



Miracle Mile Community Improvement District
General Meeting of the Board of Directors
Tuesday, January 9, 2024, at 4:00 pm
SUSD Annex – 1661 Pacific Avenue, Stockton, CA 95204

AGENDA

1. Call to Order Open Session – *Lisa Whirlow, Vice-President*
2. Public Comment (3-Minutes Max Per Person)
Please keep comments directed to the item being discussed.
3. Approval of the December 12, 2023, Meeting Minutes – *Juanita Pasley, Secretary* *Action Item* p. 3 - 6
4. Approval of the December and Year End 2023, Financials – *Jean Callahan, Treasurer / Kim Byrd, Executive Director* *Action Item* p. 3 - 13
5. Elections of the 2024 Board Officers *Action Item*
 - a. President
 - b. Vice President
 - c. Treasurer
 - d. Secretary
6. Appointment of the 2024 Board Committee Chairs *Action Item*
 - a. Finance (Treasurer)
 - b. Bylaws
 - c. Civil Sidewalk
 - d. Economic Development
 - e. Events & Promotions
7. Committee Assignments
 - a. Finance (Treasurer)
 - b. Bylaws
 - c. Civil Sidewalk
 - d. Economic Development
 - e. Events & Promotions
8. Executive Director Report – *Kim Byrd* p. 14 - 20
 - a. BOD meeting dates, time & location(s)
 - b. Conflict of interest & whistleblower acknowledgement
 - c. Strategic Planning 2024
 - d.
9. Committee Reports

- a. Bylaws
- b. Civil Sidewalk
- c. Economic Development
- d. Promotions

10. City of Stockton Report – *Carrie Wright*

11. Director Requests / Announcements

12. Next Meeting: **February 13th, 2024, at 4:00 pm @ SUSD Annex**

13. Adjournment

Action Item

Brown Act: All MMCID Board meetings are held pursuant to the Brown Act as codified in Government Code Section 54957.5.

Public Comments: The law provides the opportunity for the public to be heard on any item within the subject matter jurisdiction of the Board, before or during the discussion of that item by the Board. For all items, including items not on the agenda, the public comment time is at the start of each meeting and is limited to three minutes per person unless additional time is granted by the meeting chairperson. State law does not allow action to be taken on an issue not listed on the agenda.

Accessibility: Meeting facilities may be accessible to persons with disabilities. If you require special assistance to participate in the meeting, notify Kim Byrd at 209-481-1843 or via email at info@stocktonmiraclemile.com at least 48-hours prior to the meeting.

MIRACLE MILE COMMUNITY IMPROVEMENT DISTRICT

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Miracle Mile Community Improvement District
Minutes of the General Board of Directors
Tuesday, December 12, 2023
SUSD 1616 Pacific Avenue, Stockton CA 95204

PRESENT: Tina Wells-Lee, Kim Byrd, Juanita Pasley, Jeff Gamboni (left at 5:16pm), John Precissi, Yonie Young (arrived at 4:10pm), Tammy Nguyen, Brian Wright, Rex Dhatt, Manuel Guizar (left at 4:51pm)

ABSENT: Lisa Whirlow, Carrie Wright, Jean Callahan,

GUESTS: Jason Laurenti, Kevin Hernandez, Jonathan Hernandez, Tony Lor, Jovie Lor

1. **Meeting Called to Order** at 4:09pm by Tina Wells-Lee, Board President
2. **Public Comments** – Jonathan Hernandez (from Black Rabbit) stated that on 12/11/23, there were 4 break-ins on cars on his block. All were reported to PD. He expressed his concern at the lack of patrol and the break-ins are starting to be habitual. He is also having a lot of homeless issues, they are breaking into the area where the trash bins are stored. Jason stated concern with issues with the Ask Stockton app, they are having issues with using it. Kevin said that there have been several fires started by the homeless in front of Thai me Up and in his back parking lot.
3. **November 2023 Financial Statements** – Kim Byrd
We are in a transition from MMID to MMCID. There is currently \$159,561 in the account. A lot of these funds are already accounted for utilization. It is very important that we continue to raise funds so that we ensure that we can pay for cameras going forward. Tina spoke about how, for 15 years, we were not set up for sustainability. Going forward, with the 501(c)3 we are able to apply for more grants to help gain for income. The \$100,000 ARPA grant helped us to get thru thus far but there is still a lot of work to be done.
MOTION to approve Financial Statements:
Motion: Juanita Pasley **Second:** John Precissi **Vote:** 9/9 **Abstentions:** 0
Motion Approved
4. **Minutes of the 11/7/23, General Board Meeting** – Juanita Pasley
MOTION to approve Minutes of November 7, 2023:
Motion: Tammy Nguyen **Second:** Jeff Gamboni **Vote:** 9/9 **Abstentions:** 0
Motion Approved
5. **2024 MMCID Budget** –
Assessment dollars in the amount of \$194,000 are included. The assessments for SUSD and City are billed separately. Retained dollars line is money that we were able to save as we used the

