



SAN FERNANDO CITY COUNCIL  
REGULAR MEETING NOTICE AND AGENDA

AUGUST 21, 2017 – 6:00 PM

COUNCIL CHAMBERS  
117 MACNEIL STREET  
SAN FERNANDO, CA 91340

**CALL TO ORDER/ROLL CALL**

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

**PLEDGE OF ALLEGIANCE**

Led by Cultural Arts Supervisor Virginia Diediker

**APPROVAL OF AGENDA**

**DECORUM AND ORDER**

The City Council, elected by the public, must be free to discuss issues confronting the City in an orderly environment. Public members attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council ([SF Procedural Manual](#)). Any person making impertinent derogatory or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting, may be removed from the room if the Presiding Officer so directs the sergeant-at-arms and such person may be barred from further audience before the City Council.

**PUBLIC STATEMENTS – WRITTEN/ORAL**

There will be a three (3) minute limitation per each member of the audience who wishes to make comments relating to City Business. Anyone wishing to speak, please fill out the blue

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form located at the Council Chambers entrance and submit it to the City Clerk. When addressing the City Council please speak into the microphone and voluntarily state your name and address.

**CITY COUNCIL - LIAISON UPDATES****CONSENT CALENDAR**

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

**1) REQUEST TO APPROVE THE MINUTES OF:**

- a) MARCH 7, 2016 – REGULAR MEETING
- b) AUGUST 4, 2017 – SPECIAL MEETING
- c) AUGUST 5, 2017 – SPECIAL MEETING
- d) AUGUST 7, 2017 – SPECIAL MEETING
- e) AUGUST 7, 2017 – REGULAR MEETING
- f) AUGUST 11, 2017 – SPECIAL MEETING

**2) CONSIDERATION TO ADOPT RESOLUTION NO. 17-081 APPROVING THE WARRANT REGISTER**

Recommend that the City Council adopt Resolution No. 17-082 approving the Warrant Register.

**3) CONSIDERATION TO AUTHORIZE A NOTICE OF COMPLETION FOR THE ALEXANDER STREET IMPROVEMENTS BETWEEN FIRST STREET AND LIBRARY STREET, CDBG PROJECT NO. 601819-16 JOB NO. 7596, PLAN NO. P-723**

Recommend that the City Council:

- a. Accept the improvements as constructed by All American Asphalt and consider the work complete; and
- b. Authorize the issuance and filing of the “Notice of Completion” with the Los Angeles County Office of the Registrar-Recorder/County Clerk; and

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- c. Authorize the release of the five percent retention (\$12,491.86) after a 35-day lien period from the date the Notice of Completion is recorded.

**4) CONSIDERATION TO APPROVE A PURCHASE ORDER WITH RELIABLE FENCE TO INSTALL TWO FEET OF WROUGHT IRON FENCING ON TOP OF EXISTING WALL AT POLICE DEPARTMENT**

Recommend that the City Council:

- a. Waive formal bid requirements and approve a Purchase Order with Reliable Fence to install two feet of wrought iron fencing on top of the existing wall at the Police Department, in an amount not-to-exceed \$30,000;
- b. Authorize the Interim City Manager to execute the Purchase Order; and
- c. Adopt Resolution No. 7810 amending the Fiscal Year 2017-2018 adopted budget to increase the Police Department- Patrol budget (001-225) by \$30,000.

**5) CONSIDERATION TO APPROVE THE PURCHASE OF TWO 2017 FORD POLICE INTERCEPTOR UTILITY VEHICLES**

Recommend that the City Council:

- a. Approve a Purchase Order with Wondries Fleet Group for the purchase of two (2) 2017 Ford Police Interceptor Utility Vehicles, in the amount of \$27,889 each (total of \$55,778), not to exceed \$64,000, including sales tax, registration, and delivery charges, under the Cooperative Purchase Provision of the Los Angeles County contract #17361672-1; and
- b. Authorize the City Manager to execute the Purchase Order.

**ADMINISTRATIVE REPORTS**

**6) CONSIDERATION TO ADOPT AN ORDINANCE TO MOVE THE DATE OF GENERAL MUNICIPAL ELECTIONS FROM MARCH OF ODD-NUMBERED YEARS TO NOVEMBER OF EVEN-NUMBERED YEARS BEGINNING NOVEMBER 6, 2018 AND TO ADOPT A RESOLUTION AMENDING THE CITY BUDGET TO APPROPRIATE FUNDING FOR THE COST OF ISSUING A NOTICE TO CITY VOTERS REGARDING THE ELECTION DATE CHANGE**

Recommend that the City Council:

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- a. Adopt, by title only and waive full reading, Ordinance No. 1668, “An Ordinance of the City Council of the City of San Fernando, California, Repealing Ordinance No. 1452 and Moving the Date of General Municipal Elections from the First Tuesday after the First Monday in March of Odd-Numbered Years to the First Tuesday after the First Monday in November of Even-Numbered Years Beginning November 6, 2018”; and
- b. Adopt Resolution No. 7809 amending the Fiscal Year 2017-2018 adopted budget to appropriate \$7,000 for the cost of preparing and issuing a bilingual notice to City voters regarding the election date change.

**7) CONSIDERATION TO APPROVE SITE FOR 2018 OPEN STREETS GRANT**

Recommend that the City Council approve the site for the March 31, 2018 Metro Open Streets Event.

**8) CRIME STATISTICS UPDATE**

Recommend that the City Council receive and file this report.

**9) DISCUSSION ON THE IMPACTS OF ASSEMBLY BILL 109, PROPOSITION 47 AND PROPOSITION 57 AND CONSIDERATION TO SUPPORT THE *TAKE BACK OUR COMMUNITY* EFFORT**

Recommend that the City Council:

- a. Receive a presentation from staff regarding the impacts of Assembly Bill 109, Proposition 47 and Proposition 57; and
- b. Discuss the “*Take Back Our Community*” effort; and
- c. Provide direction as appropriate.

**10) CONSIDERATION TO DETERMINE A CITY POSITION ON THE 2017 LEAGUE OF CALIFORNIA CITIES RESOLUTIONS**

Recommend that the City Council discuss the two resolutions to be presented at the 2017 League of California Cities Annual Business Meeting and provide direction to the Voting Delegate regarding the City of San Fernando’s position on each resolution.

**11) CONSIDERATION TO ACCEPT AND APPROPRIATE GRANT FUNDS AWARDED BY THE STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES FOR THE SAN FERNANDO REGIONAL PARK PROJECT – PLANNING PHASE**



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Recommend that the City Council:

- a. Adopt Resolution No. 7812, accepting funds in the amount of \$425,000 awarded to the City by the State Department of Water Resources (State) for the San Fernando Regional Park Project – Design Phase; and
- b. Authorize the Interim City Manager, or designee, to negotiate and execute a Grant Agreement with the State (Contract No. 1862) and if necessary, make non-substantial changes to agreement language; and
- c. Authorize the Interim City Manager, or designee, to negotiate and execute a Cooperative Agreement (Draft Agreement No. 1863) and make non-substantial changes to agreement language, with the City of Los Angeles Department of Water and Power, for the contribution of matching funds under the grant program based on a shared interest in recharging the Upper Los Angeles River Area groundwater basin; and
- d. Adopt Resolution No. 7813 amending the Fiscal Year 2017-2018 adopted budget appropriating the grant expenditures and revenues for the San Fernando Regional Park Project - Design Phase.

**12) CONSIDERATION TO SUPPORT SENATE BILL (SB) 349 DIALYSIS CAREGIVERS AND DIALYSIS PATIENT SAFETY ACT**

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

**13) CONSIDERATION TO APPOINT AN AD HOC COMMITTEE TO ORGANIZE A VETERANS' RECOGNITION EVENT IN THE CITY**

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

**14) CONSIDERATION TO APPOINT A CITY MANAGER AND APPROVAL OF RELATED EMPLOYMENT AGREEMENT**

Recommend that the City Council:

- a. Appoint Alexander P. Meyerhoff as the City Manager;
- b. Approve a five-year Employment Agreement (Contract No. 1864) with Mr. Meyerhoff; and
- c. Authorize the Mayor to execute the Agreement.

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**DEPARTMENT HEADS - COMMISSION UPDATES****GENERAL COUNCIL COMMENTS****STAFF COMMUNICATION****ADJOURNMENT**

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

Elena G. Chávez, CMC

City Clerk

Signed and Posted: August 17, 2017 (4:00 p.m.)

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Agendas and complete Agenda Packets (including staff reports and exhibits related to each item) are posted on the City's Internet website ([www.sfcity.org](http://www.sfcity.org)). These are also available for public reviewing prior to a meeting in the City Clerk Department. 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 Department 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 website 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 Department at (818) 898-1204 at least 48 hours prior to the meeting.

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# **Regular Meeting**

# **San Fernando City Council**

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**SAN FERNANDO CITY COUNCIL  
MINUTES**

**MARCH 7, 2016 – 6:00 P.M.  
REGULAR MEETING**

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

**CALL TO ORDER/ROLL CALL**

Mayor Joel Fajardo called the meeting to order at 6:02 p.m.

Present:

Council: Mayor Joel Fajardo, Vice Mayor Sylvia Ballin, and Councilmembers Robert C. Gonzales, and Antonio Lopez

Staff: City Manager Brian Saeki, City Attorney Rick R. Olivarez, and City Clerk Elena G. Chávez

Absent: Councilmember Jaime Soto (notified staff that due to a family emergency, he would not make the meeting)

**PLEDGE OF ALLEGIANCE**

Led by San Fernando Police Explorer Alberto Barragan

**APPROVAL OF AGENDA**

City Manager Saeki corrected the dates on two of the staff reports (Item No.s 2 and 8).

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

**PRESENTATIONS**

The following presentation was made:

- a) DENTAL ASSISTANTS RECOGNITION WEEK (MARCH 6–12, 2016)

**SAN FERNANDO CITY COUNCIL****MINUTES – March 7, 2016****Page 2****PUBLIC STATEMENTS – WRITTEN/ORAL**

Linda Campanella-Jauron spoke against appointing Alvaro Castellon (agenda Item No. 7) and talked about a negative incident that she experienced with him.

City Attorney Olivarez announced that, before the next public comment, he wanted to call to the City Council's attention a Settlement Agreement (dated April 2013) between the City and Mr. Castellon. He reported that Provision No. 22 states, in part, that the parties agree that Mr. Castellon (and his attorneys) and the City (and its attorneys) will not make disparaging remarks about the other. He reported that the City is defined as the Councilmembers, City Administrator, and the Interim Police Chief. Although the public may say what they like, Councilmembers may not comment (nor get into a discussion), regarding Mr. Castellon.

Dee Akemon talked about the traffic issues due to the red curbing zone at the Vista Del Valle School.

Michael Remenih talked about Item No. 7 and said that it was another example of a "Soto scandal" and that Mr. Castellon was part of the group that was recalled.

Dave Bernal said that he was thankful for the opportunity to have served as Planning Commissioner and will continue to assist the City in whatever capacity the Council would like.

Michelle Guijarro talked about her disappointment with the Los Angeles Unified School District and the issues at the Vista Del Valle reunion gate due to the red curbing.

Irwin Rosenberg, Police Officers Association (POA) Secretary, read from a letter from the POA that stated they're against the appointment of Mr. Castellon to the Planning Commission and provided various reasons why they're in opposition.

Jorge Cervantes, Police Officer, continued reading from the POA letter and urged Councilmembers to vote "no" regarding Mr. Castellon's appointment to the Planning Commission.

Jesse Avila said he concurred with the comments made by previous speakers regarding Mr. Castellon and urged that Council "do the right thing".

Yolanda Haro said she is disappointed and saddened to hear that her cousin (Dave Bernal) is no longer on the Planning Commission but hopes that he continues to serve the City one way or another.

Mary Mendoza spoke in favor of Item No. 9, said that contracts should be made public within 10 days of being awarded, and believes that the contractor who accidentally removed City palm trees should pay much more to have them replaced.

Paul Luna also spoke against appointing Mr. Castellon to the Planning Commission and talked about actions of former Councilmembers that were recalled.



**SAN FERNANDO CITY COUNCIL****MINUTES – March 7, 2016****Page 3**

Tom Ross talked about Mr. Bernal, said that the new landscaping on Brand Blvd. looks nice, and suggested that instead of replacing the palm trees, the City should spend the money on other projects.

City Clerk Chávez read a letter by Amy Lemisch, California Film Commission, who commented about Item No. 4 regarding a proposal to institute an application fee for film permits.

**CONSENT CALENDAR**

Motion by Vice Mayor Ballin, seconded by Councilmember Lopez, to approve the following Consent Calendar Items:

- 1) REQUEST TO APPROVE MINUTES OF:
  - a. FEBRUARY 16, 2016 – SPECIAL MEETING
  - b. FEBRUARY 22, 2016 – SPECIAL MEETING
- 2) CONSIDERATION TO ADOPT RESOLUTION NO. 16-031 APPROVING THE WARRANT REGISTER
- 3) CONSIDERATION TO APPROVE FISCAL YEAR (FY) 2016-2017 LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT RESOLUTION INITIATING PROCEEDINGS AND ORDERING THE ENGINEER'S REPORT

By consensus, the motion carried.

**ADMINISTRATIVE REPORTS**

Mayor Fajardo reported that the following two items were moved up on the agenda.

- 7) APPOINTMENT TO THE PLANNING AND PRESERVATION COMMISSION

Discussion ensued amongst Councilmembers and staff regarding this item.

In response to questions from Councilmembers, City Attorney Olivarez reported that the item on the agenda is to consider the appointment of Councilmember Soto's nominee. If Councilmembers want to consider appointing someone else, then that item would have to be agendized. He added that if a Councilmember continues to appoint someone that the majority of the City Council does not approve, then (at some point) it would have to be taken out of the hands of the Councilmember because State law requires that the City have five Planning Commissioners.

Motion by Mayor Fajardo, seconded by Councilmember Lopez, to appoint someone by a timeframe specified by the City Attorney.

**SAN FERNANDO CITY COUNCIL****MINUTES – March 7, 2016****Page 4**

City Manager Saeki suggested an amendment to the motion to change the current City Council Procedural Manual to include that if the Council majority does not support an appointment by an individual Councilmember, then the City Council (as a whole) may take action to appoint. Staff to bring this item back for City Council consideration.

By consensus, the motion, and amendment, was approved.

9) **CONSIDERATION TO SUPPORT THE FEDERAL RECOGNITION OF THE FERNANDEÑO TATAVIAM BAND OF INDIANS**

Kimia Fatehi, Director of Public Relations for the Fernandeno Tataviam Band of Indians, provided information and replied to questions from Mayor Fajardo.

Motion by Mayor Fajardo, seconded by Vice Mayor Ballin, to approve a letter of support, as drafted by the City Manager, in support of Federal recognition of the Fernandeno Tataviam Band of Indians

The motion carried with the following vote:

AYES:	Fajardo, Ballin, Lopez, Gonzales – 4
NOES:	None
ABSENT:	Soto – 1

**PUBLIC HEARING**

4) **CONSIDERATION TO ADOPT A RESOLUTION ESTABLISHING PHOTOGRAPHY AND FILM PRODUCTION APPLICATION FEES**

Mayor Fajardo declared the Public Hearing open.

Finance Director Nick Kimball presented the staff report and replied to questions from Councilmembers.

Mayor Fajardo called for public testimony.

Dee Akemon spoke in support and said it will help with the City's coffers.

City Attorney Olivarez requested that the letter from Amy Lemisch, read into the record earlier by the City Clerk, be incorporated into this hearing.

There being no further comments, by consensus the Hearing was closed.

Motion by Councilmember Gonzales, seconded by Vice Mayor Ballin, to adopt Resolution No. 7727, establishing photography and film production application fees and allow the City Manager to determine fee waivers (on a case-by-case basis) for non-profit organizations and students.

**SAN FERNANDO CITY COUNCIL****MINUTES – March 7, 2016****Page 5**

The motion carried with the following vote:

AYES: Gonzales, Ballin, Lopez, Fajardo – 4  
NOES: None  
ABSENT: Soto – 1

**ADMINISTRATIVE REPORTS (CONTINUED)**

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

Finance Director Kimball gave the staff report and replied to questions from Councilmembers.

Motion by Councilmember Gonzales, seconded by Councilmember Lopez, to introduce for first reading, in title only, and waive further reading of Ordinance No. 1653 titled, “An Ordinance of the City Council of the City of San Fernando, California Amending in Its Entirety Division 6 (Purchasing) of Article IV (Finance) Of Chapter 2 (Administration) of the San Fernando City Code Relating to the Procedures for Purchasing and Contracting.” By consensus, the motion carried.

- 6) CONSIDERATION OF BRAND BOULEVARD MEDIAN PROJECT TREE REPLACEMENT

Deputy City Manager/Public Works Director Chris Marcarello gave the staff report and replied to questions from Councilmembers.

Motion by Councilmember Gonzales, seconded by Mayor Fajardo, to utilize one-half of the replacement funds, provided by the landscape architect, for tree planting on Harding and Eighth Streets (as recommended by staff) and the other half of the funds to be used towards requests by residents currently on the tree planting waiting list. Staff to report back with an update. By consensus, the motion carried.

- 8) CONSIDERATION OF A STUDENT INTERNSHIP PROGRAM POLICY AND OTHER RELATED PROGRAMS

City Manager Saeki presented the staff report and replied to questions from Councilmembers.

Discussion ensued regarding proposed changed to the Student Internship Program Policy.

Motion by Mayor Fajardo, seconded by Councilmember Gonzales, to make the following changes to the Student Internship Program Policy: adjust the language regarding the GPA; correct the eligibility status (whether the person is documented/undocumented); provide a certificate of some sort as opposed to guaranteeing a letter of recommendation at the end of the program; to include those who have just graduated; to clarify the application process and

**SAN FERNANDO CITY COUNCIL****MINUTES – March 7, 2016****Page 6**

internship duration; clarify the semester (not all schools use semesters); and remove the requirement that students must be enrolled not less than half time in a course of study, etc. By consensus, the motion carried.

10) FISCAL YEAR 2016-2017 BUDGET PLANNING REGARDING ELECTRICAL UPGRADES ON SAN FERNANDO MISSION BOULEVARD AND MACLAY AVENUE FOR HOLIDAY EVENTS

Councilmember Soto was not in attendance to present his item; therefore the item was tabled.

**COMMITTEE/COMMISSION LIAISON UPDATES**

Councilmember Gonzales gave an update regarding Los Angeles County Library activities.

Mayor Fajardo gave an update regarding the League of Cities meeting that he recently attended.

**GENERAL COUNCIL COMMENTS**

Councilmember Gonzales thanked staff and Mr. Bernal for their work.

Councilmember Lopez gave an update regarding the National Association of Latino Elected and Appointed Officials conference that both he and Councilmember Gonzales attended.

Vice Mayor Ballin talked about those that run for office, spoke against presidential candidate Donald Trump, and said she is really upset about the lack of professionalism and that the Councilmember did not check with the City Attorney whether he could recommend this person be appointed to the Planning Commission.

Mayor Fajardo talked about the upcoming Council reorganization and said that his mayor ship has been a wonderful experience but there is so much more work to be done.

**STAFF COMMUNICATION**

City Manager Saeki thanked Council for their support and reported that the Mall Association will hold their quarterly meeting at City Hall to voice their concerns regarding this past year's activities.

Deputy City Manager/Public Works Director Marcarello talked about an upcoming CSUN event regarding climate action planning issues, reported that upcoming agenda items include the safe routes to school project, sidewalk/curb/gutter/ striping work improvements and the street resurfacing project.

Community Development Director Fred Ramirez said he appreciated David Bernal's time and effort in participating on the Planning Commission and wanted to personally thank him.

**SAN FERNANDO CITY COUNCIL****MINUTES – March 7, 2016****Page 7****ADJOURNMENT (8:14 P.M.)**

Motion by Mayor Fajardo, seconded by Councilmember Gonzales, to adjourn the meeting. By consensus, the motion carried.

*I do hereby certify that the foregoing is a true and correct copy of the minutes of March 7, 2016, meeting as approved by the San Fernando City Council.*

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*Elena G. Chávez*  
*City Clerk*

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**SAN FERNANDO CITY COUNCIL  
MINUTES**

**AUGUST 4, 2017 – 11:30 A.M.  
SPECIAL MEETING**

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

**CALL TO ORDER/ROLL CALL**

Mayor Sylvia Ballin called the meeting to order at 11:36 a.m.

Present:

Council: Mayor Sylvia Ballin, Vice Mayor Antonio Lopez, and Councilmembers Joel Fajardo and Robert C. Gonzales

Staff: City Clerk Elena G. Chávez

Absent: Councilmember Jaime Soto

**APPROVAL OF AGENDA**

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

**PUBLIC STATEMENTS – WRITTEN/ORAL**

None

**RECESS TO CLOSED SESSION (11:36 A.M.)**

- A) PUBLIC AGENCY EMPLOYMENT/APPOINTMENT  
G.C. §54957  
Title of Position to be Filled: City Manager
- B) CONFERENCE WITH LABOR NEGOTIATOR – UNREPRESENTED EMPLOYEE  
G.C. §54957.6  
Title of Unrepresented Position at Issue: City Manager  
City's Designated Negotiators: Gary Phillips, Bob Murray & Associates

**SAN FERNANDO CITY COUNCIL  
SPECIAL MEETING MINUTES – August 4, 2017  
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**RECONVENE/REPORT OUT FROM CLOSED SESSION (3:27 P.M.)**

No reportable action.

**ADJOURNMENT (3:27 P.M.)**

Motion by Vice Chair Lopez, seconded by Councilmember Fajardo, to adjourn. By consensus, the motion carried.

*I do hereby certify that the foregoing is a true and correct copy of the minutes of August 4, 2017, meeting as approved by the San Fernando City Council.*

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*Elena G. Chávez, CMC  
City Clerk*

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**SAN FERNANDO CITY COUNCIL  
MINUTES**

**AUGUST 5, 2017 – 12:00 P.M.  
SPECIAL MEETING**

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

**CALL TO ORDER/ROLL CALL**

Mayor Sylvia Ballin called the meeting to order at 12:02 p.m.

Present:

Council: Mayor Sylvia Ballin, Vice Mayor Antonio Lopez, and Councilmembers  
Joel Fajardo and Robert C. Gonzales

Staff: None (Mayor Ballin appointed Councilmember Fajardo as Acting City  
Clerk)

Absent: Councilmember Jaime Soto

**APPROVAL OF AGENDA**

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

**PUBLIC STATEMENTS – WRITTEN/ORAL**

None

**RECESS TO CLOSED SESSION (12:02 P.M.)**

**A) PUBLIC AGENCY EMPLOYMENT/APPOINTMENT**

G.C. §54957

Title of Position to be Filled: City Manager

**B) CONFERENCE WITH LABOR NEGOTIATOR – UNREPRESENTED EMPLOYEE**

G.C. §54957.6

Title of Unrepresented Position at Issue: City Manager

City's Designated Negotiators: Gary Phillips, Bob Murray & Associates

**SAN FERNANDO CITY COUNCIL  
SPECIAL MEETING MINUTES – August 5, 2017  
Page 2**

**RECONVENE/REPORT OUT FROM CLOSED SESSION (3:05 P.M.)**

Councilmember Fajardo reported that the City Council gave general direction, but no final action was taken.

**ADJOURNMENT (3:05 P.M.)**

Motion by Councilmember Gonzales, seconded by Vice Mayor Lopez, to adjourn. By consensus, the motion carried.

*I do hereby certify that the foregoing is a true and correct copy of the minutes of August 5, 2017, meeting as approved by the San Fernando City Council.*

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*Elena G. Chávez, CMC  
City Clerk*

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**SAN FERNANDO CITY COUNCIL  
MINUTES**

**AUGUST 7, 2017 – 5:00 P.M.  
SPECIAL MEETING**

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

**CALL TO ORDER/ROLL CALL**

Mayor Sylvia Ballin called the meeting to order at 5:05 p.m.

Present:

Council: Mayor Sylvia Ballin, Vice Mayor Antonio Lopez, and Councilmembers Joel Fajardo and Robert C. Gonzales

Staff: Interim City Manager Nick Kimball, City Attorney Rick Olivarez, and City Clerk Elena G. Chávez

Absent: Councilmember Jaime Soto

**APPROVAL OF AGENDA**

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

**PUBLIC STATEMENTS – WRITTEN/ORAL**

None

**RECESS TO CLOSED SESSION (6:10 P.M.)**

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

**A) CONFERENCE WITH LABOR NEGOTIATOR**

G.C. §54957.6

Designated City Negotiators:

Interim City Manager Nick Kimball  
Personnel Manager Michael Okafor  
City Attorney Rick Olivarez

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SPECIAL MEETING MINUTES – August 7, 2017**

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

**B) PUBLIC EMPLOYMENT (EMPLOYEE RECRUITMENT)**

G.C. §54957(b)(1)

Title of Position Under Consideration: City Manager

**C) PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

G.C. §54957

Title of Employee: City Clerk

**D) PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

G.C. §54957

Title: City Attorney

**E) CONFERENCE WITH LEGAL COUNSEL TO DISCUSS POTENTIAL LITIGATION**

G.C. §54956.9(d)(2) and G.C. §54956.9(e)(3)

One (1) Matter

**F) CONFERENCE WITH REAL PROPERTY NEGOTIATOR**

G.C. §54956.8

Property: 800 Truman Street, City of San Fernando

Agency Negotiator: Interim City Manager Nick Kimball, Lead Negotiator

City Attorney Rick Olivarez

Assistant City Attorney Richard Padilla

Negotiating Parties: Ethel Fowler

Melvin Fowler

Leland Fowler

Michael Overing

Under Negotiation: Price and Terms of Payment as it Relates to Leasing of Real Property

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

City Attorney Olivarez reported that with the exception of Item D (which was not discussed), Councilmembers received a briefing on the items and there was nothing further to report.

**SAN FERNANDO CITY COUNCIL  
SPECIAL MEETING MINUTES – August 7, 2017  
Page 3**

**ADJOURNMENT (6:00 P.M.)**

Motion by Councilmember Fajardo, seconded by Councilmember Gonzales, to adjourn. By consensus, the motion carried.

*I do hereby certify that the foregoing is a true and correct copy of the minutes of August 7, 2017, meeting as approved by the San Fernando City Council.*

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*Elena G. Chávez, CMC  
City Clerk*

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**SAN FERNANDO CITY COUNCIL  
MINUTES**

**AUGUST 7, 2017 – 6:00 P.M.  
REGULAR MEETING**

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

**CALL TO ORDER/ROLL CALL**

Mayor Sylvia Ballin called the meeting to order at 6:02 p.m.

Present:

Council: Mayor Sylvia Ballin, Vice Mayor Antonio Lopez, and Councilmembers Joel Fajardo, and Robert C. Gonzales

Staff: Interim City Manager Nick Kimball, City Attorney Rick Olivarez, Assistant City Attorney Richard Padilla and City Clerk Elena G. Chávez

Absent: Councilmember Jaime Soto (notified staff that, due to personal reasons, he could not attend the meeting)

**PLEDGE OF ALLEGIANCE**

Led by Recreation Supervisor Maribel Perez

**APPROVAL OF AGENDA**

Interim City Manager Kimball reported that Item No. 14 would be removed from the agenda and tabled to the next meeting.

Motion by Councilmember Gonzales, seconded by Councilmember Fajardo, to approve the agenda as amended. By consensus, the motion carried.

**PRESENTATIONS**

The following presentations were made:

- a) STAFF ACKNOWLEDGEMENT – NATIONAL NIGHT OUT
- b) STAFF ACKNOWLEDGEMENT – PUBLIC WORKS SEWER CREW

**SAN FERNANDO CITY COUNCIL****MINUTES – August 7, 2017****Page 2****PUBLIC STATEMENTS – WRITTEN/ORAL**

Jorge Cervantes, Police Officers' Association Vice President, talked about the success of the National Night Out event and thanked Police Chief Anthony Vairo and the majority of the City Council for their support.

Liz Seelman, Southern California Edison Government Affairs Rep., thanked the Council for tabling Item No. 14 and stated that they'll be working with Interim City Manager Kimball regarding this issue.

Michael Remenih talked about the City's Neighborhood Watch program and invited audience members to attend the monthly meetings to get answers to their questions.

Patty Lopez said that Councilmembers have not responded to two letters (submitted at Council meetings) regarding her complaint against Councilmember Fajardo and an appeal pertaining to the Yolanda Haro lawsuit settlement.

Marcela Rodriguez said she was here to give thanks to City employees and she applauded their dedication.

Robert Ortega talked about Councilmember Soto and said he doesn't believe that he cares for the City.

Tom Ross talked about Item No. 11 and asked if the Chamber of Commerce could offer input and, regarding Item No. 15, he is in favor of keeping the current City Manager form of government.

City Clerk Chávez read an email from resident Paul Luna who stated that the lawsuit brought against the City was due to Councilmember Soto's actions and irresponsibility.

**CITY COUNCIL - LIAISON UPDATES**

Councilmember Gonzales provided updates regarding the Library Commission and the Metro Service Council.

**CONSENT CALENDAR**

Motion by Councilmember Fajardo, seconded by Councilmember Gonzales, to approve the Consent Calendar Items:

- 1) REQUEST TO APPROVE THE MINUTES OF:
  - a) JULY 17, 2017 – SPECIAL MEETING
  - b) JUNE 5, 2017 – REGULAR MEETING



**SAN FERNANDO CITY COUNCIL****MINUTES – August 7, 2017****Page 3**

- 2) CONSIDERATION TO ADOPT RESOLUTION NO. 17-081 APPROVING THE WARRANT REGISTER
- 3) CONSIDERATION TO APPROVE A THREE-YEAR AGREEMENT WITH WILL DAN ENGINEERING FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM COMPLIANCE SERVICES AND REPRESENTATION WITHIN THE UPPER LOS ANGELES ENHANCED WATERSHED MANAGEMENT GROUP
- 4) CONSIDERATION TO ADOPT A RESOLUTION SETTING THE PROPERTY TAX RATE REQUIRED TO MEET THE CITY'S OBLIGATION TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR FISCAL YEAR 2017-2018
- 5) CONSIDERATION TO AWARD A CONTRACT TO LECHOWICZ & TSENG MUNICIPAL CONSULTANTS FOR WATER & SEWER UTILITY RATE STUDY
- 6) CONSIDERATION TO APPROVE A CO-SPONSORSHIP AND USE OF THE CITY SEAL FOR HELP-PORTRAIT SAN FERNANDO EVENT WITH ALAS MEDIA
- 7) CONSIDERATION TO APPROVE THE USE OF CERTAIN STREET LIGHT POLES BY DISCOVERY CUBE LOS ANGELES FOR BANNERS TO PROMOTE THEIR DINOSAURS UNEARTHED EXHIBITION

By consensus, the motion carried.

**ADMINISTRATIVE REPORTS**

- 8) CONSIDERATION TO DESIGNATE A VOTING DELEGATE AND ALTERNATE(S) FOR THE 2017 LEAGUE OF CALIFORNIA CITIES ANNUAL CONFERENCE

Motion by Mayor Ballin, seconded by Councilmember Gonzales, to:

- a. Designate Vice Mayor Lopez as the Voting Delegate for the 2017 League of California Cities Annual Conference;
- b. Designate Councilmember Fajardo as the Alternate Voting Delegate (in the event that the designated Delegate is unable to serve in that capacity);
- c. Authorize the City Clerk to execute and submit the 2017 Annual Conference Voting Delegate/Alternate Form; and
- d. Direct that staff bring back the resolutions that will be voted on and considered at the conference so that the Council may have a brief discussion and input.

By consensus, the motion carried.

**SAN FERNANDO CITY COUNCIL****MINUTES – August 7, 2017****Page 4**

- 9) CONSIDERATION TO ADOPT AN ORDINANCE TO REPEAL ORDINANCE NO. 1452 AND MOVE THE DATE OF GENERAL MUNICIPAL ELECTIONS FROM THE FIRST TUESDAY AFTER THE FIRST MONDAY IN MARCH OF ODD-NUMBERED YEARS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EVEN-NUMBERED YEARS BEGINNING NOVEMBER 6, 2018

Assistant City Attorney Richard Padilla provided an update and Councilmembers gave input.

Motion by Councilmember Gonzales, seconded by Vice Chair Lopez, to approve and introduce for first reading, in title only, and waive further reading of Ordinance No. 1668, “An Ordinance of the City Council of the City of San Fernando Repealing Ordinance No. 1452 and Moving the Date of General Municipal Elections from the First Tuesday after the First Monday in March of Odd-Numbered Years to the First Tuesday after the First Monday in November of Even-Numbered Years Beginning November 6, 2018.”

The motion carried with the following vote:

AYES: Gonzales, Lopez, Ballin – 3  
NOES: Fajardo – 1  
ABSENT: Soto – 1

- 10) CONSIDERATION TO ADOPT A RESOLUTION AMENDING RESOLUTION NO. 7692 TO INCLUDE THE POLICE CHIEF IN THE EXECUTIVE COMPENSATION PLAN FOR DEPARTMENT HEAD CLASSIFICATIONS

Interim City Manager Nick Kimball presented the staff report and replied to questions from Councilmembers.

Motion by Councilmember Fajardo, seconded by Councilmember Gonzales, to:

- a. Adopt Resolution No. 7807, amending Resolution No. 7692 to include the Police Chief in the Executive Compensation Plan for Department Head classifications; and
- b. Authorize the Interim City Manager to make non-substantive corrections and execute all related documents.

The motion carried with the following vote:

AYES: Gonzales, Fajardo, Lopez, Ballin – 4  
NOES: None  
ABSENT: Soto – 1

- 11) CONSIDERATION TO APPOINT AN AD HOC COMMITTEE TO REVIEW THE USER FEE AND DEVELOPMENT IMPACT FEE STUDIES

Interim City Manager Kimball presented the staff report and replied to questions from Councilmembers.

**SAN FERNANDO CITY COUNCIL****MINUTES – August 7, 2017****Page 5**

Motion by Mayor Ballin, seconded by Councilmember Gonzales, to appoint both Vice Mayor Lopez and Councilmember Fajardo to an Ad Hoc Committee regarding User Fee and Development Impact Fee studies. By consensus, the motion carried.

**12) CONSIDERATION TO TAKE VARIOUS ACTIONS IN SUPPORT OF THE PARIS AGREEMENT**

Mayor Ballin provided an update and a brief discussion ensued amongst Councilmembers.

Motion by Councilmember Fajardo, seconded by Councilmember Gonzales, to approve Mayor Ballin's recommendations to:

- a. Adopt Resolution No. 7806 in support of the Paris Agreement;
- b. Approve signing on to the Open Letter to President Trump committing to adopt, honor and uphold Paris Agreement goals;
- c. Approve signing on to the Open Letter to the United Nations Framework on Climate Change;
- d. Approve signing on to the Open Letter to the International Community and Parties to the Paris Agreement from U.S. State, Local, and Business Leaders; and
- e. Authorize staff to complete all related online documents.

By consensus, the motion carried.

**13) CONSIDERATION TO REDISTRIBUTE INDEPENDENT CITIES FINANCE AUTHORITY'S COMMUNITY OUTREACH PROGRAM FUNDS FOR A VETERANS RECOGNITION EVENT AND EDUCATION COMMISSION SCHOLARSHIPS**

Mayor Ballin presented the staff report and a brief discussion ensued amongst Councilmembers.

Motion by Councilmember Fajardo, seconded by Councilmember Gonzales, that Fiscal Year 2015-2016 ICFA allocation of \$7,500 be redistributed in the following manner: \$3,500 for a veteran's recognition event in the City and \$4,000 towards scholarships for the Education Commission's 3<sup>rd</sup> Annual Scholarship Awards Program. By consensus, the motion carried.

**14) CONSIDERATION TO APPROVE A LETTER OF OPPOSITION TO SOUTHERN CALIFORNIA EDISON'S 2018 GENERAL RATE INCREASE BEING PROPOSED TO THE PUBLIC UTILITIES COMMISSION**

This item was removed under Approval of Agenda.

**15) DISCUSSION REGARDING REINSTITUTION OF THE CITY ADMINISTRATOR POSITION AND ABSOLVING THE CITY MANAGER FORM OF GOVERNMENT**

**SAN FERNANDO CITY COUNCIL****MINUTES – August 7, 2017****Page 6**

A brief discussion ensued amongst Councilmembers and all expressed satisfaction with the current City Manager form of government. No action was taken.

Regarding Councilmember Soto's remaining agenda items, Mayor Ballin and Interim City Manager Kimball reiterated that, going forward, Councilmembers must follow Section 2.2(a)(ii) of the City Council Procedural Manual and were reminded that their items will not be placed on an agenda without (at minimum) a general description of the item to be discussed and the desired action/outcome being recommended by the requesting Councilmember.

The following items submitted for discussion by Councilmember Soto (who was absent) were pulled from the agenda:

- 16) REQUEST FOR AN UPDATE PERTAINING TO SEWER SYSTEM REPAIRS TO SEVENTH STREET, FOURTH STREET, AND HUBBARD AVENUE
- 17) REQUEST FOR UPDATE REGARDING THE MOTORBIKE OFFICER PROGRAM
- 18) REQUEST TO POSTPONE SALARY INCREASES FOR CITY COUNCIL AND DEPARTMENT HEADS UNTIL PERMANENT EXECUTIVE POSITIONS ARE FILLED
- 19) DISCUSSION REGARDING ELECTED OFFICIALS' AND CITY STAFF'S PARTICIPATION IN THE SAN FERNANDO POLICE DEPARTMENT NATIONAL NIGHT OUT EVENT
- 20) REQUEST FOR AN UPDATE PERTAINING TO HOMELESS ACTIVITY IN THE CITY AND POLICE RESPONSE TIMES

**DEPARTMENT HEADS - COMMISSION UPDATES**

Interim Planning Director Jack Wong talked about the Metro Transit Oriented Development (TOD) Grant and reported that staff is scheduling two community workshops (August 28 and September 15) to discuss the TOD Overlay Zone and the draft Corridors Specific Plan Amendment which provides a vision for the San Fernando Mall and San Fernando/Sylmar Metrolink Station.

Cultural Arts Supervisor Virginia Diediker reported that the Recreation Department has kicked off Sizzling Summer Nights events which include activities on Friday nights.

City Clerk Chávez reported that the Education Commission met last week to review their budget and priorities and they will be pleased to hear that the City Council approved another \$4,000 for the scholarship program.

**SAN FERNANDO CITY COUNCIL****MINUTES – August 7, 2017****Page 7****GENERAL COUNCIL COMMENTS**

Councilmember Fajardo said it was great to have Spanish translation service for the meeting, suggested that City Council Procedural Manual be brought back for an update, reported that he and his new intern are discussing a Day With Seniors event, and (regarding offensive comments made at the last meeting), he said there are amazing people who have a world of experience that no college degree could come close to replicating.

Councilmember Gonzales thanked community members, volunteers, police officers and fellow Councilmembers for donating their time, energy, and funds for the National Night Out event. Again, he thanked staff for their hard work and thanked fellow Councilmembers for their dedication in working towards getting the right City Manager candidate to begin filling desperately needed positions.

Vice Mayor Lopez also thanked his colleagues for participating in the City Manager interviews, said it's critical to be part of the process and important to our community, and said it's unfortunate that a Councilmember chose not to show up.

Mayor Ballin also thanked all of the volunteers for a successful National Night Out event and stated that four Councilmembers sat in on the City Manager interviews on Friday and Saturday and that the City Council is looking out for residents during the recruitment process.

City Attorney Olivarez said he'd like to take a moment to recognize Assistant City Attorney Richard Padilla for all his hard work and dedication to the City (especially over the last couple of months) and said that Mr. Padilla is one of the top lawyers in this field their law firm and City is lucky to have him.

Mayor Ballin added that the City is lucky to have Olivarez Madruga, a very professional law firm that she has great respect for.

**STAFF COMMUNICATION**

Interim City Manager Kimball reported that Congressman Tony Cardenas' office will be hosting a free immigration workshop on August 10 and this information will be included on the City's website and social media.

Police Chief Vairo reported that the murder suspect (from an incident in June) is now in custody and reported that if members of the public would like to speak with him regarding police related issues, he has an open door policy and encouraged to contact him at any time.

**ADJOURNMENT (7:27 P.M.)**

**SAN FERNANDO CITY COUNCIL****MINUTES – August 7, 2017****Page 8**

Motion by Councilmember Fajardo, seconded by Councilmember Gonzales, to adjourn the meeting. By consensus, the meeting was adjourned.

*I do hereby certify that the foregoing is a true and correct copy of the minutes of August 7, 2017, meeting as approved by the San Fernando City Council.*

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*Elena G. Chávez, CMC*  
*City Clerk*

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**SAN FERNANDO CITY COUNCIL  
MINUTES**

**AUGUST 11, 2017 – 4:00 P.M.  
SPECIAL MEETING**

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

**CALL TO ORDER/ROLL CALL**

Mayor Sylvia Ballin called the meeting to order at 4:04 p.m.

