



**CITY OF CAMARILLO  
POLICY COMMITTEE  
AGENDA**

**Tuesday, March 29, 2016 – 8:30 a.m.  
City Hall Administrative Conference Room  
601 Carmen Drive, Camarillo, CA 93010**

**ADA COMPLIANCE STATEMENT**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, Please contact the City Clerk's office at (805) 388-5316. Notification 48 hours prior to the meeting will enable the City to make reasonable accommodations to ensure your access to this meeting. (28 CFR 3.102.35.104 ADA Title II)

- 1. Call to Order**
- 2. Approval of Minutes of October 23, 2015 and February 29, 2016**
- 3. Public Comments**
- 4. Policy for Committee Review**
  - a. Policy 2.14 – Cellular and Wireless Communications**
- 5. Proposed Policy for Committee Consideration**
  - a. Americans with Disabilities Act (ADA) Complaint Grievance Filing**
- 6. Committee Comments**
- 7. Schedule Next Meeting**
- 8. Adjournment**

Written materials related to these agenda items are available for public inspection in the Office of the City Clerk at 601 Carmen Drive, Camarillo during regular business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m. Questions may be referred to Dave Norman, Assistant City Manager, at (805) 388-5312.

**DISTRIBUTION:**

<b><u>Committee Members</u></b> <b>Kevin Kildee</b> <b>Bill Little</b>  Bruce Feng Dave Norman	Ronnie Campbell Tom Fox Dave Klotzle Jeffrie Madland Monica McGrath David Moe	Richard Petropulos Roger Pichardo Brian Pierik/Don Davis Joe Vacca Counter Copy City Council	Agenda:  Jill Gordon Kathy Talley City Clerk/Posting
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# CITY OF CAMARILLO POLICY COMMITTEE

## MINUTES

Friday, October 23, 2015 at 8:30 a.m.  
City Hall Administrative Conference Room

1. **Call to Order:** Meeting was called to order at 8:40 a.m.  
Committee Members Present: Vice Mayor Mike Morgan and Councilmember Jan McDonald.  
Staff Present: City Manager Bruce Feng, Assistant City Attorney Don Davis, and City Clerk Jeffrie Madland.
2. **Approval of Minutes of September 17, 2015:** Approved as presented.
3. **Public Comments:** None.
4. **Rent Review – CMC Chapter 10.50**  
  
Assistant City Attorney Davis reviewed types of rent review forums in other jurisdictions and the proposed amendments to Chapter 10.50. He noted the changes either clarified or simplified the process, reflected current practices, or eliminated language that should have been removed along with prior amendments.  
  
The Committee discussed the various amendments within the draft and provided direction to staff regarding revisions and in response to the questions outlined in the packet memo.  
  
**Recommendation:** The Rent Review Chapter 10.50 with the Committee's suggested revisions will be presented to the City Council for action.
5. **Committee Comments:** None.
6. **Adjournment:** Meeting was adjourned at 11:15 a.m.

**CITY OF CAMARILLO  
POLICY COMMITTEE  
(2015 Policy Committee – Unfinished Business)**

**MINUTES**

**Monday, February 29, 2016 at 8:30 a.m.  
City Hall Administrative Conference Room**

1. **Call to Order:** Meeting was called to order at 8:34 a.m.

Committee Members present: Councilmembers Jan McDonald and Mike Morgan.

Staff Present: Assistant City Manager Dave Norman, Community Development Director Joe Vacca, Assistant Community Development Director David Moe; Senior Planner Jackie Lee, Code Compliance Officer DJ Sotelo, Assistant City Attorney Don Davis (via phone), and Administrative Specialist Laura Fox.

The following individual attended the meeting and participated in the discussion: Camarillo Hospice President/CEO Sandy Nirenberg.

2. **Public Comments:** None

3. **Special Event Banners**

Mr. Vacca reviewed past discussion and direction given at previous committee meetings; and suggested that this item be presented at a City Council Study Session.

The Committee addressed banners on buildings specifically relating to height placement, banners for events that have multiple dates, approval being for non-profits only, the number of banners permitted for multiple-date events, directional signs for events, and the possibility of using an encroachment permit for directional signs in the right-of-way.

