

# CITY of LAGUNA WOODS CITY COUNCIL AGENDA

Regular Meeting  
Wednesday, January 20, 2016  
2:00 p.m.

Laguna Woods City Hall  
24264 El Toro Road  
Laguna Woods, California 92637

Noel Hatch  
Mayor

Shari L. Horne  
Mayor Pro Tem

Cynthia Conners  
Councilmember



Bert Hack  
Councilmember

Carol Moore  
Councilmember

***Welcome to a meeting of the Laguna Woods City Council!***

***This meeting may be recorded, televised, and made publically available.***

**Public Comments:** Persons wishing to address the City Council are requested to complete and submit a speaker card to City staff. Speaker cards are available near the entrance to the meeting location. Persons wishing to address the City Council on an item appearing on this agenda will be called upon at the appropriate time during the item's consideration. Persons wishing to address the City Council on an item *not* appearing on the agenda will be called upon during the "Public Comments" item. Persons who do not wish to submit a Speaker Card, or who wish to remain anonymous, may indicate their desire to speak from the floor. Speakers are requested, but not required, to identify themselves.

**Americans with Disabilities Act (ADA):** It is the intention of the City to comply with the ADA. If you need assistance to participate in this meeting, please contact either the City Clerk's Office at (949) 639-0500/TTY (949) 639-0535 or the California Relay Service at (800) 735-2929/TTY (800) 735-2922. The City requests at least two business days' notice in order to effectively facilitate the provision of reasonable accommodations.

REGULAR MEETING SCHEDULE

The Laguna Woods City Council regularly meets on the third Wednesday of each month at 2 p.m.

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FOR ADDITIONAL INFORMATION

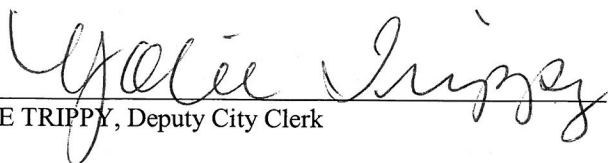
For additional information, please contact the City Clerk's Office at (949) 639-0500/TTY (949) 639-0535, [cityhall@cityoflagunawoods.org](mailto:cityhall@cityoflagunawoods.org), or 24264 El Toro Road, Laguna Woods, California 92637.

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AFFIDAVIT OF POSTING

STATE OF CALIFORNIA     )  
COUNTY OF ORANGE     ) ss.  
CITY OF LAGUNA WOODS    )

I, Yolie Trippy, Deputy City Clerk, City of Laguna Woods, hereby certify under penalty of perjury that this agenda was posted at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637; on the City's website ([www.cityoflagunawoods.org](http://www.cityoflagunawoods.org)); and, at other locations designated by Resolution No. 02-33, pursuant to California Government Code Section 54954.2 of the Ralph M. Brown Act.

  
\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

\_\_\_\_\_  
Date 1-15-15

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. PLEDGE OF ALLEGIANCE**

**IV. PRESENTATIONS AND CEREMONIAL MATTERS**

4.1 100<sup>th</sup> Birthday – Bob Christians

*Recommendation:* Approve and present the commendation.

**V. PUBLIC COMMENTS**

About Public Comments: This is the time and place for members of the public to address the City Council on items *not* appearing on this agenda. Pursuant to State law, the City Council is unable to take action on such items, but may engage in brief discussion, provide direction to City staff, or schedule items for consideration at future meetings.

**VI. CONSENT CALENDAR**

About the Consent Calendar: All items listed on the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless a member of the City Council, City staff, or the public requests that specific items be removed from the Consent Calendar for separate discussion and consideration of action.

6.1 City Council Minutes

*Recommendation:* Approve the City Council meeting minutes for the regular meeting on December 16, 2015.

6.2 City Treasurer’s Report

*Recommendation:* Receive and file the City Treasurer’s Report for the second quarter of Fiscal Year 2015-16 (October through December 2015), inclusive of the month of December 2015.

6.3 Warrant Register

*Recommendation:* Approve the warrant register dated January 20, 2016 in the amount of \$561,202.91.

6.4 Other Post-Employment Benefits (OPEB) Trust

*Recommendation:*

1. Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING AN AGREEMENT AND ELECTION TO PREFUND OTHER POST-EMPLOYMENT BENEFITS THROUGH THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) USING AN INTERNAL REVENUE CODE SECTION 115 IRREVOCABLE TRUST AND AUTHORIZING THE EXECUTION OF THE AGREEMENT AND ELECTION, AS WELL AS OTHER RELATED DOCUMENTS AND CERTIFICATIONS

AND

2. Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, DELEGATING AUTHORITY TO REQUEST DISBURSEMENTS FROM THE INTERNAL REVENUE CODE SECTION 115 IRREVOCABLE TRUST USED TO PREFUND OTHER POST-EMPLOYMENT BENEFITS THROUGH THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS)

6.5 CalRecycle Payment Programs Authorizations

*Recommendation:* Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ESTABLISHING AUTHORIZATIONS RELATED TO THE APPLICATION FOR AND ADMINISTRATION OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) PAYMENT PROGRAMS

6.6 Energy Efficient Improvement Project: Installation or Replacement of Heat Pump Units FY 2015-2016 through FY 2017-2018

*Recommendation:* Award a contract agreement to Quality Heating & Air Conditioning for the Energy Efficient Improvement Project: Energy Efficient Improvement Project: Installation or Replacement of Heat Pump Units FY 2015-2016 through FY 2017-2018, in an amount not to exceed \$17,000 per fiscal year (\$51,000 cumulatively), through Fiscal Year 2017-18, and authorize the City Manager to execute a contract agreement, subject to approval of the contract agreement as to form by the City Attorney.

**VII. PUBLIC HEARINGS**

7.1 Amendment of Valencia Center Sign Program

*Recommendation:*

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public testimony.

AND

4. Close public hearing.

AND

5. Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING AN AMENDMENT OF THE SIGN PROGRAM FOR THE

VALENCIA CENTER LOCATED AT PASEO DE VALENCIA AND EL TORO ROAD, LAGUNA WOODS, CALIFORNIA 92637 RELATED TO THE MAJOR TENANT SPACE LOCATED AT 24165 PASEO DE VALENCIA, LAGUNA WOODS, CALIFORNIA 92637

## **VIII. CITY COUNCIL BUSINESS**

### **8.1 Medical Marijuana Cultivation Regulations**

*Recommendation:* Approve second reading and adopt an ordinance – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING SECTION 13.26.026 (COMMERCIAL MEDICAL MARIJUANA CULTIVATION) TO CHAPTER 13.26 (SPECIAL REGULATIONS) OF TITLE 13 (ZONING) OF THE LAGUNA WOODS MUNICIPAL CODE TO REGULATE COMMERCIAL MEDICAL MARIJUANA CULTIVATION

### **8.2 Employee Positions, Compensation, and Benefits**

*Recommendation:*

1. Approve the Management Analyst Series (Management Analyst and Senior Management Analyst) job classification.

AND

2. Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ESTABLISHING A COMPENSATION SCHEDULE AND BENEFITS FOR CITY EMPLOYEES

AND

3. Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, MODIFYING THE AUTHORIZED CITY EMPLOYEE POSITIONS FOR FISCAL YEAR 2015-16

8.3 City Council Regional Appointments

*Recommendation:* Modify the City Council's appointments to the Orange County Library Advisory Board by appointing members of the City Council to serve as a member and alternate, effective immediately through December 31, 2017.

**IX. CITY COUNCIL REPORTS AND COMMENTS**

About City Council Comments and Reports: This is the time and place for members of the City Council to provide reports on meetings attended including, but not limited to, meetings of regional boards and entities to which they have been appointed to represent the City and meetings attended at the expense of the City pursuant to California Government Code Section 53232.3. Members of the City Council may also make other comments and announcements.

- 9.1 Coastal Greenbelt Authority  
Mayor Connors; Alternate: Councilmember Horne
- 9.2 Orange County Fire Authority  
Mayor Pro Tem Hatch
- 9.3 Orange County Library Advisory Board  
Councilmember Horne; Alternate: Councilmember Moore
- 9.4 Orange County Mosquito and Vector Control District  
Councilmember Horne
- 9.5 San Joaquin Hills Transportation Corridor Agency  
Councilmember Hack; Alternate: Mayor Connors
- 9.6 South Orange County Watershed Management Area  
Councilmember Moore; Alternate: Mayor Pro Tem Hatch
- 9.7 Other Comments and Reports

**X. CLOSED SESSION**

**XI. CLOSED SESSION REPORT**

**XII. ADJOURNMENT**

Next Regular Meeting:

Wednesday, February 17, 2016 at 2 p.m.

Laguna Woods City Hall

24264 El Toro Road, Laguna Woods, California 92637



4.1  
**COMMENDATION – 100<sup>TH</sup> BIRTHDAY –  
BOB CHRISTIANS**

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**City of Laguna Woods  
Certificate of Commendation  
Bob Christians  
100<sup>th</sup> Birthday**

WHEREAS, Bob Christians celebrated his 100<sup>th</sup> birthday on December 4, 2015; and

WHEREAS, Bob Christians has witnessed many technological innovations and changes in our world, including the advent of air travel, development of the automobile, and the widespread use of electricity; and

WHEREAS, Bob Christians paid his way through college and graduated from the University of Iowa in 1938 with a degree in Liberal Arts; and

WHEREAS, Bob Christians enlisted in the United States Navy soon after graduating from college, which began a 23-year career as a Navy pilot, flying 260 combat missions from 40 types of aircraft, and attaining the rank of Commander; and

WHEREAS, Bob Christians is a lifelong, accomplished swimmer, who, at the age of 80, set two world records in master's swimming; and

WHEREAS, Bob Christians lives in The Towers at Laguna Woods Village where he enjoys playing the piano and is currently writing an autobiography for his children.

**NOW, THEREFORE, BE IT RESOLVED** that the Laguna Woods City Council does hereby deem it an honor and a pleasure to extend this certificate of commendation to Bob Christians on the occasion of his 100<sup>th</sup> birthday, with congratulations and best wishes for many more joyous years to come.

Dated this 20<sup>th</sup> day of January 2016

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Noel Hatch, Mayor

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Attest: Yolie Trippy, Deputy City Clerk

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**6.1-6.6**  
**CONSENT CALENDAR SUMMARY**

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# City of Laguna Woods

## Agenda Report

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Christopher Macon, City Manager

**FOR:** January 20, 2016 Regular Meeting

**SUBJECT:** Consent Calendar Summary

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### **Recommendation**

Approve all proposed actions on the January 20, 2016 Consent Calendar by single motion and City Council action.

### **Background**

All items listed on the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless a member of the City Council, staff, or the public requests that specific items be removed from the Consent Calendar for separate discussion and consideration of action.

### **Summary**

The January 20, 2016 Consent Calendar contains the following items:

- 6.1 Approval of the City Council meeting minutes for the regular meeting on December 16, 2015.
- 6.2 Approval of a motion to receive and file the City Treasurer's Report for the second quarter of Fiscal Year 2015-16 (October through December 2015), inclusive of the month of December 2015.
- 6.3 Approval of the warrant register dated January 20, 2016 in the amount of \$561,202.91. A list of warrants is included in the agenda packet; detailed information about individual warrants is available at City Hall.

- 6.4 Approval of two resolutions related to the City's establishment of an Other Post-Employment Benefits (OPEB) trust. These actions are consistent with the Fiscal Year 2015-16 Budget & Work Plan, which includes a significant work plan item to establish an irrevocable OPEB trust to fund the City's currently unfunded retiree medical liabilities. If approved, the trust would be established with an initial funding level of 80% of the City's unfunded OPEB liability calculated as of July 1, 2015 (\$60,511) and invested in the California Public Employees' Retirement System (CalPERS) California Employers' Retiree Benefit Trust Fund using the investment strategy with the lowest current risk of rate of return volatility. The trust is expected to earn a higher rate of return than is currently realized on the City's investments.

The proposed resolutions would [1] approve an agreement and election to prefund OPEB through CalPERS using an Internal Revenue Code Section 115 Irrevocable Trust (Attachment A), [2] authorize the execution of the agreement and election, as well as other related documents and certifications (Attachment A); and, [3] delegate authority to request disbursements from the trust for eligible OPEB purposes to the City Manager and Administrative Services Director/City Treasurer (Attachment B).

- 6.5 Approval of a resolution establishing authorizations related to the application for and administration of California Department of Resources Recycling and Recovery (CalRecycle) payment programs. The proposed resolution includes language required to participate in CalRecycle's payment programs, including the used oil and beverage container programs, from which the City receives monies to help fund various environmental activities. If approved, the City Manager or his or her designee would be authorized to apply for such programs and execute documents administering the same.
- 6.6 Award of a contract agreement to Quality Heating & Air Conditioning for the Energy Efficient Improvement Project: Energy Efficient Improvement Project: Installation or Replacement of Heat Pump Units FY 2015-2016 through FY 2017-2018, in an amount not to exceed \$17,000 per fiscal year (\$51,000 cumulatively), through Fiscal Year 2017-18, and authorization for the City Manager to execute a contract agreement, subject to approval of the contract agreement as to form by the City Attorney. This project is funded by a Community Development Block Grant (CDBG) award. Bids were invited for this project from August 6, 2015 through September 8, 2015. No bids were received and, subsequently, as allowed by State law, staff entered



into negotiations with Quality Heating & Air Conditioning, a firm that has provided similar services to Laguna Woods residents for several years. The term of the proposed contract agreement would be from execution through June 30, 2018 with costs adjusted each fiscal year based on any increase in manufacturer's pricing. Project specifications and information is available for review at City Hall.

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**6.1**  
**CITY COUNCIL MINUTES**

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**CITY OF LAGUNA WOODS CALIFORNIA  
CITY COUNCIL MINUTES  
REGULAR MEETING  
December 16, 2015  
2:00 P.M.  
City Council Chambers  
24264 El Toro Road  
Laguna Woods, California 92637**

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**I. CALL TO ORDER**

Mayor Conners called the Regular Meeting of the City Council of the City of Laguna Woods to order at 2:00 p.m.

**II. ROLL CALL**

COUNCILMEMBER:           PRESENT:   Hack, Horne, Moore, Hatch, Conners  
                                  ABSENT:   -

STAFF PRESENT:           City Manager Macon, City Attorney Cosgrove, Assistant City  
                                  Manager Reilly, Administrative Services Director/City Treasurer  
                                  Cady, Deputy City Clerk Trippy

**III. PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Hatch led the flag salute.

**IV. PRESENTATIONS AND CEREMONIAL MATTERS**

4.1 Employee Retirement – Patrick Foley, Community Services Manager

City Councilmembers and staff thanked Mr. Foley for his years of service to the City.

Mr. Foley provided comments.

Kate Randle, representative from Congresswoman Mimi Walters’ Office, presented a certificate to Mr. Foley.

**V. PUBLIC COMMENT**

Wayne Brown, South Orange County Economic Coalition, announced and discussed the upcoming South Orange County Economic Report.

**VI. CONSENT CALENDAR**

Moved by Councilmember Hack, seconded by Councilmember Horne, and carried unanimously on a 5-0 vote, to approve Consent Calendar Items 6.1 – 6.8.

6.1 City Council Minutes

Approved the City Council meeting minutes for the regular meeting on November 18, 2015.

6.2 City Treasurer's Report

Received and filed the City Treasurer's reports for the month of November 2015.

6.3 Warrant Register

Approved the warrant register dated December 16, 2015 in the amount of \$466,603.05.

6.4 Measure M2 Expenditure Report

Approved a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING AND CONCERNING THE MEASURE M2 EXPENDITURE REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2015.

6.5 Capital Assets and Controlled Equipment Policy

Approved a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING A CAPITAL ASSETS AND CONTROLLED EQUIPMENT POLICY

6.6 Notice of Completion – City Hall Bollard Replacement Project

1. Approved final plans and specifications reflecting completion of the City Hall Bollard Replacement Project, as recommended by the City Engineer.

AND

2. Accepted project completion of the contract agreement with Pacific Builder for the City Hall Bollard Replacement Project.

AND

3. Released the contract retention in the amount of \$1,440 withheld per California

Government Code 35 days following recordation of the Notice of Completion with the County of Orange.

AND

4. Exonerated the project posted bonds 35 days following recordation of the Notice of Completion with the County of Orange.

6.7 Amendment of Household Hazardous Waste, Electronic Waste, and Medical Waste Collection Services Agreement

Approved an amendment of the agreement with WM Curbside for household hazardous waste, electronic waste, and medical waste collection services and authorized the City Manager to execute the amendment, subject to approval as to form by the City Attorney.

6.8 Extension and Amendment of As Needed Planning Services Agreement

Approved an extension and amendment of the agreement with PMC [Pacific Municipal Consultants] for as needed planning services and authorized the City Manager to execute the extension and amendment, subject to approval as to form by the City Attorney.

**VII. PUBLIC HEARINGS**

7.1 Medical Marijuana Cultivation Regulations

Mayor Conners introduced the item.

City Manager Macon summarized the agenda report and made a presentation.

Councilmembers discussed the item and staff answered related questions.

Mayor Conners opened the public hearing.

With there being no requests to speak, the public hearing was closed.

