



SAN FERNANDO CITY COUNCIL  
REGULAR MEETING NOTICE AND AGENDA

APRIL 18, 2016 – 6:00 PM

COUNCIL CHAMBERS  
117 MACNEIL STREET  
SAN FERNANDO, CA 91340

**CALL TO ORDER/ROLL CALL**

Mayor Robert C. Gonzales  
Vice Mayor Joel Fajardo  
Councilmember Antonio Lopez  
Councilmember Jaime Soto  
Councilmember Sylvia Ballin

**PLEDGE OF ALLEGIANCE**

San Fernando Police Explorer Anderson Valera

**APPROVAL OF AGENDA**

**PRESENTATIONS**

- a) DMV/DONATE LIFE CALIFORNIA MONTH - APRIL  
Mayor Robert C. Gonzales

**PUBLIC STATEMENTS – WRITTEN/ORAL**

There will be a three (3) minute limitation per each member of the audience who wishes to make comments relating to City Business. Anyone wishing to speak, please fill out the blue form located at the Council Chambers entrance and submit it to the City Clerk. When addressing the City Council please speak into the microphone and voluntarily state your name and address.

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**CONSENT CALENDAR**

Items on the Consent Calendar are considered routine and may be disposed of by a single motion to adopt staff recommendation. If the City Council wishes to discuss any item, it should first be removed from the Consent Calendar.

**1) REQUEST TO APPROVE MINUTES OF APRIL 4, 2016 – SPECIAL MEETING****2) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER**

Recommend that the City Council adopt Resolution No. 16-042 approving the Warrant Register.

**3) CONSIDERATION TO APPROVE A SUB-AWARD AGREEMENT BETWEEN THE CITY OF LOS ANGELES AND THE CITY OF SAN FERNANDO FOR THE 2015 URBAN AREA SECURITY INITIATIVE GRANT PROGRAM**

Recommend that the City Council:

- a. Approve the Sub-award Agreement (Contract No. 1821) between the City of Los Angeles and the City of San Fernando for the 2015 Urban Area Security Initiative Grant Program; and
- b. Authorize the Mayor, City Manager, City Attorney, and City Clerk to execute the agreement.

**4) CONSIDERATION TO ADOPT AN ORDINANCE AMENDING IN ITS ENTIRETY DIVISION 6 (PURCHASING) OF ARTICLE IV (FINANCE) OF CHAPTER 2 (ADMINISTRATION) OF THE SAN FERNANDO CITY CODE RELATING TO THE PROCEDURES FOR PURCHASING AND CONTRACTING**

Recommend that the City Council waive full reading of Ordinance No. 1653, and adopt by title only, "An Ordinance of the City Council of the City of San Fernando, California Amending in Its Entirety Division 6 (Purchasing) of Article IV (Finance) of Chapter 2 (Administration) of the San Fernando City Code Relating to the Procedures for Purchasing and Contracting."

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**PUBLIC HEARING****5) CONSIDERATION TO ADOPT AN ORDINANCE AMENDING CHAPTER 22 (BUSINESSES) AND CHAPTER 106 (ZONING) TO EXPRESSLY PROHIBIT MEDICAL CANNABIS DISPENSARIES, MEDICAL CANNABIS CULTIVATION, MEDICAL CANNABIS DELIVERIES, AND ALL COMMERCIAL CANNABIS ACTIVITIES IN ALL AREAS OF THE CITY**

Recommend that the City Council:

- a. Conduct a Public Hearing; and
- b. Pending public testimony, introduce for first reading, in title only, and waive further reading of Ordinance No. 1654, "An Ordinance of the City Council Amending Chapter 22 (Businesses) and Chapter 106 (Zoning) to Expressly Prohibit Medical Cannabis Dispensaries, Medical Cannabis Cultivation, Medical Cannabis Deliveries, and All Commercial Cannabis Activities in All Areas of the City."

**ADMINISTRATIVE REPORTS****6) CONSIDERATION TO RATIFY CITY COUNCIL LIAISON ASSIGNMENTS LIST FOR 2016-2017**

This item is placed on the agenda by Mayor Robert C. Gonzales for City Council review and consideration.

**7) REPORT UPDATE ON CALIFORNIA SENATE BILL 415 (VOTER PARTICIPATION) AND REQUEST FROM CITY COUNCIL REGARDING PROSPECTIVE ELECTION CYCLE**

Recommend that the City Council:

- a. Receive report from staff; and
  - b. Provide staff direction as to the timing of transition to statewide general election cycle and the preparation of a resolution for a plan to consolidate with the statewide general election cycle no later than the November 8, 2022 statewide election (with a reserved option to consolidate with the 2020 statewide election).
- 
- 8) CONSIDERATION TO ADOPT AN ORDINANCE AUTHORIZING THE CITY TO COLLECT DELINQUENT RESIDENTIAL SOLID WASTE COLLECTION SERVICES FEES ON THE ANNUAL TAX ROLL PURSUANT TO HEALTH & SAFETY CODE SECTIONS 5473 AND 5473A**

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Recommend that the City Council:

- a. Receive the report from City staff;
- b. Take the matter under submission for further study by staff; or
- c. Introduce for first reading, in title only, and waive further reading of Ordinance No. 1655, "An Ordinance of the City Council of the City of San Fernando, California Amending Chapter 70 (Solid Waste and Recyclables Collection Services) of the San Fernando Municipal Code."

**9) FISCAL YEAR 2016-2017 CITY-WIDE STRATEGIC GOALS AND CITY COUNCIL PRIORITIES**

Recommend that the City Council provide direction to staff related to City-wide Strategic Goals and City Council Priorities for Fiscal Year 2016-2017.

**10) REVIEW OF PILOT PROGRAM LOCATION FOR STUDENT LOADING/UNLOADING ZONE ADJACENT TO VISTA DEL VALLE DUAL LANGUAGE ACADEMY**

Recommend that the City Council:

- a. Review the traffic assessment report from the Los Angeles Unified School District; and
- b. Provide further direction relative to the establishment of a permanent loading/unloading zone at this location.

**11) LOPEZ-VILLEGAS HOUSE UPDATE**

Recommend that the City Council:

- a. Receive and file the status report regarding the Lopez-Villegas House (currently stored at the former Agency-owned parcel at 1320 San Fernando Road); and
- b. Provide City staff with direction regarding possible use and/or disposition of the Lopez- Villegas House during the upcoming Fiscal Year 2016-2017 City Budget review process in order to identify any budget appropriations that may be necessary to implement Council-identified use(s) and/or disposition of the subject structure.



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**12) REQUEST TO FORM AN AD HOC COMMITTEE TO STUDY AND PROPOSE RECOMMENDATIONS REGARDING THE ROLES, DUTIES AND RESPONSIBILITIES OF CITY EMPLOYEES WHO REPORT DIRECTLY TO THE CITY COUNCIL**

This item is placed on the agenda by Councilmember Sylvia Ballin.

**13) CONSIDERATION TO ADOPT A RESOLUTION COMMEMORATING THE VICTIMS OF THE ARMENIAN GENOCIDE**

This item is placed on the agenda by Vice Mayor Joel Fajardo.

**COMMITTEE/COMMISSION LIAISON UPDATES****GENERAL COUNCIL COMMENTS****STAFF COMMUNICATION****ADJOURNMENT**

*I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.*

Elena G. Chávez, CMC

City Clerk

Signed and Posted: April 14, 2016 (5:00 p.m.)

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*Agendas and complete Agenda Packets (including staff reports and exhibits related to each item) are posted on the City's Internet Web site ([www.sfcity.org](http://www.sfcity.org)). These are also available for public reviewing prior to a meeting in the City Clerk's Office. Any public writings distributed by the City Council to at least a majority of the Councilmembers regarding any item on this regular meeting agenda will also be made available at the City Clerk's Office at City Hall located at 117 Macneil Street, San Fernando, CA, 91340 during normal business hours. In addition, the City may also post such documents on the City's Web Site at [www.sfcity.org](http://www.sfcity.org). In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification/accommodation to attend or participate in this meeting, including auxiliary aids or services please call the City Clerk's Office at (818) 898-1204 at least 48 hours prior to the meeting.*

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# **Regular Meeting**

# **San Fernando City Council**

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**SAN FERNANDO CITY COUNCIL  
MINUTES**

**APRIL 4, 2016 – 5:00 P.M.  
SPECIAL MEETING**

City Hall Community Room  
117 Macneil Street  
San Fernando, CA 91340

**ANNOUNCEMENT BY LEGAL COUNSEL (5:01 P.M.)**

At this time, Deputy City Attorney Richard Padilla reported that there was no quorum and the meeting would be adjourned to a 5:30 pm start time (postponed until we have a quorum).

**CALL TO ORDER/ROLL CALL (5:30 P.M.)**

Mayor Robert C. Gonzales called the meeting to order at 5:30 p.m.

Present:

Council: Mayor Robert C. Gonzales, Vice Mayor Joel Fajardo, and Councilmember Sylvia Ballin

Staff: City Manager Brian Saeki, Deputy City Attorney Richard Padilla, and City Clerk Elena G. Chávez

Absent: Councilmembers Antonio Lopez (notified staff he could not attend due to a work conflict) and Jaime Soto (notified staff he would be unable to attend due to a family matter)

**PLEDGE OF ALLEGIANCE**

Led by Mayor Robert C. Gonzales

**APPROVAL OF AGENDA**

Motion by Vice Mayor Fajardo, seconded by Councilmember Ballin, to approve the agenda. By consensus, the motion carried.

**PUBLIC STATEMENTS – WRITTEN/ORAL**

None

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SPECIAL MEETING MINUTES – April 4, 2016  
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**RECESS TO CLOSED SESSION (5:31 P.M.)**

By consensus, Councilmembers recessed to the following Closed Session as announced by Deputy City Attorney Padilla:

- A) CONFERENCE WITH LABOR NEGOTIATOR  
G.C. §54957.6  
Designated City Negotiator: City Manager Brian Saeki

Employees and Employee Bargaining Units that are the Subject of Negotiation:  
San Fernando Management Group (SEIU, Local 721)  
San Fernando Public Employees' Association (SEIU, Local 721)  
San Fernando Police Officers Association  
San Fernando Police Officers Association Police Management Unit  
San Fernando Police Civilian Association (SEIU, Local 721)  
San Fernando Part-time Employees' Bargaining Unit (SEIU, Local 721)  
All Unrepresented Employees

**RECONVENE FROM CLOSED SESSION (6:00 P.M.)**

Deputy City Attorney Padilla reported that the City Councilmembers present (Mayor Gonzales, Vice Mayor Fajardo, and Councilmember Ballin) received a briefing from staff, general direction was given but no final action was taken at this time.

**ADJOURNMENT (6:01 P.M.)**

Motion by Vice Mayor Fajardo, seconded by Councilmember Ballin, to adjourn. The motion carried unanimously.

*I do hereby certify that the foregoing is a true and correct copy of the minutes of April 4, 2016 meeting as approved by the San Fernando City Council.*

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*Elena G. Chávez  
City Clerk*





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## AGENDA REPORT

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**To:** Mayor Robert C. Gonzales and Councilmembers

**From:** Brian Saeki, City Manager  
By: Nick Kimball, Finance Director

**Date:** April 18, 2016

**Subject:** Consideration to Adopt a Resolution Approving the Warrant Register

### **RECOMMENDATION:**

It is recommended that the City Council adopt Resolution No. 16-042 (Attachment "A") approving the Warrant Register.

### **BACKGROUND:**

For each City Council meeting the Finance Department prepares a Warrant Register for Council approval. The Register includes all recommended payments for the City. Checks, other than handwritten checks, generally are not released until after the Council approves the Register. The exceptions are for early releases to avoid penalties and interest, excessive delays and in all other circumstances favorable to the City to do so. Handwritten checks are those payments required to be issued between Council meetings such as insurance premiums and tax deposits. Staff reviews requests for expenditures for budgetary approval and then prepares a Warrant Register for Council approval and or ratification. Items such as payroll withholding tax deposits do not require budget approval.

The Finance Director hereby certifies that all requests for expenditures have been signed by the department head, or designee, receiving the merchandise or services thereby stating that the items or services have been received and that the resulting expenditure is appropriate. The Finance Director hereby certifies that each warrant has been reviewed for completeness and that sufficient funds are available for payment of the warrant register.

### **ATTACHMENT:**

A. Resolution

**ATTACHMENT "A"****RESOLUTION NO. 16-042****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO ALLOWING AND APPROVING FOR PAYMENT DEMANDS PRESENTED ON DEMAND/ WARRANT REGISTER NO. 16-042****THE CITY COUNCIL OF THE CITY OF SAN FERNANDO DOES HEREBY RESOLVE, FIND, DETERMINE AND ORDER AS FOLLOWS:**

1. That the demands (EXHIBIT "A") as presented, having been duly audited, for completeness, are hereby allowed and approved for payment in the amounts as shown to designated payees and charged to the appropriate funds as indicated.

2. That the City Clerk shall certify to the adoption of this Resolution and deliver it to the City Treasurer.

**PASSED, APPROVED, AND ADOPTED** this 18<sup>th</sup> day of April, 2016.

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Robert C. Gonzales, Mayor

**ATTEST:**

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Elena G. Chávez, City Clerk

**STATE OF CALIFORNIA            )**  
**COUNTY OF LOS ANGELES    ) ss**  
**CITY OF SAN FERNANDO        )**

**I HEREBY CERTIFY** that the foregoing Resolution was approved and adopted at a regular meeting of the City Council held on the 18<sup>th</sup> day of April, 2016, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

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Elena G. Chávez, City Clerk

**EXHIBIT "A"**

Voucher List		Page: 1	
04/12/2016 9:52:35AM		CITY OF SAN FERNANDO	
Bank code : bank3			
Voucher	Date	Vendor	Amount
200796	4/18/2016	890104 ABBA TERMITE & PEST CONTROL	28112
			28182
			BEE REMOVAL-532 N HUNTINGTON
			001-346-0000-4260
			95.00
			BEE REMOVAL-1703 FOURTH
			001-346-0000-4260
			95.00
			Total : 190.00
200797	4/18/2016	888356 ADVANCED AUTO REPAIR	1023
			REPAIR LEFT REAR DOOR-PD4995
			041-320-0225-4400
			196.40
			Total : 196.40
200798	4/18/2016	100070 ADVANCED ELECTRONICS INC.	80001096
			11239
			COMPUTER MAINTENANCE-APRIL 2016
			001-135-0000-4260
			6,761.57
			Total : 6,761.57
200799	4/18/2016	890488 AGUILA, ISMAEL	REIMB.
			REIMB-PURCHASE OF AC POWER COF
			118-423-0000-4500
			52.43
			Total : 52.43
200800	4/18/2016	889043 ALADIN JUMPERS	032616
			RENTAL OF OBSTACLE COURSE & BAL
			001-424-0000-4260
			575.00
			004-2359
			100.00
			Total : 675.00
200801	4/18/2016	100143 ALONSO, SERGIO	MAR 2016
			MMAP INSTRUCTOR
			109-424-3637-4260
			800.00
			108-424-3659-4260
			400.00
			Total : 1,200.00
200802	4/18/2016	100165 AMERICAN WATER WORKS	22263
			SANDBLAST KIT-BRAND BLVD SIGN
			011-311-0000-4600
			272.50
			Total : 272.50
200803	4/18/2016	890411 ARC DOCUMENT SOLUTIONS, LLC	8548209
			COPIES-PLANS FOR JOB 7580
			001-310-0000-4300
			117.78
			Total : 117.78
200804	4/18/2016	892182 ARCE, ROSA IRENE	39-0180-06
			WATER ACCT REFUND-1142 HEWITT

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04/12/2016 9:52:35AM		CITY OF SAN FERNANDO					
Bank code :		bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount	
200804	4/18/2016	892182 ARCE, ROSA IRENE	(Continued)		070-2010	115.92	
					Total :	115.92	
200805	4/18/2016	892183 AREVALO, LEOPOLDO	50-4680-09		WATER ACCT REFUND-1030 ORANGE (		
					070-2010	54.69	
					Total :	54.69	
200806	4/18/2016	100222 ARROYO BUILDING MATERIALS, INC	163983		MATL'S FOR BRAND ISLAND CITY SIGN	180.77	
			164259		043-390-0000-4300		
					011-311-0000-4600	198.74	
					Total :	379.51	
200807	4/18/2016	889913 BALLIN, SYLVIA	REIMB.		WELLNESS BENEFIT REIMB.		
					001-101-0101-4140	600.00	
					Total :	600.00	
200808	4/18/2016	890546 BARAJAS, CRYSTAL	MAR 2016		MMAP MENTOR INSTRUCTOR		
					109-424-3637-4260	240.00	
					Total :	240.00	
200809	4/18/2016	890999 BERRIOZABAL, GILBERT	APRIL 2016		COMMISSIONER'S REIMBURSEMENT		
					001-310-0000-4111	50.00	
					Total :	50.00	
200810	4/18/2016	100405 BONANZA CONCRETE, INC.	52250		CONCRETE-SIDEWALK, CURB & GUTTI	1,116.90	
			52323		011-311-0000-4600		
					CONCRETE-SIDEWALK, CURB & GUTTI	1,116.90	
					011-311-0000-4600	2,233.80	
					Total :	2,233.80	
200811	4/18/2016	889345 BSN SPORTS INC	97754373		GAME BALLS & BASE PLUGS		
					017-420-1334-4300	385.32	
					017-420-1328-4300	316.88	
					Total :	702.20	
200812	4/18/2016	888800 BUSINESS CARD	030716		CREDIT		
						Page:	2











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Bank code :		bank3				
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200855	4/18/2016	891741 L.J. LE BLANC	(Continued)	11331	001-310-0000-4260	210.00
					Total :	770.00
200856	4/18/2016	892186 LCEO, LLC	040716-1	11351	TACTICAL HELMETS	10,348.00
					010-220-3662-4500	954.56
					010-220-3662-4500	11,302.56
					Total :	11,302.56
200857	4/18/2016	892190 LORENZANA, MARIA	321650		SENIOR TRIP REFUND-CANCELLATION	50.00
					004-2384	50.00
					Total :	50.00
200858	4/18/2016	101974 LOS ANGELES COUNTY	FEB 2016		ANIMAL CONTROL CARE/HOUSING FEI	6,053.25
					001-190-0000-4260	6,053.25
					Total :	6,053.25
200859	4/18/2016	892184 LOYA, BEATRICE	37-1255-06		WATER ACCT REFUND-714 KEWEN	57.08
					070-2010	57.08
					Total :	57.08
200860	4/18/2016	892185 MACIAS, BERTHA	50-4680-10		WATER ACCT REFUND-1030 ORANGE	72.76
					070-2010	72.76
					Total :	72.76
200861	4/18/2016	889533 MARTINEZ, ANITA	03/19/16 - 04/01/16		FOOD SERVICE INTAKE CLERK-C1	220.00
					115-422-3750-4270	220.00
					Total :	220.00
200862	4/18/2016	888254 MCCALLA COMPANY	54046		GLOVES	396.91
			64341		001-222-0000-4300	396.91
			64341		GLOVES	396.91
			CM165990		001-222-0000-4300	396.91
					CREDIT-ITEMS RETURNED	-28.47
					001-222-0000-4300	765.35
					Total :	765.35
200863	4/18/2016	888242 MCI COMM SERVICE	7DK54968		MTA PHONE LINES	
						Page: 11

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Bank code :		bank3				
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200863	4/18/2016	888242 MCI COMM SERVICE	(Continued)		007-440-0441-4220	33.70
					Total :	33.70
200864	4/18/2016	891054 MEJIA, YVONNE G	MARCH 2016		COMMISSIONER'S REIMBURSEMENT	50.00
					001-115-0000-4111	50.00
					Total :	50.00
200865	4/18/2016	102148 METROPOLITAN WATER DISTRICT	8657		CAPACITY CHARGE	4,450.83
					070-384-0000-4450	4,450.83
					Total :	4,450.83
200866	4/18/2016	892178 MEZA, ISMAEL	60-1936-06		WATER ACCT REFUND-433 N BRAND	93.25
					070-2010	93.25
					Total :	93.25
200867	4/18/2016	891630 MGT OF AMERICA, INC.	28076	11276	CONSULTING SERV. SB90 STATE REI	1,425.00
					001-130-0000-4270	1,425.00
					Total :	1,425.00
200868	4/18/2016	102226 MISSION LINEN & UNIFORM	502149561		LAUNDRY	28.01
			502177233		001-225-0000-4350	53.85
			502196086		LAUNDRY	79.59
			502226823		001-225-0000-4350	69.65
					LAUNDRY	231.10
					Total :	231.10
200869	4/18/2016	888264 MISSION VALLEY SANITATION	137715		PORTABLE TOILET RENTAL @ 12900 D	136.96
					043-390-0000-4260	136.96
					Total :	136.96
200870	4/18/2016	102325 NAPA AUTO PARTS	893078		PONEY MOTOR FUEL PUMP-PW4609	55.07
			893087		041-320-0311-4400	28.80
					FUEL FILTERS - WA4573	28.80
					070-383-0000-4400	
						Page: 12



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04/12/2016 9:52:35AM		CITY OF SAN FERNANDO	
Bank code : bank3			
Voucher	Date	Vendor	Amount
200877	4/18/2016	891902 891902 P.F. SERVICES INC.	663.91
(Continued)			
200878	4/18/2016	892177 PACIFIC PRIME PROPERTIES	64.38
33-0206-01			64.38
WATER ACCT REFUND-901 SF (1/2) 070-2010			
Total :			64.38
200879	4/18/2016	102506 PANTOJA, DANITZA	50.00
MARCH 2016			50.00
COMMISSIONER'S REIMBURSEMENT 001-115-0000-4111			
Total :			50.00
200880	4/18/2016	888575 PIRATES DINNER	1,020.00
905135038536			1,020.00
DAY CAMP FIELD TRIP DEPOSIT 017-420-1399-4300			
Total :			1,020.00
200881	4/18/2016	102666 PREFERRED DELIVERY SYSTEMS INC	210.64
549-142			210.64
COURIER SERVICE 001-222-0000-4260			
Total :			210.64
200882	4/18/2016	102688 PROFESSIONAL PRINTING CENTERS	673.43
9843			112.78
SPRING BROCHURES 001-420-0000-4300			
Total :			786.21
200883	4/18/2016	102738 QUINTERO ESCAMILLA, VIOLETA	300.00
MAR 2016			300.00
SENIOR MUSIC INSTRUCTOR 017-420-1323-4260			
Total :			300.00
200884	4/18/2016	100676 R. E. CHARLES PLUMBING, INC.	596.28
17234			596.28
REPAIRED MEN'S GYM SHOWER @ PC 043-390-0000-4330			
Total :			596.28
200885	4/18/2016	892193 RAPIL USA	82.25
551628			82.25
ENP WASH CLOTHES & MOPS 001-422-0000-4300			
Total :			82.25
200886	4/18/2016	102818 RELIABLE FENCE CO., INC.	1,900.00
1240			1,900.00
FENCE REPAIR @ EQUIP YARD 043-390-0000-4330			

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Voucher List

CITY OF SAN FERNANDO

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Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200886	4/18/2016	102818 102818 RELIABLE FENCE CO., INC.	(Continued)			Total : 1,900.00
200887	4/18/2016	891881 REMENIH, MICHAEL	MARCH 2016		COMMISSIONER'S REIMBURSEMENT 001-115-0000-4111	50.00 Total : 50.00
200888	4/18/2016	889602 RESPOND SYSTEMS	295916		FIRST AID REFILL @ CITY HALL 001-310-0000-4300	221.00 Total : 221.00
200889	4/18/2016	891377 REYES, JOSE	03/19/16 - 04/01/16		HDM DRIVER 115-422-3752-4270 115-422-3752-4390	200.00 62.40 Total : 262.40
200890	4/18/2016	887296 ROBLEDO, OLIVIA	MARCH 2016		COMMISSIONER'S REIMBURSEMENT 001-115-0000-4111	50.00 Total : 50.00
200891	4/18/2016	892180 RODRIGUEZ, DANIEL	58-2958-04		WATER ACCT REFUND-723 N LAZARD 070-2010	137.60 Total : 137.60
200892	4/18/2016	892179 ROUEL, MIKE	62-2292-07		WATER ACCT REFUND-432 HARDING 070-2010	45.30 Total : 45.30
200893	4/18/2016	102929 ROYAL PAPER CORPORATION	4586656 4588318		JANITORIAL SUPPLIES 043-390-0000-4300 GLOVES 043-390-0000-4310	394.20 93.08 Total : 487.28
200894	4/18/2016	102930 ROYAL WHOLESALE ELECTRIC	8901-727487		LAMP REPLACEMENT-PARK AVE 027-344-0301-4300	186.39 Total : 186.39
200895	4/18/2016	103010 SAM'S CLUB DIRECT, #0402465855179	4888		BREAKROOM SUPPLIES	

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Bank code :		bank3				
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200895	4/18/2016	103010 SAM'S CLUB DIRECT, #0402465855179	(Continued)		001-222-0000-4300	121.31
					<b>Total :</b>	<b>121.31</b>
200896	4/18/2016	103040 SAN FERNANDO HIGH SCHOOL	ACCT 2110069		CIF-RESTORATIVE JUSTICE BEAUT. PF	
					053-101-0111-4430	250.00
					053-101-0103-4430	250.00
					053-101-0109-4430	250.00
					053-101-0101-4430	250.00
					<b>Total :</b>	<b>1,000.00</b>
200897	4/18/2016	892187 SAN FERNANDO OIL, LLC	29186		DISPOSAL OF HAZMAT WASTE OIL	
					072-360-0000-4260	85.00
					<b>Total :</b>	<b>85.00</b>
200898	4/18/2016	103057 SAN FERNANDO VALLEY SUN	9523		HSR DISPLAY AD ENGLISH & SPANISH	
			9526		001-190-0000-4267	2,886.48
					PUBLICATION OF RFP-TRANSIT SYSTE	
					001-310-0000-4270	90.62
					<b>Total :</b>	<b>2,977.10</b>
200899	4/18/2016	103029 SAN FERNANDO, CITY OF	16485-16550		REIMBURSEMENT TO WORKERS COM	
					006-1035	18,624.38
					<b>Total :</b>	<b>18,624.38</b>
200900	4/18/2016	103126 SERVPRO	4518246		BIOHAZARD SIDEWALK CLEANUP-1135	
					011-311-0000-4600	500.00
					<b>Total :</b>	<b>500.00</b>
200901	4/18/2016	103184 SMART & FINAL	133277		ENP SUPPLIES	
			156525		115-422-3750-4300	143.03
					SENIOR CLUB SUPPLIES-ST PATRICK'S	
					004-2380	275.80
					<b>Total :</b>	<b>418.83</b>
200902	4/18/2016	891795 SMS SYSTEMS MAINTENANCE	90031515	11346	SYSTEMS MAINTENANCE SERVICE	
					001-135-0000-4260	3,756.00
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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200902	4/18/2016	891795 891795 SMS SYSTEMS MAINTENANCE	(Continued)			<b>Total : 3,756.00</b>
200903	4/18/2016	103202 SOUTHERN CALIFORNIA EDISON CO.	2026827675		ELECTRIC - FACILITIES	
					043-390-0000-4210	3,575.90
					<b>Total :</b>	<b>3,575.90</b>
200904	4/18/2016	889149 STAPLES BUSINESS ADVANTAGE	8038614050		BREAK ROOM SUPPLIES	
					001-190-0000-4300	166.40
					<b>Total :</b>	<b>166.40</b>
200905	4/18/2016	892176 SUASTEQUI, LIBRADA	39-4145-03		WATER ACCT REFUND-1427 WOODWC	
					070-2010	101.29
					<b>Total :</b>	<b>101.29</b>
200906	4/18/2016	892194 TABAKIAN, JACK	71003525 & 71003526		PARKING CITATION REFUND	
					001-3430-0000	108.00
					<b>Total :</b>	<b>108.00</b>
200907	4/18/2016	103205 THE GAS COMPANY	14328781316		GAS - 208 PARK (01/11/16-03/09/16)	
					043-390-0000-4210	692.10
					<b>Total :</b>	<b>692.10</b>
200908	4/18/2016	101528 THE HOME DEPOT CRC, ACCT#603532202490	1034394		MATL'S FOR BRAND ISLAND SIGN	
			1074252		043-390-0000-4300	73.57
					SMALL TOOLS	
			1705669		043-390-0000-4340	123.82
					SMALL TOOLS - PUMP	
			2904565		043-390-0000-4340	271.40
					WASHER & DRYER FOR REC PARK	
			4023498		043-390-0000-4300	741.27
					SIDWALK FOAMING MATL'S	
					011-311-0000-4600	191.96
			6035017		MATL'S FOR REPAIR @ PD	
					043-390-0000-4300	8.69
			6075085		MATL'S FOR LP PARK KIOSK POWER B	
					043-390-0000-4300	30.73
			6081168		MATL'S FOR LP PARK SCOREBOARD &	
					043-390-0000-4300	234.30
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200908	4/18/2016	101528 THE HOME DEPOT CRC, ACCT#603532202490	(Continued) 6081169		SMALL TOOLS 043-390-0000-4340	27.24
			6203985		ELECTRICAL J-BOX RETURNED 043-390-0000-4300	-50.98
			73215		PRUNERS, HEDGE SHEARS, RAKES 001-420-0000-4300	702.55
			7584922		MAINT SUPPLIES 043-390-0000-4300	64.10
			7715261		TRASH BAGS 011-311-0000-4600	25.89
			901513		TRASH BAGS 011-311-0000-4600	30.47
					Total :	2,475.01
200909	4/18/2016	890817 THE WALKING MAN, INC.	E7141		DISTRIBUTION OF SPRING BROCHURE 001-420-0000-4260	735.00
					Total :	735.00
200910	4/18/2016	103903 TIME WARNER CABLE	8448200540010328		CABLE 04/05/16-05/04/16 001-190-0000-4220	88.38
			8448200540010518		CABLE-03/29-04/18 (REC PARK) 001-420-0000-4260	200.78
			8448200540222204		CABLE 03/29/16-04/28/16~ 043-390-0000-4260	90.51
					Total :	379.67
200911	4/18/2016	891125 TMC SHOOTING RANGE SPECIALIST	1247	11347	MAINT WORK TO SHOOTING RANGE 001-222-0000-4320	3,225.00
					Total :	3,225.00
200912	4/18/2016	887591 TOM BROHARD & ASSOCIATES	2016-05	11348	ON CALL TRAFFIC ENGINEERING AND 001-310-0000-4270	3,500.00
			2016-11	11348	ON CALL TRAFFIC ENGINEERING AND 001-310-0000-4270	2,000.00
					Total :	5,500.00

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Bank code :		bank3						
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount		
200913	4/18/2016	891311 TORRES, RITA	03/19/16 - 04/01/16		ENP SUBSTITUTE			
					115-422-3750-4270	90.00		
					115-422-3752-4270	10.00		
					Total :	100.00		
200914	4/18/2016	887986 TRAFFIC MANAGEMENT INC.	281124		SAFETY BARRICADES-TYPE 3			
					070-383-0000-4310	314.27		
					Total :	314.27		
200915	4/18/2016	887568 TRANS TECH	011446		REPAIR TRANSMISISON HARNESS; RE			
					041-320-0390-4400	571.62		
					Total :	571.62		
200916	4/18/2016	888076 TRUJILLO GRADING & PAVING CO.	62063	11342	CONTRACT #1816 - PROF'N SVCS AGR			
					070-385-0000-4600	4,600.00		
					Total :	4,600.00		
200917	4/18/2016	890998 TRUJILLO, RODOLFO	APRIL 2016		COMMISSIONER'S REIMBURSEMENT			
					001-310-0000-4111	50.00		
					Total :	50.00		
200918	4/18/2016	103444 ULTRA GREENS, INC	57031		MULCH AND PLANTS-501 FENCE LINE			
			57100		011-311-0000-4600	179.82		
					MULCH-501 FENCE LINE			
					011-311-0000-4600	43.60		
					Total :	223.42		
200919	4/18/2016	103445 UNDERGROUND SERVICE ALERT	320160685		(28) NEW USA DIGALERT TICKETS			
					070-384-0000-4260	42.00		
					Total :	42.00		
200920	4/18/2016	892192 UNIQUE IMPRESSIONS	040116		TABLE CLOTHES & BANNERS			
					004-2380	577.70		
					Total :	577.70		
200921	4/18/2016	888241 UNITED SITE SERVICES OF CA INC	114-3824848		PORTABLE TOILET RENTAL @ LAYNE F			
			114-3864461		043-390-0000-4260	406.34		
					PORTABLE TOILET RENTAL @ REC PAI			
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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200929	4/18/2016	890970 WEX BANK	(Continued)			
					041-320-0221-4402	312.71
					041-320-0222-4402	99.38
					041-320-0224-4402	680.55
					041-320-0225-4402	3,407.87
					041-320-0226-4402	2.00
					041-320-0228-4402	75.73
					041-320-0311-4402	908.52
					041-320-0312-4402	89.91
					041-320-0320-4402	93.87
					041-320-0346-4402	46.34
					041-320-0370-4402	164.52
					041-320-0371-4402	183.39
					041-320-0390-4402	1,161.95
					041-320-0420-4402	4.00
					007-313-3630-4402	582.99
					027-344-0000-4402	133.45
					029-335-0000-4402	228.37
					070-382-0000-4402	84.39
					070-383-0000-4402	927.69
					070-384-0000-4402	251.16
					072-360-0000-4402	378.52
					070-381-0000-4402	28.56
					<b>Total :</b>	<b>10,324.77</b>
200930	4/18/2016	103694 WILLDAN ASSOCIATES	00320304		ON-CALL ENGINEERING SERVICES	
				11344	070-381-0000-4270	540.00
				11344	012-311-0560-4600	1,890.00
			00320504		ON-CALL ENGINEERING SERVICES	
				11344	001-310-3636-4270	1,620.00
				11344	012-311-0560-4600	270.00
			00320691		ON-CALL ENGINEERING SERVICES	
				11344	001-310-3636-4270	180.00
				11344	016-310-3661-4600	1,057.50
				11344	012-311-0560-4600	990.00
					<b>Total :</b>	<b>6,547.50</b>

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200931	4/18/2016	891531 WILLDAN ENGINEERING	003-21229		ST. RESURFACING PRJ. ENGINEERING	
				11285	012-311-0560-4600	8,431.51
					<b>Total :</b>	<b>8,431.51</b>
200932	4/18/2016	888682 ZOBEL-RODRIGUEZ, ANGELIQUE Y.	MARCH 2016		COMMISSIONER'S REIMBURSEMENT	
					001-115-0000-4111	50.00
					<b>Total :</b>	<b>50.00</b>
200933	4/18/2016	103752 ZUMAR INDUSTRIES, INC.	0163811		MATL'S FOR SIGN INSTALL & REPL	
					001-370-0301-4300	913.88
					<b>Total :</b>	<b>913.88</b>
138 Vouchers for bank code : bank3						<b>Bank total : 252,994.78</b>
138 Vouchers in this report						<b>Total vouchers : 252,994.78</b>

Voucher Registers are not final until approved by Council.

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## HANDWRITTEN CHECKS

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200186	3/1/2016	100042 ABDALLAH, ALBERT	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	1,347.98
					Total :	1,347.98
200187	3/1/2016	891039 AGUILAR, JESUS	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	469.46
					Total :	469.46
200188	3/1/2016	100104 ALBA, ANTHONY	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	691.08
					Total :	691.08
200189	3/1/2016	891011 APODACA-GRASS, ROBERTA	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	691.08
					Total :	691.08
200190	3/1/2016	100306 BARNARD, LARRY	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	1,017.00
					Total :	1,017.00
200191	3/1/2016	100346 BELDEN, KENNETH M.	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	1,274.00
					Total :	1,274.00
200192	3/1/2016	892101 BUZZELL, RAYMOND	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	516.96
					Total :	516.96
200193	3/1/2016	891350 CALZADA, FRANK	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	516.96
					Total :	516.96
200194	3/1/2016	100642 CASTRO, RICO	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	1,208.82
					Total :	1,208.82
200195	3/1/2016	891014 CREEKMORE, CASIMIRA	16-Mar		CALPERS HEALTH REIMB	

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200195	3/1/2016	891014 CREEKMORE, CASIMIRA	(Continued)		001-180-0000-4127	283.04
					Total :	283.04
200196	3/1/2016	891016 DEATON, MARK	16-Mar		CALPERS HEALTH REIMB 070-180-0000-4127	500.31
					Total :	500.31
200197	3/1/2016	100913 DECKER, CATHERINE	16-Mar		CALPERS HEALTH REIMB 070-180-0000-4127	691.08
					Total :	691.08
200198	3/1/2016	100925 DELGADO, RALPH	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	516.96
					Total :	516.96
200199	3/1/2016	892102 DOSTER, DARRELL	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	952.81
					Total :	952.81
200200	3/1/2016	100996 DRAKE, JOYCE	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	571.49
					Total :	571.49
200201	3/1/2016	100995 DRAKE, MICHAEL	16-Mar		CALPERS HEALTH REIMB 070-180-0000-4127 072-180-0000-4127	141.52 141.52
					Total :	283.04
200202	3/1/2016	100997 DRAPER, CHRISTOPHER	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	1,288.96
					Total :	1,288.96
200203	3/1/2016	101044 ELEY, JEFFREY	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	1,664.00
					Total :	1,664.00
200204	3/1/2016	891040 FISHKIN, RIVIAN	16-Mar		CALPERS HEALTH REIMB	

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200204	3/1/2016	891040 FISHKIN, RIVIAN	(Continued)		001-180-0000-4127	172.23
					Total :	172.23
200205	3/1/2016	892103 GAJDOS, BETTY	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	172.23
					Total :	172.23
200206	3/1/2016	891351 GARCIA, DEBRA	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	1,267.98
					Total :	1,267.98
200207	3/1/2016	891067 GARCIA, NICOLAS	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	1,042.36
					Total :	1,042.36
200208	3/1/2016	101318 GLASGOW, KEVIN	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	1,288.96
					Total :	1,288.96
200209	3/1/2016	891020 GLASGOW, ROBERT	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	317.00
					Total :	317.00
200210	3/1/2016	891021 GUIZA, JENNIE	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	283.04
					Total :	283.04
200211	3/1/2016	101415 GUTIERREZ, OSCAR	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	172.23
					Total :	172.23
200212	3/1/2016	891352 HADEN, SUSANNA	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	962.66
					Total :	962.66
200213	3/1/2016	101440 HALCON, ERNEST	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	1,274.00
					Total :	1,274.00
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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200213	3/1/2016	101440 HALCON, ERNEST	(Continued)			1,274.00
					Total :	1,274.00
200214	3/1/2016	891918 HARTWELL, BRUCE	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	691.08
					Total :	691.08
200215	3/1/2016	101465 HARVEY, DAVID	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	172.23
					Total :	172.23
200216	3/1/2016	101466 HARVEY, DEVERY MICHAEL	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	1,407.00
					Total :	1,407.00
200217	3/1/2016	891023 HATFIELD, JAMES	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	691.08
					Total :	691.08
200218	3/1/2016	892104 HERNANDEZ, ALFONSO	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	1,462.66
					Total :	1,462.66
200219	3/1/2016	891024 HOOKER, RAYMOND	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	541.91
					Total :	541.91
200220	3/1/2016	101538 HOUGH, RAY	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	516.96
					Total :	516.96
200221	3/1/2016	101597 IBRAHIM, SAMIR	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	469.46
					Total :	469.46
200222	3/1/2016	101694 JACOBS, ROBERT	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	1,274.00
					Total :	1,274.00
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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200223	3/1/2016	892105 KAHMANN, ERIC	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	716.06
					Total :	716.06
200224	3/1/2016	101786 KLOTZSCHE, STEVEN	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	516.96
					Total :	516.96
200225	3/1/2016	891866 KNIGHT, DONNA	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	172.23
					Total :	172.23
200226	3/1/2016	891026 LEWIS, DURWOOD	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	691.08
					Total :	691.08
200227	3/1/2016	891043 LIEBERMAN, LEONARD	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	172.23
					Total :	172.23
200228	3/1/2016	101933 LITTLEFIELD, LESLEY	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	691.08
					Total :	691.08
200229	3/1/2016	102059 MACK, MARSHALL	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	1,008.06
					Total :	1,008.06
200230	3/1/2016	891010 MAERTZ, ALVIN	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	1,102.52
					Total :	1,102.52
200231	3/1/2016	102206 MILLER, WILMA	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	283.04
					Total :	283.04
200232	3/1/2016	102232 MIURA, HOWARD	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	283.04
						283.04
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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200232	3/1/2016	102232 MIURA, HOWARD	(Continued)			Total : 283.04
200233	3/1/2016	892106 MONTAN, EDWARD	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	688.22
					Total :	688.22
200234	3/1/2016	102365 NAVARRO, RICARDO A	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	516.96
					Total :	516.96
200235	3/1/2016	102473 ORDELHEIDE, ROBERT	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	1,608.97
					Total :	1,608.97
200236	3/1/2016	102486 ORSINI, TODD	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	1,347.98
					Total :	1,347.98
200237	3/1/2016	102569 PARKS, ROBERT	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	1,664.00
					Total :	1,664.00
200238	3/1/2016	891353 PEAVY, JOSEPH	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	716.06
					Total :	716.06
200239	3/1/2016	102527 PISCITELLI, ANTHONY	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	516.96
					Total :	516.96
200240	3/1/2016	891033 POLLOCK, CHRISTINE	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	574.00
					Total :	574.00
200241	3/1/2016	891034 RAMSEY, JAMES	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	1,267.98
					Total :	1,267.98
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Bank code :		bank3				
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200242	3/1/2016	102864 RIVETTI, DOMINICK	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	1,017.00
					Total :	1,017.00
200243	3/1/2016	102936 RUELAS, MARCO	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	1,288.96
					Total :	1,288.96
200244	3/1/2016	891044 RUSSUM, LINDA	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	172.23
					Total :	172.23
200245	3/1/2016	890806 SALDIVAR, GEORGE	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	962.66
					Total :	962.66
200246	3/1/2016	892107 SHANAHAN, MARK	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	469.46
					Total :	469.46
200247	3/1/2016	891035 SHERWOOD, NINA	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	283.04
					Total :	283.04
200248	3/1/2016	103175 SKOBIN, ROMELIA	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	1,072.50
					Total :	1,072.50
200249	3/1/2016	103220 SOMERVILLE, MICHAEL	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	1,664.00
					Total :	1,664.00
200250	3/1/2016	891045 TIGHE, HAROLD	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	469.46
					Total :	469.46
200251	3/1/2016	103394 TORRES, RACHEL	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	283.04
						Page: 7

vchlist		Voucher List				Page:	8
02/26/2016 4:13:11PM		CITY OF SAN FERNANDO					
Bank code :		bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account		Amount
200251	3/1/2016	103394 TORRES, RACHEL	(Continued)			Total :	283.04
200252	3/1/2016	888417 VALDIVIA, LAURA	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127		541.91
						Total :	541.91
200253	3/1/2016	891038 WAITE, CURTIS	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127		949.95
						Total :	949.95
200254	3/1/2016	891036 WATT, DAVID	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127		691.08
						Total :	691.08
200255	3/1/2016	891037 WEBB, NANCY	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127		571.49
						Total :	571.49
200256	3/1/2016	103643 WEDDING, JEROME	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127		691.08
						Total :	691.08
200257	3/1/2016	103727 WYSBEEK, DOUDE	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127		283.04
						Total :	283.04
200258	3/1/2016	103737 YNIGUEZ, LEONARD	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127		949.95
						Total :	949.95
73 Vouchers for bank code :		bank3				Bank total :	55,562.38
73 Vouchers in this report						Total vouchers :	55,562.38

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Voucher List

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CITY OF SAN FERNANDO

Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
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Voucher Registers are not final until approved by Council.

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## HANDWRITTEN CHECKS

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Voucher List  
CITY OF SAN FERNANDO

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Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200166	3/1/2016	100091 AGORICHAS, JOHN	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	241.38
					<b>Total :</b>	<b>241.38</b>
200167	3/1/2016	100286 BAKER, BEVERLY	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	451.46
					<b>Total :</b>	<b>451.46</b>
200168	3/1/2016	891012 BODHOLDT, NADA	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	283.04
					<b>Total :</b>	<b>283.04</b>
200169	3/1/2016	891013 BRUNWIN, HERBERT	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	283.04
					<b>Total :</b>	<b>283.04</b>
200170	3/1/2016	891015 CROOK, ROBERT	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	691.08
					<b>Total :</b>	<b>691.08</b>
200171	3/1/2016	100916 DEIBEL, PAUL	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	283.04
					<b>Total :</b>	<b>283.04</b>
200172	3/1/2016	891041 GARCIA, CONNIE	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	172.23
					<b>Total :</b>	<b>172.23</b>
200173	3/1/2016	101781 KISHITA, ROBERT	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	172.23
					<b>Total :</b>	<b>172.23</b>
200174	3/1/2016	101926 LILES, RICHARD	16-Mar		CALPERS HEALTH REIMB 070-180-0000-4127 072-180-0000-4127	250.16 250.15
					<b>Total :</b>	<b>500.31</b>

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Voucher List  
CITY OF SAN FERNANDO

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Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200175	3/1/2016	891027 LOCKETT, JOANN	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	283.04
					<b>Total :</b>	<b>283.04</b>
200176	3/1/2016	891028 MANTHEY, DONALD	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	949.95
					<b>Total :</b>	<b>949.95</b>
200177	3/1/2016	102126 MARTINEZ, MIGUEL	16-Mar		CALPERS HEALTH REIMB 070-180-0000-4127	1,288.96
					<b>Total :</b>	<b>1,288.96</b>
200178	3/1/2016	102483 OROZCO, ELVIRA	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	195.98
					<b>Total :</b>	<b>195.98</b>
200179	3/1/2016	891031 ORTEGA, JIMMIE	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	283.04
					<b>Total :</b>	<b>283.04</b>
200180	3/1/2016	891032 OTREMBA, EUGENE	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	691.08
					<b>Total :</b>	<b>691.08</b>
200181	3/1/2016	891354 RAMIREZ, ROSALINDA	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	418.83
					<b>Total :</b>	<b>418.83</b>
200182	3/1/2016	102940 RUIZ, RONALD	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	441.53
					<b>Total :</b>	<b>441.53</b>
200183	3/1/2016	103121 SERRANO, ARMANDO	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	1,347.98
					<b>Total :</b>	<b>1,347.98</b>
200184	3/1/2016	891046 VANAALST, LEONILDA	16-Mar		CALPERS HEALTH REIMB 070-180-0000-4127	172.23

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Voucher List  
CITY OF SAN FERNANDO

Page: 3

Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
200184	3/1/2016	891046 891046 VANAALST, LEONILDA	(Continued)			Total : 172.23
200185	3/1/2016	891047 WATTS, HERBERT	16-Mar		CALPERS HEALTH REIMB 001-180-0000-4127	172.23
					Total :	172.23
20	Vouchers for bank code :	bank3			Bank total :	9,322.66
20	Vouchers in this report				Total vouchers :	9,322.66

Voucher Registers are not final until approved by Council.

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## AGENDA REPORT

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**To:** Mayor Robert C. Gonzales and Councilmembers

**From:** Brian Saeki, City Manager  
By: Anthony Vairo, Police Chief

**Date:** April 18, 2016

**Subject:** Consideration to approve a Sub-award Agreement between the City of Los Angeles and the City of San Fernando for the 2015 Urban Area Security Initiative (UASI) Grant Program

### RECOMMENDATION:

It is recommended that the City Council:

- a. Approve the Sub-award Agreement (Attachment "A" – Contract No. 1821) between the City of Los Angeles and the City of San Fernando for the 2015 Urban Area Security Initiative (UASI) Grant Program; and
- b. Authorize the Mayor, City Manager, City Attorney, and City Clerk to execute the agreement.

### BACKGROUND:

1. The UASI grant program was first authorized by Congress in 2003 to help large urban areas enhance their capacity to prepare for, prevent, respond to, and recover from acts of terrorism. Funds may be used by jurisdictions for assessments and development of security strategies, equipment, training, and exercises to prepare for natural, technological, and human-caused disasters including terrorism.
2. In order to optimize the opportunity for funding, the City of San Fernando Police Department participates in the UASI grant program through a partnership with the Los Angeles County Police Chiefs Association (LACPCA) which submits requests for projects and funding as a whole. Projects are limited in scope depending upon guidelines set forth by The Department of Homeland Security (DHS).
3. On August 28, 2015, the San Fernando Police Department submitted a request for two (2) Automated License Plate Recognition (ALPR) units, two (2) ballistic shields and thirty (30) tactical medical kits through LACPCA. The ALPR is mounted onto a marked black

**2015 Urban Security Initiative (UASI) Grant Program**Page 2 of 2

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and white patrol vehicle and can collect data to be used in the identification of vehicles in a particular area when a crime occurs in addition to identifying reported stolen vehicles. The ballistic shields are used by the officer to provide ballistic protection during tactical entries. The tactical medical kits are attached to the officer's duty belt in a leg drop fashion and contain first aid supplies to be used in a critical incident.

4. On March 2, 2016, the San Fernando Police Department was provided with the attached Sub-award Agreement authorizing \$68,558 for the above referenced items.

**ANALYSIS:**

The ALPR is a highly effective tool that aids law enforcement with the identification and location of stolen vehicles. Ballistic shields provide nearly whole body coverage and ballistic protection which is critical during any tactical entry or movement toward a potential threat. The tactical medical kits attach to the officer's duty belt and contain life saving devices such as tourniquets and blood clotting agents that can be used to provide emergency medical care during a critical incident.

**BUDGET IMPACT:**

This is a re-imbursement grant process, where the Police Department purchases the items initially and submits for re-imbursement, which is 100 % covered by the grant.

**CONCLUSION:**

The ALPR is a highly effective tool that can greatly enhance the Police Department's ability to identify and locate reported stolen vehicles. The ballistic shield provides nearly whole body coverage which allows officers to advance with greater protection toward critical threats. The individual tactical medicine kits allow officers to provide lifesaving medical care prior to the arrival of fire department resources. Due to budget constraints these tools would not normally be accessible to the Police Department therefore it is recommended that City Council approve the Sub-award Agreement (Attachment A) between the City of Los Angeles and the City of San Fernando for the 2015 Urban Area Security Initiative (UASI) Grant Program.

**ATTACHMENTS:**

- A. Sub-award Agreement



**SUBAWARD AGREEMENT**

Subrecipient: City of San Fernando

Title: FY 2015 Urban Area Security Initiative (UASI) Grant Program

City Contract Number \_\_\_\_\_

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## EXHIBITS

- Exhibit A DHS Standard Conditions and CalOES Assurances
- Exhibit B Financial Management Forms Workbook
- Exhibit C Modification Request and Reimbursement Request Forms
- Exhibit D CalOES Forms
- Exhibit E Technology Standards

AGREEMENT NUMBER \_\_\_\_\_ OF CITY CONTRACTS  
BETWEEN  
THE CITY OF LOS ANGELES  
AND THE CITY OF SAN FERNANDO

THIS SUBAWARD AGREEMENT ("Agreement" or "Contract") is made and entered into by and between the City of Los Angeles, a municipal corporation (the "City"), and the City of San Fernando, a municipal corporation (the "Subrecipient"). In consideration of the mutual covenants set forth herein and the mutual benefits to be derived therefrom, the City and Subrecipient (each a "Party" and collectively, the "Parties") agree as follows:

**I. GENERAL INFORMATION**

**§1.1 Federal Award Information**

The "Federal award" (as such term is defined in the Code of Federal Regulations ("CFR"), 2 CFR §200.38, and used in this Agreement) is the Fiscal Year (FY) 2015 Urban Area Security Initiative Grant Program, FAIN #EMW-2015-SS-00078, CFDA #97.067, Federal Award Date July 28, 2015.

The "Federal awarding agency" (as such term is defined in 2 CFR §200.36 and used in this Agreement) is the United States Department of Homeland Security, Federal Emergency Management Agency, Grants Program Directorate ("DHS").

The State of California, through its Governor's Office of Emergency Services ("CalOES"), acts as the "pass-through entity" (as such term is defined in 2 CFR §200.74 and used in this Agreement) for the subaward of the Federal award to the City for the benefit of the Los Angeles/Long Beach Urban Area ("LA/LBUA") in the amount of \$55,600,000.00.

The City, acting through its Mayor's Office of Public Safety ("Mayor's Office"), acts as the pass-through entity for this subaward of the Federal award to Subrecipient.

**§1.2 Subward Information and Period of Performance**

Subrecipient hereby accepts the following subaward ("Subaward") of the Federal award upon the terms and conditions set forth in this Agreement:

Subward amount:	<b>\$68,558.00</b>
Subaward Period of Performance ("Term"):	<b>September 1, 2015 to May 31, 2018</b>
Match Requirement:	<b>None</b>



The term of this Agreement shall be the "Term" as set forth in this Section 1.2.

### §1.3 Parties and Notice

The Parties to this Agreement, and their respective representatives who are authorized to administer this Agreement and to whom formal notices, demands and communications shall be given are as follows:

Party:	City of Los Angeles
Authorized Representative:	Jeff Gorell, Deputy Mayor
Authorized Department:	Mayor's Office of Public Safety
Address, Phone, Fax, E-mail:	200 N. Spring Street, Room 303 Los Angeles, CA 90012 Phone: (213)978-0687 Email: jeff.gorell@lacity.org

Party:	City of San Fernando
Authorized Representative:	Lt. Nichole Hanchett
Authorized Department:	San Fernando Police Department
Address, Phone, Fax, E-mail:	910 First Street San Fernando, CA 91340 Phone: (818) 898-1258 Email: nhanchett@sfcity.org

Formal notices, demands and communications to be given hereunder by either Party shall be made in writing and may be effected by personal delivery or by registered or certified mail, postage prepaid, return receipt requested and shall be deemed communicated as of the date of mailing. If the name of the person designated to receive the notices, demands or communications or the address of such person is changed, written notice shall be given, in accordance with this section, within five (5) business days of said change.

### §1.4 Authorities

The Los Angeles City Council and the City's Mayor have accepted the Federal award and have authorized the City to execute this Agreement (C.F. #15-0734, 1/26/16.)

Subrecipient warrants that it has obtained written authorization from its city council, governing board, or authorized body to execute this Agreement and accept and use the Subaward. Subrecipient further warrants that such written authorization specifies that Subrecipient and the city council, governing board or authorized body agree:

- a. To provide all matching funds required under the Subaward and that any cash match will be appropriated as required.

- b. That any liability arising out of the performance of this Agreement shall be the responsibility of Subrecipient and the city council, governing board or authorized body.
- c. That Subaward funds shall not be used to supplant expenditures controlled by the city council, governing board or authorized body.
- d. That the official executing this Agreement is, in fact, authorized to do so.

Subrecipient shall maintain this proof of authority on file and make it readily available upon demand.

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## **II. SUBAWARD TERMS AND CONDITIONS**

### **§2.1 Summary of Requirements**

By executing this Agreement, Subrecipient hereby agrees that it shall comply with all terms and conditions set forth in this Agreement, which includes all guidance, regulations and requirements (collectively, "Requirements") of the Federal awarding agency and CalOES that are applicable to a recipient and/or subrecipient of a Federal award or grant. Such Requirements are set forth in the following documents and incorporated herein by this reference: (1) Department of Homeland Security FY 2015 Homeland Security Grant Program Notice of Funding Opportunity ("DHS NOFO"), (2) FY 2015 DHS Standard Terms and Conditions ("DHS Standard Conditions"), (3) FEMA Information Bulletins ("IB"), (4) CalOES 2015 Homeland Security Grant Program California Supplement to the Federal Notice of Funding Opportunity ("CalOES Supplement"), (5) CalOES 2015 Standard Assurances for All CalOES Federal Grant Programs ("CalOES Assurances"), (6) CalOES Grant Management Memos ("GMM"), and (6) the cost principles, uniform administrative requirements and audit requirements for federal grant programs as housed in Title 2, Part 200 of the Code of Federal Regulations ("CFR") and in updates issued by the Office of Management and Budget ("OMB") on <http://www.whitehouse.gov/omb/>.

Subrecipient hereby certifies that it has the legal authority to execute this Agreement, accept the Subaward given through this Agreement, and has the institutional, managerial and financial capability to ensure proper planning, management and completion of its projects being funded by the Subward.

Subrecipient hereby acknowledges that it is responsible for reviewing and adhering to all Requirements referenced above. For reference and without limitations, certain of the Requirements are set forth in more detail in the sections below.

### **§2.2 City Administrative Requirements**

- A. Subrecipient acknowledges and agrees that the City is acting as a "pass-through entity" (as such term is defined in 2 CFR §200.74 and used in this Agreement) for this Subaward and that the City shall have the rights and obligations relating to this Subward and its administration as set forth in this Agreement and in 2 CFR Part 200.
- B. Subrecipient and the City have previously completed a mutually approved Financial Management Forms Workbook which was approved by CalOES prior to the execution of this Agreement (the "Workbook") and which is attached hereto as Exhibit B. The Workbook contains detailed listings of items and projects and the amount of Subaward funds allocated for such items and projects. Subrecipient shall use the Subaward funds strictly in accordance with the Workbook, and any expenditures not so made shall be deemed disallowed under this Subaward.

The City shall provide Subrecipient with an electronically editable Workbook capable of revision. Any request by Subrecipient to modify the Workbook must be made in writing and accompanied by a completed Modification Request Form, attached hereto as Exhibit C, and a revised Workbook showing such modification and containing all supporting documentation as required. Workbook modification requests must be submitted to the City no often than once a month and prior to deadlines set by the City. Requests submitted after any such deadline will be returned to Subrecipient and will not be accepted until the following submission period. The City will notify Subrecipient in writing if Workbook modification requests are inaccurate and/or incomplete. Inaccurate and/or incomplete requests shall be returned to the Subrecipient for revision and shall be accepted by the City when such requests are accurate and complete. Subrecipient shall not expend any funds on modified Workbook items until such modification is approved by the City and CalOES.

- C. Subrecipient previously submitted to the City a Project Application in connection with the Subaward, which included a Project Timeline ("Project Timeline") setting forth details regarding the milestone and completion dates for Subrecipient projects funded under the Subaward. Subrecipient shall manage its Subaward funded projects in accordance with the Project Timeline and provide, in a timely manner, any plans and reports requested by the City regarding the status of such projects. In the event a Workbook modification request requires a modification to the Project Timeline, Subrecipient shall update the Project Timeline accordingly and submit it along with its Workbook modification request for approval. Failure to meet any milestones or deadlines as set forth in Subrecipient's Project Timeline may result in the City reducing Subaward funds allocated to the Subrecipient.
- D. Subrecipient shall complete and deliver to the City all forms required by CalOES in connection with the implementation of Subrecipient's projects under the Subaward. Such forms, which are collectively attached hereto as Exhibit D, include: (1) an aviation equipment request form, (2) a watercraft equipment request form, (3) an Emergency Operations Center request form, (4) an Environmental and Historical Preservation ("EHP") request form, and (5) a sole source procurement request form. Subrecipient acknowledges that all such forms must be completed, delivered and approved by the City and CalOES **prior** to the purchase of said equipment, implementation of the project, or the completion of a sole source procurement, as the case may be. Approval of such requests and forms shall be made by the City and CalOES in their respective sole discretion. Failure to gain approval of such completed requests and forms by the City and CalOES may disallow any costs incurred by Subrecipient under this Subaward in connection with such equipment, project or procurement.

- E. Subrecipient agrees that any equipment, product, service or activity funded with this Subaward shall comply with any and all technological and/or interoperability specifications and standards as may be approved by the LA/LBUA region, and any such equipment, product, service or activity not so compliant shall be not eligible for funding by this Subaward. A list of technological standards currently approved by the LA/LBUA region is attached as Exhibit E. Subrecipient shall further ensure that it retains from its contractors, subcontractors, and vendors all rights related to inventions, copyrightable materials, and data for which the Federal awarding agency and CalOES has rights to, as more fully set forth in 2 CFR §315 Agreement and Section 2.3.P. of this Agreement.
- F. Any "equipment" (as such term is defined in 2 CFR §200.33 and used in this Agreement) acquired or obtained with Subaward funds: (1) Shall be made available pursuant to applicable terms of the California Disaster and Civil Defense Master Mutual Aid Agreement in consultation with representatives of the various fire, emergency medical, hazardous materials response services, and law enforcement agencies within the jurisdiction of the LA/LBUA, and deployed with personnel trained in the use of such equipment in a manner consistent with the California Law Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan; (2) Shall be consistent with needs as identified in the State Homeland Security Strategy and will be deployed in conformance with that Strategy; and (3) Shall have an LA/LBUA identification decal affixed to it, and, when practical, shall be affixed where it is readily visible and prominently marked as follows: *"Purchased with funds provided by the U.S. Department of Homeland Security."*
- Subrecipient shall take a physical inventory of all equipment acquired or obtained with Subaward funds and reconcile the results with equipment records at least once every year.
- G. This Subaward is not a "fixed amount award" as such term is defined in 2 CFR §200.45. Subrecipient agrees that disbursement of this Subaward to Subrecipient shall be made on a reimbursement method. In the event Subrecipient requests advance payment of Subaward funds, Subrecipient shall comply with, and provide evidence to the City of compliance with, the criteria and obligations related to the use of advance payments as set forth in 2 CFR §200.305 as well as satisfying any other City and CalOES requirements for advance payments.

In requesting reimbursement from Subaward funds, Subrecipient shall prepare, maintain and provide to the City a completed Reimbursement Request Form (attached hereto as Exhibit C) along with invoices, purchase orders, proof of delivery, proof of payment and payroll records, timesheets, receipts and any other supporting documentation necessary

to fully and accurately describe the expenditure of funds for which reimbursement from the Subaward is requested (collectively, the "Reimbursement Request"). All such supporting documentation for the Reimbursement Request shall satisfy applicable Federal, State and City audit and review standards and requirements. Such documentation shall be prepared at the sole expense and responsibility of Subrecipient, and the City and the Subaward will not reimburse the Subrecipient for any costs incurred for such preparation. The City may request, in writing, changes to the content and format of such documentation at any time, and the City reserves the right to request additional supporting documentation to substantiate costs incurred at any time. The City will notify Subrecipient in writing if a Reimbursement Request is inaccurate and/or incomplete. Inaccurate and/or incomplete Reimbursement Requests shall be returned to Subrecipient for revision and shall be accepted by the City when Reimbursement Requests are accurate and complete.

Reimbursement Requests must be submitted to the City on a monthly basis. The City shall forward a Reimbursement Request to CalOES for payment within thirty (30) days of receipt of such Reimbursement Request, provided such request is deemed accurate and complete. The City shall forward reimbursement payment on a Reimbursement Request to Subrecipient within thirty (30) days of receipt of such reimbursement payment from CalOES to the City.

Final Reimbursement Requests for this Subaward must be received by the City no later than one hundred twenty (120) days prior to the end of the Term to allow the City sufficient time to complete close-out activities for this Subaward (the "Reimbursement Deadline"). Any Reimbursement Request submitted after the Reimbursement Deadline shall be rejected unless, prior to the submission of such request, the Mayor's Office, in its sole discretion, has approved in writing the submission of such request after the Reimbursement Deadline. After the Reimbursement Deadline, any unexpended Subaward funds may be re-directed to other needs across the LA/LBUA region. The City will notify Subrecipient, in writing, when unexpended Subaward funds may be re-directed.

- H. Subrecipient acknowledges that the City makes no commitment to disburse Subaward funds beyond the terms set forth herein and that funding for all periods during the Subaward Term is subject to the continuing availability to the City of federal funds for this Subaward from CalOES and the Federal awarding agency. This Agreement may be terminated immediately upon written notice to Subrecipient of such loss or reduction of Subaward funds.

### §2.3 DHS and CalOES Requirements

Subrecipient shall comply with all Requirements promulgated by DHS (which is the Federal awarding agency for this Subaward) and CalOES which are applicable to this particular Subaward. These include, without limitation, (1) the Requirements for recipients and subrecipients set forth in the DHS NOFO and the DHS Standard Conditions, and (2) the Requirements for "Applicant" and subrecipients set forth in the CalOES Supplement and the CalOES Assurances. For reference, the DHS Standard Conditions and the CalOES Assurances are both attached hereto as Exhibit A and incorporated herein. Some of these DHS and CalOES Requirements are set forth below in this Section 2.3.

- A. Subrecipient will not use Subaward funds to supplant (replace) funds that have been budgeted for the same purpose through non-federal sources. Upon request by the City, CalOES and/or the Federal awarding agency, Subrecipient shall be required to demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt or expected receipt of Subaward funds. Subrecipient shall not charge any costs allocable under this Subaward to any other Federal award to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of Federal awards, or for other reasons. Subrecipient shall not be delinquent in the repayment of any Federal debt. Subrecipient must request instruction from the City and CalOES for proper disposition of any original or replacement equipment acquired with Subaward funds.
- B. Subrecipient shall comply with the requirement of 31 U.S.C. Section 3729, which sets forth that no subgrantee, recipient or subrecipient of federal funds or payments shall submit a false claim for payment, reimbursement or advance. Subrecipient agrees to be subject to the administrative remedies as found in 38 U.S.C. Section 3801-3812 for violations of this requirement.
- C. Subrecipient shall comply with the provisions of *DHS Specific Acknowledgements and Assurances* section set forth in the DHS Standard Conditions and the *Reporting Accusations and Findings of Discrimination* section of the CalOES Assurances.
- D. Subrecipient shall comply with the provisions of the *Lobbying and Political Activities* section set forth in the CalOES Assurances. In connection thereto, Subrecipient hereby certifies that:
  - a. No Federal appropriated funds have been paid or will be paid, by or on behalf of Subrecipient, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the

- entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
- b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, Subrecipient shall complete and submit Standard Form-LLL "Disclosure Form to Report Lobbying" in accordance with its instructions.
  - c. Subrecipient shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
- E. As required by Executive Orders (EO) 12549 and 12689, and 2 CFR §200.212 and codified in 2 CFR Part 180, Subrecipient shall provide protection against waste, fraud and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the Federal government. Subrecipient hereby certifies that it and its principals:
- a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  - b. Have not within a three-year period preceding this Agreement been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph 2.3.G.c. above; and
  - d. Have not within a three-year period preceding this Agreement had one or more public transactions (Federal, State, or local) terminated for cause or default.
- F. Subrecipient shall comply with the Drug-Free Workplace Act of 1988 (41 U.S.C. §701 et seq.) which is adopted at 2 CFR Part 3001. In connection thereto, Subrecipient hereby certifies that it will or will continue to provide a drug-free workplace and a drug-free awareness program as outlined in such Act.



- G. Subrecipient shall comply with all Federal statutes relating to non-discrimination, including, without limitation, those statutes and provisions set forth in the *Non-Discrimination and Equal Employment Opportunity* section of the CalOES Assurances.

Subrecipient hereby certifies that it will comply with the Americans with Disabilities Act, 42 USC §12101 *et seq.*, and its implementing regulations (ADA), the Americans with Disabilities Act Amendments Act of 2008 (ADAAA), Pub. L. 110-325 and all subsequent amendments, Section 504 of the Rehabilitation Act of 1973 (Rehab. Act), as amended, 29 USC 794 and 24 CFR Parts 8 and 9, the Uniform Federal Accessibility Standards (UFAS), 24 CFR, Part 40, and the Fair Housing Act, 42 U.S.C. 3601, *et seq.*; 24 CFR Parts 100, 103, and 104 (FHA) and all implementing regulations. Subrecipient will provide reasonable accommodations to allow qualified individuals with disabilities to have access to and to participate in its programs, services and activities in accordance with the provisions of the ADA, the ADAAA, the Rehab Act, the UFAS and the FHA and all subsequent amendments. Subrecipient will not discriminate against persons with disabilities or against persons due to their relationship to or association with a person with a disability. Any contract entered into by Subrecipient (or any subcontract thereof), relating to this Agreement, to the extent allowed hereunder, shall be subject to the provisions of this paragraph.

- H. Subrecipient shall comply with the provisions set forth in the *Environmental Standards* section of the CalOES Assurances.
- I. Subrecipient shall comply with the provisions set forth in the *Reporting-Accountability* section of the CalOES Assurances, which relate to compliance with the Federal Funding Accountability and Transparency Act and statutory requirements for whistleblower protections.
- J. Subrecipient shall comply with the provisions set forth in the *Human Trafficking* section of the CalOES Assurances, which relate to compliance with the Trafficking Victims Protection Act (TVPA) of 2000.
- K. Subrecipient shall comply with the provisions set forth in the *Labor Standards* section and *Worker's Compensation* section of the CalOES Assurances, which relate to compliance with various Federal statutes regarding labor standards and State worker's compensation requirements.
- L. Subrecipient shall comply with the provisions set forth in the *Property-Related* section of the CalOES Assurances and the provisions applicable to construction projects as set forth in the *Certifications Applicable to*

*Federally-Funded Construction Projects* section of the CalOES Assurances.

- M. Subrecipient acknowledges the applicability of the Freedom of Information Act and the California Public Records Act to certain information as more fully set forth in the *Freedom of Information Act* section and the *California Public Records Act* section of the CalOES Assurances.
- N. When collecting Personally Identifiable Information (PII), Subrecipient must have a publicly-available policy that describes what PII it collects, how it plans to use the PII, whether it shares PII with third parties, and how individuals may have their PII corrected where appropriate.
- O. Subrecipient shall comply with the provisions set forth in the *Acknowledgement of Federal Funding from DHS and Use of DHS Seal, Logo and Flags* section of the CalOES Assurances, which relate to requirements for acknowledging the use of federal funds and obtaining approval for use of various DHS seals and logos.
- P. Subrecipient shall affix applicable copyright notices as required under the *Copyright* section of the CalOES Assurances and shall be subject to the provisions set forth in the *Patents and Intellectual Property Rights* section of the DHS Standard Conditions.
- Q. Subrecipient shall comply with the provisions set forth in the *Contract Provisions for Non-federal Entity Contracts under Federal Awards* section of the DHS Standard Conditions.
- R. Subrecipient shall comply with the SAFECOM Guidance for Emergency Communication Grants when using Subaward funds in connection with emergency communication equipment, including provisions on technical standards that ensure and enhance interoperable communications.
- S. Subrecipient shall establish safeguards to prohibit employees from using their positions for a purpose that constitutes, or presents the appearance of personal or organizational conflict of interest or personal gain. Subrecipient shall comply with all Federal and State conflict of interest laws and regulations.
- T. Subrecipient shall comply with the provisions set forth in the following sections of the CalOES Assurances; (1) *the Energy Policy and Conservation Act*, (2) *the Hotel and Motel Fire Safety Act of 1990*, (3) *the Terrorist Financing E.O. 13224*, and (4) *the USA Patriot Act of 2001*.

#### §2.4 Uniform Requirements for Federal Awards

Subrecipient acknowledges that this Subaward is a "Federal award" as such term is defined in 2 CFR §200.38 and that Subrecipient's use of this Subaward is subject to the uniform administrative requirements, cost principles, and audit requirements for Federal awards which are codified in 2 CFR Part 200 (the "Uniform Requirements"). Subrecipient agrees that it is considered a "non-Federal entity" and a "subrecipient" as such terms are defined in 2 CFR §§200.69 and 200.93, respectively. Thus, Subrecipient hereby agrees to comply with, and be subject to, all provisions, regulations and requirements applicable to a "subrecipient" and a "non-Federal entity" as set forth in the Uniform Requirements. Further, Subrecipient agrees that the City and CalOES are each a "pass-through entity" as such term is defined in 2 CFR §200.74 and that each of them shall have the rights and remedies of a "pass-through entity" in relation to this Subaward and Subrecipient as set forth in the Uniform Requirements. Without limitation, some of these Uniform Requirements are set forth below in this Section 2.4.

- A. Subrecipient shall disclose to the City any potential conflict of interest in connection to this Subaward and its use in accordance with 2 CFR §200.112.
- B. Subrecipient shall comply with the mandatory disclosure requirements for violations of Federal criminal law involving fraud, bribery, or gratuity as set forth in 2 CFR §200.113.
- C. Subrecipient acknowledges that the City may impose additional specific conditions to this Subaward in accordance with 2 CFR §200.207, and Subrecipient shall comply with such conditions. Subrecipient shall also submit any annual certifications and representations deemed required by the City in accordance with 2 CFR §200.208.
- D. Financial Management and Internal Controls  
Subrecipient shall comply with the requirements for a non-Federal entity regarding financial management and the establishment of a financial management system, all as more fully set forth in 2 CFR §200.302. Further, Subrecipient shall comply with the requirements set forth in 2 CFR §200.303, which relate to certain obligations required of Subrecipient to maintain internal controls over the use of this Subaward.
- E. In the event this Subaward requires cost sharing or matching of funds from Subrecipient, Subrecipient shall comply with the cost sharing and matching requirements set forth in 2 CFR §200.306.
- F. Subrecipient shall comply with the requirements relating to program income as more fully set forth in 2 CFR §200.307.
- G. Property Standards  
When property (real, tangible or intangible) is, in whole or in part, improved, developed, purchased or otherwise acquired with Subward

funds, Subrecipient shall comply with the regulations set forth in 2 CFR §§200.310 through 200.316 ("Property Regulations"). These Property Regulations include, without limitation, provisions related to the following:

1. Requirements for insurance coverage for real property and equipment.
2. Requirements for title, use, disposition and transfer of title of "real property" (as defined in 2 CFR §200.85).
3. Regulations involving Federally-owned and exempt property.
4. Requirements for title, use, management (including recordkeeping, inventory, control systems and maintenance procedures), and disposition of "equipment" (as defined in 2 CFR §200.33).
5. Requirements for title, use and disposition of "supplies" (as defined in 2 CFR §200.94).
6. Requirements for title, rights, use and disposition of "intangible property" (as defined in 2 CFR §200.59). Such requirements include, without limitation, (a) a reservation of rights by the Federal awarding agency to a royalty-free, non-exclusive and irrevocable right to use certain copyrighted work or work subject to copyright, (b) the rights of the Federal government to data produced under the Subaward, (c) the applicability of the Freedom of Information Act to certain research data produced or acquired under the Subaward, and (d) Subrecipient's compliance with applicable regulations governing patents and inventions, including government wide regulations codified at 37 CFR Part 401.

Subrecipient agrees that it shall hold in trust all real property, equipment and intangible property acquired, developed or improved with Subaward funds in accordance with the provisions set forth in 2 CFR §200.316.

#### H. Procurement and Contracting Regulations

When procuring and/or contracting for property and/or services that are to be paid or reimbursed by any amount of Subaward funds, Subrecipient shall comply with all regulations applying to "non-Federal entities" as set forth in 2 CFR §§200.318 through 200.326 (the "Procurement Regulations"). These Procurement Regulations include, without limitation, provisions requiring the following:

1. Documentation and use of procurement procedures in compliance with Procurement Regulations.
2. Contracting oversight and maintenance of written standards of conduct covering conflicts of interest.
3. Compliance with federal standards regarding procurement and award of contracts, competition, and procurement methods.

4. Affirmative steps required to encourage contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.
5. Compliance with Section 6002 of the Solid Waste Disposal Act in the procurement of recovered materials.
6. Requirement to perform a cost or price analysis in connection with procurements.
7. Bonding requirements.
8. Requirement to make procurement documentation available for review by the City, CalOES and the Federal awarding agency.

In addition, Subrecipient must include in all of its contracts paid or reimbursed in whole or in part with Subaward funds the provisions set forth in Appendix II to 2 CFR Part 200 (Contract Provisions for non-Federal Entity Contracts under Federal Awards) as required by 2 CFR §200.326.

I. Financial and Performance Monitoring and Reporting

Subrecipient shall comply with the monitoring requirements for a non-Federal entity as set forth in 2 CFR §200.328, which requires the Subrecipient to oversee the operations of its activities supported by the Grant and monitor such activities to assure compliance with applicable Federal requirements and performance expectations are being achieved. Further, Subrecipient shall comply with the financial and performance reporting requirements for a non-Federal entity as set forth in 2 CFR §§200.327 to 200.329 and any other reporting requirements that may be promulgated by the Federal awarding agency, CalOES or the City in accordance with such regulations. Such reporting requirements include, without limitation, the provision of any information required for the assessment or evaluation of any activities funded by the Subaward and the reporting of information related to real property in which the Federal government retains an interest.

Subrecipient acknowledges that the City, as a "pass-through entity," may make various findings, determinations, evaluations and reports regarding Subrecipient and its use of Subaward funds, as set forth in 2 CFR §§200.330 to 200.332. In accordance with such regulations, Subrecipient shall comply with, and timely grant to the City and its auditors, any monitoring requests, requests for on-site access to facilities, equipment and personnel, and requests for any other information as may be authorized under such regulations. Subrecipient shall also timely grant to the City and its auditors access to Subrecipient's records and financial statements as required under 2 CFR §200.331(a)(5). In addition, Subrecipient shall comply with any conditions that may be placed upon Subrecipient as part of the City's risk evaluation of Subrecipient under 2

CFR §200.331(b).

J. Record Retention and Access

Subrecipient shall comply with all records retention, maintenance, storage, transmission, and collection requirements applicable to a non-Federal entity as set forth in 2 CFR §§200.333 to 200.335. Such regulations require, without limitation, that Subrecipient retain financial records, supporting documents, statistical records, and all other records of Subrecipient that are related and/or pertinent to Subrecipient's use of Subaward funds in a manner and for a duration of time as prescribed in such regulations and that Subrecipient collect, transmit and store Subaward-related information in a manner as set forth in 2 CFR §200.335.

In accordance with the provisions set forth in 2 CFR §200.336, Subrecipient hereby grants the Federal awarding agency, the Inspectors General, the Comptroller General of the United States, CalOES, and the City, or any of their authorized representatives, the right of access to any documents, papers, or other records of Subrecipient which are pertinent to the Subaward, in order to make audits, examinations, excerpts, and transcripts. This right also includes timely and reasonable access to Subrecipient's personnel for the purpose of interview and discussion related to such documents. These access rights shall not be limited to any required record retention period but last as long as the records are retained, and access shall not otherwise be limited unless as specifically permitted under 2 CFR §§200.336 to 200.337.

Subrecipient shall require any of its subrecipients, contractors, successors, transferees and assignees to acknowledge and agree to comply with the provisions of this Section.

K. Cost Principles

Subrecipient shall comply with the cost principles for federal awards as set forth in 2 CFR Part 200 Subpart E ("Cost Principles"). Subrecipient acknowledges and agrees that any costs incurred by Subrecipient may only be charged to or reimbursed by Subaward funds if it is incurred in compliance with all Requirements for the Subaward and is also deemed allowable and allocable under the Subaward in accordance with the provisions set forth in the Cost Principles.

L. Audit Requirements

By virtue of using Subaward funds, Subrecipient acknowledges and agrees that it is subject to the provisions set forth in 2 CFR Part 200 Subpart F ("Audit Requirements"). Subrecipient shall comply with all provisions applicable to a non-Federal entity and an "auditee" (as defined in 2 CFR §200.6) as set forth in such Audit Requirements, including the requirement to conduct a single audit if applicable.

M. Closeout and Post Closeout

Subrecipient shall comply with the obligations applicable to a non-Federal entity as it pertains to the closeout of this Subaward as set forth in 2 CFR §200.343. Subrecipient acknowledges and agrees that it shall continue to comply with the post closeout obligations set forth in 2 CFR §200.344 after closeout of the Subaward and expiration of the Term of this Agreement.

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### **III. STANDARD PROVISIONS**

#### **§3.1 Independent Party**

Subrecipient is acting hereunder as an independent party, and not as an agent or employee of the City. No employee of Subrecipient is, or shall be, an employee of the City by virtue of this Agreement, and Subrecipient shall so inform each employee organization and each employee who is hired or retained under this Agreement. Subrecipient shall not represent or otherwise hold out itself or any of its directors, officers, partners, employees, or agents to be an agent or employee of the City by virtue of this Agreement.

#### **§3.2 Construction of Provisions and Titles Herein**

All titles, subtitles, or headings in this Agreement have been inserted for convenience and shall not be deemed to affect the meaning or construction of any of the terms or provisions hereof. The language of this Agreement shall be construed according to its fair meaning and not strictly for or against either party. The word "Subrecipient" herein and in any amendments hereto includes the party or parties identified in this Agreement. The singular shall include the plural. If there is more than one Subrecipient as identified herein, unless expressly stated otherwise, their obligations and liabilities hereunder shall be joint and several. Use of the feminine, masculine, or neuter genders shall be deemed to include the genders not used.

#### **§3.3 Applicable Law, Interpretation and Enforcement**

Each party's performance hereunder shall comply with all applicable laws of the United States of America, the State of California, the County and City of Los Angeles, including but not limited to, laws regarding health and safety, labor and employment, wage and hours and licensing laws which affect employees. This Agreement shall be enforced and interpreted under the laws of the State of California without regard to conflict of law principles. Subrecipient shall comply with new, amended, or revised laws, regulations, and/or procedures that apply to the performance of this Agreement.

In any action arising out of this Agreement, Subrecipient consents to personal jurisdiction, and agrees to bring all such actions, exclusively in state and federal courts located in Los Angeles County, California.

If any part, term or provision of this Agreement shall be held void, illegal, unenforceable, or in conflict with any law of a federal, state or local government having jurisdiction over this Agreement, the validity of the remaining parts, terms or provisions of this Agreement shall not be affected thereby.

#### **§3.4 Integrated Agreement**

This Agreement sets forth all of the rights and duties of the parties with respect to the subject matter hereof, and replaces any and all previous agreements or understandings, whether written or oral, relating thereto. This Agreement may be amended only as provided for herein.



### §3.5 Excusable Delays

In the event that performance on the part of any party hereto shall be delayed or suspended as a result of circumstances beyond the reasonable control and without the fault and negligence of said party, none of the parties shall incur any liability to the other parties as a result of such delay or suspension.

Circumstances deemed to be beyond the control of the parties hereunder shall include, but not be limited to, acts of God or of the public enemy; insurrection; acts of the Federal Government or any unit of State or Local Government in either sovereign or contractual capacity; fires; floods; epidemics; quarantine restrictions; strikes, freight embargoes or delays in transportation; to the extent that they are not caused by the party's willful or negligent acts or omissions and to the extent that they are beyond the party's reasonable control.

### §3.6 Breach

Except for excusable delays as described in §3.5 herein, if any party fails to perform, in whole or in part, any promise, covenant, or agreement set forth herein, or should any representation made by it be untrue, any aggrieved party may avail itself of all rights and remedies, at law or equity, in the courts of law. Said rights and remedies are cumulative of those provided for herein except that in no event shall any party recover more than once, suffer a penalty or forfeiture, or be unjustly compensated.

### §3.7 Prohibition Against Assignment or Delegation

Subrecipient may not, unless it has first obtained the written permission of the City:

- A. Assign or otherwise alienate any of its rights hereunder, including the right to payment; or
- B. Delegate, subcontract, or otherwise transfer any of its duties hereunder.

### §3.8 Indemnification

Each of the parties to this Agreement is a public entity. In contemplation of the provisions of Section 895.2 of the Government Code of the State of California imposing certain tort liability jointly upon public entities, solely by reason of such entities being parties to an Agreement as defined by Section 895 of said Code, the parties hereto, as between themselves, pursuant to the authorization contained in Sections 895.4 and 895.6 of said Code, will each assume the full liability imposed upon it or upon any of its officers, agents, or employees by law, for injury caused by a negligent or wrongful act or omission occurring in the performance of this Agreement, to the same extent that such liability would be imposed in the absence of Section 895.2 of said Code. To achieve the above-stated purpose, each party indemnifies and holds harmless the other party solely by virtue of said Section 895.2. The provision of Section 2778 of the California Civil Code is made a part hereto as if fully set forth herein. Subrecipient certifies that it has adequate self insured retention of funds to meet any obligation arising from this Agreement.

- A. Pursuant to Government Code Sections 895.4 and 895.6, the parties shall each assume the full liability imposed upon it, or any of its officers, agents or employees, by law for injury caused by any negligent or wrongful act or omission occurring in the performance of this Agreement.
- B. Each party indemnifies and holds harmless the other party for any loss, costs, or expenses that may be imposed upon such other party by virtue of Government Code section 895.2, which imposes joint civil liability upon public entities solely by reason of such entities being parties to an agreement, as defined by Government Code section 895.
- C. In the event of third-party loss caused by negligence, wrongful act or omission by both Parties, each party shall bear financial responsibility in proportion to its percentage of fault as may be mutually agreed or judicially determined. The provisions of Civil Code Section 2778 regarding interpretation of indemnity agreements are hereby incorporated

### §3.9 Subcontractor Assurances

Subrecipient shall contractually obligate all of its contractors, subcontractors and vendors funded by Subward funds as may be required to ensure that Subrecipient can comply with all of the Requirements and other provisions of this Agreement.

### §3.10 Remedies for Noncompliance

Subrecipient acknowledges and agrees that, in the event Subrecipient fails to comply with the terms and conditions of this Agreement or with any Requirements referenced in Section 2.1 above, the Federal awarding agency, CalOES or the City shall have the right to take one or more of the actions set forth in 2 CFR §200.338. Such actions may include, without limitation, the withholding of cash payments, suspension and/or termination of the Subaward, and the disallowing of certain costs incurred under the Subaward. Any costs incurred by Subrecipient during a suspension or after termination of the Subaward shall not be considered allowable under the Subaward unless allowed under 2 CFR §200.342. Subrecipient shall be liable to the Federal awarding agency, CalOES and the City for any Subaward funds the Federal awarding agency or CalOES determines that Subrecipient used in violation of any Requirements reference in Section 2.1 above, and Subrecipient shall indemnify and hold harmless the City for any sums the Federal awarding agency or CalOES determines Subrecipient used in violation of such Requirements.

Subrecipient shall be granted the opportunity to object to and challenge the taking of any remedial action by the Federal awarding agency, CalOES or the City in accordance with the provisions set forth in 2 CFR §200.341.

### §3.11 Termination

Subrecipient acknowledges and agrees that the Subaward, and any obligation to disburse to or reimburse Subrecipient in connection thereto, may be terminated

in whole or in part by the Federal awarding agency, CalOES or the City as set forth in 2 CFR §200.339. Subrecipient shall have the right to terminate the Subaward only as set forth in 2 CFR §200.339. In the event the Subaward is terminated, all obligations and requirements of this Agreement and the Grant shall survive and continue in full force and effect in connection with any portion of the Subaward remaining prior to such termination, including, without limitation, the closeout and post closeout requirements set forth in this Agreement.

### §3.12 Amendments

Any change in the terms of this Agreement, including the performance period of the Subaward and any increase or decrease in the amount of the Subaward, which are agreed to by the City and Subrecipient shall be incorporated into this Agreement by a written amendment properly executed and signed by the person authorized to bind the parties thereto.

### §3.13 Complete Agreement

This Agreement sets forth all of the rights and duties of the parties with respect to the subject matter hereof, and replaces any and all previous agreements or understandings, whether written or oral, relating thereto. This Agreement may be amended only as provided for herein and neither verbal agreement nor conversation with any officer or employee of either party shall affect or modify any of the terms and conditions of this Agreement. This Agreement is executed in two (2) duplicate originals, each of which is deemed to be an original. This Agreement includes twenty-one (21) pages and five (5) Exhibits which constitute the entire understanding and agreement of the parties.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

IN WITNESS WHEREOF, the City and Subrecipient have caused this Subaward Agreement to be executed by their duly authorized representatives.