MMID account to pay for almost everything. We are continuing to pursue a company to use to for the Harding Way project because there is still money that has to be used for that purpose. \$7,550 will go into the reserve account at the end of the year.

MOTION to approve 2024 MMCID Budget:

Motion: Juanita Pasley **Second:** Manuel Guizar **Vote:** 9/9 **Abstentions:** 0

Motion Approved

6. Approve 2024-2025 Slate of Nominees for MMCID Board of Directors –

Property owner (4) seats

- Rex Dhatt
- Manuel Guizar
- Jovie Lor
- Lisa Whirlow
- Angela Rugani

Business owner (2) seats

- Jeff Bolognini – Gian’s Deli
- Juanita Pasley – Sweet Life Boutique
- Yelle “Ae” Garcia – Thai Me Up
- Jason Laurenti – AVE on the Mile

MOTION to approve slate of Property Owners:

Motion: Brian Wright **Second:** Jeff Gamboni **Vote:** 9/9 **Abstentions:** 0

Motion Approved

MOTION to approve slate of Business Owners:

Motion: Manuel Guizar **Second:** John Precissi **Vote:** 9/9 **Abstentions:** 0

Motion Approved

Ballot & Election of 2024-2025 Directors

Property Owners (4):

- Rex Dhatt
- Manuel Guizar
- Jovie Lor
- Lisa Whirlow

Business Owners (2):

- Jason Laurenti
- Juanita Pasley

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MOTION to approve election of 2024-2025 of Directors:

Motion: Juanita Pasley **Second:** Jeff Gamboni **Vote:** 9/9 **Abstentions:** 0

Motion Approved

1. City of Stockton Announcements & Project Updates – Carrie Wright

Carrie was not available. Per Carrie (via Kim), rapid flashing beacon will be implemented at the first of the year. Parking lots A & C are looking to start the repave project at the beginning of Spring.

2. Executive Director Report & Discussion – Kim Byrd

- a. UOP Basketball Tickets – Kim has tickets for UOP games for January (1 game) & February (1 game) for Miracle Mile appreciation nights.
- b. Holiday Window Contest – Kim reminded all board members to submit their votes for the holiday window contest.
- c. Communication & Events Update –
 - Still collecting info with the surveys. About 25 respondents so far. This will be utilized to gauge where we are as well as likes and dislikes and will affect how we move forward in 2024.
 - ADHOC committee is looking for volunteers to join the sub-committees. Email sent with sign-up information.
 - The camera program is almost ready, contracts are being finalized. Looking at 27 cameras at different locations (see packet). Availability for business owners to purchase a camera for their business. “Boots on the ground” will be from 10pm-6am. The contract will be executed once it is okayed by the attorney, and we are looking at starting the installation in January 2024. Tina stressed the importance of the board making sure that we are making enough money to be able to sustain the camera system beyond 2024.
 - We have over 22 blocks covered in the district that DSA has to cover with maintenance. We have DSA for 6 ½ hours daily. By 3:30am DSA is here to remove the trash, human feces, graffiti, (they are there 7 days a week). They do pressure wash in rotation. It takes 4-6 weeks to get through the district. Bi-annual pressure washing of the trash receptacles is done. Kim stated that, if anyone has any issues, they should take a picture of it immediately and send it to her so that she can forward it to DSA.
- d. Kiwanis Survey Maintenance Wishlist – In the packet for review. A survey was sent with 10 responses received.

