

- 1) Invite the attorneys of the successful groundwater suit in Modesto to speak to the Lodi City Council in an open forum and provide advice and options for Lodi.
- 2) Sell off the \$1.2 million of water from the Woodbridge Irrigation District to the Central Valley project. Until the City is ready for the water, it could break even.
- 3) Utilize the sale of the \$2 million worth of copper electrical lines, for which she could not find the revenue listed in the budget. She estimated that sale to be \$500,000 and questioned if it was put toward the clean up.
- 4) Urged Council to pay only the financial obligations, i.e. the debt service to Hutchins Street Square. The suggestion of reducing the number of police officers by seven is not acceptable. Hutchins Street Square can run the programs it can afford; however, the City has an obligation to provide for health and safety with the tax dollars it collects from citizens. It is more important to provide police and fire protection than to subsidize the private foundation when the City is not fiscally sound. She estimated a cost savings of \$500,000.
- 5) Increase the property taxes to the new homes going in as part of the development south of Lodi and dedicate those funds toward the groundwater contamination, along with the new tax revenues from Costco. She estimated the revenue to be \$700,000.
- 6) Dedicate the money generated from the tax revenues from Wal-Mart, estimated at \$1 million, toward the groundwater clean up.
- 7) Utilize the \$18 million now to begin the clean up, while these other revenues are being generated.

Ms. Lea further commented that the City Council, in 1996 in response to a request from former Council Member Ray Davenport, determined it would not make offices available for Council Members and she questioned why Council Member Hansen was granted use of an office.

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- Otis Gladney, representing AAA Motorcycle Escort Services in Sacramento, stated that his company has been providing funeral escort services to the Lodi area for two years and would like to establish a base in Lodi. Mr. Gladney stated that there are other service providers that break speed laws and wear uniforms and ride motorcycles with sirens that are similar to the Lodi Police Department. He presented a draft funeral ordinance (filed) that would provide guidelines to operators and he requested the Council consider implementing it. Mr. Gladney indicated that he has discussed this issue with Police Chief Adams and Sergeant Carillo.

Mayor Hitchcock stated that the matter would be referred to staff.

- David Nielsen thanked the Lodi Police Department and City officials who donated their time and expertise toward the efforts to improve the standard of living on East Locust Street. Due to Brown Act requirements, a number of City officials and Council Members were unable to attend their neighborhood meeting last night, at which the neighbors were presented with a set of tools that the City, Code Enforcement, and Police Department can offer to the residents. The neighbors are determined to continue to meet with the landlords in order to make the apartment buildings safe, secure, clean, and free of gang members. To date, one eviction and one three-day notice has been served and funds will be spent to secure the property and block access to the north alley. Code Enforcement indicated at the meeting that it has difficulty inspecting rental units from the inside, and Mr. Nielsen reported that the city of Stockton has an ordinance that requires a 24-hour notice. He suggested that City staff contact Stockton for the details and implement the requirements as another tool for Code Enforcement, which would ultimately pay for itself in re-inspection fees and fines. The neighbors, with the help of Congressman Pombo and Senator Boxer, are soliciting federal money to improve the East heritage district, in addition to researching the Patriot Act, which is specifically targeted at gang activity and terrorism. The neighbors hope to involve local churches, Parks and Recreation, the Boy Scouts of America, and other citizens to have painting parties, landscaping activities, and job placement for gang members and the underprivileged. He encouraged citizens to contact locustblockproject@yahoo.com or visit www.seelodi.com to share stories of how residents' lives have been affected by the conditions on these neglected side streets.

filed 6-21-06

AAA MOTORCYCLE ESCORT SERVICES OF CA. "F"

A Business Services Company Offering: Motorcycle Escorts

P.O. Box 765 Sacramento, CA 95812- 1 (800) 334-9820, (707) 689-6509 (Mailing Address)

E-Mail Address [http: a3escorts@prodigy.net](http://a3escorts@prodigy.net)

Fax 1 (916) 392-3746 (ALL LOCATIONS)

Website: a3escorts.com

SCRIPT

1. Address City Council

Give honor to the Mayor, Vice Mayor and the rest of the Council Members.

