

NEIGHBORHOOD AND COMMUNITY IMPROVEMENT PROGRAM

POLICIES AND PROCEDURES MANUAL

CITY OF MONTEREY

COUNCIL APPROVED SEPTEMBER 7, 2021

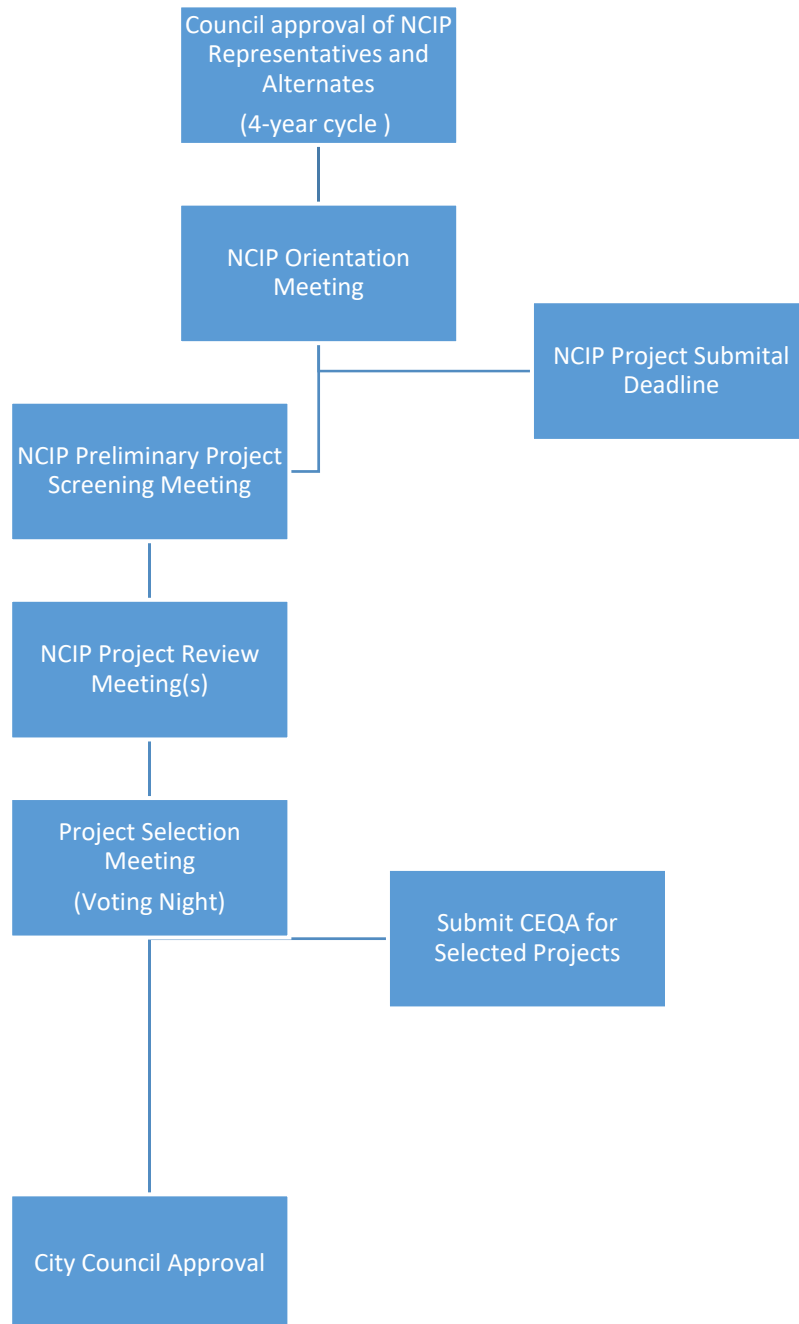
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I. PURPOSE OF THIS MANUAL

The purpose of this Policies and Procedures Manual is to provide a “roadmap” for the community to understand how Monterey's Neighborhood and Community Improvement Program “NCIP” operates.

II. FLOWCHART



III. DEFINITIONS

Neighborhood and Community Improvement Program: A program to improve residential neighborhoods of the City and provide capital projects for community-wide benefit.

Neighborhoods: There are residential neighborhood districts in the City as shown on the map in Section V of this manual.

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

Annual Budget: The City Council appropriates a portion (16%) of the Transient Occupancy Tax (TOT) estimated to be collected during the fiscal year to be expended on neighborhood and community improvements.

