplishing the goals of the Redevelopment Project; and

**WHEREAS**, the City intends to adopt the ordinance required by Part 1.9, in order to allow the Agency to continue in operation and performing its functions ("Ordinance"); and

**WHEREAS**, the City intends to adopt the Ordinance and desires to forestall the dissolution of the Agency until November 1, 2011 to allow the City sufficient time to enact the Ordinance; and

**WHEREAS**, the City and Agency desire to enter into an agreement pursuant to CRL Section 34194.2 whereby the Agency shall make an initial transfer of a portion of its tax increment to the City in an amount equal the First Remittance, and thereafter to transfer amounts of tax increment equal to any subsequent remittance which the City is required to make to the county auditor-controller pursuant to the City's participation in the Program ("Agreement to Transfer Tax Increment"); and

**WHEREAS**, the City is aware that the validity, passage, and applicability of ABX1 26 and ABX1 27 are the subject of a judicial challenge and may become the subject of other judicial challenges; and

**WHEREAS**, the City, by the adoption of this resolution, does not represent, disclaim, or take any position whatsoever on the issue of the validity of ABX1 26 or ABX1 27, but rather the City seeks to comply with the Constitution and laws of the State of California, including Part 1.9, in order to preserve the ability of the Agency to continue to operate and thereby benefit the community; and

**WHEREAS**, the City has duly considered all other related matters and has determined that the City's participation in the Program is in the best interests of the Agency, the City, and the health, safety, and welfare of its residents, and in accord with the public purposes and provisions of applicable state and local laws and requirements.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIDGECREST DOES RESOLVE AS FOLLOWS:**

Section 1. The foregoing Recitals are incorporated into this Resolution by this reference, and constitute a material part of this Resolution.

Section 2. Pursuant to CRL Section 34193(b), the City hereby expresses its intent to adopt the Ordinance to comply with Part 1.9. This resolution is that “nonbinding resolution of intent” referred to in CRL Section 34193(b) and shall be interpreted and applied in all respects in accordance with such section and Part 1.9, to the fullest extent permitted by law.

Section 3. On or before October 1, 2011, the City Manager is hereby authorized and directed to notify the county auditor, the State Department of Finance, and the Controller of the State concerning the resolution, in accordance with Section 34193(b).

Section 4. The City Attorney is hereby authorized to bring an action in the Superior Court pursuant to CRL Sections 33500 and 33501 to determine the validity of the ordinance referred to in this resolution, or the validity of any bonds contemplated to be issued by the agency or other material contracts of the Agency, or any findings of the City Council related thereto, upon the determination of the City Manager that such action is reasonably necessary or appropriate to facilitate the consummation of any agency transaction for which governing board approval has been given.

Section 5. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor, City of Ridgecrest

(SEAL)  
ATTEST:

\_\_\_\_\_  
Rachel Ford, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

STATE OF CALIFORNIA            )  
COUNTY OF KERN            ) ss.  
CITY OF RIDGECREST            )

I, Rachel Ford, City Clerk of the City of Ridgecrest, hereby certify that the foregoing resolution was duly adopted by the City Council of said City at a regular meeting of said City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2011, and that it was so adopted by the following vote:

AYES:            Councilmembers:

NOES:           Councilmembers:

ABSENT:        Councilmembers:

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City Clerk of the City of Ridgecrest

(SEAL)

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**CITY COUNCIL/REDEVELOPMENT AGENCY/FINANCING AUTHORITY AGENDA ITEM**

**SUBJECT:**

ORD. 11 - XX ; An Ordinance of the City Council of the City of Ridgecrest determining it will comply with the voluntary Alternative Redevelopment Program pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in order to permit the continued existence and operation of the Redevelopment Agency of the City of Ridgecrest, and the discussion of the RDA options in accordance with AB 1X 26 and 27

**PRESENTED BY:** James E. McRea

**SUMMARY:**

Redevelopment Agencies, the California Redevelopment Association (CRA), legal experts, & fiscal and financial consultants have all been working to interpret AB1X26 and 27, as adopted June 15, 2011 which effectively dissolves redevelopment agencies, but allows agencies willing to comply with a "voluntary" community remittance payment to be exempted from elimination. The Governor signed these bills and they became effective on June 29, 2011.

Recently, CRA and the League of California Cities filed legal actions to overturn these provisions; however, until either a stay of its provisions or a decision of its merits occurs, Agencies must comply with these requirements.

Certain deadlines and recommend actions are due by August 15, Aug. 28, and Oct. 01, 2011 and are required if the Agency is to continue or dissolve.

Ordinance 11- : An Ordinance of the City Council of the City of Ridgecrest determining it will comply with the voluntary Alternative Redevelopment Program pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in order to permit the continued existence and operation of the Redevelopment Agency of the City of Ridgecrest, is present after the above discussion of the RDA options in accordance with AB 1X 26 and 27. It may be recommended as an Urgency Ordinance or modified slightly in form pending recommendation of the City Attorney and special Counsel.

**FISCAL IMPACT:** State Payment in excess of approximately two million dollars in 2012, and annually thereafter as may be determined.

Reviewed by Finance Director

**ACTION REQUESTED:**

Discussion and direction; introduction of Ord. 11- ; by Title Only, as may be amended , pending AB 1X 26 and 27 determinations; and authorize the Executive Director to execute and submit required actions to continued Agency functions under the reorganization of the Agency.

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested:

Submitted by: James McRea  
(Rev. 6-12-09)

Action Date: 08-03-11

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# IMPORTANT REDEVELOPMENT DEADLINES

## Attachment 1

*Your Agency must decide whether to dissolve or continue!*

The State Senate and Assembly passed ABx1 26 and ABx1 27 on June 15, 2011, which effectively dissolves redevelopment agencies, but allows agencies willing to comply with a "voluntary" payment to be exempted from elimination. The Governor signed these bills and they became effective on June 29, 2011. The California Redevelopment Association (CRA) and California League of Cities (League) have filed legal challenges to both bills in Supreme Court. To protect your community from any possible future actions by the State, we advise taking the following actions immediately.

	IMMEDIATE ACTIONS	DUE DATE
1	<p><b>Determine if the Agency should continue or be dissolved</b></p> <ul style="list-style-type: none"><li>• Do you have blight to eliminate?</li><li>• Do you have projects in process or planned?</li><li>• Have you reviewed and documented all existing agreements, loans, actions, etc.?</li><li>• What assets do you stand to lose by not continuing?</li><li>• Would future net tax increment be sufficient to fund redevelopment activities?</li></ul>	<b>Now</b>
2	<p><b>Determine if you can make the required payments to continue</b></p> <ul style="list-style-type: none"><li>• Utilize CRA estimates or calculate in-house estimate and review available funds</li><li>• Dept of Finance to provide their calculation of the amount by <b>August 1, 2011</b></li></ul>	<b>Now</b>
3	<p><b>Determine if you can appeal your payment amount and submit your appeal</b></p> <ul style="list-style-type: none"><li>• Does the 2008-09 State Controller Report contain inaccurate information for your agency?</li><li>• Has your percentage of tax increment needed to pay for tax allocation bonds and interest increased by more than 10%?</li></ul>	<b>By August 15</b>

	since 2008-09?	
<b>4</b>	<b>File an ironclad statement of indebtedness (In ALL cases)</b> <ul style="list-style-type: none"> <li>• IMPORTANT in either dissolution or "opt-in"</li> <li>• Include itemized list of <u>all</u> debt and obligations</li> </ul>	<b>By October 1</b>

	<b>IF OPTING FOR CONTINUATION</b>	<b>DUE DATE</b>
<b>5</b>	<b>Adopt Enforceable Obligation Payment Schedule (34169(g))</b> <ul style="list-style-type: none"> <li>• If the Opt-In Ordinance will not be enacted by Aug 27, 2011</li> </ul>	<b>By August 27</b>
<b>6</b>	<b>Adopt City(County)/Agency Remittance Agreement (34194.2)</b> <ul style="list-style-type: none"> <li>• Provide for transfer of Agency tax increment to City/County to make annual remittance payments</li> <li>• Include Agreement (and estimated payment amounts) on Oct 1, 2011 Statement of Indebtedness</li> </ul>	<b>Before submittal of Oct 1, 2011 SOI</b>
<b>7</b>	<b>Adopt a non-binding resolution of intent to adopt an ordinance complying with ABX1 27 if Opt-In Ordinance will not be enacted by Oct 1 (34193(b))</b>	<b>By October 1</b>
<b>8</b>	<b>Complete enactment of Opt-In Ordinance complying with ABX1 27 (34193.1)</b>	<b>No Later than Nov 1 * earlier if possible *</b>
<b>9</b>	<b>Continue normal redevelopment activities</b>	<b>Ongoing</b>
<b>10</b>	<b>Remit payments (34194(d))</b>	<b>Jan 15, 2012 &amp; May 15, 2012; annually thereafter</b>

