

# CITY of LAGUNA WOODS CITY COUNCIL AGENDA

Regular Meeting  
Wednesday, February 17, 2021  
2:00 p.m.

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

Shari L. Horne  
Mayor

Carol Moore  
Mayor Pro Tem

Cynthia Conners  
Councilmember



Noel Hatch  
Councilmember

Ed H. Tao  
Councilmember

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

***This meeting may be recorded, televised, and made publicly 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 meets regularly on the third Wednesday of each month at 2 p.m.

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AFFIDAVIT OF POSTING

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

I, Christopher Macon, City Manager, 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. 17-30, pursuant to California Government Code Section 54954.2 of the Ralph M. Brown Act.

  
\_\_\_\_\_  
CHRISTOPHER MACON, City Manager

2/12/21  
\_\_\_\_\_  
Date

## **NOVEL CORONAVIRUS (COVID-19) NOTICE**

**Please consider participating in this City Council meeting remotely.** Written public comments may be submitted via email ([cityhall@cityoflagunawoods.org](mailto:cityhall@cityoflagunawoods.org)) or by mail (Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637), provided that they are received by the City prior to 2 p.m. on the day of the meeting. Written public comments may be read or summarized to the City Council at the meeting, and parties submitting comments should be aware that their email addresses and any information submitted may be disclosed or become a matter of public record. No party should expect privacy of such information.

**Please exercise caution when attending City Council meetings.** If you do attend this meeting, please maintain a distance of six feet or more between yourself and others, wash your hands with soap and water before and after the meeting, and refrain from handshaking and other physical contact.

### **I. CALL TO ORDER**

### **II. ROLL CALL**

### **III. PLEDGE OF ALLEGIANCE**

### **IV. PRESENTATIONS AND CEREMONIAL MATTERS**

### **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 adjourned regular meeting on January 15, 2021 and the special meeting on February 8, 2021.

6.2 City Treasurer's Report

*Recommendation:* Receive and file the City Treasurer's Report for the month of January 2021.

6.3 Warrant Register

*Recommendation:* Approve the warrant register dated February 17, 2021 in the amount of \$658,669.02.

6.4 City Engineering and Traffic Operations Services

*Recommendation:*

1. Waive the provisions set forth in Laguna Woods Municipal Code Section 3.06.080(c) related to competitive bidding.

AND

2. Approve an extension of the agreement with CivilSource, Inc. for city engineering and traffic operations services and authorize the Mayor to execute the extension, subject to approval as to form by the City Attorney.

6.5 Street, Right-of-Way, and Infrastructure Maintenance Services

*Recommendation:*

1. Waive the provisions set forth in Laguna Woods Municipal Code Section 3.06.080(c) related to competitive bidding.

AND

2. Approve an extension of the agreement with PV Maintenance, Inc. for street, right-of-way, and infrastructure maintenance

services and authorize the Mayor to execute the extension, subject to approval as to form by the City Attorney.

- 6.6 Pavement Management Plan Project (Eastbound El Toro Road between Church Intersection and Moulton Parkway, Westbound El Toro Road between Willow Tree Center and Moulton Parkway)

*Recommendation:*

1. Approve final record plans and specifications reflecting completion of the “Pavement Management Plan Project (Eastbound El Toro Road between Church Intersection and Moulton Parkway, Westbound El Toro Road between Willow Tree Center and Moulton Parkway)”.

AND

2. Accept project completion of the contract agreement with Hardy & Harper, Inc. for the “Pavement Management Plan Project (Eastbound El Toro Road between Church Intersection and Moulton Parkway, Westbound El Toro Road between Willow Tree Center and Moulton Parkway)”.

AND

3. Release contract retention in the amount of \$9,613.60 withheld per California Government Code 35 days following recordation of the Notice of Completion with the County of Orange, provided no Stop Notices are on file with the City preventing the release of the contract retention.

AND

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

## **VII. PUBLIC HEARINGS**

- 7.1 Conditional Use Permit CUP-1498, a proposal to amend Conditional Use Permit CUP-1128, which allows for the sale of alcoholic beverages for on-site and off-site consumption at 24165 Paseo de Valencia, Laguna Woods, CA 92637 (currently Mother’s Market and Kitchen, Inc.)

*Recommendation:*

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public testimony.

AND

4. Close public hearing.

AND

5. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP-1498 TO AMEND CONDITIONAL USE PERMIT CUP-1128 REGARDING THE SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE AND OFF-SITE CONSUMPTION AT 24165 PASEO DE VALENCIA, LAGUNA WOODS, CA 92637, AND DETERMINING THAT THE CONDITIONAL USE PERMIT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301 OF TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS

7.2 Traffic Violator Apprehension Program Fee

*Recommendation:*

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public testimony.

AND

4. Close public hearing.

AND

5. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING RESOLUTION NO. 01-11; ADOPTING A MODIFIED ADMINISTRATIVE FEE TO RECOVER NO MORE THAN THE ORANGE COUNTY SHERIFF'S DEPARTMENT'S REASONABLE ADMINISTRATIVE COSTS RELATING TO THE REMOVAL, IMPOUND, STORAGE, OR RELEASE OF VEHICLES PROPERLY IMPOUNDED PURSUANT TO THE CALIFORNIA VEHICLE CODE ("TRAFFIC VIOLATOR APPREHENSION PROGRAM FEE"); AND, DETERMINING THAT THE FEE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

7.3 California Public Employees' Retirement System Contract

*Recommendation:*

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public testimony.

AND

4. Close public hearing.

AND

5. Adopt a resolution entitled:

A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL CITY OF LAGUNA WOODS

AND

6. 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, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

AND



7. Receive and file job classifications containing representative definitions and essential duties for the groups of employees proposed to be excluded from membership in the California Public Employees' Retirement System prospectively from the effective date of the proposed amendment to the contract between the City Council and the Board of Administration of the California Public Employees' Retirement System (Student Intern, File Clerk, Receptionist, Cashier, Street Sweeping Operator, Waste Collection Worker, Crossing Guard, and Security Guard).

## VIII. CITY COUNCIL BUSINESS

### 8.1 Automated External Defibrillator 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 CHAPTER 10.05 TO THE LAGUNA WOODS MUNICIPAL CODE RELATED TO AUTOMATED EXTERNAL DEFIBRILLATORS

### 8.2 Temporary Shade Structure (Commercial) Building Permit Fee

*Recommendation:* Due to the impacts of COVID-19, waive the temporary shade structure (commercial) building permit fee of \$284 through June 30, 2021.

### 8.3 City Hall/Public Library Project

*Recommendation:*

1. Provide direction to staff.

AND

2. Reject all bids received for the “City Hall/Public Library Project” (bid opening date of December 3, 2020).

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

## **X. CLOSED SESSION**

## **XI. CLOSED SESSION REPORT**

## **XII. ADJOURNMENT**

Next Regular Meeting:                      Wednesday, March 17, 2021 at 2 p.m.  
Laguna Woods City Hall  
24264 El Toro Road, Laguna Woods, California 92637

**6.0**  
**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:** February 17, 2021 Regular Meeting

**SUBJECT:** Consent Calendar Summary

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### **Recommendation**

Approve all proposed actions on the February 17, 2021 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 February 17, 2021 Consent Calendar contains the following items:

- 6.1 Approval of the City Council meeting minutes for the adjourned regular meeting on January 15, 2021 (Attachment A) and the special meeting on February 8, 2021 (Attachment B).
- 6.2 Approval of a motion to receive and file the City Treasurer's Report for the month of January 2021.
- 6.3 Approval of the warrant register dated February 17, 2021 in the amount of \$658,669.02. A list of warrants is included in the agenda packet; detailed

information about individual warrants is available at or from City Hall.

- 6.4 [1] Waiver of the provisions set forth in Laguna Woods Municipal Code Section 3.06.080(c) related to competitive bidding. The City's procurement regulations generally require competitive bidding when the estimated cost of services is \$25,000 or more over the term of the agreement, but allow for the waiver of those provisions at the discretion of the City Council. CivilSource has provided city engineering and traffic operations services to the City since May 7, 2012 and is currently providing those services under an agreement that ends on June 30, 2021. For the entirety of that time, Akram Hindiye has served as City Engineer. CivilSource has offered to continue existing pricing with no increase in rates through June 30, 2022, subject to the City's agreement. Due to CivilSource's qualifications, performance, and ability to maintain continuity of personnel to-date, as well as the proposed stability in pricing, staff recommends waiving competitive bidding requirements for the proposed extension.

AND

- [2] Approval of an extension of the agreement with CivilSource, Inc. for city engineering and traffic operations services and authorization for the Mayor to execute the extension, subject to approval as to form by the City Attorney. The proposed extension is for a one-year period through June 30, 2022 with no increase in rates or other changes to terms and conditions.
- 6.5 [1] Waiver of the provisions set forth in Laguna Woods Municipal Code Section 3.06.080(c) related to competitive bidding. The City's procurement regulations generally require competitive bidding when the estimated cost of services is \$25,000 or more over the term of the agreement, but allow for the waiver of those provisions at the discretion of the City Council. PV Maintenance has provided street, right-of-way, and infrastructure maintenance services to the City since January 2013 and is currently providing those services under an agreement that ends on June 30, 2021. PV Maintenance has offered to continue existing pricing with no increase in rates through June 30, 2026, subject to the City's agreement. The agreement for street, right-of-way, and infrastructure maintenance services was most recently subject to a competitive procurement process in 2017, during which the City was unable to reach mutually agreeable terms with the sole agency that submitted a proposal (County of Orange). The City subsequently

entered into an agreement with PV Maintenance. Due to PV Maintenance's performance to-date and the proposed stability in pricing, staff recommends waiving competitive bidding requirements for the proposed extension.

AND

[2] Approval of an extension of the agreement with PV Maintenance, Inc. for street, right-of-way, and infrastructure maintenance services and authorization for the Mayor to execute the extension, subject to approval as to form by the City Attorney. The proposed extension is for a five-year period through June 30, 2026 with no increase in rates or other changes to terms and conditions.

- 6.6 [1] Approval of final record plans and specifications reflecting completion of the "Pavement Management Plan Project (Eastbound El Toro Road between Church Intersection and Moulton Parkway, Westbound El Toro Road between Willow Tree Center and Moulton Parkway)" (available for review at City Hall); [2] acceptance of project completion of the contract agreement with Hardy & Harper, Inc. for the "Pavement Management Plan Project (Eastbound El Toro Road between Church Intersection and Moulton Parkway, Westbound El Toro Road between Willow Tree Center and Moulton Parkway)"; [3] release of contract retention in the amount of \$9,613.60 withheld per California Government Code 35 days following recordation of the Notice of Completion with the County of Orange, provided no Stop Notices are on file with the City preventing the release of the contract retention; and, [4] exoneration of project posted bonds 35 days following recordation of the Notice of Completion with the County of Orange. The subject project is included in the Fiscal Years 2019-30 Capital Improvement Program.

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

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**CITY OF LAGUNA WOODS CALIFORNIA  
CITY COUNCIL MINUTES  
ADJOURNED REGULAR MEETING  
January 15, 2021  
12:30 P.M.  
Laguna Woods City Hall  
24264 El Toro Road  
Laguna Woods, California 92637**

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**I. CALL TO ORDER**

Mayor Horne called the Adjourned Regular Meeting of the City Council of the City of Laguna Woods to order at 12:35 p.m.

**II. ROLL CALL**

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

All Councilmembers participated via teleconference as permitted by Governor Newsom’s Executive Order N-29-20 (dated March 17, 2020).

STAFF PRESENT:           City Manager Macon, City Attorney Cosgrove, City Clerk Trippy

City Manager Macon and City Clerk Trippy participated in-person at the meeting location.

City Attorney Cosgrove participated via teleconference.

**III. PLEDGE OF ALLEGIANCE**

Councilmember Conners led the pledge of allegiance.

**IV. PRESENTATIONS AND CEREMONIAL MATTERS – None**

**V. PUBLIC COMMENTS – None**

**VI. CONSENT CALENDAR – None**

**VII. PUBLIC HEARINGS – None**

**VIII. CITY COUNCIL BUSINESS – None**

**IX. CITY COUNCIL REPORTS AND COMMENTS**

9.1 Coastal Greenbelt Authority

No report provided.

9.2 Orange County Fire Authority

Councilmember Hatch provided a report.

9.3 Orange County Library Advisory Board

No report provided.

9.4 Orange County Mosquito and Vector Control District

No report provided.

9.5 San Joaquin Hills Transportation Corridor Agency

No report provided.

9.6 South Orange County Watershed Management Area

No report provided.

9.7 Other Comments and Reports

No other comments and reports.

**X. CLOSED SESSION**

City Attorney Cosgrove stated that he had provided advice to Councilmember Hatch with respect to a “remote interest” regarding Item 10.3 arising out of Councilmember Hatch’s position with the Orange County Fire Authority. Per applicable law, Councilmember Hatch will recuse himself from Item 10.3 and all further consideration of the matter giving rise to the closed session.

Prior to convening in closed session, an opportunity was provided for public comments on items appearing on the closed session agenda. No such public comments were received.

10.1 The City Council met in closed session under the authority of California Government Code Section 54956.9(a) to confer with, or receive advice from, its legal counsel regarding pending litigation.

CASE NAME:

People of the State of California vs. Phillip Bellafaire; Saddleback Golf Cars

CASE NUMBER:

Orange County Superior Court, 20HM00453

CASE NAME:

Rebekah Garcia vs. City of Laguna Woods; City of Laguna Hills; Siemens Mobility, Inc.,

and DOES 1 through 100, Inclusive

CASE NUMBER:

Orange County Superior Court, 30-2020-01150808-CU-PA-CJC

- 10.2 The City Council met in closed session under the authority of California Government Code sections 54956.9(d)(2) and (e)(1) to discuss significant exposure to litigation in one case.

Councilmember Hatch recused himself and did not participate in the closed session for Item 10.3.

- 10.3 The City Council met in closed session under the authority of California Government Code Section 54956.8 to conference with its real property negotiator.

PROPERTY:

City Centre Park, 24121 Moulton Parkway, Laguna Woods, CA 92637 (Assessor's Parcel Number: 616-012-18)

CITY NEGOTIATOR:

Christopher Macon, City Manager

NEGOTIATING PARTIES:

Orange County Fire Authority

ISSUE UNDER NEGOTIATION:

Real property negotiations in response to an inquiry made by the Negotiating Parties, including terms, conditions, and price.

## **XI. CLOSED SESSION REPORT**

The City Council reconvened in open session at 1:35 p.m. City Attorney Cosgrove stated that there was no reportable action under California Government Code Section 54957.1.

## **XII. ADJOURNMENT**

The meeting was adjourned at 1:37 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday, January 20, 2021, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

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YOLIE TRIPPY, CMC, City Clerk

Approved: February 17, 2021

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SHARI L. HORNE, Mayor

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**CITY OF LAGUNA WOODS CALIFORNIA  
CITY COUNCIL MINUTES  
SPECIAL MEETING  
February 8, 2021  
2:00 P.M.  
Laguna Woods City Hall  
24264 El Toro Road  
Laguna Woods, California 92637**

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**I. CALL TO ORDER**

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

**II. ROLL CALL**

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

All Councilmembers participated via teleconference as permitted by Governor Newsom’s Executive Order N-29-20 (dated March 17, 2020).

STAFF PRESENT:           City Manager Macon, City Attorney Cosgrove

City Manager Macon participated in-person at the meeting location.

City Attorney Cosgrove participated via teleconference.

**III. PLEDGE OF ALLEGIANCE**

Councilmember Conners led the pledge of allegiance.

**IV. PRESENTATIONS AND CEREMONIAL MATTERS – None**

**V. PUBLIC COMMENTS**

City Manager Macon read email correspondence that was sent by Jonathan Hawes, titled “Public comment for next city council meeting”, dated February 2, 2020 8:52 a.m. regarding the El Monte Promise Foundation scholarship fund. That correspondence is noted and included in the public record.

**VI. CONSENT CALENDAR – None**

**VII. CITY COUNCIL BUSINESS**

**7.1 State of Local Emergency (COVID-19)**

City Manager Macon made a presentation. He stated that facts and figures had changed since the City Council last continued the existing local emergency proclamation, which speak to the proclamation’s ongoing need, including:

- The local emergency proclamation references morbidity and mortality statistics from the World Health Organization (WHO). Those figures have increased from 70,476,836 persons infected with COVID-19, worldwide, as of December 15, 2020, to 102,139,771 cumulative cases, worldwide, as of the World Health Organization’s February 2, 2021 COVID-19 Weekly Epidemiological Update. Likewise, the number of deaths, worldwide, has increased from 1,599,922 to 2,211,762 over the same period of time.
- In Orange County, according to information provided by the Orange County Health Care Agency, the total number of COVID-19 cases has increased from 111,168 as of December 16, 2020 to 238,264 as of February 7, 2021. Approximately 24% of cases have been adults age 55 and older. Despite accounting for approximately 24% of cases, adults age 55 and older account for approximately 90% of the 3,358 total COVID-19 deaths in Orange County. In Laguna Woods – where the median age as of the 2010 Census was nearly 78 – there have been 353 COVID-19 cases and 28 deaths.
- The State of California’s Regional Stay at Home Order ended on January 25, 2021. At that point Orange County returned to the State of California’s Blueprint for a Safer Economy’s most restrictive Purple Tier, which indicates widespread risk.
- On March 22, 2020, former President Trump approved a Major Disaster Declaration for the State of California. That Major Disaster Declaration remains in effect.

Councilmembers discussed the item and staff answered related questions.

Moved by Councilmember Connors, seconded by Mayor Pro Tem Moore, and carried unanimously on a 5-0 vote, to adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, CONTINUING THE EFFECT OF THE PROCLAMATION OF THE EXISTENCE OF A LOCAL EMERGENCY THAT WAS ISSUED BY THE DIRECTOR OF EMERGENCY SERVICES ON MARCH 19, 2020 AND THEN RATIFIED AND CONTINUED IN EFFECT BY THE CITY COUNCIL ON MARCH 24, 2020, MAY 11, 2020, JUNE 30, 2020, AUGUST 27, 2020, OCTOBER 21, 2020, AND DECEMBER 16, 2020, ON THE BASIS OF ONGOING NEED FOR 60 DAYS (THROUGH APRIL 9, 2021) UNLESS TERMINATED PRIOR TO THAT DATE BY THE CITY COUNCIL, PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 8630

This vote was conducted by roll call.