2. Introduce yourself.

I am **Otis Gladney**, representative

of

AAA MOTORCYCLE ESCORT SERVICES OF CA.

3. Subject

FUNERAL ESCORT ORDINANCE (PACKET)

CHAPTER 5.28 and/or CHAPTER 10.12.

4. Why

_____ has grown in the last 10 years and have more needs and wishes. The need, request and wish we would like to provide, continue traffic safety with our escort services.

5. What are you prepared to do?

Hire police officers, attend motorcycle safety course, motor school set up by Chief, escort under 100 vehicles, provide council with petitions for the requested services, etc..

PROPOSED
FUNERAL ESCORT ORDINANCE PACKET

APPLICATION PACKET INCLUDES:

1. Funeral Escort application
2. Indemnity and Hold Harmless Statement
3. General Information Sheet
4. Police dept criteria for funeral escort driver information sheet.
5. State Code Sections
6. Ordinance.

A Funeral Escort permit is required for anyone leading or escorting a vehicular funeral procession. The funeral escort is allowed to stop and direct traffic at intersections to enable all vehicles in the funeral procession to proceed together as an unbroken chain.

The funeral escort must provide proof of passing a traffic safety course, 6 months after permit being issued.

Term of Permit: One year-must be renewed each year

Application Fee: \$20.00 non-refundable application (\$59.50)Fingerprinting required if applicant answers yes to any conviction within last five years

Renewal Fee: \$12.00

Approval or Denial by: Police Department

Permit is issued by Revenue Services.

PROPOSED
CITY OF LODI

DEPARTMENT OF POLICE

TO: FUNERAL ESCORT OFFICER NOTICE

An escort officer, while conducting funeral escort service, shall be dressed in the full uniform of his/her respective employer. This uniform shall exhibit on each shoulder of the outermost jacket or shirt a company shoulder patch approved by the Chief of police.

Also, while conducting this duty, an officer shall maintain a high visibility posture and always act in a safe and prudent manner, obeying all traffic laws of the California Vehicle Code and the Lodi Municipal Codes.

In addition, all traffic control actions shall be in accordance with those taught in a Traffic Direction Course approved by the Chief of Police. In all cases, actions and directions shall always be in the best interest of the public safety.

Chief of Police

PROPOSED

City of _____

DEPARTMENT OF POLICE

Application for Funeral Escort Permit:

Completed applications for permits will be accepted from 8:00 a.m. to 5:00 p.m., Monday through Friday, in Room _____, City Hall, _____, _____ California.

The application process will begin once the following is received:

- I. New applications:
 - A. Completed applications (valid for 2 years).
 - B. \$20.00 for applications fee - Non-Refundable (Includes shoulder approved insignias, if any).
 - C. Three full-face color photographs approximately 2" X 2" (including top of hair; no hats, sunglasses, etc.).
 - D. "Indemnity and Hold Harmless" statement.
 - E. Proof of Insurance Coverage (\$500,000)
 - F. Proof of satisfactory completion of an approved traffic safety course
 - G. Copy of current (within last 30 days) DMV driver record readout.

- II. Renewal applications:
 - A. Completed applications must be submitted between September 1st and September 30 (valid for 2 years).
 - B. \$12.00 for renewal application fee-Non-Refundable. (Includes one shoulder insignias, if any).
 - C. Three full-face color photographs approximately 2" X 2" (including top of hair; no hats, sunglasses, etc.).
 - D. "Indemnity and "Hold Harmless" statement.
 - E. Proof of insurance
 - F. Proof satisfactory completion of an approved traffic safety course.
 - G. Copy of current (within last 30 days) DMV driver record readout.