Moved by Councilmember Hack, seconded by Councilmember Moore, and carried unanimously on a 5-0 vote, approve the introduction and first reading of an ordinance – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING SECTION 13.26.026 (COMMERCIAL MEDICAL MARIJUANA CULTIVATION) TO CHAPTER 13.26 (SPECIAL REGULATIONS) OF TITLE 13 (ZONING) OF THE LAGUNA WOODS MUNICIPAL CODE TO REGULATE

COMMERCIAL MEDICAL MARIJUANA CULTIVATION

7.2 Small Residential Rooftop Solar Energy Systems Permitting Fee

Mayor Conners introduced the item.

City Manager Macon summarized the agenda report.

Councilmembers discussed the item and staff answered related questions.

Mayor Conners opened the public hearing.

With there being no requests to speak, the public hearing was closed.

Moved by Councilmember Moore, seconded by Councilmember Horne, and carried unanimously on a 5-0 vote, to approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING A NEW BULIDING FEE FOR EXPEDITED PERMITTING OF SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS AND DIRECTING STAFF TO WAIVE PORTIONS OF THE EXISTING BUILDING FEE

**VIII. CITY COUNCIL BUSINESS**

8.1 Fiscal Year 2014-15 Comprehensive Annual Financial Report

City Manager Macon and Administrative Services Director/City Treasurer Cady introduced the item.

Robert Callanan, White Nelson Diehl Evans, LLP, summarized the Fiscal Year 2014-15 Comprehensive Annual Financial Report (CAFR).

Kathryn Freshly, resident, complimented the City on the CAFR.

Councilmembers discussed the item and staff answered related questions.

Moved by Councilmember Hack, seconded by Councilmember Horne, and carried unanimously on a 5-0 vote, to:

1. Receive and file the comprehensive Annual Financial Report (CAFR) with Report on Audit by Independent Certified Public Accountants for the Year Ended June 30, 2015 (FY 2014-15).

AND



2. Dissolve the Ad Hoc Audit Committee that consists of Mayor Pro Tem Hatch and Councilmember Horne.

8.2 City Council Organization – Office of Mayor

Mayor Conners made remarks.

Moved by Councilmember Hack, seconded by Councilmember Horne, and carried unanimously to appoint Mayor Pro Tem Hatch as Mayor effective immediately through December 2016.

Mayor Hatch made remarks.

8.3 City Council Organization – Office of Mayor Pro Tem

Moved by Councilmember Hack, seconded by Councilmember Moore, and carried unanimously to appoint Councilmember Horne as Mayor Pro Tem effective immediately through December 2016.

Mayor Pro Tem Horne made remarks.

8.4 Investment Policy Review Committee Appointments

Mayor Hatch introduced the item.

Moved by Councilmember Hack, seconded by Councilmember Conners, and carried unanimously to appoint Councilmember Moore and Mayor Pro Tem Horne to serve on a standing Investment Policy Review Committee from January 1, 2016 through December 31, 2016, in accordance with Administrative Policy 2.2 (Investment of Financial Assets).

**IX. CITY COUNCIL REPORTS AND COMMENTS**

9.1 Coastal Greenbelt Authority

Councilmember Conners provided a report.

9.2 Orange County Fire Authority

Mayor Hatch provided a report.

9.3 Orange County Library Advisory Board

Mayor Pro Tem Horne stated that there has been no meeting since their last meeting.

9.4 Orange County Mosquito and Vector Control District

Mayor Pro Tem Horne provided a report.

9.5 San Joaquin Hills Transportation Corridor Agency

Councilmember Hack provided a report.

9.6 South Orange County Watershed Management Area

Councilmember Moore provided a report.

9.7 Other Comments and Reports

Councilmember Hack discussed water issues.

Councilmember Conners encouraged residents to consider purchasing flood insurance in advance of the El Niño. She also noted that freshly cut holiday greens are available from the Laguna Woods Village Landscape Department.

**X. CLOSED SESSION – None**

**XI. CLOSED SESSION REPORT – None**

**XII. ADJOURNMENT**

The meeting was adjourned at 3:38 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday, January 20, 2016 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

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YOLIE TRIPPY, Deputy City Clerk

Adopted: January 20, 2016

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NOEL HATCH, Mayor

**6.2**  
**CITY TREASURER'S REPORT**

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CITY of LAGUNA WOODS

Noel Hatch  
Mayor

January 20, 2016

Shari L. Horne  
Mayor Pro Tem

Cynthia Conners  
Councilmember

Bert Hack  
Councilmember

Carol Moore  
Councilmember

Christopher Macon  
City Manager

**TO:** Honorable Mayor and Councilmembers  
**FROM:** Margaret A. Cady, City Treasurer  
**SUBJECT:** Treasurer's Report: December 31, 2015

Attached is the Treasurer's Report for the month and quarter ended December 31, 2015. The report covers the second quarter of FY 2015-16 (October 1 – December 31, 2015). The information provided includes:

- ◆ Report reflecting \$9,889,684 total Cash on Hand at December 31, 2015, including \$9,693,268 in the City's interest-bearing Local Agency Investment Fund (LAIF) account, \$195,066 in the City's checking account, and \$1,350 in petty cash funds.
- ◆ Copy of the LAIF December 31, 2015 statement. Investment earnings for the period October 1, 2015 through December 31, 2015 have not yet been calculated and posted by the California State Treasurer. Interest will be accrued and deposited to the account in January 2016.

As City Treasurer, I certify that:

- ◆ All investment actions executed since the last report have been made in full compliance with the City of Laguna Woods Investment Policy; and
- ◆ The City of Laguna Woods will meet all expenditure obligations that might reasonably be anticipated for the next twelve months.

  
\_\_\_\_\_  
Margaret A. Cady  
Director of Administrative Services & City Treasurer

**City of Laguna Woods**  
**Treasurer's Report**  
**For the Month and Quarter Ended December 31, 2015**

**CASH ON HAND**

**Investments - Local Agency Investment Fund (LAIF) (Notes 1 and 2)**

1. Investments/General Fund	\$	9,252,860
2. Investments/Special Funds		440,407
3. Interest Earned and Receivable (Note 3)		<u>-</u>
Subtotal Investments	\$	<u>9,693,268</u>

**Other Funds - Interest & Non-Interest Bearing/General & Special**

4. Petty Cash Funds		1,350
5. Analyzed Checking Account		<u>195,066</u>
Subtotal Other Funds	\$	<u>196,416</u>
<hr/>		
<b>TOTAL ALL FUNDS</b>	<b>\$</b>	<b><u>9,889,684</u></b>

**Notes:**

Note 1 - During the month of December 2015, there were no transfers to or from the LAIF account.

Note 2 - During this quarter, as reported in October and November 2015, there were two transfers from the LAIF account to the Bank of America checking account totaling \$450,000 to cover cash flow needs due to timing of revenue receipts.

Note 3 - LAIF reports interest earnings quarterly. Interest earnings for the quarter ended December 31, 2015 have not yet been posted. Earnings will be reported as part of the January 31, 2016 report.

Local Agency Investment Fund  
P.O. Box 942809  
Sacramento, CA 94209-0001  
(916) 653-3001

[www.treasurer.ca.gov/pmia-laif/laif.asp](http://www.treasurer.ca.gov/pmia-laif/laif.asp)  
January 05, 2016

CITY OF LAGUNA WOODS

PMIA Average Monthly Yields

CITY TREASURER  
24264 EL TORO ROAD  
LAGUNA WOODS, CA 92653

Account Number:  
98-30-413

Tran Type Definitions

December 2015 Statement

Account Summary

Total Deposit:	0.00	Beginning Balance:	9,693,267.71
Total Withdrawal:	0.00	Ending Balance:	9,693,267.71

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**6.3**  
**WARRANT REGISTER**

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**CITY OF LAGUNA WOODS  
WARRANT REGISTER  
1/20/2016**

ITEM 6.3

<b>Number</b>	<b>Date</b>	<b>Vendor Name</b>	<b>Description</b>	<b>Amount</b>
<b>Automatic Bank Debits:</b>				
Debit	12/16/2015	ADP PAYROLL SERVICES	Payroll / Pay Period Ended 12/11/2015	\$29,345.82
Debit	12/16/2015	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 12/11/2015	2,678.79
Debit	12/24/2015	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Period Ended 12/11/2015	194.20
Debit	12/20/2015	VANTAGEPOINT TRANSFER AGT- 457	Employee Benefit Program / December 2015	3,632.85
Debit	12/20/2015	PERS SIP - 457 Plan	Employee Benefit Program / December 2015	717.20
Debit	01/04/2016	CALPERS - HEALTH	Employee Benefit Program / January 2016	3,679.70
Debit	12/30/2015	ADP PAYROLL SERVICES	Payroll / Pay Period Ended 12/25/2015	27,639.71
Debit	12/30/2015	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 12/25/2015	2,376.42
Debit	01/04/2016	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Period Ended 12/25/2015	145.97
Debit	1/8/2016	COUNTY OF ORANGE	Law Enforcement Services / January 2016	203,320.03
<b>Warrants:</b>				
117408	12/11/2015	PATRICK FOLEY	Final Payroll / Pay Period Ended 12/11/2015	2,492.16
117409	12/11/2015	PATRICK FOLEY	Final Accrued Leave Compensation	2,317.41
117410	12/09/2015	360 BUSINESS CONSULTING	City Website Design Services / Final Installment	7,500.00
117411	12/09/2015	ALLIED MECHANICAL AIR SYS, INC.	City Hall HVAC Maintenance & Repair / July-September & November 2015	731.00
117412	12/09/2015	AT&T	Telephone / 458-3487 / November 2015	38.44
117413	12/09/2015	AT&T	Telephone / 452-0600 / November 2015	749.37
117414	12/09/2015	AT&T	Telephone / 639-0500 / November 2015	204.07
117415	12/09/2015	AT&T	Telephone / 770-9359 / November 2015	18.51
117416	12/09/2015	MARGARET CADY	Reimbursement / Employee Benefit Program and Travel, League of California Cities Municipal Finance Officers Conference / November & December 2015	777.72
117417	12/09/2015	CALIFORNIA YELLOW CAB	Taxi Voucher Services / November 2015	12,914.00
117418	12/09/2015	CITY CLERKS ASSOCIATION OF CALIFORNIA	Reissued Warrant / FY 2015-16 Annual Membership Dues / Deputy City Clerk	55.00
117419	12/09/2015	DATA TICKET, INC.	Citation Processing / November 2015	2.87
117420	12/09/2015	HINDERLITER DELLAMAS	Sales and Use Tax Consulting Services / 3rd Quarter 2015	1,992.16
117421	12/09/2015	KONICA MINOLTA	Copier Lease / December 2015	483.84
117422	12/09/2015	NIEVES LANDSCAPE, INC.	City Hall Landscape Maintenance / December 2015	325.00
117423	12/09/2015	NUVIS	Design Services / Moulton Median Landscape Project / November 2015	7,055.00
117424	12/09/2015	OFFICE DEPOT	Janitorial Supplies	187.90
117425	12/09/2015	OFFICE TEAM	Temporary Administrative Services / Weeks Ending 11/20/2015 thru 12/4/2015	1,407.28
117426	12/09/2015	ORANGE COUNTY REGISTER	Public Notices / November 2015	108.90
117427	12/09/2015	PACIFIC BUILDER	City Hall Bollard Replacement Project	27,360.00

**CITY OF LAGUNA WOODS  
WARRANT REGISTER  
1/20/2016**

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<b>Number</b>	<b>Date</b>	<b>Vendor Name</b>	<b>Description</b>	<b>Amount</b>
117428	12/09/2015	PACIFIC MUNICIPAL CONSULTANTS	General Plan Comprehensive Update / September-October 2015	31,241.50
117429	12/09/2015	PRACTICAL DATA SOLUTIONS	IT Monthly Services & Additional Support / November 2015	1,709.64
117430	12/09/2015	PRINCIPAL FINANCIAL GROUP	Long-Term Disability Insurance / December 2015	400.57
117431	12/09/2015	REILLY, DOUGLAS C.	Employee Benefit Program / December 2015	109.49
117432	12/09/2015	SOUTHERN CALIFORNIA SHREDDING, INC.	Shredding Event Services / November 2015	800.00
117433	12/09/2015	STAPLES	General Office Supplies	70.41
117434	12/09/2015	SUPPLIESOUTLET.COM	General Office Supplies	84.00
117435	12/09/2015	TEAM ONE MANAGEMENT	City Hall Janitorial Services / November 2015	645.00
117436	12/09/2015	THE GAS COMPANY	City Hall Utilities / November 2015	56.72
117437	12/09/2015	YOLIE TRIPPY	Reimbursement / Notary Recommission Fees	354.01
117438	12/09/2015	WHITE NELSON DIEHL EVANS LLP	Progress Payment, Audit Fees / FY 2014-15	3,845.00
117439	01/06/2016	ANDERSONPENNA PARTNERS, INC.	Code Enforcement & Landscape Inspection Services / November 2015	6,124.75
117440	01/06/2016	AT&T	Telephone / 581-3974 / December 2015	116.01
117441	01/06/2016	AT&T	Telephone / 583-1105 / December 2015	18.51
117442	01/06/2016	AT&T	Telephone / 458-3487 / December 2015	38.44
117443	01/06/2016	AT&T	Telephone / 452-0600 / December 2015	732.18
117444	01/06/2016	AT&T	Telephone / 639-0500 / December 2015	204.07
117445	01/06/2016	AT&T	Telephone / 770-9359 / December 2015	18.51
117446	01/06/2016	AT&T	White Pages / December 2015	4.53
117447	01/06/2016	AUTOMATED GATE SERVICES, INC.	Gate Keypad Repair - Santa Maria & Avenida Sosiega	286.00
117448	01/06/2016	BLUEPRINT TECHNOLOGIES	Telephone System Maintenance	422.50
117449	01/06/2016	BILL BUSS	Cancelled Permit Refund	117.45
117450	01/06/2016	BYWARD CONSTRUCTION, INC.	Waste Diversion Deposit Refund	900.00
117451	01/06/2016	CAA	Water Quality Consulting Services / November 2015	2,386.92
117452	01/06/2016	CALIFORNIA YELLOW CAB	NEMT Taxi Voucher Services / November 2015	7,548.00
117453	01/06/2016	CAPTIONING UNLIMITED	Closed Captioning / 12/16/2015 City Council Meeting	200.00
117454	01/06/2016	OH CHUN	Waste Diversion Deposit Refund	250.00
117455	01/06/2016	CITY OF LAGUNA BEACH	Animal Control & Shelter Services / December 2015	8,156.25
117456	01/06/2016	CIVIL SOURCE	Building Inspection Services / November 2015	31,732.50
117457	01/06/2016	CLEARSOURCE FINANCIAL CONSULTING	Solar Energy System Fee and Fee Collection Review Work	825.00
117458	01/06/2016	CNA	Employee Fringe Benefit Program / January-March 2016	410.36
117459	01/06/2016	COUNTY OF ORANGE	Automated Fingerprint ID System / November-December 2015	881.50
117460	01/06/2016	COUNTY OF ORANGE	National Pollutant Discharge Elimination System Cost-Share / FY 2015-16	27,792.08
117461	01/06/2016	CSG CONSULTANTS, INC.	Plan Check Services / November 2015	3,612.50
117462	01/06/2016	DELTA DENTAL OF CALIFORNIA	Employee Dental Benefits / January 2016	340.61
117463	01/06/2016	MARC DONOHUE	Administrative Services / December 2015	150.00
117464	01/06/2016	EL TORO WATER DISTRICT	Fire Code Requirement - Backflow - City Hall / December 2015	28.00

