

### San Fernando City Council Regular Meeting Notice and Agenda October 5, 2020 – 6:00 PM Teleconference – Per Governor's Executive Order

#### SPECIAL NOTICE REGARDING COVID-19

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20 (superseding the Brown Actrelated provisions of Executive Order N-25-20 issued on March 12, 2020), which allows a local legislative body to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Pursuant to Executive Order N-29-20, please be advised that the San Fernando City Council will participate in meetings telephonically.

**PUBLIC PARTICIPATION:** Pursuant to the Executive Order and given the current health concerns, members of the public can access meetings live on-line, with audio and video, via YouTube Live, at <u>https://www.youtube.com/c/CityOfSanFernando.</u> Comments submitted via YouTube will not be read into the record. Members of the public may submit comments by email to <u>cityclerk@sfcity.org</u> no later than 5:00 p.m. the day of the meeting, to ensure distribution to the City Council prior to consideration of the agenda. Those comments will be distributed to the City Council will be limited to three minutes, and made part of the official public record of the meeting. Callers interested in providing a live public comment, can call the City Clerk's Department at (818) 898-1204 between 5:00 p.m. and 6:15 p.m. the day of the meeting and leave a call back number. During the public comments of the meeting, to three minutes, to the City Council for consideration.

#### CALL TO ORDER/ROLL CALL

Mayor Joel Fajardo Vice Mayor Hector A. Pacheco Councilmember Sylvia Ballin Councilmember Robert C. Gonzales Councilmember Mary Mendoza

#### PLEDGE OF ALLEGIANCE

Led by Mayor Joel Fajardo

Staff Contact Nick Kimball, City Manager

**Regular Meeting Notice and Agenda – October 5, 2020** Page 2 of 7

#### APPROVAL OF AGENDA

Recommend that the City Council approve the agenda as presented and move that all ordinances presented tonight be read in title only as authorized under Government Code Section 36934.

#### PRESENTATION

 A) PRESENTATION BY THE LOS ANGELES UNIFIED SCHOOL DISTRICT ON UPDATES REGARDING THE 2020-2021 SCHOOL YEAR Los Angeles Unified School District Board Member Kelly Gonez (District 6)

#### **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 <u>(SF Procedural Manual)</u>. 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**

Members of the public may submit comments by email to <u>cityclerk@sfcity.org</u> no later than 5:00 p.m. the day of the meeting, to ensure distribution to the City Council prior to consideration of the agenda. Those comments will be distributed to the City Council will be limited to three minutes, and made part of the official public record of the meeting. Callers interested in providing a live public comment can call the City Clerk's Department at (818) 898-1204 between 5:00 p.m. and 6:15 p.m. the day of the meeting and leave a call back number. During the public comments of the meeting, the City Clerk will call the person back in the order received, to provide their live comments, limited to three minutes, to the City Council for consideration.

#### 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.



**Regular Meeting Notice and Agenda – October 5, 2020** Page 3 of 7

#### 1) **REQUEST TO APPROVE MEETING MINUTES OF:**

- a. APRIL 8, 2020 SPECIAL MEETING
- b. MAY 12, 2020 SPECIAL MEETING
- c. SEPTEMBER 21, 2020 SPECIAL MEETING

#### 2) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER

Recommend that the City Council adopt Resolution No. 20-101 approving the Warrant Register.

#### 3) CONSIDERATION TO APPROVE A LETTER OF AGREEMENT WITH THE SAN FERNANDO MANAGEMENT GROUP RELATED TO THE GOVERNMENT CODE SECTION 20903 RETIREMENT INCENTIVE BENEFIT

Recommend that the City Council:

- a. Approve the proposed Letter of Agreement (Contract No. 1967) between the City of San Fernando and the San Fernando Management Group (SFMG) outlining the terms and conditions related to the City's offer of a retirement incentive to certain eligible employees in accordance with Government Code section 20903; and
- b. Authorize the City Manager to make non-substantive corrections and execute the Letter of Agreement and all related documents.

#### 4) CONSIDERATION TO APPROVE A TRANSFER AGREEMENT WITH THE LOS ANGELES FLOOD CONTROL DISTRICT FOR THE DISBURSEMENT OF FUNDS FOR THE SAFE, CLEAN WATER – MUNICIPAL PROGRAM

- Approve a Transfer Agreement with the Los Angeles Flood Control District (Contract No. 1968) for the disbursement of funds for the Safe, Clean Water – Municipal Program to the City of San Fernando;
- b. Authorize the City Manager to execute the Agreement and all related documents; and
- c. Adopt Resolution No. 8028 amending the Fiscal Year 2020-2021 Adopted Budget appropriating the Safe, Clean Water-Municipal Program expenditures and revenues in the Capital Grants Fund (Fund 10).



**Regular Meeting Notice and Agenda – October 5, 2020** Page 4 of 7

#### 5) CONSIDERATION TO AUTHORIZE A NOTICE OF COMPLETION FOR THE ANNUAL STREET RESURFACING PROJECT FISCAL YEAR 2018-2019

Recommend that the City Council:

- a. Accept the improvements as constructed by Excel Paving Company pursuant to the City's specifications and plans (Job No. 7597, Plan No. P 726) and consider the work complete;
- b. Authorize the issuance and filing of the "Notice of Completion" with the Los Angeles County Office of the Registrar-Recorder/County Clerk; and
- c. Authorize the release of the five percent retention (\$108,218.50) after a 35-day lien period from the date the Notice of Completion is recorded.

#### 6) CONSIDERATION TO APPROVE A FIRST AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH JOHN ROBINSON CONSULTING INCORPORATED FOR THE UPPER RESERVOIR REPLACEMENT ENGINEERING DESIGN SERVICES

Recommend that the City Council:

- a. Approve a first Amendment to the Professional Services Agreement with John Robinson Consulting Incorporated (Contract No. 1912(a)) for design services related to the Upper Reservoir Replacement; and
- b. Authorize the City Manager, or designee, to execute the Amendment and all related documents.

#### 7) CONSIDERATION TO AUTHORIZE SUBMITTAL OF AN APPLICATION FOR THE LOCAL EARLY ACTION PLANNING GRANTS PROGRAM TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

- a. Adopt Resolution No. 8030 to authorize an application for the receipt of Local Early Action Planning (LEAP) Grants Program Funds to the California Department of Housing and Community Development (HCD) in the amount of \$150,000;
- b. Authorize the City Manager to accept the grant funds, if awarded;
- c. Authorize the City Manager to appropriate the grant revenues and expenditures in accordance with the Adopted Budget Resolution No. 8011, if awarded; and
- d. Authorize the City Manager to execute all related grant documents required for application and receipt of such grant funds.



**Regular Meeting Notice and Agenda – October 5, 2020** Page 5 of 7

#### 8) CONSIDERATION TO RATIFY SAN FERNANDO EXECUTIVE ORDER NO. 2020-09-29 - COVID-19 CITY PARKS OPEN SPACE SERVICE AREA REGULATIONS

Recommend that the City Council ratify Executive Order No. 2020-09-29, enacting COVID-19 city parks open space service area regulations.

#### ADMINISTRATIVE REPORTS

#### 9) DISCUSSION REGARDING COVID-19 RESPONSE EFFORTS AND APPROVAL OF PROPOSED RECOMMENDATIONS

This item was placed on the agenda by Mayor Fajardo.

Receive a presentation from staff related to the City's COVID-19 efforts, including, but not limited to:

- a. Review and approval of the City's COVID-19 planning, response, enforcement, and education efforts, and related policy initiatives; and
- b. Review and approval of financial assistance programs and the pursuit of funding opportunities, and related recommendations, as appropriate.

#### 10) UPDATE REGARDING THE SIXTH CYCLE REGIONAL HOUSING NEEDS ASSESSMENT DRAFT ALLOCATION

Recommend that the City Council:

- a. Receive a presentation regarding the Sixth Cycle (2021-2029) draft Regional Housing Needs Assessment (RHNA) allocation; and
- b. Provide staff with direction, as appropriate.

#### 11) UPDATE ON HOMELESS OUTREACH IN SAN FERNANDO

- a. Receive and file the report from staff; and
- b. Discuss homeless issues in San Fernando and provide staff with direction, as appropriate.



**Regular Meeting Notice and Agenda – October 5, 2020** Page 6 of 7

#### 12) INFORMATIONAL REPORT ON THE METHANE LEAK AT THE LOS ANGELES DEPARTMENT OF WATER AND POWER'S VALLEY GENERATING STATION IN SUN VALLEY

Recommend that the City Council receive and file the informational report.

#### 13) DISCUSSION AND REQUEST FOR DIRECTION OF POTENTIAL OBJECTIVES AND ORGANIZATIONAL STRUCTURES OF A MEASURE "A" ADVISORY COMMITTEE

Recommend that the City Council:

- a. Receive and file a presentation from staff regarding the potential objectives and organizational structures of a Measure "A" Advisory Committee; and
- b. Provide staff with direction, as appropriate.

## 14) REVIEW AND DISCUSS THE INAUGURAL TEMPORARY MURAL INSTALLATION AND RELATED MURAL AD HOC COMMITTEE RECOMMENDATIONS

This item was placed on the agenda by Mayor Fajardo.

Recommend that the City Council:

- a. Receive a presentation and report from staff;
- b. Discuss the recommendations from the Mural Ad Hoc Committee;
- c. Approve the artist's temporary mural concept, subject to revisions;
- d. Authorize the City Attorney to prepare a license agreement; and
- e. Provide additional direction as appropriate.

# 15) CONSIDERATION TO ALLOCATE INDEPENDENT CITIES FINANCE AUTHORITY'S COMMUNITY OUTREACH PROGRAM FUNDS

This item was placed on the agenda by Councilmember Ballin.

- a. Discuss the recommended allocation of Independent Cities Finance Authority's Community Outreach Program funds; and
- b. Adopt Resolution No. 8031 appropriating the funds in the Fiscal Year 2020-2021 Adopted Budget.



#### SAN FERNANDO CITY COUNCIL Regular Meeting Notice and Agenda – October 5, 2020 Page 7 of 7

#### 16) DISCUSSION AND CONSIDERATION TO AUTHORIZE THE CITY MANAGER TO SUBMIT A LETTER IN SUPPORT OF HOUSE OF REPRESENTATIVE BILL 8270 "I AM VANESSA GUILLÉN ACT OF 2020" ON BEHALF OF THE CITY COUNCIL TO LOCAL, STATE, AND FEDERAL LEGISLATORS

This item was placed on the agenda by Councilmember Mendoza.

Recommend that the City Council authorize the City Manager to send a letter to local, state, and federal legislators expressing the City's support of House of Representatives Bill 8270 (HR 8270) *"I am Vanessa Guillén Act of 2020"* on behalf of the City Council.

#### STAFF COMMUNICATION INCLUDING COMMISSION UPDATES

#### **GENERAL COUNCIL COMMENTS AND LIAISON UPDATES**

#### 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.* 

Julia Fritz, CMC City Clerk Signed and Posted: October 1, 2020 (5:00 p.m.)

Agendas and complete Agenda Packets (including staff reports and exhibits related to each item) are posted on the City's Internet website (<u>www.sfcity.org</u>). 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 <u>www.sfcity.org</u>. 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.



# Special Meeting San Fernando City Council

This Page Intentionally Left Blank

# **1a**

This Page Intentionally Left Blank

#### SAN FERNANDO CITY COUNCIL MINUTES

#### APRIL 8, 2020 – 6:00 P.M. SPECIAL MEETING

Teleconference Per Governor Executive Order N-29-20

#### CALL TO ORDER/ROLL CALL

Mayor Joel Fajardo called the meeting to order at 6:01 p.m.

#### Present:

Council:	Mayor Joel Fajardo, Vice Mayor Hector A. Pacheco, Councilmembers Sylvia Ballin and Mary Mendoza
Staff:	City Manager Nick Kimball and Assistant City Attorney Richard Padilla
Absent:	Councilmember Robert C. Gonzales

Motion by Mayor Fajardo, seconded by Councilmember Mendoza, to nominate Mayor Fajardo as temporary presiding City Clerk.

The motion carried with the following vote:

AYES:	Ballin, Mendoza, Pacheco, Fajardo – 4
NOES:	None
ABSENT:	Gonzales – 1
ABSTAIN:	None

It was noted that Councilmember Gonzales joined the meeting at 6:02 p.m.

#### **APPROVAL OF AGENDA**

Motion by Mayor Fajardo, seconded by Councilmember Mendoza, to approve the agenda.

The motion carried with the following vote:

AYES:	Ballin, Gonzales, Mendoza, Pacheco, Fajardo – 5
NOES:	None
ABSENT:	None
ABSTAIN:	None

#### SAN FERNANDO CITY COUNCIL SPECIAL MEETING MINUTES – April 8, 2020 Page 2

#### PUBLIC STATEMENTS

Ivan Drehspul wrote about his concerns regarding trash overflow during the COVID-19 pandemic and Republic Service's costs.

Yolanda Haro requested that the city follow the City of Los Angeles face-covering requirements.

Arturo Garcia, field representative for Assemblymember Luz Rivas, provided district information and updates on their activities.

Carlos Espinoza requested that the city consider ceasing parking citations during the COVID-19 pandemic.

#### PUBLIC HEARING

1) CONSIDERATION TO ADOPT AN URGENCY ORDINANCE ENACTING A TEMPORARY MORATORIUM ON COMMERCIAL AND RESIDENTIAL EVICTIONS, SUBJECT TO MODIFICATION BY CITY COUNCIL

Mayor Fajardo provided an update prepared by the Ad Hoc Committee. Mayor Fajardo, City Manager Kimball, and City Attorney Padilla replied to questions from Councilmembers.

The Public Hearing was opened and public testimony received. The public hearing was closed.

It was noted that Vice Mayor Pacheco left the meeting at 6:45 p.m.

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

- a. Waive full reading and adopt Urgency Ordinance No. 1693 by title "An Uncodified Urgency Ordinance of The City Council of The City of San Fernando, California Enacting a Temporary Moratorium on Evictions Due to the Nonpayment of Rent for Residential and Non-Essential Commercial Tenants Where the Failure to Pay Rent Results from Income Loss Resulting From the Novel Coronavirus (COVID-19)", and
- b. Authorize modification by the City Council as presented by the city staff and the city attorney.

The motion carried with the following vote:

AYES:	Ballin, Gonzales, Mendoza, Fajardo – 4
NOES:	None
ABSTAIN:	None
ABSENT:	Pacheco – 1

It was noted that Councilmember Gonzales left the meeting at 7:10 p.m.

#### SAN FERNANDO CITY COUNCIL SPECIAL MEETING MINUTES – April 8, 2020 Page 3

#### **ADMINISTRATIVE REPORTS**

2) DISCUSSION OF CITY'S ACTIONS REGARDING CORONAVIRUS INCLUDING FINANCIAL ASSISTANCE PROGRAM FOR CERTAIN PARKING TICKETS AND TOW FEES

Motion by Mayor Fajardo, seconded by Councilmember Ballin, to authorize the City Manager to prepare a Parking Financial Hardship Waiver for residents.

The motion carried with the following vote:

AYES:	Fajardo, Ballin, Mendoza – 3
NOES:	None
ABSTAIN:	None
ABSENT:	Pacheco, Gonzales – 2

Motion by Mayor Fajardo, seconded by Mendoza to add a walk on item to the agenda regarding personal protection equipment guidelines in the city.

The motion carried with the following vote:

AYES:	Fajardo, Ballin, Mendoza – 3
NOES:	None
ABSTAIN:	None
ABSENT:	Pacheco, Gonzales – 2

3) DISCUSSION REGARDING THE USE OF PERSONAL PROTECTION EQUIPMENT FOR BUSINESSES AND ESSENTIAL SERVICES IN THE CITY

Motion by Councilmember Ballin, seconded by Mayor Fajardo, to authorize the City Manager to prepare an executive order to require businesses to wear personal protection equipment.

The motion carried with the following vote:

AYES:Fajardo, Ballin, Mendoza – 3NOES:NoneABSTAIN:NoneABSENT:Pacheco, Gonzales – 2

#### RECESS TO CLOSED SESSION (7:47 p.m.)

By consensus, Councilmembers recessed into Closed Session:

 A) CONFERENCE WITH LEGAL COUNSEL – CONSIDERATION OF INITIATION OF LITIGATION
 G.C. §54956.9(d)(4)
 One (1) Matter

#### SAN FERNANDO CITY COUNCIL SPECIAL MEETING MINUTES – April 8, 2020 Page 4

- B) PUBLIC EMPLOYMENT G.C. §54957 Title: City Clerk
- CONFERENCE WITH LABOR NEGOTIATORS G.C. §54957.6
   Unrepresented Employee: City Clerk

#### RECONVENE/REPORT OUT FROM CLOSED SESSION (7:50 p.m.)

Assistant City Attorney Padilla stated there was no reportable action as a result of Closed Session held on April 8, 2020 at 7:47 pm.

#### ADJOURNMENT (7:52 p.m.)

Motion by Mayor Fajardo, seconded by Councilmember Ballin, 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 April 8, 2020, meeting as approved by the San Fernando City Council.

Julia Fritz City Clerk

# **1b**

This Page Intentionally Left Blank

#### SAN FERNANDO CITY COUNCIL MINUTES

#### MAY 12, 2020 – 4:00 P.M. SPECIAL MEETING

#### **TELECONFERENCE - PER GOVERNOR'S EXECUTIVE ORDER N-29-20**

#### CALL TO ORDER/ROLL CALL

Mayor Joel Fajardo called the meeting to order at 4:04 p.m.

Present:

Council:	Mayor Joel Fajardo, Vice Mayor Hector A. Pacheco, and Councilmembers Sylvia Ballin, and Mary Mendoza
Absent:	Councilmember Robert C. Gonzales
Staff:	City Manager Nick Kimball, Assistant City Attorney Richard Padilla, Deputy City Manager/Director of Community Development Tim Huo, and City Clerk Julia Fritz

#### APPROVAL OF AGENDA

It was the consensus of the City Council that since Councilmember Gonzales was absent, Item 1 be tabled for discussion as the matter directly affects councilmember salary and benefits.

#### **PUBLIC STATEMENTS – WRITTEN**

None

#### RECESS TO CLOSED SESSION (4:06 P.M.)

It was noted that Councilmember Gonzales arrived directly into Closed Session.

A) <u>CONFERENCE WITH LABOR NEGOTIATOR</u> <u>G.C. §54957.6</u>:

Designated City Negotiators:
City Manager Nick Kimball
City Attorney Rick Olivarez
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 Part-time Employees' Bargaining Unit (SEIU, Local 721)
All Unrepresented Employees

#### SAN FERNANDO CITY COUNCIL MINUTES – May 12, 2020 Page 2

B) <u>PUBLIC EMPLOYMENT</u> <u>G.C. §54957</u>:

Title: City Clerk

C) <u>CONFERENCE WITH LABOR NEGOTIATORS</u> <u>G.C. §54957.6</u>:

Unrepresented Employee: City Clerk

#### RECONVENE/REPORT OUT FROM CLOSED SESSION

Assistant City Attorney Padilla stated that there was no reportable action as a result of Closed Session held on May 12, 2020 at 4:00 p.m.

#### ADMINISTRATIVE REPORTS

1. CONSIDERATION TO ADOPT RESOLUTIONS SETTING THE STATUTORY MAXIMUM SALARY AND OTHER BENEFITS FOR CITY COUNCILMEMBERS

Recommend that the City Council:

- a. Adopt Resolution No. 7972 setting the statutory maximum for City Councilmembers' salary at the amount of \$730.00 per month; and
- b. Adopt Resolution No. 8002 setting City Council benefits with either Exhibit "1" or Exhibit "2", as amended.

It was noted that Councilmember Gonzales announced that he would be leaving the meeting. It was the consensus to table Item 1. to a date uncertain so that all councilmembers are in attendance for consideration concerning councilmember salary and benefits.

#### ADJOURNMENT (4:43 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 May 12, 2020, special meeting as approved by the San Fernando City Council.

Julia Fritz, City Clerk

# **1c**

This Page Intentionally Left Blank

#### SAN FERNANDO CITY COUNCIL MINUTES

#### SEPTEMBER 21, 2020 – 4:30 P.M. SPECIAL MEETING

#### Teleconference Per Governor Executive Order N-29-20

#### CALL TO ORDER/ROLL CALL

Mayor Joel Fajardo called the meeting to order at 4:31 p.m.

Present:

Council:	Mayor Joel Fajardo, Vice Mayor Hector A. Pacheco and Councilmembers Sylvia Ballin and Mary Mendoza
Staff:	City Manager Nick Kimball, Assistant City Attorney Richard Padilla, and Deputy City Clerk Cynthia Alba
Absent:	Councilmember Robert C. Gonzales

#### APPROVAL OF AGENDA

Motion by Mayor Fajardo, seconded by Councilmember Ballin, to approve the agenda. The motion carried with the following vote:

AYES:	Fajardo, Pacheco, Ballin, Mendoza – 4
NOES:	None
ABSTAIN:	None
ABSENT:	Gonzales – 1

#### PUBLIC STATEMENTS – WRITTEN/ORAL

None

#### RECESS TO CLOSED SESSION (4:32 P.M.)

By consensus, Councilmembers recessed to Closed Session.

It was noted that Councilmember Gonzales arrived directly into closed session at 4:50 p.m.

#### A) CONFERENCE WITH LABOR NEGOTIATOR G.C. §54957.6

Designated City Negotiators: City Manager Nick Kimball City Attorney Rick Olivarez 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 CITY COUNCIL SPECIAL MEETING MINUTES – September 21, 2020 Page 2

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) CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO G.C. §54956.8:

Property:	City owned parcels at Assessor Identification
	Numbers: 2521-031-901, 902, & 903
City Negotiators:	City Manager Nick Kimball, Lead Negotiator
	City Attorney Rick Olivarez
	Assistant City Attorney Richard Padilla
Negotiating Parties:	Vanessa Delgado, President, Azure Development
Under Negotiation:	Price and Terms of Payment as it relates to Leasing or Sale
	of Real Property

C) PUBLIC CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO G.C. §54956.8:

Property:	543, 553, and 563 Glenoaks Boulevard, City of San Fernando
Agency Negotiators:	City Manager Nick Kimball, Lead Negotiator
	City Attorney Rick Olivarez
	Assistant City Attorney Richard Padilla
Negotiating Parties:	Neil Haltrecht, Robertson Properties Group
Under Negotiation:	Price and Terms as it Relates to Proposed Development Agreement

D) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO G.C. §54956.9(d)(2) AND G.C. §54956.9(e)(1):

One (1) Matter

#### **REPORT OUT FROM CLOSED SESSION (5:32 P.M.)**

Assistant City Attorney Padilla stated there was no reportable action as a result of Closed Session.

#### ADJOURNMENT (5:33 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 September 21, 2020, meeting as approved by the San Fernando City Council.

Julia Fritz City Clerk



2

This Page Intentionally Left Blank



AGENDA REPORT

То:	Mayor Joel Fajardo and Councilmembers
From:	Nick Kimball, City Manager By: J. Diego Ibañez, Director of Finance
Date:	October 5, 2020
Subject:	Consideration to Adopt a Resolution Approving the Warrant Register

#### **RECOMMENDATION:**

It is recommended that the City Council adopt Resolution No. 20-101 (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 special 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. Special 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 Director of Finance 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 Director of Finance 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. 20-101

#### ATTACHMENT "A"

#### **RESOLUTION NO. 20-101**

#### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO ALLOWING AND APPROVING FOR PAYMENT DEMANDS PRESENTED ON DEMAND/ WARRANT REGISTER NO. 20-101

# 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 5<sup>th</sup> day of October, 2020.

**ATTEST:** 

Joel Fajardo, Mayor

Julia Fritz, City Clerk

#### **RESO. NO. 20-101**

#### **CERTIFICATION**

I, City Clerk of the City of San Fernando, California, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 20-101 which was regularly introduced and adopted by the City Council of the City of San Fernando, California, at a regular meeting thereof held on the 5<sup>th</sup> day of October, 2020, by the following vote of the City Council:

AYES:

NAYS:

**ABSENT:** 

**ABSTAINED:** 

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Fernando, California, this 5<sup>th</sup> day of October, 2020.

Julia Fritz, City Clerk

Voucher List

vchlist

#### Page 30 of 449 EXHIBIT "A" RESO NO. 20-101

Page: 1

09/30/2020	1:23:46P	М	CITY OF SAN FER			age:
Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220412	10/5/2020	890104 ABBA TERMITE & PEST CONTROL	43695		BEEHIVE REMOVAL-WTR MTR @ 1011 070-384-0000-4260 Total :	95.00 <b>95.00</b>
220413	10/5/2020	888356 ADVANCED AUTO REPAIR	1449		VEHICLE MAINT., REPAIRS AND MINOR	
			1150	12284	029-335-0000-4400	872.89
			1450	12284	VEHICLE MAINT., REPAIRS AND MINOR 041-320-0225-4400	1,030.68
			1451		VEHICLE MAINT., REPAIRS AND MINOR	.,
				12284	041-320-0420-4400	151.50
					Total :	2,055.07
220414	10/5/2020	891969 ADVANCED PURE WATER SOLUTIONS	1030374		DRINKING WATER	
					001-222-0000-4300	98.55
					Total :	98.55
220415	10/5/2020	891739 ALAS MEDIA	201866		HEADSHOT PROTRAITS-PACHECO & N	
					001-101-0000-4270	250.00
					Total :	250.00
220416	10/5/2020	892592 ALLAMERICAN ASPHALT	190490		GLENOAKS STREET RESURFACING PF	
				12183 12183	010-311-6673-4600	53,150.00 351,046.00
				12163	012-311-6673-4600 010-2037	-2,657.50
					012-2037	-17,552.30
					Total :	383,986.20
220417	10/5/2020	100143 ALONSO, SERGIO	JULY 2020		MARIACHI MASTER APPRENTICE PRO	
				12285	109-424-3693-4260	770.00
					Total :	770.00
220418	10/5/2020	100188 ANDY GUMP INC.	INV747727		PORTABLE RESTROOM SERVICE FOR	
				12271	043-390-3689-4260	562.48
			INV748649	12271	PORTABLE RESTROOM SERVICE FOR 043-390-3689-4260	176.90
				12271	043-390-3669-4260 Total :	739.38

Page:

1

vchlist 09/30/2020	1:23:46PI	м	Voucher List CITY OF SAN FERNAND	00		Page: 2
Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220419	10/5/2020	102530 AT & T	818-270-2203		PD NETWORK LINE-SEPT 2020 001-222-0000-4220 Total :	218.59 <b>218.59</b>
220420	10/5/2020	889037 AT&T MOBILITY	287277903027X090820		MODEM FOR ELECTRONIC MESSAGE- 001-310-0000-4220 Total :	138.69 <b>138.69</b>
220421	10/5/2020	889942 ATHENS SERVICES	8997056	12248 12248	CONTRACTUAL SERVICES FOR STREE 011-311-0000-4260 001-343-0000-4260 Total :	14,542.40 2,891.00 <b>17,433.40</b>
220422	10/5/2020	891209 AUTONATION SSC	335215		REPLACE SPARK PLUGS & BOOTS-PD <sup>.</sup> 041-320-0225-4400 Total :	426.93 <b>426.93</b>
220423	10/5/2020	890546 BARAJAS, CRYSTAL	AUG 2020	12298	MARIACHI MASTER APPRENTICE PRO 109-424-3693-4260 Total :	240.00 <b>240.00</b>
220424	10/5/2020	892426 BEARCOM	5079663	12240	CAMERAS FOR JAIL 001-222-0000-4320 001-222-0000-4320 Total :	589.00 113.90 <b>702.90</b>
220425	10/5/2020	893591 BIOMEDICAL WASTE DISPOSAL	93062 93981		CREDIT 001-224-0000-4270 BIOMEDICAL WASTER DISPOSAL 001-224-0000-4270 Total :	-83.39 99.00 <b>15.61</b>
220426	10/5/2020	892847 B-LINE INVESTIGATIONS, INC	1131	12276	SPECIALIZED INVESTIGATIVE SERVIC 001-112-0000-4270 Total :	1,462.05 <b>1,462.05</b>
220427	10/5/2020	890838 BLUE TARP CREDIT SERVICES	45866822		SMALL TOOLS 041-320-0000-4340	176.90

#### 10/05/2020

CC Meeting Agenda

Voucher List

CITY OF SAN FERNANDO

#### EXH17971'04449 RESO NO. 20-101

Page: 3

vchlist	
09/30/2020	1:23:46PM

Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220427	10/5/2020	890838 890838 BLUE TARP CREDIT SERVICES	(Conti	nued)	Total :	176.90
220428	10/5/2020	888800 BUSINESS CARD	090120		ANNUAL MEMBERSHIP	
			090220		001-190-0000-4435 CONFERENCE REGISTRATION	18.00
					001-152-0000-4370	250.00
			090320		RUBBER SPEED HUMPS W/CONCRETE	
			090720	12228	001-311-0000-4260 CITY CALENDAR ANNUAL FEE	3,353.36
			090720		001-135-0000-4260	185.28
			091020		TABLET SUPPLIES	
					001-101-0000-4300	35.95
			091020		SEPT 2020-(1) MONTH 200 OUTLOOK 3 001-135-0000-4260	1,582.00
			091420		UTILITY CART	1,362.00
					001-222-0000-4300	65.99
			091520		ETHERNET CABLE	
			091720		001-135-0000-4300 MONTHLY DOMAIN RENEWAL	30.24
			091720		001-135-0000-4260	5.00
			092120		LODGING DEPOSIT-DEPT HEAD TEAM	0.00
					001-105-0000-4270	1,254.40
					Total :	6,780.22
220429	10/5/2020	888800 BUSINESS CARD	010820		CREDIT	
					001-222-0000-4300	-126.99
			031920		CREDIT-CONF CANCELLED	
			040620		001-224-0000-4360 OVERPAYMENT	-541.44
			040020		001-222-0000-4300	-180.00
			080620		LODGING-EVOC TRAINING	
					001-225-0000-4360	679.20
			082720		RECHARGEABLE SEQUENTIAL FLARES	4 005 00
			083120		110-225-3627-4300 REGISTRATION-JAILCON 2020	1,335.00
			003120			920.00
			091420		SUPPLIES	
			091420		001-225-3688-4360 SUPPLIES	

vchlist 09/30/2020			Voucher List           1:23:46PM         CITY OF SAN FERNANDO				Page: 4
Bank code :	bank3						
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount	
220429	10/5/2020	888800 BUSINESS CARD	(Continued)				
			091420-1		001-222-0000-4300 CREDIT 001-222-0000-4360	-50.00	
			091420-2		CREDIT 001-225-0000-4360	-50.00	
			091620		LAPTOP BATTERY 001-222-0000-4300	-30.00	
			091820		CREDIT 001-225-3688-4360	-115.00	
					001-225-3088-4300 Total		
220430	10/5/2020	892464 CANON FINANCIAL SERVICES, INC	21915135		CANON COPIER LEASE PAYMENT-SEP		
				12241	001-135-0000-4260 Total	649.93 : 649.93	
220431	10/5/2020	892465 CANON SOLUTIONS AMERICA, INC.	4033363268		SRO PRINTER MAINTENANCE & COPIE 001-135-0000-4260	10.23	
					001-135-0000-4280 Total		
220432	10/5/2020	100472 CCAC	8631		CITY CLERKS ASSOC WORKSHOP 001-115-0000-4370	50.00	
			8632		CITY CLERKS ASSOC WORKSHOP		
					001-115-0000-4370 Total	50.00 : <b>100.00</b>	
220433	10/5/2020	893177 CELL ENERGY	IN0007608		VEHICLE BATTERIES INCLUDING DELI		
				12249	041-1215 Total	289.50 : 289.50	
220434	10/5/2020	100713 CITY OF GLENDALE	979		WATERMASTER COST SHARING AGRE 070-381-0000-4270		
					070-381-0000-4270 Total	4,572.48 : 4,572.48	
220435	10/5/2020	101957 CITY OF LOS ANGELES	38SF210000003		FIRE SERVICES-OCT 2020 001-500-0000-4260	236,012.00	
					001-500-0000-4280 Total		

Voucher List

CITY OF SAN FERNANDO

vchlist

09/30/2020

1:23:46PM

#### EXH199172 0Á449 RESO NO. 20-101

Page: 5

Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220436	10/5/2020	100747 COASTLINE EQUIPMENT	725240		EIN STICKER REPLACEMENT	
					070-383-0000-4400	32.30
					Total :	32.30
220437	10/5/2020	100805 COOPER HARDWARE INC.	122578		MISC SUPPLIES FOR PUBLIC WORKS (	
				12277	043-390-0000-4300	6.56
			122590		MISC SUPPLIES FOR PUBLIC WORKS (	
				12277	043-390-0000-4300	45.48
			122731		MISC SUPPLIES FOR PUBLIC WORKS (	
				12277	070-384-0000-4310	149.77
			122736		MISC SUPPLIES FOR PUBLIC WORKS (	
				12277	070-384-0000-4310	58.47
					Total :	260.28
220438	10/5/2020	892687 CORE & MAIN LP	M782839		PW MAINTENANCE, REPAIRS & SUPPL	
				12243	070-383-0301-4300	413.68
			M788401		PW MAINTENANCE, REPAIRS & SUPPL	
				12243	070-385-0701-4600	111.34
			M790914		PW MAINTENANCE, REPAIRS & SUPPL	
				12243	070-383-0301-4300	1,034.21
			M983657		PW MAINTENANCE, REPAIRS & SUPPL	
				12243	070-385-0701-4600	211.17
					Total :	1,770.40
220439	10/5/2020	100562 CPRS	127560		MEMBERSHIP RENEWAL	
					001-420-0000-4380	165.00
					Total :	165.00
220440	10/5/2020	890559 CRESCENTA VALLEY WATER DISTRIC	SF6		ULARA COST SHARE AGREEMENT	
					070-381-0000-4270	123.43
			SF7		ULARA COST SHARE AGREEMENT	
					070-381-0000-4270	215.38
					Total :	338.81
220441	10/5/2020	892888 CWE	20288		SAN FERNANDO REGIONAL PARK INFI	
				11788	070-385-0763-4600	6,914.73
					Total :	6,914.73

vchlist 09/30/2020	1:23:46PI	и	Voucher List CITY OF SAN FERNANDO	1		Page: 6
Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220442	10/5/2020	887380 DUENAS, MARIA CONCEPCION	JULY 2020		MARIACHI MASTER APPRENTICE PRO	
				12299	109-424-3693-4260	405.00
					Total :	405.00
220443	10/5/2020	890401 ENVIROGEN TECHNOLOGIES INC	0012046-IN		AUG-ION-EXCHANGE NITRATE TREAT	
				12244	070-384-0857-4260	7,796.80
					Total :	7,796.80
220444	10/5/2020	892198 FRONTIER COMMUNICATIONS	209-151-4942-041191		CITY YARD AUTO DIALER	
					070-384-0000-4220	54.86
			818-361-2385-012309		MTA PHONE LINE	
					007-440-0441-4220	110.48
					001-190-0000-4220	55.24
			818-361-7825-120512		HERITAGE PARK IRRIG SYSTEM	
					001-420-0000-4220	56.32
			818-365-5097-120298		POLICE NARCOTICS VAULT	
					001-222-0000-4220	28.80
			818-837-2296-031315		VARIOUS CITY HALL PHONE LINES	
					001-190-0000-4220	390.20
			818-837-7174-052096		POLICE SPECIAL ACTIVITIES PHONE L	
					001-222-0000-4220	37.83
			818-898-7385-033105		LP FAX LINE	
					001-420-0000-4220	32.95
					Total :	766.68
220445	10/5/2020	101358 GONZALES, ROBERT	REPL-216746		REPL STL DTD CK-FACILITY RENTAL D	
					001-2140	150.00
					Total :	150.00
220446	10/5/2020	890982 GONZALES, ROBERT C.	REPL-215382		REPL STL DTD CK-PER DIEM ICA SUM	
					001-2140	85.00
			REPL-217508		REPL STL DTD CK-PER DIEM ICA WNTF	
					001-2140	40.00
					Total :	125.00
220447	10/5/2020	101376 GRAINGER, INC.	9645236895		MISC. BUILDING AND ELECTRICAL SUF	
				12261	043-390-3689-4300	164.98
					· · · · · · · · · · · · · · · · · · ·	

vchlist

09/30/2020

Voucher List

CITY OF SAN FERNANDO



Page: 7

1:23:46PM

Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220447	10/5/2020	101376 GRAINGER, INC.	(Continued) 9645367740	12261	MISC. BUILDING AND ELECTRICAL SUF 043-390-0000-4300 Total :	222.70 387.68
220448	10/5/2020	101434 GUZMAN, JESUS ALBERTO	AUG 2020	12300	MARIACHI MASTER APPRENTICE PRO 109-424-3693-4260 Total :	2,200.00 <b>2,200.00</b>
220449	10/5/2020	893395 HAYES, JASON BENJAMIN	SEPT 2020		COMMISSIONER'S STIPEND 001-420-0000-4111 Total :	75.00 <b>75.00</b>
220450	10/5/2020	890360 HERRERA, NINAMARIE JULIA	SEPT 2020		COMMISSIONER'S STIPEND 001-420-0000-4111 Total :	75.00 <b>75.00</b>
220451	10/5/2020	102307 HI WAY SAFETY RENTALS, INC.	106595 106919	12266 12266	TRAFFIC DELINEATION FOR WORK ZO 001-311-0000-4300 TRAFFIC DELINEATION FOR WORK ZO 001-311-0000-4300 Total :	655.00 1,493.80 <b>2,148.80</b>
220452	10/5/2020	891777 IRRIGATION EXPRESS	15195944-00 15196445-00	12274 12274	IRRIGATION SUPPLIES FOR ALL CITY F 043-390-0000-4300 IRRIGATION SUPPLIES FOR ALL CITY F 043-390-0000-4300 Total :	90.69 21.92 <b>112.61</b>
220453	10/5/2020	887952 J. Z. LAWNMOWER SHOP	26304	12281	SMALL EQUIP. REPAIR (LAWNMOWERS 001-311-0000-4300 Total :	185.00 <b>185.00</b>
220454	10/5/2020	889680 JIMENEZ LOPEZ, JUAN MANUEL	AUG 2020	12301	MARIACHI MASTER APPRENTICE PRO 109-424-3693-4260 Total :	1,080.00 <b>1,080.00</b>
220455	10/5/2020	102007 L.A. COUNTY SHERIFFS DEPT.	210252BL		INMATE MEALS-AUG 2020	

Page: 7

vchlist 09/30/2020						
Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amoun
220455	10/5/2020	102007 L.A. COUNTY SHERIFFS DEPT.	(Continued)			
					001-225-0000-4350	702.85
					Total :	702.8
220456	10/5/2020	101971 L.A. MUNICIPAL SERVICES	004-750-1000		ELECTRIC - 13003 BORDEN	
					070-384-0000-4210	164.16
			494-750-1000		WATER - 12900 DRONFIELD	
					070-384-0000-4210	36.84
			500-750-1000		ELECTRIC-13655 FOOTHILL	
					070-384-0000-4210	173.81
			594-750-1000		ELECTRIC - 12900 DRONFIELD 070-384-0000-4210	7 000 0
			657-750-1000		ELECTRIC - 14060 SAYRE	7,202.93
			057-750-1000		070-384-0000-4210	16,703.02
			694-750-1000		ELECTRIC & WATER - 13180 DRONFIEL	10,703.02
					070-384-0000-4210	5.567.98
			757-750-1000		WATER-140690 SAYRE	-,
					070-384-0000-4210	116.3
					Total :	29,965.0
220457	10/5/2020	893691 LAMBERTE, STEPHANIE	2000519.001		FIT PASS REFUND	
					017-3770-1337	56.00
					Total :	56.00
220458	10/5/2020	893218 LAZARO, ERNESTO	AUG 2020		MARIACHI MASTER APPRENTICE PRO	
220430	10/3/2020	000210 EAZARO, ERRESTO	A0G 2020	12302	109-424-3693-4260	720.00
				12002	Total :	720.00
220459	10/5/2020		1501017			
220459	10/5/2020	101920 LIEBERT CASSIDY WHITMORE	1504217		LEGAL SERVICES	105.00
			1504218		001-112-0000-4270 LEGAL SERVICES	185.00
			1304210		001-112-0000-4270	2,639.00
			1504219		LEGAL SERVICES	2,000.00
					001-112-0000-4270	841.00
			1504220		LEGAL SERVICES	
					001-112-0000-4270	58.00
			1504221		LEGAL SERVICES	

vchlist

09/30/2020

1:23:46PM

### EXHIBPT<sup>34</sup>'A<sup>449</sup> RESO NO. 20-101

Voucher List CITY OF SAN FERNANDO

Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amoun
220459	10/5/2020	101920 LIEBERT CASSIDY WHITMORE	(Continued)			
					001-112-0000-4270	2,886.0
					Total :	6,609.0
220460	10/5/2020	101974 LOS ANGELES COUNTY	AUG 2020		ANIMAL CARE & CONTROL SERVICES-	
				12278	001-190-0000-4260	7,637.0
					Total :	7,637.0
220461	10/5/2020	892477 LOWES	17341		RETURN	
					070-384-0000-4330	-110.2
			901038		SUPPLIES-WATER HEATER INSTALL	
					043-390-0000-4300	25.9
			901056		RESERVOIR4 TITLE 22 SAMPLING	
					070-384-0000-4330	53.9
			901081		RESERVOIR4 TITLE 22 SAMPLING	170 5
			901189		070-384-0000-4330	178.5
			901109		RESERVOIR4 TITLE 22 SAMPLING 070-384-0000-4330	250.3
			901401		MISC ITEMS	200.5
			001401		070-383-0301-4300	118.6
			917384		MATL'S FOR HATCH REPAIR	110.0
					070-384-0000-4330	632.9
					Total :	1,150.1
220462	10/5/2020	888468 MAJOR METROPOLITAN SECURITY	1099301		ALARM MONITORING AT ALL CITY FACI	
				12251	043-390-0000-4260	15.0
			1099302		ALARM MONITORING AT ALL CITY FACI	
				12251	043-390-0000-4260	15.0
			1099303		ALARM MONITORING AT ALL CITY FACI	
				12251	043-390-0000-4260	15.0
			1099304		ALARM MONITORING AT ALL CITY FACI	
				12251	043-390-0000-4260	15.0
			1099305	12251	ALARM MONITORING AT ALL CITY FACI 043-390-0000-4260	25.0
			1099306	12231	ALARM MONITORING AT ALL CITY FACI	25.0
			1099300	12251	043-390-0000-4260	15.0
			1099307	12201	ALARM MONITORING AT ALL CITY FACI	13.0

vchlist 09/30/2020	1:23:46PM	и	Voucher Lis CITY OF SAN FERM			Page: 10
Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220462	10/5/2020	888468 MAJOR METROPOLITAN SECURITY	(Continued)			
			1099308	12251	043-390-0000-4260 ALARM MONITORING AT ALL CITY FACI	15.00
			1099309	12251	043-390-0000-4260 ALARM MONITORING AT ALL CITY FACI	25.00
			1099310	12251	043-390-0000-4260 ALARM MONITORING AT ALL CITY FACI	25.00
			1099311	12251	043-390-0000-4260 ALARM MONITORING AT ALL CITY FACI	25.00
			1099312	12251	043-390-0000-4260 ALARM MONITORING AT ALL CITY FACI	15.00
			1099313	12251	070-384-0000-4260 ALARM MONITORING AT ALL CITY FACI 070-384-0000-4260	28.00
			1099314	12251	ALARM MONITORING AT ALL CITY FACI 070-384-0000-4260	23.00
			1099315	12251	ALARM MONITORING AT ALL CITY FACI 070-384-0000-4260	28.00
				12201	Total :	312.00
220463	10/5/2020	892471 MATHESON TRI-GAS INC	22254480		WELDING MATL'S 043-390-0000-4300	112.82
					041-320-0000-4300 Total :	112.82 112.82 225.64
220464	10/5/2020	888242 MCI COMM SERVICE	7DL39365		ALARM LINE-1100 PICO	
					001-420-0000-4220 Total :	34.88 <b>34.88</b>
220465	10/5/2020	102226 MISSION LINEN SUPPLY	513231357		LAUNDRY 001-225-0000-4350	133.54
			513251833		001-225-0000-4350 LAUNDRY 001-225-0000-4350	91.39
			513270885		LAUNDRY 001-225-0000-4350	101.17
			513287310		GLOVES - COVID19 001-222-3689-4300	660.00

vchlist

09/30/2020

1:23:46PM



Page:

Voucher List

CITY OF SAN FERNANDO

11

Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220465	10/5/2020	102226 MISSION LINEN SUPPLY	(Continued)			
			513298661		LAUNDRY	
				001-225-0000-4350	87.66	
					Total :	1,073.76
220466	10/5/2020	102332 NATIONAL ASSOCIATION OF CHIEFS	496337		3 YEAR MEMBERSHIP	
					001-225-0000-4380	155.00
					Total :	155.00
220467	10/5/2020	890995 NAVARRO, SAYDITH	SEPT 2020		COMMISSIONER'S STIPEND	
					001-420-0000-4111	75.00
					Total :	75.00
220468	10/5/2020	887422 NORTHERN SAFETY CO., INC.	904134207		CLEANING SUPPLIES-COVID-19	
					001-105-3689-4300	72.97
					Total :	72.97
220469	10/5/2020	102403 NOW IMAGE PRINTING	2020097		WATER SERVICE ORDER FORMS	
				070-382-0000-4300	103.95	
				072-360-0000-4300	103.95	
				Total :	207.90	
220470	10/5/2020	102423 OCCU-MED, INC.	0920901	0920901	PRE-EMPLOYMENT PHYSICALS	
					001-106-0000-4260	836.25
					Total :	836.25
220471	10/5/2020	102432 OFFICE DEPOT	2432530865		OFFICE SUPPLIES	
					001-222-0000-4300	215.72
			117918822001		OFFICE SUPPLIES	
					070-384-0000-4300	61.59
			121419042001		OFFICE SUPPLIES	
			404407445004		001-222-0000-4300	183.12
			121437115001		OFFICE SUPPLIES	131.97
			121598165001		001-222-0000-4300 OFFICE SUPPLIES	131.97
			121090100001		070-384-0000-4300	187.37
			122437897001		OFFICE SUPPLIES	107.37

vchlist 09/30/2020	1:23:46PM		Voucher List CITY OF SAN FERNANDO			Page: 12
Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220471	10/5/2020	102432 OFFICE DEPOT	(Continued)			
					001-222-0000-4300	170.78
			123130238001		OFFICE SUPPLIES	
					001-222-0000-4300	26.15
			123141445001		OFFICE SUPPLIES	
					001-222-0000-4300	227.67
			123141449001		OFFICE SUPPLIES	
					001-222-0000-4300	24.09
			123764281001		OFFICE SUPPLIES	
					001-222-0000-4300	135.50
			124012787001		DISINFECTANT WIPES & DISPOSABLE	
					001-130-3689-4300	63.90
			12437113001		OFFICE SUPPLIES	
					001-222-0000-4300	12.42
			125170261001		OFFICE SUPPLIES	
					001-222-0000-4300	109.81
					Total	1,550.09
220472	10/5/2020	892572 OLIVAREZ MADRUGA	11922		LEGAL SERVICES	
					001-110-0000-4270	105.00
			11923		LEGAL SERVICES	
					001-110-0000-4270	21.00
			11924		LEGAL SERVICES	
					001-110-0000-4270	15,204.82
			11925		LEGAL SERVICES	
					001-110-0000-4270	5,166.00
					Total	20,496.82
220473	10/5/2020	890095 O'REILLY AUTOMOTIVE STORES INC	4605-386967		VEHICLE SERVICE, MAINTENANCE & F	
				12252	070-383-0000-4400	45.10
			4605-387821	12202	VEHICLE SERVICE, MAINTENANCE & F	
				12252	041-320-0225-4400	16.18
					Total	
220474	10/5/2020	892360 PARKING COMPANY OF AMERICA	INVM0015330		PUBLIC TRANSPORTATION SERVICES	
220414	10/3/2020	002000 FARMING COMPANY OF AMERICA	114 1100 10000	12291	007-313-0000-4260	
				12291	007-313-0000-4260	25,285.99 25,285.99
				12231	000-010-0000-4200	20,200.98

Voucher List

CITY OF SAN FERNANDO



vchlist 09/30/2020 1:23:46PM

Bank code :	bank3							
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount		
220474	10/5/2020	892360 PARKING COMPANY OF AMERICA	(Continued) INVM0015367	12291 12291	PUBLIC TRANSPORTATION SERVICES- 007-313-0000-4260 008-313-0000-4260 Total :	25,000.62 25,000.61 <b>100,573.21</b>		
220475	10/5/2020	893665 PASCO DOORS	9684-1J	12253	AUTOMATIC DOOR INSTALLATION AT L 010-422-3709-4600 Total :	15,563.00 <b>15,563.00</b>		
220476	10/5/2020	891317 PCI	22701		RESTRIPING OF NORTH BRAND SF MII 001-311-0000-4260 Total :	493.50 <b>493.50</b>		
220477	10/5/2020	890994 PONCE, JOE	SEPT 2020		COMMISSIONER'S STIPEND 001-420-0000-4111 Total :	75.00 <b>75.00</b>		
220478	10/5/2020	102803 RED WING SHOE STORE	216-1-91390 233-1-228448	12237 12237 12237	SAFETY SHOES FOR PW FIELD PERSC 001-370-0000-4310 SAFETY SHOES FOR PW FIELD PERSC 043-390-0000-4310 070-383-0000-4310	195.44 160.60 68.45		
			284-1-53191	12237	SAFETY SHOES FOR PW FIELD PERSC 070-383-0000-4310 Total :	176.84 601.33		
220479	10/5/2020	892500 RESIDENCE INN	TRAVEL-10/12-10/16		LODGING-CANINE HANDLER COURSE 001-225-0000-4360 Total :	516.21 <b>516.21</b>		
220480	10/5/2020	892500 RESIDENCE INN	TRAVEL-10/18-10/23		LODGING-CANINE HANDLER COURSE 001-225-0000-4360 Total :	516.21 <b>516.21</b>		
220481	10/5/2020	892500 RESIDENCE INN	TRAVEL-10/05-10/09		LODGING-CANINE HANDLER COURSE 001-225-0000-4360	103.24		

vchlist 09/30/2020	1:23:46PM		Voucher List CITY OF SAN FERNANDO			Page: 14
Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220481	10/5/2020	892500 892500 RESIDENCE INN	(Continued)		Total :	103.24
220482	10/5/2020	893143 RICHARDS, SANDRA MARIE	SEPT 2020		COMMISSIONER'S STIPEND 001-420-0000-4111 Total :	75.00 <b>75.00</b>
220483	10/5/2020	102855 RIO HONDO REGIONAL	092120		RGSTR-FTO TRAINING COURSE 001-222-0000-4360 Total :	89.00 <b>89.00</b>
220484	10/5/2020	103045 SAN FER. MALL DOWNTOWN ASSOC.	JULY-SEPT 2020		REIMB TO DOWNTOWN ASSOC-JULY-S 001-2260 Total :	15,642.05 <b>15,642.05</b>
220485	10/5/2020	892187 SAN FERNANDO OIL, LLC	37561		DISPOSAL SERVICES-WASTE OIL 072-360-0000-4260 Total :	250.00 <b>250.00</b>
220486	10/5/2020	103057 SAN FERNANDO VALLEY SUN	10904 10915 10921 10928		NOTICE OF ELECTION-MEASURE 001-115-0000-4230 CENSUS 2020 AD-ENGLISH & SPANISH 110-105-3672-4270 CENSUS 2020 AD-ENGLISH & SPANISH 110-105-3672-4270 CENSUS 2020 AD-ENGLISH & SPANISH	193.75 798.34 798.34
					110-105-3672-4270 Total :	798.34 2,588.77
220487	10/5/2020	893107 SIEMENS MOBILITY INC	5620026059 5620031841	12292 12292	ON-CALL TRAFFIC SIGNAL MAINT SER' 001-371-0301-4300 ON-CALL TRAFFIC SIGNAL MAINT SER' 001-371-0564-4300 Total :	155.00 8,057.53 <b>8,212.53</b>
220488	10/5/2020	103184 SMART & FINAL	51751		BREAK ROOM SUPPLIES 001-222-0000-4300 001-225-0000-4350	34.94 15.32
09/30/2020

1:23:46PM

Voucher List

CITY OF SAN FERNANDO

#### EXHPB9°1<sup>37</sup>°A<sup>449</sup> RESO NO. 20-101

Page: 15

Bank code :	bank3					
/oucher	Date	Vendor	Invoice	PO #	Description/Account	Amoun
220488	10/5/2020	103184 103184 SMART & FINAL	(Continued)		Total :	50.26
220489	10/5/2020	103218 SOLIS, MARGARITA	1-3		PETTY CASH REIMBURSEMENT	
					001-150-0000-4300	40.81
					010-420-3669-4600	21.10
					Total :	61.91
220490	10/5/2020	103251 STANLEY PEST CONTROL	274475		PEST EXTERMINATION FOR THE INTEF	
				12290	043-390-0000-4330	94.00
			274479		PEST EXTERMINATION FOR THE INTER	
				12290	043-390-0000-4330	62.00
			274480		PEST EXTERMINATION FOR THE INTER	
				12290	043-390-0000-4330	135.00
			274481		PEST EXTERMINATION FOR THE INTEF	
				12290	043-390-0000-4330	55.00
			274482		PEST EXTERMINATION FOR THE INTER	
				12290	043-390-0000-4330	95.00
			274483		PEST EXTERMINATION FOR THE INTER	
				12290	043-390-0000-4330	85.00
			274484		PEST EXTERMINATION FOR THE INTER	
				12290	043-390-0000-4330	85.00
			283144		PEST EXTERMINATION FOR THE INTER	
				12290	043-390-0000-4330	94.00
			283146		PEST EXTERMINATION FOR THE INTER	
				12290	043-390-0000-4330	62.00
			283147		PEST EXTERMINATION FOR THE INTER	
			000110	12290	043-390-0000-4330	135.00
			283148	10000	PEST EXTERMINATION FOR THE INTER	
			000110	12290	043-390-0000-4330 PEST EXTERMINATION FOR THE INTER	55.00
			283149	12290	043-390-0000-4330	95.00
			283150	12290	PEST EXTERMINATION FOR THE INTER	95.00
			263150	12290	043-390-0000-4330	85.00
			283151	12290	PEST EXTERMINATION FOR THE INTER	85.00
			263151	12290	043-390-0000-4330	85.00
			291896	12290	PEST EXTERMINATION FOR THE INTER	00.00
			201000	12290	043-390-0000-4330	94.00

vchlist )9/30/2020	1:23:46PI	л	Voucher List CITY OF SAN FERN			Page: 10
Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amoun
220490	10/5/2020	103251 STANLEY PEST CONTROL	(Continued)			
			291900		PEST EXTERMINATION FOR THE INTEF	
				12290	043-390-0000-4330	62.00
			291901		PEST EXTERMINATION FOR THE INTER	
				12290	043-390-0000-4330	135.00
			291904		PEST EXTERMINATION FOR THE INTER	
				12290	043-390-0000-4330	55.00
			291905		PEST EXTERMINATION FOR THE INTER	
				12290	043-390-0000-4330	95.00
			291906		PEST EXTERMINATION FOR THE INTER	
				12290	043-390-0000-4330	85.00
			291907		PEST EXTERMINATION FOR THE INTEF	
				12290	043-390-0000-4330	85.00
					Total :	1,833.00
220491	10/5/2020	889149 STAPLES BUSINESS ADVANTAGE	3456053786		CALCULATOR	
					001-130-0000-4300	62.69
					Total :	62.69
220492	10/5/2020	100532 STATE OF CALIFORNIA, DEPARTMENT	OF JU! 465598		DOJ LIVE SCAN FINGERPRINTING-AUC	
					004-2386	3,019.00
					001-222-0000-4270	98.00
					Total :	3,117.00
220493	10/5/2020	103090 SUSAN SAXE-CLIFFORD, PH.D.	20-0909-1		PSYCH EVALUATION SERVICES	
220400	10/0/2020	100000 000AN OAKE GENT OKE, THES.	20-0303-1		001-222-0000-4260	450.00
					Total :	450.00
					Total .	450.00
220494	10/5/2020	103205 THE GAS COMPANY	084-220-3249-3		GAS-505 S HUNTINGTON	
					043-390-0000-4210	38.32
					Total :	38.32
220495	10/5/2020	101528 THE HOME DEPOT CRC, ACCT#603532	202490 2532357		MISC SUPPLIES	
					070-383-0301-4300	263.80
			2532371		MATL'S FOR WATER HEATER INSTALL	200.00
			2002011		043-390-0000-4300	57.35
			3340418		MISC SUPPLIES	01.00

#### 10/05/2020

CC Meeting Agenda

EXH**ÎBF**<sup>68</sup>'A<sup>449</sup> RESO NO. 20-101

17

Page:

vchlist 09/30/2020 1:23:46PM Voucher List CITY OF SAN FERNANDO

Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220495	10/5/2020	101528 THE HOME DEPOT CRC, ACCT#6035322024	190 (Continued)			
			,		070-383-0301-4300	98.60
			3534110		SUPPLIES TO ANCHOR BENCHES & BL	
					043-390-0000-4300	30.44
			4114292		MISC SUPPLIES	
					070-383-0301-4300	118.38
			8340925		MATL'S TO BOARD-UP FOOTHILL HOUS	
					043-390-0000-4300	35.11
			8340961		MATL'S TO BOARD-UP FOOTHILL HOUS	
					043-390-0000-4300	264.26
			9091492		MISC SUPPLIES	
					072-360-0000-4300	82.30
			972760		SALT-WELL SITE	
					070-384-0301-4300	1,290.17
					Total :	2,240.41
220496	10/5/2020	890817 THE WALKING MAN, INC.	F1281		CENSUS DOOR HANGER DISTRIBUTIO	
220100	10/0/2020		1 1201		110-105-3672-4270	850.00
					Total :	850.00
220497	10/5/2020	103903 TIME WARNER CABLE	10369091820		PD CABLE - 09/18-10/17	
					001-222-0000-4300	223.71
					Total :	223.71
220498	10/5/2020	103503 U.S. POSTAL SERVICE, NEOPOST POSTAG	E ( 15122187		POSTAGE MACHINE REIMB	
220400	10/0/2020		C ( 1012210)		001-190-0000-4280	1.500.00
					Total :	1,500.00
					Total .	1,500.00
220499	10/5/2020	103449 USA BLUE BOOK	347730		VALVE CUP LOCATOR & STEEL PROBE	
					070-383-0000-4340	793.75
			351881		VALVE CUP LOCATOR	
					070-383-0000-4340	191.63
					Total :	985.38
220500	10/5/2020	103510 V & V MANUFACTURING, INC.	50758		K9 BADGES	
220000	10/3/2020	103310 V & V MANUTACTURING, INC.	30730		001-222-0000-4300	126.65
					Total :	126.65

vchlist 09/30/2020	1:23:46PI	Voucher List         I           1:23:46PM         CITY OF SAN FERNANDO					
Bank code :	bank3						
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount	
220501	10/5/2020	889386 VENTIMIGLIA, PAUL	TRAVEL		PER DIEM-POST SBSLI CLASS 418 IN E		
					001-225-0000-4360	150.00	
					Total :	150.00	
220502	10/5/2020	889644 VERIZON BUSINESS	68655746		CITY HALL LONG DISTANCE		
					001-190-0000-4220	53.28	
			68655747		CITY YARD LONG DISTANCE		
					070-384-0000-4220	15.99	
			68655748		CITY HALL LONG DISTANCE & INTRAL4 001-190-0000-4220	26.64	
			68655749		POLICE LONG DISTANCE	20.04	
			00000749		001-222-0000-4220	123.81	
			68655750		CITY YARD LONG DISTANCE	120.01	
					070-384-0000-4220	10.65	
			68655751		PARK LONG DISTANCE		
					001-420-0000-4220	16.36	
			68656287		ENGINEERING LONG DISTANCE		
					001-310-0000-4220	5.33	
			68656298		CITY HALL LINES		
					001-190-0000-4220	58.85	
					Total :	310.91	
220503	10/5/2020	100101 VERIZON WIRELESS-LA	9862486448		VARIOUS CELL PHONE PLANS		
					072-360-0000-4220	107.93	
					001-101-0102-4220	50.94	
					001-105-0000-4220	79.85	
			9863001802		MDT MODEMS-PD UNITS		
					001-222-0000-4220	1,326.73	
					Total :	1,565.45	
220504	10/5/2020	888390 WEST COAST ARBORISTS, INC.	164174-A		EMERGENCY PARK TREE SERVICE (FA		
				12246	043-390-0000-4260	2,800.00	
					Total :	2,800.00	
220505	10/5/2020	891531 WILLDAN ENGINEERING	00333138		WELL 7A REGULATORY COMPLIANCE		
				12265	070-381-0000-4270	3,880.75	

#### 10/05/2020

vchlist

CC Meeting Agenda

Voucher List

EXH**ÎB**¶<sup>39</sup> A<sup>f#449</sup> RESO NO. 20-101

Page: 19

09/30/2020	1:23:46PM		CITY OF SAN FERNANDO			
Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220505	10/5/2020	891531 891531 WILLDAN ENGINEERING	(Continued)		Total :	3,880.75
220506	10/5/2020	893501 WIL-POWER BATTERY &	175328		SCADA BATTERY BACKUP PACKS FOR 070-384-0000-4320 Total :	55.77 <b>55.77</b>
220507	10/5/2020	892023 WINDSTREAM	73046959		PHONE SERVICES-09/18-10/17 001-222-0000-4220 001-420-0000-4220 070-384-0000-4220 001-190-0000-4220 Total :	742.71 466.59 549.05 2,232.23 <b>3,990.58</b>
96	Vouchers fo	r bank code : bank3			Bank total :	925,954.40
96	Vouchers in	this report			Total vouchers :	925,954.40

Voucher Registers are not final until approved by Council.

09/29/2020

9:34:09AM

#### **SPECIAL CHECKS**

Voucher List CITY OF SAN FERNANDO

Bank code :	bank3						
/oucher	Date	Vendor	Invoice	PO #	Description/Account		Amount
220315	10/1/2020	100286 BAKER, BEVERLY	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	674.17 <b>674.17</b>
220316	10/1/2020	893277 CROOK, LORETTA	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	245.78 <b>245.78</b>
220317	10/1/2020	100916 DEIBEL, PAUL	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	245.78 <b>245.78</b>
220318	10/1/2020	891041 GARCIA, CONNIE	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	200.43 <b>200.43</b>
220319	10/1/2020	101781 KISHITA, ROBERT	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	200.43 <b>200.43</b>
220320	10/1/2020	891027 LOCKETT, JOANN	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	245.78 <b>245.78</b>
220321	10/1/2020	102126 MARTINEZ, MIGUEL	20-Oct		CALPERS HEALTH REIMB 070-180-0000-4127	Total :	525.39 <b>525.39</b>
220322	10/1/2020	891031 ORTEGA, JIMMIE	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	245.78 <b>245.78</b>
220323	10/1/2020	891032 OTREMBA, EUGENE	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	630.56 630.56
220324	10/1/2020	891354 RAMIREZ, ROSALINDA	20-Oct		CALPERS HEALTH REIMB		000.00

vchlist 09/29/2020	9:34:09A	м	Voucher List CITY OF SAN FERNANDO	)		Page:	2
Bank code :	bank3						
Voucher	Date	Vendor	Invoice	PO #	Description/Account		Amount
220324	10/1/2020	891354 RAMIREZ, ROSALINDA	(Continued)		001-180-0000-4127 Total	:	525.39 <b>525.39</b>
220325	10/1/2020	102940 RUIZ, RONALD	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127 Total	:	674.17 <b>674.17</b>
220326	10/1/2020	103121 SERRANO, ARMANDO	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127 Total	:	674.17 <b>674.17</b>
220327	10/1/2020	892782 TIGHE, DONNA	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127 Total	:	200.43 <b>200.43</b>
13	Vouchers fo	or bank code : bank3			Bank total	:	5,288.26
13	Vouchers in	this report			Total vouchers	:	5,288.26

Voucher Registers are not final until approved by Council.

\_

09/29/2020

10:15:45AM

#### CC Meeting Agenda

Page 41 of 449 EXHIBIT "A"

Page: 1

**RESO NO. 20-101** 

#### SPECIAL CHECKS

Voucher List CITY OF SAN FERNANDO

Bank code :	bank3						
Voucher	Date	Vendor	Invoice	PO #	Description/Account		Amount
220328	10/1/2020	100042 ABDALLAH, ALBERT	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	1,257.33 <b>1,257.33</b>
220329	10/1/2020	100091 AGORICHAS, JOHN	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	212.39 <b>212.39</b>
220330	10/1/2020	891039 AGUILAR, JESUS	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	539.86 <b>539.86</b>
220331	10/1/2020	100104 ALBA, ANTHONY	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	630.56 <b>630.56</b>
220332	10/1/2020	891011 APODACA-GRASS, ROBERTA	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	245.78 <b>245.78</b>
220333	10/1/2020	100306 BARNARD, LARRY	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	883.00 883.00
220334	10/1/2020	100346 BELDEN, KENNETH M.	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	1,124.00 <b>1,124.00</b>
220335	10/1/2020	892233 BUZZELL, CAROL	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	188.03 <b>188.03</b>
220336	10/1/2020	891350 CALZADA, FRANK	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	515.06 <b>515.06</b>
220337	10/1/2020	100642 CASTRO, RICO	20-Oct		CALPERS HEALTH REIMB		

Page: 1

vchlist 09/29/2020	10:15:45A	м	Voucher List CITY OF SAN FERNANDO				
Bank code :	bank3						
Voucher	Date	Vendor	Invoice	PO #	Description/Account		Amount
220337	10/1/2020	100642 CASTRO, RICO	(Continued)		001-180-0000-4127	Total :	1,723.24 <b>1,723.24</b>
220338	10/1/2020	103816 CHAVEZ, ELENA	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	674.17 <b>674.17</b>
220339	10/1/2020	100752 COLELLI, CHRISTIAN	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	1,588.41 <b>1,588.41</b>
220340	10/1/2020	891014 CREEKMORE, CASIMIRA	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	245.78 <b>245.78</b>
220341	10/1/2020	891016 DEATON, MARK	20-Oct		CALPERS HEALTH REIMB 070-180-0000-4127	Total :	570.66 <b>570.66</b>
220342	10/1/2020	100913 DECKER, CATHERINE	20-Oct		CALPERS HEALTH REIMB 070-180-0000-4127	Total :	630.56 <b>630.56</b>
220343	10/1/2020	100925 DELGADO, RALPH	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	515.06 <b>515.06</b>
220344	10/1/2020	892102 DOSTER, DARRELL	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	630.56 <b>630.56</b>
220345	10/1/2020	100996 DRAKE, JOYCE	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	245.78 <b>245.78</b>
220346	10/1/2020	100995 DRAKE, MICHAEL	20-Oct		CALPERS HEALTH REIMB 070-180-0000-4127		122.89

09/29/2020

10:15:45AM

#### CC Meeting Agenda **SPECIAL CHECKS**

Voucher List

CITY OF SAN FERNANDO

EXHPBIT<sup>42</sup>A<sup>f'449</sup> **RESO NO. 20-101** 

Page: 3

(	Dete	Vender	laure la r	DO #	Description (Assessmet		
/oucher	Date	Vendor	Invoice	PO #	Description/Account		Amoun
220346	10/1/2020	100995 DRAKE, MICHAEL	(Continued)		072-180-0000-4127		122.89
					012 100 0000 4121	Total :	245.78
220347	10/1/2020	100997 DRAPER, CHRISTOPHER	20-Oct		CALPERS HEALTH REIMB		
					001-180-0000-4127		1,588.41
						Total :	1,588.41
220348	10/1/2020	101044 ELEY, JEFFREY	20-Oct		CALPERS HEALTH REIMB		
					001-180-0000-4127		1,755.00
						Total :	1,755.00
220349	10/1/2020	891040 FISHKIN, RIVIAN	20-Oct		CALPERS HEALTH REIMB		
					001-180-0000-4127		200.43
						Total :	200.43
220350	10/1/2020	892103 GAJDOS, BETTY	20-Oct		CALPERS HEALTH REIMB		
					001-180-0000-4127		200.43
						Total :	200.43
220351	10/1/2020	891351 GARCIA, DEBRA	20-Oct		CALPERS HEALTH REIMB		
					001-180-0000-4127		2,154.28
						Total :	2,154.28
220352	10/1/2020	891067 GARCIA, NICOLAS	20-Oct		CALPERS HEALTH REIMB		
					001-180-0000-4127		864.82
						Total :	864.82
220353	10/1/2020	101318 GLASGOW, KEVIN	20-Oct		CALPERS HEALTH REIMB		
					001-180-0000-4127		1,588.41
						Total :	1,588.41
220354	10/1/2020	891020 GLASGOW, ROBERT	20-Oct		CALPERS HEALTH REIMB		
					001-180-0000-4127		374.00
						Total :	374.00
220355	10/1/2020	891021 GUIZA, JENNIE	20-Oct		CALPERS HEALTH REIMB		
					001-180-0000-4127		245.78

vchlist 09/29/2020	10:15:45A	Voucher List 10:15:45AM CITY OF SAN FERNANDO					Page: 4
Bank code :	bank3						
Voucher	Date	Vendor	Invoice	PO #	Description/Account		Amount
220355	10/1/2020	891021 891021 GUIZA, JENNIE	(Continue	d)		Total :	245.78
220356	10/1/2020	101415 GUTIERREZ, OSCAR	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	200.43 <b>200.43</b>
220357	10/1/2020	891352 HADEN, SUSANNA	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	525.39 <b>525.39</b>
220358	10/1/2020	101440 HALCON, ERNEST	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	1,325.00 <b>1,325.00</b>
220359	10/1/2020	891918 HARTWELL, BRUCE	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	630.56 <b>630.56</b>
220360	10/1/2020	101465 HARVEY, DAVID	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	200.43 <b>200.43</b>
220361	10/1/2020	101466 HARVEY, DEVERY MICHAEL	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	1,569.00 <b>1,569.00</b>
220362	10/1/2020	101471 HASBUN, NAZRI A.	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	1,487.34 <b>1,487.34</b>
220363	10/1/2020	891023 HATFIELD, JAMES	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	630.56 <b>630.56</b>
220364	10/1/2020	892104 HERNANDEZ, ALFONSO	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	1,347.85 <b>1,347.85</b>

vchlist 09/29/2020

10:15:45AM

#### CC Meeting Agenda **SPECIAL CHECKS**

Voucher List

CITY OF SAN FERNANDO

# EXH**IBPT<sup>3</sup>'A<sup>449</sup>** RESO NO. 20-101

Bank code :	bank3						
Voucher	Date	Vendor	Invoice	PO #	Description/Account		Amount
220365	10/1/2020	891024 HOOKER, RAYMOND	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	792.12 <b>792.12</b>
220366	10/1/2020	893616 HOUGH, LOIS	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	188.03 <b>188.03</b>
220367	10/1/2020	101597 IBRAHIM, SAMIR	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	539.86 <b>539.86</b>
220368	10/1/2020	101694 JACOBS, ROBERT	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	883.00 883.00
220369	10/1/2020	892105 KAHMANN, ERIC	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	539.86 <b>539.86</b>
220370	10/1/2020	101786 KLOTZSCHE, STEVEN	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	856.34 <b>856.34</b>
220371	10/1/2020	891866 KNIGHT, DONNA	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	200.43 <b>200.43</b>
220372	10/1/2020	892929 LEWIS, WANDA	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	245.78 <b>245.78</b>
220373	10/1/2020	891043 LIEBERMAN, LEONARD	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	200.43 <b>200.43</b>
220374	10/1/2020	101933 LITTLEFIELD, LESLEY	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127		245.78

vchlist 09/29/2020	10:15:45A	м	Voucher List CITY OF SAN FERNAN	DO		I	Page: 6
Bank code :	bank3						
Voucher	Date	Vendor	Invoice	PO #	Description/Account		Amount
220374	10/1/2020	101933 101933 LITTLEFIELD, LESLEY	(Continued)			Total :	245.78
220375	10/1/2020	102059 MACK, MARSHALL	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	1,487.34 <b>1,487.3</b> 4
220376	10/1/2020	891010 MAERTZ, ALVIN	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	539.86 <b>539.86</b>
220377	10/1/2020	888037 MARTINEZ, ALVARO	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	1,397.98 <b>1,397.98</b>
220378	10/1/2020	102206 MILLER, WILMA	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	245.78 <b>245.78</b>
220379	10/1/2020	102212 MIRAMONTES, MONICA	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	1,487.34 <b>1,487.34</b>
220380	10/1/2020	102232 MIURA, HOWARD	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	245.78 <b>245.78</b>
220381	10/1/2020	892106 MONTAN, EDWARD	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	856.34 <b>856.34</b>
220382	10/1/2020	102365 NAVARRO, RICARDO A	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	515.06 515.06
220383	10/1/2020	102473 ORDELHEIDE, ROBERT	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	1,834.32 1,834.32

# CC Meeting Agenda SPECIAL CHECKS

Voucher List

CITY OF SAN FERNANDO

#### EXH**ÎB**¶¶<sup>44</sup>A<sup>f1449</sup> RESO NO. 20-101

Page: 7

vchlist	
09/29/2020	10:15:45AM

Bank code :	bank3						
Voucher	Date	Vendor	Invoice	PO #	Description/Account		Amoun
220384	10/1/2020	102483 OROZCO, ELVIRA	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	188.0 <b>188.0</b>
220385	10/1/2020	102486 ORSINI, TODD	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	2,226.6 <b>2,226.6</b>
220386	10/1/2020	102569 PARKS, ROBERT	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	1,755.00 <b>1,755.00</b>
220387	10/1/2020	102527 PISCITELLI, ANTHONY	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	515.06 <b>515.06</b>
220388	10/1/2020	891033 POLLOCK, CHRISTINE	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	374.00 <b>374.00</b>
220389	10/1/2020	102735 QUINONEZ, MARIA	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	1,189.78 <b>1,189.78</b>
220390	10/1/2020	891034 RAMSEY, JAMES	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	743.03 <b>743.0</b> 3
220391	10/1/2020	102864 RIVETTI, DOMINICK	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	883.00 <b>883.00</b>
220392	10/1/2020	102936 RUELAS, MARCO	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	1,280.32 <b>1,280.3</b> 2
220393	10/1/2020	891044 RUSSUM, LINDA	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127		200.43

vchlist 09/29/2020	10:15:45A	М	Voucher List CITY OF SAN FERNAN	NDO		F	Page: 8
Bank code :	bank3						
Voucher	Date	Vendor	Invoice	PO #	Description/Account		Amount
220393	10/1/2020	891044 891044 RUSSUM, LINDA	(Continued)			Total :	200.43
220394	10/1/2020	103005 SALAZAR, TONY	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	1,487.34 <b>1,487.34</b>
220395	10/1/2020	892107 SHANAHAN, MARK	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	539.86 <b>539.86</b>
220396	10/1/2020	891035 SHERWOOD, NINA	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	245.78 <b>245.78</b>
220397	10/1/2020	103175 SKOBIN, ROMELIA	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	1,176.90 <b>1,176.90</b>
220398	10/1/2020	103220 SOMERVILLE, MICHAEL	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	1,360.00 <b>1,360.00</b>
220399	10/1/2020	103394 TORRES, RACHEL	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	245.78 <b>245.78</b>
220400	10/1/2020	889588 UFANO, VIRGINIA	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	200.43 <b>200.43</b>
220401	10/1/2020	888417 VALDIVIA, LAURA	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127	Total :	792.12 <b>792.12</b>
220402	10/1/2020	891046 VANAALST, LEONILDA	20-Oct		CALPERS HEALTH REIMB 070-180-0000-4127	Total :	200.43 <b>200.43</b>

# CC Meeting Agenda SPECIAL CHECKS

Voucher List

CITY OF SAN FERNANDO

#### EXH119917<sup>5</sup>'A<sup>449</sup> **RESO NO. 20-101**

Page: 9

vchlist	
09/29/2020	10:15:45AM

Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220403	10/1/2020	103550 VANICEK, JAMES	20-Oct		CALPERS HEALTH REIMB 070-180-0000-4127 Tota	1,189.78 : <b>1,189.78</b>
220404	10/1/2020	103562 VASQUEZ, JOEL	20-Oct		CALPERS HEALTH REIMB 070-180-0000-4127 Tota	1,755.00 : <b>1,755.00</b>
220405	10/1/2020	891038 WAITE, CURTIS	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127 Tota	1,176.90 : <b>1,176.90</b>
220406	10/1/2020	891036 WATT, DAVID	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127 Tota	630.56 : 630.56
220407	10/1/2020	891037 WEBB, NANCY	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127 Tota	743.03 : <b>743.03</b>
220408	10/1/2020	103643 WEDDING, JEROME	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127 Tota	630.56 : 630.56
220409	10/1/2020	103727 WYSBEEK, DOUDE	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127 Tota	245.78 : <b>245.78</b>
220410	10/1/2020	103737 YNIGUEZ, LEONARD	20-Oct		CALPERS HEALTH REIMB 001-180-0000-4127 Tota	1,176.90 : <b>1,176.90</b>
83	Vouchers fo	or bank code : bank3			Bank tota	: 66,008.02
83	Vouchers in	this report			Total vouchers	: 66,008.02

9 Page:

vchlist 09/29/2020	10:15:45AM	Voucher List CITY OF SAN FERN			Page: 10
Bank code :	bank3				
Voucher	Date Vendor	Invoice	PO #	Description/Account	Amount

Voucher Registers are not final until approved by Council.

#### CC Meeting Agenda

#### SPECIAL CHECKS

Voucher List CITY OF SAN FERNANDO

#### Page 46 of 449 EXHIBIT "A" RESO NO. 20-101

Page: 1

09/23/2020	8:48:38AM
------------	-----------

Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220314	9/22/2020	893115 P.E.R.S. CITY RETIREMENT	10000016134718		EMPLOYER CONTRIB VARIANCE-08/29 001-1160 Total :	3,138.58 <b>3,138.58</b>
1	Vouchers for	r bank code : bank3			Bank total :	3,138.58
1	Vouchers in	this report			Total vouchers :	3,138.58

Voucher Registers are not final until approved by Council.

#### CC Meeting Agenda

#### **SPECIAL CHECKS**

Voucher List CITY OF SAN FERNANDO

## Page 47 of 449 EXHIBIT "A" **RESO NO. 20-101**

Page: 1

09/10/2020	8:19:31AM

k code ·	hank3	

Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220211	9/10/2020	887264 CALPERS	100000016149685		GASB-68 REPORTS & SCHEDULE FEE: 018-190-0000-4450 Total :	2,450.00 <b>2,450.00</b>
1	Vouchers for	or bank code : bank3			Bank total :	2,450.00
1	Vouchers in	1 this report			Total vouchers :	2,450.00

Voucher Registers are not final until approved by Council.

#### CC Meeting Agenda

### SPECIAL CHECKS

Page 48 of 449 EXHIBIT "A" RESO NO. 20-101

Page: 1

vchlist	
09/09/2020	3:17:27PM

Voucher List CITY OF SAN FERNANDO

Bank code :	bank3					
Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220209	9/8/2020	893115 P.E.R.S. CITY RETIREMENT	10000016104421		EMPLOYER CONTRIB VARIANCE-08/15 001-1160 Total :	3,070.10 <b>3,070.10</b>
1	Vouchers fo	or bank code : bank3			Bank total :	3,070.10
1	Vouchers in	this report			Total vouchers :	3,070.10

Voucher Registers are not final until approved by Council.

#### CC Meeting Agenda

#### SPECIAL CHECKS

Voucher List CITY OF SAN FERNANDO

#### Page 49 of 449 EXHIBIT "A" RESO NO. 20-101

Page: 1

163,965.01

Total vouchers :

09/02/2020	4:54:08PM

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220202	9/3/2020	102519 P.E.R.S.	SEPT 2020		HEALTH INS. BENEFITS-SEPT 2020	
					001-1160	163,965.01
					Total :	163,965.01

1 Vouchers in this report

Voucher Registers are not final until approved by Council.



3

This Page Intentionally Left Blank



AGENDA REPORT

- To: Mayor Joel Fajardo and Councilmembers
- From: Nick Kimball, City Manager

Date: October 5, 2020

Subject: Consideration to Approve a Letter of Agreement with the San Fernando Management Group Related to the Government Code Section 20903 Retirement Incentive Benefit

#### **RECOMMENDATION:**

It is recommended that the City Council:

- a. Approve the proposed Letter of Agreement (Attachment "A" Contract No. 1967) between the City of San Fernando and the San Fernando Management Group (SFMG) outlining the terms and conditions related to the City's offer of a retirement incentive to certain eligible employees in accordance with Government Code section 20903; and
- b. Authorize the City Manager to make non-substantive corrections and execute the Letter of Agreement and all related documents.

#### BACKGROUND:

- 1. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency. The County of Los Angeles, City of Los Angeles, City of Long Beach and City of Pasadena quickly followed suit and declared Local Emergencies caused by the Coronavirus (COVID-19).
- 2. On March 16, 2020, the City Council declared a Local Emergency in San Fernando due to the public threat caused by COVID-19.
- 3. On March 16, 2020, the County of Los Angeles Department of Public Health Officer issued the first *Safer at Home Order for Control of COVID-19* Health Order for individuals living in Los Angeles County to comply with the State Executive Order N-33-20 issued by Governor Newsom. This order imposed significant economic restrictions to encourage people to stay home and curb the spread of COVD-19.

**Consideration to Approve a Letter of Agreement with the San Fernando Management Group Related to the Government Code Section 20903 Retirement Incentive Benefit** Page 2 of 4

- 4. The *Safer at Home Order* has been revised and extended a number of times since initial issuance. Some economic restrictions have been loosened; however, many businesses are operating at a fraction of normal operations.
- 5. On April 20, 2020, City Council received a presentation from staff regarding the Fiscal Year (FY) 2020-2021 Citywide Strategic Goals and City Council priorities. As part of the presentation, staff identified and estimated \$1.5 \$2.0 million revenue shortfall for the upcoming budget year due to COVID-19 economic impacts. City Council approved an Ad Hoc Committee (Fajardo, Pacheco) to work with staff to identify solutions to address the shortfall.
- 6. On June 1, 2020, despite including a 10% reduction in Department operating costs and deferral of internal transfers and internal debt payments, the FY 2020-2021 Proposed Budget included a General Fund budget deficit of approximately \$800,000 due to loss of revenue from COVID-19 economic impacts.
- 7. In June 2020, staff notified all bargaining units representing non-sworn employees, including the SFMG represented by the Service Employees International Union Local 721 (SEIU 721), that City Council was interested in offering a retirement incentive through CalPERS as a cost saving measure. The Retirement Incentive Program provides eligible employees two years of service credit in exchange for retiring and voluntarily separating from employment prior to a date certain. The City must permanently unfill the positions being vacated to recognize cost savings.
- 8. Throughout June, July and August 2020, staff met with all affected bargaining units to identify eligible employees, determine interest in participating in the program, discuss the service impacts of losing certain positions, and propose opportunities to minimize those impacts.
- 9. On August 3, 2020, the City Council adopted an Urgency Ordinance and Certification of Final Action of Governing Body, thus completing the final action needed to amend the City's contract with CalPERS and to provide the two-year additional service credit to eligible employees. The Amendment became effective on August 5, 2020.
- 10. On August 17, 2020, the City Council approved a Letter of Agreement with the San Fernando Public Employees Association (SFPEA) represented by SEIU 721 to implement the Retirement Incentive Program for the eligible employees represented by the SFPEA bargaining unit.

#### ANALYSIS:

CalPERS offers a retirement incentive program to member agencies that allows an agency to provide two years of service credit to eligible staff in lieu of implementing layoffs or furloughs. This program provides a mechanism for agencies to reduce staff through a voluntary separation

**Consideration to Approve a Letter of Agreement with the San Fernando Management Group Related to the Government Code Section 20903 Retirement Incentive Benefit** Page 3 of 4

arrangement and recognize immediate payroll savings. However, the City must permanently unfill the retiree's position, or another position in the same department or organizational unit, once it is vacated by the eligible employee. Consequently, the City can only offer the retirement incentive program to positions that can be permanently unfilled without significantly impacting services.

The proposed Letter of Agreement lays out the terms and conditions for the Retirement Incentive Program with SFMG, which are substantially consistent with the Letter of Agreement executed with SFPEA. Key terms of the proposed Agreement include:

- a. The City will provide the Retirement Incentive to one (1) unit employee identified in Exhibit "A" to the Agreement.
- b. If at least eight employees participate in the Retirement Incentive Program city-wide, the City agrees to a temporary prohibition of layoffs for SFMG employees through December 31, 2021 (approximately one year from the closing of the Retirement Period).
  - i. Should the City face future economic uncertainty deficit (i.e., ongoing General Fund revenues less operating General Fund expenditures, excluding one-time capital equipment expenses and other one-time expenses of more than \$500,000), the parties agree to return to the table.
- c. SFMG will agree to work with the City to implement proposed changes identified in the City's Service Impact Proposal (Attachment "A" Exhibit "A") to maintain the current level of service to the community.

The proposed Letter of Agreement ensures that both parties are clear about the terms and conditions of the Retirement Incentive Program and provides certain assurances to both parties that will ultimately lead to successful implementation of the Retirement Incentive Program.

#### **BUDGET IMPACT:**

The City's top revenue sources include Sales Tax, Business Tax, and Admission Tax, which are all generated from local business activity. These three revenue sources alone account for approximately 47% of total General Fund revenue. Due to the economic restrictions imposed by the *Safer at Home Order* to curb the spread of COVID-19, these revenue sources have been significantly impacted, requiring the City to take certain actions to reduce expenditures accordingly.

Since the City is a service-based organization, personnel costs make up a significant portion of the City budget. The City is anticipating more than \$600,000 in net savings due to the proposed

**Consideration to Approve a Letter of Agreement with the San Fernando Management Group Related to the Government Code Section 20903 Retirement Incentive Benefit** Page 4 of 4

Retirement Incentive Program, which will allow the City to maintain the current level of service without making significant additional cuts.

