



Mayor Brenda Esqueda  
Mayor Pro Tem Antonio Lopez  
Councilmember Maribel De La Torre  
Councilmember Sylvia Ballin  
(Vacant)  
City Administrator  
Al Hernández

## SAN FERNANDO CITY COUNCIL AGENDA

AUGUST 6, 2012 – 6:00 PM

COUNCIL CHAMBERS  
117 MACNEIL STREET  
SAN FERNANDO, CA 91340

### CALL TO ORDER/ROLL CALL

### PLEDGE OF ALLEGIANCE

Mayor Brenda Esqueda

### APPROVAL OF AGENDA

### PUBLIC STATEMENTS – WRITTEN/ORAL

There will be a three (3) minute limitation per each member of the audience who wishes to make comments in order to provide a full opportunity to every person who desires to address the City Council.

### 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) APPROVAL OF MINUTES OF JULY 16, 2012
- 2) APPROVAL OF WARRANT REGISTER NO. 12-081

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PUBLIC HEARING

**3) ADOPTION OF AN ORDINANCE ESTABLISHING A WATER CONSERVATION AND BUILDING SAFETY PROGRAM**

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 “An Ordinance of the City of San Fernando Adopting a Water Conservation and Building Safety Program and Amending the San Fernando City Code”.

**4) REGIONAL CONGESTION MANAGEMENT PROGRAM (CMP) SELF-CERTIFICATION AND ADOPTION OF THE CITY’S 2012 CMP LOCAL DEVELOPMENT REPORT (LDR)**

Recommend that the City Council:

- a. Conduct a Public Hearing; and
- b. Pending public adopt a Resolution certifying that the City of San Fernando is in conformance with the CMP for Los Angeles County, and approving the City’s 2012 CMP LDR for the reporting period from June 1, 2011 to May 31, 2012.

**5) ADOPTION OF AN ORDINANCE REGULATING SMOKING IN OUTDOOR PLACES**

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 “An Ordinance of the City of San Fernando Amending the San Fernando City Code to Add Chapter 23, Regarding the Regulation of Smoking in Outdoor Places”; and
- c. Direct staff to provide for notice of a Public Hearing on the adoption of proposed Ordinance at the City Council’s August 6, 2012 meeting.

NEW BUSINESS

**6) MAKING AN ELECTION WITH RESPECT TO HOUSING ASSETS AND FUNCTIONS OF THE FORMER REDEVELOPMENT AGENCY AND RESCINDING CITY COUNCIL RESOLUTION NO. 7470**



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Recommend that the City Council adopt a Resolution electing for the City to retain the housing assets and functions previously performed by the Redevelopment Agency and accepting the transfer of all rights, powers, duties, and obligations associated with the housing activities of the Redevelopment Agency and rescinding City Council Resolution No. 7470.

CONTINUED BUSINESS

**7) ADOPTION OF AN ORDINANCE AUTHORIZING AMENDMENT TO THE CONTRACT BETWEEN THE CITY AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CalPERS)**

Recommended that the City Council:

- a. Adopt an Ordinance (second reading), titled: "An Ordinance Authorizing Amendment to the Contract Between the City Council of the City of San Fernando and the Board of Administration of the CalPERS;
- b. Authorize the Mayor to execute the Amendment to Contract between the Board of Administration of the CalPERS and the City Council of the City of San Fernando; and
- c. Authorize the City Clerk to execute the Certification of Final Action of Governing Body.

CITY COUNCIL ITEMS

**8) REQUEST FOR BUDGET UPDATE**

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

**9) EMPLOYEE FURLOUGHS**

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

**10) APPOINTMENT TO EDUCATION COMMISSION**

This item is placed on the agenda by Mayor Pro Tem Antonio Lopez.



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STANDING COMMITTEE UPDATES

- No. 1 Budget, Personnel and Finance (BPF)  
*Chair (Vacant)*
- No. 2 Housing, Community & Economic Development and Parking (HCEP)  
*Chair Maribel De La Torre*
- No. 3 Natural Resources, Infrastructure, Water, Energy and Waste Management (NRIW)  
*Chair Sylvia Ballin*
- No. 4 Public Safety, Veteran Affairs, Technology and Transportation (PVTT)  
*Chair Antonio Lopez*
- No. 5 Education, Parks, Arts, Health and Aging (EPAH)  
*Chair Brenda Esqueda*

GENERAL COUNCIL COMMENTS

STAFF COMMUNICATION

CLOSED SESSION

- A) PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE  
G.C. 54957

- B) CONFERENCE WITH LABOR NEGOTIATOR  
G.C. 54957.6

City Negotiator: City Administrator Al Hernandez  
Employee Organizations: 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)

- C) PUBLIC EMPLOYEE APPOINTMENT  
G.C. 54957

Title: Labor and Employment Attorney



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D) CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
G.C. 54956.9(a)

Name of Case: Larry Barnard v. City of San Fernando  
WCAB Case No.: ADJ6644900; ADJ6645565  
Claim No.: 20090002SFE & 20080021SFE

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, City Clerk*

*Signed and Posted: August 2, 2012 (4:00 p.m.)*

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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**San Fernando City Council**

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**SAN FERNANDO CITY COUNCIL  
MINUTES**

**JULY 16, 2012 – 6:00 P.M.  
REGULAR MEETING**

City Hall Council Chambers  
117 Macneil Street  
San Fernando, CA 91340

**CALL TO ORDER/ROLL CALL**

Mayor Brenda Esqueda called the meeting to order at 6:15 p.m.

Present:

Council: Mayor Brenda Esqueda, Mayor Pro Tem Antonio Lopez, and Councilmembers Maribel De La Torre and Sylvia Ballin

Staff: City Administrator Al Hernández, City Attorney Maribel S. Medina, and City Clerk Elena G. Chávez

Absent: (Vacant)

**PLEDGE OF ALLEGIANCE**

Mayor Esqueda

**RECESS (6:16 P.M.)**

Mayor Esqueda called for a brief five-minute recess to allow for the recipients of the scheduled presentation to arrive.

**RECONVENE (6:21 P.M.)**

**APPROVAL OF AGENDA**

Motion by Councilmember De La Torre, seconded by Councilmember Ballin, to approve the agenda. By consensus, the motion carried.

**SAN FERNANDO CITY COUNCIL****MINUTES – July 16, 2012****Page 2****CONSENT CALENDAR**

Motion by Councilmember De La Torre, seconded by Councilmember Ballin, to approve the Consent Calendar Items:

- 1) APPROVAL OF WARRANT REGISTER NO. 12-072
- 2) RESOLUTION AUTHORIZING CITY PARTICIPATION IN THE INDEPENDENT CITIES RISK MANAGEMENT AUTHORITY (ICRMA) CRIME INSURANCE PROGRAM

By consensus, the motion carried.

**NEW BUSINESS**

- 3) RESOLUTION OF INTENTION AND ORDINANCE TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CalPERS) AND THE CITY

Personnel Manager Michael Okafor presented the staff report.

City Atty. Medina announced that audience members wishing to make a statement regarding this item should do so before the City Council takes a formal vote.

Irwin Rosenberg (San Fernando Police Officers' Association President) reported that Police Officers made concessions during negotiations in which they took a 4.5% pay cut to assist the City in meeting its financial obligations and they urge a "yes" vote on this item.

Motion by Councilmember De La Torre, seconded by Councilmember Ballin, to:

- a) Adopt a Resolution of Intention to approve an Amendment to Contract between the Board of Administration California Public Employees' Retirement System and the City;
- b) Authorize the City Clerk to execute the Certification of Governing Body's Action;
- c) Authorize the City Clerk to execute the Certification of Compliance with Government Code Section 7507;
- d) Authorize the City Clerk to execute the Certification of Compliance with Government Code Section 20475; and
- e) Introduce for first reading, in title only, and waive further reading of "An Ordinance Authorizing Amendment to the Contract between the City Council of the City of San

**SAN FERNANDO CITY COUNCIL****MINUTES – July 16, 2012****Page 3**

Fernando and the Board of Administration of the California Public Employees' Retirement System".

By consensus, the motion carried.

City Atty. Medina suggested (since the award recipients had not yet arrived) moving on to Item No. 6.

**CITY COUNCIL ITEMS**

6) APPOINTMENT OF COUNCILMEMBER SYLVIA BALLIN TO THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG)

Motion by Councilmember De La Torre to approve this item by consensus.

Councilmember Ballin said that she is appointed to a number of boards that meet several times per month at various locations (i.e., downtown Los Angeles, Santa Fe Springs) and she recommends Councilmembers that have to go to meetings 15 miles outside the City limits be authorized to use the City vehicle to attend.

City Atty. Medina said that a resolution, ordinance, or policy could be brought before the City Council to address Councilmember Ballin's suggestion. For this item, the motion can be amended to allow her to use the City car because the SCAG meetings are more than 15 miles away.

Councilmember De La Torre accepted Councilmember Ballin's amendment.

Again, City Atty. Medina stated that before the City Council vote is taken, members of the audience that wish to speak regarding this item, may do so at this time. (There were no comments.)

The motion to appoint Councilmember Ballin as the City's representative to SCAG, and amendment to authorize her to use the City vehicle to attend the meetings, was seconded by Mayor Pro Tem Lopez, and carried by consensus.

**RECESS (6:26 P.M.)**

Mayor Esqueda again called for a brief recess to allow for the recipients of the scheduled presentation to arrive.

**RECONVENE (6:32 P.M.)**

**SAN FERNANDO CITY COUNCIL****MINUTES – July 16, 2012****Page 4****PRESENTATION**

The following presentation was made:

A) July – Parks and Recreation Month

**PUBLIC STATEMENTS – WRITTEN/ORAL**

Oscar Garay (resident) said that people should use their energy on positive things and he talked about the media, vacant buildings, food programs and youth.

Renato Lira (resident) said the City is on the news every day and has become a “novela”, and asked both Mayor Esqueda and Councilmember De La Torre to resign and leave the City.

Julian Ruelas (resident) said (in response to an earlier comment) he is not running for Council. He said it's a crucial time for the City and its image, and asked why would JC Penney stay if we have a dysfunctional government?

Dee Akemon (resident): 1) asked what's going on in the City (it's crazy); 2) said that certain Councilmembers have shown hatred for the Police and Fire Departments; and 3) said if Councilmembers were to step down now, they would deny citizens the pleasure of seeing them thrown out of City Hall.

Irwin Rosenberg (San Fernando Police Officers' Association President) requested that, when Council goes into the Closed Session, they not retaliate against the Police Department (the Department has already taken budget cuts of \$2 million over the last couple of years).

Robert Ortega (resident) said he was sorry for Mayor Esqueda's loss and residents are looking for leadership and want to know what's going on.

Patty Lopez (resident) said she was sorry for Mayor Esqueda's loss and, for the record, she is not running for Council. She asked if that's how Councilmembers deal with their personal lives, she can only imagine how they manage the City.

Mike Majers (business owner) wants to point out that the Police Department has the finest professionals in the state and is upset to hear the Council accusing them of being corrupt. He talked about the vacant car lots and businesses, deplorable condition of properties, and said let's wake up and do something about it.

Samuel Beltran (resident) said Councilmember De La Torre is always in the media, the City is going broke, and JC Penney didn't want to leave (it was the landlord).

Carolina Perez said she was sorry for Mayor Esqueda's loss and said both Mayor Esqueda and Councilmember De La Torre have to leave.

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- 4) CONSIDERATION OF A RESOLUTION CALLING A SPECIAL MUNICIPAL ELECTION TO FILL THE VACANT POSITION OF A CITY COUNCILMEMBER AND CONSOLIDATING SAID ELECTION WITH THE RECALL ELECTION OF MARIO F. HERNÁNDEZ

City Atty. Medina presented the staff report. She stated that this item is regarding the vacancy created as a result of Councilmember Mario Hernández' resignation (submitted on July 10, 2012). She reported that Council has two options to fill the remainder of the term: 1) either fill the position by appointment; or 2) call for a special election.

Motion by Mayor Pro Tem Lopez to adopt a Resolution calling a Special Municipal Election to fill the vacant position of a City Councilmember and consolidating said Election with the Recall Election of Mario F. Hernández; requesting that the County Board of Supervisors consolidate the Election with the Statewide General Election to be held on November 6, 2012. The motion died due to lack of a second.

Discussion ensued and City Atty. Medina explained that Council has 60 days from the day they received the resignation to act. If Council chooses to do nothing before September 7, 2012, the vacancy will be filled on November 6, 2012 regardless (next item on the agenda).

*No action was taken on this item.*

- 5) ADOPTION OF RESOLUTIONS REGARDING CITY CLERK CERTIFICATION OF RECALL PETITION SIGNATURES, GIVING NOTICE OF CALLING A SPECIAL MUNICIPAL ELECTION, AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE WITH THE GENERAL ELECTION ON NOVEMBER 6, 2012

City Clerk Chávez presented the staff report.

Motion by Mayor Pro Tem Lopez, seconded by Councilmember Ballin, to:

- a) Adopt a Resolution accepting the City Clerk's Certification of Results of Examination of Signatures on Recall Petitions for Councilmembers Brenda Esqueda, Mario F. Hernández, and Maribel De La Torre; and
- b) Adopt a Resolution Calling and Giving Notice of a Special Municipal Election on November 6, 2012; and
- c) Adopt a Resolution Requesting that the Board of Supervisors of the County of Los Angeles Consolidate the City of San Fernando's Special Municipal Election with the Statewide General Election on November 6, 2012.

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The motion carried with the following vote:

AYES: Lopez, Ballin, De La Torre, Esqueda – 4

NOES: None

ABSENT: None

ABSTAIN: None

**STANDING COMMITTEE UPDATES**

No. 1 Budget, Personnel and Finance (BPF)

City Administrator Hernández – no updates.

No. 2 Housing, Community & Economic Development and Parking (HCEP)

Councilmember De La Torre – no updates.

No. 3 Natural Resources, Infrastructure, Water, Energy and Waste Management (NRIW)

Councilmember Ballin – no updates.

No. 4 Public Safety, Veteran Affairs, Technology and Transportation (PVTT)

Mayor Pro Tem Lopez – no updates.

No. 5 Education, Parks, Arts, Health and Aging (EPAH)

Mayor Esqueda – no updates

**GENERAL COUNCIL COMMENTS**

Councilmember Ballin said it was a very challenging time for all (i.e., the City, businesses, residents) and she is committed to working with everyone to focus on City business and continue to move it forward (her personal agenda is taking care of the City first).

Mayor Pro Tem Lopez said that Council owes those who elected them stability and should abide to higher standards of the law and they cannot function effectively without the respect of the community and City staff. He encouraged both Mayor Esqueda and Councilmember De La Torre to resign.



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Recreation and Community Services Operations Manager Ismael Aguila reported that the City's healthy lifestyle video won the Most Popular Choice Award on the Let's Move Campaign promoted by First Lady Michelle Obama.

**ADJOURNMENT (7:41 P.M.)**

Mayor Esqueda requested that the meeting adjourn in memory of her mother Jenny Perez who always supported her 100%.

Motion by Councilmember De La Torre, seconded by Councilmember Ballin, to adjourn the meeting. By consensus, the meeting was adjourned (the scheduled Closed Session did not take place).

*I do hereby certify that the foregoing is a true and correct copy of the minutes of July 16, 2012 meeting as approved by the San Fernando City Council.*

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*Elena G. Chávez*  
*City Clerk*

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## **FINANCE DEPARTMENT**

### **MEMORANDUM**

**TO:** Mayor Brenda Esqueda and Councilmembers

**FROM:** Al Hernández, City Administrator/Deputy Finance Director

**DATE:** August 6, 2012

**SUBJECT:** Warrant Register

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#### **RECOMMENDATION:**

It is recommended that the City Council approve the attached 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 and the Successor Agency to the San Fernando Redevelopment Agency. The Agency warrants are also reflected on the Agency Consent Calendar to reimburse the City for expenses included on the City's Register. 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 Deputy 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 Deputy 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. Warrant Register Resolution

**ATTACHMENT "A"****RESOLUTION NO. 12-081**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN FERNANDO ALLOWING AND APPROVING FOR  
PAYMENT DEMANDS PRESENTED ON DEMAND/  
WARRANT REGISTER NO. 12-081**

**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 6<sup>th</sup> day of August, 2012.

\_\_\_\_\_  
Brenda Esqueda, 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 6<sup>th</sup> day of August, 2012, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

\_\_\_\_\_  
Elena G. Chávez, City Clerk

**EXHIBIT "A"**

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08/01/2012 9:38:13AM

Voucher List  
CITY OF SAN FERNANDO

Page: 1

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
98842	8/6/2012	100020 A.G.O.P. SURPLUS STORES	12628		WORK BOOTS 01-222-0000-4300	108.74
					<b>Total :</b>	<b>108.74</b>
98843	8/6/2012	100048 ACCOUNTEMP	35845830		TEMPORARY SERVICES W/E 06/29/12 01-130-0000-4112	1,137.60
			35905374		TEMPORARY SERVICES W/E 07/06/12 01-130-0000-4112	921.60
			35945286		TEMPORARY SERVICES W/E 07/13/12 01-130-0000-4112	1,036.80
					<b>Total :</b>	<b>3,096.00</b>
98844	8/6/2012	100066 ADS ENVIRONMENTAL SERVICES,INC	12496.22.32-0612		FLOW MONITORING SERVICE & QRTL 72-360-0000-4260	3,824.01
					<b>Total :</b>	<b>3,824.01</b>
98845	8/6/2012	100067 ADVANCE DIRECT MAIL	7072102		UTILITY BILLING MAILING SERVICE - JI 70-382-0000-4300	70.38
					72-360-0000-4300	70.38
					73-350-0000-4300	70.37
					<b>Total :</b>	<b>211.13</b>
98846	8/6/2012	100070 ADVANCED ELECTRONICS INC.	0116748-IN		TWO WAY RADIO , SP EQUIPMENT ANE 01-222-0000-4260	2,190.21
			0117023-IN		TECHNICAL SUPPORT - REPROG 4 CO 01-222-0000-4260	290.00
					<b>Total :</b>	<b>2,480.21</b>
98847	8/6/2012	100101 VERIZON WIRELESS-LA	460851202		PD CELL PHONES 01-222-0000-4220	105.87
					10-220-3641-4220	32.85
			561407019		CITY YARD CELL PHONE & USB MODEI 70-384-0000-4220	70.53
					01-390-0000-4220	3.57
					01-320-0000-4220	3.57
					72-360-0000-4220	0.17

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Voucher List  
CITY OF SAN FERNANDO

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Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
98847	8/6/2012	100101 VERIZON WIRELESS-LA	(Continued) 660629692		VARIOUS CELL PHONES 01-106-0000-4220	34.62
					70-384-0000-4220	19.30
			870422920		PD CELL PHONES AND MDT MODEMS 01-222-0000-4220	1,012.07
			970459610		VARIOUS CELL PHONES 01-310-0000-4220	43.27
					72-360-0000-4220	25.91
					01-105-0000-4220	38.26
					01-101-0113-4220	132.84
					01-101-0101-4220	32.97
					01-101-0111-4220	7.16
					<b>Total :</b>	<b>1,562.96</b>
98848	8/6/2012	100128 ALL VALLEY HONEY & BEE	38817		BEE ROMOVAL @ AQUATIC CENTER 01-430-0000-4330	150.00
					<b>Total :</b>	<b>150.00</b>
98849	8/6/2012	100164 AMERICAN PLANNING ASSOCIATION	144992-1256		PLANNING ADVISORY SERVICE 01-150-0000-4300	795.00
					<b>Total :</b>	<b>795.00</b>
98850	8/6/2012	100166 AMERICAN PUBLIC WORKS ASSOC.	17952		MEMBERSHIP RENEWAL - 08/01/12 TO 01-310-0000-4360	690.00
					<b>Total :</b>	<b>690.00</b>
98851	8/6/2012	100222 ARROYO BUILDING MATERIALS, INC	92861		CONCRETE - SIDEWALK, CURB & GUT 13-311-0000-4600	160.98
			92868		CONCRETE - SIDEWALK, CURB & GUT 13-311-0000-4600	160.98
			92876		CONCRETE - SIDEWALK, CURB & GUT 13-311-0000-4600	160.98
			92937		CONCRETE - SIDEWALK, CURB & GUT 13-311-0000-4600	160.98
			92941		CONCRETE - SIDEWALK, CURB & GUT 13-311-0000-4600	160.98

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
98851	8/6/2012	100222 ARROYO BUILDING MATERIALS, INC	(Continued) 92947		CONCRETE - SIDEWALK, CURB & GUT 13-311-0000-4600	160.98
			92950		CONCRETE - SIDEWALK, CURB & GUT 13-311-0000-4600	106.61
			93226		CONCRETE - SIDEWALK, CURB & GUT 13-311-0000-4600	160.98
			93230		CONCRETE - SIDEWALK, CURB & GUT 13-311-0000-4600	160.98
			93233		CONCRETE - SIDEWALK, CURB & GUT 13-311-0000-4600	84.86
					<b>Total :</b>	<b>1,479.31</b>
98852	8/6/2012	100249 AURORA ENVIRONMENTAL, INC.	070312		AB939 COMPLIANCE PERIOD MAR - JU 73-350-0000-4270	451.25
					<b>Total :</b>	<b>451.25</b>
98853	8/6/2012	100405 BONANZA CONCRETE, INC.	38047		CONCRETE - 1000 HOLLISTER @ MACI 13-311-0000-4600	592.69
			38065		CONCRETE - 1000 HOLLISTER @ MACI 13-311-0000-4600	453.49
					<b>Total :</b>	<b>1,046.18</b>
98854	8/6/2012	100466 CACEO	4108178		CACEO SEMINAR ON 08/28/12 IN VENT 01-152-0000-4370	65.00
					<b>Total :</b>	<b>65.00</b>
98855	8/6/2012	100532 STATE OF CALIFORNIA, DEPARTMENT OF JU	916426		DOJ LIVESCAN FINGERPRINTING - JU 01-222-3721-4260	5,167.00
					<b>Total :</b>	<b>5,167.00</b>
98856	8/6/2012	100676 R. E. CHARLES PLUMBING, INC.	16706		CLEARING URINAL STOPPAGE - LP PAI 01-390-0460-4330	125.00
			16716		CLEARING SINK STOPPAGE @ CITY H/ 01-390-0310-4330	125.00
					<b>Total :</b>	<b>250.00</b>

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Voucher List  
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Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
98857	8/6/2012	100735 COASTAL AIR	14097		A/C REPAIR SERVICE 01-430-0000-4260	235.00
					<b>Total :</b>	<b>235.00</b>
98858	8/6/2012	100747 COASTLINE EQUIPMENT	84391		BACKHOE BUCKET REPLACEMENT 13-311-0000-4300	870.00
					<b>Total :</b>	<b>870.00</b>
98859	8/6/2012	100805 COOPER HARDWARE INC.	85009		NITRATE SYSTEM CONCRETE & STAPL 70-384-0000-4300	71.33
			85377		1.5" NOZZLE WASHERS 70-383-0301-4300	1.26
			85469		KNOCKDOWN SIGN MATERIAL 13-370-0301-4300	26.71
			85542		MISC PIPE 01-430-0000-4300	10.67
					<b>Total :</b>	<b>109.97</b>
98860	8/6/2012	100859 CROWN DISPOSAL	26N00077		HAULING FEES - JUNE 2012 73-350-0000-4260	65,959.60
					<b>Total :</b>	<b>65,959.60</b>
98861	8/6/2012	100886 LOS ANGELES DAILY NEWS	0010172039		PUBLICATION OF 12900 DRONFIELD SI 70-384-0857-4270	556.40
			0010184375		NOTICE OF PUBLIC HEARING - INCREA 01-190-0000-4230	685.40
					<b>Total :</b>	<b>1,241.80</b>
98862	8/6/2012	101053 ELLIOTT DIAMOND INC.	E-25133		DIAMOND BLADES 13-311-0000-4300	530.70
					13-2030	-42.70
					<b>Total :</b>	<b>488.00</b>
98863	8/6/2012	101089 ESCOBAR, MARCO	071112 - 1A		L P SENIOR PETTY CASH REIMB. 04-2380	55.88
			071112 - 1B		L P SENIOR PETTY CASH REIMB. 04-2380	154.23

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98869	8/6/2012	101302 VERIZON	(Continued)			
			8183610901		01-190-0000-4220 SEWER FLOW MONITOR	2,152.31
			8183612385		72-360-0000-4220 MTA PHONE LINE	41.94
					07-440-0441-4220	87.37
					01-190-0000-4220	43.69
			8183613958		CNG STATION	
					01-320-3661-4220	36.22
			8183616728		ENGINEERING FAX LINE	
					01-310-0000-4220	25.80
			8188371509		ANIMAL CONTROL & PW PHONE LINE	
					01-190-0000-4220	48.36
			8188377174		PD SPECIAL PROBLEMS	
					01-222-0000-4220	27.58
			8188381841		ENGINEERING FAX MODEM	
					01-310-0000-4220	26.44
			8188384969		PD ALARM PANEL	
					01-222-0000-4220	87.15
			8188981293		CITY YARD MAJOR PHONE LINES	
					70-384-0000-4220	683.90
			8188987373		PD EMERGENCY	
					01-222-0000-4220	108.23
			8188987385		LP FAX LINE	
					01-420-0000-4220	37.90
					<b>Total :</b>	<b>7,493.32</b>
98870	8/6/2012	101528 THE HOME DEPOT CRC, ACCT#603532202490	1022647		MAT'LS FOR 4TH OF JULY PREPARATIC	
			1022649		01-390-0410-4300	38.96
					MAT'LS FOR 4TH OF JULY PREPARATIC	
			1098666		01-390-0410-4300	14.51
					CONDUIT & CONNECTORS -CNG	
			1098760		01-320-3661-4400	29.07
					GROMMETS, TARP CLIPS & TARP	
			2098322		27-344-0000-4340	214.85
					ROUND-UP FOR ALLEY WEED ABATEM	
					13-311-0301-4300	119.82

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98870	8/6/2012	101528 THE HOME DEPOT CRC, ACCT#603532202490	(Continued)			
			5023965		DUCT TAPE	
					13-311-0301-4300	58.07
			5093461		MAT'LS TO REPAIR CITY HALL KITCHEN	
					01-390-0310-4300	47.34
			7021537		YELLOW CAUTION TAPE	
					13-311-0301-4300	71.80
					<b>Total :</b>	<b>594.42</b>
98871	8/6/2012	101599 IMAGE 2000 CORPORATION	VN249368		COPIER TONER	
					10-420-1371-4260	239.20
			VN273409		CONTRACT BASE RATE CHARGE - 07/1	
					01-420-0000-4260	335.33
			VN273409		CONTRACT OVERAGE CHARGE -	
					01-420-0000-4260	105.91
			VN273411		CONTRACT OVERAGE - 05/21/12-06/20/	
					10-420-1371-4260	180.39
			VN273413		TOSHIBA 720 CONTRACT BASE CHARGE	
					01-190-0000-4320	329.82
			VN273414		TOSHIBA 3510 CONTRACT BASE CHARGE	
					01-190-0000-4320	738.86
			VN273414		TOSHIBA 3510 CONTRACT OVERAGE	
					01-190-0000-4320	259.72
			VN273868		TONER SHIPPING CHARGES	
					01-190-0000-4320	13.00
					<b>Total :</b>	<b>2,202.23</b>
98872	8/6/2012	101612 INDUSTRIAL CHEM LABS & SVCS	110031		WEED CONTROL @ BIKEWAY	
					01-390-0470-4300	199.00
					<b>Total :</b>	<b>199.00</b>
98873	8/6/2012	101649 INTER VALLEY POOL SUPPLY, INC	43203		POOL CHEMICALS	
					01-430-0000-4300	1,301.74
					<b>Total :</b>	<b>1,301.74</b>
98874	8/6/2012	101666 DE LAGE LANDEN FINANCIAL SERVS	14321583		SHARP COPIERS USAGE 07/01/12-07/3	
					01-222-0000-4260	603.56

