

CITY of LAGUNA WOODS CITY COUNCIL AGENDA

Adjourned Regular Meeting
Wednesday, June 26, 2024
2:00 p.m.

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

Noel Hatch
Mayor

Shari L. Horne
Mayor Pro Tem

Cynthia Conners
Councilmember



Annie McCary
Councilmember

Carol Moore
Councilmember

Welcome to a meeting of the Laguna Woods City Council!

This meeting may be recorded, televised, and made publicly available.

Public Comments/Testimony: The City accepts public comments/testimony in-person and in writing. For more information, please refer to page three of this agenda.

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.

AGENDA POSTING AND AVAILABILITY

Regular and Adjourned Regular Meetings: Pursuant to California Government Code Section 54954.2 of the Ralph M. Brown Act, the City of Laguna Woods posts agendas at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637; on the City’s website (www.cityoflagunawoods.org); and, at other locations designated by Resolution No. 24-08, at least 72 hours in advance of regular and adjourned regular meetings. Agendas and agenda materials are available at Laguna Woods City Hall during normal business hours and on the City’s website. Printed copies of agendas and agenda materials are provided at no charge in advance of meetings. After meetings have occurred, a per page fee is charged for printed copies.

Special and Emergency Meetings: Agenda posting and availability for special and emergency meetings is conducted pursuant to all applicable provisions of California Government Code (Ralph M. Brown Act).

AGENDA DISTRIBUTION LISTS

Electronic Distribution: The City of Laguna Woods provides notification of agenda posting and availability via email. To sign up for email notifications, please visit www.cityoflagunawoods.org/email-notifications, email cityhall@cityoflagunawoods.org, or contact the City Clerk’s Office at (949) 639-0500/TTY (949) 639-0535. Please note that the City is not responsible for, and makes no guaranties or warranties related to, the transmission or receipt of email notifications.

Mail Distribution: The City of Laguna Woods is able to mail agendas and/or agenda materials if provided with advance payment for postage and printing (if applicable). To request mail distribution, please email cityhall@cityoflagunawoods.org or contact the City Clerk’s Office at (949) 639-0500/TTY (949) 639-0535.

FOR ADDITIONAL INFORMATION

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

AFFIDAVIT OF POSTING

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

I, Yolie Trippy, City Clerk, City of Laguna Woods, hereby certify under penalty of perjury that this agenda was posted at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637; on the City’s website (www.cityoflagunawoods.org); and, at other locations designated by Resolution No. 24-08, pursuant to California Government Code Section 54954.2 of the Ralph M. Brown Act.

/s/ Yolie Trippy
YOLIE TRIPPY, CMC, City Clerk

6/21/24
Date

OPTIONS FOR PUBLIC COMMENTS/TESTIMONY

1. In Person

Members of the public wishing to address the City Council on items appearing on this agenda are advised to indicate their interest in doing so by submitting a speaker card to City staff or proceeding to the podium, one-by-one, at the time an item is considered.

Members of the public wishing to address the City Council on items *not* appearing on this agenda may do so during Item V.

Each speaker will have the opportunity to speak for up to three minutes once per agenda item, unless otherwise allowed by the City Council.

Speakers are requested, but not required, to identify themselves, either on speaker cards and in comments/testimony. Speakers are advised that their names and any information submitted on speaker cards or otherwise provided in writing to the City may be disclosed or become a matter of public record. No speaker should expect privacy of such information.

2. In Writing

Written public comments/testimony may be delivered to Laguna Woods City Hall (24264 El Toro Road, Laguna Woods, CA 92637) or sent via email (cityhall@cityoflagunawoods.org) provided that they are received by the City prior to 2:00 p.m. on the day of this meeting.

Written public comments/testimony will be provided to the City Council and included in the City Clerk's written record of this meeting.

Parties submitting written public comments/testimony are requested, but not required, to identify themselves. Parties are advised that their names, email addresses, and any information submitted in writing to the City may be disclosed or become a matter of public record. No party should expect privacy of such information.

REMOTE VIEWING AND/OR LISTENING

1. Zoom

The City plans to live stream this meeting on Zoom (audio and/or video). ***Please note that public comments/testimony will not be accepted via Zoom.***

- Visit www.zoom.us
- Click on "Join"
- Enter the following meeting ID: 894 7359 8930
- Open the Zoom application following the on-screen prompts
- Enter the following meeting password: 767074
- Enter a name and email address as required by Zoom

Please note that information you enter into Zoom may be publicly visible and/or visible to other persons. No party should expect privacy of such information.

2. YouTube

The City plans to live stream this meeting on YouTube (audio and/or video). *Please note that public comments/testimony will not be accepted via YouTube.*

- Visit www.youtube.com/@cityoflagunawoods
- Click on the “Live” button
- Click on the “Laguna Woods Channel 3” button

Please note that information you enter into YouTube may be publicly visible and/or visible to other persons. No party should expect privacy of such information.

3. Cable Television

The City plans to broadcast this meeting on cable television Channel 3 within Laguna Woods Village (audio and/or video). *Please note that public comments/testimony will not be accepted via cable television Channel 3.*

I. CALL TO ORDER

Introductory Notes:

Members of the public wishing to address the City Council on items appearing on this agenda are advised to indicate their interest in doing so by submitting a speaker card to City staff or proceeding to the podium, one-by-one, at the time an item is considered.

Members of the public wishing to address the City Council on items *not* appearing on this agenda may do so during Item V.

Each speaker will have the opportunity to speak for up to three minutes once per agenda item, unless otherwise allowed by the City Council.

Speakers are requested, but not required, to identify themselves, both on any applicable speaker cards and in comments/testimony. Speakers are advised that their names and any information submitted on speaker cards or otherwise provided in writing to the City may be disclosed or become a matter of public record. No speaker should expect privacy of such information.

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. PRESENTATIONS AND CEREMONIAL MATTERS – None

V. PUBLIC COMMENTS ON NON-AGENDA ITEMS

About Public Comments on Non-Agenda Items: 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 ask clarifying questions of the speaker, engage in brief discussion, refer items to City staff, and/or schedule items for consideration at future meetings.

VI. CITY TREASURER'S REPORT

6.1 City Treasurer's Report

Recommendation: Receive and file the City Treasurer's Report for the month of May 2024.

VII. 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 or City staff requests that specific items be removed from the Consent Calendar for separate discussion and consideration of action. Members of the public may address the City Council on items appearing on the Consent Calendar regardless of whether an item is removed for separate discussion and consideration of action.

7.1 City Council Minutes

Recommendation: Approve the City Council meeting minutes for the regular meeting on May 15, 2024.

7.2 Warrant Register

Recommendation: Approve the warrant register dated June 26, 2024 in the amount of \$850,615.10.

7.3 Annual Appropriations Limit

Recommendation: Adopt a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF LAGUNA WOODS, CALIFORNIA, ADOPTING THE

ANNUAL APPROPRIATIONS LIMIT (GANN LIMIT) FOR FISCAL YEAR 2024-25 COMMENCING JULY 1, 2024 AND ENDING JUNE 30, 2025, IN ACCORDANCE WITH ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION

7.4 Landscape Maintenance Services

Recommendation:

1. Waive the provisions set forth in Laguna Woods Municipal Code Section 3.06.080(c) related to competitive bidding for an extension of an agreement with BrightView Landscape Services.

AND

2. Approve an extension of the agreement with BrightView Landscape Services for landscape maintenance services and authorize the City Manager to execute the extension, subject to approval as to form by the City Attorney.

7.5 Workplace Violence Policy

Recommendation: Adopt a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING AMENDMENTS TO ADMINISTRATIVE POLICY 4.8 PERTAINING TO WORKPLACE VIOLENCE INCLUDING, BUT NOT LIMITED TO, AMENDMENTS NECESSARY TO COMPLY WITH CALIFORNIA SENATE BILL 553 (CORTESE, CHAPTER 289, STATUTES OF 2023)

7.6 El Toro Road and Moulton Parkway Water Quality Treatment Project

Recommendation:

1. Approve final record plans and specifications reflecting completion of the “El Toro Road and Moulton Parkway Water Quality Treatment Project: Phase 1” as prepared by the project engineer.

AND

2. Accept project completion of the contract agreement with Leonida Builders, Inc. for the “El Toro Road and Moulton Parkway Water Quality Treatment Project: Phase 1” and authorize the City Manager to execute and record, or cause to be executed and recorded, a notice of completion with the County of Orange.

AND

3. Authorize the City Manager to release the contract retention payment withheld per state law, and exonerate project posted bonds, for the “El Toro Road and Moulton Parkway Water Quality Treatment Project: Phase 1,” 35 days following recordation of the notice of completion with the County of Orange, to the extent allowed by state law.

7.7 Pavement Management Plan Project (Westbound El Toro Road between Calle Corta and City Limits)

Recommendation: Adopt a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING A MASTER AGREEMENT ADMINISTERING AGENCY-STATE AGREEMENT STATE-FUNDED PROJECTS (AGREEMENT NO. 12-5476S21) WITH THE STATE OF CALIFORNIA AND A PROGRAM SUPPLEMENT TO AGREEMENT NO. 12-5476S21 (PROGRAM SUPPLEMENT NO. 00000A583) WITH THE STATE OF CALIFORNIA TO FACILITATE THE RECEIPT OF CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT OF 2021 – NON-STIP PROGRAM

FUNDING FOR THE PAVEMENT MANAGEMENT PLAN PROJECT (WESTBOUND EL TORO ROAD BETWEEN CALLE CORTA AND CITY LIMITS), AND AUTHORIZING EXECUTION OF THE SAME

VIII. PUBLIC HEARINGS

8.1 Orange County Enhanced Mobility for Seniors and Individuals with Disabilities (EMSD) Grant Program

Recommendation:

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public testimony.

AND

4. Close public hearing.

AND

5. Approve the submittal of an application to the Orange County Transportation Authority requesting funding from the 2004 Orange County Enhanced Mobility for Seniors and Individuals with Disabilities (EMSD) Grant Program to support the Senior Mobility Program.

AND

6. Authorize the City Manager to certify that there are no non-profit agencies readily available to provide the service proposed in the application for funding from the 2004 Orange County

Enhanced Mobility for Seniors and Individuals with Disabilities (EMSD) Grant Program.

AND

7. Determine and certify that the public hearing and submittal of an application for funding from the 2004 Orange County Enhanced Mobility for Seniors and Individuals with Disabilities (EMSD) Grant Program are not subject to the California Environmental Quality Act (CEQA) pursuant to sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3.

8.2 Accessory Dwelling Unit Regulations

Recommendation:

1. Receive staff report.

AND

2. Continue the public hearing that was continued from the regular meeting of the City Council on May 15, 2024.

AND

3. Receive public testimony.

AND

4. Close public hearing.

AND

5. Take no action.

IX. CITY COUNCIL BUSINESS

9.1 Business Registration Regulations

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING CHAPTER 6.03 TO TITLE 6 (BUSINESSES) OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO BUSINESS REGISTRATION, AND DETERMINING AND CERTIFYING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

9.2 Procurement of Recovered Organic Waste Products

Recommendation: Approve a first amendment to the agreement with the Golden Rain Foundation of Laguna Woods for procurement of mulch in connection with California Senate Bill 1383 and authorize the Mayor to execute the amendment, subject to approval as to form by the City Attorney.

9.3 League of California Cities Membership (agendized by Mayor Hatch)

Recommendation: Approve the City’s membership in the League of California Cities (Cal Cities) for the pro-rated amount of \$3,882 for the remainder of the 2024 calendar year and for an amount not-to-exceed \$8,200 for the 2025 calendar year.

X. CITY COUNCIL REPORTS AND COMMENTS

About City Council Reports and Comments: 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.

10.1 Coastal Greenbelt Authority Councilmember McCary, First Alternate: Mayor Pro Tem Horne, Second Alternate: Councilmember Connors

- 10.2 Orange County Fire Authority
Mayor Hatch

- 10.3 Orange County Library Advisory Board
Councilmember Moore; Alternate: Councilmember McCary

- 10.4 Orange County Mosquito and Vector Control District
Mayor Pro Tem Horne

- 10.5 San Joaquin Hills Transportation Corridor Agency
Councilmember Conners; Alternate: Mayor Hatch

- 10.6 South Orange County Watershed Management Area
Councilmember Moore; Alternate: Mayor Pro Tem Horne

- 10.7 Liaisons to Community Bridge Builders
Mayor Pro Tem Horne and Councilmember McCary

- 10.8 Other Comments and Reports

XI. CLOSED SESSION

Closed Session Note: While members of the public are not permitted to attend closed session, prior to convening in closed session, the City Council will accept public comments on items appearing on the closed session agenda.

- 11.1 The City Council will meet in closed session under the authority of California Government Code Section 54957(b)(1) to consider the following: Public Employee Performance Evaluation – City Manager.

XII. CLOSED SESSION REPORT

XIII. ADJOURNMENT

Next Regular Meeting: Wednesday, July 17, 2024 at 2 p.m.
 Laguna Woods City Hall
 24264 El Toro Road, Laguna Woods, California 92637

This page is intentionally blank.

6.1
CITY TREASURER'S REPORT

This page is intentionally blank.



City Treasurer's Report Monthly Financial Snapshot

Financial Assets IN THE BANK as of May 31, 2024

BY FUND

General Fund **\$11,558,221**

This is the City of Laguna Woods' primary operating fund and is used to account for the proceeds of revenue sources that are not legally restricted or committed to expenditures for specified purposes.

Reserves for paid leave, self-insurance, and general contingencies (collectively totaling \$3,667,800) are also included in this fund.

Special Revenue Funds **\$3,510,300**

These funds are used to account for the proceeds of revenue sources that are legally restricted or committed to expenditures for specified purposes.

Most of these funds are legally restricted for public street purposes.

Total (All Funds) **\$15,068,521**

BY INVESTMENT TYPE

Cash and Cash Equivalents **\$596,826**
3.96% of portfolio

Pooled Money Investment Accounts **\$9,117,195**
60.50% of portfolio

This includes investments in state and county (local) government investment pools.

Investments - Earning **\$5,354,500**
35.53% of portfolio

This includes certificates of deposit.

Total (All Funds) **\$15,068,521**

Financial Assets HELD IN TRUST FUNDS as of May 31, 2024

California Employers' Pension Prefunding Trust Fund (CEPPT) **\$167,217**

• **New Contributions** **\$0**

• **Gain/(Loss) from Month Prior** **\$4,455**

The CEPPT is used to prefund employee pension obligations.

California Employers' Retiree Benefit Trust Fund (CERBT) **\$136,956**

• **New Contributions** **\$0**

• **Gain/(Loss) from Month Prior** **\$3,498**

The CERBT is used to prefund statutorily required retiree medical benefits.

Notes: The City of Laguna Woods uses a modified accrual basis of accounting, which generally means that revenues are recognized when a transaction occurs, and expenditures are recognized when obligations are created. As such, this monthly financial snapshot reflects only revenue known and expenditures paid for the month referenced as of the date prepared. In some cases, financial statements from financial dealers, depositories, and institutions may not have been received as of the date prepared and, therefore, some revenue and expenditures may not be reflected. Certificates of deposit may also have accrued interest that is not reflected because it is not yet vested. For more information on the specific information included in this monthly financial snapshot, please refer to the full City Treasurer's Report.

This page is intentionally blank.



City of Laguna Woods
City Treasurer's Report
For the Month Ended May 31, 2024

ITEM 6.1

CASH AND INVESTMENTS

	Beginning Balances As of 4/30/24	Earnings & Receipts	Disbursements	Purchases, Transfers & Other Adjustments	Ending Balances As of 5/31/24	% of Total Cash & Investment Balances	Maximum % Allowed per Investment Policy
Cash and Cash Equivalents							
Analyzed Checking Account (Note 1)	\$ 856,786	\$ 1,994,920	\$ (850,595)	\$ (1,450,000)	\$ 551,111	3.66%	
Cash Balances, Multi-Bank Securities (MBS) Account (Note 2 and 4)	\$ 25,017	\$ 15,169	\$ (26,171)	\$ -	\$ 14,014	0.09%	
Earned Interest in Transit and Accrued Interest, MBS Account (Note 4)	\$ 24,307	\$ 20,119	\$ (15,169)	\$ -	\$ 29,257	0.19%	
Petty Cash	\$ 800	\$ -	\$ (20)	\$ -	\$ 780	0.01%	
Laguna Woods Civic Support Fund Checking Account	\$ 1,760	\$ -	\$ (96)	\$ -	\$ 1,664	0.01%	
Total Cash and Cash Equivalents	<u>\$ 908,669</u>	<u>\$ 2,030,208</u>	<u>\$ (892,051)</u>	<u>\$ (1,450,000)</u>	<u>\$ 596,826</u>	<u>3.96%</u>	100.00%
Pooled Money Investment Accounts							
Local Agency Investment Fund (LAIF - fair value) (Notes 2 and 3)	\$ 812,894	\$ -	\$ -	\$ -	\$ 812,894	5.39%	
Orange County Investment Pool (OCIP - fair value) (Notes 2 and 3)	\$ 6,802,743	\$ 51,730	\$ (172)	\$ 1,450,000	\$ 8,304,301	55.11%	
Total Pooled Money Investment Accounts	<u>\$ 7,615,637</u>	<u>\$ 51,730</u>	<u>\$ (172)</u>	<u>\$ 1,450,000</u>	<u>\$ 9,117,195</u>	<u>60.50%</u>	90.00%
Investments - Interest and Income Bearing							
Certificates of Deposit - non-negotiable (fair value) (Note 2)	\$ 5,365,120	\$ -	\$ -	\$ (10,620)	\$ 5,354,500	35.53%	
Total Investments - Interest and Income Bearing	<u>\$ 5,365,120</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ (10,620)</u>	<u>\$ 5,354,500</u>	<u>35.53%</u>	90.00%
TOTAL	<u><u>\$ 13,889,426</u></u>	<u><u>\$ 2,081,938</u></u>	<u><u>\$ (892,224)</u></u>	<u><u>\$ (10,620)</u></u>	<u><u>\$ 15,068,521</u></u>	<u><u>100.00%</u></u>	

Summary of Total Cash, Cash Equivalents, and Investments:

	General Fund	Special Revenue Funds	Totals
Analyzed Checking Account	\$ (2,957,524)	\$ 3,508,635	\$ 551,111
Cash Balances, MBS Account	\$ 14,014	\$ -	\$ 14,014
Earned Interest in Transit and Accrued Interest, MBS Account	\$ 29,257	\$ -	\$ 29,257
Petty Cash	\$ 780	\$ -	\$ 780
LAIF	\$ 812,894	\$ -	\$ 812,894
OCIP	\$ 8,304,301	\$ -	\$ 8,304,301
Certificates of Deposit	\$ 5,354,500	\$ -	\$ 5,354,500
Laguna Woods Civic Support Fund Checking Account	\$ -	\$ 1,664	\$ 1,664
Totals	<u><u>\$ 11,558,221</u></u>	<u><u>\$ 3,510,300</u></u>	<u><u>\$ 15,068,521</u></u>

(See **NOTES** on Page 4 of 4)



City of Laguna Woods
City Treasurer's Report
For the Month Ended May 31, 2024

ITEM 6.1

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
Money Funds and Certificate of Deposits (CDs, Federal Deposit Insurance Corporation [FDIC] Insured)														
38150VBG3	2022-2	GOLDMAN SACHS BK USA	24 months	05/24/22	06/01/22	245,000	244,951	245,000	2.900	Semi-Annual	12/01/22	Green*	2.900	06/03/24
89841MAV9	2023-11	TRUSTONE FINL CR UN	12 months	12/05/23	12/13/23	245,000	244,792	245,000	5.350	Monthly	01/13/24	Green***	5.350	12/12/24
98138MBA7	2022-8	WORKERS FED CR UN	24 months	12/09/22	12/16/22	245,000	244,410	245,000	4.950	Monthly	01/16/23	Yellow**	4.950	12/16/24
75472RBB6	2020-1	RAYMOND JAMES BK NATL ASSN	60 months	02/06/20	02/14/20	245,000	238,912	245,000	1.750	Semi-Annual	08/14/20	Green***	1.750	02/14/25
219873AB2	2024-3	CORPORATE AMERICA FAMILY CR UN	12 months	03/14/24	03/27/24	245,000	244,738	245,000	5.250	Monthly	04/27/24	Green***	5.250	03/27/25
59013KGJ9	2020-2	MERRICK BANK	60 months	03/24/20	03/31/20	100,000	97,127	100,000	1.800	Monthly	05/01/20	Green***	1.800	03/31/25
14042TGG6	2022-1	CAPITAL ONE BK USA NATL ASSN	36 months	05/24/22	05/25/22	245,000	239,747	245,000	3.100	Semi-Annual	11/25/22	Green*	3.100	05/27/25
75102EAP3	2023-6	RAIZ FED CR UN	24 months	05/17/23	05/24/23	245,000	244,373	245,000	5.050	Monthly	06/24/23	Yellow**	5.050	05/27/25
37424PAG9	2023-9	GESA CR UN	24 months	07/19/23	07/31/23	245,000	245,666	245,000	5.500	Monthly	08/31/23	Green***	5.500	07/31/25
130162BJ8	2023-12	CALIFORNIA CR UN	24 months	12/06/23	12/15/23	245,000	244,826	245,000	5.150	Semi-Annual	06/15/24	Green***	5.150	12/15/25
00782JAD4	2023-13	ADVIA CR UN	24 months	12/22/23	12/29/23	245,000	243,577	245,000	4.800	Semi-Annual	06/29/24	Green***	4.800	12/29/25
59524LAA4	2023-1	MID CAROLINA CR UN	36 months	03/07/23	03/13/23	200,000	199,568	200,000	4.850	Monthly	04/13/23	Green***	4.850	03/13/26
23204HNV6	2023-4	CUSTOMERS BK	36 months	03/30/23	03/31/23	245,000	244,471	245,000	5.000	Semi-Annual	09/30/23	Green**	5.000	03/31/26
87868YAQ6	2023-7	TECHNOLOGY CR UN	36 months	05/19/23	05/30/23	245,000	244,728	245,000	5.000	Monthly	07/01/23	Green***	5.000	05/29/26
32022RRG4	2022-4	1ST FINL BK USA	48 months	06/15/22	06/24/22	245,000	235,888	245,000	3.150	Monthly	07/24/22	Green*	3.150	06/24/26
2546733P9	2023-5	DISCOVER BK	48 months	03/30/23	04/05/23	245,000	244,223	245,000	4.800	Semi-Annual	10/05/23	Green***	4.800	04/05/27
50625LBN2	2022-3	LAFAYETTE FED CR	60 months	05/24/22	06/15/22	245,000	233,772	245,000	3.250	Monthly	07/15/22	Green***	3.250	06/15/27
14042RUX7	2022-5	CAPITAL ONE NATL ASSN	60 months	10/06/22	10/13/22	245,000	242,347	245,000	4.500	Semi-Annual	04/13/23	Green*	4.500	10/13/27
22282XAB6	2024-1	COVANTAGE CR UN	48 months	01/12/24	01/24/24	245,000	238,772	245,000	4.050	Quarterly	04/24/24	Green***	4.050	01/24/28
90355GCE4	2023-2	UBS BANK USA	60 months	03/07/23	03/08/23	200,000	198,612	200,000	4.600	Monthly	04/08/23	Green*	4.600	03/08/28
89854LAD5	2023-8	TTCU FED CR UN	60 months	07/19/23	07/26/23	245,000	247,185	245,000	5.000	Monthly	08/26/23	Green***	5.000	07/26/28
01882MAH5	2023-10	ALLIANT CR UN	60 months	11/07/23	11/15/23	245,000	251,071	245,000	5.350	Monthly	12/15/23	Green***	5.350	11/15/28
61690DMB1	2024-2	MORGAN STANLEY BANK NA	60 months	03/14/24	03/18/24	245,000	240,744	245,000	4.300	Semi-Annual	09/13/24	Green***	4.300	03/13/29
		Accrued Interest - Month End					29,257							
Total CDs						5,400,000	5,383,756	5,400,000						

(*) 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. The table 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.