3. Committees Assignments

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- a. **Bylaws** – Yonie Young – Lisa offered to provide input.
 - b. **Economic Development** – Jeff Gamboni – The last meeting was focused on those who would benefit from façade improvement grants. They are putting together a list of businesses who may benefit from the grant. Next meeting 3:30pm on 12/19 @ LDA
 - c. **Events & Promotions** – Juanita Pasley – Sip & Shop was a success with positive feedback so far. Tree lighting was attended by lots of people (more than previous year).
 - d. **Civil Sidewalk** – Rex Dhatt – The camera system has been broken into phases, with Phase 1 starting in January. Asking for the ADHOC committee's buy-in with help for more funds and lighting.
4. **Member Requests/Announcements:** Kim announced that Josh Harder will be on the Mile on Tuesday, December 19, 2023, at 2:30pm and will be visiting N9NE as a business who has had more break-ins than usual.
- Tina announced her departure from the board. Stressed the watching of the finances, pushing forward of the board to continue to make our way.

Adjournment – Motion to adjourn made by John Precissi @ 5:29pm

Next MMCID Board of Directors General Meeting Scheduled Tuesday, January 9, 2024

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Financial Report

Miracle Mile Community Improvement District
For the period ended December 31, 2023



Prepared by
Finance Committee

Prepared on
January 7, 2024

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Statement of Financial Position

As of December 31, 2023

	Total
ASSETS	
Current Assets	
Bank Accounts	
F&M Checking x0801	158,666.31
Total Bank Accounts	158,666.31
Total Current Assets	158,666.31
TOTAL ASSETS	\$158,666.31
LIABILITIES AND EQUITY	
Liabilities	
Total Liabilities	
Equity	
Retained Earnings	
Net Revenue	158,666.31
Total Equity	158,666.31
TOTAL LIABILITIES AND EQUITY	\$158,666.31

Statement of Activity by Month

December 2023

	Total
REVENUE	
Total Revenue	
EXPENDITURES	
CIVIL SIDEWALK	
Enhanced Security	5,560.00
Enhanced Services	
Maintenance program	5,435.04
Repair & maintenance supplies	214.04
Waste management service	411.71
Total Enhanced Services	6,060.79
Total CIVIL SIDEWALK	11,620.79
District Identity	2,294.45
Event Expenses	
Holiday Sip & Shop Expense	3,772.69
Total Event Expenses	3,772.69
Social Media Advertising	100.00
Social Media Contractor	1,500.00
Total District Identity	7,667.14
DISTRICT MANAGEMENT & ADMINISTRATION	
Contract Management Services	4,827.53
Office/General Administrative	
Dues, subscriptions & memberships	143.76
Meeting expense	184.01
Office printing	127.09
Phone & Internet Service	58.26
Total Office/General Administrative	513.12
Professional Fees	
Bookkeeping	500.00
Legal	600.00
QuickBooks	27.00
Total Professional Fees	1,127.00
Total DISTRICT MANAGEMENT & ADMINISTRATION	6,467.65
Total Expenditures	25,755.58
NET OPERATING REVENUE	-25,755.58
NET REVENUE	\$ -25,755.58