Present:

Council: Mayor Sylvia Ballin, Vice Mayor Antonio Lopez, and Councilmembers Jaime Soto, Joel Fajardo and Robert C. Gonzales

Staff: None (Mayor Ballin appointed Councilmember Fajardo as Acting City Clerk)

**APPROVAL OF AGENDA**

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

**PUBLIC STATEMENTS – WRITTEN/ORAL**

None

**RECESS TO CLOSED SESSION (4:01 P.M.)**

**A) PUBLIC AGENCY EMPLOYMENT/APPOINTMENT**

G.C. §54957

Title of Position to be Filled: City Manager

**B) CONFERENCE WITH LABOR NEGOTIATOR – UNREPRESENTED EMPLOYEE**

G.C. §54957.6

Title of Unrepresented Position at Issue: City Manager

City's Designated Negotiators: Gary Phillips, Bob Murray & Associates

**SAN FERNANDO CITY COUNCIL  
SPECIAL MEETING MINUTES – August 11, 2017  
Page 2**

**RECONVENE/REPORT OUT FROM CLOSED SESSION (7:04 P.M.)**

Direction was given (by a vote of 5-0) that Counsel negotiate with the candidate and place on the August 21, 2017 City Council agenda. No final action was taken; nothing further to report.

**ADJOURNMENT (7:04 P.M.)**

Motion by Vice Mayor Lopez, seconded by Councilmember Gonzales, to adjourn. By consensus, the motion carried.

*I do hereby certify that the foregoing is a true and correct copy of the minutes of August 11, 2017, meeting as approved by the San Fernando City Council.*

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*Elena G. Chávez, CMC  
City Clerk*



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## AGENDA REPORT

**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Nick Kimball, Interim City Manager  
By: Sonia Gomez-Garcia, Interim Finance Director

**Date:** August 21, 2017

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

### RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 17-082 (Attachment "A") approving the Warrant Register.

### BACKGROUND:

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

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

### ATTACHMENT:

A. Resolution No. 17-082

**ATTACHMENT "A"****RESOLUTION NO. 17-082****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO ALLOWING AND APPROVING FOR PAYMENT DEMANDS PRESENTED ON DEMAND/ WARRANT REGISTER NO. 17-082****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 21<sup>st</sup> day of August, 2017.

---

Sylvia Ballin, 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 21<sup>st</sup> day of August, 2017, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

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Elena G. Chávez, City Clerk

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vchlist		Voucher List				Page: 2	
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					004-2380	97.52	
					Total :	97.52	
207005	8/21/2017	889037 AT&T MOBILITY	287277903027X0808201		MODEM-ELECTRONIC MESSAGE BOAR		
					001-310-0000-4220	135.00	
					Total :	135.00	
207006	8/21/2017	891209 AUTONATION SSC	240799		DOOR HANDLE-PD4996		
			241126		041-320-0225-4400	51.27	
					TURN SIGNAL HARNESS-PD4996		
			CM237688		041-320-0225-4400	536.72	
					BRAKE KITS RETURNED		
					041-1215	-357.38	
					Total :	230.61	
207007	8/21/2017	892652 AZAR, SAM	33-0181-10		WATER ACCT REFUND-1013 SFRD		
					070-2010	129.68	
					Total :	129.68	
207008	8/21/2017	890546 BARAJAS, CRYSTAL	JULY 2017		MMAP MENTOR INSTRUCTOR		
					109-424-3618-4260	60.00	
					Total :	60.00	
207009	8/21/2017	892426 BEARCOM	4602235	11614	COMPUTER MAINTENANCE CONTRAC		
			4611203		001-135-0000-4260	6,964.42	
				11614	COMPUTER MAINTENANCE CONTRAC		
					001-135-0000-4260	6,964.42	
					Total :	13,928.84	
207010	8/21/2017	890838 BLUE TARP CREDIT SERVICES	38203038		120V BATTERY CHARGER-PD8201		
			38218891		041-320-0225-4400	99.96	
					SOLAR CHARGER-PD8201		
					041-320-0225-4400	21.98	
					Total :	121.94	
207011	8/21/2017	100396 BOB MURRAY & ASSOCIATES	7362	11573	CITY MANAGER RECRUITMENT		
					001-101-0000-4270	8,467.64	

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207012	8/21/2017	888800 BUSINESS CARD	072017		LOPEZ ADOBE SUMMER MOVIES LICEI		
			072617		001-424-0000-4260	989.00	
			072617		TICKETS FOR DAY CAMP TRIP		
			072717		017-420-1399-4300	2,162.00	
			072817		REFUND-MMAP CONF TRANSPORTATI		
			073117		109-424-3618-4260	-474.93	
			073117		CONFERENCE REGISTRATION		
			080217		001-101-0103-4370	525.00	
			080717		REC PARK PROGRAM SUPPLIES		
			080917		001-424-0000-4300	609.95	
					FINANCE CHARGES		
					001-190-0000-4435	254.58	
					MULTIPLE POSTS BOOSTS		
					001-105-0000-4270	50.00	
					POST BOOST		
					001-105-0000-4270	2.25	
					LATCH REPLACEMENT-ADMIN		
					001-105-0000-4300	21.94	
					AIRFARE-LEAGUE OF CA. CITIES ANNL		
					001-101-0109-4370	226.45	
					Total :	4,366.24	
207013	8/21/2017	888800 BUSINESS CARD	071817		LODGING-INTERVIEWING SUSPECT		
			072617		001-224-0000-4370	212.82	
			080717		EXPRESS LANE FEE		
					001-222-0000-4370	25.65	
					LODGING-SBSLI POST TRAINING IN		
					001-222-0000-4370	508.45	
					Total :	746.92	
207014	8/21/2017	892586 CALDWELL, ANNA M	07/01/17-08/04/17		CYCLING INSTRUCTOR		
					017-420-1337-4260	80.00	
					Total :	80.00	
207015	8/21/2017	892464 CANON FINANCIAL SERVICES, INC	17553568		CANON COPIERS LEASE PAYMENT-JUI		

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					Total :	648.46	
207016	8/21/2017	892465 CANON SOLUTIONS AMERICA, INC.	4023005636		PO# 11531-COPIER MONTHLY RATES		
			4023245341	11532	001-135-0000-4260	905.51	
					PRINTER SERVICE-04/05/17-07/04/17		
					001-135-0000-4260	204.80	
					Total :	1,110.31	
207017	8/21/2017	891860 CARL WARREN & COMPANY	10280;10281 & 10283		REIMB.OF ITF ACCT (LIABILITY CLAIMS		
					006-1037	2,085.77	
					Total :	2,085.77	
207018	8/21/2017	890286 CCMS INC	2017-10422		WORKER'S COMP ADMIN FEES-		
					001-106-0000-4270	1,500.00	
					Total :	1,500.00	
207019	8/21/2017	101957 CITY OF LOS ANGELES	38SF180000001		FIRE SERVICES-AUG 2017		
					001-500-0000-4260	230,441.17	
					Total :	230,441.17	
207020	8/21/2017	103029 CITY OF SAN FERNANDO	17363-17391		REIMBURSEMENT TO WORKER'S COM		
					006-1035	18,210.63	
					Total :	18,210.63	
207021	8/21/2017	100805 COOPER HARDWARE INC.	106510		MISC SUPPLIES		
					070-383-0301-4300	22.10	
					Total :	22.10	
207022	8/21/2017	101982 COUNTY OF LOS ANGELES	2017-2018		SFVCOG FY2017/2018 DUES		
					001-190-0000-4380	12,500.00	
					Total :	12,500.00	
207023	8/21/2017	101666 DE LAGE LANDEN FINANCIAL SERVS	55156247	11587	AUG-LEASE PAYMENT VARIOUS COPIE		
				11587	001-135-0000-4260	1,051.80	
				11587	072-360-0000-4290	73.35	
					070-381-0000-4290	73.35	

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207024	8/21/2017	887121 DELL MARKETING L.P.	10059581	11585	3 YEAR ANTIVIRUS LICENSING RENEW 001-135-0000-4260	1,977.60
			10173442540	11579	COMPUTER SERVER FOR RECREATIO 001-420-0000-4500	5,622.49
					Total :	7,600.09
207025	8/21/2017	891533 DEXMEDIA	610033202652		DOMAIN REGISTRATION & E-MAIL 001-190-0000-4220	56.73
					Total :	56.73
207026	8/21/2017	891425 DIAZ, MARISOL	REIMB.		MILEAGE REIMBURSEMENT 001-420-0000-4370	12.84
					Total :	12.84
207027	8/21/2017	892649 DIAZ, OLIVIA	52-2470-03		WATER ACCT REFUND-1912 SEVENTH 070-2010	7.76
					Total :	7.76
207028	8/21/2017	100979 DOCTOR DIESEL	17-268		GENERATOR MAINT-PD & CH 041-320-0000-4260	625.00
					Total :	625.00
207029	8/21/2017	892656 ESPINOZA, MARIA	2000029.003		SENIOR TRIP REFUND 004-2383	20.00
					Total :	20.00
207030	8/21/2017	890879 EUROFINS EATON ANALYTICAL, INC	L0324797		WATER ANALYSIS-F661255 070-384-0000-4260	139.60
			L0324832		WATER ANALYSIS-F661609 070-384-0000-4220	139.60
			L0324850		WATER ANALYSIS-F662089 070-384-0000-4260	139.60
			L0324853		WATER ANALYSIS-F662633 070-384-0000-4260	139.60
			L0334400		WATER ANALYSIS FOLDERS 070-384-0000-4260	164.00
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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
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			L0334424		WATER ANALYSIS FOLDERS 070-384-0000-4260	50.00
			L0334721		WATER ANALYSIS FOLDERS 070-384-0000-4260	264.60
			L0335237		WATER ANALYSIS FOLDERS 070-384-0000-4260	84.00
			L0335241		WATER ANALYSIS FOLDERS 070-384-0000-4260	139.60
			L0335244		WATER ANALYSIS FOLDERS 070-384-0000-4260	175.00
			L0335586		WATER ANALYSIS FOLDERS 070-384-0000-4260	139.60
			L0336313		WATER ANALYSIS FOLDERS 070-384-0000-4260	139.60
			L0336903		WATER ANALYSIS FOLDERS 070-384-0000-4260	80.00
			L0337681		WATER ANALYSIS FOLDERS 070-384-0000-4260	139.60
			L0337682		WATER ANALYSIS FOLDERS 070-384-0000-4260	139.60
			L0337684		WATER ANALYSIS FOLDERS 070-384-0000-4260	139.60
					Total :	2,213.60
207031	8/21/2017	103851 EVERSOF, INC.	R1715702		SOFTNER RENTAL-WELL 2A 070-384-0000-4260	74.39
					Total :	74.39
207032	8/21/2017	890981 FAJARDO, JOEL	REIMB.		PARKING FEE REIMB-SFVCOG MEETIN 001-101-0103-4380	5.00
			REIMB.		PARKING FEE REIMB-METRO MEETING 001-101-0103-4380	12.00
			REIMB.		WELLNESS BENEFIT REIMB. FY16/17 001-101-0103-4140	200.00
					Total :	217.00
						Page: 6



vchlist 08/16/2017 9:47:00AM		Voucher List CITY OF SAN FERNANDO				Page: 9
Bank code :		bank3				
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
207041	8/21/2017	101599 101599 IMAGE 2000 CORPORATION	(Continued)			Total : 851.52
207042	8/21/2017	891570 INNOVATIVE TELECOM. SYSTEMS	2133		TELEPHONE EQUIPMENT MAINT-SEPT 001-190-0000-4260	395.00 Total : 395.00
207043	8/21/2017	891467 JASSO, JAZMYN	080417		HEALTHY SF EXERCISE INSTRUCTOR 017-420-1337-4260	45.00 Total : 45.00
207044	8/21/2017	889680 JIMENEZ LOPEZ, JUAN MANUEL	JULY 2017		MMAP INSTRUCTOR 109-424-3618-4260	300.00 Total : 300.00
207045	8/21/2017	892137 KING'S BRAKE & SUSPENSION	008771		VEHICLE MAINT-PK9826 041-320-0390-4400	339.71 Total : 339.71
207046	8/21/2017	891738 KNIGHT COMMUNICATIONS INC	2010860	11588	IT MANAGEMENT SERVICES-AUG 2017 001-135-0000-4270	10,000.00 Total : 10,000.00
207047	8/21/2017	101920 LIEBERT CASSIDY WHITMORE	1441790		LEGAL SERVICES 001-112-0000-4270	2,800.00
			1441791		LEGAL SERVICES 001-112-0000-4270	7,064.45
			1441792		LEGAL SERVICES 001-112-0000-4270	732.00
			1443647		LEGAL SERVICES 001-112-0000-4270	1,757.00
			1443648		LEGAL SERVICES 001-112-0000-4270	1,932.00
			1443649		LEGAL SERVICES 001-112-0000-4270	2,030.00
			1443650		LEGAL SERVICES 001-112-0000-4270	30.50
						Total : 16,345.95

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vchlist 08/16/2017 9:47:00AM		Voucher List CITY OF SAN FERNANDO				Page: 10
Bank code :		bank3				
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
207048	8/21/2017	892433 LUCKY FRUITS	072817		HEALTHY FRUIT CUPS PREP-HEALTHY 001-424-0000-4260	90.00 Total : 90.00
207049	8/21/2017	892657 LUNA, JESSICA	080417		HEALTHY SF EXERCISE INSTRUCTOR 017-420-1337-4260	45.00 Total : 45.00
207050	8/21/2017	888242 MCI COMM SERVICE	7DK54968		MTA PHONE LINE 007-440-0441-4220	33.12 Total : 33.12
207051	8/21/2017	102160 MCMASTER CARR SUPPLY CO	41057460		FILTER FRAMES-WELL 3 070-384-0000-4330	168.02
			41295026		OSG SYSTEM BLOWER-WELL2A 070-384-0000-4330	608.41 Total : 776.43
207052	8/21/2017	102226 MISSION LINEN SUPPLY	505429534		LAUNDRY 001-225-0000-4350	134.28
			505458371		LAUNDRY 001-225-0000-4350	122.90
			505473381		LAUNDRY 001-225-0000-4350	104.03
			505498231		LAUNDRY 001-225-0000-4350	96.61
						Total : 457.82
207053	8/21/2017	892648 MISSISON, THE OTHER	35-1065-03		WATER ACCT REFUND-1303 CORONEL 070-2010	7.83 Total : 7.83
207054	8/21/2017	892654 MONTEBELLO SPEAKER	81		TECH SUPPORT FOR MOVIE NIGHT-8/4 001-424-0000-4260	182.99 Total : 182.99
207055	8/21/2017	892535 MORAN, YOVANNI	07/07/17-08/04/17		YOGA INSTRUCTOR (SUB) 017-420-1337-4260	80.00

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vchlist 08/16/2017 9:47:00AM		Voucher List CITY OF SAN FERNANDO				Page: 11
Bank code : bank3						
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
207055	8/21/2017	892535 MORAN, YOVANNI	(Continued) JUNE 2017		YOGA INSTRUCTOR (SUB) 017-420-1337-4260	60.00
					<b>Total :</b>	<b>140.00</b>
207056	8/21/2017	892653 MP AUTO BODY & COLLISION INC	10349		VEHICLE MAINT-PD4996 041-320-0225-4400	727.08
					<b>Total :</b>	<b>727.08</b>
207057	8/21/2017	888869 MUNITEMPS STAFFING	127492	11603	TEMPORARY STAFFING SERVICES-FIN 001-130-0000-4112	5,400.00
					<b>Total :</b>	<b>5,400.00</b>
207058	8/21/2017	891355 NAREZ, FABIAN	JULY 2017		MMAP MENTOR INSTRUCTOR 109-424-3618-4260	120.00
					<b>Total :</b>	<b>120.00</b>
207059	8/21/2017	102311 NATIONAL ASSOCIATION OF LATINO	13798		ANNUAL MEMBERSHIP DUES 001-101-0101-4380	100.00
					<b>Total :</b>	<b>100.00</b>
207060	8/21/2017	892650 NAVARRO FLORES, HUMBERTO	39-1345-22		WATER ACCT REFUND-1335 KEWEN 070-2010	10.71
					<b>Total :</b>	<b>10.71</b>
207061	8/21/2017	890843 NGOV, CHHIV	07/25/17-08/29/17		YOGA FOR SENIORS INSTRUCTOR 017-420-1322-4260	330.00
					<b>Total :</b>	<b>330.00</b>
207062	8/21/2017	892495 NORMAN A. TRAUB ASSOCIATES	17076	11626	INTERNAL AFFAIRS #17-02 001-112-0000-4270	3,893.72
					<b>Total :</b>	<b>3,893.72</b>
207063	8/21/2017	102403 NOW IMAGE PRINTING	2017140		CITY CONTRACT FLYERS 001-105-0000-4300	199.75
					<b>Total :</b>	<b>199.75</b>
207064	8/21/2017	102423 OCCU-MED, INC.	0617901		PHYSICALS	
						Page: 11

vchlist 08/16/2017 9:47:00AM		Voucher List CITY OF SAN FERNANDO				Page: 12
Bank code : bank3						
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
207064	8/21/2017	102423 OCCU-MED, INC.	(Continued)		001-106-0000-4270	584.00
			0717901		PHYSICALS	
					001-106-0000-4270	622.00
					<b>Total :</b>	<b>1,206.00</b>
207065	8/21/2017	102432 OFFICE DEPOT	2081582687		OFFICE CHAIR & SUPPLIES	
			945320341001		001-106-0000-4300	197.98
			947353553001		OFFICE SUPPLIES	
			947353554001		001-222-0000-4300	80.98
			947353555001		OFFICE SUPPLIES	
			947430755001		001-420-0000-4300	23.04
			949781897001		OFFICE SUPPLIES	
					001-420-0000-4300	380.10
					OFFICE SUPPLIES	
					001-420-0000-4300	3.33
					OFFICE SUPPLIES	
					001-222-0000-4300	273.63
					OFFICE SUPPLIES	
					001-423-0000-4300	8.53
					<b>Total :</b>	<b>967.59</b>
207066	8/21/2017	892655 OLIVAREZ, RICHARD	2000322.001		DAY CAMP REFUND 017-3770-1399	95.00
					<b>Total :</b>	<b>95.00</b>
207067	8/21/2017	890095 O'REILLY AUTOMOTIVE STORES INC	4605-249364		BATTERY-PW3241	
			4605-251230		029-335-0000-4400	90.58
			4605-251398		BRAKE PEDAL SWITCH-WA9503	
			4605-251958		070-382-0000-4400	139.70
			4605-252068		BOOSTER CABLES-PW0509	
					041-320-0311-4400	43.89
					BATTERY-PK2364	
					041-320-0390-4400	90.17
					OIL FILTER-PD2302	
					041-320-0225-4400	7.03
						Page: 12



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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
207083	8/21/2017	891064 SIEMENS INDUSTRY INC	(Continued)			
			5620017361	11485	027-344-0000-4260	1,437.50
				11485	ON-CALL TRAFFIC SIGNAL MAINTENAN	1,185.00
					027-344-0000-4260	
					Total :	8,578.37
207084	8/21/2017	103184 SMART & FINAL	48453		SUPPLIES-DAY CAMP WEEKLY ACTIVIT	
			49313		017-420-1399-4300	89.22
					LP CLUB DAY TRIP REFRESHMENTS	
					004-2383	47.08
					Total :	136.30
207085	8/21/2017	892367 SOLIS, MARGARITA	070917		L P SENIOR PETTY CASH REIMB.	
					004-2380	4.39
					Total :	4.39
207086	8/21/2017	103202 SOUTHERN CALIFORNIA EDISON CO.	2-02-682-6982		ELECTRIC-910 FIRST	
					043-390-0000-4210	8,522.76
			2-21-082-3241		ELECTRIC-VARIOUS LOCATIONS	
					027-344-0000-4210	14,770.10
					029-335-0000-4210	1,824.28
					041-320-3661-4210	1,751.37
					070-384-0000-4210	493.39
					043-390-0000-4210	13,042.60
			2-33-746-5215		ELECTRIC-190 PARK	
					043-390-0000-4210	530.55
			2-39-084-2581		ELECTRIC-1117 2ND STREET	
					043-390-0000-4210	23.94
			2-39-717-6769		ELECTRIC-801 EIGHTH	
					043-390-0000-4210	27.87
					Total :	40,986.86
207087	8/21/2017	100532 STATE OF CALIFORNIA, DEPARTMENT OF JU	246867		LIVESCAN FINGERPRINTING-JULY 201	
					004-2386	3,265.00
					001-222-0000-4270	198.00
					Total :	3,463.00

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Bank code :bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
207088	8/21/2017	888263 SUNBELT RENTALS, INC	71096605-0001		TOOL OIL	
					041-320-0000-4320	92.15
					Total :	92.15
207089	8/21/2017	892266 TAKASAWA, KEIKO	07/01/17-08/04/17		ZUMBA INSTRUCTOR	
					017-420-1337-4260	80.00
					Total :	80.00
207090	8/21/2017	103205 THE GAS COMPANY	04232069007		GAS-910 FIRST	
					043-390-0000-4210	79.06
			09062064002		GAS - 120 MACNEIL	
					070-381-0000-4210	4.19
					072-360-0000-4210	4.19
					043-390-0000-4210	8.37
			14328781316		GAS-208 PARK	
					043-390-0000-4210	35.66
					Total :	131.47
207091	8/21/2017	101528 THE HOME DEPOT CRC, ACCT#603532202490	5585085		PARKING METER PAINT	
					029-335-0000-4320	37.93
			6280213		MALL MAINT. MATL'S	
					001-341-0301-4300	287.17
			8061388		MISC SUPPLIES	
					001-420-0000-4300	54.51
					001-423-0000-4300	66.59
					001-424-0000-4300	81.36
			8580336		MISC SUPPLIES	
					001-346-0000-4300	40.51
					Total :	568.07
207092	8/21/2017	890833 THOMSON REUTERS	836548932		LA CLEAR-INVEST TOOL	
					001-135-0000-4260	182.97
					Total :	182.97
207093	8/21/2017	103903 TIME WARNER CABLE	10328072717		CABLE-CITY HALL (08/05/17-09/04/17)	
					001-190-0000-4220	89.97
			22204072017		CABLE-PW OPS (07/29/17-08/28/17)	

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Bank code :		bank3				
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
207093	8/21/2017	103903 TIME WARNER CABLE	(Continued)		043-390-0000-4260	96.62
					Total :	186.59
207094	8/21/2017	892525 T-MOBILE	958769818		HOTSPOT & TABLET CONNECTION 001-420-0000-4220	53.25
					Total :	53.25
207095	8/21/2017	103413 TRANS UNION LLC	07706868		CREDIT CHECKS 001-222-0000-4260	60.00
					Total :	60.00
207096	8/21/2017	891103 TRITECH	VA0000000050	11602	FY17/18-SERVICE AGREEMENT FOR C. 001-135-0000-4260	35,002.99
					Total :	35,002.99
207097	8/21/2017	101028 TYLER TECHNOLOGIES, INC.	045-194803	11596	SAN FERNANDO ERP HR PR TRAINING 001-106-0000-4360	5,713.24
					Total :	5,713.24
207098	8/21/2017	103463 U.S. POSTMASTER	AUG 2017		POSTAGE-AUG WATER BILLS 070-382-0000-4300 072-360-0000-4300	521.41 521.40
					Total :	1,042.81
207099	8/21/2017	103445 UNDERGROUND SERVICE ALERT	720170672		(67) USA TICKETS & MONTHLY MAINT F 070-381-0000-4260	120.55
					Total :	120.55
207100	8/21/2017	892258 UNIFORM & ACCESSORIES	610771		UNIFORMS 001-222-0000-4300	312.37
					Total :	312.37
207101	8/21/2017	103439 UPS	831954317		COURIER SERVICE 001-190-0000-4280	195.95
					Total :	195.95
207102	8/21/2017	103534 VALLEY LOCKSMITH	4580		TUBULAR FLEX KEY	
						Page: 17

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Bank code :		bank3				
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
207102	8/21/2017	103534 VALLEY LOCKSMITH	(Continued)		070-383-0301-4300	43.70
					Total :	43.70
207103	8/21/2017	889386 VENTIMIGLIA, PAUL	TRAVEL		PER DIEM-POST MANDATED FIELD TR. 001-225-0000-4360	115.00
					Total :	115.00
207104	8/21/2017	889627 VERIZON CONFERENCING	Z6114417		CONFERENCE CALLS-JULY 2017 001-190-0000-4220	10.19
					Total :	10.19
207105	8/21/2017	100101 VERIZON WIRELESS-LA	9789395062		MDT MODEMS-PD UNITS 001-222-0000-4220	918.56
			9789633655		PLANNING CELL PHONE PLAN 001-140-0000-4220	5.40
			9789681116		VARIOUS CELL PHONE PLANS 001-222-0000-4220	217.73
					001-152-0000-4220	114.03
			9789913377		PD CELL PHONE PLAN 001-222-0000-4220	152.18
			9789923223		CITY YARD CELL PHONE PLANS 070-384-0000-4220	107.80
					043-390-0000-4220	19.70
					041-320-0000-4220	19.70
					072-360-0000-4220	0.22
			9789933095		VARIOUS CELL PHONE PLANS 001-106-0000-4220	50.90
					070-384-0000-4220	88.79
					Total :	1,695.01
207106	8/21/2017	103603 VULCAN MATERIALS COMPANY	71533376		COLD MIX 001-311-0000-4300	1,431.58
					Total :	1,431.58
207107	8/21/2017	888390 WEST COAST ARBORISTS, INC.	127842	11613	FY 2018 ANNUAL CITY TREE TRIMMIN (	2,510.00
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## Voucher List

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CITY OF SAN FERNANDO

Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
207107	8/21/2017	888390 888390 WEST COAST ARBORISTS, INC.	(Continued)			<b>Total : 2,510.00</b>
207108	8/21/2017	890970 WEX BANK	50688570		FUEL FOR FLEET	
					041-320-0152-4402	424.19
					041-320-0221-4402	207.53
					041-320-0222-4402	103.65
					041-320-0224-4402	734.50
					041-320-0225-4402	3,339.16
					041-320-0226-4402	2.00
					041-320-0228-4402	700.94
					041-320-0311-4402	619.26
					041-320-0312-4402	2.00
					041-320-0320-4402	52.70
					041-320-0346-4402	39.61
					041-320-0370-4402	290.55
					041-320-0371-4402	4.00
					041-320-0390-4402	1,048.36
					041-320-0420-4402	2.00
					007-313-3630-4402	503.50
					027-344-0000-4402	75.92
					029-335-0000-4402	235.89
					070-381-0000-4402	25.57
					070-382-0000-4402	171.67
					070-383-0000-4402	680.14
					070-384-0000-4402	201.10
					072-360-0000-4402	260.79
					<b>Total :</b>	<b>9,725.03</b>
207109	8/21/2017	888682 ZOBEL-RODRIGUEZ, ANGELIQUE Y.	AUG 2017		COMMISSIONER'S STIPEND	
					001-115-0000-4111	50.00
					<b>Total :</b>	<b>50.00</b>
113	Vouchers for bank code : bank3				<b>Bank total :</b>	<b>520,529.83</b>
113	Vouchers in this report				<b>Total vouchers :</b>	<b>520,529.83</b>

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## Voucher List

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CITY OF SAN FERNANDO

Bank code : bank3

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

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**HANDWRITTEN CHECKS**

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Voucher List

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CITY OF SAN FERNANDO

Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
206595	7/3/2017	891860 CARL WARREN & COMPANY	NONPO		PREFUND REQUEST TO REIMB ITF ACI 006-1037	198,134.12
Total :						198,134.12
1 Vouchers for bank code : bank3						Bank total : 198,134.12
1 Vouchers in this report						Total vouchers : 198,134.12

Voucher Registers are not final until approved by Council.

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**HANDWRITTEN CHECKS**

vchlist

Voucher List

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CITY OF SAN FERNANDO

Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
206597	7/11/2017	892593 AHERN RENTALS, INC	17752983-1		SKYJACK, DC ELECTRIC SCISSOR LIF	
				11594	043-390-0000-4300	4,000.00
					043-390-0000-4300	370.00
					<b>Total :</b>	<b>4,370.00</b>
		<b>1 Vouchers for bank code :</b>	bank3		<b>Bank total :</b>	<b>4,370.00</b>
		<b>1 Vouchers in this report</b>			<b>Total vouchers :</b>	<b>4,370.00</b>

Voucher Registers are not final until approved by Council.

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**HANDWRITTEN CHECKS**

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Voucher List

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CITY OF SAN FERNANDO

Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
206735	7/13/2017	891860 CARL WARREN & COMPANY	NONPO		PREFUND REQUEST TO REIMB ITF ACI 006-1037	62,500.00
Total :						62,500.00
1 Vouchers for bank code : bank3						Bank total : 62,500.00
1 Vouchers in this report						Total vouchers : 62,500.00

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## HANDWRITTEN CHECKS

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Voucher List

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CITY OF SAN FERNANDO

Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
206835	7/31/2017	101586 ICRMA	3046		2017/2018 PREMIUMS	
					006-190-0000-4830	444,026.00
					006-190-0000-4240	43,895.00
					006-190-0000-4830	188,124.00
					006-190-0000-4240	209,753.00
					006-190-0000-4830	4,026.00
			3068		2017/2018 PREMIUMS	
					006-190-0000-4830	81,056.99
					<b>Total :</b>	<b>970,880.99</b>
1 Vouchers for bank code : bank3						<b>Bank total : 970,880.99</b>
1 Vouchers in this report						<b>Total vouchers : 970,880.99</b>

Voucher Registers are not final until approved by Council.

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## HANDWRITTEN CHECKS

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08/10/2017 4:58:18PM		CITY OF SAN FERNANDO					
Bank code :		bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount	
206590	7/3/2017	102519 P.E.R.S.	DEMAND		HEALTH INSURANCE BENEFITS - JULY 001-1160	139,327.98	
					Total :	139,327.98	
206591	7/3/2017	887627 STANDARD INSURANCE	DEMAND		AD & D INSURANCE BENEFITS - JULY 2 001-1160	3,013.94	
					Total :	3,013.94	
206592	7/3/2017	891230 DELTA DENTAL INSURANCE COMPANY	DEMAND		DENTAL INSURANCE BENEFITS - JULY 001-1160	234.96	
					Total :	234.96	
206593	7/3/2017	890907 DELTA DENTAL OF CALIFORNIA	DEMAND		DENTAL INSURANCE BENEFITS - JULY 001-1160	11,030.01	
					Total :	11,030.01	
206594	7/3/2017	103596 CALIFORNIA VISION SERVICE PLAN	DEMAND		OPTICAL INSURANCE BENEFITS - JULY 001-1160	2,260.19	
					Total :	2,260.19	
206734	7/13/2017	103648 CITY OF SAN FERNANDO	PR 7-14-17		REIMB FOR PAYROLL W/E 7-7-17		
					001-1003	298,302.73	
					007-1003	117.14	
					008-1003	1,321.67	
					010-1003	635.60	
					011-1003	1,020.83	
					012-1003	820.30	
					017-1003	15,104.33	
					018-1003	57,427.11	
					027-1003	3,155.47	
					029-1003	3,478.39	
					041-1003	5,720.14	
					043-1003	8,612.18	
					070-1003	40,501.68	
					072-1003	22,312.51	
					119-1003	1,310.83	
						Page: 1	

vchlist

08/10/2017

4:58:18PM

Voucher List

CITY OF SAN FERNANDO

Page:

2

Bank code :

bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
206734	7/13/2017	103648	103648 CITY OF SAN FERNANDO	(Continued)		Total : 459,840.91
206736	7/20/2017	892431	VALLEY SPORTS AND UNIFORMS	868	11604 1ST HALF-REFEREE & SCOREKEEPER 017-420-1328-4260	2,855.00
					Total :	2,855.00
206737	7/26/2017	890970	WEX BANK	50395197	FUEL FOR FLEET	
					041-320-0152-4402	376.53
					041-320-0221-4402	219.07
					041-320-0222-4402	159.05
					041-320-0224-4402	660.51
					041-320-0225-4402	3,303.57
					041-320-0226-4402	2.00
					041-320-0228-4402	539.69
					041-320-0311-4402	604.12
					041-320-0312-4402	2.00
					041-320-0320-4402	135.68
					041-320-0346-4402	44.79
					041-320-0370-4402	424.47
					041-320-0371-4402	4.00
					041-320-0390-4402	1,188.45
					041-320-0420-4402	2.00
					007-313-3630-4402	1,078.44
					027-344-0000-4402	138.19
					029-335-0000-4402	379.33
					070-381-0000-4402	2.00
					070-382-0000-4402	325.54
					070-383-0000-4402	679.81
					070-384-0000-4402	254.07
					072-360-0000-4402	509.21
					Total :	11,032.52
206738	7/26/2017	103814	CERVANTES, JORGE	TRAVEL	PER DIEM-INTERVIEW SUSPECT IN SA 001-224-0000-4370	55.00
					Total :	55.00
206739	7/27/2017	103648	CITY OF SAN FERNANDO	PR 7-28-17	REIMB FOR PAYROLL W/E 7-21-17 & SF	

Page:

2

vchlist

## Voucher List

Page: 3

08/10/2017 4:58:18PM

CITY OF SAN FERNANDO

Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
206739	7/27/2017	103648 CITY OF SAN FERNANDO	(Continued)			
					001-1003	321,561.29
					007-1003	117.14
					008-1003	1,321.71
					010-1003	635.56
					017-1003	17,049.37
					018-1003	61,659.91
					027-1003	4,224.17
					029-1003	1,845.17
					041-1003	8,427.95
					043-1003	13,104.06
					070-1003	32,235.09
					072-1003	23,701.81
					119-1003	1,364.35
					<b>Total :</b>	<b>487,247.58</b>
206836	7/27/2017	103825 CONTROLLER-STATE OF CALIFORNIA	NONPO		FY16/17 AUDIT CONFIRMATION OF	
					001-130-0000-4270	150.00
					<b>Total :</b>	<b>150.00</b>
<b>11 Vouchers for bank code :</b>		<b>bank3</b>			<b>Bank total :</b>	<b>1,117,048.09</b>
<b>11 Vouchers in this report</b>					<b>Total vouchers :</b>	<b>1,117,048.09</b>

Voucher Registers are not final until approved by Council.

Page: 3



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## AGENDA REPORT

**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Nick Kimball, Interim City Manager  
By: Kenneth Jones, Management Analyst

**Date:** August 21, 2017

**Subject:** Consideration to Authorize a Notice of Completion for the Alexander Street Improvements between First Street and Library Street, CDBG Project No. 601819-16 Job No. 7596, Plan No. P-723

### RECOMMENDATION:

It is recommended that the City Council:

- a. Accept the improvements as constructed by All American Asphalt and consider the work complete; and
- b. Authorize the issuance and filing of the "Notice of Completion" (Attachment "A") with the Los Angeles County Office of the Registrar-Recorder/County Clerk; and
- c. Authorize the release of the five percent retention (\$12,491.86) after a 35-day lien period from the date the Notice of Completion is recorded.

### BACKGROUND:

1. On March 29, 2017, the City Clerk received and opened six bids from contractors to make improvements on Alexander Street between First Street and Library Street.
2. On April 17, 2017, the City Council awarded Contract No. 1847 to All American Asphalt (Contractor) in the amount of \$143,979.12 and authorized the City Manager to approve change orders not to exceed 20% of contract amount.
3. On May 4, 2017, a Notice to Proceed was issued to the Contractor.
4. On June 6, 2017, work was completed by the Contractor.

**Consideration to Authorize a Notice of Completion for the Alexander Street Improvements between First Street and Library Street, CDBG Project No. 601819-16 Job No. 7596, Plan No. P-723**

Page 2 of 2

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5. On July 17, 2017, the City Council approved an amendment to Contact No. 1847 allocating \$78,225 from available Fiscal Year (FY) 2015-2016 Community Development Block Grant (CDBG) Funds fund additional work extending the original improvements through Library Street.

**ANALYSIS:**

After completing and closing out the FY 2015-2016 CDBG South Huntington Street Improvement Project, additional funds were available to extend the scope of the FY 2016-2017 Alexander Street Improvement Project.

The original scope of the Alexander Street Project included street repaving on Alexander Street between First Street and Fourth Street, the installation of new access ramps, removal and replacement of sidewalk and curb and gutter, and striping. The additional CDBG funds extended the project scope to include the 400 Block of Alexander Street up to Library Street.

**BUDGET IMPACT:**

The project was funded through Community Development Block Grant funds (CDBG). The total construction cost was \$249,837.14, which was within the total budget appropriation of \$251,000 for the project.

**CONCLUSION:**

The Alexander Street Improvements Project is complete and all work done to staff's satisfaction and is in conformance with the approved plans and specifications. Project acceptance and filing the Notice of Completion allows for the project to be closed out.

**ATTACHMENT:**

- A. Notice of Completion

EXEMPT FROM RECORDING FEES PER GOVT  
CODE SECTION 6103

## ATTACHMENT "A"

### RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

#### City of San Fernando

Elena G. Chávez, City Clerk  
San Fernando City Hall  
117 Macneil Street  
San Fernando, CA 91340

Space Above This Line Reserved For The Recorder's Use

# NOTICE OF COMPLETION

Notice pursuant to Civil Code Section 3093, must be filed within 10 days after completion.

1. **NOTICE IS HEREBY GIVEN THAT:** work on the subject project has been completed, and it is recommended that a Notice of Completion be executed and recorded
2. **NAME AND ADDRESS OF OWNER:** City of San Fernando, a municipal corporation, 117 Macneil Street, San Fernando, CA 91340
3. **DESCRIPTION OF THE PUBLIC WORK:** Construction of the Alexander Street Improvements consisted of the repavement of Alexander Street between First Street and Library Street, removal and replacement of curb and gutter, installation of access ramps and striping
4. **DESCRIPTION OF PROPERTY:** The property on which said work of improvement was completed is in the City of San Fernando, County of Los Angeles, State of California, and is described as: Alexander Street between First Street and Library Street
5. **ACCEPTED AND COMPLETED:** Work on said contract was completed and accepted on June 6, 2017
6. **NATURE OF OWNER'S INTEREST:** In fee
7. **NAME AND ADDRESS OF CONTRACTOR:** All American Asphalt, P.O. Box 2229, Corona, CA 92878
8. **DECLARATION:** I, Nick Kimball, duly appointed Interim City Manager of the City of San Fernando, have read the foregoing Notice of Completion, have made my verification on behalf of said City, and know the contents thereof to be true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

\_\_\_\_\_  
Nick Kimball, Interim City Manager  
City of San Fernando, California  
(City Seal)

\_\_\_\_\_  
Date

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES SS.

Subscribed and sworn to (or affirmed) before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by Nick Kimball, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

\_\_\_\_\_  
Julie M. Fernandez, Notary Public

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## AGENDA REPORT

**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Nick Kimball, Interim City Manager  
By: Kenneth Jones, Management Analyst

**Date:** August 21, 2017

**Subject:** Consideration to Approve a Purchase Order with Reliable Fence to Install Two Feet of Wrought Iron Fencing on Top of Existing Wall at Police Department

### RECOMMENDATION:

It is recommended that the City Council:

- a. Waive formal bid requirements and approve a Purchase Order with Reliable Fence to install two feet of wrought iron fencing on top of the existing wall at the Police Department, in an amount not-to-exceed \$30,000; and
- b. Authorize the Interim City Manager to execute the Purchase Order; and
- c. Adopt Resolution No. 7810 (Attachment "A") amending the Fiscal Year (FY) 2017-2018 adopted budget to increase the Police Department- Patrol budget (001-225) by \$30,000.

### BACKGROUND:

1. Over the past few years, there have been a number of security breaches through the rear parking lot at the Police Department, including a suspect that climbed the wall with a loaded 9 mm handgun. Due to the low walls and easy access in multiple areas, it was determined that additional fortification is needed to deter additional security breaches.
2. In July 2017, an informal bid request was sent to seven contractors to provide quotes to add fencing on top of existing wall surrounding the Police Department's patrol car parking lot.
3. In July 2017, four bids were received from interested contractors; the four contractors also walked the project location during the same time period.
4. On July 26, 2017, staff deemed Reliable Fence's proposal as responsive and determined they submitted the lowest responsive bid.

**Consideration to Approve a Purchase Order with Reliable Fence to Install Two Feet of Wrought Iron Fencing on Top of Existing Wall at Police Department**Page 2 of 2

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**ANALYSIS:**

The Project Consists of:

- Installing 566' lineal feet of two foot high, black, curved spear point style ornamental iron fence on top of the existing block wall; and
- Extending the height of the existing gates as needed; and
- Painting the existing rolling gates black.