<p>APPROVED AS TO FORM AND LEGALITY: MICHAEL N. FEUER, City Attorney</p> <p>By _____ Deputy City Attorney</p> <p>Date _____</p>	<p>For: THE CITY OF LOS ANGELES ERIC GARCETTI, Mayor</p> <p>By _____ Eric Garcetti, Mayor Mayor's Office of Public Safety</p> <p>Date _____</p>
<p>ATTEST:</p> <p>HOLLY L. WOLCOTT, City Clerk</p> <p>By _____ Deputy City Clerk</p> <p>Date _____</p>	
<p>APPROVED AS TO FORM:</p> <p>By _____ City Attorney</p> <p>Date _____</p>	<p>For: The City of San Fernando, a municipal corporation</p> <p>By _____</p> <p>Date _____</p>
<p>ATTEST:</p> <p>By _____ City Clerk</p> <p>Date _____</p>	<p>[SEAL]</p>

City Business License Number: \_\_\_\_\_  
 Internal Revenue Service ID Number: \_\_\_\_\_  
 Council File/OARS File Number: C.F. #15-0734 Date of Approval 1/26/16  
 City Contract Number: \_\_\_\_\_

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## EXHIBIT A

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## Fiscal Year 2015: DHS Standard Terms and Conditions

The FY 2015 DHS Standard Terms and Conditions apply to all new Federal financial assistance awards funded after December 26, 2014. When continuation awards are funded with FY2015 funds, the terms and conditions under which the original award was administered will continue to apply.

### I. **Assurances, Administrative Requirements and Cost Principles**

Recipients of DHS federal financial assistance must complete OMB Standard Form 424B Assurances – Non-Construction Programs. Certain assurances in this document may not be applicable to your program, and the awarding agency may require applicants to certify additional assurances. Please contact the program awarding office if you have any questions.

The administrative, cost principles, and audit requirements that apply to DHS award recipients originate from 2 C.F.R. Part 200, Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards, as adopted by DHS at 2 C.F.R. Part 3002.

### II. **Acknowledgement of Federal Funding from DHS**

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

### III. **Activities Conducted Abroad**

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

### IV. **Age Discrimination Act of 1975**

All recipients must comply with the requirements of the *Age Discrimination Act of 1975* (42 U.S.C. § 6101 *et seq.*), which prohibits discrimination on the basis of age in any program or activity receiving Federal financial assistance.

### V. **Americans with Disabilities Act of 1990**

All recipients must comply with the requirements of Titles I, II, and III of the *Americans with Disabilities Act*, which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12101–12213).

### VI. **Best Practices for Collection and Use of Personally Identifiable Information (PII)**

All recipients who collect PII are required to have a publically-available privacy policy that describes what PII they collect, how they use the PII, whether they

## Fiscal Year 2015: DHS Standard Terms and Conditions

share PII with third parties, and how individuals may have their PII corrected where appropriate.

Award recipients may also find as a useful resource the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template respectively.

### VII. **Title VI of the Civil Rights Act of 1964**

All recipients must comply with the requirements of Title VI of the *Civil Rights Act of 1964* (42 U.S.C. § 2000d *et seq.*), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

### VIII. **Civil Rights Act of 1968**

All recipients must comply with Title VIII of the Civil Rights Act of 1968, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (42 U.S.C. § 3601 *et seq.*), as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (see 24 C.F.R. § 100.201).

### IX. **Copyright**

All recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards, unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations).

### X. **Debarment and Suspension**

All recipients must comply with Executive Orders 12549 and 12689, which provide protection against waste, fraud and abuse by debarment or suspending those persons deemed irresponsible in their dealings with the Federal government.

### XI. **Drug-Free Workplace Regulations**

All recipients must comply with the *Drug-Free Workplace Act of 1988* (41 U.S.C. § 701 *et seq.*) which is adopted at 2 C.F.R. Part 3001, which requires that all organizations receiving grants from any Federal agency agree to maintain a drug-free workplace. DHS has adopted the Act's implementing regulations at 2 C.F.R. Part 3001.

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### XII. **Duplication of Benefits**

Any cost allocable to a particular Federal award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by Federal statutes, regulations, or terms and conditions of the Federal awards, or for other reasons. However, this prohibition would not preclude the non-Federal entity from shifting costs that are allowable under two or more Federal awards in accordance with existing Federal statutes, regulations, or the terms and conditions of the Federal awards.

### XIII. **Energy Policy and Conservation Act**

All recipients must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issues in compliance with this Act.

### XIV. **Reporting Subawards and Executive Compensation**

All recipients must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity, unless provided in paragraph D as required by 2 CFR Part 170, "Reporting Subaward and Executive Compensation Information" and the Federal Funding Accountability and Transparency Act 2006 (FFATA). Recipients must register at [www.sam.gov](http://www.sam.gov) and report the information about each obligating action in accordance with the submission instructions posted at [www.fsr.gov](http://www.fsr.gov).

### XV. **False Claims Act and Program Fraud Civil Remedies**

All recipients must comply with the requirements of 31 U.S.C. § 3729 which set forth that no recipient of federal payments shall submit a false claim for payment. See also 38 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.

### XVI. **Federal Debt Status**

All recipients are required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 and form SF-424B, item number 17 for additional information and guidance.

### XVII. **Fly America Act of 1974**

All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the *International Air Transportation Fair Competitive Practices Act of 1974* (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.



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### XVIII. **Hotel and Motel Fire Safety Act of 1990**

In accordance with Section 6 of the *Hotel and Motel Fire Safety Act of 1990*, 15 U.S.C. §2225a, all recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, as amended, 15 U.S.C. §2225.

### XIX. **Limited English Proficiency (Civil Rights Act of 1964, Title VI)**

All recipients must comply with the *Title VI of the Civil Rights Act of 1964* (Title VI) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. Providing meaningful access for persons with LEP may entail providing language assistance services, including oral interpretation and written translation. In order to facilitate compliance with Title VI, recipients are encouraged to consider the need for language services for LEP persons served or encountered in developing program budgets. Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency* (August 11, 2000), requires federal agencies to issue guidance to recipients, assisting such organizations and entities in understanding their language access obligations. DHS published the required recipient guidance in April 2011, *DHS Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons*, 76 Fed. Reg. 21755-21768, (April 18, 2011). The Guidance provides helpful information such as how a recipient can determine the extent of its obligation to provide language services; selecting language services; and elements of an effective plan on language assistance for LEP persons. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

### XX. **Lobbying Prohibitions**

All recipients must comply with 31 U.S.C. §1352, which provides that none of the funds provided under an award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal action concerning the award or renewal.

### XXI. **Non-supplanting Requirement**

All recipients who receive awards made under programs that prohibit supplanting by law must ensure that Federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-Federal sources. Where federal statutes for a particular program prohibits supplanting, applicants or recipients may be required to

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demonstrate and document that a reduction in non-Federal resources occurred for reasons other than the receipt of expected receipt of Federal funds.

### XXII. **Patents and Intellectual Property Rights**

Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards are in 37 C.F.R. Part 401 and the standard patent rights clause in 37 C.F.R. § 401.14.

### XXIII. **Procurement of Recovered Materials**

All recipients must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

### XXIV. **Contract Provisions for Non-federal Entity Contracts under Federal Awards**

#### a. **Contracts for more than the simplified acquisition threshold set at \$150,000.**

All recipients who have contracts exceeding the acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by Civilian Agency Acquisition Council and the Defense Acquisition Regulation Council as authorized by 41 U.S.C. §1908, must address administrative, contractual, or legal remedies in instance where contractors violate or breach contract terms and provide for such sanctions and penalties as appropriate.

#### b. **Contracts in excess of \$10,000.**

All recipients that have contracts exceeding \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

### XXV. **SAFECOM**

All recipients who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants,

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including provisions on technical standards that ensure and enhance interoperable communications.

### XXVI. **Terrorist Financing E.O. 13224**

All recipients must comply with U.S. Executive Order 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of recipients to ensure compliance with the E.O. and laws.

### XXVII. **Title IX of the Education Amendments of 1972 (Equal Opportunity in Education Act)**

All recipients must comply with the requirements of Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.), which provides that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance. Implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

### XXVIII. **Trafficking Victims Protection Act of 2000**

All recipients must comply with the requirements of the government-wide award term which implements Section 106(g) of the *Trafficking Victims Protection Act (TVPA) of 2000*, as amended (22 U.S.C. § 7104). This is implemented in accordance with OMB Interim Final Guidance, *Federal Register*, Volume 72, No. 218, November 13, 2007. Full text of the award term is located at 2 CFR § 175.15.

### XXIX. **Rehabilitation Act of 1973**

All recipients of must comply with the requirements of Section 504 of the *Rehabilitation Act of 1973*, 29 U.S.C. § 794, as amended, which provides that no otherwise qualified handicapped individual in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. These requirements pertain to the provision of benefits or services as well as to employment.

### XXX. **Universal Identifier and System of Award Management**

All recipients must maintain the currency of the information in the SAM until submission of the final financial report required under the award or receive final payment, whichever is later, as required by 2 C.F.R. Part 25.

### XXXI. **USA Patriot Act of 2001**

All recipients must comply with requirements of the *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act)*, which amends 18 U.S.C. §§ 175–175c. Among other things, the USA PATRIOT Act prescribes criminal penalties for possession of any biological agent, toxin, or delivery system of a type or in a

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quantity that is not reasonably justified by a prophylactic, protective, bona fide research, or other peaceful purpose.

### **XXXII. Use of DHS Seal, Logo and Flags**

All recipients must obtain DHS's approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

### **XXXIII. Whistleblower Protection Act**

All recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C. § 2409, 41 U.S.C. 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

### **XXXIV. DHS Specific Acknowledgements and Assurances**

All recipients must acknowledge and agree—and require any sub-recipients, contractors, successors, transferees, and assignees acknowledge and agree—to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

1. Recipients must cooperate with any compliance review or complaint investigation conducted by DHS.
2. Recipients must give DHS access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations *and* other applicable laws or program guidance.
3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
5. If, during the past three years, the recipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS awarding office and the DHS Office of Civil Rights and Civil Liberties.
6. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English

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proficiency), sex, age, disability, religion, or familial status against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Component and/or awarding office.

The United States has the right to seek judicial enforcement of these obligations.



## **Standard Assurances For All Cal OES Federal Grant Programs**

**As the duly authorized representative of the Applicant, I hereby certify** that the Applicant has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay any non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application, within prescribed timelines.

**I further acknowledge that the Applicant is responsible for reviewing and adhering to all requirements within the:**

- (a) Applicable Federal Regulations (see below);
- (b) Federal Program Notice of Funding Opportunity (NOFO);
- (c) California Supplement to the NOFO; and
- (d) Federal and State Grant Program Guidelines.

### **Federal Regulations**

Government cost principles, uniform administrative requirements and audit requirements for federal grant programs are housed in Title 2, Part 200 of the Code of Federal Regulations (CFR) and in updates issued by the Office of Management and Budget (OMB) on <http://www.whitehouse.gov/omb/>.

**Significant state and federal grant award requirements (some of which appear in the documents listed above) are called out below. The Applicant hereby agrees to comply with the following:**

#### **1. Proof of Authority**

The Applicant will obtain written authorization from the city council, governing board or authorized body in support of this project. This written authorization must specify that the Applicant and the city council, governing board or authorized body agree:

- (a) To provide all matching funds required for said project and that any cash match will be appropriated as required.
- (b) That any liability arising out of the performance of this agreement shall be the responsibility of the Applicant and the city council, governing board or authorized body.
- (c) That grant funds shall not be used to supplant expenditures controlled by the city council, governing board or authorized body.
- (d) That the official executing this agreement is, in fact, authorized to do so.

This Proof of Authority must be maintained on file and readily available upon demand.

## **2. Period of Performance**

The Applicant will initiate work after approval of the award and complete all work within the period of performance specified in the grant.

## **3. Lobbying and Political Activities**

As required by Section 1352, Title 31 of the U.S. Code (U.S.C.), for persons entering into a contract, grant, loan or cooperative agreement from an agency or requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan, the Applicant certifies that:

- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

The Applicant will also comply with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and §§7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

Finally, the Applicant agrees that Federal funds will not be used, directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation or policy without the express written approval from the California Governor's Office of Emergency Services (Cal OES) or the Federal awarding agency.

## **4. Debarment and Suspension**

As required by Executive Orders (EO) 12549 and 12689, and 2 CFR §200.212 and codified in 2 CFR Part 180, Debarment and Suspension, the Applicant will provide protection against waste, fraud and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the Federal government. The Applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default.

Where the Applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

#### **5. Non-Discrimination and Equal Employment Opportunity**

The Applicant will comply with all Federal statutes relating to non-discrimination. These include, but are not limited to, the following:

- (a) Title VI of the Civil Rights Act of 1964 (Public Law (P.L.) 88-352 and 42 U.S.C. §2000d et. seq.) which prohibits discrimination on the basis of race, color or national origin and requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services;
- (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex;
- (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps;
- (d) Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to ADA (42 U.S.C. 12101, et seq.);
- (e) Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age;
- (f) Drug Abuse Office and Treatment Act of 1972) (P.L. 92-255), as amended (P.L. 96-181), relating to nondiscrimination on the basis of Treatment or recovery from drug abuse;
- (g) Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
- (h) Sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
- (i) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;



- (j) EO 11246, which prohibits federal contractors and federally assisted construction contractors and subcontractors, who do over \$10,000 in Government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, or national origin;
- (k) EO 11375, which bans discrimination on the basis of sex in hiring and employment in both the United States federal workforce and on the part of government contractors;
- (l) California Public Contract Code §10295.3, which addresses discrimination based on domestic partnerships;
- (m) Any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and
- (n) The requirements of any other nondiscrimination statute(s) which may apply to the application.

In addition to the items listed in (a) through (n), the Applicant will comply with California's Fair Employment and Housing Act (FEHA). FEHA prohibits harassment and discrimination in employment because of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability leave (California Government Code sections 12940, 12945, 12945.2) and/or retaliation for protesting illegal discrimination related to one of these categories, or for reporting patient abuse in tax supported institutions.

## **6. Drug-Free Workplace**

As required by the Drug-Free Workplace Act of 1988 (41 U.S.C. §701 et seq.), the Applicant certifies that it will or will continue to provide a drug-free workplace and a drug-free awareness program as outlined in the Act.

## **7. Environmental Standards**

The Applicant will comply with State and Federal environmental standards which may be prescribed pursuant to the following, as applicable:

- (a) California Environmental Quality Act (CEQA) (California Public Resources Code §§21000-21177), to include coordination with the city or county planning agency;
- (b) CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, §§15000-15387);
- (c) Federal Clean Water Act (CWA) (33 U.S.C. §1251 et seq.), which establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters.
- (d) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Orders (EO) on the Environmental Justice Act (EO 12898) and Environmental Quality (EO 11514);
- (e) Notification of Environmental Protection Agency (EPA) violating facilities pursuant to EO 11738;
- (f) Protection of wetlands pursuant to EO 11990;

- (g) Evaluation of flood hazards in floodplains in accordance with EO 11988;
- (h) Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §1451 et seq.);
- (i) Conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §7401 et seq.);
- (j) Protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523);
- (k) Protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205);
- (l) Wild and Scenic Rivers Act of 1968 (16 U.S.C. §1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

Finally, the Applicant shall not be: 1) in violation of any order or resolution promulgated by the State Air Resources Board or an air pollution district; 2) subject to a cease and desist order pursuant to §13301 of the California Water Code for violation of waste discharge requirements or discharge prohibitions; or 3) finally determined to be in violation of federal law relating to air or water pollution.

## **8. Audits**

For subrecipients expending \$750,000 or more in Federal grant funds annually, the Applicant will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and Title 2 of the Code of Federal Regulations, Part 200, Subpart F Audit Requirements.

## **9. Access to Records**

In accordance with 2 CFR §200.336, the Applicant will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award. The Applicant will require any subrecipients, contractors, successors, transferees and assignees to acknowledge and agree to comply with this provision.

## **10. Conflict of Interest**

The Applicant will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

## **11. Financial Management**

### False Claims for Payment

The Applicant will comply with 31 U.S.C §3729 which sets forth that no subgrantee, recipient or subrecipient shall submit a false claim for payment, reimbursement or advance.

## **12. Reporting - Accountability**

The Applicant agrees to comply with applicable provisions of the Federal Funding Accountability and Transparency Act (FFATA) (2 CFR Chapter 1, Part 170), specifically (a) the reporting of

subawards obligating \$25,000 or more in federal funds and (b) executive compensation data for first-tier subawards. This includes the provisions of FFATA, which includes requirements on executive compensation, and also requirements implementing the Act for the non-Federal entity at 2 CFR part 25 Financial Assistance Use of Universal Identifier and Central Contractor Registration and 2 CFR part 170 Reporting Subaward and Executive Compensation Information.

The Applicant also must comply with statutory requirements for whistleblower protections at 10 U.S.C. §2409, 41 U.S.C. §4712, and 10 U.S.C. §2324, 41 U.S.C. §4304 and §4310 and 31 U.S.C. §6101 et seq.

### **13. Human Trafficking**

The Applicant will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. §7104) which prohibits grant award recipients or a subrecipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

### **14. Labor Standards**

The Applicant will comply with the following federal labor standards:

- (a) Comply with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), as applicable, and the Copeland Act (40 U.S.C. §3145 and 18 U.S.C. §874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction contracts or subcontracts.
- (b) Comply with the Federal Fair Labor Standards Act (29 U.S.C. §201 et al.) as they apply to employees of institutes of higher learning (IHE), hospitals and other non-profit organizations.

### **15. Worker's Compensation**

The Applicant must comply with provisions which require every employer to be insured against liability for Worker's Compensation before commencing performance of the work of this Agreement, as per California Labor Code §3700.

### **16. Property-Related**

If applicable to the type of project funded by this Federal award, the Applicant will:

- (a) Comply with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchase.
- (b) Comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires subrecipients in a special flood hazard

area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.

- (c) Assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §469a-1 et seq.).
- (d) Comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §4831 and 24 CFR Part 35) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

#### **17. Certifications Applicable Only to Federally-Funded Construction Projects**

For all construction projects, the Applicant will:

- (a) Not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.
- (b) Comply with the requirements of the awarding agency with regard to the drafting, review and approval of construction plans and specifications.
- (c) Provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

#### **18. Freedom of Information Act**

The Applicant acknowledges that all information submitted in the course of applying for funding under this program or provided in the course of an entity's grant management activities which is under Federal control is subject to the Freedom of Information Act (FOIA), 5 U.S.C. §552. The Applicant should also consult its own State and local laws and regulations regarding the release of information, which should be considered when reporting sensitive matters in the grant application, needs assessment and strategic planning process.

#### **19. California Public Records Act**

The Applicant acknowledges that all information submitted in the course of applying for funding under this program or provided in the course of an entity's grant management activities may be subject to the California Public Records Act (California Government Code §§6250-6276.48), which requires inspection and/or disclosure of governmental records to the public upon request, unless exempted by law.

## **HOMELAND SECURITY GRANT PROGRAM - PROGRAM SPECIFIC ASSURANCES / CERTIFICATIONS**

### **20. Personally Identifiable Information**

Subrecipients collecting Personally Identifiable Information (PII) must have a publically-available policy that describes what PII they collect, how they plan to use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate.

### **21. Disposition of Equipment**

When original or replacement equipment acquired under this award is no longer needed for the original project or program or for other activities currently or previously supported by the Department of Homeland Security/Federal Emergency Management Agency, subrecipients must request instructions from Cal OES on proper disposition of equipment.

### **22. Reporting Accusations and Findings of Discrimination**

If, during the past three years, the subrecipient has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the subrecipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to Cal OES for reporting to the DHS awarding office and the DHS Office of Civil Rights and Civil Liberties.

If any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion or familial status against the subrecipient, or the subrecipient settles a case or matter alleging such discrimination, subrecipients must forward a copy of the complaint and findings to Cal OES for forwarding to the DHS Component and/or awarding office.

The United States has the right to seek judicial enforcement of these obligations.

### **23. Acknowledgement of Federal Funding from DHS and Use of DHS Seal, Logo and Flags**

All subrecipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

All subrecipients must obtain DHS's approval prior to using DHS seal(s), Logos, crests or reproductions of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

### **24. Copyright**

All subrecipients must affix the applicable copyright notices of 17 U.S.C. §§401 or 402 and an acknowledgement of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards, unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations).

**25. Energy Policy and Conservation Act**

All subrecipients must comply with the requirements of 42 U.S.C. §6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issues in compliance with this Act.

**26. Hotel and Motel Fire Safety Act of 1990**

All subrecipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with Section 6 of the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, 15 U.S.C. §2225a.

**27. Terrorist Financing E.O. 13224**

All subrecipients must comply with U.S. Executive Order 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of subrecipients to ensure compliance with the E.O. and laws.

**28. USA Patriot Act of 2001**

All subrecipients must comply with the requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act), which amends 18 U.S.C. §§175-175c.

**IMPORTANT**

The purpose of the assurance is to obtain federal and state financial assistance, including any and all federal and state grants, loans, reimbursement, contracts, etc. The Applicant recognizes and agrees that state financial assistance will be extended based on the representations made in this assurance. This assurance is binding on the Applicant, its successors, transferees, assignees, etc. Failure to comply with any of the above assurances may result in suspension, termination, or reduction of grant funds.

All appropriate documentation, as outlined above, must be maintained on file by the Applicant and available for Cal OES or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the subrecipient may be ineligible for award of any future grants if the Cal OES determines that any of the following has occurred: (1) the recipient has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

All of the language contained within this document must be included in the award documents for all subawards at all tiers, including contracts under grants and cooperative agreements and subcontracts.

The undersigned represents that he/she is authorized by the above named Applicant to enter into this agreement for and on behalf of the said Applicant.

Signature of Authorized Agent: \_\_\_\_\_

Printed Name of Authorized Agent: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_

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## EXHIBIT B

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Line #			Project Information										
Project Letter	Item #	Sub-Line #	LA/LB IJ#	Jurisdiction	Department	Project Name	Funding Source	Disc	Solution Area	Sub-Solution	Expenditure Category	Sub-Line #'s Total Allocated	Master Item #'s Total Allocated
												\$68,558.00	\$0.00
B	5	15	2	San Fernando	Police Department	Automated License Plate Reader (ALPR)	UASI	LE	Equip	Physical Security Enhancement Equipment	N/A	\$ 56,826.00	
P	124	255	4	San Fernando	Police Department	Personal Protective Equipment	UASI	LE	Equip	Personal Protective Equipment	N/A	\$ 11,732.00	

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## EXHIBIT C

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## LA/LB UASI Modification Request Form

Please fill out the Modification Request Form, and associated Project Timeline, and submit it to your Grant Specialist. Include the project details for each line # affected by the modification request. For new line #'s being created, leave the Project Letter, Item #, and Sub-Line # columns in the 'Modified To' section blank- your Grant Specialist will assign them. You **MUST** include the reason for the modification request. Your Grant Specialist will advise if your modification request requires additional information. Additionally, you **MUST** attach a completed ledger(s) with the proposed changes. Formulas are embedded in the Form to automatically calculate the \$ Change, and the Form is balanced when the Totals (highlighted yellow) in the 'Modified From' and the 'Modified To' sections are equal. Modification requests are submitted to CalOES on a monthly basis. To be considered for that month's modification request, please submit by the 15th of each month.



### REQUIREMENTS FOR SUBMISSION:

Jurisdiction	Department	Name of Representative	Email Address	Phone Number	Today's Date	Grant Year
<i>Grant Specialist to complete</i>		<b>Summary and reason for modification request:</b>	<b>Are the modified ledgers attached electronically?</b>		<b>Will the project require approvals?</b>	
Contract Amount	\$ -		Equipment Ledger		EHP	
Revised Amount	\$ -		Training Ledger		Sole Source	
Amendment Y/N?			Organization Ledger		EOC	
25% Increase	\$ -		Planning Ledger		Watercraft	
Council/14.8 Y/N?			Exercise Ledger		Aircraft	

### Modified From:

	Project Letter	Item #	Sub Line #	Project Name	Investment Justification (IJ)	Disc	Solution	Sub-Solution	\$ Before	\$ After	\$ Change	Action	APPR #
From											\$ -		
From											\$ -		
From											\$ -		
From											\$ -		
From											\$ -		
<b>Total:</b>											<b>\$ -</b>		

FMU ONLY

### Modified To:

	Project Letter	Item #	Sub Line #	Project Name	Investment Justification (IJ)	Disc	Solution	Sub-Solution	\$ Before	\$ After	\$ Change	Action	APPR #
To									\$ -	\$ -	\$ -		
To									\$ -	\$ -	\$ -		
To									\$ -	\$ -	\$ -		
To									\$ -	\$ -	\$ -		
To									\$ -	\$ -	\$ -		
<b>Total:</b>											<b>\$ -</b>		

FMU ONLY

### MOPS Use Only:

Grant Specialist	Date Received	Date Approved by MOPS	Modification #	Notes
FMU Verification-- Name	Date Reviewed	Modification #	Notes	

**Project Timeline**

Does your Modification Request require a change to your Project Timeline?

If Yes, please complete the Project Timeline below. All modification requests MUST allow for project completion within the grant performance period.

	Milestone	Timeline		Comments
	Select one per line, up to ten for the project.	Start	Finish	
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

Additional notes on project timeline:

**CITY OF LOS ANGELES**  
**URBAN AREAS SECURITY INITIATIVE GRANT**  
**Reimbursement Request Form**

Return Reimbursement Requests to:

Grant Specialist  
 Mayor's Office of Public Safety  
 200 N. Spring Street, Room 303  
 Los Angeles, CA 90012

Jurisdiction: \_\_\_\_\_

Agency/Department: \_\_\_\_\_

Expenditure Period: begin end

Prepared By: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Phone: \_\_\_\_\_

## Project Information

UASI FY 13 <input type="checkbox"/>	Project Letter: _____
UASI FY 14 <input type="checkbox"/>	Master Item #: _____
UASI FY 15 <input type="checkbox"/>	Sub-Line #: _____

**REIMBURSEMENT SUMMARY**

DIRECTIONS: Please submit one Reimbursement Request Form for each UASI grant year, fiscal year, and type of expenditure. Follow the Reimbursement Request Checklist to compile supporting documentation, and then complete the Typed Resource Report and the associated Roster(s). **Please remember that if the reimbursement includes personnel or consultant fees, those rosters will also need to be completed.**

Type of Expenditure	Authorized Total Amount	Previously Requested	Current Request	Cumulative Request	Balance
				\$ -	\$ -
<b>Total</b>	\$ -	\$ -	\$ -	\$ -	\$ -

Please mark this box to indicate final request for reimbursement ☐

*This reimbursement claim is in all respects true, correct, and all expenditures were made in accordance with applicable laws, rules, regulations, and grant conditions and assurances. In addition, this claim is for costs incurred within the Grant Performance Period. Also, all supporting documentation related to these expenditures will be retained in accordance with grant guidelines.*

**Authorized Department Approval:**

Print Name \_\_\_\_\_

Title \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

E-Mail \_\_\_\_\_ Phone \_\_\_\_\_

**Please Remit Payment To:**

Agency \_\_\_\_\_

Address (Line 1) \_\_\_\_\_

Address (Line 2 - Optional) \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Mayor's Office Use Only
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Invoice Tracking: \_\_\_\_\_

Fiscal Year: \_\_\_\_\_

Cash Request: \_\_\_\_\_

Invoice #: \_\_\_\_\_

Document ID: \_\_\_\_\_

**LA/LB UASI**  
**REQUIRED SUPPORTING DOCUMENTATION FOR**  
**EQUIPMENT CLAIM REIMBURSEMENT**

**IMPORTANT\*\*** In addition to the completed, signed and dated Reimbursement Request Form, you must submit this **Checklist** with the supporting documents. Reimbursement requests must be submitted as soon as expenses are incurred and paid, and the required supporting documents are available. Do NOT accumulate all claims and invoices to submit on the final due date. Failure to submit your claim with the required supporting documents could result in expenses not reimbursed and/or funds reallocated.

**Please contact your Grant Specialist with any questions about required supporting documentation**

**PROCUREMENT**

- ☐ **Competitive/Formal Procurement:** Submit copies of procurement documents, as applicable, including Council approval, RFP, bids or bid recap/summary, and contract.
- ☐ **Informal Procurement:** Provide copies of informal procurement documents, as applicable. Informal procurements must comply with your Jurisdiction's policies.
- ☐ **Sole Source Purchase:**
  - ☐ **State Sole Source (over \$100,000):** Provide a copy of the State approval. There are **NO** retroactive approvals.
  - ☐ **Jurisdiction Sole Source (under \$100,000):** Provide a copy of your Jurisdiction's Sole Source documentation and approval.

**EQUIPMENT CLAIMS MUST INCLUDE THE FOLLOWING:**

- ☐ **Purchase Order**
- ☐ **Invoice:** Must be stamped "PAID," signed with authorized signature for payment, and dated.
- ☐ **Proof of Delivery:** Packing slips should be included. If packing slips were not part of the equipment delivery (e.g. licenses), the P.O. needs to be stamped "RECEIVED" with the date received, and signature.
- ☐ **Proof of Payment:** Include proof of payment and proof the payment has **CLEARED**. Proof of payment must have reference to the invoice, and amount paid must match the invoice amount. If multiple invoices are being paid with one check, the invoices must be listed with corresponding amounts.
- ☐ **Print Screen of Federal Debarment Listing:** Review the Federal Debarment Listing and provide a screen shot showing that the listing was queried **PRIOR** to purchase. Federal Debarment Listings can be found at <https://www.sam.gov/portal/public/SAM/>
- ☐ **Grant-Funded Typed Resource Report:** 'Typed Resource Report' needs to be completed, typically by the project's SME.
- ☐ **Equipment Roster:** Complete the attached 'Equipment Roster.' Submit electronically to your Grant Specialist and to [HSPS.Compliance@lacity.org](mailto:HSPS.Compliance@lacity.org)
- ☐ **State Approvals:** EHP Approval, Watercraft Approval, Aircraft Approval, EOC Approval, as applicable. All requests must obtain State approval **PRIOR** to purchase. There are **NO** exceptions or retroactive approvals.
- ☐ **Performance Bond:** All equipment items over \$250,000 or any vehicle, aircraft or watercraft **MUST** obtain a performance bond. A copy of the performance bond must be submitted to your Grant Specialist as soon as it is obtained, with an additional copy provided with the Reimbursement Request Form.

Completed By: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Project	Master Item #	Sub-Line #	Equipment Description (Quantity)	AEL #	AEL Title	Invoice Number	Vendor	ID Tag Number	Internal ID Tag Number (if applicable)	Condition & Disposition	Deployed Location	Acquired Date	Acquired Cost	Equipment Custodian

## LA/LB UASI REQUIRED SUPPORTING DOCUMENTATION FOR TRAINING CLAIM REIMBURSEMENT

**IMPORTANT\*\*** In addition to the completed, signed and dated Reimbursement Request Form, you must submit this **Checklist** with the supporting documents. Reimbursement requests must be submitted as soon as expenses are incurred and paid, and the required supporting documents are available. Do NOT accumulate all claims and invoices to submit on the final due date. Failure to submit your claim with the required supporting documents could result in expenses not reimbursed and/or funds reallocated.

**Please contact your Grant Specialist with any questions about required supporting documentation.**

### PROCUREMENT

- ☐ **Competitive/Formal Procurement:** Submit copies of procurement documents, as applicable, including Council approval, RFP, bids or bid recap/summary, and contract.
- ☐ **Informal Procurement:** Provide copies of informal procurement documents, as applicable. Informal procurements must comply with your Jurisdiction's policies.
- ☐ **Sole Source Purchase:**
  - ☐ **State Sole Source (over \$100,000):** Provide a copy of the State approval. There are **NO** retroactive approvals.
  - ☐ **Jurisdiction Sole Source (under \$100,000):** Provide a copy of your Jurisdiction's Sole Source documentation and approval.

### TRAINING PROJECTS INVOLVING A VENDOR MUST INCLUDE THE FOLLOWING:

- ☐ **Purchase Order Or Service Contract**
- ☐ **Invoice:** Must be stamped "PAID," signed with authorized signature for payment, and dated.
- ☐ **Proof of Delivery:** Submit copies of the Agenda **AND** submit Class Roster/Sign-in Sheets or Certificate of Completion with training date.
- ☐ **Proof of Payment:** Include proof of payment and proof the payment has **CLEARED**. Proof of payment must have reference to the invoice, and amount paid must match the invoice amount. If multiple invoices are being paid with one check, the invoices must be listed with corresponding amounts.
- ☐ **Print Screen of Federal Debarment Listing:** Review the Federal Debarment Listing and provide a screen shot showing that the listing was queried **PRIOR** to purchase. Federal Debarment Listings can be found at <https://www.sam.gov/portal/public/SAM/>
- ☐ **Grant-Funded Typed Resource Report:** 'Typed Resource Report' needs to be completed, typically by the project's SME.
- ☐ **Consultant Roster:** Complete the attached 'Consultant Roster.'
- ☐ **State Approvals:** Copy of ODP Approved Tracking Number is required. Copy of EHP Approval, as applicable. All requests must obtain State approval **PRIOR** to commencement of training. There are **NO** exceptions or retroactive approvals.
- ☐ **Total No. of Grant-Funded Trainees:** \_\_\_\_\_ **Total No. of Grant-Funded Instructors:** \_\_\_\_\_

### TRAINING PROJECTS FOR PERSONNEL TIME MUST INCLUDE THE FOLLOWING:

- ☐ **Summary Sheet:** Indicate employee(s), amount per employee(s), and total being claimed. This amount should tie the official payroll register to the total amount being claimed on the Reimbursement Request Form.
- ☐ **Official Payroll Register:** Indicate employee name you are seeking reimbursement for, salary, hourly rate, employee benefits, and overtime rate if applicable. If seeking reimbursement for Employee Benefits, include documentation verifying EB rates.
- ☐ **Timecards:** Indicate the # of hours charged per day, and include employee signature & supervisor signature. If claiming for Backfill, timecard needs to include the name of the person the employee was backfilling for/person who attended the training.
- ☐ **Class Roster/Sign-in Sheets or Certificate of Completion with Training Date:** If claiming for Backfill the Class Roster/Sign-in Sheet or Certificate of Completion should be for the person who attended the training.
- ☐ **Grant-Funded Typed Resource Report:** 'Typed Resource Report' needs to be completed, typically by the project's SME.
- ☐ **State Approvals:** Copy of ODP Approved Tracking Number is required. Copy of EHP Approval, as applicable. International trainings require State approval. All requests must obtain State approval **PRIOR** to commencement of training. There are **NO** exceptions or retroactive approvals.
- ☐ **Travel (if applicable):** Itemized receipts and proof of payment are required for airfare, lodging, meals and/or training/conference fees. Jurisdictions must follow their own travel policies and submit a copy of that travel policy. If no local policy exists, please see [www.gsa.gov](http://www.gsa.gov) for approved per diem rates.
- ☐ **Total No. of Grant-Funded Trainees:** \_\_\_\_\_ **Total No. of Grant-Funded Instructors:** \_\_\_\_\_

Completed By: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



## LA/LB UASI

### REQUIRED SUPPORTING DOCUMENTATION FOR EXERCISE CLAIM REIMBURSEMENT

**IMPORTANT\*\*** In addition to the completed, signed and dated Reimbursement Request Form, you must submit this **Checklist** with the supporting documents. Reimbursement requests must be submitted as soon as expenses are incurred and paid, and the required supporting documents are available. Do NOT accumulate all claims and invoices to submit on the final due date. Failure to submit your claim with the required supporting documents could result in expenses not reimbursed and/or funds reallocated.

**Please contact your Grant Specialist with any questions about required supporting documentation.**

#### PROCUREMENT

- ☐ **Competitive/Formal Procurement:** Submit copies of procurement documents, as applicable, including Council approval, RFP, bids or bid recap/summary, and contract.
- ☐ **Informal Procurement:** Provide copies of informal procurement documents, as applicable. Informal procurements must comply with your Jurisdiction's policies.
- ☐ **Sole Source Purchase:**
  - ☐ **State Sole Source (over \$100,000):** Provide a copy of the State approval. There are **NO** retroactive approvals.
  - ☐ **Jurisdiction Sole Source (under \$100,000):** Provide a copy of your Jurisdiction's Sole Source documentation and approval.

#### EXERCISE PROJECTS INVOLVING A VENDOR MUST INCLUDE THE FOLLOWING:

- ☐ **Purchase Order or Service Contract**
- ☐ **Invoice:** Must be stamped "PAID," signed with authorized signature for payment, and dated.
- ☐ **Proof of Delivery:** Submit copies of Sign-in Sheets **AND** submit After Action Report into HSEEP portal within 60 days of event. Submit proof that the report was submitted, including date of submission.
- ☐ **Proof of Payment:** Include proof of payment and proof the payment has **CLEARED**. Proof of payment must have reference to the invoice, and amount paid must match the invoice amount. If multiple invoices are being paid with one check, the invoices must be listed with corresponding amounts.
- ☐ **Print Screen of Federal Debarment Listing:** Review the Federal Debarment Listing and provide a screen shot showing that the listing was queried **PRIOR** to purchase. Federal Debarment Listings can be found at <https://www.sam.gov/portal/public/SAM/>
- ☐ **Consultant Roster:** Complete the attached 'Consultant Roster.'
- ☐ **State Approvals:** Copy of EHP Approval, as applicable. Please note that **ANY** exercise with an outside component, **MUST** get EHP approval. All requests must obtain State approval **PRIOR** to date of exercise. There are **NO** exceptions or retroactive
- ☐ **Exercise Date:** \_\_\_\_\_ **Number of Exercise Participants:** \_\_\_\_\_

#### EXERCISE PROJECTS FOR PERSONNEL TIME MUST INCLUDE THE FOLLOWING:

- ☐ **Summary Sheet:** Indicate employee(s), amount per employee(s), and total being claimed. This amount should tie the official payroll register to the total amount being claimed on the Reimbursement Request Form.
- ☐ **Official Payroll Register:** Indicate employee name you are seeking reimbursement for, salary, hourly rate, employee benefits, and overtime rate if applicable. If seeking reimbursement for Employee Benefits, include documentation verifying EB rates.
- ☐ **Timecards:** Indicate the # of hours charged per day, and include employee signature & supervisor signature. If claiming for Backfill, timecard needs to include the name of the person the employee was backfilling for/person who attended the exercise.
- ☐ **Sign-in Sheets or Certificate of Completion with Exercise Date:** If claiming for Backfill, the Sign-in Sheet or Certificate of Completion should be for the person who attended the exercise.
- ☐ **State Approvals:** Copy of EHP Approval, as applicable. Please note that **ANY** exercise with an outside component, **MUST** get EHP approval. All requests must obtain State approval **PRIOR** to date of exercise. **NO** exceptions or retroactive approvals.
- ☐ **Travel (if applicable):** Itemized receipts and proof of payment are required for airfare, lodging, meals and/or exercise fees. Jurisdictions must follow their own travel policies and submit a copy of that travel policy. If no local policy exists, please see [www.gsa.gov](http://www.gsa.gov) for approved per diem rates.
- ☐ **After Action Report:** Submit After Action Report into HSEEP portal within 60 days of event. Submit proof that the report was submitted, including date of submission.
- ☐ **Exercise Date:** \_\_\_\_\_ **Number of Exercise Participants:** \_\_\_\_\_

Completed By: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**LA/LB UASI**  
**REQUIRED SUPPORTING DOCUMENTATION FOR**  
**PLANNING CLAIM REIMBURSEMENT**

**IMPORTANT\*\*** In addition to the completed, signed and dated Reimbursement Request Form, you must submit this **Checklist** with the supporting documents. Reimbursement requests must be submitted as soon as expenses are incurred and paid, and the required supporting documents are available. Do NOT accumulate all claims and invoices to submit on the final due date. Failure to submit your claim with the required supporting documents could result in expenses not reimbursed and/or funds reallocated.

**Please contact your Grant Specialist with any questions about required supporting documentation**

**PROCUREMENT**

- ☐ **Competitive/Formal Procurement:** Submit copies of procurement documents, as applicable, including Council approval, RFP, bids or bid recap/summary, and contract.
- ☐ **Informal Procurement:** Provide copies of informal procurement documents, as applicable. Informal procurements must comply with your Jurisdiction's policies.
- ☐ **Sole Source Purchase:**
  - ☐ **State Sole Source (over \$100,000):** Provide a copy of the State approval. There are **NO** retroactive approvals.
  - ☐ **Jurisdiction Sole Source (under \$100,000):** Provide a copy of your Jurisdiction's Sole Source documentation and approval.

**PLANNING PROJECTS INVOLVING A VENDOR MUST INCLUDE THE FOLLOWING:**

- ☐ **Purchase Order or Service Contract**
- ☐ **Invoice:** Must be stamped "PAID," signed with authorized signature for payment, and dated.
- ☐ **Proof of Delivery:** Submit a copy/copies of the deliverables as outlined in the Purchase Order or Service Contract.
- ☐ **Proof of Payment:** Include proof of payment and proof the payment has **CLEARED**. Proof of payment must have reference to the invoice, and amount paid must match the invoice amount. If multiple invoices are being paid with one check, the invoices must be listed with corresponding amounts.
- ☐ **Print Screen of Federal Debarment Listing:** Review the Federal Debarment Listing and provide a screen shot showing that the listing was queried **PRIOR** to purchase. Federal Debarment Listings can be found at <https://www.sam.gov/portal/public/SAM/>
- ☐ **Consultant Roster:** Complete the attached 'Consultant Roster.'

**PLANNING PROJECTS FOR PERSONNEL TIME MUST INCLUDE THE FOLLOWING:**

- ☐ **Summary Sheet:** Indicate employee(s), amount per employee(s), and total being claimed. This amount should tie the official payroll register to the total amount being claimed on the Reimbursement Request Form.
- ☐ **Official Payroll Register:** Indicate employee name you are seeking reimbursement for, salary, hourly rate, employee benefits, and overtime rate if applicable. If seeking reimbursement for Employee Benefits, include documentation verifying EB rates.
- ☐ **Timecards:** Indicate the # of hours charged per day, and include employee signature & supervisor signature. If claiming for Backfill, timecard needs to include the name of the person the employee was backfilling for.
- ☐ **Personnel Roster:** Complete the attached 'Personnel Roster.'
- ☐ **Final Product:** Submit a copy/copies of the Final Product as outlined in the workbook OR submit intermittent deliverables as discussed with your Grant Specialist.

Completed By: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**LA/LB UASI**  
**REQUIRED SUPPORTING DOCUMENTATION FOR**  
**ORGANIZATION CLAIM REIMBURSEMENT**

**IMPORTANT\*\*** In addition to the completed, signed and dated Reimbursement Request Form, you must submit this **Checklist** with the supporting documents. Reimbursement requests must be submitted as soon as expenses are incurred and paid, and the required supporting documents are available. Do NOT accumulate all claims and invoices to submit on the final due date. Failure to submit your claim with the required supporting documents could result in expenses not reimbursed and/or funds reallocated.

**Please contact your Grant Specialist with any questions about required supporting documentation**

**PROCUREMENT**

- ☐ **Competitive/Formal Procurement:** Submit copies of procurement documents, as applicable, including Council approval, RFP, bids or bid recap/summary, and contract.
- ☐ **Informal Procurement:** Provide copies of informal procurement documents, as applicable. Informal procurements must comply with your Jurisdiction's policies.
- ☐ **Sole Source Purchase:**
  - ☐ **State Sole Source (over \$100,000):** Provide a copy of the State approval. There are **NO** retroactive approvals.
  - ☐ **Jurisdiction Sole Source (under \$100,000):** Provide a copy of your Jurisdiction's Sole Source documentation and approval.

**ORGANIZATION PROJECTS INVOLVING A VENDOR MUST INCLUDE THE FOLLOWING:**

- ☐ **Purchase Order or Service Contract**
- ☐ **Invoice:** Must be stamped "PAID," signed with authorized signature for payment, and dated.
- ☐ **Proof of Delivery:** Submit a copy/copies of the deliverables as outlined in the Purchase Order or Service Contract.
- ☐ **Proof of Payment:** Include proof of payment and proof the payment has **CLEARED**. Proof of payment must have reference to the invoice, and amount paid must match the invoice amount. If multiple invoices are being paid with one check, the invoices must be listed with corresponding amounts.
- ☐ **Print Screen of Federal Debarment Listing:** Review the Federal Debarment Listing and provide a screen shot showing that the listing was queried **PRIOR** to purchase. Federal Debarment Listings can be found at <https://www.sam.gov/portal/public/SAM/>
- ☐ **Consultant Roster:** Complete the attached 'Consultant Roster.'

**ORGANIZATION PROJECTS FOR PERSONNEL TIME MUST INCLUDE THE FOLLOWING:**

- ☐ **Summary Sheet:** Indicate employee(s), amount per employee(s), and total being claimed. This amount should tie the official payroll
- ☐ **Official Payroll Register:** Indicate employee name you are seeking reimbursement for, salary, hourly rate, employee benefits, and
- ☐ **Timecards:** Indicate the # of hours charged per day, and include employee signature & supervisor signature. If claiming for Backfill,
- ☐ **Personnel Roster:** Complete the attached 'Personnel Roster.'
- ☐ **Federal Request:** If requesting reimbursement for Overtime, include a copy of the Federal Request for Overtime. This applies

Completed By: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Grant-Funded Typed Resource Report

## Tool Instructions:

- Each row should contain the equipment purchased with, or training held, using grant funds for current reporting period. If more than one of the SAME equipment item was purchased, please use one line and note the quantity in the 'Comments' section. Otherwise, use a different line for each different equipment item purchased. **Only report purchases and trainings that have already been completed and funds have been expended and drawn down.**
- Choose from the drop-down menu whether the line is for equipment or training, the NIMS Typed Discipline, NIMS Typed Resource and NIMS Type #, as published by FEMA's National Integration Center (NIC) that the equipment supports, if NIMS Typed. The description and listing of NIMS typed resources can be found at: <https://rtlt.ptacccenter.org/Public>.
- If equipment or training is not NIMS Typed, choose "State/Local Other" in drop-down menu and provide State/Local typing or Community of Interest information in the Comments.
- Choose whether the piece of equipment or training is to "Sustain Current" existing capabilities or will increase or "Add New" capability.
- Choose the Core Capability or Capabilities that the Typed Resource supports. If more than one Core Capability is applicable, expand the columns by clicking the '+' above the 'Cost of Purchase' column to show more 'Core Capability Supported' columns.
- Enter the cost of the equipment or training.

Equipment or Training	NIMS Typed Discipline or State/Local Discipline/Community of Interest Supported	NIMS Typed Resource Supported	NIMS Type #	State/Local Typed Resource Supported (if applicable)	Typed Equipment Purchased	# of Personnel Trained for Typed Teams	# of Typed Teams Trained	Sustain Current Capability/Add New Capability	Core Capability Supported	Additional Core Capability Supported:	Cost of Purchase	Comments
Equipment	Fire / Hazmat	HazMat Entry Team	I	N/A	WMD Liquid Splash-Protective CPC	N/A	N/A	Add New	Environmental Response / Health and Safety	Mass Search and Rescue Operations	\$ 90,000.00	This new PPE will increase a Type II to a Type I HazMat Entry Team by fulfilling the PPE requirements for a Type I team. This investment completes the upgrade of this team.
Training	Incident Management	Incident Management Team	III	N/A	N/A	55	3	Sustain Current	Operational Coordination		\$ 150,000.00	This Training sustained policy awareness for a State and two Regional IMTs. This training maintains emergency staff awareness that would have otherwise been out-of-date within 3 months of the training.
Equipment	Public Health and Medical	State / Local Other (provide in comments section)	State / Local Other	Water Ambulance	ALS Rescue Boat	N/A	N/A	Add New	Mass Care Services		\$ 100,000.00	The ALS Rescue Boat meets State typing for Water Ambulance. This equipment purchase adds a new capability to the local EMS. Teams will begin training to complete the resource.
Training	Search and Rescue	US&R Task Forces	II	N/A	N/A	63	23	Sustain Current	Mass Search and Rescue Operations	Infrastructure Systems	\$ 75,000.00	63 Responders were trained in structural collapse to support 23 Type II USAR Teams. This training sustained current levels of staffing in anticipation of current staff retiring.

Project	Consulting Firm & Consultant Name	Project & Description of Services	Deliverable	Solution Area	Solution Area Sub-Category	Expenditure Category	Period of Expenditure	Fee For Deliverable	Billable Hour Breakdown		
									Total Salary & Benefits charged for this Reporting Period	Hourly/Billing Rate	Total Project Hours
A	XYZ and Associates	Develop a regional mass evacuation plan	Mass Evacuation Plan	Planning	Develop and Enhance Plans, Protocols & Systems	Consultant/Contractor Fee	2/1/14-8/1/14	50,000			

Project	Employee Name	Project/Deliverable	Discipline	Solution Area	Solution Area Sub-Category	Dates of Payroll Period	Total salary & Benefits charged for this Reporting Period	Total Project Hours
<i>A</i>	<i>Officer J. Smith</i>	<i>Alliance: Planning/Validation, Training &amp; Exercise</i>	<i>LE</i>	<i>Planning</i>	<i>Develop and Enhance Plans, Protocols &amp; Systems</i>	<i>1/11/15-1/24/15</i>	<i>3,500</i>	<i>80</i>

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## EXHIBIT D

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**CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES****AVIATION EQUIPMENT REQUEST FORM**

Homeland Security Grant Program FY: \_\_\_\_\_ Grant Number: \_\_\_\_\_ Cal OES ID#: \_\_\_\_\_

Urban Area Security Initiative (UASI) FY: \_\_\_\_\_ Grant Number: \_\_\_\_\_ Cal OES ID#: \_\_\_\_\_

Project Amount: UASI: \$\_\_\_\_\_ SHSGP: \$\_\_\_\_\_

City/County/Agency Name: \_\_\_\_\_

1. Indicate the type of equipment for this request

Aviation Equipment _____ Aviation Related Equipment _____
---

2. Provide a description of the area that will be served by the requested equipment.
3. Please justify the need for the aviation equipment and how the requested platform best meets that need as compared to other options. Include the cost, discipline, and funding source.
4. Please certify on signed letterhead that an existing aviation unit is operating and will continue to operate independent of the requested funding. Describe the active, operating aviation unit and certify that no expenses will be charged against the grant award for the general operational costs of such aviation unit.
5. Identify the applicable goals and objectives in the State/Urban Area Homeland Security Strategy that the requested aviation equipment addresses.
6. Explain how the requested aviation equipment fits into the State/Urban Area's integrated operational plans.
7. Explain how this aviation equipment will support activities specifically related to terrorism incident prevention and response efforts.



Cal OES Aviation Request Form  
Page Two

8. Please describe how this aviation equipment will be used operationally and which response assets will be deployed using the requested aircraft.
9. Please describe how this aviation equipment will be utilized on a regular, non-emergency basis.
10. Please certify licensing, registration fees, insurance, and all ongoing operational expenses are (a) the responsibility of the grantee or the local units of government and (b) are not allowable under this grant.

**California Governor's Office of Emergency Services**

**WATERCRAFT REQUEST**

Subgrantee Name: \_\_\_\_\_

Homeland Security Grant Program FY\_\_\_\_\_ Grant Number\_\_\_\_\_ Cal OES ID#\_\_\_\_\_

Urban Area Security Initiative (UASI) FY\_\_\_\_\_ Grant Number\_\_\_\_\_ Cal OES ID#\_\_\_\_\_

Other Program FY\_\_\_\_\_ Grant Number\_\_\_\_\_ Cal OES ID#\_\_\_\_\_

Project Amount: UASI \$\_\_\_\_\_ SHSP \$\_\_\_\_\_

1. Indicate the type of equipment for this request (choose only one of the following).

Watercraft _____      Watercraft- Related Equipment _____
---

2. Please provide a description of the area that will be served by the requested equipment.

Equipment & Description	Cost	AEL number

3. Please justify the need for the watercraft and how the requested platform best meets that need as compared to other options. Include the cost, discipline, and funding source.
4. Please describe the active, operating waterway patrol unit and certify on signed letterhead that no expenses will be charged against the grant award for the operation of such unit.
5. Please identify the applicable goals and objectives in your State/Urban Area Homeland Security Strategy that the requested watercraft addresses, and the waterway identified as critical asset requiring state and/or local prevention and response capabilities.
6. Please explain how the requested watercraft fits into the State/Urban Area's integrated operational plans and vulnerability assessment.

**California Governor's Office of Emergency Services****WATERCRAFT REQUEST**

7. Please describe how this watercraft will be used operationally and which response assets will be deployed using the requested watercraft.
8. Please describe how this watercraft will be utilized on a regular, non-emergency basis.
9. Please describe what types of terrorism incident response and prevention equipment with which the requested watercraft will be outfitted. Include any specialized navigational, communications, safety, and operational equipment necessary to enable such watercraft to support the homeland security mission. Please certify on signed letterhead that licensing, registration fees, insurance, and all ongoing operational expenses are the responsibility of the grantee or the local units of government and are not allowable under this grant.
10. Attach letters of endorsement, if applicable.

Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_  
(Name) (Signature)

**California Governor's Office of Emergency Services**

**ESTABLISH/ENHANCE EMERGENCY OPERATIONS CENTER (EOC) REQUEST**

Subgrantee Name: \_\_\_\_\_

Homeland Security Grant Program FY\_\_\_\_\_ Grant Number\_\_\_\_\_ Cal OES ID#\_\_\_\_\_

Urban Area Security Initiative (UASI) FY\_\_\_\_\_ Grant Number\_\_\_\_\_ Cal OES ID#\_\_\_\_\_

Other Program FY\_\_\_\_\_ Grant Number\_\_\_\_\_ Cal OES ID#\_\_\_\_\_

1. What type of EOC does your organization plan to establish/enhance? (Choose one of the following)

Primary EOC \_\_\_\_\_

Alternate/Back-up/Duplicate EOC \_\_\_\_\_

2. Physical address of facility:

\_\_\_\_\_

3. Describe how the establishment/enhancement of an EOC improves your organization's ability to prevent, plan for, respond to, and recover from a terrorism event (on a separate attachment).

\_\_\_\_\_

4. Identify all other sources and uses of additional funds assisting the project in any way.

5. Identify anticipated homeland security grant costs to establish/enhance your organization's EOC in the table below.

- 6.

<b>Supplies/Equipment</b>	<b>AEL #</b>	<b>Cost</b>
Computers		
Network Servers		
Printers		
Computer accessories (i.e. surge protectors, battery backups, etc.)		
Computer maintenance contracts		
Computer connections and cables (including fiber optic cabling)		
Fax machines		
Lighting Systems		
LCD projectors		
Projection/plasma/flat screens/monitors/televisions		
GIS plotter and software		
Telephone systems		
Software development		
Commercial off-the-shelf (COTS) software		
Installation of EOC items		
Miscellaneous connections for EOC items		
Standardized mapping software		

Standardized emergency management software		
Installation of EOC items		
Miscellaneous connections for EOC items		
Leasing Costs <sup>2</sup> (Indicate starting and ending dates of lease and explain the circumstances under which the moving or leasing costs will be incurred.)		
Other (must provide list/description of "other" items and costs)		
<b>TOTAL - EOC Supplies and Equipment</b>		

7. Explanation of “other” items:

8. Has your organization determined the costs are reasonable?

Submitted by: \_\_\_\_\_

(Name)

Date: \_\_\_\_\_

(Signature)



OMB Control#: 1660-0115  
Expiration Date: 10/31/2013  
FEMA Form: 024-0-1

DEPARTMENT OF HOMELAND SECURITY  
FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)  
**ENVIRONMENTAL AND HISTORIC PRESERVATION SCREENING FORM**

**Directions for completing this form:** This form is designed to initiate and facilitate the environmental and historic preservation (EHP) compliance review for your FEMA preparedness grant-funded project(s). FEMA conducts its EHP compliance reviews in accordance with National Environmental Policy Act (NEPA) and other EHP-related laws and executive orders. In order to initiate EHP review of your project, you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. Failure to provide requisite information could result in delays in the release of grant funds. ***Be advised that completion of this form does not complete the EHP review process.*** You will be notified by FEMA when your review is complete and/or if FEMA needs additional information.

*There is no need to complete and submit this form if the grant scope is limited to planning, management and administration, classroom-based training, tabletop exercises and functional exercises, or purchase of mobile and portable equipment where no installation is needed.* Information Bulletin 345, Grant Programs Directorate Programmatic Environmental Assessment, September 1, 2010, provides details on these activities.

This form should be completed electronically. The document is available in both Word and Adobe Acrobat (pdf) formats at this website:

(<http://www.fema.gov/library/viewRecord.do?fromSearch=fromsearch&id=4802>). The following website has additional guidance and instructions on the EHP review process and the information required for the EHP review: <http://www.fema.gov/plan/ehp/ehpreview/index.shtm>

*Submit completed form through your grant administrator who will forward it to [GPDEHPIInfo@dhs.gov](mailto:GPDEHPIInfo@dhs.gov). Please use the subject line: **EHP Submission: Project Title, location, Grant Award Number (Example, EHP Submission: Courthouse Camera Installation, Any Town, State, 12345; 2011-SS-0xxxx).***

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**Paperwork Burden Disclosure Notice**

*Public reporting burden for this form is estimated to average 8 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting the form. You are not required to respond to this collection of information unless it displays a valid OMB control number. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, Washington, DC, 20472, Paperwork Reduction Project (1660-0115).*

## Environmental and Historic Preservation Screening Form – June 2012

**SECTION A. PROJECT INFORMATION****DHS Grant Award Number:**.....**Grant Program:** .....**Grantee** .....**Grantee POC:** .....**Mailing address:** .....**E-mail:** .....**Sub grantee:** .....**Subgrantee POC:** .....**Mailing address:** .....**E-mail:** .....**Estimated cost of project:** .....**Project title:** .....**Project location** (physical address or latitude-longitude): .....

**Project Description.** Provide a complete project description. The project description should contain a summary of what specific action is proposed, where it is proposed, how it will be implemented. Include a brief description of the objectives the project is designed to accomplish (the purpose), and the reason the project is needed. Use additional pages if necessary. If multiple sites are involved, provide the summary for each site:

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**SECTION B. PROJECT TYPE**

Based on the proposed project activities, determine which project type applies below and complete the corresponding sections that follow. For multi-component projects or those that may fit into multiple project types, complete the sections that best apply and fully describe all major components in the project description. If the project involves multiple sites, information for each site (such as age of structure, location, ground disturbance, etc.) must be provided. Attach additional pages to this submission, if needed.

1. ☐ **Purchase of equipment.** Projects in this category involve the purchase of equipment that will require installation on or in a building or structure. Complete other portions of Section B as needed. Complete Section C.1.
2. ☐ **Training and exercises.** Projects in this category involve training exercises with any field-based components, such as drills or full-scale exercises. Complete Section C.2.
3. ☐ **Renovations/upgrades/modifications or physical security enhancements to existing structures.** Projects in this category involve renovations, upgrades, retrofits, and installation of equipment or systems in or on a building or structure. Examples include, but are not limited to: interior building renovations; electrical system upgrades; sprinkler systems; vehicle exhaust systems; closed circuit television (CCTV) cameras; security fencing; access control for an area, building, or room; bollards; motion detection systems;

## Environmental and Historic Preservation Screening Form – June 2012

alarm systems; security door installation or upgrades; lighting; and audio-visual equipment (projectors, smart boards, whiteboards, monitors, displays, and projector screens). Complete Section C.3.

4. ☐ **Generator installation.** Projects in this category involve installation of new or replacement generators, to include the concrete pads, underground fuel and electric lines, and if necessary, a fuel storage tank. Complete Section C.4.
5. ☐ **New construction/addition.** Projects in this category involve new construction, addition to, or expansion of a facility. These projects involve construction of a new building, or expansion of the footprint or profile of a current structure. Complete Section C.5.
6. ☐ **Communication towers, antennas, and related equipment.** Projects in this category involve construction of new or replacement communications towers, or installation of communications-related equipment on a tower or building or in a communications shelter or building. Complete Section C.6.
7. ☐ **Other.** Projects that do not fit in any of the categories listed above. Complete Section C.7.

**SECTION C. PROJECT TYPE DETAILS**

Check the box that applies to the proposed project and complete the corresponding details.

1. ☐ **Purchase of equipment.** *If the entire project is limited to purchase of mobile/portable equipment and there is no installation needed, this form does not need to be completed and submitted.*
  - a. Specify the equipment, and the quantity of each:.....
  - b. Provide the Authorized Equipment List (AEL) number(s) (if known): .....
  - c. Complete Section D.
2. ☐ **Training and exercises.** *If the training is classroom and discussion-based only, and is not field-based, this form does not need to be completed and submitted.*
  - a. Describe the scope of the proposed training or exercise (purpose, materials, and type of activities required): .....
  - b. Provide the location of the training (physical address or latitude-longitude): .....
  - c. Would the training or exercise take place at an existing facility which has established procedures for that particular proposed training or exercise, and that conforms with existing land use designations? For further information refer to Information Bulletin #345, <http://www.fema.gov/pdf/government/grant/bulletins/info345.pdf> : ☐ Yes ☐ No
    - If Yes, provide the name of the facility and the facility point of contact (name, telephone number, and email address): .....
    - If No, provide a narrative description of the area where the training or exercise would occur (e.g., exercise area within four points defined by latitude/longitude coordinates):.....



## Environmental and Historic Preservation Screening Form – June 2012

- Does the field-based training/exercise differ from previously permitted training or exercises in any way, including, but not limited to frequency, amount of facilities/land used, materials or equipment used, number of participants, or type of activities? ..... ☐ Yes ☐ No
  - If Yes, explain any differences between the proposed activity and Those that were approved in the past, and the reason(s) for the change in scope:.....
  - If No, provide reference to previous exercise (e.g., FEMA grant name, number, and date):.....
  - d. Would any equipment or structures need to be installed to facilitate training? ..... ☐ Yes ☐ No
    - If Yes, complete Section D
3. ☐ **Renovations/upgrades/modifications, or physical security enhancements to existing structures.**
- a. Complete Section D.
4. ☐ **Generator installation.**
- a. Provide capacity of the generator (kW): .....
- b. Identify the fuel to be used for the generator (diesel/propane/natural gas): ..
- c. Identify where the fuel for the generator would be stored (e.g. stand-alone tank, above or below ground, or incorporated in generator): .....
- d. Complete Section D.
5. ☐ **New construction/addition.**
- a. Provide detailed project description (site acreage, new facility square footage/number of stories, utilities, parking, stormwater features, etc): .....
- b. Provide technical drawings or site plans of the proposed project: ..... ☐ Attached
- c. Complete Section D.
6. ☐ **Communication towers, antennas, and related equipment.**
- a. Provide the current net height (in feet above ground level) of the existing tower or building (with current attached equipment): .....
- b. Provide the height (in feet above ground level) of the existing tower or building after adding/replacing equipment: .....

**Complete items 6.c through 6.q below ONLY if this project involves construction of a new or replacement communications tower. Otherwise continue to Section D.**

Information Bulletin 351, National Historic Preservation Act Section 106 Review Requirements for Communications Facilities, January 4, 2011 has additional guidance and information on EHP requirements for communications towers. Available at: <http://www.fema.gov/pdf/government/grant/bulletins/info351.pdf>

## Environmental and Historic Preservation Screening Form – June 2012

- c. Provide the ground-level elevation (feet above mean sea level) of the site of the proposed communications tower: \_\_\_\_\_
- d. Provide the total height (in feet above ground level) of the proposed communications tower or structure, including any antennas to be mounted: \_\_\_\_\_
- If greater than 199 feet above ground level, state why this is needed to meet the requirements of the project: \_\_\_\_\_
- e. Would the tower be free-standing or require guy wires? ..... ☐ Free standing ☐ Guy wires
- If guy wires are required, state number of bands and the number of wires per band: \_\_\_\_\_
  - Explain why a guyed tower is needed to meet the requirements of this project: \_\_\_\_\_
- f. What kind of lighting would be installed, if any (e.g., white strobe, red strobe, or steady burning)? \_\_\_\_\_
- g. Provide a general description of terrain (e.g., mountainous, rolling hills, flat to undulating): \_\_\_\_\_
- h. Describe the frequency and seasonality of fog/low cloud cover: \_\_\_\_\_
- i. Provide a list of habitat types and land use at and adjacent to the tower site (within ½ mile), by acreage and percentage of total (e.g., woodland conifer forest, grassland, agriculture) water body, marsh: \_\_\_\_\_
- j. Is there evidence of bird roosts or rookeries present within ½ mile of the proposed site? ..... ☐ Yes ☐ No
- Describe how presence/absence of bird roosts or rookeries was determined: \_\_\_\_\_
- k. Identify the distance to nearest wetland area (e.g., forested swamp, marsh, riparian, marine) and coastline if applicable: \_\_\_\_\_
- l. Distance to nearest existing telecommunication tower: \_\_\_\_\_
- m. Have measures been incorporated for minimizing impacts to migratory birds? ..... ☐ Yes ☐ No
- If Yes, describe: \_\_\_\_\_
- n. Has a Federal Communications Commission (FCC) registration been obtained for this tower? ..... ☐ Yes ☐ No
- If Yes, provide Registration #: \_\_\_\_\_
  - If No, why? \_\_\_\_\_
- o. Has the FCC E106 process been completed? ..... ☐ Yes ☐ No
- p. Has the FCC Tower Construction Notification System (TCNS) process been completed? ..... ☐ Yes ☐ No
- If Yes, attach the environmental documentation submitted as part of the registration process including use of the Tower Construction

## Environmental and Historic Preservation Screening Form – June 2012

Notification System (TCNS), if applicable. FRN#: .....

- q. Would any related equipment or structures need to be installed (e.g., backup generator and fuel source, communications shelter, fencing, or security measures)?..... ☐ Yes ☐ No

- If Yes, explain where and how each installation would be done. Provide details about generator capacity (kW), fuel source, fuel location and tank volume, amount of fencing, and size of communication shelter:.....

- r. Complete Section D.

7. ☐ **Other.** Complete this section if the proposed project does not fit any of the categories above.

- a. Provide a complete project description: .....
- b. Complete Section D.

## SECTION D. PROJECT DETAILS

Complete all of the information requested below.

### 1. ☐ Project installation

- a. Explain how and where renovations/upgrades/modifications would take place, or where equipment/systems will be installed: .....

- b. Would ground disturbance be required to complete the project or training? ..... ☐ Yes ☐ No

- If Yes, provide total extent (depth, length, and width) of each ground-disturbing activity. Include both digging and trenching. For example, light poles and fencing have unique ground-disturbing activities (e.g., six light poles, 24" dia. x 4' deep; trenching 12" x 500' x 18" deep; 22 fence posts, 12" diameter x 3' deep, and 2 gate posts, 18" diameter x 3' deep):.....

- If Yes, describe the current disturbed condition of the area (e.g., parking lot, road right-of-way, commercial development): .....

- c. Would the equipment use the existing infrastructure for electrical distribution systems? ..... ☐ Yes ☐ No

- If No, describe power source and detail its installation at the site: .....

### 2. ☐ Age of structure/building at project site

- a. Provide the year existing building(s) or structure(s) on/in/nearest to the location involved in the proposed project was built: .....

- If the building or structure involved is over 45 years old and

## Environmental and Historic Preservation Screening Form – June 2012

significant renovation, rehabilitation, or modification has occurred,  
provide the year(s) modified and briefly describe the nature of  
the modification(s):.....

- b. Are there any structures or buildings that are 50 years old or older in or adjacent to the project area? ..... ☐ Yes ☐ No

- If yes, provide the location of the structure(s), ground-level color photographs of the structure(s), and identify their location(s) on an aerial map: .....

- c. Is the project site listed in the National Register of Historic Places (National Register), or in/near a designated local or National Register Historic District? The internet address for the National Register is: <http://nrhp.focus.nps.gov> ..... ☐ Yes ☐ No

- If Yes, identify the name of the historic property, site and/or district and the National Register document number: .....

3. ☐ **Site photographs, maps and drawings**

- a. Attach site photographs. Site photographs are required for all projects. Use the following as a checklist for photographs of your project. Attach photographs to this document or as accompanying documents in your submission.

- Labeled, color, ground-level photographs of the project site:..... ☐ Required
- Labeled, color photograph of each location where equipment would be attached to a building or structure:..... ☐ Required
- Labeled, color aerial photograph of the project site:..... ☐ Required
- Labeled, color aerial photographs that show the extent of ground disturbance (if applicable): ..... ☐ Attached
- Labeled, color ground-level color photographs of the structure from each exterior side of the building/structure (applicable only if building/structure is more than 45 years old): ..... ☐ Attached

- b. Are there technical drawings or site plans available? ..... ☐ Yes ☐ No
- If yes, attach: ..... ☐ Attached

**Appendix A has guidance on preparing photographs for EHP review**

4. ☐ **Environmental documentation**

- a. Is there any previously completed environmental documentation for this project at this proposed project site (e.g., Environmental Assessment, or wetland delineation, or cultural/archaeological study)? ..... ☐ Yes ☐ No
- If Yes, attach documentation with this form: ..... ☐ Attached
- b. Is there any previously completed agency coordination for this project (e.g., correspondence with the U.S. Fish and Wildlife Service, State Historic Preservation Office, Tribal Historic Preservation Office)? ..... ☐ Yes ☐ No
- If Yes, attach documentation with this form: ..... ☐ Attached

## Environmental and Historic Preservation Screening Form – June 2012

c. Was a NEPA document was prepared for this project? ..... ☐ Yes ☐ No

- If Yes, what was the decision? (Check one, and please attach):

☐ Finding of No Significant Impact (FONSI) from an Environmental Assessment (EA) or

☐ Record of Decision (ROD) from an Environmental Impact Statement (EIS).

Name of preparing agency:....

Date approved:.....

## **Appendix A. Guidance for Supporting Photographs for EHP Grant Submissions**

Photographs are a vital component of the EHP review process and add an additional level of understanding about the nature and scope of the project. They also provide pre-project documentation of site conditions. Please follow the guidance provided below when preparing photographs for your EHP submission. The following pages provide examples of best practices used in earlier EHP submissions.

### **Minimum requirements for photographs.**

1. Photographs should be in color.
2. Label all photographs with the name of facility, location (city/county, state) and physical location (physical address or latitude-longitude).
3. Label the photographs to clearly illustrate relevant features of the project, such as location of installed features (e.g., cameras, fences, sirens, antennas, generators) and ground disturbance. See examples below.
4. Identify ground disturbance. Adding graphics to a digital photograph is a means to illustrate the size, scope and location of ground disturbing activities.

### **Best Practices**

1. Provide photographs in a separate file.
2. Place no more than 2 pictures per page.
3. Compressing pictures files (such as with Microsoft Picture Manager)<sup>1</sup> or saving the file in pdf format will reduce the size of the file and facilitate e-mail submissions.
4. Identify the photograph file with the project name so that it can be matched to the corresponding FEMA EHP screening form.
5. Maximum file size for enclosures should not exceed 12 MB. If the total size of files for an EHP submission exceeds 12 MB, send the submission in multiple e-mails.
6. If necessary, send additional photographs or data in supplemental e-mails. Please use the same e-mail subject line with the additional label: 1 of x, 2 of x, . . . x of x.

### **Options for Creating Photographs**

1. Obtain an aerial photo. There are multiple online sources for aerial photographs.
2. For the aerial photo, use the screen capture feature (Ctrl + Print Screen keys) and copy the image to photo editing software, such as Paint, or PhotoShop.<sup>1</sup> Use that software to crop the image so the photo has the content necessary.
3. Open PowerPoint, or other graphics-oriented software, and paste the aerial or ground-level photograph on the canvas.
4. Use drawing tools, such as line drawing and shapes, to indicate the location of project features (for example: fencing, lighting, sirens, antennas, cameras, generators).
5. Insert text to label the features and to label the photograph.
6. Use drawing tools to identify ground-disturbing activities (if applicable).
7. Save the file with the project name or grant number so that it can be appropriately matched to the corresponding FEMA EHP screening form. Include this file with the EHP screening when submitting the project.

## Appendix A. Supporting Photographs for EHP Grant Submissions

**Example Photographs**

**Aerial Photographs.** The example in Figure 1 provides the name of the site, physical address and proposed location for installing new equipment. This example of a labeled aerial photograph provides good context of the surrounding area.



Figure 1. Example of labeled, color aerial photograph.

**Ground-level photographs.** The ground-level photograph in Figure 2 supplements the aerial photograph in Figure 1, above. Combined, they provide a clear understanding of the scope of the project. This photograph has the name and address of the project site, and uses graphics to illustrate where equipment will be installed.



Figure 2. Example of ground-level photograph showing proposed attachment of new equipment



## Appendix A. Supporting Photographs for EHP Grant Submissions

**Ground-level photograph with equipment close-up.**

Figure 3 includes a pasted image of a CCTV camera that would be placed at the project site. Using desktop computer software, such as PowerPoint,<sup>1</sup> this can be accomplished by inserting a graphic symbol (square, triangle, circle, star, etc.) where the equipment would be installed. This example includes the name and location of the site. The site coordinates are in the degree-minute-second format.

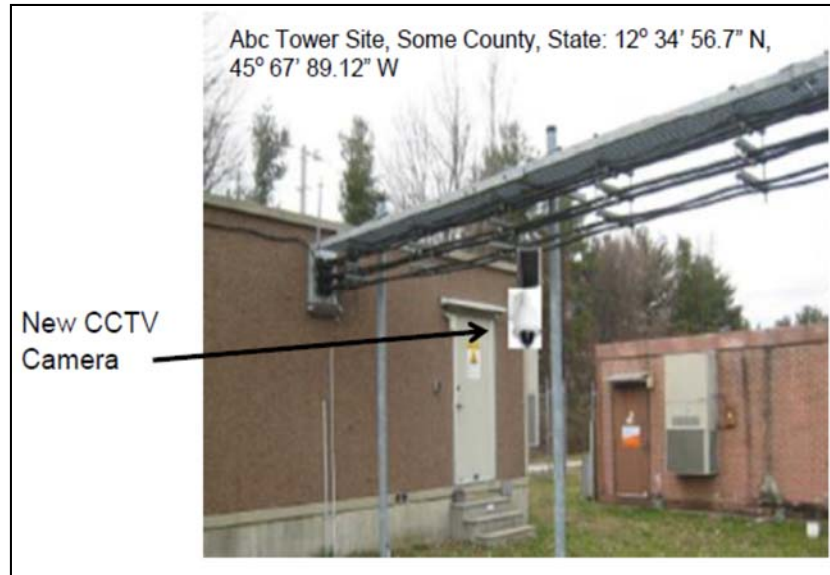


Figure 3. Ground-level photograph with graphic showing proposed equipment installation.

**Ground-level photograph with excavation area close-up.**

The example in Figure 4 shows the proposed location for the concrete pad for a generator and the ground disturbance to connect the generator to the building's electrical service. This information can be illustrated with either an aerial or ground-level photograph, or both. This example has the name and physical address of the project site.

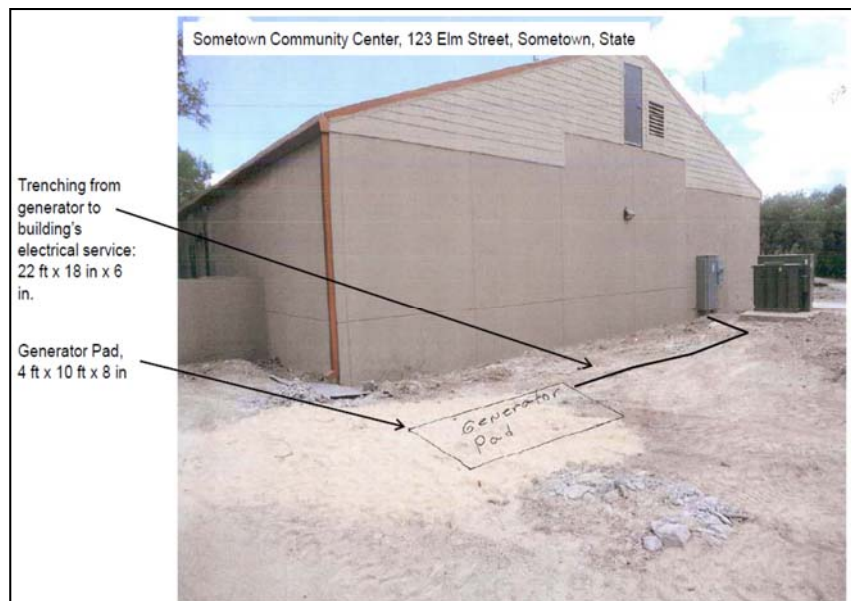


Figure 4. Ground-level photograph showing proposed ground disturbance area.



## Appendix A. Supporting Photographs for EHP Grant Submissions

**Communications equipment photographs.** The example in Figure 5 supports a project involving installation of equipment on a tower. Key elements are identifying where equipment would be installed on the tower, name of the site and its location. This example provides site coordinates in decimal format.

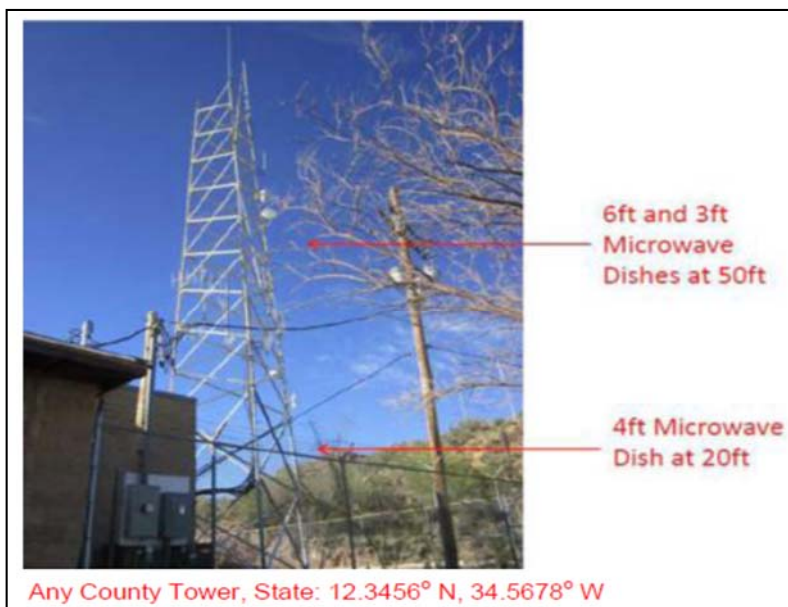


Figure 5. Ground-level photograph showing proposed locations of new communications equipment on an existing tower.

**Interior equipment photographs.** The example in Figure 6 shows the use of graphic symbols to represent security features planned for a building. The same symbols are used in the other pictures where the same equipment would be installed at other locations in/on the building. This example includes the name of the facility and its physical address.

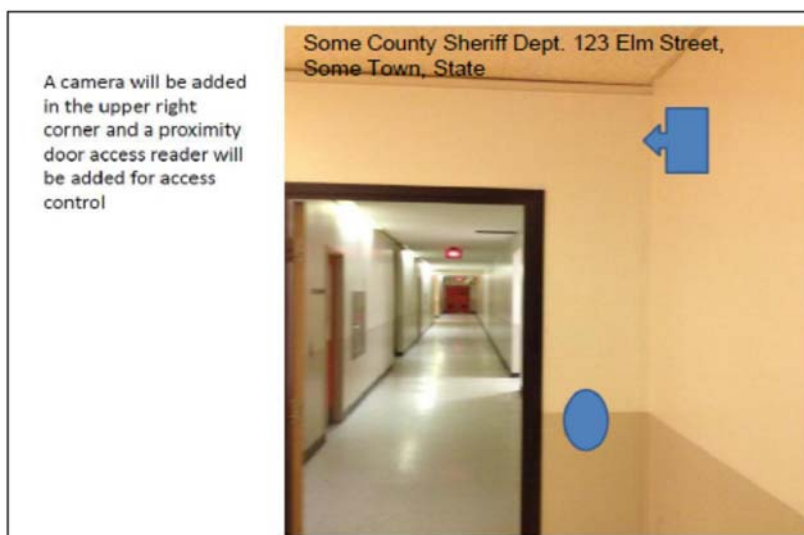


Figure 6. Interior photograph showing proposed location of new equipment.

**Ground-level photographs of nearby historic structures and buildings.** Consultation with the State Historic Preservation Office (SHPO) may be required for projects involving structures that are more than 50 years old, or are on the National Register of Historic Places. In that event, it will be necessary to provide a color, ground-level photograph of each side of the building/structure.

<sup>1</sup> Use of brand name does not constitute product endorsement, but is intended only to provide an example of the type of product capable of providing an element of the EHP documentation.

**CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES**

Homeland Security Grant Program FY: \_\_\_\_\_ Grant Number: \_\_\_\_\_ CalOES ID# \_\_\_\_\_

Subgrantee name: \_\_\_\_\_ Project: \_\_\_\_\_

**REQUEST FOR SOLE SOURCE PROCUREMENT AUTHORIZATION**

1. Project name: \_\_\_\_\_ Project Budget: \$ \_\_\_\_\_
2. Describe the project and/or activity that will be provided by the proposed sole source vendor/contractor.
3. Describe your organization's standard procedures when sole source contracting is considered, including the conditions under which a sole source contract is allowed, and any other applicable criteria (i.e. approval requirements, monetary thresholds, etc.).
4. Indicate which of the following circumstances resulted in your organization's need to enter into a sole source contract.
  - a. Item/service is only available from one source (Describe the process used to make that determination. Please provide details.)
  - b. A public urgency or emergency will not permit a delay resulting from competitive solicitation. According to the US Department of Homeland Security/FEMA, "Time constraints will not be considered a factor if the subgrantee has not sought competitive bids in a timely manner." (Describe the urgency or emergency. Please provide details)
  - c. After solicitation of a number of sources, competition was determined inadequate. (Describe the solicitation process that determined competition was inadequate. Please provide details, and attach any relevant supporting material, Request for Proposal, etc.)
5. Did your organization confirm that the contractor/vendor is not debarred or suspended?
6. Will your organization be able to complete all activities associated with the sole source contract by the end of the grant performance period?
7. Has your organization determined the costs are reasonable?
8. Please attach a copy of the cost benefit analysis prepared for this procurement.

Submitted by \_\_\_\_\_ Date: \_\_\_\_\_  
(Name) (Signature)

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## EXHIBIT E

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## **Technology Project Standards**

### **1. Virtual Port (Data System Projects)**

- 1) Web-based software: system on browser technology instead of proprietary system
- 2) API or STK software integration tools- application is typically provided by the manufacturer
- 3) Exchange protocols: 128 bit encryption
- 4) Dual authentication

### **2. Downlink Project**

1. Ability to go non-encryptic for both receivers and transmitters
2. 6.5 GHz Range
3. High-gain antennas
4. Moving Pictures Expert Group (M-PEG) current standards for decoding: M-PEG 4

### **3. SMART Classroom**

1. 2 Mbps minimum bandwidth
2. Code-X Specs- minimum of C40 (2 video outputs)
3. Camera Specs- 1080 dpi
4. Firewall settings:
5. IT personnel required for set-up/installation

### **4. LARCOPP**

Asset Manager – Tracks personnel and equipment to shift or operational period based on availability either on duty or on overtime. Tracks all working hours and prints out overtime slips in compliance with FMAG reimbursement procedures.

Logs- Ability to create multiple logs for different ICS sections, divisions, or agencies for multiple operational periods.

Mapping – Ability to plot personnel, equipment, missions for a variety of incidents, draw perimeters, fire lines, fire progression, plume modeling etc.

Video Streamer- Ability to stream multiple videos streams from ANTARES cameras in to several locations, (EOC's mobile command post trailers).

Message Center – Ability to have private encrypted chat rooms for operators to discuss operations, FAX service to send and receive FAXs', Email groups ability to send and receive emails with attachments or send attachments on email.

ICS Forms - Ability to create ICS forms and complete EAP's/IAP's

Downlink Receiver – Ability to receive both 4.9 and 6.5 GHz downlink video

Triage App – Ability to track patients at an MCI incident both by name and location.

Tri-Korder phones - Ability to have most of the above applications on a smart phone and also the ability to use the Tri Korder phone as a GPS tracker to track personnel live on the mapping app

Re-Stat ability - to have situational awareness of all you deployed and waiting resources as well as missions

Missions – creates and tracks missions both for a pre-planned and emerging events. Ability to insert detailed instructions for personnel

Reports - Ability to print up multiple reports about personnel, missions, overtime costs.

All of these abilities are shared with all agencies participating in the LARCOPP program. There are several servers throughout the region that give us the ability to share and view everyone's incidents and information live. It also allows us to work together on a single incident allowing multiple agencies in a unified command to have the same picture of the incident. All of this information is encrypted.

## **5. License Plate Recognition (LPR)**

### **Overview:**

Fixed and Mobile License Plate Recognition system should contain the following components: (a) Fixed License Plate Recognition Cameras including all necessary mounting hardware, (b) Capability to accept a network connection capable of backhauling data to city network, (c) Hardware capable of creating VPN between network connection identified in (b) and City/Agency network.

### **System Requirements:**

- System shall have the ability to capture license plates and compare them to a database detailed by the purchasing agency;
- System shall be able to perform this analysis in varied lighting and weather conditions at an accuracy level deemed suitable by the purchasing agency;
- System shall have the ability to link or share data with other LPR systems;
- The LPR system shall have the ability to be deployed in both a mobile and fixed installation based on standards set by the agency purchasing;
- The systems timekeeping shall automatically update when time changes occur (e.g., Daylight savings time) and be consistent with correct calendar dates;
- Any system selected shall allow for the purchasing agency to be the sole owner of the data;
- Data shall be compatible with standard SQL format;
- System selected shall at a minimum have the ability for a unique user sign and audit/reporting capability;
- Still imagery must be in a non-proprietary format;
- Each read shall retain the associated metadata the minimally includes:
  - GPS location;
  - Date;
  - Time;
  - Source (vehicle ID/fixed identifier);
  - Alert reason;

- System must have the ability to retain all data captured for a period set by the purchasing agencies requirements;
- The system must be industrial/commercial grade. No prototype models will be considered;

### **Hardware:**

- Loss of power to any hardware shall not result in the unit requiring reprogramming;
- Sudden loss of power shall not cause the loss of data;
- All wiring shall meet industry standards applicable to the wire applications and all systems must be properly grounded using the same industry standards;
- The systems shall operate under extreme hot and cold weather conditions (20to 160 degrees Fahrenheit);
- Camera system shall capture an image of the plate and overview of the vehicle;
- Mobile systems shall support a minimum of four cameras capable of capturing license plates;
- System shall comply with the purchasing agencies' lighting standards for fixed installations;
- Cameras must operate on a filtered, regulated and short-circuit-protected power source.
- The system will be protected from damage due to input of voltage, reverse polarity, and electrical transients that may be encountered.
- Camera will need to possess sufficient internal memory such that during times of impaired network connectivity data will not be lost.
- Ruggedized exterior for camera and networking equipment
- Vibration resistant
- Rugged mounts that provide stability to all equipment

### **Network Conditions:**

- System Network connection should be capable of sustained 250kb/s speeds.
- Human intervention shall not be required to establish/maintain the connection
- Connection should be capable of automatic reconnection in the event of power-loss or temporary issue with service provider.
- If a device is required at each network connection point, it shall be capable of encrypting data being sent back to any Agency network.