**VIII. CLOSED SESSION – None**



**IX. CLOSED SESSION REPORT – None**

**X. ADJOURNMENT**

The meeting was adjourned at 2:14 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday, February 17, 2021, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

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YOLIE TRIPPY, CMC, City Clerk

Approved: February 17, 2021

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SHARI L. HORNE, Mayor

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

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**City of Laguna Woods**  
**City Treasurer's Report**  
 For the Month Ended January 31, 2021

ITEM 6.2

**CASH AND INVESTMENTS**

	Beginning Balances As of 12/31/20	Earnings & Receipts	Disbursements	Purchases, Transfers & Other Adjustments	Ending Balances As of 1/31/21	% of Total Cash & Investment Balances	Maximum % Allowed per Investment Policy
<b>Cash and Cash Equivalents</b>							
Analyzed Checking Account (Note 1)	\$ 486,177	\$ 1,713,718	\$ (658,885)	\$ (650,000)	\$ 891,009.21	7.63%	
Cash Balances, Multi-Bank Securities (MBS) Account (Note 2 and 4)	\$ -	\$ 5,876	\$ (153)	\$ -	\$ 5,724	0.05%	
Earned Interest in Transit and Accrued Interest, MBS Account (Note 4)	\$ 11,173	\$ 5,608	\$ (5,876)	\$ -	\$ 10,905	0.09%	
Petty Cash	\$ 1,458			\$ -	\$ 1,458	0.01%	
<b>Total Cash and Cash Equivalents</b>	<b>\$ 498,808</b>	<b>\$ 1,725,203</b>	<b>\$ (664,915)</b>	<b>\$ (650,000)</b>	<b>\$ 909,096</b>	<b>7.78%</b>	<b>100.00%</b>
<b>Pooled Money Investment Accounts</b>							
Local Agency Investment Fund (LAIF) (Notes 2 and 3)	\$ 5,551,213	\$ 8,809	\$ -	\$ 650,000	\$ 6,210,022	53.16%	
Orange County Investment Pool (OCIP) (Notes 2 and 3)	\$ 2,175,303	\$ 1,751	\$ (108)	\$ -	\$ 2,176,946	18.63%	
<b>Total Pooled Money Investment Accounts</b>	<b>\$ 7,726,516</b>	<b>\$ 10,560</b>	<b>\$ (108)</b>	<b>\$ 650,000</b>	<b>\$ 8,386,968</b>	<b>71.79%</b>	<b>90.00%</b>
<b>Investments - Interest and Income Bearing</b>							
Certificates of Deposit (fair value) (Note 2)	\$ 2,390,786	\$ -	\$ -	\$ (4,562)	\$ 2,386,224	20.43%	
<b>Total Investments - Interest and Income Bearing</b>	<b>\$ 2,390,786</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ (4,562)</b>	<b>\$ 2,386,224</b>	<b>20.43%</b>	<b>30.00%</b>
<b>TOTAL</b>	<b>\$ 10,616,109</b>	<b>\$ 1,735,763</b>	<b>\$ (665,023)</b>	<b>\$ (4,562)</b>	<b>\$ 11,682,288</b>	<b>100.00%</b>	

Summary of Total Cash, Cash Equivalents, and Investments: \$ 10,616,109

	General Fund	Special Revenue Funds	Totals
Analyzed Checking Account	\$ (863,699)	\$ 1,754,708	\$ 891,009
Cash Balances, MBS Account	\$ 5,724	\$ -	\$ 5,724
Earned Interest in Transit and Accrued Interest, MBS Account	\$ 10,905	\$ -	\$ 10,905
Petty Cash	\$ 1,458	\$ -	\$ 1,458
LAIF	\$ 6,210,022	\$ -	\$ 6,210,022
OCIP	\$ 2,176,946	\$ -	\$ 2,176,946
Certificates of Deposit	\$ 2,386,224	\$ -	\$ 2,386,224
<b>Totals</b>	<b>\$ 20,543,689</b>	<b>\$ 1,754,708</b>	<b>\$ 11,682,288</b>

(See NOTES on Page 3 of 3)



**City of Laguna Woods**  
**City Treasurer's Report**  
**For the Month Ended January 31, 2021**

ITEM 6.2

**CASH AND INVESTMENTS**

CUSIP	Investment #	Issuer	Term	Purchase Date	Settlement Date	Par Value	Market Value	Book Value	Stated Rate (Note 4)	Coupon Type	1st Coupon Date	Rating or Rank (*)	Yield to Maturity 365 Days	Maturity Date
<b>Money Funds and Certificate of Deposits (CDs, Federal Deposit Insurance Corporation [FDIC] Insured)</b>														
61747ML58	2018-1	MORGAN STANLEY BK N A SALT LAKE	36 months	02/14/18	02/22/18	100,000	100,169	100,000	2.600	Semi-Annual	08/22/18	Green***	2.600	02/22/21
05580AMD3	2018-4	BMW BANK NORTH AMERICA	36 months	03/23/18	03/29/18	245,000	246,061	245,000	2.700	Semi-Annual	09/29/18	Green***	2.700	03/29/21
254673RS7	2018-5	DISCOVER BANK (#5649)	36 months	07/11/18	07/18/18	245,000	248,455	245,000	3.000	Semi-Annual	01/18/19	Green***	3.000	07/19/21
87164YQG2	2018-8	SYNCHRONY BANK RETAIL/MORGAN	60 months	05/19/17	05/19/17	100,000	103,036	98,716	2.470	Semi-Annual	11/19/17	Green***	2.400	05/19/22
90348JEA4	2018-6	UBS BANK USA	48 months	10/01/18	10/05/18	245,000	258,027	245,000	3.250	Monthly	11/05/18	Green***	3.250	10/05/22
61760ARV3	2018-7	MORGAN STANLEY PRIVATE BK NATL	60 months	11/06/18	11/15/18	245,000	268,008	245,000	3.550	Semi-Annual	05/15/19	Green***	3.550	11/15/23
02589AA28	2018-9	AMERICAN EXPRESS NATL	60 months	12/04/18	12/04/18	240,000	262,954	240,000	3.550	Semi-Annual	06/04/19	Green***	3.550	12/04/23
33715LCZ1	2018-10	FIRST TECHNOLOGY FED CU MTN VIEW	60 months	12/07/18	12/12/18	245,000	268,961	245,000	3.600	Monthly	01/12/19	Green***	3.600	12/12/23
949763ZA7	2019-1	WELLS FARGO BK N A	60 months	04/09/19	04/10/19	245,000	265,171	245,000	2.850	Monthly	05/10/19	Green*	2.850	04/10/24
75472RBB6	2020-1	RAYMOND JAMES BK NATL ASSN	60 months	02/06/20	02/14/20	245,000	259,242	245,000	1.750	Semi-Annual	08/14/20	Green***	1.750	02/14/25
59013KGJ9	2020-2	MERRICK BANK	60 months	03/24/20	03/31/20	100,000	106,142	100,000	1.800	Monthly	05/01/20	Green***	1.800	03/31/25
Accrued Interest - Month End							10,905							
<b>Total CDs</b>						<b>2,255,000</b>	<b>2,397,129</b>	<b>2,253,716</b>						

(\*) At the time of purchase and until September 2017, CDs were rated or ranked using an IDC Financial Publishing, Inc. (IDC) compiled ranking, and includes a one-number summary rank of quality comprised of 35 key financial ratios. Ranks range from 1 (the lowest) to 300 (the highest) and fall into one of the following six groups per Table 1. Post September 2017, CDs are ranked using the Veribanc Rating System, a two-part color code and star classification system which tests the present standing and future outlook by reviewing an institution's capital strength, asset quality, management ability, earnings sufficiency, liquidity, and sensitivity to market risk. Table 2 below summarizes the Veribanc color rankings. Veribanc star ratings of one to three, with three being best, are used to help review a possible future trend of an institutions health based on metrics from ten prior quarters. A rating of one, two, or three, are not necessarily an indicator of risk or an undesirable investment. The City reviews other rating systems and issuer financials before choosing any investment.

Table 1: CD Rankings (used prior to September 2017)

IDC Rank	Group Meaning
200-300	Superior
165-199	Excellent
125-164	Average
75-124	Below Average
2-74	Lowest Ratios
1	Highest Probability of Failure

Table 2: Veribanc Color Rankings (used post September 2017)

Veribanc Rank	Color Meaning
Green	Highest rating, exceeds qualifications in equity and income tests
Yellow	Merits attention, meets minimal qualifications in equity and income tests
Red	Merits close attention, does not meet minimal qualifications for equity and has incurred significant losses

**Government Pooled Money Investment Accounts (PMIA) (Notes 2 and 3)**

N/A	N/A	Local Agency Investment Fund (LAIF)	N/A	Various	Various	6,210,022	6,210,022	6,210,022	Pending	N/A	N/A	N/A	N/A	N/A
N/A	N/A	Orange County Investment Pool (OCIP)	N/A	Various	Various	2,176,946	2,176,946	2,176,946	Pending	N/A	N/A	N/A	N/A	N/A
<b>Total PMIA</b>						<b>8,386,968</b>	<b>8,386,968</b>	<b>8,386,968</b>						

(See NOTES on Page 3 of 3)



**City of Laguna Woods**  
**City Treasurer's Report**  
 For the Month Ended January 31, 2021

**CASH AND INVESTMENTS**

	Beginning Balances As of 12/31/20	Contributions / (Withdrawals)	Administrative Fees & Investment Expense	Unrealized Gain / (Loss)	Ending Balances As of 1/31/21
<b>Other Post-Employment Benefits (OPEB) Trust</b>					
CalPERS California Employers' Retiree Benefit Trust (CERBT) (CERBT holds all assets and administers the OPEB Trust)	\$ 138,310	\$ -	\$ (10)	\$ (846)	\$ 137,454
<b>Total Other Funds - Held in Trust</b>	<u>\$ 138,310</u>	<u>\$ -</u>	<u>\$ (10)</u>	<u>\$ (846)</u>	<u>\$ 137,454</u>

**Notes:**

Note 1 - Analyzed Checking Account / Monthly activity reported does not reflect January 2021 vendor invoicing processed after the date of this report.

Note 2 - During January 2021, transaction activity in pooled money investment accounts, investment accounts and fiduciary trusts included:

LAIF / The City transferred \$650,000 to LAIF from the checking account. There were no withdrawals from the LAIF account. The balance includes an adjustment in the amount of \$31,363.52 to reflect the fair market value of the investment at June 30, 2020.

OCIP / The City made no deposits to or withdrawals from the OCIP account. The balance includes an adjustment in the amount of \$18,013.41 to reflect the fair market value of the investment at June 30, 2020.

Investments / There were no maturities or purchases of investments. Investments were adjusted in the amount of (\$4,561.50) to report balances at fair market value as of January 31, 2021.

OPEB Trust / The City made no contributions to or withdrawals from the OPEB Trust. The OPEB Trust experienced a net loss of \$856.06 in January 2021.

Note 3 - Investment earnings on pooled money investment accounts deposited and reported January 2021 net of related fees were:


Pool	Earnings Post	Prior Period Earnings Deposited	Deposit for Period Ended	Current Month / Quarter Gross Yield	Current Month / Quarter Earnings Will Post	Notes
LAIF	Quarterly	\$8,809	October 1, 2020 thru December 31, 2020	0.63%	April 2021	Total pool interest for December 2020 was 0.458% and the City's yield will be slightly lower based on allocation ratios and administrative fees to be deducted.
OCIP	Monthly	\$1,751	October 2020	See Notes	See Notes	Interest is posted three months in arrears and fees are posted monthly. Accrued interest pending payment at January 31, 2021 was \$4,277.80. January 2021 interest rate was 0.694% and fees were 0.059%.

Note 4 - CDs / The stated earnings rate for CDs is a fixed rate for the full term. The City earned interest of \$5,876.49 and transferred out \$152.88 in cash balances to the City's checking account in January 2021. Cash balances to be invested or paid out are classified separately on page 1 of 3. The City's portfolio also has \$10,904.63 in accrued interest, not yet vested.

**City Treasurer's Certification**

I, Elizabeth Torres, City Treasurer, do hereby certify:

- That all investment actions executed since the last report have been made in full compliance with the City's Investment of Financial Assets Policy; and
- That the City is able to meet all cash flow needs which might reasonably be anticipated for the next 12 months.

  
 Elizabeth Torres, City Treasurer

2/11/21  
 Date

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## **6.3 WARRANT REGISTER**

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**CITY OF LAGUNA WOODS**  
**WARRANT REGISTER**  
**February 17, 2021**

ITEM 6.3

This Report Covers the Period 01/01/2021 through 01/31/2021

Date		Vendor Name	Description	Amount
<b>Debit</b>		<b>Automatic Bank Debits</b>		
Debit	01/04/2021	GLOBAL PAYMENTS / OPEN EDGE	Credit Card Processing Fees / December 2020	320.19
Debit	01/05/2021	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 12/04/2020	2,993.56
Debit	01/05/2021	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 12/04/2020	2,071.59
Debit	01/05/2021	BUSINESS PLANS	Employee Benefit Program / December 2020	61.38
Debit	01/07/2021	ADP WAGE PAY	Payroll Transfer / Pay Period Ended 01/01/2021	19,410.52
Debit	01/07/2021	ADP TAX	Payroll Taxes / Pay Period Ended 01/01/2021	9,321.03
Debit	01/08/2021	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Periods Ended 12/04/2020 and 12/18/2020	364.46
Debit	01/08/2021	ICMA / MFRS AND TRADERS TRUST	Employee Benefit Program / Pay Period Ended 01/01/2021	1,488.46
Debit	01/11/2021	CALPERS - HEALTH	Employee Benefit Program / January 2021	6,885.87
Debit	01/12/2021	BUSINESS PLANS	Employee Benefit Program / December 2020	65.00
Debit	01/15/2021	COUNTY OF ORANGE - SHERIFF	Law Enforcement Services / January 2021	241,139.80
Debit	01/15/2021	U.S. BANK	Bank Service Charges / December 2020	85.60
Debit	01/20/2021	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 12/18/2020	1,897.63
Debit	01/20/2021	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 12/18/2020	2,993.56
Debit	01/21/2021	ADP WAGE PAY	Payroll Transfer / Pay Period Ended 01/15/2021	19,020.20
Debit	01/21/2021	ADP TAX	Payroll Taxes / Pay Period Ended 01/15/2021	9,114.01
Debit	01/22/2021	ICMA / MFRS AND TRADERS TRUST	Employee Benefit Program / Pay Period Ended 01/15/2021	1,488.46
Debit	01/26/2021	BUSINESS PLANS	Employee Benefit Program / January 2021	26.41
<b>Check Number</b>		<b>Warrants:</b>		
4533	01/04/2021	NEW MILLENNIUM CONSTRUCTION SERVICES, INC.	City Hall Refurbishment & Safety Project: Phase 2	20,869.64
4534	01/11/2021	AT&T	Telephone / 452-0600 / December 2020	1,818.92
4535	01/11/2021	AT&T	Telephone / 458-3487 / December 2020	44.27
4536	01/11/2021	BETTY LUCAS	Taxi Voucher Refund	69.30
4537	01/11/2021	CALIFORNIA YELLOW CAB	Taxi Voucher Services / December 2020	772.00
4538	01/11/2021	COUNTY OF ORANGE	Law Enforcement Services (COVID-19) / September - November 2020	1,167.96
4539	01/11/2021	DELTA DENTAL OF CALIFORNIA	Employee Benefits Program / January 2021	225.03
4540	01/11/2021	JOHN L. HUNTER & ASSOCIATES, INC	NPDES Inspection Services / October - December 2020	6,560.00
4541	01/11/2021	LUIS & RIC'S HEATING & AIR INC.	Permit Refund	101.09
4542	01/11/2021	MANAGED HEALTH NETWORK	Employee Benefits Program / January 2021	18.81
4543	01/11/2021	MARC DONOHUE	Administrative Services / November 2020	150.00
4544	01/11/2021	NAVIA BENEFIT SOLUTIONS	125 Cafeteria Plan Administration / December 2020	100.00
4545	01/11/2021	NEW MILLENNIUM CONSTRUCTION SERVICES, INC.	City Hall Refurbishment & Safety Project: Phase 2	3,162.62
4546	01/11/2021	PARK CONSULTING GROUP, INC	Software Implementation Services / December 2020	6,920.25
4547	01/11/2021	PETTY CASH	Replenish Petty Cash / December 2020	-
4548	01/11/2021	PROTELESIS	Telephone System Maintenance / December 2020	299.00
4549	01/11/2021	RICOH USA, INC.	Copier Lease / January 2021	214.20
4550	01/11/2021	SOUTH COAST RESTORATION	City Hall Maintenance / November 2020	850.08
4551	01/11/2021	SOUTHERN CALIFORNIA EDISON	Street Lighting - Residential / December 2020	2,017.37
4552	01/11/2021	STAPLES	Office and Janitorial Supplies / December 2020	350.11
4553	01/11/2021	SUNSET PROPERTY SERVICES	Street Sweeping Services / October & December 2020	6,372.00
4554	01/11/2021	TYLER TECHNOLOGIES, INC.	Annual Software Maintenance Fee / February 2021 - January 2022	2,435.58

**CITY OF LAGUNA WOODS**  
**WARRANT REGISTER**  
**February 17, 2021**

This Report Covers the Period 01/01/2021 through 01/31/2021

Date	Vendor Name	Description	Amount	
4555	01/11/2021	VIDEO ENGINEERING SERVICES	City Hall Television Broadcast Improvement Project	5,250.00
4556	01/11/2021	VISION SERVICE PLAN OF AMERICA	Employee Benefits Program / January 2021	83.95
4557	01/11/2021	WM CURBSIDE, LLC	HHW, Medicine & Sharps Program / December 2020	2,994.90
4558	01/15/2021	ADT COMMERCIAL	Fire and Security Monitoring / January - March 2021	240.00
4558	01/15/2021	ADT COMMERCIAL	City Hall Maintenance / December 2020	758.72
4559	01/15/2021	ALISO CREEK MINUTEMAN PRESS	Printing Services	107.75
4560	01/15/2021	AT&T	White Pages / January 2021	4.53
4561	01/15/2021	BALLIET, MICHAEL	Waste Management Consulting Services / December 2020	1,827.50
4562	01/15/2021	CALIFORNIA BLDG STANDARDS COMM	Building Permit Fee Assessment / October - December 2020	410.40
4563	01/15/2021	CITY OF LAGUNA BEACH	Animal Control & Shelter Services / December 2020	9,087.17
4564	01/15/2021	CITY OF LAGUNA HILLS	Traffic Signal Maintenance	1,412.69
4565	01/15/2021	COASTAL CURRENT ELECTRIC	Cancelled Permit Refund	94.50
4566	01/15/2021	COUNTY OF ORANGE	Newport Bay Watershed Cost-Share / Fiscal Year 2020-21	12,205.26
4567	01/15/2021	CT&T CONCRETE PAVING INC	ADA Pedestrian Accessibility Improvement Project: Phase 4	111,100.60
4568	01/15/2021	DEPARTMENT OF CONSERVATION	Strong Motion Instrumentation & Seismic Hazard Mapping Fee / October - December 2020	513.53
4569	01/15/2021	IRWIN B BORNSTEIN, CPA	Financial Consulting Services / December 2020	617.50
4570	01/15/2021	ITERIS, INC	Traffic Engineering / December 2020	5,000.00
4571	01/15/2021	KONE INC.	City Hall Elevator Maintenance / January 2021	225.00
4572	01/15/2021	RICOH USA, INC.	Copier Usage / December 2020	98.72
4573	01/15/2021	SIEMENS MOBILITY, INC.	Traffic Maintenance / November 2020	1,554.00
4574	01/15/2021	SOUTHERN CALIFORNIA EDISON	Electric Services / December 2020	5,179.24
4575	01/15/2021	THE GAS COMPANY	Gas Service - City Hall / December 2020	156.46
4576	01/15/2021	U.S. BANK	Credit Card Charges (expenditures reported separately - see note 3)	13,410.74
4577	01/19/2021	ORANGE COUNTY CLERK-RECORDER	Document Recording Fee	50.00
4578	01/22/2021	360 BUSINESS CONSULTING	Website Hosting / December 2020	200.00
4579	01/22/2021	AT&T	Telephone / 583-1105 / December 2020	22.98
4580	01/22/2021	AT&T	Telephone / 581-9821 / December 2020	95.98
4581	01/22/2021	BROWN ARMSTRONG ACCOUNTANCY CORPORATION	Audit Services / Fiscal Year 2019-20	3,200.00
4582	01/22/2021	CALIFORNIA YELLOW CAB	NEMT Taxi Voucher Services / December 2020	2,480.00
4583	01/22/2021	CIVIL SOURCE	Engineering Services / November - December 2020	35,845.00
4584	01/22/2021	COUNTY OF ORANGE	Automated Fingerprint ID System / January 2021	726.00
4585	01/22/2021	DELTA DENTAL OF CALIFORNIA	Employee Benefits Program / February 2021	450.05
4586	01/22/2021	EL TORO WATER DISTRICT	Water Service / November 2020	4,478.40
4587	01/22/2021	PRACTICAL DATA SOLUTIONS	IT Support Services / December 2020	3,520.49
4588	01/22/2021	WILLDAN ENGINEERING	Code Enforcement Services / December 2020	3,886.00
4588	01/22/2021	WILLDAN ENGINEERING	Building Official, Permit Counter & Inspection Services / November - December 2020	56,865.00
4589	01/22/2021	WLC ARCHITECTS	City Hall Refurbishment & Safety Project: Phase 2	1,250.00
			<b>Total Bank Debits and Warrants: \$</b>	<b><u>658,669.02</u></b>

**CITY OF LAGUNA WOODS  
WARRANT REGISTER  
February 17, 2021**

This Report Covers the Period 01/01/2021 through 01/31/2021

**NOTES:**

Note 1 - City Councilmembers are eligible to receive either a salary or vehicle reimbursement allowance in the amount of \$300 per month (\$3,600 per year). Such compensation is included in the City's regular payroll (see "ADP Payroll Services" under "Automatic Bank Debits"), unless waived by the Councilmember. For the month of January 2021, the following Councilmembers received compensation in the amount of \$300: Conners, Hatch, Horne and Tao.