The additional fencing to existing wall will bring the height of wall to approximately eight feet (currently six feet).

Due to the urgency and immediate need to improve the safety and security of the Police facility, staff recommends waiving formal bid requirements and accepting the informal competitive process.

**BUDGET IMPACT:**

Funds for this project were not originally included in the FY 2017-2018 Adopted budget. Adopting Resolution No. 7810 (Attachment "A") will authorize staff to appropriate \$30,000 in the Police Department- Patrol budget (001-225).

**CONCLUSION:**

In an effort to keep all Police Department employees (sworn and non-sworn) safe in their daily efforts to keep the residents of the City safe, staff recommends City Council waive formal bid requirements and approve a purchase order with Reliable Fence to install two feet of wrought iron fencing on top of existing wall at the Police Station.

**ATTACHMENT:**

A. Resolution No. 7810



**ATTACHMENT "A"****RESOLUTION NO. 7810****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN FERNANDO, CALIFORNIA, AMENDING THE BUDGET  
FOR THE FISCAL YEAR 2017-18 ADOPTED ON JUNE 19,  
2017**

**WHEREAS**, the City of Council has received and considered the proposed adjustment to the budget for Fiscal Year 2017-18, commencing July 1, 2017, and ending June 30, 2018; and

**WHEREAS**, the City Council has determined that it is necessary to amend the revenues and expenditures of the current City budget; and

**WHEREAS**, the City's Police Department will increase the height of fence surrounding patrol car parking lot for security purposes; and

**WHEREAS**, an annual budget for the City of San Fernando for the Fiscal Year beginning July 1, 2017 and ending June 30, 2018, a copy of which is on file in the City Clerk's Office, was adopted on June 19, 2017.

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

**Section 1.** The following adjustments are made to the City Budget:

GENERAL FUND: Police Department – Patrol: Facility Maintenance Charge (225):

Increase in Expenditures	\$30,000
001-225-0000-4743	

GENERAL FUND: Facility Maintenance: Building Maintenance Repairs (043):

Increase in Expenditures	\$30,000
043-390-0000-4330	

GENERAL FUND: Facility Maintenance Fund: Facilities Maintenance Charge (043):

Increase in Revenues	\$30,000
043-3953-0000	

**PASSED, APPROVED, AND ADOPTED** this 21<sup>st</sup> day of August, 2017.

---

Sylvia Ballin, 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 21<sup>st</sup> day of August, 2017, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

---

Elena G. Chávez, City Clerk



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## MEMORANDUM

**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Nick Kimball, Interim City Manager  
By: Anthony Vairo, Police Chief  
Nichole Hanchett, Police Lieutenant

**Date:** August 21, 2017

**Subject:** Consideration to Approve the Purchase of Two 2017 Ford Police Interceptor Utility Vehicles

**RECOMMENDATION:**

It is recommended that the City Council:

- a. Approve a Purchase Order with Wondries Fleet Group for the purchase of two (2) 2017 Ford Police Interceptor Utility Vehicles (Attachment "A"), in the amount of \$27,889 each (total of \$55,778), not to exceed \$64,000, including sales tax, registration, and delivery charges, under the Cooperative Purchase Provision of the Los Angeles County contract #17361672-1 (Attachment "B"); and
- b. Authorize the City Manager to execute the Purchase Order.

**BACKGROUND:**

1. The City has established a four-year rotation for emergency police vehicles to maximize their useful lives.
2. The new vehicles will replace two 2009 Ford Crown Victoria police vehicles, with high mileage.
3. Funds were allocated in the Fiscal Year (FY) 2017-2018 budget to purchase the two police vehicles.

**ANALYSIS:**

The City elected to purchase the vehicles by piggybacking on a competitively bid contract between the County of Los Angeles and Wondries Fleet Group (Contract #17361672-

**Consideration to Approve the Purchase of Two New 2017 Emergency Police Vehicles**Page 2 of 2

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1). Purchasing the vehicles in this manner is in accordance with the City's Purchasing Ordinance, which authorizes cooperative purchasing through piggybacking. In accordance with the provisions of the Purchasing Ordinance, the vehicles are being offered by the vendor at the same terms, conditions and price as described in the contract with the County of Los Angeles.

**BUDGET IMPACT:**

Funding is included in the FY 2017-2018 Adopted Budget (2017 Ford Police Utilities Equipment Replacement Fund – ERF, Fund 041-225-0000-4500).

**CONCLUSION:**

The Police Department needs to replace two 2009 patrol vehicles as they have exceeded their useful life. Staff recommends that the City Council authorize the purchase of the two new vehicles.

**ATTACHMENTS:**

- A. Wondries Fleet Group Quotation
- B. Los Angeles County Contract #17361672-1

**FLEET GROUP**

1247 W. Main Street, P.O. Box 3850, Alhambra, CA 91803  
626/457-5590 626/457-5593 Fax

August 15, 2017

Lieutenant Nichole Hanchett  
San Fernando Police Dept.  
910 First St  
San Fernando, CA 91340-2992  
Delivery Via Email

Dear Lt. Hanchett,

In response to your inquiry, we are pleased to submit the following for your consideration:

Wondries Fleet Group will sell, service and deliver at San Fernando, new/unused 2017 Police Interceptor Utilities responding to your requirement with the attached specifications for \$ 27,889.00 plus State Sales Tax, and \$8.75 tire tax (non-taxable). These vehicles are available under the Los Angeles County PO# 17361672-1. Pricing includes black and white paint.

Terms are net 30 days. Delivery is 90-120 days.

Sincerely

A handwritten signature in black ink, appearing to read "John Oviyach".

John Oviyach  
Wondries Fleet Group



# POLICE INTERCEPT

EXTERIOR  
SHADOW BLACK  
INTERIOR  
EBONY CLOTH FRT/VINYL REAR

2017 UTILITY AWD  
112.6" WHEELBASE  
3.7L V6 TWIN ENGINE  
6-SPEED AUTO TRANSMISSION

HG C57205

STANDARD EQUIPMENT INCLUDED AT NO EXTRA CHARGE

EXTERIOR	
18" HD STEEL WHEELS	
18" WHEEL HUB CAPS	
245/65R18 A/S POLICE TIRES	
DUAL EXHAUST SYSTEM	
DUAL POWER MIRRORS	
EASY FUEL CAPLESS FILLER	
FULL SIZE 18" SPARE W/TIRMS	
GRILLE - BLACK	
KEY LOCKS (DR/PASS/LTGT)	
PRIVACY GLASS 2ND/3RD ROW	
INTERIOR	
1 TOUCH UP/DOWN DR/PASS WIN	
60/40 SPLIT VINYL REAR	
AC W/ANNUAL CLIMATE	
CONTR. SINGLE ZONE	
BLACK VINYL FLOOR COVERING	
CER. 100 SPEEDOMETER	
CLOTH BDO SPECT FRONT SEATS	
CONSOLE MOUNTED PLATE	
ENGINE HOUR METER	
MANUAL PASS SEAT - 2nd ROW	
PWR DR SEAT/6 WAY/M LUMBAR	
RED / VINYL DOME LAMP	
TILT STEERING W/AL / CRUISE	
& AUDIO CONTROLS	
UNIVERSAL TOP TRAY	
FUNCTIONAL	
ALL WHEEL DRIVE SYSTEM	
220 AMP ALTERNATOR	
AM/FM SINGLE CD/MP3, 6SPKR	
COLUMN MOUNTED SHIFTER	
ENGINE OIL COOLER	
HEAVY DUTY 78-AMP BATTERY	
HEAVY DUTY SUSPENSION	
INTERIOR TRUNK/LIFTGATE	
RELEASE	
POLICE BRAKES: 4 WHL DISC	
W/ABS & TRACTION CONTROL	
POWER LOCKS AND WINDOWS	
POWER STEERING W/EPAS	
REAR VIEW CAMERA	
TRANSMISSION OIL COOLER	
SAFETY/SECURITY	
75 MPH REAR-CRASH TESTED	
ADVANCETRAC WITH RSC	
AIRBAGS - FRONT AND SIDE	
AIRBAGS - SAFETY CANOPY	
PERSONAL SAFETY SYSTEM	
SOS POST CRASH ALERT SYS	
TIRE PRESSURE MONITOR SYS	
WARRANTY	
3YR/36K MILE WARRANTY	

INCLUDED ON THIS VEHICLE	
OPTIONAL EQUIPMENT/OTHER	
004-388H02/25/16CA	
PREMIUM SINGLE CD W/ MP3	50.00
ARGO DOME LAMP - RED/WHITE	25.00
REAR DOOR POWER WINDOW DELETE	25.00
CALIFORNIA EMISSIONS SYSTEM	NO CHARGE
COURTESY LAMP - DISABLE	20.00
DRIVER AND PASS LED SPOT LAMP	620.00
KEYED ALIKE - KEY CODE B	50.00
NOISE SUPPRESSION BOND STRAPS	100.00
ONFNG AUDIO CTRLS LESS VOICE	155.00
REAR DR HNDL AND LOCKS INOIPR	35.00
REFLECTOR PLATE	335.00
REVERSE SENSING SYSTEM	275.00
FRONT HEADLAMP HOUSING ONLY PKG	125.00
REAR TAILLAMP HOUSING	60.00
VIEW MIRROR W/REAR CAMERA	NO CHARGE
FRONT LICENSE PLATE BRACKET	NO CHARGE

PRICE INFORMATION	
BASE PRICE	\$31,510.00
TOTAL OPTIONS/OTHER	1,850.00
TOTAL VEHICLE & OPTIONS/OTHER	33,360.00
DESTINATION & DELIVERY	945.00

(MSRP)

RAMP ONE	CH27	TOTAL MSRP	\$34,305.00
RAMP TWO	CH27		
METHOD OF TRANSP.	CONVOY		

SPECIAL ORDER	
ITEM #	71-S208 O/T 5B
FINAL ASSEMBLY PLANT	CHICAGO
This label is affixed pursuant to the Federal Automobile Information Disclosure Act. Gasoline, License, and Title Fees, State and Local taxes are not included. Dealer installed options or accessories are not included unless listed above.	

(MSRP)

04/25/2017





LOS ANGELES COUNTY  
SHERIFF  
PURCHASE ORDER

T80018



FOR VENDOR PAYMENT INQUIRIES PLEASE REFER TO <a href="https://lacovss.lacounty.gov/LoginExternal/Pages/lacovss-dept-contacts.pdf">https://lacovss.lacounty.gov/LoginExternal/Pages/lacovss-dept-contacts.pdf</a>				ORDER NUMBER DPO-SH-17361672-1		AWARD DATE 03/17/17	
BILL TO:  SHERIFF COMM & FLEET MGMT BUREAU 15757 1104 N. EASTERN AVENUE DOOR #50 LOS ANGELES CA 90063				ALL ITEMS AND CONDITIONS IN THE SOLICITATION ARE PART OF THIS ORDER AS IF FULLY REPRODUCED HEREIN.			
				ADDRESS ALL INQUIRIES AND CORRESPONDENCE TO: Contact : Anet Charbakhsh Phone : 323-267-2215 Email : acharbakhsh@isd.lacounty.gov			
VENDOR NAME, STREET, CITY, STATE, ZIP CODE:  BOB WONDRIES FORD 400 S. ATLANTIC BLVD. P.O. BOX 1131 ALHAMBRA CA 91801-3642				SHIP FOB DESTINATION TO: (UNLESS SPECIFIED ELSEWHERE)  COMM & FLEET MGMT BUREAU 15757 1104 N. EASTERN AVENUE DOOR #50 LOS ANGELES CA 90063 PROCUREMENT FOLDER : 1184189			
				CONTACT FOR DELIVERY INSTRUCTIONS (NAME, TELEPHONE) COMM AND FLEET MGMT BUREAU			
DELIVERY DATE 10/27/17		FOB POINT FOB Destination, Freight Prepaid and Allowed		AGENCY REQ. NUMBER 15757/5		CONTRACT NUMBER	
						TOTAL AMOUNT OF ORDER \$13,006,561.76	
DATE PRINTED 03/17/2017		VENDOR NO. 042117		TERM 1 PROMPT PAYMENT TERM DISCOUNT: 0.00 DAYS: 30		TERM 2 DISCOUNT: 0.00 DAYS: 0	
				TERM 3 DISCOUNT: 0.00 DAYS: 0		TERM 4 DISCOUNT: 0.00 DAYS: 0	
LINE NO.	COMMODITY/SERVICE DESCRIPTION			QUANTITY	UOM	UNIT PRICE	EXTENDED AMOUNT
1	NOTICE TO VENDORS: ALL ITEMS LISTED ON VENDOR PACKING SLIPS AND INVOICES MUST REFLECT THE CORRESPONDING PURCHASE ORDER COMMODITY LINE NUMBER. ALSO, THE ORDER NUMBER MUST BE REFERENCED ON ALL PACKING SLIPS AND INVOICES.  COMMODITY CODE: 070-42-00-0000000 SUPPLIER PART NO: SALES TAX AMOUNT:  STOCK ITEM DESCRIPTION:  DESCRIPTION: MAKE/MODEL: 2017 FORD K8A 9W VEHICLE - SUV, AWD, B&W, SHERIFF'S HIGH SPEED PURSUIT, POLICE PACKAGE, 3.7 LITER / V-6 ENGINE, W/ FRONT DOOR BALLISTIC PANELS - PER THE ATTACHED SPECIFICATIONS LABELED EXHIBIT A.  DEPARTMENT NOTE (LINE 1 ONLY): If payment is made within 30 days, a discount of 10%			300.00000	EA	\$39,858.810000	\$11,957,643.00 \$1,046,293.76
LA County is pleased to provide online access to the new Vendor Self-Service (VSS) Portal: <a href="http://lacovss.lacounty.gov">http://lacovss.lacounty.gov</a> Go to the portal home page to find out more about the benefits to vendors who do business with the County.							
COUNTY OF LOS ANGELES CA 03/22/2017							

PRICE SHEET		PURCHASE ORDER			
		ORDER NO: DPO-SH-17361672-1			
VENDOR NO: 042117					Page
VENDOR: BOB WONDRIES FORD					2
LINE NO.	COMMODITY/SERVICE DESCRIPTION	QUANTITY	UOM	UNIT PRICE	EXTENDED AMOUNT
2	<p>per vehicle may be deducted.</p> <p>TERMS AND CONDITIONS IN ACCORDANCE WITH SOLICITATION # RFB-IS-17200882</p> <p>COMMODITY CODE: 070-42-00-0000000</p> <p>SUPPLIER PART NO:</p> <p>SALES TAX AMOUNT:</p> <p>DESCRIPTION:</p> <p>TIRE TAX (\$1.75 PER TIRE (5 TIRES PER VEHICLE) x 300 VEHICLES)</p> <p>DEPARTMENT NOTE (LINE 1 ONLY): If payment is made within 30 days, a discount of 10% per vehicle may be deducted.</p> <p>Prices are exclusive of federal excise tax. Exempt Certificate No. 95 7400 14K.</p> <p>Prices, terms and conditions are in accordance with Solicitation RFB-IS-17200882 (Lines 1 &amp; 2).</p> <p>Delivery: 90 - 180 Days ARO</p> <p>REFERENCE:</p> <p>DRQN # 17002447</p> <p>FA APPROVAL CODE: 17FXLC046</p> <p>FUND: A01</p> <p>UNIT: 15757/55573 LAC-CAL</p> <p>OBJECT CODE: 6049-60D (FIXED ASSET)</p> <p>ACTIVITY CODE: OLCL</p> <p>FUNCTION CODE: TSD</p> <p>TERMS AND CONDITIONS IN ACCORDANCE WITH SOLICITATION # RFB-IS-17200882</p>	1,500.000000	EA	\$1.750000	\$2,625.00 \$0.00



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## AGENDA REPORT

**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Elena G. Chávez, City Clerk

**Date:** August 21, 2017

**Subject:** Consideration to Adopt an Ordinance to Move the Date of General Municipal Elections from March of Odd-Numbered Years to November of Even-Numbered Years Beginning November 6, 2018 and to Adopt a Resolution Amending the City Budget to Appropriate Funding for the Cost of Issuing a Notice to City Voters Regarding the Election Date Change

### RECOMMENDATION:

It is recommended that the City Council:

- a. Adopt, by title only and waive full reading, Ordinance No. 1668 (Attachment "A"), "An Ordinance of the City Council of the City of San Fernando Repealing Ordinance No. 1452 and Moving the Date of General Municipal Elections from the First Tuesday after the First Monday in March of Odd-Numbered Years to the First Tuesday after the First Monday in November of Even-Numbered Years Beginning November 6, 2018"; and
- b. Adopt Resolution No. 7809 (Attachment "B") amending the City budget to appropriate \$7,000 for the cost of preparing and issuing a bilingual notice to City voters regarding the election date change.

### BACKGROUND:

1. On September 1, 2015, Governor Jerry Brown signed Senate Bill 415 (SB 415) into law which prohibits a local government (such as the City of San Fernando) from holding an election on any date other than a statewide election date, if doing so in the past has resulted in turnout that is at least 25% below the average turnout in that jurisdiction in the last four statewide general elections. Elections Code § 14052(b) allows the City to hold elections on dates other than statewide election dates, after January 1, 2018, if it adopts a plan to consolidate future elections with statewide elections not later than the November 8, 2022 statewide general election.
2. On June 6, 2016, the City Council directed staff to report back with a resolution for a plan to consolidate with the statewide general election cycle no later than November 8, 2022.

**Consideration to Adopt an Ordinance to Move the Date of General Municipal Elections from March of Odd-Numbered Years to November of Even-Numbered Years Beginning November 6, 2018 and to Adopt a Resolution Amending the City Budget to Appropriate Funding for the Cost of Issuing a Notice to City Voters Regarding the Election Date Change**

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3. On July 18, 2016, the City Council adopted Resolution No. 7754 which set forth the City's plan to begin holding its elections on the first Tuesday after the first Monday in November no later than November 8, 2022. Also, staff would bring back an ordinance for City Council consideration that would indicate future election dates.
4. On July 17, 2017, the City Council considered approval of Ordinance No. 1667 to begin holding its elections on the November statewide election date beginning on November 8, 2022. The motion to introduce the ordinance failed and staff was directed to bring back an ordinance for City Council consideration that would accelerate the election date change beginning November 6, 2018.
5. On August 7, 2017, the City Council introduced for first reading Ordinance No. 1668 moving the date of the General Municipal Election from March of odd-numbered years to November of even-numbered years beginning November 6, 2018.

**ANALYSIS:**

In California, general law cities, such as the City of San Fernando, are obligated to conduct general and special municipal elections in accordance with the California Elections Code (Elections Code §§ 10101-10312). The City currently conducts its elections on the first Tuesday after the first Monday in March in each odd-numbered year, pursuant to City Council Ordinance No. 1452 and Elections Code § 1301.

SB 415 prohibits the City from holding an election on other than a statewide election date if holding an election on a "nonconcurrent date" (i.e., election date other than November of even-numbered years) has previously resulted in turnout that is at least 25% less than the average voter turnout within that political subdivision for the previous four statewide general elections (i.e., 42.83% threshold for San Fernando).

Proposed Ordinance No. 1668 will: repeal Ordinance No. 1452 (elections held in March of odd-numbered years); rescind Resolution No. 7754 (the City's plan to consolidate with statewide general elections by November 2022); move the date of the General Municipal Elections to the first Tuesday after the first Monday in November of even-numbered years beginning November 6, 2018; and make corresponding amendments to elected official terms.

Upon adoption by the City Council, the proposed Ordinance would require approval from the Los Angeles County Board of Supervisors and become operative upon their approval, per Elections Code § 1301(b).

**Consideration to Adopt an Ordinance to Move the Date of General Municipal Elections from March of Odd-Numbered Years to November of Even-Numbered Years Beginning November 6, 2018 and to Adopt a Resolution Amending the City Budget to Appropriate Funding for the Cost of Issuing a Notice to City Voters Regarding the Election Date Change**

Page 3 of 3

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**BUDGET IMPACT:**

A budget amendment is required to appropriate necessary funds (\$7,000) related to issuing a notice to each registered City voter that the election date has changed, per Elections Code §10403.5(e).

**CONCLUSION:**

It is recommended that the City Council adopt Ordinance No. 1668 to move the date of the General Municipal Elections to November of even-numbered years beginning November 6, 2018 and adopt Resolution No. 7809 amending the Fiscal Year 2017-2018 City Budget to appropriate \$7,000 for the cost of preparing and issuing a notice to City voters regarding the election date change.

**ATTACHMENTS:**

- A. Ordinance No. 1668
- B. Resolution No. 7809

**ATTACHMENT “A”****ORDINANCE NO. 1668****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, REPEALING ORDINANCE NO. 1452 AND MOVING THE DATE OF GENERAL MUNICIPAL ELECTIONS FROM THE FIRST TUESDAY AFTER THE FIRST MONDAY IN MARCH OF ODD-NUMBERED YEARS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EVEN-NUMBERED YEARS BEGINNING NOVEMBER 6, 2018**

**WHEREAS**, general law cities, such as the City of San Fernando (the “City”), are obligated to conduct general and special municipal elections in accordance with the California Elections Code (the “Elections Code”), per Elections Code Section 10101, et seq.;

**WHEREAS**, the City currently conducts its general elections on the first Tuesday after the first Monday in March in each odd-numbered year, pursuant to City Council Ordinance No. 1452 and Elections Code Section 1301;

**WHEREAS**, on September 1, 2015, Governor Jerry Brown signed Senate Bill 415 (“SB 415”) into law;

**WHEREAS**, commencing January 1, 2018, SB 415 prohibits the City from holding an election on any date other than a statewide election date, as doing so in the past has resulted in turnout that is at least twenty-five percent (25%) below the average turnout in that jurisdiction in the last four statewide general elections;

**WHEREAS**, Section 14052(b) of the Elections Code allows the City to hold elections on dates other than statewide election dates, after January 1, 2018, if it adopts a plan to consolidate futures elections with statewide elections no later than the November 8, 2022 statewide general election;

**WHEREAS**, on July 18, 2016, the City adopted Resolution No. 7754, which set forth the City’s intention and plan to begin holding its elections on the first Tuesday after the First Monday in November no later than November 8, 2022; and

**WHEREAS**, on July 17, 2017, the City Council conducted a public hearing and considered approval of an ordinance to begin holding its elections on the November statewide election date beginning on November 8, 2022. After discussion, the City Council directed staff to accelerate the switch to statewide election dates and to prepare an ordinance for City Council consideration to switch to statewide election dates beginning with the November 6, 2018 election.

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



**SECTION 1.** The facts set forth in the recitals above are true and correct and incorporated herein by reference.

**SECTION 2.** Ordinance No. 1452 is hereby repealed and rescinded in its entirety and superseded by this Ordinance No. 1668.

**SECTION 3.** Resolution No. 7754 is hereby repealed and rescinded in its entirety.

**SECTION 4.** Pursuant to Elections Code Section 1301 and in compliance with SB 415, general municipal elections for the City of San Fernando are hereby moved from the first Tuesday after the first Monday in March of odd-numbered years to the first Tuesday after the First Monday in November of even-numbered years, commencing November 6, 2018. In recognition of the foregoing and subject to approval of this ordinance and the proposed change of election date contemplated herein by the Los Angeles County Board of Supervisors, Division 3 of Chapter 2 (Administration) of the San Fernando Municipal Code, which is currently designated as “Reserved” is hereby amended in its entirety to now state the following,

**Division 3. - General Municipal Elections.**

**2.91 Date of General Municipal Elections; Consolidation with County.**

- (a) The city shall hold its general municipal elections on the first Tuesday after the first Monday in November of each even-numbered year, commencing with a general municipal election to be held on November 6, 2018.
- (b) General municipal elections held pursuant to this Section be consolidated with the concurrent statewide election of the same date administered by the Registrar-Recorder for the County of Los Angeles unless the County Board of Supervisors denies such consolidation pursuant to Elections Code Section 10402.5. In the event the County Board of Supervisors denies consolidation in any given year, the City reserves the right to administer the election on its own, through the office of the City Clerk, or in cooperation with any other public agency to the extent authorized by law.

**SECTION 5.** In order to accommodate the new election schedule, the terms for City elected officials who were victorious at elections in 2015 and 2017 shall be subject to a reduction of approximately four months from terms of office as follows:

	<b>Elected (by standard odd-year municipal election)</b>	<b>Original End of Term</b>	<b>New End of Term Due to SB 415</b>
Councilmember 1	March 2015	March 2019	November 2018
Councilmember 2	March 2015	March 2019	November 2018
Councilmember 3	March 2015	March 2019	November 2018
Councilmember 4	March 2017	March 2021	November 2020
Councilmember 5	March 2017	March 2021	November 2020

**SECTION 6.** In accordance with Elections Code Section 10403.5(b), this Ordinance shall cause no elected city terms of office to be increased or decreased by more than twelve (12) months.

**SECTION 7. Inconsistent Provisions.** Any provision of the San Fernando City Code or appendices thereto that conflicts with the provisions of this Ordinance, to the extent of such conflict and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

**SECTION 8. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

**SECTION 9. Publication.** The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in a newspaper of general circulation within fifteen (15) days after its adoption.

**SECTION 10. Effective Date/Operative Date.** This Ordinance shall become effective thirty (30) days after a second reading and adoption. This Ordinance shall become operative upon approval by the Los Angeles County Board of Supervisors, per Elections Code Section 1301(b).

**SECTION 11.** The City Clerk is directed to forward without delay to the County of Los Angeles Board of Supervisors and to the County of Los Angeles Registrar/Recorder/ County Clerk, each a certified copy of this Ordinance.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of San Fernando at its regular meeting on this 21<sup>st</sup> day of August, 2017.

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Sylvia Ballin, Mayor

**ATTEST:**

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Elena G. Chávez, City Clerk

**APPROVED AS TO FORM:**

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Rick R. Olivarez, 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 above and foregoing Ordinance No. 1668 was introduced at the regular meeting of the City Council held on the 7<sup>th</sup> day of August 2017, and thereafter at the regular meeting of said City Council, duly held on the 21<sup>st</sup> day of August 2017, was passed and adopted by the following votes to wit:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

---

Elena G. Chávez, City Clerk

**ATTACHMENT "B"****RESOLUTION NO. 7809****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN FERNANDO, CALIFORNIA, AMENDING THE BUDGET  
FOR THE FISCAL YEAR 2017-18 ADOPTED ON JUNE 19, 2017**

**WHEREAS**, the City Council has received and considered the proposed adjustment to the budget for Fiscal Year 2017-18, commencing July 1, 2017, and ending June 30, 2018; and

**WHEREAS**, the City Council has determined that it is necessary to amend the revenues and expenditures of the current City budget; and

**WHEREAS**, an annual budget for the City of San Fernando for the Fiscal Year beginning July 1, 2017 and ending June 30, 2018, a copy of which is on file in the City Clerk's Office, was adopted on June 19, 2017.

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

**Section 1.** The following adjustments are made to the City Budget:

GENERAL FUND: City Clerk Election Division (116):

Increase in Expenditures	\$7,000
001-116-0000-4230	

**PASSED, APPROVED, AND ADOPTED** this 21<sup>st</sup> day of August, 2017.

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Sylvia Ballin, 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 21<sup>st</sup> day of August, 2017, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

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Elena G. Chávez, City Clerk

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## AGENDA REPORT

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**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Nick Kimball, Interim City Manager  
By: Virginia Diediker, Cultural Arts Supervisor

**Date:** August 21, 2017

**Subject:** Consideration to Approve Site for 2018 Open Streets Grant

### RECOMMENDATION:

It is recommended that the City Council approve the site for the March 31, 2018 Metro Open Streets Event.

### BACKGROUND:

1. On June 26, 2014, Metro approved \$3.7 million in grants for 'Open Streets' events throughout Los Angeles County.
2. On March 16, 2016, Metro approved the award of up to \$2 million in grant funding for CYCLE 2 Open Street events around Los Angeles County.
3. On May 12, 2016, the City of San Fernando submitted an application to fund a Healthy San Fernando Open Streets Event.
4. On September 22, 2016, Metro awarded funding for 17 new Open Street events, which included the City of San Fernando.
5. On December 15, 2016, the City of San Fernando released a Request for Proposal (RFP) for Open Street Event Management Services.
6. In January 2017, the RFP for Open Street Event Management was awarded to Evans Brooks and Associates.
7. In January 2017, the City received notification that Metro began finalizing the Open Streets Grant agreements with established routes of closed streets (Attachment "A").
8. In July 2017, March 31, 2018 was the suggested Metro Open Streets event date due to the availability of the Metro Calendar of scheduled Open Streets Events (Attachment "B").

**Consideration to Approve Site for 2018 Open Streets Grant**Page 2 of 3

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**ANALYSIS:****“Open Streets”**

The Open Streets initiatives temporarily close streets to automobile traffic to open them to cyclists, pedestrians and other modes of non-motorized transportation. Open Streets have quickly become one of the most innovative advancements in the livable cities movement. They are an increasingly common strategy in regions that are seeking innovative ways to encourage a shift to sustainable modes of transportation, help reduce traffic congestion, and achieve public health improvement. Many North American Open Streets initiatives draw inspiration from those held in Central and South America, where they are called “ciclovías.” The term, which translates to English as “bike path,” was coined in Bogotá, Colombia, where the model Ciclovía initiative was initiated in 1974. CicLAvia in the City of Los Angeles is a local example of an Open Street event that has been ongoing since 2010.

**Metro Open Streets Program Grant**

In September 2013, Metro approved \$3.7 million for the Open Streets Competitive Grant Program framework to fund a series of regional car-free events in response to the June 2013 Board Motion 72. The goals of the Open Streets Grant Program is to provide opportunities for: 1) riding transit, walking and riding a bike, possibly for the first time; 2) encourage future shifts to more sustainable transportation modes; and for 3) civic engagement to foster the development of multi-modal policies and infrastructure at the city/community level.

The cities that received funding in Cycle 1 included: Carson, Culver City, Downey, El Monte, Huntington Park, Lawndale, Long Beach, Los Angeles, Los Angeles County, Pasadena, Santa Monica and South Pasadena. Metro awarded Cycle 2 funding for 17 Open Street events, including: Burbank, Los Angeles, Glendale, Baldwin Park, Downey, Culver City, Long Beach, San Dimas, and the City of San Fernando.

**Healthy San Fernando Open Streets Event (HSFOSE)**

The HSFOSE will turn four miles of public streets into an urban playground by closing streets to allow for the community to walk or ride bikes. The HSFOSE will include five zones or destination “legs”; including bike and pedestrian safety training, physical activity challenges, an art walk, *Refuel Right* nutrition demos, and active transportation awareness. It will include local merchants, non-profit/faith-based organizations, private corporations, and collaboration with the City of Los Angeles. The existing route will extend south to the border of San Fernando and north to the San Fernando Metrolink Station. The route also allows for participants to enter/exit from all four corners of the City, effectively connecting Sylmar, Pacoima, and Mission Hills. In addition, the historic San Fernando Downtown District will serve as the central point of connectivity and activity.

**Consideration to Approve Site for 2018 Open Streets Grant**Page 3 of 3

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**BUDGET IMPACT:**

The estimated cost for the event is approximately \$178,800. The total grant amount awarded to the City of San Fernando is 148,800 and requires a 20% match (in-kind and local match accepted) and includes use of staff, waiving facility and permit fees, and fundraising efforts. All Public Works and Police staffing will be paid via grant funds and/or fundraising efforts for event expenses.

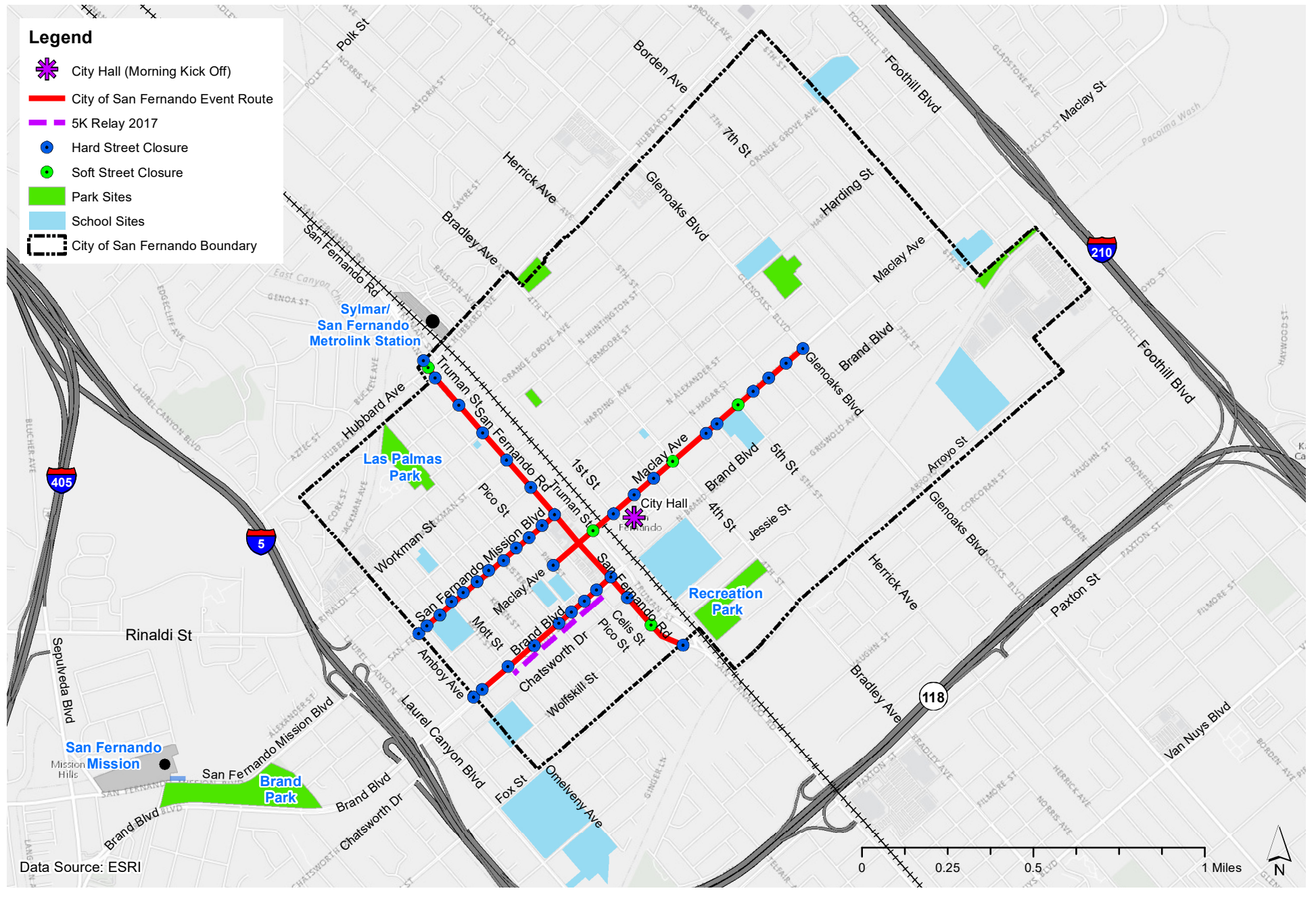
**CONCLUSION:**

It is recommended that the City Council approve the site for the March 31, 2018 Metro Open Streets Event. The Healthy San Fernando Open Streets Event will allow for the City of San Fernando to turn four miles of public streets into an urban playground for the community to enjoy. The event will include bike and pedestrian safety training, physical challenges, an art walk, nutrition demos, and active transportation awareness. All program elements will be funded entirely through grant funds and/or fundraising efforts.

**ATTACHMENTS:**

- A. Metro Open Streets Established Routes of Closed Streets
- B. Metro Master Calendar of 2017-2018 Open Streets Event Dates

# MAP 2 - San Fernando Open Streets Route Presented by Metro



	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18
Long Beach - Beach Streets	11/12																									
South Pasadena - 626 Golden Streets					3/5																					
Culver City - CicLAvia					3/26																					
Downey -Downey Ride and Stride							5/7																			
Glendale - Glendale Meets Atwater								6/11																		
Whittier - Walk and Roll Street Fest									7/16																	
Los Angeles - San Pedro Open Streets										8/13																
Vernon - River to Rail											9/3															
San Fernando - Healthy Open Street											9/24															
Los Angeles - HOLA 1												10/8														
Los Angeles - Iconic Wilshire														12/10												
Burbank - Burbank on the Boulevard																	3/4									
San Dimas - CicLAvia Route 66																		4/22								
West Hollywood - CicLAvia																			5/20							
Santa Monica - Coast																				6/3						
Baldwin Park - Pride of the Valley																							9/16			
Montebello - Cruising Whittier																								10/28		
Los Angeles - HOLA 2																										12/2

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## AGENDA REPORT

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**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Nick Kimball, Interim City Manager  
**By:** Anthony Vairo, Police Chief

**Date:** August 21, 2017

**Subject:** Crime Statistics Update

### **RECOMMENDATION:**

It is recommended that the City Council receive and file this report.

### **BACKGROUND:**

1. The Police Department traditionally provides an Annual Crime Statistics Update to the City Council and the public.
2. On June 6, 2016, a five-year analysis (January 2010 through April 2016) was presented to the City Council and the public of the Seven Major Offenses, which includes homicide, rape, robbery, assault, burglary, larceny and auto theft.
3. The Seven Major Offenses is a set of crimes used as a gauge for comparison of police agencies throughout the State of California and the United States.

### **ANALYSIS:**

It is important to provide the City Council and community with annual crime statistics to ensure they are informed about the Police Department's efforts to protect life and property of everyone in the City.

This presentation is intended to provide the crime trend analysis of the Seven Major Offenses that were committed in the City of San Fernando from January 2016 through July 2017.