### **Warranty and Maintenance:**

- System selected shall include a comprehensive warranty and maintenance for the maximum amount of time allowed by the grant guidelines;

### **Regional Sharing:**

- Any agency using UASI/SHSG Grant Funding shall agree to enter into a standard Memorandum of Agreement to share data between LA-LB UASI law enforcement members (to be developed and provided prior to final grant award);

**Contract Execution Checklist for  
Subrecipients**

---

<input type="checkbox"/>	Review the contract	Questions and errors should be reviewed with your contract specialist
<input type="checkbox"/>	Two copies of the contract with wet signatures	The Los Angeles City Clerk keeps one executed original copy and then mails the other executed original copy to the subrecipient.  No stamped signatures, or photocopies allowed
<input type="checkbox"/>	Three Signatures are Required: 1. City Representative: Mayor and/or City Manager 2. Attestation of the City Clerk 3. City Attorney	<u>City Representative</u> : If someone other than the Mayor or City Manager is permitted to sign the contract, the subrecipient must provide the City of Los Angeles a City Resolution authorizing the particular person signing said contract
<input type="checkbox"/>	City Seal	A City Seal is always required unless there is none for the particular subrecipient

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## AGENDA REPORT

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**To:** Mayor Robert C. Gonzales and City Councilmembers

**From:** Brian Saeki, City Manager  
By: Nick Kimball, Finance Director

**Date:** April 18, 2016

**Subject:** Consideration to Adopt Ordinance No. 1653 Amending in its Entirety Division 6 (Purchasing) of Article IV (Finance) of Chapter 2 (Administration) of the San Fernando City Code Relating to the Procedures for Purchasing and Contracting

### RECOMMENDATION:

It is recommended that the City Council:

- a. Waive full reading of Ordinance No. 1653, and adopt by title only, "An Ordinance of the City Council of the City of San Fernando, California Amending in Its Entirety Division 6 (Purchasing) of Article IV (Finance) of Chapter 2 (Administration) of the San Fernando City Code Relating to the Procedures for Purchasing and Contracting."

### BACKGROUND:

1. Sections 2-771 through 865 of the City Code prescribe the City's purchasing system and process ("Purchasing Ordinance").
2. On March 7, 2016, staff introduced Ordinance No. 1653, a comprehensive revision to the Purchasing Ordinance to modernize the Ordinance, update language to reflect the current form of government (i.e. Council-Manager), and increase organization, consistency and clarity throughout the Ordinance.
3. On March 21, 2016, Ordinance No. 1653 was presented for a second reading and consideration to adopt the Ordinance. Councilmember Ballin pulled the item and posed a number of questions to staff. Second reading and adoption of the Ordinance was tabled to address the questions and provide additional clarification.

**Consideration to Adopt Ordinance No. 1653 Amending in its Entirety Division 6 (Purchasing) of Article IV (Finance) of Chapter 2 (Administration) of the San Fernando City Code Relating to the Procedures for Purchasing and Contracting**

Page 2 of 3

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**ANALYSIS:**

On March 21, 2016, during the second reading of Ordinance No. 1653 ("Purchasing Ordinance" or "Ordinance"), Councilmember Ballin posed a number of questions to staff that required some additional follow-up and requested that City Council table final adoption of the Ordinance to provide staff with some time to address those concerns. Those questions/concerns, as well as staff's response, are summarized below:

*Section 2-774. City Council authorizes City Manager to implement administrative regulations.*

Councilmember Ballin inquired about the Purchasing Policy referenced in the Ordinance and requested it be presented to City Council in conjunction with the Purchasing Ordinance. As is generally accepted protocol in most government agencies, the Purchasing Ordinance sets overall parameters and guidelines for the City's purchasing system and is accompanied by a Purchasing Policy that describes in much greater detail the process staff must follow to be in compliance with the Purchasing Ordinance. This detail includes when a requisition or purchase order is required, who is responsible for entering the requisition, what backup documentation and approvals are required before a purchase order is generated, etc.

Typically, City Council policies are adopted to establish city-wide goals and objectives, set behavioral expectations for elected and appointed officials, communicate roles and responsibilities of elected and appointed officials, and/or to meet a requirement of the City Code. In contrast, the purpose of administrative policies is to align operations between departments, set behavioral expectations for staff, and communicate roles and responsibilities as it relates to day-to-day operations of the City.

A draft Purchasing Policy has been included as Attachment B for City Council's reference. However, since the purpose of the Purchasing Policy is to align operations between departments and define the roles and responsibilities of City staff as it relates to day-to-day operations of the City, it is recommended that the Purchasing Policy is an Administrative Policy that is adopted and amended by City Manager authority.

*Section 2-778. Contracts.*

Section 2-778 (contracts), subsection (h)(3) relates to multi-year professional, management, general or special services, and construction contracts. The intent of Sec. 2-778(h)(3) prohibit extending a contract with the same firm after five (5) consecutive years, unless otherwise approved by City Council, without following the applicable formal or informal bidding requirements (depending on the contract amount). Councilmember Ballin indicated that this section was confusing and requested clarifying language. Staff has re-worded that section to increase clarity.

**Consideration to Adopt Ordinance No. 1653 Amending in its Entirety Division 6 (Purchasing) of Article IV (Finance) of Chapter 2 (Administration) of the San Fernando City Code Relating to the Procedures for Purchasing and Contracting**

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**Section 2-840. Award of professional, management, general or special services contracts based on competence.**

Section 2-840 relates to awarding contracts to specialized professional services firms identified in Section 4526 of the Government Code. These firms include, but are not limited to, architectural, landscape architectural, engineering, environmental, land surveying, and construction project management firms. Councilmember Ballin had concerns with the wording that contracts should only be awarded to firms or persons who have demonstrated “adequate competence.” Staff has revised that section to require that contracts should be awarded to firms or persons who have demonstrated a “high” level of competence.

**Section 2-852. Disposal of Surplus Property.**

Section 2-852 relates to disposal of surplus property. Councilmember Ballin requested additional clarification of the meaning of “personalized items” and “items considered to be memorial or commemorative in nature” that would be eligible for purchase by City employees. Staff has included definitions of those terms to add clarity.

All other sections of the proposed Ordinance remain unchanged from the first reading on March 7, 2016.

**BUDGET IMPACT:**

There is no budget impact to amending the Purchasing Ordinance.

**CONCLUSION:**

Modernizing and updating the Purchasing Ordinance will provide more clarity and consistency to the rules governing the City’s purchasing process. It will also provide some flexibility to staff when procuring certain goods and services that do not lend themselves to traditional bid processes.

**ATTACHMENTS:**

- A. Proposed Ordinance No. 1653
- B. DRAFT Purchasing Policy and Manual

**ATTACHMENT "A"****ORDINANCE NO. 1653****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA AMENDING IN ITS ENTIRETY DIVISION 6 (PURCHASING) OF ARTICLE IV (FINANCE) OF CHAPTER 2 (ADMINISTRATION) OF THE SAN FERNANDO CITY CODE RELATING TO THE PROCEDURES FOR PURCHASING AND CONTRACTING**

**WHEREAS**, the City Council of the City of San Fernando seeks to update its purchasing policies and procedures; and

**WHEREAS**, on March 7, 2016, City Council 1) introduced for first reading, in title only, and waived further reading of Ordinance No. 1653, 2) posed questions to City staff, and 3) received public comment on said Ordinance; and

**WHEREAS**, on March 21, 2016, City Council posed additional questions to staff and postponed an action to waive full reading and adopt, by title only, Ordinance No. 1653 to a future date; and

**WHEREAS**, on April 18, 2016, staff presented minor edits to address City Council's questions and presented for second reading, by title only, Ordinance No. 1653.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The foregoing recitals are true and correct and made a part of this Ordinance.

**SECTION 2.** Division 6 (Purchasing) of Article VI (Finance) of Chapter 2 (Administration) of the San Fernando City Code is hereby amended in its entirety and replaced by the text set forth in Exhibit "A" of this ordinance.

**SECTION 3.** Subsection (b) of Section 50-1 of Article I (In General) of Chapter 50 (Offenses and Miscellaneous Provisions) of the San Fernando Municipal Code is hereby amended in its entirety to now state the following:

*The Purchasing Agent for the City is authorized to sell all unclaimed property which has been in the possession of the department for a period of more than four months, in compliance with the provisions set forth under Subdivision V (Miscellaneous) of Division 6 (Purchasing) of Article VI (Finance) of Chapter 2 (Administration) of the San Fernando Municipal Code.*

**SECTION 4.** Adoption and implementation of this ordinance is exempt from the California Environmental Quality Act (“CEQA”) as the ordinance amendments contemplated herein will have no impact on the environment.

**SECTION 5.** Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 6.** Effective Date. In accordance with Government Code section 36937, this ordinance shall take effect and be in force 30 days after passage and adoption.

**SECTION 7.** Certification. The City Clerk is hereby authorized and directed to certify to the passage of this Ordinance by the City Council and shall cause it to be published or posted as required by law.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of San Fernando at a regular meeting held on this 18th day of April, 2016.

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Robert C. Gonzales, Mayor

**ATTEST:**

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Elena G. Chávez, City Clerk

STATE OF CALIFORNIA                    )  
COUNTY OF LOS ANGELES            )     SS:  
CITY OF SAN FERNANDO                )

I, Elena G. Chávez, City Clerk of the City of San Fernando, hereby certify that the foregoing Ordinance No. 1653 of the City Council of the City of San Fernando was approved and adopted by said City Council at its regular meeting held on the 18th day of April 2016 by the following vote, to-wit:

AYES:

NOES:  
ABSTAIN:  
ABSENT:

---

Elena G. Chávez, City Clerk



## **EXHIBIT A**

### **TEXT OF NEW DIVISION 6 (PURCHASING) OF ARTICLE IV (FINANCE) OF CHAPTER 2 (ADMINISTRATION) OF THE SAN FERNANDO MUNICIPAL CODE**

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#### **CHAPTER 2. ADMINISTRATION**

#### **ARTICLE VI. FINANCE**

#### **DIVISION 6. PURCHASING**

#### **SUBDIVISION I. GENERAL PROVISIONS**

##### **Sec. 2-771. Purpose.**

The purpose of this Division is to establish an efficient procedure for the purchase of supplies, services, and equipment, and to establish a procedure for performing or contracting for the construction of public works consistent with state law. These procedures shall not be overly time consuming and cumbersome, while allowing the City to obtain the best professional services, and acquire quality supplies, general services, and equipment in an overall economic manner, and also to construct public works at the lowest reasonable cost. The purpose of this ordinance is to emulate best practices in the purchasing procedures.

##### **Sec. 2-772. Definitions.**

- (a) Bidder's List. "Bidder's List" shall mean a list of responsible prospective vendors capable of providing the items being bid upon.
- (b) Cooperative Bid. "Cooperative Bid" is when several government agencies join together to create one bid document combining all agencies product volume for consideration of the bidder in determining the unit cost.
- (c) Emergency. As determined by the City Council, including, but not limited to, states of emergency defined in Section 8558 of the Government Code, when repair or replacements are necessary to permit the continued conduct of the operation of City services, or to avoid danger to life or property, repair or replace any public facility without adopting plans, specification, or working details or give notice for bids to let a contract or Public Works Construction Contract.
- (d) Equipment. "Equipment" shall mean furnishings, machinery, vehicles, rolling stock, and other personal property used in the City's business.

- (e) General Services. "General Services" are services which do not require any unique skill, special background, training, and obtaining such services at the lowest cost should be the single most important factor in selection, as opposed to personal performance. Examples of general services include uniform cleaning and maintenance services.
- (f) Local Vendor. "Local vendor" means a person, firm, partnership, corporation or other legal entity which: (a) has its principal place of business within the jurisdictional boundaries of the City; and (b) has continuously maintained a business license with the City for a period of at least twelve (12) months from the date bids are due.
- (g) "Lowest responsive and responsible bidder". The term "lowest responsive and responsible bidder" means a bidder who has submitted the lowest monetary bid in response to bid solicitation and who is also a responsible bidder and a responsive bidder. If a bid solicitation has additive or deductive items the lowest monetary bid shall be determined by the City in the bid solicitation documents in any of the manners prescribed under subdivision (c) of Section 10126 of the California Public Contract Code.
- (h) Maintenance Work. "Maintenance Work" shall mean:
  - (1) Routine, recurring, and usual work for the cleaning, preservation, or protection of any publicly owned or publicly operated facility for its intended purposes.
  - (2) Minor repainting.
  - (3) Resurfacing of streets and highways at less than one (1") inch.
  - (4) Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.
  - (5) Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems including, but not limited to, dams, reservoirs, power plants, and electrical transmission lines of two hundred thirty thousand (230,000) volts and higher.
- (i) Multiple Awarded Bid. When a bid is awarded to more than one vendor for the same or similar products. A multiple awarded bid schedule is usually set up and provides information of product type/brand and vendor who is providing the product.
- (j) Piggyback. Use of another public agency's existing contract to purchase the same product(s) as outlined in the awarding bid document.

- (k) Professional, Management, or Special Services. "Professional," "Management," or "Special Services" shall mean any work performed by an attorney, doctor, architect, engineer, land surveyor, construction manager, appraiser, expert, accounting firm, consultant or those services such as computer services, golf course operating services, concession services, parking garage operation services, and transportation/transit operator services. Factors for determining whether professional, management, or special services are needed include but, are not limited to, services which require special performance criteria, specific experience and training, professional judgment, licensing, qualified expertise in a specific area of work, or other unique factors other than simply obtaining the service at the lowest cost to the City.
- (l) Public Works. "Public Works" shall mean a type of public construction project subject to the regulation of the State Public Contract Code and State Labor Code and as defined in California Labor Code Division 2, Chapter 1, Article 1, Section 1720 and as further amended. Examples of a Public Works Project include:
- (1) The erection, construction of, alteration, major painting, repair, or demolition of public buildings, streets, walkways, water and sewer facilities, drainage facilities, or other public facilities, whether owned, leased, or operated by the City.
  - (2) Furnishing supplies or materials for any of the above works or projects.
  - (3) A public work does not include maintenance work as defined in this subdivision.
- (m) Public Project. "Public Project" shall have the meaning as set forth in the California Public Contract Code Division 2, Part 3, Chapter 1, Article 4, Section 20161 and Division 2 Part 3, Chapter 2, Article 1, Section 22002, or as hereinafter amended.
- (n) Purchase. "Purchase" shall include the renting, leasing, purchasing, licensing, or a trade of equipment or supplies.
- (o) Purchasing Agent. The "Purchasing Agent," for the purposes of this Division, shall be the Finance Director or his/her designee and is responsible for managing the decentralized purchasing program.
- (p) Purchasing Officer. The "Purchasing Officer," for the purposes of this Division, shall be the City Manager or his/her designated representative. The Purchasing Agent, as defined above, shall be presumed to be the designated representative of the Purchasing Officer unless otherwise

directed by the Purchasing Officer in writing.

- (q) Responsible bidder. "Responsible bidder" means a bidder determined by the awarding department:
- (1) To have the ability, capacity, experience and skill to provide the goods, services, professional services, and/or construction projects in accordance with bid specifications, and if applicable;
  - (2) To have the ability to provide the goods, services, professional services, and/or construction projects promptly, or within the time specified, and if applicable;
  - (3) To have equipment, facilities and resources of such capacity and location to enable the bidder to provide the required goods, services, professional services, and/or construction projects, and if applicable;
  - (4) To be able to provide future maintenance, repair, parts and service for the use of the goods and/or construction projects purchased, and if applicable;
  - (5) To have a record of satisfactory performance under prior contracts with the city or other purchasers where such bidder has previously been awarded such contract.
- (r) Responsive Bidder. "Responsive bidder" means one that is in substantial conformance with all requirements of the invitation to bid, including specifications and the city's contractual terms and conditions. Bidders who substitute terms and conditions or who qualify their bids in such a manner as to nullify their liability may be considered nonresponsive bidders. This may also include provision of insurance requirements, bonds, completion of all forms, inclusion of references and additional information as requested in bid documents.
- (s) Special Equipment/Supplies. "Special Equipment/Supplies" shall mean unique supplies, machinery, computers, or other equipment which are not generally and regularly ordered in bulk by the City and which must perform complex tasks, or integrate efficiently with existing equipment or supplies.
- (t) Supplies. "Supplies" shall mean office supplies, janitorial supplies, materials, goods, tools, or other commodities used in the general conduct of the City's business, excepting supplies or materials for a public work which is regulated under the California Public Contract Code Sections 20160, et seq.

- (u) Uniform Construction Cost Accounting Procedures. "Uniform Construction Cost Accounting Procedures" shall mean those procedures and rules established by the State Uniform Construction Cost Accounting Commission pursuant to Section 22010, et seq. of the California Public Contract Code or as amended.
- (v) Urgency. Urgency shall exist when the service, repair, or replacements are immediately necessary to permit the continued performance of the operations or services of the City, or to avoid the immediate danger to life, health, or property.

**Sec. 2-773. Purchasing Agent: Powers and duties.**

The duties of the Purchasing Agent may be combined with those duties of any other officer or position in the City. The Purchasing Agent shall have the authority to:

- (a) Purchase or contract for needed City supplies, general services, equipment, and special equipment/supplies which are not included within a construction contract or proposed specifications for a construction contract of a public work being administered by any other City department;
- (b) Investigate, keep knowledgeable about, negotiate, and recommend on the execution of contracts or the purchasing of supplies, general services, and equipment pursuant to the procedures of this Division, and such administrative rules and regulations as prescribed by the City Manager;
- (c) Keep informed of current developments concerning purchasing, prices, market conditions, and new products;
- (d) Prescribe and maintain such forms as necessary for the proper operation of this purchasing system;
- (e) Supervise the inspection of all supplies, general services, and equipment purchased under this Division to assure conformance with City specifications;
- (f) Supervise the transfer of surplus and unused supplies and equipment for sale or disposal of such;
- (g) Maintain up-to-date bidder's list, vendors' catalogs, files, and such other records as needed to perform these duties;
- (h) Ensure that purchasing specifications are written to encourage full competition;

- (i) Perform such other tasks as may be necessary for the proper conduct of purchasing of supplies, services, construction services, and equipment.

**Sec. 2-774. City Council authorizes City Manager to implement administrative regulations.**

City Council authorizes City Manager to establish and maintain written administrative regulations and standards consistent with this Division, which incorporate and implement the City's purchasing and contracting procedures, including an implementation of the purpose, goals and requirements of this ordinance.

**Sec. 2-775. Purchase orders.**

- (a) Except for departmental purchases as authorized in Sec. 2-800(a), the purchase of equipment and supplies shall include the execution of a purchase order and no such purchase order shall be issued without the prior written approval of the Purchasing Agent or designated representative. The City shall issue a purchase order 1) to each vendor who agrees to provide equipment, goods, supplies and materials to the City, and 2) to accompany every contract for the performance of services and Public Projects unless otherwise authorized by the City Manager or the rules and regulations adopted by the City pursuant to this Division. Except as otherwise provided herein, no contract shall be deemed to be an authorization to proceed with work unless accompanied by a properly authorized and executed purchase order nor shall any vendor or contracting party be authorized to perform any service, perform any Public Project, or provide any supplies or equipment without first receiving a properly authorized and executed purchase order issued by the Purchasing Agent upon verification of sufficient unencumbered appropriation balance.
- (b) The purpose of a purchase order is to ensure compliance with this Division.

**Sec. 2-776. Encumbrance of funds.**

Except in cases of urgency as described in Sections 2-804, 2-828, and 2-850, the Purchasing Agent shall not issue any Purchase Order, for purchase of supplies, services or equipment unless there exists an unencumbered appropriation in the fund account against which such purchase is to be charged or City Council has authorized said purchase.

**Sec. 2-777. Solicitation exceptions.**

- (a) The competitive bid and RFP processes are not applicable to certain purchases. The following are exempt from bid processes Subdivision II and

Subdivision IV herein.

- (1) Department purchases, as defined in Section 2-800(a);
- (2) Travel/expense advances;
- (3) Subscriptions;
- (4) Trade circulars or books;
- (5) Insurance premiums;
- (6) Insurance claims;
- (7) Reimbursement of expenses;
- (8) Petty cash reimbursement;
- (9) Medical payments;
- (10) Newspaper advertisements and notices;
- (11) Dues to approved organizations;
- (12) Payments to other government units;
- (13) Utility service payments, utility connection and/or installation charges;
- (14) Attorney services;
- (15) Postage, courier/delivery messenger services;
- (16) Land;
- (17) Buildings;
- (18) Debt services;
- (19) Grants;
- (20) Claim settlements;
- (21) Collection agreements referenced under Section 70-11 of Article II of Chapter 70 of the San Fernando Municipal Code.

**Sec. 2-778. Contracts.**

- (a) All written contracts shall be approved by City Attorney as to form. Contracts shall be prepared for professional, management, general or special services, and construction for Two Thousand Five Hundred and no/100ths (\$2,500.00) Dollars and over. Contracts for an amount of Twenty-five Thousand and no/100ths (\$25,000.00) Dollars and less shall be approved/awarded by the City Manager, following any required selection process outlined in Subdivisions III and IV of this Division. Contracts with a dollar amount exceeding Twenty-five Thousand and no/100ths (\$25,000.00) Dollars shall be approved/awarded by City Council following a selection process outlined in Subdivisions III and IV of this Division.
- (b) The City Manager is authorized to issue Contract Amendments as follows:
  - (1) If the contract was originally executed for an amount of Twenty-five Thousand and no/100ths (\$25,000.00) Dollars or less, the City Manager shall have the authority to issue Contract Amendments, provided that the sum of all amendments, plus original contract

amount, shall not exceed Twenty-five Thousand and no/100ths (\$25,000.00) Dollars. If the amended contract will exceed Twenty-five Thousand and no/100ths (\$25,000.00) Dollars, City Council shall approve the contract amendment.

- (2) For a contract originally executed for an amount in excess of Twenty-five Thousand and no/100ths (\$25,000.00) Dollars and originally approved by City Council, the City Manager shall have authority to issue contract amendments, provided that the sum of all contract amendments for any single contract shall not exceed the limit approved by City Council. If the amended contract will exceed the limit previously approved by City Council, the contract amendment must be approved by City Council.
- (c) Master Professional Services Contracts. For those Professional Services as defined in Government Code Section 4526 (and as otherwise amended), master multi-year contracts with several consultants with a general scope of work may be set up for a total not-to-exceed dollar amount as approved by City Council.
  - (1) A formal Request for Qualification process shall be used in accordance with City Code Section 2-840(d) and awarded based on qualifications.
  - (2) Task Orders shall be issued pursuant to the Master Contract with a specific scope of work and the City Manager shall have authority to execute such Task Order for individual projects up to the City Council approved budget appropriation.
- (d) Master General Services Contract.
  - (1) A Bid or a Request for Proposal/ Qualification process may be used to procure General Services and may be awarded based on qualifications plus reasonableness of cost.
- (e) Public Works Contracts shall be established for work in an amount of Two Thousand Five Hundred and no/100ths (\$2,500.00) Dollars and over. City Manager may award and execute contracts for individual projects in an amount of Twenty-five Thousand and no/100ths (\$25,000.00) Dollars or less. Individual projects in an amount exceeding Twenty-five Thousand and no/100ths (\$25,000.00) Dollars shall be approved by City Council.
- (f) Change Orders. A Change Order shall be used to modify the contract documents regarding contract price, schedule of payments, completion date, plans and specifications, expanding scope of work due to change in conditions, and for unit price overruns and under runs, as specified in the Contract. Work description and justification should relate to the original



project and should be necessary to achieve original scope of project. After a determination that costs is merited by developments in a specific project, the City Manager is authorized to issue Change Orders up to the contract contingency amount approved by the City Council for the individual contract as follows:

- (1) Contracts in the amount Twenty-five Thousand and no/100ths (\$25,000.00) Dollars or less:
    - (i) City Manager may approve Change Orders until the contract reaches Twenty-five Thousand and no/100ths (\$25,000.00) Dollars.
    - (ii) Once the original contract plus all accumulated Change Orders is in an amount that is equal to Twenty-five and no/100ths (\$25,000.00) Dollars, subsequent Change Orders must be approved by City Council prior to commencing the work.
  - (2) Contracts in an amount exceeding Twenty-five Thousand and no/100ths (\$25,000.00) Dollars.
    - (i) City Manager may approve cumulative Project Change Orders up to the contingency established and approved by City Council for each individual contract.
    - (ii) Any single Change Order exceeding Twenty-five Thousand and no/100ths (\$25,000.00) Dollars must be approved by City Council prior to commencing with the work. In urgency situations where stopping the work will result in severe repair or replacement delays and subject the City to excessive additional costs due to the delay in the project, City Manager may approve such Change Order and shall give notice to City Council at the next City Council meeting.
- (g) Master Maintenance Service Contracts.
- (1) Request for Qualification process shall be used to establish Master Contracts. The purpose which is to award discrete small projects which in no event exceed Twenty-five Thousand and no/100ths (\$25,000.00) Dollars per task order.
  - (2) Master Single or Multi-year Contracts may be set up with several vendors, and will include a general scope of work and will establish an annual not-to-exceed dollar amount as approved by City Council.
  - (3) Task Orders shall be issued pursuant to the Master Contract with a specific scope of work and the City Manager shall have authority to

execute such Task Order for individual projects for an amount of Twenty-five Thousand and no/100ths (\$25,000.00) Dollars or less.

- (h) Multi-year Professional, Management, General or Special Services, and Construction Contracts.
  - (1) The City Manager may approve multi-year contracts for professional, management, general or special services, and construction contracts; provided, the annual value of the multi-year contract is Twenty-five Thousand and no/100ths (\$25,000.00) Dollars per year or less.
  - (2) Multi-year contracts exceeding Twenty-five Thousand and no/100ths (\$25,000.00) Dollars per year shall require the approval of the City Council.
  - (3) In the event the same supplier, contractor or consultant has been utilized for a period of five (5) years, the City shall not renew or extend the professional, management, general or special services contract without following the formal or informal bidding procedures as set forth in Section 2-800, unless otherwise approved by City Council ~~shall apply.~~

Sec. 2-779 – 2-799. [Reserved – No Text]

## **SUBDIVISION II. SUPPLIES, GENERAL SERVICES AND EQUIPMENT**

### **Sec. 2-800. Bidding procedures.**

Except as authorized in Section 2-777(a), 2-801, 2-802, or in the case of urgencies as described in Section 2-804, the purchase of supplies, equipment and special equipment/supplies, not included in the construction contract or bid specification for a public works project, shall be made as follows:

- (a) Department Purchases. A department may purchase specified and limited supplies, and equipment, special equipment/supplies independently of the Purchasing Agent of a value less than Two Thousand Five Hundred and no/100ths (\$2,500.00) Dollars, provided such department keeps a record of such purchases and exercises reasonable prudence in seeking price quotes when purchasing such items. All such purchases shall be made with funds in an unencumbered appropriation.
- (b) Direct Purchase Order. The purchase of supplies, equipment, or special equipment/supplies with the estimated value of Two Thousand Five Hundred and no/100ths (\$2,500.00) Dollars but not more than Twenty-five Thousand and no/100ths (\$25,000.00) Dollars shall be made by a written bidding procedure as follows:

- (1) The responsible department shall prepare a written product specification describing the minimum requirements of the purchase.
- (2) The department shall obtain at least three written responses to the informal request for bid. This requirement may be waived for good cause in writing by the Department Head and Purchasing Agent in consultation with one another.
- (3) Written responses may be made by mail, fax, or e-mail directly to the department representative requesting the item. Further negotiation with a vendor to negotiate a lower price based on the bid responses received from other vendors is prohibited. A written record and tabulation shall be made at that time the bid response is received and opened. All written responses must be retained by the department for three years.
- (4) Bid evaluation procedures. All bids shall be analyzed by the department for compliance with bid specifications, and the department shall prepare an analysis of the bid process.
  - (i) Award will go to the lowest responsive/responsible bidder.
  - (ii) When two or more bids are the same, in unit, quality, service and total cost, preference shall be given to the local vendor, as defined.
  - (iii) If a local vendor, as provided in Section 2-805 submits a bid, if the bid is within five percent (5%) of the lowest responsible and responsive bidder's bid, and if the local vendor is a responsible bidder and responsive bidder, the local vendor shall be given the opportunity to match the bid of the lowest responsible and responsive bidder. Local vendor preference is based on Public Contracts Code 6107 and does not apply to Public Works Projects as defined by the Public Contracts Code Section 22002 or Federal Grant funded purchases.
  - (iv) If the Department Head determines that all the bids received are unacceptably high, or specifications were unclear, the department may reject any bids received and the item may be rebid.
- (5) No bids received. In the event no bids are received, the Department Head requesting the purchase shall have the option of any of the following:
  - (i) Abandon the purchase;

- (ii) Rebid the purchase; or
  - (iii) Request Purchasing Agent approval to obtain the item, supply, service, or equipment on a direct negotiated contract.
- (6) The department shall prepare a written recommendation to the Purchasing Officer for award or rejection of bids.
- (7) Award. The Purchasing Officer shall reject all bids or award the purchase contract to the lowest responsive and responsible bidder whose bid or proposal fulfills the purpose intended according to criteria designated in the bid and the contract award amount is within the unencumbered appropriation for that item. Purchasing Officer may waive any minor bid irregularities and shall award informal bids up to Twenty-five Thousand and no/100ths (\$25,000.00) Dollars.
- (c) Formal Bid Procedures. For supplies, equipment, or special equipment/supplies with an estimated value in an amount exceeding Twenty-five Thousand and no/100ths (\$25,000.00) Dollars purchases shall be made in accordance with the following formal written procedures:
  - (1) Published Notices. A notice inviting bids shall be published at least ten (10) calendar days before the date of the opening of bids. The notice shall be published at least once in a newspaper of general circulation printed and published in the City, and in appropriate trade publications, if any, circulated within the general area and posted on the City's Purchasing website. Such other notice as the Purchasing Agent deems appropriate shall be made.
    - (i) Notices inviting bids. Notices inviting bids shall include a general description of the goods, articles, services, or equipment to be purchased or required, state where bid blanks and specifications may be secured, describe any performance or bid security required, and the time and place for the opening of bids;
    - (ii) Bidder's List. The Purchasing Agent shall maintain a list of responsible bidders for various categories of supplies or equipment. A notice of the solicitation for a bid shall be sent to all responsible prospective contractors or suppliers whose names are on the bidder's list for the category or equipment, supplies or general services subject to the bid request or posted on the City's Purchasing website and distributed through mass e-mail notifications; and
    - (iii) Bulletin Board. The bid invitation shall be posted on a public

bulletin board in City Hall.

- (2) Bidder's Security/Failure to Sign Contract. If the City requires a bidder's bond or other form of security, the bidder's security shall be prescribed in the notice inviting bids in an amount equal to the lesser of the following: (i) ten (10%) percent of the amount bid or (ii) such lesser percentage of the amount of the bid as may be required under the California Public Contract Code or other applicable law. Bidder's security shall be either a cash deposit with the City, a cashier's or certified check payable to the City, or a bidder's bond. Unsuccessful bidders shall be entitled to the return of bid security within sixty (60) days of the date of the award. However, the lowest responsive and responsible bidder shall forfeit all or part of his/her bid security, as may be determined by the City Council, upon the bidder's refusal or failure to execute the contract within ten (10) days after the date of the award of the contract. On the refusal or failure of the lowest responsive and responsible bidder to execute the contract, the City Council may award the contract to the next lowest responsive and responsible bidder.
- (3) Bid Opening Procedure. Sealed bids shall be submitted to the Office of the City Clerk and shall be identified as to bidder, project, and "Bid" on the envelope. Bids shall be opened by City staff in public at the time and place stated in the notice inviting bids. A written record and tabulation shall be made at the time of all bids received.
- (4) Bid Evaluation Procedures. All bids shall be analyzed by the Purchasing Agent and department for compliance with bid specifications. The department shall prepare a recommendation for award or rejection to the City Council.
  - (i) If a local vendor, as provided in Section 2-805 submits a bid, if the bid is within five percent (5%) of the lowest responsive and responsible bidder's bid, and if the local vendor is a responsible bidder and responsive bidder, the local vendor shall be given the opportunity to match the bid of the lowest responsive and responsible bidder. Local vendor preference is based on Public Contracts Code 6107 and does not apply to Public Works Projects as defined by the Public Contracts Code Section 22002 or Federal Grant funded purchases.
- (5) Rejection of Bids. If the City Council determines that bids are excessively high or that specifications were unclear, or if no bids are received, the City Council may reject all bids presented and use whatever method it deems appropriate, such as rebid, abandon acquisition, or negotiate a contract to complete the purchase.

- (6) Award of Contracts. Contracts shall be awarded by the City Council to the lowest responsive and responsible bidder whose bid fulfills the purpose intended according to the criteria designated in the solicitation, and provided the award amount is within the unencumbered appropriation for that item. The City Council may waive any minor bid irregularities.
- (7) Tie Bids. If two (2) or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay of re-advertising for bids, the City Council may accept either bid or accept the lowest bid made by negotiation with the tied bidders.
- (8) Performance Bonds. The City may require a performance bond in such amount as it shall find reasonably necessary to protect the public interest. If the City requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids.

**Sec. 2-801. Special equipment/supplies; sole source purchases.**

- (a) Special Equipment/Supplies. In purchasing any special equipment or supplies needed to be compatible with existing equipment, or to perform complex or unique functions, the Purchasing Agent and Department Head in consultation with one another may:
  - (1) Limit bidding to a specific product type, or a brand name product; or
  - (2) Utilize a request for proposal approach where warranties, service and/or maintenance obligations, and product performance will be evaluated in addition to the price of the product. The award of the contract should be to the proposer staff deems is in the best public interest.
- (b) Sole Source Purchases. Unique commodities or services that can be obtained from only one vendor, or one distributor authorized to sell in this area, with singular characteristics or performance capabilities or which have specific compatibility components with existing City products are exempt from the competitive bidding requirements in Section 2-800 and are deemed sole source purchases. Sole source purchases may include proprietary items sold direct from the manufacturer.
  - (1) All sole source purchases shall be supported by written documentation indicating the facts and nature supporting the determination of a sole source, signed by the Department Head and forwarded to the Purchasing Agent. The Purchasing Officer shall approve sole source acquisitions in an amount of Twenty-five Thousand and no/100ths (\$25,000.00) Dollars or less.

- (2) Approval of any sole source acquisition shall be obtained from City Council for an award of a contract for an amount exceeding Twenty-five Thousand and no/100ths (\$25,000.00) Dollars.

**Sec. 2-802. Cooperative, piggyback, and multiple awarded bid purchasing with other agencies.**

Approval and award of cooperative, "piggy-back" or multiple awarded purchases shall be obtained from the Purchasing Officer for an amount of Twenty-five Thousand and no/100ths (\$25,000.00) Dollars or less and by the City Council for purchases in an amount exceeding Twenty-five Thousand and no/100ths (\$25,000.00) Dollars.

- (a) Cooperative Purchasing. The bidding requirements of Section 2-800 shall not apply to the purchasing of any equipment or supplies which the Purchasing Agent determines to be in the best interest of the City to obtain through a cooperative competitive bidding procedure being prepared by and processed through another local, state, or federal governmental agency.
- (b) Piggyback. If the Purchasing Agent determines it to be in the best interest of the City, the Purchasing Agent is authorized to "piggyback" onto or join into an existing written purchase contract obtained through a competitive bidding process prepared by and awarded by another local, state or federal government agency.
- (c) Multiple Awarded Bids. Multiple awarded bids are generally conducted by larger government agencies. A competitive bidding process is conducted for a specified product. Several vendors whose product meets the specification are awarded the contract. Maximum item price and contract terms are established. If the Purchasing Agent determines it to be in the City's best interest, the Purchasing Agent is authorized to use federal, state, or other governmental agency multiple awarded contracts. Staff must obtain quotes from at least three vendors on the awarded contract list and award the bid to the lowest responsive and responsible bidder.

**Sec. 2-803. Recycled supply products specification.**

If in procuring supplies, a recycled product can achieve the necessary City performance standard, and if such recycled product is readily available, specifications should, if economically feasible, require products made with recycled materials be bid. If the Department Head determines that (1) a recycled product lacks performance capabilities or needed quality levels, or (2) a sufficient amount of said recycled or reusable product is not currently available in the market, then a reduced percentage can be required, or the supply specification

can be limited to non-recycled or virgin materials. When recycled products are required, reasonable efforts shall be made to label the products as containing recycled materials. As used in this section, recycled products does not mean used products, but is limited to new products made with materials which have been recycled.

#### **Sec. 2-804. Urgencies.**

The bidding procedures of Section 2-800 or solicitation procedures in Section 2-840 may be dispensed with in the case of urgency. An urgency shall exist when the service, repair, or replacements are immediately necessary to permit the continued performance of essential operations or services of the City, or result in excessive costs if not immediately remedied, or to avoid the immediate danger to life, health, or property. The City Council delegates authority to the City Manager to declare a public urgency. If the purchase is Twenty-five Thousand and no/100ths (\$25,000.00) Dollars and over, the City Manager shall give notice of the purchase process to the City Council.

#### **Sec. 2-805. Local preference.**

To promote economic development and maintain a healthy economic base in the City of San Fernando, as well as encourage businesses to move into the City's jurisdiction, the City supports employment and local business opportunities which in turn promote the City's economic growth. As such, the City has determined it is in its best interest to provide a preference to local businesses.

- (a) Local Preference in Purchasing. In the bidding of, or contracting for procurement of supplies, materials, and equipment as provided in these sections, the Purchasing Officer may give a preference to responsive, responsible, local businesses located in the City of San Fernando. If the local vendor's bid is within five percent (5%) of the lowest responsible and responsive bidder's bid and if the local vendor is a responsible bidder and responsive bidder, the local vendor shall be given the opportunity to match the bid of the lowest responsible and responsive bidder. The granting of this local preference shall be approved or not based on a determination by the Purchasing Officer that quantity and quality of the local product is equal to that of the next lowest bidder. In order for a local business to be eligible to claim the preference, the business must provide a copy of its current business tax certificate issued by the City. This local preference is not applicable to:

- (1) Bids for public projects as defined by Public Contracts Code Sections 20161 and 22002;
- (2) Bids funded by grants which prohibit its use; and



- (3) Contracts for professional, management, general, and special services.

**Sec. 2-806. Staging of purchases prohibited.**

Purchases and Public Works contracts shall not be knowingly staged or separated into smaller units or segments solely for the purpose of evading the competitive formal or informal bidding requirements of this Division.

**Sec. 2-807. Inspection and tests.**

The Purchasing Agent or department requesting the item shall inspect all deliveries of supplies and equipment to assure conformance with the contract or order specifications. The Purchasing Agent, at his/her discretion, may require chemical and physical tests of samples or supplies and equipment as he/she deems necessary to determine the quality in conformance with those specifications.

**Sec. 2-808. General services.**

- (a) General services as defined in Subdivision I, Section 2-772(e) shall be procured either through the bid process outlined in Subdivision II, Section 2-800 with the emphasis on awarding to the "lowest responsive responsible bidder" or through the Request for Proposal process outlined in Subdivision IV, Section 2-840 with emphasis on factors other than price.
- (b) Factors to Consider. If it is determined by the department in consultation with the Purchasing Agent that all vendors providing a service classification can equally provide the service satisfactorily, a bid process would be appropriate. However, if factors other than price need to be considered in awarding the contract, the Request for Proposal (RFP) process may be used. Examples of areas other than price that may be important in awarding the contract include: experience level, competence, resources/equipment, staffing levels, services available/time factors, and other qualifications determined by each City department responsible for recommending the service contract that may be important to consider.
- (c) Master General Services Single or Multi-year Contracts may be awarded to multiple service providers following a formal Request for Proposal/Qualification process using the procedures set forth in Section 2-840. Award of master contracts and negotiating task orders should follow the procedure set out in Section 2-778.

Sec. 2-809 – 2-820. [Reserved – No Text]

### **SUBDIVISION III. PUBLIC WORKS PROJECTS.**

#### **Sec. 2-821. Uniform construction cost accounting procedures.**

The City Council has elected to become subject to the Uniform Construction Cost Accounting Procedures as established by the California Uniform Construction Cost Accounting Commission.

#### **Sec. 2-822. Bidding procedures for various project amounts.**

- (a) A public project of Thirty Thousand and no/100ths (\$30,000.00) Dollars or less may be performed by City employees by force account, by negotiated contract, or by Purchase Order, provided such action is first authorized by the Purchasing Officer or the Purchasing Agent.
- (b) A public project of an estimated amount exceeding Thirty Thousand and no/100ths (\$30,000.00) Dollars but not more than One Hundred Twenty-five Thousand and no/100ths (\$125,000.00) Dollars may be let to contract by informal bid procedures as set forth in this subdivision.
- (c) A public project in an amount exceeding One Hundred Twenty-five Thousand and no/100ths (\$125,000.00) Dollars shall, except as otherwise provided in this subdivision, be let to contract by formal bidding procedures. The described project cost limits of (a) through (c) in this section shall be increased automatically as authorized pursuant to the adjustments made by the California Uniform Construction Cost Accounting Commission under Section 22020 of the Public Contract Code.

#### **Sec. 2-823. Adoption of plans.**

The City Council shall approve and adopt the plans, specifications, and working details, as well as authorize the bid request for all Public Works projects for an amount exceeding One Hundred Twenty-five Thousand and no/100ths (\$125,000.00) Dollars. The City Engineer is delegated authority to approve and adopt the plans, specifications, and working details for all Public Works projects less than One Hundred Twenty-five Thousand and no/100ths (\$125,000.00) Dollars.

#### **Sec. 2-824. Negotiate contract or purchase order procedures.**

For those projects qualifying under subsection (a) of Section 2-822, the project manager shall obtain a cost estimate from the project engineer or architect prior to issuing a Purchase Order or negotiating a contract with a responsible contractor. For any City force account work, the project manager shall first comply with the

guidelines established by the California Uniform Construction Cost Accounting Commission in determining the cost of the public project. The City Manager shall have the authority to award and to execute any contract for the public project qualifying under subsection (a) and (b) of Section 2-822.

**Sec. 2-825. Informal bidding procedures.**

For those projects which qualify under Section 2-822(b) for informal bidding, the following procedures shall be used:

- (a) Bidder List. The City shall maintain a list of qualified contractors, identified according to categories of work. Minimum criteria for development and maintenance of the contractors' list shall be consistent with the California Uniform Construction Cost Accounting rules.
- (b) Notice. Unless the product or service is proprietary, all contractors on the City's list for the category of work being bid shall be mailed a notice inviting informal bids, or an announcement/ advertisement shall be placed in all construction trade journals specified in this section, or both such mailing and advertising. The trade journals shall be those identified by the California Uniform Construction Cost Accounting Commission as appropriate for this area. In addition, notice shall be posted on the City's Purchasing website.
- (c) Bidder's Security/Failure to Sign Contract. Bidder's security shall be prescribed in the notice inviting bids in an amount equal to ten (10%) percent of the amount bid. Bidder's security shall be either a cash deposit with the City, a cashier's or certified check payable to the City, or a bidder's bond. Unsuccessful bidders shall be entitled to the return of bid security within sixty (60) days of the date of the award. However, the lowest responsive and responsible bidder shall forfeit all or part of his/her bid security, as may be determined by the City Council, upon the bidder's refusal or failure to execute the contract within ten (10) days after the date of the award of the contract. On the refusal or failure of the lowest responsive and responsible bidder to execute the contract, the City Council may award the contract to the next lowest responsive and responsible bidder.
- (d) Minimum Time Period. All mailing of notices to contractors and announcements/ advertisements published in the construction trade journals pursuant to subdivision (b) shall be completed not less than ten (10) calendar days before bids are due.
- (e) Notice Contents. The notice inviting informal bids shall describe the project in general terms, how to obtain more detailed information about the project, and state the time and place for the submission of bids.

- (f) Performance/Labor/Materials Bonds. A labor and materials bond, plus a performance bond shall be required, from a surety company licensed to do business in California and acceptable to the City, in amounts equivalent to the total contract amount.
- (g) Bid Opening Procedure. Sealed bids shall be submitted to the Office of the City Clerk and shall be identified as to bidder, project, and "Bid" on the envelope. Bids shall be opened by the City Clerk's staff in public at the time and place stated in the notice inviting bids. At that time, a written record and tabulation shall be made of all bids received, and shall be open for public inspection during regular business hours for a period of one year after the bid opening. The project manager shall make an analysis of the bids for compliance with bid specifications, and thereafter, make a recommendation for award or rejection.
- (h) Award. The City Manager shall award the contract or reject the bids. The Purchasing Officer may waive minor bid irregularities.
- (i) Change Orders. A Change Order shall be used to modify the contract documents regarding contract price, schedule of payments, completion date, plans and specifications, and for unit price overruns and under runs, as specified in the Contract. Work description and justification must relate to the original project and must be work necessary to achieve original scope of project. After a determination that costs are merited by developments in a specific project, the City Manager is authorized to issue Contract Amendments or Change Orders up to the contract contingency approved by the City Council as awarded for the individual contract as follows:
  - (1) City Manager may approve Project Change Orders until the contract reaches One Hundred Twenty-five and no/100ths (\$125,000.00) Dollars.
  - (2) Once the original contract plus all accumulated Change Orders are in an amount that is equal to One Hundred Twenty-five and no/100ths (\$125,000.00) Dollars, the contract and subsequent Change Orders must be approved by City Council prior to commencing with the work.
  - (3) Any single Change Order exceeding Fifty Thousand and no/100ths (\$50,000.00) Dollars must be approved by City Council prior to commencing with the work. In urgency situations, where stopping the work will result in severe repair or replacement delays and subject the City to excessive additional costs due to the delay in the project, City Manager may approve such Change Order and shall give notice to City Council at the next City Council meeting.
- (j) Bids in Excess of Statutory Amount. If all bids received are in excess of One

Hundred Twenty-five Thousand and no/100ths (\$125,000.00) Dollars, the City Council may, by passage of a resolution by a four-fifths (4/5) vote, award the contract up to One Hundred Thirty-seven Thousand Five Hundred and no/100ths (\$137,500.00) Dollars or less to the lowest responsive and responsible bidder without formal bidding if it determines the cost estimate of the City was reasonable.

#### **Sec. 2-826. Formal Bidding Procedures.**

For those projects requiring formal bidding under Section 2-822(c), the following procedures shall be used:

- (a) **Publication.** A notice shall be published, at least once, fourteen (14) calendar days before the date of opening the bids in a newspaper of general circulation printed and published in the jurisdiction of the City. The notice inviting formal bids shall also be mailed to all construction trade journals specified by the California Uniform Construction Cost Accounting Commission as appropriate for the area. The notice shall be mailed at least thirty (30) calendar days before the date of opening the bids. The notice inviting formal bids shall state the time and place for the receiving and opening of sealed bids and distinctly describe the project. In addition to notice required by this section, the City may give such other notice as it deems proper.
- (b) **Bidder's Security/Failure to Sign Contract.** Bidder's security shall be prescribed in the notice inviting bids in an amount equal to ten (10%) percent of the amount bid. Bidder's security shall be either a cash deposit with the City, a cashier's or certified check payable to the City, or a bidder's bond. Unsuccessful bidders shall be entitled to the return of bid security within sixty (60) days of the date of the award. However, the lowest responsive and responsible bidder shall forfeit all or part of his/her bid security, as may be determined by the City Council, upon the bidder's refusal or failure to execute the contract within ten (10) days after the date of the award of the contract. On the refusal or failure of the lowest responsive and responsible bidder to execute the contract, the City Council may award the contract to the next lowest responsive and responsible bidder. All bids must be signed by person authorized to bind company to bid terms.
- (c) **Bid opening Procedure.** Sealed bids shall be submitted to the Office of the City Clerk and shall be identified as to bidder, project, and "Bid" on the envelope. Bids shall be opened by the City Clerk's staff in public at the time and place stated in the notice inviting bids. A written record and tabulation shall be made at that time of all bids received, and shall be open for public inspection during regular business hours for a period of one year after the bid opening. The project manager shall make an analysis of the bids for

compliance with bid specifications and, thereafter, make a recommendation for award or rejection.

- (d) Award of Contracts/Minor Irregularities. Contracts shall be awarded by the City Council to the lowest responsive and responsible bidder whose bid fulfills the purpose intended, according to criteria designated in the solicitation, and provided the award amount is within the unencumbered appropriation for that item. The City Council may waive minor bid irregularities.
- (e) Change Orders. A "Change Order" shall be used to modify the contract documents regarding contract price, schedule of payments, completion date, plans and specifications, and for unit price overruns and under runs, as specified in the Contract. Work description and justification must relate to the original project and must be work necessary to achieve original scope of project. After a determination that costs are merited by developments in a specific project, the City Manager is authorized to issue Contract Amendments or Change Orders up to the contract contingency approved by the City Council as awarded for the individual contract as follows:
  - (1) City Manager may approve accumulative Project Change Orders up to the contingency established and approved by City Council for each individual contract.
  - (2) Any single Change Order exceeding Fifty Thousand and no/100ths (\$50,000.00) Dollars must be approved by City Council prior to commencing with the work. In urgency situations where stopping the work will result in severe repair or replacement delays and subject the City to excessive additional costs due to the delay in the project, City Manager may approve such Change Order and shall give notice to the City Council at the next City Council meeting.
- (f) Tie Bids. If two or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay or re-advertising for bids, the City Council may accept either bid.
- (g) Performance/Labor/materials Bonds. A labor and materials bond, plus a performance bond shall be required, from an acceptable surety, in such amounts and in such a form as the City finds reasonably necessary to protect the public interest.
- (h) No Bids, if no bids are received, the project may be performed by City employees by force account, or by informal bidding procedures without further complying with this subdivision.

**Sec. 2-827. Rejection of bids.**

- (a) In its discretion, the City Council may reject any bids presented. If after the first invitation for bids all bids are rejected, the City shall state the reasons for the rejection, and after reevaluating its cost estimates of the project, the City shall have the option of either of the following:
  - (1) Abandoning the project or re-advertising for bids in the manner described by this subdivision.
  - (2) By passage of a resolution by a four-fifths (4/5) vote of the City Council declaring that the project can be performed more economically by City employees, may have the project done by force account without further complying with this subdivision.

**Sec. 2-828. Emergencies; procedure.**

In cases of great emergency as determined by the City Council, including, but not limited to, states of emergency defined in Section 8558 of the Government Code, when repair or replacements are necessary to permit the continued conduct of the operation of services of the City, or to avoid danger to life or property, the City Council, by majority vote, may proceed at once to replace or repair any public facility without adopting plans, specification, or working details, or give notice for bids to let a contracts. The work may be done by City forces, by contract, or by a combination of the two (2). The City Council delegates to the City Manager, the authority to declare a public emergency subject to confirmation by the City Council by a four-fifths (4/5) vote, at its next meeting.

**Sec. 2-829. Staging of public works.**

Public Works contracts shall not be knowingly staged or separated into smaller units or segments solely for the purpose of evading the competitive bidding requirements of this Division.

**Sec. 2-830. Bid protests.**

Any interested party may file a protest regarding the procurement decisions authorized under this Division.

- (a) Notice of Decision. After a decision regarding a procurement having a value over Thirty Thousand and no/100ths (\$30,000.00) Dollars has been made, the Department Head or designee shall notify all persons who submitted a response to a City solicitation of intended award. If a bidder is rejected because the bid is found non-responsive or because the bidder is deemed not-responsible, the City will give written notice to said bidder of evidence

reflecting such decision.

- (b) Time to File Protest. All protests must be filed in writing and received by the Department Head within five (5) business days of the date on the notice of intended award.
- (c) Form of Protest. All protests shall be in writing, state the grounds for the protest, state the facts relevant to the protest, and all evidentiary support to rebut adverse evidence that it or another bidder was either non-responsive or not responsible. All protests have to be filed in accordance with the instructions contained in the solicitation which is the subject of the protest.
- (d) City Manager Review. The City Manager or designee shall review the protest and issue a written decision on the protest. The City Manager or designee may base the decision on the written protest alone or may informally gather evidence from the person(s) filing the protest or any other person having relevant information. For procurements having a value of One Hundred Twenty-five Thousand and no/100ths (\$125,000.00) Dollars or less, the City Manager's or designee's decision shall be final.
- (e) Hearing on Protest. If a bid was rejected on the grounds that the bidder was not a "responsible" bidder, the protesting party must submit materials set forth in subdivision (c) above for consideration. A hearing will be set within a reasonable time to provide a decision before final approval of the selected low bid. For procurements having a value of One Hundred Twenty-five Thousand and no/100ths (\$125,000.00) Dollars or less, the City Manager's or designee's decision shall be final.
- (f) Appeal of City Manager's Decision to City Council. For procurements having a value exceeding One Hundred Twenty-five Thousand and no/100ths (\$125,000.00) Dollars, an appeal of the City Manager's decision may be filed with the City Council. All such appeals must be in writing, and shall be filed with the City Clerk within five (5) business days from the date of the City Manager's decision.
- (g) Failure to Timely Appeal. An interested party who fails to file a protest within the times set forth in this section waives any right to protest the issue further. No appeal to either the City Manager or City Council of any decision to award a bid under this Division may occur once the contract has been awarded.

Sec. 2-831 – 2-839. [Reserved – No Text].

#### **SUBDIVISION IV. PROFESSIONAL, MANAGEMENT, GENERAL OR SPECIAL SERVICES.**



**Sec. 2-840. Award of professional, management, general or special services contracts based upon competence.**

Factors to Consider. In contracting for professional services listed in Government Code Section 4526, selection shall be based on demonstrated competence and on professional qualifications necessary for the satisfactory performance of the services and solicited through a Request for Qualification process. In contracting for professional services (other than those professions listed in Government Code Section 4526), management, general or special services contracts should only be awarded to firms or persons who have demonstrated "~~adequate~~high competence" meaning: ~~an adequate~~high level of experience, competence, training, credentials, character, integrity, reputation, financial responsibility, resources, equipment, staffing, and other professional qualifications necessary for more than a satisfactory performance of the services required in the time period needed and price. The cost of the service may be considered, however, the lowest cost may not be the sole factor in deciding which firm or who shall be awarded the contract. It may be in the City's best interest to award the contract to a higher priced contractor based on the scope of services, availability, unique skills, staffing levels, timing, prior experience, familiarity with the City and other factors required by the department. The information needed for determining that level of competence, other qualifications, and the procedure for selecting such services shall be determined by the City department responsible for recommending the service contract.

- (a) Request for Proposal/Qualifications. The acquiring of services shall be procured through negotiated contract following a Request for Proposal/Qualifications process. Contracting for services is decentralized and shall be the responsibility of the Department Head requesting the service. The Purchasing Agent may be contacted to assist in the formal Request for Proposal/Qualification (RFP/Q) process.
- (b) Contracts, not within (a) above, for an amount less than Two Thousand Five Hundred and no/100ths (\$2,500.00) Dollars. A Department Head may award contracts up to Two Thousand Five Hundred and no/100ths (\$2,500.00) Dollars with qualified consultants/firms.
- (c) Contracts for an amount exceeding Two Thousand Five Hundred and no/100ths (\$2,500.00) Dollars but not more than Twenty-five Thousand and no/100ths (\$25,000.00) Dollars. The requesting department shall meet the following requirement unless an urgency exists pursuant to Section 2-804 above:
  - (1) Selection Process. Prepare an informal written document and contact as many companies as necessary to receive a minimum of three (3) written responses from consultants/firms. This requirement may be

waived for good cause in writing by the Department Head and Purchasing Agent in consultation with one another.

- (2) Award. The Department Head shall prepare a written recommendation to the Purchasing Officer for the firm or person to be awarded the contract. The Purchasing Officer shall award the contract.
  - (3) Contract Document. A written contract must be established and the City Manager or designee must sign/approve any service contract in an amount exceeding Two Thousand Five Hundred and no/100ths (\$2,500.00) Dollars but not more than Twenty-five Thousand and no/100ths (\$25,000.00) Dollars.
- (d) Contracts for an amount exceeding Twenty-five Thousand and no/100ths (\$25,000.00) Dollars and over. Departments shall utilize a Sealed Request for Proposal process essentially meeting the following requirements unless an urgency exists pursuant in Section 2-804 above:
- (1) Request for Proposal/Qualification (RFP/Q) solicitation process. A formal Sealed Request for Proposal/Qualification (herein "RFP/Q") document shall be developed for solicitation of professional, management, or general and special services contracts for an amount exceeding Twenty-five Thousand and no/100ths (\$25,000.00) Dollars.
  - (2) Advertisement. The department shall advertise in appropriate publications and/or use the Professional Services Listings, as available, and post on the City's purchasing website, during the solicitation process.
  - (3) Ten (10) Day Notice. Notice inviting RFP/Q's shall be posted at City Hall at least ten (10) calendar days before the due date of submission of the RFP/Q.
  - (4) Notice Contents. The notice shall include a description of general type of service needed, how the RFP/Q minimum Scope of Work can be obtained, any pre-proposal conferences anticipated, the requirement of a written sealed proposal, state the closing date, and place and time for submission of the RFP/Q.
  - (5) Solicitation Procedure. Sealed Request for Proposals/Qualifications should be submitted to, the department. RFP/Q's need not be opened publicly. All proposals shall be analyzed by the department for compliance with RFP/Q requirements, value of the total scope of services. Follow-up interviews of the most qualified of those submitting a proposal should be held.

- (6) Award. Professional, Management, General, and Special Services contracts of an amount exceeding Twenty-five Thousand and no/100ths (\$25,000.00) Dollars shall be awarded by City Council.
- (7) Contract Amendments. The City Manager is authorized to issue Contract Amendments as set forth:
  - (i) If the contract was originally executed for an amount of Twenty-five Thousand and no/100ths (\$25,000.00) Dollars or less, the City Manager shall have the authority to issue Contract Amendments, provided that the sum of all amendments, plus original contract amount, shall not exceed Twenty-five Thousand and no/100ths (\$25,000.00) Dollars. If the amended contract will exceed Twenty-five Thousand and no/100ths (\$25,000.00) Dollars, the City Council shall make a finding that it is in the best interest of the City to waive the normal selection process and approve the amendment to the contract.
  - (ii) For a contract originally executed for an amount of Twenty-five Thousand and no/100ths (\$25,000.00) Dollars and over and originally approved by City Council, the City Manager shall have authority to issue contract amendments, provided that the sum of all contract amendments for any single contract shall not exceed the amount approved by City Council. If the amended contract will exceed the amount previously approved by City Council, the contract amendment must be approved by City Council.
- (8) Master Professional Services Contracts. For those professional services as defined in Government Code Section 4526, master single or multi-year contracts with several consultants with a general scope of work may be set up for a total not-to-exceed dollar amount as approved by City Council.
  - (i) A formal Request for Qualification process shall be used in accordance with Municipal Code Section 2-840(d) and awarded based on qualifications plus reasonableness of cost.
  - (ii) Task Orders shall be issued pursuant to the Master Contract with a specific scope of work and the City Manager shall have authority to execute such Task Order for individual projects for Twenty-five Thousand and no/100ths (\$25,000.00) Dollars or less.
  - (iii) Any Task Orders in an amount exceeding Twenty-five Thousand and no/100ths (\$25,000.00) Dollars will require City Council's approval pursuant to the terms of the Master Contract.

Sec. 2-841 – 2-849. [Reserved – No Text].

## **SUBDIVISION V. MISCELLANEOUS.**

### **Sec. 2-850. Waiving of purchasing procedures.**

In its discretion, the City Council may at any time, without amending this Division, waive the purchasing procedures or alter these proceedings to fit a specific purchase or contract, when such waiver is not in violation of state or federal law. A request for waiver should occur only when unforeseen circumstances arise that justify an exception to following the provisions of this Division and is in the best interest of the City.

### **Sec. 2-851. Ethics and Accountability.**

- (a) The Purchasing Officer, the Purchasing Agent and all departments of the City shall adhere to the procedures and policies set forth under this Division and any supplemental policies approved by resolution when procuring materials, supplies, equipment, vehicles and services. All purchases shall be limited to the approved budget or as otherwise authorized by City Council. Purchasing dollar limits specified in this Division are “per order” unless otherwise indicated.
- (b) Applicable competitive bidding categories, authorization limits or contract award procedures will be based on unit cost, total purchase cost for consolidated bid items, or fiscal year aggregates in the case of standing purchase orders or similar ongoing purchasing arrangements. Staging of purchases to avoid competitive bidding procedures or authorization limits is prohibited.
- (c) All personnel engaged in the Purchasing function shall exercise good judgment in the use and stewardship of City resources, and all Purchasing functions shall be conducted with absolute integrity and objectivity. Purchases are subject to public scrutiny; employees shall follow a strict rule of personal conduct that will not compromise the City in the conduct of its business. Any employee intentionally and/or repeatedly making purchases in a manner that circumvents, ignores or fails to comply with Purchasing policies will be subject to disciplinary action, in accordance with City Personnel procedures.
- (d) No employee, elected or appointed official of the City shall be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members (See: California Government Code Section 1090, et seq.) or violative of the conflict of interest provisions of the city and/or the Political Reform Act (See: California Government Code Section 87100, et seq.).

**Sec. 2-852. Disposal of Surplus Property.**

(a) The Purchasing Agent is authorized to exchange, trade-in, sell and dispose of surplus personal property of the City having salvage value in the open market, by public auction, by competitive sealed bids or by exchange or trade in for new goods. The sale or lease of surplus personal property to a governmental, public or quasi-public agency may be without advertisement for or receipt of bids. Employees are not eligible to receive or purchase surplus property, however, employees may receive personalized items, and receive or purchase at market value items considered to be memorial or commemorative in nature, subject to City Manager approval.

(1) "Personalized items" means any item issued to an employee for business purposes that has a fair market value of less than Five Hundred Dollars (\$500.00) and for which the employee has sole possession and use of the item. In order to be eligible to be deemed as surplus property, the item must be past its useful life and impractical to re-assign to another employee. Some typical examples of personalized items include cell phones, tablets, laptops, City-issued uniforms/clothing and firearms (for Police personnel). For purposes of this subsection, vehicles are not considered personalized items.

(1)(2) "Items considered to be memorial or commemorative in nature" means items that have a value of less than Five Hundred Dollars (\$500.00) and have nostalgic value to the employee or commemorate, acknowledge, or memorialize an accomplishment to which the employee had an association or some level of involvement. Memorial or commemorative items include, but are not limited to, street signs, artwork, awards, coins, medallions, badges, clothing, jewelry and plaques.

(b) Surplus personal property with no salvage value, as determined by the Purchasing Agent, shall be disposed of in a manner that salvages recyclable components, if practical.

**Sec. 2-853. Unclaimed, Seized or Abandoned Property**

(a) The Purchasing Agent authorized to sell or dispose of all goods in the possession or custody of the San Fernando Police Department which are unclaimed, seized and/or abandoned and may be legally disposed of by the City.

(b) With respect to unclaimed property referenced under Section 50-1 (Disposition of Unclaimed Property by police department) of Article I (In General) of Chapter 50 (Offense and Miscellaneous Provisions), the Purchasing Agent in coordination with the Chief of Police shall issue notice

of any sale of such unclaimed property at least five (5) days before the time fixed therefor by publication once in a newspaper of general circulation published in the County of Los Angeles. The notice shall contain a general description of the items to be sold and the time and place of the auction. Any unclaimed property which has not been sold or which is in a dilapidated or deteriorated condition may be summarily destroyed by the police department after the public auction sale.

**Sec. 2-854. Reporting.**

The Purchasing Agent shall provide regular reports to the City Council indicating surplus personal property disposed of, the method of disposal, and the amounts received from disposal, and shall maintain records for public inspection relative to the disposal of surplus personal property for a period of time in compliance with State law and the City's records retention schedule. Annual reports shall be provided to City Council accordingly.

**Sect. 2-855. Donations of Surplus Property.**

Upon approval in advance in writing by the Purchasing Agent, surplus personal property may be donated to governmental, public or quasi-public agencies, charitable or non-profit organizations on a first-come first-served basis to be utilized for non-profit purposes.

Sec. 2-856 – 2-865. [Reserved – No Text].

**ATTACHMENT "B"****PREFACE**

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A successful Purchasing manual provides users with quick answers to the questions they may have regarding a particular type of purchase. With that as the guiding principle, each chapter is written to provide the exact details of a particular type of purchase (i.e., a construction bid).

Certain chapters are written for the frequent user and are specific, succinct, and designed to answer questions quickly. Other chapters are written for the occasional user, and provide an in-depth explanation, as an example, of the Request for Proposal process from beginning to end (i.e., Chapter 6).

The Table of Contents is meant to be consulted each time a user needs to research a particular type of purchase to better help the user navigate the process. This document is intended to provide assistance to users by focusing on how to properly purchase supplies, services, and equipment while explaining the policies and procedures within legal regulations.

If you have any questions, contact Finance Department staff.

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## CHAPTER 1 – OVERVIEW

### **SECTION 1. Purpose and Policy Statement**

**A. Purpose:** The purpose of these policies and procedures is to provide the City of San Fernando a means of assuring continuity and uniformity in its purchasing practices, provide departments with guidelines to assist them so that they are operating purchasing practices within legal regulations, and to define responsibilities of the Finance Department and operating departments.

1. In its discretion, the City Council may at any time, without amending the City Code, waive the purchasing procedures or alter these proceedings to fit a specific purchase or contract, when such waiver is not in violation of state or federal law.
2. A request for waiver should occur only when unforeseen circumstances arise that justify an exception to following the provisions of the ordinance and is in the best interest of the City.

**B. Policy Statement:** The policies contained herein are promulgated under the authority of Chapter 2 (Administration), Article IV (Finance), Division 6 (Purchasing) of the San Fernando City Code (SFCC).

1. The Finance Department is charged with the responsibility and authority for coordinating and managing the procurement of the City's supplies, services, equipment, special equipment/supplies, and construction.
2. Policies outlined herein are to be adhered to by the Finance Department and operating departments when procuring supplies, professional services, management services, general services, equipment, special equipment/supplies, and construction.
3. The award of Professional Services is subject to regulations in California Government Code Sections 4525-4529 and outlined in Chapter 4 of this manual. The policies and administrative procedures governing contracting for professional, consulting, management, and general services are outlined in Chapter 6 of this manual and SFCC Sec.2-840.
4. The purchase of supplies, general services, equipment, and special equipment/supplies which are included within the specifications of a "public works" construction project are subject to the regulations contained in the Public Contract Code Section 22000 et seq., and the Uniform Public Construction Cost Accounting Act. Public works/construction procedures are outlined in Chapter 7 of this manual.

## **SECTION 2. Ethical Standards and Conflict of Interest**

**Overview:** Ethical Standards and Conflict of Interest Guidelines are established per the City of San Fernando City Code and the various Employee MOUs.

The City is extremely sensitive to what constitutes unethical purchasing behavior and what, while legal, constitutes the appearance of unethical behavior. Specific dollar limits have been established in regard to acceptance, by City staff, of gifts from vendors, disclosure of employee financial interest in companies doing business with the City, the employment of present and former employees, and the use of confidential information.

Conflicts of interest occur when a conflict exists between the public interest and the private monetary interest of the public official or employee. Conflicts of interest can also occur with regard to individuals who have left government employment. When former public officials are able to exert undue influence over the purchasing process because of their past personal connections inside government, the situation is called "the revolving door." The term also applies to situations in which contractors have some influence that would gain them a competitive advantage in purchasing.

**A. Ethical Standards** - In general, City employees shall not make any attempt to realize personal gain directly or indirectly through a purchase or service provided to the City, including the following:

1. The employee or any member of the employee's immediate family has a financial interest in the purchase or service.
2. A business or organization, in which the employee or any member of the employee's immediate family has a financial interest, is involved in the purchase or service.
3. Any other person, business or organization, with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment, is involved in the purchase or service.
4. No City employee operating a business outside of their current City employment shall do business or provide a service for the City through their outside employment.

### **B. Employee Conflict of Interest**

1. **Employee Disclosure Requirements.** The City Council (under guidelines established by the Political Reform Act) has identified specific City positions required to disclose financial interests.

2. **Kickbacks.** Kickbacks are “financial payments for receiving a contract.” Kickbacks are illegal.
3. **Restriction on Employment of Present or Former Employees.** Employees who participate in selection, review or approval or who have influence over selection or approval in the purchasing process should not become employees of a firm contracting with the City. An employee should not act as a principal or as an agent for a firm that does business with the City for six months after the termination with the City.
4. **Use of Confidential Information.** City staff are frequently made privy to confidential information in the course of their duties, and the prohibition against the misuse of confidential information is just as fundamental to ethical purchasing as it is to any other sphere of government. Employees and former employees should not knowingly use confidential information for actual or anticipated personal gain or for the gain of any other person.

### **SECTION 3. Responsibilities of Finance Department**

- A. The Finance Department is responsible for overseeing the procurement of supplies, general services, equipment, and special equipment (which are not included within a construction contract); review of construction, professional, and management service contracts; establishing and administering purchasing policies and procedures; and overseeing disposition of surplus City property. To perform these functions efficiently and assist operating departments, the Finance Department shall:
  1. Recommend the execution of contracts for the purchase of supplies, general services, special equipment, and services.
  2. Keep informed of the current developments concerning purchasing, prices, market conditions and new products and recommend revisions to purchasing procedures when necessary.
  3. Prescribe and maintain all forms and records necessary for the efficient operation of the purchasing system.
  4. Supervise and coordinate the process with operating departments for the inspection of all supplies, general services, special equipment, and services, to assure conformance with City specifications.
  5. Work with the Public Works Department in the transfer of surplus and unused supplies and equipment or sale/disposal of such.
  6. Assist operating departments with research and recommendations in developing specifications; review specifications for completeness of

information, and ensure that purchasing specifications are open and non-restrictive to encourage full competition.

7. Identify, evaluate, and utilize purchasing agreements that best meet the City's needs (i.e., cooperative purchases, blanket purchase orders, contractual agreements, etc.).
8. Perform such other tasks as may be necessary for the proper conduct of purchasing supplies, general services, and equipment.

**B. The Purchasing Agent** is the Finance Director, or his/her designated representative (SFCC Sec. 2-772 (o)). Reference to the Purchasing Agent refers to the Finance Director or his/her designee who is generally the Accountant. When there is reference to the Purchasing Officer, it refers to the City Manager. The Purchasing Officer duties generally are delegated to the Finance Director. When there is reference to the City Manager, it refers to the City Manager in his/her role as the Chief Executive Officer and his/her authority to approve and sign contracts. **The Purchasing Agent** shall:

1. Be charged with the responsibility and authority for coordinating and managing the procurement of the City's supplies, general services, equipment, and special equipment according to these policies.
2. Negotiate, purchase and contract for supplies, general services, equipment, and special equipment/services in accordance with the City of San Fernando City Code and the policies prescribed herein.
3. Purchase or contract for the City the needed general services, supplies, equipment, and special equipment/services from the lowest responsive and responsible bidder.
4. Ensure full and open competition on all purchases; if sole source, ensure proper documentation is on file signed by the requesting Department Director.
5. Ensure that there exists an unencumbered appropriation in the fund account against which any purchase is to be charged, except in cases of urgency as described in SFCC Sec. 2-804.
6. Make purchase award recommendations to the appropriate authority.
7. Review the purchase of services and construction for compliance with policies, procedures, laws, and communicates any policy deviations to the Finance Director, Department, and City Attorney.

#### **SECTION 4. Responsibilities of Operating Departments**

**A.** Operating departments are charged with the following responsibilities in the purchasing process:

1. Provide at the beginning of each fiscal year, an updated authorized signature list to the Finance Director designating those individuals who are delegated the authority to make purchases pursuant to the policies and procedures as described herein.
2. Departments may purchase a contract for specified and limited supplies, equipment, special equipment/supplies, and services independently of the Purchasing Officer of a value less than Two Thousand Five Hundred and no/100ths (\$2,500.00) dollars. Departments must keep a record of such purchases and exercise reasonable prudence in seeking price quotes when purchasing such items. All such purchases shall be made with funds in an unencumbered appropriation.
3. Communicate and coordinate all purchases (\$2,500 and over) with the Finance Department.
4. Anticipate requirements sufficiently in advance to allow adequate time to obtain goods in accordance with the best purchasing practices.
5. Ensure that there exists an unencumbered appropriation in the fund accounts against which any purchase is to be charged.
6. Inspect all supplies, general services, special equipment, and services purchased to assure conformance with City specifications.
7. Provide detailed, accurate specifications to ensure goods obtained are consistent with requirements and expectations.
8. Submit to the Purchasing Agent a requisition on the Purchasing Agent's approved form prior to initiating any procurement. Prepare requisition in accordance with instructions to minimize the processing effort.
9. Inform the Finance Department of any vendor relations problems, shipping problems (i.e., damaged goods, late delivery, wrong items delivered, incorrect quantity delivered, etc.) and any situations which should be brought to the attention of the Finance Department.
10. Minimize urgent and sole source purchases and provide written documentation signed by the Department Head when such purchases may be necessary.

11. Follow the bidding limits and guidelines as established by the City Code.
12. Review all bids received for compliance with specifications, provide written documentation regarding findings and prepare a recommendation to City Council for award of the bid.
13. Notify all bidding vendors of purchase award.

#### **SECTION 5. Unauthorized Purchases**

- A. A purchase order is required for all purchases of \$2,500 and over. An exception to this would be for urgencies as defined in the SFCC Sec. 2-804.
  1. Unauthorized purchases are void and not considered an obligation of the City.
  2. Invoices without an authorized purchase order may be returned to the department or vendor unpaid.
  3. Purchase orders shall be issued to a vendor when ordering supplies and services and not "after the fact" for work already done or materials already ordered.
  4. Exemptions from the purchase order process are established in the Purchasing Manual (Chapter 1, Section 7(A)(1)) as approved by the Purchasing Agent and the City Attorney.

#### **SECTION 6. Vendor Relations**

- A. It is to the City's advantage to maintain and promote good relations with suppliers of goods and services. Department staff shall conduct their dealings with vendors in a professional manner and shall promote equal opportunity and demonstrate fairness, integrity, and courtesy in all vendor relations.
- B. Operating departments may make direct contact with vendors for such purposes as obtaining price quotes (less than \$25,000), developing service contracts, utilizing RFP/Q's, obtaining technical information, obtaining cost estimates for budgeting or purchasing purposes, for preparing purchase requisitions and for placing orders for authorized purchases. The Finance Department will normally serve as an intermediary between operating departments and vendors when requested by the operating department and in conflict resolution situations.

## **SECTION 7. Methods of Purchasing and Allowable Exemptions**

**A. Purchase Order:** Purchases of supplies, general services, special equipment/supplies, general equipment, and construction contract or public work specification of \$2,500 and over shall be made by purchase orders issued by the Purchasing Agent. Appropriate documentation, demonstration of selection process, appropriate approval, scope of work, and contracts (including contract amendments, change orders, and task orders) are required as part of the purchase order. Under certain circumstances there are exemptions for obtaining purchase orders. Examples of exemptions are below.

**1. Exemptions from obtaining a purchase order include:**

- a. Utility usage payments (electric, gas, phone)
  - b. Payments to other Governmental Units
  - c. Claims/Legal settlement payments
  - d. Books
  - e. Membership dues
  - f. Debt service payments
  - g. Employee benefit payments
2. The Purchasing Agent shall not issue any purchase order, authorize the execution of any contract, or enter into any contract for purchasing of supplies, equipment, services or construction, unless there exists an unencumbered appropriation in the fund account against which such purchase is to be charged.
3. Operating departments shall verify the existence of an unencumbered appropriation prior to submitting purchase requisitions to the Finance Department.
4. Operating departments shall supply support documentation to the Finance Department when requesting a purchase order indicating purchase approval, selection process they followed, and a copy of the contract (including amendments, change orders, and task orders) for professional, management, special, consulting and general services.

**B. Purchase Order Changes:** A purchase order is a contract between the City and a vendor for equipment and supplies and is a supplemental confirmation of a contract for services. Any substantial change to a purchase order and/or its contract for services shall be documented on a change order (new requisition) initiated by the operating department. Change orders shall be reviewed by the Finance Department and shall be approved by the Purchasing Agent.



- C. Public Work Construction Projects Change Orders:** Please refer to the Public Work Construction Projects Change Order Section of this Manual (Chapter 7).

## **SECTION 8. Contracts**

- A.** Contracts shall be prepared for professional, management, general or special services, and construction services for \$2,500 and over (SFCC Sec. 2-778). All City contracts shall be prepared on the City contract template unless approved by City Attorney. Contract templates established by City Attorney's Office can be found on the E: drive. Contracts and amendments exceeding \$25,000 per year shall be prepared and submitted to City Clerk Department for final processing.

## **SECTION 9. Staging Purchases**

- A.** Purchases, contracts, and public works contracts shall not knowingly be staged or separated into smaller units or segments solely for the purpose of circumventing the competitive formal or informal bidding requirements of this chapter.

## **SECTION 10. Local Preference**

**Local Preference is for purchase of supplies, materials, and equipment.**

- A.** To promote economic development and maintain a healthy economic base in the City of San Fernando, as well as encourage businesses to move into the City's jurisdiction, the City supports employment and local business opportunities, which in turn promotes the City's economic growth. As such, the City has determined it is in its best interest to provide a preference to local businesses to the extent consistent with the law and interest of the public.
- B.** When bidding or procuring supplies, if a local vendor submits a bid within 5% of the lowest responsible and responsive bidder's bid, and the local vendor is a responsible and responsive bidder, the local vendor shall be given the opportunity to match the bid of the lowest responsive and responsible bidder.
- C.** The granting of this vendor's preference shall be based on a determination by the Purchasing Officer/Agent that quantity and quality of the local product is equal to that of the next lowest bidder.
- D.** In order for the local business to be eligible to claim the preference, the business must provide a copy of its current business tax certificate issued by the City.
- E.** This local vendor preference is expressly made **inapplicable to:**

1. Bids for public projects as defined by Public Contracts Code Sections 20161 and 22002.
2. Bids funded by grants, which prohibit its use.
3. Contracts for professional, management, and special services.

#### **SECTION 11. Receiving**

- A. All deliveries shall be made to the appropriate department. Receiving staff will verify the number of parcels received, noting any damages to cartons or boxes on the delivery receipt. If the goods can be readily examined, receiving staff should inspect goods to ensure vendor is delivering the correct goods to the City pursuant to agreement. The individual who initiated the purchase is responsible for verifying the receipt of individual items. Department staff shall initial and date the packing slip, attach the delivery receipt and forward to their accounting staff for processing a payment request. Any deficiency shall be noted on the packing slip and shall immediately be brought to the attention of the vendor.

## PURCHASING SUPPLIES & EQUIPMENT

### Equipment & Supplies \$2,500-\$25,000 Awarded by Purchasing Officer

Department staff to create written product specifications and response document.

Contact as many companies as is necessary to obtain at least three quotes.

Quality and service being equal, local preference vendor is given opportunity to match if within 5% of lowest bid.

Award of bid should go to the lowest responsive, responsible bidder.

Submit requisition with supporting documentation to Finance for purchase order.

Supporting documents include:

- Specifications
- Price quotes
- Executed contract if there is a service over \$2,500

Requires approved, unencumbered budget.

Purchasing Agent approves award, and purchase order is processed and issued.

Purchase order stating terms and conditions will be mailed to vendor.

### Equipment & Supplies Over \$25,000 (formal) Awarded by City Council

Department provide develops and prepares specification.

Requires approved, unencumbered budget.

Department representative communicates with Finance to discuss specification and bid time table.

Coordinate bid opening date and Notice Inviting Bids with City Clerk.

Notices for **formal bid** posted in newspaper at least 10 days prior to bid opening.

Formal bids shall be posted on the City's RFP/RFB/RFQ web page, [www.sfcity.org](http://www.sfcity.org)

Bids opened in public by City Clerk staff.

Department staff to review for compliance with specification. Review with Finance any deviations from specifications.

Quality and service being equal, local preference vendor is given opportunity to match if within 5% of lowest bid.

Award of bid should go to the lowest responsive, responsible bidder.

Department to prepare agenda report recommending award of bid to City Council.

Department to mail/email Notice of Intended Award to all vendors responding to the solicitation.

City Council may authorize staff to award or negotiate a contract, reject all bids, waive minor irregularities, initiate a rebid or abandon the purchase.

Two or more bids received for same total, unit price, quality and service, City Council may accept either bid or accept the lowest bid made by negotiation with the tie bidders.

Submit requisition with supporting documentation to Finance for purchase order.

Supporting documents include:

- Specifications
- Price quotes
- Executed contract
- City Council Agenda Report

Purchase order is processed and issued.

## CHAPTER 2 – SUPPLIES & EQUIPMENT PURCHASES

**Overview:** The purchase of supplies and equipment is governed by the San Fernando City Code Chapter 2 (Administration), Article IV (Finance), Division 6 (Purchasing). Except as authorized in SFCC Sec. 2-801 (Special Equipment/Supplies; Sole Source Purchases), SFCC Sec. 2-802 (Cooperative, Piggyback, and Multiple Awarded Bid Purchasing With Other Agencies), or in the case of urgencies as described in SFCC Sec. 2-804.

**A. Bidding Limits:** A primary purchasing objective is to obtain suitable goods, services, and construction at economic prices. These acquisitions are direct costs to the taxpayer resulting in more emphasis being placed on price. Statutes and regulations require competition for all purchases of \$2,500 and over, and sealed competitive bids for over \$25,000. Competitive, sealed bids are considered the preferred method of procurement because it provides a means to obtain sound value, guard against favoritism, and gives equal opportunity to compete for government business. Public notice and public bid openings further support this intent by providing all interested parties access to the process.

1. Bidding limits are generally "per order" and orders are not to be split to circumvent the specified limits. Aggregate purchases with one vendor within a year's time-frame for similar or the same items which exceed bidding limits give the appearance of circumvention. Purchasing conducts periodic audits of multiple purchases to the same vendor. Aggregate purchases (exceeding the \$5,000 threshold) will be reviewed and purchase orders, contracts, and bids may be required depending on the dollar amount spent with the vendor.
2. The estimated full value cost of the item plus tax before any sales discounts (deductions for trade-in or asset replacement value is applied), is the amount to be considered in determining bidding requirements. Even though the net purchase price could be lower than the bid thresholds, the asset value would be the full price of the item, therefore, the estimated full value cost of the commodity plus tax is the value that is subject to bidding requirements.
3. Departments shall contact the Finance Department to coordinate volume bids of repetitive requirements (i.e., the frequent purchase of items such as chemicals, office supplies, paper goods, etc.), which annually exceed the specified limits.

All purchases of supplies and equipment, not included in a construction contract or bid specification for a public works project, shall be made as follows.

## **SECTION 1. Bid Process**

### **A. Departmental Purchase**

**Order Total less than \$2,500**

**Authority to Award - Department Head**

1. Operating departments may purchase specified and limited supplies, equipment, special supplies or equipment, and services of a value less than \$2,500, independent of the Finance Department provided that departments keep a record of such purchases and exercise reasonable prudence in seeking price quotes and purchasing such items. All such purchases shall be made with unencumbered appropriations (SFCC Sec. 2-800(a)).
2. The department must keep purchasing records which shall be open public record for a minimum period of two years following date of purchase. Documentation shall include copies of the following: quote worksheet (if applicable), proof of delivery and receipt (packing slip), invoice, purchasing card statement, and pay request as required by records management. If obtaining quotes, please submit with invoice. Attaining two quotes is encouraged and considered best practice.
3. Whenever practical, contract purchase orders will be established to purchase repetitive requirements.

### **B. Documented Price Quotes**

**Order Total \$2,5000, but not more than \$25,000**

**Authority to Award - Purchasing Officer**

1. **\$2,500 but not more than \$25,000.** Operating department, as authorized by the Purchasing Agent, shall obtain three written competitive quotes.
2. The responsible department shall prepare a written product specification describing the minimum requirements of the purchase and bid response sheet, a sample document may be obtained from the Finance Department.
  - a. The department shall notify enough vendors to obtain a minimum of three written responses to the informal request for bid. The goal is to try to get the best price. Therefore, the more vendors sought the better the opportunity to obtain the best price. This requirement may be waived for good cause in writing by the Department Head and Purchasing Agent in consultation with one another.
  - b. Written responses may be made by mail, fax, or email directly to the department representative requesting the item.
3. Bids are not opened in public.

- a. The staff person will keep the information confidential until the last day and time permitted to submit the bid.
  - b. Staff will not discuss or share information about the bids/quotes received with any other vendor until all bids/quotes have been analyzed.
  - c. Staff may try to negotiate final and best offer pricing with the lowest quote vendor, but may NOT disclose another vendor's quote during this process.
  - d. Staff will develop a written record and tabulation at the time the bid responses are "opened." The tabulation shall include (at a minimum) the vendor name, address, and bid amount.
4. **Bid evaluation procedures.** All bids shall be analyzed by the department for compliance with bid specifications, and the department shall prepare an analysis of the bid process.
  - a. Award will go to the lowest responsive/responsible bidder.
  - b. Quality, quantity, and service being equal, if the bid is within five percent (5%) of the lowest responsible and responsive bidder's bid, and if the local vendor is a responsible bidder and responsive bidder, the local vendor shall be given the opportunity to match the bid of the lowest responsible and responsive bidder.
  - c. If the Department Head determines that all the bids received are unacceptably high, or specifications were unclear, the department may reject bids received and the item may be rebid.
5. **No bids received.** In the event no bids are received, the Department Head requesting the purchase shall have the option of any of the following:
  - a. Abandon the purchase.
  - b. Rebid the purchase.
  - c. Request approval from the Purchasing Officer to obtain the item, supply, service, or equipment on a direct negotiated contract.
6. **Award.** The Purchasing Officer shall reject all bids or award the purchase contract to the lowest responsive and responsible bidder whose bid or proposal fulfills the purpose intended according to criteria designated in the bid and the contract award amount is within the unencumbered appropriation for that item. The Purchasing Officer may waive any minor bid irregularities and shall award informal bids for \$25,000 or less.
7. **Department staff shall not award purchase of \$2,500 or over without the approval of the Purchasing Agent.** Except for urgencies, approval shall not be given verbally, and advance purchase order numbers shall not be issued.

8. Following award/approval of Purchasing Officer, the department shall submit a requisition for the recommended vendor with all supporting documentation to Purchasing. Supporting documentation shall include: tabulation of competitive price quotes, copies of bids received, bid specifications as presented to the vendor for the item required, copy of the memo to the Purchasing Officer indicating approval, and executed contract, as applicable.
9. The purchase order and attachments are public records and maintained for two years or as specified in records management guidelines.