**CITY OF LAGUNA WOODS  
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<b>Number</b>	<b>Date</b>	<b>Vendor Name</b>	<b>Description</b>	<b>Amount</b>
117465	01/06/2016	EL TORO WATER DISTRICT	City Hall Water & Sewer Services / December 2015	118.30
117466	01/06/2016	GOLDEN TOUCH CLEANING, INC.	Shredding Event Support / November 14, 2015	340.00
117467	01/06/2016	WILLIAM GRIFFIN	Public Safety Consulting Services / September-December 2015	3,016.00
117468	01/06/2016	HOME LIFE CONCEPTS	Waste Diversion Deposit Refund	900.00
117469	01/06/2016	ISLANDER CONSTRUCTION	Cancelled Permit Refund	38.45
117470	01/06/2016	KONE, INC.	City Hall Elevator Maintenance & Repair Services / December 2015	6,835.58
117471	01/06/2016	KONICA MINOLTA BUSINESS	Copier Services / 4th Quarter 2015	283.05
117472	01/06/2016	LILLEY PLANNING GROUP	Building Official Services / November 2015	6,825.00
117473	01/06/2016	MACEACHERN COMPANY	Cancelled Permit Refund	135.45
117474	01/06/2016	MANAGED HEALTH NETWORK	Employee Benefits Program / January 2016	14.63
117475	01/06/2016	MYKATON CONSTRUCTION	Waste Diversion Deposit Refund	500.00
117476	01/06/2016	NIEVES LANDSCAPE, INC.	Right of Way Landscape Maintenance / December 2015	10,725.41
117477	01/06/2016	OFFICE TEAM	Temporary Administrative Services / Week Ending 12/11/2015	402.08
117478	01/06/2016	ORKIN	Pest Control Services / December 2015	105.01
117479	01/06/2016	PACIFIC MUNICIPAL CONSULTANTS	General Plan Comprehensive Update Project / October-November 2015	13,981.50
117480	01/06/2016	PEAK LIGHTING & ELECTRIC, INC.	Residential Streetlight Maintenance / December 2015	682.89
117481	01/06/2016	PRACTICAL DATA SOLUTIONS	IT Services / December 2015	1,300.00
117482	01/06/2016	DAN PRICE	Dog Park Gate Repair Services	75.00
117483	01/06/2016	PRINCIPAL FINANCIAL GROUP	Long-Term Disability Insurance / January 2016	515.98
117484	01/06/2016	PV MAINTENANCE, INC.	Street Maintenance Services / November 2015	10,035.67
117485	01/06/2016	SADDLEBACK WINDOWS AND DOORS	CDBG Energy Efficiency Improvement Program	15,556.00
117486	01/06/2016	SAFE STEP WALK-IN TUB CO.	Cancelled Permit Refund	150.95
117487	01/06/2016	SONITROL	City Hall Fire Monitoring / January 2016	64.38
117488	01/06/2016	SOUTHERN CALIFORNIA EDISON	City Hall Utilities / December 2015	1,197.42
117489	01/06/2016	SOUTHERN CALIFORNIA EDISON	Irrigation Controllers / November 2015	29.32
117490	01/06/2016	SOUTHERN CALIFORNIA EDISON	Residential Streetlights / November 2015	2,017.03
117491	01/06/2016	SOUTHERN CALIFORNIA EDISON	Right of Way / November 2015	2,227.21
117492	01/06/2016	SOUTHERN CALIFORNIA EDISON	Traffic Signal Control / November 2015	1,081.22
117493	01/06/2016	SOUTHERN CALIFORNIA EDISON	Traffic Signal Control / November 2015	367.83
117494	01/06/2016	STAPLES	General Office Supplies	258.26
117495	01/06/2016	THE CALIFORNIA CHANNEL	Channel 31 Programming / Calendar Year 2016	3,056.64
117496	01/06/2016	VISION SERVICE PLAN OF AMERICA	Employee Benefits Program / January 2016	142.99
117497	01/06/2016	WAGE WORKS	Benefit Administration / November 2015	50.00
117498	01/06/2016	WEST COAST REMODELING EXPERTS	Waste Diversion Deposit Refund	250.00
117499	01/06/2016	WM CURBSIDE, LLC	HHW/E-Waste Collections & Sharps Program / November 2015	1,715.90
117500	01/06/2016	H YANG LI	Waste Diversion Deposit Refund	250.00
<b>Total Warrants:</b>				<b><u>\$558,309.48</u></b>

CITY OF LAGUNA WOODS  
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Number	Date	Vendor Name	Description	Amount
<b>Credit Card Statement Detail / November 6 - December 5, 2015</b>				
		Orange County Register	Bi-Monthly Online Access Fee	72.00
		Home Depot	CDBG Energy Efficiency Improvement Program Materials	2,798.52
		FedEx	Delivery Charge	22.91
			<b>Total Credit Cards:</b>	<u><u>\$2,893.43</u></u>

**6.4**  
**OTHER POST-EMPLOYMENT BENEFITS (OPEB)**  
**TRUST**

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**RESOLUTION NO. 16-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING AN AGREEMENT AND ELECTION TO PREFUND OTHER POST-EMPLOYMENT BENEFITS THROUGH THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) USING AN INTERNAL REVENUE CODE SECTION 115 IRREVOCABLE TRUST AND AUTHORIZING THE EXECUTION OF THE AGREEMENT AND ELECTION, AS WELL AS OTHER RELATED DOCUMENTS AND CERTIFICATIONS

**WHEREAS**, the City of Laguna Woods (“City”) provides a retiree medical benefit to qualifying retirees at the statutory minimum level; and

**WHEREAS**, such non-pension medical benefits for retirees are commonly known as other post-employment benefits (“OPEB”); and

**WHEREAS**, the City has historically paid its OPEB expenses using a “pay-as-you-go” method, rather than prefunding; and

**WHEREAS**, the City desires to reduce its unfunded OPEB liability; and

**WHEREAS**, California Government Code Section 22940 establishes in the State Treasury the Annuitants’ Health Care Coverage Fund for the prefunding of health care coverage for annuitants (“Prefunding Plan”); and

**WHEREAS**, the California Public Employees' Retirement System’s (“CalPERS”) Board of Administration (“Board”) has sole and exclusive control and power over the administration and investment of the Prefunding Plan (sometimes also referred to as “CERBT”), the purposes of which include, but are not limited to (i) receiving contributions from participating employers and establishing separate Employer Prefunding Accounts in the Prefunding Plan for the performance of an essential governmental function, (ii) investing contributed amounts and income thereon, if any, in order to receive yield on the funds, and (iii) disbursing contributed amounts and income thereon, if any, to pay for costs of administration of the Prefunding Plan and to pay for health care costs or other post-employment benefits in accordance with the terms of participating employers' plans; and

**WHEREAS**, the City desires to participate in the Prefunding Plan upon the terms and conditions set by the CalPERS Board and as set forth in the Agreement

and Election of the City of Laguna Woods to Prefund Other Post-Employment Benefits through CalPERS (“Agreement”), attached hereto as Exhibit A; and

**WHEREAS**, the City, as an employer, may participate in the Prefunding Plan upon (i) approval by the CalPERS Board and (ii) filing a duly adopted and executed Agreement as provided in the terms and conditions of the Agreement; and

**WHEREAS**, The Prefunding Plan is a trust fund that is intended to perform an essential governmental function within the meaning of Section 115 of the Internal Revenue Code as an agent multiple-employer plan as defined in Governmental Accounting Standards Board (GASB) Statement No. 43 consisting of an aggregation of single-employer plans with pooled administrative and investment functions.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** The City Council hereby elects to participate in the Prefunding Plan and approves the Agreement and Election of the City of Laguna Woods to Prefund Other Post-Employment Benefits through CalPERS (“Agreement”), attached hereto as Exhibit A, and authorizes the Mayor to execute the Agreement, subject to approval as to form by the City Attorney.

**SECTION 2.** The City Council hereby chooses to utilize Prefunding Plan Asset Allocation Strategy: Strategy 3.

**SECTION 3.** The City Council hereby directs the Administrative Services Director/City Treasurer to file a true and correct original or certified copy of the Agreement with CalPERS and further authorizes the City Manager and the Administrative Services Director/City Treasurer to take any additional actions necessary to follow the procedures and processes established by CalPERS to administer the Prefunding Plan, carry out the purposes of the Agreement, and maintain the tax-exempt status of the Prefunding Plan, including executing other related documents and certifications as may be necessary or advantageous.

**SECTION 4.** The Deputy City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2016.

\_\_\_\_\_  
NOEL HATCH, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

STATE OF CALIFORNIA     )  
COUNTY OF ORANGE     ) ss.  
CITY OF LAGUNA WOODS   )

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do  
HEREBY CERTIFY that the foregoing **Resolution No. 16-XX** was duly adopted by  
the City Council of the City of Laguna Woods at a regular meeting thereof, held on  
the XX day of XX 2016, by the following vote:

AYES:           COUNCILMEMBERS:  
NOES:           COUNCILMEMBERS:  
ABSENT:        COUNCILMEMBERS:

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

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**CALIFORNIA EMPLOYERS' RETIREE BENEFIT TRUST PROGRAM ("CERBT")**

**AGREEMENT AND ELECTION  
OF**

**CITY OF LAGUNA WOODS**

---

(NAME OF EMPLOYER)

**TO PREFUND OTHER POST EMPLOYMENT  
BENEFITS THROUGH CaIPERS**

WHEREAS (1) Government Code Section 22940 establishes in the State Treasury the Annuitants' Health Care Coverage Fund for the prefunding of health care coverage for annuitants (Prefunding Plan); and

WHEREAS (2) The California Public Employees' Retirement System (CalPERS) Board of Administration (Board) has sole and exclusive control and power over the administration and investment of the Prefunding Plan (sometimes also referred to as CERBT), the purposes of which include, but are not limited to (i) receiving contributions from participating employers and establishing separate Employer Prefunding Accounts in the Prefunding Plan for the performance of an essential governmental function (ii) investing contributed amounts and income thereon, if any, in order to receive yield on the funds and (iii) disbursing contributed amounts and income thereon, if any, to pay for costs of administration of the Prefunding Plan and to pay for health care costs or other post employment benefits in accordance with the terms of participating employers' plans; and

WHEREAS (3) CITY OF LAGUNA WOODS  
(NAME OF EMPLOYER)

(Employer) desires to participate in the Prefunding Plan upon the terms and conditions set by the Board and as set forth herein; and

WHEREAS (4) Employer may participate in the Prefunding Plan upon (i) approval by the Board and (ii) filing a duly adopted and executed Agreement and Election to Prefund Other Post Employment Benefits (Agreement) as provided in the terms and conditions of the Agreement; and

WHEREAS (5) The Prefunding Plan is a trust fund that is intended to perform an essential governmental function within the meaning of Section 115 of the Internal Revenue Code as an agent multiple-employer plan as defined in Governmental Accounting Standards Board (GASB) Statement No. 43 consisting of an aggregation of single-employer plans, with pooled administrative and investment functions;

NOW, THEREFORE, BE IT RESOLVED THAT EMPLOYER HEREBY MAKES THE FOLLOWING REPRESENTATION AND WARRANTY AND THAT THE BOARD AND EMPLOYER AGREE TO THE FOLLOWING TERMS AND CONDITIONS:

A. Representation and Warranty

Employer represents and warrants that it is a political subdivision of the State of California or an entity whose income is excluded from gross income under Section 115 (1) of the Internal Revenue Code.

B. Adoption and Approval of the Agreement; Effective Date; Amendment

(1) Employer's governing body shall elect to participate in the Prefunding Plan by adopting this Agreement and filing with the CalPERS Board a true and correct original or certified copy of this Agreement as follows:

Filing by mail, send to:        CalPERS  
    Affiliate Program Services Division  
    CERBT (OPEB)  
    P.O. Box 1494  
    Sacramento, CA 95812-1494

Filing in person, deliver to:  
    CalPERS Mailroom  
    Affiliate Program Services Division  
    CERBT (OPEB)  
    400 Q Street  
    Sacramento, CA 95811

(2) Upon receipt of the executed Agreement, and after approval by the Board, the Board shall fix an effective date and shall promptly notify Employer of the effective date of the Agreement.

(3) The terms of this Agreement may be amended only in writing upon the agreement of both CalPERS and Employer, except as otherwise provided herein. Any such amendment or modification to this Agreement shall be adopted and executed in the same manner as required for the Agreement. Upon receipt of the executed amendment or modification, the Board shall fix the effective date of the amendment or modification.

(4) The Board shall institute such procedures and processes as it deems necessary to administer the Prefunding Plan, to carry out the purposes of this Agreement, and to maintain the tax exempt status of the Prefunding Plan. Employer agrees to follow such procedures and processes.

### C. Other Post Employment Benefits (OPEB) Cost Reports and Employer Contributions

(1) Employer shall provide to the Board an OPEB cost report on the basis of the actuarial assumptions and methods prescribed by the Board. Such report shall be for the Board's use in financial reporting, and shall be prepared at least as often as the minimum frequency required by GASB 43. This OPEB cost report may be prepared as an actuarial valuation report or, if the employer is qualified under GASB 45 and 57, may be prepared as an Alternative Measurement Method (AMM) report.

- (a) Unless qualified under GASB 45 and 57 to provide an AMM report, Employer shall provide to the Board an actuarial valuation report. Such report shall be for the Board's use in financial reporting, and shall be prepared at least as often as the minimum frequency required by GASB 43 and 57, and shall be:
  - 1) prepared and signed by a Fellow or Associate of the Society of Actuaries who is also a Member of the American Academy of Actuaries or a person with equivalent qualifications acceptable to the Board;
  - 2) prepared in accordance with generally accepted actuarial practice and GASB 43, 45 and 57; and,
  - 3) provided to the Board prior to the Board's acceptance of contributions for the valuation period or as otherwise required by the Board.
  
- (b) If qualified under GASB 45 and 57, Employer may provide to the Board an AMM report. Such report shall be for the Board's use in financial reporting, shall be prepared at least as often as the minimum frequency required by GASB 43 and 57, and shall be:
  - 1) affirmed by Employer's external auditor, or by a Fellow or Associate of the Society of Actuaries who is also a Member of the American Academy of Actuaries or a person with equivalent qualifications acceptable to the Board, to be consistent with the AMM process described in GASB 45;
  - 2) prepared in accordance with GASB 43, 45, and 57; and,
  - 3) provided to the Board prior to the Board's acceptance of contributions for the valuation period or as otherwise required by the Board.

(2) The Board may reject any OPEB cost report submitted to it, but shall not unreasonably do so. In the event that the Board determines, in its sole discretion, that the OPEB cost report is not suitable for use in the Board's financial statements or if Employer fails to provide a required OPEB cost report, the Board may obtain, at

Employer's expense, an OPEB cost report that meets the Board's financial reporting needs. The Board may recover from Employer the cost of obtaining such OPEB cost report by billing and collecting from Employer or by deducting the amount from Employer's account in the Prefunding Plan.

(3) Employer shall notify the Board of the amount and time of contributions which contributions shall be made in the manner established by the Board.

(4) Employer contributions to the Prefunding Plan may be limited to the amount necessary to fully fund Employer's actuarial present value of total projected benefits, as supported by the OPEB cost report acceptable to the Board. As used throughout this document, the meaning of the term "actuarial present value of total projected benefits" is as defined in GASB Statement No. 45. If Employer's contribution causes its assets in the Prefunding Plan to exceed the amount required to fully fund the actuarial present value of total projected benefits, the Board may refuse to accept the contribution.

(5) No contributions are required. If an employer elects to contribute then the contribution amount should not be less than \$5000 or the employer's annual required contribution (ARC), whichever amount is lower. Contributions can be made at any time following the seventh day after the effective date of the Agreement provided that Employer has first complied with the requirements of Paragraph C.

#### D. Administration of Accounts, Investments, Allocation of Income

(1) The Board has established the Prefunding Plan as an agent plan consisting of an aggregation of single-employer plans, with pooled administrative and investment functions, under the terms of which separate accounts will be maintained for each employer so that Employer's assets will provide benefits only under employer's plan.

(2) All Employer contributions and assets attributable to Employer contributions shall be separately accounted for in the Prefunding Plan (Employer's Prefunding Account).

(3) Employer's Prefunding Account assets may be aggregated with prefunding account assets of other employers and may be co-invested by the Board in any asset classes appropriate for a Section 115 Trust.

(4) The Board may deduct the costs of administration of the Prefunding Plan from the investment income or Employer's Prefunding Account in a manner determined by the Board.

(5) Investment income shall be allocated among employers and posted to Employer's Prefunding Account as determined by the Board but no less frequently than annually.

(6) If Employer's assets in the Prefunding Plan exceed the amount required to fully fund the actuarial present value of total projected benefits, the Board, in compliance with applicable accounting and legal requirements, may return such excess to Employer.



## E. Reports and Statements

- (1) Employer shall submit with each contribution a contribution report in the form and containing the information prescribed by the Board.
- (2) The Board shall prepare and provide a statement of Employer's Prefunding Account at least annually reflecting the balance in Employer's Prefunding Account, contributions made during the period and income allocated during the period, and such other information as the Board determines.

## F. Disbursements

- (1) Employer may receive disbursements not to exceed the annual premium and other costs of post employment healthcare benefits and other post employment benefits as defined in GASB 43.
- (2) Employer shall notify CalPERS in writing in the manner specified by CalPERS of the persons authorized to request disbursements from the Prefunding Plan on behalf of Employer.
- (3) Employer's request for disbursement shall be in writing signed by Employer's authorized representative, in accordance with procedures established by the Board. The Board may require that Employer certify or otherwise establish that the monies will be used for the purposes of the Prefunding Plan.
- (4) Requests for disbursements that satisfy the requirements of paragraphs (2) and (3) will be processed monthly.
- (5) CalPERS shall not be liable for amounts disbursed in error if it has acted upon the written instruction of an individual authorized by Employer to request disbursements. In the event of any other erroneous disbursement, the extent of CalPERS' liability shall be the actual dollar amount of the disbursement, plus interest at the actual earnings rate but not less than zero.
- (6) No disbursement shall be made from the Prefunding Plan which exceeds the balance in Employer's Prefunding Account.

## G. Costs of Administration

Employer shall pay its share of the costs of administration of the Prefunding Plan, as determined by the Board.

## H. Termination of Employer Participation in Prefunding Plan

- (1) The Board may terminate Employer's participation in the Prefunding Plan if:

- (a) Employer gives written notice to the Board of its election to terminate;
- (b) The Board finds that Employer fails to satisfy the terms and conditions of this Agreement or of the Board's rules or regulations.

(2) If Employer's participation in the Prefunding Plan terminates for any of the foregoing reasons, all assets in Employer's Prefunding Account shall remain in the Prefunding Plan, except as otherwise provided below, and shall continue to be invested and accrue income as provided in Paragraph D.

(3) After Employer's participation in the Prefunding Plan terminates, Employer may not make contributions to the Prefunding Plan.

(4) After Employer's participation in the Prefunding Plan terminates, disbursements from Employer's Prefunding Account may continue upon Employer's instruction or otherwise in accordance with the terms of this Agreement.