#### CONCLUSION:

Staff recommends that the City Council approve the proposed Letter of Agreement with SFMG to implement the Retirement Incentive Program for the identified eligible employees.

#### ATTACHMENT:

A. Contract No. 1967 with Exhibit "A"

Letter of Agreement

ATTACHMENT "A" CONTRACT NO. 1967

#### Retirement Incentive Agreement – City of San Fernando Letter of Agreement Between The City of San Fernando And

#### The Service Employees International Union Local 721 Management Group

This Letter of Agreement ("LOA") is between the City of San Fernando ("City") and Service Employees International Union, Local 721 ("SEIU Local 721), San Fernando Management Group ("SFMG") (collectively referred to as "the parties") and concerns the City's offer of a retirement incentive to certain eligible employees in accordance with Government Code section 20903 ("Golden Handshake").

#### 1. Background

Due to the negative economic impacts that COVID-19 has had on the City's revenues, the City faced an initial budget gap of \$1.8 million dollars. After making various budgets cuts to non-personnel expenses and drawing down reserves, the City still faces an \$800,000 budget gap. The City reached out to SEIU Local 721 for a meeting to discuss the City's financial situation and the City's interest in alternative solutions to furloughs/layoffs. The City asked SEIU Local 721 to partner with it in reaching a solution to the City's remaining \$800,000 budget gap. Through those discussions, the parties agreed that, in lieu of furloughs and/or more drastic measures, the City would offer a Retirement Incentive to eligible employees.

In order to achieve the required savings, at least eight (8) employees city-wide must participate in the program to avoid furloughs/layoffs. The majority of employees expected to participate are represented by SEIU Local 721.

#### 2. Retirement Incentive Program Description

The parties agree to implement a program, which shall be referred to as the Retirement Incentive Program, to assist the City in closing the \$800,000 budget gap referenced above. The Retirement Incentive Program is designed to incentivize eligible employees to retire per the CalPERS "Golden Handshake" with 2-Years' Service Credits.

#### 3. Employees Eligible for Retirement Incentive Program

The Retirement Incentive will have a single application period. Per CalPERS' Retirement Incentive Program rules, employees who accept the Retirement Incentive must start departing City service as soon as practicable after the application is approved, but in no event later than November 20, 2020.

#### 4. Application Period

Letter of Agreement

#### ATTACHMENT "A" CONTRACT NO. 1967

Eligible employees may apply for retirement from CalPERS beginning August 18, 2020 and must separate from employment no later than November 20, 2020 to participate in the Retirement Incentive Program. Retirement applications must be processed through CalPERS.

# 5. Employee Rights and Impact On Retirement Incentive Program (See Appendix: Letter to Rescind Participation)

Employees shall have until their selected date of retirement to rescind their decision and withdraw their Retirement Incentive application from CalPERS. Employees wishing to rescind their application must notify CalPERS.

Since the Retirement Incentive Program is offered in lieu of furloughs/layoffs, if at least eight (8) employees citywide do not actually retire by no later than November 20, 2020, the parties agree to return to the table to identify other alternatives to furloughs/layoffs.

#### 6. Temporary Prohibition of Layoffs

Provided enough employees participate in the Retirement Incentive Program and actually retire by no later than November 20, 2020, the parties agree that no SEIU Local 721/SFPEA represented employee will be laid off or furloughed from the date this LOA becomes effective through December 31, 2021.

Should the City face future economic uncertainty, the parties agree to meet and confer. For purposes of this LOA, future economic uncertainty means, should the City face a projected annual operating budget deficit (i.e. ongoing revenues less operating expenditures, excluding one-time capital equipment expenses and other one-time expenses) of more than \$500,000. A second Retirement Incentive will be considered in good faith should the need exist for the parties to meet and confer before December 31, 2021. This temporary prohibition of layoffs shall expire on December 31, 2021.

#### 7. Meet and Confer on the City's "Proposal for Addressing Possible Service Impacts."

The parties acknowledge and understand that the Retirement Incentive Program may impact operations necessitating the parties Meet and Confer in an attempt to resolve impacts as set forth in the City's "Proposal for Addressing Possible Service Impacts" attached as Exhibit "A."

#### 8. Construction

This LOA has been jointly negotiated and drafted by the parties. The language in this LOA shall be construed as a whole according to its fair meaning and not strictly for or against any of the parties. The parties further agree that this LOA was negotiated and executed in the State of California and shall be interpreted under the procedural and substantive laws of California as existing as of the date of execution, without regard to principles of conflict of laws.

#### SIGNATURE PAGE TO FOLLOW

Letter of Agreement

CC Meeting Agenda

Page 59 of 449

#### ATTACHMENT "A" CONTRACT NO. 1967

#### FOR CITY OF SAN FERNANDO:

#### FOR SFMG/SEIU LOCAL 721:

Nick Kimball City Manager Date

Kenneth Jones SFMG/SEIU Local 721 Date

Tim Hou Date Deputy City Manager/ Director of Community Development Sonia Gomez-Garcia SFMG/SEIU Local 721 Date

**APPROVED AS TO FORM:** 

#### **APPROVED AS TO FORM:**

Adriana Guzman Date Liebert Cassidy Whitmore Jody L. Klipple D Negotiator, SEIU Local 721

Date

Position Title	Home dept description	Annual Salary	Possible Service Impact and City Proposal to Address Same.
TREASURY MANAGER	FINANCE	\$84,468.00	Permanently unfill 1 Treasury Manager position (SF MG). Reclassify Account Clerk(s) (SF PEA) to Senior Accounting Technician (or similar classification) with increased wage consideration to include certain treasury related duties. Designate Finance Director as City Treasurer.
BUILDING & SAFETY SUPERVISOR	COMMUNITY DEVELOPMENT	\$92,856.00	Permanently unfill 1 Building & Safety Supervisor position (SF PEA). Add a special pay incentive to the Community Preservation Officer job specification (SFPCA) for employees in the classification that receive building inspection certification to conduct building inspections. Also, increase annual hours for 2 current part-time Community Preservation Officers (SF PTEBU) to maintain sufficient code enforcement and building inspection services. Would require temporary increase of existing outside contractor until internal staff recieved the proper certification. The parties will discuss reinstating a position to conduct inspection services upon expiration of the existing MOU.
CULTURAL ARTS SUPERVISOR	RECREATION - ADMIN	\$74,256.00	Permanently unfill 1 Cultural Arts Supervisor position (SF PEA). Redistribute work among Department Head and existing staff. Reclassify 2 RCS Office Specialist (SF PEA) to Administrative Assistant and Executive Assistant, respectively; reclassify Program Specialist to Program Coordinator.
PW SUPERVISOR II	PUBLIC WORKS - STREETS	\$81,456.00	Permanently unfill 1 PW Supervisor II position (SF PEA). Recruit and fill vacant budgeted Operations Manager position (SF MG) that will be responsible for providing resource planning and staff management of all field operations, excluding water and sewer operations. Duties to include, but not limited to: prepare and manage division budgets and forecasts; prepare agenda reports related to division policy and operations; set goals for divisions and manage resources to meet those goals; evaluate new techonolgy and best practices, etc The proposed salary ranges up to \$115,000 DOE, which was included in the FY 2019-2020 budget pending approval of classification.
EQUIPMENT & MATERIALS SPVR.	PUBLIC WORKS - MECHANICS	\$82,416.00	Permanently unfill 1 Equipment & Materials Supervisor position (SF PEA). Reclassify existing Mechanical Helper classification (SF PEA) to City Mechanic (or similar classification) with increased wage consideration to service all City vehicles. Position would not include any supervisory responsibilities.

Position Title	Home dept description	Annual Salary	Possible Service Impact and City Proposal to Address Same.
ELECTRICAL SUPERVISOR	PUBLIC WORKS - TRAFFIC	\$82,416.00	Permanently unfill 1 Electrical Supervisor position (SF PEA). Reclassify Electrical Helper (SF PEA) to Electrical/Controls System Operator (or similar classification) with increased wage consideration to lead electrical services and control systems. Position would not include any supervisory responsibilities. May need to temporarily increase use of contractors until the Senior Electrical Technician (or similar classification) is filled.
ADMINISTRATIVE COORDINATOR	PUBLIC WORKS - WATER ADMIN	\$64,956.00	Permanently unfill 1 Administrative Coordinator position (SF PEA). Reclassify 2 PW Office Specialists (SF PEA) to Executive Assistants. One Executive Assistant to provide support to the Operations Manager and one Executive Assistant to provide support to the Director, Sewer and Water operations.
PUBLIC WORKS MAINT. WORKER	PUBLIC WORKS - GRAFFITI REMOVAL	\$53,784.00	Permanently unfill 1 of the 3 eligible PW Maintenance Worker positions
PUBLIC WORKS MAINT. WORKER	PUBLIC WORKS - FACILITIES MAINTENANCE	\$53,784.00	<ul> <li>(SF PEA). Recruit and fill 2 PW Maintenance Worker positions (SF PEA) and reorganize the facilities, streets, trees, and electrical operations.</li> </ul>
PUBLIC WORKS MAINT. WORKER	PUBLIC WORKS - WATER ADMIN	\$53,784.00	
SENIOR MAINTENANCE WORKER	PUBLIC WORKS - STREETS	\$59,616.00	Permanently unfill 1 of the 2 eligible Senior Maintenance Worker positions (SF PEA). Recruit and fill 1 Senior Maintenance position, which will be 100% dedicated to the sewer maintenance operation, and
SENIOR MAINTENANCE WORKER	PUBLIC WORKS - FACILITIES MAINTENANCE	\$59,616.00	reorganizing the facilities, streets, trees, and electrical operations.

**Legend:** San Fernando Management Group San Fernando Public Employees Association San Fernando Police Civilians Employees San Fernando Part-time Employees Bargaining Unit

#### 10/05/2020

4

This Page Intentionally Left Blank



AGENDA REPORT

- To: Mayor Joel Fajardo and Councilmembers
- From: Nick Kimball, City Manager By: Matt Baumgardner, Director of Public Works

Date: October 5, 2020

Subject: Consideration to Approve a Transfer Agreement with the Los Angeles Flood Control District for the Disbursement of Funds for the Safe, Clean Water – Municipal Program

#### **RECOMMENDATION:**

It is recommended that the City Council:

- Approve a Transfer Agreement with the Los Angeles Flood Control District (Attachment "A" Contract No. 1968) for the disbursement of funds for the Safe, Clean Water – Municipal Program to the City of San Fernando;
- b. Authorize the City Manager to execute the Agreement and all related documents; and
- c. Adopt Resolution No. 8028 (Attachment "B") amending the Fiscal Year (FY) 2020-2021 Adopted Budget appropriating the Safe, Clean Water-Municipal Program expenditures and revenues in the Capital Grants Fund (Fund 10).

#### BACKGROUND:

- 1. On November 6, 2018, two-thirds of Los Angeles County voters passed Measure W, also known as, the Safe, Clean Water Program (SCWP). SCWP provides local, dedicated funding to increase local water supply, improve water quality, and protect public health.
- 2. On July 30, 2019, the Los Angeles County Board of Supervisors approved the Los Angeles Region Safe, Clean Water Program Implementation Ordinance in compliance with Measure W, establishing the criteria and procedures for the implementation of SCWP.
- 3. On June 9, 2020, the Los Angeles County Board of Supervisors approved a standard template transfer agreement establishing terms and conditions for the SCWP funds to municipalities.

**Consideration to Approve Transfer Agreement with the Los Angeles Flood Control District for the Disbursement of Funds for the Safe, Clean Water – Municipal Program** Page 2 of 3

#### **ANALYSIS:**

SCWP, also known as Measure W, was an initiative placed on the ballot in 2018 and approved by Los Angeles County voters. The goals of SCWP are to improve and protect water quality, increase the number of gallons of water captured each year to increase the supply of safe drinking water and prepare for future droughts, and protect public health and marine life by reducing pollution, trash, toxins and plastics that make it to local waterways and beaches.

SCWP established a parcel tax of \$0.025 per square foot of impermeable area (areas such as concrete or asphalt pavement that impede stormwater from penetrating the ground); this will raise approximately \$300 million per year. Forty percent of the parcel tax revenue will be allocated annually to municipalities within the LA County Flood Control District. The City of San Fernando anticipates receiving an estimated \$280,000 in SCWP funds for FY 2020-2021. This amount is proportional to the tax collected in each jurisdiction. Municipalities may use these funds for eligible projects, programs, and activities that increase stormwater capture and reduce urban runoff pollution. The major provision of how these funds are utilized is based on a 70/30 formula. Seventy percent of the funding must be used for projects that were not in existence prior to when SCWP was passed by voters in 2018. The remaining thirty percent may be used for pre-existing work. In the case of this fiscal year's allocation of \$280,000, this 70/30 formula would result in \$196,000 being used for new work and \$84,000 for pre-existing work.

Through an annual allocation, SCWP is designed to maximize the ability of local governments to address local stormwater and urban runoff challenges and opportunities. Eligible projects that can be funded through SCWP must include a water quality benefit, with multi-benefit projects and nature-based solutions being strongly encouraged. The funding can be used for eligible activities such as project development, design, construction, effectiveness monitoring, operations and maintenance (including operation and maintenance of projects built to comply with 2012 MS4 [Municipal Separate Storm Sewer Systems] permits), as well as for other programs and studies related to protecting and improving water quality in lakes, rivers and the ocean.

For FY 2020-2021, the City will use these funds to offset the cost of the National Pollutant Discharge Elimination System (NPDES) management program, which is currently being covered by the City's General Fund. Since this effort was in place prior to 2018, thirty percent of each year's allocation would be set aside for this NPDES work. Other work under consideration falls under the new project definition including construction of new trash enclosures within the San Fernando Mall and installation of trash grates in stormwater catch basins. Both projects have the potential to prevent trash from entering storm drains. Seventy percent of each year's allocation would be set aside for capital projects that have the potential to improve water quality.

To receive municipal SCWP funds, cities are required to provide annual budgets, progress and expenditure reports, and must participate in periodic independent audits. Cities may receive their SCWP revenue within 45 days of execution of the Transfer Agreement. For subsequent

**Consideration to Approve Transfer Agreement with the Los Angeles Flood Control District for the Disbursement of Funds for the Safe, Clean Water – Municipal Program** Page 3 of 3

years, a single disbursement is expected to be made by the end of August once the County Auditor-Controller has finalized revenues.

Additional requirements are detailed within the Transfer Agreement including:

- Submittal of an annual expenditure plan for the ensuing fiscal year due 45 days from execution and then 90 days prior to the end of the County's fiscal year (April 1<sup>st</sup>) for each subsequent year;
- Audit reports are due nine months after the end of the third fiscal year (i.e., March 31, 2024, covering July 2020 through June 2023); and
- Progress reports are due annually, six months after close of the fiscal year.

#### **BUDGET IMPACT:**

A new special fund account has been set up to handle the allocation of these funds each year. For FY 2020-2021, the budget will see an increase in revenues by an estimated \$280,000 due to the initial annual allocation of Measure W funds, with \$84,000 being allocated to 023-311-0000-4270 (professional services related to NPDES annual compliance) and \$196,000 being allocated to 023-311-0000-4600 (new capital projects related to water quality).

#### CONCLUSION:

Staff recommends that the City Council approve the Transfer Agreement with the Los Angeles County Flood Control District (Attachment "A") for the disbursement of funds for the Safe, Clean Water that will provide critical funding needed to improve water quality and compliance with NPDES requirements.

#### ATTACHMENTS:

- A. Contract No. 1968
- B. Resolution No. 8028

#### TRANSFER AGREEMENT BETWEEN THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT AND SAN FERNANDO AGREEMENT NO. 2020MP68 SAFE, CLEAN WATER PROGRAM – MUNICIPAL PROGRAM

This Transfer Agreement, hereinafter referred to as "Agreement," is entered into as of June 25, 2020 by and between the Los Angeles County Flood Control District, hereinafter referred to as "District," and San Fernando, hereinafter referred to as "Municipality."

**WHEREAS,** District, pursuant to the Los Angeles Region Safe, Clean Water (SCW) Program ordinance (Chapter 16 of the Los Angeles County Flood Control District Code) and the SCW Program Implementation Ordinance (Chapter 18 of the Los Angeles County Flood Control District Code), administers the SCW Program for the purpose of funding Projects and Programs to increase stormwater and urban runoff capture and reduce stormwater and urban runoff pollution in the District;

**WHEREAS**, pursuant to Section 16.04.A.2. of the Los Angeles County Flood Control District Code, forty percent (40%) of annual SCW Program tax revenues shall be allocated to Municipalities within the District, in the same proportion as the amount of revenues collected within each Municipality, to be expended by those cities within the cities' respective jurisdictions and by the County within the unincorporated areas that are within the boundaries of the District, for the implementation, operation and maintenance, and administration of Projects and Programs, in accordance with the criteria and procedures established in this Chapters 16 and 18 of the Los Angeles County Flood Control District Code;

**WHEREAS,** pursuant to Section 16.05.A.1. of the Los Angeles County Flood Control District Code, prior to their receipt of SCW Program funds, Municipalities must enter into an agreement with the District to transfer SCW Program funds;

**WHEREAS**, the County of Los Angeles Board of Supervisors has approved a standard template Agreement, as required by and in accordance with Section 18.09 of the Los Angeles County Flood Control District Code, for the transfer of SCW Program funds to Municipalities.

**NOW, THEREFORE**, in consideration of the promises, mutual representations, covenants and agreements in this Agreement, the District and the Municipality, each binding itself, its successors and assigns, do mutually promise, covenant, and agree as follows:

#### I. DEFINITIONS

The definitions set forth in Sections 16.03 and 18.02 of the Los Angeles County Flood Control District Code shall apply to this Agreement. In addition, the following definitions shall also apply:

"Agreement" means this Transfer Agreement, including all exhibits and attachments hereto.

"Annual Plan" means the plan referred to in Section 18.09.B.5 of the Code that includes the contents specified in Exhibit A.

"Code" means the Los Angeles County Flood Control District Code.

"Days" means calendar days unless otherwise expressly indicated.

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

"Safe Clean Water (SCW) Program Payment" means the Municipality's annual allocation of SCW Program funds as described in Section 16.04.A.2. of the Code disbursed by the District to the Municipality.

"Year" means calendar year unless otherwise expressly indicated.

#### II. PARTY CONTACTS

The District and the Municipality designate the following individuals as the primary points of contact and communication regarding the Municipal Program and the administration and implementation of this Agreement.

Los Angeles County Flood Control District	Municipality: San Fernando
Name:	Name:
Address:	Address:
Phone:	Phone:
Email:	Email:

Either party to this Agreement may change the individual identified as the primary point of contact above by providing written notice of the change to the other party.

#### III. EXHIBITS INCORPORATED BY REFERENCE

The following exhibits to this Agreement, including any amendments and supplements hereto, are hereby incorporated herein and made a part of this Agreement:

EXHIBIT A – ANNUAL PLAN CONTENTS

EXHIBIT B – GENERAL TERMS AND CONDITIONS

EXHIBIT C – NATURE-BASED SOLUTIONS (Best Management Practices)

EXHIBIT D – OPERATIONS AND MAINTENANCE GUIDANCE DOCUMENT

#### IV. MUNICIPAL PROGRAM IMPLEMENTATION

- A. The Municipality shall annually prepare and submit to the District, an Annual Plan. The Annual Plan for the 2020-21 Fiscal Year shall be submitted to the District no later than 45-days after the execution of this Agreement by the last party to sign. An Annual Plan for each subsequent Fiscal Year shall be submitted not later than 90-days prior to the start of the Fiscal Year for which the Plan is prepared.
- B. The Municipality shall utilize the SCW Program Payments in compliance with Chapters 16 and 18 of the Code.
- C. The Municipality shall comply with the terms and conditions in Exhibits B, C, and D, of this Agreement, and all applicable provisions of Chapters 16 and 18 of the Code, specifically including, without limitation, Section 18.06.

#### V. SCW PROGRAM PAYMENTS TO MUNICIPALITIES

- A. The District shall disburse the Municipality's SCW Program Payment for the 2020-21 Fiscal Year within 45-days of the signed executed Agreement or within 14-days of the District's receipt of the Annual Plan for 2020-21 Fiscal Year in compliance with Exhibit A, whichever comes later. The initial disbursement of SCW Program Payments shall include the amount of revenue collected by the District at the time of Agreement execution; any additional funds that are subsequently collected will be disbursed by August 31, 2020.
- B. SCW Program Payments in subsequent Fiscal Years will generally be available for disbursement by August 31, provided a duly executed transfer agreement is in effect and subject to the Municipality's compliance with the conditions described in paragraph C, below; however the District may, in its discretion, change the date and number of the actual disbursements for any Fiscal Year based on the amount and timing of revenues actually collected by the District.
- C. For subsequent Fiscal Years, the District shall disburse the Municipality's SCW Program Payment upon satisfaction of the following conditions: (1) the District has received the Annual Progress/Expenditure Report required pursuant to Section 18.06.D of the Code; (2) the District has received Municipality's Annual Plan for that Fiscal Year, and (3) the Municipality has complied with the audit requirements of Section B-6 of Exhibit B.
- D. Notwithstanding any other provision of this Agreement, no disbursement shall be made at any time or in any manner that is in violation of or in conflict with federal, state, County laws, policies, or regulations.
- E. All disbursements shall be subject to and be made in accordance with the terms and conditions in this Agreement and Chapters 16 and 18 of the Code.

#### VI. Term of Agreement

This Agreement shall expire at the end of the 2023-24 Fiscal Year. The parties shall thereafter enter into a new agreement based on the most recent standard template agreement approved by the Board.

#### VII. Execution of Agreement

This Agreement may be executed simultaneously or in any number of counterparts, including both counterparts that are executed manually on paper and counterparts that are in the form of electronic records and are executed electronically, whether digital or encrypted, each of which shall be deemed an original and together shall constitute one and the same instrument.

The District and the Municipality hereby agree to regard facsimile/electronic representations of original signatures of authorized officers of each party, when appearing in appropriate places on this Agreement and on any addenda or amendments thereto, delivered or sent via facsimile or electronic mail or other electronic means, as legally sufficient evidence that such original signatures have been affixed to this Agreement and any addenda or amendments thereto such that the parties need not follow up facsimile/electronic transmissions of such documents with subsequent (non-facsimile/electronic) transmission of "original" versions of such documents.

Further, the District and the Municipality: (i) agree that an electronic signature of any party may be used to authenticate this Agreement or any addenda or amendment thereto, and if used, will have the same force and effect as a manual signature; (ii) acknowledge that if an electronic signature is used, the other party will rely on such signature as binding the party using such signature, and (iii) hereby waive any defenses to the enforcement of the terms of this agreement based on the foregoing forms of signature.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

#### SAN FERNANDO

-	
D\/*	
DV.	
<b>_</b> ,.	

Name:

Title:

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

#### LOS ANGELES COUNTY FLOOD CONTROL DISTRICT:

Ву: \_\_\_\_\_

Name:

Title:

Date: \_\_\_\_\_
# EXHIBIT A – ANNUAL PLAN CONTENTS

- A-1. Description of all projects anticipated to be funded using the SCW Program Payment. Include a discussion of how the projects will result in the achievement of one or more SCW Program Goals, including quantitative targets and corresponding metrics for subsequent reporting of all applicable parameters.
- A-2. Description of all programs anticipated to be funded using the SCW Program Payment. Include a discussion of how the programs will result in the achievement of one or more SCW Program Goals; including quantitative targets and corresponding metrics for subsequent reporting of all applicable parameters.
- A-3. Description of all operation and maintenance activities anticipated to be funded using the SCW Program Payment. Include a discussion of how those activities will result in the achievement of one or more SCW Program Goals. Additional operation and maintenance activities, even if funded by other sources, should be referenced to provide an overview of anticipated overall project approach.
- A-4. Description of the stakeholder and community outreach/engagement activities anticipated to be funded with the SCW Program Payment, including discussion of how local NGOs or CBOs will be involved, if applicable, and if not, why. Additional outreach/engagement activities, even if funded by other sources, should be referenced to provide an overview of anticipated overall project approach.
- A-5. Description of post-construction monitoring for projects completed using the SCW Program Payment. Additional post-construction monitoring activities, even if funded by other sources, should be referenced to provide an overview of anticipated overall project approach.
- A-6. Provide the status of any projects that have been awarded (or are seeking award of) Institute for Sustainable Infrastructure (ISI) verification, if applicable.
- A-7. Provide the budget for the activities described in provisions A1 through A-5 SCW Program Payment.

# EXHIBIT B – GENERAL TERMS AND CONDITIONS

# B-1. Accounting and Deposit of Funding Disbursement

- 1. SCW Program Payments distributed to the Municipality shall be held in a separate interest-bearing account and shall not be combined with other funds. Interest earned from each account shall be used by the Municipality only for eligible expenditures consistent with the requirements of the SCW Program.
- 2. The Municipality shall not be entitled to interest earned on undisbursed SCW Program Payments; interest earned prior to disbursement is property of the District.
- 3. The Municipality shall operate in accordance with Generally Accepted Accounting Principles (GAAP).
- 4. The Municipality shall be strictly accountable for all funds, receipts, and disbursements for their SCW Program Payment.
- B-2. Acknowledgement of Credit and Signage

The Municipality shall include appropriate acknowledgement of credit to the District's Safe, Clean Water Program for its support when promoting activities funded with SCW Program funds or using any data and/or information developed SCW Program funds. When the SCW Program Payment is used, in whole or in part, for construction of an infrastructure Project, signage shall be posted in a prominent location at Project site(s) or at the Municipality's headquarters and shall include the Safe, Clean Water Program color logo and the following disclosure statement: "Funding for this project has been provided in full or in part from the Los Angeles County Flood Control District's Safe, Clean Water Program." At a minimum the sign shall be 2' x 3' in size. The Municipality shall also include in each of its contracts for work under this Agreement a provision that incorporates the requirements stated within this paragraph.

When the SCW Program Payment is used, in whole or in part, for a scientific study, the Municipality shall include the following statement in the study report: "Funding for this study has been provided in full or in part from the Los Angeles County Flood Control District's Safe, Clean Water Program." The Municipality shall also include in each of its contracts for work under this Agreement a provision that incorporates the requirements stated within this paragraph.

# B-3. Acquisition of Real Property - Covenant

Any real property acquired in whole or in part with SCW Program funds shall be used for Projects and Programs that are consistent with the SCW Program Goals and with the provisions of Chapter 16 and 18 of the Code.

Any Municipality that acquires the fee title to real property using, in whole or in part, SCW Program funds shall record a document in the office of the Registrar-Recorder/County

Clerk containing a covenant not to sell or otherwise convey the real property without the prior express written consent of the District, which consent shall not be unreasonably withheld.

# B-4. Amendment

Except as provided in Section II of the Agreement, no amendment or variation of the terms of this Agreement shall be valid unless made in writing and signed by the parties. No oral or written understanding or agreement not incorporated in this Agreement is binding on any of the parties.

# B-5. Assignment

The Municipality shall not assign this Agreement.

- B-6. Audit and Recordkeeping
  - 1. The Municipality shall retain for a period of seven (7) years, all records necessary in accordance with Generally Accepted Accounting Principles to determine the amounts expended, and eligibility of Projects implemented using SCW Program Payments. The Municipality, upon demand by authorized representatives of the District, shall make such records available for examination and review or audit by the District or its authorized representatives. Records shall include accounting records, written policies and procedures, contract files, original estimates, correspondence, change order files, including documentation covering negotiated settlements, invoices, and any other supporting evidence deemed necessary to substantiate charges related to SCW Program Payments and expenditures.
  - 2. The Municipality is responsible for obtaining an independent audit to determine compliance with the terms and conditions of this Agreement and all requirements applicable to the Municipality contained in chapters 16 and 18 of the Code. Municipality shall obtain an independent audit of their SCW Program Payments every three (3) years. Audits shall be funded with Municipal Program funds.
  - 3. Municipality shall file a copy of all audit reports by the ninth (9<sup>th</sup>) month from the end of each three (3) year period to detail the preceding three (3) years of expenditures. Audit reports shall be posted on the District's publicly accessible website.

Every Third Fiscal Year			
Fiscal Year         Audit Begins         Audit Report Due to District		Audit Report Due to District	
2020-21	7/1/2023	No later than 3/31/2024	

4. Upon reasonable advanced request, the Municipality shall permit the Chief Engineer to examine the infrastructure Projects using SCW Program Payments. The Municipality shall permit the authorized District representative, including the Auditor-Controller, to examine, review, audit, and transcribe any and all audit reports, other reports, books, accounts, papers, maps, and other records that relate to the SCW Program Payments. Examination activities are considered District administration of the SCW Program.

- 5. Expenditures determined by an audit to be in violation of any provision of Chapters 16 or 18 of the Code, or of this Agreement, shall be subject to the enforcement and remedy provisions of Section 18.14 of the Code.
- B-7. Availability of Funds

District's obligation to disburse the SCW Program Payment 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 to fund allocations necessary for disbursement of the SCW Program Payment, the District shall not be obligated to make any disbursements to the Municipality under this Agreement. This provision shall be construed as a condition precedent to the obligation of the District to make any disbursements under this Agreement. Nothing in this Agreement shall be construed to provide the Municipality with a right of priority for disbursement over any other Municipality. If any disbursements due to the Municipality under this Agreement are deferred because sufficient funds are unavailable, it is the intention of the District that such disbursement will be made to the Municipality 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 order of the Board, the District shall have the option to either cancel this Agreement with no liability occurring to the District or offer an amendment to the Municipality to reflect the reduced amount.

#### B-8. Choice of Law

The laws of the State of California govern this Agreement.

B-9. Claims

Any claim of the Municipality is limited to the rights, remedies, and claims procedures provided to the Municipality under this Agreement. Municipal expenditures of a SCW Program Payment that involves the District shall utilize a separate and specific agreement to that Project that includes appropriate indemnification superseding that in this Agreement.

B-10. Compliance with SCW Program

The Municipality shall comply with and require its contractors and subcontractors to comply with all provisions of Chapters 16 and 18 of the Code.

B-11. Compliance with Law, Regulations, etc.

The Municipality shall, at all times, comply with and require its contractors and subcontractors to comply with all applicable local, state and federal laws, rules, guidelines, regulations, and requirements.

# B-12. Continuous Use of Municipal Projects; Lease or Disposal of Municipal Projects

The Municipality shall not abandon, substantially discontinue use of, lease, or dispose of all or a significant part or portion of any Project funded in whole or in part with SCW Program Payments during the useful life (defined as 30 years unless specified otherwise in annual plans and subsequent reports) of the Project without prior written approval of the District. Such approval may be conditioned as determined to be appropriate by the District, including a condition requiring repayment of a pro rata amount of the SCW Program Payments used to fund the Project together with interest on said amount accruing from the date of lease or disposal of the Project.

# B-13. Disputes

Should a dispute arise between the parties, the party asserting the dispute will notify the other parties in writing of the dispute. The parties will then meet and confer within 21 calendar days of the notice in a good faith attempt to resolve the dispute.

If the matter has not been resolved through the process set forth in the preceding paragraph, any party may initiate mediation of the dispute. Mediation will be before a retired judge or mediation service mutually agreeable to the parties. All costs of the mediation, including mediator fees, will be paid one-half by the District and one-half by the Municipality. SCW Program Payments shall not be used to pay for any costs of the mediation.

The parties will attempt to resolve any dispute through the process set forth above before filing any action relating to the dispute in any court of law.

# B-14. Final Inspection and Certification of Registered Professional

Upon completion of the design phase and before construction of a project, the Municipality shall provide certification by a California Registered Professional (i.e., Professional Civil Engineer, Engineering Geologist) that the design has been completed.

Upon completion of the project, the Municipality shall provide for a final inspection and certification by a California Registered Professional (i.e., Professional Civil Engineer, Engineering Geologist), that the Project has been completed in accordance with submitted final plans and specifications and any modifications thereto and in accordance with this Agreement.

B-15. Force Majeure.

In the event that Municipality is delayed or hindered from the performance of any act required hereunder by reason of strikes, lockouts, labor troubles, inability to procure materials not related to the price thereof, riots, insurrection, war, or other reasons of a like nature beyond the control of the Municipality, then performance of such acts shall be excused for the period of the delay, and the period for the performance of any such act shall be extended for a period equivalent to the period of such delay.

# B-16. Funding Considerations and Exclusions

- 1. All expenditures of SCW Program Payments by Municipality must comply with the provisions of Chapters 16 and 18 of the Los Angeles County Flood Control District Code, including but not limited to the provisions regarding eligible expenditures contained in Section 16.05.A.2 and the provision regarding ineligible expenditures contained in Section 16.05.A.3.
- 2. SCW Program Payments shall not be used in connection with any Project implemented as an Enhanced Compliance Action ("ECA") and/or Supplemental Environmental Project ("SEP") as defined by State Water Resources Control Board Office of Enforcement written policies, or any other Project implemented pursuant to the settlement of an enforcement action or to offset monetary penalties imposed by the State Water Resources Control Board, a Regional Water Quality Control Board, or any other regulatory authority; provided, however, that SCW funds may be used for a Project implemented pursuant to a time schedule order ("TSO") issued by the Los Angeles Regional Water Quality Control Board if, at the time the TSO was issued, the Project was included in an approved watershed management program (including enhanced watershed management programs) developed pursuant to the MS4 Permit.

# B-17. Indemnification

The Municipality shall indemnify, defend and hold harmless the District, the County of Los Angeles and their elected and appointed officials, agents, and employees from and against any and all liability and expense, including defense costs, legal fees, claims, actions, and causes of action for damages of any nature whatsoever, including but not limited to bodily injury, death, personal injury, or property damage, arising from or in conjunction with: (1) any Project or Program implemented by the Municipality, in whole or in part, with SCW Program Payments or (2) any breach of this Agreement by the Municipality.

#### B-18. Independent Actor

The Municipality, 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 District.

The Municipality shall not contract work with a contractor who is in a period of debarment from any agency within the District. (LACC Chapter 2.202)

#### B-19. Integration

This is an integrated Agreement. This Agreement is intended to be a full and complete statement of the terms of the agreement between the District and Municipality, and expressly supersedes any and all prior oral or written agreements, covenants, representations and warranties, express or implied, concerning the subject matter of this Agreement.

# B-20. Lapsed Funds

- 1. The Municipality shall be able to carry over uncommitted SCW Program Payments for up to five (5) years from the end of the fiscal year in which those funds are transferred from the District to the Municipality.
- 2. If the Municipality is unable to expend the SCW Program Payment within five (5) years from the end of the fiscal year in which those funds are transferred from the District to the Municipality, then lapsed funding procedures will apply. Lapsed funds are funds that were transferred to the Municipality but were not committed to eligible expenditures by the end of the fifth (5<sup>th</sup>) fiscal year after the fiscal year in which those funds were transferred from the District.
- 3. Lapsed funds shall be allocated by the Watershed Area Steering Committee of the respective Watershed Area to a new Project with benefit to that Municipality, if feasible in a reasonable time frame, or otherwise to the Watershed Area.
- 4. In the event that funds are to lapse, due to circumstances beyond the Municipality's control, then the Municipality may request an extension of up to twelve (12) months in which to commit the funds to eligible expenditures. Extension Requests must contain sufficient justification and be submitted to the District in writing no later than three (3) months before the funds are to lapse.
- 5. The decision to grant an extension is at the sole discretion of the District.
- 6. Funds still uncommitted to eligible expenditures after an extension is granted will be subject to lapsed funding procedures without exception.

Fiscal Year	Funds Lapse	Extension	Commit By
Transferred	After	Request Due	
2019-20	6/30/2025	No later than 3/31/2025	No later than 6/30/2026

# B-21. Municipal Project Access

Upon reasonable advance request, the Municipality shall ensure that the District or any authorized representative, will have safe and suitable access to the site of any Project implemented by the Municipality in whole or in part with SCW Program Payments at all reasonable times.

# B-22. Non-Discrimination

The Municipality agrees to abide by all federal, state, and County laws, regulations, and policies regarding non-discrimination in employment and equal employment opportunity.

# B-23. 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

# B-24. Notice

- 1. The Municipality shall notify the District in writing within five (5) working days of the occurrence of the following:
  - a. Bankruptcy, insolvency, receivership or similar event of the Municipality; or
  - b. Actions taken pursuant to State law in anticipation of filing for bankruptcy.
- 2. The Municipality shall notify the District within ten (10) working days of any litigation pending or threatened against the Municipality regarding its continued existence, consideration of dissolution, or disincorporation.
- 3. The Municipality shall notify the District promptly of the following:
  - a. Any significant deviation from the submitted Annual Plan for the current Fiscal Year, including discussion of any major changes to the scope of funded projects or programs, noteworthy delays in implementation, reduction in benefits or community engagement, and/or modifications that change the SCW Program Goals intended to be accomplished.
  - b. Discovery of any potential archaeological or historical resource. Should a potential archaeological or historical resource be discovered during construction, the Municipality agrees that all work in the area of the find will cease until a qualified archaeologist has evaluated the situation and made recommendations regarding preservation of the resource, and the District has determined what actions should be taken to protect and preserve the resource. The Municipality agrees to implement appropriate actions as directed by the District.
  - c. Any public or media event publicizing the accomplishments and/or results of this Agreement and provide the opportunity for attendance and participation by District representatives with at least fourteen (14) days' notice to the District.

# B-25. Municipality's Responsibility for Work

The Municipality 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 Municipality shall be responsible for responding to any and all disputes arising out of its contracts for work on the Project. The District will not mediate disputes between the Municipality and any other entity concerning responsibility for performance of work.

# B-26. Reporting

The Municipality shall be subject to and comply with all applicable requirements of the District regarding reporting requirements. Municipalities shall report available data through the SCW Reporting Module, once available.

- Annual Progress/Expenditure Reports. The Municipality shall submit Annual Progress/Expenditure Reports, using a format provided by the District, within six (6) months following the end of the Fiscal Year to the District to detail the activities of the prior year. The Annual Progress/Expenditure Reports shall be posted on the District's publicly accessible website and on the Municipality's website. The Annual Progress/Expenditure Report shall include:
  - a. Amount of funds received;
  - b. Breakdown of how the SCW Program Payment has been expended;
  - c. Documentation that the SCW Program Payment was used for eligible expenditures in accordance with Chapters 16 and 18 of the Code;
  - d. Description of activities that have occurred, milestones achieved, and progress made to date, during the applicable reporting period including comparison to the Annual Plan and corresponding metrics;
  - e. Discussion of any existing gaps between what was planned and what was achieved for the prior year, include any lessons learned;
  - f. Description of the Water Quality Benefits, Water Supply Benefits, and Community Investment Benefits and a summary of how SCW Program Payments have been used to achieve SCW Program Goals for the prior year, including graphical representation of available data and specific metrics to demonstrate the benefits being achieved through the years' investments.
  - g. Discussion of alignment with other local, regional, and state efforts, resources, and plans, as applicable. This includes discussion of opportunities for addressing additional SCW Program Goals, leveraging SCW Program Goals, and increasing regional capacity to supplement the SCW Program.
  - Additional financial or Project-related information in connection with activity funded in whole or in part using SCW Program Payments as required by the District.
  - i. Certification from a California Registered Professional (Civil Engineer or Geologist, as appropriate), that projects implemented with SCW Program Payments were conducted in accordance with Chapters 16 and 18 of the Code.

- j. Report on annual and total (since inception of program) benefits provided by programs and projects funded by SCW Program Payment. This includes comparisons to annual plans and alignment with corresponding specific quantitative targets and metrics (note that SCW Reporting Module will facilitate calculation of benefits and graphical representation of pertinent data):
  - i. Annual volume of stormwater captured and treated
  - ii. Annual volume of stormwater captured and reused
  - iii. Annual volume of stormwater captured and recharged to a managed aquifer
  - iv. Annual creation, enhancement, or restoration of Community Investment Benefits. If none, discuss considerations explored and reasons to not include.
  - v. Annual acreage increases in Nature-Based Solutions and claimed level of NBS (with matrix demonstrating determination of good, better, best, as outlined in Exhibit C). If none, discuss considerations explored and reasons to not include.
  - vi. Annual expenditures providing DAC Benefits. If none, discuss considerations explored and reasons to not include.
- 2. Documentation of the Community Outreach and Engagement utilized for and/or achieved with the SCW Program Payment described in the Annual Plan Exhibit A. This information must be readily accessible to members of the public.
- 3. As Needed Information or Reports. The Municipality agrees to promptly provide such reports, data, and information as may be reasonably requested by the District including, but not limited to material necessary or appropriate for evaluation of the SCW Program or to fulfill any reporting requirements of the County, state or federal government.

#### B-27. Representations, Warranties, and Commitments

The Municipality represents, warrants, and commits as follows:

- 1. Authorization and Validity. The execution and delivery of this Agreement, including all incorporated documents, by the individual signing on behalf of Municipality, has been duly authorized by the governing body of Municipality, as applicable. This Agreement constitutes a valid and binding obligation of the Municipality, enforceable in accordance with its terms, except as such enforcement may be limited by law.
- No Violations. The execution, delivery, and performance by the Municipality 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 the Municipality is a party or by which the Municipality is bound as of the date set forth on the first page hereof.

- 3. No Litigation. There are no pending or, to the Municipality's knowledge, threatened actions, claims, investigations, suits, or proceedings before any governmental authority, court, or administrative agency which affect the Municipality's ability to complete the Annual Plan.
- 4. 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 the Municipality. As of the date set forth on the first page hereof, the Municipality is solvent and will not be rendered insolvent by the transactions contemplated by this Agreement. The Municipality is able to pay its debts as they become due.
- 5. Legal Status and Eligibility. The Municipality is duly organized and existing and in good standing under the laws of the State of California. The Municipality shall at all times maintain its current legal existence and preserve and keep in full force and effect its legal rights and authority.
- 6. Good Standing. The Municipality must demonstrate it has not failed to comply with previous County and/or District audit disallowances within the preceding five years.

# B-28. Travel

Any reimbursement for necessary ground transportation and lodging shall be at rates not to exceed those set by the California Department of Human Resources; per diem costs will not eligible expenses. These rates found be may be at http://www.calhr.ca.gov/employees/Pages/travel-reimbursements.aspx. Reimbursement will be at the State travel amounts that are current as of the date costs are incurred by the Municipality. No travel outside the Los Angeles County Flood Control District region shall be reimbursed unless prior written authorization is obtained from the Program Manager.

#### B-29. Unenforceable Provision

In the event that any provision of this Agreement is determined by a court of competent jurisdiction to be unenforceable, the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

#### B-30. Withholding of Disbursements and Material Violations

Notwithstanding any other provision of this Agreement, the District may withhold all or any portion of the SCW Program Payment for any Fiscal Year in the event that:

1. The Municipality has violated any provision of this Agreement; or

- 2. The Municipality fails to maintain reasonable progress in achieving SCW Program Goals, following an opportunity to cure.
- 3. Failure to remain in Good Standing, described in Section B-26 of Exhibit B.
- 4. Failure to submit annual reports on meeting SCW Program Goals.

# EXHIBIT C – NATURE BASED SOLUTIONS (NBS) BEST MANAGEMENT PRACTICES

Municipalities shall consider incorporation of Nature-based solutions (NBS) into their projects. NBS refers to the sustainable management and use of nature for undertaking socio-environmental challenges, including climate change, water security, water pollution, food security, human health, and disaster risk management. As this environmental management practice is increasingly incorporated into projects for the SCW Program, this guidance document may be expanded upon to further quantify NBS practices based on benefits derived from their incorporation on projects.

The SCW Program defines NBS as a Project that utilizes natural processes that slow, detain, infiltrate or filter Stormwater or Urban Runoff. These methods may include relying predominantly on soils and vegetation; increasing the permeability of Impermeable Areas; protecting undeveloped mountains and floodplains; creating and restoring riparian habitat and wetlands; creating rain gardens, bioswales, and parkway basins; enhancing soil through composting, mulching; and, planting trees and vegetation, with preference for native species. NBS may also be designed to provide additional benefits such as sequestering carbon, supporting biodiversity, providing shade, creating and enhancing parks and open space, and improving quality of life for surrounding communities. NBS include Projects that mimic natural processes, such as green streets, spreading grounds and planted areas with water storage capacity. NBS may capture stormwater to improve water quality, collect water for reuse or aquifer recharge, or to support vegetation growth utilizing natural processes.

Municipalities are to include in each Annual Progress/Expenditure Report whether and how their project achieves a good, better, or best for each of the 6 NBS methods in accordance with the guidance below. Additionally, Annual Progress/Expenditure Reports should include discussion on any considerations taken to maximize the class within each method. If at least 3 methods score within a single class, the overall project can be characterized as that class. Municipalities must attach a copy of the matrix for each project with the good, better, or best column indicated for each method, to facilitate District tracking of methods being utilized.



Page 86 of 449 CONTRACT NO. \_\_\_\_ Municipal Program Agreement No.: 2020MP68

METHODS	GOOD	BETTER	BEST
Vegetation/Green Space	Use of climate- appropriate, eco-friendly vegetation (groundcover, shrubs, and trees) / green space 5%-15% covered by new climate-appropriate vegetation	Use of native, climate- appropriate, eco-friendly vegetation (groundcover, shrubs, and trees) / green space 16%-35% covered by new native vegetation	Establishment of plant communities with a diversity of native vegetation (groundcover, shrubs, and trees) / green space that is both native and climate-appropriate More than 35% covered by new native vegetation
Increase of Permeability	Installation of vegetated landscape – 25%-49% paved area removed Redesign of existing impermeable surfaces and/or installation of permeable surfaces (e.g. permeable pavement and infiltration trenches)	Installation of vegetated landscape – 50%-74% paved area removed Improvements of soil health (e.g., compaction reduction)	Installation of vegetated landscape – 75%-100% paved area removed Creation of well- connected and self- sustained natural landscapes with healthy soils, permeable surfaces, and appropriate vegetation
Protection of Undeveloped Mountains & Floodplains	<ul> <li>Preservation of native vegetation</li> <li>Minimal negative impact to existing drainage system</li> </ul>	<ul> <li>Preservation of native vegetation</li> <li>Installation of new feature(s) to improve existing drainage system</li> </ul>	<ul> <li>Creation of open green space</li> <li>Installation of features to improve natural hydrology</li> </ul>
Creation & Restoration of Riparian Habitat & Wetlands	<ul> <li>Partial restoration of existing riparian habitat and wetlands</li> <li>Planting of climate appropriate vegetation - between 11 and 20 different climate- appropriate or native plant species newly planted</li> <li>No potable water used to sustain the wetland</li> </ul>	<ul> <li>Full restoration of existing riparian habitat and wetlands</li> <li>Planting of native vegetation - between 21 and 40 different native plant species newly planted</li> <li>No potable water used to sustain the wetland</li> </ul>	<ul> <li>Full restoration and expansion of existing riparian habitat and wetlands</li> <li>Planting of plant communities with a diversity of native vegetation – between 41 and 50 different native plant species newly planted</li> <li>No potable water used to sustain the wetland</li> </ul>

Page 87 of 449 CONTRACT NO. 1968 Municipal Program Agreement No.: 2020MP68

New Landscape Elements	Elements designed to capture runoff for other simple usage (e.g. rain gardens and cisterns), capturing the 85th percentile 24-hour storm event for at least 50% of the entire parcel	Elements that design to capture/redirect runoff and filter pollution (e.g. bioswales and parkway basins), capturing the 85th percentile 24-hour storm event from the entire parcel	Large sized elements that capture and treat runoff to supplement or replace existing water systems (e.g. wetlands, daylighting streams, groundwater infiltration, floodplain reclamation), capturing the 90 <sup>th</sup> percentile 24-hour storm event from the entire parcel and/or capturing off-site runoff
Enhancement of Soil	Use of soil amendments such as mulch and compost to retain moisture in the soil and prevent erosion Planting of new climate- appropriate vegetation to enhance soil organic matter	Use of soil amendments such as mulch and compost that are locally generated to retain moisture in the soil, prevent erosion, and support locally based composting and other soil enhancement activities Planting of new native, climate-appropriate vegetation to enhance soil organic matter	Use of soil amendments such as mulch and compost that are locally generated, especially use of next-generation design with regenerative adsorbents (e.g. woodchips, biochar) to retain moisture in the soil, prevent erosion, and support on-site composting and other soil enhancement activities Planting of new native, climate appropriate vegetation to enhance soil organic matter

# **EXHIBIT D – OPERATIONS AND MAINTENANCE GUIDANCE DOCUMENT**

Municipalities shall operate and maintain infrastructure projects for the useful life of the project and are to consider using the following guidance for operations and maintenance for infrastructure projects. Operational maintenance is the care and upkeep of Projects that may require detailed technical knowledge of the Project's function and design. Project specific operational and maintenance plans shall consider the activities listed below and set forth specific activities and frequencies (not limited to those below) as determined to be appropriate by the Municipalities and best practices, including stakeholder engagement as applicable. Operational maintenance is to be performed by the operator of the Project with a purpose to make the operator aware of the state of readiness of the Project to deliver stormwater and urban runoff benefits.

- 1. Litter Control
  - Regular removal of litter, nonhazardous waste materials, and accumulated debris near planted areas, rock areas, decomposed granite areas, rest areas, fence perimeters, adjoining access roads and driveways, drains, pedestrian trails, viewing stations, shelter houses, and bicycle pathways.
  - Regular inspection and maintenance of pet waste stations
  - Maintaining trash receptacles
  - Removal of trash, debris, and blockages from bioswales
  - Inspection and cleaning of trash booms
  - Inspection of weir gates and stop logs to clean debris, as required.
- 2. Vegetation Maintenance
  - Weed control
    - Recognition and removal of weeds, such as perennial weeds, morning glory, vine-type weeds, ragweed, and other underground spreading weeds.
    - Avoiding activities that result in weed seed germination (e.g. frequent soil cultivation near trees or shrubs)
    - Regular removal of weeds from landscape areas, including from berms, painted areas, rock areas, gravel areas, pavement cracks along access roads and driveways, drains, pedestrian trails, viewing stations, park shelters, and bicycle paths.
  - Tree and shrubbery trimming and care
    - Removal of dead trees and elimination of diseased/damaged growth
    - Prevent encroachment of adjacent property and provide vertical clearance
    - Inspect for dead or diseased plants regularly
  - Wetland vegetation and landscape maintenance
    - Installation and maintenance of hydrophytic and emergent plants in perennially wet and seasonal, intermittent habitats.
    - Draining and drawdown of wetland and excessive bulrush removal

- Weed and nuisance plant control
- Removal of aquatic vegetation (e.g. algae and primrose) using appropriate watercraft and harvesting equipment
- Wildflower and meadow maintenance
- Grass, sedge, and yarrow management
- Removal of unwanted hydroseed

# 3. Wildlife Management

- Exotic species control
- Provide habitat management; promote growth of plants at appropriate densities and promote habitat structure for animal species
- Protect sensitive animal species (e.g. protection during critical life stages including breeding and migration)
- Avoid disturbances to nesting birds
- Avoid spread of invasive aquatic species

# 4. Facility Inspection

- Inspect project sites for rodent and insect infestations on a regular basis
- Inspect for and report graffiti in shelter houses, viewing stations, benches, paving surfaces, walls, fences, and educational and directional signs
- Inspect facilities for hazardous conditions on roads and trails (e.g. access roads and trails, decomposed granite pathways, and maintenance roads)
- Inspect shade structures for structural damage or defacement
- Inspect hardscapes
- Inspect and maintain interpretive and informational signs
- Inspect site furnishings (e.g. benches, hitching posts, bicycle racks)
- Maintain deck areas (e.g. benches, signs, decking surfaces)
- Visually inspect weirs and flap gates for damage; grease to prevent locking.
- Inspect all structures after major storm events, periodically inspect every 3 months, and operate gates through full cycles to prevent them from locking up.
- 5. Irrigation System Management
  - Ensuring automatic irrigation controllers are functioning properly and providing various plant species with proper amount of water.
    - Cycle controller(s) through each station manually and automatically to determine if all facets are functioning properly.
    - Inspection should be performed at least monthly.
    - $\circ\,$  Recover, replace, or refasten displaced or damaged value box covers.
    - Inspect and repair bubbler heads.

- Repair and replace broken drip lines or emitters causing a loss of water (to prevent ponding and erosion).
- Maintain drip system filters to prevent emitters from clogging. Inspection and cleaning should occur at least monthly.
- Inspect and clean mainline filters, wye strainers, basket filters, and filters at backflow devices twice a year.
- Maintain and check function of the drip system.
- Keeping irrigation control boxes clear of vegetation
- Operating irrigation system to ensure it does not cause excessively wet, waterlogged areas, and slope failure
- Utilizing infrequent deep watering techniques to encourage deep rooting, drought tolerant plant characteristics to promote a self-sustaining, irrigation free landscape
- Determine watering schedules based on season, weather, variation in plant size, and plant varieties. At least four times a year (e.g. change of season), reschedule controller systems.
- Turn off irrigation systems at the controller at the beginning of the rainy season, or when the soil has a high enough moisture content.
- Use moisture sensing devices to determine water penetration in soil.
- 6. Erosion Management and Control
  - Inspect slopes for erosion during each maintenance activity
  - Inspect basins for erosion
  - Take corrective measures as needed, including filling eroded surfaces, reinstalling or extending bank protection, and replanting exposed soil.
- 7. Ongoing Monitoring Activities
  - Monitor controllable intake water flow and water elevation
  - Examine inflow and outflow structures to ensure devices are functioning properly and are free of obstructions.
  - Water quality sampling (quarterly, unless justified otherwise)
  - Checking telemetry equipment
  - Tracking and reporting inspection and maintenance records
- 8. Vector and Nuisance Insect Control
  - Monitoring for the presence of vector and nuisance insect species
  - Adequate pretreatment of influent wastewater to lessen production of larval mosquitos
  - Managing emergent vegetation
  - Using hydraulic control structures to rapidly dewater emergent marsh areas
  - Managing flow velocities to reduce propagation of vectors

#### ATTACHMENT "B"

#### **RESOLUTION NO. 8028**

# A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, AMENDING THE BUDGET FOR THE FISCAL YEAR 2020-21 ADOPTED ON JUNE 15, 2020

**WHEREAS,** the City of Council has received and considered the proposed adjustment to the budget for Fiscal Year 2020-21, commencing July 1, 2020, and ending June 30, 2021; 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 will receive funds annually through the Safe, Clean Water-Municipal Program to help address local stormwater and urban runoff challenges; and

**WHEREAS,** an annual budget for the City of San Fernando for the Fiscal Year beginning July 1, 2020 and ending June 30, 2020, a copy of which is on file in the City Clerk's Office, was adopted on June 15, 2020.

# 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:

MEASURE W: Safe, Clean Water- Municipal Program:

\$84,000
\$196,000
\$280,000

## **PASSED, APPROVED, AND ADOPTED** this 5<sup>th</sup> day of October, 2020.

Joel Fajardo, Mayor

**ATTEST:** 

Julia Fritz, City Clerk

#### CERTIFICATION

I, City Clerk of the City of San Fernando, California, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 8028, which was regularly introduced and adopted by the City Council of the City of San Fernando, California, at a regular meeting thereof, held on the 5<sup>th</sup> day of October 2020, by the following vote of the City Council:

AYES:

NAYS:

ABSENT:

**ABSTAINED**:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Fernando, California, this 5<sup>th</sup> day of October 2020.

Julia Fritz, City Clerk

5

This Page Intentionally Left Blank



# AGENDA REPORT

То:	Mayor Joel Fajardo and Councilmembers
From:	Nick Kimball, City Manager By: Matthew Baumgardner, Director of Public Works Manuel Fabian, Civil Engineering Assistant II
Date:	October 5, 2020
Subject:	Consideration to Authorize a Notice of Completion for the Annual Street Resurfacing Project Fiscal Year 2018-2019

#### **RECOMMENDATION:**

It is recommended that the City Council:

- a. Accept the improvements as constructed by Excel Paving Company pursuant to the City's specifications and plans (Job No. 7597, Plan No. P 726) and consider the work complete;
- 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 (\$108,218.50) after a 35-day lien period from the date the Notice of Completion is recorded.

#### BACKGROUND:

- 1. On June 19, 2019, the City Clerk received and opened five bids from contractors to make improvements on North Lazard Street between Fourth Street and Glenoaks Boulevard, North Workman Street between Glenoaks Boulevard and Seventh Street, Lucas Street between North Workman Street and Orange Grove Avenue, and Alexander Street between Library Street and Lucas Street.
- 2. On July 15, 2019, the City Council awarded a contract (Contract No. 1924) to Excel Paving Company (Contractor) in the amount of \$2,094,776 and authorized the City Manager to approve change orders not-to-exceed 10% of contract amount.
- 3. On February 12, 2020, a Notice to Proceed was issued to the Contractor.
- 4. On July 31, 2020, work was completed by the Contractor.

PUBLIC WORKS DEPARTMENT 117 MACNEIL STREET, SAN FERNANDO, CA 91340 (818) 898-1222 WWW.SFCITY.ORG

# Consideration to Authorize a Notice of Completion for the Annual Street Resurfacing Project Fiscal Year 2018-2019

Page 2 of 3

#### ANALYSIS:

The scope of work for the Annual Street Resurfacing Project Fiscal Year (FY) 2018-2019 included water main upgrades, installation of new water services, sewer lining, street repaying, the installation of new access ramps, removal and replacement of sidewalk and curb and gutter, and striping. The streets that were completed during this project include:

- North Lazard Street between Fourth Street and Glenoaks Boulevard;
- North Workman Street between Glenoaks Boulevard and Seventh Street; and
- Lucas Street between North Workman Street and Orange Grove Avenue.

Unfortunately, paving on Alexander Street was not completed due to unforeseen conditions. During construction subgrade failures were discovered along several areas of Alexander Street. Based on the recommendation of the geotechnical engineer, dig-outs would be required to compact the subgrade. If the City would have proceeded with the work, the project would have been over the approved budget. Staff is currently working with the design consultant to include the street work on Alexander Street between Library Street and Lucas Street as part of the Annual Street Resurfacing Project FY 2019-2020. All concrete work, including sidewalk, curb and gutter and ramps were completed on Alexander Street as part of this project.

A total of 13 change orders were generated during construction of the project that focused on water main construction and water service connections. This included extending the proposed water main on Lucas Street, tying to the existing water main on North Huntington Street, and connection of services along the additional stretch. Change orders were also issued during construction for trench repairs due to subgrade failures, removal and replacement of asphalt due to elevation differences at Lucas Street and North Workman Street, and installation of truncated domes for existing curb ramps. The total amount for change orders of \$152,576.08 was below the 10% contingency approved for the project of \$209,477.60.

#### **BUDGET IMPACT:**

Funding was included in the City's approved FY 2018-2019 and was carried over to the FY 2019-2020 approved budget. Several funding sources, including SB1, Gas Tax, Measure R, Water Funds and Sewer Funds, were utilized to complete the project. The final construction amount of \$2,164,370.01, including all change orders, was under the total approved budget with contingencies of \$2,304,254.

Consideration to Authorize a Notice of Completion for the Annual Street Resurfacing Project Fiscal Year 2018-2019

Page 3 of 3

SOURCES			
Fund	Uses	Expenditures	
SB1	Repairs to sidewalk, driveway approaches, and curb and gutter. Construct curb ramps	\$	345,252.70
Gas Tax	Repairs to sidewalk, driveway approaches, and curb and gutter		104,984.10
Measure R	Paving, striping and utility valve adjustments		467,496.00
Measure M	Construct curb ramps, Trench repairs, repair cross gutters		179,233.20
Water Fund	Water main replacement, water service upgrades, slurry seal		945,244.01
Sewer Fund	Sewer lining		122,160.00
Total Sources:		\$	2,164,370.01

#### CONCLUSION:

The Annual Street Resurfacing Project FY 2018-2019 is complete and all work done to staff's satisfaction and in conformance with the approved plans and specifications. Project acceptance and filing the Notice of Completion allows the project to be closed out.

#### ATTACHMENT:

A. Notice of Completion

ATTACHMENT "A"

EXEMPT FROM RECORDING FEES PER GOVT CODE SECTION 6103

# RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

**City of San Fernando** Julia Fritz, 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.

- 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
- 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 Annual Street Resurfacing Project Fiscal Year 2018-2019, Job No. 7597, Plan No. P-726 consisted of water main upgrades, installation of new water services, sewer lining, the repavement of N Lazard Street between Fourth Street and Glenoaks Boulevard, Lucas Street between N Workman Street and Orange Grove Avenue, and N Workman Street between Glenoaks Boulevard and Seventh Street, removal and replacement of curb and gutter, installation of access ramps and striping. Concrete work was also completed on Alexander Street between Library Street and Lucas Street.
- 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: Annual Street Resurfacing Project Fiscal Year 2018-2019, Job No. 7597, Plan No. P-726.
- 5. ACCEPTED AND COMPLETED: Work on said contract was completed and accepted on July 31, 2020.
- 6. NATURE OF OWNER'S INTEREST: In fee
- 7. NAME AND ADDRESS OF CONTRACTOR: Excel Paving Company, P.O. Box 16405, Long Beach, CA 90806
- 8. **DECLARATION:** I, Matthew Baumgardner, duly appointed Director of Public Works 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.

Matthew Baumgardner, Director of Public Works City of San Fernando, California

Date

(City Seal)

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 Matthew Baumgardner, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

#### 10/05/2020

6

This Page Intentionally Left Blank



AGENDA REPORT

To: Mayor Joel Fajardo and Councilmembers

From: Nick Kimball, City Manager By: Matt Baumgardner, Director of Public Works Manuel Fabian, Civil Engineering Assistant II

Date: October 5, 2020

Subject: Consideration to Approve a First Amendment to the Professional Services Agreement with John Robinson Consulting Incorporated for the Upper Reservoir Replacement Engineering Design Services

#### **RECOMMENDATION:**

It is recommended that the City Council:

- Approve a first Amendment to the Professional Services Agreement with John Robinson Consulting Incorporated (John Robinson Consulting) (Attachment "A" – Contract No. 1912(a)) for design services related to the Upper Reservoir Replacement; and
- b. Authorize the City Manager, or designee, to execute the Amendment and all related documents.

#### BACKGROUND:

- 1. On March 14, 2019, a Request for Proposals (RFP) for Upper Reservoir replacement engineering design services was sent to five qualified firms from the City's on-call engineering services list.
- 2. On April 9, 2019, the City received proposals from two firms for Upper Reservoir replacement engineering design services.
- 3. On June 17, 2019, the City Council approved Contract No. 1912 (Attachment "B") with John Robinson Consulting for Upper Reservoir Replacement Engineering Design Services.
- 4. On June 17, 2019, the City Council approved Resolution No. 7927 authorizing the City to enter into an agreement with the California Department of Water Resources to receive \$5,000,000 from Proposition 1 grant proceeds for the design and construction of Upper Reservoir No. 4.

**Consideration to Approve a First Amendment to the Professional Services Agreement with John Robinson Consulting Incorporated for the Upper Reservoir Replacement Engineering Design Services** Page 2 of 3

#### **ANALYSIS:**

Upper Reservoir No. 4 is a circular reinforced concrete water storage tank built in the early 1960s that was designed to hold one million gallons of water at full capacity. The tank has been limited to approximately half this capacity due to cracks that have developed over time in the tank's wall. John Robinson Consulting's initial scope of work has focused on the development of a draft Preliminary Design Report (PDR) and 30% design documents, which will eventually lead to a final PDR and 60%, 90% and 100% design documents. In order to complete the draft PDR and 30% design tasks, John Robinson Consulting conducted extensive research of the original design documents and existing utilities, a geotechnical investigation of the reservoir site, a fire flow analysis, a topographic survey, an evaluation of alternative reservoir construction options, community outreach, and multiple meetings with Public Works Engineering and Water Division staff.

During review of the 30% design plans for the Upper Reservoir Replacement Project, City Staff and John Robinson Consulting determined that additional features should be added to the project to improve hydraulic flow, site drainage, site security, traffic safety, and potentially limit future construction costs. The additional proposed design components consist of:

- Addition of piping modifications at the Hubbard pump station site, which includes additional survey to be provided by the surveyor, to improve hydraulic flow from the station to the tank and reduce unnecessary work on existing pipes that will no longer be in service.
- Additional traffic control plans because of the piping modifications at the Hubbard pump stations site.
- Additional geotechnical analysis and drafting because of foundation elevation changes in the design of the new reservoir.
- Addition of site lighting attached to both tanks using LED lights, for added security at night.
- Addition of two-foot deep concrete curb at south fence line to improve site drainage.
- Change in concrete tank configuration from circular pre-stressed concrete to rectangular conventionally reinforced tank. This will result in additional storage capacity of 100,000 gallons when compared to existing tank. It also maximizes the use of aboveground space, which limits the need to find off-site storage that would be needed for managing excavated soils for a deeper circular tank design. This is particularly important because off-site storage can be difficult to secure for construction projects and can result in a significant project expense.
- Provision of a motorized swing gate at entrance with remote operation, which is an important safety feature for staff trying to enter and exit from a narrow site adjacent a heavily-trafficked road (Foothill Boulevard).

**Consideration to Approve a First Amendment to the Professional Services Agreement with John Robinson Consulting Incorporated for the Upper Reservoir Replacement Engineering Design Services** Page 3 of 3

The additional cost to complete these tasks is \$75,454 bringing the amended total for the contract with John Robinson Consulting to \$545,345.

With the Upper Reservoir Replacement Project being funded through a \$5,000,000 reimbursable grant from the California Department of Water Resources (CDWR), the City is required to obtain permission before authorizing the use of grant funds to pay for the additional work. These funds were appropriated through an agreement with the CDWR in FY 2018-2019. The City is requesting a grant fund redistribution from the CDWR that would reduce the Project Construction allocation by \$75,454 and increase the Project Planning and Design allocation by the same amount, resulting in the same overall grant allocation. Staff anticipates that the overall project design and construction costs will still fall within the original grant amount \$5,000,000.

#### **BUDGET IMPACT:**

Staff does not anticipate that the CDWR will reject its request for grant fund redistribution, since it is not requesting additional funding to complete the overall scope of work through final construction. However, in case the request is rejected, funding for the additional \$75,454 would be transferred from available funds in 070-385-0000-4270: Water Capital Projects – Professional Services.

#### CONCLUSION:

It is recommended that the City Council approve the First Amendment to John Robinson Consulting's Contract No. 1912 for design services related to the Upper Reservoir Replacement Project and execute the Amendment.

#### ATTACHMENTS:

- A. Contract No. 1912 (a)
- B. Contract No. 1912

ATTACHMENT "A" CONTRACT NO. 1912(a)

#### 2020

# FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT (John Robinson Consulting Incorporated (John Robinson Consulting) - Upper Reservoir Replacement Engineering Design Services)

THIS 2020 FIRST AMENDMENT ("First Amendment") to that certain agreement entitled "Professional Services Agreement – John Robinson Consulting Incorporated (John Robinson Consulting) - Upper Reservoir Replacement Engineering Design Services" originally executed 17<sup>th</sup> day of June, 2019 by and between the CITY OF SAN FERNANDO, a municipal corporation and general law city ("CITY") and JOHN ROBINSON CONSULTING, a California corporation (hereinafter, "CONSULTANT" is made and entered into this 5<sup>th</sup> day of October, 2020 ("Effective Date"). For purposes of this First Amendment, the capitalized term "Parties" shall be a collective reference to both CITY and CONSULTANT. The capitalized term "Party" may refer to either CITY or CONSULTANT interchangeably as appropriate.

#### RECITALS

WHEREAS, the Parties executed and entered into an employment agreement dated June 17, 2019 and entitled "Professional Services Agreement – John Robinson Consulting Incorporated (John Robinson Consulting) - Upper Reservoir Replacement Engineering Design Services", Contract No. 1912 (hereinafter, the "Master Agreement"); and

WHEREAS, the Parties now wish to modify the Master Agreement further for purposes of modifying the Master Agreement's compensation terms; and

WHEREAS, execution of this First Amendment was approved by the San Fernando City Council ("City Council") at its Regular Meeting of October 5, 2020.

NOW, THEREFORE, in consideration of the mutual agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound hereby, the Parties agree as follows:

SECTION 1. The Not-to-Exceed Sum as defined under Section 1.3 of the Master Agreement is hereby amended to mean and refer to the sum of Five Hundred and Forty-Five Thousand, Three Hundred and Forty-Five Dollars (\$545,345.00).

SECTION 2. Notwithstanding anything in the Master Agreement or the First Amendment to the contrary, CONSULTANT shall perform the various services and tasks set forth in the Scope of Services in accordance with the performance scheduled entitled "Additional Scope of Services" which is attached and incorporated hereto as **Exhibit "A"**).

SECTION 3. Except as otherwise set forth in this First Amendment, the Master Agreement shall remain binding, controlling and in full force and effect. The provisions of this First Amendment shall be deemed a part of the Master Agreement and except as otherwise provided under this First Amendment, the Master Agreement and all provisions contained therein shall remain binding and enforceable. In the event of any conflict or inconsistency between the provisions of this First Amendment shall govern and control, but only in so far as such provisions conflict with the Master Agreement and no further.

SECTION 4. The Master Agreement as amended by way of this First Amendment, constitutes the entire, complete, final and exclusive expression of the Parties with respect to the matters addressed herein and supersedes all other agreements or understandings, whether oral or written, or entered into between CITY and CONSULTANT prior to the execution of this First Amendment. No statements, representations or other agreements, whether oral or written, made by any Party which are not embodied herein shall be valid or binding. No amendment, modification or supplement to the Master Agreement as amended by this First Amendment shall be valid and binding unless in writing and duly executed by the Parties in the form of a written contract amendment.

IN WITNESS WHEREOF, the Parties hereto have caused this First Amendment to be executed on the day and year first appearing above.

CONTRACT NO. 1912(a)

# CITY:

**City of San Fernando** 

# CONSULTANT

#### John Robinson Consulting

By
----

Joel Fajardo Mayor

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

\_\_\_\_\_

# **APPROVED AS TO FORM**

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

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

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

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

By:	
Name:	
Title:	

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

3

## EXHIBIT A

#### **Additional Scope of Services**

**Task 1.2 – Geotechnical Investigation** – Converse Consultants, based on the draft geotechnical investigation report, is required to complete extra evaluation, engineering analysis, and drafting.

Task 1.3 – Utility Research and Task 2.1 – 60% Design Documents (Civil Discipline) – Kennedy/Jenks, based on the direction on the draft preliminary design report, are adding effort to accommodate the following design changes:

- Addition of piping modifications at the Hubbard pump station site including two (2) new civil sheets, one civil plan, based on additional survey to be provided by the surveyor, and one new additional set of details for the piping connections at that location.
- Add site lighting attached to both tanks using LED lights.
- Add 2-foot deep concrete curb at south fence line.
- Change concrete tank configuration from circular pre-stressed concrete to rectangular conventionally reinforced tank, resulting in three additional structural sheets being added for additional detailing.
- Provision of a motorized swing gate with remote operation.

**Task 1.4 – Topographic Survey** – On-Line Engineering, based on the addition of piping modifications at the Hubbard pump station site, would provide additional survey to support the civil design.

**Task 2.4 – Traffic Control Plans** – JMDiaz, based on the addition of piping modifications at the Hubbard pump station site, would provide additional traffic control for the future construction of the pipeline modifications at the Hubbard pump station.

**Task 4.1 Project Management and Administration** – John Robinson Consulting is not requesting any additional compensation for the above effort as we believe this work will not impact the project schedule and can be incorporated into the existing quality assurance/quality control review of the overall project.

#### **Project Schedule:**

The additional scope of services would not impact the schedule for the overall project design.

#### **Additional Compensation:**

The following is fee breakdown of our fee for each discipline. The fee will be on a time and materials basis, not to exceed \$75,454.

Task No.	Project Task	<b>Total Fee</b>
1.2	Geotechnical Investigation	\$2,560
1.3 and 2.1	Utility Research / 60% Design	\$60,674
1.4	Topographic Survey	\$2,500
2.4	Traffic Control Plans	\$9,720
4.1	Project Management	\$0
	Total Not-to-Exceed Fee:	\$75,454

Per the April 9, 2019 proposal, JRC will not mark-up any of our Project Team invoices and pass those savings back to the City.

ATTACHMENT "B"



CONTRACT NO. 1912

# **PROFESSIONAL SERVICES AGREEMENT**

Upper Reservoir Replacement Engineering Design

THIS PROFESSIONAL SERVICES AGREEMENT ("Agreement") is made and entered into this 17<sup>th</sup> day of June 2019, by and between the CITY OF SAN FERNANDO, a municipal corporation ("CITY") and JOHN ROBINSON CONSULTING, INCORPORATED ("CONSULTANT"). For the purposes of this Agreement CITY and CONSULTANT may be referred to collectively by the capitalized term "Parties." The capitalized term "Party" may refer to CITY or CONSULTANT interchangeably.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions herein contained, CITY and CONSULTANT agree as follows:

# I. ENGAGEMENT TERMS

- 1.1 <u>SCOPE OF WORK</u>: Subject to the terms and conditions set forth in this Agreement and all exhibits attached and incorporated hereto, CONSULTANT agrees to perform the services and tasks set forth in **Exhibit "1"** (hereinafter referred to as the **"Scope of Work"**). CONSULTANT further agrees to furnish to CITY all labor, materials, tools, supplies, equipment, services, tasks and incidental and customary work necessary to competently perform and timely complete the services and tasks set forth in the Scope of Work. For the purposes of this Agreement the aforementioned services and tasks set forth in the Scope of Work. The purposes of this Agreement the aforementioned services and tasks set forth in the Scope of Work. The purposes of this Agreement the aforementioned services and tasks set forth in the Scope of Work shall hereinafter be referred to generally by the capitalized term "Work." CONSULTANT shall not commence with the performance of the Work until such time as CITY issues a written Notice to Proceed.
- 1.2 <u>TERM</u>: The term of this Agreement shall commence upon the date it is signed by all of the Parties (the "Effective Date") and shall terminate on February 28, 2022.

# 1.3 PROSECUTION OF WORK:

A. CONSULTANT shall perform the Work contemplated under this Agreement on an asneeded, as requested basis for the Term of this Agreement and any extension term. Nothing in this Agreement shall be construed to grant CONSULTANT the exclusive right to perform any of the types of services or tasks contemplated under this Agreement nor shall anything in this Agreement be construed to entitle CONSULTANT to the receipt of any sums under this Agreement, except to the extent CITY requests the performance of any Work in the manner described below and such Work is in fact performed and completed by CONSULTANT and accepted by CITY. CITY requests for the performance of
specific services or tasks contemplated under this Agreement shall be made in the form of a written work order(s) issued by the City Representative (each such written request hereinafter referred to as a "Work Order"). Each Work Order shall include the following information:

- 1. A detailed description of the specific services or tasks requested;
- 2. The location of where the particular services or tasks are to be performed;
- 3. A not-to-exceed budget for performing the services or tasks;
- 4. A timeline for completing the services or tasks requested
- 5. Any other information the CITY deems necessary and relevant to the requested services or tasks; and
- 6. The signature of the City Representative, confirming that the services or tasks have been authorized by the City Representative.
- B. CONSULTANT shall perform no Work under this Agreement without a written request from the City Representative, containing the information set forth in Section 1.2A above.
- C. Time is of the essence in the performance of Work under this Agreement, and in the absence of a specific schedule or other instructions from the City Representative, CONSULTANT shall begin and complete performance of the Work to completion in a timely and diligent manner.

#### 1.3 COMPENSATION:

- A. CONSULTANT shall perform the various services and tasks contemplated under this Agreement in accordance with the schedule of hourly rates and charges set forth in that certain document attached and incorporated hereto as **Exhibit "2"** and entitled "Approved Rate Schedule" (hereinafter, the "Approved Rate Schedule").
- B. Section 1.3A notwithstanding, CONSULTANT's total compensation during the Term of this Agreement shall not exceed the budgeted aggregate sum of FOUR HUNDRED SIXTY NINE THOUSAND – EIGHT HUNDRED NINETY ONE (\$469,891) (hereinafter, the "Not-to-Exceed Sum"). CONSULTANT further agrees that the Not-to-Exceed Sum is inclusive of compensation for all labor, materials, tools, supplies, equipment, services, tasks and incidental and customary work necessary to competently perform and timely complete the Work. For purposes of this Agreement, the term "fiscal year" means a period of time commencing on July 1<sup>st</sup> of a calendar year and ending on June 30<sup>th</sup> of the calendar year immediately following.
- C. In the event CONSULTANT's charges are projected to exceed the Not-to-Exceed Sum prior to the expiration of the Term, CITY may suspend CONSULTANT's performance

pending CITY approval of any anticipated expenditures in excess of the Not-to-Exceed Sum or any other CITY-approved amendment to the compensation terms of this Agreement.

- D. Following the conclusion of Work requested pursuant to 1.2, above, CONSULTANT shall submit to CITY an itemized invoice indicating the services and tasks performed and the reimbursable out-of-pocket expenses incurred. If the amount of CONSULTANT's compensation includes hours worked by CONSULTANT's personnel, the invoice shall indicate the number of hours worked in connection with the specific service or task requested, the persons responsible for performing the Work, the rate of compensation at which such services and tasks were performed, the subtotal for each task and service performed and a grand total for all services performed. Within thirty (30) calendar days of receipt of each invoice, CITY shall notify CONSULTANT in writing of any disputed amounts included in the invoice. Within forty-five (45) calendar day of receipt of each invoice, CITY shall not withhold applicable taxes or other authorized deductions from payments made to CONSULTANT.
- 1.4 <u>ACCOUNTING RECORDS</u>: CONSULTANT shall maintain complete and accurate records with respect to all matters covered under this Agreement for a period of three (3) years after the expiration or termination of this Agreement. CITY shall have the right to access and examine such records, without charge, during normal business hours. CITY shall further have the right to audit such records, to make transcripts therefrom and to inspect all program data, documents, proceedings, and activities.
- 1.5 <u>ABANDONMENT BY CONSULTANT</u>: In the event CONSULTANT ceases to perform the Work agreed to under this Agreement or otherwise abandons the undertaking contemplated herein prior to the expiration of this Agreement or prior to completion of any or all tasks set forth in the Scope of Work, CONSULTANT shall deliver to CITY immediately and without delay, all materials, records and other work product prepared or obtained by CONSULTANT in the performance of this Agreement. Furthermore, CONSULTANT shall only be compensated for the reasonable value of the services, tasks and other Work performed up to the time of cessation or abandonment, less a deduction for any damages, costs or additional expenses which CITY may incur as a result of CONSULTANT's cessation or abandonment.

#### II. PERFORMANCE OF AGREEMENT

2.1 <u>CITY'S REPRESENTATIVES</u>: The CITY hereby designates the DIRECTOR OF PUBLIC WORKS/CITY ENGINEER (hereinafter, the "CITY Representatives") to act as its representatives for the performance of this Agreement. The DIRECTOR OF PUBLIC WORKS/CITY ENGINEER shall be the chief CITY Representative. The CITY

Representatives or their designee shall act on behalf of the CITY for all purposes under this Agreement. CONSULTANT shall not accept directions or orders from any person other than the CITY Representatives or their designee.

- 2.2 <u>CONSULTANT REPRESENTATIVE</u>: CONSULTANT hereby designates John Robinson, Principal, to act as its representative for the performance of this Agreement (hereinafter, the "CONSULTANT Representative"). CONSULTANT Representative shall have full authority to represent and act on behalf of the CONSULTANT for all purposes under this Agreement. CONSULTANT Representative or his designee shall supervise and direct the performance of the Work, using his best skill and attention, and shall be responsible for all means, methods, techniques, sequences and procedures and for the satisfactory coordination of all portions of the Work under this Agreement. Notice to the CONSULTANT Representative shall constitute notice to CONSULTANT.
- 2.3 <u>COORDINATION OF SERVICE; CONFORMANCE WITH REQUIREMENTS</u>: CONSULTANT agrees to work closely with CITY staff in the performance of the Work and this Agreement and shall be available to CITY staff and the CITY Representatives at all reasonable times. All work prepared by CONSULTANT shall be subject to inspection and approval by CITY Representatives or their designees.
- 2.4 <u>STANDARD OF CARE; PERFORMANCE OF EMPLOYEES</u>: CONSULTANT represents, acknowledges and agrees to the following:
  - A. CONSULTANT shall perform all Work skillfully, competently and to the highest standards of CONSULTANT's profession;
  - B. CONSULTANT shall perform all Work in a manner reasonably satisfactory to the CITY;
  - C. CONSULTANT shall comply with all applicable federal, state and local laws and regulations, including the conflict of interest provisions of Government Code Section 1090 and the Political Reform Act (Government Code Section 81000 et seq.);
  - D. CONSULTANT understands the nature and scope of the Work to be performed under this Agreement as well as any and all schedules of performance:
  - E. All of CONSULTANT's employees and agents possess sufficient skill, knowledge, training and experience to perform those services and tasks assigned to them by CONSULTANT; and
  - F. All of CONSULTANT's employees and agents (including but not limited subcontractors and subconsultants) possess all licenses, permits, certificates, qualifications and approvals of whatever nature that are legally required to perform the tasks and services contemplated under this Agreement and all such

licenses, permits, certificates, qualifications and approvals shall be maintained throughout the term of this Agreement and made available to CITY for copying and inspection.

The Parties acknowledge and agree that CONSULTANT shall perform, at CONSULTANT's own cost and expense and without any reimbursement from CITY, any services necessary to correct any errors or omissions caused by CONSULTANT's failure to comply with the standard of care set forth under this Section or by any like failure on the part of CONSULTANT's employees, agents, contractors, subcontractors and subconsultants. Such effort by CONSULTANT to correct any errors or omissions shall be commenced immediately upon their discovery by either Party and shall be completed within seven (7) calendars days from the date of discovery or such other extended period of time authorized by the CITY Representatives in writing and in their sole and absolute discretion. The Parties acknowledge and agree that CITY's acceptance of any work performed by CONSULTANT or on CONSULTANT's behalf shall not constitute a release of any deficiency or delay in performance. The Parties further acknowledge, understand and agree that CITY has relied upon the foregoing representations of CONSULTANT, including but not limited to the representation that CONSULTANT possesses the skills, training, knowledge and experience necessary to perform the Work skillfully, competently and to the highest standards of CONSULTANT's profession.

- 2.5 <u>ASSIGNMENT</u>: The skills, training, knowledge and experience of CONSULTANT are material to CITY's willingness to enter into this Agreement. Accordingly, CITY has an interest in the qualifications and capabilities of the person(s) who will perform the services and tasks to be undertaken by CONSULTANT or on behalf of CONSULTANT in the performance of this Agreement. In recognition of this interest, CONSULTANT agrees that it shall not assign or transfer, either directly or indirectly or by operation of law, this Agreement or the performance of any of CONSULTANT's duties or obligations under this Agreement without the prior written consent of the CITY. In the absence of CITY's prior written consent, any attempted assignment or transfer shall be ineffective, null and void and shall constitute a material breach of this Agreement.
- 2.6 <u>CONTROL AND PAYMENT OF SUBORDINATES; INDEPENDENT CONTRACTOR</u>: The Work shall be performed by CONSULTANT or under CONSULTANT's strict supervision. CONSULTANT will determine the means, methods and details of performing the Work subject to the requirements of this Agreement. CITY retains CONSULTANT on an independent contractor basis and not as an employee. CONSULTANT reserves the right to perform similar or different services for other principals during the term of this Agreement, provided such work does not unduly interfere with CONSULTANT's competent and timely performance of the Work contemplated under this Agreement and provided the performance of such services does not result in the unauthorized disclosure of CITY's confidential or proprietary information. Any additional personnel performing the Work under this Agreement on behalf of CONSULTANT are not employees of CITY and shall at all times be under CONSULTANT's exclusive direction and

control. CONSULTANT shall pay all wages, salaries and other amounts due such personnel and shall assume responsibility for all benefits, payroll taxes, Social Security and Medicare payments and the like. CONSULTANT shall be responsible for all reports and obligations respecting such additional personnel, including, but not limited to: Social Security taxes, income tax withholding, unemployment insurance, disability insurance, workers' compensation insurance and the like.

- 2.7 <u>REMOVAL OF EMPLOYEES OR AGENTS</u>: If any of CONSULTANT's officers, employees, agents, contractors, subcontractors or subconsultants is determined by the CITY Representatives to be uncooperative, incompetent, a threat to the adequate or timely performance of the tasks assigned to CONSULTANT, a threat to persons or property, or if any of CONSULTANT's officers, employees, agents, contractors, subcontractors or subconsultants fail or refuse to perform the Work in a manner acceptable to the CITY, such officer, employee, agent, contractor, subcontractor or subconsultant shall be promptly removed by CONSULTANT and shall not be reassigned to perform any of the Work.
- 2.8 <u>COMPLIANCE WITH LAWS</u>: CONSULTANT shall keep itself informed of and in compliance with all applicable federal, state or local laws to the extent such laws control or otherwise govern the performance of the Work. CONSULTANT's compliance with applicable laws shall include, without limitation, compliance with all applicable Cal/OSHA requirements.
- 2.9 <u>NON-DISCRIMINATION</u>: In the performance of this Agreement, CONSULTANT shall not discriminate against any employee, subcontractor, subconsultant, or applicant for employment because of race, color, creed, religion, sex, marital status, sexual orientation, national origin, ancestry, age, physical or mental disability or medical condition.
- 2.10. <u>INDEPENDENT CONTRACTOR STATUS</u>: The Parties acknowledge, understand and agree that CONSULTANT and all persons retained or employed by CONSULTANT are, and shall at all times remain, wholly independent contractors and are not officials, officers, employees, departments or subdivisions of CITY. CONSULTANT shall be solely responsible for the negligent acts and/or omissions of its employees, agents, contractors, subcontractors and subconsultants. CONSULTANT and all persons retained or employed by CONSULTANT shall have no authority, express or implied, to bind CITY in any manner, nor to incur any obligation, debt or liability of any kind on behalf of, or against, CITY, whether by contract or otherwise, unless such authority is expressly conferred to CONSULTANT under this Agreement or is otherwise expressly conferred by CITY in writing.