### **C. Formal Bid Process**

#### **Formal Bid Process -- Over \$25,000**

#### **Authority to Award -- City Council**

1. Purchases of supplies, equipment, and special equipment/supplies with an estimated value exceeding \$25,000 shall be made following a formal bid process (SFCC Sec. 2-800 (c)).
2. To initiate the bid process, operating department staff shall prepare specifications for the item to be purchased, and verify the existence of an unencumbered appropriation for the item in the current approved budget. Operating department staff shall solicit formal bids as prescribed by SFCC Sec. 2-800 and coordinate with City Clerk to set a bid opening date and publication of the Notice Inviting Bids in the local newspaper. See City Clerk for publication deadlines.
3. Notices inviting formal bids may be posted at City Hall, distributed electronically by email to prospective bidders, posted on the City's bidding website, in appropriate trade publications, and shall be published once in a newspaper of general circulation printed and published in the City at least ten (10) days before the date of the opening of the bids.
4. Notices inviting bids shall include a general description of the goods, articles, services or equipment to be purchased, bonding requirements, state where bid plans and specifications may be secured and the time and place for opening the bids.
5. The City may require bidders' security equal to ten (10%) of the bid amount and/or a performance bond in such amount as it shall find reasonably necessary to protect the public interest. If the City requires either or both such security and bond, the form and amount of the security and bond shall be described in the notice inviting bids.
6. **Bid Opening.** Sealed bids shall be submitted to the City Clerk's Office and shall be identified as the bidder, bid item, and "bid" on the envelope. Bids shall be opened by City Clerk staff in public at the date, time, and place stated

- in the notice inviting bids. A written record and tabulation shall be made at the time all bids are received.
7. A representative of the requesting department shall review all bids received for compliance with specifications. All deviations from the specifications shall be fully documented by the requesting department, and the impact of the deviations on the performance or suitability of the bid item evaluated and detailed. The requesting department shall notify the Finance Department of its findings and, upon concurrence with the department's recommendation by the Purchasing Officer, the department will prepare a City Council agenda report and send out a Notice of Intended Award to all persons who submitted a response to the City's solicitation.
  8. If no protests have been received after five business days from the date on the Notice of Intended Award, the department will prepare a report and recommendation to City Council for award of bid. If a protest has been received, please refer to the Appeal's Section, Chapter 7, Section 6.
  9. The City Council may reject all bids or award the purchase contract to the lowest responsive and responsible bidder whose bid fulfills the intended purpose according to criteria designated in the solicitation, provided that an unencumbered appropriation exists for the purchase. The City Council may waive any minor bid irregularities. If bids are rejected, the City Council may authorize staff to negotiate a contract for the purchase, initiate the rebid, or abandon the purchase.
  10. Quality and service being equal, if the bid is within five percent (5%) of the lowest responsible and responsive bidder's bid, and if the local vendor is a responsible bidder and responsive bidder, the local vendor shall be given the opportunity to match the bid of the lowest responsible and responsive bidder. The five percent (5%) preference is not applicable to construction or purchases funded by the Federal Government, grant funds, public works projects or for obtaining consultants.
  11. If two or more bids are received for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay of re-advertising for bids, the City Council may accept either bid or accept the lowest bid made by negotiation with the tied bidders (SFCC Sec. 2-800(c)(7)).

#### **D. Request for Proposals - Special Equipment/Supplies/General Services**

1. In lieu of an informal or formal bid process, the department in consultation with the Purchasing Agent may elect to utilize a Request for Proposal/Qualifications (RFP/Q) approach for the purchase of specialized equipment and supplies (SFCC Sec. 2-801(a)) whenever such special



equipment or supplies are needed to be compatible with existing equipment, or to perform complex or unique functions. The RFP/Q process shall provide an approach to evaluate warranties, servicing obligations, and product performance in addition to the price of the product consistent with procedures as described in Chapter 6.

2. Prior to issuing an RFP/Q, departmental staff shall develop the evaluation factors that will be used to determine the acceptability of a proposal. The factors shall at minimum include: technical capability and approach for meeting performance requirements; services or support expertise desired; and price/cost analysis to ensure that the proposal is both competitive and reasonable. Evaluation factors shall be indicated in the RFP/Q and the evaluation of RFP/Q's shall be based on said criteria.
  3. The Purchasing Agent or Department Head may clarify, modify, and negotiate with any proposer whose proposal is found to be acceptable or reasonably close to being made acceptable. An award may be made on the basis of proposals as submitted, without negotiation, or following a negotiation process. Negotiations shall be conducted individually with each qualified proposer and any changes to the RFP/Q shall be documented in a written statement of change submitted by the proposer. A proposer may modify or withdraw their proposal at any time prior to the submission of "best and final offers."
  4. Following negotiations, a closing time shall be set for all proposers whose proposals have been deemed acceptable to submit their best and final changes and best and final offer. In lieu of submitting a best and final offer, a proposer may choose to let their initial proposal stand.
  5. A representative of the requesting department shall review the RFP/Q for compliance with specifications and other selection criteria. All deviations from the specifications or other selection criteria shall be fully documented by the requesting department, and the impact of the deviations on the performance or suitability of the RFP/Q item detailed. The requesting department may review their findings with the Finance Department. The department will prepare a staff report and recommendation to City Council for award of bid.
- E. Bid Process Exemptions:** Certain purchases are not readily adaptable to the bid process and the bid process is not appropriate to or required for the purchase. Depending on the dollar amount, a purchase order may be required.
1. **The following are exempt from bid processes of Chapter 2 (Administration), Article IV (Finance), Division 6 (Purchasing):**
    - a. Department purchases, as defined in SFCC Sec. 2-800 (a)
    - b. Travel/expense advances

- c. Subscriptions
- d. Trade circulars or books
- e. Reimbursement of expenses
- f. Petty cash reimbursement
- g. Medical payments (physicians, labs, etc.)
- h. Newspaper advertisements and notices
- i. Dues to approved organizations
- j. Payments to other governmental units
- k. Utility service usage payments, utility connection, and/or installation charges
- l. Attorney services
- m. Postage, courier/delivery/messenger services
- n. Land
- o. Buildings
- p. Debt services
- q. Grants
- r. Claim settlements

2. **Additional exceptions to the Bidding requirements:**

- a. The cost of the goods or services is less than \$2,500.
- b. When it is in the best interest of the City to negotiate an extension of an existing contract based upon satisfactory performance, such negotiated price must be fair and reasonable. If the contract is over the bidding thresholds, negotiation must be approved by City Council.
- c. When competitive quotations for goods and services cannot be obtained (e.g., a sole source purchase) such purchase shall be made through negotiated procurement and in consultation with the Finance Department.
- d. An urgent situation exists as noted in SFCC Sec. 2-772(v) and SFCC Sec. 2-804.
- e. **Cooperative purchasing.** The bidding requirements of SFCC Sec. 2-800 shall not apply to the purchasing of any equipment or supplies which the Purchasing Agent decides to obtain through a cooperative competitive bidding procedure, being prepared by and processed through another local, state, or federal governmental agency. Approval of a cooperative purchase shall be obtained from City Council for an award of a purchase in an amount exceeding \$25,000.
- f. **Piggybacking** onto another government agency's competitive bid SFCC Sec. 2-802(b). If the Purchasing Officer determines it to be in the best interest of the City, the Purchasing Officer is authorized to "piggyback" onto or join into an existing written purchase contract, which was obtained through a competitive bidding process prepared by and awarded by another local, state or federal

government agency. Approval of a “piggyback” shall be obtained from City Council for an award of a purchase in an amount exceeding \$25,000.

- g. **Multiple awarded bids.** Multiple awarded bids are generally conducted by larger Government Agencies. A competitive bidding process is conducted for a specified product. Several vendors whose products meet the specification are awarded the contract. Maximum item price and contract terms are established. If the Purchasing Officer determines it to be in the City’s best interest, the Purchasing Officer is authorized to use federal, state or other government agency multiple awarded contracts. Staff should attempt to obtain quotes from at least three vendors on the list and award the bid to the lowest responsible bidder. Approval shall be obtained from City Council for purchases in an amount exceeding \$25,000.

3. Whenever the bidding process is dispensed with or an award is made to other than the lowest bidder, written recommendation and justification for doing so shall be approved by the appropriate approving level depending on the dollar value and shall be submitted, along with the Purchase Requisition.
4. Purchases of equipment \$2,500, but not more than \$525,000 shall be approved by the Purchasing Officer. Purchases exceeding \$25,000 shall be approved by the City Council.
5. Accumulative purchases for services or goods with one vendor, over a years’ time period (a fiscal year), that exceed bidding or City Council approval thresholds, will need City Council approval.

#### **F. Blanket Purchase Orders**

1. Blanket purchase orders are an agreement whereby the City contracts with a vendor to provide unspecified amounts and equipment or supplies on an as-needed and often over-the-counter basis. Blanket purchase orders provide a mechanism whereby items which are uneconomical to stock may be purchased locally thereby allowing field operations timely access to necessary materials. Blanket purchase orders are valid for a maximum of one year. Blanket purchase orders shall not be used to purchase repetitive requirements, services, capital assets or items maintained in stock.
2. Once a blanket purchase order is issued to a vendor, any authorized City employee may contact the vendor directly to place orders per the terms and conditions specified in the blanket purchase order.

3. Requests for blanket purchase orders shall be submitted annually to the Finance Department. Finance will review blanket purchase order requests based upon the following criteria:
  - a. Geographic location
  - b. Responsiveness and capabilities
  - c. Average dollar value and type of items to be purchased
  - d. Frequency of need
  - e. Vendors pricing methodology

#### **G. Contract Purchase Orders**

1. Contract purchase orders are annual or multi-year contracts for specific products, product types, or services at agreed upon prices or pricing structure. Contract purchase orders are the preferred method of purchasing repetitive use items common to several operating departments. One example of this type of purchase is the City's copier contract. Establishing contract purchase orders provides a means of obtaining volume pricing based upon the combined needs of all operating departments, reduces the administrative costs associated with seeking competitive bids and processing a purchase order each time an order is placed, and allows operating departments to order as needed, reducing the requirement to maintain large inventories of stock.
2. All contract purchase orders shall be reviewed annually (or prior to expiration if multi-year) by the requesting department and the Finance Department. Operating departments shall submit their estimated annual requirements as requested by the Finance Department. The purchasing process used to award contract purchase orders will be dictated by the estimated annual requirement of the City.
3. Once a contract purchase order is established, operating departments shall order all of their requirements from the successful vendor. No other source shall be used without prior approval of the Purchasing Officer.
4. Operating departments shall submit, in writing, any performance problem encountered immediately following the occurrence so that the Purchasing Officer may take corrective action.

**H. Allowable Changes:** Three quotes or bids are normally obtained prior to purchasing equipment or supplies of \$2,500 and over; therefore, change orders involving price changes or additional cost should be rare. **The last payment against a purchase order that does not increase the purchase order total by ten percent (10%) or \$500, whichever is less, can be processed without obtaining a purchase order change order.**

A purchase order change order can be obtained for the following reasons:

1. Adding any item or aggregate of items as long as the total change order is more than \$500.
2. Complete cancellation of an order, providing cancellation is approved in advance by Finance.
  - a. Cancellation of certain items on the purchase order, usually due to their unavailability or because of unacceptable back orders.
  - b. Changing delivery point or delivery date.
  - c. Correcting errors in the original purchase order.
  - d. Changing size, color, quantity, etc. when unit price is not affected.
  - e. Changing vendor information (name, address, etc.).
3. Taxes, shipping and handling charges that do not increase the purchase order total by ten percent (10%) or \$500, whichever is less, do not require a change order form; every effort should be made to include such items on the purchase order.

#### **I. Cooperative Purchases**

1. The Purchasing Office may participate in purchases and contracts established by other political jurisdictions, provided the cooperative agreement is established following a competitive bid process. In a cooperative purchase setting, one agency represents several agencies by going out to bid, including the needs of the other agencies in the bid specifications. This provides for higher product volume being purchased, resulting in lower unit cost to all agencies. Needed documentation includes: copies of the other jurisdiction's bid document, and any Board or Council action awarding the contract, and the contract document. If the award calculation included a local preference and was awarded to their local vendor the bid cannot be used. The Purchasing Officer may authorize the award of cooperative purchase agreements for amounts not more than \$25,000; City Council approval is required for the award of any cooperative purchase exceeding \$25,000.

#### **J. Piggyback onto Existing Contract**

1. An existing contract for goods between another governmental agency and a vendor may be used to purchase the same goods as those outlined in the awarding bid document. This is called piggybacking onto their contract. The contract for consideration must have been awarded through a competitive bidding process prepared by and awarded by another local, state, or federal government agency. Needed support documentation includes: copies of the other jurisdiction's bid document, and any Board or Council action awarding the contract, and the contract document. If the award calculation included a

local preference and was awarded to their local vendor the bid cannot be used. The Purchasing Officer has authority to approve a “piggyback” purchase for purchases not more than \$25,000. City Council’s approval is required on “piggyback” purchases for an amount exceeding \$25,000.

#### **K. Multiple Awarded Bids**

1. Multiple awarded bids are generally conducted by larger Government Agencies. A competitive bidding process is conducted for a specified product. Several vendors whose product meets the specification are awarded the contract. Maximum item price and contract terms are established. If the Purchasing Officer determines it to be in the City’s best interest, the Purchasing Officer is authorized to use Federal, State or other government agency multiple awarded contracts. An example of a multiple awarded contract is the California Multiple Award Schedule (CMAS). Staff should obtain quotes from at least three vendors on the list and award the bid to the lowest responsible bidder. Approval shall be obtained from City Manager for purchases in an amount not more than \$25,000 and from City Council for purchases of an amount exceeding \$25,000.

#### **L. Proprietary or Standardization Purchases**

The definition of a **Sole Source** is: no other items are known to exist which perform the same function, or there is only one known source to purchase the item.

1. **Sole Source:** Unique commodities and services which can be obtained from only one vendor or one distributor authorized to sell in this area, with singular characteristics or performance capabilities or which have specific compatibility components with existing City products are exempt from the competitive bidding requirements in SFCC Sec. 2-801(b) and are deemed sole source purchases. Sole source purchases may include proprietary items sold direct from the manufacturer. All sole source purchases shall be supported by written documentation indicating the facts and nature supporting the determination of a sole source, signed by the appropriate Department Head and forwarded to the Finance Department. In addition, the Sole Source Justification form must be completed and signed by the Department Head. As with any other purchase, staff must establish facts indicating the anticipated cost is fair and reasonable. Final determination that an item is a valid sole source purchase will be made by the Purchasing Officer.
2. Sole source purchases from \$2,500, but not more than \$25,000 shall be approved by the Purchasing Officer, in accordance with SFCC Sec. 2-801(b)(1). Sole source purchases in an amount exceeding \$25,000 shall be approved by the City Council in accordance with SFCC Sec. 2-802(b)(2).

The following are purchases that are often confused with a sole source purchase:

3. **Proprietary:** An item that is held under exclusive title, trademark or copyright by a private person or company. A proprietary distributorship would also apply. Bidding should occur among those vendors that provide the name brand specified. However, if a proprietary distributorship is responsible for an entire area, therefore eliminating the possibility of bidding, the item is considered a sole source item and is subject to the provisions as outlined above.
4. **Standardization:** An established agreement for the use of a particular product, normally subject to bidding, in lieu of other similar or equal products, based on its design, quality or physical characteristics which is recommended by the Department Head and approved as a City standard after review by the City Manager. Bidding may occur among those distributors who provide the product that has been established as the City standard or the product may meet sole source criteria and is subject to the provisions above.

#### **M. Urgent Purchases**

1. Urgent purchases for other than public works projects may be made without benefit of competitive bidding when time is of the essence. Urgent purchases shall be made only for the following reasons: (1) to preserve or protect life, health or property; (2) upon natural disaster; or (3) to correct or forestall a shutdown of public services.
2. Since urgent orders do not normally provide the City an opportunity to obtain competitive quotes or properly encumber funds committed, sound judgment shall be used in keeping such orders to an absolute minimum. In addition, the following requirements shall apply:
  - a. The Finance Department shall be contacted as soon as possible to discuss the urgent transaction and how to proceed with the purchase order process.
  - b. Written supporting documentation explaining the circumstances and nature of the urgency shall be signed by the Department Head and submitted to Finance along with the purchase requisition.
  - c. A completed purchase requisition shall be submitted to Finance within 48 hours, or as soon as the information is available.
  - d. This documentation shall also be submitted by the Department Head for review and approval as follows:
    - i. Purchases in the amount of \$2,500, but not more than \$25,000: report to City Manager within one week of the urgent purchase.

- ii. Purchases over \$25,000: report to the City Council at its next scheduled meeting.
- e. If a contract would normally be required, have one created and executed between the parties as soon as reasonably possible, even after urgency has passed.
- f. Approved documentation will be provided to Finance to supplement the purchase requisition information.

## **SECTION 2. Purchase Award, Additional Information**

**A. Lowest Responsive and Responsible Bidder:** Bids shall be awarded to the "responsive" and "responsible" bidder who submits the lowest bid that is most advantageous to the City. The term "responsive" as used in the City's bid documents shall mean a bidder whose offer responds in quality, fitness and capacity to the requirements of the proposed work or usage.

1. In determining the lowest "responsible" bidder, the following elements shall be considered in addition to price:
  - a. The ability of the product offered to provide the quality, fitness, and capacity for the required usage.
  - b. The ability, capacity, and skill of the bidder to perform the contract or provide the service required.
  - c. The character, integrity, reputation, judgment, experience and efficiency of the bidder, particularly with reference to past purchases by the City.
  - d. Whether the bidder can perform the contract or deliver the material within the time required.
  - e. The quality of performance and/or quality of products provided in previous contracts or services.
2. When a bid is awarded to other than the low bidder, written justification is required. The written statement signed by the Department Head shall be attached to the purchase requisition.

**B. Responsive:** A responsive bid is one which is in substantial conformance with the requirements of the invitation to bid, including specifications and the City's contractual terms and conditions. Bidders who substitute terms and conditions or who qualify their bids in such a manner as to nullify or limit their liability may be considered non-responsive bidders.

1. Conformance with the requirements of the invitation to bid may also include providing insurance requirements and bonds, completion of all forms, inclusion of references and/or additional information as requested in the bid document.



**C. Responsibility:** refers to the ability of the bidder to successfully fulfill a contract, including rendering of subsequent and continuing service.

1. Prospective bidders may be requested to furnish proof of financial resources, a list of current or previous customers, and other pertinent data. Such action may also be taken after receipt of bids.
2. A bidder may be determined to be non-responsible based upon certain criteria. Such determination may be made if a prospective bidder fails to furnish proof of responsibility when requested. Previous documented incidents of unsatisfactory performance and/or unsatisfactory delivery, materials, or services may also result in a determination of non-responsible. Before making a final determination that a vendor is non-responsible, discuss with attorney in City Attorney's Office.
3. When a firm or individual is determined to be non-responsible, their name may be removed from the bidders' list and the firm or individual may be prohibited from bidding for those goods/services for a reasonable period of time. Vendors removed from the bidders' list or prohibited from bidding shall be notified in writing. Written notifications shall include a statement of cause for the action taken.

**D. Rejection of Bids:** The Purchasing Officer may recommend rejection of any or all bids if it is determined to be in the best interest of the City. If all bids are rejected, the requesting department may be authorized to re-solicit bids, negotiate a contract for the purchase, or abandon the purchase.

1. Reasons for rejection may include, but are not limited to, the following:
  - a. A bid is determined to be non-responsive.
  - b. The number of bids received is inadequate.
  - c. All bids received are uniform in price, or the lowest bid received is deemed to be too high.
  - d. A bidder is determined to be non-responsible.
2. Rejection of bids for purchases of an amount that is not more than \$25,000 shall be made by the Purchasing Officer in accordance with SFCC Sec. 2-800(b)(6 - 7). Rejection of bids for purchases in excess of \$25,000 shall be made by the City Council in accordance with SFCC Sec. 2-800(c)(5).

**E. Tie Bids:** If two or more bids are received, which are in all respects equal, City Council may accept the one deemed to be in the best interest of the City.

### **SECTION 3. Specifications**

**A.** It is the responsibility of each department to provide detailed, accurate specifications when requisitioning supplies and services. Accurate specifications are essential for effective bidding.

1. **Avoiding Sole Source Specifications:** Specifications which lead to sole source purchasing shall be avoided whenever possible as they minimize or eliminate competition. In an unavoidable circumstance, use of sole source specifications will require conformance to the provisions of Chapter 2, Section 1, L(1) of this manual.
2. **Citywide Standardization:** Citywide standardization of specifications for items common to several departments or divisions facilitates the purchasing process. The Finance Department and operating departments shall work together to establish standard specifications for such items.
3. **Brand Name or Equal to Specifications:** In purchasing any special equipment or supplies needed to be compatible with existing equipment, or to perform complex or unique functions, the Purchasing Officer may limit bidding to a specific product type or a brand name product (SFCC Sec. 2-801(a)).
  - a. In general, when brand names are specified, the words "or approved equal" should follow unless documented reasons make only a single brand acceptable. Before bidding, it may benefit City if staff researches the latest products, technologies, or specifications that could properly meet tasks, purpose, or specific requirements. Written documentation signed by the Department Head shall accompany the requisition for any request for a single brand.
  - b. Use of brand names in specifications shall be for the purpose of describing the standard of quality, performance, and characteristics the City desires and not be intended to limit or restrict competition. If a brand name is incorporated into a specification, a minimum of two acceptable brands should be listed whenever possible and should be followed by the statement "or approved equal."
  - c. Using specifications provided by a specific manufacturer should be avoided and if used, the name of the manufacturer, model number, etc., should be indicated. The bid document shall clearly state that the use of the manufacturer's specifications is for the sole purpose of establishing the level of quality desired. The City reserves the right to determine and approve any product submitted as an "or equal."

- B. Vendor Assistance in Writing Specifications:** There may be occasions when vendor assistance is required to develop a specification. Such specifications shall be written in general terms and the vendor shall be informed that information they provide may be used to develop specifications for a competitive bid process.

#### **SECTION 4. Purchase of Vehicles**

- A.** Departments shall determine vehicle replacement needs during the budget cycle and a budget must be established in the Equipment Replacement Fund.
- B.** Following budget approval, the department shall work with the Fleet Maintenance Supervisor to schedule purchase of the vehicle type needed. The Fleet Maintenance Supervisor shall work with department staff to prepare bid specifications and obtain award approval. In addition, s/he will assist in the planning stages by providing a listing of available options for the specific vehicle needed. Please be clear on vehicle type and options needed on the vehicle prior to bid specification development.
- C.** Replacement of a vehicle should be a similar model and vehicle type as the vehicle being replaced; vehicle upgrades should be addressed in budget documents or approved by City Council prior to scheduling the purchase with the Fleet Maintenance Supervisor.
- D.** Asset replacement funds must be used to offset the vehicle purchase; if asset replacement funding is not adequate, additional funding should have been appropriated during the budget cycle or will need to be obtained from City Council prior to scheduling the purchase with the Fleet Maintenance Supervisor.
- E.** As with all surplus property, the value of the vehicle being replaced (surplus property) may not be used to offset the purchase of the new vehicle. Surplus property will be disposed of in the most profitable way to the City and dollars gained from disposal will be returned to the appropriate fund balance as determined by the Finance Department (Enterprise Fund, General Fund, Equipment Replacement Fund), not necessarily to the department cost center.

**GENERAL SERVICES \$25,000 AND LESS****Services  
Under \$2,500  
Approved by  
Department Head**

Department staff to contact at least two service providers, discuss project, qualifications, and price.

Purchase order is preferred, but not required.

Vendor may begin work upon Department Head approval.

**Services  
\$2,500 - \$25,000  
Awarded by  
City Manager**

Department staff should create an informal RFP and send to as many vendors as necessary to obtain a minimum of three responses.

A written response from the vendor is required.

Keep in mind the scope of work and/or the vendor's response will be the basis for the contract scope of work.

Obtain approval from Department Head and Purchasing Officer. Prepare a contract to be signed by City Attorney, Contractor, and City Manager.

Submit requisition with supporting documentation to Finance for purchase order.

Supporting documentation:

- Copy of written solicitation or copy of three quotes
- Executed contract

Requires approved, unencumbered budget.

City Manager approves award.

Purchase order is processed and issued.

Purchase order and executed contract are needed prior to starting work.

**GENERAL SERVICES OVER \$25,000****Services over \$25,000  
Awarded by City Council**

Prepare an RFP/Q, using the template on the E:drive, Correspondence Standardization, RFP.

City Attorney, Finance, and other staff as appropriate should review the RFP/Q.

Coordinate publication of Notice Inviting Bids with City Clerk.

A Notice Inviting Bids must be posted in the newspaper 14-21 days prior to opening date.

RFP/Q must be posted on the City's Purchasing website. Send an electronic copy of the document to Administration, and PIO will post the document on the City's Purchasing website.

RFP/Q's are not opened publically.

Review the RFP/Q's for compliance with scope of work and qualification requirements. Prepare a "short list" to be interviewed by a staff selection committee.

Provide committee with a copy of RFP/Q document. Prepare questions based on selection criteria identified in RFP/Q.

Price may be considered as a selection factor as long as the service is not one identified in Govt. Code Section 4526, which does not allow price as a factor in initial qualifying process.

Staff selection committee members to hear presentations, ask questions, and rank vendors based on criteria, and select one vendor.

Once the committee has selected the most qualified vendor, staff may negotiate scope of work and price with this vendor. If staff cannot come to terms, then negotiations will begin with the second most qualified vendor.

After final selection of a vendor, a staff report and contract must be submitted to City Council for award of the RFP/Q and contract.

Submit requisition with supporting documentation to Finance for purchase order.

Supporting documentation:

- Type of selection process
- Copy of staff report
- Minutes of City Council meeting showing approval
- Executed contract

Requires approved, unencumbered budget.

Purchase order is processed and issued.

Purchase order and executed contract are needed prior to starting work.

## CHAPTER 3 - GENERAL SERVICES PROCESS & CONTRACTS

### **SECTION 1. Overview**

- A.** The purchase of general services is governed by the San Fernando City Code Chapter 2 (Administration), Article IV (Finance), Division 6 (Purchasing). General services as defined in SFCC Sec. 2-772(e) shall be procured either through the bid process outlined in SFCC Sec. 2-800 with the emphasis on awarding to the “lowest responsive, responsible bidder” or through the Request for Proposal process outlined in SFCC Sec. 2-840 with emphasis on factors other than price.
- B. General Services:** Service of a general nature (as opposed to professional/consulting services) shall be contracted by following a Request for Proposal/Qualification or Bid process. The method of selection shall be determined by the Purchasing Agent and may include both qualification of the service provider and cost of the service, and shall be based on the estimated annual dollar value of the service to be provided. General services include janitorial, uniform cleaning, minor (under \$25,000) electrical, plumbing, repainting, maintenance and other services for which qualified tradesman can perform without additional training, unique skill, or special background.
- C. Factors to consider.** If it is determined by the department in consultation with the Purchasing Agent that all vendors providing a service classification can equally provide the service satisfactorily, a bid process would be appropriate. However, if factors other than price need to be considered in awarding the contract, the Request for Proposal process may be used. Examples of areas other than price that may be important in awarding the contract include: experience level, competence, resources/equipment, staffing levels, services available/time factors, and other qualifications determined by each City department responsible for recommending the service contract.
- D.** Proposals evaluated by the City for general services should be based on a combination of qualifications and cost, with a heavier emphasis on cost.

  - 1. Request for Proposal responses are awarded based on demonstrated competence, skills, staffing levels with adequate level of experience, prior experience, timing, availability and cost. General services are general in nature and companies with appropriate licenses and whose main business is to perform such service should be qualified, therefore, price, although not the only factor, is an important factor in selecting the service provider. Following committee interviews and selection, staff has the ability to further refine the scope of work and additional cost negotiations may take place.
- E.** The contract process and dollar limits are the same for general services regardless of how the vendor was selected, either by bid or RFP.

- F. Allowable Changes to Purchase Order:** Purchase order change orders are allowed; however, cumulative change orders plus original purchase order cannot exceed the approval authorization level and solicitation threshold for which the original purchase order (less than \$25,000) was issued without City Council authorization.

## **SECTION 2. Bid Process**

- A.** General services that are procured through the bid process outlined in SFCC Sec. 2-800 are chosen with the emphasis on awarding to the “lowest responsive, responsible bidder.” (Refer to Chapter 2 for a detailed explanation of the bid process to be followed).

## **SECTION 3. RFP/RFQ Procedures and Dollar Limits**

Dollar limits specified are per contract and are not to be split to circumvent the specified limits.

### **A. Under \$2,500 - Authority to Award – Department Head:**

1. Department Heads may approve general service contracts up to \$2,500. A purchase order must be obtained for \$2,500 and over.
2. The department should contact at least two service providers. The department may use a list of vendors who are in the vendor file, phone book, trade journals, or internet research to locate potential vendors. In addition, if the City currently has an on-call or master contract established for this service, the department may follow that process to award the work. Records showing selection information plus selection justification shall be maintained by the department.
3. Departments may create RFP/Q's and set up master contracts or on-call contracts for prequalified vendors for small dollar tasks that they will need performed throughout the year. These master contracts should be maintained by the Project Manager and submitted to Finance along with evaluation criteria and results for use by other departments.

### **B. \$2,500 to \$25,000 - Authority to Award – City Manager:** A Department Head will submit a written recommendation of award of contract to the City Manager after completion of the following process.

1. Develop a detailed scope of work, selection criteria and a sample contract to be conveyed to potential vendors. It is important that the solicitation clearly state the City's needs to ensure that each vendor has a fair

opportunity to present their proposal and that the City receives well developed proposals.

2. The requesting department should mail, email or fax the informal solicitation to as many companies as necessary to obtain responses from a minimum of three (3) vendors. The department may use a list of vendors who are in the vendor file, phone book, trade journals, or internet research to locate potential vendors.
3. Interviews (on the phone or in person) should be held with the proposers to determine the vendors who can best meet the City's needs based on the scope of work and selection criteria.
4. Staff is required to maintain a record of the selection process including the responses received from the vendor.
5. The contract along with a written recommendation for award of the contract discussing the selection process and the determining factors for selecting the vendor must be submitted to the City Manager for approval. This documentation should be submitted to Finance as part of the purchase order process.
6. A requisition must be prepared by the department staff. As part of the backup to that requisition, the department must submit to the Finance Department, a copy of the recommendation for award memo presented and approved by the City Manager, a copy of the written solicitation document, a list of those responding to the solicitation, and a copy of the executed contract as on file with the City Clerk's Office. This documentation will be attached to the purchase order and maintained as open public record for two years.
7. **Exceptions:** The department may request the Purchasing Officer waive the informal solicitation requirement in these circumstances:
  - a. Interview only one vendor if authorized or directed to do so by City Council. (Documentation by department involving confirming action by City Council required).
  - b. Upon prior approval from City Manager, interview only one vendor due to time constraints, utilization of other agency RFP results, specialized or unique expertise, and/or prior use of a vendor for the same service. (Documentation by department involving report reviewed and approved by City Manager).

**C. Over \$25,000 - Authority to Award – City Council:** In a non-urgent situation, departments shall utilize a sealed Request for Proposal/Qualification process. A



Department Head will submit a written recommendation of award of contract to the City Council after completion of the following process.

1. The department staff member will use the formal RFP or RFQ template developed by Finance, located on the E: drive→Correspondence Standardization→RFP. Develop a detailed scope of work and selection criteria to be included in the document. It is important that the solicitation clearly state the City's needs to ensure that each vendor has a fair opportunity to present their proposal and that the City receives well developed proposals.
2. Notice must be published in the newspaper and posted on the City's website at least 10 days prior to the date of submittal. Project Managers will need to coordinate the notice of publication dates with the City Clerk's Office. Department may also mail, email or fax the Notice to additional vendors. Please encourage vendors to notify the department of their desire to receive updates as this will ensure that they are emailed any addenda or other notifications to which you may need to alert your potential responders.
3. The Project Manager will receive all submittals and will create a listing of all those received. Any proposals received after the date and time stated on the notice will be returned unopened.
4. The Project Manager needs to set up evaluation criteria in advance of receiving the submittals. Each staff selection committee member will evaluate and rank the proposals based on this established criteria.
5. The Project Manager will receive and tally the staff selection committee member's results of their evaluation and will create a "short list" of vendors to be interviewed.
6. The Project Manager will set up interviews with those on the "short list."
7. Vendors who are on the "short list" will be invited to meet with the committee. Meeting may be any or all of the following formats: interview, demonstration of product, oral presentations and clarification of RFP/Q response if needed. During the interview process the selection committee will individually rank the vendors. At the conclusion of all the interviews, the committee members will discuss their opinions of the vendors, and through negotiation, the committee will rank the candidates and come to a consensus of the top candidate.
8. The Project Manager will call references of the top ranked candidate.

9. Negotiate contract: Once the top candidate has been determined to be the most qualified, the project scope of work and price can be further negotiated. If the selected vendor's pricing exceeds the budget or what the City has determined to be a reasonable price for the job, the City may end negotiations with the first vendor and begin negotiations with the next most qualified vendor, and so forth.
10. Details about one proposal cannot be revealed to the other proposer. It is important that all proposers be treated fairly and that discussions and negotiations do not disadvantage any proposer.
11. The contract along with a written recommendation for award of the contract discussing the selection process and the determining factors for selecting the vendor must be submitted to City Council for approval and award. This documentation should be submitted to the Purchasing Agent as part of the purchase order process.
12. **Exceptions:** A recommendation may be made to the City Council to waive the sealed RFP/Q requirement in these circumstances:
  - a. Interview only one vendor if authorized or directed to do so by City Council. Documentation by department involving confirming action by City Council required.
  - b. Use of another Public Agency's RFP and Contract (piggybacking onto another Contract) must be approved by City Council for purchases exceeding \$25,000. Documentation that must be submitted to support this include: contract, copy of the RFP document used by awarding agency, list of vendors who responded to RFP (at least three), staff report and minutes of the governing body's meeting showing award. Other agency's contract must still be valid, with a termination date of not more than three years. See Chapter 6, Section 11 of this manual for additional guidance.
13. Service contracts in an amount exceeding \$25,000 require the approval of the City Council. Prior to taking the contract to City Council, the contract should be developed using the City's standard contract form, forwarded to the City Attorney's Office, and reviewed and approved as to form by the City Attorney. Once approved by City Council, the contract will be given an official contract number by the City Clerk's Office and the original maintained by the City Clerk in their contract files. Once all signatures are complete, specified insurance is on file, and the contract receives an official contract number, it is considered an executed contract.
14. The department must prepare a requisition for a purchase order encumbering the funds. There must be an unencumbered appropriation in the account(s) against which any expenditure for this service is to be charged. Documents that must accompany the requisition include:

- a. City Council approval (City Council minutes or staff report with action notes from City Clerk)
- b. City Council staff report describing the selection process
- c. Copy of the executed contract
- d. Copy of the RFP document
- e. List of those companies who responded to the RFP/Q.

The purchase order and above mentioned attachments shall be maintained in the Finance Department files and shall be open public record for a period of termination plus four years following the award.

15. These guidelines should generally be followed, but may be modified by the Purchasing Officer to ensure a fair process.

#### **SECTION 4. Contracts**

##### **A. Contract Award is as follows:**

**\$0 - \$2,499 – Department Head**

**\$2,500 - \$25,000 – City Manager**

**Over \$25,000 – City Council**

1. All general services, including goods with services (such as installation) for \$2,500 and over, must be specified on a City Contract.
2. The City Attorney shall review and approve all contract documents as to form.
3. Contracts for services \$2,500 and over must be on the City's standard form template developed by the City Attorney's office, and approved by the City Attorney. The template can be found on the E:drive, Correspondence Standardization, Professional Services Agreement.
4. For contracts \$25,000 and under, it is not necessary for the City Attorney's Office to review as long as no changes were made to the pre-approved template on the E:drive. However, if the department wishes to have their scope of work reviewed or there are requested changes to the contract, please present to the City Attorney's office for review at least 2 weeks or 10 business days prior to when the contract would need to be finalized.
5. For contracts over \$25,000, prior to taking the award to City Council, the City Attorney should review and approve the contract. The contract should generally be presented to the City Attorney's office for review at least 2 weeks or 10 business days prior to the time-frame it needs to be ready for agenda review.

6. All City contracts must be presented to the City Clerk Department double sided, with all necessary exhibits and approved by the City Attorney, if applicable. The Project Manager is responsible for getting signatures from the City Attorney, vendor, Department Head, and/or City Manager on contracts \$25,000 and less. The City Clerk is the last to receive the contract. They assign a contract number (if applicable), ensure required insurance is on file, scan into digital format, and maintain the original in their contract file.
7. Contracts over \$25,000 must be awarded by City Council. The Project Manager is responsible for getting signatures from the City Attorney and the vendor, but the City Clerk will get the signatures of the City Manager and the Mayor. Contract will be presented to City Council along with a staff report outlining the selection process and reason why the vendor is being recommended.
8. Contracts are not required for work in an amount less than \$2,500, however, if a Department Head is required to sign a contract supplied by the vendor, the contract must first be reviewed and approved by the City Attorney's office.
9. Contracts of \$2,500, but not more than \$25,000 are approved by the City Manager and awarded by the Purchasing Officer and must contain the following signatures: City Manager and Consultant.
10. Contracts in an amount exceeding \$25,000 are approved by the City Council and must contain the following signatures: City Attorney, City Manager, Mayor and Consultant.
11. All contracts should specify a not to exceed amount. This amount should include the total contract amount covering the full contract period, including any options to extend.
12. The best process would be to follow the appropriate selection process, include the total dollar amount for the full term plus any contract extensions, and take it to City Council for approval if it exceeds \$25,000. If this process has occurred, then all that is required is a formal renewal/extension letter, signed by both the City and the consultant extending the contract term.
13. All contracts must have a contract term end date specified in the contract. For specific projects, the term date should be pushed out past the anticipated completion date to allow for unforeseen circumstances. This would not apply to standard service agreements with set terms. All standard agreement templates contain contract termination clauses that allow for termination with or without cause.

## **SECTION 5. Contract Amendments**

**Contract amendments must be approved by the awarding body and can only be approved within their authorized dollar thresholds.**

- A. Original contract less than \$2,500.** Amendments can be approved by the Department Head as long as the original contract plus all amendments do not exceed \$2,500. Contracts are not required if under \$2,500. If a written contract amendment is prepared, the template contract and amendment must be used. If it is not used, City Attorney must approve the contract and amendment as to form.
- B. Original contract \$2,500 to \$25,000.** Amendments can be approved by the City Manager as long as the original contract plus all amendments do not exceed \$25,000. Contract amendments must be signed by the City Manager and Consultant.
  - 1. If the original contract was \$25,000 or less, the City Manager may approve contract amendments, as long as the sum of all amendments, plus original contract amount, does not exceed \$25,000. If the amended contract will exceed \$25,000, then the contract shall be taken to City Council for approval. The City Council shall make a finding that it is in the best interest of the City to waive the normal selection process and award the amendment to the contract (if the correct selection process was not followed for over \$25,000).
- C. Contracts of \$25,000 and over** must be approved by City Council, signed by City Attorney, City Manager, Mayor and Consultant.
  - 1. If the original contract was over \$25,000 and originally approved by City Council, the City Manager has authority to approve contract amendments as long as the sum of all contract amendments plus the original contract amount does not exceed the amount approved by City Council.
    - a. **Example 1:** If City Council awarded a contract amount plus a contingency for this contract, the contract would reflect the contract amount and could be amended later up to the contingency.
    - b. **Example 2:** Optional year contracts can have a not to exceed amount covering the initial contract period and if City Council approves a dollar amount that represents the initial contract plus the optional years, then an extension letter or amendment can be done to exercise the optional years on the City Manager's authority.
  - 2. If the amended contract will exceed the amount previously approved by City Council, the contract amendment must be approved by City Council.

## **SECTION 6. Contract Signatures**

**A.** On the signature page, there should be some substantive text from the contract.

### **B. City Signatures.**

1. **\$25,000 and under** – Consultant, City Attorney, and City Manager.
  - a. If no changes were made to the template and contract amount is \$25,000 or less, then City Attorney will not need to review the contract, nor physically sign the document.
2. **Over \$25,000** – Consultant, Mayor, City Attorney (as to form), and City Manager.

### **C. Consultant Signatures.**

1. Contract consultant signature requirements vary as follows, depending on whether consultant is conducting business in the capacity of a corporation, limited liability company, general partnership, limited partnership, or as an individual:
  - a. Corporation (per Corporations Code Section 313):
    - i. One officer from the corporation's "operational group" consisting of the chairman of the board, the president, or any vice president; and
    - ii. One officer from the corporation's "financial group" consisting of the secretary, or assistant secretary, or the chief financial officer or any assistant treasurer.
  - b. Limited liability company:
    - i. Two managers of the limited liability company, or by one manager in the case of a limited liability company whose articles of organization state that it is managed only by one manager.
    - ii. Signature lines should always include the typed-in name and title of the person or persons executing the contract on behalf of the consultant, as well as the business name of the consultant.
  - c. General Partnership, Limited Partnership or Limited Liability Partnership:
    - i. At least one general partner having apparent authority to enter into the contract on behalf of the partnership.

- ii. Signature line should always include the typed-in name and title of the person or persons executing the contract on behalf of the consultant, as well as the business name of the consultant.
- d. Individual:
  - i. Signed by the individual owning the company.
  - ii. Signature line need only include the typed-in name of consultant, as well as consultant's business name when consultant is doing business under a name other than consultant's own name.

## **SECTION 7. Contract Terms**

- A. Single-year contract.** A single-year contract keeps the cost down and the service up if the current contractor wants to receive future contracts. A single-year contract also makes it easier to switch to a better-performing contractor. However, a single-year contract has the disadvantage of being time-consuming to re-bid. Frequent re-bidding also increases costs due to contractor uncertainty, start-up and shutdown costs.
- B. Multi-year contract.** Multi-year contracts are easier to manage because the operational start-up time is less than for annual contracts. They also give the contractor and the agency more continuity. However, when the contractor has made a substantial investment to start-up, a multi-year contract provides the needed time to amortize that investment. The disadvantage of a multi-year contract is there is no competition during the term of the contract. It is also more difficult to change contractors over the multi-year term because either a showing of "cause" or a 30-day notice of cancellation is generally required to cancel an ongoing contract. Additionally, when a contractor is not required to re-bid he may lose the incentive to keep a high service level because he has the assurance of a multi-year term.
- C. One year with extension options.** Where the contractor has not made a substantial start-up investment, an annual contract with the option to extend for 2-3 additional years is beneficial. It has all the advantages of competition found with the one-year contract, while motivating the contractor to provide good service to achieve contract extensions. This contract type provides incentive for the contractor and flexibility for the City. The City should review the contractor's performance before the renewal period. As long as the appropriate approval has taken place for the total dollar threshold for the original contract plus extensions, the extension can be accomplished by sending an extension letter to the contractor. The extension letter will be signed by the contractor and the City.

## **SECTION 8. Service Contracts Matrix**

The following matrix is based on procedures previously outlined and provides a quick reference to purchasing procedures when contracting for all types of services.

<b>Up to \$2,500</b>	<ul style="list-style-type: none"> <li>• Staff must contact at least two vendors</li> <li>• Department Head selects vendor</li> <li>• No contract needed</li> <li>• If a contract is requested by the vendor, prior to approving or signing, City Attorney must review.</li> </ul>
<b>\$2,500 but less than \$25,000</b>	<ul style="list-style-type: none"> <li>• Prepare a written informal RFP/Q</li> <li>• Prepare a written scope of work</li> <li>• Qualifications needed</li> <li>• Selection criteria</li> <li>• Fax, mail or email the document to as many vendors as necessary to receive three viable responses</li> <li>• No advertising required</li> <li>• Department Head recommends award (in writing)</li> <li>• Department prepares contract</li> <li>• Obtain the following signatures on contract: vendor and City Manager</li> <li>• City Manager awards contract</li> <li>• Provide copy to City Clerk's Office</li> <li>• Department enters requisition</li> <li>• Department Head or designee and Finance approves requisition</li> <li>• Provide a copy of informal RFP/Q, list of vendors who responded, executed contract to Finance</li> <li>• Finance prepares purchase order</li> <li>• Department mails purchase order referencing contract to vendor</li> <li>• Amendment required to contract if it surpasses the contract not to exceed amount</li> <li>• City Manager approves amendments up to \$25,000 contract limit</li> <li>• City Council approves amendments which bring the contract and sum of all amendments to an amount in excess of \$25,000 contract limit</li> </ul>



<b>Over \$25,000</b>	<ul style="list-style-type: none"><li>• RFP/Q procedures required in non-urgent cases</li><li>• Send RFP/Q Notice to interested vendors</li><li>• Forward electronic copy to Finance to post on website</li><li>• Advertising required 14–21 days prior to closing date</li><li>• Staff selection committee to evaluate responses and “short list” is created</li><li>• Staff selection committee interviews those on “short list” and recommends vendor</li><li>• Department prepares a contract document</li><li>• Department Head to recommend vendor to City Council</li><li>• City Council approves vendor and awards contract</li><li>• Obtain following signatures on contract: vendor, City Attorney, City Manager, Mayor</li><li>• Project Manager obtains vendor and City Attorney signatures, and City Clerk obtains City Manager, Mayor</li><li>• City Clerk notifies Department of executed contract</li><li>• Department enters requisition</li><li>• Department Head or designee approves requisition</li><li>• Department forwards to Finance a copy of City Council memo awarding contract and other related documents</li><li>• Finance prepares purchase order</li><li>• Department mails purchase order referencing contract document to vendor</li><li>• Amendment required to contract if it surpasses the contract not to exceed amount</li><li>• Generally, City Council approves all contract amendments</li><li>• City Manager may approve contract amendments within the amount approved by City Council</li></ul>
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## RFP/Q PROCEDURES PROFESSIONAL/CONSULTANT

### Under \$2,500 Approved by Department Head

To find qualified consultants the department should contact at least two service providers by using list of vendors, phone book, trade journals, or internet research.

In addition, if the City currently has an on-call or master contract established for this service, the department may follow that process to award the work.

For small dollar tasks that will need to be performed throughout the year, departments may create RFP/Q and set up master contracts or on-call contracts for prequalified consultants.

### \$2,500 - \$25,000 Awarded by City Manager

Department staff must create an informal RFP/Q containing a detailed scope of work.

Keep in mind the scope of work and/or the consultant's response will be the basis for the contract scope of work.

The department should mail, email, or fax the informal solicitation to as many companies as necessary to obtain responses from a minimum of three consultants/firms. The department may use the list of professionals who are in the vendor file, phone book, trade journals, or internet research.

Determine the consultant who can best meet the City's needs based on the scope of work and selection criteria.

Obtain approval from Department Head and Purchasing Officer. Prepare a contract to be signed by City Attorney (if necessary), Consultant, and City Manager.

Submit requisition with supporting documentation to Finance for purchase order.

Supporting documentation:

- Recommendation for award memo approved by City Manager
- Copy of the written solicitation
- List of those responding to the solicitation
- Copy of the executed contract

Requires approved, unencumbered budget.

City Manager approves award.

Purchase order is processed and issued.

Purchase order and executed contract are needed prior to starting work.

## RFP/Q PROCEDURES PROFESSIONAL/CONSULTANT

**Over  
\$25,000  
Awarded by  
City  
Council**

The department will use the formal RFP/Q template located on the E:drive, Correspondence Standardization, RFP. Be sure to develop a detailed scope of work and selection criteria to be included in the document.

Project Manager to coordinate the notice of publication date with the City Clerk's Office.

City Attorney, Finance, and other staff as appropriate should review the RFP/Q.

Notices for formal RFP/Q's posted on the City's website and published in the newspaper at least 14 days prior to the date of submittal.

Project Manager to set up evaluation criteria before receiving the submittals, and each committee member will evaluate and rank proposals based on the criteria.

The Project Manager will receive and tally the committee member's results of their evaluation and create a "short list" of consultants to be interviewed.

Consultants who are on the "short list" will be invited to meet with the staff selection committee. During the interview process the committee will individually rank the consultants.

Once the top candidate has been determined to be the most qualified, the project scope of work and price can be further negotiated.

If the selected consultant's pricing exceeds the budget, the City may end negotiations with the first consultant and begin negotiations with the next most qualified consultant, and so forth.

After final selection of a consultant, a contract and staff report discussing the selection process and the determining factors for selecting the consultant must be submitted to City Council for approval and award.

Submit requisition with supporting documentation to Finance for purchase order.

Supporting documentation:

- Type of selection process
- Copy of staff report
- Minutes of City Council meeting showing approval
- Executed contract

Requires approved, unencumbered budget.

Purchase order is processed and issued.

Purchase order and executed contract are needed prior to starting work.

## CHAPTER 4 - PROFESSIONAL SERVICES PROCESS & CONTRACTS

### SECTION 1. Overview

- A. The contracting of professional, management, or special services is governed by the San Fernando City Code Chapter 2 (Administration), Article IV (Finance), Division 6 (Purchasing). Professional, management, or special services as defined in SFCC Sec.2-772(k) shall be procured through negotiated contract or Requests for Qualification and/or Proposal process outlined in SFCC Sec. 2-840.
1. **Professional Services: Architectural, landscape architectural, engineering, environmental, land surveying, construction project management services.** Government Code Section 4526 “professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management shall be selected on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required at a fair and reasonable price.” When selecting above types of services, please prepare a Request for Qualification document with selection criteria that permits selection based on qualifications rather than price. Price will be negotiated after selection. If they cannot provide the service at a reasonable price, then negotiations will begin with the next most qualified vendor.
  2. **Management Consulting Services:** Management consulting services are services of an advisory nature to support policy development, decision-making, administration, or management of the government; normally provided by persons and/or organizations considered to have prerequisite knowledge or special abilities not generally available in the government. A consultant is a person with education and/or experience that uniquely qualifies him or her to perform some specialized expert service for the City. Examples include: general management consultants, personnel consultants, studies of governmental operations, and other similar services.
  3. **Special Consultant Services:** Those services rendered by members of a recognized profession or possessing a special skill, may be obtained through the RFP process where experience and qualifications are an essential factor in the selection process. Examples of such services are data processing, programming, planning, economic, financial, testing, specialized temporary services, accounting, attorney, doctor, appraiser, expert, transportation/transit operating services, golf course operating services, theater concession services, parking garage operation services, and other similar services that require special performance criteria, specific experience, training, personal judgment, quality of work or factors

other than simply obtaining the service at the lowest cost to the City. This may also include services requiring unique or other specialized abilities.

**B. Allowable Changes to Purchase Order:** Amendments, thus leading to purchase order change orders, are appropriate only if within the original scope of contracted services. Major changes in scope of work, where changes will take the cost to \$2,500 but less than \$25,000, requires City Manager approval and a finding that it is in the best interest of the City to waive the RFP/Q process if the appropriate process was not followed from inception. Where the changes will take the cost to \$25,000 and over requires City Council approval, and City Council will need to make a finding that it is in the best interest of the City to waive the RFP/Q process if the appropriate process was not followed from inception.

1. Anticipation of overall and complete scope of work for consultant services is necessary to ensure the correct selection process. If you exceed authorization level on planned budget and are at a stage that you would normally follow a consultant selection process, you will need to obtain City Council authority for the additional amount and explain why you did not anticipate the need to hire a consultant through the standard procedure (i.e. RFP/Q). The original purchase order plus accumulative purchase order change orders cannot exceed the authorization level, solicitation requirements, or planned budget for which the original scope of work and consultant selection process were undertaken.
2. Budget must be in place to cover purchase order change orders.
3. A change order to a purchase order obtained without an RFP/Q process may not be processed if accumulative amount of work equals \$25,000 or more unless the City Council approves the contract amendment and makes a finding that it is in the best interest of the City to waive the formal RFP/Q process for projects exceeding \$25,000.
4. If a purchase order change order exceeds the contract "not to exceed" amount, a contract amendment will be needed.

## **SECTION 2. Responsibility For Contracting**

- A. Contracting for professional, management consulting services, and specialized services is decentralized and is the responsibility of the Department in consultation with the Finance Department.
- B. The Purchasing Agent may be contacted to assist in the informal and formal Request for Proposal/Qualifications (RFP/Q) process.

- C. Prior to solicitation for RFP/Q, the department must ensure that there exists an unencumbered appropriation in the account(s) against which any expenditure for this service is to be charged.

### **SECTION 3. Selection of Consultant**

- A. Management, Special and Consulting Services:** Proposals evaluated by the City for management, special and consulting services should be based on criteria set up by the department ensuring the consultant is qualified and the cost is reasonable. Price for the service should be included in the solicitation response and should be a factor in determining the best consultant for the job.

1. Request for Proposal responses are awarded based on demonstrated competence, performance plan responding to the scope of services, unique skills, staffing levels with adequate level of experience, prior experience, timing, and other professional qualifications for the service required, plus availability, and fair and reasonable cost. Part of the ranking of the responses, includes cost of the service. The department has the option to determine the ranking factor associated with each evaluation criteria. In some cases the cost criteria may have a higher value in selection, whereas in other cases it may be less important. Once the department requesting the service has determined the firm which has an adequate level of competence a "short list" will be established to be interviewed. Following committee interviews and selection, further scope refinement and cost negotiations may take place.

- B. Professional Services:** Proposals negotiated by the City for professional services as defined in Government Code Section 4526 must be procured through a RFQ solicitation document.

1. Professional services RFQ proposals are awarded based on demonstrated competence, scope of services available, unique skills, staffing levels with adequate level of experience, prior experience, timing, and other professional qualifications for the services required, plus availability, and fair and reasonable cost. Selection review and criteria are based on this result. Price of service should not be included in solicitation response unless it is provided in a sealed envelope that is not opened until after the consultant has been selected as the number one choice. The information needed for determining the appropriate level of competence, other qualifications and the procedure for selecting such services shall be determined by each City department responsible for recommending the professional service contract. Using an RFQ process, the department may determine qualifications of the consultant and after selection by the committee may further negotiate the scope of work and the price. Even though price cannot be considered during the time frame when staff is determining the "most qualified" consultant, price must be negotiated with

the consultant. If you are unable to negotiate a price that is suitable, start negotiations with the next most qualified consultant.

2. Once the RFP or RFQ has been received, they should be evaluated and ranked independently by the selection committee members. The Project Manager should collect the member responses and compile and tally the results. Based on these results, a "short list" of the top consultants should be created.
3. References. The Project Manager will develop questions to be asked of references for all candidates. He/She will call the references and make notes to be shared with the committee members following the interviews.
4. Consultants who are on the "short list" will be invited to meet with the committee. Meeting may be any or all of the following formats: interview, demonstration of product, oral presentations and clarification of RFP/Q response if needed. During the interview process the committee will individually rank the consultants. At the conclusion of all the interviews, the committee members will discuss their opinions of the consultants, the Project Manager will share the results of reference checks and through negotiation, the committee will rank the candidates and come to a consensus of the top candidate.
5. Negotiate contract: Once the top candidate has been determined to be the most qualified, the project scope of work and price can be further negotiated. If the selected consultant's pricing exceeds the budget or what the City has determined to be a reasonable price for the job, the City may end negotiations with the first consultant and begin negotiations with the next most qualified consultant, and so forth.
6. Details about one proposal cannot be revealed to the other proposer. It is important that all proposers be treated fairly and that the discussion and negotiations do not disadvantage any proposer.

#### **SECTION 4. RFP/RFQ Procedures**

##### **Dollar Limits – Professional, Management, and Special Consultant Services**

Dollar limits specified are per contract and are not to be split to circumvent the specified limits.

##### **A. Under \$2,500 - Authority to Award – Department Head:**

1. Department Heads may approve consulting contracts up to \$2,500. A purchase order must be obtained for \$2,500 and over.

2. The department should contact at least two service providers. The department may use a list of interested vendors, phone book, or internet research to find qualified vendors to contact. In addition, if the City currently has an on-call or master contract established for this service, the department may follow that process to award the work. Records showing selection information plus selection justification shall be maintained by the department.
3. Departments may create RFP/Q's and set up master contracts or on-call contracts for prequalified consultants for small dollar tasks that they will need performed throughout the year. These master contracts should be maintained by the Project Manager and submitted to Finance along with evaluation criteria and results for use by other departments.

**B. \$2,500 to \$25,000 - Authority to Award – City Manager:** A Department Head will submit a written recommendation of award of contract to the City Manager after completion of the following process.

1. Develop a detailed scope of work, selection criteria and a sample contract to be conveyed to potential consultants. It is important that the solicitation clearly state the City's needs to ensure that each consultant has a fair opportunity to present their proposal and that the City receives well developed proposals.
2. The requesting department should mail, email or fax the informal solicitation to as many companies as necessary to obtain responses from a minimum of three (3) consultants/firms. The department may use the list of professionals who are in the vendor file, phone book, trade journals, or internet research to locate potential consultants.
3. Interviews (on the phone or in person) should be held with the proposers to determine the consultants who can best meet the City's needs based on the scope of work and selection criteria.
4. Staff is required to maintain a record of the selection process including the responses received from the consultant.
5. The contract along with a written recommendation for award of the contract discussing the selection process and the determining factors for selecting the consultant must be submitted to the City Manager for approval. This documentation should be submitted to the Purchasing Agent as part of the purchase order process.
6. A requisition must be prepared by the department staff. As part of the backup to that requisition, the department must submit to the Purchasing Agent, a copy of the recommendation for award memo presented and



approved by the City Manager, a copy of the written solicitation document, a list of those responding to the solicitation, and a copy of the executed contract as on file with the City Clerk's Office. This documentation will be attached to the purchase order and maintained as open public record for two years.

7. **Exceptions:** The department may request the Purchasing Officer waive the informal solicitation requirement in these circumstances:
  - a. Interview only one firm if authorized or directed to do so by City Council. (Documentation by department involving confirming action by City Council required).
  - b. Upon prior approval from City Manager, interview only one firm due to time constraints, utilization of other agency RFP results, specialized or unique expertise, and/or prior use of a consultant for the same service. (Documentation by department involving report reviewed and approved by City Manager).

**C. Over \$25,000 - Authority to Award – City Council:** In a non-urgent situation, departments shall utilize a sealed Request for Proposal/Qualification process. A Department Head will submit a written recommendation of award of contract to the City Council after completion of the following process.

1. The department staff member will use the formal RFP or RFQ template, located on the E:drive, Correspondence Standardization, RFP. Be sure to develop a detailed scope of work and selection criteria to be included in the document. It is important that the solicitation clearly state the City's needs to ensure that each contractor has a fair opportunity to present their proposal and that the City receives well developed proposals.
2. Notice must be published in the newspaper and posted on the City's website 14 days prior to the date of submittal. Project Managers will need to coordinate the notice of publication dates with the City Clerk's Office. Department may also mail, email or fax the Notice to additional vendors if they know of specialists who are interested. Please encourage consultants/firms to identify themselves as interested parties and download the full RFP/Q document from the website as this will ensure that they are emailed any addenda or other notifications staff may need to alert potential responders to.
3. The Project Manager will receive all submittals and will create a listing of all those received. Any proposals received after the date and time stated on the notice will be returned unopened.

4. The Project Manager shall set up evaluation criteria in advance of receiving the submittals. Each committee member will evaluate and rank the proposals based on this established criteria.
5. The Project Manager will receive and tally the committee member's results of their evaluation and will create a "short list" of consultants to be interviewed.
6. The Project Manager will call references of those on the "short list" and will set up interviews.
7. Consultants who are on the "short list" will be invited to meet with the committee. Meeting may be any or all of the following formats: interview, demonstration of product, oral presentations and clarification of RFP/Q response if needed. During the interview process the committee will individually rank the consultants. At the conclusion of all the interviews, the committee members will discuss their opinions of the consultants, the Project Manager will share the results of reference checks and through negotiation, the committee will rank the candidates and come to a consensus of the top candidate.
8. Negotiate contract: Once the top candidate has been determined to be the most qualified, the project scope of work and price can be further negotiated. If the selected consultant's pricing exceeds the budget or what the City has determined to be a reasonable price for the job, the City may end negotiations with the first consultant and begin negotiations with the next most qualified consultant, and so forth.
9. Details about one proposal cannot be revealed to the other proposer. It is important that all proposers be treated fairly and that the discussion and negotiations do not disadvantage any proposer.
10. The contract along with a written recommendation for award of the contract discussing the selection process and the determining factors for selecting the consultant must be submitted to City Council for approval and award. This documentation should be submitted to the Purchasing Agent as part of the purchase order process.
11. **Exceptions:** A recommendation may be made to the City Council to waive the sealed RFP/Q requirement in these circumstances:
  - a. Interview only one firm if authorized or directed to do so by City Council. Documentation by department involving confirming action by City Council required.
  - b. Use of another Public Agency's RFP and Contract (piggybacking onto another Contract) must be approved by City Council for

purchases exceeding \$25,000. Documentation that must be submitted to support this include: contract, copy of the RFP document used by awarding agency, list of vendors who responded to RFP (at least three), staff report and minutes of the governing body's meeting showing award. Other agencies contract must still be valid, with a termination date consistent with City policy of not more than three years. See Chapter 2, Section 1(J) of this manual.

**12. Contracts:** Service contracts in an amount exceeding \$25,000 require the approval of the City Council. Prior to taking the contract to City Council, the contract should be developed using the City's standard contract form, forwarded to the City Attorney's Office, and reviewed and approved as to form by the City Attorney and signed by both the City Attorney and the vendor. City Clerk's Office will obtain the remaining signatures. Once approved by City Council, the Contract will be given an official contract number by the City Clerk's Office and the original maintained by the City Clerk in their contract files.

**13. Purchase Order:** The department must prepare a requisition for a purchase order encumbering the funds. There must be an unencumbered appropriation in the fund accounts against which any expenditure for this service is to be charged. City Council approval (City Council minutes or staff report with action notes from City Clerk), City Council staff report describing the selection process and a copy of the executed contract, copy of the RFP document (if Purchasing posted the document on the website, just provide the date of the RFP/Q) and list of those companies who responded to the RFP/Q must be attached to the requisition. The purchase order and above mentioned attachments shall be maintained in the Purchasing files and shall be open public record for a period of termination plus four years following the award.

## **SECTION 5. Contracts**

### **A. Contract Award is as follows:**

**\$0 - \$2,499 – Department Head**

**\$2,500 - \$25,000 – City Manager**

**Over \$25,000 – City Council**

1. All professional services for \$2,500 and over must be specified on a City Contract.
2. The City Attorney shall review and approve all contract documents as to form.

3. Contracts for professional services \$2,500 and over must be on the City's standard form, "Agreement for Professional Services," template and approved by the City Attorney. The template can be found on the E:drive, Correspondence Standardization, Professional Service Agreement. Any exceptions to the standard form must be reviewed and approved by CAO.
4. Project Manager shall check the Excluded Parties List System (EPLS) website prior to awarding federally funded contracts, collect a certification of non-exclusion from the consultant, and maintain a record of such website check and certification in the project file.
5. For contracts \$25,000 and under, it is not necessary for CAO to review as long as no changes were made to the pre-approved template on the E:drive. However, if the department wishes to have the scope of work reviewed or there are requested changes to the contract, please present to the City Attorney's office for review at least 2 weeks or 10 business days prior to when the contract would need to be finalized.
6. For contracts over \$25,000, prior to taking the award to City Council, the City Attorney must review and approve the contract. The contract should generally be presented to the City Attorney's office for review at least 2 weeks or 10 business days prior to the time-frame it needs to be ready for agenda review.
7. All City contracts must be presented to the City Clerk's Office double sided with all necessary exhibits and approved by the City Attorney if applicable. The Project Manager is responsible for getting signatures from the City Attorney, consultant, Department Head, and City Manager on contracts \$25,000 and less. The City Clerk is the last to receive the contract. They assign a contract number and maintain the original in their contract file.
8. Contracts over \$25,000 must be awarded by City Council. The Project Manager is responsible for getting signatures from the City Attorney and the vendor, but the City Clerk will get the signatures of the City Manager and the Mayor. Contract will be presented to City Council with a staff report outlining the selection process and reason why the vendor is being recommended.
9. Contracts are not required for work in an amount less than \$2,500, however, if a Department Head is required to sign a contract supplied by the vendor, the contract must first be reviewed and approved by the City Attorney's office.
10. Contracts of \$2,500, but not more than \$25,000 are approved by the City Manager and awarded by the Purchasing Officer and must contain the following signatures: City Manager and Consultant.

11. Contracts in an amount exceeding \$25,000 are approved by the City Council and must contain the following signatures: City Attorney, City Manager, Mayor and Consultant.
12. All contracts should specify a not to exceed amount. This amount should include the total contract amount covering the full contract period, including any options to extend.
13. The best process would be to follow the appropriate selection process, include the total dollar amount for the full term plus any contract exclusions, and take contract to City Council for approval if it exceeds \$25,000. If this process has occurred, then all that is required is a formal renewal/extension letter, signed by both the City and the consultant extending the contract term.
14. All contracts must have a contract term end date specified in the contract, but should allow ample time for completion and may be different than the time of performance.

#### **SECTION 6. Contract Amendments**

##### **Contract amendments must be approved by the awarding body and can only be approved within their authorized dollar thresholds.**

- A. Original contract less than \$2,500.** Amendments can be approved by the Department Head as long as the original contract plus all amendments do not exceed \$2,500. Contracts are not required if under \$2,500. If a written contract amendment is prepared, the template contract and amendment must be used. If it is not used, City Attorney must approve the contract and amendment as to form.
- B. Original contract \$2,500 to \$25,000.** Amendments can be approved by the City Manager as long as the original contract plus all amendments do not exceed \$25,000. Contract amendments must be signed by City Manager and Consultant.
  1. If the original contract was \$25,000 or less, the City Manager can approve contract amendments, as long as the sum of all amendments, plus original contract amount, does not exceed \$25,000. If the amended contract will exceed \$25,000, then the contract must be taken to City Council for approval. The City Council shall make a finding that it is in the best interest of the City to waive the normal selection process and award the amendment to the contract (if the correct selection process was not followed for over \$25,000).

**C. Contracts of \$25,000 and over** must be approved by City Council, signed by City Attorney, City Manager, Mayor and Consultant.

1. If the original contract was over \$25,000 and originally approved by City Council, the City Manager has authority to approve contract amendments as long as the sum of all contract amendments plus the original contract amount does not exceed the amount approved by City Council.
  - a. **Example 1:** If City Council awarded a contract amount plus a contingency for this contract, the contract would reflect the contract amount and would be amended later up to the contingency.
  - b. **Example 2:** Optional year contracts can have a not to exceed amount covering the initial contract period and if City Council approves a dollar amount that represents the initial contract plus the optional years, then an extension letter or amendment can be done to exercise the optional years on the City Manager's authority.
2. If the amended contract will exceed the amount previously approved by City Council, the contract amendment must be approved by City Council.

**SECTION 7. Contract Signatures**

**A.** On the signature page, there must be some substantive text from the contract. The City Clerk attest must be on the same page as the signature block of person signing on behalf of the City.

**B. City Signatures.**

1. \$25,000 and under – Consultant, City Manager, and City Attorney (if approved form is not used)
  - a. If no changes were made to the template and contract amount is \$25,000 or less, then City Attorney will not need to review the contract, nor physically sign the document. If there are concerns about the language in the scope, please have City Attorney review.
2. Over \$25,000 – Consultant, Mayor, City Attorney (as to form), and City Manager. City Clerk to obtain signatures of Mayor and City Manager.

**C. Consultant Signatures.**

1. Contract consultant signature requirements vary as follows, depending on whether consultant is conducting business in the capacity of a corporation, limited liability company, general partnership, limited partnership, or as an individual:

- a. Corporation (per Corporations Code Section 313):
  - i. One officer from the corporation's "operational group" consisting of the chairman of the board, the president, or any vice president; and
  - ii. One officer from the corporation's "financial group" consisting of the secretary, or assistant secretary, or the chief financial officer or any assistant treasurer.
- b. Limited liability company:
  - i. Two managers of the limited liability company, or by one manager in the case of a limited liability company whose articles of organization state that it is managed only by one manager.
  - ii. Signature lines should always include the typed-in name and title of the person or persons executing the contract on behalf of the consultant, as well as the business name of the consultant.
- c. General Partnership, Limited Partnership or Limited Liability Partnership:
  - i. At least one general partner having apparent authority to enter into the contract on behalf of the partnership.
  - ii. Signature line should always include the typed-in name and title of the person or persons executing the contract on behalf of the consultant, as well as the business name of the consultant.
- d. Individual:
  - i. Signed by the individual owning the company.
  - ii. Signature line need only include the typed-in name of consultant, as well as, consultant's business name when consultant is doing business under a name other than consultant's own name.

## **SECTION 8. Contract Terms**

- A. Single-year contract.** A single-year contract keeps the cost down and the service up if the current contractor wants to receive future contracts. A single-year contract also makes it easier to switch to a better-performing contractor. However, a single-year contract has the disadvantage of being time-consuming to re-bid. Frequent re-bidding also increases costs due to contractor uncertainty, start-up and shutdown costs.
- B. Multi-year contract.** Multi-year contracts are easier to manage because the operational start-up time is less than for annual contracts. They also give the

contractor and the agency more continuity. However, when the contractor has made a substantial investment to start-up, a multi-year contract provides the needed time to amortize that investment. The disadvantage of a multi-year contract is there is not competition during the term of the contract. It is also more difficult to change contractors over the multi-year term because either a showing of "cause" or a 30-day notice of cancellation is generally required to cancel an ongoing contract. Additionally, when a contractor is not required to re-bid he may lose the incentive to keep a high service level because he has the assurance of a multi-year term.

- C. One year with extension options.** Where the contractor has not made a substantial start-up investment, an annual contract with the option to extend for 2-3 additional years is beneficial. It has all the advantages of competition found with the one-year contract, while motivating the contractor to provide good service to achieve contract extensions. This contract type provides incentive for the contractor and flexibility for the agency. Agencies should review the contractor's performance before the renewal period. As long as the appropriate approval has taken place for the total dollar threshold for the original contract plus extensions, the extension can be accomplished by sending an extension letter to the contractor. The extension letter will be signed by the contractor and the City.



## **SECTION 9. Professional Service Contracts Matrix**

The following matrix is based on procedures previously outlined and provides a quick reference to purchasing procedures when contracting for professional services.

<b>Up to \$2,500</b>	<ul style="list-style-type: none"> <li>• Staff should contact at least two vendors</li> <li>• Department Head selects vendor</li> <li>• No contract needed</li> <li>• If a contract is requested by the vendor, prior to approving or signing, City Attorney must review.</li> </ul>
<b>\$2,500 but less than \$25,000</b>	<ul style="list-style-type: none"> <li>• Prepare a written informal RFP/Q</li> <li>• Prepare a written scope of work</li> <li>• Qualifications needed</li> <li>• Selection criteria</li> <li>• Fax, mail or email the document to as many vendors as necessary to receive three viable responses</li> <li>• No advertising required</li> <li>• Department Head recommends award (in writing)</li> <li>• Department prepares contract</li> <li>• Obtain the following signatures on contract: vendor, City Attorney(if template not used), City Manager</li> <li>• City Manager awards contract</li> <li>• Department enters requisition</li> <li>• Provide a copy of informal RFP/Q, list of vendors who responded, executed contract to Finance</li> <li>• Department Head or designee approves requisition</li> <li>• Finance prepares purchase order</li> <li>• Department mails purchase order referencing contract to vendor</li> <li>• Amendment required to contract if it surpasses the contract not to exceed amount</li> <li>• City Manager approves amendments up to \$25,000 contract limit</li> <li>• City Council approves amendments which bring the contract and sum of all change orders to an amount in excess of \$25,000 contract limit</li> </ul>

<b>Over \$25,000</b>	<ul style="list-style-type: none"><li>• RFP/Q procedures required in non-urgent cases</li><li>• Send RFP/Q Notice to those on vendor list (Purchasing to provide)</li><li>• Forward electronic copy to Finance to post on City website</li><li>• Advertising required 14–21 days prior to closing date</li><li>• Staff selection committee to evaluate responses and “short list” is created</li><li>• Staff selection committee interviews those on “short list” and recommends vendor</li><li>• Department prepares a contract document</li><li>• Department Head to recommend vendor to City Council</li><li>• City Council approves vendor and awards contract</li><li>• Obtain following signatures on contract: vendor, City Attorney, City Manager, Mayor</li><li>• Project Manager obtains vendor and City Attorney signatures, and City Clerk obtains City Manager and Mayor</li><li>• Department enters requisition</li><li>• Department forwards to Finance a copy of City Council memo awarding contract</li><li>• Department Head or designee approves requisition</li><li>• Finance prepares purchase order</li><li>• Department mails purchase order referencing contract document to vendor</li><li>• Amendment required to contract if it surpasses the contract not to exceed amount</li><li>• Generally, City Council approves all contract amendments</li><li>• City Manager may approve contract amendments within the amount approved by City Council</li></ul>
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## RFP/RFQ PROCEDURES FOR MASTER CONTRACTS (ON-CALL) FOR PROFESSIONAL OR GENERAL SERVICES

The annual not-to-exceed amount of master (on-call) contracts generally exceeds the \$25,000 threshold; therefore, these contracts are established and approved using procedures for purchases over \$25,000.

On-call contracts will be available for Citywide use by any City department.

A formal RFP/Q must be developed at least every three years by the lead department which is responsible for managing jobs within the specific category.

It is that department's responsibility to schedule and coordinate the RFP/Q process with Finance.

The department will use the formal RFP/Q template located on the E:drive, Correspondence Standardization, RFP.

Project Manager to coordinate the notice of publication dates with City Clerk's Office.

City Attorney Office, Finance, and other staff as appropriate should review the RFP/Q.

Notices for formal RFP/Q's posted on City's web page and published in the newspaper at least 14 days prior to the date of submittal.

RFP/Q's will be reviewed by multi-division/department review committee/selection team. Members will base their evaluation on pre-established qualification criteria.

The Project Manager will collect and tally the committee member's results of their evaluation and create a "short list" of consultants to be interviewed.

Consultants who are on the "short list" will be invited to meet with the committee. During the interview process the committee will individually rank the consultants.

Once the committee has selected the most qualified consultants, a master contract with a general scope of work must be presented to City Council for approval and award of a specific dollar amount.

Contracts may be established for a three-year period. Extensions to such contracts are not recommended as it prevents new consultants from being considered for small dollar jobs.

There can only be one on-call master contract per consultant per category.

It is the responsibility of the originating department to track all task orders used against their master contract and to ensure that the not-to-exceed amount is not surpassed.

Task orders shall be issued pursuant to the master contract against the annual not-to-exceed amount.

## **CHAPTER 5 – MASTER CONTRACTS FOR PROFESSIONAL & GENERAL SERVICES PROCESS & AGREEMENTS**

### **SECTION 1. Overview**

- A.** Master professional service contracts are governed by the San Fernando City Code Chapter 2 (Administration), Article IV (Finance), Division 6 (Purchasing). As outlined in SFCC Sec. 2-840(d)(8), for those professional services as defined in Government Code Section 4525, master single or multi-year contracts with several consultants with a general scope of work may be set up for a total not to exceed dollar amount as approved by City Council.
1. Professional services as defined in SFCC Sec. 2-772(k) shall be procured through negotiated contract or Requests for Qualification and/or Proposal process outlined in SFCC Sec. 2-840.
  2. General services as defined in Sec. 2-772(e) shall be procured either through the bid process outlined in SFCC Sec.2-800 with the emphasis on awarding to the “lowest responsive, responsible bidder” or through the Request for Proposal process outlined in SFCC Sec. 2-840 with emphasis on factors other than price.
- B. OBJECTIVE:** To set up master contracts for prequalified consultants to expedite small-dollar, perfunctory jobs falling within specific categories as defined in Government Code Section 4526 (services are defined in 4525). Keep in mind if using state or other grant funding for a project, an individual selection process may be required. You may not be able use contracts established through this process for a state or grant funded project.
1. When using state or federal money, you must follow the purchasing selection rules outlined in their document.
  2. It is unlawful to accept rebates and/or kickbacks. Government agencies are prohibited from participating in the selection process when those employees have a relationship with the person or business entity seeking a contract under this section which would subject those employees to the prohibition of Government Code Section 87100.

**C. Professional Services: Architectural, landscape architectural, engineering, environmental, land surveying, construction project management services.**

Per Government Code Section 4526 “professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management shall be selected on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required at a fair and reasonable price.” When selecting above types of services, please prepare a Request for Qualification document with selection criteria that permits selection based on qualifications rather than price. If they cannot provide the service at a reasonable price, then negotiations will begin with the next most qualified vendor.

**D. General Services:** Service of a general nature (as opposed to professional/consulting services) shall be contracted by following a Request for Proposal/Qualification or Bid process. The method of selection shall be determined by the Purchasing Agent and may include both qualification of the service provider and cost of the service, and shall be based on the estimated annual dollar value of the service to be provided. Per the Public Contract Code, general services include janitorial, uniform cleaning, minor (under \$45,000) electrical, plumbing, repainting, maintenance and other service for which qualified tradesmen can perform without additional training, unique skill, or special background.

1. **Factors to consider.** If it is determined by the department, in consultation with the Purchasing Agent, that all vendors providing a service classification can equally provide the service satisfactorily, a bid process would be appropriate. However, if factors other than price need to be considered in awarding the contract, the Request for Proposal process may be used. Examples of areas other than price that may be important in awarding the contract include: experience level, competence, resources/equipment, staffing levels, services available/time factors, and other qualifications determined by each City department responsible for recommending the service contract.
2. Proposals evaluated by the City for general services should be based on a combination of qualifications and cost with a heavier emphasis on cost.
  - a. Request for Proposal responses are awarded based on demonstrated competence, skills, staffing levels with adequate level of experience, prior experience, timing, availability and cost. General services are general in nature and companies with appropriate licenses and whose main business is to perform such service should be qualified. Therefore price, although not the only factor, is an important factor in selecting the service provider.

**SECTION 2. RFP/RFQ Procedures****Master Contracts for Professional or General Services**

- A. Departments interested in establishing master (on-call) contracts should contact Finance for procedures and coordination.
- B. Departments should prepare and go through the formal RFP or RFQ process at least every three years for the categories listed below.
  - 1. This is a decentralized process and will be performed by the lead division which is generally responsible for managing jobs within the specific category.
- C. Master on-call contracts will be available for Citywide use by any City department.
- D. The annual not to exceed amount of master (on-call) contracts generally exceeds the \$25,000 threshold; therefore, these contracts are established and approved using procedures for purchases over \$25,000 (see Chapter4, Section 4(C)).
- E. **Consultant categories awarded based primarily on Qualifications: (Those categories as outlined in Government Code 4526.)**

Architectural	Construction Management
Construction Materials Sampling	Civil Engineering
Development Plan Check	Engineering
Environmental Engineering	Geotechnical/Environmental
Land Surveying	Landscape Architectural
Materials Testing	Right-of-way acquisition
Structural Engineering	Traffic Engineering

- F. **Consultant categories awarded based on Qualifications and price, examples include:**

Attorney Services	Consulting Services
Financial Services	General Services
Management Services	Physician Services

**G. Over \$25,000 - Authority to Award – City Council:** In the contracting of master contracts for professional, management, and general services, departments shall utilize a sealed Request for Proposal/Qualification process. A Department Head will submit a written recommendation of award of contract to the City Council after completion of the following process.

1. The department staff member will use the formal RFP or RFQ template located on the E:drive, Correspondence Standardization, RFP. Be sure to develop a general scope of work and selection criteria to be included in the document. It is important that the solicitation clearly state the City's needs to ensure that each contractor has a fair opportunity to present their proposal and that the City receives well developed proposals.
2. Notice must be published in the newspaper and posted on the City's website 14 days prior to the date of submittal. Project Managers will need to coordinate the notice of publication dates with the City Clerk Department. Department may also mail, email or fax the Notice to additional vendors if they know of specialists who are not on the City's list. Please encourage consultants/firms to register with the responsible department and download the full RFP/Q document from the website as this will ensure that they are emailed any addenda or other notifications to which you may need to alert your potential responders.
3. The Project Manager will receive all submittals and will create a listing of all those received. Any proposals received after the date and time stated on the notice will be returned unopened.
4. The Project Manager needs to set up evaluation criteria in advance of receiving the submittals. Each committee member will evaluate and rank the proposals based on this established criteria.
5. RFP/Q's will be reviewed by a multi-division/department review committee/selection team. Members will base their evaluation on pre-established qualification criteria. The Project Manager will collect and tally the committee members scoring and will establish a short list of firms to be interviewed for each category of work. The Project Manager will check references and schedule interviews. The committee will conduct interviews and will rank them based on evaluation criteria previously developed. Service providers who are qualified will be categorized based on size of company, past experience, bonding capabilities, number of current obligations, call-in availability, etc.
6. Vendors denied prequalification status must be notified in advance, which will provide the opportunity to go through an appeal process.

7. A master contract with a general scope of work will be presented to the City Council for approval and award.
  - a. Contracts may be established for a three-year period. Extension of such contracts is not recommended as it blocks other/new vendors from consideration for small dollar jobs. Departments should send a questionnaire to the company annually to ensure that the company has the key employees to provide the service at the needed level of proficiency.
  - b. It is the responsibility of the originating department to track all task orders used against their master contracts and to ensure that the not to exceed amount is not surpassed. An up-to-date spreadsheet must be kept by the originating department and provided to the Purchasing Agent and any requesting department when issuing new task orders.
  - c. There can only be one on-call master contract per vendor per category. If a new prequalified vendor's list is approved prior to the on-call contract's expiration date, the new contract will supersede the old contract and the older contract must be canceled.
8. A list will be developed for Citywide use in contracting for such services. Proposals submitted will be kept in the originating department's files for review by other City departments, if needed, to allow them to examine selection criteria and determine if the list is appropriate for their needs.
9. The consultant will be called-out on an as needed basis. The maximum dollar amount for professional or general services jobs is \$125,000 per task order, but generally the type of work that these consultants will be used for, will be the smaller dollar jobs. If a job is anticipated to exceed \$125,000, the Project Manager must go out for RFP.

### **SECTION 3. Master Contracts**

**A. Professional and general services master contracts.** For those professional services as defined in Government Code Section 4526, in order to simplify the small dollar general services contracts and ensure such services can be performed timely, master multi-year contracts with several consultants may be set up.

1. After completing a formal RFQ process (as outlined above and in Chapter 5 of this manual) based on qualifications plus reasonableness of cost for professional services, or for general services completing a formal Bid (per Chapter 2 of this manual) or a RFP/Q (as outlined above and in Chapter 6 of this manual):



- a. Master single or multi-year contracts to several vendors for the same service will be awarded by City Council for a total not to exceed dollar amount and a maximum term of three years.
  - b. The master contract will have a general scope of work outlining the general type of work to be performed.
2. The City Attorney shall review and approve all contract documents as to form, unless the pre-approved template is being utilized.
3. Contracts for services \$2,500 and over must be on the City's standard form, "Agreement for Professional Services," and approved by the City Attorney. The template can be found on the E:drive, Correspondence Standardization, Professional Service Agreements.
4. For contracts exceeding \$25,000, the City Attorney must review and approve the contract. The contract should generally be presented to the City Attorney's office for review at least 2 weeks or 10 business days prior to the time-frame it needs to be ready.
5. Contracts in an amount exceeding \$25,000 are approved by the City Council and must contain the following signatures: City Attorney, City Manager, Mayor, and Consultant.
6. All City contracts must be presented to the City Clerk's Office double sided with all necessary exhibits and approved by the City Attorney if applicable. The Project Manager is responsible for getting signatures from the City Attorney and the consultant on contracts exceeding \$25,000. The City Clerk is the last to receive the signed contract. City Clerk will obtain the City Manager and Mayor's signatures, and they will assign a contract number and maintain the original in their contract file.
7. All contracts must have a contract term end date specified in the contract.
8. Task orders shall be issued pursuant to the master contract against the annual not to exceed amount. Each task order will have a specific scope of work.
  - a. Task orders issued before the master contract's termination date shall remain in effect until completion of the scope of work.
  - b. The "original" task order must be issued and submitted to the Finance department for inclusion with the Purchase Order.
  - c. Specific detailed scope of work is required on the task order.
  - d. No contingencies shall be allowed in scope of work of task orders.

#### **SECTION 4. Using the Established Master Contracts**

- A.** When determining if it is appropriate to use the master contract for your project, please take into consideration all phases of the project.

Example: if it is reasonable to expect that the vendor performing design services would be the most qualified vendor to perform the project construction management, then both phases of the project need to be taken into consideration when determining the expected cost for the contract. If the dollar amount for both phases is expected to exceed \$125,000, then it would not be appropriate to use the on-call master contract. An individual RFQ will need to be conducted for this project.

- B.** Master on-call contracts will be established with all vendors on the prequalified list at the time City Council approves/awards the list.
- C.** There will be an annual not to exceed amount, but it may vary by contract.
- D.** The contract term date will coincide with the approved Prequalified Vendors List, generally 3-years. *Note: There can only be one on-call master contract per vendor per category. If a new prequalified vendor's list is approved prior to the on-call contract's expiration date, the new contract will supersede the old contract and the older contract must be canceled.*

#### **SECTION 5. Task Orders**

- A.** A task order is an amendment to a master agreement approved for task orders within a specified dollar amount. After entering into a master agreement, individual projects with detailed scopes of work will be outlined on individual task orders.
1. A task order holds the vendor responsible for a defined scope of work (task).
  2. Binds the vendor with a signature for each project.
  3. Allows for accurate tracking of projects and expenditures.
  4. Streamlines the contract process – no need to complete an entirely new contract each time the City desires to obtain services from a vendor on the list.
- B.** Task orders shall be issued pursuant to the master contract against the annual not to exceed amount. Each task order will have a specific scope of work and be submitted to the Finance Department for inclusion with the Purchase Order. The task order must indicate: total dollar amount of contract, minus previously issued

task orders, minus current task order with a running remaining balance of the contract indicated on the task order.

**C. Professional Services Task Orders will be approved as follows:**

1. **\$0 - \$2,500.** The Department Head has the authority to approve task orders for individual projects for an amount of \$2,500 or less.
2. **\$2,500.01 - \$125,000.** The City Manager has the authority to approve task orders for individual projects for an amount of \$125,000 or less.
3. **\$125,000.01 and over.** Task orders estimated in an amount exceeding \$125,000 **cannot be issued against a master contract.** A task at that level requires an individual Request for Qualification process and a new contract awarded by City Council.

**D. Professional and General Service Agreements – Task Orders for jobs \$0-\$125,000:**

1. The City should rotate through the list of consultants and provide an opportunity for everyone on the list to compete for the City's business.
2. The staff person managing the list will advise which vendors are qualified/eligible to complete the scope of work.
3. Wherever possible, the award should be made on a rotational basis with the next task order being rotated to another consultant.
4. If the Project Manager decides not to award on a rotational basis for good cause, such as there is a more qualified consultant for a particular scope of work, the Project Manager will prepare a Scope of Work or a list of qualifying questions and send to as many companies as necessary on the prequalified vendor list to receive a response from ideally three consultants and will evaluate any proposals submitted.
  - a. The Project Manager will evaluate current statements of qualifications and performance data.
  - b. Negotiate a fair and reasonable price for the determined scope of work with the most qualified consultant.
5. Once a determination has been made on which consultant will be used the Project Manager will:
  - a. Verify and review the master contract on file for the selected vendor.

- b. Assure that the new task will not take the contract over the not to exceed amount of the contract.
- c. Verify that adequate insurance is in place.
- d. Fill out the standard task order form to the master contract.
- e. Obtain appropriate signatures on the task order.
- f. Copy given to Finance Department for attachment to the Purchase Order, with reference to the master contract.
- g. Copy to Project Manager's files along with an explanation of the selection process for purchase order.

**E. Exceeding \$125,000.** Task orders estimated in an amount exceeding \$125,000 **cannot be issued against a master contract.** A task at that level requires an individual Request for Qualification process and a new contract awarded by City Council.