NCIP Representatives: The City Council appoints one resident representative (and alternate) from each residential neighborhood to the Neighborhood Improvement Program Committee to serve a 4-year term. Interested applicants may complete and submit the "Application to Serve on a Board, Committee, or Commission," found on the Boards, Commissions and Committees webpage at www.monterey.org.

City Council Approval: The determination of the projects, priorities, and expenditures shall be within the sound discretion of the City Council. The City Council shall consider the recommendations of the Neighborhood and Community Improvement Program Committee when adopting the NCIP annual budget.

Neighborhood Associations: Neighborhood Associations are private organizations and are not official entities of or affiliated with the City of Monterey.

Rules of Proceedings: Rosenberg's Rules of Order and Brown Act procedures are used at all NCIP Committee meetings.

IV. THE NEIGHBORHOOD IMPROVEMENT PROCESS

Orientation Meeting. An orientation meeting should be conducted within the first 45 days of the beginning of each calendar year. New representatives are provided a copy of the NCIP Policies and Procedures Manual and advised of the existence of Area Plans, Traffic Calming Studies, and other relevant City documents. At the orientation meeting, the NCIP Committee selects a chair and vice chair for the annual cycle, adopts a proposed schedule for the annual program, conducts a review of previously approved projects and current 'cut-off' projects, and staff reports on the execution of the previous years' projects.

Project Nomination. Nominations for projects may be made by individuals, organizations, or City staff on a Project Nomination form that is created by City staff and available online. Nominations may be submitted throughout the year to NCIP representatives or directly to the City's NCIP Coordinator. A project submitted after the project nomination period closes is considered for the following year. The project nomination deadline is published on the City's webpage.

Neighborhood Support. NCIP representatives are required to determine to what extent projects have support within their neighborhood. Supporting documentation (e.g. phone logs, petitions, or letters of support from adjacent or affected owners and residents), should be provided to the NCIP Committee for the "Review of the Projects" meeting. Traffic-related projects are highly sensitive and require written proof of support from the owners of affected properties (generally those adjacent to the project).

Preliminary Project Screening Meeting. After the close of the project nomination period, staff sends copies of all submitted nominations to the NCIP Committee members for informational purposes. Staff will organize the nominations by neighborhood, eliminate duplicates, identify projects already funded, proposals that are not capital projects, etc.

The following are examples of criteria considered when reviewing the merits of a project:

- Project is consistent with City or neighborhood plans.
- Project has confirmed neighborhood support.
- Project is feasible and can be completed in a reasonable time.
- Project provides a health and safety benefit for residents.
- Project reduces potential property damage.
- Project promotes improvement in traffic/safety flow.
- Project addresses a documented neighborhood deficiency.
- Project completes or ties together an existing improvement.
- Project promotes neighborhood self-help efforts.
- Neighborhood improvement and beautification.
- High benefit compared to cost.
- Water and energy conservation project.
- Project reduces operation and maintenance costs of capital assets.
- Availability for public use.
- *Specific projects that involve traffic, assessment districts, work on non-City property, etc., see Attachment 1.

NCIP Project Review Meetings. The NCIP Committee meets for the purpose of reviewing project nominations. Staff present project narratives and the complete set of nominations is

distributed to each neighborhood representative. A preliminary meeting is held to review the list of submissions and determine whether each submission is an eligible Capital Project. At subsequent meetings, each neighborhood representative may briefly discuss their neighborhood's projects, stating neighborhood priority, and describing the extent of support for each project. In addition, residents of the neighborhood or other interested parties are invited to support or contest suggested projects. Preliminary cost estimates may be available for these meetings.

Project Selection Meeting. NCIP Committee meeting to rank projects and prepare recommendations for the City Council.

V. VOTING PROCESS

Summary of voting process: Each Representative is provided with a spiral-bound voting card book which includes individual voting cards numbered zero through ten (0-10). The NCIP Staff Coordinator announces the nominated project titles one by one and each NCIP Representative separately determines their score and holds up their voting card number to assign their desired value to the project. Each nominated project title is announced and assigned a total value, resulting from the tallied scores of the NCIP Committee Representative votes. The data is entered into the voting spreadsheet. The voting spreadsheet includes project cost and total points columns. Following the voting of all projects, the spreadsheet data is sorted from highest to lowest score and the data is reviewed by the NCIP Staff Coordinator to determine at which project funding is expended. The top scored projects within budget will go to Council for recommended funding, plus four cut off projects that are to be completed if and only if funding is available following completion of the fully funded projects.