	<b>IF DISSOLVING</b>	<b>DUE DATE</b>
<b>11</b>	<b>Adopt Enforceable Obligation Schedule (34169(g))</b> <ul style="list-style-type: none"> <li>At public meeting;</li> <li>Post on internet and transmit to County Auditor Controller and State</li> </ul>	<b>By August 27</b>
<b>12</b>	<b>Determine if City/County that formed Agency will NOT be the Successor Agency (34173(d))</b> <ul style="list-style-type: none"> <li>Adopt a resolution and file with County Auditor Controller</li> </ul>	<b>By September 1</b>
<b>13</b>	<b>Prepare Initial Recognized Obligation Payment Schedule (34169(h))</b> <ul style="list-style-type: none"> <li>Include all required debt payments except prohibited "host entity" debt (34171(d) &amp; (h)) &amp; (34178)</li> <li>Submit to Successor Agency</li> </ul>	<b>By September 30</b>
<b>14</b>	<b>Determine if City/County retaining housing responsibilities (34176(a))</b> <ul style="list-style-type: none"> <li>Alternatively transferred to local Housing Authority (34176(b))</li> </ul>	<b>By October 1</b>
<b>15</b>	<b>All assets of former Agency transferred to Successor Agency (34175(b))</b>	<b>October 1</b>
<b>16</b>	<b>As Successor Agency</b> <ul style="list-style-type: none"> <li>Dispose of Agency assets (34177(e))</li> <li>Prepare and administer Recognized Obligation Payment Schedule (34177(a))</li> <li>Operate under of Oversight Board formed by 1/1/12 (34179)</li> </ul>	<b>After Oct 1, 2011</b>

The CRA published estimates for first year payments under ABx1 27, which your agency must submit to stave off dissolution. Actual payment amounts will be determined by the State Director of Finance by August 1, 2011. While the first payment is exceptionally large, the potentially more critical issue is the long-term, annual "pay-to-play" exposure. We can assist you with these considerations from both the financial and policy perspectives, and prepare you to educate your elected officials and community about the decisions that must be made.

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# ALL REDEVELOPMENT ACTIVITIES HAVE BEEN SUSPENDED

Your Agency must decide whether to dissolve or continue!!!

## Evaluate issues such as:

- 1) What assets do you lose by not continuing?
- 2) Can you make the remittance payments--both the 2011/12 and on-going payments?
- 3) Is there sufficient funding available for projects after making the remittance payments?
- 4) Which projects can be completed under dissolution and which ones cannot?
- 5) Are all your agreements enforceable?
- 6) Do you have blight to eliminate?
- 7) Does retention of future Low/Mod Housing Funds warrant staying in business?

## Which option will your Agency choose?



### Take the following actions:

Now  
 • Gather all loans, agreements, affordable housing covenants, etc.

August 28, 2011  
 • Adopt Enforceable Obligation Payment Schedule [34169(g)(1)]  
 • Transmit Enforceable Obligation Payment Schedule to county auditor-controller, the State Controller, and the Department of Finance [34169(g)(2)]

September 1, 2011  
 • Determine if the City/County that formed the Agency will NOT be the Successor Agency and adopt a resolution stating this [34173(d)(1)]  
 • Determine allowed administrative costs, including staffing [34171(b)]

September 30, 2011  
 • Prepare and transmit a preliminary draft of the initial Recognized Obligation Payment Schedule [34169(h)]

October 1, 2011  
 • Determine if City/County should retain housing responsibilities or transfer to a Housing Authority [34176(a) and (b)]

After October 1, 2011  
 • As Successor Agency, administer Recognized Obligation Payment Schedule [34177(a)(1)]



### Take the following actions:

August 15, 2011  
 • Should City/County appeal payment amount? [34194(b)(2)(L)(i)]

August 28, 2011  
 • Prepare Enforceable Obligation Payment Schedule, if the "Opt-In" Ordinance electing to make "Voluntary Payment" will not be adopted within in 60 days [34169(g)(1)]

October 1, 2011  
 • Carefully prepare the October 1, 2011 Statement of Indebtedness to include all legal debt. This will minimize the additional school pass through payment [34194(c)(2)(A)]  
 • City/County adopts and complete the second reading of the Ordinance [34193(b)]  
 • If the City/County does not adopt the Ordinance by October 1, 2011, adopt a Resolution to extend the date to complete second reading of Ordinance to November 1, 2011 [34193(b)]

After adoption of Ordinance  
 • Continue normal redevelopment activities

January 1, 2012 and May 15, 2012 - annually thereafter  
 • Remit payments [34194(d)(1)]

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**Attachment 3**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF RIDGECREST  
ELECTING TO COMPLY WITH AND PARTICIPATE IN  
THE ALTERNATIVE VOLUNTARY REDEVELOPMENT  
PROGRAM CONTAINED IN PART 1.9 OF DIVISION 24 OF  
THE CALIFORNIA HEALTH AND SAFETY CODE**

**WHEREAS**, the Ridgecrest Redevelopment Agency (“Agency”) is a community redevelopment agency organized and existing under the California Community Redevelopment Law, Health and Safety Code Sections 33000, *et seq.* (“CRL”) and has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council (“City Council”) of the City of Ridgecrest (“City”); and

**WHEREAS**, the Redevelopment Plan for a redevelopment project known and designated as the “Ridgecrest Redevelopment Project” has been adopted and approved by Ordinance No. 86 37 of the City of Ridgecrest on November 16, 1986, and amended by Ordinance No. 91 13 adopted on April 17, 1991 and amended by Ordinance No. 95-04 adopted on March 15, 1995 and all requirements of law for and precedent to the adoption and approval of the Redevelopment Plan, as amended, have been duly complied with; and

**WHEREAS**, since adoption of the Redevelopment Plan, the Agency has undertaken redevelopment projects in the Project Area to eliminate blight, to improve public facilities and infrastructure, to renovate and construct affordable housing, and to generate employment opportunities within the community; and

**WHEREAS**, over the next few years, the Agency hopes to implement a variety of redevelopment projects and programs to continue to eliminate and prevent blight, stimulate and expand the Project Area’s economic growth, create and develop local job opportunities and alleviate deficiencies in public infrastructure, to name a few; and

**WHEREAS**, Parts 1.8, 1.85 and 1.9 of Division 24 of the Health and Safety Code were added to the CRL by ABX1 26 and ABX1 27, which measures purport to become effective immediately. ABX1 26 and ABX1 27, which are trailer bills to the 2011-12 budget bills, were

approved by both houses of the Legislature on June 15, 2011 and signed by the Governor on June 28, 2011; and

**WHEREAS**, Part 1.85 of the CRL (“Part 1.85”) provides for the statewide dissolution of all redevelopment agencies, including the Agency, as of October 1, 2011, and provides that, thereafter, a successor agency to administer the enforceable obligations of the Agency and otherwise wind up the Agency’s affairs, all subject to the review and approval by an oversight committee; and

**WHEREAS**, Part 1.8 of the CRL (“Part 1.8”) provides for the restriction of activities and authority of the Agency in the interim period prior to dissolution to certain “enforceable obligations” and to actions required for the general winding up of affairs, preservation of assets, and certain other goals delineated in Part 1.8; and

**WHEREAS**, the dissolution of the Agency would be detrimental to the health, safety, and economic well-being of the residents of the City and cause irreparable harm to the community, because, among other reasons, the redevelopment activities and projects made possible, implemented, and funded by the Agency are highly significant and of enduring benefit to the community and the City, and are a critical component of its future; and

**WHEREAS**, Part 1.9 of the CRL (“Part 1.9”) provides that a redevelopment agency may continue in operation if a city or county that includes a redevelopment agency adopts an ordinance agreeing to comply with and participate in the Alternative Voluntary Redevelopment Program established in Part 1.9 (“Program”); and

**WHEREAS**, as a condition of the Agency’s continued existence and operation of its redevelopment agency, the City is required to make certain annual remittances to the county auditor-controller pursuant to Chapter 3 of Part 1.9, beginning with a larger upfront remittance for the 2011-2012 fiscal year (“First Remittance”), to be paid in two equal installments on January 15, 2012 and May 15, 2012; and

**WHEREAS**, the City will have sufficient moneys and revenues to fund an amount equal to the City’s payment of the First Remittance and expects to have sufficient moneys and

revenues to fund the subsequent annual remittances required by Part 1.9; and

**WHEREAS**, the City's needs are such that it can commit to spend the funds received from the Agency pursuant to the Agreement to Transfer Tax Increment (defined below) to finance activities within the Redevelopment Project that are related to accomplishing the goals of the Redevelopment Project, including but not limited to attraction and retention of a wide range of businesses, rehabilitation of deteriorated and obsolete structures, development of housing, improvement of infrastructure and public facilities, crime reduction, and blight elimination; and

**WHEREAS**, the City and Agency intend to execute an agreement pursuant to CRL Section 34194.2, whereby the Agency shall make an initial transfer of a portion of its tax increment to the City in an amount equal the First Remittance, and thereafter to transfer amounts of tax increment equal to any subsequent remittance which the City is required to make to the county auditor-controller pursuant to the City's participation in the Program ("Agreement to Transfer Tax Increment"); and

**WHEREAS**, the City is aware that the validity, passage, and applicability of ABX1 26 and ABX1 27 may become the subject of a judicial challenge; and

**WHEREAS**, the City, by the adoption of this Ordinance, does not represent, disclaim, or take any position whatsoever on the issue of the validity of ABX1 26 or ABX1 27, but rather the City seeks to comply with the Constitution and laws of the State of California, including Part 1.9, in order to preserve the ability of the Agency to continue to operate and thereby benefit the community; and

**WHEREAS**, the City reserves the right to appeal the California Director of Finance's determination of the Fiscal Year 2011-12 community remittance, as provided in Health and Safety Code Section 34194; and

**WHEREAS**, while the City currently intends to make these community remittances, they shall be made under protest and without prejudice to the City's right to recover such amounts and interest thereon, to the extent there is a final determination that ABX1 26 and ABX1 27 are unconstitutional; and