## Public Works Procurement & Agreement Processing

### Consultant Agreements and Task Orders

On – Call (Task Orders)	Amount \$	Documents	Approvals Req'd	Procurement Method
	< \$2,500	Task Order No Memo	PWD	Rotational Basis
	> \$2,500 - \$125,000	Task Order Council Staff Report	PWD+CAO+CMO+CC <a href="#">Sec. 3-10.108(c)(3)</a>	Min. 3 Quotations
	> \$125,000		Don't use On-Call <a href="#">Sec. 3-10.108(c)(4)</a>	

New Agreements	< \$2,500	No P.O.(2)	PWD <a href="#">Sec. 3-10.401(b)</a>	Two Quotes (Phone contacts)
	\$2,000 - < \$25,000	Agreement Memo from PW Director to City Manager	PWD+CMO <a href="#">Sec. 3-10.108(a)</a> <a href="#">Sec. 3-10.401(c)(2)&amp;(3)</a>	Min. 3 Proposals Select Best Value <a href="#">Sec. 3-10.401(c)(1)</a>
	> \$25,000	Agreement Council Staff Report	PWD+CAO+CMO+CC <a href="#">Sec. 3-10.108(a)</a> <a href="#">Sec. 3-10.401(d)(6)</a>	RFP/Q Process <a href="#">Sec. 3-10.401(d)(1-5)</a>

### Amendments to Consultant Agreements and Consultant Task Orders

Agreement/T.O.	Amount \$	Documents	Signatures Req'd
Agmt/T.O. < \$25,000 + All Amendments	< \$25,000	Amendment Memo to City Manager	PWD (T.O. only) PWD+CMO
Agmt/T.O. < \$50,000 + All Amendments	> \$30,000 up to \$50,000	Amendment Memo to PW Accounting	PWD+CAO+CMO <a href="#">Sec. 3-10.108(b)(1)</a>
	> \$50,000	Amendment Council Staff Report	PWD+CAO+CMO+CC <a href="#">Sec. 3-10.108(b)(1)</a>
Agmt/T.O. > \$50,000 + All Amendments	< Total Approved Expenditure (Including Contingencies)	Amendment(4) Memo from PW Director to City Manager	PWD+CAO+CMO <a href="#">Sec. 3-10.108(b)(2)</a>
	> Total Approved Expenditure (Including Contingencies)	Amendment(5) Council Staff Report	PWD+CAO+CMO+CC <a href="#">Sec. 3-10.108(b)(2)</a>

- (1) If any exceptions to the selection process, a memo from PW Director to Finance is also required.
- (2) Purchase order is required unless the total for the specific Vendor is less than \$2,500 within the fiscal year.
- (3) For contracts under \$25,000, if format deviates from CAO approved template, signature of the CAO is required.
- (4) Any single Amendment over \$25,000 must be approved by the City Council. [Sec.3-10.108\(b\)\(2\)](#).
- (5) All Amendments in this case must be approved by the City Council. [Sec.3-10.108\(b\)\(2\)](#).

## **CHAPTER 6 - RFP AND RFQ PROCESS FOR PROFESSIONAL, MANAGEMENT, GENERAL & SPECIAL SERVICES**

RFPs cannot be used to establish public works contracts that are governed by the Public Contract Code. The Public Contract Code requires award to low bid (Chapter 7).

### **SECTION 1. Definitions**

- A. Request for Proposal:** In the government sector, a RFP is a solicitation, for specialized goods or services designed for an award based on criteria other than price alone. It can be used for hard to quantify or hard to describe items or services because it allows the proposer to suggest the item or service that might best suit the agency's needs. In these cases, the City must clearly spell out the results it wants the proposer to achieve with items or services. A RFP/Q may also be used to acquire professional, management, consultant and general services and is awarded based on qualification and other criteria as set up in the RFP/Q document, cost may be a factor in initial selection or may be established through negotiation with the most qualified proposer.
- B. Special Consultant Services:** Those services rendered by members of a recognized profession or possessing a special skill, may be obtained through the RFP/Q process where experience and qualifications are an essential factor in the selection process. Examples of such services are data processing, programming, planning, economic, financial, testing, specialized temporary services, accounting, attorney, doctor, appraiser, expert, transportation/transit operating services, golf course operating services, theater concession services, parking garage operation services, and other similar services that require special performance criteria, specific experience, training, personal judgment, quality of work or factors other than simply obtaining the service at the lowest cost to the City. This may also include services requiring unique or other specialized abilities.
- C. Professional Services: Architectural, landscape architectural, engineering, environmental, land surveying, construction project management services.** Government Code Section 4526 "professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management shall be selected on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required at a fair and reasonable price." When selecting above types of services, please prepare a Request for Qualification document with selection criteria that permits selection based on qualifications rather than price. Price will be negotiated after selection. If they cannot provide the service at a reasonable price, then negotiations will begin with the next most qualified vendor.

**D. Management Consulting Services:** Management consulting services are services of an advisory nature to support policy development, decision-making, administration, or management of the government; normally provided by persons and/or organizations considered to have prerequisite knowledge or special abilities not generally available in the government. A consultant is a person with education and/or experience that uniquely qualifies him or her to perform some specialized expert service for the City. Examples include: general management consultants, personnel consultants, studies of governmental operations, and other similar services.

**E. General Services:** Service of a general nature (as opposed to professional/consulting services) shall be contracted for following a RFP/Q or Bid process. The method of selection shall be determined by the Purchasing Agent and may include both qualification of the service provider and cost of the service, and shall be based on the estimated annual dollar value of the service to be provided. Per the Public Contract Code, general services include janitorial, uniform cleaning, minor (under \$45,000) electrical, plumbing, repainting, maintenance and other service for which qualified tradesmen can perform without additional training, unique skill, or special background.

**F. RFP for Specialized Equipment or Goods:** An RFP may be used to solicit goods if there is more to be considered in purchasing the item than just price and lowest bid meeting the specification. Another example of using an RFP for goods would be when the department does not want to specify with exactness the type of goods needed to obtain the desired result. This type of solicitation would be awarded based on specified criteria plus best value.

## **SECTION 2. Responsibility For Contracting**

**A.** Professional, management consulting services, specialized services and general services are subject to the informal, formal or competitive bidding requirements of SFCC Sec. 2-800. Contracting for services is decentralized and is the responsibility of the Department Head with Purchasing Office consultation.

**B.** The Purchasing Agent may be contacted to assist in the informal and formal Request for Proposal/Qualifications (RFP/Q) process.

## **SECTION 3. Budget**

**A.** Prior to solicitation for RFP/Q, the department must ensure that there exists an unencumbered appropriation in the fund accounts against which any expenditure for this service is to be charged.

## **SECTION 4. RFP/RFQ Document**

Request for Proposal and Request for Qualifications are solicitation documents used in the competitive sealed proposal or qualification process.

- A. Request for Proposal (RFP):** A RFP involves the inclusion of a specific proposal for services to provide for the City's description of the work through provision of a detailed scope of work and allocation of manpower and resources. It is important to clearly spell out the results required to enable the proposer to submit the best solution proposal.
- B. Request for Qualifications (RFQ):** A RFQ does not include a detailed proposal or scope of work, but rather involves the provision of qualifications of the consultant to perform based on the City's general description of work and the consultant's expression of experience, expertise and/or qualification to do that work based on similar work done. Government Code Section 4526 specifies that "professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms shall be selected on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required at a fair and reasonable price."

RFP's and RFQ's are often combined (RFP/Q's).

- C. Public Notice:** The Public Notice is included in the RFP/RFQ document. RFPs and RFQs require public notice fourteen (14) to twenty-one (21) days prior to the due date of the proposal published in a newspaper of general circulation and coordinated with the City Clerk Department. The notice states the time, date and place for submission of sealed responses, states the date of the pre-proposal conferences, notifies the responder if they need to provide bonds, and notifies the proposer of proposal whether or not the RFP/RFQ opening will be public. Usually, public openings on competitive sealed proposals are not held. If it is determined to open the RFP/Q publicly, then only the name of the responding consultants may be announced publicly, since revealing more could have a negative effect on subsequent negotiation.
- D. RFP and RFQ Format:** Sample Informal RFP, Formal RFP, and RFQ documents are on the E:drive, Correspondence Standardization, RFP. Some of the important components of an RFP and RFQ include:
- 1. Background Information:** This usually includes background information about the project or the City.
  - 2. Scope of Work:** The Scope of Work is not a specification; rather, the Scope of Work is performance driven. The scope of work is an accurate and often detailed description of the essential and technical requirements



of the service needed. It includes a definition of the desired results and the standards by which they will be measured. Keep the scope of work non-proprietary and do not specify the service so narrowly that it fits only one provider. Disclose the contract term such as one year, multi-year, one year with extension options. Be careful to not over specify. If you are not willing to pay for additional services, do not include them in the specifications unless you include them as “additives” or options. To avoid the appearance of an arbitrary award, identify the priority of options that will be selected if funds are available. For example: “within budgetary limits, options will be awarded in the following priority: A, B, C and F.”

3. **Introduction:** This section is a general introduction to the service requirements, often including such provisions as the following: a history of the service; who the vendor’s contact person with the City will be; if a pre-bid conference is scheduled, when it will occur, and whether attendance is optional; and the calendar of events in the selection process.
4. **Contractor Qualifications:** Request that the contractor specify the related experience, qualifications, and evidence of financial stability, among other criteria to demonstrate their qualifications. The experience requirements may also include certifications, years of relevant experience, the submission of examples of similar work, years of education, degrees, and recent references on similar projects. To assess financial stability, you should ask contractors for their most recent financial statements, evidence of insurance, and evidence of bonding capability.
5. **Project description:** The description of the project to be completed. If you are dealing with a new type of project, a sample project description may be gained by contacting: other local governments, professional associations, leagues of municipalities, institutes of government in our state, the National Institute of Governmental Purchasing, and universities. You should also research professional literature for assistance.
6. **Contractor’s responsibilities:** Having experienced and knowledgeable people to do the job is absolutely essential. Ask the proposer to submit resumes of managers, supervisors, and key staff persons who will be doing the work. Specify the minimum qualifications and experience for these key positions.
7. **City’s responsibilities:** Spell out the City’s responsibilities in relation to the project.
8. **General conditions:** This section specifies the general conditions and requirements such as: payment procedures, insurance requirements, bond requirements, contract extension and renewal provisions, and

special instructions including the method for ranking bidders, procedures for protesting an RFP rejection and how to format the response.

9. **Evaluation criteria:** Specify the criteria for evaluation, including the contractor's reporting requirements. The only award criteria that can be used in awarding the contract are those spelled out in the RFP/Q. Examples of areas to evaluate: methodology, management approach, and technique; time spent by principals; qualifications and experience of principals and staff; understanding of project and City's objectives; responsiveness of the RFP/Q; availability during project; experience and history of firm and financial stability.
  10. **Contract Document:** Include a sample contract document in the solicitation.
  11. **Proposal Documents:** Specify which forms (if any) included in the proposal that must be returned. Examples: Non-collusion Affidavit, Price list for Materials, Experience Statement, etc.
  12. **Bonds:** Requirement of bonds is optional. If bonds are required, insert the appropriate bond clause from those listed in the sample Request for Proposal document.
- E. City Attorney Review and Approval:** It is recommended that the City Attorney review all RFP/Q documents prior to solicitation especially those with unique or uncommon features.

#### **SECTION 5. Selection Of Consultant**

- A. Staff may utilize the standardized selection committee and evaluation criteria guidelines (see Section 12, Exhibit A). The department may forego the use of a selection committee when appropriate to the scope of service requested.
- B. Proposals should be evaluated by the committee members to determine if they qualify for further consideration based on criteria spelled out in the RFP document. A "short list" of consultants may be determined for further evaluation.
- C. **Management, Special and Consulting Services:** Proposals evaluated by the City for management, special and consulting services should be based on criteria set up by the department ensuring the consultant is qualified and the cost is reasonable. Price for the service should be included in the solicitation response and should be a factor in determining the best consultant for the job.

1. Request for Proposal responses are awarded based on demonstrated competence, performance plan responding to the scope of services, unique skills, staffing levels with adequate level of experience, prior experience, timing, and other professional qualifications for the service required, plus availability, and fair and reasonable cost. Part of the ranking of the responses includes cost of the service. The department has the option to determine the ranking factor associated with each evaluation criteria, in some cases the cost criteria may have a higher value in selection, whereas in other cases it may be less important. Once the department requesting the service has determined the firms which have an adequate level of competence a "short list" will be established to be interviewed. Following committee interviews and selection, further scope refinement and cost negotiations may take place.

**D. General Services:** Request for Proposals evaluated by the City for general services should be based on a combination of qualifications and cost with a heavier emphasis on cost.

1. Request for Proposal responses are awarded based on demonstrated competence, skills, staffing levels with adequate level of experience, prior experience, timing, availability and cost. General services are general in nature and companies with appropriate licenses and whose main business is to perform such service should be qualified. Therefore price, although not the only factor, is an important factor in selecting the service provider. Following committee interviews and selection, you have the ability to further refine your scope of work and additional cost negotiations may take place.

**E. Professional Services:** Request for Proposals negotiated by the City for professional services as defined in Government Code Section 4526 must be procured through a RFQ solicitation document.

1. Professional services RFQ proposals are awarded based on demonstrated competence, scope of services available, unique skills, staffing levels with adequate level of experience, prior experience, timing, and other professional qualifications for the services required, plus availability, and fair and reasonable cost. Selection review and criteria are based on this result. Price of service should not be included in solicitation response unless it is provided in a sealed envelope that is not opened until after the consultant has been selected as the number one choice. The information needed for determining the appropriate level of competence, other qualifications and the procedure for electing such services shall be determined by each City department responsible for recommending the professional service contract. Using an RFQ process, the department may determine qualifications of the consultant and after selection by the committee may further negotiate the scope of work and the price. Even

though price cannot be considered during the time frame when staff is determining the “most qualified” consultant, price must be negotiated with the consultant. If you are unable to negotiate a price that is suitable, start negotiations with the next most qualified consultant.

2. Once the RFP or RFQ has been received, they should be evaluated and ranked independently by the selection committee members. The Project Manager should collect the member responses and compile and tally the results. Based on these results, a short list of the top consultants should be created.
3. References. The Project Manager will develop questions to be asked of references for all candidates. He/She will call the references and make notes to be shared with the committee members following the interviews.
4. Consultants who are on the “short list” will be invited to meet with the committee. Meeting may be any or all of the following formats: interview, demonstration of product, oral presentations and clarification of RFP response if needed. During the interview process the committee will individually rank the consultants. At the conclusion of all the interviews, the committee members will discuss their opinions of the consultants, the Project Manager will share the results of reference checks and through negotiation, the committee will rank the candidates and come to a consensus of the top candidate.
5. Negotiate contract: Once the top candidate has been determined to be the most qualified, the project scope of work and price can be further negotiated. If the selected consultant’s pricing exceeds the budget or what the City has determined to be a reasonable price for the job, the City may end negotiations with the first consultant and begin negotiations with the next most qualified consultant, and so forth.
6. Details about one proposal cannot be revealed to the other proposer. It is important that all proposers be treated fairly and that the discussion and negotiations do not disadvantage any proposer.

#### **SECTION 6. RFP/RFQ Procedures**

##### **Dollar Limits - Professional/Consultant, General Services**

Dollar limits specified are per contract and are not to be split to circumvent the specified limits.

#### **A. Under \$2,500 - Authority to Award – Department Head:**

1. Department Heads may approve consulting contracts under \$2,500. A purchase order must be obtained for \$2,500 and over.

2. The department must contact at least two service providers or review at least two proposals. The department may use the Finance list of registered vendors, phone book, or internet research to find qualified vendors to contact. In addition, if the City currently has an on-call or master contract established for this service, the department may follow that process to award the work. Records showing selection information plus selection justification shall be maintained by the department.
3. Departments may create RFP/Q's and set up master contracts or on-call contracts for prequalified consultants for small dollar tasks that they will need performed throughout the year. These master contracts should be maintained by the Project Manager and submitted to Finance along with evaluation criteria and results for use by other departments.

**B. \$2,500 to \$25,000 - Authority to Award – City Manager:** A Department Head will submit a written recommendation of award of contract to the City Manager after completion of the following process.

1. Develop a detailed scope of work, selection criteria and a sample contract to be conveyed to potential consultants. It is important that the solicitation clearly state the City's needs to ensure that each contractor has a fair opportunity to present their proposal and that the City receives well developed proposals.
2. The requesting department should mail, email or fax the informal solicitation to as many companies as necessary to obtain responses from a minimum of three (3) consultants/firms. The department may use the a list of professionals who are in the vendor file, phone book, trade journals, or internet research to locate potential consultants.
3. Interviews (on the phone or in person) should be held with the proposers to determine the consultants who can best meet the City's needs based on the scope of work and selection criteria.
4. Staff is required to maintain a record of the selection process including the responses received from the consultant.
5. The contract along with a written recommendation for award of the contract discussing the selection process and the determining factors for selecting the consultant must be submitted to the City Manager for approval. This documentation should be submitted to the Purchasing Agent as part of the purchase order process.
6. A requisition must be prepared by the department staff. As part of the backup to that requisition, the department must submit to the Purchasing

Agent, a copy of the recommendation for award memo presented and approved by the City Manager, a copy of the written solicitation document, a list of those responding to the solicitation, and a copy of the executed contract as on file with the City Clerk's Office. This documentation will be attached to the purchase order and maintained as open public record for two years.

7. **Exceptions:** The department may request the Purchasing Officer waive the informal solicitation requirement in these circumstances:

- a. Interview only one firm if authorized or directed to do so by City Council. (Documentation by department involving confirming action by City Council required).
- b. Upon prior approval from City Manager, interview only one firm due to time constraints, utilization of other agency RFP results, specialized or unique expertise, and/or prior use of a consultant for the same service. (Documentation by department involving report reviewed and approved by City Manager).

**C. Over \$25,000 - Authority to Award – City Council:** In a non-emergency situation, departments shall utilize a sealed Request for Proposal/Qualification process. A Department Head will submit a written recommendation of award of contract to the City Council after completion of the following process.

1. The department staff member will use the formal RFP or RFQ template located on the E:drive, Correspondence Standardization, RFP. Be sure to develop a detailed scope of work and selection criteria to be included in the document. It is important that the solicitation clearly state the City's needs to ensure that each contractor has a fair opportunity to present their proposal and that the City receives well developed proposals.
2. Notice must be published in the newspaper and posted on the City's website 14 days prior to the date of submittal. Project Managers will need to coordinate the notice of publication dates with the City Clerk's Office. Department may also mail, email or fax the Notice to additional vendors if they know of specialists who are not on our list. Please encourage consultants/firms to register with Purchasing and download the full RFP/Q document from the website as this will ensure that they are emailed any addenda or other notifications you may need to alert your potential responders to.
3. The Project Manager will receive all submittals and will create a listing of all those received. Any proposals received after the date and time stated on the notice will be returned unopened.

4. The Project Manager needs to set up evaluation criteria in advance of receiving the submittals. Each committee member will evaluate and rank the proposals based on this established criteria.
5. The Project Manager will receive and tally the committee member's results of their evaluation and will create a "short list" of consultants to be interviewed.
6. The Project Manager will call references of those on the short list and will set up interviews.
7. Consultants who are on the short list will be invited to meet with the committee. Meeting may be any or all of the following formats: interview, demonstration of product, oral presentations and clarification of RFP/Q response if needed. During the interview process the committee will individually rank the consultants. At the conclusion of all the interviews, the committee members will discuss their opinions of the consultants, the Project Manager will share the results of reference checks and through negotiation, the committee will rank the candidates and come to a consensus of the top candidate.
8. Negotiate contract: Once the top candidate has been determined to be the most qualified, the project scope of work and price can be further negotiated. If the selected consultant's pricing exceeds the budget or what the City has determined to be a reasonable price for the job, the City may end negotiations with the first consultant and begin negotiations with the next most qualified consultant, and so forth.
9. Details about one proposal cannot be revealed to the other proposer. It is important that all proposers be treated fairly and that the discussion and negotiations do not disadvantage any proposer.
10. The contract along with a written recommendation for award of the contract discussing the selection process and the determining factors for selecting the consultant must be submitted to City Council for approval and award. This documentation should be submitted to the Purchasing Agent as part of the purchase order process.
11. **Exceptions:** A recommendation may be made to the City Council to waive the sealed RFP/Q requirement in these circumstances:
  - a. Interview only one firm if authorized or directed to do so by City Council. Documentation by department involving confirming action by City Council required.
  - b. Use of another Public Agency's RFP and Contract (piggybacking onto another Contract) must be approved by City Council for

purchases exceeding \$25,000. Documentation that must be submitted to support this include: contract, copy of the RFP document used by awarding agency, list of vendors who responded to RFP (at least three), staff report and minutes of the governing body's meeting showing award. Other agencies contract must still be valid, with a termination date consistent with City policy of not more than three years. The piggybacking onto another agency's contract would be rare since most RFPs are specific to the City's needs and "piggybacking" requires use of other agency's contract as is with no amendments or modifications. See Chapter 2, Section 1(J) of this manual.

12. Service contracts in an amount exceeding \$25,000 require the approval of the City Council. Prior to taking the contract to City Council, the contract should be negotiated with the contractor, contract developed using the City's standard contract form, forwarded to the City Attorney's Office, and reviewed and approved as to form by the City Attorney. Once approved by City Council, the Contract will be given an official contract number by the City Clerk Department and the original maintained by the City Clerk in their contract files.
13. The department must prepare a requisition for a purchase order encumbering the funds. There must be an unencumbered appropriation in the fund accounts against which any expenditure for this service is to be charged. City Council approval (City Council minutes or staff report with action notes from City Clerk), City Council staff report describing the selection process and a copy of the executed contract, copy of the RFP document and list of those companies who responded to the RFP/Q must be attached to the requisition. The purchase order and above mentioned attachments shall be maintained in the Finance Department files and shall be open public record for a period of termination plus four years following the award.

#### **SECTION 7. RFP/RFQ Procedures**

##### **Master Contracts for Professional, Management, or General Services**

- A. Departments interested in establishing master (on-call) contracts should refer to Chapter 5 and contact Finance for procedures and coordination.
- B. Although individual task orders issued against the master contract may be under the threshold for City Council approval, the annual not to exceed amount of the contract generally exceeds the \$25,000 threshold; therefore, these contracts are established and approved using procedures for purchases over \$25,000.
- C. A formal RFP or RFQ must be developed at least every three years.



1. This is a decentralized process and will be performed by the lead division which is generally responsible for managing jobs within the specific category.
  2. On-call contracts will be available for Citywide use by any City department.
  3. It is the lead division's responsibility to schedule and coordinate the RFP/Q process with Purchasing.
- D.** RFP/Q's will be reviewed by a multi-division/department review committee/selection team. Members will base their evaluation on pre-established qualification criteria. The Project Manager will collect and tally the committee members scoring and will establish a short list of firms to be interviewed for each category of work. The Project Manager will check references and schedule interviews. The committee will conduct interviews and will rank them based on evaluation criteria previously developed. Service providers who are qualified will be categorized based on size of company, past experience, bonding capabilities, number of current obligations, call-in availability, etc.
- E.** A master contract with a general scope of work will be presented to the City Council for approval and award of a specific dollar amount.
1. Contracts may be established for a three-year period. Extension of such contracts is not recommended as it blocks other/new vendors from consideration for small dollar jobs. Departments should send a questionnaire annually to the company to ensure that the company has the key employees to provide the service at the needed level of proficiency.
  2. It is the responsibility of the originating department to track all task orders used against their master contracts and to ensure that the not to exceed amount is not surpassed. An up-to-date spreadsheet must be kept by the originating department and provided to the Purchasing Agent and any requesting department when issuing new task orders.
  3. There can only be one on-call master contract per vendor per category. If a new prequalified vendor's list is approved prior to the on-call contract's expiration date, the new contract will supersede the old contract and the older contract must be canceled.
- F.** A list will be developed for Citywide use in contracting for such services. Proposals submitted will be kept in the originating department's files for review by other City departments if needed to allow them to examine selection criteria and determine if the list is appropriate for their needs.

- G.** The consultant will be called-out on an as needed basis. Maximum dollar amount for professional, management, or general services jobs is \$125,000, but generally the type of work that these consultants will be used for will be the smaller dollar jobs.
- H.** Task orders shall be issued pursuant to the master contract against the annual not to exceed amount. Each task order will have a specific scope of work and be submitted to the City Clerk Department for execution and inclusion in the contract file. The task order must indicate: total dollar amount of contract, minus previously issued task orders, minus current task order with a running remaining balance of the contract indicated on the task order.
- I.** Task Orders will be approved as follows:
1. **\$0 - \$2,500:** The Department Head has the authority to approve task orders for individual projects for an amount of \$2,500 or less.
  2. **\$2,500.01 - \$125,000:** The City Manager has the authority to approve task orders for individual projects for an amount exceeding \$2,500 or for an amount \$25,000 or less.
  3. **\$125,000 and over:** Task orders estimated in an amount exceeding \$125,000 cannot be issued against a master contract. A task at that level requires an individual Request for Qualification process and a new contract awarded by City Council.
- J.** Several consultants may be qualified for each type of work. When determining if it is appropriate to use the master contract for your project, please take into consideration all phases of the project. Example: if it is reasonable to expect that the vendor performing design services would be the most qualified vendor to perform the project construction management, then both phases of the project need to be taken into consideration when determining the expected amount for the contract. If the dollar amount for both phases is expected to exceed \$125,000, then it would not be appropriate to use the on-call master contract. An individual RFQ will need to be conducted for this project.
- K. Professional and Management Service Agreements – Task Orders for jobs \$0-\$125,000:**
1. The City should rotate through the list of consultants and provide an opportunity for everyone on the list to compete for the City's business.
  2. The staff person managing the list will advise which vendors are qualified/eligible to complete the scope of work.

3. Award should be made on a rotational basis. The next task order will be rotated to another consultant.
  4. If the Project Manager decides not to award on a rotational basis for good cause, such as there is a more qualified consultant for a particular scope of work, the Project Manager will prepare a Scope of Work or a list of qualifying questions and send to as many companies as necessary on the prequalified vendor list to receive a response from ideally three consultants and will evaluate any proposals submitted.
    - a. The Project Manager will evaluate current statements of qualifications and performance data.
    - b. Negotiate a fair and reasonable price for the determined scope of work with the most qualified consultant.
  5. Once a determination has been made on which consultant will be used the Project Manager will:
    - a. Verify and review the master contract on file for the selected vendor.
    - b. Assure that the new task will not take the contract over the not to exceed amount of the contract.
    - c. Verify that adequate insurance is in place.
    - d. Fill out the standard task order form to the master contract.
    - e. Obtain appropriate signatures on the task order.
    - f. Original given to City Clerk Department for attachment to the master contract.
    - g. Copy to Project Manager's files and to Purchasing, along with an explanation of the selection process for purchase order.
- M. Exceeding \$125,000.** Task orders estimated in an amount exceeding \$125,000 **cannot be issued against a master contract.** A task at that level requires an individual Request for Proposal/Qualification process and a new contract awarded by City Council.

#### **SECTION 8. RFP/RFQ Procedures**

##### **Master Contracts for Service Maintenance**

- A. Master Service Maintenance Contracts.** To simplify the small dollar maintenance contracts and to ensure such services can be performed timely, staff may set up multiple awarded master contracts for an annual amount as approved by City Council.
- B.** A formal RFQ process shall be used to solicit contractors for the maintenance services.

- C. Award of an RFQ will be based on qualifications plus reasonableness of cost.
- D. Master service maintenance contracts for small construction maintenance type tasks, to several vendors for the same service will be awarded by City Council for a total not to exceed dollar amount.
- E. The master contract will have a general scope of work outlining the general type of work to be performed.
- F. The contractor will be called-out on an as needed basis; maximum dollar amount for a job is \$45,000. Public Contract Code requires an individual bid be conducted for jobs exceeding \$45,000.
- G. These contracts will assist the City in expediting time-critical maintenance work.
- H. Since it is required by state code that construction public work type jobs are awarded following a written bid pursuant to formal guidelines established in the Municipal code for any job exceeding \$45,000, all tasks for this type of maintenance work must be less than \$45,000.
- I. Staff should use caution and ensure that these tasks are individual projects that cannot logically be combined. The Public Contracts code is very clear on it being a violation of the law to split a larger contract into smaller contracts to avoid the bidding requirements.
- J. Task orders will be issued pursuant to the master contract against the annual not to exceed amount. Each task order will have a specific scope of work.
  - 1. The task order must be issued and submitted to the City Clerk for execution and inclusion in the contract file.
  - 2. Specific detailed scope of work is required on the task order.
  - 3. Total dollar amount of contract, minus previously issued task orders and minus current task order with a running remaining balance of the contract will all be indicated on the task order.
- K. **Master Service Maintenance Task Orders – Approval Authorities:**
  - 1. **\$0 - \$30,000.** The Department Head has the authority to approve task orders for individual projects for an amount of \$30,000 or less.
  - 2. **\$30,000.01 - \$45,000.** The City Manager has the authority to approve task orders over \$30,000, but less than \$45,000.

3. **Over \$45,000.** Task orders estimated in an amount exceeding \$45,000 cannot be issued against a master service maintenance contract. A task at that level requires an individual bid process and a new contract awarded by City Manager for an amount up to \$175,000 and by City Council for an amount exceeding \$175,000.

L. Several contractors will be qualified for each type of work. Vendor selection among the pre-qualified master contracts will be as follows:

1. For jobs up to \$5,000, the staff member will work with the person who maintains the list, on a rotational basis.

2. For jobs \$5,000 - \$45,000, the staff member will work with the person who maintains the list and solicit quotes from enough vendors to receive a minimum of three bids back. Selection of the contractor will be awarded to the lowest responsible/responsive bidder.

3. Task orders estimated in an amount exceeding \$45,000 **cannot be issued against a master contract.** A task at that level requires an individual bid and a new contract awarded by City Manager up to \$175,000 and by City Council for amounts exceeding \$175,000.

## **SECTION 9. Urgencies**

A. The sealed RFP/Q process may be dispensed with in the case of urgency. The City Council delegates the City Manager to declare urgency subject to confirmation by the City Council at its next meeting for any purchase of Twenty Five Thousand and no/100ths (\$25,000) Dollars or over.

## **SECTION 10. Sole Source**

A. Sole Source in relation to services should be very limited. A justification memo and justification form signed by the Department Head are both required.

B. \$25,000 or less approved by Purchasing Officer. Over \$25,000 must be approved by City Council.

## **SECTION 11. Piggyback Onto Contract**

A. The City may use an existing contract where an RFP was conducted by another government agency without going out for RFP. The services rendered must be substantively similar those specified in the RFP document by the other agency. It is not considered a piggyback contract if there are significant modifications or changes made to the contract. Examples of a piggyback contract include leasing equipment, mixed goods and services contracts, such as: office products,

uniforms, or janitorial services. It would be very unusual to piggyback onto a contract for professional, consulting, general, or architectural services.

## **SECTION 12. Exhibits**

### **Exhibit A**

#### **SELECTION COMMITTEE AND EVALUATION CRITERIA GUIDELINES**

##### **Selection Committee**

An advisory selection committee may be used for evaluating professional and consultant proposals. The committee is generally comprised of three (3) members represented by one or two members from the user department and one member from another department or outside the City organization. At least one member should be familiar with the professional requirements of the services to be provided.

The selection committee may prepare or assist in the preparation of the general scope of service and criteria for evaluation as well as review the proposals received, select the finalists and award recommendations.

##### **Evaluating the Proposers**

The selection committee should carefully check at least three current references. Evaluation factors may include, but are not limited to: the consultant's competence, experience, staff, knowledge of the requirements, willingness to adjust to specific needs, financial stability, and prognosis for future assistance.

Because not all of the evaluation criteria are of equal importance to the City, it is advisable to assign weight factors to each criterion before the evaluations are made. The following is an example of the difference weight factors can make to the overall evaluation totals:

##### **PROPOSER "A"**

	Points Earned	x	Weight	Total Score
Qualifications & Experience of Proposing Firm	5	x	10	50
Knowledge of the RFP Requirements	3	x	9	27
Willingness to adjust to Specific Needs	2	x	6	12
Financial Stability	5	x	5	25
Total Weighted Score				114
Total Unweighted Score	15			

## PROPOSER "B"

	Points Earned	x	Weight	Total
Qualifications & Experience of Proposing Firm	2	x	10	20
Knowledge of the RFP Requirements	5	x	9	45
Willingness to adjust to Specific Needs	5	x	6	30
Financial Stability	3	x	5	15
Total Weighted Score				110
Total Unweighted Score	15			

The unweighted scores of proposers A & B are equal, yet the weighted score of proposer A is higher because they better meet the needs of the City.

It is also advisable to establish a score that all evaluators will use for an "acceptable" response to the criteria. For instance, if one evaluator uses a score of 1 for acceptable and another uses a score of 3 for acceptable, the weighted score will not be an equal comparison of proposals.

After independent scores are placed on a matrix, it is hopefully evident, which firms/consultants are to be further considered. However, should a committee member score a proposer extremely high or low when compared with the other members, the committee member should be encouraged to explain the reason for the unusual score. In some instances, that member may have discovered something in the proposal others overlooked. This may change the scoring of the other panel members after discussion.

Upon determination of the successful proposer(s), a report is prepared pursuant to procedure justifying the selection for presentation to the City Council. Pursuant to City procedures, reports may need to be prepared for the City Manager and may need to be scheduled for City Council review and approval.

**Exhibit B****CHECK LIST FOR PREPARING THE REQUEST FOR PROPOSAL**

Contracting for professional services must be an efficient and thorough process. There are many intangibles as well as liabilities and obligations that must be spelled out as clearly as possible. This checklist is offered to assist in clearly defining those needs.

A. The City's REQUEST FOR PROPOSAL to send to consultants should include the following:

- \_\_\_ 1. A general Scope of Work: a general approach to the problem or task; practical, technical and legal limitations; and specific questions that need to be answered by the City.
- \_\_\_ 2. A general description of the objectives of the work or a statement of what is expected to be accomplished.
- \_\_\_ 3. The extent to which assistance and materials from City staff will be available to the consultant (and, of course, the conditions for such assistance).
- \_\_\_ 4. An estimated time schedule including dates for desired commencement of performance and completion.
- \_\_\_ 5. The extent to which periodic payments will be allowed and how the final payment will be made.
- \_\_\_ 6. The allowable kinds of reimbursable expenses.
- \_\_\_ 7. Compensation for additional work which may be authorized.
- \_\_\_ 8. A pre-proposal conference to determine work scope may be advisable.

B. The consultant's response to the Request for Proposal should include the following:

- \_\_\_ 1. A general narrative indicating an understanding of the project and the City's needs and how the firm proposes to address those needs.
- \_\_\_ 2. A description of the proposing firm's qualifications, with a brief list of similar types of consulting contracts successfully concluded and a sample of such work when appropriate.
- \_\_\_ 3. A description and qualifications of the key personnel and anticipated supporting personnel to be employed on the study.



- \_\_\_ 4. A general description of the techniques by which the consultant intends to approach the problem/study.
- \_\_\_ 5. The estimated time it would take to complete the project.
- \_\_\_ 6. A list of at least three references within the past year of similar projects.
- \_\_\_ 7. A financial statement (optional).
- \_\_\_ 8. Equipment and facilities to be utilized.
- \_\_\_ 9. If subcontractors are contemplated, a description of those persons or firms and the approximate percentages of the work to be done by them. (Reserve the right to approve any subcontractors employed by the consultant).
- \_\_\_ 10. The hourly rate of various professional classes which could be involved.

## Public Works Procurement & Agreement Processing

### Construction Contracts and Maintenance Task Orders

On-Call Maintenance Task Orders	Amount \$	Documents	Approvals Req'd	Procurement Method
	< \$2,500	Task Order No Memo	PWD	Rotational Basis
	\$2,500.01 - < \$30,000	Task Order Memo to PW Accounting <sup>(1)</sup>	PWD+CMO	Min. 3 Quotations Select the Lowest
	\$30,000 & Over		Don't use On-Call	

New Contracts	< \$2,500	No P.O. <sup>(2)</sup>	PWD	Two Quotes (by phone)
	\$2,500 - < \$30,000	Contract Memo from PW Director to City Manager	PWD+CAO+CMO	Three Quotes
	\$30,000 - \$125,000	Contract Memo from PW Director to City Manager	PWD+CAO+CMO	Informal Bid Process
	> \$125,000	Contract Council Staff Report	PWD+CAO+CMO	Formal Bid Process

### Change Orders to Construction Contracts and Maintenance Task Orders

Contract/T.O.	Amount \$	Documents	Signatures Req'd
Contract/T.O. < \$30,000 + All Change Orders	< \$2,500	Change Order or T.O. Memo to PW Accounting	PWD (for T.O. only) PWD+CMO
	\$2,500.01 - < \$30,000	Change Order or T.O. Memo to PW Accounting	PWD+CMO
	> \$30,000(This cannot happen)		
Contract < \$125,000 + All Change Orders	> \$30,000 up to \$125,000	Change Order <sup>(3)</sup> Memo to PW Accounting	PWD+CAO+CMO
	> \$125,000	Change Order <sup>(4)</sup> Council Staff Report	PWD+CAO+CMO+CC
Contract > \$125,000 + All Change Orders	< Total Approved Expenditure (Including Contingencies)	Change Order <sup>(3)</sup> Memo from PW Director to City Manager	PWD+CAO+CMO
	> Total Approved Expenditure (Including Contingencies)	Change Order <sup>(4)</sup> Council Staff Report	PWD+CAO+CMO+CC

(1) If any exceptions to the selection process, a memo from PW Director to Finance is also required.

(2) Purchase Order is required unless the total for the specific Vendor is less than \$2,500 within the fiscal year.

(3) Any single Change Order over \$50,000 must be approved by the City Council.

(4) All Change Orders in this case must be approved by the City Council.

## CHAPTER 7 - PUBLIC WORKS CONSTRUCTION PROJECTS AND CHANGE ORDERS

### **SECTION 1. Bidding Requirements** **Public Works Construction Projects**

**A. Overview:** For public works construction projects, competitive bids are required by the Public Contract Code Sections 10100-22300 and the California Uniform Public Construction Cost Accounting Procedures (CUPCCAP). On March 1, 2010, the City of San Fernando adopted the CUPCCAP, Public Contract Code Section 22000, et. seq, by Resolution No. 7367. Please refer to this document prior to completing bid documents.

1. All capital improvement projects must stay within budget; and all budget adjustments must be approved by City Council.
2. Prior to proceeding with solicitation of your bid, please be aware of the following:
  - a. Award to the lowest responsive, responsible bidder is required. Public construction contracts must be awarded to the lowest responsible bidder, i.e. qualified to do particular works under consideration. Non-compliance may result in a voided contract. The law requires the competitive bidding process to prevent corruption, favoritism, and the waste of public money.
  - b. Payment of prevailing wage is required on all public works projects, California Labor Code Section 1771.
  - c. According to State Law, a Contractor's License is required for all public works projects. The bid must specify the classification of the contractor's license which the contractor shall possess at the time of submitting bids.
  - d. Please use standardized bid documents located on the E:drive, and refer to Specifications and Special Provisions for Capital Improvement Projects prior to completing your bid document.
3. Bid limits are currently set by the State, and these bid limits denote the bid process which shall be followed:
  - a. \$0 - \$29,999.99 – Quote process
  - b. \$30,000 - \$125,999.99 – Informal bid process
  - c. Above \$125,000 – Formal bid process

**B. Bidders List.** The City's Public Works Department shall maintain a list of qualified contractors, identified according to categories of works. Minimum criteria for development and maintenance of the contractor's list shall be consistent with the State Uniform Construction Cost Accounting rules. For

Informal Bids, the City must **either** notify every vendor on the vendor list of the bid opportunity or publish a notice in the trade journals as specified in PCC Section 22036.

- C. Staging of Public Works.** Public works contracts shall not be knowingly staged or separated into smaller units or segments solely for the purpose of evading the competitive bidding requirements. Every person who willfully violates this provision is guilty of a misdemeanor, PCC Section 20163.
- D. Bonds.** Bid Bond is required by Public Contract Code 20170 and TOMC. Payment Bond is required by Civil Code 9550 for any public works contract in excess of \$25,000. Performance bond is required for any public works contract in excess of \$45,000.

## **SECTION 2. Emergency Procedures**

- A.** In cases of great emergency, as determined by the City Council, including, but not limited to, states of emergency defined in Section 84558 of the Government Code, when repair or replacements are necessary to permit the continued conduct of operation of services of the City, or to avoid danger to life or property, the City Council by majority vote, may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details or give notice for bids to let contracts. The work may be done by force account under the direction of the City Council, by contract, or by a combination of the two.
- B.** City Council has delegated to the City Manager the power to declare a public emergency subject to confirmation by the City Council by a 4/5th vote, at its next meeting; such meeting must occur not later than 14 days after the action (PCC Section 22050). Action must continue to be reviewed at every regularly scheduled meeting thereafter, until the action is terminated. Items to be included in the report to City Council include: reasons justifying why the emergency will not permit a delay resulting from a competitive solicitation for bids and why the action is necessary to respond to the emergency.

## **SECTION 3. Bidding Procedures**

### **A. Less than \$30,000 – subject to change per PCC Section 22020**

1. A public works project less than Thirty Thousand and no/100ths (\$30,000) Dollars may be performed by City employees by force account, by negotiated contract, or by purchase order.
2. City Manager has authority to award and execute any contract for public works projects under the informal limits (<\$30,000).

3. Solicit three (3) quotes from qualified contractors.
4. Negotiate price and contract terms with the selected contractor.
5. Determine insurance and bond requirement after meeting with City Attorney.
6. Prepare a contract as required for any project of \$2,500 or more. Contract to be signed by Contractor, City Manager, and City Attorney. Original contract to be maintained by the City Clerk's Office.
7. A purchase order is required for purchase of \$2,500 or over.
8. City is exempt from bidding requirements if this work is performed by City employees.
  - a. Records must be kept as outlined in the Cost Accounting Policies and Procedures Manual of the California Uniform Public Construction Cost Accounting Commission, available from the State Controller, Division of Accounting and Reporting.
  - b. When determining the total cost of the project, the Commission has determined that all elements of the cost must be considered and documented: personnel costs, materials, supplies, subcontracts, equipment and overhead.
9. **Master Service Maintenance Contracts.** To simplify the small dollar maintenance contracts and to ensure such services can be performed timely, staff may set up multiple awarded master contracts for an annual amount as approved by City Council.
  - a. A formal Request for Qualifications (per Chapter 5 of this manual) process shall be used to solicit contractors for maintenance services.
  - b. Award of an RFQ will be based on qualifications plus reasonableness of cost.
  - c. Master single or multi-year maintenance contracts for small construction maintenance type tasks, to several vendors for the same service will be awarded by City Council for a total not to exceed dollar amount.
  - d. The master contract will have a general scope of work outlining the general type of work to be performed.
  - e. The vendor will be called-out on an as needed basis; maximum dollar amount for a job must be under the informal limit of \$30,000. It is required by state Public Contract Code that construction public work type jobs are awarded following a written bid pursuant to formal guidelines established in the Municipal Code for any job

- exceeding \$30,000. All tasks for this type of maintenance work must be less than \$30,000.
- f. These contracts will assist the City in expediting time-critical maintenance work.
  - g. Staff should use caution and ensure these tasks are individual projects that cannot logically be combined. The Public Contracts code is very clear on it being a violation of the law to split a larger contract into smaller contracts to avoid the bidding requirements.
  - h. **Master Service Maintenance Contracts** - Task orders will be issued pursuant to the master contract against the annual not to exceed amount. Each task order will have a specific scope of work.
    - i. The task order must be issued and submitted to the City Clerk for execution and inclusion in the contract file.
    - ii. Specific detailed scope of work is required on the task order.
    - iii. Total dollar amount of contract, minus previously issued task orders and minus current task order with a running remaining balance of the contract will all be indicated on the task order.
  - i. **Master Service Maintenance Task Orders – Approval Authorities:**
    - i. **\$0 - \$2,500.** The Department Head has the authority to approve task orders for individual projects for an amount of \$2,500 or less.
    - ii. **\$2,500.01 - \$30,000.** The City Manager has the authority to approve task orders over \$2,500, but less than \$30,000.
    - iii. **Over \$30,000.** Task orders estimated in an amount exceeding \$30,000 cannot be issued against a master contract. A task at that level requires an individual Bid process and a new contract awarded by City Manager for an amount up to the formal limit of \$125,000 and by City Council for an amount exceeding \$125,000.
  - j. Several vendors will be qualified for each type of work. Vendor selection among the pre-qualified master contracts will be as follows:
    - i. For jobs up to \$2,500, the staff member will work with the person who maintains the list, and awards will be made on a rotational basis.
    - ii. For jobs greater than \$2,500 and up to \$30,000, the staff member will solicit quotes from enough vendors on the list to receive three bids back. Selection of the vendor will be awarded to the lowest responsible/ responsive bidder.
    - iii. Task orders estimated in an amount exceeding \$30,000 **cannot be issued against a master service maintenance contract.** A task at that level requires an individual bid and

a new contract awarded by City Manager up to \$125,000 and by City Council for amounts exceeding \$125,000.

**B. Informal Bidding Procedures - \$30,000 but less than \$125,000**

1. Prepare your bid package using the most current standardized forms located on the E:drive. Obtain a bid number from the Purchasing Office. Coordinate bid opening date with City Clerk's Office. Forward a copy of your bid to Finance for filing. Bidders Security/failure to sign contract is required in an amount of 10% of the bid price. Payment Bonds (Labor and Material Bonds) are required pursuant to Civil Code 9550. Contracts up to \$5 million require bonds of 100% of the amount of the contract. Performance bonds may be required for any public works contract in excess of \$30,000. The City engineer is delegated authority to approve and adopt plans, specifications, and working details for all public works projects less than \$125,000.
2. Notice
  - a. A notice shall be mailed (at least 10 days prior to bid opening date) to all contractors on the City's Vendor list for the category of work being bid or an announcement/advertisement shall be placed in all construction trade journals or both the above processes may be done.
  - b. Notice to be posted on City website (procedural requirement not required by law).
3. Notice Content
  - a. Bidders Security/failure to sign contract shall be prescribed in the notice inviting bids and in an amount equal to 10% of the amount of the bid.
  - b. If a Performance Bond is required, this must be specified in the notice.
  - c. Payment Bonds shall be prescribed in the notice inviting bids in the amount pursuant to the Civil Code. Contracts up to \$5 million require bonds of 100% of the amount of the contract.
  - d. The notice shall describe the project in general terms, how to obtain more detailed information about the project and state the time and place for the submission of bids.
4. Bid Bond/Bidder's Security
  - a. Bidder's security is required.

- i. Bidder's security shall be prescribed in the notice inviting bids.
- ii. Shall be in the amount equal to 10% of the amount bid and submitted with the bid.
- iii. Bidder's security shall be in one of the following forms: cash, cashier's check, certified check, or bidders bond.
- iv. Bidder's security will be returned to unsuccessful bidders within 60 days of the date of the award of bid.
- v. Lowest responsive/responsible bidder shall forfeit all or part of his bid security, as determined by City Manager, upon the bidder's refusal or failure to execute the contract within 10 days after the award date.

5. Bid opening procedures

- a. Sealed bids must be received in the City Clerk's Office prior to the date and time specified in the bid.
- b. City Clerk staff will time stamp all bids received.
- c. Sealed bids shall be opened by City Clerk staff in public at the time and place stated on the notice inviting bids.
- d. City Clerk staff shall verify receipt of required bonds.
- e. A written tabulation shall be made at that time and shall be open for public inspection for a period of two years after bid opening.
- f. Project Manager shall make an analysis of the bids for compliance with bid specifications and make a recommendation for award or rejection.

6. Award of Bid

- a. City Manager (or delegated authority) shall award the contract or reject the bids if less than \$125,000.
- b. A memo should be completed describing the project, including cost of the project and budget information, bidding process, and recommendation of award of contract.
- c. City Manager (or delegated authority) may waive minor bid irregularities.
- d. City Council may approve bids in excess of statutory amount, if all bids received are in excess of \$125,000 the City Council by passage of a resolution by 4/5 vote, may award the contract up to \$137,500 to the lowest responsible bidder, if City Council determines the cost estimate was reasonable.
- e. Forward to Purchasing a copy of City Clerk staff's written tabulation of the bids and name of the contractor the bid has been awarded to.

**C. Formal Bidding Procedures - \$125,000 and above**



1. Authorize to advertise/solicit bids. The City Council shall authorize staff to advertise/solicit bids. A staff report must be developed describing the background of the project, the funding sources for the project, the preliminary budget/cost summary, and the tentative project schedule.
2. Bid Package
  - a. Prepare bid package using standardized forms located on the E:drive. Coordinate bid opening date with City Clerk's Office. Bidders Security/failure to sign contract is required in an amount of 10% of the bid price.
  - b. Performance Bonds shall be required from an acceptable surety, in such amounts and in such a form as the City finds reasonably necessary to protect the public interest.
  - c. Payment Bond (Labor and Material Bond) is required in an amount pursuant to Civil Code 9550.
3. Notice
  - a. Notice shall be published in newspaper of general circulation at least 14 days prior to bid opening date.
  - b. Notice shall be mailed to all construction trade journals as identified by the California Uniform Construction Cost Accounting Commission as appropriate for this area at least 30 calendar days prior to the date of opening of the bids.
  - c. Notice may be mailed to vendors on vendor list, this is not required by law.
  - d. Notice must be posted on City website (procedural requirement, not required by law).
4. Notice Content
  - a. Bidder's security/failure to sign contract shall be prescribed in the notice inviting bids and in an amount equal to 10% of the amount of the bid.
  - b. Performance and Payment Bonds (labor/material bond) are required; requirement and amount must be specified in the notice. Please verify with City Attorney on amount of Performance Bond required. Required Payment Bond amount is specified in Civil Code 9550. Contracts up to \$5 million require bonds of 100% of the amount of the contract.
  - c. The notice shall state the time and place for receiving and opening of sealed bids and distinctly describe the project. In addition to notice required by this section, the City may give such other notice as it deems proper.

5. **Addendums.** Bidders should have 72 hours to receive and incorporate addendums. All potential bidders should be given at least 72 hours of notice of any addendum to a bid. If the addendum is sent out within the last 72 hours of the scheduled bid opening, Public Contracting Code Section 4104.5 requires the City to extend the bid opening by a minimum of 72 hours if a material change is issued. A material change is any change that substantially changes the cost of the bids in the opinion of the awarding agency.

6. Bonds and Bidder's Security

a. Bidders security/failure to sign contract is required.

- i. Bidders security shall be prescribed in the notice inviting bids.
- ii. Shall be in the amount equal to 10% of the amount bid and submitted with the bid.
- iii. Bidder's security shall be in one of the following forms: cash, cashier's check, certified check, or bidders bond.
- iv. Bidders security will be returned to unsuccessful bidders within 60 days of the date of the award of bid.
- v. Lowest responsive/responsible bidder shall forfeit all or part of his bid security, as determined by City Council, upon the bidder's refusal or failure to execute the contract within 10 days after the award date.

b. **Performance Bonds** are required from a surety company acceptable to the City in amounts equivalent to the total contract amount.

c. **Payment Bonds (labor/materials bonds)** are required in an amount pursuant to Civil Code 9550. Contracts up to \$5 million require bonds of 100% of the amount of the contract.

## 7. Bid opening procedures

- a. Sealed bids must be received in the City Clerk's Office prior to the date and time specified in the bid. Bids must be signed by an agent of the company authorized to bind the company to the bid requirements.
- b. City Clerk staff will time stamp all bids received.
- c. Sealed bids shall be opened by the City Clerk staff in public at the time and place stated on the notice inviting bids.
- d. City Clerk staff shall verify receipt of required bonds.
- e. City Clerk staff shall verify acknowledgement of addendums, if any.
- f. A written tabulation shall be made at that time, and shall be open for public inspection for a period of two years after bid opening.
- g. Project Manager shall make an analysis of the bids for compliance with bid specifications and shall check the Excluded Parties List System (EPLS) prior to awarding federally funded contracts. The project manager shall collect a certification of non-exclusion from the contractor, and maintain a record of such website check and certification in the project file.
- h. Project Manager shall make a recommendation for award or rejection after the deadline to file a protest has passed.

## 8. Award of Bid

- a. City Council shall award the contract or reject the bids.
- b. A staff report must be completed describing the project, including cost of the project, budget information, bidding process, and recommendation of award of contract, contingency on contract, and budget approvals.
- c. City Council may waive minor bid irregularities.
- d. If two or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay or re-advertising for bids, the City Council may accept either bid.
- e. If no bids are received, the project may be performed by City employees by force account, or by informal bidding procedures without further complying with the formal procedures.
- f. Forward to Finance a copy of City Clerk staff's written tabulation of the bids and name of contractor the bid has been awarded to.

## 9. Approve Plans and Specifications

- a. The City Council shall approve and adopt the plans, specifications and working details of the project at the time of bid award.

#### 10. Rejection of Bids

- a. In its discretion, the City Council may reject any bids presented. If after the first invitation for bids all bids are rejected, the City shall state the reasons for the rejection, and after reevaluating its cost estimates of the project, the City shall have the option of either of the following:
  - i. Abandoning the project or re-advertising for bids in the manner previously described.
  - ii. By passage of a resolution by a 4/5 vote of the City Council, declaring that the project can be performed more economically by City employees, may have the project done by force account without further complying with the formal bidding procedures.

#### 11. Project Acceptance

- a. Final acceptance reports for all capital improvement projects must be submitted to the City Engineer to accept capital projects as complete and file notices of completion. All acceptances by the City Engineer shall be acknowledged in writing after projects are deemed "completed." The term "completed" will mean after all work has been finished and approved by City Project Manager as meeting appropriate standards and all payments made. City Project Manager shall confirm that all payments have been made before such reports are submitted to the City Engineer. The City Engineer shall periodically file reports with the City Council cataloging accepted public projects and improvements.

### **SECTION 4. Public Works Contracts**

**A.** Contracts are required for work in an amount of \$2,500 and over. The City's standard construction agreement form template must be used and can be found on the E:drive.

**B. \$2,500 - \$125,000. Approved by City Manager.**

1. Prior to issuing a contract, an informal written bid process is required; award will be to the lowest responsible and responsive bidder.

**C. Over \$125,000. Approved by City Council.**

1. Prior to issuing a contract, a formal written bid process is required; award will be to the lowest responsible and responsive bidder.

## **SECTION 5. Change Order Policy**

This policy addresses construction project change orders for capital improvement projects only.

- A. Definition:** A change order is a formal document that alters some condition of the contract documents, after award of the contract. The change order may alter the contract price, unit quantity change, schedule of payments, completion date, or the plans and specifications. Since a change order modifies the contract, it is important to clarify the material elements of what is being changed. Work description and justification must relate to the original project and must be work necessary to achieve original scope of project. A change order does not necessarily mean that the contract price is increased. Deductive and zero cost change orders are also processed.
- B. Policy Intent:** To give clarification, direction, and approval authority relating to capital improvement project change orders ensuring approval of all work directive changes and change orders, and appropriate oversight as the capital improvement project progresses with minimal interruption to the project's construction.
- C. Policy:** All change orders shall be issued in written form, using the standardized form and sent to the City Clerk's Office for inclusion in the contract documents. A change order shall be used to modify the contract documents regarding contract price, schedule of payments, completion date, plans and specifications, expanding scope of work due to change in conditions, and for unit price overruns and under runs, as specified in the contract. Change orders shall be written and approved prior to the beginning of any additional work and shall be negotiated for a fixed or unit cost.
- D. Approval Authority:** After a determination that costs are merited by developments in a specific project, the Purchasing Officer is authorized to issue change orders up to the contract contingency approved by the City Council as awarded for the individual contract as follows:
  - 1. Original contracts under \$30,000:**
    - a. City Manager may approve project change orders up to the \$30,000 threshold.
    - b. Change orders that take the total cost to \$30,000 and over are prohibited as it would violate the informal bidding requirements of the Public Contracts Code.
    - c. In urgent situations, the City Manager may make a written finding that the original estimate was within reason and that it is in the best interest of the City to waive the bidding requirement and approve the change order.

**2. Original contracts \$30,000 but not more than \$125,000:**

- a. City Manager may approve project change orders until the contract reaches \$125,000.
- b. Once the original contract plus all accumulated change orders are in an amount that exceeds \$125,000, the subsequent change orders must be approved by City Council prior to commencing with the work.
- c. Any single change order exceeding \$50,000 must be approved by City Council prior to commencing with the work.
- d. In urgent situations where succession of work will result in severe repair or replacement delays and subject the City to additional costs due to the delay in the project, the City Manager may approve a change order subject to ratification at the next City Council meeting.
- e. All capital improvement projects must stay within budget, and all budget adjustments require City Council approval.

**3. Contracts greater than \$125,000:**

- a. City Manager may approve accumulative project change orders up to the contingency established and approved by City Council for each individual contract.
- b. Any single change order exceeding \$50,000 must be approved by City Council prior to commencing with the work.
- c. In urgent situations where succession of work will result in severe repair or replacement delays and subject the City to additional costs due to the delay in the project, the City Manager may approve a change order subject to ratification at the next City Council meeting.
- d. All capital improvement projects must stay within budget; and all budget adjustments require City Council approval.

**F. Field Work Directives**

- 1. In an urgent situation and to prevent costly delays of the project, field work directives may be approved by the Project Manager up to \$10,000 in the field with ratification of the approval within two days by the signatory authority stated above.
- 2. Possibility of work directives and change orders should be addressed and a contingency established in the initial staff report awarding the contract. At no time can work directives and change orders exceed the budgeted amount without additional City Council approval.

## **G. Budget Requirements**

1. Establish a capital improvement project minimum contingency budget policy of 10%.
2. All capital improvement projects must stay within budget and all budget adjustments must have City Council approval.
3. City Council awards a contingency for each contract as appropriate. In the absence of a contingency, each change order will need to be taken to City Council for approval.

## **H. Oversight/Project Review**

1. Final Acceptance Reports:
  - a. For projects under \$30,000, the City Engineer may issue a Notice of Acceptance on the City's behalf and provide a memo to City Council of such notice.
  - b. For projects exceeding \$30,000, the City Council shall approve the Notice of Completion prior to issuance to the contractor by the City.
    - i. All acceptance by the City Engineer shall be acknowledged in writing.
    - ii. The term "completed" will mean after all work has been completed and all payments made.
2. Additional information to consider, change orders serve several purposes, such as:
  - a. To change contract plans, methods and amount of payment, and changes in contract time.
  - b. To change contract specifications.
  - c. To effect agreements concerning the order of the work.
  - d. To contract unit prices for overruns and underruns, as specified in the contract document (i.e. +/- 25%).
  - e. Payment for items that may be specified in the contract documents to be treated as extra work, for example rock excavation, handling and disposal of hazardous materials, and testing and analysis of storm water runoff.
  - f. To effect cost reductions and incentive proposals.
  - g. To effect payment following settlement of claims.
  - h. For administrative purposes regarding payment methods and retention, for example.

- i. In response to requirements imposed or changed by regulatory agencies, state and county agencies, and public utilities following award of the contract.
- j. To modify or extend warranties.
- k. Deductions for unsatisfactory work.

## **SECTION 6. Appeals**

- A.** Any interested party may file a protest regarding the procurement decisions authorized under this chapter.
- B. Notice of Decision.** After a decision regarding a procurement having a value over Thirty Thousand and no/100th (\$30,000.00) Dollars has been made, the Department Head or designee shall notify all persons who submitted a response to a City solicitation of intended award. If a bidder is rejected because the bid is found non-responsive or because the bidder is deemed not-responsible, the City will give written notice to said bidder of evidence reflecting such decision.
- C. Time to File Protest.** All protests must be filed in writing and received by the Department Head within five (5) business days of the date on the notice of intended award.
- D. Form of Protest.** All protests shall be in writing, state the grounds for the protest, state the facts relevant to the protest, and all evidentiary support to rebut adverse evidence that it or another bidder was either non-responsive or not responsible. All protests have to be filed in accordance with the instructions contained in the solicitation which is the subject of the protest.
- E. City Manager Review.** The City Manager or designee shall review the protest and issue a written decision on the protest. The City Manager or designee may base the decision on the written protest alone or may informally gather evidence from the person(s) filing the protest or any other person having relevant information. For procurements having a value of One Hundred Twenty-five Thousand and no/100th (\$125,000.00) Dollars or less, the City Manager's or designee's decision shall be final.
- F. Hearing on Protest.** If a bid was rejected on the grounds that the bidder was not a "responsible" bidder, the protesting party must submit materials set forth in Section D above for consideration. A hearing will be set within a reasonable time to provide a decision before final approval of the selected low bid. For procurements having a value of One Hundred Twenty-five Thousand and no/100th (\$125,000.00) Dollars or less, the City Manager's or designee's decision shall be final.
- G. Appeal of City Manager's Decision to City Council.** For procurements having a value exceeding One Hundred Twenty-five Thousand and no/100th



(\$125,000.00) Dollars, an appeal of the City Manager's decision may be filed with the City Council. All such appeals must be in writing, and shall be filed with the City Clerk within five (5) business days from the date of the City Manager's decision.

- H. Failure to Timely Appeal.** An interested party who fails to file a protest within the times set forth in this section waives any right to protest the issue further. No appeal to either the City Manager or City Council of any decision to award a bid under Chapter 10 may occur once the contract has been awarded.

## **SECTION 7. Definitions**

- A. Public works bid** is a solicitation by a public agency for the construction of a **"public work."** Various California codes define "public works" in various ways for various purposes. The following are definitions which may be helpful.
1. **California Uniform Public Construction Cost Accounting Procedures (CUPCCAP)** set forth in Public Contract Code Section 22000, et. seq. These are alternative procedures for competitively bidding public works construction. These procedures allow public agencies higher thresholds for bidding public works projects than those proscribed by Public Contract Code Sections 10100-22300. CUPCCAP also permit the performance of public works projects up to \$45,000 by force account (Agency work forces). By Resolution, the City of San Fernando adopted CUPCCAP.
  2. **Public Project** is defined in Public Contract Code Section 20160 as a project for the erection, improvement, painting, or repair of public buildings and work, work in or about streams, bays, waterfronts, embankments, or other work for protection against overflow; street or sewer work except maintenance or repair; furnishing supplies for any such project including maintenance or repair of streets or sewers.
  3. **Public works** as defined by the Public Contract Sections 1101 and 7103, is a public works contract to mean "...a contract awarded through competitive bids by the state or any of its political subdivisions or public agencies, on whose behalf the Attorney General may bring an action...(as) an agreement for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other improvement of any kind."
  4. **Construction**, as is applicable to Municipal Utility Districts, is defined by the Public Contract Code Section 20191 as: "construction includes the means of reconstruction, repair, improvement, remodeling, rehabilitation, and completion."

5. **Change Order** is a formal document that alters some condition of the contract documents, after award of the contract. The change order may alter the contract price, schedule of payments, completion date, or the plans and specifications. A change order may be used to modify the scope of a contract, when the work is reasonably related to the original scope. A change order does not necessarily mean that the contract price is increased. Deductive and zero cost change orders are also processed.
6. **Public Entity** is defined by the Public Contract Code Section 1100 to mean the state, county, city, city and county, district, public authority, public Agency, municipal corporation, or any other political subdivision or public corporation in the state.
7. **Responsible Bidder.** The word responsible in the context of Public Contract Code Section 20162, requiring award of public construction contracts to the lowest responsible bidder, "generally includes attributes of trustworthiness, but also has reference to quality; fitness and capacity of lower bidder to satisfactorily perform the proposed work." (City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court of Los Angeles (1972) 103 Cal Rptr. 689, 500 p. 2d 601, 7C. 3d 861).
8. **Responsive Bidder.** A responsive bid is one that is in substantial conformance with all requirements of the invitation to bid, including specification and the City's contractual terms and conditions. Bidders who substitute terms and conditions or who qualify their bids in such a manner as to nullify their liability may be considered nonresponsive bidders. May also include provision of insurance requirements, bonds, completion of all forms, inclusion of references and additional information as requested in the bid document.
9. **Public works projects are applicable to the payment of prevailing wages.** Labor Code Sections 1770-1780 define "public work" to include "construction work, alteration, demolition, repair and maintenance work."
  - a. Prevailing Wages are wages (and benefits) set by both the Federal government and the State. They are applicable when state or federal funds (FAA, FTA, etc.) are used to finance the project. The federal government or the State determines the prevailing wages for each classification of work listed in specific areas of the State. The requirement for the payment of prevailing wages is found in Labor Code Section 1771. In California, the Director of Department of Industrial Relations sets the State wages.
  - b. California State Prevailing Wages are required on public works projects over \$1,000.00. California Labor Code Section 1771 states: "Except for public works projects of one thousand dollars (\$1,000) or less, not less than the general prevailing rate of per

diem wages for work of a similar character in the locality in which the public work is performed, and not less than the general prevailing rate of per diem wages for holiday and overtime work fixed as provided in this chapter, shall be paid to all workers employed on public works. This section is applicable only to work performed under contract, and is not applicable to work carried out by a public agency with its own forces. This section is applicable to contracts let for maintenance work." Government agencies must pay Prevailing Wages.

- c. Changes in Prevailing Wages are not effective after bid notice has been published. If the Prevailing Wage is changed, it shall not be effective as to any contract for which the notice to bidders has been published, Labor Code 1773.6 states: "If during any quarterly period the Director of Industrial Relations shall determine that there has been a change in any prevailing rate of per diem wages in any locality he shall make such change available to the awarding body and his determination shall be final. Such determination by the Director of Industrial Relations shall not be effective as to any contract for which the notice to bidders has been published."
- d. Fine imposed on contractor for failure to pay. Per Labor Code Section 1775, the State will impose upon contractors who fail to pay prevailing wages a fine of \$50 per day per worker for each day the prevailing wage is not paid. This is in addition to the payment of correct wage.
- e. Willful violation by a public official is a misdemeanor. Labor Code Section 1777 states: "Any officer, agent or representative of the State or of any political subdivision who willfully violates any provision of this article, and any contractor, or subcontractor, or agent or representative thereof, doing public work who neglects to comply with any provision of Section 1776 is guilty of a misdemeanor.

**10. California Contractor's License Requirement.** California Public Contract Code Section 3300 defines both the contractor's and public agency's responsibilities concerning contractor license requirements for public works construction as follows:

- a. Responsibilities of public agency – any public entity, as defined in Section 1100, shall specify the classification of the contractor's license which a contractor shall possess at the time of submitting bids. The specification shall be included in any plans prepared for the public project and in any notice inviting bids required pursuant to the Public Contract Code.

## **SECTION 8. Bonds**

- A. Bid Security Bond.** The Bid Security Bond is also called the “Bid Bond,” “Security Bond,” and “10% Bond.” No term is more correct than another, and any of these terms may be used. The purpose of the Bid Security Bond is to compensate the Agency for damages it might suffer if successful bidder refuses to execute the contract. The damages would be the difference between the lowest/successful bid and the second lowest bid, which is the additional amount the agency would pay to have the work completed, should the successful bidder refuse to enter into the contract. Based on this theory, many agencies return to the lowest bidder any amount that exceeds the difference between the lowest bid and the second lowest bid, because they were not “damaged” in excess of that difference. Public agencies typically require bidders to submit with their bids 10% of the amount of their bid as bid security. The security may be in the form of bid bond, cash, cashier’s check, or certified check, made payable to the public agency. If the successful bidder does not execute the contract within the time allowed, the contractor forfeits his bid bond to the agency. Bid bonds returned to unsuccessful bidders are handled by City Clerk staff. Consult PCC Section 22030-22045.
- B. Payment Bond.** The purpose of a payment bond is to protect sub-contractors and suppliers. It ensures that the surety backing the bond will pay the suppliers and subcontractors if the general contractor does not. California Civil Code Section 9550 requires a payment bond be obtained from contractors for public works projects \$25,000 or more, except architectural, engineering and land surveying services. The bond requirements must be stated in the call for bid and it must be in amounts set forth in the Civil Code. Contracts up to \$5 million require bonds of 100% of the amount of the contract.
- C. Performance Bond.** The purpose of a performance bond is to ensure completion of the project. A performance bond is generally backed by a surety who guarantees the project will be completed in accordance with the specifications. If the contractor defaults, the surety may hire another contractor to complete the project. Performance bonds are required for all contracts over \$45,000.

## **SECTION 9. Trade Journals**

- A.** Per Section 22036 and 22037 of Public Contract Code, the Commission has determined that all public agencies that adopt and contract under the Uniform Public Construction Cost Accounting Act shall be required to mail, email, or fax a notice to the trade journals for all formal bids and mail a notice to the trade journals or to all contractors on the contractor’s list for informal bids.
1. The listing of Trade Journals required to be notified of public works bids by cities located in Ventura County is maintained by the State Controller’s Office.

2. **Note:** City is not required to mail a notice to a trade journal if the trade journal listed is now charging for its services, or is out of business. Instead, the Commission requests that you find some other method of notifying potential contractors of published jobs and how to be added to your informal bidding lists.

**B. Procedures for Establishment and Maintenance of the List of Qualified Contractors per Section 22034 of the Public Contract Code.**

1. During November of each year, Public Works staff will mail a written notice to all construction trade journals designated for the City of San Fernando, inviting all licensed contractors to submit the name of their firm to the Agency for inclusion on the Agency's list of qualified bidders for the following calendar year.
2. The notice shall require that the contractor provide his name and address to which a Notice to Contractors or proposal should be mailed, a phone number at which the contractor may be reached, the type of work in which the contractor is interested and currently licensed to do (earthwork, pipelines, electrical, painting, general building, etc.) together with the class of contractor's license(s) held and contractor license number(s).
3. The City of San Fernando will create a new contractors list starting January 1st of each year. The Agency will include any contractor's names it so desires on the list, but the list must include, at a minimum, all contractors who have properly provided the Agency with the information required under Section 9 (B.2) above, either during the calendar year in which the list is valid or during November or December of the previous year.
4. The Commission recommends that the City of San Fernando automatically include the names of all contractors who submitted one or more valid bids to the City during the preceding calendar year.
5. A contractor may have his firm added to the City's contractors list at any time by providing the required information.

## **CHAPTER 8 - SURPLUS PROPERTY**

### **SECTION 1. Overview**

- A.** Any and all equipment purchased with public funds shall be accounted for and disposed of in the most profitable way for the government entity. The Purchasing Officer is responsible for the transfer and disposition of surplus property/equipment and supplies herein after referred to as surplus property. Operating departments shall periodically review their equipment, material, and inventory, and shall promptly notify Finance of any surplus property. A surplus property form shall be completed and submitted for each surplus property item. Surplus property forms are available on the E:drive or from the Finance Department. Once it is determined that a piece of equipment is no longer needed or useable by the holding department, the department shall take the steps outlined below.

### **SECTION 2. Under \$5,000**

Items that were under the dollar value of \$5,000 at the time they were purchased should be handled as follows:

- A.** Request the Facilities Division to remove equipment. Provide a surplus property form to Finance to accompany the equipment.
- B.** Facilities staff will alert other departments of the availability of the equipment. If another City department can use the equipment it will be transferred to the other department. If the equipment cannot be used elsewhere in the City, Facilities staff will consult with Finance concerning usefulness of the equipment.
- C.** The Purchasing Agent will determine whether the equipment has value and the appropriate disposal method of the equipment (list as "for sale" on the Public Surplus website, donate to a charitable organization, such as Goodwill, dispose through trash/recycle, or transfer to the surplus holding area awaiting auction or surplus sale).
- D.** Generally, equipment under the \$5,000 threshold that is no longer needed by the City will be sold via public auction or donated to other governmental agencies or to a charitable organization, such as Goodwill.
- E.** Finance will finalize the surplus document indicating disposal determination.
- F.** Finance will maintain a record of all disposed equipment.
- G.** Surplus computer equipment should be forwarded to the Facilities Division for disposal; generally, computers are destroyed to protect potentially sensitive information.

### **SECTION 3. \$5,000 and Over**

Items that were purchased for \$5,000 and over and have an asset number will be handled as follows:

- A. Complete a surplus property form and forward to Finance.
- B. Finance will record the equipment as surplus and remove it from the fixed asset schedule.
- C. Finance will determine the appropriate disposal of equipment. If the department has a vendor interested in purchasing the equipment, either through negotiated sale or equipment trade-in, the department needs to alert Finance of this opportunity. ***Dollars gained from disposal cannot be used to offset the cost of the new equipment.*** All revenue from disposal of the equipment will be returned to the appropriate fund balance (Enterprise Fund, General Fund) or to the asset equipment reserve account.

### **SECTION 4. Methods of Disposition**

The Purchasing Officer shall determine which of the following methods of disposition is most appropriate and in the best interest of the City.

- A. **Transfer to Another Department.** Surplus property may be transferred between operating departments. Departments wishing to transfer surplus property to or from another department shall complete the surplus property form and submit it to Finance for review and approval. If property is transferred between General Fund and Enterprise Funds, the financial transaction will be handled by Accounting.
- B. **Trade-In.** Property declared as surplus may be offered as a trade-in; however, it may not be used to offset funding toward the acquisition of the new property. Revenue from the sale of surplus property shall be returned to the appropriate fund as determined by the Finance Department. All trade-in offers will be submitted for review and approval by Finance.
- C. **Return to Manufacturer.** Surplus property may, when possible, be returned to the manufacturer for buy-back or credit toward the purchase of new property. When budgeting for such an action, the department must budget for the full purchase price of the equipment. The dollar value of the buy-back will be credited to fund balance, and not used to offset the purchase of the equipment.
- D. **Sales.** Surplus property may be offered for sale by the Purchasing Agent. All surplus property for sale is "as is" and "where is," with no warranty, guarantee, or representation of any kind, expressed or implied, as to the condition, utility or

usability of the property offered for sale. Appropriate methods of sale are as follows:

1. Public Auction - Surplus property may be sold at a public auction. Public auctions may be conducted by City staff, or the City may contract with a professional auctioneer.
2. On-line Auction - Surplus property may be listed on an on-line auction company's web site and sold to the highest responsible bidder.
3. Sealed Bids - Sealed bids may be solicited for the sale of surplus property. Surplus property disposed of in this manner shall be sold to the highest responsible bidder.
4. Sell for Scrap - Surplus property may be sold as scrap if the Purchasing Officer deems that the value of the raw material exceeds the value of the property as a whole.
5. Negotiated Sale - Surplus property may be sold outright if the Purchasing Agent determines that only one known buyer is available or interested in acquiring the property.
6. Disposal as Junk - When the cost of locating a buyer exceeds the estimated sale price of surplus property, the Purchasing Officer may destroy or dispose of the item as junk.
7. Gifts - Surplus property may be given to any fraternal, benevolent, patriotic, charitable, or religious organization not organized for profit, or to any other public agency. City Council approval of this policy authorizes the Purchasing Agent authority to determine items to be donated.



## CHAPTER 9 – GLOSSARY OF PURCHASING TERMS

Bid Document	Bid document is a document created by the Purchasing Office soliciting pricing for purchases \$50,000 and over. The bid document includes all pertinent information related to the purchase (specification), plus instructions to the vendor on how to prepare the document, terms and conditions, and any insurance requirement necessary.
Bid Specification	The specification is a description in the bid or RFP/Q of what the buyer is attempting to purchase, informs prospective suppliers what is specifically required, provides the basis for determining responsive bid and the basis for the resulting purchase order or contract. In addition, it establishes the standard against which inspections and tests are made.
Bidders List	Bidder's list shall mean a list of responsible prospective vendors capable of providing the items being bid upon. Vendors contact the Purchasing Office to register as a vendor for specific commodities and sub-commodities. This list is used to develop a bidders list. A bidders list is compiled from the vendor file for each bid; all vendors on this list are notified of bid solicitations for a specific purchase.
Blanket Purchase Order	Blanket purchase orders are an agreement whereby the City contracts with a vendor to provide equipment or supplies on an as-needed and often over-the-counter basis. Once a blanket purchase order is issued to a vendor, any authorized City employee may contact the vendor directly to place orders per the terms and conditions specified on the blanket purchase order.
Bonds	<p><b>Bid Bond.</b> May also be called bid security or security bond. The Public Contracts Code requires a 10% bidders bond for public works bid projects. The purpose of the bid bond is to compensate the Agency for damages it might suffer if the successful bidder refuses to execute the contract. The damages would generally be the difference between the lowest/successful bid and the second lowest bid, which is the additional amount the Agency would have to pay to have the work completed.</p> <p><b>Payment Bond.</b> The purpose of a payment bond is to protect sub-contractors and suppliers. It ensures that the surety backing the bond will pay the suppliers and subcontractors if the general contractor does not. California Civil Code Section 9550 requires a payment bond be obtained from contractors for public works projects of \$25,000 or more.</p>

	<b>Performance Bond.</b> The purpose of a performance bond is to ensure completion of the project. A performance bond is generally backed by a surety who guarantees the project will be completed in accordance with the specifications. If the contractor defaults, the surety may hire another contractor to complete the project.
Brand Name Specification	The brand name specification is the simplest and most restrictive type of specification. This specification cites one or more names, trade names, catalog numbers, or model number of a particular manufacturer. The term, "or equal," should be used for the brand name to foster competition when the order is put out for bidding.
Central Stores/ Warehouse	An inventory of commonly used materials and supplies.
Change Order	A change order is a formal document that alters some condition of the contract documents, after award of the contract. The change order may alter the contract price, schedule of payments, completion date, or the plans and specifications. A change order should not be used to modify the scope of a contract, such as adding a traffic signal to a sidewalk construction project. A change order does not necessarily mean that the contract price is increased. Deductive and zero cost change orders are also processed.
Consulting Services	Services of an advisory nature to support policy development, decision-making, administration, or management of the government; normally provided by persons and/or organizations considered to have prerequisite knowledge or special abilities not generally available within the government. A consultant is a person with education and/or experience that uniquely qualifies him or her to perform some specialized expert service for the City. Examples include: general management consultants, personnel consultants, studies of governmental operations, and other similar services.
Contract	A binding agreement between the City and the company providing the service or equipment, specifying needs, pricing, terms and conditions, insurance requirements, etc.
Contract Purchase Order	Contract purchase orders are annual or multi-year contracts for specific products, product types or services at an agreed upon pricing structure. Contract purchase orders are the preferred method of purchasing repetitive use items common to several operating departments.

Contract Services (Ongoing)	Ongoing, long-term contract with a company which due to complex activities, expertise, knowledge of City processes or functions, knowledge or expertise related to proprietary or unique equipment, or other special circumstances, as documented, benefit the City and outweigh periodic or constant selection processes in terms of uninterrupted work flow, cost savings, customer service, or other similar circumstances.
Cooperative	A cooperative purchase is a combined purchase between several different agencies for items that are needed for all such agencies. A bid is conducted for a larger quantity, therefore, reducing the unit price.
Emergency	As determined by the City Council, including, but not limited to, states of emergency defined in Section 8558 of the Government Code, when repair or replacements are necessary to permit the continued conduct of the operation of services of the City, or to avoid danger to life or property, repair or replace any public facility without adopting plans, specifications, or working details or give notice for bids to let a contract or Public Work Construction Contract.
Equipment	Equipment means furnishings, machinery, vehicles, rolling stock, and other personal property used in the City's business.
Ethical Standards	A standard of ethical practices by which government officials should abide. Basically, purchasing staff should be sensitive to what constitutes unethical behavior and what, while legal, constitutes the appearance of unethical behavior.
General Services	A service of a general nature (as opposed to professional/consulting services) such as janitorial, uniform cleaning, electrical, plumbing, painting, maintenance, and other services for which other qualified tradesmen can perform without any additional training, unique skill, or special background.
Maintenance	(1) Routine recurring, and usual work for cleaning, preservation or work protection of any publicly owned or publicly operated facility for its intended purposes. (2) Minor repainting. (3) Resurfacing of streets and highways at less than one inch. (4) Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing or irrigation and sprinkler systems. (5) Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems including, but not limited to, dams, reservoirs, power plants, and electrical transmission lines of two hundred thirty thousand (230,000) volts and higher.

Management or Special Services	"Management" or "special services" shall mean any work performed by an attorney, doctor, appraiser, expert, accounting firm, consultant or those services such as computer services, golf course operating services, concession services, parking garage operation services, transportation/transit operator services. Factors for determining whether management or special services are needed include, but are not limited to, services which require special performance criteria, specific experience and training, professional judgment, licensing, qualified expertise in a specific area of work, or other unique factors other than simply obtaining the service at the lowest cost to the City. Management and special services are not subject to the informal, formal, or competitive bidding requirements, and may be procured through negotiated contract or requests for qualification and/or proposal process, per MC §3-10.401.
Multiple Awarded Bid	When a bid is awarded to more than one vendor for the same or similar products. A multiply awarded bid schedule is usually set up, which provides information of product type/brand and vendor who is providing the product.
Performance Contract	This type of contract identifies the performance desired. Standards of acceptable performance must be clearly identified. The standard of performance should be provided in the RFP.
Piggyback	Use of another public agencies' existing contract to purchase the same product(s) as outlined in the awarding bid document.
Pre-qualified Vendor List	For specific services, such as lab testing, electrical, plumbing, and other general services, the department may go out to bid to pre-qualify vendors for their needs. Vendors are put on a pre-qualified list and utilized by the departments on a rotation basis. This eliminates the need to obtain three price quotes for services under \$45,000.
Professional Services	Professional Services shall mean architectural, landscape architectural, engineering, environmental, land surveying, or construction project management and shall be selected on the basis of demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the service.
Proprietary	An item that is held under exclusive title, trademark or copyright by a private person or company. A proprietary distributorship would also apply.

Public Project	“Public Project” shall have the meaning as set forth in the California Public Contract Code Division 2, Part 3, Chapter 1, Article 4, Section 20161 and Division 2, Part 3, Chapter 2, Article 1, Section 22002, or as hereinafter amended.
Public Works Construction Project	This is a public construction project that is subject to the regulations of the State Public Contract Codes, such as the erection, construction of, alteration, major painting, repair, or demolition of public buildings, streets, walkways, water and sewer facilities, drainage facilities, or other public facilities, whether owned, leased, or operated by the City. Furnishing supplies or materials for the above works or projects. Public works does not include maintenance work as defined in this article.
Purchase	Purchase shall include renting, leasing, purchasing licensing, or a trade of equipment or supplies.
Purchase Order	A purchase order is generated by the Purchasing Office after the bidding requirements have been met and the purchase has been awarded. A purchase order authorizes the purchase of goods or services. Often the purchase order is the only contract document between the supplier and the government agency.
Purchase Order Change Order	A change order to an existing purchase order may occur for a variety of reasons including but not limited to, increasing the dollar amount of the purchase order, adding or deleting a line item number, changing an account number on a line item, or closing a purchase order.
Purchasing Agent	The Purchasing Agent for the purposes of this manual, shall be the Finance Director or his/her designee and is responsible for managing the decentralized purchasing program.
Purchasing Officer	The Purchasing Officer is the City Manager or a designated representative.
Requisition	A Purchase Requisition is a request for an order. The request comes from the user department that needs to order specific goods or services.
Responsible Bid	Refers to the ability of the bidder to successfully fulfill a contract, including rendering of subsequent and continuing service, including financial resources.

Responsive Bid	A responsive bid is one that is in substantial conformance with all requirements of the invitation to bid, including specification and the City's contractual terms and conditions. Bidders who substitute terms and conditions or who qualify their bids in such a manner as to nullify their liability may be considered nonresponsive bidders. May also include provision of insurance requirements, bonds, completion of all forms, inclusion of references and additional information as requested in the bid document.
RFP/Q	Request for Proposal or Request for Qualifications. Documents that are prepared to solicit information in hiring consultants, professional services, or general services.
Single Source	Single Source is when a number of sources exist which are capable of supplying the product or service, but it is decided for any reason to direct the purchase to a particular source.
Sole Source	Unique commodities or services that can be obtained from only one vendor or one distributor authorized to sell in this area, with singular characteristics or performance capabilities or which have specific compatibility components with existing City products are exempt from the competitive bidding requirements in MC §3-10.107 and are deemed sole source purchases. Sole source purchases may include proprietary items sold direct from the manufacturer.
Special Equipment	Unique supplies, machinery, computers or other equipment, which are not generally and regularly ordered in bulk by the City and which must perform complex tasks, or integrate efficiently with existing equipment or supplies.
Standardization	An established agreement for the use of a particular product, normally subject to bidding in lieu of other similar or equal products, based on its design, quality or physical characteristics, which is recommended by the Department Head and approved as a City standard, after review by the City Manager.
Supplies	Office supplies, janitorial supplies, materials, goods, tools, or other commodities used in the general conduct of the City's business, excepting supplies for a public work which is regulated under the Public Contracts Code Section 20260.

Surplus Property	City property or equipment that is no longer needed or useable by the holding department.
Unencumbered Appropriation	An unencumbered appropriation is the amount of money left in the budget that has not been previously committed for the payment of goods and services not yet paid for or received.
Uniform Construction Cost Accounting Procedures	Uniform construction cost accounting procedures shall mean those procedures and rules established by the State Uniform Construction Cost Accounting Commission pursuant to Section 22010, et seq. of the Public Contracts Code.
Unit Price Contract	This type of contract requires proposer to offer pricing in specific units of service (cost per day, cost per trip, cost per hour, cost of material per cubic foot). The unit price comparison is the easiest method to use, however, since this contract measures quantity rather than quality, the quality desired must be clearly defined in the specifications.
Urgency Purchases	Urgent purchases for other than public works projects may be made without benefit of competitive bidding when time is of the essence. Urgency shall exist when the service, repair, or replacements are necessary to permit the continued performance of the operations or services of the City, or to avoid the immediate danger to life, health, or property.
Vendor List	A list, maintained by purchasing, of vendors who have registered with the City to supply various commodities and sub-commodities and have requested to be considered in the solicitation of bids.

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## AGENDA REPORT

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**To:** Mayor Robert C. Gonzales and Councilmembers

**From:** Brian Saeki, City Manager  
By: Fred Ramirez, Community Development Director

**Date:** April 18, 2016

**Subject:** Consideration to Adopt Ordinance No. 1654, An Ordinance of the City Council Amending Chapter 22 (Businesses) and Chapter 106 (Zoning) to Expressly Prohibit Medical Cannabis Dispensaries, Medical Cannabis Cultivation, Medical Cannabis Deliveries, and All Commercial Cannabis Activities in All Areas of the City

### RECOMMENDATION:

It is recommended that the City Council:

- a. Conduct a Public Hearing; and
- b. Pending public testimony, introduce for first reading, in title only, and waive further reading of Ordinance No. 1654 (Attachment "A"), "An Ordinance of the City Council Amending Chapter 22 (Businesses) and Chapter 106 (Zoning) to Expressly Prohibit Medical Cannabis Dispensaries, Medical Cannabis Cultivation, Medical Cannabis Deliveries, and All Commercial Cannabis Activities in All Areas of the City."

### BACKGROUND:

1. The Federal Controlled Substances Act (21 U.S. C., § 801 et seq.) classifies marijuana as a Schedule 1 Drug, which is defined as a drug or other substance that has a high potential for abuse, has no currently accepted medical use treatment in the United States, and that has not been accepted as safe for use under medical supervision, and makes it unlawful under federal law for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute, or dispense marijuana.
2. In 1987, the City of San Fernando adopted Ordinance No. 1305 the last comprehensive amendment of the City's zoning regulations. Included as part of that zone text amendment, each of the designated zoning districts includes language noting that "All uses are prohibited except those expressly permitted by the provisions of this section ['section' as noted herein refers to individual sections of the zoning code for each designated zoning district]"; this

Consideration to Adopt Ordinance No. 1654, An Ordinance of the City Council Amending Chapter 22 (Businesses) and Chapter 106 (Zoning) to Expressly Prohibit Medical Cannabis Dispensaries, Medical Cannabis Cultivation, Medical Cannabis Deliveries, and All Commercial Cannabis Activities in All Areas of the City

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language is still part of the City's zoning ordinance for each of the designated zoning districts.