### **ATTACHMENT:**

A. Presentation

ATTACHMENT "A"



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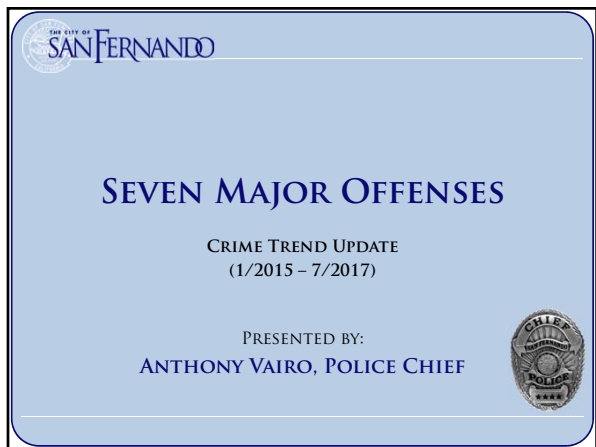
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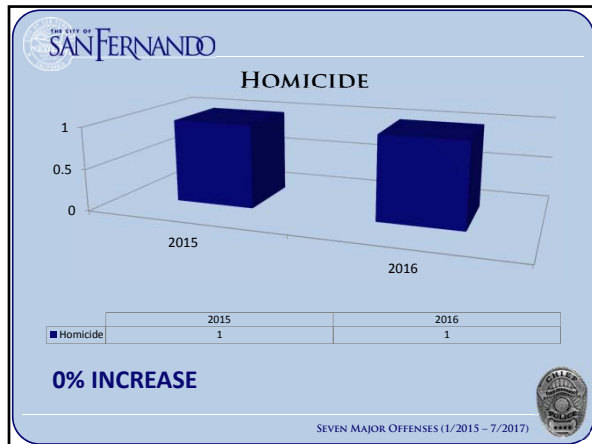
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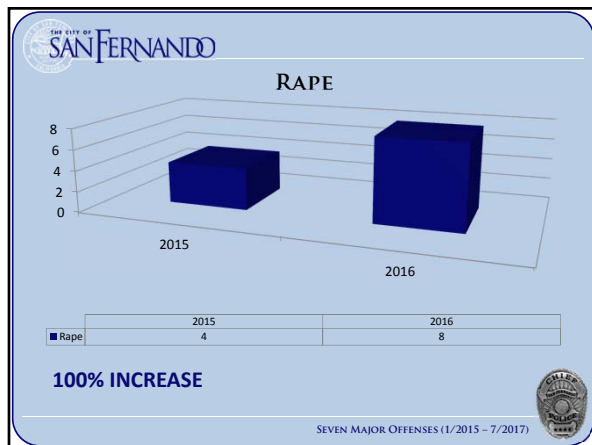
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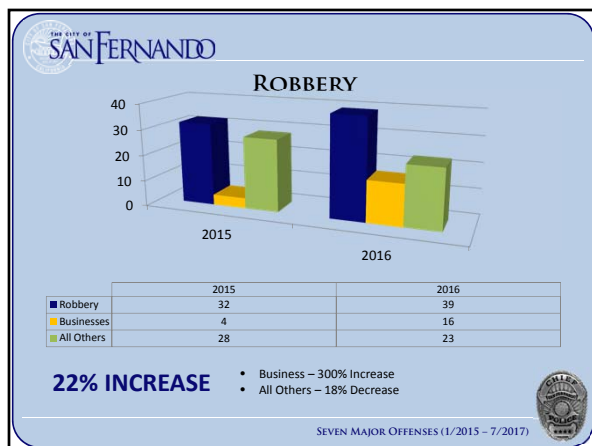
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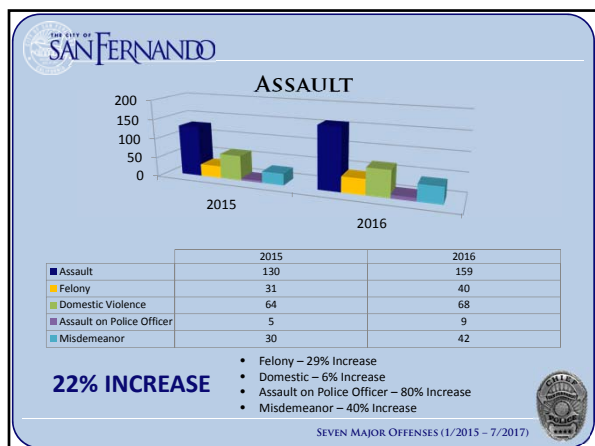
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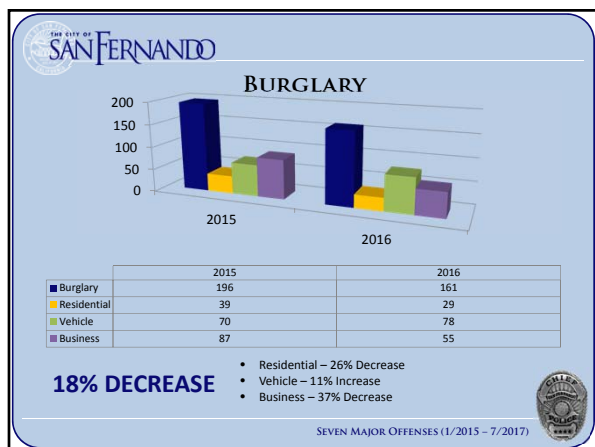
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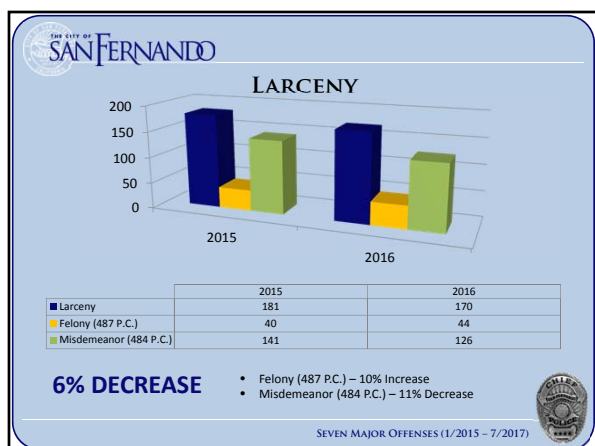
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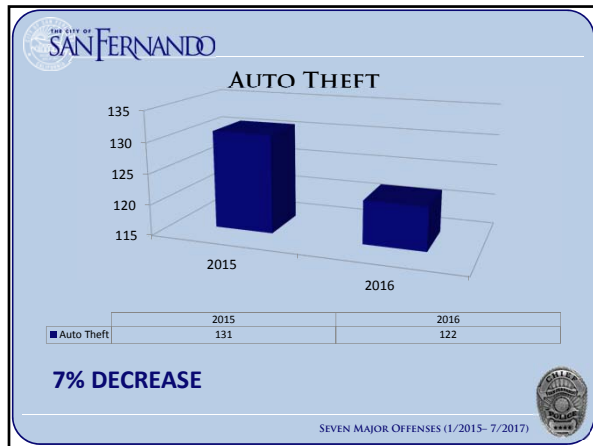
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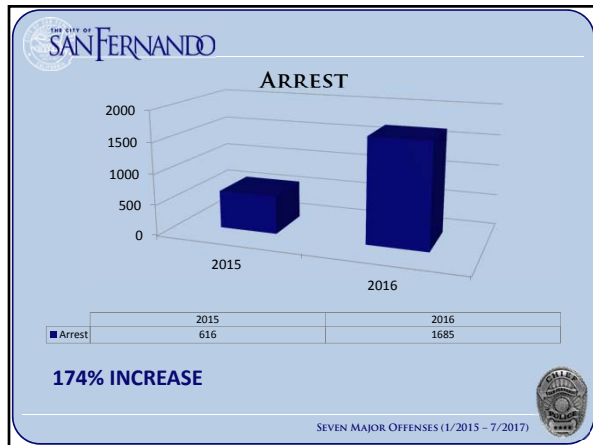
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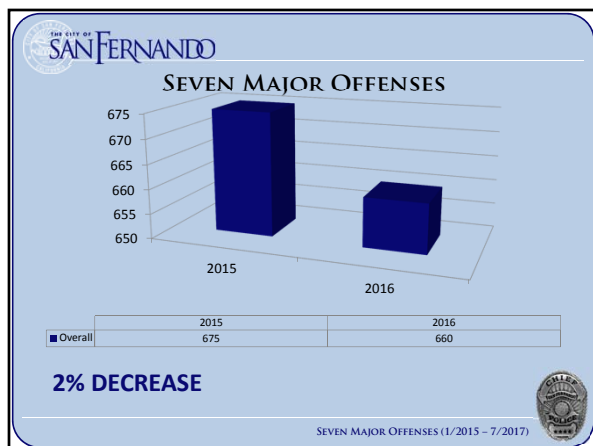
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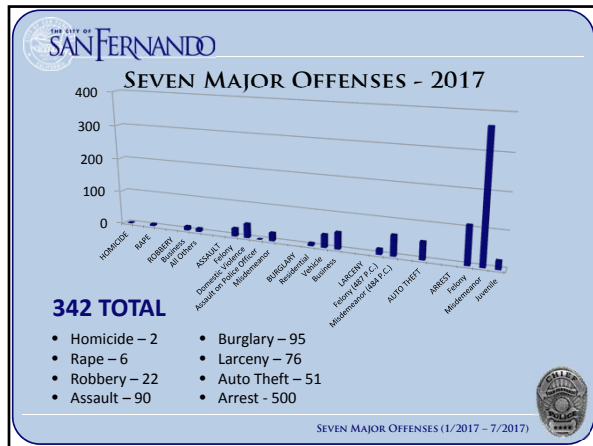
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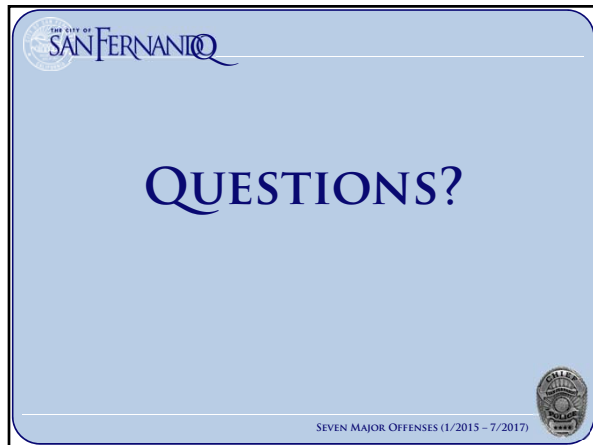
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## AGENDA REPORT

**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Nick Kimball, Interim City Manager  
Anthony Vairo, Police Chief

**Date:** August 21, 2017

**Subject:** Discussion on the Impacts of Assembly Bill 109, Proposition 47 and Proposition 57 and Consideration to Support the *Take Back Our Community* Effort

### RECOMMENDATION:

It is recommended that the City Council:

- a. Receive a presentation from staff regarding the impacts of Assembly Bill (AB) 109, Proposition 47 and Proposition 57; and
- b. Discuss the “*Take Back Our Community*” effort; and
- c. Provide direction as appropriate.

### BACKGROUND:

1. On May 23, 2011, the United States Supreme Court ruled that California must reduce overcrowding in State prisons to 137.5% of design capacity. Based on prison system capacity, the ruling meant that the State would have to reduce the prison population by more than 34,000 inmates.
2. In response, Governor Gerry Brown signed Assembly Bill 109 (“AB 109”) in 2011, referred to as Public Safety Realignment, to reduce prison overcrowding, costs, and recidivism. AB 109 diverted “low-level” offenders without current or prior violent offenses to **local** county facilities rather than state prison, which is now causing overcrowding in the local jails
3. In November 2014, California voters approved Proposition 47 (“Prop 47”), referred to as the Safe Neighborhoods and Schools Act, which re-categorized some non-violent offenses that had previously been categorized as felonies to misdemeanors, including, but not limited to, theft/theft with a prior, shoplifting, forgery/ fraud/ writing bad checks, and drug possession. It also allows for people currently incarcerated for crimes covered by the measure to petition for re-sentencing.

**Discussion on the Impacts of Assembly Bill 109, Proposition 47 and Proposition 57 and Consideration to Support the *Take Back Our Community* Effort**Page 2 of 4

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4. In November 2016, California voters approve Proposition 57 ("Prop 57"), referred to as the California Parole for Non-Violent Criminals and Juvenile Court Trial Requirements Initiative, which allows parole consideration for nonviolent felons, changes policies on juvenile prosecution, and authorizes sentence credits for rehabilitation, good behavior, and education.
5. Prop 57 allows the parole board to release nonviolent prisoners and gives them unlimited authority to grant credits to all criminals, regardless of the nature of their crime. Previously, prisoners were often required to serve extra time by a sentence enhancement, such as those for repeated offenders, but under Prop 57, the parole board has the authority to disregard a judges sentencing of a criminal, regardless of the State of California's mandated sentencing laws. Among the crimes that are classified by the State as "non-violent" include rape by intoxication, rape of an unconscious person, human trafficking involving sex act with minors, drive-by shooting, assault with a deadly weapon, hate crime causing physical injury, and corporal injury to a child.

**ANALYSIS:**

Over the past several years, State legislative changes have made fundamental alterations to the fabric of California's criminal justice system. Many of these changes have been necessary to address severe overcrowding in the prison population. However, the changes enacted by AB 109, Prop 47 and Prop 57 have created an environment in which violent and career criminals serve minimal prison time before being released back to the community.

As part of "Realignment," AB 109 transferred nearly 45,000 convicted felons from the State prison system to local jail facilities. Local jail facilities were not designed to house criminals on a long-term basis, they were designed to detain individuals for minor infractions or while awaiting trial. As the need for local facilities to house violent felons increases under AB 109, lower-level criminals deemed non-violent are quickly released back into the community.

On the heels of AB 109, Prop 47 downgraded a number of serious crimes from felonies to misdemeanors, effectively increasing the number of "low-level" criminals eligible to be released back into the community overnight. For example, a criminal can steal as many times as they like as long as the value of what is stolen during each incident is less than \$950. Additionally, possession of any illegal drug, including cocaine, heroin, and methamphetamine, has been reclassified to a misdemeanor. This has virtually eliminated the legal system's ability to compel addicts to enter drug rehabilitation programs.

Prop 57 further exacerbated the problem as it provides parole boards with more authority to reduce prison sentence for "non-violent" offenders. However, "non-violent" offenses now

**Discussion on the Impacts of Assembly Bill 109, Proposition 47 and Proposition 57 and Consideration to Support the *Take Back Our Community* Effort**Page 3 of 4

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include domestic violence, rape, corporal injury to a child, hate crime causing physical injury, and assault with a deadly weapon.

Although these reforms may have been well-intentioned, there have been significant and measurable negative impacts to public safety. In San Fernando, property related crimes increased by 32 % from 2010 -2015, decreased by 10% in 2016, and, to date, have remained flat in 2017.

The increase in crime has become an epidemic across California, prompting local agencies to compel State legislators to take action. Last week, the County of Los Angeles Board of Supervisors approved a motion to create a Blue Ribbon Commission on Public Safety consisting of members from law enforcement, regulatory bodies, service providers, and community based organizations to conduct a robust and in-depth analysis of specific strategies, challenges, and opportunities presented by AB 109, Prop 47, and Prop 57.

Additionally, the San Gabriel Valley City Managers and Police Chiefs have worked together to develop a strategy to *Take Back Our Community*, which has garnered support by the San Gabriel Valley Council of Governments (SGV COG). The *Take Back Our Community* program was developed to include the following components:

- Create consistent public outreach/educational material templates highlighting State legislative changes that have contributed to crime increases.
- Identify initial State legislative fixes that would support local public safety efforts to fight criminal activity.
- Establish mechanisms for the public to easily contact State legislative representatives to ask for support in improving California's criminal justice system.
- Create an ongoing coalition of cities that will consistently monitor and advocate for appropriate public safety State legislative changes.

*Take Back Our Community* is a three-point process whereby cities 1) provide background information on AB 109, Prop 47, and Prop 57 and how they changed the prison and justice systems, 2) provide community specific statistics to illustrate how these reforms have impacted public safety, and 3) provide tools for residents to take action and write letters to Legislators and Governors demanding action.

This initiative provides a roadmap for cities like San Fernando to inform residents and community members about the local impact on public safety resulting from state level reform efforts.

**Discussion on the Impacts of Assembly Bill 109, Proposition 47 and Proposition 57 and Consideration to Support the *Take Back Our Community* Effort**Page 4 of 4

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**BUDGET IMPACT:**

There is no fiscal impact associated with receiving this report. However, increased “low-level” crimes throughout the community will increase long-term costs through the need for additional resources to be allocated toward repeat offenders.

**CONCLUSION:**

Staff recommends that the City Council discuss the impacts of AB 109, Prop 47, and Prop 57 on the California prison and legal systems, the local impact on the City of San Fernando’s crime statistics, and support the *Take Back Our Community* effort being spearheaded by the SGV COG.

**ATTACHMENTS:**

- A. Sample Community Information Flyer for AB 109, Prop 47, and Prop 57
- B. Sample Description of AB 109 and Prop 47
- C. Sample Template to State Legislators

## WHAT YOU CAN DO...

*Only the State can make the criminal justice system changes needed to ensure that violent and career criminals are kept off of our streets, and getting educated about the facts is the first thing that you can do to make a difference.*

Certainly, not every crime deserves punishment through jail time. However, the changes made by AB 109, Prop 47, and Prop 57 have allowed violent and career criminals the opportunity to avoid either jail time or rehabilitative programs.

Based on the provisions of AB 109, Prop 47, and Prop 57, the definition of what constitutes a violent crime has been eroded, and in California today, the following crimes are classified as "non-violent:"

- Domestic violence
- Corporal injury to a child
- Rape
- Hate crime causing physical injury
- Assault with a deadly weapon

In addition, AB 109, Prop 47, and Prop 57 have created a criminal justice system that does not take into account an individual's criminal history, which has allowed career criminals the opportunity to avoid serving proper jail sentences.



*Violent and career criminals need to be held accountable and kept off our streets.*

To make our communities safer, the definition of what constitutes a violent crime in California needs to change. And an individual's criminal history should be taken into account when determining the appropriate punishment.

*But only the State can make these desperately needed changes.*



## CONTACT YOUR REPRESENTATIVES TODAY...

*Our State legislators can make the changes necessary to help protect our communities, and we need you to contact them to ask for their help in taking back our community!*

Visit the City's website today to find more facts about AB 109 / Prop 47 / Prop 57, letter templates, and additional information on the City's Taking Back our Community campaign.

Then, contact our State legislators and ask them to make the criminal justice system changes needed to ensure that violent and career criminals are kept out of our communities.

**Governor Jerry Brown**  
State Capitol, Suite 1173  
Sacramento, CA 95814  
Phone: (916) 445-2841  
Fax: (916) 558-3160



## THE CHALLENGE

Increased crime has been attributed to State legislative changes enacted through AB 109, Prop 47, and Prop 57.

## LAW ENFORCEMENT LIMITATIONS

AB 109, Prop 47, Prop 57, and other State-driven changes to our criminal justice system have placed limitations on law enforcement's ability to respond to increases in criminal activity.

## THE EFFECT

Communities are less safe given the changes made by AB 109, Prop 47, and Prop 57, which is reflected by increases in crime rates throughout the State of California.

**AB 109** transferred the responsibility of housing 45,000 criminals from State prison to local jail facilities. In order to house the violent criminals being transferred, local jail facilities were forced to release tens of thousands of lower-level convicted criminals back into our community, which has had the effect of increasing crime.

**Prop 47** was approved by 60% of voters in 2014, and changed the following crimes from felonies to misdemeanors:



- Shoplifting, theft, forgery / fraud where the value of the crime does not exceed \$950
- Possession of illegal drugs, including cocaine, heroin, and methamphetamine

### Under AB 109...

The responsibility of incarcerating criminals convicted of the certain serious felony violations was permanently transferred from State prisons to local jail facilities. And then, in order for local jails to make room to house the serious felons, lower-level criminals were released back into our communities.

### Under Prop 47...

Crimes that were previously classified as felonies are now misdemeanors.

Today, possession of illegal drugs is considered a misdemeanor. Additionally, criminals can steal as many times as they want and as long as each occurrence does not exceed \$950, the crime is considered a misdemeanor.

### Under Prop 57...

The State has been granted total authority to release anyone they want from prison, including those convicted of the following violent and serious crimes:

**RAPE BY INTOXICATION**  
**RAPE OF AN UNCONSCIOUS PERSON**  
**HUMAN TRAFFICKING INVOLVING SEX ACT WITH MINORS**  
**DRIVE-BY SHOOTING**  
**ASSAULT WITH A DEADLY WEAPON**  
**HATE CRIME CAUSING PHYSICAL INJURY**  
**CORPORAL INJURY TO A CHILD**

### The Result Has Been...

The limitations that these State legislative changes have placed on law enforcement means that the rights of victims have been eroded as criminal rights have been expanded. Because of these changes, in California today, violent criminals are able to avoid appropriate prison sentences, career criminals are able to avoid jail time, and our police have fewer tools to combat crime.

In , there was a sharp increase in violent and property crimes in 2016 when compared against 2015 levels. The most significant increases were:



more larceny incidents



more burglary and attempted burglary incidents



more assault incidents



more rape and attempted rape incidents

All of this resulted in...

**MORE VICTIMS OF CRIME**

In California, crime rates have also sky-rocketed. A 2015-report released by former California Attorney General Kamala Harris depicted similar disturbing statistics of increasing crime in the State:

**166,588** victims of violent crimes.

Violent crimes include homicide, rape, assault. This represents a 10% increase (15,163 more victims) in violent crime.

**1,023,828** victims of property crimes.

Property crimes include burglary, car theft, and larceny. This represents an 8.1% increase (77,146 more victims) in property crimes.

It is clear that recent State legislative changes to our criminal justice system have resulted in the massive erosion of our ability to keep our communities safe.

### MISDEMEANOR



### FELONY

Misdemeanors are minor violations that must be observed by a law enforcement official in order for action to be taken.

Penalty is up to one year in jail, but most often results in probation with no jail time.

Criminals arrested for misdemeanor crime violations are typically released immediately with a citation to appear in court at a later date.

Felonies are the most serious kind of crime.

Penalty used to be jail time in State prison for more than one year.

Today, because of AB 109, some criminals with serious felony violations serve time in local jail facilities.

**Prop 57** allows the State the complete authority to release up to 30,000 inmates in California State prison back into our communities.

# ATTACHMENT "B"

## THE NEW CRIMINAL JUSTICE SYSTEM IN CALIFORNIA AB 109 / PROPOSITION 47 / PROPOSITION 57 FACT SHEET

### AB 109

AB 109 transferred nearly **45,000 felons** from the State prison system to local jail facilities. However, it is important to note that local jails were not designed to house criminals on a long-term basis. Rather, facilities built in local jurisdictions were intended to detain individuals on a short-term basis for minor infractions or while awaiting trial.

The approval of AB 109 has resulted in the ongoing transference of criminals that should be serving State prison sentences for felony convictions back to local jail facilities. However, local jail facilities were never designed to house violent criminals for extended periods of time, and were already overcrowded before AB 109 was approved. Given the need for local jurisdictions to now house violent felons, AB 109 has resulted in the release of tens of thousands of lower-level convicted criminals back into our community.

Ultimately, as a result of AB 109, while the State prison population has decreased, local jail facilities have seen an increase in the number inmates being incarcerated, resulting in lower-level criminals being released early. This has had a direct impact on rising property crime rates throughout the State.

### PROP 47

Proposition 47, called The Safe Neighborhoods and Schools Act, was approved by 60% of California voters in 2014. However, instead of keeping our neighborhoods and schools safe, approval of Proposition 47 actually served to reclassify and downgrade a number of serious crimes from felonies to misdemeanors.

Drug possession, repeated shoplifting, forging checks, gun theft, and possession of date-rape drugs – all of which were felonies before Proposition 47 was approved – are now classified in as misdemeanors.

The effects of Proposition 47 have been far reaching. Today, a criminal can steal as much and as many times as they like, and so long as the value of what is stolen during each theft is less than \$950, the violation is considered a misdemeanor. In addition, the possession of any illegal drug – including cocaine, heroin, and methamphetamine – has been reclassified as a misdemeanor violation, which has decimated the legal system's ability to compel addicts to enter drug rehabilitation programs.

#### POSSESSION OF DRUGS = MISDEMEANOR INFRACTION

- Possession of Methamphetamine
- Possession of Cocaine
- Possession of Heroin
- Possession of other opiates

#### STEAL \$950 OR LESS = MISDEMEANOR INFRACTION

- Theft / Theft With A Prior
- Shoplifting
- Forgery / Fraud / Bad Checks
- Receiving Stolen Property

### WHAT'S THE DIFFERENCE BETWEEN A MISDEMEANOR AND A FELONY?

#### MISDEMEANOR

- Misdemeanors are minor violations that must be observed by a law enforcement official in order for action to be taken.
- Penalty is up to one year in jail, but most often results in probation with no jail time.
- Criminals arrested for misdemeanor crime violations are typically released immediately with a citation to appear in court at a later date.

#### FELONY

- Felonies are the most serious kind of crime.
- Penalty used to be jail time in State prison for more than one year.
- Today, because of AB 109, some criminals with serious felony violations serve time in local jail facilities.

**PROP 47 REDUCED ACCOUNTABILITY FOR THOSE WHO COMMIT CRIME.**



## PROP 57

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Proposition 57, called The Public Safety and Rehabilitation Act, was approved by 65% of California voters in 2016. According to the non-partisan Legislative Analyst Office, Proposition 57 allows the State to provide for the early release of up to 30,000 criminals convicted of "non-violent" felonies. Among the crimes that are classified by the State as "non-violent" include:

- Rape by intoxication
- Rape of an unconscious person
- Human trafficking involving sex act with minors
- Drive-by shooting
- Assault with a deadly weapon
- Hate crime causing physical injury
- Corporal injury to a child

Other adverse public safety impacts that were authorized by Proposition 57 include:

- The State Department of Corrections has been given the unlimited authority to grant credits to all criminals – regardless of the nature of their crime – which would facilitate any criminal's early release from State prison.
- Criminals who commit multiple crimes against multiple victims will be eligible for release at the same time as offenders who only committed a single crime against a single victim.
- Repeat criminals will be eligible for release after the same period of incarceration as first time offenders.

## **CONTACT YOUR STATE LEGISLATOR TODAY AND ASK FOR HELP TO TAKE BACK OUR COMMUNITY**

Our State legislators are the individuals who can make the changes necessary to help protect our communities, and we need you to contact them to ask that they help us take back our community!

Visit the City's website to find additional facts about AB 109 / Prop 47 / Prop 57, advocacy letter templates, and additional information on the City's Taking Back our Community campaign. Then, contact our State legislators and ask them to make the criminal justice system changes needed to ensure that violent and career criminals are kept out of our communities.

*Governor Jerry Brown*  
State Capitol, Suite 1173  
Sacramento, CA 95814  
Phone: (916) 445-2841  
Fax: (916) 558-3160





*a letter to our State legislators*  
**SAMPLE TEMPLATE**

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Dear

I am writing today to ask you for your help in taking back our community.

During the past several years, State legislative changes have made fundamental alterations to the fabric of California's criminal justice system. And many of those changes have been needed and necessary, as not all crimes should be punished with jail sentences.

However, the changes that have been enacted by AB 109, Proposition 47, and Proposition 57 have created a situation where violent and career criminals are serving little to no prison time, which has had the effect of eroding the safety of our communities.

In fact, in California today, our criminal justice system considers the following crimes as "non-violent," and offenders convicted of violating such laws are able to avoid appropriate prison sentences:

- Domestic violence
- Rape
- Corporal injury to a child
- Hate crime causing physical injury
- Assault with a deadly weapon

In addition, the State legislative changes that have occurred during the past several years has created an environment in California where most property crimes are now considered misdemeanors. Furthermore, court imposed prison sentences for serious violent crimes can now be uniformly reduced by the State, thereby allowing career criminals the opportunity to avoid serving an adequate amount of jail time.

The negative impacts from these State legislative changes has been far reaching, and all throughout California, crime rates and the number of victims are skyrocketing.

- At a local level, the City of \_\_\_\_\_ experienced a \_\_\_\_\_ increase in violent and property crimes in 2016 when compared with 2015 levels. **This increase means that we had \_\_\_\_\_ more victims in \_\_\_\_\_ than in the prior year.**
- Former California Attorney General Kamala Harris reported that the State experienced a 10% increase in violent crime and an 8% increase in property crimes in 2015 when compared with 2014 levels. **This increase means that we had 92,309 more victims in California than in the prior year.**

I implore you to introduce and support State legislation that would fix the problems in our current criminal justice system. Only the State can make the criminal justice system changes needed to take back our community from violent and career criminals that are eroding the safety of our communities every single day.

Best regards,

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## AGENDA REPORT

**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Nick Kimball, Interim City Manager

**Date:** August 21, 2017

**Subject:** Consideration to Determine a City Position on the 2017 League of California Cities Resolutions

### RECOMMENDATION:

It is recommended that the City Council discuss the two resolutions to be presented at the 2017 League of California Cities ("League") Annual Business Meeting and provide direction to the Voting Delegate regarding the City of San Fernando's position on each resolution.

### BACKGROUND:

1. The League 2017 Annual Conference is scheduled for September 13-15, 2017, in Sacramento, California. An important part of the Annual Conference is the Annual Business Meeting; at this meeting, the League membership considers and takes action on resolutions that establish League policy.
2. On August 7, 2017, the City Council designated Vice Mayor Antonio Lopez as the Voting Delegate and Councilmember Joel Fajardo as the Alternate Voting Delegate for the League's General Assembly meeting on September 15, 2017.
3. On August 9, 2017, staff received the 2017 Annual Conference Resolutions Packet (Attachment "A") to be considered during the business meeting at the Annual Conference.
4. Resolutions submitted to the General Assembly must be concurred in by five cities or by city officials from at least five or more cities.

### ANALYSIS:

The League encourages each City Council to consider the resolutions and determine the City position on each. There are two resolutions that will be considered during the League's General Assembly meeting:

**Consideration to Determine a City Position on the 2017 League of California Cities Resolutions**Page 2 of 3

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1. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENTER INTO DISCUSSION WITH LEAGUE AND OTHER PUBLIC SAFETY STAKEHOLDERS TO IDENTIFY AND IMPLEMENT STRATEGIES THAT WILL REDUCE THE UNINTENDED NEGATIVE IMPACTS OF EXISTING CRIMINAL LAW.

This resolution was put forth by the City of Whittier with concurrence from the cities of La Mirada, Lakewood, Monrovia, Pico Rivera, Rolling Hills, Santa Fe Springs, and South Gate. The proposed resolution seeks to address increases in crime in the wake of AB 109 (2011), Proposition 47 (2014), and Proposition 57 (2016) through three specific reforms: 1) promoting the amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last conviction, 2) calling for the League to advocate to add a number of crimes to the list of violent offenses, and 3) requesting the State to improve the Smart Justice platform to provide effective statewide data sharing to assist in tracking and monitoring the activities of AB 109 and other offenders.

2. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING LEGISLATION AMENDING GOVERNMENT CODE SECTION 38611 TO CLARIFY THE DEFINITION OF LOCAL CONTROL PROVIDING BROAD STATUTORY AUTHORITY FOR LOCAL OFFICIALS TO DETERMINE EMERGENCY SERVICE LEVELS AND DIRECT EMERGENCY MEDICAL RESPONSE WITHIN THEIR JURISDICTION.

This resolution was put forth by the City of Tracy with concurrence from the cities of Lathrop, Lodi, Manteca, Stockton, and Consumnes Fire Department (Cities of Elk Grove and Galt). The proposed resolution calls for the Governor and Legislature to work with the League and other stakeholders to amend the government code to clarify local control and allow local governing bodies to determine which fire and emergency medical related services are directly provided within their respective jurisdictions.

Although the City of San Fernando contracts with the Los Angeles Fire Department for fire and emergency medical services, the proposed amendment aims to support the long-standing tradition in California of local control over the types, levels and availability of these services.

**BUDGET IMPACT:**

There is no fiscal impact associated with taking a position on each resolution. The intended outcomes of the proposed resolutions are to improve public safety and increase local control, respectively.

**Consideration to Determine a City Position on the 2017 League of California Cities Resolutions**Page 3 of 3

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**CONCLUSION:**

Staff recommends that the City Council discuss the proposed resolutions and provide direction to the Voting Delegate regarding the City's position on each resolution.

**ATTACHMENT:**

A. 2017 League Annual Conference Resolutions Packet



1400 K Street, Suite 400 • Sacramento, California 95814  
Phone: 916.658.8200 Fax: 916.658.8240  
[www.cacities.org](http://www.cacities.org)

RECEIVED

July 26, 2017

AUG 09 2017

TO: Mayors, City Managers and City Clerks  
League Board of Directors

ADMINISTRATIVE OFFICE OF  
CITY OF SAN FERNANDO

RE: Annual Conference Resolutions Packet  
Notice of League Annual Meeting

Enclosed please find the 2017 Annual Conference Resolutions Packet.

**Annual Conference in Sacramento.** This year's League Annual Conference will be held September 13 - 15 in Sacramento. The conference announcement has previously been sent to all cities and we hope that you and your colleagues will be able to join us. More information about the conference is available on the League's Web site at [www.cacities.org/ac](http://www.cacities.org/ac). We look forward to welcoming city officials to the conference.

**Closing Luncheon/General Assembly - Friday, September 15, 12:30 p.m.** The League's General Assembly Meeting will be held at the Sacramento Convention Center.

**Resolutions Packet.** At the Annual Conference, the League will consider two resolutions introduced by the deadline, Saturday, July 15, 2017, midnight. The resolutions are included in this packet. Resolutions submitted to the General Assembly must be concurred in by five cities or by city officials from at least five or more cities. These letters of concurrence are included with this packet. We request that you distribute this packet to your city council.

We encourage each city council to consider the resolutions and to determine a city position so that your voting delegate can represent your city's position on the resolution. A copy of the resolution packet is posted on the League's website for your convenience: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

The resolutions packet contains additional information related to consideration of the resolutions at the Annual Conference. This includes the date, time and location of the meetings at which the resolutions will be considered.

**Voting Delegates.** Each city council is encouraged to designate a voting delegate and two alternates to represent their city at the General Assembly Meeting. A letter asking city councils to designate their voting delegate and two alternates has already been sent to each city. If your city has not yet appointed a voting delegate, please contact Meg Desmond at (916) 658-8224 or email: [mdesmond@cacities.org](mailto:mdesmond@cacities.org).

Please Bring This Packet to the Annual Conference  
September 13 - 15, Sacramento





*Annual Conference  
Resolutions Packet*

*2017 Annual Conference Resolutions*



*Sacramento, California  
September 13 – 15, 2017*

## INFORMATION AND PROCEDURES

**RESOLUTIONS CONTAINED IN THIS PACKET:** The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, two resolutions have been introduced for consideration by the Annual Conference and referred to the League policy committees.

**POLICY COMMITTEES:** One policy committee will meet at the Annual Conference to consider and take action on the resolutions referred to it. The committee is Public Safety. The committee will meet from 9:00 – 11:00 a.m. on Wednesday, September 13, at the Hyatt Regency. The sponsors of the resolutions have been notified of the time and location of the meeting.

**GENERAL RESOLUTIONS COMMITTEE:** This committee will meet at 1:00 p.m. on Thursday, September 14, at the Hyatt Regency in Sacramento, to consider the report of the policy committee regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

**ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY:** This meeting will be held at 12:30 p.m. on Friday, September 15, at the Sacramento Convention Center.

**PETITIONED RESOLUTIONS:** For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, September 14. Resolutions can be viewed on the League's Web site: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: [mdesmond@cacities.org](mailto:mdesmond@cacities.org) or (916) 658-8224

## **GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS**

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's seven standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

### **Guidelines for Annual Conference Resolutions**

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
  - (a) Focus public or media attention on an issue of major importance to cities.
  - (b) Establish a new direction for League policy by establishing general principles around which more detailed policies may be developed by policy committees and the board of directors.
  - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
  - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

## LOCATION OF MEETINGS

### **Policy Committee Meetings**

Wednesday, September 13  
Hyatt Regency Sacramento  
1209 L Street, Sacramento  
**9:00 – 11:00 a.m.:** Public Safety

### **General Resolutions Committee**

Thursday, September 14, 1:00 p.m.  
Hyatt Regency Sacramento  
1209 L Street, Sacramento

### **Annual Business Meeting and General Assembly Luncheon**

Friday, September 15, 12:30 p.m.  
Sacramento Convention Center  
1400 J Street, Sacramento

### KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3
		1 - Policy Committee Recommendation to General Resolutions Committee		
		2 - General Resolutions Committee		
		3 - General Assembly		

### PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
1	Implement Strategies to Reduce Negative Impacts of Recent Changes to Criminal Laws			
2	Local Control for Emergency Medical Response			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: [www.cacities.org](http://www.cacities.org). The entire Resolutions Packet will be posted at: [www.cacities.org/resolutions](http://www.cacities.org/resolutions).

### **KEY TO ACTIONS TAKEN ON RESOLUTIONS *(Continued)***

Resolutions have been grouped by policy committees to which they have been assigned.

#### **KEY TO REVIEWING BODIES**

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

#### **KEY TO ACTIONS TAKEN**

- |     |   |
|-----|---|
| A   | Approve   |
| D   | Disapprove  |
| N   | No Action   |
| R   | Refer to appropriate policy committee for study             |
| a   | Amend+  |
| Aa  | Approve as amended+   |
| Aaa | Approve with additional amendment(s)+                       |
| Ra  | Refer as amended to appropriate policy committee for study+ |
| Raa | Additional amendments and refer+                            |
| Da  | Amend (for clarity or brevity) and Disapprove+              |
| Na  | Amend (for clarity or brevity) and take No Action+          |
| W   | Withdrawn by Sponsor  |

#### **ACTION FOOTNOTES**

- \* Subject matter covered in another resolution
- \*\* Existing League policy
- \*\*\* Local authority presently exists

#### **Procedural Note:**

The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: [Resolution Process](#).

## 2017 ANNUAL CONFERENCE RESOLUTIONS

### RESOLUTION REFERRED TO PUBLIC SAFETY POLICY COMMITTEE

#### **1. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING UPON THE GOVERNOR AND LEGISLATURE TO ENTER INTO DISCUSSION WITH LEAGUE AND OTHER PUBLIC SAFETY STAKEHOLDERS TO IDENTIFY AND IMPLEMENT STRATEGIES THAT WILL REDUCE THE UNINTENDED NEGATIVE IMPACTS OF EXISTING CRIMINAL LAW**

Source: City of Whittier

Concurrence of five or more cities/city officials: Cities: La Mirada; Lakewood; Monrovia; Pico Rivera; Rolling Hills; Santa Fe Springs; and South Gate

Referred to: Public Safety Policy Committee

Recommendation to General Resolutions Committee:

**WHEREAS**, during the past several years, State legislative changes have made fundamental alterations to the fabric of California's criminal justice system. Many of those changes have been needed and necessary, as not all crimes should be punished with jail sentences; and

**WHEREAS**, California cities, counties, and the State, however, are facing increased crime which endangers the health and safety of police officers, residents, business owners, and property due to some of these legislative changes which created a situation where violent and career criminals are serving little to no prison time; and

**WHEREAS**, negative impacts from State legislative changes have been far reaching and crime rates and the number of victims are skyrocketing throughout California. The negative impacts of these laws were unintended when voters and legislators approved the laws, which were instead intended to help lower the prison population in California prisons and appropriately rehabilitate non-violent offenders; and

**WHEREAS**, incentives for offenders to voluntarily enroll in substance abuse programs have diminished, which has had the effect of eroding the safety of our communities; and

**WHEREAS**, AB 109 transferred nearly 45,000 felons from the State prison system to local jail facilities, which were not designed to house criminals on a long-term basis and were unprepared for such an increase in incarcerations, resulting in lower-level criminals being released early, directly impacting rising property crime rates throughout the State; and

**WHEREAS**, many probationers who have severe mental illness are released into communities where they continue to commit crimes that adversely impact the safety of community members and drain the resources of probation departments and police departments throughout the state; and



**WHEREAS**, Proposition 47, The Safe Neighborhoods and Schools Act, downgraded a number of serious crimes from felonies to misdemeanors—drug possession, repeated shoplifting, forging checks, gun theft, and possession of date-rape drugs; and

**WHEREAS**, Proposition 57 categorizes rape by intoxication, rape of an unconscious person, human trafficking involving sex with minors, drive-by shooting, assault with a deadly weapon, domestic violence, hate crime causing physical injury, and corporal injury to a child as “non-violent” felonies and offenders convicted of violating such laws are able to avoid appropriate prison sentences; and

**WHEREAS**, under Proposition 57, criminals who commit multiple crimes against multiple victims will be eligible for release at the same time as offenders who only committed a single crime against a single victim and allows repeat criminals to be eligible for release after the same period of incarceration as first time offenders; and

**WHEREAS**, cities must join together to voice their concerns for these legislative changes that have created an adverse impact on the safety of residents and businesses in local communities.

**NOW, THEREFORE, BE IT RESOLVED** by the General Assembly of the League of California Cities, assembled in Sacramento on September 15, 2017, to:

1. Direct League staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impacts of recent and future criminal law based on appropriate documentation by local agencies to identify necessary changes, working with key stakeholders to promote support for resulting advocacy efforts.
2. Promote an amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction.
3. Continue to advocate to place into law that for the purposes of Section 32 of Article I of the California Constitution, a violent offense includes any of the following:
  - Murder or voluntary manslaughter.
  - Mayhem.
  - Rape.
  - Sodomy by force, violence, duress, menace, or threat of great bodily harm.
  - Oral copulation by force, violence, duress, menace, or threat of great bodily harm.
  - Lewd acts on a child under the age of 14 years.
  - Any felony punishable by death or imprisonment in the state prison for life.
  - Any other felony in which the defendant inflicts great or serious bodily injury on any person, other than an accomplice, that has been charged and proven, or any felony in which the defendant uses a firearm which use has been charged and proven.
  - Attempted murder.
  - Assault with intent to commit rape or robbery.



- Assault with a deadly weapon or instrument on a peace officer.
  - Assault by a life prisoner on a non-inmate.
  - Assault with a deadly weapon by an inmate.
  - Arson.
  - Exploding a destructive device or any explosive with intent to injure.
  - Exploding a destructive device or any explosive causing great bodily injury.
  - Exploding a destructive device or any explosive with intent to murder.
  - Robbery.
  - Kidnapping.
  - Taking of a hostage by an inmate of a state prison.
  - Attempt to commit a felony punishable by death or imprisonment in the state prison for life.
  - Any felony in which the defendant personally used a dangerous or deadly weapon.
  - Escape from a state prison by use of force or violence.
  - Assault with a deadly weapon.
  - Extortion as defined in Penal Code section 518, or threats to victims or witnesses as defined in Penal Code section 136.1, which would constitute a felony violation of Penal Code section 186.22.
  - Carjacking.
  - Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft.
  - Throwing acid or flammable substances with intent to injure.
  - Continuous sexual abuse of a child.
4. Request the State to improve the Smart Justice platform to provide an effective statewide data sharing to allow state and local law enforcement agencies to rapidly and efficiently share offender information to assist in tracking and monitoring the activities of AB 109 and other offenders.
  5. Encourage the collection and organization of real world data from cities and counties on the universe of post-release community supervision (PRCS) offenders.
  6. Encourage cities throughout California to join in these advocacy efforts to mitigate the unintended negative impacts of recent policy changes to the criminal justice system.
  7. Call for the Governor and the Legislature to work with the League and others stakeholders to consider and implement such criminal justice system reforms.

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### **Background Information on Resolution No. 1**

**Source:** City of Whittier

**Background:**

During the past several years, State legislative changes have made fundamental alterations to the fabric of California's criminal justice system. Some changes have been needed, as not all crimes should be punished with jail sentences. These changes included AB 109 as well as Propositions 47 and 57.