Veribanc Rating System	
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	832,562	812,894	832,562	Note 3	Quarterly	N/A	N/A	N/A	N/A
N/A	N/A	Orange County Investment Pool (OCIP)	N/A	Various	Various	8,381,180	8,304,301	8,381,180	Note 3	Monthly	N/A	N/A	N/A	N/A
Total PMIA						9,213,743	9,117,195	9,213,743						

(See NOTES on Page 4 of 4)



City of Laguna Woods
City Treasurer's Report
For the Month Ended May 31, 2024

ITEM 6.1

CASH AND INVESTMENTS

	Beginning Balances As of 4/30/24	Contributions / (Withdrawals)	Administrative Fees & Investment Expense	Unrealized Gain / (Loss)	Ending Balances As of 5/31/24
Other Post-Employment Benefits (OPEB) Trust					
CalPERS California Employers' Retiree Benefit Trust (CERBT) (Note 2) (CERBT holds all assets and administers the OPEB Trust)	\$ 133,458	\$ -	\$ (10)	\$ 3,508	\$ 136,956
Employer Pension Contributions Trust					
CalPERS California Employers' Pension Prefunding Trust (CEPPT) (Note 2) (CEPPT holds all assets and administers the Employer Pension Contributions Trust)	<u>\$ 162,762</u>	<u>\$ -</u>	<u>\$ (32)</u>	<u>\$ 4,487</u>	<u>\$ 167,217</u>
Total Other Funds - Held in Trust	<u>\$ 296,220</u>	<u>\$ -</u>	<u>\$ (42)</u>	<u>\$ 7,995</u>	<u>\$ 304,173</u>

(See **NOTES** on Page 4 of 4)



City of Laguna Woods
City Treasurer's Report
For the Month Ended May 31, 2024

CASH AND INVESTMENTS

Notes:

Note 1 - Analyzed Checking Account / Monthly activity reported does not reflect May 2024 vendor invoicing processed after the date of this report.

Note 2 - During May 2024, transaction activity in pooled money investment accounts, investment accounts and fiduciary trusts included:

LAIF / The City made no deposits to or withdrawals from the LAIF account. The balance includes an adjustment in the amount of (\$19,668.21) to reflect the fair market value of the investment at June 30, 2023.

OCIP / The City made no withdrawals from the OCIP account. The City transferred \$1,450,000 to the OCIP account from the City's checking account. The balance includes an adjustment in the amount of (\$76,879.24) to reflect the fair market value of the investment at June 30, 2023.

Investments / There were no maturities of investments. Investments were adjusted in the amount of (\$10,619.70) to report balances at fair market value as of May 31, 2024.

OPEB Trust / The City made no contributions to or withdrawals from the OPEB Trust. The OPEB Trust experienced a net gain of \$3,498.48 in May 2024.

Employer Pension Contributions Trust / The City made no contributions to or withdrawals from the CEPPT account. The Trust experienced a net gain of \$4,454.65 in May 2024.

Note 3 - Investment earnings on pooled money investment accounts deposited and reported in May 2024 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	\$0.00	See Notes	See Notes	July 2024	Total pool interest yield for May 2024 was 4.332% and the City's yield will be slightly lower based on allocation ratios and administrative fees to be deducted.
OCIP	Monthly	\$51,730.17	January 2024 & February 2024	See Notes	August 2024	Interest is posted three months in arrears and fees are posted monthly. Accrued interest pending payment at May 31, 2024 was \$78,174.39. At May 31, 2024, the interest rate was 4.478% and fees were 0.010%, for a net yield of 4.468%.

Note 4 - CDs / The stated earnings rate for CDs is a fixed rate for the full term. The City earned interest of \$15,168.98 and transferred out \$26,171.30 in cash balances to the City's checking account in May 2024. Cash balances to be invested or paid out are classified separately on page 1 of 4. The City's portfolio also has \$29,256.53 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.

Digitally signed by
 Elizabeth Torres
 Date: 2024.06.12
 17:58:33 -07'00'

Elizabeth Torres, City Treasurer

7.0
CONSENT CALENDAR SUMMARY

This page is intentionally blank.



City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: June 26, 2024 Adjourned Regular Meeting

SUBJECT: Consent Calendar Summary

Recommendation

Approve all proposed actions on the June 26, 2024 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 June 26, 2024 Consent Calendar contains the following items:

- 7.1 Approval of the City Council meeting minutes for the regular meeting on May 15, 2024.
- 7.2 Approval of the warrant register dated June 26, 2024 in the amount of \$850,615.10. A list of warrants is included in the agenda packet; detailed information about individual warrants is available at or from City Hall.
- 7.3 Adoption of a resolution adopting the annual appropriations limit (Gann Limit) for Fiscal Year 2024-25 commencing July 1, 2024 and ending June

30, 2025, in accordance with Article XIIB of the California State Constitution. Proposition 4 (“Limitation of Government Appropriations”), commonly referred to as the “Gann Initiative,” was approved by California voters on November 6, 1979. The Gann Initiative added Article XIIB to the California State Constitution, establishing a limit on the amount of tax proceeds that state and local governments can appropriate on an annual basis (“Gann Limit”). Gann Limits vary amongst agencies and are either based on the amount of tax revenue that was authorized to be spent in Fiscal Year 1978-79 or, in the case of the City of Laguna Woods and other local governments that incorporated after Fiscal Year 1978-79, on an amount established by voters. Gann Limits are modified annually, according to a methodology established by Proposition 111 (“Traffic Congestion Relief and Spending Limitation Act Of 1990”).

If the City’s receipt of tax proceeds exceeds a Gann Limit, Article XIIB of the California State Constitution allows the City to “carry those excess funds into the subsequent year.” At the conclusion of the subsequent year, the City is required to either return remaining excess funds to taxpayers or gain voter approval to “override” the Gann Limit.

The City has calculated the Fiscal Year 2024-25 Gann Limit at \$13,670,969. As the City does not anticipate receiving or appropriating tax proceeds in excess of the Gann Limit during Fiscal Year 2024-25, the Gann Limit is not expected to impact the City’s operations.

- 7.4 [1] Waiver of the provisions set forth in Laguna Woods Municipal Code Section 3.06.080(c) related to competitive bidding for an extension of an agreement with BrightView Landscape Services. 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. Staff recently completed a competitive Request for Proposals (“RFP”) process for landscape maintenance services and anticipates recommending that the City Council approve a new agreement with BrightView Landscape Services at the regular meeting on July 17, 2024. Due to the need for additional time to finalize such a proposed agreement, staff recommends waiving competitive bidding requirements for the proposed 31-day extension.

AND

[2] Approval of an extension of the agreement with BrightView Landscape Services for landscape maintenance services and authorization for the City Manager to execute the extension, subject to approval as to form by the City Attorney. The proposed extension is for a one-month period through July 31, 2024 with no increase in rates or other changes to terms and conditions.

- 7.5 Adoption of a resolution adopting amendments to Administrative Policy 4.8 pertaining to workplace violence including, but not limited to, amendments necessary to comply with California Senate Bill 553 (Cortese, Chapter 289, Statutes of 2023). California Senate Bill 553 requires most employers to prepare, implement, and maintain a workplace violence prevention plan. The proposed amended version of Administrative Policy 4.8 (Attachment A) was prepared by staff in consultation with the California Joint Powers Insurance Authority (“CJPIA”) and with the assistance of guidance materials from the California Division of Occupational Safety and Health (“Cal/OSHA”). The existing version of Administrative Policy 4.8 is included as Attachment B.
- 7.6 [1] Approval of final record plans and specifications reflecting completion of the “El Toro Road and Moulton Parkway Water Quality Treatment Project: Phase 1” as prepared by the project engineer (available for review at City Hall).

AND

[2] Acceptance of project completion of the contract agreement with Leonida Builders, Inc. for the “El Toro Road and Moulton Parkway Water Quality Treatment Project: Phase 1” and authorization for the City Manager to execute and record, or cause to be executed and recorded, a notice of completion with the County of Orange.

AND

[3] Authorization for the City Manager to release the contract retention payment withheld per state law, and exonerate project posted bonds, for the “El Toro Road and Moulton Parkway Water Quality Treatment Project: Phase 1,” 35 days following recordation of the notice of completion with the County of Orange, to the extent allowed by state law.

The El Toro Road and Moulton Parkway Water Quality Treatment Project is

included in the Fiscal Years 2023-34 Capital Improvement Program. The project is being constructed in two phases. The City Council awarded the construction contract agreement for Phase 1 to Leonida Builders on February 21, 2024. Construction is now complete.

- 7.7 Adoption of a resolution approving a Master Agreement Administering Agency-State Agreement State-Funded Projects (Agreement No. 12-5476S21) with the State of California and a Program Supplement to Agreement No. 12-5476S21 (Program Supplement No. 00000A583) with the State of California to facilitate the receipt of Coronavirus Response and Relief Supplemental Appropriations Act of 2021 – Non-STIP Program funding for the Pavement Management Plan Project (Westbound El Toro Road between Calle Corta and City Limits), and authorizing execution of the same. The proposed agreement and program supplement are necessary to facilitate the receipt of \$200,000 in Coronavirus Response and Relief Supplemental Appropriations Act of 2021 – Non-STIP Program funding that the City applied for and was awarded for the Fiscal Year 2024-25 pavement management project.

7.1
CITY COUNCIL MINUTES

**For additional information on this item,
please refer to Item 7.0 (Consent Calendar Summary).**

This page is intentionally blank.

**CITY OF LAGUNA WOODS CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
May 15, 2024
2:00 P.M.
Laguna Woods City Hall
24264 El Toro Road
Laguna Woods, California 92637**

I. CALL TO ORDER

Mayor Hatch called the Regular Meeting of the City Council of the City of Laguna Woods to order at 2:01 p.m.

II. ROLL CALL

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

All councilmembers participated in-person at the meeting location.

STAFF PRESENT: City Manager Macon, City Attorney Patterson, Administrative Services Director/City Treasurer Torres, City Clerk Trippy

All staff participated in-person at the meeting location.

III. PLEDGE OF ALLEGIANCE

Councilmember Conners led the pledge of allegiance.

IV. PRESENTATIONS AND CEREMONIAL MATTERS

4.1 Community Bridge Builders – First Anniversary
(agendized by Mayor Pro Tem Horne, Councilmember McCary)

City Clerk Trippy read the certificate of commendation.

Councilmembers made comments.

Rebeca Gilad, President of Community Bridge Builders, made comments.

Moved by Councilmember McCary, seconded by Mayor Pro Tem Horne, and carried unanimously on a 5-0 vote, to approve and present the certificate of commendation.

4.2 Asian American and Pacific Islander Heritage Month – May 2024

City Clerk Trippy read the proclamation.

Moved by Councilmember Moore, seconded by Mayor Pro Tem Horne, and carried unanimously on a 5-0 vote, to approve and present the proclamation.

Mayor Hatch made comments.

4.3 Older Americans Month – May 2024

City Clerk Trippy read the proclamation.

Councilmembers made comments.

Moved by Councilmember Moore, seconded by Mayor Pro Tem Horne, and carried unanimously on a 5-0 vote, to approve and present the proclamation.

4.4 Drowning Prevention Awareness Period- May – August 2024

City Clerk Trippy read the proclamation.

Augustine Romo, Captain, Orange County Fire Authority, made comments.

Councilmembers made comments and Captain Romo answered questions.

Moved by Mayor Pro Tem Horne, seconded by Councilmember McCary, and carried unanimously on a 5-0 vote, to approve and present the proclamation.

Mayor Hatch called for a brief recess.

Councilmembers took photographs with Ms. Gilad and Captain Romo.

The meeting was called back to order at 2:41 p.m.

4.5 Presentation Regarding the Orange County Power Authority – Joe Mosca, Chief Executive Officer, Orange County Power Authority (agendized by Mayor Pro Tem Horne)

Mayor Hatch introduced the item.

Mayor Pro Tem Horne made comments.

Joe Mosca, Chief Executive Officer, Orange County Power Authority, made a presentation.

Sue Dearing, resident, inquired how the Orange County Power Authority compares to other agencies that sell renewable energy.

Mr. Mosca briefly responded to Ms. Dearing's question.

Vicki Johnson, resident, spoke in opposition to the City potentially joining the Orange County Power Authority.

Mayor Pro Tem Horne asked a question of Ms. Johnson.

Councilmember Moore briefly responded to Mayor Pro Tem Horne's question.

Ms. Johnson responded to Mayor Pro Tem Horne's question and continued her comments.

Mr. Mosca briefly responded to Ms. Johnson's comments.

Mike Raugh, resident, inquired about time limits for public comments.

Mayor Hatch briefly responded to Mr. Raugh's question.

Mr. Mosca responded to questions from Mayor Pro Tem Horne.

Mayor Pro Tem Horne made comments and Mr. Mosca answered questions.

A member of the public asked how the Orange County Power Authority knows that their energy goes to the grid.

Mr. Mosca briefly responded to the comment.

Councilmember Moore made comments.

Walter Nobrega, member of the public, spoke in opposition to the City potentially joining the Orange County Power Authority.

Mike Raugh, resident, spoke in opposition to the City potentially joining the Orange County Power Authority.

Vicki Johnson, resident, expressed concerns regarding the City potentially joining the Orange County Power Authority.

Michelle Johnson, member of the public, spoke in opposition to the City potentially joining the Orange County Power Authority.

Tomas Castro, Climate Action Campaign, spoke in support of the City potentially joining the Orange County Power Authority.

Harvey Liss, member of the public, spoke in opposition to the City potentially joining the Orange County Power Authority.

Councilmember Moore left the meeting at 3:28 p.m.

Ayn Craciun, Climate Action Campaign, spoke in support of the City potentially joining the Orange County Power Authority.

Councilmember Moore returned at 3:30 p.m.

Mary Sinclair, resident, spoke in support of the City potentially joining the Orange County Power Authority.

Jonathon Adler, resident, spoke in support of the City potentially joining the Orange County Power Authority.

Councilmembers discussed the item and Mr. Mosca answered questions.

Councilmembers expressed consensus interest in holding a town hall meeting to provide an opportunity for greater public input.

Mayor Hatch called for a brief recess.

The meeting was called back to order at 3:49 p.m.

V. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Bill Walsh, member of the public, inquired about the status of the I-5/El Toro Road Interchange Project and the Laguna Hills Mall development.

City Manager Macon briefly responded to Mr. Walsh's comments.

Mr. Walsh made brief comments.

VI. CITY TREASURER'S REPORT

6.1 City Treasurer Report

Administrative Services Director/City Treasurer Torres made a presentation.

Moved by Councilmember Connors, seconded by Councilmember Moore, and carried unanimously on a 5-0 vote, to receive and file the City Treasurer's Report for the month of April 2024.

6.2 Quarterly Financial Report

Administrative Services Director/City Treasurer Torres made a presentation.

City Manager Macon made comments.

Councilmembers discussed the item and staff answered related questions.

Kathryn Freshley, resident, expressed her appreciation for the presentation.

Moved by Mayor Pro Tem Horne, seconded by Councilmember Conners, and carried unanimously on a 5-0 vote, to receive and file the Quarterly Financial Report for the third quarter of Fiscal Year 2023-24.

VII. CONSENT CALENDAR

Moved by Councilmember Conners, seconded by Mayor Pro Tem Horne, and carried unanimously on a 5-0 vote, to approve Consent Calendar items 7.1-7.6.

7.1 City Council Minutes

Approved the City Council meeting minutes for the regular meeting on April 17, 2024 and the special meeting on April 29, 2024.

7.2 Warrant Register

Approved the warrant register dated May 15, 2024, in the amount of \$690,154.75.

7.3 Fiscal Years 2023-25 Budget Adjustments

Adopted a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING AND ADOPTING THE FISCAL YEARS 2023-25 BUDGET AND WORK PLAN FOR FISCAL YEAR 2023-24 COMMENCING JULY 1, 2023 AND ENDING JUNE 30, 2024, AND FISCAL YEAR 2024-25 COMMENCING JULY 1, 2024 AND ENDING JUNE 30, 2025, INCREASING STATE OF CALIFORNIA GRANTS FUND APPROPRIATIONS FOR AN AWARD FROM THE STATE OF CALIFORNIA SB 1383 LOCAL ASSISTANCE GRANT PROGRAM FISCAL YEAR 2022-23

7.4 Law Enforcement Services

Approved an agreement with the County of Orange for law enforcement services and authorized the Mayor to execute the agreement, subject to approval as to form by the City Attorney.

7.5 Ridge Route Drive Drainage Repair Project Design and Support Services

1. Waived the provisions set forth in Laguna Woods Municipal Code Section 3.06.080(c) related to competitive bidding for an extension of an agreement with Geosyntec

Consultants, Inc.

AND

2. Approved an agreement with Geosyntec Consultants, Inc. for Ridge Route Drive Drainage Repair Project design and support services and authorized the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

7.6 General Municipal Election

1. Adopted a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATED TO GENERAL LAW CITIES

AND

2. Adopted a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024 WITH THE GENERAL ELECTION TO BE HELD ON THE SAME DATE, PURUSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10403

AND

3. Adopted a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024

VIII. PUBLIC HEARINGS

8.1 Businesses Registration Regulations

City Manager Macon made a presentation and noted that staff's recommendation includes the following change to the proposed Code Amendments included in the agenda packet:

- Section 6.03.060(3) in Exhibit A to Attachment A is revised to add the following word (addition shown with underlining): “The City Manager may file complaints and reports...”

Mayor Hatch opened the public hearing.

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

Councilmembers discussed the item and staff answered related questions.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING CHAPTER 6.03 TO TITLE 6 (BUSINESSES) OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO BUSINESS REGISTRATION, AND DETERMINING AND CERTIFYING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

with Section 6.03.060(3) in Exhibit A to Attachment A revised to add the following word (addition shown with underlining): “The City Manager may file complaints and reports...”

8.2 Accessory Dwelling Unit Regulations

City Manager Macon made a presentation.

Mayor Hatch opened the public hearing.

Mayor Pro Tem Horne left the meeting at 4:25 p.m.

Kathryn Freshley, resident, expressed concern with the City adopting accessory dwelling unit regulations and the limited extent to which they would apply in Laguna Woods.

Councilmember Conners briefly responded to Ms. Freshley's comments.

Moved by Councilmember Conners, seconded by Councilmember Moore, and carried unanimously on a 4-0 vote with Mayor Pro Tem Horne absent, to continue the public hearing to the adjourned regular meeting of the City Council on June 26, 2024 at 2 p.m. at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

IX. CITY COUNCIL BUSINESS

9.1 Fiscal Years 2023-25 Budget and Work Plan & Fiscal Years 2023-34 Capital Improvement Plan

City Manager Macon made a presentation.

Mike Raugh, resident, commented on his desire for more robust public transportation and shaded places to wait for such transportation.

City Manager Macon briefly responded to Mr. Raugh's comments.

Councilmembers briefly responded to Mr. Raugh's comments and Mr. Raugh answered questions.

Councilmembers discussed the item and staff answered related questions.

Moved by Councilmember Conners, seconded by Councilmember Moore, and carried unanimously on a 4-0 vote with Mayor Pro Tem Horne absent, to:

1. Adopt a new Chapter 8.0 (City Capital Projects) for the Fiscal Years 2023-25 Budget & Work Plan reflecting projects completed; changes in the scope, timing, cost and/or funding of projects; and, other amendments.

AND

2. Adopt a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING AND ADOPTING THE FISCAL YEARS 2023-25 BUDGET AND WORK PLAN FOR FISCAL YEAR 2023-24 COMMENCING JULY 1, 2023 AND ENDING JUNE 30, 2024, AND FISCAL YEAR 2024-25 COMMENCING JULY 1, 2024 AND ENDING JUNE 30, 2025, INCREASING GENERAL FUND AND CAPITAL PROJECTS FUND APPROPRIATIONS FOR THE "CITY HALL REFURBISHMENT AND SAFETY PROJECT: PHASE 4," REALLOCATING EXISTING ROAD MAINTENANCE & REHABILITATION PROGRAM FUND APPROPRIATIONS TO THE "PAVEMENT MANAGEMENT PLAN PROJECT (WESTBOUND EL TORO ROAD BETWEEN CALLE CORTA AND CITY LIMITS)," INCREASING STATE OF CALIFORNIA GRANTS FUND APPROPRIATIONS FOR THE "PAVEMENT MANAGEMENT PLAN PROJECT (WESTBOUND EL TORO ROAD BETWEEN CALLE CORTA AND CITY LIMITS)" FOR AN AWARD OF CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT OF 2021 – NON-STIP PROGRAM FUNDING, DECREASING ROAD

MAINTENANCE & REHABILITATION PROGRAM FUND APPROPRIATIONS FOR THE “PAVEMENT MANAGEMENT PLAN PROJECT (WESTBOUND EL TORO ROAD BETWEEN CALLE CORTA AND CITY LIMITS),” UNALLOCATING EXISTING FEDERAL GRANTS FUND (AMERICAN RESCUE PLAN ACT (CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS)) APPROPRIATIONS FOR THE “TRANSIT SHELTER AND STREET FURNITURE REPLACEMENT PROJECT,” INCREASING THE ALLOCATION OF EXISTING FEDERAL GRANTS FUND (AMERICAN RESCUE PLAN ACT (CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS)) APPROPRIATIONS TO THE “EL TORO ROAD AND MOULTON PARKWAY WATER QUALITY TREATMENT PROJECT,” AND INCREASING GENERAL FUND AND CAPITAL PROJECTS FUND APPROPRIATIONS FOR THE “PASEO DE VALENCIA - MOULTON PARKWAY CONFLUENCE BYPASS CORRIDOR PROJECT”

AND

3. Adopt a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING A NEW 11-YEAR CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2023-24 THROUGH 2033-34, IN CONFORMANCE WITH MEASURE M2 (OC GO) REQUIREMENTS AND APPLICABLE CITY POLICIES AND DISCRETION

9.2 Road Repair and Accountability Act of 2027 Project List

City Manager Macon made a presentation.

Moved by Councilmember Moore, seconded by Councilmember Connors, and carried unanimously on a 4-0 vote with Mayor Pro Tem Horne absent, to adopt a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING A LIST OF FISCAL YEAR 2024-25 PROJECTS PROPOSED TO RECEIVE FUNDING FROM THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017’S LOCAL STREETS AND ROADS FUNDING PROGRAM (ROAD MAINTENANCE AND REHABILITATION ACCOUNT), AS REQUIRED BY CALIFORNIA STREETS AND HIGHWAYS CODE SECTION 2034(A)(1), AND MAKING RELATED AUTHORIZATIONS

9.3 City Council Meeting Schedule

City Manager Macon made a presentation.

Councilmembers discussed the item and staff answered related questions.

Moved by Councilmember Moore, seconded by Councilmember Conners, and carried unanimously on a 4-0 vote with Mayor Pro Tem Horne absent, to schedule an adjourned regular meeting of the City Council to be held on June 5, 2024 at 2 p.m. at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

X. CITY COUNCIL REPORTS AND COMMENTS

10.1 Coastal Greenbelt Authority

No report.

10.2 Orange County Fire Authority

Mayor Hatch provided a report.