**WHEREAS**, the City reserves the right, regardless of any community remittance made pursuant to this Ordinance, to challenge the legality of ABX1 26 and ABX1 27; and

**WHEREAS**, to the extent a court of competent jurisdiction enjoins, restrains, or grants a stay on the effectiveness of the Alternative Voluntary Redevelopment Program's payment obligation of ABX1 26 and ABX1 27, the City shall not be obligated to make any community remittance for the duration of such injunction, restraint, or stay; and

**WHEREAS**, the City has duly considered all other related matters and has determined that the City's participation in the Program is in the best interests of the City, and the health, safety, and welfare of its residents, and in accord with the public purposes and provisions of applicable state and local laws and requirements.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIDGECREST DOES ORDAIN AS FOLLOWS:**

1. The foregoing recitals are true and correct.
2. The City hereby finds that (i) the dissolution of the Agency would be detrimental and cause irreparable harm to the community and to the health, safety, and economic well-being of the citizens of the City, and (ii) the types of activities and projects made possible, implemented, and funded by the Agency are highly significant and of enduring benefit to the community and the City, and are a critical component of its future; and
3. The City hereby commits to spend those funds received under the Agreement to Transfer Tax Increment or otherwise pursuant to CRL Section 34194.2 to finance activities within the Redevelopment Project that are related to accomplishing the goals of the Redevelopment Project; and
4. The City hereby ordains that the City shall comply with the Constitution and the laws of the State of California, including Part 1.9, including the making of the remittances referred to in CRL Section 34194(c) at the times and in the manner described in Part 1.9.

This ordinance is that ordinance referred to in CRL Section 34193 and shall be interpreted and applied in all respects so as to comply with Part 1.9, to the fullest extent permitted by law.

5. The City Manager is hereby authorized and directed to take action and execute any documents necessary to implement this Ordinance, including, but not limited to notifying, on or before November 1, 2011, the county auditor-controller, the Controller of the State, and the State Department of Finance that the City agrees to comply with the provisions of Part 1.9 as provided under Section 34193, such notice to be in accordance with CRL Section 34193.1.
6. The City's remittances to the county auditor-controller made pursuant to Part 1.9 may be paid from any legally available funds of the City not otherwise obligated for other uses in accordance with Section 34194.1. Nothing herein is intended or shall be interpreted to require any payments or impose any financial or other obligation of the City other than in accordance with the Constitution and laws of the State of California, including Part 1.9. Except as set forth in Section 7, below, the City Council hereby determines that the City shall make the community remittances set forth in Health and Safety Code section 34194 et seq.
7. The City shall not make any community remittance in the event a court of competent jurisdiction either grants a stay on the enforcement of ABX1 26 and ABX1 27 or determines that ABX1 26 and ABX1 27 are unconstitutional and therefore invalid, and all appeals therefrom are exhausted or unsuccessful, or time for filing an appeal therefrom has lapsed. Any community remittance shall be made under protest and without prejudice to the City's right to recover such amount and interest thereon in the event that there is a final determination that ABX1 26 and ABX1 27 are unconstitutional. If there is a final determination that ABX1 26 and ABX1 27 are invalid, this Ordinance shall be deemed to be null and void and of no further force or effect.
8. This Ordinance shall be effective thirty (30) days from and after the date of the final passage and adoption hereof.

**PASSED APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2011.

---

Ronald H. Carter, Mayor, City of Ridgecrest

**ATTEST:**

---

Rachel J. Ford, CMC  
City Clerk

**APPROVED AS TO FORM:**

---

City Attorney

**STATE OF CALIFORNIA** )  
**COUNTY OF KERN** ) ss  
**CITY OF RIDGECREST** )

I, Rachel Ford, City Clerk of the City of Ridgecrest, do hereby certify that the foregoing Ordinance No. \_\_\_\_ was duly passed and adopted at a regular meeting of the City Council of the City of Ridgecrest held on the \_\_\_\_ day of \_\_\_\_\_, 2011.

Upon motion of City Council Member \_\_\_\_\_, seconded by City Council Member \_\_\_\_\_, the foregoing Ordinance No. \_\_\_\_\_ was duly passed and adopted.

Vote on the motion:

AYES:

NOES:

ABSENT:

**IN WITNESS WHEREOF**, I have hereunto set my hand and the Official Seal of the City of Ridgecrest this \_\_\_\_ day of \_\_\_\_\_, 2011.

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RACHEL J. FORD, CMC, CITY CLERK

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**CITY COUNCIL/REDEVELOPMENT AGENCY/FINANCING AUTHORITY AGENDA ITEM**

**SUBJECT:**

Second Reading and Adoption, An Urgency Ordinance No. 11-01, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Interim Franchises

**PRESENTED BY:**

Keith Lemieux

**SUMMARY:**

Sections 3-5.104 and 3-5.105 of the Ridgecrest Municipal Code require that certain franchises may only be granted pursuant to a specified procedure. This procedure requires preparation of certain reports, noticed public hearings, and approval of the franchise by ordinance.

This urgency ordinance amends the Municipal Code to provide an alternative procedure to issue interim franchises where necessary to preserve public health and safety.

**FISCAL IMPACT:**

No Fiscal Impact

Reviewed by Finance Director

**ACTION REQUESTED:**

Approve the following two motions:

1. *Motion To Waive Reading In Full And to Adopt By Title Only An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Interim Franchises*
2. *Motion To Adopt, By Title Only, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Interim Franchises*

**CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:**

Action as requested: Approve two motions waiving reading in full and adopting by title only an urgency ordinance establishing an alternative procedure for issuance of interim franchises

Submitted by: Keith Lemieux  
(Rev. 6/12/09)

Action Date: July 20, 2011

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**ORDINANCE NO. 11-01**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF RIDGECREST  
AMENDING THE RIDGECREST MUNICIPAL CODE  
AS IT RELATES TO INTERIM FRANCHISES**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIDGECREST  
as follows:**

**1. Purpose.**

Sections 3-5.104 and 3-5.105 of the Ridgcrest Municipal Code require that certain franchises may only be granted pursuant to a specified procedure. This procedure requires preparation of certain reports, noticed public hearings, and approval of the franchise by ordinance.

The following ordinance amends the Municipal Code to provide an alternative procedure to issue interim franchises where necessary to preserve public health and safety.

**2. Amendment.**

Section 3-5.113 is added to the Ridgcrest Municipal Code to read as follows:

**"Section 3-5.113: Interim Franchise.**

(a) Notwithstanding Municipal Code Sections 3-5.104 and 3-5.105, the city council may award an interim franchise by resolution to prevent disruption of service to the public upon the conditions set forth in this section. The city council shall not be required to hold a hearing pursuant to Section 3-5.105 prior to issuing an interim franchise under this section.

(b) Before it can award an interim franchise, the city council must find the award is necessary to prevent the interruption of public services such that the award is necessary to protect the public health, safety, and welfare of the City.

(c) An interim franchise shall include conditions necessary to protect the public health, safety and welfare, including at least the following:

(1) The interim franchise service may be on the same terms and conditions of the preceding franchise.

(2) The maximum term of the interim franchise shall be one hundred and twenty (120) days.

(3) The interim franchisee shall be permitted to propose to provide permanent franchise services, but shall not be given a more favorable evaluation merely because interim franchise services have been provided.

(4) The franchise shall not confer any privilege or exemption except as specifically prescribed in this article."

**3. Urgency Ordinance.**

The City Council finds and declares that the failure of this ordinance to take immediate effect could result in the interruption of trash service. Therefore the City Council finds that it is necessary for this ordinance to take immediate effect in order to preserve the health and welfare of the citizens of Ridgecrest. This ordinance was passed by a four fifths vote and shall be effective immediately upon passage

**4. Other.**

Except as otherwise provided, the Ridgecrest Municipal Code is reaffirmed and readopted.

**PASSED, APPROVED, AND ADOPTED** at a regular meeting of said City Council held on \_\_\_\_\_, 2011, by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Ronald H. Carter, Mayor

ATTEST:

\_\_\_\_\_  
Rachel J. Ford, City Clerk

(Seal)

**10**

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**CITY COUNCIL/REDEVELOPMENT AGENCY/FINANCING AUTHORITY AGENDA ITEM**

**SUBJECT:**

Second Reading And Adoption, An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Policies For Taxi Franchises

**PRESENTED BY:**

Keith Lemieux – City Attorney

**SUMMARY:**

Section 3-5.407 of the Ridgecrest Municipal Code imposes certain restrictions on taxicab drivers employed by a taxi franchise that operates within the City of Ridgecrest.

Government Code section 53075.5 requires that City expands these restrictions by establishing a policy regarding the conditions for entry into the business of taxicab transportation service, the establishment or registration of rates, and a mandatory controlled substance and alcohol testing certification program.

This ordinance amends Section 3-5.407 of the Ridgecrest Municipal code to maintain City's compliance with the Department of Transportation and Federal Government Code. City adopted a federally approved Controlled Substance and Alcohol Testing policy on July 5, 2006.