Statement of Activity Y-T-D

January - December 2023

	Jan 2023	Feb 2023	Mar 2023	Apr 2023	May 2023	Jun 2023	Jul 2023	Aug 2023	Sep 2023	Oct 2023	Nov 2023	Dec 2023	Total
REVENUE													
ASSESSMENT INCOME													0.00
SJC Assessed Properties		99,704.28			89,133.78						49.00		188,887.06
Total ASSESSMENT INCOME		99,704.28			89,133.78						49.00		188,887.06
NON-ASSESSED INCOME													0.00
Event Income													0.00
Car Show & Concert													0.00
Sponsorship										65.00			65.00
Vendor pop-ups									75.00				75.00
Total Car Show & Concert									75.00	65.00			140.00
En Blanc													0.00
Drink ticket sales						1,700.00							1,700.00
Sponsorship				3,500.00	22,500.00	7,300.00							33,300.00
Total En Blanc				3,500.00	22,500.00	9,000.00							35,000.00
Total Event Income				3,500.00	22,500.00	9,000.00			75.00	65.00			35,140.00
Total NON-ASSESSED INCOME				3,500.00	22,500.00	9,000.00			75.00	65.00			35,140.00
Uncategorized Income										0.12		0.00	0.12
Total Revenue	0.00	99,704.28	0.00	3,500.00	111,633.78	9,000.00	0.00	0.00	75.00	65.12	49.00	0.00	224,027.18
EXPENDITURES													
CIVIL SIDEWALK													0.00
Enhanced Security											5,583.38	5,560.00	11,143.38
Enhanced Services													0.00
Maintenance program										5,435.00	5,435.00	5,435.04	16,305.04
Repair & maintenance supplies												214.04	214.04
Waste management service				149.58	284.95	284.95				411.71	552.85	411.71	2,095.75
Total Enhanced Services				149.58	284.95	284.95				5,846.71	5,987.85	6,080.79	18,614.83
Total CIVIL SIDEWALK				149.58	284.95	284.95				5,846.71	11,571.23	11,620.79	29,758.21
District Identity												2,294.45	2,294.45
Event Expenses													0.00
BOO-tique Market Expense													0.00
Social media											95.00		95.00
Total BOO-tique Market Expense											95.00		95.00
Car Show & Concert Expense										695.00			695.00
Social media											235.00		235.00
Total Car Show & Concert Expense										695.00	235.00		930.00
En Blanc Dining Expense						175.00							175.00
Holiday Sip & Shop Expense												3,772.69	3,772.69
Total Event Expenses						175.00				695.00	330.00	3,772.69	4,972.69

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	Jan 2023	Feb 2023	Mar 2023	Apr 2023	May 2023	Jun 2023	Jul 2023	Aug 2023	Sep 2023	Oct 2023	Nov 2023	Dec 2023	Total
Social Media Advertising												100.00	100.00
Social Media Contractor											1,500.00	1,500.00	3,000.00
Total District Identity						175.00				695.00	1,890.00	7,867.14	10,367.14
DISTRICT MANAGEMENT & ADMINISTRATION													0.00
Contract Management Services											5,819.14	4,827.53	10,646.67
Insurance										12,332.65			12,332.65
Office/General Administrative													0.00
Dues, subscriptions & memberships												143.76	143.76
Meeting expense												184.01	184.01
Office printing												127.09	127.09
Office supplies			89.08										89.08
Phone & Internet Service											0.00	58.26	58.26
Total Office/General Administrative		89.08									0.00	513.12	602.20
Professional Fees													0.00
Bookkeeping											500.00	500.00	1,000.00
Legal												600.00	600.00
QuickBooks											27.00	27.00	54.00
Total Professional Fees											527.00	1,127.00	1,654.00
Total DISTRICT MANAGEMENT & ADMINISTRATION		89.08								12,332.65	6,346.14	6,467.65	25,235.52
Total Expenditures	0.00	89.08	0.00	149.58	284.95	459.95	0.00	0.00	0.00	18,874.36	19,747.37	25,755.58	65,360.87
NET OPERATING REVENUE	0.00	99,615.20	0.00	3,350.42	111,348.83	8,540.05	0.00	0.00	75.00	-18,809.24	-19,696.37	-25,755.58	158,686.31
NET REVENUE	\$0.00	\$99,615.20	\$0.00	\$3,350.42	\$111,348.83	\$8,540.05	\$0.00	\$0.00	\$75.00	\$-18,809.24	\$-19,696.37	\$-25,755.58	\$158,686.31

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Notes

CIVIL SIDEWALK (Clean & Safe)

Enhanced Maintenance Services provided by Downtown Stockton Alliance (DSA)

Enhanced Security Services provided by Hammer Head Security

Waste Management Service provided by Republic Services

DISTRICT IDENTITY (Marketing & Events)