#### III. INSURANCE

- 3.1 <u>DUTY TO PROCURE AND MAINTAIN INSURANCE</u>: Prior to the beginning of and throughout the duration of the Work, CONSULTANT will procure and maintain policies of insurance that meet the requirements and specifications set forth under this Article. CONSULTANT shall procure and maintain the following insurance coverage, at its own expense:
  - A. <u>Commercial General Liability Insurance</u>: CONSULTANT shall procure and maintain Commercial General Liability Insurance ("CGL Coverage") as broad as Insurance Services Office Commercial General Liability coverage (occurrence Form CG 0001) or its equivalent. Such CGL Coverage shall have minimum limits of no less than One Million Dollars (\$1,000,000.00) per occurrence and Two Million Dollars (\$2,000,000.00) in the general aggregate for bodily injury, personal injury, property damage, operations, products and completed operations, and contractual liability.
  - B. <u>Automobile Liability Insurance</u>: CONSULTANT shall procure and maintain Automobile Liability Insurance as broad as Insurance Services Office Form Number CA 0001 covering Automobile Liability, Code 1 (any auto). Such Automobile Liability Insurance shall have minimum limits of no less than One Million Dollars (\$1,000,000.00) per accident for bodily injury and property damage.
  - C. <u>Workers' Compensation Insurance/ Employer's Liability Insurance</u>: A policy of workers' compensation insurance in such amount as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for both CONSULTANT and CITY against any loss, claim or damage arising from any injuries or occupational diseases occurring to any worker employed by or any persons retained by CONSULTANT in the course of carrying out the Work contemplated in this Agreement.
  - D. <u>Errors & Omissions Insurance</u>: For the full term of this Agreement and for a period of three (3) years thereafter, CONSULTANT shall procure and maintain Errors and Omissions Liability Insurance appropriate to CONSULTANT's profession. Such coverage shall have minimum limits of no less than One Million Dollars (\$1,000,000.00) per occurrence and shall be endorsed to include contractual liability.
- 3.2 <u>ADDITIONAL INSURED REQUIREMENTS</u>: The CGL Coverage and the Automobile Liability Insurance shall contain an endorsement naming the CITY and CITY's elected and appointed officials, officers, employees, agents and volunteers as additional insureds.
  - 3.3 <u>REQUIRED CARRIER RATING</u>: All varieties of insurance required under this Agreement shall be procured from insurers admitted in the State of California and authorized to

issue policies directly to California insureds. Except as otherwise provided elsewhere under this Article, all required insurance shall be procured from insurers who, according to the latest edition of the Best's Insurance Guide, have an A.M. Best's rating of no less than A:VII. CITY may also accept policies procured by insurance carriers with a Standard & Poor's rating of no less than BBB according to the latest published edition the Standard & Poor's rating guide. As to Workers' Compensation Insurance/ Employer's Liability Insurance, the CITY Representatives are authorized to authorize lower ratings than those set forth in this Section.

- 3.4 <u>PRIMACY OF CONSULTANT'S INSURANCE</u>: All policies of insurance provided by CONSULTANT shall be primary to any coverage available to CITY or CITY's elected or appointed officials, officers, employees, agents or volunteers. Any insurance or self-insurance maintained by CITY or CITY's elected or appointed officials, officers, employees, agents or volunteers shall be in excess of CONSULTANT's insurance and shall not contribute with it.
- 3.5 <u>WAIVER OF SUBROGATION</u>: All insurance coverage provided pursuant to this Agreement shall not prohibit CONSULTANT or CONSULTANT's officers, employees, agents, subcontractors or subconsultants from waiving the right of subrogation prior to a loss. CONSULTANT hereby waives all rights of subrogation against CITY.
- 3.6 <u>VERIFICATION OF COVERAGE</u>: CONSULTANT acknowledges, understands and agrees, that CITY's ability to verify the procurement and maintenance of the insurance required under this Article is critical to safeguarding CITY's financial well-being and, indirectly, the collective well-being of the residents of the CITY. Accordingly, CONSULTANT warrants, represents and agrees that its shall furnish CITY with original certificates of insurance and endorsements evidencing the coverage required under this Article on forms satisfactory to CITY in its sole and absolute discretion. The certificates of insurance and endorsements for each insurance policy shall be signed by a person authorized by that insurer to bind coverage on its behalf, and shall be on forms provided by the CITY if requested. All certificates of insurance and endorsements of insurance and endorsement of any work or any of the Work. Upon CITY's written request, CONSULTANT shall also provide CITY with certified copies of all required insurance policies and endorsements.

#### IV. INDEMNIFICATION

4.1 The Parties agree that CITY and CITY's elected and appointed officials, officers, employees, agents and volunteers (hereinafter, the "CITY Indemnitees") should, to the fullest extent permitted by law, be protected from any and all loss, injury, damage, claim, lawsuit, cost, expense, attorneys' fees, litigation costs, or any other cost arising out of or in any way related to the performance of this Agreement. Accordingly, the provisions of this indemnity provision are intended by the Parties to be interpreted and construed to provide the CITY Indemnitees with the fullest protection possible under

the law. CONSULTANT acknowledges that CITY would not enter into this Agreement in the absence of CONSULTANT's commitment to indemnify, defend and protect CITY as set forth herein.

- WORK OF CONSULTANT'S DESIGN PROFESSIONALS SERVICES: The duty to indemnify, 4.2 defend and hold harmless as set forth under this subsection shall apply to the negligence, recklessness or willful misconduct of any individual who qualifies as a "design professional" within the meaning of subsection (c)(2) of Section 2782.8 of the California Civil Code in so far as such negligence, recklessness or willful misconduct occurs in the performance, work or activities that must be performed by a "design professional." Subject to the limitation of the preceding sentence, to the fullest extent permitted by law, CONSULTANT shall immediately defend and indemnify and hold harmless the City Indemnities, defined above, from and against any and all liability, loss, damage, expense, cost (including without limitation reasonable attorneys' fees, expert fees and all other costs and fees of litigation) of every nature arising out of the negligence, recklessness, or willful misconduct of CONSULTANT or any of CONSULTANT's officers, employees, servants, agents, contractors, subcontractors or authorized volunteers or any other person or entity involved by, for, or with or on behalf of CONSULTANT in the performance of design professional services under this Agreement. The Parties understand and agree that the duty of CONSULTANT to indemnify, defend and hold harmless pursuant to this subsection includes the duty to defend as set forth in Section 2778 of the California Civil Code. CONTRACTOR's obligation to indemnify applies unless it is finally adjudicated that the liability was caused by the sole active negligence or sole willful misconduct of an indemnified party. If it is finally adjudicated that liability is caused by the comparative active negligence or willful misconduct of an indemnified party, then CONSULTANT's indemnification obligation shall be reduced in proportion to the established comparative liability.
- WORK OF ALL OTHER PERSONS/NON-DESIGN PROFESSIONALS: Except as otherwise 4.3 provided under Section 4.2 of this Article, above, to the fullest extent permitted by law, CONSULTANT shall indemnify, defend and hold harmless the CITY Indemnitees from and against all liability, loss, damage, expense, cost (including without limitation reasonable attorneys' fees, expert fees and all other costs and fees of litigation) of every nature to the extent caused by CONSULTANT's negligent performance under this Agreement, including but not limited to the negligent acts, errors or omissions of CONSULTANT or CONSULTANT's officers, employees, agents, servants, contractors, subcontractors or subconsultants or the failure of the same to comply with any of the duties, obligations or standards of care set forth herein. The duty to indemnify, defend and hold harmless under this subsection shall not encompass a duty to indemnity, defend or hold harmless for liability, loss, suit, damage, expense, or cost caused by the negligence or willful misconduct of any or all of the City Indemnitees. The duty to indemnify, defend and hold harmless as set forth under this subsection is intended to encompass liabilities, losses, damages, expense and costs not otherwise subject to subsection 4.2, above.

- 4.4 As to the duties to indemnify under Sections 4.1 and 4.2 of this Article, above, CITY shall have the right to offset against the amount of any compensation due CONSULTANT under this Agreement any amount due CITY from CONSULTANT as a result of CONSULTANT's failure to pay CITY promptly any indemnification arising under this Article and related to CONSULTANT's failure to either (i) pay taxes on amounts received pursuant to this Agreement or (ii) comply with applicable workers' compensation laws.
- 4.5 As to the duties to indemnify under Sections 4.1 and 4.2 of this Article, above, the obligations of CONSULTANT under this Article will not be limited by the provisions of any workers' compensation act or similar act. CONSULTANT expressly waives its statutory immunity under such statutes or laws as to CITY and CITY's elected and appointed officials, officers, employees, agents and authorized volunteers.
- 4.6 As to the duties to indemnify under Sections 4.1 and 4.2 of this Article, above, CONSULTANT agrees to obtain executed indemnity agreements with provisions identical to those set forth here in this Article from each and every subcontractor or any other person or entity involved by, for, with or on behalf of CONSULTANT in the performance of this Agreement. In the event CONSULTANT fails to obtain such indemnity obligations from others as required herein, CONSULTANT agrees to be fully responsible and indemnify, hold harmless and defend CITY and CITY's elected and appointed officials, officers, employees, agents and authorized volunteers from and against any and all claims and losses, costs or expenses for any damage due to death or injury to any person and injury to any property resulting from any alleged intentional, reckless, negligent, or otherwise wrongful acts, errors or omissions of CONSULTANT's subcontractors or any other person or entity involved by, for, with or on behalf of CONSULTANT in the performance of this Agreement. Such costs and expenses shall include reasonable attorneys' fees incurred by counsel of CITY's choice.
- 4.7 As to the duties to indemnify under Sections 4.1 and 4.2 of this Article, above, CITY does not, and shall not, waive any rights that it may possess against CONSULTANT because of the acceptance by CITY, or the deposit with CITY, of any insurance policy or certificate required pursuant to this Agreement. This hold harmless and indemnification provision shall apply regardless of whether or not any insurance policies are determined to be applicable to the claim, demand, damage, liability, loss, cost or expense.
- 4.8 As to the duties to indemnify under Sections 4.1 and 4.2 of this Article, above, the duties to indemnify, defend and hold harmless as set forth under this Section, shall survive the early termination or normal expiration of this Agreement and shall be in addition to any other rights or remedies which the CITY may have at law or in equity.

#### V. TERMINATION

5.1 <u>TERMINATION WITHOUT CAUSE</u>: CITY may terminate this Agreement at any time for convenience and without cause by giving CONSULTANT a minimum of five (5) calendar

days prior written notice of CITY's intent to terminate this Agreement. Upon such termination for convenience, CONSULTANT shall be compensated only for those services and tasks which have been performed by CONSULTANT up to the effective date of the termination. CONSULTANT may not terminate this Agreement except for cause as provided under Section 5.2, below. If this Agreement is terminated as provided herein, CITY may require CONSULTANT to provide all finished or unfinished Documents and Data, as defined in Section 6.1 below, and other information of any kind prepared by CONSULTANT in connection with the performance of the Work. CONSULTANT shall be required to provide such Documents and Data within fifteen (15) calendar days of CITY's written request. No actual or asserted breach of this Agreement on the part of CITY pursuant to Section 5.2, below, shall operate to prohibit or otherwise restrict CITY's ability to terminate this Agreement for convenience as provided under this Section.

### 5.2 EVENTS OF DEFAULT; BREACH OF AGREEMENT:

- A. In the event either Party fails to perform any duty, obligation, service or task set forth under this Agreement (or fails to timely perform or properly perform any such duty, obligation, service or task set forth under this Agreement), an event of default (hereinafter, "Event of Default") shall occur. For all Events of Default, the Party alleging an Event of Default shall give written notice to the defaulting Party (hereinafter referred to as a "Default Notice") which shall specify: (i) the nature of the Event of Default; (ii) the action required to cure the Event of Default; (iii) a date by which the Event of Default shall be cured, which shall not be less than the applicable cure period set forth under Sections 5.2.B and 5.2C below or if a cure is not reasonably possible within the applicable cure period, to begin such cure and diligently prosecute such cure to completion. The Event of Default shall constitute a breach of this Agreement if the defaulting Party fails to cure the Event of Default within the applicable cure period or any extended cure period allowed under this Agreement.
- B. CONSULTANT shall cure the following Events of Defaults within the following time periods:
  - i. Within three (3) business days of CITY's issuance of a Default Notice for any failure of CONSULTANT to timely provide CITY or CITY's employees or agents with any information and/or written reports, documentation or work product which CONSULTANT is obligated to provide to CITY or CITY's employees or agents under this Agreement. Prior to the expiration of the 3-day cure period, CONSULTANT may submit a written request for additional time to cure the Event of Default upon a showing that CONSULTANT has commenced efforts to cure the Event of Default and that the Event of Default cannot be reasonably cured within the 3-day cure period. The foregoing notwithstanding, CITY shall be under no obligation to grant additional time

for the cure of an Event of Default under this Section 5.2 B.i. that exceeds seven (7) calendar days from the end of the initial 3-day cure period; or

ii. Within fourteen (14) calendar days of CITY's issuance of a Default Notice for any other Event of Default under this Agreement. Prior to the expiration of the 14-day cure period, CONSULTANT may submit a written request for additional time to cure the Event of Default upon a showing that CONSULTANT has commenced efforts to cure the Event of Default and that the Event of Default cannot be reasonably cured within the 14-day cure period. The foregoing notwithstanding, CITY shall be under no obligation to grant additional time for the cure of an Event of Default under this Section 5.2B.ii that exceeds thirty (30) calendar days from the end of the initial 14day cure period.

In addition to any other failure on the part of CONSULTANT to perform any duty, obligation, service or task set forth under this Agreement (or the failure to timely perform or properly perform any such duty, obligation, service or task), an Event of Default on the part of CONSULTANT shall include, but shall not be limited to the following: (i) CONSULTANT's refusal or failure to perform any of the services or tasks called for under the Scope of Services; (ii) CONSULTANT's failure to fulfill or perform its obligations under this Agreement within the specified time or if no time is specified, within a reasonable time; (iii) CONSULTANT's and/or its employees' disregard or violation of any federal, state, local law, rule, procedure or regulation; (iv) the initiation of proceedings under any bankruptcy, insolvency, receivership, reorganization, or similar legislation as relates to CONSULTANT, whether voluntary of involuntary; (v) CONSULTANT's refusal or failure to perform or observe any covenant, condition, obligation or provision of this Agreement; and/or (vii) CITY's discovery that a statement representation or warranty by CONSULTANT relating to this Agreement is false, misleading or erroneous in any material respect.

- C. CITY shall cure any Event of Default asserted by CONSULTANT within forty-five (45) calendar days of CONSULTANT's issuance of a Default Notice, unless the Event of Default cannot reasonably be cured within the 45-day cure period. Prior to the expiration of the 45-day cure period, CITY may submit a written request for additional time to cure the Event of Default upon a showing that CITY has commenced its efforts to cure the Event of Default and that the Event of Default cannot be reasonably cured within the 45-day cure period. The foregoing notwithstanding, an Event of Default dealing with CITY's failure to timely pay any undisputed sums to CONSULTANT as provided under Section 1.4, above, shall be cured by CITY within five (5) calendar days from the date of CONSULTANT's Default Notice to CITY.
- D. CITY, in its sole and absolute discretion, may also immediately suspend CONSULTANT's performance under this Agreement pending CONSULTANT's cure

of any Event of Default by giving CONSULTANT written notice of CITY's intent to suspend CONSULTANT's performance (hereinafter, a "Suspension Notice"). CITY may issue the Suspension Notice at any time upon the occurrence of an Event of Default. Upon such suspension, CONSULTANT shall be compensated only for those services and tasks which have been rendered by CONSULTANT to the reasonable satisfaction of CITY up to the effective date of the suspension. No actual or asserted breach of this Agreement on the part of CITY shall operate to prohibit or otherwise restrict CITY's ability to suspend this Agreement as provided herein.

- E. No waiver of any Event of Default or breach under this Agreement shall constitute a waiver of any other or subsequent Event of Default or breach. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel, or otherwise.
- F. The duties and obligations imposed under this Agreement and the rights and remedies available hereunder shall be in addition to and not a limitation of any duties, obligations, rights and remedies otherwise imposed or available by law. In addition to any other remedies available to CITY at law or under this Agreement in the event of any breach of this Agreement, CITY, in its sole and absolute discretion, may also pursue any one or more of the following remedies:
  - i. Upon written notice to CONSULTANT, the CITY may immediately terminate this Agreement in whole or in part;
  - ii. Upon written notice to CONSULTANT, the CITY may extend the time of performance;
  - iii. The CITY may proceed by appropriate court action to enforce the terms of the Agreement to recover damages for CONSULTANT's breach of the Agreement or to terminate the Agreement; or
  - iv. The CITY may exercise any other available and lawful right or remedy.

CONSULTANT shall be liable for all legal fees plus other costs and expenses that CITY incurs upon a breach of this Agreement or in the CITY's exercise of its remedies under this Agreement.

G. In the event CITY is in breach of this Agreement, CONSULTANT's sole remedy shall be the suspension or termination of this Agreement and/or the recovery of any unpaid sums lawfully owed to CONSULTANT under this Agreement for completed services and tasks.

- 5.3 <u>SCOPE OF WAIVER</u>: No waiver of any default or breach under this Agreement shall constitute a waiver of any other default or breach, whether of the same or other covenant, warranty, agreement, term, condition, duty or requirement contained in this Agreement. No waiver, benefit, privilege, or service voluntarily given or performed by a Party shall give the other Party any contractual rights by custom, estoppel, or otherwise.
- 5.4 <u>SURVIVING ARTICLES, SECTIONS AND PROVISIONS</u>: The termination of this Agreement pursuant to any provision of this Article or by normal expiration of its term or any extension thereto shall not operate to terminate any Article, Section or provision contained herein which provides that it shall survive the termination or normal expiration of this Agreement.

#### VI. MISCELLANEOUS PROVISIONS

- 6.1 DOCUMENTS & DATA; LICENSING OF INTELLECTUAL PROPERTY: All Documents and Data shall be and 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, drawings, designs, renderings, specifications, notes, summaries, strategies, charts, schedules, spreadsheets, calculations, lists, data compilations, documents or other materials developed and/or assembled by or on behalf of CONSULTANT in the performance of this Agreement and fixed in any tangible medium of expression, including but not limited to Documents and Data stored digitally, magnetically and/or electronically. This Agreement creates, at no cost to CITY, a perpetual license for CITY to copy, use, reuse, disseminate and/or retain any and all copyrights, designs, and other intellectual property embodied in all Documents and Data. CONSULTANT shall require all subcontractors and subconsultants working on behalf of CONSULTANT in the performance of this Agreement to agree in writing that CITY shall be granted the same right to copy, use, reuse, disseminate and retain Documents and Data prepared or assembled by any subcontractor or subconsultant as applies to Documents and Data prepared by CONSULTANT in the performance of this Agreement.
- 6.2 <u>CONFIDENTIALITY</u>: All data, documents, discussion, or other information developed or received by CONSULTANT or provided for performance of this Agreement are deemed confidential and shall not be disclosed by CONSULTANT without prior written consent by CITY. CITY shall grant such consent if disclosure is legally required. Upon request, all CITY data shall be returned to CITY upon the termination or expiration of this Agreement. CONSULTANT shall not use CITY's name or insignia, photographs, or any publicity pertaining to the Work in any magazine, trade paper, newspaper, television or radio production or other similar medium without the prior written consent of CITY.
- 6.3 <u>FALSE CLAIMS ACT</u>: CONSULTANT warrants and represents that neither CONSULTANT nor any person who is an officer of, in a managing position with, or has an ownership interest in CONSULTANT has been determined by a court or tribunal of competent

jurisdiction to have violated the False Claims Act, 31 U.S.C., Section 3789 et seq. and the California False Claims Act, Government Code Section 12650 et seq.

NOTICES: All notices permitted or required under this Agreement shall be given to the 6.4 respective Parties at the following addresses, or at such other address as the respective Parties may provide in writing for this purpose:

CITY:
Attn: Director of Public Works
117 Macneil Street
San Fernando, CA 91340
Phone: (818) 898-1222
Fax: (818) 361-6728

Such notices shall be deemed effective when personally delivered or successfully transmitted by facsimile as evidenced by a fax confirmation slip or when mailed, forty-eight (48) hours after deposit with the United States Postal Service, first class postage prepaid and addressed to the Party at its applicable address.

- COOPERATION; FURTHER ACTS: The Parties shall fully cooperate with one another, and 6.5 shall take any additional acts or sign any additional documents as is reasonably necessary, appropriate or convenient to achieve the purposes of this Agreement.
- SUBCONTRACTING: CONSULTANT shall not subcontract any portion of the Work 6.6 required by this Agreement, except as expressly stated herein, without the prior written Subcontracts (including without limitation subcontracts with approval of CITY. subconsultants), if any, shall contain a provision making them subject to all provisions stipulated in this Agreement, including provisions relating to insurance requirements and indemnification.
- 6.7 CITY'S RIGHT TO EMPLOY OTHER CONSULTANTS: CITY reserves the right to employ other contractors in connection with the various projects worked upon by CONSULTANT.
- PROHIBITED INTERESTS: CONSULTANT warrants, represents and maintains that it has 6.8 not employed nor retained any company or person, other than a bona fide employee working solely for CONSULTANT, to solicit or secure this Agreement. Further, CONSULTANT warrants and represents that it has not paid nor has it agreed to pay any company or person, other than a bona fide employee working solely for CONSULTANT, any fee, commission, percentage, brokerage fee, gift or other consideration contingent upon or resulting from the award or making of this Agreement. For breach or violation of this warranty, CITY shall have the right to rescind this Agreement without liability. For the term of this Agreement, no member, officer or employee of CITY, during the

term of his or her service with CITY, shall have any direct interest in this Agreement, or obtain any present or anticipated material benefit arising therefrom.

- 6.9 <u>TIME IS OF THE ESSENCE</u>: Time is of the essence for each and every provision of this Agreement.
- 6.10 <u>GOVERNING LAW AND VENUE</u>: This Agreement shall be interpreted and governed according to 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.
- 6.11 <u>ATTORNEYS' FEES</u>: If either Party commences an action against the other Party, either legal, administrative or otherwise, arising out of or in connection with this Agreement, the prevailing Party in such litigation shall be entitled to have and recover from the losing Party reasonable attorneys' fees and all other costs of such action.
- 6.12 <u>SUCCESSORS AND ASSIGNS</u>: This Agreement shall be binding on the successors and assigns of the Parties.
- 6.13 <u>NO THIRD PARTY BENEFIT</u>: There are no intended third party beneficiaries of any right or obligation assumed by the Parties. All rights and benefits under this Agreement inure exclusively to the Parties.
- 6.14 <u>CONSTRUCTION OF AGREEMENT</u>: This Agreement shall not be construed in favor of, or against, either Party but shall be construed as if the Parties prepared this Agreement together through a process of negotiation and with the advice of their respective attorneys.
- 6.15 <u>SEVERABILITY</u>: If any portion of this Agreement is declared invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.
- 6.16 <u>AMENDMENT; MODIFICATION</u>: No amendment, modification or supplement of this Agreement shall be valid or binding unless executed in writing and signed by both Parties, subject to CITY approval. The requirement for written amendments, modifications or supplements cannot be waived and any attempted waiver shall be void and invalid.
- 6.17 <u>CAPTIONS</u>: The captions of the various articles, sections and paragraphs are for convenience and ease of reference only, and do not define, limits, augment, or describe the scope, content, or intent of this Agreement.

- 6.18 <u>INCONSISTENCIES OR CONFLICTS</u>: In the event of any conflict or inconsistency between the provisions of this Agreement and any of the exhibits attached hereto, the provisions of this Agreement shall control.
- 6.19 <u>ENTIRE AGREEMENT</u>: This Agreement including all attached exhibits is the entire, complete, final and exclusive expression of the Parties with respect to the matters addressed herein and supersedes all other agreements or understandings, whether oral or written, or entered into between CITY and CONSULTANT prior to the execution of this Agreement. No statements, representations or other agreements, whether oral or written, made by any Party which are not embodied herein shall be valid or binding. No amendment, modification or supplement to this Agreement shall be valid and binding unless in writing and duly executed by the Parties pursuant to Section 6.15, above.
- 6.20 <u>COUNTERPARTS</u>: This Agreement shall be executed in three (3) original counterparts each of which shall be of equal force and effect. No handwritten or typewritten amendment, modification or supplement to any one counterparts shall be valid or binding unless made to all three counterparts in conformity with Section 6.16, above. One fully executed original counterpart shall be delivered to CONSULTANT and the remaining two original counterparts shall be retained by CITY.

(SIGNATURE PAGE TO FOLLOW)

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed the day and year first appearing in this Agreement, above.

By: Nick Kimball

City Manager

Richson F

PSS

By: Name: SOM V Title: F FIN

APPROVED AS TO FORM By: 0 Rick R. Olivarez, City Attorney

18

EXHIBIT "1"

April 9, 2019



Proposal for the

# UPPER RESERVOIR REPLACEMENT ENGINEERING DESIGN







April 9, 2019





Yazdan Emrani, P.E. Director of Public Works/City Engineer City of San Fernando 117 Macneil Street San Fernando, CA 91340

Subject: Proposal for Upper Reservoir Replacement Engineering Design

Dear Mr. Emrani:

You can place your trust in the John Robinson Consulting and Kennedy Jenks (JRC/KJ) team to provide extensive technical expertise, relevant project experience, and thorough understanding of your needs for the Upper Reservoir Replacement Engineering Design Project. Here is what makes our team unique:

- We Provide Decades of Technical Expertise to Develop Your Project | The JRC/KJ team has been providing water facility design services for 100 years to our clients throughout California and the West Coast. Our technical leadership team of John Robinson (Project Manager), David Ferguson (Design Manager), and Don Barraza (Reservoir Design) has a combined 97 years of experience and has successfully delivered over 100 reservoir design projects.
- We Will Provide a Reliable and Safe Reservoir | Based on our extensive experience with similar reservoir projects, we will provide the City with a reliable and safe facility that will provide uninterrupted water service for the foreseeable future. In order to provide the City with a structure that will have minimal maintenance requirements and exceeds the minimum service life, the team will go beyond minimum building codes and national standards where it is efficient to do so. In addition, the City will be provided with a comprehensive material and construction analysis which will help the determine the reservoir design that best meets the City's goals and objectives.
- We Will Protect Existing Facilities and Maintain Continuous Operation during Construction | We understand it is vital to protect Reservoir 3A and ensure it is fully operational during construction of the Upper Reservoir replacement. We will provide an excavation support system on the two sides adjacent to Reservoir 3A that will be rigid to limit deflection of the exposed face and settlement of the earth subgrade materials to prevent leakage from the floor. Protection of Reservoir 3A will also be key in selection of construction material for the new reservoir as abovegrade welded steel tank will have a greater impact on Reservoir 3A integrity than a partiallyburied concrete tank

Thank you for the opportunity to present our proposal and we look forward to working with you on this important project. If you have any questions, please feel free to contact us.

Very truly yours,

JOHN ROBINSON CONSULTING

John Robinson Principal and Project Manager

**KENNEDY JENKS CONSULTANTS** 

David Ferguson, PE, PD Vice President, Design Manager

# **TABLE OF CONTENTS**

1	Understanding of the Scope of Services
2	Methodology and Work Plan
3	Experience and Qualifications of the Firm
4	Key Personnel
5	References
6	Fee Proposal
7	Completion Schedule
	Appendix A - Preliminary Drawing List
	Appendix B - Resumes

# **1 - UNDERSTANDING OF THE SCOPE OF SERVICES**

## **PROJECT UNDERSTANDING**

The City of San Fernando (City) is looking for a design team to assist with preliminary design engineering, final design engineering and engineering services during construction for the Upper Reservoir Replacement Project.

The existing Upper Reservoir is a partially buried, circular reinforced concrete reservoir that was damaged during the 1994 Northridge earthquake and has been operating at reduced capacity to avoid leakage. Due to this damage, the City has determined that Upper Reservoir will need to be replaced, which will provide increased operational flexibility to more effectively meet demands and maximize groundwater supplies.

Our team listened carefully during the mandatory pre-proposal meeting and captured work items desired by the City within this proposal that were not detailed in the RFP. The preliminary evaluation will include steel versus concrete options but we understand that the City may prefer a concrete reservoir in order to decrease O&M. We worked with our environmental subconsultant to decrease the environmental work from \$35k to \$4.5k; we have added a catwalk between the two reservoirs; with the original designer of Reservoir 3A as our Design Manager, we will provide intimate knowledge of the L-shaped reservoir and existing site that will be key in protecting and maintaining the reservoir in service during decommissioning and construction of the Upper Reservoir replacement.

Our schedule, while conservative, brings the project to a conclusion 2 months ahead of your funding requirement, but we can work with staff to provide a quicker submittal if needed.



## METHODOLOGY

This section describes our proposed methodology to complete the Upper Reservoir Replacement project, including identification of key issues and our proposed approach to addressing these issues.

#### **KEY ISSUES**

Our Project Team has recently completed the design of similar sized potable water tanks in California and we have also recently completed storage tank alternative evaluations for Cities of Camarillo, Santa Paula, and South Pasadena where we compared above-grade steel to buried concrete.

The text that follows demonstrates that we have a good understanding of the key issues associated with your project and the experience and expertise to address these issues.

## **KEY ISSUE:** INCREASE RELIABILITY AND SAFETY WITH PROVEN STRUCTURAL/SEISMIC DESIGN

A successful approach to the structural design of the Upper Reservoir replacement must satisfy the following goals and objectives:

RELIABILITY AND DURABILITY:	<b>0&amp;M ACCESS AND SAFETY</b>		
The structure must be designed in accordance with adopted building codes and national standards for water containment structures to provide reliable storage over the life of the facility.	The storage tank must be designed to provide safe access for operation and		
The structure must be designed to withstand the strong ground motion and other site hazards the structure will be exposed to over the life of the facility.	maintenance personnel for regular cleaning, inspection,		
The structure must provide containment of the water supply with tightness meeting or exceeding currently adopted national standards for water containment facilities. The structure including the roof must provide protection from contamination, evaporation, and temperature fluctuation.	and routine maintenance activities.		

## **KEY ISSUES**

Our experience not only gives us a good understanding of the key issues associated with your project, but the expertise to address them.



#### Design Exceeding Building Code and National Standards Provides Reliability and Minimal Maintenance Along With Long-Term Storage

Following review of existing documentation and preparation of preliminary geotechnical recommendations, the preliminary design criteria for the storage tank will be prepared and submitted to the City. The preliminary design criteria will be developed based on information contained in the applicable building codes, consensus national standards for water storage structures, and experience with the design and construction of water storage structures.

Where necessary, the minimum standards contained in the building codes and national standards may be exceeded to provide a design exceeding the minimum service life, hence, providing the City with a structure requiring minimal maintenance over the life of the structure.

Summarized below in **Table 1** are the significant codes and standards that would be utilized in the preparation of the construction drawings and specifications for a cast-in-place concrete or prestressed concrete storage tank.

#### Designed to Withstand Strong Ground Motion and Other Site Hazards

Seismic design of the storage tank will be in accordance with the seismic provisions of the 2016 California Building Code, ASCE 7-10 Section 15.7, and ACI 350-06. Our approach will also include establishing site specific seismic design criteria for the proposed reservoir that are intended to provide greater reliability than would be obtained by strict application of codes and other standards.



Our team is experienced in designing reservoirs in high seismic regions. Harry Tracy Reservoir (15 MG) is constructed 1,000 feet from San Andreas Fault and Garfield Reservoir (6.5 MG) in South Pasadena is constructed 100 feet from the active Raymond Fault. Both sites have design ground accelerations that are among the highest in California.

### TABLE 1: SIGNIFICANT CODES AND STANDARDS

2016 California Building Code, California Code of Regulations, Title 24, Part 2, Volumes 1 and 2 of Part 2, based on the 2015 International Building Code

ASCE 7-16, Minimum Design Loads and Associated Criteria for Buildings and Other Structures, Standard by American Society of Civil Engineers

ACI 350-06 Code Requirements for Environmental Engineering Concrete Structures and Commentary, an ACI Standard

ACI 350.1-10 Specifications for Tightness Testing of Environmental Engineering Concrete Containment Structures and Commentary, an ACI Standard

ACI 350.3-06 Seismic Design of Liquid-Containing Concrete Structures and Commentary

ACI 350.5-12 Specifications for Environmental Concrete Structures

ANSI/AWWA D110-13 - Wire- and Strand- Wound, Circular, Prestressed Concrete Water Tanks

ANSI/AWWA C652-02 - Standard for Disinfection of Water-Storage Facilities

Post Tensioning Manual, 6th Edition, 2006

PCI Design Handbook 7th Edition, 2010

AISC 360-10 Specification for Structural Steel Buildings

AISC 341-10 Seismic Provisions for Structural Steel Buildings

ANSI/AWS D1.1 – Structural Welding Code Steel

State of California Code of Regulations, Title 8, General Industry Safety Orders

OSHA - Occupational Safety and Health Standards, 29 CFR, Part 1910

-

-

1

-

1

No.

Ŕ

Ű.

ŝ

1

ally ally

Design of submerged components shall be based on ASCE 7-10 Section 15.6.4. The determination of forces due to hydrodynamic effects is generally represented by an equivalent added mass of water and is amenable to static and response-spectrum procedures. For columns and other compression members, the component analysis should include secondary P-Delta forces caused by gravity and lateral loads. Components located just above fluid surfaces may be subject to damage due to sloshing and shall be investigated by rational methods.

# Enhanced Prestressed Concrete Storage Tank Design to Improve Service Life

Our design approach to prestressed concrete water storage tanks incorporates many elements which have been found to significantly improve the serviceability and life of new prestressed structures.

Elements in the design and construction of the new structure include:

- 1. A strand-wound, Type I, cast-in-place concrete core wall with vertical pre-stressing.
- 2. Hot-dipped galvanized seven-wire, high-strength strand to reinforce the circumference.
- 3. Pinned anchored flexible joints at the top and bottom of walls.
- 4. Seismic cables in wall sleeves capable of permitting up to <sup>3</sup>/<sub>4</sub>-inch of radial wall movement.
- 5. A two-way flat slab roof with columns.
- Automated and continuous electronic control, monitoring, and recording of vertical and horizontal pre-stressing to 1.5% and shotcrete operations.
- 7. Automated shotcrete and plastic wrapping operations of the entire tank wall for shotcrete curing.

Options for increased durability include:

#### **OPTION 1**

The addition of a galvanized steel diaphragm on the core wall exterior to provide a continuous membrane minimizing leakage through the core wall.

#### **OPTION 2**

The addition of injectable waterstops in the horizontal construction joint between the floor and the wall and the vertical construction joints in the core wall segments.

#### **OPTION 3**

Increasing the minimum cover of shotcrete over final strand from 1½ to 2 inches.

# Containment with Tightness Meeting or Exceeding National Standards

A concrete water containment structure designed in accordance with ACI 350.1-10 Specifications for Tightness Testing of Environmental Engineering Concrete Containment Structures would have a standard acceptable leakage of 0.05% to 0.075% of the tank capacity for a period of 24 hours.

Our approach will include presenting the City with a design that can provide a higher standard of 0.025% through using shrinkage compensating cement and minimizing construction joints.

Alternatively, if the City selects a water storage tank with no measurable loss, a structure could be designed and constructed using a liner placed on either the floor or the floors and walls.

## **KEY ISSUE:** SELECTING THE BEST TANK MATERIAL AND CONFIGURATION FOR THE CITY

During the preliminary design phase, we will provide an alternatives analysis to confirm the most appropriate tank material and configuration for the reservoir site that meets the City's goals and objectives. Over many years and for many clients we have evaluated the selection of construction materials for water storage facilities comparing the costs and non-cost benefits and drawbacks associated with concrete versus welded steel construction. Some typical advantages and disadvantages of concrete tank and welded steel tank construction are provided on the next page.

Our extensive experience with design of welded steel, cast-in-place concrete and prestressed concrete reservoirs provides us the ability to confirm and evaluate alternatives with comparable service life and performance. This allows us to prepare cost comparisons for the City to confirm the alternative for best meeting your requirements.

-4-

#### Typical Advantages of Concrete Tank Construction

- Depending on core wall type selection the initial construction cost of prestressed concrete tanks has been reduced significantly and can be nearly comparable to welded steel tank construction cost.
- When a present worth cost comparison of prestressed concrete tanks is performed for 50 years a comparison of maintenance costs can result in lower tank costs.
- Concrete tanks can be backfilled at little extra expense.
- Concrete tanks rarely require shutdown for recoating operations.
- Concrete tanks are typically a better insulator of the tank contents.
- Concrete tanks require little or no maintenance of tank exterior.
- The roofs of concrete tanks typically have a higher load rating than the roofs of steel tanks.
- A concrete tank with a flat roof may have a slightly lower profile than a welded steel tank.

#### **Typical Drawbacks of Concrete Tank Construction**

- Exposed concrete roofs are vulnerable to significant temperature differentials which can lead to expansion and contraction of the concrete over the life of the structure contributing to cracks in the concrete roof. Given the relative small diameter of the proposed reservoir, roofing membranes guaranteeing leak free roof construction for 50 or more years are likely not necessary.
- Concrete tanks can have several hundred feet of floor and wall joints with waterstop construction which can be vulnerable to leakage if good construction and inspection are not followed during placement of concrete. This will result in a minimal acceptable leakage for concrete tanks as well as, typically, the installation of an underdrain system for the monitoring of any leakage through the floor of the tank.

#### Typical Advantages of Welded Steel Tank Construction

- Welded steel tanks provide the assurance of 100% leak tight construction due to fully welded floor and wall plates.
- · Welded steel tanks offer the advantage of pro-



Early development and identification of alternative approaches will facilitate stakeholder discussions and decisions on key design criteria including reservoir configuration, and size and type of construction.

tective coatings application in a factory-controlled environment.

- Welded joints in floor and wall plates are afforded continuous inspection for leak free construction.
- Welded steel tanks have a zero-leakage allowance.
- Welded steel tanks are typically relatively easy to modify in the future if additional piping nozzles are required for added connections to the tank.
- Welded steel tanks in 1 MG storage capacity size will almost always have a lower initial construction cost.

#### Typical Drawbacks of Welded Steel Tank Construction

- Exterior surface of steel tanks is vulnerable to vandalism due to damage of the protective coatings systems.
- Steel tanks will require an initial cost of retaining wall construction if site grades require excavating for steel tank construction.
- The freeboard (sloshing) allowance for a welded steel tank is typically larger than for a concrete tank resulting in a higher structure which might adversely impact adjacent properties.

While both construction materials may appear interchangeable, site conditions including geology and grading will typically lead an Owner and Design team to a preferred alternative. Based on our preliminary analysis, a concrete reservoir may have significant advantages over a welded steel tank at this site. See discussion on the next page for protecting and maintaining Reservoir 3A. in the second

## KEY ISSUE: PROTECT AND MAINTAIN RESERVOIR 3A

The existing Upper Reservoir is 78-feet in outside diameter with foundations to EL. 1284.75 and backfilled around with existing grades varying from a high point of EL. 1310.00 on the north side to a low point of EL. 1300.00 on the south side (adjacent Foothill Blvd) of the site. The existing Reservoir 3A is adjacent to Upper Reservoir on the north and west sides and has perimeter wall footings founded at EL. 1297.67 on both sides. Reservoir 3A has a hopper bottom which relies on the support of the subgrade materials to maintain the bearing of the concrete membrane floor slab-on-grade with the floor slab sloping to a bottom EL. 1293.17. On the south side of the "L" shaped Reservoir 3A is an outlet drain sump with bottom founded at EL. 1285.58.

The City has a construction requirement to maintain continuous operation of Reservoir 3A during the excavation, demolition and construction of the replacement 1.0 MG Upper Reservoir. In order to maintain the 1.0 MG storage capacity of the replacement reservoir within the approximately 78'-0" diameter

footprint of the existing reservoir, the replacement reservoir will have to be founded near approximately EL. 1284.75. Without first installing an excavation support system, excavating to EL. 1284.75 would undermine the continuous wall footing and sloping membrane floor slab of Reservoir 3A. In order to protect and maintain Reservoir 3A, it is recommended that the selection and design of the excavation support system on the two sides adjacent to Reservoir 3A be rigid to limit deflection of the exposed face and settlement of the earth subgrade materials, which will prevent leakage from the floor. The selection of H-piles with timber lagging or soil nails with shotcrete facing is typically suitable for temporary excavation support systems; however, for permanent excavation support systems or rigid excavation support systems that limit deflection, an and internally braced excavation support system may be necessary. A comparison of the excavation support systems required for each tank material is shown in Figure 1 below.

FIGURE 1: Significant Permanent Excavation Support System is Required for Steel Tank Construction Compared to Concrete Tank Construction. Catwalk May Not be Possible for Steel Tank due to Height Requirement.



City of San Fernando

Upper Reservoir Replacement Engineering Design

1

------

é

1

1

6

6

¢

Ű.

Ś

ł.

Ű.

é

£

¢,

#### 2 - METHODOLOGY AND WORK PLAN

In addition, either for a temporary or permanent excavation support system, the excavation support system will have to be designed to remain rigid and limit deflection during a seismic event to prevent settlement of the perimeter wall footing and sloping concrete membrane floor slab, which will prevent leakage from Reservoir 3A during construction.

Depending on the selection of materials, welded steel versus prestressed concrete, the wall of the new reservoir will either have to be left exposed to the floor level or can be backfilled or differentially backfilled to restore grades and drainage paths back to the preconstruction elevations. In order to protect the long-term structural integrity of Reservoir 3A it is recommended that a concrete reservoir be constructed at the replacement reservoir. Only a concrete reservoir with backfilled perimeter walls will be able to provide assurance that long term deflection of the exposed wall face will not result in settlement beneath the wall footings and sloping membrane floor of Reservoir 3A.

While a welded steel tank with permanent retaining walls could offer initial construction costs savings over the concrete reservoir, the need to maintain the exposed walls of a welded steel reservoir will require extensive re-design of the site grading and drainage because the welded steel tank constructed with a bottom at EL. 1284.75 will result in a permanent excavation in the middle of the site requiring dewatering and possibly a storm drain pump station depending on elevations of the adjacent storm drain facilities.

## (KEY ISSUE: RESERVOIR DESIGN WILL INCORPORATE STAFF'S CONCERNS AND IDEAS

During the preliminary design we will work together with the City to present the design approach to staff and enhance their understanding of the structure and facility design for engineering, maintenance, and operations.

Based on our experience, we will also facilitate early discussions on the details of the design, including structure connections to the new pipelines, water quality, details of structure elements, structure appurtenances including inlet, outlet, overflow, wash

down piping, water level monitoring, water quality sampling, roof openings and hatches, ventilation, stairs and ladders, guardrails, power and lighting, instrumentation and SCADA. This will enhance stakeholder participation and buy-in early, thus avoiding surprises at the later stages of design or during construction. **Figure 2**, showing several proposed features suggested by City staff, is provided on the following page.

## 

The Project Team has enlisted Tom Dodson & Associates to provide CEQA support services. The City has assumed that an Initial Study (IS) leading to a Negative Declaration (ND) should be assumed for CEQA compliance. To prepare an IS, the new CEQA Environmental Checklist Form needs to be utilized, which requires addressing a total of 21 issues, including two new issues: Energy and Wildfires.

Based on our experience with replacing an existing reservoir, we recommend adoption of a Categorical Exemption, Class 1 or Class 2 (existing facility or replacement, respectively). If this approach is accepted by the City, our team can prepare a Notice of Exemption with a much smaller budget than what would be required for preparation of an IS and **the CEQA process can be completed within a month of submitting the draft Preliminary Design Report**. The Project Team understands the importance of having strong environmental documentation, permitting, and community outreach.

Between our core Project Team and our two key subconsultants (Tom Dodson & Associates and DePinto Morales), we believe we can address all environmental and community questions for the project.



## WORK PLAN

This section describes our scope of work for the Upper Reservoir Replacement Project.

#### **Task 1 - Preliminary Design Engineering Services**

#### 1.1 - Data Review

Review City's existing data, reports, record drawings and studies concerning reservoir location, design, construction and other issues. Review and provide findings in a recommendation regarding the Upper Reservoir Replacement.

#### 1.2 - Geotechnical Investigation

Prepare preliminary geological, soils, and seismic studies to address relevant geology, seismicity, and groundwater issues. A report will be prepared to summarize the geotechnical investigation.

The surface investigation will include drilling exploratory borings. The purpose of the borings will be to:

- Obtain subsurface information at the project site.
- Collect undisturbed and bulk samples of the various soil types for laboratory testing.

Soils will be continuously logged and classified by the geologist/engineer in the field by visual examination in accordance with the Unified Soil Classification System.

Undisturbed ring samples of the subsurface materials will be obtained at five-foot intervals, at changes in soil profiles, or where unusual conditions are encountered. Bulk samples of representative soil types will be collected in plastic bags. Groundwater levels, where encountered in the borings, will be recorded.

Standard Penetration Tests (SPTs) will be conducted in the 50-foot deep boring starting at 20 feet below existing ground surface for seismic settlement and liquefaction analysis.

Soil samples obtained during exploratory drilling will be tested in our laboratory to evaluate their physical characteristics and engineering properties. Laboratory testing will consist of:

- In-place moisture and density.
- · Sand equivalent.
- Soils corrosivity.
- Sieve analysis.
- Laboratory maximum density.
- Direct shear.
- · Collapse.

Data obtained from the exploratory borings and laboratory testing program will be evaluated. Engineering analyses will be performed to present foundation design recommendations in a geotechnical study report, which will consist of the following items:

- · Description of the surface conditions at the site.
- Project description.
- A description of the field procedures used in the investigation.
- A description of subsurface conditions and controlling engineering properties of the subsurface materials encountered, including a documentation of the boring and sampling locations, and groundwater level.
- Depth to groundwater and the necessity for dewatering during construction.
- Existing pavement and base material thickness (if encountered).
- Discussion on the laboratory test results including soils corrosivity.
- Geology and faulting relative to the site.
- Seismic coefficients based on 2016 California Building Code.
- Evaluation of liquefaction potential and other secondary effects of earthquakes.
- Coefficients of internal friction and cohesion of in-situ undisturbed soils.
- Lateral earth pressures.
- Allowable soil bearing capacity for shallow foundation design.
- · Minimum footing embedment.
- Total and differential settlement estimates.
- · Remedial grading recommendations.
- Suitability of on-site material for backfill.
- · Guidelines for placement of compacted fill.
- · Geotechnical parameters for pipe design.
- · Temporary trench wall slope stability evaluation.
- · Pipe subgrade preparation recommendations.
- · Trench backfill recommendations.

ł

#### 1.3 - Utility Research

Research and identify the location of all underground utilities on the project site and immediate vicinity of the proposed facilities and appurtenances. Information such as material, size, depth, and horizontal location of all facilities shall be clearly identified on the topographic, demolition and construction drawings.

#### 1.4 - Topographic Survey

Provide topographic mapping of the project site and immediate vicinity by land surveying, aerial photogrammetric and other measures necessary for reservoir design, along with horizontal and vertical control.

Topographic mapping shall extend for full street right-of-way width on streets adjoining the project site, and 50-feet beyond the project site property lines that do not adjoin a public roadway. Record all features including water facilities, sanitary sewer, storm drain, power poles, driveways, fences, and bushes.

#### 1.5 - Fire Flow Storage Analysis

A storage evaluation will be provided to determine if there is sufficient storage available to meet fire flow needs with the Upper Reservoir out of commission during construction. The storage evaluation will be based on existing demands, which will be calculated by evaluating meter data provided by the City. Storage criteria, such as operational, emergency, and fire flow requirements, will be defined in conjunction with City staff. Fire flow storage sufficiency will be evaluated based on the storage criteria and available storage.

#### 1.6 - Landscape and Irrigation Design

A landscape and irrigation design will be provided based on the City's desire for drought-tolerant low-maintenance plants at the reservoir site. The existing trees will remain on site. The design drawings and specifications will consist of an irrigation plan with irrigation system layout, irrigation legend, notes, and details; planting with call-outs, and plant list, notes, and details.

### 1.7 - Reservoir Alternatives Analysis

An alternatives analysis will be provided for comparison of reservoir materials and construction methods. Cast-in-place concrete, pre-stressed concrete, and welded steel reservoir design concepts will be evaluated with life cycle costs and non-cost parameters utilizing a weighted-criteria ranking analysis. The analysis will yield a reservoir design concept recommendation for incorporation with the preliminary design.

## 1.8 - Draft Preliminary Design Report (PDR) Preparation

Prepare a detailed PDR that can be construed as 30% design effort and shall include scaled exhibits and drawings. The PDR will consist of the following:

- Site considerations.
- Location of existing reservoirs on the property.
- Location of other existing facilities on the property.
- Hydraulic analysis.
- Maximum possible storage capacity of the site.
- Integration of proposed Upper Reservoir and other potential storage facilities.
- Location of other proposed potential facilities, including booster pumps currently onsite and an evaluation of their current condition.
- New on-site piping configurations.
- · Geotechnical considerations.
- Civil design considerations.
- · Grading and landscaping.
- Construction staging area and access.
- · Protection of existing facilities.
- · Community impacts and traffic analysis.
- Reservoir piping including inlet/outlet, drainage, and overflow.
- Off-site piping.
- Structural design.
- Reservoir telemetry, SCADA & instrumentation.
- Photorealistic color renderings of the site with the proposed reservoir.
- Reservoir design considerations including entry/exit, water quality control, ventilation, security, maintenance, and other issues.
- Preparation of a Class 4 Opinion of Probable Construction Cost.
- Design and construction schedule.
- Submit five (5) copies of the draft PDR for City staff review and comments, along with a flash drive containing the electronic files both in the source file format and in Portable Document Format (PDF).

#### 1.9 - Final PDR Preparation

Prepare final PDR based on the City's review of the draft PDR.

Submit five (5) copies of the final PDR, along with a flash drive containing the electronic files both in the source file format and in Portable Document Format (PDF).

## Task 2 - Final Design Engineering Services

The final design engineering services is based on designing a 1-MG prestressed concrete reservoir. The scope of work and fee estimate are based on the following assumptions:

- · Permanent retaining walls are not required.
- Drought-tolerant landscaping will be provided.
- Existing LADWP power service is adequate.
- Existing Reservoir 3A service, MCC, and telemetry panels will not be replaced.
- Demolition and replacement of existing overflow structure and associated level sensor will be provided.
- Existing 48-inch collector manhole will be protected in place.
- Existing conduit run in access road to service, MCC, and telemetry panels will be protected in place.
- A preliminary drawing list that is provided in Appendix A of the proposal.

#### 2.1 - 60% Design Documents

- Prepare 60%-level construction drawings and specifications including civil, structural, architectural, landscape, mechanical, electrical, and instrumentation and control.
- 60%-level plans and specifications for aspects of the project shall be submitted, including: water reservoir, relocation of on-site utilities, appurtenances, power poles, and other structures; and grading plans.
- Provide a Class 3 Opinion of Probable Construction Cost based on the 60%-level design documents
- Prepare recommended construction completion schedule including key milestones for the construction progress.
- Provide to the City, five (5) hardcopy sets of completed bound drawings and specifications.

 Provide to the City, a flash drive containing the electronic files in the source file format of all project documents, including the construction drawings in AutoCAD format acceptable to the City.

Provide to the City, a flash drive containing the electronic files in PDF of all the project documents for reproduction and distribution purposes.

#### 2.2 - 90% Design Documents

- Prepare 90%-level construction drawings and specifications including civil, structural, architectural, landscape, mechanical, electrical, and instrumentation and control.
- 90%-level plans and specifications for aspects of the project shall be submitted, including: water reservoir, relocation of on-site utilities, appurtenances, power poles, and other structures; and grading plans.
- Provide an updated Class 2 Opinion of Probable Construction Cost based on the 60%-level design documents
- Prepare an updated recommended construction completion schedule including key milestones for the construction progress.
- Provide to the City, five (5) hardcopy sets of completed bound drawings and specifications.
- Provide to the City, a flash drive containing the electronic files in the source file format of all project documents, including the construction drawings in AutoCAD format acceptable to the City.
- Provide to the City, a flash drive containing the electronic files in PDF of all the project documents for reproduction and distribution purposes.

#### 2.3 - 100% Design Documents

- Prepare 100%-level construction drawings and specifications including civil, structural, architectural, landscape, mechanical, electrical, and instrumentation and control for contract bidding.
- 100%-level plans and specifications for all aspects of the project shall be submitted, including: water reservoir, relocation of on-site utilities, appurtenances, power poles, and other structures; and grading plans.
- Provide an updated Class 2 Opinion of Probable Construction Cost based on the 60%-level

design documents.

- Prepare an updated recommended construction completion schedule including key milestones for the construction progress.
- Provide to the City, five (5) hardcopy sets of completed bound drawings and specifications.
- Provide to the City, a flash drive containing the electronic files in the source file format of all project documents, including the construction drawings in AutoCAD format acceptable to the City.
- Provide to the City, a flash drive containing the electronic files in PDF of all the project documents for reproduction and distribution purposes.

#### 2.4 - Traffic Control Plans

- Since the site is located within the City of Los Angeles, we anticipate the traffic control design format and standards shall conform to LAD-OT guidelines. The plans will be coordinated with LADOT staff and submitted for B-Permit processing.
- Two (2) traffic control plan sheets and typical details, in AutoCad format and at a scale of 1"=40', illustrating the plan view of the proposed traffic control design for construction activities within the street right-of-way adjacent to the site will be provided. The traffic control design will be based on existing conditions and the proposed improvements within public street limits.

#### 1.5 - Public Outreach

- Attend up to three (3) community meetings; prepare presentation material such as Power-Points and displays to assist City addressing community issues.
- Create public information materials including PowerPoint presentation, fact sheet with renderings, benefits statement, maps, translations, printing.

#### 2.6 - Permitting Support

Submit Plans and Specifications to the following agencies for review:

- · City of San Fernando Building Department
- City of Los Angeles Building Department
- SWRCB, Division of Drinking Water

It is assumed that two submittals will be required for

each agency. JRC/KJ will address comments from the reviewing agencies.

It is assumed that the City will pay for any permit fees.

#### 2.7 - CEQA Support

Based on our understanding of the project, it appears an Initial Study and Negative Declaration is not required for CEQA compliance. Based on the project concept of replacing the existing reservoir in-kind, a Categorical Exemption, Class 1 or Class 2 will be prepared to meet CEQA compliance.

#### 2.8 - Bidding Support

- Attendance at the Pre-Bid Meeting with General Contractors.
- Preparation of up to six (6) responses to Contractor inquiries during bidding.
- Preparation of up to two (2) Addenda to the final Contract Documents.
- Preparation of Conformed Drawings.
- · Attendance at the Bid Opening.
- Assistance in the evaluation of bids and the award recommendation.

## Task 3 - Engineering Services During

#### Construction

The following services shall be provided after award of the project, during the construction period. It is assumed that the construction period will be 12 months.

#### 3.1 - RFI Responses

 Provide up to twenty (20) responses for Requests for Information (RFI). Assist in the correct interpretation of the plans and specifications, including the preparation of engineering details and sketches, if required for clarification.

#### 3.2 - Submittal Reviews

• Review up to forty (40) original and twenty (20) resubmittal shop drawings and working drawings of manufacturers and constructors for substantial conformity with the contract plans and specifications.

#### 3.3 - Contractor Payment Evaluations

• Review up to twelve (12) estimates of progress and final payments, submitted by the contractor, and forward recommended payment to City staff for payment by the City's Finance Department.

#### SECTION # | SECTION TITLE

#### 3.4 - Meetings and Site Visits

- Schedule and chair a pre-construction meeting with the contractor, City staff, and consultant staff for the project.
- Forty (40) weekly visits by the Project Engineer to the project site during the active construction period.
- Three (3) site visits by the Structural Engineer to the project site
- Final inspection by the Project Engineer.

#### 3.5 - Record Drawings

- Prepare revisions/corrections of plans to reflect any changed conditions during construction for the record drawings.
- Prepare Record Drawings in AutoCAD version 2008 format.
- Prepare one (1) hard copy set and PDF of the Record Drawings.

#### 3.6 - Public Outreach

• Develop and maintain an informational website about the project construction, including site pictures, project schedule, and detour information for 12 months.

## **Task 4 - Project Management and Meetings**

#### 4.1 - Project Management & Administration

- Provide project management and administration, consisting of team coordination, City communication, budget tracking, schedule tracking, and invoicing. It is assumed the project duration is thirty (30) months.
- Submit Monthly Progress Reports to include budget status per task, work completed and work to be completed in next thirty (30) days. It is assumed seventeen (17) monthly progress reports will be prepared.

#### 4.2 - Meetings

- Attend a kickoff meeting with the City to discuss the goals and objectives for the project
- Conduct monthly project team meetings to include City and key sub consultants during preliminary and final design phases of the project. Prepare meeting minutes. It is assumed sixteen (16) monthly project team meetings will be provided. It is assumed design review meetings will be incorporated with the monthly team meetings.

#### 4.3 - QA/QC

- Submit Quality Control and Quality Assurance Plan for City review and approval.
- Submit a detailed construction Quality Control and Quality Assurance Plan for City review and approval.
- Provide quality reviews for project deliverables in accordance with Kennedy Jenks' QA/QC program.
- Provide internal project initiation meeting and concept & criteria review to review the project work plan and initial project concepts.

## **3 - EXPERIENCE AND QUALIFICATIONS OF FIRM**

## **DEMONSTRATED EXPERTISE IN RESERVOIRS**

Our reservoir design experience includes steel tanks and concrete reservoirs (cast-in-place and prestressed). We provide the gamut of services for reservoir design projects, including siting evaluations and studies, pumping and distribution facilities, water quality and mixing systems, seismic retrofitting and resilience, telemetry and controls, regulatory agency coordination, public outreach, and construction management.



## SIMILAR PROJECTS FROM PAST 5 YEARS

CLIENT	PROJECT	SIZE	CONSTRUCTION COST	COMPLETION
City of South Pasadena	Garfield Reservoir Replacement	6.5 MG	\$19 M	2018
City of Santa Paula	Mesa Reservoir Replacement	0.6 MG	est. \$1.5 M	Design 2019
Eastern Municipal Water District	Daily II Reservoir	2.0 MG	\$3M	2015
San Diego County Water Authority	Mission Trails Flow Regulatory Structure	5 MG	est. \$23 M	Design 2019
San Francisco Public Utilities Commission	Harry Tracy WTP Treated Water Reservoir	11 MG	\$53 M	2017
Antelope Valley-East Kern Water Agency	Westside Water Bank Tank 2	4 MG	\$2M	2016
Santa Clarita Valley Water Agency	Cherry Willow Recycled Water Tank	1 MG	est. \$4 M	Design 2018
5 1				5

City of San Fernando

#### **3 - EXPERIENCE AND QUALIFICATIONS OF FIRM**

## GARFIELD RESERVOIR REPLACEMENT PROJECT CITY OF SOUTH PASADENA | SOUTH PASADENA, CA



Completion Date: 2018

Total Project Cost: \$19 M

#### **Project Highlights**

- Replacement of the City of South Pasadena's largest storage reservoir
- New cast-in-place structure
- Residential neighborhood

Kennedy Jenks was retained by the City of South Pasadena (City) for preliminary and final design for replacement of the Garfield Reservoir and Pump Station. The project consisted of analyzing six alternate reservoir and pumping configurations during the preliminary design stage. This project also consisted of replacing the City's largest storage reservoir with a cast-in-place structure having a capacity of 6.5 MG.

In addition to replacement of the reservoir, the project included replacement of the existing 2,500 gallon per minute booster station and addition of a on-site chlorination system. The pump station was equipped with two 50 HP and one 100 HP vertical turbine pumps. The site was in a residential neighborhood and the design required landscaping and noise analysis.

The design also included permanent treatment of site stormwater runoff prior to discharging to a flood control channel. The project team used a workshop format at every design milestone to obtain input/ feedback from key stakeholders throughout the project.

## MESA RESERVOIR REPLACEMENT CITY OF SANTA PAULA | SANTA PAULA, CA



Completion Date: Design 2019, Construction 2020

Total Project Cost: est. \$1.5 M

#### **Project Highlights**

- Site constraints
- Evaluation of tank material options
- Tank configuration alternatives

Kennedy Jenks is designing the Mesa Reservoir Replacement Project which consists of twin 300,000 gallon potable water storage reservoirs (0.6 MG total storage). The existing Mesa Tanks were constructed in the 1960s and each have nominal capacity of 0.21 MG.

Prior to commencing final design, Kennedy Jenks performed a feasibility study that investigated tank construction/material types, configuration alternatives, location and cost. Tank construction alternatives consisted of partially buried prestressed concrete, rectangular cast-inplace concrete and above-grade welded steel tank construction. The alternatives were evaluated based on available space to determine the best option for the City at this particular location.

The Mesa Tank site is constrained and located on a 2:1 hillside abutting the County of Ventura and City limits. Other considerations included providing temporary storage tanks during construction, permitting requirements, maintenance considerations, water quality, constructability, cost, environmental impacts, land acquisition, traffic impacts, grading and geotechnical considerations.

#### **3 - EXPERIENCE AND QUALIFICATIONS OF FIRM**

## DAILY II RESERVOIR EASTERN MUNICIPAL WATER DISTRICT, CA



Completion Date: 2015

Total Project Cost: \$3M

#### **Project Highlights**

- Public outreach including providing 3-D renderings
- Hydraulic analysis of the pressure zone pipline sizing, and tank sizing

The District's Daily Pressure Zone was deficient in operational and fire flow storage. The Daily Tank provided a total storage volume of only 0.21 MG while 2.1 MG was required to meet existing system demands, operational storage, and fire flow requirements.

Three separate studies were prepared analyzing the storage requirements for the Daily Pressure Zone. The first study identified storage deficiencies and recommended a 2.0 MG storage tank and 24-inch diameter inlet/outlet pipeline.

Five alternative site locations were evaluated with the recommended site location immediately east of the existing tank site. The design included separate inlet and outlet pipelines and an altitude valve and by-pass vault. An emergency overflow pond was also included and sized to include the ability to drain the bottom 2 feet of storage.

## MISSION TRAILS FLOW REGULATORY STRUCTURE SAN DIEGO COUNTY WATER AUTHORITY | SAN DIEGO, CA



Completion Date: Design 2019 Total Project Cost: \$23M Project Highlights

- New 5 MG Reservoir
- CEQA documents

The Mission Trails suite of projects is a proposed set of improvements to the untreated water conveyance portions of the Second Aqueduct in and around Mission Trails Regional Park. In 2010, the Water Authority constructed two separate tunnel sections as part of the Mission Trails Pipeline Tunnel project. The Mission Trails Flow Regulatory Structure II will be located in between the two sections of the tunnel. Currently, the tunnel is neither connected to the Second Aqueduct nor is it continuous through its two sections.

Kennedy Jenks is providing structural design for a new five million gallon Mission Trails Flow Regulatory Structure II, new flow control facility, pipeline connections, and demolition of eight existing vent structures in Mission Trails Regional Park.

Kennedy Jenks is designing a concrete emergency storage basin using structural analysis software and developed contract drawings, prepared project design specifications, and attended client meetings.

- 16 -
-

and a

#### **3 - EXPERIENCE AND QUALIFICATIONS OF FIRM**

# HARRY TRACY WTP TREATED WATER RESERVOIR SAN FRANCISCO PUBLIC UTILITIES COMMISSION | SAN FRANCISCO, CA



Completion Date: 2017 Total Project Cost: \$53M

10tal 1 10jeet 005t. 0001

# **Project Highlights**

 2017 ACEC award winning 240-foot-diameter circular tank with 46-foot water depth and supported on over 800 driven non-displacement steel H-piles located 1,000 feet from the San Andreas Fault The 11 MG reservoir is a complex structure involving two tanks consisting of a chlorine contact tank for water treatment, constructed around a treated water storage reservoir. The inner wall of the operational storage reservoir consists of cast-in-place concrete wall with non-prestressed reinforcement and vertical post-tensioning tendons, while the outer wall of the chlorine contact tank is a strandwound circular pre-stressed concrete tank with a cast-in-place concrete core with vertical prestressed reinforcement.

Design challenges included the location of the reservoir at a site with limited space, situated near the San Andreas and Serra Faults. The reservoir is designed to sit above a stepped excavation of partial cut into a hillside and partial fill, which resulted in a potential for differential settlement. In response, the reservoir is placed above approximately 800 H-piles driven to depths between 20 and 60-feet, which support the reservoir and resist gravity and lateral loads, including seismic and wind loads.

A soil nail retaining wall is located directly uphill of the reservoir to support the cut face of the existing hillside, rising up to 65-feet tall, and supported by approximately 1,000 soil nails up to 70-feet long. The soil nail wall is tied into an adjacent soldier pile wall.

# WESTSIDE WATER BANK - TANK 2 ANTELOPE VALLEY-EAST KERN WATER AGENCY | PALMDALE, CA



Completion Date: 2016 Total Project Cost: \$2M Project Highlights

- Hydraulics, geotechnical, and hydrogeology evaluations and analyses
- Control strategy and operations plan
- Coordination with DDW for operating permit amendments

Antelope Valley-East Kern Water Agency (AVEK) implemented Phases 1 and 2 of an \$80 million water banking program with a twofold objective: (1) water supply stabilization, and (2) regulatory compliance with the Stage 2 Disinfectants/Disinfection Byproducts (D/DBP) Rule. The Westside Water Bank was constructed on a 1,475-acre agricultural property and the groundwater production is delivered to a central treatment facility with two 4 MG above ground steel tanks for chlorine disinfection and CT compliance.

- Phase 1 (completed in 2013) included over-excavated the site and compacted for the construction of both 4 MG steel tanks; however, only the first tank was constructed under Phase 1.
- Phase 2 (completed in 2016) included drilling and equipping of an additional two potable recovery wells and construction of the second 4 MG steel tank (completed in 2016). Kennedy Jenks performed the design, bid assistance, and construction support services.

## **3 - EXPERIENCE AND QUALIFICATIONS OF FIRM**

# CHERRY WILLOW RECYCLED WATER AUTHORITY SANTA CLARITA VALLEY WATER AGENCY | SANTA CLARITA, CA



Completion Date: Design 2018; Construction 2019

Total Project Cost: est. \$4M

## **Project Highlights**

- Tank volume and configuration
   alternatives evaluation
- · Grant funded project
- Exterior spiral staircase for access
- Tank overflow basin included to meet discharge requirements sizing

Kennedy Jenks provided a PDR for the Recycled Water System Phase 2B. SCVWA is seeking to expand their existing recycled water system to offset potable water demands and improve water supply reliability. The PDR provided an evaluation of opportunities and design considerations to develop Phase 2B of the recycled water system.

Kennedy Jenks has completed preliminary and final design. The proposed welded steel tank will be designed to hold up to 1.0 MG of recycled water. Kennedy Jenks prepared preliminary layouts and performed tank aspect ratio (diameter vs depth) analysis to determine optimal design/capacity to provide 0.8 MG, usable storage tank within the given site constraints. Tank design will consider freeboard requirements in the analysis, and structural design alternatives (e.g., shell thickness) to address sloshing in a seismic event.

The tank will be equipped with remote monitoring and controls for integration into SCVWA's SCADA System. The tank will be equipped with a SolarBee mixer. The tank will be equipped with exterior spiral staircase for access to the roof. The tank will include protective coatings, interior and exterior to prevent corrosion.

# ADDITIONAL SIMILAR PROJECTS

This table summarizes additional reservoir projects of similar nature to your project located in Southern California, demonstrating our team's comprehensive design experience in these areas.

CLIENT	PROJECT	SIZE
Ventura County Water Works District #1	Recycled Water Tank	1.5 MG
Ventura County Water Works District #19	538 Zone Tank	1.0 MG
City of Fillmore	Reservoir No. 3	3.0 MG
City of Simi Valley	Lower McCoy Reservoir	1.0 MG
City of San Buenaventura	View Park Tank	0.25 MG
City of San Buenaventura	430 Pressure Zone Reservoir	2 x 2.0 MG
City of Lompoc	4 MG Reservoir	4.0 MG
Glendale Water & Power	Chevy Chase 968 Reservoir	15 MG
Santa Clarita Valley Water Agency	Rio Vista Water Treatment Plant Reservoirs	2 x 15 MG
Kern County Water Agency	Henry Garnett Water Purification Plant Reservoirs	2 x 3.0 MG
Burbank Water & Power	Reservoir No. 1	9.5 MG
City of San Buenaventura	Bailey Water Conditioning Facility Reservoir	3.0 MG
City of Santa Monica	Arcadia WTP Reservoir Seismic Damage Evaluation	5.0 MG
Calleguas Municipal Water District	Lake Bard Water Filtration Plant Reservoirs	2 x 4.0 MG

# 4 - KEY PERSONNEL

# LOCAL, RESPONSIVE DESIGN TEAM SUPPORTED BY NATIONALLY RECOGNIZED INDUSTRY EXPERTS

JRC/KJ has assembled a project team of in-house personnel with specialized and expert services to meet the scope of work identified. The City will benefit from our project team's significant expertise on similar projects. Our reputation for responsiveness has resulted in assignments for similar projects that have included studies, assessments, planning, design and construction support services for numerous clients. To accommodate this contract, the JRC/KJ team was crafted with flexibility, responsiveness, and dependability in mind.



Paul Chau, PE SITE CIVIL Greg Behnke ELECTRICAL I&C Jeff Mohr, PE SURVEY On-Line Engineering

# Subconsultants

As shown on the organizational chart above, we have selected known and reputable subconsultants to assist in specialty technical areas to supplement our team where necessary. The majority of our subconsultants are local firms that provide direct knowledge and experience to the local conditions and issues.

JMDiaz

NUVIS

LANDSCAPE ARCHITECTURE

**DePinto Morales Communications** 

**PUBLIC OUTREACH** 

# EXPERIENCED AND COMMITTED TO PROJECT SUCCESS:

- JRC/KJ has developed streamlined, costeffective, and clear methodologies to handle our projects.
- Our team of professionals understand how to work effectively with municipal staff to develop strategies and tools to achieve each assignment's goals, regardless of size, scope, budget, or schedule.
- With local leadership, continuity of project team members and a minimal learning curve due to geographic familiarity, our team is committed to successfully delivering this project on time and within budget. Our commitment is backed by our history of successful project execution and meeting our clients' needs.

COMBINED RESERVOIR DESIGN PROJECTS DELIVERED BY OUR KEY STAFF

## 4 - KEY PERSONNEL

# A LOCAL PROJECT MANAGER YOU KNOW AND TRUST



**SKILL SET SUMMARY** 

- Experienced in the planning, design and construction of over 25 potable and recycled water reservoirs in Southern California.
- Experienced in over 300 miles of design for new potable and recycled water pipeline.
- Provided environmental plan development and has been intimately involved with regulatory agencies with permitting jurisdiction over potable and recycled water facilities.

JOHN ROBINSON



01

61

2

61

PROJECT MANAGER

John has **26 years of experience** in the planning, design, and construction phases of civil and environmental engineering projects. He has completed preliminary and final design engineering of capital improvement projects, including cost estimates, reservoirs, booster pump stations, and pipelines for water and reclaimed water projects.

His experience includes construction-phase engineering services for many reservoir, pumping, and pipeline systems, and leading utility systems engineering services for several design/build infrastructure projects. He has managed many relevant projects, including the City of Beverly Hills Coldwater Canyon Reservoir replacement, Foothill Municipal Water District Reservoir Evaluations and Orange County Water District 6.0 MG Reservoir conversion.

John provides technical direction and project oversight for the development of public infrastructure that includes:

Pipelines

- Hydraulic Structures
- Pumping Stations
- Reservoirs

- Recharge Basins
- Wells

His technical expertise ranges from master planning and program management to final design and construction implementation. As a project manager, he has on numerous occasions successfully led my project teams to complete the work within the project budgets and time schedules and with a high degree of responsiveness to the clients.

As Project Manager, John will proactively manage the project, provide scope, schedule, and budget monitoring, be responsible for staffing coordination and be available to meet with the City, facilitate workshops, and guide the high-level decisions. He understands that providing successful services on this project depends on the competence and capabilities of the team members and how they work together with the stakeholders.

# **RELEVANT PROJECT MANAGEMENT EXPERIENCE SUMMARY**

# **Reservoir Replacement**

- City of Beverly Hills
- Design of an 8.21-MG buried prestressed concrete reservoir.
- Site constraints needed innovative design approaches, such as shoring methods to allow for the concrete casting of the reservoir structural elements without encroaching on the surrounding properties.
- Worked closely with the Beverly Hills Parks Department.

## **Reservoir Evaluations**

- Foothill Municipal Water District

- Conducted a reservoir alternative evaluation consisting of:
  - » Modifications to existing
  - » Construct additional
- » Tear down
- » Lease capacity
- » Construct interconnection

# **Reservoir Conversion**

- Orange County Water District
- Modified an existing 6.0-MG potable water reservoir for reclaimed water storage.
- Design of a new pump station and modification of another pump station.
- Provided a surge analysis and report, computer hydraulic model (CyberNet 2.0), and update of model (CyberNet 3.0).

#### 4 - KEY PERSONNEL



REGISTRATIONS

Professional Civil Engineer, California Professional Structural Engineer, California



REGISTRATIONS Professional Civil

Engineer, California



REGISTRATIONS

Professional Civil Engineer, California

# SRIDHAR SADASIVAN, PE, SE

QA/QC MANAGER

KI Kennedy Jenks

Sridhar has **16 years of practical, hands-on experience** in design and construction of potable water reservoirs. He has substantial experience with tank design and retrofits in similar seismic regions in Southern California, including projects with the Cities of South Pasadena, Glendale, and Burbank.

In addition, Sridhar is a senior Operations Director for Kennedy Jenks and has served as QA/QC reviewer for numerous water facility projects throughout the West Coast

Sridhar will serve as QA/QC and lead a comprehensive review of project deliverables; he will dedicate his time to confirming that our QC program is followed and able to meet your needs and achieve your desired schedule.

# **DAVID FERGUSON, PhD, PE**

DESIGN MANAGER

KI Kennedy Jenks

David has **39 years of practical, hands-on experience** in the planning, design, construction, and operation of water supply, infrastructure, and treatment projects. His background includes project and program management, as well as management of engineering and/or operations for three large water utilities in Southern California. David has been responsible for the evaluation and/or design of upgrades, rehabilitation, retrofit, and/or replacement for over 40 water treatment plants, 30 reservoirs, and 20 pumping stations for 15 different water utilities.

David, serving as Design Manager, will apply his decades of experience to support the City and team in project decision-making. He will guide the planning and design efforts that will result in an affordable water facility that will meet the City's long-term needs.

# DON BARRAZA, PE

**RESERVOIR DESIGN** 

Kennedy Jenks

Don is a senior engineer with over **30 years of experience** serving as structural engineer, project engineer, project manager, and construction resident engineer. He has worked directly with the team on reservoir assessments and designs throughout Southern California. He has practical hands-on planning, design, and construction support experience with design and condition assessment of 30+ steel and concrete tanks. In his career, he has worked on more than 18 condition assessments, structural design of over 70 concrete tanks and 70 steel reservoirs, 17 pump stations, and more than 30 water treatment plants, and has served as a senior-level reviewer for over a dozen water treatment plant projects.

Don will serve as the reservoir structural design lead for the preliminary, final and construction engineering services associated with location and configuration of the reservoir and integration and protection of the existing structures and geotechnical requirements.

ł

ŧ

l

ŧ

l

#### 4 - KEY PERSONNEL

# **TRUSTED SUBCONSULTANT PARTNERS**

JRC/KJ maintains excellent relationships with local subconsultants and specialists to help achieve project success.



Since 1946 Converse Consultants (Converse) has provided professional services in the fields of geotechnical engineering, engineering geology, groundwater sciences, environmental sciences and soils and materials testing and inspection. Their clients include public agencies and private sector clients in the transportation, water/wastewater, educational, residential, commercial and other market segments.

## DePinto Morales Communication Public Outreach

DePinto Morales Communications, led by David DePinto, is a firm specializing in environmental issues management, water education projects, crisis communications, public education and outreach campaigns, stakeholder relations, media relations. public affairs, and ethnic/community marketing. Geographically, Dave has implemented public education and outreach campaigns focused in the northeast San Fernando Valley, the San Gabriel Valley, the City of Los Angeles and throughout the State of California. As volunteer president of the largest homeowner association in the City of Los Angeles, Dave has unique insights and capabilities related to facilitating community discourse on controversial issues and development projects involving counties and municipalities, water districts, school districts and non-profit organizations.

# JMDiaz Traffic Control

JMDiaz (JMD) professionals provide comprehensive traffic engineering services including traffic analyses and design for a variety of projects. JMD conducts traffic impact analysis, including warrant analysis, and prepares traffic impact studies for new developments as well as traffic management plans for major projects involving extensive haul and detour routes. JMD's traffic engineering group performs designs including signage, channelization, traffic signals, street and parking lot lighting.

# NUVIS NUVIS

LANDSCAPE ARCHITECTURE Landscape Architecture

With more than 46 years of landscape architectural experience, NUVIS, a DBE/SBE professional services firm creates outdoor design solutions. In collaboration with our private sector and public agency clients, NUVIS produces design solutions from concept to construction. They are passionate about our mission to create responsible outdoor venues that provide opportunities for interaction and exhibit dramatic memorable results from texture, form, color, and pattern—inspiring people-oriented experiences.

## ENGINEERING Survey

ON-LINE Engineering is a Civil Engineering and Land Surveying firm based in the City of Pasadena and has served Southern California for 24 years. They provide professional civil engineering and land surveying services are provided to both public and private sector clients in all areas relating to land development.



ON

#### **Tom Dodson & Associates** California Environmental Quality Act

Tom Dodson & Associates (TDA), incorporated in 1983, is a small environmental consulting and regulatory compliance firm. TDA is capable of providing a full range of environmental and regulatory compliance services. This includes an in-house biological staff capable of providing biological resources evaluations, as well as, revegetation and habitat restoration capabilities. TDA has provided planning and environmental consulting services for various water, hazardous waste management, biological evaluations, and base reuse projects. TDA has also prepared the environmental compliance documents needed for such projects. These documents have ranged from Initial Studies and Negative Declarations to full Environmental Impact Reports that meet California Environmental Quality Act requirements.

# Proposal Fee Estimate

Proposal/Job Number.	ber:					-	Date:	4/9/2019	019						ĩ											
						1																				
Gassification	JRC Project Manager	6-io2-gn3	8-152-Qn3	₹-is2-gn∃	8-122-En3	8-128-gn3	€ng-Sci-4	Eng-Sci-2	r.io2-gn3	Senlor CAD. Designer	19ngia90-0AD	Senior CAD. Technician	nsicindosT-DAC	Project Admin. Administrative Assistant	əbiA	Total	Labor K	ວ ອກ່ມ-nO ອີ ຄູກ່າງອອກ່າຍກາວ	ຊີ ອະາອ∨ກດວ ອີ່ຂາກຝາຍຂາດວ	아 nosbod moT 편 safeioossA &	JMDiaz, Inc.	รู้ รางบง	DePinto Morales E Gomm.	JRCIKJ	səznəqx3 laioT	Total Labor + Expenses
deurty Rate:	0515	\$728	0525	9523	0125	9615	0215	9919	0213	091	091	150	011	100	94											
fask 1 - Preliminary Design Engineering Services						-	-	-	+	s	5	s	1	+	s	Hours	Fees	Fees	Fees	Fees	Fcos	Fees	Fees	Fees		Fees
1.1 Data Review		2	2	-	6					-			+		-			-								
1.2 Geotechnical Investigation			4	-	1 0		5 0	N	7	÷		t				14	\$2,740				S1 283				\$1 283	\$4,023
1.3 Utility Research	-					-					-	-information -	T			20	\$1,760		\$10.447		-				\$10 447	\$12 207
1.4 Topographic Survey						-		-	2			+	+	termine farmer	+	20	\$2 920	-	Second Second					\$500	\$500	\$3.420
1.5 Fire Flow Storage Analysis					. 20		-		~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~					+	-	4	\$760	\$4 000	Contraction of the local distance of the loc						\$4.000	S4 760
6 Landscape & Imgation Design			-		0	+-			8	-	+	+		t		28	\$4,480		A Description of the second se						20	\$4 480
1.7 Reservoir Alternatives Analysis		4	16		* 9	-	*	X			t		-	+		ø	\$1.100					\$3 870			\$3.870	54 970
1.8 Draft Preliminary Design Report Preparation	ct	ų			Brentin	+.			R	9			20			105	\$18.500								en s	10 010
1.9 Final Preliminary Design Report Preparation	2 00	0 0	7 o	-	4 6		40	-	00	-		+	- +	- spendarow	+	70	\$12.610	1						\$50	550	210 200
			4	-	v.		20			-						æ	\$6 070	+						\$50	250	SA 120
Task 1 - Subtotal	16, 16	14	96	c	ar	•			-							0	0\$								20	
Task 2 - Final Design Engineering Services					20		100			ġ	0	0	20	0 0	0	290	\$50,940	\$4.000	\$10.447	20	\$1,283	\$3.870	05	5500	\$20.200	\$71 140
2.1 60% Design Documents					(	1.1.1			i.		Same Same	-														
2,2 90% Design Documents		1	8 6	10	45	8	14	85		19	0	0	80	0 0	0	450	\$78,603							\$100	S100	C7H 702
2.3 100% Design Documents			; ;		5	20	14		0 6		0	0	80	0 0	0	450	\$78,603					\$4.420		C100	en truc	an une
2.4 Traffic Control Plans			2	0	a.	51	60		-	\$	0	0	20		0	115	\$20.101					\$2.830		5100	UED CS	C71 000
2.5 Public Outreach		4			-	+	¢,		-	+	-	+	- Arrent	-		4	\$680				\$6.850				0000	
2.6. Darmittere Sumoof		0		·····			12		-	-+	11		1	-		25	\$4,740			teres .			24-1 CAN	1	ngp.oc	\$7,530
2.7 CFDA Summit		2	80	+	20	+	16	ł	8	4	*					52	\$9.610				Safea		00.00	Rie	11.650	S22,300
2 8 Bid Sumort	-	1	+	and a part of			2		the second second			1				64	\$340			\$4.500					HORE	510,574
	4	¢.	9	-	8	-	28	- I - man	16	80		œ		-	-	84	\$14,670					61.610	ļ		24.500	\$4 840
Task 2 - Subtotal	36 16	96	Un P	1	-	+	+									0	0\$							000	1000	516.330
Fask 3 - Engineering Services during Construction		20	001	ł	22	711	558	101 6	67 0	55	4	8	180	0 0	0	1182	S207.347	50	50	\$4,500	\$7,814	\$8,860	\$17.500	\$500	\$30 174	Ne aves
3 1 RFI Responses		+ ct	9	+	e					and a second second second																A0.01 M
3.2 Submittal Reviews		01	e e	÷	0 00	00	R7 94	16	12		÷		+		-	8	517.550					\$1.240			\$1 240	S18 790
3.3 Contractor Payment Evaluations			-		2	2	2		······································			- defension		10	-	176	\$31,290					\$620			SRON	631 010
3.4 Meetings and Site Visits	- 01	*	1.1		- the second sec	+	2	į				- 1000		-		20	\$3.820							the second	5	000 23
3 5 Record Drawings					-	denne	R.	71	+	1111- ·		and a second sec			-	156	\$27.060	-				\$1 860		\$1,200	\$3 060	061.023
3.6 Public Outreach	-	0	1			+		0	+	-			36			44	\$5 200	-	-					\$100		26 200
Sector and the sector is a	1		+			511-	4		•		-	-				8	\$1,530		- 1 -				\$13,500		\$13 500	KIS Man
Task 3- Subtotal	1 14	26	44	10	.BC	38	inne	60 E		-	-	-			+	0	\$0				1				SO	05
Task 4 - Project Management and Meetings		-			24	07	- MA			0	0	0	36	01 0	0	494	\$86.450	20	05	\$0	50	\$3,720	\$13 500	\$1.300	\$18.52D	\$104 Q70
4.1 Project Management & Administration	30	12		T	in the second		ç			- Address				-				-								
4.2 Meetings	60	DE		L		-	3		4	the section	-	+	1	20		82	\$14,900				\$1 130				\$1.130	516 0.00
1.3 QA/QC		82	24	_		24		-	-	+	•		-	-		80	\$17,250			1		\$500	50	\$600	\$1,100	518 350
						-		-			tenne	+-	Ť	-		8 0	512 860		i	Ŧ					\$0	\$12,880
Task 4 - Subtotal		50	24	0	0	24	30	0 0	a a	0	0	0	0 0	01 20	-	850	EAE DOA	14	~					1	20	\$0
All Tasks Total	145	119	226	5	159	169	559 2.	245 189	0	61	4	8	236 30		0		C180 767	- 1 000		0.0	DEL 16	20008	30	\$600	\$2,230	\$47,260

John Robinson Consulting, Inc. & Kennedy Jenks

\$469,891

80,124

- 54 -

1062300 pentantin'i neo

uitvel San hergenge



# PRELIMINARY DRAWING LIST

GENERAL	
G-1 Cover Sheet, Vicinity & Location Maps	
G-2 Symbols, Abbreviations, and Drawing List	_
G-3 General Notes	_
CIVIL	
C-1 General Civil Abbreviations and Legend	
C-2 Horizontal Control & Paving	
C-3 Grading & Drainage	
C-4 Yard Piping	
C-5 Pipe Profiles	-
C-6 Civil Details I & Site Sections	
C-7 Civil Details II	
STRUCTURAL	-
S-1 Structural General Notes, Design Criteria, and Abbreviations	
S-2 Structural Special Inspection and Testing Schedule	
S-3 Foundation and Roof Plans and Ringdrain Details	
S-4 Wall and Footing Details	
S-5 Prestressing Details, Miscellaneous Joint Details, Seismic Cable Details	
S-6 Roof Reinforcement Plan	
S-7 Roof Reinforcement Sections and Details	
S-8 Wall, Floor, and Column Details, Seismic Cable Plan	
S-9 Interior Ladder and Hatch Details	
S-10 Pipe Entrance Details	
S-11 Exterior Ladder Details	
S-12 Handrail Details	
S-13 Internal Piping Sections and Details	
S-14 Pipe Support Details	-
ELECTRICAL AND INSTRUMENTATION & CONTROLS	
E-1 Electrical Abbreviations and General Notes	
E-2 One Line Diagram	
E-3 Electrical Site Plan	
-1 I&C Abbreviations and General Notes	
I-2 P&ID	
-3 Instrumentation Details	



# John Robinson, Principal Project Manager - Resume



#### Qualified: BS, Civil Engineering, California State University, Long Beach Connected: California Water Environment Association (Board of Director – Past President for Los Angeles Basin Section); Orange County Water Association (Board of Directors); WateReuse Association (Chapter Trustee for the Inland Empire Chapter)

**Professional Summary:** Mr. Robinson has 26 years of experience in the planning, design, and construction phases of civil and environmental engineering projects. He has completed preliminary and final design engineering of capital improvement projects, including cost estimates, reservoirs, booster pump stations, and pipelines for water and reclaimed water projects. His experience includes construction-phase engineering services for many reservoir, pumping, and pipeline systems, and leading utility systems engineering services for several design/build infrastructure projects. He has managed many relevant projects, including the City of Beverly Hills Coldwater Canyon Reservoir replacement, Foothill Municipal Water District Evaluation and Orange County Water District 6.0 MG Reservoir conversion.