3. In 1996, the California Legislature approved Proposition 215, also known as the Compassionate Use Act (the "CUA"), which was codified under Health and Safety Code Section 11262.5 et seq. and was intended to enable persons who are in need of medical marijuana for specified medical purposes, such as cancer, anorexia, AIDS, chronic pain, glaucoma and arthritis, to obtain and use marijuana under limited circumstances and where recommended by a physician.
4. The CUA provides that "nothing in this section shall be construed or supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes."
5. On August 29, 2013, the United States Department of Justice issued a letter stating that, notwithstanding the Federal classification of marijuana as a Schedule 1 controlled substance, one can reasonably expect the federal government to stand down and defer to State and local marijuana regulations that are strict and robust.
6. In 2004, the California Legislature enacted the Medical Marijuana Program Act (Health & Safety Code, § 11362.7 et seq.)(the "MMP"), which clarified the scope of the CUA, created a state-approved voluntary medical marijuana identification card program, and authorized cities to adopt and enforce rules and regulations consistent with the MMP.
7. Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amended the MMP to expressly recognize the authority of counties and cities to "[a]dopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective" and to civilly and criminally enforce such ordinances.
8. California courts have found that neither the CUA nor the MMP provide medical marijuana patients with an unfettered right to obtain, cultivate, or dispense marijuana for medical purposes.
9. On January 18, 2011, the City Council adopted City Ordinance No. 1603, "An Ordinance of the City of San Fernando Amending Section 22-64 of Division 1 of Article II of Chapter 22 of the City Code Relating to the Conduct of Unlawful Businesses." Based on the City Ordinance No. 1603, Section 22-64 ("Unlawful business not authorized") of Division 1 ("Generally") of Article II ("Licensing") of Chapter 22 ("Businesses") of the San Fernando City Code was amended to read as follows:

Consideration to Adopt Ordinance No. 1654, An Ordinance of the City Council Amending Chapter 22 (Businesses) and Chapter 106 (Zoning) to Expressly Prohibit Medical Cannabis Dispensaries, Medical Cannabis Cultivation, Medical Cannabis Deliveries, and All Commercial Cannabis Activities in All Areas of the City

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“Sec. 22-64. – Unlawful business not authorized.

No license issued under this article shall be construed as authorizing the conduct or continuance of any illegal or unlawful business or the provision or sale of any service or product that is illegal under the laws of the United States or the State of California, or any ordinance of the city. Notwithstanding any provision of this Code to the contrary, any use of land, operation, or business that is in violation of state and/or federal law shall be prohibited in all planning areas, districts, or zones within the city.”

(Source: [https://www.municode.com/library/ca/san\\_fernando/codes/code\\_of\\_ordinances.](https://www.municode.com/library/ca/san_fernando/codes/code_of_ordinances.))

10. In 2013, the California Supreme Court in the case of *City of Riverside v. Inland Empire Patients Health and Wellness Center* (2013) 56 Cal.4th 729, found the CUA and MMP do not preempt a city’s local regulatory authority and confirmed a city’s ability to prohibit medical marijuana dispensaries within its boundaries.
11. In 2013, the California Third District Appellate Court held that state law does “not preempt a city’s police power to prohibit the cultivation of all marijuana within the city.”
12. In September 2015, the California State Legislature enacted, and Governor Brown signed into law three bills – Assembly Bill 243, Assembly Bill 266, and Senate Bill 643 – which together comprise the Medical Marijuana Regulation and Safety Act (the “MMRSA”). The MMRSA creates a comprehensive dual state licensing system for the cultivation, manufacture, retail, sale, transport, distribution, delivery, and testing of medical cannabis. The MMRSA contains new statutory provisions that:
  - a. Allow local government to enact ordinances expressing of their intent to prohibit the cultivation of marijuana and not administer a conditional use permit program pursuant to Health and Safety Code Section 11362.777 for the cultivation of marijuana (Health & Safety Code, § 11362.777(c)(4));
  - b. Expressly provide that the Act does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances, or enforcement of local permit or licensing requirements regarding marijuana (Bus. & Prof. Code, § 19315(a));
  - c. Expressly provide that the Act does not limit the authority or remedies of a local government under any provision of law regarding marijuana, including, but not limited to, a local government’s right to make and enforce within its limits all police regulations not in conflict with its general laws (Bus. & Prof. Code, § 19316(c)); and
  - d. Require a local government that wishes to prevent marijuana delivery activity (as defined in Business and Professions Code Section 19300.5(m)) from operating within the local government’s boundaries to enact an ordinance affirmatively banning such delivery

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activity (Bus. & Prof. Code, § 19340(a)).

13. Pursuant to California Constitution Article XI, Section 7, the City of San Fernando (the “City”) has the authority to enact local planning and land use regulations to protect the public health, safety, and welfare of the City’s residents through its police power.
14. The Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime. In addition, the strong smell of marijuana creates an attractive nuisance, alerting persons to the location of the valuable plants, and creating a risk of burglary, robbery or armed robbery. (Source: [http://www.counties.org/sites/main/files/file-attachments/medi\\_marijuana\\_cpca\\_white\\_paper.pdf](http://www.counties.org/sites/main/files/file-attachments/medi_marijuana_cpca_white_paper.pdf).)

Furthermore, City Police Department and City Community Development Department building and safety and code enforcement personnel have had personal experience in investigating illegal indoor cultivations. These indoor cultivation of marijuana have in some instances resulted in un-permitted structural alterations to buildings that have resulted in adverse effects to the structural integrity of the building. The indoor cultivation has also resulted in illegal modification of electrical transmission wires to un-permitted indoor cultivation sites that have used high wattage grow lights and excessive use of electricity which collectively increased the risk of fire and present a clear and present danger to the building, its occupants and nearby businesses and residences.

15. Several California cities have reported negative impacts of marijuana (cannabis) dispensaries, cultivation, deliveries, and commercial cannabis activities, including offensive odors, illegal sales and distribution of marijuana, trespassing, theft, violent robberies and robbery attempts, fire hazards, and problems associated with mold, fungus, and pests. (Source: [http://www.counties.org/sites/main/files/file-attachments/medi\\_marijuana\\_cpca\\_white\\_paper.pdf](http://www.counties.org/sites/main/files/file-attachments/medi_marijuana_cpca_white_paper.pdf).)
16. On March 1, 2016, the Planning and Preservation Commission held a noticed public hearing in order to consider a proposed Zone Text Amendment 2016-001. Subsequent to the public hearing and commission discussion, the Planning and Preservation Commission voted to approve Resolution No. 2016-004 (Attachment “B”) recommending to the City Council adoption of proposed Ordinance (Attachment “A”) that would amend Chapter 22 (Businesses) and Chapter 106 (Zoning) to expressly prohibit medical cannabis dispensaries, medical cannabis cultivation, medical cannabis deliveries, and all commercial cannabis activities in all areas of the City and make the associated environmental determination under the California Environmental Quality Act.

Consideration to Adopt Ordinance No. 1654, An Ordinance of the City Council Amending Chapter 22 (Businesses) and Chapter 106 (Zoning) to Expressly Prohibit Medical Cannabis Dispensaries, Medical Cannabis Cultivation, Medical Cannabis Deliveries, and All Commercial Cannabis Activities in All Areas of the City

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During public input, comments were made regarding potentially allowing medical cannabis deliveries to occur within the City. City Planning Staff informed the commission that the ordinance as written prohibited all commercial cannabis activities within the City including deliveries. As part of the subsequent discussion by the commission, Assistant City Attorney Isabel Birrueta provided some clarification about the delivery component of the proposed City Code amendments and applicable statewide regulations.

Subsequent to the March 1, 2016, Planning & Preservation Commission meeting, City Attorney Isabel Birrueta conducted further review of applicable state regulations regarding whether cannabis deliveries that originate in other jurisdictions (by operators with valid local and state permits) but that terminate in San Fernando are authorized for those people that are homebound. Ms. Birrueta determined that MMRSA supports Subsection (c) of Section 106–194 of the proposed ordinance prohibiting deliveries that originate or terminate in the City. Specifically, Business and Professions Code Section 19340(a) states: “[d]eliveries, as defined in this chapter, can only be made by a dispensary and in a city, county, or city and county that does not explicitly prohibit it by local ordinance.” For example, proposed Ordinance No. 1654 would prohibit a delivery from a dispensary in the City of Los Angeles to an individual, or even qualified patient, residing and located in the City of San Fernando, without exception.

17. On April 7, 2016, a noticed of public hearing before the City Council for the proposed Ordinance No. 1654: “An Ordinance of the City Council Amending Chapter 22 (Businesses) and Chapter 106 (Zoning) to Expressly Prohibit Medical Cannabis Dispensaries, Medical Cannabis Cultivation, Medical Cannabis Deliveries, and All Commercial Cannabis Activities in All Areas of the City” was published in the *San Fernando Valley Sun Newspaper*.

## **ANALYSIS:**

### Existing City Regulations

The City of San Fernando Zoning Ordinance, City Code Chapter 106 (Zoning) currently has a provision in each of the City’s zoning districts, which states “All uses are prohibited except those expressly permitted by the provisions of this section [‘section’ as noted herein refers to individual sections of the zoning code for each designated zoning district].” Historically, the City of San Fernando has not permitted medical marijuana (cannabis) dispensaries, cultivation, deliveries, and all commercial cannabis activities citywide pursuant to the City’s permissive zoning provisions. Under the City’s permissive zoning provisions, the City has prohibited land uses that are not expressly identified in the City Code as permitted or conditionally permitted primary and/or accessory land uses.

Consideration to Adopt Ordinance No. 1654, An Ordinance of the City Council Amending Chapter 22 (Businesses) and Chapter 106 (Zoning) to Expressly Prohibit Medical Cannabis Dispensaries, Medical Cannabis Cultivation, Medical Cannabis Deliveries, and All Commercial Cannabis Activities in All Areas of the City

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Medical marijuana (cannabis) dispensaries, cultivation, deliveries, and all commercial cannabis activities are not listed uses, either as permitted or conditionally permitted uses. The City's position to not allow medical marijuana (cannabis) dispensaries, cultivation, deliveries, and all commercial cannabis activities as well as other non-identified land uses is established through the City's police powers pursuant to California Constitution Article XI, Section 7.

Changes to State legislation on medical marijuana and cannabis uses inclusive of MMRSA as well as ongoing requests to establish medical marijuana dispensaries and most recently inquiries regarding medical marijuana cultivation facilities have made it necessary for the City to consider expressly prohibiting medical marijuana (cannabis) dispensaries, cultivation, deliveries, and all commercial cannabis activities citywide. As a result, the City Attorney has prepared the attached Draft Ordinance (Attachment "A").

In addition, the City of San Fernando currently has a provision in City Code Section 22-64 (Unlawful businesses not authorized), which states *"No license issued under this article shall be construed as authorizing the conduct or continuance of any illegal or unlawful business or the provision or sale of any service or product that is illegal under the laws of the United States or the State of California, or any ordinance of the city. Notwithstanding any provision of this [City] Code to the contrary, any use of land, operation, or business that is in violation of state and/or federal law shall be prohibited in all planning areas, districts, or zones within the city."* Based on this City Code provision, the City has not allowed any medical marijuana businesses to be established in City of San Fernando because federal law does not allow it. Therefore, this new Ordinance would not have any effect on any existing businesses in the City.

#### Proposed Zone Text Amendment Required Findings.

Pursuant to City Code Section 106-19 Subsections (c)(1) and (c)(2), City Planning Staff has determined and the Planning and Preservation Commission has concurred that the proposed zoning text amendment is consistent with the following findings of fact as discussed below:

- **The proposed zone text amendment is consistent with the objectives, policies, general land uses and programs of the City's General Plan.**

The proposed Zone Text Amendment 2016-001 and associated City Code Amendment to expressly prohibit medical marijuana (cannabis) dispensaries, cultivation, deliveries, and all commercial cannabis activities citywide are consistent with the General Plan, zoning regulations, and development policies. The General Plan's goals, objectives, and policies do not permit or contemplate the establishment or operation of medical marijuana/cannabis dispensaries, medical marijuana/cannabis cultivation, medical marijuana/cannabis deliveries, and commercial cannabis activities.



Consideration to Adopt Ordinance No. 1654, An Ordinance of the City Council Amending Chapter 22 (Businesses) and Chapter 106 (Zoning) to Expressly Prohibit Medical Cannabis Dispensaries, Medical Cannabis Cultivation, Medical Cannabis Deliveries, and All Commercial Cannabis Activities in All Areas of the City

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Zone Text Amendment 2016-001 and associated City Code Amendment prohibiting medical marijuana (cannabis) dispensaries, cultivation, deliveries, and all commercial cannabis activities citywide do not create new law, but rather clarify the City's existing prohibitions on medical marijuana/cannabis dispensaries, medical marijuana/cannabis cultivation, medical marijuana/cannabis deliveries, and commercial cannabis activities. Collectively, the proposed city code amendments banning medical marijuana (cannabis) dispensaries, cultivation, deliveries, and all commercial cannabis activities citywide is consistent with the City of San Fernando General Plan Land Use Element Goals, which seek to "retain the small town character of San Fernando," "promote the economic viability of commercial areas," and "maintain an identity that is distinct from surrounding communities" while also meeting the City General Plan Land Use Element Objectives that seek to conserve single family neighborhoods and attract new commercial activities to the downtown areas. (Source: City General Plan Land Use Element Goals and Objectives; Page IV-6.)

The banned cannabis activities noted as part of the proposed Zone Text Amendment 2016-001 and associated Ordinance would help meet the aforementioned General Plan goals and objectives by reducing the potential for: un-permitted structural modifications to buildings; excessive demands on water and electrical utilities resulting from indoor cannabis cultivation activities; and public nuisance and crime activities resulting from loitering and potential crime against businesses that store product and large deposit of monies from sales, which make them potential targets of burglaries.

- **The adoption of the proposed zone text amendment would not be detrimental to the public interest, health, safety, convenience or welfare.**

The proposed Zone Text Amendment 2016-001 and associated City Code Amendment to expressly prohibit medical marijuana (cannabis) dispensaries, cultivation, deliveries, and all commercial cannabis activities citywide will also promote the purpose of Title 106 (Zoning) of the San Fernando Municipal Code, which is to serve the public health, safety, comfort, convenience and general welfare by making the City's proscription of cannabis dispensaries, cannabis cultivation, cannabis deliveries, and commercial cannabis activities clear and unambiguous. The proposed Zone Text Amendment 2016-001 and associated City Code Amendment to expressly prohibit medical marijuana (cannabis) dispensaries, cultivation, deliveries, and all commercial cannabis activities citywide will ensure that all properties in the City remain free of the deleterious impacts associated with cannabis-related uses.

The proposed Zone Text Amendment 2016-001 and associated City Code Amendment to expressly prohibit medical marijuana (cannabis) dispensaries, cultivation, deliveries, and all commercial cannabis activities citywide authorizes no change to the environment and thus will add nothing potentially detrimental to the public interest, health, safety, convenience or welfare.

Consideration to Adopt Ordinance No. 1654, An Ordinance of the City Council Amending Chapter 22 (Businesses) and Chapter 106 (Zoning) to Expressly Prohibit Medical Cannabis Dispensaries, Medical Cannabis Cultivation, Medical Cannabis Deliveries, and All Commercial Cannabis Activities in All Areas of the City  
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#### Environmental Review.

This project has been reviewed for compliance with CEQA. In accordance with the provisions of the CEQA Guidelines, the City of San Fernando as the "Lead Agency" has determined that adoption and implementation of the proposed Zone Text Amendment Code Amendment 2016-001 and associated City Code Amendment to expressly prohibit medical marijuana (cannabis) dispensaries, cultivation, deliveries, and all commercial cannabis activities citywide does not have the potential to cause significant effects on the environment and is exempt from the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines Section 15061(b)(3), because it amends the San Fernando Municipal Code to make clear that on cannabis dispensaries, cannabis cultivation, cannabis deliveries, and commercial cannabis activities are not permitted in the City. Therefore, based on the evaluation of adverse impacts, it can be seen with certainty that there is no possibility that the establishment of bans on cannabis-related activities will have a significant effect on the environment. If the City Council concurs with City Planning Staff and the Planning and Preservation Commission's assessment and the City Council adopts the draft Ordinance as presented, then no further environmental assessment is necessary.

#### **BUDGET IMPACT:**

City Council adoption of Ordinance No. 1654 will not have an adverse impact on the City's budget. The proposed ordinance would maintain the status quo by expressly prohibiting any medical marijuana businesses to be established in City of San Fernando. Therefore, this new Ordinance would not have any effect on any existing businesses in the City.

#### **CONCLUSION:**

It is City staff's assessment that the City Code and associated zone text amendments pursuant to the Council's adoption of the attached Ordinance No. 1654 is warranted in order to expressly prohibit any medical marijuana businesses from being established in City of San Fernando. Ordinance adoption and subsequent implementation will help preserve community character and expressly prohibiting medical marijuana (cannabis) dispensaries, cultivation, deliveries, and all commercial cannabis activities citywide authorizes no change to the environment and thus will add nothing potentially detrimental to the public interest, health, safety, convenience or welfare.

Consideration to Adopt Ordinance No. 1654, An Ordinance of the City Council Amending Chapter 22 (Businesses) and Chapter 106 (Zoning) to Expressly Prohibit Medical Cannabis Dispensaries, Medical Cannabis Cultivation, Medical Cannabis Deliveries, and All Commercial Cannabis Activities in All Areas of the City

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**ATTACHMENTS:**

- A. Ordinance No. 1654
- B. Planning and Preservation Resolution 2016-004
- C. Planning and Preservation Minutes
- D. Public Notice

**ATTACHMENT “A”****ORDINANCE NO. 1654****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO AMENDING CHAPTER 22 (BUSINESSES) AND CHAPTER 106 (ZONING) TO EXPRESSLY PROHIBIT MEDICAL CANNABIS DISPENSARIES, MEDICAL CANNABIS CULTIVATION, MEDICAL CANNABIS DELIVERIES, AND ALL COMMERCIAL CANNABIS ACTIVITIES IN ALL AREAS OF THE CITY**

WHEREAS, the Federal Controlled Substances Act (21 U.S. C., § 801 et seq.) classifies marijuana as a Schedule 1 Drug, which is defined as a drug or other substance that has a high potential for abuse, has no currently accepted medical use treatment in the United States, and that has not been accepted as safe for use under medical supervision, and makes it unlawful under federal law for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute, or dispense marijuana; and

WHEREAS, in 1996, the California Legislature approved Proposition 215, also known as the Compassionate Use Act (the “CUA”), which was codified under Health and Safety Code Section 11262.5 et seq. and was intended to enable persons who are in need of medical marijuana for specified medical purposes, such as cancer, anorexia, AIDS, chronic pain, glaucoma and arthritis, to obtain and use marijuana under limited circumstances and where recommended by a physician; and

WHEREAS, the CUA provides that “nothing in this section shall be construed or supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes.”; and

WHEREAS, in 2004, the California Legislature enacted the Medical Marijuana Program Act (Health & Saf. Code, § 11362.7 et seq.)(the “MMP”), which clarified the scope of the CUA, created a state-approved voluntary medical marijuana identification card program, and authorized cities to adopt and enforce rules and regulations consistent with the MMP; and

WHEREAS, Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amended the MMP to expressly recognize the authority of counties and cities to “[a]dopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective” and to civilly and criminally enforce such ordinances; and

WHEREAS, California courts have found that neither the CUA nor the MMP provide medical marijuana patients with an unfettered right to obtain, cultivate, or dispense marijuana for medical purposes; and

WHEREAS, in 2013, the California Supreme Court in the case of *City of Riverside v. Inland Empire Patients Health and Wellness Center* (2013) 56 Cal.4th 729, found the CUA and

MMP do not preempt a city's local regulatory authority and confirmed a city's ability to prohibit medical marijuana dispensaries within its boundaries; and

WHEREAS, in 2013, the California Third District Appellate Court held that state law does "not preempt a city's police power to prohibit the cultivation of all marijuana within the city."; and

WHEREAS, on August 29, 2013, the United States Department of Justice issued a letter stating that, notwithstanding the federal classification of marijuana as a schedule 1 controlled substance, one can reasonably expect the federal government to stand down and defer to state and local marijuana regulations that are strict and robust; and

WHEREAS, in September 2015, the California State Legislature enacted, and Governor Brown signed into law three bills – Assembly Bill 243, Assembly Bill 266, and Senate Bill 643 – which together comprise the Medical Marijuana Regulation and Safety Act (the "MMRSA"); and

WHEREAS, the MMRSA creates a comprehensive dual state licensing system for the cultivation, manufacture, retail, sale, transport, distribution, delivery, and testing of medical cannabis; and

WHEREAS, the MMRSA contains new statutory provisions that:

- Allow local government to enact ordinances expressing of their intent to prohibit the cultivation of marijuana and not administer a conditional use permit program pursuant to Health and Safety Code Section 11362.777 for the cultivation of marijuana (Health & Saf. Code, § 11362.777(c)(4));
- Expressly provide that the Act does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances, or enforcement of local permit or licensing requirements regarding marijuana (Bus. & Prof. Code, § 19315(a)); and
- Expressly provide that the Act does not limit the authority or remedies of a local government under any provision of law regarding marijuana, including, but not limited to, a local government's right to make and enforce within its limits all police regulations not in conflict with its general laws (Bus. & Prof. Code, § 19316(c));
- Require a local government that wishes to prevent marijuana delivery activity (as defined in Business and Professions Code Section 19300.5(m)) from operating within the local government's boundaries to enact an ordinance affirmatively banning such delivery activity (Bus. & Prof. Code, § 19340(a)); and

WHEREAS, pursuant to California Constitution Article XI, Section 7, the City of San Fernando (the "City") has the authority to enact local planning and land use regulations to protect the public health, safety, and welfare of the City's residents through its police power; and

WHEREAS, the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as

loitering or crime; and

WHEREAS, the strong smell of marijuana creates an attractive nuisance, alerting persons to the location of the valuable plants, and creating a risk of burglary, robbery or armed robbery; and

WHEREAS, the indoor cultivation of marijuana has potential adverse effects to the structural integrity of the building, and the use of high wattage grow lights and excessive use of electricity increases the risk of fire which presents a clear and present danger to the building and its occupants; and

WHEREAS, several California cities have reported negative impacts of marijuana (cannabis) dispensaries, cultivation, deliveries, and commercial cannabis activities, including offensive odors, illegal sales and distribution of marijuana, trespassing, theft, violent robberies and robbery attempts, fire hazards, and problems associated with mold, fungus, and pests; and

WHEREAS, the City Council finds that based on the experiences of other cities, these negative effects on the public health, safety, and welfare are likely to occur in the City if marijuana (cannabis) dispensaries, cultivation, deliveries, and commercial cannabis activities are permitted; and

WHEREAS, the City Council finds that the limited immunity from specified state marijuana laws provided by the CUA, MMP, and MMRSA do not confer a land use right or the right to create or maintain a public nuisance; and

WHEREAS, the City Council finds that, although cannabis dispensaries, cannabis cultivation, cannabis deliveries, and commercial cannabis activities are prohibited in the City, pursuant to the tenets of permissive zoning, it is prudent to explicitly proscribe such activities in order to preclude ambiguity in the City's prohibition of such actions; and

WHEREAS, with regard to cannabis deliveries, Business and Professions Code Section 19340(a) of the MMRSA prohibits cannabis deliveries in cities that explicitly prohibit such deliveries by local ordinance, and adoption of this Ordinance would bar cannabis deliveries terminating in the City, even if such deliveries commenced outside in another jurisdiction; and

WHEREAS, the Planning and Preservation Commission conducted a duly noticed public hearing on March 1, 2016 concerning the prospective recommendation set forth herein at which evidence, both written and oral, was presented; and

WHEREAS, the City Council public hearing was noticed in accordance with the requirements set forth in Government Code sections 65090 and 65091.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1.** The facts set forth in the recitals above are true and correct.

**SECTION 2.** Section 22-64 (Unlawful business not authorized) of Division 1 (Generally) of Article II (Licensing) of Chapter 22 (Businesses) of the San Fernando Municipal Code is amended in its entirety to read as follows:

**Sec. 22-64 Unlawful business not authorized.**

- (a) No license issued under this article shall be construed as authorizing the conduct or continuance of any illegal or unlawful business or the provision or sale of any service or product that is illegal under the laws of the United States or the State of California, or any ordinance of the city. Notwithstanding any provision of this Code to the contrary, no business license shall be issued for any use of land, operation, or business in all planning areas, districts, or zones within the city that is in violation of local, state and/or federal law.
- (b) No license shall be issued under this article relating to the establishment and/or operation of any business or the provision or sale of any service or product relating to cannabis dispensaries, cannabis cultivation, cannabis deliveries, and commercial cannabis activities, as such terms are defined in Section 106-1493.

**SECTION 3.** Article VI (General Regulations) of Chapter 106 (Zoning) of the San Fernando City Code is amended by the addition of Division 18 (Medical Marijuana/Cannabis Prohibitions), which shall read as follows:

**Division 18 – Medical Marijuana/Cannabis Prohibitions**

**Sec. 106-1493 Definitions.**

“Cannabis” shall have the same meaning as set forth in California Business and Professions Code Section 19300.5(f), as the same may be amended from time to time.

“Caregiver” or “primary caregiver” shall have the same meaning as set forth in California Business and Professions Code Section 11362.7, as may be amended from time to time.

“Commercial cannabis activity” shall have the same meaning as set forth in California Business and Professions Code Section 19300.5(k), as the same may be amended from time to time, and shall include, but not be limited to the cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical cannabis or a medical cannabis product.

“Cooperative” or “collective” shall mean two or more persons collectively or cooperatively cultivating, using, transporting, possessing, administering, delivering, or making available cannabis, with or without compensation.

“Cultivation” or “Cultivate” shall have the same meaning as set forth in California Business and Professions Code Section 19300.5(l), as the same may be amended from time to time.

“Delivery” shall have the same meaning as set forth in California Business and Professions Code Section 19300.5(m), as the same may be amended from time to time.

“Dispensary” shall have the same meaning as set forth in California Business and Professions Code Section 19300.5(n), as may be amended from time to time. For purposes of this Division 18, and Section 22-64, “dispensary” shall also include a cooperative/collective.

“Distribution” shall have the same meaning as set forth in California Business and Professions Code Section 19300.5(p), as may be amended from time to time.

“Manufacturing” shall mean and refer to the activities of “manufacturers” at “manufacturing sites,” as such terms are defined in California Business and Professions Code Section 19300.5(y) and 19300.5(af), respectively.

“Medical cannabis,” “medical cannabis product,” and “cannabis product” shall have the same meaning as set forth in California Business and Professions Code Section 19300.5(ag), as may be amended from time to time.

“Medical Marijuana Regulation and Safety Act” or “MMRSA” shall mean and refer to California Assembly Bill 243, California Assembly Bill 266, and California Senate Bill 643, as may be amended from time to time.

“Qualifying patient” or “qualified patient” shall have the same meaning as set forth in California Business and Professions Code Section 11362.7, as may be amended from time to time.

#### **Sec. 106-1494 Prohibitions.**

- (a) Cannabis dispensaries, cannabis cultivation, cannabis deliveries, and commercial cannabis activities are expressly prohibited in all zones throughout the City.
- (b) The prohibitions set forth in this Section 106-1494 shall apply to all activities for which a State of California license is required pursuant to the MMRSA, which shall preclude the City’s provision or issuance of any permit, license, entitlement, and/or approval for any activity is required under the MMRSA.
- (c) To any extent not prohibited under Subsection (a) of this Section 106-1494, no person shall conduct, carry out, or facilitate cannabis deliveries, which either originate or terminate within the City.
- (d) To any extent not prohibited under Subsection (a) of this Section 106-1494, cultivation by a qualified patient and/or a primary caregiver, is expressly prohibited in all zones in the City. No person, including a qualified patient and/or a primary caregiver, shall cultivate any amount of cannabis in the City, even for medical purposes.



**Sec. 106-1495 Nuisance.**

Any use or condition caused, or permitted to exist, in violation of any provision of this Division 18 shall be, and is hereby declared to be, a public nuisance and may be summarily abated by the City pursuant to California Code of Civil Procedure Section 731, Article V (Nuisances) of Chapter 1 (General Provisions and Penalties) of the San Fernando City Code, and/or any other remedy available at law, including, but not limited to.

**Sec. 106-1496 Civil Penalties.**

In addition to any other enforcement remedies available under the San Fernando City Code, the City Attorney may bring a civil action for injunctive relief and civil penalties against any person who violates any provision of this Division 18. In any civil action that is brought pursuant to this Division 18, a court of competent jurisdiction may award civil penalties and costs to the prevailing party.

**SECTION 4. CEQA.** As determined by the Planning and Preservation Commission on March 1, 2016 through Resolution No. 2016-004, the proposed Ordinance does not have the potential to cause significant effects on the environment and is exempt from the California Environmental Quality Act (“CEQA”), pursuant to CEQA Guidelines Section 15061(b)(3), because it amends the San Fernando City Code to make clear that on cannabis dispensaries, cannabis cultivation, cannabis deliveries, and commercial cannabis activities are not permitted in the City. Therefore, based on the evaluation of adverse impacts, it can be seen with certainty that there is no possibility that the establishment of bans on cannabis-related activities will have a significant effect on the environment.

**SECTION 5. Inconsistent Provisions.** Any provision of the San Fernando City Code or appendices thereto that conflicts with the provisions of this Ordinance, to the extent of such conflict and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

**SECTION 6. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

**SECTION 7. Publication.** The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within fifteen (15) days after its adoption. This Ordinance shall become effective thirty (30) days after adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Fernando at its regular meeting on this \_\_\_\_\_ of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Robert C. Gonzales, Mayor

ATTEST:

\_\_\_\_\_  
Elena Chavez  
City Clerk of the City of San Fernando

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) SS:  
CITY OF SAN FERNANDO        )

I, Elena Chavez, City Clerk of the City of San Fernando, do hereby certify that the above and foregoing Ordinance No. \_\_\_\_\_ was introduced at the regular meeting of the City Council held on \_\_\_\_\_ day of \_\_\_\_\_ 2016, and thereafter at the regular meeting of said City Council, duly held on the \_\_\_\_\_ day of \_\_\_\_\_ 2016, was passed and adopted by the following votes to wit:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

\_\_\_\_\_  
Elena Chavez,  
City Clerk of the City of San Fernando

**RESOLUTION NO. 2016-004****RESOLUTION OF THE SAN FERNANDO PLANNING AND PRESERVATION COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONE CODE AMENDMENT 2016-001 AMENDING CHAPTER 106 (ZONING) AND AMENDING CHAPTER 22 (BUSINESSES) TO EXPRESSLY PROHIBIT MEDICAL CANNABIS DISPENSARIES, MEDICAL CANNABIS CULTIVATION, MEDICAL CANNABIS DELIVERIES, AND ALL COMMERCIAL CANNABIS ACTIVITIES IN ALL AREAS OF THE CITY AND FINDING SUCH CODE AMENDMENT TO BE EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)**

WHEREAS, the Federal Controlled Substances Act (21 U.S. C., § 801 et seq.) classifies marijuana as a Schedule 1 Drug, which is defined as a drug or other substance that has a high potential for abuse, has no currently accepted medical use treatment in the United States, and that has not been accepted as safe for use under medical supervision, and makes it unlawful under federal law for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute, or dispense marijuana; and

WHEREAS, on August 29, 2013, the United States Department of Justice issued a letter stating that, notwithstanding the federal classification of marijuana as a schedule 1 controlled substance, one can reasonably expect the federal government to stand down and defer to state and local marijuana regulations that are strict and robust; and

WHEREAS, in 1996, the California Legislature approved Proposition 215, also known as the Compassionate Use Act (the "CUA"), which was codified under Health and Safety Code Section 11262.5 et seq. and was intended to enable persons who are in need of medical marijuana for specified medical purposes, such as cancer, anorexia, AIDS, chronic pain, glaucoma and arthritis, to obtain and use marijuana under limited circumstances and where recommended by a physician; and

WHEREAS, the CUA provides that "nothing in this section shall be construed or supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes"; and

WHEREAS, in 2004, the California Legislature enacted the Medical Marijuana Program Act (Health & Saf. Code, § 11362.7 et seq.)(the "MMP"), which clarified the scope of the CUA, created a state-approved voluntary medical marijuana identification card program, and authorized cities to adopt and enforce rules and regulations consistent with the MMP; and

WHEREAS, Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amended the MMP to expressly recognize the authority of counties and cities to "[a]dopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective" and to civilly and criminally enforce such ordinances; and

WHEREAS, California courts have found that neither the CUA nor the MMP provide medical marijuana patients with an unfettered right to obtain, cultivate, or dispense marijuana for medical purposes; and

WHEREAS, in 2013, the California Supreme Court in the case of *City of Riverside v. Inland Empire Patients Health and Wellness Center* (2013) 56 Cal.4th 729, found the CUA and MMP do not preempt a city's local regulatory authority and confirmed a city's ability to prohibit medical marijuana dispensaries within its boundaries; and

WHEREAS, in 2013, the California Third District Appellate Court held that state law does "not preempt a city's police power to prohibit the cultivation of all marijuana within the city."; and

WHEREAS, in September 2015, the California State Legislature enacted, and Governor Brown signed into law three bills – Assembly Bill 243, Assembly Bill 266, and Senate Bill 643 – which together comprise the Medical Marijuana Regulation and Safety Act (the "MMRSA"); and

WHEREAS, the MMRSA creates a comprehensive dual state licensing system for the cultivation, manufacture, retail, sale, transport, distribution, delivery, and testing of medical cannabis; and

WHEREAS, the MMRSA contains new statutory provisions that:

- Allow local government to enact ordinances expressing of their intent to prohibit the cultivation of marijuana and not administer a conditional use permit program pursuant to Health and Safety Code Section 11362.777 for the cultivation of marijuana (Health & Saf. Code, § 11362.777(c)(4));
- Expressly provide that the Act does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances, or enforcement of local permit or licensing requirements regarding marijuana (Bus. & Prof. Code, § 19315(a));
- Expressly provide that the Act does not limit the authority or remedies of a local government under any provision of law regarding marijuana, including, but not limited to, a local government's right to make and enforce within its limits all police regulations not in conflict with its general laws (Bus. & Prof. Code, § 19316(c)); and
- Require a local government that wishes to prevent marijuana delivery activity (as defined in Business and Professions Code Section 19300.5(m)) from operating within the local government's boundaries to enact an ordinance affirmatively banning such delivery activity (Bus. & Prof. Code, § 19340(a)); and

WHEREAS, pursuant to California Constitution Article XI, Section 7, the City of San Fernando (the "City") has the authority to enact local planning and land use regulations to protect the public health, safety, and welfare of the City's residents through its police power; and

WHEREAS, the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

WHEREAS, the strong smell of marijuana creates an attractive nuisance, alerting persons to the location of the valuable plants, and creating a risk of burglary, robbery or armed robbery; and

WHEREAS, the indoor cultivation of marijuana has potential adverse effects to the structural integrity of the building, and the use of high wattage grow lights and excessive use of

electricity increases the risk of fire which presents a clear and present danger to the building and its occupants; and

WHEREAS, several California cities have reported negative impacts of marijuana (cannabis) dispensaries, cultivation, deliveries, and commercial cannabis activities, including offensive odors, illegal sales and distribution of marijuana, trespassing, theft, violent robberies and robbery attempts, fire hazards, and problems associated with mold, fungus, and pests; and

WHEREAS, the Planning and Preservation Commission finds that based on the experiences of other cities, these negative effects on the public health, safety, and welfare are likely to occur in the City if marijuana (cannabis) dispensaries, cultivation, deliveries, and commercial cannabis activities are permitted; and

WHEREAS, the Planning and Preservation Commission finds that the limited immunity from specified state marijuana laws provided by the CUA, MMP, and MMRSA do not confer a land use right or the right to create or maintain a public nuisance; and

WHEREAS, the Planning and Preservation Commission finds that, although cannabis dispensaries, cannabis cultivation, cannabis deliveries, and commercial cannabis activities are prohibited in the City, pursuant to the tenets of permissive zoning, it is prudent to explicitly proscribe such activities in order to preclude ambiguity in the City's prohibition of such actions; and

WHEREAS, the Planning and Preservation Commission conducted a duly noticed public hearing on March 1, 2016 concerning the prospective recommendation set forth herein at which evidence, both written and oral, was presented.

**NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING AND PRESERVATION COMMISSION FINDS AS FOLLOWS:**

SECTION 1. The facts set forth in the recitals above are true and correct and incorporated herein by this reference.

SECTION 2. This Resolution constitutes the required written recommendation by the Planning and Preservation Commission to the City Council required for this matter, in accordance with Government Code Section 65855.

SECTION 3. The proposed Zone Text Amendment Code Amendment 2016-001 and associated City Code Amendment to expressly prohibit medical marijuana (cannabis) dispensaries, cultivation, deliveries, and all commercial cannabis activities citywide are consistent with the General Plan, zoning regulations, and development policies. The General Plan's goals, objectives, and policies do not permit or contemplate the establishment or operation of medical marijuana/cannabis dispensaries, medical marijuana/cannabis cultivation, medical marijuana/cannabis deliveries, and commercial cannabis activities.

Zone Text Amendment Code Amendment 2016-001 and associated City Code Amendment prohibiting medical marijuana (cannabis) dispensaries, cultivation, deliveries, and all commercial cannabis activities citywide do not create new law, but rather clarify the City's existing prohibitions on medical marijuana/cannabis dispensaries, medical marijuana/cannabis cultivation, medical marijuana/cannabis deliveries, and commercial cannabis activities. Collectively, the proposed city code amendments banning medical marijuana (cannabis) dispensaries, cultivation, deliveries, and all commercial cannabis activities citywide is consistent with the City of San Fernando General



Plan Land Use Element Goals, which seek to “retain the small town character of San Fernando”, “promote the economic viability of commercial areas”, and “maintain an identity that is distinct from surrounding communities” while also meeting the City General Plan Land Use Element Objectives that seek to conserve single family neighborhoods and attract new commercial activities to the downtown areas. (Source: City General Plan Land Use Element Goals and Objectives; Page IV-6.)

The banned cannabis activities noted as part of the proposed Zone Text Amendment 2016-001 and associated Ordinance would help meet the aforementioned General Plan goals and objectives by reducing the potential for: un-permitted structural modifications to buildings; excessive demands on water and electrical utilities resulting from indoor cannabis cultivation activities; and public nuisance and crime activities resulting from loitering and potential crime against businesses that store product and large deposit of monies from sales, which make them potential targets of burglaries.

The proposed Zone Text Amendment Code Amendment 2016-001 and associated City Code Amendment to expressly prohibit medical marijuana (cannabis) dispensaries, cultivation, deliveries, and all commercial cannabis activities citywide will also promote the purpose of Title 106 (Zoning) of the San Fernando Municipal Code, which is to serve the public health, safety, comfort, convenience and general welfare by making the City’s proscription of cannabis dispensaries, cannabis cultivation, cannabis deliveries, and commercial cannabis activities clear and unambiguous. The proposed Zone Text Amendment Code Amendment 2016-001 and associated City Code Amendment to expressly prohibit medical marijuana (cannabis) dispensaries, cultivation, deliveries, and all commercial cannabis activities citywide will ensure that all properties in the City remain free of the deleterious impacts associated with cannabis-related uses

The proposed Zone Text Amendment Code Amendment 2016-001 and associated City Code Amendment to expressly prohibit medical marijuana (cannabis) dispensaries, cultivation, deliveries, and all commercial cannabis activities citywide authorizes no change to the environment and thus will add nothing potentially detrimental to the public interest, health, safety, convenience or welfare.


SECTION 4. The Planning and Preservation Commission finds that the proposed Zone Text Amendment Code Amendment 2016-001 and associated City Code Amendment to expressly prohibit medical marijuana (cannabis) dispensaries, cultivation, deliveries, and all commercial cannabis activities citywide does not have the potential to cause significant effects on the environment and is exempt from the California Environmental Quality Act (“CEQA”), pursuant to CEQA Guidelines Section 15061(b)(3), because it amends the San Fernando Municipal Code to make clear that on cannabis dispensaries, cannabis cultivation, cannabis deliveries, and commercial cannabis activities are not permitted in the City. Therefore, based on the evaluation of adverse impacts, it can be seen with certainty that there is no possibility that the establishment of bans on cannabis-related activities will have a significant effect on the environment.

SECTION 5. This Resolution constitutes the required written recommendation to the City Council required for this matter, in accordance with Government Code Section 65855.

SECTION 6. Based upon the conclusions in the recitals and findings set forth above, the Planning and Preservation Commission recommends that the City Council approve proposed Zone Text Amendment Code Amendment 2016-001 and associated City Code Amendment to expressly prohibit medical marijuana (cannabis) dispensaries, cultivation, deliveries, and all commercial cannabis activities citywide attached hereto as **Exhibit "A."**

SECTION 7. This Resolution shall become effective immediately upon adoption and the Secretary of the Planning and Preservation Commission of the City of San Fernando, California, shall certify to the adoption of this Resolution and shall cause a copy of the same to be forwarded to the City Council.

PASSED, APPROVED AND ADOPTED this 1st day of March 2016.

  
THEALE E. HAUPT, CHAIRPERSON

ATTEST:

  
\_\_\_\_\_  
FRED RAMIREZ, SECRETARY TO THE  
PLANNING AND PRESERVATION COMMISSION

STATE OF CALIFORNIA       )  
COUNTY OF LOS ANGELES   ) ss  
CITY OF SAN FERNANDO     )

I, FRED RAMIREZ, Secretary to the Planning and Preservation Commission of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the Planning and Preservation Commission and signed by the Chairperson of said Planning and Preservation Commission at a meeting held on the 1st day of March 2016; and that the same was passed by the following vote, to wit:

AYES:           4 – Y. Mejia, A. Durham, K. Beaulieu, and T. Haupt

NOES:           0 - None

ABSENT:        0 - None

ABSTAIN:       0 - None

  
\_\_\_\_\_  
FRED RAMIREZ, SECRETARY TO THE  
PLANNING AND PRESERVATION COMMISSION

**Exhibit "A"****ORDINANCE NO.****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO AMENDING CHAPTER 22 (BUSINESSES) AND CHAPTER 106 (ZONING) TO EXPRESSLY PROHIBIT MEDICAL CANNABIS DISPENSARIES, MEDICAL CANNABIS CULTIVATION, MEDICAL CANNABIS DELIVERIES, AND ALL COMMERCIAL CANNABIS ACTIVITIES IN ALL AREAS OF THE CITY**

WHEREAS, the Federal Controlled Substances Act (21 U.S. C., § 801 et seq.) classifies marijuana as a Schedule 1 Drug, which is defined as a drug or other substance that has a high potential for abuse, has no currently accepted medical use treatment in the United States, and that has not been accepted as safe for use under medical supervision, and makes it unlawful under federal law for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute, or dispense marijuana; and

WHEREAS, in 1996, the California Legislature approved Proposition 215, also known as the Compassionate Use Act (the "CUA"), which was codified under Health and Safety Code Section 11262.5 et sec. and was intended to enable persons who are in need of medical marijuana for specified medical purposes, such as cancer, anorexia, AIDS, chronic pain, glaucoma and arthritis, to obtain and use marijuana under limited circumstances and where recommended by a physician; and

WHEREAS, the CUA provides that "nothing in this section shall be construed or supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes."; and

WHEREAS, in 2004, the California Legislature enacted the Medical Marijuana Program Act (Health & Saf. Code, § 11362.7 et seq.)(the "MMP"), which clarified the scope of the CUA, created a state-approved voluntary medical marijuana identification card program, and authorized cities to adopt and enforce rules and regulations consistent with the MMP; and

WHEREAS, Assembly Bill 2650 (2010) and Assembly Bill 1300 (2011) amended the MMP to expressly recognize the authority of counties and cities to "[a]dopt local ordinances that regulate the location, operation, or establishment of a medical marijuana cooperative or collective" and to civilly and criminally enforce such ordinances; and

WHEREAS, California courts have found that neither the CUA nor the MMP provide medical marijuana patients with an unfettered right to obtain, cultivate, or dispense marijuana for medical purposes; and

WHEREAS, in 2013, the California Supreme Court in the case of *City of Riverside v. Inland Empire Patients Health and Wellness Center* (2013) 56 Cal.4th 729, found the CUA and



MMP do not preempt a city's local regulatory authority and confirmed a city's ability to prohibit medical marijuana dispensaries within its boundaries; and

WHEREAS, in 2013, the California Third District Appellate Court held that state law does "not preempt a city's police power to prohibit the cultivation of all marijuana within the city."; and

WHEREAS, on August 29, 2013, the United States Department of Justice issued a letter stating that, notwithstanding the federal classification of marijuana as a schedule 1 controlled substance, one can reasonably expect the federal government to stand down and defer to state and local marijuana regulations that are strict and robust; and

WHEREAS, in September 2015, the California State Legislature enacted, and Governor Brown signed into law three bills – Assembly Bill 243, Assembly Bill 266, and Senate Bill 643 – which together comprise the Medical Marijuana Regulation and Safety Act (the "MMRSA"); and

WHEREAS, the MMRSA creates a comprehensive dual state licensing system for the cultivation, manufacture, retail, sale, transport, distribution, delivery, and testing of medical cannabis; and

WHEREAS, the MMRSA contains new statutory provisions that:

- Allow local government to enact ordinances expressing of their intent to prohibit the cultivation of marijuana and not administer a conditional use permit program pursuant to Health and Safety Code Section 11362.777 for the cultivation of marijuana (Health & Saf. Code, § 11362.777(c)(4));
- Expressly provide that the Act does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances, or enforcement of local permit or licensing requirements regarding marijuana (Bus. & Prof. Code, § 19315(a)); and
- Expressly provide that the Act does not limit the authority or remedies of a local government under any provision of law regarding marijuana, including, but not limited to, a local government's right to make and enforce within its limits all police regulations not in conflict with its general laws (Bus. & Prof. Code, § 19316(c));
- Require a local government that wishes to prevent marijuana delivery activity (as defined in Business and Professions Code Section 19300.5(m)) from operating within the local government's boundaries to enact an ordinance affirmatively banning such delivery activity (Bus. & Prof. Code, § 19340(a)); and

WHEREAS, pursuant to California Constitution Article XI, Section 7, the City of San Fernando (the "City") has the authority to enact local planning and land use regulations to protect the public health, safety, and welfare of the City's residents through its police power; and

WHEREAS, the Attorney General's August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as

loitering or crime; and

WHEREAS, the strong smell of marijuana creates an attractive nuisance, alerting persons to the location of the valuable plants, and creating a risk of burglary, robbery or armed robbery; and

WHEREAS, the indoor cultivation of marijuana has potential adverse effects to the structural integrity of the building, and the use of high wattage grow lights and excessive use of electricity increases the risk of fire which presents a clear and present danger to the building and its occupants; and

WHEREAS, several California cities have reported negative impacts of marijuana (cannabis) dispensaries, cultivation, deliveries, and commercial cannabis activities, including offensive odors, illegal sales and distribution of marijuana, trespassing, theft, violent robberies and robbery attempts, fire hazards, and problems associated with mold, fungus, and pests; and

WHEREAS, the City Council finds that based on the experiences of other cities, these negative effects on the public health, safety, and welfare are likely to occur in the City if marijuana (cannabis) dispensaries, cultivation, deliveries, and commercial cannabis activities are permitted; and

WHEREAS, the City Council finds that the limited immunity from specified state marijuana laws provided by the CUA, MMP, and MMRSA do not confer a land use right or the right to create or maintain a public nuisance; and

WHEREAS, the City Council finds that, although cannabis dispensaries, cannabis cultivation, cannabis deliveries, and commercial cannabis activities are prohibited in the City, pursuant to the tenets of permissive zoning, it is prudent to explicitly proscribe such activities in order to preclude ambiguity in the City's prohibition of such actions; and

WHEREAS, with regard to cannabis deliveries, Business and Professions Code Section 19340(a) of the MMRSA prohibits cannabis deliveries in cities that explicitly prohibit such deliveries by local ordinance, and adoption of this Ordinance would bar cannabis deliveries terminating in the City, even if such deliveries commenced outside in another jurisdiction; and

WHEREAS, the Planning and Preservation Commission conducted a duly noticed public hearing on March 1, 2016 concerning the prospective recommendation set forth herein at which evidence, both written and oral, was presented; and

WHEREAS, the City Council public hearing was noticed in accordance with the requirements set forth in Government Code sections 65090 and 65091.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1.** The facts set forth in the recitals above are true and correct.

Section 22-64 (Unlawful business not authorized) of Division 1 (Generally) of Article II (Licensing) of Chapter 22 (Businesses) of the San Fernando Municipal Code is amended in its entirety to read as follows:

**Sec. 22-64 Unlawful business not authorized.**

- (a) No license issued under this article shall be construed as authorizing the conduct or continuance of any illegal or unlawful business or the provision or sale of any service or product that is illegal under the laws of the United States or the State of California, or any ordinance of the city. Notwithstanding any provision of this Code to the contrary, no business license shall be issued for any use of land, operation, or business in all planning areas, districts, or zones within the city that is in violation of local, state and/or federal law.
- (b) No license shall be issued under this article relating to the establishment and/or operation of any business or the provision or sale of any service or product relating to cannabis dispensaries, cannabis cultivation, cannabis deliveries, and commercial cannabis activities, as such terms are defined in Section 106-1493.

**SECTION 2.** Article VI (General Regulations) of Chapter 106 (Zoning) of the San Fernando City Code is amended by the addition of Division 18 (Medical Marijuana/Cannabis Prohibitions), which shall read as follows:

**Division 18 – Medical Marijuana/Cannabis Prohibitions**

**Sec. 106-1493 Definitions.**

“Cannabis” shall have the same meaning as set forth in California Business and Professions Code Section 19300.5(f), as the same may be amended from time to time.

“Caregiver” or “primary caregiver” shall have the same meaning as set forth in California Business and Professions Code Section 11362.7, as may be amended from time to time.

“Commercial cannabis activity” shall have the same meaning as set forth in California Business and Professions Code Section 19300.5(k), as the same may be amended from time to time, and shall include, but not be limited to the cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical cannabis or a medical cannabis product.

“Cooperative” or “collective” shall mean two or more persons collectively or cooperatively cultivating, using, transporting, possessing, administering, delivering, or making available cannabis, with or without compensation.

“Cultivation” or “Cultivate” shall have the same meaning as set forth in California Business and Professions Code Section 19300.5(l), as the same may be amended from time to time.

“Delivery” shall have the same meaning as set forth in California Business and Professions Code Section 19300.5(m), as the same may be amended from time to time.

“Dispensary” shall have the same meaning as set forth in California Business and Professions Code Section 19300.5(n), as may be amended from time to time. For purposes of this Division 18, and Section 22-64, “dispensary” shall also include a cooperative/collective.

“Distribution” shall have the same meaning as set forth in California Business and Professions Code Section 19300.5(p), as may be amended from time to time.

“Manufacturing” shall mean and refer to the activities of “manufacturers” at “manufacturing sites,” as such terms are defined in California Business and Professions Code Section 19300.5(y) and 19300.5(af), respectively.

“Medical cannabis,” “medical cannabis product,” and “cannabis product” shall have the same meaning as set forth in California Business and Professions Code Section 19300.5(ag), as may be amended from time to time.

“Medical Marijuana Regulation and Safety Act” or “MMRSA” shall mean and refer to California Assembly Bill 243, California Assembly Bill 266, and California Senate Bill 643, as may be amended from time to time.

“Qualifying patient” or “qualified patient” shall have the same meaning as set forth in California Business and Professions Code Section 11362.7, as may be amended from time to time.

#### **Sec. 106-1494 Prohibitions.**

- (a) Cannabis dispensaries, cannabis cultivation, cannabis deliveries, and commercial cannabis activities are expressly prohibited in all zones throughout the City.
- (b) The prohibitions set forth in this Section 106-1494 shall apply to all activities for which a State of California license is required pursuant to the MMRSA, which shall preclude the City’s provision or issuance of any permit, license, entitlement, and/or approval for any activity is required under the MMRSA.
- (c) To any extent not prohibited under Subsection (a) of this Section 106-1494, no person shall conduct, carry out, or facilitate cannabis deliveries, which either originate or terminate within the City.
- (d) To any extent not prohibited under Subsection (a) of this Section 106-1494, cultivation by a qualified patient and/or a primary caregiver, is expressly prohibited in all zones in the City. No person, including a qualified patient and/or a primary caregiver, shall cultivate any amount of cannabis in the City, even for medical purposes.

**Sec. 106-1495 Nuisance.**

Any use or condition caused, or permitted to exist, in violation of any provision of this Division 18 shall be, and is hereby declared to be, a public nuisance and may be summarily abated by the City pursuant to California Code of Civil Procedure Section 731, Article V (Nuisances) of Chapter 1 (General Provisions and Penalties) of the San Fernando City Code, and/or any other remedy available at law, including, but not limited to.

**Sec. 106-1496 Civil Penalties.**

In addition to any other enforcement remedies available under the San Fernando City Code, the City Attorney may bring a civil action for injunctive relief and civil penalties against any person who violates any provision of this Division 18. In any civil action that is brought pursuant to this Division 18, a court of competent jurisdiction may award civil penalties and costs to the prevailing party.

**SECTION 3. CEQA.** As determined by the Planning and Preservation Commission on March 1, 2016 through Resolution No. 2016-004, the proposed Ordinance does not have the potential to cause significant effects on the environment and is exempt from the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines Section 15061(b)(3), because it amends the San Fernando City Code to make clear that on cannabis dispensaries, cannabis cultivation, cannabis deliveries, and commercial cannabis activities are not permitted in the City. Therefore, based on the evaluation of adverse impacts, it can be seen with certainty that there is no possibility that the establishment of bans on cannabis-related activities will have a significant effect on the environment.

**SECTION 4. Inconsistent Provisions.** Any provision of the San Fernando City Code or appendices thereto that conflicts with the provisions of this Ordinance, to the extent of such conflict and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

**SECTION 5. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

**SECTION 6. Publication.** The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within fifteen (15) days after its adoption. This Ordinance shall become effective thirty (30) days after adoption.



PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Fernando at its regular meeting on this \_\_\_\_\_ of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor of the City of San Fernando

ATTEST:

\_\_\_\_\_  
Elena Chavez  
City Clerk of the City of San Fernando

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) SS:  
CITY OF SAN FERNANDO        )

I, Elena Chavez, City Clerk of the City of San Fernando, do hereby certify that the above and foregoing Ordinance No. \_\_\_\_\_ was introduced at the regular meeting of the City Council held on \_\_\_\_\_ day of \_\_\_\_\_ 2016, and thereafter at the regular meeting of said City Council, duly held on the \_\_\_\_\_ day of \_\_\_\_\_ 2016, was passed and adopted by the following votes to wit:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

\_\_\_\_\_  
Elena Chavez,  
City Clerk of the City of San Fernando



**CITY OF SAN FERNANDO  
PLANNING AND PRESERVATION COMMISSION**

**APPROVED MINUTES OF THE  
MARCH 1, 2016  
CITY HALL COUNCIL CHAMBER**

**THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE PLANNING COMMISSION. AUDIO OF THE ACTUAL MEETING ARE AVAILABLE FOR LISTENING AT: [www.ci.san-fernando.ca.us/commissionandboardmeetings/#ppc](http://www.ci.san-fernando.ca.us/commissionandboardmeetings/#ppc)**

**CALL TO ORDER**

The meeting was called to order by at 6:30P.M.

**PLEDGE OF ALLEGIANCE**

Led by Theale Haupt

**ROLL CALL**

The following persons were recorded as present:

**PRESENT:**

Chairperson Theale Haupt, Vice-chair Alvin Durham, Commissioners Kevin Beaulieu, and Yvonne Mejia,

**ABSENT**

**ALSO PRESENT**

Community Development Director Fred Ramirez, Associate Planner Humberto Quintana, City Attorney Isabel Birrueta, and Community Development Secretary Michelle De Santiago

**APPROVAL OF AGENDA**

Vice chair A. Durham moved to approve the agenda of March 1, 2016. Seconded by Commissioner Y. Mejia, the motion carried with the following vote:

AYES:	A. Durham, Y. Mejia, K. Beaulieu, and T. Haupt
NOES:	None
ABSENT:	None
ABSTAIN:	None

**CONSENT CALENDAR**

Commissioner Y. Mejia moved to approve the minutes of the February 2, 2016 Planning and Preservation Commission Meeting. Seconded by Commissioner K. Beaulieu, the motion carried with the following vote:

AYES:	Y. Mejia, K. Beaulieu, A. Durham, and T. Haupt
NOES:	None
ABSENT:	None
ABSTAIN:	None

**UNFINISHED BUSINESS**

None

**PUBLIC HEARING**

**CONDITIONAL USE PERMIT 2015-009 (CUP 2015-009) – EL CAMARON CAMPEON (C/O HANI MAMMO), 13737 FOOTHILL BLVD., SYLMAR, CA – THE PROPOSED PROJECT IS A REQUEST FOR REVIEW AND APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW FOR THE ON-SITE CONSUMPTION OF BEER AND WINE WITH LIVE ENTERTAINMENT AT AN EXISTING RESTAURANT (ON-SALE BEER AND WINE FOR BONA FIDE PUBLIC EATING PLACE, TYPE 41 LICENSE), AT THE PROPERTY LOCATED AT 1161 N. MACLAY AVENUE. THE EXISTING RESTAURANT OCCUPIES A TENANT SPACE OF APPROXIMATELY 2,580 SQ. FT. WITHIN A MULTI-TENANT COMMERCIAL BUILDING. THE SUBJECT PROPERTY IS LOCATED ALONG THE WEST SIDE OF THE 1100 BLOCK OF NORTH MACLAY AVENUE, BETWEEN KNOX STREET AND EIGHTH STREET; WITHIN THE MACLAY DISTRICT (NEIGHBORHOOD SERVICES OVERLAY AREAS) OF THE SAN FERNANDO CORRIDORS SPECIFIC PLAN (SP-4) ZONE.**

**STAFF PRESENTATION**

Fred Ramirez recommended that the Planning and Preservation Commission continue the item to the next regularly scheduled meeting of April 5, 2016, to allow for additional time to work with the applicant and the property owners to address some outstanding issues. He recommended that the approval of the Agenda include the continuance of the item.

Subsequent to staff's recommendation, Vice Chair A. Durham moved to amend the approval of the Agenda of March 1, 2016 including the continuance of CUP 2015-009 to the April 5, 2016 meeting. Seconded by Commissioner Y. Mejia, the motion carried with the following vote:

AYES:	Y. Mejia, K. Beaulieu, A. Durham, and T. Haupt
NOES:	None
ABSENT:	None
ABSTAIN:	None



**PUBLIC HEARING**

**ZONE TEXT AMENDMENT 2016-001 AND CITY ORDINANCE – CITY OF SAN FERNANDO, 117 MACNEIL STREET, SAN FERNANDO, CA 91340 – CONSIDERATION OF PROPOSED ZONE TEXT AMENDMENT 2016-001 AND CITY ORDINANCE TO EXPRESSLY PROHIBIT MEDICAL CANNABIS DISPENSARIES, CULTIVATION, DELIVERIES, AND ALL COMMERCIAL CANNABIS ACTIVITIES CITYWIDE.**

**STAFF PRESENTATION**

Fred Ramirez gave the staff report recommending that the Planning and Preservation Commission:

1. Conduct a public hearing; and
2. Subsequent to the conclusion of commission discussion, adopt the attached Planning and Preservation Commission Resolution 2016-004 (Attachment No. 1) recommending to the City Council adoption of the attached Ordinance (Exhibit “A” to Attachment No. 1) Approving Zone Text Amendment 2016-001, Amending Chapter 22 (Businesses) to expressly prohibit Medical Cannabis Dispensaries, Medical Cannabis Cultivation, Medical Cannabis Deliveries, and all Commercial Cannabis Activities in all areas of the City and finding such code amendments to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15030(b)(3).

**PUBLIC COMMENT**

Mary Mendoza – 623 S. Brand Blvd., San Fernando, CA 91340 – Ms. Mendoza read a letter that was prepared by the San Fernando Community Coalition that supports the ban on all Medical Cannabis activities in the City of San Fernando. She stated that the letter will be presented to the City Council and signatures supporting the ban are being gathered and will be presented to the City Council as well.

Martin Joseph – 920 Orange Grove Avenue – Mr. Joseph stated that research shows that Cannabis and its products have some medical uses and does provide some comfort to those patients who are suffering from illnesses. He stated that he doesn’t support it getting into the hands of children but the Medical Cannabis can be a revenue source for the City.

Eduardo Torres – 14 year resident, he stated that he came to San Fernando because of nice street and close-knit community. He stated that he is against dispensaries in San Fernando but he does understand that if there is a need to obtain Medical Cannabis the preference would be to go outside of the City limits to obtain it. He asked that the commission make the best decision to keep the dispensaries out of children’s reach.

Rafaela Gomez – Pacoima resident, mother of three – Ms. Gomez stated that the City of San Fernando has good schools and her children are students in San Fernando. She explained that she supports the ban of Medical Cannabis Dispensaries in San Fernando.

David Bernal – 702 Fourth Street, San Fernando, CA 91340 – Mr. Bernal stated that it was an honor and privilege to work with the Planning and Preservation Commission. He asked that the commission keep in mind the patients who are homebound and can't leave the city limits to obtain the Medical Cannabis. He stated that he supports the ban on dispensaries and is concerned with the ease of access by children to cannabis as a potential recreational use.

Christine Bernal – 702 Fourth Street, San Fernando, CA 91340 – Ms. Bernal stated that the commission should take into consideration the ordinance's impact to Cannabis for medical purposes for homebound individuals and consider allowing deliveries within the city. She noted that she did support the ban of storefronts dispensaries.

Camilo Gomez (husband of Rafaela) – Mr. Gomez stated that by allowing Medical Cannabis Dispensaries to operate in San Fernando would create problems for the city. He stated that by allowing this type of business to operate in San Fernando it would generate much needed revenue but the community would not benefit from it.

Isabel Birrueta provided some clarification about the delivery component of the Text Amendment. She stated that this Ordinance response to new State Law that requires local governments who wish to want to prevent delivery businesses to be established within the City Limits. However if a permitted Medical Cannabis business has its approvals to operate outside of the city, they can deliver to the City of San Fernando residents based on the Business and Professional Code 19388(B) and 193440(F).

T. Haupt stated that what Ms. Birrueta just clarified is different than what Fred has presented.

*[Subsequent to the March 1, 2016, Planning & Preservation Commission meeting, City Attorney Isabel Birrueta conducted further review of applicable state regulations regarding whether cannabis deliveries that originate in other jurisdictions (by operators with valid local and state permits) but that **terminate** in San Fernando are authorized for those people that are homebound. Ms. Birrueta determined that MMRSA supports Subsection (c) of Section 106–194 of the proposed ordinance prohibiting deliveries that originate **or terminate** in the City. Specifically, Business and Professions Code Section 19340(a) states: "Deliveries, as defined in this chapter, can only be made by a dispensary and in a city, county, or city and county that does not explicitly prohibit it by local ordinance."]*

Cindy Montañez – 608 Hollister Street, San Fernando, CA 91340 – Ms. Montañez thanked staff and the City Attorney for putting together such a strong Ordinance and it could be a good model for other Cities who want to ban all Medical Cannabis activities. Questioned whether the City can ban deliveries within our city limits. She stated she encouraged the City Council to support

and vote in favor of the Ordinance. She thanked former Commissioner David Bernal for his service and she stated that the five members worked well together.

Lupita Camacho – Lives in Lake View Terrace – Ms. Camacho stated that she is a business owner in San Fernando and sometimes she stays late at her place of business and she is concerned that by allowing this activity it will bring crime to the City.

Jose Castillo – Real Estate Broker – Mr. Castillo is an advocate for family. He stated that by allowing this type of business it going to adversely affect property values and quality of life. He stated he supports the ban.

### **COMMISSION DISCUSSION**

K. Beaulieu stated that it is obvious that Medical Cannabis does provide some medical benefits, however, the Commission's decision is for the benefit of the City. He stated that the City might be in a different position if this is placed on the November ballot.

Y. Mejia stated that she echoes Commissioner Beaulieu's comments and further noted that she does understand the need of individuals to have access to medical cannabis. She noted that she did support the zone text amendment to ban all commercial cannabis activities within the city limits.

A. Durham stated that it is an important subject and if we need to adjust pending the voting outcome.

T. Haupt stated that he hopes that Ms. Bernal concerns with delivery had been answered and at this point he doesn't have a problem with the proposed ordinance as it is written.

Isabel Birrueta recommended that the City Attorney's office add a section that has to do with deliveries. Additionally the definition of Caregiver is defined as Business and Profession's Code and it should be Health and Safety Code. The definition of Qualifying Patient should be defined as Health and Safety Code.

Subsequent to discussion Commissioner Y. Mejia moved to adopt Planning and Preservation Commission Resolution 2016-004 recommending to the City Council adoption of attached Ordinance approving Zone Text Amendment 2016-001, amending Chapter 106 (Zoning) and, Chapter 22 (Businesses) to expressly prohibit medical cannabis dispensaries, medical cannabis cultivation, medical cannabis deliveries, and all commercial cannabis activities in all areas of the City and finding such code amendments to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines section 15030(B)(3) including the friendly amendments of "Caregiver and Qualifying Patient" definitions and the added language to the Ordinance explaining any potential "allowed deliveries" under applicable state regulations. Seconded by Vice Chair A. Durham, the motion carried with the following vote:

AYES: Y. Mejia, A. Durham, K. Beaulieu, and T. Haupt  
NOES: None  
ABSENT: None  
ABSTAIN: None

### **STAFF COMMUNICATIONS**

Fred thanked former Commissioner Bernal for his work on the Planning and Preservation Commission. He stated that he hopes that he will continue to be involved in the community.

### **COMMISSION COMMENTS**

All Commissioners expressed their appreciation of Mr. Bernal's time and input while a Commissioner.

### **PUBLIC STATEMENTS**

None

### **ADJOURNMENT**

Commissioner Chairperson T. Haupt moved to adjourn to April 5, 2016. Second by Commissioner K. Beaulieu, the motion carried with the following vote:

AYES: T. Haupt, K. Beaulieu, A. Durham, Y. Mejia  
NOES: None  
ABSENT: None  
ABSTAIN: None

7:28 P.M.

Fred Ramirez  
Planning Commission Secretary



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## AGENDA REPORT

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**To:** City Councilmembers

**From:** Mayor Robert C. Gonzales

**Date:** April 18, 2016

**Subject:** Consideration to Ratify City Council Liaison Assignments List for 2016-2017

### **RECOMMENDATION:**

I have placed this item on the agenda for City Council review and consideration.

### **BACKGROUND/ANALYSIS:**

Each year, the City Council reorganizes which involves, in part, new (or re-appointed) liaison assignments to various commissions and organizations. Pursuant to Section 11.2 of the City Council Procedures Manual, the Mayor, with the consent of the majority of the City Council, may appoint liaisons to these committees (Attachment "A").

### **BUDGET IMPACT:**

None

### **CONCLUSION:**

Approval of the City Council Liaison Assignments will allow the City of San Fernando to have consistent and appropriate representation in various governmental associations of which the City is a participating member (Detailed Description List – Attachment "B").

### **ATTACHMENTS:**

- A. Proposed City Council Liaison Assignments for 2016-2017
- B. City Council Liaison Assignments – Detailed Description



# THE CITY OF SAN FERNANDO

## CITY COUNCIL LIAISON ASSIGNMENTS 2016-2017

Proposed changes are highlighted in red.

AGENCY/COMMITTEE	MEETING DAY	APPOINTEE(S)	NOTE
San Fernando City Chamber of Commerce	TBD	Robert C. Gonzales Alt: Joel Fajardo	
San Fernando Downtown Mall Merchants Association	Mornings (as needed)	Robert C. Gonzales Alt: Joel Fajardo	
City Selection Committee (L.A. County)	Night	Robert C. Gonzales Alt: Antonio Lopez	
Valley Economic Alliance	Day	Joel Fajardo Alt: Antonio Lopez	
California High-Speed Rail Authority Standing Committee	Vary (as needed)	Lead: Joel Fajardo Sylvia Ballin	
Independent Cities Association (ICA)	Night	Robert C. Gonzales Alt: Antonio Lopez	
Independent Cities Risk Management Authority (ICRMA)	Day	Sylvia Ballin Alt: Brian Saeki Sub Alt: Michael Okafor	<i>Adoption of a new Resolution is required when Boardmembers are changed</i>
Independent Cities Finance Authority (ICFA)	Day	Sylvia Ballin Nick Kimball	<i>Adoption of a new Resolution is required when Boardmembers are changed</i>
League of California Cities	1 <sup>st</sup> Thursday Evening	Joel Fajardo Alt: Sylvia Ballin	
San Fernando Valley Council of Governments (SFVCOG)	TBD	Joel Fajardo Alt: Robert C. Gonzales	
Southern California Association of Governments (SCAG)	1 <sup>st</sup> Thursday Morning	Antonio Lopez	
Transit Oriented Development (TOD) Overlay Zone Project Development Ad Hoc Committee		Jaime Soto Antonio Lopez	
Metropolitan Water District (MWD) of Southern California	Day	Sylvia Ballin	
Los Angeles County Metropolitan Transportation Authority (MTA) East San Fernando Valley Transit Corridor	Vary (as needed)	Antonio Lopez Alt: Robert C. Gonzales	
Los Angeles County Metropolitan Transportation Authority (MTA) San Fernando Valley Service Council	1 <sup>st</sup> Wednesday Evening	Antonio Lopez	
Greater Los Angeles County Vector Control District	2 <sup>nd</sup> Thursday Evening	Nina Herrera	<i>Two Years – Through 01-2017 (City Council action 11-17-14)</i>



CITY COUNCIL LIAISON ASSIGNMENTS  
2016-2017 | PAGE 2 OF 2

COMMISSION/COMMITTEE	MEETING DAY	APPOINTEE(S)	NOTE
Cultural Arts Commission	<i>Recruitment on hold per City Council action on 4/6/2009</i>		
Disaster Council	Quarterly (Feb, May, Aug, Nov) Morning	Chair: Robert C. Gonzales Vice-Chair: Joel Fajardo	<i>Must be Mayor and a Councilmember appointed by the Mayor (per City Code)</i>
Education Commission	Quarterly (Feb, May, Aug, Nov) 6 pm	Joel Fajardo	
Parks, Wellness, and Recreation Commission	2 <sup>nd</sup> Tuesday	Robert C. Gonzales	
Planning and Preservation Commission	1 <sup>st</sup> Tuesday 7 pm	Antonio Lopez	
Transportation and Safety Commission	3 <sup>rd</sup> Wednesday 7 pm	(Vacant)	
Tree Commission	Quarterly (as needed)	Joel Fajardo	

Agency / Committee	Meet	Appointee	Purpose / Other Information
San Fernando Downtown Mall Merchants	Mornings as-needed (to allow merchant participation)	Required (No)	To enhance and promote our downtown mall.  Stipend – No
City Selection Committee (Los Angeles County)	Night, 3 – 4 per year, at the call of Chair	Required (Mayor) Alt Required (Councilmember)	To appoint City representatives to such boards, commissions and agencies as may be required by law; i.e., LAFCO, SCAQMD, LACoMTA, LACo Hazardous Waste Management Advisory Committee; and to nominate for appointment of members to the California Coastal Commission. <a href="http://cityselection.lacounty.gov/">http://cityselection.lacounty.gov/</a> <b>Stipend – No</b>
Valley Economic Alliance	Day	Required (Mayor) Alt Required (No)	Private, non-profit economic development and marketing corporation that works with public and private stakeholders for the purpose of growing and sustaining the economic base of the SFV and improving the quality of life in the five-city region (Calabasas, Burbank, Glendale, LA and SF). <a href="http://www.thevalley.net/">http://www.thevalley.net/</a> <b>Stipend – No</b>
California High-Speed Rail Authority	Date/Time/Location Vary	Lead: (No, but in City's best interest) Alt Required (No)  <i>Staff Contact: Com Dev. Dir.</i>	Responsible for planning, designing, building and operation of the first high-speed rail system in the nation. California high-speed rail will connect the mega-regions of the state, contribute to economic development and a cleaner environment, create jobs and preserve agricultural and protected lands. By 2029, the system will run from San Francisco to the Los Angeles basin in under three hours at speeds capable of over 200 miles per hour. The system will eventually extend to Sacramento and San Diego, totaling 800 miles with up to 24 stations. In addition, the Authority is working with regional partners to implement a state-wide rail modernization plan that will invest billions of dollars in local and regional rail lines to meet the state's 21st century transportation needs. City Council Ad Hoc Committee (Lopez/Gonzales) created on 10/21/13. <a href="http://www.hsr.ca.gov/">http://www.hsr.ca.gov/</a> <b>Stipend – No</b>
Independent Cities Association (ICA)	Night	Required (No) Alt Required (No)	ICA is a 501 (c)(3) nonprofit, public benefit corporation created in 1960. It is made up of 48 member cities in the Southern California area. The organization focuses on education, legislative advocacy, intergovernmental relationships and other major issues that transcend the boundaries of its member cities. It is governed by a 26 member Board of Directors elected by the member cities; maintains public/private partnerships with carefully selected public and private sector organizations to further interests of all concerned. <a href="http://icacities.org/">http://icacities.org/</a> <b>Stipend – No</b>
Independent Cities Risk Management (ICRMA)	Day, Usually occurs in Feb/ Apr/ Jun/ Aug/ Oct/ Dec	Required (Elected Councilmember) Alt Required (Elected Councilmember or Appointed Staff)	Pool of 22 cities that share costs of purchasing and funding excess insurance and risk management services. Participating cities share the risk per loss occurrence beyond the self-insured retention(SIR) <b>Adoption of a new Resolution is required when Boardmembers are changed or added</b> <a href="http://www.icrma.org/">http://www.icrma.org/</a> <b>Stipend – No</b>
Independent Cities Finance Authority (ICFA)	Lunch meetings 4 times per year (alternate locations)	Required (Elected Councilmember) Alt Required (Staff Member)	ICFA is an unaffiliated joint powers authority that provides programs (that help address California's housing crisis) to local governments, nonprofits, and other agencies. ICFA also helps fund a variety of capital improvements for municipalities, schools, special districts, and Mello-Roos facilities, as well as projects impacting the economic development of a community. Pool of 9 member cities (i.e., Baldwin Park, Compton, Hawthorne, Hermosa Beach, Huntington Park, Lynwood, South Gate, and San Fernando) and 55 associate member cities. <b>Adoption of a new Resolution is required when Boardmembers are changed or added</b> <a href="http://www.icfauthority.org/">http://www.icfauthority.org/</a> <b>Stipend - \$150 per meeting (Max of 4 mtgs per year (\$600 cap))</b>
League of California Cities	Night, 1 <sup>st</sup> Thurs.	Required (Councilmember) Alt Required (No)	Recognized and respected as the leading advocate for the common interests of California's Cities; to restore and protect local control through education/advocacy in order to enhance the quality of life. <b>Stipend – No</b>

Agency / Committee	Meet	Appointee	Purpose / Other Information
<b>San Fernando Valley Council of Governments (SFVCOG)</b>	TBD, Will meet no less than 4 times per year	Required (Councilmember) Alt Required (Councilmember)  <i>Staff Contact: Com. Dev. Dir.</i>	To discuss and formulate representation and advocacy at the regional, state and federal levels regarding planning for land use, housing, transportation, environmental and other related issues impacting the SFV; would operate as a sub-regional COG within the SCAG region; will have an opportunity to access state and federal planning funds for regional planning and transportation programs through SCAG, which has the potential to directly benefit local planning efforts within City of SF and the other cities in the sub-region. <a href="http://www.sfvkog.org/">http://www.sfvkog.org/</a> <b>Stipend – No</b>
<b>Southern California Association of Governments (SCAG)</b>	Morning, 1 <sup>st</sup> Thurs. General Assembly meeting in May	Required (Selected by Mayor) Alt Required (Selected by Mayor)  <i>During the year, city delegates and alts may or may not change. Names should be submitted prior to April.</i>	Under the guidance of the Regional Council and in collaboration with partners, the mission is to facilitate a forum to develop and foster the realization of regional plans that improve the quality of life for So. Calif. Regional Council is comprised of 75 elected officials representing 187 cities, 6 counties, 4 County transportation commissions, and a tribal government representative within Southern California. <a href="http://www.scag.ca.gov/Pages/default.aspx">http://www.scag.ca.gov/Pages/default.aspx</a> <b>Stipend - \$120 per meeting &amp; mileage reimbursement; Max. of 6 per month</b>
<b>Metropolitan Water District (MWD) of Southern California</b>	Day, 3 official meeting dates per month, and other functions	Required (No, but in the City's best interest) Alt Required (Not allowed)	Sell high-quality water to member agencies and have a responsibility to meet current and future water needs in an environmentally and economically responsible way; in 1972, City paid millions to become a MWD member; Board members are often invited to present awards or attend receptions; 100% voluntary <a href="http://www.mwdh2o.com/">http://www.mwdh2o.com/</a> <b>Stipend – No, but mileage reimb. and expenses</b>
<b>L.A. County Metropolitan Transportation Authority (MTA) East San Fernando Valley Transit Corridor</b>	Day, Usually meets once per month at alternating city locations; time varies	Required (No, but in City's best interest) Alt Required (No)  <i>Note: Public Works Director regularly attends</i>	12 cities make-up the Northern region within MTA service area; meetings include information on Regional Rail system, State and Federal updates, the call for projects and other transportation related issues. <a href="http://www.metro.net/projects/east-sfv/">http://www.metro.net/projects/east-sfv/</a> <b>Stipend – No</b>
<b>MTA San Fernando Valley Service Council</b>	Night, 1 <sup>st</sup> Wed. 6:30 – 8:30 pm Marvin Braude Constituent Center 6262 Van Nuys Blvd., Van Nuys	Appointee can be private citizen who is a regular transit user (per 3/15/12 Memo from Metro). Alt Required (No)  <i>Note: Appointment process is expected to change if the SFVCOG is established, whereby the SFVCOG will appoint members to the Council</i>	Responsible for studying and planning public transportation service to improve efficiency within Metro SFV; make recommendations to the MTA Board regarding service issues; work with transit planners and local authorities/transit operators to ensure coordination of service; hold public hearings to gain input on proposed changes. Not responsible for fare and pass structures, new project construction or Metro Rail. <b>Coordinate w/ Glendale to determine who can best represent the tri-cities (Burbank currently has a rep)</b> <a href="http://www.metro.net/about/local-service-councils/sfv/">http://www.metro.net/about/local-service-councils/sfv/</a> <b>Stipend - \$100 per mtg; max. of \$200 per month</b>
<b>Greater Los Angeles County Vector Control District (GLACVCD)</b>	Night, 2 <sup>nd</sup> Thurs 7 pm District Headquarters 12545 Florence Ave Santa Fe Springs, CA 90670	Required (Must be a registered voter) Alt Required (Does not recognize)	Public health agency committed to providing vector control and disease abatement for 34 member cities and areas of LACo; appointed representative is one of 35 Trustees who make policy, determine the budget, and oversee the operations of the District. Per State Health and Safety Code, representatives must be appointed to serve a full 2 or 4 year terms or to fill an unexpired term; should not be appointed on a yearly basis; once appointed, will serve until the expiration of his/her term unless he/she resigns or is no longer a voter and resident within the respective county or city of the appointing body. SHSC 2022 (a – e); Subsections b requires that each person appointed by a city council to be a member of board of trustees shall be a voter in that city and a resident of that portion of the city that is within the district. <a href="http://www.glacvcd.org">www.glacvcd.org</a> <b>Stipend - \$100 per month to cover travel expenses</b>
<b>Valley Economic Alliance</b>	Day	Required (Mayor) Alt Required (No)	Private, non-profit economic development and marketing corporation that works with public and private stakeholders for the purpose of growing and sustaining the economic base of the SFV and improving the quality of life in the five-city region (Calabasas, Burbank, Glendale, LA and SF). <a href="http://www.thevalley.net/">http://www.thevalley.net/</a> <b>Stipend – No</b>

City Commissions	Meet	Appointee	Purpose / Other Information
Cultural Arts	On Hold	<i>Recruitment on hold per City Council action on April 6, 2009</i>	
Disaster Council	Quarterly (Feb, May, Aug, Nov) Mornings	*Chair (Mayor) *Vice-Chair (Councilperson appointed by Mayor) * <i>Per City Code</i>	
Education Commission	Quarterly (Feb, May, Aug, Nov) Last Tuesday, 6:00 pm		
Parks, Wellness, and Recreation	2 <sup>nd</sup> Tuesday 6:30 pm		
Planning and Preservation	1 <sup>st</sup> Tuesday 7:00 pm		
Transportation & Safety	3 <sup>rd</sup> Wednesday 7:00 pm		
Tree Commission	Quarterly (as needed).	*Chair (Councilmember) * <i>Per City Code</i>	



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## AGENDA REPORT

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**To:** Mayor Robert C. Gonzales and Councilmembers

**From:** Richard Padilla, Deputy City Attorney  
Elena G. Chávez, City Clerk

**Date:** April 18, 2016

**Subject:** Update on California Senate Bill 415 (Voter Participation) and Request from City Council Regarding Prospective Election Cycle

### RECOMMENDATION:

It is recommended that the City Council:

- a. Receive report from staff; and
- b. Provide staff direction as to timing of transition to statewide general election cycle and the preparation of a resolution for a plan to consolidate with the statewide general election cycle no later than November 8, 2022 statewide election (with a reserved option to consolidate with the 2020 statewide election).

### BACKGROUND:

On September 1, 2015, Governor Jerry Brown signed Senate Bill 415 ("SB 415") into law. The public policy behind SB 415 was to address waning civic engagement in politics as illustrated by declining voter turnout in federal, state, and municipal elections. The legislative analysis asserts that one major contributing factor to low voter turnout – the timing of elections – could be addressed by synchronizing city elections with even year state elections and cites a Public Policy Institute of California survey of 350 California cities which found that moving an election to be synchronized with the even state year elections could result in a 21-36% boost in voter turnout.

SB 415 prohibits a local government, like the City of San Fernando (the "City") from holding an election on any date other than a statewide election date if doing so in the past has resulted in turnout that is at least twenty-five percent (25%) below the average turnout in that jurisdiction in the last four statewide general elections. Unfortunately, this is the case for the City, which can still hold elections on dates other than statewide election dates after January 1, 2018, if it adopts a plan not later than January 1, 2018 to consolidate future elections with the statewide

## Update on California Senate Bill 415 (Voter Participation) and Request from City Council Regarding Prospective Election Cycle

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election cycle not later than the November 8, 2022 statewide election.<sup>1</sup> The elections terms of all City Councilmembers and the City Treasurer will have to be reduced by approximately four (4) months in order to accommodate the statewide general election schedule. Note that increasing the terms of such offices is precluded because terms of office would have to be increased by sixteen (16) months to accommodate future state elections, which is precluded under state law. Elections Code Section 10403.5 limits increases or decreases to terms of office to no more than twelve (12) months. The City's conduct of *special* elections will not be limited or affected by SB 415 and must still be held not fewer than 88 nor more than 103 days after the date of the order of election. (Elec. Code, §§ 1405, 9214.)

Existing law essentially prohibits the City from conducting standalone elections that occur on the statewide election cycle. Specifically, Elections Code Section 10402.5 requires city elections held on statewide general election dates to be consolidated with those statewide elections. So, if and when the City Council switches to even-year November elections, such elections must be consolidated with the statewide November elections occurring concurrently.<sup>2</sup>

### ANALYSIS:

In California, general law cities, like the City of San Fernando are obligated to conduct general and special municipal elections in accordance with the California Elections Code. (Elec. Code, §§ 10101-10312.)

The City currently conducts its elections on the first Tuesday after the first Monday in March in each odd-numbered year, pursuant to City Council Ordinance No. 1452 and Elections Code Section 1301. The most recent City general municipal election was held on Tuesday, March 3, 2015. The City general municipal election conducts elections for five (5) City Councilmembers and one (1) City Treasurer. Each member terms of four (4) years. The following terms are currently applicable:

	Elected	End of Term
Councilmember 1	March 2013	March 2017
Councilmember 2	March 2013	March 2017
Treasurer	March 2013	March 2017

<sup>1</sup> Such a plan can be an acknowledgment in a City Council resolution of a commitment to consolidate with the statewide election cycle no later than the November 8, 2022 election.

<sup>2</sup> Elections Code Section 10402.5 allows the County to reject a city's request for consolidation if "if it finds that the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled."

## Update on California Senate Bill 415 (Voter Participation) and Request from City Council Regarding Prospective Election Cycle

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	Elected	End of Term
Councilmember 3	March 2015	March 2019
Councilmember 4	March 2015	March 2019
Councilmember 5	March 2015	March 2019

Unlike City elections which have been in March of odd-numbered years, statewide general elections are held November of even-numbered years. The last statewide general election date was conducted on November 3, 2014.

SB 415 prohibits the City from holding an election other than a statewide election date if holding an election on a “nonconcurrent date” (i.e. election date other than November of even-numbered years) has previously resulted in turnout that is at least twenty-five percent (25%) less than the average voter turnout within that political subdivision for the previous four statewide general elections. Accordingly, to determine if the City is required to eventually switch to statewide general election dates, it is necessary to look at recent election turnout data.

STATEWIDE ELECTION DATA – SAN FERNANDO					
Election Date	Registered	Ballots Cast	Percentage	Average City Turnout (%) over 4 State Elections	Minimum City Turnout to Avoid State Cycle (25% less than average from previous column)
November 4, 2008	7,412	6,071	81.91%		
November 2, 2010	7,945	4,039	68.94%		
November 6, 2012	8,709	6,004	50.84%		
November 4, 2014	9,316	2,493	26.76%		
				57.11% (228.45/4)	42.83% (25% below 57.11%)
LAST STANDALONE ELECTION DATA – SAN FERNANDO					
March 3, 2015	9,435	1,198	12.7% (Below necessary threshold)		

## Update on California Senate Bill 415 (Voter Participation) and Request from City Council Regarding Prospective Election Cycle

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As the data above illustrates, SB 415 will require the City to begin conducting its general municipal elections on statewide general election dates (November of even-numbered years) as soon as 2018. Should the City seek additional time before it transitions to statewide election dates, it can have until November 8, 2022 statewide election to switch if the City Council adopts a plan not later than January 1, 2018 to consolidate future elections with statewide election.

This presents three options for the City Council, based upon the three (3) forthcoming statewide general election dates:

1. November 6, 2018;
2. November 3, 2020; or
3. November 8, 2022.

Note that, in order to accommodate the statewide election dates, cities are required to reduce or expand terms of office depending on their existing election schedule. Due to the City's conduct of elections on March of odd-numbered years, the City will have to reduce terms of office for its City Councilmembers and City Treasurer by four (4) months in order to synchronize with the statewide election cycle. When this reduction of terms occurs depends upon which of the three (3) general election dates the City chooses to join.

### **Option 1: November 6, 2018 Statewide General Election**

The November 6, 2018 statewide general election may not be a favorable election for the City to begin its statewide election cycle, due to Los Angeles County (the "County") voting system constraints. According to the bill analysis of SB 415, the County expressed concerned that the move by cities to hold their elections at the same time as the statewide election would exceed the capacity of its voting system, which it has used a variant of since 1985. The County is set to unveil a new voting system for use as soon as 2020.