The investigation for clearance may take several weeks or longer to complete. You can not operate as a funeral escort in the City without a valid permit.

Continue Application for Funeral Escort Permit

Once issued, a permit may be revoked for cause. It is your responsibility to know and obey the city code requirements. All permits expire on two years from the date of issuance. Failure to apply for renewal will cause you to be treated as a new applicant.

Your police chief approved official insignias must be worn on each shoulder of the outermost garment. Additional insignias are available from this office at our cost (if any), currently \$ _____ each.

NOTE: A CITY-ISSUED BUSINESS OPERATIONS TAX CERTIFICATE DOES NOT ENTITLE YOU TO OPERATE A FUNERAL ESCORT BUSINESS UNLESS AND UNTIL YOU HAVE FIRST OBTAINED THE REQUIRED REGULATORY PERMIT. THE PERMIT DOES NOT AUTHORIZE ANY PERSON TO CONDUCT ANY UNLAWFUL BUSINESS OR TO CONDUCT ANY LAWFUL BUSINESS IN AN UNLAWFUL MANNER.

Any questions regarding your application or the process should be directed to the City Revenue Division at Lodi CA.

PROPOSED
CITY OF LOCI APPLICATION

DEPARTMENT OF POLICE

ATTENTION: IF NECESSARY, USE A SEPARATE SHEET OF PAPER TO FULLY ANSWER THE FOLLOWING QUESTIONS. THE PERMIT MAY BE DENIED, SUSPENDED, OR REVOKED IF YOU MAKE A FALSE STATEMENT IN THIS APPLICATION, OR FOR THOSE REASONS SPECIFIED IN THE CITY CODE CHAPTER 5.28 or CHAPTER 10.12. APPLICATION FEES ARE NON-REFUNDABLE.

1. Print Name _____
Last First Middle

2. Residence Address _____

3. Age ____ DOB _____ City _____ State _____

4. Height _____ Weight _____ Eye color _____

5. CDL No. _____ Expires _____ Class _____

6. Funeral Escort Company where you will be employed:
Name _____ Owner's Name _____

Address _____ City State Zip

7. Type of vehicle to be used in employment _____

If you answer "Yes" to any of questions 7 through 10, for each incident, give the date of occurrence, the reason or offense charged, and the outcome or offense for which you were convicted.

8. Has your driver's license ever been revoked or suspended? _____

9. Have you ever been cited for an accident while operating a motor vehicle? _____

10. Do you have any mental or physical incapacity or infirmity of which you are aware which would in any way interfere with your duties or responsibilities as a Funeral Escort Permittee? _____

11. Have you been convicted (including convictions by _____

verdict, plea of guilty or plea of nolo contendere)
in the last five years of any crime listed? _____

12. Attach 2 color photographs, full face, approximately 2"X2" (including top of hair; no hats, sunglasses, etc.)
13. Attach "Indemnity and Hold Harmless" statement signed by employer (or person who holds insurance policy required by CHAPTER 5.28 or CHAPTER 10.12.
14. Attach proof of insurance for you or your employer which complies with CHAPTER 5.28 or CHAPTER 10.12. of the city code.
15. Attach proof of satisfactory completion of an approved traffic safety course.
16. Attach copy or current (within last 30 days) DMV driver record readout.

I understand that verification of the accuracy of the above information will be conducted. I further understand and agree that the information is a matter of public record and may be made available to interested parties upon request. I hereby certify under penalty of perjury that the above information on this form and/or any attachment is true and correct.

Signature _____

Date _____

Continue Application for Funeral Escort Permit

<u>STATE CODE SECTION</u>	<u>DESCRIPTIONS</u>
Penal Code Section 459 459	Burglary, Receiving stolen property,
Vehicle Code Section 23152 or 23153	Driving under the influence of alcohol or drugs
or 23103 or 23104	Reckless driving
23103.5	Reckless driving- reduced D.U.I.

