



SAN FERNANDO

MAYOR/CHAIR MARY MENDOZA
VICE MAYOR/VICE CHAIR HECTOR A. PACHECO
COUNCILMEMBER/BOARDMEMBER SYLVIA BALLIN
COUNCILMEMBER/BOARDMEMBER CINDY MONTAÑEZ
COUNCILMEMBER/BOARDMEMBER CELESTE T. RODRIGUEZ

CITY OF SAN FERNANDO

CITY COUNCIL AND SUCCESSOR AGENCY TO THE SAN FERNANDO REDEVELOPMENT AGENCY REGULAR MEETING AGENDA SUMMARY MONDAY, MAY 2, 2022 - 6:00 PM

CITY HALL COUNCIL CHAMBER
117 MACNEIL STREET
SAN FERNANDO, CALIFORNIA 91340
TELECONFERENCE – PURSUANT TO PROVISIONS OF ASSEMBLY BILL 361

SPECIAL NOTICE REGARDING COVID-19

NOTICE OF TELECONFERENCE: Pursuant to Adopted Resolution No. 8098 by the City Council of the City of San Fernando, effective January 12, 2022, the City of San Fernando's Legislative Bodies may participate via teleconference and/or video in Accordance with Government Code Section 54953 as permitted under the provisions of Assembly Bill 361

PUBLIC PARTICIPATION OPTIONS

WATCH THE MEETING:

Live stream with audio and video, via YouTube Live, at:

<https://www.youtube.com/c/CityOfSanFernando>

Note: Comments submitted via YouTube will not be read into the record.

SUBMIT PUBLIC COMMENT IN PERSON:

Members of the public may provide comments in the City Council Chambers during the Public Comments section of the Agenda by submitting a comment card to the City Clerk.

SUBMIT PUBLIC COMMENT VIA EMAIL:

Members of the public may submit comments **by email** to cityclerk@sfcity.org 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. Comments received via email will be distributed to the City Council, read into the record, limited to three minutes, and made part of the official public record of the meeting.

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CALL-IN TO PROVIDE PUBLIC COMMENT LIVE AT THE MEETING:

Members of the public may **call-in between 6:00 p.m. and 6:15 p.m.** Comments will be heard in the order received, and limited to three minutes. If necessary, the call-in period may be extended by the Mayor. Note: This is audio only and no video.

Call-in Telephone Number: (669) 900-6833

Meeting ID: 833 6022 0211

Passcode: 924965

When connecting to the Zoom meeting to speak, you will be placed in a virtual “waiting area,” with your audio disabled, until it is your turn to speak and limited to three minutes.

CALL TO ORDER/ROLL CALL

PLEDGE OF ALLEGIANCE

Led by City Clerk Julia Fritz

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.

PRESENTATIONS

- A. EDUCATION COMMISSION CERTIFICATE OF RECOGNITION FOR APRIL STUDENT OF THE MONTH
Samuel Jimenez (San Fernando Institute of Applied Media)
Education Commissioner Vice Chair David Govea
- B. PRESENTATION OF A CERTIFICATE OF RECOGNITION TO ERNESTO ALVARADO FOR VOLUNTEER SERVICE TO THE LAS PALMAS SENIOR CLUB
- C. PRESENTATION OF A PROCLAMATION DECLARING THE MONTH OF MAY 2022, AS OLDER AMERICANS MONTH
- D. PRESENTATION OF A PROCLAMATION DECLARING THE MONTH OF MAY 2022 AS BIKE MONTH
- E. PRESENTATION OF A PROCLAMATION DECLARING THE WEEK OF MAY 1 THROUGH MAY 7, 2022, AS PROFESSIONAL MUNICIPAL CLERKS WEEK

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DECORUM AND ORDER

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

PUBLIC STATEMENTS

Members of the public may **provide comments in the City Council Chambers** during the Public Comments section of the Agenda by submitting a comment card to the City Clerk.

Members of the public may submit comments by email to cityclerk@sfcity.org 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. Comments received via email will be distributed to the City Council and read into the record.

Members of the public may provide a **live public comment by calling in between 6:00 p.m. and 6:15 p.m. CALL-IN INFORMATION: Telephone Number: (669) 900-6833; Meeting ID: 833 6022 0211; Passcode: 924965**

CONSENT CALENDAR

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

1) CONSIDERATION TO APPROVE CITY COUNCIL AND REDEVELOPMENT AGENCY MEETING MINUTES FOR:

- | | |
|---|---------------------------------------|
| a. April 7, 2008 - Special Meeting | c. January 18, 2022 – Regular Meeting |
| b. April 7, 2008 - Redevelopment Agency Regular Meeting | d. April 18, 2022 – Regular Meeting |

2) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER

Recommend that the City Council adopt Resolution No. 22-051 approving the Warrant Register.

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3) CONSIDERATION TO ADOPT A RESOLUTION AUTHORIZING THE DIRECTOR OF FINANCE/CITY TREASURER AND SENIOR ACCOUNTANT TO INVEST SURPLUS FUNDS

Recommend that the City Council adopt Resolution No. 8142 authorizing the Director of Finance/City Treasurer and Senior Accountant to invest surplus funds.

4) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE ANNUAL INVESTMENT POLICY FOR FISCAL YEAR 2022-2023

Recommend that the City Council adopt Resolution No. 8143, approving the annual Investment Policy for Fiscal Year 2022-2023.

5) CONSIDERATION TO ADOPT A RESOLUTION RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR THE PERIOD OF MAY 14, 2022 TO JUNE 13, 2022, OF THE CITY OF SAN FERNANDO'S LEGISLATIVE BODIES IN COMPLIANCE WITH GOVERNMENT CODE SECTION 54953(E) AND OTHER APPLICABLE PROVISIONS OF ASSEMBLY BILL 361

Recommend that the City Council adopt Resolution No. 8144 re-authorizing remote teleconference meetings for the period of May 14, 2022 to June 13, 2022, of the City of San Fernando's Legislative Bodies in compliance with Government Code Section 54953(E) and other applicable provisions of Assembly Bill 361.

6) CONSIDERATION TO ADOPT A RESOLUTION APPROPRIATING ASSET SEIZURE FUNDS AND AUTHORIZE A PURCHASE ORDER WITH PROFORCE LAW ENFORCEMENT FOR THE PURCHASE OF TASER CONDUCTED ENERGY WEAPON AND RELATED ACCESSORIES

Recommend that the City Council:

- a. Adopt Resolution No. 8146 appropriating \$10,067 in State Asset Forfeiture funds and \$8,856 in Federal Asset Forfeiture funds to offset the purchase of Taser Conducted Energy Weapons and accessories.
- b. Authorize a Purchase Order with Proforce Law Enforcement in the amount of \$30,563 for the purchase of 15 Taser X2 Conducted Energy Weapons, 15 Taser X2 Duty Belt holsters, 50 Taser X2 cartridges, and 15 Bluetooth enabled batteries; and
- c. Authorize the City Manager to execute the Purchase Order and all related documents.

7) CONSIDERATION TO AUTHORIZE A PURCHASE ORDER WITH GENERAL PUMP COMPANY, INC. FOR THE PURCHASE AND INSTALLATION OF NEW PUMP AND MOTOR ASSEMBLY LOCATED AT THE CITY'S GROUNDWATER WELL NO. 3

Recommend that the City Council:

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- a. Waive formal bidding requirements pursuant to Section 2-801(a) of the City's Purchasing Ordinance that allows waiving bidding requirements to purchase special equipment or supplies needed to be compatible with existing equipment, or to perform complex or unique functions;
- b. Authorize a Purchase Order with General Pump Company, Inc. for a New Water Lubricated Pump and Motor Assembly at Well No. 3, in an amount not-to-exceed \$104,458.00, for the purchase and installation of New Pump and Motor Assembly located at Well No. 3; and
- c. Authorize the City Manager to execute the Purchase Order and all related documents.

PUBLIC HEARING

8) A CONTINUED PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE ADDING CHAPTER 24 TO THE SAN FERNANDO MUNICIPAL CODE TO PROHIBIT SMOKING IN MULTI-UNIT HOUSING

Recommend that the City Council:

- a. Conduct a public hearing; and
- b. Pending public input, introduce for first reading, in title only, and waive further reading of Ordinance No. 1710 titled, "An Ordinance of the City Council of the City of San Fernando, California, adding Chapter 24 to the San Fernando Municipal Code to prohibit smoking in multi-unit housing."

ADMINISTRATIVE REPORTS

9) CONSIDERATION TO AUTHORIZE A NOTICE INVITING BIDS FOR CONSTRUCTION OF THE LAYNE PARK REVITALIZATION PROJECT

Recommend that the City Council:

- a. Authorize the circulation of a Notice Inviting Bids for the construction of the Layne Park Revitalization project; and
- b. Provide staff with direction as appropriate.

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10) CONSIDERATION TO ADOPT A RESOLUTION EXPRESSING SUPPORT FOR THE PEOPLE OF UKRAINE, URGING PRESIDENT BIDEN TO SUPPORT CONTINUED EFFORTS OF THE GOVERNMENT OF UKRAINE TO RESTORE A SECURE, DEMOCRATIC, AND INDEPENDENT UKRAINE AND AUTHORIZE THE CITY MANAGER TO TRANSMIT THE RESOLUTION ON BEHALF OF THE CITY COUNCIL TO LOCAL, STATE AND FEDERAL LEGISLATORS

Recommend that the City Council:

- a. Adopt Resolution No. 8145, expressing support for the people of Ukraine, and urging President Biden to support continued efforts of the Government of Ukraine to restore a secure, democratic, and independent Ukraine;
- b. Authorize the City Manager to send a letter with a copy of the resolution to local, State, and Federal legislators expressing the City's support for the People of Ukraine; and
- c. Provide direction to staff, as appropriate.

11) CONSIDERATION TO APPOINT A PARKS, WELLNESS AND RECREATION COMMISSIONER

This item was agendized by Vice Mayor Hector A. Pacheco.

STAFF COMMUNICATION INCLUDING COMMISSION UPDATES

GENERAL CITY COUNCIL/BOARD MEMBER COMMENTS AND LIAISON UPDATES

ADJOURNMENT The meeting will adjourn to its next regular meeting.

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: April 28, 2022 (4:30 p.m.)

The Regular Meetings of the City Council of the City of San Fernando also serves as concurrent Regular Meeting s of the Successor Agency to the San Fernando Redevelopment Agency, and, from time to time, such other bodies of the City composed exclusive of the Members of the City Council.

Agendas and complete Agenda Packets (including staff reports and exhibits related to each item) are posted on the City's `Internet website www.sfcity.org. These are also available for public reviewing prior to a meeting in the City Clerk Department. Any public writings distributed by the City Council to at least a majority of the Councilmembers regarding any item on this regular meeting agenda will also be made available at the City Clerk Department at City Hall located at 117 Macneil Street, San Fernando, CA, 91340 during normal business hours. In addition, the City may also post such documents on the City's website at www.sfcity.org. 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 or cityclerk@sfcity.org at least 48 hours prior to the meeting.

**Regular Meeting
San Fernando City Council
and Successor Agency to the
San Fernando Redevelopment Agency**

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**SAN FERNANDO CITY COUNCIL
MINUTES**

April 7, 2008 – 5:00 P.M.

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

SPECIAL MEETING

CALL TO ORDER/ROLL CALL

Mayor Nury Martinez called the meeting to order at 5:00 p.m.

Present:

Council: Mayor Nury Martinez, Mayor Pro Tem Julie Ruelas, and Councilmembers Maribel De La Torre, Dr. Jose Hernandez, and Councilmember Steven Veres

Staff: City Administrator Jose E. Pulido, City Attorney Michael Estrado, and City Clerk Elena G. Chávez

PLEDGE OF ALLEGIANCE

Led by Mayor Martinez

APPROVAL OF AGENDA

Motion by Councilmember Hernandez, seconded by Mayor Pro Tem Ruelas, to approve the agenda, as presented. The motion carried, unanimously.

PUBLIC STATEMENTS – WRITTEN/ORAL

David Romero voiced his support for recalling Councilmember Hernandez and Mayor Pro Tem Ruelas.

Mr. Savino referenced a recent swimming competition; urged City Council to complete the pool project and commented on the proposed recall.

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SPECIAL MEETING MINUTES – April 7, 2008**

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Dr. James Lawson about concerns associated with completing the pool project and urged the City Council to move the project forward.

Rick Inez spoke about concerns associated with completing the pool project and urged the City Council to move the project forward.

ADMINISTRATION REPORTS

1) UPDATE AND DISCUSSION ON THE STATUS OF THE SAN FERNANDO POOL PROJECT

City Administrator Jose E. Pulido presented details of the report; discussed the project timeline; noted plans are to open the pool in June 2008; expediting the project without sacrificing quality; addressed meetings with the Pool Ad Hoc Committee and management and operation of the pool.

Motion by Councilmember De La Torre, to set a deadline for the opening of the San Fernando Aquatics Center on July 4, 2008. The motion died for lack of a second.

Mayor Martinez suggested scheduling a Study Session to discuss the management and operation of the San Fernando Aquatics Center and the Los Angeles County menu of services.

ADJOURNMENT

Motion by Mayor Pro Tem Ruelas, seconded by Mayor Martinez, to adjourn the meeting at 6:05 p.m. The motion carried, unanimously.

I do hereby certify that the foregoing is a true and correct copy of the minutes of the April 7, 2008, special meeting as approved by the San Fernando City Council.

Julia Fritz, CMC
City Clerk

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**SAN FERNANDO REDEVELOPMENT AGENCY
MINUTES**

April 7, 2008 – 6:00 P.M.

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

CALL TO ORDER/ROLL CALL

Mayor Nury Martinez called the meeting to order at 6:00 p.m.

Present:

Council: Mayor Nury Martinez, Mayor Pro Tem Julie Ruelas, and Councilmembers Maribel De La Torre, Dr. Jose Hernandez, and Councilmember Steven Veres

Staff: City Administrator Jose E. Pulido, City Attorney Michael Estrado, and City Clerk Elena G. Chávez

APPROVAL OF AGENDA

Motion by Councilmember Hernandez, seconded by Mayor Pro Tem Ruelas, to approve the agenda, as presented. The motion carried, unanimously.

PUBLIC STATEMENTS

Mike Majors, Major Liquor, spoke about alleged derogatory comments directed at him by Councilmember Hernandez and suggested eliminating parking to build senior low-income housing.

Dr. James Lawson spoke about City Council not getting vetted and timely information from City staff and discussed a contract with the San Fernando Mall Association.

Juana Ruiz, San Fernando Downtown Mall Association, thanked the City for its support.

Female Speaker spoke about the end of the comment period for the draft EIR; noted impacts of cancelled meetings and questioned the City's commitment to a transparent process.

CONSENT CALENDAR

- 1) APPROVAL OF RESOLUTION NO. 996 TO REIMBURSE THE CITY FOR REDEVELOPMENT EXPENSES

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- 2) SAN FERNANDO DOWNTOWN MALL ASSOCIATION CIRCO NACIONAL DE MEXICO AT
1320 SAN FERNANDO ROAD ("SKATE PARK")

Motion by Councilmember Hernandez, seconded by Mayor Pro Tem Ruelas, to approve the Consent Calendar, as presented. The motion carried, unanimously.

AGENCY DISCUSSION

Councilmember De La Torre spoke about the Ganges Development Project; expressed disappointment about how it has been addressed and noted the need to consider what is best for the downtown area in terms of housing.

Councilmember Hernandez reported he was not on the City Council when the Ganges Development Project was approved.

Councilmember Veres commented on the Ganges Development Project; felt that City Council does not have working knowledge of the project; noted the need to bring the project forward and requested a special robust presentation on the topic.

Discussion followed regarding extending the public review period after modifications are made to the draft EIR to accommodate Council's direction with respect to senior housing downtown.

It was noted that the City is in the process of retaining the services of Mark Norcross to do a financial analysis.

STAFF COMMUNICATION - None

ADJOURNMENT

Motion by Mayor Pro Tem Ruelas, seconded by Mayor Martinez, to adjourn the Redevelopment Agency meeting at 6:13 p.m. The motion carried, unanimously.

I do hereby certify that the foregoing is a true and correct copy of the minutes of April 7, 2008, meeting as approved by the San Fernando Redevelopment Agency.

Julia Fritz, CMC
City Clerk

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**CITY OF SAN FERNANDO
CITY COUNCIL/SUCCESSOR AGENCY
TO THE SAN FERNANDO REDEVELOPMENT AGENCY
MINUTES**

**JANUARY 18, 2022 – 6:00 P.M.
REGULAR MEETING**

**CITY HALL COUNCIL CHAMBER
117 MACNEIL STREET
SAN FERNANDO, CALIFORNIA 91340
TELECONFERENCE – PURSUANT TO PROVISIONS OF ASSEMBLY BILL 361**

CALL TO ORDER/ROLL CALL Mayor Mary Mendoza called the meeting to order at 6:02 p.m.

Present:

Council: Mayor Mary Mendoza, Vice Mayor Hector A. Pacheco, Councilmember Sylvia Ballin, Councilmember Cindy Montañez and Councilmember Celeste Rodriguez

Absent: None

Staff: City Manager Nick Kimball, Assistant City Attorney Richard Padilla, Interim/Acting Chief of Police Nichole Hanchett, Director of Public Works Matt Baumgardner, Director of Community Development Kanika Kith, Interim/Acting Director of Finance Sonia Garcia, Director of Recreation and Community Services Julian Venegas, and City Clerk Julia Fritz

PLEDGE OF ALLEGIANCE

Led by City Clerk Julia Fritz

APPROVAL OF AGENDA

Assistant City Attorney Padilla requested that an item be added as a “walk on” matter for consideration, in order to file applicable documents by the required due, regarding a previous staff report presented at the December 6 2021 City Council meeting associated with authorizing the execution of settlement agreements with certain manufacturers, distributors, and retailers of opioid pharmaceuticals. He noted that a copy of the staff report from December 6, was emailed to the City Council prior to the beginning of tonight’s meeting and were made available for public review.

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Motion by Councilmember Ballin, seconded by Mayor Mendoza to approve the agenda, as amended to include the “walk on” item requested by Assistant City Attorney Padilla. Motion carries unanimously.

PRESENTATIONS

- A. PRESENTATION IN RECOGNITION OF SOUTHERN CALIFORNIA GAS COMPANY FOR THE 2020-2021 CLIMATE ADAPTATION AND RESILIENCY GRANT AWARD OF \$50,000 TO THE CITY OF SAN FERNANDO
- B. PRESENTATION OF A PROCLAMATION DECLARING THE WEEK OF JANUARY 23 THROUGH JANUARY 29, 2022 AS SCHOOL OF CHOICE WEEK IN THE CITY OF SAN FERNANDO

Mayor Mary Mendoza spoke about her duties as the Mayor, commented on general meeting guidelines and decorum and order of the City Council meetings.

PUBLIC STATEMENTS

Julissa Hernandez, Field Representative from the Office of Assemblywoman Luz Rivas office, provided updates on community activities.

The following comments were read into the record:

Liana Stepanyan, San Fernando Library Manager provided updates on activities being offered at the library.

Victoria Garcia, expressed her support and acknowledged Recreation Department staff for their hard work towards coordinating recent community events.

Brian Fagan, President of Selective Retail 215, LLC submitted a letter opposing the City’s 2022 Draft Housing Element.

CONSENT CALENDAR

Vice Mayor Pacheco requested to pull Agenda Item 6 for discussion.

City Manager Kimball commented on the existing Commissioner vacancies for the Parks, Wellness and Recreation Commission.

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Motion by Councilmember Ballin, seconded by Councilmember Rodriguez to approve Consent Items 1 through 5:

- 1) CONSIDERATION TO APPROVE CITY COUNCIL MEETING MINUTES FOR:
 - a. May 18, 2020 - Regular Meeting
 - b. August 17, 2020 - Regular Meeting
 - c. September 8, 2020 - Regular Meeting
 - d. September 21, 2020 - Regular Meeting
 - e. March 1, 2021 - Regular Meeting
 - f. October 4, 2021 - Regular Meeting
 - g. October 18, 2021 - Regular Meeting
 - h. December 6, 2021 - Special Meeting
- 2) CONSIDERATION TO ADOPT RESOLUTION NOS. 21-122, 22-011, AND 22-012 APPROVING THE WARRANT REGISTERS OF DECEMBER 20, 2021, JANUARY 3, 2022, AND JANUARY 18, 2022, RESPECTIVELY
- 3) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE LAST AND FINAL RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE PERIOD JULY 1, 2022 THROUGH JUNE 30, 2023 FOR THE SUCCESSOR AGENCY TO THE SAN FERNANDO REDEVELOPMENT AGENCY
- 4) CONSIDERATION TO APPROVE A THIRD AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT WITH JOHN ROBINSON CONSULTING, INC. FOR ADDITIONAL ENGINEERING SERVICES AND PERMIT FEES RELATED TO THE UPPER RESERVOIR REPLACEMENT PROJECT
- 5) CONSIDERATION AND DISCUSSION REGARDING CITY COUNCIL LIAISON ASSIGNMENTS, AD HOC COMMITTEES AND COMMISSIONS AND ADOPT A RESOLUTION APPOINTING A PRIMARY ALTERNATE REPRESENTATIVE TO THE INDEPENDENT CITIES RISK MANAGEMENT AUTHORITY GOVERNING BOARD

Motion carries, unanimously.

Item Pulled for Discussion

- 6) RECEIVE AND FILE AN UPDATE REGARDING COVID-19 RESPONSE EFFORTS

City Manager Kimball presented an informational update regarding additional resources that were made available subsequent to the preparation of the staff report and spoke about mobile vaccination sites, and noted that in the upcoming weeks, the City will be distributing 400 rapid tests to San Fernando residents. The City Council received and filed the update report.

Mayor Mendoza announced that Agenda Items 8 and 9 will be considered next on the agenda.

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ADMINISTRATIVE REPORTS

- 8) CONSIDERATION AND DISCUSSION REGARDING THE PROPOSED TRANSITION OF THE HEALTHY SAN FERNANDO CAMPAIGN 5K ANNUAL RELAY RUN EVENT TO A ONE-MILE RUN EVENT

Director of Recreation and Community Services Venegas presented the staff report and responded to Councilmember questions.

Motion by Councilmember Montañez, seconded by Councilmember Ballin to authorize Recreation and Community Services staff to transition from the 5K Relay Run event to a One-Mile Run event; authorize the City Manager to accept a \$40,000 operating grant from Anthem Blue Cross to implement the One-Mile Run event; authorize the City Manager to execute all grant-related documents required for receiving such grant funds pursuant to the terms and conditions of the grant; and upon full execution of all grant-related documents, authorize the City Manager to amend the revenue and expenditure budgets to appropriate the grant funds. Motion carries, unanimously.

- 9) UPDATE AND DISCUSSION REGARDING THE 2022 FOURTH OF JULY CELEBRATION EVENT

Director of Recreation and Community Services Venegas presented the staff report and responded to Councilmember questions.

By consensus, the City Council directed staff to move forward with a light show display for the Fourth of July Celebration event.

- 14) CONSIDERATION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH WILLDAN ENERGY SOLUTIONS FOR DESIGN AND CONSTRUCTION MANAGEMENT SERVICES FOR SOLAR, HEATING, VENTILATION, AND AIR CONDITIONING, AND BATTERY ENERGY STORAGE SYSTEMS AT CITY FACILITIES

Director of Public Works Baumgardner presented the staff report and responded to Councilmember inquiries.

Motion by Vice Mayor Pacheco, seconded by Councilmember Rodriguez to approve a Professional Services Agreement with Willdan Energy Solutions (Contract No. 2049) for Design and Construction Management Services for Solar, Heating, Ventilation, and Air Conditioning, and Battery Energy Storage Systems at City Facilities; adopt Resolution No. 8117 amending the Fiscal Year 2021-2022 Adopted Budget appropriating the Self-Generation Incentive Program expenditures and revenues (\$583,950) in the Capital Grants Fund and transferring funds from the General (\$920,433), Water Enterprise (\$424,815), and Sewer Enterprise (\$70,802) fund balances in the Capital Outlay Fund (Fund 032); and authorize the City Manager to execute the Agreement and all related documents.

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Motion carries, by the following vote:

ROLL CALL

AYES:	Rodriguez, Ballin, Pacheco, Mendoza - 5
NAYES:	Montañez - 1
ABSENT:	None
ABSTAIN:	None

PUBLIC HEARINGS

- 7) A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A RESOLUTION TO APPROVE THE 2021 CITYWIDE ENGINEERING AND TRAFFIC SURVEY FOR SPEED LIMITS TO ALLOW FOR SPEED RADAR ENFORCEMENT ON CITY STREETS AND THE ADOPTION OF AN ORDINANCE AMENDING THE CITY CODE RELATING TO SPEED LIMITS

Mayor Mendoza opened the public hearing.

Director of Public Works Baumgardner presented the staff report and responded to Councilmember questions.

Mayor Mendoza opened the hearing for public testimony. There being none, Mayor Mendoza closed the public hearing. Motion by Councilmember Ballin, seconded by Mayor Mendoza to close the public hearing. Motion passes, unanimously.

Motion by Mayor Mendoza, seconded by Councilmember Ballin to introduce for first reading, in title only, and waive further reading of Ordinance No. 1705, “An Ordinance of the City Council of the City of San Fernando, California, Amending Sections 90-941 and 90-942 of Chapter 90 of the City of San Fernando City Code Relating to Speed Limits”; and adopt Resolution No. 8111 approving the 2021 Citywide Engineering and Traffic Survey Report to establish speed limit zones in the City.

Motion carries, by the following vote:

ROLL CALL

AYES:	Rodriguez, Ballin, Mendoza - 3
NAYES:	None
ABSENT:	None
ABSTAIN:	Montañez. Pacheco - 2

- 11) CONSIDERATION AND DISCUSSION TO ADOPT AN INTERIM URGENCY ORDINANCE ESTABLISHING REGULATIONS FOR URBAN LOT SPLITS AND HOUSING DEVELOPMENT IN SINGLE-FAMILY RESIDENTIAL (R-1) ZONE FOR IMPLEMENTATION OF SENATE BILL 9 (SB 9) AND AUTHORIZE A LETTER OF SUPPORT FOR A PROPOSED BALLOT INITIATIVE TO OVERTURN SB 9

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Director of Community Development Kanika Kith presented the staff report and answered Councilmember questions.

Motion by Mayor Mendoza, seconded by Councilmember Ballin to adopt interim Urgency Ordinance No. U-1706 establishing regulations for Urban Lot Splits and Housing Development in Single-Family Residential (R-1) Zone for implementation of Senate Bill 9; and authorize the Mayor and City Manager to submit a letter of support to the Brand-Huang-Mendoza Tripartisan Land Use Initiative committee and take other related actions supporting the ballot initiative titled, “Provides That Local Land-Use and Zoning Laws Override Conflicting State Laws. Initiative Constitutional Amendment.”

Motion carries, by the following vote:

ROLL CALL

AYES:	Rodriguez, Montañez, Ballin, Mendoza - 4
NAYES:	None
ABSENT:	None
ABSTAIN:	Pacheco - 1

City Manager Kimball recommended that Agenda Item Nos. 10, 12 and 15 be continued to a special meeting, date uncertain and to approve the walk on item regarding consideration to adopt a resolution authorizing the execution of settlement agreements with certain manufacturers, distributors, and retailers of opioid pharmaceuticals.

Motion by Mayor Mendoza, seconded by Councilmember Ballin to continue Agenda Item Nos. 10, 12 and 15 to a date uncertain, approve the walk on item per staff recommendation; and direct staff to schedule a special meeting of the City Council during the following week. Motion passes, unanimously.

- 10) PRESENTATION AND STUDY SESSION OF THE DRAFT 2021-2029 HOUSING ELEMENT AND SAFETY ELEMENT UPDATE TO THE GENERAL PLAN
(Continued to a special meeting, date uncertain)
- 12) CONSIDERATION AND DISCUSSION REGARDING RE-ESTABLISHING LOW INCOME ASSISTANCE HOME PROGRAMS
(Continued to a special meeting, date uncertain)
- 15) CONSIDERATION TO ADOPT A RESOLUTION ESTABLISHING A JOB SPECIFICATION FOR THE POSITION OF DEPUTY CITY MANAGER
(Continued to a special meeting, date uncertain)

It was noted that Mayor Mendoza left the dais and requested Vice Mayor Pacheco to continue the meeting.

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- 13) CONSIDERATION TO APPROVE REALLOCATING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FISCAL YEAR 2021-2022 TO PARTICIPATE IN THE LOS ANGELES COUNTY DEVELOPMENT AUTHORITY’S SMALL BUSINESS GRANT PROGRAM

City Manager Kimball presented the staff report and responded to Councilmember inquiries.

Motion by Vice Mayor Pacheco, seconded by Councilmember Montañez to approve the re-allocation of unspent Community Development Block Grant Funds for Fiscal Year 2021-2022 to the Small Business Assistance Program; authorize use of the reallocated CDBG funds to participate in the Los Angeles County Development Authority’s Small Business Grant Program; authorize the City Manager, or designee, to submit documentation conveying the City Council’s approval to the Los Angeles County Community Development Commission for approval; and as amended to preserve \$15,000 for use towards residential utility bill assistance and small business programs.

Motion carries, by the following vote:

ROLL CALL

AYES:	Rodriguez, Montañez, Ballin, Pacheco - 4
NAYES:	None
ABSENT:	Mendoza - 1
ABSTAIN:	None

Mayor Mendoza returned to the dais at approximately 10:15 p.m.

Councilmember Rodriguez left the meeting at 10:30 p.m.

WALK ON ITEM

- 15) CONSIDERATION TO ADOPT A RESOLUTION AUTHORIZING THE EXECUTION OF SETTLEMENT AGREEMENTS WITH CERTAIN MANUFACTURERS, DISTRIBUTORS, AND RETAILERS OF OPIOID PHARMACEUTICALS

Assistant City Attorney Richard Padilla presented information and responded to Councilmember questions.

As per staff recommendation contained in the staff report previously presented at the December 6, 2021 City Council meeting, Councilmember Ballin made a motion, seconded by Mayor Mendoza to adopt Resolution No. 8106 authorizing the City to enter into settlement agreements with certain manufacturers, distributors, and retailers of opioid pharmaceuticals; and authorize the City Manager to execute the participation agreements and settlement agreements with Distributors and Janssen.

SAN FERNANDO CITY COUNCIL/SUCCESSOR AGENCY

MINUTES – Regular Meeting January 18, 2022

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Motion carries, by the following vote:

ROLL CALL

AYES:	Ballin, Pacheco, Mendoza - 3
NAYES:	Montañez - 1
ABSENT:	Rodriguez - 1
ABSTAIN:	None

STAFF COMMUNICATION INCLUDING COMMISSION UPDATES - None

GENERAL CITY COUNCIL/BOARD MEMBER COMMENTS AND LIAISON UPDATES - None

ADJOURNMENT 10:47 pm

Mayor Mendoza adjourned the meeting in memory of Sarah Galindo at 10:47 p.m. to a special meeting date uncertain.

I do hereby certify that the foregoing is a true and correct copy of the minutes of the January 18, 2022, regular meeting as approved by the San Fernando City Council.

Julia Fritz, CMC
City Clerk

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**CITY OF SAN FERNANDO
CITY COUNCIL/SUCCESSOR AGENCY
TO THE SAN FERNANDO REDEVELOPMENT AGENCY
MINUTES**

**APRIL 18, 2022 – 6:00 P.M.
REGULAR MEETING**

**CITY HALL COUNCIL CHAMBER
117 MACNEIL STREET
SAN FERNANDO, CALIFORNIA 91340
TELECONFERENCE – PURSUANT TO PROVISIONS OF ASSEMBLY BILL 361**

CALL TO ORDER/ROLL CALL Mayor Mary Mendoza called the meeting to order at **6:00 p.m.**

Present:

Council: Mayor Mary Mendoza and Councilmembers Sylvia Ballin and Cindy Montanez via teleconference

Absent: Vice Mayor Hector A. Pacheco and Councilmember Celeste Rodriguez

Staff: City Manager Nick Kimball, Assistant City Attorney Richard Padilla, Police Chief Fabian Valdez, Director of Public Works Matt Baumgardner, Director of Community Development Kanika Kith, Interim/Acting Director of Finance Sonia Garcia, Director of Recreation and Community Services Julian Venegas, and City Clerk Julia Fritz

PLEDGE OF ALLEGIANCE

Led by City Clerk Julia Fritz

APPROVAL OF AGENDA

Motion by Councilmember Montanez, seconded by Councilmember Ballin to approve the agenda. The motion carries with Vice Mayor Pacheco and Councilmember Rodriguez absent.

PRESENTATIONS

- A. PRESENTATION OF CERTIFICATES OF RECOGNITION TO THE SAN FERNANDO EXPLORERS LAW ENFORCEMENT POST 521 FOR THEIR ACHIEVEMENTS IN THE 2022 CHANDLER COMPETITION
- B. PRESENTATION OF A PROCLAMATION DECLARING APRIL 29, 2022 AS ARBOR DAY

SAN FERNANDO CITY COUNCIL/SUCCESSOR AGENCY

MINUTES – Regular Meeting April 18, 2022

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PUBLIC STATEMENTS

Julissa Hernandez, Field Representative with the Office of Assemblywomen Luz Rivas, provided an update on community events and mentioned Congressman Tony Cárdenas office held a Press Conference earlier today and unveiled the announcement of securing \$5 million in federal funding for the Telfair Avenue Multi-Modal Bridge Project over the Pacoima Wash; and \$800,000 to Pacoima Beautiful for the Pacoima Wash Greenway Project.

CONSENT CALENDAR

Motion by Councilmember Ballin, seconded by Mayor Mendoza to approve the Consent Calendar as presented:

- 1) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER
- 2) CONSIDERATION TO ADOPT RESOLUTIONS APPROVING A NEW JOB SPECIFICATION FOR HOUSING COORDINATOR AND AMENDING THE FISCAL YEAR 2021-2022 SALARY PLAN AND THE TABLE OF ORGANIZATION
- 3) CONSIDERATION TO APPROVE AN AGREEMENT WITH NORMAN A. TRAUB & ASSOCIATES LLC TO CONDUCT WORKPLACE INVESTIGATIONS
- 4) CONSIDERATION TO ADOPT ORDINANCE NO. 1709 AMENDING DIVISION 2 OF ARTICLE II OF CHAPTER 90 OF THE SAN FERNANDO MUNICIPAL CODE AND SECTION 90-72 OF THE SAN FERNANDO MUNICIPAL CODE TO EXPAND THE DUTIES OF THE TRANSPORTATION AND SAFETY COMMISSION TO INCLUDE PUBLIC SAFETY
- 5) CONSIDERATION TO APPROVE AN AGREEMENT WITH STATE OF CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION FOR FUNDING RELATED TO THE CALLES VERDES: CITY OF SAN FERNANDO URBAN FOREST MANAGEMENT PLAN

Motion carried, with Vice Mayor Pacheco and Councilmember Rodriguez absent.

PUBLIC HEARING

- 6) A PUBLIC HEARING TO CONSIDER ADOPTING AN ORDINANCE ADDING CHAPTER 24 TO THE SAN FERNANDO MUNICIPAL CODE TO PROHIBIT SMOKING IN MULTI-UNIT HOUSING

Mayor Mendoza opened the public hearing.

Director of Community Development Kanika Kith presented the staff report and responded to City Councilmember inquiries.

SAN FERNANDO CITY COUNCIL/SUCCESSOR AGENCY

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Mayor Mendoza called for public testimony.

Victoria Garcia submitted a written statement on general concerns and questions associated with the proposed ordinance.

Mario Rodriguez spoke about concerns with the lack of community outreach and undue hardship for the owners.

Sandy Logan, spoke in support of Agenda Item No. 6.

Mayor Mendoza closed the public testimony, and by consensus the motioned passed with no objection. Vice Mayor Pacheco and Councilmember Rodriguez were absent.

Mayor Mendoza closed the public hearing. Motion by Mayor Mendoza to close the public hearing and continue the item to a date certain to the May 2, 2022 City Council regular meeting. With no objections, motion carries with Vice Mayor Pacheco and Councilmember Rodriguez absent.

ADMINISTRATIVE REPORTS

7) PRESENTATION AND DISCUSSION OF CITY COUNCIL STRATEGIC GOALS AND PRIORITIES FOR FISCAL YEAR 2022-2023

City Manager Kimball presented the staff report along with a presentation by Management Partners, summarizing the City Council Priority-Setting Workshop, held on February 18, 2022.

Members of the City Council requested staff to meet with the Strategic Goals Ad hoc Committee and recommended updating the City's adopted 2022-2027 Strategic Goals to incorporate workshop suggestions, information on completed projects and bring a report back to City Council at a future meeting.

8) DISCUSSION REGARDING THE SHUTDOWN OF GROUNDWATER EXTRACTION WELL NO. 2A AND THE IMPORT OF WATER FROM THE METROPOLITAN WATER DISTRICT TO PROVIDE SUFFICIENT WATER SUPPLY IN THE CITY OF SAN FERNANDO

Director of Public Works Matt Baumgardner presented the staff report and responded to Councilmember questions, including but not limited to addressing expenditures required to fix all four of the City's wells, an approximate timeframe of 6-8 months of purchasing and importing water from MWD, and re-iterated that the City's drinking water continues to be safe for consumption.

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Councilmembers concurred the water supply issue is an immediate priority and suggested staff to exhaust all local, state and federal budget requests and grant funds, seeking emergency funds due to public health issues; inquired on if the City can use ARPA funds to credit water customers the increased cost of purchasing water from MWD and directed staff to bring back an update report City Council, bi-monthly.

City Manager Kimball stated that staff will bring back a report of options to consider at the next City Council meeting.

Councilmembers received and filed an informational report and update on the shutdown of Groundwater Extraction Well No. 2A and the importation of water from the Metropolitan Water District.

STAFF COMMUNICATION INCLUDING COMMISSION UPDATES

City Clerk Fritz reported that staff is in the process of coordinating with the Los Angeles County Elections Division to use San Fernando Recreation Park facility as a 4-day early vote center; and Las Palmas Park facility in the Arts and Crafts room as a 10-day early vote center, as well as utilizing parking lot 6N for use as a check in center for their elections staff for the upcoming June 7, 2022 Statewide Primary Election.

Police Chief Valdez commented that the bike patrol was deployed to the Spring Jamboree event and reported that there were no incidents.

Director of Community Development Kith mentioned that staff is working on a revised draft Housing Element and will be brought to City Council in June.

Director of Recreation and Community Services Venegas announced an upcoming Education Commission meeting, and provided an update on recreation programs and events.

Director of Public Works Baumgardner announced Saturday, April 23 an Earth Day Celebration Community Event hosted by TreePeople, City of San Fernando, Assemblywoman Luz Rivas, Arbor Day Foundation, and Fernandeno Tataviam Band of Mission Indians, will be held at Rudy Ortega, Sr. Park from 9am to 12pm. He also reported that construction has begun at the Recreation Park regarding the Regional Park Infiltration Project.