(5) After the Employer's participation in the Prefunding Plan terminates, the governing body of the Employer may request either:

- (a) A trustee to trustee transfer of the assets in Employer's Prefunding Account; provided that the Board shall have no obligation to make such transfer unless the Board determines that the transfer will satisfy applicable requirements of the Internal Revenue Code, other law and accounting standards, and the Board's fiduciary duties. If the Board determines that the transfer will satisfy these requirements, the Board shall then have one hundred fifty (150) days from the date of such determination to effect the transfer. The amount to be transferred shall be the amount in the Employer's Prefunding Account as of the date of the transfer (the "transfer date") and shall include investment earnings up to an investment earnings allocation date preceding the transfer date. In no event shall the investment earnings allocation date precede the transfer date by more than 150 days.
- (b) A disbursement of the assets in Employer's Prefunding Account; provided that the Board shall have no obligation to make such disbursement unless the Board determines that, in compliance with the Internal Revenue Code, other law and accounting standards, and the Board's fiduciary duties, all of Employer's obligations for payment of post-employment health care benefits and other post-employment benefits and reasonable administrative costs of the Board have been satisfied. If the Board determines that the disbursement will satisfy these requirements, the Board shall then have one hundred fifty (150) days from the date of such determination to effect the disbursement. The amount to be disbursed shall be the amount in the Employer's Prefunding Account as of the date of the disbursement (the "disbursement date") and shall include investment earnings up to an investment earnings allocation date

preceding the disbursement date. In no event shall the investment earnings allocation date precede the disbursement date by more than 150 days.

(6) After Employer's participation in the Prefunding Plan terminates and at such time that no assets remain in Employer's Prefunding Account, this Agreement shall terminate.

(7) If, for any reason, the Board terminates the Prefunding Plan, the assets in Employer's Prefunding Account shall be paid to Employer after retention of (i) amounts sufficient to pay post employment health care benefits and other post employment benefits to annuitants for current and future annuitants described by the employer's current substantive plan (as defined in GASB 43), and (ii) amounts sufficient to pay reasonable administrative costs of the Board.

(8) If Employer ceases to exist but Employer's Prefunding Plan continues to exist and if no provision has been made by Employer for ongoing payments to pay post employment health care benefits and other post employment benefits to annuitants for current and future annuitants, the Board is authorized to and shall appoint a third party administrator to carry out Employer's Prefunding Plan. Any and all costs associated with such appointment shall be paid from the assets attributable to contributions by Employer.

(9) If Employer should breach the representation and warranty set forth in Paragraph A., the Board shall take whatever action it deems necessary to preserve the tax-exempt status of the Prefunding Plan.

## I. General Provisions

### (1) Books and Records.

Employer shall keep accurate books and records connected with the performance of this Agreement. Employer shall ensure that books and records of subcontractors, suppliers, and other providers shall also be accurately maintained. Such books and records shall be kept in a secure location at the Employer's office(s) and shall be available for inspection and copying by CalPERS and its representatives.

### (2) Audit.

(a) During and for three years after the term of this Agreement, Employer shall permit the Bureau of State Audits, CalPERS, and its authorized representatives, and such consultants and specialists as needed, at all reasonable times during normal business hours to inspect and copy, at the expense of CalPERS, books and records of Employer relating to its performance of this Agreement.

(b) Employer shall be subject to examination and audit by the Bureau of State Audits, CalPERS, and its authorized representatives, and such

consultants and specialists as needed, during the term of this Agreement and for three years after final payment under this Agreement. Any examination or audit shall be confined to those matters connected with the performance of this Agreement, including, but not limited to, the costs of administering this Agreement. Employer shall cooperate fully with the Bureau of State Audits, CalPERS, and its authorized representatives, and such consultants and specialists as needed, in connection with any examination or audit. All adjustments, payments, and/or reimbursements determined to be necessary by any examination or audit shall be made promptly by the appropriate party.

(3) Notice.

- (a) Any notice, approval, or other communication required or permitted under this Agreement will be given in the English language and will be deemed received as follows:
1. Personal delivery. When personally delivered to the recipient. Notice is effective on delivery.
  2. First Class Mail. When mailed first class to the last address of the recipient known to the party giving notice. Notice is effective three delivery days after deposit in a United States Postal Service office or mailbox.
  3. Certified mail. When mailed certified mail, return receipt requested. Notice is effective on receipt, if delivery is confirmed by a return receipt.
  4. Overnight Delivery. When delivered by an overnight delivery service, charges prepaid or charged to the sender's account, Notice is effective on delivery, if delivery is confirmed by the delivery service.
  5. Telex or Facsimile Transmission. When sent by telex or fax to the last telex or fax number of the recipient known to the party giving notice. Notice is effective on receipt, provided that (i) a duplicate copy of the notice is promptly given by first-class or certified mail or by overnight delivery, or (ii) the receiving party delivers a written confirmation of receipt. Any notice given by telex or fax shall be deemed received on the next business day if it is received after 5:00 p.m. (recipient's time) or on a nonbusiness day.
  6. E-mail transmission. When sent by e-mail using software that provides unmodifiable proof (i) that the message was sent, (ii) that the message was delivered to the recipient's information processing system, and (iii) of the time and date the message was delivered to

the recipient along with a verifiable electronic record of the exact content of the message sent.

Addresses for the purpose of giving notice are as shown in Paragraph B.(1) of this Agreement.

- (b) Any correctly addressed notice that is refused, unclaimed, or undeliverable because of an act or omission of the party to be notified shall be deemed effective as of the first date that said notice was refused, unclaimed, or deemed undeliverable by the postal authorities, messenger or overnight delivery service.
- (c) Any party may change its address, telex, fax number, or e-mail address by giving the other party notice of the change in any manner permitted by this Agreement.
- (d) All notices, requests, demands, amendments, modifications or other communications under this Agreement shall be in writing. Notice shall be sufficient for all such purposes if personally delivered, sent by first class, registered or certified mail, return receipt requested, delivery by courier with receipt of delivery, facsimile transmission with written confirmation of receipt by recipient, or e-mail delivery with verifiable and unmodifiable proof of content and time and date of sending by sender and delivery to recipient. Notice is effective on confirmed receipt by recipient or 3 business days after sending, whichever is sooner.

#### (4) Modification

This Agreement may be supplemented, amended, or modified only by the mutual agreement of the parties. No supplement, amendment, or modification of this Agreement shall be binding unless it is in writing and signed by the party to be charged.

#### (5) Survival

All representations, warranties, and covenants contained in this Agreement, or in any instrument, certificate, exhibit, or other writing intended by the parties to be a part of their Agreement shall survive the termination of this Agreement until such time as all amounts in Employer's Prefunding Account have been disbursed.

#### (6) Waiver

No waiver of a breach, failure of any condition, or any right or remedy contained in or granted by the provisions of this Agreement shall be effective unless it is in writing and signed by the party waiving the breach, failure, right, or remedy. No waiver of any breach, failure, right, or remedy shall be deemed a waiver of any other breach, failure, right, or remedy, whether or not similar, nor shall any waiver constitute a continuing waiver unless the writing so specifies.

(7) Necessary Acts, Further Assurances

The parties shall at their own cost and expense execute and deliver such further documents and instruments and shall take such other actions as may be reasonably required or appropriate to evidence or carry out the intent and purposes of this Agreement.

A majority vote of Employer's Governing Body at a public meeting held on the \_\_\_\_\_ day of the month of \_\_\_\_\_ in the year \_\_\_\_\_, authorized entering into this Agreement.

Signature of the Presiding Officer: \_\_\_\_\_

Printed Name of the Presiding Officer: \_\_\_\_\_

Name of Governing Body: \_\_\_\_\_

Name of Employer: \_\_\_\_\_

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

BOARD OF ADMINISTRATION  
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY \_\_\_\_\_  
JOHN SWEDENSKY  
AFFILIATE PROGRAM SERVICES DIVISION  
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

To be completed by CalPERS The effective date of this Agreement is: _____
--

**RESOLUTION NO. 16-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, DELEGATING AUTHORITY TO REQUEST DISBURSEMENTS FROM THE INTERNAL REVENUE CODE SECTION 115 IRREVOCABLE TRUST USED TO PREFUND OTHER POST-EMPLOYMENT BENEFITS THROUGH THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS)

**WHEREAS**, California Government Code Section 22940 establishes in the State Treasury the Annuitants' Health Care Coverage Fund for the prefunding of health care coverage for annuitants ("Prefunding Plan"); and

**WHEREAS**, the California Public Employees' Retirement System's ("CalPERS") Board of Administration ("Board") has sole and exclusive control and power over the administration and investment of the Prefunding Plan; and

**WHEREAS**, the City desires to participate in the Prefunding Plan upon the terms and conditions set by the CalPERS Board and as set forth in the Agreement and Election of the City of Laguna Woods to Prefund Other Post-Employment Benefits through CalPERS ("Agreement"); and

**WHEREAS**, the purposes of the Prefunding Plan include disbursing contributed amounts and income thereon, if any, to pay for other post-employment benefits in accordance with the terms of participating employers' plans; and

**WHEREAS**, CalPERS' Delegation of Authority to Request Disbursements, attached hereto as Exhibit A, is used to formalize the method by which participating employers request disbursements from the Prefunding Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

**SECTION 1.** The City Council hereby delegates to the City Manager and the Administrative Services Director/City Treasurer authority to request on behalf of the City disbursements from the Prefunding Plan and to certify as to the purpose for which the disbursed funds will be used.

**SECTION 2.** The City Council hereby authorizes the Mayor to execute CalPERS’ Delegation of Authority to Request Disbursements, attached hereto as Exhibit A, and further authorizes the Administrative Services Director/City Treasurer to file a true and correct original or certified copy of the Delegation of Authority to Request Disbursements with CalPERS.

**SECTION 3.** The Deputy City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2016.

\_\_\_\_\_  
NOEL HATCH, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

STATE OF CALIFORNIA     )  
COUNTY OF ORANGE     ) ss.  
CITY OF LAGUNA WOODS   )

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 16-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2016, by the following vote:

AYES:           COUNCILMEMBERS:  
NOES:           COUNCILMEMBERS:  
ABSENT:        COUNCILMEMBERS:

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk





**DELEGATION OF AUTHORITY  
TO REQUEST DISBURSEMENTS**

**RESOLUTION  
OF THE**

CITY COUNCIL  
(GOVERNING BODY)

**OF THE**

CITY OF LAGUNA WOODS  
(NAME OF EMPLOYER)

The City Council of the City of Laguna Woods delegates to the incumbents  
(GOVERNING BODY)

in the positions of City Manager and  
(TITLE)

Administrative Services Director/City Treasurer and/or  
(TITLE)

N/A authority to request on  
(TITLE)

behalf of the Employer disbursements from the Other Post Employment Prefunding  
Plan and to certify as to the purpose for which the disbursed funds will be used.

By \_\_\_\_\_

Title \_\_\_\_\_

Witness \_\_\_\_\_

Date \_\_\_\_\_

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**6.5**  
**CALRECYCLE PAYMENT PROGRAMS**  
**AUTHORIZATIONS**

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**RESOLUTION NO. 16-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ESTABLISHING AUTHORIZATIONS RELATED TO THE APPLICATION FOR AND ADMINISTRATION OF CALIFORNIA DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE) PAYMENT PROGRAMS

**WHEREAS**, pursuant to California Public Resource Code Section 48000 *et seq.*, the California Department of Resources Recycling and Recovery (CalRecycle) has established various payment programs to make payments to qualifying jurisdictions; and

**WHEREAS**, in furtherance of its authority, CalRecycle is required to establish procedures governing the administration of the payment programs; and

**WHEREAS**, CalRecycle's procedures for administering payment programs require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of the payment programs.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

**SECTION 1.** That the City of Laguna Woods is authorized to submit applications to CalRecycle for any and all payment programs offered.

**SECTION 2.** That the City Manager or his or her designee is hereby authorized as Signature Authority to execute all documents necessary to implement and secure payments from CalRecycle payment programs.

**SECTION 3.** That the authorizations established by this Resolution are effective until rescinded by the City Council or the Signature Authority.

**SECTION 4.** The Deputy City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2016.

\_\_\_\_\_  
NOEL HATCH, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

STATE OF CALIFORNIA        )  
COUNTY OF ORANGE         ) ss.  
CITY OF LAGUNA WOODS     )

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do  
HEREBY CERTIFY that the foregoing **Resolution No. 16-XX** was duly adopted  
by the City Council of the City of Laguna Woods at a regular meeting thereof, held  
on the XX day of XX 2016, by the following vote:

AYES:        COUNCILMEMBERS:  
NOES:        COUNCILMEMBERS:  
ABSENT:     COUNCILMEMBERS:

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

6.6

**ENERGY EFFICIENCY IMPROVEMENT  
PROJECT: INSTALLATION OR REPLACEMENT  
OF HEAT PUMP UNITS FY 2015-2016  
THROUGH FY 2017-18  
(NO REPORT)**

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**7.1**  
**AMENDMENT OF VALENCIA CENTER SIGN**  
**PROGRAM**

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# City of Laguna Woods Agenda Report

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Christopher Macon, City Manager  
**FOR:** January 20, 2016 Regular Meeting  
**SUBJECT:** Amendment of Valencia Center Sign Program

---

## **Recommendation**

1. Receive staff report.  

AND
2. Open public hearing.  

AND
3. Receive public testimony.  

AND
4. Close public hearing.  

AND
5. Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING AN AMENDMENT OF THE SIGN PROGRAM FOR THE VALENCIA CENTER LOCATED AT PASEO DE VALENCIA AND EL TORO ROAD, LAGUNA WOODS, CALIFORNIA 92637 RELATED TO THE MAJOR TENANT SPACE

LOCATED AT 24165 PASEO DE VALENCIA, LAGUNA WOODS,  
CALIFORNIA 92637

### **Background**

The City has received an application from Jakosky Properties to amend the existing sign program for the main building in the Valencia Center to allow for an increase in the amount and permitted locations of wall signage for Mother's Market and successor major tenants located in the space currently occupied by Mother's Market at 24165 Paseo De Valencia, Laguna Woods, CA 92637. The existing sign program was initially approved by the City in December 2002.

Project Location: Valencia Center  
Paseo de Valencia & El Toro Road  
Laguna Woods, CA 92637

*Table 1: Surrounding General Plan Land Use Designations and Uses*

<u>Direction</u>	<u>General Plan Land Use Designation</u>	<u>Uses</u>
North	Commercial / Residential Community	Chase Bank / Laguna Woods Village
South	Commercial / High Density Residential	Well Fargo Bank / San Sebastian
East	N/A – City of Laguna Hills	76 Gas Station, Taj Mahal Medical Center, Union Bank
West	Residential Community	Laguna Woods Village

*Table 2: Surrounding Zoning Districts and Uses*

<u>Direction</u>	<u>Zoning District</u>	<u>Uses</u>
North	Neighborhood Commercial / Residential Community	Chase Bank / Laguna Woods Village
South	Community Commercial / Residential Multifamily	Well Fargo Bank / San Sebastian
East	N/A – City of Laguna Hills	76 Gas Station, Taj Mahal Medical Center, Union Bank
West	Residential Community	Laguna Woods Village

The project location is zoned as Community Commercial, which designates areas to “provide for the development and preservation of high intensity commercial uses which serve the local community and regional area and are compatible with surrounding residential uses” (Laguna Woods Municipal Code Section 13.10.010).

Sign programs are intended to “provide incentive and latitude to achieve effectiveness, attractive appearance, compatible design and variety in permanent signage” (Laguna Woods Municipal Code Section 13.20.160). The City Council is responsible for approving or denying sign programs and subsequent amendments, subject to certain minimum findings set forth in Laguna Woods Municipal Code.

### **Discussion**

Today’s meeting is an opportunity for City Council discussion and action, as well as public testimony, regarding a potential amendment of the sign program for the Valencia Center related to the major tenant space currently occupied by Mother’s Market. Staff recommends City Council approval as set forth in Attachment A.

Mother’s Market recently expanded into approximately 5,000 square feet of space formerly occupied by CVS/pharmacy. CVS/pharmacy remains open, but operates within a smaller footprint. An amendment of the applicable sign program has been requested in order to increase Mother’s Market’s visibility both within the Valencia Center and from Paseo de Valencia and other surrounding areas.

In total, an additional 64.17 square feet of signage in two new locations is proposed as shown on Exhibit A to Attachment A. If approved, the permitted wall signage for the space currently occupied by Mother’s Market would increase from a total of 95.33 to 159.50 square feet. The permitted number of signs would increase from one to three. All signage would continue to be located on the same elevation. The existing sign program allows for a total of 150 square feet of wall signage in one location. Absent a sign program, the Laguna Woods Municipal Code would limit wall signage to 150 square feet per building frontage.

While signage copy could change in the future (subject to the design and sizing standards set forth in the sign program), if the sign program is amended, two new wall signs would be installed; one would include Mother’s Market’s logo and one would include the text “Fresh • Organic • Delicious,” separated by small, heart-like symbols (see Exhibit A to Attachment A for additional detail and visualizations). Both would be internally illuminated by light emitting diodes (LED).

Façade improvements and painting would also occur to achieve visual balance and enhance aesthetic appeal. Both of the tile inlay areas located on either side of the CVS/pharmacy sign would be filled and painted to match the existing building.