Summary of parliamentary procedure: Staff gives a presentation on the proposed projects, followed by NCIP Committee questions. Public testimony is received, and staff answers any final questions. Before deliberations begin, the abstention projects (the projects in which the public official is disqualified) are identified by staff. The first committee member with a disqualifying conflict of interest, or alternate, will leave the City Council Chambers. The NCIP Committee will deliberate on that project and take a roll call vote to rank the project on a scale of 0-10. The disqualified committee member will return to the City Council Chambers after the vote. Next, the second committee member with a disqualifying conflict of interest will leave the City Council Chambers. The NCIP Committee will deliberate and take a roll call vote to rank that project on a scale of 0-10. The disqualified committee member will return to the City Council Chambers after the vote. This process will repeat until all of the projects with disqualified committee members have been finally determined. When there are no more project abstention areas, all NCIP Representatives may then deliberate on, and vote on, the remaining projects.

Project Recommendations from the NCIP Committee. The NCIP Coordinator ensures that the NCIP Committee recommendations are considered by the City for comment, discussion, and approval. If the City Council approves the recommended projects, the NCIP Coordinator ensures the projects and associated budgets are recorded correctly with the City Finance Department.

Each year, the City Focus newsletter and the City's Website will provide the complete list of approved projects.

City Council Approval – The City Council will consider the recommendations presented by the NCIP Coordinator and establish a budget for each approved project.

VI. IMPLEMENTATION

Project Implementation/Construction. The implementation of the NCIP projects approved by the City Council occurs in conjunction with the balance of the City's Capital Improvement Program (CIP). Semi-annually, staff shall provide project status to the NCIP Committee and the public. City staff may desire NCIP Committee review of a project that has encountered unanticipated problems or extenuating circumstances that threaten to delay the project for an extended period of time. When each project is complete, the balance of any funding is returned to the NCIP fund, where it will be available for future projects.

Change of Scope: All conditions associated with a particular project may not have been fully vetted or anticipated prior to the voting process. City staff shall advise the NCIP Committee of issues related to significant changes of scope or budget issues. If the project is not feasible as originally approved, or if the community formally withdraws support (via petition), the NCIP Committee may recommend that the City Council remove (deappropriate) the project. The NCIP Clerk shall, by sending a copy of the published City Council agenda, notify NCIP Representatives and when feasible the project proponents, of any agenda item where the City Council may deappropriate a NCIP project.

Special Meetings: Special meetings may be requested by City staff or NCIP representatives to discuss budget adjustments or other items under the purview of the NCIP Committee.

VII. COMMITTEE MEMBER RESPONSIBILITIES

Committee Member Responsibilities

- Ensure that all projects submitted on behalf of the neighborhood are submitted via Project Nomination forms.
- Work with residents to clarify incomplete Project Nomination forms or changes to project scope as cost estimates are based on the scope (the stated purpose or goal) of the project described on the Project Nomination form.
- Comply with all applicable laws associated with service on the committee.
- Attend Project Review Meetings, or review the video of the Project Review Meetings if absent, prior to voting at the Project Selection Meeting.

Parking Permits: All NCIP Committee members are given the opportunity to obtain a city parking permit to perform the duties of a NCIP representative.

NCIP Coordinator Responsibilities

Cost/Information Formulation by Staff. Staff computes preliminary cost estimates and reviews the physical feasibility of projects. Initial cost estimates may be included in the complete set of nominations distributed to each NCIP Representative.

Project scope may be refined by staff and NCIP Representatives during the cost estimating process to ensure the project meets the proposer's intent. Staff contacts the nominator(s) of projects if there are questions. During the cost estimate process, staff gathers as much

information on each project as possible, including design, construction, and administrative overhead consistent with project requirements.