The Committee recommended:

Community Special Event Banner Signs will be allowed through approval of a Special Event Sign Program. The Community Development Director may approve a special event sign program for a non-profit organization as part of any community special event permit subject to the following regulations:

- On-Site Signage. One on-site banner is permitted per approved event during the day of the event. The banner may not to exceed 36 square feet in area and 3 feet in height. When mounted on posts or a fence, the top of the banner may not exceed 8 feet in height. If mounted on a building, at the discretion of the Community Development Director, the banner shall be no higher than the roofline.
- Off-Site Signage. A permittee may have the following off-site signs once per calendar month as part of an approved event.
  - Up to 10 individual/separate off-site banners are permitted on a property with a maximum of 2 banners per any property at any one time;
  - Each banner not to exceed 36 square feet in area and 3 feet in height;

- When mounted on posts, a fence or a wall, the top of the banner may not exceed 8 feet in height. If mounted on a building, the banner shall be no higher than the roofline at the discretion of the Community Development Director;
- Such banners may be placed no more than 10 days prior to the event and must be removed no later than 2 days after the event;
- Each banner must contain a phone number for a contact person associated with the permittee who will be responsible for the removal of the banner;
- Prior to placing a banner, the permittee must provide the Community Development Director with a declaration that they have received permission from the property owner or the owner's agent to post the sign;
- No fee banner permit sign program for events not needing a special event permit.
- The Community Development Director may also approve up to 6 directional signs, each not to exceed 6 square feet in area and 4 feet in height. The directional signs are permitted only on private property during the day of the event.

**Recommendation:** Forward item to City Council Study Session of March 23, 2016.

**Committee Comments:** None

**Adjournment:** Meeting was adjourned at 9:55 a.m.



# *City of Camarillo*

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*Department of Administrative Services*

## **MEMORANDUM**

**DATE:** March 29, 2016

**TO:** Policy Committee

**FROM:** Bruce Feng, City Manager

**SUBMITTED BY:** Richard Petropulos, Director of Administrative Services

**SUBJECT:** **Items 4. a. Policy 2.14 Cellular and Wireless Communications**

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Cellular and wireless communications equipment allowances are non-taxable per IRS Notice 2011-72. City staff recommends Policy 2.14 be revised to comply with the current IRS code.

### **ATTACHMENTS**

IRS Notice 2011-72  
Policy 2.14, Cellular and Wireless Communications - Existing with Redline

## WORKING CONDITION FRINGE BENEFITS [IRC SECTION 132(a)] (CONTINUED)

### 5. Cell Phones and Similar Telecommunications Equipment:

#### Rules Under the Small Business Jobs Act of 2010 (H.R. 5297)

Under provisions of the Small Business Jobs Act of 2010 (the "Act"):

- Cell phones and similar telecommunications equipment were removed from the definition of "listed property". Accordingly, in most instances, the burdensome substantiation requirements for listed property no longer apply to cell phone and similar equipment. **Caveat:** Computers, including **portable laptops** and **notebooks**, remain in the category of listed property. However, **tablet devices** (such as iPads) are considered "similar communications equipment" and, thus, are **not** listed property for federal or California tax purposes.
- According to the **Committee Reports**, the Act did not affect the Treasury's authority to determine that the use of employer cell phones and similar telecommunications equipment can be a **working condition fringe benefit** under IRC Section 132(d), or that the personal use of such devices (that are **provided mainly for business purposes**) may constitute a **de minimis fringe benefit**, the value of which is so small as to make an accounting for it administratively impractical under IRC Sections 132(a)(4) and 132(e).

#### IRS Notice 2011-72

Under IRS Notice 2011-72, the IRS confirmed that the personal use of an **employer-provided cell phone** is nontaxable. The IRS stated that a cell phone issued to an employee primarily for non-compensatory **business use** is considered to be a "working condition fringe benefit", the value of which is nontaxable to the employee. Also, the personal use is deemed to be an excludable "de minimis fringe benefit". Therefore, as long as 1) the phone is not provided as part of the employee's compensation and 2) there are **substantial business reasons** for the employee to have the cell phone, then the employee can use the phone tax free, and it is not necessary for the employee to substantiate the business use or personal use.

The IRS also addressed the **reimbursement** of cell phone expenses where employees are required to use their **personal cell phones for business use**. As long as the monthly (or other periodic) reimbursement is reasonably calculated not to exceed the actual cost of the cell phone, and if the reimbursement is not a substitute for regular compensation, the reimbursement would not be taxable to the employee.