Social Media Services provided by Katie Siegfried, 19 Colors Marketing

Event Coordinator Services provided by Goodstock


DISTRICT MANAGEMENT & ADMINISTRATION

District Management Services provided by Kim Byrd

Bookkeeping Services provided by Kim Potts

Insurance Provider is F.J. Dietrich & Co. Insurance Services

Executive Director Report December 2023

AB 179	<p>Stockton's Miracle Mile Public Safety Improvement & Revitalization Project</p> <p>The Ad Hoc Committee held their second Public Meeting, December 6, 2023, at University of the Pacific. Attendees hear presentations from the Ad Hoc subcommittees and conducted break-out sessions brainstorming and providing suggestions for areas of improvement.</p> <p>Mark your calendar for upcoming Public Meetings:</p> <ul style="list-style-type: none">• Wednesday, January 24, 2024 6-8pm• Wednesday, March 6, 2024 6-8pm <p>AdHoc Subcommittees Available:</p> <ul style="list-style-type: none">Business DevelopmentCivil ImprovementsCommunity EngagementMobilityPlace-MakingSecurity & Lighting  <p>For any additional questions regarding Stockton's Miracle Mile Public Safety Improvement & Revitalization Project or the Project's Ad Hoc Work Group, please write to: stocktonmiraclemile@dot.ca.gov</p> <p>The MIRACLE MILE will not be receiving ANY of the funding directly. ALL funds will be managed by the City of Stockton, as advised by the Adhoc Committee.</p> <p>Always, for the latest information available, visit the California DOT Website as provided below. https://dot.ca.gov/caltrans-near-me/district-10/district-10-current-projects/stockton-miracle-mile</p>
RFP	<p>Industrial Camera Purchase & Installation RFP</p> <p>Contracts reviewed by attorney, Paul Koslow, has been sent to vendors as of 1-4-24. Consent by Owner (memorandum of understanding), also complete and reviewed by Paul. Property owners outreach underway:</p> <p>Verbal Commitments:</p> <ul style="list-style-type: none">• Dougherty - Yes• Gregerson (Julie Cosgrove) - Yes• Moore (Nancy & Hugh) - Yes• Duarte (Manny) - Yes• Fong - Yes• Parkins - Yes

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	<ul style="list-style-type: none"> • Whirlow - Yes <p>Follow Up:</p> <ul style="list-style-type: none"> • Chin – Follow-up questions • Lor – left Voicemail Message • SUSD – Brian out of office • Hull – Smallie to follow-up <p>Future Opportunity - Harding Way Project \$94,380.98</p> <p>Requirements for funding: Execute an agreement with the city approved by Council with a staff report to include invoices of costs that are capital in nature.</p> <p>Included in the agreement: State one-time funding source, with documentation and MMID is responsible to replace and maintain items purchased.</p> <ul style="list-style-type: none"> • David Silva - Landscaping - include add-on Garbage Can purchase. • Leobardo Rivera – Mountain Landscaping Proposal • Contract COS <p>Issue is the bid project value is too low to be of interest to those contractors that can meet City requirements. Very limited response previously. Will seek new bids for project, as time allows.</p>
PUBLIC WORKS:	<p>http://www.stocktonca.gov/services/business/bidFlash/projDetail.html?dept=Public_Works,idnum=WT22052</p> <p>Below are links to the Miracle Mile RRFB and bulb-outs project on Pacific/Adams. It's currently being advertised. Bid opening on June 1, 2023. Work also includes upgrading streetlight head fixtures to brighten the corridor at night from Castle to Harding.</p> <p>I'll provide updates on the parking lot separately.</p> <p>Please let me know if you have any questions.</p> <p>City of Stockton, CA - Bid Flash Project Detail (stocktonca.gov) http://www.stocktonca.gov/bfDocs/WT22052%20Miracle%20Mile%20RRFB%20Improvements%20Plans-Signed.pdf</p> <p>The parking lot project hit a snag in resolving drainage issues. O&M is working with Siegfried to address pre-existing issues to prevent premature failure of parking lot surfaces in the future.</p>
LEGAL:	<p>Trip/Fall Insurance Litigation</p> <p>Depositions continue. Karin Bruce, our insurance attorney has requested a Motion for Summary Judgment to get MMID out of this case. The hearing is on February 1, 2024.</p>
ECONOMIC DEVELOPMENT:	<p>VACANCIES:</p> <ul style="list-style-type: none"> -Hookah Bar -Merillo Jewelers -Hubba Hubba -Cobra Chai -Southern Exposure -Stockton Savings (façade improvement underway)