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98874	8/6/2012	101666 101666 DE LAGE LANDEN FINANCIAL SERVS	(Continued)			Total : 603.56
98875	8/6/2012	101677 J & B ELECTRONIC DOOR SERV INC	39151		ELECTRONIC GATE QRTLY SERVICE @ 01-390-0222-4260	229.50 Total : 229.50
98876	8/6/2012	101700 JAMES RESTAURANT	41		PRISONER MEALS - JUNE 2012 01-225-0000-4350	2,050.00 Total : 2,050.00
98877	8/6/2012	101768 KIMBALL-MIDWEST	2494861 2500765 2520288		HAND SAOP DISPENSER RETURNED 01-320-0000-4300 HAND SOAP DISPENSER 01-320-0000-4300 MISC NUTS, BOLTS & CLIPS 01-1215	-34.85 34.85 409.34 Total : 409.34
98878	8/6/2012	101772 KING'S BRAKE AND PIONEER TIRE	SN001598 SN001600		MOUNT & BALANCE TIRE - PW2721 72-360-0000-4400 REPLACE LOWER & UPPER CONTROL 01-320-0224-4400 01-320-0221-4400	35.00 850.00 487.60 Total : 1,372.60
98879	8/6/2012	101971 L.A. MUNICIPAL SERVICES	071212 071312		ELECTRIC - 13655 FOOTHILL 70-384-0000-4210 ELECTRIC - 14060 SAYRE 70-384-0000-4210	67.96 18,194.57 Total : 18,262.53
98880	8/6/2012	101982 COUNTY OF LOS ANGELES	FY 2012-2013		ALLOCATION OF LAFCO OPERATING C 01-130-0000-4270	624.42 Total : 624.42
98881	8/6/2012	101990 L.A. COUNTY METROPOLITAN	800052607		TAP CARDS - JUNE 2012 07-440-0441-4260	1,414.00

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98881	8/6/2012	101990 101990 L.A. COUNTY METROPOLITAN	(Continued)			Total : 1,414.00
98882	8/6/2012	102003 LOS ANGELES COUNTY	RE-PW-12041609907		INDUSTRIAL WASTE SERVICES - MAR" 72-360-0000-4430	3,642.09 Total : 3,642.09
98883	8/6/2012	102106 MARTIN & CHAPMAN CO.	2012299		11/06/12 - SPECIAL MUNICIPAL ELECTRIC 01-116-0000-4260	65.09 Total : 65.09
98884	8/6/2012	102148 METROPOLITAN WATER DISTRICT	7397		FULL SERVICE - JUNE 2012 70-384-0000-4450	9,197.93 Total : 9,197.93
98885	8/6/2012	102226 MISSION LINEN & UNIFORM	340661210 340661907 340662909 340663580 340664595 340665248		LAUNDRY 01-225-0000-4350 LAUNDRY 01-225-0000-4350 LAUNDRY 01-225-0000-4350 LAUNDRY 01-225-0000-4350 LAUNDRY 01-225-0000-4350 LAUNDRY 01-225-0000-4350	116.29 148.16 124.26 127.33 116.29 135.31 Total : 767.64
98886	8/6/2012	102277 MOTOROLA	78203730		NICE SERVICE AGREEMENT - AUG 201 01-222-0000-4260	438.21 Total : 438.21
98887	8/6/2012	102292 MUSCO SPORTS LIGHTING, LLC	234881		POWER SUPPLY 17-420-1334-4300	288.65 Total : 288.65
98888	8/6/2012	102303 NACHO'S ORNAMENTAL SUPPLY	200248		NAILS FOR REC PARK MAINT 01-390-0410-4300	9.72

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98888	8/6/2012	102303 102303 NACHO'S ORNAMENTAL SUPPLY	(Continued)			<b>Total : 9.72</b>
98889	8/6/2012	102306 MWH LABORATORIES	L0087748		WATER ANALYSIS	
			L0088911		70-384-0000-4260	139.60
			L0088926		WATER ANALYSIS	
			L0089211		70-384-0000-4260	139.60
			L0089214		WATER ANALYSIS	
			L0089217		70-384-0000-4260	139.60
			L0089218		WATER ANALYSIS	
			L0089802		70-384-0000-4260	24.00
			L0089805		WATER ANALYSIS	
			L0089813		70-384-0000-4260	139.60
			L0089883		WATER ANALYSIS	
			L0089885		70-384-0000-4260	139.60
			L0090401		WATER ANALYSIS	
			L0090513		70-384-0000-4260	139.60
			L0090518		WATER ANALYSIS	
			L0090881		70-384-0000-4260	164.00
			L0090887		WATER ANALYSIS	
			L0090888		70-384-0000-4260	139.60
					WATER ANALYSIS	

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98889	8/6/2012	102306 MWH LABORATORIES	(Continued)			
			L0091393		70-384-0000-4260	164.00
			L0091563		WATER ANALYSIS	
			L0091580		70-384-0000-4260	164.00
			L0091584		WATER ANALYSIS - F-400530	
					70-384-0000-4260	139.60
					WATER ANALYSIS - F400931	
					70-384-0000-4260	139.60
					WATER ANALYSIS - F-401090	
					70-384-0000-4260	24.00
					<b>Total : 5,758.40</b>	
98890	8/6/2012	102307 HI WAY SAFETY RENTALS, INC.	129209		BARRICADES	
			129210		72-360-0301-4300	1,079.34
			129707		DELINATORS	
					72-360-0301-4300	747.66
					DELINATORS & BASES	
					72-360-0301-4300	1,384.39
					<b>Total : 3,211.39</b>	
98891	8/6/2012	102403 NOW IMAGE PRINTING	1357		UTILITY BILLING SERVICE ORDERS &	
					70-382-0000-4300	79.75
					72-360-0000-4300	79.75
					73-350-0000-4300	79.75
					<b>Total : 239.25</b>	
98892	8/6/2012	102432 OFFICE DEPOT	1471080978		PENCILS, TAPE, LABELS, ETC	
			1479198612		01-420-0000-4300	111.21
			1479226044		PENS, MARKERS & PAPER	
			1481266863		17-420-1399-4300	30.56
			613324161002		LAMINATE PUBLIC HEARING NOTICE	
			615395242001		01-150-0000-4300	2.15
					DIGITAL CAMERA	
					13-371-0301-4300	93.36
					CHAIRS	
					01-150-0000-4300	299.06
					CLIPS, DESK EXTENSION, MARKERS,	

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98892	8/6/2012	102432 OFFICE DEPOT	(Continued)			
			615970226001		01-222-0000-4300	204.33
					THERMAL PAPER, ADDING MACHINE T.	
					70-382-0000-4300	11.85
					72-360-0000-4300	11.85
					73-350-0000-4300	11.85
					01-130-0000-4300	87.09
			615993614001		COPY PAPER & BUBBLE WRAP	
					01-222-0000-4300	184.22
			616131742001		BINDER COVERS, FOLDERS, HO CART	
					01-310-0000-4300	499.09
			616131793001		PRINTER TONER	
					01-310-0000-4300	90.40
			61631792001		CABLE TIE	
					01-310-0000-4300	2.98
			616345793001		HARD DRIVE	
					01-222-0000-4300	217.48
			616505666001		PENS, POST IT, CORRECTION TAPE, G	
					01-222-0000-4300	82.30
			616587528001		LABELS, BOXES, GLUE STICKS AND S	
					01-130-0000-4300	75.85
					Total :	2,015.63
98893	8/6/2012	102530 AT & T	818-270-2203		1SDN LINE/LASN NETWORK	
					01-222-0000-4220	104.46
					Total :	104.46
98894	8/6/2012	102666 PREFERRED DELIVERY SYSTEMS INC	549-33		COURIER SERVICE	
					01-222-0000-4260	103.00
			549-34		COURIER SERVICE	
					01-222-0000-4260	206.00
					Total :	309.00
98895	8/6/2012	102716 PYRO SPECTACULARS, INC.	49448		FINAL PAYMENT FOR 4TH OF JULY FIR	
					17-420-1386-4260	9,000.00
					Total :	9,000.00

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98896	8/6/2012	102727 QUARTERMASTER	R877453700018		NAME BADGES		
					01-222-0000-4300	157.69	
					Total :	157.69	
98897	8/6/2012	102782 RAMIREZ, JOSE A.	071112		SUMMER DANCE MUSIC - 08/18/12		
					04-2380	950.00	
					Total :	950.00	
98898	8/6/2012	102929 ROYAL PAPER CORPORATION	4310457		DISINFECTANT FOR PARKS		
					01-390-0410-4300	101.68	
					01-390-0460-4300	50.84	
					01-390-7500-4300	50.84	
			4311607		JANITORIAL SUPPLIES		
					01-390-0410-4300	793.74	
					01-390-0460-4300	310.20	
					01-390-0470-4300	206.63	
					01-390-7500-4300	215.57	
					Total :	1,729.50	
98899	8/6/2012	102930 ROYAL WHOLESALE ELECTRIC	879763		LATE FEE		
					13-370-0000-4430	9.25	
			8901-666743		PROTECTIVE GLOVES		
					27-344-0301-4300	226.42	
			8901-667958		STREET LIGHT LAMPS		
					27-344-0301-4300	169.65	
			8901-668062		FISH TAPE & LEADERS		
					27-344-0301-4300	162.16	
			8901-668299		REPLACEMENT TAPE, REEL & WINDER		
					01-371-0000-4340	38.91	
					Total :	606.39	
98900	8/6/2012	102961 SCAG-SO CA ASSN OF GOVERNMENTS	FY 2012-13		FY12-13 MEMBERSHIP DUES		
					01-190-0000-4380	2,557.00	
					Total :	2,557.00	
98901	8/6/2012	103010 SAM'S CLUB DIRECT, #0402465855179	5912		REFRESHMENTS - AARP CLASS ON 07		
					04-2346	13.19	

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98901	8/6/2012	103010	103010 SAM'S CLUB DIRECT, #0402465855179 (Continued)			Total : 13.19
98902	8/6/2012	103029	SAN FERNANDO, CITY OF	11642-11733	REIMBURSEMENT TO WORKERS COM 06-190-0000-4810	17,341.41 Total : 17,341.41
98903	8/6/2012	103057	SAN FERNANDO VALLEY SUN	8270	PUBLICATION OF LLAD RESO 01-310-0000-4260	459.38
				8302	01-115-0000-4230 PUBLIC NOTICE OF SPECIAL MUNICIPI/ 01-116-0000-4230	40.63 212.50 Total : 712.51
98904	8/6/2012	103184	SMART & FINAL	189765	COFFEE, CREAMER & CUPS 10-422-3750-4300	105.56
				191034	04-2346 SUPPLIES FOR REC PARK	41.84
				193036	01-420-0000-4300 SUMMER CAMP SUPPLIES	142.93
				195287	17-420-1399-4300 DAY CAMP SCIENCE ACTIVITY & TRIP 17-420-1399-4300	46.90 164.21 Total : 501.44
98905	8/6/2012	103202	SOUTHERN CALIFORNIA EDISON CO.	062812	ELECTRIC - PARKING LOTS 29-335-0000-4210	1,094.53
				062912	ELECTRIC - 2025 4TH 01-420-0000-4210	265.24
				063012	01-371-0000-4210 ELECTRIC - MOTT/BRAND	39.12
					01-371-0000-4210 01-390-0457-4210	40.45 178.07
				070312	ELECTRIC - 208 PARK (AQUATIC) 01-430-0000-4210	5,435.75
					01-222-0000-4210 29-335-0000-4210 01-390-0310-4210	7,398.93 39.41 3,195.63

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98905	8/6/2012	103202 SOUTHERN CALIFORNIA EDISON CO.	(Continued)				
					29-335-0000-4210		53.25
					01-320-3661-4210		2,950.90
					01-390-0450-4210		699.06
					27-344-0000-4210		678.05
			070512		ELECTRIC - 505 S HUNTINGTON		
					01-420-0000-4210		3,110.14
					27-344-0000-4210		100.96
			070612		ELECTRIC - GLENOAKS/GRISWOLD; 81		
					27-344-0000-4210		18,646.39
					01-420-0000-4210		4,213.93
			070712		ELECTRIC - TRAFFIC SIGNALS		
					01-371-0000-4210		1,474.87
			071012		ELECTRIC - TRAFFIC SIGNALS		
					01-371-0000-4210		55.84
					29-335-0000-4210		164.17
			071112		ELECTRIC - 900 1/2 FIRST, 1041 1/2		
					01-390-0470-4210		125.10
			071212		ELECTRIC - TRUMAN/KITTRIDGE		
					01-341-0000-4210		21.84
			071312		ELECTRIC - 60 JESSIE & 573 GLENOAK		
					70-384-0000-4210		1,988.83
					01-390-0450-4210		806.05
					70-381-0000-4210		403.03
					72-360-0000-4210		412.25
					Total :		53,591.79
98906	8/6/2012	103205 THE GAS COMPANY	070912		GAS - 828 HARDING		
					01-420-0000-4210		8.63
			071012		GAS - 910 FIRST		
					01-222-0000-4210		403.17
					70-381-0000-4210		7.73
					72-360-0000-4210		7.72
					01-390-0450-4210		15.41
					01-310-0000-4210		54.85
			071212		GAS - 505 S HUNTINGTON		
					01-420-0000-4210		45.66

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98906	8/6/2012	103205 THE GAS COMPANY	(Continued)			Total : 543.17
98907	8/6/2012	103206 SOUTHERN CALIFORNIA GAS CO.	176-827-9753		NATURAL GAS - CNG STATION 01-320-3661-4402	5,410.72 Total : 5,410.72
98908	8/6/2012	103218 SOLIS, MARGARITA	143-149		PETTY CASH REIMB 01-150-0000-4300 01-222-0000-4300 10-420-1371-4300 70-381-0000-4370	31.00 13.55 124.45 9.73 Total : 178.73
98909	8/6/2012	103263 STERND AHL ENTERPRISES, INC.	13121		CROSSWALK STRIPING - MACLAY/THIF 13-311-0000-4600	2,200.00 Total : 2,200.00
98910	8/6/2012	103299 SUPREME SALES COMPANY, INC.	018137 018140		PRISONER SLIPPERS 01-225-0000-4300 TOOTH BRUSHES 01-225-0000-4350	266.75 216.64 Total : 483.39
98911	8/6/2012	103349 THE HOUSE OF PRINTING, INC.	142671		#10 WINDOW ENVELOPES 01-130-0000-4300	379.54 Total : 379.54
98912	8/6/2012	103413 TRANS UNION LLC	06210274		CREDIT CHECKS 01-222-0000-4260	13.05 Total : 13.05
98913	8/6/2012	103439 UPS	831954272		POSTAGE 01-190-0000-4280	100.00 Total : 100.00
98914	8/6/2012	103445 UNDERGROUND SERVICE ALERT	620120645		(37) NEW USA DIGALERT TICKETS 70-381-0000-4260	55.50

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98914	8/6/2012	103445 103445 UNDERGROUND SERVICE ALERT	(Continued)			Total : 55.50
98915	8/6/2012	103463 U.S. POSTMASTER	DEMAND		PRESORTED FIRST CLASS POSTAGE 70-382-0000-4300 72-360-0000-4300 73-350-0000-4300	375.66 375.66 375.67 Total : 1,126.99
98916	8/6/2012	103503 UNITED STATES POSTAL SERVICE	15122187		REIMBURSEMENT OF POSTAGE MACH 01-190-0000-4280	1,500.00 Total : 1,500.00
98917	8/6/2012	103534 VALLEY LOCKSMITH	071212-1 071212-2 071212-3		SPARE KEY FOR AQUATIC CENTER 01-430-0000-4300 SPARE KEYS FOR CITY HALL 01-390-0310-4300 REMOTE CONTROLS & BATTERIES FO 01-390-0450-4300	16.31 11.41 157.25 Total : 184.97
98918	8/6/2012	103661 WEST-LITE SUPPLY CO., INC.	16421C		REPLACE LAMPS 01-390-0410-4300 01-390-0480-4300	40.80 166.64 Total : 207.44
98919	8/6/2012	103668 WESTERN STAMP ENGRAVING CO.	25076		SELF INK STAMP FOR PD 01-222-0000-4300	29.71 Total : 29.71
98920	8/6/2012	103690 HDS WHITE CAP CONST SUPPLY	301079151-00		SAFETY HARNESS 13-311-0301-4300	423.45 Total : 423.45
98921	8/6/2012	103716 WORKBOOT WAREHOUSE	38630		SAFETY BOOTS 01-311-0000-4310	179.44 Total : 179.44
98922	8/6/2012	103738 YOSEF AMZALAG SUPPLY	12011520		SPRINKLER REPAIR @ BRAND ISLAND	

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98922	8/6/2012	103738 YOSEF AMZALAG SUPPLY	(Continued)			
			12012464		01-390-0410-4300 MISC PIPES	59.51
			12012643		01-430-0000-4300 MISC PIPES	5.63
			12012964		01-430-0000-4300 SPRINKLER REPAIR @ LP PARK	72.11
			12013008		01-390-0460-4300 MISC PIPES	51.82
					01-430-0000-4300	58.53
					<b>Total :</b>	<b>247.60</b>
98923	8/6/2012	103752 ZUMAR INDUSTRIES, INC.	0139085		KNOCKDOWN SIGN MATERIALS 13-370-0000-4430	1,512.85
					<b>Total :</b>	<b>1,512.85</b>
98924	8/6/2012	103856 FLAGS USA INC.	52796		NEW US FLAGS FOR MACLAY 11-311-7510-4600	173.30
					<b>Total :</b>	<b>173.30</b>
98925	8/6/2012	103903 TIME WARNER CABLE	8448200540010328		CABLE - 07/05/12-08/04/12 01-190-0000-4220	58.49
			8448200540010369		CABLE 07/18-08/17 01-222-0000-4260	15.79
			8448200540028882		CABLE/INTERNET SERVICES - 07/13-08/11/11 01-420-0000-4260	117.40
			8448300070189011		INTERNET SERVICES - 07/12/12-08/11/11 01-190-0000-4220	1,100.00
					<b>Total :</b>	<b>1,291.68</b>
98926	8/6/2012	887466 SIMON'S POWER EQUIPMENT, INC.	082806		CHAINSAW CHAINS, CAP, CHAPS & FIL 13-311-0000-4300	269.82
					<b>Total :</b>	<b>269.82</b>
98927	8/6/2012	887589 RIVERA, BENITA	977403		REFUND - TJ TRIP 04-2380	70.00
					<b>Total :</b>	<b>70.00</b>

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98928	8/6/2012	887603 R. F. ERECTION COMPANY	12-444		ELEVATOR SERVICE @ LP PARK JULY-12 01-390-0460-4260	400.00
					<b>Total :</b>	<b>400.00</b>
98929	8/6/2012	887848 HSBC BUSINESS SOLUTIONS	26329621		SMALL TOOLS 01-320-0000-4340	1,123.88
					<b>Total :</b>	<b>1,123.88</b>
98930	8/6/2012	887952 J. Z. LAWMOWER SHOP	3609		HEDGER PULL STRINGS 13-311-0000-4300	36.45
			3610		SMALL TOOLS FOR LANDSCAPE MAINT 01-390-0410-4320	272.21
			3611		SMALL TOOLS MAINT 01-390-0410-4340	201.44
					<b>Total :</b>	<b>510.10</b>
98931	8/6/2012	887962 THE ACTIVE NETWORK	11036827		CASH DRAWER, AUTOCUTTER W/USB 01-430-0000-4300	669.91
					<b>Total :</b>	<b>669.91</b>
98932	8/6/2012	888075 DATAMATIC, LTD.	CA-0000022835		HANDHELD METER READING MAINT - 70-381-0000-4320	296.82
					<b>Total :</b>	<b>296.82</b>
98933	8/6/2012	888123 L.A. DEPARTMENT OF WTR & POWER	742182-315943		SECURITY LIGHTING - 12900 DRONFIE 70-384-0000-4210	334.25
			742182-351938		SECURITY LIGHTING - 13655 FOOTHILL 70-384-0000-4210	104.50
					<b>Total :</b>	<b>438.75</b>
98934	8/6/2012	888179 DMR TEAM, INC.	2		FINAL DESIGN FOR 5 INTERSECTIONS 12-310-0000-4270	8,220.00
					<b>Total :</b>	<b>8,220.00</b>
98935	8/6/2012	888241 UNITED SITE SERVICES OF CA INC	114-640530		PORTABLE TOILET RENTAL @ 501 FIRST 72-360-0450-4260	467.84
			114-642489		PORTABLE TOILET RENTAL @ LAYNE F 01-390-0410-4260	322.24

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98943	8/6/2012	888577 ESRI INC.	(Continued)		01-140-0000-4320	1,565.62
					<b>Total :</b>	<b>3,131.25</b>
98944	8/6/2012	888615 WOOD AUTO SUPPLY INC	767235		FUEL CAP - PD4540	
			767394		01-320-0222-4400	5.00
			767939		FRONT/REAR BRAKE PADS - PD8955	122.99
			769095		01-320-0224-4400	63.68
			770876		TURN LIGHTS - WA9503	17.56
					70-382-0000-4400	106.58
					BELT - PW0315	
					29-335-0000-4400	
					WIPER BLADES	
					01-1215	
					<b>Total :</b>	<b>315.81</b>
98945	8/6/2012	888629 SPARKLETTES	5927274063012		WATER	
					01-422-0000-4300	157.55
					<b>Total :</b>	<b>157.55</b>
98946	8/6/2012	888646 HD SUPPLY WATER WORKS, LTD	5009718		CLAMPS	
					70-383-0301-4300	309.55
					<b>Total :</b>	<b>309.55</b>
98947	8/6/2012	888762 COMMAND CONCRETE CUTTING	11495		TRENCH CUT - 1500 GLENAOKS	
					70-383-0000-4260	375.00
					<b>Total :</b>	<b>375.00</b>
98948	8/6/2012	888800 BUSINESS CARD	194767		ASCEP READING BOOKS	
			269075		10-420-1371-4300	1,145.57
			269257		CPR CERTIFICATION	
					10-420-1371-4300	35.00
					01-423-0000-4300	35.00
					CPR CERTIFICATION	
					10-420-1371-4300	142.50
					01-423-0000-4300	142.50
			300018		DAY CAMP TRIP TICKETS	

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98948	8/6/2012	888800 BUSINESS CARD	(Continued)		17-420-1399-4300	1,125.00
			586973		REPLACEMENT COMPUTER	
			866892		70-381-0000-4500	599.22
			914549		REGISTRATION FOR WORKSHOP (MM/	1,615.00
			916424		01-424-0000-4430	1,177.16
					ASCEP CELD & CST TESTING MAT'LS	
					10-420-1371-4300	610.09
					REPLACEMENT COMPUTER	
					13-311-0000-4300	
					<b>Total :</b>	<b>6,627.04</b>
98949	8/6/2012	888869 MUNITEMPS STAFFING	4086		TEMPORARY STAFFING - ADMIN ANAL	
			4105		70-382-0000-4112	2,774.00
			4126		TEMPORARY STAFFING - ADMIN ANAL	2,609.75
			4141		70-382-0000-4112	2,920.00
					TEMPORARY STAFFING - ADMIN ANAL	2,792.25
					70-382-0000-4112	
					<b>Total :</b>	<b>11,096.00</b>
98950	8/6/2012	889037 AT&T MOBILITY	875587443		MODEM FOR TRAFFIC SIGNS ON MACI	
					01-310-0000-4220	61.75
					<b>Total :</b>	<b>61.75</b>
98951	8/6/2012	889043 ALADIN JUMPERS	062412		DANCE FLOOR POOL BUILDING RENT/	
			070412		17-420-1397-4260	175.00
					RENTAL FOR 4TH OF JULY EVENT	
					17-420-1386-4260	100.00
					<b>Total :</b>	<b>275.00</b>
98952	8/6/2012	889118 LDI COLOR TOOLBOX	173914		SHARP COPER CONTRACT PERIOD 06	
					01-222-0000-4260	123.28
					<b>Total :</b>	<b>123.28</b>
98953	8/6/2012	889149 STAPLES BUSINESS ADVANTAGE	3177331607		MOBILE WORKSTATION	