10.3 Orange County Library Advisory Board

No report.

10.4 Orange County Mosquito and Vector Control District

City Manager Macon noted that Mayor Pro Tem Horne stated that there had been no meeting since the last meeting.

10.5 San Joaquin Hills Transportation Corridor Agency

Councilmember Conners provided a report.

10.6 South Orange County Watershed Management Area

No report.

10.7 Liaisons to Community Bridge Builders

No report.

10.8 Other Comments and Reports

Mayor Hatch, Councilmember McCary, and Councilmember Moore reported on the Orange County Sheriff's Advisory Council Annual Medal of Valor Awards Luncheon.

Captain Cruz Alday, Chief of Police Services, Orange County Sheriff's Department,

commented on the Orange County Sheriff's Advisory Council Annual Medal of Valor Awards Luncheon.

City Manager Macon commented on the Orange County Sheriff's Advisory Council Annual Medal of Valor Awards Luncheon.

Chief of Police Services Alday commented on the second anniversary of the shooting at Geneva Presbyterian Church.

X. CLOSED SESSION – None

XI. CLOSED SESSION REPORT – None

XII. ADJOURNMENT

The meeting was adjourned at 5:00 p.m. The next adjourned regular meeting will be at 2:00 p.m. on Wednesday, June 5, 2024, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, CMC, City Clerk

Approved: June 26, 2024

NOEL HATCH, Mayor

This page is intentionally blank.

7.2 WARRANT REGISTER

**For additional information on this item,
please refer to Item 7.0 (Consent Calendar Summary).**

This page is intentionally blank.

CITY OF LAGUNA WOODS

WARRANT REGISTER

June 26, 2024

ITEM 7.2

This Report Covers the Period 05/01/2024 through 05/31/2024

Date	Vendor Name	Description	Amount
Debit	Automatic Bank Debits:		
Debit 05/02/2024	GLOBAL PAYMENTS / OPEN EDGE	Credit Card Processing Fees / April 2024	2,973.55
Debit 05/02/2024	AUTHORIZE.NET	Online Credit Card Processing Fees / April 2024	12.00
Debit 05/02/2024	DELTA DENTAL OF CALIFORNIA	Employee Benefit Program / May 2024	517.32
Debit 05/03/2024	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Periods Ended 04/05/2024 & 04/19/2024	488.38
Debit 05/07/2024	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 04/05/2024	2,822.34
Debit 05/07/2024	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 04/05/2024	2,865.54
Debit 05/08/2024	NAVIA BENEFIT SOLUTIONS, INC	125 Cafeteria Plan Administration / April 2024	200.00
Debit 05/08/2024	ADP TAX	Payroll Taxes / Pay Period Ended 05/03/2024	10,901.37
Debit 05/08/2024	ADP WAGE PAY	Payroll Transfer / Pay Period Ended 05/03/2024	22,101.27
Debit 05/09/2024	NAVIA BENEFIT SOLUTIONS	Employee Benefit Program / April 2024	40.27
Debit 05/10/2024	MISSION SQUARE RETIREMENT	Employee Benefit Program / Pay Period Ended 05/03/2024	2,800.00
Debit 05/10/2024	COUNTY OF ORANGE - SHERIFF	Law Enforcement Services / May 2024	278,822.12
Debit 05/13/2024	CALPERS - HEALTH	Employee Benefit Program / May 2024	9,803.18
Debit 05/14/2024	U.S. BANK	Bank Service Charges / April 2024	38.55
Debit 05/16/2024	NAVIA BENEFIT SOLUTIONS	Employee Benefit Program / May 2024	114.95
Debit 05/21/2024	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 04/19/2024	2,822.34
Debit 05/21/2024	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 04/19/2024	2,865.55
Debit 05/22/2024	ADP TAX	Payroll Taxes / Pay Period Ended 05/17/2024	10,815.13
Debit 05/22/2024	ADP WAGE PAY	Payroll Transfer / Pay Period Ended 05/17/2024	22,607.87
Debit 05/23/2024	NAVIA BENEFIT SOLUTIONS	Employee Benefit Program / May 2024	93.86
Debit 05/24/2024	MISSION SQUARE RETIREMENT	Employee Benefit Program / Pay Period Ended 05/17/2024	1,800.00
Debit 05/30/2024	NAVIA BENEFIT SOLUTIONS	Employee Benefit Program / May 2024	387.98
Check Number	Warrants:		
7526 05/03/2024	ACC BUSINESS	City Hall Internet Service / March 2024	608.66
7527 05/03/2024	AIRESPRING INC	City Hall Internet Service / April - May 2024	938.99
7528 05/03/2024	ALPHA CARD SYSTEM, LLC	Senior Mobility Program Supplies	2,044.25
7529 05/03/2024	ARC DOCUMENT SOLUTIONS, LLC.	Document Scanning / Printing Services	6,064.05
7530 05/03/2024	AT&T	Telephone / 458-3487 / April 2024	56.55
7531 05/03/2024	BEAR ELECTRICAL SOLUTIONS, INC.	Traffic Signal Maintenance / March 2024	2,424.00
7532 05/03/2024	ECONOMIC & PLANNING SYSTEMS, INC.	Planning Services / March 2024	1,731.25
7533 05/03/2024	EL TORO WATER DISTRICT	Water Service / January - February 2024	6,072.43
7534 05/03/2024	GEOSYNTEC CONSULTANTS, INC	Engineering Services	6,011.25
7535 05/03/2024	INTERWEST CONSULTING GROUP	Building Official, Permit Counter & Inspection Services / March 2024	82,792.00
7536 05/03/2024	PASCO DOORS	City Hall Maintenance	330.00
7537 05/03/2024	SHARESQUARED, INC.	Electronic Plan Review Project	277.50
7538 05/03/2024	SMITH ARCHITECTS	City Hall Refurbishment & Safety Project: Phase 4	2,451.10
7539 05/03/2024	SOUTHERN CALIFORNIA EDISON	Street Lighting - Residential / March 2024	2,631.92
7540 05/03/2024	SOUTHERN CALIFORNIA EDISON	Electric Services / Calendar Year 2021-2024	6,704.02
7541 05/03/2024	TYLER TECHNOLOGIES, INC.	EnerGov Software Annual Maintenance Fees / June 2023 - May 2024	4,944.45
7542 05/03/2024	U.S. BANK	Credit Card Charges (expenditures reported separately - see note 3)	2,577.96
7543 05/03/2024	VOID	VOID	-
7544 05/03/2024	VISION SERVICE PLAN OF AMERICA	Employee Benefit Program / May 2024	68.43

CITY OF LAGUNA WOODS
WARRANT REGISTER
June 26, 2024

ITEM 7.2

This Report Covers the Period 05/01/2024 through 05/31/2024

Date	Vendor Name	Description	Amount
7545 05/10/2024	ABOUND FOOD CARE	Edible Food Recovery Services / April 2024	392.33
7546 05/10/2024	AETNA BEHAVIORAL HEALTH, LLC	Employee Benefit Program / June 2024	20.88
7547 05/10/2024	AMAZON CAPITAL SERVICES	Office & Janitorial Supplies	224.81
7548 05/10/2024	CAPTIONING UNLIMITED	Closed Captioning / April 2024	400.00
7549 05/10/2024	CIVICPLUS, LLC	Annual Subscription / Fiscal Year 2024-25	350.00
7550 05/10/2024	GEOSYNTEC CONSULTANTS, INC	Engineering Services	4,814.75
7551 05/10/2024	GOGO, INC.	Code Enforcement & Water Quality Software / Fiscal Year 2024-25	2,856.00
7552 05/10/2024	IRWIN B BORNSTEIN, CPA	Financial Consulting Services / April 2024	525.00
7553 05/10/2024	JOHN L. HUNTER & ASSOCIATES, INC	Water Quality Services / February 2024	1,461.25
7554 05/10/2024	MISSION SQUARE RETIREMENT	Quarterly Plan Fee / April - June 2024	125.00
7555 05/10/2024	OMNI ENTERPRISE INC	Janitorial Services / April 2024	5,750.00
7556 05/10/2024	ORANGE COUNTY REGISTER-NOTICES	Public Notices / April 2024	280.48
7557 05/10/2024	PARK CONSULTING GROUP, INC	Software Consulting Services / April 2024	1,625.00
7558 05/10/2024	PORT 53 TECHNOLOGIES, INC.	Computer Software	4,162.32
7559 05/10/2024	SOUTHERN CALIFORNIA EDISON	Electric Services / March - April 2024	7,054.94
7560 05/10/2024	SOUTHERN CALIFORNIA GAS COMPANY	Gas Service - City Hall / April 2024	35.82
7561 05/10/2024	SOUTHERN CALIFORNIA SHREDDING,	Shredding Services / April 2024	420.00
7562 05/10/2024	SWEEPING CORPORATION OF AMERICA	Street Sweeping Services / April 2024	4,350.00
7563 05/17/2024	AT&T	Telephone / 583-1105 / April 2024	28.95
7564 05/17/2024	AT&T	White Pages / May 2024	4.30
7565 05/17/2024	AT&T	Telephone / 581-9821 / April 2024	58.89
7566 05/17/2024	BRIGHTVIEW LANDSCAPE SERVICES, INC.	City Hall Maintenance / April 2024	1,340.00
7567 05/17/2024	CHASE DESIGN, INC.	Website Design Services	150.00
7568 05/17/2024	CITY OF LAGUNA BEACH	Animal Control & Shelter Services / April 2024	9,584.00
7569 05/17/2024	EPIIC IO TECHNOLOGIES, INC.	City Hall Internet Service / May 2024	201.45
7570 05/17/2024	GEOSYNTEC CONSULTANTS, INC	Engineering Services	807.50
7571 05/17/2024	JACOB GREEN & ASSOCIATES, INC.	Emergency Operations Plan Consulting Services	9,500.00
7572 05/17/2024	KONE INC.	City Hall Elevator Maintenance / May 2024	232.31
7573 05/17/2024	MARC DONOHUE	Administrative Services / May 2024	250.00
7574 05/17/2024	NV5, INC.	Engineering Services	26,025.00
7575 05/17/2024	RICOH USA, INC.	Building Copier Usage / February - April 2024	80.11
7576 05/17/2024	RINGCENTRAL, INC.	Telephone Services / May 2024	798.07
7577 05/17/2024	TRIPEPI, SMITH AND ASSOCIATES, INC.	Broadcasting Services / April 2024	593.75
7578 05/17/2024	WM CURBSIDE, LLC	HHW & Sharps Program / April 2024	3,856.21
7579 05/17/2024	Y & Y CONSTRUCTION	Waste Diversion Deposit Refund	250.00
7580 05/23/2024	ADT COMMERCIAL	City Hall Maintenance	475.00
7581 05/23/2024	BEAR ELECTRICAL SOLUTIONS, INC.	Traffic Signal Maintenance / April 2024	6,744.00
7582 05/23/2024	CALIFORNIA YELLOW CAB	Senior Mobility Program Services / April 2024	42,939.60
7583 05/23/2024	COUNTY OF ORANGE	Water Quality Support Services	1,548.02
7584 05/23/2024	FINANCIAL CREDIT NETWORK	Collection Activity Commissions	62.00
7585 05/23/2024	FUSCOE ENGINEERING, INC.	Engineering Services / April 2024	4,621.25
7586 05/23/2024	ITERIS, INC	Traffic Engineering / April 2024	4,191.00
7587 05/23/2024	MICHAEL BAKER INTERNATIONAL	Planning Services / May 2024	10,500.00
7588 05/23/2024	OCEAN BLUE ENVIRONMENTAL SERVICES, INC.	Crime Scene Clean-Up	1,068.50
7589 05/23/2024	RJM DESIGN GROUP	Landscape Architectural Services / April 2024	20,699.80

**CITY OF LAGUNA WOODS
WARRANT REGISTER
June 26, 2024**

ITEM 7.2

This Report Covers the Period 05/01/2024 through 05/31/2024

Date	Vendor Name	Description	Amount
7590 05/23/2024	VERIZON WIRELESS	Building iPads Data Plans / March - April 2024	240.06
7591 05/23/2024	WILLDAN ENGINEERING	Code Enforcement Services / April 2024	6,720.00
7592 05/30/2024	ALPHA CARD SYSTEM, LLC	Senior Mobility Program Software	479.88
7593 05/30/2024	ARC DOCUMENT SOLUTIONS, LLC.	Printing Services	219.87
7594 05/30/2024	BUREAU VERITAS NORTH AMERICA INC	Building Plan Review Services / January - March 2024	27,409.60
7595 05/30/2024	CAPTIONING UNLIMITED	Closed Captioning / May 2024	300.00
7596 05/30/2024	CHASE DESIGN, INC.	Website Design Services / May 2024	1,162.50
7597 05/30/2024	COASTAL CURRENT ELECTRIC	Cancelled Permit Refund	204.00
7598 05/30/2024	COMMERCIAL DOOR OF ORANGE COUNTY, INC.	City Hall Maintenance	1,861.63
7599 05/30/2024	ECONOMIC & PLANNING SYSTEMS, INC.	Planning Services / April 2024	618.75
7600 05/30/2024	INTERWEST CONSULTING GROUP	Building Official, Permit Counter & Inspection Services / April 2024	82,876.50
7601 05/30/2024	RECREATION BRANDING SERVICES	Graphic Design Services	99.00
7602 05/30/2024	RUTAN & TUCKER, LLP	Legal Services / February - April 2024	36,713.22
7603 05/30/2024	SOUTHERN CALIFORNIA EDISON	Street Lighting - Residential / April 2024	2,561.65
7604 05/30/2024	U.S. BANK	Credit Card Charges (expenditures reported separately - see note 4)	2,979.34
7605 05/30/2024	VOID	VOID	-
7606 05/30/2024	VISION SERVICE PLAN OF AMERICA	Employee Benefit Program / June 2024	68.43
Total Bank Debits and Warrants:			\$ 850,595.10

Petty Cash Expenditures Paid Out (See Note 2)

Elizabeth Torres Parking Reimbursement

\$20.00
Total Petty Cash: \$20.00

TOTAL \$ 850,615.10

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 May 2024, the following Councilmembers received compensation in the amount of \$300: Conners, Hatch, Horne, and McCary.

Note 2 - Petty cash is reported as cash is paid out, not when the fund is replenished.

Note 3 - The table below summarizes credit card expenditures paid via Check #7542 to U.S. Bank totaling \$2,577.96:

Stamps.com	Postage	\$29.99
Green Thumb International	Landscape Maintenance	\$208.95
Home Depot	Landscape Maintenance	\$5.37
Land's End	Office Supplies	\$151.95
Zoom	Video Conferencing	\$31.98
Microsoft	Office 365 Subscription	\$162.00
Microsoft	Office 365 Online Services	\$475.00
Sinch Mailgun	Computer Software	\$27.54
Home Depot	City Hall Maintenance	\$128.68
Amazon.com	Office Supplies	\$123.36
Home Depot	City Hall Refurbishment & Safety Project: Phase 4	\$1,062.28
Amazon.com	Earth Day Event Supplies	\$50.05
Constant Contact	Digital Marketing	\$120.81
Total Credit Card Reimbursement:		\$2,577.96

**CITY OF LAGUNA WOODS
WARRANT REGISTER
June 26, 2024**

This Report Covers the Period 05/01/2024 through 05/31/2024

Date	Vendor Name	Description	Amount
Note 4 - The table below summarizes credit card expenditures paid via Check #7604 to U.S. Bank totaling \$2,979.34:			
	Stamps.com	Postage	\$29.99
	FedEx	Postage	\$108.60
	GovernmentJobs.com	Job Posting	\$199.00
	APA California	Job Posting	\$250.00
	Flowerful	Memorial Day Event Floral Arrangement	\$344.80
	Pizza Guys	Staff Training Luncheon	\$394.60
	Evacuation Map Store	City Hall Emergency Site Maps	\$411.00
	Microsoft	Office 365 Subscription	\$162.00
	Microsoft	Office 365 Online Services	\$475.00
	Zoom	Video Conferencing	\$31.98
	Sinch Mailgun	Computer Software	\$35.00
	Davis Colors	El Toro Road & Moulton Parkway Water Quality Treatment Project	\$12.41
	Studio Two Black Diamond	Printing Services	\$57.24
	MCA Direct	Election Supplies	\$138.90
	Secretary of State	State Filing Fee / Civic Support Fund	\$20.00
	Smart Sign	Office Supplies	\$51.65
	Coffee Bean & Tea Leaf	Office Supplies	\$34.22
	Land's End	Office Supplies	\$222.95
		Total Credit Card Reimbursement:	<u>\$2,979.34</u>

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.


 Digitally signed by
 Elizabeth Torres
 Date: 2024.06.12
 17:59:07 -07'00'

Elizabeth Torres, Administrative Services Director/City Treasurer

7.3 ANNUAL APPROPRIATIONS LIMIT

**For additional information on this item,
please refer to Item 7.0 (Consent Calendar Summary).**

This page is intentionally blank.

RESOLUTION NO. 24-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING THE ANNUAL APPROPRIATIONS LIMIT (GANN LIMIT) FOR FISCAL YEAR 2024-25 COMMENCING JULY 1, 2024 AND ENDING JUNE 30, 2025, IN ACCORDANCE WITH ARTICLE XIII B OF THE CALIFORNIA STATE CONSTITUTION

WHEREAS, Article XIII B of the California State Constitution restricts the appropriations growth rate for cities and other local jurisdictions; and

WHEREAS, annual appropriations limits established pursuant to Article XIII B (sometimes referred to as “Gann Limits”) are required to be modified on an annual basis for changes in population and inflation according to calculation methods established by California’s Proposition 111 (1990); and

WHEREAS, in November 2002, Laguna Woods voters established a base annual appropriations limit for the City of \$4,165,544; and

WHEREAS, the City has complied with the provisions of Article XIII B in determining an appropriations limit for Fiscal Year 2024-25; and

WHEREAS, the City has complied with California Government Code Section 7910 by making documentation regarding its determination available for public review at least 15 days prior to adoption.

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

SECTION 1. The adjustment factors for the annual appropriations limit for Fiscal Year 2024-25 calculation shall be the annual percentage change in Orange County population and the annual percentage change in California per capita personal income, with sources as identified on Exhibit A attached hereto and incorporated herein by reference.

SECTION 2. The annual appropriations limit for Fiscal Year 2024-25 shall be \$13,670,969, as calculated in Exhibit A attached hereto and incorporated herein by reference.

SECTION 3. The Mayor shall sign this resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2024.

NOEL HATCH, 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. 24-XX** was duly adopted by the City Council of the City of Laguna Woods at an adjourned regular meeting thereof, held on the XX day of XX 2024, by the following vote:

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

YOLIE TRIPPY, CMC, City Clerk

**CITY OF LAGUNA WOODS
ANNUAL APPROPRIATIONS LIMIT
Fiscal Year 2024-25 Calculation**

Calculation of Appropriations Limit:

Appropriations Limit for Fiscal Year 2023-24	\$13,152,426
Adjustment Factors:	
Population Change (County of Orange)*	x 1.0031
Cost of Living (Per Capita Personal Income)*	x <u>1.0362</u>
Appropriations Limit for Fiscal Year 2024-25	<u>\$13,670,969</u>
Appropriations Subject to Limitation for Fiscal Year 2024-25	\$5,295,540

* State of California, Department of Finance, *Price and Population Information*. April 2024.
Factors are rounded to four decimal places for presentation purposes.

This page is intentionally blank.

7.4 LANDSCAPE MAINTENANCE SERVICES

**For additional information on this item,
please refer to Item 7.0 (Consent Calendar Summary).**

This page is intentionally blank.

**EXTENSION OF THE
AGREEMENT FOR CONSULTANT SERVICES
BETWEEN THE
CITY OF LAGUNA WOODS
AND
BRIGHTVIEW LANDSCAPE SERVICES
FOR LANDSCAPE MAINTENANCE SERVICES**

This EXTENSION of the AGREEMENT FOR CONSULTANT SERVICES ("AGREEMENT") that was approved by the City Council on November 19, 2018, by and among the City of Laguna Woods, a California municipal corporation ("CITY") and BrightView Landscape Services ("CONSULTANT"), is made and entered into this _____ by and among CITY and CONSULTANT.

WHEREAS, the initial term of the AGREEMENT was for the period between December 20, 2018 and 11:59 p.m. on June 30, 2021; and

WHEREAS, the term of the AGREEMENT was previously extended from July 1, 2021 through 11:59 p.m. on June 30, 2024; and

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

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, 2024 and ending at 11:59 p.m. on July 31, 2024 with no changes to the terms and conditions of the AGREEMENT.

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

CITY OF LAGUNA WOODS:

Approved as to Form:

By _____
Christopher Macon, City Manager

Alisha Patterson, City Attorney

CONSULTANT:

By _____
Enrico Marogna, Senior Vice President

This page is intentionally blank.

7.5 WORKPLACE VIOLENCE POLICY

**For additional information on this item,
please refer to Item 7.0 (Consent Calendar Summary).**

This page is intentionally blank.

RESOLUTION NO. 24-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING AMENDMENTS TO ADMINISTRATIVE POLICY 4.8 PERTAINING TO WORKPLACE VIOLENCE INCLUDING, BUT NOT LIMITED TO, AMENDMENTS NECESSARY TO COMPLY WITH CALIFORNIA SENATE BILL 553 (CORTESE, CHAPTER 289, STATUTES OF 2023)

WHEREAS, the City’s workplace violence policy is contained in Administrative Policy 4.8, which was last amended by the City Council on September 20, 2023; and

WHEREAS, California Senate Bill 553 (Cortese, Chapter 289, Statutes of 2023) (“Senate Bill 553”) was chaptered into law on September 30, 2023; and

WHEREAS, Senate Bill 553 generally requires the City and certain other employers to establish, implement, and maintain a workplace violence prevention plan containing specified information, as well as provide training to employees on the workplace violence prevention plan and create, maintain, and make available to certain parties specified records related to workplace violence; and

WHEREAS, staff has prepared amendments to Administrative Policy 4.8 (incorporated into the administrative policy attached hereto as Exhibit A), for consideration by the City Council, which include, but are not limited to, amendments necessary to comply with Senate Bill 553.

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

SECTION 1. The administrative policy attached hereto as Exhibit A is adopted and is a statement of the City’s workplace violence policy. The administrative policy attached hereto as Exhibit A replaces and supersedes all previous versions of Administrative Policy 4.8.

SECTION 2. The Mayor shall sign this resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2024.

NOEL HATCH, 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. 24-XX** was duly adopted by the City Council of the City of Laguna Woods at an adjourned regular meeting thereof, held on the XX day of XX 2024, by the following vote:

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

YOLIE TRIPPY, CMC, City Clerk

**CITY OF LAGUNA WOODS
ADMINISTRATIVE POLICY 4.8**

WORKPLACE VIOLENCE

4.8.01. Statement of Purpose.

This Administrative Policy is intended to explicitly prohibit the conduct, condoning, or perpetuation of threats or acts of violence within the City of Laguna Woods’ work environment, as well as to establish a standardized and efficient process for reporting and responding to reports of such behavior.

This Administrative Policy is additionally intended to satisfy the City’s obligation to establish, implement, and maintain a workplace violence prevention plan pursuant to California Senate Bill 553 (Cortese, Chapter 289, Statutes of 2023).

4.8.02. Statement of Overarching Policy.

The City is committed to ensuring the safety of all employees and providing them with a safe and secure work environment.