Interim/Acting Director of Finance Garcia reported the City received its second phase of Water Arrearage Program Grant funds to apply towards unpaid wastewater utility debt from approximately 300 residential and commercial customers, accrued between March 4, 2020 and June 15, 2021.

City Manager Kimball reported that staff continues to diligently seek and apply for grant funds; and re-affirmed reports made by Director of Public Works that the City's water is safe for consumption.

SAN FERNANDO CITY COUNCIL/SUCCESSOR AGENCY

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GENERAL CITY COUNCIL/BOARD MEMBER COMMENTS AND LIAISON UPDATES

Councilmember Montañez offered her assistance in support to obtain local, state and federal grant funds; commented on the Spring Jamboree event and thanked event sponsors, reported attending the Green City and Homelessness Ad hoc committee meetings; and spoke about the upcoming earth day event.

Director of Recreation and Community Services Venegas reported that Spring Jamboree event was successful and well organized.

Councilmember Ballin spoke about the Spring Jamboree event, commented on the City's water infrastructure and talked about the increased traffic enforcement program.

Mayor Mendoza reported she attended the Spring Jamboree event, mentioned she participated in a "Free Small Business Webinar" in partnership with State Controller Betty T. Yee to provide resources for federal, state and local programs designed to assist small businesses, and attended the "Chat with the Chief" event.

ADJOURNMENT (8:15 p.m.)

Mayor Mendoza adjourned the meeting in memory of Chuck Seng Young (brother of Julia Fritz, City Clerk) and Victor Hernan Solis (grandfather of Crystal Solis, Deputy City Clerk) to the next regular meeting.

I do hereby certify that the foregoing is a true and correct copy of the minutes of the April 18, 2022, regular meeting as approved by the San Fernando City Council.

Julia Fritz, CMC
City Clerk

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AGENDA REPORT

To: Mayor Mary Mendoza and Councilmembers

From: Nick Kimball, City Manager
By: Sonia Gomez-Garcia, Interim Director of Finance/City Treasurer

Date: May 2, 2022

Subject: Consideration to Adopt a Resolution Approving the Warrant Register

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 22-051 (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/City Treasurer 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/City Treasurer 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. 22-051

RESOLUTION NO. 22-051

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO,
CALIFORNIA, ALLOWING AND APPROVING FOR PAYMENT DEMANDS
PRESENTED ON DEMAND / WARRANT REGISTER NO. 22-051**

**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 2nd day of May 2022.

Mary Mendoza, Mayor of the City of
San Fernando, California

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. 22-051 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 2nd day of May, 2022, by the following vote of the City Council:

AYES:

NAYS:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have here unto set my hand and affixed the official seal of the City of San Fernando, California, this _____ day of May, 2022.

Julia Fritz, City Clerk

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Voucher List
CITY OF SAN FERNANDO

Page: 1

Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
226563	5/2/2022	892552 A & M CATERING, INC.	1002	12633	CATERING FOR LP SENIOR CLUB MOT 004-2380	5,925.93
					Total :	5,925.93
226564	5/2/2022	888420 ACCURATE BACKFLOW TESTING	20901	12562	ANNUAL TESTING AND REPAIRS FOR (C 070-383-0000-4260	987.00
					Total :	987.00
226565	5/2/2022	888356 ADVANCED AUTO REPAIR	1554	12622	PD VEHICLE REPAIR #6849 041-320-0224-4400	6,275.18
					Total :	6,275.18
226566	5/2/2022	889043 ALADIN JUMPERS	9107	12627	EQUIP. RENTAL FOR RCS DEPT. PROG 001-424-0000-4260	1,444.60
					Total :	1,444.60
226567	5/2/2022	892271 ALL STAR ELITE SPORTS	2824		COED SOFTBALL CHAMPIONSHIP HAT 017-420-1334-4300	226.27
					Total :	226.27
226568	5/2/2022	893722 AMPM GLASS & BOARD UP	1166		REPAIR BROKEN WINDOW-LP PARK 043-390-0000-4330	130.00
					Total :	130.00
226569	5/2/2022	100188 ANDY GUMP INC.	INV912866	12491	PORTABLE RESTROOM SERVICE 070-384-0000-4260	336.34
			INV912867	12491	PORTABLE RESTROOM SERVICE 043-390-0000-4260	217.28
			INV912868	12491	PORTABLE RESTROOM SERVICE 043-390-0000-4260	336.49
					Total :	890.11
226570	5/2/2022	100191 ANGELES SHOOTING RANGE	11150		SHOOTING RANGE TRAINING-03/17/22 001-225-0000-4360	100.00
					Total :	100.00
226571	5/2/2022	893887 ANTHEM SPORTS	336864		SPORTS EQUIPMENT FOR CITY PROG	

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CITY OF SAN FERNANDO

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Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
226571	5/2/2022	893887 ANTHEM SPORTS	(Continued)	12506	001-420-0000-4300	1,084.58
					Total :	1,084.58
226572	5/2/2022	102530 AT & T	818-270-2203		PD NETWORK LINE APR 2022 001-222-0000-4220	222.02
					Total :	222.02
226573	5/2/2022	889037 AT&T MOBILITY	287277903027X0408202		MODEM FOR ELECTRONIC MESSAGE 001-310-0000-4220	101.19
					Total :	101.19
226574	5/2/2022	889942 ATHENS SERVICES	12033935	12528	CITY STREET SWEEPING-APRIL 2022 011-311-0000-4260	17,443.40
					Total :	17,443.40
226575	5/2/2022	893013 AYSON, LEILANI	APRIL 2022	12546	CONTRACTED INSTRUCTOR: ZUMBA 017-420-1337-4260	75.00
					Total :	75.00
226576	5/2/2022	892784 BARAJAS, MARIA BERENICE	APRIL 2022	12547	CONTRACTED INSTRUCTOR (TBC/CYC 017-420-1337-4260	550.00
					Total :	550.00
226577	5/2/2022	891796 BATTERY SYSTEMS INC	7520626		VEHICLE MAINT-PD0700 041-320-0225-4400	413.29
					Total :	413.29
226578	5/2/2022	892426 BEARCOM	5355393	12595	MAINTENANCE AGREEMENT FOR RAD 001-135-0000-4260	12,191.39
					Total :	12,191.39
226579	5/2/2022	889345 BSN SPORTS LLC	916398715	12494	SPORTS EQUIPMENT 017-420-1330-4300	202.85
					Total :	202.85
226580	5/2/2022	888800 BUSINESS CARD	030322-1		LODGING-ANNUAL DISPATCHER'S CONF 001-225-0000-4360	651.52

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
226580	5/2/2022	888800 BUSINESS CARD	(Continued) 030322-2		LODGING-ANNUAL DISPATCHER'S CO	
			032322-2		001-225-0000-4360 INK CARTRIDGE	753.52
			040122-1		001-310-0000-4300 REGISTRATION-ANNUAL CONFERENC	31.98
			040122-2		001-101-0107-4370 REGISTRATION-ANNUAL CONFERENC	600.00
			040422		001-101-0101-4370 CITY EMAIL - APRIL 2022	600.00
			040522		001-135-0000-4260 PERMIT & PROCESSING FEE (SF REGI	1,665.55
			040822		010-310-0620-4600 SPRING JAMBOREE SUPPLIES	613.80
			040822		001-424-0000-4300 REGISTRATION-ANNUAL CONFERENC	145.18
			041122		001-101-0104-4370 LODGING-ICI HOMICIDE TRAINING COI	400.00
			041122-1		001-224-0000-4360 SPRING JAMBOREE SUPPLIES	1,309.08
			041122-2		004-2391 SPRING JAMBOREE SUPPLIES	92.42
			041122-3		004-2391 SPRING JAMBOREE SUPPLIES	16.39
			041122-4		004-2391 SPRING JAMBOREE SUPPLIES	16.43
			041122-5		004-2391 AIR FILTER REPLACEMENT	30.50
			041422		001-422-0000-4300 HOLSTER	22.04
			041822		001-222-0000-4300 BREAK ROOM SUPPLIES	267.91
			041922		001-222-0000-4300 BANNERS FOR THE VETERAN'S RECO	468.97
				12635	053-420-1355-4300	2,034.00
Total :						9,719.29

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Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
226581	5/2/2022	100466 CACEO	200020557		WEBINAR REGISTRATION	
			200020559		001-152-0000-4360 RGSTR-2022 ANNUAL CODE ENFORCE	40.00
			200020559-2		001-152-0000-4370 RGSTR-2022 ANNUAL CODE ENFORCE	425.00
					001-152-0000-4370	425.00
Total :						890.00
226582	5/2/2022	892464 CANON FINANCIAL SERVICES, INC	28402379	12615	COPIER MAINTENANCE SERVICE-APR	
					001-135-0000-4260	651.40
Total :						651.40
226583	5/2/2022	889307 CDPH-OCP	130596MW2022		2022 ANNUAL REG FEE FOR MEDICAL	
					001-224-0000-4270	25.00
Total :						25.00
226584	5/2/2022	887917 CHIASSON, COURTNEY JAMES	REIMB.		SUPPLIES RELATED TO TOBACCO GR	
					110-225-3667-4300	54.74
Total :						54.74
226585	5/2/2022	100727 CITY OF LOS ANGELES TREASURER	SP170000053	12623	LA RIVER WATERSHED MANAGEMENT	
					001-310-0000-4270	5,717.00
Total :						5,717.00
226586	5/2/2022	103029 CITY OF SAN FERNANDO	4244-4283		REIMB TO WORKER'S COMP	
					006-1038	9,174.34
Total :						9,174.34
226587	5/2/2022	100715 CITY-WIDE FIRE PROTECTION CO.	101027		ANNUAL FIRE EQUIP CERT TEST-PD	
					043-390-0000-4260	749.00
Total :						749.00
226588	5/2/2022	893117 CRUZ, ADRIAN	041922		MARIACHI-SR CLUB MOTHER'S DAY D/	
					004-2380	450.00
Total :						450.00
226589	5/2/2022	893618 DANA SAFETY SUPPLY INC	784836		EMERGENCY VEHICLE PACKAGE	
					001-225-0000-4500	769.24

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
226589	5/2/2022	893618 DANA SAFETY SUPPLY INC	(Continued)			Total : 769.24
226590	5/2/2022	893133 DELGADO, MIGUEL A	041322		MUSIC-SENIOR CLUB MOTHER'S DAY I 004-2380	1,200.00 Total : 1,200.00
226591	5/2/2022	891425 DIAZ, MARISOL	REIMB.		SUPPLIES & MILEAGE REIMB. 004-2346 001-422-0000-4300 001-420-0000-4390	12.02 277.12 69.65 Total : 358.79
226592	5/2/2022	892151 DIESEL AIR INC.	31232		SMOG TEST-EL1543 & PW1258 041-320-0000-4450	136.00 Total : 136.00
226593	5/2/2022	101010 DUTHIE POWER SERVICES INC.	A100019	12552	GENERATOR MAINTENANCE & EMERG 070-384-0000-4400	817.95 Total : 817.95
226594	5/2/2022	889121 EDGESOFT, INC.	3278 3281	12442 12442	MAINTENANCE OF AIMS SOFTWARE-W 055-135-0000-4260 MAINTENANCE OF AIMS SOFTWARE-A 055-135-0000-4260	2,080.00 2,080.00 Total : 4,160.00
226595	5/2/2022	892361 FARWEST CORROSION CONTRACT CO	070-2968		CONSTRUCTION MTR DEP REFUND 070-2968	967.72 Total : 967.72
226596	5/2/2022	101147 FEDEX	7-717-36297		COURIER SERVICES 001-190-0000-4280	39.01 Total : 39.01
226597	5/2/2022	892198 FRONTIER COMMUNICATIONS	209-150-5145-010598 209-150-5250-081292		PAC 50 TO SHERIFFS 04/02-04/30 001-222-0000-4220 RADIO REPEATER PD 03/02-04/01 001-222-0000-4220	567.60 46.51

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
226597	5/2/2022	892198 FRONTIER COMMUNICATIONS	(Continued) 209-151-4941-102990 209-151-4942-041191 209-151-4943-081292 818-361-0901-051499 818-361-2385-012309 818-361-2472-031415 818-361-3858-091407 818-361-7825-120512 818-831-5002-052096 818-837-7174-052096 818-838-1841-112596 818-898-7385-033105		PD PAGING 04/01-04/30 001-222-0000-4220 CITY YARD AUTO DIALER 4/10-5/09 070-384-0000-4220 RADIO REPEATER PD 03/02-04/01 001-222-0000-4220 SEWER FLOW MONI PW 04/01-04/30 072-360-0000-4220 MTA PHONE LINE 04/13-05/12 007-440-0441-4220 001-190-0000-4220 PW PHONE LINE 4/04-5/03 070-384-0000-4220 CNG STATION 4/01-4/30 074-320-0000-4220 HERRITAE PARK IRR SYTM 4/13-5/12 001-420-0000-4220 PD SPECIAL ACTIVITIES PHONE 4/4-5/03 001-222-0000-4220 PD SPECIAL ACTIVITIES PHONE 4/10-5/03 001-222-0000-4220 ENGINEERING FAX MODEM 4/01-4/30 001-310-0000-4220 LP FAX NUMBER 4/13-5/12 001-420-0000-4220	42.32 55.56 46.51 56.52 111.11 55.56 519.25 52.70 56.65 55.65 37.75 29.82 32.93 Total : 1,766.44
226598	5/2/2022	893953 GALE, PAUL JOHN	APRIL 2022	12586	KARATE INSTRUCTOR 017-420-1326-4260	409.50 Total : 409.50
226599	5/2/2022	887249 GALLS, LLC	020681812		UNIFORMS 001-222-0000-4300	262.15 Total : 262.15
226600	5/2/2022	894055 GARCIA, DANNY S.	DR18-0600		RELEASE OF HELD EVIDENCE CASH	

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226600	5/2/2022	894055 GARCIA, DANNY S.	(Continued)		001-2264	1,818.86
					Total :	1,818.86
226601	5/2/2022	894054 GLORY DAYS SERVICES INC	33465		MS BASEBALL PICTURE PACKETS 017-420-1330-4300	954.23
					Total :	954.23
226602	5/2/2022	894008 GMU PAVEMENT ENGINEERING	61249	12624	ON CALL PAVEMENT DESIGN SERVICE 008-311-0560-4600	3,507.50
			61400	12624	ON CALL PAVEMENT DESIGN SERVICE 008-311-0560-4600	5,993.75
			61401	12624	ON CALL PAVEMENT DESIGN SERVICE 025-311-0182-4600	13,841.00
					Total :	23,342.25
226603	5/2/2022	890982 GONZALES, ROBERT C.	APRIL 2022		COMMISSIONER'S STIPEND 001-420-0000-4111	75.00
					Total :	75.00
226604	5/2/2022	101376 GRAINGER, INC.	9280265233	12482	SUPPLIES FOR BUILDING, ELECTRICA 043-390-0000-4300	399.35
				12482	001-311-0000-4300	399.36
					Total :	798.71
226605	5/2/2022	101428 H & H WHOLESALE PARTS	1CR0072646		CREDIT-WARRANTY BATTERIES 041-1215	-198.95
			BST3IN1011	12497	BATTERY SERVICE AND CHARGING PA 041-1215	736.17
					Total :	537.22
226606	5/2/2022	893395 HAYES, JASON BENJAMIN	APRIL 2022		COMMISSIONER'S STIPEND 001-420-0000-4111	75.00
					Total :	75.00
226607	5/2/2022	890594 HEALTH AND HUMAN RESOURCE	E0266855		EAP-MAY 2022 001-106-0000-4260	250.90

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226607	5/2/2022	890594 890594 HEALTH AND HUMAN RESOURCE	(Continued)			250.90
					Total :	250.90
226608	5/2/2022	890360 HERRERA, NINAMARIE JULIA	APRIL 2022		COMMISSIONER'S STIPEND 001-420-0000-4111	75.00
					Total :	75.00
226609	5/2/2022	888309 HI 2 LO VOLTAGE WIRING CO, INC	20140		MONITORING 4/1-6/30/22 001-222-0000-4260	75.00
					Total :	75.00
226610	5/2/2022	101511 HINDERLITER DE LLAMAS & ASSOC.	SIN016112	12565	COVID-19 RELIEF & ECONOMIC RECO 121-190-3689-4270	4,660.00
					Total :	4,660.00
226611	5/2/2022	892439 HISTORICAL RESOURCES, INC.	1215		LOPEZ ADOBE CONSULTANT 001-424-0000-4260	225.00
					Total :	225.00
226612	5/2/2022	893804 INDUSTRIAL SHOEWORKE	1100-1301168		SAFETY BOOTS 070-383-0000-4310	160.97
					070-384-0000-4310	209.48
					Total :	370.45
226613	5/2/2022	894042 INLAND EMPIRE STAGES, LTD	56659	12631	BUS TRANSPORATION FOR SENIOR E 004-2383	5,036.10
					Total :	5,036.10
226614	5/2/2022	891570 INNOVATIVE TELECOM. SYSTEMS	3128		PROGRAM EXT 253 & CHECK ISSUES I 001-222-0000-4260	125.00
					Total :	125.00
226615	5/2/2022	101631 INTERNATIONAL ASSOC. OF	0211632		DUES FOR CHIEF VALDEZ 1/1/22-12/31 001-222-0000-4380	190.00
					Total :	190.00
226616	5/2/2022	891777 IRRIGATION EXPRESS	15245691	12483	IRRIGATION SUPPLIES FOR REPAIRS / 043-390-0000-4300	298.81

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226616	5/2/2022	891777 891777 IRRIGATION EXPRESS	(Continued)			Total : 298.81
226617	5/2/2022	894006 J.Z. LAWNMOWER SHOP	26521	12617	SMALL EQUIPMENT REPAIR. 043-390-0000-4300	103.57 Total : 103.57
226618	5/2/2022	892118 JOHN ROBINSON CONSULTING, INC.	SF202001-26	12145	RESERVOIR RECONSTRUCTION 010-385-0716-4600	1,407.50 Total : 1,407.50
226619	5/2/2022	893885 JOHNNY ALLEN TENNIS ACADEMY	APRIL 2022	12498	TENNIS PROGRAM 017-420-1327-4260	525.00 Total : 525.00
226620	5/2/2022	889503 JTB SUPPLY COMPANY, INC.	110214		LED GREEN ARROW LIGHT 001-370-0000-4300	533.92 Total : 533.92
226621	5/2/2022	101971 L.A. MUNICIPAL SERVICES	004-750-1000 494-750-1000 500-750-1000 594-750-1000 657-750-1000 694-750-1000 757-750-1000		ELECTRIC-13003 BORDEN 070-384-0000-4210 WATER-12900 DRONFIELD 070-384-0000-4210 ELECTRIC-13655 FOOTHILL 070-384-0000-4210 ELECTRIC-12900 DRONFIELD 070-384-0000-4210 ELECTRIC-14060 SAYRE 070-384-0000-4210 ELECTRIC & WATER - 13180 DRONFIEL 070-384-0000-4210 WATER-14060 SAYRE 070-384-0000-4210	131.11 50.17 181.38 4,724.29 11,803.62 6,926.12 108.22 Total : 23,924.91
226622	5/2/2022	893957 LEONZO-KUNZE, TANYA XIOMARA	APRIL 2022	12588	ZUMBA INSTRUCTOR 017-420-1337-4260	100.00 Total : 100.00

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226623	5/2/2022	893907 LESAR DEVELOPMENT CONSULTANTS	PCH-8 PCH-9	12536 12536 12536	HOMELESSNESS PLAN CONSULTANT : 001-190-0000-4267 HOMELESSNESS PLAN CONSULTANT : 110-422-3682-4270 001-190-0000-4267	5,873.75 1,275.25 216.00 Total : 7,365.00
226624	5/2/2022	101920 LIEBERT CASSIDY WHITMORE	213779 214573 214667 214690 214698 214700		LEGAL SERVICES 001-112-0000-4270 LEGAL SERVICES 001-112-0000-4270 LEGAL SERVICES 001-112-0000-4270 LEGAL SERVICES 001-112-0000-4270 LEGAL SERVICES 001-112-0000-4270 LEGAL SERVICES 001-112-0000-4270	38.00 15,885.60 6,594.63 624.00 2,166.00 87.00 Total : 25,395.23
226625	5/2/2022	101935 LOCAL GOVERNMENT COMMISSION	106213 106294	12282 12282 12282 12282	CONSULTING SERVICES 010-311-0628-4600 001-310-0628-4270 CONSULTING SERVICES 010-311-0628-4600 001-310-0628-4270	3,036.58 393.42 357.44 46.31 Total : 3,833.75
226626	5/2/2022	102003 LOS ANGELES COUNTY	RE-PW-2204115707	12485	INDUSTRIAL WASTE CHARGES 072-360-0000-4450	4,197.87 Total : 4,197.87
226627	5/2/2022	892251 LOS ANGELES TRUCK CENTERS LLC	XA210744663:01		VEHICLE MAINT-PD0701 041-320-0225-4400	260.85 Total : 260.85

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226628	5/2/2022	892477 LOWES	901617		MATL'S TO REPAIR BASEBALL FIELD 043-390-0000-4300	35.11
					Total :	35.11
226629	5/2/2022	102051 M & M LANDSCAPE	7150	12525	LANDSCAPING AT WELL SITES, RESEF 070-384-0000-4260	3,000.00
					Total :	3,000.00
226630	5/2/2022	888468 MAJOR METROPOLITAN SECURITY	1106317		ALARM MONITORING AT ALL CITY FACI 043-390-0000-4260	25.00
			1106318	12486	ALARM MONITORING AT ALL CITY FACI 043-390-0000-4260	15.00
			1106319	12486	ALARM MONITORING AT ALL CITY FACI 043-390-0000-4260	15.00
			1106320	12486	ALARM MONITORING AT ALL CITY FACI 043-390-0000-4260	15.00
			1106321	12486	ALARM MONITORING AT ALL CITY FACI 043-390-0000-4260	25.00
			1106322	12486	ALARM MONITORING AT ALL CITY FACI 043-390-0000-4260	15.00
			1106323	12486	ALARM MONITORING AT ALL CITY FACI 043-390-0000-4260	15.00
			1106324	12486	ALARM MONITORING AT ALL CITY FACI 043-390-0000-4260	15.00
			1106325	12486	ALARM MONITORING AT ALL CITY FACI 043-390-0000-4260	25.00
			1106326	12486	ALARM MONITORING AT ALL CITY FACI 043-390-0000-4260	25.00
			1106327	12486	ALARM MONITORING AT ALL CITY FACI 043-390-0000-4260	15.00
			1106328	12486	ALARM MONITORING AT ALL CITY FACI 070-384-0000-4260	23.00
			1106329	12486	ALARM MONITORING AT ALL CITY FACI 070-384-0000-4260	23.00
			1106330	12486	ALARM MONITORING AT ALL CITY FACI 070-384-0000-4260	23.00
			1106331		ALARM MONITORING AT ALL CITY FACI	

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226630	5/2/2022	888468 MAJOR METROPOLITAN SECURITY	(Continued)	12486	070-384-0000-4260	23.00
					Total :	297.00
226631	5/2/2022	888242 MCI COMM SERVICE	7DL39365		ALARM LINE 1100 PICO 001-420-0000-4220	34.57
					Total :	34.57
226632	5/2/2022	893200 MCKESSON MEDICAL-SURGICAL	19222242		MEDICAL SUPPLIES 001-225-0000-4350	19.42
			19222678		MEDICAL SUPPLIES 001-225-0000-4350	47.16
			19240398		MEDICAL SUPPLIES 001-225-0000-4350	31.87
					Total :	98.45
226633	5/2/2022	892140 MICHAEL BAKER	1142715	11886	CDBG ADMINISTRATIVE & LABOR COM 026-311-0182-4260	5,170.00
				11886	026-420-0185-4270	4,270.00
			1145301	11886	CDBG ADMINISTRATIVE & LABOR COM 026-311-0182-4260	3,600.00
				11886	026-420-0185-4270	6,755.00
					Total :	19,795.00
226634	5/2/2022	102226 MISSION LINEN SUPPLY	516793591	12457	LAUNDRY SERVICE FOR PD 001-225-0000-4350	107.48
			516804927	12457	LAUNDRY SERVICE FOR PD 001-225-0000-4350	135.26
			516847676	12457	LAUNDRY SERVICE FOR PD 001-225-0000-4350	135.19
			516871900	12457	LAUNDRY SERVICE FOR PD 001-225-0000-4350	110.52
					Total :	488.45
226635	5/2/2022	892353 MOORE IACOFANO, GOLTSMAN, INC.	00174282	12400	DESIGN FOR LAYNE PARK REVITALIZA 010-420-3669-4600	2,625.00
					Total :	2,625.00

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226636	5/2/2022	893934 MORA, JUAN LUIS	MARCH 2022	12577	SUMMER BASEBALL CLINIC 017-420-1330-4260	5,100.00
					Total :	5,100.00
226637	5/2/2022	893973 MORENO, JENNIFER	REIMB.		SUPPLIES & MILEAGE REIMB. 004-2346 001-422-0000-4300 001-420-0000-4390	33.20 64.57 13.69
					Total :	111.46
226638	5/2/2022	102332 NATIONAL ASSOCIATION OF CHIEFS	15-61187NC15001208-M		12 MONTH MEMBERSHIP DUES 001-222-0000-4380	60.00
					Total :	60.00
226639	5/2/2022	893348 NCSI	19907		BACKGROPUND CHECKS-BASEBALL C 001-423-0000-4260	37.00
					Total :	37.00
226640	5/2/2022	102423 OCCU-MED, INC.	0422901		PRE-EMPLOYMENT PHYSICALS 001-106-0000-4260	769.25
					Total :	769.25
226641	5/2/2022	102432 OFFICE DEPOT	234850831001		OFFICE SUPPLIES 001-222-0000-4300	170.88
			234859858001		OFFICE SUPPLIES 001-222-0000-4300	61.73
			234859858002		OFFICE SUPPLIES 001-222-0000-4300	123.46
			235910886001		OFFICE SUPPLIES 001-222-0000-4300	261.60
			235988446001		OFFICE SUPPLIES 001-222-0000-4300	89.49
			235988543001		OFFICE SUPPLIES 001-222-0000-4300	246.51
			236027543001		OFFICE SUPPLIES 001-420-0000-4300	187.19
			236027546001		OFFICE SUPPLIES	

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226641	5/2/2022	102432 OFFICE DEPOT	(Continued)		001-420-0000-4300	24.71
			237734496001		OFFICE SUPPLIES 001-310-0000-4300	66.52
			237735139001		OFFICE SUPPLIES 001-310-0000-4300	110.24
			237735140001		OFFICE SUPPLIES 001-310-0000-4300	3.26
			238121082001		OFFICE SUPPLIES 001-222-0000-4300	7.16
			238125374001		OFFICE SUPPLIES 001-222-0000-4300	167.87
			240001603001		OFFICE SUPPLIES 001-106-0000-4300	29.07
			240004651001		OFFICE SUPPLIES 001-106-0000-4300	37.21
					Total :	1,586.90
226642	5/2/2022	890095 O'REILLY AUTOMOTIVE STORES INC	4605-459041	12538	VEHICLE SERVICE, MAINT. AND REPAI 041-320-0224-4400	58.23
			4605-459053	12538	VEHICLE SERVICE, MAINT. AND REPAI 041-320-0224-4400	20.12
			4605-459698	12538	VEHICLE SERVICE, MAINT. AND REPAI 041-320-0224-4400	78.43
			4605-459891	12538	VEHICLE SERVICE, MAINT. AND REPAI 041-1215	130.37
			4605-460186	12538	VEHICLE SERVICE, MAINT. AND REPAI 041-320-0311-4400	71.64
					Total :	358.79
226643	5/2/2022	892958 PADILLA'S AUTO CENTER	4		VEHICLE MAINT-PD0000 041-320-0225-4400	70.00
					Total :	70.00
226644	5/2/2022	892360 PARKING COMPANY OF AMERICA	invm0016562	12512	PUBLIC TRANSPORTATION SERVICES- 007-440-0442-4260	54,026.67

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226644	5/2/2022	892360 892360 PARKING COMPANY OF AMERICA	(Continued)			Total : 54,026.67
226645	5/2/2022	887646 PLUMBERS DEPOT INC	PD-50431	12458	SUPPLIES & EQUIPMENT FOR SEWER 072-360-0000-4340	354.87
			PD-50712	12458	SUPPLIES & EQUIPMENT FOR SEWER 072-360-0000-4340	1,088.10
					Total :	1,442.97
226646	5/2/2022	890994 PONCE, JOE	APRIL 2022		COMMISSIONER'S STIPEND 001-420-0000-4111	75.00
					Total :	75.00
226647	5/2/2022	890004 PTS	2085615		PD PAY PHONE MAY 2022 001-190-0000-4220	65.64
					Total :	65.64
226648	5/2/2022	102738 QUINTERO ESCAMILLA, VIOLETA	APRIL 2022	12549	CONTRACTED INSTRUCTOR: SENIOF 017-420-1323-4260	240.00
					Total :	240.00
226649	5/2/2022	887872 ROSENBERG, IRWIN	REIMB.		GENERATOR FOR TRAILERS 001-222-0000-4300	1,117.50
					Total :	1,117.50
226650	5/2/2022	103057 SAN FERNANDO VALLEY SUN	11336		LEGAL PUBL-2ND READING-ORD 1704 001-115-0000-4230	104.63
			11479		LEGAL PUBLICAION-SMOKE FREE ML 001-115-0000-4230	74.25
			11480		LEGAL PUBLICATION-RFQ-TRAFFIC 001-115-0000-4230	74.25
			11484		LEGAL PUBLICATION-1ST READING OF 001-115-0000-4230	87.75
					Total :	340.88
226651	5/2/2022	893107 SIEMENS MOBILITY INC	5620038816	12553	ON-CALL TRAFFIC SIGNAL MAINTENAN 001-371-0564-4300	4,054.00
					Total :	4,054.00

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226652	5/2/2022	103184 SMART & FINAL	0060		REFRESHMENTS FOR SENIOR TRIP 004-2383	45.54
			0061		CANDY FOR SPRING JAMBOREE 001-424-0000-4300	61.33
			0068		DEPARTMENT SUPPLIES 070-381-0000-4300	104.30
			0071		FOOD FOR SPRING JAMBOREE ON 04/ 004-2391	119.38
			0132		REFRESHMENTS FOR TRAINING 001-225-0000-4360	92.51
			0148		BREAKROOM SUPPLIES 001-222-0000-4300	13.99
			0176		FOOD FOR SPRING JAMBOREE ON 04/ 004-2391	204.89
			0402		SUPPLIES FOR SPRING JAMBOREE ON 004-2391	38.45
			0403		FOOD FOR SPRING JAMBOREE ON 04/ 001-424-0000-4300	71.63
					Total :	752.02
226653	5/2/2022	103202 SOUTHERN CALIFORNIA EDISON CO.	700360580265		ELECTRIC-910 FIRST 043-390-0000-4210	6,534.87
			700577150347		ELECTRIC-190 PARK 027-344-0000-4210	805.34
					Total :	7,340.21
226654	5/2/2022	894010 SPECTRUM	0283057040522		LP PARK CABLE-04/05-05/04 001-420-0000-4260	258.94
			10328040522		CABLE @ CITY HALL 4/5-5/4 001-190-0000-4220	162.75
					Total :	421.69
226655	5/2/2022	100532 STATE OF CALIFORNIA, DEPARTMENT OF JUSTICE	570869	12459	DOJ LIVESCAN FINGERPRINTING 004-2386	2,014.00
				12459	001-222-0000-4270	66.00
			572811		FINGERPRINTING-MARCH 001-106-0000-4270	121.00

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226655	5/2/2022	100532	100532 STATE OF CALIFORNIA, DEPARTMENT O (Continued)			Total : 2,201.00
226656	5/2/2022	103205	THE GAS COMPANY		042-320-6900	GAS-910 FIRST
					043-390-0000-4210	280.63
					084-220-3249-3	GAS-505 S HUNTINGTON
					088-520-6400-8	043-390-0000-4210
					090-620-4600-2	GAS-117 MACNEIL
						043-390-0000-4210
						GAS-120 MACNEIL
						070-381-0000-4210
						072-360-0000-4210
						043-390-0000-4210
					143-287-8131-6	GAS-208 PARK
						043-390-0000-4210
						Total : 529.93
						1,247.21
226657	5/2/2022	101528	THE HOME DEPOT CRC, ACCT#603532202490	012622	FINANCE CHARGES	
				022322	070-384-0000-4260	97.50
				032522	FIANNCE CHARGES	
				10793	070-384-0000-4260	89.85
				10794	FINANCE CHARGES	
				10795	070-384-0000-4260	60.77
				3101390	PARTS FOR WATERING SYSTEM-120 M	
				3272182	043-390-0000-4300	96.91
				3273170	BATTERY FOR POWER TOOL	
				3371682	001-370-0000-4300	270.47
				3372455	SMALL TOOLS	
					001-311-0000-4300	241.41
					LIGHT FOR CITY HALL FLAG	
					043-390-0000-4300	70.49
					MATL'S FOR CITY TREES	
					001-311-0000-4300	412.13
					GARDEN HOSE REEL CART	
					043-390-0000-4300	207.26
					SUN SHADE FOR PW OPS CTR	
					043-390-0000-4300	402.06
					SUPPLIES FOR CNG TRUCK	

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226657	5/2/2022	101528	THE HOME DEPOT CRC, ACCT#603532202490 (Continued)			
					074-320-0000-4300	385.69
					TOOL FOR CNG STATION	
					074-320-0000-4300	126.99
					BLOWER, SAW AND CUTTERS	
					041-320-0000-4310	425.53
					STOOLS FOR SAMPLING-WELL SITES	
					070-384-0000-4300	174.39
					WATER HOSE	
					043-390-0000-4300	66.98
					WELL SITE SALT DELIVERY	
					070-384-0000-4260	1,476.28
					FLOOD LIGHTS FOR PD FLAG AREA	
					043-390-0000-4300	295.98
					CART FOR SAMPLING-WELL SITES	
					070-384-0000-4300	330.74
					WELL SITES SALT DELIVERY	
					070-384-0000-4260	2,908.46
					REPL REFRIGERATOR @ PWS OPS	
					043-390-0000-4300	1,779.80
					MATL'S FOR SIDEWALK LIFT REPAIRS	
					001-311-0000-4300	63.91
					MATL'S FOR CITY HALL REPAIRS	
					001-370-0000-4300	153.31
					WELL SITES SALT DELIVERY	
					070-384-0000-4260	2,034.55
					SMALL TOOLS	
					001-311-0000-4300	74.91
						Total : 12,246.37
226658	5/2/2022	894052	THE LANGUAGE PROS, INC.	1432	INTERPRETATION SRVS-4/14/22 WEBIN	
					001-190-0000-4267	375.00
						Total : 375.00
226659	5/2/2022	890833	THOMSON REUTERS	846094709	DETECTIVE INVESTIGATIVE SOFTWARE	
				12467	001-135-0000-4260	226.65

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Voucher List
CITY OF SAN FERNANDO

Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
226659	5/2/2022	890833 890833 THOMSON REUTERS	(Continued)			Total : 226.65
226660	5/2/2022	103413 TRANS UNION LLC	03204527		CREDIT CHECKS 001-222-0000-4260	85.00 Total : 85.00
226661	5/2/2022	892853 TREE PEOPLE	040122	12625	DISTRIBUTION OF FRUIT TREES 032-346-0665-4600	4,000.00 Total : 4,000.00
226662	5/2/2022	103503 U.S. POSTAL SERVICE, NEOPOST POSTAGE (15122187		REIMBURSEMENT OF POSTAGE MACH 001-190-0000-4280	1,500.00 Total : 1,500.00
226663	5/2/2022	103444 ULTRA GREENS, INC	53453 53470	12490 12490 12490	LANDSCAPE & PLANT MATERIAL FOR (105.12 77.54 645.16 Total : 827.82
226664	5/2/2022	892258 UNIFORM & ACCESSORIES	INV87978	12518 12518	UNIFORMS AND UNIFORM ACCESSOR 001-222-0000-4300 001-222-0000-4325	0.01 1,206.64 Total : 1,206.65
226665	5/2/2022	893740 UTILITY SYSTEMS SCIENCE &	COSF_3/09-4/08	12379	WASTEWATER FLOW MONITORING & S 072-360-0000-4260	770.00 Total : 770.00
226666	5/2/2022	103534 VALLEY LOCKSMITH	0122	12555	LOCKSMITH SERVICES CITY-WIDE 043-390-0000-4330	451.70 Total : 451.70
226667	5/2/2022	889644 VERIZON BUSINESS	64716530 64716531		CITY HALL LONG DIST Y2619454 MAR 001-190-0000-4220 CITY YARD LONG DIST (Y2619455) MAF 070-384-0000-4220	51.90 15.57

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Voucher List
CITY OF SAN FERNANDO

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Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
226667	5/2/2022	889644 VERIZON BUSINESS	(Continued) 64716532		CITY HALL LONG DIST Y2619456 MAR 001-190-0000-4220	25.95
			64716533		PD LONG DIST Y2619457 MAR 001-222-0000-4220	125.69
			64716534		CITY YARD LONG DIST Y2619458 MAR 070-384-0000-4220	10.38
			64716535		PARKS LONG DIST Y2619459 MAR 001-420-0000-4220	15.82
			64717074		CITY YARD LONG DIST Y2620611 MAR 001-310-0000-4220	5.27
			64717085		CITY HALL LINES Y2620636 MAR 001-190-0000-4220	57.08 Total : 307.66
226668	5/2/2022	100101 VERIZON WIRELESS-LA	9903773934		VARIOUS CELL PHONE PLANS 072-360-0000-4220 001-101-0102-4220 001-101-0108-4220 001-105-0000-4220	50.24 50.24 50.95 55.06 Total : 206.49
226669	5/2/2022	888390 WEST COAST ARBORISTS, INC.	184239	12540	CITY-WIDE TREE TRIMMING 070-381-0000-4260	23,602.00 Total : 23,602.00
226670	5/2/2022	891531 WILL DAN ENGINEERING	00336098 00336102	12265 12610	WELL 7A REGULATORY COMPLIANCE 070-381-0000-4270 NPDES CONSULTING SERVICES 023-311-0000-4270	310.50 7,200.50 Total : 7,511.00
226671	5/2/2022	892023 WINDSTREAM	74736905		PHONE SERVICES 04/18-05/17 001-222-0000-4220 001-420-0000-4220 070-384-0000-4220 001-190-0000-4220	676.58 458.51 536.17 2,243.55

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Voucher List
CITY OF SAN FERNANDO

Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
226671	5/2/2022	892023 892023 WINDSTREAM	(Continued)			Total : 3,914.81
226672	5/2/2022	893867 YOUTH EVOLUTION ACTIVITIES	APRIL 2022		CONTRACTED SERVICES FOR SUMME	
				12515	017-420-1328-4260	1,039.50
				12515	017-420-1332-4260	1,148.00
					Total :	2,187.50
110	Vouchers for bank code :		bank3		Bank total :	360,345.93
110	Vouchers in this report				Total vouchers :	360,345.93

Voucher Registers are not final until approved by Council.