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	<p>-Stockton Art Lab (renovations underway)</p> <p>COMING SOON: Trendy Boutique converting into an office space Dragonfairy moved location (to across the street, old Cena Luna location)</p> <p>CLOSING:</p> <p>Property FOR SALE: 2323 Pacific Avenue, (Teddy & Meryl Southern) 1700 Block Pacific Avenue (Escabar Family) 2363 Pacific Avenue (Tanya Waters)</p> <p>Storefront Beautification Micro Grant: -Gian's Deli (railing repaint)</p> <p>Façade Improvement Forgivable Loan: -2562 Pacific Avenue -2001-2005 Pacific Avenue -1800 Pacific Avenue/ 145-151 Alder Steet</p> <p>Request of Sales Tax data for the Miracle Mile requested of COS. Carrie submitted request to SJC on our behalf. Data will be used as a measurement tool in evaluation of general health of the Miracle Mile district.</p>
501(c)3	<p>Establishment Ch</p> <ul style="list-style-type: none"> • Article of Incorporation (State of California) - Complete • Statement of Information (State of California) - Complete • EIN (IRS) – Complete • Bylaws Approved – Complete • New MMCID Bank Account – Complete • Insurance Policy effective 9/29/23 – Complete • File 1023 & 3500 IRS Application for Recognition of Exemption (IRS) – Complete <p>Pending response on application from IRS.</p>
SAVE THE DATES:	<ul style="list-style-type: none"> • Visit Stockton Restaurant Week – January 18 -29 • UOP Men's NCAA Basketball vs Santa Clara, Thursday, Jan. 18 @ 7 p.m • UOP Women – Saturday, Feb. 17 vs. Gonzaga, 2 p.m. – Youth Basketball Day, Orange Out
BANNER RENTAL	<p>Sign Program Pre-Requisites:</p> <ul style="list-style-type: none"> • DRAFT rental agreement & release of liability reviewed and approved by MMCID attorney • Signage requirements & specifications complete. • Weekly rental fee set at \$500/week, and as calendar will allow.

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Volunteers:	<p>The Kiwanis Club, Key Club Volunteers, had to post-pone their Miracle Mile clean-up, scheduled on Saturday, November 18th. Event will be rescheduled once we here back form Grace in COS Waste Management. Efforts will include work on the East side of Pacific Avenue, from Maple Street (Stockton Art League) to Castle Street (Sam’s Cafe). In addition, they will begin work on re-painting the bollards on the West side at Bedford (Taps Plastic), Dorris (Cocoro Bistro) and Central/Castle (Sam’s Cafe/HT Designs), and a seasonal replanting at Tuxedo Court.</p> <p>Adam Markowitz with the Kiwanis Club is working with students in conjunction with the City of Stockton (for materials), to aid in this effort.</p>
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STRATEGIC PLANNING SUMMARY

AUGUST 1, 2023

CIVIL SIDEWALK (Clean and Safe through Facilitation and Advocacy)

2023 Annual Budget – \$138,000

2024 Annual Budget - \$143,520 (estimated)

GOALS:

- Safe & Walkable Environment, through facilitation and
- Attractive Environment
- More Parking
- Community Plaza/Center
- AB179 (State Funding) Advocacy

SUGGESTED KPI's (Key Performance Indicators)

- Reduction in property damage
- Reduction in crime (year over year)
- Commercial property vacancy ratio/%
- Sales Tax trending
- City/State spend within the Miracle Mile
- Program utilization (i.e. Façade, Micro and other grant opportunities)
- % of City Service provided (?)
- Tree management (# trees down, replaced)

PARKING LOT ITEMS:

- Security Model. Cameras, boots on the ground, hybrid?
 - o Cameras/PA System(s)
 - o Callboxes
 - o Homeless
- Traffic Calming efforts
 - o Median
 - o RRFB
- Understanding of Baseline services
 - o Garbage
- Parking
 - o Meters
 - o Parking lots
 - o Parking Structures

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**CONSENT BY OWNER FOR CAMERA INSTALLATION
MIRACLE MILE COMMUNITY IMPROVEMENT DISTRICT
SECURITY CAMERA PROGRAM**

1. **THE PARTIES.** This Consent by Owner Agreement ("AGREEMENT") made on [DATE], by and between Property Owner: PROPERTY OWNER NAME with a property address of PROPERTY OWNER BUILDING ADDRESS ("OWNER"), and Miracle Mile Community Improvement District with a mailing address of P.O. Box 4016, Stockton, CA 95204 ("MMCID").