## **Coldwater Canyon Reservoir Replacement,**

City of Beverly Hills - Project Manager for design of an 8.21-mg buried prestressed concrete reservoir located among multi-million-dollar homes within the City. Design incorporates demolition and removal of the existing reservoir damaged during the 1994 Northridge Earthquake. Due to site constraints, innovative design approaches were implemented, such as shoring methods to allow for the concrete casting of the reservoir structural elements without encroaching on the surrounding properties. End-use master planning and design also involved working closely with the Beverly Hills Parks Department for incorporation of the reservoir site into its neighboring park system. Proposals for the end-use of the underground reservoir's site included the installation of jogging trails and walking paths on the tank's earthen cover.

**Foothill Municipal Water District** – FMWD hired John Robinson to conduct a reservoir evaluation based upon the following five (5) alternatives: A.) Modifications to existing distribution system to access more storage currently in place; B.) Construct another reservoir on Valley Water Company land midway between the La Canada and the La Crescenta zone; C.) Tear down and construct larger La Crescenta reservoirs; D.) Lease reservoir capacity from GWP and construct an interconnection for emergency and normal operations purposes to move water to the FMWD service area; and E.) Construct an interconnection with GWP for emergency purposes.

Rowland Water District – Designed two steel tank water storage reservoirs having capacities of 2.0 MG and 5.0 MG This project involved site grading, landscaping, and construction inspection.

**City of Monterey Park** – Designed a 3.0 MG steel tank reservoir which involved site grading, landscaping, and construction inspection.

**Longden Reservoir, City of Arcadia** – Served as quality assurance engineer for a pre-stressed 3.0MG. This project involved site grading, landscaping, structural, mechanical, engineering services during construction and construction inspection.

**Reservoir No. 1, Rowland Water District** – This project included investigation of a failure of reinforcing wire strand wrap of a 1965 vintage reinforced concrete circular 3.0 MG reservoir. Also included plans, specifications, and construction management for installing post-tensioned reinforcing bar system with gunite concrete corrosion protection. Reservoir was repaired and returned to service in 60 days.

**Rowland Water District** – Designed six steel tanks and one concrete water storage reservoirs having capacities ranging from 1.0 MG to 8.0 MG. These projects included site grading, landscaping, and construction inspection.

Sunset Reservoir, City of Beverly Hills – Served as Project Manager for this reconstruction project. This reservoir has a tennis court added at the top. This was a 4.5 MG pre-stressed reservoir. This project involved site



John Robinson, Principal

grading, landscaping, structural, mechanical, engineering services during construction and construction inspection.

**Big Rock Reservoir, Topanga Reservoir, Blue Rock Reservoir, Bute Reservoir, Topanga Beach Reservoir, Fairground Reservoir, and Avenue K-8 Reservoir, Los Angeles County** – Conducted reservoir inspection, prepared specifications for replacing interior coating materials, and coordinating construction inspection service for interior recoating.

**City of Pomona** – Project Manager for a <u>4.0 MG pre-</u> <u>stressed concrete reservoir</u>. This project involved site grading, landscaping, structural, mechanical, engineering services during construction and construction inspection.

#### Reservoir No. 11, Rowland Water District -

Designed a 5.0 MG wire-wrapped partially buried concrete reservoir including site grading, landscaping, irrigation system, telemetry, and site improvements, including paving and decorative wrought iron fencing. Full construction administration services included surveying, inspection, and testing.

**Orchard Dale Water District** – Conducted reservoir inspection, prepared project specifications, reviewed bids, and made recommendation of award for recoating interior of <u>three 1.0 MG Colima Road Reservoirs and one 5.0 MG</u> <u>Telegraph Road Reservoir</u>.

## Hearst Castle, San Simeon State Park, Office

of the State Architect – Principal engineer for the design of a 1.5 MG buried concrete reservoir. This project included a design report identifying storage requirements, pump station requirements, surface water treatment system, chlorination system, and water system O&M recommendations, as well as plans and specifications for the reservoir, a 500 gpm variable reverse osmosis water treatment and pumping system, and assistance with the bid process along with construction management services. On-site part-time inspection services were also included.

5 mgd Wastewater Treatment Plant with 2.5 mgd Title 22 Water Reclamation Facility, City of American Canyon – Project Engineer this project currently in progress, which includes planning for a water reclamation project encompassing market assessment, hydraulic analysis, and facilities. Construction plans, specifications and estimates will be prepared for new and/or modifications to existing force mains, gravity sewers, and pumping stations, wastewater treatment plant and storage ponds. The recycled water facilities include 10 miles of recycled water pipeline, 5 miles of an industrial brine line, <u>1.5 MG above ground steel storage tank</u>, and a recycled water booster pump station. Preliminary design of 4 miles of 16 recycled water pipeline, 9 miles of 6-inch recycled water and brine pipeline and 2 miles of 6-inch recycled water pipeline for the City of American Canyon

#### RP-4 Reservoir Rehabilitation, Inland Empire Utilities Agency (IEUA), Chino, CA

Project Manager responsible for the writing, and preparation of the preliminary and final design efforts for the <u>rehabilitation of two 5.5 MG above ground steel</u> <u>reservoirs</u>. In his role as project manager, Mr. Robinson was responsible for the revision and finalization of the retrofit design criteria for the two 5.5 MG reservoirs through the preliminary and final design of the project. Additional duties included management for preliminary and final development and client coordination.

Santa Ana Recycled Water Reservoir Conversion and Pump Station, Orange County Water District – Project Engineer for modifications to the Santa Ana Reservoir and design of a new pump

station for the Orange County Water District. Design involved <u>modifying an existing 6.0-million-gallon potable</u> <u>water reservoir for reclaimed water storage</u> and design of a new pump station to supply the Green Acres reclaimed distribution system with the stored reclaimed water and modification of Factory 21 pump station. In addition, project included a surge analysis and report, computer hydraulic model (CyberNet 2.0), and update of model (CyberNet 3.0) of the Districts recycled water distribution system. Preliminary and final design of 500 feet of 24-inch and 36-inch recycled water pipeline on the Santa Ana Reservoir and Pump Station site and Bear Street

#### Project Engineer Title 22 Engineering Report | East Valley Water District | Highland, CA

Mr. Robinson served as Title 22 Engineering Report lead along with Division of Drinking Water Summary of Public Hearing, Findings of Fact and Condition, Regional Water Quality Control Board Report of Waste Discharge and NPDES permit application. John was responsible for the evaluation of applicable regulations, pollutant identification, and project feasibility to be incorporated in the Title 22 Engineering Report. Mr. Robinson's responsibilities also included the evaluation of multiple technologies, including microfiltration (MF), reverse osmosis (RO), and ultraviolet (UV) for further treatment of Title 22 recycled water for discharge into the Santa Ana River.

#### Senior Manager, Hollydale Pump Station and Pipeline, Central Basin Municipal Water District and City of Vernon, CA

Mr. Robinson's responsibilities included the preliminary design, design, and construction management of the Hollydale Pump Station located in the City of South Gate and approximately 8,000 linear feet of 12-and 18-inch recycled water pipeline to supply Malburg Generation Station. The facilities were in partnership between Central Basin Municipal Water District and City of Vernon. required SCADA controlled discharge stations for groundwater recharge.

# Sridhar Sadasivan, S.E.

# QA/QC Manager

#### Education

BS, Civil/Environmental Engineering, University of Bombay, India, 2002

MS, Structural Engineering, University of Cincinnati, 2004 Registrations

Professional Civil Engineer, California (73525) Professional Structural Engineer, California (S6039)

Years of Experience 16 years

#### **Professional Summary**

Sridhar Sadasivan has practical hands-on experience in design and construction of facilities for environmental projects. He has been involved in structural design of several water/wastewater projects, including design of treatment plants, pumping stations, chemical facilities and reservoirs. Sridhar has field engineering experience, providing construction support and inspection services at a wastewater treatment plant and at several sewer pipeline construction sites. He is knowledgeable in several structural engineering computer programs, and is also proficient in Autocad, Microstation V8, and Triforma.

## **Relevant Project Experience**

## DAILY II RESERVOIR AND PIPELINE DESIGN, EASTERN MUNICIPAL WATER DISTRICT, MENIFEE, CA | PROJECT MANAGER / PROJECT ENGINEER | The project includes a 2 MG welded steel tank, 2,000 LF of 12-inch PVC pipeline and 18,000 CY of excavation and miscellaneous sitework. Preliminary design included a siting study for a 2 MG welded steel reservoir with evaluation of potential sites primarily based on operations and geotechnical considerations. Sridhar served as the project manager, lead structural design engineer, and lead civil engineer during the preliminary design and final design.

# GARFIELD RESERVOIR, CITY OF SOUTH PASADENA, SOUTH PASADENA, CA | PROJECT

**ENGINEER** | The project involves design of two 3.25 MG partially buried concrete reservoirs in a residential neighborhood in accordance with IBC 2009 and ACI 350 provisions. The project also includes design of a below grade valve structure, a 2,000 gpm booster pump station and a 5,000 SF office/garage facility. The project site is located 100 feet from a known active fault line (Raymond fault). Served as Project Engineer coordinating the design of the project with the City and other concerned agencies including Pasadena Unified School District, LA County Flood Control District, CDPH and SCE. Also served as the lead structural design engineer and civil engineer.

# CHEVY CHASE 968 RESERVOIR AND BOOSTER PUMP STATION, CITY OF GLENDALE, GLENDALE,

**CA | PROJECT ENGINEER |** Project includes a 15 MG buried cast-in-place concrete reservoir underneath a golf course and a 2,400 gpm tri-level booster pump station in a residential neighborhood. Served as the project engineer and structural design engineer during final design and construction. During construction, managed the office services provided including attending weekly progress meetings and structural observation.



Sridhar Sadasivan, S.E. Page 2

# RESERVOIR NO. 3 ROOF REPLACEMENT AND PIPING IMPROVEMENTS, CITY OF BURBANK, BURBANK, CA | STRUCTURAL ENGINEER | Project involved replacement of roof on a 0.35 MG

concrete reservoir. Preliminary design stage included evaluation of roof material alternatives. Served as the lead structural design engineer during preliminary design, design and construction.

PRELIMINARY AND FINAL DESIGN OF RECYCLED WATER POND PUMPING STATIONS, EASTERN MUNICIPAL WATER DISTRICT, PERRIS, CA | TECHNICAL ADVISOR | Project includes preliminary and final design of three pumping stations from effluent storage ponds to the distribution system. Served as a technical advisor supporting the project manager and project engineer.

## TANK SEISMIC IMPROVEMENTS, CITY OF BURBANK WATER & POWER, BURBANK, CA |

STRUCTURAL DESIGNER | A comprehensive seismic, structural, corrosion and safety assessment of 22 flat bottom steel tanks (18 potable water and four recycled water), size ranging from 0.2 MG to 10 MG, was performed on 14 different sites for the City of Burbank Water & Power. The assessment included observation and inspection to record damage and documented deficiencies and developed recommendations for the seismic rehabilitation of the tanks. The City is in the process of implementing the recommendations of the corrosion study. Seismic deficiencies in 12 tanks were identified. Engineering services included cost evaluation for retrofit alternatives for the tanks, design of the retrofit and construction administration support. To date, 10 steel tanks have been retrofitted.

**BENTON RECYCLED WATER STORAGE TANK AND PIPELINE, EASTERN MUNICIPAL WATER DISTRICT, PERRIS, CA** | PROJECT ENGINEER | The project includes a 2 MG welded steel tank, 9,000 LF of 24-inch steel pipeline and 65,000 CY of excavation and miscellaneous sitework. Served as the project engineer and lead structural design engineer during the design and construction.

STEEL TANKS SEISMIC IMPROVEMENTS, CITY OF BURBANK WATER & POWER, BURBANK, CA | STRUCTURAL ENGINEER | Project includes geotechnical investigations and seismic evaluation of 10 welded steel reservoirs in accordance with AWWA D100 and design of seismic retrofits. Served as the project engineer and lead structural design engineer during design and construction.

**LONGFELLOW RECYCLED WATER TANK AND PIPELINE, EASTERN MUNICIPAL WATER DISTRICT, WINCHESTER, CA** | PROJECT ENGINEER | The project includes a 5 MG welded steel tank, 4,000 LF of 36-inch steel pipeline and 25,000 CY of excavation and miscellaneous sitework. Served as the project engineer, lead structural design engineer, and lead civil engineer during the design and construction.

TUSCANY HILLS/WILDOMAR RECYCLED WATER SYSTEM DESIGN, ELSINORE VALLEY MUNICIPAL WATER DISTRICT, LAKE ELSINORE, CA | PROJECT ENGINEER | Design of a 3,300 gpm recycled water pump station, 0.9 MG tank, and approximately 36,000 linear feet of 6-inch to 18-inch diameter recycled water pipeline.

**WESTSIDE WATER BANK STEEL TANKS, ANTELOPE VALLEY-EAST KERN WATER AGENCY, PALMDALE, CA | STRUCTURAL ENGINEER |** Design and engineering services during construction of two 4 MG steel tanks (Phase 1 and Phase 2) and associated 42-inch inlet and outlet pipelines and tank appurtenances. The appurtenances included reservoir mixers bid and site electrical and instrumentation bid under a separate contract in an effort to obtain the most competitive tank bids.



# David W. Ferguson, Ph.D., P.E., BCEE

## **Design Manager**

#### Education

- BS, Civil Engineering, University of Massachusetts, 1980
- BS, Environmental Science, University of Massachusetts, 1977
- MBA, Business Management, California State University, San Bernardino, 1985
- MS, Civil Engineering, University of Massachusetts, 1980
- PhD, Executive Management, Claremont Graduate University, 1993

#### Registrations

Professional Civil Engineer, California (34626)

#### Certifications

Board Certified Environmental Engineer, American Academy of Environmental Engineers & Scientists (AAEES)

#### Memberships/Affiliations

American Water Works Association (AWWA) Design-Build Institute of America (DBIA) American Academy of Environmental Engineers & Scientists (AAEES)

Years of Experience 39 years

#### **Professional Summary**

David Ferguson, PhD has extensive experience in the planning, design, construction, and operation of water supply, infrastructure, and treatment projects. His background includes project and program management, as well as management of engineering and/or operations for three large water utilities in Southern California. He has been responsible for the evaluation and/or design of upgrades, rehabilitation, retrofit, and/or replacement for over 40 water treatment plants, 30 reservoirs, and 20 pumping stations for 15 different water utilities.

## **Relevant Project Experience**

**GARFIELD RESERVOIR PUMP STATION REPLACEMENT, CITY OF SOUTH PASADENA, SOUTH PASADENA, CA | PROJECT MANAGER |** Preliminary Design Report and design for a two-cell 6.5 MG cast-in-place concrete rectangular partially-buried reservoir, 2,500 gpm pump station, and on-site sodium hypochlorite generation chlorination facility. The project also includes the design of the Public Works Water Distribution Yard with an office/garage/storage building and support facilities.

# WESTSIDE WATER BANK STEEL TANKS, ANTELOPE VALLEY-EAST KERN WATER AGENCY,

**PALMDALE, CA** | **PROJECT MANAGER** | Design and engineering services during construction of two 4 MG steel tanks (Phase 1 and Phase 2) and associated 42-inch inlet and outlet pipelines and tank appurtenances. The appurtenances included reservoir mixers bid and site electrical and instrumentation bid under a separate contract in an effort to obtain the most competitive tank bids.

**DAILY II RESERVOIR, EASTERN MUNICIPAL WATER DISTRICT, PERRIS, CA | QA/QC REVIEWER |** Design of a 2 MG above-ground, welded steel potable water storage tank and associated facilities. The project included separate inlet and outlet pipelines and an altitude valve and by-pass vault. An on-site storage pond was sized for emergency overflow as well as draining the bottom 2 feet of the tank for maintenance.

6

ŧ.

6

David W. Ferguson, Ph.D., P.E., BCEE Page 2

LONGFELLOW RECYCLED WATER TANK AND PIPELINE, EASTERN MUNICIPAL WATER DISTRICT, WINCHESTER, CA | QA/QC REVIEWER | Design of a 5 MG above-ground, welded steel recycled water storage tank and associated facilities. The project also included approximately 4,500 linear feet of a 30-inch diameter steel (CML&C) inlet/outlet recycled water pipeline in Simpson Road.

TUSCANY HILLS/WILDOMAR RECYCLED WATER SYSTEM DESIGN, ELSINORE VALLEY MUNICIPAL WATER DISTRICT, LAKE ELSINORE, CA | QA/QC REVIEWER | Design of a 3,300 gpm recycled water pump station, 0.9 MG tank, and approximately 36,000 linear feet of 6-inch to 18-inch diameter recycled water pipeline.

RESERVOIR 3A, CITY OF SAN FERNANDO, SAN FERNANDO, CA | PROJECT MANAGER | Preliminary Design Report of alternative reservoir configurations and materials of construction to maximize storage at the site of the existing 1.0 MG Upper Reservoir. The recommended reservoir was an Lshaped partially-buried cast-in-place concrete reservoir.

WHITEGATES NO. 1 AND NO. 2 RESERVOIR PLANNING STUDY, CITY OF RIVERSIDE, RIVERSIDE, CA | PROJECT MANAGER | Planning Study for the sizing and site location for two buried concrete reservoirs with a total capacity of 9 million gallons. Two luxury home parcels (totaling approximately three acres) were purchased for each of the two reservoir sites. Following a design-build solicitation. the upper reservoir was constructed as a 3.5 MG cast-in-place rectangular reservoir and the lower reservoir a 5.5 MG cast-in-place rectangular reservoir.

REGIONAL RECYCLED WATER DISTRIBUTION SYSTEM FACILITIES-PHASE II. INLAND EMPIRE UTILITIES AGENCY, CHINO, CA | PROJECT MANAGER | Project Manager for the preliminary design and design six discrete packages that represent an estimated \$40 million in capital improvements and include 75,000 feet of 16- to 30-inch diameter pipeline, three pumping stations, and two steel tanks.

RESERVOIR AND PUMPING STATION, CITY OF SOLVANG, SOLVANG CA | PROJECT MANAGER | Design and Construction Administration of a 0.6 MG concrete reservoir and pumping station.

RESERVOIR AND PUMP ADDITION, CITY OF UPLAND, UPLAND, CA | PROJECT MANAGER | Design of a 4.6 MG concrete reservoir and pump addition.

RESERVOIR, PIPELINE, AND PUMP STATION, CITY OF TORRANCE, TORRANCE, CA | PROJECT ENGINEER | Design of an 18 MG buried concrete reservoir, transmission pipeline, and pump station modifications.

RESERVOIR, SAN GABRIEL VALLEY WATER DISTRICT, EL MONTE, CA | PROJECT MANAGER | Design of a 3 MG steel tank, site improvements, and inlet/outlet piping.

RESERVOIR, CITY OF POMONA, POMONA, CA | PROJECT ENGINEER | Design of a 2.7 MG steel tank, site improvements, and inlet/outlet piping.



# Brandon C. Hale, P.E.

## **Project Engineer**

#### Education

BS, Civil Engineering, University of California, Los Angeles, 2010MS, Civil Engineering, University of California, Los Angeles, 2012 Registrations Professional Civil Engineer, California (C 83374)

Years of Experience 6 years

#### **Professional Summary**

Brandon Hale is a registered professional civil engineer with a background in water resources and environmental planning in Southern California with a focus on the planning and design of infrastructure improvements, water supply and demand management, and water master planning. He has performed planning, preliminary design, final design, and construction support of several water reservoirs, transmission pipelines, pump stations, groundwater wells, and treatment processes. Brandon has developed capital, operating, maintenance and annualized life cycle costs to support the evaluation of alternatives for planning studies, as well as more refined cost estimates during design.

#### **Relevant Project Experience**

**MESA TANK REPLACEMENT, CITY OF SANTA PAULA, SANTA PAULA, CA | PROJECT ENGINEER |** Evaluated replacing twin 0.21 MG potable water steel tanks with twin 0.30 MG steel tanks, 0.60 MG concrete cast-in-place rectangular reservoir, and 0.60 MG concrete circular pre-stressed tank. Analyzed three tank alternatives on cost, constructability, operations & maintenance, permitting, residential impacts, land acquisition/easements, traffic impacts, water quality, and environmental impacts to recommend a tank alternative. Determined twin steel tanks is the best replacement option for the City.

**CHERRY WILLOW RECYCLED WATER TANK FINAL DESIGN, SANTA CLARITA VALLEY WATER AGENCY, SANTA CLARITA, CA | PROJECT ENGINEER/CIVIL ENGINEER |** Currently working to develop an expedited design for the construction of twin 0.5 MG recycled water, welded steel storage tanks to expand the storage system by 1.0 MG. Responsible for coordinating pipeline connections to tank and water supply pipeline, development of an overflow detention basin to test overflow water prior to discharge to the storm drain, and site grading. A staircase will provide access to one tank with a catwalk across to the second tank. Both tanks will operate at the same level, which will communicate via SCADA system.

WESTSIDE WATER BANK PHASE 2 – TANK CONSTRUCTION, ANTELOPE VALLEY-EAST KERN WATER AGENCY, ANTELOPE ACRES, CA | PROJECT ENGINEER (DESIGN PHASE) AND PROJECT CONTROLS ENGINEER (CONSTRUCTION PHASE) | Coordinated design of a 4 MG potable water welded steel tank between civil, structural, electrical, and instrumentation disciplines. Steel tank included access stairs, SCADA instrumentation for measurement, site lighting, grading improvements, and 42-inch steel pipe connections for inlet and outlet. Served as project controls engineering during construction to process submittal and RFI reviews.



ŝ

Ē

ŧ.

¢

ć.

Brandon C. Hale, P.E. Page 2

#### 5 MG POTABLE WATER STORAGE TANK, LAS VIRGENES MUNICIPAL WATER DISTRICT,

**CALABASAS, CA** | ENGINEERING SUPPORT | Responsible for design and specification of tank appurtenances: chlorine analyzer, irrigation pump skid, and sampling station. Designed baffle layout with data from computation fluid dynamics model output. Coordinated structural, electrical, and instrumentation disciplines.

**GARFIELD RESERVOIR AND PUMP STATION REPLACEMENT, CITY OF SOUTH PASADENA, SOUTH PASADENA, CA | PROJECT ENGINEER |** Coordinated and processed over 200 submittals and over 100 RFI reviews for the construction of a twin cell 6.5 MG cast-in-place potable water reservoir, 200 horsepower vertical turbine pump station, and 8,800 square foot, two story administration building.

PACE, MOORPARK & POTRERO NO. 1 RESERVOIRS REHABILITATION, CALIFORNIA AMERICAN WATER, THOUSAND OAKS, CA | DESIGN ENGINEER | Design Engineer and Field Engineer -Performed daily site observations at Pace Reservoir during rehabilitation construction. Responded to RFIs, submittals and change order requests. Revised contract documents for Moorpark and Potrero No. 1 Reservoirs with lessons learned from Pace Reservoir.

PALMDALE REGIONAL GROUNDWATER RECHARGE AND RECOVERY PROJECT, PALMDALE WATER DISTRICT, PALMDALE, CA | CIVIL ENGINEER | The proposed project would deliver water from the California Aqueduct of the State Water Project to new 80-acre recharge basins on an undeveloped site in northeast Palmdale where it will be blended with recycled water and surface recharged into the groundwater aquifer. Banked water would be available for future extraction by up to 16 groundwater extraction wells. Responsible for the preliminary hydraulic analysis of 18.5 miles of pipelines ranging from 30-inches to 48-inches in diameter. Analysis included partial- and full-pipe flows up to 72 cubic feet per second. Determined preliminary 25 miles of pipeline alignment at an estimated construction cost of \$40 million.

**DEERLAKE RANCH STORAGE AND PUMPING CAPACITY STUDY, LAS VIRGENES MUNICIPAL WATER DISTRICT, CALABASAS, CA | PROJECT ENGINEER |** Developed alternatives to expand an existing pump station by 620 gpm and increase storage by 300,000 gallons. Alternatives were phased based on the phasing of the Deerlake Ranch tract construction. Two pumping and nine storage alternatives were evaluated with a decision matrix to recommend a project. Developed construction costs for alternatives.

**POTABLE WATER SYSTEM UPGRADE, MT SINAI MEMORIAL PARKS & MORTUARIES, LOS ANGELES, CA** | CIVIL ENGINEER | Drafted a conceptual design report to upgrade the existing potable water pump station to meet the new high pressure potable water service connection, including hydraulic calculations under gravity flow and pumping conditions. Evaluated different alternatives prior to selecting a hydropneumatic pump system to provide service during normal operations and while supplying irrigation water when the recycled water system was offline.

PHASE III RECYCLED WATER PROJECT PIPELINE EXPANSION SEGMENT 5, CARLSBAD MUNICIPAL WATER DISTRICT, CARLSBAD, CA | CIVIL ENGINEER | Led the preliminary and final design of approximately 9 miles of recycled water transmission and distribution pipelines. New pipe ranged in size from 6- to 8-inches in diameter. Determine applicable permits required for construction within the public right-of-way and for crossing a North County Transit District railroad with a bore and jack construction approach.



# Donald L. Barraza, P.E.

# **Reservoir Design**

#### Education

BS, Civil Engineering, University of Wyoming, 1986

#### Registrations

Professional Civil Engineer, California (45483) Professional Civil Engineer, Washington (41090) Professional Civil Engineer, Oregon (75021)

#### Memberships/Affiliations

American Society of Civil Engineers Structural Engineers Association of California Applied Technology Council State of California's Governor's Office of Emergency Services

#### Years of Experience 32 years

#### **Professional Summary**

Don Barraza is a senior engineer with over 30 years of experience serving as structural engineer, project engineer, project manager, and construction resident engineer. In these roles he provided services for the planning, design, condition assessment, and construction of water supply, treatment, storage and distribution facilities. In his career, he has worked on more than 18 condition assessments, structural design of over 70 concrete tanks and 70 steel reservoirs, 17 pump stations, and more than 30 water treatment plants and has served as a senior-level reviewer for over a dozen water and wastewater treatment plant projects. He also serves as chairman of the AWWA committee on cast-in-place conventionally reinforced concrete water storage tanks.

#### **Relevant Project Experience**

# GARFIELD RESERVOIR REPLACEMENT PROJECT, CITY OF SOUTH PASADENA, SOUTH PASADENA,

**CA** | **PROJECT ENGINEER** | Structural designer in responsible charge for the alternatives evaluation and preliminary design of a 6.5 MG replacement of the existing cast-in-place earth embankment rectangular concrete reservoir. After completion of preliminary design, provided structural QA/QC review for the final construction document development of the replacement of the reservoir with two new conventional concrete rectangular reservoirs, replacement pump station, inlet/outlet valve vault, and maintenance building.

9.5 MG RESERVOIR NO. 1 RECONSTRUCTION, BURBANK WATER & POWER, CITY OF BURBANK,

**CA** | **RESPONSIBLE-IN-CHARGE** | Project Manager and structural designer in responsible charge for the design and construction of the replacement of the City's Reservoir No. 1 a 1941 era 6.9 MG earth embankment reservoir constructed within a DSOD jurisdictional dam. Led a design team which evaluated several alternative configurations for replacement of the reservoir. Final design was developed around construction of two new conventional concrete reservoirs, one rectangular and the second trapezoidal, configured to fit within the original footprint of the single 6.9 MG capacity reservoir but increased in total storage capacity to 9.5 MG.

CHEVY CHASE 968 RESERVOIR AND BOOSTER PUMP STATION, CITY OF GLENDALE, GLENDALE,

**CA** | **PROJECT ENGINEER** | Structural designer in responsible in charge for the design of the 15.0 MG Chevy Chase 968 Reservoir. The trapezoidal reservoir measuring 475 feet by 245 feet was designed with storage separated into two halves and fully buried with vehicle live load over the top of the reservoir and constructed beneath the Chevy Chase County Club golf course.

í.

Donald L. Barraza, P.E. Page 2

HARRY TRACY WATER TREATMENT PLANT (HTWTP) LONG-TERM IMPROVEMENTS PROJECT, SAN FRANCISCO PUBLIC UTILITIES COMMISSION, MILLBRAE, CA | PROJECT ENGINEER | Structural responsible in charge and designer for a 15.0 MG conventionally reinforced and prestressed concrete reservoir. The circular reservoir is divided into two compartments with a 4.0 MG circular chlorine contact chamber surrounding an 11.0 MG operational storage clearwell. The reservoir is a 240-foot-diameter circular tank designed in accordance with ANSI/AWWA D110-04 with a 46-foot water depth. The reservoir is pile supported on over 800 driven non-displacement steel H-piles and constructed about 1,000 feet from the active San Andreas Fault and adjacent to Interstate 280.

NICOLAS RESERVOIR ENGINEERING SERVICES, RANCHO CALIFORNIA WATER DISTRICT, TEMECULA, CA | CIVIL ENGINEER | Work included the preparation of design plans, specifications and cost estimates for two 3.5-million-gallon prestressed concrete tanks, inlet/outlet transmission main, and parallel transmission mains.

BENTON RECYCLED WATER STORAGE TANK AND PIPELINE, EASTERN MUNICIPAL WATER DISTRICT, PERRIS, CA | QA/QC MANAGER | Preliminary and final design of a 2.0 MG recycled water steel tank and approximately 8,500 linear feet of a 24-inch diameter recycled water pipeline.

LONGFELLOW RECYCLED WATER TANK AND PIPELINE, EASTERN MUNICIPAL WATER DISTRICT, WINCHESTER, CA | STRUCTURAL DESIGNER | Design of a 5 MG above ground, welded steel recycled water storage tank and associated facilities. The project also included approximately 4,500 linear feet of a 30-inch diameter steel (CML&C) inlet/outlet recycled water pipeline in Simpson Road.

2.0 MG PAXTON ROAD RESERVOIR DESIGN AND CONSTRUCTION, CITY OF KELSO, KELSO, WA | PROJECT ENGINEER | Structural designer in responsible charge for the design of a 2.0 MG strand wound circular prestressed concrete water storage tank with a cast-in-place dome roof.

**7.25 MG AND 10.0 MG NORTHEAST WATER STORAGE RESERVOIR REPLACEMENT, CITY OF ROSEVILLE, ROSEVILLE, CA | PROJECT ENGINEER |** Structural responsible charge for design and CM for 7.25 MG and 10.0 MG strand-wound, circular, prestressed concrete water storage tanks. The reservoirs were designed with an AWWA D110 Type I core wall, an underdrain system, and a separate inlet and outlet system for mixing and turnover of the tank contents including demolition of a 6.0 MG prestressed reservoir.

**RESERVOIR REPLACEMENT, SONOMA STATE UNIVERSITY, ROHNERT PARK, CA |** PROJECT **ENGINEER |** Engineering for the replacement of two precast concrete 0.25 MG water reservoirs. Final design and construction administration services for three new ground level welded steel water storage tanks.

**1.0 MG Minor Road Reservoirs Seismic and Structural Evaluation, City of Kelso, Kelso, WA** | RESPONSIBLE-IN-CHARGE | Responsible in Charge and structural designer for the seismic evaluation of two 1.0 MG circular conventional concrete water storage tanks. This project included evaluation of the failure path and inundation zone associated with reservoir failure adjacent I-5.

**GYPSY HILL AND ROYCE RESERVOIRS EVALUATIONS AND REPLACEMENT, NORTH COAST COUNTY WATER DISTRICT, PACIFICA, CA** | PROJECT ENGINEER | Engineering services for the design of two 3.0 MG welded steel tanks for the Gypsy Hill and Royce Reservoir.

**1.0 MG Recycled Water Reservoir, Menlo Country Club, Woodside, CA | STRUCTURAL PROJECT** MANAGER | Project Manager and structural discipline lead for the design of a new 1.0 MG circular buried conventional concrete reservoir for irrigation storage supply for the country club golf course.

# Paul H. Chau, P.E., CEM

# Fire Flow Analysis & Hydraulics

#### Education

- BS, Environmental Engineering and Science, University of California, Los Angeles, 2006
- MS, Civil and Environmental Engineering, Stanford University, 2007

Registrations Professional Civil Engineer, California (C75784)

#### Professional Summary

#### Certifications

Certified Energy Manager, Association of Energy Engineers (#21448)

Years of Experience 12 years

Paul Chau is a civil engineer and certified energy manager with a diverse background in master planning, water supply planning, hydraulic water modeling, energy analysis, and infrastructure design. He has built, developed, calibrated, and analyzed hydraulic water models using InfoWater and WaterGEMS. He has also provided engineering analyses such as fire flow storage analysis, demand development, reservoir, pipe, and pump station sizing, and Capital Improvement Program (CIP) development.

#### **Relevant Project Experience**

# MORRO TANK RETROFIT, RAINBOW MUNICIPAL WATER DISTRICT, FALLBROOK, CA | CIVIL

**ENGINEER |** The Morro Tank is the lone source of storage in one of Rainbow Municipal Water District's (RMWD) water distribution system pressure zones. A structural and geotechnical analysis of the tank discovered the tank sits on unstable soil, which would require significant investment to rectify. Carried out a hydraulic analysis to determine alternative means of providing storage and pumping facilities for the pressure zone. The hydraulic analysis resulted in a more cost efficient solution for RMWD.

WATER & SEWER MASTER PLAN, ROSAMOND COMMUNITY SERVICES DISTRICT, ROSAMOND, CA

| PROJECT MANAGER | Providing project oversight and project management for the development of water and sewer master plans for Rosamond Community Services District, which provides sewer, water, park, and lighting services for the City of Rosamond in Antelope Valley. An InfoSewer hydraulic model was developed and a facility analysis was executed, including a fire flow assessment for both storage and pipeline capacities.

WATER MASTER PLAN UPDATE, CITY OF THOUSAND OAKS, THOUSAND OAKS, CA | PROJECT ENGINEER | Served as a project engineer for preparation of the City of Thousand Oaks' (City) 2015 Master Plan Update. The purpose of the project is to identify infrastructure improvements required for the City's water distribution system, including improvements to meet fire flow requirements. In addition, the hydraulic model is utilized to perform a water age analysis of the system, in order to identify areas of the system that potentially can have low disinfection levels

WATER, RECYCLED WATER, AND SEWER MASTER PLANS, CITY OF SOUTH GATE, SOUTH GATE, CA | PROJECT ENGINEER | Project included the preparation of a Water Master Plan, Recycled Water

Master Plan, and Sewer Master Plan as three standalone documents to address water demands, recycled water demands, and gravity sewer flows. Each document evaluates the immediate, short-



i.

Paul H. Chau, P.E., CEM Page 2

term (5-year), and ultimate deficiencies and establish the infrastructure requirements. The Water Master Plan included a facility analysis that analyzed fire flow requirements for the storage and pipeline facilities.

# WATER FACILITIES MASTER PLAN UPDATE, CITY OF SAN BERNARDINO, SAN BERNARDINO, CA

| PROJECT ENGINEER | Worked collaboratively with the San Bernardino Municipal Water Department to update its Water Facilities Master Plan, and develop a roadmap for continued successful performance and operation of critical water system infrastructure. Project included update of geographic information system (GIS) database, hydraulic model development, fire-flow testing, calibration, demand modeling and projections, statistical analysis to determine impact factors (economy, weather, employment etc.) on future demands, water conservation strategies, water resources, hydraulic analysis, Capital Improvements Program (CIP), and model training.

## HATTAN ROAD PUMP STATION DESIGN, CLACKAMAS RIVER WATER, CLACKAMAS, OR |

MODELING TECHNICAL ADVISOR | Clackamas River Water District is working to complete their Backbone Projects initiative to meet water demand and increase reliability and capacity in both their north and south service areas. Kennedy Jenks designed a new water booster pump station to deliver water south of the Clackamas River. The station includes three, 400-horsepower vertical turbine pumps to deliver 5.6 MGD to the Redland Reservoirs, a dual surge tank system and a pressure relief valve to deliver water north by gravity and bypassing the pump station. Paul provided technical guidance for hydraulic modeling services to define the pump station capacities.

LAS POSAS REPLACEMENT WATER STUDY, CALLEGUAS MUNICIPAL WATER DISTRICT,

**MOORPARK, CA | PROJECT ENGINEER |** Kennedy Jenks provided CMWD and Fox Canyon Groundwater Management Agency engineering services to perform the Study, which comprised fourteen individual studies each evaluating a water supply alternative. Kennedy Jenks developed key criteria to assess each project alternative. Results of this Study found that opportunities to diversify the Basin's water supply are regionally accessible within supply types including stormwater, treated brackish water, imported water, and recycled water, as well as invasive vegetation removal. Factors impacting the overall feasibility of an evaluated alternative include capacity and capital costs per project, and potential limitations on supply availability such as water rights, agency terms, hydrological availability, drought, and other limitations. Project also included stakeholder engagement for criteria development and analysis review.

RECYCLED WATER RESOURCES PLAN, RANCHO CALIFORNIA WATER DISTRICT, TEMECULA, CA

| PROJECT ENGINEER | Currently developing a Recycled Water Resources Plan (RWRP) to provide the District a clear and concise strategy for utilizing its available recycled water supplies. Twelve nonpotable and potable reuse alternatives (including groundwater replenishment, conjunctive use via nearby reservoir, streamflow augmentation and direct potable reuse) were evaluated using a weighted-criteria ranking analysis utilizing criteria developed by the Board of Directors. Led the development of the technical parameters, regulatory compliance, and life cycle cost estimates for the project alternatives that were considered.

**RECYCLED WATER MASTER PLAN UPDATE, SANTA CLARITA VALLEY WATER AGENCY (CASTAIC LAKE WATER AGENCY), SANTA CLARITA, CA | PROJECT ENGINEER | Led the engineering team for Prop 84-funded Recycled Water Plan to investigate non-potable reuse, groundwater recharge, surface water augmentation and direct potable reuse for CLWA and the four retailers in the region. Paul led oversight and QA/QC of the hydraulic modeling development. Included alternative analysis and facility siting considerations for 14 sub-alternatives, including evaluation of conveyance requirements and costs.** 

# **Gregory B. Behnke**

Site Civil

Years of Experience 41 years

#### Professional Summary

Greg offers over 40 years of experience in the civil and sanitary engineering field. His regular responsibilities include the development of design and preparation of plans and specifications for wastewater and water treatment plants, as well as sanitary, potable and reclaimed water pipelines, reservoirs, mass grading and wetland restorations projects. He also has experience working as a system administrator, IT coordinator and providing CAD support. Greg is experienced in the production of grading plans, pipeline and site design, yard piping design, and reservoir design using Bentley MicroStation, InRoads, InterPlot, and Autodesk Civil 3D modeling software applications. He is skilled in detailed design of pipelines, digital terrain modeling, and extremely proficient in earthwork, earthwork quantities and pond storage volume calculations.

# **Relevant Project Experience**

DAILY II HYDROPNEUMATIC BOOSTER PUMP STATION, EASTERN MUNICIPAL WATER DISTRICT, TEMECULA, CA | CIVIL DESIGN LEAD | Provided design of horizontal controls, paving, and grading and drainage.

DAILY ROAD CONSTRUCTION SUPPORT, EASTERN MUNICIPAL WATER DISTRICT, TEMECULA, CA | CIVIL DESIGN LEAD | Provided horizontal control, paving, and grading, and drainage.

**TWO-8 MG RESERVOIRS, PUMPING STATION, WELL IMPROVEMENTS, AND PIPELINES, CITY OF WESTMINSTER, WESTMINSTER, CA | LEAD DESIGNER |** Lead designer for the reservoir replacement project located at the intersection of Hoover Street and Hazard Avenue. The work involved the development of a water production well drilled within the site to provide additional water supply for the City's drinking water system. The well pump was 2,500 gpm with 200 hp. The project consisted of a complete water supply and storage system that included a booster pump station (4-3,100 gpm, 200 hp pumps), well pump, disinfection system using sodium hypochlorite and water softeners, emergency back-up power generator, two 8-MG, steel tank reservoirs. The site improvement also included soil stabilization by drilling an array of stone columns and surcharging the site where the two reservoirs will be placed. The soil stabilization project was completed after the well was drilled and tested. The yard piping varied from 36" to 10" and involved connections to two different water service areas.

**10 MG TILDEN RESERVOIR, CITY OF RIVERSIDE PUBLIC UTILITIES DEPARTMENT, CITY OF RIVERSIDE PUBLIC UTILITIES DEPARTMENT, RIVERSIDE, CA** | LEAD DESIGNER | Civil engineering design lead for this 10 MG with 16-foot side water depth and a total depth of 24 feet (2-5 MG cells), Pressure Zone 1020, buried concrete reservoir located in the southwest part of the city. The 10 MG reservoir was a buried cast-in-place concrete reservoir with 16 feet side water depth and 24 overall depth feet using a hopper bottom. The reservoir is located in the hillside overlooking Creighton Street and Gramercy Place. This project had unique challenges because the design and construction had to keep an above ground 1.5 MG steel reservoir in service while the new concrete buried reservoir was



6

6

6

0

2

6

1

Gregory B. Behnke Page 2

constructed in the hillside next to it. The civil site work was also challenging due to the hillside design and steep access roads needed to access both the existing steel tank reservoir and the top of the new buried reservoir. Assisted during the construction phase where surficial erosion occurred and affected the cover. Significant repairs were necessary due storm water flooding.

## 7.5 MG VAN BUREN RESERVOIR, CITY OF RIVERSIDE PUBLIC UTILITIES DEPARTMENT,

**RIVERSIDE, CA** | LEAD DESIGNER | Civil engineering design lead for this 7.5 MG, Pressure Zone 1200 with 16 feet side water depth and a total depth of 24 feet using a hopper bottom, buried concrete reservoir located in near Equestrian Drive and Van Buren Boulevard at Mockingbird Canyon Reservoir. This project was planned to expand one additional 7.5 MG cell to the west. Additional features were provided for that future expansion such as a common 30-inch steel inlet with stub outs. Also, the wall connections for the expansion were built so that the reinforcing and water stops were included.

CANYON LAKE WATER TREATMENT PLANT FACILITIES MASTER PLAN, ELSINORE VALLEY MUNICIPAL WATER DISTRICT, CANYON LAKE, CA | CIVIL DESIGN LEAD | Provided horizontal control, paving, grading and drainage, and yard piping design.

DIAMOND VALLEY LAKE ENGINEERING SERVICES DURING CONSTRUCTION (AS A SUBCONSULTANT), METROPOLITAN WATER DISTRICT, LOS ANGELES, CA | CIVIL CAD TECHNICIAN | Provided civil plans and profiles.

STERLING NATURAL RESOURCE CENTER DESIGN-BUILD BRIDGING DOCUMENTS, SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT, HIGHLAND, CA | CIVIL DESIGN LEAD | Provided horizontal control, paving, and grading and drainage.

NORTH CITY PLANT EXPANSION - PIPELINE DESIGN AND SECONDARY CLARIFIER AREA DESIGN, CITY OF SAN DIEGO, SAN DIEGO, CA | CIVIL DESIGN LEAD | Provided horizontal control, pipe design and relocations.

NORTH CITY PLANT EXPANSION - EARLY SITE WORK FOR PIPELINE DESIGN AND SECONDARY CLARIFIER AREA DESIGN, CITY OF SAN DIEGO, SAN DIEGO, CA | CIVIL DESIGN LEAD | Provided horizontal control, pipe design and relocations.

WASTEWATER RECLAMATION FACILITY CONSTRUCTION MANAGEMENT, HI-DESERT WATER DISTRICT, YUCCA VALLEY, CA | CIVIL DESIGN LEAD | Provided horizontal control, paving, grading and drainage and yard piping design.

WELL NO. 41 WELLHEAD TREATMENT PROJECT, ONTARIO MUNICIPAL UTILITIES COMPANY, ONTARIO, CA | DESIGN ENGINEER | Provided design engineering and bid support services for the Well No. 41 Wellhead Treatment Project. The project included a 2,350 gpm ion exchange perchlorate treatment facility, new chlorine building for on-site generation of sodium hypochlorite (relocation of existing OSG system from Well No. 41 building), associated site improvements, approximately 1,300 LF of 16-inch diameter CML&C groundwater supply pipeline, 200 LF of 16-inch diameter CML&C treated water pipeline, and 300 LF of 18-inch diameter RCP storm drain. The ion exchange treatment process includes two pre-filters, four 12-foot diameter ion exchange treatment vessels (two trains in lead-lag configuration), along with flow metering, and controls.



# Jeffrey R. Mohr, P.E., C.E.M

# **Electrical and Instrumentation & Controls**

#### Education

BS, Electrical Engineering, California Polytechnic State University, 1998

#### Registrations

Professional Electrical Engineer, California (18977) Professional Engineer, Colorado (PE.0049941); North Dakota (PE-9513) Professional Electrical Engineer,

Alaska (AELE13776); New Mexico (22963);

Nevada (022088); Oregon (85974PE); Texas (119554); Washington (4875);

## Memberships/Affiliations

Institute of Electrical and Electronics Engineers (IEEE) Certified Energy Manager (AEE)

Years of Experience 19 years

## **Professional Summary**

Jeff Mohr has over 19 years of experience in the design and construction administration of power, control, and instrumentation systems for various water and wastewater projects. His designs have included low- and medium-voltage power generation and distribution systems, variable frequency drives, indoor and outdoor lighting, solid state power system monitoring and protection, hardwired relay and programmable logic controller (PLC) control systems, and various data acquisition and other instrumentation systems. Jeff has managed several large electrical generator installation projects and electrical equipment replacements on existing facilities, while maintaining continuous operation during the construction process, improving electrical safety and optimizing existing facilities to save construction costs.

# **Relevant Project Experience**

PURE WATER MONTEREY - GROUNDWATER REPLENISHMENT, GWR INJECTION WELL FACILITIES, ENGINEERING SERVICES DURING CONSTRUCTION, MONTEREY ONE WATER, MONTEREY, CA | ELECTRICAL ENGINEER | Project responsibilities included assisting the team with Engineering Services During Construction and helped coordinate the incoming electric utility service with Pacific Gas and Electric (PG&E). The AWTF facility was designed to receive two power feeds through its 21kV Main-Tie-Main switchgear. To meet construction schedules, the 21kV primary service was coordinated with PG&E. The design of the alternate 21kV power supply from Waste management District is currently being finalized and coordinated with PG&E. The final power distribution arrangement will provide the client with a reliable power distribution system while optimizing energy usage costs.

CHERRY WILLOW RECYCLED WATER TANK FINAL DESIGN, SANTA CLARITA VALLEY WATER AGENCY, SANTA CLARITA, CA | LEAD ELECTRICAL ENGINEER | Design of an electrical distribution system to support the construction of two recycled water tanks, associated seismic valve controllers and area site lighting and receptacles. Coordinated with SCE to ensure incoming utility modifications were brought to the site.

LIFT STATION 1 REPLACEMENT, RAINBOW MUNICIPAL WATER DISTRICT, BONSALL, CA | LEAD ELECTRICAL ENGINEER | Assisting junior engineers in the design of lift station replacement project. Project includes a 50kW optional standby power generator to back up necessarily facility equipment and maintain operation of the lift station.



-

ŝ

Jeffrey R. Mohr. P.E. Page 2

# PLEASANT GROVE WASTEWATER TREATMENT PLANT EXPANSION, CITY OF ROSEVILLE,

**ROSEVILLE, CA | CHIEF ELECTRICAL ENGINEER |** Responsibilities included performing quality review of design-assist documents for plant modifications to construct primary clarifier and associated pumping, solids thickening facilities, rehab of a WAS holding tank to centrate storage tank, digester facilities and a waste gas burner. The electrical work included modifications to an existing 480V metal clad switchgear, new 480V motor control centers, 480-120/208V step-down transformers and 120/208V panelboards.

SAN JOSE-SANTA CLARA REGIONAL WASTEWATER FACILITY FILTER REHABILITATION, CITY OF SAN JOSE, WATER POLLUTION CONTROL, SAN JOSE, CA | ELECTRICAL ENGINEER | Project responsibilities included review of existing design documents for the upgrading of 16 filters and associated electrical infrastructure. Will provide quality analysis and control throughout the duration of design to ensure project constructability and help optimize project costs.

**SOUTH SAN LUIS OBISPO WWTP REDUNDANCY PROJECT, SOUTH SAN LUIS OBISPO COUNTY, OCEANO, CA | ELECTRICAL ENGINEER |** Project responsibilities included review of existing design documents for the installation of both medium and low-voltage electrical distribution system for the operation of groundwater injection wells and future facility booster pumps. Jeff will be providing quality analysis and control throughout the duration of design to ensure project constructability and help optimize electrical equipment layout and project costs.

**PROJECT 716 DUAL MEDIA FILTERS PHASES 3 & 4, CLARK COUNTRY WATER RECLAMATION DISTRICT, LAS VEGAS, NV | LEAD ELECTRICAL ENGINEER |** Served as the lead electrical engineer for the design of expanded tertiary facilities for Clark Country Water Reclamation District. Project included the expansion/addition of granular media filters, a new filter influent pump station, retrofit of existing UV disinfection technology, and retrofit of other existing ancillary facilities. Tasks included bringing in two new utility services to a double-ended 12.47kV-480/277V unit substation. Unit substation was equipped with differential relay protection to limit arc flash hazard levels. Other project tasks included design and preparation of single line diagrams for both medium and low voltage distribution systems, electrical motor control schematics, uninterruptible power supply system, and interfaces with PA, telephone communication, site security and fire alarm systems.

**GREEN RIVER WATER TREATMENT PLANT, TACOMA PUBLIC UTILITIES, TACOMA, WA | LEAD ELECTRICAL ENGINEER |** Served as the lead electrical engineer in the construction management of the filtration facilities expansion for the Green River Water Treatment Plant. Work included modifications to the 12.47 kV primary electrical system to loop feed power around the site and interface with a new optional standby 12.47 kV paralleling diesel engine generator system. Remote operating panels were designed for the primary generator system to reduce arc flash hazards and promote safety for plant personnel. Other project details included the design of aeration and final sedimentation facilities, filters, new chemical systems and modifications to existing chemical systems, solids handling facilities, including thickeners and dewatering, two clearwells, and a finished water pump station.

**FULTON PUMP STATION, PORTLAND WATER BUREAU, PORTLAND, OR** | LEAD ELECTRICAL ENGINEER | Served as the lead electrical engineer for the Fulton Pump Station Replacement Project. The pump station was designed to supply 18 mgd as a reliable means to supply to Burlingame Service Area. Project tasks included utility coordination with the electrical provider (PGE), development of site plans, single line diagrams, equipment elevations, control schematics, panelboard and luminaire schedules, power, control and signal plans, and lighting, receptacle and grounding plans for the pump station.



## EDUCATION

BACHELOR OF SCIENCE Degree in Civil Engineering (Survey Minor) California State Polytechnic University, Pomona – June 1989

## EMPLOYMENT

ON-LINE Engineering – Pasadena, West Covir	na, CA January '94 - Present
<u>ASL Consulting Engineers</u> – Pasadena, CA	September '95 – December '99
<u>So. Calif. Gas Company</u> – Los Angeles, CA	July '95 – September '95
Morsch Engineering Company – Altadena, CA	July '83 – July '95

# EXPERIENCE

Gas Co. As-Built and Completion Surveys, Grading/Drainage Plans, Street Plans, Storm Drain Plans, Utility Plans, Demo Plans, Hydrology/Hydraulic Analysis & Reports, General/Specific Plan Studies, Specifications, Proposals, Subdivisions, A.L.T.A. Surveys, Records of Surveys, Corner Records, Boundary & Topographic Surveys, Reservoir surveys for MWD, and various Municipalities, including: Beverly Hills, Pasadena, Los Angeles, GPS surveys, Boundary Analysis, Legal Descriptions, Mapping/Exhibits, Calculations, Survey Coordination, Field Crew Party Chief, Manual & CAD Drafting, Project Management, Client Relations & Consultations, Presentations, Proposals, Research, Processing, Training & Supervision of Co-workers.

# REGISTRATIONS

Professional Land Surveyor: Registration No. L6966 (EXP. 9-30-19)

Professional Engineer: Registration No. C54360 (EXP. 12-31-19)

908 Waverly Place \* West Covina, CA 91790 \* 626.791.3980 Email: <u>olengr@earthlink.net</u>

# Hashmi Quazi, PhD, PE, GE

Principal-in-Charge / Project Director

Dr. Quazi has over 31 years of experience providing geotechnical engineering services and has earned a reputation for providing quality work in an honest and ethical manner, on time and within budget. Dr. Quazi provides quality control, budget oversight, and technical assistance on various types of projects, including pipelines, water treatment plants, wells, reservoirs, booster pump station and other related projects.

# **Relevant Experience**

**Mojave Water Agency R3 Pipeline**, *San Bernardino County*, *CA.* Principal in Charge. Provided technical and budget oversight, resource allocation and contract management for the geotechnical investigation. The project involved 10 miles of proposed Phase 1 Water Conveyance pipeline, utilizing trenchless crossings under BNSF railroad tracks, under Interstate 15 along Mesa Street, and under Highway 395 at Mesa Street. The project also included proposed Turnout Structure Nos. 6 and 7 to be located at Mesa View Drive in the City of Victorville, & proposed steel reservoir and pump station in the City of Hesperia.



EDUCATION

- Ph.D., Civil Engineering, University of Arizona, 1987
- M.S., Civil Engineering, Arizona State University, 1982
- B.S., Bangladesh Engineering University, 1978

#### REGISTRATIONS/CERTIFICATIONS

- California, Civil Engineer, #46651
- California, Geotechnical Engineer, #2517

# The Mojave River Pipeline - Reach 4A, San Bernardino County,

*CA*. Principal in Charge. Provided technical and budget oversight, resource allocation and contract management for the geotechnical investigation, observation and testing. The project consisted of the design and construction of approximately 30,620 linear feet of 24-inch diameter raw water pipeline located in an unincorporated area in the County of San Bernardino, north of the City of Barstow, California.

**WDI-1 & WDI-2 Pump Station**, *Victorville*, *CA*. Principal in Charge. Provided technical and budget oversight, resource allocation, and contract management for the geotechnical investigation. The project consisted of the construction of the WDI-1 & WDI-2 Pump Station in Victorville, CA. It will be an approximately 30' x 30' masonry block wall building with slab-on-grade. There will be piping running from the pump station to connect in the street and stub south of Sycamore Street for future extension.

Morongo Basin Water Pipeline Project, Mojave Water Agency, High Desert Area, CA. Principal in Charge. Provided technical and budget oversight, resource allocation and contract management for the geotechnical investigation. The project consisted of 70 miles of pipeline, a turnout structure, pump stations, and water reservoirs.

**2.5 MG Tank & Pump Station**, *Hesperia, CA*. Principal in Charge. Provided technical oversight and budget control for the geotechnical investigation. The project consisted of the design and construction of a 2.5 MG water tank, pump station, and associated pipelines and appurtenances located at 13500 Live Oak Street, Hesperia, CA. The proposed water tank diameter was 115 feet with a height of 30 feet and was constructed at-grade with a 4-foot-wide by 2.5-foot-deep ring wall foundation. A second future water tank is proposed with a footprint of 25 feet by 50 feet. The building was a one-story masonry block wall structure founded on shallow footings with a slab-on-grade.

# Zahangir Alam, PhD, EIT

Senior Staff Engineer / Project Manager

Mr. Burnham has 6 years of experience which includes geotechnical investigations, fault studies, rock slope stability, landslide investigation, rock rippability assessment, liquefaction mitigation, and geotechnical monitoring of grading, including many hillside and hard rock sites. Mr. Burnham's organization and focus enables him to effectively coordinate projects in the field and oversee professional and field staff on their projects.

# **Relevant Experience**

**OMUC Water Main Replacement**, Ontario, *CA*. Project Geologist. Managed fieldwork and paperwork for the geological investigation for the project. The project consists of 9,000 linear feet of 8-inch and 12-inch diameter pipeline at various locations in the Ontario, California. The pipelines will be located along Euclid Avenue, Main Street, Transit Street, "C" Street, 5<sup>th</sup> Street and College Way. Converse drilled borings in previous years in or in the close vicinity of these streets and recently for the Euclid Recycled Water Pipeline.

**IEUA Baseline Pipeline Extension**, *Fontana, CA*. Senior Staff Engineer. Managed fieldwork and paperwork and prepared reports for the project. during the design phase. The project consisted of extending approximately 8,200 linear feet of 24 inch diameter recycled water pipeline on Baseline Avenue to Cherry Avenue in



EDUCATION

- Ph.D., Geotechnical Engineering, University of Texas at Arlington, 2016
- B.S., Bangladesh University of Engineering and Technology, 2009

CERTIFICATIONS

 EIT No. 138566, State Board of Licensure for Professional Engineers and Surveyors, California

Fontana, California. 4,500 linear feet was run along Baseline Avenue and 3,700 linear feet was run along Heritage Circle. The pipeline was located in the IEUA 1630 Pressure Zone.

**Hemlock & Redlands Booster Pump Station & Pipeline**, *Redlands, CA*. Senior Staff Engineer. Managed fieldwork and paperwork and prepared the geotechnical investigation. The project included the installation of 3,000 gpm capacity vertical pump cans, a 30 foot x 20 foot control and equipment building, and a 1,400 l.f. of pipeline exiting the new booster pump station (BPS) site and running north along Redlands Boulevard in Moreno Valley, California. The pipeline was 24 inches in diameter with an invert depth of approximately 6 to 8 feet bgs. Open cut and cover technique was used to install the pipeline.

**Magnolia Avenue Techite Pipeline and Pump Station**, *Riverside, CA.* Senior Staff Engineer. Managed fieldwork and paperwork and prepared reports for the project. The project consists of the installing approximately 3,920 linear feet of 36-inch CML&C steel water pipe along the southern barrel on Magnolia Avenue from Hughes Alley to Polk and installing approximately 1,620 linear feet of 36-inch CML&C steel water pipe along the southern barrel on Magnolia Avenue from Polk Street to Park Sierra Drive. The pipes will be installed using the cut and cover technique. It will have 5 feet of soil cover.

**Chromium 6 Treatment Facilities Well Sites,** *Coachella Valley, CA.* Senior Staff Engineer. Managed fieldwork and paperwork and prepared the geotechnical investigation. The Chromium 6 Treatment Facilities project consisted of several components within 30 well sites in various locations in Coachella Valley, California. Those sites included 5 well sites with no treatment facilities, 23 sites with strong base anion (SBA) and 2 well sites with weak base anion (WBA) treatment facilities, approximately 52,350 linear feet of raw and finished water pipelines, and a Central Resin Regeneration Facility (CRRF).

# Tom Dodson, Tom Dodson & Associates

Title

President / Environmental Specialist

#### Education

M.A., *Geography*, University of California. Berkeley, 1973B.A., *Geography*, University of

California Berkeley, 1968

#### Experience

30+ years

# Summary

Tom Dodson is the President of Tom Dodson and Associates, an environmental consulting firm in San Bernardino, California. He has more than 40 years of experience in land use planning, and environmental and resource management, with special expertise in CEQA, NEPA, regulatory compliance, expert witness testimony and communication/facilitation for resolution of environmental issues. He personally prepares environmental documentation for a broad variety of projects and acts as a resource person in working with clients, governmental agencies, and decision-makers in finding solutions to complex problems. He negotiates with regulators at the federal, state and local level, and designs formal presentations to committees.

Mr. Dodson has served as a facilitator in resolving environmental issues for several agencies, including the Bureau of Land Management, San Bernardino County, City of San Bernardino, and other agencies. Mr. Dodson also provides expert witness testimony on land use and environmental issues on a variety of court cases, primarily in CEQA litigation, takings, land use and regulatory cases. He serves as program manager on most projects undertaken by the firm and maintains close contacts with subconsultants and specialists who can provide technical information, as needed, in a timely manner. Mr. Dodson also serves as the environmental advisor/consultant to the San Bernardino County Local Agency Formation Commission, San Bernardino International Airport Authority, Inland Valley Development Agency, Inland Empire Utilities Agency, cities of Murrieta and El Monte, and several other agencies.

# Relevant Experience

# Negotiation of Stream Alteration Agreements and Section 404 Permits

Since 1988 Mr. Dodson has been involved in more than 20 projects that required acquisition of Stream Alteration Agreements from the State Department of Fish and Wildlife and Section 404 Permits from the U.S. Army Corps of Engineers. This includes several permits in Big Bear Valley, along the Santa Ana River and its tributaries, and southern California in general.

## City of San Bernardino, Various CEQA/NEPA Documents

Over the past four years, TDA has prepared environmental documents to comply with both the California Environmental Quality Act and National Environmental Policy Act for a variety of City projects. These projects include: Orange Show Road Extension, involving two bridges, one over Twin Creek and the other over the Santa Ana River; the downtown movie theater sponsored by the City Economic Development Agency (EDA); installation of sewer lines along Cajon Boulevard for the City EDA; and most recently, several demolition projects, also initiated and carried out by the EDA. All of these documents have been successful in accomplishing full compliance with both CEQA and NEPA and other regulatory requirements, such as Corps of Engineers and endangered species permits.



# Tom Dodson, Tom Dodson & Associates

#### Inland Valley Development Agency (IVDA)/San Bernardino International Airport Authority (SBIAA) (1992-Present)

Environmental manager for the IVDA and SBIAA in their role as the redevelopment and reuse agency for Norton Air Force Base located in San Bernardino, California. Assisted the Air Force in completing its first and only air conformity determination for reuse of a closing military base. The analysis was used in presentations to the federal Environmental Protection Agency (EPA) to revise the Conformity Regulations to exclude transfers of military bases from conformity findings. TDA has been involved in every facet of base closure, working closely with the Air Force Base Closure Agency (AFBCA) at Norton and in Washington D.C. to complete the Final EIS and issue the Record of Decision. This support effort includes endangered species management programs at the former Base and consultations with the State and Federal government under endangered species laws.

#### Inland Empire Utilities Agency (IEUA, 1999-Present)

As environmental consultant to the IEUA, TDA prepared the Program EIR for the Optimum Basin Management Program which evaluated the whole program that is proposed to be implemented to remove groundwater contamination from the Chino Basin. This EIR was prepared to meet court mandated deadlines and was certified in a timely manner by the IEUA. TDA has continued consulting with IEUA and recently completed a Program EIR for IEUA Facilities Masters Plans, which examined the long-term implementation of wastewater, recycled water and organic waste management programs. TDA is currently working with ASL/Tetra Tech to implement a major expansion in the organic composting operations currently being carried out by IEUA as part of the Chino Basin groundwater aquifer remediation. Site selection, due diligence, and CEQA documentation are part of the tasks that TDA has assisted with on this project.

#### SCRRA/Metrolink Projects (2008-Present)

Tom Dodson & Associates has worked through several different engineering firms over the past ten years with SCRRA/Metrolink. During this period, TDA performed more than 15 specific jobs/projects with SCRRA/Metrolink to support both NEPA and CEQA compliance. The largest of these projects was the compilation of an environmental data base for Positive Train Control (PTC) for each of the Metrolink Subdivisions. Each of these projects have been successfully implemented (except for the most current project, San Juan Creek Bridge Replacement Project).



# Steven Itagaki, PE, TE, PTOE Task Manager – Highways/Traffic





#### Title

**Project Manager** 

## Years of Experience

#### 28

#### Registration

- Registered Professional Engineer, CA, #C67470
- Registered Traffic Engineer, CA, #TR2394
- Professional Traffic Operations Engineer, #2156

## Education

**B.S.**, Civil Engineering, 1991, California State Polytechnic University, Pomona

#### Affiliations

- American Society of Civil Engineers
- Institute of Transportation Engineers

#### Qualifications

With over 28 years of civil engineering experience as a Project Manager, Steve has worked on a variety of civil, highway, traffic, rail, and transit engineering projects for client cities, outside agencies, private sectors and California Department of Transportation (Caltrans). Steve has been responsible for managing and preparing plans, specifications and estimates for traffic signal, street lighting, signing, striping and traffic control projects utilizing AutoCAD with AutoTurn, Microstation, and Lighting Programs AGI32 and Visual. His experience also includes traffic studies and reports utilizing the Highway Capacity Software (HCS), Intersection Capacity Utilization (ICU), Synchro, and SPEEDPLOT.

Mr. Itagaki has a thorough proficiency in current Caltrans standards and procedures, traffic engineering modeling and methodologies, County of Los Angeles traffic standards and methodologies, and the State of California Vehicle Code.

#### **Relevant Experience**

#### **Traffic Control**

# Site Specific Traffic Control Plans - City of Walnut Valley Water District

Served as *Lead Design Engineer* responsible for preparing traffic control plans for the short- and long-term maintenance of valves and regulating stations at 29 arterial intersections. The intersections resided in the jurisdictional agencies of the Cities of Walnut, Diamond Bar, Industry, Los Angeles County, and Caltrans. Each plan included an inventoried list of traffic control equipment required for proper delineation and not only designed for clear and sunny weather conditions but also for adverse weather conditions as well. The scope of work included in this task was a traffic report which reviewed the agencies' current traffic control device inventory and recommendations to correct deficiencies or enhance equipment to meet current standards. The report also included assumptions, analyses made, results, conclusions, recommendations, and an executive summary of this project.

# English Canyon Trunk Sewer - City of Santa Margarita Water District

Served as *Lead Design Engineer* responsible for preparing traffic control plans for the installation of approximately 7,600 feet of sewer lines through the Cities of Lake Forest and Mission Viejo. The installation of this line impacted four (4) lanes of traffic through major intersections and was staged to minimize traffic interruptions.

# Flight Avenue TCP (Planes of Fame) - City of Chino

Served as *Lead Traffic Engineer* responsible for providing engineering services for the temporary closure of Flight Road from Merrill Avenue to Kimball Avenue. The scope of work included preparing a final traffic control design plan for the Planes of Fame Air Museum's annual airshow.



í

ί

0

61

ſ

£

#### SR-60/Azusa Avenue Roadway Improvements - City of Industry

Served as *Project Manager* responsible for developing roadway and traffic control plans on Azusa Avenue at State Route 60. The scope of work included sidewalk improvements, utility modifications, and pavement overlays as well as close coordination with Caltrans and the City of Industry. The traffic signals along Azusa Avenue required careful coordination of roadway improvements. All improvements were designed to meet ADA requirements.

## On Call Traffic Engineering Services – City of Desert Hot Springs (c/o Glenmorra Consultants)

Served as *Project Manager* responsible for providing on call traffic engineering in support of various capital improvement projects in design or construction throughout the City. The projects included roadway, signing, striping, traffic signals, street lighting, and traffic control improvements.

# Valley Boulevard/Grand Avenue Traffic Control - City of Industry (c/o CNC Engineering)

Served as *Project Engineer* responsible for providing traffic control services for the impacted intersection of Valley Boulevard and Grand Avenue. Tasks also involved performing site visits during the various stages of construction and recommendations on traffic control adjustments.

## SR-60/Azusa Avenue Roadway Improvements - City of Industry (c/o CNC Engineering)

Served as *Project Engineer responsible* for developing roadway and traffic control plans on Azusa Avenue at State Route 60. The project included sidewalk improvements, utility modifications, and pavement overlays as well as close coordination with Caltrans and the City of Industry. The Traffic signals along Azusa Avenue required careful coordination of roadway improvements. All improvements are designed to meet ADA requirements.

## On Call Traffic Engineering Services - City of Desert Hot Springs (c/o Glenmorra Consultants)

Served as *Project Engineer* responsible for providing on call traffic engineering to the City of Desert Hot Springs, in support of various capital improvement projects currently in design or construction throughout the City. The projects included roadway, signing, striping, traffic signals, street lighting, and traffic control improvements.

#### City Engineering Services - City of Industry

Served as *City Traffic Engineer* responsible for providing City engineering services to the City of Industry. Services included permitting, plan checking, and inspection as well as the preparation of studies and design plans for roadway, traffic signal, railroad crossing, and rail/highway grade separation projects.

#### SR-60/Crossroads Parkway North Traffic Control - City of Industry

Served as *Lead Design Engineer* responsible for providing engineering services for the proposed street improvements at the on and off-ramps of State Route 60 (SR-60) and Crossroads Parkway North. The project included traffic control design, review of the existing signing and striping conditions, as well as timely coordination with Caltrans. Various construction stages were developed to maintain access to SR-60 and major business in the area.

# Oxnard Transportation Center - East Fourth Street Parking Lot - City of Oxnard

Served as *Project Engineer* responsible for providing engineering services to plans, specifications, and estimate (PS&E) for the proposed improvements at the Oxnard Transportation Center's East Fourth Street Parking Lot in the City of Oxnard. The project included surveying and mapping, signing and striping, grading, drainage, lighting, landscaping, irrigation, geotechnical analysis, and traffic control as well as timely coordination with Caltrans and the City of Oxnard.

#### Buena Vista Street – City of Burbank

Served as *Design Engineer* responsible for the preparation of traffic control plans for this State Route 134 off-ramp. The project required detouring traffic for the construction of ramp widening. Pedestrian detours were also required within the construction area.

#### Pacific Coast Highway - City of Long Beach

Served as *Design Engineer* responsible for the preparation of traffic control plans for the installation of a storm drain along this state route. Due to the construction staging of this project, traffic was diverted in three separate phases in order to maintain traffic progression and ease of the construction.



S. Itagaki, p. 2

#### 

#### Principal



With NUVIS since 1978

Licensure: CA 1997

Education BSLA California State Polytechnic University, Pomona 1978









CA 1891 . NV 396

# TOM MUNOZ, PLA

With decades of on-call experience with the City of Los Angeles, County of Los Angeles, Port of Los Angeles, and many other public agencies, Tom shares his talents and passion for our profession as a volunteer vice-president of the Corona Historic Preservation Society, volunteer vice-president for the City of Corona Partners for Parks Foundation, volunteer with the Boy Scouts and participant in local California Park and Recreation Society Programs. His emphasis is in water-wise public- and private-oriented park/recreation planning and urban design projects. As a Project Manager on many of NUVIS' public agency projects; client relations, technical direction of construction documents, and multi-team/agency coordination are his notable strengths.

#### **Professional Affiliations**

California Park and Recreation Society Corona Partners Foundation (CPF) for Parks and Recretation Corona Historic Preservation Society (CHPS) Boy Scouts of America, Assistant Scout Master, 1997 National Jamboree

#### Recognition

2015 CMAA Project Achievement Award, Berth 200 Rail Yard & Roadway, San Pedro, CA 2008 APWA Project of the Year, Parks & Recreation, Hesperia Civic Plaza Pk, Hesperia, CA. 2006 WCCC Distinguished Project, Honorable Mention, LA Riverfront Park, Studio City, CA 2005 City of Los Angeles Certificate of Commendation, LA Riverfront Park, Studio City, CA 2004 CPRS Award of Excellence, Central Park Sports Complex, Huntington Beach, CA 2004 So Cal Municip. Athletic Fed., Central Park Sports Complex, Huntington Beach, CA

#### Berth 200 Rail Yard & Field Office

Port of Los Angeles, San Pedro, CA

Tom served as project manager on the renovation of an existing rail yard and field office including accent pottery, low water use plantings, hing-efficiency irrigation system, decorative concrete walkways, California Coastal Trail improvements, fountain plaza, fencing, vehicular gate, flagpole, benches, pilasters, and plaza seat wall. CMAA Southern California Chapter 2015 Project Achievement Award. Dates: 2009-2014

#### Newhope-Placentia Median Landscape

Lee & Ro, Inc. for the Orange County Sanitation District, Fullerton & Anaheim, CA Tom provided project management for design development and construction documents on 4-miles of median landscape along State College Blvd. as part of an \$80 million trunk sewer replacement project with high-efficiency subsurface drip irrigation and new low water use planting. Stakeholders include the cities of Fullerton and Anaheim, Caltrans, CSU Fullerton, USACE, and Anaheim Stadium. Dates: 2016- on-going

#### Carbon Canyon Water Recycling Facility

CDM Smith for Inland Empire Utility Agency, Chino, CA

Tom serves as project manager for planting and irrigation to replace landscape disturbed during the renovation of the facility. Scope of services also includes replacing dead/ dying trees within the project site, governmental agency coordination, preliminary landscape plans, PS&E, and professional services during bid and construction phases.

# Hermosa Beach Parking Lot D Improvements

Adam Streeter Engineers for the City of Hermosa Beach, CA

Tom serves as project manager for project includes redesign of a small municipal parking lot that is in disrepair to be a multi-benefit demonstration project that includes ADA improvements, enhanced lighting and electrical upgrades, a bicycle corral, electric vehicle charging stations, storm water capture and retention, and drought tolerant landscaping. Designs will address the sidewalk, curb and gutter as well as assess the parking lot layout and surrounding on-street parking spaces to maximize parking potential in the parking lot. Scope of services includes preliminary design, PS&E, professional services during bid and construction and governmental agency coordination.



DEPINTO MORALES

COMMUNICATIONS INC.



David J. De Pinto Partner/CEO De Pinto Morales Communications, Inc.

Dave is a founding partner of *De Pinto Morales Communications, Inc. (DMCI)*, a firm specializing in environmental issues management, water education projects, crisis communications, public education and outreach campaigns, stakeholder relations, media relations, public affairs, and ethnic/community marketing. Dave is most notably a senior marketing and corporate communications strategist, with extensive experience implementing grassroots public education and outreach campaigns for controversial/complex environmental projects in both the public and private sectors. Geographically, Dave has implemented such campaigns focused in the northeast San Fernando Valley, the San Gabriel Valley, the City of Los Angeles and throughout the State of California. Dave has worked extensively with attorneys, engineers and operations staff for a wide variety of business and government enterprises, including highly sensitive and confidential matters.

Dave's industry specialties include water supply, water quality, food, beverage, hospitality, transportation, solid waste/recycling, hazardous waste, air quality, land use, oil and gas, and environmental services sectors. As DMCI expanded its water policy practice, Dave has directed several regional public education campaigns promoting the benefits of water conservation, water quality and recycled water for clients such as the San Gabriel Valley Municipal Water District, Upper San Gabriel Valley Municipal Water District, San Gabriel Basin Water Quality Authority and Main San Gabriel Basin Watermaster. Dave originated the plans for the 2012, 2013, 2014, 2016 and 2018 San Gabriel Valley Water Forums, which have become a "must attend" community leader event in the San Gabriel Valley.

Due to his campaign, business management and community leadership experience, Dave possesses intimate knowledge of and sensitivity to communities and their cultures in the northeast San Fernando Valley, the San Gabriel Valley and throughout California. As volunteer president of the largest homeowner association in the City of Los Angeles, Dave has unique insights and capabilities related to facilitating community discourse on controversial issues and development projects involving counties and municipalities, water districts, school districts and non-profit organizations.

Prior to founding his own firm in June 2001 along with long-time business associate Bob Morales, Dave was President and Chief Executive Officer for San Diego-based Stoorza Communications, a leading independent public relations consulting company in California. Dave was a member of the firm's board of directors and directed the management, staff and operations of the company's diverse practice areas and offices in San Diego, Los Angeles, Sacramento, Riverside and Fresno. The firm had annual revenue in excess of \$10 million during his tenure, with nearly 100 employees.

From 1994-1999, Dave was a global partner for Ketchum Public Relations and was general manager/director of the company's Los Angeles, Riverside and Sacramento offices. Dave also served as executive vice president of Pacific/West Communications Group, a Los Angeles-based issues management and public relations firm.

Dave's corporate background includes serving as director of marketing, public relations and public affairs for Coca-Cola Bottling Company of Los Angeles (CCLA), the nation's largest soft drink bottler, which also owned Arrowhead Water. He achieved a distinguished record of marketing innovation, sales growth and community leadership in both general and ethnic markets for Coca-Cola. Dave also was integrally involved with Coca-Cola's sponsorship of the 1984 Olympics in Los Angeles, and directed Coca-Cola's marketing partnerships with theme parks, sports and entertainment venues, professional sports franchises, major sporting events, and major universities throughout Southern California.

Dave has received numerous professional awards and recognition, including two Public Relations Society of America's (PRSA) prestigious Silver Anvil Awards for public relations campaigns on behalf of his clients, the 1996 Olympic Games Torch Relay and Knotts Berry Farm Theme Park. Dave received his M.B.A. from the University of Southern California, and his B.A. degree from Brown University, majoring in Political Science and Economics.

Dave is a member of and serves on a variety of volunteer civic and community boards of directors and committees, including the Shadow Hills Property Owners' Association, S.A.F.E. Coalition and Oakmont Country Club. Dave is married with two children. Since 2014, Dave has voluntarily spearheaded creation of and advocacy by the S.A.F.E. Coalition, a northeast San Fernando Valley based coalition of community leaders opposed to the high speed train project and the negative impacts it will create for residents and businesses in the northeast San Fernando Valley.

#### **Employment Background**

•	2001-Present	De Pinto Morales Communications Inc. Partner/CEO
•	1999-2001	Stoorza Communications President & CEO
•	1994-1999	Ketchum Public Relations International Partner & General Manager
•	1989-1994	Pacific/West Communications Group Executive Vice President
•	1984-1989	Coca-Cola Bottling Company of Los Angeles Director, Marketing and Public Relations

- 24 -

10/05/2020

			4.3 QA/QC	4.2 Meetings	4.1 Project Management & Administration	Task 4 - Project Management and Meetings			3.6 Public Outreach	3.5 Record Drawings	3.4 Meetings and Site Visits	3.3 Contractor Payment Evaluations	3.2 Submittal Reviews	3.1 RFI Responses	Task 3 - Engineering Services during Construction			2.8 Bid Support	2.7 CEQA Support	2.6 Permitting Support	2.5 Public Outreach	2.4 Traffic Control Plans	2.3 100% Design Documents	2,2 90% Design Documents	2.1 60% Design Documents	Task 2 - Final Design Engineering Services			1.9 Final Preliminary Design Report Preparation	1.8 Draft Preliminary Design Report Preparation	1.7 Reservoir Alternatives Analysis	1.6 Landscape & Irrigation Design	1.5 Fire Flow Storage Analysis	1.4 Topographic Survey	1.3 Utility Research	1.2 Geotechnical Investigation	1.1 Data Review	Task 1 - Preliminary Design Engineering Services	Hourly Rate:	Classification:
All Tasks Total	Task 4 - Subtotal				istration	nd Meetings	Task 3- Subtotal					ns			uring Construction	Task 2 - Subtotal										ng Services	Task 1 - Subtotal		rt Preparation	rt Preparation	S							ineering Services		
145	06			60	30		14		N		12				**	25		4		2	7		4	4	A		16		08	88			and set to						\$150	JRC Project Manager
119	50		8	30	12		26		NJ		-	4	10	10		29		o,		2	හ		2	7	7		14		N	თ	4						N		\$275	Eng-Sci-9
226	24		24				44			moun	12		16	16		130		6		80			13	52	52		28		N	4	16					4	2		\$250	Eng-Sci-8
54	0			A A A A A A A A A A A A A A A A A A A			0									54							Ø	24	24		0												\$235	Eng-Sci-7
159	0						28		Gume			111111	20	8		56		00		8			Ð	34	34		38		2	A	16	N	8	2		2	2		\$210	Eng-Sci-6
169	24		24				28		Conception of the second				20	8		117							13	52	52		0												\$195	Eng-Sci-5
559	30				30		200		4		120	16	40	20		229		28	N	16	12	4	19	74	74		100		20	40	24	4		2	4	2	4		\$170	Eng-Sci-4
245	0						52			8	12	And the second se	16	16		191							21	85	85		2										2		\$155	Eng-Sci-3
189	0						56						44	12	u pinese	67		16		8			ch	19	19		66			œ	20		20		16		2		\$140	Eng-Sci-2
0	0						0	-								0							0	0	0		0												\$130	Eng-Sci-1
61	0						٥					Transmission of the local diversion of the local diversion of the local diversion of the local diversion of the				55		00		A			07	19	19		6				6								\$160	Senior CAD- Designer
4	0						D							-		4				4			0	0	0		0								And a second				\$150	CAD-Designer
60	0		-				0									00		8					0	0	0		0				•								\$120	Senior CAD- Technician
236	D						36			36	-					180		-					20	80	80		20		and a second sec		20								\$110	CAD-Technician
30	0				-0.000		0									0							a	0	o		0							_					\$120	Project Admin.
30	20				20		10	-		-	and a loss of the		10			0							o	o	o		0												\$100	Administrative Assistant
0	Q		Sec. III				0		-		-	+	-			0		21031(1110					0	D	o		0	_			distance of								\$75 <del></del>	Aide
2204	238	0	56	90	92		494	0	8	44	156	20	176	90		1182	0	84	2	52	25	44	115	450	450	_	290	0 1	34	70	106	ത	28	4	20	00	14		Hours	Total
\$389,767	\$45,030	\$0	\$12,880	\$17,250	\$14,900		\$86,450	50	\$1,530	\$5,200	\$27.060	\$3,820	\$31,290	\$17.550	and the second se	\$207,347	\$0	\$14,670	\$340	\$9,610	\$4,740	\$680	\$20,101	\$78,603	\$78,603		\$50,940	\$0 \$0	\$5 070	\$12.610	\$18,500	\$1,100	\$4,480	\$760	\$2,920	\$1,760	\$2,740	ana ana an	Fees	Total RCX Labor X
\$4,000	SS						\$0				- Charles and a second second					\$0											\$4,000		White out a second					\$4,000					Fees	On-Line ග Engineering සි
\$10,447	\$0						\$0									SO											\$10,447									\$10,447			Fees	Converse of Gonsultants
\$4,500	0\$						0\$									\$4,500			\$4,500		1011000		the second se				0\$												Fees	Tom Dodson &
\$10,227	\$1,130				\$1,130		50		(i)							\$7,814				\$964		\$6.850					\$1,283										\$1.283		Fees	JMDiaz, Inc. S
\$16,950	\$500			\$500			\$3,720				\$1,860	(Sept.) (Sector) (Sector)	\$620	\$1,240		\$8,860		\$1,610				and a second	\$2,830	\$4,420			\$3,870					\$3,870							Fees	NUVIS S
\$31,000	0\$			0\$			\$13,500		\$13,500							\$17,500				Contraction of the second s	\$17,500			* 1999 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			0\$												Fees	DePinto Morales Comm.
\$3,000	\$600			\$600			\$1,300			\$100	\$1,200					\$500		\$50		Concernance of the second	\$150		\$100	\$100	\$100		\$600	900	670	550					\$500				Fees	ODCs JRC/KJ
\$80,124	\$2,230	\$0	0\$	\$1,100	\$1.130		\$18.8	0\$	\$13,500		\$3.	\$0	\$620	\$1,240		\$39.174			\$4,500	\$964	\$17,650				\$100		\$20,200	0\$ 09			08	\$3,870	0\$	6		\$10,447	\$1,283			Total Expenses
4 \$469,891	\$47,260				\$16,030		\$104,9							0 \$18,790		\$246,5				The second second		anna an the			3 \$78.703		\$71,1	0 30 S0	minidar	in an						10	3 \$4,023		Fees	Total Labor + Expenses

CC Meeting Agenda

FEE PROPOSAL

Proposal Fee Estimate

CLIENT Name: City of San Fernando
PROJECT Description: Upper Reservoir Replacement Project
Proposal/Job Number:

Date:

4/9/2019

John Robinson Consulting, Inc. Kennedy/Jenks Consultants, Inc.

John Robinson Consulting, Inc. & Kennedy Jenks
7

This Page Intentionally Left Blank



AGENDA REPORT

 To: Mayor Joel Fajardo and Councilmembers
 From: Nick Kimball, City Manager By: Timothy Hou, Deputy City Manager/Director of Community Development
 Date: October 5, 2020
 Subject: Consideration to Authorize Submittal of an Application for the Local Early Action Planning Grants Program to the California Department of Housing and Community Development

#### **RECOMMENDATION:**

It is recommended that the City Council:

- a. Adopt Resolution No. 8030 (Attachment "A") to authorize an application for the receipt of Local Early Action Planning (LEAP) Grants Program Funds to the California Department of Housing and Community Development (HCD) in the amount of \$150,000;
- b. Authorize the City Manager to accept the grant funds, if awarded;
- c. Authorize the City Manager to appropriate the grant revenues and expenditures in accordance with the Adopted Budget Resolution No. 8011, if awarded; and
- d. Authorize the City Manager to execute all related grant documents required for application and receipt of such grant funds.

#### BACKGROUND:

- 1. On January 27, 2020, the California HCD announced the release of a Notice of Funding Availability (Attachment "B") for approximately \$119 million under the LEAP Grants Program.
- 2. On April 10, 2020, the City was approved for funding through the SB 2 Planning Grants Program in the amount of \$160,000 to complete three project activities, including the 2021-2029 General Plan Housing Element Update.
- 3. On June 9, 2020, the General Plan Ad Hoc Committee, comprised of Vice Mayor Pacheco and Councilmember Mendoza, met to discuss the current state of the City's General Plan, the recently awarded SB 2 Planning Grant, the solicitation of a planning consultant to prepare a 2021-2029 Housing Element Update, and further opportunities to fund General Plan updates.

COMMUNITY DEVELOPMENT DEPARTMENT 117 MACNEIL STREET, SAN FERNANDO, CA 91340 (818) 898-1227 WWW.SFCITY.ORG

**Consideration to Authorize Submittal of an Application for the Local Early Action Planning Grants Program to the California Department of Housing and Community Development** Page 2 of 3

- 4. On August 11, 2020, staff released a Request for Proposals (RFP) for the 2021-2029 General Plan Housing Element Update.
- 5. On September 4, 2020, the Southern California Association of Governments (SCAG) formally issued San Fernando's sixth cycle (2021-2029) draft RHNA allocation of 1,791 units (Attachment "C").
- 6. On September 14, 2020, staff received one qualified proposal by the RFP deadline from a project team consisting of Houseal Lavigne, Veronica Tam & Associates, and Rincon Associates, Inc. Staff is currently negotiating the terms of a professional services agreement for the project team to prepare the Housing Element Update. The proposed cost to prepare the 2021-2029 Housing Element Update has increased to approximately \$250,000 due to the added complexity required by the significant number of RHNA allocated units.
- 7. Due to the significant cost increase, staff is preparing an application for LEAP Planning Grant funds in consultation with California Consulting, the City's grant writing consultant. In order to apply for LEAP Planning Grants, local governments are required to adopt an authorizing resolution.