SPECIAL CHECKS

RES. NO. 22-051
EXHIBIT "A"

vchlist

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Voucher List
CITY OF SAN FERNANDO

Page: 1

Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
226557	4/13/2022	103596 CALIFORNIA VISION SERVICE PLAN	DEMAND		VISION INS BENEFITS - APRIL 2022 001-1160	2,197.77 2,197.77
226558	4/13/2022	103648 CITY OF SAN FERNANDO	PR 4-15-22		REIMB FOR PAYROLL W/E 4/8/22 001-1003 007-1003 017-1003 027-1003 029-1003 030-1003 041-1003 043-1003 070-1003 072-1003 094-1003 110-1003	481,288.44 162.16 1,569.26 4,579.48 3,804.84 5,386.89 6,029.31 20,668.37 38,987.27 22,750.42 144.09 217.15 585,587.68
226559	4/13/2022	891230 DELTA DENTAL INSURANCE COMPANY	DEMAND		DENTAL INS BENEFITS - APRIL 2022 001-1160	176.22 176.22
226560	4/13/2022	890907 DELTA DENTAL OF CALIFORNIA	DEMAND		DENTAL INS BENEFITS - APRIL 2022 001-1160	11,453.04 11,453.04
226561	4/13/2022	887627 STANDARD INSURANCE	DEMAND		LIFE/AD&D INS BENEFITS - APRIL 2022 001-1160	3,938.03 3,938.03
5 Vouchers for bank code : bank3					Bank total :	603,352.74
5 Vouchers in this report					Total vouchers :	603,352.74

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Voucher List
CITY OF SAN FERNANDO

Page: 2

Bank code : bank3

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

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SPECIAL CHECKS

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Voucher List

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04/25/2022 10:34:54AM

CITY OF SAN FERNANDO

Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
226562	4/25/2022	103648 CITY OF SAN FERNANDO	SPR 4/25/22		REIMB SPECIAL FOR PAYROLL W/E 4/2	
					001-1003	9,790.18
					027-1003	139.15
					070-1003	695.72
					072-1003	695.72
					Total :	11,320.77
1 Vouchers for bank code :		bank3			Bank total :	11,320.77
1 Vouchers in this report					Total vouchers :	11,320.77

Voucher Registers are not final until approved by Council.

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AGENDA REPORT

To: Mayor Mary Mendoza and Councilmembers

From: Nick Kimball, City Manager
By: Sonia Gomez-Garcia, Interim Director of Finance/City Treasurer

Date: May 2, 2022

Subject: Consideration to Adopt a Resolution Authorizing the Director of Finance/City Treasurer and Senior Accountant to Invest Surplus Funds

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 8142 (Attachment "A") authorizing the Director of Finance/City Treasurer and Senior Accountant to invest surplus funds.

BACKGROUND:

1. Pursuant to Government Code Section 53607, the City Council may delegate authority to the City Treasurer to make investments. This authority must be delegated annually.
2. On June 7, 2021, City Council adopted Resolution No. 8067 authorizing the Director of Finance/City Treasurer and Senior Accountant to invest surplus funds.

ANALYSIS:

Pursuant to Government Code Section 53607, the City Council must adopt a resolution each year delegating authority to staff to invest surplus City funds. The proposed Resolution renews the delegation of authority to invest the City's surplus funds to the Director of Finance/City Treasurer and Senior Accountant for one year (i.e. fiscal year 2022-2023). The Director of Finance/City Treasurer and Senior Accountant are both senior level management staff responsible for monitoring the City's investment portfolio and adhering to the City's Investment Policy.

BUDGET IMPACT:

There is no impact to the budget associated with authorizing the Director of Finance/City Treasurer and Senior Accountant to invest surplus funds as staff time involved in associated work is included in the Finance Department's work plan.

ATTACHMENT:

- A. Resolution No. 8142

ATTACHMENT "A"

RESOLUTION NO. 8142

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO,
CALIFORNIA, AUTHORIZING THE DIRECTOR OF FINANCE/CITY
TREASURER AND SENIOR ACCOUNTANT TO INVEST SURPLUS FUNDS**

WHEREAS, the City Council of the City of San Fernando has determined that, as a policy and practice of the City, any monies ("Surplus Funds") in a sinking fund of, or surplus money in, its treasury not required for the immediate necessities of the City, may be invested in such a manner as to maximize the return thereof for the benefit of the City, its citizens and its taxpayers.

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

SECTION 1. Any portion of any Surplus Funds in a sinking fund of, or surplus money in, the City Treasury not required for the immediate necessities of the City may be invested by the City in any investment medium permissible under state law for the investment of the funds of a General Law city.

SECTION 2. The investment of all Surplus Funds shall be made and maintained pursuant to Section 53601 of Title 5, Division 2 of the California Government Code.

SECTION 3. The authority of the City Council to invest or to reinvest surplus funds of the City, or to sell or exchange securities so purchased, is hereby delegated by the City Council to the Director of Finance/City Treasurer of the City and to the Senior Accountant of the City, who both shall assume full responsibility for such transactions until such time as this delegation of authority is revoked, and who shall make monthly reports of any and all such transactions to the City Council.

SECTION 4. The authority of the City Council is hereby delegated to the Director of Finance/City Treasurer or Senior Accountant to deposit for safekeeping with a federally chartered or state chartered savings and loan association, a trust company or a state or national bank located within the State of California or with the Federal Reserve Bank of San Francisco or any branch thereof within the state, or with any Federal Reserve Bank or with any state or national bank located in any city designated as a reserve city by the Boards of Governors of the Federal Reserve System, the bonds, notes, bills, debentures, obligations, certificates of indebtedness, warrants, or other evidences of indebtedness in which the Surplus Funds of the City is invested pursuant to this Resolution. The Director of Finance/City Treasurer or Senior Accountant shall take from such financial institution a receipt for securities so deposited. The Director of Finance/City Treasurer or Senior Accountant shall not be responsible for securities delivered to and receipted for by a financial institution until they are withdrawn from the financial institution by the Director of Finance/City Treasurer or Senior Accountant.

SECTION 5. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the Office of the City Clerk.

PASSED, APPROVED, AND ADOPTED this 2nd day of May, 2022.

Mary Mendoza, Mayor of the City of San
Fernando, California

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. 8142 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 2nd day of May, 2022, 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 May, 2022.

Julia Fritz, City Clerk

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AGENDA REPORT

To: Mayor Mary Mendoza and Councilmembers

From: Nick Kimball, City Manager
By: Sonia Gomez-Garcia, Interim Director of Finance/City Treasurer

Date: May 2, 2022

Subject: Consideration to Adopt a Resolution Approving the Annual Investment Policy for Fiscal Year 2022-2023

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 8143 (Attachment "A"), approving the annual Investment Policy for Fiscal Year (FY) 2022-2023.

BACKGROUND:

1. On January 1, 1996, SB 564 went into effect that requires the City Treasurer to prepare a statement of investment policy and present it annually to the legislative body for consideration at a public meeting.
2. Since 1996, the investment policy has been reviewed annually by the City Manager, Director of Finance and City Treasurer and has been presented to the City Council for approval.
3. On June 7, 2021, the City Council adopted Resolution No. 8066 approving the Annual Investment Policy for fiscal year 2021-2022.

ANALYSIS:

Pursuant to California Government Code, Sections 53600 et. Seq. and the City's Comprehensive Financial Policy (Resolution No. 7767), City Council must adopt an Investment Policy annually to ensure that proper controls and safeguards are maintained. The Government Code and City Policy require that City funds shall be maintained in a prudent and diligent manner with emphases on liquidity, safety, and yield, in that order.

In addition to liquidity, safety, and yield, the goal of a good investment policy is to enhance the economic status of the City while protecting funds under management and meeting the daily cash flow demands of the City. No changes have been made to the proposed Investment Policy

Consideration to Adopt a Resolution Approving the Annual Investment Policy for Fiscal Year 2022-2023

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from the prior year and the proposed Policy is compliant with California Government Code, Sections 53600 et. seq. and the City's Comprehensive Financial Policy.

As in prior years, the proposed Investment Policy authorizes investment in the following investment vehicles:

1. U.S. Treasuries
2. U.S. Agencies (e.g. Federal National Mortgage Association – FHMA, and Student Loan Marketing Association – SLMA)
3. Bankers' Acceptances
4. Commercial Paper
5. Certificates of Deposit
6. Repurchase Agreements
7. Local Agency Investment Fund
8. Municipal Bonds
9. Corporate Medium Term Notes
10. Money Market Mutual Funds

The proposed Investment Policy protects against risk exposure through overconcentration by limiting the percentage of the value of the portfolio that can be invested in any one investment vehicle. The maximum percentage allowable varies based on the risk association with each category of investment. The proposed Investment Policy also requires minimum Moody's and S&P ratings (P1 and A1, respectively), where applicable, to minimize risk in certain investment.

Pursuant to the proposed Investment Policy, the City may not invest in derivative-type investments (which are now prohibited by law), inverse floaters, range notes, interest- only strips derived from a mortgage pool, equity linked securities, swaps, margin/leveraging, reverse repurchase agreements, and any security that could result in zero interest accrual if held to maturity. The City will not engage in speculative buying.

The City has a long standing partnership with two brokers to purchase investments on the City's behalf, Great Pacific Securities and King Capital. The Finance Department is exploring a possible Request for Proposals (RFP) in the upcoming fiscal year for investment managers who can provide a modern comprehensive investment plan to the City.

BUDGET IMPACT:

In fiscal year 2020-2021 (the last full audited fiscal year), the City earned \$285,255 in total investment returns. All investments will be monitored and invested in accordance with the City's investment policy; investments may result in additional investment income earned by all City funds.

Consideration to Adopt a Resolution Approving the Annual Investment Policy for Fiscal Year 2022-2023

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CONCLUSION:

Staff recommends that City Council approve the annual Investment Policy to allow staff to earn a return on investment on the City's surplus funds and ensure that the City complies with the SB 564 requirement.

ATTACHMENT:

- A. Resolution No. 8143
Exhibit 1 - Investment Policy

RESOLUTION NO. 8143

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO,
CALIFORNIA, ADOPTING THE ANNUAL INVESTMENT POLICY FOR FISCAL
YEAR 2022-2023**

WHEREAS, Senate Bill 564, effective January 1, 1996, requires the City Treasurer present a statement of investment policy annually to the City Council; and

WHEREAS, a responsible investment policy enhances the economic status of the City while protecting funds under management and meeting the daily cash flow demands of the City.

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

SECTION 1. The City Council hereby establishes the Investment Policy, attached hereto as Exhibit "1" and incorporated herein by this reference.

SECTION 2. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the Office of the City Clerk.

PASSED, APPROVED, AND ADOPTED THIS 2nd day of May, 2022.

Mary Mendoza, Mayor of the City of
San Fernando, California

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. 8143 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 2nd day of May, 2022, 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 May, 2022.

Julia Fritz, City Clerk

POLICY/PROCEDURE

SUBJECT	ISSUANCE	
INVESTMENT POLICY	ORIGINAL DATE 05/15/2017	EFFECTIVE 05/05/2017
	CURRENT DATE 05/02/2022	EFFECTIVE 05/02/2022
CATEGORY	POLICY NO.	SUPERSEDES
FINANCE	FIN-	05/17/2021

MANAGEMENT POLICY/PROCEDURES

SECTION I. PURPOSE

This Policy is intended to provide specific criteria for the prudent investment of City funds. The ultimate investment goal is to enhance the economic status of the City while protecting funds under management and meeting the daily cash flow demands of the City.

SECTION II. STATEMENT OF POLICY

The City's cash management system is designed to accurately monitor and forecast expenditures and revenues, thus enabling the City to invest funds to the fullest extent possible. The City attempts to earn the highest yield obtainable while keeping within the investment criteria established for the safety and liquidity of public funds.

The Finance Director shall establish procedures that separate the internal responsibility for management and accounting of the investment portfolio. An analysis by an external independent auditor shall be conducted annually to review internal controls, account activity and compliance with policies and procedures.

San Fernando operates its temporary pooled idle cash investment under the prudent investor standard (i.e., such a trustee must act with the "care, skill, prudence and diligence...that a prudent investor...would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency"). This affords the City a broad spectrum of investment opportunities as long as the investment is deemed prudent and allowable under current legislation of the State of California (Government Code Section 53600 et seq.)

Criteria for selecting investments and the order of priority are:

1. SAFETY – The safety and risk associated with an investment refers to the potential loss of principal, accrued interest or both. Protection of the public funds entrusted to the Treasurer is the paramount criteria used to evaluate the investment instruments available.
2. LIQUIDITY – This refers to the ability to convert an investment to cash at any moment in time with minimal risk of forfeiting a portion of principal or interest. Liquidity is an essential investment requirement especially in light of the City's need to be able to meet emergency financing demands of the community at any time.

3. **YIELD** – It is the potential dollar earnings an investment can provide and is described as the market rate of return. As a general rule, yields tend to mirror the inherent risk and liquidity characteristics of the particular investment and thus can only be evaluated after those investment criteria are satisfied.

Authorized Investments

All investments shall be made in accordance by the California Government Code, Sections 53600 et. seq. Within the context of these limitations and based on the cost at the time of purchase, the following investments are authorized as further limited herein:

1. **U.S. Treasuries**

The U.S. Treasury Bills, Bonds, and Notes, or those for which the full faith and credit of the U.S. are pledged for payment of principal and interest provided that:

- a) There is no limitation as to the percentage of the portfolio that can be invested in this category.

2. **U.S. Agencies**

The Obligations issued by the Government National Mortgage Association (GNMA), the Federal Farm Credit Bank System (FFCB), the Federal Home Loan Bank Board (FHLB), Federal Home Loan Mortgage Corporation (FHLMC), Federal National Mortgage Association (FNMA), and the Student Loan Marketing Association (SLMA) provided that:

- a) No more than 30% of the cost (book) value of the portfolio will be invested in any one agency.

3. **Bankers' Acceptances**

Bills of exchange or time drafts drawn on and accepted by a commercial bank provided that:

- a) Bankers' Acceptances purchased may not exceed 180 days to maturity or 25% of the cost (book) value of the portfolio;
- b) No more than 5% of the cost (book) value of the portfolio may be invested in Bankers' Acceptances issued by any one bank;
- c) Prior to the purchase of any Banker's Acceptance, the portfolio manager shall review the rating of the issuing bank; and
- d) Bankers' Acceptances of issuing financial institutions shall have both a short and long term rating in the highest category by at least one nationally recognized rating agency at the time of purchase.

4. Commercial Paper

- a) The paper is ranked P1 by Moody's Investor Services and A1 by S&P, and have an minimum of A by both rating agencies;
- b) Issued by a domestic corporation having assets in excess of \$500 million;
- c) Purchases of eligible paper may not exceed 270 days to maturity nor represent more than 10% of the outstanding paper of an issuing corporation;
- d) May not exceed 15% of the cost value of the portfolio at time of purchase; and
- e) No more than 5% of the cost value of the portfolio may be invested in Commercial Paper issued by any one corporation.

5. Certificates of Deposit

- a) Negotiable Certificates of Deposit issued by nationally or state chartered banks or state or federal savings institutions. Purchases of negotiable certificates of deposit may not exceed 30% of the City's Investment Cash at the time of purchase. Investment in any one institution may not exceed more than 5% of the City's Investment Cash at the time of purchase. Cash will be invested only in FDIC Insured certificates.
- b) Time Deposits Non Negotiable and collateralized in accordance with the California Government Code, may be purchased through banks or savings and loan associations. Since time deposits are not liquid, no more than 25% of the investment portfolio may be invested in this investment type. Investment in any one institution may not exceed more than 5% of the City's Investment Cash at the time of purchase. Cash will be invested only in fully collateralized certificates. Collateral for a given investment must be 110% of principal for government securities collateral and 150% of principal for first mortgage collateral.
- c) For investments greater than \$100,000 the institution must maintain \$100 million in assets. For investments greater than \$300,000 the institution must maintain at least \$300 million in assets.
- d) The city will not invest in any institution less than five years old.

6. Repurchase Agreements

- a) No more than 20% of the cost value of the portfolio may be invested in repurchase agreements at any time; and
- b) The maturity of repurchase agreements shall not exceed 75 days.

In order to conform with provisions of the Federal Bankruptcy Code which provides for the liquidation of securities held as collateral for repurchase agreements, the only securities acceptable as collateral shall be securities that are direct obligations of, or that are fully guaranteed as to principal and interest by, the

United States Government such as Treasury bills, Treasury notes or Treasury bonds with less than a five year maturity.

7. Local Agency Investment Fund (LAIF)

- a) The City may invest in the LAIF established by the State Treasurer for the benefit of local agencies up to the maximum permitted by State Law.

8. Municipal Bonds

- a) Municipal Securities of any California local agency including bonds, notes, warrants or other indebtedness, provided the issuer has a minimum credit rating of "AA" by one of the following: Moody's, Standard & Poor's, or Fitch. Municipal bonds shall be limited to a 60 months maximum maturity.

Upon any announcement of negative credit watch or downgrade by a major rating agency of any issue within the portfolio, the investment manager should contact the Finance Director and recommend a course of action. If at any time a security falls below "investment grade," the investment manager should obtain the best bid and take the necessary steps toward liquidation.

9. Corporate Medium Term Notes

- a) Corporate Medium Term Notes, provided the issuer has a minimum credit rating of "AA" by one of the following: Moody's, Standard & Poor's, or Fitch. Corporate bonds shall be limited to a 60 months maximum maturity.
- b) Issued by a domestic corporation having assets in excess of \$500 million; Issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States.
- c) The aggregate total of all purchased medium term notes may not exceed 30% of the cost value of the portfolio; and
- d) No more than 5% of the cost value of the portfolio may be invested in notes issued by one corporation.

Upon any announcement of negative credit watch or downgrade by a major rating agency of any issue within the portfolio, the investment manager should contact the Finance Director and recommend a course of action. If at any time a security falls below "investment grade," the investment manager should obtain the best bid and take the necessary steps toward liquidation.

10. Money Market Mutual Funds

- a) Must have a rating of AAA/Aaa or an equivalent by one or more national rating agencies with no load maintained at \$1 par value;
- b) No more than 20% of portfolio value may be invested;

- c) Investment in a single mutual fund will not to exceed 10% of the cost value (book value) of the total portfolio exclusive of the fiscal agent cash portfolio; and
- d) The City's investment in any specific mutual fund will not exceed 2% of that mutual fund's total assets.

Considerations for Investments

The City attempts to obtain the highest yield possible when selecting investments, providing that criteria for safety and liquidity are met. Ordinarily, because investments normally carry a positive yield curve, (i.e., longer term investments have higher rates than shorter maturities), the City attempts to stagger its maturities to meet anticipated cash needs in such a way that new investment money can be placed in maturities that carry a higher rate that is available in the short market of 30 days or under. Furthermore, maturities are selected to anticipate cash needs of the City, thereby obviating the need for forced liquidation.

City Constraints

The City Treasurer is responsible for managing the City's investment portfolio in accordance with Federal and State laws as well as this policy. Longer term investments (i.e., over one year) are limited to maturities of five years or less.

The City strives to maintain an appropriate level of investment of all funds through daily and projected cash flow determinations. Idle cash management and investment transactions are the responsibility of the Finance Director/City Treasurer in consultation with the City Manager and Senior Accountant.

The basic premise underlying the City's investment philosophy is, and will continue to be, to insure that money is always safe and available when needed.

The Deputy City Treasurer or the Senior Accountant in the absence of the Finance Director/City Treasurer shall continually review the financial condition of proposed depositories of City funds. The City should demand a copy of the latest financial statements and audit reports prior to investment and any reports issued during the period of the investment.

Investment Strategy

1. When making an investment decision, the purchase of an investment is made with the intent of holding that investment to maturity.
2. Cash flow projections are fully utilized to balance the liquidity needs at all times.
3. At least bi-weekly, economic forecasts are obtained from financial experts in the field through bankers and brokers.
4. Close rapport is maintained with the City Manager, Finance Director, Public Works and other departments having a significant impact on cash flow.

5. The City will invest all City and Successor Agency to the Redevelopment Agency funds and the estimated checking accounts float, except for those amounts required by the City's banks to pay for bank services furnished to the City.
6. Depending on market conditions, time deposits are maintained in commercial banks and savings and loan institutions. Particular attention is paid to investment opportunities available from financial institutions within the City of San Fernando so as to contribute to the economic vitality of the community.
7. Safekeeping: Securities purchased from brokers/dealers shall be held in third party safekeeping by the City's third party custodian. Said securities shall be held in the name of the City of San Fernando with the trustee executing investment transactions as directed by the Treasurer.

Prohibited and Restricted Investments

The City will not invest in derivative-type investments which are now prohibited by law, inverse floaters, range notes, interest- only strips derived from a mortgage pool, equity linked securities, swaps, margin/leveraging, and any security that could result in zero interest accrual if held to maturity. The City will not invest in reverse repurchase agreements. The City will not engage in speculative buying.

Investment Policy Adoption

The investment plan and strategy are reviewed and updated as needed, and no less often than annually.

SECTION III. EXCEPTIONS

There will be no exceptions to this policy, except as may be approved by the City Council.

SECTION IV. AUTHORITY

By order of City Council Resolution No. 8143, Policy adopted by the City Council on May 2, 2022.

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AGENDA REPORT

To: Mayor Mary Mendoza and Councilmembers

From: Nick Kimball, City Manager
By: Julia Fritz, City Clerk

Date: May 2, 2022

Subject: Consideration to Adopt a Resolution Re-Authorizing Remote Teleconference Meetings for the Period of May 14, 2022 to June 13, 2022, of the City of San Fernando's Legislative Bodies in Compliance with Government Code Section 54953(E) and Other Applicable Provisions of Assembly Bill 361

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 8144 (Attachment "A") re-authorizing remote teleconference meetings for the period of May 14, 2022 to June 13, 2022, of the City of San Fernando's Legislative Bodies in compliance with Government Code (GC) Section 54953(E) and other applicable provisions of Assembly Bill 361.

BACKGROUND:

1. On October 4, 2021, the City Council was presented with an agenda report regarding adopting a resolution to continue remote teleconference meetings of the City of San Fernando's Legislative Bodies under the provisions of Assembly Bill (AB) 361 (Attachment "B"), which was signed into law on September 17, 2021. The City Council did not adopt the resolution, thereby reverting all legislative body meetings to comply with all Ralph M. Brown Act (Brown Act) requirements for public meetings.
2. On January 12, 2022, due to the surge of the Omicron variant of the COVID-19 virus, the City Council adopted Resolution No. 8089 to authorize remote teleconference meetings of the City of San Fernando's Legislative bodies under the provisions of AB 361 for a period of 30 days, effective January 12, 2022 through February 11, 2022.
3. On February 7, 2022, the City Council adopted Resolution No. 8119 re-authorizing remote teleconference meetings of the City of San Fernando's Legislative bodies under the provisions of AB 361 for a period of 30 days, effective February 12, 2022 through March 13, 2022.

Consideration to Adopt a Resolution Re-Authorizing Remote Teleconference Meetings for the Period of May 14, 2022 to June 13, 2022, of the City of San Fernando's Legislative Bodies in Compliance with Government Code Section 54953(E) and Other Applicable Provisions of Assembly Bill 361

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4. On March 7, 2022, the City Council adopted Resolution No. 8124 re-authorizing remote teleconference meetings of the City of San Fernando's Legislative bodies under the provisions of AB 361 for a period of 30 days, effective March 14, 2022 through April 13, 2022.
5. On April 4, 2022, the City Council adopted Resolution No. 8134 re-authorizing remote teleconference meetings of the City of San Fernando's Legislative bodies under the provisions of AB 361 for a period of 30 days, effective April 14, 2022 through May 13, 2022.

ANALYSIS:

In response to the COVID-19 pandemic, Governor Newsom issued Executive Order N-29-20 that waived certain teleconferencing requirements under the Brown Act, allowing public agencies to conduct public meetings via teleconference, while still complying with open meeting requirements and abiding by public health orders. The Executive Order N-29-20 expired on September 30, 2021.

AB 361 amends the Brown Act's Government Code Section 54953 to allow a local agency the option to hold teleconference meetings without complying with teleconferencing requirements of the Brown Act, if certain circumstances and findings are met. The special circumstances are found particularly in subsection (e) of Section 54953, and require that the legislative body holds a meeting during a proclaimed state of emergency and:

1. That state and local officials have imposed or recommended measures to promote social distancing; or
2. The legislative body holds a meeting for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
3. The legislative body holds a meeting and determines by majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health or safety of the attendees.

On April 4, 2022, the City Council adopted Resolution No. 8134 making a determination approving findings in accordance with AB 361, to allow the City to continue the option to hold teleconference meetings without complying with certain teleconferencing requirements of the Brown Act. The resolution is only effective for 30 days and expires on May 13, 2022. The City Council may renew the resolution, every 30 days, at which time a subsequent resolution (Attachment "A") will need to be adopted. If the resolution lapses, the City's Legislative Bodies will be required to comply with the Brown Act (Pre-COVID-19 Pandemic) until a new resolution is adopted to make the initial determinations and findings again.

Consideration to Adopt a Resolution Re-Authorizing Remote Teleconference Meetings for the Period of May 14, 2022 to June 13, 2022, of the City of San Fernando's Legislative Bodies in Compliance with Government Code Section 54953(E) and Other Applicable Provisions of Assembly Bill 361

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BUDGET IMPACT:

There is no fiscal impact associated with consideration of the proposed resolution. The cost of the Zoom virtual meeting platform is included in the FY 2021-2022 Adopted Budget.

CONCLUSION:

It is recommended that the City Council adopt Resolution No. 8144 (Attachment "A") re-authorizing remote teleconference meetings for the period of May 14, 2022 to June 13, 2022, of the City of San Fernando's Legislative Bodies in compliance with Government Code (GC) Section 54953(E) and other applicable provisions of Assembly Bill (AB) 361.

ATTACHMENTS:

- A. Resolution No. 8144
- B. Assembly Bill (AB) 361

RESOLUTION NO. 8144

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS FOR ALL LEGISLATIVE BODIES OF THE CITY OF SAN FERNANDO, FROM MAY 14, 2022 THROUGH JUNE 13, 2022, PURSUANT TO GOVERNMENT CODE SECTION 54953(E) IN ACCORDANCE WITH ASSEMBLY BILL 361

WHEREAS, COVID-19 (also known as the "Coronavirus Disease") is a respiratory disease that was first reported in China in December 2019, it has now spread throughout the world, including the State of California and the City of San Fernando ("City"); and

WHEREAS, on March 4, 2020, Governor Gavin Newsom declared a State of Emergency in response to the rising cases of COVID-19 throughout the state of California; and

WHEREAS, on March 4, 2020, the Los Angeles County Board of Supervisors and Los Angeles County Department of Public Health ("LACDPH") declared a local emergency and local public health emergency in response to the spread of COVID-19 throughout the County; and

WHEREAS, on April 10, 2020, in response to the conditions of extreme peril to the safety of persons within the City, the San Fernando City Council ("City Council") declared a local emergency consistent with the declaration of local emergency by the LACPH; and

WHEREAS, on September 16, 2021, Governor Newsom signed into law Assembly Bill No. 361 ("AB 361"), which, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act ("Brown Act") when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing or when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, since the declaration of emergency by LACDPH, LACDPH have issued a series of Health Officer Orders containing mandates and recommendations for keeping individuals safe and preventing the spread of COVID-19; and

WHEREAS, the LACDPH Health Officer Order issued March 23, 2022, and effective April 1, 2022, continues to advise that all individuals and businesses are strongly urged to follow the LACDPH Best Practices Guidance, containing health and safety recommendations for COVID-19;

WHEREAS, the LACDPH Best Practices Guidance provides, among other things:

1. Masks are *strongly recommended* in most indoor public settings to prevent transmission of the virus particularly to persons with prolonged, cumulative exposures (e.g., workers and to those with higher risk of illness (e.g., unvaccinated, older persons, or those with underlying medical conditions such as immunocompromised persons); and
2. Per state and federal law, visitors and workers must continue to wear masks in specified high-risk settings to continue protecting vulnerable populations and the workforce that delivers critical services in these settings; and
3. Identify and regularly clean frequently touched surfaces and objects such as doorknobs, elevator buttons, tools, handrails, phones, headsets, bathroom surfaces and steering wheels;
4. Whenever possible, take steps to reduce crowding indoors and encourage physical distancing including, but not limited to:
 - a. Limiting indoor occupancy to increase the physical space between employees at the worksite, between employees and customers, and between customers;
 - b. Using tape, signs, or other visual cues such as decals or colored tape on the floor, placed six feet apart, to guide customers about where to stand to avoid crowding and to encourage distancing where lines may form; and
 - c. Continuing, where feasible, to offer telework options and continue those teleworking arrangements that do not interfere with business operations as telework significantly reduces the risk of exposure for employees, their households, and communities.

WHEREAS, was surges in COVID-19 variants overseas have the potential to quickly spread in the United States warranting continued vigilance; and

WHEREAS, AB 361 requires legislative bodies that conduct teleconferenced meetings under its the relaxed and abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body; and

WHEREAS, AB 361 requires the legislative body take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored; and

WHEREAS, AB 361 prohibits the legislative body from requiring public comments to be submitted in advance of the meeting and specifies that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time; and

WHEREAS, AB 361 prohibits the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified; and

WHEREAS, the City Council meetings and meetings of certain other subordinate bodies of the City (e.g, the Planning and Preservation Commission) are open and public, as required by the Brown Act, so that any member of the public may attend, participate, and watch the City Council or City Commission conduct their business; and

WHEREAS, in light of the continuing State declaration of emergency resulting from the COVID-19 pandemic, the continuing recommendation by Los Angeles County Public Health officials to maintain various infection control and containment measures referenced above , the City Council desires to make the findings required by AB 361 to allow the City Council and all City Boards and Commissions to continue to meet under AB 361's abbreviated teleconferencing procedures.

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

SECTION 1. The Recitals set forth above are true and correct and are incorporated into this Resolution by reference; and

SECTION 2. The City Council finds that the State and County declarations of emergency in response to the COVID-19 pandemic remain in place; and

SECTION 3. The City Council finds that local officials, specifically, the Los Angeles County Department of Public Health, has continued to recommend social distancing measures.

SECTION 4. The City of San Fernando staff along with the City Council are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, taking measures to ensure that meetings of the City Council, the Planning and Preservation Commission and all meetings of other commissions subject to the Brown Act are conducted in accordance with the provisions of Government Code Section 54953(e) to the extent such bodies continue to avail themselves of the relaxed and teleconferencing procedures permitted under AB 361.

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

SECTION 6. The operational provisions of this Resolution shall take effect May 14, 2022 and expire upon the earlier of the following (i) 12:00 am on June 14, 2022; or(ii) such time the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the City of San Fernando may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

SECTION 7. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the Office of the City Clerk.

PASSED, APPROVED, AND ADOPTED THIS 2nd day of May, 2022.

Mary Mendoza, Mayor of the City of
San Fernando, California

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. 8144 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 2nd day of May, 2022, 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 May, 2022.

Julia Fritz, City Clerk

Assembly Bill No. 361

CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021.

Filed with Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public

comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

DIGEST KEY

Vote: 2/3 Appropriation: no Fiscal Committee: yes Local Program: no

BILL TEXT

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1.

Section 89305.6 is added to the Education Code, to read:

89305.6.

(a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing and make public meetings accessible telephonically,

or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2.

Section 11133 is added to the Government Code, to read:

11133.

(a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

- (E) At least one member of the state body be physically present at the location specified in the notice of the meeting.
- (c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.
- (d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:
- (1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.
 - (2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).
- (e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:
- (1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.
 - (2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.
- (f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3.

Section 54953 of the Government Code is amended to read:

54953.

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act

(Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the

opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1.

Section 54953 of the Government Code is amended to read:

54953.

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1

(commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the

public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, "state of emergency" means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4.

Section 54953 is added to the Government Code, to read:

54953.

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act

(Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1.

Section 54953 is added to the Government Code, to read:

54953.

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public's right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5.

Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6.

It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7.

The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8.

(a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video

teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 9.

This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

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AGENDA REPORT

To: Mayor Mary Mendoza and Councilmembers

From: Nick Kimball, City Manager
By: Fabian Valdez, Police Chief
CJ Chiasson, Police Sergeant

Date: May 2, 2022

Subject: Consideration to Adopt a Resolution Appropriating Asset Seizure Funds and Authorize a Purchase Order with Proforce Law Enforcement for the Purchase of Taser Conducted Energy Weapon and Related Accessories

RECOMMENDATION:

It is recommended that the City Council:

- a. Adopt Resolution No. 8146 (Attachment "A") appropriating \$10,067 in State Asset Forfeiture funds and \$8,856 in Federal Asset Forfeiture funds to offset the purchase of Taser Conducted Energy Weapons and accessories.
- b. Authorize a Purchase Order with Proforce Law Enforcement in the amount of \$30,563 for the purchase of 15 Taser X2 Conducted Energy Weapons (CEW), 15 Taser X2 Duty Belt holsters, 50 Taser X2 cartridges, and 15 Bluetooth enabled batteries (Attachment "B"); and
- c. Authorize the City Manager to execute the Purchase Order and all related documents.

BACKGROUND:

1. On May 31, 2016, the Police Department purchased eight Taser X2 CEWs from Proforce Law Enforcement to replace the Taser X26, which was obsolete and no longer supported by Axon Enterprise, Inc. (previously Taser International).
2. On April 17, 2017, the Police Department purchased four additional Taser X2 CEWs for deployment by Officers.
3. On May 4, 2020, the Police Department purchased 10 additional Taser X2 CEWs for deployment by Officers.

Consideration to Adopt a Resolution Appropriating Asset Seizure Funds and Authorize a Purchase Order with Proforce Law Enforcement for the Purchase of Taser Conducted Energy Weapon and Related Accessories

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ANALYSIS:

Tasers are a critical law enforcement tool and one of the most effective, less-lethal devices available for Police Officers that assists with de-escalating confrontational encounters with non-compliant or violent members of the public. Tasers enhance the ability to save lives, minimize physical injuries to police officers, minimize injuries to non-complaint or violent members of the public, and reduce liability exposure to the City. The Taser X2 CEW is the current platform used by the police department to fit the ever-growing need of de-escalation and harm reduction to individuals that are non-compliant, combative, or experiencing a mental health crisis.

The Police Department currently has 20 operational Tasers that are assigned to Police Officers and deployed in the field, which does not permit the Department to issue a Taser to each full-time Police Officer, as is the standard with most Police Departments across the state of California. The Department is proposing the purchase of an additional 15 Axon Tasers with related Bluetooth batteries and ancillary equipment. The proposed purchase would bring the total number of Axon Tasers to 35 which would allow the Department to achieve its goal of issuing a Taser to each full-time Patrol Officer, Detective, and Sergeant while having at least three in reserve. The reserve Tasers will be used to replace any non-operable Taser issued to a full-time Police Officer or provide a Reserve Police Officer who is deployed to the field the temporary use of a Tasers while on-duty.

The Department identified a balance of \$18,923 in available funding through its current State and Federal Asset Forfeiture accounts. State and Federal Asset Forfeiture funds are obtained by the City through programs sanctioned by the Department of Justice in an effort to deprive criminals of the instruments of illicit activity and allows said funds to be used to finance expenses associated with the execution of law enforcement activities and equipment. Additionally, the City received funding through Resolution No. 8104 from the State on November 15, 2021, that was designated for Public Safety Communication, Body Cameras and In-Vehicle Cameras related purchases. Monies from this funding will be used to purchase 15 Bluetooth enabled batteries to outfit the newest Tasers with technology that activates individual Police Officer Body Worn Cameras anytime a Taser is deployed and activated. The Tasers currently in inventory at the Police Department are outfitted with standard batteries and will be upgraded to this new battery technology as part of the implementation of the Body Worn Camera project.

The Department has previously ordered the Axon Taser X2 CEWs from Proforce Law Enforcement as Proforce Law Enforcement is the sole distributor for all Axon products in the City's territorial area. In an effort to maintain continuity of equipment distribution and standardized training for officers, the department did not seek an alternative Taser Manufacturer quotes as Axon has hardware and software proprietorship of its Taser products. Axon presets its price scale and does not negotiate or allow price reduction from their selected vendors. Subsequently, ordering from Proforce Law Enforcement or Axon Enterprises Inc. does not provide a pricing differential and

Consideration to Adopt a Resolution Appropriating Asset Seizure Funds and Authorize a Purchase Order with Proforce Law Enforcement for the Purchase of Taser Conducted Energy Weapon and Related Accessories

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conforms with Section 2-801(a) of the San Fernando City Code which allows the City to waive formal bidding requirements for purchasing of special equipment or supplies needed to be compatible with existing equipment given the proprietary nature of the Axon product(s) currently used by the Department.

BUDGET IMPACT:

Funding for this purchase would come from four different accounts. The accounts are listed below:

- State Asset Fund (account 020-225-000-4500) for an amount of \$10,067.00.
- Federal Asset Fund (account 021-225-0000-4500) in the amount of \$8,856.00.
- Patrol Department Supplies Fund (account 001-225-0000-4300) in the amount of \$9,626.00.
- Communication, Body Camera, and In-Vehicle Camera Account Fund 10 (account 010-225-3698-4500) in the amount of \$2,014.00.

CONCLUSION:

Staff recommends that the City Council authorize the City Manager to execute a purchase order in the amount of \$30,563.00 with Proforce Law Enforcement for the purchase of Taser X2 CEWs and aforementioned accessories.

ATTACHMENTS:

- A. Resolution No. 8146
- B. Proforce Law Enforcement Taser Quote and Proprietary Letter

RESOLUTION NO. 8146

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO,
CALIFORNIA, AMENDING THE BUDGET FOR FISCAL YEAR 2021-2022
ADOPTED ON JUNE 21, 2021**

WHEREAS, the City Council has received and considered the proposed adjustment to the budget for Fiscal Year 2021-2022, commencing July 1, 2021, and ending June 30, 2022; and

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

WHEREAS, an annual budget for the City of San Fernando for Fiscal Year beginning July 1, 2021 and ending June 30, 2022, a copy of which is on file in the City Clerk's Office, was adopted on June 21, 2021.

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:

ASSET FORFEITURE FUNDS: FOR TASER CONDUCTED ENERGY WEAPONS PURCHASE

Increase in Expenditures:

Account No. 020-225-0000-4500	\$10,067
Account No. 021-225-0000-4500	\$ 8,856

SECTION 2. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the Office of the City Clerk.