PROPOSED

City of _____

DEPARTMENT OF POLICE

FUNERAL ESCORT PERMIT
INDEMNITY AND HOLD HARMLESS

Pursuant to CHAPTER 5.28 or CHAPTER 10.12. of the Lodi Municipal Code, the undersigned funeral escort Permittee or funeral escort services employer assumes all responsibility for the undersigned's activity and operation, shall bear all losses and damages directly or indirectly resulting to the undersigned, any subcontractor, the city, or city employees that are the result of the performance or character of the operation, unforeseen difficulties, accidents, occurrences or other causes not predicated on active negligence of the City. The undersigned does hereby assume the defense of and indemnify and save harmless the City and its officers and employees from all claims, loss, damage, injury and liability of every kind, nature and description, including punitive damages, directly or indirectly arising from the escorting of a vehicular funeral procession.

Dated: _____

Singed: _____

By: _____

Title: _____

* to be signed by the party who holds the insurance policy required by Section _____ of the _____ Code.

Chapter

FUNERAL PROCESSIONS

Sections:

Purpose.
Permit required.
Authorized traffic direction.
Permit procedure.
Denial of permit.
Permit issuance.
Indemnify and hold harmless.
Liability insurance.
Procedure for permit denial and revocation.
Traffic safety instruction program.
Official insignia.
Permissible guidelines.

Purpose.

It is the purpose of this chapter to use the power conferred to local agencies by Section 21100(e) of the Vehicle Code which authorizes the appointment of persons other than traffic officers to direct traffic in such prescribed situations and locations as may require traffic direction for orderly traffic flow.

Permit required.

No person shall stop traffic at intersections or otherwise violate Section 10.08.070 of this title of this code while leading or escorting a vehicular funeral procession without first obtaining a permit pursuant to this chapter.

Authorized traffic direction.

A. Any person issued a valid funeral escort permit pursuant to this chapter and leading or otherwise escorting a vehicular funeral procession shall obey all traffic laws, including all speed laws, except that such person is authorized to stop cross-traffic, to enable all vehicles in the funeral procession to proceed together as an unbroken chain, at intersections controlled by:

1. Stop signs, providing that the permittee remains in the intersection until all funeral procession vehicles have cleared the intersection; and
2. Signal lights, providing that the lead vehicle in the procession enters the intersection with a green light and the permittee remains in the intersection at all times when the light is not green.

B. A permittee is authorized to direct traffic in the manner specified in this section only while wearing an

official insignia issued by the chief of police, and carrying a valid permit issued to him or her as an individual pursuant to this chapter.

C. The chief of police may order the revocation of a funeral escort permit, in accordance with the procedure specified in Section 10.28.090 of this chapter, if the permittee has directed traffic in a manner contrary to that specified in this section.

Permit procedure.

Applications for a funeral escort permit shall be filed with the chief of police, and shall contain the following:

- A. Name and address of applicant;
- B. Proof of insurance in compliance with Section of this chapter;
- C. Proof of satisfactory completion of a traffic safety program of instruction, as described in Section of this chapter;
- D. Proof that the applicant holds a valid California vehicle operator's license, properly endorsed for the type of vehicle the applicant intends to use while directing vehicular funeral processions;
- E. Permit and insignia fees, as established by resolution of the city council;
- F. Such other information as may be required by the chief of police or director of finance

Denial of permit.

Permits authorized by this chapter may be denied by the chief of police upon original or renewal application upon the following grounds:

- A. The application is incomplete; or
- B. Applicant has been convicted of a crime, and the time for appeal has elapsed, or when an order granting probation is made suspending the imposition of sentence, irrespective of the entry of a subsequent order under Penal Code Section 1203.4, provided, however, that the permit may be denied upon this ground only if the crime is substantially related to the qualifications, functions or duties associated with leading or otherwise escorting a vehicular funeral procession.