Approved in 2011, AB 109 was approved, transferring nearly 45,000 felons from the State prison system to local jail systems, resulting in lower-level criminals being released early. Then, Proposition 47, so called The Safe Neighborhoods and Schools Act, was approved by California voters in 2014. It reclassified and downgraded a number of serious crimes from felonies to misdemeanors. Similarly, Proposition 57, called The Public Safety and Rehabilitation Act, was approved by voters in 2016 and allows the State to provide for the release of up to 30,000 criminals convicted of "non-violent" felonies, including rape by intoxication, driveby shooting, human trafficking involving sex act with minors, assault with a deadly weapon, to name a few. Additionally, under Prop 57 repeat criminals are eligible for release after the same period of incarceration as first time offenders.

Now, California cities and counties are facing increasing crime rates which are being connected to these legislative actions which created a situation where violent and career criminals are serving little to no prison time while low-level offenders commit multiple crimes with limited consequences. This increasing level of crime endangers the health and safety of our residents, police officers, and property. Negative impacts from these State legislative changes have been far reaching, and crime rates and the number of victims are increasing throughout California. The negative impacts of these laws were unintended when voters and legislators approved the laws, which were instead intended to help lower the prison population in California prisons and appropriately rehabilitate non-violent offenders.

As an example, the Public Policy Institute of California reports since 2015:

- California has experienced an uptick in overall crime
- Property crime is up 145%, violent crime up 54%
- One in four Californians view violence and street crime in their community as a substantial problem
- Arrests dropped 31% for property crimes and 68% for drug offenses (due to Prop. 47)
- The report concludes auto theft increase is a direct result of AB109

To make matters even worse, during the past two years we've seen officers shot, wounded and killed in communities throughout California including Whittier, Downey, Lancaster, Palm Springs, San Diego, Stanislaus County, and Modoc County. Further, the number of U.S. police officers killed in the line of duty hit a five-year high in 2016. The National Law Enforcement Officers Memorial Fund's preliminary report shows that this year's 135 fatalities were a 10% increase over the 123 officers who died in the line of duty last year.

When taken together the increases in crime in our communities and reductions in arrests for many crimes plus violent attacks against police officers underscores the need for a call to action amongst California's state and local leaders. This conference resolution is an important first step and seeks to initiate both a dialogue as well as actions to begin reforming California's criminal justice system by requesting that League staff analyze the negative impacts of recent criminal law, identify necessary changes, and work with stakeholders to promote support for such advocacy efforts. The resolution also calls on the Governor, Legislature, cities, and other stakeholders to work together toward reforms.

The resolution contains three specific reforms:

1. Address Issues with AB 109

The conference resolution promotes the amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction.

2. Revise the Definition of Violent Crime

The resolution calls for the League to advocate to place into law for the purposes of Section 32 of Article I of the California Constitution, a violent offense includes any of the following crimes:

- Murder or voluntary manslaughter
- Mayhem
- Rape
- Sodomy by force, violence, duress, menace, or threat of great bodily harm
- Oral copulation by force, violence, duress, menace, or threat of great bodily harm
- Lewd acts on a child under the age of 14 years
- Any felony punishable by death or imprisonment in the state prison for life
- Any other felony in which the defendant inflicts great or serious bodily injury on any person, other than an accomplice, that has been charged and proven, or any felony in which the defendant uses a firearm which use has been charged and proven
- Attempted murder
- Assault with intent to commit rape or robbery
- Assault with a deadly weapon or instrument on a peace officer
- Assault by a life prisoner on a non-inmate
- Assault with a deadly weapon by an inmate
- Arson
- Exploding a destructive device or any explosive with intent to injure
- Exploding a destructive device or any explosive causing great bodily injury
- Exploding a destructive device or any explosive with intent to murder
- Robbery
- Kidnapping
- Taking of a hostage by an inmate of a state prison

- Attempt to commit a felony punishable by death or imprisonment in the state prison for life
- Any felony in which the defendant personally used a dangerous or deadly weapon
- Escape from a state prison by use of force or violence
- Assault with a deadly weapon
- Extortion as defined in Penal Code section 518, or threats to victims or witnesses as defined in Penal Code section 136.1, which would constitute a felony violation of Penal Code section 186.22
- Carjacking
- Discharge of a firearm at an inhabited dwelling, vehicle, or aircraft.
- Throwing acid or flammable substances with intent to injure.
- Continuous sexual abuse of a child.

### 3. Data Sharing

The resolution requests the State to improve the Smart Justice platform to provide an effective statewide data sharing to allow state and local law enforcement agencies to rapidly and efficiently share offender information to assist in tracking and monitoring the activities of AB 109 and other offenders.

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### **League of California Cities Staff Analysis on Resolution No. 1**

Staff: Tim Cromartie  
Committee: Public Safety

#### **Summary:**

This Resolution seeks to address increases in crime in the wake of AB 109 (2011), Proposition 47 (2014), which reclassified a host of felony offenses as misdemeanors, and Proposition 57 (2016), which revised the rules of parole for what are designated “non-violent” offenders under the California Penal Code, but in fact comprise a number of criminal acts that are violent in nature, or may be committed to facilitate a violent outcome (for example, discharging a firearm from a motor vehicle).

This Resolution would direct staff to seek legislation expanding the term “violent felony” as defined in the California Penal Code; to tighten the criteria for the release of non-violent, non-serious, non-sex offender inmates; to mandate consideration of an inmate’s entire criminal history as part of the deliberations involving whether to grant individual parole; and to consider creation of a task force that would be charged with issuing a report recommending further changes in law, and supported by documentation collected by local agencies and other key stakeholders.



**Background:**

Since 2011, changes in state law, starting with AB 109, altered the fabric of California's criminal justice system. In 2011, AB 109 began to shift nearly 45,000 felons from the state prison system to local county jails. Prior to AB 109, many of California's more heavily populated counties already had jail systems that were operating under court-ordered or self-imposed population caps. As a result, AB 109 implementation triggered changes in that county jails experienced over time an influx of a rougher class of offender, and many lower level petty criminals committing new offenses were simply booked and released, serving no jail time at all.

Proposition 47 followed in 2014, reclassifying a host of felony offenses as misdemeanors and increasing the threshold amount for a felony charge of grand theft from \$450.00 to \$900.00. The effect of this change was to significantly stimulate the volume of petty theft, shoplifting, auto theft, and organized retail theft (shoplifting involving multiple persons with cell phones, designated getaway drivers, and a pre-determined escape route often involving a short trip to a major highway). Proposition 57, approved by voters in 2016, facilitates the potential early release of a large number of "non-violent" offenders by providing that inmates are eligible for parole once they have served 100% of their base sentence, without regard to any time served as a result of any sentencing enhancements. The universe of "non-violent" offenders could include individuals who have committed the following offenses: rape by intoxication, attempted drive-by shooting, assault with a deadly weapon, throwing acid with the intent to disfigure, to name but a few offenses. Since current law defines a "non-violent offender" based on the individual's most recent commitment offense, even if the individual is a repeat offender, the State Parole Board must still consider that person's parole application.

This state of affairs includes factors such as a higher proportion of offenders at large on our city streets, many of whom have had little in the way of rehabilitation programming while incarcerated, some with drug habits, who are more violent now than when initially incarcerated. Unless they engage in major illegal activity (murder, rape, arson, armed robbery), the available sanctions for any violations they commit, such as flash incarceration, i.e. temporary incarceration for 48-72 hours in a city or county jail, scarcely provide a meaningful deterrent to further criminal activity.

Communities in California are now facing increasing crime rates which can be linked to these recent legislative changes, which probation officers and local law enforcement are struggling to monitor and contain a situation in which a dramatically increase universe of offenders are at large in our communities.

The Public Policy Institute of California reports that since 2015:

- California has experienced an increase in overall crime
- Property crime is up 145%
- Violent crime is up 54%
- One in four Californians view violence and street crime in their community as a substantial problem
- Arrests dropped 31% for property crimes and 68% for drug offenses (due to Prop. 47)
- The report concludes auto theft increase is a direct result of AB 109

**Support:**

Cities of La Mirada, Lakewood, Monrovia, Pico Rivera, Rolling Hills, Santa Fe Springs, and South Gate

**Opposition:**

None received.

**Fiscal Impact:**

The collective and cumulative effect of the current criminal justice policies has led to increased pressure on county general funds for increased resources for probation supervision and incarceration in county jails, as well as identical pressure on municipal general funds related to increased law enforcement activity and in some areas, increased emergency medical services calls. Should the objectives outlined by the resolution be achieved, those pressures will be alleviated to a significant but undetermined amount.

**Comment:**

This measure is a response to a trend of rapidly mounting frustration among cities beset by calls for more law enforcement resources as a result of ongoing, sustained criminal activity. There is a growing sense among law enforcement professionals and local elected officials that current policies which have reduced criminal penalties, reclassified felonies as misdemeanors and facilitated what amounts to early release of many offenders who are not truly non-violent, will in time result in a high-profile tragedy involving significant loss of life.

**Existing League Policy:**

In regard to incarceration policy, the League supports stiffer penalties for violent offenders. In 2014, the League joined the California Police Chiefs in opposing Proposition 47, which reduces sentencing penalties for specified non-serious and non-violent drug and property crimes. It directed that the following offenses would be treated as misdemeanors, in most instances irrespective of the circumstances:

- Commercial Burglary
- Forgery
- Passing Bad Checks
- Grand Theft
- Receipt of Stolen Property
- Petty Theft with a Prior Offense
- Drug Possession

In 2013, the League Board of Directors approved a resolution pertaining to AB 109 (2011), which implemented Public Safety Realignment and brought significant changes to the state's incarceration policy. Specifically, it provided that specified categories of felony offenders previously sentenced to state prison, would prospectively be sentenced to terms in county jails.

The League's Resolution had two significant components relevant to this resolution:

- 1) It urged the Governor's office to adjust the implementation of Public Safety Realignment so that the criteria examined to evaluate the appropriateness of release of non-violent, non-serious, non-sex offender inmates would include their total criminal and mental

history, instead of merely the most recent criminal conviction for which they are currently committed; and

- 2) It urged the Governor's office to expedite the development of an effective statewide data sharing mechanism allowing state and local law enforcement agencies too rapidly and efficiently share offender information to assist in tracking and monitoring the activities of AB 109 and other offenders.

Finally, the League in 2016 opposed Proposition 57, which altered rules for parole eligibility for non-violent felons, potentially facilitating parole before an individual has served any time toward a sentencing enhancement, and ushered in new rules for good time behavior seeking to incentivize inmates to undergo rehabilitation programming of an educational/vocational nature.

## **RESOLUTION REFERRED TO PUBLIC SAFETY POLICY COMMITTEE**

### **2. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING LEGISLATION AMENDING GOVERNMENT CODE SECTION 38611 TO CLARIFY THE DEFINITION OF LOCAL CONTROL PROVIDING BROAD STATUTORY AUTHORITY FOR LOCAL OFFICIALS TO DETERMINE EMERGENCY SERVICE LEVELS AND DIRECT EMERGENCY MEDICAL RESPONSE WITHIN THEIR JURISDICTIONS**

Source: City of Tracy

Concurrence of five or more cities/city officials: Cities: Lathrop, Lodi, Manteca, Stockton, and Consumnes Fire Department (Cities of Elk Grove and Galt)

Referred to: Public Safety Policy Committee

Recommendation to General Resolutions Committee:

**WHEREAS**, Government Code Section 38611 was last amended in 1957 and does not contain language clarifying the broad scope of emergency services as provided by present day fire departments; and

**WHEREAS**, Government Code Section 38611 requires further definition for general law and charter cities in determining service levels for the delivery of emergency services commensurate with the resources provided by the local government body; and

**WHEREAS**, pursuant to Section 7 of Article XI of the California Constitution, municipal governments are vested with police power which imposes on the responsibility to protect public safety and public health and municipal governments must provide or contract for fire and/or emergency medical services; and

**WHEREAS**, the local provision of fire protection services, rescue services, emergency medical services, hazardous material emergency response services, ambulance services, and other services relating to the protection of lives and property is critical to the public peace, health, and safety of the state; and

**WHEREAS**, local fire and/or emergency medical services are financed by local taxpayers and the availability and use of such services is determined by the local governing body of the jurisdiction to which services are directly provided; and

**WHEREAS**, amending Government Code Section 38611 would provide the chief of a fire department specific authority to protect public safety and public health within the jurisdictional boundaries of the fire department.

**RESOLVED**, that the League of California Cities General Assembly, assembled at the League Annual Conference on September 15, 2017 in Sacramento, calls for the Governor and the Legislature to work with the League and other stakeholders to amend Government Code Section 38611 clarifying the definition of local control, providing broad statutory authority for local officials to determine emergency service levels and direct emergency medical response within their jurisdictions.

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### **Background Information on Resolution No. 2**

**Source:** City of Tracy

**Background:**

In 1980, the State Legislature enacted the Emergency Medical Services (EMS) Act in response to the development of paramedic services and a concern that there was a lack of medical oversight and coordination of emergency medical services. The EMS Act contains 100 different provisions in nine separate chapters of the California Health and Safety Code. The EMS Act created a two-tiered system that established a State EMS Agency to coordinate state-wide EMS activities and to develop state-wide minimum EMS policies and a local tier (Local EMS Agency) to plan, implement and evaluate an EMS System. The statute also includes language that establishes *"The medical direction and management of an emergency medical services system shall be under the medical control of the medical director of the local EMS Agency."* In each county, the local EMS Agency sets local EMS policy, administers and provides medical oversight for cities and special fire districts to deliver EMS services within the county.

In the late 1970's, as the EMS Act was being developed, the League of California Cities weighed heavily concerning the impact of the proposed EMS Act on cities. The League of California Cities argued against depriving a city of local control over EMS service levels. The League of California Cities wrote, *"We believe (local control) is important because city taxpayers financially support (EMS) programs and city management is responsible for their efficient utilization. The city council is responsible for the level of service and the cost of the program, wholly unrelated to the medical questions."* Based on that argument, additional language was included in the EMS policy that allowed local agencies that were providing EMS service to continue (and even obligated) them to continue to provide EMS services at the same levels as prior to 1980. This addition to the EMS Act (Section 1797.201 – became known as "201



Rights”) has been very controversial and has led to several lawsuits between cities/special districts and local EMS Agencies.

The City of Tracy in San Joaquin County has become the epicenter on the issue of local control as it relates to who has the authority to determine which resources will respond to medical emergencies. Several incidents have been noted where poor patient outcomes were the result of a failed county policy (SJCEMS Agency Policy 3202) that restricts local fire departments from responding to “low-level” emergencies. The EMS policy decisions within San Joaquin County have potential implications on every local community within the state of California and increasingly threaten local control.

#### Proposed Amendment

The proposed amendment to Government Code Section 38611 would clarify local control and allow the local governing bodies to determine which services are directly provided within their respective jurisdictions. The existing law is extremely limited in scope having been last amended in 1957, at a time when fire departments did not routinely provide many of the specialized services of today. Changes in services provided include but are not limited to hazardous materials response, specialized rescue, and emergency medical services. The amendment aims to support the long-standing tradition in California of local control over the types, levels, and availability of these services.

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#### League of California Cities Staff Analysis on Resolution No. 2

Staff: Tim Cromartie  
Committee: Public Safety

#### Summary:

This resolution calls for the Governor and the Legislature to work with the League and other stakeholders to amend Government Code Section 38611 clarifying the definition of local control, providing broad statutory authority for local officials to determine emergency service levels and direct emergency medical response within their jurisdictions.

#### Background:

In 1980, the State Legislature enacted the Emergency Medical Services (EMS) Act in response to the development of paramedic services and a concern that there was a lack of medical oversight and coordination of emergency medical services. The EMS Act contains 100 different provisions in nine separate chapters of the California Health and Safety Code. The EMS Act created a two-tiered system that established a State EMS Agency to coordinate state-wide EMS activities and to develop state-wide minimum EMS policies and a local tier (Local EMS Agency) to plan, implement and evaluate an EMS System.

The statute also includes language that establishes “*The medical direction and management of an emergency medical services system shall be under the medical control of the medical director*”

of the local EMS Agency.” In each county, the local EMS Agency sets local EMS policy, administers and provides medical oversight for cities and special fire districts to deliver EMS services within the county.

In the late 1970’s, as the EMS Act was being developed, the League of California Cities weighed heavily concerning the impact of the proposed EMS Act on cities. The League argued against depriving a city of local control over EMS service levels. The League wrote, *“We believe (local control) is important because city taxpayers financially support (EMS) programs and city management is responsible for their efficient utilization. The city council is responsible for the level of service and the cost of the program, wholly unrelated to the medical questions.”* Based on that argument, additional language was included in the EMS policy that allowed local agencies that were providing EMS service to continue (and even obligated) them to continue to provide EMS services at the same levels as prior to 1980. This addition to the EMS Act (Section 1797.201 – became known as “201 Rights”) has been very controversial and has led to several lawsuits between cities/special districts and local EMS Agencies.

The City of Tracy in San Joaquin County has become one of the epicenters on the issue of local control as it relates to who has the authority to determine which resources will respond to medical emergencies. Several incidents have been noted where poor patient outcomes have been attributed by some observers to a county policy (SJCEMS Agency Policy 3202) that restricts local fire departments from responding to “low-level” emergencies. The EMS policy decisions within San Joaquin County have potential implications on every local community within the state of California and increasingly threaten local control.

**Support:**

Cities of Lathrop, Lodi, Manteca, City of Stockton, and Consumnes Fire Department (Cities of Elk Grove and Galt)

**Opposition:**

None received.

**Fiscal Impact:**

This resolution, if its directive can be achieved, will have no direct fiscal impact on cities. It will however, provide an atmosphere in which cities that have invested significant resources in building up and maintaining an independent EMS capability can have confidence that it will be deployed as intended.

**Comment:**

While this resolution calls for very specific action to clarify the rules governing emergency medical services, ideally it would be more generally worded to allow greater flexibility in pursuing legislative and other solutions to a problem that has existed for decades, spawning both legislation and multiple incidents of litigation.

However, it accurately expresses the legitimate frustration of cities in their efforts to provide emergency medical services (EMS) while abiding by the directives of their local emergency medical services authorities (LEMSA’s), which are county entities. Counties have broad

discretion under existing case law in how they administer EMS under the doctrine of medical control. To the degree there is dissatisfaction on the part of cities within a given county or counties, the following should be noted:

- 1) A task force convened by the California Emergency Medical Services Authority, the state entity with jurisdiction over this subject matter, made significant headway in crafting regulations governing the provision of ground emergency medical transport -- until disputes over local control and the criteria under which a local (municipal) agency could lay claim to the exclusive right to provide EMS in a specific operating area led to a lawsuit being filed by the California Fire Chiefs Association. That suit effectively suspended the work of the Task Force.
- 2) Over the past two decades, multiple attempts at legislation to resolve this issue have been tried, most without success. It was in part the multiple attempts at legislation that triggered the formation of the above-referenced task force.

**Existing League Policy:**

The League supports the fire service mission of saving lives and protecting property through fire prevention, disaster preparedness, hazardous-materials mitigation, specialized rescue, etc. as well as cities' authority and discretion to provide all emergency services to their communities.

The League supports and strives to ensure local control of emergency medical services by authorizing cities and fire districts to prescribe and monitor the manner and scope of pre-hospital emergency medical services, including transport through ambulance services, all provided within local boundaries for the purpose of improving the level of pre-hospital emergency medical service.

The League supports legislation to provide the framework for a solution to longstanding conflict between cities, counties, the fire service and LEMSA's particularly by local advisory committees to review and approve the EMS plan and to serve as an appeals body. Conflicts over EMS governance may be resolved if stakeholders are able to participate in EMS system design and evaluation and if complainants are given a fair and open hearing.

The League opposes legislation, regulations and standards that impose minimum staffing and response time standards for city fire and EMS services since such determinations should reflect the conditions and priorities of individual cities.

The League supports Emergency 911 systems to ensure cities and counties are represented on decisions affecting emergency response.

## **LETTERS OF CONCURRENCE**

### **Resolution No. 1**

**Implement Strategies to Reduce Negative Impacts of  
Recent Changes to Criminal Laws**



# CITY OF LA MIRADA

DEDICATED TO SERVICE

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P.O. Box 828  
La Mirada, California 90637-0828  
Phone: (562) 943-0131 Fax: (562) 943-1464  
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July 11, 2017

## LETTER OF SUPPORT

General Resolutions Committee  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**SUBJECT: 2017 CONFERENCE RESOLUTION STRATEGIES TO IMPROVE NEGATIVE IMPACTS OF CRIMINAL LAW**

Dear Committee:

The City of La Mirada supports the League of California Cities Annual Conference Resolution proposed by the City of Whittier calling on the Governor and Legislature to enter into discussion with the League and other public safety stakeholders to identify and implement strategies that will improve the unintended negative impacts of existing criminal law.

The City of La Mirada has seen increases in property crime that may have resulted from a combination of legislative actions and voter-approved initiatives. Specifically, since 2014 the City of La Mirada has seen property crime increase by 41 percent. The proposed resolution seeks to correct these negative impacts from existing criminal law and considers proactive measures that could reduce such impacts.

The resolution directs League staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impacts of recent criminal law to identify necessary changes.

The resolution also promotes an amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include one's total criminal and mental health history instead of only the most recent criminal conviction. It encourages continued advocacy to make "violent offenses" include crimes that meet the plain language definition of "violent".

The resolution further asks the State to improve the Smart Justice platform to allow state and local law enforcement agencies to rapidly share information to track offenders, and encourages data collection on post-release community supervision offenders.

The passage of this resolution would provide a range of important reforms to enhance public safety in our community. For these reasons, the City of La Mirada strongly supports this resolution to strategically address criminal justice reforms.

Sincerely,

**CITY OF LA MIRADA**

Ed Eng  
Mayor

EE:JB:vdr



Steve Croft  
Vice Mayor

Ron Piazza  
Council Member



Jeff Wood  
Council Member

Todd Rogers  
Council Member

Diane DuBois  
Mayor

July 10, 2017

General Resolutions Committee  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**RE: 2017 Conference Resolution – Notice of Support  
Strategies to Improve Negative Impacts of Criminal Law**

Dear Committee:

The City of Lakewood supports the League of California Cities Annual Conference Resolution calling on the Governor and Legislature to enter into discussion with the League and other public safety stakeholders to identify and implement strategies that will improve the unintended negative impacts of existing criminal law.

Like other cities, Lakewood has seen increases in property crime that may have resulted from a combination of legislative actions and voter-approved initiatives. The proposed annual conference resolution seeks to turn around these negative impacts from existing criminal law and considers proactive measures that could reduce such impacts. These include:

- Request League staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impacts of recent criminal law to identify necessary changes and work with key stakeholders to promote support for resulting advocacy efforts.
- Promote an amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction. It encourages continued advocacy to make "violent offenses" include crimes that meet the plain language definition of "violent."
- Request that the State improve the "Smart Justice" platform to allow state and local law enforcement agencies to rapidly share information to track offenders and encourage data collection on post-release community supervision offenders.

The passage of this resolution would provide a range of important reforms that would enhance public safety in our community. For these reasons, the City of Lakewood strongly supports this resolution to strategically address criminal justice reforms.

Sincerely,

Diane DuBois  
Mayor

# Lakewood

## City of MONROVIA

1887



July 11, 2017

President JoAnne Mounce  
The League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**RE: Letter of Support for the Resolution Brought Forward by the City of Whittier Regarding the Unintended Negative Consequences of Recent Legislative Changes to California's Criminal Justice System**

Dear Ms. Mounce:

The City of Monrovia strongly supports the Resolution brought forth by the City of Whittier, which asks the League of California Cities (League) to initiate and facilitate further discussion between the Governor, the State Legislature, and other key public safety stakeholders regarding the legislative changes that have been made to California's criminal justice system during the past few years.

Taken together, Assembly Bill 109, Proposition 47, and Proposition 57 have reshaped how we approach public safety issues in our State. And certainly, the identified measures have resulted in measurable and positive impacts to California's criminal justice system, such as a decrease in the State prison system population. However, the cumulative effect of these legislative actions have had several significant unintended consequences, which have resulted in California cities now needing to address increasingly complex public safety challenges.

For example, in the City of Monrovia, violent and property crimes increased by 19% when comparing 2016 crime levels against 2015 rates. On-the-street information being provided by our Police Officers seems to correlate that the increasing levels of crime are connected with the legislative changes that have been enacted in California during the past several years. Additionally, the public safety issues we are experiencing in Monrovia are not occurring in a vacuum, as other neighboring jurisdictions are reporting similar concerns that impact our region as a whole.

Given these factors, we believe that California's overall criminal justice system needs to be carefully reexamined for potential methods to mitigate these emerging public safety issues. The City of Whittier's Resolution represents a positive first step, which includes the formation of a task force to examine possible criminal justice system modifications in greater detail. We believe that such a step would be a move in the right direction for California.

For these reasons, the City of Monrovia strongly supports the Resolution brought forth by the City of Whittier. Of course, please feel free to contact me if I can provide any additional information. I can be reached at (626) 932-5501, or via email at [ochi@ci.monrovia.ca.us](mailto:ochi@ci.monrovia.ca.us).

Best regards,

A handwritten signature in black ink, appearing to read "Oliver Chi".

Oliver Chi  
City Manager



**René Bobadilla, P.E.**  
City Manager

# City of Pico Rivera

## OFFICE OF THE CITY MANAGER

6615 Passons Boulevard • Pico Rivera, California 90660

**(562) 801-4379**

Web: [www.pico-rivera.org](http://www.pico-rivera.org) • e-mail: [rbobadilla@pico-rivera.org](mailto:rbobadilla@pico-rivera.org)

### City Council

Bob J. Archuleta  
*Mayor*

Gustavo V. Camacho  
*Mayor Pro Tem*

David W. Armenta  
*Councilmember*

Gregory Salcido  
*Councilmember*

Brent A. Tercero  
*Councilmember*

July 12, 2017

General Resolutions Committee  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**RE: 2017 Conference Resolution**  
**Strategies to Improve Negative Impacts of Criminal Law**  
**Notice of Support**

Dear Committee:

The City of Pico Rivera supports the League of California Cities Annual Conference Resolution calling on the Governor and Legislature to enter into discussion with the League and other public safety stakeholders to identify and implement strategies that will improve the unintended negative impacts of existing criminal law.

The City of Pico Rivera has seen increases in property crime that may have resulted from a combination of legislative actions and voter-approved initiatives. Following are some specific impacts provided by the Pico Rivera Sheriff's Department:

Part I crimes

Robbery is up 10.26% in 2017 compared to 2016

Larceny Theft is up 4.09% in 2017 compared to 2016

Part II crimes

Weapon Law is up 9.68% in 2017 compared to 2016

Felony Transport & or Sales of controlled substance (except Marijuana) is up 44.44% compared to 2016

Misdemeanor Possession of a Controlled Substance (excluding Marijuana) is up 56.06% compared to 2016

Under the influence of Narcotic is up 28.57% in 2017 compared to 2016

The proposed annual conference resolution seeks to turn around these negative impacts from existing criminal law and considers proactive measures that could reduce such impacts.



General Resolutions Committee

**2017 Conference Resolution – Strategies to Improve Negative Impacts of Criminal Law**

Notice of Support

July 12, 2017

Page 2

The resolution directs League staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impacts of recent criminal law to identify necessary changes, working with key stakeholders to promote support for resulting advocacy efforts.

The resolution also promotes an amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction. It encourages continued advocacy to make "violent offenses" include crimes that meet the plain language definition of "violent".

The resolution further asks the State to improve the Smart Justice platform to allow state and local law enforcement agencies to rapidly share information to track offenders, and encourages data collection on post-release community supervision offenders.

The passage of this resolution would provide a range of important reforms that would enhance public safety in our community. For these reasons, the City of Pico Rivera strongly supports this resolution to strategically address criminal justice reforms.

Best regards,



René Bobadilla, P.E.  
City Manager  
City of Pico Rivera



*City of Rolling Hills*

INCORPORATED JANUARY 24 1957

NO. 2 PORTUGUESE BEND ROAD  
ROLLING HILLS, CALIF. 90274  
(310) 377-1521  
FAX: (310) 377-7288

July 12, 2017

General Resolutions Committee  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**RE: 2017 Conference Resolution  
Strategies to Improve Negative Impacts of Criminal Law  
Notice of Support**

Dear Members of the General Resolutions Committee:

As a member of the Rolling Hills City Council, I support the League of California Cities Annual Conference Resolution calling on the Governor and Legislature to enter into discussion with the League and with other public safety stakeholders to identify and implement strategies that will relieve the unintended negative impacts of existing criminal law.

The City of Rolling Hills has seen increases in burglaries, mail/package theft and other property related crime that may have resulted from a combination of legislative actions and voter-approved initiatives. The City has also seen a significant jump in identity theft. The proposed annual conference resolution seeks to turn around these negative impacts from existing criminal law and considers proactive measures that could reduce such impacts.

The resolution directs League staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impacts of recent criminal law to identify necessary changes, working with key stakeholders to promote support for resulting advocacy efforts.

The resolution also promotes an amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction. It encourages continued advocacy to make "violent offenses" include crimes that meet the plain language definition of "violent".

General Resolutions Committee

July 12, 2017

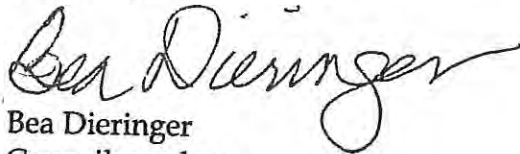
Re: 2017 Conference Resolution Strategies to Improve Negative Impacts of Criminal Law -  
Notice of Support

Page 2

The resolution further asks the State to improve the Smart Justice platform to allow state and local law enforcement agencies to rapidly share information to track offenders, and encourages data collection on post-release community supervision offenders.

The passage of this resolution would provide a range of important reforms that would enhance public safety in our community. For these reasons, I strongly support this resolution to strategically address criminal justice reforms.

Sincerely,



Bea Dieringer  
Councilmember  
City of Rolling Hills

RC:BD:hl

07-12-17League Resolution Support.docx



11710 Telegraph Road CA 90670-3679 (562) 868-0511 Fax (562) 868-7112 www.santafesprings.org

*"A great place to live, work, and play"*

July 11, 2017

General Resolutions Committee  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**RE: 2017 Conference Resolution  
Strategies to Improve Negative Impacts of Criminal Law  
Notice of Support**

Dear Committee:

The City of Santa Fe Springs supports the League of California Cities Annual Conference Resolution calling on the Governor and Legislature to enter into discussion with the League and other public safety stakeholders to identify and implement strategies that will improve the unintended negative impacts of existing criminal law.

The City of Santa Fe Springs has seen increases in property crime that may have resulted from a combination of legislative actions and voter-approved initiatives. In addition, the City of Santa Fe Springs contracts with the Whittier Police Department for Law Enforcement Services. In February, Whittier Police Department Officer Keith Boyer was gunned down by a AB 109 offender in a heinous act of indiscriminate violence. We feel strongly that AB 109 and the loosening of oversight and control over recidivist offenders was at least partially responsible in Officer Boyer's death. We believe that the proposed annual conference resolution seeks to turn around these negative impacts from existing criminal law and considers proactive measures that could reduce such impacts.

The resolution directs League staff to consider creating a task force with other organizations and jointly commission a report on the unintended negative impacts of recent criminal law to identify necessary changes, working with key stakeholders to promote support for resulting advocacy efforts.

The resolution also promotes an amendment of appropriate sections of AB 109 to change the criteria justifying the release of non-violent, non-serious, non-sex offender inmates to include their total criminal and mental health history instead of only their last criminal conviction. It encourages continued advocacy to make "violent offenses" include crimes that meet the plain language definition of "violent".

The resolution further asks the State to improve the Smart Justice platform to allow state and local law enforcement agencies to rapidly share information to track offenders, and encourages data collection on post-release community supervision offenders.

William K. Rounds, Mayor • Jay Sarno, Mayor Pro Tem  
City Council  
Richard J. Moore • Juanita Trujillo • Joe Angel Zamora  
City Manager  
Thaddeus McCormack

July 10, 2017

Page 2

**2017 Conference Resolution**

The passage of this resolution would provide a range of important reforms that would enhance public safety in our community. For these reasons, the City of Santa Fe Springs strongly supports this resolution to strategically address criminal justice reforms.

Sincerely,

A handwritten signature in black ink, appearing to read "William K. Rounds".

William K. Rounds, Mayor  
City of Santa Fe Springs

William K. Rounds, Mayor • Jay Sarno, Mayor Pro Tem  
City Council  
Richard J. Moore • Juanita Trujillo • Joe Angel Zamora  
City Manager  
Thaddeus McCormack



# City of South Gate

8650 CALIFORNIA AVENUE + SOUTH GATE, CA 90280-3075 + (323) 563-9543  
WWW.CITYOFSOUTHGATE.ORG FAX (323) 569-2678

MARIA DAVILA, Mayor  
MARIA BELEN BERNAL, Vice Mayor  
DENISE DIAZ, Council Member  
JORGE MORALES, Council Member  
AL RIOS, Council Member

July 11, 2017

General Resolutions Committee  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**RE: 2017 ANNUAL CONFERENCE RESOLUTION: STRATEGIES TO IMPROVE  
NEGATIVE IMPACTS OF CRIMINAL LAW-NOTICE OF SUPPORT**

Dear Committee:

As a Council Member of the City of South Gate, and a Member of the League's Public Safety Policy Committee, I am writing to express my support of the City of Whittier's 2017 Annual Conference Resolution (Resolution.) The proposed Resolution calls on the Governor and Legislature to enter into discussion with the League and other public safety stakeholders, to identify and implement strategies that will improve the unintended negative impacts of existing criminal law.

Cities in Los Angeles County have experienced increases in property crimes that may have resulted from a combination of legislative actions and voter-approved initiatives. The proposed Resolution seeks to remedy many of the negative impacts from existing criminal law and considers proactive measures that could reduce such impacts.

The passage of this Resolution would provide a range of important League directives to address the growing public safety concerns in these communities. For these reasons, I strongly support this Resolution to strategically address criminal justice reforms.

Sincerely,

Jorge Morales  
Council Member

**LETTERS OF CONCURRENCE**  
Resolution No. 2

Local Control for Emergency Medical Response



**COSUMNES FIRE DEPARTMENT**

10573 E Stockton Blvd.  
Elk Grove, CA 95624

(916) 405-7100  
Fax (916) 685-6622  
[www.yourcsd.com](http://www.yourcsd.com)

July 13, 2017

The Honorable JoAnne Mounce, President  
League of California Cities  
1400 K Street  
Sacramento, California 95814

**RE: RESOLUTION THAT SUPPORTS LEGISLATION TO AMEND GOVERNMENT  
CODE SECTION 38611 TO CLARIFY THE DEFINITION OF LOCAL CONTROL**

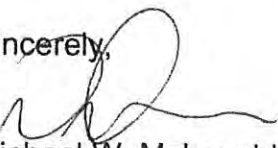
Dear President Mounce,

The Cosumnes CSD Fire Department, which encompasses the Cities of Elk Grove and Galt supports the proposed resolution that would support legislation to amend Government Code Section 38611 to clarify the definition of local control as it pertains to emergency services.

A core function of local government is the ability to determine and provide the appropriated level of emergency response resources. Allowing Local Emergency Medical Services Agencies (LEMSAs) to determine when and how local fire agencies respond to emergencies circumvents the role of Fire Chiefs and municipal and special fire district legislative bodies. It should be the role of the Fire Chief to determine the required service levels and the role of the local legislative bodies to support the Fire Chief's recommendations based on community expectations, community risk reduction strategies and available resources.

Therefore, the Cosumnes CSD Fire Department supports the proposed resolution and future legislation that would serve to ensure local government determines their emergency response service levels. If further clarification is required, please let me know.

Sincerely,

  
Michael W. McLaughlin  
Fire Chief





Office of the City Manager

390 Towne Centre Dr. – Lathrop, CA 95330  
Phone (209) 941-7220 – fax (209) 941-7248  
[www.ci.lathrop.ca.us](http://www.ci.lathrop.ca.us)

July 14, 2017

The Honorable JoAnne Mounce, President  
League of California Cities  
1400 K Street  
Sacramento, CA 95814

Sent to Via Email to: Meg Desmond [mdesmond@cacities.org](mailto:mdesmond@cacities.org) <<mailto:mdesmond@cacities.org>>

**Re: RESOLUTION THAT SUPPORTS LEGISLATION TO AMEND GOVERNMENT  
CODE SECTION 38611 TO CLARIFY THE DEFINITION OF LOCAL CONTROL**

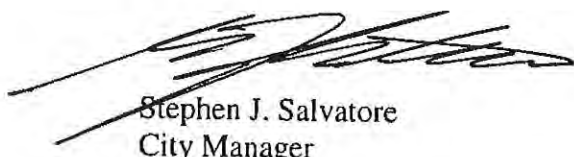
Dear President Mounce,

The City of Lathrop supports the proposed resolution that would support legislation to amend Government Code Section 38611 to clarify the definition of local control as it pertains to emergency services.

A core function of local government is the ability to determine and provide the appropriated level of emergency response resources. Allowing Local Emergency Medical Services Agencies (LEMSAs) to determine when and how local fire agencies respond to emergencies circumvents the role of Fire Chiefs and municipal and special fire district legislative bodies. It should be the role of the Fire Chief to determine the required service levels and the role of the local legislative bodies to support the Fire Chief's recommendations based on community expectations, community risk reduction strategies and available resources.

Therefore, the City of Lathrop supports the proposed resolution and future legislation that would serve to ensure local government determines their emergency response service levels. If further clarification is required, please let me know.

Thank you,



Stephen J. Salvatore  
City Manager

Cc: Members of the City of Lathrop City Council  
Lathrop Manteca Fire Chief, Gene Neely  
Tracy City Manager, Troy Brown  
Tracy Fire Chief, Randall Bradley  
Central Valley Regional Public Affairs Manager LOCC, Stephen Qualls

## CITY COUNCIL

DOUG KUEHNE, Mayor  
ALAN NAKANISHI,  
Mayor Pro Tempore  
MARK CHANDLER  
BOB JOHNSON  
JOANNE MOUNCE

## CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6702 / FAX (209) 333-6807  
[www.lodi.gov](http://www.lodi.gov) [cityclerk@lodi.gov](mailto:cityclerk@lodi.gov)

STEPHEN SCHWABAUER  
City Manager  
JENNIFER M. FERRAILO  
City Clerk  
JANICE D. MAGDICH  
City Attorney

July 19, 2017

The Honorable JoAnne Mounce, President  
League of California Cities  
1400 K Street, Suite 400  
Sacramento, CA 95814

**RE: RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING  
LEGISLATION AMENDING GC §38611 TO CLARIFY DEFINITION OF LOCAL  
CONTROL PROVIDING BROAD STATUTORY AUTHORITY FOR LOCAL  
OFFICIALS TO DETERMINE EMERGENCY SERVICE LEVELS AND DIRECT  
EMERGENCY MEDICAL RESPONSE WITHIN THEIR JURISDICTIONS**

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The City of Lodi supports the proposed resolution to support legislation amending Government Code §38611 to clarify the definition of local control providing broad statutory authority for local officials to determine emergency service levels and direct emergency medical response within their jurisdictions.

Accordingly, we concur in the submission of the resolution for consideration by the League of California Cities General Assembly at its annual meeting on September 15, 2017.

Government Code Section 38611 does not contain language clarifying the broad scope of emergency services as provided by present day fire departments. The code requires further definition for general law and charter cities in determining service levels for the delivery of emergency services commensurate with the resources provided by the local government body. Amending Government Code Section 38611 would provide the chief of a fire department specific authority to protect public safety and public health within the jurisdictional boundaries of the fire department.

The City of Lodi is in strong support of providing statutory authority for local officials to determine emergency service levels and direct emergency medical response within their jurisdictions.

Sincerely,



Doug Kuehne  
Mayor, City of Lodi

DK/JMF

cc: Larry Rooney, Fire Chief, City of Lodi  
Randall Bradley, City of Tracy, [randall.bradley@ci.tracy.ca.us](mailto:randall.bradley@ci.tracy.ca.us)  
Stephen Qualls, League of California Cities, [squalls@cacities.org](mailto:squalls@cacities.org)

**CITY OF MANTECA - FIRE DEPARTMENT**

1154 S. UNION ROAD • MANTECA, CA 95337

(209) 456-8300 • FAX (209) 923-8936

July 13, 2017

League of California Cities  
1400 K Street, Suite 400  
Sacramento CA 95814

**RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING LEGISLATION AMENDING  
GOVERNMENT CODE SECTION 38611 TO CLARIFY THE DEFINITION OF LOCAL CONTROL PROVIDING  
BROAD STATUTORY AUTHORITY FOR LOCAL OFFICIALS TO DETERMINE EMERGENCY SERVICE LEVELS  
AND DIRECT EMERGENCY MEDICAL RESPONSE WITHIN THEIR JURISDICTIONS**

To Whom It May Concern:

This letter confirms that the City of Manteca supports the resolution on Emergency Medical Services submitted to the League of California cities by the City of Tracy. The City of Manteca believes that local control of Emergency Services is critical to ensure that the best possible service and protection of our citizens/taxpayers is provided.