Recommended Motions – 2 motions

1. *Motion To Waive Reading In Full And To Adopt An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Policies For Taxi Franchises*

*Requires A Second*

2. *Motion To Adopt By Title Only An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Policies For Taxi Franchises*

*Requires A Second*

**FISCAL IMPACT:**

No Fiscal Impact

Reviewed by Finance Director

**ACTION REQUESTED:**

Approve the following two motions:

1. *Motion To Waive Reading In Full And To Adopt An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Policies For Taxi Franchises*

*Requires A Second*

*2. Motion To Adopt By Title Only An Ordinance Of The City Council Of The City Of Ridgecrest Amending The Ridgecrest Municipal Code As It Relates To Policies For Taxi Franchises*

*Requires A Second*

CITY MANAGER / EXECUTIVE DIRECTOR RECOMMENDATION:

Action as requested: Approve two motions waiving reading in full and adopting by title only an ordinance amending the Ridgecrest Municipal Code as it relates to policies for taxi franchises.

Submitted by: Keith Lemieux

Action Date: July 20, 2011

(Rev. 6/12/09)

**ORDINANCE NO. 11-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIDGECREST  
AMENDING THE RIDGECREST MUNICIPAL CODE  
AS IT RELATES TO POLICIES FOR TAXI FRANCHISES**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIDGECREST  
as follows:**

**1. Purpose.**

Section 3-5.407 of the Ridgecrest Municipal Code imposes certain restrictions on taxicab drivers employed by a taxi franchise that operates within the City of Ridgecrest. Government Code section 53075.5 requires that City expands these restrictions by establishing a policy regarding the conditions for entry into the business of taxicab transportation service, the establishment or registration of rates, and a mandatory controlled substance and alcohol testing certification program.

The following ordinance amends the Municipal Code by requiring each taxicab driver to comply with City's policy.

**2. Amendment.**

Section 3-5.407 of the Ridgecrest Municipal Code is hereby amended to read as follows:

**"3-5.407 - Taxicab Drivers.**

**(a)** The franchisee shall not engage any person to operate or drive a vehicle to be used for taxi service unless the driver is duly licensed and qualified to carry passengers. A driver who has been convicted of a crime involving moral turpitude, including but not limited to, using, possessing, selling or transporting any controlled substance or dangerous drug, or who has been convicted of driving under the influence of alcohol or drugs within three (3) years of the application, or who has been convicted of reckless driving within two (2) years of the application, shall be presumed not qualified to operate a taxi within the City.

**(b)** Prior to commencement of service, each driver engaged by the franchisee to drive a vehicle to be used for taxi service shall obtain a certificate from the Chief of Police that the driver has complied with this section. The certificate shall also be obtained each time the franchisee proposes to substitute or add a new driver to provide taxi service.

**(c)** The Chief shall prepare forms to be used to apply for a driver's certificate. The application form shall provide such information as the Chief

deems necessary to determine that the driver satisfies the requirements of this Division.

(d) If, after review of the application and the applicant's driver's record, the Chief determines that application and the driver comply with the requirements of this Division, the Chief shall issue a certificate to the driver.

(e) Each driver's certificate shall be reviewed at least annually, after any accident, and more frequently as necessary to assure compliance with this Division.

(f) Each driver shall comply with City's policy regarding the conditions for entry into the business of taxicab transportation service, the establishment or registration of rates, and mandatory controlled substance and alcohol testing certification program.

**3. Other.**

Except as otherwise provided, the Ridgecrest Municipal Code is reaffirmed and readopted.

**PASSED, APPROVED, AND ADOPTED** at a regular meeting of said City Council held on \_\_\_\_\_, 2011, by the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Ronald H. Carter, Mayor

ATTEST:

\_\_\_\_\_  
Rachel J. Ford, City Clerk

(Seal)

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**DRUG AND ALCOHOL TESTING POLICY  
CITY OF RIDGECREST**

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**A. PURPOSE**

- 1) The CITY OF RIDGECREST provides public transit and paratransit services for the residents of RIDGECREST, INYOKERN, and JOHANSBURG/RANDBURG AND SURROUNDING COUNTY AREAS pursuant to contract with County. This policy will ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment. This policy establishes guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.

43  
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**B. APPLICABILITY**

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees when performing safety sensitive duties. A safety-sensitive function is operation of mass transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, dispatchers or person controlling the movement of revenue service vehicles and any other transit employee who is required to hold a Commercial Drivers License. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions that perform one or more of the above-mentioned duties is provided in Attachment A. Supervisors are only safety sensitive if they perform one of the above functions.

**C. DEFINITIONS**

45 Accident: An occurrence associated with the operation of a vehicle even when  
46 not in revenue service in revenue service, if as a result:

- 47 a. An individual dies;
- 48 b. An individual suffers a bodily injury and immediately receives  
49 medical treatment away from the scene of the accident; or,
- 50 c. One or more vehicles incur disabling damage as the result of the  
51 occurrence and is transported away from the scene by a tow truck  
52 or other vehicle. For purposes of this definition, disabling damage  
53 means damage which precludes departure of any vehicle from the  
54 scene of the occurrence in its usual manner in daylight after simple  
55 repairs. Disabling damage includes damage to vehicles that could  
56 have been operated but would have been further damaged if so  
57 operated, but does not include damage which can be remedied  
58 temporarily at the scene of the occurrence without special tools or  
59 parts, tire disablement without other damage even if no spare tire is  
60 available, or damage to headlights, taillights, turn signals, horn,  
61 mirrors or windshield wipers that makes them inoperative.

62  
63 Adulterated specimen: A specimen that contains a substance that is not  
64 expected to be present in human urine, or contains a substance expected to be  
65 present but is at a concentration so high that it is not consistent with human  
66 urine.

67  
68 Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low  
69 molecular weight alcohols contained in any beverage, mixture, mouthwash,  
70 candy, food, preparation or medication.

71  
72 Alcohol Concentration: Expressed in terms of grams of alcohol per 210 liters of  
73 breath as measured by an evidential breath testing device.

74  
75 Canceled Test: A drug test that has been declared invalid by a Medical Review  
76 Officer. A canceled test is neither positive nor negative.

77  
78 Covered Employee: An employee who performs a safety-sensitive function  
79 including an applicant or transferee who is being considered for hire into a safety-  
80 sensitive function (See Attachment A for a list of Covered Employees).

81  
82 Designated Employer Representative (DER): An employee authorized by the  
83 employer to take immediate action to remove employees from safety-sensitive  
84 duties and to make required decisions in testing. The DER also receives test  
85 results and other communications for the employer, consistent with the  
86 requirements of 49 CFR Parts 40 and 655.

88 Department of Transportation (DOT): Department of the federal government  
89 which includes the, Federal Transit Administration, Federal Railroad  
90 Administration, Federal Highway Administration, Federal Motor Carriers' Safety  
91 Administration, Research and Special Programs, and the Office of the Secretary  
92 of Transportation.

93

94 Dilute specimen: A specimen with creatinine and specific gravity values that are  
95 lower than expected for human urine.

96

97 Disabling damage: Damage which precludes departure of any vehicle from the  
98 scene of the occurrence in its usual manner in daylight after simple repairs.  
99 Disabling damage includes damage to vehicles that could have been operated  
100 but would have been further damaged if so operated, but does not include  
101 damage which can be remedied temporarily at the scene of the occurrence  
102 without special tools or parts, tire disablement without other damage even if no  
103 spare tire is available, or damage to headlights, taillights, turn signals, horn,  
104 mirrors or windshield wipers that makes them inoperative.

105

106 Evidentiary Breath Testing Device (EBT): A Device approved by the NHTSA for  
107 the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations.  
108 Approved devices are listed on the National Highway Traffic Safety  
109 Administration (NHTSA) conforming products list.

110

111 Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of  
112 osteopathy) responsible for receiving laboratory results generated by the drug  
113 testing program who has knowledge of substance abuse disorders, and has  
114 appropriate medical training to interpret and evaluate an individual's confirmed  
115 positive test result, together with his/her medical history, and any other relevant  
116 bio-medical information.

117

118 Negative Dilute: A drug test result which is negative for the five drug/drug  
119 metabolites but has a specific gravity value lower than expected for human urine.

120

121 Negative test result: The verified presence of the identified drug or its metabolite  
122 below the minimum levels specified in 49 CFR Part 40, as amended. An alcohol  
123 concentration of less than 0.02 BAC is a negative test result.

124

125 Non-negative test result: A test result found to be adulterated, substitute, invalid,  
126 or positive for drug/drug metabolites.

127

128 Performing (a safety-sensitive function): A Covered Employee is considered to  
129 be performing a safety-sensitive function and includes any period in which he or  
130 she is actually performing, ready to perform, or immediately available to perform  
131 such functions.

132

133 Positive test result: A verified presence of the identified drug or its metabolite at  
134 or above the minimum levels specified in 49 CFR Part 40, as amended. A  
135 positive alcohol test result means a confirmed alcohol concentration of 0.04 BAC  
136 or greater.

137

138 Prohibited drug: Identified as marijuana, cocaine, opiates, amphetamines, or  
139 phencyclidine at levels above the minimum thresholds specified in 49 CFR Part  
140 40, as amended.

141

142 Revenue Service Vehicles: All transit vehicles that are used for passenger  
143 transportation service or that require a CDL to operate. Include all ancillary  
144 vehicles used in support of the transit system.

145

146 Safety-sensitive functions: Employee duties identified as:

147 (1) The operation of a transit revenue service vehicle even when the  
148 vehicle is not in revenue service.

149 (2) The operation of a non-revenue service vehicle by an employee when  
150 the operation of such a vehicle requires the driver to hold a  
151 Commercial Drivers License (CDL).

152 (3) Maintaining a revenue service vehicle or equipment used in revenue  
153 service.