MMCID and OWNER are each referred to herein as a "Party" and, collectively, as the "Parties."

2. **CONSENT BY OWNER.** The OWNER shall provide access to MMCID:

- a.) Approval to mount MMCID owned security camera on the exterior of OWNER building, allowing MMCID contractor access to run cables on roof, attic and/or business space as necessary.
- b.) Provide MMCID network devices and cameras 110/120 power supply via an outlet on the roof or where an extension cord can be ran.
- c.) Provide MMCID and/or contractor camera system access for routine cleaning and general maintenance, as necessary.
- d.) Installation of the security cameras is a deterrent and is not an implied guarantee.

3. **INDEMNITY.**

- a.) OWNER shall indemnify and hold MMCID, its officers, agents, or employees harmless from and against any and all claims arising from any act, omission, or negligence of MMCID's officers, agents or employees in the performance of this AGREEMENT, or arising from any accident, injury, or damage whatsoever caused to any person or property occurring in, or in any manner connected directly or indirectly with the performance of this AGREEMENT by OWNER, and against all costs, expenses and liabilities incurred in, or in connection with, any such claim or preceding.
- b.) MMCID shall indemnify and hold OWNER, its officers, agents, or employees harmless from and against any and all claims arising from any act, omission, or negligence of MMCID or MMCID's officers, agents or employees in the performance of this AGREEMENT, or arising from any accident, injury, or damage whatsoever caused to any person or property occurring in, or in any manner connected directly or indirectly with the performance of this AGREEMENT by MMCID, and against all costs, expenses and liabilities incurred in, or in connection with, any such claim or preceding.

4. **DISPUTE RESOLUTION.** Should any dispute arise between the Parties regarding the interpretation, rights, duties, or liabilities under this Agreement, both Parties agree to engage in good faith negotiations to resolve the dispute for a period of no less than thirty (30) days before initiating any legal proceedings. If the dispute cannot be resolved through direct negotiation, both Parties agree to seek resolution of the dispute through a neutral, mutually agreed-upon mediator, before resorting to arbitration or litigation. The Parties agree to share equally in the costs of the mediation process.

If mediation is unsuccessful, both Parties agree to submit the dispute to binding arbitration under the rules of a mutually agreed-upon arbitration service. The arbitration shall occur in the same jurisdiction as the Location. The arbitrator's decision shall be final and legally binding, and judgment may be entered thereon. Each Party will bear its own costs and fees associated with the arbitration.

In the event of litigation relating to this Agreement, each Party will bear its own attorney's fees and costs.

5. **HOLD HARMLESS.** The OWNER agrees to indemnify and hold harmless the MMCID against any and all legal actions which may arise from the User's use of the Location and the following:

- a.) Right to Cancel. The MMCID reserves the right to cancel this Agreement at any time and for any reason upon providing at least 30 days' written notice to the User. If the MMCID cancels this Agreement for reasons other than a breach of this Agreement by the User, the MMCID agrees to refund the User any amounts already paid.

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b.) Natural Disasters. If the MMCID is unable to make the Location available for any reason outside of their control, including, but not limited to, damage to the Location, local emergencies, acts of God, or any other types of natural disasters, this Agreement shall be canceled by the MMCID. In such an event, the MMCID agrees to refund the User any amounts already paid.

6. **SEVERABILITY**. This Agreement shall remain in effect in the event a section or provision is unenforceable or invalid. All remaining sections and provisions shall be deemed legally binding unless a court rules that any such provision or section is invalid or unenforceable, thus, limiting the effect of another provision or section. In such case, the affected provision or section shall be enforced as so limited.
7. **GOVERNING LAW**. This Agreement shall be governed under the laws in the State where the Location is located.
8. **ENTIRE AGREEMENT**. This Agreement, along with any attachments or addendums, represents the entire agreement between the parties. Therefore, this Agreement supersedes any prior agreements, promises, conditions, or understandings between the User and MMCID.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first written above. Each individual signing below on behalf of a Party hereby represents and warrants that he or she is duly authorized and has the legal capacity to execute and deliver this Agreement on behalf of said Party.

Property Owner Signature: _____ **Date:** _____

Print Name: _____

MMCID Signature: _____ **Date:** _____

Print Name: _____

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