We appreciate the City of Tracy's willingness to bring this crucial issue to the forefront.

Respectfully,

A handwritten signature in black ink, appearing to read "Greg Showerman", written over a horizontal line.

Greg Showerman, Acting City Manager

Date: 13 July 2017

A handwritten signature in black ink, appearing to read "Kyle Shipherd", written over a horizontal line.

Kyle Shipherd, Fire Chief

Date: 13 July 2017

MICHAEL TUBBS  
Mayor

ELBERT HOLMAN  
Vice Mayor  
District 1



# CITY OF STOCKTON

OFFICE OF THE CITY COUNCIL  
CITY HALL • 425 N. El Dorado Street • Stockton, CA 95202  
209 / 937-8244 • Fax 209 / 937-8568

DAN WRIGHT  
District 2

SUSAN LOFTHUS  
District 3

SUSAN LENZ  
District 4

CHRISTINA FUGAZI  
District 5

JESÚS ANDRADE  
District 6

July 13, 2017

The Honorable JoAnne Mounce, President  
League of California Cities  
1400 K Street  
Sacramento, CA 95814

**SUBJECT: Resolution of the League of California Cities Supporting Legislation  
Providing Broad Statutory Authority for Local Officials to Determine  
Emergency Service Levels - SUPPORT**

Dear President Mounce,

On behalf of the City of Stockton, I wish to voice our support of the City of Tracy proposed resolution for consideration by League membership. Stockton supports this resolution for the following reasons:

- 1) The City of Stockton Legislative Program seeks the broadest authority for the City Council to make decisions locally, particularly related to the local exercise of police powers;
- 2) The City of Stockton Legislative Program advocates for efforts that impact the City's ability to enhance the well-being, quality of life, health, and safety of residents;
- 3) The City of Stockton has experienced challenges and frustrations in delivering the highest quality of emergency medical services to our residents due to provision of the Emergency Medical Services (EMS) Act.
- 4) Amendments to the EMS Act would clarify local control and allow governing bodies to determine which services are directly provided within their respective jurisdictions.

For these reasons, the City of Stockton concurs with and supports the City of Tracy proposed resolution for consideration by League membership.

MICHAEL TUBBS  
MAYOR

MT:cc

cc: Stockton City Councilmembers  
Kurt Wilson, Stockton City Manager



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## AGENDA REPORT

**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Nick Kimball, Interim City Manager  
By: Kenneth Jones, Public Works Management Analyst

**Date:** August 21, 2017

**Subject:** Consideration to Accept and Appropriate Grant Funds Awarded by the State of California Department of Water Resources for the San Fernando Regional Park Project – Planning Phase

### RECOMMENDATION:

It is recommended that the City Council:

- a. Adopt Resolution No. 7812 (Attachment “A”), accepting funds in the amount of \$425,000 awarded to the City by the State Department of Water Resources (“State”) for the San Fernando Regional Park Project – Design Phase; and
- b. Authorize the Interim City Manager, or designee, to negotiate and execute a Grant Agreement with the State (Attachment “B” – Contract No. 1862) and if necessary, make non-substantial changes to agreement language; and
- c. Authorize the Interim City Manager, or designee, to negotiate and execute a Cooperative Agreement (Attachment “C”- Draft Agreement No. 1863) and make non-substantial changes to agreement language, with the City of Los Angeles Department of Water and Power, for the contribution of matching funds under the grant program based on a shared interest in recharging the Upper Los Angeles River Area groundwater basin; and
- d. Adopt Resolution No. 7813 (Attachment “D”) amending the Fiscal Year (FY) 2017-2018 adopted budget appropriating the grant expenditures and revenues for the San Fernando Regional Park Project - Design Phase.

### BACKGROUND:

1. In December 2013, the City Council approved participation in the Upper Los Angeles River Area Enhanced Watershed Management Plan (“EWMP”) in order to satisfy requirements contained in the Municipal Separate Storm System (“MS4”) permit program.

**Consideration to Accept Grant Funds Awarded by the State of California Department of Water Resources for the San Fernando Regional Park Project – Planning Phase**Page 2 of 5

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2. As a participant in the EWMP, the City has pursued several storm water program efforts, including the development of a low impact development ordinance, a green streets policy, storm water best management practices, storm water program monitoring and the development of multi-beneficial regional projects for the watershed area. The EWMP also included eight signature regional projects within the EWMP area, including a plan to renovate San Fernando Recreation Park with additional storm water infiltration elements. As proposed, the Park would serve a 423 acre drainage area and recharge groundwater sources with approximately 200 acre feet of stormwater annually.
3. In Spring 2016, the City submitted a grant application under the State's Proposition 1 Storm Water Grant Program to complete planning/design work associated with the proposed project at San Fernando Recreation Park. The City was recently notified by the State that it was selected as a grant recipient under this grant program.

**ANALYSIS:**

The proposed grant project would complement the City's proactive efforts related to water quality and stormwater management. The City is a permittee under the Los Angeles Regional Water Quality Control Board (Regional Board) and is required to implement certain stormwater-related improvements to satisfy conditions of the Regional Board's Municipal Separate Sewer System (MS4) permit. The City has been proactive in this effort, completing the following efforts to help satisfy permit requirements:

- ✓ **Installation of Connector Pipe Screens**  
Construction was completed on this project which will prevent trash from entering the storm drain system and flow into rivers and the ocean.
- ✓ **Participation in the Enhanced Watershed Management Planning (EWMP) Process for Upper Los Angeles River Area Watershed**  
The City includes annual funding for participation in the EWMP planning process with other public agencies.
- ✓ **Approval of Proposition 1 Planning Grant Funding for Green Streets Improvements**  
A local nonprofit agency, Tree People, has partnered with the City to plant trees, install curb cuts/bioswales and retrofit existing landscaped areas with drought tolerant plant materials.
- ✓ **Adoption of a Green Streets Policy**  
The City Council adopted a Green Streets Policy in June 2015 that encourages the use of street trees, bio-retention planters, and other sustainable elements.



## Consideration to Accept Grant Funds Awarded by the State of California Department of Water Resources for the San Fernando Regional Park Project – Planning Phase

Page 3 of 5

### ✓ **Adoption of a Low Impact Development Ordinance**

The City Council adopted a Low Impact Development Ordinance in June 2015 that requires new development projects to utilize natural landscape features, pervious paving and on-site water infiltration elements.

### Proposed Stormwater Planning Grant Program

The proposed planning grant will be used to complete the Planning/Design phase for the Project, including design development, geotechnical investigations, environmental permitting and project outreach. Planning, engineering and design work is expected to take 18 months to complete. Subsequently, all design plans will be reviewed with community members, stakeholder groups and the City Council.

The Project will be designed to include a below-ground retention/infiltration basin situated beneath open space and baseball field areas of the Park. Once completed, the Project will drain approximately 423 acres and help to recharge groundwater sources with approximately 200 acre-feet of stormwater, annually. Photos of the project drainage area, example infiltration elements, and park amenities are included below as a reference.

*Project Drainage Area*



*Stormwater Infiltration BMP*



*Example Park Infiltration*



*Synthetic Turf Fields*



## Consideration to Accept Grant Funds Awarded by the State of California Department of Water Resources for the San Fernando Regional Park Project – Planning Phase

Page 4 of 5

Since the Project will benefit the local groundwater sources, the City engaged the City of Los Angeles Department of Water and Power (“LADWP”) to determine if there was interest in participating as a project partner. LADWP has determined that there is a shared interest in recharging local groundwater sources and has agreed to contribute approximately \$130,000 towards the Project Planning Phase.

Following the planning and community outreach phase, the City will pursue a variety of funding sources for construction of improvements including Proposition 1 grants, County Measure A parks grants and collaborative partnerships, among others. The construction cost estimate is \$7.5 Million, including stormwater infiltration elements, park amenities and drought tolerant turf/landscaping. The following timeline illustrates the next steps in the project, should the City move forward with the planning phase.

### Project Timeline



### **BUDGET IMPACT:**

The proposed budget for the Planning/Design Phase of this project will include several funding sources. The aggregate cost for this phase will not exceed \$850,000 and include a variety of sources, including grant funds, matching funds from project partners, local matching funds and in-kind matching funds.

Source	Amount
Proposition 1 Storm Water Grant - Planning Phase	\$425,000
LA Department of Water and Power *	\$130,000
City of San Fernando (In-kind services)	\$ 70,200
City of San Fernando (Water funds) **	\$224,800
<b>Total</b>	<b>\$850,000</b>

\*City of Los Angeles Department of Water and Power contribution towards the Project Planning Phase.

**Consideration to Accept Grant Funds Awarded by the State of California Department of Water Resources for the San Fernando Regional Park Project – Planning Phase**

Page 5 of 5

\*\*Local matching funds will be spread over a two-year period (FY 2017 and 2018) in the amount of \$112,400 each year. Funds are available in the current fiscal year budget for FY 2017 matching funds.

If constructed, the proposed project would help the City address unfunded State MS4 mandates, improve an important park space, and also represent a prudent investment in local groundwater resources. By recharging local groundwater sources with approximately 200 acre-feet of stormwater, the City would realize potential cost avoidance if imported water sources were needed. At approximately \$1,000 per acre-foot for imported water sources, 200 acre-feet of recharge would yield a savings of \$200,000, annually.

Imported Water Cost, Per Acre-Foot	\$ 1,000
Annual Groundwater Recharge (Acre Feet)	200
Potential Cost Avoidance	\$200,000

**CONCLUSION:**

Completing the planning and design phase for the San Fernando Recreation Park Stormwater Project will continue the City's proactive efforts related to stormwater management and recharging local groundwater sources. In addition, the Project is likely to assist with long-term permit compliance requirements under the Los Angeles Regional Water Quality Control Board MS4 Permit. Based on these factors, it is recommended that the City Council accept grant funding through the Proposition 1 Stormwater Grant Program, authorize the execution of a cooperative agreement with the City of Los Angeles Department of Water and Power as a project partner and authorize related actions for the Project's Planning Phase.

**ATTACHMENTS:**

- A. Resolution No. 7812
- B. Contract No. 1862
- C. Contract No. 1863
- D. Resolution No. 7813

**ATTACHMENT “A”****RESOLUTION NO. 7812****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN FERNANDO, CALIFORNIA, AUTHORIZING THE  
EXECUTION OF A STORM WATER GRANT PROGRAM  
AGREEMENT WITH THE STATE OF CALIFORNIA FOR THE  
SAN FERNANDO REGIONAL PARK PROJECT**

**WHEREAS**, the Water Quality, Supply and Infrastructure Improvement Act of 2014 (Proposition 1) authorizes \$200 million for matching grants to public agencies, nonprofit organizations, public utilities, state and federally recognized Indian tribes and mutual water companies for multi-benefit storm water management projects; and

**WHEREAS**, on November 8, 2012, the Los Angeles Regional Water Quality Control Board (“Regional Board”) adopted order R4-2012-0175, adopting a new Municipal Separate Storm Sewer System (“MS4”) permit for public agencies in Los Angeles County; and

**WHEREAS**, on December 2, 2013, the City of San Fernando City Council approved participation in the Upper Los Angeles River Area Enhanced Watershed Management Plan (“ULARA - EWMP”) program to partner with eighteen (18) other public agencies to meet requirements contained in the MS4 permit; and

**WHEREAS**, the ULARA – EWMP program included several storm water program efforts, including the development of a Low Impact Development Plan Ordinance, a Green Streets Policy, best management practices, storm water program monitoring and the development of multi-benefit regional projects; and

**WHEREAS**, the San Fernando Regional Park Stormwater Infiltration Project was identified as one of eight (“8”) signature regional projects within the ULARA - EWMP Area, and is expected to infiltrate a 423 acre drainage area, recharge groundwater sources with approximately 200-acre feet of stormwater, annually, and renovate existing park amenities at San Fernando Park; and

**WHEREAS**, the City of San Fernando submitted an application for a Proposition 1 Storm Water Grant Program to complete design and engineering plans as a first phase in the San Fernando Regional Park Project; and

**WHEREAS**, the State Water Resources Control Board is responsible for the administration of the Proposition 1 Storm Water Grant Program (“SWGP”) and has approved the City of San Fernando’s submittal under this grant program; and

**WHEREAS**, the City of San Fernando has identified project partners, including the City of Los Angeles Department of Water and Power to contribute matching funds under the grant program due to a shared interest in recharging the Upper Los Angeles River Area groundwater basin; and

**WHEREAS**, the State Water Resources Control Board has established procedures for accepting grant funds.

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

**SECTION 1.** The City Manager (“the Authorized Representative”) or designee is hereby authorized and directed to sign and file, for and on behalf of the City of San Fernando, a financial assistance application for an assistance agreement from the State of California Water Resources Control Board for the planning and design of the San Fernando Regional Park Project.

**SECTION 2.** This Authorized Representative, or his/her designee, is designated to provide the assurances, certifications and commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto.

**SECTION 3.** This Authorized Representative, or his/her designee, is designated to represent the City of San Fernando in carrying out the City’s responsibilities under the assistance agreement, including certifying disbursement requests on behalf of the City and in compliance with applicable requirements.

**PASSED, APPROVED, AND ADOPTED** this 21<sup>st</sup> day of August, 2017.

\_\_\_\_\_  
Sylvia Ballin, Mayor

**ATTEST:**

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

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

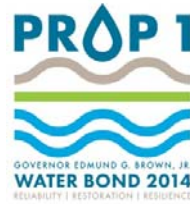
**I HEREBY CERTIFY** that the foregoing Resolution was approved and adopted at a regular meeting of the City Council held on the 21<sup>st</sup> day of August, 2017, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

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

**ATTACHMENT "B"**  
**CONTRACT NO. 1862****PROPOSITION 1**  
**STORM WATER**

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CITY OF SAN FERNANDO

AND

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD



PLANNING GRANT

STORM WATER PLANNING

SAN FERNANDO REGIONAL PARK PROJECT

AGREEMENT NO. D1612611

GRANT FUNDS: \$425,000

ELIGIBLE START DATE: August 1, 2017

WORK COMPLETION DATE: \_DECEMBER 31, 2018\_\_\_\_\_

FINAL DISBURSEMENT REQUEST DATE: \_November 30, 2018\_\_\_\_\_

RECORDS RETENTION TERM END DATE: \_DECEMBER 31, 2054\_\_\_\_\_

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## WHEREAS,

1. The State Water Board is authorized to provide funding under this Agreement pursuant to the following:
  - Proposition 1 Storm Water - Section 79747 of the Water Code (Prop 1)
2. The State Water Board determines eligibility for financial assistance, determines a reasonable schedule for providing financial assistance, establishes compliance with Prop 1, and establishes the terms and conditions of a funding agreement.
3. The Recipient has applied to the State Water Board for funding for the Project described in Exhibit A of this Agreement and the State Water Board has selected the application for funding through a competitive process.
4. The State Water Board proposes to assist in funding the costs of the Project, and the Recipient desires to participate as a recipient of financial assistance from the State Water Board, upon the terms and conditions set forth in this Agreement, all pursuant to Prop 1;

NOW, THEREFORE, in consideration of the premises, mutual representations, covenants and agreements in this Agreement, the State Water Board and the Recipient, each binding itself, its successors and assigns, do mutually promise, covenant, and agree as follows:

1. Definitions.

Unless otherwise specified, each capitalized term used in this Agreement has the following meaning:

“Agreement” means this Grant Agreement, including all exhibits and attachments hereto.

“Authorized Representative” means the duly appointed representative of the Recipient as set forth in the certified original of the Recipient’s authorizing resolution that designates the authorized representative by title.

“Days” means calendar days unless otherwise expressly indicated.

“Disbursement Period” means the period during which Grant Funds may be disbursed.

“Disbursement Request” means the form used by the Recipient to document Match Funds and request reimbursement of Project Costs.

“Division” means the Division of Financial Assistance of the State Water Board or any other segment of the State Water Board authorized to administer the funding program(s) set forth in Section 1.

“Eligible Start Date” means the date set forth in Exhibit B, establishing the date on or after which reimbursable Project Costs may be incurred and eligible for reimbursement hereunder.

“Final Disbursement Request Date” means the date established in Exhibit B, after which date, no further Grant Funds disbursements may be requested.

“Fiscal Year” means the period of twelve (12) months terminating on June 30 of any year.

“Force Account” means the use of the Recipient's own employees or resources for the Project.

“GAAP” means generally accepted accounting principles, as issued by the Governmental Accounting Standards Board.

“Grant Contact” means the employee of the Recipient that has been delegated by the Project Director to oversee the day-to-day activities of the Project.

“Grant Funds” means funds provided by the State Water Board towards eligible reimbursable Project Costs.

“Grant Manager” means the person designated by the State Water Board to manage performance of the Agreement. The Grant Manager is set forth in Section 2 of this agreement.

“Guidelines” means the State Water Board’s “Proposition 1 Storm Water Grant Program Guidelines,” as amended from time to time.

“Indirect Costs” means those costs that are incurred for a common or joint purpose benefiting more than one cost objective and are not readily assignable to the Project (i.e., costs that are not directly related to the Project). Examples of Indirect Costs include, but are not limited to: central service costs; general administration of the Recipient; non-project-specific accounting and personnel services performed within the Recipient organization; depreciation or use allowances on buildings and equipment; the costs of operating and maintaining non-project-specific facilities; tuition and conference fees; generic overhead or markup; and taxes.

“Match Funds” means funds provided by the Recipient towards the Project Costs incurred after November 4, 2014.

“Party Contact” means, for the Recipient, the Authorized Representative of the Recipient or any designee of the Authorized Representative, and, for the State Water Board, the Grant Manager, or the Program Analyst.

“Project” means the Project as described in Exhibit A and in the documents incorporated by reference.

“Project Completion” means, as determined by the Division, that the Project is complete to the reasonable satisfaction of the Division.

“Project Costs” means the incurred costs of the Recipient which are eligible under this Agreement, which are allowable costs as defined under the Guidelines, and which are reasonable, necessary and allocable by the Recipient to the Project under GAAP.

“Project Director” means an employee of the Recipient designated by the Authorized Representative to be responsible for the overall management of the administrative and technical aspects of the executed Agreement. The Project Director is set forth in Section 2 of this Agreement.

“Recipient” means City of San Fernando.

“Regional Water Quality Control Board” or “Regional Water Board” means the appropriate Regional Water Quality Control Board.

“State” means State of California.

“State Water Board” means the State Water Resources Control Board, an administrative and regulatory agency of the State of California.



“SWRP Guidelines” means the State Water Resources Control Board’s “Storm Water Resource Plan Guidelines” as amended from time to time.

“Work Completion” means the Recipient’s submittal of all work set forth under Exhibit A for review and approval by the Division. The Division may require corrective work to be performed prior to Project Completion. Any work occurring after the Work Completion Date will not be reimbursed under this Agreement.

“Work Completion Date” means the date set forth in Exhibit A that is the last date on which Project Costs may be incurred under this Agreement.

“Year” means calendar year unless otherwise expressly indicated.

## 2. Party Contacts.

The Party Contacts during the term of this Agreement are:

State Water Board	Grantee: City of San Fernando
Section: Division of Financial Assistance	Section: Department of Public Works
Name: Rachid Ait-Lasri, Grant Manager	Name: Kenneth Jones, Project Director
Address: 1001 I Street, 17 <sup>th</sup> Floor	Address: 117 Macneil Street
City, State, Sacramento, CA 95814	City, State, San Fernando, CA 91340
Zip:	Zip:
Phone: (916) 341-5825	Phone: (818) 898-1240
Fax: (916) 341-5707	Fax: (818) 361-6728
e-mail: <a href="mailto:Rachid.Ait-Lasri@waterboards.ca.gov">Rachid.Ait-Lasri@waterboards.ca.gov</a>	e-mail: <a href="mailto:kjones@sfcity.org">kjones@sfcity.org</a>

Direct inquiries to:

State Water Board	Grantee: City of San Fernando
Section: Division of Financial Assistance	Section: Department of Public Works
Attention: Carolyn Saputo, Program Analyst	Name: Manuel Fabian, Civil Engineering Assistant II
Address: 1001 I Street, 17 <sup>th</sup> Floor	Address: 117 Macneil Street
City, State, Sacramento, CA 95814	City, State, San Fernando, CA 91340
Zip:	Zip:
Phone: (916) 341-5784	Phone: (818) 898-1243
Fax: (916) 341-5707	Fax: (818) 361-6728
e-mail: <a href="mailto:Carolyn.Saputo@waterboards.ca.gov">Carolyn.Saputo@waterboards.ca.gov</a>	e-mail: <a href="mailto:mfabian@sfcity.org">mfabian@sfcity.org</a>

The Recipient may change its Project Director upon written notice to the Grant Manager, which notice shall be accompanied by authorization from the Recipient’s Authorized Representative. The State Water Board will notify the Project Director of any changes to its Party Contacts.

## 3. Exhibits and Appendices Incorporated.

The following exhibits and appendices to this Agreement, including any amendments and supplements hereto, are hereby incorporated herein and made a part of this Agreement:

EXHIBIT A – SCOPE OF WORK

EXHIBIT B – FUNDING PROVISIONS

EXHIBIT C – STANDARD TERMS AND CONDITIONS

#### 4. Recipient Representations and Commitments.

The Recipient represents, warrants, and commits to the following as of the date signed by the Recipient and continuing thereafter for the term of the Agreement:

- (a) General Commitments. The Recipient accepts and agrees to comply with all terms, provisions, conditions, and commitments of this Agreement, including all incorporated documents, and to fulfill all assurances, declarations, representations, and commitments made by the Recipient in its application, accompanying documents, and communications filed in support of its request for financial assistance and throughout the term of this Agreement.
- (b) Authorization and Validity. The execution and delivery of this Agreement, including all incorporated documents, has been duly authorized. This Agreement constitutes a valid and binding obligation of the Recipient, enforceable in accordance with its terms, except as such enforcement may be limited by law.
- (c) No Violations. The execution, delivery, and performance by Recipient of this Agreement, including all incorporated documents, do not violate any provision of any law or regulation in effect as of the date set forth on the first page hereof, or result in any breach or default under any contract, obligation, indenture, or other instrument to which Recipient is a party or by which Recipient is bound as of the date set forth on the first page hereof.
- (d) No Litigation. There are no pending or, to Recipient's knowledge, threatened actions, claims, investigations, suits, or proceedings before any governmental authority, court, or administrative agency which affect the financial condition or operations of the Recipient, and/or the Project.
- (e) Solvency. None of the transactions contemplated by this Agreement will be or have been made with an actual intent to hinder, delay, or defraud any present or future creditors of Recipient. As of the date set forth on the first page hereof, Recipient is solvent and will not be rendered insolvent by the transactions contemplated by this Agreement. Recipient is able to pay its debts as they become due.
- (f) Legal Status and Eligibility. Recipient is duly organized and existing and in good standing under the laws of the State of California, and will remain so during the term of this Agreement. Recipient shall at all times maintain its current legal existence and preserve and keep in full force and effect its legal rights and authority. Recipient shall maintain its eligibility for funding under this Agreement for the term of this Agreement.
- (g) Good Standing. The Recipient is currently in compliance with the state requirements set forth in Exhibit C. Within the preceding ten years, the Recipient has not failed to demonstrate compliance with previous state audit disallowances.
- (h) Insurance. Recipient maintains sufficient insurance coverage considering the scope of this Agreement, including, for example, but not necessarily limited to, General Liability, Automobile Liability, Worker's Compensation and Employer's Liability, Professional Liability.

#### 5. Project Completion.

The Recipient shall expeditiously proceed with and complete the Project in accordance with this Agreement.

## 6. Notice.

- (a) The Recipient shall notify the Division in writing within five (5) working days of the occurrence of the following:
  - (1) Bankruptcy, insolvency, receivership or similar event of the Recipient;
  - (2) Actions taken pursuant to state law in anticipation of filing for bankruptcy;
- (b) The Recipient shall notify the Division within 10 working days of any litigation pending or threatened against Recipient regarding its continued existence, consideration of dissolution, or disincorporation;
- (c) The Recipient shall notify the Division promptly of the following:
  - (1) Any proposed change in scope of the Project. Under no circumstances may the Recipient make changes to the scope of the Project without receiving prior review and approval by the Division. Most changes will require an amendment to this Agreement;
  - (2) Cessation of work on the Project where such cessation of work is expected to or does extend for a period of thirty (30) days or more;
  - (3) Any circumstance, combination of circumstances, or condition, which is expected to or does delay Work Completion;
  - (4) Any monitoring activities such that the State Water Board Division of Drinking Water and/or Regional Water Quality Control Board staff may observe and document such activities;
  - (5) Any public or media event publicizing the accomplishments and/or results of this Agreement and provide the opportunity for attendance and participation by state representatives with at least ten (10) working days' notice to the Division; or
  - (6) Work Completion, and Project Completion.

## 7. No Obligation of the State; State Budget Act Contingency.

Any obligation of the State Water Board herein contained shall not be an obligation, debt, or liability of the State and any such obligation shall be payable solely out of the moneys appropriated by the State Legislature to the State Water Board from the special fund associated with this Agreement.

If the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no force and effect. This provision shall be construed as a condition precedent to the obligation of the State Water Board to make any payments under this Agreement. In this event, the State shall have no liability to pay any funds whatsoever to Recipient or to furnish any other considerations under this Agreement and Recipient shall not be obligated to perform any provisions of this Agreement. Nothing in this Agreement shall be construed to provide the Recipient with a right of priority for payment over any other recipient. If this Agreement's funding for any Fiscal Year is reduced or deleted by the Budget Act, by Executive Order, or by order of the Department of Finance, the State shall have the option to either cancel this Agreement with no liability occurring to the State, or offer an Agreement amendment to the Recipient to reflect the reduced amount.

City of San Fernando  
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IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

**CITY OF SAN FERNANDO:**

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

Name: Nick Kimball

Title: Interim City Manager

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

**STATE WATER RESOURCES CONTROL BOARD:**

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

Name: Leslie Laudon

Title: Deputy Director  
Division of Financial Assistance

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

## EXHIBIT A – SCOPE OF WORK

## A-1. Completion Dates.

The Work Completion Date is established as December 31, 2018. Work occurring after the Work Completion Date, including corrective actions, is not eligible for reimbursement with Grant Funds and cannot be paid for using Match Funds.

## A-2. Purpose.

This grant is for the benefit of the Recipient. The planning funded by this agreement is related to the possible construction/implementation project known as the San Fernando Regional Park Project (Project) that has a projected useful life of 20 years. The Recipient's receipt of funding under this Agreement is not a commitment to and does not obligate the State Water Board to provide funding for any eventual construction/implementation project.

## A-3. Project-Specific Scope of Work.

The Recipient agrees to do the following:

## 1. Project Management

- 1.1 Provide all technical and administrative services as needed for Project completion; monitor, supervise, and review all work performed; and coordinate budgeting and scheduling to ensure the Project is completed within budget, on schedule, and in accordance with approved procedures, applicable laws, and regulations.
- 1.2 Notify the Grant Manager at least fifteen (15) working days in advance of upcoming meetings, workshops, and trainings.
- 1.3 Develop and update appropriately a detailed Project schedule using a format provided by the Grant Manager, including key Project milestones, and submit to the Grant Manager.
- 1.4 Conduct Project status review meetings as requested by the Grant Manager.
- 1.5 Create a memorandum of understanding (MOU) agreement between the City of San Fernando, City of Los Angeles, and the County of Los Angeles for technical assistance. Submit the MOU to the Grant Manager.

## 2. Stakeholder Outreach, Education, and Public Participation

- 2.1 Facilitate the organization, coordination, and collaboration among stakeholders, residents, and non-governmental organizations.
  - 2.1.1 Convene a minimum of two (2) stakeholder outreach meetings during development of the fifty percent (50%) and ninety percent (90%) design plans. Submit the meeting agendas and sign-in sheets to the Grant Manager.
  - 2.1.2 Convene a minimum of two (2) public meetings during development of the fifty percent (50%) and one-hundred percent (100%) design plans to allow the public to obtain information, and share comments or questions regarding the Project. Submit the meeting agendas and sign-in sheets to the Grant Manager.

- 2.1.3 Post updates to the Project using the Cities social media page and the Cities website. Submit the weblinks to the Grant Manager.
  - 2.2 Submit a summary of stakeholder outreach, education, public participation, and collaboration activities including meeting agenda(s) and materials, meeting summaries, sign-in sheets, and photos in the associated quarterly progress report(s).
3. Planning and Design
  - 3.1 Develop a feasibility and preliminary design memorandum and submit to the Grant Manager.
  - 3.2 Develop a Request for Proposal (RFP) to hire a qualified engineering consultant to prepare plans, specifications, and cost estimates for the future implementation project based on the recommendations in the Preliminary Design Memorandum. Submit the RFP and a copy of the Design Contract to the Grant Manager.
  - 3.3 Prepare a preliminary design report for the future implementation project that includes a geotechnical analysis and hydrology study. The implementation project shall be designed to include capture, treatment, and infiltration of storm water and dry weather runoff collected from a minimum of four hundred (400) acres of contributing drainage area. The design shall include management of at minimum the first flush storm water runoff for the 85<sup>th</sup> percentile, 24-hour storm event. The design shall include the following facilities:
    - An underground infiltration gallery that holds a minimum of fifty (50) acre-feet of water.
    - A pre-treatment system utilizing a low impact development (LID) design to filter storm water pollutants, including metals, toxics, and bacteria.
  - 3.3.1 Submit the draft Preliminary Design Report to the Grant Manager for review and comment.
    - 3.3.2 Prepare and submit the final Preliminary Design Report, incorporating comments received from the Grant Manager.
  - 3.4 Complete documentation required for the proposed implementation project under the California Environmental Quality Act (CEQA). Take all required steps to prepare, circulate, and certify the required CEQA document(s).
    - 3.4.1 Provide the draft CEQA document to the Grant Manager for review and comment.
    - 3.4.2 Provide the final CEQA document to the Grant Manager.
  - 3.5 Prepare and submit the fifty percent (50%) engineered design plans, specifications, and cost estimate for the future implementation project electronically to the Grant Manager for review and approval.
  - 3.6 Complete the one hundred percent (100%) engineered design plans, specifications and updated cost estimate incorporating comments and prepare a summary identifying changes from the fifty percent (50%) plans in Item 3.5. Submit the plans, specifications, and summary of changes to the Grant Manager for review and approval.

- 3.7 Complete the bid documents in accordance with the approved design plans in Item 3.5, after receiving all required approvals. Submit the completed bid documents to the Grant Manager.

A-4. Disclosure.

The Recipient shall include the following disclosure statement in any document, written report, or brochure prepared in whole or in part pursuant to this Agreement:

“Funding has been provided in full or in part through an agreement with the State Water Resources Control Board using funds from Proposition 1. The contents of this document do not necessarily reflect the views and policies of the foregoing, nor does mention of trade names or commercial products constitute endorsement or recommendation for use.”

A-5. Reporting.

- (a) Progress Reports. The Recipient shall submit quarterly progress reports to the Grant Manager within forty-five (45) days following the end of the calendar quarter (March, June, September, and December). Progress Reports shall provide a brief description of activities that have occurred, milestones achieved, monitoring results (if applicable), and any problems encountered in the performance of the work under this Agreement during the applicable reporting period. Reporting shall be required even if no grant related activities occurred during the reporting period. The Recipient shall document all activities and expenditures in progress reports, including work performed by contractors.
- (b) As Needed Information or Reports. The Recipient agrees to provide expeditiously, during the term of this Agreement, such reports, data, and information as may be reasonably required by the Division, including but not limited to material necessary or appropriate for evaluation of the funding program or to fulfill any reporting requirements of the state or federal government.
- (c) Annual Progress Summaries. The Recipient shall prepare and provide an Annual Progress Summary annually by November 15 that covers the time period from October 1 of the previous year through September 30 of the current year. The summary must be no more than two (2) pages, and shall include pictures as appropriate. The Recipient shall upload an electronic copy of the Annual Progress Summary in pdf format to the FAAST system. The summary shall include the following:
- (1) A summary of the conditions the Project is meant to alleviate, the Project's objective, the scope of the Project, and a description of the approach used to achieve the Project objective.
  - (2) A summary of the progress made to date, significant milestones achieved, and the current schedule of completing the Project.
- (d) Final Reports. At the conclusion of the Project, the Recipient must submit the following to the Grant Manager:
- (1) Draft Final Project Report. Prepare and submit to the Grant Manager, for review and comment, a draft Final Project Report in a format provided by the Grant Manager.
  - (2) Final Project Report. Prepare a Final Project Report that addresses, to the extent feasible, comments made by the Grant Manager on the draft Final Project Report. Submit one (1) reproducible master copy and an electronic copy of the final. Upload an electronic copy of the final report in pdf format to the Financial Assistance Application Submittal Tool (FAAST) system (available at <https://faast.waterboards.ca.gov/>).

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- (3) Final Project Summary. Prepare a brief summary of the information contained in the Final Project Report, including accomplishments, as appropriate. Upload an electronic copy of the Final Project Summary in pdf format to the FAAST system.



A-6. Project Schedule.

Failure to provide items by the due dates indicated in the table below may constitute a material violation of this agreement. However, the dates in the "Estimated Due Date" column of this Schedule may be adjusted as necessary during the Disbursement Period with Grant Manager approval. All work or submittals must be achieved with relevant submittals approved by the Division prior to the Work Completion Date, and the final Disbursement Request submitted, prior to the Final Disbursement Request Date set forth in Exhibit B.

ITEM	DESCRIPTION OF SUBMITTAL	CRITICAL DUE DATE	ESTIMATED DUE DATE
<b>EXHIBIT A-3 PROJECT-SPECIFIC SCOPE OF WORK</b>			
1.	Project Management		
1.2	Notification of Upcoming Meetings, Workshops, and Trainings		Ongoing
1.3	Detailed Project Schedule	60 Days After Execution	
1.4	Status Review Meetings		Ongoing
1.5	MOU		August 1, 2017
2.	Stakeholder Outreach, Education, and Public Participation		
2.1.1	Stakeholder Meeting Agendas and Sign-In Sheets		Ongoing
2.1.2	Public Meeting Agendas and Sign-In Sheets		Ongoing
2.1.3	Weblinks		Ongoing
3.	Planning and Design		
3.1	Feasibility and Preliminary Design Memorandum		October 31, 2017
3.2	Request for Proposal and Copy of Design Contract	November 6, 2017	
3.3.1	Preliminary Design Report		April 30, 2018
3.3.2	Final Preliminary Design Report		May 31, 2018
3.4.1	Draft CEQA Document	March 30, 2018	
3.4.2	Final CEQA Document	May 1, 2018	
3.5	50% Engineered Design Plans, Specifications, and Cost Estimate		August 31, 2018
3.6	100% Engineered Design Plans, Specifications, and Summary of Changes		September 28, 2018
3.7	Bid Documents		October 8, 2018
<b>EXHIBIT A-5 REPORTING</b>			
(a)	Progress Reports	Quarterly	
(b)	As Needed Information or Reports		

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ITEM	DESCRIPTION OF SUBMITTAL	CRITICAL DUE DATE	ESTIMATED DUE DATE
EXHIBIT A-5 REPORTING			
(c)	Annual Progress Summaries	Annually by 11/15	
(d)	Final Reports		
(d)(1)	Draft Final Project Report	September 30, 2018	
(d)(2)	Final Project Report	October 31, 2018	
(d)(3)	Final Project Summary	30 Days Prior to Work Completed By Date	
EXHIBIT B – FUNDING PROVISIONS			
4 (b)	Final Disbursement Request		
9 (b)(4)	Disbursement Requests	Quarterly	

## EXHIBIT B – FUNDING PROVISIONS

## B-1. Project Funding.

Subject to the terms of this Agreement, the State Water Board agrees to provide Grant Funds in the amount of up to FOUR HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$425,000).

## B-2. Match Funds.

- (a) The Recipient agrees to provide Match Funds in the amount of FOUR HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$425,000).
- (b) This Match Funds amount is based on the budget, funding sources, and amounts submitted by the Recipient in its application and during the negotiation of this Agreement. Any Match Funds changes or adjustments requested by the Recipient must be approved, in advance and in writing, by the Grant Manager and may require an amendment to this Agreement.
- (c) Only expenses that would be considered eligible under Prop 1 and the Guidelines will be counted towards the Recipient's Match Funds.
- (d) Any costs incurred prior to the adoption of Prop 1 on November 4, 2014, will not count towards the Recipient's Match Funds.
- (e) If, at Work Completion, the Recipient has provided Match Funds in an amount that is less than the Match Funds amount set forth above, the State Water Board may proportionately reduce the Grant Funds amount and/or Recipient's Match Funds amount, upon approval of the Deputy Director of the Division, provided the reduced amount(s) satisfy statutory requirements and Guidelines.

## B-3. Estimated Reasonable Total Project Cost.

The estimated reasonable cost of the total Project is SEVEN HUNDRED FIFTY THOUSAND, SIX HUNDRED THIRTY-ONE DOLLARS (\$750,631).

## B-4. Funding Dates.

- (a) The Eligible Start Date is August 1, 2017. Otherwise eligible costs incurred prior to this date will not be reimbursed.
- (b) The Final Disbursement Request Date is November 30, 2018. The Deputy Director of the Division may extend this date for good cause. Extensions may require an amendment to this Agreement. All disbursement requests must be submitted to the Division such that they are received prior to this date. Late disbursement requests will not be honored and remaining amounts will be deobligated.

## B-5. Funding Conditions and Exclusions.

- (a) This Agreement reflects planning funding only. If the Recipient desires implementation/construction funding, the Recipient must apply for implementation/construction funding, and execute an implementation/construction funding agreement. Costs associated with the implementation/construction phase of the possible eventual implementation/construction project are not eligible for reimbursement under this Agreement.

- (b) The State Water Board's disbursement of funds hereunder is contingent on the Recipient's compliance with the terms and conditions of this Agreement.
- (c) Grant Funds may not be used for any Indirect Costs. Any Disbursement Request submitted including Indirect Costs will cause that Disbursement Request, in its entirety, to be disputed and will not be paid until the dispute is resolved. This prohibition applies to the Recipient and any subcontract or sub-agreement for work on the Project that will be reimbursed with Grant Funds pursuant to this Agreement. (Gov. Code, § 16727.)

**B-6. Budget Summary**

<b>LINE ITEM</b>	<b>GRANT FUNDS</b>	<b>MATCH FUNDS</b>	<b>TOTAL PROJECT COSTS</b>
Direct Project Administration Costs	\$	\$	\$
Planning/Design/Engineering/ Environmental	\$	\$	\$
Construction/Implementation	\$	\$	\$
Monitoring/Performance	\$	\$	\$
Education/Outreach	\$	\$	\$
<b>TOTAL</b>	<b>\$ 425,000</b>	<b>\$ 425,000</b>	<b>\$</b>

**B-7. Budget Flexibility.**

- (a) Subject to the prior review and approval of the Grant Manager, adjustments between existing line item(s) may be used to defray allowable direct costs up to fifteen percent (15%) of the total amount (excluding Match Funds), including any amendment(s) thereto. Line item adjustments in excess of fifteen percent (15%) require an Agreement amendment. If the detailed budget includes an amount for the Recipient's personnel costs, that amount is based on the hours, classifications, and rates submitted by the Recipient in its application. Any changes to the hours, classifications, and rates must be approved, in advance and in writing, by the Grant Manager.
- (b) The Recipient may submit a request for an adjustment in writing to the Grant Manager. Such adjustment may not increase or decrease the total grant amount. The Recipient shall submit a copy of the original Agreement Budget sheet reflecting the requested changes and shall note proposed changes by striking out the original amount(s) followed with proposed change(s) in bold and underlined. Budget adjustments deleting a budget line item or adding a new budget line item shall require a formal amendment. The Division may also propose budget adjustments.
- (c) The sum of adjusted line items shall not exceed the total budget amount.

**B-8. Amounts Payable by the Recipient.**

The Recipient agrees to pay any and all costs connected with the Project including, without limitation, any and all Project Costs. If the Grant Funds are not sufficient to pay the Project Costs in full, the Recipient shall nonetheless complete the Project and pay that portion of the Project Costs in excess of available Grant Funds, and shall not be entitled to any reimbursement therefor from the State Water Board.