**Planning Point:** A governmental agency should adopt (or alter its existing) written cell phone policy to specify examples of business use, such as 1) the need to contact vendors or other parties on government business while away from the office, 2) the need to be in contact with other government employees at all times (including emergencies) and 3) other business reasons unique to the agency.

#### Cash Allowances for Cell Phones that Exceed Cell Phone Costs

If an employee receives a flat **cash allowance** that exceeds the actual costs of the cell phone (monthly charges, plus an amortization of the purchase cost), then the employee would have taxable income under the provisions of Treasury Regulation 1.132-5(a)(1)(v). The cash allowance would only be tax free to the extent that the employee substantiated the business use of the phone. For example, assume an employee receives a \$200 monthly allowance for cell phone usage. The monthly cell phone cost is \$100. The employee is able to substantiate that he uses the phone 75% for business use and 25% for personal use. The employee would have taxable income of \$50 for the personal use (\$200 x 25%).



EXISTING WITH REDLINE  
TO COMMITTEE 3-29-16

## City of Camarillo

# CITY COUNCIL POLICY

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Section: General Administration

Date Adopted: February 25, 1998  
Last Amended: June 22, 2011

Subject: **Cellular and Wireless Communications**

Number: 2.14

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### PURPOSE

To establish a cellular and wireless communications equipment allowance.

### DEFINITION

The term cellular and wireless communications equipment is meant to include any wireless communication device, including cell phones, Smartphone's, personal digital assistant (PDA) devices and associated equipment.

### POLICY

Department Heads will recommend to the City Manager those employees under their supervision who should be considered for a cellular phone and wireless communications equipment allowance based on the nature of the employee's work.

~~Allowances are considered taxable income by the IRS code and will be reported as part of City compensation.~~

Recipients of the cellular and wireless communications equipment allowance will be solely responsible for all costs associated with the purchase of equipment, service plan and usage.

The City Manager may authorize the temporary issuance of City-issued cellular phone(s) to emergency personnel or departments whose employees are on a rotating on-call schedule.

All City business cellular and wireless telecommunications are potentially subject to subpoena and the California Public Records Act.



# *City of Camarillo*

*Department of Administrative Services*

## **MEMORANDUM**

**DATE:** March 29, 2016

**TO:** Policy Committee

**FROM:** Bruce Feng, City Manager

**SUBMITTED BY:** Richard Petropulos, Director of Administrative Services

**SUBJECT:** **Proposed Policy: ADA/Section 504 Complaint/Grievance Filing**

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The Committee is asked to consider the proposed Policy regarding ADA/Section 504 Compliant/Grievance Filing in order to show compliance with the United States Department of Labor, Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, and 28 CFR Section 35.107.

The Americans with Disabilities Act of 1990 is a comprehensive civil rights law addressing the needs of people with disabilities, prohibiting discrimination in employment, public services, public accommodations, and telecommunications. Section 504 of the Rehabilitation Act of 1973 makes it illegal for City departments receiving federal funding for specific programs, services, and activities to discriminate against qualified individuals with disabilities. 28 CFR Section 35.107 requires a public entity that employs 50 or more persons designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities of any grievance filing and shall adopt and publish a grievance procedure.

This Policy will only apply to citizens, it is not intended to be an internal policy for City of Camarillo employees.

### **ATTACHMENTS**

1. Rehabilitation Act of 1973 – Section 504
2. 28 CFR Section 35.107
3. Proposed Policy: ADA Section 504 Complaint/Grievance Filing

## Rehabilitation Act of 1973

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The [Rehabilitation Act of 1973](#) (often just called the “Rehab Act”) prohibits discrimination on the basis of disability in programs run by federal agencies; programs that receive federal financial assistance; in federal employment; and in the [employment practices of federal contractors](#) . The standards for deciding if [employment discrimination](#) exists under the Rehabilitation Act are the same as those used in [Title I of the Americans with Disabilities Act](#) . Like the ADA, the Rehab Act has several sections to it.