154 (4) Controlling the movement of a revenue service vehicle and

155 (5) Carrying a firearm for security purposes.

156

157 Substance Abuse Professional (SAP): A licensed physician (medical doctor or  
158 doctor of osteopathy) or licensed or certified psychologist, social worker,  
159 employee assistance professional, or addiction counselor (certified by the  
160 National Association of Alcoholism and Drug Abuse Counselors Certification  
161 Commission or by the International Certification Reciprocity Consortium/Alcohol  
162 and other Drug Abuse) with knowledge of and clinical experience in the diagnosis  
163 and treatment of drug and alcohol related disorders.

164

165 Substituted specimen: A specimen with creatinine and specific gravity values  
166 that are so diminished that they are not consistent with normal human urine.

167

168 Test Refusal: The following are considered a refusal to test if the employee:

169 (1) Fails to appear for any test (excluding pre-employment) within a  
170 reasonable time, as determined by the employer, after being  
171 directed to do so by the employer

172 (2) Fails to remain at the testing site until the testing process is  
173 complete

174 (3) Fails to provide a urine or breath specimen for any drug or alcohol  
175 test required by Part 40 or DOT agency regulations

- 176 (4) In the case of a directly observed or monitored collection in a drug  
177 test, fails to permit the observation or monitoring of your provision  
178 of a specimen  
179 (5) Fails to provide a sufficient amount of urine or breath when  
180 directed, and it has been determined, through a required medical  
181 evaluation, that there was no adequate medical explanation for the  
182 failure  
183 (6) Fails or declines to take a second test the employer or collector has  
184 directed you to take  
185 (7) Fails to undergo a medical examination or evaluation, as directed  
186 by the MRO as part of the verification process, or as directed by the  
187 DER as part of the "shy bladder" or "shy lung" procedures  
188 (8) Fails to cooperate with any part of the testing process (e.g., refuse  
189 to empty pockets when so directed by the collector, behave in a  
190 confrontational way that disrupts the collection process)  
191 (9) If the MRO reports that there is verified adulterated or substituted  
192 test result  
193 (10) Failure or refusal to sign Step 2 of the alcohol testing form  
194

195 Verified negative test: A drug test result reviewed by a medical review officer and  
196 determined to have no evidence of prohibited drug use above the minimum cutoff  
197 levels established by the Department of Health and Human Services (HHS).  
198

199 Verified positive test: A drug test result reviewed by a medical review officer and  
200 determined to have evidence of prohibited drug use above the minimum cutoff  
201 levels specified in 49 CFR Part 40 as revised.  
202

203 Validity testing: The evaluation of the specimen to determine if it is consistent  
204 with normal human urine. The purpose of validity testing is to determine whether  
205 certain adulterants or foreign substances were added to the urine, if the urine  
206 was diluted, or if the specimen was substituted.  
207  
208  
209  
210

#### 211 **D. EDUCATION AND TRAINING**

- 212  
213 1) Every Covered Employee will receive a copy of this policy and will have  
214 ready access to the corresponding federal regulations including 49 CFR  
215 Parts 655 and 40, as amended. In addition, all Covered Employees will  
216 undergo a minimum of 60 minutes of training on the signs and symptoms  
217 of drug use including the effects and consequences of drug use on  
218 personal health, safety, and the work environment. The training also

219 includes manifestations and behavioral cues that may indicate prohibited  
220 drug use.

221

222 2) All supervisory personnel or company officials who are in a position to  
223 determine employee fitness for duty will receive 60 minutes of reasonable  
224 suspicion training on the physical, behavioral, and performance indicators  
225 of probable drug use and 60 minutes of additional reasonable suspicion  
226 training on the physical, behavioral, speech, and performance indicators of  
227 probable alcohol misuse. Under the CITY OF RIDGECREST'S own  
228 authority, supervisory personnel will also be trained on how to intervene  
229 constructively and how to effectively integrate an employee back into  
230 his/her work group following intervention and/or treatment.

231

232

233

## 234 **E. PROHIBITED SUBSTANCES**

235

236 1) Prohibited substances addressed by this policy include the following.

237

238 a. Illegally Used Controlled Substance or Drugs Under the Drug-Free  
239 Workplace Act of 1988 any drug or any substance identified in  
240 Schedule I through V of Section 202 of the Controlled Substance  
241 Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11  
242 through 1300.15 is prohibited at all times in the workplace unless a  
243 legal prescription has been written for the substance. This  
244 includes, but is not limited to: marijuana, amphetamines, opiates,  
245 phencyclidine (PCP), and cocaine, as well as any drug not  
246 approved for medical use by the U.S. Drug Enforcement  
247 Administration or the U.S. Food and Drug Administration. Illegal  
248 use includes use of any illegal drug, misuse of legally prescribed  
249 drugs, and use of illegally obtained prescription drugs. Also, the  
250 medical use of marijuana, or the use of hemp related products, as  
251 which cause drug or drug metabolites to be present in the body  
252 above the minimum thresholds is a violation of this policy

253

254 Federal Transit Administration drug testing regulations (49 CFR  
255 Part 655) require that all Covered Employees be tested for  
256 marijuana, cocaine, amphetamines, opiates, and phencyclidine as  
257 described in Section H of this policy. Illegal use of these five  
258 drugs is prohibited at all times and thus, Covered Employees may  
259 be tested for these drugs anytime that they are on duty.

260

261 a. Legal Drugs: The appropriate use of legally prescribed drugs and  
262 non-prescription medications is not prohibited. However, the use of

263 any substance which carries a warning label that indicates that  
264 mental functioning, motor skills, or judgment may be adversely  
265 affected must be reported to a CITY OF RIDGECREST supervisor  
266 and the employee is required to provide a written release from  
267 his/her doctor or pharmacist indicating that the employee can  
268 perform his/her safety-sensitive functions.

- 269
- 270 b. Alcohol: The use of beverages containing alcohol (including any  
271 mouthwash, medication, food, candy) or any other substances  
272 such that alcohol is present in the body while performing safety-  
273 sensitive job functions is prohibited. An alcohol test can be  
274 performed on a Covered Employee under 49 CFR Part 655 just  
275 before, during, or just after the performance of safety-sensitive job  
276 functions. Under CITY OF RIDGECREST authority, an alcohol test  
277 can be performed any time a Covered Employee is on duty.  
278

279

## 280 **F. PROHIBITED CONDUCT**

- 281
- 282 1) All Covered Employees are prohibited from reporting for duty or  
283 remaining on duty any time there is a quantifiable presence of a prohibited  
284 drug in the body above the minimum thresholds defined in 49 CFR PART  
285 40, as amended.
- 286
- 287 2) Each Covered Employee is prohibited from consuming alcohol while  
288 performing safety-sensitive job functions or while on-call to perform safety-  
289 sensitive job functions. If an on-call employee has consumed alcohol,  
290 they must acknowledge the use of alcohol at the time that they are called  
291 to report for duty. The Covered Employee will subsequently be relieved of  
292 his/her on-call responsibilities and subject to discipline.
- 293
- 294 3) The Transit Department shall not permit any Covered Employee to  
295 perform or continue to perform safety-sensitive functions if it has actual  
296 knowledge that the employee is using alcohol
- 297
- 298 4) Each Covered Employee is prohibited from reporting to work or remaining  
299 on duty requiring the performance of safety-sensitive functions while  
300 having an alcohol concentration of 0.02 or greater regardless of when the  
301 alcohol was consumed.
- 302
- 303 5) No Covered Employee shall consume alcohol for eight (8) hours following  
304 involvement in an accident or until he/she submits to the post-accident  
305 drug/alcohol test, whichever occurs first.  
306

- 307 6) No Covered Employee shall consume alcohol within four (4) hours prior to  
308 the performance of safety-sensitive job functions.  
309  
310 7) CITY OF RIDGECREST under its own authority also prohibits the  
311 consumption of alcohol all times employee is on duty, or anytime the  
312 employee is in uniform.  
313  
314 8) Consistent with the Drug-free Workplace Act of 1988, all CITY OF  
315 RIDGECREST employees are prohibited from engaging in the unlawful  
316 manufacture, distribution, dispensing, possession, or use of prohibited  
317 substances in the work place including Transit Department premises and  
318 transit vehicles.  
319  
320

### 321 **G. DRUG STATUTE CONVICTION**

322  
323 Consistent with the Drug Free Workplace Act of 1998, all employees are required  
324 to notify the CITY OF RIDGECREST management of any criminal drug statute  
325 conviction for a violation occurring in the workplace within five days after such  
326 conviction. Failure to comply with this provision shall result in disciplinary action  
327 as defined in Section O.10 of this policy.  
328

### 329 330 **H. TESTING REQUIREMENTS**

- 331  
332 1) Analytical urine drug testing and breath testing for alcohol will be  
333 conducted as required by 49 CFR part 40 as amended. All Covered  
334 Employees shall be subject to testing prior to performing safety-sensitive  
335 duty, for reasonable suspicion, following an accident, and random as  
336 defined in Section K, L, M, and N of this policy, and return to duty.  
337  
338 2) All Covered Employees who have tested positive for drugs or alcohol will  
339 be referred to a Substance Abuse Professional.  
340  
341 3) A drug test can be performed any time a Covered Employee is on duty.  
342 An alcohol test can be performed just before, during, or after the  
343 performance of a safety-sensitive job function. Under CITY OF  
344 RIDGECREST authority, an alcohol test can be performed any time a  
345 Covered Employee is on duty.  
346  
347 4) All Covered Employees will be subject to urine drug testing and breath  
348 alcohol testing as a condition of ongoing employment with CITY OF  
349 RIDGECREST. Any safety-sensitive employee who refuses to comply  
350 with a request for testing shall be removed from duty and subject to

351 discipline as defined in Section O.3 of this policy. Any Covered Employee  
352 who is suspected of providing false information in connection with a drug  
353 test, or who is suspected of falsifying test results through tampering,  
354 contamination, adulteration, or substitution will be required to undergo an  
355 observed collection. Verification of the above listed actions will be  
356 considered a test refusal and will result in the employee's removal from  
357 duty and disciplined as defined in Section O.3 of this policy. Refer to  
358 Section C 3 for behavior that constitutes a refusal to test.