### **Environmental Review**

The amendment of a sign program is not a project under the requirements of the California Environmental Quality Act (CEQA), pursuant to sections 15061(b)(3) and 15311(a) of the CEQA Guidelines.

### **Fiscal Impact**

The City's costs related to this project are recovered from the applicant.

Report Prepared With: Douglas C. Reilly, Assistant City Manager

Attachments: A – Proposed Resolution with Conditions of Approval  
Exhibit A – Proposed Sign Program Amendment

**RESOLUTION NO. 16-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING AN AMENDMENT OF THE SIGN PROGRAM FOR THE VALENCIA CENTER LOCATED AT PASEO DE VALENCIA AND EL TORO ROAD, LAGUNA WOODS, CALIFORNIA 92637 RELATED TO THE MAJOR TENANT SPACE LOCATED AT 24165 PASEO DE VALENCIA, LAGUNA WOODS, CALIFORNIA 92637

**WHEREAS**, the proposed project is an amendment of the sign program for the Valencia Center located at Paseo De Valencia and El Toro Road, Laguna Woods, CA 92637 (applicant: Jakosky Properties), which was initially approved by the City in December 2002; and

**WHEREAS**, the proposed project is specifically related to the main building in the Valencia Center and would allow for an increase in the amount and permitted locations of wall signage for Mother’s Market and successor major tenants located in the space currently occupied by Mother’s Market at 24165 Paseo De Valencia, Laguna Woods, CA 92637; and

**WHEREAS**, the proposed project is not a project under the requirements of the California Environmental Quality Act (CEQA), pursuant to sections 15061(b)(3) and 15311(a) of the CEQA Guidelines; and

**WHEREAS**, a duly noticed public hearing on the proposed project was held by the City Council on January 20, 2016; and

**WHEREAS**, the City Council has considered information presented by City staff and interested parties at a public hearing held on January 20, 2016, and in written documents and reports.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** The City Council finds and determines that (i) the proposed signs are well-designed, consistent with any design criteria otherwise applicable to the sign property, compatible with community character and harmonious with surrounding properties, buildings, and streetscapes; (ii) the proposed signs are clear and legible in the circumstances in which they are seen, including for purposes of

promoting awareness of local businesses and activities; (iii) the proposed signs are appropriate to the type of business or activity to which they pertain; and, (iv) the proposed signs are displayed in a manner that does not harm public health, safety and welfare.

**SECTION 2.** Based on the information presented by the applicant, public testimony at the public hearing, and staff report analysis, the City Council approves the proposed project, subject to the following conditions:

1. This approval amends the sign program for the Valencia Center, which was initially approved by the City in December 2002, only in the manner shown on Exhibit A attached hereto. All other portions and provisions of the sign program shall remain in full force and effect.
2. The applicant, or applicant's successor in interest, shall abide by and faithfully comply with any and all conditions of this project and any and all conditions of the sign program for which this project is approved. Failure to comply with any and all conditions of this project or the sign program constitutes grounds for revocation of said sign program by the City Council.
3. The applicant, or applicant's successor in interest, shall indemnify, defend and hold harmless the City and its respective elected and appointed boards, officials, officers, agents, employees and volunteers (individually and collectively, "Indemnitees") from and against, any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorneys' fees and disbursements (collectively "Claims"), which Indemnitees may suffer or incur or to which Indemnitees may become subject by reason of or arising out of the City's approval of the subject application. If any action or proceeding is brought against Indemnitees by reason of or arising out of the City's approval of the subject application, the applicant, upon notice from the City, shall either defend Indemnitees at the applicant's expense by counsel acceptable to the City, such acceptance not to be unreasonably withheld, or shall advance funds to pay for defense of the matter by the City Attorney or special counsel approved by the City Council.
4. In the event that a legal challenge to this approval is successful, and an award of attorney fees and/or damages is made to the challenger, the applicant, or applicant's successor in interest, shall be responsible to pay the full amount of such an award.



5. This project is only approved for the location as described in the application and shall not be transferable from one location to another.
6. Actions authorized by this approval shall constitute the applicant's acceptance of all of the conditions and obligations imposed by the City on this project. The applicant, and applicant's successor in interest, by said acceptance, waives any challenge as to the validity of these conditions.
7. The applicant, and applicant's successor in interest, shall be fully responsible for knowing and complying with all conditions of approval of this project, including making known the conditions to City staff for future governmental permits or actions on the project site.
8. This approval constitutes approval of the project only to the extent that it complies with the City's Zoning Code, the Laguna Woods Municipal Code, and any other applicable City standards. Approval does not eliminate the need to obtain building permits or include any action or finding as to compliance or approval of any other applicable federal, state, or local agency, ordinance, regulation, or requirement.
9. Except as otherwise provided herein, or as permitted pursuant to the Laguna Woods Municipal Code, this approval is for a precise plan for the location and design of the specified signage shown on the approved amendment attached hereto as Exhibit A.

**SECTION 3.** The Deputy City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2016.

---

NOEL HATCH, Mayor

ATTEST:

---

YOLIE TRIPPY, Deputy City Clerk

STATE OF CALIFORNIA     )  
COUNTY OF ORANGE     ) ss.  
CITY OF LAGUNA WOODS   )

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do  
HEREBY CERTIFY that the foregoing **Resolution No. 16-XX** was duly adopted by  
the City Council of the City of Laguna Woods at a regular meeting thereof, held on  
the XX day of XX 2016, by the following vote:

AYES:           COUNCILMEMBERS:  
NOES:           COUNCILMEMBERS:  
ABSENT:        COUNCILMEMBERS:

---

YOLIE TRIPPY, Deputy City Clerk

OWNER APPROVAL	
SIGNATURE	
NAME	DATE



# LAGUNA WOODS STOREFRONT SIGNAGE

## MOTHERS MARKET

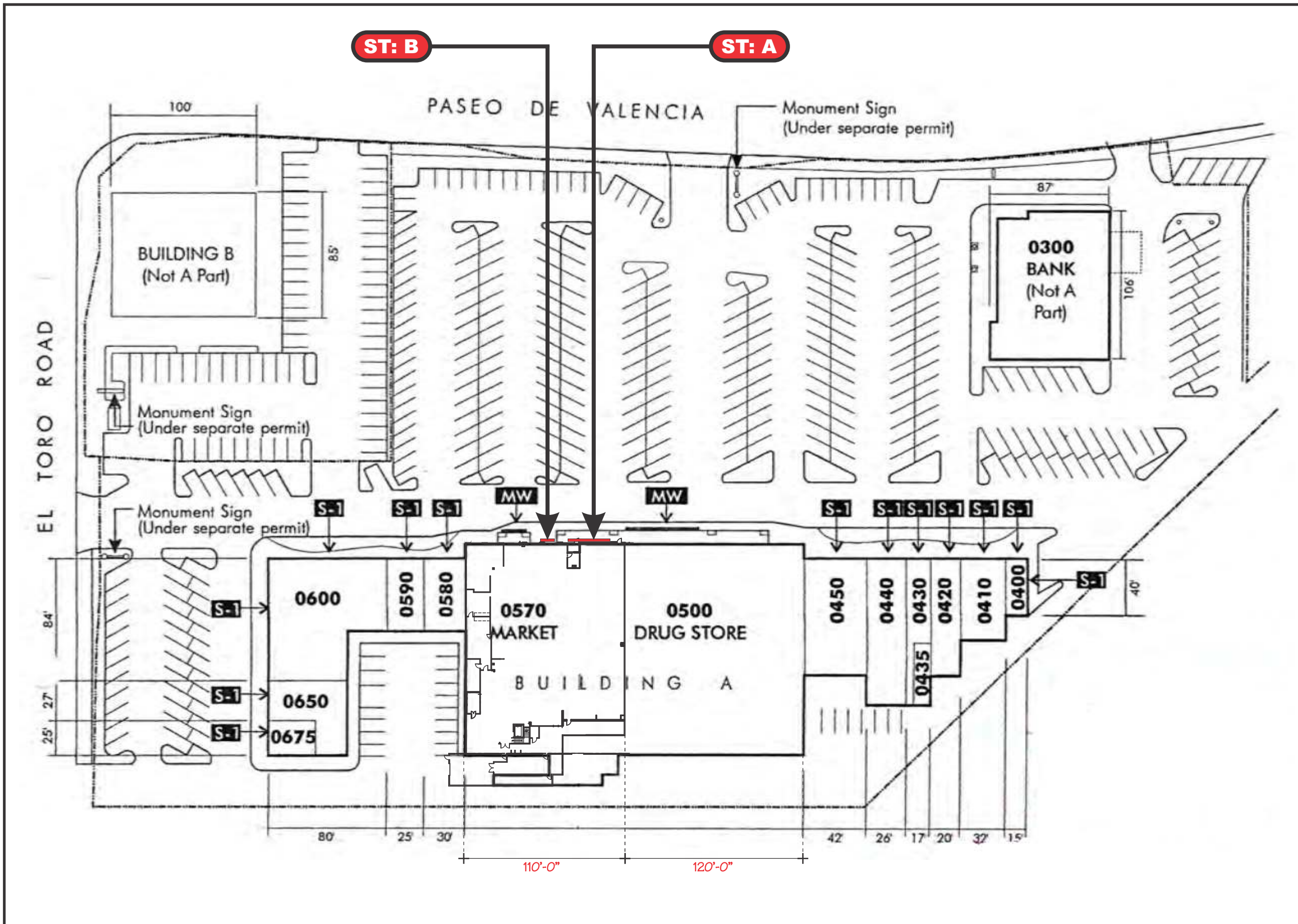
WORK PACKAGE

09.01.2015

15-106-0  
15-106-1 (12.07.2015) Add signage details



204-A W Carleton Ave.  
Orange, CA 92867  
714-979-9979  
signsource.com



**CLIENT**  
MOTHER S MARKET

**PROJECT**  
LAGUNA WOOD STORE SIGNAGE  
24165 PASEO DE VALENCIA  
LAGUNA WOODS, CA 92637

**JOB NO.** 15-106-0

**DATE** 05.14.2015

**QUANTITY** AS NOTED

**SCALE** AS NOTED

**DRAWN BY:** MIKE N.

- REVISIONS**
- △ \_\_\_\_\_
  - △ \_\_\_\_\_
  - △ \_\_\_\_\_



**SignSource**  
ARCHITECTURAL FABRICATORS

204-A W Carleton Ave.  
Orange, CA 92867

714-979-9979

signsource.com

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Existing internally illuminated channel letters.

132.67 Sq. Ft.



120'-0"

110'-0"



1 ELEVATION VIEW  
SCALE: 1/16" = 1'-0"

**CLIENT**

MOTHER'S MARKET

**PROJECT**

LAGUNA WOOD STORE SIGNAGE  
24165 PASEO DE VALENCIA  
LAGUNA WOODS, CA 92637

**JOB NO.** 15-106-0

**DATE** 05.14.2015

**QUANTITY** (1) EACH

**SCALE** AS NOTED

**DRAWN BY:** MIKE N.

**REVISIONS**

- △ \_\_\_\_\_
- △ \_\_\_\_\_
- △ \_\_\_\_\_



**SignSource**  
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Orange, CA 92867

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**CLIENT**  
MOTHER'S MARKET

**PROJECT**  
LAGUNA WOOD STORE SIGNAGE  
24165 PASEO DE VALENCIA  
LAGUNA WOODS, CA 92637

**JOB NO.** 15-106-0

**DATE** 05.14.2015

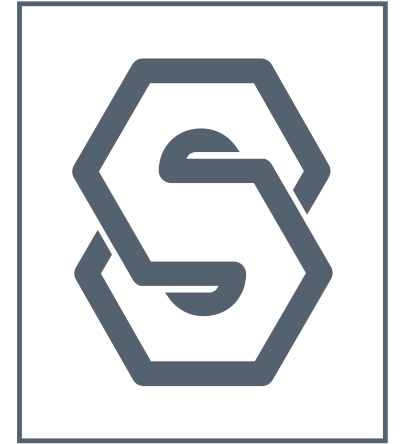
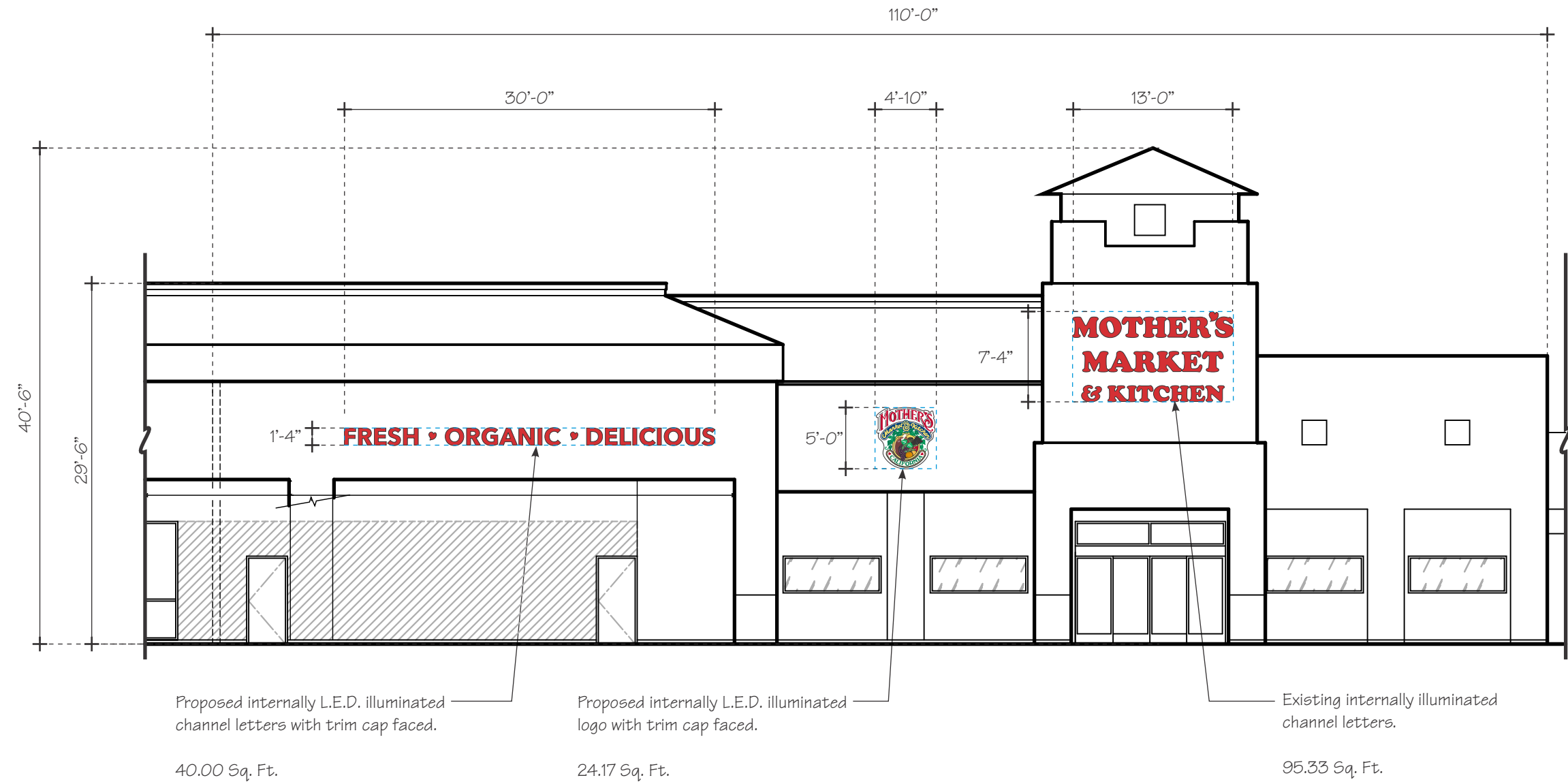
**QUANTITY** (1) EACH