Note 2 - Petty cash is reported as cash is paid out, not when the fund is replenished. No petty cash transactions were paid during this time period. The petty cash replenishment on January 11, 2021 was to replenish the overdrawn cash drawers for taxi voucher refunds.

Note 3 - The table below summarizes credit card expenditures paid via Check #4576 to U.S. Bank totaling \$13,410.74:

Amazon	Office Supplies	\$333.91
Costco	Office Supplies	\$40.92
Wayfair	Office Supplies	\$95.89
Adobe	Office Supplies	\$78.50
Sinks Direct	City Hall Maintenance	\$69.46
Zoom	Video Conferencing	\$14.99
Dropbox Inc	Website Services	\$720.00
Microsoft	Office 365 Subscription	\$251.21
Lavi Industries	Office Supplies (COVID-19)	\$2,187.50
Air Oasis	Office Supplies (COVID-19)	\$9,085.00
Amazon	City Hall Television Broadcast Improvement Project	\$533.36
<b>Total Credit Card Reimbursement:</b>		<b><u>\$13,410.74</u></b>

**Administrative Services Director/City Treasurer's Certification**

I, Elizabeth Torres, Administrative Services Director / City Treasurer, do hereby certify:

- In accordance with California Government Code Section 37202, I hereby certify to the accuracy of the demands on cash summarized within;
- That the City is able to meet all cash flow needs which might reasonably be anticipated for the next 12 months; and
- That the City is in compliance with California Government Code Section 27108.

  
Elizabeth Torres, Administrative Services Director/City Treasurer

2/11/21  
Dated

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**6.4**  
**CITY ENGINEERING AND TRAFFIC**  
**OPERATIONS SERVICES**

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**EXTENSION OF THE  
AGREEMENT FOR CONSULTANT SERVICES  
BETWEEN THE  
CITY OF LAGUNA WOODS  
AND  
CIVILSOURCE, INC.  
FOR CITY ENGINEERING AND TRAFFIC OPERATIONS SERVICES**

This EXTENSION of the AGREEMENT FOR CONSULTANT SERVICES ("AGREEMENT") that was approved by the City Council on June 17, 2015 by and among the City of Laguna Woods, a California municipal corporation ("CITY") and CivilSource, Inc. ("CONSULTANT"), is made and entered into this 17th day of February 2021 by and among CITY and CONSULTANT.

**WHEREAS**, the initial term of the AGREEMENT was for the period between July 1, 2015 and 11:59 p.m. on June 30, 2017; and

**WHEREAS**, the AGREEMENT allows for the term of the AGREEMENT to be extended upon written agreement of both parties to the AGREEMENT for any applicable mutually agreeable period through a maximum of 11:59 p.m. on June 30, 2020; and

**WHEREAS**, the term of the AGREEMENT was previously extended for periods through 11:59 p.m. on June 30, 2021; and

**WHEREAS**, CITY has requested that CONSULTANT continue to provide services for an additional 12-month period.

**NOW THEREFORE**, the parties amend the AGREEMENT as follows:

1. CITY and CONSULTANT hereby agree to an EXTENSION of the AGREEMENT for a period beginning on July 1, 2021 and ending at 11:59 p.m. on June 30, 2022 with no changes to the terms and conditions of the AGREEMENT except as specified herein.

**IN WITNESS WHEREOF**, the parties hereto have caused this EXTENSION to be executed the day and year first above written.

**CITY OF LAGUNA WOODS:**

By \_\_\_\_\_  
Shari L. Horne, Mayor

**CONSULTANT:**

By \_\_\_\_\_  
Jeffrey M. Cooper, PE, Director of Infrastructure

**APPROVED AS TO FORM:**

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David B. Cosgrove, City Attorney

**6.5**  
**STREET, RIGHT-OF-WAY, AND**  
**INFRASTRUCTURE MAINTENANCE SERVICES**

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**EXTENSION OF THE  
AGREEMENT FOR CONSULTANT SERVICES  
BETWEEN THE  
CITY OF LAGUNA WOODS  
AND  
PV MAINTENANCE, INC.  
FOR STREET, RIGHT-OF-WAY, AND INFRASTRUCTURE  
MAINTENANCE SERVICES**

This EXTENSION of the AGREEMENT FOR CONSULTANT SERVICES ("AGREEMENT") that was approved by the City Council on August 16, 2017 by and among the City of Laguna Woods, a California municipal corporation ("CITY") and PV Maintenance, Inc. ("CONSULTANT"), is made and entered into this 17th day of February 2021 by and among CITY and CONSULTANT.

**WHEREAS**, the initial term of the AGREEMENT was for the period between September 1, 2017 and 11:59 p.m. on June 30, 2019; and

**WHEREAS**, the AGREEMENT allows for the term of the AGREEMENT to be extended upon written agreement of both parties to the AGREEMENT; and

**WHEREAS**, the term of the AGREEMENT was previously extended for periods through 11:59 p.m. on June 30, 2021; and

**WHEREAS**, CONSULTANT has agreed to continue to provide services for an additional five-year period with no change in the existing compensation schedule.

**NOW THEREFORE**, the parties amend the AGREEMENT as follows:

1. CITY and CONSULTANT hereby agree to an EXTENSION of the AGREEMENT for a period beginning on July 1, 2021 and ending at 11:59 p.m. on June 30, 2026 with no changes to the terms and conditions of the AGREEMENT except as specified herein.

**IN WITNESS WHEREOF**, the parties hereto have caused this EXTENSION to be executed the day and year first above written.

**CITY OF LAGUNA WOODS:**

By \_\_\_\_\_  
Shari L. Horne, Mayor

**CONSULTANT:**

By \_\_\_\_\_  
Frank J. Garza, President

**APPROVED AS TO FORM:**

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David B. Cosgrove, City Attorney

**6.6**

**PAVEMENT MANAGEMENT PLAN PROJECT  
(EASTBOUND EL TORO ROAD BETWEEN  
CHURCH INTERSECTION AND MOULTON  
PARKWAY, WESTBOUND EL TORO ROAD  
BETWEEN WILLOW TREE CENTER AND  
MOULTON PARKWAY)  
(NO REPORT)**

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7.1

**CONDITIONAL USE PERMIT CUP-1498, A  
PROPOSAL TO AMEND CONDITIONAL USE  
PERMIT CUP-1128, WHICH ALLOWS FOR THE  
SALE OF ALCOHOLIC BEVERAGES FOR ON-  
SITE AND OFF-SITE CONSUMPTION AT 24165  
PASEO DE VALENCIA, LAGUNA WOODS, CA  
92637 (CURRENTLY MOTHER'S MARKET AND  
KITCHEN, INC.)**

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# City of Laguna Woods

## Agenda Report

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Christopher Macon, City Manager

**FOR:** February 17, 2021 Regular Meeting

**SUBJECT:** Conditional Use Permit CUP-1498, a proposal to amend Conditional Use Permit CUP-1128, which allows for the sale of alcoholic beverages for on-site and off-site consumption at 24165 Paseo de Valencia, Laguna Woods, CA 92637 (currently Mother's Market and Kitchen, Inc.)

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### Recommendation

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public testimony.

AND

4. Close public hearing.

AND

5. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA

WOODS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP-1498 TO AMEND CONDITIONAL USE PERMIT CUP-1128 REGARDING THE SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE AND OFF-SITE CONSUMPTION AT 24165 PASEO DE VALENCIA, LAGUNA WOODS, CA 92637, AND DETERMINING THAT THE CONDITIONAL USE PERMIT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301 OF TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS

### **Background**

The City has received a conditional use permit application from Mother’s Market and Kitchen, Inc. (“Applicant”). The Applicant is requesting the amendment of Conditional Use Permit CUP-1128, which was approved by the City Council on September 21, 2016, and allows for the sale of beer and wine for on-site and off-site consumption pursuant to Type 41 and Type 20 California Department of Alcoholic Beverage Control (“ABC”) licenses. The proposed conditional use permit (Conditional Use Permit CUP-1498) would additionally allow for the sale of beer, wine, and distilled spirits for on-site and off-site consumption pursuant to Type 47 and Type 21 ABC licenses. As proposed, four types of ABC licenses would be authorized:

- Type 41 (On-Sale Beer & Wine - Eating Place);
- Type 20 (Off-Sale Beer & Wine);
- Type 47 (On-Sale General - Eating Place); and
- Type 21 (Off-Sale General).

Camino Oaks, LLC is the property owner and has approved the application.

Project Location: 24165 Paseo de Valencia  
Laguna Woods, CA 92637

The project location is located generally west of Paseo de Valencia between El Toro Road and Calle de la Plata within the Valencia Center property.

A vicinity map is included as Attachment B.

Surrounding land uses are listed in Table 1.

*Table 1: Surrounding Land Uses*

<b>General Location</b>	<b>General Plan Land Use Designation</b>	<b>Land Use</b>
North	Commercial / Residential Community	Valencia Center / Laguna Woods Village residences
South	Commercial	Valencia Center
East	Commercial / City of Laguna Hills	Valencia Center / Financial institution and offices
West	Residential Community	Laguna Woods Village Clubhouse 1

The project location is zoned as Community Commercial (CC). Community Commercial 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).

Laguna Woods Municipal Code Section 13.10.020 requires the issuance of a conditional use permit prior to the establishment of certain uses, including alcoholic beverage sales in the Community Commercial zoning district.

### **Discussion**

At today’s meeting, the City Council will conduct a public hearing regarding the application for Conditional Use Permit CUP-1498, after which approval will be considered (Attachment A).

By authorizing the two additional types of ABC licenses, the proposed conditional use permit would expand the types of alcoholic beverages that can be consumed on-site at the existing café and sold within the existing market footprint for off-site consumption to include distilled spirits. The California Alcoholic Beverage Control Act defines distilled spirits as alcoholic beverages “obtained by the distillation of fermented agricultural products, and includes alcohol for beverage use, spirits of wine, whiskey, rum, brandy, and gin, including all dilutions and mixtures thereof.” Powdered alcohol, regardless of distillation, is not considered a distilled spirit.

The ABC regulates California’s alcoholic beverage industry. Alcoholic beverage sales cannot commence without approval from both the City and ABC. In this case, the Applicant cannot obtain either Type 47 or Type 21 ABC licenses unless the City authorizes their doing so and they meet the ABC’s licensure requirements.

The ABC limits the number of licenses that are allowed within each census tract. Exceedances of those limits require cities to make public convenience or necessity findings. In this case, because the proposed conditional use permit would not increase the total number of licenses within Census Tract 626.46 (only two of the four proposed license types could be held concurrently), no public convenience or necessity finding is required. When the City Council approved Conditional Use Permit CUP-1128 in 2016, a public convenience and necessity finding was made.

*Table 2: Existing ABC Licenses within Census Tract 626.46*

<b>Licensee</b>	<b>ABC License(s)</b>	<b>Proximity</b>
Mother's Market and Kitchen	Type 20 <sup>1</sup> & Type 41 <sup>3</sup>	Subject site
ALDI Market	Type 20 <sup>1</sup>	Within census tract
CVS Pharmacy	Type 21 <sup>2</sup>	Within census tract and 1,000 foot radius of the subject site
Laguna Café	Type 41 <sup>3</sup>	Within census tract
Olive Garden Restaurant	Type 47 <sup>4</sup>	Within census tract
Golden Rain Foundation	Type 51 <sup>5</sup>	Within census tract

<sup>1</sup> Type 20 Off-Sale Beer and Wine License

<sup>2</sup> Type 21 Off-Sale General License

<sup>3</sup> Type 41 On-Sale Beer and Wine - Eating Place License

<sup>4</sup> Type 47 On-Sale General Eating Place License

<sup>5</sup> Type 51 On-Sale General - Club License

Descriptions of license types are available at <https://www.abc.ca.gov/licensing/license-types>

Olive Garden Restaurant and the Golden Rain Foundation are the only other establishments within Census Tract 626.46 that sell beer, wine, and distilled spirits for on-site consumption. CVS Pharmacy is the only other establishment that sells distilled spirits for off-site consumption. All other licenses within Census Tract 626.46 are for the sale of beer and wine for on-site or off-site consumption.

The proposed resolution approving the conditional use permit includes conditions of approval that would regulate activities in a manner consistent with the purpose and intent of Chapter 13.10 of the Laguna Woods Municipal Code.

The proposed conditional use permit would apply to the current occupant (Mother's Market and Kitchen, Inc.), as well as eligible successors, at the project location.

**Environmental Review**

The City Council is asked to find that this project is categorically exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15301 of Title 14 of the California Code of Regulations, in that it consists of permitting and other approvals related to the sale of beer, wine, and distilled spirits for on-site and off-site consumption within an existing private structure, involving negligible or no expansion of use beyond that existing at the time of the City’s determination. While the scope of alcoholic beverage sales would be expanded, there would be no new or intensified environmental impacts that would occur as a result. Specifically, the project involves no physical addition to the existing private structures and, if approved, may result in only minor interior and exterior alterations involving such things as interior partitions, plumbing, electrical conveyances, accessibility, and other common tenant improvements.

**Fiscal Impact**

The City’s expenses associated with processing this project are recovered through planning services fees.

Report Prepared With: Rebecca M. Pennington, Development Programs Analyst

Attachments: A – Proposed Resolution  
                  Exhibit A – Proposed Conditions of Approval  
                  B – Vicinity Map

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**RESOLUTION NO. 21-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP-1498 TO AMEND CONDITIONAL USE PERMIT CUP-1128 REGARDING THE SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE AND OFF-SITE CONSUMPTION AT 24165 PASEO DE VALENCIA, LAGUNA WOODS, CA 92637, AND DETERMINING THAT THE CONDITIONAL USE PERMIT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301 OF TITLE 14 OF THE CALIFORNIA CODE OF REGULATIONS

**WHEREAS**, Mother’s Market and Kitchen, Inc. (“the applicant”) submitted an application for Conditional Use Permit CUP-1498 to amend Conditional Use Permit CUP-1128, which allows for the sale of alcoholic beverages for on-site and off-site consumption at 24165 Paseo de Valencia, Laguna Woods, CA 92637 in the Community Commercial (CC) zoning district; and

**WHEREAS**, on February 17, 2021, the City Council of the City of Laguna Woods, after giving notice thereof as required by law, held a public hearing concerning Conditional Use Permit CUP-1498; and

**WHEREAS**, the City Council has carefully considered all pertinent testimony, as well as all information contained in the agenda report prepared for this application, as presented at the public hearing; and

**WHEREAS**, staff has reviewed the environmental form submitted by the applicant in accordance with the City’s procedures. Based upon the information received and staff’s assessment of the information, the project has been determined to be categorically exempt pursuant to Section 15301 (Existing Facilities) of the Guidelines for the California Environmental Quality Act (“CEQA”); and

**WHEREAS**, all legal prerequisites have occurred prior to the adoption of this resolution; and

**WHEREAS**, the City Council makes the following findings subject to the conditions of approval:

1. The use or project proposed is consistent with the General Plan.

The proposed project is consistent with the Commercial land use designation of the General Plan. Policy I.B of the General Plan Land Use Element is to “actively participate with property owners and their representatives to expand the range of retail goods and services.” The proposed project would allow the applicant to expand its range of retail goods by providing customers a select assortment of beer, wine, and distilled spirits for on-site and off-site consumption.

2. The use, activity or improvement(s) proposed is consistent with the provisions of the Zoning Code.

Grocery stores and eating establishments are permitted uses within the Community Commercial (CC) zoning district and the sale of alcoholic beverages is a conditionally permitted use. The proposal to allow for the on-site and off-site sale of beer, wine, and distilled spirits in conjunction with a grocery store and eating establishment whose predominant function is the service of food and where on-site and off-site sales of alcoholic beverages are incidental or secondary is permitted per the Laguna Woods Municipal Code, contingent upon receiving a conditional use permit for alcoholic beverage sales. The proposal is also consistent with the Community Commercial (CC) zoning district, which exists “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.”

3. The approval of the permit application is in compliance with the requirements of the California Environmental Quality Act.

Based upon the information received from the applicant and staff’s assessment of the same, the proposed project has been determined to be categorically exempt from CEQA pursuant to Section 15301 of Title 14 of the California Code of Regulations, in that it consists of permitting and other approvals related to the sale of beer, wine, and distilled spirits for on-site and off-site consumption within an existing private structure, involving negligible or no expansion of use beyond that existing at the time of the City’s determination. While the scope of alcoholic beverage sales would be expanded, there would be no new or intensified environmental impacts that would occur as a result. Specifically, the project involves no physical addition to the existing private structures and, if approved, may result in only minor interior and exterior alterations involving such things as interior

partitions, plumbing, electrical conveyances, accessibility, and other common tenant improvements.