**B-9. Disbursement of Grant Funds; Availability of Grant Funds.**

- (a) The State Water Board's obligation to disburse Grant Funds is contingent upon the availability of sufficient funds to permit the disbursements provided for herein. If sufficient funds are not available for any reason, including but not limited to failure of the State government to appropriate funds necessary for disbursement of Grant Funds, the State Water Board shall not be obligated to make any disbursements to the Recipient under this Agreement. This provision shall be construed as a condition precedent to the obligation of the State Water Board to make any disbursements under this Agreement. Nothing in this Agreement shall be construed to provide the Recipient with a right of priority for disbursement over any other recipient. If any disbursements due the Recipient under this Agreement are deferred because sufficient funds are unavailable, it is the intention of the State Water Board that such disbursement will be made to the Recipient when sufficient funds do become available, but this intention is not binding. If this Agreement's funding for any fiscal year is reduced or deleted by the Budget Act, by Executive Order, or by order of the Department of Finance, the State shall have the option to either cancel this Agreement with no liability occurring to the State, or offer an amendment to the Recipient to reflect the reduced amount.
- (b) Except as may be otherwise provided in this Agreement, disbursement of Grant Funds will be made as follows:
- (1) Upon execution and delivery of this Agreement, the Recipient may submit a Disbursement Request for eligible Project Costs as well as to support Match Funds specified in this Exhibit from the Project Costs through submission to the State Water Board using the Disbursement Request form provided by the Grant Manager.
  - (2) Disbursement Requests shall contain the following information:
    - a. The date of the request;
    - b. The time period covered by the request, i.e., the term "from" and "to";
    - c. The total amount requested;
    - d. Documentation of match;
    - e. Original signature and date (in ink) of Recipient's Authorized Representative; and,
    - f. The Final Disbursement Request shall be clearly marked "FINAL DISBURSEMENT REQUEST" and shall be submitted NO LATER THAN JANUARY 31, 2019.
  - (3) Disbursement Requests must be itemized based on the line items specified in the budget in this Exhibit. Disbursement Requests must be signed by the Authorized Representative or designee and must be addressed to the Grant Manager as set forth in the Party Contacts section of this Agreement. Requests for disbursement submitted in any other format than the one provided by the State Water Board will cause a Disbursement Request to be disputed. In the event of such a dispute, the Grant Manager will notify the Recipient. Payment will not be made until the dispute is resolved and a corrected Disbursement Request submitted. The Grant Manager has the responsibility for approving Disbursement Requests. Disbursement Requests must be complete and executed by the Recipient. Project Costs incurred prior to the Eligible Start Date of this Agreement will not be reimbursed.
  - (4) Grant Funds must be requested via Disbursement Request quarterly for eligible costs incurred during the reporting period of the corresponding Progress Report, describing the

activities and expenditures for which the disbursement is being requested. Each Disbursement Request must be accompanied by a Progress Report. Failure to provide timely Disbursement Requests may result in such requests not being honored.

- (5) The Recipient agrees that it will not submit any Disbursement Requests that include any Project Costs until such cost has been incurred and is currently due and payable by the Recipient, although the actual payment of such cost by the Recipient is not required as a condition of Disbursement Request. Supporting documentation (e.g., receipts) must be submitted with each Disbursement Request as well as to support Match Funds claimed, if any. The amount requested for administration costs must include a calculation formula (i.e., hours or days worked times the hourly or daily rate = total amount claimed). Disbursement of Grant Funds will be made only after receipt of a complete, adequately supported, properly documented, and accurately addressed disbursement request.
- (6) The Recipient will not seek reimbursement of any Project Costs that have been reimbursed from other funding sources.
- (7) Recipient shall use Grant Funds within 30 days of receipt to reimburse contractors, vendors, and other Project Costs. Any interest earned on Grant Funds shall be reported to the State Water Board and will either be required to be returned to the State Water Board or deducted from future disbursements. In the event that the Recipient fails to disburse Grant Funds to contractors or vendors within thirty (30) days from receipt of the funds, the Recipient shall immediately return such funds to the State Water Board. Interest shall accrue on such funds from the date of disbursement through the date of mailing of funds to the State Water Board. If the Recipient held such funds in interest-bearing accounts, any interest earned on the funds shall also be due to the State Water Board.
- (8) Recipient shall submit its final Disbursement Request no later than the Final Disbursement Request Date specified herein unless prior approval is granted by the Division. If the Recipient fails to do so, then the undisbursed balance of this Agreement will be deobligated.
- (9) The Recipient agrees that it will not request a disbursement unless that cost is allowable, reasonable, and allocable.
- (10) Notwithstanding any other provision of this Agreement, no disbursement shall be required at any time or in any manner that is in violation of or in conflict with federal or state laws, policies, or regulations.
- (11) The Recipient agrees that it shall not be entitled to interest earned on undisbursed Grant Funds.
- (12) Any reimbursement for necessary travel and per diem shall be at rates not to exceed those set by the California Department of Human Resources. These rates may be found at <http://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx>. Reimbursement will be at the State travel and per diem amounts that are current as of the date costs are incurred by the Recipient. No travel outside the State of California shall be reimbursed unless prior written authorization is obtained from the Grant Manager.
- (13) The Recipient must include any other documents or requests required or allowed under this Agreement.

**B-10. Withholding of Disbursements and Material Violations.**

- (a) Notwithstanding any other provision of this Agreement, the Recipient agrees that the State Water Board may retain an amount equal to ten percent (10%) of the Grant Funds until Project

Completion. Any retained amounts due to the Recipient will be promptly disbursed to the Recipient, without interest, upon Project Completion.

- (b) The State Water Board may withhold all or any portion of the funds provided for by this Agreement in the event that:
- (1) The Recipient has materially violated, or threatens to materially violate, any term, provision, condition, or commitment of this Agreement; or
  - (2) The Recipient fails to maintain reasonable progress toward Project Completion.

**B-11. Remaining Balance.**

In the event the Recipient does not request all of the funds encumbered under this Agreement, any remaining funds revert to the State.

**B-12. Fraud and Misuse of Public Funds.**

All requests for disbursement submitted shall be accurate and signed under penalty of perjury. Any and all costs submitted pursuant to this Agreement shall only be for the tasks set forth herein. The Recipient shall not submit any Disbursement Request containing costs that are ineligible or have been reimbursed from other funding sources unless required and specifically noted as such (i.e., match costs). Any eligible costs for which the Recipient is seeking reimbursement shall not be reimbursed from any other source. Double or multiple billing for time, services, or any other eligible cost is illegal and constitutes fraud. Any suspected occurrences of fraud, forgery, embezzlement, theft, or any other misuse of public funds may result in suspension of disbursements of Grant Funds and/or termination of this Agreement requiring the repayment of all funds disbursed hereunder. Additionally, the Deputy Director of the Division may request an audit and refer the matter to the Attorney General's Office or the appropriate district attorney's office for criminal prosecution or the imposition of civil liability. (Civ. Code, §§ 1572-1573; Pen. Code, §§ 470, 489-490.)

## EXHIBIT C – STANDARD TERMS AND CONDITIONS

## C-1. Accounting and Auditing Standards.

The Recipient must maintain Project accounts according to GAAP. The Recipient shall maintain GAAP-compliant Project accounts, including GAAP requirements relating to the reporting of infrastructure assets.

## C-2. Amendment.

No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral or written understanding or agreement not incorporated in this Agreement is binding on any of the parties.

## C-3. Assignability.

This Agreement is not assignable by the Recipient, either in whole or in part.

## C-4. Audit.

- (a) The Division, at its option, may call for an audit of financial information relative to the Project, where the Division determines that an audit is desirable to assure program integrity or where such an audit becomes necessary because of state or federal requirements. Where such an audit is called for, the audit shall be performed by a certified public accountant independent of the Recipient and at the cost of the Recipient. The audit shall be in the form required by the Division.
- (b) Audit disallowances will be returned to the State Water Board. Failure to comply with audit disallowance provisions shall disqualify the Recipient from participating in State Water Board funding programs.

## C-5. [Reserved]

## C-6. [Reserved]

## C-7. Claims.

Any claim of the Recipient is limited to the rights, remedies, and claims procedures provided to the Recipient under this Agreement.

## C-8. Competitive Bidding.

Recipient shall adhere to any applicable state or local ordinance for competitive bidding and applicable labor laws.

If Recipient is a private entity, any construction contracts related in any way to the Project shall be let by competitive bid procedures that ensure award of such contracts to the lowest responsible bidders. Recipient shall not award a construction contract until a summary of bids and identification of the selected lowest responsible bidder is submitted to and approved in writing by the Division. Recipient must provide a full explanation if Recipient is proposing to award a construction contract to anyone other than the lowest responsible bidder.



**C-9. Compliance with Law, Regulations, etc.**

The Recipient agrees that it will, at all times, comply with and require its contractor and subcontractors to comply with all applicable federal and state laws, rules, guidelines, regulations, and requirements. Without limitation of the foregoing, the Recipient agrees that, to the extent applicable, the Recipient will:

- (a) Comply with the Guidelines;
- (b) Comply with and require compliance with the list of state laws (cross-cutters) in Section C-32 of this Agreement.

**C-10. Conflict of Interest.**

The Recipient certifies that its owners, officers, directors, agents, representatives, and employees are in compliance, and shall remain compliant through Project Completion, with applicable state and federal conflict of interest laws, including but not limited to laws related to conflict of interest laws related to contracting and procurement.

**C-11. Damages for Breach Affecting Tax-Exempt Status or Federal Compliance.**

In the event that any breach of any of the provisions of this Agreement by the Recipient shall result in the loss of tax-exempt status for any bonds of the State or any subdivision or agency thereof, including bonds issued on behalf of the State Water Board, or if such breach shall result in an obligation on the part of the State or any subdivision or agency thereof to reimburse the federal government by reason of any arbitrage profits, the Recipient shall immediately reimburse the State or any subdivision or agency thereof in an amount equal to any damages paid by or loss incurred by the State or any subdivision or agency thereof due to such breach. In the event that any breach of any of the provisions of this Agreement by the Recipient shall result in the failure of Grant Funds to be used pursuant to the provisions of this Agreement, or if such breach shall result in an obligation on the part of the State or any subdivision or agency thereof to reimburse the federal government, the Recipient shall immediately reimburse the State or any subdivision or agency thereof in an amount equal to any damages paid by or loss incurred by the State or any subdivision or agency thereof due to such breach.

**C-12. Disputes.**

- (a) The Recipient may appeal a staff decision within 30 days to the Deputy Director of the Division or designee, for a final Division decision. The Recipient may appeal a final Division decision to the State Water Board within 30 days. The Office of the Chief Counsel of the State Water Board will prepare a summary of the dispute and make recommendations relative to its final resolution, which will be provided to the State Water Board's Executive Director and each State Water Board Member. Upon the motion of any State Water Board Member, the State Water Board will review and resolve the dispute in the manner determined by the State Water Board. Should the State Water Board determine not to review the final Division decision, this decision will represent a final agency action on the dispute.
- (b) This clause does not preclude consideration of legal questions, provided that nothing herein shall be construed to make final the decision of the State Water Board, or any official or representative thereof, on any question of law.
- (c) Recipient shall continue with the responsibilities under this Agreement during any dispute.

**C-13. Financial Management System and Standards.**

The Recipient agrees to comply with federal standards for financial management systems. The Recipient agrees that, at a minimum, its fiscal control and accounting procedures will be sufficient to permit preparation of reports required by the federal or state government and tracking of Project Costs to a level of expenditure adequate to establish that such funds have not been used in violation of federal or state law or the terms of this Agreement.

**C-14. Governing Law.**

This Agreement is governed by and shall be interpreted in accordance with the laws of the State of California.

**C-15. Income Restrictions.**

The Recipient agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Recipient under this Agreement shall be paid by the Recipient to the State, to the extent that they are properly allocable to costs for which the Recipient has been reimbursed by the State under this Agreement.

**C-16. Indemnification and State Reviews.**

The parties agree that review or approval of Project documents by the State Water Board is for administrative purposes only, including conformity with application and eligibility criteria, and expressly not for the purposes of design defect review or construction feasibility, and does not relieve the Recipient of its responsibility to engage in proper planning. To the extent permitted by law, the Recipient agrees to indemnify, defend, and hold harmless the State Water Board, and its officers, employees, and agents (collectively, "Indemnified Persons"), against any loss or liability arising out of any claim or action brought against any Indemnified Persons from and against any and all losses, claims, damages, liabilities, or expenses, of every conceivable kind, character, and nature whatsoever arising out of, resulting from, or in any way connected with (1) the Project or the conditions, occupancy, use, possession, conduct, or management of, work done in or about, or the planning, design, acquisition, installation, or construction, of the Project or any part thereof; (2) the carrying out of any of the transactions contemplated by this Agreement or any related document; (3) any violation of any applicable law, rule or regulation, any environmental law (including, without limitation, the Federal Comprehensive Environmental Response, Compensation and Liability Act, the Resource Conservation and Recovery Act, the California Hazardous Substance Account Act, the Federal Water Pollution Control Act, the Clean Air Act, the Toxic Substances Control Act, the Occupational Safety and Health Act, the Safe Drinking Water Act, the California Hazardous Waste Control Law, and California Water Code Section 13304, and any successors to said laws), rule or regulation or the release of any toxic substance on or near the Project; or (4) any untrue statement or alleged untrue statement of any material fact or omission or alleged omission to state a material fact necessary to make the statements required to be stated therein, in light of the circumstances under which they were made, not misleading with respect to any information provided by the Recipient for use in any disclosure document utilized in connection with any of the transactions contemplated by this Agreement. To the fullest extent permitted by law, the Recipient agrees to pay and discharge any judgment or award entered or made against Indemnified Persons with respect to any such claim or action, and any settlement, compromise or other voluntary resolution. The provisions of this section shall survive the term of this Agreement and the discharge of the Recipient's Obligation hereunder.

**C-17. Independent Actor.**

The Recipient, and its agents and employees, if any, in the performance of this Agreement, shall act in an independent capacity and not as officers, employees, or agents of the State Water Board.

**C-18. Integration.**

This Agreement is the complete and final Agreement between the parties.

**C-19. Non-Discrimination Clause.**

- (a) During the performance of this Agreement, Recipient and its contractors and subcontractors shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, sexual orientation, physical disability (including HIV and AIDS), mental disability, medical condition (cancer), age (over 40), marital status, denial of family care leave, or genetic information, gender, gender identity, gender expression, or military and veteran status.
- (b) The Recipient, its contractors, and subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment.
- (c) The Recipient, its contractors, and subcontractors shall comply with the provisions of the Fair Employment and Housing Act and the applicable regulations promulgated thereunder. (Gov. Code, §12990, subs. (a)-(f) et seq.; Cal. Code Regs., tit. 2, § 7285 et seq.) Such regulations are incorporated into this Agreement by reference and made a part hereof as if set forth in full.
- (d) The Recipient, its contractors, and subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.
- (e) The Recipient shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.

**C-20. No Third Party Rights.**

The parties to this Agreement do not create rights in, or grant remedies to, any third party as a beneficiary of this Agreement, or of any duty, covenant, obligation, or undertaking established herein.

**C-21. [Reserved]****C-22. Other Assistance.**

If funding for Project Costs is made available to the Recipient from sources other than this Agreement and approved match sources, the Recipient shall immediately notify the Grant Manager.

**C-23. Permits, Contracting, Disqualification.**

The Recipient shall comply in all material respects with all applicable federal, state and local laws, rules and regulations. Recipient shall procure all permits, licenses and other authorizations necessary to accomplish the work contemplated in this Agreement, pay all charges and fees, and give all notices necessary and incidental to the due and lawful prosecution of the work.

For any work related to this Agreement, the Recipient shall not contract with any individual or organization on the State Water Board's List of Disqualified Businesses and Persons that is identified as debarred or suspended or otherwise excluded from or ineligible for participation in any work overseen, directed, funded, or administered by the State Water Board program for which funding under this Agreement is authorized. The State Water Board's List of Disqualified Businesses and Persons is located at [http://www.waterboards.ca.gov/water\\_issues/programs/ustcf/dbp.shtml](http://www.waterboards.ca.gov/water_issues/programs/ustcf/dbp.shtml). The Recipient shall not contract

with any party who is debarred or suspended or otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549, "Debarment and Suspension."

C-24. Public Records.

The Recipient acknowledges that, except for a subset of information regarding archaeological records, the Project records and locations are public records, including but not limited to all of the submissions accompanying the application, all of the documents incorporated by reference into this Agreement, and all reports, disbursement requests, and supporting documentation submitted hereunder.

C-25. Prevailing Wages.

The Recipient agrees to be bound by all applicable provisions of State Labor Code regarding prevailing wages. The Recipient shall monitor all agreements subject to reimbursement from this Agreement to ensure that the prevailing wage provisions of the State Labor Code are being met.

C-26. Professionals.

The Recipient agrees that only professionals with valid licenses in the State of California will be used to perform services under this Agreement where such services are called for. All technical reports required pursuant to this Agreement that involve planning, investigation, evaluation, design, or other work requiring interpretation and proper application of engineering, architecture, or geologic sciences shall be prepared by or under the direction of persons registered to practice in California. All technical reports must contain the statement of the qualifications of the responsible registered professional(s). Technical reports must bear the signature(s) and seal(s) of the registered professional(s) in a manner such that all work can be clearly attributed to the professional responsible for the work.

C-27. Public Funding.

This Project is publicly funded. Any service provider or contractor with which the Recipient contracts must not have any role or relationship with the Recipient, that, in effect, substantially limits the Recipient's ability to exercise its rights, including cancellation rights, under the contract, based on all the facts and circumstances.

C-28. Recipient's Responsibility for Work.

The Recipient shall be responsible for all work and for persons or entities engaged in work performed pursuant to this Agreement, including, but not limited to, contractors, subcontractors, suppliers, and providers of services. The Recipient shall be responsible for any and all disputes arising out of its contracts for work on the Project. The State Water Board will not mediate disputes between the Recipient and any other entity concerning responsibility for performance of work.

C-29. Records.

Without limitation of the requirement to maintain Project accounts in accordance with GAAP, the Recipient agrees to:

- (a) Establish an official file for the Project which shall adequately document all significant actions relative to the Project.
- (b) Establish separate accounts which will adequately and accurately depict all amounts received and expended on the Project, including all assistance funds received under this Agreement.

- (c) Establish separate accounts which will adequately depict all income received which is attributable to the Project, specifically including any income attributable to assistance funds disbursed under this Agreement.
- (d) Establish an accounting system which will accurately depict final total costs of the Project, including both direct and indirect costs. Indirect Costs are not eligible for funding under this Agreement.
- (e) Establish such accounts and maintain such records as may be necessary for the State to fulfill federal reporting requirements, including any and all reporting requirements under federal tax statutes or regulations.
- (f) If Force Account is used by the Recipient for the Project, accounts will be established which reasonably document all employee hours charged to the Project and the associated tasks performed by each employee.
- (g) Maintain separate books, records and other material relative to the Project.
- (h) Retain such books, records, and other material for itself and for each contractor or subcontractor who performed work on this Project for a minimum of thirty-six (36) years after Work Completion. The Recipient shall require that such books, records, and other material be subject at all reasonable times (at a minimum during normal business hours) to inspection, copying, and audit by the State Water Board, the Bureau of State Audits, the Internal Revenue Service, the Governor, or any authorized representatives of the aforementioned, and shall allow interviews during normal business hours of any employees who might reasonably have information related to such records. The Recipient agrees to include a similar right regarding audit, interviews, and records retention in any subcontract related to the performance of this Agreement. The provisions of this section shall survive the term of this Agreement.

#### C-30. Related Litigation.

A Recipient is prohibited from using Grant Funds or Match Funds to pay costs associated with any litigation the Recipient pursues. Regardless of whether the Project or any eventual construction project is the subject of litigation, the Recipient agrees to complete the Project funded by the Agreement or to repay all Grant Funds plus interest to the State Water Board.

#### C-31. Rights in Data.

The Recipient agrees that all data, plans, drawings, specifications, reports, computer programs, operating manuals, notes, and other written or graphic work produced in the performance of this Agreement are subject to the rights of the State as set forth in this section. The State shall have the right to reproduce, publish, and use all such work, or any part thereof, in any manner and for any purposes whatsoever and to authorize others to do so. If any such work is copyrightable, the Recipient may copyright the same, except that, as to any work which is copyrighted by the Recipient, the State reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, and use such work, or any part thereof, and to authorize others to do so, and to receive electronic copies from the Recipient upon request.

#### C-32. State Cross-Cutter Compliance.

Recipient represents and certifies that, to the extent applicable, it is in compliance with the following conditions precedent and agrees that it will continue to maintain compliance during the term of this Agreement:

- (a) Agricultural Water Management Plan Consistency. A Recipient that is an agricultural water supplier as defined by section 10608.12 of the Water Code must comply with the Agricultural Water Management Planning Act. (Wat. Code, § 10800 *et seq.*)
- (b) California Environmental Quality Act (CEQA). Implementation and construction activities must comply with CEQA and potentially other environmental review requirements, including the National Environmental Policy Act (NEPA). Proceeding with work subject to CEQA and/or NEPA without environmental clearance by the State Water Board shall constitute a breach of a material provision of this Agreement.
- (c) Charter City Project Labor Requirements. (Labor Code, § 1782 and Pub. Contract Code, § 2503.)

(1) Prevailing Wage

Where Recipient is a charter city or a joint powers authority that includes a charter city, Recipient certifies that no charter provision nor ordinance authorizes a construction project contractor not to comply with Labor Code's prevailing wage rate requirements, nor, within the prior two years (starting from January 1, 2015 or after) has the city awarded a public works contract without requiring the contractor to comply with such wage rate requirements according to Labor Code section 1782.

(2) Labor Agreements

Where Recipient is a charter city or a joint powers authority that includes a charter city, Recipient certifies that no charter provision, initiative, or ordinance limits or constrains the city's authority or discretion to adopt, require, or utilize project labor agreements that include all the taxpayer protection antidiscrimination provisions of Public Contract Code section 2500 in construction projects, and that Recipient is accordingly eligible for state funding or financial assistance pursuant to Public Contract Code section 2503.

- (d) Contractor and Subcontractor Requirements. (Labor Code, §§ 1725.5 and 1771.1.) To bid for public works contracts, Recipient acknowledges that Recipient and Recipient's subcontractors must register with the Department of Industrial Relations.
- (e) Delta Plan Consistency Findings. (Wat. Code, § 85225 and Cal. Code of Regulations, title 23, § 5002.) If Recipient is a state or local public agency and the proposed action is covered by the Delta Plan, Recipient will submit a certification of project consistency with the Delta Plan to the Delta Stewardship Council prior to undertaking the implementation/construction project associated with this Project.
- (f) Eminent Domain Prohibited. (Wat. Code, § 79711.) Where land acquisition is otherwise authorized under this Agreement, Grant Funds and Match Funds shall not be used to acquire land via eminent domain.
- (g) Governor's Infrastructure Plan. (Gov. Code, § 13100.) The Recipient shall ensure that the Project shall maintain consistency with section 13100 of the Government Code (five year infrastructure plan).
- (h) State Water Board's Drought Emergency Water Conservation regulations. (Cal. Code of Regulations, Title 23, article 22.5.) The Recipient will include a discussion of its implementation in Progress Reports submitted pursuant to this Agreement.

- (i) Urban Water Demand Management. (Wat. Code, § 10631.5.) If Recipient is an “urban water supplier” as defined by Water Code section 10617, Recipient certifies that it is implementing water demand management measures approved by the Department of Water Resources.
- (j) Urban Water Management Planning Act. (Wat. Code, § 10610 et seq.). If Recipient is an “urban water supplier” as defined by Water Code section 10617, the Recipient certifies that it has submitted an Urban Water Management Plan that has been deemed complete by the Department of Water Resources and is in compliance with that plan. This shall constitute a condition precedent to this Agreement.
- (k) Urban Water Supplier. (Wat. Code, §§ 526 and 527.) If Recipient is an urban water supplier as defined by Water Code section 10617, it shall have complied and maintain compliance with sections 526 and 527 of the Water Code relating to installation of meters and volumetric charging.
- (l) Water Diverter. (Wat. Code, § 5103.) If Recipient is a water diverter, Recipient must maintain compliance by submitting monthly diversion reports to the Division of Water Rights of the State Water Resources Control Board.
- (m) Water Quality Compliance. (Wat. Code, § 79707.) The Recipient shall ensure that the Project shall maintain consistency with Division 7 of the Water Code (commencing with section 13000) and Government Code section 13100.
- (n) Water Quality Monitoring. (Wat. Code, § 79704.) If water quality monitoring is required as part of the Project, the Recipient shall collect and report water quality monitoring data to the State Water Board in a manner that is compatible and consistent with surface water monitoring data systems or groundwater monitoring data systems administered by the State Water Board.
- (o) Wild and Scenic Rivers. (Wat. Code, § 79711.) The Recipient shall ensure that the Project will not have an adverse effect on the values upon which a wild and scenic river or any other river is afforded protections pursuant to the California Wild and Scenic Rivers Act or the federal Wild and Scenic Rivers Act.

C-33. State Water Board Action; Costs and Attorney Fees.

The Recipient agrees that any remedy provided in this Agreement is in addition to and not in derogation of any other legal or equitable remedy available to the State Water Board as a result of breach of this Agreement by the Recipient, whether such breach occurs before or after completion of the Project, and exercise of any remedy provided by this Agreement by the State Water Board shall not preclude the State Water Board from pursuing any legal remedy or right which would otherwise be available. In the event of litigation between the parties hereto arising from this Agreement, it is agreed that each party shall bear its own costs and attorney fees.

C-34. Termination; Immediate Repayment; Interest.

- (a) This Agreement may be terminated at any time prior to the End Date set forth on the cover and in Exhibit B, at the option of the State Water Board, upon violation by the Recipient of any material provision of this Agreement after such violation has been called to the attention of the Recipient and after failure of the Recipient to bring itself into compliance with the provisions of this Agreement within a reasonable time as established by the Division.
- (b) In the event of such termination, the Recipient agrees, upon demand, to immediately repay to the State Water Board an amount equal to Grant Funds disbursed hereunder, accrued interest, penalty assessments, and Additional Payments. In the event of termination, interest shall accrue on all amounts due at the highest legal rate of interest from the date that notice of termination is mailed to the Recipient to the date all monies due have been received by the State Water Board.

C-35. Timeliness.

Time is of the essence in this Agreement.

C-36. Unenforceable Provision.

In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

C-37. [Reserved]

C-38. Venue.

The State Water Board and the Recipient hereby agree that any action arising out of this Agreement shall be filed and maintained in the Superior Court in and for the County of Sacramento, California.

C-39. Waiver and Rights of the State Water Board.

Any waiver of rights by the State Water Board with respect to a default or other matter arising under the Agreement at any time shall not be considered a waiver of rights with respect to any other default or matter.

Any rights and remedies of the State Water Board provided for in this Agreement are in addition to any other rights and remedies provided by law.



**ATTACHMENT "C"**  
**CONTRACT NO. 1863**

**MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF SAN FERNANDO, AND  
THE CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER REGARDING  
THE SAN FERNANDO REGIONAL PARK STORMWATER INFILTRATION PROJECT**

**A G R E E M E N T**

This Memorandum of Agreement (hereinafter, "Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ 2017 ("Effective Date") by and between the City of San Fernando ("CITY"), and Los Angeles Department of Water And Power ("LADWP"). For the purposes of this Agreement, CITY and LADWP may be referred to collectively by the capitalized term "Parties." The capitalized term "Party" may refer to CITY or LADWP interchangeably as appropriate.

**R E C I T A L S**

WHEREAS, on November 8, 2012, the Los Angeles Regional Water Quality Control Board adopted order R4-2012-0175, adopting a new Municipal Separate Storm Sewer System ("MS4") permit for public agencies in Los Angeles County; and

WHEREAS, on December 2, 2013, the City of San Fernando City Council approved participation in the Upper Los Angeles River Area Enhanced Watershed Management Plan ("ULARA - EWMP") program to partner with eighteen other public agencies to meet requirements contained in the MS4 permit; and

WHEREAS, the San Fernando Regional Park Stormwater Infiltration Project ("Stormwater Infiltration Project") was identified as one of eight signature regional projects within the ULARA - EWMP Area, and is expected to infiltrate a 423 acre drainage area, recharge groundwater sources with approximately 200-acre feet of stormwater, annually, and renovate existing park amenities at San Fernando Park; and

WHEREAS, CITY submitted an application for a Water Quality, Supply and Infrastructure Improvement Act of 2014 ("Proposition 1") Storm Water Grant ("SW Grant") to complete design and engineering plans as a first phase in the Stormwater Infiltration Project; and

WHEREAS, the State Water Resources Control Board is responsible for the administration of the Proposition 1 SW Grant program and has approved the CITY's submittal under this grant program; and

WHEREAS, the CITY has identified project partners, including the LADWP to contribute funds to the planning phase of the Stormwater Infiltration Project because of a shared interest in recharging the Upper Los Angeles River Area groundwater basin; and

WHEREAS, the LADWP is a municipally owned utility responsible for delivering water and electricity to the citizens of the City of Los Angeles; and

WHEREAS, the City of Los Angeles is home to approximately 4 million residents who depend on reliable sources of water and local groundwater supply is a key resource that LADWP has historically utilized to support approximately 11 percent of the City's total

water demand, LADWP has therefore determined that there is a shared interest in recharging local groundwater sources.

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the Parties, it is hereby agreed as follows:

## **SECTION 1. PROJECT INFORMATION**

### **A. Background**

In spring of 2016, CITY submitted a grant application under the State's Proposition 1 SW Grant Program to complete planning/design work associated with the Stormwater Infiltration Project. CITY was recently notified by the State that it was selected as a SW Grant recipient. CITY was awarded Four Hundred and Twenty-Five Thousand Dollars (\$425,000) for the planning/design phase of the Stormwater Infiltration Project. Once completed, the Stormwater Infiltration Project would drain approximately 423 acres and help to recharge groundwater sources with approximately 200 acre-feet of stormwater, annually.

### **B. Scope**

CITY's SW Grant is to be used to complete the planning/design phase of the Stormwater Infiltration Project, including design development, geotechnical investigations, environmental permitting and project outreach. Planning, engineering and design work is expected to take twenty-four (24) months to complete. Subsequently, all design plans will be reviewed with community members, stakeholder groups and the City Council. The Stormwater Infiltration Project will be designed to include a below-ground retention/infiltration basin situated beneath open space and baseball field areas of the San Fernando Regional Park.

Following the planning/design and community outreach phase, CITY plans to pursue a variety of funding sources for construction of the recommended improvements including additional Proposition 1 grants, County Measure A parks grants and collaborative partnerships, among others. The total estimated construction costs for the Stormwater Infiltration Project is Seven Million Five Hundred Thousand Dollars (\$7,500,000), which includes stormwater infiltration elements, park amenities and drought tolerant turf/landscaping.

### **C. Budget and Funding**

The total estimated cost of the planning/design phase of the Stormwater Infiltration Project is Eight Hundred Fifty Thousand Dollars (\$850,000). LADWP is committed to providing One Hundred Thirty Thousand Dollars (\$130,000) towards the total cost of the planning/design phase of the Stormwater Infiltration Project's cost.

### **E. Schedule**

The Planning/Design Phase of the Stormwater Infiltration Project's cost will begin in the Fall of 2017 and will continue through the December of 2018.

## SECTION 2. AGREEMENT OF THE PARTIES

### A. LADWP AGREES:

1. Upon approval of the Agreement by all parties, LADWP agrees to pay City \$130,000 for the Project, which will be paid in two payments. The first payment of \$\_\_\_\_\_ will be paid \_\_\_\_\_. The second payment of \$\_\_\_\_\_ will be paid after \_\_\_\_\_.
2. To participate and provide technical assistance to CITY with the Planning/Design Phase of the Stormwater Infiltration Project.
3. To provide planning and/or design input for the Stormwater Infiltration Project in a timely manner. Notwithstanding, CITY shall retain full decisional authority and all CITY's determinations relating to the Stormwater Infiltration Project shall be final.
4. To provide reasonable notice to CITY of its request to participate in Project meetings.
5. The LADWP's Representative for all matters relating to this Agreement shall be the Director of Water Resources, or his designee.
6. All Documents and Data created or prepared for the Stormwater Infiltration Project shall be and shall remain the property of CITY without restriction or limitation upon their use or dissemination by CITY. For purposes of this Agreement, the term "Documents and Data" means and includes all reports, analyses, correspondence, plans, designs, notes, summaries, strategies, charts, schedules, spreadsheets, calculations, lists, data compilations, documents or other materials developed and/or assembled by or on behalf of CITY relating to the Stormwater Infiltration Project and fixed in any tangible medium of expression, including but not limited to Documents and Data stored digitally, magnetically and/or electronically.
7. To indemnify, defend, and hold CITY and its elected and appointed officials, officers, employees, agents and volunteers harmless from and against any claims, demands, liability, damages, fines, costs and expenses, including, without limitation, attorney fees and costs of litigation and claims involving bodily injury, death or personal injury of any person or property damage of any nature whatsoever, arising out of any act, error, omission, or willful misconduct on the part of LADWP in connection with any work, authority or jurisdiction delegated to or determined to be the responsibility of LADWP under this Agreement. This indemnification shall apply except in the event of a claim or demand arising from the sole negligence or willful misconduct of CITY and its elected and appointed officials, officers, employees, agents and volunteers

The provisions of this section shall survive expiration or termination of this Agreement

### B. CITY AGREES:

1. To complete the planning/design phase of the Stormwater Infiltration Project, including all tasks described in Exhibit \_\_\_\_\_, in accordance with the timeline stated in Exhibit \_\_\_\_\_

2. To track staff hours expended on the Stormwater Infiltration Project via establishment of a project work order.
3. Upon execution of Agreement, to invoice LADWP as specified in Section 2 (A)(1) above.
4. To keep LADWP apprised of any and all information pertaining to the status of the Stormwater Infiltration Project of which CITY becomes aware.
5. To include in all material, publications, press releases, signage, and communications that LADWP is a Stormwater Infiltration Project partner.
6. To track the cost of extra work caused by errors/omissions and necessary changes in scope to the Stormwater Infiltration Project.
7. To adjust estimated costs to actual cost as described in Section 1(C) above, as it becomes necessary based on updated information during Agreement period.
8. To develop milestones for the planning/design phase of the Stormwater Infiltration Project and provide quarterly progress reports to the LADWP through the completion of the Project that include the schedule, budget, work completed during the previous quarter, and an estimate of the percent completion. Progress reports shall be submitted to the LADWP within thirty (30) calendar days of the end of each respective quarter. Quarters shall be January 1 to March 31, July 1 to September 30, and October 1 to December 31.
9. To provide reasonable notice to LADWP to participate in meetings relating to the Stormwater Infiltration Project.
10. To use generally acceptable accounting practices applicable to public agencies to account for, transfer, and reimburse funds received for the Stormwater Infiltration Project.
11. To indemnify, defend, and hold LADWP their respective governing boards, officers, employees, and agents harmless from and against any claims, demands, liability, damages, fines, costs and expenses, including, without limitation, attorney fees and costs of litigation and claims involving bodily injury, death or personal injury of any person or property damage of any nature whatsoever, arising out any act, error, omission, or willful misconduct on the part of CITY in connection with any work, authority or jurisdiction delegated to or determined to be the responsibility of CITY under this Agreement. This indemnification shall apply except in the event of a claim or demand arising from the sole negligence or willful misconduct of the LADWP and their respective governing boards, officers, employees, and agents or as otherwise provided herein.

The provisions of this section shall survive expiration or termination of this Agreement

C. THE PARTIES MUTUALLY UNDERSTAND AND AGREE:

1. The Agreement shall be effective upon the date it is executed by all Parties and will expire by its own operation \_\_\_\_\_ years after execution, unless extended or sooner terminated by mutual written agreement by all Parties. All work described in Exhibit \_\_\_\_\_, shall be completed by the expiration of this Agreement.

2. Funds received by CITY from LADWP pursuant to this Agreement shall be used solely for actual intended costs associated with carrying out the planning/design phase of the Stormwater Infiltration Project as described in Exhibit \_\_\_\_\_, and shall not be used to supplement other activities outside of those defined in Exhibit \_\_\_\_\_ as part of this Agreement.

3. Each Party shall have no financial obligation to other Party under this Agreement, except as herein expressly provided.

4. Notwithstanding any other provision of this Agreement, either Party may terminate Agreement for any reason in whole or in part by giving the other Party thirty (30) calendar days written notice as set forth in Section 5 below. In the event of termination by either party prior to the completion date, the Parties agree to take all reasonable measures to prevent further costs under this Agreement. All Parties shall be responsible for any reasonable and non-cancelable obligation incurred in the performance of this Agreement until the date of the notice to terminated, but only up to the unpaid balance of funding authorized under this Agreement.

5. This Agreement shall be governed by, interpreted under and construed and enforced in accordance with the laws of the State of California. In the event of litigation between the Parties, venue, without exception, shall be in the Los Angeles County Superior Court of the State of California. If, and only if, applicable law requires that all or part of any such litigation be tried exclusively in federal court, venue, without exception, shall be in the Central District of California located in the City of Los Angeles, California.

6. If any provision of this Agreement shall be determined by any court to be invalid, illegal, or unenforceable to any extent, the remainder of this Agreement shall not be affected, and this Agreement shall be construed as if the invalid, illegal, or unenforceable provision had never been contained in this Agreement.

7. The Parties have been represented by counsel in the preparation and negotiation of this Agreement and is deemed drafted and construed by all parties so as to not be construed against any of them if deemed ambiguous.

8. Both Parties shall be required to make staff reasonably available, if requested, to participate and provide input at scheduled meetings, community meetings and workshops, etc. for the Stormwater Infiltration Project.

9. To make all reasonable efforts to keep costs within the budgeted amounts and no Party shall be obligated to provide additional funding toward the completion of work called for by this Agreement, unless otherwise mutually agreed to by the Parties.

10. This Agreement may be modified only by mutual written consent of the Parties. Amendments and modifications of a nonmaterial nature may be made by the mutual written consent of the Parties' Directors or their delegates.

The provisions of this section shall survive expiration or termination of this Agreement

#### **SECTION 4. RIGHT TO AUDIT**

A. The CITY shall maintain, and shall cause the CITY's consultants and/or suppliers as applicable to maintain all records pertaining to the management of this Agreement, and related subcontracts, and performance of services pursuant to this

Agreement, in their original form, including but not limited to, reports, documents, deliverables, employee time sheets, accounting procedures and practices, records of financial transactions, and other evidence, regardless of form (e.g., machine readable media such as disk, tape, etc.) or type (e.g., databases, applications software, database management software, utilities, etc.), sufficient to properly reflect all costs claimed to have been incurred and services performed pursuant to this Agreement. If CITY, CITY's consultants and/or suppliers are required to submit cost or pricing data in connection with this Agreement, CITY shall maintain all records and documents necessary to permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used. All records shall be retained, and shall be subject to examination and audit by LADWP, its directors, employees or authorized agents ("Authorized Auditors"), for a period of not less than four (4) years following the final payment made by the LADWP under this Agreement or the expiration date of this Agreement, whichever is later.

B. CITY shall make said records or to the extent accepted by the Authorized Auditors, photographs, micro-photographs, etc. or other authentic reproductions thereof, available to the Authorized Auditors at CITY's offices at all reasonable times and without charge. The Authorized Auditors will have the right to reproduce, photocopy, download, transcribe, and the like any such records. Any information provided by CITY on machine-readable media shall be provided in a format accessible and readable by the Authorized Auditors. CITY shall not, however, be required to furnish the Authorized Auditors with commonly available software.

C. CITY, and the CITY's contractors, consultants and/or suppliers, as applicable to the services provided under this Agreement, shall be subject at any time within sixty (60) calendar days, prior written notice to audits or examinations by Authorized Auditors, relating to all billings and to verify compliance with all Agreement requirements relative to practices, methods, procedures, performance, compensation, and documentation.

D. Examinations and audits will be performed using generally accepted auditing practices and principles and applicable City, State, and Federal government audit standards. For contractors, subcontractors, and suppliers that utilize or are subject to the Federal Acquisition Regulation (FAR), Part 30 and 31, et seq. accounting procedures, or a portion thereof, examinations and audits will utilize such information.

E. To the extent that the Authorized Auditors' examination or audit reveals inaccurate, incomplete or non-current records, or records are unavailable, the records shall be considered defective.

F. Consistent with standard auditing procedures, CITY will be provided sixty (60) calendar days to review the Authorized Auditors' examination results or audit and respond to the LADWP prior to the examination or audit is finalized and released to the public.