The City considers threats or acts, whether verbal, written, or physical, of violence including, but not limited to, coercion, harassment, intimidation, or stalking, which involve or affect employees, to be serious offenses and believes that every employee has the right to work in an environment free from such behavior. Employees are expected to adhere to a standard of conduct that promotes safety and security within the work environment in a manner that is compliant with this Administrative Policy and all applicable federal, state, and local laws and regulations.

The City expressly prohibits retaliation against individuals for good faith opposition to, or reporting of, threats or acts of workplace violence.

4.8.03. Scope.

This Administrative Policy applies to any location in or at which City business is conducted. References to “work environment” or “workplace” shall be interpreted broadly to include City-owned, City-operated, and City-maintained buildings and facilities, as well as buildings and facilities owned, operated, or maintained by other parties but where City business is conducted, either temporarily or otherwise (e.g., events and meetings at private properties attended by employees). Vehicles, whether

City-owned or privately-owned, when used in the conduct of City business, also constitute a part of the “work environment” and “workplace.”

This Administrative Policy is one of several administrative policies that seek to promote safety and security within the workplace (e.g., Administrative Policy 4.7 (Harassment, Discrimination, and Retaliation) and Administrative Policy 4.9 (Injury and Illness Prevention Plan)).

4.8.04. Threats or Acts of Violence.

Credible threats or acts of violence are prohibited in the workplace, whether carried out by an employee, official, officer, agent, volunteer, intern, consultant, contractor, vendor, visitor, members of the public, or any other person. General examples of credible threats or acts of violence include, but are not limited to, the following:

1. Threatening to harm or causing harm to an individual or their family, friends, associates, or property.
2. Fighting, challenging another individual to a fight, or participating in dangerous or threatening horseplay.
3. Striking, punching, slapping, or assaulting another individual.
4. Grabbing, pinching, slapping, touching, or otherwise making physical contact with another individual in an unwanted way, whether sexually or otherwise.
5. Intimidating through direct or veiled verbal threats, or through physical threats, such as obscene gestures, grabbing, or pushing.
6. Intimidating or attempting to coerce an employee to do wrongful acts that would affect the City’s business interests.
7. Making harassing or threatening telephone calls.
8. Sending harassing or threatening emails, drawings, instant messages, letters, notes, text messages, or other written correspondence or documents.
9. Harassing surveillance or stalking, which is engaging in a pattern of conduct with the intent to follow, alarm, or harass another individual, which presents a credible threat to any individual and causes that individual to fear for their

safety, or the safety of their immediate family, as defined in California Civil Code Section 1708.7.

10. Suggesting or otherwise intimating that an act to injure individuals or property is appropriate or justified behavior.
11. Use of a personal, private, or City-issued material, supply, tool, vehicle, or other equipment in a threatening manner toward another.
12. Unlawful use or brandishing of a weapon or other dangerous device, whether loaded, unloaded, assembled, disassembled, operable, or inoperable. Weapons and dangerous devices may include, but are not limited to, acids, ammunition, axes, blackjacks, blowguns, clubs, crossbows, daggers, darts, dirks, explosive substances, explosives, firearms, gas- or spring-operated guns, gunpowder, infectious substances, knives (including pocket knives and folding knives having a blade that locks into place), metal knuckles, missiles, nunchucks, pepper spray, swords, poisons, razor blades, rockets, sickles, slingshots, spears, tasers, throwing stars, toxic gases, and truncheons.

4.8.05. Possession and Use of Weapons and Dangerous Devices.

Prohibition of Weapons and Dangerous Devices

The possession or use of any weapon or dangerous device including, but not limited to, the weapons and dangerous devices generally summarized in Section 4.8.03(12), functional equivalents thereof, and look-alikes (e.g., toy guns and water rifles), by any employee, is prohibited within the workplace, except to the extent expressly authorized in writing by an employee's job classification or relevant policy and possessed in accordance therewith. This prohibition exists regardless of whether an employee possesses a concealed carry weapon license or is allowed by applicable law to possess a weapon or dangerous device.

Searches of City Property

The City reserves the right, at any time, and at its sole discretion, to search any City property, for the purpose of determining whether any weapon or dangerous device has been brought into the work environment in violation of this Administrative Policy. All employees are advised that interference with, or obstruction of, searches of City property authorized by this Administrative Policy may result in discipline up to and potentially including termination.

4.8.06. Responsibilities.

Workplace Violence Prevention Plan Administrators

The following City employees shall serve as Workplace Violence Prevention Plan Administrators (“WVPP Administrators”). In that capacity, they are responsible for implementing and maintaining this Administrative Policy:

Overall Management, Search Authorization, and Duties Set Forth Herein:

Christopher Macon, City Manager
Email: cmacon@cityoflagunawoods.org
Telephone: (949) 639-0525

Recordkeeping, Duties Set Forth Herein, and Additional Duties Assigned by the City Manager:

Liz Torres, Administrative Services Director/City Treasurer
Email: etorres@cityoflagunawoods.org
Telephone: (949) 639-0555

Training, Annual Review, Duties Set Forth Herein, and Additional Duties Assigned by the City Manager:

James Haston, Assistant to the City Manager
Email: jhaston@cityoflagunawoods.org
Telephone: (949) 639-0526

Supervisors

City employees who serve in a supervisory role are responsible for implementing this Administrative Policy in their work areas.

All Employees

City employees are required to exhibit behaviors that demonstrate respect for others and professionalism at all times in the workplace. In addition to refraining from conduct that is inconsistent with this Administrative Policy, employees are required to refrain from all of the following in the workplace:

1. Engaging in verbal abuse of others.
2. Creating disturbances causing other employees to be concerned for their safety.
3. Bullying or cyberbullying other employees.
4. Failing to report any belief that they or any other employee may be the subject of a violent act in the workplace, or because of their City employment.

Employees are required to immediately inform a WVPP Administrator of domestic violence threats that impact the workplace or that cross over from home into the workplace (e.g., employees with civil restraining or stay-away orders against a current or former spouse or partner). It is not the City's intent to pry into employees' personal lives; however, when an employee has received a threat of domestic violence or the employee has filed a domestic violence-related civil order, a threat of violence may be created within the workplace. The City may also assist the affected employee by providing support, safety information, or resources including, but not limited to, law enforcement or domestic violence advocates.

Employees are required to assist the WVPP Administrators in implementing and maintaining this Administrative Policy by doing the following:

1. Participating in the annual review of this Administrative Policy;
2. Providing feedback to the WVPP Administrators regarding measures that could be effective in preventing workplace violence; and
3. Providing feedback to the WVPP Administrators regarding workplace violence prevention training including, but not limited to, the perceived effectiveness of trainings attended, and future training scenarios that may be helpful.

The City encourages the active involvement of employees in preventing workplace violence. Employees who would like to discuss or provide feedback on matters concerning the implementation or maintenance of this Administrative Policy are encouraged to contact a WVPP Administrator.

4.8.07. Reporting Workplace Violence.

If an employee is the victim of a threat or act of violence in the workplace, hears of or witnesses such conduct in the workplace, or believes that they or another employee

may be subject to such conduct, they are required to immediately report the matter to their immediate supervisor, or to any other supervisor who they feel comfortable speaking with. If the employee does not feel the matter can be discussed with their immediate supervisor or any another supervisor, they must contact a WVPP Administrator.

Immediate reporting by employees may be delayed if the employee perceives they are in immediate danger of a violent act, has just been victimized by a violent act, or are a witness to a violent act in progress. In those instances, the employee shall do the following and report the incident immediately once it is safe to do so:

1. Place themselves in a safe location;
2. If it is necessary and safe to do so, call 911 and request immediate response of law enforcement. Be prepared to inform the public safety dispatcher of the circumstances and the exact location where assistance is required;
3. If it is safe to do so, warn other employees or individuals who may also be in danger; and
4. If it is safe to do so, inform a supervisor of the circumstances.

Reports shall be made immediately after the incident once it is safe to do so, and include the following information:

1. Reporting employee's name and position title;
2. The name(s) of the individual(s) involved in the incident, if known;
3. The specific nature of the incident, including the date, time, location, type of violence, and any injuries or physical impacts, if known; and
4. The name(s) of any witness(es) to the violence, if known.

All employees are advised that timely reporting to the City, in a manner consistent with the process set forth in this Administrative Policy, is essential. The City cannot respond to threats or acts of workplace violence unless it knows about them. It is the employee's responsibility to bring incidents to the attention of the City so that prompt and appropriate action can be taken.

Employees will not be retaliated against for good faith opposition to, or reporting of, threats or acts of workplace violence. It is unlawful for an employer to retaliate against employees who oppose or report practices prohibited by federal or state law; file complaints; or, otherwise participate in an investigation, proceeding, or hearing conducted by the governmental authorities (e.g., law enforcement or the district attorney). It is the City's policy to strictly comply with such laws and regulations.

California Senate Bill 400 (Jackson, Chapter 759, Statutes of 2013) protects the employment rights of victims of domestic violence, sexual assault, and stalking. Employees are protected from firing or other discrimination related to their known status as a victim. Employees can request safety accommodations for any instances they feel the threat of domestic violence, sexual assault, or stalking may carry over from home into the workplace. Such requests for safety accommodations must be directed to the City Manager or Administrative Services Director/City Treasurer. The City is required to provide reasonable safety accommodations to employees unless the granting of such accommodations would constitute an undue hardship. Harassment, discrimination, or retaliation against an employee requesting a safety accommodation as a result of domestic violence, sexual assault, or stalking is prohibited. It is the City's policy to strictly comply with Senate Bill 400.

The City will not tolerate interference with, or obstruction of, the process set forth in this Administrative Policy. All employees are advised that interference with, or obstruction of, the process set forth in this Administrative Policy may result in discipline up to and potentially including termination.

4.8.08. Supervisor Reporting Obligations.

Any supervisor who (1) receives a report of workplace violence, (2) witnesses a threat or act of workplace violence, or (3) has any reason to believe that a threat or act of workplace violence may have occurred, or is presently occurring, in the work environment, is required to immediately report the conduct to their immediate supervisor. If the supervisor does not feel that the report can be made to their immediate supervisor, they must make the report to a WVPP Administrator.

All supervisors are advised that failure to fulfill the reporting obligations set forth in this Administrative Policy will result in discipline up to and potentially including termination, if workplace violence was known or should have been known in the normal course and scope of their supervisory duties.

4.8.09. Anonymous Reports.

The City discourages anonymous reports as anonymity in the reporting process may compromise the City's ability to complete a full investigation; however, any employee may make a report of workplace violence without disclosing his/her/their identity by following the process set forth in Section 4.8.07 of this Administrative Policy but filing the report anonymously with a WVPP Administrator.

All employees are advised that should the City learn of the identity of an anonymous complaining party, the City cannot guarantee that his/her/their identity will remain confidential, if the City determines in its discretion that disclosure is necessary to complete a full investigation or for any other lawful reason.

4.8.10. City Response to Reports.

Immediate Response

After a report of workplace violence is received, the supervisor who received the report shall immediately do the following and report the incident to a WVPP Administrator once it is safe to do so. If a report of workplace violence is received by a WVPP Administrator in lieu of a supervisor, he/she/they shall follow the same immediate response procedure as for supervisors except the incident shall be reported to all other WVPP Administrators once it is safe to do so:

1. Place themselves in a safe location;
2. If it is necessary and safe to do so, call 911 and request immediate response of law enforcement. Be prepared to inform the public safety dispatcher of the circumstances and the exact location where assistance is required;
3. If it is safe to do so, warn other employees or individuals who may also be in danger by any means available. If evacuation or shelter-in-place is necessary, advise of the same; and
4. If it is safe to do so, ask the involved employee(s) to leave the workplace and not return until directed to do so by the City.

Supervisors and WVPP Administrators are empowered and directed to take the aforementioned actions without obtaining advance approval from the City Manager, the City Attorney, a WVPP Administrator, or any other employee or individual.

All supervisors are advised that failure to take the immediate response actions set forth in this Administrative Policy will result in discipline up to and potentially including termination.

Investigation of Reports

After a report of workplace violence is received, the City will immediately undertake or direct an effective, thorough, impartial, and objective investigation to determine the cause and culpability of those involved in the incident, as well as to identify any corrective actions that may prevent future incidents of workplace violence. The investigation will include, but not necessarily be limited to, the following:

1. Visiting the incident scene as soon as safe and practicable and identifying any workplace violence hazards that may have been associated with the incident;
2. Obtaining information from the complaining and accused parties, as well as anyone who may have been a witness to the alleged incident; and
3. Obtaining copies of any reports completed by law enforcement.

The City will document reports and investigations to ensure reasonable progress, timely closure, and reasonable findings based on the evidence collected. Information will also be included in a Workplace Violence Incident Log (Attachment B). No party is entitled to view or receive copies of any confidential notes or other written materials related to reports or investigations.

At any point during an investigation, the City Council or the City Manager may place the involved employee(s) on paid administrative leave.

Confidentiality

Any investigation related to a report under this Administrative Policy will be conducted with as much confidentiality as the City determines is legally possible and with respect for the rights of all individuals involved, and except as disclosure may be otherwise required by law. The confidential nature of the report and investigation is vital in protecting the privacy rights of all individuals involved and encouraging the reporting of workplace violence. Information related to the investigation will generally be provided on a “need to know” basis and, after the conclusion of the investigation, in a Workplace Violence Incident Log.

All employees are advised that failure to keep information related to an investigation confidential, except as expressly authorized by the City Manager or City Attorney, or permitted or required by law, such as in discussion with a legal representative, may result in discipline up to and potentially including termination.

Cooperation with Investigation

All employees who are involved in an investigation related to a report made under this Administrative Policy are required to fully and truthfully cooperate therewith. The City will not tolerate interference with, or obstruction of, an investigation.

All employees are advised that failure to fully and truthfully cooperate with an investigation may result in discipline up to and potentially including termination. Likewise, any interference with, or obstruction of, an investigation may result in discipline up to and potentially including termination.

City Determination and Corrective Action

Following an investigation related to a report under this Administrative Policy, the City will make its determination regarding the cause and culpability of those involved in the incident and communicate that determination to the complaining and accused parties. Information will also be included in a Workplace Violence Incident Log. No party is entitled to view or receive copies of any confidential notes or other written materials related to the investigation.

If the City determines that the accused party has violated this Administrative Policy, appropriate corrective action will be taken including, but not necessarily limited to, discipline up to and potentially including termination. As a part of the City's attempt to remedy the complaining party's concerns, the City's determination notice to the complaining party may also generally advise that corrective action has been taken against the accused party.

Violations of this Administrative Policy may also result in legal action including, but not limited to, seeking a temporary restraining order or injunction on behalf of the City, its officers, and its employees, and criminal prosecution.

The definitions and information set forth in this Administrative Policy are based on certain definitions of workplace violence. In light of the City's duty to prevent the unlawful conduct defined in this Administrative Policy, and in light of the City's desire to maintain a safe and secure work environment, the City reserves the right to

take appropriate corrective action when an employee engages in inappropriate conduct that does not fully rise to the standards set forth herein (e.g., the City may take appropriate corrective action for inappropriate conduct, even if such conduct was not subjectively violent, or if it did not meet legal thresholds of violence).

Bad Faith and Intentionally False Reports

While the City vigorously defends its employees' right to work in an environment that is free of workplace violence, it also recognizes that false accusations of the same can have serious consequences.

All employees are advised that deliberately making a report in bad faith, or deliberately making a report that is known to be false, may result in discipline up to and potentially including termination.

Workplace Violence Incident Log

Following an investigation related to a report under this Administrative Policy, the WVPP Administrators shall prepare and make an entry in a Workplace Violence Incident Log containing, at a minimum, all of the following:

1. The date, time and location of the incident;
2. The workplace violence type and/or types involved, as defined in Attachment A of this Administrative Policy;
3. A detailed description of the incident;
4. A description of the relationship of the perpetrator to the workplace, including whether the perpetrator was a client or customer, family or friend of a client or customer, stranger with criminal intent, coworker, supervisor or manager, partner or spouse, parent or relative, or another perpetrator;
5. A description of the circumstances at the time of the incident, including, but not limited to, whether employees were completing their usual job duties, working in poorly lit areas, rushed, working during a low staffing level, isolated or alone, unable to get help or assistance, or working in a community setting or in an unfamiliar or new location;
6. A description of where the incident occurred, such as in the workplace, parking

lot or other area outside the workplace, or other area;

7. The type of incident, including, but not limited to, whether it involved any of the following:
 - a. Physical attack without a weapon, including, but not limited to, biting, choking, grabbing, hair pulling, kicking, punching, slapping, pushing, pulling, scratching, or spitting.
 - b. Attack with a weapon or object, including, but not limited to, a firearm, knife, or other object.
 - c. Threat of physical force or threat of the use of a weapon or other object.
 - d. Sexual assault or threat, including, but not limited to, rape, attempted rape, physical display, or unwanted verbal or physical sexual contact.
 - e. Animal attack.
 - f. Other;
8. Consequences of the incident, including, but not limited to:
 - a. Whether security or law enforcement was contacted, and their response.
 - b. Actions taken to protect employees from a continuing threat or from any other hazards identified as a result of the incident.
9. A review of any previous incidents related to the current incident; and
10. The name and job title of the person who prepared the log entry and the date completed.

The WVPP Administrators shall prepare Workplace Violence Incident Log entries in a manner that does not include medical information as defined in California Civil Code Section 56.05(j) or personal identifying information.

Workplace Violence Incident Log entries shall be available to City employees and their representatives, at no cost, for examination and copying, within 15 calendar days of a request.

The WVPP Administrators shall provide Workplace Violence Incident Log entries that pertain to multi-employer worksites to the controlling employers of non-City-employees who experienced the workplace violence incident.

4.8.11. Training.

In accordance with California Labor Code 6401.9(e), the City requires all employees to be trained on workplace violence when this Administrative Policy is adopted and annually thereafter, as well as when a new or previously unrecognized workplace violence hazard has been identified or when changes are made to this Administrative Policy. Training shall be conducted in a manner that is consistent with California Labor Code Section 6401.9(e) and documented in a manner that is consistent with California Labor Code Section 6401.9(f)(2).

4.8.12. Annual Review.

The WVPP Administrators shall review this Administrative Policy annually, when a deficiency is observed or becomes apparent, after an incident of workplace violence, and as needed. All such reviews shall include, at a minimum:

1. Reviewing Workplace Violence Incident Log entries and related investigations;
2. Considering whether workplace violence hazards are being properly identified, evaluated, and corrected, and whether corrective actions taken by the City are made promptly and communicated to all employees;
3. Considering whether state law or the California Division of Occupational Safety and Health (“Cal/OSHA”) Occupational Safety and Health Standards Board has determined it necessary for workplace violence prevention plans to include any additional procedures or other information beyond that which is included in this Administrative Policy; and
4. Soliciting feedback from employees.

As part of the annual review of this Administrative Policy, the WVPP Administrators shall cause or direct a workplace safety inspection to be conducted for the purpose of identifying unsafe conditions and workplace violence hazards. Workplace safety inspections shall generally include assessment of the adequacy of the following:

1. Emergency exit routes and exterior assembly points;

2. Exterior perimeter security features (e.g. fences, gates, lighting, and locks);
3. Interior security features (e.g., access controls, alarm systems, and signage);
4. Information security (e.g., controlled access to server rooms and locations in which sensitive employee records are stored);
5. Automated external defibrillators;
6. Fire extinguishers;
7. First aid kits; and
8. Trauma kits.

If a review of this Administrative Policy identifies an unsafe condition or workplace violence hazard, the City shall correct the hazard in a timely manner.

4.8.13. Recordkeeping.

The City shall maintain and make available records regarding workplace violence in the manner, and for the periods of time, required by California Labor Code Section 6401.9(f) and other applicable law.

4.8.14. Administrative Policy Dissemination.

All employees, members of the City Council, and other local City officials shall be provided with and acknowledge receipt of a copy of this Administrative Policy when this Administrative Policy is adopted or amended, as part of their initial orientation with the City, and in conjunction with any training that they attend pursuant to Section 4.8.11 of this Administrative Policy.

4.8.15. City Manager's Authority.

In addition to all other authority provided by state law, the City Council, and this Administrative Policy, the City Manager shall have the authority to update 4.08.06 to reflect future changes in the names of the WVPP Administrators, their contact information, and duties. The City Manager shall also have the authority to modify and reformat the Workplace Violence Incident Log for clarity and ease of use.

4.8.16. Relationship to Federal and State Laws.

Where federal or state laws are more restrictive than or contradict this Administrative Policy, such laws shall take precedence. Where this Administrative Policy is more restrictive than federal or state laws, this Administrative Policy shall take precedence.

4.8.17. Attachments.

Attachment A, “Glossary of Acronyms and Terms,” and Attachment B, “Workplace Violence Incident Log,” are incorporated by reference.

City Council Adoption: June XX, 2024

Attachment A, “Glossary of Terms and Acronyms”

This Glossary of Terms and Acronyms contains definitions of terms used in this Administrative Policy. Questions regarding terms that are not defined herein should be directed to a WVPP Administrator.

CREDIBLE THREATS OR ACTS OF VIOLENCE: Any knowing and willful statement or course of conduct that would place a reasonable person in fear for their safety, or the safety of their immediate family, and that serves no legitimate purpose.

PERSONAL IDENTIFYING INFORMATION: Information that would reveal the identification of any person involved in an incident of workplace violence including, but not limited to, the person’s name, address, email address, telephone number, social security number, or other information that, alone or in combination with other publicly available information, reveals the person’s identity.

THREAT OF VIOLENCE: Any verbal or written statement including, but not limited to, texts, electronic messages, social media messages, or other online posts, or any behavioral or physical conduct, that conveys an intent, or that is reasonably perceived to convey an intent, to cause physical harm or to place someone in fear of physical harm, and that serves no legitimate purpose.

WORKPLACE VIOLENCE: Any act of violence or threat of violence that occurs in a place of employment including, but not limited to, the following:

- The threat or use of physical force against an employee that results in, or has a high likelihood of resulting in, injury, psychological trauma, or stress, regardless of whether the employee sustains an injury.
- An incident involving a threat or use of a firearm or other dangerous weapon, including the use of common objects as weapons, regardless of whether the employee sustains an injury.

There are four types of workplace violence:

1. **Type 1 Violence:** Workplace violence committed by a person who has no legitimate business at the worksite, and includes violent acts by anyone who enters the workplace or approaches workers with the intent to commit a crime.
2. **Type 2 Violence:** Workplace violence directed at employees by customers,

clients, patients, students, inmates, or visitors.

3. Type 3 Violence: Workplace violence against an employee by a present or former employee, supervisor, or manager.
4. Type 4 Violence: Workplace violence committed in the workplace by a person who does not work there but has or is known to have had a personal relationship with an employee.

Workplace violence does not include lawful acts of self-defense or defense of others.

Attachment B, “Workplace Violence Incident Log”

City of Laguna Woods
Workplace Violence Incident Log

This Workplace Violence Incident Log shall be prepared in a manner that does not include medical information as defined in California Civil Code Section 56.05(j) or personal identifying information as defined in City Administrative Policy 4.8.

LOG ENTRY NUMBER: _____

1. Date of Incident: _____

2. Time of Incident: _____

3. Location of the Incident (provide address and check all that apply):

Address: _____

- In the workplace – indoors
- In the workplace – outdoors
- In a parking lot outside the workplace
- In another area outside the workplace
- Other: _____

4. Type(s) of Workplace Violence Involved (check all that apply):

- Type 1 Violence: Workplace violence committed by a person who has no legitimate business at the worksite, and includes violent acts by anyone who enters the workplace or approaches workers with the intent to commit a crime.
- Type 2 Violence: Workplace violence directed at employees by customers, clients, patients, students, inmates, or visitors.
- Type 3 Violence: Workplace violence against an employee by a present

or former employee, supervisor, or manager.