4. The location, size, design and operating characteristics of the proposed use will not create conditions or situations that may be incompatible with other permitted uses in the vicinity.

The proposed use would not create conditions or situations that may be incompatible with other permitted uses in the vicinity, including surrounding commercial and residential community uses. The existing grocery store and café are part of an existing commercial shopping center, known as the Valencia Center, which houses compatible commercial uses. The proposal to allow for the on-site and off-site sale of beer, wine, and distilled spirits, with limited hours for selling alcoholic beverages for on-site consumption, will not adversely affect abutting properties. The neighboring properties to the south and east are commercial and similar in nature. The properties to the north and west are of residential use. Therefore, conditions of approval are included to ensure that appropriate measures are taken to avoid conditions or situations that may be incompatible with other permitted uses in the vicinity.

5. The approval of the permit application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.

The proposed project would be subject to conditions of approval which would regulate the sale of beer, wine, and distilled spirits for on-site and off-site consumption in a manner that will not result in conditions or circumstances contrary to the public health and safety and the general welfare. Condition of Approval No. 3 requires the Applicant(s)/Owner(s) to comply with all then-current requirements of the Laguna Woods Municipal Code and the California Building Standards Code, as well as federal, state, and local laws, rules, and regulations. Condition of Approval No. 6 requires the Applicant(s)/Owner(s) to comply with all applicable licensing required through the State of California Department of Alcoholic Beverage Control. Condition of Approval No. 8 requires the sale of alcoholic beverages for on-site consumption to cease at least one half hour prior to the posted closing time for the business. Condition of Approval No. 13 reserves the rights of the City to require additional security or safety measures, if warranted. Such conditions and others would assist in protecting the public from any potential risk or danger.

6. The approval of the permit application is in compliance with all City-required public facilities regulations.

The proposed project has been evaluated against all City regulations through the conditional use permit process and is deemed to be in compliance, subject to the conditions of approval. The proposed project does not require the addition or modification of any public facilities, nor heightened levels of service for any public services operating from public facilities.

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

**SECTION 1.** The above recitals are true and correct.

**SECTION 2.** After reviewing the entire project record, the City Council hereby determines and certifies that this project is categorically exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15301 of Title 14 of the California Code of Regulations, in that it consists of permitting and other approvals related to the sale of beer, wine, and distilled spirits for on-site and off-site consumption within an existing private structure, involving negligible or no expansion of use beyond that existing at the time of the City’s determination. While the scope of alcoholic beverage sales is expanded, there are no new or intensified environmental impacts that will occur as a result. Specifically, the project involves no physical addition to the existing private structures and may result in only minor interior and exterior alterations involving such things as interior partitions, plumbing, electrical conveyances, accessibility, and other common tenant improvements.

**SECTION 3.** The City Council hereby approves Conditional Use Permit CUP-1498, subject to the conditions of approval attached to this resolution as Exhibit A, which are incorporated herein by this reference.

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

PASSED, APPROVED AND ADOPTED on this XX day of XX 2021.

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SHARI L. HORNE, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, CMC, City Clerk

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 21-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 2021, by the following vote:

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

\_\_\_\_\_  
YOLIE TRIPPY, CMC, City Clerk

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**Exhibit A to Resolution No. 21-XX**

**City of Laguna Woods**

**Conditions of Approval for Conditional Use Permit CUP-1498**

*\*\* Conditional Use Permit CUP-1498 amends Conditional Use Permit CUP-1128. The following conditions of approval replace and supersede those set forth with Conditional Use Permit CUP-1128:*

1. The proposed project shall be constructed, developed, used, operated, and permanently maintained in accordance with the terms of the application, plans, drawing, and conditions imposed herein.
2. The Applicant(s)/Owner(s) shall comply with all of the conditions of approval as part of Conditional Use Permit CUP-1498 (“conditional use permit”). Failure to comply with any one or more of the conditions imposed herein constitute grounds for revocation of said conditional use permit by the City Council.
3. The Applicant(s)/Owner(s) shall comply with all then-current requirements of the Laguna Woods Municipal Code and the California Building Standards Code, as well as federal, state, and local laws, rules, and regulations, as they pertain to the improvements and uses sought in this application, and such requirements are made a condition of the conditional use permit approval. These include, but are not limited to, all requirements related to building permits; engineering review, landscaping review, water quality review, and plan review, generally, of proposed construction plans; accessibility, including accessibility required by the federal Americans with Disabilities Act; best management practices and other actions or improvements required by applicable National Pollutant Discharge Elimination System permit(s); and, restrictions on parking, circulation, lighting, and noise.
4. This conditional use permit does not eliminate the need for building permits or include any action or finding as to compliance or approval of any other applicable federal, state or local ordinance, regulation, rule, or requirements.
5. This conditional use permit does not include any approval for signage or landscaping, nor does it represent or imply that any signage or landscaping

ITEM 7.1 – Exhibit A to Attachment A

proposed in connection with this application, or at any time in the future, will or will not be approved by the City.

6. The sale and consumption of alcoholic beverages shall occur in full compliance with applicable licensing required through the State of California Department of Alcoholic Beverage Control (“ABC”). The sale and consumption of alcoholic beverages shall occur in full accordance with all applicable ordinances, regulations, rules, and requirements promulgated by the ABC, as well as all other applicable federal, state, and local authorities.
7. The Applicant(s)/Owner(s) are authorized to obtain only the following types of ABC licenses, no more than two of which may be held concurrently:
  - Type 41 (On-Sale Beer & Wine - Eating Place)
  - Type 20 (Off-Sale Beer & Wine)
  - Type 47 (On-Sale General - Eating Place)
  - Type 21 (Off-Sale General)
8. The sale of alcoholic beverages for on-site consumption shall cease at least one half hour prior to the posted closing time for the business.
9. Alcoholic beverages sold for on-site consumption shall only be consumed within the café area designated in the application for Conditional Use Permit CUP-1128. The Applicant(s)/Owner(s) shall post signage to that effect in a manner that is clearly visible to customers and staff. Changes to place of consumption limitations – whether permanent or temporary – will require review and authorization by the City Manager who may in his/her/their discretion refer such decision to the City Council.
10. The Applicant(s)/Owner(s) are responsible for supervising and controlling the behavior and activities of customers, patrons, and other persons within the café area. The Applicant(s)/Owner(s) shall ensure that no boisterous, offensive, or disorderly behavior occurs in connection with the on-site sale or consumption of alcoholic beverages and that alcoholic beverages are not taken outside of the café area into either the market area, generally, or the exterior of the business. The inability of the Applicant(s)/Owner(s) to perform in this manner shall be cause for review and revocation of this conditional use permit.
11. There shall be no exterior advertising of any kind or type promoting or



ITEM 7.1 – Exhibit A to Attachment A

indicating the availability of on-site or off-site alcoholic beverages including, but not limited to, advertising directed to the exterior from within.

12. Graffiti on the property shall be removed at the Applicant(s)/Owner(s)' expense within 24 hours.
13. In the event of repeated or disproportionately high numbers of calls for law enforcement or other public safety service, or based upon input from the surrounding businesses or residents, the City Manager may require, at his/her/their discretion, that the Applicant(s)/Owner(s) provide additional on-site security and/or safety measures at the property, as may be reasonably calculated to address situations or circumstances leading to or causing such increased calls for service, or complaints or comments from surrounding residents or businesses.
14. City staff, or their authorized representatives, shall have the right to access and enter the property to make reasonable Applicant- or Owner-authorized scheduled inspections, or unscheduled inspections in areas otherwise open to the public, to observe and enforce compliance with the conditions set forth herein.
15. In accordance with policies adopted by the City, the Applicant(s)/Owner(s) shall be responsible for any cost incurred as a result of local law enforcement, public safety, or code enforcement investigation/inspections that result in a finding of violation of any applicable laws and/or conditions of approval.
16. Any request to modify the conditions of approval contained herein shall require review and authorization by the City Manager. The City Manager may require the submission of such documentation or reporting, or the conduct of such studies or analysis, as he/she/they deems necessary to evaluate a request for modification. The City Manager may in his/her/their discretion refer such decision to the City Council.
17. This approval may be modified or revoked by the City Council, after applicable notice and public hearing procedures have been satisfied, should it be determined, within the City's jurisdictional authority, that the conditions under which the project has been operated or maintained are detrimental to the public health, safety or welfare, or materially injurious to property or animals in the vicinity; or if the project is operated or maintained so as to

ITEM 7.1 – Exhibit A to Attachment A

constitute a public nuisance, or if the project is operated or maintained in violation of any of the conditions of approval set forth herein, or for any other reason permitted by law.

18. Transfer: In the event of transfer of the property to which this conditional use permit pertains, the transferee shall, prior to exercising the rights granted hereunder, arrange and attend a conference with the City to review these conditions of approval, and document the manner in which activities will occur and the manner in which these conditions of approval will be met.
19. Termination: Upon approval, this conditional use permit shall become null and void (A) 180 calendar days after such time the approved use at the approved location ceases to be operated as noted by lapse of City business license, lapse of California Department of Tax & Fee Administration permit, or date noted by City official with proper site verification of abandonment or discontinuance; or, (B) if the Applicant(s)/Owner(s) have failed to hold at least one authorized type of ABC license for any period of 181 calendar days or more, unless such period is extended by the City Manager upon a showing that the Applicant(s)/Owner(s) are actively engaged in the ABC application process. The City Manager may in his/her/their discretion refer such decision to the City Council. This conditional use permit shall be deemed immediately terminated should the approved location be occupied by a use not in accord with this approval, subject to written notice to the Property Owner(s) with 10 calendar days to cure.
20. The Applicant(s)/Owner(s), or successor in interest, shall as a condition of issuance of this approval, at its sole expense, defend, indemnify, and hold harmless the City and its respective elected and appointed boards, officials, officers, agents, employees and volunteers from any claim, action, or proceeding against the City and its respective elected and appointed boards, officials, officers, agents, employees and volunteers to attach, set aside, void or annul an approval of the City Council or other decision-making body, or staff action concerning this conditional use permit approval, or its implementation. The Applicant(s)/Owner(s) shall pay all of the City's defense costs incurred by counsel of the City's choosing, and shall reimburse the City for any and all court costs and other parties' attorney fees that the City may be required by a court to pay as a result of such defense. The Applicant(s)/Owner(s) may its sole discretion participate in the defense of any such action under this condition, with its own counsel.

ITEM 7.1 – Exhibit A to Attachment A

21. Within 10 business days of the date of this approval, the Property Owner(s) shall sign and have notarized (acknowledgement) the “Owner(s) Agreement to Conditions of Approval for Conditional Use Permit CUP-1498” and return one wet-signed original to the City Manager with a copy of a recordable legal description of all affected properties in form acceptable to the City Manager.

[SIGNATURES ON NEXT PAGE]

***OWNER(S) AGREEMENT TO CONDITIONS OF APPROVAL FOR  
CONDITIONAL USE PERMIT CUP-1498 (“AGREEMENT”)***

1. *AGREEMENT TO CONDITIONS OF APPROVAL.* The person or persons executing this AGREEMENT on behalf of the respective Owner(s) has reviewed all Conditions of Approval for Conditional Use Permit CUP-1498, has had the opportunity to consult with legal counsel regarding them as the Owner(s) has deemed appropriate, and understands and agrees, without exception, to each and all of the conditions.
2. *RECORDATION.* The person or persons executing this AGREEMENT on behalf of the respective Owner(s) consents to the recordation of the Conditions of Approval for Conditional Use Permit CUP-1498, including this AGREEMENT, in the office of the Clerk-Recorder for the County of Orange, at the Owner(s)’ cost.
3. *AUTHORITY TO EXECUTE.* The person or persons executing this AGREEMENT on behalf of the respective Owner(s) represents and warrants that he/she/they has/have the authority to so execute this AGREEMENT and to bind the respective Owner(s) to the performance of its obligations hereunder.
4. *BINDING EFFECT.* This AGREEMENT shall be binding upon the heirs, executors, administrators, successors and assigns of the parties.
5. *SEVERABILITY.* If any term, condition or covenant of this AGREEMENT is declared or determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this AGREEMENT shall not be affected thereby and the AGREEMENT shall be read and construed without the invalid, void or unenforceable provision(s).

**Property Owner – Camino Oaks, LLC**

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

Full Name: \_\_\_\_\_ Title: \_\_\_\_\_

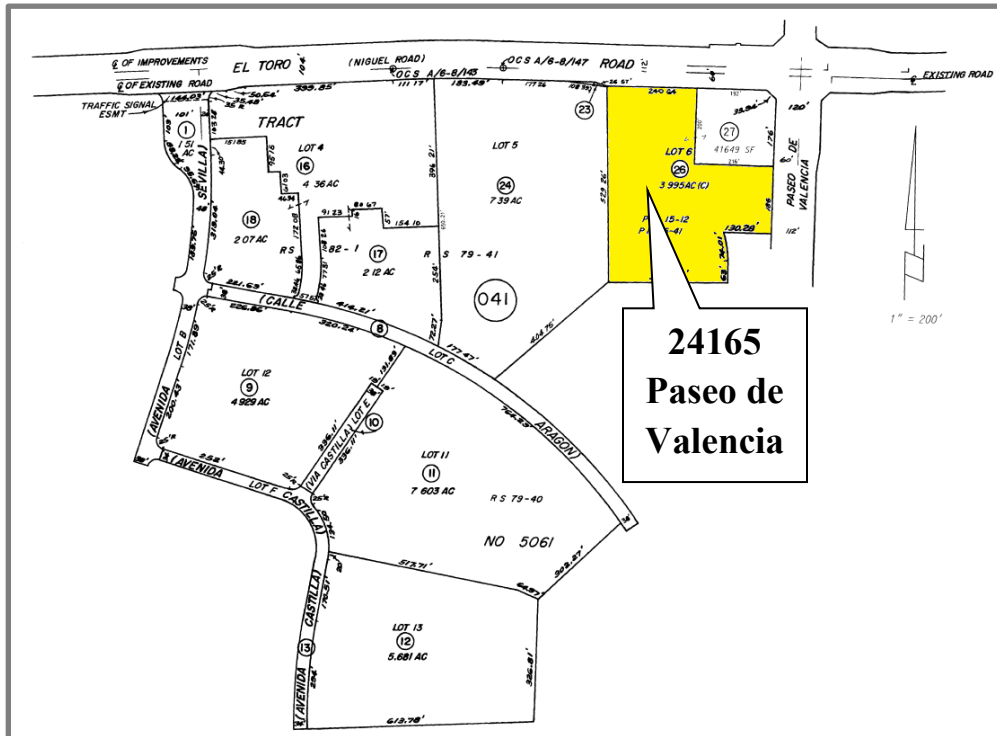
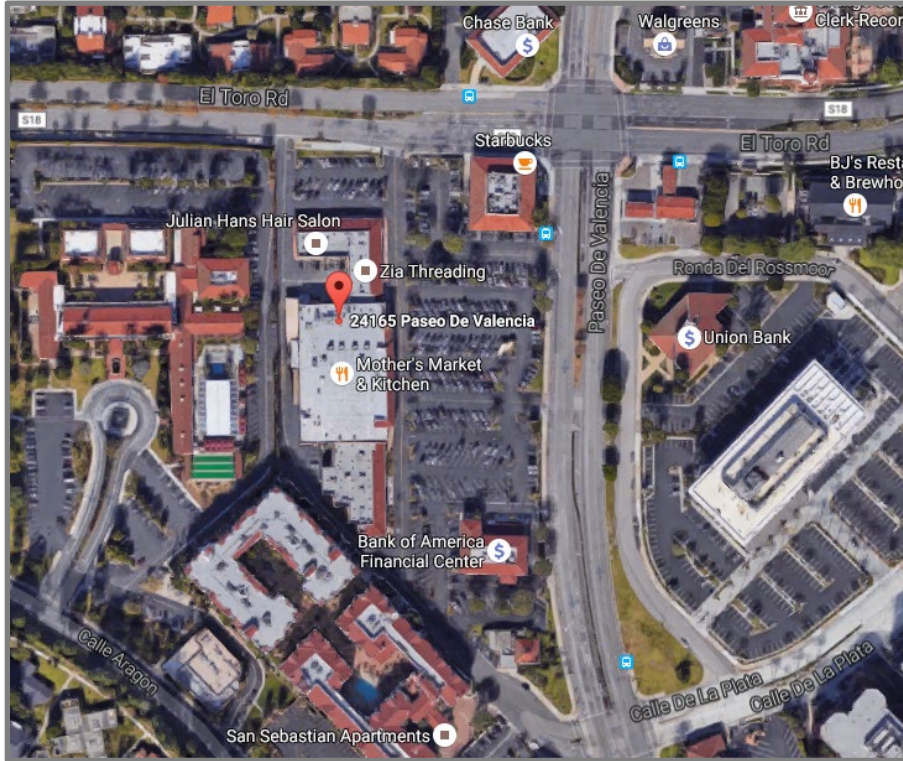
**SIGNATURE MUST BE NOTARIZED; ATTACH ACKNOWLEDGEMENT.**

# Vicinity Map

## 24165 Paseo De Valencia, Laguna Woods, CA 92637

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### Project Area



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**7.2**  
**TRAFFIC VIOLATOR APPREHENSION**  
**PROGRAM FEE**

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# City of Laguna Woods

## Agenda Report

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Christopher Macon, City Manager  
**FOR:** February 17, 2021 Regular Meeting  
**SUBJECT:** Traffic Violator Apprehension Program Fee

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### **Recommendation**

1. Receive staff report.  

AND
2. Open public hearing.  

AND
3. Receive public testimony.  

AND
4. Close public hearing.  

AND
5. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING RESOLUTION NO. 01-11; ADOPTING A MODIFIED ADMINISTRATIVE FEE TO RECOVER NO MORE THAN THE ORANGE COUNTY SHERIFF'S DEPARTMENT'S REASONABLE ADMINISTRATIVE COSTS RELATING TO THE

REMOVAL, IMPOUND, STORAGE, OR RELEASE OF VEHICLES PROPERLY IMPOUNDED PURSUANT TO THE CALIFORNIA VEHICLE CODE (“TRAFFIC VIOLATOR APPREHENSION PROGRAM FEE”); AND, DETERMINING THAT THE FEE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

**Background**

The County of Orange’s practice is to charge fees to recover the Orange County Sheriff’s Department’s reasonable administrative costs relating to the removal, impound, storage, or release of vehicles properly impounded pursuant to the California Vehicle Code (“Traffic Violator Apprehension Program fee”). For unincorporated areas, the Orange County Board of Supervisors adopts such fees.