#### ANALYSIS:

SCAG issued the following sixth cycle (2021-2029) draft RHNA allocation to San Fernando:

Very-low income units:	460
Low-income units:	273
Moderate income units:	283
Above-moderate income units:	775
Total units:	1,791

The sixth cycle allocation of 1,791 units represents an 825 percent increase over the fifth cycle (2013-2021) allocation of 217 units. Due to the magnitude of this increase, the complexity and cost to prepare the 2021-2029 General Plan Housing Element Update was anticipated to increase significantly; well beyond staff's initial estimate of approximately \$50,000.

The LEAP grant is a funding source provided through the state's Local Government Planning Support Grants Program. It provides funding to local governments to prepare and adopt planning documents, make process improvements that accelerate housing production, and facilitate compliance in implementing the sixth cycle of the regional housing needs assessment (RHNA). Please note that the deadline for submission of an application was extended from July 1, 2020 to January 31, 2021.

**Consideration to Authorize Submittal of an Application for the Local Early Action Planning Grants Program to the California Department of Housing and Community Development** Page 3 of 3

The City may apply for a maximum grant amount of \$150,000 through the LEAP Planning Grants Program. Due to the dramatic increase in the 2021-2029 RHNA allocation, preparation of the General Plan Housing Element Update requires far more work to identify 1,791 potential housing unit sites, meet new state housing laws, and meet environmental assessment requirements, including preparation of an environmental impact report (EIR). This scope of services will cost approximately \$250,000, which exceeds the City's original cost estimate by \$200,000. Thus, staff recommends applying for the maximum amount for one-time funds for technical assistance to complete preparation of the General Plan Housing Element Update.

#### **BUDGET IMPACT:**

The cost for California Consulting to prepare the grant application is \$6,000. If the City is awarded the grant, the Adopted Budget Resolution No. 8011 authorizes the City Manager to appropriate the grant revenue and expenditures. If the City is not awarded the grant, then the City must seek alternate commensurate funding sources to complete the Housing Element Update. Alternate funding sources that would be considered include the General Fund, which could negatively impact other City services, and the General Plan Update Surcharge Fund, which is not commensurate and currently contains approximately \$6,000.

#### **CONCLUSION:**

Staff recommends that the City Council adopt Resolution No. XXXX to authorize application for Local Early Action Planning Grants Program funds from HCD for one-time funding to complete preparation of the Housing Element Update.

#### ATTACHMENTS:

- A. Resolution No. 8030
- B. LEAP Grants Program Notice of Funding Availability
- C. RHNA Allocation Letter from SCAG

#### **ATTACHMENT "A"**

#### **RESOLUTION NO. 8030**

#### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, AUTHORIZING APPLICATION FOR, AND RECEIPT OF, LOCAL GOVERNMENT PLANNING SUPPORT GRANT PROGRAM FUNDS

WHEREAS, pursuant to Health and Safety Code 50515 et. Seq., the State of California, Department of Housing and Community Development ("Department") is authorized to issue a Notice of Funding Availability ("NOFA") as part of the Local Government Planning Support Grants Program (hereinafter referred to by the Department as the Local Early Action Planning Grants program or "LEAP"); and

WHEREAS, the City Council of the City of San Fernando ("City Council") desires to submit a LEAP grant application package ("Application"), on the forms provided by the Department, for approval of grant funding for projects that assist in the preparation and adoption of planning documents and process improvements that accelerate housing production and facilitate compliance to implement the sixth cycle of the regional housing needs assessment; and

**WHEREAS,** the Department has issued a NOFA and Application on January 27, 2020 in the amount of \$119,040,000 for assistance to all California Jurisdictions.

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

**<u>SECTION 1</u>**. The City Council hereby finds that the foregoing recitals are true and correct.

**<u>SECTION 2</u>**. The City Manager or his designee is hereby authorized and directed to apply for and submit to the Department the Application package.

**SECTION 3.** In connection with the LEAP grant, if the Application is approved by the Department, the City Manager or his designee of the City of San Fernando is authorized to submit the Application, enter into, execute, and deliver on behalf of the City, a State of California Agreement (Standard Agreement) for the amount of \$150,000.00, and any and all other documents required or deemed necessary or appropriate to evidence and secure the LEAP grant, the City's obligations related thereto, and all amendments thereto.

<u>SECTION 4.</u> The City shall be subject to the terms and conditions as specified in the NOFA, and the Standard Agreement provided by the Department after approval. The Application and any and all accompanying documents are incorporated in full as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the Application will be enforceable through the fully executed Standard Agreement. Pursuant to the

NOFA and in conjunction with the terms of the Standard Agreement, the City hereby agrees to use the funds for eligible uses and allowable expenditures in the manner presented and specifically identified in the approved Application.

**SECTION 5.** The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the City's book of original Resolutions.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of San Fernando at a regular meeting held on the 5<sup>th</sup> day of October, 2020.

ATTEST:

Joel Fajardo, Mayor

Julia Fritz, City Clerk

RES. NO. 8030

#### **CERTIFICATION**

I, City Clerk of the City of San Fernando, California, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 8030 which was regularly introduced and adopted by the City Council of the City of San Fernando, California, at a regular meeting thereof held on the 21<sup>st</sup> day of September, 2020, by the following vote of the City Council:

AYES:

NAYS:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Fernando, California, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Julia Fritz, City Clerk

## Attachment "B"



January 27, 2020

# MEMORANDUM FOR: All Potential Applicants

FROM: Zachary Olmstead, Deputy Director Division of Housing Policy Development

SUBJECT: NOTICE OF FUNDING AVAILABILITY -LOCAL EARLY ACTION PLANNING GRANTS PROGRAM

The California Department of Housing and Community Development (Department) is pleased to announce the release of this Notice of Funding Availability (NOFA) for approximately \$119,040,000 as part of the Local Early Action Planning Grants Program (LEAP or Program). LEAP is made available as a portion of the Local Government Planning Support Grants Program pursuant to Chapter 3.1 of Health and Safety Code (Sections 50515 to 50515.05) (Chapter 159, Statutes of 2019). LEAP provides funding to jurisdictions for the preparation and adoption of planning documents, process improvements that accelerate housing production, and facilitate compliance in implementing the sixth cycle of the regional housing need assessment (RHNA).

In order to be eligible for grant funding, an applicant must submit a completed, signed original application and an electronic copy on CD or USB flash drive. Applications will be accepted on an Over-the-Counter (OTC) basis as of the date of this NOFA through July 1, 2020. The Department encourages early applications and will accept applications post-marked by the July 1, 2020 deadline. Applicants may utilize various carrier services, such as the U.S. Postal Service, UPS, FedEx, or other carrier services. All applications must be submitted to the Department at the following address:

### California Department of Housing and Community Development Division of Housing Policy Development 2020 West El Camino Ave, Suite 500 Sacramento, CA 95833

Program applications, forms and instructions are available on the Department's website at <a href="https://www.hcd.ca.gov/grants-funding/active-funding/leap.shtml">https://www.hcd.ca.gov/grants-funding/active-funding/leap.shtml</a>. If you have questions regarding this NOFA, please email the Department at <a href="mailto:EarlyActionPlanning@hcd.ca.gov">EarlyActionPlanning@hcd.ca.gov</a>.

Attachment

# LOCAL EARLY ACTION PLANNING GRANTS PROGRAM (LEAP) 2020 NOTICE OF FUNDING AVAILABILITY



# State of California Governor Gavin Newsom

# Alexis Podesta, Secretary Business, Consumer Services and Housing Agency

# Douglas R. McCauley, Acting Director California Department of Housing and Community Development

# Zachary Olmstead, Deputy Director California Department of Housing and Community Development Division of Housing Policy Development

2020 West El Camino Avenue, Suite 500 Sacramento, CA 95833 Telephone: (916) 263-2911 Website: <u>https://www.hcd.ca.gov/grants-funding/active-funding/leap.shtml</u> Email: <u>EarlyActionPlanning@hcd.ca.gov</u>

January 27, 2020

# Table of Contents

I.	Introduction1
II.	Authority and Scope1
III.	Program Summary2
IV.	Program Timeline2
V.	Award Amounts
VI.	Eligible Applicants
VII.	Eligible Activities4
VIII.	Ineligible Activities
IX.	Eligible Uses7
Х.	Ineligible Uses7
XI.	Application Requirements7
XII.	Application Submission Requirements
XIII.	Application Review
XIV.	Award Letter and Standard Agreement9
XV.	Appeals9
XVI.	Administration10
XVII.	Right to Modify or Suspend the NOFA, and Final Decision-making13
XVIII	Definitions14

## 2019 NOTICE OF FUNDING AVAILABILITY LOCAL EARLY ACTION PLANNING GRANTS PROGRAM

#### I. Introduction

The California Department of Housing and Community Development (Department) is pleased to announce the release of this Notice of Funding Availability (NOFA) for approximately \$119,040,000 as part of the Local Early Action Planning Grants Program (LEAP or Program). LEAP is made available as a portion of the Local Government Planning Support Grants Program pursuant to Chapter 3.1 of Health and Safety Code (Sections 50515.03 (Chapter 159, Statutes of 2019). The Program provides funding to jurisdictions for the preparation and adoption of planning documents, process improvements that accelerate housing production, and facilitate compliance in implementing the sixth cycle of the RHNA.

#### II. Authority and Scope

This NOFA is authorized pursuant to Chapter 3.1 of Health and Safety Code (Sections 50515 to 50515.05). The NOFA implements, interprets, and makes specific provisions for purposes of implementing planning grants to jurisdictions pursuant to 50515.03 (hereinafter "LEAP").

This NOFA establishes terms, conditions, forms, procedures and other mechanisms as the Department deems necessary to exercise the powers and perform the duties conferred by Chapter 3.1.

The matters set forth herein are regulatory mandates, and are adopted in accordance with the authorities set forth below:

Quasi-legislative regulations ... have the dignity of statutes ... [and]... delegation of legislative authority includes the power to elaborate the meaning of key statutory terms...

Ramirez v. Yosemite Water Co., 20 Cal. 4th 785, 800 (1999)

Further, the Department may implement the Program through the issuance of forms, guidelines, and one or more NOFAs, as the Department deems necessary, to exercise the powers and perform the duties conferred on it by this chapter. Any forms, guidelines, and notices of funding availability adopted pursuant to this section are hereby exempted from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). (Health and Safety Code Section 50515.04(f)).

The Department reserves the right, at its sole discretion, to suspend or amend the provisions of this NOFA, including, but not limited to, grant award amounts.

Local Early Action Planning Grants 2020

1

### III. Program Summary

The Local Early Action Planning Grants Program (LEAP or Program) is part of the broader Program formerly known as the Local Government Planning Support Grants Program, which was established as part of the 2019-20 Budget Act. The 2019-20 Budget Act provides a spectrum of support, incentives, resources and accountability to meet California's housing goals. Some specific elements include:

- Planning Support (local and regional planning grants)
- Incentives (Prohousing preference and infill incentive grants)
- Funding Resources
- Accountability (penalties for noncompliant housing plans)
- Reform (collaborative processes to reform regional housing needs)

The Local Government Planning Support Grants Program provides one-time grant funding to regions and jurisdictions for technical assistance, preparation and adoption of planning documents, and process improvements. The over-arching goals of the Program are to (1) accelerate housing production; and (2) facilitate compliance to implement the sixth cycle of the regional housing need assessment (RHNA).

## IV. Program Timeline

Grants will be available to eligible applicants on a noncompetitive, Over-the-Counter (OTC) basis. Applications will be accepted from the date of the release of this NOFA and up until July 1, 2020. See Table 1 below for the anticipated timeline for awards for the OTC period.

Event	Date	
NOFA Release	January 27, 2020	
NOFA Application Webinar	February 14, 2020	
NOFA Application Workshops	February and March 2020	
Final Due Date for OTC Applications	July 1, 2020	
Technical Assistance	February 2020 through	
	December 31, 2023	
Expenditure Deadline	December 31, 2023	

The Department will review applications within 30 days and target award of applications within 60 days, with subsequent Standard Agreements processed within 60 days of award. Applicants are encouraged to submit early in the application window.

The Department will hold workshops and a webinar to review the LEAP NOFA and application and will be conducting technical assistance to aid applicants throughout the OTC period and implementation of the grant. For a list of dates, times, and locations for the workshops as well as information on technical assistance, please visit the Department's website at <a href="https://www.hcd.ca.gov/grants-funding/active-funding/leap.shtml">https://www.hcd.ca.gov/grants-funding/active-funding/leap.shtml</a>.

#### V. Award Amounts

This Program will make \$119,040,000 dollars available to jurisdictions for Program implementation, including state operations and expenditures, and technical assistance. Maximum award amounts are based on population estimates as of January 1, 2019.<sup>1</sup> The minimum award amount is \$25,000. The maximum amount that a jurisdiction may receive pursuant to this subdivision shall be as follows:

Jurisdiction Size (in population)	Maximum Award Amount
750,000 or greater	\$1,500,000
300,000 to 749,999	\$750,000
100,000 to 299,999	\$500,000
60,000 to 99,999	\$300,000
20,000 to 59,999	\$150,000
Less than 20,000	\$65,000

Applicants seeking partnerships with other local governments will be additive. For example, two jurisdictions between 100,000 and 299,999 people could submit a proposal for up to \$1.0 million.

## VI. Eligible Applicants

Eligible applicants are limited to local governments, i.e., cities and counties. However, local governments may partner through legally binding agreements with other forms of governments or entities where the proposal will have a direct effect

<sup>&</sup>lt;sup>1</sup> Population estimates, posted as of January 1, 2019, are based on the Department of Finance E-1 report. Official maximum amounts per jurisdiction can be found at the Department's website at <u>https://www.hcd.ca.gov/grants-funding/active-funding/leap.shtml</u>.

on land-use or development within the participating localities. This includes, but is not limited to, partnerships with other localities, regional governments, housing authorities, school districts, special districts, community-based organizations, or any duly constituted governing body of an Indian Reservation or Rancheria. Applicants forming partnerships, <u>must submit separate, completed and signed application packages, including resolutions and a copy of the signed agreement between partners to the Department in order to be awarded funds.</u>

### VII. Eligible Activities

Eligible activities must demonstrate an increase in housing related planning activities and facilitate accelerated housing production. Eligible activities may be part of a larger planning effort (e.g., a comprehensive zoning code update) if proposed activities have not been completed prior to the NOFA date, are distinct, and demonstrate a nexus to accelerating housing production. Eligible activities are not necessarily jurisdiction-wide and may include a smaller geography with a significant impact on housing production. For example, eligible activities may include a housing development-related project with a significant community level impact, or planning or process improvement for a project with an ongoing community impact beyond the project. Eligible activities may include a variety of planning documents and processes, including, but not limited to, the following as set forth in Health and Safety Code section 50515.03(c):

- Rezoning and encouraging development by updating planning documents and zoning ordinances, such as General Plans, community plans, specific plans, implementation of sustainable communities' strategies, and local coastal programs;
- 2. Completing environmental clearance to eliminate the need for projectspecific review;
- Establishing housing incentive zones or other area-based housing incentives beyond State Density Bonus Law such as a workforce housing opportunity zone pursuant to Article 10.10 (commencing with Section 65620) of Chapter 3 of Division 1 of Title 7 of the Government Code, or a housing sustainability district pursuant to Chapter 11 (commencing with Section 66200) of Division 1 of Title 7 of the Government Code;
- 4. Performing infrastructure planning, including for sewers, water systems, transit, roads, or other public facilities necessary to support new housing and new residents;
- Planning documents to promote development of publicly-owned land, such as partnering with other local entities to identify and prepare excess or surplus property for residential development;
- 6. Revamping local planning processes to speed up housing production;
- 7. Developing or improving an accessory dwelling unit ordinance in compliance with Section 65852.2 of the Government Code;
- 8. Planning documents for a smaller geography (less than jurisdiction-wide) with a significant impact on housing production, including an overlay district, project level specific plan, or development standards modifications proposed for significant areas of a locality, such as corridors, downtown or priority growth areas;

4

- Rezoning to meet requirements pursuant to Gov. Code Section 65583(c)(1), and other rezoning efforts to comply with Housing Element requirements, including Gov. Code Section 65583.2(c) (AB 1397, Statutes of 2018);
- 10. Upzoning or other implementation measures to intensify land use patterns in strategic locations, such as close proximity to transit, jobs or other amenities;
- Rezoning for multifamily housing in high resource areas (according to Tax Credit Allocation Committee/Housing Community Development Opportunity Area Maps);
- 12. Establishing pre-approved architectural and site plans;
- 13. Preparing and adopting Housing Elements of the General Plan that include an implementation component to facilitate compliance with the sixth cycle RHNA;
- 14. Adopting planning documents to coordinate with suballocations under Regional Early Action Planning Grants (REAP) pursuant to Health and Safety Code Section 50515.02(f) that accommodate the development of housing and infrastructure, and accelerate housing production in a way that aligns with state planning priorities, housing, transportation equity and climate goals, including hazard mitigation or climate adaptation;
- 15. Zoning for by-right supportive housing, pursuant to Gov. Code section 65651 (Chapter 753, Statutes of 2018);
- 16. Zoning incentives for housing for persons with special needs, including persons with developmental disabilities;
- 17. Planning documents related to carrying out a local or regional housing trust fund;
- 18. Environmental hazard assessments; data collection on permit tracking; feasibility studies, site analysis, or other background studies that are ancillary (e.g., less than 15 percent of the total grant amount) and part of a proposed activity with a nexus to accelerating housing production; and
- 19. Other planning documents or process improvements that demonstrate an increase in housing related planning activities and facilitate accelerating housing production; and
- 20. Establishing Prohousing Policies, as follows:

## **Prohousing Policies**

The Department encourages applicants to consider LEAP funds to facilitate designation as a Prohousing jurisdiction.

The 2019-20 Budget Act requires the Department to develop the Prohousing designation emergency regulations by no later than July 1, 2021. This program will allow the Department to designate jurisdictions as "Prohousing," when they demonstrate policies and strategies to accelerate housing production. In turn, Prohousing jurisdictions will be awarded additional points or preference in programs such as the Affordable Housing and Sustainable Communities (AHSC), Transformative Climate Communities (TCC), Infill Infrastructure Grant (IIG) programs and other state funding programs. The Department anticipates developing emergency regulations and Prohousing designations prior to July 1, 2021, and will seek to designate jurisdictions prior to future rounds of AHSC, TCC and IIG

#### programs.

Pursuant to Gov. Code Section 65589.9(f)(2), "Prohousing" policies mean policies that facilitate the planning, approval, or construction of housing. These policies may include, but are not limited to, the following:

- A. Planning for local financial incentives for housing, including, but not limited to, establishing a local housing trust fund;
- B. Reducing parking requirements for sites that are zoned for residential development;
- C. Adoption of zoning allowing for use by right for residential and mixeduse development;
- D. Zoning more sites for residential development or zoning sites at higher densities than is required to accommodate the minimum existing RHNA for the current Housing Element cycle;
- E. Adoption of accessory dwelling unit ordinances or other mechanisms that reduce barriers for property owners to create accessory dwelling units beyond the requirements outlined in Section 65852.2, as determined by the Department;
- F. Process improvements that reduce permit processing time;
- G. Creating of objective development standards;
- H. Studies and implementing actions that reduce development impact fees; and
- I. Establishing a Workforce Housing Opportunity Zone, as defined in Section 65620, or a housing sustainability district, as defined in Section 66200."

## VIII. Ineligible Activities

- 1. Activities unrelated to preparation and adoption of planning documents, and process improvements to accelerate housing production and facilitate compliance to implement the sixth cycle of the RHNA;
- 2. Activities that obstruct or hinder housing production, e.g., moratoriums, downzoning, planning documents with conditional use permits that significantly impact supply, cost, approval certainty and timing, planned development, or other similarly constraining processes; and
- 3. Project specific planning documents that do not have a significant impact on accelerating housing production or significant community level or reoccurring benefit beyond the project.
- 4. The Department may consider proposals that are combined with larger proposals that have a positive housing component and the net effect on accelerating housing production is significant. For example, an applicant may propose combining an open-space designation, downzoning, or antidisplacement measures with by-right upzoning that has a significant net gain in housing capacity.

## IX. Eligible Uses

- 1. Grant funds may cover the costs of temporary staffing or consultant needs associated with eligible activities;
- 2. Grant funds shall be used for the costs of preparing and adopting the proposed activity;
- 3. A jurisdiction that receives funds under this Program may use a subcontractor. The subcontract shall provide for compliance with all the requirements of the Program. The subcontract shall not relieve the jurisdiction of its responsibilities under the Program;
- 4. Eligible expenditures may be incurred and expended for the project(s) subject to the terms and conditions of the Standard Agreement; and
- 5. Only approved and eligible costs incurred for work after the NOFA date, continued past the date of the Standard Agreement, and completed during the grant term, will be reimbursable.

### X. Ineligible Uses

- 1. Program grant funds may not be used for administrative costs of persons employed by the grantee for activities not directly related to the preparation and adoption of the proposed activity;
- No more than 5 percent of the grant amount may be used for administrative costs for any proposed use, to be approved by the Department upon disbursement; and
- 3. Approved and eligible costs incurred prior to the NOFA date are ineligible.

### XI. Application Requirements

Until July 1, 2020, a jurisdiction may request an allocation of funds pursuant to this section by submitting a complete application to the Department that demonstrates:

- 1. A budget, including timelines, deliverables, sub-steps and adoption, that demonstrates funds will be utilized for eligible activities and uses;
- 2. How proposed activities will increase housing planning and facilitate accelerating local housing production;
- 3. Completed or proposed activities consistent with the state or other planning priorities; and
- 4. All other required information contained in the Department's application

Applicants will demonstrate consistency with these requirements utilizing the forms and manner prescribed in the Department application.

Accelerating Housing Production: Applicants must propose and document plans or processes that increase housing planning and facilitate accelerating local housing production. The application must demonstrate a significant positive effect on accelerating housing production through timing, cost, approval certainty, entitlement streamlining, feasibility, infrastructure capacity, or impact on housing

7

supply and affordability. An application must include an explanation and documentation of the nexus to accelerating housing production based on a reasonable and verifiable methodology and must utilize the Department's form (see the Department's application). A verifiable methodology may include a statement of support from a non-profit or for-profit developer that is active in the locality.

State and Other Planning Priorities: Consistency with state or other planning priorities may be demonstrated through proposed activities in the application **OR** activities that were completed within the last five years. Applicants must self-certify utilizing the Department's form (see Department's application).

### XII. Application Submission Requirements

In order to be eligible for grant funding, an applicant must submit a completed, signed original application and an electronic copy on CD or USB flash drive. Applications will be accepted on an OTC basis as of the date of this NOFA through July 1, 2020. The Department encourages early applications and will accept applications post-marked by the July 1, 2020 deadline. Applicants may utilize various carrier services, such as the U.S. Postal Service, UPS, FedEx, or other carrier services. All applications must be submitted to the Department at the following address:

## California Department of Housing and Community Development Division of Housing Policy Development 2020 West El Camino Ave, Suite 500 Sacramento, CA 95833

Applications must be on Department forms and cannot be altered or modified by the applicant. Program applications and forms are available on the Department's website located at <u>https://www.hcd.ca.gov/grants-funding/active-funding/leap.shtml</u>.

### XIII. Application Review

- 1. The Program will not utilize a competitive process to award funds.
- 2. Funds will be available to eligible applicants on a rolling OTC basis that begins as of the date of this NOFA and ends July 1, 2020.
- 3. An application form will be available upon release of the NOFA and will include forms to demonstrate meeting eligibility requirements such as, among other forms, a resolution, a proposed budget and timeline table and self-certified attachments demonstrating a nexus to housing production and consistency with state planning and other priorities;
- 4. Applications will first be reviewed for, among other things, completeness, eligibility requirements, and accuracy;
- 5. In order to be considered complete, an application must contain requested

8

information and supporting documentation where appropriate;

- 6. All applications must meet the eligibility requirements as specified in this NOFA;
- 7. If the application is ineligible, it will not be considered for funding, but may be amended and resubmitted;
- 8. The Department may request additional information to complete and approve the application for funding;
- 9. Applications recommended for funding are subject to conditions specified by the Department;
- 10. Applications will be reviewed within 30 days from the date the Department receives the application; and
- 11. All applicants not meeting the eligibility requirements will be informed within 30 days from the date the Department receives the application.

## XIV. Award Letter and Standard Agreement

Successful applicants will receive an Award Letter from the Department and will be awarded funds. Applicants will enter into a state Standard Agreement (Standard Agreement) for distribution of funds. The Standard Agreement process will specify, among other things, the amount of funds granted, timeline for expenditure of funds, and the approved use of funds. Expenditure report dates and other requirements will also be identified in the Standard Agreement.

### XV. Appeals

- 1. Basis of Appeals:
  - A. Upon receipt of the Department's notice deeming an application incomplete or ineligible, applicants under this NOFA may appeal such decision(s) to the Department Director.
  - B. The decision of the Director is final and not subject to further administrative or judicial review.
  - C. No applicant shall have the right to appeal a decision of the Department relating to another applicant's eligibility, award, denial of award, or any other related matter.
- 2. Appeals Process and Deadlines:
  - A. Process. In order to lodge an appeal, applicants must submit to the Director by the deadline set forth in subsection (b) below, a written appeal which states all relevant facts, arguments, and evidence upon which the appeal is based. No new or additional information will be accepted. Once the written appeal is submitted to the Director, no further information or materials is required to be accepted or considered thereafter. Appeals are to be submitted to the Director at following address:

California Department of Housing and Community Development Division of Housing Policy Development 2020 W. El Camino Avenue, Suite 500 Sacramento, California 95833 <u>EarlyActionPlanning@hcd.ca.gov</u>

The Director will accept appeals delivered through a carrier service such as the U.S. Postal Service, UPS, Fed-Ex, or other carrier services that provide date stamp verification of delivery. Deliveries must be received during the Department's weekday (non-state holiday) business hours of 9:00 a.m. to 5:00 p.m. Pacific Standard Time. Additionally, emails to the email address listed above will be accepted if the email time stamp is prior to the appeal deadline.

- B. Filing Deadline. Appeals must be received by the Director no later than (5) five business days from the date of the Department's determination.
- 3. Decision:

Any request to amend the Department's decision shall be reviewed for compliance with this NOFA and its application. The Director shall render his/her decision in writing within fifteen (15) business days of receipt of the applicant's written appeal. The decision of the Director shall be the Department's final decision, and shall not be appealable to any court or tribunal.

#### XVI. Administration

- 1. Grant Execution and Term
  - A. The Department will notify the grantee if they have been selected for a grant award;
  - B. After the Standard Agreement has been drawn, the grantee will be provided instructions for signing all required documents. The grantee must submit all supporting materials and a signed Standard Agreement within the timeline provided in the instructions, or risk forfeiting the grant award;
  - C. The grant term begins on the day the Department and the grantee have fully executed the Standard Agreement. The Department will notify the grantee and partners when work may proceed under the agreement. However, eligible activities that are approved by the Department may be retroactively reimbursed to the date of the NOFA; and
  - D. The end of the grant term will be determined by the state based on the availability of grant funds and the administrative requirements for liquidation.

- 2. Payment and Accounting of Grant Funds
  - A. Grant funds cannot be disbursed until the Standard Agreement has been fully executed;
  - B. The grantee will be responsible for compiling and submitting all invoices and reporting documents. Grantees will submit for reimbursements to the Department based on actual cost incurred;
  - C. The grantee must bill the state based on clear deliverables outlined in the Standard Agreement or budget timeline. Only approved and eligible costs incurred for work after the NOFA date, continued past the date of the Standard Agreement, and completed and processed prior to the expenditure deadline, will be reimbursable. Approved and eligible costs incurred prior to the NOFA date are ineligible;
  - D. Work must be completed prior to requesting reimbursement;
  - E. Grant fund payment will be made on a reimbursement basis; advance payments are not allowed. The grantee and partners must have adequate cash flow to pay all grant-related expenses prior to requesting reimbursement from the Department. Project invoices will be submitted to the Department by the grantee on a quarterly basis;
  - F. In unusual circumstances, the Department may consider alternative arrangements to reimbursement and payment methods based on documentation demonstrating cost burdens, including the inability to pay for work;
  - G. Supporting documentation may include, but is not limited to: receipts, progress payments, subcontractor invoices, time cards, etc.;
  - H. Invoices must be accompanied by reporting materials where appropriate. Invoices without the appropriate reporting materials will not be paid. The Department may withhold 10 percent of the grant until grant terms have been fulfilled; and
  - I. Each recipient of funds under the Program shall expend those funds no later than December 31, 2023.
- 3. Accounting Records and Audits
  - A. The grantee must establish a separate ledger account for receipts and expenditures of grant funds and maintain expenditure details in accordance with the budget and timeline. Separate bank accounts are not required;
  - B. The grantee shall maintain documentation of its normal procurement policy and competitive bid process (including the use of sole source purchasing), and financial records of expenditures incurred during the course of the project, in accordance with generally accepted accounting principles;
  - C. The grantee agrees that the state or designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of the Standard Agreement;
  - D. The grantee agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated;
  - E. Subcontractors employed by the grantee and paid with moneys under the

terms of this Standard Agreement shall be responsible for maintaining accounting records as specified above;

- F. At any time during the term of the Standard Agreement, the Department may perform, or cause to be performed, a financial audit of any and all phases of the award. At the Department's request, the awardee shall provide, at its own expense, a financial audit prepared by a certified public accountant. The State of California has the right to review project documents and conduct audits during project implementation and over the project life;
- G. The Department may request additional information, as needed, to meet other applicable audit requirements; and
- H. The Department may monitor expenditures and activities of an applicant, as the Department deems necessary, to ensure compliance with Program requirements.
- 4. Remedies of Nonperformance
  - A. In the event that it is determined, at the sole discretion of the state, that the grantee is not meeting the terms and conditions of the Standard Agreement, immediately upon receiving a written notice from the Department to stop work, the grantee shall cease all work under the Standard Agreement. The Department has the sole discretion to determine that the grantee meets the terms and conditions after a stop work order, and to deliver a written notice to the grantee to resume work under the Standard Agreement;
  - B. Both the grantee and the Department have the right to terminate the Standard Agreement at any time upon 30 days written notice. The notice shall specify the reason for early termination and may permit the grantee or the Department to rectify any deficiency(ies) prior to the early termination date. The grantee will submit any requested documents to the Department within 30 days of the early termination notice; and
  - C. There must be a strong implementation component for the funded activity through this Program, including, where appropriate, agreement by the locality to formally adopt the completed planning document. Localities that do not formally adopt the funded activity could be subject to repayment of the grant.
  - D. The Department may, as it deems appropriate or necessary, request the repayment of funds from an applicant, or pursue any other remedies available to it by law for failure to comply with Program requirements (Health and Safety Code section 50515.04(e).
- 5. Reporting
  - A. At any time during the term of the Standard Agreement, the Department may request a performance report that demonstrates satisfaction of all requirements identified in the Standard Agreement with emphasis on eligible activities, eligible uses, ineligible uses, and expenditures, according to timelines and budgets referenced in the Standard Agreement;
  - B. Awardees shall submit a report, in the form and manner prescribed by

the Department, to be made publicly available on its internet website, by April 1 of the year following the receipt of those funds, and annually thereafter until those funds are expended, that contains the following information:

- The status of the proposed uses listed in the entity's application for funding and the corresponding impact on housing within the region or jurisdiction; and
- A summary of building permits, certificates of occupancy, or other completed entitlements issued by entities within the region, or by the jurisdiction, as applicable.
- C. The awardee must, in lieu of a separate report, provide the above described information as part of its annual report pursuant to Gov. Code Section 65400;
- D. The Department may request additional information, as needed, to meet other applicable reporting requirements;
- E. Upon completion of all deliverables within the Standard Agreement, the awardee shall submit a close out report. See Attachment 1; and
- F. The Department shall maintain records of the following and provide that information publicly on its internet website:
  - The name of each applicant for Program funds and the status of that entity's application;
  - The number of applications for Program funding received by the Department; and
  - The information described in 5(B) above for each recipient of Program funds.

## XVII. Right to Modify or Suspend the NOFA, and Final Decision-making

The Department reserves the right, at is sole discretion, to suspend, amend, or modify the provisions of this NOFA at any time, including, without limitation, the amount of funds available hereunder. If such an action occurs, the Department will notify all interested parties and will post the revisions to the Department's website. You may subscribe to the Department's email list here: <a href="http://www.hcd.ca.gov/HCD\_SSI/subscribe-form.html">http://www.hcd.ca.gov/HCD\_SSI/subscribe-form.html</a>.

Further, the Department's decision to approve or deny an application or request for funding pursuant to the Program, and its determination of the amount of funding to be provided, shall be final.

#### XVIII. Definitions

All terms not defined below shall, unless their context suggests otherwise, be interpreted in accordance with the meanings of terms described in Health and Safety Code section 50470.

- A. "Accelerating Housing Production" means improving the timing, cost, feasibility, approval and amount of development through various mechanisms such as zoning incentives (e.g., increased density and heights, reduced parking requirements), upzoning, zoning amendments to permit residential in non-residential zones, corridor planning, development standards modifications, non-discretionary review, financing strategies, sliding scale fee modifications, facilitating adequate infrastructure to support development, approval streamlining that addresses quickness and ease of entitlements, and other mechanisms that promote production or remove or mitigate regulatory barriers.
- B. "Affordability" means a housing unit that satisfies at least one of the following criteria:
  - 1. It is available at an "affordable rent" as that term is used and defined in Section 50053 of the Health & Safety Code;
  - 2. It is offered at an "affordable housing cost", as that term is used and defined in Section 50052.5 of the Health & Safety Code; or
  - 3. It is available at an "affordable rent" or an "affordable housing cost" according to the alternative percentages of income for agency-assisted rental and cooperative housing developments pursuant to Department regulations adopted under Health and Safety Code section 50462(f).
- C. "Annual Progress Report" (APR) means the annual report required to be submitted to the Department pursuant to paragraph (2) of subdivision (a) of Section 65400 of the Government Code.
- D. "Completed entitlement" means a housing development project that has received all the required land use approvals or entitlements necessary for the issuance of a building permit and for which no additional action, including environmental review or appeals, is required to be eligible to apply for and obtain a building permit.
- E. "Council of governments" means a single or multicounty council created by a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code that is responsible for allocating regional housing need pursuant to Sections 65584, 65584.04, and 65584.05 of the Government Code.
- F. "Department" means the California Department of Housing and Community Development.

- G. "Housing" means any development that satisfies both of the following criteria:
  - 1. At least two-thirds of the square footage of the development must be designated for residential use; and
  - 2. Includes a house, an apartment, a mobile home or trailer, a group of rooms, or a single room that is occupied as separate living quarters, or, if vacant, is intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live separately from any other individuals in the building, and which have a direct access from the outside of the building, or through a common hall.

Note: accessory dwelling units (ADU) and junior accessory dwelling units (JADU) pursuant to Gov. Code sections 65852.2 and 65852.22 meet the definition above.

- H. "Housing Element" or "element" means the Housing Element of a community's General Plan, as required pursuant to subdivision (c) of Section 65302 of the Government Code and prepared in accordance with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7 of the Government Code.
- I. "Jurisdiction" means any city, including a charter city, county, including a charter county or city and county, including a charter city and county.
- J. "Local government" or "Locality" means any city, including a charter city, county, including a charter county or city and county, including a charter city and county.
- K. "Objective zoning standard", "objective subdivision standard", and "objective design review standard" means standards that involve no personal or subjective judgment by a public official, and are uniformly verifiable by reference to an external and uniform benchmark or criterion available, and knowable by both the development applicant or proponent and the public official prior to submittal. "Objective design review standards" means only objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, which are broadly applicable to development within the jurisdiction.
- L. "Other Planning Priorities" means planning, policies, programs or investments to promote housing choices and affordability to lower and moderate income households, the encouragement of conservation of the existing affordable housing stock, and efforts to take into account current and future impacts of climate change, including hazard mitigation.
- M. "Regional housing need assessment" means the existing and projected need for housing for each region, as determined by the Department pursuant to Section 65584.01 of the Government Code.

- N. "State Planning Priorities" means priorities which are intended to promote equity, strengthen the economy, protect the environment, and promote public health and safety in the state, including in urban, suburban, and rural communities pursuant to Gov. Code Section 65041.1.
- O. "Streamlined Housing Production" means improving the entitlement process through actions such as removing, mitigating or minimizing local regulatory requirements, reforming the local approval process to reduce processing times, the number of local discretionary approvals and permits needed for projects, improving approval certainty, establishing non-discretionary processes, modifying development standards, such as reducing parking requirements and increasing height limits, or other efforts, such as taking the fullest advantage of existing streamlining mechanisms provided in state law.

# Attachment 1 Close Out Reporting Form

# LEAP Grant Close Out Reporting Template

# Brief Summary

- Overview of the project
- Project start date and duration
- Project goals and relevance to LEAP goals
- Quantified outcomes

# Lead Agency and Partnerships

- List lead agency and partnerships (including names, titles, organizations, and roles and responsibilities of each)
- What did those collaborative relationships and processes look like?

## Drivers

- Did any local, state, or federal legislation or mandates drive the project? (SB 35, AB 1397, etc.)
- Was it a community driven effort?
- Were there additional funding opportunities present?

# Engagement Process

- Who were your stakeholders?
- What did the engagement process look like?
- What role did stakeholders play in the process? (Keep in mind: training, education, council formation, technical assistance, etc.)
- What were the outcomes of the engagement process?

# Challenges

- What challenges were encountered?
- What solutions were encountered or created?
- Are there areas for improvement of policy alignment at the state or federal level to help achieve this project more easily?

# LEAP Grant Close Out Reporting Template

## Outcomes

- What are the current or projected outcomes? Benefits?
- Were outcomes as anticipated?
- Have new opportunities arisen as a result of this project?
- What are the next steps?

# Replicability

- What aspects of the project could be replicated in other communities?
- Useful resources and tools? For a specific region or sector?

## **Additional Resources**

- Links to the project itself
- Links to resources used throughout and any other relevant resources

## **Further Information**

- Who can be reached to ask more questions about this project?
- Name
- Number and/or email



SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS 900 Wilshire Blvd., Ste. 1700 Los Angeles, CA 90017 T: (213) 236-1800 www.scag.ca.gov

**REGIONAL COUNCIL OFFICERS** 

President Rex Richardson, Long Beach

First Vice President Clint Lorimore, Eastvale

Second Vice President Jan Harnik, Riverside County Transportation Commission

Immediate Past President Bill Jahn, Big Bear Lake

#### COMMITTEE CHAIRS

Executive/Administration Rex Richardson, Long Beach

Community, Economic & Human Development Jorge Marquez, Covina

Energy & Environment David Pollock, Moorpark

Transportation Cheryl Viegas-Walker, El Centro

#### September 4, 2020

Nick Kimball City of San Fernando 117 Macneil Street San Fernando, CA 91340-2993

Subject: 6<sup>th</sup> Cycle Draft Regional Housing Needs Assessment (RHNA) Allocation for City of San Fernando and appeals timeline notice.

Dear Mr. Nick Kimball:

Pursuant to Government Code Section 65584 et seq., the Southern California Association of Governments (SCAG) is required to allocate the region's housing need as determined by the California Department of Housing and Community Development (HCD) to all local jurisdictions in the SCAG region. For the 6<sup>th</sup> Cycle of RHNA, which covers the planning period from 2021 to 2029, HCD has determined our regional housing need to be 1,341,827 units.

After extensive public input and review by HCD, on March 5, 2020, SCAG's Regional Council adopted the final RHNA Methodology which, in coordination with final Connect SoCal adopted on September 3, 2020, results in Draft RHNA Allocations for all local jurisdictions. **Please note that receipt of this letter containing the Draft RHNA Allocations begins the appeals timeline.** The Draft RHNA allocation shall be deemed received on September 11, 2020.

The Draft 6<sup>th</sup> Cycle RHNA Allocation for the City of San Fernando is 1791 total units, consisting of: Very-low income units: 460 Low income units: 273 Moderate income units: 283 Above-moderate income units: 775

# The deadline to electronically file an appeal of your 6<sup>th</sup> cycle Draft RHNA Allocation is 5:00pm on October 26, 2020 (details attached).

The hearing on the RHNA allocation appeals is scheduled to begin on or about December 10, 2020. Following the conclusion of the appeals process, the Final RHNA Allocations are anticipated to be issued in

February 2021. Local jurisdictions' housing element updates are due to HCD by October 2021.

We appreciate your collaboration and input during this process. Additional information including underlying data can be found on SCAG's RHNA website at <a href="www.scag.ca.gov/rhna">www.scag.ca.gov/rhna</a>. If you have additional questions or concerns, please direct them to <a href="href=housing@scag.ca.gov">housing@scag.ca.gov</a> so they can receive priority attention.

Sincerely,

Kome Ajise

Kome Ajise Executive Director

Attachments: SCAG Region 6<sup>th</sup> Cycle Draft RHNA Allocations SCAG 6<sup>th</sup> Cycle RHNA Appeals Procedures



8

This Page Intentionally Left Blank



AGENDA REPORT

To: Mayor Joel Fajardo and Councilmembers
From: Nick Kimball, City Manager
Date: October 5, 2020
Subject: Consideration to Ratify San Fernando Executive Order No. 2020-09-29 - COVID-19 City Parks Open Space Service Area Regulations

#### **RECOMMENDATION:**

It is recommended that the City Council ratify Executive Order No. 2020-09-29 (Attachment "A") enacting COVID-19 City parks open space service area regulations.

#### BACKGROUND:

- 1. On March 4, 2020, California Governor Gavin Newsom declared a State of Emergency. The County of Los Angeles, City of Los Angeles, City of Long Beach and City of Pasadena quickly followed suit and declared Local Emergencies caused by the Coronavirus (COVID-19).
- 2. On March 16, 2020, the City Council declared a Local Emergency in San Fernando due to the public threat caused by COVID-19.
- 3. On March 16, 2020, the County of Los Angeles Department of Public Health Officer issued the first *Safer at Home Order for Control of COVID-19* Health Order for individuals living in Los Angeles County to comply with the State Executive Order N-33-20 issued by Governor Newsom. This order closed all fitness establishments (including gyms, fitness centers, dance studios, and cycling studios).
- 4. On June 12, 2020, the County of Los Angeles Department of Public Health Officer issued a Revised *Safer at Home Order for Control of COVID-19* Health Order, which authorized gyms and fitness facilities to reopen with infection control and distancing requirements.
- 5. Between July 1, 2020 and July 18, 2020, the County of Los Angeles Department of Public Health Officer issued several revised *Safer at Work and in the Community for Control of COVID-19* Health Orders that restricted indoor operations, but allowed certain outdoor operations at restaurants, barber shops and hair salons, gyms and fitness establishments, personal care establishments, and places of worship subject to social and physical distancing requirements.

#### **Consideration to Ratify San Fernando Executive Order No. 2020-09-29 - COVID-19 City Parks Open Space Service Area Regulations** Page 2 of 4

#### ANALYSIS:

As COVID-19 infections and hospitalizations in the State and Los Angeles County began to rise in early July 2020, County Health Orders once again began to limit indoor operations for most businesses. In particular, service-based businesses, including restaurants, barber and hair styling establishments, gym and fitness establishments (including dance and cycling studios), personal care establishments, and places of worship, were restricted from providing indoor services.

With the continued restrictions on fitness establishments providing indoor services, and the uncertainty in how long these restrictions will be in place, staff examined the option of allowing certain fitness establishments to reserve an open space within a City-owned park to conduct instructional classes. The County Health Orders allow many of these service based establishments to provide outdoor services as the risk of community transmission in an outdoor setting has been shown to be less than the risk when providing services indoor.

Consequently, the City approved Executive Order No. 2020-09-29 (COVID-19 City Parks Open Space Service Area Regulations) (Attachment "A"). The Executive Order allows for the following:

- Qualifying applicants include:
  - a) Gyms;
  - b) Fitness Centers,
  - c) Dance Studios; and
  - d) Cycling Studios.
- The permit includes use of City-owned park open space and shall be valid only on the date, time and designated area reserved through the San Fernando Recreation and Community Services Department reservation system. Reservations are first come/first served, based on availability, and taken through December 31, 2020.
- The Outdoor Services Permit is temporary and is subject to termination upon the lifting of indoor use restrictions by future County Health Orders. It may also be rescinded through Executive Order or City Council action.
- The Outdoor Services Permit is for predesignated open space areas located within a Cityowned park and may not take place on a right-of-way that cannot provide a minimum of five-feet clear path of travel, on-street parking spaces, or areas that jeopardizes the safety of other park patrons. The Permit does not include storage privileges.
- All businesses must ensure social distancing and all safety protocols, per the Los Angeles County Department of Public Health, are maintained.
- Appropriate measures must be taken to ensure that the level of noise (ambient or
#### **Consideration to Ratify San Fernando Executive Order No. 2020-09-29 - COVID-19 City Parks Open Space Service Area Regulations** Page 3 of 4

amplified) associated with the instructional activity does not disturb the right to quiet enjoyment of the park and neighboring properties and remains in compliance with the City of San Fernando's Noise Ordinance (SFMC Sec. 34-26 through 71); live music is not allowed.

- At the end of each activity session, the permittee must ensure the area is clear of litter, packaging, and gum.
- All City parking regulations must be adhered to and disabled (ADA) access parking stalls and the path of travel may not be impacted.
- A small banner (no larger than 6' x 3.5') may be placed within 20 feet of the permitted area during instruction only.

Executive Order No. 2020-09-29 establishes temporary outdoor service regulations as described in the previous section. The areas currently available to be reserved by contacting the Recreation and Community Services Department (Attachment "B"). This list of available areas will be amended by City staff as needed.

Implementation of this Executive Order will require the use of City resources as Recreation and Community Service (RCS) Department staff will use the City's MyRec software to process reservations and administer the reservation program. RCS and Code Enforcement staff will also ensure that users are adhering to the social distancing protocol included in the Executive Order.

#### Environmental Determination.

The proposed Executive Order is exempt from California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines Section 15061(b)(3) under the general rule that CEQA does not apply to activities which can be seen with certainty to have no effect on the environment. The proposed actions would not create any environmental impacts, therefore no additional action under CEQA is required.

#### **BUDGET IMPACT:**

Typically, there would be a user fee associated with this program to recover the cost of providing this service and use of City property; however, as part of the City's efforts to support local businesses through the COVID-19 pandemic, application and associated rental fees will be waived until the affected businesses are allowed to operate indoors by the County Health Order. Businesses that participate in the program must have a valid Business License and all other regulatory permits.

#### Consideration to Ratify San Fernando Executive Order No. 2020-09-29 - COVID-19 City Parks Open Space Service Area Regulations

Page 4 of 4

#### **CONCLUSION:**

Staff recommends that the City Council ratify Executive Order No. 2020-09-29 enacting COVID-19 City parks open space service area regulations.

#### ATTACHMENTS:

- A. Executive Order No. 2020-09-29
- B. Inventory of park open space currently available for reservation.

#### ATTACHMENT "A"

## CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES EXECUTIVE ORDER NO. 2020-09-29

#### (COVID-19 CITY PARKS OPEN SPACE SERVICE AREA REGULATIONS)

Issue Date: September 29, 2020

- 1. <u>Purpose</u>. These regulations allow businesses such as gyms, fitness centers, dance studios, and cycling studios to reserve an open space within a City-owned park to conduct instructional classes. Businesses shall follow proper social distancing protocols outlined in the Los Angeles County Department of Public Health outdoor services guidelines.
- 2. <u>Compliance with Law.</u> Gyms, fitness centers, dance studios and cycling studios using Cityowned park space to provide outdoor service (herein after referred to as "Outdoor Services") shall comply with all applicable laws, including, but not limited to:
  - Americans with Disabilities Act
  - California Department of Public Health Regulations
  - California Department of Consumer Affairs

THE CITY OF

- City of Los Angeles Building & Safety Codes
- City of Los Angeles Fire Department Codes
- Los Angeles County Health Officer Orders
- San Fernando Municipal Code
- Permit Duration. COVID-19 Outdoor Services Permits to use City-owned park open space shall be valid only on the date and time reserved through the San Fernando Recreation and Community Services Department reservation system. Reservations are first come/first served based on availability. Outdoor Services reservations will be taken through December 31, 2020, unless earlier canceled or extended by the City Manager/Director of Emergency Services or by the City Council.

Outdoor Services, as defined in this Executive Order, must be provided indoor as soon as permitted by the County of Los Angeles Department of Public Health – Health Officer Order.

#### CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES EXECUTIVE ORDER NO. 2020-09-29 COVID-19 City Parks Open Space Service Area Regulations Issue Date: September 29, 2020 Page 2 of 4

#### 4. Permit Overview.

#### A. LOCATION:

- a. The outdoor activity area must be located in a predesignated open space area located within a city-owned park, and must not take place on any of the following: on-street parking spaces, and right-of-way that cannot provide the minimum requirement of a 5-feet clear path of travel.
- b. An outdoor service area shall not be located outside of the designated area or operated in a manner that jeopardizes the safety of other park patrons. The Director of Recreation and Community Services may impose safety measures as necessary to protect the safety of activity participants, other park guests, and vehicles in and around the proposed outdoor service area.

#### B. RESERVATIONS:

- a. The San Fernando Recreation and Community Services Department will maintain a listing of predesignated areas that may be reserved for Outdoor Services.
- b. Reservations are first come/first served based on availability. The City does not guarantee that the applicant will receive the requested predesignated space. The City reserves the right to assign any predesignated outdoor space based on availability, group size and other factors as promulgated by the Recreation and Community Services Director.
- c. Reservations may be made no more than 30 days in advance of the requested activity.

#### C. SOCIAL DISTANCING:

- a. All businesses shall ensure that social distancing is maintained by persons in the outdoor service area or on any adjacent public space waiting for the next activity session to start.
- b. Businesses shall follow all safety protocols per the Los Angeles County Department of Public Health.

#### CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES EXECUTIVE ORDER NO. 2020-09-29 COVID-19 City Parks Open Space Service Area Regulations Issue Date: September 29, 2020 Page 3 of 4

- D. NOISE:
  - a. The business owner must undertake appropriate measures to ensure that the level of noise associated with the instructional activity does not disturb the right to quiet enjoyment of the park and neighboring properties.
  - b. Live music is not allowed per the County of Los Angeles Department of Public Health Health Officer Order.
  - c. Amplified music is permitted so long as it remains in compliance with the City of San Fernando's Noise Ordinance (SFMC Sec. 34-26 through 71).
- E. MAINTENANCE:
  - a. The permittee shall maintain the outdoor service area clear of litter, packaging, and gum. At the end of each activity session, the permittee shall remove all trash and clean the area in and around the open space.
  - b. The permittee does not have storage privileges. All property shall be removed from the park premises at the close of business activity.
  - c. The City may temporarily revoke any permit to conduct any necessary repairs or maintenance on public facilities.
- F. PARKING:
  - a. The permittee and clients' of the establishment shall adhere to all applicable City parking regulations.
  - b. Existing disabled (ADA) access parking stalls and the path of travel shall not be impacted by the outdoor activity.

#### CITY MANAGER/DIRECTOR OF EMERGENCY SERVICES EXECUTIVE ORDER NO. 2020-09-29 COVID-19 City Parks Open Space Service Area Regulations Issue Date: September 29, 2020 Page 4 of 4

- G. SIGNAGE:
  - a. A small banner no larger than 6' x 3.5' may promote the activity during instruction only. The banner may not be left in the park and must be removed at the end of the class session.
  - b. The banner must be within 20 feet of the permitted area. The permittee shall be responsible for any hardware needed to post their banner. Banners may not be affixed to:
    - i. Walls
    - ii. Light Poles
    - iii. Bushes/Shrubs
    - iv. Playground Equipment
- H. REQUIRED DOCUMENTS: The following documents are required to complete the permitting process:
  - a. City of San Fernando Business License.
  - b. Certificate of General Liability Insurance; Must include the City of San Fernando as Additional Insured.
  - c. A diagram of the open space showing how social distancing protocols will be maintained during the activity session.
- I. NON-TRANSFERABLE: The permit issued to the business is non-transferable, and must be produced upon request from City staff.

ISSUED:

Date: September 29, 2020

Nick Kimball, City Manager Director of Emergency Services City of San Fernando

#### ATTACHMENT "B"

#### **Open Spaces Available For Reservations**

Area	Park	Approx. Size
Outdoor Baseball Court	Recreation	4,248 Sq. Ft.
Grassy Area by PW Garage	Recreation	2,148 Sq. Ft.
Enclosure Parking Lot off Harding St.	Pioneer	15,385 Sq. Ft.
Tennis Courts	Pioneer	12,554 Sq. Ft.
Parking Lot off Alexander St.	Pioneer	14,747 Sq. Ft.
Outdoor Basketball Court	Pioneer	4,248 Sq. Ft.
Outdoor Basketball Courts	Las Palmas	12,764 Sq. Ft.
Enclosed Parking Lot off Mayer St.	Las Palmas	12,761 Sq. Ft.
Grassy Area by Playground	Layne	7,043 Sq. Ft.
Grassy Area off Fermoore St	Layne	9,020 Sq. Ft.

#### 10/05/2020

9

This Page Intentionally Left Blank



AGENDA REPORT

То:	Vice Mayor Hector A. Pacheco and Councilmembers
-----	---

From: Mayor Joel Fajardo

Date: October 5, 2020

Subject: Discussion Regarding COVID-19 Response Efforts and Approval of Proposed Recommendations

#### **RECOMMENDATION:**

Receive a presentation from staff related to the City's COVID-19 efforts, including, but not limited to:

- a. Review and approval of the City's COVID-19 planning, response, enforcement, and education efforts, and related policy initiatives; and
- b. Review and approval of financial assistance programs and the pursuit of funding opportunities, and related recommendations, as appropriate.

#### ANALYSIS:

I have placed this on the agenda for City Council to discuss the City's response efforts and policy initiatives related to the COVID-19 pandemic and provide direction to staff, as appropriate.

This discussion is meant to provide City Council and staff the opportunity to discuss all items related to the City's response efforts and policy initiatives related to the COVID-19 pandemic, including, but not limited to, discussion of financial hardship programs and CARES Act and other potential stimulus funding.

#### Staff Updates.

#### State of California COVID-19 Updates.

Staff will provide an update on the State of California's Blueprint for a Safer Economy plan (Attachment "A").

#### Los Angeles County Department of Public Health Safer At Home Health Order.

Staff will provide an update on current Health Orders issued by the County and key COVID-19 related metrics (Attachment "B").

#### **Discussion Regarding COVID-19 Response Efforts and Approval of Proposed Recommendations** Page 2 of 3

#### Health Order Enforcement.

Staff will provide an update on current enforcement efforts and request direction related to future enforcement, as appropriate.

#### Halloween.

On September 9, 2020, the Los Angeles County Department of Public Health published guidance for celebrating Halloween (Attachment "C").

Traditionally, San Fernando draws a substantially large crowd of door-to-door trick or treaters, particularly in the Orange Grove Avenue area; however, currently, the Los Angeles County Department of Public Health is not recommending door-to-door trick or treating and trunk or treating as it can be very difficult to maintain proper social distancing on porches and front doors, ensure that everyone is appropriately masked, and it's difficult to avoid crowing and sharing food.

#### Possible City Actions to Support the Health Order:

- Distribute Haloween guidance materials City-wide.
- Place lighted traffic signs at key locations to discourage door-to-door trick or treating.
- Close streets known to draw large trick or treating crowds on Halloween night to nonresidential traffic.
- Host online costume or pumpkin carving contest.
- Host Halloween decorated Car parade contest.

#### City Facility Closures.

City Hall is open to the public with modified hours (i.e. Monday, Wednesday and Thursday from 12 pm to 5:30 pm). All visitors to City Hall must adhere to the County of Los Angeles Department of Public Health guidelines for physical distancing and must wear a cloth face covering at all times to help slow the spread of COVID-19 in our community.

Indoor recreational facilities remain closed to the public except when a heat advisory is issued and the Las Palmas Park facility is open as a cooling center. Staff is following the County protocol for physical distancing and cleaning while the cooling centers are open.

#### San Fernando Residential Food Program.

The City Council allocated \$100,000 in CDBG/CARES Act funding to create the San Fernando Residential Food Distribution Program to assist families impacted by COVID-19. The food distribution program will provide a box of non-perishable food items (with a value up to \$250) to each qualifying household. These items may include canned meat and vegetables, pasta, sugar and spices, sauces, canned soups and stews, coffee and tea, rice, baby food, and other non-perishable food items. Personal protective equipment including masks, hand sanitizer, and disinfectant solution may also be provided.

#### **Discussion Regarding COVID-19 Response Efforts and Approval of Proposed Recommendations** Page 3 of 3

To apply, interested households must complete a self-certification form that will be submitted to LA County for approval. Once approved, the City will schedule date and time for a no-contact distribution of food to qualified households. Applications may be completed online or downloaded via the City's website (<u>WWW.SFCITY.ORG/Coronavirus/#Resident-Resources</u>).

#### San Fernando Personal Protective Equipment (PPE) for Businesses Program.

The City Council allocated \$25,000 in CDBG/CARES Act funding to create the San Fernando Personal Protective Equipment (PPE) for Businesses Program to assist businesses impacted by COVID-19. The program will provide a box of essential items (with a value up to \$125) to each qualifying business. These items may include disposable (KN95 and/or blue surgical-type) masks, disinfectant wipes, face shields, non-contact thermometers, disposable gloves, and contactless hand sanitizer system.

To apply, interested businesses must complete an application and submit it to the City for approval. Once approved, the City will schedule date and time for a no-contact distribution of equipment to qualified businesses. Applications may be completed online or downloaded via the City's website (<u>WWW.SFCITY.ORG/Coronavirus/#Business-Resources</u>).

#### BUDGET IMPACT:

There is no budget impact associated with discussing this item. Additional future costs to be determined based on City Council direction.

#### ATTACHMENTS:

- A. California Blueprint for a Safer Economy
- B. LA County Daily COVID-19 Data as of September 28, 2020
- C. LA County Guideline re: Halloween

#### 8/31/20 LA COUNTY & THE STATE'S NEW COVID-19 FRAMEWORK NEW STATE COVID-19 FRAMEWORK

California's Tier Framework					
Higher Risk ⇒ Lower Risk					
Tier 1	Tier 2	Tier 3	Tier 4		
>7	4 - 7	1 – 3.9	<1		
>8%	5 - 8%	2 - 4.9%	<2%		
	H of Con Widespread Tier 1 >7	Higher Risk ⇒ of Community Disea Widespread Tier 1 Substantial Tier 2 >7 4 - 7	Higher Risk $\Rightarrow$ Lower Risk of Community Disease TransmissiWidespread Tier 1Substantial Tier 2Moderate Tier 3>74 - 71 - 3.9		

Last Friday, the State of California released a new tiered framework to more easily communicate the extent of community transmission in counties across the state. The above graphic is a summary of: 1) the state's tiers, 2) the indicators they are tracking, and 3) how counties are being classified (as having either widespread, substantial, moderate or minimal spread of the COVID-19 virus in their communities). Moving forward, California will use this new tier system to guide possible sector re-openings for counties to consider.

# WHAT DOES THE NEW FRAMEWORK MEAN FOR LA COUNTY (INCLUDING THE CITY OF SAN FERNANDO)?

In LA County, the ultimate decisions about sector re-openings will remain under the purview of the County Health Officer Orders, which are developed in consultation with LA County's Board of Supervisors.

As demonstrated by the below graphic, **LA County is currently in Tier 1** – meaning that there continues to be widespread transmission of the virus in the county.

## Los Angeles County is Currently in Tier 1

Measures	LAC Rate
New cases / 100,000 population per day (7-day average; 7-day lag)	13.1
<b>Testing % Positivity</b> (7-day average; 7-day lag)	5.0%

Per the State, LA County's current number of **7-day average of new cases (per day per 100,000 people) is 13 –** nearly double the threshold for moving up to Tier 2 (which requires that LA County have <u>less than 7 new cases</u> per day per 100,000 population).

LA County's current **test positivity rate is 5%**. And even though this places us in Tier 2 (Red) for this metric, when the two metrics fall in <u>different</u> tiers, the State places counties in the most restrictive tier; hence, LA County (like most counties in California) has been placed in Tier 1. Our path forward for reopening depends on LA County being able to reduce community transmission significantly, so children and teachers can get back to their classrooms and more people can get back to their jobs with as much safety as possible.

For more information on the State's new framework, visit the CA Department of Public Health (CDPH) website (<u>https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID19CountyMonitoringOverview.aspx</u>). For guidance, reopening protocols or a list of what is open or remains closed in LA County, visit LA County's Department of Public Health (<u>http://publichealth.lacounty.gov/media/Coronavirus/</u>).

ATTACHMENT "B"

#### City of San Fernando Daily COVID-19 Data

#### SOURCE:

http://publichealth.lacounty.gov/media/Coronavirus/data/index.htm; statistics captured daily.

#### Graph 1: Daily COVID-19 Cases and Deaths in the City of San Fernando

Total Cases (as of September 28, 2020): 941 Total Deaths (as of September, 2020): 18



#### LA County Daily COVID-19 Data

#### SOURCE:

http://publichealth.lacounty.gov/media/Coronavirus/data/index.htm; visited on 9/30/2020 @ 11:00 am.

#### Graph 1: Daily Reported Persons Tested for COVID-19

7-Day Daily Average: 12,477 Total Number of People Tested: 2,654,413



#### Graph 2: Daily Reported Percent Positive for COVID-19

#### 7-Day Daily Average: 3%



#### Graph 3: Daily Number of COVID-19 Hospitalized

#### Current Hospitalizations (09/29): 714



# **Novel Coronavirus (COVID-19)**

#### Los Angeles County Department of Public Health Guidance for Celebrating Halloween

As fall approaches families start to plan for the upcoming holiday season beginning with Halloween. Since some of the traditional ways in which this holiday is celebrated does not allow you to minimize contact with non-household members, it is important to plan early and identify safer alternatives. The Los Angeles County Department of Public Health would like to share information on how to take part in this holiday in a manner that reduces the risk of spreading COVID-19. Since some of the traditional ways in which this holiday is celebrated are not permitted this year, consider some safer alternatives that are listed below.

#### Halloween Activities:

Not Permitted (gatherings and events are not currently allowed under the Health Officer Order)

- Halloween gatherings, events or parties with non-household members are not permitted even if they are conducted outdoors.
- Carnivals, festivals, live entertainment, and haunted house attractions are not allowed.

#### Not Recommended

- Door to door trick or treating is not recommended because it can be very difficult to maintain proper social distancing on porches and at front doors, ensure that everyone answering or coming to the door is appropriately masked to prevent disease spread, and because sharing food is risky.
- "Trunk or treating" where children go from car to car instead of door to door to receive treats is also not recommended, particularly when part of Halloween events, since it is difficult to avoid crowding and sharing food.

#### Permitted and Recommended

- Online parties/contests (e.g. costume or pumpkin carving)
- Car parades that comply with public health guidance for <u>vehicle based parades</u> including:
  - a. Drive by events or contests where individuals dress up or decorate their vehicles and drive by "judges" that are appropriately physically distanced.
  - b. Drive through events where individuals remain in their vehicles and drive through an area with Halloween displays.
  - c. Drive in events where individuals can receive a treat bag (limited to commercially packaged non-perishable treats) or take away item from an organizer while the participants remain in their vehicle.
- Halloween movie nights at drive in theaters (must comply with the public health drive in <u>movie</u> <u>theater guidance</u>).
- Halloween themed meals at outdoor restaurants (must comply with the <u>restaurant</u> protocol).
- Halloween themed art installations at an outdoor museum (must comply with the public health <u>museum guidance</u>.)
- Dressing up homes and yards with Halloween themed decorations.



# Novel Coronavirus (COVID-19)

#### Los Angeles County Department of Public Health Guidance for Celebrating Halloween

#### **Personal Protection Measures:**

Regardless of how you choose to celebrate Halloween it is important to keep the following in mind:

- Correctly wear a cloth face covering to prevent disease spread<sup>1</sup> when outside your home and around others that are not part of your household
- 2. Avoid confined spaces Actively stay away from indoor spaces that don't allow for easy distancing of at least 6ft between you and others
- 3. Avoid close contact Stay at least 6 feet away (3 or more adult steps) from all other people who are not part of your own household, especially while talking, eating, drinking, and singing.
- 4. Wash or sanitize your hands often.
- 5. Clean frequently touched items regularly.
- 6. If you are sick, or you have been in contact with someone who is sick with COVID-19 or has symptoms of COVID-19 stay home, and away from others.

#### Know where to get reliable information

Beware of scams, false news and hoaxes surrounding novel coronavirus. Accurate information, including announcements of new cases in LA County, will always be distributed by Public Health through press releases, social media, and our website. The website has more information on COVID-19 including FAQs, infographics and a guide to coping with stress, as well as tips on handwashing

- Los Angeles County Department of Public Health (LACDPH, County)
  - o <u>http://publichealth.lacounty.gov/media/Coronavirus/</u>
  - Social media: @lapublichealth

Other reliable sources of information about novel coronavirus are:

- California Department of Public Health (CDPH, State)
  - o <a href="https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/nCOV2019.aspx">https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/nCOV2019.aspx</a>
- Centers for Disease Control and Prevention (CDC, National)
  - o <u>http://www.cdc.gov/coronavirus/novel-coronavirus-2019.html</u>

If you have questions and would like to speak to someone call the Los Angeles County Information line 2-1-1 which is available 24 hours a day.

<sup>1</sup> Wear masks with two or more layers to stop the spread of COVID-19. Wear the mask over your nose and mouth and secure it under your chin. For more info, <u>https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html</u> and <u>http://publichealth.lacounty.gov/media/Coronavirus/docs/protection/GuidanceClothFaceCoverings.pdf</u>



# 10

This Page Intentionally Left Blank



AGENDA REPORT

То:	Mayor Joel Fajardo and Councilmembers
From:	Nick Kimball, City Manager By: Timothy Hou, Deputy City Manager/Director of Community Development
Date:	October 5, 2020
Subject:	Update Regarding the Sixth Cycle Regional Housing Needs Assessment Draft Allocation

#### **RECOMMENDATION:**

It is recommended that the City Council:

- a. Receive a presentation regarding the Sixth Cycle (2021-2029) draft Regional Housing Needs Assessment (RHNA) allocation;
- b. Provide staff with direction, as appropriate.

#### BACKGROUND:

- 1. On September 3, 2019, the City Council received a presentation by Ma'Ayn Johnson, Senior Housing and Land Use Planner from the Southern California Association of Governments (SCAG) regarding the Sixth Cycle RHNA (Attachment "A").
- 2. On September 13, 2019, in accordance with City Council direction, staff submitted comments to SCAG regarding the proposed RHNA allocation methodology (Attachment "B").
- 3. On November 7, 2019, the SCAG Regional Council approved an alternative RHNA allocation methodology proposed by Mayor Rusty Bailey from the City of Riverside that shifted a greater proportion of the allocation of housing units away from inland counties.
- 4. On March 5, 2020, the SCAG Regional Council adopted a final RHNA allocation methodology that aligned with the regional housing need determination of the California Department of Housing and Community Development (HCD) of 1,341,827 total homes for SCAG to distribute among its local governments.
- 5. On May 7, 2020, the SCAG Regional Council voted to delay adopting the Connect SoCal plan in its entirety by up to 120 days, effectively postponing the distribution of draft RHNA

COMMUNITY DEVELOPMENT DEPARTMENT 117 MACNEIL STREET, SAN FERNANDO, CA 91340 (818) 898-1227 WWW.SFCITY.ORG

**Update Regarding the Sixth Cycle Regional Housing Needs Assessment Draft Allocation** Page 2 of 3

allocation, appeals process, and the eventual adoption of the final RHNA allocation. In addition, the Regional Council approved the Sixth Cycle RHNA appeals procedures.

- 6. On September 3, 2020, the SCAG Regional Council adopted the Connect SoCal plan, its 2020-2045 Regional Transportation Plan and Sustainable Communities Strategy, which contains factors affecting RHNA allocations.
- On September 4, 2020, SCAG formally issued notification of the Sixth Cycle (2021-2029) draft RHNA allocation that included 1,791 housing units (Attachment "C") for the City of San Fernando. The notification also included the Sixth RHNA Cycle Appeals Procedures (Attachment "D").

#### ANALYSIS:

SCAG issued the following Sixth Cycle (2021-2029) draft RHNA allocation to San Fernando:

Total units:	1,791
Above-moderate income units:	775
Moderate income units:	283
Low income units:	273
Very-low income units:	460

The Sixth Cycle allocation of 1,791 units represents an 825 percent increase over the Fifth Cycle (2013-2021) allocation of 217 units. HCD increased the regional housing need in the SCAG region from 438,030 units in the Fifth Cycle to 1,341,827 units for the Sixth Cycle. The draft allocations to local governments across the SCAG region are included as Attachment "E". As part of the RHNA appeals procedure, staff will prepare to submit an appeal regarding San Fernando's draft RHNA allocation by the final deadline of October 26, 2020.

#### **BUDGET IMPACT:**

There is no fiscal impact associated with receiving the presentation. Monitoring and providing input into the Sixth Cycle RHNA allocation is part of the Community Development Department work program for Fiscal Year 2020-2021.

#### CONCLUSION:

It is recommended that the City Council receive and file the presentation regarding the City's Sixth Cycle RHNA draft allocation

#### **Update Regarding the Sixth Cycle Regional Housing Needs Assessment Draft Allocation** Page 3 of 3

#### **ATTACHMENTS:**

- A. City Council Agenda Report: Receive a Presentation from the SCAG Regarding the Sixth Cycle Regional Housing Needs Assessment (9/3/19)
- B. Letter to SCAG
- C. San Fernando RHNA Allocation
- D. RHNA Appeals Procedure
- E. SCAG's Draft RHNA Allocations By Local Jurisdiction



AGENDA REPORT

To:Mayor Joel Fajardo and CouncilmembersFrom:Nick Kimball, City Manager<br/>By:<br/>Timothy T. Hou, Deputy City Manager/Director of Community DevelopmentDate:September 3, 2019Subject:Receive a Presentation from the Southern California Association of Governments<br/>Regarding the Sixth Cycle Regional Housing Needs Assessment

#### **RECOMMENDATION:**

It is recommended that the City Council:

- a. Receive a presentation from the Southern California Association of Governments regarding the Sixth Cycle Regional Housing Needs Assessment; and
- b. Provide staff with direction, as appropriate.

#### BACKGROUND:

- 1. In 1980, California State Housing Law required regional Councils of Government in California to determine the projected housing needs for persons of all income levels, which is referred to as the Regional Housing Needs Assessment (RHNA). The RHNA process is intended to address housing needs for projected state population and housing growth so as to create a better balance of jobs and housing in communities and to ensure the availability of affordable units for all income groups.
- 2. The regional Council of Governments (COG), specifically the Southern California Association of Governments (SCAG), is required under State Law to determine the projected housing needs for its respective region. SCAG's region encompasses the following six counties: Los Angeles, Orange, Ventura, San Bernardino, Riverside and Imperial.
- 3. RHNA is quantified by two measures: 1) existing need for housing, and 2) the future need for housing. Existing need for housing is determined by analyzing census data to determine which housing market is not meeting the needs of the residents. That number is derived by the number of low-income households paying more than 30% of their income for housing and by overcrowding of housing units. The assessment for the future need of housing is determined by SCAG's growth forecast and the public participation process. The growth forecast is determined by the following: young adult moving out of a parent's

COMMUNITY DEVELOPMENT DEPARTMENT 117 MACNEIL STREET, SAN FERNANDO, CA 91340 (818) 898-1227 WWW.SFCITY.ORG

Receive a Presentation from the Southern California Association of Governments Regarding the Sixth Cycle Regional Housing Needs Assessment Page 2 of 3

home or family moving into a community for employment. Each jurisdiction must allocate its "fair share" of the region's affordable housing needs.

- 4. The State's Housing Element Law, which requires local jurisdictions to plan for their share of existing and projected population growth through their Housing Element and General Plan updates, are enforced by The California Department of Housing and Community Development (HCD) who ultimately certifies each jurisdictions Housing Element. State law requires that each Housing Element to be updated periodically. The cycle for updating a Housing Element varies from five to 10 years. A new RHNA is evaluated for each jurisdiction at every Housing Element cycle. The past cycles have been:
  - First cycle: 1980-1990 (10-year cycle)
  - Second cycle: 1988-1995 (seven-year cycle contains overlap with previous cycle)
  - Third cycle: 1999-2006 (seven-year cycle)
  - Fourth cycle: 2007-2014 (seven-year cycle)
  - Fifth (current) cycle: 2014-2021 (seven-year cycle)
- 5. On January 1, 2018, as a result of California Senate Bill 35 (SB 35), streamlining provisions went into effect for cities that were not meeting their goals for construction of certain regional housing needs. SB 35 amended Government Code Section 65913.4 to require local jurisdictions to streamline the approval of certain housing projects by providing a ministerial approval process and removing the requirements for California Environmental Quality Act (CEQA) analysis.
- 6. In April 2019, the City Council approved the 2018 General Plan Housing Element Annual Progress for 2018. In 2018, the City demonstrated significant progress towards meeting its low-income and moderate-income RHNA allocations, and a substantial increase in activity overall in comparison to 2017. However, production in the City remained behind the pace to meet its allocation for the moderate and above moderate income category for the 2014-2021 period. As a result, the City was subject to SB 35 streamlining provisions for proposed developments with at least 10 percent affordability (10 percent of the units must be affordable to households earning 80 percent or less of area median income).
- 7. As presented in Table 1 below, the City was allocated a total RHNA of 217 units for the planning period. During calendar years 2014-2018, a total of 203 residential building permits were issued. However, under SB 35 cities must meet the proportionate share of the RHNA for each of the four income levels. Hence, the City has a remaining RHNA target for three of the four income levels.

#### Receive a Presentation from the Southern California Association of Governments Regarding the Sixth Cycle Regional Housing Needs Assessment Page 3 of 3

Income Level	2014-2021 RHNA Allocation	Building Permits Issued Per Year			Remaining RHNA Target		
	Allocation	2014	2015	2016	2017	2018	Target
Very Low (0 to 30% of AMI)	55	28	0	0	0	0	27
Low (30 to 50% of AMI)	32	4	5	5	24	67	0
Moderate (50 to 80% of AMI)	35	0	0	0	3	27	5
Above Moderate (> 80% of AMI)	95	27	0	9	2	2	55
Total	217	59	5	14	29	96	87

#### Table I: Regional Housing Needs Allocation (RHNA) Progress: 2014-2018

#### ANALYSIS:

Pursuant to state law, SCAG is in the process of developing the Sixth Cycle RHNA allocation plan, which will cover the planning period October 2021 through October 2029. SCAG anticipates adopting final RHNA allocations in October 2020. As part of this process, the City may submit comments regarding the proposed RHNA allocation methodology through Friday, September 13, 2019. A PowerPoint presentation downloaded from SCAG's website (Attachment "A") provides information regarding the proposed methodology and process. A representative from SCAG will be in attendance to give a presentation and respond to questions.

#### **BUDGET IMPACT:**

There is minimal budget impact associated with receiving the presentation from SCAG. Monitoring and providing input into the Sixth Cycle RHNA allocations is part of the Community Development Department work program for Fiscal Year 2019-2020.

#### CONCLUSION:

It is recommended that the City Council receive and file a presentation from SCAG regarding the City's Sixth Cycle RHNA allocations and provide staff direction, as appropriate.

#### ATTACHMENT:

A. SCAG Sixth Cycle Proposed RHNA Methodology Presentation, August 20, 2019

#### ATTACHMENT "A"

#### 6th Cycle Proposed RHNA Methodology

Ma'Ayn Johnson, AICP

Compliance and Performance Monitoring



www.scag.ca.gov



#### 

#### **Objectives of RHNA**

- 1) To increase the housing supply and mix of housing types, tenure and affordability within each region in an equitable manner
- 2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, and the encouragement of efficient development patterns







#### **Objectives of RHNA**

- 3) Promoting an improved intraregional relationship between jobs and housing
- Allocating a lower proportion of housing need in income categories in jurisdictions that have a disproportionately high share in comparison to the county distribution
- 5) Affirmatively furthering fair housing





2



# Proposed RHNA Methodology: Options • Three options developed based on feedback from RHNA Subcommittee and stakeholders • Each option applies different components • One option will be recommended to the RHNA Subcommittee, CEHD, and Regional Council for submittal to HCD

Option 1Option 2Option 3• Share of population• Share of population• Share of population• Share of population within high quality transit areas• Share of population within high quality transit areas• Share of population within high quality transit areas• Social equity adjustment• Local input/Future vacancy need/Replacement need• Social equity adjustment• Social equity adjustment• Social equity adjustment• Social equity adjustment• Social equity adjustment	Proposed RHNA Methodology*						
	<ul> <li>Share of population</li> <li>Share of population within high quality transit areas</li> <li>Share of regional undersupply of building permits issued</li> <li>Local input/Future vacancy need/Replacement need</li> </ul>	<ul> <li>Share of population</li> <li>Share of population within high quality transit areas</li> </ul>	<ul> <li>Local input/Future vacancy need/Replacement need</li> </ul>				



#### 4





5














# **City A and City B**

- City A • Urbanized
  - Within County X
  - Most of population is within an HQTA
  - Population: Appx. 65,000
  - Higher concentration of lower income households than other parts of the county

# • City B

- Suburban community
- Within County Y
- No HQTAs within jurisdiction
- Population: Appx 65,000
- Higher concentration of high income households than other parts of the county

# **Option 1: Step 1 Existing Need**

Example assumption: Regional existing need of 250,000

- 175,000 (70%) will be assigned based on population share
- 50,000 (20%) will be assigned based on population share within HQTA
- 25,000 (10%) will be assigned based on share of recent regional permit activity in comparison to population

City A	Existing need	City B	Existing need
+Share of regional population (0.35%)	606	+Share of regional population (0.35%)	606
+Share of regional population within HQTA (0.37%)	183	+Share of regional population within HQTA (0%)	0
+Share of permit activity in comparison to population (1.10%)	280	+Share of permit activity in comparison to population (0.30%)	88
=Total existing need	1,069	=Total existing need	694



Optio	on 1: Step 1 Existir	ng Need				SCA
	Income Category	Very low	Low	Moderate	Above moderate	Total
City A	Current Distribution	30.1%	23.2%	17.6%	29.1%	100%
CILY A	After 110% adjustment	24.8%	14.8%	16.7%	43.6%	100%
	After 110% adjustment into 3 categories	44%	26.3%	29.7%		100%
	Income Category	Very low	Low	Moderate	Above moderate	Total
City B	Income Category Current Distribution	<b>Very low</b> 15.8%	Low 12.2%	Moderate		<b>Total</b> 100%
City B					moderate	
City B	Current Distribution	15.8%	12.2%	16.8%	moderate 55.2%	100%



# Option 1: Step 1 Existing Need

Existing housing need	City A	City B
Very low	459	318
Low	296	178
Moderate	315	198
Above moderate		
Total	1,069	694

SCAG.





# Option 1: Step 2c Replacement Need

- Jurisdictions will be assigned a replacement need based on their share of regional replacement need
- Share of regional replacement need was adjusted by replacement need survey results
- The final regional replacement need will be assigned after the regional determination process with HCD
- Some jurisdictions replaced all demolished units and have o replacement need.

City A		City B	
+Replacement need (based on adjustment from survey)	24	+Replacement need (based on adjustment from survey)	0

Above moderate

City A		City B	
+Projected household growth	498	+Projected household growth	1,324
+Future Vacancy Need	18	+Future Vacancy Need	35
+Replacement Need	24	+Replacement Need	0
=Projected housing need	540	=Projected housing need	1,359



Option	1: Step 2			SCA
cited	Income category	City A existing HH income distribution	County X existing housing distribution	150% adjustment
City A	Very low	30.1%	25.3%	22.9%
	Low	23.2%	15.6%	11.8%
	Moderate	17.6%	16.8%	16.4%
	Above moderate	29.1%	42.3%	48.9%
City D	Income category	City B existing HH income distribution	County Y existing housing distribution	150% adjustment
City B	Very low	15.8%	23.7%	27.7%
	Low	12.2%	16.5%	18.6%
	Moderate	16.8%	18.3%	19.1%

41.5%

55.2%

34.6%

Optic	on 1: Step 3 Tota	al RHNA All	ocation			SC/
		Very low	Low	Moderate	Above moderate	Total
City A	Existing need	459	296	315		1,069
	Projected need	130	60	83	266	540
	Total RHNA	589	356	398	266	1,608
		Very low	Low	Moderate	Above moderate	Total
City B	Existing need	Very low 318	Low 178	Moderate	Above moderate	Total 694
City B	Existing need Projected need					
City B	U U	318	178	198	moderate 	694



# **Option 2**

Example assumption: Regional need of 675,000

- 540,000 (80%) will be assigned based on population share
- 135,000 (20%) will be assigned based on population share within HQTA

City A	Total need	City B	Total need
+Share of regional population (0.35%)	1,870	+Share of regional population (0.35%)	1,870
+Share of regional population within HQTA (0.37%)	493	+Share of regional population within HQTA (0%)	0
=Total need	2,363	=Total existing need	1,870

• Social equity adjustment: 150%

Option 3				SCAG.			
<ul> <li>Based on population growth for selected horizon year</li> <li>Horizon year is selected based on horizon growth closest to HCD determination</li> <li>Example assumption: HCD provides a total of 800,000</li> </ul>							
City A	Total need		City B	Total need			
+Share of regional population growth (0.14%)	910		+Share of regional population growth (0.76%)	4,950			
+Future vacancy need	32		+Future vacancy need	132			
+Share of replacement need	24		+Share of replacement need	0			
=Total existing need	966		=Total existing need	5,082			
Social equity ac	ljustment: 150	0%					

Comparison of O	ptions			SCAC
	Option 1	Option 2	Option 3	
Existing need separate from projected need	Yes	No	No	
Higher total of lower income categories	Yes	No	No	
Emphasis on HQTA from regional total	On existing need only, 20%	On total allocation, 20%	No	
Accounts for recent building activity	Yes	No	No	
Social equity adjustment	110% for existing need 150% for projected need	150% for total need	150% for total need	
Local input as a component	Yes	No	Yes	

# 16

# Full Proposed RHNA Methodology

- Step by step guide to calculate a draft RHNA allocation in proposed methodology packet
- Online tool available to estimate draft RHNA allocation based on each option at <u>www.scag.ca.gov/rhna</u>
- Full survey responses available at www.scag.ca.gov/rhna



# **Next Steps**

- Proposed RHNA methodology public hearings
  - August 15, 6-8pm Los Angeles
  - August 20, 1-3pm Los Angeles
  - August 22, 1-3pm Orange County
  - August 27, 6-8pm, Inland Empire

Proposed RHNA methodology public information session

• August 29, 1-3pm Santa Clarita



18

For more information: <u>www.scag.ca.gov/rhna</u> Email: housing@scag.ca.gov



www.scag.ca.gov

# Attachment "B"

# SAN FERNAND

CITY COUNCIL

Mayor Joel Fajardo

Vice Mayor Sylvia Ballin

COUNCILMEMBER ROBERT C. GONZALES

Councilmember Antonio Lopez

Councilmember Hector A. Pacheco

September 13, 2019

The Honorable Peggy Huang Community, Economic and Human Development Policy Committee Regional Housing Needs Assessment Subcommittee Southern California Association of Governments 900 Wilshire Boulevard, Suite 1700 Los Angeles, CA 90017

SUBJECT: Comments on Proposed Regional Housing Needs Assessment (RHNA) Methodology

Dear Honorable Peggy Huang:

The purpose of this letter is to transmit the City of San Fernando's comments on the proposed RHNA methodologies for the upcoming 6<sup>th</sup> Cycle. First, I would like to reiterate San Fernando's track record as a responsible local jurisdiction committed to adhering to the objectives of Housing Element law. Per the approved 2018 Annual Progress Report for the 5<sup>th</sup> Cycle, San Fernando has achieved more than half of its very low-income housing unit allocation, has already exceeded its low-income allocation by over 325%, is on pace to surpass its moderate-income allocation during this calendar year, and has achieved more than 42% of its above moderate allocation. Combined, San Fernando has already achieved 93.5% of the total housing units allocated for the 5<sup>th</sup> Cycle.

Second, while San Fernando finds Option 3 to be the most acceptable methodology for determining local housing need, several modifications are recommended to the overall determination of the proposed options. These recommended modifications are shared in detail below.

Address existing and projected housing need over multiple RHNA cycles

At minimum, this allocation should be apportioned over multiple RHNA cycles. It is senseless for the state to require that a deficit in existing housed generated over multiple decades be corrected within 8.25 years. Compounding the existing need allocation with projected housing need makes the 6<sup>th</sup> Cycle allocations even more unrealistic. Further, basing punitive measures, which exist under SB 35 and other recent legislation, upon unattainable targets is bad public policy.

ADMINISTRATION DEPARTMENT

117 Macneil Street San Fernando California 91340

Office of the City Manager (818) 898-1202

Personnel Division (818) 898-1220

#### THE HONORABLE PEGGY HUANG

Comments on Proposed Regional Housing Needs Assessment (RHNA) Methodology Page 2 of 3

#### Establish a Baseline RHNA allocation for all jurisdictions

**Given its track record as a responsible local jurisdiction, San Fernando is troubled by the relative inaction by some other local jurisdictions on affordable housing.** Establishing a baseline RHNA allocation helps address some of the iniquities of the current 5<sup>th</sup> Cycle, and ensures that every jurisdiction within the SCAG region participates meaningfully in providing housing units in their community.

As a corollary, **the methodology should factor and provide credit for any surplus of affordable housing units produced during the current cycle.** This would prevent local jurisdictions from a quandary whereby they might wish that housing stock construction be delayed simply to have it count towards the 6<sup>th</sup> Cycle allocation.