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98953	8/6/2012	889149 STAPLES BUSINESS ADVANTAGE	(Continued)		01-152-0000-4300	172.26
					<b>Total :</b>	<b>172.26</b>
98954	8/6/2012	889187 USA MOBILITY WIRELESS, INC	V7954833G		PAGERS 01-190-0000-4220	61.06
					<b>Total :</b>	<b>61.06</b>
98955	8/6/2012	889289 PRO ONE STAGE PRODUCTIONS	1517		STAGE RENTAL FOR JC PENNY RALLY 01-2761	900.00
					<b>Total :</b>	<b>900.00</b>
98956	8/6/2012	889328 FIRST TRANSIT, INC.	10697580		MCT - JUNE 2012 07-313-0000-4260	37,424.10
					<b>Total :</b>	<b>37,424.10</b>
98957	8/6/2012	889352 GOMEZ, ADRIANA	071712		COMMISSIONER'S REIMB. 01-420-0000-4111	50.00
					<b>Total :</b>	<b>50.00</b>
98958	8/6/2012	889414 MARSHALL, XAVIER	061312		DAY CAMP KICK-OFF: 06/25/12 17-420-1399-4260	350.00
			061312		EXERCISE CLASSES - MUSICAL PRESENTATION 17-420-1337-4260	500.00
					<b>Total :</b>	<b>850.00</b>
98959	8/6/2012	889532 GILMORE, REVA A.	06/16/12 - 06/29/12		FOOD SERVICE MANAGER 10-422-3750-4270	663.00
			06/30/12 - 07/13/12		FOOD SERVICE MANAGER 10-422-3750-4270	110.50
					FOOD SERVICE MANAGER 10-422-3752-4270	598.00
					<b>Total :</b>	<b>1,475.50</b>
98960	8/6/2012	889533 MARTINEZ, ANITA	06/16/12 - 06/29/12		ASSISTANT FOOD MANAGER 10-422-3750-4270	177.00
			06/30/12 - 07/13/12		ASSISTANT FOOD MANAGER 10-422-3750-4270	141.60
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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
98960	8/6/2012	889533 MARTINEZ, ANITA	(Continued)			<b>Total : 318.60</b>
98961	8/6/2012	889534 RAMIREZ, FRANCISCO	06/16/12 - 06/29/12		HDM DRIVER 10-422-3752-4270	177.00
			06/30/12 - 07/13/12		10-422-3752-4390 HDM DRIVER 10-422-3752-4270	52.00
					10-422-3752-4390	159.30
					<b>Total :</b>	<b>435.10</b>
98962	8/6/2012	889535 GOMEZ, GILBERT	06/16/12 - 06/29/12		HDM DRIVER 10-422-3752-4270	177.00
			06/30/12 - 07/13/12		10-422-3752-4390 HDM DRIVER 10-422-3752-4270	57.20
					10-422-3752-4390	159.30
					<b>Total :</b>	<b>444.98</b>
98963	8/6/2012	889602 RESPOND SYSTEMS	90158		AED - FITNESS CLASSES 17-420-1337-4300	1,930.31
			90574		01-430-0000-4300 AED - FITNESS CLASSES 17-420-1337-4300	180.42
			91381		01-430-0000-4300 GLOVES	1,930.31
					01-430-0000-4300	172.81
					<b>Total :</b>	<b>4,322.06</b>
98964	8/6/2012	889611 MORRISON MANAGEMENT SPECIALIST	18845201263001		LP SENIOR MEALS - JUNE 2012 10-422-3750-4260	5,017.50
					10-422-3752-4260	3,240.00
					<b>Total :</b>	<b>8,257.50</b>
98965	8/6/2012	889644 VERIZON BUSINESS	838326		CITY HALL LONG DISTANCE 01-190-0000-4220	51.18
			838327		CITY YARD LONG DISTANCE 70-384-0000-4220	87.72
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98965	8/6/2012	889644 VERIZON BUSINESS	(Continued) 838328		CITY YARD LONG DISTANCE 70-384-0000-4220	261.47
			838329		POLICE LONG DISTANCE 01-222-0000-4220	224.64
			838330		CITY YARD LONG DISTANCE 70-384-0000-4220	4.85
			838331		PARK LONG DISTANCE 01-420-0000-4220	117.78
			838915		ENGINEERING LONG DISTANCE 01-310-0000-4220	2.71
			838925		CITY YARD LONG DIST (AIMS NETWORK 70-384-0000-4220	4.95
			838929		CREDIT CARD LINE 01-190-0000-4220	2.42
			838930		POLICE LONG DISTANCE 01-222-0000-4220	2.82
			838931		PARK LONG DISTANCE 01-420-0000-4220	4.91
			838939		CITY HALL LONG DIST 01-190-0000-4220	0.75
<b>Total :</b>						<b>766.20</b>
98966	8/6/2012	889681 VILLALPANDO, MARIA	06/16/12 - 06/29/12		FOOD SERVICE WORKER 10-422-3750-4270	221.25
			06/30/12 - 07/13/12		10-422-3752-4270 FOOD SERVICE WORKER 10-422-3750-4270	44.25 199.13 39.83
<b>Total :</b>						<b>504.46</b>
98967	8/6/2012	889737 BOCHE, JORGE	JAN - JUNE 2012		AZTEC DANCE CLASS INSTRUCTOR 17-420-1364-4260	182.00
			JAN - OCT 2011		AZTEC DANCE CLASS INSTRUCTOR 17-420-1364-4260	299.00
<b>Total :</b>						<b>481.00</b>

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98968	8/6/2012	889763 PEREZ, JENNIFER	071712		COMMISSIONER'S REIMB 01-420-0000-4111	50.00
<b>Total :</b>						<b>50.00</b>
98969	8/6/2012	889834 LESLIE'S SWIMMING POOL SUPPLIE	3013-57986		POOL CHEMICAL 01-430-0000-4300	509.28
<b>Total :</b>						<b>509.28</b>
98970	8/6/2012	889942 ATHENS SERVICES	JULY 2012		STREET SWEEPING - JULY 2012 01-343-0000-4260	10,100.00
<b>Total :</b>						<b>10,100.00</b>
98971	8/6/2012	889962 GMS ELEVATOR SERVICES, INC	00064918		MONTHLY ELEVATOR SERVICE 01-430-0000-4260	125.00
<b>Total :</b>						<b>125.00</b>
98972	8/6/2012	889986 THE GEAR BOX	1939		TASER DUTY HOLSTER 01-222-0000-4300	250.07
<b>Total :</b>						<b>250.07</b>
98973	8/6/2012	890004 PACIFIC TELEMAGEMENT SERVICE	413610		PD PAY PHONE - AUG 2012 01-190-0000-4220	62.64
<b>Total :</b>						<b>62.64</b>
98974	8/6/2012	890010 TOTAL PRINTING SUPPLIES	10872		INK CARTRIDGE 01-222-0000-4300	250.13
			10873		INK CARTRIDGE 01-222-0000-4300	32.63
			10874		TONER 01-105-0000-4300	342.56
<b>Total :</b>						<b>625.32</b>
98975	8/6/2012	890080 TECOGEN INC.	CGQ0312-48		MAINTENANCE SERVICE 07/1/12-09/30/ 01-430-0000-4260	4,194.25
<b>Total :</b>						<b>4,194.25</b>
98976	8/6/2012	890109 SUPERMEDIA LLC	49003218406		DOMAIN REGISTRATION & E-MAIL HOS 01-190-0000-4220	50.95

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98976	8/6/2012	890109 890109 SUPERMEDIA LLC	(Continued)			<b>Total : 50.95</b>
98977	8/6/2012	890127 NATURAL GAS GLOBAL SERVICES	272		CONTRACTUAL SERVICES	
			275		01-320-3661-4260	185.00
					CONTRACTUAL SERVICES - EMERGEN	
					01-320-3661-4260	2,442.81
					<b>Total :</b>	<b>2,627.81</b>
98978	8/6/2012	890360 BALLIN, NINAMARIE JULIA	071712		COMMISSIONER'S REIMB	
					01-420-0000-4111	50.00
					<b>Total :</b>	<b>50.00</b>
98979	8/6/2012	890362 RTB BUS LINE	1328		TRANSPORTATION TO MUSEUM ON 06	
			1353		07-440-0443-4260	398.00
					TRANSPORTATION TO CASTAIC LAKE	
					07-440-0443-4260	450.00
					<b>Total :</b>	<b>848.00</b>
98980	8/6/2012	890401 ENVIROGEN TECHNOLOGIES INC	0003318-IN		MONTHLY STORAGE FEES - 03/15-31/1	
			0003354-IN		70-384-0857-4600	750.00
			0003355-IN		NITRATE REMOVAL SYSTEM MONTHLY	
			0003404-IN		70-384-0857-4600	6,676.00
			0003405-IN		MONTHLY STORAGE FEES - APR 2012	
					70-384-0857-4600	1,500.00
					NITRATE REMOVAL SYSTEM - MONTH	
					70-384-0857-4600	6,676.00
					MONTHLY STORAGE FEES - MAY 2012	
					70-384-0857-4600	1,500.00
					<b>Total :</b>	<b>17,102.00</b>
98981	8/6/2012	890483 ARARAT HOME	122112		FINAL PAYMENT FOR SENIOR CHRISTI	
					04-2380	2,800.00
					<b>Total :</b>	<b>2,800.00</b>
98982	8/6/2012	890486 LINCOLN COMMERCIAL	SI181705		VAC REPAIR	
			SI189686		01-430-0000-4300	301.89
					CHEMICAL TUBE & INJECTORS	
					01-430-0000-4300	371.81

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98982	8/6/2012	890486 LINCOLN COMMERCIAL	(Continued)			
			SI191148		VAC REPAIR	
					01-430-0000-4300	238.55
					<b>Total :</b>	<b>912.25</b>
98983	8/6/2012	890513 ELIFEGUARD INC	36713		UNIFORMS	
			37157		01-430-0000-4300	1,406.17
			37372		UNIFORMS	
			37435		01-430-0000-4300	426.71
					LIFEGUARD UNIFORMS	
					01-430-0000-4300	19.70
					UNIFORMS	
					01-430-0000-4300	76.85
					<b>Total :</b>	<b>1,929.43</b>
98984	8/6/2012	890561 GCS INC.	41287		JANITORIAL SERVICES - JULY 2012	
					01-390-0222-4260	4,305.60
					01-390-0310-4260	1,214.91
					01-390-0410-4260	2,607.00
					01-390-0450-4260	1,088.36
					01-390-0460-4260	3,780.00
					01-430-0000-4260	3,302.77
					<b>Total :</b>	<b>16,298.64</b>
98985	8/6/2012	890589 ALCOCER, ARACELY	JUNE 2012		ZUMBA INSTRUCTOR	
					17-420-1337-4260	780.00
					<b>Total :</b>	<b>780.00</b>
98986	8/6/2012	890598 ALVARADO, VIRGINIA	JUNE 2012		BODY SCULPT INSTRUCTOR	
					17-420-1337-4260	120.00
					<b>Total :</b>	<b>120.00</b>
98987	8/6/2012	890685 PASI, JAMISON	JUNE 2012		YOGA/PILATES INSTRUCTOR	
					17-420-1337-4260	120.00
					<b>Total :</b>	<b>120.00</b>
98988	8/6/2012	890693 GLIDDEN PROFESSIONAL	500866		PAINT - GRAFFITI	

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98988	8/6/2012	890693 GLIDDEN PROFESSIONAL	(Continued)		01-152-0000-4300	241.09
					Total :	241.09
98989	8/6/2012	890694 INSUA GRAPHICS	24358		BUSINESS CARDS 01-222-0000-4300	172.91
					Total :	172.91
98990	8/6/2012	890696 GEORGES, CHRIS	JUNE 2012		MASTER SWIM TEAM INSTRUCTOR 17-420-1338-4260	785.85
					Total :	785.85
98991	8/6/2012	890740 MORAN, STEPHANIE	JUNE 2012		WATER EXERCISE INSTRUCTOR 17-420-1338-4260	200.00
					Total :	200.00
98992	8/6/2012	890772 GACHUZO, ELIDA	07/01/12 - 07/17/12		MARIACHI MASTER APPRENTICE PRO 10-424-3678-4260	300.00
			JUNE 2012		MARIACHI MASTER APPRENTICE PRO 10-424-3678-4260	172.50
					Total :	472.50
98993	8/6/2012	890780 MISSION AMBULANCE, INC.	27721		LIFEGUARD SERVICES - W/E 07/16/12 01-430-0000-4260	30,962.14
					Total :	30,962.14
98994	8/6/2012	890806 SALDIVAR, GEORGE	236998		TRIP CANCELLATION - NEW MEXICO 04-2383	150.00
					Total :	150.00
98995	8/6/2012	890807 TORRES, SALVADOR	236958		TRIP CANCELLATION - NEW MEXICO 04-2383	150.00
			279140		TRIP CANCELLATION - NEW MEXICO 04-2383	200.00
			976748		TRIP CANCELLATION - NEW MEXICO 04-2383	200.00
					Total :	550.00
						Page: 31

vchlist 08/01/2012 9:38:13AM		Voucher List CITY OF SAN FERNANDO				Page: 32
Bank code :		bank				
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
98996	8/6/2012	890808 LOZANO, GRACE	2000025.001		SWIMMING LESSON REFUND 01-3779-0000	40.00
					Total :	40.00
98997	8/6/2012	890809 URIBE, FRANCES	2000095.004		SWIMMING LESSONS REFUND 01-3779-0000	20.00
					Total :	20.00
98998	8/6/2012	890810 SENFLEBEN, DARIO	JUNE 2012		OUTDOOR FITNESS INSTRUCTOR 17-420-1337-4260	180.00
					Total :	180.00
98999	8/6/2012	890811 MUNKRES, NANCY	JUNE 2012		CO-ED SUMMER WATER POLO INSTR 17-420-1338-4260	1,134.00
					Total :	1,134.00
99000	8/6/2012	890812 MONTOYA, IRMA	2000800141		FACILITY RENTAL REFUND 01-3777-0000	71.00
					Total :	71.00
99001	8/6/2012	890813 BARRERA, JOSE	2000800140		FACILITY RENTAL REFUND 01-3779-0000	50.00
					Total :	50.00
99002	8/6/2012	890814 JIMENEZ, CHRISTINA	2000800139		FACILITY RENTAL REFUND 01-3779-0000	157.00
					Total :	157.00
99003	8/6/2012	890815 GRYALVA, KARINA	2000100.004		SWIMMING LESSONS REFUND 01-3779-0000	10.00
					Total :	10.00
99004	8/6/2012	890816 BIG DOG ELECTRONCS CO	228		BATTERIES 01-430-0000-4300	21.84
			229		WALKIE-TALKIES 01-430-0000-4300	139.43
					Total :	161.27
						Page: 32

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**Voucher List**  
**CITY OF SAN FERNANDO**

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Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
99005	8/6/2012	890817 THE WALKING MAN, INC.	E3592		DISTRIBUTION OF FLYERS 01-420-0000-4260	997.50
					<b>Total :</b>	<b>997.50</b>
99006	8/6/2012	890818 KALVIN, RENEE	2000101.004		WATER POLO REFUND 01-3779-0000	45.00
					<b>Total :</b>	<b>45.00</b>
99007	8/6/2012	890819 CANIZALEZ, LORENA	2000099.004		SWIMMING LESSON REFUND 01-3779-0000	30.00
					<b>Total :</b>	<b>30.00</b>
99008	8/6/2012	890820 AREVALO, MEISY	2000117.004		DAY CAMP REFUND 17-3770-1399	165.00
					<b>Total :</b>	<b>165.00</b>
99009	8/6/2012	890821 TOLLSTROP, LISA	2000800138		FACILITY EVENT REFUND 01-3777-0000	165.00
					<b>Total :</b>	<b>165.00</b>
99010	8/6/2012	890822 RUBIO, ANGELICA	2000107.004		SWIM LESSONS REFUND 01-3779-0000	40.00
					<b>Total :</b>	<b>40.00</b>
99011	8/6/2012	890823 JIMENEZ, PATTY	2000031.001		SWIM LESSONS REFUND 01-3779-0000	120.00
					<b>Total :</b>	<b>120.00</b>
99012	8/6/2012	890824 PEREIRA, MILAGRO	2000032.001		SWIM LESSONS REFUND 01-3779-0000	45.00
					<b>Total :</b>	<b>45.00</b>
99013	8/6/2012	890825 JACKSON, LEAH	2000105.004		SWIM LESSONS REFUND 01-3779-0000	45.00
					<b>Total :</b>	<b>45.00</b>
99014	8/6/2012	890826 VILLAR, CRISTINA	2000106.004		JUNIOR LIFEGUARD REFUND 01-3779-0000	70.00

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**Voucher List**  
**CITY OF SAN FERNANDO**

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Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
99014	8/6/2012	890826 890826 VILLAR, CRISTINA	(Continued)			<b>Total : 70.00</b>
99015	8/6/2012	890827 RAMIREZ, YESIKA	2000102.004		SWIM LESSONS REFUND 01-3779-0000	45.00
					<b>Total :</b>	<b>45.00</b>
99016	8/6/2012	890828 PALAFOX, MARIA	2000030.001		SWIM LESSONS REFUND 01-3779-0000	180.00
					<b>Total :</b>	<b>180.00</b>
99017	8/6/2012	890829 RODRIGUEZ, MARY	2000029.001		YOUTH BASKETBALL REFUND 17-3770-1328	150.00
					<b>Total :</b>	<b>150.00</b>
99018	8/6/2012	890830 VALLES, CINDY	2000112.004		SWIM LESSONS REFUND 01-3779-0000	45.00
					<b>Total :</b>	<b>45.00</b>
99019	8/6/2012	890831 DAVIS, ALLISON	2000109.004		SWIM LESSONS REFUND 01-3779-0000	40.00
					<b>Total :</b>	<b>40.00</b>
99020	8/6/2012	890832 MARTINEZ, MONICA	2000103.004		SWIM TEAM REFUND 01-3779-0000	75.00
					<b>Total :</b>	<b>75.00</b>
99021	8/6/2012	890833 THOMPSON REUTERS	825210550		LA CLEAR INVEST TOOL 01-224-0000-4270	39.91
					<b>Total :</b>	<b>39.91</b>
99022	8/6/2012	890834 SPARKLING IMAGE CORP	JUNE 2012 MAY 2012		CAR WASH - JUNE 2012 01-222-0000-4320 CAR WASH - MAY 2012 01-222-0000-4320	168.00 133.00
					<b>Total :</b>	<b>301.00</b>

181 Vouchers for bank code : bank

Bank total : 480,564.32

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Voucher List

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CITY OF SAN FERNANDO

Bank code : bank

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
181		Vouchers in this report			Total vouchers :	480,564.32

Voucher Registers are not final until approved by Council.

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## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

**TO:** Mayor Brenda Esqueda and Councilmembers

**FROM:** Al Hernández, City Administrator  
By: Fred Ramirez, City Planner

**DATE:** August 6, 2012

**SUBJECT:** Adoption of an Ordinance Establishing a Water Conservation and Building Safety Program

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#### **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 “An Ordinance of the City of San Fernando Adopting a Water Conservation and Building Safety Program and Amending the San Fernando City Code” (Attachment “A”).

#### **BACKGROUND:**

1. On October 17, 2011, the City Council approved Ordinance No. 1608, amending the Chapter 18 (“Building Codes”) of the San Fernando City Code establishing the Residential Property Pre-sale Inspection and Report Program. The provisions of the proposed water conservation and building safety program were originally included in proposed residential property pre-sale inspection and report. However, based on staff analysis it was determined that these provisions of the draft ordinance would have to be included as part of a subsequent amendment of the city’s building codes.
2. On June 4, 2012, the City Council adopted Ordinance No. 1615, which provided for the adoption of the 2010 Edition of the California Building Standards Codes with local City of Los Angeles amendments and adoption of the City of Los Angeles Elevator Code.

## Adoption of an Ordinance Establishing a Water Conservation and Building Safety Program

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**ANALYSIS:**

**Purpose.** The proposed Ordinance establishing the Water Conservation and Building Safety Program notes the following new requirements applicable to new residential construction and major residential renovation work to be included as part of the City's building codes:

- *Showerheads.* All showers shall be equipped with low flow showerheads.
- *Water closets.* All water closets, whether flush tank, flushometer tank or flushometer valve operated, shall be low flow water closets.
- *Faucets.* All faucets shall be low flow faucets.
- *Heating, ventilation and air conditioning systems.* All heating, ventilation and air conditioning systems shall be operational and maintain a minimum room temperature of sixty-eight degrees (68°) Fahrenheit (twenty-one degrees (21°) Celsius) at a point three (3) feet above the floor in all habitable spaces as certified in writing to the building official by a licensed mechanical contractor.
- *Portable fire extinguishers.* All dwelling units shall be equipped with one (1) or more multi-purpose five (5) pound minimum capacity portable fire extinguishers, rated for ABC class fires, stored within ten (10) feet of any cooking range, oven or cooktop.
- *Exterior security lighting.* All dwellings containing two (2) or more dwelling units shall have exterior security lighting installed at the entrance of each dwelling unit and all residential properties shall have exterior lighting installed in all parking, walkway, recreation and other similar areas on the property.
- *Interior security lighting.* All residential properties shall have interior security lighting installed in all recreation and service rooms and parking garages.
- *Locks.* All dwellings containing two (2) or more dwelling units shall have locks installed at all doors and windows that provide access to or egress from each dwelling unit.

In addition to the new requirements noted above, the proposed Ordinance includes definitions for such things as: dwellings; dwelling unit; habitable space; low flow faucet, showerhead and water closet; newly constructed; residential building and property; and, water closet.

It is staff's assessment that the proposed Ordinance is consistent with the City's General Plan by including requirements on new residential development or major residential redevelopment projects that allow the city to conserve water, establish minimum standards for HVAC systems, enhance fire safety provisions for residential zoned properties, and improve public safety through the introduction of security measures (e.g., interior/exterior lighting and locks) for multi-family development projects of two or more dwelling units.

In addition, the Ordinance does not have the potential to result in a physical change to the

## Adoption of an Ordinance Establishing a Water Conservation and Building Safety Program

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environment consistent with the requirements under the California Environmental Quality Act (CEQA) and the City's local CEQA Guidelines.

### **CONCLUSION:**

It is staff's assessment that the proposed Ordinance and associated amendments to City's building codes (Chapter 18) are warranted at this time in order further the City's efforts to protect public health, safety and welfare by requiring specific fire safety, security lighting and locks as part of the building permit approval process for the construction or major renovation of residential dwelling units as provided for in the code amendment as well as establishing provisions during the same building issuance process to conserve water.

### **BUDGET IMPACT:**

Approval of the proposed Ordinance establishing the water conservation and building safety program is not expected to have any direct impact on the budget. The plan check and building inspection fees included in the city's adopted fees schedule are intended to cover the cost of the staff time involved in the inspection of dwelling units and any administrative follow-up.

### **ATTACHMENT:**

A. Ordinance

## ATTACHMENT “A”

## ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY OF SAN FERNANDO  
ADOPTING A WATER CONSERVATION AND BUILDING  
SAFETY PROGRAM AND AMENDING THE SAN FERNANDO  
CITY CODE**

**The City Council of the City of San Fernando does ordain as follows:**

**Section 1.** A new Article IX is hereby added to Chapter 18 (“Buildings and Building Regulations”) of the San Fernando City Code to read as follows:

**“ARTICLE IX. WATER CONSERVATION AND BUILDING SAFETY PROGRAM**

**Sec. 18-195. Scope.**

The provisions of this article shall apply to residential properties and buildings in the city.

**Sec. 18-196. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Building official* means the community development director, or designee thereof.

*Dwelling* means a building that contains one or more dwelling units, used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

*Dwelling unit* means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Habitable space* means a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closet, halls, storage or utility spaces and similar areas are not considered habitable spaces.

*Low flow faucet* means a faucet that allows a maximum water supply flow rate of 1.5 gallons per minute measured at 60 pounds per square inch (psi).

*Low flow showerhead* means a showerhead that allows a maximum water supply flow rate of 2 gallons per minute measured at 80 psi.

*Low flow water closet* means a water closet that discharges no more than 1.28 gallons of water per flush.

*Newly constructed* means a building that has never before been used or occupied for any purpose.

*Residential building* means a building that is of Occupancy Group R.

*Residential property* means real property improved with one or more residential buildings.

*Water closet* means a flush toilet.

#### **Sec. 18-197. Water conservation and building safety requirements.**

No building permit shall be issued for any newly constructed residential building or the repair, alteration or remodel of a dwelling unit, where the building permit valuation for the repair, alteration or remodel exceeds twenty-five percent (25%) of the value of the residential property after the repair, alteration or remodeling, nor shall any certificate of compliance required under section 18-191 of article VIII of this chapter be issued, unless the following requirements are satisfied:

- (1) *Showerheads.* All showers shall be equipped with low flow showerheads.
- (2) *Water closets.* All water closets, whether flush tank, flushometer tank or flushometer valve operated, shall be low flow water closets.
- (3) *Faucets.* All faucets shall be low flow faucets.
- (4) *Heating, ventilation and air conditioning systems.* All heating, ventilation and air conditioning systems shall be operational and maintain a minimum room temperature of sixty-eight degrees (68°) Fahrenheit (twenty-one degrees (21°) Celsius) at a point three (3) feet above the floor in all habitable spaces as certified in writing to the building official by a licensed mechanical contractor.
- (5) *Portable fire extinguishers.* All dwelling units shall be equipped with one (1) or more multi-purpose five (5) pound minimum capacity portable fire extinguishers, rated for ABC class fires, stored within ten (10) feet of any cooking range, oven or cooktop.
- (6) *Exterior security lighting.* All dwellings containing two (2) or more dwelling units shall have exterior security lighting installed at the entrance of each dwelling unit and all residential properties shall have exterior lighting installed in all parking, walkway, recreation and other similar areas on the property.
- (7) *Interior security lighting.* All residential properties shall have interior security lighting installed in all recreation and service rooms and parking garages.
- (8) *Locks.* All dwellings containing two (2) or more dwelling units shall have locks installed at all doors and windows that provide access to or egress from each dwelling unit.

#### **Sec. 18-198. Exemption.**

A person wishing an exemption from this section may submit an application in writing in a form provided by the Building Department. The building official shall approve or not approve the request for exemption within thirty (30) days. The criteria the building official will use in

determining whether or not to grant the exemption from this article shall be if the building official determines that compliance with the requirements of this article will cause existing wastewater systems to malfunction or will cause a danger to any person's health or safety. The building official's determination shall be final.

**Section 2.** A new subparagraph f. is hereby added to paragraph (3) of subsection (a) of Section 18-190 ("Certificate of Compliance") of Article VIII ("Residential Property Pre-Sale Inspection and Report Program") of Chapter 18 ("Buildings and Building Regulations") of the San Fernando City Code to read as follows:

“f. *Water conservation and building safety.* The residential property and all dwellings satisfy the requirements of section 18-197 of article IX of this chapter.”

**Section 3.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective.

**Section 4.** The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance 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 \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Brenda Esqueda, Mayor

**ATTEST:**

\_\_\_\_\_  
Elena G. Chávez, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Maribel S. Medina, City Attorney



**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 Ordinance was adopted a regular meeting of the City Council held on the \_\_\_\_ day of \_\_\_\_\_ 2012 and was carried by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Elena G. Chávez, City Clerk

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## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

**TO:** Mayor Brenda Esqueda and Councilmembers

**FROM:** Al Hernández, City Administrator  
By: Fred Ramirez, City Planner

**DATE:** August 6, 2012

**SUBJECT:** Regional Congestion Management Program (CMP) Self-Certification and Adoption of the City's 2012 CMP Local Development Report (LDR)

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#### **RECOMMENDATION:**

It is recommended that the City Council:

- a. Conduct a Public Hearing;
- b. Pending public testimony, adopt a Resolution (Attachment "A") certifying that the City of San Fernando is in conformance with the Congestion Management Program (CMP) for Los Angeles County, and approving the City's 2012 CMP Local Development Report (Attachment "B") for the reporting period from June 1, 2011 to May 31, 2012.

#### **BACKGROUND:**

1. In June of 1990, the state legislature adopted legislation (Proposition 111) establishing the Congestion Management Program (CMP), a state mandated regional planning process intended to address regional congestion. The legislature determined that urban congestion was adversely impacting the economic vitality of the State of California and the quality of life in many regions and communities throughout the state. The 1992 CMP made the link between regional transportation, land use and air quality impacts attributed to local development.
2. On December 21, 1992, the City Council adopted Ordinance No. 1417 approving a Transportation Demand Management (TDM) Ordinance for the City of San Fernando, in conformance with the CMP for Los Angeles County. The TDM Ordinance provides for the inclusion of measures to reduce vehicle trips associated with new non-residential development. The objective of the ordinance is to have such new development include building and site design features that support the use of alternative modes of transportation other than single-occupant (driver-only) car trips (e.g., bicycle parking, preferred parking for

Regional Congestion Management Program (CMP) Self-Certification and Adoption of the City's 2012 CMP Local Development Report (LDR)

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carpools and vanpools, direct building access from the street for pedestrians and transit patrons, and convenient transit waiting areas at or in close proximity to the proposed project sites). Also, it involves the implementation of specific building requirements that promote alternative modes of transportation and help alleviate congestion issues at the local and statewide level.