Cities that receive law enforcement services from the Orange County Sheriff’s Department have the option of adopting similar Traffic Violator Apprehension Program fees as the County of Orange charges in unincorporated areas. If adopted, those fees are collected by the County of Orange and used to offset the Orange County Sheriff’s Department’s costs of operating its Traffic Violator Apprehension Program, which is designed to reduce vehicle accidents caused by unlicensed drivers and drivers whose licenses are suspended, as well as to educate the public about the requirements of the California Vehicle Code and related safety issues with regard to driver licensing, vehicle registration, vehicle operation, and vehicle parking. If fees are not adopted, cities must either make separate payments to the County of Orange to fund their participation in the Traffic Violator Apprehension Program or cease participation. The Traffic Violator Apprehension Program has historically enjoyed broad participation from cities due to the effectiveness of an area-wide approach to reducing traffic accidents.

In Laguna Woods, the existing Traffic Violator Apprehension Program fees are \$50 per removal of a licensed vehicle and \$152 per removal of an unlicensed vehicle (City Council Resolution No. 01-11 dated April 18, 2001). The County of Orange has not updated its fees since 2000, which has resulted in the City’s fees remaining unmodified for the past approximately 20 years.

State law prohibits the City from charging fees in excess of its reasonable costs (in this case, its law enforcement-related costs). While the City may charge less than its reasonable costs, the practical implication of doing so is that subsidies would then be borne by taxpayers as fee revenue would be insufficient to cover costs.

## **Discussion**

At today's meeting, the City Council will conduct a public hearing regarding a proposed modified Traffic Violator Apprehension Program Fee (Attachment A). After the public hearing, adoption will be considered. Staff recommends that the City Council adopt the modified fee with an effective date of February 18, 2020.

The recommended action would consolidate both of the existing Traffic Violator Apprehension Program fees into a single fee of \$144 per removal of a vehicle, regardless of whether a vehicle is licensed or unlicensed. Charges would effectively increase by \$94 per removal of a licensed vehicle and decrease by \$8 per removal of an unlicensed vehicle. Fees would continue to be imposed on the registered owner or the agent of the registered owner of each impounded vehicle.

The proposed fee is based on an Orange County Sheriff's Department cost study that calculated the reasonable administrative costs relating to the removal, impound, storage, and release of a vehicle (Attachment B) and the Orange County Board of Supervisor's subsequent adoption of a fee for such administrative costs, including findings of compliance with Section 1(e)(2) of Article XIIC of the California Constitution (attachments C and D).

Traffic Violator Apprehension Program fees are collected when authorized by applicable state law and in none of the following circumstances:

- When the vehicle was left because it became inoperable while being driven, if the registered owner makes good faith attempts promptly to remove the vehicle from a location where it was not permitted;
- When the vehicle was stolen;
- When the vehicle was left by an ill or injured driver; and/or,
- When it is demonstrated to the satisfaction of the Sheriff's designated personnel that neither the registered owner of the vehicle nor his/her/their agent, if any, was at fault in creating the circumstances leading to the impounding of the vehicle.

## **Environmental Review**

The City Council is asked to find that this action is not subject to the California Environmental Quality Act (Pub. Resources Code, Sec. 21000 et seq.) ("CEQA") pursuant to sections 15060(c)(2) (the activities will not result in a direct or

reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activities are not a project as defined in section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. CEQA Guideline section 15378(b)(4) excludes “government funding mechanisms or other government fiscal activities” from its definition of “project” when they “do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment,” as is the case here. Even if this action were subject to CEQA, it would be categorically exempt under CEQA Guideline section 15273, which applies to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by the City, when such charges are for the purpose of (1) meeting operating expenses, including employee wage rates and fringe benefits, and (2) purchasing or leasing supplies, equipment, or materials – as is the case with the Traffic Violator Apprehension Program Fee. Finally, this action is exempt from CEQA based on CEQA Guideline section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

### **Fiscal Impact**

Fee revenue is collected by the County of Orange and used to offset the Orange County Sheriff’s Department’s costs of operating its Traffic Violator Apprehension Program. The County of Orange is also able to use fee revenue to reimburse cities for expenditures for equipment and/or supplies directly in support of the Traffic Violator Apprehension Program.

Attachments: A – Proposed Resolution  
B – Orange County Sheriff’s Department Cost Study dated September 2020  
C – Orange County Board of Supervisors Agenda Staff Report dated November 17, 2020  
D – Orange County Board of Supervisors Resolution No. 20-161

**RESOLUTION NO. 21-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING RESOLUTION NO. 01-11; ADOPTING A MODIFIED ADMINISTRATIVE FEE TO RECOVER NO MORE THAN THE ORANGE COUNTY SHERIFF’S DEPARTMENT’S REASONABLE ADMINISTRATIVE COSTS RELATING TO THE REMOVAL, IMPOUND, STORAGE, OR RELEASE OF VEHICLES PROPERLY IMPOUNDED PURSUANT TO THE CALIFORNIA VEHICLE CODE (“TRAFFIC VIOLATOR APPREHENSION PROGRAM FEE”); AND, DETERMINING THAT THE FEE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

**WHEREAS**, pursuant to applicable California law, cities may charge rates or fees that are equal to or less than the reasonably anticipated costs of providing a service, conferring a benefit, granting a privilege, performing regulatory duties, enforcing laws, or as a condition of property development; and

**WHEREAS**, the Orange County Sheriff-Coroner (“the Sheriff”) has instituted a Traffic Violator Apprehension Program designed to reduce vehicle accidents caused by unlicensed drivers and drivers whose licenses are suspended, as well as to educate the public about the requirements of the California Vehicle Code and related safety issues with regard to driver licensing, vehicle registration, vehicle operation, and vehicle parking; and

**WHEREAS**, the Sheriff operates the Traffic Violator Apprehension Program in the unincorporated areas of Orange County and in the cities of Orange County that contract for the Sheriff’s law enforcement services; and

**WHEREAS**, operating the Traffic Violator Apprehension Program on an area-wide basis without regard to jurisdictional boundaries between unincorporated areas of Orange County and the cities, serves the public purposes of the City because drivers routinely cross jurisdictional boundaries, making an area-wide approach to the reduction of traffic accidents and driver education effective in preventing traffic accidents in all participating jurisdictions; and

**WHEREAS**, the Sheriff impounds numerous and various vehicles removed from highways, public property, or private property in the unincorporated areas of Orange County and in cities that contract for the Sheriff’s law enforcement services during the normal course of duty; and

**WHEREAS**, the Sheriff impounds said vehicles pursuant to authority under the California Vehicle Code as follows:

California Vehicle Code Section and Impound Ground

14602.6	Suspended, revoked or unlicensed driver/30-day hold
22651 (a)	Unattended vehicle on bridge
22651 (d)	Vehicle blocking driveway
22651 (e)	Vehicle blocking fire hydrant
22651 (f)	Vehicle blocking freeway
22651 (h) (1)	Driver arrested
22651 (h) (2)	Order of suspension or revocation pursuant to Section 13388
22651 (i) (1)	Multiple parking citations
22651 (j)	Lack of vehicle registration
22651 (k)	Parking over 72 hours
22651 (l)	Parking in a construction zone
22651 (m)	Violation of special events restriction
22651 (n)	No parking zone
22651 (o) (1)	Vehicle registration is incorrect, falsified or expired by more than six months
22651 (p)	Driver unlicensed or license suspended
22651 (r)	Vehicle blocking another vehicle
22651 (t)	Notice to appear/illegal amber lights
22651 (u)	Acting as a car dealer without a license or temporary permit
22651 (v)	Illegally letting stand a mobile billboard advertisement
22651 (w)	Second or subsequent violation of an ordinance
22655.3	Removal for investigation (fleeing in violation of sections 2800.1 or 2800.2)
22655.5 (a)	Vehicle was used as the means of committing a public offense
22655.5 (b)	Vehicle is evidence of crime
22669	Abandoned vehicle

; and

**WHEREAS**, on March 28, 2000, the Orange County Board of Supervisors adopted Resolution No. 00-96, which established fees for the Traffic Violator Apprehension Program that were applicable in the unincorporated areas of Orange County. The fees that were established by County of Orange Resolution No. 00-96 address the Sheriff's administrative costs relating to the removal, impound, storage, or release of properly impounded vehicles; and

**WHEREAS**, California Vehicle Code Section 22850.5 authorizes the City Council, by resolution, to establish a fee equal to the administrative costs relating to the removal, impound, storage, or release of properly impounded vehicles; and

**WHEREAS**, on April 18, 2001, the City Council adopted Resolution No. 01-11, which authorized the Sheriff to collect fees in the City in connection with the Traffic Violator Apprehension Program in amounts identical to the County of Orange’s fees as set forth in County of Orange Resolution No. 00-96; and

**WHEREAS**, the Orange County Board of Supervisors has established an interest-earning, budgeted special revenue fund, called the “Traffic Violator Fund” and designated as Fund 13B, to be controlled by the Sheriff; and

**WHEREAS**, the Orange County Board of Supervisors has directed that proceeds from the Traffic Violator Apprehension Program fees be deposited into the Traffic Violator Fund; and

**WHEREAS**, the Orange County Board of Supervisors has directed that funds from the Traffic Violator Fund must be used to reimburse the Sheriff for the administrative costs associated with the removal, impound, storage, and release of vehicles in accordance with the California Vehicle Code; and

**WHEREAS**, the City’s existing Traffic Violator Apprehension Program fees differ based on whether a subject vehicle is licensed or unlicensed; and

**WHEREAS**, a cost study prepared in September 2020 by the Sheriff determined that due to technological advancements for determining the licensed status of drivers, the difference in fee based on whether a vehicle is licensed or unlicensed is no longer supported by the actual administrative costs relating to the removal, impound, storage, and release of a vehicle; and

**WHEREAS**, the September 2020 cost study prepared by the Sheriff also calculated the reasonable administrative costs relating to the removal, impound, storage, and release of a vehicle in the amount of \$144 per removal; and

**WHEREAS**, on November 17, 2020, the Orange County Board of Supervisors adopted Resolution No. 20-161, which updated the County of Orange’s Traffic Violator Apprehension Program fees based on the September 2020 cost study prepared by the Sheriff and, in doing so, reviewed findings of compliance with Section 1(e)(2) of Article XIII C of the California Constitution; and

**WHEREAS**, consistent with the City’s authority under California Vehicle Code Section 22850.5, the Sheriff has requested that the City modify its Traffic Violator Apprehension Program fees to match the County of Orange’s updated fee; and

**WHEREAS**, the City Council desires to modify its Traffic Violator Apprehension fees to match the County of Orange’s updated fee; and

**WHEREAS**, the City Council desires for the Sheriff to continue to collect the Traffic Violator Apprehension fee on behalf of the City. Continuing with such a practice will ensure that persons/entities whose vehicles are impounded, rather than the public as a whole, bear the administrative costs of such impounds; and

**WHEREAS**, California Vehicle Code Section 22850.5 imposes the following restrictions on the imposition of an administrative fee:

- (a) The charges shall only be imposed on the registered owner or the agents of that owner and shall not include any vehicle towed under an abatement program or sold at a lien sale pursuant to Sections 3068.1 to 3074, inclusive, of, and Section 22851 of, the Civil Code unless the sale is sufficient in amount to pay the lienholder’s total charges and proper administrative costs; and
- (b) Any charges shall be collected by the local or state authority only from the registered owner or an agent of the registered owner; and
- (c) The charges shall be in addition to any other charges authorized or imposed pursuant to [the California Vehicle Code]; and
- (d) No charge may be imposed for any hearing or appeal relating to the removal, impound, storage, or release of a vehicle unless that hearing or appeal was requested in writing by the registered or legal owner of the vehicle or an agent of that registered or legal owner. In addition, the charge may be imposed only upon the person requesting that hearing or appeal.

; and

**WHEREAS**, it is unfair to impose the administrative fee authorized by California Vehicle Code Section 22850.5 in the following circumstances: 1) when the vehicle was left because it became inoperable while being driven, if the registered owner makes good faith attempts promptly to remove the vehicle from a location where it was not permitted; 2) when the vehicle was stolen; 3) When the vehicle was left by an ill or injured driver; and/or, 4) when it is demonstrated to the satisfaction of the Sheriff’s designated personnel that neither the registered owner of



the vehicle nor his/her/their agent, if any, was at fault in creating the circumstances leading to the impounding of the vehicle; and

**WHEREAS**, the City Council conducted a duly noticed public hearing at its regular meeting on February 17, 2021 regarding the proposed adoption of a modified Traffic Violator Apprehension Program Fee; and

**WHEREAS**, public noticing for the aforementioned public hearing included publication in the *Laguna Woods Globe*; and

**WHEREAS**, the existing and proposed Traffic Violator Apprehension Program fees, as well as the September 2020 cost study prepared by the Sheriff, were made available to the public at and from Laguna Woods City Hall beginning on February 1, 2021, and on the City’s website beginning on February 10, 2021; and

**WHEREAS**, after consideration of the information provided by City staff, the attachments to the agenda report for the February 17, 2021 public hearing, the City’s costs to participate in the Traffic Violator Apprehension Program, and all public comments and testimony received, the City Council finds that it is in the best interest of the City to adopt a modified Traffic Violator Apprehension Program fee.

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

**SECTION 1.** The above recitals are true and correct.

**SECTION 2.** After reviewing the entire project record, the City Council hereby determines and certifies that this action is not subject to the California Environmental Quality Act (Pub. Resources Code, Sec. 21000 et seq.) (“CEQA”) pursuant to sections 15060(c)(2) (the activities will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activities are not a project as defined in section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. CEQA Guideline section 15378(b)(4) excludes “government funding mechanisms or other government fiscal activities” from its definition of “project” when they “do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment,” as is the case here. Even if this action were subject to CEQA, it would be categorically exempt under CEQA Guideline section 15273, which applies to the establishment, modification, structuring, restructuring,

or approval of rates, tolls, fares, or other charges by the City, when such charges are for the purpose of (1) meeting operating expenses, including employee wage rates and fringe benefits, and (2) purchasing or leasing supplies, equipment, or materials – as is the case with the Traffic Violator Apprehension Program Fee. Finally, this action is exempt from CEQA based on CEQA Guideline section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**SECTION 3.** Upon the effective date of the Traffic Violator Apprehension Program Fee set forth in Section 4 of this resolution, all previous Traffic Violator Apprehension Program fees adopted by resolution of the City Council shall be repealed including, without limitation, Resolution No. 01-11.

**SECTION 4.** On February 18, 2021, the administrative fee indicated below shall become effective for the removal, impound, storage, or release of vehicles properly impounded after removal from locations in the City in accordance with or on account of provisions of the California Vehicle Code listed below:

A fee of \$144 for each removal of a vehicle in accordance with or on account of violation of California Vehicle Code sections:

California Vehicle Code Section and Impound Ground

14602.6	Suspended, revoked or unlicensed driver/30-day hold
22651 (a)	Unattended vehicle on bridge
22651 (d)	Vehicle blocking driveway
22651 (e)	Vehicle blocking fire hydrant
22651 (f)	Vehicle blocking freeway
22651 (h) (1)	Driver arrested
22651 (h) (2)	Order of suspension or revocation pursuant to Section 13388
22651 (i) (1)	Multiple parking citations
22651 (j)	Lack of vehicle registration
22651 (k)	Parking over 72 hours
22651 (l)	Parking in a construction zone
22651 (m)	Violation of special events restriction
22651 (n)	No parking zone
22651 (o) (1)	Vehicle registration is incorrect, falsified or expired by more than six months
22651 (p)	Driver unlicensed or license suspended
22651 (r)	Vehicle blocking another vehicle
22651 (t)	Notice to appear/illegal amber lights

22651 (u)	Acting as a car dealer without a license or temporary permit
22651 (v)	Illegally letting stand a mobile billboard advertisement
22651 (w)	Second or subsequent violation of an ordinance
22655.3	Removal for investigation (fleeing in violation of sections 2800.1 or 2800.2)
22655.5 (a)	Vehicle was used as the means of committing a public offense
22655.5 (b)	Vehicle is evidence of crime
22669	Abandoned vehicle

In adopting such fee, the City Council finds that the amount of the fee does not exceed the reasonable costs of providing the services for which the fee is charged.

; and

**SECTION 5.** The Sheriff is authorized to collect the fee established herein, on behalf of the City, at the time of release of vehicles that are subject to the fee.

**SECTION 6.** The fee established herein shall only be imposed on the registered owner or the agent of the registered owner of the impounded vehicle, and shall not include any vehicle towed under an abatement program or sold at a lien sale pursuant to Sections 3068.1 to 3074, inclusive, of, and Section 22851 of, the California Civil Code unless the sale is sufficient in amount to pay the lienholder's total charges and proper administrative costs.

**SECTION 7.** The fee established herein shall be collected only from the registered owner or an agent of the registered owner of the impounded vehicle, and shall be in addition to any other charges authorized or imposed pursuant to the California Vehicle Code.

**SECTION 8.** The fee established herein complies with California Vehicle Code Section 22850.5(b)(4) as the supporting September 2020 cost study prepared by the Sheriff did not include administrative costs for conducting a hearing or appeal related to the removal, impound, storage, or release of a vehicle.

**SECTION 9.** The Sheriff shall not impose the fee established herein in any of the following circumstances: (a) when the vehicle was left because it became inoperable while being driven, if the registered owner makes good faith attempts promptly to remove the vehicle from a location where it was not permitted; (b) when the vehicle was stolen; (c) when the vehicle was left by an ill or injured driver; and/or,

(d) when it is demonstrated to the satisfaction of the Sheriff’s designated personnel that neither the registered owner of the vehicle nor his/her/their agent, if any, was at fault in creating the circumstances leading to the impounding of the vehicle

**SECTION 10.** A registered owner or an agent of a registered owner who believes he/she/they are exempt from the fee established herein under any of the criteria listed in this resolution above may apply in writing for a waiver of the fee and shall present such supporting information or documentation, as the Sheriff may request, to the Sheriff’s designated personnel. Upon the presentation of a written application for waiver of said fee, together with such supporting documentation as may be requested by the Sheriff, the Sheriff’s designated personnel or his/her/their designee shall determine promptly whether the applicant meets the criteria for a waiver of the fee and if so, shall waive the fee.

**SECTION 11.** Until further order of the City Council, the Sheriff is directed to deposit the proceeds of the fee established herein into the Traffic Violator Fund described herein. Proceeds from the Traffic Violator Fund shall be used in conformance with the County of Orange’s restrictions for the same, as well as in conformance with any applicable provisions set forth in the City’s agreement with the County for the Sheriff’s law enforcement services.

**SECTION 12.** Until further order of the City Council, the Orange County Board of Supervisors is authorized to carry forward in the Traffic Violator Fund and accumulate any balance of proceeds of fees imposed by this resolution that remains at the end of a fiscal year, as long as such fee proceeds will be used for the purposes provided herein.

**SECTION 13.** The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2021.

\_\_\_\_\_  
SHARI L. HORNE, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, CMC, City Clerk

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 21-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 2021, by the following vote:

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

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YOLIE TRIPPY, CMC, City Clerk

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**EXHIBIT IV  
FEE CHECKLIST FOR ASR SUBMISSION**

**DESCRIPTION**

County Agencies & Departments are generally responsible for all aspects of their fees. Three weeks prior to filing the ASR for proposed fee updates with the Clerk of the Board, the department/agency must submit the ASR, Fee Checklist, and appropriate documentation to allow adequate time for the CEO and Auditor-Controller to perform a limited review. The Fee Checklist signed by both the CEO and Auditor-Controller must be attached to the ASR.