PASSED, APPROVED, AND ADOPTED THIS 2nd day of MAY, 2022.

Mary Mendoza, Mayor of the City of San
Fernando, California

ATTEST:

Julia Fritz, City Clerk

CERTIFICATION

I, Julia Fritz, 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. 8146 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 2nd day of May, 2022, 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 May, 2022.

Julia Fritz, City Clerk



2625 Stearman Drive, Prescott AZ, 86301

Tel: 928-776-7192 Fax: 928-445-3468

email: sales@proforceonline.com www.proforceonline.com

O R D E R

Q U O T E

QUOTE#	PAGE
596155	1
SHIP DATE	
A.S.A.P.	

SOLD
TOSAN FERNANDO POLICE DEPART
910 FIRST STREET

SAN FERNANDO CA 91340-2993

818-361-3697

SHIP
TOSAN FERNANDO P.D.
910 FIRST STREET

SAN FERNANDO CA 91340-2993

JOB #	ORD. DATE	CUST.#	LOC.	SALESMAN	SHIP VIA	FRT.
N/A	04/06/22	001091	A	GREGG MCCLUNG	FX G-FOB ORIGIN	Ppd

QTY. ORDER	ITEM NO./DESC.	UNIT PRICE	UOM DISC.	NET PRICE
15	22003 TSR X2 SMART WEAPON 2SHOT YEL	1,485.61	EA .00	22,284.15
15	22504 TSR X2 HLST LH BLACKHAWK	95.25	EA .00	1,428.75
50	22185-TSR TSR X2 SMART CART 25 FOOT LIVE **PREVIOUSLY ITEM# 22151**	43.62	EA .00	2,181.00
<p>This quote is valid for 45 days from the date of the quote, pending credit approval, and is subject to inventory, manufacturer's availability and price change. Please call to receive price update upon expiration.</p> <p>ORDERING INSTRUCTIONS: Please reply to your sales representative in writing to process this order or send an email to danny.gonzales@proforceonline.com. For orders over \$5,000, a PO or signed quote is required to process the order.</p> <p>Returned items are subject to 20% restocking fee. All sales are final on non-stocked/special order items</p> <p>IMPORTANT: To order from this quotation, please sign below.</p> <p>Printed Name: _____</p> <p>-</p> <p>Date: _____ P.O.: _____</p> <p>-</p>				

COMMENT

TERMS

email: sales@proforceonline.com www.proforceonline.com

Q U O T E

A.S.A.P.

SAN FERNANDO CA 91340-2993

		SALES AMOUNT	25,893.90
	COMMENT for cj chiasson		
	by ryan schreiber	10.250% SALES TAX	2,654.12
		SUB TOTAL	28,548.02
	TERMS DUE NET 30 DAYS		



2625 Stearman Drive, Prescott AZ, 86301
 Tel: 928-776-7192 Fax: 928-445-3468
 email: sales@proforceonline.com www.proforceonline.com

O R D E R

Q U O T E

QUOTE#	PAGE
596188	1
SHIP DATE	
A.S.A.P.	

SOLD
TO

SAN FERNANDO POLICE DEPART
 910 FIRST STREET

 SAN FERNANDO CA 91340-2993

 818-361-3697

SHIP
TO

SAN FERNANDO P.D.
 910 FIRST STREET

 SAN FERNANDO CA 91340-2993

JOB #	ORD. DATE	CUST.#	LOC.	SALESMAN	SHIP VIA	FRT.
N/A	04/07/22	001091	A	GREGG MCCLUNG	FX G-FOB ORIGIN	Ppd
QTY. ORDER	ITEM NO./DESC.			UNIT PRICE	UOM DISC.	NET PRICE
15	70116 TSR SIGNAL PERFORM PWR MAG SPPM This quote is valid for 45 days from the date of the quote, pending credit approval, and is subject to inventory, manufacturer's availability and price change. Please call to receive price update upon expiration. ORDERING INSTRUCTIONS: Please reply to your sales representative in writing to process this order or send an email to danny.gonzales@proforceonline.com . For orders over \$5,000, a PO or signed quote is required to process the order. Returned items are subject to 20% restocking fee. All sales are final on non-stocked/special order items IMPORTANT: To order from this quotation, please sign below. Printed Name: _____ - Date: _____ P.O.: _____ - Signature: _____			121.76	EA .00	1,826.40
COMMENT FOR CJ CHAISSON BY RYAN SCHREIBER TERMS DUE NET 30 DAYS				SALES AMOUNT 10.250% SALES TAX SUB TOTAL		1,826.40 187.20 2,013.60



June 29, 2021

San Fernando Police Department
910 First Street
San Fernando, CA 91340

Attn: CJ Chiasson

Re: Taser Purchasing

Dear CJ ,

As described in our distribution agreement with Taser. All Taser pricing must be advertised at current suggested pricing, which is set forth by Taser at the beginning of each calendar year. Any attempt to sell below that price will be grounds for termination of the distributors' ability to sell Taser product.

In addition, distributors are established with a set specific territory and may not advertise/sell outside of said territory. The current territory for Proforce Law Enforcement to sell Taser products are the following states AZ, NM, NV, UT, CO, CA, WY & TX.

If you have any questions or you are in need of additional information, please do not hesitate to contact me.

Respectfully,

Dan Rooney
Senior Vice President
Dan.rooney@proforceonline.com

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AGENDA REPORT

To: Mayor Mary Mendoza and Councilmembers

From: Nick Kimball, City Manager
By: Matt Baumgardner, Director of Public Works

Date: May 2, 2022

Subject: Consideration to Authorize a Purchase Order with General Pump Company, Inc. for the Purchase and Installation of New Pump and Motor Assembly Located at the City's Groundwater Well No. 3

RECOMMENDATION:

It is recommended that the City Council:

- a. Waive formal bidding requirements pursuant to Section 2-801(a) of the City's Purchasing Ordinance that allows waiving bidding requirements to purchase special equipment or supplies needed to be compatible with existing equipment, or to perform complex or unique functions;
- b. Authorize a Purchase Order with General Pump Company, Inc. (General Pump) (Attachment "A" – Proposal) for a New Water Lubricated Pump and Motor Assembly at Well No. 3, in an amount not-to-exceed \$104,458.00, for the purchase and installation of New Pump and Motor Assembly located at Well No. 3; and
- c. Authorize the City Manager to execute the Purchase Order and all related documents.

BACKGROUND:

1. In November 2009, Well No. 3 had a nitrate reading in excess of the drinking water limit and water production ceased at this location.
2. On November 1, 2021, the City Council authorized a Purchase Order with Envirogen in an amount not-to-exceed \$1,652,110 for the purchase of a proprietary ion exchange nitrate removal treatment system at the City's groundwater Well No. 3 and the preparation of technical and operation reports for the permitting of the new system.
3. On April 18, 2022, staff presented to City Council on the need to shut down groundwater Well No. 2A due to rising concentrations of nitrates; the need to supplement the City's water

Consideration to Authorize a Purchase Order with General Pump Company, Inc. for the Purchase and Installation of New Pump and Motor Assembly Located at the City's Groundwater Well No. 3

Page 2 of 3

supply over the next six to nine months with imported water from the Metropolitan Water District (MWD); and the City's effort to install Well No. 3 by December 2022.

ANALYSIS:

Over the past several years, the City has embarked on a number of capital improvement projects to the City's water system, including installing new treatment facilities and increasing water storage capacity. These projects are part of a long-term capital improvement program that will result in a more resilient water system capable of providing safe, clean drinking water to San Fernando customers for many years to come.

Envirogen Technologies, Inc., is currently designing a nitrate treatment system at Well No. 3 and preparing the site to receive the system, which is currently being constructed at an offsite location. As part of this effort, the City is also replacing the oil based water extraction pump that has been out of service for 13 years. While the pump is still functional, it is nearing the end of its useful life and will most likely require replacement within a few years, which would lead to a shut down of the well for a period of months to address those repairs. Replacing the pump assembly and motor at Well No. 3 is a critical step in preparing for the installation of new nitrate treatment removal system and will ensure the resiliency of the water system from future shutdowns. Completing the work now while the system is offline is the ideal time to address the pump replacement.

Use of Consistent Technology.

The pump and motor assemblies are custom fabrications specifically made to fit the specifications of the City's water system by General Pump at all of the City's booster stations and extraction wells. General Pump's knowledge of the City's system and design of the pump parts are critical to successful water distribution. Maintaining consistent and compatible pumps at each well location is important, as differing technologies could lead to failures that damage the system or decrease its efficiency.

Purchase of Special Equipment.

Section 2-801(a) of the City's Municipal Code allows for the waiver of formal bid requirements to purchase special equipment. In particular, it specifies under subsection (1) that purchasing can be limited to a specific product type, or brand name product, if purchasing any special equipment or supplies needed to be compatible with existing equipment, or to perform complex or unique functions. Therefore, staff recommends City Council waive formal bidding requirements and approve a Purchase Order with General Pump to purchase the new pump equipment for the following reasons: the water system already uses custom fabricated pump assemblies from General Pump at its booster pump stations and extraction wells; staff is familiar with the operation and maintenance of these pumps; and there are important operational efficiencies associated with having compatibility of all the pumps in the system.

Consideration to Authorize a Purchase Order with General Pump Company, Inc. for the Purchase and Installation of New Pump and Motor Assembly Located at the City's Groundwater Well No. 3

Page 3 of 3

BUDGET IMPACT:

Funds for the purchase of the new Well No. 3 pump and motor assembly are appropriated as part of the Well No. 3 Treatment System capital improvement project in the FY 2021-2022 Adopted Budget (account 070-385-0000-4500).

CONCLUSION:

Staff recommends that the City Council authorize a Purchase Order with General Pump Company, Inc. in an amount not to exceed \$104,458.00 based on Section 2-801(a)(1) of City Ordinance No. 1653.

ATTACHMENT:

- A. Proposal – General Pump Company, Inc. – City of San Fernando No. 3 – New Water Lubricated Pump & Motor Assembly



159 N. ACACIA STREET * SAN DIMAS, CA 91773
PHONE: (909) 599-9606 * FAX: (909) 599-6238

CAMARILLO, CA 93010 * PHONE: (805) 482-1215
www.genpump.com

WELL & PUMP SERVICE SINCE 1952

Lic. #496765

Serving Southern California and Central Coast

April 25, 2022

Via Email: amendez@sfcity.org

City of San Fernando
117 MacNeil Street
Attn: Alex Mendez

Subject: City of San Fernando No. 3 – New Water Lubricated Pump & Motor Assembly

General Pump Company is pleased to provide our updated prevailing wage estimate to pull and install a new water lubricated pump and motor assembly.

Based on our most recent site visit, this pump assembly is currently an oil lubricated pump which produces approximately 1,200 gpm. General Pump Company has been requested to provide a new water lubricated pump assembly to produce 1,000 to 1,200 gpm which can be efficiently used within the City of San Fernando's treatment system.

Following General Pump Company's inspection, if existing parts and motor of the assembly could be reused then a significant reduction in cost could be possible. Note, due to recent material pricing fluctuations, this estimate may need to be reevaluated after 30 days.

Scope of Work

Shop Labor

- Pressure wash pump and prepare for disassembly, handling
- Remove pump head from bowls, remove packing box, disassemble
- Inspect, Clean, Primer, and Repaint Discharge head
- Clean and Chase tapped holes in discharge head and housing
- Retrofit Existing Discharge Head for Water Lubricated Assembly
- Disassemble/Assemble New Pump, prep for installation
- Receive and inspect new materials, quality assurance
- Weld Cone Strainer to suction pipe
- Test Fit Water Lube Bearing Retainers
- Stab out shafts in Column Pipe, prep for install
- Machine, polish, and check straightness of new headshaft
- Mount airline fittings and gauges
- Scrap and Dispose of Existing Pump Components
- Fabricate, mount, and install 316 shaft guard screens.
- Engineering inspection and report (included)

39 Hrs. @ \$114/Hr. \$4,446.00



Field Labor

Pull Existing Complete Pump Assembly

- Mobilize to site, verify lock-out / tag-out electrical.
- Pull pump equipment and motor.
- Load on support truck and transport to GPC yard; Prep Well for Video.

Three Man Crew & Crane – Est. 12 Hrs. @ \$714/Hr.	\$8,568.00
Overtime – Est. 12 Man Hrs. @ \$69/Man Hr.	\$828.00

Install New Pump Assembly

- Mobilize to site
- Install new pump equipment and motor.
- Check rotation, take lift, conduct start up testing.

Three Man Crew & Crane – Est. 18 Hrs. @ \$714/Hr.	\$8,568.00
Two Man Crew & Service Truck – Est. 4 Hrs. @ \$338/Hr.	\$1,352.00
Overtime – Est. 12 Man Hrs. @ \$69/Man Hr.	\$828.00

Materials

- | | |
|--|-------------|
| • New Pump Assembly Designed for 1,200 GPM @ 250' TDH | \$12,555.00 |
| • 1-1/2" 416SS Line Shaft Assembly Material | \$13,637.00 |
| • 8" x 1-1/2" Retainers (Bronze) | \$5,000.00 |
| • 8" x 0.277Wall x 10 Ft Water Lube Column Pipe Assembly Material | \$17,220.00 |
| • New 100 HP, 3PH, 1800 RPM VHS Motor | \$11,110.00 |
| • Suction Pipe with Welded SS Cone strainer | \$1,455.00 |
| • 8" 150# GR5 nut, bolt, and full face gasket kit | \$82.00 |
| • 1-1/2" 416SS Headshaft Material | \$473.00 |
| • Bronze adjusting nut, gib key, lock screw and slinger ring | \$344.00 |
| • Miscs. consumables materials, packing, flanges, fittings, & restraints | \$1,182.00 |
| • Estimated Freight | \$3,153.00 |

<i>SubTotal Materials (Taxable)</i>	<i><u>\$66,211.00</u></i>
--	----------------------------------

<i>Estimated Local Tax (10.0%)</i>	<i>\$6,621.00</i>
---	--------------------------

Outside Service

- | | |
|--|------------|
| • Field Trim Balance of Mtr & Pump, if necessary | \$1,500.00 |
| • Video Survey | \$1,200.00 |

<i>Total Labor, Service & Materials</i>	<i>\$104,458.00</i>
--	----------------------------



General Pump Company's Standard Terms and Conditions apply and all invoices are Net 30-Days from date of invoice. General Pump Company's Estimated charges will not be exceeded without prior written authorization from the Owner.

Should you have any questions or need additional information regarding the above summary and associated costs, please do not hesitate to contact us.

Thank you.

Sincerely,

GENERAL PUMP COMPANY, INC.

Luis Busso, P.G.

Luis Busso
Sr. Project Geologist

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AGENDA REPORT

To: Mayor Mary Mendoza and Councilmembers

From: Nick Kimball, City Manager
By: Kanika Kith, Director of Community Development

Date: May 2, 2022

Subject: A Continued Public Hearing to Consider Adopting an Ordinance Adding Chapter 24 to the San Fernando Municipal Code to Prohibit Smoking in Multi-Unit Housing

RECOMMENDATION:

It is recommended that the City Council:

- a. Conduct a public hearing; and
- b. Pending public input, introduce for first reading, in title only, and waive further reading of Ordinance No. 1710 (Attachment "A") titled, "An Ordinance of the City Council of the City of San Fernando, California, adding Chapter 24 to the San Fernando Municipal Code to prohibit smoking in multi-unit housing."

BACKGROUND:

1. On May 25, 2021, then Mayor Ballin requested to agendaize an item to a future meeting regarding a presentation by Pueblo y Salud (PyS) about the benefits associated with a smoke-free housing policy.
2. On September 3, 2021, PyS attended the Green City/Street and Parkway Tree Ad Hoc Committee meeting and presented information regarding the organization's background and purpose, including, but not limited to, assisting cities with recommendations on steps towards enacting tobacco policies relating to Smoke-Free Multi-Unit Housing.
3. On September 20, 2021, the City Council received a presentation from PyS regarding information on educating communities regarding civic participation, public health, culture, and drug, alcohol and tobacco prevention services and discussed a proposed smoke-free multi-unit housing policy. After a robust discussion, the City Council continued the discussion to the first City Council meeting in November 2021 and directed staff to send out notices to residents and owners of multi-unit housing properties in the City notifying them of the upcoming agenda item.

A Continued Public Hearing to Consider Adopting an Ordinance adding Chapter 24 to the San Fernando Municipal Code to Prohibit Smoking in Multi-Unit Housing

Page 2 of 10

4. On October 25, 2021, staff mailed approximately 800 notices to residents and owners of multi-unit housing properties in the City.
5. On November 2021, a Smoke-Free Multi-Unit Housing Model Ordinance was presented to the City Council for discussion. The City Council expressed interest in reviewing a draft ordinance that balances the needs of protecting the health of non-smokers with the needs of individuals who smoke due to recreational uses, addiction, or otherwise.
6. On March 7, 2022, the City Council reviewed a draft Smoke-Free Multi-Unit Housing Ordinance that was tailored to address the concerns received at prior meetings, and the City Council provided direction to staff to finalize the ordinance for City Council's consideration for adoption.
7. On April 18, 2022, the City Council conducted a public hearing to consider the proposed Ordinance, received two public comments relating to enforcement and community outreach, and continued the public hearing to May 2, 2022.

ANALYSIS:

To protect and promote the public health, the City currently regulates smoking in accordance with state and local regulations. State law prohibits smoking on public school property and in vehicles with minors.

Existing Smoking Regulations.

City of San Fernando Municipal Code, Chapter 23 – OUTDOOR SMOKING REGULATIONS, prohibits all forms of vaping, smoking and the use of tobacco products in the following unenclosed places within the City:

- (1) Recreational areas (e.g., streets, sidewalks, parks, picnic areas, playgrounds, sports fields, walking paths, gardens, hiking trails, bike paths, and swimming pools);
- (2) Service areas (e.g., areas including or adjacent to information kiosks, ATMs, ticket lines, bus stops or shelters, mobile vendor lines, or cab stands);
- (3) Dining areas (e.g., any area accessible by the public, including streets and sidewalks, that is designed, established, or regularly used for consuming food or drink);
- (4) Places of employment (e.g., any area under the control of an employer, that an employee or the general public may have cause to enter in the normal course of the operations); and

A Continued Public Hearing to Consider Adopting an Ordinance adding Chapter 24 to the San Fernando Municipal Code to Prohibit Smoking in Multi-Unit Housing

Page 3 of 10

- (5) Other public places, when being used for a public event, including but not limited to a farmers' market, parade, craft fair, festival, or any other event which may be attended by the general public.

Smoking is not currently prohibited on private residential property. For tenants and owners of multi-unit housing, such as apartments and common interest communities, tobacco smoke from a neighboring unit that infiltrates their homes can pose a daily problem. As a result, many local governments have taken proactive steps to prevent or eliminate secondhand smoke from infiltrating living spaces. Attachment "B" includes a list of California cities that have adopted smoke-free multi-unit housing ordinances.

November 1, 2021 City Council Meeting Summary.

The City currently does not have an ordinance that regulates smoking in multi-unit housing. At their November 1, 2021 meeting, the City Council expressed an interest in reviewing a draft ordinance that would balance public health needs with the needs of individuals who smoke due to recreational uses, addiction, or otherwise. Two public comments were also received during the meeting. One public comment was from a landlord who was concerned about landlord's responsibility for implementing the ordinance for a smoke free environment. The second public comment was from a resident who agreed with the effort but was concerned about telling people what to do in their own home, and about the potential impacts to existing smoking tenants.

The City Council expressed concerns regarding the applicability, enforcement, and effectiveness of such a smoke-free multi-unit housing ordinance. Concerns were discussed about the addictive nature of smoking and the possible abuse of a smoke-free housing ordinance by property owners to evict non-compliant tenants. Other concerns were associated with the day-to-day enforcement of the proposed regulations.

The City Council requested that the draft ordinance address the following:

- Regulate the appropriate type of multi-unit housing;
- Require all new units and new leases to be non-smoking without a phase-in period;
- Include a phase-in period of no less than one year for existing tenants;
- Include an outdoor Designated Smoking Area within the housing complex;
- Identify who will enforce the ordinance (landlord or the City);
- Discourage eviction for existing smoking tenants; and
- Require landlords to provide educational materials to tenants.

The City Council directed staff to provide information on these areas and return for additional discussion and direction.

March 7, 2022 City Council Meeting Summary.

On March 7, 2022, a draft ordinance tailored to address the comments received from the November 2021 meeting was presented to the City Council for discussion. The City Council expressed support of the draft ordinance and requested the following changes:

A Continued Public Hearing to Consider Adopting an Ordinance adding Chapter 24 to the San Fernando Municipal Code to Prohibit Smoking in Multi-Unit Housing

Page 4 of 10

1. Add a language to discourage the use of the ordinance for eviction.
2. Extend the phase-in period for prohibiting smoking at existing units to be longer than one (1) year.
3. Establish a phase-out period for removal of outdoor designated smoking area to be five (5) years.
4. Work with a local non-profit organization to conduct educational outreach to landlords.

April 18, 2022 City Council Meeting Summary.

On April 18, 2022, a proposed Ordinance that addressed the comments from previous meeting was presented to the City Council for consideration. At the meeting, two public comments were received asking about enforcement of the Ordinance and requesting for additional outreach to property owners and tenants. The City Council voted 3-0 to continue consideration of the proposed Ordinance to May 2, 2022, to allow an opportunity for the full City Council to consider the proposed Ordinance. The City Council requested the following information be provided for the May 2, 2022 meeting:

1. Additional outreach options, with estimated cost.
2. Enforcement of the Ordinance.

Community Outreach.

In May, August, and October 2021, PyS conducted independent outreach to residents of multi-unit housing properties in San Fernando. PyS collected 98 cards from multi-unit housing residents in support of a Smoke-Free Multi-Unit Housing Ordinance in San Fernando. There are an estimated 2,212 multi-unit housing units in San Fernando.

On October 25, 2021, staff mailed a "Notice of Upcoming Agenda Item" to approximately 800 residents and owners of multi-family housing properties to inform them of the November 1, 2021 City Council meeting. The notice included, among other information, a brief description of the item being considered, the date, place, and time of the City Council meeting, and multiple methods for submitting comments.

On April 7, 2022, a public hearing notice was published as a 1/8-page display advertisement (Attachment "C") in the San Fernando Sun newspaper to inform the community of the City Council's consideration of the proposed Ordinance.

Below are two possible options for additional outreach for City Council consideration:

Option 1: Postcard mailing with online survey

The City can prepare a postcard to be mailed to all residents in the City (approximately 7,000 addresses) that provides a QR code to complete an online survey (in English and Spanish). Although there are multiple variables that cannot be controlled, staff recommends an only online survey to reduce the potential for duplicate surveys. This option would cost the City

A Continued Public Hearing to Consider Adopting an Ordinance adding Chapter 24 to the San Fernando Municipal Code to Prohibit Smoking in Multi-Unit Housing

Page 5 of 10

approximately \$3,200 for the distribution of the postcard plus three hours of staff time to prepare the postcard and survey, and compile the results of the survey.

Option 2: Town Hall meeting

The City may host a town hall style meeting with an option to participate in-person or virtually via Facebook Live. A survey can be distributed during the meeting (to both in-person and virtual attendees) to gather feedback from interested parties. This option would cost the City approximately 10 hours of staff time to prepare the survey, meeting materials, and time hosting the meeting. The City Attorney may also be needed at the meeting to answer specific legal questions, which will incur additional cost of approximately \$500. Spanish interpretation services for the meeting would also cost approximately \$500, for a total cost of \$1,000 plus 10 hours of staff time.

City Council may direct staff to pursue Option 1, Option 2, both options, neither option, or provide other outreach alternatives, as desired.

Proposed Ordinance.

The proposed ordinance (Attachment “A”), Smoke-Free Multi-Unit Housing Ordinance, would be applicable to properties with two or more units (e.g., duplexes, apartments, condominiums, etc.) with specific regulations defining prohibited smoking areas for attached units (e.g., duplexes, apartments, etc.) versus detached units (e.g., detached townhomes). Properties excluded from the proposed Ordinance include hotels and motels, a mobile home park, and single family homes (unless the property contains an Accessory Dwelling Unit or other second unit and if one of the housing units is rented or used as a licensed health care facility). The proposed ordinance would ban smoking in all new construction and new leases effective immediately, and establish a phase-in period for no smoking in all existing attached units and creation of an outdoor designated smoking area at minimum distances, and a phase-out period for removal of an outdoor designated smoking area.

1. *Enforcement.* Enforcement regulations in the proposed Ordinance have been tailored for the City to provide two types of enforcements: (1) City Enforcement and (2) Private Enforcement.
 - Private Parties Enforcement: Responsibility for enforcement primarily relies on private parties. The proposed Ordinance declares secondhand smoke a “nuisance” and requires landlords or Homeowner Associations (HOAs) to distribute notices regarding smoking restrictions, incorporate smoking restrictions into leases and post no-smoking signage.

Landlords/HOAs with knowledge of violations are required to take reasonable steps to investigate and enforce the regulations. This could include a written notice to the resident, a request to cease and course of action to be taken if the violation is not corrected.

A Continued Public Hearing to Consider Adopting an Ordinance adding Chapter 24 to the San Fernando Municipal Code to Prohibit Smoking in Multi-Unit Housing

Page 6 of 10

In addition, the proposed Ordinance creates a right of action for any person acting for the interests of itself, its members, or the general public to bring a civil action to enforce the Ordinance. A person may seek damages and an injunction, among other legal remedies.

City Enforcement. The City has no responsibility or obligation to enforce. Rather, at the discretion of the City Attorney, the City may prosecute a violation as an infraction, misdemeanor, administrative citation, or civil action (include imposing fines). If the City elects to enforce a violation, it is subject to Chapter 1 of the San Fernando Municipal Code, which sets forth the penalties and procedures the City follows to enforce Code violations, including nuisance abatement.

The City will provide limited enforcement for certain provisions such as signage requirements and designated smoking area requirements through the City Community Development Department. The City will also encourage compliance through education and outreach.

2. *Discourage the use of the Ordinance for Eviction.* The proposed Ordinance does not prohibit eviction, but it discourages eviction by prohibiting intimidation, harassment or retaliation against any person who seeks to comply with the ordinance. An aggrieved tenant may institute legal proceedings against a landlord for violating the provision under the ordinance. In addition, a tenant may raise the protections afforded in the ordinance as an affirmative defense in an eviction action.
3. *Where to Restrict/Allow Smoking.* The strongest approach from a public health standpoint is to prohibit smoking anywhere on the premises. However, the City Council expressed concerns about balancing the needs of protecting the health of those who do not smoke with the needs of those who do smoke. The City Council also indicated that single-family homes with accessory dwelling units should not be treated in the same manner as an apartment building.

Therefore, the proposed Ordinance defines two categories of multi-unit housing types (attached and detached) and regulates smoking activities based on the character of the housing type. The proposed ordinance allows:

- Outdoor smoking is allowed only in a designated smoking area (DSA) that is 25 feet from interior areas, and from areas frequented by children, in attached housing units (e.g., apartment buildings). Indoor smoking, including private balconies, patios, and decks is not allowed because these types of multi-unit housing complexes share common walls and have windows in close approximately to other units. Smoking in common indoor areas (e.g., hallways, recreation room, etc.) are also not allowed because in some cases, these areas share central ventilation systems.

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- No outdoor smoking is allowed, including private patios, balconies, and decks in detached housing units, but indoor smoking is allowed. No outdoor DSA is required, but optional and must meet the standards for DSA.

Landlords or Homeowner Associations will be required to install and maintain signage throughout the property identifying appropriate smoking area.

4. *Phase-in Period.* Smoke-free ordinances typically include a phase-in period (90 – 180 days) to allow time for public officials to educate tenants and management about the new requirements. This Ordinance includes a Phase-In Period of to two (2) years to provide time for landlords and tenants to transition to 100% smoke free inside the units for attached multi-unit housing complexes, but allows smoking in outdoor DSA. Residents of detached housing complexes (e.g. Accessory Dwelling Units) will be able to continue smoking inside the units, but not outdoor within six (6) months from the effective date of the ordinance.

The Phase-In period was extended from one (1) year to two (2) years for existing attached housing units per direction received from City Council at the March 7th meeting.

5. *Phase-Out Period.* Per City Council's direction, this Ordinance includes a Phase-Out Period of five (5) years for removal of outdoor DSA as well as smoking inside detached units. This Phase-Out Period will provide a transition to a 100% smoke free environment both indoor and outdoor for all multi-unit housing complexes.

Table 1: Phase-In and Phase-Out Period

	Attached Units	Detached Units
Effective Immediately	<ul style="list-style-type: none"> • Prohibit indoor smoking for newly constructed units. • Prohibit indoor smoking for units with new tenants (new leases). • Landlords must provide disclosure of the Ordinance and reference to the code section in every new lease and real estate purchase agreement. • Landlords must notify all building tenants of the Ordinance. 	<ul style="list-style-type: none"> • Prohibit outdoor smoking, including common areas and private areas (balcony, patio, and deck of individual units). • Indoor smoking is allowed. • Landlord must provide disclosure of the Ordinance and reference to the code section must be provided in every new lease and real estate purchase agreement. • Landlords must notify all building tenants of the Ordinance.

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	Attached Units	Detached Units
Two (2) Years After Effective Date	<ul style="list-style-type: none"> Prohibit indoor smoking in all units All complexes to have outdoor designated smoking area (DSA). Landlords must post no-smoking signage throughout. 	<ul style="list-style-type: none"> Optional to create an outdoor designated smoking area (DSA), but must meet DSA standards Landlords must post no-smoking signage throughout.
Five (5) Years after Effective Date	<ul style="list-style-type: none"> Removal of all outdoor DSAs; prohibit all outdoor smoking. 	<ul style="list-style-type: none"> Removal of all optional outdoor DSAs; prohibit all outdoor smoking. No smoking inside all units.

6. *Educational Outreach.* If the City Council approves the proposed Ordinance, staff will formulate a plan to work with a non-profit organization (e.g., PyS) for implementation of the Ordinance, including education of and outreach to landlords, tenants, HOA boards, and homeowners regarding the Ordinance’s provisions.

Review of Other Cities’ Smoke-Free Ordinances.

A list of California cities (Attachment “B”) that have adopted smoke-free multi-unit housing ordinances shows that 20 municipalities partially restrict smoking in multi-unit housing. Each jurisdiction tailored its smoke-free ordinance to reflect the needs of its community. For example, some jurisdictions allow one designated smoking area on each property that meets certain specified size and placement standards. A brief summary of regulations from a few cities are included as Attachment “D.”

Designated Smoking Area.

Standards for Designated Smoking Areas (DSA) in other jurisdictions typically include the following:

- Must be an unenclosed area;
- Must be as far as possible, or at least 25-feet away, from any indoor area, doorway, window, opening, ductwork or vents, and play area;
- Be marked with signs;
- Have a marked perimeter;
- Be as small of an area as practically possible; and
- May require smoker waste receptacles (such as ash urns, smokers’ poles, or outdoor ashtrays) to ensure safe disposal of cigarettes.

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Enforcement.

Enforcement provisions adopted by other cities are tailored to their specific needs. For example, some cities rely on code enforcement officers for day-to-day enforcement. Other cities rely on private citizen enforcement of the ordinance. This enables residents and property owners to maintain a smoke-free environment and minimizes impact on the City's staff, budget, and resources.

Educational Resources.

Many cities provide educational materials about smoking hazards, and resources for people who will be affected by the ordinance and might seek help to quit smoking. Such resources may include phone numbers (hotlines), fact sheets, or other general information on the City's website and as printouts in City Hall or elsewhere.

Environmental Review.

The adoption of this Ordinance is be exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) (the "common sense exemption") and 15378(b)(5) since it can be seen with certainty that there is no possibility that adopting an ordinance will have a significant effect on the environment since the project involves administrative activities that do not significantly impact the environment. The Ordinance is also exempt under CEQA Guidelines Section 15307 and 15308, as a regulatory action that protects natural resources and the environment, since the regulation of existing smoking and the related education and outreach activities in the Ordinance will reduce existing smoking practices, improve air quality, and reduce litter and waste from smoking debris, which includes plastic-based cigarette filters that would otherwise impact the environment.

BUDGET IMPACT:

City Attorney expenditures for ordinance review are included in the Fiscal Year 2021-2022 Budget. In addition, there will also be costs associated with preparing and distributing educational materials, as well as staff time to educate and enforce the ordinance that will be included in the Fiscal Year 2022-2023 Budget.

If additional outreach will be conducted prior to adoption of the proposed Ordinance, cost associated with option is as follows:

Option 1: Postcard and Online Survey. This option would cost the City approximately \$3,200 plus three hours of staff time.

Option 2: Town Hall Meeting. This option would cost the City approximately \$1,000 plus 10 hours of staff time.

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If staff is directed to do additional outreach subsequent to discussion by City Council, a budget adjustment associated with the additional action will be presented at a future meeting.

CONCLUSION:

It is recommended that the City Council consider for approval, introduction and first reading of Ordinance No. 1710 to adopt the proposed Ordinance for Smoke-Free Multi-Unit Housing.

Alternatively, the City Council can continue consideration of the proposed Ordinance and provide direction to staff related to additional outreach activities.

ATTACHMENTS:

- A. Ordinance No. 1710
- B. List of California Cities with Smoke-free Multi-Unit Housing Ordinances
- C. Advertisement placed in San Fernando Sun on April 7, 2022
- D. Summary of Regulations from Other Cities

ORDINANCE NO. 1710

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, ADDING CHAPTER 24 TO THE SAN FERNANDO MUNICIPAL CODE TO PROHIBIT SMOKING IN MULTI-UNIT HOUSING

WHEREAS, tobacco use causes death and disease and continues to be an urgent public health threat. According to the World Health Organization (WHO), tobacco kills up to half of its users, amounting to more than 8 million deaths each year worldwide, including nearly half a million people who die prematurely from smoking in the United States.¹ According to the United State Department of Health and Human Services, tobacco use can cause disease in nearly all organs of the body and is responsible for an estimated 87% of lung cancer deaths, 32% of coronary heart disease deaths, and 79% of all chronic obstructive pulmonary disease deaths, in the United States. It is estimated that 5.6 million of today's Americans who are younger than 18 are projected to die prematurely from a smoking-related illness;² and

WHEREAS, tobacco use is the number one cause of preventable death in California and continues to be an urgent public health issue, as evidenced by the fact that an estimated 40,000 California adults die from smoking annually.² Each year, smoking costs California an estimated \$13.3 billion in direct health care expenses, \$3.6 billion in Medicaid costs, and \$10.4 billion in productivity losses.³ Research indicates that more than 25% of all adult cancer deaths in California are attributable to smoking;⁴ and

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

- In 2006, the U.S. Surgeon General concluded that there is no risk-free level of exposure to secondhand smoke;⁵
- In 2006, the California Air Resources Board identified secondhand smoke as a toxic air contaminant, in the same category as the most toxic automotive and industrial air

¹ World Health Organization. *WHO Report on the Global Tobacco Epidemic, 2019: Offer Help to Quit Tobacco Use*. 2019. Available at: <https://apps.who.int/iris/handle/10665/326043>.

² U.S. Department of Health and Human Services. *The Health Consequences of Smoking: 50 Years of Progress. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2014. Available at: https://www.ncbi.nlm.nih.gov/books/NBK179276/pdf/Bookshelf_NBK179276.pdf.

³ Campaign for Tobacco-Free Kids. The Toll of Tobacco in California. Available at: www.tobaccofreekids.org/problem/toll-us/california. Accessed June 2, 2020.

⁴ Lortet-Tieulent J, Sauer AG, Siegel RL, et al. State-level cancer mortality attributable to cigarette smoking in the United States. *JAMA Intern Med*. 2016;176(12):1792–1798. doi:10.1001/jamainternmed.2016.6530.

⁵ U.S. National Cancer Institute. *A Socioecological Approach to Addressing Tobacco-Related Health Disparities*. National Cancer Institute Tobacco Control Monograph 22. NIH Publication No. 17-CA-8035A. Bethesda, MD: U.S. Department of Health and Human Services, National Institutes of Health, National Cancer Institute. 2017. Available at: <https://cancercontrol.cancer.gov/brp/tcrb/monographs/22/index.html>.

pollutants, and a serious health threat for which there is no safe level of exposure;⁶

- In 2006, the California Environmental Protection Agency added secondhand smoke to the Proposition 65 list of chemicals known to the state of California to cause cancer, birth defects, and other reproductive harm;⁷
- The American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) finds that acceptable indoor air quality in multi-unit housing requires the absence of secondhand smoke, cannabis smoke, and aerosol from electronic smoking devices;⁸
- The American Heart Association and the American Lung Association recommend all adults and children be protected from secondhand smoke in multi-unit housing;^{9, 10} and

WHEREAS, exposure to secondhand smoke causes death and disease, as evidenced by the fact that since 1964, approximately 2.5 million nonsmokers have died from health problems caused by exposure to secondhand smoke and secondhand smoke was responsible for an estimated 34,000 heart disease-related and 7,300 lung cancer-related deaths among nonsmoker adults each year during 2005-2009 in the United States.² Research indicates that exposure to secondhand smoke increases the risk of coronary heart disease by 25% to 30% and increases the risk of stroke by 20% to 30%.^{2,11} Centers for Disease Control and Prevention estimated that secondhand smoke kills more than 400 infants every year; and

WHEREAS, nonsmokers who live in multi-unit dwellings can be exposed to neighbors' secondhand smoke, as evidenced by the following:

- Research demonstrates that secondhand smoke in multi-unit housing can and does transfer between units, seeping into smoke-free areas from areas where smoking

⁶ California Identifies Secondhand Smoke as a "Toxic Air Contaminant" [press release]. January 26, 2006. Available at: www.arb.ca.gov/newsrel/nr012606.htm. Accessed June 2, 2020.

⁷ U.S. Department of Health and Human Services. *The Health Consequences of Involuntary Exposure to Tobacco Smoke. A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health. 2006. Available at: www.cdc.gov/tobacco/data_statistics/sgr/2006/index.htm.⁸ Air Resources Board, California Environmental Protection Agency. *Frequently Asked Questions—Environmental Tobacco Smoke*. Available at: www.arb.ca.gov/toxics/ets/factsheetets.pdf. Accessed June 2, 2020.

⁸ American Society of Heating Refrigerating and Air Conditioning Engineers (ASHRAE). *2015 Addenda Supplement to ANSI/ASHRAE Standard 62.1-2013, Ventilation for Acceptable Indoor Air Quality*. Atlanta, GA: ASHRAE. 2015. Available at: https://www.ashrae.org/file%20library/technical%20resources/standards%20and%20guidelines/standards%20addenda/62_1_2_013_2015supplement_20150203.pdf.