3. On November 1, 1993, the state legislature required that regional CMP's include a Land Use Analysis Program. This component of the CMP requires local jurisdictions to consider the impact of new developments on the regional transportation system as part of their decision-making process.
4. In 1994, the City of San Fernando like all other jurisdictions in Los Angeles County adopted resolutions providing for the annual tracking and reporting of all new development activity as required by the CMP Countywide Deficiency Plan. Annual recording periods are from June 1st through May 31st. New development recorded as part of the Local Development Report include: new development activity, new development adjustments, and exempted development activity.
5. On July 22, 2004, the Board of the Los Angeles County Metropolitan Transportation Authority (LACMTA), also known as "Metro", adopted the 2004 Congestion Management Program for Los Angeles County. This regional CMP required each municipality within the county to conduct a noticed public hearing and adopt a Resolution annually (by September 1) certifying that the municipality is adhering to the CMP implementation measures, and including a Local Development Report. During this time period, the LACMTA Board also authorized the Short Range Transportation Plan that included a nexus study to evaluate the feasibility of implementing a congestion mitigation fee. The fee is intended to ensure new growth directly mitigates its traffic impacts on the regional transportation system by helping fund local transportation improvements. The fee study is still ongoing.
6. On October 28, 2010, the LACMTA Board adopted the 2010 Congestion Management Program for Los Angeles County. The 2010 CMP summarizes the results of 18 years of CMP highway and transit monitoring and 15 years of monitoring local growth. CMP implementation guidelines for local jurisdictions are also contained in the 2010 CMP.
7. As in past years, a public hearing has been scheduled for the City Council to consider a Resolution certifying that the City is adhering to all applicable CMP implementation measures for the 2011-2012 reporting period. Staff has published a notice of such a public hearing by the City Council on August 6, 2012 in the *San Fernando Valley Sun* newspaper.

## ANALYSIS:

**CMP Planning Process Significance.** The CMP process was created to link local land use decisions with their impacts on regional transportation and air quality, and to develop a partnership among transportation decision-makers in devising appropriate transportation solutions that include all modes of travel (*2010 Congestion Management Program for Los*

Regional Congestion Management Program (CMP) Self-Certification and Adoption of the City's 2012 CMP Local Development Report (LDR)

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*Angeles County*, Pg. 4). (Source: [http://www.metro.net/projects/congestion\\_mgmt\\_pgm/](http://www.metro.net/projects/congestion_mgmt_pgm/).) The CMP requires local jurisdictions to consider the impact of new developments on the regional transportation system as part of their decision making process and report such impacts as part of the Local Development Report (LDR) submitted to LACTMA.

The City's reporting process is part of the CMP Land Use Analysis Program. The Program relies on the California Environmental Quality Act (CEQA) process to ensure that a mechanism is in place whereby a local community can consider the regional impact of new development on the CMP system.

To comply with the CMP Land Use Analysis Program requirement, the City on March 1, 1993, amended its local procedures for implementing CEQA guidelines (Resolution No. 5364) and incorporated the Land Use Analysis required language to assess project impacts on the regional transportation system (Resolution No. 6235). It is important to note that "self-certification" of conformance with the regional CMP is important to the City in order to preserve the City's eligibility to receive state gas tax funds and other state and federal funding for transportation improvements.

**Self-Certification.** In Los Angeles County, LACMTA is the regional agency designated by the state to adopt a CMP for this region, and to monitor and determine that local jurisdictions are in conformance with the countywide CMP. Municipalities are required to "self-certify" their conformance to local requirements of their regional CMP on an annual basis in order to continue receiving their portion of state gas tax money, and to preserve their eligibility for other state and federal funding for transportation projects.

The proposed Resolution (Attachment "A") certifies that the City of San Fernando continues to carry out measures contained in the ordinance and resolutions adopted by the City Council in conformance with all the applicable requirements of the 2010 Congestion Management Program for Los Angeles County. It also approves the City's 2012 Local Development Report (LDR), which tracks the City's new development activity for the period from June 1, 2011 through May 31, 2012. The attached Resolution and 2012 LDR must be reviewed and approved by the City Council and submitted to the LACMTA by September 1, 2012.

**Current year "Local Development Report".** LACMTA is in the process of considering a new approach to the CMP's "Countywide Deficiency Plan" process. Prior to adoption of the CMP in 2004 and under the current 2010 CMP, the CMP's Countywide Deficiency Plan required a "Local Implementation Report" that specified CMP "credits" and "debits" for each jurisdiction. These numerical credits and debits were based on traffic congestion mitigating measures or capital improvements ("credits") and new development that could incrementally add to regional traffic congestion ("debits"), with each jurisdiction required to implement measures referred to as "transportation improvement strategies" to maintain a positive balance.

In August of 2003, in response to dissatisfaction with the Local Implementation Report process, LACMTA staff was directed by the LACMTA Board to prepare a nexus study to assess the feasibility of implementing a congestion mitigation fee program that would fund transportation improvements that mitigate deficiencies in the county's transportation system; and the

Regional Congestion Management Program (CMP) Self-Certification and Adoption of the City's 2012 CMP Local Development Report (LDR)

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requirement for local jurisdictions to prepare an annual Local Implementation Report was suspended for the meantime.

In September 2008, the LACMTA Board approved the Congestion Mitigation Fee Feasibility Study Report ("Study Report") to consider the implementation of a Congestion Mitigation Fee. The Study Report established the guidelines for the proposed program and the framework for working with local jurisdictions to identify local transportation projects with regional benefits, estimating project costs, and confirm growth forecasts that could be used as a basis for establishing a nexus for the development of a fee program. LACMTA staff is currently working with sub-regional Councils of Governments (COGs), local jurisdictions, the private sector, the Congestion Mitigation Fee Policy Advisory Committee (PAC) and other stakeholders to solicit input on the merits and feasibility of a creating and implementing a Congestion Mitigation Fee program that would work in Los Angeles County.

On April 25, 2012, LACMTA staff notified the City of San Fernando that while work on the Congestion Mitigation Fee feasibility study continues, the CMP Countywide Deficiency Plan requirement for maintaining a positive credit balance will continue to be suspended. As a result, cities are not required nor requested to report their transportation improvement strategies for the 2012 cycle. In February of 2013, it is anticipated that LACMTA staff will present the LACMTA Board of Directors with recommendations on a new local CMP conformance process in conjunction with the Board's review of a new Congestion Management Program for Los Angeles County.

For the 2011-2012 reporting period, cities are still required to track and report new development activity that represents new net development after subtracting for building permit revocations or demolitions. Such new development generates "debits" under the transportation system impact monitoring component of the Countywide Deficiency Plan process. However, reporting of transportation improvements that were historically used to generate "credits" for the Countywide Deficiency Plan purposes are not required, and therefore cities are not currently required to maintain a positive credit balance as part of the "Transportation Mitigation and Improvement Reporting" process. During this time, no new credits will be earned by cities. Nonetheless, the City of San Fernando continues to maintain a positive credit balance.

After holding a noticed public hearing, cities must still adopt a resolution self-certifying CMP conformance, and incorporating by reference the current reporting form known as the Local Development Report (LDR). The LDR is based on the prior Local Implementation Report from reporting cycles prior to 2004, but it requires cities to report information only on new net development and excludes the calculation of Countywide Deficiency Plan debits or credits.

Even though the City of San Fernando will not accrue new credits during the current reporting period, it is staff's assessment that development activity (i.e., new construction versus demolition) that took place from June 1, 2011 through May 31, 2012, clearly shows that the City of San Fernando continues to maintain a surplus of credits under the CMP. During the reporting period, 82 multi-family residential units were under construction totaling approximately 106,800 square feet of floor space, while 28 multi-family residential units totaling approximately 20,395 square feet floor space were demolished. Staff anticipates that future traffic impacts associated



Regional Congestion Management Program (CMP) Self-Certification and Adoption of the City's 2012  
CMP Local Development Report (LDR)  
Page 5

with new development will be mitigated through the CEQA process, and through the continued implementation of the City's transportation demand management regulations.

**CONCLUSION:**

Staff recommends that the City Council adopt the draft Resolution (Attachment "A") finding that the City of San Fernando is in conformance with the Congestion Management Program (CMP) for Los Angeles County, and approve the City's 2012 Local Development Report (Attachment "B") for the reporting period from June 1, 2011 to May 31, 2012. This "self-certification" of conformance with the regional CMP will preserve the City's eligibility to receive state gas tax funds and other state and federal funding for transportation improvements.

**BUDGET IMPACT:**

Adoption of this Resolution and the approval of the associated 2012 CMP LDR will have no impact on the City budget.

**ATTACHMENTS:**

- A. Resolution
- B. 2012 CMP Local Development Report

## ATTACHMENT "A"

## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY OF SAN FERNANDO,  
CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE  
WITH THE CONGESTION MANAGEMENT PROGRAM (CMP)  
AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT,  
IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE  
SECTION 65089**

**WHEREAS**, CMP statute requires the Los Angeles County Metropolitan Transportation Authority ("LACMTA"), acting as the Congestion Management Agency for Los Angeles County, to annually determine that the County and cities within the County are conforming to all CMP requirements; and

**WHEREAS**, LACMTA requires submittal of the CMP Local Development Report by September 1 of each year; and

**WHEREAS**, the City Council held a noticed public hearing on August 6, 2012.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO DOES HEREBY RESOLVE, FIND, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** That the City has taken all of the following actions, and that the City is in conformance with all applicable requirements of the 2010 CMP adopted by the LACMTA Board on October 28, 2010.

The City has locally adopted and continues to implement a transportation demand management ordinance, consistent with the minimum requirements identified in the 2010 CMP Transportation Demand Management chapter.

The City has locally adopted and continues to implement a land use analysis program, consistent with the minimum requirements identified in the 2010 CMP Land Use Analysis Program chapter.

The City has adopted a Local Development Report, attached hereto and made a part hereof, consistent with the requirements identified in the 2010 CMP. This report balances traffic congestion impacts due to growth within the City with transportation improvements, and demonstrates that the City is meeting its responsibilities under the Countywide Deficiency Plan consistent with the LACMTA Board adopted 2003 Short Range Transportation Plan.

**SECTION 2.** That the City Clerk shall certify to the adoption of this Resolution and shall forward a copy of this Resolution to the Los Angeles County Metropolitan Transportation Authority.

**PASSED, APPROVED, AND ADOPTED** this 6<sup>th</sup> day of August, 2012.

---

Brenda Esqueda, 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 6<sup>th</sup> day of August, 2012, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

---

Elena G. Chávez, City Clerk

**City of San Fernando**

Date Prepared: July 20, 2012

**2012 CMP Local Development Report**

Reporting Period: JUNE 1, 2011 - MAY 31, 2012

Contact: **Rina Lara, Assistant Planner**  
 Phone Number: **(818) 898-1378**

**CONGESTION MANAGEMENT PROGRAM  
FOR LOS ANGELES COUNTY**

**2011 DEFICIENCY PLAN SUMMARY**

**\* IMPORTANT: All "#value!" cells on this page are automatically calculated.  
Please do not enter data in these cells.**

**DEVELOPMENT TOTALS****RESIDENTIAL DEVELOPMENT ACTIVITY****Dwelling Units**

Single Family Residential

**(1.00)**

Multi-Family Residential

**55.00**

Group Quarters

**0.00****COMMERCIAL DEVELOPMENT ACTIVITY****1,000 Net Sq.Ft.<sup>2</sup>**

Commercial (less than 300,000 sq.ft.)

**0.00**

Commercial (300,000 sq.ft. or more)

**0.00**

Freestanding Eating &amp; Drinking

**0.00****NON-RETAIL DEVELOPMENT ACTIVITY****1,000 Net Sq.Ft.<sup>2</sup>**

Lodging

**0.00**

Industrial

**0.00**

Office (less than 50,000 sq.ft.)

**1.00**

Office (50,000-299,999 sq.ft.)

**0.00**

Office (300,000 sq.ft. or more)

**0.00**

Medical

**0.00**

Government

**0.00**

Institutional/Educational

**0.00**

University (# of students)

**0.00****OTHER DEVELOPMENT ACTIVITY****Daily Trips**

ENTER IF APPLICABLE

**0.00**

ENTER IF APPLICABLE

**0.00****EXEMPTED DEVELOPMENT TOTALS**

Exempted Dwelling Units

**60**

Exempted Non-residential sq. ft. (in 1,000s)

**0**

**City of San Fernando**

Date Prepared: July 20, 2012

**2012 CMP Local Development Report**

Reporting Period: JUNE 1, 2011 - MAY 31, 2012

Enter data for all cells labeled "Enter." If there are no data for that category, enter "0."

**PART 1: NEW DEVELOPMENT ACTIVITY****RESIDENTIAL DEVELOPMENT ACTIVITY**

Category	Dwelling Units
Single Family Residential	0.00
Multi-Family Residential	82.00
Group Quarters	0.00

**COMMERCIAL DEVELOPMENT ACTIVITY**

Category	1,000 Gross Square Feet
Commercial (less than 300,000 sq.ft.)	0.00
Commercial (300,000 sq.ft. or more)	0.00
Freestanding Eating & Drinking	0.00

**NON-RETAIL DEVELOPMENT ACTIVITY**

Category	1,000 Gross Square Feet
Lodging	0.00
Industrial	0.00
Office (less than 50,000 sq.ft.)	1.00
Office (50,000-299,999 sq.ft.)	0.00
Office (300,000 sq.ft. or more)	0.00
Medical	0.00
Government	0.00
Institutional/Educational	0.00
University (# of students)	0.00

**OTHER DEVELOPMENT ACTIVITY**

Description (Attach additional sheets if necessary)	Daily Trips (Enter "0" if none)
ENTER IF APPLICABLE	0.00
ENTER IF APPLICABLE	0.00

**City of San Fernando**

Date Prepared: July 20, 2012

**2012 CMP Local Development Report**

Reporting Period: JUNE 1, 2011 - MAY 31, 2012

Enter data for all cells labeled "Enter." If there are no data for that category, enter "0."

**PART 2: NEW DEVELOPMENT ADJUSTMENTS**

IMPORTANT: Adjustments may be claimed only for 1) development permits that were both issued and revoked, expired or withdrawn during the reporting period, and 2) demolition of any structure with the reporting period.

**RESIDENTIAL DEVELOPMENT ADJUSTMENTS**

Category	Dwelling Units
Single Family Residential	1.00
Multi-Family Residential	27.00
Group Quarters	0.00

**COMMERCIAL DEVELOPMENT ACTIVITY**

Category	1,000 Gross Square Feet
Commercial (less than 300,000 sq.ft.)	0.00
Commercial (300,000 sq.ft. or more)	0.00
Freestanding Eating & Drinking	0.00

**NON-RETAIL DEVELOPMENT ACTIVITY**

Category	1,000 Gross Square Feet
Lodging	0.00
Industrial	0.00
Office (less than 50,000 sq.ft.)	0.00
Office (50,000-299,999 sq.ft.)	0.00
Office (300,000 sq.ft. or more)	0.00
Medical	0.00
Government	0.00
Institutional/Educational	0.00
University (# of students)	0.00

**OTHER DEVELOPMENT ACTIVITY**

Description (Attach additional sheets if necessary)	Daily Trips (Enter "0" if none)
ENTER IF APPLICABLE	0.00
ENTER IF APPLICABLE	0.00

**City of San Fernando****Date Prepared:** July 20, 2012**2012 CMP Local Development Report****Reporting Period: JUNE 1, 2011 - MAY 31, 2012**

Enter data for all cells labeled "Enter." If there are no data for that category, enter "0."

**PART 3: EXEMPTED DEVELOPMENT ACTIVITY****(NOT INCLUDED IN NEW DEVELOPMENT ACTIVITY TOTALS)**

Low/Very Low Income Housing	<input type="text" value="60"/>	Dwelling Units
High Density Residential Near Rail Stations	<input type="text" value="0"/>	Dwelling Units
Mixed Use Developments Near Rail Stations	<input type="text" value="0"/>	1,000 Gross Square Feet
	<input type="text" value="0"/>	Dwelling Units
Development Agreements Entered into Prior to July 10, 1989	<input type="text" value="0"/>	1,000 Gross Square Feet
	<input type="text" value="0"/>	Dwelling Units
Reconstruction of Buildings Damaged due to "calamity"	<input type="text" value="0"/>	1,000 Gross Square Feet
	<input type="text" value="0"/>	Dwelling Units
Reconstruction of Buildings Damaged in Jan. 1994 Earthquake	<input type="text" value="0"/>	1,000 Gross Square Feet
	<input type="text" value="0"/>	Dwelling Units
Total Dwelling Units	<input type="text" value="60"/>	
Total Non-residential sq. ft. (in 1,000s)	<input type="text" value="0"/>	

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**Exempted Development Definitions:**

- Low/Very Low Income Housing: As defined by the California Department of Housing and Community Development as follows:
  - Low-Income: equal to or less than 80% of the County median income, with adjustments for family size.
  - Very Low-Income: equal to or less than 50% of the County median income, with adjustments for family size.
- High Density Residential Near Rail Stations: Development located within 1/4 mile of a fixed rail passenger station and that is equal to or greater than 120 percent of the maximum residential density allowed under the local general plan and zoning ordinance. A project providing a minimum of 75 dwelling units per acre is automatically considered high density.
- Mixed Uses Near Rail Stations: Mixed-use development located within 1/4 mile of a fixed rail passenger station, if more than half of the land area, or floor area, of the mixed use development is used for high density residential housing.
- Development Agreements: Projects that entered into a development agreement (as specified under Section 65864 of the California Government Code) with a local jurisdiction prior to July 10, 1989.
- Reconstruction or replacement of any residential or non-residential structure which is damaged or destroyed, to the extent of > or = to 50% of its reasonable value, by fire, flood, earthquake or other similar calamity.
- Any project of a federal, state or county agency that is exempt from local jurisdiction zoning regulations and where the local jurisdiction is precluded from exercising any approval/disapproval authority. These locally precluded projects do not have to be reported in the LDR.

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## COMMUNITY DEVELOPMENT

### MEMORANDUM

**TO:** Mayor Brenda Esqueda and Councilmembers

**FROM:** Al Hernández, City Administrator  
By: Fred Ramirez, City Planner

**DATE:** August 6, 2012

**SUBJECT:** Adoption of an Ordinance Regulating Smoking in Outdoor Places

---

#### **RECOMMENDATION:**

It is recommended that the City Council:

- a. Conduct a Public Hearing;
- b. Pending public testimony, introduce for first reading, in title only, and waive further reading of “An Ordinance of the City of San Fernando Amending the San Fernando City Code to Add Chapter 23, Regarding the Regulation of Smoking in Outdoor Places” (Attachment “A”); and
- c. Direct staff to provide for notice of a public hearing on the adoption of proposed Ordinance at the City Council’s August 20, 2012 meeting.

#### **BACKGROUND:**

1. On September 4, 2001, the City Council adopted Ordinance No. 1525, which prohibited smoking and tobacco use at public parks, playgrounds, or recreation centers. (City Code Section 54-27.)
2. On October 25, 2011, representatives from Los Angeles County Public Health Department’s Project TRUST (Tobacco Reduction Using Effective Strategies and Teamwork) and SAFE (Smokefree Air for Everyone) made individual presentations to the Education, Parks, Arts, Health, Youth and Aging (EPAH) Standing Committee regarding possible smoke free ordinance opportunities within the City of San Fernando.
3. On January 10, 2012, Project Trust and SAFE representatives made similar presentations to the Housing, Community and Economic Development and Parking (HCEP) Standing Committee.

## Adoption of an Ordinance Regulating Smoking in Outdoor Places

Page 2

4. On April 10, 2012, the City Planner provided the Parks, Wellness and Recreation Commission with an update on status of the city's efforts to develop smoke free regulations dealing with outdoor smoking. He informed the Commission that he would make a future presentation at one of their upcoming meetings in an effort to obtain a recommendation on the proposed Ordinance that could be subsequently submitted to the City Council.
5. On June 11, 2012, the City Council reviewed the FY 2012-13 City Priorities. Included as part of the Community Development Department's priorities for this fiscal year was the development of one or more ordinances regulating outdoor smoking and smoking within multifamily residential housing.
6. On July 17, 2012, the Parks, Wellness and Recreation Commission considered the proposed ordinance regulating the smoking in outdoor places and subsequent to discussion, recommended its approval to the City Council. As part of their recommendation, they suggested providing a 90-120 day grace period from the date of adoption prior to initiating enforcement of said regulation in order to provide sufficient public notification to the community and affected businesses.

**ANALYSIS:**Ordinance Overview:

The City of San Fernando is considering adoption of comprehensive ordinance that seeks to further reduce resident's exposure to second hand smoke by expanding the restriction on smoking in outdoor areas beyond public recreation areas and buildings to also include the following:

- Outdoor Dining Areas-defined as outdoor seating/lounge areas at restaurants, bars, etc.;
- Entryways-defined as within certain distances of doors, windows, other openings into enclosed areas;
- Public Events-defined as farmer's markets, fairs, carnivals, concerts, etc.;
- Recreation Areas-defined as parks, trails, sports fields, exercise areas, etc.;
- Service Areas-defined as bus stops, ATM lines, ticket lines, taxi stands, etc.;
- Sidewalks-defined as public sidewalks, such as sidewalks adjacent to parks, downtown shopping centers, courthouses, and business areas; and
- Worksites-defined as any outdoor working area, such as break areas and construction areas.

The City's proposed ordinance restricts smoking in all seven major outdoor areas as well as other public places including public parking facilities. Cities that have adopted similar comprehensive ordinances include: Baldwin Park, Beverly Hills, Calabasas, Pasadena, Santa Monica, Sierra Madre, and South Pasadena (Attachment "B"; source: [www.Center4TobaccoPolicy.org](http://www.Center4TobaccoPolicy.org)).

## Adoption of an Ordinance Regulating Smoking in Outdoor Places

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### Enforcement:

The proposed Ordinance regulating the smoking in outdoor places is designed to be self-enforcing. The purpose and intent of the proposed code is not to burden law and code enforcement personnel with having to spend time searching for and citing people for smoking in outdoor places. One of the key components to gaining public compliance with the proposed regulation is to focus on education and signage that will help inform smokers and the general public on the smoking restrictions. In addition, the city proposes to use prominent signage in the seven major outdoor areas that will also encourage the people that see others smoking in these areas to inform and request that smokers stop and obey the posted city regulations. The City anticipates that a majority of people that smoke will obey the city regulations.

As noted above, the preferred method of enforcement is self enforcement. However, in those instances when enforcement is required, the proposed regulations note that smoking violations are infractions. Per the current City bail schedule, violations of the city code are citable at \$100 for the first offense, \$200 for the second similar offense, and \$500 for the third similar offense during a twelve-month period. (City Code Section 1-30 et. Seq.) It is important to note that other cities and counties that have similar comprehensive smoking ban ordinances have made violations of their outdoor smoking ban punishable as misdemeanors and/or infractions.

Lastly, some ordinances have allowed for “private enforcement.” The private enforcement provision in these regulations allows private individuals to enforce city outdoor smoking bans by bringing a civil suit against a violator and suing for damages caused by violations of the ordinance. The City’s proposed Ordinance does not include a private enforcement provision (Attachment “B”).

### Signage and Education:

It is staff’s assessment that public education and posting of signs within all seven major outdoor areas affected by the new outdoor smoking regulations will be a critical component to make people aware of the Ordinance requirements and facilitate self-enforcement. Cities like Burbank, Glendale, and Pasadena have used city-produced pamphlets, city web pages, and/or “No Smoking” business signs to help educate the public about the new regulations. In addition, some cities have incorporated educational components that provide the public with smoking cessation resources and information on the health impacts associated with smoking and or tobacco use (Attachment “B”). In light of the current fiscal constraints, the City is working with the Los Angeles County Public Health Department in an effort to try and secure funds to prepare English-Spanish language pamphlets, create signs to be installed in public places, and duplicate new business signs to be provided to local restaurants for display in their outdoor areas.

### Environmental Review:

The proposed Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA). In accordance with the provisions of the CEQA Guidelines, it is staff’s assessment that the proposed ordinance helps establish outdoor smoking ban regulations that protect public health, safety, and general welfare by protecting non-smokers from the health effects of second hand smoke and reduce litter in the public right of way and storm drains by reducing the public areas where smoking is permitted. In light of the foregoing analysis, it is

**Adoption of an Ordinance Regulating Smoking in Outdoor Places**

Page 4

staff's assessment that the proposed Ordinance will not have the potential to have a significantly adverse impact on the environment. Based on this determination, no further environmental assessment is necessary.

**CONCLUSION:**

It is recommended that the City Council: (a) conduct a public hearing; (b) introduce for first reading, in title only, and waive further reading of the "Ordinance of the City of San Fernando Amending the San Fernando City Code to add Chapter 23, Regarding the Regulation of Smoking in Outdoor Places"; and, (c) direct staff to provide for notice of a public hearing on the proposed adoption of the Ordinance at the City Council's August 20, 2012 meeting.

**BUDGET IMPACT:**

If the ordinance is approved, then City staff will prepare a budget resolution for approximately \$6,400 for City Council consideration at a subsequent meeting. Furthermore, any funds obtained from the County Public Health Department to pay for public notification and signage will be used to offset the total cost for implementation of the ordinance.

**ATTACHMENTS:**

- A. Ordinance
- B. Smoke Free Outdoor Dining Information-The Center for Tobacco Policy and Organizing

## ATTACHMENT "A"

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SAN FERNANDO AMENDING  
THE SAN FERNANDO CITY CODE TO ADD CHAPTER 23,  
REGARDING THE REGULATION OF SMOKING IN OUTDOOR  
PLACES**

**WHEREAS**, tobacco use causes death and disease and continues to be an urgent public health challenge, as evidenced by the following:

- Tobacco-related illness is the leading cause of preventable death in the United States,<sup>1</sup> accounting for about 443,000 deaths each year;<sup>2</sup> and
- Scientific studies have concluded that tobacco use can cause chronic lung disease, coronary heart disease, and stroke, in addition to cancer of the lungs, larynx, esophagus, and mouth;<sup>3</sup> and
- Some of the most common types of cancers including stomach, liver, uterine, cervix, and kidney are related to tobacco use;<sup>4</sup> and

**WHEREAS**, secondhand smoke has been repeatedly identified as a health hazard, as evidenced by the following:

- The U.S. Surgeon General concluded that there is no risk-free level of exposure to secondhand smoke;<sup>5</sup> and
- The California Air Resources Board placed secondhand smoke in the same category as the most toxic automotive and industrial air pollutants by categorizing it as a toxic air contaminant for which there is no safe level of exposure;<sup>6</sup> and
- The California Environmental Protection Agency included secondhand smoke on the Proposition 65 list of chemicals known to the state of California to cause cancer, birth defects, and other reproductive harm;<sup>7</sup> and

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<sup>1</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: The Nation's Leading Killer*. 2011, p. 2. Available at: [www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco\\_AAG\\_2011\\_508.pdf](http://www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf).

<sup>2</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: Targeting the Nation's Leading Killer*. 2011, p. 2. Available at: [www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco\\_AAG\\_2011\\_508.pdf](http://www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf).

<sup>3</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: The Nation's Leading Killer*. 2011, p. 2. Available at: [www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco\\_AAG\\_2011\\_508.pdf](http://www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf).