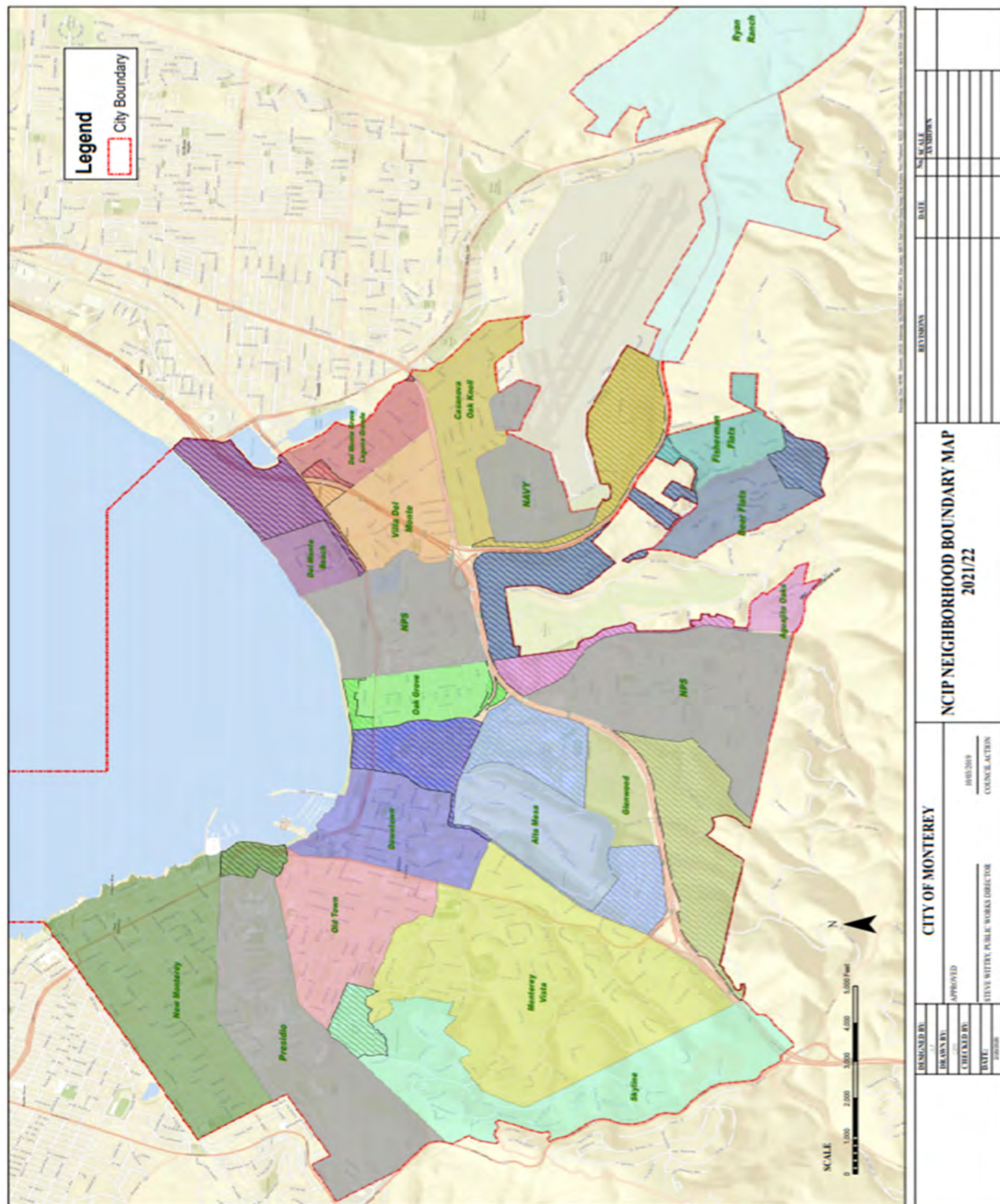
In addition, staff may identify on-going maintenance costs associated with a specific NCIP project. For example, a new restroom could be constructed with NCIP funding, however the maintenance of the restroom would commit other City resources.

Project Implementation: The NCIP Coordinator is responsible for the timely implementation and completion of the approved projects.

NCIP Recording Secretary/Administrative Assistant Responsibilities

- Prepare and distribute NCIP meeting agenda and packet (work with NCIP Coordinator)
- Meeting Action Minutes
- Schedule special meetings (ensure quorum)
- Schedule AMP Media meeting recording/televising
- Preparation of NCIP Project Nominations Book
- Preparation of Council Agenda Reports for items to City Council

VIII. MAP OF NCIP NEIGHBORHOODS



IX. CONFLICTS OF INTEREST

The Fair Political Practices Commission (FPPC) implements the Political Reform Act which establishes the basic financial conflict of interest rules for public officials. The basic rule is:

No public official at any level of state or local government may make, participate in making or in any way use or attempt to use his/her official position to influence a governmental decision in which he/she knows or has reason to know he/she has a disqualifying conflict of interest.