However, should the City Council decide to synchronize its general municipal election with the statewide general election on November 6, 2018 (following a traditional standalone March 2017 general municipal selection), the following term adjustments would be necessary:

	<b>Elected (by standard odd-year municipal election)</b>	<b>End of Term</b>	<b>New End of Term</b>
Councilmember 1	March 2017	March 2021	November 2020
Councilmember 2	March 2017	March 2021	November 2020
Treasurer	March 2017	March 2021	November 2020

## Update on California Senate Bill 415 (Voter Participation) and Request from City Council Regarding Prospective Election Cycle

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	<b>Elected (by standard odd-year municipal election)</b>	<b>End of Term</b>	<b>New End of Term</b>
Councilmember 3	March 2015	March 2019	November 2018
Councilmember 4	March 2015	March 2019	November 2018
Councilmember 5	March 2015	March 2019	November 2018

The City Council need not consider or take action on a consolidation plan if it elects to consolidate with the 2018 statewide general election.

### **Option 2: November 3, 2020**

If the City wishes to conduct its own standalone elections in both 2017 and 2019 and have the option to wait until the 2020 statewide general election to join with its election cycle, then the City Council would have to adopt a plan not later than January 1, 2018 to consolidate future elections with the statewide election not later than the November 8, 2022 statewide election. Such a plan would reserve the right to join the statewide election in 2020 or 2022.

According to the County, 2020 is the earliest that its updated voting system will be available to accommodate the influx of local jurisdictions joining the statewide election cycle. If the City Council decided to synchronize its general municipal election with the statewide general election on November 3, 2020 (following traditional standalone March 2017 and 2019 general municipal elections), the following term adjustments would be necessary:

	<b>Elected (by standard odd-year municipal election)</b>	<b>End of Term</b>	<b>New End of Term</b>
Councilmember 1	March 2017	March 2021	November 2020
Councilmember 2	March 2017	March 2021	November 2020
Treasurer	March 2017	March 2021	November 2020
Councilmember 3	March 2019	March 2023	November 2022
Councilmember 4	March 2019	March 2023	November 2022
Councilmember 5	March 2019	March 2023	November 2022

## Update on California Senate Bill 415 (Voter Participation) and Request from City Council Regarding Prospective Election Cycle

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### **Option 3: November 8, 2022**

The City Council must adopt a plan not later than January 1, 2018 to consolidate future elections with the statewide election not later than the November 8, 2022 statewide election if it wants conduct standalone City elections until such time that it joins with the statewide election cycle. The November 8, 2022 is the latest election, under SB 415, by which the City can join with the statewide election cycle.

Should City Council decide to synchronize its general municipal election with the statewide general election on November 8, 2022 (following traditional standalone March 2017, 2019, and 2021 general municipal elections), the following term adjustments would be necessary:

	<b>Elected (by standard odd-year municipal election)</b>	<b>End of Term</b>	<b>New End of Term</b>
Councilmember 1	March 2021	March 2025	November 2024
Councilmember 2	March 2021	March 2025	November 2024
Treasurer	March 2021	March 2025	November 2024
Councilmember 3	March 2019	March 2023	November 2022
Councilmember 4	March 2019	March 2023	November 2022
Councilmember 5	March 2019	March 2023	November 2022

### **CONCLUSION:**

SB 415 will require the City to begin conducting its general municipal elections on statewide general election dates (November of even-numbered years) as soon as 2018. Should the City seek additional time before it transitions to statewide election dates, it can have until November 8, 2022 statewide election to switch if the City Council adopts a plan not later than January 1, 2018 to consolidate future elections with statewide election. Such a plan would reserve the City's right to consolidate with the County's November 3, 2020 election.

**Update on California Senate Bill 415 (Voter Participation) and Request from City Council Regarding Prospective Election Cycle**Page 7 of 7

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City staff seeks direction from the City Council as to the following:

- a. Preparation of a resolution for a plan to consolidate with the statewide general election cycle no later than November 8, 2022 statewide election (with a reserved option to consolidate with the 2020 statewide election); and
- b. Provide staff direction regarding the occurrence of future election dates.

The City Council need not consider or take action on a consolidation plan if it elects to consolidate with the 2018 statewide general election (Option 1).

The City's determination of future election dates shall be set forth by City Council ordinance while a memorialization of its optional intent to plan to consolidate no later than the November 8, 2022 statewide election can be by City Council resolution.

**BUDGET IMPACT:**

Traditionally consolidated elections are costlier than standalone City elections. According to the City's election consultant Martin & Chapman, the cost of the former is often double that of the latter. The City could reduce costs by continuing with its standalone elections for as long as possible, which available under Option 3, above. However, cost reduction should be considered along with the intensive City labor required for it to conduct its own standalone elections.

**ATTACHMENT:**

- A. SB 415 (Voter Participation – Hueso)

**ATTACHMENT "A"**

**Senate Bill No. 415**

**CHAPTER 235**

An act to add Chapter 1.7 (commencing with Section 14050) to Division 14 of the Elections Code, relating to elections.

[Approved by Governor September 1, 2015. Filed with  
Secretary of State September 1, 2015.]

legislative counsel's digest

SB 415, Hueso. Voter participation.

Existing law generally requires all state, county, municipal, district, and school district elections be held on an established election date. Existing law also establishes certain dates for statewide elections. Existing law requires any state, county, municipal, district, and school district election held on a statewide election date to be consolidated with a statewide election, except as provided.

This bill, commencing January 1, 2018, would prohibit a political subdivision, as defined, from holding an election other than on a statewide election date if holding an election on a nonconcurrent date has previously resulted in voter turnout for a regularly scheduled election in that political subdivision being at least 25% less than the average voter turnout within the political subdivision for the previous 4 statewide general elections, except as specified.

This bill would require a court to implement appropriate remedies upon a violation of this prohibition. The bill would authorize a voter who resides in a political subdivision where a violation is alleged to file an action in superior court to enforce this prohibition, and it would allow a prevailing plaintiff other than the state or political subdivision to collect a reasonable attorney's fee and litigation expenses, as provided.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 1.7 (commencing with Section 14050) is added to Division 14 of the Elections Code, to read:

**Chapter 1.7. Voter Participation**

14050. This chapter shall be known and may be cited as the California Voter Participation Rights Act.

14051. As used in this chapter:

(a) "Political subdivision" means a geographic area of representation created for the provision of government services, including, but not limited



**Ch. 235**

— 2 —

to, a city, a school district, a community college district, or other district organized pursuant to state law.

(b) “Significant decrease in voter turnout” means the voter turnout for a regularly scheduled election in a political subdivision is at least 25 percent less than the average voter turnout within that political subdivision for the previous four statewide general elections.

(c) “Voter turnout” means the percentage of voters who are eligible to cast ballots within a given political subdivision who voted.

14052. (a) Except as provided in subdivision (b), a political subdivision shall not hold an election other than on a statewide election date if holding an election on a nonconcurrent date has previously resulted in a significant decrease in voter turnout.

(b) A political subdivision may hold an election other than on a statewide election date if, by January 1, 2018, the political subdivision has adopted a plan to consolidate a future election with a statewide election not later than the November 8, 2022, statewide general election.

14053. Upon a finding of a violation of subdivision (a) of Section 14052, the court shall implement appropriate remedies, including the imposition of concurrent election dates for future elections and the upgrade of voting equipment or systems to do so. In imposing remedies pursuant to this section, a court may also require a county board of supervisors to approve consolidation pursuant to Section 10402.5.

14054. In an action to enforce subdivision (a) of Section 14052, the court shall allow the prevailing plaintiff other than the state or political subdivision of the state, a reasonable attorney’s fee consistent with the standards established in *Serrano v. Priest* (1977) 20 Cal.3d 25, 48-49, and litigation expenses including, but not limited to, expert witness fees and expenses as part of the costs. A prevailing defendant shall not recover any costs, unless the court finds the action to be frivolous, unreasonable, or without foundation.

14055. A voter who resides in a political subdivision where a violation of subdivision (a) of Section 14052 is alleged may file an action pursuant to that section in the superior court of the county in which the political subdivision is located.

14056. This chapter does not apply to special elections.

14057. This chapter shall become operative on January 1, 2018.

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## AGENDA REPORT

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**To:** Mayor Robert C. Gonzales and Councilmembers

**From:** Brian Saeki, City Manager  
By: Chris Marcarello, Deputy City Manager/Public Works Director  
Richard Padilla, Deputy City Attorney

**Date:** April 18, 2016

**Subject:** Consideration to Adopt an Ordinance Authorizing the City to Collect Delinquent Residential Solid Waste Collection Services Fees on the Annual Tax Roll Pursuant to Health & Safety Code Sections 5473 and 5473a

### RECOMMENDATION:

It is recommended that the City Council:

- a. Receive the report from City staff;
- b. Take the matter under submission for further study by staff; or
- c. Introduce for first reading, in title only, and waive further readings of Ordinance No. 1655, "An Ordinance of the City Council of the City of San Fernando, California Amending Chapter 70 (Solid Waste and Recyclables Collection Services) of the San Fernando Municipal Code" (Attachment "A").

### BACKGROUND:

The City provides solid waste collection services through an exclusive franchise agreement with Republic Services. This agreement started on February 15, 2014 and provides for the safe and efficient collection, processing and disposal of solid waste and recyclable materials. In February 2016, the City Council reviewed a status update of unpaid residential accounts. Based on this discussion, the Council requested that staff develop a draft ordinance related to delinquent residential accounts for further consideration.

### ANALYSIS:

On December 2, 2013, the City Council approved a ten-year franchise agreement with Republic Services to provide solid waste collection services in the City of San Fernando. The scope of

**Consideration to Adopt an Ordinance Authorizing the City to Collect Delinquent Residential Solid Waste Collection Services Fees on the Annual Tax Roll Pursuant to Health & Safety Code Sections 5473 and 5473a**

Page 2 of 4

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work includes collection services for all residential, commercial, and temporary bin rentals in the City. As a result of this agreement, collection services are provided using alternative fueled vehicles, helping to demonstrate the City's commitment to environmental sustainability. Additionally, Republic Services is responsible for customer service functions related to solid waste and recycling, including billing, account management, and public outreach/educational activities in the community. Services provided through this agreement initiated in February 2014.

Billing for Solid Waste Collection Services

As part of the City's franchise agreement, Article 10, the contractor is responsible for the billing and collection of payments for all collection services. Rates are set according to the Maximum Service Rates that are established as part of the franchise agreement. Article 10 specifies other billing terms, including partial month service, production of invoices, billing inserts, methods of payment and delinquent service accounts, among others.

Article 10, Section 10.01.7 of the City's franchise agreement includes provisions relative to delinquent service accounts. In accordance with this section, the contractor may report delinquent accounts to the City on a monthly basis. The City is not responsible to assist in collecting on delinquent accounts or compensate the contractor for lost revenue. The contractor may take necessary action to reduce service levels on delinquent amounts, including removing recycling or green waste containers, reducing refuse/trash collection services to the smallest container size available, and if necessary, removing all solid waste containers.

According to the solid waste services contractor, Republic Services, the following delinquency statistics were reported as of January 26, 2016:

- Approximately 23.9% of the City's 651 commercial accounts are delinquent greater than **90 days** (as of January 26, 2016). This represents approximately \$18,168.28 in unpaid bills; and
- Approximately 16.8% of the City's 3,980 residential accounts are delinquent greater than **90 days** (as of January 26, 2016). This represents approximately \$101,465.07 in unpaid bills.

It should be noted that the City does not realize direct revenue related to these unpaid accounts. A franchise fee is provided by the contractor under the franchise agreement to fund the cost of administering the solid waste/recycling program and vehicle impacts to City streets, among others.

**Consideration to Adopt an Ordinance Authorizing the City to Collect Delinquent Residential Solid Waste Collection Services Fees on the Annual Tax Roll Pursuant to Health & Safety Code Sections 5473 and 5473a**Page 3 of 4

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Lien Process for Delinquent Accounts

Authority to collect delinquent solid waste fees on the tax roll is found under Health & Safety Code Section 5473 and 5473a. The attached ordinance tracks the procedures called for under these two statutes so that each year, the City may initiate the tax roll collection process. The ability to place delinquent sums on the tax roll will be conditioned upon the solid waste hauler having made multiple attempts to collect the invoice on their own by sending notice to the customer and later to both the customer and the owner of the property served by the solid waste account in those instances where the customer and the property owner are different. After following the process prescribed by Government Code Sections 5473, 5473a and related statutes, the City Council, by resolution, may approve the placement of certain delinquent sums on the tax roll by 2/3 vote.

The following are some of the more salient aspects of the annual tax roll collection process:

- **Annual Report:** Annually, the City must prepare and file a report with the City Clerk describing each delinquent account and the real property parcel to which the account corresponds so that the delinquent sums may be placed on the annual tax roll. (Health & Safety Code § 5473 and § 5473a).
- **Publication:** The City Clerk must also cause notice of the time and place for a public hearing wherein the report is to be considered and approved by the City Council before the delinquent accounts identified in the report and the sums owed may be placed on the tax roll. The notice must be published once a week for two consecutive weeks, with at least five days between publication dates. The notice must be published in a newspaper of general circulation (§ 5473.1).
- **Mail Notice:** The City will also be required to undertake mailed notice of the hearing to each real property parcel tied to a delinquent service account (§ 5473.1).

Property owners will be given one last opportunity to pay the delinquent sums prior to the placement on the tax roll. Also, at the public hearing, the City Council will be able to make modifications to the report in so far as delinquencies are cured either in full or partially or in so far as a customer or property owner are able to prove to the reasonable satisfaction of the City Council that the account was never delinquent or that there is some other error in the report for which correction is justified.

**Consideration to Adopt an Ordinance Authorizing the City to Collect Delinquent Residential Solid Waste Collection Services Fees on the Annual Tax Roll Pursuant to Health & Safety Code Sections 5473 and 5473a**

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**BUDGET IMPACT:**

The City will incur administrative costs associated with the preparation of the annual report, complying with noticing requirements and payment of sums to the County of Los Angeles for their role in collecting delinquent sums on the tax roll. To offset these costs, the attached ordinance authorizes the City Council to recover such costs up to a maximum of five (5) percent which will be deducted from sums actually collected on the tax roll before sums owed to the solid waste hauler are remitted to the hauler by the City.

**CONCLUSION:**

It is recommended that the City Council provide further direction relative to establishing a lien process for delinquent residential solid waste collection services accounts.

**ATTACHMENT:**

A. Ordinance No. 1655



**ATTACHMENT "A"****ORDINANCE NO. 1655****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA AMENDING CHAPTER 70 (SOLID WASTE AND RECYCLABLES COLLECTION SERVICES) OF THE SAN FERNANDO MUNICIPAL CODE**

WHEREAS, pursuant to sections 5473 and 5473a of the California Health & Safety Code, municipalities may elect to have delinquent charges for trash service collected on the tax roll together with the general property tax paid by real property owners who are also residential trash service customers; and

WHEREAS, sections 5473 and 5473a of the California Health & Safety Code and related statutes set forth the procedures that must be followed by the City in order to collect delinquent solid waste fees and charges on the tax roll; and

WHEREAS, this ordinance is intended to establish procedures for the collection of such delinquent fees and charges in accordance with applicable law referenced above.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The foregoing recitals are true and correct and made a part of this Ordinance.

**SECTION 2.** Section 70-3 (Defined terms and phrases) of Article I (General Provisions) of Chapter 70 (Solid Waste and Recyclable Collection Services) of the San Fernando Municipal Code is hereby amended by the addition of the following defined term which shall appear in alphabetical order immediately following the defined term "Container":

***Customer* means any person or entity maintaining a service account with a Collector for the performance of Solid Waste and Recyclables Collection Services authorized under this Chapter. The term Customer is inclusive of persons or entities who are not the Owners of the real property parcel or portion thereof to which the service account corresponds and which is receiving the benefit of the Solid Waste and Recyclables Collection Services provided by the Collector.**

**SECTION 3.** Section 70-3 (Defined terms and phrases) of Article I (General Provisions) of Chapter 70 (Solid Waste and Recyclable Collection Services) of the San Fernando Municipal Code is hereby amended by the addition of the following defined term which shall appear in alphabetical order immediately following the defined term "Multi-family residence" :

**Owner shall mean the person or other legal entity listed on the last equalized assessment roll for the County of Los Angeles as the owner of a lot or parcel of real property within the territorial boundaries of the City of San Fernando.**

**SECTION 4.** Section 70-32 (Billing and collection of fees) of Article III (Rates) of Chapter 70 (Solid Waste and Recyclables Collection Services) is hereby amended by the addition of the following sentence at the end of the paragraph that currently comprises Section 70-32:

**“The foregoing notwithstanding, the City Council, in its sole and absolute discretion, reserves the right, but does not assume the obligation, to avail the City of the provisions and procedures of Health & Safety Code Sections 5473 and 5473a relating to the collection of delinquent solid waste service charges on the tax roll.”**

**SECTION 5.** The current text of subsection (c) of Section 70-33 (Rates, billing and collection of fees for standard residential collection service) of Article III (Rates) of Chapter 70 (Solid Waste and Recyclables Collection Services) is hereby repealed and replaced with a new subsection (c) which shall state the following:

**(c) *Collection of Delinquent Charges.***

- 1. Pursuant to, and to the extent authorized by, Health & Safety Code Sections 5473 and 5473a, the City may collect delinquent fees or charges for solid waste and recyclables collection services incurred by a Customer on the tax roll for collection by the Los Angeles County Assessor's Office.**
- 2. The Owner of any real property parcel or portion thereof located within the City of San Fernando and a Customer whose service account provides for the performance of solid waste and recyclables collection services at the subject real property parcel are jointly and severally liable for the payment of all fees and charges imposed by the Collector for the performance of such services. Owners and Customers shall also be liable for compliance with all provisions of this Chapter as relates to the subject real property parcel or portion thereof receiving solid waste and recyclables collection services.**
- 3. A solid waste and recyclables collection services bill lawfully issued by a Collector to a Customer shall be considered past due if not paid by a Customer within thirty (30) calendar days from the date payment is due or such longer grace period as may be authorized by written agreement between the Customer and the Collector. If such a bill becomes past due, the Collector shall be required to issue notice to the Customer that the bill is delinquent. If the bill is not paid in full within thirty (30) calendar days from the date the service bill is deemed past due, the Collector shall issue a second notice of delinquency to the Customer and shall also send a**

copy of the second notice of delinquency to the Owner, if different from the Customer. Each delinquency notice shall include the following information at a minimum:

- (i) A statement advising the customer that the service bill is past due;
- (ii) Information as to the service period to which the past due sums relate; and
- (iii) Information as to where the Customer may remit any and all past due sums;
- (iv) Information as to the proper procedures for disputing any sums set forth in a service bill; and
- (v) Notice in bold print and capital letters that the matter will be submitted to the City for collection pursuant to the tax lien procedures established under this section, if the bill is not paid within thirty (30) calendar days from the date a second notice of delinquency is dated.

No later than the close of business on May 1st of each calendar year, a Collector may submit to the City a schedule of all unpaid delinquent billings from May 1st of the preceding year to May 1<sup>st</sup> of the present year accompanied by the corresponding parcel number for the real property parcel or portion thereof in question, as established or otherwise utilized by the Los Angeles County Assessor. The schedule shall also state the amount due for each delinquent Customer account for inclusion of said amount upon the property tax roll for collection by the Los Angeles County Assessor's Office. No delinquent billing shall be eligible for submission to the City on or before the 30<sup>th</sup> calendar day following the issuance of the Collector's second past due billing notice. No delinquent billing shall remain eligible for submission to the City after one year from the date the delinquent billing first becomes eligible for submission to the City.

4. In addition to any other requirements set forth under Health & Safety Code Sections 5473 and 5473a, the City shall adhere to the following procedures before submitting delinquent fees and charges to the Los Angeles County Assessor's Office for placement on the tax roll:
  - (i) The City will fix a time, date and place for a public hearing regarding the report of delinquencies submitted by the Collector and any objections and protests to the report. Notice of the hearing shall be mailed to the Owner of every real property parcel listed on the report not less than ten (10) days prior to the date of the hearing. At the hearing, City shall hear any objections or protests of Owners liable to be assessed for delinquent fees or charges. The City may make revisions or corrections to the report

as it deems appropriate, after which, by resolution, the report shall be confirmed.

- (ii) The delinquent fees and charges set forth in the report as confirmed shall constitute special assessments against the real property parcels listed in the report and are a lien on said real property for the amount of the delinquent fees and charges. A certified copy of the confirmed report shall be filed with the Los Angeles County Assessor's Office for the amounts of the respective assessments against the respective real property parcel as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the Los Angeles County Recorder, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for those taxes.
- (iii) City shall remit to the Collector amounts collected pursuant to this process within thirty (30) days of receipt from the Los Angeles County Assessor, less any outstanding sums owed by the Collector to the City. In order to reimburse the City for any and all administrative costs associated with placing delinquent fees and charges on the tax roll and except as otherwise provided in any Collection Agreement between the City and a Collector, the City may deduct from the sums remitted by the Los Angeles County Assessor for a given tax year an amount equal to the lesser of the following: (a) the City's actual costs incurred to undertake the placement delinquent fees and charges on the tax roll, including but not limited to any and all fees or charges imposed by the Los Angeles County Assessor associated with the placement of the delinquent fees or charges on the tax roll as well as costs associated with all publication and noticing efforts; or (b) five percent (5%) of the total delinquent sums placed on the tax roll on behalf of an individual Collector.

**SECTION 6.** Adoption and implementation of this ordinance is exempt from the California Environmental Quality Act ("CEQA") as the ordinance amendments contemplated herein will have no impact on the environment.

**SECTION 7.** Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase

not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 8.** Effective Date. In accordance with Government Code section 36937, this ordinance shall take effect and be in force 30 days after passage and adoption.

**SECTION 9.** Certification. The City Clerk is hereby authorized and directed to certify to the passage of this Ordinance by the City Council and shall cause it to be published or posted as required by law.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of San Fernando at a regular meeting held on the 18<sup>th</sup> day of April 2016.

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Robert C. Gonzales, Mayor

**ATTEST:**

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Elena G. Chávez, City Clerk

**STATE OF CALIFORNIA            )**  
**COUNTY OF LOS ANGELES    )**     **SS.**  
**CITY OF SAN FERNANDO       )**

I, ELENA G. CHÁVEZ, City Clerk of the City of San Fernando, hereby certify that the foregoing Ordinance No. 1655 of the City Council of the City of San Fernando was approved and adopted by said City Council at its regular meeting held on the 18<sup>th</sup> day of April 2016 by the following vote, to-wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Elena G. Chávez, City Clerk



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## AGENDA REPORT

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**To:** Mayor Robert C. Gonzales and Councilmembers

**From:** Brian Saeki, City Manager  
By: Nick Kimball, Finance Director

**Date:** April 18, 2016

**Subject:** Fiscal Year 2016-2017 City-wide Strategic Goals and City Council Priorities

### RECOMMENDATION:

It is recommended that the City Council:

- a. Provide direction to staff related to City-wide Strategic Goals and City Council Priorities for Fiscal Year 2016-2017.

### BACKGROUND:

1. As part of the budget development process each year, City Council is asked to set Strategic Goals and Priorities for the upcoming fiscal year. The purpose of setting goals and priorities is to provide the City Manager with guidance for allocating funds in the City Manager's Proposed Budget.

### ANALYSIS:

The City-wide Strategic Goals should articulate city-wide long-term strategic goals and objectives that the organization strives to achieve over the next three to five years. City Council Priorities are specific short-term items that are reasonably achievable in the upcoming fiscal year.

City-wide Strategic Goals provide broad context for budget development to ensure staff is working toward achieving the organization's long-term objectives; while City Council Priorities provide each Council Member with the opportunity to introduce a short-term project or program that fits within the long-term objectives.

To facilitate the discussion, staff has put together a list of proposed City-wide Strategic Goals for City Council's consideration (Attachment A). Staff is requesting direction to edit, delete, or add goals as Council sees fit.

**Fiscal Year 2016-2017 City-wide Strategic Goals and City Council Priorities**Page 2 of 2

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Additionally, when each City Council Member identifies his/her priorities for the upcoming year, priority items should fit within the broader context of the Strategic Goals and be reasonably achievable within the upcoming fiscal year. Ideally, a do-able list for the year would be up to three (3) priorities per Council Member.

For each City Council Priority, staff will assign an 1) estimated cost, 2) required resources (e.g. specialized equipment, staff time, consultant contract, etc.), and 3) estimated time to complete. That information will be brought back to City Council during the Budget Study sessions in May for the City Council to decide which priorities to fund in fiscal year 2016-2017.

Work plans for each department will also be presented and discussed during the Budget Study Sessions in May. Department work plans will be developed with the intent of meeting the City-wide Strategic Goals set by City Council.

For City Council's reference, the status of prior City Council Priorities have been included as Attachment C.

**BUDGET IMPACT:**

There is not budget impact associated with consideration of this item. The budget impact for each City Council Priority will be quantified and presented to City Council during the Budget Study Sessions in May for further consideration.

**CONCLUSION:**

The City Council Strategic Goals will help guide the overall Fiscal Year 2016-2017 budget process and provide context for decision making and development of work plans.

**ATTACHMENTS:**

- A. Proposed City Council's Strategic Goals – Fiscal Year 2016-2017
- B. City Council Priorities – Fiscal Year 2016-2017
- C. Status of prior City Council Priorities

STRATEGIC GOALS

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**City-wide Strategic Goals  
Fiscal Year 2016-2017**

1. Continue to stabilize the City’s finances by maintaining a balanced budget, continuing to reduce the General Fund deficit, and re-establishing reserve balances in a number of critical funds, including, but not limited to, the General Fund, Self-Insurance Fund, and Equipment Replacement Fund.
2. Continue outreach and opposition of the California High Speed Rail route through San Fernando and adjacent communities.
3. Pursue Economic Development opportunities to bolster the City’s revenue and enhance the City of San Fernando’s profile.
4. Increase capital expenditures to address critical infrastructure needs, including, but not limited to, addressing deferred maintenance of City streets, water and sewer systems, and sidewalks.
5. Increase the City’s use of technology to work more efficiently, increase transparency for citizens and stakeholders, and provide enhanced customer service.
6. Offer top notch recreation programs through the Healthy San Fernando initiative and explore opportunities to expand sports programs.
7. Pursue grant funding that addresses a need and provides a net benefit to the City.
8. Continue to review and update the City’s policies and procedures.
9. Explore opportunities for community and cultural programs.
10. Increase water conservation efforts, including, but not limited to, community outreach and implementation of water conservation programs.

**ATTACHMENT “B”**

THE CITY OF

SAN FERNANDO

## CITY COUNCIL PRIORITIES

### City Council Budget Priority Items Fiscal Year 2016-2017

**Robert C. Gonzales, Mayor:**

Priority	Est. Resources	Est. Cost
1. TBD		
2. TBD		
3. TBD		

**Joel Fajardo, Vice Mayor:**

Priority	Est. Resources	Est. Cost
1. TBD		
2. TBD		
3. TBD		

**Sylvia Ballin, Councilmember:**

Priority	Est. Resources	Est. Cost
1. TBD		
2. TBD		
3. TBD		

**Antonio Lopez, Councilmember:**

Priority	Est. Resources	Est. Cost
1. TBD		
2. TBD		
3. TBD		

**Jaime Soto, Councilmember:**

Priority	Est. Resources	Est. Cost
1. TBD		
2. TBD		
3. TBD		

### MAYOR ANTONIO LOPEZ (FY 2013-14)

Goal	Status				Comments
	Done	On Target	Revised	Ongoing	
Secure Grant Funding for the San Fernando Mission Boulevard Street Improvements				X	Released funds due to lack of local matching funds. Currently evaluating potential future call for projects submittal.
Propose a Plan to Accommodate Future Metro Light Rail Through San Fernando				X	Working with Metro and City of Los Angeles on the East San Fernando Valley Transit Corridor project and City undertaking the Transit Oriented Development Overlay Project/Corridors Specific Plan Amendment.
Work to Establish a PBID				X	On hold pending coordination between the Mall Association and the Chamber of Commerce.

### MAYOR PRO TEM SYLVIA BALLIN (FY 2013-14)

Goal	Status				Comments
	Done	On Target	Revised	Ongoing	
Timekeeping System	X				Timeclocks time keeping system was implemented in July 2014.
Contract Management Training				X	
Hire full-time regular City Manager (not City Administrator), Finance Director, Police Chief, and reorganize City structure	X				
Lighting at Las Palmas Park	X				Lighting at Las Palmas has been addressed by installing new light fixtures, repairing burned out bulbs, and tree trimming to allow for more lighting.

### **COUNCILMEMBER JESSE AVILA (FY 2013-14)**

Goal	Status				Comments
	Done	On Target	Revised	Ongoing	
Economic Development: Maintain, promote and assist existing businesses to stay and “grow” in San Fernando; outreach to bring in businesses that offer goods and services relevant to the present and next generation (i.e., access to technological communications systems, Wi-Fi via Mall Association	X			X	Facilitated the remodel of the Vallarta Supermarket and conversion of the Food 4 Less site into the new Smart and Final Express and Walgreens stores; Total construction valuation at over \$2.0 million.
Public Safety: Address and correct public safety personnel matters; unify all Departments				X	
Commissions and Commissioners: Active participation in Council/Community outreach to solicit input and feedback to address their view of “What our City needs...”; encourage communication between all City Departments.				X	RCS will be implementing a needs assesment as part of the parks master plan that will include opportunities for commissioners to actively participate. In addiiton, they have been encourage to solícite feedback as part of their annual adoption of priorities for the commission.
Infrastructure: Address the needs to repair and/or replace the sewer system, water system; evaluate the current design and use of the Maclay Corridor (from First Street, North, to Glenoaks Boulevard)				X	Ongoing implementation of capital improvement work consistent with annual budget appropriation and voter-approved sewer and water rate increases.

## COUNCILMEMBER JOEL FAJARDO (FY 2013-14)

Goal	Status				Comments
	Done	On Target	Revised	Ongoing	
Study and understand all aspects of the City's pension system, including, but not limited to: (a) benefits and disadvantages of the current system; (b) historic shortfalls and projected shortfalls; and (c) the special property tax used to balance such shortfalls.				X	As part of the review of the FY 2014-2015 audited financials (CAFR), staff provides additional information on the City's PERS and OPEB obligations. This review was presented at a Council meeting in February 2016.
Work with labor to make the pension system more sustainable, and consider the option of gradually eliminating or reducing the use of said property tax over a reasonable and realistic period of time.				X	During the negotiations completed in August 2015, all bargaining units agreed to eliminate retiree health benefits for employees hired after July 1, 2015. Additionally, all new employees are have a reduced retirement benefit and are required to contributed their full share of the PERS cost.
Study the City's strengths and weaknesses in terms of attracting new businesses, determine which businesses or industries the City could most successfully recruit, and develop a business plan to attract said businesses. This analysis should incorporate a "cost of doing business" review.		X			The City has partnered with the Valley Economic Alliance to provide a cost of doing business analysis, which will include some recommendations for economic development. It is anticipated that this report will be presented to City Council in May 2016.
Revisit the 2012 water rate increases to: (a) Implement a voucher or cost-assistance program for low-income families, and establish outreach measures so the public is aware of said program; (b) Determine the level of public knowledge with respect to upcoming water rate increases; (c) Determine the feasibility of eliminating or mitigating some of the scheduled water rate increases if Measure A passes. Research assistance programs for low-income residents.				X	As part of the next utility rate study for water and sewer services, analysis will include the review of a reduced rate service for low-income families including a survey of other public utilities to determine best practices related to reducing user rates.

**COUNCILMEMBER ROBERT GONZALES (FY 2013-14)**

Goal	Status				Comments
	Done	On Target	Revised	Ongoing	
Aquatic Center Parking Lot	X				Completed in mid-2014.
Upgrade City Website to Make More Business Friendly				X	Draft site to be presented to the City Council on December 7, 2015. Full roll out April 2016.
Triathlon or 5k Run and Car Show to Celebrate San Fernando Birthday (2014)	X				The 5K Relay race was implemented as part of the Healthy San Fernando Initiative. Had over 650 participants attend the event.



### MAYOR SYLVIA BALLIN (FY 2014-15)

Goal	Status				Comments
	Done	On Target	Revised	Ongoing	
Senior Meal Program – Set a goal of at least 15 more meals per day				X	The City added an additional 630 (2/day) meals in FY13/14 and an additional 771 (3/day) meals in FY14/15 with additional funding received from Los Angeles County.
Heritage Park - evaluate best usage for the park				X	Park Master Plan Project and possible use of site as a community garden being developed by City staff for future consideration by the City Council.

### MAYOR PRO TEM ROBERT GONZALES (FY 2014-15)

Goal	Status				Comments
	Done	On Target	Revised	Ongoing	
Continuation of City Website Upgrade				X	Draft site to be presented to the City Council on December 7, 2015. Full roll out April 2016.
Bike Path Beautification Project	X			X	Bike Path Beautification Project in line with TOD Overlay Project/Corridors Specific Plan Update currently underway to enhance transportation corridors to facilitate pedestrian and bike pathways throughout the commercial corridors and citywide.

## COUNCILMEMBER JESSE AVILA (FY 2014-15)

Goal	Status				Comments
	Done	On Target	Revised	Ongoing	
Continue to improve health community projects/programs at the parks (areas of focus are youth and seniors)				X	City has been successful at implementing various programs targeting youth and seniors. This includes Healthy San Fernando, teen after school programming, senior expo, and 100 Citizens.
Infrastructure Upgrades				X	Multipurpose room and lobbies have been renovated. In progress of improving tot lot, exercise equipment, and gym facility including new AC units at Recreation Park. Also, in process of applying for various grants to improve baseball fields at Las Palma and Pioneer Park.

## COUNCILMEMBER JOEL FAJARDO (FY 2014-15)

Goal	Status				Comments
	Done	On Target	Revised	Ongoing	
Energy Efficiency - 1) HERO and PACE programs 2) Revisit the issue regarding energy efficiency/savings for the City and solicit proposals from various vendors				X	Ongoing, During FY 15/16 the City undertook the following: Professional Services Agreement (City Contract No. 1790) with Neighborhood Housing Services; HERO Program Implementation; Adoption of Urgency Ordinance for Expedited Permitting of Small Residential Rooftop Solar Systems (Urgency Ordinance No. U-1644).
Internship Program - 1) Review and update the City's internship policy/program, and offer distinctions between City interns and Council interns 2) Develop a list of available internship positions through the various departments 3) Set criteria for each city internship position, i.e. level of education, number of hours per week, et cetera.	X				Finance had two (2) volunteer interns from CSUN during FY 2014-2015.  City Council adopted Internship Policy in February 2016. Personnel is working to market the program.

## COUNCILMEMBER ANTONIO LOPEZ (FY 2014-15)

Goal	Status				Comments
	Done	On Target	Revised	Ongoing	
Continue to work on future light rail and high-speed rail projects				X	City staff continues to work with City of Los Angeles and Metro staff regarding the East San Fernando Valley Transit Corridor Project-Project EIR/EIS is forthcoming from Metro; City working on ensuring Metro-project alignment with City's own efforts for multi-modal transportation opportunities under the TOD Overlay/San Fernando Corridors Specific Plan Update.
Research grant funding opportunities		X		X	<p>CDD-Working on completion of Program EIR for TOD Overlay Project/Corridors Specific Plan Update in order to use EIR to apply for County (Metro Call for Projects), State (Cal Tran Grant/HCD Grant/New Market Tax Credits) and Federal Grants (Economic Development Initiative Grants and Section 108 Loans).</p> <p>City staff has identified several grants to assist with capital improvements, including LA84, Baseball Tomorrow, and GreenField Grant Program.</p>

## CITY COUNCIL GOALS (FY 2015-16)

Goal	Status				Comments
	Done	On Target	Revised	Ongoing	
Continue outreach and opposition of the CHSR route through San Fernando				X	CHSRA has amended the current SR-14 alignment so that it no longer uses the Metro right of way through San Fernando. Staff will continue to attend meetings, monitor progress and keep City Council apprised of any developments.
Continue to stabilize the City's finances by maintaining a balanced budget, continuing to reduce the General Fund deficit, and re-establish reserve balances in a number of critical funds, including but not limited to, the General Fund, Self-Insurance Fund, and Equipment Replacement Fund.				X	Staff has developed a five year financial forecast, discussed a deficit reduction plan with City Council, and included the deficit reduction plan as a note in the City's financials. The staff will continue to work with City Council to implement the plan and sure up the General Fund, SIF, and ERF.
A) Evaluate City service contracts to ensure they are up to date and provisions of contracts are being enforced.				X	The City continues to monitor agreements to ensure that competitive pricing and services are received, including: The Recreation and Community Services Department has an agreement for the senior meals program that is scheduled to expire in October 2016; The Police Department has an agreement for linen services that was due to expire in January 2016; The Public Works has a transportation services agreement that is due to expire in June 2016. RFPs have either been or will be issued relative to these services.

## CITY COUNCIL GOALS (FY 2015-16)

Goal	Status				Comments
	Done	On Target	Revised	Ongoing	
Pursue Economic Development opportunities to bolster the City's revenue and enhance the City of San Fernando's profile.				X	San Fernando Brewing Company (425 Park Avenue), Warehouse Shoe Sale Reopening (460 San Fernando Mission Blvd), Chipotle/Yogurtland/Wing Stop grant opening (1100 Truman Street), Nikki's Pizzeria (913 San Fernando Road), New Community Room at County Library Facility (217 N. Maclay Ave), Magaly's Tamales Restaurant Construction (134 North Maclay Ave), Mariscos Camarena Restaurant (2055 Glenoaks Blvd) and new multi-tenant commercial buildings at 500 San Fernando Mission Blvd. and 1661 San Fernando Road; total construction valuation is 5.4 million.
A) Pursue catalytic projects for the downtown/mall area.				X	San Fernando Corridors Specific Plan Update being considered for Planning Commission and Council review in mid-2016 includes evaluation of mixed-use projects in the downtown including residential, retail, service commercial, and entertainment uses in combination with transportation and other infrastructure enhancements to facilitate new public and private investment in the downtown; City staff currently exploring redevelopment opportunities consistent with Corridors Specific Plan Redevelopment Strategies.
B) Enhance the City's Business Attraction and Retention Program, including streamlining the permitting and entitlement process.		X		X	Cost of doing business analysis is currently underway; Urgency Ordinance U-1644 established expedited permitting process for small residential solar projects; City evaluating on-line permitting as part of future contracts for city permit issuance software.

## **CITY COUNCIL GOALS (FY 2015-16)**

Goal	Status				Comments
	Done	On Target	Revised	Ongoing	
C) Explore the opportunity for a farmers' market.		X			The City has submitted an grant application to the USDA for the FINI Corner and Farmers Markets Incentive Program. We are awaiting to hear the results of our grant acceptance and award.
D) Evaluate reuse options for Lopez/Villegas property, including structure.		X			Lopez Villegas House has been designated a local landmark. City has been seeking possible buyer to relocate structure onto private lot and keep local landmark designation; Discussion of possible alternatives to be presented in April of 2016 study session before City Council including possible alternative option to de-designate as part of CEQA required environmental assessment.
E) Evaluate the City's minimum wage and living wage ordinances.		X		X	City staff working with The Valley Economic Alliance on review local, state, and federal legislation to evaluate possible changes to the City's minimum wage and living wage ordinances in conjunction with the cost of doing businesses study.

## CITY COUNCIL GOALS (FY 2015-16)

Goal	Status				Comments
	Done	On Target	Revised	Ongoing	
F) Continue regional collaboration with Metro and neighboring cities to enhance vehicular and pedestrian transportation options within the City of San Fernando		X		X	City staff continues to work with City of Los Angeles and Metro staff regarding the East San Fernando Valley Transit Corridor Project-Project EIR/EIS is forthcoming from Metro; City working on ensuring Metro-project alignment with City's own efforts for multi-modal transportation opportunities under the TOD Overlay/San Fernando Corridors Specific Plan Update; City received a grant from Caltrans to complete a Safe Routes to School Plan. In addition, the County Department of Public Health is collaborating with the City to enhance the Safe Routes Planning and will complete an Active Transportation Plan at no cost to the City.
Increase capital expenditures to address critical infrastructure needs, including but not limited to, addressing deferred maintenance of City streets, water and sewer systems, and sidewalks.		X		X	City Council has authorized staff to issue debt secured by County Measure R funds, which net approximately \$2.6 million in proceeds to make street improvements. In addition, bids were received and will be presented to City Council in May for a street resurfacing project including six (6) local streets. The City Council awarded a contract to ADS for flow monitoring services which will identify infiltration into the wastewater system and aide in a analysis of needed system improvements.
A) Evaluate policy for neighborhoods to petition for the installation of speed humps.		X			The City currently has an existing policy regarding the installation of speed humps. The Transportation and Safety Commission met in January 2016 to discuss Safe Routes to School planning efforts which included traffic calming devices (speed humps). This is a grant funded process and is expected to take a year to complete.



## CITY COUNCIL GOALS (FY 2015-16)

Goal	Status				Comments
	Done	On Target	Revised	Ongoing	
Increase the City's use of technology to work more efficiently, increase transparency for citizens and stakeholders, and provide enhanced customer service.		X		X	The City purchased a new network server and software. The new server should be operational in March 2016. Staff has also partnered with Socrata to publish all financial data in an easy-to-understand format. The application is currently operational, however, it will be available to the public with the launch of the new City website.
Offer top notch recreation programs through the Healthy San Fernando initiative and explore opportunities to expand sports programs.		X		X	<p>Since March 2015, the RCS has implemented various sport programs for youth/adults, including adult softball, adult volleyball, teen soccer, Futsol, Tennis (all ages), and partnership with the So Cal Special Olympics to provide programs for individuals with disabilities.</p> <p>The City has also issued a RFP for the development of a Parks Master Plan to evaluate goals and objectives for the use and expansion of park services including community and cultural programs at parks. Proposals were submitted and a firm has been selected by staff. Work is tentively slated to begin in July 2016 pending the approval of the FY 2016-17 Budget.</p>

## CITY COUNCIL GOALS (FY 2015-16)

Goal	Status				Comments
	Done	On Target	Revised	Ongoing	
Pursue grand funding that addresses a need and provides a net benefit to the City.		X		X	The City has been awarded the following grants in 2015: CDD-Working on completion of Program EIR for TOD Overlay Project/Corridors Specific Plan Update in order to use EIR (\$282,000 metro grant) to apply for County (Metro Call for Projects), State (Cal Tran Grant/HCD Grant/New Market Tax Credits) and Federal Grants (Economic Development Initiative Grants and Section 108 Loans); PW - Caltrans Sustainability Planning Grant (\$160,000), Metro Call for Projects Grant for Traffic Signal Synchronization (\$800,000), Housing-Related Parks Grant for Recreation Park Improvements (\$200,000); Mobile Source Air Reduction/Air Quality Management District Grant for Electric Vehicle Charging Infrastructure (\$100,000) and Pacoima Wash Bikeway (\$354,000); PD - COPS Grant for 1 Full Time Police Officer Position (\$140,000 over 3 years).

## CITY COUNCIL GOALS (FY 2015-16)

Goal	Status				Comments
	Done	On Target	Revised	Ongoing	
Continue to review and update the City's policies and procedures.		X		X	<p>In January 2016, staff met with the Budget, Finance, and Personnel Committee to review and update the City's purchasing ordinance and related purchasing policies.</p> <p>The City Clerk's office worked with City Attorney's Office and completed an update of the City's Records Retention Policy.</p> <p>The PD is currently updating their Dept Manual, which has been outdated for several years.</p> <p>The Personnel Division is updating the City Personnel Rules, as well as Standard Management Policies and Procedures, which have been outdated for some years.</p>
Explore opportunities for community and cultural programs.		X		X	<p>The City has issued a RFP for the development of a Parks Master Plan to evaluate goals and objectives for the use and expansion of park services including community and cultural programs at parks. Proposals were submitted and a firm has been selected by staff. Work is tentively slated to begin in July 2016 pending the approval of the FY 2016-17 Budget.</p> <p>The Recreation and Community Services Department has partnered with the Ford Foundation to expand cultural arts events (8 JAM Sessions/yr.). In addition, City has partnered with numerous organizations to increase the size and quality of Dia De Los Muertos. Currently, working on indigenous programs and additional art programs.</p>

### **CITY COUNCIL GOALS (FY 2015-16)**

Goal	Status				Comments
	Done	On Target	Revised	Ongoing	
Veteran's appreciate event.		X		X	The Recreation and Community Services Department has explored various celebrations occurring within the NE SF Valley and will communicate to all park users.
Community Garden		X		X	As part of the Parks Master Plan Project, it will evaluate the possible use of park space at Heritage Park as a community garden. Staff is also exploring other areas in the community that could be developed into a community garden.
Increase water conservation efforts, including but not limited to, community outreach and implementation of water conservation programs.	X			X	In May 2015, the City Council implemented Phase II water conservation efforts including new city parkway turf replacement guidelines; City has reduced exterior watering at City facilities; City continues to follow State water conservation mandates while promoting MWD rebate programs for low-flow toilets and showerheads, and turf replacement programs; City looking at expanding alternative planting guidelines to on-site front yard landscaping; City has completed construction of a drought tolerant median landscaping project on Brand Boulevard to help save over 1 million gallons of water annually.



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## AGENDA REPORT

**To:** Mayor Robert C. Gonzales and Councilmembers

**From:** Brian Saeki, City Manager  
By: Chris Marcarello, Deputy City Manager/Public Works Director

**Date:** April 18, 2016

**Subject:** Review of Pilot Program Location for Student Loading/Unloading Zone Adjacent to Vista del Valle Dual Language Academy

### RECOMMENDATION:

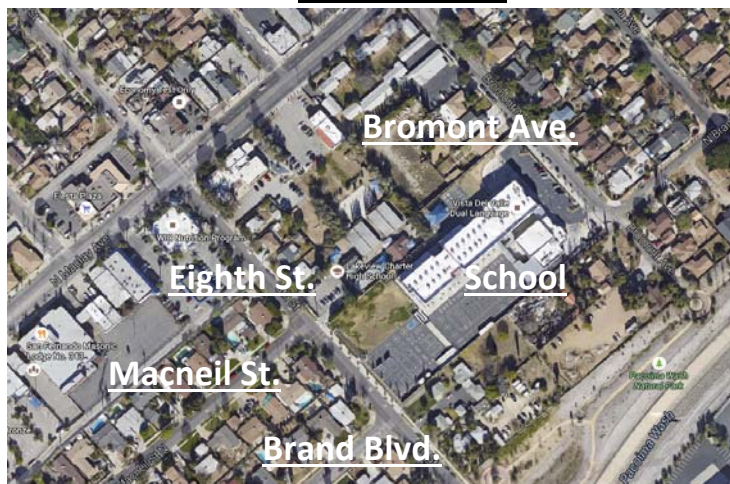
It is recommended that the City Council:

- a. Review the attached update from Los Angeles Unified School District (LAUSD) (Attachment "A"); and
- b. Provide further direction relative to the establishment of a permanent loading/unloading zone at this location.

### BACKGROUND:

The Vista del Valle Dual Language Academy (School) opened in September 2010. The entrance of the school is located at 12441 Bromont Avenue in the City of Los Angeles (in between Maclay Avenue and Brand Boulevard). The southern portion of the school is located in the City of San Fernando, adjacent to Eighth Street (in between Macneil Street and Brand Boulevard).

#### School Location



**Review of Pilot Program Location for Student Loading/Unloading Adjacent to Vista del Valle Dual Language Academy**Page 2 of 2

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As part of the school's environmental review process prior to construction, the City provided comments on the proposed project's environmental impact report (EIR) regarding potential traffic and safety impacts in the City of San Fernando. The City's concerns were deemed of no consequence and no mitigation measures were implemented to address the concerns. In the Final EIR for the school project, the executive summary stated:

"The main access (entrance) for the proposed project would be located off Bromont Avenue. The student drop-off and pick-up loading and unloading zone for passenger cars and buses would be located off Bromont Avenue. Parking would be provided for faculty and visitors. Access to the parking area would be provided off Bromont Avenue. Additionally, a pedestrian and emergency access gate will be provided off 8th Street."

After encountering problems with the Bromont Avenue drop-off location, LAUSD approached the City about establishing an additional loading/unloading zone on Eighth Street in the City of San Fernando. After review of a traffic study by the Transportation and Safety Commission and City Council, the City Council approved a pilot program for a student loading/unloading zone on Eighth Street (between Macneil Street and Brand Boulevard) over a 120-day period. A review of this pilot program was conducted on February 1, 2016 (Attachment "B").

After discussing the pilot program, the City Council requested that the item be tabled until April 2016 to allow LAUSD to follow-up on several issues related to the pilot program. LAUSD provided the attached report (Attachment "A") outlining these items and will be present to review them with the City Council on April 18, 2016. In addition, LAUSD distributed the attached notifications (Attachment "C") to City of San Fernando properties within a 500 foot radius of the school's location during the week of April 11, 2016.

**BUDGET IMPACT:**

There is no fiscal impact to current fiscal year budget.

**CONCLUSION:**

It is recommended that the City Council review the pilot program and provide further direction related to the creation of a permanent loading/unloading zone on Eighth Street.

**ATTACHMENTS:**

- A. LAUSD Report
- B. February 1, 2016 Agenda Report
- C. Public Notices – January 2016 City Council Meeting



**Pilot Safety Valet Program at Vista del Valle Dual Language Academy**  
**LAUSD Responses to Recommendations Contained in the**  
**March 29, 2016 Revised Traffic Assessment**

Recommendation	LAUSD Response
<p>i. The School should institute a “Safety Valet” program of parent volunteers or assign individuals to help in the loading and unloading of students to/from personal vehicles at the secondary loading zone along 8th Street. Details regarding the training and procedures for the “Safety Valet” program are attached to this memorandum (refer to <i>Attachment A</i>). The lane shall be coned off, marking the appropriate area for guardians to drop-off/pick-up students without leaving the vehicle. The safety valet shall direct traffic to pull up to the front of the loading zone before opening car doors for students. This should result in a more continuous traffic flow and efficient vehicle processing, which should in turn reduce the potential for any vehicle queuing outside of the designated loading zone area during the hours of 7:30 AM to 8:30 AM and 2:30 PM to 3:30 PM.</p>	<p>Parent volunteers at Vista del Valle Dual Language Academy (VdV) received training on LAUSD’s Safety Valet Program in October 2015 from LAUSD School Police. Additionally, the Safety Valet Program training would be made available to parent volunteers from PUC Inspire Charter Academy (PUC) as well.</p> <p>LAUSD Board Member Mónica Ratliff’s office has transferred funds to VdV to purchase an official “Safety Valet Program Kit” consisting of safety products approved by the LAUSD’s Office of Environmental Health &amp; Safety, including reflective signage, traffic cones, and safety vests.</p>
<p>ii. LLG initially recommended that one crossing guard be stationed at the 8<sup>th</sup> Street/Macneil Street intersection since a safety valet was observed to be present primarily for the oversight of drop-off activities along the 8th Street loading zone and not to assist with any pedestrian crossings. A supplemental review was prepared (refer to ) to determine if the 8<sup>th</sup> Street/ Macneil Street intersection will meet the minimum requirements for the installation of a crossing guard at all times during the morning and afternoon peak time periods (i.e., 7:30 AM to 8:30 AM and 2:30 PM to 3:30 PM). Based on recent vehicular and pedestrian traffic counts conducted, the 8<sup>th</sup> Street/ Macneil Street intersection currently does not meet the criteria for the crossing guard request during the morning and afternoon peak hours in accordance with the current guidelines used by the City of Los Angeles Department of Transportation and the County</p>	<p>As stated in the updated traffic assessment, it was determined that the intersection of 8<sup>th</sup> Street and Macneil Street does not meet the minimum thresholds for a crossing guard per accepted guidelines.</p> <p>In order to improve traffic congestion and increase pedestrian safety at that intersection, upon approval by the City Council, PUC Inspire Charter Academy has agreed to partner with VdV to operate a Joint Safety Valet Program at the location of the current pilot program along 8<sup>th</sup> Street. PUC and LAUSD have drafted a Memorandum of Understanding (MOU) that details the arrangement.</p>

of Los Angeles Department of Public Works.	
<p>iii. The existing crosswalks at the all-way stop-sign controlled intersection of 8<sup>th</sup> Street and Macneil Street could be improved to provide greater visibility to both motorists and pedestrians. It is recommended that continental crosswalks be installed for the west and south legs of the 8th Street/Macneil Street intersection and that consideration be given to the removal of the existing crosswalk across the north leg of this “T” intersection. The removal of the crosswalk across the north leg of the intersection would better consolidate crossings and allow for improved traffic flow into the PUC Inspire Charter Academy parking lot. As part of this proposal, it is recommended that a new “Stop” limit line be installed and that “No Ped X-ing” signs be installed facing both eastbound and westbound directions at the prior existing crosswalk location.</p>	<p>LAUSD will commit to transferring the funds necessary for the recommended street improvements to the City of San Fernando to implement.</p> <p>With regard to the crosswalk at the northern leg of 8<sup>th</sup> Street and Macneil Street, although the recommendation is to remove that leg, LAUSD and PUC agree that this leg of the crosswalk should be maintained; however, it should not be converted into a “continental crosswalk” as would the west and south legs. By doing so, it would still help consolidate crossings during school hours, but also maintain pedestrian access for local residents during non-school hours.</p>
<p>iv. In order to separate northbound and southbound traffic on 8th Street, it is recommended that double yellow striping be installed on 8th Street for one block north and south of Macneil Street.</p>	<p>LAUSD will commit to transferring the funds necessary for the recommended street improvements to the City of San Fernando to implement.</p>
<p>v. Similar to other schools within the City of San Fernando, it is recommended that the existing red curb along the property frontage on 8th Street be removed and that appropriate signage be installed to designate this area as a formal pick-up/drop-off loading zone for the School. The passenger loading area sign would allow loading activities during the morning and afternoon peak time periods (i.e., 6:30 AM to 9:00 AM, and 1:30 PM to 4:00 PM) for school days only. Time-restricted two-hour parking would be permitted during the off-peak loading time periods between 9:00 AM to 1:30 PM during school days.</p>	<p>LAUSD will commit to transferring the funds necessary for the recommended street improvements to the City of San Fernando to implement.</p> <p>If requested, LAUSD can provide the recommended signage.</p>
<p>vi. Based on the observed overlap of morning peak drop-off operations between the School and the adjacent PUC Inspire Charter Academy, the School should review the current bell schedule (i.e., between 8:15 and 2:34 PM) and coordinate with the adjacent charter middle school to explore the possibility of creating a greater gap between the bell</p>	<p>Per the draft MOU for the Joint Safety Valet Program (subject to approval by the City of San Fernando), the two schools would maintain their current start times (8:00am for PUC and 8:15am for VdV), but establish an extended drop-off period between 7:30am and 8:30am where parents from both schools could utilize the designated safety valet zone. It is anticipated that</p>

<p>schedules for the two schools. For example, the PUC Inspire Charter Academy could adjust the start time by five to ten minutes (earlier) to further stagger the peak arrival times for the two schools. In doing so, both schools could also review the afternoon dismissal time period such that a greater time separation during the morning time period does not create a secondary overlap impact during the afternoon pick-up activities. Based on the current field observations, the afternoon pick-up activities associated with both schools do not overlap with one another.</p>	<p>implementation of the Joint Safety Valet Program would improve traffic conditions and increase pedestrian safety at the intersection and eliminate the need for further staggering.</p>
<p>vii. As an alternative, should the staggering/adjustment of bell schedules be infeasible, the secondary pick-up/drop-off loading zone on 8th Street could also be utilized by both the School and the adjacent charter middle school to minimize the observed turning movement conflicts between vehicles turning into (i.e., entering) the charter middle school driveway and those vehicles leaving (i.e., exiting) the 8th Street loading zone. While colored placards placed on the dashboard would differentiate between the two schools and would allow the safety valet to either direct the vehicles to enter the middle school driveway or conduct the drop-off activities curbside along 8th Street for the School, it is recognized that this may not be feasible given the required coordination with and approval from the adjacent school as well as funding constraints/difficulties.</p>	<p>It is anticipated that implementation of the Joint Safety Valet Program would improve traffic conditions and increase pedestrian safety at the intersection and eliminate the need for colored placards.</p>
<p>viii. School operated buses which transport students to and/or from School, shall continue to load and unload students within School property and not on any adjoining streets (i.e., along 8th Street or Bromont Avenue).</p>	<p>VdV will continue to load and unload buses within School property and not on any adjoining streets</p>
<p>ix. The School shall install a wheelchair ramp near the existing gated pedestrian access on 8th Street, which is currently accessible only via stairs. The installation of the wheelchair ramp will provide handicap accessibility for this gated entry/exit, as required for compliance with the Americans with Disability Act (ADA) requirements.</p>	<p>The ADA ramp at the 8<sup>th</sup> Street entrance was completed in March 2016.</p>
<p>Other: The City Council requested that City staff consider assessment of impact fees on LAUSD</p>	<p>As defined by the California Government Code, a development impact fee is a monetary exaction</p>

<p>to pay for wear and tear on 8<sup>th</sup> Street resulting from drop-off/pick-up activities.</p>	<p>other than a tax or special assessment, that is charged by a local agency to an applicant in connection with approval of a development project for the purpose of defraying all or a portion of the cost of public facilities related to the development project. (Gov. Code § 66000(b).) The legal requirements for enactment of development impact fee program are set forth in Government Code §§ 66000-66025 (the "Mitigation Fee Act").</p> <p>LAUSD's position is that it is not subject to any impact fees in connection with the Pilot Safety Valet Program. LAUSD will comply with its legal obligations, if any, regarding impact fees in a manner consistent with the provisions of the Mitigation Fee Act and applicable law.</p>
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To: Mr. Edward S. Paek  
LAUSD - Office of Environmental  
Health & Safety

Date: March 29, 2016

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From: Clare M. Look-Jaeger, P.E. LLG Ref: 1-15-4140-1  
Chin S. Taing, PTP  
Linscott, Law & Greenspan, Engineers

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Subject: **Revised Traffic Assessment for the 8<sup>th</sup> Street Pilot Program Loading Zone for Vista Del Valle Dual Language Academy, Cities of Los Angeles and San Fernando**

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This revised traffic assessment has been prepared by Linscott, Law & Greenspan, Engineers (LLG) to provide an interim review of the pilot program that was recently implemented at the existing Vista del Valle Dual Language Academy ("School"), located at 12441 Bromont Avenue in the City of Los Angeles, California. The report is needed as the pilot program was recently implemented for a period of 120 days (from August 2015 to December 2015) which allowed a secondary pick-up and drop-off loading zone along the westerly property frontage on 8<sup>th</sup> Street. This memorandum includes a summary of the existing conditions, the usage and effectiveness of the pick-up and drop-off operations with implementation of the pilot program, emergency vehicle access on 8<sup>th</sup> Street, and recommendations for the formal loading zone along the 8<sup>th</sup> Street property frontage as it relates to pick-up and drop-off procedures, site access and circulation for the campus. General measures are also recommended for the School as it relates to the Bromont Avenue pick-up/drop-off loading zone and general School policies on notification of overall pick-up and drop-off procedures.

Prior to the implementation of the 8<sup>th</sup> Street loading zone pilot program, a Traffic Study<sup>1</sup> was conducted in September 2014 by Crown City Engineers, Inc., which evaluated potential traffic impacts at four off-site study intersections surrounding the School due to the usage of the 8<sup>th</sup> Street loading zone. Inbound and outbound vehicle traffic counts were also conducted at the on-site loading area at the Bromont Avenue entrance but no counts/observations were conducted with regard to any pick-up/drop-off activities on-street. The study also did not include any vehicle queuing observations at the on-site loading area at the Bromont Avenue main entrance.

As mentioned previously, this memorandum focuses on the vehicle queuing observations with respect to the pick-up and drop-off loading operations with implementation of the pilot program. The observations were conducted for both the 8<sup>th</sup> Street loading zone recently implemented and the main loading zone off of Bromont Avenue.

<sup>1</sup> *Traffic Impact Study for School Drop-off/Pick-up Zone 8<sup>th</sup> Street between Macneil Street and Brand Boulevard, San Fernando, California*, prepared by Crown city Engineers, Inc., September 8, 2014.

### **Existing Site Conditions**

The existing School campus is developed on a rectangular parcel located at 12441 Bromont Avenue in the City of Los Angeles, California. The westerly portion of the School is located within the City of San Fernando. The existing elementary school is operated by the Los Angeles Unified School District (LAUSD) and has an enrollment of 543 students in Pre-Kindergarten through Grade 5 and 73 faculty/staff members. No anticipated increases to the student enrollment or faculty/staff numbers are expected. The current bell schedule for the School is 8:15 AM to 2:34 PM. The main pick-up/drop-off loading zone is located on-site in the parking lot area located off of Bromont Avenue. As part of the pilot program, an existing “No Parking” red curb zone was converted to a secondary pick-up/drop-off loading zone along the northeast side of 8<sup>th</sup> Street, between Macneil Street and North Brand Boulevard. This zone is temporarily designated for drop-off/pick-up loading activities before and after school (i.e., between 7:30 AM to 8:30 AM and 2:30 PM to 3:30 PM) during school days only (Mondays through Fridays). Primary pick-up/drop-off loading operations (including bus loading activities) would continue to be accessed via Bromont Avenue.

The School site is generally bounded by Bromont Avenue to the east, an existing charter middle school (i.e., PUC Inspire Charter Academy located at 919 8<sup>th</sup> Street) to the north, 8<sup>th</sup> Street to the west, and single family residences to the south. The project site location is shown in *Figure 1*. Vehicular access to the on-site parking area is provided via an inbound only driveway on Bromont Avenue near the northwest corner of the site and an outbound left-turn only driveway on the south side of Bromont Avenue. The existing campus layout including the loading/parking areas and driveway locations are shown in *Figure 2*.

### **Pick-up/Drop-off Loading Observations**

Field observations were conducted at the School site loading areas (i.e., on Bromont Avenue and 8<sup>th</sup> Street) during the morning drop-off peak period (i.e., between 7:30 AM and 8:30 AM) and afternoon pick-up peak period (i.e., between 2:15 PM and 3:30 PM) on three typical mid-week school days (Wednesday, October 7, 2015, Wednesday, November 4, 2015, and Wednesday, December 9, 2015). During the morning drop-off period, the majority of guardians conducted student drop-off procedures by entering the site via the inbound only driveway on Bromont Avenue. For the 8<sup>th</sup> Street pick-up/drop off loading zone, temporary cones and signage were placed on 8<sup>th</sup> Street in order to separate northbound vehicles entering the loading zone and other northbound through vehicles on 8<sup>th</sup> Street. Some guardians utilized the loading zone while others were observed to drop-off students along Macneil Street and the west side (southbound direction) of 8<sup>th</sup> Street. Those students who were dropped-off on Macneil Street or via southbound 8<sup>th</sup> Street were then observed to walk along and cross Macneil Street and/or 8<sup>th</sup> Street to enter the School campus via the 8<sup>th</sup> Street gated pedestrian entrance. It was also observed that the single safety valet at the Macneil Street/8<sup>th</sup> Street location was initially stationed near the School's

gated pedestrian access on 8<sup>th</sup> Street to assist in the processing of vehicles within and approaching the 8<sup>th</sup> Street loading zone. The safety valet was also observed to occasionally leave the 8<sup>th</sup> Street loading zone area in order to assist children that needed to cross Macneil Street and 8<sup>th</sup> Street, especially when more children were dropped off on Macneil Street.

#### Morning Drop-Off Unloading Observations and Maximum Vehicle Queues

As the entrance driveway to the PUC Inspire Charter Academy loading area is located immediately north of the 8<sup>th</sup> Street loading zone and entrance gate, it was observed that the morning drop-off activities for the two schools overlapped for an approximately 30-minute time period (i.e., between 7:45 AM and 8:15 AM). Some vehicles associated with the PUC Inspire Charter Academy were observed to block the intersection while entering their on-site pick-up/drop-off zone and others entered the 8<sup>th</sup> Street drop-off zone to turn into the driveway located just north of the School entrance gate on 8<sup>th</sup> Street (i.e., the 8<sup>th</sup> Street loading zone was being utilized by both schools). A School staff member arrived after to assist the safety valet with unloading activities on 8<sup>th</sup> Street. The maximum vehicle queues observed during the morning peak drop-off periods for each of the three observation days are summarized below:

- October 7, 2015
  - 8<sup>th</sup> St. Secondary Loading Zone – 4 vehicles
  - Bromont Ave. Main Loading Zone – 17 vehicles (12 on-site, 5 on-street)
- November 4, 2015
  - 8<sup>th</sup> St. Secondary Loading Zone – 3 vehicles
  - Bromont Ave. Main Loading Zone – 25 vehicles (13 on-site, 12 on-street)
- December 9, 2015
  - 8<sup>th</sup> St. Secondary Loading Zone – 7 vehicles
  - Bromont Ave. Main Loading Zone – 17 vehicles (12 on-site, 5 on-street)

During the three days of morning drop-off observations, the maximum vehicle queue observed was seven (7) vehicles in the 8<sup>th</sup> Street loading zone and up to 25 vehicles for the Bromont Avenue loading area (i.e., 13 vehicles on-site in the loading area and 12 vehicles on-street). The maximum vehicle queues observed for the 8<sup>th</sup> Street loading zone were observed to be accommodated within the designated 8<sup>th</sup> Street secondary loading zone during the morning drop-off unloading period.

### Afternoon Pick-Up Loading Observations and Maximum Vehicle Queues

Afternoon pick-up procedures were also observed for the same three weekdays for both the main loading area on Bromont Avenue and the proposed secondary loading zone on 8<sup>th</sup> Street. For the pick-up operations on 8<sup>th</sup> Street, it was observed that the majority of guardians would park their vehicle/s along 8<sup>th</sup> Street, Macneil Street, and Brand Boulevard, and walk to the 8<sup>th</sup> Street gated pedestrian access to meet and pick-up their child inside the School grounds. The maximum vehicle queues observed during the afternoon peak pick-up periods for each of the three observation days are summarized below:

- October 7, 2015
  - 8th St. Secondary Loading Zone – 3 vehicles
  - Bromont Ave. Main Loading Zone – 29 vehicles (16 on-site, 13 on-street)
- November 4, 2015
  - 8th St. Secondary Loading Zone – 6 vehicles
  - Bromont Ave. Main Loading Zone – 29 vehicles (13 on-site, 16 on-street)
- December 9, 2015
  - 8th St. Secondary Loading Zone – 7 vehicles
  - Bromont Ave. Main Loading Zone – 23 vehicles (9 on-site, 14 on-street)

During the three days of afternoon pick-up observations, the maximum vehicle queue observed was seven (7) vehicles in the 8<sup>th</sup> Street loading zone and 29 vehicles for the Bromont Avenue loading area (i.e., 16 vehicles on-site in the loading area and 13 vehicles on-street, or 13 vehicles on-site and 16 vehicles on-street). The maximum vehicle queues observed for the 8<sup>th</sup> Street loading zone were observed to be accommodated within the designated 8<sup>th</sup> Street secondary loading zone during the afternoon pick-up loading period. No overlap with the adjacent charter middle school was observed to occur during the afternoon pick-up time period.

During an approximately ten-minute afternoon peak period (i.e., between roughly 2:38 PM and 2:48 PM), vehicle queuing was observed to extend to the signalized intersection at Maclay Avenue, where it was observed that at least 13 vehicles queued along Bromont Avenue while waiting to enter the School's on-site loading area. One safety valet volunteer was observed within the School's Bromont Avenue loading/parking lot area and no safety valet(s) was/were stationed directly at the entrance driveway or exit driveway on Bromont Avenue. Guardians who arrived early were observed to park on Bromont Avenue and Brand Boulevard.



## Emergency Access

Field measurements were also conducted in order to verify existing signage, traffic control and pavement widths associated with 8<sup>th</sup> Street in the project vicinity. 8<sup>th</sup> Street has a pavement width that varies between 35 to 36 feet from Maclay Avenue to Brand Boulevard. The roadway is sufficient width to allow large vehicles (i.e., fire engine type trucks) to access the area. The nearest fire station to the School campus is Los Angeles Fire Station #98 (Pacoima), located at 13035 Van Nuys Boulevard. The first response teams will utilize Van Nuys Boulevard, Glenoaks Boulevard, Maclay Avenue, and/or 8<sup>th</sup> Street as well as other fire access roads in order to respond to an incident along the 8<sup>th</sup> Street project frontage. *Figure 3* illustrates the emergency vehicle access along the 8<sup>th</sup> Street project frontage.

As required by the California Vehicle Code (Section 21806, authorized Emergency Vehicles), motorists are required to pull to the right side of the roadway and stop to allow an emergency vehicle to pass. If required, drivers of emergency vehicles are trained to utilize center turn lanes, or travel in opposing through lanes to pass through and traverse crowded or tight areas. Thus, the respect entitled to emergency vehicles and driver training allow emergency vehicles to negotiate typical as well as atypical street conditions in urban and rural areas.

## Recommendations for Secondary Pick-up/Drop-off Loading Zone on 8<sup>th</sup> Street

Based on LLG's review of the current pick-up/drop-off activities associated with both the usage of the temporary pick-up/drop-off loading zone on 8<sup>th</sup> Street and the Bromont Avenue main entrance for the School, the following series of recommendations are proposed for consideration by School personnel and are also shown in *Figure 4*:

- i. The School should institute a "Safety Valet" program of parent volunteers or assign individuals to help in the loading and unloading of students to/from personal vehicles at the secondary loading zone along 8<sup>th</sup> Street. Details regarding the training and procedures for the "Safety Valet" program are attached to this memorandum (refer to *Attachment A*). The lane shall be coned off, marking the appropriate area for guardians to drop-off/pick-up students without leaving the vehicle. The safety valet shall direct traffic to pull up to the front of the loading zone before opening car doors for students. This should result in a more continuous traffic flow and efficient vehicle processing, which should in turn reduce the potential for any vehicle queuing outside of the designated loading zone area during the hours of 7:30 AM to 8:30 AM and 2:30 PM to 3:30 PM.
- ii. LLG initially recommended that one crossing guard be stationed at the 8<sup>th</sup> Street/Macneil Street intersection since a safety valet was observed to be present primarily for the oversight of drop-off activities along the 8<sup>th</sup> Street

loading zone and not to assist with any pedestrian crossings. A supplemental review was prepared (refer to **Attachment B**) to determine if the 8<sup>th</sup> Street/Macneil Street intersection will meet the minimum requirements for the installation of a crossing guard at all times during the morning and afternoon peak time periods (i.e., 7:30 AM to 8:30 AM and 2:30 PM to 3:30 PM). Based on recent vehicular and pedestrian traffic counts conducted, the 8<sup>th</sup> Street/Macneil Street intersection currently does not meet the criteria for the crossing guard request during the morning and afternoon peak hours in accordance with the current guidelines used by the City of Los Angeles Department of Transportation and the County of Los Angeles Department of Public Works.

- iii. The existing crosswalks at the all-way stop-sign controlled intersection of 8<sup>th</sup> Street and Macneil Street could be improved to provide greater visibility to both motorists and pedestrians. It is recommended that continental crosswalks be installed for the west and south legs of the 8<sup>th</sup> Street/Macneil Street intersection and that consideration be given to the removal of the existing crosswalk across the north leg of this “T” intersection. The removal of the crosswalk across the north leg of the intersection would better consolidate crossings and allow for improved traffic flow into the PUC Inspire Charter Academy parking lot. As part of this proposal, it is recommended that a new “Stop” limit line be installed and that “No Ped X-ing” signs be installed facing both eastbound and westbound directions at the prior existing crosswalk location.
- iv. In order to separate northbound and southbound traffic on 8<sup>th</sup> Street, it is recommended that double yellow striping be installed on 8<sup>th</sup> Street for one block north and south of Macneil Street.
- v. Similar to other schools within the City of San Fernando, it is recommended that the existing red curb along the property frontage on 8<sup>th</sup> Street be removed and that appropriate signage be installed to designate this area as a formal pick-up/drop-off loading zone for the School. The passenger loading area sign would allow loading activities during the morning and afternoon peak time periods (i.e., 6:30 AM to 9:00 AM, and 1:30 PM to 4:00 PM) for school days only. Time-restricted two-hour parking would be permitted during the off-peak loading time periods between 9:00 AM to 1:30 PM during school days.
- vi. Based on the observed overlap of morning peak drop-off operations between the School and the adjacent PUC Inspire Charter Academy, the School should review the current bell schedule (i.e., between 8:15 and 2:34 PM) and coordinate with the adjacent charter middle school to explore the possibility of creating a greater gap between the bell schedules for the two schools. For example, the PUC Inspire Charter Academy could adjust the start time by five to ten minutes (earlier) to further stagger the peak arrival times for the two

schools. In doing so, both schools could also review the afternoon dismissal time period such that a greater time separation during the morning time period does not create a secondary overlap impact during the afternoon pick-up activities. Based on the current field observations, the afternoon pick-up activities associated with both schools do not overlap with one another.

- vii. As an alternative, should the staggering/adjustment of bell schedules be infeasible, the secondary pick-up/drop-off loading zone on 8<sup>th</sup> Street could also be utilized by both the School and the adjacent charter middle school to minimize the observed turning movement conflicts between vehicles turning into (i.e., entering) the charter middle school driveway and those vehicles leaving (i.e., exiting) the 8<sup>th</sup> Street loading zone. While colored placards placed on the dashboard would differentiate between the two schools and would allow the safety valet to either direct the vehicles to enter the middle school driveway or conduct the drop-off activities curbside along 8<sup>th</sup> Street for the School, it is recognized that this may not be feasible given the required coordination with and approval from the adjacent school as well as funding constraints/difficulties.
- viii. School operated buses which transport students to and/or from School, shall continue to load and unload students within School property and not on any adjoining streets (i.e., along 8<sup>th</sup> Street or Bromont Avenue).
- ix. The School shall install a wheelchair ramp near the existing gated pedestrian access on 8<sup>th</sup> Street, which is currently accessible only via stairs. The installation of the wheelchair ramp will provide handicap accessibility for this gated entry/exit, as required for compliance with the Americans with Disability Act (ADA) requirements.

### **Recommendations on General Campus Traffic Procedures**

It was observed during the morning and afternoon school peak periods that some of the safety valets were not wearing safety gear while standing within the 8<sup>th</sup> Street right-of-way or the on-site loading/parking lot area off of Bromont Avenue. Therefore, it is recommended that safety valets wear safety gear including reflective vests at all times when performing safety valet duties at the campus, as stated in the District's Safety Valet Program.

For the Bromont Avenue side, the safety valet was stationed too far internal to the site and thus was not able to identify the student name within ample time to allow for student assembly and pick-up prior to the guardian's arrival at the designated pick-up location. Thus, no safety valet was observed on Bromont Avenue to assist with the processing of vehicles approaching the School. While not under the implementation of the Safety Valet program, at a minimum it is recommended that an additional safety valet be stationed at the Bromont Avenue entrance driveway while an

additional safety valet be positioned on-site within the immediate vicinity of the pick-up/drop-off zone given the number of vehicles being processed within the School grounds for the Bromont Avenue main entrance.

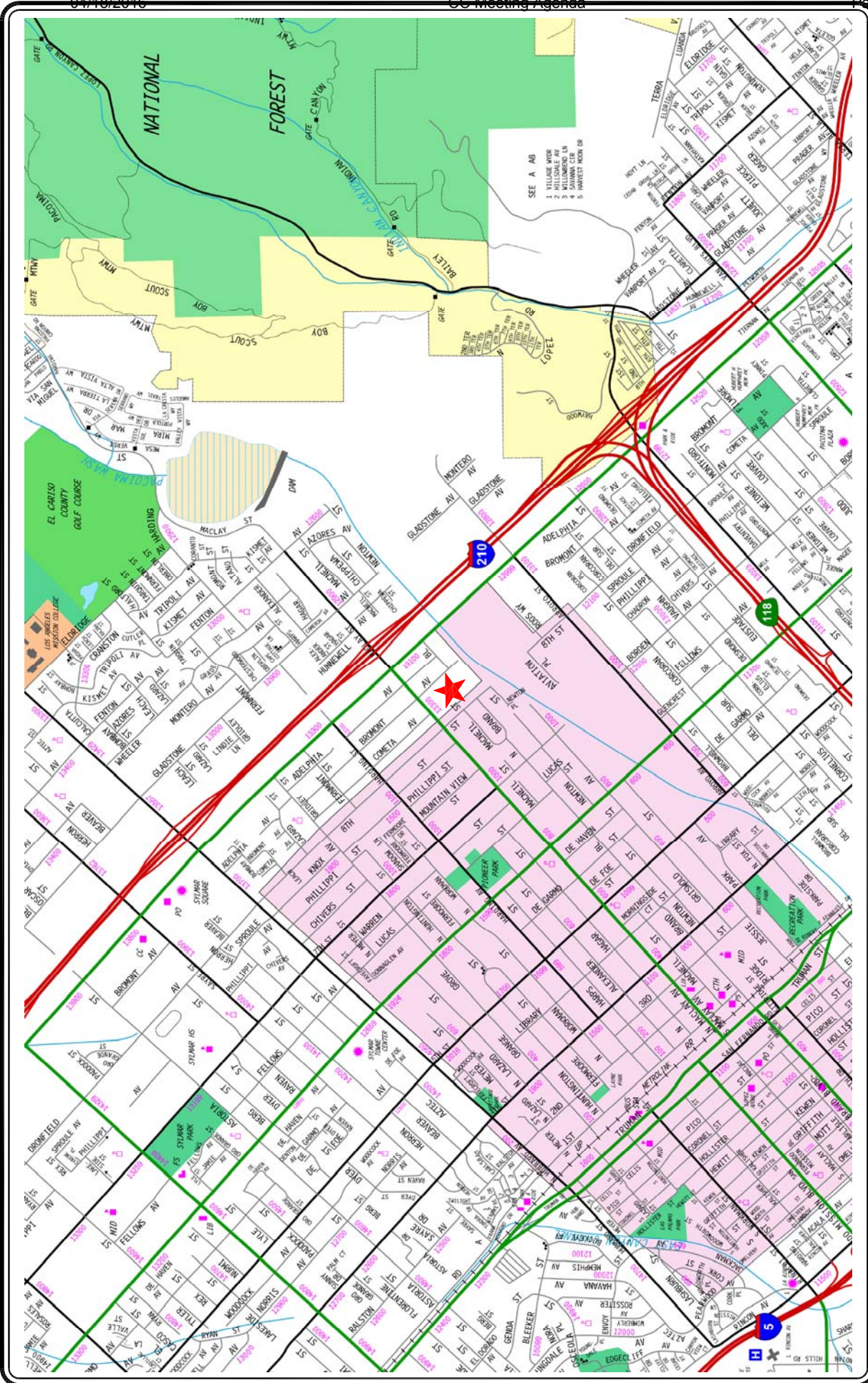
It is also recommended that the student drop-off/pick-up operations be included in the School Policies for parent/guardian distribution at the beginning of each school year during the student enrollment period. The School's policy would include general traffic procedures for the campus, a summary of the drop-off and pick-up procedures, reminders on School policies for off-campus traffic circulation and parking, as well as provisions for being a good neighbor to local residents living near the School campus. These School policies are communicated to faculty, staff, students and parents/guardians at the beginning of the school year and are reinforced throughout the school year in the School's newsletter that is distributed throughout the School community, as well as to every resident located within a 500-foot radius of the campus.

It is also recommended that a School official (i.e., the School Principal or Principal's designee) along with their respective contact information, including telephone number, be published in the School's newsletter as well as posted on the School's website so that if the community has questions or comments regarding school-related traffic and parking issues, there is one clearly identified contact person. This School official would be referred to as the School's traffic and parking ombudsman and would be responsible for proactively addressing questions, comments and complaints from the School community and local residents. It is expected that the School's traffic and parking ombudsman would be very familiar with all policies and procedures regarding traffic and parking operations at the campus, as well as any special events planned to be held at the campus.

Please feel free to call us at 626.796.2322 with any questions and comments.

c: File





**FIGURE 1**  
**VICINITY MAP**

MAP SOURCE: RAND McNALLY & COMPANY

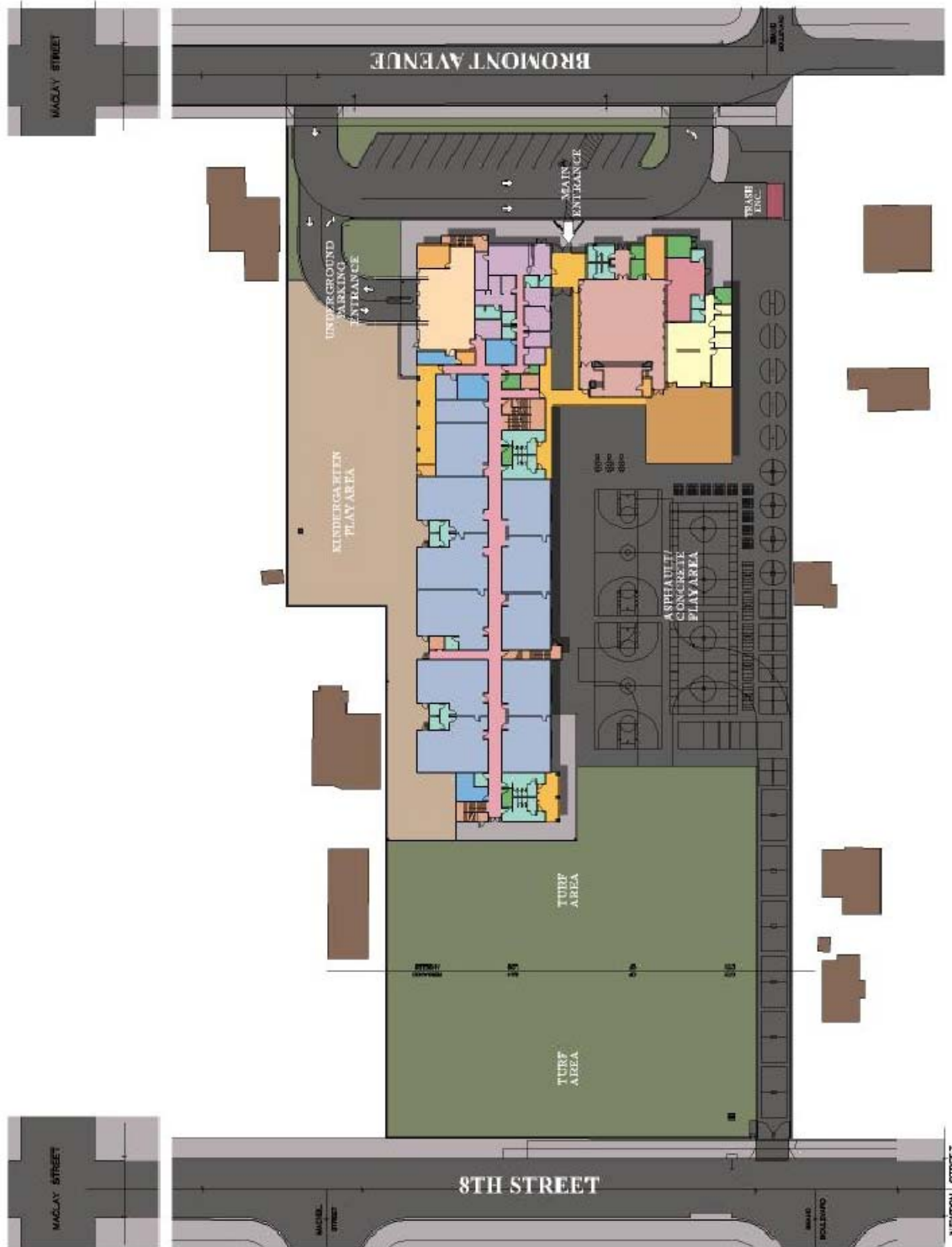
PROJECT SITE



NOT TO SCALE

VISTA DEL VALLE DUAL LANGUAGE ACADEMY PROJECT

LINSCOTT, LAW & GREENSPAN, engineers



**FIGURE 2**  
**EXISTING CAMPUS PLAN**

SOURCE: WLC ARCHITECTS

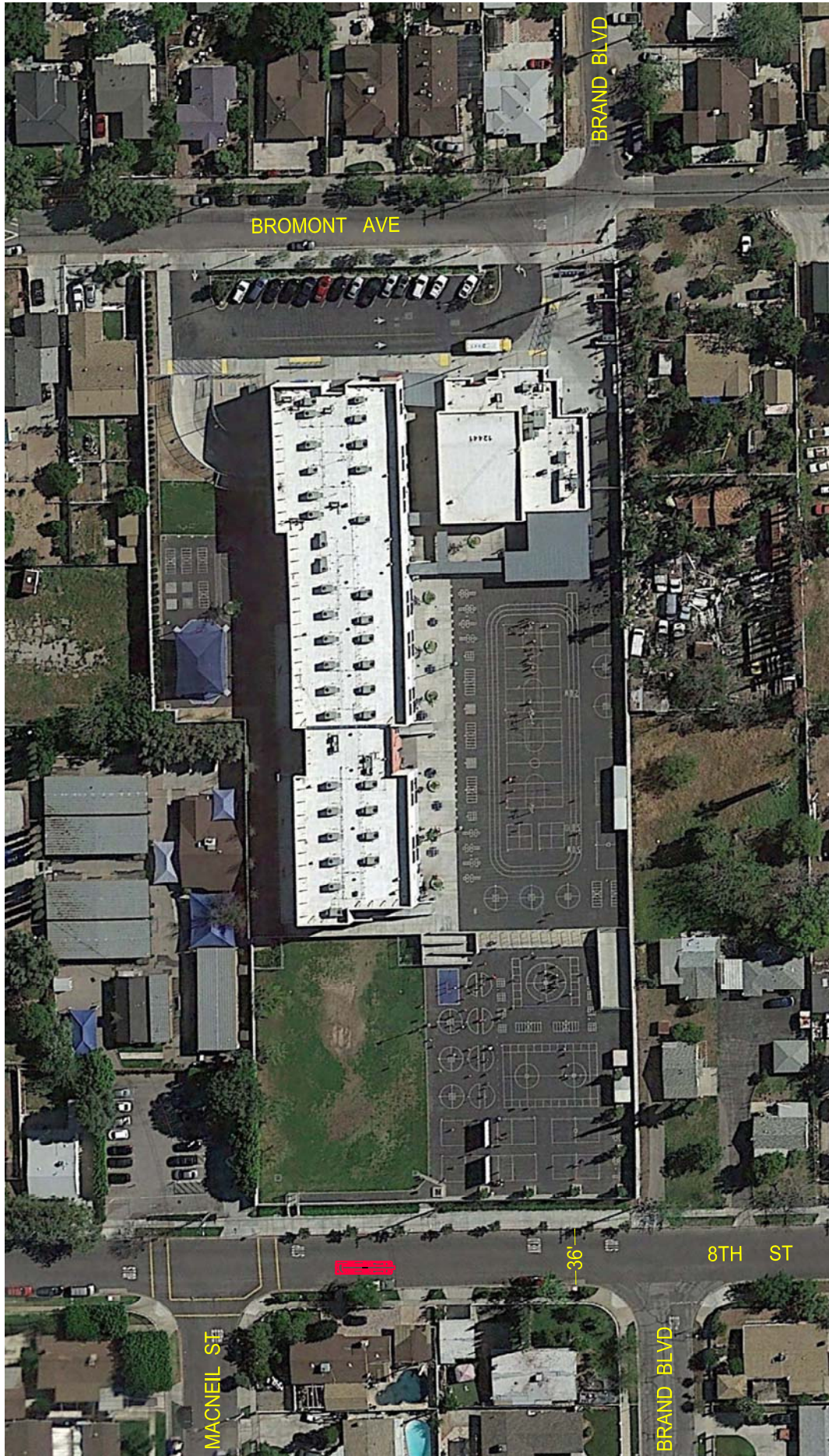


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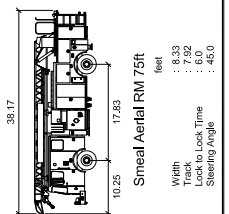




MAP SOURCE: GOOGLE EARTH



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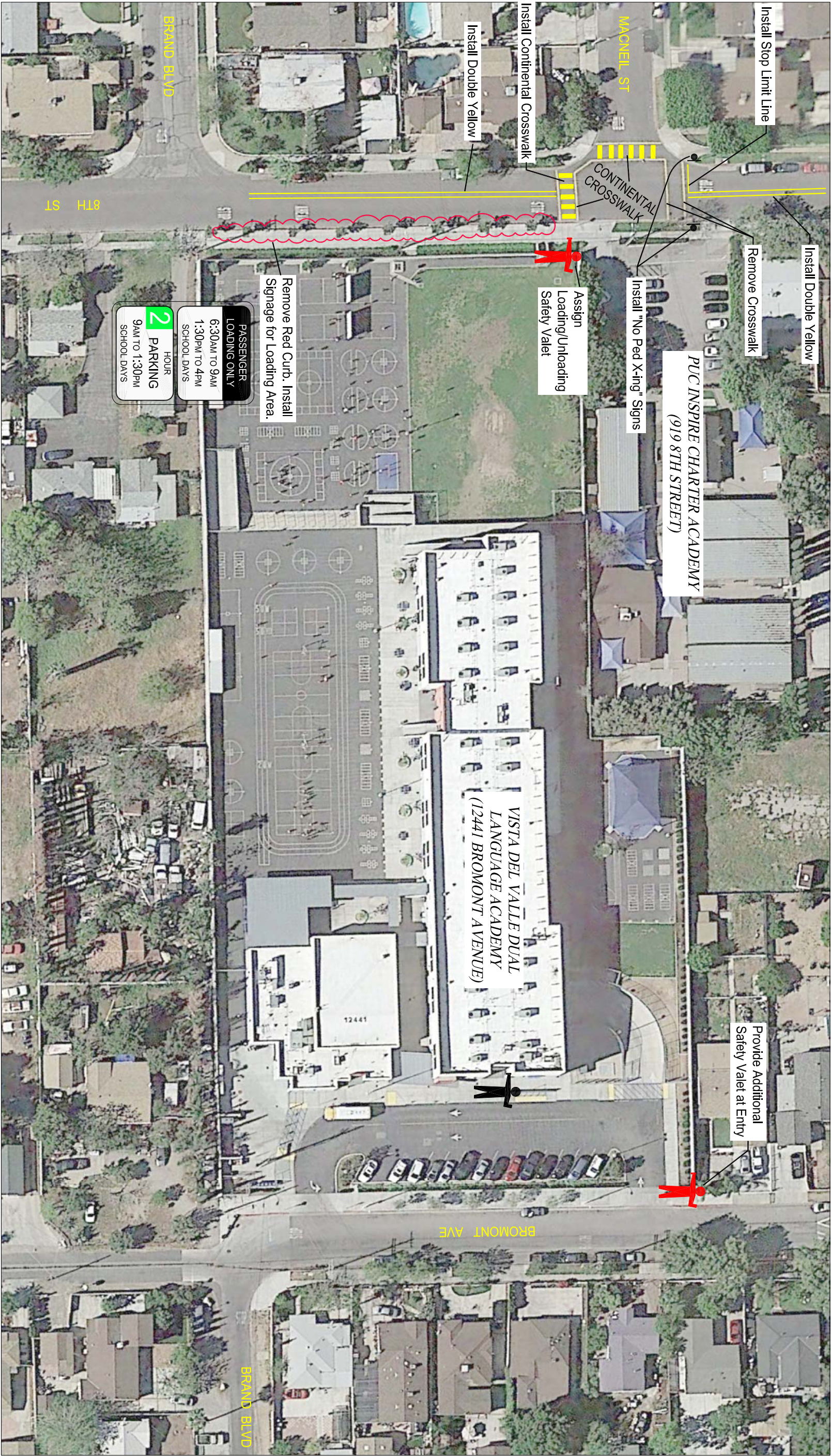
# FIGURE 3 EMERGENCY ACCESS ON 8TH STREET

VISTA DEL VALLE DUAL LANGUAGE ACADEMY PROJECT

LINSCOTT, LAW & GREENSPAN, engineers



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MAP SOURCE: GOOGLE EARTH



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FIGURE 4  
PROPOSED RECOMMENDATIONS FOR LOADING OPERATIONS

VISTA DEL VALLE DUAL LANGUAGE ACADEMY PROJECT



**ATTACHMENT A**  
**SAFETY VALET PROGRAM**

# Safety Valet Program

TRAINING

# Safety Valet Program - History

- The Los Angeles Police Department (LAPD) initiated the Safety Valet Program when an investigation of community complaints at or around elementary schools revealed the need for crossing guards or traffic controls.
- LAPD partnered with other City departments and created a volunteer-based school drop off program to reduce traffic congestion and accidents.
- The City of Los Angeles previously administered and provided funding to support the program, but is no longer involved due to budget constraints.
- The Office of Environmental Health and Safety (OEHS) is now coordinating the program with the assistance of the Los Angeles School Police Department (LASPD) who conduct on-site training prior to program implementation.