DEPT./AGENCY: SHERIFF CORONER DEPARTMENT DATE: 09/03/2020  
 DEPT./AGENCY CONTACT: NOMA M. CROOK PHONE NO.: 714-834-6681

Description of proposed fee contained in ASR:

Combine administrative cost fee from \$50 for licensed vehicle and \$152 for unlicensed vehicle to \$144 for vehicle removal, impound, storage, or release. The new fee will be inclusive of one rate as the time spent to process a licensed and unlicensed release are the same. The fee affects the Unincorporated areas of Orange County and Contract Cities.

Amount of annual revenue related to this proposal:  
\$284,832

Answer the following questions and check appropriate boxes.

Check One  
YES NO N/A

**BACKGROUND:**

1. Is this a revision of existing fee(s)? If YES, when were the fee(s) last revised?  
March 28, 2000     
*Attach a fee schedule that includes a comparison between current and proposed fees.*
2. Are there any new fee(s)?
3. When will the fee(s) be effective?  
 Date: 11/03/2020

**LEGAL CONSIDERATIONS:**

4. Has legal authority for the fee been reviewed?
5. Is the fee request consistent with the legal authority to levy?
6. Cite the legal authority of the fee and attach a copy of the reference code(s).  
Resolution No. 00-96, dated March 28, 2000, implemented administrative cost of (a) \$152 fee when a vehicle is impounded due to driving without a license or with a suspended or revoked license (b) \$50 fee when a vehicle is impounded pursuant to other specific Vehicle Code violations.
7. Does the fee(s) meet one of Proposition 26's exceptions (Note 1)?     
 If "NO" is checked, please contact your CEO Budget Analyst.  
 If "YES" is checked, please list the exception(s). If necessary, please provide attachments.  
California Constitution Section 1 of Article XIII (C): (E) (5) A fine, penalty, or other monetary charge imposed by the judicial branch of government or a local government as a result of a violation of law.
8. Is the drafted Board Resolution or ordinance language (if required) attached?

**COMMUNICATIONS**

9. List county and non-county departments, agencies, organization and/or communities impacted by the fee(s), if applicable  
Owners of licensed and unlicensed vehicle of Unincorporated areas of Orange County and Contract Cities whose councils adopt the fee Have they been notified?     
 Has the fee been coordinated with them?
10. Have all advisory board and public hearing concurrencies been finalized?



**EXHIBIT IV  
FEE CHECKLIST FOR ASR SUBMISSION**

**FEE CALCULATIONS**

- 11. Is full cost recovery planned in the fee calculation? If not, Please provide an explanation.
- 12. Are the proposed fee(s) derived from a cost basis analysis? If YES, Please complete questions 13 through 16. If NO, please provide explanation.
- 13. Is agency/department indirect cost included in the fee calculation?
- 14. Is the County General support service costs as determined by the County Wide Cost Allocation Plan (CWCAP) included in the fee calculation?

15. Identification of the costs related to this fee proposal:

Personnel (Salaries & Employee Benefits)	\$	<u>127.00</u>
Services and Supplies	\$	<u>4.00</u>
Equipment	\$	<u>          </u>
Department/Agency Indirect Costs	\$	<u>11.00</u>
County General support service costs (CWCAP)	\$	<u>2.00</u>
Other	\$	<u>          </u>
<b>Total</b>	<b>\$</b>	<b><u>144.00</u></b>

16. \*Initial Fiscal Year

Costs:	\$	<u>284,832.00</u>
Revenue:	\$	<u>113,690.00</u>
NCC:	\$	<u>171,142.00</u>

\*Projected Fiscal Year

Costs:	\$	<u>284,832.00</u>
Revenue:	\$	<u>284,832.00</u>
NCC:	\$	<u>          </u>

\* Costs, revenue, and NCC including cost and revenue related to this fee update.

17. Revenue Coding:

FUND	DEPT	BUDGET CONTROL	UNIT	REVENUE SOURCE	DEPT REVENUE SOURCE
13B	060	13B	1413	6510	TV00
13B	060	13B	1413	6510	TV03
13B	060	13B	1413	6510	TV04
13B	060	13B	1413	6510	TV05
13B	060	13B	1413	6510	TV06
13B	060	13B	1413	6510	TV07
13B	060	13B	1413	6510	TV08
13B	060	13B	1413	6510	TV09
13B	060	13B	1413	6510	TV10
13B	060	13B	1413	6510	TV11
13B	060	13B	1413	6510	TV14
13B	060	13B	1413	6510	TV26
13B	060	13B	1413	6510	TV27
13B	060	13B	1413	6510	TV82





EXHIBIT IV  
FEE CHECKLIST FOR ASR SUBMISSION

Dept./Agency Authorized Signature Noma M. Crook Print Name: Noma M. Crook Date: 9/8/20

Auditor-Controller Signature Stephanie Chen Print Name: Stephanie Chen Date: 10/1/20

CEO Signature Dana Cosma Print Name: Oana Cosma Date: 10/5/2020

Note 1: California State Constitution, Article XIII C, § 1 (e), 2(d), (Proposition 26, November 3, 2010)  
Requires a fee or charge that does not fall within the seven exceptions listed in Proposition 26 is deemed a tax which must be approved by the voter.

ITEM 7.2 - Attachment B

SHERIFF-CORONER DEPARTMENT  
 TRAFFIC VIOLATOR APPREHENSION PROGRAM (TVAP) - FUND 13B  
 FY 2020-21 ESTIMATED COST

SUMMARY OF POSITIONS CHARGED TO FUND 13B			Fee Checklist for ASR Submission				
Number of Position Total Paid Tow	1978		Sergeant	Staff	Office		
			0.10	1.00	1.00		
			W/C	W/C	W/C		
			code 03	code 05	code 05		
<b>Salary</b>		<b>Total</b>					
Salary		\$ 270,292	\$ 140,815	\$ 7.27	\$ 37.29	\$ 26.62	
Bilingual - BL		2,822	1,927	0.78	2.28	0.93	
MART Pay		2,760	276	0.28	1.43	0.31	
Holiday		8,944	3,983	-	0.09	0.06	
ST Pay		303	303	0.05	0.47	0.45	
OT		21,734	7,890	0.14	-	-	
On Call		40,938	4,094	2.07	-	-	
POST		13,485	1,349	0.68	-	-	
<b>TOTAL SALARY =</b>			<b>\$ 361,278</b>	<b>\$ 160,636</b>	<b>\$ 11.27</b>	<b>\$ 41.56</b>	<b>\$ 28.38</b>
<b>Benefits</b>		<b>Total</b>					
Retirement		\$ 180,543	\$ 60,721	\$ 6.73	\$ 13.96	\$ 10.01	
Retirement Rebate		-	-	-	-	-	
Retire. Defined Cont.		7,193	719	0.36	-	-	
Retire. Star Cola		111	58	0.00	0.02	0.01	
Medical Ins.		39,054	23,244	0.89	5.43	5.43	
H&W		1,872	1,310	0.03	0.32	0.32	
Dental/Hr.		-	-	-	-	-	
W/C		18,054	2,664	0.86	0.29	0.20	
Unemp.		-	-	-	-	-	
AD&D		24	2	0.00	-	-	
Annual Mgmt Physical		-	-	-	-	-	
Medicare		5,239	2,329	0.16	0.60	0.41	
<b>TOTAL BENEFITS =</b>			<b>\$ 252,090</b>	<b>\$ 91,048</b>	<b>\$ 9.05</b>	<b>\$ 20.61</b>	<b>\$ 16.37</b>
<b>TOTAL SALARIES &amp; EMPLOYEE BENEFITS =</b>			<b>\$ 613,368</b>	<b>\$ 251,683</b>	<b>\$ 20.32</b>	<b>\$ 62.17</b>	<b>\$ 44.75</b>
<b>Service &amp; Supplies</b>							
Expenditure		\$ -	\$ -	\$ -	\$ -	\$ -	
Liability Insurance		9,693	6,785	0.16	1.63	1.63	
ILJAO		107	11	0.01	-	-	
Transportation		10,526	1,053	0.53	-	-	
<b>TOTAL S&amp;S =</b>			<b>\$ 20,326</b>	<b>\$ 7,848</b>	<b>\$ 0.70</b>	<b>\$ 1.63</b>	<b>\$ 1.63</b>
<b>Overhead (SWORN):</b>		<b>Total</b>					
CWCAP		\$ 7,912	\$ 3,518	\$ 0.25	\$ 0.91	\$ 0.62	
Department OH		23,021	16,115	0.39	3.88	3.88	
Training		3,732	373	0.19	-	-	
Captain		5,901	4,091	0.10	0.98	0.98	
Watch Commander		2,777	278	0.14	-	-	
<b>TOTAL OVERHEAD =</b>			<b>\$ 43,343</b>	<b>\$ 24,375</b>	<b>\$ 1.07</b>	<b>\$ 5.77</b>	<b>\$ 5.48</b>
<b>GRAND TOTAL =</b>			<b>\$ 677,036</b>	<b>\$ 283,907</b>	<b>\$ 22.08</b>	<b>\$ 69.58</b>	<b>\$ 51.87</b>

**Funded Positions:**

Sergeant	0.10	\$ 43,681
Office Specialist	1.00	102,596
Staff Specialist	1.00	137,629
<b>Total # positions =</b>	<b>2.10</b>	<b>\$ 283,907</b>

- (a) Hourly rates are based on top step per FY 2020-21 LEC study.
- (b) Benefits are based on FY 2020-2021 Budget Instructions.
- (c) CWCAP rate is based on the current updated rate of FY 2016-17 CWCAP study.

**ORANGE COUNTY SHERIFF DEPARTMENT  
TRAFFIC VIOLATOR APPREHENSION PROGRAM (TVAP) - FUND 13B  
FY 2020-21 COST ESTIMATE**

REVENUE BY FISCAL YEAR								
DEPT REV 6510	FY 2019-20 Paid Tow	Current Fee	Total Estimated Revenue at		Proposed Fee	Total Revenue at Proposed Fee		Revenue Increase/Decrease
			Current Fee	Proposed Fee		Fee	Fee	
	<i>a</i>	<i>b</i>	<i>c = (a*b)</i>	<i>d'</i>	<i>e = (a*d)</i>	<i>f = (e-c)</i>		
Licensed	1833	\$ 50	\$ 91,650	\$ 144	\$ 263,952	\$ 172,302		
Unlicensed	<u>145</u>	\$ 152	<u>\$ 22,040</u>	\$ 144	<u>\$ 20,880</u>	<u>\$ (1,160)</u>		
<b>Total</b>	1978		\$ 113,690		\$ 284,832	\$ 171,142		

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Agenda Item



AGENDA STAFF REPORT

ASR Control 19-001271

2341

MEETING DATE: 11/17/20  
 LEGAL ENTITY TAKING ACTION: Board of Supervisors  
 BOARD OF SUPERVISORS DISTRICT(S): All Districts  
 SUBMITTING AGENCY/DEPARTMENT: Sheriff-Coroner (Approved)  
 DEPARTMENT CONTACT PERSON(S): Brian Wayt (714) 647-1803  
 Noma Crook (714) 834-6681

2020 OCT 28 AM 9:01  
 BOARD OF SUPERVISORS  
 CLERK OF THE BOARD

SUBJECT: Approve New Administrative Fee for Vehicle Removal, Impound, Storage or Release

CEO CONCUR Concur	COUNTY COUNSEL REVIEW Approved Resolution to Form	CLERK OF THE BOARD Public Hearing 3 Votes Board Majority
----------------------	--	--

Budgeted: Yes                                      Current Year Cost: N/A                                      Annual Cost: See Financial Impact Section

Staffing Impact: No                                      # of Positions:                                      Sole Source: N/A  
 Current Fiscal Year Revenue: \$113,690  
 Funding Source: Other: 100% (Fees)                                      County Audit in last 3 years: No

Prior Board Action: 3/28/2000 #38

RECOMMENDED ACTION(S):

1. Find that the proposed fee is Statutorily Exempt from the provisions of CEQA pursuant to Section 21080(b)(8) of the Public Resources Code and Section 157273 of the CEQA Guidelines as the establishment of modification of rates, fees and charges, which are for the purpose of meeting operating expenses, including employee wage rates and fringe benefits, purchasing or leasing supplies, equipment or materials as set forth herein.
2. Conduct the public hearing.
3. Adopt a Resolution that:
  - a. Finds that adoption of the Resolution approving the fee is statutorily exempt from the provisions of CEQA pursuant to Section 21080(b)(8) of the Public Resources Code and Section 15273 of the CEQA Guidelines as the establishment or modification of rates, fees and charges, which are for the purpose of meeting operating expenses, including employee wage rates and fringe benefits and purchasing or leasing supplies, equipment or materials.
  - b. Finds that the fee meet the requirements set forth in subdivision (e)(2) to Section 1 of Article XIIC of the California Constitution, and is therefore exempt from the definition of a tax as used therein.

- c. Finds that the revenue resulting from the fee established pursuant to this Resolution will not exceed the Sheriff-Coroner Department's reasonable cost for vehicle removal, impound, storage or release.
- d. Approves the proposed new administrative fee for the Sheriff-Coroner Department's removal, impound, storage or release of vehicles, from \$50 to \$144, and from \$152 to \$144, effective November 17, 2020, and superseding Resolution No. 00-96.

#### SUMMARY:

Approval of the new fee will allow the Sheriff-Coroner Department to fully recover the costs for the removal, impound, storage or release of vehicles.

#### BACKGROUND INFORMATION:

California Vehicle Code, Section 22850.5 authorizes the Board of Supervisors (Board) to establish a fee based on the administrative costs of removal, impound, storage or release of impounded vehicles.

Following a Sheriff-Coroner Department (Sheriff) cost study in 2000, on March 28, 2000, the Board adopted Resolution No. 00-96 establishing a \$50 fee for a vehicle impound pursuant to specific Vehicle Code violations and a \$152 fee for a vehicle impound due to driving without a license or with a suspended or revoked license to be charged for the removal, impound, storage or release of vehicles. By the same resolution, the Board also approved the establishment of Fund 13B, Traffic Violator Fund.

A cost study was recently prepared by Sheriff's staff to determine the actual current administrative costs associated with the removal, impound, storage or release of vehicles. While in 2000 there was a difference in administrative costs to process the removal of a vehicle based on Vehicle Code 14602 (unlicensed or suspended license of driver) as compared with other legal bases to remove vehicles, that cost differential no longer exists due to advancements in technology for determining licensing status. Accordingly, the fee now proposed following the Sheriff's 2020 cost study is the same regardless of the legal basis for removal, impound, storage and release of a vehicle. The cost study indicated that the fee should be revised as noted on the table below in order to reflect the current administrative cost for these services.

<u>Service</u>	<u>Current Cost</u>	<u>Proposed Cost</u>
Vehicle removal due to driving without a license or with a suspended or revoked license	\$152	\$144
Vehicle removal pursuant to other specific Vehicle Code violations	\$50	\$144

Note that Sheriff does not impose any additional costs for any persons who wish to request an appeal or hearing.

A Notice of Public Hearing has been published to comply with Government Code Section 66018 which requires a local agency to hold a public hearing when new fees are adopted or existing fees are revised. The proposed fee and supporting cost study were reviewed by the Auditor-Controller.



Sheriff now requests approval of a new administrative fee for the removal, impound, storage or release of vehicles for Fund 13B, Traffic Violator Fund, effective November 17, 2020.

**Compliance with Proposition 26:** The fee does not fall within the definition of a tax under Proposition 26 because it is excepted by California Constitution Article XIII C, Section 1, Subdivision (e)(2). Subdivision (e)(2) excepts from the definition of a tax, “a charge imposed for a specific government service or product provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the local government of providing the service or product.” This exception applies because the fee amount is limited to no more than what is necessary for Sheriff to recover the reasonable administrative costs for the removal, impound, storage or release of vehicles.

**Compliance with CEQA:** The adoption of the Resolution approving the fee is statutorily exempt from the provisions of CEQA pursuant to Section 21080(b)(8) of the Public Resources Code and Section 15273 of the CEQA Guidelines as the establishment or modification of rates, fees and charges which are for the purpose of meeting operating expenses, including employee wage rates and fringe benefits and purchasing or leasing supplies, equipment or materials.

**FINANCIAL IMPACT:**

The proposed new fee will result in full cost recovery of the costs of the removal, impound, storage or release of vehicles. This revenue is included in the FY 2020-21 Budget for Budget Control 060, Sheriff-Coroner and will also be part of the budgeting process for future fiscal years.