359

360

## 361 **I. DRUG TESTING PROCEDURES**

362

363

364 1) The drugs that will be tested for include marijuana, cocaine, opiates,  
365 amphetamines, and phencyclidine. After the identity of the donor is  
366 checked using picture identification, a urine specimen will be collected  
367 using the split specimen collection method described in 49 CFR Part 40,  
368 as amended. Each specimen will be accompanied by a DOT Chain of  
369 Custody and Control Form and identified using a unique identification  
370 number that attributes the specimen to the correct individual. The  
371 specimen analysis will be conducted at a HHS certified laboratory. An  
372 initial drug screen and validity test will be conducted on the primary urine  
373 specimen. For those specimens that are not negative, a confirmatory Gas  
374 Chromatography/Mass Spectrometry (GC/MS) test will be performed. The  
375 test will be considered positive if the amounts of the drug(s) and/or its  
376 metabolites identified by the GC/MS test are above the minimum  
377 thresholds established in 49 CFR Part 40, as amended.

378

379 2) The test results from the HHS certified laboratory will be reported to a  
380 Medical Review Officer. A Medical Review Officer (MRO) is a licensed  
381 physician with detailed knowledge of substance abuse disorders and drug  
382 testing. The MRO will review the test results to ensure the scientific  
383 validity of the test and to determine whether there is a legitimate medical  
384 explanation for a confirmed positive, substitute, or adulterated test result.  
385 The MRO will attempt to contact the employee to notify the employee of  
386 the non-negative laboratory result, and provide the employee with an  
387 opportunity to explain the confirmed laboratory test result. The MRO will  
388 subsequently review the employee's medical history/medical records as  
389 appropriate to determine whether there is a legitimate medical explanation  
390 for a non-negative laboratory result. If no legitimate medical explanation is  
391 found, the test will be verified positive or refusal to test and reported to the  
392 CITY OF RIDGECREST Drug and Alcohol Program Manager (DAPM). If  
393 a legitimate explanation is found, the MRO will report the test result as  
394 negative to the DAPM and no further action will be taken.

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- 3) If the test is invalid with out a medical explanation, a retest will be conducted under direct observation.
  
- 4) Any Covered Employee who questions the results of a required drug test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory with no affiliation with the laboratory that analyzed the primary specimen. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. CITY OF RIDGECREST will ensure that the costs for the split specimen are covered in order for a timely analysis of the sample; however CITY OF RIDGECREST will seek reimbursement for the split sample test from the employee.
  
- 5) If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled and will direct CITY OF RIDGECREST to retest the employee under direct observation.
  
- 6) The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary is positive, the split will be retained for testing if so requested by the employee through the Medical Review Officer. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year.
  
- 7) Observed collections
  - a. Consistent with 49 CFR part 40, as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:

- 438 i. The laboratory reports to the MRO that a specimen is invalid,  
439 and the MRO reports to CITY OF RIDGECREST that there  
440 was not an adequate medical explanation for the result; or  
441  
442 ii. The MRO reports to CITY OF RIDGECREST that the  
443 original positive, adulterated, or substituted test result had to  
444 be cancelled because the test of the split specimen could not  
445 be performed.  
446  
447 iii. The collector observes materials brought to the collection  
448 site or the employee's conduct clearly indicates an attempt to  
449 tamper with a specimen or  
450  
451 iv. The temperature on the original specimen was out of range.  
452  
453  
454

## 455 **J. ALCOHOL TESTING PROCEDURES**

- 456  
457 1) Tests for breath alcohol concentration will be conducted utilizing a  
458 National Highway Traffic Safety Administration (NHTSA)-approved  
459 Evidential Breath Testing device (EBT) operated by a trained Breath  
460 Alcohol Technician (BAT). Alcohol screening tests may be performed  
461 using a non-evidential testing device which is also approved by NHSTA. If  
462 the initial test indicates an alcohol concentration of 0.02 or greater, a  
463 second test will be performed to confirm the results of the initial test. The  
464 confirmatory test must occur on an EBT. The confirmatory test will be  
465 conducted at least fifteen minutes after the completion of the initial test.  
466 The confirmatory test will be performed using a NHTSA-approved EBT  
467 operated by a trained BAT. The EBT will identify each test by a unique  
468 sequential identification number. This number, time, and unit identifier will  
469 be provided on each EBT printout. The EBT printout, along with an  
470 approved alcohol testing form, will be used to document the test, the  
471 subsequent results, and to attribute the test to the correct employee. The  
472 test will be performed in a private, confidential manner as required by 49  
473 CFR Part 40, as amended. The procedure will be followed as prescribed  
474 to protect the employee and to maintain the integrity of the alcohol testing  
475 procedures and validity of the test result. If at any time the integrity of the  
476 testing procedures or the validity of the test results is compromised, the  
477 test will be canceled. Minor inconsistencies or procedural flaws that do  
478 not impact the test result will not result in a cancelled test.  
479  
480

- 481 2) An employee who has a confirmed alcohol concentration of 0.04 or  
482 greater will be considered a positive alcohol test and in violation of this  
483 policy. The consequences of a positive alcohol test are described in  
484 Section O.4-5 of this policy. Even though an employee who has a  
485 confirmed alcohol concentration of 0.02 to 0.039 is not considered  
486 positive, the employee shall still be removed from duty for at least eight  
487 hours or for the duration of the work day whichever is longer and will be  
488 subject to the consequences described in Section O.9 of this policy. An  
489 alcohol concentration of less than 0.02 will be considered a negative test.  
490  
491  
492 3) The alcohol testing form (ATF) required by 49 CFR Part 40 as amended,  
493 shall be used for all FTA required testing. Failure of an employee to sign  
494 step 2 of the ATF will be considered a refusal to submit to testing.  
495

496 **K. PRE-EMPLOYMENT TESTING**  
497

- 498  
499 1) All applicants for covered transit positions shall undergo urine drug testing  
500 and breath alcohol testing prior to performance of a safety-sensitive  
501 function.  
502 b. All offers of employment for covered positions shall be extended  
503 conditional upon the applicant passing a drug and alcohol test. An  
504 applicant shall not be placed into a safety -sensitive position unless  
505 the applicant takes a drug test with verified negative results, and an  
506 alcohol concentration below 0.02.  
507  
508 c. A non-Covered Employee shall not be placed, transferred or  
509 promoted into a covered position until the employee takes a drug  
510 test with verified negative results and an alcohol concentration  
511 below 0.02.  
512  
513 d. If an applicant fails a pre-employment drug or alcohol test, the  
514 conditional offer of employment shall be rescinded. Failure of a  
515 pre-employment drug and/or alcohol test will disqualify an applicant  
516 for employment for a period of at least one year. . The applicant  
517 must provide the employer proof of having successfully completed  
518 a referral, evaluation and treatment plan as described in section  
519 655.62 of subpart G. The cost for the assessment and any  
520 subsequent treatment will be the sole responsibility of the applicant.  
521  
522 e. When an employee being placed, transferred, or promoted from a  
523 non-covered position to a covered position submits a drug test with

524 a verified positive result, and/or an alcohol concentration above  
525 0.04 the employee shall be eligible for voluntary disclosure rights.

526  
527 f. If a pre-employment/pre-transfer test is canceled, CITY OF  
528 RIDGECREST will require the applicant to take and pass another  
529 pre-employment drug test.

530  
531 g. In instances where a Covered Employee is on extended leave for a  
532 period of 90 days or more regardless of reason, and is not in the  
533 random testing pool the employee will be required to take a drug  
534 and alcohol test under 49 CFR Part 655 and have negative test  
535 results prior to the conduct of safety-sensitive job functions.

536  
537 h. An applicant with a dilute negative test result will be required to  
538 retest.

539  
540 i. Applicants are required to report previous DOT covered employer  
541 drug and alcohol test results—Failure to do so will result in the  
542 employment offer being rescinded. If the applicant has tested  
543 positive or refused to test on a pre-employment test for a DOT  
544 covered employer. The applicant must provide CITY OF  
545 RIDGECREST proof of having successfully completed a referral,  
546 evaluation and treatment plan as described in section 655.62 of  
547 subpart G.