**SCALE** AS NOTED

**DRAWN BY:** MIKE N.

**REVISIONS**

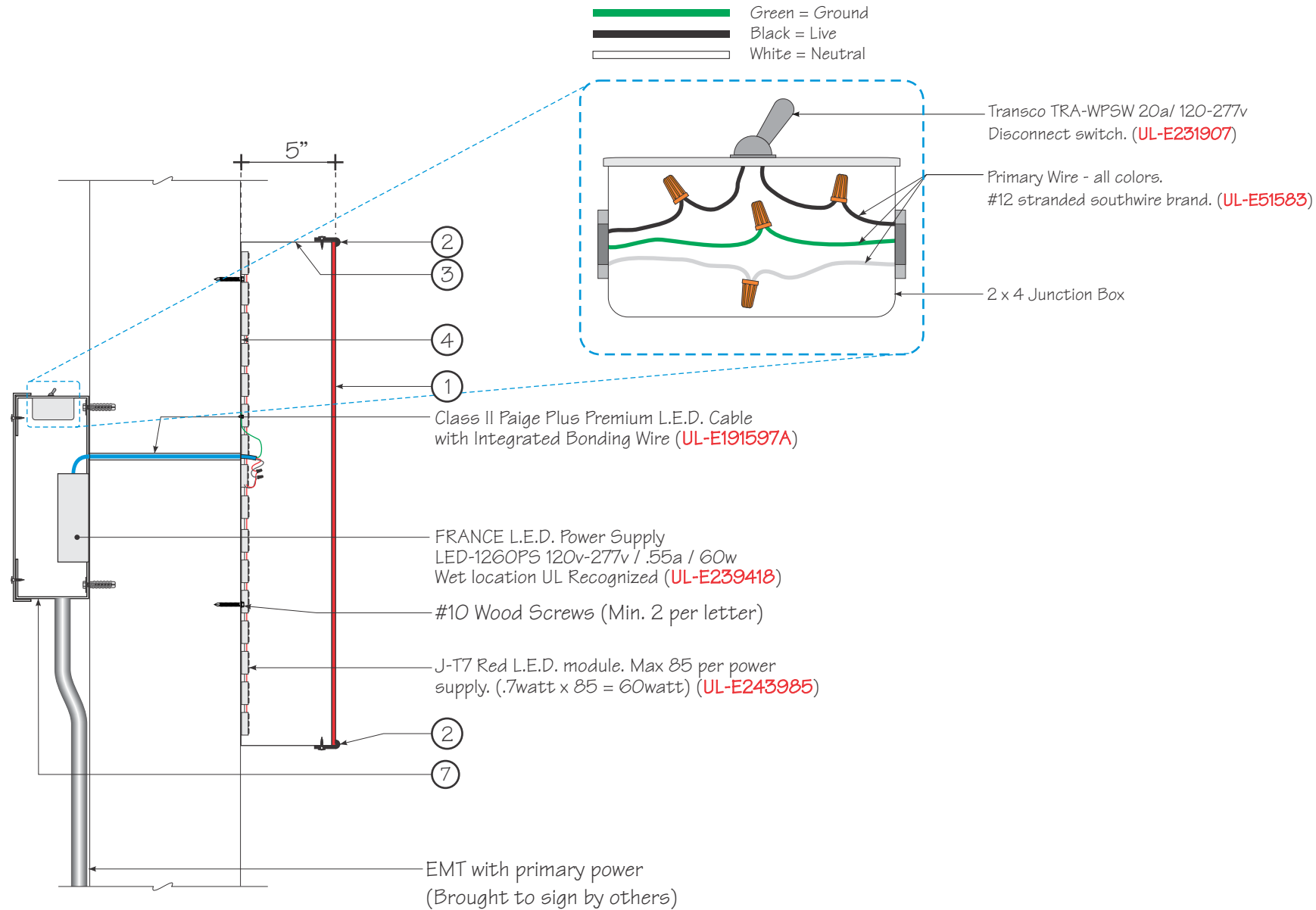
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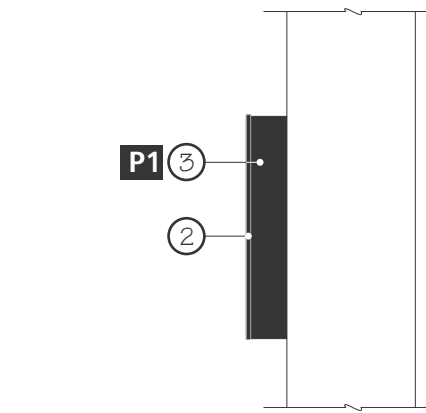
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**PAGE C**  
Storefront Signage



SECTION DETAILS  
SCALE: 1/2" = 1'-0"



SIDE VIEW  
SCALE: 1/2" = 1'-0"

**SCOPE OF WORK:**

FABRICATE NEW INTERNALLY ILLUMINATED CHANNEL LETTERS PER SPECIFICATIONS.

**SPECIFICATIONS:**

- ① 1/8" THICK ACRYLIC FACE ATTACHED TO RETURNS WITH TRIM CAP.
- ② 3/4" BLACK TRIM CAP, ADHERED TO FACE WITH ACRYLIC GLUE. ATTACHED TO RETURNS WITH SCREWS.
- ③ .040 ALUMINUM RETURNS WELDED TO BACK. PAINT FINISH PER SPECIFICATIONS.
- ④ .063 ALUMINUM BACK ATTACHED TO WALL WITH EXPANSION ANCHORS.
- ⑦ FABRICATED ALUMINUM RACEWAY. ATTACHED TO WALL WITH SCREWS & ANCHORS.

COLOR KEY

P1	MATTHEWS BLACK	
M1	1/8" #2793 RED ACRYLIC	

**CLIENT**

MOTHER S MARKET

**PROJECT**

LAGUNA WOOD STORE SIGNAGE  
24165 PASEO DE VALENCIA  
LAGUNA WOODS, CA 92637

JOB NO. 15-106-0

DATE 05.14.2015

QUANTITY (1) TOTAL

SCALE AS NOTED

DRAWN BY: MIKE N.

**REVISIONS**

- △ \_\_\_\_\_
- △ \_\_\_\_\_
- △ \_\_\_\_\_



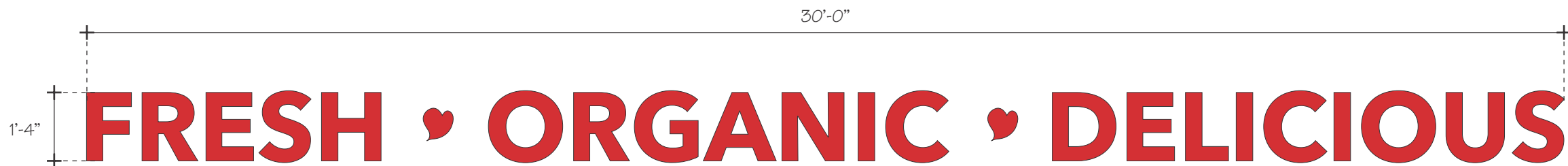
**SignSource**  
ARCHITECTURAL FABRICATORS

204-A W Carleton Ave.  
Orange, CA 92867

714-979-9979

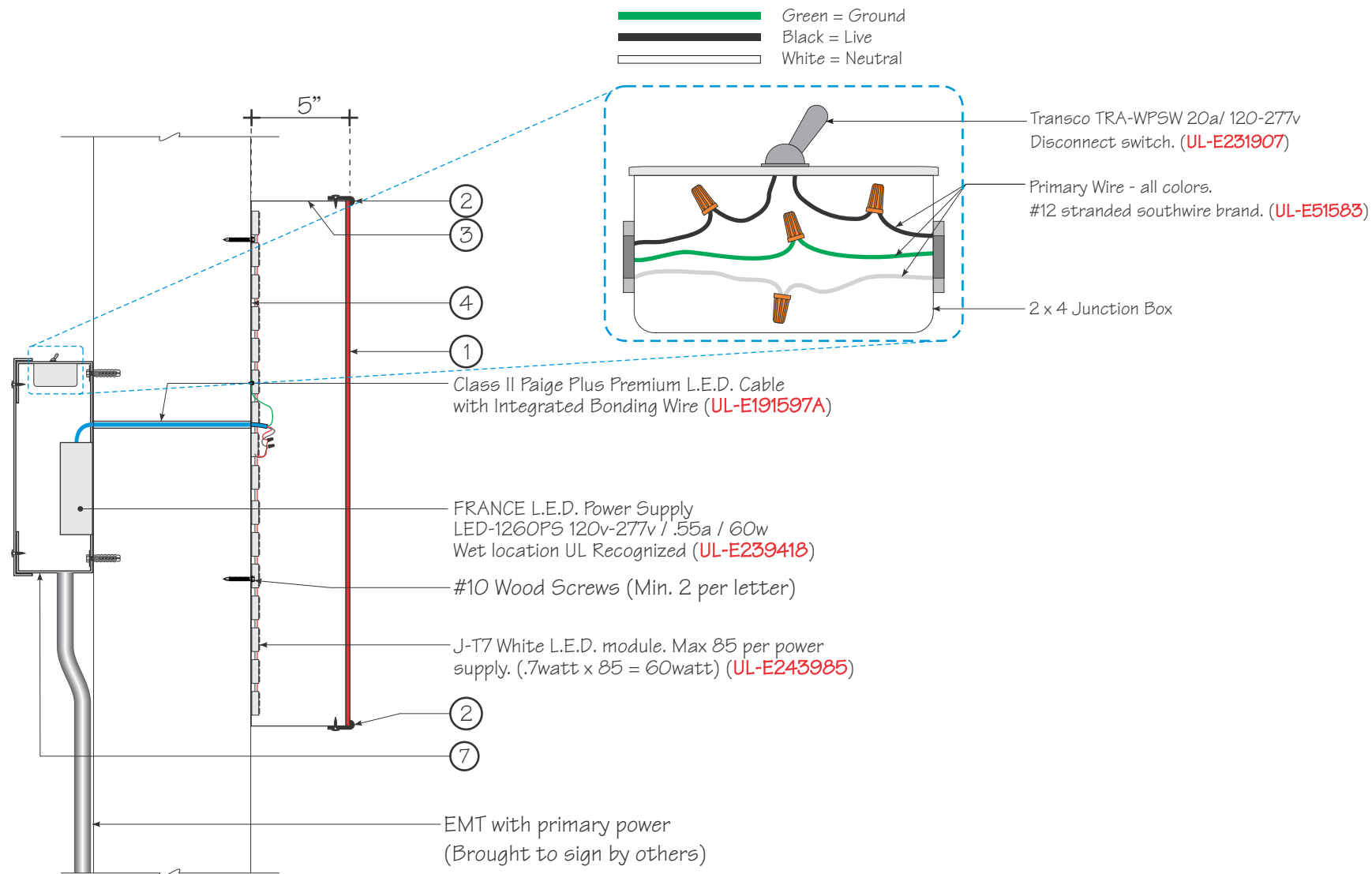
signsource.com

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FRONT VIEW  
SCALE: 3/8" = 1'-0"

40.00 Sq. Ft.



**SCOPE OF WORK:**

FABRICATE NEW INTERNALLY ILLUMINATED LOGO PER SPECIFICATIONS.

**SPECIFICATIONS:**

- ① 1/8" THICK ACRYLIC FACE ATTACHED TO RETURNS WITH TRIM CAP.
- ② 3/4" BLACK TRIM CAP, ADHERED TO FACE WITH ACRYLIC GLUE. ATTACHED TO RETURNS WITH SCREWS.
- ③ .040 ALUMINUM RETURNS WELDED TO BACK. PAINT FINISH PER SPECIFICATIONS.
- ④ .063 ALUMINUM BACK ATTACHED TO WALL WITH EXPANSION ANCHORS.
- ⑤ FIRST SURFACE DIGITAL PRINT GRAPHICS.
- ⑦ FABRICATED ALUMINUM RACEWAY. ATTACHED TO WALL WITH SCREWS & ANCHORS.

COLOR KEY

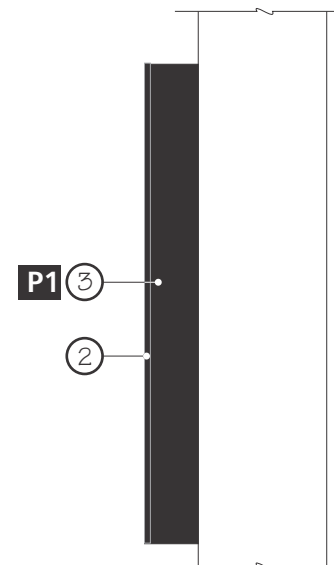
P1	MATTHEWS BLACK	
M2	1/8" #7328 WHITE ACRYLIC	

SECTION DETAILS  
SCALE: 1 1/2" = 1'-0"



1 FRONT VIEW  
SCALE: 1/2" = 1'-0"

24.17 Sq. Ft.



2 SIDE VIEW  
SCALE: 1/2" = 1'-0"

**CLIENT**  
MOTHER S MARKET

**PROJECT**  
LAGUNA WOOD STORE SIGNAGE  
24165 PASEO DE VALENCIA  
LAGUNA WOODS, CA 92637

**JOB NO.** 15-106-0

**DATE** 05.14.2015

**QUANTITY** (1) TOTAL

**SCALE** AS NOTED

**DRAWN BY:** MIKE N.

**REVISIONS**

△	_____
△	_____
△	_____



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Orange, CA 92867

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**8.1**  
**MEDICAL MARIJUANA CULTIVATION**  
**REGULATIONS**

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## City of Laguna Woods Agenda Report

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Christopher Macon, City Manager  
David B. Cosgrove, City Attorney

**FOR:** January 20, 2016 Regular Meeting

**SUBJECT:** Medical Marijuana Cultivation Regulations

---

### **Recommendation**

Approve second reading and adopt an ordinance – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING SECTION 13.26.026 (COMMERCIAL MEDICAL MARIJUANA CULTIVATION) TO CHAPTER 13.26 (SPECIAL REGULATIONS) OF TITLE 13 (ZONING) OF THE LAGUNA WOODS MUNICIPAL CODE TO REGULATE COMMERCIAL MEDICAL MARIJUANA CULTIVATION

### **Background**

The recently-enacted Medical Marijuana Regulation and Safety Act (“MMRSA”) provides that if a city does not have land use regulations or ordinances regulating the cultivation of medical marijuana before March 1, 2016, then the State will be the “sole licensing authority” for medical marijuana cultivation in that city. (AB 243, § 6 [Health & Saf. Code § 11362.777(c)(4)].)

Under the City’s permissive zoning code (Laguna Woods, California, Municipal Code § 13.02.060.), small-scale, personal medical marijuana cultivation conducted in conformance with state law has generally been deemed to be permitted, while commercial medical marijuana cultivation is currently prohibited.

On December 16, 2015, the City Council unanimously approved the introduction and first reading of an ordinance that would clarify and supplement the City's land use regulations regarding commercial medical marijuana cultivation. The proposed ordinance includes certain exemptions for small-scale, personal medical marijuana cultivation operations, which mirror those provided for in the MMRSA.

### **Discussion**

State law requires that the City Council consider proposed ordinances at two public meetings prior to adoption – commonly referred to as an introduction and second reading, respectively. Today's meeting is the second for City Council discussion and direction, as well as public testimony, regarding medical marijuana cultivation regulations and the proposed ordinance that was introduced and approved for first reading at the City Council's meeting on December 16, 2015 (Attachment A). Staff recommends that the City Council approve the second reading and adoption of the proposed ordinance. The ordinance would become effective 30 days thereafter.

Today's discussion and the proposed ordinance are focused on medical marijuana cultivation, as opposed to medical marijuana dispensaries. The proposed ordinance would have no effect on the recently adopted moratorium on establishing, locating, or operating medical marijuana dispensaries.

#### **A. State Law Regarding Cultivation.**

This year, the Governor signed into law three bills (Assembly Bill 243, Assembly Bill 266, and Senate Bill 643) comprising the MMRSA. The MMRSA generally requires individuals engaged in "commercial cannabis activities" (which is defined as including medical marijuana cultivators, manufacturers, testers, dispensaries, distributors, and transporters) to obtain both a State license and local permit (if one is required) prior to commencing activities. While the MMRSA directs various State agencies to adopt regulations relating to commercial medical marijuana (e.g., labeling and production of edibles, use of pesticides, environmental impacts of cultivation, and cumulative impacts of water diversion), those regulations and the MMRSA establish only minimum statewide standards for commercial medical marijuana cultivation activities. The City retains the ability to enact and enforce additional regulations, including potentially more restrictive regulations.

There is at least one exception to the MMRSA's general protection of local control. With respect to medical marijuana cultivation, the MMRSA provides that the State

will become the sole licensing authority in cities that have not adopted land use regulations or ordinances regulating the cultivation of medical marijuana, either expressly or otherwise under the principles of permissive zoning, by March 1, 2016. (AB 243, § 6 [Health & Saf. Code § 11362.777(c)(4)].)

B. The City's Permissive Zoning Code.

The City has a permissive zoning code, which provides that unlisted land uses are prohibited unless certain findings are made. (Laguna Woods, California, Municipal Code § 13.02.060.) Small-scale, personal medical marijuana cultivation conducted in conformance with state law has generally been deemed to be permitted, while commercial medical marijuana cultivation is currently prohibited.

C. Rationale for Express Regulation of Commercial Cultivation.

While the MMRSA does not require cities to expressly regulate medical marijuana cultivation, staff is concerned that the State, while reviewing potential prospective applications for State licenses, may interpret the Zoning Code's permitting of agricultural uses as also permitting commercial medical marijuana cultivation. The proposed ordinance seeks to eliminate any potential confusion by clarifying and supplementing the City's land use regulations.

D. Proposed Regulations for Cultivation.

The proposed ordinance would continue a substantially similar regulatory approach as currently exists. Commercial medical marijuana cultivation would continue to be prohibited, while certain cultivation by qualified patients for personal use and primary caregivers for qualified patients would be permitted. Exemption thresholds would align with the MMRSA's for State-licensing.

Neither the MMRSA's State-licensing requirements, nor the proposed ordinance's prohibitions on commercial medical marijuana cultivation, would apply to:

1. "a qualified patient cultivating marijuana pursuant to Section 11362.5 [of the Health and Safety Code] if the area he or she uses to cultivate marijuana does not exceed 100 square feet and he or she cultivates marijuana for his or her personal medical use and does not sell, distribute, donate, or provide marijuana to any other person or entity"; or

2. “a primary caregiver cultivating marijuana pursuant to Section 11362.5 [of the Health and Safety Code] if the area he or she uses to cultivate marijuana does not exceed 500 square feet and he or she cultivates marijuana exclusively for the personal medical use of no more than five specified qualified patients for whom he or she is the primary caregiver within the meaning of Section 11362.7 and does not receive remuneration for these activities, except for compensation provided in full compliance with subdivision (c) of Section 11362.765.”  
(AB 243, § 6 [Health & Saf. Code § 11362.777(g)].)