<sup>4</sup> Leistikow B, Zubair K, Connolly GN, et al. "Male Tobacco Smoke Load and Non-Lung Cancer Mortality Associations in Massachusetts." *BMC Cancer*, 8:341, 2008. Available at: [www.biomedcentral.com/1471-2407/8/341](http://www.biomedcentral.com/1471-2407/8/341).

<sup>5</sup> US Department of Health and Human Services, Office of the Surgeon General. *How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease: A Report of the Surgeon General*. 2010, p. 9. Report highlights available at: [www.surgeongeneral.gov/library/tobaccosmoke/factsheet.html](http://www.surgeongeneral.gov/library/tobaccosmoke/factsheet.html).

<sup>6</sup> Resolution 06-01, Cal. Air Resources Bd. (2006) at 5. Available at: [www.arb.ca.gov/regact/ets2006/res0601.pdf](http://www.arb.ca.gov/regact/ets2006/res0601.pdf); see also California Environmental Protection Agency, Air Resources Board. *News Release, California Identifies Secondhand Smoke as a "Toxic Air Contaminant."* Jan. 26, 2006. Available at: [www.arb.ca.gov/newsrel/nr012606.htm](http://www.arb.ca.gov/newsrel/nr012606.htm).

**WHEREAS**, exposure to secondhand smoke causes death and disease, as evidenced by the following:

- Secondhand smoke is responsible for as many as 3,000 deaths from lung cancer and 46,000 deaths from heart disease among nonsmokers each year in the United States;<sup>8</sup> and
- Exposure to secondhand smoke increases the risk of coronary heart disease by approximately thirty percent;<sup>9</sup> and
- Secondhand smoke exposure causes lower respiratory tract infections, such as pneumonia and bronchitis in as many as 300,000 children in the United States under the age of 18 months each year;<sup>10</sup> and exacerbates childhood asthma;<sup>11</sup> and

**WHEREAS**, smokeless tobacco is not a safe alternative to smoking and causes its own share of death and disease, as evidenced by the following:

- Smokeless tobacco use causes leukoplakia, a disease causing white patches to form in the user's mouth that can become cancerous;<sup>12</sup> smokeless tobacco products are known to cause lung, larynx, esophageal, and oral cancer;<sup>13</sup> and the regular use of snuff doubles the user's risk of cardiovascular disease and death;<sup>14</sup> and
- Prolonged use of snus, a form of smokeless tobacco, contributes to high blood pressure, a factor of cardiovascular disease, and to a higher likelihood of suffering a fatal stroke;<sup>15</sup> and

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<sup>7</sup> California Environmental Protection Agency, Office of Environmental Health Hazard Assessment. *Chemicals Known to the State to Cause Cancer or Reproductive Toxicity*. 2006, p. 8 & 17. Available at: [www.oehha.ca.gov/prop65/prop65\\_list/files/P65single081106.pdf](http://www.oehha.ca.gov/prop65/prop65_list/files/P65single081106.pdf).

<sup>8</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: Targeting the Nation's Leading Killer*. 2011, p. 2. Available at: [www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco\\_AAG\\_2011\\_508.pdf](http://www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf).

<sup>9</sup> Barnoya J and Glantz S. "Cardiovascular Effects of Secondhand Smoke: Nearly as Large as Smoking." *Circulation*, 111: 2684-2698, 2005. Available at: [www.circ.ahajournals.org/cgi/content/full/111/20/2684](http://www.circ.ahajournals.org/cgi/content/full/111/20/2684).

<sup>10</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: Targeting the Nation's Leading Killer*. 2011, p. 2. Available at: [www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco\\_AAG\\_2011\\_508.pdf](http://www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf).

<sup>11</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: Targeting the Nation's Leading Killer*. 2011, p. 2. Available at: [www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco\\_AAG\\_2011\\_508.pdf](http://www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf).

<sup>12</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. *Fact Sheet – Smokeless Tobacco Facts*, [www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/smokeless/smokeless\\_facts/index.htm#chewing](http://www.cdc.gov/tobacco/data_statistics/fact_sheets/smokeless/smokeless_facts/index.htm#chewing) (last updated January 28, 2011).

<sup>13</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: Targeting the Nation's Leading Killer*. 2011, p. 2. Available at: [www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco\\_AAG\\_2011\\_508.pdf](http://www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf).

<sup>14</sup> Hatsukami DK and Severson HH. "Oral Spit Tobacco: Addiction, Prevention, and Treatment." *Nicotine and Tobacco Research*, 1(1): 21-44, 1999. Abstract available at: <http://ntr.oxfordjournals.org/content/1/1/21.abstract>.

<sup>15</sup> "Prolonged Use of Swedish Moist Snuff Increases Risk of Fatal Cardiovascular Disease and Stroke." *Medical News Today*, November 15, 2007, [www.medicalnewstoday.com/articles/88868.php](http://www.medicalnewstoday.com/articles/88868.php).



**WHEREAS**, tobacco use and exposure to secondhand smoke impose great social and economic costs, as evidenced by the following:

- The total annual economic burden of smoking in the United States is \$193 billion;<sup>16</sup> and
- From 2001-2004, the average annual health care expenditures attributable to smoking were approximately \$96 billion;<sup>17</sup> and
- The medical and other costs to nonsmokers due to exposure to secondhand smoke were estimated at over \$10 billion per year in the United States in 2005;<sup>18</sup> and
- California's Tobacco Control Program saved the state and its residents \$86 billion in health care expenditures between the year of its inception, 1989, and 2004, with savings growing yearly;<sup>19</sup> and

**WHEREAS**, exposure to secondhand smoke anywhere has negative health impacts, and exposure to secondhand smoke does occur at significant levels outdoors, as evidenced by the following:

- Levels of secondhand smoke exposure outdoors can reach levels attained indoors depending on direction and amount of wind and number and proximity of smokers;<sup>20</sup> and
- Irritation from secondhand smoke begins at levels as low as 4 micrograms per cubic meter, and in some outdoor situations this level can be found as far away as 13 feet from the burning cigarette;<sup>21</sup> and

<sup>16</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. *Fact Sheet – Economic Facts about U.S. Tobacco Production and Use*, [www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/economics/econ\\_facts/index.htm#costs](http://www.cdc.gov/tobacco/data_statistics/fact_sheets/economics/econ_facts/index.htm#costs) (last updated March 9, 2011).

<sup>17</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. *Fact Sheet – Economic Facts about U.S. Tobacco Production and Use*, [www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/economics/econ\\_facts/index.htm#costs](http://www.cdc.gov/tobacco/data_statistics/fact_sheets/economics/econ_facts/index.htm#costs) (last updated March 9, 2011).

<sup>18</sup> Behan DF, Eriksen MP and Lin, Y. *Economic Effects of Environmental Tobacco Smoke*. Schaumburg, IL: Society of Actuaries, 2005, p. 2. Available at: [www.soa.org/files/pdf/ETSReportFinalDraft\(Final%203\).pdf](http://www.soa.org/files/pdf/ETSReportFinalDraft(Final%203).pdf); see also US Department of Health and Human Services, Centers for Disease Control and Prevention. *Fact Sheet – Fast Facts*, [www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/fast\\_facts/index.htm](http://www.cdc.gov/tobacco/data_statistics/fact_sheets/fast_facts/index.htm) (last updated March 9, 2011).

<sup>19</sup> Lightwood JM, Dinno A and Glantz SA. "Effect of the California Tobacco Control Program on Personal Health Care Expenditures." *PLoS Med*, 5(8): e178, 2008. Available at: [www.plosmedicine.org/article/info:doi/10.1371/journal.pmed.0050178](http://www.plosmedicine.org/article/info:doi/10.1371/journal.pmed.0050178).

<sup>20</sup> Klepeis NE, Ott WR, and Switzer P. *Real-Time Monitoring of Outdoor Environmental Tobacco Smoke Concentrations: A Pilot Study*. San Francisco: University of California, San Francisco and Stanford University, 2004, p. 80, 87. Available at: [http://exposurescience.org/pub/reports/Outdoor\\_ETS\\_Final.pdf](http://exposurescience.org/pub/reports/Outdoor_ETS_Final.pdf); see also Klepeis NE, Ott WR and Switzer P. "Real-Time Measurement of Outdoor Tobacco Smoke Particles." *Journal of the Air & Waste Management Association*, 57: 522-534, 2007. Available at: [www.ashaust.org.au/pdfs/OutdoorSHS0705.pdf](http://www.ashaust.org.au/pdfs/OutdoorSHS0705.pdf).

<sup>21</sup> Junker MH, Danuser B, Monn C, et al. "Acute Sensory Responses of Nonsmokers at Very Low Environmental Tobacco Smoke Concentrations in Controlled Laboratory Settings." *Environmental Health Perspectives*, 109(10): 1045-1052, p. 1049-51, 2001. Available at: [www.pubmedcentral.nih.gov/picrender.fcgi?artid=1242082&blobtype=pdf](http://www.pubmedcentral.nih.gov/picrender.fcgi?artid=1242082&blobtype=pdf); Repace JL. "Benefits of Smoke-Free Regulations in Outdoor Settings: Beaches, Golf Courses, Parks, Patios, and in Motor Vehicles." *William Mitchell Law Review*, 34(4): 1621-1638, p. 1626, 2008. Available at: [www.repace.com/pdf/Repace\\_Ch\\_15\\_Outdoor\\_Smoke.pdf](http://www.repace.com/pdf/Repace_Ch_15_Outdoor_Smoke.pdf).

- Smoking cigarettes near building entryways can increase air pollution levels by more than two times as compared to background levels, with maximum levels reaching the “hazardous” range on the US EPA’s Air Quality Index.<sup>22</sup>
- To be completely free from exposure to secondhand smoke in outdoor places, a person may have to move nearly 25 feet away from the source of the smoke, about the width of a two-lane road;<sup>23</sup> and
- Studies on a cruise ship have found that even while cruising at 20 knots and with unlimited air volume, outdoor smoking areas contained carcinogens in nearly the same amounts as inside the ship’s casino where smoking was allowed;<sup>24</sup> and

**WHEREAS**, cigarette butts pose a health threat to young children, as evidenced by the following:

- In 2009, American poison control centers received nearly 8,000 reports of children poisoned by the ingestion of cigarettes, cigarette butts, and other tobacco products;<sup>25</sup> and
- Children who ingest cigarette butts can experience vomiting, nausea, lethargy, and gagging;<sup>26</sup> and

**WHEREAS**, cigarette butts are a major and persistent source of litter, as evidenced by the following:

- It is estimated that over two billion cigarette butts are discarded every day worldwide, and that Americans alone discard more than 175 million pounds of cigarette butts every year;<sup>27</sup> and
- Cigarette butts are often cast onto sidewalks and streets, and frequently end up in storm drains that flow into streams, rivers, bays, lagoons and ultimately the ocean;<sup>28</sup> and

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<sup>22</sup> Kaufman P, Zhang, B, Bondy S, et al. “Not just ‘a few wisps’: real-time measurement of tobacco smoke at entrances to office buildings.” *Tobacco Control*. Published Online First: 21 December 2010. doi:10.1136/tc.2010.041277. Abstract available at:

<http://tobaccocontrol.bmj.com/content/early/2010/12/21/tc.2010.041277.abstract>

<sup>23</sup> Repace JL. “Benefits of Smoke-Free Regulations in Outdoor Settings: Beaches, Golf Courses, Parks, Patios, and in Motor Vehicles.” *William Mitchell Law Review*, 34(4): 1621-1638, p. 1626, 2008. Available at: [www.repace.com/pdf/Repace\\_Ch\\_15\\_Outdoor\\_Smoke.pdf](http://www.repace.com/pdf/Repace_Ch_15_Outdoor_Smoke.pdf).

<sup>24</sup> Repace JL. “Benefits of Smoke-Free Regulations in Outdoor Settings: Beaches, Golf Courses, Parks, Patios, and in Motor Vehicles.” *William Mitchell Law Review*, 34(4): 1621-1638, p. 1626, 2008. Available at: [www.repace.com/pdf/Repace\\_Ch\\_15\\_Outdoor\\_Smoke.pdf](http://www.repace.com/pdf/Repace_Ch_15_Outdoor_Smoke.pdf).

<sup>25</sup> Bronstein AC, Spyker DA, Cantilena LR, et al. American Association of Poison Control Centers. “2009 Annual Report of the American Association of Poison Control Centers’ Centers’ National Poison Data System (NPDS): 27th Annual Report” *Clinical Toxicology*, 48(10): 979–1178, p. 1124, 2010. Available at: [www.aapcc.org/dnn/Portals/0/correctedannualreport.pdf](http://www.aapcc.org/dnn/Portals/0/correctedannualreport.pdf).

<sup>26</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. “Ingestion of Cigarettes and Cigarette Butts by Children – Rhode Island, January 1994 -July 1996.” *Morbidity and Mortality Weekly Report*, 46(06): 125-128, 1997. Available at: [www.cdc.gov/mmwr/preview/mmwrhtml/00046181.htm](http://www.cdc.gov/mmwr/preview/mmwrhtml/00046181.htm).

<sup>27</sup> Surfrider Foundation, San Diego Chapter, Hold on to Your Butt, [www.surfridersd.org/hotyb.php](http://www.surfridersd.org/hotyb.php). (last visited March 10, 2011).

<sup>28</sup> Surfrider Foundation, San Diego Chapter, Hold on to Your Butt, [www.surfridersd.org/hotyb.php](http://www.surfridersd.org/hotyb.php). (last visited

- Cigarette filters, made of plastic cellulose acetate, take approximately 15 years to decompose;<sup>29</sup> and

**WHEREAS**, laws restricting the use of tobacco products have recognizable benefits to public health and medical costs, as evidenced by the following:

- Cities with smoke free laws see an appreciable reduction in hospital admittances for heart attacks in the months and years after such laws are passed;<sup>30</sup> and
- Smoking bans help people reduce the number of cigarettes they smoke or quit altogether;<sup>31</sup> and
- Strong smoking regulations for restaurants decrease the number of children who transition from experimenting with smoking to becoming actual smokers;<sup>32</sup> and

**WHEREAS**, the U.S. Food and Drug Administration conducted laboratory analysis of electronic cigarette samples and found they contained carcinogens and toxic chemicals to which users and bystanders could potentially be exposed;<sup>33</sup> and

**WHEREAS**, creating smokefree areas helps protect the health of the 86.9% of Californians who are nonsmokers;<sup>34</sup> and

**WHEREAS**, society is becoming less tolerant and less accepting of cigarette smoking, as evidenced by the following,

- A 2008 survey of California voters found that 97% thought that secondhand smoke is harmful, 88% thought secondhand smoke was harmful even outdoors, 65% were bothered by secondhand smoke, and 73% support laws restricting smoking in outdoor public places;<sup>35</sup>

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March 10, 2011).

<sup>29</sup> Surfrider Foundation, San Diego Chapter, Hold on to Your Butt, [www.surfridersd.org/hotyb.php](http://www.surfridersd.org/hotyb.php). (last visited March 10, 2011).

<sup>30</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. "Reduced Hospitalizations for Acute Myocardial Infarction After Implementation of a Smoke-Free Ordinance – City of Pueblo, Colorado, 2002 – 2006." *Morbidity and Mortality Weekly Report*, 57(51&52): 1373-1377, 2009. Available at: [www.cdc.gov/mmwr/preview/mmwrhtml/mm5751a1.htm](http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5751a1.htm); Glantz SA. "Meta-Analysis of the Effects of Smokefree Laws on Acute Myocardial Infarction: An Update." *Preventive Medicine*, 47(4): 452-453, 2008. Abstract available at: [www.ncbi.nlm.nih.gov/pmc/articles/PMC2927851/?tool=pubmed](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2927851/?tool=pubmed).

<sup>31</sup> Neighmond P. "Smoking Bans Help People Quit, Research Shows." *National Public Radio*, October 25, 2007, [www.npr.org/templates/story/story.php?storyId=15610995](http://www.npr.org/templates/story/story.php?storyId=15610995).

<sup>32</sup> Siegel M, Albers AB, Cheng DM, et al. "Local Restaurant Smoking Regulations and the Adolescent Smoking Initiation Process: Results of a Multilevel Contextual Analysis Among Massachusetts Youth." *Archives of Pediatrics and Adolescent Medicine*, 162(5): 477-483, 2008. Available at: <http://archpedi.ama-assn.org/cgi/reprint/162/5/477.pdf>.

<sup>33</sup> US Food and Drug Administration. *News Release, FDA and Public Health Experts Warn About Electronic Cigarettes*. July 22, 2009. Available at: [www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm173222.htm](http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm173222.htm).

<sup>34</sup> California Department of Public Health, *News Release, State's Latest Tobacco Ads Debut*. December 20, 2010. Available at: [www.cdph.ca.gov/Pages/NR10-099.aspx](http://www.cdph.ca.gov/Pages/NR10-099.aspx).

<sup>35</sup> Goodwin Simon Victoria Research. *Study of California Voters' Attitudes About Secondhand Smoke Exposure*.

and

- People living in cities with strong smokefree air laws are more likely to believe smoking is not acceptable and that smokers should attempt to quit smoking;<sup>36</sup> and
- As of 2010, there are at least 273 California cities and counties with local laws restricting smoking in recreational areas, 85 with smokefree outdoor dining laws, and 23 that restrict smoking on sidewalks in commercial areas;<sup>37</sup> and

**WHEREAS**, state law prohibits smoking within 25 feet of playgrounds and tot lots and expressly authorizes local communities to enact additional restrictions;<sup>38</sup> and state law prohibits smoking within 20 feet of entryways and operable windows of government buildings;<sup>39</sup> and

**WHEREAS**, there is no Constitutional right to smoke;<sup>40</sup>

**NOW THEREFORE**, it is the intent of the City Council, in enacting this ordinance, to provide for the public health, safety, and welfare by discouraging the inherently dangerous behavior of smoking and tobacco use around non-tobacco users, especially children; by protecting the public from exposure to secondhand smoke where they live, work, and play; by reducing the potential for children to wrongly associate smoking and tobacco use with a healthy lifestyle; and by affirming and promoting a healthy environment in the City.

### **Section1.** Amendments

The City Council hereby amends the City Code by adding Chapter 23 to read as follows:

### **Sec. 23-1. DEFINITIONS.**

The following words and phrases, whenever used in this Chapter shall have the meanings defined in this section unless the context clearly requires otherwise:

(a) “Business” means any sole proprietorship, partnership, joint venture, corporation, association, or other entity formed for profit-making purposes.

(b) “Dining Area” means any area, including streets and sidewalks, which is available to or customarily used by the general public or an Employee, and which is designed, established, or regularly used for consuming food or drink.

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Sacramento: Center for Tobacco Policy & Organizing, 2008, p. 1-3. Available at: [www.center4tobaccopolicy.org/\\_files/\\_files/Results%20of%20SHS%20Poll%20November%202008.pdf](http://www.center4tobaccopolicy.org/_files/_files/Results%20of%20SHS%20Poll%20November%202008.pdf).

<sup>36</sup> Indiana University. *News Release, Indiana University Research at American Public Health Association Meeting*. October 27, 2008. Available at: <http://newsinfo.iu.edu/tips/page/normal/9085.html#3>.

<sup>37</sup> American Lung Association in California *State of Tobacco Control 2010 – California Local Grades*, 2010, p. 9. Available at: [www.lungusa.org/associations/states/california/assets/pdfs/sotc-2010/sotc2010\\_full-report.pdf](http://www.lungusa.org/associations/states/california/assets/pdfs/sotc-2010/sotc2010_full-report.pdf).

<sup>38</sup> Cal. Health & Safety Code § 104495 (West 2008).

<sup>39</sup> Cal. Gov’t Code § 7597 (West 2008).

<sup>40</sup> Public Health Law & Policy, Technical Assistance Legal Center. *There Is No Constitutional Right to Smoke*. 2005. Available at [www.phlpnet.org/tobacco-control/products/there-no-constitutional-right-smoke](http://www.phlpnet.org/tobacco-control/products/there-no-constitutional-right-smoke).

(c) “Employee” means any Person who is employed or retained as an independent contractor by any Employer or Nonprofit Entity in consideration for direct or indirect monetary wages or profit, or any Person who volunteers his or her services for an Employer or Nonprofit Entity.

(d) “Employer” means any Business or Nonprofit Entity that retains the service of one or more Employees.

(e) “Enclosed Area” means an area in which outside air cannot circulate freely to all parts of the area, and includes an area that has:

(1) any type of overhead cover whether or not that cover includes vents or other openings and at least three (3) walls or other vertical boundaries of any height whether or not those boundaries include vents or other openings; or

(2) four (4) walls or other vertical boundaries that exceed six (6) feet in height whether or not those boundaries include vents or other openings.

(f) “Nonprofit Entity” means any entity that meets the requirements of California Corporations Code section 5003 as well as any corporation, unincorporated association or other entity created for charitable, religious, philanthropic, educational, political, social or similar purposes, the net proceeds of which are committed to the promotion of the objectives or purposes of the entity and not to private gain. A government agency is not a Nonprofit Entity within the meaning of this Chapter.

(g) “Person” means any natural person, Business, cooperative association, Nonprofit Entity, personal representative, receiver, trustee, assignee, or any other legal entity including government agencies.

(h) “Place of Employment” means any area under the legal or de facto control of an Employer, that an Employee or the general public may have cause to enter in the normal course of the operations, regardless of the hours of operation.

(i) “Public Place” means any place, publicly or privately owned, which is open to the general public regardless of any fee or age requirement.

(k) “Reasonable Distance” means a distance of twenty-five (25) feet in any direction from an area in which Smoking is prohibited.

(l) “Recreational Area” means any area, including streets and sidewalks, that is publicly or privately owned /owned, controlled or used by the City and open to the general public for recreational purposes, regardless of any fee or age requirement. The term “Recreational Area” includes but is not limited to parks, picnic areas, playgrounds, sports fields, golf courses, walking paths, gardens, hiking trails, bike paths, riding trails, swimming pools, roller- and ice-skating rinks, skateboard parks, amusement parks, and beaches.

(m) “Service Area” means any publicly or privately owned area, including streets and sidewalks, that is designed to be used or is regularly used by one or more Persons to receive a service, wait to receive a service or to make a transaction, whether or not such service or transaction includes the exchange of money. The term “Service Area” includes but is not limited to areas including or adjacent to information kiosks, automatic teller machines (ATMs), ticket lines, bus stops or shelters, mobile vendor lines or cab stands.

(n) “Smoke” means the gases, particles, or vapors released into the air as a result of combustion, electrical ignition or vaporization, when the apparent or usual purpose of the combustion, electrical ignition or vaporization is human inhalation of the byproducts, except when the combusting material contains no tobacco or nicotine and the purpose of inhalation is solely olfactory, such as, for example, smoke from incense. The term “Smoke” includes, but is not limited to, tobacco smoke, electronic cigarette vapors, and marijuana smoke.

(o) “Smoking” means engaging in an act that generates Smoke, such as, for example: possessing a lighted pipe, a lighted hookah pipe, an operating electronic cigarette, a lighted cigar, or a lighted cigarette of any kind; or lighting or igniting a pipe, a hookah pipe, a cigar, or a cigarette of any kind.

(p) “Tobacco Product” means any substance containing tobacco leaf, and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into a human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence.

(q) “Unenclosed Area” means any area that is not an Enclosed Area.

## **Sec. 23-2. PROHIBITION OF SMOKING AND TOBACCO PRODUCT USE IN UNENCLOSED AREAS**

(a) Smoking and the use of Tobacco Products is prohibited in the Unenclosed Areas of the following places within the City, except places where Smoking or the use of Tobacco Products is already prohibited by state or federal law, in which case those laws apply:

- (1) Recreational Areas;
- (2) Service Areas;
- (3) Dining Areas;
- (4) Places of Employment;

(5) Other Public Places, when being used for a public event, including but not limited to a farmers’ market, parade, craft fair, festival, or any other event which may be attended by

the general public, provided that Smoking is permitted on streets and sidewalks being used only in a traditional capacity as pedestrian or vehicular thoroughfares, unless otherwise prohibited by this Chapter or other law.

(b) Nothing in this Chapter prohibits any Person, Employer, or Nonprofit Entity with legal control over any property from prohibiting Smoking and Tobacco Product use on any part of such property, even if Smoking or the use of Tobacco Products is not otherwise prohibited in that area.

### **Sec. 23-3. REASONABLE SMOKING DISTANCE REQUIRED**

(a) Smoking in all Unenclosed Areas shall be prohibited within a Reasonable Distance from any doorway, window, opening, crack, or vent into an Enclosed Area in which Smoking is prohibited, except while the Person Smoking is actively passing on the way to another destination and provided Smoke does not enter any Enclosed Area in which Smoking is prohibited.

(b) Smoking in Unenclosed Areas shall be prohibited within a Reasonable Distance from any Unenclosed Areas in which Smoking is prohibited under Sec. 23-2 of this Chapter, except while the Person Smoking is actively passing on the way to another destination and provided Smoke does not enter any Unenclosed Area in which Smoking is prohibited.

### **Sec. 23-4. OTHER REQUIREMENTS AND PROHIBITIONS**

(a) No Person, Employer, or Nonprofit Entity shall knowingly permit Smoking or the use of Tobacco Products in an area which is under the legal or de facto control of that Person, Employer or Nonprofit Entity and in which Smoking or the use of Tobacco Products is prohibited by law, unless otherwise required by state or federal law.

(b) No Person, Employer, or Nonprofit Entity shall knowingly or intentionally permit the presence or placement of ash receptacles, such as, for example, ash trays or ash cans, within an area under the legal or de facto control of that Person, Employer or Nonprofit Entity and in which Smoking or the use of Tobacco Products is prohibited by law, including, without limitation, within a Reasonable Distance required by this Chapter from any area in which Smoking or the use of Tobacco Products is prohibited. Notwithstanding the foregoing, the presence of ash receptacles in violation of this subsection shall not be a defense to a charge of Smoking or the use of Tobacco Products in violation of any provision of this Chapter.

(c) No Person shall dispose of used Smoking or Tobacco Product waste within the boundaries of an area in which Smoking is prohibited, including within any Reasonable Distance required by this Chapter.

(d) A Person, Employer, or Nonprofit Entity that has legal or de facto control of an Unenclosed Area in which Smoking or the use of Tobacco Products is prohibited by this Chapter shall post a clear, conspicuous and unambiguous “No Smoking” or No Use of Tobacco Products or “Smokefree” or “Tobacco-Free” sign at each point of ingress to the area, and in at least one

other conspicuous point within the area. The signs shall have letters of no less than one inch in height and shall include the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it). Signs posted on the exterior of buildings to comply with this section shall include the Reasonable Distance requirement set forth in Sec. 23-3. For purposes of this section, the City Administrator or his/her designee shall be responsible for the posting of signs in regulated facilities owned or leased in whole or in part by the City. Notwithstanding this provision, the presence or absence of signs shall not be a defense to a charge of Smoking or the use of Tobacco Products in violation of any other provision of this Chapter.

(e) No Person, Employer, or Nonprofit Entity shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another Person who seeks to attain compliance with this Chapter.

(f) Each instance of Smoking or Tobacco Product use in violation of this Chapter shall constitute a separate violation. For violations other than for Smoking, each day of a continuing violation of this Chapter shall constitute a separate violation.