- [Section 501](#) prohibits federal employers from discriminating against qualified individuals with disabilities. It also obliges them to take affirmative action to hire and advance in employment qualified individuals with disabilities. If you’re a federal government employee and want to learn more about your rights under Section 501, contact your agency’s [Equal Employment Opportunity Office](#) .
- [Section 503](#) prohibits employment discrimination based on disability and requires affirmative action in the hiring, placement and advancement of people with disabilities by [federal contractors](#) or subcontractors. In addition, in 2013 the U.S. Department of Labor’s Office of Federal Contracts Compliance published a [Final Rule](#) that makes changes to this section of the Rehab Act. The [new rule](#) sets a “utilization goal” for people with disabilities as 7 percent of employees in each job category or 7 percent of the total workforce of a business contracted with the Federal Government. These changes will help increase the employment of people with disabilities by companies that do business with the Federal Government. If you believe you have been discriminated against in hiring or employment by a federal contractor, you have the right to [file a complaint](#) .
- [Section 504](#) of the Rehab Act makes it illegal for federal agencies, or programs or activities that receive federal financial assistance or are conducted by a federal agency, to discriminate against qualified individuals with disabilities. Requirements under Section 504 include reasonable accommodation for employees with disabilities; program accessibility; effective communication with people who have hearing or vision disabilities; and accessible new construction and alterations. Each federal agency has its own set of Section 504 regulations that apply to its programs. For example, through Section 504 and the ADA, the U.S. Department of Health and Human Services works to make sure that [doctor’s offices, clinics and medical equipment are accessible](#) to people with disabilities. Another federal agency, the [U.S. Department of Education](#) , makes sure that students with disabilities get the kinds of educational services they

need to succeed in school. An award-winning documentary film, "[The Power of 504](#) ," documents the events that led to the signing of Section 504 into law.

- [Section 508](#) requires federal electronic and information technology to be accessible to people with disabilities, including employees and members of the public. An [accessible](#) information technology system is one that can be operated in a variety of ways and does not rely on a single sense or ability of the user. For example, a system that provides output only in visual format may not be accessible to people who are blind or have low vision, and a system that provides output only in audio format may not be accessible to people who are deaf or hard of hearing. Some individuals with disabilities may also need accessibility-related software or peripheral devices in order to use systems that comply with Section 508. Read these [frequently asked questions](#) for more information about this section of the Rehab Act.

For more information about the Rehab Act and other disability-related laws, visit [Disability.gov's Civil Rights section](#).

[Return to Disability.gov's Guide to Disability Rights Laws.](#)

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Last revision: July 26, 1991

**35.107 Designation of responsible employee and adoption of grievance procedures.**

(a) Designation of responsible employee. A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to it alleging its noncompliance with this part or alleging any actions that would be prohibited by this part. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph.

(b) Complaint procedure. A public entity that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by this part.



*City of Camarillo*

***CITY COUNCIL POLICY***

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Section: Human Resources

Date Adopted:  
Last Amended:

Subject: **ADA/Section 504 Complaint/Grievance Filing**

Number:

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**PURPOSE**

To provide guidelines to meet the requirements of the Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973 for filing a complaint or grievance alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the City.

The City's Personnel Rules governs employment-related grievances of disability discrimination.

**POLICY**

It is the intent of the City to provide programs, services, and activities that are accessible to the public. A member of the public may contact the City with a comment, concern, or complaint without filing a formal grievance; however, a formal grievance may be filed by completing the City of Camarillo ADA Grievance Form (Attachment A).

A. **Filing a Formal Grievance**

It is preferred that the formal grievance be in writing and contain information about the alleged discrimination, including the name, address, and phone number of the complainant; and the location, date, and description of the grievance.

Alternative means for filing a grievance will be made available for persons with disabilities upon request. Alternative means include, for example, a personal interview with complainant regarding the grievance, a tape recording of the grievance, etc. If additional accommodations are needed, the ADA Coordinator will make reasonable accommodations to ensure receipt of the grievance.

The grievance should be submitted by the complainant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to the ADA Coordinator.

B. Grievance Resolution and Response

Within 30 calendar days of receipt of a grievance, the ADA Coordinator or designee will meet with the complainant to discuss the grievance and possible resolution.

Within 30 days of the meeting, the ADA Coordinator or designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City and offer options for substantive resolution of the grievance.

C. Appeal

If the complainant and/or his/her designee is not satisfied with the response, the decision may be appealed within 30 calendar days after receipt of the response to the City Manager or his designee.

Within 30 calendar days after receipt of the appeal, the City Manager or designee will meet with the complainant to discuss the grievance and possible resolution.

Within 30 calendar days after the meeting, the City Manager or his designee will respond in writing with a disposition, and, where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape.

D. Records Retention of Grievances, Responses, and Appeal Dispositions

All written grievances, responses, and appeal dispositions will be retained by the City for at least three years.