# Safety Valet Program – About

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- The Safety Valet improves the safety of students who are dropped off for school by providing a more fluid movement of vehicular traffic.
- The program is designed so parents will not have to park or exit their vehicle when dropping off their children in the morning for school.
- Ensures children enter school grounds without traffic related injury or incident.
- Volunteers will:
  - Open car doors.
  - Greet children.
  - Direct drivers to pull forward after each child has safely exited the vehicle.
  - Encourage continuous flow of traffic in and around the Safety Valet drop off area.

# Safety Valet Volunteer Duties

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1. Stay focused.
2. Act professionally.
3. Demonstrate good behavior.
4. Arrive on time.
5. Place safety equipment (traffic cones and signs) at designated locations.
6. Wear a vest at all times.
7. Stay on the curb at all times.
8. Wait for cars to come to a complete stop.
9. Make eye contact with the driver to gain approval to open the car door.

# Safety Valet Volunteer Duties

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10. Open the car door with a smile and greet the driver and students.
11. Help students exit through the passenger's side of the car only.
12. Assist the students out of the car and help them with their backpacks.
13. Tell drivers to "have a nice day".
14. Close the doors gently and securely.

# Traffic Safety – DON'Ts

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- **DON'T** – double park and allow your child(s) to exit the vehicle. This is very unsafe!
- **DON'T** – allow your child to exit your vehicle to cross in the middle of the oncoming traffic.
- **DON'T** – park your vehicle in the surrounding neighbor's driveway.
- **DON'T** – park on the corner of the street, at a stop sign, or in a red zone to unload/load your child(s).
- **DON'T** – make U-turns in any designated school zone.
- **DON'T** – park and leave your vehicle unattended in designated Passenger Loading Zone. This is a violation and is subject to a parking citation. Under no circumstances are you to park in areas designated Bus Zone (this area is also subject to a parking violation).





**School Safety Valet Program**  
Products approved by the Office of  
Environmental Health and Safety



**Valet kit 550-79-00150 - \$505.79 (Kit purchase must be approved by OEHS)**

Kit includes the following:

QTY	DESCRIPTION
2	48" Grabber Traffic Cone
1	18" Traffic Cone Orange & Black Base
1	Reflective Sign "Stop and Drop Here"
1	Reflective Sign "Safety Valet Enter Here"
1	Utility Cart 6 Cubic Feet Capacity

Schools should email a completed requisition form to [TRAFFICSAFETY@LAUSD-OEHS.ORG](mailto:TRAFFICSAFETY@LAUSD-OEHS.ORG) for approval and processing.  
Please refer to REF-5496.1 Implementing a Safety Valet Program at Schools or contact OEHS at [TRAFFICSAFETY@LAUSD-OEHS.ORG](mailto:TRAFFICSAFETY@LAUSD-OEHS.ORG) or (213) 241-3199 for more information on the Safety Valet Program.

Replacement items can be purchased via an SR transaction.

345-92-00500	Safety Vest Orange w/Reflective stripes 5 per package (Package)	\$37.99 5/pkg
550-78-00048	48" Grabber Traffic Cone (Each)	\$64.99 each
550-78-00018	18" Traffic Cone Orange & Black Base	\$7.99 each
550-62-12000	Reflective Sign "Stop and Drop Here" (Each)	\$50.99 each
550-62-11000	Reflective Sign "Safety Valet Enter Here" (Each)	\$50.99 each
515-08-04205	Utility Cart 6 Cubic Feet Capacity (Each)	\$115.99 each

If assistance is needed call Contact Customer Service at 562-654-9009

Reflective Sign "Safety Valet Enter Here"

Reflective Sign "Stop and Drop Here"

Safety Vest Orange w/Reflective stripes 5 per package

Utility Cart 6 Cubic Feet Capacity

18" Traffic Cone Orange & Black Base (15)

48" Grabber Traffic Cone (2)

























## **ATTACHMENT B**

### **SUPPLEMENTAL MEMORANDUM FOR CROSSING GUARD REQUEST**





To:	Mr. Edward S. Paek Ms. Gwenn Godek LAUSD - Office of Environmental Health & Safety	Date:	March 9, 2016
<hr/>			
From:	Clare M. Look-Jaeger, P.E. Chin S. Taing, PTP Linscott, Law & Greenspan, Engineers	LLG Ref:	1-15-4140-1
<hr/>			
Subject:	<b>Supplemental Traffic Count for 8<sup>th</sup> Street/Macneil Street, Vista Del Valle Dual Language Academy, Cities of Los Angeles and San Fernando</b>		

**Engineers & Planners**  
Traffic  
Transportation  
Parking

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Pasadena  
Irvine  
San Diego  
Woodland Hills

This traffic assessment has been prepared by Linscott, Law & Greenspan, Engineers (LLG) to provide a supplemental review of a potential crossing guard implementation for an intersection adjacent to the existing Vista del Valle Dual Language Academy (“School”), located at 12441 Bromont Avenue in the City of Los Angeles, California. LLG previously provided a review of the pilot program which was implemented for a period of 120 days (from August 2015 to December 2015) to allow a secondary pick-up and drop-off loading zone along the westerly property frontage on 8<sup>th</sup> Street. As part of the pilot program review, which focused on the vehicle queuing observations with respect to the pick-up and drop-off loading operations, recommendations were made which included one crossing guard to be stationed at the 8<sup>th</sup> Street/Macneil Street intersection at all times during the morning and afternoon School peak hours to assist with any pedestrian crossings. As such, this supplemental traffic assessment was prepared in order to determine if the criteria for the crossing guard request is met for the subject location.

This memorandum includes 1) a summary of the existing conditions and vehicle and pedestrian counts conducted during the weekday AM and PM School peak hours, 2) a review of current crossing guard implementation criteria, and 3) a determination if the criteria is met based on the vehicle and pedestrian counts.

### **Existing Site Conditions**

The existing School campus is developed on a rectangular parcel located at 12441 Bromont Avenue in the City of Los Angeles, California. The westerly portion of the School is located within the City of San Fernando. The existing elementary school is operated by the Los Angeles Unified School District (LAUSD) and has an enrollment of 543 students in Pre-Kindergarten through Grade 5 and 73 faculty/staff members. No anticipated increases to the student enrollment or faculty/staff numbers are expected. The current bell schedule for the School is 8:15 AM to 2:34 PM. The main pick-up/drop-off loading zone is located on-site in the parking lot area located off of Bromont Avenue. As part of the pilot program, an existing “No Parking” red curb zone was converted to a secondary pick-up/drop-off loading zone along the northeast side of 8<sup>th</sup> Street, between Macneil Street and North Brand Boulevard. This zone is temporarily designated for drop-off/pick-up loading activities before and after school (i.e., between 7:30 AM to 8:30 AM and 2:30 PM to 3:30 PM) during school

days only (Mondays through Fridays). Primary pick-up/drop-off loading operations (including bus loading activities) would continue to be accessed via Bromont Avenue.

The School site is generally bounded by Bromont Avenue to the east, an existing charter middle school (i.e., PUC Inspire Charter Academy located at 919 8<sup>th</sup> Street) to the north, 8<sup>th</sup> Street to the west, and single family residences to the south. The project site location is shown in *Figure 1*. *Figure 2* provides an aerial photograph illustration of the subject intersection.

### **Requirement for Crossing Guard Implementation**

The City of San Fernando does not currently have criteria for the implementation of a crossing guard, therefore the following criteria was utilized based on the Los Angeles Unified School District Reference Guide. The Guide indicates that the Los Angeles Department of Transportation (LADOT) or the County of Los Angeles Department of Public Works (LACDPW) will typically conduct a survey of the subject location to determine if it meets the following criteria for a crossing guard request:

- A minimum of 20 or more children attending elementary school who cross the intersection or location; and
- A minimum of 300 vehicles in a one-hour period must pass through an uncontrolled intersection (no signal or stop signs) which children must cross; or
- A minimum of 500 vehicles in a one-hour period must pass through a controlled intersection which children must cross.

The traffic volume survey must meet these minimum requirements in order to qualify for a paid crossing guard in the City of Los Angeles, provided that there is available funding. For schools located outside of the City of Los Angeles, the Los Angeles County Department of Public Works also applies the same criteria noted above to evaluate the implementation and need for a crossing guard.

### **Vehicle Traffic Volumes and Pedestrian Crossing Survey**

New manual counts of vehicular turning movements were conducted at the study intersection during the weekday morning (AM) and afternoon (PM) peak hour of the School to determine the peak hour traffic volumes. The manual traffic counts at the 8<sup>th</sup> Street/Macneil Street intersection were conducted during a typical mid-week school day (i.e., Wednesday, March 2, 2016) from 7:30 AM to 8:30 AM to determine the vehicle and pedestrian traffic volumes coinciding with the School's morning drop-off activities and again from 2:30 PM to 3:30 PM to coincide with the School's afternoon pick-up activities. In conjunction with the vehicular turning movement counts, pedestrian counts of school age children observed to utilize the crosswalks for either of the two schools were also conducted at this subject location during the

weekday AM and PM School peak hours. The traffic counts were conducted when both schools (i.e., Vista del Valle Dual Language Academy and the adjacent PUC Inspire Charter Academy) were in session.

The weekday AM and PM peak hour manual counts of vehicle turning movements and school age children crossings at the subject intersection are provided in **Table 1** and summarized below.

- School AM Peak Hour (7:30 AM to 8:30 AM)
  - Peak Hour Vehicle Traffic Volume – 209 vehicles
  - Peak Hour Pedestrian Crossing Volume – 61 school age children
- School PM Peak Hour (2:30 PM to 3:30 PM)
  - Peak Hour Vehicle Traffic Volume – 131 vehicles
  - Peak Hour Pedestrian Crossing Volume – 54 school age children

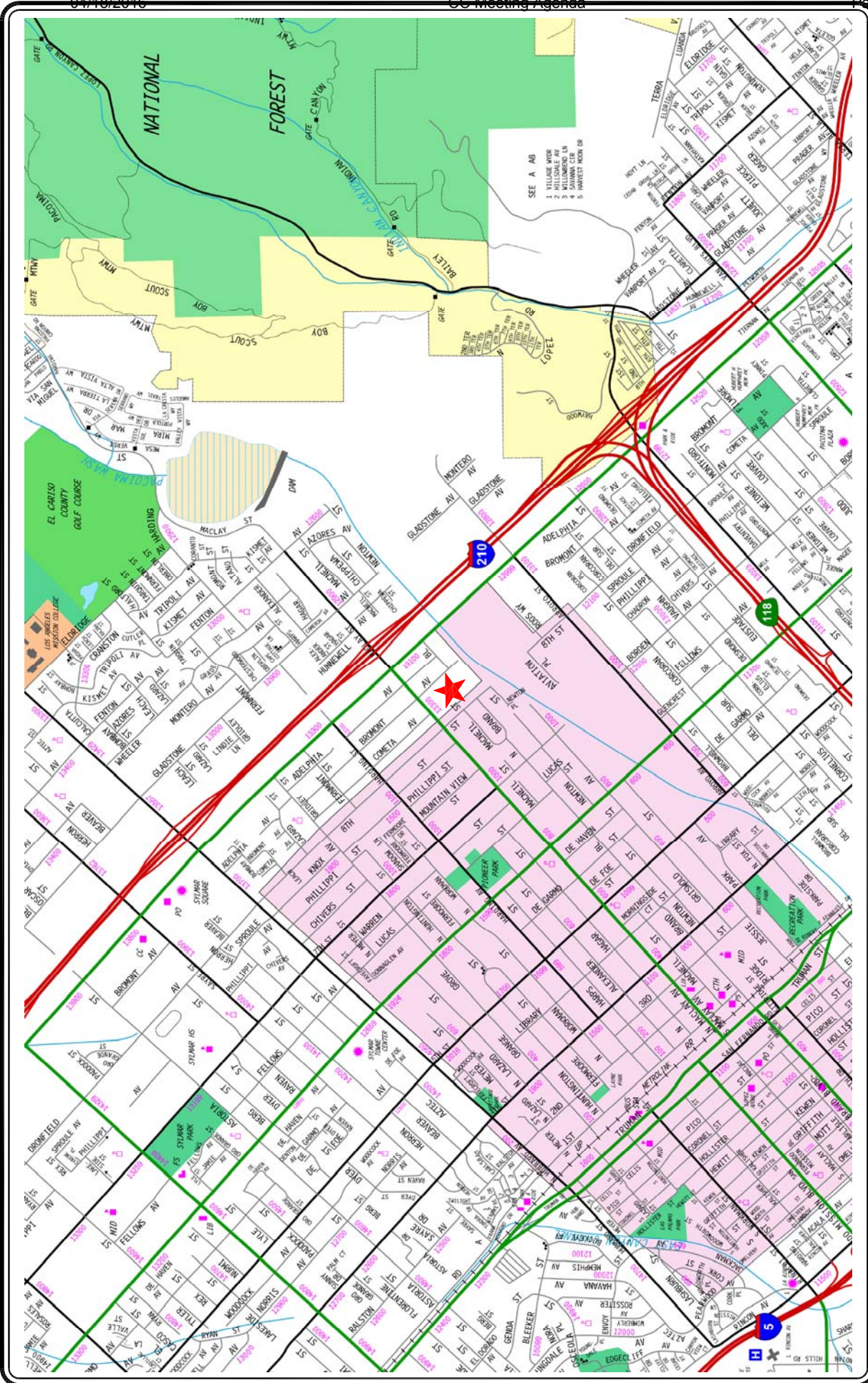
### **Assessment**

Based on LLG's assessment of the criteria used for the consideration of crossing guard requests and the recent vehicle and pedestrian traffic counts conducted during the peak hours, the 8<sup>th</sup> Street/Macneil Street intersection does not appear to meet the minimum requirements for a crossing guard installation. While the number of school age children crossing the intersection exceeds the minimum requirement (i.e., exceeds 20 children during the peak hour), the number of vehicles that enter and cross the intersection does not exceed the minimum volume threshold for a controlled intersection (i.e., more than 500 vehicles during the peak hour). As such, the 8<sup>th</sup> Street/Macneil Street intersection currently does not meet the criteria for the crossing guard request during the morning and afternoon peak hours in accordance with the current guidelines used by LADOT and LACDPW.

Please feel free to call us at 626.796.2322 with any questions and comments as well as to discuss next steps.

c: File





**FIGURE 1**  
**VICINITY MAP**

MAP SOURCE: RAND McNALLY & COMPANY

PROJECT SITE

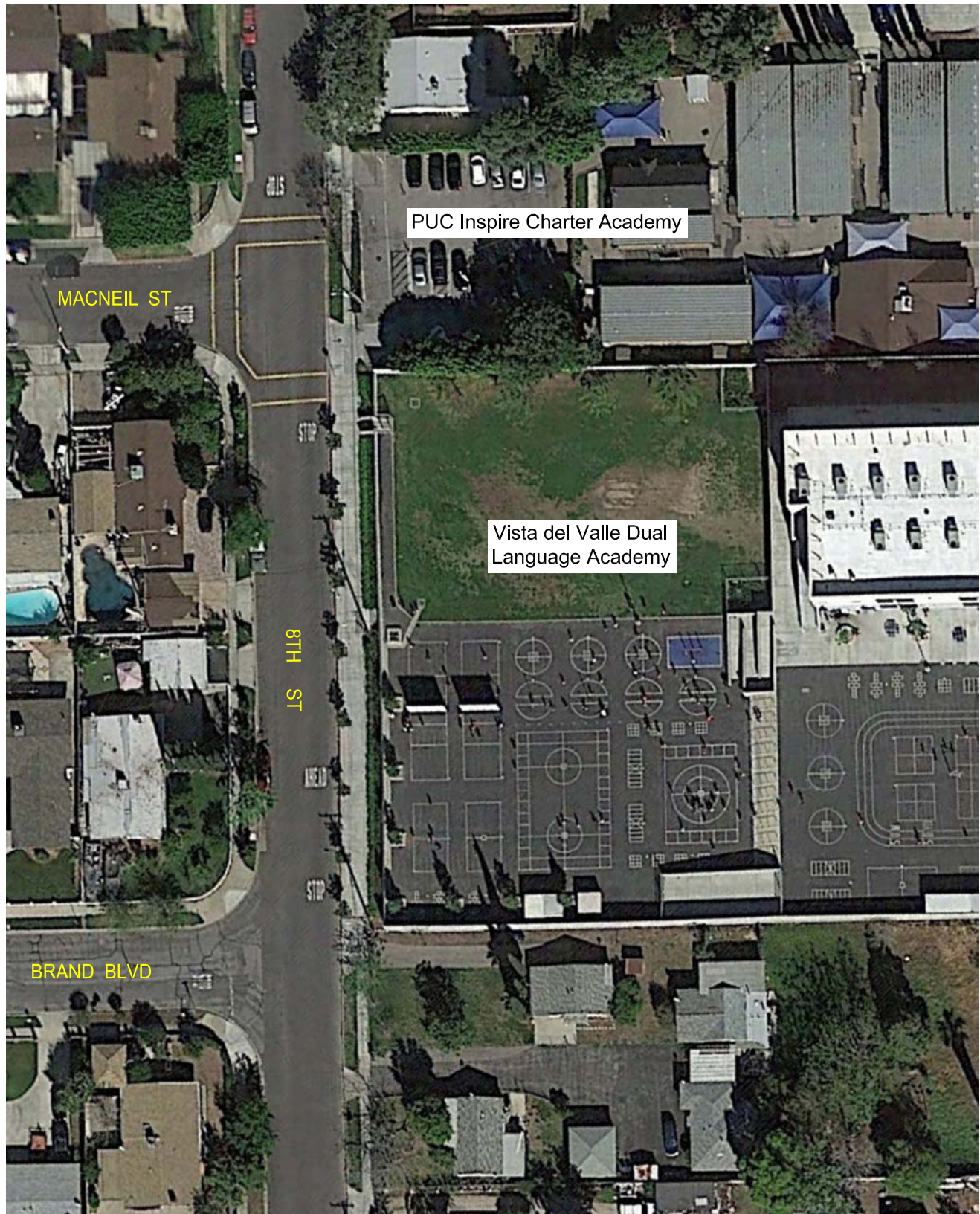


NOT TO SCALE

VISTA DEL VALLE DUAL LANGUAGE ACADEMY PROJECT

LINSCOTT, LAW & GREENSPAN, engineers





MAP SOURCE: GOOGLE EARTH

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## FIGURE 2 AERIAL IMAGE OF 8TH STREET/MACNEIL STREET

VISTA DEL VALLE DUAL LANGUAGE ACADEMY PROJECT

**TABLE 1**  
**Vehicle and Pedestrian (School Age Children) Traffic Volumes [1]**  
**Vista Del Valle Dual Language Academy**

**Intersection Location:** 8th Street/Macneil Street      **N-S Street:** 8th Street  
**Date of Count:** Wednesday, March 2, 2016.      **E-W Street:** Macneil Street

	Traffic Volumes												
	Northbound Approach				Southbound Approach				Eastbound Approach				
	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	
7:30 AM to 8:30 AM	13	28	12	53	71	19	15	105	30	18	3	51	209
2:30 PM to 3:30 PM	9	36	1	46	3	39	24	66	15	1	3	19	131

Time Period	Pedestrian Crossings (School Age Children)							
	Vista del Valle DL Academy				LAUSD Charter School			
	North Leg	South Leg	West Leg	Total	North Leg	South Leg	West Leg	Total
7:30 AM to 8:30 AM	6	33	19	58	2	0	1	3
2:30 PM to 3:30 PM	2	39	13	54	0	0	0	0
								<b>61</b>
								<b>54</b>

[1] Vehicle and pedestrian traffic counts conducted by LLG Engineers.

**Memorandum of Understanding  
By and Between  
The Los Angeles Unified School District and  
Partnerships to Uplift Communities Valley Academy  
Regarding Joint Safety Valet Program**

**RECITALS**

Whereas, Partnerships to Uplift Communities Valley operates that charter school known as PUC Inspire Academy (“Charter School”), a Charter School authorized by the Los Angeles Unified School District (“District”). The Charter School and District are sometimes referred to hereinafter collectively as the “Parties”;

Whereas, as a public charter school operating within the jurisdiction of the District, the Charter School is bound by all terms, conditions and requirements of its charter petition;

Whereas, the Charter School and the District seek to support the safety of all students, parents, staff, and community members;

Whereas, the Charter School is currently located at 919 8<sup>th</sup> Street, San Fernando, CA 91340, and the District currently operates the Vista del Valle Dual Language Academy, located at 12441 Bromont Avenue, San Fernando, CA 91340 (“Vista del Valle”);

Whereas, the Charter School and the District currently operate separate programs that share a common drop-off / pick-up zone located on 8<sup>th</sup> Street adjacent to the rear gate of Vista del Valle;

Whereas, to alleviate traffic congestion at the intersection of 8<sup>th</sup> Street and Macneil Street and enhance a safe environment during morning drop-off times, the Charter School and the District desire to, among other things, cooperate to make changes to traffic patterns with the introduction of an efficient joint safety valet program (“Joint Safety Valet Program”); and

Whereas, the Charter School and the District hereby desire to memorialize herein their respective shared intentions regarding the establishment of the Joint Safety Valet Program.

**NOW, THEREFORE, IT IS AGREED THAT** the District and PUC (on behalf of the Charter School) adopt this MOU, as follows:

**1. Recitals**

The Recitals are true and correct, and are incorporated herein.

**2. Joint Safety Valet Program**

2.1. The Parties will collaborate in good faith with each other regarding community engagement / outreach (such as attending and participating in community meetings) to address questions, concerns and other issues related to the Joint Safety Valet Program throughout the term of this MOU.

2.2. The Parties will each provide a minimum of two (2) individuals (staff or volunteers) to the Joint Safety Valet Program during student drop-off. The Parties and all individuals will



comply with all applicable District policies and procedures that govern the activities related to the Joint Safety Valet Program. The District will provide training to all of the individuals participating in the Joint Safety Valet Program.

2.3. The District will provide funding for traffic safety improvements in accordance with its environmental and safety recommendations, and as approved by the District's Board of Education, as it deems appropriate to implement the Joint Safety Valet Program.

2.4. The Parties will collaborate in good faith to articulate an addendum to this MOU in which the operational details of the Joint Safety Valet Program are more specifically addressed, including, but not limited to, paths of travel, roles, supervision, costs, schedules, field trips, and special events.

### **3. Notices**

Unless otherwise specified by the Parties, all notices or other written information shall be provided via e-mail and U.S. mail to the following contacts:

#### **The District:**

##### **Director**

**Los Angeles Unified School District  
Charter Schools Division  
333 South Beaudry Avenue 20<sup>th</sup> Floor  
Los Angeles, CA 90017**

#### **Charter School:**

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### **4. Miscellaneous Provisions**

4.1. The effective date of this MOU shall be the date that it is fully executed. The term of this MOU from the effective date through \_\_\_\_\_, 20\_\_.

4.2. Either of the Parties may terminate this MOU upon giving thirty (30) days written notice.

4.3. The signatories to this MOU shall each be deemed to have drafted it, such that no ambiguity, if any, shall be construed against any signatory.

4.4. This MOU contains and embodies the entire intent of the Parties with regard to the Joint Safety Valet Program, and no representations, inducements, or other arrangements, oral or otherwise, not embodied herein, exist nor shall they be of any force or effect. This MOU can only be modified or amended by a subsequent written agreement signed by all the Parties hereto.

4.5. If any part or provisions of this MOU, or the application thereof to any person, entity or circumstance, is found to be invalid to any extent, the remainder of this MOU shall not be affected thereby and each term and provision of this MOU shall remain valid. In this instance, the Parties commit to immediately meet and attempt to draft substitute language that is mutually acceptable to the Parties.



4.6. This MOU may be executed in one or more counterparts, all of which taken together shall be construed as one original. Facsimile, photocopy, email and/or PDF signatures are to be deemed equivalent to original “wet ink” signatures under this MOU.

4.7. Notwithstanding the contents of any other provision herein, the signatories acknowledge that an express condition precedent to this MOU becoming valid and effective is the approval and ratification thereof by the District’s Board of Education, if necessary.

4.8. By signing below, the individual executing this MOU on behalf of Charter School attests that he/she has authority to enter and sign this MOU on behalf of PUC, Charter School and its governing board.

\_\_\_\_\_  
Charter School Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
LAUSD Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title



## AGENDA REPORT

**To:** Mayor Joel Fajardo and Councilmembers

**From:** Brian Saeki, City Manager  
**By:** Chris Marcarello, Deputy City Manager/Public Works Director

**Date:** February 1, 2016

**Subject:** Review of Pilot Program Location for Student Loading/Unloading Zone Adjacent to Vista Del Valle Dual Language Academy

### RECOMMENDATION:

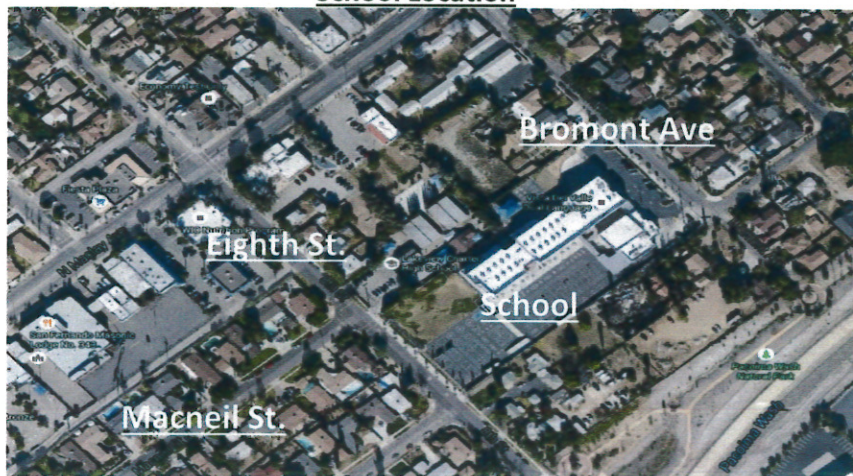
It is recommended that the City Council:

- a. Review the results of the pilot program to establish a student loading/unloading zone on Eighth Street (from Macneil Street to Brand Boulevard); and
- b. Provide further direction relative to the establishment of a permanent student loading/unloading zone at this location.

### BACKGROUND:

The Vista del Valle Dual Language Academy ("School") opened in September 2010. The entrance of the school is located at 12441 Bromont Avenue in the City of Los Angeles (between Maclay Avenue and Brand Boulevard). The southern portion of the school is located in the City of San Fernando, adjacent to Eighth Street (in between Macneil Street and Brand Boulevard).

#### School Location



**Review of Pilot Program Location for Student Loading/Unloading Adjacent to Vista Del Valle Dual Language Academy**Page 2 of 4

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As part of the school's environmental review process prior to construction, the City provided comments on the proposed project's environmental impact report (EIR) regarding potential traffic and safety impacts in the City of San Fernando. The City's concerns were deemed of no consequence and no mitigation measures were implemented to address the concerns. In the Final EIR for the school project, the executive summary stated:

"The main access (entrance) for the proposed project would be located off Bromont Avenue. The student drop-off and pick-up loading and unloading zone for passenger cars and buses would be located off Bromont Avenue. Parking would be provided for faculty and visitors. Access to the parking area would be provided off Bromont Avenue. Additionally, a pedestrian and emergency access gate will be provided off 8th Street."

After encountering problems with the Bromont Avenue drop-off location, LAUSD approached the City about establishing an additional loading/unloading zone on Eighth Street in the City of San Fernando. After review of a traffic study by the Transportation and Safety Commission and City Council, the City Council approved a pilot program for a student loading/unloading zone on Eighth Street (between Macneil Street and Brand Boulevard) over a 120-day period. In addition, the City Council requested the following items:

- A new traffic study to review impacts related to the pilot program;
- That Los Angeles Unified School District (LAUSD) construct an accessible ramp from the loading zone to the campus;
- That emergency vehicle access be reviewed adjacent to the loading zone location; and
- That parking be allowed for the general public at the loading zone during times when school is not in session (nights, weekends, holidays, and school break periods).

An update on these items is included for further review.

**ANALYSIS:**

At the request of LAUSD, on July 20, 2015, the City Council approved a 120-day pilot program to establish a loading/unloading zone adjacent to Vista del Valle Language Academy on Eighth Street (between Macneil Street and Brand Boulevard) and evaluate possible impacts associated with the zone (Attachment "A"). The pilot program was established after conducting significant community outreach and reviewing a traffic study related to the loading/unloading zone.

As part of the pilot program, the City Council requested that the following items be addressed:

- The completion of a new traffic study to review the pilot program;
- That Los Angeles Unified School District (LAUSD) construct an accessible ramp from the loading zone to the campus;

## Review of Pilot Program Location for Student Loading/Unloading Adjacent to Vista Del Valle Dual Language Academy

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- That emergency vehicle access be reviewed adjacent to this location; and
- That parking be allowed for general public at the loading zone during times when school is not in session (nights, weekends, holidays, and school break periods).

The pilot program is complete and it is requested that the City Council review the results. These include the following:

- Fall 2015 Traffic Study (Attachment "B")

LAUSD and its traffic engineering consultant completed an updated traffic study for the subject location. Observations were completed during morning and afternoon peak traffic times on three (3) typical school days during October, November and December 2015. The maximum vehicle queuing was observed:

Date	A.M. Peak Traffic at Zone on Eighth Street	P.M. Peak Traffic at Zone on Eighth Street
October 7, 2015	4 vehicles	3 vehicles
November 4, 2015	3 vehicles	6 vehicles
December 9, 2015	7 vehicles	7 vehicles

During the pilot program it was observed that a staff member monitored the loading/unloading zone and acted as a safety valet for parents/children. This program helped to ensure a continuous traffic flow at the location. It is recommended that this practice be continued.

- LAUSD Construction of Accessible Ramp

The City has received updates from LAUSD that construction of a new access ramp is underway. Site observations have confirmed that demolition and the installation of rebar is progressing steadily. Construction should be completed in early February 2016.

- Emergency Vehicle Access

Field measurements confirmed that the existing street width along Eighth Street is approximately 36 feet. The traffic engineer has concluded that this is a sufficient roadway width to accommodate emergency vehicle access and on-street parking.

- Parking in Loading/Unloading Zone

If a permanent loading/unloading zone is approved, signage can be purchased to allow on-street parking during non-school hours.

- Miscellaneous Items

The traffic study completed by LAUSD's traffic engineer also provides other recommendations for enhancing traffic safety along Eighth Street adjacent to the

**Review of Pilot Program Location for Student Loading/Unloading Adjacent to Vista Del Valle Dual Language Academy**

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loading/unloading zone. These recommendations include adding a crossing guard at Macneil Street/Eighth Street, restriping existing crosswalks, street striping improvements, and the continued prohibition of school buses on Eighth Street. The City does not currently have monies budgeted for these activities. The City Council could request that LAUSD fund these additional recommendations.

In preparation for this review, notifications were distributed to City of San Fernando properties within a 500 foot radius of the school's location during the week of January 25, 2016 (Attachment "C").

**BUDGET IMPACT:**

There is no fiscal impact to current fiscal year budget.

**CONCLUSION:**

It is recommended that the City Council review the pilot program and provide further direction related to the creation of a permanent loading/unloading zone on Eighth Street.

**ATTACHMENTS:**

- A. July 20, 2015 Agenda Report
- B. Fall 2015 Traffic Study
- C. Public Notices – January 2016 City Council Meeting



April 12, 2016

**SUBJECT: Proposed Removal of Red Curb**

Dear Resident:

The San Fernando City Council will be reviewing a request for the removal of approximately 150 feet of red curbing (approximately 7 car lengths) along the north side of Eighth Street, just east of the intersection at Macneil Street. This request was made by representatives from the Vista Del Valle Dual Language Academy. If approved, this location would be designated as a drop off/pick-up zone.

You are being notified because your property is in close proximity to this location. We encourage your comments regarding traffic safety in this area. If you wish to comment on this issue, you are invited to attend the City Council's next meeting on **Monday, April 18, 2016 at 6 p.m.** at the San Fernando City Hall City Council Chambers.

If you are unable to attend the meeting, you may send a letter with your comments directly to City Hall, attention Maria Padilla at [mpadilla@sfcity.org](mailto:mpadilla@sfcity.org). You may also fax your letter to City Hall at (818) 361-6728.

We appreciate your concern for traffic safety in the City of San Fernando. Should you have any questions regarding this notice, please contact us at (818) 898-1222.

**PROPOSED REMOVAL OF RED CURB**



12 de abril del 2016

**TEMA: Propuesto Retiro del Bordillo Rojo**

Estimado Vecino:

El Concilio de la Ciudad de San Fernando estará revisando una petición para retirar aproximadamente 150 pies de acera marcada de rojo (aproximadamente la longitud de 7 automóviles) a lo largo del lado norte de la calle Eighth Street, justo al este de la intersección con Macneil Street. Esta petición fue presentada por parte de representantes de la *Academia Vista Del Valle Dual Language Academy*. Si se aprueba, este lugar se designaría como zona para dejar/recoger a los estudiantes.

Le avisamos por medio de la presente ya que su propiedad está en la cercanía de este lugar. Lo invitamos a proporcionarnos sus comentarios sobre la seguridad del tráfico en esta área. Si desea hacernos llegar sus comentarios sobre este tema, queda cordialmente invitado a la próxima reunión del Concilio de la Ciudad el **lunes, 18 de abril del 2016 a las 6 p.m.**, en la cámara del Concilio de la Ciudad en el Ayuntamiento de San Fernando (San Fernando City Hall).

Si no puede asistir a la reunión, puede enviar sus comentarios por escrito directamente al ayuntamiento de la Ciudad, dirigiéndose a María Padilla: [mpadilla@sfcity.org](mailto:mpadilla@sfcity.org). También puede enviar sus cartas por fax al Ayuntamiento de la Ciudad al (818) 361-6728.

Agradecemos su interés sobre la seguridad del tráfico en la Ciudad de San Fernando. Si tiene alguna pregunta sobre este aviso, favor de comunicarse con nosotros al (818) 898-1222.

**PROPUESTO RETIRO DEL BORDILLO ROJO**



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## AGENDA REPORT

**To:** Mayor Robert C. Gonzales and Councilmembers

**From:** Brian Saeki, City Manager  
By: Fred Ramirez, Community Development Director

**Date:** April 18, 2016

**Subject:** Lopez-Villegas House Update

### RECOMMENDATION:

It is recommended that the City Council:

- a. Receive and File the Status Report on the Lopez-Villegas House currently stored at the former Agency-owned parcel at 1320 San Fernando Road; and
- b. Provide City staff with direction regarding possible use and/or disposition of the Lopez-Villegas House during the upcoming Fiscal Year 2016-2017 City Budget review process in order to identify any budget appropriations that may be necessary in order to implement Council-identified use(s) and/or disposition of the subject structure.

### BACKGROUND:

1. On March 15, 2004, the City Council, in a joint public hearing with the San Fernando Redevelopment Agency, approved a Disposition and Development Agreement with a developer providing for City and Redevelopment Agency participation in the proposed development of an affordable housing project with 95 dwelling units for low and very-low income seniors in the community. These 95 dwelling units (plus three manager units) were subsequently constructed at three noncontiguous sites in the community, including 25 units on a site that includes the Lopez-Villegas property at 1311 Pico Street.
2. On April 5, 2004, Mayor Pro Tem Julie Ruelas submitted a request to the City Council to consider possible alternatives to demolition of the Lopez-Villegas House located at 1311 Pico Street. Councilmember Ruelas' request was based on information that suggested the possible significance of the structure as the prior residence of individuals who were descendants of the Lopez Family, and with original settlers/founders of "El Real Presidio de Santa Barbara."

## Lopez-Villegas House Update

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3. On April 6, 2004, Historical Commissioner Richard Arroyo and Mr. John Brooks (subsequently appointed to Historical Commission on August 2, 2004) provided the City Council with additional information on former residents of the residential structure at 1311 Pico Street.
4. On May 5, 2004, City staff conducted a field inspection of the subject property. Staff photographed the exterior conditions of the site, the existing approximate 1,046 square foot primary residential structure, and the detached approximate 380 square foot garage structure. In addition, staff was allowed by the then resident to walk through the interior portions of the primary residential structure to inspect the existing conditions of the site.
5. On July 14, 2004, the Historical Commission determined that the existing residential structure at 1311 Pico Street merited preservation based on the architectural style of the building and on the association of several of its past inhabitants to the early settlement of California and San Fernando.
6. On September 20, 2004, in a joint meeting, the Redevelopment Agency and the City Council discussed the possible relocation and potential funding for restoration of the Lopez-Villegas House located at 1311 Pico Street. Subsequent to discussion, the City Council directed staff to move forward with a site assessment report, which was prepared by the consulting firm of Heritage Architecture and Planning.
7. On November 22, 2004, the consulting firm of Heritage Architecture and Planning submitted to staff the Draft Lopez Adobe Site Assessment for Placement of the Lopez-Villegas House report for staff and Historical Commission's review and discussion.
8. On January 7, 2005, the Historical Commission reviewed the draft site assessment report along with a staff report discussing several points in the draft site assessment report needing further clarification in staff's opinion. Subsequent to discussion the Commission directed staff to obtain additional input from the consultant firm of Heritage Architecture and Planning to clarify the potential impact to the Lopez Adobe's National Register designation under Criterion B (due to the building's "association with the lives of persons significant in our past") and Criterion C (due to the building's architecture). In addition, the Historical Commission requested further information regarding the proposed project schemes for the relocation and subsequent orientation of the Lopez-Villegas house on the Lopez Adobe site, and in particular, on the consultant's reasons for selecting Scheme C as the preferred alternative. Staff subsequently discussed these questions and concerns with the consultants, who then conducted some additional analysis and made revisions to the draft site assessment report for staff's and the Commission's further review.
9. On January 31, 2005, the Historical Commission reviewed the revisions to the draft site assessment report, including clarification of the report's assessment that the placement of

## Lopez-Villegas House Update

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the Lopez-Villegas House at the Lopez Adobe site would not adversely impact the Lopez Adobe site's national, state, and/or local historic designation. Subsequent to discussion, the Commission concurred with staff's assessment of the revised draft report and voted to recommend City Council approval of the relocation of the Lopez-Villegas House to the Lopez Adobe site at 1100 Pico Street, pursuant to the proposed building layout and site plan identified as "Scheme A" in the Draft Lopez Adobe Site Assessment for the Placement of the Lopez-Villegas House report.

10. In addition, the consultant report advised the City to initiate the CEQA process that would include an Initial Study and environmental determination as well as the development of mitigation measures to address any potential environmental impacts to Lopez Adobe building and site to levels that are less than significant. The Historical Commission concurred with the consultant and staff's assessment that the CEQA process be completed prior to the final approval of a site plan for the relocation and subsequent placement of the Lopez-Villegas House on a permanent foundation at the Lopez Adobe site.
11. On February 7, 2005, City Council directed staff to complete the environmental review process prior to making a final determination on the proposed relocation of the Lopez-Villegas House to the Lopez Adobe site. Besides compliance with CEQA requirements in general, an objective of this review process from the City's standpoint, was to receive official concurrence from the State Office of Historic Preservation with the conclusions of the City's assessment report that the proposed relocation of the Lopez-Villegas House to the Lopez Adobe site would not adversely impact the listing status of the Lopez Adobe on the National Register of Historic Places.
12. On April 25, 2005, the draft Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring Program were submitted for a 30-day review period to the California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit. As part of the State's review the Office of Historic Preservation (OHP) reviewed the proposed relocation of the Lopez-Villegas House to the Lopez Adobe Site, a National Register designated landmark site.
13. On May 25, 2005, the City received a letter from Terry Roberts, Director of the State Clearinghouse notifying the City that the review period for the draft Mitigated Negative Declaration had closed, and no state agencies submitted comments by that date. This letter acknowledged that the City had "complied with the State Clearinghouse review requirements for the draft environmental document, pursuant to the California Environmental Quality Act."
14. On June 10, 2005, planning staff contacted the OHP directly in order to confirm their concurrence with the City's determinations on the proposed project. They informed staff that it is common practice for OHP to not issue a comment letter unless review of a project

## Lopez-Villegas House Update

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and the accompanying environmental document had failed to identify and/or mitigate environmental impacts that were deemed significant. Therefore, based on discussion with the state, staff determined that the proposed relocation of the Lopez-Villegas House to the Lopez Adobe Site, with mitigation measures incorporated, would not have any significant adverse environmental impact to a significant cultural resource, the Lopez Adobe.

15. On July 5, 2005, the City Council held a public hearing to consider relocation of the Lopez-Villegas House to the Lopez Adobe Site at 1100 Pico Street. Subsequent to the public hearing, the City Council adopted a Resolution No. 7051: 1) approving relocation of the Lopez-Villegas House to the Lopez Adobe Site; 2) approving the Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring Program; 3) designation of the Lopez-Villegas House as a City Historic landmark. (See Attachments "A", "B" and "C".)
16. On March 6, 2006, the City Council appropriated \$15,725 from the General Fund to mothball and fence the Lopez-Villegas House at the Lopez Adobe site at 1100 Pico Street. The Lopez-Villegas House was by then a city-designated historic landmark that was intended to be rehabilitated as the ancillary facility that would include restrooms, storage, and office areas to support the proposed use of the Lopez Adobe building as a house museum.
17. On March 20, 2006, the City Council appropriated \$23,804 from the General Fund in order for Public Works personnel to conduct the necessary site preparation work to relocate the Lopez-Villegas House to the Lopez Adobe site.
18. On June 29, 2006, the City Council appropriated \$7,000 to pay for the temporary foundation/"cribbing" (\$2,678) and perimeter fencing (\$4,322) as part of the Lopez-Villegas House relocation project.
19. Beginning in early 2006, the firm of Drisko Studio Architects, Inc. had been providing the City with professional architectural design services for the preparation of construction drawings and building specifications for the rehabilitation of the Lopez Adobe building and site. These construction documents must comply with state and federal requirements for such rehabilitation of the Lopez Adobe, which is designated on the National Register of Historic Places. The project's state and federal funding resources require the city to comply with state and federal rehabilitation requirements.
20. On November 17, 2008, the City Council adopted Ordinance No. 1583, "An Ordinance of the City Council of the City of San Fernando amending the San Fernando City Code Division 3 (Historical Commission) of Article V (Boards, Commissions, Committees, Agencies and Authorities) of Chapter 2 (Administration), and establishing Division 14 (Historic Preservation) of Article VI (General Regulations) of Chapter 106 (Zoning)".

## Lopez-Villegas House Update

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21. On November 1, 2010, City Council awarded a construction contract to the lowest responsive bidder, Access Pacific, Inc., to undertake the first construction phase of the Lopez Adobe Rehabilitation Project.
22. On January 3, 2011, the contractor began work on the first phase of the Lopez Adobe Rehabilitation Project.
23. On March 7, 2011, the San Fernando City Council adopted Resolution Nos. 7415 and 7416 and the former San Fernando Redevelopment Agency adopted Resolution Nos. 1098 and 1099, consenting to and approving the transfer by the former San Fernando Redevelopment Agency of "its right, title and interest in and to certain real property to the City of San Fernando".
24. On June 6, 2011, the Redevelopment Agency considered the proposed FY 2011-12 San Fernando Redevelopment Agency Budget. As part of the Agency's FY 2011-12 Budget, \$60,000 was allocated as matching funds for the proposed design and build of an ancillary facility at the Lopez Adobe site. Initially, City staff had proposed that these funds be used as matching monies with CCHE grant funds to pay for the partial rehabilitation of the Lopez-Villegas house at a cost of approximately \$120,000. The overall rehabilitation of the Lopez-Villegas House has been estimated to cost between \$130,000 and \$392,065.

Subsequent to discussion by the Redevelopment Agency, the Agency determined that the overall rehabilitation of the Lopez-Villegas House would be cost prohibitive and that an alternative ancillary facility should be developed consistent with the Lopez Adobe Preservation Plan's site plan to house restroom, storage, and office uses in support of the Lopez Adobe's use as a house museum.

25. On June 13, 2011, the Agency approved the FY 2011-12 Budget with the allocation of \$60,000 in Redevelopment Project Area No. 2 funds for the design and construction of an alternate ancillary facility.
26. On June 29, 2011, the Governor of California signed AB X1 26 and AB X1 27, making certain changes to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) (the "Redevelopment Law"), including adding Part 1.8 (commencing with Section 34161) ("Part 1.8") and Part 1.85 (commencing with Section 34170) ("Part 1.85"). Soon after AB X1 26 and ABX1 27, the California Redevelopment Association and League of California Cities filed a lawsuit in the Supreme Court of California (*California Redevelopment Association, et al. v. Matosantos, et al.* (Case No. S194861)) alleging that AB X1 26 and AB X1 27 are unconstitutional.
27. On June 30, 2011, the contractor completed work on "Phase 1" of the Lopez Adobe Rehabilitation Project.

## Lopez-Villegas House Update

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28. On August 1, 2011, the Notice of Completion for Lopez Adobe Rehabilitation Project (Phase 1) was approved by the City Council.
29. On August 10, 2011, the Budget, Personnel, and Finance Standing Committee considered a staff recommendation regarding the proposed relocation of the Lopez-Villegas House to the City-owned lot at 1320 San Fernando Road. Per staff's recommendation, the proposed relocation would allow the locally designated historic resource to be stored on-site until funds become available for its rehabilitation and/or the City Council decides on an alternative approach for the future use of the building. Subsequent to discussion, City staff was directed to forward the proposed relocation for the full Council's consideration at an upcoming meeting.
30. On August 15, 2011, the City Council adopted Resolution No. 7452 electing for the City to serve as the Successor Agency for the City's Redevelopment Agency upon the Agency's dissolution. The assets of the Redevelopment Agency transferred to the Successor Agency by law on February 1, 2012.
31. On December 29, 2011, the Supreme Court issued its opinion in the *Matosantos* case, largely upholding AB X1 26, invalidating AB X1 27, and holding that AB X1 26 may be severed from AB X1 27 and enforced independently. The Supreme Court generally revised the effective dates and deadlines for performance of obligations in Part 1.85 of Redevelopment Law arising before May 1, 2012, to take effect four months later.
32. On October 5, 2011, CCHE staff informed City staff that the project had been granted an additional six month extension from December 31, 2011 through June 30, 2012. The extension will allow City staff to request the use of \$163,000 in unexpended CCHE grant funds to design and build an approximate 400 square ancillary facility at the southwest corner of the property to support the use of the Lopez Adobe building as a house museum.
- The proposed development of an ancillary facility at the subject site would be part of "Phase 2" of the Lopez Adobe Rehabilitation Project. These funds would be appropriated in order to offset the project shortfall associated with the unavailability of Agency funds from Project Area No. 2 during FY 2011-2012 to build said ancillary facility.
33. October 17, 2011, the City Council approved relocation of the Lopez-Villegas House to 1320 San Fernando Road.
34. On February 1, 2012, as a result of the Supreme Court's decision, the San Fernando Redevelopment Agency (the "Redevelopment Agency") was dissolved pursuant to Part 1.85 of Redevelopment Law.



## Lopez-Villegas House Update

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35. On June 27, 2012, the Governor signed the State budget trailer bill AB 1484, which became effective immediately. AB 1484 enacted technical and substantive amendments to AB X1 26 (collectively these laws are referred to as the "Dissolution Act"), which included among other things that the Successor Agency prepare the LRPMP within six months after receiving the Finding of Completion from DOF (Health and Safety Code Section 34191.5). The LRPMP is intended to address the disposition and use of real properties owned by the former Redevelopment Agency.
36. On December 17, 2012, City Council awarded a construction contract to the lowest responsive bidder, Access Pacific Incorporated, to undertake the second construction phase of the Lopez Adobe Rehabilitation Project.
37. On February 1, 2013, the contractor began work on the second phase of the Lopez Adobe Rehabilitation Project.
38. On June 30, 2013, the contractor completed work on the second phase of the Lopez Adobe Rehabilitation Project.
39. August 19, 2013, the City Council approved a Notice of Notice of Completion for Lopez Adobe Rehabilitation Project (Phase II). The Lopez Adobe Rehabilitation Project Phase II, which included the flooring and roof repairs.
40. On October, 2, 2013, the DOF issued a Finding of Completion to the Successor Agency pursuant to Health and Safety Code Section 34179.7
41. On October 21, 2013, the City Council awarded a construction contract to the lowest responsive bidder, IBN Construction, Incorporated, to undertake the construction of the Lopez Adobe Ancillary Building and Landscaping Project for a not to exceed amount of \$177,000 and a project completion deadline of March 31, 2014. (See City Council Resolution No. 7568 Award a Construction Contract (Contract No. 1727).)
42. On December 2, 2013, the contractor began work on the Lopez Adobe Ancillary Building and Landscaping Project.
43. On January 27, 2014, the City Council and Successor Agency held a joint-meeting to consider the proposed designation of former Redevelopment Agency property for any one of the following: 1) the retention of the property for governmental use pursuant to subdivision (a) of Health and Safety Code Section 34181; 2) the retention of the property for future development; 3) the sale of the property; or, 4) the use of the property to fulfill an enforceable obligation of the Successor Agency.

## Lopez-Villegas House Update

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Subsequent to discussion, the City Council and Successor Agency each voted to direct staff to evaluate possible alternatives related to retain all former Agency-owned property as either land held for future development or, in those instances where appropriate, as land held for a specific governmental use as permitted under applicable State law.

44. March 3, 2014, the Successor Agency voted to approve Resolution No. 63, approving the attached Long Range Property Management Plan for the City of San Fernando Successor Agency.
45. March 13, 2014, Oversight Board to the Successor Agency to the San Fernando Redevelopment Agency adopt Resolution No. 18, approving the Long Range Property Management Plan prepared by the Successor Agency.
46. On March 25, 2014, the City submitted the Long Range Property Management Plan ("LRPMP") to the California Department of Finance ("DOF") for review and approval pursuant to Health and Safety Code Section 34191.5(b). Based on DOF comments and requested revisions, the city's LRPMP was subsequently revised and resubmitted to DOF on June 19, 2014. Included as part of the proposed LRPMP was the designation of the former Agency-owned property at 1320 San Fernando Road, which is the current location of the Lopez-Villegas House as land held by the City for future development.
47. On March 31, 2014, the contractor completed work on the second phase of the Lopez Adobe Rehabilitation Project; on time and within the budgeted amount to build out the project of \$177,000.
48. On April 21, 2014, the City Council approved the Notice of Completion for Lopez Adobe Ancillary Building and Landscaping Project accepting the all building and landscaping work associated with construction of an ancillary building with office and restrooms facilities and associated landscaping improvements.
49. On July 9, 2014, the DOF notified the City of San Fernando that the LRPMP was approved facilitating use and disposition of former agency owned parking lots and vacant parcels for either governmental use or land held for future development. Therefore, the former Agency-owned parcel at 1320 San Fernando Road (location where the Lopez-Villegas is currently stored) was retained as land held for future redevelopment pursuant to the LRPMP.
50. On June 15, 2015, the City Council adopted Resolution No. 7679, adopting the City Budget for Fiscal Year 2015-2016. Included as part of the City Budget where the City Council priorities that included city pursuit of new economic development opportunities to the bolster the city's revenue and enhance the City of San Fernando's profile, which included

## Lopez-Villegas House Update

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amongst other things, to “Evaluate reuse options for Lopez/Villegas property, including structure”.

51. On January 19, 2016, the City Council directed City staff to schedule discussion of possible reuse and/or disposition options for the Lopez-Villegas House currently stored at the former Agency-owned parcel at 1320 San Fernando Road for an upcoming council meeting.

**ANALYSIS:**Local Historic Landmark Designation

Pursuant to City Council Resolution No. 7051, the Lopez-Villegas House is currently a City Historic landmark and was designated as such pursuant to City Code Section 2-477.

At the time of designation of the Lopez-Villegas House, the City Code did not provide specific criteria for the designation of “historical sites and monuments” by the City Council. However, the City’s Historic Preservation Element (in Objective 1.3 on page 25) specifically advocates the adaptation of the national-significance criteria used under the National Register of Historic Places for use as local-significance criteria in designating local historic landmarks. Under the National Register of Historic Places criteria: “Resources may qualify for NRHP listing if they: A.) are associated with events that have made a significant contribution to the broad patterns of our history; B.) are associated with the lives of persons significant to our past; C.) embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or, D.) have yielded, or may be likely to yield, information important in prehistory or history...”

The City Council, at their April 6, 2004, meeting considered a request to preserve the Lopez-Villegas House as a potentially historic resource based on historical records that identified Isabel Villegas Castro, a former resident of the subject structure, as a descendent of the Lopez Family, and with Don Jose Francisco de Ortega, one of the original/founders of “El Presidio de Santa Barbara.”

In addition, the June 2002, Historic Resources Survey, the historical consultant identified the Lopez-Villegas House as a potentially historic resource as a “National Folk house of the Pyramidal Family with a hipped bell cast roof.” The National Folk Style is based on a fundamental need for shelter and has its roots in Native American and pre-railroad dwellings. They can be “simple” or unadorned and are typically characterized by rectangular shapes with side-gable roof or in the case of the Lopez-Villegas House, they can have a square floor plan with pyramidal roofs. The subject site is indicative of early housing in the region at the turn of the century and is one of the last remaining structures of its type. Based on this assessment, the Historical Commission at the time and the City Council, concurred with City staff’s assessment

## Lopez-Villegas House Update

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that the structure merited local historic designation as it “embodies the distinctive characteristics of a type, period, or method of construction” that helps tell the story of early residential development in the City of San Fernando. Therefore, the City Council approved designation of the Lopez-Villegas House as City Historic Landmark pursuant to the National Register of Historic Places under Criteria B and C previously noted.

### Environmental Assessment of Prior Local Historic Landmark Designation

As part of the City Council’s local historic landmark designation of the Lopez-Villegas House, the council adopted the Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring Program pursuant to the California Environmental Quality Act. The City determined that the Lopez-Villegas House’s designation as a local historic landmark consistent with the National Register designation Criterion B (due to the building’s “association with the lives of persons significant in our past”) and Criterion C (due to the building’s architecture) would not have a significant adverse impact on any local designated cultural resource including the Lopez Adobe building and site where it was previously stored.

### Current Historic Preservation Regulations

As previously noted, the City’s Historic Preservation Ordinance was adopted on November 17, 2008 pursuant to City Council Resolution No. 1583. In addition, the current historic preservation regulations were established after the City’s initial historic landmark designation of the Lopez-Villegas House in 2005; three (3) years prior to the Lopez-Villegas House’s designation. Therefore, any future modifications to the Lopez-Villegas House’s designation, structural alteration, and/or relocation would be subject to Chapter 106 (Zoning), Article VI (General Regulations), Division 14 (Historic Preservation).

Pursuant to Pursuant to Section 106-1385 of the City’s Historic Preservation Ordinance, the City Council can designate a building like the Lopez-Villegas House as a historic resource if it meets at least one of the following criteria:

1. It is associated with events or lives of persons that have made a significant contribution to the broad patterns of the history of the city, region, state or nation;
2. It embodies the distinctive characteristics of a historic type, period, architectural style or method of construction, or represents the work of an architect, designer, engineer, or builder whose work is significant to the city, region, state or nation; or
3. It has yielded, or is likely to yield, information important in the history of the city, region, state or nation.

In the case of the Lopez-Villegas House, prior designation under National Register of Historic Places Criteria B and C is most similar to the current Criteria 1 and 2 noted above.

### Criteria and Procedures to Rescind a Local Historic Landmark Designation

Included as part of the City’s existing historic preservation ordinance are criteria and procedures under which the City can consider rescinding an existing local landmark designation

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(Section 106-1390 and 1391). Pursuant to the City Historic Preservation Ordinance, a request to rescind the existing historic landmark designation must be reviewed by the City's Planning and Preservation Commission (City Code Section 106-1390). Subsequent to the commission's review, a recommendation to rescind or not rescind an existing designation with the associated environmental assessment must be reviewed and approved by the City Council. If the City Council approves the proposed de-designation or structural alterations, it shall make findings of fact and determinations in writing subject to the requirements of California Environmental Quality Act (CEQA).

Applicable Regulations to Request Alteration of a Local Historic Landmark

Like any owner of a locally designated historic landmark, if the City is seeking to make structural alterations, adaptive reuse, demolish, and/or relocate a designated historic resource, then the City must file an application for a Certificate of Appropriateness or Certificate of No Effect pursuant to City Code Section 106-1392, subsection (a) or (b), respectively. Both certificates are initially reviewed by the City's Community Development Director before an assessment of the project request is made and a report submitted to the City's Planning and Preservation Commission for their review at a noticed public hearing. In the case of both types of certificates, the decision of the commission is final unless appealed to the City Council pursuant to City Code Section 106-77. If the commission approves the proposed Certificate of Appropriateness or the Certificate of No Effect, then the commission shall make findings of fact and determinations in writing subject to the requirements of CEQA and City Code Section 106-1405 et. seq.

The application process noted above does not preclude the City's ordinary maintenance of the building and/or emergency repairs to address any unsafe or dangerous condition pursuant to City Code Section 106-1398.

Applicable Regulations to Demolish or Relocate a Local Historic Landmark

A structure designated as a historic resource cannot be demolished or relocated unless the City Council, pursuant to the procedure for approval of a hardship waiver, and subsequent to a recommendation by the commission, makes one or more of the following findings of fact at a public hearing:

- Based upon sufficient evidence, including evidence provided by the applicant, the property retains no reasonable economic use, taking into account the condition of the structure, its location, the current market value, and the costs of rehabilitation to meet the requirements of the building code or other city, state or federal law.
- That the demolition or relocation of the structure is necessary to proceed with a project consistent with and supportive of identified goals and objectives of the City of San Fernando General Plan, and the demolition of the structure will not have a significant effect on the achievement of the purposes of this division or the potential effect is outweighed by the benefits of the new project.

## Lopez-Villegas House Update

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- In the case of an application for a permit to relocate, that the structure may be moved without destroying its historic or architectural integrity and importance.
- That the demolition or relocation of the historic resource is necessary to protect or to promote the health, safety or welfare of the citizens of the city, including the need to eliminate or avoid blight or nuisance.

Environmental Assessment for Changes to Existing Local Historic Landmarks

If the Community Development Director determines that the proposed project (e.g., alteration, demolition, rescinding designation, and, relocation) will have the potential to create any significant adverse impact on the subject local historic landmark structure, then the structure shall not be demolished or relocated unless and until an environmental assessment is completed pursuant CEQA.

This environmental assessment will entail the preparation of an Initial Study to determine whether an environmental impact report or a negative declaration must be prepared by the City in conjunction with any proposed project. The resulting environmental assessment, which can be a categorical exemption (i.e., Class 31 Categorical Exemption pursuant to California Code of Regulations, Title 14, Division 6 Chapter 3, Section 15331-Historic Resource Restoration/Rehabilitation), a negative declaration, a mitigated negative declaration, or an environmental impact report must be completed and included as part of the project's review by the commission and subsequently the city council. The environmental review and determination process must be completed before a hardship waiver can ultimately be approved by the council pursuant to City Code Section 106-1396 et seq.

Review of Potential Project Alternatives for the Lopez-Villegas House

City staff has included the following potential project alternatives for the Lopez-Villegas House:

- 1) Make structure repairs to the existing structure to address any dangerous and unsafe conditions, which may include removal of the existing "pop-out structure" (see Attachment "D") in order to plywood and shore up existing structure and leave at the Agency-owned site until the land is redeveloped and the building is subsequently relocated as part of a future development agreement with the then selected developer;
- 2) Make needed structure repairs of any dangerous and unsafe conditions and relocate the Lopez-Villegas House to another City facility/park space and "mothball" in place until funds are available to undertake adaptive reuse of the structure in compliance with applicable *Secretary of the Interior's Standards for the Treatment of Historic Properties; Preservation Brief No. 31: Mothballing Historic Buildings*;
- 3) Offer the subject structure for sale and relocation within the City including preparation of associated Certificate of Appropriateness, hardship waiver, and environmental assessment;
- 4) Offer the subject structure for sale and relocate outside of the City that would include a rescinding local historic landmark designation, hardship waiver, and environmental assessment; or

## Lopez-Villegas House Update

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- 5) Rescind local historic landmark designation in order to demolish structure, issue hardship waiver, and complete the associated environmental assessment pursuant to CEQA and the City's Historic Preservation Ordinance.

The aforementioned potential alternatives for the Lopez-Villegas House are not intended be exhaustive, but instead provide the City Council with a starting off point to provide City staff with further direction. Based on the direction from Council, City staff can then develop potential cost estimates for one or more project alternatives that could then be implemented during this fiscal year and/or in the upcoming fiscal year.

**BUDGET IMPACT:**

Determining potential impact to the City's General Fund Budget will be based on the City Council's direction regarding one or more possible alternatives for the future use of the Lopez-Villegas House. Based on the City Council's direction, City staff will prepare a cost estimate for the required City Budget appropriation to implement the project during the current or upcoming fiscal year.

**CONCLUSION:**

City staff recommends that the City Council review potential project alternatives for the future use of the Lopez-Villegas House. In addition, City staff is requesting that subsequent to council discussion that the council provide staff with direction on council-approved project alternatives. Based on council direction, City staff will determine the required discretionary review process, associated environmental assessment, and City fiscal impact to implement the council directive(s).

**ATTACHMENTS:**

- A. Resolution No. 7051
- B. July 5, 2005 City Council Staff Report
- C. Vicinity and Site Map
- D. Project Site Photos

## ATTACHMENT "A"

## RESOLUTION NO. 7051

**RESOLUTION OF THE CITY COUNCIL OF SAN FERNANDO  
APPROVING THE RELOCATION OF THE LOPEZ-VILLEGAS HOUSE  
TO THE LOPEZ ADOBE SITE AT 1100 PICO STREET, DESIGNATION  
OF THE LOPEZ-VILLEGAS HOUSE AS A CITY HISTORIC  
LANDMARK, AND APPROVAL OF THE INITIAL STUDY, MITIGATED  
NEGATIVE DECLARATION, AND MITIGATION MONITORING  
PROGRAM.**

WHEREAS, the project includes a request to relocate the Lopez-Villegas House, a single story National Folk Style building to the Lopez Adobe Site at 1100 Pico Street and to designate said structure as a City of San Fernando historic landmark.

WHEREAS, the Lopez Adobe Site is a designated local, state, and federal historic landmark, and is listed on the National Register of Historic Places.

WHEREAS, the City of San Fernando has conducted a detailed assessment of the Lopez-Villegas House and determined that it warrants designation as a City historic landmark based on the building's architectural merit as one of the few remaining examples of the National Folk Style in the community, and its prior resident Isabella Villegas Castro's relationship to Pedro Lopez, a descendant of the Lopez Adobe family, and to the early settlers of California.

WHEREAS, the City of San Fernando has conducted a historical assessment of the Lopez Adobe Site to determine any potential adverse impacts to the Lopez Adobe's local, state, and/or federal designation as an historic landmark that may be attributed to the relocation of the Lopez-Villegas House to the Lopez Adobe Site.

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, the City of San Fernando as the Lead Agency overseeing the environmental review for the proposed relocation of the Lopez-Villegas House to the Lopez Adobe Site has prepared an Initial Study to determine any potential environmental impacts to the Lopez Adobe's historic designation.

WHEREAS, based upon the findings of the Initial Study prepared for the project, the City determined that the project may have potential significant effects on the environment (i.e., cultural resource, water, and air quality impacts) attributed to placement and subsequent rehabilitation of the Lopez-Villegas House at the Lopez Adobe Site. Pursuant to CEQA, the environmental assessment includes mitigation measures that will provide for the reduction of identified environmental impacts to "less than significant" levels. Based upon the findings contained in the Initial Study, City staff determined that, with the imposition of mitigation measures, there was no substantial evidence that the project could have a significant effect on the environment, nor adversely affect the current status of the Lopez Adobe as a designated local, state and federal historic landmark, and a Mitigated Negative Declaration was prepared. Thereafter, City staff provided a public notice of the public comment period and of the intent to adopt the Mitigated Negative Declaration.



WHEREAS, the City Council has reviewed the Mitigated Negative Declaration and any comments received regarding the Mitigated Negative Declaration and, based on the whole record before it, finds: (i) that the Mitigated Negative Declaration was prepared in compliance with CEQA; and (ii) that, based on the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment. The City Council further finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council. Based on these findings, the City Council has adopted the Mitigated Negative Declaration for this project.

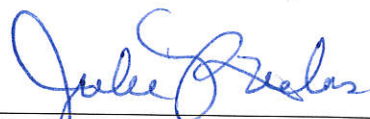
WHEREAS, the City Council has also reviewed and considered the Mitigation Monitoring Program for the project that has been prepared pursuant to the requirements of Public Resources Code Section 21081.6 and finds that such program is designed to ensure compliance with the mitigation measures during project implementation. The City Council has adopted the Mitigation Monitoring Program for the project.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SAN FERNANDO DOES HEREBY RESOLVE THAT:

1. The City of San Fernando has undertaken an extensive historical site assessment and environmental review process in order to assure that the proposed relocation of the Lopez-Villegas House to the Lopez Adobe Site at 1100 Pico Street will not have the potential to create significant environmental impacts that would jeopardize the Lopez Adobe's local, state, and/or federal designation as an historic resource.
2. The City of San Fernando has designated the Lopez-Villegas House a City historic landmark based on the building's architectural merit as one of the few remaining examples of the National Folk Style in the community, and on its prior resident Isabella Villegas Castro's relationship to Pedro Lopez, a descendant of the Lopez Adobe family, and to the early settlers of California.
3. The City of San Fernando shall allow for the relocation of the Lopez-Villegas House to the Lopez Adobe Site located at 1100 Pico Street and that any future preservation, rehabilitation, restoration, and/or reconstruction work on the Lopez-Villegas House shall be undertaken in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties and with the approved Mitigation Monitoring Plan.

PASSED, APPROVED AND ADOPTED this 5<sup>th</sup> day of July 2005.

BY:



Julie Ruelas, Mayor  
City of San Fernando, California

ATTEST:

Elena G. Chávez  
Elena G. Chávez, City Clerk

STATE OF CALIFORNIA           )  
COUNTY OF LOS ANGELES    )SS  
CITY OF SAN FERNANDO       )

I, Elena G. Chávez, City Clerk of the City of San Fernando, do hereby certify that the foregoing Resolution No. 7051 was duly adopted by the City Council and signed by the Mayor of said City at a meeting held on the 5<sup>th</sup> day of July, 2005; and the same was passed by the following vote to wit:

AYES:           Ruelas, Martinez, Hernández - 3

NOES:           Veres - 1

ABSTAIN:       De La Torre - 1

Elena G. Chávez  
Elena G. Chávez, City Clerk

**COMMUNITY DEVELOPMENT DEPARTMENT****MEMORANDUM**

**TO:** Mayor Julie Ruelas and Councilmembers

**FROM:** José E. Pulido, City Administrator  
By: Paul A. Deibel, AICP, Community Development Director

**DATE:** July 5, 2005

**SUBJECT:** Public Hearing on the Relocation of the Lopez-Villegas House to the Lopez Adobe Site at 1100 Pico Street

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**RECOMMENDATION:**

Staff recommends that the City Council:

- a). Conduct a Public Hearing;
- b). Adopt a Resolution, subject to any revisions noted by the City Council, approving relocation of the Lopez-Villegas House to the Lopez Adobe Site at 1100 Pico Street;
- c). Approve the Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring Program; and,
- d). Approve designation of the Lopez-Villegas House as a City Historic landmark.

**BACKGROUND:**

1. On February 7, 2005, City Council directed staff to complete the environmental review process prior to making a final determination on the proposed location of the Lopez-Villegas House to the Lopez Adobe site. Besides compliance with CEQA requirements in general, an objective of this review process from the City's standpoint, was to receive official concurrence from the State Office of Historic Preservation with the conclusions of the City's assessment report that the proposed relocation of the Lopez-Villegas House to the Lopez Adobe site would not adversely impact the listing status of the Lopez Adobe on the National Register of Historic Places. (A detailed discussion on the events leading up to the City Council's decision are included as part of the February 7, 2005, City Council Report included herein as Attachment "B".)
2. On April 25, 2005, the draft Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring Program were submitted for a 30-day review period to the California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit. (See Attachment "C".) As part of the State's review the Office of Historic Preservation (OHP) reviewed the

## Relocation of the Lopez-Villegas House to the Lopez Adobe Site at 1100 Pico Street

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proposed relocation of the Lopez-Villegas House to the Lopez Adobe Site, a National Register designated landmark site.

3. On May 25, 2005, the City received a letter from Terry Roberts, Director of the State Clearinghouse (Attachment "D") notifying the City that the review period for the draft Mitigated Negative Declaration had closed, and no state agencies submitted comments by that date. This letter acknowledged that the City had "complied with the State Clearinghouse review requirements for the draft environmental document, pursuant to the California Environmental Quality Act."
4. On June 10, 2005, planning staff contacted the OHP directly in order to confirm their concurrence with the City's determinations on the proposed project. They informed staff that it is common practice for OHP to not issue a comment letter unless review of a project and the accompanying environmental document had failed to identify and/or mitigate environmental impacts that were deemed significant. Therefore, based on discussion with the state, staff determined that the proposed relocation of the Lopez-Villegas House to the Lopez Adobe Site as proposed, with mitigation measures incorporated, will not have any significant adverse environmental impact to a significant cultural resource, the Lopez Adobe.

**ANALYSIS:**

**No Adverse Impact.** Based on the Historical Commission and the City Council's prior review, and on the State's review of the project and the accompanying environmental documents, it is staff's assessment that the relocation of the Lopez-Villegas House to the Lopez Adobe site will not adversely impact the characteristics of the Lopez Adobe that justify its listing on the National Register of Historic Places. Specifically, the proposed relocation of the Lopez-Villegas House pursuant to the Mitigation Monitoring Program will not adversely impact Lopez Adobe's National Register designation due its relationship to persons of historical significance and its importance as an architecturally notable example of an early two-story adobe structure. (See Attachment "E"; Part VI. Conclusion and Recommendations)

**Local Historic Landmark Designation.** Staff concurs with the Historical Commission and City Council's prior discussion that the Lopez-Villegas should be designated by the City Council and subsequently preserved as City historic landmark, pursuant to City Code Section 2-477.

This code section currently provides for designation of "historical sites and monuments" by the City Council, but it establishes no criteria for doing so. However, the City's Historic Preservation Element (in Objective 1.3 on page 25) specifically advocates the adaptation of the national-significance criteria used under the National Register of Historic Places for use as local-significance criteria in designating local historic landmarks. Under the National Register of Historic Places criteria: "Resources may qualify for NRHP listing if they: A.) are associated with events that have made a significant contribution to the broad patterns of our history; B.) are associated with the lives of persons significant to our past; C.) embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity

## Relocation of the Lopez-Villegas House to the Lopez Adobe Site at 1100 Pico Street

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whose components may lack individual distinction; or, D.) have yielded, or may be likely to yield, information important in prehistory or history...”

The City Council, at their April 6, 2004, meeting considered a request to preserve the Lopez-Villegas House as a potentially historic resource based on historical records that identified Isabel Villegas Castro, a former resident of the subject structure, as a descendent of the Lopez Family, and with Don Jose Francisco de Ortega, one of the original/founders of “El Presidio de Santa Barbara.” (See Attachment “F”).

In addition, the June 2002, Historic Resources Survey, the historical consultant identified the Lopez-Villegas House as a potentially historic resource as a “National Folk house of the Pyramidal Family with a hipped bell cast roof.” (See Attachment “G”). The National Folk Style is based on a fundamental need for shelter and has its roots in Native American and pre-railroad dwellings. They can be “simple” or unadorned and are typically characterized by rectangular shapes with side-gable roof or in the case of the Lopez-Villegas House, they can have a square floor plan with pyramidal roofs. The subject site is indicative of early housing in the region at the turn of the century and is one of the last remaining structures of its type. Therefore, it is staff’s assessment that the structure merits local historic designation as it “embodies the distinctive characteristics of a type, period, or method of construction” that helps tell the story of early residential development in the City of San Fernando.

The Historical Commission has recommended that the Lopez-Villegas House be designated as a local historic monument based on the aforementioned reasons for local significance. It is staff’s assessment that such a designation of local significance would be consistent with the method used to determine national significance per the National Register of Historic Places under Criteria B and C.

**House Placement and Reuse.** The City has conducted an extensive environmental review process and a historic site assessment in order to determine any potential impact to the Lopez Adobe’s National Register designation under Criterion B (due to the building’s “association with the lives of persons significant in our past”) and Criterion C (due to the building’s architecture). It is staff’s assessment that the proposed relocation of the Lopez-Villegas House to Lopez Adobe Site and subsequent placement of the subject structure with its orientation toward Pico Street as noted in “Scheme A” of the Lopez Adobe site assessment allows for the preservation and adaptive reuse of the Lopez-Villegas House without adversely impacting the Lopez Adobe. In addition, the adaptive reuse of the Lopez-Villegas House will provide ancillary office, archive room, kitchen, and restroom facilities to support the future use of the Lopez Adobe as a museum.

**CONCLUSION:**

In light of the analysis above, it is staff’s assessment that the designation of the Lopez-Villegas House as a City historic landmark and its relocation to the Lopez Adobe Site, pursuant to “Scheme A” of the *Lopez Adobe Site Assessment for the Placement of the Lopez-Villegas House* report is warranted. In addition, staff recommends approval of the Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring Program. Cumulatively, these environmental

## Relocation of the Lopez-Villegas House to the Lopez Adobe Site at 1100 Pico Street

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documents provide the necessary assessment of potential environmental impacts associated with the project, and include the measures to mitigate those impacts to levels that are less than significant as required by the California Environmental Quality Act.

**BUDGET IMPACT:**

Attached to this report is the draft cost estimate prepared by staff for the relocation of the Lopez-Villegas House (Attachment "H"). Waiving of permit fees as proposed, with management of the entitlement process including review of plans and building inspections to be undertaken by the Community Development Department in the course of day-to-day operations, would entail no direct City budget impact. The Friends of Lopez Adobe have already secured funds to pay the relocation costs. However, an additional \$20,000 is required for "time and materials" to construct the concrete foundation and an additional \$3,000-\$4,000 is required for the design of the foundation.

The Friends of the Lopez Adobe in conjunction with City staff are looking for potential funding sources to pay for these and other costs associated with the future use of the building as an ancillary facility to the Lopez Adobe. Prior to relocating the Lopez-Villegas House, a foundation will have to be designed and built. In addition, the proposed relocation of the Lopez-Villegas House from its temporary storage site on Celis Street to the Lopez Adobe Site at 1100 Pico Street will require transportation across city right-of-ways, which must be coordinated with the Public Works Department and Police Department. Bearing of these costs by the Friends of the Lopez Adobe would avoid any direct budget impact on the City.

**ATTACHMENTS:**

- A. City Council Resolution
- B. February 7, 2005 City Council Staff Report
- C. Draft Initial Study, Mitigated Negative Declaration, Mitigation Monitoring Program
- D. May 25, 2005, Letter from the State Clearinghouse
- E. February 8, 2005, Lopez Adobe Site Assessment for Placement of the Lopez-Villegas House
- F. Isabel Villegas Castro's Lineage Information
- G. June 2002, Historic Resource Survey: Primary Record Form
- H. Cost Estimate for the Lopez-Villegas House Relocation

**SAN FERNANDO CITY  
COUNCIL AGENDA – July 5, 2005**

**PUBLIC HEARING**

- 4) RELOCATION OF THE LOPEZ-VILLEGAS HOUSE TO THE LOPEZ ADOBE SITE AT 1100 PICO STREET; APPROVE DESIGNATION OF THE LOPEZ-VILLEGAS HOUSE AS A CITY HISTORIC LANDMARK

Recommend that the City Council:

- a) Conduct a Public Hearing;
- b) Adopt a Resolution, subject to any revisions noted by the City Council, approving relocation of the Lopez-Villegas House to the Lopez Adobe Site at 1100 Pico Street;
- c) Approve the Initial Study, Mitigated Negative Declaration, and Mitigation Monitoring Program; and
- d) Approve designation of the Lopez-Villegas House as a City Historic landmark.

*(Councilmember De La Torre arrived)*

**APPROVED: 3-1-1** Ayes: Hernández, Martinez, Ruelas

Noe: Veres

Abstain: De La Torre



**ATTACHMENT "C"**

## Vicinity and Site Map





**LOPEZ-VILLEGAS HOUSE UPDATE  
APRIL 18, 2016 CITY COUNCIL MEETING**

**SITE ASSESSMENT PHOTOS  
(1320 SAN FERNANDO ROAD)**



View of South Elevation of Lopez-Villegas House and "pop-out" structure as viewed from Pico Street.



View of "pop-out" structure and house South Elevation as viewed from Pico Street.



View of South and East Elevations of Lopez-Villegas House and "pop-out" structure as viewed from Pico Street.



View of Cribbing-Sub-Structure including 4" by 4" wood posts and steel I-Beams supporting house.





View of North and West Elevations of Lopez-Villegas House and "pop-out" structure as viewed from San Fernando Road



View of North and West Elevations of Lopez-Villegas House and "pop-out" structure as viewed from San Fernando Road



View of North and West Elevations of Lopez-Villegas House and "pop-out" structure as viewed from San Fernando Road



View of North and West Elevations of Lopez-Villegas House and "pop-out" structure as viewed from San Fernando Road





View of North Elevation (front entrance) of Lopez-Villegas House as viewed from San Fernando Road



View of East and North Elevations of Lopez-Villegas House as viewed from San Fernando Road



View of Lopez Villegas House South Elevation as viewed from Pico Street



View of Lopez Villegas House East and South Elevations as viewed from Kalisher Street





View of "pop-out" structure along Lopez Villegas House West Elevation



View of Lopez Villegas House West Elevation including "pop out"



View of Lopez Villegas House West Elevation including "pop out"



View of Lopez Villegas House West Elevation including "pop out"







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## AGENDA REPORT

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**To:** Mayor Robert C. Gonzales and Councilmembers

**From:** Councilmember Sylvia Ballin

**Date:** April 18, 2016

**Subject:** Request to Form an Ad Hoc Committee to Study and Propose Recommendations Regarding the Roles, Duties and Responsibilities of City Employees Who Report Directly to the City Council

**RECOMMENDATION:**

I have placed this on the agenda for City Council discussion and consideration.

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## AGENDA REPORT

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**To:** Mayor Robert C. Gonzales and Councilmembers

**From:** Joel Fajardo, Vice Mayor

**Date:** April 18, 2016

**Subject:** Resolution Commemorating the Victims of the Armenian Genocide

### **RECOMMENDATION:**

It is recommended that the City Council approve Resolution No. 7729 (Attachment "A") commemorating the victims of the Armenian Genocide.

### **BACKGROUND:**

I have requested that staff prepare a resolution commemorating the Armenian Genocide for the City Council to consider.

### **ANALYSIS:**

Each year around the world, many governments commemorate an Armenian Genocide Remembrance Day on April 24<sup>th</sup>. In commemoration of this day, I would ask that the City Council approve the attached resolution and authorize staff to lower all flags to half-mast on April 24, 2016.

### **BUDGET IMPACT:**

There is no impact to the budget by adopting this resolution.

### **ATTACHMENT:**

A. Resolution No. 7729

**ATTACHMENT "A"****RESOLUTION NO. 7729****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN FERNANDO, CALIFORNIA, COMMEMORATING THE  
101<sup>ST</sup> ANNIVERSARY OF THE ARMENIAN GENOCIDE**

**WHEREAS**, the Armenian people, living in their 3,000-year historic homeland in eastern Asia Minor and throughout the Ottoman Empire, were subjected to severe persecution and brutal injustice by the rulers of the Ottoman Empire before and after the turn of the Twentieth Century, including widespread massacres, usurpation of land and property, and acts of wanton destruction during the period from 1894 to 1896, inclusive, and again in 1909; and

**WHEREAS**, the horrible experience of the Armenians at the hands of their oppressors culminated in the Armenian Genocide, beginning in 1915, in what is known by historians as the "First Genocide of the Twentieth Century," and as the prototype of modern day mass killing; and

**WHEREAS**, the Armenian Genocide commenced on April 24, 1915 with the arrest, exile, and murder of hundreds of Armenian intellectuals, and business, political, and religious leaders, and thereafter rapidly spread throughout Anatolia; and

**WHEREAS**, the regime then in control of the Ottoman Empire, known as the "Young Turks," planned and executed the unspeakable atrocities committed against the Armenian people from 1915 to 1923, inclusive, which included the torture, starvation, and murder of 1,500,000 Armenians, death marches into the Syrian Desert, the forced exile of more than 500,000 innocent people, and the loss of the traditional Armenian homelands; and

**WHEREAS**, the Armenian Genocide is documented with overwhelming proof in the national archives of the United States, Austria, France, Germany, Great Britain, Russia, Turkey, the Vatican and many other countries; and

**WHEREAS**, the Los Angeles area is the home of one of the largest population of survivors of the Armenian Genocide and their descendants in the world outside of Armenia, and those residents reasonably demand justice and appropriate recognition of the crimes committed against the Armenian people; and

**WHEREAS**, it is vital that the Government of the United States properly reaffirm the Armenian Genocide, not just because of the moral implications, but because such recognition can help to prevent future atrocities from occurring;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO DOES HEREBY RESOLVE, FIND, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1:** The representations set forth in the Recitals above, are true and correct.

**SECTION 2:** That by the adoption of this Resolution, the City of San Fernando calls upon the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide, and URGES the Republic of Turkey to end its decades-long campaign of Genocide denial.

**SECTION 3:** That by the adoption of this Resolution the Council of the City of San Fernando hereby declares April 24, 2016 as a Day of Remembrance for the victims of the Armenian Genocide.

**PASSED, APPROVED, AND ADOPTED** this 18<sup>th</sup> day of April, 2016.

\_\_\_\_\_  
Robert C. Gonzales, Mayor

**ATTEST:**

\_\_\_\_\_  
Elena G. Chávez, City Clerk

**STATE OF CALIFORNIA            )**  
**COUNTY OF LOS ANGELES       ) ss**  
**CITY OF SAN FERNANDO        )**

**I HEREBY CERTIFY** that the foregoing Resolution was approved and adopted at a regular meeting of the City Council held on the 18<sup>th</sup> day of April 2016, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

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Elena G. Chávez, City Clerk