In other words, if a medical marijuana cultivation activity does not require a State license, it would be considered exempt under the proposed ordinance.

The City Council would retain the ability to modify the regulations enacted by the proposed ordinance in the future, including relaxing or expanding prohibitions.

E. Communication from the Orange County Sheriff’s Department.

Correspondence from the Orange County Sheriff’s Department concerning medical marijuana cultivation and the MMRSA, more broadly, reaffirms the Orange County Sheriff’s opposition to permissive medical marijuana ordinances. The potential for increases in traffic fatalities and emergency room visits, as well as marijuana use by minors, are cited as examples of potential threats to public safety.

**Environmental Review**

The adoption of medical marijuana cultivation regulations is not a project under the requirements of the California Environmental Quality Act (CEQA), pursuant to sections 15061(b)(3), 15321, and 15378 of the CEQA Guidelines.

**Fiscal Impact**

The recommended action can be accommodated in the City’s budget.

Attachment: A – Proposed Ordinance

**ORDINANCE NO. 16-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING SECTION 13.26.026 (COMMERCIAL MEDICAL MARIJUANA CULTIVATION) TO CHAPTER 13.26 (SPECIAL REGULATIONS) OF TITLE 13 (ZONING) OF THE LAGUNA WOODS MUNICIPAL CODE TO REGULATE COMMERCIAL MEDICAL MARIJUANA CULTIVATION

**WHEREAS**, in 1996, the voters of the State of California approved Proposition 215 (codified as Health and Safety Code Section 11362.5, and entitled “The Compassionate Use Act of 1996” or “CUA”); and

**WHEREAS**, the intent of Proposition 215 was to enable persons who are in need of marijuana for legitimate medical purposes to use it without fear of criminal prosecution under limited, specific circumstances; and

**WHEREAS**, Proposition 215 further provides that “nothing in this section shall be construed or supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes”; and

**WHEREAS**, the published ballot arguments supporting Proposition 215 expressly acknowledged that “Proposition 215 does not allow unlimited quantities of marijuana to be grown anywhere”; and

**WHEREAS**, in 2004, the Legislature enacted Senate Bill 420 (codified as Health and Safety Code Section 11362.7 *et seq.*, and referred to as the Medical Marijuana Program Act or “MMPA”) to clarify the scope of the CUA and to provide qualifying patients and primary caregivers who collectively or cooperatively cultivate marijuana for medical purposes with a limited defense to certain specific state criminal statutes; and

**WHEREAS**, in *City of Riverside v. Inland Empire Patients Health and Wellness Center* (2013) 56 Cal.4th 729, the California Supreme Court confirmed the ability of local entities to ban and/or regulate medical marijuana dispensaries, holding that “[n]othing in the CUA or MMP[A] expressly or impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate the use of its land...”; and

**WHEREAS**, in *Maral v. City of Live Oak*, (2013) 221 Cal.App.4th 975, a California Court of Appeal held that “there is no right – and certainly no constitutional right – to cultivate medical marijuana...” and thus confirmed the ability of a city to prohibit the cultivation of marijuana under its land use authority; and

**WHEREAS**, on October 9, 2015, the Governor of California signed three bills into law (collectively titled the “Medical Marijuana Regulation and Safety Act” or “MMRSA”) that substantially rework existing State laws related to medical marijuana (i.e., the CUA and the MMP); and

**WHEREAS**, the MMRSA sets up a State licensing scheme for commercial medical marijuana uses (including cultivation), while protecting local control by requiring that all such businesses must have a local license or permit in addition to a State license in order to operate; and

**WHEREAS**, the MMRSA’s State licensing scheme generally exempts small-scale personal medical marijuana cultivation operations (as distinguished from larger-scale commercial cultivation) from its licensing requirements; specifically, subdivision (g) of Section 11362.777 of the California Health and Safety Code (in Section 6 of Assembly Bill 243 from the 2015-2016 Regular Session) specifies that the MMRSA’s State-licensing requirements do not apply to:

1. “a qualified patient cultivating marijuana pursuant to Section 11362.5 [of the Health and Safety Code] if the area he or she uses to cultivate marijuana does not exceed 100 square feet and he or she cultivates marijuana for his or her personal medical use and does not sell, distribute, donate, or provide marijuana to any other person or entity”; or
2. “a primary caregiver cultivating marijuana pursuant to Section 11362.5 [of the Health and Safety Code] if the area he or she uses to cultivate marijuana does not exceed 500 square feet and he or she cultivates marijuana exclusively for the personal medical use of no more than five specified qualified patients for whom he or she is the primary caregiver within the meaning of Section 11362.7 and does not receive remuneration for these activities, except for compensation provided in full compliance with subdivision (c) of Section 11362.765”; and

**WHEREAS**, the MMRSA also allows cities to regulate or completely prohibit commercial medical marijuana cultivation; and



**WHEREAS**, the MMRSA contains language that requires cities to adopt regulations addressing commercial medical marijuana cultivation uses by March 1, 2016 (either expressly or otherwise under the principles of permissive zoning), or the State will become the sole licensing authority; and

**WHEREAS**, the City has a regulatory process for medical marijuana dispensaries, codified in Section 13.26.025 of the Laguna Woods Municipal Code, but shortly before the MMRSA was signed into law, the City Council temporarily suspended this process through the adoption and extension of moratorium that prohibits the establishment, location, or operation of medical marijuana dispensaries within the City; and

**WHEREAS**, to date, the City Council has not adopted any regulations that specifically address commercial medical marijuana cultivation, but under the City's permissive zoning regulations (i.e., Section 13.02.060 of the Laguna Woods Municipal Code, which provides that unlisted uses, like commercial medical marijuana cultivation, are deemed prohibited unless the City Manager makes certain findings), commercial medical marijuana cultivation is not a permitted use in any of the City's zoning districts; and

**WHEREAS**, as recognized by the Attorney General's Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use dated August 2008, commercial medical marijuana cultivation (or other concentration of medical marijuana in any location or premises) without adequate security could increase the risk that surrounding homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

**WHEREAS**, the City Council finds that commercial medical marijuana cultivation, as allowed by the CUA, MMPA, and MMRSA could adversely affect public health, safety, and welfare, particularly if unregulated; and

**WHEREAS**, local regulation of commercial medical marijuana cultivation is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, indoor electrical fire hazards that may result from such activities, and other potential adverse secondary effects; and

**WHEREAS**, although commercial medical marijuana cultivation is already a prohibited land use under the City's permissive zoning regulations, the City Council desires to enact this ordinance to specifically regulate commercial medical marijuana cultivation, as defined; and

**WHEREAS**, like the MMRSA’s State-licensing requirements, this Ordinance provides certain exemptions for small-scale personal medical marijuana cultivation operations; specifically, any cultivation activity that qualifies for the exemption set forth in subdivision (g) of Section 11362.777 of California Health and Safety Code, as may be amended from time to time, is also exempt from this Ordinance; and

**WHEREAS**, on December 16, 2015, the City Council held a duly noticed public hearing on this Ordinance at which it considered all of the information, evidence, and testimony presented, both written and oral.

**THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The foregoing recitals are true and correct and are incorporated herein as though set forth in full.

**SECTION 2.** This Ordinance is adopted pursuant to the authority granted by the California Constitution and State law, including but not limited to Article XI, Section 7 of the California Constitution, the CUA, the MMPA, and the MMRSA. Section 3 of this Ordinance contains cross-references sections of the MMRSA that have been adopted, signed into law, and codified, but will not take effect until January 1, 2016. Prior to the effective date, those code sections can be found in Assembly Bill 266 (Bonta), Assembly Bill 243 (Wood), and Senate Bill 643 (McGuire), each from the 2015-2016 Regular Session.

**SECTION 3.** Section 13.26.026 is hereby added to Chapter 13.26 (Special Regulations) of Title 13 (Zoning) of the Laguna Woods Municipal Code to read in its entirety as follows:

**Sec. 13.26.026. – Commercial Medical Marijuana Cultivation.**

(a) *Legislative Purpose.* Effective January 1, 2016, the Medical Marijuana Regulation and Safety Act (“MMRSA”) provides that, if a city does not have land use regulations or ordinances regulating or prohibiting the cultivation of marijuana, either expressly or otherwise under principles of permissive zoning, by March 1, 2016, then the State will be the “sole licensing authority” for medical marijuana cultivation in that city. (California Health & Safety Code Section 11362.777(c)(4).) The City’s permissive zoning regulations (set forth in Section 13.02.060 of the Laguna Woods Municipal Code) currently prohibit

commercial medical marijuana cultivation in all of the City’s zoning districts. As the City does not intend for the State to be the sole licensing authority for medical marijuana cultivation in its jurisdiction, this section clarifies and supplements the City’s existing land use regulations prohibiting commercial medical marijuana cultivation.

(b) *Exemption for Medical Marijuana Cultivation for Certain Use.* This section only applies to commercial medical marijuana cultivation. A medical marijuana cultivation activity that qualifies for the exemption set forth in subdivision (g) of Section 11362.777 of California Health and Safety Code, as may be amended from time to time, is also exempt from this section. This exemption does not limit or prevent the City from regulating or prohibiting indoor and outdoor medical marijuana cultivation (including cultivation for personal use) that is not being conducted in accordance with State and local laws related to land conversion, grading, electricity usage, water usage, water quality, woodland and riparian habitat protection, agricultural discharges, and similar matters, or from adopting, amending, or replacing local laws for the same.

(c) *Definitions.* Unless otherwise specified, any and all definitions set forth in the Compassionate Use Act of 1996 (codified at California Health and Safety Code Section 11362.5), Medical Marijuana Program Act (codified at California Health and Safety Code Section 11362.7 *et seq.*) and MMRSA (codified at California Business and Professions Code Section 19300 *et seq.*), as those statutes are amended from time to time or replaced with a successor statute, shall apply to this section in addition to the definitions set forth as follows:

(05) *Cultivation* or *cultivate* shall have the same meaning as set forth in subdivision (l) of Section 19300.5 of the California Business and Professions Code, as may be amended from time to time.

(10) *Commercial cultivation* shall mean any cultivation activity that does not qualify for the exemption set forth in subdivision (g) of Section 11362.777 of the California Health and Safety Code, as may be amended from time to time.

(15) *Medical marijuana* shall mean “medical cannabis,” as that term is defined in subdivision (ag) of Section 19300.5 of the California Business and Professions Code, as may be amended from time to time.

(20) *Primary caregiver* shall have the same meaning as set forth in subdivision (d) of Section 11362.7 of the California Health and Safety Code, as may be amended from time to time.

(25) *Qualified patient* shall have the same meaning as set forth in subdivision (f) of Section 11362.7 of the California Health and Safety Code, as may be amended from time to time.

(d) *Prohibition.* Commercial medical marijuana cultivation is expressly prohibited in all zoning districts throughout the City. A State license for the cultivation of medical marijuana does not entitle the licensee to engage in commercial medical marijuana cultivation within City limits.

(e) *Public Nuisance.* Commercial medical marijuana cultivation within City limits shall be, and is hereby declared to be, a public nuisance and may be summarily abated by the City pursuant to California Code of Civil Procedure Section 731 or any other remedy available at law.

(f) *Civil Penalties.* In addition to any other enforcement permitted by this section, the City Attorney may bring a civil action for injunctive relief and civil penalties against any person who violates any provision of this section. In any civil action that is brought pursuant to this section, a court of competent jurisdiction may award civil penalties and costs to the prevailing party.

SECTION 4. Nothing in this Ordinance shall be interpreted to allow any land use which is not expressly listed as permitted or conditionally permitted within the City's Zoning Code.

SECTION 5. Nothing in this Ordinance shall be interpreted to amend, alter, rescind, extinguish, terminate, or in any way alter the temporary moratorium on the establishment, location, or operation of medical marijuana dispensaries within the City pursuant to Section 13.26.025 of the Laguna Woods Municipal Code, which the City Council imposed on September 10, 2015 through the adoption of Ordinance No. 15-03 and extended on October 13, 2015 through the adoption of Ordinance No. 15-05.

SECTION 6. The City Council finds and determines that the adoption of this Ordinance is not a project under the requirements of the California Environmental Quality Act (CEQA), pursuant to sections 15061(b)(3), 15321, and 15378 of the CEQA Guidelines. It can be seen with certainty that the adoption of the Zoning Code

Amendment proposes no activity that may have a significant effect on the environment and will not cause a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

SECTION 7. This Ordinance shall take effect and be in full force and operation thirty (30) days after adoption.

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

SECTION 9. The Deputy City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

PASSED, APPROVED AND ADOPTED this XX day of XX 2016.

\_\_\_\_\_  
NOEL HATCH, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
DAVID B. COSGROVE, City Attorney

STATE OF CALIFORNIA     )  
COUNTY OF ORANGE     ) ss.  
CITY OF LAGUNA WOODS   )

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 16-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 16th day of December 2015, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the XX day of XX 2016 by the following vote to wit:

AYES:           COUNCILMEMBERS:  
NOES:           COUNCILMEMBERS:  
ABSENT:        COUNCILMEMBERS:

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YOLIE TRIPPY, Deputy City Clerk

**8.2**  
**EMPLOYEE POSITIONS, COMPENSATION,**  
**AND BENEFITS**

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# City of Laguna Woods Agenda Report

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Christopher Macon, City Manager  
**FOR:** January 20, 2016 Regular Meeting  
**SUBJECT:** Employee Positions, Compensation, and Benefits

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## **Recommendation**

1. Approve the Management Analyst Series (Management Analyst and Senior Management Analyst) job classification.

AND

2. Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ESTABLISHING A COMPENSATION SCHEDULE AND BENEFITS FOR CITY EMPLOYEES

AND

3. Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, MODIFYING THE AUTHORIZED CITY EMPLOYEE POSITIONS FOR FISCAL YEAR 2015-16

## **Background**

The City Manager is responsible for hiring and supervising employees, subject to the City Council's establishment and authorization of positions.

**Discussion**

As the City continues its reorganization focused on efficiency, sustainability, and service delivery, the City Manager recommends the following personnel changes:

- Approval of a Management Analyst Series job classification (Attachment A), which would establish a journey-level (Management Analyst) and advanced journey-level class (Senior Management Analyst). Management Analysts are common governmental positions that perform a variety of administrative, analytical, and technical duties. The job classification is designed to allow for flexible assignments based on the needs of the City, as may change from time-to-time, as well as advancement opportunities based on knowledge and skill development. With the retirement of the Community Services Manager and the Management Assistant vacancy, staff believes that the Management Analyst Series would be an efficient and effective future staffing approach.
- Contingent on approval of the Management Analyst Series job classification and compensation ranges, staff recommends that the Community Services Manager and Management Assistant positions be removed from both the compensation schedule (Attachment B) and the authorized list of employee positions for Fiscal Year 2015-16 (Attachment C). The Management Analyst Series is a recommended addition to both with a single position proposed for the remainder of Fiscal Year 2015-16. That position would be assigned to the Engineering & Infrastructure Services Department. The proposed changes would not increase the number of employees, which would continue to be eight full-time equivalents. Taking into account time for recruitment, staff would not anticipate filling the Management Analyst Series position until spring 2016. Community services and administrative support staffing would be revisited during the upcoming budget and work plan development process. In the interim, the Community Services Manager and Management Assistant duties would continue to be backfilled by existing staff and contract resources. There would be no change to the planned number of community events, including movie matinees, shredding events, and safe disposal events.
- Adjustment of the Deputy City Clerk compensation range (Attachment B) to better reflect assigned duties and responsibilities, as well as comparability with compensation ranges offered by other South Orange County cities.

A variety of minor, clarifying changes are also included in Attachment B.

**Fiscal Impact**

The recommended actions can be accommodated in the current year's budget.

The proposed annual compensation ranges for the Management Analyst Series are \$63,372–\$88,716 for a Management Analyst and \$71,232–\$99,720 for a Senior Management Analyst. The addition of one Management Analyst Series position could be accommodated in the current year's budget.

The annual compensation ranges for the two positions that would be removed as a part of the proposed reorganization are \$61,256–\$85,748 for the Community Services Manager and \$46,592–\$65,228.80 for the Management Assistant. The current year's budget includes partial-year funding for the Community Services Manager position and full-year funding for the Management Assistant position.

The annual compensation range for the Deputy City Clerk position is proposed to increase from \$46,618–\$65,234 to \$51,948–\$72,727. This action would not impact the current year's budget, as it is only intended to update the compensation range and would not include a salary modification for the existing employee.

Attachments: A – Proposed Job Classification (Management Analyst Series)  
B – Proposed Resolution (Compensation Schedule and Benefits)  
C – Proposed Resolution (Authorized Positions)

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## CITY OF LAGUNA WOODS JOB CLASSIFICATION

**SERIES:** MANAGEMENT ANALYST

**JOB TITLE:** MANAGEMENT ANALYST

**SALARY RANGE:** \$63,372 – \$88,716 ANNUALLY

**STATUS:** EXEMPT AND AT-WILL

**JOB TITLE:** SENIOR MANAGEMENT ANALYST

**SALARY RANGE:** \$71,232 – \$99,720 ANNUALLY

**STATUS:** EXEMPT AND AT-WILL

### **DEFINITION:**

Under the levels and degrees of supervision specified below, Management Analysts and Senior Management Analysts perform complex administrative, analytical, and technical duties; conduct research, evaluation, and analysis of programs, projects, and services; and, coordinate and administer programs, projects, and services.