Permit issuance.

Funeral escort permits shall be issued by the revenue and collections officer, and shall expire on September 30th of the calendar year following the date of issuance unless sooner revoked. Permits shall not be transferable.

Indemnify and hold harmless.

The funeral escort permittee or his or her funeral

escort service employer shall assume all responsibility for his or her activity and operation, shall bear all losses and damages directly or indirectly resulting to him or her, any subcontractor, the city or city employees that are the result of the performance or character of the operation, unforeseen difficulties, accidents, occurrences or other causes not predicated on active negligence of the city. The permittee or his or her funeral escort service employer shall assume the defense of and indemnify and save harmless the city and its officers and employees from all claims, loss, damage, injury and liability of every kind, nature and description, including punitive damages, directly or indirectly arising from the escorting of a vehicular funeral procession

Liability insurance.

During the term of a permit issued pursuant to this chapter, the permittee or his or her funeral escort service employer shall maintain in full force and effect at the permittee's or his or her employer's own cost a comprehensive auto and general liability insurance policy:

A. In an amount no less than five hundred thousand dollars (\$500,000.00) single limit per occurrence; and

B. Issued by an admitted insurer or insurers as defined by the California Insurance Code; and

C. Providing that the city, its officers, employees and agents are to be named as insureds under the policy; and

D. Covering all losses and damages as specified in Section 10.28.070 of this chapter; and

E. Stipulating that the policy will operate as primary insurance and that no other insurance effected by the city or other named insured will be called on to contribute to a loss covered thereunder; and

F. Providing that no cancellation, change in coverage, or expiration by the insurance company or the insured shall occur during the term of the funeral escort service permit, without thirty (30) days written notice to the city prior to the effective date of such cancellation or change in coverage.

In the event of failure of any permittee or his or her funeral escort employer to maintain in effect such insurance policy, the director of finance shall order the cancellation of the permit as provided in this section and Section of this chapter.

Procedure for permit denial and revocation.

A. The director of finance or the chief of police may refuse to issue or renew or revoke a funeral escort service permit only after a hearing granted upon three days written notice to the permittee. Such notice shall specify the specific grounds for the proposed action. At the

hearing, to be held by the director of finance or his or her designee, the permittee shall be given the opportunity to present witnesses and documentary evidence, to be represented by counsel and to examine all witnesses presented. Issuance of a written notice of cancellation by an insurance company shall be conclusive proof at the hearing of the effective cancellation of an insurance policy. A decision of the director of finance revoking or denying the permit shall be effective upon the effective date of the cancellation of said insurance or the date when the written decision is signed by the director of finance, whichever is earlier. The taking or pendency of an appeal under subsection B of this section shall not stay the effectiveness of such decision.

B. If the permittee is dissatisfied with the decision of the director of finance in ordering the revocation or denial of the permit, such person may appeal to the city manager by filing a notice of appeal in writing with the city manager within two days of the date of the order of the director of finance. The city manager or his or her designee shall hold a hearing within three days of the receipt of the notice of appeal. The permittee shall be accorded the same hearing rights provided in subsection A of this section. The city manager may sustain, reverse or modify the order of the director of finance. The decision of the city manager shall be final.

Traffic safety instruction program.

Each applicant shall submit to the chief of police evidence of the curriculum, including instructional materials and skills taught and practiced, of an instructional program of traffic safety which the applicant has satisfactorily completed. The chief of police shall review and approve each submitted instructional program if the chief reasonably believes that the program provided the applicant sufficient training to direct traffic as specified in Section 10.28.030 of this chapter in a safe and lawful manner.

Official insignia.

The chief of police shall approve an official insignia which must be worn by all permittees while directing traffic in the manner specified in Section of this chapter.

Permissible guidelines.

The chief of police shall prepare written guidelines for distribution to permittees. Such guidelines shall be advisory to permittees and recommend procedures to insure safe vehicular funeral processions.