# <u>Utilize the Social Equity Formula to determine both existing and projected housing</u> <u>need</u>

This would better address the disproportionate shares of affordable housing provided in lower income, predominately minority jurisdictions in comparison to higher income, less diverse jurisdictions. Consider a greater than 150% social equity adjustment and apply it to both existing and projected need.

## Rethink the High Quality Transit Area (HQTA) factor

HQTA's often exist in primarily urbanized, less affluent parts of the SCAG region. It can be reasonably concluded that within Options 1 and 2, the 20% allocation of the determination based on a jurisdiction's share of regional population within an HQTA ignores certain realities in many jurisdictions containing HQTA's. **Such areas have already confronted two hardships, the first being the challenges that disadvantaged communities face to attract development of every type, and the second being making available public transit within their communities.** The HQTA factor seems to let other communities that haven't already addressed these two challenges off the hook.

Lastly, the City of San Fernando reserves its right to appeal not only its ultimate 6<sup>th</sup> Cycle allocation, but also the allocations for any other local jurisdictions. Last month, the California Department of Housing and Community Development (HCD) provided SCAG with its regional housing need determination of 1,344,740 total units to distribute among its local jurisdictions. This number far exceeds the number adopted by SCAG, which was determined based upon local input of approximately 430,000 total units.

The City strongly suggests that SCAG appeal the regional housing need determination from HCD. This is critical as SB 35, and other recent legislation,

#### THE HONORABLE PEGGY HUANG

Comments on Proposed Regional Housing Needs Assessment (RHNA) Methodology Page 3 of 3

> have now armed the RHNA allocations with real regulatory repercussions. Ultimately, SCAG must certainly recognize that HCD's determination equates to a **RHNA allocation for most local jurisdictions that does not mesh with either basic economic theory or fiscal reality.** The market cannot support this many housing units nor can existing or planned public infrastructure. **Building sufficient infrastructure to even support this extent of housing would put many jurisdictions at risk of insolvency.** Further, requiring local jurisdictions which have worked diligently to achieve current RHNA allocations to now designate significant amounts of multi-family, commercial and industrial land to higher-intensity residential may understandably result in a rebuttal at the community level.

> San Fernando appreciates SCAG's time and effort on this challenging planning issue and we thank you for your consideration.

Sincerely,

Nick Kimball City Manager

cc: San Fernando City Council Timothy Hou, Deputy City Manager/Director of Community Development Rick Olivarez, City Attorney Kome Ajise, SCAG Ma'Ayn Johnson, SCAG

Attachment "C"



SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS 900 Wilshire Blvd., Ste. 1700 Los Angeles, CA 90017 T: (213) 236-1800 www.scag.ca.gov

**REGIONAL COUNCIL OFFICERS** 

President Rex Richardson, Long Beach

First Vice President Clint Lorimore, Eastvale

Second Vice President Jan Harnik, Riverside County Transportation Commission

Immediate Past President Bill Jahn, Big Bear Lake

#### COMMITTEE CHAIRS

Executive/Administration Rex Richardson, Long Beach

Community, Economic & Human Development Jorge Marquez, Covina

Energy & Environment David Pollock, Moorpark

Transportation Cheryl Viegas-Walker, El Centro

## September 4, 2020

Nick Kimball City of San Fernando 117 Macneil Street San Fernando, CA 91340-2993

Subject: 6<sup>th</sup> Cycle Draft Regional Housing Needs Assessment (RHNA) Allocation for City of San Fernando and appeals timeline notice.

Dear Mr. Nick Kimball:

Pursuant to Government Code Section 65584 et seq., the Southern California Association of Governments (SCAG) is required to allocate the region's housing need as determined by the California Department of Housing and Community Development (HCD) to all local jurisdictions in the SCAG region. For the 6<sup>th</sup> Cycle of RHNA, which covers the planning period from 2021 to 2029, HCD has determined our regional housing need to be 1,341,827 units.

After extensive public input and review by HCD, on March 5, 2020, SCAG's Regional Council adopted the final RHNA Methodology which, in coordination with final Connect SoCal adopted on September 3, 2020, results in Draft RHNA Allocations for all local jurisdictions. **Please note that receipt of this letter containing the Draft RHNA Allocations begins the appeals timeline.** The Draft RHNA allocation shall be deemed received on September 11, 2020.

The Draft 6<sup>th</sup> Cycle RHNA Allocation for the City of San Fernando is 1791 total units, consisting of: Very-low income units: 460 Low income units: 273 Moderate income units: 283 Above-moderate income units: 775

# The deadline to electronically file an appeal of your 6<sup>th</sup> cycle Draft RHNA Allocation is 5:00pm on October 26, 2020 (details attached).

The hearing on the RHNA allocation appeals is scheduled to begin on or about December 10, 2020. Following the conclusion of the appeals process, the Final RHNA Allocations are anticipated to be issued in

February 2021. Local jurisdictions' housing element updates are due to HCD by October 2021.

We appreciate your collaboration and input during this process. Additional information including underlying data can be found on SCAG's RHNA website at <a href="www.scag.ca.gov/rhna">www.scag.ca.gov/rhna</a>. If you have additional questions or concerns, please direct them to <a href="href=housing@scag.ca.gov">housing@scag.ca.gov</a> so they can receive priority attention.

Sincerely,

Kome Ajise

Kome Ajise Executive Director

Attachments: SCAG Region 6<sup>th</sup> Cycle Draft RHNA Allocations SCAG 6<sup>th</sup> Cycle RHNA Appeals Procedures

Attachment "D"

# 6th RHNA Cycle Appeals Procedures

Pursuant to Government Code section 65584.05, any local jurisdiction within the SCAG region may file an appeal to modify its allocated share or another jurisdiction's share of the regional housing need included as part of SCAG's Draft Regional Housing Needs Assessment (RHNA) Allocation Plan, hereinafter referred to as the "Draft RHNA Plan." The California Department of Housing and Community Development, hereinafter referred to as "HCD", may also file an appeal to one or more jurisdiction's draft RHNA allocation. No appeal shall be allowed relating to post-appeal reallocation adjustments made by SCAG, as further described in Section II, below.

# I. <u>APPEALS PROCESS</u>

# A. DEADLINE TO FILE

The period to file appeals shall commence on September 11, 2020<sup>1</sup>, which shall be deemed as the date of receipt by jurisdictions and HCD of the draft RHNA Plan. In order to comply with Government Code § 65584.05(b), a jurisdiction or HCD seeking to appeal a draft allocation of the regional housing need must file an appeal by 5:00 p.m. October 26, 2020. Late appeals shall not be accepted by SCAG.

# B. FORM OF APPEAL

The local jurisdiction shall state the basis and specific reasons for its appeal on the RHNA Appeal Request Form prepared by SCAG, a copy of which is attached hereto as Exhibit "A". Additional documents may be submitted by the local jurisdiction as attachments, and all such attachments should be properly labeled and numbered.

# C. BASES FOR APPEAL

Local jurisdictions shall only file an appeal based upon the criteria listed below. In order to provide guidance to potential appellants, SCAG's Final RHNA Methodology for the 6<sup>th</sup> Housing Element Cycle (2021-2029) (Final RHNA Methodology) approved by SCAG's Regional Council on March 5, 2020, is attached hereto as Exhibit "B". Appeals based on "change of circumstance" can only be filed by the jurisdiction or jurisdictions where the change in circumstance occurred.

Pursuant to Government Code Section 65584.05, filed appeals must include a statement as to why the revision is necessary to further the intent of the objectives listed in Section 65584. Additionally, Government Code Section 65584.05(b) requires that all

<sup>&</sup>lt;sup>1</sup> The period to file appeals shall commence on the eighth day after the Regional Council adopts the Final Connect SoCal in its entirety, and all the subsequent dates in this Appeals Procedures shall be adjusted accordingly.

filed appeals must be consistent with, and not to the detriment of, the development pattern in the sustainable communities strategy, or SCAG's Connect SoCal Plan, pursuant to Government Code Section 65080(b)(2).

- <u>Methodology</u> That SCAG failed to determine the jurisdiction's share of the regional housing need in accordance with the information described in the Final RHNA Methodology established and approved by SCAG, and in a manner that furthers, and does not undermine the five objectives listed in Government Code Section 65584(d).
- 2. Local Planning Factors and Information Affirmatively Furthering Fair Housing (AFFH) – That SCAG failed to consider information submitted by the local jurisdiction relating to certain local factors outlined in Govt. Code § 65584.04(e) and information submitted by the local jurisdiction relating to affirmatively furthering fair housing pursuant to Government Code § 65584.04(b)(2) and 65584(d)(5) including the following:
  - a. Each jurisdiction's existing and projected jobs and housing relationship.
  - The opportunities and constraints to development of additional housing in each jurisdiction, including the following:
    - (1) lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period;
    - the availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities;
    - (3) Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis, including land zoned or designated for agricultural protection or

preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts conversion to non-agricultural uses.

- (4) County policies to preserve prime agricultural land, as defined pursuant to Government Code § 56064, within an unincorporated area, and land within an unincorporated area zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts its conversion to non-agricultural uses.
- c. The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.
- d. Agreements between a county and cities in a county to direct growth toward incorporated areas of the county or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of the jurisdiction that prohibits or restricts conversion to nonagricultural uses.
- e. The loss of units contained in assisted housing developments, as defined in Government Code § 65583(a)(9), that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions.
- f. The percentage of existing households at each of the income levels listed in subdivision (e) of Section 65584 that are paying more than 30 percent and more than 50 percent of their income in rent.
- g. The rate of overcrowding.
- h. The housing needs of farmworkers.
- The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction.
- j. The loss of units during a state of emergency that was declared by the Governor pursuant to the California

Emergency Services Act (Chapter 7(commencing with Section 8550) of Division 1 of Title 2), during the planning period immediately preceding the relevant revision pursuant to Section 65588 that have yet to be rebuilt or replaced at the time of the analysis. For purposes of these guidelines, this applies to loss of units during a state of emergency occurring since October 2013 and have not yet been rebuilt or replaced by the time of the development of the draft RHNA methodology, or November 7, 2019.

- The region's greenhouse gas emissions targets provided by the State Air Resources Board pursuant to Section 65080, to be met by SCAG's Connect SoCal Plan.
- Information based upon the issues, strategies, and actions that are included, as available in an Analysis of Impediments to Fair Housing Choice or an Assessment of Fair Housing completed by any city or county or the California Department of Housing and Community Development, and in housing elements
- <u>Changed Circumstances</u> That a significant and unforeseen change in circumstance has occurred in the jurisdiction after April 30, 2019 and merits a revision of the information previously submitted by the local jurisdiction. Appeals on this basis shall only be made by the jurisdiction or jurisdictions where the change in circumstances has occurred.

# D. LIMITS ON SCOPE OF APPEAL

Existing law explicitly limits SCAG's scope of review of appeals. Specifically, SCAG shall not grant any appeal based upon the following:

- 1. Any other criteria other than the criteria in Section I.C above.
- 2. A local jurisdiction's existing zoning ordinance and land use restrictions, including but not limited to, the contents of the local jurisdiction's current general plan. Pursuant to Government Code Section 65584.04(e)(2)(B), SCAG may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions.
- 3. Any local ordinance, policy, voter-approved measure or standard limiting residential development. Pursuant to Government Code Section 65584.04(g)(1), any ordinance, policy, voter-approved measure, or standard of a city or county that directly or indirectly limits the number of residential building permits shall not be a justification for a determination or a reduction in a city's or county's share of regional housing need.
- 4. Prior underproduction of housing in a jurisdiction from the previous regional housing need allocation. Pursuant to Government Code Section 65584.04)(g)(2), prior underproduction of housing in a jurisdiction from the previous housing need allocation, as determined by each jurisdiction's annual production report submitted to Government Code Section 65400(a)(2)(H) cannot be used as a justification for a determination or reduction in a jurisdiction's share of the regional housing need.
- 5. Stable population numbers in a jurisdiction. Pursuant to Government Code Section 65584.04(g)(3), stable population growth from the previous regional housing needs cycle cannot be used as a justification for a determination or reduction in a jurisdiction's share of the regional housing need.

## E. COMMENTS ON APPEALS

At the close of the appeals period as set forth in I.A., SCAG shall notify all jurisdictions within the region and HCD of all appeals and shall make all materials submitted in support of each appeal available on its website after the close of the appeals filing period. Local jurisdictions and HCD may comment on one or more appeals within the 45 days following the end of the appeals filing period. All comments must be filed by 5:00 p.m. December 10, 2020. No late comments shall be accepted by SCAG.

## F. HEARING BODY

SCAG's Regional Council has delegated the responsibility of considering appeals regarding draft allocations to the RHNA Subcommittee, also referred to as the RHNA Appeals Board. All provisions of the RHNA Subcommittee's charter shall apply with respect to the membership and conduct of the appeal hearings. Per the RHNA Subcommittee charter, which was adopted on February 7, 2019 by the Regional Council, ex-officio members may participate as non-voting members of the RHNA Subcommittee and by extension the RHNA Appeals Board, and are not counted for purposes of a quorum. Also per the RHNA Subcommittee charter, <u>all decisions made by the RHNA Appeals Board are considered final</u> and will not be reviewed by the SCAG CEHD Committee or Regional Council.

# G. APPEAL HEARING

SCAG shall conduct one public hearing to consider all appeals filed and comments received on the appeals no later than January 10, 2021. This public hearing may be continued (over several days if necessary) until all appeals are heard. Notice shall be provided to the appealing jurisdictions, commenting jurisdictions, and HCD at least 21 days in advance of the hearing. Per Government Code Section 65584.05(i), SCAG may extend the deadline to conduct the appeals hearing by up to thirty (30) days.

The appeal hearing may take place provided that each county is represented either by a member or alternate of the RHNA Appeals Board. Alternates are permitted to participate in the appeal hearing, provided however, that each county shall only be entitled to one vote when deciding on the appeal. Ex-officio members may participate as non-voting members of the RHNA Appeals Board and are not counted for purposes of a quorum. In alignment with the adopted RHNA Subcommittee charter, in the event the hearing involves the member's or alternate's respective jurisdiction, the member or alternate may elect not to participate in the discussion and vote by the RHNA Subcommittee regarding such appeal.

Due to the public health situation that began in late Winter 2020, RHNA appeals hearings may be conducted via teleconference per State-adopted emergency amendments to the Brown Act. SCAG staff will continue to apprise the public on any updates to meeting procedures and will include all information in the public noticing of the appeal hearings.

# Appeal Hearing Procedures

The hearing(s) shall be conducted to provide applicants and jurisdictions that did not file appeals but are the subject of an appeal, with the opportunity to make their case regarding a change in their draft regional housing need allocation or another

jurisdiction's allocation, with the burden on the applicants to prove their case. The appeals hearings will be organized by the specific jurisdiction subject to an appeal or appeals and will adhere to the following procedures:

# 1. Initial Arguments

Applicants who have filed an appeal for a particular jurisdiction will have an opportunity to present their request and reasons to grant the appeal. In the event of multiple appeals filed for a single jurisdiction, the subject jurisdiction will present their argument first if it has filed an appeal on its own draft RHNA allocation. Applicants may present their case either on their own, or in coordination with other applicants, but each applicant shall be allotted five (5) minutes each. If the subject jurisdiction did not file an appeal on its own draft RHNA allocation, it will be given an opportunity to present after all applicants have provided initial arguments on their filed appeals. Any presentation from the jurisdiction who did not appeal but is the subject of the appeal is limited to five (5) minutes unless it is responding to more than one appeal, in which case the jurisdiction is limited to eight (8) minutes.

# 2. Staff Response

After initial arguments are presented, SCAG staff will present their recommendation to approve or deny the appeals filed for the subject jurisdiction. The staff response is limited to five (5) minutes .

# 3. Rebuttal

Applicants and the jurisdiction who did not file an appeal but is the subject of the appeal may elect to provide a rebuttal but are limited to the arguments and evidence presented in the staff response. Each applicant and the subject jurisdiction that did not file an appeal on its own draft RHNA allocation will be allotted three (3) minutes each for a rebuttal.

# 4. Extension of Time Allotment

The Chair of the Appeals Board may elect to grant additional time for any presentation, staff response, or rebuttal in the interest of due process and equity.

## 5. Appeal Board Discussion and Determination

After arguments and rebuttals are presented, the RHNA Appeals Board may ask questions of applicants, the subject jurisdiction (if present), and SCAG staff. The Chair of the Appeals Board may request that questions from the Appeals Board be asked prior to a discussion among Appeals Board members. Any voting Board member may make a motion regarding the appeal(s) for the subject jurisdiction. The Appeals Board is encouraged to make a single determination on the subject jurisdiction after hearing all arguments and presentations on each subject jurisdiction.

The RHNA Appeals Board need not adhere to formal evidentiary rules and procedures in conducting the hearing. An appealing jurisdiction may choose to have technical staff present its case at the hearing. At a minimum, technical staff should be available at the hearing to answer any questions of the RHNA Appeals Board.

# H. DETERMINATION OF APPEAL

The RHNA Appeals Board shall issue a written final determination on all filed appeals after the conclusion of the public hearing(s). The written final determination shall consider all arguments and comments presented on revising the draft RHNA allocation of the subject jurisdiction and make a determination for each subject jurisdiction. The final determinations shall be based upon the information and methodology set forth in Government Code section 65584.04 and whether the revision is necessary to further the objectives listed in Government Code section 65584(d). The final determination shall include written findings as to how the determination is consistent with Government Code section 65584.05. The decision of the RHNA Appeals Board shall be final, and local jurisdictions shall have no further right to appeal.

In accordance with existing law, the final determination on an appeal by the RHNA Subcommittee may require the adjustment of allocation of a local jurisdiction that is not the subject of an appeal. Specific adjustments to jurisdictions not the subject of an appeal as a result of an appeal will be included as part of the Appeal Board's determination. These specific adjustments may be excluded from the cumulative total adjustments required to be reallocated as described in Section II of these Appeals Guidelines if it is included as part of the appeals determination of the subject jurisdiction.

# I. ALTERNATIVE DATA REQUIREMENTS

To the extent a local jurisdiction submits admissible alternative data or evidentiary documentation to SCAG in support of its appeal, such alternative data shall meet the following requirements:

- 1. The alternative data shall be readily available for SCAG's review and verification. Alternative data should not be constrained for use by proprietary conditions or other conditions rendering them difficult to obtain or process.
- 2. The alternative data shall be accurate, current, and reasonably free from defect.
- 3. The alternative data shall be relevant and germane to the local jurisdiction's basis of appeal.
- 4. The alternative data shall be used to support a logical analysis relating to the local jurisdiction's request for a change to its draft regional housing need allocation.

# II. POST-APPEAL REALLOCATION OF REGIONAL HOUSING NEED

In accordance with existing law (*see*, Government Code Section 65584.05(g)), after the conclusion of the appeals process, SCAG shall total the successfully appealed housing need allocations, except for adjustments made to jurisdictions not the subject of an appeal as determined by the Appeals Board in Section I.H. If the adjustments total seven percent (7%) or less of the regional housing need, SCAG shall distribute the adjustments proportionally, to all local jurisdictions. For purposes of these procedures, proportional distribution shall be based on the share of regional need after the appeals are determined and prior to the required redistribution.

If the adjustments total more than seven percent (7%) of the regional housing need, existing law requires that SCAG to develop a methodology to distribute the amount greater than seven percent to local governments. In this situation, SCAG will redistribute the amount greater than the seven percent based on the "residual" existing need calculation included in the adopted final RHNA methodology. To be consistent with the "residual" existing need calculation, successfully appealed units above the seven percent threshold will be redistributed to each county based on their proportion of total successful appeals. Fifty percent (50%) of each county's amount above the regional seven percent will be redistributed within the county based on population within a High Quality Transit Area (HQTA) and fifty percent (50%) of the amount will be redistributed within the county based on share of regional jobs accessible. Communities designated as disadvantaged, defined in the Final RHNA Methodology as having more than fifty percent (50%) of their population in lower resource areas, will be exempt from redistribution of the amount greater than seven percent. For more information regarding the existing need distribution in the Final RHNA Methodology, please refer to Exhibit B SCAG's adopted Final RHNA Methodology.

# III. FINAL RHNA PLAN

After SCAG reallocates units to all local jurisdictions resulting from successful appeals, SCAG's Regional Council shall review and consider adoption of the Final RHNA Plan for SCAG's 6<sup>th</sup> cycle RHNA. This is scheduled to occur on February 4, 2021.

List of Exhibits

Exhibit A: RHNA Appeal Request Form Exhibit B: Final RHNA Methodology Exhibit C:

J Government Code Section 65580

) Government Code Section 65584

) Government Code Section 65584.04

) Government Code Section 65584.05

Exhibit D: RHNA Subcommittee Charter

#### Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal Request Form All appeal requests and supporting documentation must be received by SCAG October 26, 2020, 5 p.m. Appeals and supporting documentation should be submitted to <u>housing@scag.ca.gov</u>.

#### Late submissions will not be accepted.

Date:

Jurisdiction Subject to This Appeal Filing: (to file another appeal, please use another form)

Filing Party (Jurisdiction or HCD)

Filing Party Contact Name

Filing Party Email:

APPEAL AUTHORIZED BY:

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

#### PLEASE SELECT BELOW:

Mayor Chief Administrative Office City Manager Chair of County Board of Supervisors Planning Director Other:

#### **BASES FOR APPEAL**

- □ Application of the adopted Final RHNA Methodology for the 6<sup>th</sup> Cycle RHNA (2021-2029)
- Local Planning Factors and/or Information Related to Affirmatively Furthering Fair Housing (See
  - Government Code Section 65584.04 (b)(2) and (e))
    - Existing or projected jobs-housing balance
    - □ Sewer or water infrastructure constraints for additional development
    - □ Availability of land suitable for urban development or for conversion to residential use
    - □ Lands protected from urban development under existing federal or state programs
    - □ County policies to preserve prime agricultural land
    - Distribution of household growth assumed for purposes of comparable Regional Transportation Plans
    - □ County-city agreements to direct growth toward incorporated areas of County
    - $\hfill\square$  Loss of units contained in assisted housing developments
    - □ High housing cost burdens
    - $\hfill\square$  The rate of overcrowding
    - □ Housing needs of farmworkers
    - □ Housing needs generated by the presence of a university campus within a jurisdiction
    - □ Loss of units during a state of emergency
    - $\hfill\square$  The region's greenhouse gas emissions targets
    - □ Affirmatively furthering fair housing
- □ Changed Circumstances (Per Government Code Section 65584.05(b), appeals based on change of circumstance can only be made by the jurisdiction or jurisdictions where the change in circumstance occurred)

FOR STAFF	USE	ONLY:	
Date			

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

Planner: \_\_\_\_\_

Sixth Cycle Regional Housing Needs Assessment (RHNA) Appeal Request Form All appeal requests and supporting documentation must be received by SCAG October 26, 2020, 5 p.m. Appeals and supporting documentation should be submitted to <u>housing@scag.ca.gov</u>. Late submissions will not be accepted.

Brief statement on why this revision is necessary to further the intent of the objectives listed in Government Code Section 65584 (please refer to Exhibit C of the Appeals Guidelines): Please include supporting documentation for evidence as needed, and attach additional pages if you need more room.

**Brief Description of Appeal Request and Desired Outcome:** 

Number of units requested to be reduced or added to the jurisdiction's draft RHNA allocation (circle one):

Reduced \_\_\_\_\_ Added \_\_\_\_\_

List of Supporting Documentation, by Title and Number of Pages (Numbers may be continued to accommodate additional supporting documentation):

1.

2.

3.

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

Planner:

#### **Final RHNA Methodology**

#### **EXECUTIVE SUMMARY**

SCAG is required to develop a final RHNA methodology to distribute existing and projected housing need for the 6th cycle RHNA for each jurisdiction, which will cover the planning period October 2021 through October 2029. Following extensive feedback from stakeholders during the proposed methodology comment period and an extensive policy discussion, SCAG's Regional Council voted to approve the Draft RHNA Methodology on November 7, 2019, as described below, and provide it to the State Department of Housing and Community Development (HCD) for their statutory review. On January 13, 2020, HCD completed its review of the draft methodology and found that it furthers the five statutory objectives of RHNA and on March 4, 2020, SCAG's Regional Council voted to approve the Final RHNA Methodology. The overall framework for this methodology is included in the table below and further described in the rest of this document.

Projected need	Existing need	Income categories
Household growth 2020- 2030	Transit accessibility (HQTA population 2045)	150% social equity adjustment minimum
Future vacancy need	Job accessibility	0-30% additional adjustment for areas with lowest or highest resource concentration
Replacement need	Residual distribution within the county	

#### **HOUSING CRISIS**

There is no question that there is an ongoing housing crisis throughout the State of California. A variety of measures indicate the extent of the crisis including overcrowding and cost-burdened households, but the underlying cause is due to insufficient housing supply despite continuing population growth over recent decades.

As part of the RHNA process SCAG must develop a final RHNA methodology, which will determine each jurisdiction's draft RHNA allocation as a share of the regional determination of existing and projected housing need provided by the California Department of Housing and Community Development (HCD). There are several requirements outlined by Government Code Section 65584.04, which will be covered in different sections of this packet:

- Allocation methodology, per Government Code 65584.04(a)
- How the allocation methodology furthers the objectives State housing law, per GC 65584.04(f)

- How local planning factors are incorporated into the RHNA methodology, per GC 65584.04(f)
- Furthering the objectives of affirmatively furthering fair housing (AFFH), per GC 65584.04(d)
- Public engagement, per GC 65584.04(d)

Additionally, SCAG has developed a dynamic estimator tool and data appendix that contains a full set of various underlying data and assumptions to support the methodology. Due to the size of the appendix, a limited number of printed copies are available. SCAG has posted the dynamic estimator tool and full methodology appendix, on its RHNA webpage: <u>www.scag.ca.gov/rhna</u>.

Per State housing law, the RHNA methodology must distribute existing and projected housing need to all jurisdictions. The following section provides the final methodology for distributing projected and existing need to jurisdictions from the RHNA regional determination provided by the California Department of Housing and Community Development (HCD) pursuant to Government Code Section 65584.01.

# Guiding Principles for RHNA Methodology

In addition to furthering the five objectives pursuant to Government Code 65585(d), there are several guiding principles that SCAG staff has developed to use as the basis for developing the distribution mechanism for the RHNA methodology. These principles are based on the input and guidance provided by the RHNA Subcommittee during their discussions on RHNA methodology between February 2019 and June 2019.

- The housing crisis is a result of housing building not keeping up with growth over the last several decades. The RHNA allocation for all jurisdictions is expected to be higher than the 5<sup>th</sup> RHNA cycle.
- 2. Each jurisdiction must receive a fair share of their regional housing need. This includes a fair share of planning for enough housing for all income levels, and consideration of factors that indicate areas that have high and low concentration of access to opportunity.
- 3. It is important to emphasize the linkage to other regional planning principles to develop more efficient land use patterns, reduce greenhouse gas emissions, and improve overall quality of life.

The jurisdictional boundaries used in the recommended RHNA methodology will be based on those as of August 31, 2016. Spheres of influence in unincorporated county areas are considered within unincorporated county boundaries for purposes of RHNA.

## Proposed RHNA Allocation Methodology

The proposed RHNA methodology, which was released for public review on August 1, contained three (3) options to distribute HCD's regional determination for existing and projected need for the

SCAG region. HCD provided SCAG a final regional determination of 1,341,827 units for the 6<sup>th</sup> cycle RHNA on October 15, 2019.<sup>1</sup>

The three options were developed based on RHNA Subcommittee feedback on various factors at their meetings between February and June 2019 and feedback from stakeholders. SCAG solicited formal public comment on the three options and any other factors, modifications, or alternative options during the public comment period, which commenced on August 1 and concluded on September 13, 2019.

Four public hearings were conducted to formally receive verbal and written comments on the proposed RHNA methodology, in addition to one public information session with a total participation of approximately 250 people. Almost 250 written comments were submitted to SCAG specifically on the proposed methodology and over 35 verbal comments were shared at four (4) public hearings held in August 2019.

#### Draft and Final RHNA Allocation Methodology

Based on comments received during the public comment period, staff recommended a combination of the three options in the proposed methodology further enhanced by factors specifically suggested by stakeholders.

On November 7, 2019, SCAG's Regional Council voted to approve the Draft RHNA Methodology. The approved draft methodology included modifications to the staff-recommended draft methodology for calculating existing housing need to more closely align the methodology with job and transit accessibility factors.

On January 13, 2020, HCD completed their statutory review and found that SCAG's Draft RHNA Methodology furthers the five statutory objectives of RHNA, which allows SCAG to finalize the RHNA methodology and issue draft RHNA allocations to each individual jurisdiction. HCD's comment letter, which can be found at <a href="http://www.scag.ca.gov/rhna">www.scag.ca.gov/rhna</a>, notes:

"HCD has completed its review of the methodology and finds that the draft SCAG RHNA methodology furthers the five statutory objectives of RHNA. HCD acknowledges the complex task of developing a methodology to allocate RHNA to 197 diverse jurisdictions while furthering the five statutory objectives of RHNA. This methodology generally distributes more RHNA, particularly lower income RHNA, near jobs, transit, and resources linked to long term improvements of life outcomes. In particular, HCD applauds the use of objective factors specifically linked the statutory objectives in the existing need methodology."

Following this finding, staff recommended the draft RHNA methodology as the final RHNA methodology. On March 5, 2020, SCAG's Regional Council approved Resolution No. 20-619-2

<sup>&</sup>lt;sup>1</sup> On September 5, 2019, the SCAG Regional Council voted to object to HCD the regional determination of 1,344,740, per Government Code Section 65584.01, that was provided on August 15, 2019. After review of SCAG's objection letter, HCD provided a final regional determination of 1,341,827 units on October 15, 2019.

adopting the Final RHNA Methodology for the Sixth Housing Element Cycle. Following the formal distribution of draft RHNA allocations based on the Final RHNA methodology and a separate appeals phase described in Government Code 65584.05 et seq., RHNA allocations will be finalized in approximately October 2020.

The next section describes the final RHNA methodology mechanism to distribute the 1,341,827 housing units determined by HCD to all SCAG jurisdictions.

# Determining Existing Need and Projected Need

SCAG's final RHNA methodology starts with the total regional determination provided by HCD and separates existing need from projected need.

Projected need is considered as household growth for jurisdictions between the RHNA projection period between July 1, 2021 and October 1, 2029, in addition to a calculated future vacancy need and replacement need. For projected household growth, SCAG's Connect SoCal growth forecast for the years 2020-2030 is used as the basis for calculating projected housing unit need for the region. The anticipated growth in households over this period is multiplied by 0.825 to approximate growth during the 8.25-year RHNA projection period of July 1, 2021 to October 1, 2029.

For several jurisdictions, SCAG's growth forecast includes projected household growth on tribal land. For these jurisdictions, SCAG's estimate of household growth on tribal land from July 1, 2021 to October 1, 2029 is subtracted from the jurisdictional projected household growth (see note in the accompanying dynamic estimator tool). A vacancy adjustment of 1.5% for owner-occupied units and 5% for renter-occupied units representing healthy-market vacancy will be applied to projected household growth to determine future vacancy need. Next a replacement need is added, which is an estimate of expected replacement need over the RHNA period. **Based on these components, the regional projected need is 504,970 units.** 

Existing need is considered the remainder of the regional determination after projected need is subtracted. **Based on this consideration, the regional existing need is 836,857 units.** 

# **Determining a Jurisdiction's RHNA Allocation (Existing and Projected Need)**

In determining the existing need and projected need for the region, the methodology applies a three-step process to determine a jurisdiction's RHNA allocation by income category:

- 1. Determine a jurisdiction's projected housing need
  - Assign household growth to jurisdictions based on SCAG's Connect SoCal Regional Transportation Plan/Sustainable Communities Strategy Growth Forecast between 2020 and 2030
  - b. Calculate a jurisdiction's future vacancy need by applying a healthy market vacancy rate separately to the jurisdiction's owner and renter households
  - c. Assign a replacement need to jurisdictions based on each jurisdiction's share of regional net replacement need based on information collected from the replacement need survey submitted by local jurisdictions

- 2. Determine a jurisdiction's existing housing need
  - a. Assign 50 percent of regional existing need based on a jurisdiction's share of region's population within the high quality transit areas (HQTAs) based on future 2045 HQTAs
  - b. Assign 50 percent of regional existing need based on a jurisdiction's share of the region's jobs that can be accessed within a 30-minute driving commute
  - c. For extremely disadvantaged communities (hereafter "DACs," see definition below), identify residual existing need, which is defined herein as total housing need in excess of household growth between 2020 and 2045<sup>2</sup>. DACs are jurisdictions with more than half of the population living in high segregation and poverty or low resource areas as defined by the California Tax Credit Allocation Committee (TCAC)/HCD Opportunity Index Scores further described in the document.
  - d. Reallocate residual existing need by county to non-DAC jurisdictions within the same county based on the formula in (a) and (b) above, i.e. 50% transit accessibility and 50% job accessibility.
- 3. Determine a jurisdiction's total housing need
  - a. Add a jurisdiction's projected housing need from (1) above to its existing housing need from (2) above to determine its total housing need.
- 4. Determine four RHNA income categories (very low, low, moderate, and above moderate)
  - a. Use a minimum 150% social equity adjustment
  - Add an additional percentage of social equity adjustment to jurisdictions that have a high concentration of very low or very high resource areas using the California Tax Credit Allocation Committee (TCAC)'s index scoring
    - i. Add a 10% social equity adjustment to areas that are designated as 70-80% very high or very low resource area
    - ii. Add a 20% social equity adjustment to areas that are designated as 81-90% very high or very low resource area
    - iii. Add a 30% social equity adjustment to areas that are designated as 91-100% very high or very low resource area

Methodology Component	Assigned units	
Projected need: Household	466,958	
growth		
Projected need: Future	14,467	
vacancy need		
Projected need: Replacement	23,545	
need		
Projected need subtotal	504,970	

<sup>&</sup>lt;sup>2</sup> Since HCD's regional determination of 1,341,827 exceeds SCAG's 2020-2045 household growth forecast of 1,297,000 by 3.46 percent, for the purposes of existing need allocation, exceeding "local input" or more accurately, Connect SoCal Growth Forecast, household growth shall mean exceeding 1.0368 times household growth.
	Percentage of Existing Need	Assigned units
Existing need: Transit accessibility	50%	418,429
Existing need: Job accessibility	50%	418,428
Existing need subtotal	836,857	

Total regional need	1,341,827

# Step 1: Determine Projected Housing Need

The first step of the RHNA methodology is to determine a jurisdiction's projected need. From the regional determination, projected need is considered to be regional household growth, regional future vacancy need, and regional replacement need.



To determine a jurisdiction's projected need, the methodology uses a three-step process:

- a. Determine the jurisdiction's regional projected household growth based on local input
- b. Determine future vacancy need based on a jurisdiction's existing composition of owner and renter households and apply a vacancy rate on projected household growth based on the following:
  - a. Apply a 1.5% vacancy need for owner households
  - b. Apply a 5.0% vacancy need for renter households
- c. Determine a jurisdiction's net replacement need based on replacement need survey results

# Step 1a: Projected Household Growth

SCAG's Connect SoCal regional growth forecast reflects recent and past trends, key demographic and economic assumptions, and local, regional, state, and national policy. SCAG's regional growth forecasting process also emphasizes the participation of local jurisdictions and other stakeholders. The growth forecast process kicked off on May 30, 2017 with a panel of experts meeting wherein fifteen academic scholars and leading practitioners in demographics and economics were invited to review key input assumptions for the growth forecast including expected job growth, labor force

participation, birth rates, immigration and household formation rates. SCAG staff then incorporated the recommendations of the panel of experts into a preliminary range of population, household, and employment growth figures for 2016, 2020, 2030, 2035, and 2045 for the region and six counties individually.

SCAG further projects jurisdiction-level and sub-jurisdiction-level employment, population, and households using several major data sources, including:

- California Department of Finance (DOF) population and household estimates;
- California Employment Development Department (EDD) jobs report by industry;
- 2015 existing land use and General Plans from local jurisdictions;
- 2010 Census and the latest ACS data (2013-2017 5-year samples);
- County assessor parcel databases;
- 2011 and 2015 Business Installment data from InfoGroup; and
- SCAG's 2016 RTP/SCS growth forecast.

On October 31, 2017, the preliminary small area (i.e. jurisdiction and sub-jurisdiction) growth forecasts were released to local jurisdictions for their comments and input. This kicked off SCAG's Bottom-Up Local Input and Envisioning Process which provided each local jurisdiction with their preliminary growth forecast information as well as several other data elements both produced by SCAG and other agencies which are related to the development of Connect SoCal. Data map books were generated and provided electronically and in hard copy format and included detailed parcellevel land use data, information on resource areas, farmland, transportation, geographical boundaries and the draft growth forecast. Complete information on the Data map books and the Bottom-Up Local Input and Envisioning Process can be found at http://scagrtpscs.net/Pages/DataMapBooks.aspx. Over the next eight months, SCAG staff conducted one-on-one meetings with all 197 local jurisdictions to explain methods and assumptions behind the jurisdiction and sub-jurisdiction growth forecast as well as to provide an opportunity to review, edit, and approve SCAG's preliminary forecast for population, employment, and households for 2016, 2020, 2030, 2035, and 2045.

Between October 2018 and February 2019, SCAG reviewed local input on the growth forecast and other data map book elements. The local input growth forecast was evaluated at the county and regional level for the base year of 2016 and the horizon year of 2045 and was found to be technically sound. Specifically, as it relates to SCAG's local input household forecast:

- The forecast generates a 2045 regional unemployment rate of 4.7 percent which is reasonable based on past trends and ensured that the forecast is balanced, i.e. there are not too many jobs for the number of anticipated workers
- The forecast generates a 2045 population-to-household ratio of 2.9 which is consistent with the preliminary forecast and reflects expert-anticipated decreases in this ratio, ensuring that there are not too many people for the anticipated number of households region-wide
- From 2020-2045, the forecast anticipates household growth of 21 percent and population growth of 15 percent, indicating an alleviation of the region's current housing shortage over this future period.

SCAG's growth forecast for the years 2020-2030 is used as the basis for calculating projected housing unit need. Because the 6th cycle RHNA projection period covers July 1, 2021 through October 15, 2029, it is necessary to adjust reported household growth between 2020 and 2030 and adjust it to an 8.25 year projection period. The anticipated growth in households over this period is multiplied by 0.825 to approximate growth during the 8.25-year RHNA projection period (July 1, 2021 to October 15, 2029).

## Step 1b: Future Vacancy Need

The purpose of a future vacancy need is to ensure that there are enough vacant units to support a healthy housing market that can genuinely accommodate projected household growth. An undersupply of vacant units can prevent new households from forming or moving into a jurisdiction. Formulaically, future vacancy need is a percentage applied to the jurisdiction's household growth by tenure type (owner and renter households). While individual jurisdictions may experience different vacancy rates at different points in time, future vacancy need is independent of existing conditions and instead is a minimum need to support household growth.

To calculate a jurisdiction's future vacancy need, its proportion of owner-occupied units and renteroccupied units are determined using American Community Survey (ACS) 2013-2017 data—the most recent available at the time of the draft methodology's development. The percentages are applied to the jurisdiction's projected household growth from the previous step, which results in the number of projected households that are predicted to be owners and those that are predicted to be renters.

Next, two different vacancy rates are applied based on the regional determination provided by HCD. The recommended methodology uses 1.5 percent for owner-occupied units and a rate of 5 percent for renter-occupied units. The difference is due to the higher rates of turnover generally reported by renter units in comparison to owner-occupied units. The vacancy rates are applied to their respective tenure category to determine how many future vacant units are needed by tenure and then added together to get the total future vacancy need.

### Step 1c: Replacement Need

Residential units are demolished for a variety of reasons including natural disasters, fire, or desire to construct entirely new residences. Each time a unit is demolished, a household is displaced and disrupts the jurisdiction's pattern of projected household growth. The household may choose to live in a vacant unit or leave the jurisdiction, of which both scenarios result in negative household growth through the loss of a vacant unit for a new household or subtracting from the jurisdictions number of households.

For these reasons, replacement need is a required component of the regional determination provided by HCD. The methodology's replacement need will be calculated using a jurisdiction's net replacement need based on data submitted for the replacement need survey, which was conducted between March and April 2019.

Each jurisdiction's data on historical demolitions between reporting years 2008 and 2018, which was collected from the California Department of Finance (DOF), was tabulated and provided to

jurisdictions in the replacement need survey. Jurisdictions were asked to provide data on units that replaced the reported demolished units. A net replacement need was determined based on this information for each jurisdiction.

After determining each of the projected housing need components, they are combined to determine a jurisdiction's projected housing need.

## Step 2: Determine Existing Housing Need

After determining a jurisdiction's projected need, the next step is to determine a jurisdiction's existing need. Following the above discussion and based on HCD's determination of total regional housing need, existing need is defined as the total need minus the projected need—approximately 62 percent of the entire regional determination. SCAG's Regional Council determined that the regional existing need be split into two parts:

Fifty (50) percent on population near transit (HQTA), or 31 percent of total need
 Fifty (50) percent on job accessibility, or 31 percent of total need



**Regional Existing Need** 

# Step 2a: Share of Regional HQTA Population

The next step involves the consideration of proximity to transit to distribute fifty (50) percent of the region's existing housing need, in an effort to better align transportation and housing planning.

For several years, SCAG has developed a measure called High Quality Transit Areas (HQTAs) which are areas within a half-mile of transit stations and corridors with at least a fifteen (15) minute headway during peak hours for bus service. HQTAs are based on state statutory definitions of high-quality transit corridors (HQTCs) and major transit stops. For the development of Connect SoCal, freeway-running HQTCs have been excluded from HQTAs to better reflect the level of service they provide to nearby areas.

Planned HQTCs and major transit stops for future years are improvements that are expected to be implemented by transit agencies by the Connect SoCal horizon year of 2045. SCAG updates its inventory with the quadrennial adoption of each RTP/SCS; however, planning and environmental

impact studies may be completed by transit agencies more frequently. Therefore, HQTAs in future years reflect the best information currently available to SCAG regarding the location of future high-quality transit service accessibility. More detailed information on HQTA-related definitions is available in the data appendix.

50 percent of the regional existing housing need will be distributed based on a jurisdiction's share of regional residential population within an HQTA, based on the HQTA boundaries used in the final Connect SoCal Plan anticipated to be adopted by SCAG in April 2020. Not all jurisdictions have an HQTA within their jurisdictional boundaries and thus may not receive existing need based on this factor.

### Step 2b: Job Accessibility

The concept behind job accessibility is to further the statewide housing objective and SCAG's Connect SoCal objective of improving the relationship between jobs and housing. While none of the three options presented in the proposed RHNA methodology included a factor directly based on job accessibility, an overwhelming number of public comments expressed support for the methodology to include this specific component.

The methodology assigns fifty (50) percent of regional existing need based on job accessibility. Job accessibility is based on the share of the region's jobs accessible by a thirty (30) minute commute by car in 2045. Importantly, the RHNA methodology's job access factor is *not* based on the number of jobs within a jurisdiction from SCAG's Connect SoCal Plan or any other data source. Rather, it is a measure based on of how many jobs can be *accessed* from that jurisdiction within a 30-minute commute, which includes jobs in other jurisdictions. Since over 80 percent of SCAG region workers live and work in different jurisdictions, genuinely improving the relationship between jobs and housing necessitates an approach based on job access rather than the number of jobs in a jurisdiction.

These job accessibility data are derived at the transportation analysis zone (TAZ) level from travel demand modelling output from SCAG's final Connect SoCal Plan. SCAG realizes that in many jurisdictions, especially larger ones, job access many not be uniform in all parts of the city or county. However, since the RHNA process requires allocating housing need at the jurisdictional-level, staff reviewed several ways to measure the typical commuter's experience in each jurisdiction. Ultimately, the share of the region's jobs that could be accessed by a jurisdiction. Based on this measure, in central parts of the region, residents of some jurisdictions can access as much as 23 percent of the region's jobs in a 30 minute car commute, while the average across all the region's jurisdictions was 10.5 percent.

This measure is multiplied by a jurisdiction's share of total population in order to allocate housing unit need to jurisdictions. This important step ensures that the potential beneficiaries of greater accessibility (i.e., the population in a jurisdiction with good job access) are captured in the methodology. Based on this approach, jurisdictions with limited accessibility to jobs will receive a smaller RHNA allocation based on this component.

### Step 2c: "Residual" Adjustment Factor for Existing Need

In many jurisdictions defined as "disadvantaged communities (DACs)", the calculated projected and existing need is higher than its household growth between 2020 and 2045, as determined by the SCAG Growth Forecast used in the final Connect SoCal regional plan. Those DAC jurisdictions that have a need as determined by the RHNA methodology as higher than its 2020 to 2045 household growth<sup>3</sup> will be considered as generating "residual" existing need. Residual need will be subtracted from jurisdictional need in these cases so that the maximum a DAC jurisdiction will receive for existing need is equivalent to its 2020 to 2045 household growth. Not all DAC jurisdictions will have a residual existing need.



A county total of residual existing need will be calculated and then redistributed with the same county to non-DAC jurisdictions. The redistribution will be assigned to jurisdictions based on transit accessibility (50%) and job accessibility (50%), and will exclude DAC jurisdictions which have over 50% of their populations in very low resource areas using California Tax Credit Allocation Committee (TCAC)/HCD Opportunity Indices.

Very low resource areas are areas that have least access to opportunity as measured by indicators such as poverty levels, low wage job proximity, math and reading proficiency, and pollution levels. This mechanism will help to further AFFH objectives since residual existing RHNA need, which includes additional affordable units, will be assigned to areas that are not identified as those with the

<sup>&</sup>lt;sup>3</sup> Since HCD's regional determination of 1,341,827 exceeds SCAG's 2020-2045 household growth forecast of 1,297,000 by 3.68 percent, for the purposes of existing need allocation, exceeding "local input" or "Connect SoCal" household growth shall mean exceeding 1.0368 times household growth.

lowest resources, which will increase access to opportunity. A full discussion on the TCAC opportunity indicators is provided in the following section on social equity adjustment. Data relating to the TCAC opportunity indicator categories for each jurisdiction can be found in the RHNA methodology data appendix and in the accompanying RHNA allocation estimator tool on the RHNA webpage: www.scag.ca.gov/rhna.

# Step 3: Determining Total Housing Need

After determining a jurisdiction's projected housing need from step 1 and its existing housing need from step 2, the sum of the projected and existing need becomes a jurisdiction's total housing need.



# Step 4: Determining Four Income Categories through Social Equity Adjustment

After determining a jurisdiction's total RHNA allocation, the next step is to assign the total into four RHNA income categories. The four RHNA income categories are:

Very low (50 percent or less of the county median income); Low (50-80 percent); Moderate (80 to 120 percent); and Above moderate (120 percent and above)

The fourth RHNA objective specifically requires that the RHNA methodology allocate a lower proportion of housing need in jurisdictions that already have a disproportionately high concentration of those households in comparison to the <u>county</u> distribution. Additionally, the fifth objective, affirmatively furthering fair housing (AFFH), requires that the RHNA methodology further the objectives of addressing significant disparities in housing needs and access to opportunity in order to overcome patterns of segregation.

To further these two objectives, the RHNA methodology includes a minimum 150 percent social equity adjustment and an additional 10 to 30 percent added in areas with significant populations that are defined as very low or very high resource areas, referred to as an AFFH adjustment. This determines the distribution of four income categories for each jurisdiction.





A social equity adjustment ensures that jurisdictions accommodate their fair share of each income category. First, the percentage of each jurisdiction's distribution of four income categories is determined using the county median income as a benchmark. For example, in Los Angeles County, a household earning less than \$30,552 annually, or 50 percent of the county median income, would be considered a very low income household. A household in Los Angeles County earning more than \$73,218 annually, or 120 percent of the county median income, would be considered in the above moderate category. The number of households in each category is summed and then a percentage of each category is then calculated.

For reference, below is the median household income by county.

Imperial County: \$44,779
 Los Angeles County: \$61,015
 Orange County: \$81,851
 Riverside County: \$60,807
 San Bernardino County: \$57,156
 Ventura County: \$81,972
 SCAG region: \$64,114
 Source: American Community Survey (ACS) 2013-2017 5-year estimates

Once a jurisdiction's household income distribution by category is determined, the percentage is compared to the county's percentage of existing household income distribution. For example, if a jurisdiction has an existing distribution of 30 percent of very low income households while the county is 25 percent, the jurisdiction is considered as having an overconcentration of very low income households compared to the county. A social equity adjustment ensures that the jurisdiction will be assigned a smaller percentage of very low income households for its RHNA allocation than both what it and the county currently experience.

If the jurisdiction is assigned a social equity adjustment of 150 percent, the formula to calculate its very low income percentage is:

Household Income Level	Formula to Calculate City A Social Equity Adjustment of 150%	
Very Low Income	30%-[(30%-25%)x <mark>1.5</mark> ] = 22.5%	

In this example, 22.5 percent of the jurisdiction's total RHNA allocation would be assigned to the very low income category. This adjustment is lower than both its existing household income distribution (30 percent) and the existing county distribution (25 percent).

The inverse occurs in higher income categories. Assuming 20 percent of a jurisdiction's households are above moderate income while 25 percent of the county's households are above moderate income, the jurisdiction will be assigned a distribution of 27.5 percent for above moderate income need.

Household Income Level	Formula to Calculate City A Social Equity Adjustment of 150%	
Above moderate income	20%-[(20%-25%)x <mark>1.5</mark> ] = 27.5%	

If the adjustment was 100 percent a jurisdiction's distribution would be exactly the same as the County's distribution. Conceptually a 150 percent adjustment means that the City meets the County distribution and goes beyond that threshold by 50 percent, resulting in a higher or lower distribution than the County depending on what existing conditions are in the City. The higher the adjustment, the more noticeable the difference between the jurisdiction's existing household income distribution and its revised distribution.

The RHNA methodology recommends a minimum of 150 percent social equity adjustment with an additional 10, 20, or 30 percent added depending on whether the jurisdiction is considered a very low or very high resource area based on its Opportunity Index score.

In 2015 the U.S. Department of Housing and Urban Development (HUD) developed a set of "Opportunity Indices" to help states and localities identify factors that contribute to fair housing issues in their region and comply with the federal Fair Housing Act. In late 2017, a Task Force convened by HCD and the California Tax Credit Allocation Committee (TCAC) released an "Opportunity mapping" tool based on these HUD indices to identify areas in California that can "offer low-income children and adults the best chance at economic advancement, high educational attainment, and good physical and mental health."<sup>4</sup>

The TCAC and HCD Opportunity mapping tool includes a total of eleven (11) census-tract level indices to measure exposure to opportunity in local communities. The indices are based on measures of economic, environmental, and educational opportunities within communities. Regional patterns of segregation are also identified based on this tool. Below is a summary table of the 11 indices sorted by type:

Economic	Environment	Education	
Poverty	CalEnviroScreen 3.0 indicators	Math proficiency	
Adult education	) Ozone	Reading proficiency	
Employment	) PM2.5	High school graduation rates	
Low-wage job proximity	) Diesel PM	Student poverty rate	
Median home value	<ul> <li>Drinking water contaminates</li> <li>Pesticides</li> <li>Toxic releases from facilities</li> <li>Traffic density</li> <li>Cleanup sites</li> <li>Groundwater threats</li> <li>Hazardous waste</li> <li>Impaired water bodies</li> <li>Solid waste sites</li> </ul>		

<sup>&</sup>lt;sup>4</sup> California Fair Housing Taskforce Revised opportunity Mapping Technology, Updated November 27, 2018: <u>https://www.treasurer.ca.gov/ctcac/opportunity/final-opportunity-mapping-methodology.pdf</u>

Based on its respective access to opportunity, each census tract is given a score that designates it under one of the following categories:

High segregation & poverty
Low resource
Moderate resource
High resource
Highest resource

Tract-level indices were summed to the jurisdictional-level by SCAG using area-weighted interpolation. Using 2013-2017 American Community Survey population data, SCAG determined the share of each jurisdiction's population in each of these five categories. For example:

	Lowest R	esource			Very High Resource
Opportunity Indicator Category	High segregation & poverty	Low resource	Moderate resource	High resource	Highest resource
City A Percentage of population	10%	10%	30%	30%	20%
City B Percentage of population	90%	5%	5%	0%	0%
City C Percentage of population	0%	0%	10%	15%	75%

The recommended methodology determines high resource concentration using the "very high" resource area score. The recommended methodology determines "lowest" resource areas by combining the two lowest measures. In the above table, City B would be considered to have a much higher concentration of lower resource areas than City A. City C would be considered to have a much higher concentration of highest resource areas. <sup>5</sup>

High segregation & Poverty + Low Resource = Lowest Resource Highest Resource

Jurisdictions that are identified as having between 70 and 100 percent of the population within a lowest or very high resource area are assigned an additional 10 and 30 percent social equity adjustment:

<sup>&</sup>lt;sup>5</sup> As a cross-reference, if City B has both a high job and transit accessibility it would be exempt from the redistribution of residual existing need from the RHNA methodology's Step 2d because more than 50 percent of its population is within a very low resource area. On the other hand City A and City C, if they have a high job and transit access, would not be exempt from receiving regional residual need because they have only 20 percent and 0 percent of their respective population within a very low resource area.

Concentration of population within very low or very high resource area	Additional social equity adjustment
70-80%	+10%
80-90%	+20%
90-100%	+30%

In the example table, City B would receive an additional social equity adjustment of 30% because 95% of its population is within a lowest resource area (sum of high segregation & poverty and low resource measures). City C would receive an additional social equity adjustment of 10% because 75% of its population is within a very high resource area. City A would not receive a further adjustment because it does not have a high enough concentration of population within either the lowest or very high resource categories.

Assigning a higher social equity adjustment based on Opportunity Indices will result in a higher percentage of affordable housing units to areas that have higher resources. Concurrently, it will assign a lower percentage of affordable housing in areas where they is already an overconcentration. Because Opportunity Indices consider factors such as access to lower wage jobs, poverty rates, and school proficiency, the social equity adjustment in the RHNA methodology will result in factors beyond simply household income distribution. This additional adjustment will help to adjust the disparity in access to fair housing across the region, furthering the AFFH objective required in State housing law.

Once the social equity adjustment is determined, it is used to assign need to the four income categories.



### Final Adjustments

On a regional level the final RHNA allocation plan must be the same as the regional determination, by income category, provided by HCD. The final RHNA methodology will result in slight differences, among income categories, since income categories are required to use county distributions as benchmarks and the HCD determination does not include county-level benchmarks. For this reason, after the initial income categories are determined for jurisdictions, SCAG will apply a normalization adjustment to the draft fsRHNA allocation to ensure that the regional total by income category is maintained.

Additionally, in the event that a jurisdiction receives an allocation of zero (0) units under the RHNA methodology a minimum RHNA allocation of eight (8) units would be assigned. Government Code Section 65584.04(m)(2) requires that the final RHNA allocation plan ensure that each jurisdiction receive an allocation of units for low- and very low income households. Under these circumstances, SCAG will assign those jurisdictions a minimum of four (4) units in the very low income category and four (4) units in the low income category for a draft RHNA allocation of eight (8) units.

#### Meeting the Objectives of RHNA

Government Code Section 65584.04(a) requires that the RHNA methodology furthers the five objectives of the Regional Housing Needs Assessment:

(1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low income households.

(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.

(3) Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.

(4) Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent American Community Survey.

(5) Affirmatively furthering fair housing.

(e) For purposes of this section, "affirmatively furthering fair housing" means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

On January 13, 2020, HCD completed its review of SCAG's draft RHNA methodology and found that it furthers the five statutory objectives of RHNA.

#### Local Planning Factors

As part of the development of the proposed RHNA methodology, SCAG must conduct a survey of planning factors that identify local conditions and explain how each of the listed factors are incorporated into the RHNA methodology. This survey, also known as the "Local Planning Factor" survey, is a specific requirement for the RHNA methodology process and is separate from the local review process of the Growth Forecast used as the basis for determining future growth in the Connect SoCal plan.

The survey was distributed to all SCAG jurisdictions in mid-March 2019 with a posted due date of May 30, 2019. One-hundred and nine (109) jurisdictions, or approximately 55%, submitted a response to the local planning factor survey. To facilitate the conversation about local planning factors, between October 2017 and October 2018 SCAG included these factors as part of the local input survey and surveyed a binary yes/no as to whether these factors impacted jurisdictions. The formal local planning factor survey was pre-populated with the pre-survey answers to help facilitate survey response. The full packet of local planning factor surveys can be downloaded at www.scag.ca.gov/rhna.

SCAG staff reviewed each of the submitted surveys to analyze planning factors opportunities and constraints across the region. The collected information was used to ensure that the methodology will equitably distribute housing need and that underlying challenges as a region are collectively addressed.

(1) Each member jurisdiction's existing and projected jobs and housing relationship. This shall include an estimate, based on readily available data, of the number of low-wage jobs within the jurisdiction and how many housing units within the jurisdiction are affordable to low-wage workers as well as an estimate, based on readily available data, of projected job growth and projected household growth by income level within each member jurisdiction during the planning period.

The RHNA methodology directly considers job accessibility and determines a portion of housing need for each jurisdiction based on this factor. Using transportation analysis zones as a basis, the percentage of jobs accessible within a 30 minute drive for a jurisdiction's population is determined and then weighted based on the jurisdiction's population size to determine individual shares of regional jobs accessible. Based on a review of other potential mechanisms to factor in jobs into the RHNA methodology, SCAG staff has determined that this mechanism most closely aligns with the goals of State housing law.

A supplemental analysis of the impact of the draft RHNA methodology's impact on jobshousing relationships and low-wage jobs-housing relationships was provided to the Regional Council on February 5, 2020.

- (2) The opportunities and constraints to development of additional housing in each member *jurisdiction, including all of the following:* 
  - (A) Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.
  - (B) The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.
  - (C) Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis, including land zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts conversion to nonagricultural uses.
  - (D) County policies to preserve prime agricultural land, as defined pursuant to Section 56064, within an unincorporated and land within an unincorporated area zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts its conversion to non-agricultural uses.

Consideration of the above planning factors have been incorporated into the Growth Forecast process and results by way of analysis of aerial land use data, general plan, parcel level property data, open space, agricultural land and resource areas, and forecast surveys distributed to local jurisdictions. The bottom-up Local Input and Envisioning Process, which is used as the basis for both RHNA and SCAG's Connect SoCal (Regional Transportation Plan/Sustainable Communities Strategy) started with an extensive outreach effort involving all local jurisdictions regarding their land use and development constraints. All local jurisdictions were invited to provide SCAG their respective growth perspective and input. The RHNA methodology directly incorporates local input on projected household growth, which should be a direct reflection of local planning factors such as lack of water or sewer capacity, FEMA-designated flood sites, and open space and agricultural land protection.

Prior RHNA cycles did not promote direct linkage to transit proximity and the methodology encourages more efficient land use patterns by utilizing existing as well as future planned transportation infrastructure and preserves areas designated as open space and agricultural

lands. In particular the inclusion of transit proximity places an increased emphasis on infill opportunities and areas that are more likely to support higher residential densities.

(3) The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.

As indicated above, the Growth Forecast used as the basis for the Connect SoCal Plan is also used as the basis for projected household growth in the RHNA methodology. The weighting of a jurisdiction's population share within an HQTA directly maximizes the use of public transportation and existing transportation infrastructure.

(4) Agreements between a county and cities in a county to direct growth toward incorporated areas of the county, and land within an unincorporated area zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of the jurisdiction that prohibits or restricts conversion to nonagricultural uses.

This planning factor has been identified through the local input process and local planning factor survey collection as affecting growth within Ventura County. The urban growth boundary, known as Save Our Agricultural Resources (SOAR), is an agreement between the County of Ventura and its incorporated cities to direct growth toward incorporated areas, and was recently extended to 2050. Based on the input collected, SCAG staff has concluded that this factor is already reflected in the RHNA methodology since it was considered and incorporated into the local input submitted by jurisdictions.

(5) The loss of units contained in assisted housing developments, as defined in paragraph (9) of subdivision (a) of Section 65583 that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions.

The conversion of low income units into non-low income units is not explicitly addressed through the distribution of existing and projected housing need. Staff has provided statistics in the RHNA methodology appendix on the potential loss of units in assisted housing developments. The loss of such units affects the proportion of affordable housing needed within a community and the region as a whole.

Local planning factor survey responses indicate that the impact of this factor is not regionally uniform. Many jurisdictions that replied some units are at-risk for losing their affordability status in the near future have indicated that they are currently reviewing and developing local resources to address the potential loss. Based on this, SCAG staff has determined that at-risk units are best addressed through providing data on these units as part of the RHNA methodology and giving local jurisdictions the discretion to address this factor and adequately plan for any at-risk unit loss in preparing their housing elements.

(6) The percentage of existing households at each of the income levels listed in subdivision (e) of Section 65584 that are paying more than 30 percent and more than 50 percent of their income in rent.

An evaluation of survey responses reveals that cost-burdened households, or those who pay at least 30 percent of their household income on housing costs, is a prevalent problem throughout the region. The RHNA methodology also includes in its appendix data from the ACS 2013-2017 on cost-burdened statistics for households who pay more than 30 percent of their income on housing by owner and renter, and for renter households who pay 50 percent or more of their income on housing. The general trend is seen in both high and low income communities, suggesting that in most of the SCAG region high housing costs are a problem for all income levels.

Nonetheless a large number of jurisdictions indicated in the survey that overpaying for housing costs disproportionately impacts lower income households in comparison to higher income households. This issue is exacerbated in areas where there is not enough affordable housing available, particularly in higher income areas. For this reason, the RHNA methodology incorporates not only a 150 percent social equity adjustment, but also uses the TCAC Opportunity Indices to distribute the RHNA allocation into the four income categories in areas identified as being the highest resource areas of the region. The Opportunity Indices include a proximity to jobs indicator, particularly for low-wage jobs, which identifies areas with a high geographical mismatch between low wage jobs and affordable housing. Increasing affordable housing supply in these areas can help alleviate cost-burden experienced by local lower income households because more affordable options will be available.

The reason for using social equity adjustment and opportunity indices to address costburden households rather than assigning total need is because it is impossible to determine through the methodology how and why the cost-burden is occurring in a particular jurisdiction. Cost-burden is a symptom of housing need and not its cause. A jurisdiction might permit a high number of units but still experiences cost-burden because other jurisdictions restrict residential permitting. Or, a jurisdiction might have a large number of owner-occupied housing units that command premium pricing, causing cost-burden for high income households and especially on lower income households due to high rents from high land costs. An analysis of existing need indicators by jurisdiction, which is part of the RHNA methodology data appendix, does not reveal a single strong trend to base a distribution methodology for cost-burden and thus the RHNA methodology distributes this existing need indicator regionally using social equity adjustment and Opportunity Indices rather than to where the indicators exist.

### (7) *The rate of overcrowding.*

An evaluation of survey responses indicates that there is a variety of trends in overcrowding throughout the region. Overcrowding is defined as more than 1.01 persons per room (not bedroom) in a housing unit. Some jurisdictions have responded that overcrowding is a severe issue, particularly for lower income and/or renter households, while others have

responded that overcrowding is not an issue at all. At the regional determination level HCD applied an overcrowding component, which is a new requirement for the 6<sup>th</sup> RHNA cycle. Because

Similar to cost-burden, overcrowding is caused by an accumulated housing supply deficit and is considered an indicator of existing housing need. The reason for not assigning need directly based on this indicator is because it is impossible to determine through the methodology how and why the overcrowding is occurring in a particular jurisdiction. A jurisdiction that has an overcrowding rate higher than the regional average might be issuing more residential permits than the regional average while the surrounding jurisdictions might not have overcrowding issues but issue fewer permits than the regional average. An analysis of existing need indicators by jurisdiction, which is part of the RHNA methodology data appendix, does not reveal a single strong trend to base a distribution methodology for overcrowding and thus the methodology distributes this existing need indicator regionally rather than to where the indicators exist.

While not specifically surveyed, several jurisdictions have indicated that density has affected their jurisdictions and have requested that the methodology should consider this as a factor. While density is not directly addressed as a factor, the social equity adjustment indirectly addresses density particularly for lower income jurisdictions. In housing elements, jurisdictions most demonstrate that a site is affordable for lower income households by applying a "default density", defined in State housing law as either 20 or 30 dwelling units per acre depending on geography and population. In other words, a site that is zoned at 30 dwelling units per acre is automatically considered as meeting the zoning need for a low income household.

However there is not a corresponding default density for above moderate income zoning. Assigning a lower percentage of lower income households than existing conditions indirectly reduces future density since the jurisdiction can zone at lower densities if it so chooses. While this result does not apply to higher income jurisdictions, directing growth toward less dense areas for the explicit purpose of reducing density is in direct contradiction to the objectives of state housing law, especially for promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development pattern.

#### (8) *The housing needs of farmworkers.*

The RHNA methodology appendix provides data on agricultural jobs by jurisdiction as well as workers by place of residence. The survey responses indicate that most jurisdictions do not have agricultural land or only have small agricultural operations that do not necessarily require designated farmworker housing. For the geographically concentrated areas that do have farmworker housing, responses indicate that many jurisdictions already permit or are working to allow farmworker housing by-right in the same manner as other agricultural uses are allowed. Jurisdictions that are affected by the housing needs of farmworkers can be assumed to have considered this local factor when submitting feedback on SCAG's Growth Forecast. A number of jurisdictions reiterated their approach in the local planning factor survey response.

Similar to at-risk units, the RHNA methodology does not include a distribution mechanism to distribute farmworker housing. However, SCAG has provided data in its RHNA methodology appendix related to this factor and encourages local jurisdictions to adequately plan for this need in their housing elements.

(9) The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction.

SCAG staff has prepared a map outlining the location of four-year private and public universities in the SCAG region along with enrollment numbers from the California School Campus Database (2018). Based on an evaluation of survey responses that indicated a presence of a university within their boundaries, SCAG staff concludes that most housing needs related to university enrollment are addressed and met by dormitories provided by the institution both on- and off-campus. No jurisdiction expressed concern in the surveys about student housing needs due to the presence of a university within their jurisdiction.

However, some jurisdictions have indicated outside of the survey that off-campus student housing is an important issue within their jurisdictions and are in dialogue with HCD to determine how this type of housing can be integrated into their local housing elements. Because this circumstance applies to only a handful of jurisdictions, it is recommended that housing needs generated by a public or private university be addressed in the jurisdiction's housing element if it is applicable.

(10) The loss of units during a state of emergency that was declared by the Governor pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), during the planning period immediately preceding the relevant revision pursuant to Section 65588 that have yet to be rebuilt or replaced at the time of the analysis.

Replacement need, defined as units that have been demolished but not yet replaced, are included as a component of projected housing need in the RHNA methodology. To determine this number, HCD reviewed historical demolition permit data between 2008 and 2017 (reporting years 2009 and 2018) as reported by the California Department of Finance (DOF), and assigned SCAG a regional replacement need of 0.5% of projected and existing need, or 34,010 units.

There have been several states of emergency declared for fires in the SCAG region that have destroyed residential units, as indicated by several jurisdictions in their local planning factor survey responses. Survey responses indicate that a total of 1,785 units have been lost regionally from fires occurring after January 1, 2018. Units lost from fires that occurred prior to January 1, 2018, have already been counted in the replacement need for the 6<sup>th</sup> RHNA cycle.

In spring 2019, SCAG conducted a replacement need survey with jurisdictions to determine units that have been replaced on the site of demolished units reported. Region wide 23,545 of the region's demolished units still needed to be replaced based on survey results. The sum of the number of units needing to be replaced based on the replacement need survey and the number of units reported as lost due to recent states of emergency, or 25,330, is lower than HCD's regional determination of replacement need of 34,010. One can reasonably conclude that units lost based on this planning factor are already included in the regional total and distributed, and thus an extra mechanism to distribute RHNA based on this factor is not necessary to meet the loss of units.

(11) *The region's greenhouse gas emissions targets provided by the State Air Resources Board pursuant to Section 65080.* 

An assessment of survey responses indicate that a number of jurisdictions in the SCAG region are developing efforts for more efficient land use patterns and zoning that would result in greenhouse gas emissions. These include a mix of high-density housing types, neighborhood based mixed-use zoning, climate action plans, and other local efforts to reduce greenhouse gas emissions at the regional level.

The RHNA methodology includes a distribution of 50 percent of regional existing need based on a jurisdiction's share of regional population within an HQTA. The linkage between housing planning and transportation planning will allow for a better alignment between the RHNA allocation plan and the Connect SoCal RTP/SCS. It will promote more efficient development land use patterns, encourage transit use, and importantly reduce greenhouse gas emissions. This will in turn support local efforts already underway to support the reduction of regional greenhouse gas emissions.

Moreover the RHNA methodology includes the Growth Forecast reviewed with local input as a distribution component, particularly for projected housing need. Local input is a basis for SCAG's Connect SoCal Plan, which addresses greenhouse gas emissions at the regional level since it is used to reach the State Air Resources Board regional targets. An analysis of the consistency between the RHNA and Connect SoCal Plan is included as an attachment to this document.

(12) Any other factors adopted by the council of governments that further the objectives listed in subdivision (d) of Section 65584, provided that the council of governments specifies which of the objectives each additional factor is necessary to further. The council of governments may include additional factors unrelated to furthering the objectives listed in subdivision (d) of Section 65584 so long as the additional factors do not undermine the objectives listed in subdivision (d) of Section 65584 and are applied equally across all household income levels as described in subdivision (f) of Section 65584 and the council of governments makes a finding that the factor is necessary to address significant health and safety conditions.

No other planning factors were adopted by SCAG to review as a specific local planning factor.

#### Affirmatively Furthering Fair Housing (AFFH)

Among a number of changes due to recent RHNA legislation is the inclusion of affirmatively furthering fair housing (AFFH) as both an addition to the listed State housing objectives of Government Section 65588 and to the requirements of RHNA methodology as listed in Government Code Section 65584.04(b) and (c), which includes surveying jurisdictions on AFFH issues and strategies and developing a regional analysis of findings from the survey.

#### AFFH Survey

The AFFH survey accompanied the required local planning factor survey and was sent to all SCAG jurisdictions in mid-March 2019 with a posted due date of May 30, 2019. Ninety (90) of SCAG's 197 jurisdictions completed the AFFH survey, though some jurisdictions indicated that they would not be submitting the AFFH survey due to various reasons. The full packet of surveys submitted prior to the development of the proposed methodology packet can be downloaded at <u>www.scag.ca.gov/rhna</u>.

Jurisdictions were asked various questions regarding fair housing issues, strategies and actions. These questions included:

- Describe demographic trends and patterns in your jurisdiction over the past ten years. Do any groups experience disproportionate housing needs?
- To what extent do the following factors impact your jurisdiction by contributing to segregated housing patterns or racially or ethnically-concentrated areas of poverty?
- ) To what extent do the following acts as determinants for fair housing and compliance issues in your jurisdiction?
- What are your public outreach strategies to reach disadvantaged communities?
- What steps has your jurisdiction undertaken to overcome historical patterns of segregation or remove barriers to equal housing opportunity?

The survey questions were based on the U.S. Department of Housing and Urban Development (HUD) Analysis of Impediments to Fair Housing Choice survey that each jurisdiction, or their designated local Housing Authority, must submit to HUD to receive Community Development Block Grant (CDBG) funds. For the AFFH survey, jurisdictions were encouraged to review their HUD-submitted surveys to obtain data and information that would be useful for submitting the AFFH survey.

Pursuant to Government Code Section 65584.04(c), the following is an analysis of the survey results.

#### Themes

Several demographic themes emerged throughout the SCAG region based on submitted AFFH surveys. A high number of jurisdictions indicated that their senior populations are increasing and many indicated that the fixed income typically associated with senior populations might have an effect on housing affordability. Other jurisdictions have experienced an increase in minority populations, especially among Latino and Asian groups. There is also a trend of the loss of young adults (typically younger than 30) and a decrease in the number of families with children in more suburban locations due to the rise in housing costs.

#### **Barriers**

There was a wide variety of barriers reported in the AFFH survey, though a number of jurisdictions indicated they did not have any reportable barriers to fair access to housing. Throughout the SCAG region, communities of all types reported that community opposition to all types of housing was an impediment to housing development. Sometimes the opposition occurred in existing low income and minority areas. Some jurisdictions indicated that high opportunity resource areas currently do not have a lot of affordable housing or Section 8 voucher units while at the same time, these areas have a fundamental misunderstanding of who affordable housing serves and what affordable housing buildings actually look like. Based on these responses, it appears that community opposition to housing, especially affordable housing and the associated stigma with affordable housing, is a prevalent barrier throughout the SCAG region.

Other barriers to access to fair housing are caused by high land and development costs since they contribute to very few affordable housing projects being proposed in higher opportunity areas. The high cost of housing also limits access to fair housing and is a significant contributing factor to disparities in access to opportunity. Increasing property values were reported across the region and some jurisdictions indicated that they are occurring in existing affordable neighborhoods and can contribute to gentrification and displacement. Additionally, during the economic downturn a large number of Black and Latino homeowners were disproportionately impacted by predatory lending practices and therefore entered foreclosure in higher numbers than other populations.

Other barriers reported in the AFFH survey include the lack of funding available to develop housing after the dissolution of redevelopment agencies in 2012. Moreover, some jurisdictions indicated that the lack of regional cooperation contributes to segregation.

#### Strategies to Overcome Barriers

All submitted AFFH surveys indicated that their respective jurisdictions employed at least a few strategies to overcome barriers to access fair housing. These strategies ranged from local planning and zoning tools to funding assistance to innovative outreach strategies.

In regard to planning and zoning tools, a number of jurisdictions indicated they have adopted inclusionary zoning ordinances or an in-lieu fee to increase the number of affordable units within their jurisdictions. Others have adopted an accessory dwelling unit (ADU) ordinance with accommodating standards to allow for higher densities in existing single-family zone neighborhoods. A few jurisdictions indicated that they have adopted an unpermitted dwelling unit (UDU) ordinance, which legalizes unpermitted units instead of removing them provided that the units meet health and safety codes. In addition to ADU and UDU ordinances, some jurisdictions have also adopted density bonuses, which allow a project to exceed existing density standards if it meets certain affordability requirements. Some responses in the survey indicate that the establishment of some of these tools and standards have reduced community opposition to projects. In addition, some jurisdictions responded that they have reduced review times for residential permit approvals and reduced or waived fees associated with affordable housing development.

To combat gentrification and displacement, some jurisdictions have established rent-stabilization ordinances while others have established a rent registry so that the jurisdiction can monitor rents

and landlord practices. Some jurisdictions have adopted relocation plans and others are actively seeking to extend affordability covenants for those that are expiring.

In regard to funding, SCAG jurisdictions provide a wide variety of support to increase the supply of affordable housing and increase access to fair housing. A number of jurisdictions provide citywide rental assistance programs for low income households and some indicated that their programs include favorable home purchasing options. Some of these programs also encourage developers to utilize the local first-time homebuyer assistance program to specifically qualify lower income applicants.

Other jurisdictions indicate that they manage housing improvement programs to ensure that their existing affordable housing stock is well maintained. Some AFFH surveys describe local multiple rental assistance programs, including Section 8 Housing Choice vouchers and financial support of tenant/landlord arbitration or mediation services.

Some jurisdictions indicated that they have focused on mobile homes as a way to increase access to fair housing. There are programs described that assist households that live in dilapidated and unsafe mobile homes in unpermitted mobile home parks by allowing the household to trade in their mobile home in exchange for a new one in a permitted mobile park. Other programs include rental assistance specifically for households who live in mobile homes.

In regard to community outreach, a large number of jurisdictions in the SCAG region have established or are seeking to establish innovative partnerships to increase access to fair housing and reduce existing barriers. Many jurisdictions work with fair housing advocacy groups such as the Housing Rights Center, which provide community workshops, counseling, and tenant-landlord mediation services. Other jurisdictions have established landlord-tenant commissions to resolve housing disputes and provide services to individuals with limited resources. Some jurisdictions have partnered with advocacy groups, such as the League of United Latin American Citizens (LULAC), to hold community-based workshops featuring simultaneous multi-lingual translations. Other innovative partnerships created by jurisdictions include those with local schools and school districts and public health institutions to engage disadvantaged groups and provide services to areas with limited resources.

A large number of jurisdictions have also indicated that they have increased their social media presence to reach more communities. Others have also increased their multi-lingual outreach efforts to ensure that limited-English proficiency populations have the opportunity to engage in local fair housing efforts.

Based on the AFFH surveys submitted by jurisdictions, while there is a wide range of barriers to fair housing opportunities in the SCAG region there is also a wide range of strategies to help overcome these barriers at the local level.

#### Meeting AFFH Objectives on a Regional Basis

To work towards the objective of AFFH, several benchmarks were reviewed as potential indicators of increasing access to fair housing and removing barriers that led to historical segregation patterns.

### **Opportunity Indices**

The objectives of affirmatively furthering fair housing are to not only overcome patterns of segregation, but to also increase access to opportunity for historically marginalized groups, particularly in racially and ethnically concentrated areas of poverty. In 2015 the U.S. Department of Housing and Urban Development (HUD) developed a set of indices, known as "Opportunity Indices" to help states and jurisdictions identify factors that contribute to fair housing issues in their region and comply with the federal Fair Housing Act.

In 2015 the U.S. Department of Housing and Urban Development (HUD) developed a set of indices, known as "Opportunity Indices" to help states and jurisdictions identify factors that contribute to fair housing issues in their region and comply with the federal Fair Housing Act. In late 2017, a Task Force convened by HCD and the California Tax Credit Allocation Committee (TCAC) released an "Opportunity mapping" tool based on these HUD indices to identify areas in California that can "offer low-income children and adults the best chance at economic advancement, high educational attainment, and good physical and mental health."

The TCAC and HCD Opportunity mapping tool includes a total of eleven (11) census-tract level indices to measure exposure to opportunity in local communities. Regional patterns of segregation can be identified based on this tool. The indices are based on indicators such as poverty levels, low wage job proximity, pollution, math and reading proficiency. Below is a summary table of the 11 indices sorted by type:

Economic	Environment	Education	
Poverty	CalEnviroScreen 3.0 indicators	Math proficiency	
Adult education	) Ozone	Reading proficiency	
Employment	) PM2.5	High school graduation rates	
Low-wage job proximity	) Diesel PM	Student poverty rate	
Median home value	) Drinking water contaminates ) Pesticides ) Toxic releases from facilities ) Traffic density ) Cleanup sites		
	) Groundwater threats ) Hazardous waste		
	) Impaired water bodies		
	) Solid waste sites		

To further the objectives of AFFH, SCAG utilizes the Opportunity indices tool at multiple points in the RHNA methodology. Jurisdictions that have the highest concentration of population in low resource areas are exempted from receiving regional residual existing need, which will result in fewer units

assigned to areas identified as having high rates of poverty and racial segregation. Additionally, jurisdictions with the highest concentration of population within highest resource areas will receive a higher social equity adjustment, which will result in more access to opportunity for lower income households.

#### Public Engagement

The development of a comprehensive RHNA methodology requires comprehensive public engagement. Government Code Section 65584.04(d) requires at least one public hearing to receive oral and written comments on the proposed methodology, and also requires SCAG to distribute the proposed methodology to all jurisdictions and requesting stakeholders, along with publishing the proposed methodology on the SCAG website. The official public comment period on the proposed RHNA methodology began on August 1, 2019 after Regional Council action and concluded on September 13, 2019.

To maximize public engagement opportunities, SCAG staff hosted four public workshops to receive verbal and written comment on the proposed RHNA methodology and an additional public information session in August 2019:

- August 15, 6-8 p.m. Public Workshop, Los Angeles (View-only webcasting available)
- August 20, 1-3 p.m. Public Workshop, Los Angeles (Videoconference at SCAG regional offices and View-only webcasting available)
- August 22, 1-3 p.m., Public Workshop, Irvine
- August 27, 6-8 p.m., Public Workshop, San Bernardino (View-only webcasting available)
  - August 29, 1-3pm Public Information Session, Santa Clarita

Approximately 250 people attended the workshops in-person, at videoconference locations, or via webcast. Over 35 individual verbal comments were shared over the four workshops.

To increase participation from individuals and stakeholders that are unable to participate during regular working hours, two of the public workshops were be held in the evening hours. One of the workshops was held in the Inland Empire. SCAG will worked with its Environmental Justice Working Group (EJWG) and local stakeholder groups to reach out to their respective contacts in order to maximize outreach to groups representing low income, minority, and other traditionally disadvantaged populations.

Almost 250 written comments were submitted by the comment deadline and included a wide range of stakeholders. Approximately 50 percent were from local jurisdictions and subregions, and the other 50 percent were submitted by advocacy organizations, industry groups, residents and resident groups, and the general public. All of the comments received, both verbal and written, were reviewed by SCAG staff, and were used as the basis for developing the RHNA methodology.

The increased involvement by the number of jurisdictions and stakeholders beyond the municipal level compared to prior RHNA cycles indicate an increased level of interest by the public in the housing crisis and its solutions, and the efforts of SCAG to meet these interests. As part of its housing

program initiatives, SCAG will continue to reach out to not only jurisdictions, but to advocacy groups and traditionally disadvantaged communities that have not historically participated in the RHNA process and regional housing planning. These efforts will be expanded beyond the RHNA program and will be encompassed into addressing the housing crisis at the regional level and ensuring that those at the local and community level can be part of solutions to the housing crisis.

#### Additional RHNA Methodology Supporting Materials

Please note that additional supporting materials for the RHNA Methodology have been posted on SCAG's RHNA website at <u>www.scag.ca.gov/rhna</u> including Data Appendix, Local Planning Factor Survey Responses and Affirmatively Furthering Fair Housing Survey Responses.

#### State of California

#### GOVERNMENT CODE

#### Section 65080

65080. (a) Each transportation planning agency designated under Section 29532 or 29532.1 shall prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system, including, but not limited to, mass transportation, highway, railroad, maritime, bicycle, pedestrian, goods movement, and aviation facilities and services. The plan shall be action-oriented and pragmatic, considering both the short-term and long-term future, and shall present clear, concise policy guidance to local and state officials. The regional transportation plan shall consider factors specified in Section 134 of Title 23 of the United States Code. Each transportation planning agency shall consider and incorporate, as appropriate, the transportation plans of cities, counties, districts, private organizations, and state and federal agencies.

(b) The regional transportation plan shall be an internally consistent document and shall include all of the following:

(1) A policy element that describes the transportation issues in the region, identifies and quantifies regional needs, and describes the desired short-range and long-range transportation goals, and pragmatic objective and policy statements. The objective and policy statements shall be consistent with the funding estimates of the financial element. The policy element of transportation planning agencies with populations that exceed 200,000 persons may quantify a set of indicators including, but not limited to, all of the following:

(A) Measures of mobility and traffic congestion, including, but not limited to, daily vehicle hours of delay per capita and vehicle miles traveled per capita.

(B) Measures of road and bridge maintenance and rehabilitation needs, including, but not limited to, roadway pavement and bridge conditions.

(C) Measures of means of travel, including, but not limited to, percentage share of all trips (work and nonwork) made by all of the following:

(i) Single occupant vehicle.

(ii) Multiple occupant vehicle or carpool.

(iii) Public transit including commuter rail and intercity rail.

(iv) Walking.

(v) Bicycling.

(D) Measures of safety and security, including, but not limited to, total injuries and fatalities assigned to each of the modes set forth in subparagraph (C).

(E) Measures of equity and accessibility, including, but not limited to, percentage of the population served by frequent and reliable public transit, with a breakdown by

income bracket, and percentage of all jobs accessible by frequent and reliable public transit service, with a breakdown by income bracket.

(F) The requirements of this section may be met using existing sources of information. No additional traffic counts, household surveys, or other sources of data shall be required.

(2) A sustainable communities strategy prepared by each metropolitan planning organization as follows:

(A) No later than September 30, 2010, the State Air Resources Board shall provide each affected region with greenhouse gas emission reduction targets for the automobile and light truck sector for 2020 and 2035, respectively.

(i) No later than January 31, 2009, the state board shall appoint a Regional Targets Advisory Committee to recommend factors to be considered and methodologies to be used for setting greenhouse gas emission reduction targets for the affected regions. The committee shall be composed of representatives of the metropolitan planning organizations, affected air districts, the League of California Cities, the California State Association of Counties, local transportation agencies, and members of the public, including homebuilders, environmental organizations, planning organizations, environmental justice organizations, affordable housing organizations, and others. The advisory committee shall transmit a report with its recommendations to the state board no later than September 30, 2009. In recommending factors to be considered and methodologies to be used, the advisory committee may consider any relevant issues, including, but not limited to, data needs, modeling techniques, growth forecasts, the impacts of regional jobs-housing balance on interregional travel and greenhouse gas emissions, economic and demographic trends, the magnitude of greenhouse gas reduction benefits from a variety of land use and transportation strategies, and appropriate methods to describe regional targets and to monitor performance in attaining those targets. The state board shall consider the report before setting the targets.

(ii) Before setting the targets for a region, the state board shall exchange technical information with the metropolitan planning organization and the affected air district. The metropolitan planning organization may recommend a target for the region. The metropolitan planning organization shall hold at least one public workshop within the region after receipt of the report from the advisory committee. The state board shall release draft targets for each region no later than June 30, 2010.

(iii) In establishing these targets, the state board shall take into account greenhouse gas emission reductions that will be achieved by improved vehicle emission standards, changes in fuel composition, and other measures it has approved that will reduce greenhouse gas emissions in the affected regions, and prospective measures the state board plans to adopt to reduce greenhouse gas emissions from other greenhouse gas emission sources as that term is defined in subdivision (i) of Section 38505 of the Health and Safety Code and consistent with the regulations promulgated pursuant to the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code), including Section 38566 of the Health and Safety Code.

(iv) The state board shall update the regional greenhouse gas emission reduction targets every eight years consistent with each metropolitan planning organization's timeframe for updating its regional transportation plan under federal law until 2050. The state board may revise the targets every four years based on changes in the factors considered under clause (iii). The state board shall exchange technical information with the Department of Transportation, metropolitan planning organizations, local governments, and affected air districts and engage in a consultative process with public and private stakeholders, before updating these targets.