- Type 4 Violence: Workplace violence committed in the workplace by a person who does not work there but has or is known to have had a personal relationship with an employee.

5. Detailed Description of the Incident: _____

6. Description of the Relationship of the Perpetrator(s) to the Workplace (check all that apply):

- Client
- Customer
- Family of a client
- Family of a customer
- Stranger with criminal intent
- Coworker
- Supervisor or manager
- Partner or spouse of employee
- Parent or relative of employee
- Contract personnel
- Supervisor or manager of contract personnel
- Partner or spouse of contract personnel
- Parent or relative of contract personnel

- Elected official
- Partner or spouse of elected official
- Parent or relative of elected official
- Other: _____

7. Description of the Circumstances at the Time of the Incident (check all that apply and provide additional information as necessary):

- Employee(s) was/were completing usual job duties
- Employee(s) was/were working in poorly lit areas
- Employee(s) was/were rushed in their work
- Employee(s) was/were working during a low staffing level
- Employee(s) was/were isolated or alone
- Employee(s) was/were unable to get help or assistance
- Employee(s) was/were working in a community setting
- Employee(s) was/were working in an unfamiliar or new location

Additional Information: _____

8. Type of Incident (check all that apply and provide additional information as necessary):

- Physical attack without a weapon, including, but not limited to, biting, choking, grabbing, hair pulling, kicking, punching, slapping, pushing, pulling, scratching, or spitting
- Attack with a weapon or object, including, but not limited to, a firearm, knife, or other object

- Threat of physical force or threat of the use of a weapon or other object.
- Sexual assault or threat, including, but not limited to, rape, attempted rape, physical display, or unwanted verbal or physical sexual contact
- Animal attack
- Other: _____

Additional Information: _____

9. Consequences of the Incident (check all that apply and provide additional information as necessary):

- Workplace security was contacted
- Workplace security responded
 - Report(s) taken (provide report number): _____
 - Perpetrator(s) interviewed
 - Unable to located perpetrator(s) during on-site response
 - Perpetrator(s) removed or otherwise caused to leave
 - Other: _____
- Law enforcement was contacted
- Law enforcement responded
 - Arrest(s) made
 - Citation(s) issued
 - Report(s) taken (provide report number): _____
 - Perpetrator(s) interviewed

ITEM 7.5 – Exhibit A to Attachment A

- Unable to located perpetrator(s) during on-site response
- Perpetrator(s) removed or otherwise caused to leave
- Other: _____

Actions taken to protect employees from a continuing threat or from any other hazards identified as a result of the incident: _____

10. Were any previous workplace violence incidents related to the current incident?

- Yes (provide Workplace Violence Incident Log entry number(s)): _____
- No
- Unable to determine

11. Name of the person who prepared this log entry: _____

12. Job title of the person who prepared this log entry: _____

13. Date this log entry was completed: _____

**CITY OF LAGUNA WOODS
ADMINISTRATIVE POLICY 4.8**

WORKPLACE VIOLENCE

4.8.01. Statement of Purpose.

This Administrative Policy is intended to (1) define and explicitly prohibit threats or acts of violence within the City of Laguna Woods’ work environment, (2) explicitly prohibit the condoning or perpetuation of such conduct, and (3) establish a standardized and efficient process for reporting and responding to complaints of such conduct.

4.8.02. Statement of Overarching Policy.

The City is strongly committed to ensuring the safety of all employees and providing them with a safe and secure work environment.

The City considers threats or acts, whether verbal, written, or physical, of violence including, but not limited to, coercion, harassment, intimidation, or stalking, which involve or affect employees, to be serious offenses and is firmly committed to the philosophy that every employee has the right to work in an environment free from such conduct. Employees are expected to adhere to a standard of conduct that promotes safety and security within the work environment and is compliant with this Administrative Policy and all applicable federal, state, and local laws and regulations governing workplace conduct.

The City expressly prohibits retaliation against individuals for good faith opposition to, or reporting of, threats or acts of workplace violence.

4.8.03. Scope.

This Administrative Policy applies to any location in or at which City business is conducted. References to “work environment” or “workplace” shall be interpreted broadly to include City-owned, City-operated, and City-maintained buildings and facilities, as well as buildings and facilities owned, operated, or maintained by other parties but where City business is conducted, either temporarily or otherwise (e.g., events and meetings at private properties attended by employees). Vehicles, whether City-owned or privately-owned, when used in the conduct of City business, also constitute a part of the “work environment” and “workplace.”

This Administrative Policy is one of several administrative policies that seek to promote safety and security within the workplace (e.g., Administrative Policy 4.7 (Harassment, Discrimination, and Retaliation) and Administrative Policy 4.9 (Injury and Illness Prevention Plan)).

4.8.04. Threats or Acts of Violence.

A credible threat of violence is a knowing and willful statement or course of conduct that would place a reasonable person in fear for their safety, or the safety of their immediate family, and that serves no legitimate purpose. Any person may present a credible threat of violence in the workplace, including, but not limited to, employees, officials, officers, agents, volunteers, interns, consultants, contractors, vendors, visitors, or members of the public. General examples of prohibited violence in the workplace include, but are not limited to, the following:

1. Threatening to harm or causing harm to an individual or their family, friends, associates, or property.
2. Fighting, challenging another individual to a fight, or participating in dangerous or threatening horseplay.
3. Striking, punching, slapping, or assaulting another individual.
4. Grabbing, pinching, slapping, touching, or otherwise making physical contact with another individual in an unwanted way, whether sexually or otherwise.
5. Intimidating through direct or veiled verbal threats, or through physical threats, such as obscene gestures, grabbing, or pushing.
6. Intimidating or attempting to coerce an employee to do wrongful acts that would affect the City's business interests.
7. Making harassing or threatening telephone calls.
8. Sending harassing or threatening emails, drawings, instant messages, letters, notes, text messages, or other written correspondence or documents.
9. Harassing surveillance or stalking, which is engaging in a pattern of conduct with the intent to follow, alarm, or harass another individual, which presents a credible threat to any individual and causes that individual to fear for their

safety, or the safety of their immediate family, as defined in California Civil Code Section 1708.7.

10. Suggesting or otherwise intimating that an act to injure individuals or property is appropriate or justified behavior.
11. Use of a personal, private, or City-issued material, supply, tool, vehicle, or other equipment in a threatening manner toward another.
12. Possession or use of a weapon or other dangerous device, whether loaded, unloaded, assembled, disassembled, operable, inoperable, or the functional equivalents of each, or made of any particular material or a look-alike (e.g., toy guns and water rifles), except to the extent expressly authorized in writing by an employee's job classification or relevant policy and possessed in accordance therewith. Weapons and dangerous devices may include, but are not limited to, acids, ammunition, axes, blackjacks, blowguns, clubs, crossbows, daggers, darts, dirks, explosive substances, explosives, firearms, gas- or spring-operated guns, gunpowder, infectious substances, knives (including pocket knives and folding knives having a blade that locks into place), metal knuckles, missiles, nunchucks, pepper spray, swords, poisons, razor blades, rockets, sickles, slingshots, spears, tasers, throwing stars, toxic gases, and truncheons.

4.8.05. Possession and Use of Weapons and Dangerous Devices.

Prohibition of Weapons and Dangerous Devices

The possession or use of any weapon or dangerous device including, but not limited to, the weapons and dangerous devices generally summarized in Section 4.8.03(12), by any employee, is prohibited within the workplace, except to the extent expressly authorized in writing by an employee's job classification or relevant policy and possessed in accordance therewith. This prohibition exists regardless of whether an employee possesses a concealed carry weapon permit or is allowed by applicable law to possess a weapon or dangerous device.

Searches of City Property

The City reserves the right, at any time, and at its sole discretion, to search any City property, for the purpose of determining whether any weapon or dangerous device has been brought into the work environment in violation of this Administrative Policy. All employees are advised that interference with, or obstruction of, searches

of City property authorized by this Administrative Policy may result in discipline up to and potentially including termination.

4.8.06. Employee Responsibilities.

Employees are required to exhibit workplace behaviors that demonstrate respect for others and professionalism at all times in the workplace. In addition to the prohibited acts of workplace violence generally summarized in Section 4.8.03, employees are required to refrain from the following in the workplace:

1. Engaging in verbal abuse of others.
2. Creating disturbances causing other employees to be concerned for their safety.
3. Bullying or cyberbullying other employees.
4. Failing to report any belief that they or any other employee may be the subject of a violent act in the workplace, or because of their City employment.

Employees are also required to inform the City Manager or Administrative Services Director/City Treasurer of domestic violence threats that impact the workplace or that are crossing over from home to the workplace (e.g., employees with civil restraining or stay-away orders against a current or former spouse or partner). It is not the City's intent to pry into employees' personal lives; however, when an employee has received a threat of domestic violence or the employee has filed a domestic violence-related civil order, a threat of violence may be created within the workplace. The City may also assist with support, safety information, or resources including, but not limited to, law enforcement or domestic violence advocates.

4.8.07. Reporting Workplace Violence.

If an employee is the victim of a threat or act of violence in the workplace, hears of or witnesses such conduct in the workplace, or believes that they or another employee may be subject to such conduct, they are required to immediately report the matter to their immediate supervisor, or to any other supervisor who they feel comfortable speaking with. If the employee does not feel that the matter can be discussed with their immediate supervisor or another supervisor, they must contact the City Manager. In the event that the matter concerns the City Manager, the employee may report the matter to the City Attorney.

Immediate reporting by employees may be delayed if an employee perceives that they are in immediate danger of a violent act, have just been victimized by a violent act, or are a witness of a violent act in progress. In those instances, the employee shall do the following and report the incident immediately once it is safe to do so:

1. Place themselves in a safe location;
2. If it is necessary and safe to do so, call 911 and request immediate response of law enforcement. Be prepared to inform the public safety dispatcher of the circumstances and the exact location where assistance is required;
3. If it is safe to do so, warn other employees or individuals who may also be in danger; and
4. If it is safe to do so, inform a supervisor of the circumstances.

Reports shall be made immediately after the incident once it is safe to do so, and include the following information:

1. Involved employee's name and position title;
2. The name(s) of the individual(s) involved in the incident, if known;
3. The specific nature of the incident, including the date, time, location, type of violence, and any injuries or physical impacts, if known; and
4. The name(s) of any witness(es) to the violence, if known.

All employees are advised that timely reporting to the City, in a manner consistent with the process set forth in this Administrative Policy, is essential. The City cannot respond to threats or acts of workplace violence unless it knows about them. It is the employee's responsibility to bring complaints to the attention of the City so that prompt and appropriate action can be taken.

Employees will not be retaliated against for good faith opposition to, or reporting of, threats or acts of workplace violence. It is unlawful for an employer to retaliate against employees who oppose or report practices prohibited by federal or state law; file complaints; or, otherwise participate in an investigation, proceeding, or hearing conducted by the governmental authorities (e.g., law enforcement or the district attorney). It is the City's policy to strictly comply with such laws and regulations.

California Senate Bill 400 (Jackson, Chapter 759, Statutes of 2013) protects the employment rights of victims of domestic violence, sexual assault, and stalking. Employees are protected from firing or other discrimination related to their known status as a victim. Employees can request safety accommodations for any instances they feel the threat of domestic violence, sexual assault, or stalking may carry over from home into the workplace. Such requests for safety accommodations shall be directed to the City Manager or Administrative Services Director/City Treasurer. The City is required to provide reasonable safety accommodations to employees unless the granting of such accommodations would constitute an undue hardship. Harassment, discrimination, or retaliation against an employee requesting a safety accommodation as a result of domestic violence, sexual assault, or stalking is prohibited. It is the City's policy to strictly comply with Senate Bill 400.

The City will not tolerate interference with, or obstruction of, the process set forth in this Administrative Policy. All employees are advised that interference with, or obstruction of, the process set forth in this Administrative Policy may result in discipline up to and potentially including termination.

4.8.08. Supervisor Reporting Obligations.

Any supervisor who (1) receives a report of workplace violence, (2) witnesses a threat or act of workplace violence, or (3) has any reason to believe that a threat or act of workplace violence may have occurred, or is presently occurring, in the work environment, is required to immediately report the conduct to their immediate supervisor. If the supervisor does not feel that the report can be made to their immediate supervisor, they are required to make the report to the City Manager or Administrative Services Director/City Treasurer. In the event that the report concerns the City Manager, the supervisor may make the report to the City Attorney. In any case, the report must be made immediately.

All supervisors are advised that failure to fulfill the reporting obligations set forth in this Administrative Policy will result in discipline up to and potentially including termination, if workplace violence was known or should have been known in the normal course and scope of their supervisory duties.

4.8.09. Anonymous Reports.

The City discourages anonymous reports as anonymity in the reporting process may compromise the City's ability to complete a full investigation; however, any employee may make a report of workplace violence without disclosing his/her/their

identity by following the process set forth in Section 4.8.07 of this Administrative Policy, but filing the report anonymously with the City Manager or Administrative Service Director/City Treasurer. In the event that the report concerns the City Manager, the complaint may be filed anonymously with the City Attorney.

All employees are advised that should the City learn of the identity of an anonymous complaining party, the City cannot guarantee that his/her/their identity will remain confidential, if the City determines in its discretion that disclosure is necessary to complete a full investigation or for any other lawful reason.

4.8.10. City Response to Reports.

Immediate Response

After a report of workplace violence is received, the supervisor who received the report shall immediately do the following and report the incident to the City Manager, Administrative Services Director/City Treasurer, or City Attorney (if the matter involves the City Manager) once it is safe to do so:

1. Place themselves in a safe location;
2. If it is necessary and safe to do so, call 911 and request immediate response of law enforcement. Be prepared to inform the public safety dispatcher of the circumstances and the exact location where assistance is required;
3. If it is safe to do so, warn other employees or individuals who may also be in danger; and
4. If it is safe to do so, ask the involved employee(s) to leave the workplace and not return until directed to do so by the City.

Supervisors are empowered and directed to do all of the aforementioned actions without obtaining advance approval from the City Manager, Administrative Services Director/City Treasurer, City Attorney, or any other employee or individual.

All supervisors are advised that failure to take the immediate response actions set forth in this Administrative Policy will result in discipline up to and potentially including termination.

Investigation of Complaints

After a report of workplace violence is received, the City will immediately undertake or direct an effective, thorough, impartial, and objective investigation. The investigation will include, but not necessarily be limited to, obtaining information from the complaining and accused parties, as well as anyone who may have been a witness to the alleged incident.

The City will document complaints and investigations to ensure reasonable progress, timely closure, and reasonable findings based on the evidence collected. No party is entitled to view or receive copies of any confidential notes or other written materials related to complaints or investigations.

At any point during an investigation, the City Council or the City Manager may place the involved employee(s) on paid administrative leave.

Confidentiality

Any investigation related to a report under this Administrative Policy will be conducted with as much confidentiality as the City determines is legally possible and with respect for the rights of all individuals involved, and except as disclosure may be otherwise required by law. Information related to the investigation will generally be provided on a “need to know” basis. The confidential nature of the complaint and investigation is vital in protecting the privacy rights of all individuals involved and encouraging the reporting of workplace violence.

All employees are advised that failure to keep information related to an investigation confidential, except as expressly authorized by the City Manager or City Attorney, or permitted or required by law, such as in discussion with a legal representative, may result in discipline up to and potentially including termination.

Cooperation with Investigation

All employees who are involved in an investigation related to a complaint under this Administrative Policy are required to fully and truthfully cooperate therewith. The City will not tolerate interference with, or obstruction of, an investigation.

All employees are advised that failure to fully and truthfully cooperate with an investigation may result in discipline up to and potentially including termination. Likewise, any interference with, or obstruction of, an investigation may result in

discipline up to and potentially including termination.

City Determination and Corrective Action

Following an investigation related to a report under this Administrative Policy, the City will make its determination and communicate that determination to the complaining and accused parties. Parties are not entitled to view or receive copies of any confidential notes or other written materials related to the investigation.

If the City determines that the accused party has violated this Administrative Policy, appropriate corrective action will be taken including, but not necessarily limited to, discipline up to and potentially including termination. As a part of the City's attempt to remedy the complaining party's concerns, the City's determination notice to the complaining party may also generally advise that corrective action has been taken against the accused party.

Violations of this Administrative Policy may also result in legal action including, but not limited to, seeking a temporary restraining order or injunction on behalf of the City and its employees, and criminal prosecution.

The definitions and information set forth in this Administrative Policy are based on certain definitions of workplace violence. In light of the City's duty to prevent the unlawful conduct defined in this Administrative Policy, and in light of the City's desire to maintain a safe and secure work environment, the City reserves the right to take appropriate corrective action when an employee engages in inappropriate conduct that does not fully rise to the standards set forth herein (e.g., the City may take appropriate corrective action for inappropriate conduct, even if such conduct was not subjectively violent, or if it does not meet legal thresholds of violence).

Bad Faith and Intentionally False Complaints

While the City vigorously defends its employees' right to work in an environment that is free of workplace violence, it also recognizes that false accusations of the same can have serious consequences.

All employees are advised that deliberately reporting a complaint made in bad faith, or deliberately reporting a complaint that is known to be false, may result in discipline up to and potentially including termination.

Recordkeeping and Document Retention

The City shall maintain records regarding threats and acts of workplace violence reported and investigated under this Administrative Policy in the manner, and for the periods of time, required by applicable law.

4.8.11. Administrative Policy Dissemination.

All employees, members of the City Council, and other local City officials shall be provided with and acknowledge receipt of a copy of this Administrative Policy as part of their initial orientation with the City.

4.8.12. Relationship to Federal and State Laws.

Where federal or state laws are more restrictive than or contradict this Administrative Policy, such laws shall take precedence. Where this Administrative Policy is more restrictive than federal or state laws, this Administrative Policy shall take precedence.

City Council Adoption: September 20, 2023

7.6

**EL TORO ROAD AND MOULTON PARKWAY
WATER QUALITY TREATMENT PROJECT
(NO REPORT)**

**For additional information on this item,
please refer to Item 7.0 (Consent Calendar Summary).**

This page is intentionally blank.

7.7

**PAVEMENT MANAGEMENT PLAN PROJECT
(WESTBOUND EL TORO ROAD BETWEEN CALLE
CORTA AND CITY LIMITS)**

**For additional information on this item,
please refer to Item 7.0 (Consent Calendar Summary).**

This page is intentionally blank.

RESOLUTION NO. 24-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING A MASTER AGREEMENT ADMINISTERING AGENCY-STATE AGREEMENT STATE-FUNDED PROJECTS (AGREEMENT NO. 12-5476S21) WITH THE STATE OF CALIFORNIA AND A PROGRAM SUPPLEMENT TO AGREEMENT NO. 12-5476S21 (PROGRAM SUPPLEMENT NO. 00000A583) WITH THE STATE OF CALIFORNIA TO FACILITATE THE RECEIPT OF CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT OF 2021 – NON-STIP PROGRAM FUNDING FOR THE PAVEMENT MANAGEMENT PLAN PROJECT (WESTBOUND EL TORO ROAD BETWEEN CALLE CORTA AND CITY LIMITS), AND AUTHORIZING EXECUTION OF THE SAME

WHEREAS, the Pavement Management Plan Project (Westbound El Toro Road between Calle Corta and City Limits) (“Pavement Management Project”) is included in the Fiscal Years 2023-34 Capital Improvement Program as a funded project in Fiscal Year 2024-25; and

WHEREAS, the City applied for and received notice of an award of \$200,000 from the California Transportation Commission’s Coronavirus Response and Relief Supplemental Appropriations Act of 2021 – Non-STIP Program (“CRRSAA”) for the Pavement Management Project; and

WHEREAS, the total budget for the Pavement Management Project is \$264,000 (\$64,000 Road Maintenance & Rehabilitation Program Fund and \$200,000 State of California Grants Fund (CRRSAA)); and

WHEREAS, the State of California has notified the City of the need to enter into a Master Agreement Administering Agency-State Agreement State-Funded Projects (“Agreement No. 12-5476S21”) and a Program Supplement to Agreement No. 12-5476S21 (“Program Supplement No. 00000A583”) to facilitate the receipt of CRRSAA funding for the Pavement Management Project; and

WHEREAS, the City Council wishes to approve Agreement No. 12-5476S21 and Program Supplement No. 00000A583 and delegate authorization to execute the same to the City Manager.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA

WOODS, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Agreement No. 12-5476S21, attached hereto as Exhibit A, and Program Supplement No. 00000A583, attached hereto as Exhibit B, are hereby approved and the City Manager is hereby authorized to execute the same for and on behalf of the City.

SECTION 2. The Mayor shall sign this resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2024.

NOEL HATCH, 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. 24-XX** was duly adopted by the City Council of the City of Laguna Woods at an adjourned regular meeting thereof, held on the XX day of XX 2024, by the following vote:

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

YOLIE TRIPPY, CMC, City Clerk

MASTER AGREEMENT
ADMINISTERING AGENCY-STATE AGREEMENT
STATE-FUNDED PROJECTS

12 City of Laguna Woods

District Administering Agency

Agreement No. 12-5476S21

This AGREEMENT, is entered into effective this _____ day of _____, 20____, by and between the City of Laguna Woods, hereinafter referred to as "ADMINISTERING AGENCY," and the State of California, acting by and through its Department of Transportation (Caltrans), hereinafter referred to as "STATE", and together referred to as "PARTIES" or individually as a "PARTY."

RECITALS:

1. WHEREAS, the Legislature of the State of California has enacted legislation by which certain State funds are made available for use on local transportation related projects of public entities qualified to act as recipients of these state funds; and
2. WHEREAS, ADMINISTERING AGENCY has applied to the California Transportation Commission (CTC) and/or STATE for funding from a State-funded program (herein referred to as STATE FUNDS), as defined in the Local Assistance Program Guidelines (LAPG) and/or in the respective CTC Guidelines, for use on local authorized transportation related projects as a local administered project(s), hereinafter referred to as "PROJECT"; and
3. WHEREAS, said PROJECT will not receive any federal funds; and
4. WHEREAS, before STATE FUNDS will be made available for PROJECT, ADMINISTERING AGENCY and STATE are required to enter into an agreement to establish terms and conditions applicable to the ADMINISTERING AGENCY when receiving STATE FUNDS for a designated PROJECT facility and to the subsequent operation and maintenance of that completed facility.