#### **Sec. 23-5. PENALTIES AND ENFORCEMENT.**

(a) The remedies provided by this Chapter are cumulative and in addition to any other remedies available at law or in equity.

(b) Each incident of Smoking or use of Tobacco Products in violation of this Chapter is an infraction subject Chapter 1, Articles II and III of the City Code. Other violations of this Chapter may, in the discretion of the City Attorney, be prosecuted as infractions when the interests of justice so requires. Enforcement of this chapter shall be the responsibility of City Administrator or his/her designee. In addition, any peace officer or code enforcement official also may enforce this chapter.

(c) Any violation of this Chapter is hereby declared to be a nuisance.

(d) In addition to other remedies provided by this Chapter or by other law, any violation of this Chapter may be remedied by a civil action brought by the City Attorney, including, but not limited to, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief.

**Section 2. Statutory construction & severability.** It is the intent of the City Council of the City of San Fernando to supplement applicable state and federal law and not to duplicate or contradict such law and this ordinance shall be construed consistently with that intention. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of San Fernando hereby declares that it would have adopted each section, subsection, subdivision, paragraph,



sentence, clause or phrase hereof independently, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**Section 3.** Certification. The City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published 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 \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Brenda Esqueda, Mayor

**ATTEST:**

\_\_\_\_\_  
Elena G. Chávez, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Maribel S. Medina, City Attorney

**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 foregoing Ordinance was adopted at a regular meeting of the City Council held on the \_\_\_\_day of \_\_\_\_\_, 2012 and was carried by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Elena G. Chávez, City Clerk



## List of Municipalities that Restrict Smoking in Outdoor Dining Areas March 2011

Cities and counties in California have always been at the forefront of protecting residents from exposure to secondhand smoke. Local communities led the way on smokefree indoor workplace laws and are leading the way once again with local laws to protect residents from secondhand smoke exposure in outdoor dining areas. California state law only prohibits smoking in indoor areas of restaurants and bars and municipalities are not preempted from passing a stronger law to prohibit smoking within outdoor dining areas of bars and restaurants.

As of January 1, 2011, 85 municipalities in California have passed ordinances to restrict smoking in at least some outdoor dining areas. The below table lists all of these cities and counties and divides the policies into two categories:

**(1) Municipalities that prohibit smoking in all outdoor dining areas**

There are 48 municipalities that prohibit smoking in all outdoor dining areas and these policies ensure that all workers and customers are protected from secondhand smoke exposure.

**(2) Municipalities that restrict smoking in outdoor dining areas but have exemptions for bars or allow for designated smoking areas**

There are 37 municipalities that restrict smoking in outdoor dining areas but exempt bars from these restrictions or allow for designated smoking areas in outdoor areas of bars and restaurants.

For more information about smokefree outdoor dining areas and other restrictions on smoking in outdoor areas, visit [www.center4tobaccopolicy.org/localpolicies-outdoorareas](http://www.center4tobaccopolicy.org/localpolicies-outdoorareas). These resources include information on the need for and benefits of these policies, a list of cities and counties that have adopted comprehensive outdoor secondhand smoke ordinances and answers to tough questions about smokefree outdoor policies.

Source: The list of cities and counties in this document is based on a review of county codes and city municipal codes, compiled in the American Lung Association in California's *State of Tobacco Control 2010: California Local Grades* report available at [www.lungusa.org/associations/states/california/advocacy/fight/state-of-tobacco-control-2010.html](http://www.lungusa.org/associations/states/california/advocacy/fight/state-of-tobacco-control-2010.html). This report provides grades on local tobacco control policies for all cities and counties in California. One of the categories is restricting smoking in outdoor dining areas and points are awarded based on the strength of the smoking restrictions.

County	Prohibit Smoking in All Outdoor Dining Areas	Restrict Smoking in Outdoor Dining Areas but Have Exemptions for Bars or Allow for Designated Smoking Areas
Alameda County	Alameda County Berkeley Dublin Emeryville Fremont Hayward Newark Oakland Pleasanton San Leandro Union City	Albany Livermore

**List of Municipalities that Restrict Smoking in Outdoor Dining Areas** *(continued)*

<b>County</b>	<b>Prohibit Smoking in All Outdoor Dining Areas</b>	<b>Restrict Smoking in Outdoor Dining Areas but Have Exemptions for Bars or Allow for Designated Smoking Areas</b>
<b>Contra Costa County</b>	Contra Costa County Martinez Pinole Richmond San Ramon	Pleasant Hill
<b>Fresno County</b>		Reedley
<b>Humboldt County</b>		Arcata Blue Lake Eureka
<b>Los Angeles County</b>	Baldwin Park Beverly Hills Calabasas Malibu Pasadena Santa Monica Sierra Madre South Pasadena	Burbank Culver City Glendale Long Beach Los Angeles
<b>Marin County</b>	Ross San Anselmo	Belvedere Marin County Novato
<b>Mono County</b>	Mammoth Lakes	
<b>Orange County</b>	Laguna Hills	Laguna Beach Laguna Woods
<b>Riverside County</b>	Murrieta Palm Desert	Temecula
<b>San Bernardino County</b>	Loma Linda	
<b>San Diego County</b>	Chula Vista Del Mar El Cajon Encinitas National City Solana Beach	
<b>San Francisco County</b>		San Francisco
<b>San Joaquin County</b>		Stockton
<b>San Luis Obispo County</b>		San Luis Obispo
<b>San Mateo County</b>	Belmont San Mateo	South San Francisco
<b>Santa Barbara County</b>		Buellton Carpinteria Goleta Santa Barbara Santa Barbara County

### List of Municipalities that Restrict Smoking in Outdoor Dining Areas *(continued)*

County	Prohibit Smoking in All Outdoor Dining Areas	Restrict Smoking in Outdoor Dining Areas but Have Exemptions for Bars or Allow for Designated Smoking Areas
<b>Santa Clara County</b>	Los Gatos Santa Clara County	Gilroy Palo Alto Sunnyvale
<b>Santa Cruz County</b>		Santa Cruz
<b>Shasta County</b>		Redding
<b>Solano County</b>		Fairfield
<b>Sonoma County</b>	Rohnert Park Santa Rosa Sebastopol Windsor	Healdsburg
<b>Tuolumne County</b>		Tuolumne County
<b>Ventura County</b>	Camarillo Moorpark	Ojai Thousand Oaks
<b>Yolo County</b>	Davis	



## COMPREHENSIVE OUTDOOR SECONDHAND SMOKE ORDINANCES

February 2012

Many cities and counties in California are working to protect their residents from the dangers of secondhand smoke exposure by passing ordinances that restrict smoking in outdoor areas, especially in places where people congregate. In fact, many cities and counties are passing ordinances that are comprehensive in scope and include protections in many areas of the community, from city parks to building entryways to ATM lines. This document examines the most wide-ranging of these ordinances to provide a clear picture of comprehensive outdoor smoking bans in California and to assist local advocates in their efforts to get more communities to adopt such policies.

### THE NEED FOR COMPREHENSIVE OUTDOOR SECONDHAND SMOKE ORDINANCES

There is no question that secondhand smoke is harmful to individuals. The California Air Resources Board declared secondhand smoke a toxic air contaminant in January 2006 and the U.S. Surgeon General stated that there is no risk-free level of exposure to secondhand smoke in June 2006. A recent study conducted by researchers with Stanford University further shows the public health need for restricting smoking in outdoor areas.\* This research measured air pollution levels at outdoor places, such as dining areas and parks, where people were smoking and found that levels of exposure to secondhand smoke outdoors can be comparable to secondhand smoke exposure indoors. In addition, when an individual is near a smoker outdoors, they are exposed to air pollution levels significantly higher than normal background air pollution levels. Finally, the study indicates that there is a compelling health basis for outdoor smoking bans in commercial and non-commercial settings.

In addition to the health risks associated with outdoor smoking, there are other reasons to restrict smoking in certain outdoor areas. Cigarette butts are the number one litter item found along beaches. Cigarette litter damages the environment and poses a hazard to children, pets and wildlife that may pick up or swallow these cigarette butts. Recreation areas suffer from cigarette trash but also from the risk of fire. In May 2007, a fire started by a discarded cigarette butt in Griffith Park in Los Angeles burned over 800 acres.

\*Klepeis NE, Ott WR, Switzer P (2007) Real-time measurement of outdoor tobacco smoke particles. Journal of the Air and Waste Management Association, 57:522-534.

## WHAT MAKES A COMPREHENSIVE ORDINANCE?

Smoking can be restricted in any outdoor area, but there are seven outdoor areas that comprehensive ordinances most commonly target. To be classified in this document as a comprehensive outdoor secondhand smoke ordinance, the ordinance must include smoking prohibitions in at least five of the seven major outdoor areas. The restrictions in these areas must go beyond any state laws that restrict smoking in these areas. For example, state law prohibits smoking within 20 feet of entrances and exits to city, county and state buildings so a local ordinance must go beyond that restriction to restrict smoking in the entryways of other buildings. The seven areas are:

1. **Dining Areas** – defined as outdoor seating at restaurants, bars, etc.
2. **Entryways** – defined as within a certain distance of doors, windows, and other openings into enclosed areas
3. **Public Events** – defined as farmer's markets, fairs, concerts, etc.
4. **Recreation Areas** – defined as parks, beaches, trails, sports fields, etc.
5. **Service Areas** – defined as bus stops, ATM lines, ticket lines, taxi stands, etc.
6. **Sidewalks** – defined as public sidewalks, such as sidewalks around downtown shopping and business areas
7. **Worksites** – defined as any outdoor working area, such as construction areas

Fifty-six cities and counties in California have passed comprehensive outdoor secondhand smoke ordinances. The full list of 56 jurisdictions is available in a table on pages 4-5 that outlines the different areas where each ordinance restricts smoking.

## COMPREHENSIVE ORDINANCES: TWO APPROACHES FOR SUCCESS

There are two approaches for a comprehensive outdoor secondhand smoke ordinance. The first approach, or **inclusive approach**, is an ordinance that bans smoking in all public places in the community. Calabasas, El Cajon and Loma Linda have adopted this type of ordinance. The second approach, the **listing approach**, specifies the outdoor places where smoking is prohibited. The other communities follow the listing approach.

The ordinances adopted in Calabasas, El Cajon and Loma Linda stand out from the other ordinances because they are more far-reaching and use the inclusive approach to restrict smoking in all outdoor public places rather than just listing specific places where smoking is banned. In these three cities, smoking is prohibited in all public places, which is defined as any public or private place that is open to the general public. All seven of the major outdoor areas (dining areas, entryways, public events, recreation areas, service areas, sidewalks, and worksites) are covered by these ordinances, as are other public places such as parking lots. These three cities set the standard for comprehensive smokefree outdoor areas by providing their residents protection from secondhand smoke exposure in all outdoor public places.

Many other cities and counties have comprehensive outdoor secondhand smoke ordinances that also provide much needed protection from secondhand smoke exposure to their residents. These communities use the listing approach to provide this protection. Instead of prohibiting smoking in all public places, these ordinances follow the approach that specifically lists the places where smoking is prohibited. This model provides the same type of protection from secondhand smoke as the inclusive approach, but just in fewer locations. However, it should be noted that some of the ordinances using the listing approach are so comprehensive in the areas that they list, that they end up prohibiting smoking in as many areas as the ordinances using the inclusive approach.

A benefit of the listing approach is that it allows for more flexibility in terms of where smoking can be prohibited. If there is not the political will to ban smoking in all public places, the listing approach offers a way to draft a comprehensive ordinance that provides an opportunity to reach compromises that may be necessary to pass the ordinance. Conversely, if a community is only working on restricting smoking in one type of outdoor area, this approach provides an easy way to expand the policy into a comprehensive ordinance if an opportunity presents itself.

## PUBLIC SUPPORT FOR COMPREHENSIVE ORDINANCES

The Center commissioned two public opinion surveys that featured questions about comprehensive ordinances and both show strong public support for these laws. In November 2008, the Center commissioned a survey of California voters about secondhand smoke policies and found that 73% of California voters support a comprehensive law that prohibits smoking in all outdoor areas accessible to the public, except for designated smoking areas. In March 2007, the Center commissioned a survey of Calabasas voters one year after the city's comprehensive ordinance went into effect. The results show that 80% of Calabasas voters approve of the law and 74% think the law is an appropriate way to protect people from secondhand smoke. Both surveys were conducted by Goodwin Simon Victoria Research and survey results and summary documents are available at [www.Center4TobaccoPolicy.org/polling](http://www.Center4TobaccoPolicy.org/polling).



## IMPLEMENTATION

Because these ordinances are designed to be self-enforcing, it is important for the city or county to properly implement the ordinance with an education campaign to make the public aware of the locations where smoking is prohibited. A good implementation plan can include several different elements depending on city/county resources, including signage, publications, websites, dedicated staff and a campaign theme. While every jurisdiction may not include all of these elements, it is important to include as many as possible to ensure that the ordinance is effective at prohibiting smoking in these outdoor areas. Below are descriptions and examples for each of these elements:

**Signage** – “No smoking” signs make it clear to the public where smoking is prohibited and empowers people to ask someone to stop smoking. The signs in [Calabasas](#) clearly designate which outdoor areas are smokefree, while [Martinez](#) has signs that clearly state the entryways smoking restrictions.

**Publications** – Materials such as brochures, Frequently Asked Questions (FAQs) and window decals are useful for providing to businesses so that they can comply with the new law. [San Luis Obispo](#) has a brochure with a good summary and Baldwin Park has FAQs available in both [English](#) and [Spanish](#).

**Websites** – A useful way to reach a broad audience is to dedicate a section of the jurisdiction’s website for information on the ordinance. [Camarillo’s website](#) has clear outlines on where smoking is prohibited and allowed, FAQs and downloadable materials for businesses.

**Dedicated Staff** – Some cities have designated a specific staff person to work on educating businesses and the public. Glendale hired a [Fresh Air Program Ambassador](#) to meet with any residents or merchants who have questions about the secondhand smoke ordinance.

**Campaign Theme** – Developing a theme for the ordinance can help a jurisdiction tie all of the implementation elements together and frame the new ordinance around the issue of clean air and protecting health. Calabasas developed the theme [Clean Air Calabasas](#) creating a logo and identity for their implementation.

## ENFORCEMENT

Comprehensive outdoor smoking ordinances are designed to be self-enforcing. When communities pass these types of policies, they do not intend for police officers to spend their time searching for people smoking in public places. Rather, the expectation is that through education and signage, residents will become aware of the smoking restrictions and most individuals who smoke will obey the law. If someone does smoke in a restricted area, other people are likely to ask that individual to stop and inform him/her of the smoking restrictions.

Despite the reliance on self-enforcement, all of these ordinances have some provisions that allow the city to enforce the ordinance if needed. For example, all the ordinances detail how violators of the ordinance can be punished. Cities and counties have made violations of their outdoor smoking ban punishable as a misdemeanor, infraction or both. Some ordinances even specify the amount that violators can be fined, often several hundred dollars.

Another enforcement element found in most of these ordinances is the designation of an enforcement agency for the smoking prohibitions. Examples of the individuals and departments that have been designated as enforcement agencies in one or more of the ordinances include police officers, code enforcement officers, city attorneys, city prosecutors, city managers, the fire department, health and human services department, environmental health department and parks department. An innovative way to report violations to the enforcement agency is being set up in Pasadena. The city is working on an [Online Violations Report Form](#) where individuals can report violations of tobacco control laws and the city will investigate within one business day.

A final enforcement provision found in some of the ordinances is private enforcement. This enforcement option empowers an individual to enforce the non-smoking prohibition by bringing a civil action in court against a violator and suing for damages that were caused by violations of the ordinance.

## OTHER RESOURCES

The Center has other resources on comprehensive outdoor secondhand smoke ordinances available on our website at [www.Center4TobaccoPolicy.org/localpolicies-outdoorareas](http://www.Center4TobaccoPolicy.org/localpolicies-outdoorareas). For sample language on drafting a comprehensive outdoor smoking ordinance, please visit the Technical Assistance Legal Center’s (TALC) website at <http://www.phlpnet.org>.





## TABLE OF COMPREHENSIVE OUTDOOR SECONDHAND SMOKE ORDINANCES

The 56 cities and counties in California with comprehensive ordinances are listed below, including in which outdoor areas smoking is prohibited in each community. When there are limitations or exceptions to completely prohibiting smoking in the seven outdoor areas, it is noted with a footnote.

CITY / COUNTY	OUTDOOR AREA WHERE SMOKING IS PROHIBITED						
	Dining Areas	Entryways	Public Events	Recreation Areas	Service Areas	Sidewalks	Worksites
<b>Carson</b> (December 2011)	X	X	X	X	X		X
<b>Laguna Hills</b> (December 2011)	X	X	X	X	X		
<b>Solana Beach</b> (December 2011)	X	X	X	X	X		
<b>Alameda</b> (November 2011)	X	X	X	X	X	X	X
<b>Hermosa Beach</b> (November 2011)	X	X	X	X	X	X	X
<b>Compton</b> (October 2011)	X	X	X	X	X		
<b>Sonoma County</b> (October 2011)	X	X	X	X	X		
<b>Campbell</b> (September 2011)	X	X	X	X	X		
<b>Huntington Park</b> (August 2011)	X	X	X	X	X		X
<b>Fairfax</b> (June 2011)	X	X	X	X			X
<b>Larkspur</b> (April 2011)	X	X	X	X	X		X
<b>Carpinteria</b> (February 2011)	X	X	X*	X	X	X	X
<b>Santa Clara County</b> (November 2010)	X	X	X	X	X		X
<b>Union City</b> (November 2010)	X	X	X	X	X		X
<b>Menlo Park</b> (October 2010)		X	X*	X	X		X
<b>Sebastopol</b> (August 2010)	X	X	X	X	X		X
<b>Eureka</b> (July 2010)	X	X	X	X	X	X*	X
<b>Pleasant Hill</b> (April 2010)	X*	X	X	X	X		
<b>San Luis Obispo</b> (April 2010)	X*	X	X	X	X	X	X
<b>Camarillo</b> (April 2010)	X	X	X	X	X	X*	X
<b>Pinole</b> (April 2010)	X	X	X	X	X		
<b>Santa Barbara County</b> (April 2010)	X*	X	X*	X	X		
<b>San Francisco</b> (March 2010)	X*	X*	X*	X	X		
<b>San Leandro</b> (December 2009)	X	X	X	X	X		X
<b>Del Mar</b> (December 2009)	X	X	X	X	X	X	X
<b>Palm Desert</b> (November 2009)	X	X	X	X	X	X	X*
<b>Santa Cruz</b> (September 2009)	X	X		X	X	X	
<b>Moorpark</b> (September 2009)	X	X	X*	X	X	X	X
<b>Richmond</b> (June 2009)	X	X	X	X	X		
<b>Martinez</b> (April 2009)	X	X	X	X	X		X
<b>Pasadena</b> (October 2008)	X	X	X	X	X		
<b>Glendale</b> (October 2008)	X*	X	X	X	X		X
<b>Dublin</b> (October 2008)	X	X	X*	X*	X		
<b>Thousand Oaks</b> (July 2008)	X*	X	X*	X*	X		
<b>Loma Linda</b> (June 2008)	X	X	X	X	X	X	X
<b>Albany</b> (May 2008)	X*	X	X	X	X	X*	X
<b>Hayward</b> (May 2008)	X	X	X*	X	X	X	
<b>Novato</b> (April 2008)	X*	X	X	X	X		X
<b>Berkeley</b> (December 2007)	X	X		X	X	X*	X
<b>Ross</b> (December 2007)	X	X	X	X	X		
<b>Belmont</b> (October 2007)	X	X	X	X	X		X

**TABLE OF COMPREHENSIVE OUTDOOR SECONDHAND SMOKE ORDINANCES (continued)**

CITY / COUNTY	OUTDOOR AREA WHERE SMOKING IS PROHIBITED						
	Dining Areas	Entryways	Public Events	Recreation Areas	Service Areas	Sidewalks	Worksites
<b>El Cajon</b> ( <i>August 2007</i> )	X	X	X	X	X	X	X
<b>Blue Lake</b> ( <i>June 2007</i> )	X*	X	X*	X	X		
<b>Temecula</b> ( <i>May 2007</i> )	X	X	X	X	X		X
<b>Burbank</b> ( <i>April 2007</i> )	X*	X	X	X*	X*	X*	
<b>Baldwin Park</b> ( <i>February 2007</i> )	X	X	X*	X	X		
<b>Emeryville</b> ( <i>December 2006</i> )	X	X	X	X	X		
<b>Laguna Woods</b> ( <i>November 2006</i> )	X*	X	X	X	X		
<b>Marin County</b> ( <i>November 2006</i> )	X*	X	X	X	X		X
<b>Contra Costa County</b> ( <i>October 2006</i> )	X	X	X	X	X		
<b>Santa Monica</b> ( <i>October 2006</i> )	X	X	X*	X	X	X*	
<b>Mammoth Lakes</b> ( <i>June 2006</i> )	X	X	X	X	X		X
<b>Santa Rosa</b> ( <i>June 2006</i> )	X	X	X	X	X*	X*	
<b>Calabasas</b> ( <i>February 2006</i> )	X	X	X	X	X	X	X
<b>Arcata</b> ( <i>June 2002</i> )	X	X	X	X	X		
<b>Davis</b> ( <i>March 1993</i> )	X	X	X	X*	X		

\*Carpinteria - allows for designated smoking areas at public events

\*Menlo Park - allows for designated smoking areas at public events

\*Pleasant Hill – allows for smoking to be allowed up to 25% of the outdoor area of a restaurant or bar

\*Eureka – sidewalk prohibitions only apply to Eureka boardwalk

\*San Luis Obispo – allows designated smoking areas that meet certain criteria in outdoor seating of bars that do not serve food

\*Camarillo – only applies to sidewalks designated by city resolution

\*Santa Barbara County – allows exemptions for smoking to be allowed at free standing bars and 25% of outdoor seating at restaurants

\*Santa Barbara County – only applies to outdoor concerts, sporting events, plays and similar performances

\*San Francisco – for outdoor dining areas of bars, the ordinance only restricts smoking within 10 feet of entrances and windows

\*San Francisco – for building entrances, exits and windows, smoking is allowed at the curb outside the building or if there is no curb, smoking is prohibited within 15 feet

\*San Francisco – only specifically prohibits smoking at farmer's markets, but smoking is also prohibited at public events that are held in other locations where smoking is prohibited, such as in parks

\*Palm Desert - allows for designated smoking areas in shopping mall unenclosed areas

\*Moorpark – allows exceptions for an outdoor special event subject to approval by the community development director

\*Glendale - allows for creation of designated smoking section in outdoor dining

\*Dublin – allows for creation of designated smoking areas at public events

\*Dublin - recreation areas does not include community parks

\*Thousand Oaks – allows restaurants to apply for a permit for a designated outdoor smoking section if certain conditions are met

\*Thousand Oaks – allows for creation of designated smoking areas at public events

\*Thousand Oaks – smoking prohibitions only apply to recreational areas under the city's authority; city parks are under a separate jurisdiction

\*Albany – allows exceptions for permitting smoking in outdoor areas at stand-alone bars if certain conditions are met

\*Albany – only prohibits smoking on sidewalks adjacent to school property and sidewalks on Solano Avenue between San Pablo Avenue and the City of Berkeley jurisdictional border

\*Hayward – allows for creation of designated smoking areas at public events

\*Novato – allows exceptions for permitting smoking in outdoor areas at stand-alone bars if certain conditions are met

\*Berkeley – only prohibits smoking on sidewalks in commercial areas

\*Blue Lake – allows exemptions for smoking to be allowed at bars

\*Blue Lake – allows for designated smoking areas at public events

\*Burbank – allows restaurants to apply for a designated outdoor smoking section that can cover up to 40% of dining area

\*Burbank – allows for creation of designated smoking areas in recreation areas

\*Burbank – service areas prohibition does not include individual bus stops in public rights-of-way

\*Burbank – only prohibits smoking on sidewalks in downtown Burbank

\*Baldwin Park – only prohibits smoking at farmer's markets

\*Laguna Woods - only applies to restaurants, not bars

\*Marin County – allows exceptions for permitting smoking at outdoor dining at bars if certain conditions are met

\*Santa Monica – only prohibits smoking at farmer's markets

\*Santa Monica – only applies to sidewalks at the Third Street Promenade

\*Santa Rosa – service areas prohibition only includes downtown transit mall

\*Santa Rosa – only applies to sidewalks at Comstock mall and Jeju Way

\*Davis – only applies to open space areas that are used for recreation

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The Center for Tobacco Policy & Organizing • American Lung Association in California  
1029 J Street, Suite 450 • Sacramento, CA 95814 • Phone: (916) 554.5864 • Fax: (916) 442.8585 • [www.Center4TobaccoPolicy.org](http://www.Center4TobaccoPolicy.org)



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## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

**TO:** Mayor Brenda Esqueda and Councilmembers

**FROM:** Al Hernández, City Administrator  
By: Fred Ramirez, City Planner

**DATE:** August 6, 2012

**SUBJECT:** Making an Election with Respect to Housing Assets and Functions of the Former Redevelopment Agency and Rescinding City Council Resolution No. 7470

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#### **RECOMMENDATION:**

It is recommended that the City Council adopt a Resolution (Attachment “A”) electing for the City to retain the housing assets and functions previously performed by the Redevelopment Agency and accepting the transfer of all rights, powers, duties, and obligations associated with the housing activities of the Redevelopment Agency and rescinding City Council Resolution No. 7470.