548  
549  
550 **L. REASONABLE SUSPICION TESTING**

551  
552 1) All CITY OF RIDGECREST Covered Employees will be subject to a  
553 reasonable suspicion drug and/or alcohol test when the employer has  
554 reasonable suspicion to believe that the Covered Employee has used a  
555 prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion  
556 shall mean that there is objective evidence, based upon specific,  
557 contemporaneous, articulable observations of the employee's appearance,  
558 behavior, speech or body odor that are consistent with possible drug use  
559 and/or alcohol misuse. Reasonable suspicion referrals must be made by  
560 one or more supervisors who are trained to detect the signs and  
561 symptoms of drug and alcohol use, and who reasonably concludes that an  
562 employee may be adversely affected or impaired in his/her work  
563 performance due to possible prohibited substance abuse or alcohol  
564 misuse. A reasonable suspicion alcohol test can only be conducted just  
565 before, during, or just after the performance of a safety-sensitive job  
566 function. However, under CITY OF RIDGECREST'S authority, a  
567 reasonable suspicion alcohol test may be performed any time the Covered

568 Employee is on duty. A reasonable suspicion drug test can be performed  
569 any time the Covered Employee is on duty.

570  
571 2) CITY OF RIDGECREST shall be responsible for transporting the  
572 employee to the testing site. Supervisors should avoid placing themselves  
573 and/or others into a situation which might endanger the physical safety of  
574 those present. The employee shall be placed on administrative leave  
575 pending disciplinary action described in Section O.1-5 and 9 of this policy.  
576 An employee who refuses an instruction to submit to a drug/alcohol test  
577 shall not be permitted to finish his or her shift and shall immediately be  
578 placed on administrative leave pending disciplinary action as specified in  
579 Section O.3 of this policy.

580  
581 3) A written record of the observations which led to a drug/alcohol test based  
582 on reasonable suspicion shall be prepared and signed by the supervisor  
583 making the observation. This written record shall be submitted to the  
584 CITY OF RIDGECREST management and shall be attached to the forms  
585 reporting the test results.

586  
587 4) When there are no specific, contemporaneous, articulable objective facts  
588 that indicate current drug or alcohol use, but the employee (who is not  
589 already a participant in a treatment program) admits the abuse of alcohol  
590 or other substances to a supervisor in his/her chain of command, the  
591 employee shall be referred to a Substance Abuse Professional for an  
592 assessment. CITY OF RIDGECREST shall place the employee on  
593 administrative leave in accordance with the provisions set forth under  
594 Section O.9 of this policy. Testing in this circumstance would be  
595 performed under the direct authority of the CITY OF RIDGECREST.  
596 Since the employee self-referred to management, testing under this  
597 circumstance would not be considered a violation of this policy or a  
598 positive test result under Federal authority. However, self-referral does  
599 not exempt the Covered Employee from testing under Federal authority  
600 as specified in Sections L through N of this policy or the associated  
601 consequences as specified in Section O.9.

602  
603

#### 604 **M. POST-ACCIDENT TESTING**

605  
606 1) All Covered Employees will be required to undergo urine and breath  
607 testing if they are involved in an accident with a revenue service vehicle  
608 regardless of whether or not the vehicle is in revenue service that results  
609 in a fatality. This includes all surviving Covered Employees that are  
610 operating the vehicle at the time of the accident and any other whose

611 performance cannot be completely discounted as a contributing factor to  
612 the accident.

613

614 2) In addition, a post-accident test will be conducted if an accident results in  
615 injuries requiring immediate transportation to a medical treatment facility;  
616 or one or more vehicles incurs disabling damage, unless the operator's  
617 performance can be completely discounted as a contributing factor to the  
618 accident.

619

620 a. As soon as practicable following an accident, as defined in this  
621 policy, the transit supervisor investigating the accident will notify the  
622 transit employee operating the transit vehicle and all other Covered  
623 Employees whose performance could have contributed to the  
624 accident of the need for the test. The supervisor will make the  
625 determination using the best information available at the time of the  
626 decision.

627

628 b. The appropriate transit supervisor shall ensure that an employee,  
629 required to be tested under this section, is tested as soon as  
630 practicable, but no longer than eight (8) hours of the accident for  
631 alcohol, and within 32 hours for drugs. If an alcohol test is not  
632 performed within two hours of the accident, the Supervisor will  
633 document the reason(s) for the delay. If the alcohol test is not  
634 conducted within (8) eight hours, or the drug test within 32 hours,  
635 attempts to conduct the test must cease and the reasons for the  
636 failure to test documented.

637

638 c. Any Covered Employee involved in an accident must refrain from  
639 alcohol use for eight (8) hours following the accident or until he/she  
640 undergoes a post-accident alcohol test.

641

642 d. An employee who is subject to post-accident testing who fails to  
643 remain readily available for such testing, including notifying a  
644 supervisor of his or her location if he or she leaves the scene of the  
645 accident prior to submission to such test, may be deemed to have  
646 refused to submit to testing.

647

648 e. Nothing in this section shall be construed to require the delay of  
649 necessary medical attention for the injured following an accident, or  
650 to prohibit an employee from leaving the scene of an accident for  
651 the period necessary to obtain assistance in responding to the  
652 accident, or to obtain necessary emergency medical care.

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f. In the rare event that CITY OF RIDGECREST is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), CITY OF RIDGECREST may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

**N. RANDOM TESTING**

- 1) All Covered Employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees.
- 2) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- 3) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates established by Federal regulations for those safety-sensitive employees subject to random testing by Federal regulations. The current random testing rate for drugs established by FTA equals fifty percent of the number of Covered Employees in the pool and the random testing rate for alcohol established by FTA equals ten percent of the number of Covered Employees in the pool.
- 4) Each Covered Employee shall be in a pool from which the random selection is made. Each Covered Employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.
- 5) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool.
- 6) Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can be performed just before, during,

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or just after the performance of a safety sensitive duty. However, under the CITY OF RIDGECREST'S authority, a random alcohol test may be performed any time the Covered Employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.

- 7) Employees are required to proceed immediately to the collection site upon notification of their random selection.

**O. RESULT OF DRUG/ALCOHOL TEST**

- 1) Any Covered Employee that has a verified positive drug or alcohol test will be removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available, referred to a Substance Abuse Professional and terminated.
- 2) A drug test with the result of negative dilute will be retested.
- 3) A positive drug and/or alcohol test will also result in disciplinary action as specified herein.
  - a. As soon as practicable after receiving notice of a verified positive drug test result, a confirmed alcohol test result, or a test refusal, the CITY OF RIDGECREST Drug and Alcohol Program Manager will contact the employee's supervisor to have the employee cease performing any safety-sensitive function.
  - b. The employee shall be referred to a Substance Abuse Professional.
  - c. Refusal to submit to a drug/alcohol test shall be considered a positive test result and a direct act of insubordination and shall result in termination. A test refusal includes the following circumstances:
    - (1) A Covered Employee who consumes alcohol within eight (8) hours following involvement in an accident without first having submitted to post-accident drug/alcohol tests.
    - (2) A Covered Employee who leaves the scene of an accident without a legitimate explanation prior to submission to drug/alcohol tests.
    - (3) A Covered Employee who provides false information in connection with a drug test.

- 742 (4) A Covered Employee who provides an insufficient  
743 volume of urine specimen or breath sample without a  
744 valid medical explanation. The medical evaluation shall  
745 take place within 5 days of the initial test attempt
- 746 (5) A verbal or written declaration, obstructive behavior, or  
747 physical absence resulting in the inability to conduct the  
748 test within the specified time frame.
- 749 (6) A Covered Employee whose urine sample has been  
750 verified by the MRO as substitute or adulterated.
- 751 (7) A Covered Employee fails to appear for any test within a  
752 reasonable time, as determined by the employer, after  
753 being directed to do so by the employer
- 754 (8) A Covered Employee fails to remain at the testing site  
755 until the testing process is complete;
- 756 (9) A Covered Employee fails to provide a urine specimen  
757 for any drug test required by Part 40 or DOT agency  
758 regulations;
- 759 (10) A Covered Employee fails to permit the observation or  
760 monitoring of a specimen collection
- 761 (11) A Covered Employee fails or declines to take a second  
762 test the employer or collector has directed you to take;
- 763 (12) A Covered Employee fails to undergo a medical  
764 examination or evaluation, as directed by the MRO as  
765 part of the verification process, or as directed by the DER  
766 as part of the "shy bladder" or "shy lung" procedures
- 767 (13) A Covered Employee fails to cooperate with any part of  
768 the testing process (e.g., refuse to empty pockets when  
769 so directed by the collector; behave in a confrontational  
770 way that disrupts the collection process).
- 771 (14) Failure to sign Step 2 of the Alcohol Testing form  
772
- 773 4) For the first instance of a verified positive test from a sample submitted as  
774 the result of a random, drug/alcohol test ( $\geq 0.04$  BAC), disciplinary action  
775 against the employee shall include:
- 776 a. Mandatory referral to Substance Abuse Professional for  
777 assessment.
- 778
- 779 5) The first instance of a verified positive drug or alcohol ( $\geq 0.04$  BAC) test  
780 result including a sample submitted under the random, reasonable  
781 suspicion, return-to-duty shall result in termination from CITY OF  
782 RIDGECREST employment.
- 783
- 784 6) A verified positive post-accident, or reasonable suspicion drug and/or  
785 alcohol ( $\geq 0.04$ ) test shall result in termination.