NOW, THEREFORE, the PARTIES agree as follows:

ARTICLE I - PROJECT ADMINISTRATION

1. This AGREEMENT shall have no force or effect with respect to any program project unless and until a project- specific Program Supplement to this AGREEMENT for state funded projects, hereinafter referred to as "PROGRAM SUPPLEMENT", has been fully executed by both STATE and ADMINISTERING AGENCY.
2. The State approved project-specific allocation notification letter and approved CTC allocation documentation designate the party responsible for implementing PROJECT, type of work, and location of PROJECT for projects requiring CTC allocation by PROJECT component of work.
3. The PROGRAM SUPPLEMENT sets out special covenants as a condition for the ADMINISTERING AGENCY to receive STATE FUNDS from/through STATE for designated PROJECT. The PROGRAM SUPPLEMENT shall also show these STATE FUNDS that have been initially encumbered for PROJECT along with the matching funds to be provided by ADMINISTERING AGENCY and/or others. Execution of PROGRAM SUPPLEMENT by the PARTIES shall cause ADMINISTERING AGENCY to adopt all the terms of this AGREEMENT as though fully set forth therein in the PROGRAM SUPPLEMENT. Unless otherwise expressly delegated in a resolution by the governing body of ADMINISTERING AGENCY, and with written concurrence by STATE, the PROGRAM SUPPLEMENT shall be approved and managed by the governing body of ADMINISTERING AGENCY.
4. ADMINISTERING AGENCY agrees to execute and return each project-specific PROGRAM SUPPLEMENT. The PARTIES agree that STATE may suspend future allocations, encumbrances and invoice payments for any on- going or future STATE FUNDED PROJECT performed by ADMINISTERING AGENCY if any project-specific PROGRAM SUPPLEMENT is not returned, unless otherwise agreed by STATE in writing.
5. ADMINISTERING AGENCY further agrees, as a condition to the release and payment of STATE FUNDS encumbered for the PROJECT described in each PROGRAM SUPPLEMENT, to comply with the terms and conditions of this AGREEMENT and all the agreed-upon Special Covenants or Remarks incorporated within the PROGRAM SUPPLEMENT, and Cooperative/Contribution Agreement where appropriate, defining and identifying the nature of the specific PROJECT.
6. STATE FUNDS will not participate in any portion of PROJECT work performed in advance of the effective date of allocation by CTC, or by STATE for allocations delegated to STATE by CTC, for said PROJECT.
7. Projects allocated with STATE FUNDS will be administered in accordance with the current CTC STIP Guidelines, applicable chapter(s) of the LAPG, LAPM and/or any other instructions published by STATE.
8. ADMINISTERING AGENCY agrees to ensure compliance with all relevant State laws and requirements for work related to PROJECT, including the California Environmental Quality Act (CEQA).
9. ADMINISTERING AGENCY's eligible costs for preliminary engineering work includes all preliminary work directly related to PROJECT up to contract award for construction, including, but not limited to, environmental studies and permits (E&P), preliminary surveys and reports, laboratory work, soil investigations, the preparation of plans, specifications and estimates (PS&E), advertising for bids, awarding of a contract and project development contract administration.

10. ADMINISTERING AGENCY's eligible costs for construction engineering include actual inspection and supervision of PROJECT construction work; construction staking; laboratory and field testing; and the preparation and processing of field reports, records, estimates, final reports, and allowable expenses of employees/consultants engaged in such activities.

11. Unless the PARTIES agree otherwise in writing, ADMINISTERING AGENCY's employees or its contracted engineering consultant shall be responsible for all PROJECT engineering work.

12. ADMINISTERING AGENCY shall not proceed with final design of PROJECT until final environmental approval of PROJECT. Final design entails the design work necessary to complete the PS&E and other work necessary for a construction contract but not required earlier for environmental clearance of that PROJECT.

13. If PROJECT is not on STATE-owned right-of-way, PROJECT shall be constructed in accordance with Chapter 11 of the LAPM that describes minimum statewide design standards for local agency streets and roads. The design standards for projects off the National Highway System (NHS) allow STATE to accept either the current Caltrans Highway Design Manual standards, the current FHWA-adopted American Association of State Highway and Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets standards, or the approved geometric design standards of ADMINISTERING AGENCY. Additionally, for projects off the NHS, STATE will accept ADMINISTERING AGENCY-approved standard specifications, standard plans, materials sampling and testing quality assurance programs that meet the conditions described in the then current Local Assistance Procedures Manual.

14. If PROJECT involves work within or partially within STATE-owned right-of-way, that PROJECT shall also be subject to compliance with the policies, procedures and standards of the STATE Project Development Procedures Manual and Highway Design Manual and where appropriate, an executed cooperative agreement between STATE and ADMINISTERING AGENCY that outlines the PROJECT responsibilities and respective obligations of the PARTIES. ADMINISTERING AGENCY and its contractors shall each obtain an encroachment permit through STATE prior to commencing any work within STATE rights-of-way or work which affects STATE facilities.

15. When PROJECT is not on the State Highway System (SHS) but includes work to be performed by a railroad, the contract for such work shall be prepared by ADMINISTERING AGENCY or by STATE, as the PARTIES may hereafter agree. In either event, ADMINISTERING AGENCY shall enter into an agreement with the railroad providing for future maintenance of protective devices or other facilities installed under the contract.

16. ADMINISTERING AGENCY shall comply with the provisions of sections 4450 and 4454 of the California Government Code, as well as other Department of General Services guidance, if applicable, for the contract PS&E for the construction of buildings, structures, sidewalks, curbs and related facilities for accessibility and usability. Further requirements and guidance are provided in Title 24 of the California Code of Regulations.

17. ADMINISTERING AGENCY shall provide a full-time public employee to be in responsible charge of each PROJECT. ADMINISTERING AGENCY shall provide or arrange for adequate supervision and inspection of each PROJECT. ADMINISTERING AGENCY may utilize consultants to perform supervision and inspection work for PROJECT with a

fully qualified and licensed engineer. Utilization of consultants does not relieve ADMINISTERING AGENCY of its obligation to provide a full-time public employee to be in responsible charge of each PROJECT.

18. Unless otherwise provided in the PROGRAM SUPPLEMENT, ADMINISTERING AGENCY shall advertise, award, and administer the PROJECT construction contract or contracts.

19. The cost of maintenance, security, or protection performed by ADMINISTERING AGENCY or contractor forces during any temporary suspension of PROJECT or at any other time may not be charged to the PROJECT.

20. ADMINISTERING AGENCY shall submit PROJECT-specific award information to STATE's District Local Assistance Engineer, within sixty (60) days after contract award.

21. ADMINISTERING AGENCY shall submit the final report documents that collectively constitute a "Final Project Expenditure Report", LAPM Exhibit 17-M, within one hundred eighty (180) days of PROJECT completion. Failure by ADMINISTERING AGENCY to submit a "Final Project Expenditure Report", within 180 days of project completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the Local Assistance Procedures Manual.

22. ADMINISTERING AGENCY shall comply with the Americans with Disabilities Act (ADA) of 1990 that prohibits discrimination on the basis of disability and all applicable regulations and guidelines issued pursuant to the ADA.

23. The Governor and the Legislature of the State of California, each within their respective jurisdictions, have prescribed certain nondiscrimination requirements with respect to contract and other work financed with public funds. ADMINISTERING AGENCY agrees to comply with the requirements of the FAIR EMPLOYMENT PRACTICES ADDENDUM, attached hereto as Exhibit A and further agrees that any agreement entered into by ADMINISTERING AGENCY with a third party for performance of work connected with PROJECT shall incorporate Exhibit A (with third party's name replacing ADMINISTERING AGENCY) as parts of such agreement.

24. ADMINISTERING AGENCY shall include in all contracts and subcontracts awarded when applicable, a clause that requires each subcontractor to comply with California Labor Code requirements that all workers employed on public works aspects of any project (as defined in California Labor Code sections 1720-1815) be paid not less than the general prevailing wage rates predetermined by the Department of Industrial Relations as effective at the date of contract award by the ADMINISTERING AGENCY.

ARTICLE II - RIGHTS-OF-WAY

1. No contract for the construction of a STATE FUNDED PROJECT shall be awarded until all necessary rights of way have been secured. Prior to the advertising for construction of PROJECT, ADMINISTERING AGENCY shall certify and, upon request, shall furnish STATE with evidence that all necessary rights-of-way are available for construction purposes or will be available by the time of award of the construction contract.

2. The furnishing of rights of way by ADMINISTERING AGENCY as provided for herein includes, and is limited to, the following, unless the PROGRAM SUPPLEMENT provides otherwise.

(a) Expenditures of capital and support to purchase all real property required for

PROJECT free and clear of liens, conflicting easements, obstructions and encumbrances, after crediting PROJECT with the fair market value of any excess property retained and not disposed of by ADMINISTERING AGENCY.

(b) The cost of furnishing of right-of-way as provided for herein includes, in addition to real property required for the PROJECT, title free and clear of obstructions and encumbrances affecting PROJECT and the payment, as required by applicable law, of damages to owners of remainder real property not actually taken but injuriously affected by PROJECT.

(c) The cost of relocation payments and services provided to owners and occupants pursuant to Government Code sections 7260-7277 when PROJECT displaces an individual, family, business, farm operation or nonprofit organization.

(d) The cost of demolition and/or the sale of all improvements on the right-of-way after credit is recorded for sale proceeds used to offset PROJECT costs.

(e) The cost of all unavoidable utility relocation, protection or removal.

(f) The cost of all necessary hazardous material and hazardous waste treatment, encapsulation or removal and protective storage for which ADMINISTERING AGENCY accepts responsibility and where the actual generator cannot be identified, and recovery made.

3. ADMINISTERING AGENCY agrees to indemnify and hold STATE harmless from any liability that may result in the event the right-of-way for a PROJECT is not clear as certified by ADMINISTERING AGENCY, including, but not limited to, if said right-of-way is found to contain hazardous materials requiring treatment or removal to remediate in accordance with Federal and State laws. ADMINISTERING AGENCY shall pay, from its own non- matching funds, any costs which arise out of delays to the construction of PROJECT because utility facilities have not been timely removed or relocated, or because rights-of-way were not available to ADMINISTERING AGENCY for the orderly prosecution of PROJECT work.

ARTICLE III - MAINTENANCE AND MANAGEMENT

1. ADMINISTERING AGENCY will maintain and operate the property acquired, developed, constructed, rehabilitated, or restored by PROJECT for its intended public use until such time as the parties might amend this AGREEMENT to otherwise provide. With the approval of STATE, ADMINISTERING AGENCY or its successors in interest in the PROJECT property may transfer this obligation and responsibility to maintain and operate PROJECT property for that intended public purpose to another public entity.

2. Upon ADMINISTERING AGENCY's acceptance of the completed construction contract or upon contractor being relieved of the responsibility for maintaining and protecting PROJECT, ADMINISTERING AGENCY will be responsible for the maintenance, ownership, liability, and the expense thereof, for PROJECT in a manner satisfactory to the authorized representatives of STATE and if PROJECT falls within the jurisdictional limits of another Agency or Agencies, it is the duty of ADMINISTERING AGENCY to facilitate a separate maintenance agreement(s) between itself and the other jurisdictional Agency or Agencies providing for the operation, maintenance, ownership and liability of PROJECT. Until those agreements are executed, ADMINISTERING AGENCY will be responsible for all PROJECT operations, maintenance, ownership and liability in a manner satisfactory to the authorized representatives of STATE. If, within ninety (90) days after receipt of notice from STATE that a PROJECT, or any portion thereof, is not

being properly operated and maintained and ADMINISTERING AGENCY has not satisfactorily remedied the conditions complained of, the approval of future STATE FUNDED PROJECTS of ADMINISTERING AGENCY will be withheld until the PROJECT shall have been put in a condition of operation and maintenance satisfactory to STATE. The provisions of this section shall not apply to a PROJECT that has been vacated through due process of law with STATE's concurrence.

3. PROJECT and its facilities shall be maintained by an adequate and well-trained staff of engineers and/or such other professionals and technicians as PROJECT reasonably requires. Said operations and maintenance staff may be employees of ADMINISTERING AGENCY, another unit of government, or a contractor under agreement with ADMINISTERING AGENCY. All maintenance will be performed at regular intervals or as required for efficient operation of the complete PROJECT improvements.

4. ADMINISTERING AGENCY shall comply with all applicable law, including but not limited to, all applicable legal authority regarding construction standards.

ARTICLE IV - FISCAL PROVISIONS

1. All contractual obligations of STATE are subject to the appropriation of resources by the Legislature and the allocation of resources by the CTC.

2. STATE'S financial commitment of STATE FUNDS will occur only upon the execution of this AGREEMENT, the execution of each project-specific PROGRAM SUPPLEMENT and/or STATE's approved finance letter.

3. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices in arrears for reimbursement of allowable PROJECT costs at least once every six months commencing after the STATE FUNDS are encumbered on either the project-specific PROGRAM SUPPLEMENT or through a project-specific finance letter approved by STATE. STATE reserves the right to suspend future allocations and invoice payments for any on-going or future STATE FUNDED project performed by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period

4. Invoices shall be submitted on a standardized billing summary template, in accordance with Chapter 5 of the LAPM to claim reimbursement by ADMINISTERING AGENCY. For construction invoices, pay estimates must be included.

5. ADMINISTERING AGENCY must retain at least one copy of supporting backup documentation for allowable costs incurred and claimed for reimbursement by ADMINISTERING AGENCY. ADMINISTERING AGENCY agrees to submit supporting backup documentation with invoices if requested by State. Acceptable backup documentation includes, but is not limited to, agency's progress payment to the contractors, copies of cancelled checks showing amounts made payable to vendors and contractors, and/or a computerized summary of PROJECT costs.

6. Payments to ADMINISTERING AGENCY can only be released by STATE as reimbursements of actual allowable PROJECT costs already incurred and paid for by the ADMINISTERING AGENCY.

7. Indirect Cost Allocation Plans/Indirect Cost Rate Proposals (ICAP/ICRP), Central Service Cost Allocation Plans and related documentation are to be prepared and provided to the Inspector General - Independent Office of Audits and Investigations for review and approval prior to ADMINISTERING AGENCY seeking reimbursement of

indirect cost incurred within each fiscal year being claimed for reimbursement. ICAPs/ICRPs must be prepared in accordance with the requirements set forth in 2 CFR, Part 200, Chapter 5 of the LAPM, and the ICAP/ICRP approval procedures established by STATE.

8. STATE will withhold the greater of either two (2) percent of the total of all STATE FUNDS encumbered for each PROGRAM SUPPLEMENT or \$40,000 until ADMINISTERING AGENCY submits the Final Report of Expenditures for each completed PROGRAM SUPPLEMENT PROJECT.

9. The estimated total cost of PROJECT, the amount of STATE FUNDS obligated, and the required matching funds may be adjusted by mutual consent of the PARTIES with a finance letter, and an allocation notification letter when applicable. STATE FUNDING may be increased to cover PROJECT cost increases only if such additional funds are available and the CTC and/or STATE concurs with that increase in the form of an allocation and finance letter.

10. When such additional STATE FUNDS are not available, ADMINISTERING AGENCY agrees that any increases in PROJECT costs must be defrayed with ADMINISTERING AGENCY's own funds.

11. ADMINISTERING AGENCY shall use its own non-STATE FUNDS to finance the local share of eligible costs and all PROJECT expenditures or contract items ruled ineligible for financing with STATE FUNDS. STATE shall make the final determination of ADMINISTERING AGENCY's cost eligibility for STATE FUNDED financing with respect to claimed PROJECT costs.

12. ADMINISTERING AGENCY will reimburse STATE for STATE's share of costs for work performed by STATE at the request of ADMINISTERING AGENCY. STATE's costs shall include overhead assessments in accordance with section 8755.1 of the State Administrative Manual.

13. STATE FUNDS allocated by the CTC and/or STATE are subject to the timely use of funds provisions approved in CTC Guidelines and State procedures approved by the CTC and STATE.

14. STATE FUNDS encumbered for PROJECT are available for liquidation only for a limited period from the beginning of the State fiscal year when those funds were appropriated in the State Budget. STATE FUNDS not liquidated within these periods will be reverted unless a Cooperative Work Agreement (CWA) is submitted by ADMINISTERING AGENCY and approved by the California Department of Finance in accordance with Section 16304 of the Government Code. The exact date of fund reversion will be reflected in the STATE signed PROJECT finance letter.

15. Payments to ADMINISTERING AGENCY for PROJECT-related travel and subsistence (per diem) expenses of ADMINISTERING AGENCY forces and its contractors and subcontractors claimed for reimbursement or as local match credit shall not exceed rates authorized to be paid to rank and file STATE employees under current California Department of Human Resources (CalHR) rules unless a Cooperative Work Agreement (CWA) is submitted by ADMINISTERING AGENCY and approved by the California Department of Finance in accordance with Government Code section 16304. If the rates invoiced by ADMINISTERING AGENCY are in excess of CalHR rates, ADMINISTERING AGENCY is responsible for the cost difference, and any overpayments inadvertently paid by STATE shall be reimbursed to STATE by ADMINISTERING AGENCY on demand.

16. ADMINISTERING AGENCY agrees to comply with California Government Code 4525-4529.14. Administering Agency shall undertake the procedures described in California Government Code 4527(a) and 4528(a). Administering Agency shall also comply with 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards, excluding 2 CFR Part 200.318-200.326.

17. ADMINISTERING AGENCY agrees and will assure that its contractors and subcontractors will be obligated to agree that Contract Cost Principles and Procedures, 48 CFR, Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., shall be used to determine the allowability of individual PROJECT cost items. Every recipient and sub-recipient receiving PROJECT funds under this AGREEMENT shall comply with Federal administrative procedures in accordance with 2 CFR, Part 200, Uniform Administrative Requirements, Cost Principles and Audit Requirement for Federal Awards, excluding 2 CFR Part 200.318-200.326 Governments. ADMINISTERING AGENCY agrees to comply with the provisions set forth in 23 CFR Parts 140, 645 and 646 when contracting with railroad and utility companies.

18. Every recipient and sub-recipient receiving PROJECT funds under this AGREEMENT shall comply with 2 CFR 200 excluding 2 CFR Part 200.318-200.326, 48 CFR Chapter 1, Part 31, LAPM, Public Contract Code (PCC) 10300- 10334 (procurement of goods), PCC 10335-10381 (non-A&E services), California Government Code 4525-4529.5 including 4527(a) and 4528(a), and other applicable STATE regulations.

19. Any PROJECT costs for which ADMINISTERING AGENCY has received payment or credit that are determined by subsequent audit to be questioned, disallowed, or unallowable under 2 CFR, Part 200, 48 CFR, Chapter 1, Part 31, 23 CFR Parts 140, 645 and 646, LAPM, Public Contract Code (PCC) 10300-10334 (procurement of goods), PCC 10335-10381 (non-A&E services), California Government Code 4525-4529.5 including 4527(a) and 4528(a), and other applicable STATE regulations are subject to repayment by ADMINISTERING AGENCY to STATE and may result in STATE imposing sanctions on ADMINISTERING AGENCY as described in Chapter 20 of the Local Assistance Procedures Manual.

20. Should ADMINISTERING AGENCY fail to refund any moneys due upon written demand by STATE as provided herein or should ADMINISTERING AGENCY breach this AGREEMENT by failing to complete PROJECT without adequate justification and approval by STATE, then, within thirty (30) days of demand, or within such other period as may be agreed to in writing between the PARTIES hereto, STATE, acting through the State Controller, the State Treasurer, the CTC or any other public entity or agency, may intercept, withhold and demand the transfer of an amount equal to the amount paid by or owed to STATE for each PROJECT, from future apportionments, or any other funds due ADMINISTERING AGENCY from the Highway Users Tax Fund or any other sources of funds, and/or may also withhold approval of future STATE FUNDED projects proposed by ADMINISTERING AGENCY.

21. Should ADMINISTERING AGENCY be declared to be in breach of this AGREEMENT or otherwise in default thereof by STATE, and if ADMINISTERING AGENCY is constituted as a joint powers authority, special district, or any other public entity not directly receiving funds through the State Controller, STATE is authorized to obtain reimbursement from whatever sources of funding are available, including the withholding or transfer of funds, from those constituent entities comprising a joint powers authority or by bringing of an action against ADMINISTERING AGENCY or its constituent member entities, to recover all funds provided by STATE hereunder.

22. ADMINISTERING AGENCY acknowledges that the signatory party represents the ADMINISTERING AGENCY and further warrants that there is nothing within a Joint Powers Agreement, by which ADMINISTERING AGENCY was created, if any exists, that would restrict or otherwise limit STATE's ability to recover STATE FUNDS improperly spent by ADMINISTERING AGENCY in contravention of the terms of this AGREEMENT.

ARTICLE V

AUDITS, THIRD PARTY CONTRACTING, RECORDS RETENTION AND REPORTS

1. STATE reserves the right to conduct technical and financial audits of PROJECT work and records and ADMINISTERING AGENCY agrees, and shall require its contractors and subcontractors to agree, to cooperate with STATE by making all appropriate and relevant PROJECT records available for audit and copying as required by paragraph three (3) of Article V.

2. ADMINISTERING AGENCY, its contractors and subcontractors shall establish and maintain a financial management system and records that properly accumulate and segregate reasonable, allowable, and allocable incurred PROJECT costs and matching funds by line item for the PROJECT. The financial management system of ADMINISTERING AGENCY, its contractors and all subcontractors shall conform to Generally Accepted Accounting Principles, enable the determination of incurred costs at interim points of completion, and provide support for reimbursement payment vouchers or invoices sent to or paid by STATE.

3. ADMINISTERING AGENCY, ADMINISTERING AGENCY's contractors and subcontractors, and STATE shall each maintain and make available for inspection and audit by STATE, the California State Auditor, or any duly authorized representative of STATE or the United States, all books, documents, papers, accounting records, and other evidence pertaining to the performance of such contracts, including, but not limited to, the costs of administering those various contracts, and ADMINISTERING AGENCY shall furnish copies thereof if requested. All of the above-referenced parties shall make such AGREEMENT and PROGRAM SUPPLEMENT materials available at their respective offices at all reasonable times during the entire PROJECT period and for three (3) years, or 35 years for Prop 1B funds, from the date of final payment to ADMINISTERING AGENCY.

4. ADMINISTERING AGENCY shall not award a construction contract over \$25,000 on the basis of a noncompetitive negotiation for work to be performed under this AGREEMENT without the prior written approval of STATE. All contracts awarded by ADMINISTERING AGENCY intended or used as local match credit must meet the requirements set forth in this AGREEMENT regarding local match funds.

5. ADMINISTERING AGENCY shall comply with Chapter 10 (commencing with Section 4525) Division 5 of Title 1 of the Government Code and shall undertake the procedures described in California Government Code 4527(a) and 4528(a). Administering Agency shall comply with Chapter 10 of the LAPM for AE Consultant Contracts.

6. ADMINISTERING AGENCY shall comply with Government Code Division 5 Title 1 sections 4525-4529.5 and shall undertake the procedures described in California Government Code 4527(a) and 4528(a) for procurement of professional service contracts. Administering Agency shall follow Public Contract Code Section 10335-10381 for other professional service contracts.

7. Any subcontract entered into by ADMINISTERING AGENCY as a result of this AGREEMENT shall contain all of the provisions of Article IV, FISCAL PROVISIONS, and this ARTICLE V, AUDITS, THIRD-PARTY CONTRACTING, RECORDS RETENTION AND REPORTS and shall mandate that travel and per diem reimbursements and third-party contract reimbursements to subcontractors will be allowable as PROJECT costs only after those costs are incurred and paid for by the subcontractors.

8. To be eligible for local match credit, ADMINISTERING AGENCY must ensure that local match funds used for a PROJECT meet the fiscal provisions requirements outlined in ARTICLE IV in the same manner that is required of all other PROJECT expenditures.

9. Except as provided in this Article, this AGREEMENT is solely between and for the benefit of the PARTIES and there are no third-party beneficiaries.

ARTICLE VI - MISCELLANEOUS PROVISIONS

1. ADMINISTERING AGENCY agrees to use all PROJECT funds reimbursed hereunder only for transportation purposes that are in conformance with Article XIX of the California State Constitution and other California laws.

2. ADMINISTERING AGENCY shall conform to all applicable State and Federal statutes and regulations, and the Local Assistance Program Guidelines and Local Assistance Procedures Manual as published by STATE and incorporated herein, including all subsequent approved revisions thereto applicable to PROJECT unless otherwise designated in the project-specific executed PROJECT SUPPLEMENT.

3. This AGREEMENT is subject to any additional restrictions, limitations, conditions, or any statute enacted by the State Legislature or adopted by the CTC that may affect the provisions, terms, or funding of this AGREEMENT in any manner.