A public official has a conflict of interest if the decision will have a reasonably foreseeable material financial effect on one or more of his/her economic interest, unless the public official can establish either: (1) that the effect is indistinguishable from the effect on the public generally, or (2) a public official's participation is legally required.

Real Property Within 500 feet:

There is a regulatory presumption that a decision involving property within 500 feet of an official's property will have a material impact on the official's interest. Officials may not participate in decisions where their property is within 500 feet of the subject property, unless they obtain a written advice letter from the FPPC that the decision will have no measurable impact on the property.

Real Property 500-1,000 feet:

A decision involving property that is beyond 500 feet from the official's a property, but less than 1,000 feet from the official's property, is no longer presumed to be non-material. For officials owning property in the 500-1000 foot range, a decision will have a material impact on an official's property interest if the decision changes:

- *Development potential
- *Income producing potential
- *The highest and best use
- *Market value
- *Character by substantially altering traffic levels, intensity of use, parking, views, privacy, noise levels, air quality, odors, or any other factors that would affect the market value of the official's property.

Real Property beyond 1,000 feet

The financial effect of a governmental decision on a property in which an official has a financial interest involving property 1,000 feet or more from the property line of the official's property is presumed to be non-material. This presumption may be rebutted with clear and convincing evidence that the governmental decision would have a substantial effect on the official's property.

The Public Generally Exception:

An official may still participate in a decision if they have a conflict, if the decision's financial effect on a public official's financial interests is indistinguishable from its effect on the public generally, which is the case if the official establishes that a significant segment of the public is affected and the effect on his/her financial interest is not unique compared to the effect on the significant segment.

A significant segment is at least 25% of real property, commercial property, or residential property in the official's jurisdiction or at least 15% of residential real property within the official's jurisdiction if the only interest the official has in the decision is the official's primary residence. Whether this exception applies requires a parcel count within the NCIP representative's district, and within the conflict areas. A percentage is then calculated to determine if the public generally exception applies. The parcel counts and buffer zones are prepared by City Staff.

This is NOT a comprehensive analysis and leaves out many details that may be important depending on the particular fact pattern in question. Please refer to the California Attorney General's Conflicts of Interest Guide at <http://ag.ca.gov/publications/coi.pdf> for more detailed information. Please call the City Attorney's Office if you have any questions regarding this matter.

X. MODIFICATION OF THIS MANUAL

This manual may be modified at the discretion of the Public Works Director without the need for City Council or NCIP Committee approval. The Public Works Director shall report on any revisions to the Manual during a public meeting of the NCIP Committee. The Public Works Director welcomes feedback from individual NCIP members on any suggested revisions to the Manual.

XI. MONTEREY CITY CHARTER AMENDMENT

MONTEREY CITY CHARTER AMENDMENT NEIGHBORHOOD AND COMMUNITY PROJECTS PROGRAM MEASURE B

(Full Text of Measure)

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

"Section 6.16 Neighborhood Improvement and Community Projects Program.

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

IMPARTIAL ANALYSIS BY CITY ATTORNEY MEASURE B

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

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

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

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

ARGUMENT IN FAVOR OF MEASURE B

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

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

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

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

s/ Clyde Roberson
Councilmember
s/ Dan Albert
Mayor
s/ Ruth Vreeland
Councilmember
s/ Carl Outzen
Councilmember
s/ Theresa Canepa
Councilmember

XII. EXCERPT FROM CITY OF MONTEREY CITY CODE**CHAPTER 32
ARTICLE 4.
SIDEWALK REPAIR AND MAINTENANCE.****Sec. 32-23. "Sidewalk" defined.**

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

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

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

XIII. HISTORY

The Neighborhood and Community Improvement Program is a uniquely innovative and substantive program. There are very few cities that request input from the community on capital improvement projects, and that fund this kind of program. However, money is not the only unique aspect of our NCIP. Requesting input from various citizen groups, neighborhood associations, and individuals on matters of capital improvements, to the degree accomplished in this program, is also very unusual. The City is extremely proud of this program, and will continue to work hard to see to its continuing success.

Measure Y, a ballot measure to increase Transient Occupancy Tax from 10% to 12%, was approved by a wide majority of voters at the election held on November 3, 2020. A total of 9,659 votes in favor of the measure were cast, and 3,812 voted against the measure. 16% of Transient Occupancy Tax is dedicated to the NCIP.