G. If the Authorized Auditors' examination or audit indicates CITY has been overpaid under a previous payment application, the identified overpayment amount shall be paid by CITY to the LADWP within ninety (90) calendar days of notice to CITY. If applicable, CITY shall contractually require all contractors, subcontractors, and suppliers performing services under this Agreement to comply with the provisions of this section by inserting this provision PSC-22 in each contractor's contract and by contractually requiring each subcontractor to insert this provision PSC-22 in any of its subcontractor contracts related to services under this Agreement. In addition, CITY, their contractors, their contractors' subcontractors, and/or suppliers, shall also include the following language in each contract:

"The Los Angeles Department of Water and Power (LADWP) is a third-party beneficiary of the foregoing audit provision. The benefits of the audit provision shall inure solely for the benefit of LADWP. The designation of LADWP as a third-party beneficiary of the audit provision shall not confer any rights or privileges on CITY, their contractors, and/or their contractors' subcontractors or any other person/entity."

The provisions of this section shall survive expiration or termination of this Agreement.

## **SECTION 5. NOTICES**

All notices provided under this Agreement must be in writing and, unless otherwise provided herein, shall be deemed validly given on the date either: (1) personally delivered to the address indicated below; or (2) on the third business day following deposit, postage prepaid, using certified mail, return receipt requested, in any U.S. Postal mailbox or at any U.S. Post Office; or (3) on the date of transmission by facsimile to the number provided below. All notices, demands, or requests shall be addressed to the following:

LADWP: Attn:  
Los Angeles Department of Water and Power  
111 North Hope Street, Room 1460  
Los Angeles, CA 90012  
Tel: (213) 367-0899  
Fax: (213) 367-1131

CITY: Attn:  
City of San Fernando  
Department of Public Works  
117 Macneil Street  
San Fernando, CA 91340  
Tel: (818) 898-1204  
Fax: (818) 361-7631

## **SECTION 7. COMPLETE AGREEMENT**

This Agreement contains the full and complete Agreement between the Parties. No verbal agreement or conversation with any officer or employee of either Party shall affect or modify any of the terms and conditions of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed the day and year first appearing in this Agreement, above.

**CITY OF SAN FERNANDO**

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

**APPROVED AS TO FORM:**

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

Assistant City Attorney

**LOS ANGELES DEPARTMENT OF  
WATER AND POWER**

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

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

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



**ATTACHMENT “D”****RESOLUTION NO. 7813****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN FERNANDO, CALIFORNIA, AMENDING THE BUDGET  
FOR THE FISCAL YEAR 2017-18 ADOPTED ON JUNE 19, 2017**

**WHEREAS**, the City of Council has received and considered the proposed adjustment to the budget for Fiscal Year 2017-18, commencing July 1, 2017, and ending June 30, 2018; and

**WHEREAS**, the City Council has determined that it is necessary to amend the revenues and expenditures of the current City budget; and

**WHEREAS**, the City’s requires funding from multiple sources to complete the San Fernando Regional Park Project – Planning Phase; and

**WHEREAS**, an annual budget for the City of San Fernando for the Fiscal Year beginning July 1, 2017 and ending June 30, 2018, a copy of which is on file in the City Clerk’s Office, was adopted on June 19, 2017.

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

**Section 1.** The following adjustments are made to the City Budget:

**CAPITAL GRANTS: Prop 1 Storm Water (010):**

Increase in Expenditures	\$425,000
010-310-0763-4600	

Increase in Revenues	\$425,000
010-3686-0763	

**CAPITAL GRANTS: LA DWP (010):**

Increase in Expenditures	\$130,000
010-310-0764-4600	

Increase in Revenues	\$130,000
010-3686-0764	

**WATER FUND: Capital Projects (070):**

Increase in Expenditures	\$224,800
070-385-0763-4600	

**PASSED, APPROVED, AND ADOPTED** this 21<sup>st</sup> day of August, 2017.

---

Sylvia Ballin, 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 21<sup>st</sup> day of August, 2017, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

---

Elena G. Chávez, City Clerk



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## AGENDA REPORT

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**To:** City Councilmembers

**From:** Mayor Sylvia Ballin

**Date:** August 21, 2017

**Subject:** Consideration to Support Senate Bill (SB) 349 Dialysis Caregivers and Dialysis Patient Safety Act

**RECOMMENDATION:**

I have placed this item on the agenda for consideration and recommend that the City Council adopt Resolution No. 7812 (Attachment "A") in support of SB 349.

**BUDGET IMPACT:**

To be determined based on City Council direction.

**ATTACHMENTS:**

- A. Resolution No. 7812
- B. Dialysis Literature

**ATTACHMENT “A”****RESOLUTION NO. 7812****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN FERNANDO, CALIFORNIA, IN SUPPORT OF THE  
DIALYSIS CAREGIVERS AND THE DIALYSIS PATIENT  
SAFETY ACT, SENATE BILL 349**

**WHEREAS**, kidney failure is a growing national health concern and most patients must visit a dialysis clinic three days a week to have their blood emptied, cleaned and returned; and

**WHEREAS**, dialysis is an exhausting process that requires having a tube connected to a patient's arm or neck for three to four hours a visit, and leaves them susceptible to nausea, vomiting, diarrhea and falling blood pressure; and

**WHEREAS**, there are 570 dialysis clinics in California treating more than 66,000 people a year, including a disproportionate number of African-American and Latino patients; and

**WHEREAS**, dialysis patients are often rushed through treatment because the dialysis companies try to maximize profits at the expense of patients' ability to safely recover after treatment; and

**WHEREAS**, infection is the second leading cause of death among people with End Stage Renal Disease, and an average of thirteen patients assigned to each dialysis clinic in California died every year between 2011 and 2014, and an average of one out of every eight of those deaths was caused by infections; and

**WHEREAS**, dialysis clinics in California are inspected on average only once every five to six years, while nursing homes - and restaurants - in the state must be inspected every year; and

**WHEREAS**, the federal government requires an “adequate number of qualified and trained staff” for dialysis clinics in all states but doesn't specify what that means; and

**WHEREAS**, dialysis workers routinely report being assigned to eight, ten or as many as twelve patients despite the companies’ unwritten rules that patient care technicians should be assigned no more than four patients at a time. If one patient's blood pressure drops and simultaneously a second patient starts experiencing problems, it can be very difficult for workers to help both people; and

**WHEREAS**, dozens of dialysis workers in California approached SEIU-United Healthcare Workers West (SEIU-UHW) in 2016 with serious concerns about patient care and working conditions in their clinics, and wanted to join the union to address those issues; and

**WHEREAS**, the two largest dialysis corporations - DaVita and Fresenius - made combined profits of \$3.9 billion from their dialysis operations in the United States in 2016 but fiercely resist efforts to reform the industry; and

**WHEREAS**, California State Senator Ricardo Lara introduced legislation, the Dialysis Patient Safety Act, SB 349, in February 2017 to improve patient care through longer transition times between patients, safer staffing levels and more frequent clinic inspections; and

**WHEREAS**, SB 349 requires minimum staffing levels in dialysis clinics for registered nurses, patient care technicians, social workers and dietitians at all times to ensure optimal patient care; and

**WHEREAS**, SB 349 mandates forty-five minutes between patients to allow more time for them to recover and for staff to sanitize the equipment and reduce infections. Infections are the second leading cause of death for dialysis patients; and

**WHEREAS**, dialysis clinics in California must be inspected annually under SB 349 to ensure compliance with safer staffing levels; and

**WHEREAS**, SB 349 has support from a broad coalition, including labor unions, houses of worship, and community advocacy organizations; and

**WHEREAS**, eight states currently have safer staffing levels at dialysis clinics, and California would become the first in the country to enact such reforms through legislation rather than government agencies' rulemaking; and

**WHEREAS**, workers are being retaliated against for supporting SB 349 and efforts to form a union with SEIU-UHW. In May 2017, DaVita fired a sixteen-year employee less than a day after he spoke at the California State Capitol in support of the legislation. He is one of twenty-three DaVita employees either fired or disciplined for such involvement since October 2016; and

**WHEREAS**, workers are allowed under the National Labor Relations Act to organize a union free from any coercion, intimidation, and threats from an employer. DaVita's retaliatory behavior is creating a hostile work environment for employees and is detracting from its mission to provide great care for dialysis patients.

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

**SECTION 1.** The California Legislature is urged to support SB 349, and dialysis corporations to refrain from retaliating against employees who support the legislation or efforts to form a union, both of which are federally protected rights.

**PASSED, APPROVED, AND ADOPTED** this 21<sup>st</sup> day of August 2017.

---

Sylvia Ballin, 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 21<sup>st</sup> day of August, 2017, by the following vote to wit:

**AYES:**

**NOES:**

**ABSENT:**

---

Elena G. Chávez, City Clerk



# HEALTHCARE JUSTICE FOR DIALYSIS PATIENTS AND WORKERS

Dialysis is a life-saving treatment for people with kidney failure. It's time-consuming and dangerous because a patient's blood is drained, filtered to remove toxins and then put back. But dialysis is run by for-profit companies – often out of strip malls where patients are rushed through treatments, caregivers are given unsafe numbers of patients and there is very little oversight.

## BIG BUSINESS

Dialysis clinics are a large and growing healthcare sector, generating \$2.9 billion in profits from U.S. dialysis operations, and providing care to approximately 70,000 Californians.

## DAVITA AND FRESENIUS

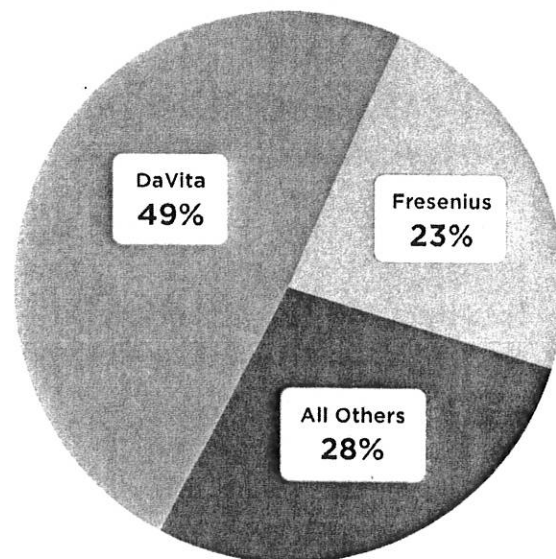
Almost three-quarters of California's clinics are owned by two for-profit companies: DaVita and Fresenius. These companies earn billions of dollars in profits, yet fail to invest in adequate staffing and quality care. In 2015, DaVita settled a lawsuit related to the fraudulent billing of drugs it dumped for hundreds of millions of dollars. Fresenius has also spent hundreds of millions of dollars to settle claims that it failed to disclose the health risks of its dialysate medications.

## DANGEROUS CONDITIONS

On average 13 dialysis patients die per clinic every year in California. One in eight of those deaths are due to infections.

Clinics lack oversight and regulation, allowing for understaffing as well as unsafe and unsanitary conditions—some dialysis clinics have reported pest infestations. Inspections are only required every six years.

**CALIFORNIA  
DIALYSIS INDUSTRY**



**Total: 562  
California clinics**



**Total Revenue (2015)** ..... \$13.8 billion

- US Operating Income ..... \$1.2 billion
- CA Operating Income ..... \$241.6 million

**Owns or manages** 274 dialysis clinics in California

**Acquired** Southern California-based medical group HealthCare Partners for \$4.4 billion in 2012

**Settled \$495 million lawsuit** in 2015 for fraudulent billing of drugs it "dumped"



**Total Revenue (2015)** ..... \$11.8 billion

- US Operating Income ..... \$1.7 billion
- CA Operating Income ..... \$136.8 million

**Owns** 129 dialysis clinics in California

**Largest manufacturer** of dialysis products:  
93% of dialysis machines sold in U.S. in 2015

**Settled \$250 million lawsuit** for failing to disclose health risks of its dialysate medications

## CHRONIC UNDERSTAFFING

Seven states currently set safe staffing levels to control the number of patients per caregiver at dialysis clinics. Experts agree an ideal staffing level is one technician for every three or four patients. Some dialysis technicians in California have reported 7, 10, or as many as 12 patients per worker at some clinics.

Research has shown that unsafe staffing is linked to poor infection control and patient safety errors in outpatient dialysis clinics.

## PATIENT SAFETY

Patients are often rushed through treatments and not guaranteed adequate time to recover as the companies attempt to schedule as many patients as possible. Caregivers do not always have adequate time to monitor patients and clean equipment before the next dialysis patient's treatment begins. A safe amount of time between patients is estimated at 45 minutes, but caregivers at DaVita and Fresenius report as little as 15-20 minutes.

## MORE THAN NUMBERS

Dialysis operators see only their own bottom lines. But dialysis patients, their families and the caregivers who struggle to help them every day are **More than Numbers**. It's time to #FixDialysis.

# DIALYSIS CRISIS IN THE LATINO COMMUNITY

Dialysis is a life-sustaining treatment for people with chronic kidney disease. Dialysis clinics generate billions in profits, yet suffer from chronic understaffing and poor quality care.

This healthcare crisis disproportionately impacts Latinos ...

Since 2000, the number of  
Latinos with kidney failure  
has increased by more than

**70%**

Latinos are almost **1.5 times more likely** to be diagnosed with kidney failure than non-Latinos.

**26%** of Latinos say that they have a family member who has needed dialysis – compared to **17%** of whites.

There are **562** dialysis clinics in California.

In 2014, an average of **13** dialysis patients died per clinic.

**1 in 8** of those deaths was due to infections.

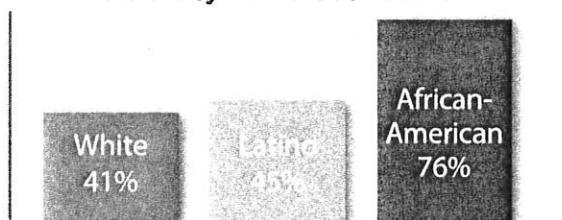
Elderly Latinos are hospitalized with dialysis-related infections **30% more often** than elderly whites.

Only **4%** of Latino dialysis patients received a Living Donor Kidney Transplant in 2014 – compared to **10%** of whites.

# DIALYSIS CRISIS IN THE AFRICAN-AMERICAN COMMUNITY

Dialysis is a life-sustaining treatment for people with chronic kidney disease. Dialysis clinics generate billions in profits, yet suffer from chronic understaffing and poor quality care. Currently, African-Americans are nearly **4 times as likely** to need dialysis as whites.

% of people who know someone  
on dialysis in California



Almost **10,000** African-Americans receive dialysis in California. African-Americans represent **15%** of all dialysis patients, but only roughly **6.5%** of the population.

There are **562** dialysis clinics in California.

In 2014, an average of **13** dialysis patients died per clinic.

**1 in 8** of those deaths was due to infections.

Nationwide, African-Americans wait about twice as long as whites for kidney transplants. They are **20% more likely to be hospitalized** with infections, and young African-Americans in low-income neighborhoods are **50% more likely to die** while receiving dialysis treatment than low-income whites.



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## AGENDA REPORT

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**To:** City Councilmembers

**From:** Mayor Sylvia Ballin

**Date:** August 21, 2017

**Subject:** Consideration to Appoint an Ad Hoc Committee to Organize a Veterans' Recognition Event in the City

### **RECOMMENDATION:**

I would like to recommend that the City Council appoint an Ad Hoc Committee to organize a Veterans' Recognition Event in the City.

### **BACKGROUND:**

On August 7, 2017, the City Council approved the redistribution of Independent Cities Finance Authority Community Outreach Program Funds of \$3,500 to be used towards this event.

### **BUDGET IMPACT:**

Staff will need to submit a request to ICFA to release the FY 2015-2016 funds.

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## AGENDA REPORT

**To:** Mayor Sylvia Ballin and Councilmembers

**From:** Nick Kimball, Interim City Manager

**Date:** August 21, 2017

**Subject:** Consideration to Appoint a City Manager and Approval of Related Employment Agreement

### RECOMMENDATION:

It is recommended that the City Council:

- a. Appoint Alexander P. Meyerhoff as the City Manager; and
- b. Approve a five-year Employment Agreement (Attachment "A" – Contract No. 1864) with Mr. Meyerhoff; and
- c. Authorize the Mayor to execute the Agreement.

### BACKGROUND:

1. On December 5, 2016, City Manager Brian Saeki announced his resignation, effective January 2, 2017, to pursue another professional opportunity. After their meeting on December 5, 2017, the City Council appointed Finance Director Nick Kimball to serve as Interim City Manager until a permanent City Manager is hired.
2. On March 24, 2017, the Interim City Manager executed a contract with Bob Murray and Associates for executive recruitment services for a City Manager.
3. The job announcement was advertised in May 2017 with applications due by June 23, 2017.
4. A City Council Ad Hoc Committee consisting of Mayor Sylvia Ballin and Councilmember Jaime Soto reviewed the applications with the Executive Recruiter and recommended candidates to be interviewed by the entire City Council.
5. The City Council held Special Meetings on Friday, August 4, 2017 and Saturday, August 5, 2017 to interview the initial group of candidates. From that group of candidates, the City Council invited the top two candidates back for a final interview.

**Consideration to Appoint a City Manager and Approval of Related Employment Agreement**Page 2 of 2

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6. On Friday, August 11, 2017, City Council held a Special Meeting to interview the finalists. Subsequent to the interviews, a conditional employment offer was made and Mr. Meyerhoff accepted.

**ANALYSIS:**

After an exhaustive search, the City Council is appointing Alexander P. Meyerhoff as City Manager. Mr. Meyerhoff brings more than 20 years of municipal government experience, most recently serving as the City Manager for the City of Hemet. Mr. Meyerhoff has also served as City Manager for the City of Holtville and Community Development Director for the cities of Twentynine Palms and Desert Hot Springs. Mr. Meyerhoff received a Bachelor of Arts Degree in History from UCLA and a Master of Arts Degree in Urban Planning from UCLSA. He holds a professional certification from the American Institute of Certified Planners (AICP).

Government Code Section 54957.6(a) requires the City Council approve proposed compensation of appointed employees in open session. Similarly, under Government Code Section 53262(a), all employment contracts for city managers must be ratified in open session.

The terms of Mr. Meyerhoff's Employment Agreement (Attachment "A") are as follows:

- Term: Five-year agreement that can be terminated with forty-five (45) days' notice.
- Severance: Six months' severance pay if terminated without cause.
- Base Salary: \$190,000 per year<sup>1</sup>
- Other Benefits: Pursuant to Resolution numbers 7692 and 7807 (Attachment "B"), which establishes benefits and other compensation for Department Heads.

Mr. Meyerhoff's anticipated start date is in September 2017.

**BUDGET IMPACT:**

This compensation package represents a \$5,000 increase from the prior City Manager's compensation.

**ATTACHMENTS:**

- A. Contract No. 1864 (To be provided at the meeting)
- B. Resolution Nos. 7692 and 7807

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<sup>1</sup> This assumes City is able to pay employee's share of PERS cost. If employee is considered a "new" member by PERS, the City will not be able to pay the employee's share of PERS cost. Therefore, the employee's base salary will be adjusted to cover the additional PERS cost.

**ATTACHMENT “A”**

**FIVE-YEAR EMPLOYMENT AGREEMENT (CONTRACT NO. 1864)  
WITH ALEXANDER P. MEYERHOFF**

**TO BE PROVIDED AT THE MEETING**

**RESOLUTION NO. 7692****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO ESTABLISHING THE SALARY AND BENEFITS FOR EMPLOYEES IN CLASSIFICATIONS DESIGNATED AS DEPARTMENT HEADS**

**WHEREAS**, under California State law, the City Council is vested with the authority to designate classifications as being Department Heads; and

**WHEREAS**, the City Council; has established and designated the following classifications as Department Heads: (1) Deputy City Manager/Director of Public Works; (2) Director of Community Development; (3) Director of Finance; and (4) Director of Recreation and Community Service; and

**WHEREAS**, the classifications designated as Department Heads of the City of San Fernando are critical to the City's efficient and effective operations, the City Council recognizes the management nature and responsibilities of the positions; and

**WHEREAS**, the City Council desires to provide competitive benefits to its employees; and

**WHEREAS**, the terms and conditions of employment for the Department Heads were previously set forth in a Memorandum of Understanding between the City of San Fernando and the Management Bargaining Unit; and

**WHEREAS**, the City of San Fernando intends to provide adjustments effective the first day of the first pay period beginning after July 1, 2015 to employees in Department Head classifications; and

**WHEREAS**, the City Council has determined that it is appropriate to provide the same economic adjustments to employees in Department Head classifications that are consistent with negotiated provisions in other recognized bargaining units in the City; and

**WHEREAS**, the City of San Fernando intends to provide the same or equivalent economic adjustments to employees in Department Head classifications as those negotiated by other recognized bargaining units in the City.

**NOW THEREFORE**, the City Council of the City of San Fernando, California, hereby resolves to approve the wages, benefits, and terms and conditions of employment for the employees in Department Head classifications as outlined in the attached "Exhibit A":

**PASSED, APPROVED, AND ADOPTED** this 3<sup>rd</sup> day of August, 2015.

  
\_\_\_\_\_  
Joel Fajardo, Mayor

**ATTEST:**

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

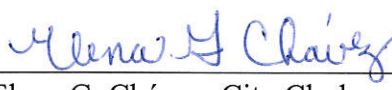
STATE OF CALIFORNIA       )  
COUNTY OF LOS ANGELES   ) ss  
CITY OF SAN FERNANDO     )

**I HEREBY CERTIFY** that the foregoing Resolution was approved and adopted at a regular meeting of the City Council held on the 3<sup>rd</sup> day of August, 2015, by the following vote to wit:

**AYES:**       Fajardo, Ballin, Gonzales, Lopez, Soto – 5

**NOES:**       None

**ABSENT:**    None

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

## **EXHIBIT "A"**

Upon the City Council's adoption of Resolution 7692, the compensation, benefits plan, and terms and conditions of employment for employees in classifications designated as Department Heads will be as set forth below.

### **SECTION 1. DEPARTMENT HEAD CLASSIFICATIONS:**

- Deputy City Manager/Director of Public Works
- Director of Community Development
- Director of Finance
- Director of Recreation and Community Services

### **SECTION 2. SALARY:**

The base salary for each employee subject to Resolution 7692 shall be adjusted as follows:

- No adjustment to base salary for fiscal year 2015-2016.
- Effective on the first day of the first pay period beginning after July 1, 2016, the employee's base salary shall be increased by one percent (1.0%).
- Effective on the first day of the first pay period beginning after July 1, 2017, the employee's base salary shall be increased by one and one-half percent (1.5%).
- Effective on the first day of the first pay period beginning after July 1, 2018, the employee's base salary shall be increased by two percent (2.0%).

### **SECTION 3. SPECIAL PAY:**

#### Longevity

Department Heads that have completed 10 years of service from date of hire will receive an additional 3% above the base salary step.

Department Heads that have completed 20 years of service from date of hire will receive a total of 4% over and above the base salary.

Department Heads that have completed 30 years of service from date of hire will receive a total of 5% over and above the base salary.

Department Heads on leave of absence without pay, with the exception of Family & Medical Leave (FMLA), shall not have such leave time credited as service time for purposes of calculating the years of service.



### Bilingual Pay

Department Heads will receive bilingual pay in the amount of \$100 per month provided he or she has satisfactorily demonstrated to the City his/her fluency in the Spanish language, based on written and/or oral testing procedures as selected by the City.

### Acting Pay

Department Heads who, by written assignment, perform the duties of a position with a higher salary classification than that in which they are regularly employed shall receive the compensation specified for the position to which assigned, if performing the duties thereof for a period of fifteen (15) or more consecutive work days. The increased compensation shall be retroactive to the first day of said assignment, and at the step within the higher classification as will accord the employee an increase of at least 5% of his or her current regular compensation.

## **SECTION 4. EMPLOYEE AND RETIREE INSURANCE BENEFITS:**

### Medical, Dental and Vision Insurance for Active Employees

The City contracts with the California Public Employees' Retirement System (PERS) for medical insurance coverage. Eligible new hires are covered under the program on the first day of the month following enrollment. The City will contribute the Public Employee's Medical and Hospital Care Act (PEMHCA) statutory minimum on behalf of each participant in the program. A participant is defined as:

1. An enrolled employee and eligible dependents;
2. An enrolled retiree and eligible dependents; and
3. A surviving annuitant.

The City will provide Department Heads with a full flex cafeteria plan in accordance with IRS Code Section 125. Department Heads shall receive a monthly flex dollar allowance to purchase medical, dental and vision benefits offered through the City's insurance plans.

The monthly flex dollar allowance, inclusive of the statutory PEMHCA minimum, shall be:

	January 1, 2016	January 1, 2017	January 1, 2018	January 1, 2019
<b>Employee only:</b>	\$750	\$765	\$780	\$795
<b>Employee + 1:</b>	\$1,300	\$1,325	\$1,350	\$1,375
<b>Family:</b>	\$1,750	\$1,785	\$1,820	\$1,855

The monthly flex dollar allowance may be used in accordance with the terms of the cafeteria plan to purchase benefits offered under the cafeteria plan and other supplementary products. After enrolling in a mandatory medical insurance plan, or opting out under the "Opt Out"

provision below, Department Heads have the option to waive the other benefits and have the excess flex dollars converted to taxable income or purchase other supplementary products.

In the event that premiums and/or costs for the selected benefits exceed the monthly flex dollar allowance, the balance will be paid by the employee through automatic pre-tax payroll deduction, as permitted under IRS Code Section 125.

If any bargaining unit negotiates a flex dollar allowance that exceeds the amounts identified above, the City will adjust the flex dollar allowance for Department Heads to match the higher flex dollar amount.

### Opt Out

Department Heads may elect to discontinue participation in the PERS Health Plan medical insurance coverage ("Opt Out"). The intent of this provision is to share premium savings that the City will incur as a result of a Department Head canceling City coverage.

Department Heads electing to waive City medical insurance coverage for themselves and all eligible family members must provide proof of coverage through another (non-City) benefit plan (e.g., spouse's coverage through another employer), and must waive any liability to the City for their decision to cease coverage under the City's medical insurance plan.

Upon proof of other coverage, Department Heads may elect to waive the City's medical insurance and use the above allotted single-party (Employee only) flex dollars toward other items in the full flex cafeteria plan or convert it to taxable income.

After electing to Opt Out, a Department Head who later requests to re-enroll under the City plan can only do so during the open enrollment period or after a qualifying event as permitted by the insurance carrier and Cafeteria Plan regulations.

For medical insurance plans, when a Department Head is the spouse of another benefited City employee, the affected employees shall have the option of:

- a. Each employee may elect a flex dollar amount of a single employee;
- b. One (1) employee may select a plan and list the spouse as a dependent under the two-party or family coverage, as applicable and the remaining employee may opt-out as outlined above.

### Medical Insurance for Retirees

Effective upon approval of the necessary Resolution(s) by CalPERS, the City will create a two (2) tier structure for retiree medical insurance. The City will adopt a Resolution to implement a ten (10) year retiree medical insurance vesting schedule, pursuant to the provisions of California Government Code Section 22893.

1. Retiree Medical Tier I: Department Heads hired on or before June 30, 2015 and retire on or after July 1, 2015:

If the employee meets the vesting schedule set forth in California Government Code Section 22893, 100% paid medical insurance benefits for whatever plan is selected by the employee for himself/herself and eligible dependents, except that if the employee chooses the most expensive plan, the employee will be pay the difference in premiums.

2. Retiree Medical Tier II: Department Heads hired on or after July 1, 2015:

If the employee meets the vesting schedule set forth in California Government Code Section 22893, PEMHCA minimum (currently \$122 per month for 2015).

#### Retiree Health Savings Account

For Department Heads that are in Retiree Medical Tier II as described above, the City will contribute \$100 per month into a Retiree Medical Trust (RMT) or Retiree Health Savings (RHS) Plan, whichever is designated by the City. An employee may elect to contribute an additional amount to the RMT or RHS, at his or her option. The City will work to implement a RMT or RHS prior to June 30, 2016.

#### Life Insurance

The City shall provide all Department Heads with a \$50,000 Basic Life and AD&D insurance policy at no cost to the employee.

### **SECTION 5. RETIREMENT:**

The City shall provide retirement benefits to eligible employees through the California Public Employees' Retirement System (CalPERS) as follows: The definition of "new" member and "classic" member are set forth in the Public Employee Pension Reform Act of 2013 (PEPRA).

First Tier: "Classic" members hired prior to November 12, 2005 will receive the 3% at 60, single highest year compensation retirement calculation.

Second Tier: "Classic" members hired on or after November 12, 2005 will receive the 2% at 55, final 36-month average compensation retirement calculation.

Third Tier: "New" members hired on or after January 1, 2013 will receive the 2% at 62, final 36-month average compensation retirement compensation retirement calculation.

In accordance with the existing contracts with CalPERS, the City shall provide the following retirement benefits to employees:

- a. Fourth Level of 1959 Survivor Benefits (Government Code Section 21574).
- b. 5% Cost of Living Allowance (COLA) for employees hired on or before November 12, 2005; and 3% COLA for employees hired after November 12, 2005 (Government Code Section 21335).
- c. Credit for unused sick leave for employees as per CalPERS guidelines (Government Code Section 20965).

#### Employer Paid Member Contributions

Effective upon CalPERS' approval of the necessary Resolutions, but not before the payroll period containing July 1, 2015, the City shall pay 6.0% for First Tier CalPERS members and 5.5% for Second Tier CalPERS members toward the employee's required CalPERS contribution.

Effective on the first day of the payroll period containing July 1, 2016, the City shall pay 7.0% for First Tier CalPERS members and 6.5% for Second Tier CalPERS members toward the employee's required CalPERS contribution.

Effective on the first day of the payroll period containing July 1, 2017, and thereafter, the City shall pay 7.5% for First Tier CalPERS members and 7.0% for Second Tier CalPERS members toward the employee's required CalPERS contribution.

The City's payments, above, shall be treated as a "pick up" of employee contributions pursuant to IRC 414(h)(2).

The City shall continue to report the value of the Employer Paid Member Contribution to CalPERS as compensation earnable on behalf of each employee, pursuant to California Government Code Section 20636(c)(4).

In accordance with PEPR, "New" CalPERS members shall pay, by pre-tax payroll deduction, the full employee contribution of 50% of the total normal cost.

### **SECTION 6. LEAVE BENEFITS:**

#### Management Leave

Management leaves provides a means of compensation for hours worked by exempt employees beyond their normal work schedule. The City shall provide Department Heads with one hundred twenty (120) hours Management Leave per year credited each January 1. Management Leave must be used in the year earned and cannot be carried over from one calendar year to the next. Unused management leave hours will be cashed out in December of each year at the employee's

current rate of pay. At the time of separation, any unused management leave hours will be paid at the employee's current rate of pay.

### Annual Leave

Department Heads earn Annual Leave in lieu of vacation and sick leave. Annual Leave is intended to provide time for an employee to be away from the work environment and to enable such employee to return to work mentally and physically refreshed.

The City shall provide for Annual Leave to accrue on a payroll to payroll basis prorated in accordance with the following rates.

- 0 – 4 years of City service: 6.15 hours per pay period (160/year)
- 5 – 9 years of City service: 7.69 hours per pay period (200/year)
- 10 or more years of City service: 9.23 hours per pay period (240/year)

Department Heads who have pre-existing sick leave and/or vacation accrual balance shall convert sick leave to annual leave at the rate of one hour of sick leave to 0.5 hours of annual leave; and convert vacation to annual leave at the rate of one hour of vacation to one hour of annual leave.

Department Heads may, at the employee's discretion, accrue up to eight hundred (800) hours of Annual Leave. Upon separation from City service, the employee shall be compensated for any unused Annual Leave at his or her regular rate of pay.

### Holiday Leave

Each Department Head shall be entitled to the following holidays with pay (8 hours per holiday):

- |                                      |                             |
|--------------------------------------|-----------------------------|
| (1) New Year's Day                   | (7) Labor Day               |
| (2) Martin Luther King, Jr. Birthday | (8) Veteran's Day           |
| (3) President's Day                  | (9) Thanksgiving Day        |
| (4) Cesar Chavez's Birthday          | (10) Day after Thanksgiving |
| (5) Memorial Day                     | (11) Christmas Day          |
| (6) Independence Day                 | (12) Floating Holiday       |

Floating holiday hours are credited each January 1 and must be used before December 30. Unused floating holiday hours are not carried forward.

### Bereavement Leave

Department Heads shall be permitted to use up to five (5) days of paid bereavement leave following the death of an immediate family member and one (1) paid day following the death of an extended family member.

For the purposes of this benefit, "Immediate Family" shall mean grandparent, parent, child, sibling, spouse, or registered domestic partner as permitted by California law, or any person living in the household. Proof of residence may be required. "Parent" shall mean biological, foster, or adoptive parent, stepparent, legal guardian or person who has parental rights to employee. "Child" shall mean a biological, adopted, or foster child, stepchild, legal ward or a child of a person who has parent's rights.

For the purpose of implementing this benefit, "Extended Family" shall mean: Aunts, Uncles, and Cousins, god-parents or god-parent equivalent.

The City Manager may authorize additional days of leave for bereavement purposes on an as-needed basis.

## **SECTION 7. WORK SCHEDULE:**

Department Heads shall devote not less than 40 hours per week to assigned duties. It is recognized that Department Heads may need to devote more time outside of normal office hours for the benefit of the City.

## **SECTION 8. REIMBURSEMENTS:**

### Tuition Reimbursements

The City shall reimburse Department Heads for pre-approved courses to a maximum of \$3,000 per fiscal year. Approval must be obtained from the City Manager prior to enrolling in the course. Requests for reimbursement and approval must be in accordance with the City's policy on tuition reimbursement.

Tuition reimbursement shall be contingent upon employee satisfactorily completing course(s) with a minimum of a "B" grade and commit to continued service (employment) to the City of San Fernando for the equivalent of the school units, not to exceed two (2) years.

### Wellness Reimbursement

To encourage the health and well-being of employees, the City shall reimburse certain wellness expenses in an amount not to exceed \$600 each fiscal year. Employees must request reimbursement using a City approved form and supply valid receipts at time of reimbursement. Unused funds will not be carried over to the following fiscal year.

The following are reimbursable items under this section:

- Medical examination by the health provider of the employee's choice.
- Membership in a health club or fitness center.



- Other formal wellness programs provided by professionals (e.g. smoking cessation, weight control, nutrition, or similar programs.)
- Reimbursement for employee or eligible dependent medical expenses (deductibles or co-payments) not covered by the employee's health, dental, or vision insurance.
- Reimbursement for medical, vision, and dental insurance premiums in excess of the monthly flex dollar allowance, if applicable.
- Additional contact lenses, prescription glasses, or prescription sunglasses not covered by medical or vision insurance.
- Dental work (included orthodontia) for employee or eligible dependents not covered by medical or dental insurance.
- Registration fees for health classes (e.g. yoga, cross fit, etc.).
- Entrance fees for competitive sporting events (e.g. bicycle or running race, mud run competition, et cetera).

#### Technology Reimbursement

Department Heads may elect to receive a technology reimbursement of \$100/month in lieu of a City issued cell phone. Department Heads that continue to receive a City issued cell phone will not receive the reimbursement.

#### **SECTION 9. CAR ALLOWANCE:**

Department Heads will receive a City-provided vehicle or car allowance of \$300/month as compensation for attendance at off-site meetings, conferences, professional development, and any other business-related travel. Department Heads receiving a City-provided vehicle or car allowance will not be reimbursed for mileage.

#### **SECTION 10. SEVERANCE PAY:**

Department Heads are considered at-will employees and serve at the pleasure of the City Manager. If a Department Head is dismissed or discharged without cause, the City will provide the employee up to three (3) months' severance pay. Severance pay shall be calculated on base salary only, and on years of service with the City at a rate of one (1) month per one (1) year of service. In the event a Department Head is dismissed for cause, the City shall have no obligation to pay severance benefits.

All Department Heads hired before July 1, 2015 will earn one month severance pay upon adoption of this resolution and will earn another month each July 1<sup>st</sup> thereafter, up to three total months. Department Heads hired on or after July 1, 2015 will earn one month severance pay upon the one-year anniversary of their hire date, and each anniversary thereafter, up to three total months.

After receiving written notice of dismissal from the City, Department Heads may elect to be placed on administrative leave for an amount of time equal to their earned severance pay (i.e. up to three months) instead of receiving a lump-sum payout. The employee must notify the City of their election within three (3) business days of receiving written notice of dismissal.

#### **SECTION 11. EMPLOYMENT CONTRACTS:**

The City Manager, with the approval as to form by the City Attorney, may execute a separate employment contract with any Department Head provided the benefits included in the contract do not exceed the benefits listed in this Exhibit. Benefits listed in this Exhibit shall govern unless otherwise provided in the Department Head's employment contract.

#### **SECTION 12. PROVISIONS OF LAW AND SEVERABILITY:**

The parties agree that this Resolution is subject to all current and future applicable federal, state, and local laws.

If any article, part, or provision of this Resolution is in conflict with or inconsistent with applicable provisions of federal, state or local law or is otherwise held to be invalid or unenforceable by a court of competent jurisdiction, such article, part, or provision thereof shall be suspended or superseded by such applicable law or regulation, and the remainder of the Resolution shall not be affected thereby.



**RESOLUTION NO. 7807****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, AMENDING PORTIONS OF RESOLUTION NO. 7692 ESTABLISHING THE SALARY AND BENEFITS FOR EMPLOYEES IN CLASSIFICATIONS DESIGNATED AS DEPARTMENT HEADS**

**WHEREAS**, under California State law, the City Council is vested with the authority to designate classifications as being Department Heads; and

**WHEREAS**, the City Council has established and designated the following classifications as Department Heads: (1) Deputy City Manager/Director of Public Works; (2) Director of Community Development; (3) Director of Finance; and (4) Director of Recreation and Community Service; and

**WHEREAS**, the Police Chief does not currently have an employment contract, is not explicitly covered by a Memorandum of Understanding, and is not included in Resolution No. 7692 establishing the salary and benefits for Department Heads; and

**WHEREAS**, the City Council desires to include the Police Chief designation as a Department Head; and


**WHEREAS**, the terms and conditions of employment for the Department Heads are set forth in Resolution Number 7692 adopted on August 3, 2015; and

**WHEREAS**, the City Council has determined that it is appropriate to adjust the base salary and provide benefits to the Police Chief commensurate with negotiated provisions in other recognized bargaining units in the City.


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

**SECTION 1.** Approval of amendments to Resolution No. 7692 as outlined in the attached "Exhibit 1". Resolution 7692 and all exhibits attached thereto shall remain binding and operation except to the extent amended under this Resolution and no further.

**PASSED, APPROVED, AND ADOPTED** this 7<sup>th</sup> day of August, 2017.

  
Sylvia Ballin, 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 7<sup>th</sup> day of August, 2017, by the following vote to wit:

**AYES:**           Ballin, Fajardo, Gonzales, Lopez – 4

**NOES:**           None

**ABSENT:**       Soto – 1

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

**EXHIBIT "1"**

Resolution 7692 is hereby amended as follows:

**SECTION 1. DEPARTMENT HEAD CLASSIFICATIONS:**

Amended to remove "Deputy City Manager" from the Director of Public Works classification and add the classification of Police Chief.

**SECTION 2. SALARY:**

Amended to add:

Effective on the first day of the first pay period beginning after July 1, 2017, the base salary for the Police Chief will be \$162,400 and the incumbent will not be eligible for longevity pay under Section 3 of Resolution No. 7692. The Police Chief will get salary increases beginning July 1, 2018 in accordance with Section 2 of Resolution No. 7692.

**SECTION 3. SPECIAL PAY:**

Amended to add:

Deputy City Manager Designation

The City Manager may, at his or her discretion, designate no more than one (1) Department Head as Deputy City Manager. In addition to the duties and responsibilities included in the Department Head's regular classification, the Deputy City Manager designation will be responsible for assisting the City Manager with general City administrative duties, as assigned, and will assume the responsibilities of the City Manager during the City Manager's absence. A Department Head designated as Deputy City Manager will receive ten percent (10%) special assignment pay on top of their base salary.

**SECTION 5. RETIREMENT:**

Amended to add:

Retirement benefits applicable to the Police Chief only are included in Article 3. RETIREMENT BENEFITS, Sections 3.01 - 3.03, of the Memorandum of Understanding between the San Fernando Police Officers Association and the City of San Fernando for the term July 1, 2015 through June 30, 2019.

**SECTION 6. LEAVE BENEFITS:**Annual Leave

Amended to read as follows, "Department Heads may, at the employee's discretion, accrue up to four hundred (400) hours of Annual Leave. Upon separation from City service, the employee shall be compensated for any unused Annual Leave at his or her regular rate of pay.

The incumbent Police Chief will be paid out up to two hundred and fifty (250) hours from existing leave balances (including compensatory time, sick leave, holiday leave, etc.) each July 31<sup>st</sup> until all other leave balances, excluding Management Leave, are exhausted and annual leave is less than three hundred (300) hours. At that point, the Police Chief will be subject to the four-hundred-hour cap for annual leave. The Police Chief will continue accrue annual leave at the applicable rate identified in Resolution No. 7692."