4. ADMINISTERING AGENCY and the officers and employees of ADMINISTERING AGENCY, when engaged in the performance of this AGREEMENT, shall act in an independent capacity and not as officers, employees or agents of STATE.

5. Each project-specific PROGRAM SUPPLEMENT shall separately establish the terms and funding limits for each described PROJECT funded under this AGREEMENT and that PROGRAM SUPPLEMENT. No STATE FUNDS are obligated against this AGREEMENT.

6. ADMINISTERING AGENCY certifies that neither ADMINISTERING AGENCY nor its principals are suspended or debarred at the time of the execution of this AGREEMENT, and ADMINISTERING AGENCY agrees that it will notify STATE immediately in the event a suspension or a debarment occurs after the execution of this AGREEMENT.

7. ADMINISTERING AGENCY certifies, by execution of this AGREEMENT, that no person or selling agency has been employed or retained to solicit or secure this AGREEMENT upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by ADMINISTERING AGENCY for the purpose of securing business. For breach or violation of this warranty, STATE has the right to annul this AGREEMENT without liability, pay only for the value of the PROJECT work actually performed, or in STATE's discretion, to deduct from the price of PROGRAM SUPPLEMENT consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

8. In accordance with Public Contract Code section 10296, ADMINISTERING AGENCY hereby certifies under penalty of perjury that no more than one final unappealable finding of contempt of court by a federal court has been issued against ADMINISTERING AGENCY within the immediate preceding two (2) year period because of ADMINISTERING AGENCY's failure to comply with an order of a federal court that orders ADMINISTERING AGENCY to comply with an order of the National Labor Relations Board.

9. ADMINISTERING AGENCY shall disclose any financial, business, or other relationship with STATE that may have an impact upon the outcome of this AGREEMENT or any individual PROJECT encompassed within a PROGRAM SUPPLEMENT. ADMINISTERING AGENCY shall also list current contractors who may have a financial interest in the outcome of a PROJECT undertaken pursuant to this AGREEMENT. These disclosures shall be delivered to STATE in a form deemed acceptable by the STATE prior to execution of this AGREEMENT.

10. ADMINISTERING AGENCY hereby certifies that it does not have, nor shall it acquire, any financial or business interest that would conflict with the performance of any PROJECT initiated under this AGREEMENT.

11. ADMINISTERING AGENCY certifies that this AGREEMENT was not obtained or secured through rebates, kickbacks or other unlawful consideration either promised or paid to any STATE employee. For breach or violation of this warranty, STATE shall have the right, in its sole discretion, to terminate this AGREEMENT without liability, to pay only for PROJECT work actually performed, or to deduct from a PROGRAM SUPPLEMENT price or otherwise recover the full amount of such rebate, kickback, or other unlawful consideration.

12. Any dispute concerning a question of fact arising under this AGREEMENT that is not disposed of by agreement shall be decided by the STATE's Contract Manager, who shall be identified to ADMINISTERING AGENCY at the time of execution of this AGREEMENT and, as applicable, any time that Contract Manager changes during the duration of this AGREEMENT who may consider any written or verbal evidence submitted by ADMINISTERING AGENCY. The decision of the Contract Manager, issued in writing, shall be conclusive and binding on the PARTIES on all questions of fact considered and determined by the Contract Manager.

13. Neither the pendency of a dispute nor its consideration by the Contract Manager will excuse the ADMINISTERING AGENCY from full and timely performance in accordance with the terms of this AGREEMENT and each PROGRAM SUPPLEMENT.

14. Neither STATE nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by ADMINISTERING AGENCY under or in connection with any work, authority or jurisdiction of ADMINISTERING AGENCY arising under this AGREEMENT. It is understood and agreed that ADMINISTERING AGENCY shall fully defend, indemnify and save harmless STATE and all of its officers and employees from all claims and suits or actions of every name, kind and description brought forth under, including but not limited to, tortious, contractual, inverse condemnation or other theories or assertions of liability occurring by reason of anything done or omitted to be done by ADMINISTERING AGENCY under this AGREEMENT.

15. Neither ADMINISTERING AGENCY nor any officer or employee thereof is responsible for any injury, damage or liability occurring by reason of anything done or omitted to be done by STATE, under or in connection with any work, authority or

jurisdiction arising under this AGREEMENT. It is understood and agreed that STATE shall fully defend, indemnify and save harmless the ADMINISTERING AGENCY and all of its officers and employees from all claims, suits or actions of every name, kind and description brought forth under, including but not limited to, tortious, contractual, inverse condemnation and other theories or assertions of liability occurring by reason of anything done or omitted to be done by STATE under this AGREEMENT.

16. In the event of (a) ADMINISTERING AGENCY failing to timely proceed with effective PROJECT work in accordance with the project-specific PROGRAM SUPPLEMENT; (b) failing to maintain any applicable bonding requirements; and (c) otherwise materially violating the terms and conditions of this AGREEMENT and/or any PROGRAM SUPPLEMENT, STATE reserves the right to terminate funding for that PROJECT upon thirty (30) days' written notice to ADMINISTERING AGENCY.

17. No termination notice shall become effective if, within thirty (30) days after receipt of a Notice of Termination, ADMINISTERING AGENCY either cures the default involved or, if the default is not reasonably susceptible of cure within said thirty (30) day period the ADMINISTERING AGENCY proceeds thereafter to complete that cure in a manner and time line acceptable to STATE.

18. Any such termination shall be accomplished by delivery to ADMINISTERING AGENCY of a Notice of Termination, which notice shall become effective not less than thirty (30) days after receipt, specifying the reason for the termination, the extent to which funding of work under this AGREEMENT and the applicable PROGRAM SUPPLEMENT is terminated and the date upon which such termination becomes effective, if beyond thirty (30) days after receipt. During the period before the effective termination date, ADMINISTERING AGENCY and STATE shall meet to attempt to resolve any dispute. In the event of such termination, STATE may proceed with the PROJECT work in a manner deemed proper by STATE. If STATE terminates funding for PROJECT with ADMINISTERING AGENCY for the reasons stated in paragraph sixteen (16) of ARTICLE VI, STATE shall pay ADMINISTERING AGENCY the sum due ADMINISTERING AGENCY under the PROGRAM SUPPLEMENT and/or STATE-approved finance letter prior to termination, provided, however, ADMINISTERING AGENCY is not in default of the terms and conditions of this AGREEMENT or the project-specific PROGRAM SUPPLEMENT and that the cost of any PROJECT completion to STATE shall first be deducted from any sum due ADMINISTERING AGENCY.

19. In the case of inconsistency or conflicts with the terms of this AGREEMENT and that of a project-specific PROGRAM SUPPLEMENT and/or Cooperative Agreement, the terms stated in that PROGRAM SUPPLEMENT and/or Cooperative Agreement shall prevail over those in this AGREEMENT.

20. Without the written consent of STATE, this AGREEMENT is not assignable by ADMINISTERING AGENCY either in whole or in part.

21. No alteration or variation of the terms of this AGREEMENT shall be valid unless made in writing and signed by the PARTIES, and no oral understanding or agreement not incorporated herein shall be binding on any of the PARTIES.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT by their duly authorized officer.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

City of Laguna Woods

By _____

By _____

Chief, Office of Project Management
Oversight
Division of Local Assistance

City of Laguna Woods

Representative Name & Title
(Authorized Governing Body
Representative)

Date _____

Date _____

1. In the performance of this Agreement, ADMINISTERING AGENCY will not discriminate against any employee for employment on account of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. ADMINISTERING AGENCY will take affirmative action to ensure that employees are treated during employment without regard to their race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. Such action shall include, but not be limited to, the following: employment; upgrading; demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. ADMINISTERING AGENCY shall post in conspicuous places, available to employees for employment, notices to be provided by STATE setting forth the provisions of this Fair Employment section.

2. ADMINISTERING AGENCY, its contractor(s) and all subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code, 12900 et seq.), and the applicable regulations promulgated thereunder (Cal. Code Regs., Title 2, 11000, et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code section 12900(a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations are incorporated into this AGREEMENT by reference and made a part hereof as if set forth in full. Each of the ADMINISTERING AGENCY'S contractors and all subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreements, as appropriate.

3. ADMINISTERING AGENCY shall include the nondiscrimination and compliance provisions of this clause in all contracts and subcontracts to perform work under this AGREEMENT.

4. ADMINISTERING AGENCY will permit access to the records of employment, employment advertisements, application forms, and other pertinent data and records by STATE, the State Fair Employment and Housing Commission, or any other agency of the State of California designated by STATE, for the purposes of investigation to ascertain compliance with the Fair Employment section of this Agreement.

5. Remedies for Willful Violation:

(a) STATE may determine a willful violation of the Fair Employment provision to have occurred upon receipt of a final judgment to that effect from a court in an action to which ADMINISTERING AGENCY was a party, or upon receipt of a written notice from the Fair Employment and Housing Commission that it has investigated and determined that ADMINISTERING AGENCY has violated the Fair Employment Practices Act.

(b) For willful violation of this Fair Employment Provision, STATE shall have the right to terminate this Agreement either in whole or in part, and any loss or damage sustained by STATE in securing the goods or services thereunder shall be borne and paid for by ADMINISTERING AGENCY and by the surety under the performance bond, if any, and STATE may deduct from any moneys due or thereafter may become due to ADMINISTERING AGENCY, the difference between the price named in the Agreement

and the actual cost thereof to STATE to cure ADMINISTERING AGENCY's breach of this Agreement.

This page is intentionally blank.

PROGRAM SUPPLEMENT NO. 00000A583
to
ADMINISTERING AGENCY-STATE AGREEMENT
FOR STATE FUNDED PROJECTS NO 12-5476S21

Adv. Project ID
 1223000112

ITEM 7.7 - Exhibit B
Date: June 04, 2024
Location: 12-ORA-0-LGNW
Project Number: CRASL-5476(009)
E.A. Number:
Locode: 5476

This Program Supplement, effective _____, hereby adopts and incorporates into the Administering Agency-State Agreement No. 12-5476S21 for State Funded Projects which was entered into between the ADMINISTERING AGENCY and the STATE with an effective date of _____ and is subject to all the terms and conditions thereof. This PROGRAM SUPPLEMENT is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. _____ approved by the ADMINISTERING AGENCY on _____ (See copy attached).

The ADMINISTERING AGENCY further stipulates that as a condition to the payment by the State of any funds derived from sources noted below encumbered to this project, Administering Agency accepts and will comply with the Special Covenants and remarks set forth on the following pages.

PROJECT LOCATION: Westbound El Toro Road between Calle Corta and City Limits

TYPE OF WORK: Road Rehabilitation

LENGTH: 0.0(MILES)

Estimated Cost	State Funds		Matching Funds	
	STATE		LOCAL	OTHER
\$264,000.00	\$200,000.00		\$64,000.00	\$0.00

CITY OF LAGUNA WOODS

By _____

Title _____

Date _____

Attest _____

STATE OF CALIFORNIA

Department of Transportation

By _____

**Chief, Office of Project Implementation
 Division of Local Assistance**

Date _____

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer Helga Siu

Date 6/4/2024

\$200,000.00

SPECIAL COVENANTS OR REMARKS

1. A. This PROJECT is programmed to receive STATE Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) Program funds. The ADMINISTARTING AGENCY agrees to administer the PROJECT in accordance with the California Transportation Commission (CTC) approved/adopted CRRSAA Guidelines and this PROGRAM SUPPLEMENT.

B. The STATE funds for this PROJECT may be provided under one or more phases, which are Preliminary Engineering (PE), Right-of-Way (R/W), Construction (Con), and Other Phase (Debt Service Payments, Personnel).

Phase-specific fund allocation is required, in addition to other requirements, before reimbursable work can occur for the phase identified. Each allocation will be assigned an effective date and identify the amount of funds allocated per phase. Unless otherwise determined, the effective date of the phase-specific allocation will constitute the start of reimbursable expenditures for the phase. The STATE funds available for reimbursement will be limited to the amount allocated by the STATE for the phase.

C. At the time of the first fund allocation approval for the Project, this PROGRAM SUPPLEMENT, a STATE-approved Allocation Letter and STATE Finance Letter are prepared to allow reimbursement of eligible PROJECT expenditures for the phase allocated.

D. STATE and ADMINISTERING AGENCY agree that any additional fund allocations made after the execution of this PROGRAM SUPPLEMENT, for the phase that has been authorized in the first fund allocation approval or for a new phase, will be encumbered on this PROJECT by use of a STATE-approved Allocation Letter and a STATE Finance Letter and are subject to the terms and conditions thereof.

E. This PROJECT is subject to the delivery requirements enacted by the CRRSAA Program guidelines, which may be accessed at the Local Assistance webpage.

F. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer immediately after project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract. Failure to do so will cause a delay in the State processing of invoices for the construction phase.

G. The ADMINISTERING AGENCY shall invoice STATE for PE, R/W, CON, and Other Phase costs no later than 180 days after the end of expenditure the phase. For construction costs, the ADMINISTERING AGENCY has 180 days after project completion or contract acceptance to make the final payment to the contractor, prepare the final Report of Expenditures and final invoice, and submit to STATE for verification and payment.

SPECIAL COVENANTS OR REMARKS

H. ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current LAPM provisions.

I. ADMINISTERING AGENCY agrees to comply with the requirements in 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (applicable to Federal and State Funded Projects).

J. By executing this PROGRAM SUPPLEMENT, ADMINISTERING AGENCY agrees to provide the STATE, upon request, with the information related to the PROJECT for the purpose of project evaluation or other purposes.

K. The ADMINISTERING AGENCY shall construct the PROJECT in accordance with the scope of work presented in the application and approved by the State. Any changes to the approved PROJECT scope without the prior expressed approval of the State are ineligible for reimbursement and may result in the entire PROJECT becoming ineligible for reimbursement.

L. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert. The State and Federal funds encumbered for this project from the CRRSAA program do not qualify for a Cooperative Work Agreement. The reversion date of the CRRSAA program funds shall not extend past the reversion date shown on the State approved project finance letter.

This page is intentionally blank.

8.1

**ORANGE COUNTY ENHANCED MOBILITY FOR
SENIORS AND INDIVIDUALS WITH DISABILITIES
(EMSD) GRANT PROGRAM**

This page is intentionally blank.



City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: June 26, 2024 Adjourned Regular Meeting

SUBJECT: Orange County Enhanced Mobility for Seniors and Individuals with Disabilities (EMSD) Grant Program

Recommendation

1. Receive staff report.

AND
2. Open public hearing.

AND
3. Receive public testimony.

AND
4. Close public hearing.

AND
5. Approve the submittal of an application to the Orange County Transportation Authority requesting funding from the 2004 Orange County Enhanced Mobility for Seniors and Individuals with Disabilities (EMSD) Grant Program to support the Senior Mobility Program.

AND

6. Authorize the City Manager to certify that there are no non-profit agencies readily available to provide the service proposed in the application for funding from the 2004 Orange County Enhanced Mobility for Seniors and Individuals with Disabilities (EMSD) Grant Program.

AND

7. Determine and certify that the public hearing and submittal of an application for funding from the 2004 Orange County Enhanced Mobility for Seniors and Individuals with Disabilities (EMSD) Grant Program are not subject to the California Environmental Quality Act (CEQA) pursuant to sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3.

Background

On May 28, 2024, the Orange County Transportation Authority's ("OCTA") Board of Directors approved the use of up to \$8.5 million for the 2024 Orange County Enhanced Mobility for Seniors and Individuals with Disabilities ("EMSD") Grant Program's Call for Projects using local funding support based on Federal Transit Administration Section 5310 amounts allocated to Orange County. At least 55% of the overall amount of funding available is available for capital projects (e.g., the purchase of vehicles) with no more than 45% available for operating projects (e.g., supplementation of services provided through senior mobility programs).

The 2024 EMSD Grant Program's Call for Projects states that the EMSD Grant Program is intended to "meet the transportation needs of older adults and people with disabilities when transportation services provided are unavailable, insufficient, or inappropriate to meet these needs."

Public agency applicants for EMSD Grant Program funding are required to hold a public hearing to establish coordination with non-profits and ensure services are not being duplicated and are not overlapping in scope, including services included in any public agency application for funding from the EMSD Grant Program.

The City's Senior Mobility Program subsidizes the cost of taxi travel for Laguna Woods residents who are at least 60 years of age. Enrolled residents receive an identification card that reduces regular California Yellow Cab fares to the following co-pays, for all trips starting or ending in Laguna Woods:

- \$0 to or from Laguna Woods City Hall/Public Library
- \$0 to or from Irvine Station (access to Amtrak, Metrolink, and OCTA buses)
- \$5 for trips up to 10 miles within Orange County (each way)
- \$10 for trips over 10 miles within Orange County (each way)
- \$15 to or from VA Long Beach
- \$25 to or from John Wayne Airport

Discussion

Today's meeting is an opportunity for City Council action, as well as public input, on the submittal of an application to OCTA requesting funding from the 2024 EMSD Grant Program to support the Senior Mobility Program. Staff recommends that the City Council conduct a public hearing and, after receiving public testimony, approve the submittal of an application in order to pursue supplemental funding for the Senior Mobility Program.

As conceptualized, if the City were awarded funding, it would be reserved for the following trips which are supportive of OCTA's goal of providing for "first-and-last mile" connections and/or generally provide travel at greater distances, for longer hours, for broader purposes, and/or without limitations on the number of trips, as compared to local transportation services provided by non-profit agencies:

- Trips to or from Irvine Station
- Trips to or from Laguna Hills Transportation Center
- Trips over 10 miles within Orange County
- Trips to or from Santa Ana Regional Transportation Center
- Trips to or from John Wayne Airport

At the time this agenda report was prepared, staff was still working to calculate the amount of EMSD Grant Program funding to be requested. That information will be provided during the staff report prior to the public hearing.

Environmental Review

The City Council is asked to find that the public hearing and proposed submittal of an application for funding from the EMSD Grant Program are not subject to the California Environmental Quality Act of 1970, Public Resources Code Section 21000, et. seq., as amended and implementing State CEQA Guidelines, Title 14,

Chapter 3 of the California Code of Regulations (collectively “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 Guidelines Section 15378(b)(4) excludes “[t]he creation of government funding mechanisms or other government fiscal activities which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment” and Section 15378(b)(5) excludes “[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment” from its definition of “project.”

The public hearing and proposed submittal of an application for funding from the EMSD Grant Program would not authorize any construction nor physical change or improvement. Even if funding were to be awarded (which is unknown at this time), the Senior Mobility Program for which funding is sought provides financial subsidies to eligible Laguna Woods residents traveling by taxi within Orange County or to the Tibor Rubin VA Medical Center in Long Beach. The Senior Mobility Program does not include any construction nor physical change or improvement.

Fiscal Impact

Demand for Senior Mobility Program services continues to grow with 4,123 trips totaling 32,890.90 miles provided in the first nine months of the current fiscal year. The City’s costs for that same period were approximately \$237,000.

Supplemental funding for the Senior Mobility Program would augment the existing funding provided by OCTA and help ensure services can continue uninterrupted.

The EMSD Grant Program includes a 20% minimum match requirement for the type of grant application proposed. Additional information regarding the manner in which staff proposes to meet the minimum match requirement will be provided during the staff report prior to the public hearing.

Report Prepared With: James Haston, Assistant to the City Manager

8.2

ACCESSORY DWELLING UNIT REGULATIONS

This page is intentionally blank.



City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers
FROM: Christopher Macon, City Manager
FOR: June 26, 2024 Adjourned Regular Meeting
SUBJECT: Accessory Dwelling Unit Regulations

Recommendation

1. Receive staff report.

AND
2. Continue the public hearing that was continued from the regular meeting of the City Council on May 15, 2024.

AND
3. Receive public testimony.

AND
4. Close public hearing.

AND
5. Take no action.

Background

An “accessory dwelling unit” (sometimes referred to as a granny flat, in-law unit, backyard cottage, or secondary unit), as defined by state law, is an attached or a

detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. Accessory dwelling units must include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. Efficiency units and manufactured homes, as those terms are defined by state law, are also included within the definition of an accessory dwelling unit.

Another type of accessory dwelling unit is a “junior accessory dwelling unit.” A junior accessory dwelling unit, as defined by state law, is a unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

State law requires cities to either adopt ordinances that conform to the provisions of California Government Code Section 66310 *et seq.*, and other applicable law, related to accessory dwelling units, or apply the provisions of state law set forth therein. By adopting local ordinances, cities are able to exercise a limited amount of discretion to include additional provisions that would not otherwise apply.

The General Plan Housing Element contains Program H-1.4.1, which calls for the City to maintain an ordinance that conforms to the provisions of California Government Code related to accessory dwelling units and junior accessory dwelling units, including amending the ordinance as necessary.

The City Council adopted the existing accessory dwelling unit ordinance on August 19, 2020, pursuant to then-existing state law. The existing regulations are codified at Laguna Woods Municipal Code Section 13.26.230.

Discussion

Staff expects to make a future recommendation to the City Council to adopt an ordinance amending sections 13.06.010 and 13.26.230 of the Laguna Woods Municipal Code, related to the development of accessory dwelling units, consistent with California Government Code Section 66310 *et seq.*, and other applicable law. Such action would be intended to establish local regulations related to accessory dwelling units and to clarify and enhance ease of use of the Laguna Woods Municipal Code, both for internal parties and the public, by modifying various provisions of the Laguna Woods Municipal Code that are unnecessary and/or

inconsistent with state law.

Staff requires additional time to finalize its recommendation and the accompanying agenda report and presentation. Accordingly, the City Council is asked to continue the public hearing that was continued from the regular meeting of the City Council on May 15, 2024, accept public testimony, close the public hearing, and take no action. This item would be noticed and agendized for a future meeting.

This page is intentionally blank.

9.1

BUSINESS REGISTRATION REGULATIONS

This page is intentionally blank.



City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: June 26, 2024 Adjourned Regular Meeting

SUBJECT: Business Registration Regulations

Recommendation

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING CHAPTER 6.03 TO TITLE 6 (BUSINESSES) OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO BUSINESS REGISTRATION, AND DETERMINING AND CERTIFYING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Background

On September 20, 2023, acting on a recommendation made by Councilmember Moore, the City Council directed the City Manager to draft an ordinance for future consideration by the City Council that would – if adopted by the City Council at a future meeting – require businesses operating from a fixed location in Laguna Woods (excluding home-based businesses) to register with the City.

At the regular meeting on May 15, 2024, the City Council conducted a public hearing and voted unanimously to approve the introduction and first reading of the ordinance included with this agenda report as Attachment A.

Discussion

Today's meeting is an opportunity for City Council action, as well as public input, on the adoption of an ordinance that would add Chapter 6.03 to Title 6 (Businesses) of the Laguna Woods Municipal Code pertaining to business registration (Attachment A). Staff recommends that the City Council adopt the proposed ordinance in order to establish a mechanism to compile a business registry. The proposed ordinance is intended to promote communication with local businesses and assist in identifying and responding to violations of the Laguna Woods Municipal Code.

The proposed ordinance would require businesses operating from fixed commercial locations in Laguna Woods to register annually with the City within 30 calendar days of September 1. Newly established or acquired businesses would be required to register with the City within 30 calendar days and, subsequently, annually within 30 calendar days of September 1. Staff has proposed the month of September for annual registration as it falls outside of other times that might be busier for businesses (e.g., winter holidays and tax filing season).

The proposed ordinance would not require the following businesses to register:

- Businesses that do not operate from a fixed commercial location in Laguna Woods.
- Businesses that hold a limited-term encroachment, sidewalk vending, special event, or temporary use permit from the City, but only to the extent of the activities specifically authorized therein.