⁹ American Heart Association. *Policy Position on Smoke-Free Policies in Multi-Unit Housing*. Washington, DC: American Heart Association. 2013. Available at: www.heart.org/idc/groups/ahaacc-public/@wcm/@adv/documents/downloadable/ucm_469126.pdf.

¹⁰ American Lung Association. *Public Policy Position – Healthy Air*. Chicago, IL: American Lung Association. 2019. Available at: <https://www.lung.org/policy-advocacy/public-policy-agenda/public-policy-position-healthy-air>.

¹¹ DiGiacomo SI, Jazayeri MA, Barua RS, Ambrose JA. Environmental Tobacco Smoke and Cardiovascular Disease. *Int J Environ Res Public Health*. 2018;16(1):96. doi: 10.3390/ijerph16010096.

occurs;¹²

- Residents of multi-unit housing have higher levels of cotinine (a biomarker for nicotine) in their blood and saliva than those living in detached houses;¹³
- Among children who live in homes in which no one smokes indoors, those who live in multi-unit housing have 45% higher cotinine levels than children who live in detached houses;^{12,13}
- Twelve studies have found between 26% and 64% of residents of multi-unit housing report secondhand smoke drifting into their home;¹³
- Surveys have found that 65% to 90% of multi-unit housing residents who experience secondhand smoke in their home are bothered by it,¹³ and a 2019–2020 survey documented variations in secondhand smoke source among multi-unit housing residents in Los Angeles County, who reported secondhand smoke exposure from tobacco (39%), marijuana (36%), and e-cigarettes (9%);¹⁴
- Between 44.0% and 46.2% of Californians living in multi-unit housing with personal smoke-free home policies are exposed to secondhand smoke in their home;¹⁵ and

WHEREAS, several studies have confirmed that smoke-free multi-unit housing policies are an effective method to reduce secondhand smoke exposure to residents living in multi-unit housing.^{16,17,18}

¹² King BA, Travers MJ, Cummings KM, Mahoney MC, Hyland AJ. Secondhand smoke transfer in multiunit housing. *Nicotine Tob Res.* 2010;12:1133–1141. doi:10.1093/ntr/ntq162.

¹³ Snyder K, Vick JH, King BA. Smoke-free multiunit housing: a review of the scientific literature. *Tob Control.* 2016;25:9–20. doi:10.1136/tobaccocontrol-2014-051849.

¹⁴ Toy P, Yount C, Meng YY, et al. *Health at Risk: Policies Are Needed to End Cigarette, Marijuana, and E-Cigarette Secondhand Smoke in Multi-Unit Housing in Los Angeles*. Los Angeles, Calif.: UCLA Center for Health Policy Research. 2020. Available at: <http://healthpolicy.ucla.edu/publications/Documents/PDF/2020/Health-at-Risk-policybrief-may2020.pdf>.

¹⁵ King BA, Babb SD, Tynan MA, Gerzoff RB. National and state estimates of secondhand smoke infiltration among U.S. multiunit housing residents. *Nicotine Tob Res.* 2013; 15(7):1316–1321. doi:10.1093/ntr/nts254.

¹⁶ Hollar TL, Cook N, Quinn D, Phillips T, DeLucca M. Smoke-free multiunit housing policies show promise in reducing secondhand smoke exposure among racially and ethnically diverse, low-income seniors. *J Immigr Minor Health.* 2017;19(6):1281–1289. doi.org/10.1007/s10903-016-0430-2.

¹⁷ Gentzke AS, Hyland A, Kiviniemi M, Travers MJ. Attitudes and Experiences with Secondhand Smoke and Smoke-Free Policies Among Subsidised and Market-Rate Multiunit Housing Residents Living in Six Diverse Communities in the USA. *Tob Control.* 2018;27(2):194–202. doi: 10.1136/tobaccocontrol-2016-053374.

¹⁸ Young W, Karp S, Bialick P, et al. Health, Secondhand Smoke Exposure, and Smoking Behavior Impacts of No-Smoking Policies in Public Housing, Colorado, 2014–2015. *Prev Chronic Dis.* 2016;13:E148. doi: 10.5888/pcd13.160008.

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

SECTION I. The recitals above are true and correct and incorporated herein by reference.

SECTION II. Chapter 24 in the City of San Fernando Municipal Code is hereby added to read as follows:

Section 1. INTENT AND PURPOSE.

This Chapter protects the public from nonconsensual exposure to secondhand smoke in and around their homes by prohibiting smoking in certain locations of Multi-Unit Housing. Exposure to secondhand smoke has been proven to cause adverse health effects including but not limited to cancer, cardiovascular disease, respiratory infections, asthma, and ear and nasal problems. The intent and purpose of prohibiting smoking at the identified locations is to protect the public health, safety, and welfare by reducing the number of locations in the City of San Fernando where exposure to secondhand smoke can occur.

Section 2. DEFINITIONS.

For the purposes of this Chapter the following definitions shall govern unless the context clearly requires otherwise:

- (a) "Common Area" means every enclosed area and unenclosed area of a Multi-Unit Housing that residents of more than one unit are entitled to access, enter or use, including, but not limited to, lobbies, hallways, pathways, lobbies, courtyards, elevators, stairwells, laundry rooms, community rooms, restrooms or offices, entryways, playgrounds, gym facilities, swimming pool areas, parking garages/structures, parking lots, grassy or landscaped areas, walking paths, cooking areas, sitting areas and eating areas.
- (b) "Common interest development" means:
 - (1) A community apartment project as defined in California Civil Code section 4105, or any successor legislation;
 - (2) A condominium project as defined in California Civil Code section 4125, or any successor legislation;
 - (3) A planned development as defined in California Civil Code section 4175, or any successor legislation; and
 - (4) A stock cooperative as defined in California Civil Code section 4190, or any successor legislation.
- (c) "Designated Smoking Area" shall mean an area where smoking is permitted, as

designated by a landlord, HOA or other person with legal control of the premises, and has been established in accordance with the provisions of this Chapter.

- (d) "Detached Unit" means a unit in a Multi-Unit Housing that is completely detached from other structures and contains no shared common wall with an adjacent unit.
- (e) "Electronic smoking device" means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.
- (f) "Enclosed area" means all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.
- (g) "Homeowners' association" or "HOA" means an organization or entity established for the purpose of managing or maintaining a common interest development. A homeowners' association shall also mean "association" as defined in California Civil Code section 4080, or any successor legislation.
- (h) "Landlord" means any person or agent of a person who owns, manages, or is otherwise legally responsible for a unit in a multi-unit residence that is leased to a residential tenant. For purposes of this ordinance, a tenant who sublets their unit (e.g., a sublessor) is not a landlord.
- (i) "Multi-Unit Housing" means a residential property containing two or more units, including, but not limited to, apartment buildings, common interest developments, senior and assisted living facilities, and long-term health care facilities.

For purposes of this Chapter the definition of Multi-Unit Housing does not include the following:

- (1) A hotel or motel that meets the requirements of California Civil Code Section 1940(b)(2);
- (2) A mobile home park,
- (3) A single-family home, except if used as a health care facility subject to licensing requirements,
- (4) A single-family home with an attached or detached accessory dwelling unit, junior accessory dwelling unit or second primary dwelling unit (Senate Bill 9 urban dwelling unit) permitted pursuant to California Government Code sections 65852.1, 65852.2, 65852.21 or 65852.22 or an ordinance of the City adopted pursuant to those sections, except where

one or more of the units is rented or offered for rent or is used as a health care facility subject to licensing requirements.

- (j) "New Lease" means any lease or rental agreement that allows a person to occupy a unit that is entered into on or after [effective date of ordinance].
- (k) "Nonsmoking Area" means enclosed or unenclosed area of a Multi-Unit Housing in which smoking is prohibited by:
 - (1) this Chapter or other law;
 - (2) binding agreement relating to the ownership, occupancy, or use of real property; or
 - (3) a person with legal control over the area.
- (l) "Person" means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity, including government agencies.
- (m) "Smoking" means:
 - (1) inhaling, exhaling, or burning, any tobacco, nicotine, cannabis, or plant product, whether natural or synthetic;
 - (2) carrying any lighted, heated, or activated tobacco, nicotine, marijuana, or plant product, whether natural or synthetic, intended for inhalation; or
 - (3) using an "electronic smoking device."

Smoking does not include the use of traditional, sacred tobacco as part of a lawfully recognized religious, spiritual, or cultural ceremony or practice.
- (n) "Unenclosed area" means any area that is not an Enclosed Area.
- (o) "Unit" means a personal dwelling space, even one lacking cooking facilities or private plumbing facilities, and includes any associated exclusive-use area, such as a private balcony, porch, deck, or patio. "Unit" includes, without limitation, an apartment; a condominium; a townhouse; a room in a senior facility; a room in a long-term health care facility, assisted living facility, community care facility, or hospital; a room in a hotel or motel; a dormitory room; a room in a single-room occupancy facility; a room in a homeless shelter; a mobile home; a camper vehicle or tent; a single-family home; and an accessory dwelling unit, junior accessory dwelling unit or second unit. Unit includes a New Unit and an Existing Unit.

- (1) "New Unit" means a unit that is issued a certificate of occupancy on and after [effective date of ordinance] or any unit that is leased or rented for residential use for the first time after [effective date of ordinance].
- (2) "Existing Unit" means a unit in existence on or before [effective date of ordinance].

Section 3. SMOKING RESTRICTIONS.

(a) Effective as of [effective date], smoking is prohibited:

- (1) In all New Units and Existing Units governed by a New Lease of a Multi-Unit Housing, together with any associated outdoor exclusive-use unenclosed areas such as a private balcony, deck, porch or patio.
- (b) Two (2) years from [effective date], smoking is prohibited anywhere on the premises of a Multi-Unit Housing including:
 - (1) In all Units, together with any associated outdoor exclusive-use areas such as balconies, decks, or patios; and
 - (2) In all Common Areas and other outdoor areas except for a Designated Smoking Area established in compliance with subsection (d).
- (c) Notwithstanding subsections (a) and (b), smoking is permitted inside the enclosed area of a Detached Unit. However, smoking is not allowed in any associated exclusive-use unenclosed areas such as balconies, decks or patios associated with the Detached Unit or any outdoor common areas as of [effective date].
- (d) Notwithstanding subsection (b), smoking is permitted in a Designated Smoking Area that meets all the following conditions:

- (1) Must not be an enclosed area.
- (2) Must be at least twenty-five (25) feet from any indoor area, doorway, or window, and outdoor recreation area such as a tennis court, swimming pool, and picnic area, or outdoor area primarily used by children such as a playground.
- (3) Must be no more than 10 percent of the total unenclosed area of the property.
- (4) Must have a clearly marked perimeter.
- (5) Must be identified by conspicuous signs. The signs shall have letters of no less than one (1) inch in height and shall be installed and maintained by the Landlord or Homeowner Association with legal control over the Designated

Smoking Area.

- (6) If the requirements set forth in this subdivision (d) cannot be satisfied due to unique circumstances affecting a Multi-Unit Housing, the Director of Community Development or designee may approve a smoking area that meets the requirements of this Chapter to the extent practicable or, if in his or her judgment such an area cannot be designed, the Director of Community Development or designee may exempt the landlord or HOA from the Designated Smoking Area requirement.
- (e) The requirement to permit smoking in the enclosed areas of a Detached Unit as set forth in subdivision (c) and in Designated Smoking Areas as set forth in subdivision (d) shall remain in effective until [effective date plus 5 years] and as of that date is repealed.
- (f) No person with legal control over a Multi-Unit Housing shall permit smoking anywhere on the premises, except as provided in subsections (c) and (d).
- (g) No person with legal control over a Common Area in which smoking is prohibited by this Chapter or other law shall knowingly permit the presence of ashtrays, ashcans, or other receptacles designed for or primarily used for disposal of smoking waste within the area.

Section 4. REQUIRED AND IMPLIED LEASE TERMS FOR ALL NEW AND EXISTING UNITS IN MULTI-UNIT HOUSING.

- (a) After *[effective date]*, every lease or other rental agreement for the occupancy of a Unit in a Multi-Unit Housing, entered into, renewed, or continued month-to-month, shall be amended to include the following provisions:
 - (1) A clause providing that as of *[effective date for new units and existing units governed by a new lease and as of 2 years after effective date for all units]*, it is a material breach of the agreement to smoke or allow smoking in designated nonsmoking areas and units, including exclusive-use areas such as balconies, porches, or patios. Such clause shall be substantially consistent with the following:

“Tenant agrees and acknowledges that the premises to be occupied by tenant and members of tenant’s household have been designated as a smoke-free living environment. As of *[effective date for new units and existing units governed by a new lease or two (2) years after effective date for all units]*, tenant, members of tenant’s household, and any guests under control of the tenant will not smoke anywhere:

 - a) In the unit rented by tenant, including any associated balconies, decks, or patios, other than the enclosed areas of a detached unit; or

- b) In the common areas of the property, other than a designated smoking area.

Tenant acknowledges that a breach of the smoke-free policy may render tenant liable to landlord for the costs to repair tenant's unit due to damage from smoke odors or residue. A breach of the smoke-free policy is a breach of the lease and grounds for immediate enforcement action, including potential termination of the lease by the landlord.

Tenant will inform tenant's guests of the smoke-free policy. Tenant will also promptly give landlord a written statement of any incident where tenant observes smoking not allowed by this policy or believes smoke is migrating into the tenant's unit from sources outside the tenant's unit."

- (2) A clause providing that it is a material breach of the agreement for tenant to violate any law regulating smoking while anywhere on the property, or to knowingly and intentionally allow any other person subject to the control of the tenant to engage in such behavior. Such clause shall be substantially consistent with the following:

"It is a material breach of this agreement for tenant to violate any law regulating smoking while anywhere on the property. Moreover, it is a material breach of this agreement for tenant to knowingly or intentionally allow any other person subject to the control of the tenant to violate any law regulating smoking while anywhere on the property."

- (3) A clause expressly conveying third-party beneficiary status to all occupants of the Multi-Unit Housing as to the smoking provisions of the lease or other rental agreement. Such clause shall be substantially consistent with the following:

"Tenant agrees that other tenants of the rental community are third-party beneficiaries of tenant's smoke-free policy agreement with landlord. A tenant may sue another tenant for an injunction to prohibit smoking or for damages but does not have the right to evict another tenant. Any lawsuit between tenants does not create a presumption that the landlord breached this lease."

- (b) Whether or not a landlord complies with subsection (a) above, the clauses required by those subsections shall be implied and incorporated by law into every agreement to which subsection (a) applies as of *[effective date for new units and existing units governed by a new lease or two (2) years after effective date for all units]*.
- (c) A tenant who breaches, or knowingly and intentionally allows any other person subject to the control of the tenant to breach, a smoking provision of a lease or other rental agreement for the occupancy of a unit in a Multi-Unit Housing shall be liable for the breach to (i) the landlord; and (ii) any occupant of the Multi-Unit Housing who is exposed to smoke or who suffers damages as a result of the breach.

- (d) Failure to enforce any smoking provision required by this Chapter shall not affect the right to enforce such provision in the future, nor shall a waiver of any breach constitute a waiver of any subsequent breach or a waiver of the provision itself.

Section 5. REQUIREMENTS FOR RENTAL PROPERTIES.

The following requirements apply to Multi-Unit Housing other than units in a common interest development that are not being rented:

- (a) On or before *[effective date]*, every landlord shall deliver to a tenant of each New Unit or Existing Unit, as applicable, a copy of this Chapter and a written notice clearly stating:
 - (1) All new units and existing units governed by a new lease are designated nonsmoking units and smoking is prohibited in any unit, including any associated private balcony, porch, deck, or patio, with the exception of enclosed areas of a detached unit, as of *[effective date]*;
 - (2) All units are designated nonsmoking units and smoking is prohibited in any unit, including any associated private balcony, porch, deck, or patio, with the exception of enclosed areas of a detached unit, as of *[two (2) years after effective date]*; and
 - (3) All common areas with the exception of Designated Smoking Areas in compliance with Section 2(d) of this Chapter are designated nonsmoking and smoking is prohibited as of *[two (2) years after effective date]*.
- (b) As of *[effective date]*, every landlord shall provide prospective tenants with written notice clearly stating that:
 - (1) All units are designated nonsmoking and smoking is prohibited in any unit, including any associated private balcony, porch, deck, or patio, with the exception of enclosed areas of a detached unit, as of *[two (2) years after effective date]*; and
 - (2) All common areas, with the exception of Designated Smoking Areas in compliance with Section 2(d) of this Chapter are designated nonsmoking and smoking is prohibited as of *[two (2) years after effective date]*.
- (c) As of *[two (2) years after effective date]*, the person or persons with legal control over Common Areas shall post and maintain clear and unambiguous “No Smoking” signs at entrances and exits, in common areas, and in conspicuous places adjoining the property grounds. In addition, as of *[effective date + two (2) years]*, the person or persons with legal control over the Multi-Unit Housing shall post and maintain signs in sufficient numbers and locations in the Multi-Unit Housing to indicate that smoking is prohibited in all Units. The absence of signs shall not be a defense to a violation of any provision of

this Chapter. "No Smoking" signs are not required inside or on doorways of units.

- (d) Landlords with knowledge of violations shall take reasonable steps to investigate and enforce the regulations, including a written notice to the resident of the landlord's knowledge of the violation, a request to cease the violation, and the course of action to be taken if the violation is not corrected. The landlord shall also provide resources provided by the City and/or County of Los Angeles to assist with nicotine dependence, such as referrals to quitline or online resources.

Section 6. REQUIREMENTS FOR COMMON INTEREST DEVELOPMENTS.

The following requirements apply to common interest developments:

- (a) On or before [*effective date*], the HOA shall provide to all owners of Units a copy of this Chapter and a written notice clearly stating that:
 - (1) All New Units are designated nonsmoking and smoking is prohibited in any unit, including any associated private balcony, porch, deck, or patio, with the exception of enclosed areas of a detached unit, as of [*effective date*];
 - (2) All Units are designated nonsmoking and smoking is prohibited in any unit, including any associated private balcony, porch, deck, or patio, with the exception of enclosed areas of a detached unit, as of [*two (2) years after effective date*]; and
 - (3) All common areas, with the exception of Designated Smoking Areas in compliance with Section 2(d) of this Chapter are designated nonsmoking and smoking is prohibited as of [*two (2) years after effective date*].
- (b) As of [*effective date*] every seller of a Unit shall provide prospective buyers or renters, a copy of this Chapter and a written notice clearly stating that:
 - (1) All units are designated nonsmoking and smoking is prohibited in any unit, including any associated private balcony, porch, deck, or patio, with the exception of enclosed areas of a detached unit, as of [*two (2) years after effective date*]; and
 - (2) All common areas, with the exception of Designated Smoking Areas in compliance with Section 2(d) of this Chapter are designated nonsmoking and smoking is prohibited as of [*two (2) years after effective date*].
- (c) As of [*effective date + two (2) years*], the HOA, or any person having legal ownership or control over Common Areas, shall post and maintain clear and unambiguous "No Smoking" signs in sufficient numbers and locations in the common interest development to make it obvious to a reasonable person that smoking is prohibited throughout the common interest development. The absence of signs shall not be a

defense to a violation of any provision of this chapter.

- (d) HOAs with knowledge of violations shall take reasonable steps to investigate and enforce the regulations, including a written notice to the resident of the HOA's knowledge of the violation, a request to cease the violation, and the course of action to be taken if the violation is not corrected. The HOA shall also distribute resources provided by the City and/or County of Los Angeles to assist with nicotine dependence, such as referrals to a *quitline* or other online resources.

Section 7. NUISANCE; OTHER

- (a) The provisions of this Chapter shall be liberally construed to protect the public health to the maximum effect possible. Notwithstanding (i) any provision of this Chapter or of this code, (ii) any failure by any person to restrict smoking under this Chapter, or (iii) any explicit or implicit provision of this code that allows smoking in any place, nothing in this code shall be interpreted to limit any person's legal rights under other laws with regard to smoking, including rights in nuisance, trespass, property damage, and personal injury or other legal or equitable principles.
- (b) Any violation of this Chapter is hereby declared to be a public nuisance.
- (c) Nonconsensual exposure to smoke from smoking occurring on or drifting into residential property is a nuisance.

Section 8. PENALTIES AND ENFORCEMENT.

- (a) The remedies provided by Section 8 and Section 9 of this Chapter are cumulative and in addition to any other remedies available at law or in equity.
- (b) Except as otherwise provided in subsection (c), below, a violation of this Chapter is not a misdemeanor or an infraction. The enforcement of this Chapter shall be by the private parties involved.
- (c) A violation this Chapter:
 - (1) In the discretion of the City Attorney, may be prosecuted as an infraction or a misdemeanor, in accordance with the provisions of Chapter 1 of San Fernando Municipal Code; and
 - (2) Is subject to enforcement through the imposition of an administrative fine as set forth in Chapter 1 of San Fernando Municipal Code; and
 - (3) Is subject to a civil action brought by the City Attorney, punishable by a civil fine for an amount not less than one hundred dollars (\$100) and not exceeding one thousand dollars (\$1,000) per violation.

- (d) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Chapter shall also constitute a violation of this Chapter.
- (e) No person shall intimidate, harass, or otherwise retaliate against any person who seeks compliance with this Chapter. Any person in violation of this subsection is subject to a civil fine for an amount not less than one hundred dollars (\$100) and not exceeding one thousand dollars (\$1,000) per violation.
- (f) Any person acting for the interests of itself, its members, or the general public may bring a civil action to enforce this Chapter in accordance with the provisions of Section 9 of this Chapter.
- (g) Under no circumstances shall the City have any responsibility or obligation to enforce or seek any legal redress, at law or in equity, for any violation of this Chapter. Nothing in this Chapter shall create a right of action in any Person against the City or its agents to compel public enforcement of this Chapter against private parties.

Section 9. PRIVATE ENFORCEMENT.

- A. Any person, including a legal entity or organization or a government agency acting for the interests of itself, its members, or the general public may bring a civil action to enforce this Chapter. Upon proof of a violation, a court shall award the following:
 - 1. Damages in the amount of either:
 - a. Upon proof, actual damages; or
 - b. With insufficient or no proof of damages, five hundred dollars (\$500) for each violation of this Chapter (hereinafter "Statutory Damages"). Each day of a continuing violation shall constitute a separate violation. Notwithstanding any other provision of this Chapter, no Person suing on behalf of the general public shall recover Statutory Damages based upon a violation of this Chapter if a previous claim brought on behalf of the general public by another Person for Statutory Damages and based upon the same violation has been adjudicated, whether or not the Person bringing the subsequent claim was a party to the prior adjudication.
 - 2. Exemplary damages, where it is proven by clear and convincing evidence that the defendant is guilty of oppression, fraud, malice, retaliation, or a conscious disregard for the public health.
- B. The Person may also bring a civil action to enforce this Chapter by way of a conditional judgment or an injunction. Upon proof of a violation, a court shall issue a conditional judgment or an injunction.
- C. Notwithstanding any legal or equitable bar against a Person seeking relief on its own

behalf, a Person may bring an action to enforce this Chapter solely on behalf of the general public. When a Person brings an action solely on behalf of the general public, nothing about such an action shall act to preclude or bar the Person from bringing a subsequent action based upon the same facts but seeking relief on his, her, or its account.

- D. Nothing in this Chapter 8.74 prohibits a Person from bringing a civil action in small claims court to enforce this Chapter 8.74, so long as the amount in demand and the type of relief sought are within the jurisdictional requirements of such court.

SECTION III. CEQA Finding.

The City Council hereby finds that the adoption of this Ordinance would be exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) (the “common sense exemption”) and 15378(b)(5) since it can be seen with certainty that there is no possibility that adopting an ordinance will have a significant effect on the environment since the project involves administrative activities that do not significantly impact the environment. The Ordinance is also exempt under CEQA Guidelines Section 15307 and 15308, as a regulatory action that protects natural resources and the environment, since the regulation of existing smoking and the related education and outreach activities in the Ordinance will reduce existing smoking practices, improve air quality, and reduce litter and waste from smoking debris, which includes plastic-based cigarette filters that would otherwise impact the environment.

SECTION IV. Inconsistent Provisions.

Any provision of the San Fernando Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Ordinance.

SECTION V. Severability.

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

SECTION VI. Construction.

The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent. To the extent the provisions of the San Fernando Municipal Code as amended by this

Ordinance are substantially the same as the provisions of that Code as it read prior to the adoption of this Ordinance, those amended provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION VII. Publication and Effective Date.

The City Clerk shall attest to the passage of this Ordinance and cause the same to be published once in a newspaper of general circulation within fifteen (15) days after its adoption. This Ordinance shall become effective thirty (30) days after adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Fernando this ____ day of _____, ____.

ATTEST:

Julia Fritz, City Clerk

Mary Mendoza, Mayor of the City of San
Fernando, California

APPROVED AS TO FORM:

Richard A. Padilla, Assistant
City Attorney

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 Ordinance No. 1710 which was introduced on _____, ____ and adopted by the City Council of the City of San Fernando, California at a regular meeting thereof held on the ____ day of _____, ____, 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 _____, ____.

Julia Fritz, City Clerk



AMERICAN NONSMOKERS' RIGHTS FOUNDATION

U.S. Laws for 100% Smokefree Multi-Unit Housing

October 1, 2021

This list represents communities with laws that regulate smoking in **private units** of multi-unit housing.

As of October 1, **67 municipalities** have enacted a law at the city or county level that prohibits smoking in **100% of private units** of rental multi-unit housing properties. Of these municipalities, **61** have laws that prohibits smoking in **100% of private units** of both rental and owner-occupied multi-unit housing properties. The vast majority of the laws—58 municipalities—apply to properties with 2 or more units.

For public housing policies, see [U.S. Public Housing Authority Policies Restricting or Prohibiting Smoking](#).

See Definitions and Explanatory Notes starting on page 4.

Visit our smokefree multi-unit housing page at no-smoke.org/at-risk-places/homes/ for more information.

Municipalities with Laws for 100% Smokefree Multi-Unit Housing:

This table represents communities that have **municipal laws** at the city or county level that prohibit smoking in **100% of private units** of all specified types of multi-unit housing. These laws apply to both privately-owned and publicly-owned multi-unit residences, as well as all existing and future buildings, and do not permit current residents to continue smoking in the building (i.e. no “grandfather” clause). Most, but not all, municipal laws include condominiums and other owner-occupied properties.

Municipalities marked with # require multi-unit buildings to be 100% smokefree when the law is in full effect as of the listed Final Effective Date. Municipalities marked **Some** under “% of Units Currently Smokefree” will be 100% when the law is in full effect.

Municipality	State	% of Units Currently Smokefree	Final Effective Date	Minimum Number of Units	Includes Patio/Balcony	Includes Condos
1. Alameda	CA	100%	1/1/2013	2	Yes	Yes
2. Albany	CA	100%	3/24/2018	2	Yes	Yes
3. Bell Gardens	CA	100%	6/1/2021	3	Yes	Yes
4. Belmont	CA	100%	1/8/2009	2	Yes	Yes
5. Belvedere	CA	100%	11/9/2017	2	Yes	Yes
6. Benicia	CA	100%	9/2/2020	2	Yes	Yes
7. Berkeley	CA	100%	5/1/2014	2	Yes	Yes
8. Beverley Hills	CA	100%	1/1/2019	2	Yes	Yes
9. Brisbane	CA	100%	6/3/2017	2	Yes	Yes
10. Burlingame	CA	100%	2/13/2016	2	Yes	Yes
11. Clayton	CA	100%	5/1/2019	2	Yes	Yes
12. Compton	CA	100%	1/1/2013	3	Yes	Yes
13. Concord	CA	100%	1/1/2021	2	Yes	Yes
14. Contra Costa County	CA	100%	7/1/2019	2	Yes	Yes
15. Corte Madera#	CA	Some	6/17/2022	2	Yes	Yes
16. Cotati	CA	100%	1/1/2017	2	Yes	Yes
17. Crescent City#	CA	Some	1/1/2022	2	Yes	Yes

Municipality	State	% of Units Currently Smokefree	Final Effective Date	Minimum Number of Units	Includes Patio/Balcony	Includes Condos
18. Culver City	CA	100%	5/26/2016	2	Yes	Yes
19. Daly City	CA	100%	1/21/2014	2	Yes	No
20. Danville	CA	100%	5/1/2016	3	Yes	Yes
21. El Cerrito	CA	100%	10/1/2015	2	Yes	Yes
22. El Monte	CA	100%	8/19/2017	3	Yes	Yes
23. Emeryville	CA	100%	7/1/2019	2	N/S	Yes
24. Firebaugh	CA	100%	7/1/2019	2	Yes	Yes
25. Foster City	CA	100%	11/5/2015	N/S	Yes	Yes
26. Half Moon Bay	CA	Some	1/15/2020	2	Yes	Yes
27. Healdsburg	CA	100%	5/6/2020	2	N/S	Yes
28. Huntington Park	CA	100%	7/1/2013	2	Yes	Yes
29. Los Gatos	CA	100%	6/25/2017	2	Yes	No
30. Manhattan Beach	CA	100%	5/5/2017	3	Yes	Yes
31. Mill Valley	CA	100%	11/18/2016	2	Yes	Yes
32. Millbrae	CA	100%	1/1/2020	2	Yes	Yes
33. Milpitas#	CA	Some	1/1/2022	2	Yes	Yes
34. Moorpark	CA	100%	2/1/2019	2	Yes	No
35. Morro Bay	CA	100%	8/1/2020	2	Yes	Yes
36. Novato	CA	100%	1/1/2018	2	Yes	Yes
37. Pacific Grove	CA	100%	10/1/2021	2	Yes	Yes
38. Pacifica	CA	100%	10/9/2020	2	Yes	Yes
39. Palo Alto	CA	100%	1/1/2018	2	Yes	Yes
40. Pasadena	CA	100%	1/1/2013	2	Yes	Yes
41. Petaluma	CA	100%	1/1/2014	2	Yes	Yes
42. Pleasanton	CA	100%	10/4/2018	2	Yes	No
43. Rancho Cordova#	CA	Some	11/4/2021	2	N/S	Yes
44. Redwood City	CA	100%	1/1/2019	2	Yes	Yes
45. Richmond	CA	100%	1/1/2011	2	Yes	Yes
46. Rohnert Park	CA	100%	4/23/2018	2	Yes	Yes
47. Ross	CA	100%	2/9/2020	2	Yes	Yes
48. San Anselmo	CA	100%	1/8/2016	2	Yes	Yes
49. San Bruno	CA	100%	2/22/2018	2	Yes	Yes
50. San Carlos	CA	100%	7/8/2020	2	Yes	Yes
51. San Mateo	CA	100%	11/14/2015	2	Yes	Yes
52. San Mateo County	CA	100%	2/4/2016	2	Yes	Yes
53. San Pablo	CA	100%	7/1/2021	2	Yes	No
54. San Rafael	CA	100%	11/14/2013	3	Yes	Yes
55. Santa Clara	CA	100%	8/1/2019	2	Yes	Yes
56. Santa Clara County	CA	100%	2/9/2012	2	Yes	Yes
57. Santa Rosa	CA	100%	8/7/2016	2	Yes	Yes
58. Saratoga	CA	100%	9/16/2016	4	Yes	Yes
59. Sebastopol	CA	100%	11/2/2011	2	Yes	Yes
60. Sonoma	CA	100%	12/12/2016	2	Yes	Yes
61. Sonoma County	CA	100%	1/12/2013	2	Yes	Yes
62. South San Francisco	CA	100%	11/9/2017	2	N/S	Yes
63. Sunnyvale	CA	100%	9/23/2016	2	Yes	Yes
64. Tiburon	CA	100%	10/16/2018	4	Yes	Yes
65. Union City	CA	100%	2/23/2012	2	Yes	No

Municipality	State	% of Units Currently Smokefree	Final Effective Date	Minimum Number of Units	Includes Patio/Balcony	Includes Condos
66. Walnut Creek	CA	100%	1/30/2014	2	Yes	Yes
67. Windsor	CA	100%	8/15/2017	2	Yes	Yes

= Law requires multi-unit buildings to be 100% smokefree, but the law is not yet fully in effect.

Municipalities with Laws that Partially Restrict Smoking in Multi-Unit Housing:

This table represents communities that have **municipal laws** at the city or county level that **restrict smoking in some private units** of multi-unit housing, but do not require multi-unit buildings to be 100% smokefree.

The trend is now for communities to adopt laws that require multi-unit properties to be 100% smokefree, as listed in the chart above. It is not recommended that communities adopt the types of partial laws represented in the chart below.

Municipalities marked **Some** under “All Units Currently Smokefree?” have some buildings that are required to be 100% smokefree. Often, these laws prohibit smoking in all newly occupied buildings or newly leased units, but either do not address smoking in existing buildings or only apply to a certain percent of units in existing buildings.

Municipalities marked **No** under “All Units Currently Smokefree?” have no buildings required to be 100% smokefree now or in the future. These laws may apply to only a certain percent of units in existing and future buildings, or permit current residents to continue smoking in the building indefinitely (a “grandfather” clause).

Additionally, communities not represented on this list may have local laws that do not address smoking in private units, but restrict smoking in multi-unit housing to a lesser extent, such as by prohibiting smoking in indoor common areas or only on patios and balconies.

Municipality	State	All Units Currently Smokefree?	Min. % of Units Currently Smokefree	Initial Effective Date	Final Effective Date	Min. # of Units	Includes Condos
1. Baldwin Park	CA	Some	80%	6/21/2012	Not Specified	2	Yes
2. Burbank	CA	No	N/S		5/1/2011	N/S	Yes
3. Calabasas	CA	No	N/S		Not Specified	2	No
4. Dublin	CA	No	75%		1/1/2013	16	N/S
5. Fairfax	CA	No	75%		9/1/2012	4	N/S
6. Fremont	CA	Some	N/S	2/1/2017	Not Specified	2	Yes
7. Glendale	CA	Some	N/S	6/27/2013	Not Specified	2	Yes
8. Jurupa Valley	CA	Some	N/S		Not Specified	3	No
9. Lafayette	CA	Some	N/S	2/10/2014	Not Specified	3	Yes
10. Larkspur	CA	No	N/S		Not Specified	2	Yes
11. Loma Linda	CA	No	N/S		Not Specified	2	No
12. Marin County	CA	Some	80%	2/16/2013	Not Specified	2	Yes
13. Oakley	CA	No	N/S	4/1/2014	4/1/2014	2	Yes
14. Pinole	CA	Some	N/S	5/20/2010	Not Specified	2	Yes
15. Pleasant Hill	CA	Some	N/S	5/5/2010	Not Specified	4	No
16. Santa Monica	CA	Some	N/S	11/22/2012	Not Specified	N/S	Yes
17. Sausalito	CA	Some	80%	2/27/2014	Not Specified	2	Yes
18. South Pasadena	CA	Some	80%	3/3/2011	Not Specified	2	Yes

Municipality	State	All Units Currently Smokefree?	Min. % of Units Currently Smokefree	Initial Effective Date	Final Effective Date	Min. # of Units	Includes Condos
19. Temecula	CA	No	25%		6/7/2012	10	N/S
20. West Hollywood	CA	Some	N/S	5/19/21	7/15/2021	3	Yes

Definitions and Explanatory Notes:

Communities on the two charts of municipal laws adopted a municipal ordinance to regulate smoking in all (first chart) or some (second chart) types of multi-unit housing.

= Law will require all multi-unit buildings to be 100% smokefree as of a future date, but currently the law provides partial coverage.

Minimum Percent of Units Currently Smokefree:

The percent of specified multi-unit housing that is currently required to be smokefree:

100%: All units in specified multi-unit housing must be smokefree.

Another stated %: The stated percent of units in specified multi-unit housing must be smokefree.

N/S = Not Specified: The law does not specify the percent of units currently required to be smokefree or the percent of units currently required to be smokefree cannot be determined by how the law is written, such as: applying only to new multi-unit buildings but not to existing multi-unit buildings or designating at certain percentage of units as nonsmoking or limiting smoking to certain buildings or permitting current residents to continue to smoke indefinitely.

Initial Effective Date:

The date when some multi-unit housing must be 100% smokefree. For example, Baldwin Park, CA (marked as Some for *All Units Currently Smokefree*) requires that all newly occupied buildings must be 100% smokefree as of 6/21/2012, which is the Initial Effective Date. Baldwin Park also requires that at least 80% of units in all existing buildings be smokefree. Because existing buildings may never be fully smokefree, the Final Effective Date is "Not Specified."

Final Effective Date:

For communities marked as Yes or Some for All Units Currently Smokefree, the Final Effective Date is when all buildings must be 100% smokefree. For communities marked as No for All Units Currently Smokefree, the Final Effective Date is when the strongest provisions of the law goes into effect.

Not Specified:

The law does not specify when all multi-unit buildings must be completely smokefree, due to provisions such as: law permits current residents to continue smoking indefinitely **or** law applies only to newly constructed buildings **or** law applies only to a certain percent of existing units.

ANR Foundation is actively collecting additional laws. **If you know of local laws that you think should be included on the list**, or want to inquire about additional information on particular laws, please contact the ANR Foundation at info@no-smoke.org or 510-841-3032.

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THE CITY OF SAN FERNANDO

CITY COUNCIL

MAYOR
MARY MENDOZA

VICE MAYOR
HECTOR A. PACHECO

COUNCILMEMBER
SYLVIA BALLIN

COUNCILMEMBER
CINDY MONTAÑEZ

COUNCILMEMBER
CELESTE T. RODRIGUEZ

NOTICE OF A PUBLIC HEARING BY THE CITY OF SAN FERNANDO CITY COUNCIL TO CONSIDER ADDING A NEW CHAPTER TO THE SAN FERNANDO MUNICIPAL CODE TO PROHIBIT SMOKING IN MULTI-UNIT HOUSING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the City Council of the City of San Fernando on April 18, 2022 to consider adding a new chapter to the San Fernando Municipal Code to prohibit smoking in multi-unit housing.

HEARING DATE: April 18, 2022
TIME: 6:00 P.M.
HEARING LOCATION: City Hall Council Chambers, 117 Macneil Street, San Fernando, CA 91340
PROJECT LOCATION: City Wide

Copies of the staff report will be available for public review after 12:00 noon on Friday, April 15, 2022 on the City's website <https://ci.san-fernando.ca.us/> and at the City Clerk's Office, 117 Macneil Street, San Fernando, CA 91340. For further information regarding this project, please contact Kanika Kith, Director of Community Development, at (818) 898-1227 or kkith@sfcity.org, or by written correspondence to: City of San Fernando, Community Development Department, 117 Macneil Street, San Fernando, CA 91340-2993.

Dated this 7th day of April 2022
City of San Fernando, California

Julia Fritz, City Clerk

COMMUNITY
DEVELOPMENT

117 MACNEIL STREET
SAN FERNANDO
CALIFORNIA
91340

(818) 898-1222

WWW.SFCITY.ORG

Research: Multi-Unit Housing Smoke-Free Ordinance

For the City of San Fernando. Prepared by Arbyn Olarte and Sevag Sassounian, Community Development Interns. 01/14/2022.