(v) The greenhouse gas emission reduction targets may be expressed in gross tons, tons per capita, tons per household, or in any other metric deemed appropriate by the state board.

(B) Each metropolitan planning organization shall prepare a sustainable communities strategy, subject to the requirements of Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations, including the requirement to use the most recent planning assumptions considering local general plans and other factors. The sustainable communities strategy shall (i) identify the general location of uses, residential densities, and building intensities within the region, (ii) identify areas within the region sufficient to house all the population of the region, including all economic segments of the population, over the course of the planning period of the regional transportation plan taking into account net migration into the region, population growth, household formation and employment growth, (iii) identify areas within the region sufficient to house an eight-year projection of the regional housing need for the region pursuant to Section 65584, (iv) identify a transportation network to service the transportation needs of the region, (v) gather and consider the best practically available scientific information regarding resource areas and farmland in the region as defined in subdivisions (a) and (b) of Section 65080.01, (vi) consider the state housing goals specified in Sections 65580 and 65581, (vii) set forth a forecasted development pattern for the region, which, when integrated with the transportation network, and other transportation measures and policies, will reduce the greenhouse gas emissions from automobiles and light trucks to achieve, if there is a feasible way to do so, the greenhouse gas emission reduction targets approved by the state board, and (viii) allow the regional transportation plan to comply with Section 176 of the federal Clean Air Act (42 U.S.C. Sec. 7506).

(C) (i) Within the jurisdiction of the Metropolitan Transportation Commission, as defined by Section 66502, the Association of Bay Area Governments shall be responsible for clauses (i), (ii), (iii), (v), and (vi) of subparagraph (B); the Metropolitan Transportation Commission shall be responsible for clauses (iv) and (viii) of subparagraph (B); and the Association of Bay Area Governments and the Metropolitan Transportation Commission shall jointly be responsible for clause (vii) of subparagraph (B).

(ii) Within the jurisdiction of the Tahoe Regional Planning Agency, as defined in Sections 66800 and 66801, the Tahoe Metropolitan Planning Organization shall use the Regional Plan for the Lake Tahoe Region as the sustainable community strategy, provided that it complies with clauses (vii) and (viii) of subparagraph (B).

(D) In the region served by the Southern California Association of Governments, a subregional council of governments and the county transportation commission may work together to propose the sustainable communities strategy and an alternative planning strategy, if one is prepared pursuant to subparagraph (I), for that subregional area. The metropolitan planning organization may adopt a framework for a subregional sustainable communities strategy or a subregional alternative planning strategy to address the intraregional land use, transportation, economic, air quality, and climate policy relationships. The metropolitan planning organization shall include the subregional sustainable communities strategy for that subregion in the regional sustainable communities strategy to the extent consistent with this section and federal law and approve the subregional alternative planning strategy, if one is prepared pursuant to subparagraph (I), for that subregional area to the extent consistent with this section. The metropolitan planning organization shall develop overall guidelines, create public participation plans pursuant to subparagraph (F), ensure coordination, resolve conflicts, make sure that the overall plan complies with applicable legal requirements, and adopt the plan for the region.

(E) The metropolitan planning organization shall conduct at least two informational meetings in each county within the region for members of the board of supervisors and city councils on the sustainable communities strategy and alternative planning strategy, if any. The metropolitan planning organization may conduct only one informational meeting if it is attended by representatives of the county board of supervisors and city council members representing a majority of the cities representing a majority of the population in the incorporated areas of that county. Notice of the meeting or meetings shall be sent to the clerk of the board of supervisors and to each city clerk. The purpose of the meeting or meetings shall be to discuss the sustainable communities strategy and the alternative planning strategy, if any, including the key land use and planning assumptions to the members of the board of supervisors and the city council members in that county and to solicit and consider their input and recommendations.

(F) Each metropolitan planning organization shall adopt a public participation plan, for development of the sustainable communities strategy and an alternative planning strategy, if any, that includes all of the following:

(i) Outreach efforts to encourage the active participation of a broad range of stakeholder groups in the planning process, consistent with the agency's adopted Federal Public Participation Plan, including, but not limited to, affordable housing advocates, transportation advocates, neighborhood and community groups, environmental advocates, home builder representatives, broad-based business organizations, landowners, commercial property interests, and homeowner associations.

(ii) Consultation with congestion management agencies, transportation agencies, and transportation commissions.

(iii) Workshops throughout the region to provide the public with the information and tools necessary to provide a clear understanding of the issues and policy choices. At least one workshop shall be held in each county in the region. For counties with a population greater than 500,000, at least three workshops shall be held. Each workshop, to the extent practicable, shall include urban simulation computer modeling to create visual representations of the sustainable communities strategy and the alternative planning strategy.

(iv) Preparation and circulation of a draft sustainable communities strategy and an alternative planning strategy, if one is prepared, not less than 55 days before adoption of a final regional transportation plan.

(v) At least three public hearings on the draft sustainable communities strategy in the regional transportation plan and alternative planning strategy, if one is prepared. If the metropolitan transportation organization consists of a single county, at least two public hearings shall be held. To the maximum extent feasible, the hearings shall be in different parts of the region to maximize the opportunity for participation by members of the public throughout the region.

(vi) A process for enabling members of the public to provide a single request to receive notices, information, and updates.

(G) In preparing a sustainable communities strategy, the metropolitan planning organization shall consider spheres of influence that have been adopted by the local agency formation commissions within its region.

(H) Before adopting a sustainable communities strategy, the metropolitan planning organization shall quantify the reduction in greenhouse gas emissions projected to be achieved by the sustainable communities strategy and set forth the difference, if any, between the amount of that reduction and the target for the region established by the state board.

(I) If the sustainable communities strategy, prepared in compliance with subparagraph (B) or (D), is unable to reduce greenhouse gas emissions to achieve the greenhouse gas emission reduction targets established by the state board, the metropolitan planning organization shall prepare an alternative planning strategy to the sustainable communities strategy showing how those greenhouse gas emission targets would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies. The alternative planning strategy shall be a separate document from the regional transportation plan, but it may be adopted concurrently with the regional transportation plan. In preparing the alternative planning strategy, the metropolitan planning organization:

(i) Shall identify the principal impediments to achieving the targets within the sustainable communities strategy.

(ii) May include an alternative development pattern for the region pursuant to subparagraphs (B) to (G), inclusive.

(iii) Shall describe how the greenhouse gas emission reduction targets would be achieved by the alternative planning strategy, and why the development pattern, measures, and policies in the alternative planning strategy are the most practicable choices for achievement of the greenhouse gas emission reduction targets.

(iv) An alternative development pattern set forth in the alternative planning strategy shall comply with Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations, except to the extent that compliance will prevent achievement of the greenhouse gas emission reduction targets approved by the state board.

(v) For purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code), an alternative planning strategy shall not constitute a land use plan, policy, or regulation, and the inconsistency of a project with an alternative planning strategy shall not be a consideration in determining whether a project may have an environmental effect.

(J) (i) Before starting the public participation process adopted pursuant to subparagraph (F), the metropolitan planning organization shall submit a description to the state board of the technical methodology it intends to use to estimate the greenhouse gas emissions from its sustainable communities strategy and, if appropriate, its alternative planning strategy. The state board shall respond to the metropolitan planning organization in a timely manner with written comments about the technical methodology, including specifically describing any aspects of that methodology it concludes will not yield accurate estimates of greenhouse gas emissions, and suggested remedies. The metropolitan planning organization is encouraged to work with the state board until the state board concludes that the technical methodology operates accurately.

(ii) After adoption, a metropolitan planning organization shall submit a sustainable communities strategy or an alternative planning strategy, if one has been adopted, to the state board for review, including the quantification of the greenhouse gas emission reductions the strategy would achieve and a description of the technical methodology used to obtain that result. Review by the state board shall be limited to acceptance or rejection of the metropolitan planning organization's determination that the strategy submitted would, if implemented, achieve the greenhouse gas emission reduction targets established by the state board. The state board shall complete its review within 60 days.

(iii) If the state board determines that the strategy submitted would not, if implemented, achieve the greenhouse gas emission reduction targets, the metropolitan planning organization shall revise its strategy or adopt an alternative planning strategy, if not previously adopted, and submit the strategy for review pursuant to clause (ii). At a minimum, the metropolitan planning organization must obtain state board acceptance that an alternative planning strategy would, if implemented, achieve the greenhouse gas emission reduction targets established for that region by the state board.

(iv) On or before September 1, 2018, and every four years thereafter to align with target setting, notwithstanding Section 10231.5, the state board shall prepare a report that assesses progress made by each metropolitan planning organization in meeting the regional greenhouse gas emission reduction targets set by the state board. The report shall include changes to greenhouse gas emissions in each region and data-supported metrics for the strategies used to meet the targets. The report shall also include a discussion of best practices and the challenges faced by the metropolitan planning organizations in meeting the targets, including the effect of state policies and funding. The report shall be developed in consultation with the metropolitan planning organizations and affected stakeholders. The report shall be submitted to the Assembly Committee on Transportation and the Assembly Committee on Natural

Resources, and to the Senate Committee on Transportation, the Senate Committee on Housing, and the Senate Committee on Environmental Quality.

(K) Neither a sustainable communities strategy nor an alternative planning strategy regulates the use of land, nor, except as provided by subparagraph (J), shall either one be subject to any state approval. Nothing in a sustainable communities strategy shall be interpreted as superseding the exercise of the land use authority of cities and counties within the region. Nothing in this section shall be interpreted to limit the state board's authority under any other law. Nothing in this section shall be interpreted to authorize the abrogation of any vested right whether created by statute or by common law. Nothing in this section shall require a city's or county's land use policies and regulations, including its general plan, to be consistent with the regional transportation plan or an alternative planning strategy. Nothing in this section requires a metropolitan planning organization to approve a sustainable communities strategy that would be inconsistent with Part 450 of Title 23 of, or Part 93 of Title 40 of, the Code of Federal Regulations and any administrative guidance under those regulations. Nothing in this section relieves a public or private entity or any person from compliance with any other local, state, or federal law.

(L) Nothing in this section requires projects programmed for funding on or before December 31, 2011, to be subject to the provisions of this paragraph if they (i) are contained in the 2007 or 2009 Federal Statewide Transportation Improvement Program, (ii) are funded pursuant to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Chapter 12.49 (commencing with Section 8879.20) of Division 1 of Title 2), or (iii) were specifically listed in a ballot measure before December 31, 2008, approving a sales tax increase for transportation projects. Nothing in this section shall require a transportation sales tax authority to change the funding allocations approved by the voters for categories of transportation projects in a sales tax measure adopted before December 31, 2010. For purposes of this subparagraph, a transportation sales tax authority is a district, as defined in Section 7252 of the Revenue and Taxation Code, that is authorized to impose a sales tax for transportation purposes.

(M) A metropolitan planning organization, or a regional transportation planning agency not within a metropolitan planning organization, that is required to adopt a regional transportation plan not less than every five years, may elect to adopt the plan not less than every four years. This election shall be made by the board of directors of the metropolitan planning organization or regional transportation planning agency no later than June 1, 2009, or thereafter 54 months before the statutory deadline for the adoption of housing elements for the local jurisdictions within the region, after a public hearing at which comments are accepted from members of the public and representatives of cities and counties within the region covered by the metropolitan planning organization or regional transportation planning agency. Notice of the public hearing shall be given to the general public and by mail to cities and counties within the region no later than 30 days before the date of the public hearing. Notice of election shall be promptly given to the Department of Housing and Community Development. The metropolitan planning organization or the regional transportation planning agency

shall complete its next regional transportation plan within three years of the notice of election.

(N) Two or more of the metropolitan planning organizations for Fresno County, Kern County, Kings County, Madera County, Merced County, San Joaquin County, Stanislaus County, and Tulare County may work together to develop and adopt multiregional goals and policies that may address interregional land use, transportation, economic, air quality, and climate relationships. The participating metropolitan planning organizations may also develop a multiregional sustainable communities strategy, to the extent consistent with federal law, or an alternative planning strategy for adoption by the metropolitan planning organizations. Each participating metropolitan planning organization shall consider any adopted multiregional goals and policies in the development of a sustainable communities strategy and, if applicable, an alternative planning strategy for its region.

(3) An action element that describes the programs and actions necessary to implement the plan and assigns implementation responsibilities. The action element may describe all transportation projects proposed for development during the 20-year or greater life of the plan. The action element shall consider congestion management programming activities carried out within the region.

(4) (A) A financial element that summarizes the cost of plan implementation constrained by a realistic projection of available revenues. The financial element shall also contain recommendations for allocation of funds. A county transportation commission created pursuant to the County Transportation Commissions Act (Division 12 (commencing with Section 130000) of the Public Utilities Code) shall be responsible for recommending projects to be funded with regional improvement funds, if the project is consistent with the regional transportation plan. The first five years of the financial element shall be based on the five-year estimate of funds developed pursuant to Section 14524. The financial element may recommend the development of specified new sources of revenue, consistent with the policy element and action element.

(B) The financial element of transportation planning agencies with populations that exceed 200,000 persons may include a project cost breakdown for all projects proposed for development during the 20-year life of the plan that includes total expenditures and related percentages of total expenditures for all of the following:

(i) State highway expansion.

(ii) State highway rehabilitation, maintenance, and operations.

(iii) Local road and street expansion.

(iv) Local road and street rehabilitation, maintenance, and operation.

(v) Mass transit, commuter rail, and intercity rail expansion.

(vi) Mass transit, commuter rail, and intercity rail rehabilitation, maintenance, and operations.

(vii) Pedestrian and bicycle facilities.

(viii) Environmental enhancements and mitigation.

(ix) Research and planning.

(x) Other categories.

(C) The metropolitan planning organization or county transportation agency, whichever entity is appropriate, shall consider financial incentives for cities and counties that have resource areas or farmland, as defined in Section 65080.01, for the purposes of, for example, transportation investments for the preservation and safety of the city street or county road system and farm-to-market and interconnectivity transportation needs. The metropolitan planning organization or county transportation agency, whichever entity is appropriate, shall also consider financial assistance for counties to address countywide service responsibilities in counties that contribute toward the greenhouse gas emission reduction targets by implementing policies for growth to occur within their cities.

(c) Each transportation planning agency may also include other factors of local significance as an element of the regional transportation plan, including, but not limited to, issues of mobility for specific sectors of the community, including, but not limited to, senior citizens.

(d) (1) Except as otherwise provided in this subdivision, each transportation planning agency shall adopt and submit, every four years, an updated regional transportation plan to the California Transportation Commission and the Department of Transportation. A transportation planning agency located in a federally designated air quality attainment area or that does not contain an urbanized area may at its option adopt and submit a regional transportation plan every five years. When applicable, the plan shall be consistent with federal planning and programming requirements and shall conform to the regional transportation plan guidelines adopted by the California Transportation Commission. Before adoption of the regional transportation plan, a public hearing shall be held after the giving of notice of the hearing by publication in the affected county or counties pursuant to Section 6061.

(2) (A) Notwithstanding subdivisions (b) and (c), and paragraph (1), inclusive, the regional transportation plan, sustainable communities strategy, and environmental impact report adopted by the San Diego Association of Governments on October 9, 2015, shall remain in effect for all purposes, including for purposes of consistency determinations and funding eligibility for the San Diego Association of Governments and all other agencies relying on those documents, until the San Diego Association of Governments adopts its next update to its regional transportation plan.

(B) The San Diego Association of Governments shall adopt and submit its update to the 2015 regional transportation plan on or before December 31, 2021.

(C) After the update described in subparagraph (B), the time period for San Diego Association of Governments' updates to its regional transportation plan shall be reset and shall be adopted and submitted every four years.

(D) Notwithstanding clause (iv) of subparagraph (A) of paragraph (2) of subdivision (b), the State Air Resources Board shall not update the greenhouse gas emission reduction targets for the region within the jurisdiction of the San Diego Association of Governments before the adoption of the update to the regional transportation plan pursuant to subparagraph (B).

(E) The update to the regional transportation plan adopted by the San Diego Association of Governments on October 9, 2015, which will be prepared and submitted
to federal agencies for purposes of compliance with federal laws applicable to regional transportation plans and air quality conformity and which is due in October 2019, shall not be considered a regional transportation plan pursuant to this section and shall not constitute a project for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(F) In addition to meeting the other requirements to nominate a project for funding through the Solutions for Congested Corridors Program (Chapter 8.5 (commencing with Section 2390) of Division 3 of the Streets and Highways Code), the San Diego Association of Governments, until December 31, 2021, shall only nominate projects for funding through the Solutions for Congested Corridors Program that are consistent with the eligibility requirements for projects under any of the following programs:

(i) The Transit and Intercity Rail Capital Program (Part 2 (commencing with Section 75220) of Division 44 of the Public Resources Code).

(ii) The Low Carbon Transit Operations Program (Part 3 (commencing with Section 75230) of Division 44 of the Public Resources Code).

(iii) The Active Transportation Program (Chapter 8 (commencing with Section 2380) of Division 3 of the Streets and Highways Code).

(G) Commencing January 1, 2020, and every two years thereafter, the San Diego Association of Governments shall begin developing an implementation report that tracks the implementation of its most recently adopted sustainable communities strategy. The report shall discuss the status of the implementation of the strategy at the regional and local level, and any successes and barriers that have occurred since the last report. The San Diego Association of Governments shall submit the implementation report to the state board by including it in its sustainable communities strategy implementation review pursuant to clause (ii) of subparagraph (J) of paragraph (2) of subdivision (b).

(Amended by Stats. 2019, Ch. 634, Sec. 2. (AB 1730) Effective January 1, 2020.)

#### State of California

#### **GOVERNMENT CODE**

#### Section 65584

65584. (a) (1) For the fourth and subsequent revisions of the housing element pursuant to Section 65588, the department shall determine the existing and projected need for housing for each region pursuant to this article. For purposes of subdivision (a) of Section 65583, the share of a city or county of the regional housing need shall include that share of the housing need of persons at all income levels within the area significantly affected by the general plan of the city or county.

(2) It is the intent of the Legislature that cities, counties, and cities and counties should undertake all necessary actions to encourage, promote, and facilitate the development of housing to accommodate the entire regional housing need, and reasonable actions should be taken by local and regional governments to ensure that future housing production meets, at a minimum, the regional housing need established for planning purposes. These actions shall include applicable reforms and incentives in Section 65582.1.

(3) The Legislature finds and declares that insufficient housing in job centers hinders the state's environmental quality and runs counter to the state's environmental goals. In particular, when Californians seeking affordable housing are forced to drive longer distances to work, an increased amount of greenhouse gases and other pollutants is released and puts in jeopardy the achievement of the state's climate goals, as established pursuant to Section 38566 of the Health and Safety Code, and clean air goals.

(b) The department, in consultation with each council of governments, shall determine each region's existing and projected housing need pursuant to Section 65584.01 at least two years prior to the scheduled revision required pursuant to Section 65588. The appropriate council of governments, or for cities and counties without a council of governments, the department, shall adopt a final regional housing need plan that allocates a share of the regional housing need to each city, county, or city and county at least one year prior to the scheduled revision for the region required by Section 65588. The allocation plan prepared by a council of governments shall be prepared pursuant to Sections 65584.04 and 65584.05.

(c) Notwithstanding any other provision of law, the due dates for the determinations of the department or for the council of governments, respectively, regarding the regional housing need may be extended by the department by not more than 60 days if the extension will enable access to more recent critical population or housing data from a pending or recent release of the United States Census Bureau or the Department of Finance. If the due date for the determination of the department or the council of governments is extended for this reason, the department shall extend the corresponding

housing element revision deadline pursuant to Section 65588 by not more than 60 days.

(d) The regional housing needs allocation plan shall further all of the following objectives:

(1) Increasing the housing supply and the mix of housing types, tenure, and affordability in all cities and counties within the region in an equitable manner, which shall result in each jurisdiction receiving an allocation of units for low- and very low income households.

(2) Promoting infill development and socioeconomic equity, the protection of environmental and agricultural resources, the encouragement of efficient development patterns, and the achievement of the region's greenhouse gas reductions targets provided by the State Air Resources Board pursuant to Section 65080.

(3) Promoting an improved intraregional relationship between jobs and housing, including an improved balance between the number of low-wage jobs and the number of housing units affordable to low-wage workers in each jurisdiction.

(4) Allocating a lower proportion of housing need to an income category when a jurisdiction already has a disproportionately high share of households in that income category, as compared to the countywide distribution of households in that category from the most recent American Community Survey.

(5) Affirmatively furthering fair housing.

(e) For purposes of this section, "affirmatively furthering fair housing" means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

(f) For purposes of this section, "household income levels" are as determined by the department as of the most recent American Community Survey pursuant to the following code sections:

(1) Very low incomes as defined by Section 50105 of the Health and Safety Code.

(2) Lower incomes, as defined by Section 50079.5 of the Health and Safety Code.

(3) Moderate incomes, as defined by Section 50093 of the Health and Safety Code.

(4) Above moderate incomes are those exceeding the moderate-income level of Section 50093 of the Health and Safety Code.

(g) Notwithstanding any other provision of law, determinations made by the department, a council of governments, or a city or county pursuant to this section or Section 65584.01, 65584.02, 65584.03, 65584.04, 65584.05, 65584.06, 65584.07, or

65584.08 are exempt from the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(Amended by Stats. 2018, Ch. 989, Sec. 1.5. (AB 1771) Effective January 1, 2019.)

#### State of California

#### **GOVERNMENT CODE**

#### Section 65584.04

65584.04. (a) At least two years before a scheduled revision required by Section 65588, each council of governments, or delegate subregion as applicable, shall develop, in consultation with the department, a proposed methodology for distributing the existing and projected regional housing need to cities, counties, and cities and counties within the region or within the subregion, where applicable pursuant to this section. The methodology shall further the objectives listed in subdivision (d) of Section 65584.

(b) (1) No more than six months before the development of a proposed methodology for distributing the existing and projected housing need, each council of governments shall survey each of its member jurisdictions to request, at a minimum, information regarding the factors listed in subdivision (e) that will allow the development of a methodology based upon the factors established in subdivision (e).

(2) With respect to the objective in paragraph (5) of subdivision (d) of Section 65584, the survey shall review and compile information that will allow the development of a methodology based upon the issues, strategies, and actions that are included, as available, in an Analysis of Impediments to Fair Housing Choice or an Assessment of Fair Housing completed by any city or county or the department that covers communities within the area served by the council of governments, and in housing elements adopted pursuant to this article by cities and counties within the area served by the council of governments.

(3) The council of governments shall seek to obtain the information in a manner and format that is comparable throughout the region and utilize readily available data to the extent possible.

(4) The information provided by a local government pursuant to this section shall be used, to the extent possible, by the council of governments, or delegate subregion as applicable, as source information for the methodology developed pursuant to this section. The survey shall state that none of the information received may be used as a basis for reducing the total housing need established for the region pursuant to Section 65584.01.

(5) If the council of governments fails to conduct a survey pursuant to this subdivision, a city, county, or city and county may submit information related to the items listed in subdivision (e) before the public comment period provided for in subdivision (d).

(c) The council of governments shall electronically report the results of the survey of fair housing issues, strategies, and actions compiled pursuant to paragraph (2) of subdivision (b). The report shall describe common themes and effective strategies

employed by cities and counties within the area served by the council of governments, including common themes and effective strategies around avoiding the displacement of lower income households. The council of governments shall also identify significant barriers to affirmatively furthering fair housing at the regional level and may recommend strategies or actions to overcome those barriers. A council of governments or metropolitan planning organization, as appropriate, may use this information for any other purpose, including publication within a regional transportation plan adopted pursuant to Section 65080 or to inform the land use assumptions that are applied in the development of a regional transportation plan.

(d) Public participation and access shall be required in the development of the methodology and in the process of drafting and adoption of the allocation of the regional housing needs. Participation by organizations other than local jurisdictions and councils of governments shall be solicited in a diligent effort to achieve public participation of all economic segments of the community as well as members of protected classes under Section 12955. The proposed methodology, along with any relevant underlying data and assumptions, an explanation of how information about local government conditions gathered pursuant to subdivision (b) has been used to develop the proposed methodology, how each of the factors listed in subdivision (e) is incorporated into the methodology, and how the proposed methodology furthers the objectives listed in subdivision (e) of Section 65584, shall be distributed to all cities, counties, any subregions, and members of the public who have made a written or electronic request for the proposed methodology and published on the council of governments', or delegate subregion's, internet website. The council of governments, or delegate subregion, as applicable, shall conduct at least one public hearing to receive oral and written comments on the proposed methodology.

(e) To the extent that sufficient data is available from local governments pursuant to subdivision (b) or other sources, each council of governments, or delegate subregion as applicable, shall include the following factors to develop the methodology that allocates regional housing needs:

(1) Each member jurisdiction's existing and projected jobs and housing relationship. This shall include an estimate based on readily available data on the number of low-wage jobs within the jurisdiction and how many housing units within the jurisdiction are affordable to low-wage workers as well as an estimate based on readily available data, of projected job growth and projected household growth by income level within each member jurisdiction during the planning period.

(2) The opportunities and constraints to development of additional housing in each member jurisdiction, including all of the following:

(A) Lack of capacity for sewer or water service due to federal or state laws, regulations or regulatory actions, or supply and distribution decisions made by a sewer or water service provider other than the local jurisdiction that preclude the jurisdiction from providing necessary infrastructure for additional development during the planning period.

(B) The availability of land suitable for urban development or for conversion to residential use, the availability of underutilized land, and opportunities for infill

development and increased residential densities. The council of governments may not limit its consideration of suitable housing sites or land suitable for urban development to existing zoning ordinances and land use restrictions of a locality, but shall consider the potential for increased residential development under alternative zoning ordinances and land use restrictions. The determination of available land suitable for urban development may exclude lands where the Federal Emergency Management Agency (FEMA) or the Department of Water Resources has determined that the flood management infrastructure designed to protect that land is not adequate to avoid the risk of flooding.

(C) Lands preserved or protected from urban development under existing federal or state programs, or both, designed to protect open space, farmland, environmental habitats, and natural resources on a long-term basis, including land zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts conversion to nonagricultural uses.

(D) County policies to preserve prime agricultural land, as defined pursuant to Section 56064, within an unincorporated area and land within an unincorporated area zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of that jurisdiction that prohibits or restricts its conversion to nonagricultural uses.

(3) The distribution of household growth assumed for purposes of a comparable period of regional transportation plans and opportunities to maximize the use of public transportation and existing transportation infrastructure.

(4) Agreements between a county and cities in a county to direct growth toward incorporated areas of the county and land within an unincorporated area zoned or designated for agricultural protection or preservation that is subject to a local ballot measure that was approved by the voters of the jurisdiction that prohibits or restricts conversion to nonagricultural uses.

(5) The loss of units contained in assisted housing developments, as defined in paragraph (9) of subdivision (a) of Section 65583, that changed to non-low-income use through mortgage prepayment, subsidy contract expirations, or termination of use restrictions.

(6) The percentage of existing households at each of the income levels listed in subdivision (e) of Section 65584 that are paying more than 30 percent and more than 50 percent of their income in rent.

(7) The rate of overcrowding.

(8) The housing needs of farmworkers.

(9) The housing needs generated by the presence of a private university or a campus of the California State University or the University of California within any member jurisdiction.

(10) The housing needs of individuals and families experiencing homelessness. If a council of governments has surveyed each of its member jurisdictions pursuant to subdivision (b) on or before January 1, 2020, this paragraph shall apply only to the

development of methodologies for the seventh and subsequent revisions of the housing element.

(11) The loss of units during a state of emergency that was declared by the Governor pursuant to the California Emergency Services Act (Chapter 7 (commencing with Section 8550) of Division 1 of Title 2), during the planning period immediately preceding the relevant revision pursuant to Section 65588 that have yet to be rebuilt or replaced at the time of the analysis.

(12) The region's greenhouse gas emissions targets provided by the State Air Resources Board pursuant to Section 65080.

(13) Any other factors adopted by the council of governments, that further the objectives listed in subdivision (d) of Section 65584, provided that the council of governments specifies which of the objectives each additional factor is necessary to further. The council of governments may include additional factors unrelated to furthering the objectives listed in subdivision (d) of Section 65584 so long as the additional factors do not undermine the objectives listed in subdivision (d) of Section 65584 and are applied equally across all household income levels as described in subdivision (f) of Section 65584 and the council of governments makes a finding that the factor is necessary to address significant health and safety conditions.

(f) The council of governments, or delegate subregion, as applicable, shall explain in writing how each of the factors described in subdivision (e) was incorporated into the methodology and how the methodology furthers the objectives listed in subdivision (d) of Section 65584. The methodology may include numerical weighting. This information, and any other supporting materials used in determining the methodology, shall be posted on the council of governments', or delegate subregion's, internet website.

(g) The following criteria shall not be a justification for a determination or a reduction in a jurisdiction's share of the regional housing need:

(1) Any ordinance, policy, voter-approved measure, or standard of a city or county that directly or indirectly limits the number of residential building permits issued by a city or county.

(2) Prior underproduction of housing in a city or county from the previous regional housing need allocation, as determined by each jurisdiction's annual production report submitted pursuant to subparagraph (H) of paragraph (2) of subdivision (a) of Section 65400.

(3) Stable population numbers in a city or county from the previous regional housing needs cycle.

(h) Following the conclusion of the public comment period described in subdivision (d) on the proposed allocation methodology, and after making any revisions deemed appropriate by the council of governments, or delegate subregion, as applicable, as a result of comments received during the public comment period, and as a result of consultation with the department, each council of governments, or delegate subregion, as applicable, shall publish a draft allocation methodology on its internet website and submit the draft allocation methodology, along with the information required pursuant to subdivision (e), to the department.

(i) Within 60 days, the department shall review the draft allocation methodology and report its written findings to the council of governments, or delegate subregion, as applicable. In its written findings the department shall determine whether the methodology furthers the objectives listed in subdivision (d) of Section 65584. If the department determines that the methodology is not consistent with subdivision (d) of Section 65584, the council of governments, or delegate subregion, as applicable, shall take one of the following actions:

(1) Revise the methodology to further the objectives listed in subdivision (d) of Section 65584 and adopt a final regional, or subregional, housing need allocation methodology.

(2) Adopt the regional, or subregional, housing need allocation methodology without revisions and include within its resolution of adoption findings, supported by substantial evidence, as to why the council of governments, or delegate subregion, believes that the methodology furthers the objectives listed in subdivision (d) of Section 65584 despite the findings of the department.

(j) If the department's findings are not available within the time limits set by subdivision (i), the council of governments, or delegate subregion, may act without them.

(k) Upon either action pursuant to subdivision (i), the council of governments, or delegate subregion, shall provide notice of the adoption of the methodology to the jurisdictions within the region, or delegate subregion, as applicable, and to the department, and shall publish the adopted allocation methodology, along with its resolution and any adopted written findings, on its internet website.

(*l*) The department may, within 90 days, review the adopted methodology and report its findings to the council of governments, or delegate subregion.

(m) (1) It is the intent of the Legislature that housing planning be coordinated and integrated with the regional transportation plan. To achieve this goal, the allocation plan shall allocate housing units within the region consistent with the development pattern included in the sustainable communities strategy.

(2) The final allocation plan shall ensure that the total regional housing need, by income category, as determined under Section 65584, is maintained, and that each jurisdiction in the region receive an allocation of units for low- and very low income households.

(3) The resolution approving the final housing need allocation plan shall demonstrate that the plan is consistent with the sustainable communities strategy in the regional transportation plan and furthers the objectives listed in subdivision (d) of Section 65584.

(Amended (as amended by Stats. 2018, Ch. 990, Sec. 3.7) by Stats. 2019, Ch. 335, Sec. 4. (AB 139) Effective January 1, 2020.)

#### State of California

#### GOVERNMENT CODE

#### Section 65584.05

65584.05. (a) At least one and one-half years before the scheduled revision required by Section 65588, each council of governments and delegate subregion, as applicable, shall distribute a draft allocation of regional housing needs to each local government in the region or subregion, where applicable, and the department, based on the methodology adopted pursuant to Section 65584.04 and shall publish the draft allocation on its internet website. The draft allocation shall include the underlying data and methodology on which the allocation is based, and a statement as to how it furthers the objectives listed in subdivision (d) of Section 65584. It is the intent of the Legislature that the draft allocation should be distributed before the completion of the update of the applicable regional transportation plan. The draft allocation shall distribute to localities and subregions, if any, within the region the entire regional housing need determined pursuant to Section 65584.01 or within subregions, as applicable, the subregion's entire share of the regional housing need determined pursuant to Section 65584.03.

(b) Within 45 days following receipt of the draft allocation, a local government within the region or the delegate subregion, as applicable, or the department may appeal to the council of governments or the delegate subregion for a revision of the share of the regional housing need proposed to be allocated to one or more local governments. Appeals shall be based upon comparable data available for all affected jurisdictions and accepted planning methodology, and supported by adequate documentation, and shall include a statement as to why the revision is necessary to further the intent of the objectives listed in subdivision (d) of Section 65584. An appeal pursuant to this subdivision shall be consistent with, and not to the detriment of, the development pattern in an applicable sustainable communities strategy developed pursuant to paragraph (2) of subdivision (b) of Section 65080. Appeals shall be limited to any of the following circumstances:

(1) The council of governments or delegate subregion, as applicable, failed to adequately consider the information submitted pursuant to subdivision (b) of Section 65584.04.

(2) The council of governments or delegate subregion, as applicable, failed to determine the share of the regional housing need in accordance with the information described in, and the methodology established pursuant to, Section 65584.04, and in a manner that furthers, and does not undermine, the intent of the objectives listed in subdivision (d) of Section 65584.

(3) A significant and unforeseen change in circumstances has occurred in the local jurisdiction or jurisdictions that merits a revision of the information submitted pursuant

to subdivision (b) of Section 65584.04. Appeals on this basis shall only be made by the jurisdiction or jurisdictions where the change in circumstances has occurred.

(c) At the close of the period for filing appeals pursuant to subdivision (b), the council of governments or delegate subregion, as applicable, shall notify all other local governments within the region or delegate subregion and the department of all appeals and shall make all materials submitted in support of each appeal available on a publicly available internet website. Local governments and the department may, within 45 days, comment on one or more appeals. If no appeals are filed, the draft allocation shall be issued as the proposed final allocation plan pursuant to paragraph (2) of subdivision (e).

(d) No later than 30 days after the close of the comment period, and after providing all local governments within the region or delegate subregion, as applicable, at least 21 days prior notice, the council of governments or delegate subregion shall conduct one public hearing to consider all appeals filed pursuant to subdivision (b) and all comments received pursuant to subdivision (c).

(e) No later than 45 days after the public hearing pursuant to subdivision (d), the council of governments or delegate subregion, as applicable, shall do both of the following:

(1) Make a final determination that either accepts, rejects, or modifies each appeal for a revised share filed pursuant to subdivision (b). Final determinations shall be based upon the information and methodology described in Section 65584.04 and whether the revision is necessary to further the objectives listed in subdivision (d) of Section 65584. The final determination shall be in writing and shall include written findings as to how the determination is consistent with this article. The final determination on an appeal may require the council of governments or delegate subregion, as applicable, to adjust the share of the regional housing need allocated to one or more local governments that are not the subject of an appeal.

(2) Issue a proposed final allocation plan.

(f) In the proposed final allocation plan, the council of governments or delegate subregion, as applicable, shall adjust allocations to local governments based upon the results of the appeals process. If the adjustments total 7 percent or less of the regional housing need determined pursuant to Section 65584.01, or, as applicable, total 7 percent or less of the subregion's share of the regional housing need as determined pursuant to Section 65584.03, then the council of governments or delegate subregion, as applicable, shall distribute the adjustments proportionally to all local governments. If the adjustments total more than 7 percent of the regional housing need, then the council of governments or delegate subregion, as applicable, shall develop a methodology to distribute the amount greater than the 7 percent to local governments. The total distribution of housing need shall not equal less than the regional housing need, as determined pursuant to Section 65584.01, nor shall the subregional distribution of housing need equal less than its share of the regional housing need as determined pursuant to Section 65584.03.

(g) Within 45 days after the issuance of the proposed final allocation plan by the council of governments and each delegate subregion, as applicable, the council of

governments shall hold a public hearing to adopt a final allocation plan. To the extent that the final allocation plan fully allocates the regional share of statewide housing need, as determined pursuant to Section 65584.01 and has taken into account all appeals, the council of governments shall have final authority to determine the distribution of the region's existing and projected housing need as determined pursuant to Section 65584.01. The council of governments shall submit its final allocation plan to the department within three days of adoption. Within 30 days after the department's receipt of the final allocation plan adopted by the council of governments, the department shall determine if the final allocation plan is consistent with the existing and projected housing need for the region, as determined pursuant to Section 65584.01. The department may revise the determination of the council of governments if necessary to obtain this consistency.

(h) Any authority of the council of governments to review and revise the share of a city or county of the regional housing need under this section shall not constitute authority to revise, approve, or disapprove the manner in which the share of the city or county of the regional housing need is implemented through its housing program.

(i) Any time period in subdivision (d) or (e) may be extended by a council of governments or delegate subregion, as applicable, for up to 30 days.

(j) The San Diego Association of Governments may follow the process in this section for the draft and final allocation plan for the sixth revision of the housing element notwithstanding such actions being carried out before the adoption of an updated regional transportation plan and sustainable communities strategy.

(Amended by Stats. 2019, Ch. 634, Sec. 4. (AB 1730) Effective January 1, 2020.)

#### RHNA SUBCOMMITTEE CHARTER – 6<sup>th</sup> Cycle Page 1 of 2

#### Purpose of the Subcommittee

The purpose of the RHNA Subcommittee is to review in-depth the various policy considerations necessary to the development of SCAG's Regional Housing Needs Assessment (RHNA), and to make critical decisions throughout the RHNA process, including but not limited to the following: the RHNA methodology, the draft and final RHNA allocations, and appeals related to draft RHNA allocations. The decisions of the RHNA Subcommittee will serve as recommendations to SCAG's Community, Economic and Human Development (CEHD) Committee and the Regional Council, except that the RHNA Subcommittee will make the final decisions regarding all appeals of draft RHNA allocations.

#### <u>Authority</u>

Authorized by the Regional Council, the RHNA Subcommittee serves as a subcommittee of the CEHD Committee, and will be reporting to the CEHD Committee. All actions by the RHNA Subcommittee, except for actions pertaining to appeals of draft RHNA allocations, are subject to the review and approval of the CEHD Committee and the Regional Council. Recognizing the significant amount of work undertaken by the RHNA Subcommittee, the CEHD Committee and the Regional Council will rely on the policy judgments of the RHNA Subcommittee. The RHNA Subcommittee shall be dissolved as of the date in which the final RHNA allocation is adopted by the Regional Council.

#### **Composition**

The RHNA Subcommittee will consist of twelve (12) members of the Regional Council or the CEHD Committee to represent the six (6) counties of the SCAG region. Each county shall have a primary member and an alternate member to serve on the RHNA Subcommittee. The SCAG President will appoint the members of the RHNA Subcommittee and will select one of the members to serve as the Chair of the RHNA Subcommittee. Membership of the RHNA Subcommittee may also include as non-voting members serving as stakeholder representatives appointed by the SCAG President.

#### **Meetings and Voting**

The meetings of the RHNA Subcommittee will occur during the applicable period when SCAG is developing the RHNA. The RHNA Subcommittee shall have the authority to convene meetings as circumstances require. A meeting quorum shall be established when there is attendance by at least one representative (either a primary member or an alternate member) from each of the six (6) counties. Stakeholder representatives serving as non-voting members of the RHNA Subcommittee are not counted for purposes of establishing a meeting quorum.

All RHNA Subcommittee members are expected to attend each meeting, to the extent feasible. RHNA Subcommittee members may attend meetings by teleconference or video-conference. All meetings of the RHNA Subcommittee are subject to the Brown Act. The Chair of the RHNA Subcommittee shall preside over all meetings and the Subcommittee may select another

## RHNA SUBCOMMITTEE CHARTER – 6<sup>th</sup> Cycle

Page 2 of 2

Subcommittee member to serve as the Vice-Chair in the Chair's absence. The RHNA Subcommittee will invite SCAG staff or others to attend meetings and provide pertinent information, as necessary. Meeting agendas will be prepared and provided in advance to RHNA Subcommittee members, along with appropriate briefing materials and reports, in accordance with the Brown Act. Minutes of each meeting will be prepared.

For purposes of voting, each county shall be entitled to one (1) vote to be cast by either the primary member or alternate member representing the respective county. In the event of a tie vote, the Chair of the Subcommittee may vote to break the tie except if the Chair of the Subcommittee has casted a vote as a Subcommittee member. In that exception, the Vice Chair of the Subcommittee member's individual local jurisdiction, the Subcommittee member may elect not to participate in the discussion and vote by the RHNA Subcommittee regarding such appeal.

#### **Responsibilities**

The RHNA Subcommittee will carry out the following responsibilities:

- Review information useful to the development of the RHNA Plan;
- Review and make policy decisions related to the RHNA process including policies for the RHNA methodology, the RHNA methodology, and the draft and final RHNA allocations, and forward such decisions to the CEHD Committee for review and approval. In making its policy decisions, the RHNA Subcommittee should consider the integration of the RHNA with the Regional Transportation Plan/Sustainable Communities Strategy;
- Review and make decisions regarding guidelines for the RHNA process including guidelines related to subregional delegation, and forward such decisions to the CEHD Committee for review and approval; and
- Review and make the final decisions regarding appeals related to the jurisdiction's draft RHNA allocation. In this capacity, the RHNA Subcommittee shall be known as the "RHNA Appeals Board." These final decisions by the RHNA Appeals Board shall not reviewable by the CEHD Committee or by the Regional Council.

# SCAG 6TH CYCLE DRAFT RHNA ALLOCATION BASED ON FINAL RHNA METHODOLOGY & FINAL CONNECT SOCAL 9/3/20

#### ALLOCATION BY COUNTY

					Above
		Very-low		Moderate	moderate
	Total	income	Low income	income	income
Imperial	15,956	4,659	2,352	2,194	6,751
Los Angeles	813,082	217,565	123,171	131,532	340,814
Orange	183,430	46,295	29,176	32,482	75,477
Riverside	167,177	41,943	26,450	29,146	69,638
San Bernardino	137,786	35,575	21,855	24,087	56,269
Ventura	24,396	5,759	3,803	4,516	10,318
TOTAL	1,341,827	351,796	206,807	223,957	559,267

						Above-
			Very-low		Moderate	moderate
	County	Total	income Lo	w income	income	income
Adelanto city	San Bernardino	3756	394	565	650	2147
Agoura Hills city	Los Angeles	318	127	72	55	64
Alhambra city	Los Angeles	6808	1769	1033	1077	2929
Aliso Viejo city	Orange	1193	389	214	205	385
Anaheim city	Orange	17411	3757	2391	2939	8324
Apple Valley town	San Bernardino	4280	1083	599	745	1853
Arcadia city	Los Angeles	3206	1099	569	604	934
Artesia city	Los Angeles	1067	311	168	128	460
Avalon city	Los Angeles	27	8	5	3	11
Azusa city	Los Angeles	2646	759	367	382	1138
Baldwin Park city	Los Angeles	1996	574	275	262	885
Banning city	Riverside	1668	316	192	279	881

			Very-low		Moderate	Above- moderate
	County	Total	•	Low income	income	income
Barstow city	San Bernardino	1516	172	227	299	818
Beaumont city	Riverside	4202	1226	720	722	1534
Bell city	Los Angeles	228	43	23	29	133
Bell Gardens city	Los Angeles	501	99	29	72	301
Bellflower city	Los Angeles	3726	1012	487	552	1675
Beverly Hills city	Los Angeles	3096	1005	678	601	812
Big Bear Lake city	San Bernardino	212	50	33	37	92
Blythe city	Riverside	493	82	71	96	244
Bradbury city	Los Angeles	41	16	9	9	7
Brawley city	Imperial	1423	398	210	202	613
Brea city	Orange	2360	667	393	402	898
Buena Park city	Orange	8899	2114	1340	1570	3875
Burbank city	Los Angeles	8751	2546	1415	1406	3384
Calabasas city	Los Angeles	353	131	71	70	81
Calexico city	Imperial	4856	1276	653	612	2315
Calimesa city	Riverside	2013	494	275	378	866
Calipatria city	Imperial	151	36	21	16	78
Camarillo city	Ventura	1373	352	244	270	507
Canyon Lake city	Riverside	128	43	24	24	37
Carson city	Los Angeles	5605	1766	911	873	2055
Cathedral City city	Riverside	2542	538	352	456	1196
Cerritos city	Los Angeles	1903	678	344	331	550
Chino city	San Bernardino	6961	2107	1281	1201	2372
Chino Hills city	San Bernardino	3720	1384	819	787	730
Claremont city	Los Angeles	1707	554	309	297	547
Coachella city	Riverside	7867	1030	997	1364	4476
Colton city	San Bernardino	5420	1314	666	904	2536
Commerce city	Los Angeles	246	55	22	38	131
Compton city	Los Angeles	1001	235	121	130	515
Corona city	Riverside	6075	1748	1038	1094	2195
Costa Mesa city	Orange	11733	2912	1790	2084	4947
Covina city	Los Angeles	1905	612	267	281	745
Cudahy city	Los Angeles	392	80	36	53	223
Culver City city	Los Angeles	3333	1105	603	559	1066
Cypress city	Orange	3927	1147	656	622	1502
Dana Point city	Orange	530	147	84	101	198
Desert Hot Springs city	Riverside	3865	568	534	687	2076
Diamond Bar city	Los Angeles	2516	842	433	436	805
Downey city	Los Angeles	6510	2074	944	913	2579
Duarte city	Los Angeles	886	268	144	137	337
Eastvale City	Riverside	3022	1142	671	634	575
El Centro city	Imperial	3433	998	489	461	1485
El Monte city	Los Angeles	8481	1792	851	1230	4608
El Segundo city	Los Angeles	491	189	88	83	131
Fillmore city	Ventura	413	72	61	72	208
Fontana city	San Bernardino	17477	5096	2943	3029	6409
Fountain Valley city	Orange	4827	1304	784	832	1907

			Very-low		Moderate	Above- moderate
	County	Total	-	Low income	income	income
Fullerton city	Orange	13180	3190	1985	2267	5738
Garden Grove city	Orange	19122	4155	2795	3204	8968
, Gardena city	Los Angeles	5721	1481	759	892	2589
Glendale city	Los Angeles	13393	3430	2158	2244	5561
Glendora city	Los Angeles	2270	733	385	387	765
Grand Terrace city	San Bernardino	628	188	92	106	242
Hawaiian Gardens city	Los Angeles	331	61	44	46	180
Hawthorne city	Los Angeles	1731	444	204	249	834
Hemet city	Riverside	6450	810	730	1171	3739
, Hermosa Beach city	Los Angeles	556	231	127	105	93
, Hesperia city	San Bernardino	8135	1916	1228	1406	3585
Hidden Hills city	Los Angeles	40	17	8	9	6
, Highland city	San Bernardino	2508	618	408	470	1012
Holtville city	Imperial	171	41	33	26	71
Huntington Beach city	Orange	13337	3652	2179	2303	5203
Huntington Park city	Los Angeles	1601	263	196	242	900
Imperial city	Imperial	1597	702	345	294	256
Indian Wells city	Riverside	382	117	81	91	93
Indio city	Riverside	7793	1788	1167	1312	3526
Industry city	Los Angeles	17	6	4	2	5
Inglewood city	Los Angeles	7422	1808	953	1110	3551
Irvine city	Orange	23554	6379	4225	4299	8651
Irwindale city	Los Angeles	118	36	11	16	55
Jurupa Valley City	Riverside	4485	1204	747	729	1805
La Cañada Flintridge city	Los Angeles	610	251	135	139	85
La Habra city	Orange	803	192	116	130	365
La Habra Heights city	Los Angeles	172	78	35	31	28
La Mirada city	Los Angeles	1957	633	341	319	664
La Palma city	Orange	800	223	140	137	300
La Puente city	Los Angeles	1924	542	275	274	833
La Quinta city	Riverside	1526	419	268	296	543
La Verne city	Los Angeles	1343	413	238	223	469
Laguna Beach city	Orange	393	117	80	79	117
Laguna Hills city	Orange	1980	566	353	353	708
Laguna Niguel city	Orange	1204	347	201	223	433
Laguna Woods city	Orange	993	126	135	191	541
Lake Elsinore city	Riverside	6666	1874	1097	1131	2564
Lake Forest city	Orange	3228	954	541	558	1175
Lakewood city	Los Angeles	3914	1293	636	652	1333
Lancaster city	Los Angeles	9002	2218	1192	1325	4267
Lawndale city	Los Angeles	2491	730	310	370	1081
Loma Linda city	San Bernardino	2048	522	311	352	863
Lomita city	Los Angeles	827	238	124	127	338
Long Beach city	Los Angeles	26440	7123	4038	4149	11130
Los Alamitos city	Orange	767	193	118	145	311
Los Angeles city	Los Angeles	455577	115680	68593	74936	196368

			Very-low		Moderate	Above- moderate
	County	Total	income Lo	w income	income	income
Malibu city	Los Angeles	78	27	19	17	15
Manhattan Beach city	Los Angeles	773	322	164	155	132
Maywood city	Los Angeles	363	54	47	55	207
Menifee city	Riverside	6594	1756	1049	1104	2685
Mission Viejo city	Orange	2211	672	400	396	743
Monrovia city	Los Angeles	1665	518	261	253	633
Montclair city	San Bernardino	2586	696	382	398	1110
Montebello city	Los Angeles	5174	1311	705	775	2383
Monterey Park city	Los Angeles	5245	1321	820	846	2258
Moorpark city	Ventura	1288	377	233	245	433
Moreno Valley city	Riverside	13596	3769	2047	2161	5619
Murrieta city	Riverside	3034	1006	581	543	904
Needles city	San Bernardino	87	10	11	16	50
Newport Beach city	Orange	4834	1453	928	1048	1405
Norco city	Riverside	454	145	85	82	142
Norwalk city	Los Angeles	5022	1542	757	657	2066
Ojai city	Ventura	53	13	9	10	21
Ontario city	San Bernardino	20805	5625	3279	3322	8579
Orange city	Orange	3927	1064	603	676	1584
Oxnard city	Ventura	8528	1835	1068	1535	4090
Palm Desert city	Riverside	2783	673	459	460	1191
Palm Springs city	Riverside	2552	544	407	461	1140
Palmdale city	Los Angeles	6625	1773	933	1002	2917
Palos Verdes Estates city	Los Angeles	198	82	44	47	25
Paramount city	Los Angeles	362	91	43	48	180
Pasadena city	Los Angeles	9408	2740	1659	1562	3447
Perris city	Riverside	7786	2025	1124	1271	3366
Pico Rivera city	Los Angeles	3939	1149	562	572	1656
Placentia city	Orange	4365	1228	679	769	1689
Pomona city	Los Angeles	10534	2792	1336	1507	4899
Port Hueneme city	Ventura	125	26	16	18	65
Rancho Cucamonga city	San Bernardino	10501	3237	1916	2033	3315
Rancho Mirage city	Riverside	1741	429	317	327	668
Rancho Palos Verdes city	Los Angeles	638	253	139	125	121
Rancho Santa Margarita city	Orange	680	209	120	125	226
Redlands city	San Bernardino	3507	964	614	650	1279
Redondo Beach city	Los Angeles	2483	933	507	489	554
Rialto city	San Bernardino	8252	2212	1203	1368	3469
Riverside city	Riverside	18415	4849	3057	3133	7376
Rolling Hills city	Los Angeles	45	20	9	11	5
Rolling Hills Estates city	Los Angeles	191	82	42	38	29
Rosemead city	Los Angeles	4601	1151	636	685	2129
San Bernardino city	San Bernardino	8104	1411	1095	1445	4153
San Buenaventura (Ventura) city	Ventura	5300	1184	863	948	2305
San Clemente city	Orange	978	281	163	187	347
San Dimas city	Los Angeles	1245	383	219	206	437
San Fernando city	Los Angeles	1791	460	273	283	775

			Very-low		Moderate	Above- moderate
	County	Total	income Lo	w income	income	income
San Gabriel city	Los Angeles	3017	844	415	465	1293
San Jacinto city	Riverside	3385	798	464	559	1564
San Juan Capistrano city	Orange	1051	269	172	183	427
San Marino city	Los Angeles	397	149	91	91	66
Santa Ana city	Orange	3087	584	361	522	1620
Santa Clarita city	Los Angeles	10008	3389	1730	1668	3221
Santa Fe Springs city	Los Angeles	950	252	159	152	387
Santa Monica city	Los Angeles	8873	2787	1668	1698	2720
Santa Paula city	Ventura	656	102	99	121	334
Seal Beach city	Orange	1239	257	201	238	543
Sierra Madre city	Los Angeles	204	79	39	35	51
Signal Hill city	Los Angeles	516	160	78	90	188
Simi Valley city	Ventura	2786	747	492	517	1030
South El Monte city	Los Angeles	576	131	64	70	311
South Gate city	Los Angeles	8263	2131	991	1171	3970
South Pasadena city	Los Angeles	2062	755	397	333	577
Stanton city	Orange	1227	164	144	231	688
Temecula city	Riverside	4183	1355	799	777	1252
Temple City city	Los Angeles	2182	628	350	369	835
Thousand Oaks city	Ventura	2615	733	493	531	858
Torrance city	Los Angeles	4928	1617	845	851	1615
Tustin city	Orange	6765	1720	1043	1129	2873
Twentynine Palms city	San Bernardino	1044	230	127	184	503
Unincorporated Imperial Co.	Imperial	4292	1200	595	579	1918
Unincorporated Los Angeles Co.	Los Angeles	89842	25582	13661	14151	36448
Unincorporated Orange Co.	Orange	10381	3131	1862	2035	3353
Unincorporated Riverside Co.	Riverside	40768	10399	6648	7371	16350
Unincorporated San Bernardino Co.	San Bernardino	8813	2174	1357	1520	3762
Unincorporated Ventura Co.	Ventura	1259	318	225	249	467
Upland city	San Bernardino	5673	1580	957	1011	2125
Vernon city	Los Angeles	9	5	4	0	0
Victorville city	San Bernardino	8146	1731	1134	1500	3781
Villa Park city	Orange	296	93	60	61	82
Walnut city	Los Angeles	1292	426	225	231	410
West Covina city	Los Angeles	5334	1649	848	863	1974
West Hollywood city	Los Angeles	3924	1063	687	681	1493
Westlake Village city	Los Angeles	142	58	29	32	23
Westminster city	Orange	9737	1876	1470	1781	4610
Westmorland city	Imperial	33	8	6	4	15
Whittier city	Los Angeles	3431	1022	536	555	1318
Wildomar city	Riverside	2709	796	449	433	1031
Yorba Linda city	Orange	2411	763	450	457	741
Yucaipa city	San Bernardino	2859	706	492	509	1152
Yucca Valley town	San Bernardino	748	155	116	145	332

# 11

This Page Intentionally Left Blank



# AGENDA REPORT

To:Mayor Joel Fajardo and CouncilmembersFrom:Nick Kimball, City Manager<br/>By: Timothy Hou, Deputy City Manager/Director of Community DevelopmentDate:October 5, 2020Subject:Update on Homeless Outreach in San Fernando

#### **RECOMMENDATION:**

It is recommended that the City Council:

- a. Receive and file the report from staff; and
- b. Discuss homeless issues in San Fernando and provide staff with direction, as appropriate.

#### BACKGROUND:

- 1. The Los Angeles Homeless Services Authority (LAHSA) is the lead agency for the Los Angeles County Continuum of Care (LA CoC). LA CoC includes 85 cities and the unincorporated areas of the County of Los Angeles, excluding the cities of Glendale, Long Beach and Pasadena, as each of those three cities operate their own independent continuums.
- 2. On August 5, 2019, staff presented a wide-ranging Homeless Outreach Update in the City of San Fernando report to City Council (Attachment "A").
- 3. At the end of January 2020, the City participated in a one-night citywide homeless count as part of LAHSA's 2020 Greater Los Angeles Homeless Count. The County-wide event, which took place between January 22, 2020 and January 24, 2020, documented the number of individuals and families experiencing homelessness in the County of Los Angeles at that particular point-in-time (PIT). The 2020 County-wide homeless PIT count identified 66,436 people experiencing homelessness within the LA CoC area, which represents a 13 percent increase from 2019.
- 4. Since March 2020, staff has been working with the Los Angeles County Chief Executive Office to submit a statement of work to apply for a Measure H funding opportunity for local cities to develop a plan to address homelessness in collaboration with the County and other partners.

Update on Homeless Outreach in San Fernando Page 2 of 3

#### ANALYSIS:

Similar to most communities in California, the City has experienced a dramatic increase in the number of people experiencing homelessness over the past several years. The increase from 17 in 2015 to 43 in 2019 represents a 152% increase over that time period. In a reversal of the trend, the number of people experiencing homelessness in January 2020 decreased to 23 people (Attachment "B"). The following table illustrates the count since 2013:



#### City Planning Grant for Homelessness Plan.

Since March 2020, staff has been communicating with the Los Angeles County Chief Executive Office to secure funding to develop a local Homelessness Plan (Plan). The Plan would be a framework document that outlines a holistic strategy to address homelessness in San Fernando. The Plan will include strategies to address the housing challenges faced by homeless individuals and families and identify services and opportunities to decrease homelessness through prevention, transitional housing, and job/life skill training. Staff anticipates approval of the City's statement of work and execution of a funding agreement with Los Angeles County within 30 to 60 days, and development of a draft Homelessness Plan within 120 days thereafter.

#### **BUDGET IMPACT:**

The City does not currently have dedicated funding identified to address homeless issues. Under the Los Angeles County Chief Executive Office Homeless Initiative, and with the assistance of the San Fernando Council of Governments (SF COG), the City has applied to receive up to \$21,247 in grant funding to create a Homelessness Plan. This is a critical step since adopting a Homelessness Plan is a prerequisite that may open up additional grant funding opportunities to address homelessness. Update on Homeless Outreach in San Fernando Page 3 of 3

#### **CONCLUSION:**

Staff recommends that the City Council receive and file this update and provide staff with direction, if appropriate.

#### **ATTACHMENTS:**

- A. City Council Agenda Report: Homeless Outreach Update in the City of San Fernando (8/5/19)
- B. 2020 Homeless Count Summary for San Fernando



ATTACHMENT "A"

# AGENDA REPORT

To: Mayor Joel Fajardo and Councilmembers

From: Nick Kimball, City Manager By: Anthony Vairo, Police Chief Irwin Rosenberg, Police Sergeant

**Date:** August 5, 2019

Subject: Homeless Outreach Update in the City of San Fernando

#### **RECOMMENDATION:**

It is recommended that the City Council:

- a. Receive and file the report from staff; and
- b. Discuss homeless issues in San Fernando and provide staff with direction.

#### BACKGROUND:

- 1. On January 22, 2019, the City participated in a one-day, citywide homeless count as part of the Los Angeles Homeless Services Authority's (LAHSA) 2019 Point in Time (PIT) count. The County-wide event took place between January 22, 2019 to January 24, 2019, to document the number of individuals and families experiencing homelessness in the County of Los Angeles.
- 2. The City's PIT count has been steadily increasing from 17 in 2015 to 32 in 2018. The 2019 count reflected no net growth in the City's homeless population, which remained at 32 homeless individuals.
- 3. LAHSA is the lead agency for the Los Angeles County Continuum of Care (LA CoC). LA CoC includes 85 cities and the unincorporated areas of the County of Los Angeles, excluding the cities of Glendale, Long Beach and Pasadena, as each of those three cities operate their own independent continuums. In 2019, the County-wide homeless count identified 58,936 people experiencing homelessness within the LA CoC area, which represents a 12 percent increase from 2018.

- 4. The PIT count includes four elements: Street Count, Shelter Count, Youth Count and Demographic Count. In the City, the results for 2019 reflected the following:
  - a) 12 homeless individuals over 24 years of age, no youth.
  - b) Five homeless individuals living in cars.
  - c) Seven homeless individuals living in vans.
  - d) Five homeless individuals living in Recreational vehicles.
  - e) Three homeless individuals residing in make shift shelters/tents.
- 5. The lack of affordable housing is driving the homeless issue statewide with areas across the state reporting an average increase in homelessness of 35% between 2017 and 2019. The County of Los Angeles is the least affordable housing market, per the Joint Center for Housing Studies of Harvard University report, the State of National Housing 2016. This same report indicated 721,000 in the County of Los Angeles households are severely rent burdened, spending over 50% of their income on rent.
- 6. Housing affordability has been further exacerbated since 2012 when California eliminated local redevelopment funding, which included a 20% set-aside that was required to be used for low/moderate income housing. This dedicated funding source was critical to constructing affordable housing as well as supplement rental voucher and other housing assistance programs.
- 7. According to the LAHSA report to the Los Angeles County Board of Supervisors on June 4, 2019, although LAHSA place 21,631 people in homes in 2018, an estimated 27,080 exited housing and became homeless. Consequently, the countywide homeless count increased by more 6,000 individuals in that same period.
- 8. The report also noted that in 2019, 75% of the County's homeless population are unsheltered and remain visible on the streets with youth homelessness increasing 24%, chronic homelessness increasing 17%, and senior homelessness increasing 8% between 2018 and 2019.
- 9. On June 5, 2019, Los Angeles Councilmembers Mike Bonin and Joe Buscaino introduced a motion proposing the City of Los Angeles investigate whether neighboring cities are complying with a 2018 court decision allowing unhoused residents to sleep on public property when other indoor housing is not available and directing the City Attorney's Office to explore legal options to force other cities to comply with the court decision.
- 10. On June 17, 2019, Mayor Fajardo asked staff to provide the City Council with an update on the City's efforts to address homelessness in the City.

Homeless Outreach Update in the City of San Fernando Page 3 of 7

#### **ANALYSIS:**

Similar to most communities in California, the City has experienced a dramatic increase in homeless individuals over the past five years. The increase from 17 in 2015 to 32 in 2019 represents an 88% increase over that time. Fortunately, there was no increase in the homeless count from January 2018 to January 2019, which remained at 32 persons<sup>1</sup> experiencing homelessness, with none being youth or minors. Addressing the impact of homelessness on the community has become a priority for City staff and the San Fernando Police Department (SFPD).

Despite statements surrounding the proposed motion by the City of Los Angeles, SFPD has approached homelessness primarily as a social issue and not as a criminal activity. The majority of homeless related calls from the public are to report a homeless person sleeping or loitering in an encampment or a vehicle rather than engaging in criminal activity. However, there are instances that homeless individuals are engaging in illegal activity. Those instances are handled in the same manner as any other criminal activity in the City.

In addition to state imposed legislation that have exacerbated the homeless issue (e.g., elimination of low/moderate income housing funds and realignment of the criminal justice system that reduced many felonies to misdemeanors), there have been a number of recent court cases that have impacted how cities handle homeless people in the community. These court cases have made it more difficult for municipalities to dispose of personal property in the public right of way, restrict prolonged parking on public streets, and restrict camping in public areas unless alternative sheltering options are provided. There are also efforts by the federal government to limit housing subsidies to non-citizens, which will only worsen the current epidemic.

In recognition of these changes, SFPD has taken a proactive role in coordinating events and offering pathways to services to get homeless people off the street and into a stable living environment. Since 2017, the City has worked with Los Angeles County Supervisor Sheila Kuehl's office and State Senate Majority Leader Robert Hertzberg's office to host three Homeless Connect Days that connect homeless service providers and public health providers with local homeless individuals to improve access to basic necessities, health services, and transitional housing assistance. These events have included vaccinations and public health screenings, vehicle registration assistance, warrant and citation forgiveness programs, housing referrals, and a host of other services. The three events held at Recreation Park and Las Palmas Park were very successful and provided services to more than 340 homeless individuals.

<sup>&</sup>lt;sup>1</sup> City/community level data include exact counts of people living on the street and in shelter, and estimates of people living in vehicles, tents, and makeshift shelters. The County-wide estimates for people living in vehicles, tents, and makeshift shelters are based on Service Planning Area (SPA) level multipliers. This City/community-level data exclude several groups that are included in the report for the LA CoC as a whole: unsheltered unaccompanied minors, unsheltered transitional age youth (18-24 years old), people in domestic violence shelters, and people receiving motel vouchers. Based on these multipliers, the count attributed to San Fernando is 43.

Homeless Outreach Update in the City of San Fernando Page 4 of 7

In May 2019, the SFPD received a grant award from Los Angeles County through the Los Angeles County Police Chief's Association (LACPCA) to fund a Homeless Services Outreach Team (HOST) detail. The funding was provided through Los Angeles County's Measure H (1/4 cent sales tax) and allowed the SFPD to provide two police officers in soft attire (a police polo shirt, jeans and duty belt) to contact 16 homeless individuals in the City during a four hour detail. The Officers were accompanied by one Veteran Outreach Specialist from the Salvation Army and two Mental Health specialists from the Los Angeles County Department of Mental Health.

No persons were arrested or detained as the intent of this detail was to make contact in a nonthreatening manner to direct homeless persons to needed services and register them into the LA CoC Coordinated Entry System (CES). Once in the CES, homeless individuals receive assistance with essential services, housing and shelter. Seven of the 16 individuals contacted during the detail agreed to provide information to the outreach team members for follow up.

Outside of the HOST detail, SFPD Officers have access to referral information for local services available to homeless individuals. The informational pamphlets and brochures include guides on days and times for showers and mail services that are available in surrounding areas, as well as food banks and shelters during the winter months. Additionally, SFPD Officers are trained to prepare field interview cards that are entered into the Los Angeles County Homeless Outreach Portal (LAHOP) and generate an email to LA Family Housing for follow up.

In addition to the "boots-on-the-ground" efforts by the SFPD, City staff (including a SFPD representative) actively participates in the San Fernando Valley Council of Governments Homeless Coordination Committee and have met separately with key staff from a number of surrounding cities, including Burbank, Glendale and Santa Clarita. Since San Fernando does not have any staff dedicated to managing homeless services, the purpose of these meetings has been to seek information from other cities with staff expertise and knowledge on how the City can collaborate to obtain funding for homeless services and outreach. These meetings have resulted in a number of ideas for future consideration by staff and City Council.

Lastly, as previously mentioned, a primary driver of the current homeless crisis in California is the lack of affordable housing throughout the state. According to the SB35 Regional Housing Needs Assessment (RHNA) Determination for Los Angeles County produced in December 2018, San Fernando is one of only three Los Angeles County cities that are on target to meet prescribed RHNA targets for providing low and very low income housing units. San Fernando is doing its fair share to provide affordable housing in the City.

#### LEGAL UPDATE:

#### Removal of Property, Clearing of Public ROW

Since homeless persons' unabandoned possessions are "property" within the meaning of the Fourteenth Amendment, a city must comport with the requirements of the Fourteenth Amendment's due process clause if it wishes to remove them. (*Lavan v. City of Los Angeles* (9th

#### Homeless Outreach Update in the City of San Fernando Page 5 of 7

Cir. 2012) 693 F.3d 1022.) If a city believes that property left in a public place is unattended, steps should be taken prior to any seizure and before any destruction. At a minimum, a city should:

- Provide the homeless with written notice (generally 24-72 hours) before the items are seized;
- Make good faith efforts to locate owner(s);
- Inventory/document (pictures or video) items seized;
- Leave notice to inform of seizure and opportunity to claim;
- Store belongings for 90 days (Cal. Civ. Code 2080 et seq.); and
- Protect any perishable belongings (i.e. medication).

It should be noted that there is no "bright-line" rule for how long persons should be given to retrieve their belongings from storage. The time provided is typically 90 days, which is consistent with California Civil Code Section 2080 et seq. However, these Civil Code provisions have no application to intentionally abandoned property (Civ. Code, § 2080.7.), nor do they prohibit a city from determining a time at which property may be considered abandoned.

San Fernando does not currently have an ordinance related to removing property from the public Right of Way.

#### Anti-Camping Ordinances

Anti-camping ordinances typically prohibit sitting, sleeping, lying or camping on public property. Some also prohibit the storage of personal property on public property. In California, such ordinances have been upheld as constitutional under both the United States and California Constitutions despite Eighth Amendment and equal protection challenges. (*See Tobe v. City of Santa Ana* (1995) 9 Cal.4th 1069.) It should be noted, however, that some courts will consider "necessity" under the Eighth Amendment as a defense to an "as-applied" constitutional challenge to an anti-camping ordinance (i.e., it would be improper for a city to punish an individual for camping in public where there is no local shelter available). (*In re Eichorn* (1998) 69 Cal.App.4th 382; *Jones v. City of Los Angeles* (9th Cir. 2006) 444 F.3d 1118.)

Anti-camping ordinances have also been challenged as being unconstitutionally vague. (*Tobe, supra*, 9 Cal. 4th at 1108.) To avoid being invalidated as vague, an ordinance needs to "be sufficiently definite to provide adequate notice of the conduct proscribed" and "provide sufficiently definite guidelines for the police in order to prevent arbitrary and discriminatory enforcement." (*Tobe, supra*, 9 Cal. 4th at 1106-07.) Accordingly, an ordinance modeled after *Tobe* is likely to be upheld.

Homeless Outreach Update in the City of San Fernando Page 6 of 7

#### **BUDGET IMPACT:**

The City does not currently have any dedicated funding identified to address homeless issues. There may be some opportunities to partner with local service providers to secure Measure H funding for various efforts, similar to the HOST detail or Homeless Connect Days. Additionally, the City has some former Low/Moderate Income Housing funds that may be used to fund transitional housing vouchers or to participate in funding nearby sheltering operations. Staff will develop additional budget impacts based on City Council direction.

#### Measure H

In March 2017, Los Angeles County voters approved Measure H, which levied an additional ¼ percent (0.25%) increase to the County's sales tax to provide an ongoing revenue stream – an estimated \$355 million per year for ten years — to fund homeless services, rental subsidies and housing. It is designed to fund a comprehensive regional approach encompassing 21 interconnected strategies in six areas to combat homelessness:

- Prevent homelessness
- Subsidize housing
- Increase income
- Provide case management and services
- Create a coordinated system
- Increase affordable/homeless housing

Most of this funding is being provided directly to Los Angeles Housing Services Administration, non-profit service providers, and other Los Angeles County agencies. However, some of this funding is available to cities through specialized programs such as HOST.

#### Proposition HHH

In November 2016, City of Los Angeles' voters overwhelmingly approved an additional property tax levy to fund a \$1.2 billion bond to construct an estimated 10,000 housing units over 10 years. Proposition HHH funds may be used to pay for supportive housing for homeless residents and affordable housing for very low-income residents who do not need intensive support services. Since this is a city tax rather than a countywide tax, funding to construct supportive housing units are only available to development in the City of Los Angeles. According to Mayor Garcetti's webpage, there are currently 79 projects with 4,120 supportive

Homeless Outreach Update in the City of San Fernando Page 7 of 7

housing units receiving Proposition HHH funding<sup>2</sup> in the development pipeline. The webpage does not indicate that any of the projects have completed construction.

#### **CONCLUSION:**

The issues of homelessness are complex and the causes vary. However, it's important to remember that homelessness is not a crime. SFPD will continue to enforce the City ordinances and State laws to assure issues of public health and public safety are addressed while balancing this against the need to show empathy and compassion when dealing with people experiencing homelessness.

<sup>&</sup>lt;sup>2</sup> <u>https://www.lamayor.org/HomelessnessTrackingHHH</u>, visited 7/30/2019.

AHSA

#### Page 357 of 449

ATTACHMENT "B"

## **Greater Los Angeles 2020 Homeless Count Results:**

San Fernando

Estimated total persons experiencing homelessness in the end of January 2020: 23 people (100% Unsheltered, 0% in shelters)

### Of the 23 unsheltered people,



**Note:** Data on unsheltered unaccompanied minors (under 18 years old), unsheltered transitional age youth (18-24 years old), persons in domestic violence shelters, and persons receiving motel vouchers is unavailable at the community level.

There were no sheltered people on the night of the Homeless Count.

<u>Note</u>: Interviews were conducted with persons experiencing unsheltered homelessness from December 2019 to March 2020 to approximate the number of persons in each dwelling.

# Census Tract Map of San Fernando



**Note:** The city and community jurisdictions were informed by political boundaries and community input.

Map tile by Stamen Design, under CC BY 3.0. Data by OpenStreetMap, under ODbL.

# DWELLINGS COUNTED\*Image: Colspan="3">Cars or<br/>TrucksImage: Colspan="3">Rais or<br/>SUVsImage: Colspan="3">RVs or<br/>CampersImage: Colspan="3">OImage: Colspan="3">RVs or<br/>CampersImage: Colspan="3">OImage: Colspan="3">TentsImage: Colspan="3">OImage: Colspan="3">Makeshift

Shelters

\*LAHSA applies a multiplier to the Dwellings Counted on the nights of the count. The multiplier is based on SPA demographic survey data. More information can be found at https://www.lahsa.org/homeless-count/

# 12

This Page Intentionally Left Blank


AGENDA REPORT

То:	Mayor Joel Fajardo and Councilmembers
From:	Nick Kimball, City Manager By: Matt Baumgardner, Director of Public Works
Date:	October 5, 2020
Subject:	Informational Report on the Methane Leak at the Los Angeles Department of Water and Power's Valley Generating Station in Sun Valley

#### **RECOMMENDATION:**

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

#### BACKGROUND:

- 1. On August 25, 2020, the Los Angeles Department of Water and Power (LADWP) announced during a public meeting with its Board of Commissioners that a methane leak had been detected at its Valley Generating Station (VGS) in Sun Valley.
- 2. On August 26, 2020, the South Coast Air Quality Management District (SCAQMD) was notified of the leak and coordinated testing and monitoring of the site with the LADWP.
- 3. On September 8, 2020, the LADWP provided an update to its Board of Commissioners on efforts to repair equipment causing the leak at the VGS in Sun Valley.
- 4. On September 8, 2020, Councilmember Mendoza, with City Council concurrence, requested staff prepare a report providing information related to this methane leak.

#### ANALYSIS:

The summary information contained in this report is sourced from the following references:

1) Findings provided on the SCAQMD website:

(http://www.aqmd.gov/home/news-events/community-investigations/valley-generatingstation).

PUBLIC WORKS DEPARTMENT 117 MACNEIL STREET, SAN FERNANDO, CA 91340 (818) 898-1222 WWW.SFCITY.ORG

# Informational Report on the Methane Leak at the Los Angeles Department of Water and Power's Valley Generating Station in Sun Valley

Page 2 of 4

2) Video of LADWP's presentation to its Board of Commissioners on September 8, 2020 (<u>http://ladwp.granicus.com/MediaPlayer.php?view\_id=2&clip\_id=1648</u>).

Members of the community interested in watching the presentation can click on item 8.B. to go directly to that section of the public meeting.

Timeline of Events for the Methane Leak (account provided by LADWP).

- 1. An outside study by Jet Propulsion Laboratories (JPL) was conducted in 2017 for the State of California to delineate and map sources of methane across the State.
- 2. During this 2017 study, JPL detected a source of methane at the VGS facility in Sun Valley over its compressor units.
- 3. LADWP indicated that they were not made aware of results from the JPL study until 2020.
- 4. LADWP became aware of the methane leak in August 2019 during its own internal monitoring of its compressors.
- 5. LADWP believed that methane levels from the compressor leaks did not warrant community notification because personal gas monitors worn by staff for health and safety protection did not sound an alarm. Note: These personal gas monitors will sound an alarm whenever methane reaches a concentration of 10 percent of the Lower Explosive Limit (LEL). This concentration value at 10% of LEL is equivalent to 5000 ppm (parts per million) of Methane.
- 6. From August 2019 through the first half of 2020, LADWP worked with its compressor manufacturer to determine the root cause of leaks and worked on its repair.
- 7. In August 2020, the methane plume was studied again by JPL and found to have increased in size over the compressors.
- 8. LADWP indicated that this is when it first became aware of the JPL methane study. This is when LADWP took action to notify the community and its Board on August 25, 2020.
- 9. LADWP staff reported that a round of repairs was completed on September 5, 2020 at the facility that reduced the rate of the methane leak by 95% going from a pre-repair methane rate of 150 kg/hr to a reduced rate of 3 kg/hr.
- 10. LADWP expect permanent repairs to be completed by November 2020.
- 11. SCAQMD has since studied the fence line at the perimeter of the property for emissions and found methane to be at normal background levels.
- 12. Going forward, LADWP is committing to transparency by proposing an air quality monitoring database that will be available to the public, a fence-line air quality monitoring program with

# Informational Report on the Methane Leak at the Los Angeles Department of Water and Power's Valley Generating Station in Sun Valley

Page 3 of 4

data being made available to the community, and a public notification system for future detections of methane.

Regulatory Information provided by SCAQMD.

- SCAQMD was notified of the leak on August 26, 2020.
- Beginning on August 27, 2020, SCAQMD obtained test samples from the VGS site near the source of the compressor leak.
- The highest concentration of methane detected from these samples during laboratory testing was 68 ppm.
- SCAQMD also conducted monitoring along the perimeter fence line of the VGS site and concentrations of methane were found to be consistent with normal background levels.
- SCAQMD does not regulate methane emissions, as this is done at the State level by the California Air Resources Board (CARB).
- The SCAQMD website on this event (<u>http://www.aqmd.gov/home/news-events/community-investigations/valley-generating-station</u>) will be updated as more information becomes available, including possible enforcement actions from CARB.

Additional Information Regarding Methane Gas.

- Methane is not considered a toxic pollutant.
- Methane is a colorless and odorless gas.
- Methane is considered potentially harmful in the following three ways:
  - It is highly flammable starting at concentrations of 50,000 ppm.
  - It is an asphyxiant in confined spaces. In closed off areas and high concentrations, it will displace oxygen.
  - It is a climate pollutant and a strong greenhouse gas (25 times stronger than carbon dioxide).

#### BUDGET IMPACT:

There is no financial impact related to receiving and filing this informational report. Additional future costs to be determined based on City Council direction.

# Informational Report on the Methane Leak at the Los Angeles Department of Water and Power's Valley Generating Station in Sun Valley

Page 4 of 4

#### **CONCLUSION:**

In terms of the potential impact of this methane leak to the community, reported methane concentrations are well below the LEL (Lower Explosive Limit). The highest value reported from SCQAMD laboratory testing, 68 ppm, is 0.1% of the threshold required for an explosion to occur. Since the methane leak is found outdoors in relatively low concentrations instead of in a confined space, there is no danger for the methane from this leak to displace oxygen and cause asphyxiation.

In terms of its potential to impact the environment as a greenhouse gas climate pollutant, more information will need to be presented from CARB with respect to its investigation of the leak. At the time of this report, there is no information available on the CARB website regarding this event. Data from the JPL studies do not appear to be readily available at this time and have not been mentioned to date in LADWP reporting. As more information becomes available, staff can report back to the City Council with updates.

# 13

This Page Intentionally Left Blank



# AGENDA REPORT

- To: Mayor Joel Fajardo and Councilmembers
- From: Nick Kimball, City Manager
- **Date:** October 5, 2020
- Subject:Discussion and Request for Direction of Potential Objectives and Organizational<br/>Structures of a Measure "A" Advisory Committee

#### **RECOMMENDATION:**

It is recommended that the City Council:

- a. Receive and file a presentation from staff regarding the potential objectives and organizational structures of a Measure "A" Advisory Committee; and
- b. Provide staff with direction, as appropriate.

#### BACKGROUND:

- 1. On November 6, 2018, San Fernando voters approved extending the City's existing halfpercent Transactions and Use Tax Measure (Measure "A") indefinitely.
- 2. On November 19, 2018, the City Council discussed the proposed composition, duties, and bylaws of a Measure "A" Community Advisory Committee. Subsequently, the City Council adopted Resolution No. 7895 (Attachment "A") establishing a Measure "A" Community Advisory Committee and authorized the City Manager to advertise and solicit applications from interested parties to serve on the Committee.
- 3. On September 16, 2019, the City Council discussed the Measure "A" Community Advisory Committee as adopted on November 19, 2018 and directed staff to develop guidelines to reconstitute it as a Town Hall style transparency forum to increase community participation.
- 4. On October 7, 2019, the City Council continued the discussion of the best structure for a citizen transparency forum and directed staff to return with options for alternative structures.
- 5. On October 21, 2019, staff presented two (2) alternative transparency forum structures: a) Town Hall Style Transparency Forum, and b) City Council Appointed Committee. City Council

ADMINISTRATION DEPARTMENT 117 MACNEIL STREET, SAN FERNANDO, CA 91340 (818) 898-1202 WWW.SFCITY.ORG

Discussion and Request for Direction of Potential Objectives and Organizational Structures of a Measure "A" Advisory Committee Page 2 of 4

adopted Resolution No. 7954 establishing Town Hall style Transparency Forum guidelines (Attachment "B").

- 6. On February 18, 2020 and September 14, 2020, City staff hosted Measure "A" Town Hall Forums, which are available for public review on the City's website: <u>WWW.SFCITY.ORG/Measure-A</u>.
- 7. On September 21, 2020, Mayor Fajardo discussed establishing a Measure "A" Ad-Hoc Committee consisting of two City Councilmembers and community members to review the Measure "A" annual report and provide feedback.

#### ANALYSIS:

Pursuant to direction received from City Council on September 21, 2020, staff is presenting information related to establishing a Measure "A" ad-hoc or standing committee.

#### Ad-Hoc Committee Versus a Standing Committee.

City Council may periodically form *ad hoc* committees that act as a temporary "policy advisory committee" established for a specific task or a single purpose, typically for a limited duration. Ad hoc committees are typically established to explore ways to improve processes and procedures, perform in-depth research, meet on an "as needed" basis, and ultimately present recommendations to City Council, based on their discussions, research and/or findings. While an *ad hoc* committee may include City staff and other members of the public, it may not include more than two (2) members of the City Council. A true *ad hoc* committees is dissolved upon completion of the specific task or single purpose for which it was established. Due to their temporary nature, *ad hoc* committees are not subject to Brown Act provisions requiring publicly noticed and publicly accessible meetings.

By contrast, standing committees of the City Council, irrespective of their membership composition, have either: (1) a continuing subject matter jurisdiction, or (2) a meeting schedule fixed by charter, ordinance, resolution, or formal action of the City Councl. Even if comprised of less than a quorum of the City Council (i.e. two or fewer Councilmembers), a standing committee is subject to the Brown Act and requires publicly noticed and publicly accessible meetings.

For example, if a governing body creates long-term committees on budget and finance or on public safety, those standing committees would be subject to the Brown Act. Additionally, function over form controls. For example, a statement by the City Council that "the advisory committee shall not exercise continuing subject matter jurisdiction" or the fact that the committee does not have a fixed meeting schedule is not determinative.<sup>1</sup>

#### Potential Committee Objectives and Structure

<sup>&</sup>lt;sup>1</sup> <u>https://www.cacities.org/Member-Engagement/Professional-Departments/City-Attorneys-</u> Department/Publications/Open-Public-IV\_-A-Guide-to-the-Ralph-M-Brown-Act-(.aspx; visited on 9/28/2020

#### Discussion and Request for Direction of Potential Objectives and Organizational Structures of a Measure "A" Advisory Committee Page 3 of 4

When considering the objectives and structure of a Measure "A" Advisory Committee, City Council may want to contemplate the following organizational characteristics.

Objectives.

The objectives for the Committee may include: (1) reviewing the Annual Report of collection, management, and expenditure of Measure "A" revenues, and (2) providing general recommended budget priorities for use of Measure "A" funds as part of the annual budget process. General recommended budget priorities include, but are not limited to, paying down debt, establishing reserves, investing in capital improvements, replacing equipment, adding staff, etc.

#### Meetings.

- a) Ad Hoc: If organized as an ad hoc, the Committee could meet as often as possible to achieve the stated objectives. The objectives would need to be structured in a way that there is a reasonable and finite period of time; or reasonable and clear goals to be met. Upon completion of the time period or stated goals, the Committee would be disbanded. Under this structure, the meetings would not be subject to the Brown Act. On this point, it is cautioned that giving an ad hoc committee a lengthy, albeit finite, duration, may be construed as an impermissible end run around the Brown Act, particularly if the committee becomes intricately involved in a broader range of City Council decision making efforts.
- b) *Standing Committee*: If organized as a standing committee, the Committee would set regular meeting dates and times to discuss items related to the stated objectives. The Committee would have no termination date. Under this structure, the meetings would be subject to the Brown Act.

# Membership.

Under either structure (i.e. ad hoc or standing committee), the Committee may consist of no more than two (2) City Councilmembers and as many community representatives as deemed appropriate by City Council. Membership could be reserved for certain community organizations (e.g. President of certain City labor groups, President of the San Fernando Chamber of Commerce, representative from Neighborhood Watch, etc.); or Councilmembers could nominate and appoint individuals (similar to the Commissioner appointment process); or some combination of the two.

# Committee Term.

- a) *Ad Hoc*: If organized as an *ad hoc*, the Committee would automatically disband upon completion of the Committee's goals and objectives, therefore, defined term limits would not be required.
- b) *Standing Committee*: If organized as a standing committee, City Council may consider setting terms and term limits to encourage participation by different community representatives.

Discussion and Request for Direction of Potential Objectives and Organizational Structures of a Measure "A" Advisory Committee Page 4 of 4

#### **BUDGET IMPACT:**

As part of the Department's annual work program, the Finance Department currently dedicates staff resources to develop the annual City Budget, prepare the Measure "A" Annual Report, and host the Measure "A" Town Hall meetings. It is anticipated that supporting any additional Measure "A" related committees, including but not limited to, preparing the agenda, responding to requests for information, providing technical assistance, taking minutes, preparing/disseminating meeting materials, and performing follow-up activities will require approximately eight hours of staff time per meeting.

#### CONCLUSION:

Staff recommends that the City Council receive and file a presentation regarding potential objectives and organizational structures of a Measure "A" Advisory Committee and provide direction, as appropriate.