### **DISTINGUISHING CHARACTERISTICS:**

#### **Management Analyst:**

“*Management Analyst*” is the journey-level class in the Management Analyst series. Employees are required to have work experience applicable to the assigned department(s) and typically function under general supervision with responsibilities for supporting a range of programs, projects, and services. Employees exercise independent discretion and judgment, but are not expected to have the same amount of program knowledge and skill as Senior Management Analysts. Employees may also receive more regular instruction and assistance. Work is typically reviewed in progress and fits established patterns.

#### **Senior Management Analyst:**

“*Senior Management Analyst*” is the advanced journey-level class in the Management Analyst series. Employees are required to have work experience applicable to the assigned department(s) and typically function under general supervision with responsibilities for managing one or more programs, projects, or services. Employees are expected to work

with greater autonomy than Management Analysts and apply well-developed program knowledge and skill to their exercise of independent discretion and judgment. Employees may only receive periodic instruction or assistance as new and unusual situations arise. Work is typically reviewed upon completion and, primarily, for overall outcomes.

**ESSENTIAL DUTIES:**

The duties assigned include, but are not limited to, all or a variety of, the following:

- Perform administrative, analytical, and technical functions.
- Receive and respond to public and private inquiries and complaints, including by providing information and referrals, as determined to be appropriate for the series level and related program, project, or service.
- Track, verify, and report on the status, history, and outcomes of inquiries and complaints, including referrals to other departments and outside agencies.
- Prepare responses to public records requests and similar requests for information.
- Monitor and analyze legislative proposals for impacts on assigned department(s).
- Manage budgets, including by monitoring revenues and expenditures, reviewing invoices, processing warrants, analyzing trends, and preparing forecasts.
- Research, compile, and analyze information and assorted data.
- Prepare, compile, and disseminate qualitative and quantitative documentation and data, including correspondence, news releases, newsletters, brochures, flyers, billing records, reimbursement records, budgets, budget tracking sheets, statistics, reports, manuals, inventories, logs, minutes, and photographs.
- Create, scan, file, and maintain physical and electronic records.
- Prepare and facilitate procurement and contracting processes, including Requests for Proposals (RFP), Requests for Qualifications (RFQ), and bids.
- Negotiate, develop, and administer contractual agreements with public and private parties, including independent contractors.
- Coordinate grant processes, including preparing, reviewing, and monitoring grant applications, as well as administering and implementing grant activities.
- Prepare and present oral and written reports, briefs, plans, budgets, and studies to the City Manager, City staff, City Council, and City committees.
- Serve as a staff liaison to one or more City committees, including developing agendas, facilitating meetings, making presentations, and preparing minutes.

- Represent the City and department to internal and external parties (e.g., members of the public, elected officials, other City departments, and outside organizations), including negotiating and resolving sensitive and controversial issues, as well as explaining and defending City and department operations and activities.
- Attend, participate in, and organize meetings and events, including preparing, assembling, and distributing agenda materials; setting up tables and chairs; and, configuring computers, projectors, screens, microphones, and other equipment.
- Coordinate community outreach, education, and volunteer programs, including planning events and selecting, training, assisting, and supervising volunteers.
- Select, train, supervise, and regularly evaluate assigned employees, including participating in discipline and termination proceedings when necessary.
- Provide support and relief coverage for City and department employees.
- Perform other related duties as assigned.

**MINIMUM QUALIFICATIONS:**

**Knowledge of:**

- Modern office procedures, methods, and equipment, including computers.
- Responsive customer service practices, including active listening.
- Operational and activity characteristics of the assigned department(s).
- Principles of local government budgeting and financial recordkeeping, including relevant standards, laws, and regulations.
- Principles of grant applications and administration.
- Principles of human resources management (both employees and volunteers).
- Principles of the California Public Records Act and Ralph M. Brown Act.
- Principles and techniques of record keeping and filing.
- Methods of program evaluation and assessment.

**Ability to:**

- Perform the essential duties described in this job classification in a professional, timely, and accurate manner with the referenced level and degree of supervision.
- Alphabetize, compare, count, differentiate, measure, assemble, sort, copy, record,

- classify, compute, tabulate, categorize, and transcribe data and information.
- Supervise, evaluate, and train persons with diverse backgrounds.
  - Communicate effectively and concisely, including the ability to inform, educate, and persuade persons with diverse backgrounds.
  - Demonstrate an awareness and appreciation of local cultural diversity.
  - Communicate in writing effectively and concisely, including with use of proper spelling, grammar, punctuation, and command of the English language.
  - Maintain confidentiality and discretion when necessary.
  - Maintain professional composure at all times, including when dealing with upset, hostile, and difficult interpersonal interactions.
  - Maintain effective organization of multiple activities and assignments in a busy office environment with frequent interruptions.
  - Understand, analyze, interpret, and apply data and information using established criteria, in order to determine consequences and identify and select alternatives.
  - Understand, analyze, interpret, and apply standards, laws, regulations, and policies to assigned duties.
  - Understand, analyze, interpret, and apply ordinances, resolutions, policies, laws, procedures, standards, and practices to complex and variable situations.
  - Understand, analyze, interpret, and apply design and descriptive information, including plans, maps, property records, statistics, charts, graphs, and tables.
  - Understand, calculate, and interpret percentages, fractions, ratios, statistics, and spatial relationships, including areas, square footages, and dimensions.
  - Analyze and resolve issues that require complex planning for multi-disciplinary operations and activities, as well as concrete and abstract variables.

**Education and Experience:**

**Management Analyst**

Any combination of education and experience that provides the knowledge, skills, and abilities necessary for this position is qualifying. A typical way of obtaining the required qualifications is to possess a Bachelor's degree from an accredited college or university with major course work in business administration, public administration, or subjects applicable to the assignment, and one year of full-time work experience involving relevant



operations and activities. Prior experience administering programs, projects, or services for a municipal or other government agency is highly desirable.

### Senior Management Analyst

Any combination of education and experience that provides the knowledge, skills, and abilities necessary for this position is qualifying. A typical way of obtaining the required qualifications is to possess a Bachelor's degree from an accredited college or university with major course work in business administration, public administration, or subjects applicable to the assignment, and three years of increasingly responsible full-time work experience involving relevant operations and activities. Possession of a Master's Degree; prior experience administering programs, projects, or services for a municipal or other government agency; and, prior experience in a supervisory position are highly desirable.

### Licenses/Certifications:

Most possess and maintain a valid Class C California Driver's License and must qualify for and maintain insurability under the City's Vehicle Policy. These positions involve the periodic performance of duties and travel that require operation of a personal vehicle.

### PHYSICAL DEMANDS AND ENVIRONMENTAL SETTING:

While performing the duties of either class, employees are frequently required to sit, stand, walk, talk, and hear; use hands to handle, manipulate, feel, move and operate equipment, tools, and controls; and, use hands and arms to reach. Specific vision abilities required include close, distance, peripheral, and color vision, depth perception, and the ability to adjust focus. Specific hearing abilities required include hearing in the normal audio range with or without correction. While many activities are performed sitting at a desk in a sedentary manner, employees are frequently required to exert physical effort, involving a combination of standing, walking, climbing, balancing, stooping, kneeling, and crouching, as well as carrying, lifting, pushing, and pulling objects up to 25 pounds.

While the duties of either class are primarily performed in an office setting with low to moderate noise and regular interruption, employees are also frequently required to travel and work in other settings (e.g., meetings, events, and inspections), including in outside weather with exposure to rain, humidity, heat, cold, and sunlight. Employees frequently experience high levels of noise, as well as exposure to odors, fumes, dust, smoke, hazardous substances, and other irritants that can cause discomfort and injury. Employees may also come into contact with hazardous traffic conditions.

### Tools and Equipment:

Must possess the knowledge and ability to effectively use computers, copiers, scanners, calculators, facsimile machines, microfilm readers, telephones, digital cameras, and other measuring devices to collect data and information. Ability to use computers includes the knowledge and ability to input, query, and maintain information in software such as Microsoft Windows, Outlook, Excel, PowerPoint, and Internet Explorer, as well as the City's accounting, cashiering, and records software, as may change from time-to-time.

**OTHER NOTICES:**

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from these positions if the work is a similar, related, or logical assignment.

The selection process for these positions will include fingerprinting; a State Department of Justice criminal background check; reference checks; confirmation of education claims, licenses, and certifications; and, a physical medical examination.

These positions are exempt under the Fair Labor Standards Act.

Pursuant to Government Code §36506, neither this job classification nor any other human resources rules or regulations shall be construed to provide employees with any tenure or property interest in employment with the City. All City employees serve “at will” and are subject to termination without cause at any time – no exceptions.

All City employees are designated Disaster Service Workers by both State law and City ordinance. Duties when serving as a Disaster Service Worker may be in locations, during hours, and performing work significantly different from the employee’s normal duties.

The City is an Equal Employment Opportunity employer and does not discriminate on the basis of race, color, religion, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, sexual orientation, pregnancy, childbirth, or related medical conditions, gender, gender identity or expression, genetic information, or age.

The City provides employment rights and non-discrimination on the basis of disability as established in the Americans with Disabilities Act. Reasonable accommodation may be made to enable a person with a disability to perform these positions’ essential functions.

Additional human resources laws, rules, and regulations apply to these positions.

City Council Approval: XX, 2016

**RESOLUTION NO. 16-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ESTABLISHING A COMPENSATION SCHEDULE AND BENEFITS FOR CITY EMPLOYEES

THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

**SECTION 1.** Effective January 20, 2016, Resolution No. 15-13 is hereby repealed and replaced by this resolution.

**SECTION 2.** Effective January 20, 2016, the compensation schedule for City employees is established as follows:

Exempt Full-Time Employees (Annual Equivalent)

City Manager	per agreement
Assistant City Manager	\$98,020 – \$137,228
Administrative Services Director/ City Treasurer	\$98,020 – \$137,228
Senior Management Analyst	\$71,232 – \$99,720
Management Analyst	\$63,372 – \$88,716
Deputy City Clerk	\$51,948 – \$72,727

Non-Exempt Full-Time Employees (Hourly Rate)

Senior Accountant	\$32.48 – \$45.47
Administrative Coordinator	\$22.40 – \$31.36
Accounting Clerk	\$18.93 – \$26.50

The City Manager is authorized to hire, promote, and compensate employees within established compensation ranges, consistent with City Council-adopted budgets and this resolution.

**SECTION 3.** All employees who work 20 or more hours per week on a regularly assigned basis shall be considered “full-time employees” for the purpose of this resolution. Full-time employees shall receive the following benefits:

- A. Retirement: All City employees shall participate in the Social Security system. In addition, the City shall contract with the California Public Employees Retirement System (CalPERS) for retirement benefits for all eligible full-time employees. Full-time employees considered “classic” by CalPERS shall pay the 7% employee contribution. Full-time employees considered “new members” by CalPERS shall pay the employee contribution rate established by CalPERS, as may change from time-to-time. All contributions are made pre-tax in accordance with Internal Revenue Code Section 414(h)(2) and shall be in conformance with the Public Employees’ Pension Reform Act of 2013.
- B. Disability Insurance: The City shall contract for the provision of a long-term disability insurance program at no cost to employees, which shall provide full-time employees 60% of applicable salary amounts.
- C. Health Insurance: All employees must be covered by basic health insurance. The City shall contract for health insurance through the California Public Employees’ Retirement System (CalPERS). Employees who do not wish to enroll in the CalPERS program must provide proof of alternate health insurance.
- D. Retiree Medical: The City shall contribute toward CalPERS retiree health insurance, in an amount determined by California Government Code Section 22892, for retiring full-time employees who have worked for the City for a minimum of 10 years. Part-time service for employees who transition from part-time to full-time employment with the City may be used to meet the 10 year requirement, with each 174 hours counting as one month.
- E. Employee Assistance Program: The City shall contract for an employee assistance program; membership in this program shall be mandatory for all full-time employees. The City shall contribute \$2.47 per month, as adjusted annually by the program provider, for each active full-time employee enrolled

in the employee assistance program. The City's contribution shall be deducted from the Cafeteria Benefit Plan it provides to full-time employees.

- F. Cafeteria Benefit Plan: The City shall provide each full-time employee with a flexible benefit allowance that may be used for the following City authorized programs: health insurance (City-offered programs or reimbursement for a non-City plan on which employee is carried as a spouse), dental insurance, vision care insurance, employee assistance or mental health plan, contribution to a defined deferred compensation plan, child care reimbursement, life insurance, long- and short-term disability insurance, long-term care insurance, health club membership, health equipment and devices, educational reimbursement for professional development, professional memberships not included in the City budget, additional annual leave (at current hourly rate, up to 40 hours per calendar year), purchase of personal computer or digital equipment and accessories (laptops, PDAs, digital cameras, etc.) and cellular or regular telephones that will be used for City as well as personal business, and such other programs as the City Council may from time-to-time authorize.

The above programs may not all be available at any one time, and it may be that some programs are not available to all classes of employees. Employees shall be required to use their entire allowance on available programs on an annual basis with final elections regarding full use thereof due no later than dates established by the City Manager; unused balances shall not be paid as cash. The allowance amount is established as \$1,000 per month for full-time employees working 40 hours per week. Full-time employees working less than 40 hours per week or only a portion of a month shall receive a prorated portion of the allowance. Allowances shall be less the amount required for the mandatory employee assistance contributions, as noted in Section E above.

- G. Paid Time Off: Employees shall accrue 160 hours per year of annual paid time off (leave), which may be used for doctors' appointments, personal and family sick time, bereavement leave, vacation, and personal business. Employees may maintain a balance of no more than 480 hours of paid time off and shall be compensated for excess paid time off following the end of each calendar year. Upon termination from the City, employees shall be compensated for their entire balance of paid time off. Such payments shall be subject to the Internal Revenue Services' "flat rate" method of calculating withholdings from supplemental wages and subject to all applicable taxes.

H. Paid Holidays: The City shall observe the following holidays with full-time employees receiving compensation for hours that would otherwise regularly be worked: New Year’s Day, Martin Luther King’s Birthday, President’s Day, Memorial Day, Independence Day, Labor Day, Veteran’s Day, Thanksgiving, Friday after Thanksgiving, and December Holiday (December 24 through January 1). Except for the December Holiday, which is observed on specified dates, when a holiday falls on a Saturday, it shall be observed the prior Friday; when a holiday falls on a Sunday, it shall be observed the following Monday.

**SECTION 4.** The Deputy City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2016.

\_\_\_\_\_  
NOEL HATCH, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

STATE OF CALIFORNIA        )  
COUNTY OF ORANGE         ) ss.  
CITY OF LAGUNA WOODS     )

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 16-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2016, by the following vote:

AYES:           COUNCILMEMBERS:  
NOES:           COUNCILMEMBERS:  
ABSENT:        COUNCILMEMBERS:

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

**RESOLUTION NO. 16-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, MODIFYING THE AUTHORIZED CITY EMPLOYEE POSITIONS FOR FISCAL YEAR 2015-16

THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

**SECTION 1.** Section 5 of Resolution No. 15-10 is hereby amended, in its entirety, to read as follows:

SECTION 5. The authorized City employee positions and number of each are:

FISCAL YEAR 2015-16 – Full-time (effective July 1, 2015)

- (1) CITY MANAGER
  - (1) ASSISTANT CITY MANAGER
  - (1) ADMINISTRATIVE SERVICES DIRECTOR/CITY TREASURER
  - (1) COMMUNITY SERVICES MANAGER (July – December 2015 only)
  - (1) DEPUTY CITY CLERK
  - (1) SENIOR ACCOUNTANT
  - (1) ADMINISTRATIVE COORDINATOR
  - (1) MANAGEMENT ASSISTANT
  - (1) ACCOUNTING CLERK
- TOTAL: 8.5 FULL-TIME EQUIVALENTS

FISCAL YEAR 2015-16 – Full-time (effective January 20, 2016)

- (1) CITY MANAGER
  - (1) ASSISTANT CITY MANAGER
  - (1) ADMINISTRATIVE SERVICES DIRECTOR/CITY TREASURER
  - (1) MANAGEMENT ANALYST or SENIOR MANAGEMENT ANALYST
  - (1) DEPUTY CITY CLERK
  - (1) SENIOR ACCOUNTANT
  - (1) ADMINISTRATIVE COORDINATOR
  - (1) ACCOUNTING CLERK
- TOTAL: 8 FULL-TIME EQUIVALENTS

**SECTION 2.** The Deputy City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2016.

\_\_\_\_\_  
NOEL HATCH, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

STATE OF CALIFORNIA     )  
COUNTY OF ORANGE     ) ss.  
CITY OF LAGUNA WOODS   )

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 16-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2016, by the following vote:

AYES:           COUNCILMEMBERS:  
NOES:           COUNCILMEMBERS:  
ABSENT:        COUNCILMEMBERS:

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk



**8.3**  
**CITY COUNCIL REGIONAL APPOINTMENTS**  
***(NO REPORT)***

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