Municipality	Ordinance Adoption	Does the ordinance require a designated outdoor smoking area? Include area size and standards.
Glendale, CA	June 2013	Yes – for new construction multi-family dwelling units only; requires a “Smoking Permitted Areas” permit based on plan submittal; reviewed on case-by-case basis.
Pasadena, CA	July 2011	<p>No – smoking not permitted in all multi-unit housing units, including balconies and patios.</p> <p><i>Additional info:</i></p> <ul style="list-style-type: none"> • <i>First phase: smoking prohibited in outdoor common areas and in newly constructed units.</i> • <i>Next phase: Disclosure of the No Smoking ordinance and reference to the code section had to be provided in every new lease and rental agreement, and real estate purchase agreement starting January 2012.</i> • <i>Last phase: Two years after the ordinance adoption, smoking was prohibited in all units of multi-unit housing, including balconies and patios.</i> • <i>Compliance: Landlord must notify building tenants about new provisions and post universal no-smoking signage. Pasadena Public Health Dept. enforces the ordinance and can issue fines.</i>
Burbank, CA	May 2011	<p>No – no requirement. Ordinance clearly outlines where smoke is or is not permitted; smoking is generally not allowed in common areas or private balconies/patios.</p> <p><i>Additional info:</i></p> <p><i>Designated smoking areas (in public or private property) can be permitted if they meet certain, strict criteria, such as but not limited to:</i></p> <ul style="list-style-type: none"> • <i>Smoking area is as small as practically possible but no less than 50 sq. ft.</i> • <i>Smoking area is not located within 5 ft. of any entrance or exit, or walkway to entrance or exit, of any building or facility open to the public.</i>
Santa Monica, CA	November 2012	<p>No – it is optional for a landlord to designate an outdoor smoking area. Any designated smoking area must abide by the following requirements:</p> <ul style="list-style-type: none"> • Be at least 20 feet from any indoor area or play area • Have a clearly marked perimeter • Be clearly marked with signs; and • Be less than 1/4 of the total outdoor area of the property.

ATTACHMENT "D"

Municipality	Ordinance Adoption	Does the ordinance require a designated outdoor smoking area? Include area size and standards.
		<p>Otherwise, smoking is prohibited in all common areas.</p> <p><i>Additional info:</i> <i>Law is enforced through communication such as via written notice. Any person can enforce the law and take the smoker violating the ordinance to small claims court.</i></p>
West Hollywood, CA	April 2021	<p>No – ordinance prohibits smoking ("tobacco, cannabis, and vaping") in all common areas, and inside new multi-family constructions including balconies and patios.</p> <p>The ordinance includes a phase-in period after which the same rules will apply for existing multi-family dwellings.</p>
Beverly Hills, CA	October 2017	<p>No – ordinance prohibits all smoking including in common areas and within private residences.</p> <p><i>Additional info:</i> <i>There is a one-year phase-in period. On the effective date, smoking is prohibited in all common areas, and in all rental units governed by a new or renewed lease, including month-to-month leases. One year after the effective date, smoking is prohibited in all units, including both rental units and owner-occupied units.</i></p>
Culver City, CA	2014	<p>No – a designated smoking area is optional.</p> <p>Smoking prohibited in common areas except in designated smoke areas: must be unenclosed, at least 25 feet from any Enclosed Area that is Nonsmoking Area or from Non-enclosed Areas primarily used by children and Unenclosed Areas with improvements that facilitate physical activity, swimming pools, playgrounds, tennis courts.</p> <p>Must be no more than 10% of the total Unenclosed Area of the Multi-Unit residence for which it is established.</p> <p>Smoking is prohibited in Unenclosed Areas of a Multi-Unit Residence, including balconies, porches, decks, and patios, within 25 feet in any direction of any doorway, window, opening, or other vent into an Enclosed Area that is a Nonsmoking Area.</p>
Huntington Park, CA	2012	<p>No – a designated smoking area is optional.</p> <p><i>Same provisions as Culver City, CA (see above).</i></p>
Manhattan Beach, CA	2017	<p>No – smoking is prohibited by law in all multi-unit residences, including but not limited to all units and common areas.</p>

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AGENDA REPORT

To: Mayor Mary Mendoza and Councilmembers

From: Nick Kimball, City Manager
By: Julian J. Venegas, Director of Recreation and Community Services

Date: May 2, 2022

Subject: Consideration to Authorize a Notice Inviting Bids for Construction of the Layne Park Revitalization Project

RECOMMENDATION:

It is recommended that the City Council:

- a. Authorize the circulation of a Notice Inviting Bids (Attachment "A") for the construction of the Layne Park Revitalization project; and
- b. Provide staff with direction as appropriate.

BACKGROUND:

1. On February 5, 2018, the City Council adopted the Parks and Recreation Master Plan (PMP) as an instrument for developing a comprehensive vision for park facility improvements and recreational programming offered to the residents of San Fernando. The PMP identified multiple park sites that needed improvements in order to maintain the continuity of recreational services.
2. On June 5, 2018, the voters of California approved Proposition 68, "Parks, Environment, and Water Bond Act". The measure authorized \$4 billion in general obligation bonds for state and local parks, environmental protection and restoration projects, water infrastructure projects, and flood protection projects. The California Department of Parks and Recreation was the agency assigned to administer a grants program for Proposition 68.
3. On June 22, 2019, the California Department of Parks and Recreation released the Statewide Park Development and Community Revitalization Grant Program (SPP), for revitalizing projects throughout the state. SPP allocated \$625 million in grant funds to create, expand or renovate parks in low-income and disadvantaged communities.

Consideration to Authorize a Notice Inviting Bids for Construction of the Layne Park Revitalization Project

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4. On July 1, 2019, the City Council authorized staff to submit a SPP grant application for all six parks (i.e., Recreation, Las Palmas, Pioneer, Layne, Rudy Ortega Sr., and the Pacoima Wash Natural parks) identified in the PMP as needing renovation to enhance recreational opportunities for the community.
5. On July 19, 2019, and throughout the application process, Recreation and Community Services (RCS) staff discussed the renovation plans for all six parks with the Parks, Wellness and Recreation Commission. In addition, feedback from community planning meetings pertaining to the park renovation projects was incorporated into the final grant applications.
6. On February 25, 2020, the California Department of Parks and Recreation announced that the City's SPP Layne Park Revitalization Project grant application was selected for funding. The grant award of \$1.1 million includes pre-construction costs such as plan development, specifications, construction documents, and cost estimates.
7. On September 21, 2020, the City Council authorized a Notice Inviting Bids (NIB) for the design of the Layne Park Revitalization Project. The City received nine proposals from reputable firms. Staff reviewed the nine proposals and selected the top four firms for future consideration.
8. On December 9, 2020, the selection committee consisting of the Director of Recreation and Community Services, the Director of Public Works, and the Civil Engineering Assistant II, conducted interviews of the top four firms to determine which firm would best meet the needs of the City.
9. On January 4, 2021, the City Council discussed staff's recommendation to award a professional services agreement for design of the Layne Park Revitalization Project to Moore Iacofano Goltsman, Inc. (MIG). During that discussion, the City Council provided additional feedback related to specific design elements as well as a desire to engage in additional targeted community outreach for community members adjacent to Layne Park. The item was tabled until the following City Council meeting to provide staff with the opportunity to get additional information from the proposed design firm.
10. On January 19, 2021, the City Council approved a professional service agreement with MIG for the design of the Layne Park Project with the caveat that the proposed design incorporate community feedback on the design elements discussed at the January 4, 2021, City Council meeting.
11. Between April 21, 2021 and June 2, 2021, the RCS Department hosted three community workshops to gather feedback regarding the design elements for the Layne Park Revitalization Project. The meetings were held on the Zoom platform and on site. Approximately 60 individuals participated in the community outreach meetings.

Consideration to Authorize a Notice Inviting Bids for Construction of the Layne Park Revitalization Project

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12. On July 19, 2021, the City Council approved the Base Project Design for the Layne Park Revitalization Project and directed staff to work with MIG to incorporate the additional project amenities identified by the community outreach workshops as an Alternative Project Design for the Layne Park project.

ANALYSIS:

The community outreach meetings held between April 21, 2021 and June 2, 2021, provided valuable insight on the type of amenities the Layne Park neighborhood preferred. The communities' vision for the Layne Park project was incorporated into the proposed design MIG presented to City Council as the Base Project Design on July 19, 2021. Due to the available funding of the Prop. 68 grant, the proposed design was scaled back to ensure the project construction remained within budget. Nonetheless, MIG introduced the park amenities that the community had identified as desirable, in the event that additional funding be identified for the Layne Park project.

The Base Project Design incorporates the major park amenities specified in the SPP grant for an estimated cost of \$900,000, and the Alternate Project Design list of park amenities identified in the workshops for an estimated additional \$400,000. The Base Project Design park amenities include the following:

- Restroom Facility
- Hydro-seed Turf Soccer Field with Goals
- A Basketball Half Court
- Play Area Shade Structure with Equipment Upgrades
- Salvaged Seating Logs
- Picnic Tables
- Drought Tolerant Landscaping
- Pedestrian Lighting

The Alternate Project Design park amenities include:

- Sod Turf Soccer Field with 20' Safety Netting
- Additional Pedestrian Lighting
- Monument Sign
- Perimeter Fencing
- Additional Decomposed Granite and Concrete Paving
- Additional Landscaping

Consideration to Authorize a Notice Inviting Bids for Construction of the Layne Park Revitalization Project

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The City Council directed staff to work with MIG to integrate the park amenities left out of the Base Project Design as an Alternate Project Design with the hopes that additional funding may be identified. Soon after the July 19, 2021 City Council meeting, MIG began in earnest developing the plans, specifications and documents for the Base Project Bid and the Alternate Project Bid. MIG submitted a 50% design check for the Layne Park project on or about August 19, 2021. Staff from Public Works and from RCS departments reviewed the submittal and provided comments to MIG that would be incorporated in the next submittal. A 90% design check was submitted to the City on or about January 10, 2022. The plans were reviewed once again by City staff who provided feedback for the final draft of the design documents of the Layne Park project.

The final design incorporates the park amenities for a Base Project Bid and an Alternate Project Bid. The document will be available on the City's website on May 3, 2022: sfcity.org/rfps-rfqs-nibs-nois/. Proposals are due on May 26, 2022, before 1:30 pm. A panel from Public Works and RCS departments will review the proposals and rate each firm's capacity to complete the work based on the following criteria:

- A Proposal Summary
- The Firm's Profile
- The Qualifications of the Firm
- A Work Plan
- The Firm's Staff Experience
- The Cost and Rates of the Proposal

MIG will assist during the bidding phase by attending pre-bid meetings and provide clarification to contractor's questions. MIG will also support the construction process by participating in the pre-construction meeting, address any construction concerns not identified prior to start of the Layne Park Project, and monitoring the work of the contractor selected.

BUDGET IMPACT:

The total estimated cost for the Layne Park Revitalization Project is \$1,134,245. Funding was included and adopted in the Fiscal Year 2020-2021 budget through the Statewide Park Development and Community Revitalization (SPP) Grant and the City's cash match.

SOURCES		
Fund	Account Number	Allocation
Statewide Parks Program (Grant)	010-3697-3669	\$ 1,114,245
City's Capital Projects (Match)	032-3697-3669	\$ 20,000
		\$
Total Sources:		\$ 1,134,245

Consideration to Authorize a Notice Inviting Bids for Construction of the Layne Park Revitalization Project

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USES		
Activity	Account Number	Cost
Pre-construction Cost	010-420-3669-4600	\$ 225,000
Plans, Specifications, Cost Estimates, Permits		\$ 0.00
Groundbreaking, public meetings		\$ 0.00
Construction	010-420-3669-4600	\$ 909,245
Expenditures-to-Date		\$ -(177,358)
VCCC, MIG services		
Total Uses:		\$ 956,887

The grant allocates \$909,245 towards the construction cost. The Base Project Design estimated a cost of \$900,000, which is within the construction budget. Additional funding may need to be identified in order to complete the Alternate Project amenities.

CONCLUSION:

It is recommended that the City Council authorize the circulation of a Notice Inviting Bids for the construction of the Layne Park Revitalization Project; and provide staff with direction as appropriate.

ATTACHMENT:

A. Notice Inviting Bids



CONTRACT DOCUMENTS

**LAYNE PARK REVITALIZATION PROJECT
120 N HUNTINGTON STREET
SAN FERNANDO, CA 91340**

PROJECT NO. 7616, PLAN NO. P-737



Prepared by: _____ Date: 4/21/22
Manuel Fabian, Civil Engineering Assistant II

Under the Supervision of: _____ Date: 4/21/22
Emilio M. De Murga, P.E., Consulting City Engineer

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NOTICE INVITING BIDS

SEALED PROPOSALS will be received at the Office of the City Clerk, City Hall, 117 Macneil Street, San Fernando, California until **1:30 P.M. on Thursday, May 26, 2022**, and said bids will be publicly opened and declared for performing work on the following project:

**LAYNE PARK REVITALIZATION PROJECT
120 N HUNTINGTON STREET
SAN FERNANDO, CA 91340**

PROJECT NO. 7616, PLAN NO. P-737

The project consists of park improvements to Layne Park. The work includes installation of a restroom, Turf hydroseed soccer field, play area shade, seating logs, picnic tables, pedestrian lighting; installation of trees; inst; and miscellaneous appurtenant work. The bid also include additive alternate items including, sod turf with 20' safety netting, monument sign, perimeter fencing, decomposed granite, additional pedestrian lighting and landscape planting and irrigation. The bid items, corresponding estimated quantities, and time allowed to complete the work are listed in the Contractor's Proposal. The definitions of bid items are described in the Technical Provisions. Based on the quantities listed in the Proposal, the construction cost is estimated to be in the range of \$900,000

Prevailing Wage Statement:

This contract will be funded in whole or in part with federal housing and community development funds. The Federal Labor Standards Provisions, including prevailing wage requirements of the Davis-Bacon and Related Acts will be enforced. A copy of the Federal Wage Decision applicable to this project is included in the Bid Document. This is project is a public work in the State of California, funded in whole or in part with public funds. Therefore, the higher of the two applicable prevailing wage rates, federal or state, will be enforced. The Contractor's duty to pay State prevailing wages can be found under Labor Code Section 1770 et seq. Labor Code Sections 1775 and 1777.7 outline the penalties for failure to pay prevailing wages and to employ apprentices, including forfeitures and debarment. The State Wage Decision is on file at the City Clerk's office, and is also available Online at <http://www.dir.ca.gov/dlsr/>.

Apprenticeship Program:

Attention is directed to Sections 1777.5, 1777.6, and 1777.7 of the California Labor Code and Title 8, California Administrative code, Section 200 et seq. to ensure compliance and complete understanding of the law regarding apprentices.

Section 3 Statement:

This is a HUD Section 3 construction contract. First preference will be given to a bidder who provides a reasonable bid and is a qualified Section 3 Business Concern. Second preference will be given to a bidder who provides a reasonable bid and commits to achieving the Section 3 employment, training and subcontracting opportunity goals by submitting a written commitment (Economic Opportunity Plan).

Conflict of Interest:

In the procurement of supplies, equipment, construction, and services by sub-recipients, the conflict of interest provision in 24 CFR 85.36, OMB Circular A-110, and 24 CFR 570.611 shall apply. No employee, officer, or agent of the sub-recipient shall participate in the selection, award, or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved.

A Section 3 mandatory Pre-Bid Meeting will be held Wednesday, May 17, 2022 at 10:00 a.m. at 120 Macneil Street (City of San Fernando Public Works Operations Center) to explain the Section 3 bid preference and hiring goals. The Bidder/Proposer must submit a Declaration of Intent to

Comply with Section 3 requirements, including benchmarks, in order to be a responsive bidder/proposer eligible for contract award. In order to receive consideration for the Section 3 bid preference, a bidder must complete, sign, and submit the following forms with their bid proposal: a) Section 3 Business Certification form, and b) Section 3 Resident Certification form(s). A reasonable bid must be within the Zone of Consideration factored at the time of the bid evaluation. Direct all questions to Manuel Fabian at mfabian@sfcity.org.

The work to be performed under this Contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

The Bidder/Proposer is required to complete and submit the Declaration of Intent to Comply with Section 3 Requirements - Required Contract Forms and Certifications, certifying that they intend to comply with the requirements of the Secretary of Labor and the latest amendments to: Executive Orders 11246 and 11375, as supplemented in Department of Labor regulations (41 C.F.R. chapter 60); the Copeland "Anti-Kickback" Act (18 U.S.C. § 847) as supplemented in Department of Labor regulations (29 C.F.R. part 3); Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. §§ 1701 et seq.); Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000); Section 109 of Title I of the Housing and Community Development Act of 1974 (42 U.S.C. §§ 5301 et seq.); the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101 et seq.); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §§ 701 et seq.). Contractor agrees to comply with the requirements of all other applicable federal, State and local laws and regulations.

Prospective bidders/proposers should carefully read the information within this bid document including the Section 3 Provisions for Housing and Community Development Assistance and Public Housing Assistance, as amended. Proposals that fail to comply with the requirements of Section 3 will be considered non-responsive and excluded from further consideration.

A reasonable bid must be within the Zone of Consideration factored at the time of the bid evaluation. Direct all questions to Manuel Fabian, Civil Engineering Assistant II at mfabian@sfcity.org.

The contract time for the project is thirty (30) working days.

It is the policy of the City, as directed by City Council, to encourage the use of local area businesses in construction contracts including vendors, suppliers, labor, etc.

The City reserves the right to reject any and all bids and to waive any minor irregularities in the bid documents. Bidders may not withdraw their bid for a period of ninety (90) days after date set for opening thereof.

The Contractor must follow the procedures as set forth in the Instructions to Bidders for acceptance of bids. Bids will be accepted only if submitted on a proposal form furnished by the City. Each bid must be accompanied by cash, certified check, cashier's check, or bidder's bond made payable to the City of San Fernando or issued by a surety admitted to do business in California, for an amount equal to at least ten percent (10%) of the amount bid. Such guaranty to be forfeited to the City should the bidder to whom the contract is awarded fail to enter into the contract.

Bids will be accepted only from contractors licensed in accordance with the provisions of the Business and Professional Code of the State of California. Prior to contract execution, the Contractor and his/her subcontractors shall obtain a City business license. At the time of bidding, the Contractor must possess a valid California **Class A** Contractor's License.

AB44 EFFECTIVE JULY 1, 2014. If a bidder submits a bid that includes a subcontractor who would be performing work in amount in excess of ½ of 1% of the bidder's total bid or in the case of bids for the

construction of streets or highways, including bridges, in excess of ½ of 1% of the bidder's total bid or \$10,000, whichever is greater, then in addition to the subcontractor's name and business address, the subcontractor's State contractor's license number must be included as part of the information submitted for that proposed subcontractor. Failure to provide the subcontractor's license number shall render the bid non-responsive.

This is a federally assisted construction contract. Federal Labor Standards Provisions, including prevailing wage requirements of the Davis-Bacon and Related Acts (DBRA) will be enforced. In the event of a conflict between Federal and State wage rates, the higher of the two will prevail.

The Contractor's duty to pay State prevailing wages can be found under Labor Code Section 1770. et. seq. and Labor Code Sections 1775 and 1777.7 outline the penalties for failure to pay prevailing wages and employee apprentices including forfeitures and debarment.

The current Federal Wage Decision is contained herein, and may be updated via addendum to this bid package within ten (10) days prior to bid opening and can be found at <http://www.wdol.gov/wdol/scafiles/davisbacon/ca.html>. The applicable Federal Wage Decision will be incorporated into the contract. The State wage rates are available online at <http://www.dir.ca.gov/DLSR/PWD/index.htm>. Lower State wage rates for work classifications not specifically included in the Federal wage decision are not acceptable. The Contractor may request an Additional Classification and Rate if a work classification cannot be located in the Federal Wage Decision.

This is a HUD Section 3 Contract and all Bidders/Proposers must commit to achieving established requirements, including benchmarks, for Section 3 workers and Targeted Section 3 workers to be considered a Section 3 responsive bidder/proposer and eligible for a contract award.

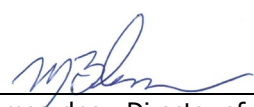
At the request and expense of the Contractor, securities equivalent to the five percent (5%) to be withheld from progress payments pursuant to the City's Standard General Conditions shall be deposited with the City Clerk or a state or federally chartered bank as the escrow agent, who shall pay such monies to the contractor upon satisfactory completion of the contract. Securities eligible for investment shall include those listed in Section 16430 of the Government Code or bank or savings and loan certificates of deposit. The contractor shall be the beneficial owner of any securities substituted for monies withheld and shall receive any interest thereof.

Copies of the plans and specifications, including the approved proposal form, are available on the City website, <http://ci.san-fernando.ca.us/rfps-rfq-s-nibs-nois>, for downloading at no charge. **In order to be eligible to submit a bid for the project, you MUST contact Manuel Fabian, Civil Engineering Assistant II, via e-mail at mfabian@sfcity.org to be placed on the plan holders list.** Compact disk (CD) of the plans and specifications may be obtained for a non-refundable fee of **\$5.00** each at the Public Works Department, City Hall, 117 Macneil Street, San Fernando, California, 91340. If mailing is requested, an additional fee of **\$5.00** is required to cover postage and handling. Any questions pertaining to the project shall be submitted by Tuesday, May 17, 2022 by 4:30 p.m.

Addenda, if any, will NOT be distributed to the planholders, and will ONLY be posted on the City website. **It shall be the Bidder's responsibility to check the City website for any addenda.**

City of San Fernando

Date: 04/20/2022

By: 
Matthew Baumgardner, Director of Public Works

CONTRACTOR'S PROPOSAL

CITY OF SAN FERNANDO
117 MACNEIL STREET
SAN FERNANDO, CALIFORNIA 91340

HONORABLE MAYOR AND
MEMBERS OF THE CITY COUNCIL:

The undersigned declares that this proposal was prepared by carefully examining the location of the proposed work, the Plans, the Specifications, and the Contract Documents entitled:

LAYNE PARK IMPROVEMENTS 120 N HUNTINGTON STREET

PROJECT NO. 7616, PLAN NO. P-737

The undersigned hereby proposes to furnish all labor, materials, equipment, tools, transportation, and services to perform all work required and to complete said work within **thirty (30)** working days after the commencement date stated in the Notice to Proceed. All work shall be performed in accordance with the Plans, Specifications, and Contract Documents, including the Special Provisions and Technical Provisions, for the prices set forth in the bid schedule.

Dated

Bidder

Signature

Name (Print/Type)

Title

BID SCHEDULE
PICO STREET IMPROVEMENTS
BETWEEN KALISHER STREET AND S BRAND BLVD
CDBG PROJECT NO. 602080-19, PROJECT NO. 7610, PLAN NO. P-731

ITEM NO.	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	ITEM TOTAL
1*	Tree Removal and Stump Grinding	EA	500	\$	\$
2*	Miscellaneous Removals	LS	700	\$	\$
3*	Dust Control	LS	5,050	\$	\$
4*	Temporary Construction and Security Fence	LF	840	\$	\$
5*	Temporary Construction and Security Gates	EA	1	\$	\$
6*	Clear and Grub Softscape	SF	33,178	\$	\$
7*	Remove Existing Picnic Pads	SF	604	\$	\$
8*	Fine Grading	SF	33,178	\$	\$
9*	Construction staking and surveying	LS	1		
10*	Erosion Control	LS	1		
11	SWPPP	LS	1		
12	Site Utilities	LS	215		
13	Site Electrical	LS	0		
14	4" Concrete	SF	0		
15	4" Concrete at Basketball Court	SF	0		
16	Basketball Court Plexipave Surfacing and Striping	SF	0		
17	Steel Edging	LF	0		
18	Stabilized Decomposed Granite	SF	0		
19	Play Area Shade	LS	1		
20	Kiln Dried Log Benches (4 total)	LS	4		
21	8' ADA Picnic Table	EA	1		
22	Basketball System (post, footing, backboard, net)	EA	1		
23	Trash Receptacle	EA	2		
24	Soccer Team Bench	EA	0		
25	Boulders	LS	0		
26	Soccer Goals and Sleeves	SF	22,319		
27	Irrigation System	LS	1		
28	Planting	SF	22,319		
29	Ninety (90) Day Maintenance	LS	1		
30	Mobilization/Job Site Requirements	LS	1		
31	Insurance and Bonding	LS	1		
32	Additive Alternates	LS	1		
BID TOTAL					\$

*The twenty-five percent (25%) quantity change limitation per Section 3.2 of the Standard Specification does not apply to this item. For these items, there shall be no quantity limitation. Payment for these items will be based on unit prices stated in the Contractor's Proposal.

In case of discrepancy between unit process and item totals, the unit prices shall prevail. In case of a discrepancy between item totals and grand total, the item totals shall prevail. The grand total will be subject to adjustment by the City in the event of a discrepancy. The contract award shall be made on the basis of the grand total as described above from among the responsive and responsible bidders.

The City does not expressly or by implication agree that the actual amount of work will correspond with the foregoing quantities, but reserves the right to increase or decrease the amount of any class or portion of the work or to omit portions of the work as may be deemed necessary or advisable by the Engineer.

The bidder further agrees that in case of not executing the required contract with necessary bonds within ten (10) days, not including Sundays, after having received notice that the contract is ready for signature, the proceeds of the check or bond accompanying his bid shall become the property of the City of San Fernando.

By submission of the Contractor's Proposal, the bidder also certifies that the bid is a balanced bid.

The bidder acknowledges receipt of the following addendum issued for the above project. If no addendum has been received, write "None". FAILURE TO ACKNOWLEDGE RECEIPT OF ANY ADDENDA ISSUED WILL RENDER THE CONTRACTOR'S BID NON-RESPONSIVE.

List of Addendum Received: _____

BIDDER'S BOND

KNOW ALL MEN BY THESE PRESENTS:

that we, _____ as Principal,
and _____ as Surety,
are held and firmly bound unto the City of San Fernando in the sum of _____
(\$ _____)
to be paid to the said City of its certain Attorney, its successors and assigns; for the payment of
which sum well and truly made, we bind ourselves, our heirs, executors and administrators,
successors or assigns, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH, that if the certain proposal of the
above bounden _____
to construct _____
(insert names of streets and limits to be improved) dated _____ is accepted
by the City of San Fernando, and if the above bounden his heirs, executors, administrators,
successors and assigns, shall duly enter into and execute a contract for such construction, and
shall execute and deliver the two bonds described within ten (10) days (not including Sunday)
from the date of the mailing of a notice to the above bounden _____
by and from the said City of San Fernando that said contract is ready for execution, then this
obligation shall become null and void; otherwise it shall be and remain in full force and virtue.

IN WITNESS WHEREOF, we hereunto set our hands and seals this _____ day of
_____, 2020.

Principal

Surety

By _____

By _____

Its _____

Its _____

By _____

By _____

Its _____

Its _____

Surety signatures on this bond must be acknowledged before Notary Publics, and a sufficiently
power of attorney must be attached to the bond to verify the authority of any party signing on
behalf of a surety.

All notices and demands to the surety shall be delivered via first class mail to the following:

CONTRACTOR INFORMATION

Company Name _____

Address _____

Telephone _____ Fax _____ E-mail _____

Type of Firm: Individual () Partnership () Corporation ()

Corporation organized under the laws of the State of _____

Contractor's License Number _____ State ____ Classification _____ Expiration Date _____

DIR Registration Number _____ Expiration Date _____

Names and titles of all officers of the firm

LIST OF REFERENCES

(To be submitted by contractors who have not worked with the City of San Fernando.)

1. NAME OF CITY OR BUSINESS _____
CONTACT PERSON AND PHONE NO. _____
TYPE/DATE OF WORK PERFORMED _____
TOTAL CONTRACT AMOUNT \$ _____
2. NAME OF CITY OR BUSINESS _____
CONTACT PERSON AND PHONE NO. _____
TYPE/DATE OF WORK PERFORMED _____
TOTAL CONTRACT AMOUNT \$ _____
3. NAME OF CITY OR BUSINESS _____
CONTACT PERSON AND PHONE NO. _____
TYPE/DATE OF WORK PERFORMED _____
TOTAL CONTRACT AMOUNT \$ _____
4. NAME OF CITY OR BUSINESS _____
CONTACT PERSON AND PHONE NO. _____
TYPE/DATE OF WORK PERFORMED _____
TOTAL CONTRACT AMOUNT \$ _____
5. NAME OF CITY OR BUSINESS _____
CONTACT PERSON AND PHONE NO. _____
TYPE/DATE OF WORK PERFORMED _____
TOTAL CONTRACT AMOUNT \$ _____
6. NAME OF CITY OR BUSINESS _____
CONTACT PERSON AND PHONE NO. _____
TYPE/DATE OF WORK PERFORMED _____
TOTAL CONTRACT AMOUNT \$ _____

LIST OF SUBCONTRACTORS

The bidder is required to fill in the following blanks in accordance with the provisions of Section 4100 to 4108, inclusive, of the Government Code of the State of California.

Name under which subcontractor is licensed: _____

Address of office, mill or shop: _____

Specific description of subcontract: _____

License No.: _____ Amount of Subcontract: _____

DIR Registration Number: _____ Expiration Date: _____

Name under which subcontractor is licensed: _____

Address of office, mill or shop: _____

Specific description of subcontract: _____

License No.: _____ Amount of Subcontract: _____

DIR Registration Number: _____ Expiration Date: _____

Name under which subcontractor is licensed: _____

Address of office, mill or shop: _____

Specific description of subcontract: _____

License No.: _____ Amount of Subcontract: _____

DIR Registration Number: _____ Expiration Date: _____

Name under which subcontractor is licensed: _____

Address of office, mill or shop: _____

Specific description of subcontract: _____

License No.: _____ Amount of Subcontract: _____

DIR Registration Number: _____ Expiration Date: _____

MINORITY, WOMEN, SMALL BUSINESS ENTERPRISES

BUSINESS NAME: _____
ADDRESS (P.O. BOX NOT ACCEPTABLE): _____
CITY, STATE, ZIP CODE: _____
PHONE NUMBER (____) _____ CONTACT PERSON: _____

1. MINORITY OWNED

Composition of ownership (more than 50% of ownership of the organization):
Please check one of the following:

_____ Black American _____ Asian/Pacific American
_____ Native American _____ Hispanic American _____ Other ethnicity

2. WOMEN OWNED

More than 50% of this business is owned by women:

_____ Yes _____ No

3. SMALL BUSINESS ENTERPRISE

This business enterprise collects \$1,000,000 or less in gross revenue per year.

_____ Yes _____ No

Does your firm intend to use subcontractors or independent contractors for this project?

_____ Yes _____ No

If yes, all others must fill out the bidder's application also.

Has this business been certified by any other agency as a minority/women owned enterprise or small business enterprise?

_____ Yes _____ No

If yes, please list name(s) and telephone number(s) of certifying agencies.

Is this a joint venture proposal?

_____ Yes _____ No

CERTIFICATE OF SECRETARY OF ADOPTION OF RESOLUTION

I, _____ (insert name of Secretary), do hereby certify that I am the Secretary of _____ (insert name of corporation) a California corporation, and do hereby certify that the following resolution is a full, true and correct copy of a resolution passed by the Board of Directors of said corporation at a meeting thereof held on the _____ day of _____, 2020 (insert proper date), in accordance with the bylaws of said corporation, and that said resolution has not to the date of this certificate been in any manner amended, modified, revoked, rescinded or annulled, and the same is now in full force and effect.

"RESOLVED, that any of the following officers of this corporation, _____, _____ President
_____, Vice President and
_____, secretary
(insert names of officers and capacity where not shown), (any two acting together) (any one acting alone) (strike out inapplicable portion), be and they are hereby authorized to execute and deliver in the name of and for and on behalf of this corporation, any and all bids, authorizations, contracts, bonds and agreements of any nature or sort whatsoever.

BE IT FURTHER RESOLVED, that any and all persons, firms, corporations and other entities, including public entities, shall be entitled to rely on the authority of (any one of such officers) (any two of such officers acting together) (strike out inapplicable portion), above named, to bind this corporation by the execution and delivery of any such bids, authorizations, contracts, bonds and agreements.

BE IT FURTHER RESOLVED, that the authority herein contained shall remain effective until the person, corporation, or public entity relying upon the authority herein contained, receives written notice to the contrary signed by duly authorized officers of this corporation, that all previous authorizations theretofore given with respect to the matters herein contained are revoked. That the revocation of the authority herein contained shall not affect the validity of any instrument herein referred to signed by any person or persons at the time authorized to act."

IN WITNESS WHEREOF, the undersigned has hereunto set (his/her) hand as Secretary and affixed the seal of this corporation this _____ day of _____, 2020.

Secretary

Affix Seal

**LIST OF SUBCONTRACTORS, SUPPLIERS, & VENDORS CONTACTED TO
RECEIVE PRICES IN PREPARATION OF BID PROPOSAL**

1. NAME & LOCATION OF BUSINESS _____

CONTACT PERSON AND PHONE NO. _____
ITEM OR TYPE OF WORK PROPOSED _____
PRICE OR AMOUNT \$ _____
2. NAME & LOCATION OF BUSINESS _____

CONTACT PERSON AND PHONE NO. _____
ITEM OR TYPE OF WORK PROPOSED _____
PRICE OR AMOUNT \$ _____
3. NAME & LOCATION OF BUSINESS _____

CONTACT PERSON AND PHONE NO. _____
ITEM OR TYPE OF WORK PROPOSED _____
PRICE OR AMOUNT \$ _____
4. NAME & LOCATION OF BUSINESS _____

CONTACT PERSON AND PHONE NO. _____
ITEM OR TYPE OF WORK PROPOSED _____
PRICE OR AMOUNT \$ _____
5. NAME & LOCATION OF BUSINESS _____

CONTACT PERSON AND PHONE NO. _____
ITEM OR TYPE OF WORK PROPOSED _____
PRICE OR AMOUNT \$ _____
6. NAME & LOCATION OF BUSINESS _____

CONTACT PERSON AND PHONE NO. _____
ITEM OR TYPE OF WORK PROPOSED _____
PRICE OR AMOUNT \$ _____

INSTRUCTIONS TO BIDDERS

1. GENERAL Proposals under these Contract Documents shall be submitted on the blank forms furnished herewith. When presented, the proposal forms must be completely made out in the manner and form indicated therein, and must be properly signed by the bidder. The bidder's address, telephone number, and California State Contractor's License number must be included. To be eligible to perform work, the bidder must be a state licensed contractor in good standing prior to beginning work. The City Council reserves the right to reject any bid if all the above information is not furnished.

This is a federally assisted construction project and Federal Labor Standards, including Davis-Bacon Act requirements, will be enforced. If Federal and State prevailing wage rates are applicable, then the higher of the two will prevail.

The contractor shall adopt the current federal and/or state general prevailing rates of wages applicable to the work to be done.

This is a HUD Section 3 contract and all bidders must commit to achieving the Section 3 employment and contracting goals in order to be considered a Section 3 responsive bidder. A bidder who is not responsive to Section 3 shall be considered a non-responsive bidder for this Notice Inviting Bids.

Each proposal submitted must be presented in a sealed cover, and must be filed prior to the time and at the place designated in the Notice Inviting Bids. All proposals submitted as prescribed will be publicly opened and read at the time and place designated in the Notice Inviting Bids.

Bid Quotes and Unit Price Extensions – The unit prices and the lump sum prices quoted by the bidder must be entered in the spaces provided on the Contractor's Proposal form. In case there is a discrepancy between the unit price and the item total, the unit price shall govern and will be considered as representing the Bidder's intention. The bid total will be corrected to conform to the specified unit price.

Bid Retention and Award – The City reserves the right to retain all bids for a period of ninety (90) days for examination and comparison. The City also reserves the right to waive non-substantial irregularities in any bid, to reject any and all proposals, to reject or delete one part of a proposal and accept the other, except to the extent that the bids are qualified by specific limitations, and to make award to the lowest responsible bidder as the interest of the City may require.

Communications Regarding Bid – All timely requests for information submitted in writing will receive a written response from the City. Telephone communications with City staff are not encouraged, but will be permitted. However, any such oral communication shall not be binding on the City.

2. EXAMINATION OF PLANS, CONTRACT DOCUMENTS, AND WORK SITE The Contract Documents and plans, if any, are on file and available for inspection in City Hall.

The Bidders are required to carefully examine the site and the proposal, plans, Contract Documents, and contract forms. The Bidders must satisfy themselves as to the requirements of the

Contract Documents and the contract; as to the location of the proposed work and by such other means as they may prefer; and as to the actual conditions and requirements of the work, and shall not, at any time after submission of the bid, dispute, complain, or assert that there was any misunderstanding in regard to the nature or amount of work to be done. It is mutually agreed that submission of a proposal shall be considered prima facie evidence that the bidder has made such examinations.

3. DISQUALIFICATION OF BIDDERS AND PROPOSALS More than one proposal for the same work from any individual, firm, partnership, corporation or association under the same or different names will not be accepted and reasonable grounds for believing that any bidder is interested in more than one proposal for the work will be cause for rejecting all proposals in which such bidders are interested.

Proposals which show obviously unbalanced prices, and those which are incomplete or show any alteration of form, or contain any additions or conditional or alternate bids that are not called for or otherwise permitted, may be rejected. Proposals that do not bear the Bidder's signature will be rejected.

4. AWARD AND EXECUTION OF CONTRACT The award of the contract, if awarded, will be made to the lowest responsive bidder whose proposal complies with all the prescribed requirements. The right is reserved, however, to reject any or all bids and to waive technical errors or discrepancies if it is deemed to best serve the interests of the City. An award will be made only until all necessary investigations are made as to the responsiveness of the low bidder.

Failure to execute a contract and file acceptable bonds as provided herein within the above timeline, not including Sundays, shall be just cause for the annulment of the award and the forfeiture of the proposal guaranty.

The Contractor will be required to obtain a City Business License prior to award of the contract.

5. SIGNATURE OF CONTRACTOR

- a. Corporation Any bids submitted by a corporation must include the name of the corporation, and must be signed by the President and Secretary or Assistant Secretary, and the corporate seal must be affixed. Other persons may sign for the corporation in lieu of the above if a certified copy of a resolution of the corporate board of directors so authorizing them to do so is on file in the City Clerk's Office.
- b. Partnerships Any bids submitted by a partnership must contain the names of all persons comprising the partnership or co-partnership. The bid must be signed by all partners comprising the partnership unless proof in the form of a certified copy of a certificate of partnership acknowledging the signer to be a general partner is presented to the City Clerk.
- c. Joint Ventures Any bids submitted by a joint venture must so state that and must be signed by each joint venturer.
- d. Individuals Any bids submitted by an individual must be signed by that individual unless an up-to-date power of attorney is on file in the City Clerk's Office, in which case the person indicated in the power of attorney may sign for the individual.