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- 7) An alcohol test result of  $\geq 0.02$  to  $\leq 0.039$  BAC shall result in the removal of the employee from duty for eight hours or the remainder of the workday whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to an alcohol test with a result of less than 0.02 BAC. If the employee has an alcohol test result of  $\geq 0.02$  to  $\leq 0.039$  two or more times within a six month period, the employee will be removed from duty and referred to the SAP for assessment and treatment consistent with Section O.9 of this policy.
- 8) The cost of the first three treatments or rehabilitation services that fall under L.4 of this Policy will be paid by the City of Ridgecrest and ALL cost there after will be paid directly by the employee or their insurance provider. The employee will be permitted to take accrued sick leave or administrative leave to participate in the SAP prescribed treatment program. If the employee has insufficient accrued leave, the employee shall be placed on leave without pay until the SAP has determined that the employee has successfully completed the required treatment program and releases him/her to return-to-duty. Any leave taken, either paid or unpaid, shall be considered leave taken under the Family and Medical Leave Act.
- 9) In the instance of a self-referral , disciplinary action against the employee shall include:
  - a. Mandatory referral to a Substance Abuse Professional for assessment, formulation of a treatment plan, and execution of a return to work agreement;
  - b. Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from CITY OF RIDGECREST employment.
    - i. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; in the judgment of the SAP the employee is cooperating with his/her SAP recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as defined in Section P of this policy.
  - c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination.
  - d. A self-referral to the SAP that was not precipitated by a positive test result does not constitute a violation of the Federal regulations

- 829 and will not be considered as a positive test result in relation to the  
830 progressive discipline defined in Section O.4-5 of this policy.  
831 e. Periodic unannounced follow-up drug/alcohol test conducted as a  
832 result of a self-referral which results in a verified positive shall be  
833 considered a positive test result in relation to the progressive  
834 discipline defined in Section O.4-5 of this policy.  
835 f. A Voluntary Referral does not shield an employee from disciplinary  
836 action or guarantee employment with CITY OF RIDGECREST.  
837 g. A Voluntary Referral does not shield an employee from the  
838 requirement to comply with drug and alcohol testing.  
839

840 10) Failure of an employee to report within five days a criminal drug statute  
841 conviction for a violation occurring in the workplace shall result in  
842 termination.  
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#### 846 **P. GRIEVANCE AND APPEAL**

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848 The consequences specified by 49 CFR Part 40.149 (c) for a positive  
849 test or test refusal is not subject to arbitration.  
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#### 851 **Q. PROPER APPLICATION OF THE POLICY**

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853  
854 CITY OF RIDGECREST is dedicated to assuring fair and equitable application of  
855 this substance abuse policy. Therefore, supervisors/managers are required to  
856 use and apply all aspects of this policy in an unbiased and impartial manner.  
857 Any supervisor/manager who knowingly disregards the requirements of this  
858 policy, or who is found to deliberately misuse the policy in regard to subordinates,  
859 shall be subject to disciplinary action, up to and including termination.  
860

#### 861 **R. INFORMATION DISCLOSURE**

- 862  
863  
864 1) Drug/alcohol testing records shall be maintained by the CITY OF  
865 RIDGECREST Drug and Alcohol Program Manager and, except as provided  
866 below or by law, the results of any drug/alcohol test shall not be disclosed  
867 without express written consent of the tested employee.  
868  
869 2) The employee, upon written request, is entitled to obtain copies of any  
870 records pertaining to their use of prohibited drugs or misuse of alcohol  
871 including any drug or alcohol testing records. Covered Employees have the  
872 right to gain access to any pertinent records such as equipment calibration

- 873 records, and records of laboratory certifications. Employees may not have  
874 access to SAP referrals and follow-up testing plans.  
875
- 876 3) Records of a verified positive drug/alcohol test result shall be released to the  
877 Drug and Alcohol Program Manager, Department Supervisor and Personnel  
878 Manager on a need to know basis.  
879
- 880 4) Records will be released to a subsequent employer only upon receipt of a  
881 written request from the employee.  
882
- 883 5) Records of an employee's drug/alcohol tests shall be released to the  
884 adjudicator in a grievance, lawsuit, or other proceeding initiated by or on  
885 behalf of the tested individual arising from the results of the drug/alcohol test.  
886 The records will be released to the decision maker in the preceding. The  
887 information will only be released with binding stipulation from the decision  
888 maker will make it available only to parties in the preceding. Records will be  
889 released to the National Transportation Safety Board during an accident  
890 investigation.  
891
- 892 6) Information will be released in a criminal or civil action resulting from an  
893 employee's performance of safety-sensitive duties, in which a court of  
894 competent jurisdiction determines that the drug or alcohol test information is  
895 relevant to the case and issues an order to the employer to release the  
896 information. The employer will release the information to the decision maker  
897 in the proceeding with a binding stipulation that it will only be released to  
898 parties of the proceeding.  
899
- 900 7) Records will be released to the DOT or any DOT agency with regulatory  
901 authority over the employer or any of its employees.  
902
- 903 8) Records will be released if requested by a Federal, state or local safety  
904 agency with regulatory authority over CITY OF RIDGECREST or the  
905 employee.  
906
- 907 9) If a party seeks a court order to release a specimen or part of a specimen  
908 contrary to any provision of Part 40 as amended necessary legal steps to  
909 contest the issuance of the order will be taken  
910
- 911 10) In cases of a contractor or sub-recipient of a state department of  
912 transportation, records will be released when requested by such agencies  
913 that must certify compliance with the regulation to the FTA.  
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This Policy was adopted by the City of Ridgecrest on \_\_\_\_\_ .

This Policy resends all prior Drug and Alcohol Policies.

\_\_\_\_\_  
Harvey Rose, City Manager

\_\_\_\_\_  
Date

940 **S. SYSTEM CONTACTS**

941

942 Any questions regarding this policy or any other aspect of the substance abuse  
943 policy should be directed to the following individual(s).

944

945 CITY OF RIDGECREST Drug and Alcohol Program Manager

946 Name: Rachel Rumbo

947 Title: Human Resource

948 Address: 100 W. California Ave. Ridgecrest, Ca. 93555

949 Telephone Number: (760) 499-5035

950

951 Medical Review Officer

952 Name: First Advantage, David Nahin

953 Title: MD

954 Address: 7301 Calhoun Pl. Rockville MD 20855

955 Telephone Number: 800-684-4448

956

957 Substance Abuse Professional

958 Name: Enid Richey

959 Title: Ph.D

960 Address :9089 Base Line Rd. St 200, Rancho Cucamonga Ca. 91730

961 Telephone Number: 909-980-3567

962

963 HHS Certified Laboratory Primary Specimen

964 Name: Med Tox Labs Inc.

965 Address: 402 W. County Rd D, St. Paul MN 55112

966 Telephone Number: 800-832-3244

967

968 HHS Certified Laboratory Split Specimen: MRO selection

969 Name: Northwest Toxicology

970 Address: 1141 E. 3900 S. Salt Lake City, UT 84100

971 Telephone Number: 801-293-2300

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983 **Attachment A**

984 **City of Ridgecrest—Administration Covered Classifications**

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987 <b>Title</b>	<b>Testing Authority</b>
988 Transit Drivers	Federal Transit Administration
989 Transit Drivers, Relief Dispatcher	Federal Transit Administration
990 Dispatchers	Federal Transit Administration
991 Transit Supervisor	Federal Transit Administration
992 Mechanics	Federal Transit Administration
993	
994 <b>Title</b>	<b>Testing Authority</b>
995 Pubic Works Supervisor	Federal Motor Carrier Safety Administration
996 Garage Foreman	Federal Motor Carrier Safety Administration
997 Chief Plant Operator	Federal Motor Carrier Safety Administration
998 Waste Water Operator Trainee	Federal Motor Carrier Safety Administration
999 Waste Water Operator I	Federal Motor Carrier Safety Administration
1000 Waste Water Operator II	Federal Motor Carrier Safety Administration
1001 Waste Water Operator III	Federal Motor Carrier Safety Administration
1002 Equipment Operator	Federal Motor Carrier Safety Administration
1003 Mechanic	Federal Motor Carrier Safety Administration

1004

1005 **— Job Classifications**

1006

1007 Safety-sensitive functions: Employee duties identified as:

- 1008 (1) The operation of a transit revenue service vehicle even when the vehicle is
- 1009 not in revenue service.
- 1010
- 1011 (2) The operation of a non-revenue service vehicle by an employee when the
- 1012 operation of such a vehicle requires the driver to hold a Commercial Drivers
- 1013 License (CDL).
- 1014
- 1015 (3) Maintaining a revenue service vehicle or equipment used in revenue service.
- 1016
- 1017 (4) Controlling the movement of a revenue service vehicle and
- 1018
- 1019 (5) Carrying a firearm for security purposes.
- 1020

1021 All of the City of Ridgecrest job titles, and the actual duties performed by the

1022 employees, have been analyzed to determine whether persons perform, or may be

1023 called upon to perform, safety-sensitive duties. Our current analysis indicates that

1024 all current employee titles listed are covered employees because they all perform, or

1025 may be called to perform safety-sensitive duties. All the Safety-Sensitive Positions

1026 listed above are subject to the testing authority for the United States Department of

1027 Transportation under either the Federal Transit Administration or the Federal Motor  
1028 Carrier Safety Administration.

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**Attachment B**  
Minimum Thresholds

INITIAL TEST CUTOFF LEVELS  
(ng/ml)

Marijuana metabolites	50
Cocaine metabolites	300
Opiate metabolites	2,000
Phencyclidine	25
Amphetamines	1,000

1033  
1034  
1035

CONFIRMATORY TEST  
CUT/OFF LEVELS (ng/ml)

Marijuana metabolites	15
Cocaine metabolites	150
Opiates:	
Morphine	2,000
Codeine	2,000
Phencyclidine	25
Amphetamines:	
Amphetamines	500
Methamphetamine	500

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