#### **BACKGROUND:**

1. On March 5, 2012, the City Council considered a recommendation from City staff to adopt a Resolution (Attachment “B”) electing to not retain the housing assets and responsibilities for performing the housing functions previously performed by the San Fernando Redevelopment Agency and instead transferring all rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the former Agency to the County of Los Angeles Housing Authority.
2. On June 27, 2012, Governor Brown signed AB 1484, which imposes new tasks on the Los Angeles County Auditor-Controller and the City of San Fernando Successor Agency. Health and Safety Code Section 34183.5 subdivision (b) was added by AB 1484, which clarifies prior confusion attributed to Supreme Court’s order regarding the changing deadlines under AB X 1 26 related to the required adjustments to the June 1, 2012 property tax payments to successor agencies in order to capture the amount of funds owed to taxing entities for the January through June 2012 period. AB 1484 also provided the following:
  - Successor Agency to retain licensed accountant to undertake audit of the Low and Moderate Income Housing Fund (LMIHF), cash assets, and cash transfers to public agencies and private parties without enforceable obligations;

Making an Election with Respect to Housing Assets and Functions of the Former Redevelopment Agency and Rescinding City Council Resolution No. 7470

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- New penalties for failure to: meet deadlines for pass-through payments; transfer of LMIHF funds, cash assets and/or recover cash transferred to local agency without enforceable obligations; and, failure to submit Recognized Payment Obligation Schedule (ROPS) # 3 to the Department of Finance (DOF) by September 1, 2012;
- DOF will issue Successor Agency a Finding of Completion that pays audited amounts from the LMHIF, cash assets, and any amount owed to taxing entities from the December 2011 tax payment;
- Successor Agency's receiving a Finding of Completion may apply for repayment of loan agreements previously entered into by the former redevelopment agency and the City if the Oversight Board deems said loan agreement to be an enforceable obligation that was established for a "legitimate redevelopment purposes". However, loan repayment will not begin until Fiscal Year 2013-2014 at a maximum amount established by state law and must be first used to pay off outstanding amounts borrowed and owed to the LMIHF fund of the former redevelopment agency to pay the Fiscal Year 2009-2010 Supplemental Educational Revenue Augmentation Fund (SERAF) payment;
- Directs Successor Agency to use unspent bond proceeds derived from bond issued on or before December 31, 2010, which cannot be spent consistent with the bond to be used to pay down or payoff the outstanding bond debt;
- In lieu of prior requirements of AB X 1 26 that required disposal of real property assets, the Successor Agency can now prepare a Long-Range Property Management Plan for the Oversight Board and the DOF approval, which allows retention of real property assets for governmental use, future development, sale of property, use of property to fulfill enforceable obligations in conjunction with the transfer of the real property asset to the City;
- Directs County Auditor-Controller to review asset transfers that occurred between the former redevelopment agency and City, which occurred after January 31, 2012, and determine whether it was pursuant to an enforceable obligation. The Auditor-Controller order the assets that were not transferred under an enforceable obligation to be returned to the Successor Agency;
- Placed additional restrictions on the authority of Successor Agency;
- Established new Oversight Board provisions;
- Gave new authority to County Auditor-Controller to object to an item on the ROPS to DOF;
- Cleanup plan and liability limits of the redevelopment agency are transferred to the Successor Agency and Housing Successor Agency;

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- Successor Agency given limited authority to refinance existing debt;
- Successor Agency is now identified as a separate public entity;
- DOF is given increased authority to review oversight board and Successor Agency action associated with outstanding loans and bond repayments as well as modify and/or eliminate any item on the oversight-approved ROPS; and,
- City can loan or grant funds to the Successor Agency for administrative expenses, enforceable obligations, project-related expenses and include those funds for repayment on subsequent ROPS to be reviewed and approved by the oversight board and DOF. (Sources: League of California Cities: Major Provisions of AB 1484 (<http://www.cacities.org/UploadedFiles/LeagueInternet/c2/c2601c31-5fdb-48db-94a8-193a9d38765b.pdf>); [http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab\\_1451-1500/ab\\_1484\\_bill\\_20120627\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_1451-1500/ab_1484_bill_20120627_chaptered.pdf) )

**ANALYSIS:**

Health and Safety Code Section 34176(a) authorizes a city that created a redevelopment agency to elect to retain the housing assets and functions previously performed by the redevelopment agency. If a city elects to retain the responsibility for performing housing functions previously performed by the redevelopment agency, Section 34176(a) provides that all rights, powers, duties, and obligations, excluding any amounts on deposit in the LMIHF fund and enforceable obligations retained by the Successor Agency (per AB 1484), shall be transferred to the City.

Health and Safety Code Section 34176(c) provides that the entity assuming the housing functions formerly performed by the redevelopment agency may enforce affordability covenants and perform related activities pursuant to applicable provisions of the Redevelopment Law, including, but not limited to, Health and Safety Code Section 33418.

The Agency's housing assets include:

- Resale restrictions agreements, promissory notes and subordinates deeds of trust that were used to facilitate single family rehabilitation loans and first time homebuyer loans (Attachment "C").
- Ground leases and associated land held to facilitate a 97-unit senior housing project on three scattered sites owned by the Agency;
- Promissory notes to facilitate the development of 20 low-income rental units on a City-owned lot and associated off-site open space on a former agency-owned parcel; and

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As previously noted, on March 5, 2012, the City elected not to retain the responsibility for performing housing functions previously performed by the redevelopment agency, all rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the redevelopment agency and had instead elected to transfer these responsibilities to the County of Los Angeles Housing Authority. The reasons for electing to not be the Housing Successor Agency is based on the fact that the City would assume the related rights, powers, duties, obligations and liabilities without any source of income to perform these activities and per AB X 1 26, the remaining LMIHF funds balance would be distributed to schools, counties, and special districts based on calculations made by the Los Angeles County Auditor-Controller.

AB 1484 provides greater oversight authority to the DOF and also allows the County Auditor-Controller to contest items on future ROPS while establishing new deadlines for payment of outstanding pass-through payments and submittal of future ROPS and associated fines for noncompliance. However, AB 1484 does also provide the City, if it elects to be the Housing Successor Agency, the ability to retain real property assets for governmental use, future development, sale of property, use of property to fulfill enforceable obligations in conjunction with the transfer of the real property asset to the City. In addition, the Successor Agency may request Oversight Board approval of repayment of loan agreements previously entered into by the former redevelopment agency and the City in future ROPS. Per state law, the Oversight Board's approval of said loan agreement inclusion on a future ROPS would be contingent on making a finding that the loan agreement was an enforceable obligation that was established for a "legitimate redevelopment purposes". Final approval of ROPS would be at the discretion of the DOF.

Environmental Impact:

The proposed administration action being considered by the City Council has been reviewed for compliance with the California Environmental Quality Act (CEQA). In accordance with the provisions of the CEQA Guidelines, it is staff's assessment that the proposed City Council's administrative action is exempt from compliance with the procedures of the CEQA. This determination is made pursuant to Section 15061(c)(3) because the adoption of this resolution is not a "project" as defined in Section 15378 of the CEQA Guidelines and its adoption will therefore not have a potential to result in a physical change in the environment.

**CONCLUSION:**

In light of AB 1484, it is staff's assessment that the City should rescind its prior decision to transfer the housing responsibilities and rights of the former redevelopment agency to the County Housing Authority and instead, the City should assume the Agency's housing responsibilities and liabilities, which would allow the City as the Housing Successor Agency to retain property purchased with LMIHF funds as well as manage housing assets that can be used to pay for administrative and housing project expenses that are deemed as enforceable obligations and undertaken for a legitimate redevelopment purpose pursuant to state law.

**BUDGET IMPACT:**



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AB 1484 provides funding mechanism for performing housing functions previously performed by the Redevelopment Agency. Specifically, AB 1484 would cover some of the administrative expenses of the Housing Successor Agency as well as retention real property assets, and housing cash assets associated with repayment of single family residential rehabilitation loans, first time homebuyer loans, and repayment of SERAF loans from the redevelopment agency to the LMIHF fund. It is estimated that housing cash assets, including repayment of the SERAF loans, would amount to (\$3,808,266). Additionally, the City would retain 16 agency-owned parcels previously used to construct 98 senior housing and 20 low-income housing rental dwelling units that were purchased with LMIHF funds.

**ATTACHMENTS:**

- A. Resolution
- B. Resolution No. 7470
- C. List of Redevelopment Agency Assets, Projects, and/or Agreements Funded with Low and Moderate Income Housing Funds (excluding names of persons or entities with loans)

## ATTACHMENT "A"

## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN FERNANDO, CALIFORNIA MAKING AN ELECTION IN  
CONNECTION WITH HOUSING ASSETS AND FUNCTIONS  
UNDER PART 1.85 OF DIVISION 24 OF THE CALIFORNIA  
HEALTH AND SAFETY CODE AND TAKING CERTAIN  
ACTIONS IN CONNECTION THEREWITH, AND RESCINDING  
RESOLUTION NO. 7470**

**RECITALS:**

A. AB X1 26 and AB X1 27 were signed by the Governor of California on June 29, 2011, 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").

B. 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. 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.

C. The Supreme Court generally revised the effective dates and deadlines for performance of obligations in Part 1.85 arising before May 1, 2012, to take effect four months later.

D. As a result of the Supreme Court's decision, the San Fernando Redevelopment Agency (the "Redevelopment Agency"), a redevelopment agency in the City of San Fernando (the "City"), created pursuant to the Redevelopment Law, was dissolved pursuant to Part 1.85 on February 1, 2012.

E. Health and Safety Code Section 34176(a) authorizes a city that created a redevelopment agency to elect to retain the housing assets and functions previously performed by the redevelopment agency. Pursuant to Section 34176(a), if a city elects to retain the responsibility for performing housing functions previously performed by the redevelopment agency, all rights, powers, duties, and obligations, excluding any amounts on deposit in the Low and Moderate Income Housing Fund, shall be transferred to the City.

F. Health and Safety Code Section 34176(b) provides that if a city does not elect to retain the responsibility for performing housing functions previously performed by the redevelopment agency, all rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the redevelopment agency, excluding any amounts in the Low and Moderate Income Housing Fund, shall be transferred as follows: (1) where there is no local housing authority in the territorial jurisdiction of the former redevelopment agency, to the

Department of Housing and Community Development; (2) where there is one local housing authoring in the territorial jurisdiction of the former redevelopment agency, to that local housing authority; and (3) where there is more than one local housing authority in the territorial jurisdiction of the former redevelopment agency, to the local housing authority selected by the city that authorized the creation of the redevelopment agency.

G. Health and Safety Code Section 34176(c) provides that the entity assuming the housing functions formerly performed by the redevelopment agency may enforce affordability covenants and perform related activities pursuant to applicable provisions of the Redevelopment Law, including, but not limited to, Health and Safety Code Section 33418.

H. On March 25, 2012, the City Council adopted Resolution No. 7470, electing not to assume the housing functions formerly performed by the Redevelopment Agency.

I. On June 27, 2012 AB 1484 became effective. Among other things, AB 1484 modified Health and Safety Code Section 34176, and clarified certain provisions in that section.

J. Based in part on AB 1484, as well as other developments in the process of unwinding the assets and liabilities of the Redevelopment Agency, the City Council desires to adopt this resolution in connection with the housing assets and functions previously performed by the Redevelopment Agency.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:**

**Section 1.** The above recitals are true and correct and are a substantive part of this Resolution.

**Section 2.** This Resolution is adopted pursuant to Health and Safety Code Section 34176.

**Section 3.** Pursuant to Health and Safety Code Section 34176(a), the City Council hereby elects for the City to retain the housing assets, as allowed by law, and functions previously performed by the Redevelopment Agency and hereby accepts the transfer of all rights, powers, duties, and obligations associated with the housing activities of the Redevelopment Agency. The City Council reserves its right to rescind this election and to subsequently determine that all of the rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the Redevelopment Agency shall be transferred to the housing authority selected by the City.

**Section 4.** The officers and staff of the City are hereby authorized and directed, jointly and severally, to make all notifications of the Council's election, as set forth in Section 3 hereof, as deemed necessary or advisable and to execute all documents and take all actions which they may deem necessary or advisable to effectuate this Resolution, and any such actions previously taken by such officers and staff are hereby ratified and confirmed.

**Section 5.** The adoption of this Resolution is not intended to and shall not constitute a waiver by the City of any right the City may have to challenge the legality of all or any portion of AB X1 26 through administrative or judicial proceedings.

A. Resolution No. 7470 is hereby rescinded, and declared to be of no further force or effect.

**Section 6.** This Resolution has been reviewed with respect to applicability of the California Environmental Quality Act (“CEQA”), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the “Guidelines”), and the City’s environmental guidelines. The City Council has determined that this Resolution is not a “project” for purposes of CEQA, as that term is defined by Guidelines Section 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment. (Guidelines Section 15378(b) (5)).

**Section 7.** This Resolution shall take effect immediately upon its adoption.

**PASSED, APPROVED, AND ADOPTED** this 6<sup>th</sup> day of August, 2012.

---

Brenda Esqueda, 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 6<sup>th</sup> day of August, 2012, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

---

Elena G. Chávez, City Clerk

**ATTACHMENT "B"****RESOLUTION NO. 7470****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN FERNANDO, CALIFORNIA MAKING AN ELECTION IN  
CONNECTION WITH HOUSING ASSETS AND FUNCTIONS  
UNDER PART 1.85 OF DIVISION 24 OF THE CALIFORNIA  
HEALTH AND SAFETY CODE AND TAKING CERTAIN  
ACTIONS IN CONNECTION THEREWITH****RECITALS:**

A. AB X1 26 and AB X1 27 were signed by the Governor of California on June 29, 2011, 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").

B. 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. 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.

C. The Supreme Court generally revised the effective dates and deadlines for performance of obligations in Part 1.85 arising before May 1, 2012, to take effect four months later.

D. As a result of the Supreme Court's decision, the San Fernando Redevelopment Agency (the "Redevelopment Agency"), a redevelopment agency in the City of San Fernando (the "City"), created pursuant to the Redevelopment Law, was dissolved pursuant to Part 1.85 on February 1, 2012.

E. Health and Safety Code Section 34176(a) authorizes a city that created a redevelopment agency to elect to retain the housing assets and functions previously performed by the redevelopment agency. Pursuant to Section 34176(a), if a city elects to retain the responsibility for performing housing functions previously performed by the redevelopment agency, all rights, powers, duties, and obligations, excluding any amounts on deposit in the Low and Moderate Income Housing Fund, shall be transferred to the City.

F. Health and Safety Code Section 34176(b) provides that if a city does not elect to retain the responsibility for performing housing functions previously performed by the redevelopment agency, all rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the redevelopment agency, excluding any amounts in the Low and Moderate Income Housing Fund, shall be transferred as follows: (1) where there is no local housing authority in the territorial jurisdiction of the former redevelopment agency, to the Department of Housing and Community Development; (2) where there is one local housing

authoring in the territorial jurisdiction of the former redevelopment agency, to that local housing authority; and (3) where there is more than one local housing authority in the territorial jurisdiction of the former redevelopment agency, to the local housing authority selected by the city that authorized the creation of the redevelopment agency.

G. The Housing Authority of the County of Los Angeles is the only housing authority within the territorial jurisdiction of the former Redevelopment Agency.

H. Health and Safety Code Section 34176(c) provides that the entity assuming the housing functions formerly performed by the redevelopment agency may enforce affordability covenants and perform related activities pursuant to applicable provisions of the Redevelopment Law, including, but not limited to, Health and Safety Code Section 33418.

I. The City Council desires to adopt this resolution in connection with the housing assets and functions previously performed by the Redevelopment Agency.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:**

**Section 1.** The above recitals are true and correct and are a substantive part of this Resolution.

**Section 2.** This Resolution is adopted pursuant to Health and Safety Code Section 34176.

**Section 3.** Pursuant to Health and Safety Code Section 34176(b), the City Council hereby elects for the City not to retain the responsibility for performing housing functions previously performed by the Redevelopment Agency, and hereby determines that all of the assets, as allowed by law, and all rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the Redevelopment Agency shall be transferred to the Housing Authority of the County of Los Angeles.

**Section 4.** The officers and staff of the City are hereby authorized and directed, jointly and severally, to make all notifications of the Council's election, as set forth in Section 3 hereof, as deemed necessary or advisable and to execute all documents and take all actions which they may deem necessary or advisable to effectuate this Resolution, and any such actions previously taken by such officers and staff are hereby ratified and confirmed.

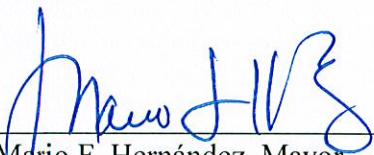
**Section 5.** The adoption of this Resolution is not intended to and shall not constitute a waiver by the City of any right the City may have to challenge the legality of all or any portion of AB X1 26 through administrative or judicial proceedings.

**Section 6.** This Resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines. The City Council has determined that this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because

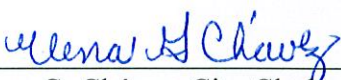
this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment. (Guidelines Section 15378(b) (5)).

**Section 7.** This Resolution shall take effect immediately upon its adoption.

**PASSED, APPROVED, AND ADOPTED** this 5<sup>th</sup> day of March, 2012.

  
\_\_\_\_\_  
Mario F. Hernández, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Elena G. Chávez, City Clerk

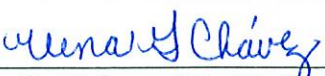
STATE OF CALIFORNIA           )  
COUNTY OF LOS ANGELES    ) ss  
CITY OF SAN FERNANDO        )

**I HEREBY CERTIFY** that the foregoing Resolution was approved and adopted at a regular meeting of the City Council held on the 5<sup>th</sup> day of March, 2012, by the following vote to wit:

**AYES:**           Hernández, Esqueda, Lopez, De La Torre – 4

**NOES:**           None

**ABSENT:**       Ballin – 1

  
\_\_\_\_\_  
Elena G. Chávez, City Clerk

## ATTACHMENT "C"

**DEPARTMENT OF FINANCE  
HOUSING ASSETS LIST  
ASSEMBLY BILL X1 26 AND ASSEMBLY BILL 1484  
(Health and Safety Code Section 34176)**

Former Redevelopment Agency:	<u>Redevelopment Agency of the City of San Fernando</u>					
Successor Agency to the Former Redevelopment Agency:	<u>City of San Fernando Successor Agency</u>					
Entity Assuming the Housing Functions of the former Redevelopment Agency:	<u>City of San Fernando</u>					
Entity Assuming the Housing Functions Contact Name:	<u>Al Hernandez</u>	<u>Title</u>	<u>City Administrator</u>	<u>Phone</u>	<u>(818) 898-1202</u>	<u>E-Mail Address</u> <a href="mailto:ahernandez@sfcity.org">ahernandez@sfcity.org</a>
Entity Assuming the Housing Functions Contact Name:	<u>Al Hernandez</u>	<u>Title</u>	<u>City Administrator</u>	<u>Phone</u>	<u>(818) 898-1202</u>	<u>E-Mail Address</u> <a href="mailto:ahernandez@sfcity.org">ahernandez@sfcity.org</a>

All assets transferred to the entity assuming the housing functions between February 1, 2012 and the date the exhibits were created are included in this housing assets list.  
The following Exhibits noted with an X in the box are included as part of this inventory of housing assets:

Exhibit A - Real Property	<b>X</b>
Exhibit B- Personal Property	
Exhibit C - Low-Mod Encumbrances	
Exhibit D - Loans/Grants Receivables	<b>X</b>
Exhibit E - Rents/Operations	
Exhibit F- Rents	
Exhibit G - Deferrals	<b>X</b>

Prepared By: Sonia Garcia, Junior Accountant

Date Prepared: August 1, 2012



## Exhibit B - Personal Property

**City San Fernando, CA**  
**Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)**

Item #	Type of Asset a/	Description	Carrying Value of Asset	Date of transfer to Housing Successor Agency	Acquisition cost funded with Low-Mod Housing Fund monies	Acquisition costs funded with other RDA funds	Acquisition costs funded with non-RDA funds	Date of acquisition by the former RDA
1	Real Property-Part of scattered site development to construct a 98-unit senior housing development	467 Kalisher/499 Kalisher St. (parcel 1 of 3) used as part of senior housing development site.	\$22,509	Pending city election of housing successor agency	\$75,000	\$75,000	\$0	10/7/98
2	Real Property-Part of scattered site development to construct a 98-unit senior housing development	451 Kalisher/499 Kalisher St. (parcel 2 of 3) used as part of senior housing development site.	\$13,352	Pending city election of housing successor agency	\$188,013	\$188,013	\$0	1/13/04
3	Real Property-Part of scattered site development to construct a 98-unit senior housing development	455 Kalisher/499 Kalisher St. (parcel 3 of 3) used as part of senior housing development	\$12,121	Pending city election of housing successor agency	\$188,013	\$188,013	\$0	1/13/04
4	Real Property-Part of scattered site development to construct a 98-unit senior housing development	1300 Celis Street/333 Kalisher St. (parcel 1 of 8) used as part of senior housing development	\$63,580	Pending city election of housing successor agency	\$35,489	\$35,489	\$0	12/30/96
5	Real Property-Part of scattered site development to construct a 98-unit senior housing development	1300 Celis Street/333 Kalisher St. (parcel 2 of 8) used as part of senior housing development	\$63,580	Pending city election of housing successor agency	\$35,489	\$35,489	\$0	12/30/96
6	Real Property-Part of scattered site development to construct a 98-unit senior housing development	1300 Celis Street/333 Kalisher St. (parcel 3 of 8) used as part of senior housing development	\$63,580	Pending city election of housing successor agency	\$35,488	\$35,488	\$0	12/30/96
7	Real Property-Part of scattered site development to construct a 98-unit senior housing development	1300 Celis Street/333 Kalisher St. (parcel 4 of 8) used as part of senior housing development	\$21,193	Pending city election of housing successor agency	\$35,488	\$35,488	\$0	12/30/96
8	Real Property-Part of scattered site development to construct a 98-unit senior housing development	1300 Celis Street/333 Kalisher St. (parcel 5 of 8) used as part of senior housing development	\$21,193	Pending city election of housing successor agency	\$35,488	\$35,488	\$0	12/30/96
9	Real Property-Part of scattered site development to construct a 98-unit senior housing development	1303 Pico Street/333 Kalisher St. (parcel 6 of 8) used as part of senior housing development	\$39,762	Pending city election of housing successor agency	\$199,892	\$199,892	\$0	2/5/04
10	Real Property-Part of scattered site development to construct a 98-unit senior housing development	1311 Pico Street/333 Kalisher St. (parcel 7 of 8) used as part of senior housing development	\$91,800	Pending city election of housing successor agency	\$125,000	\$125,000	\$0	11/5/04
11	Real Property-Part of scattered site development to construct a 98-unit senior housing development	1311 Pico Street/333 Kalisher St. (parcel 8 of 8) used as part of senior housing development	\$32,640	Pending city election of housing successor agency	\$125,000	\$125,000	\$0	11/5/04
12	Real Property-Part of scattered site development to construct a 98-unit senior housing development	100 Jessie Street/101 Park Avenue (parcel 1 of 4) used as part of senior housing development	\$287,873	Pending city election of housing successor agency	\$383,334	\$383,334	\$0	12/13/04
13	Real Property-Part of scattered site development to construct a 98-unit senior housing development	165 Park/101 Park Avenue (parcel 2 of 4) used as part of senior housing development	\$128,318	Pending city election of housing successor agency	\$383,333	\$383,333	\$0	12/13/04

## Exhibit B - Personal Property

**City San Fernando, CA**  
**Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)**

Item #	Type of Asset a/	Description	Carrying Value of Asset	Date of transfer to Housing Successor Agency	Acquisition cost funded with Low-Mod Housing Fund monies	Acquisition costs funded with other RDA funds	Acquisition costs funded with non-RDA funds	Date of acquisition by the former RDA
14	Real Property-Part of scattered site development to construct a 98-unit senior housing development	66 Jessie St./101 Park Avenue (parcel 3 of 4) used as part of senior housing development	\$102,710	Pending city election of housing successor agency	\$383,333	\$383,333	\$0	12/13/04
15*	Real Property-Part of scattered site development to construct a 98-unit senior housing development	101 Park Avenue (parcel 4 of 4) used as part of senior housing development		Pending city election of housing successor agency	\$227,430	\$227,430	\$0	
16	Real Property-parcel used for off-site open space to facilitate 20 low-income rental units on city-owned parcel	551 Kalisher Street (parcel 1 of 1) used as off-site open space to facilitate 20 unit affordable housing project at 1422 San Fernando Rd.	\$60,000	Pending city election of housing successor agency	\$141,567	\$141,567	\$0	4/12/00

\* Staff still researching the request

a/ Asset types any personal property provided in residences, including furniture and appliances, all housing-related files and loan documents, office supplies, software licenses, and mapping programs, that were acquired for low and moderate income housing purposes, either by purchase or through a loan, in whole or in part, with any source of funds.

## Exhibit B - Personal Property

City of San Fernando, CA  
Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)

Item #	Type of Asset a/	Description	Carrying Value of Asset	Date of transfer to Housing Successor Agency	Acquisition cost funded with Low-Mod Housing Fund monies	Acquisition costs funded with other RDA funds	Acquisition costs funded with non-RDA funds	Date of acquisition by the former RDA
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a/ Asset types any personal property provided in residences, including furniture and appliances, all housing-related files and loan documents, office supplies, software licenses, and mapping programs, that were acquired for low and moderate income housing purposes, either by purchase or through a loan, in whole or in part, with any source of funds.

## Exhibit C - Low-Mod Encumbrances

City of San Fernando, CA  
Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)

Item #	Type of housing built or acquired with enforceable obligated funds a/	Date contract for Enforceable Obligation was executed	Contractual counterparty	Total amount currently owed for the Enforceable Obligation	Is the property encumbered by a low-mod housing covenant?	Source of low-mod housing covenant b/	Current owner of the property	Construction or acquisition cost funded with Low-Mod Housing Fund monies	Construction or acquisition costs funded with other RDA funds	Construction or acquisition costs funded with non-RDA funds	Date of construction or acquisition of the property
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housing with commercial space, mixed-income housing with commercial space.

b/ May include California Redevelopment Law, tax credits, state bond indentures, and federal funds requirements.