The above rules also apply in the case of a fictitious firm name. In addition, however, where the fictitious name is used, it must be so indicated where the signature appears.

6. BONDS

- a. Bid Bonds Bid must be accompanied by cash, cashier's check, certified check, or surety bond in an amount equal to ten percent (10%) of the total amount in the Contractor's Proposal. Checks and bonds shall be made payable to the City of San Fernando.
- b. Contract Bonds The Contractor simultaneously with execution of the Agreement shall furnish a surety bond in an amount equal to one hundred percent (100%) of the contract price as security for the faithful performance of this contract and a separate surety bond in an equal to one hundred percent (100%) of the contract price as security for the payment of all persons performing labor and furnishing materials in connection with this contract, as required by the terms of an Act entitled:

"An Act to secure the payment of the claim of persons employed by Contractors upon Public Works, and the claims of persons who furnish materials, supplies, teams, implements; or machinery used or consumed by such Contractors in the performance of such works, and prescribing the duties of certain public officers with respect thereto," approved May 10, 1919, as amended.

Bond Forms required are included in these specifications. Copies will be furnished to prospective bidders upon request.

Whenever any Surety or Sureties on any such bonds, or any bonds required by Law for the protection of the claims of laborers and material men become insufficient or the City Engineer has cause to believe that such Surety or Sureties have become insufficient, a demand in writing may be made of the Contractor for each further bond or bonds or additional surety, not exceeding that originally required, as is considered necessary, considering the extent of the work remaining to be done. Thereafter, no payment shall be made upon such contract to the Contractor or any assignee of the Contractor until such further bond or bonds or additional surety has been furnished.

7. RETURN OF BIDDER'S GUARANTIES Within ten (10) days after the award of the contract, the City will return the proposal guaranties accompanying those proposals which are not to be considered in making award. All other proposals which are to be held until the contract has been finally executed, will be returned to the respective bidders after award of contract.
8. CONFLICT OF INTEREST In the procurement of supplies, equipment, construction, and services by sub-recipients, the conflict of interest provisions in 24 CFR 85.36, OMB Circular A-110, and 24 CFR 570.611, respectively, shall apply. No employee, officer or agent of the sub-recipient shall participate in selection, award, or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved.
9. SECTION 3 REQUIREMENTS The parties to this Contract agree to comply with HUD's regulations in 24 CFR Part 75, which implements Section 3. As evidenced by their execution of this Contract, the parties to this Contract certify that they are under no contractual

obligation or other impediment that would prevent them from complying with Part 75 of the regulations.

The Contractor agrees to send to each labor organization or representative of workers with which the Contractor has a collective bargaining Contract or other understanding, if any, a notice advising the labor organization or workers' representative of the Contractor's commitments under Section 3, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3, shall set forth the minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each, and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

The Contractor agrees to include this Section 3 contract language in every subcontract subject to compliance with regulations in 24 CFR Part 75, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 contract language, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 75. The Contractor will not subcontract with any subcontractor where the Contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 75.

The Contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the Contractor is selected, but before the Contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR Part 75 require employment opportunities to be directed, were not filled to circumvent the Contractor's obligations under 24 CFR Part 75.

Noncompliance with HUD's regulations in 24 CFR Part 75 may result in sanctions, termination of this Contract for default, and debarment or suspension from future HUD assisted contracts.

10. SECTION 3 DECLARATION OF INTENT TO COMPLY As a minimum requirement for consideration of a contract award, the Bidder/Proposer shall declare his/her intent to comply with Section 3 (24 CFR 75) of the Housing and Urban Development Act of 1968, as amended (Section 3) by submitting the Declaration of Intent to Comply Form. The Bidder/Proposer is obliged, to the greatest extent feasible, to give opportunities for training and employment to low-income and very low-income persons residing in the service area or neighborhood in which the covered Section 3 project/service is located, and/or to award subcontracts to other Section 3 business concerns that provide economic opportunities for Section 3 workers and Targeted Section 3 workers.

Bidder/Proposer agrees that, as a condition of responsiveness to the solicitation and prior to recommendation for contract award by the Local Contracting Agency (LCA), he/she will agree to comply with the Section 3 requirements by including the Section 3 contract language in the contract, to the greatest extent feasible, to meet the Section 3 benchmarks and report all accomplishments with required documentation on a quarterly basis for the duration of the contract.

The following Section 3 requirements apply to all LCA Section 3 covered contracts and

contractors/subcontractors funded with CDBG financial assistance:

Section 3 Workers: 25% or more for the total number of labor hours worked by all workers employed on a Section 3 project; and

Targeted Section 3 Workers: 5% or more of the total number of labor hours worked by all workers employed on a Section 3 project of which is included as part of the 25% threshold in the previous bullet.

11. SECTION 3 CERTIFICATIONS FORMS

A. SECTION 3 WORKERS must complete certification forms demonstrating they meet the eligibility requirements.

A Section 3 Worker is any worker who currently fits, or when hired within the past five years fit, at least one of the following categories, as documented:

1. The worker's income for the previous or annualized calendar year is below the income limit established by HUD
2. The worker is employed by a Section 3 business concern; or
3. The worker is a YouthBuild participant

B. A SECTION 3 TARGETED WORKER for Housing and Community Development Financial Assistance projects is a Section 3 Worker who:

1. Is employed by a Section 3 business concern; or
2. Currently fits or when hired fit at least one of the following categories, as documented within the past five years:
 - (i) Living within the service area or the neighborhood of the project, as defined in 24 CFR §75.5; or
 - (ii) A YouthBuild participant

C. SECTION 3 BUSINESS CONCERN CERTIFICATION

Businesses that meet one of the following criteria within the last 6 months qualify as a Section 3 Business Concern. Local contracting agencies must verify Section 3 Business Concern status at the time the contract is awarded.

1. At least 51% owned and controlled by low-income or very low-income persons
2. Over 75% of labor hours performed for the business over prior 3-month period are performed by Section 3 Workers
3. At least 51% owned and controlled by current residents of public housing or Section 8 assisted housing
4. The status of a Section 3 business concern shall not be negatively affected by a prior arrest or conviction of its owner(s) or employees.

Nothing in this part shall be construed to require the contracting or subcontracting of a Section 3 business concern. Section 3 business concerns are not exempt from meeting the specifications of the contract.

12. COMPLIANCE WITH SECTION 3 BENCHMARKS

Compliance with Section 3 benchmarks shall be achieved, to the greatest extent feasible consistent with existing Federal, state and local laws and regulations to provide economic opportunities for Section 3 workers and Targeted Section 3 workers. HUD regulations outline requirements to serve as a measurement of compliance with the "greatest extent feasible." The benchmarks apply to all Section 3 projects awarded in any fiscal year.

The Contractor/Subcontractor will be considered to have complied with Section 3 benchmarks, in the absence of evidence to the contrary, if they meet all goals and certify compliance with prioritization requirements as follows. Participating contractor/Subcontractor should update their policies and procedures for tracking labor hours via Certified Payrolls (CPRs), timesheets, and other documents to ensure compliance with the Section 3 requirements. The Contractor/Subcontractor will have complied if they meet these benchmarks:

- Community development financial assistance benchmarks:
 - Section 3 workers: 25% or more for the total number of labor hours worked by all workers employed on a Section 3 project and
 - Targeted Section 3 workers: 5% or more of the total number of labor hours worked by all workers employed on a Section 3 project of which is included as part of the 25% threshold in the previous bullet.

Should the Contractor/Subcontractor fail to meet the Section 3 benchmarks as described above in this section, the Contractor/Subcontractor shall submit the Section 3 Qualitative Efforts Form that describes the qualitative nature of the activities. Examples of qualitative efforts includes, but are not limited to the following:

Engaged in outreach efforts to generate job applicants who are Targeted Section 3 workers.

- Provided training or apprenticeship opportunities.
- Provided technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).
- Provided or connected Section 3 workers with assistance in seeking employment including: drafting resumes, preparing for interviews, and finding job opportunities connecting residents to job placement services.
- Held one or more job fairs.
- Provided or referred Section 3 workers to services supporting work readiness and retention (e.g., work readiness activities, interview clothing, test fees, transportation, childcare).
- Provided assistance to apply for/or attend community college, a four-year educational institution, or vocational/technical training.
- Assisted Section 3 workers to obtain financial literacy training and/or coaching.
- Engaged in outreach efforts to identify and secure bids from Section 3 business concerns.
- Provided technical assistance to help Section 3 business concerns understand and bid on contracts.
- Divided contracts into smaller jobs to facilitate participation by Section 3 business concerns.
- Provided bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.
- Promoted use of business registries designed to create opportunities for

disadvantaged and small businesses.

- Outreach, engagement, or referrals with the state one-stop system as defined in Section 121(e)(2) of the Workforce Innovation and Opportunity Act 17.

The following documents in the PROPOSAL section of these Contract Documents must be completed and submitted with the bid package:

- P-1-3 Contractor's Proposal
- P-4 Bidder's Bond
- P-5 Contractor Information
- P-6 List of References
- P-7 List of Subcontractors
- P-8 Minority, Women, Small Business Enterprise Form
- P-9 Certificate of Secretary of Adoption of Resolution
- P-10 List of Subcontractors, Suppliers, & Vendors Contacted to Receive Prices in Preparation of Bid Proposal

The following documents in the FEDERAL REQUIREMENTS section of these Contract Documents must be completed and submitted with the bid package:

- F-22 Non-Collusion Affidavit
- F-23 Certification of Non-segregated Facilities
- F-24 Contractor's Outreach Efforts
- F-25 Prime Contractor's List of Proposed Subcontractor
- F-26 Certification of Understanding and Payroll Authorization
- F-27 Past Performance Certification
- F-28 Notice of Equal Opportunity
- F-29 Federal Lobbyist Certification
- F-30 County Lobbyist Certification
- F-31 Non-Segregated Facilities Certification
- F-32 Section 3 – Form 1 Declaration of Understanding and Intent to Comply with Section 3 Requirements
- F-33 Section 3 – Form 2 Business Concern Self Certification
- F-34 Section 3 – Form 3 Resident Certification Form
- F-35 Section 3 – Form 4 Economic Opportunity Plan

The following documents in the FEDERAL REQUIREMENTS section of these Contract Documents must be completed and submitted prior to award of contract:

- F-42 Section 3 Economic Opportunity Report
- F-44 Fringe Benefit Payment Certification
- F-45 Notice of Section 3 Commitment
- F-49 Worker's Compensation Certification
- F-51 LACDA Vaccine Mandate Contractors Certification of Compliance



SAMPLE CONSTRUCTION CONTRACT/AGREEMENT

[CONTRACTOR'S NAME]

LAYNE PARK IMPROVEMENTS 120 N HUNTINGTON STREET

PROJECT NO. 7616, PLAN NO. P-737

THIS AGREEMENT, made and entered into this _____ day of _____, 2020, by and between CITY OF SAN FERNANDO, a municipal corporation of the State of California, hereinafter referred to as "CITY" and _____ "CONTRACTOR."

WITNESSETH:

That the CITY and the CONTRACTOR, for the consideration hereinafter named, mutually agree as follows:

1. The complete contract consists of the Contract Documents which includes all of the following documents incorporated herein by this reference: Approved
**LAYNE PARK IMPROVEMENTS 120 N HUNTINGTON STREET
PROJECT NO. 7616, PLAN NO. P-737**
Notice Inviting Bids, Instructions to Bidders, Contractor's Proposal, Contract/Agreement, Special Provisions, Technical Provisions, and all modifications and amendments thereto.

2. CONTRACTOR shall perform everything required to be performed, shall provide and furnish all the labor, materials, necessary tools, expendable equipment, and all utility and transportation services required for the following work of improvement: **LAYNE PARK IMPROVEMENTS 120 N HUNTINGTON STREET PROJECT NO. 7616, PLAN NO. P-737** (the "Work of Improvement") all in accordance with the Contract Documents and Contractor's Proposal dated _____.

CONTRACTOR agrees to perform all the work and furnish all the materials at his own cost and expense necessary to construct and complete in a good and workman-like manner and to the satisfaction of the City Engineer of the CITY, the Work of Improvement in accordance with the plans, specifications, and Contract Documents (the "Specifications") therefore prepared by City's Engineering Department and adopted by the City Council.

3. CITY agrees to pay and CONTRACTOR agrees to accept in full payment for this Work of Improvement the stipulated sum of _____ (\$_____).

CITY agrees to make monthly payments and final payment in accordance with the method set forth in the Specifications.

CONSTRUCTION CONTRACT/AGREEMENT

LAYNE PARK IMPROVEMENTS 120 N HUNTINGTON STREET

PROJECT NO. 7616, PLAN NO. P-737

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ten (10) days after issuance of a Notice To Proceed, and to continue in a diligent and workman-like manner without interruption, and to complete the construction thereof within **thirty (30)** working days from the date the Notice to Proceed is issued.

5. Time is of essence of this Contract, and it is agreed that it would be impracticable or extremely difficult to ascertain the extent of actual loss or damage which the CITY will sustain by reason of any delay in the performance of this Agreement. It is, therefore, agreed that CONTRACTOR will pay as liquidated damages to the CITY the following sum: Five Hundred Dollars (\$500.00) for each day's delay beyond the time herein prescribed for finishing work. If liquidated damages are not paid, as designated by the CITY, the CITY may deduct the amount thereof from any money due or that may become due the CONTRACTOR under this Agreement in addition to any other remedy available to CITY. The CONTRACTOR shall not be assessed liquidated damages for any delay caused by the failure of a public utility to relocate or remove an existing utility required for the performance of this Contract.

6. The CONTRACTOR will pay, and will require all subcontractors to pay, all employees on the work of improvement a salary or wage at least equal to the prevailing salary or wage established for such work as set forth in the wage determinations for this work. Travel and subsistence pay shall be paid in accordance with Labor Code Section 1773.8. The CONTRACTOR shall forfeit to the CITY, as penalty, Fifty Dollars (\$50.00) for each calendar day or portion thereof for each worker paid (either by him or any subcontractors under him) less than the prevailing rate described above on the work provided for in this Agreement, all in accordance with Section 1775 of the Labor Code of the State of California. CONTRACTOR, by executing this Agreement, hereby certifies that it shall adopt the current general prevailing Federal and/or State rates of wages applicable to the Work of Improvement. **Contractor understands this is a federally assisted construction project and Federal Labor Standards, including Davis-Bacon Act requirements, will be enforced. Contractor acknowledges that if Federal and State wage rates are applicable, then the higher of the two will prevail.**

Section 3 of the Housing and Urban Development Act of 1968, As Amended:

The work to be performed under this Contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

The parties to this Contract agree to comply with HUD's regulations in 24 CFR Part 75, which implements Section 3. As evidenced by their execution of this Contract, the parties to this Contract certify that they are under no contractual obligation or other impediment that would prevent them from complying with Part 75 of the regulations.

CONSTRUCTION CONTRACT/AGREEMENT

LAYNE PARK IMPROVEMENTS 120 N HUNTINGTON STREET

PROJECT NO. 7616, PLAN NO. P-737

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The Contractor agrees to send to each labor organization or representative of workers with which the Contractor has a collective bargaining Contract or other understanding, if any, a notice advising the labor organization or workers' representative of the Contractor's commitments under Section 3, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3, shall set forth the minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each, and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

The Contractor agrees to include this Section 3 contract language in every subcontract subject to compliance with regulations in 24 CFR Part 75, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 contract language, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 75. The Contractor will not subcontract with any subcontractor where the Contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 75. The Contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the Contractor is selected, but before the Contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR Part 75 require employment opportunities to be directed, were not filled to circumvent the Contractor's obligations under 24 CFR Part 75.

Noncompliance with HUD's regulations in 24 CFR Part 75 may result in sanctions, termination of this Contract for default, and debarment or suspension from future HUD assisted contracts.

7. The CONTRACTOR or SUBCONTRACTOR shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR, Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract, or such other remedy as City deems appropriate.

8. Attention is directed to Section 7108.5 of the California Business and Professions Code, which requires a prime CONTRACTOR or SUBCONTRACTOR to pay any SUBCONTRACTOR not later than 10 days of receipt of each progress payment, unless otherwise agreed to in writing. In addition, Federal Regulation (49 CFR 26.29) requires a prime CONTRACTOR or SUBCONTRACTOR to pay a SUBCONTRACTOR no later than 30 days of receipt of each payment, unless any delay or postponement of payment among the parties takes place only for a good cause and with the prior written approval of the CITY. Section 7108.5 of the California Business and Professions Code also contains enforcement actions and penalties. These requirements apply to both DBE and non-DBE subcontractors.

9. Federal Regulation (49 CFR 26.29) requires the following method be used in federal-aid contracts to ensure prompt and full payment of any retainage kept by the prime CONTRACTOR or SUBCONTRACTOR to a SUBCONTRACTOR:

CONSTRUCTION CONTRACT/AGREEMENT

LAYNE PARK IMPROVEMENTS 120 N HUNTINGTON STREET

PROJECT NO. 7616, PLAN NO. P-737

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The CITY may hold retainage from the prime CONTRACTOR and provide for prompt and regular incremental acceptances of portions of the contract, pay retainage to prime CONTRACTORS based on the acceptances, and include a contract clause obligating the prime contract and subcontractors to pay all retainage owed to all SUBCONTRACTORS for satisfactory completion of the accepted work within 30 days after receipt of the retainage. This clause must require the prompt release of retainage payments from the prime CONTRACTOR to the SUBCONTRACTOR within a specified number of days after the SUBCONTRACTOR'S work is satisfactorily completed.

In the above method, a SUBCONTRACTOR'S work is satisfactorily completed when all tasks called for in the contract have been accomplished and documented as required by the CITY. The work of a SUBCONTRACTOR covered by that acceptance is deemed to be satisfactorily completed, when the CITY has made an incremental acceptance of a portion of the contract work. Federal Regulation (49 CFR 26.29) also requires that any delay or postponement of payment among the parties may take place only for good cause, must have the prior written approval of the agency, and that appropriate means of enforcement such as those contained in Section 7108.5 of the California Business and Professions Code must be included in the contract.

10. In the performance of this Contract, not more than eight (8) hours shall constitute a day's work, and the CONTRACTOR shall not require more than eight (8) hours in a day from any person employed by him hereunder, except as provided in the Labor Code of the State of California. The CONTRACTOR shall adhere to Article 3, Chapter 1, Part 7 (Sections 1810, et seq.) of the Labor Code of the State of California, and it is agreed that the CONTRACTOR shall forfeit to the CITY as a penalty the sum of Fifty Dollars (\$50.00) for each worker employed in the execution of this Contract by the CONTRACTOR or any subcontractor for each calendar day during which any worker is required or permitted to labor more than eight (8) hours in violation of that article.

11. CONTRACTOR, by executing this Agreement hereby certifies:

"I am aware of the provisions of Section 3700 of the Labor Code which requires every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work of this Contract."

12. CONTRACTOR shall, prior to the execution of this Contract, furnish two bonds approved by the CITY, one in the amount of One Hundred Percent (100%) of the Contract price, to guarantee the faithful performance of the work, and one in the amount of One Hundred Percent (100%) of the Contract price to guarantee payment of all claims for labor and materials furnished. This Contract shall not become effective until such bonds are supplied to and approved by the CITY. CONTRACTOR shall, prior to the release of the performance and payment bonds or the retention payment, furnish a warranty performance and payment bond equal to at least ten percent of the final contract price or \$1,000, whichever is greater.

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13. COVID-19 Vaccinations of LACDA Contractor Personnel

13.1 At the Contractor's sole cost, the Contractor shall comply with Chapter 2.212 (COVID-19 Vaccinations of County Contactor Personnel) of Los Angeles County Code Title 2 - Administration, Division 4. All employees of the Contractor and persons working on its behalf, including but not limited to, Subcontractors of any tier (collectively, "Contractor Personnel"), must be fully vaccinated against the novel coronavirus 2019 ("COVID-19") prior to (1) interacting in person with LACDA employees, interns, volunteers, and commissioners ("LACDA workforce members"), (2) working on LACDA and County owned or controlled property while performing services under this Contract, and/or (3) coming into contact with the public while performing services under this Contract, and/or (3) coming into contact with the public while performing services under this Contract (collectively, "In-Person Services").

13.2 The Contractor Personnel are considered "fully vaccinated" against COVID-19 two (2) weeks or more after they have received (1) the second dose in a 2-dose COVID-19 vaccine series (e.g. Pfizer-BioNTech or Moderna), (2) a single-dose COVID-19 vaccine (e.g. Johnson and Johnson [J&J]/Janssen), or (3) the final dose of any COVID-19 vaccine authorized by the World Health Organization ("WHO").

13.3 Prior to assigning the Contractor Personnel to perform In-Person Services, the Contractor shall obtain proof that such the Contractor Personnel have been fully vaccinated by confirming the Contractor Personnel is vaccinated through any of the following documentation: (1) official COVID-19 Vaccination Record Card (issued by the Department of Health and Human Services, CDC or WHO Yellow Card), which includes the name of the person vaccinated, type of vaccine provided, and date of the last dose administered ("Vaccination Record Card"); (2) copy (including a photographic copy) of a Vaccination Record Card; (3) documentation of vaccination from a licensed medical provider; (4) a digital record that includes a quick response ("QR") code that when scanned by a SMART HealthCard reader displays to the reader client name, date of birth, vaccine dates, and vaccine type, and the QR code confirms the vaccine record as an official record of the State of California; or (5) documentation of vaccination from the Contractors who follow the CDPH vaccination records guidelines and standards. The Contractor shall also provide written notice to LACDA before the start of work under this Contract that its Contractor Personnel are in compliance with the requirements of this section. The Contractor shall retain such proof of vaccination for the document retention period set forth in this Contract and must provide such records to the LACDA for audit purposes, when required by LACDA.

13.4 The Contractor shall evaluate any medical or sincerely held religious exemption request of its Contractor Personnel, as required by law. If the Contractor has determined that the Contractor Personnel is exempt pursuant to a

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medical or sincerely held religious reason, the Contractor must also maintain records of the Contractor Personnel's testing results. The Contractor must provide such records to the LACDA for audit purposes, when required by LACDA. The unvaccinated exempt Contractor Personnel must meet the following requirements prior to (1) interacting in person with LACDA workforce members, (2) working on LACDA or County owned or controlled property while performing services under this Contract, and/or (3) coming into contact with the public while performing services under this Contract:

- A. Test for COVID-19 with either a polymerase chain reaction ("PCR") or antigen test has an Emergency Use Authorization ("EUA") by the FDA or is operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services. Testing must occur at least weekly, or more frequently as required by LACDA or other applicable law, regulation or order.
- B. Wear a mask that is consistent with CDC recommendations at all times while on LACDA or County controlled or owned property, and while engaging with members of the public and LACDA workforce members.
- C. Engage in proper physical distancing, as determined by the applicable LACDA department that the Contract is with.

13.5 In addition to complying with the requirements of this section, the Contractor shall also comply with all other applicable local, departmental, State, and federal laws, regulations and requirements for COVID-19."

IN WITNESS WHEREOF, the said CONTRACTOR and the CITY ADMINISTRATOR and CITY CLERK of the CITY have caused the names of said parties to be affixed hereto, each in triplicate, the day and year first above written.

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CITY OF SAN FERNANDO
A Municipal Corporation

CONTRACTOR

BY _____

NICK KIMBALL
CITY MANAGER

Title

BY _____

Title

ATTEST:

JULIA FRITZ
CITY CLERK

APPROVED AS TO FORM:

RICK R. OLIVAREZ
CITY ATTORNEY
OLIVAREZ MADRUGA, P.C.

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS: that we, _____
as Principal, and _____ as Surety,
are held and firmly bound unto the CITY OF SAN FERNANDO, hereinafter called the
Owner, in the sum of _____ (\$_____)
for the payment of which sum well and truly to be made, we bind ourselves, our heirs,
executors, administrators and successors, jointly and severally, firmly by these
presents.

The conditions of this obligation are such that whereas the Principal entered into a
contract, attached hereto, with the Owner dated _____ for _____
_____.

NOW, THEREFORE, if the principal shall well and truly perform and fulfill all the
undertakings, covenants, terms, conditions and agreements of said contract during the
original term thereof, and any extensions thereof that may be granted by the Owner
with or without notice of the Surety, and during the life of any guaranty required under
the contract, and shall also well and truly perform and fulfill all the undertakings,
covenants, terms, conditions and agreements of any and all duly authorized
modifications of said contract that may hereafter be made, then this obligation shall be
void; otherwise this obligation shall remain in full force and virtue.

Further, the said Surety, for value received, hereby stipulates and agrees that no
change, extension of time, alteration or modification of the contract documents or of
the work to be performed thereunder shall in any way affect its obligations on this
bond; and it hereby waives notice of any and all such changes, extensions of time; and
alterations or modifications of the contract documents and/or of the work to be
performed thereunder.

IN WITNESS WHEREOF, the above bounden parties have executed this instrument
under their several seals the _____ day of _____, 2020, the name and
corporate seal of each corporate party being hereto affixed and these presents duly
signed by each party's undersigned representative, pursuant to authority of its
governing body.

(Principal)

ATTEST:

(Address)

(By)

ATTEST:

(Address)

(By)

(Title)

(To be filled in by Surety)

Rate of premium on this bond is \$_____ per thousand.

Total amount of premium charge is \$_____.

Surety signatures on this bond must be acknowledged before Notary Publics, and a sufficiently power of attorney must be attached to the bond to verify the authority of any party signing on behalf of a surety.

All notices and demands to the surety shall be delivered via first class mail to the following:

PAYMENT (LABOR AND MATERIAL) BOND

KNOW ALL MEN BY THESE PRESENTS: that we, _____
as Principal, and _____ as Surety,
are held and firmly bound unto the CITY OF SAN FERNANDO, hereinafter called the
Owner, in the sum of _____ (\$_____)
for the payment of which sum well and truly to be made, we bind ourselves, our heirs,
executors, administrators and successors, jointly and severally, firmly by these
presents.

The conditions of this obligation are such that whereas the Principal entered into a
contract, attached hereto, with the Owner dated _____ for _____
_____.

NOW, THEREFORE, if the Principal shall promptly make payment to all persons
supplying labor and material in the prosecution of the work provided for in said
contract, and any and all duly authorized modifications of each contract that may
hereafter be made, then this obligation shall be void, otherwise this obligation shall
remain in full force and virtue.

The condition of this obligation is such that, if said Principal or his or its subcontractors,
or the heirs, executors, administrators, successors or assigns thereof, shall fail to pay
any of the persons named in Section 3181 of the Civil Code of the State of California for
any materials, provisions, provender or other supplies used in, upon, for or about the
performance of the work or labor performed by any such claimant or any amounts
required to be deducted, withheld, and paid over to the Franchise Tax Board from the
wages of employees of the contractor and his subcontractors pursuant to Section 18806
of the Revenue and Taxation Code, with respect to such work and labor, then said
Surety will pay for the same, in the amount not exceeding the sum set forth
hereinabove and also, in case suit is brought upon the bond, will pay a reasonable
attorney's fee to be fixed by the court. This bond shall insure to the benefit of any and
all persons named in the aforesaid Civil Code Section 3131 so as to give a right of
action to them or their assigns in any suit brought upon the bond.

Further, the said Surety, for value received, hereby stipulates and agrees that no
change, extension of time, alteration or modification of the contract documents or of
the work to be performed thereunder shall in any way affect its obligations on this
bond; and it hereby waives notice of any and all such changes, extensions of time; and
alterations or modifications of the contract documents and/or of the work to be
performed thereunder.

IN WITNESS WHEREOF, the above bounden parties have executed this instrument under their several seals the ____ day of _____, 2020, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by each party's undersigned representative, pursuant to authority of its governing body.

(Principal)

ATTEST:

(Address)

(By)

ATTEST:

(Address)

(By)

(Title)

(To be filled in by Surety)

Rate of premium on this bond is \$_____ per thousand.

Total amount of premium charge is \$_____.

Surety signatures on this bond must be acknowledged before Notary Publics, and a sufficiently power of attorney must be attached to the bond to verify the authority of any party signing on behalf of a surety.

All notices and demands to the surety shall be delivered via first class mail to the following:

WARRANTY PERFORMANCE AND PAYMENT BOND

KNOW ALL MEN BY THESE PRESENTS: that _____ as Principal, hereinafter called Contractor, and _____, licensed and domiciled in the state of California as Surety, hereinafter called Surety, are held and firmly bound unto CITY OF SAN FERNANDO as Obligee, hereinafter called Owner, in the amount of _____ (\$ _____) for the payment whereof Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, _____ as Contractor, has by written agreement dated _____, 2020, entered into a contract with Owner for in accordance with Drawings and Specifications contained in a written and executed contract, which contract is by reference made a part hereof, and is hereinafter referred to as the Contract.

WHEREAS, said contract provides that the Principal shall furnish a bond which shall remain in force for a period of **one** year after the date of the notice of completion and which shall be conditioned to guarantee against all defects in workmanship and materials which shall become apparent during said period.

NOW THEREFORE, the condition of this obligation is such that, if Contractor shall promptly and faithfully perform said Contract, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

The Surety hereby waives notices of any alteration or extension of time made by the Owner.

Whenever Contractor shall be, and declared by Owner to be in default under the Contract, the Owner having performed Owner's obligations thereunder, the Surety may promptly remedy the default, or shall promptly:

- (1) Complete the Contract in accordance with its terms and conditions, or;
- (2) Obtain a bid or bids for completing the Contract in accordance with its terms and conditions, and upon determination by Surety of the lowest responsible bidder, arrange for a contract between such bidder and Owner, and make available as work progresses (even though there should be a default or a succession of defaults under the contract or contracts of completion arranged under this paragraph) sufficient funds to pay the cost of completion less the balance of the contract price, but not exceeding, including other costs and damages for which the Surety may be liable hereunder, the amount set forth in the first paragraph hereof. The term "balance of the contract price," as used in this paragraph, shall mean the total amount payable by Owner to Contractor under the Contract and any amendments thereto, less the amount properly paid by Owner to Contractor.

The transaction of insurance as evidenced by this bond is agreed by all parties to have taken place in the State of California in conformance with the laws therein, the Surety hereby accepts jurisdiction for adjudication of all claims in the state wherein the claims have occurred.

This bond is for the protection of the owner and gives no protection to any claimant other than those provided for by statute in the state wherein the claim occurs. The owner hereby agrees that no payments shall be made in excess or advance of any work specifically performed under the contract without the express written consent of the Surety.

For claims regarding non-payment for services provided or materials supplied under the contract, a claimant is defined herein as one having a direct contract with the Principal and/or subcontractor of the Principal. No suit or action shall be commenced hereunder by any claimant unless claimant shall:

1. Notify the Surety of the direct contract with the Principal or Subcontractor of the Principal within 30 days of entering into such contract and;

2. Notify the Surety of any demands for payment under such direct contracts concurrently with the Principal and/or Subcontractor of the Principal and;
3. Notify the Surety by certified mail within 15 days of any payment not made when due, or within 30 days of demand.

As the purpose of this bond is to warrant work previously performed by the Principal in the contract specified herein, the Owner shall notify Surety immediately by certified mail upon demand for work to be performed under this bond.

IN WITNESS WHEREOF, the above bounden parties have executed this instrument under their several seals the _____ day of _____, 2020, the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by each party's undersigned representative, pursuant to authority of its governing body.

(Principal)

ATTEST:

(Address)

(By)

ATTEST:

(Address)

(By)

(Title)

(To be filled in by Surety)

Rate of premium on this bond is \$ _____ per thousand.

Total amount of premium charge is \$ _____.

Surety signatures on this bond must be acknowledged before Notary Publics, and a sufficiently power of attorney must be attached to the bond to verify the authority of any party signing on behalf of a surety.

All notices and demands to the surety shall be delivered via first class mail to the following:

SPECIAL PROVISIONS

The documents that control construction, work performed, and materials furnished hereunder are the Contract Documents. The Contract Documents include the Notice Inviting Bids, Contractor's Proposal, Contract/Agreement, Bonds, Specifications, and the documents in the Appendix, if any, all of which are hereby incorporated and made a part of these Contract Documents. The Specifications include the Standard Specifications, these Special Provisions which supplement or modify the Standard Specifications, Plans, Standard Plans, and the Technical Specifications.

The Standard Specifications is the latest edition of the Standard Specifications for Public Works Construction, including supplements, written and promulgated by the Southern California Chapter of the American Public Works Association and the Southern California Districts of the Associated General Contractors of California.

In case of conflict between documents, the precedence of documents shall follow Subsection 2-5.2 of the Standard Specifications, except that the Technical Provisions precede the Special Provisions. However, for any other precedence of documents, the Technical Provisions shall be considered part of the Special Provisions. The most stringent of any document shall have the highest precedence.

For the convenience of the Contractor, the section and subsection numbering system used in these Special Provisions corresponds to that used in the Standard Specifications.

SECTION 1 - TERMS, DEFINITIONS, ABBREVIATIONS, UNITS OF MEASURES, AND SYMBOLS

Subsection 1-2 Terms and Definitions

Add the following to the provisions of Subsection 1-2, "Terms and Definitions":

The Standard Specifications, Standard Plans, and Manual of Traffic Controls, latest edition of each, of the State of California, Department of Transportation, and the Los Angeles County Department of Public Works Standard Plans, are incorporated herein by reference and are hereby accepted as Reference Specifications. These Reference Specifications are intended to govern certain construction materials, methods, and details except as modified herein or are inconsistent with the provisions herein. In case of conflict between the Reference Specifications and the Technical Provisions, the Technical Provisions shall govern. In case of a conflict between drawings and Technical Provisions, Technical Provisions shall prevail.

SECTION 2 - SCOPE AND CONTROL OF THE WORK

Subsection 2-1 Award and Execution of the Contract

Add the following to the provisions of Subsection 2-1, "Award and Execution of the Contract":

By mutual consent in writing of the parties signatory to the contract, alterations or deviations, increase or decreases, additions or omissions, in the plans and specifications may be made and the same shall in no way affect or make void the contract.

Subsection 2-4 Contract Bonds

Add the following to the provisions of Subsection 2-4, "Contract Bonds":

The performance bond shall remain in effect at least until the date of substantial completion/notice of completion, except as otherwise provided. The contractor warrants and guarantees to the City that all work will not be defective. The contractor shall furnish a warranty performance and payment bond equal to at least one hundred percent of the final contract price or \$1,000, whichever is greater, before the contract performance and payment bonds can be released or the retention payment paid. The warranty performance and payment bond shall be in effect until at least one year after the date of the notice of completion, except that utility work shall require it to be in effect for three years.

Subsection 2-5 Plans and Specifications

Add the following to the provisions of Subsection 2-5, "Plans and Specifications":

All authorized alterations affecting the requirements and information given on the approved plans shall be in writing. No changes shall be made of any plan or drawing after the same has been approved by the Engineer, except by written direction of the Engineer. Should it appear that the work to be done, or any matter relative thereto is not sufficiently detailed or explained in these Specifications, Special Provisions, Technical Provisions, or Plans, the contractor shall apply to the Engineer for such further explanations as may be necessary and shall conform to such explanation or interpretation as part of the original specifications. In the event of doubt or questions relative to the true meaning of the specifications, reference shall be made to the City Council, whose decision thereon shall be final.

Subsection 2-9 Surveying

Add the following to the provisions of subsection 2-9.1, "Permanent Survey Markers":

The Contractor shall be responsible for the protection and preservation of existing, permanent survey monuments and benchmarks during construction. Damaged or lost monuments and bench marks shall be restored to existing condition by a Registered Civil Engineer or a Land Surveyor licensed by the State of California at no increase in cost to the City.

The Contractor, at its own expense, shall employ a qualified surveyor to perform all survey work required for the completion of the project as specified in the Plans and these Specifications, comply with the requirements as Section 8771 of the Land Surveyors Act as amended and submit the documents from the County Surveyor as proof of compliance to the City.

Unless otherwise specified, all costs for protection and re-establishment of survey monuments shall be considered as included in the various related bid items and no additional compensation will be made therefor.

Add the following to the provisions of Subsection 2-9.2, "Surveying Service":

The Contractor shall be responsible for providing all survey service including, but not limited to, survey control, construction, monument preservation, and cut sheets, as deemed necessary and to the satisfaction of the Engineer to complete the scope of work. Failure to provide any or all survey service shall be cause for the Engineer to issue a stoppage of work until such time as the

survey service is provided. Any delay as a result of the work stoppage shall be at the Contractor's sole expense including any liquidated damages arising therefrom.

The line and grades for construction will be parallel to and offset from the position of the work. From the established lines and grades, the Contractor shall extend the necessary lines and grades for construction of the work and shall be responsible for the correctness of same.

Unless otherwise specified, all costs for surveying service shall be considered as included in the various related bid items and no additional compensation will be made therefor.

Subsection 2-10 Authority of Board and Engineer

Add the following to the provisions of Subsection 2-10, "Authority of Board and Engineer":

The Engineer shall retain all written protests filed, and, upon completion of the work, shall submit all such protests to the City Council, together with a copy of the Engineer's prior written decisions for consideration by the City Council at the time of final acceptance of the work. The Contractor or its representative may appear and be heard by the City Council concerning any such protests. In connection with acceptance of the work and final payment under the Contract, the City Council shall make its determination with respect to each protest filed with the Engineer. The decision of the City Council shall be final.

Subsection 2-11 Inspection

Add the following to the provisions of Subsection 2-11, "Inspection":

Inspection work requested by the contractor outside of the prescribed working hours shall be paid by the contractor at the City's overtime rate.

SECTION 3 - CHANGES IN WORK

Subsection 3-3 Extra Work

Add the following to the provisions of Subsection 3-3.1, "General":

The contractor shall proceed with extra work only upon written order from the Engineer. For such extra work the contractor shall receive payment as agreed upon in writing, or he shall be paid on force account. The contractor shall not exceed any of the quantities in the proposal unless prior authorization from the engineer is obtained in writing.

Add the following to the provisions of Subsection 3-3.2.3, "Markup":

Work by Contractor. The following percentages shall be added to the contractor's costs and shall constitute the markup for all supervision and management (direct or indirect); home office and field overhead and all profits, which shall be deemed to include all items of expense not specifically designated as materials or tool and equipment rental as in sections 3-3.2.2, "Materials", and 3-3.2.2.3, "Tool and Equipment Rental".

Labor	20%
Materials	15%
Equipment Rental	15%

Other Items and Expenditures 15%

To the sum of the costs and markups provided for in this subsection, a maximum of one percent (1%) shall be added as compensation for bonding upon proof of actual payment to the suret(ies).