**STAFFING IMPACT:**

N/A

**ATTACHMENT(S):**

- Attachment A - Draft Resolution
- Attachment B - California Vehicle Code, Section 22850.5
- Attachment C - California Vehicle Code, Section 14602
- Attachment D - Government Code Section 66018
- Attachment E - California Constitution Article XIII C, Section 1
- Attachment F - Fee Checklist and Cost Study
- Attachment G - Notice of Public Hearing

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RESOLUTION OF THE BOARD OF SUPERVISORS OF  
ORANGE COUNTY, CALIFORNIA

November 17, 2020

WHEREAS, the Sheriff-Coroner (hereinafter “the Sheriff”) has instituted a Traffic Violator Apprehension Program designed to reduce vehicle accidents caused by unlicensed drivers and drivers whose licenses are suspended and to educate the public about the requirements of the Vehicle Code and related safety issues with regard to driver licensing, vehicle registration, vehicle operation, and vehicle parking; and

WHEREAS, the Sheriff operates said Traffic Violator Apprehension Program in the unincorporated areas of Orange County and in the cities of Orange County that contract for the Sheriff’s law enforcement services; and

WHEREAS, the operation of the Traffic Violator Apprehension Program on an area-wide basis without regard to jurisdictional boundaries between the County and the cities, services the public purposes of the County of Orange because drivers routinely cross jurisdictional boundaries, making an area-wide approach to reduction of traffic accidents and driver education most effective in preventing traffic accidents in all participating jurisdictions; and

WHEREAS, the Sheriff impounds numerous and various vehicles removed from highways, public property, or private property in the unincorporated areas of Orange County and in cities that contract for the Sheriff’s law enforcement services during the normal course of duty; and

WHEREAS, the Sheriff impounds said vehicles pursuant the authority under the California Vehicle Code as follows:

Vehicle Code Section and Impound Ground

- |           |   |
|-----------|---|
| 14602.6   | Suspended, revoked or unlicensed driver/30-day hold |
| 22651 (a) | Unattended vehicle on bridge                        |
| 22651 (d) | Vehicle blocking driveway                           |
| 22651 (e) | Vehicle blocking fire hydrant                       |

- 22651 (f) Vehicle blocking freeway
- 22651 (h) (1) Driver arrested
- 22651 (h) (2) Order of suspension or revocation pursuant to section 13388
- 22651 (i) (1) Multiple parking citations
- 22651 (j) Lack of vehicle registration
- 22651 (k) Parking over seventy-two hours
- 22651 (l) Parking in a construction zone
- 22651 (m) Violation of special events restriction
- 22651 (n) No parking zone
- 22651 (o) (1) Vehicle registration is incorrect, falsified or expired by more than six months
- 22651 (p) Driver unlicensed or license suspended
- 22651 (r) Vehicle blocking another vehicle
- 22651 (t) Notice to appear/illegal amber lights
- 22651 (u) Acting as a car dealer without a license or temporary permit
- 22651 (v) Illegally letting stand a mobile billboard advertisement
- 22651 (w) Second or subsequent violation of an ordinance
- 22655.3 Removal for investigation (fleeing in violation of section 2800.1 or 2800.2)
- 22655.5 (a) Vehicle was used as the means of committing a public offense
- 22655.5 (b) Vehicle is evidence of crime
- 22669 Abandoned vehicle;

WHEREAS, Vehicle Code section 22850.5 authorizes this Board, by resolution, to establish a fee equal to the administrative costs relating to the removal, impound, storage or release of properly impounded vehicles; and

WHEREAS, this Board last adopted a fee pursuant to Vehicle Code section 22850.5 on March 28, 2000, through the adoption of Resolution No. 00-96, which established a fee in the

amount of \$50.00 when a vehicle of a licensed driver is removed and/or impounded, and a fee of \$152.00 when a vehicle of an unlicensed driver is removed and/or impounded; and

WHEREAS, because 20 years have passed since this fee was last established, the Sheriff deemed it appropriate to review the administrative costs associated with removal, impound, storage or release of properly impounded vehicles; and

WHEREAS, a cost study prepared in 2020 by the Sheriff determined that due to technological advancements for determining the licensed status of drivers, the differential in the fee charged a licensed driver versus the fee charged an unlicensed driver when a vehicle is removed, as originally set in 2000, is no longer supported by the actual administrative costs of removing, impounding, storing and releasing a vehicle; and

WHEREAS, the 2020 cost study conducted by the Sheriff further showed that the administrative costs relating to the removal, impound, storage or release of vehicles properly impounded pursuant to the Vehicle Code are at \$144.00 per removal; and

WHEREAS, based upon the cost study, the Sheriff is proposing adoption of a fee in the amount of \$144.00 pursuant to Vehicle Code section 22850.5.

WHEREAS, after the adoption of this amended fee, the Sheriff will seek adoption by the city councils of each of the cities that contract with the Sheriff for law enforcement services of fee identical to those described herein; and

WHEREAS, persons whose vehicles are impounded, rather than the public as a whole, should bear the administrative costs of processing such impounds; and

WHEREAS, Vehicle Code section 22850.5 imposes the following restrictions on the imposition of an administrative fee:

(a) The fee may only be imposed on the registered owner or the agents of that owner and may not include any vehicle towed under an abatement program or sold at a lien sale pursuant to Sections 3068.1 to 3074, inclusive, of, and Section 22851 of, the Civil Code unless the sale is sufficient in amount to pay the lienholder's total charges and proper administrative costs; and

- (b) Any charges shall be collected by the local or state authority only from the registered owner or an agent of the registered owner; and
- (c) The charges shall be in addition to any other charges authorized or imposed pursuant to this code; and
- (d) The fee does not include any administrative costs associated with conducting a hearing or appeal relating to the removal impound, storage or release of a vehicle and;

WHEREAS, it is unfair to impose the administrative fee authorized by Vehicle Code section 22850.5 in the following circumstances: 1) when the vehicle was left because it became inoperable while being drive, if the owner makes good faith attempts promptly to remove the vehicle from location where it is not permitted, 2) when the vehicle was stolen, 3) when the vehicle was left by an ill or injured driver, and 4) when it is demonstrated to the satisfaction of the Sheriff or his designee that neither the registered owner of the vehicle nor his agent, if any, was at fault in creating the circumstances leading to the impounding of the vehicle; and

WHEREAS, a notice of public hearing with respect to proposed new fee was given according to law; and

WHEREAS, a public hearing pertaining to said proposed new fee was held on November 17, 2020;

NOW, THEREFORE, BE IT RESOLVED that this Board finds, in accordance with California Public Resources Code section 21080 (b) (8), that the charges listed hereinbelow are only for the purposes of meeting operating expenses and are, therefore, exempt from compliance with the California Environmental Quality Act.

BE IT FURTHER RESOLVED that on November 17, 2020, the administrative fee indicated below shall become effective for the removal, impound, storage or release of vehicles properly impounded after removal from locations in the unincorporated areas of Orange County and the cities that contract with the Sheriff for law enforcement services, where the respective City Council has adopted the new fee, in accordance with or on account of violation of the provisions of the Vehicle Code listed below:

A fee of \$144.00 for each removal of a vehicle in accordance with or on account of violation of Vehicle Code sections:14602.6

22651 (a)

22651 (d)

22651 (e)

22651 (f)

22651 (h) (1)

22651 (h) (2)

22651 (i) (1)

22651 (j)

22651 (k)

22651 (l)

22651 (m)

22651 (n)

22651 (o)(1)

22651 (p)

22651 (r)

22651 (t)

22651 (u)

22651 (v)

22651 (w)

22655.3

22655.5 (a) or (b)

or

22669

BE IT FURTHER RESOLVED that the Sheriff is directed to collect said fee at the time of release of vehicles that are subject to the fee; and

BE IT FURTHER RESOLVED that said fee shall only be imposed on the registered owner or the agent of the owner of the impounded vehicle, shall not include any vehicle towed under an abatement program or sold at a lien sale pursuant to Sections 3068.1 to 3074, inclusive of, and Section 22851 of, the Civil Code unless the sale is sufficient in amount to pay the lienholder's total charges and proper administrative costs.

BE IT FURTHER RESOLVED that said fee shall be collected by the local or state authority only from the registered owner or an agent of the registered owner and that said fee is in addition to any other charges authorized or imposed pursuant to the Vehicle Code.

BE IT FURTHER RESOLVED that the cost study conducted by the Sheriff that supports this fee did not include administrative costs for conducting a hearing or appeal relating to the removal, impound, storage, or release of a vehicle and therefore is in compliance with Vehicle Code section 22850.5(b)(4).

BE IT FURTHER RESOLVED that said fee shall not be imposed in any of the following circumstances: (a) when the vehicle was left because it became inoperable while being driven, if the owner made good faith attempts promptly to remove the vehicle from a location where it was not permitted; (b) when the vehicle was stolen; (c) when the vehicle was left by an ill or injured driver; or (d) when it is demonstrated to the satisfaction of the Sheriff or designee that neither the registered owner of the vehicle nor his agent, if any, was at fault in creating the circumstances leading to the impounding of the vehicle.

BE IT FURTHER RESOLVED that a registered owner or an agent of a registered owner who believes he/she/it is exempt from the fee in accordance with any of the above-listed criteria may apply in writing for a waiver of the fee and shall present such supporting information or documentation, as the Sheriff may request, to the Administrative Sergeant of the city or unincorporated area where the tow occurred.

BE IT FURTHER RESOLVED that upon presentation of a written application for waiver of said fee, together with such supporting documentation as may be requested by the Sheriff or

his/her designee, shall determine promptly whether the applicant meets the above-listed criteria for waiver of the fee and if so, shall waive the fee.

BE IT FURTHER RESOLVED that the Auditor-Controller, having previously been directed to establish in the County Treasury, a Traffic Violator Fund designated as Fund No. 13B for deposit of the proceeds of the fee established by Resolution No. 00-96, shall continue to maintain Fund No. 13B for deposit of the proceeds of the fee established herein.

BE IT FURTHER RESOLVED that the Traffic Violator Fund shall be an interest-earning, budgeted special revenue fund to be controlled by the Sheriff-Coroner.

BE IT FURTHER RESOLVED that until further order of this Board, the proceeds of the fee established by this Resolution shall be deposited in the Traffic Violator Fund in the County Treasury and shall be used exclusively to reimburse the Sheriff for administrative costs associated with the removal, storage, impound and release of vehicles in accordance with the Vehicle Code in the unincorporated areas of Orange County and the cities in Orange County that contract for the Sheriff's law enforcement services where the new fee has been adopted by the City Council.


BE IT FURTHER RESOLVED that expenditures from the Traffic Violator Fund only include personnel costs who perform duties associated with the removal, storage, impound and release of vehicles.

BE IT FURTHER RESOLVED that until further order of this Board, the balance remaining in the Traffic Violator Fund at the close of any fiscal year shall be carried forward and accumulated in said Fund for the purposes recited herein.

IT IS FURTHER RESOLVED that this Resolution supersedes Resolution No. 00-96.

The foregoing was passed and adopted by the following vote of the Orange County Board of Supervisors, on November 17, 2020, to wit:


AYES:	Supervisors:	LISA A. BARTLETT, DONALD P. WAGNER, DOUG CHAFFEE ANDREW DO
NOES:	Supervisor(s):	
EXCUSED:	Supervisor(s):	MICHELLE STEEL
ABSTAINED:	Supervisor(s):	

  
\_\_\_\_\_  
CHAIRWOMAN

STATE OF CALIFORNIA    )  
  )  
COUNTY OF ORANGE    )

I, ROBIN STIELER, Clerk of the Board of Orange County, California, hereby certify that a copy of this document has been delivered to the Chair of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange County Board of Supervisors.

IN WITNESS WHEREOF, I have hereto set my hand and seal.


  
\_\_\_\_\_  
ROBIN STIELER  
Clerk of the Board  
County of Orange, State of California

Resolution No: 20-161  
Agenda Date: 11/17/2020  
Item No: 29



I certify that the foregoing is a true and correct copy of the Resolution adopted by the Board of Supervisors, Orange County, State of California

Robin Stieler, Clerk of the Board of Supervisors

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



**7.3**

**CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT  
SYSTEM CONTRACT**

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# City of Laguna Woods

## Agenda Report

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Christopher Macon, City Manager  
**FOR:** February 17, 2021 Regular Meeting  
**SUBJECT:** California Public Employees' Retirement System Contract

---

### **Recommendation**

1. Receive staff report.  

AND
2. Open public hearing.  

AND
3. Receive public testimony.  

AND
4. Close public hearing.  

AND
5. Adopt a resolution entitled:

A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL CITY OF LAGUNA WOODS  
*(Attachment A)*

AND

6. 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, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM  
*(Attachment B)*

AND

7. Receive and file job classifications containing representative definitions and essential duties for the groups of employees proposed to be excluded from membership in the California Public Employees' Retirement System prospectively from the effective date of the proposed amendment to the contract between the City Council and the Board of Administration of the California Public Employees' Retirement System (Student Intern, File Clerk, Receptionist, Cashier, Street Sweeping Operator, Waste Collection Worker, Crossing Guard, and Security Guard).  
*(Attachment C)*

### **Background**

The California Public Employees' Retirement Law permits the participation of public agencies and their employees in the California Public Employees' Retirement System ("CalPERS") by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to the California Public Employees' Retirement Law.

Assembly Bill 2967 (Public Employees' Retirement System: contracting agencies: exclusion from membership.) was approved by Governor Newsom and chaptered into law on September 28, 2020. Assembly Bill 2967 generally prohibits cities and other public agencies from excluding groups of employees from membership in CalPERS. Prior to the effectiveness of Assembly Bill 2967, staff initiated a process to obtain approval for what would be the final exclusions possible under the City's contract with Board of Administration of CalPERS, absent a future change in law.

Under the City's existing contract with the Board of Administration of CalPERS, safety employees (e.g., police and fire personnel, if the City were ever to employ such personnel) and members of the City Council are excluded from membership.

### **Discussion**

At today's meeting, the City Council will conduct a public hearing regarding a proposed amendment of the City's contract with the Board of Administration of CalPERS to exclude the following groups of employees from membership in CalPERS, prospectively from the effective date of the amendment to the contract:

- Student Intern
- File Clerk
- Receptionist
- Cashier
- Street Sweeping Operator
- Waste Collection Worker
- Crossing Guard
- Security Guard

Staff recommends that the City Council take the recommended action in order to make it possible to retain limited types of non-career employees without long-term retirement liabilities that might otherwise make such employment infeasible. Such action would support the economical conduct of City business.

The City does not presently employ on a full- or part-time basis any of the groups of employees for which exclusion from CalPERS is sought. Rather, the list was formulated to include groups of employees that may be required by the City over time, but in something less than a career-path type of employment situation.

On December 8, 2020, CalPERS approved the exclusion of the proposed groups of employees, finding that they meet the criteria of California Government Code Section 20502 of the California Public Employees' Retirement Law, and the Board of Administration of CalPERS' exclusion guidelines. Such approval was based, in part, on consideration of both the City's justification and the job classifications that staff prepared to describe each group of employees.

If the recommended action is taken at today's meeting, the City Council would be

asked to consider a second reading and adoption of the proposed ordinance at the regular meeting on March 17, 2021. If the ordinance is adopted at that time, the amendment to the contract is expected to become effective on April 17, 2021.

### **Fiscal Impact**

The recommended action would impact the City's finances if and when any of the groups of employees for which exclusion is sought are hired in the future. At that time, rather than being required to enroll those employees in both CalPERS and Social Security (both of which result in employer and employee costs), enrollment would only be required in Social Security.

The City Council would retain the ability to amend the City's contract with the Board of Administration of CalPERS to return excluded groups of employees to membership at some point in the future (thus reversing the recommended action). If that were to occur, the City's costs would be greater by again being required to pay employer costs associated with both CalPERS and Social Security.

Attachments: A – Proposed Resolution  
                  Exhibit A – Proposed Amendment to Contract  
          B – Proposed Ordinance  
                  Exhibit A – Proposed Amendment to Contract  
          C – Proposed Job Classifications

**RESOLUTION NO. 21-XX**

A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL CITY OF LAGUNA WOODS

**WHEREAS**, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

**WHEREAS**, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

**WHEREAS**, the following is a statement of the proposed change:

To provide for the exclusion of Student Intern, File Clerk, Receptionist, Cashier, Street Sweeping Operator, Waste Collection Worker, Crossing Guard, and Security Guard prospectively from the effective date of this amendment to contract.

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

**SECTION 1.** The governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as Exhibit A and by this reference made a part hereof.

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

[SIGNATURES ON NEXT PAGE]

PASSED, APPROVED AND ADOPTED on this XX day of XX 2021.

\_\_\_\_\_  
SHARI L. HORNE, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, CMC, City Clerk

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 21-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 2021, by the following vote:

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

\_\_\_\_\_  
YOLIE TRIPPY, CMC, City Clerk





## EXHIBIT

California  
Public Employees' Retirement System

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# AMENDMENT TO CONTRACT

Between the  
Board of Administration  
California Public Employees' Retirement System  
and the  
City Council  
City of Laguna Woods

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The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective July 17, 2000, and witnessed June 30, 2000, and as amended effective November 15, 2003 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 11 are hereby stricken from said contract as executed effective November 15, 2003, and hereby replaced by the following paragraphs numbered 1 through 12 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for classic local miscellaneous members and age 62 for new local miscellaneous members.
  2. Public Agency shall participate in the Public Employees' Retirement System from and after July 17, 2000 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
  - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
  - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
  - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
  - a. Employees other than local safety members (herein referred to as local miscellaneous members).
5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
  - a. **SAFETY EMPLOYEES;**
  - b. **MEMBERS OF THE GOVERNING BODY; AND**
  - c. **STUDENT INTERN, FILE CLERK, RECEPTIONIST, CASHIER, STREET SWEEPING OPERATOR, WASTE COLLECTION WORKER, CROSSING GUARD, AND SECURITY GUARD PROSPECTIVELY FROM THE EFFECTIVE DATE OF THIS AMENDMENT TO CONTRACT.**

ITEM 7.3 - Exhibit A to Attachment A  
PLEASE DO NOT SIGN "EXHIBIT ONLY"

6. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local miscellaneous member shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Supplemental to Federal Social Security).
7. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Supplemental to Federal Social Security).
8. Public Agency elected and elects to be subject to the following optional provisions:
  - a. Section 20042 (One-Year Final Compensation) for classic members only.
  - b. Section 20965 (Credit for Unused Sick Leave).
  - c. Section 21118 (Partial Service Retirement).
  - d. Section 21151 (Industrial Disability Retirement For Local Miscellaneous Members).
  - e. Section 21427 (Improved Nonindustrial Disability Allowance).
  - f. Section 21428 (Increased Industrial Disability Allowance to 75% of Final Compensation).
9. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members of said Retirement System.
10. Public Agency shall also contribute to said Retirement System as follows:
  - a. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
  - b. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
11. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

- 12. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

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

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL  
CITY OF LAGUNA WOODS

BY \_\_\_\_\_  
ARNITA PAIGE, CHIEF  
PENSION CONTRACTS AND PREFUNDING  
PROGRAMS DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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

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

Attest:

\_\_\_\_\_  
Clerk

**ORDINANCE NO. 21-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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

SECTION 1. That an amendment to the contract between the City Council of the City of Laguna Woods and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit A, and by such reference made a part hereof as though herein set out in full.

SECTION 2. The Mayor of the City Council of the City of Laguna Woods is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

SECTION 3. This Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of 15 days from the passage thereof shall be published at least once in the *Laguna Woods Globe*, a newspaper of general circulation, published and circulated in the city of Laguna Woods and thenceforth and thereafter the same shall be in full force and effect.

SECTION 4. 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 5. The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

SECTION 6. All of the above-referenced documents and information have been and are on file with the City Clerk of the City.

PASSED, APPROVED AND ADOPTED this XX day of XX 2021.