## Exhibit D - Loans/Grants Receivables

**City of San Fernando, CA**  
**Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)**

Item #	Was the Low-Mod Housing Fund amount issued for a loan or a grant?	Amount of the loan or grant	Date the loan or grant was issued	Purpose for which the funds were loaned or granted	Are there contractual requirements specifying the purposes for which the funds may be used?	Repayment date, if the funds are for a loan	Interest rate of loan	Outstanding loan balance as of June 30, 2012
1	Loan	\$45,092.00	2/21/2007	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$ 45,092.00
2	Loan	\$15,000.00	08/08/02	1st Time Homebuyer	Low/Mod Income Qualified	Principal, loan fees, and equity share due upon sale, conveyance, assignment or transfer prior to 30 year maturity date; if not only principal and loan fees due after 30 years or 8/08/32	6.58% equity share	\$15,000.00
3	Loan	\$25,000.00	11/12/96	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer. Principal loan due January 2012	3%	\$1,572.69
4	Loan	\$28,597.00	11/20/95	Residential Rehab	Low/Mod Income Qualified	Principal loan and interest due January 2011	3%	\$23,932.72
5	Loan	\$32,357.00	06/09/02	Residential Rehab	Low/Mod Income Qualified	Principal loan and interest due August 2017	3%	\$8,886.13
6	Loan	\$17,262.00	03/19/03	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer	N/A	\$17,262.00
7	Loan	\$30,000.00	09/19/00	1st Time Homebuyer	Low/Mod Income Qualified	Principal, loan fees, and equity share due upon sale, conveyance, assignment or transfer prior to 30 year maturity date; if not only principal and loan fees due after 30 years or 8/08/32	17.25% equity share	\$30,000.00
8	Loan	\$20,000.00	10/19/96	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$20,000.00
9	Loan	\$6,995.00	09/23/03	Commercial Rehab		Amount due upon sale, conveyance, assignment or transfer.	N/A	\$6,995.00
10	Loan	\$50,077.00	09/14/05	Residential Rehab	Low/Mod Income Qualified	Principal loan and interest due January 2020		\$50,077.00
11	Loan	\$45,000.00	02/14/06	1st Time Homebuyer	Low/Mod Income Qualified	due upon sale, conveyance, assignment or transfer.	equity share	\$45,000.00
12	Loan	\$24,395.00	10/19/00	1st Time Homebuyer	Low/Mod Income Qualified	Principal, loan fees, and equity share due upon sale, conveyance, assignment or transfer prior to 30 year maturity date; if not only principal and loan fees due after 30 years or 11/01/30	17% equity share	\$24,395.00
13	Loan	\$49,567.00	06/03/08	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$49,567.00
14	Loan	\$27,712.00	04/02/08	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$27,712.00
15	Loan	\$20,887.00	04/03/01	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$20,887.00
16	Loan	\$23,494.00	10/24/03	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$23,494.00
17	Loan	\$11,314.00	12/27/00	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$11,314.00

## Exhibit D - Loans/Grants Receivables

City of San Fernando, CA  
Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)

Item #	Was the Low-Mod Housing Fund amount issued for a loan or a grant?	Amount of the loan or grant	Date the loan or grant was issued	Purpose for which the funds were loaned or granted	Are there contractual requirements specifying the purposes for which the funds may be used?	Repayment date, if the funds are for a loan	Interest rate of loan	Outstanding loan balance as of June 30, 2012
18	Loan	\$45,350.00	06/30/09	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$45,350.00
19	Loan	\$14,116.00	09/12/02	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$14,116.00
20	Loan	\$12,087.00	06/21/06	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$12,087.00
21	Loan	\$3,500.00	07/14/06	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$3,500.00
22	Loan	\$40,579.00	07/02/04	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$40,579.00
23	Loan	\$50,082.00	08/02/05	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$50,082.00
24	Loan	\$36,362.00	05/31/02	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$36,362.00
25	Loan	\$4,825.00	06/29/02	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$4,825.00
26	Loan	\$25,330.00	12/22/00	1st Time Homebuyer	Low/Mod Income Qualified	Principal, loan fees, and equity share due upon sale, conveyance, assignment or transfer prior to 30 year maturity date; if not only principal and loan fees due after 30 years or 12/22/30	17% equity share	\$25,330.00
27	Loan	\$31,847.00	05/12/08	Residential Rehab	Low/Mod Income Qualified	Principal loan and interest due June 2023	3%	\$28,599.90
28	Loan	\$46,617.00	07/07/08	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$46,617.00
29	Loan	\$24,170.00	11/13/01	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$24,170.00
30	Loan	\$47,272.00	11/07/06	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$47,272.00
31	Loan	\$37,250.00	05/26/09	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$37,250.00
32	Loan	\$8,500.00	06/10/09	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$8,500.00
33	Loan	\$10,437.00	09/30/03	Commercial Rehab		Amount due upon sale, conveyance, assignment or transfer.	N/A	\$10,437.00
34	Loan	\$45,000.00	01/18/06	1st Time Homebuyer	Low/Mod Income Qualified	Principal, loan fees, and equity share due upon sale, conveyance, assignment or transfer prior to 30 year maturity date; if not only principal and loan fees due after 30 years or January 18, 2036	15.80% equity share	\$45,000.00

## Exhibit D - Loans/Grants Receivables

City of San Fernando, CA  
Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)

Item #	Was the Low-Mod Housing Fund amount issued for a loan or a grant?	Amount of the loan or grant	Date the loan or grant was issued	Purpose for which the funds were loaned or granted	Are there contractual requirements specifying the purposes for which the funds may be used?	Repayment date, if the funds are for a loan	Interest rate of loan	Outstanding loan balance as of June 30, 2012
	Loan					Principal, loan fees, and equity share due upon sale, conveyance, assignment or transfer prior to 30 year maturity date; if not only principal and loan fees due after 30 years or April 3, 2036.	15% equity share	\$45,000.00
35		\$45,000.00	04/03/06	1st Time Homebuyer	Low/Mod Income Qualified			
36	Loan	\$9,272.00	02/11/03	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$9,272.00
38	Loan	\$32,337.00	12/12/06	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$32,337.00
39	Loan	\$24,872.00	05/02/05	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$24,872.00
40	Loan	\$45,688.00	03/25/03	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment of transfer	N/A	\$45,688.00
41	Loan	\$17,732.00	02/11/03	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment of transfer	N/A	\$17,732.00
42	Loan	\$50,107.00	06/07/06	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment of transfer	N/A	\$50,107.00
43		\$21,751.00	01/18/01	1st Time Homebuyer	Low/Mod Income Qualified	Principal, loan fees, and equity share due upon sale, conveyance, assignment or transfer prior to 30 year maturity date; if not only principal and loan fees due after 30 years or January 18, 2031	17% equity share	\$21,751.00
44	Loan	\$23,962.00	12/09/02	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$23,962.00
45		\$45,000.00	02/24/06	1st Time Homebuyer	Low/Mod Income Qualified	Principal, loan fees, and equity share due upon sale, conveyance, assignment or transfer prior to 30 year maturity date; if not only principal and loan fees due after 30 years or February 24, 2036.	15.75% equity share	\$45,000.00
46	Loan	\$56,183.00	11/07/06	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$56,183.00
47	Loan	\$20,791.00	02/23/99	Residential Rehab	Low/Mod Income Qualified	Principal loan and interest due April 2014	3%	\$17,527.98
48	Loan	\$2,800.00	04/25/00	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer.	N/A	\$2,800.00
49	Loan	\$16,249.00	04/08/09	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer	N/A	\$16,249.00

## Exhibit D - Loans/Grants Receivables

**City of San Fernando, CA**  
**Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)**

Item #	Was the Low-Mod Housing Fund amount issued for a loan or a grant?	Amount of the loan or grant	Date the loan or grant was issued	Purpose for which the funds were loaned or granted	Are there contractual requirements specifying the purposes for which the funds may be used?	Repayment date, if the funds are for a loan	Interest rate of loan	Outstanding loan balance as of June 30, 2012
50	Loan	\$17,631.00	03/20/03	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer	N/A	\$17,631.00
51	Loan	\$11,230.75	05/08/01	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer	N/A	\$11,230.75
52	Loan	\$17,262.00	04/03/01	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer	N/A	\$17,262.00
53	Loan	\$22,990.00	11/03/00	1st Time Homebuyer	Low/Mod Income Qualified	Principal, loan fees, and equity share due upon sale, conveyance, assignment or transfer prior to 30 year maturity date; if not only principal and loan fees due after 30 years or October 30, 2030	19% equity share	\$22,990.00
54	Loan	\$30,000.00	11/30/00	1st Time Homebuyer	Low/Mod Income Qualified	Principal, loan fees, and equity share due upon sale, conveyance, assignment or transfer prior to 30 year maturity date; if not only principal and loan fees due after 30 years or November 30, 2030	16.21% equity share	\$30,000.00
55	Loan	\$7,652.00	10/04/00	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer	N/A	\$7,652.00
56	Loan	\$30,000.00	02/22/01	1st Time Homebuyer	Low/Mod Income Qualified	Principal, loan fees, and equity share due upon sale, conveyance, assignment or transfer prior to 30 year maturity date; if not only principal and loan fees due after 30 years or February 8, 2031	15.61% equity share	\$30,000.00
57	Loan	\$3,487.00	7/19/00	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer	N/A	\$3,487.00
58	Loan	\$24,500.00	2/11/09	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer	N/A	\$24,500.00
59	Loan	\$7,012.00	01/07/04	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer	N/A	\$7,012.00
60	Loan	\$20,100.00	02/26/09	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer	N/A	\$20,100.00
61	Loan	\$10,324.00	03/05/01	Residential Rehab	Low/Mod Income Qualified	Amount due upon sale, conveyance, assignment or transfer	N/A	\$10,324.00
62	Loan	\$41,139.00	01/05/96	Residential Rehab	Low/Mod Income Qualified	Principal loan and interest due February 2011	3%	\$762.72





## Exhibit E - Rents/Operations

**City of San Fernando, CA**  
**Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)**

Item #	Type of payment a/	Type of property with which they are associated b/	Property owner	Entity that collects the payments	Entity to which the collected payments are ultimately remitted	Purpose for which the payments are used	Is the property encumbered by a low-mod housing covenant?	Source of low-mod housing covenant c/	Item # from Exhibit A the rent/operation is associated with (if applicable)
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a/ May include revenues from rents, operation of properties, residual receipt payments from developers, conditional grant repayments, costs savings and proceeds from refinancing, and principal and interest payments from homebuyers subject to enforceable income limits.

b/ May include low-mod housing, mixed-income housing, low-mod housing with commercial space, mixed-income housing with commercial space.

c/ May include California Redevelopment Law, tax credits, state bond indentures, and federal funds requirements.

## Exhibit F - Rents

**City of San Fernando, CA**  
**Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)**

Item #	Type of payment a/	Type of property with which the payments are associated b/	Property owner	Entity that collects the payments	Entity to which the collected payments are ultimately remitted	Purpose for which the payments are used	Is the property encumbered by a low-mod housing covenant?	Source of low-mod housing covenant c/	Item # from Exhibit A the rent is associated with (if applicable)
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a/ May include rents or home loan payments.

b/ May include low-mod housing, mixed-income housing, low-mod housing with commercial space, mixed-income housing with commercial space.

c/ May include California Redevelopment Law, tax credits, state bond indentures, and federal funds requirements.

## Exhibit G - Deferrals

**City of San Fernando, CA**  
**Inventory of Assets Received Pursuant to Health and Safety Code section 34176 (a) (2)**

Item #	Purpose for which funds were deferred	Fiscal year in which funds were deferred	Amount deferred	Interest rate at which funds were to be repaid	Current amount owed	Date upon which funds were to be repaid
1	2009-2010 SERAF Remittance Payment	2009-2010	2,063,811	0	2,048,811	6/30/2015
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## ADMINISTRATION DEPARTMENT

### MEMORANDUM

**TO:** Mayor Brenda Esqueda and Councilmembers

**FROM:** Al Hernández, City Administrator  
By: Michael E. Okafor, Personnel Manager

**DATE:** August 6, 2012

**SUBJECT:** Adoption of an Ordinance Authorizing Amendment to the Contract between the City and the Board of administration of the California Public Employees' Retirement System (CalPERS)

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#### **RECOMMENDATION:**

It is recommended that the City Council:

- a. Adopt an Ordinance (second reading), titled: "An Ordinance Authorizing Amendment to the Contract Between the City Council of the City of San Fernando and the Board of Administration of the California Public Employees' Retirement System" (Attachment "A");
- b. Authorize the Mayor to execute the Amendment to Contract (Attachment "B") between the Board of Administration of the California Public Employees' Retirement System and the City Council of the City of San Fernando; and
- c. Authorize the City Clerk to execute the Certification of Final Action of Governing Body (Attachment "C").

#### **BACKGROUND:**

1. On May 7, 2012, the City Council approved the Memorandum of Understanding (MOU) between the City and the San Fernando Police Officers' Association (SFPOA).
2. On June 26, 2012, CalPERS made available the relevant documents required by the City to amend its contract with CalPERS in order to provide a different level of retirement benefit (3% @ 55 Full Retirement Formula) for new sworn police hires.
3. On July 16, 2012, the City Council adopted a Resolution of Intention and held the first reading, in title only, and waived further reading, of an Ordinance authorizing an amendment to the

Adoption of an Ordinance Authorizing Amendment to the Contract between the City and the California Public Employees' Retirement System (CalPERS)

Page 2

contract between the Board of Administration of CalPERS and the City Council of the City of San Fernando.

**ANALYSIS:**

The MOU approved by the City Council on May 7, 2012, includes a provision to amend the City's contract with CalPERS to implement a new 3% @ 55 Full Retirement Formula. This will be the safety personnel third tier plan, and it shall apply to any new sworn police member first hired by the City after the effective date of this contract amendment. The first tier is under a 3% @ 50 Retirement Formula with single highest year compensation consideration, and includes sworn employees hired before January 6, 1994, while the second tier is also under a 3% @ 50 Retirement Formula, but with highest 36-month average compensation consideration, and includes sworn employees hired from January 6, 1994 through present.

CalPERS requires that an Ordinance be adopted to amend the City's contract with CalPERS in order to implement this benefit. Per the recommended schedule below, the adopted Ordinance will become effective on September 5, 2012, while the contract amendment will become effective on September 10, 2012:

- |                                   |                    |
|-----------------------------------|--------------------|
| • Adopt Resolution of Intention   | July 16, 2012      |
| • Hold first reading of Ordinance |                    |
| • Make costs Public               |                    |
| • Adopt final Ordinance           | August 6, 2012     |
| • Ordinance becomes effective     | September 5, 2012  |
| • Contract Amendment effective    | September 10, 2012 |

**CONCLUSION:**

Amendment of the City's contract with CalPERS is necessary to enable the City meet the terms of the negotiated MOU with SFPOA.

**BUDGET IMPACT:**

According to CalPERS' actuarial valuation, the employer contribution rate for new hires under the 3% @ 55 Formula will be 20.057% of reportable earnings. The current rate for employees under the safety first tier is 40.474%, while the rate for employees under the safety second tier is 24.723%. CalPERS projects an annual dollar savings of about 1.7% of the second tier fiscal year payroll.



Adoption of an Ordinance Authorizing Amendment to the Contract between the City and the California Public Employees' Retirement System (CalPERS)

Page 3

**ATTACHMENTS:**

- A. Ordinance
- B. Amendment to Contract
- C. Certification of Final Action of Governing Body

**ATTACHMENT "A"****ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE AUTHORIZING AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF SAN FERNANDO AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.**

The City Council of the City of San Fernando does ordain as follows:

**SECTION I**

That an amendment to the contract between the City Council of the City of San Fernando and the Board of Administration, California Public Employees' Retirement System, is hereby authorized, a copy of said amendment being attached hereto, and by such reference made a part hereof as though herein set out in full.

**SECTION 2**

The Mayor of the City of San Fernando is hereby authorized, empowered, and directed to execute said amendment for and on behalf of the City of San Fernando.

**SECTION 3**

This Ordinance shall take effect thirty (30) days after the date of its adoption, and prior to the expiration of fifteen (15) days from the passage thereof shall be published at least once in the Sun, a newspaper of general circulation, published and circulated in the City of San Fernando and thenceforth and thereafter the same shall be in full force and effect.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of San Fernando at a regular meeting held on this 6<sup>th</sup> day of August, 2012.

---

Brenda Esqueda, 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, do hereby certify that the foregoing Ordinance was adopted at a regular meeting of the City Council of the City of San Fernando held on the 6<sup>th</sup> day of August, 2012, and was carried by the following roll call vote:

**AYES:**

**NOES:**

**ABSENT:**

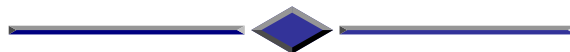
**ABSTAIN:**

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Elena G. Chávez, City Clerk

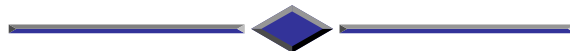


California  
Public Employees' Retirement System



## **AMENDMENT TO CONTRACT**

Between the  
Board of Administration  
California Public Employees' Retirement System  
and the  
City Council  
City of San Fernando



The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective October 1, 1946, and witnessed October 25, 1946, and as amended effective April 1, 1952, February 1, 1956, July 16, 1965, January 6, 1973, November 26, 1983, June 22, 1985, June 21, 1986, July 1, 1989, January 6, 1994, June 9, 1997, January 7, 1999, July 7, 1999, June 30, 2001, September 7, 2002, February 5, 2005 and November 12, 2005 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 14 are hereby stricken from said contract as executed effective November 12, 2005, and hereby replaced by the following paragraphs numbered 1 through 17 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 60 for local miscellaneous members entering membership in the miscellaneous classification on or prior to November 12, 2005, age 55 for local miscellaneous members entering membership for the first time in the miscellaneous classification after November 12, 2005, age 50 for local police members entering membership in the police classification on or prior to the effective date of this amendment to contract, age 55 for local fire members and for those local police members entering membership for the first time in the police classification after the effective date of this amendment to contract.

2. Public Agency shall participate in the Public Employees' Retirement System from and after October 1, 1946 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.
3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorneys fees that may arise as a result of any of the following:
  - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
  - (b) Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than existing retirement benefits, provisions or formulas.
  - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
  - (d) Public Agency's election to file for bankruptcy under Chapter 9 (commencing with section 901) of Title 11 of the United States Bankruptcy Code and/or Public Agency's election to reject this Contract with the CalPERS Board of Administration pursuant to section 365, of Title 11, of the United States Bankruptcy Code or any similar provision of law.
  - (e) Public Agency's election to assign this Contract without the prior written consent of the CalPERS' Board of Administration.
  - (f) The termination of this Contract either voluntarily by request of Public Agency or involuntarily pursuant to the Public Employees' Retirement Law.

- (g) Changes sponsored by Public Agency in existing retirement benefits, provisions or formulas made as a result of amendments, additions or deletions to California statute or to the California Constitution.
- 4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
  - a. Local Fire Fighters (herein referred to as local safety members);
  - b. Local Police Officers (herein referred to as local safety members);
  - c. Employees other than local safety members (herein referred to as local miscellaneous members).
- 5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

#### **NO ADDITIONAL EXCLUSIONS**

- 6. Public Agency and the San Fernando Redevelopment Agency have agreed to a merger of their contracts, and this contract shall be a continuation of the benefits of the contract of the San Fernando Redevelopment Agency, pursuant to Section 20567.5 of the Government Code. Such merger is effective as of June 22, 1985. Legislation repealed said Section effective January 1, 1988.
- 7. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment before and not on or after September 7, 2002 shall be determined in accordance with Section 21354 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1960, the effective date of Social Security coverage, for members whose service has been included in Federal Social Security (2% at age 55 Full and Modified).
- 8. The percentage of final compensation to be provided for each year of credited prior and current service for local miscellaneous members in employment on or after September 7, 2002 and not entering membership for the first time in the miscellaneous classification after November 12, 2005 shall be determined in accordance with Section 21354.3 of said Retirement Law, subject to the reduction provided therein for service on and after January 1, 1960, the effective date of Social Security coverage, for members whose service has been included in Federal Social Security (3% at age 60 Full and Modified).

9. The percentage of final compensation to be provided for each year of credited current service as a local miscellaneous member entering membership for the first time in the miscellaneous classification after November 12, 2005 shall be determined in accordance with Section 21354 of said Retirement Law subject to the reduction provided therein for Federal Social Security (2% at age 55 Modified).
10. The percentage of final compensation to be provided for each year of credited prior and current service as a local fire member shall be determined in accordance with Section 21366 of said Retirement Law (One-half pay at age 55 Full).
11. The percentage of final compensation to be provided for each year of credited prior and current service as a local police member entering membership in the police classification on or prior to the effective date of this amendment to contract shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).
12. The percentage of final compensation to be provided for each year of credited current service as a local police member entering membership for the first time in the police classification after the effective date of this amendment to contract shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).
13. Public Agency elected and elects to be subject to the following optional provisions:
  - a. Section 21571 (Basic Level of 1959 Survivor Benefits) for local fire members only.
  - b. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local police members and local miscellaneous members only.
  - c. Section 21335 (5% Cost-of-Living Allowance, base year 1982) for those local police members entering membership on or prior to January 6, 1994, Section 21335 (5% Cost-of-Living Allowance, base year 2002) for those local miscellaneous members entering membership on or prior to November 12, 2005 and Section 21335 (3% Cost-of-Living Allowance, base year 2005) for those local miscellaneous members entering membership after November 12, 2005.
  - d. Section 20042 (One-Year Final Compensation) for those local police members entering membership on or prior to January 16, 1994 and local miscellaneous members.
  - e. Section 21024 (Military Service Credit as Public Service) for local miscellaneous members and local police members only.

- f. Section 20965 (Credit for Unused Sick Leave) for local miscellaneous members only.
- g. Section 21548 (Pre-Retirement Option 2W Death Benefit) for local safety members only.
- h. Section 20475 (Different Level of Benefits). Section 20037 (Three-Year Final Compensation) and Section 21329 (2% Annual Cost-of-Living Allowance Increase) are applicable to local police members entering membership for the first time in the police classification after January 6, 1994.

Section 21354 (2% @ 55 Modified formula) and Section 21335 (3% Annual Cost-of-Living Allowance Increase) are applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after November 12, 2005.

Section 21363.1 (3% @ 55 Full formula) is applicable to local police members entering membership for the first time in the police classification after the effective date of this amendment to contract.

- 14. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.
- 15. Public Agency shall also contribute to said Retirement System as follows:
  - a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local miscellaneous members and local police members.
  - b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
  - c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.



16. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.
17. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL  
CITY OF SAN FERNANDO

BY \_\_\_\_\_  
KAREN DE FRANK, CHIEF  
CUSTOMER ACCOUNT SERVICES DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY \_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Witness Date

Attest:

\_\_\_\_\_  
Clerk

**CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM****ATTACHMENT "C"**

Actuarial and Employer Services Branch  
Public Agency Contract Services  
P.O. Box 942709  
Sacramento, CA 94229-2709  
(888) CalPERS (225-7377)

**CERTIFICATION  
OF  
FINAL ACTION OF GOVERNING BODY**

I hereby certify that the \_\_\_\_\_ of the  
(governing body)

\_\_\_\_\_  
(public agency)

considered and adopted on \_\_\_\_\_, \_\_\_\_\_, by an affirmative  
(date)

vote of a majority of the members of said Governing Body, **Ordinance / Resolution** No.  
\_\_\_\_\_ approving the attached contractual agreement between the Governing  
Body of said Agency and the Board of Administration of the California Public  
Employees' Retirement System, a certified copy of said **Ordinance / Resolution** in the  
form furnished by said Board of Administration being attached hereto.

Adoption of the retirement benefit increase/change was not placed on the consent  
calendar.

\_\_\_\_\_  
Clerk/Secretary

\_\_\_\_\_  
Title

Date \_\_\_\_\_



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## **CITY COUNCIL**

### **MEMORANDUM**

**TO:** Mayor Brenda Esqueda and Councilmembers

**FROM:** Councilmember Sylvia Ballin

**DATE:** August 6, 2012

**SUBJECT:** Request for Budget Update

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#### **RECOMMENDATION:**

I have placed this on the agenda for City Council discussion and would like staff to provide thorough update regarding the current budget status.

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**CITY COUNCIL****MEMORANDUM**

**TO:** Mayor Brenda Esqueda and Councilmembers  
**FROM:** Councilmember Sylvia Ballin  
**DATE:** August 6, 2012  
**SUBJECT:** Employee Furloughs

---

**RECOMMENDATION:**

I have placed this on the agenda for City Council discussion. I would like staff to provide information such as: cost savings if we furlough one Friday a month, two Fridays etc.; and how much would the savings offset the current budget shortage.

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## **CITY COUNCIL**

### **MEMORANDUM**

**TO:** Mayor Brenda Esqueda and Councilmembers  
**FROM:** Mayor Pro Tem Antonio Lopez  
**DATE:** August 6, 2012  
**SUBJECT:** Appointment to the Education Commission

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I recommend that Yvonne G. Mejia be appointed as my representative to the Education Commission.

#### **ATTACHMENT:**

A. Ms. Mejia's Bio

## ATTACHMENT "A"

## YVONNE G. MEJIA

## EDUCATION

**Pepperdine University**, School of Public Policy, Malibu, CA

Master of Public Policy, 2011

Concentration: Economics and State/Local Policy

Policy Capstone: The Water-Energy Nexus: Redefining a Regulatory Regime

**Georgetown University**, Robert Emmett McDonough School of Business, Washington, DC

Bachelors of Science in Business Administration, 2009

Concentration: Finance and Human Resources Management

## EXPERIENCE

**Southern California Gas Company**, Los Angeles, CA

*Project Specialist*, Energy Savings Assistance Program, August 2010-Present

- Developed a methodology by applying various forecasting and statistical tools to prepare a budget engine and support management with proposing a \$266.2 million budget for the 2012-2014 Low-Income Energy Efficiency Application
- Played a key role during the open proceeding of the 2012-2014 Low-Income Energy Efficiency Application by responding to several data requests, performing extensive quantitative and qualitative program research and preparing direct testimonies for program leadership
- Prepared monthly and annual reports, budget variance analyses and audit responses for the California Public Utilities Commission and other external entities
- Evaluated program issues and made recommendations to ensure budgetary, contractual, and regulatory compliance including assisting management with streamlining internal processes and resolving discrepancies due to the varying reporting tools
- Worked effectively with other departments to coordinate reports, provide data requests responses and prepare presentations

*Sr. Business Intern*, Energy Savings Assistance Program, Summer 2010

- Monitored contractor performance by developing key performance indicator reports in various compliance areas to ensure that the Energy Savings Assistance Program contractor network is in accordance with program and company objectives
- Evaluated the impacts of various legislative directives, proposals, and other federal, state and local programs on the low income energy efficiency program

**San Francisco District Attorney**, San Francisco, CA

*General Litigation Legal Intern*, Summer 2008

- Authored legal briefs, memos, and motions for the assistant district attorneys
- Supported the criminal prosecution team by procuring discovery packets, police reports, subpoenas, and assisting attorneys during the calendar and jury selection process
- Worked independently in conducting extensive legal research on California case law

**Democratic Leadership Council (DLC)**, Washington, DC

*Political Intern*, October 2007 to May 2008

- Gained hands-on experience and knowledge of how advocacy, communications and public policy is conducted within a think tank

- Analyzed policy initiatives implemented by local and state government officials for the Progressive Policy Institute (the affiliated think tank to the DLC) including government interventions in the real estate mortgage crisis and programs aimed at deterring crime
- Worked independently conducting research and writing policy briefs on various projects and issues including transportation, energy, business regulation and water reliability
- Coordinated networking events and promotional ventures at institutions by managing the online database for the DLC Fellows program and other elected officials throughout the nation

**City of San Fernando Recreation and Community Services Day Camp**, San Fernando, CA  
*Senior Coordinator and Counselor*, Summer 2005, 2006, and 2007

- Managed a full-time staff of 20 as well as a youth volunteer program of 25 which included evaluating performance, shift scheduling, monitoring payroll, taking disciplinary action and conducting a training program
- Administered a city imposed budget to execute a summer day camp for over 100 children

## ACTIVITIES / ORGANIZATIONS

**Cardenas Foundation**, *Scholarship Application Review Panel*, 2009-Present

**Georgetown University Alumni Admissions Program**, *Undergraduate Admissions Interviewer*, 2009-Present

**International City/County Management Association (ICMA)**, *Member*, 2007-2010

**Miss City of San Fernando, Inc.**, *Workshop Coordinator and Mentor*, 2007-2009

**Koch Foundation Role Play: The Elusive Game of Defining Government**, *Member*, Fall 2009

**Financial Management Association (FMA)**, *Georgetown Chapter*, 2008-2009

**Georgetown Annual Latino Alliance**, *Event Committee*, 2007-2009

**Georgetown Journal of International Affairs**, *Marketing Director and Public Relations Assistant*, 2005-2007

**Walt Disney Scholarship Foundation**, *Scholarship Recipient*, 2005-2009

**Sempre Energy Foundation**, *Scholarship Recipient*, 2005-2006

**Miss City of San Fernando Pageant and Scholarship Program**, *Crowned Queen*, 2004-2006

**Saint John Baptist De La Salle Church**, *Eucharistic Minister*, 2002-2011

## SKILLS

**Communication**- Excellent oral and writing abilities

**Language**- Advanced Spanish (speaking, reading, writing, comprehension)

**Policy Analysis**- Extensive knowledge as it relates to policy research, policy papers/memoranda, data and statistical analysis, cost-benefit analysis, and policy formulation

**Research**- Knowledge of social scientific research methodology including fundamental mastery of quantitative and qualitative research; research designs including survey, field study, analysis of available data; questionnaire construction, data analysis, report writing, and internet based research

**Technical**- MS Office: Word, Excel, Access, Outlook, PowerPoint, data and statistical analysis software (i.e. STATA)