Add the following to the provisions of Subsection 3-3.2.3.2, "Work by a Subcontractor":

When all or any part of the extra work is performed by a subcontractor, the markup established in subsection 3-3.2.3 shall be applied to the subcontractor's actual cost of such work, to which a markup of 10 percent on the first \$2,000 of the subcontracted portion of the extra work and a markup of 5 percent on work in excess of \$2,000 of the subcontracted portion of the extra work may be added by the contractor.

Subsection 3-4 Changed Conditions

The Contractor's failure to provide written notice of changed conditions within 48 hours upon their discovery to the Engineer and before they are disturbed shall constitute a waiver of compensation and claims in connection therewith.

The contractor shall proceed with extra work only upon written order from the Engineer. For such extra work the contractor shall receive payment as agreed upon in writing, or he shall be paid on force account. The contractor shall not exceed any of the quantities in the proposal unless prior authorization from the engineer is obtained in writing.

Subsection 3-5 Disputed Work

Add the following to the provisions of Subsection 3-5, "Disputed Work":

- A. In accordance with Public Contract Code Section 20104, and for the purposes of Paragraphs B only, the term "Defined Claim" shall mean a separate demand by the Contractor to the Owner of a value of \$375,000 or less, for any of the following: (a) a time extension, (b) payment of money or damages arising from work done by the Contractor pursuant to the Contract Documents and payment of which is not otherwise expressly provided for or the Contractor is not otherwise entitled to, or (c) an amount of payment which is disputed by the Owner.
- B. RESOLUTION OF DEFINED CLAIMS Pursuant to Sections 20104 et seq., of the Public Contracts Code, the provisions of this Paragraph B shall apply to all "Defined Claims," as such term is defined in Paragraph A (i.e., claims that are in the amount of \$375,000 or less).

Filing and Response to Defined Claim

The Defined Claim shall be in writing, include the documents necessary to substantiate the Defined Claim, and be filed with the Owner on or before the date of the final payment for the work.

If the Defined Claim is less than \$50,000, the new Owner shall respond in writing to the Defined Claim within 45 days of its receipt; or the Owner may request in writing within

30 days of receipt of the Defined Claim any additional documentation supporting the Defined Claim or relating to defenses or claims the Owner may have against the Contractor, and in such event the Owner's response shall be submitted to the Contractor within the later of 15 days after the receipt of the further documentation, or the time taken by the Contractor in producing the additional information.

If the Defined Claim is over \$50,000, the Owner shall respond in writing to the Defined Claim within 60 days of its receipt, or the Owner may request in writing within 30 days of receipt of the Defined Claim any additional documentation supporting the Defined Claim or relating to defenses or claims the Owner may have against the Contractor, and in such event the Owner's response shall be submitted to the Contractor within the later of 30 days after the receipt of the further documentation, or the time taken by the Contractor in producing the additional information or requested documentation.

Meet and Confer Regarding Defined Claim

If the Contractor disputes the Owner's written response, or if the Owner fails to respond within the prescribed time, to the Defined Claim, the Contractor may notify the Owner in writing within 15 days, and demand an informal conference to meet and confer for settlement of the issues in dispute. Upon receipt of the demand, the Owner shall schedule a meet and confer conference within 30 days. If the claim or any portion thereof remains in dispute following the meet and confer conference, the Contractor may file a claim pursuant to Government Code Section 900, et seq. For purposes of this Paragraph B, the running of the period of time within which a claim must be filed shall be tolled from the time the Contractor submits the Defined Claim until the time such Defined Claim is denied, including any period of time utilized by the meet and confer conference.

Procedures for Civil Actions Filed to Resolve Defined Claims

The following procedures shall apply to any civil action filed pursuant to this Paragraph B:

Non-Binding Mediation Within 60 days, but no earlier than 30 days, following the filing of responsive pleadings, the court shall submit the matter to non-binding mediation unless waived by mutual stipulation of both parties. The mediation process shall provide for the selection within 15 days by both parties of a disinterested third person as mediator, and shall be commenced within 30 days of the submittal and shall be concluded within 15 days from the commencement of the mediation unless a time requirement is extended upon a good cause showing to the court.

Judicial Arbitration If the matter remains in dispute, the case shall be submitted to judicial arbitration pursuant to Section 1141.10, et seq., of the Code of Civil Procedure, notwithstanding Code of Civil Procedure Section 1141.11. The civil discovery procedures of Code of Civil Procedure Section 2016, et seq., shall apply, consistent with the rules pertaining to judicial arbitration. In addition to the provisions of Code of Civil Procedure Section 1141.10, et seq., (a) arbitrators shall, upon stipulation of the parties, be experienced in construction law, and (b) any party appealing an arbitration award who does not obtain a more favorable judgment shall, in addition to payment of costs and fees, also pay the attorneys fees on appeal of the other party.

Interest on Award of Judgment In any suit filed pursuant to Paragraph (G)3.2, the

Owner shall pay interest at the legal rate on any arbitration award or judgment, which interest shall begin to accrue on the date the suit is filed in a court of law.

- C. RESOLUTION OF CLAIMS OTHER THAN DEFINED CLAIMS The provisions of this Paragraph C shall apply to all claims that are not "Defined Claims," as such term is defined in Paragraph A (i.e., claims that are in excess of \$375,000.00).

Written Claim

If the Contractor is not satisfied with any action by the City Council to resolve the protest of any claim other than a Defined Claim, it shall file with the City Council, within fifteen (15) days after such determination, a written claim which shall comply with the requirements for a claim under Division 3.6 of Title 1 (commencing with Section 810) of the California Government Code. The City Council shall take action with respect to any such claim as provided in Division 3.6 of Title 1 of the Government Code. Denial of such claim by the City Council shall be a prerequisite to the institution of any legal proceeding challenging the action of the City Council. If the Contractor fails to file a claim within the time specified herein, it shall be deemed satisfied with the action of the City Council with respect to its protests, and such failure to file a claim shall be deemed to be a waiver of all claims and demands arising out of or relating to this Contract.

Limitation Period

Demand for Arbitration of any claim other than a Defined Claim shall be served upon the Owner within the time limits set forth in Division 3.6 of the California Government Code for commencement of legal proceedings against a local public agency.

Arbitration

Except as provided to the contrary herein, arbitration of any claim other than a Defined Claim may be initiated by the Contractor and shall be conducted in accordance with the provisions of California Code of Civil Procedure Sections 1280, et seq. The parties hereto agree that there shall be a single neutral Arbitrator who shall be selected in the following manner: (1) The Demand for Arbitration shall include a list of five names of persons acceptable to the Contractor to be appointed as Arbitrator. The Owner shall determine if any of the names submitted by Contractor are acceptable and, if so, such person will be designated as Arbitrator; (2) In the event that none of the names submitted by Contractor are acceptable to Owner or if for any reasons the Arbitrator selected in Step (1) is unable to serve, the Owner shall submit to Contractor a list of the five names of persons acceptable to Owner for appointment as Arbitrator to Contractor who shall in turn have 10 days in which to determine if one such person is acceptable; (3) If after Steps (1) and (2) the parties are unable to mutually agree upon a neutral Arbitrator, the matter of selection of an Arbitrator shall be submitted to the Los Angeles County Superior Court pursuant to Code of Civil Procedure Section 1281.6.

SECTION 4 - CONTROL OF MATERIALS

Subsection 4-1.3 Inspection Requirements

Add the following to the provisions of Subsection 4-1.3, "Inspection Requirements":

At the option of the Engineer, the source of supply of each of the materials shall be approved

by the Engineer before delivery is started and before such material is used in the work. Representative preliminary samples of the character and quality prescribed shall be submitted by the contractor or producer of material to be used in the work, for testing or examination as desired by the Engineer. All tests of industry materials furnished by the contractor shall be made in accordance with commonly recognized industry standards or special methods and tests as prescribed in these specifications.

The Contractor shall furnish such samples of materials as are requested by the Engineer, without charge. No material shall be used until it has been approved by the Engineer. Samples will be secured and tested whenever necessary to determine the quality of material.

SECTION 5 - UTILITIES

Subsection 5-1 Location

Add the following to the provisions of Subsection 5-1, "Location":

Utilities for the purpose of these Special Provisions shall be considered as including but not limited to; pipelines; conduits; transmission lines; appurtenance of both public utilities and private industries, business, or individual; storm drains; sanitary sewers; and street lighting conduits.

The City has endeavored to locate and indicate on the drawings all underground utilities, facilities, and obstructions within the limit of the work under this contract or so nearly adjacent thereto as to interfere with the execution of the work. However, the accuracy and completeness of the utilities location indicated on the plans is not guaranteed. Sewer service lines, gas service connections, and street lights and traffic signal conduits may not be shown on the plans.

The contractor is responsible to determine the exact location of utilities and its service connections during construction. The contractor shall notify the City of the exact location of any utility or service connection which is not shown or incorrectly shown on the plans.

The contractor shall be expected to maintain liaison with the affected utility company representatives, and shall notify them prior to beginning of the job and each time the particular utility is or could possibly be affected at least 24 hours in advance:

- | | | |
|----|------------------------------------|--------------|
| 1. | Frontier Communications | 800-483-1000 |
| 2. | Southern California Edison Company | 800-611-1911 |
| 3. | Southern California Gas Company | 800-427-2200 |
| 4. | San Fernando Water Department | 818-898-1293 |
| 5. | L.A. City Municipal Services | 800-342-5397 |
| 6. | L.A. Metropolitan Water Dist. | 626-844-5610 |
| 7. | Spectrum Cable | 818-700-6500 |
| 8. | Plains All America Pipeline | 800-708-5071 |

SECTION 6 - PROSECUTION, PROGRESS, AND ACCEPTANCE OF THE WORK

Subsection 6-1 Construction Schedule and Commencement of Work

Add the following to the provisions of Subsection 6-1, "Construction Schedule and Commencement of Work":

The Contractor shall begin work within ten (10) days of the commencement date stated in the Notice to Proceed and shall diligently prosecute the same to completion before the time required to complete the work stated in the Contractor's Proposal expires.

Construction work is limited to normal working hours unless prior written approval is obtained from the Engineer. Normal working hours for construction are between 7 a.m. and 3:30 p.m.

Subsection 6-6 Delays and Extensions of Time

Add the following to the provisions of Subsection 6-6, "Delays and Extensions of Time":

The Contractor shall not be assessed with liquidated damages nor the cost of engineering and inspection during any delay in the completion of the work caused by Acts of God or of war, acts of the City, fire, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and weather or delays of subcontractors due to such causes, provided that the Contractor shall within ten (10) days from the beginning of any such delay notify the Engineer in writing of the cause of delay, who shall ascertain the facts and the extent of the delay, and his findings of the facts thereon shall be final and conclusive.

Subsection 6-7 Time of Completion

Add the following to the provisions of Subsection 6-7, "Time of Completion":

Where a single shift is worked, eight (8) consecutive hours between 7 a. m. and 5 p.m. shall constitute a day's work at straight time for all workers. Forty (40) hours between Monday, 7 a.m., and Friday, 5 p.m. shall constitute a week's work at straight time. Holidays as herein referred to shall be deemed to be:

- | | |
|---------------------------|--------------------------|
| ▶ New Year's Day | ▶ Labor Day |
| ▶ Martin Luther King Day | ▶ Veterans Day |
| ▶ Washington's Birthday | ▶ Thanksgiving Day |
| ▶ Cesar Chavez's Birthday | ▶ Day after Thanksgiving |
| ▶ Memorial Day | ▶ Christmas Day |
| ▶ Independence Day | |

Subsection 6-8 Completion, Acceptance, and Warranty

Add the following to the provisions of Subsection 6-8, "Completion, Acceptance, and Warranty":

Final inspection and recommendation of completion by the Engineer does not constitute acceptance of the project. The contractor remains responsible for the project until acceptance of the work by the City Council.

Subsection 6-9 Liquidated Damages

Add the following to the provisions of Subsection 6-9, "Liquidated Damages":

It is agreed by the parties to the contract that liquidated damages for work under this contract is the sum of Five Hundred Dollars (\$500.00) per day for each and every day's delay beyond the time prescribed to complete the work. Contractor agrees to pay such liquidated damages as herein provided, and in case the same are not paid, Contractor agrees that the City of San Fernando may deduct the amount thereof from any money due or that may become due the Contractor under the contract.

It is further agreed that in case the work called for under the contract is not finished and completed in all parts and requirements within the time specified, the City Council shall have the right to extend the time for completion or not, as may seem best to serve the interest of the City; and if it decides to extend the time limit for the completion of the contract, it shall further have the right to charge to the Contract, his heirs, assigns or sureties; and to deduct from the final payment for the work, all or any part, as it may deem proper, of the actual cost of engineering, inspection, superintendence, and other overhead expenses which are directly chargeable to the contract, and which accrue during the period of such extension, except that the cost of final surveys and preparation of final estimates shall not be included in such charges.

SECTION 7 - RESPONSIBILITIES OF THE CONTRACTOR

Subsection 7-2 Labor

Add the following to the provisions of Subsection 7-2, "Labor":

Attention is directed to Sections 1777.5, 1777.6 and 1777.7 of the California Labor Code and Title 8, California Administrative code, Section 200 et seq. to ensure compliance and complete understanding of the law regarding apprentices.

Section 1777.5, as amended, requires the contractor or subcontractor employing tradesmen in any apprenticeable occupation to apply to the joint apprenticeship committee nearest the site of the public works project and which administers the apprenticeship program in that trade for a certificate of approval. The certificate will also fix the ratio of apprentices to journeymen that will be used in the performance of the contract. The ratio of apprentices to journeymen in such cases shall not be less than one to five except:

1. When unemployment in the area of coverage by the joint apprenticeship committee has exceeded an average of 15 percent in the 90 days prior to the request for certificate, or
2. When the number of apprentices in training in the area exceeds a ratio of one to five, or
3. When the trade can show that it is replacing at least 1/30 of its membership through apprenticeship training on an annual basis statewide or locally, or
4. When the contractor provides evidence that he employs registered apprentices on all of his contracts on an annual average of not less than one apprentice to eight journeymen.

The contractor is required to make contributions to funds established for the administration of apprenticeship programs if he employs registered apprentices or journeymen in any

apprenticeable trade on such contracts and if other contractors on the public works site are making such contributions.

The contractor and any subcontractor under him shall apply with the requirements of Sections 1777.5 and 1777.6 in the employment of apprentices.

Information relative to apprenticeship standards, wage schedules, and other requirements may be obtained from the Director of Industrial Relations, ex officio the Administrator of Apprenticeship, San Francisco, California, or from the Division of Apprenticeship Standards and its branch offices.

Subsection 7-2.4 Hours of Labor

Add the following to the provisions of Subsection 7-2.4, "Hours of Labor":

Eight hours constitutes a legal days' work. The contractor shall forfeit, as a penalty to the City of San Fernando, \$25.00 for each workman employed in the execution of the contract by the contractor is required or permitted to work more than eight hours in any one calendar day and 40 hours in any one calendar week in violation of the provisions of the Labor Code, and in particular, Sections 1810 to 1815, thereof, inclusive, except that work performed by employees of contractors in excess of eight hours per day, and 40 hours during any one week, shall be permitted upon compensation for all hours worked in excess of eight hours per day at not less than one-and-one-half times the basic rate of pay as provided in said Section 1815.

The contractor shall comply with Labor Code Section 1775 in accordance with said Section 1775, the contractor shall forfeit as a penalty to the City of San Fernando, \$50.00 for each calendar day or portion thereof, for each workman paid less than the stipulated prevailing rates for such work or craft in which such workman is employed for any work under the contract by him or by any subcontractor under him in violation of the provisions of the Labor Code and in particular, Labor Code Sections 1770 to 1780, inclusive. In addition to said penalty and pursuant to said Section 1775, the difference between such stipulated prevailing wage rates and the amount paid to each workman for each calendar day or portion thereof for which each workman was paid less than the stipulated prevailing wage rate shall be paid to each workman by the contractor.

In accordance with the provisions of Section 1770 to 1777 inclusive, of the Labor Code of the State of California, the City Council of San Fernando has adopted the general prevailing rates of per diem wages applicable to the work to be done as have been determined by the Director of the Department of Industrial Relations for the State of California.

Subsection 7-3 Liability Insurance

Add the following to the provisions of Subsection 7-3, "Liability Insurance":

The public liability insurance shall include protection from claims caused by automobiles, trucks, or other vehicles of the contractor or any subcontractor while in use both within and outside the contract premises. The property damage insurance shall cover damage or destruction of any and all property other than that which is owned, leased, or in the care, custody or control of the Contractor or any subcontractor, with the liability limit applying to any one (1) accident, disaster or claim. All coverage provided by Contractor shall be considered primary and shall be completely exhausted before City coverage, if any and to be considered secondary, is exercised.

By appropriate endorsement, such policies of insurance required shall name the City of San Fernando as additionally insured with the Contractor with respect to the construction project described in these specifications and shall provide that such insurance coverage shall not be canceled or reduced without thirty (30) days prior written notice to the City of San Fernando. Said endorsement shall be a separate document. Certificates of the insurance carried evidencing such insurance coverage shall be delivered to the City of San Fernando concurrently with the execution of the contract by the Contractor.

Subsection 7-5 Permits

Add the following to the provisions of Subsection 7-5, "Permits":

The Contractor shall procure all permits and licenses, pay all charges and fees, and give all notices necessary and incidental to the due and lawful prosecution of the work.

Pursuant to State Bill 854, the following new requirements apply to all public works projects:

A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Section 1725.5. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded. The website for contractor registration with the Department of Industrial Relations (DIR) is <https://efiling.dir.ca.gov/PWCR>; the annual non-refundable fee, valid July 1 through June 30 (state fiscal year), is \$300.

Contractors who are awarded a public works project must submit electronic payroll records to the DIR's Compliance Monitoring Unit (CMU) in addition to providing wet-ink original copies to the City or its designated labor compliance enforcement officer.

Subsection 7-8.1 General

Add the following to the provisions of Subsection 7-8.1, "General":

All excess dirt and construction debris shall be hauled away from job site each day.

Subsection 7-9 Protection and Restoration of Existing Improvements

Add the following to the provisions of Subsection 7-9, "Protection and Restoration of Existing Improvements":

Existing improvements damaged or removed without written authorization shall be replaced by the contractor at no cost to the City. The contractor shall leave the work area in the same or better condition as compared to before beginning contract work.

The contractor shall be responsible for the protection and preservation of existing, permanent survey monuments and benchmarks during construction. Damaged or lost monuments and bench marks shall be restored to existing condition by a Registered Civil Engineer or a Land Surveyor licensed by the State of California at no additional cost to the City. Corner records

shall be filed with the Los Angeles County Surveyor's Office and copies of the recorded corner records shall be provided to the City prior to the release of retention payment.

Subsection 7-10 Public Convenience and Safety

Add the following to the provisions of Subsection 7-10, "Public Convenience and Safety":

In the event that the Contractor fails to adequately provide for the public safety during the course of construction under this contract, and the City is required to provide for said public safety, the Contractor shall pay the City the cost of each service call, which will include all direct labor and material costs including fringe benefits, overhead, and applicable rental rates for the various pieces of equipment. Any and all costs incurred by the City as a result of the failure of the Contractor to provide for the public safety will be deducted from the amount due to the Contractor for the work done under this contract.

Subsection 7-10.1.1 Storage of Equipment and Materials in Public Streets

Add the following to the provisions of Subsection 7-10.1.1, "Storage of Equipment and Materials in Public Streets":

Overnight stockpiling of construction debris or excavated materials is not allowed. Contractor must obtain written approval from the Engineer prior to storage of construction materials and equipment on the street where improvements are planned. Adequate flashing barricades shall be provided.

Subsection 7-10.2.2 Street Closures, Detours, Barricades

Add the following to the provisions of Subsection 7-10.2.2, "Street Closures, Detours, Barricades":

In the event that any street must be closed, request must be received by the Engineer for approval and the following parties shall be notified at least 48 hours in advance.

- | | | |
|----|-------------------------|----------------|
| a. | Public Works Department | (818) 898-1293 |
| b. | Police Department | (818) 898-1267 |
| c. | Fire Department | (818) 989-8561 |
| d. | Mauran Ambulance | (818) 365-3182 |

The Contractor may choose to comply with the requirements of W.A.T.C.H. (Work Area Traffic Control Handbook) in providing devices and signage for pedestrian and vehicular traffic. The Contractor shall provide flagmen as necessary.

Overnight parking of construction equipment in the project site shall be subject to the Engineer's approval and comply with the City parking restriction/regulations. Contractor shall provide adequate flashing barricades.

Unless otherwise specified, full compensation for furnishing all labor, materials, tools and equipment, and doing all the work involved in providing traffic control shall be included in other items of work and no additional compensation will be allowed therefor.

SECTION 8 - FACILITIES FOR AGENCY PERSONNEL

No field offices for AGENCY personnel shall be required; however, the AGENCY's personnel shall have the right to enter upon the project at all times and shall be admitted to the offices of the Contractor if so provided by the Contractor for his own personnel.

SECTION 9 - MEASUREMENT AND PAYMENT

Subsection 9-3 Payment

Add the following to the provisions of Subsection 9-3, "Payment":

It is mutually agreed between the parties to the contract that no certificate given or payments made under the contract, except the final project acceptance, shall be conclusive evidence of the performance of the contract, either wholly or in part, against any claim of the party of the first part, and no payment shall be construed to be an acceptance of any defective work or improper materials.

The Contractor further agrees that the payment of the final amount due under the contract, and the adjustment and payment for any work done in accordance with any alterations of the same, shall release the City of San Fernando, City Council, and the Engineer from any and all claims of liability on account of work performed under the contract or any alteration thereof.

Subsection 9-3.2 Partial and Final Payment

Add the following to the provisions of Subsection 9-3.2, "Partial and Final Payment":

The City shall, once in each month, cause an estimate in writing to be made by the Engineer of the total amount of work done and the acceptable materials furnished and delivered by the Contractor on the ground and not used, at the time of such estimate; and the value thereof. The City of San Fernando shall retain five percent (5%) of such estimated value of the work done and fifty percent (50%) of the value of the materials so estimated to have been furnished and delivered and unused as aforesaid as part security for the fulfillment of the contract by the Contractor, and shall monthly pay the Contractor, while carrying on the work, the balance not retained, as aforesaid, after deducting therefrom all previous payments and all sums to be kept or retained under the provisions of the contract. No such estimate or payment shall be required to be made, when, in the judgment of the Engineer, the work is not proceeding in accordance with the provisions of the contract, or when in his judgment, the total value of the work done since the last estimate amounts to less than Three Hundred Dollars (\$300.00).

The Contractor shall submit updated work schedules and current record drawings (as-built) with requests for progress payments.

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AGENDA REPORT

To: Mayor Mary Mendoza and Councilmembers

From: Nick Kimball, City Manager
By: Julia Fritz, City Clerk

Date: May 2, 2022

Subject: Consideration to Adopt a Resolution Expressing Support for the People of Ukraine, Urging President Biden to Support Continued Efforts of the Government of Ukraine to Restore a Secure, Democratic, and Independent Ukraine and Authorize the City Manager to Transmit the Resolution on Behalf of the City Council to Local, State and Federal Legislators

RECOMMENDATION:

It is recommended that the City Council:

- a. Adopt Resolution No. 8145 (Attachment "A"), expressing support for the people of Ukraine, and urging President Biden to support continued efforts of the Government of Ukraine to restore a secure, democratic, and independent Ukraine;
- b. Authorize the City Manager to send a letter (Attachment "B") with a copy of the resolution to local, State, and Federal legislators expressing the City's support for the People of Ukraine; and
- c. Provide direction to staff, as appropriate.

BACKGROUND/ANALYSIS:

On February 24, 2022, a massive military assault was launched by the Russian government on the sovereign democratic nation of Ukraine; and the continuing assault has been met by the strong resistance of the Ukrainian military joined by armed civilians and has resulted in the evacuation of millions of Ukrainians to neighboring countries.

On April 18, 2022, the City Council requested staff to bring back to the next regular City Council meeting a resolution expressing the City's support of the people of Ukraine to transmit to Local, State and Federal Legislators.

Consideration to Adopt a Resolution Expressing Support for the People of Ukraine, Urging President Biden to Support Continued Efforts of the Government of Ukraine to Restore a Secure, Democratic, and Independent Ukraine and Authorize the City Manager to Transmit the Resolution on Behalf of the City Council to Local, State and Federal Legislators

Page 2 of 2

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. Resolution No. 8145
- B. Draft Transmittal Letter

RESOLUTION NO. 8145

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, EXPRESSING SUPPORT FOR THE PEOPLE OF UKRAINE AS THEY DEFEND AGAINST RUSSIA'S MILITARY ASSAULT ON THEIR SOVEREIGN NATION AND URGING PRESIDENT BIDEN'S COMMITMENT TO SUPPORT CONTINUED EFFORTS OF THE GOVERNMENT OF UKRAINE TO RESTORE A SECURE, DEMOCRATIC, AND INDEPENDENT UKRAINE

WHEREAS, on February 24, 2022, a massive military assault was launched by the Russian government on the sovereign democratic nation of Ukraine; and the continuing assault has been met by the strong resistance of the Ukrainian military joined by armed civilians; and

WHEREAS, Russian attacks on nonmilitary, residential areas of Ukraine's cities have forced the evacuation of millions of civilians to neighboring countries; and

WHEREAS, the United States and other nations around the globe have issued strong condemnations of the Russian government's hostile action and have responded to Ukraine's appeal for both military and humanitarian aid.

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 condemns the illegal military invasion of Ukraine and condemns the Russian Federation's continued disregard of international maritime law by partially blocking parts of the Black Sea and the Sea of Azov, which hamper freedom of navigation exercises and significantly impacts the economy of Ukraine; and

SECTION 3: That, by the adoption of this Resolution, the City of San Fernando commends the courage, resolve, and restraint shown by the Ukrainian people in their pursuit of sovereignty and democracy, and pays tribute to all who gave their lives in pursuit of a free and democratic Ukraine, and urges President Biden's commitment to support continued efforts of the Government of Ukraine to restore a secure, democratic, and independent Ukraine, free to choose its own leaders and future.

PASSED, APPROVED, AND ADOPTED this 2nd day of May, 2022.

ATTEST:

Mary Mendoza, Mayor of the City of
San Fernando, California

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. 8145, 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 2nd day of May 2022, 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 May, 2022.

Julia Fritz, City Clerk

DRAFT LETTER

ATTACHMENT "B"

President Joseph E. Biden
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

SUBJECT: Support Ukraine's Sovereignty and Territorial integrity

Dear President Biden:

On behalf of the residents of the City of San Fernando, California, the City Council supports, unequivocally, Ukraine's sovereignty and territorial integrity and stands steadfastly, staunchly, proudly, and fervently to convey solidarity in response to Russia's unprovoked military aggressions against the Ukrainian people.

The City of San Fernando urges the Biden Administration to provide leadership to support continued efforts of the Government of Ukraine to restore a secure, democratic, and independent Ukraine, free to choose its own leaders and future integral to nations around the world.

Sincerely,

COUNCILMEMBER ELECTRONIC SIGNATURES

Mary Mendoza
Mayor

Hector A. Pacheco
Vice Mayor

Sylvia Ballin
Councilmember

Cindy Montañez
Councilmember

Celeste Rodriguez
Councilmember

cc: Senator Alex Padilla

Senator Dianne Feinstein

Honorable Nancy Pelosi, Speaker of the U.S. House of Representatives

Honorable Tony Cardenas, U.S. Congressman California's 29th District

Honorable Robert Hertzberg, California State Senator and Majority Leader, 18th Senate District

Honorable Luz Rivas, California State Assemblymember, 39th Assembly District

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AGENDA REPORT

To: Mayor Mary Mendoza and Councilmembers

From: Vice Mayor Hector A. Pacheco

Date: May 2, 2022

Subject: Consideration to Appoint a Parks, Wellness and Recreation Commissioner

RECOMMENDATION:

I recommend that Natasha Sanchez-Brooks be appointed as my representative to the Parks, Wellness and Recreation Commission (Attachment "A").

BACKGROUND/ANALYSIS:

1. Pursuant to the City's Code (Attachment "B"), each Councilmember may appoint one Commissioner to each Commission (i.e., Planning and Preservation Commission; Parks, Wellness, and Recreation Commission; Transportation and Safety Commission; and Education Commission), with such appointment to be ratified by the full City Council. For appointment consideration, interested residents must submit an application to the nominating City Councilmember, at which time the proposed appointment considered by the City Council to approve and ratify.
2. In June 2021, an unscheduled vacancy occurred as my appointed representative Commissioner Sandra Richards resigned from the Parks, Wellness and Recreation Commission ("Commission"). Ms. Richards served on the Commission from March 2019 through June 2021.
3. On April 22, 2022, Natasha Sanchez-Brooks submitted an application (Attachment "C") seeking consideration as my representative to be appointed to the Parks, Wellness and Recreation Commission. The appointment would fill the unscheduled vacancy due to the resignation of Commissioner Sandra Richards in June 2021.

BUDGET IMPACT:

The City pays each Commissioner \$75 for attendance at up to one (1) meeting per month. A total of \$900 per Commissioner is appropriated in each responsible Department's budget. Sufficient funds are included in the Fiscal Year 2021-2022 adopted Budget.

Consideration to Appoint a Parks, Wellness and Recreation Commissioner

Page 2 of 2

CONCLUSION:

I recommend Natasha Sanchez-Brooks be appointed as my representative Commissioner to serve on the Parks, Wellness and Recreation Commission to fill the unscheduled vacancy due to the resignation of Commissioner Sandra Richards in June 2021.

ATTACHMENTS:

- A. Request to Agendize an Item for City Council Discussion/Consideration
- B. City Code Sections 54-56 through 54-67
- C. Commissioner Application

REQUEST TO AGENDIZE AN ITEM FOR CITY COUNCIL DISCUSSION/CONSIDERATION

CITY COUNCILMEMBER INFORMATION

NAME Hector A. Pacheco	TITLE Vice Mayor
---------------------------	---------------------

ITEM INFORMATION

SUBJECT *Title of the item you are requesting to be agendized.*
 Appointment of Commissioner to Parks, Wellness and Rec Commission

PRIORITIES <i>Is this included in the current FY priorities?</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	BUDGET <i>Is this a budgeted item?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No	FISCAL IMPACT <i>Is there a fiscal impact? If yes, indicate amount.</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No \$ Stipend
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BACKGROUND/ANALYSIS *Provide the reason you are requesting this item be agendized.*
 To nominate and appoint Ms. Natasha Sanchez-Brooks to the Parks, Wellness and Recreation Commission.

ATTACHMENTS *Do you have any attachments to include?*

☐ Yes ☒ No

RECOMMENDATION *Indicate the direction you are recommending.*

Recommend approval of Ms. Sanchez-Brooks' appointment.

City Code Pertaining to All Commissions

PARKS, WELLNESS AND RECREATION COMMISSION

Sec. 54-56. Created.

There is created and established a recreation and community services commission in and for the city, which shall be known as the "parks, wellness and recreation commission." All references in this Code to the "recreation and community services" commission shall be to the parks, wellness and recreation commission.

(Ord. No. 1586, § 4, 3-16-2009)

Sec. 54-57. Composition and appointment of members.

The parks, wellness and recreation commission shall consist of five members, each with full participation and voting rights. Each member shall be appointed by a different appointing councilperson, with such appointment to be ratified by the city council. Such members of the parks, wellness and recreation commission shall be registered voters and city residents.

(Ord. No. 1586, § 4, 3-16-2009)

Sec. 54-58. Officers.

The members shall organize the parks, wellness and recreation commission and shall select a chair and vice-chair. In the absence of the chair and vice-chair, any other member shall call the commission to order, whereupon a chair shall be elected from the members present to preside for that meeting.

(Ord. No. 1586, § 4, 3-16-2009)

Sec. 54-59. Compensation of members.

The council shall fix the amount of compensation, if any, to be paid to the members of the parks, wellness and recreation commission.

(Ord. No. 1586, § 4, 3-16-2009)

Sec. 54-60. Meetings generally.

Members of the parks, wellness and recreation commission shall meet at such time and place as may be fixed by resolution.

(Ord. No. 1586, § 4, 3-16-2009)

Sec. 54-61. Quorum.

Three members of the parks, wellness and recreation commission shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time for want of a quorum until a quorum can be obtained.

City Code Pertaining to All Commissions

(Ord. No. 1586, § 4, 3-16-2009)

Sec. 54-62. Absence from meetings.

(a) Absence from three consecutive regular meetings of the parks, wellness and recreation commission by a member with or without consent of the commission shall be deemed to constitute a retirement of such member, and his office shall become vacant. The vacancy thus created shall thereafter be filled by appointment by the city councilmember so assigned of a successor to fill the unexpired term of office.

(b) Absence from three regular meetings of the commission in a 12-month period by a member without consent of the commission or absence from four regular meetings of the commission within a 12-month period by a member with the consent of the commission shall be deemed to constitute a retirement of such member, and the office shall become vacant. The vacancy thus created shall thereafter be filled by appointment by the city councilmember so assigned of a successor to fill the unexpired term of office.

(Ord. No. 1586, § 4, 3-16-2009)

Sec. 54-63. Powers and duties generally.

The powers and duties of the parks, wellness and recreation commission shall be:

(1) Initiating studies, investigations and surveys and making recommendations to the city council relative to the creation, operation, maintenance, management and control of the community recreation programs of parks, playgrounds and indoor and outdoor recreational activities.

(2) Subject to the prior approval of the city council, adopting by resolution, rules and regulations not inconsistent with this code and city ordinances, for the maintenance, improvement, use and operation of the parks, playgrounds, bathing facilities, recreation centers and other similar facilities of the city. A complete file of such rules and regulations shall be maintained in both the city clerk's office and that of the director of recreation and community services, with resolutions in the customary form and numbered numerically.

(3) Participate in the development of a master plan for all parks and playgrounds owned and operated by the city and, upon approval of the plans by the city council, working consistently toward the achievement of the plan and for the improvement of the plan as originally approved.

(4) Initiating studies, investigations and surveys and making recommendations to the city council relative to health, wellness and fitness, including such activities and programs created and/or maintained for the same by the director of recreation and community services.

(5) Upon request of the city council, making other investigations, reports and recommendations upon subjects or other matters referred to it by the city council.

(Ord. No. 1586, § 4, 3-16-2009)

City Code Pertaining to All Commissions

Sec. 54-64. Powers and duties concerning city-owned historic resources.

The following sites and improvements are declared by the city council to be historic resources. The parks, wellness, and recreation commission shall have responsibility for programming the maintenance, improvement, use and operation of these city-owned historic resources, subject to approval by the city council:

(1) The Lopez Adobe site including the Lopez Adobe and the Lopez-Villegas House at the southwesterly corner of the intersection of South Maclay Avenue and Pico Street.

(2) Such other historic resources as the council shall from time to time select and add to this section by amendment.

(Ord. No. 1586, § 4, 3-16-2009)

Sec. 54-65. Rules and regulations.

Subject to the approval of the city council, the parks, wellness and recreation commission may make and alter such rules and regulations for its organization and procedures as are consistent with this article and other sections of this Code and city ordinances and with state laws.

(Ord. No. 1586, § 4, 3-16-2009)

Sec. 54-66. Reports and records.

The parks, wellness and recreation commission shall keep an accurate record of all its proceedings and transactions and shall render annually, on a calendar basis, a full report of the commission's transactions and recommendations to the council.

(Ord. No. 1586, § 4, 3-16-2009)

Sec. 54-67. Incurring financial liability.

Neither the parks, wellness and recreation commission nor any person connected with the commission shall incur any financial liability in the name of the city.

APPLICATION TO SERVE ON A CITY COMMISSION

CLEAR FORM

This is a public document. To assist the City Council in evaluating each applicant in the selection of Commission Members, please provide as complete of a response as possible to all questions.

APPLICANT INFORMATION

NAME Natasha Sanchez-Brooks		PHONE NO.
RESIDENCE ADDRESS	CITY & STATE San Fernando CA	ZIP CODE 91340
MAILING ADDRESS <i>If different than above</i>	CITY & STATE	ZIP CODE
EMAIL ADDRESS <i>Business or personal to be used for Commission activity</i>		
EMPLOYER Self Employed	POSITION Branding Marketing	
BUSINESS ADDRESS Street	CITY & STATE San Fernando CA	ZIP CODE 91340
BUSINESS PHONE		
ARE YOU A REGISTERED VOTER OF THE CITY OF SAN FERNANDO? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
DO YOU OWN PROPERTY IN THE CITY OF SAN FERNANDO? <i>If yes, please list the address(es)</i> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
DO YOU OWN OR OPERATE A BUSINESS IN SAN FERNANDO? <i>If yes, please state the name and nature of the business</i> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		

MEMBER COMMITMENT

I am willing to fulfill all requirements of a City Commissioner, including but not limited to:

- As Commissioner, I am willing to file financial disclosure statements (Form 700), a public record, as required by the State and the City's Conflict of Interest Code.
- I understand that absence from three consecutive regular meetings shall be deemed to constitute my retirement.
- I am willing to attend/complete the required two hours of State mandated AB1234 Ethics Training every two years.

Please also attach and submit a brief bio statement to this application.

I agree to all requirements mentioned above and have provided all correct and truthful information in this application.

APPLICANT SIGNATURE 	DATE 4/11/22
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APPLICATION TO SERVE ON A CITY COMMISSION

COMMISSION APPLICATION CHOICE(S) *Please indicate which Commission you are interested in*

☐ **EDUCATION COMMISSION** *Must be at least 18 years old and a registered voter of the City of San Fernando*

What is your understanding of the duties as a member of the Education Commission?

☒ **PARKS, WELLNESS, AND RECREATION COMMISSION** *Must be at least 18 years old and a registered voter of the City of San Fernando*

What is your understanding of the duties as a member of the Parks, Wellness, and Recreation Commission?

As a commissioner we focus on matters pertaining to parks/playgrounds, open space, natural areas, trails, and recreational facilities and programs to benefit citizens of all ages in COSF. The Parks and Recreation Commission offers residents the opportunity to actively participate in the planning of the recreational areas of the city and to learn all facets of the regulations governing such functions. Interacting with a wide variety and demographic of citizens to participate in shaping The City of San Fernando's Future. Study, discuss, and evaluate matters within the scope of playgrounds, parks, open space, natural areas, trails, recreational facilities, and programs for the purpose of gathering and compiling information to advise, or make recommendations to the City Council on matters within it's authority. Work with the City and State regarding grant programs and State and Federal aid assistance for appropriate programs and facilities.

☐ **PLANNING AND PRESERVATION COMMISSION** *Must be at least 18 years old and a registered voter of the City of San Fernando*

What is your understanding of the duties as a member of the Planning and Preservation Commission?

☐ **TRANSPORTATION AND SAFETY COMMISSION** *Must be at least 18 years old and a registered voter of the City of San Fernando*

What is your understanding of the duties as a member of the Transportation and Safety Commission?

PLEASE ATTACH AND SUBMIT A BRIEF BIO STATEMENT TO THIS APPLICATION