- A. Program History. For many years, the City of Monterey ("City"), like most cities in the State of California, did not have a large discretionary revenue source. While one of the most beautiful and historical locations in the Western United States, Monterey's economy was based on two major industries: fishing and tourism. Beginning in the early 1900s until the early 1950s, Monterey's fishing and canning industry rapidly emerged as a major contributor to Monterey's economy, establishing Monterey as the 'Sardine Capital of the World.'

While Monterey was a tourist attraction for its scenery, historic adobes, and historical sites, the establishment of the Hotel Del Monte in 1880 greatly augmented tourism and promoted the area in support of the hotel resort. For many years tourism was in direct conflict with the flourishing fishing and canning industries. Operating canneries did not provide an enticing backdrop for tourism until they were depicted by John Steinbeck and later preserved for adaptive reuse as hostelryes, shops, and focal points, which they are today.

In the 1960s, the construction of the marina provided an additional resource and new public maritime services for Monterey residents and tourists.

From 1981 through 1985, various elements of Monterey's local coastal land use plans were adopted, and as a result, Monterey's tourist industry experienced explosive growth during that period.

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

By 1984, many Monterey residents were concerned with preserving Monterey's appeal and balancing tourism with maintaining the quality of life in residential neighborhoods. Leading a City Council dedicated to preserving the uniqueness of Monterey, then-Mayor Clyde Roberson searched for ways to deal with the impacts of tourism. He recommended creating a system that would funnel funds from revenue created by tourism directly into residential neighborhoods. Mayor Roberson hoped that these funds

could meet significant and long-standing needs that existed due to the lack of money in the City treasury. This would deal with one side of the problem while the physical impacts of the growth in tourism were being reevaluated.

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

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

- B. Charter Amendment. In the general election of November 8, 1988, Measure B was approved by voters of the City. This measure (see photo below) was an amendment to the Monterey City Charter to implement the NCIP.

**E**

OFFICIAL BALLOT

CONSOLIDATED GENERAL ELECTION

MONTEREY COUNTY

NOVEMBER 8, 1988

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

MEASURES SUBMITTED TO VOTE OF VOTERS					
CITY					
CITY OF MONTEREY					
MONTEREY CITY CHARTER AMENDMENT NEIGHBORHOOD AND COMMUNITY PROJECTS PROGRAM MEASURE B					
<p>B Shall Section 6.16 entitled "Neighborhood Improvement and Community Projects Program" be added to the Monterey City Charter to provide that at least 16% of the annual Transient Occupancy Tax revenue be budgeted for capital projects to improve the residential neighborhoods or projects of community wide benefit, provided, that the City Council may, by a four-fifths vote, reduce said budget below 16%? The Council shall select the specific projects from recommendations of a Neighborhood Improvement Program Committee composed of at least one representative from each residential neighborhood. The Committee shall be appointed by the City Council.</p>	<table border="1"> <tr> <td>YES</td> <td>+</td> </tr> <tr> <td>NO</td> <td>+</td> </tr> </table>	YES	+	NO	+
YES	+				
NO	+				

This amendment was adopted by a wide majority of voters (7,541 voted in favor of the measure; 2,657 voted against the measure).

ATTACHMENT 1

Information regarding specific projects that involve traffic, assessment districts, work on non-City property, etc.

Traffic-Related: Neighborhood Representatives are urged to contact the City's Traffic Engineering Division regarding any roadway configuration or modifications to existing traffic patterns. The Traffic Engineer and/or the Planning Commission may need to review proposals to determine viability. The City Council must approve proposed changes to circulation or parking before those projects are eligible for NCIP consideration. This review process may take several months.

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

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

NCIP may fund a Traffic Calming Study and resulting Neighborhood Traffic Calming Plan. Only neighborhood traffic calming-related projects included in a Neighborhood Traffic Calming Plan, defined herein, can be funded by NCIP. Electronic speed signs are not considered traffic calming devices and, therefore, are exempt from the requirement that they be included in Traffic Calming Plans.

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

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

- a. If the property is owned by the county, the state, federal government, Monterey Peninsula Unified School District, or Airport District, the submitter shall provide documentation of conceptual approval from the property owner or board of directors, as applicable, as well as information stating that shared funding has been considered by the property owner.
- b. Prior to start of construction on projects described in the paragraph above, there must be executed a Joint Use Agreement, Funding Agreement and/or Lease to protect the city's investment and to ensure the use of the completed project by City residents.

Projects on Private Property: Any project on privately owned property requires a dedicated public easement before public funds are expended.