#### **ATTACHMENTS:**

- A. Resolution No. 7895, with Exhibit 1 (Measure "A" Community Advisory Committee)
- B. Resolution No. 7954, with Exhibit 1 (Town Hall Style Transparency Forum Guidelines)

#### ATTACHMENT "A"

#### **RESOLUTION NO. 7895**

# A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, ESTALISHING A MEASURE "A" COMMUNITY ADVISORY COMMITTEE

WHEREAS, on June 4, 2013, San Fernando voters approved a half-cent temporary local Transaction and Use Tax that sunsets on October 1, 2020; and

WHEREAS, Chapter 82, Article V, Section 82-132 of the City Code requires an Annual Report on the collection, management, and expenditure of the Measure A funds prior to October 1<sup>st</sup> each year; and

WHEREAS, Chapter 82, Article V, Section 82-132 of the City Code also requires an overview of the Annual Report be presented to City Council at an open and public meeting and that the Annual Report be a public document; and

WHEREAS, on June 4, 2018, City Council approved placing a question on the November 6, 2018 ballot relating to extension of the existing half-cent local Transaction and Use Tax until it is repealed by San Fernando voters; and

WHEREAS, the Los Angeles County Registrar/Recorder has notified the City that the upcoming ballot measure has been assigned the title "Measure A"; and

WHEREAS, should the extension be approved by San Fernando voters on November 6, 2018, the City Council has determined the establishment of a Measure "A" Community Advisory Committee is in the best interests of San Fernando; and

WHEREAS, it is the intent of the City Council that the Measure "A" Community Advisory Committee shall review the annual report required by Chapter 82, Article V, Section 82-132 of the City Code; and

WHEREAS, it is also the intent of the City Council that the Measure "A" Community Advisory Committee shall provide general recommended priorities for use of Measure "A" funds as part of the annual budget process (e.g. pay down debt, establish reserves, invest in capital improvements, replace equipment, add staff, etc.); and

WHEREAS, it is within the City Council's authority to establish a committee for a specified purpose.

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

Section 1. The Measure "A" Community Advisory Committee shall be established upon certification of the affirmative election results. If Measure "A" fails, then the "Measure A Community Advisory Committee" shall not be established.

Section 2. The Measure "A" Community Advisory Committee shall consist of up to seven (7) voting members as follows: two (2) residents, two (2) representatives of the business community, two (2) labor representatives, and one (1) at-large member.

Section 3. Committee members shall be appointed by City Council after the prospective candidate submits an application of interest to fill a vacant position. Applicants must indicate which vacant position they are interested in.

Section 4. The Measure "A" Community Advisory Committee By-Laws, attached hereto as Exhibit "1" and incorporated herein by this reference, are hereby approved and may be amended by resolution of the City Council.

This Resolution shall take effect immediately upon its adoption. The City Section. 5. Clerk shall certify the adoption of this Resolution.

**PASSED, APPROVED, AND ADOPTED** this 19<sup>th</sup> day of November, 2018.

Sylvia Ballin, Mayor

**ATTEST:** 

<u>Una Y Clavy</u> Elena G. Chávez, City Clerk

STATE OF CALIFORNIA ) ss **COUNTY OF LOS ANGELES 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 19<sup>th</sup> day of November, 2018, by the following vote to wit:

AYES: Ballin, Fajardo, Gonzales, Lopez - 4

NOES: None

ABSENT: Soto - 1

<u>Una Y Clavk</u> Elena G. Chávez, City Clerk

2



EXHIBIT "1"

**ADVISORY COMMITTEE** 

# **Date:** November 19, 2018

# Subject: Measure "A" Community Advisory Committee By-Laws

#### PURPOSE:

To review the Annual Report of collection, management and expenditure of the local half-cent Transaction and Use Tax (Measure "A") revenue as required by Chapter 82, Article V, Section 82-132 of the City Code and make non-binding recommendations to the City Council general priorities for the use of Measure "A" funds during the annual budget process.

#### **ARTICLE 1 - ORGANIZATION:**

- 1. <u>Composition</u>
  - a. The Measure "A" Community Advisory Committee (hereinafter Committee) shall consist of up to seven (7) members appointed by the City Council, consisting of: up to two (2) residents, up to two (2) representatives of the business community, up to two (2) labor representatives, and one (1) at-large member.
    - i. The Resident Members shall be registered voters of the City.
    - ii. The Business Community Members shall own or be the primary operator of a duly licensed business physically located within the City limits.
    - iii. The Labor Representative Members shall be an active City employee and a member of one of the City's non-management bargaining groups (e.g. SEIU Local 721, San Fernando Police Officers Association, and San Fernando Police Civilians Association). Labor Representatives shall not be employees of either the Finance Department or City Manager's Office.
  - b. Prospective candidates must submit a completed application of interest to fill a vacant position. Applicants must indicate which vacant position they are interested in and provide proof of qualification for the position based on the criteria identified in subsection (a)(i-iii).

#### 2. Terms of Office

- a. Except as otherwise provided under paragraph (d), below, appointments will be for two (2) year terms running from November 1<sup>st</sup> through October 31<sup>st</sup>. The term is structured to encompass the budget recommendation timeframe (February/March), the Annual Report timeline (September), as well as coincide with the annual City Council reorganization.
- b. Except as otherwise provided under paragraph (e), below, members shall serve a maximum of two (2) consecutive terms. If a member serves a partial term in excess of two (2) years, it shall be considered one term for the purposes of these By-Laws.
- c. A former Member may be re-appointed two (2) years after the expiration of their last term. Upon reappointment, the Member will be subject to the limitations in Paragraphs (a) and (b) of this Section from their new appointment date.
- d. Initially, one (1) Resident Member, one (1) Business Community Member, and one (1) Labor Representative Member will serve a one (1) year term. Members that serve the initial one-year term may serve a third term.
- e. Paragraphs (a) and (b) of this Section notwithstanding, all members shall serve at the pleasure of the City Council and may be removed and replaced by action of the City Council at any time with or without cause.

# 3. Appointments to Fill Vacancies

- a. If a vacancy occurs, the City Council may, but shall not be required to, appoint a replacement for the remainder of the term for that seat.
- b. Prospective replacements must complete an application of interest to fill the vacant position.

# 4. <u>Absence of Committee Members</u>

a. Any member who, within a twelve (12) month period, has two (2) absences shall be referred to the City Council for consideration for replacement.

# 5. <u>Compensation and Reporting</u>

a. Members of the Committee shall serve without compensation for their service on the Committee.

#### Measure "A" Community Advisory Committee By-Laws Page 3 of 5

b. Members shall take any mandatory training prior to serving or, if deemed appropriate by the City Manager, within 180 days of being appointed by the City Council.

#### **ARTICLE 2 - DUTIES:**

- 1. In accordance with Chapter 82, Article V, Section 82-132 of the City Code, the Committee shall receive and review the Annual Report of collection, management, and expenditure of local Transaction and Use Tax revenues.
- 2. The Committee shall provide general recommended budget priorities for use of Measure "A" funds as part of the annual budget process. General recommended budget priorities include, but are not limited to, paying down debt, establishing reserves, investing in capital improvements, replacing equipment, adding staff, etc.
- 3. The operation of this Committee is subject to all applicable laws, including but not limited to, the City Code and other Ordinances, Resolutions and Policies adopted by the City Council.

#### **ARTICLE 3 - OFFICERS:**

- 1. Designation of Officers
  - a. At the initial meeting and at the first meeting in or after November 1<sup>st</sup> of each year, the Committee shall elect a Chair and Vice-Chair from among its membership.
  - b. The Chair and Vice-Chair shall serve at the pleasure of the Committee.
  - c. Subject to Section 2(d) of Article I, above, the Chair and Vice-Chair shall serve terms of one (1) year commencing upon their appointment and concluding on the latter of October 31<sup>st</sup> of the following year or the election of their successors.
- 2. Duty of the Officers
  - a. The Chair shall preside over all Committee meetings.
  - b. The Vice-Chair shall act as the Chair in his/her absence.

**Measure "A" Community Advisory Committee By-Laws** Page 4 of 5

#### **ARTICLE 4 - MEETINGS:**

- Bi-annual Meetings: The Committee shall meet at least twice each year: (1) in the month of September to review the Annual Measure "A" Report and select Officers, and (2) in February to discuss recommended budget priorities for Measure "A" revenues.
- 2. Regular Meetings: The Committee will determine time, place, and frequency to hold regular meetings.
- 3. Special Meetings: Special meetings may be called at any time by the Chair or a majority of appointed members.
- 4. All meetings shall be called, noticed, held, and conducted in accordance with the provisions of the Ralph M. Brown Act (commencing with California Government Code Section 54950)
- 5. A majority of appointed members shall constitute a quorum. Each Committee Member shall be entitled to one vote. Approval of any matter requires an affirmative vote from the majority of members present.
- 6. The Committee may refer to the latest edition of Robert's Rules of Order for guidance, interpretation or to supplement these By-Laws. The foregoing notwithstanding, in the event of any conflict or inconsistency between the provisions of these By-Laws, the San Fernando Municipal Code or any other resolution of the City Council and the provisions of Robert's Rules of Order, the provisions of these By-Laws, the San Fernando Municipal Code and/or the resolution of the City Council shall govern and control but only to the extent of the conflict or inconsistency and no further. Failure to strictly follow Robert's Rules of Order shall not invalidate any action of the Committee.
- 7. Consensus among a majority of Committee members present must exist in order to place an item on a future agenda for discussion, or to request research by staff.
- 8. The issuance of written recommendations by the Committee for any given budget year shall not be a condition precedent to the City Council's ability to approve the City's annual general fund budget in an given year.

# **ARTICLE 5 - STAFF SUPPORT:**

- 1. The Director of Finance and Finance Department staff, as directed and determined by the Director of Finance, shall provide staff support to the Committee to include:
  - a. Agenda preparation and posting.

- b. Respond to requests for information by the Committee.
- c. Provide technical assistance and advice to the Committee.
- d. Take minutes and coordinate preparation and dissemination of materials.
- e. Perform follow-up activity as requested and consistent with the duties of the Committee.
- 2. In the event the Director of Finance determines that a request for research by the Committee is not within the approved tasks or duties of the Committee as stated in the "DUTIES" Section of these By-Laws, or that the request requires a dedication of staff time that is not available within the requirements of day-to-day operations, the Director of Finance shall confer with the City Manager. The City Manager shall decide whether the staff support shall be provided in that instance. The Committee may appeal the City Manager's decision to the City Council.

#### **ARTICLE 6 - AMENDMENT TO BY-LAWS:**

1. These By-Laws may only be amended by resolution of the City Council.

#### ATTACHMENT "B"

#### **RESOLUTION NO. 7954**

# A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, MANDATING THE CONDUCT OF AN ANNUAL TRANSPARENCY FORUM TO RECEIVE PUBLIC INPUT ON THE USE OF TRANSACTIONS AND USE TAX REVENUES; ESTABLISHING GUIDELINES FOR THE CONDUCT OF THE SAME AND REPEALING RESOLUTION 7895

**WHEREAS,** on June 4, 2013, San Fernando voters approved a half-cent temporary local Transaction and Use Tax that sunsets on October 1, 2020; and

WHEREAS, Chapter 82, Article V, Section 82-132 of the City Code requires an Annual Report on the collection, management, and expenditure of the Measure A funds prior to October 1<sup>st</sup> each year; and

**WHEREAS,** Chapter 82, Article V, Section 82-132 of the City Code also requires an overview of the Annual Report be presented to City Council at an open and public meeting and that the Annual Report be a public document; and

WHEREAS, on June 4, 2018, City Council approved placing a question on the November 6, 2018 ballot relating to extension of the existing half-cent local Transaction and Use Tax until it is repealed by San Fernando voters; and

**WHEREAS,** the ballot measure to extend the City's half-cent Transaction and Use Tax, Measure A, was approved by San Fernando voters at the General Municipal Election of November 6, 2018; and

WHEREAS, as part of the City Council's review of the annual report required by Chapter 82, Article V, Section 82-132 of the San Fernando Municipal Code, the City Council wishes to maximize public input in the setting of priorities for the use of Measure "A" funds; and

WHEREAS, the establishment of an annual town hall style forum in which all members of the public may attend and provide testimony regarding the priorities for the use of Measure A funds; and

**WHEREAS,** the City Council will review the Measure "A" Committee Guidelines no later than December 2020 to determine whether they need to be amended.

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

<u>Section 1.</u> At least once each fiscal year, concurrent with the presentation to the City Council of the annual report called for under Chapter 82, Article V, Section 82-132 of the San Fernando Municipal Code, the City Council shall conduct a public hearing wherein members of

the public may offer oral or written comment concerning suggested priorities for the expenditure of Measure "A" tax revenues for the upcoming fiscal year. The annual forum shall be conduct in accordance with those polices set forth in the document entitled "Measure A Transparency Forum Guidelines" which is attached and incorporated hereto as Exhibit "A".

Section 2. San Fernando City Council Resolution No. 7895 ("Resolution No. 7895") is hereby repealed, rescinded, superseded and replaced by this Resolution. Any authorization or direction given pursuant to Resolution No. 7895 is hereby rescinded.

Section 3. This Resolution shall take effect immediately upon its adoption. The City Clerk shall certify the adoption of this Resolution.

**PASSED, APPROVED, AND ADOPTED** this 21<sup>st</sup> day of October 2019.

Joel Fajardo, Mayor

**ATTEST:** 

Elena G. Chávez, City Clerk

**STATE OF CALIFORNIA** ) ss **COUNTY OF LOS ANGELES 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 October 2019, by the following vote to wit:

Fajardo, Ballin, Pacheco, Mendoza - 4 AYES:

NOES: Gonzales - 1

**ABSENT:** None

Clena y Clavy Elena G. Chávez, City Clerk



TRANSPARENCY FORUM

Date: October 21, 2019

# Subject: Measure "A" Transparency Forum Guidelines

#### PURPOSE:

To review the Annual Report of collection, management and expenditure of the local half-cent Transaction and Use Tax (Measure "A") revenue as required by Chapter 82, Article V, Section 82-132 of the City Code and make non-binding recommendations to the City Council general priorities for the use of Measure "A" funds during the annual budget process.

# ARTICLE 1 - ORGANIZATION:

 The Measure "A" Transparency Forum (hereinafter Transparency Forum or Forum) shall be open to any and all interested members of the community. Community members that participate in the bi-annual Town Hall style Transparency Forums (see Article 3 – Meetings) may provide feedback to City Council and staff that will form the basis of any recommendation to City Council as it relates to the Forum's objectives as described in Article 2 of these Guidelines.

# ARTICLE 2 - OBJECTIVES:

- 1. In accordance with Chapter 82, Article V, Section 82-132 of the City Code, the Annual Report of collection, management, and expenditure of local Transaction and Use Tax revenues shall be presented and considered at a Transparency Forum.
- 2. A Transparency Forum may be held to discuss general recommended budget priorities for use of Measure "A" funds as part of the annual budget process. General recommended budget priorities include, but are not limited to, paying down debt, establishing reserves, investing in capital improvements, replacing equipment, adding staff, etc.

# **ARTICLE 3 - MEETINGS:**

1. <u>Tri-annual Meetings</u>: The City may hold Town Hall style Transparency Forums three times each year: (1) in the month of September to review the Annual Measure "A" Report as described in Article 2.1, (2) in February to discuss recommended budget priorities for

Measure "A" Transparency Forum Guidelines Page 2 of 2

Measure "A" revenues as described in Article 2.2, and (3) during the budget process (April – June) in conjunction with City Council priorities.

- 2. <u>Date, Time and Location</u>: The date, time and location of the Forums shall be noticed in an adjudicated newspaper of general circulation and posted on the City's website at least seven (7) days prior to the scheduled meeting. Agenda materials for the Forums will be posted to the City's website no less than seventy-two (72) hours prior to the noticed meeting. Transparency Forums will be held on the same day as a Regular or Special meeting of the City Council. At the Presiding Officer's discretion, the Transparency Forum will be called to order either prior to the start of the City Council meeting or upon adjournment of the City Council meeting.
- 3. <u>Town Hall Style Transparency Forums</u>: Town Hall style Transparency Forums are more informal and offer more opportunity for community engagement than a traditional City Council meeting. Transparency Forums will have the following components:
  - a. City staff will present agenda material to the audience; and
  - b. Subsequent to presentation of agenda material, there will be an opportunity for all attendees to pose questions and provide feedback; and
  - c. City Council and staff will respond to questions and feedback from attendees.

#### **ARTICLE 4 - AMENDMENT TO GUIDELINES:**

1. These Guidelines may be amended by resolution of the City Council.

# 14

This Page Intentionally Left Blank



# AGENDA REPORT

- To: Mayor Joel Fajardo and Councilmembers
- From: Nick Kimball, City Manager
- **Date:** October 5, 2020
- Subject:Review and Discuss the Inaugural Temporary Mural Installation and Related Mural<br/>Ad Hoc Committee Recommendations

#### **RECOMMENDATION:**

It is recommended that the City Council:

- a. Receive a presentation and report from staff;
- b. Discuss the recommendations from the Mural Ad Hoc Committee;
- c. Approve the artist's temporary mural concept (Attachment "A"), subject to revisions;
- d. Authorize the City Attorney to prepare a license agreement; and
- e. Provide additional direction as appropriate.

#### **BACKGROUND:**

- 1. On February 5, 2018, staff presented a proposed ordinance regulating the review and approval of art murals on private property (Attachment "B"). The item was discussed but no final action was taken.
- 2. On February 18, 2020, the City Council established a Mural Ad Hoc (Gonzales, Mendoza) to review information and develop policy recommendations related to establishing a mural program.
- 3. On August 17, 2020, Councilmember Mendoza presented a proclamation celebrating the 100year anniversary of women's right to vote and members of the 100-Year Anniversary of Women's Right to Vote Ad Hoc (Ballin, Mendoza) requested staff to explore painting a mural on public property to commemorate the 100-year anniversary.

**Review and Discuss a Temporary Mural Pilot Program and Related Mural Ad Hoc Recommendations** Page 2 of 4

- 4. On August 17, 2020, the Mural Ad Hoc was reconstituted to include Mayor Fajardo and Councilmember Mendoza.
- 5. On September 1, 2020, the Mural Ad Hoc met to discuss the process for a Women's Suffrage 100-Year Anniversary Commemorative mural as well as establishing a process for allowing murals on private property in the City.
- 6. On September 8, 2020, the City Council discussed recommendations from the Mural Ad Hoc related to a mural to commemorate the 100-year anniversary of women's right to vote and directed staff to move forward with developing a process to paint said mural on a publicly owned building.
- 7. On September 8, 2020, the City Council discussed certain ad hoc committee assignments and directed staff to return with a consent item at the next regular City Council meeting to reinstate prior councilmember appointments to the Green City Ad Hoc, Street Tree Ad Hoc, and Wild Horse Foundation Ad Hoc. The City Council also directed staff to include new councilmember assignments to the Mural Ad Hoc (Councilmembers Ballin and Gonzales) and to include discussion of a temporary mural program in the Mural Ad Hoc scope of work.
- 8. On September 14, 2020, the Mural Ad Hoc met with local artist Lalo Garcia to discuss a possible Temporary Mural Pilot Program.
- 9. On September 21, 2020, City Council discussed the Mural Ad Hoc recommendations to develop a temporary mural pilot program in the publicly owned right-of-way and directed staff work with Mr. Garcia to present a concept for a mural to be placed on the fence line at Parking Lot 6N.
- 10. On September 29, 2020, Mr. Garcia presented a conceptual sketch to staff (Attachment "A"), which was provided to the Mural Ad Hoc for feedback.

#### ANALYSIS:

Pursuant to City Council direction on September 21, 2020, staff worked with local artist Lalo Garcia to establish a temporary mural pilot program with the inaugural installation focused on keeping the "Children in Cages" policy at the forefront on the national policy discussion through art.

Mr. Garcia was able to visit the recommended site and provided a conceptual drawing (Attachment "A") to staff and the Ad Hoc Committee. To create a mural that is large enough to be seen, Mr. Garcia recommends using a plywood canvass that is 8 feet in height by 8 feet in width (i.e. two standard sheets of plywood screwed together), which fits well in the proposed

**Review and Discuss a Temporary Mural Pilot Program and Related Mural Ad Hoc Recommendations** Page 3 of 4

space. The concept is to paint a room with children inside, then place a physical chain link fence in front of the mural.

Below are the proposed parameters for the inaugural temporary mural installation being created by Mr. Garcia:

- <u>Canvas and Location</u>: The Ad Hoc Committee recommends the proposed temporary mural uses two standard four-foot by eight-foot pieces of smooth plywood as a canvas and it be installed on the City owned wrought iron fence at Parking Lot 6N facing the bike path in the railroad right-of-way.
- 2) <u>Budget</u>: For the proposed temporary mural, the cost of the materials and labor to produce the mural will be the responsibility of the artist. The City will be responsible for installing the temporary mural and securing it to the fence in the right-of-way. See the Budget Impact section for additional information related to funding for this project.
- 3) <u>Duration of the Installation</u>: The Ad Hoc Committee recommends the proposed temporary mural is on display for six months from the date of installation. At the end of the six month period, the mural will be returned to the artist in "as-is" condition.
- 4) <u>Review of Concept:</u> The Ad Hoc Committee recommends the inaugural temporary mural be approved by the City Council after review of the conceptual drawing. Subsequent temporary murals will be reviewed pursuant to the temporary mural program guidelines that will be developed and presented to City Council during this pilot period.
- 5) <u>Maintenance and Ownership</u>: The Mural Ad Hoc Committee recommends that the artist retain ownership of the artwork, subject to a license agreement allowing the City to use the image in various media, and be responsible for all maintenance. At the City's sole discretion, the City may remove the art mural and return it to the artist at any time prior to the end installation term. Additionally, the City will require a graffiti coating to reduce maintenance and deter vandalism.

#### **BUDGET IMPACT:**

Public Works Facility Division staff has reviewed the proposed installation location and estimates the cost for labor and materials to make a bracket and secure a temporary mural painted on two (4) four-foot by eight-foot piece of plywood to be less than \$500.

**Review and Discuss a Temporary Mural Pilot Program and Related Mural Ad Hoc Recommendations** Page 4 of 4

#### **CONCLUSION:**

Staff recommends that the City Council review and approve the proposed concept for the temporary mural and provide staff direction to move forward, as appropriate.

#### **ATTACHMENTS:**

- A. City Council Agenda Report: Consideration to Adopt an Ordinance Regulating the Review and Approval of Art Murals on Private Property (2/5/18)
- B. Conceptual drawing by artist Lalo Garcia



# Pilot Mural Program – Conceptual Drawing by Artist Lalo Garcia



ATTACHMENT "B"

# AGENDA REPORT

- To: Mayor Sylvia Ballin and Councilmembers
- From: Alexander P. Meyerhoff, City Manager
- Date: February 5, 2018
- Subject: Consideration to Adopt an Ordinance Regulating the Review and Approval of Art Murals on Private Property

#### **RECOMMENDATION:**

It is recommended that the City Council:

- a. Introduce for first reading, in title only, and waive further reading of Ordinance No. 1673 (Attachment "A") titled, "An Ordinance of the City Council of the City of San Fernando, California amending Chapter 22 (Businesses) of the San Fernando Municipal Code by the addition of a new Article IX (Art Murals on Private Property);"
- b. Adopt Resolution No. 7839 establishing a Mural Permit Application Fee; and
- c. Authorize the City Manager to execute all related documents.

# BACKGROUND:

- 1. Public art has the potential to enhance the quality of life for individuals living in, working in, and visiting San Fernando by enhancing the physical beauty of the community; encouraging the development and appreciation of art; and enhancing the quality of development projects and the image of the community.
- 2. Section 2.433 of the San Fernando Municipal Code (Duties and Powers of the Cultural Arts Commission) states that "The commission will be a working commission and is charged with planning and implementing cultural special events and planning and commissioning art in public places (e.g., murals, sculptures, city monuments, etc.)."
- 3. The Municipal Code is silent with regards to the approval process for the review and approval of art murals on private property.

# Consideration to Adopt an Ordinance Regulating the Review and Approval of Art Murals on Private Property

Page 2 of 3

4. On June 6, 2016, the City Council Ad Hoc Committee on Commissions recommended and the City Council subsequently approved moving the Cultural Arts Commission liaison members to the Parks, Wellness and Recreation Commission.

#### ANALYSIS:

The purpose of this Ordinance is to permit and encourage art murals on private property on a content-neutral basis under certain terms and conditions. Murals comprise a unique medium of expression that serves the public interest. Murals have purposes distinct from commercial signs and confer different benefits.

Such purposes and benefits include improved aesthetics; avenues for original artistic expression; public access to original works of art, community participation in the creation of original works of art, community-building through the presence of an identification with original works of art, education about the history of the City depicted in original works of art, and a reduction in the incidence of vandalism.

Murals can increase community identity and foster a sense of place if they are located in a manner visible to pedestrians, are retained for substantial periods of time, and include a neighborhood process for discussion.

This Ordinance promotes the general welfare by encouraging pride in the community. A program to review and approve murals on private property may contribute to building vibrant and distinctive spaces through placemaking, and can positively impact the community by increasing property values, enhancing the quality of life through artistic opportunities, uniting the community through shared cultural experiences, and creating a cultural legacy for future generations through the collection and exhibition of high-quality art that reflects diverse styles that will acknowledge the past and usher in the future.

# **BUDGET IMPACT:**

Approval of the proposed Ordinance will have minimal fiscal impact. There will be an impact on staff time to review a mural application and present the application to the Parks, Wellness and Recreation Commission. Therefore, staff recommends an initial application fee of \$100 to process mural applications. This fee will be reviewed during future user fee updates and may be adjusted as appropriate.

# Consideration to Adopt an Ordinance Regulating the Review and Approval of Art Murals on Private Property

Page 3 of 3

#### CONCLUSION:

It is recommended that the City Council adopt the proposed Ordinance to establish a procedure for the review and approval of murals on private property.

#### **ATTACHMENTS:**

- A. Ordinance No. 1673
- B. Resolution No. 7839

#### **ATTACHMENT "A"**

#### **ORDINANCE NO. 1673**

# AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA AMENDING CHAPTER 22 (BUSINESSES) OF THE SAN FERNANDO MUNICIPAL CODE BY THE ADDITION OF A NEW ARTICLE IX (ART MURALS ON PRIVATE PROPERTY)

**WHEREAS,** public art enhances the quality of life for individuals living in, working in, and visiting San Fernando by enhancing the physical beauty of the community; encouraging the development and appreciation of art; and enhancing the quality of development projects and the image of the community; and

WHEREAS, this Ordinance, will promote the general welfare by encouraging pride in the community, build vibrant and distinctive spaces through placemaking, increasing property values, enhancing the quality of life through artistic opportunities, uniting the community through shared cultural experiences, and creating a cultural legacy for future generations through the collection and exhibition of high-quality art that reflects diverse styles that will acknowledge the past, usher in the future and create programs and activities that will further these goals.

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

**SECTION 1.** Chapter 22 (Businesses) of the San Fernando Municipal Code is hereby amended by the addition of a new Article IX entitled "Art Murals on Private Property" which shall state the following:

Article IX.	Art Murals on Private Property
Section 22-500.	Purpose.
Section 22-501.	Definitions.
Section 22-502.	Permit Required.
Section 22-503.	Application Procedure.
Section 22-504.	Permit Revocation, Expiration.
Section 22-505.	Mural Requirements.
Section 22-506.	Fees and Policies.
Section 22-507	Violation; Penalty.

Section 22-500.

Purpose.

The purpose of this Article is to permit and encourage the display of art murals on publicly visible and/or accessible areas on private property on a content-neutral basis under certain terms and conditions. Murals comprise a unique medium of expression that serves the public interest. Murals have purposes distinct from signs and confer different benefits. Such purposes and benefits include improved aesthetics; avenues for original artistic

expression; public access to original works of art, community participation in the creation of original works of art, community-building through the presence of an identification with original works of art, education about the history of the City depicted in original works of art, and a reduction in the incidence of vandalism. Murals can increase community identity and foster a sense of place if they are located in a manner visible to pedestrians, are retained for substantial periods of time, and include a neighborhood process for discussion.

Section 22-501. Definitions.

For purposes of this Article:

"Alteration" means any change to a permitted mural, including but not limited to any change to the image(s), materials, colors, or size of the permitted mural. "Alteration" does not include naturally occurring changes to the mural caused by exposure to the elements or the passage of time. Minor changes to the permitted mural that result from the maintenance or repair of the mural shall not constitute "alteration." Such minor changes may include slight and unintended deviations from the original image, colors, or materials that occur when the permitted mural is repaired due to the passage of time or as a result of vandalism.

"Applicant" means an applicant for a mural permit application under this Article.

"City Council" means the City Council of the City of San Fernando.

"Commission" means the Parks, Wellness and Recreation Commission established under Article II (Parks, Wellness and Recreation Commission) of Chapter 54 (Parks and Recreation) of the San Fernando Municipal Code.

"Permittee" means an applicant who has received a mural permit pursuant to the process outlined in this Article.

"Mural" means an original work of visual art produced by hand that is tiled, painted directly upon, or affixed directly to an exterior wall of a structure.

Section 22-502. Permit Required.

It is unlawful for any person, firm, corporation, or other entity to authorize, erect, construct, maintain, move, alter, change, place, suspend, or attach any mural within the City without first (i) obtaining final approval from the Commission, or the City Council on appeal and (ii) satisfying all of the requirements set forth in this Article. This Article shall not apply to murals located on property owned by any public agency, including the City of San Fernando.

Section 22-503. Application Procedure.

- A. Any person, firm, corporation, or other entity desiring to place a mural on any property shall first submit an application to the Community Development Department. A mural permit application shall include the following information:
  - 1. Name and address of the creator of the mural.
  - 2. Name and address of the owner, operator, or person in possession of the premises where the mural is proposed to be located.
  - 3. A detailed drawing or sketch of the proposed mural that is scale and in color.
- *B.* A mural permit application shall be submitted with all required fees as established by resolution of the City Council.
- C. The Community Development Department shall submit each completed application to the Commission for review as to the compatibility of the proposed mural in the location and on the specific structure the mural is proposed, and all other applicable requirements of Chapter 106 (Zoning) of the San Fernando Municipal Code.
- D. Prior to any action by the Commission, the Applicant shall post an 11"x17" color rendering of the proposed mural on site for no less than 10 calendar days prior to the scheduled public meeting at the which the proposed mural is to be considered by the commission. It shall be the applicant's responsibility to post the rendering and ensure that said rendering is posted for the entire 10-day period prior to the meeting. The rendering shall also include a notice advising the public of the date, time and location of the public hearing and that interested members of the public are invited to attend the public hearing. No mural shall be permitted until the Applicant has certified that notification has been completed.
- E. Each mural permit application will be considered at a public meeting of the Commission for final review. The Commission's decision to issue or deny the mural permit shall be final, unless any aggrieved party submits a written request for appeal of the Commission's decision (along with any applicable appeal fees established by City Council resolution) to the City Council, care of the Office of the City Clerk, during City's regular business hours, within 7 calendar days from the date of the Commission's decision. The City Council shall conduct a public hearing on any timely filed appeal within 60 calendar days of the date the notice of appeal is filed. The decision of the City Council on appeal shall be final. The Commission's issuance of a permit shall not take effect until the end of the 7-day appeal period and in the event a timely appeal is filed, the permit shall not take effect unless and until the City Council upholds the Commission's decision to issue the permit.
- F. The written appeal shall state in detail the specific grounds for the appeal; shall include any and all documentary, photographic, digital and/or audio evidence the appellant deems relevant to the appeal; and shall identify any and all Municipal Code provisions or other legal authorities, if any, that support appellant's request that the Commission's decision be overturned or otherwise modified. The City Council shall

be under no obligation to consider grounds for an appeal that are not expressly stated in the appellant's appeal application nor shall the City Council be under any obligation to consider evidence that was not timely submitted along with the appeal application. A submitted appeal application may not be amended, supplemented or otherwise modified following the deadline for submitting appeals. The appellant, at its sole cost and expense, shall submit two copies of all appeal documentation and evidence filed with the City Clerk as part of the appeal so that a copy set may be provided to the permit applicant for review prior to the appeal hearing. A copy of such appeal materials shall be delivered to the permit applicant not less than 15 calendar days prior to the date of the appeal hearing and the permit applicant may submit a written rebuttal along with any documentary, photographic, digital and/or audio evidence the permit applicant deems relevant to oppose the appeal, provided that such rebuttal materials are filed with the City Clerk, during the City's regular business hours, no less than 7 calendar days prior to the scheduled date of the appeal hearing. The permit applicant, at its sole cost and expense, shall submit two copies of all rebuttal documentation and evidence filed with the City Clerk and the City Clerk shall, in turn, forward such materials to the appellant for review not less than 3 calendar days prior to the scheduled date of the appeal hearing.

G. A permit issued under this Article is granted for the specific design and one-time production of the mural as presented in the application. Any alterations must be submitted to the Community Development Director for review and may require additional public hearing and approval by the Commission for the same procedures and noticing requirements as would otherwise apply for a permit application for a new mural.

#### Section 22-504. Permit Revocation, Expiration.

- A. A mural permit is revocable by the Community Development Director if it is determined at any time that the mural conflicts with the information provided in the application or with any one of the requirements listed in Section 22-505 (Mural Requirements), below.
- B. Any person issued a permit shall agree to work diligently to construct, install and complete any mural for which a permit has been granted. In recognition of the forgoing, a permit issued pursuant to the Article shall automatically expire upon the occurrence of either of the following: (i) the mural has not been completed within 2 years from the date the permit was issued; or (ii) the permittee has not commenced the construction and/or installation of the mural within 1 year from the date the permit was issued. If a permit expires pursuant to romanette (i) in the preceding sentence, the permit holder, at the permit holders sole cost and expense, shall be required to restore the subject property to its original condition, notwithstanding any partial work that may have been constructed or installed.
- *C.* Upon completion of the mural, the permittee shall promptly notify the Community Development Director in writing so that a final inspection may be conducted and a
release of the permit may be issued. In no event shall the permittee delay more than 7 calendar days in notifying the Community Development Director that the mural is completed and ready for final inspection and possible release. Notwithstanding the City's final inspection, the permit shall not be released nor the mural deemed complete for purposes of Section 22-504(B) until such time as the permittee has recorded the covenant referenced under Section 22-505(G), below.

#### Section 22-505. Mural Requirements.

Murals that meet all of the following requirements will be allowed upon satisfaction of The applicable permit procedures:

- A. A new mural shall remain in place, without alteration, for a minimum period of five (5) years. The artist or landowner must enter into a five-year maintenance agreement with the City to provide an assurance that the mural will be repaired in case of vandalism, weathered wall surface damage, or chipping paint. A mural may be removed within the first five years of the date it is permitted under the following circumstances:
  - 1. The property on which the mural is located is sold; or
  - 2. The structure or property is substantially remodeled or altered in a way that precludes continuance of the mural; or
  - 3. The property undergoes a change of use authorized the Building and Safety Division, the Planning Division or the Planning and Preservation Commission.
- B. The mural shall not cause a pedestrian or vehicular safety hazard, including hazards in the form of impediments to the ingress and egress or pedestrians or vehicles or in the form of a distraction to motorists.
- C. A mural shall not be placed over the exterior surface of any building opening, including, but not limited to, windows, doors, and vents.
- D. No part of the mural shall exceed the height of the structure to which it is tiled, painted, or affixed.
- *E.* No part of the mural shall extend more than six (6) inches from the plane of the wall upon which it is tiled, painted, or affixed.
- F. No mural shall be arranged and illuminated in a manner that will produce light intensity of greater than three foot candles above ambient lighting, as measured at the property line of the nearest residentially zoned property.
- G. The owner of the property on which a mural is installed shall execute and deliver to the City Clerk a covenant for recordation in a form approved by the City Attorney. The covenant shall provide that the mural will be installed and maintained at all times in full compliance with this Article. Except as otherwise provided under this Article,

the covenant shall remain in force for as long as the mural exists. The written covenant must be submitted to the City for review prior to the permittee commencement of any work to construct or install the mural. City shall be under no obligation to release the permit as contemplated under Section 22-504(C), above, until the City-approved covenant is recorded. The failure of the covenant to be timely recorded shall render the mural construction and installation incomplete and render the mural permit susceptible to expiration at contemplated under Section 22-505(B), above, notwithstanding the outcome of the City's final inspection.

- H. Upon change of ownership of the property on which a mural is installed, the new owner may, at the owner's election and without the need for permission from the City, terminate the covenant and remove the mural, subject to the provisions of this Article.
- I. Mural proposals set forth in any application for a new mural or any application to modify the appearance of an existing mural or any other terms of an existing mural permit shall also comply with any and all written policies or guidelines adopted by the City Council resolution which are operative at the time a completed application is submitted, including the payment of all required fees.

Section 22-506. Fees and Policies.

- A. The City Council may establish and from time to time amend a schedule of fees and charges for the recovery of costs associated with the City's review and study of permit applications and the maintenance of any regulatory program associated with the enforcement of this Article. Until such time as the City Council approves a resolution establishing a schedule setting the amount of any fee(s) contemplated under this Article, the fee amount for any application or approval referenced under this Article shall be deemed to be zero dollars.
- B. By resolution, the City Council may establish, and from time to time amend, written policies and guidelines governing the design, construction, installation, maintenance and operation of murals subject to this Article.

#### Section 22-507. Violation; penalty.

- A. It is unlawful to violate any provision of this Article. This applies to any Applicant, any Permittee, the proprietor of a use or development on which a permitted mural is located, or to the owner of the land on which the permitted mural is located. For the ease of reference in this Section, all of these persons are referred to by the term "Operator."
- B. The Community Preservation Division must give written notice of any violation to the Operator. Failure of the operator to receive the notice of the violation does not invalidate any enforcement actions taken by the City.

- C. Any violation of this Article is considered a public nuisance.
- D. The Community Preservation Division shall have the authority to enforce the regulations of this Article.

**SECTION 2.** Subsection (1) of Section 2-433 (Duties and powers) of Division 2 (Cultural Arts Commission) of Article V (Boards, Commissions, Committees, Agencies and Authorities) of Chapter 2 (Administration) of the San Fernando Municipal Code is hereby amended by the addition of the following sentence:

The foregoing powers and duties do not include the power to review, approve or reject permits for murals on private property as contemplated under Article IX (Art Murals on Private Property) of Chapter 22 (Businesses) of the San Fernando Municipal Code.

**SECTION 3.** Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

**SECTION 4.** 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 unconstitutional, such decision shall not affect the validity of the remaining portion 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 be declared unconstitutional. If for any reason any portion of this ordinance is found to be invalid by a court of competent jurisdiction, the balance of this ordinance shall not be affected.

**SECTION 5.** Certification. The City Clerk shall certify the passage of this Ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a local newspaper of general circulation and which is hereby designated for that purpose.

**SECTION 6.** CEQA. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of San Fernando at its regular meeting on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Sylvia Ballin, Mayor

ATTEST:

Elena G. Chávez, City Clerk

**APPROVED AS TO FORM:** 

Richard Padilla, Assistant City Attorney

# STATE OF CALIFORNIA)COUNTY OF LOS ANGELES) ssCITY OF SAN FERNANDO)

I, ELENA G. CHAVEZ, City Clerk of the City of San Fernando, do hereby certify that the foregoing Ordinance No.1671 was introduced at the regular meeting of the City Council held on the \_\_\_\_\_ day of \_\_\_\_\_ 2018, and carried by the following roll call vote:

AYES:

NOES:

**ABSENT:** 

Elena G. Chávez, City Clerk

#### **ATTACHMENT "B"**

#### **RESOLUTION NO. 7839**

#### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, ESTABLISHING A MURAL PERMIT APPLICATION FEE

**WHEREAS,** the City Council desires to establish fees for processing applications for murals on private property within the City limits;

WHEREAS, pursuant to the State Constitution, San Fernando City Code, and other applicable federal, state and local laws, the City is able to charge fees for services which to not exceed the City's cost to provide those services;

**WHEREAS,** on file in the applicable department is the report justifying the fees set forth in this resolution;

WHEREAS, as on or about January 31, 2018, data indicating the amount of cost or estimated cost required to provide the services for which the film permit application fee is imposed was made available for inspection by interested members of the public at the Finance Department in City Hall; and

WHEREAS, after giving an opportunity for the public to be heard and considering all information before it, the City Council approved the establishment of a mural permit application fee attached hereto as Exhibit "1".

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

**Section 1.** The representations set forth in the Recitals, above, are true and correct.

<u>Section 2.</u> The City Council hereby establishes the mural permit application fee provided in Exhibit "1", attached hereto.

**PASSED, APPROVED, AND ADOPTED** this 5<sup>th</sup> day of February 2018.

Sylvia Ballin, Mayor

ATTEST:

Elena G. Chávez, City Clerk

# STATE OF CALIFORNIA)COUNTY OF LOS ANGELES) ssCITY OF SAN FERNANDO)

**I HEREBY CERTIFY** that the foregoing Resolution was approved and adopted at a regular meeting of the City Council held on the 5<sup>th</sup> day of February, 2018, by the following vote to wit:

AYES:

NOES:

ABSENT:

Elena G. Chavez, City Clerk



#### EXHIBIT 1

#### **Mural Application Fee**

The following fee is established to review applications to place a mural on private property ("Mural") and present applications to the Parks, Wellness and Recreation Commission. Fees will be due and payable at the time the Mural application is submitted. The City will not begin the process to review the application until such time that the fees are paid. The application fees are set to recover the cost to review and process the application. As such, fees will not be refunded if the applicant does not ultimately obtain a permit.

Mural Permit Application Fee (due upon application submittal)

<u>Fee</u> \$100

This Page Intentionally Left Blank



### AGENDA REPORT

- To: Mayor Joel Fajardo and City Councilmembers
- From: Councilmember Sylvia Ballin
- Date: October 5, 2020
- Subject: Consideration to Allocate Independent Cities Finance Authority's Community Outreach Program Funds

#### **RECOMMENDATION:**

It is recommended that City Council:

- a. Discuss the recommended allocation of Independent Cities Finance Authority's (ICFA) Community Outreach Program funds; and
- b. Adopt Resolution No. 8031 appropriating the funds in the Fiscal Year (FY) 2020-2021 Adopted Budget.

#### BACKGROUND:

- 1. On July 1<sup>st</sup> of every year, the ICFA provides an annual FY allocation of \$7,500 to eligible Board Members (i.e., those that have attended at least two-thirds of the prior year's ICFA meetings).
- 2. Through the ICFA's Community Outreach Program, eligible Board Members may contribute all, or part, of their annual allocation to one or more organizations in their community.
- 3. Past organizations and programs that have received allocations include: Education Commission scholarships (\$11,500), Las Palmas Senior Club (\$2,500), San Fernando Open Streets Event (\$3,500), and the City's Veteran's Pole Banner Recognition program (\$5,000).
- 4. In August 2020, the City received notice that Councilmember Ballin attended the required number of meetings in FY 2019-2020 to receive the Community Outreach Program funds.
- 5. As the City's appointed Board Member (i.e., City liaison to the ICFA), has made recommendations to City Council regarding the use of these monies for specific purposes.

**Consideration to Allocate Independent Cities Finance Authority's Community Outreach Program Funds** Page 2 of 2

#### ANALYSIS:

I am recommending that the FY 2019-2020 ICFA grant of \$7,500 be allocated in the following manner:

• Women's Right to Vote 100-year Anniversary Commemorative Mural: \$7,500

Additionally, \$3,500 in FY 2018-2019 ICFA funds were allocated to support the San Fernando Open Streets event originally scheduled to be held in November 2020. Unfortunately, due to the COVID-19 pandemic, the San Fernando Open Streets event has been cancelled. Therefore, I am recommending \$3,500 be re-allocated from the Open Streets event to the Women's Right to Vote 100-year Anniversary Commemorative Mural.

Total recommended allocation to the Women's Right to Vote 100-year Anniversary Commemorative Mural: \$11,000.

#### BUDGET IMPACT:

ICFA funds will be allocated and tracked in the Community Investment Fund (Fund 053). Subsequent to City Council approval of funding allocations, staff will send a request to ICFA to draw down funds.

#### ATTACHMENT:

A. Resolution No. 8031

#### **ATTACHMENT "A"**

#### **RESOLUTION NO. 8031**

#### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, AMENDING THE BUDGET FOR THE FISCAL YEAR 2020-2021 ADOPTED ON JUNE 17, 2020

**WHEREAS,** the City of Council has received and considered the proposed adjustment to the budget for Fiscal Year 2020-2021, commencing July 1, 2020, and ending June 30, 2021; 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 Independent Cities Finance Authority (ICFA) provides an annual Fiscal Year allocation of \$7,500 to eligible Board Members (i.e., those that have attended at least two-thirds of the prior year's ICFA meetings); and

**WHEREAS,** an annual budget for the City of San Fernando for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021, a copy of which is on file in the City Clerk's Office, was adopted on June 17, 2020.

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

<u>Section 1.</u> The following adjustments are made to the City Budget:

100-YEAR WOMEN'S RIGHT TO VOTE COMMEMORATIVE MURAL PROGRAM

Increase in Revenues	
053-3607-1355	\$11,000
Increase in Expenditures	
053-420-1355-4300	\$11,000

REALLOCATE SAN FERNANDO OPEN STREETS EVENT (CANCELLED DUE TO COVID-19)

Decrease in Revenues 053-3607-3711	(\$3,500)
Decrease in Expenditures 053-420-3711-4260	(\$3,500)

RES. NO. 8031

#### **PASSED, APPROVED, AND ADOPTED** this 5<sup>th</sup> day of October 2020.

ATTEST:

Joel Fajardo, Mayor

Julia Fritz, City Clerk

RES. NO. 8031

#### CERTIFICATION

I, City Clerk of the City of San Fernando, California, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 8031 which was regularly introduced and adopted by the City Council of the City of San Fernando, California, at a regular meeting thereof held on the 5<sup>th</sup> day of October, 2020, by the following vote of the City Council:

AYES:

NAYS:

**ABSENT:** 

**ABSTAINED:** 

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Fernando, California, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Julia Fritz, City Clerk

This Page Intentionally Left Blank



AGENDA REPORT

To: Mayor Joel Fajardo and Councilmembers

From: Councilmember Mary Mendoza

**Date:** October 5, 2020

Subject:Discussion and Consideration to Authorize the City Manager to Submit a Letter in<br/>Support of House of Representative Bill 8270 "I am Vanessa Guillén Act of 2020"<br/>on Behalf of the City Council to Local, State and Federal Legislators

#### **RECOMMENDATION:**

I have placed this on the agenda for City Council discussion and recommend that the City Manager send a letter to local, State, and Federal legislators expressing the City's support of House of Representative Bill 8270 (HR 8270) "*I am Vanessa Guillén Act of 2020*" (Attachment "A"), on behalf of the City Council.

#### BACKGROUND:

- 1. On July 20, 2020, the City Council adopted Resolution No. 8018 (Attachment "B") to resolve that no women should be subjected to assault and urging the Department of Defense (DoD) Inspector General to conduct an independent investigation into Fort Hood's handling of the death of United States Army Private First Class Specialist Vanessa Guillén ("PFC Guillén").
- 2. On July 24, 2020, a copy of adopted Resolution No. 8018 was transmitted (Attachment "C") to the City's State and Federal Legislative Representatives and to appropriate Officials within the Department of Defense expressing concerns surrounding the investigation into the death of United States Army Specialist Vanessa Guillén at Fort Hood.

#### ANALYSIS:

United States Army PFC Guillén was stationed at the Regimental Engineer Squadron Headquarters, 3<sup>rd</sup> Calvary Regiment, Fort Hood, Texas, and last seen on April 22, 2020 in the parking lot of her station. PFC Guillén is 20 years old of Hispanic descent and her Military Occupational Specialty is a 91F, Small Arms/Artillery Repairer.

Discussion and Consideration to Authorize the City Manager to Submit a Letter in Support of House of Representatives Bill 8270 "I am Vanessa Guillén Act of 2020" on Behalf of the City Council to Local, State and Federal Legislators

Page 2 of 2

The United States Army Criminal Investigation Command (CID), opened an investigation seeking information leading to the whereabouts of missing Fort Hood Soldier, PFC Guillén. Family members reported that PFC Guillén would be filing harassment complaints against one of her sergeants, the day before she was reported missing. Military authorities believe they have identified a suspect in the death of PFC Guillén.

The proposed bill, introduced in the United States House of Representatives as HR 8270 on September 15, 2020, is cited as the "*I am Vanessa Guillén Act of 2020*" and establishes institutional and cultural reforms to the military services' Sexual Harassment/Assault Response and Prevention (SHARP) programs.

#### BUDGET IMPACT:

There is no impact to the budget by discussing this item. Additional future costs to be determined based on City Council direction.

#### ATTACHMENTS:

- A. HR 8270 Text
- B. Resolution No. 8018
- C. Transmittal Letter of Support

CC Meeting Agenda

#### ATTACHMENT "A"

Ι

## <sup>116TH CONGRESS</sup> 2D SESSION **H. R. 8270**

AUTHENTICATED U.S. GOVERNMENT INFORM 0/05/202

GPO

To amend title 10, United States Code, to improve the responses of the Department of Defense to sex-related offenses, and for other purposes.

#### IN THE HOUSE OF REPRESENTATIVES

#### SEPTEMBER 16, 2020

Ms. Speier (for herself, Mr. Mullin, Ms. Garcia of Texas, Mr. Carter of Texas, Ms. Escobar, Mr. Olson, Mr. Cisneros, Mr. Balderson, Mr. CROW, Mr. HURD of Texas, Mr. KIM, Mr. CASTRO of Texas, Ms. PRESSLEY, Mr. DOGGETT, Mr. HASTINGS, Mr. MALINOWSKI, Mr. VELA, Ms. NORTON, Mr. BEYER, Mr. CUELLAR, Mr. GARAMENDI, Mrs. HAYES, Ms. GABBARD, Ms. OCASIO-CORTEZ, Ms. HAALAND, Mrs. CAROLYN B. MALONEY of New York, Mr. THOMPSON of California, Ms. SHERRILL, Mr. RASKIN, Mr. BROWN of Maryland, Mr. GONZALEZ of Texas, Mr. MCGOVERN, Ms. ROYBAL-ALLARD, Mr. PANETTA, Ms. SCANLON, Ms. ESHOO, Mrs. TRAHAN, Mr. GRIJALVA, Ms. VELÁZQUEZ, Mr. SIRES, Mrs. WATSON COLEMAN, Ms. KUSTER of New Hampshire, Mr. GALLEGO, Mr. ROSE of New York, Mr. VEASEY, Ms. KENDRA S. HORN of Oklahoma, Ms. CASTOR of Florida, Mr. CARSON of Indiana, Ms. PINGREE, Mr. CÁRDENAS, Ms. LEE of California, Mr. WELCH, Mrs. TORRES of California, Mr. KHANNA, Mr. CORREA, Mrs. DINGELL, Mr. O'HALLERAN, Ms. SPANBERGER, Mr. LYNCH, Mr. LARSON of Connecticut, Mrs. LESKO, Ms. Jackson Lee, Mr. Blumenauer, Mr. García of Illinois, Mr. COURTNEY, Mrs. LAWRENCE, Ms. BROWNLEY of California, Ms. FRANKEL, Ms. BONAMICI, Mr. COOPER, Mr. DANNY K. DAVIS of Illinois, Mr. CONNOLLY, Ms. MOORE, Ms. WILSON of Florida, Ms. CLARK of Massachusetts, Mr. HECK, Ms. MENG, Ms. KAPTUR, Mr. LOWENTHAL, Ms. WILD, Mr. RUPPERSBERGER, Ms. MCCOLLUM, Mr. TAKANO, Ms. TLAIB, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. EVANS, Ms. JAYAPAL, Mr. TRONE, Ms. DELAURO, Mr. ESPAILLAT, Mr. COX of California, Ms. WASSERMAN SCHULTZ, Mrs. BUSTOS, Ms. ADAMS, Mr. HIGGINS of New York, Mr. CRIST, Ms. LOFGREN, Mr. KILDEE, Mr. TED LIEU of California, and Mr. BRINDISI) introduced the following bill; which was referred to the Committee on Armed Services

## A BILL

- To amend title 10, United States Code, to improve the responses of the Department of Defense to sex-related offenses, and for other purposes.
  - 1 Be it enacted by the Senate and House of Representa-
  - 2 tives of the United States of America in Congress assembled,

#### **3 SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "I am Vanessa Guillén5 Act of 2020".

6 SEC. 2. MODIFICATION OF AUTHORITY TO DETERMINE TO
7 PROCEED TO TRIAL BY COURT-MARTIAL ON
8 CHARGES INVOLVING SEX-RELATED OF9 FENSES.

10 (a) ROLE OF OFFICE OF THE CHIEF PROSECUTOR
11 IN DETERMINATION TO PROCEED TO TRIAL ON CHARGE
12 INVOLVING SEX-RELATED OFFENSE.—

(1) REFERRAL AND DETERMINATIONS BY OFFICE OF THE CHIEF PROSECUTOR.—Section 834 of
title 10, United States Code (article 34 of the Uniform Code of Military Justice) is amended—
(A) by redesignating subsection (d) as sub-

18 section (e); and

19 (B) by inserting after the subsection (c)20 the following new subsection (d):

3

"(d) Referral to Office of the Chief Pros-1 2 ECUTOR.—(1) In the case of a charge relating to a sex-3 related offense, in addition to referring the charge to the 4 staff judge advocate under subsection (a), the convening 5 authority shall refer, as soon as reasonably practicable, the charge to the Office of the Chief Prosecutor of the armed 6 7 force of which the accused is a member to make the deter-8 mination required by paragraph (3). The actions of the 9 Office of the Chief Prosecutor under this subsection 10 whether or not to try charges by court-martial shall be free of unlawful or unauthorized influence or coercion. 11 12 "(2) For purposes of this subsection, the term 'sexrelated offense' means any of the following: 13 "(A) An offense covered by section 920, 920a, 14 15 920b, 920c, or 920d of this title (article 120, 120a, 16 120b, 120c, or 120d). 17 "(B) A conspiracy to commit an offense speci-18 fied in subparagraph (A) as punishable under sec-19 tion 881 of this title (article 81). 20 "(C) A solicitation to commit an offense speci-21 fied in subparagraph (A) as punishable under sec-22 tion 882 of this title (article 82).

23 "(D) An attempt to commit an offense specified
24 in subparagraphs (A) through (C) as punishable
25 under section 880 of this title (article 80).

4

1 "(3) The Office of the Chief Prosecutor shall make 2 a determination regarding whether a charge relating to a sex-related offense should be referred to trial. If the Office 3 4 of the Chief Prosecutor makes a determination to try the 5 charge by court-martial, the Office of the Chief Prosecutor also shall determine whether to try the charge by a general 6 7 court-martial convened under section 822 of this title (ar-8 ticle 22) or a special court-martial convened under section 9 823 of this title (article 23).

"(4) A determination under paragraph (3) to try a
charge relating to a sex-related offense by court-martial
shall include a determination to try all known offenses,
including lesser included offenses.

"(5) The determination to try a charge relating to
a sex-related offense by court-martial under paragraph
(3), and by type of court-martial, shall be binding on any
applicable convening authority for a trial by court-martial
on the charge.

19 "(6) A determination under paragraph (3) not to pro-20 ceed to trial on a charge relating to a sex-related offense 21 by general or special court-martial shall not operate to ter-22 minate or otherwise alter the authority of commanding of-23 ficers to refer such charge for trial by summary court-24 martial convened under section 824 of this title (article 25 24), or to impose non-judicial punishment in connection

5

with the conduct covered by the charge as authorized by
 section 815 of this title (article 15).

"(7) Nothing in this subsection shall be construed to
alter or affect the disposition of charges under this chapter
(the Uniform Code of Military Justice) that allege an offense triable by court-martial under this chapter for which
the maximum punishment authorized under this chapter
includes confinement for one year or less.

9 "(8) This subsection does not apply to the Coast
10 Guard when it is not operating as a service in the Depart11 ment of the Navy.".

12 (2) Appointment of chief prosecutor. 13 For any Armed Force (other than the Coast Guard) 14 for which the position of Chief Prosecutor does not 15 exist as of the date of the enactment of this Act, the 16 Judge Advocate General of that Armed Force shall 17 establish the position of Chief Prosecutor and ap-18 point as the Chief Prosecutor a commissioned officer 19 in the grade of O-6 or above who has significant ex-20 perience prosecuting sexual assault trials by court-21 martial.

(b) CHIEF PROSECUTOR AUTHORITY TO CONVENE
ARTICLE 32 PRELIMINARY HEARINGS.—Section 832(a) of
title 10, United States Code (article 32(a) of the Uniform

6

Code of Military Justice), is amended by adding at the
 end the following new paragraph:

3 "(3) The Office of the Chief Prosecutor of an armed
4 force may order a preliminary hearing under this section
5 in the event of an allegation of a sex-related offense (as
6 defined in section 834(d)(2) of this title (article 34(d)(2)))
7 involving a member of that armed force. This paragraph
8 does not apply to the Coast Guard when it is not operating
9 as a service in the Department of the Navy.".

10 (c) Modification of Officers Authorized To11 Convene General and Special Courts-Martial.—

12 (1) IN GENERAL.—Section 822(a) of title 10,
13 United States Code (article 22(a) of the Uniform
14 Code of Military Justice) is amended—

15 (A) by redesignating paragraphs (8) and
16 (9) as paragraphs (9) and (10), respectively;
17 and

18 (B) by inserting after paragraph (7) the19 following new paragraph (8):

"(8) the officers in the offices established pursuant to section 546(c)(3) of the National Defense
Authorization Act for Fiscal Year 2016 or officers in
the grade of O-6 or higher who are assigned such
responsibility by the Chief of Staff of the Army, the
Chief of Naval Operations, the Chief of Staff of the

 $\overline{7}$ 

1 Air Force, or the Commandant of the Marine Corps, 2 but only with respect to a sex-related offense (as defined in section 834(d)(2) of this title (article 3 4 34(d)(2)));". 5 (2) NO EXERCISE BY OFFICERS IN CHAIN OF 6 COMMAND OF ACCUSED OR VICTIM.—Section 822 of 7 title 10. United States Code (article 22 of the Uni-8 form Code of Military Justice) is amended by adding 9 at the end the following new subsection: 10 "(c) An officer specified in subsection (a)(8) may not convene a court-martial under this section if the officer 11 is in the chain of command of the accused or the victim.". 12 13 (3) Offices of chiefs of staff on courts-14 MARTIAL.— 15 (A) OFFICES REQUIRED.—The Chief of 16 Staff of the Army, the Chief of Naval Oper-17 ations, the Chief of Staff of the Air Force, or 18 the Commandant of the Marine Corps shall es-19 tablish an office to do the following: 20 (i) To convene general and special 21 courts-martial under sections 822 and 823 22 of title 10, United States Code (articles 22 23 and 23 of the Uniform Code of Military 24 Justice), pursuant to paragraph (8) of sec-25 tion 822(a) of title 10, United States Code

Page 424 of 449

1	(article 22(a) of the Uniform Code of Mili-
2	tary Justice), as amended by paragraph
3	(1), with respect to a sex-related offense
4	(as defined in section $834(d)(2)$ of title 10,
5	United States Code (article $34(d)(2)$ of the
6	Uniform Code of Military Justice)).
7	(ii) To detail under section 825 of
8	title 10, United States Code (article 25 of
9	the Uniform Code of Military Justice),
10	members of courts-martial convened as de-
11	scribed in clause (i).
12	(B) PERSONNEL.—The personnel of each
13	office established under subparagraph (A) shall
14	consist of such members of the Armed Forces
15	and civilian personnel of the Department of De-
16	fense as may be detailed or assigned to the of-
17	fice by the Chief of Staff or Commandant con-
18	cerned. The members and personnel so detailed
19	or assigned, as the case may be, shall be de-
20	tailed or assigned from personnel billets in ex-
21	istence on the date of the enactment of this
22	Act.
23	(d) Implementation and Effective Date.—
24	(1) FUNDING SOURCE.—The Secretaries of the
25	military departments shall carry out subsections (a),

1	(b), and (c) (and the amendments made by such
2	subsections) using funds appropriated after the date
3	of enactment of this Act and otherwise available to
4	the Secretary of the military department concerned.
5	(2) Policies and procedures.—
6	(A) IN GENERAL.—The Secretaries of the
7	military departments shall revise policies and
8	procedures as necessary to comply with this sec-
9	tion.
10	(B) UNIFORMITY.—The General Counsel
11	of the Department of Defense shall review the
12	policies and procedures revised under this para-
13	graph in order to ensure that any lack of uni-
14	formity in policies and procedures, as so re-
15	vised, among the military departments does not
16	render unconstitutional any policy or procedure,
17	as so revised.
18	(3) MANUAL FOR COURTS-MARTIAL.—The Sec-
19	retary of Defense shall recommend such changes to
20	the Manual for Courts-Martial as are necessary to
21	ensure compliance with this section.
22	(4) Effective date and applicability.—
23	The amendments made by this section shall take ef-
24	fect on the first day of the first month beginning

1	actment of this Act, and shall apply with respect to
2	charges preferred under section 830 of title 10,
3	United States Code (article 30 of the Uniform Code
4	of Military Justice), on or after such effective date.
5	SEC. 3. PUNITIVE ARTICLE ON SEXUAL HARASSMENT AND
6	RELATED INVESTIGATION MATTERS.
7	(a) Punitive Article on Sexual Harassment.—
8	(1) IN GENERAL.—Subchapter X of chapter 47,
9	United States Code (the Uniform Code of Military
10	Justice), is amended by inserting after section 920c
11	(article 120c) the following new section (article):
12	"§920d. Art. 120d. Sexual harassment
13	"(a) IN GENERAL.—Any person subject to this chap-
14	ter who commits sexual harassment against another per-
15	son shall be punished as a court-martial may direct.
16	"(b) Sexual Harassment Defined.—
17	"(1) In this section term 'sexual harassment'
18	means conduct that takes place in a circumstance
19	described in paragraph $(2)$ that takes the form of—
20	"(A) a sexual advance;
21	"(B) a request for sexual favors; or
22	"(C) any other conduct of a sexual nature.
23	((2) A circumstance described in this para-
24	graph is a situation in which—

1	"(A) submission to the conduct involved is
2	made either explicitly or implicitly a term or
3	condition of employment;
4	"(B) submission to or rejection of such
5	conduct is used as the basis for an employment
6	decision affecting an individual's employment;
7	Oľ
8	"(C) such conduct unreasonably alters an
9	individual's terms, conditions, or privileges of
10	employment, including by creating an intimi-
11	dating hostile, or offensive work environment,
12	as determined in accordance with paragraph
13	(3).
14	"(3) In determining, for purposes of paragraph
15	(2)(C), whether conduct constitutes sexual harass-
16	ment because the conduct unreasonably alters an in-
17	dividual's terms, conditions, or privileges of employ-
18	ment, including by creating an intimidating, hostile,
19	or offensive work environment, the following rules
20	shall apply:
21	"(A) The determination shall be made on
22	the basis of the record as a whole, according to
23	the totality of the circumstances. A single inci-
24	dent may constitute sexual harassment.

1	"(B) Incidents that may be sexual harass-
2	ment shall be considered in the aggregate,
3	with—
4	"(i) conduct of varying types (such as
5	expressions of sex-based hostility, requests
6	for sexual favors, and denial of employ-
7	ment opportunities due to sexual orienta-
8	tion) viewed in totality, rather than in iso-
9	lation; and
10	"(ii) conduct based on multiple pro-
11	tected characteristics (such as sex and
12	race) viewed in totality, rather than in iso-
13	lation.
14	"(C) The factors specified in this subpara-
15	graph are among the factors to be considered in
16	determining whether conduct constitutes sexual
17	harassment and are not meant to be exhaustive.
18	No one of those factors shall be considered to
19	be determinative in establishing whether con-
20	duct constitutes sexual harassment. Such fac-
21	tors are each of the following:
22	"(i) The frequency of the conduct.
23	"(ii) The duration of the conduct.
24	"(iii) The location where the conduct
25	occurred.

1	"(iv) The number of individuals en-
2	gaged in the conduct.
3	"(v) The nature of the conduct, which
4	may include physical, verbal, pictorial, or
5	visual conduct, and conduct that occurs in
6	person or is transmitted, such as electroni-
7	cally.
8	"(vi) Whether the conduct is threat-
9	ening.
10	"(vii) Any power differential between
11	the alleged harasser and the person alleg-
12	edly harassed.
13	"(viii) Any use of epithets, slurs, or
14	other conduct that is humiliating or de-
15	grading.
16	"(ix) Whether the conduct reflects
17	stereotypes about individuals in the pro-
18	tected class involved.".
19	(2) CLERICAL AMENDMENT.—The table of sec-
20	tions at the beginning of such subchapter is amend-
21	ed by inserting after the item relating to section
22	920c (article 120c) the following new item:
	"920d. 120d. Sexual harassment.".
23	(b) Investigations of Sexual Harassment.—
24	(1) IN GENERAL.—Section 1561 of title 10,
25	United States Code, is amended to read as follows:
	•HR 8270 IH

#### 14

## 1 "§ 1561. Complaints of sexual harassment: inde-2pendent investigation

3 "(a) ACTION ON COMPLAINTS ALLEGING SEXUAL HARASSMENT.—A commanding officer or officer in charge 4 5 of a unit, vessel, facility, or area of an armed force under the jurisdiction of the Secretary of a military department, 6 7 who receives, from a member of the command or a member under the supervision of the officer, a formal com-8 9 plaint alleging sexual harassment by a member of the 10 armed forces shall, as soon as practicable after such re-11 ceipt, forward the complaint to an independent investi-12 gator.

13 "(b) COMMENCEMENT OF INVESTIGATION.—To the
14 extent practicable, an independent investigator shall com15 mence an investigation of a formal complaint of sexual
16 harassment not later than 72 hours after—

17 "(1) receiving a formal complaint of sexual har18 assment forwarded by a commanding officer or offi19 cer in charge under subsection (a); or

"(2) receiving a formal complaint of sexual harassment directly from a member of the armed forces.
"(c) DURATION OF INVESTIGATION.—To the extent
practicable, an investigation under subsection (b) shall be
completed not later than 14 days after the date on which
the investigation commences.

1	"(d) Report on Command Investigation.—To the
2	extent practicable, an independent investigator who com-
3	mences an investigation under subsection (b) shall—
4	((1) submit a final report on the results of the
5	investigation, including any action taken as a result
6	of the investigation, to the officer described in sub-
7	section (a) not later than 20 days after the date on
8	which the investigation commenced; or
9	((2)) submit a report on the progress made in
10	completing the investigation to the officer described
11	in subsection (a) not later than 20 days after the
12	date on which the investigation commenced and
13	every 14 days thereafter until the investigation is
14	completed and, upon completion of the investigation,
15	then submit a final report on the results of the in-
16	vestigation, including any action taken as a result of
17	the investigation, to that officer.
18	"(e) DEFINITIONS.—In this section:
19	"(1) The term 'formal complaint' means a com-
20	plaint that an individual files in writing and attests
21	to the accuracy of the information contained in the
22	complaint.
23	((2) The term 'independent investigator' means
24	a member of the armed forces or employee of the
25	Department of Defense—

1	"(A) who is outside the chain of command
2	of the complainant; and
3	"(B) whom the Secretary concerned deter-
4	mines is trained in the investigation of sexual
5	harassment.
6	"(3) The term 'sexual harassment' has the
7	meaning given that term in section 920d(b) of this
8	title (article 120d of the Uniform Code of Military
9	Justice).".
10	(2) CLERICAL AMENDMENT.—The table of sec-
11	tions at the beginning of chapter 80 of title 10,
12	United States Code, is amended by striking the item
13	relating to section 1561 and inserting the following
14	new item:
	"1561. Complaints of sexual harassment: independent investigation.".
15	(3) Effective date.—The amendment to sec-
16	tion 1561 of such title made by this subsection
17	shall—
18	(A) take effect on the day that is two years
19	after the date of the enactment of this Act; and
20	(B) apply to any investigation of a formal
21	complaint of sexual harassment (as those terms
22	are defined in such section, as amended) made
23	on or after that date.
24	(4) Report on implementation.—Not later
25	than nine months after the date of the enactment of
	•HR 8270 IH
1 this Act, each Secretary of a military department 2 shall submit to Congress a report on preparation of 3 that Secretary to implement the amendment to sec-4 tion 1561 of such title made by this subsection. 5 SEC. 4. CONFIDENTIAL REPORTING OF SEXUAL HARASS-6 MENT. 7 ESTABLISHMENT.—Chapter 80 of title 10, (a) 8 United States Code, is amended by inserting after section 9 1561a the following new section: 10 "§ 1561b. Confidential reporting of sexual harassment 11 "(a) ESTABLISHMENT.—Notwithstanding section 12 1561 of this title, the Secretary of Defense shall prescribe 13 regulations establishing a process by which a member of an armed force under the jurisdiction of the Secretary of 14 15 a military department may confidentially allege a complaint of sexual harassment to an individual outside the 16 immediate chain of command of that member. 17 18 "(b) RECEIPT OF COMPLAINT.—An individual designated to receive complaints under subsection (a)— 19 20 "(1) shall maintain the confidentiality of the 21 member alleging the complaint; 22 "(2) shall provide to the member alleging the 23 complaint the option— "(A) to file a formal or informal report of 24 25 sexual harassment; and

	18	
1	"(B) to include reports related to such	
2	complaint in the Catch a Serial Offender Pro-	
3	gram; and	
4	"(3) shall provide to the commander of the	
5	complainant a report—	
6	"(A) regarding the complaint; and	
7	"(B) that does not contain any personally	
8	identifiable information regarding the complain-	
9	ant.	
10	"(c) Education; Tracking.—The Secretary of De-	
11	fense shall educate members under the jurisdiction of the	
12	Secretary of a military department regarding the process	
13	established under this section and track complaints alleged	
14	pursuant to such process.	
15	"(d) Reporting.—The Secretary of Defense shall	
16	submit to the Committees on Armed Services of the Sen-	
17	ate and House of Representatives an annual report con-	
18	taining data (that does not contain any personally identifi-	
19	able information) relating to complaints alleged pursuant	
20	to the process established under this section.".	
21	(b) CLERICAL AMENDMENT.—The table of sections	
22	at the beginning of such chapter is amended by inserting	
23	after the item relating to section 1561b the following new	
24	item:	

"1561b. Confidential reporting of sexual harassment.".

1 (c) IMPLEMENTATION.—The Secretary shall carry 2 out section 1561b of title 10, United States Code, as 3 added by subsection (a), not later than one year after the 4 date of the enactment of this Act. 5 SEC. 5. AUTHORIZATION OF CLAIMS BY MEMBERS OF THE 6 FORCES ARMED AGAINST THE UNITED 7 STATES THAT ARISE FROM SEX-RELATED OF-8 FENSES. 9 (a) ESTABLISHMENT.— 10 (1) IN GENERAL.—Chapter 163 of title 10, 11 United States Code, is amended by inserting after 12 section 2733a the following new section: 13 "§ 2733b. Claims arising from sex-related offenses "(a) IN GENERAL.—Consistent with this section and 14 15 under such regulations as the Secretary of Defense shall prescribe under subsection (d), the Secretary may allow, 16 settle, and pay a claim against the United States for per-17 18 sonal injury or death of a claimant arising from— 19 "(1) a sex-related offense committed by a cov-20 ered individual; 21 "(2) the negligent failure to prevent a sex-re-22 lated offense committed by a covered individual; or 23 "(3) the negligent failure to investigate a sex-24 related offense committed by a covered individual.

Page 436 of 449

1	"(b) REQUIREMENT FOR CLAIMS.—A claim may be
2	allowed, settled, and paid under subsection (a) only if—
3	"(1) the claim is filed by the claimant who is
4	the victim of the sex-related offense, or by an au-
5	thorized representative on behalf of such claimant
6	who is deceased or otherwise unable to file the claim
7	due to incapacitation;
8	((2) the claimant was a member of an armed
9	force under the jurisdiction of the Secretary of a
10	military department at the time of the sex-related
11	offense;
12	"(3) the claim is presented to the Department
13	in writing within two years after the claim accrues;
14	"(4) the claim is not allowed to be settled and
15	paid under any other provision of law; and
16	((5) the claim is substantiated as prescribed in
17	regulations prescribed by the Secretary of Defense
18	under subsection (d).
19	"(c) PAYMENT OF CLAIMS.—(1) If the Secretary of
20	Defense determines, pursuant to regulations prescribed by
21	the Secretary under subsection (d), that a claim under this
22	section in excess of \$100,000 is meritorious, and the claim
23	is otherwise payable under this section, the Secretary may
24	pay the claimant \$100,000 and report any meritorious

1	amount in excess of \$100,000 to the Secretary of the
2	Treasury for payment under section 1304 of title 31.
3	((2) Except as provided in paragraph $(1)$ , no claim
4	may be paid under this section unless the amount tendered
5	is accepted by the claimant in full satisfaction.
6	"(d) Regulations.—(1) The Secretary of Defense
7	shall prescribe regulations to implement this section.
8	"(2) Regulations prescribed by the Secretary under
9	paragraph (1) shall include the following:
10	"(A) Policies and procedures to ensure the
11	timely, efficient, and effective processing and admin-
12	istration of claims under this section, including—
13	"(i) the filing, receipt, investigation, and
14	evaluation of a claim;
15	"(ii) the negotiation, settlement, and pay-
16	ment of a claim; and
17	"(iii) such other matters relating to the
18	processing and administration of a claim, in-
19	cluding an administrative appeals process, as
20	the Secretary considers appropriate.
21	"(B) Uniform standards consistent with gen-
22	erally accepted standards used in a majority of
23	States in adjudicating claims under chapter 171 of
24	title 28 (commonly known as the 'Federal Tort
25	Claims Act') to be applied to the evaluation, settle-

10/05/2020

1	ment, and payment of claims under this section
2	without regard to the place of occurrence of the sex-
3	related offense giving rise to the claim or the mili-
4	tary department of the covered individual, and with-
5	out regard to foreign law in the case of claims aris-
6	ing in foreign countries, including uniform standards
7	to be applied to determinations with respect to—
8	"(i) whether an act or omission by a cov-
9	ered individual was negligent or wrongful, con-
10	sidering the specific facts and circumstances;
11	"(ii) whether the personal injury or death
12	of the claimant was caused by a negligent or
13	wrongful act or omission of a covered indi-
14	vidual;
15	"(iii) requirements relating to proof of
16	duty, breach of duty, and causation resulting in
17	compensable injury or loss, subject to such ex-
18	clusions as may be established by the Secretary
19	of Defense; and
20	"(iv) calculation of damages.
21	"(C) Such other matters as the Secretary con-
22	siders appropriate.
23	"(3) In order to implement expeditiously the provi-
24	sions of this section, the Secretary may prescribe the regu-
25	lations under this subsection—

"(A) by prescribing an interim final rule; and
 "(B) not later than one year after prescribing
 such interim final rule and considering public com ments with respect to such interim final rule, by pre scribing a final rule.

6 "(e) LIMITATIONS ON ATTORNEY FEES.—(1) No at7 torney shall charge, demand, receive, or collect for services
8 rendered, fees in excess of 20 percent of any claim paid
9 pursuant to this section.

10 "(2) Any attorney who charges, demands, receives, 11 or collects for services rendered in connection with a claim 12 under this section any amount in excess of the amount 13 allowed under paragraph (1), if recovery be had, shall be 14 fined not more than \$2,000, imprisoned not more than 15 one year, or both.

16 "(3) The United States shall not be liable for any17 attorney fees of a claimant under this section.

18 "(f) ANNUAL REPORT.—Not less frequently than an19 nually until 2026, the Secretary of Defense shall submit
20 to the Committees on Armed Services of the Senate and
21 the House of Representatives a report—

22 "(1) indicating the number of claims processed23 under this section;

24 "(2) indicating the resolution of each such25 claim; and

10/05/2020

24

"(3) describing any other information that may
 enhance the effectiveness of the claims process under
 this section.

4 "(g) DEFINITIONS.—In this section:

5 "(1) The term 'covered individual' means a
6 member of the armed forces or an employee of the
7 Department of Defense.

8 "(2) The term 'sex-related offense' has the 9 meaning given that term in section 834 of this 10 title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 163 of such title
is amended by inserting after the item relating to
section 2733 the following new item:

"2733b. Claims arising from sex-related offenses.".

(b) INTERIM BRIEFING ON DEVELOPMENT OF REGULATIONS.—Not later than 180 days after the date of the
enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate
and the House of Representatives a briefing on the development of regulations under section 2733b(d) of title 10,
United States Code, as added by subsection (a)(1).

22 (c) Conforming Amendments.—

23 (1) Section 2735 of such title is amended by in24 serting "2733b," after "2733a,".

1 (2) Section 1304(a)(3)(D) of title 31, United 2 States Code, is amended by inserting "2733b," after 3 "2733a,". 4 (d) EFFECTIVE DATE AND TRANSITION PROVI-5 SION.— 6 (1) EFFECTIVE DATE.—The amendments made 7 by this section shall apply to any claim filed under 8 section 2733b of such title, as added by subsection 9 (a)(1), on or after January 1, 2021. (2) TRANSITION.—Any claim filed in calendar 10 11 year 2020 shall be deemed to be filed within the 12 time period specified in section 2733b(b)(2) of such 13 title, as so added, if it is filed within three years 14 after it accrues. 15 SEC. 6. REPORTS ON SEXUAL HARASSMENT/ASSAULT RE-16 SPONSE PROGRAMS OF THE ARMED FORCES. 17 (a) SECRETARY OF DEFENSE REPORT.— 18 (1) IN GENERAL.—Not later than 180 days 19 after the date of the enactment of this Act, the Sec-20 retary of Defense shall submit to Congress a report 21 on the Sexual Harassment/Assault Response Pro-22 grams of each military department. 23 (2) ELEMENTS.—The report required by para-24 graph (1) shall include the following:

Page 442 of 449

1	(A) A description and assessment of the
2	Sexual Harassment/Assault Response Program
3	of each military department including the fund-
4	ing for such program, the manner in which
5	such funding is allocated, and the elements of
6	such program that receive funding.
7	(B) A comparative assessment of the feasi-
8	bility and advisability of carrying out the Sex-
9	ual Harassment/Assault Response Programs
10	through each structure as follows:
11	(i) The current structure.
12	(ii) A structure involving discharge
13	through civilian personnel.
14	(iii) A structure involving discharge
15	though substantial numbers of contractors.
16	(iv) A structure involving the estab-
17	lishment of a military occupational spe-
18	cialty to permit members of the Armed
19	Forces to extend their time in a Sexual
20	Harassment/Assault Response Program
21	and professionalize their services (including
22	proper education and training as well as
23	continuing education).
24	(v) Any other structure the Secretary
25	considers appropriate.

1	(b) Comptroller General of the United
2	STATES REPORT.—
3	(1) IN GENERAL.—Not later than one year
4	after the date of the enactment of this Act, the
5	Comptroller General of the United States shall sub-
6	mit to Congress a report on the Sexual Harassment/
7	Assault Response Programs of the military depart-
8	ments.
9	(2) ELEMENTS.—The report required by para-
10	graph (1) shall include the following:
11	(A) An assessment by the Comptroller
12	General of the efficacy and impacts of the Sex-
13	ual Harassment/Assault Response Programs of
14	the military departments.
15	(B) Such recommendations as the Comp-
16	troller General considers appropriate for im-
17	provements to the Sexual Harassment/Assault
18	Response Programs.
19	SEC. 7. GAO STUDY OF MEMBERS ABSENT WITHOUT LEAVE
20	OR ON UNAUTHORIZED ABSENCE.
21	(a) STUDY; REPORT.—Not later than September 30,
22	2021, the Comptroller General of the United States shall
23	submit to the Committees on Armed Services of the Sen-
24	ate and House of Representatives a report containing the
25	results of a study regarding how the Secretaries of the

1	military departments handle cases of members of the	
2	Armed Forces under their respective jurisdictions who are	
3	absent without leave or on unauthorized absence.	
4	(b) ELEMENTS.—The study under this section shall	
5	include the following:	
6	(1) The procedures and guidelines established	
7	by each military department for the investigation of	
8	such a case.	
9	(2) The guidelines for distinguishing between—	
10	(A) common cases;	
11	(B) cases that may involve foul play or ac-	
12	cident; and	
13	(C) cases wherein the member may be in	
14	danger.	
15	(3) The current guidelines for cooperation and	
16	coordination between military investigative agencies	
17	and—	
18	(A) local law enforcement agencies;	
19	(B) Tribal law enforcement agencies; and	
20	(C) Federal law enforcement agencies.	
21	(4) The current guidelines for use of traditional	
22	and social media in conjunction with such cases.	
23	(5) Military resources available for such cases	
24	and any apparent shortfalls in such resources.	

1	(6) How the procedures for such cases vary be-
2	tween military departments.
3	(7) How the procedures described in paragraph
4	(6) vary from procedures used by local and Federal
5	law enforcement.
6	(8) Best practices for responding to and inves-
7	tigating such cases.
8	(9) Any other matter the Comptroller General
9	determines appropriate.

# $\bigcirc$

•HR 8270 IH

ATTACHMENT "B"

### **RESOLUTION NO. 8018**

## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, DECLARING THAT NO WOMEN SHOULD BE SUBJECTED TO PHYSICAL ASSAULT AND URGING THE DEPARTMENT OF DEFENSE (DOD) INSPECTOR GENERAL, TO CONDUCT AN INDEPENDENT INVESTIGATION INTO THE DEATH OF UNITED STATES ARMY SPECIALIST VANESSA GUILLEN AT FORT HOOD

WHEREAS, United States Army Private First Class (PFC) Vanessa Guillen ("PFC Guillen") was stationed at the Regimental Engineer Squadron Headquarters, 3<sup>rd</sup> Calvary Regiment, Fort Hood, Texas, and last seen on April 22, 2020 in the parking lot of her station. PFC Guillen is 20 years old of Hispanic descent and her Military Occupational Specialty is a 91F, Small Arms/Artillery Repairer; and

WHEREAS, the United States Army Criminal Investigation Command (CID), opened an investigation seeking information leading to the whereabouts of missing Fort Hood Soldier, PFC Guillen;

WHEREAS, family members reported that PFC Guillen would be filing harassment complaints against one of her sergeants, the day before she was reported missing;

WHEREAS, military authorities believe they have identified a suspect in the death of PFC Guillen; and

WHEREAS, it is imperative that officials not only hold those responsible for PFC Guillen's death but that the military officials also examine how such incidents can be prevented in the future and whether institutional and cultural reforms regarding harassment and assault are needed.

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

**SECTION 1**: The representations set forth in the Recitals above, are true and correct.

**SECTION 2:** That by the adoption of this Resolution, the City of San Fernando resolves that no women should be subjected to harassment or physical assault of any kind.

**SECTION 3:** That by the adoption of this Resolution, the City of San Fernando urges the Department of Defense (DoD) Inspector General, to conduct an independent investigation into Fort Hood's handling of United States Army Specialist Vanessa Guillen's death and whether institutional and cultural reforms are also need to ensure that such incidents never occur again.

DocuSign Envelope ID: 3AC91C62-CCA8-418B-A1AD-025763DD90DC

RESO. NO. 8018

SECTION 4: That the City of San Fernando is committed to protect the safety of women from physical assault.

SECTION 5: This resolution shall take effect upon approval by the City Council. The City Clerk shall certify the adoption of this Resolution by the City Council. The City Manager is also directed to forward copies of this Resolution to the City's State and federal legislative representatives and to appropriate officials within the Department of Defense.

PASSED, APPROVED, AND ADOPTED this 20th day of July, 2020.

Joel Fajardo

Joel Fajardo, Mayor

Julia Fritz, City Clerk

ATTEST:

The foregoing instrument is a full, true, and correct copy of the original on file in City Clerk's Department, City of San Fernando, Ca.

27 20 ATTEST DATED

Cypthia Alba, Deputy City Clerk City of San Fernando

DocuSign Envelope ID: 3AC91C62-CCA8-418B-A1AD-025763DD90DC

RESO. NO. 8018

#### CERTIFICATION

I, City Clerk of the City of San Fernando, California, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 8018 which was regularly introduced and adopted by the City Council of the City of San Fernando, California, at a regular meeting thereof held on the 20th day of July, 2020, by the following vote of the City Council:

AYES:	Fajardo, Pacheco, Ballin, Gonzales, Mendoza – 5
NAYS:	None
ABSENT:	None
ABSTAINED:	None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Fernando, California, this 22nd day of July, 2020.

Julia Fritz, City Clerk

The foregoing instrument is a full, true, and correct copy of the original on file in City Clerk's Department, City of San Fernando, Ca. ATTEST DATED 7 20 Cynthia Alba, Deputy City Clerk City of San Fernando

## **ATTACHMENT "C"**

# THE CITY OF FERNAND

CITY COUNCIL

July 27, 2020

MAYOR JOEL FAJARDO

VICE MAYOR HECTOR A. PACHECO

COUNCILMEMBER SYLVIA BALLIN

COUNCILMEMBER ROBERT C. GONZALES

COUNCILMEMBER MARY MENDOZA

United States Department of Defense Office of Inspector General 4800 Mark Center Drive Alexandria, VA 22350-1500

SUBJECT: United States Army Specialist Vanessa Guillen

Dear Mr. O'Donnell:

The City Council for the City of San Fernando, California, writes to express concern regarding the disappearance and murder of Vanessa Guillen. At their regular meeting held on July 20, 2020, the City Council adopted the attached resolution declaring that no women should be subjected to harassment or physical assault. The resolution also urges the Department of Defense Inspector General to conduct an independent investigation into the death of United States Army Specialist Vanessa Guillen at Fort Hood.

It is imperative that officials not only hold those responsible for Vanessa Guillen's death but that the military officials also examine how such incidents can be prevented in the future using Institutional and cultural reforms. The City of San Fernando strongly urges you to conduct an independent investigation into the death of United States Army Specialist Vanessa Guillen at Fort Hood

Respectfully

Nick Kimball **City Manager** 

CC:

ADMINISTRATION DEPARTMENT

117 MACNEIL STREET San Fernando CALIFORNIA 91340

OFFICE OF THE CITY MANAGER (818) 898-1202

PERSONNEL DIVISION (818) 898-1220

U.S. Army, Office of the General Counsel U.S. Army, Commander, Criminal Investigation Command U.S. Senate Committee on Armed Services Veterans of Foreign Wars National Headquarters Honorable Tony Cardenas, Congressman California's 29th District Honorable Robert Hertzberg, California State Senator and Majority Leader, 18<sup>th</sup> Senate District Honorable Luz Rivas, California State Assemblymember, 39th Assembly District