\_\_\_\_\_  
SHARI L. HORNE, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, CMC, 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, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 21-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the XX day of XX 2021, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the XX day of XX 2021 by the following vote to wit:

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

\_\_\_\_\_  
YOLIE TRIPPY, CMC, City Clerk



## EXHIBIT

California  
Public Employees' Retirement System

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# AMENDMENT TO CONTRACT

Between the  
Board of Administration  
California Public Employees' Retirement System  
and the  
City Council  
City of Laguna Woods

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The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective July 17, 2000, and witnessed June 30, 2000, and as amended effective November 15, 2003 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Paragraphs 1 through 11 are hereby stricken from said contract as executed effective November 15, 2003, and hereby replaced by the following paragraphs numbered 1 through 12 inclusive:
1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for classic local miscellaneous members and age 62 for new local miscellaneous members.
  2. Public Agency shall participate in the Public Employees' Retirement System from and after July 17, 2000 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

PLEASE DO NOT SIGN "EXHIBIT ONLY"

3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:
  - (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.
  - (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.
  - (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.
4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:
  - a. Employees other than local safety members (herein referred to as local miscellaneous members).
5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:
  - a. **SAFETY EMPLOYEES;**
  - b. **MEMBERS OF THE GOVERNING BODY; AND**
  - c. **STUDENT INTERN, FILE CLERK, RECEPTIONIST, CASHIER, STREET SWEEPING OPERATOR, WASTE COLLECTION WORKER, CROSSING GUARD, AND SECURITY GUARD PROSPECTIVELY FROM THE EFFECTIVE DATE OF THIS AMENDMENT TO CONTRACT.**



ITEM 7.3 - Exhibit A to Attachment B  
PLEASE DO NOT SIGN "EXHIBIT ONLY"

6. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local miscellaneous member shall be determined in accordance with Section 21354 of said Retirement Law (2% at age 55 Supplemental to Federal Social Security).
7. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Supplemental to Federal Social Security).
8. Public Agency elected and elects to be subject to the following optional provisions:
  - a. Section 20042 (One-Year Final Compensation) for classic members only.
  - b. Section 20965 (Credit for Unused Sick Leave).
  - c. Section 21118 (Partial Service Retirement).
  - d. Section 21151 (Industrial Disability Retirement For Local Miscellaneous Members).
  - e. Section 21427 (Improved Nonindustrial Disability Allowance).
  - f. Section 21428 (Increased Industrial Disability Allowance to 75% of Final Compensation).
9. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members of said Retirement System.
10. Public Agency shall also contribute to said Retirement System as follows:
  - a. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.
  - b. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.
11. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

- 12. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

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

BOARD OF ADMINISTRATION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL  
CITY OF LAGUNA WOODS

BY \_\_\_\_\_  
ARNITA PAIGE, CHIEF  
PENSION CONTRACTS AND PREFUNDING  
PROGRAMS DIVISION  
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

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

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

Attest:

\_\_\_\_\_  
Clerk

## CITY OF LAGUNA WOODS JOB CLASSIFICATION

**JOB TITLE:**                    **STUDENT INTERN**

**STATUS:**                        **NON-EXEMPT AND AT-WILL**

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**DEFINITION:**

Under direct supervision, Student Interns gain work experience in an office environment and learn about government functions by performing a variety of clerical, administrative, para-professional, and technical tasks related to the assigned department(s) or program area(s). To be eligible for appointment, Student Interns must be enrolled in an accredited college or university and receive educational credit or undertake the position as part of an approved study plan or means of satisfying a graduation requirement.

**ESSENTIAL DUTIES:**

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

- Provide clerical, administrative, para-professional, and technical services related to areas such as regulations, policies, procedures, systems, methods, reports, surveys, and forms, while learning the structure and operations of the assigned department(s) or program area(s).
- Participate in the monitoring, analysis, and reporting on legislative and regulatory proposals for impacts on the assigned department(s) or program area(s), including preparation of positional correspondence.
- Assist in the preparation, review, and monitoring of grant applications, as well as the administration and implementation of grant activities.
- Support community outreach, education, and volunteer programs.
- Research, compile, and analyze information and assorted data.
- Create, scan, file, and maintain physical and electronic records.
- Prepare, compile, and disseminate qualitative and quantitative documentation and data, including correspondence, news releases, fact sheets, newsletters, brochures, flyers, billing records, reimbursement records, budgets, budget tracking sheets, statistics, reports, manuals, inventories, logs, minutes, and photographs.
- Setup for and cleanup after meetings and events, including by moving, arranging, and configuring tables, chairs, computers, projectors, screens, microphones, and other equipment, as well as food, drinks, waste, and other items and materials.
- Perform other related duties as assigned.

**CITY OF LAGUNA WOODS  
JOB CLASSIFICATION**

**JOB TITLE:** FILE CLERK

**STATUS:** NON-EXEMPT AND AT-WILL

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**DEFINITION:**

Under general supervision, File Clerks perform clerical and administrative tasks related to the storage, maintenance, retrieval, and digitization of physical and electronic records.

**ESSENTIAL DUTIES:**

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

- Provide clerical and administrative services related to the storage, maintenance, retrieval, and digitization of physical and electronic records.
- Sort, arrange, label, index, classify, and file physical and electronic records.
- Scan physical records and convert the same using optical character recognition.
- Coordinate with internal and external parties to digitize physical records and review and correct previously digitized electronic records.
- Locate, compile, and disseminate physical and electronic records as requested.
- Prepare, compile, and disseminate qualitative and quantitative documentation and data, including correspondence, billing records, reimbursement records, reports, inventories, logs, and photographs.
- Perform other related duties as assigned.

## **CITY OF LAGUNA WOODS JOB CLASSIFICATION**

**JOB TITLE:**                      **RECEPTIONIST**

**STATUS:**                              **NON-EXEMPT AND AT-WILL**

---

**DEFINITION:**

Under general supervision, Receptionists perform clerical and administrative tasks, often of a customer service and secretarial nature, related to City Hall's front counter.

**ESSENTIAL DUTIES:**

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

- Provide administrative and clerical services related to City Hall's front counter, including reception, customer service, switchboard, scheduling, and cashiering.
- Greet visitors and members of the public.
- Accept items and materials for recycling and disposal (e.g., handling of electronic waste, light bulbs, batteries, medication, sharps, print cartridges, etc.) to the extent that such items and materials are accepted for drop-off at City Hall.
- Receive and respond to public and private inquiries and complaints, including by providing information and referrals to appropriate points of contact.
- Receive, sort, screen, and distribute incoming and outgoing mail.
- Schedule appointments and maintain calendars.
- Create, scan, file, and maintain physical and electronic records.
- Prepare, compile, and disseminate qualitative and quantitative documentation and data, including correspondence, billing records, reimbursement records, incident reports, inventories, logs, photographs, and identification cards.
- Setup for and cleanup after meetings and events, including by moving, arranging, and configuring tables, chairs, computers, projectors, screens, microphones, and other equipment, as well as food, drinks, waste, and other items and materials.
- Perform other related duties as assigned.

## **CITY OF LAGUNA WOODS JOB CLASSIFICATION**

**JOB TITLE:**                      **CASHIER**

**STATUS:**                              **NON-EXEMPT AND AT-WILL**

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**DEFINITION:**

Under general supervision, Cashiers perform clerical and administrative tasks related to accepting and processing payments. When Cashiers work at City Hall’s front counter or in another public setting, they are also responsible for greeting visitors and members of the public, as well as providing public information and general customer service.

**ESSENTIAL DUTIES:**

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

- Provide clerical and administrative services related to cashiering.
- Review costs with customers prior to accepting or processing payments.
- Accept and process payments, including by operating cash registers.
- Assist customers with their operation of card terminals and other customer-facing payment acceptance and processing systems.
- Provide customers with receipts and other proofs of payment.
- Create, scan, file, and maintain physical and electronic records.
- Prepare, compile, and disseminate qualitative and quantitative documentation and data, including reports, inventories, logs, and photographs.
- *When Working at City Hall’s Front Counter or in Another Public Setting –*
  - Greet visitors and members of the public.
  - Provide public information and general customer service.
- Perform other related duties as assigned.

**CITY OF LAGUNA WOODS  
JOB CLASSIFICATION**

**JOB TITLE: STREET SWEEPING OPERATOR**

**STATUS: NON-EXEMPT AND AT-WILL**

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**DEFINITION:**

Under general supervision, Street Sweeping Operators perform labor related to the cleaning of, and removal of debris and refuse from, streets, rights-of-way, and parking lots.

**ESSENTIAL DUTIES:**

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

- Provide labor related to the cleaning of, and removal of debris and refuse from, streets, rights-of-way, and parking lots.
- Operate sweeping vehicles, including a combination of driving and actions to utilize onboard and vehicle-mounted equipment.
- Operate handheld and motorized sweeping equipment and tools, including carrying, lifting, pushing, pulling, and other physical exertions when necessary.
- Manually clean, and remove debris and refuse from, areas that cannot be adequately serviced by sweeping vehicles, equipment, and tools.
- Move, load, and unload debris and refuse into refuse containers, including carrying, lifting, pushing, pulling, and other physical exertions when necessary.
- Prepare, compile, and disseminate qualitative and quantitative documentation and data, including incident reports, manifests, logs, and photographs.
- Perform other related duties as assigned.

**CITY OF LAGUNA WOODS  
JOB CLASSIFICATION**

**JOB TITLE:**                    **WASTE COLLECTION WORKER**

**STATUS:**                        **NON-EXEMPT AND AT-WILL**

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**DEFINITION:**

Under general supervision, Waste Collection Workers perform labor related to the collection and transport of nonhazardous solid waste.

**ESSENTIAL DUTIES:**

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

- Provide labor related to the collection and transport of “nonhazardous solid waste” as that term is defined in the California Code of Regulations, as may change from time-to-time (nonhazardous solid waste is also referred to herein as “refuse”).
- Move, load, and unload refuse and refuse containers, including carrying, lifting, pushing, pulling, and other physical exertions when necessary.
- Operate vehicles used to collect and transport refuse, including a combination of driving and actions to utilize onboard and vehicle-mounted equipment.
- Prepare, compile, and disseminate qualitative and quantitative documentation and data, including incident reports, manifests, logs, and photographs.
- Perform other related duties as assigned.



## **CITY OF LAGUNA WOODS JOB CLASSIFICATION**

**JOB TITLE:**                    **CROSSING GUARD**

**STATUS:**                        **NON-EXEMPT AND AT-WILL**

---

**DEFINITION:**

Under general supervision, Crossing Guards perform services related to helping school-aged children and other individuals cross intersections adjacent to or near school sites.

**ESSENTIAL DUTIES:**

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

- Provide services related to helping school-aged children and other individuals cross intersections adjacent to or near school sites, including by stopping traffic, displaying stop signs, sounding whistles, and providing safety escorts.
- Immediately report crimes-in-progress, as well as injuries and dangerous situations and conditions, to the appropriate parties (e.g., City management, Orange County Fire Authority, and Orange County Sheriff's Department) and provide information and support to those parties as requested.
- Administer basic medical aid (limited to first aid, cardiopulmonary resuscitation, and use of automated external defibrillators when appropriately certified).
- Open, close, unlock, lock, and secure doors, gates, and bollards.
- Prepare, compile, and disseminate qualitative and quantitative documentation and data, including incident reports, logs, and photographs.
- Perform other related duties as assigned.

## **CITY OF LAGUNA WOODS JOB CLASSIFICATION**

**JOB TITLE:**                      **SECURITY GUARD**

**STATUS:**                              **NON-EXEMPT AND AT-WILL**

---

**DEFINITION:**

Under general supervision, Security Guards perform services related to the promotion of safety and security at City-owned and City-maintained buildings, parks, and properties.

**ESSENTIAL DUTIES:**

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

- Provide services related to the promotion of safety and security at City-owned and City-maintained buildings, parks, and properties, including by conducting vehicle, foot, and stationary monitoring; observing surveillance cameras, alarm panels, and other electronic systems; recording video; and, taking photographs.
- Immediately report crimes-in-progress, as well as injuries and dangerous situations and conditions, to the appropriate parties (e.g., City management, Orange County Fire Authority, and Orange County Sheriff's Department) and provide information and support to those parties as requested.
- Administer basic medical aid (limited to first aid, cardiopulmonary resuscitation, and use of automated external defibrillators when appropriately certified).
- Enforce and provide public education related to City rules, regulations, and policies applicable to City-owned and City-maintained buildings, parks, and properties.
- Provide safety escorts to and from vehicles and otherwise as requested.
- Open, close, unlock, lock, and secure doors, gates, and bollards.
- Arm and disarm alarms.
- Prepare, compile, and disseminate qualitative and quantitative documentation and data, including incident reports, inventories, logs, and photographs.
- Perform other related duties as assigned.

**8.1**  
**AUTOMATED EXTERNAL DEFIBRILLATOR**  
**REGULATIONS**

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# City of Laguna Woods

## Agenda Report

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Christopher Macon, City Manager

**FOR:** February 17, 2021 Regular Meeting

**SUBJECT:** Automated External Defibrillator Regulations

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### **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 CHAPTER 10.05 TO THE LAGUNA WOODS MUNICIPAL CODE RELATED TO AUTOMATED EXTERNAL DEFIBRILLATORS

### **Background**

California Health and Safety Code Section 19300 regulates the placement of automated external defibrillators (“AEDs”) in certain types of newly constructed and modified, renovated, or tenant improved structures. The provisions thereof apply statewide, including in Laguna Woods.

On January 20, 2021, a public hearing was held and the City Council introduced and approved the first reading of an ordinance (Attachment A) which, if adopted, would add Chapter 10.05 to the Laguna Woods Municipal Code to regulate the placement of AEDs, consistent with California Health and Safety Code Section 19300.

### **Discussion**

Today’s meeting is an opportunity for City Council action, as well as public input,

on proposed AED regulations (Attachment A). Staff recommends that the City Council adopt the proposed ordinance in order to incorporate the existing provisions of California Health and Safety Code Section 19300 into the Laguna Woods Municipal Code. Doing so would provide greater clarity for building permit applicants and enhance the City's ability to ensure that construction and building improvements are made in conformance with state law.

### **Environmental Review**

It can be seen with certainty that this project has no possibility of having a significant effect on the environment as it does not approve any capital improvement project or other action or activity with the potential for a significant effect on the environment, nor does the proposed new Chapter 10.05 of the Laguna Woods Municipal Code necessitate any construction or other modification of the environment with the potential for significant environmental effects. Further, the action is taken in furtherance of enforcement of state law regarding AEDs, specifically California Health and Safety Code Section 19300. Therefore, the adoption of the proposed new Chapter 10.05 of the Laguna Woods Municipal Code is not a project subject to the California Environmental Quality Act ("CEQA") pursuant to sections 15378(b) and 15061(b)(3) of Title 14 of the California Code of Regulations, and is categorically exempt under Section 15321(a) of Title 14 of the California Code of Regulations.

### **Fiscal Impact**

Sufficient funds to support this project are included in the City's budget.

Attachment: A – Proposed Ordinance  
Exhibit A – Code Amendment Text

**ORDINANCE NO. 21-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING CHAPTER 10.05 TO THE LAGUNA WOODS MUNICIPAL CODE RELATED TO AUTOMATED EXTERNAL DEFIBRILLATORS

**WHEREAS**, staff has recommended the addition of Chapter 10.05 to the Laguna Woods Municipal Code (“Code Amendments”) in order to incorporate the existing provisions of California Health and Safety Code Section 19300 related to the placement of automated external defibrillators; and

**WHEREAS**, the Community Development Director or his or her designee prepared an exhibit, including proposed language and terminology for the proposed Code Amendments and any additional information and documents deemed necessary for the City Council to take action, and such exhibit was available for public inspection at City Hall and, upon request, was supplied to all persons desiring a copy, at least 10 days prior to the scheduled City Council public hearing date; and

**WHEREAS**, on January 20, 2021, the City Council held a duly noticed public hearing on the proposed Code Amendments 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 City Council hereby finds and determines that (i) each of the recitals to this Ordinance are true and correct, and are adopted herein as findings; (ii) the Code Amendments comply with all applicable requirements of State law; (iii) the Code Amendments will not adversely affect the health, safety, or welfare of the residents within the community; (iv) the Code Amendments are in the public interest of the City of Laguna Woods; and, (v) the Code Amendments are consistent with the Laguna Woods General Plan and its various elements.

SECTION 2. After reviewing the entire project record, the City Council hereby determines and certifies that it can be seen with certainty that the Code Amendments have no possibility of having a significant effect on the environment as they do not approve any capital improvement project or other action or activity with the potential for a significant effect on the environment, nor do the Code Amendments necessitate any construction or other modification of the environment with the potential for

significant environmental effects. Further, the Code Amendments are adopted in furtherance of enforcement of state law regarding automated external defibrillators, specifically California Health and Safety Code Section 19300. Therefore, the adoption of the Code Amendments is not a project subject to the California Environmental Quality Act (“CEQA”) pursuant to sections 15378(b) and 15061(b)(3) of Title 14 of the California Code of Regulations, and is categorically exempt under Section 15321(a) of Title 14 of the California Code of Regulations.

SECTION 3. Chapter 10.05 is hereby added to the Laguna Woods Municipal Code to read as set forth in Exhibit A, attached to this Ordinance and incorporated herein by this reference.

SECTION 4. This Ordinance shall take effect and be in full force and operation thirty (30) days after adoption.

SECTION 5. 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 6. The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

SECTION 7. All of the above-referenced documents and information have been and are on file with the City Clerk of the City.

PASSED, APPROVED AND ADOPTED this XX day of XX 2021.

---

SHARI L. HORNE, Mayor



ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, CMC, 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, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 21-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the XX day of XX 2021, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the XX day of XX 2021 by the following vote to wit:

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

\_\_\_\_\_  
YOLIE TRIPPY, CMC, City Clerk

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**EXHIBIT A  
CODE AMENDMENTS**

***Chapter 10.05 (“Automated External Defibrillators”) is added to Title 10 (“Buildings and Construction”) of the Laguna Woods Municipal Code, to read as follows:***

**Sec. 10.05.010. - Purpose and intent.**

The purpose and intent of this chapter is to regulate the placement of automated external defibrillators, consistent with California Health and Safety Code Section 19300.

**Sec. 10.05.020. - Definitions.**

For purposes of this chapter only, the following definitions shall apply:

(05) *Automated External Defibrillator* or *AED* shall have the same meaning as set forth in California Health and Safety Code Section 1797.196.

(10) *Renovated* shall mean a structure that is subject to any of the following:

(a) \$100,000 or more of building renovations in one calendar year.

(b) \$100,000 or more of tenant improvements in one calendar year.

(c) Any tenant improvement for places of assembly including, but not limited to, auditoriums, performing arts theaters, and movie theaters.

**Sec. 10.05.030. - Improvements requiring AEDs.**

The following structures [as each group is defined in Chapter 3 (commencing with Section 301.1) of Part 2, the California Building Code, of Title 24, the California Building Standards Code, of the California Code of

Regulations], when newly constructed or renovated, shall have an AED on the premises conforming to the requirements set forth in California Health and Safety Code Section 1797.196. Such AED shall be on the premises prior to the City’s issuance of a certificate of occupancy or building permit final inspection approval, whichever is later, and shall remain on the premises at all times thereafter in a manner conforming to California Health and Safety Code Section 1797.196.

**STRUCTURES WHERE AN AED IS REQUIRED**

<b>Structure</b>	<b>Occupancy</b>
Group A assembly buildings	Greater than 300
Group B business buildings	200 or more
Group E educational buildings	200 or more
Group F factory buildings	200 or more
Group I institutional buildings	200 or more
Group M mercantile buildings	200 or more
Group R residential buildings, excluding single-family and multifamily dwelling units	200 or more

**Sec. 10.05.040. - Exemptions.**

This chapter shall not apply to any of the following:

- (1) Structures that are vacant or under construction or renovation, except as may be required to comply with Section 10.05.030.
- (2) Health facilities licensed under subdivision (a), (b), (c), or (f) of California Health and Safety Code Section 1250.
- (3) Structures that are owned or operated by any local government entity.
- (4) Structures with an existing AED in the common area of the structure.

**8.2**  
**TEMPORARY SHADE STRUCTURE**  
**(COMMERCIAL) BUILDING PERMIT FEE**  
***(NO REPORT)***

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**8.3**  
**CITY HALL/PUBLIC LIBRARY PROJECT**  
***(NO REPORT)***

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