The proposed ordinance would not require the following businesses to register, but would allow them to register voluntarily:

- Home occupations as defined by Laguna Woods Municipal Code Section 13.06.010(d)(475).

In addition to providing contact information, registration would require businesses to respond to screening questions meant to identify the applicability of state law and/or Laguna Woods Municipal Code provisions to the business (e.g., businesses might be asked whether they sell, dispense, or distribute batteries in order to help evaluate whether they are subject to the City's battery recycling requirements).

Businesses would also be required to provide their California Department of Tax and Fee Administration sales tax number (if applicable), which would help confirm that sales tax is being properly remitted to the City.

A business registry would also be helpful in inviting businesses to participate in economic development-related events, notifying businesses of changes in Laguna Woods Municipal Code requirements, and periodically recognizing businesses for their contributions to Laguna Woods.

Environmental Review

The City Council is asked to find that the proposed ordinance is not subject to the California Environmental Quality Act of 1970, Public Resources Code Section 21000, et. seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively “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 Guidelines Section 15378(b)(2) excludes “[c]ontinuing administrative. . . activities, such as . . . general policy and procedure making” and Section 15378(b)(5) excludes “[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment” from its definition of “project.”

The City Council is also asked to find that, even if the proposed ordinance were subject to CEQA, it would be exempt based on CEQA Guidelines 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

Staff’s understanding is that the City Council envisions business registration as a no-charge service. As a result, no registration fee has been proposed and, if the proposed ordinance is adopted, the City would absorb its costs of administering and enforcing the business registration requirement. Staff anticipates that sufficient funds to support such absorption of costs are included in the City’s budget. If that proves not to be the case, the City Council could adopt a registration fee to recover reasonable costs in the future or otherwise make accommodations for those costs during the development of future budgets and work plans. Staff does not presently

expect administration or enforcement to require a significant amount of time after the initial implementation, outreach, and education process.

Staff anticipates creating an online tool to allow businesses to register without the need for postage or an in-person visit to City Hall. An online tool would automate much of the registration process and promote efficiency for both City staff and registering businesses. Costs for developing an online tool are estimated at \$5,000-\$7,500 and could be accommodated within the City's budget.

Documents Available for Review

Related documents – including the proposed ordinance and the Laguna Woods Municipal Code – are available for public review at or from City Hall during normal working hours. The Laguna Woods Municipal Code is also available for review at www.cityoflagunawoods.org.

Attachment: A – Proposed Ordinance
Exhibit A – Proposed Code Amendments

ORDINANCE NO. 24-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING CHAPTER 6.03 TO TITLE 6 (BUSINESSES) OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO BUSINESS REGISTRATION, AND DETERMINING AND CERTIFYING THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, at the regular meeting on September 20, 2023, the City Council directed the City Manager to draft an ordinance for future consideration by the City Council that would – if adopted by the City Council at a future meeting – require businesses operating from a fixed location in Laguna Woods (excluding home-based businesses) to register with the City; and

WHEREAS, staff has drafted the requested ordinance and recommends that the City Council add Chapter 6.03 to Title 6 (Businesses) of the Laguna Woods Municipal Code (“Code Amendments”) in order to establish a mechanism to compile a business registry; and

WHEREAS, the Code Amendments are intended to promote the City’s communication with local businesses and assist the City in identifying and responding to violations of the Laguna Woods Municipal Code; and

WHEREAS, on May 15, 2024, the City Council held a duly noticed public hearing on this Ordinance at which it considered all of the information, evidence, and testimony presented, both written and oral.

THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, DOES 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 this Ordinance is not subject to the California Environmental Quality Act of 1970, Public Resources Code Section 21000, et. seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively “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 Guidelines Section 15378(b)(2) excludes “[c]ontinuing administrative. . . activities, such as . . . general policy and procedure making” and Section 15378(b)(5) excludes “[o]rganizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment” from its definition of “project.”

After reviewing the entire project record, the City Council also hereby determines and certifies that that, even if this Ordinance were subject to CEQA, it would be exempt based on CEQA Guidelines 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. Chapter 6.03 of Title 6 (Businesses) of the Laguna Woods Municipal Code is hereby adopted 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) calendar 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 Mayor shall sign this Ordinance.

SECTION 7. 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 8. 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 2024.

NOEL HATCH, Mayor

ATTEST:

YOLIE TRIPPY, CMC, City Clerk

APPROVED AS TO FORM:

ALISHA PATTERSON, 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. 24-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the XX day of XX 2023, and that thereafter, said Ordinance was duly adopted and passed at an adjourned regular meeting of the City Council on the XX day of XX 2024 by the following vote to wit:

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

YOLIE TRIPPY, CMC, City Clerk

**EXHIBIT A
CODE AMENDMENTS**

Chapter 6.03 (“Business Registration”) is hereby added to Title 6 (“Businesses”) of the Laguna Woods Municipal Code to read as follows:

CHAPTER 6.03. - BUSINESS REGISTRATION

Section 6.03.010. - Purpose and intent.

The purpose and intent of this chapter is to establish a mechanism to compile a record of (1) businesses operating from fixed commercial locations in Laguna Woods and (2) businesses that do not operate from fixed commercial locations in Laguna Woods, but wish to be added to such record. Such record, or “business registry,” is intended to promote communication with local businesses and assist in identifying and responding to violations of this Code. This chapter is not intended to be exclusive and compliance with its provisions shall not excuse noncompliance with any federal, state, or other local laws.

Section 6.03.020. - Definitions.

For purposes of this chapter only, the following definitions shall apply, in addition to those set forth in Chapter 1.02 of this Code:

(05) *Business* shall include all activities engaged in or caused to be engaged in within Laguna Woods, including any commercial or industrial enterprise, trade, profession, occupation, vocation, calling, or livelihood, whether or not carried on for gain or profit, but shall not include the services rendered by an employee to his, her, or their employer. “Business” does not include any of the following:

- a. Government entities including, but not limited to, city, county, state, and federal agencies, school districts, and special districts.
- b. Organizations that are tax-exempt under section 501(c)(3) of the Internal Revenue Code.

(10) *Fixed commercial location in Laguna Woods* shall mean any building, storefront, unit, or other physical location located within any commercial zoning district, that a business owns or leases, excluding post office boxes and other arrangements to provide for the receipt of mail or service of process only.

(15) *Person* shall include any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

Section 6.03.030. - Registration required.

(a) Beginning September 1, 2024, there is a requirement imposed upon each person who is engaged in business operating from a fixed commercial location in Laguna Woods to register with the City. Such registration requirement exists regardless of whether the business has been issued any or all permits, licenses, or approvals required by the City or not. The City's acceptance of a registration from a business engaged in business without any or all permits, licenses, or approvals required by the City shall not constitute the City's approval or consent to engage in such business.

(b) All persons engaging in business operating from a fixed commercial location in Laguna Woods, whether an existing, newly established, or acquired business, shall register with the City within 30 calendar days of beginning to engage in business or within 30 calendar days of acquiring a business and shall annually renew such registration within 30 calendar days of each subsequent September 1 thereafter. In registering, such persons shall furnish to the City Manager a sworn statement, upon a form provided by the City Manager, setting forth the following information:

(1) The name of the business, including the legal name and any business names under which the business is to be conducted;

(2) The fixed commercial location in Laguna Woods where such business is to be operated (voluntary registrants must provide the principal location where such business is to be operated);

(3) The principal public telephone number for the business, if any;

ITEM 9.1 – Exhibit A to Attachment A

- (4) The principal public email address for the business, if any;
- (5) The nature or kind of business;
- (6) The legal name, title or affiliation with the business, mailing address, telephone number, and email address of the person submitting the registration on behalf of the business;
- (7) The legal name, mailing address, telephone number, and email address of the agent for the service of process for the business;
- (8) The California permit number (California Department of Tax and Fee Administration sales tax number), if any, of the business, including, when applicable, proof that the location or sublocation of said California permit number is the City of Laguna Woods. If the business does not have a California permit number, proof of exemption from obtaining one shall be provided;
- (9) An acknowledgement from the person submitting the registration that all information submitted to the City may be subject to public disclosure under the California Public Records Act;
- (10) An acknowledgement from the person submitting the registration that they have reviewed, had an opportunity to consult with legal counsel regarding, and agree to comply with this chapter (voluntary registrants must acknowledge that they are registering voluntarily and have reviewed and had an opportunity to consult with legal counsel regarding this chapter);
- (11) Responses to screening questions meant to identify the applicability of state law and/or Laguna Woods Municipal Code provisions to the business;
- (12) An acknowledgement from the person submitting the registration that they have been provided with an informational notice from the City as described in California Assembly Bill 3002 (Grayson, Chapter 680, Statutes of 2018);
- (13) A statement from the person submitting the registration reading “Under penalty of perjury, I hereby declare that the information

contained within and submitted with this registration is complete, true, and accurate. I understand that a misrepresentation of fact is cause for the issuance of administration citations, civil fines, and other penalties and remedies”; and

(14) Any additional information which the City Manager may require.

Sec. 6.03.040. - Registration does not authorize unlawful business.

(a) Registration pursuant to this chapter, and its acceptance by the City, shall not entitle any person to carry on any business. Registration is principally an informational action and does not confer on registrants any rights or privileges.

(b) No registration pursuant to this chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business, or any business in violation of any federal, state, or local law.

Sec. 6.03.050. - Exemptions.

(a) The following businesses shall be exempt from this chapter:

(1) Businesses that do not operate from a fixed commercial location in Laguna Woods.

(2) Businesses that hold a limited-term encroachment, sidewalk vending, special event, or temporary use permit from the City, but only to the extent of the activities specifically authorized therein.

(b) The following businesses shall be exempt from this chapter, but may voluntarily register with the City if the principal location where such business is to be operated is in Laguna Woods:

(1) Home occupations as defined by Laguna Woods Municipal Code Section 13.06.010(d)(475).

(c) The City Manager may require businesses to submit information necessary to establish the validity of an exemption claimed from this chapter.

Sec. 6.03.060. - City Manager’s authority.

In addition to all other authority provided by state law, the City Council, and this Code, the City Manager shall have the following authority:

(1) For purposes of administration and enforcement of this chapter generally, the City Manager may from time to time promulgate such administrative interpretations, rules, and/or procedures consistent with the purpose, intent, and express terms of this chapter as the City Manager deems necessary to implement or clarify such provisions or aid in enforcement.

(2) The City Manager may delegate to, or enter into contracts with, public agencies or private entities to implement, administer, and/or enforce any of the provisions of this chapter on behalf of the City.

(3) The City Manager may file complaints and reports with the California Department of Tax and Fee Administration, or successor agency, Orange County Health Care Agency, or successor agency, Orange County Fire Authority, or successor agency, and other governmental agencies, regarding known or suspected unlicensed or illegal activity by or related to businesses, regardless of whether such activity has become known or suspected as a result of mandatory or voluntary registration, or some other means.

This page is intentionally blank.

9.2
**PROCUREMENT OF RECOVERED ORGANIC
WASTE PRODUCTS**

This page is intentionally blank.



City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: June 26, 2024 Adjourned Regular Meeting

SUBJECT: Procurement of Recovered Organic Waste Products

Recommendation

Approve a first amendment to the agreement with the Golden Rain Foundation of Laguna Woods for procurement of mulch in connection with California Senate Bill 1383 and authorize the Mayor to execute the amendment, subject to approval as to form by the City Attorney.

Background

California Senate Bill 1383 (Lara, Chapter 395, Statutes of 2016) and the Senate Bill 1383 regulations adopted by the California Department of Resources Recycling and Recovery (“CalRecycle”) require local governments to annually procure a quantity of recovered organic waste products that meets or exceeds a procurement target calculated by multiplying each local population as of January 1, 2021 (and every five years thereafter) by 0.08 tons of organic waste.

For the five-year period beginning January 1, 2022 and ending December 31, 2026, CalRecycle has calculated the City’s recovered organic waste product procurement target as 1,283 tons, based on a population estimate of 16,036.

With recent population estimates from the U.S. Census Bureau and California Department of Finance higher than CalRecycle’s January 1, 2021 assumption, it is anticipated that the City’s recovered organic waste product procurement target will increase for the next five-year period (January 1, 2027 through December 31, 2031). A hypothetical population estimate of 18,000 would result in a requirement

for the City to procure an additional 157 tons annually.

For the purpose of Senate Bill 1383, “recovered organic waste products” generally include compost, renewable gas, electricity from biomass conversion, and mulch, when made from California, landfill-diverted recovered organic waste processed at a permitted or otherwise authorized operation or facility.

Local governments may procure recovered organic waste products directly (e.g., for use by the local government or as a giveaway to other parties) and/or by way of contract service providers (e.g., as a contractual requirement).

California Assembly Bill 1985 (Rivas, Chapter 344, Statutes of 2022) was signed into law on September 16, 2022 and provides local governments with flexibility to phase in procurement efforts. Administrative civil penalties that would otherwise apply are waived under certain circumstances through the 2024 calendar year and full compliance is not required until the 2025 calendar year.

At the regular meeting on December 21, 2022, the City Council approved an agreement with the Golden Rain Foundation of Laguna Woods for procurement of mulch in connection with California Senate Bill 1383. That agreement was fully executed and took effect on January 3, 2023.

Discussion

Today’s meeting is an opportunity for City Council action, as well as public input, on a proposed first amendment to the existing agreement with the Golden Rain Foundation of Laguna Woods for procurement of mulch in connection with Senate Bill 1383. Staff recommends that the City Council approve the proposed first amendment to aid in complying with Senate Bill 1383’s procurement requirements. The purchase of mulch from the Golden Rain Foundation is a cost-effective way of complying with state law while reinvesting City monies in Laguna Woods.

Under the existing agreement, which runs through the 2026 calendar year, the City annually purchases 1,000 tons of mulch produced by the Golden Rain Foundation at a price of \$9.90 per ton (\$9,900 annually). The mulch is donated back to the Golden Rain Foundation for use within Laguna Woods Village without the City ever taking possession of it. This approach effectively provides financial assistance for the operation of the Golden Rain Foundation’s existing mulch production effort and constitutes procurement under Senate Bill 1383.

After reviewing the City’s recovered organic waste product procurement for the 2023 calendar year (which consists of mulch purchased from the Golden Rain Foundation, mulch used in the City’s landscaping, and renewable gas used by CR&R Incorporated during the collection and transport of solid waste from Laguna Woods), staff has determined that it is necessary to purchase additional mulch from the Golden Rain Foundation to ensure the City reaches its recovered organic waste product procurement target by next calendar year’s statutory deadline. Purchasing additional mulch would help offset fluctuations in the amount of mulch used in the City’s landscaping and the amount of renewable gas used by CR&R Incorporated.

The proposed amendment would:

- Increase the amount of mulch purchased from the Golden Rain Foundation by 100 tons annually, beginning in the 2025 calendar year. The City would purchase 1,000 tons of mulch in 2024, increasing to 1,100 in 2025.
- Modify the deadline for the City to pay the Golden Rain Foundation for the purchase of mulch from August 31 to July 31 annually
- Extend the term of the agreement from 2026 to 2031, with a right of first refusal to purchase up to 1,500 tons of mulch annually from 2032 to 2036
- Modify termination provisions for consistency with the modified deadline for the City to pay the Golden Rain Foundation for the purchase of mulch, and to provide for termination to be effective at the end of the calendar year rather than, potentially, immediately upon providing notice

The Golden Rain Foundation’s Board of Directors has reviewed and approved the proposed amendment.

Fiscal Impact

The proposed amendment would result in new costs as follows:

Table 1: New Mulch Procurement Costs through December 31, 2031

Compliance Year	Payment Deadline (Fiscal Year)	Existing Agreement	Proposed Amendment	Increased Cost
2024	July 31, 2024 (Fiscal Year 2024-25)	\$9,900	\$9,900	N/A

Compliance Year	Payment Deadline (Fiscal Year)	Existing Agreement	Proposed Amendment	Increased Cost
2025	July 31, 2025 (Fiscal Year 2025-26)	\$9,900	\$10,890	\$990
2026	July 31, 2026 (Fiscal Year 2026-27)	\$9,900	\$10,890	\$990
2027	July 31, 2027 (Fiscal Year 2027-28)	N/A	\$10,890	\$10,890
2028	July 31, 2028 (Fiscal Year 2028-29)	N/A	\$10,890	\$10,890
2029	July 31, 2029 (Fiscal Year 2029-30)	N/A	\$10,890	\$10,890
2030	July 31, 2030 (Fiscal Year 2030-31)	N/A	\$10,890	\$10,890
2031	July 31, 2031 (Fiscal Year 2031-32)	N/A	\$10,890	\$10,890
TOTAL		\$39,600	\$86,130	\$56,430

The proposed amendment would not affect the Fiscal Years 2023-25 Budget.

Funding for future mulch procurement costs would be addressed as part of the budget development processes for Fiscal Years 2025-27, 2027-29, 2029-31, and 2031-33.

The City has been awarded funding from the State of California SB 1383 Local Assistance Grant Program Fiscal Year 2022-23 to fund mulch procurement costs in Fiscal Years 2024-25 and 2025-26.

The proposed agreement includes an option for the City to purchase mulch for the 2032 through 2036 calendar years. The Golden Rain Foundation would calculate its mulch price for those years no later than March 31, 2031 with the City required to notify the Golden Rain Foundation of its intent to purchase no later than July 31, 2031. The City’s consideration of those costs would occur in 2031 and, if mulch continues to be purchased, funding would likely be addressed as part of the Fiscal Years 2031-33, 2033-35, and 2035-37 budget development processes.

Report Prepared With: Nadia Cook, Conservation Administrator

Attachment: A – Proposed Amendment

**FIRST AMENDMENT TO THE AGREEMENT BETWEEN CITY OF
LAGUNA WOODS AND THE GOLDEN RAIN FOUNDATION OF LAGUNA WOODS
FOR PROCUREMENT OF MULCH IN CONNECTION WITH CALIFORNIA SENATE
BILL 1383**

THIS FIRST AMENDMENT TO THE AGREEMENT BETWEEN CITY OF LAGUNA WOODS AND THE GOLDEN RAIN FOUNDATION OF LAGUNA WOODS FOR PROCUREMENT OF MULCH IN CONNECTION WITH CALIFORNIA SENATE BILL 1383 ("Amendment No. 1") is made and entered into as of _____ day of June, 2024 ("Effective Date"), by and between the CITY OF LAGUNA WOODS ("City"), and GOLDEN RAIN FOUNDATION OF LAGUNA WOODS ("GRF").

R E C I T A L S

A. On or about January 3, 2023, City and GRF entered into that certain Agreement between City and GRF for procurement of mulch in connection with California Senate Bill SB 1383 ("Agreement"), pursuant to which City agreed to purchase 1,000 tons per year of mulch from GRF in calendar years 2023, 2024, 2025, and 2026, with the right of first refusal to purchase up to 1,100 tons of mulch from GRF between January 1, 2027 and December 31, 2031.

B. City meets its annual recovered organic waste procurement target established by the California Department of Resources Recycling and Recovery ("CalRecycle") by means including, but not limited to, the purchase of mulch from GRF and the use of renewed natural gas ("RNG") in solid waste collection vehicles servicing Laguna Woods.

C. California Assembly Bill 1985 (Rivas, Chapter 344, Statutes of 2022) ("AB 1985") revised the minimum amount of recovered organic waste product cities and counties are required to procure before CalRecycle may assess civil penalties against them.

D. To account for fluctuations in RNG use in solid waste collection vehicles servicing Laguna Woods, and to promote compliance with California Senate Bill 1383 (Lara, Chapter 395, Statutes of 2016) (California Senate Bill 1383 and its implementing regulations, which are now codified in 14 California Code of Regulations ("CCR"), Division 7, Chapter 12, are referred to herein collectively as "SB 1383") and AB 1985, City has requested to purchase additional mulch from GRF. GRF is willing and able to provide the additional mulch requested by City.

E. The parties find, in approving this Agreement, that City's purchase of mulch as contemplated herein (a) provides a benefit to City by assisting with City's procurement obligations under SB 1383 and AB 1985; (b) provides a benefit to GRF (and, by extension, the members of Laguna Woods Village who pay assessments to GRF) by financially assisting with operation of the facility owned and operated by GRF that produces mulch which meets the definition of "mulch" and qualifies as a recovered organic waste product as set forth in SB 1383, and specifically the definition set forth in 14 CCR § 18993.1(f)(4) ("GRF Facility"); and (c) provides environmental benefits by ensuring that mulch produced within the City's jurisdiction is used locally, with common benefits of such use including enhanced soil quality.

A M E N D M E N T

In consideration of the foregoing Recitals, which are incorporated herein by this reference, and the covenants and promises hereinafter contained, and for good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the parties hereto agree to amend the Agreement as follows:

1. Section 1. The Agreement is hereby amended to modify Section 1 as follows (additions shown with underlining and deletions shown with ~~strike through~~).

Purchase of Mulch. ~~City agrees to purchase 1,000 tons per year of mulch from GRF in each of the following calendar years: 2023, 2024, 2025, and 2026.~~ City agrees to purchase 1,000 tons per year of mulch from GRF in calendar years 2023 and 2024 and 1,100 tons per year of mulch from GRF in calendar years 2025, 2026, 2027, 2028, 2029, 2030, and 2031.

2. Section 2. The Agreement is hereby amended to modify Section 2 as follows (additions shown with underlining and deletions shown with ~~strike through~~).

Purchase Price; Price Formula. City shall pay a price of \$9.90 per ton for each ton of mulch it purchases from GRF between the Effective Date and December 31, ~~2026~~2031, with the payment due to GRF in the amount of \$9,900 no later than ~~August~~July 31 annually. This price was established using the price of \$3.17 per cubic yard, which reflects GRF's cost to produce mulch at the GRF Facility as of ~~the Effective Date~~January 3, 2023, taking into account the hourly rate it pays persons who operate the GRF Facility, the time they spend, and fuel (the "Price Formula.").

3. Section 5. The Agreement is hereby amended to modify Section 5 as follows (additions shown with underlining and deletions shown with ~~strike through~~).

Right of First Refusal. Between January 1, ~~2027~~2032 and December 31, ~~2031~~2036, City shall have a right of first refusal to purchase up to the first ~~1,100~~1,500 tons of mulch GRF produces at the GRF Facility, at a price to be established ~~on January 1 of each applicable year~~ using the Price Formula as of January 1, ~~2026~~2031, and subject to the same terms and conditions set forth herein (including that City will never take possession of the mulch it purchases, and rather shall donate it to GRF at no cost). GRF shall notify City of the price no later than March 31, ~~2026~~2031 and City shall notify GRF of its intent with regard to the right of first refusal no later than July 31, ~~2026~~2031.

4. Section 7. The Agreement is hereby amended to modify Section 7 as follows (additions shown with underlining and deletions shown with ~~strike through~~).

Termination. Either party shall have the right to terminate this Agreement at any time, with or without cause, in its sole discretion, by giving written notice to the other party. In the event of termination effective prior to each ~~August~~July 31, City shall not be liable for the payments described in Section 2 of this Agreement for the then-current and future

calendar years, and, if such payments have already been made, GRF shall refund those payments in-full within 30 days of the effective date of termination. In the event notice of termination is provided between any September 1 and December 31, ~~the terminating party, in its sole discretion, shall provide notice to the other party of whether the termination is: (1) termination shall be~~ effective at the end of the calendar year, ~~or (2) effective immediately, in which situation GRF shall refund the City's payments in full for the calendar years affected by the termination within 30 days of the effective date of termination.~~

5. Effect of Amendment. Except as expressly provided in this Amendment No. 1, all of the terms, conditions, and provisions set forth in the Agreement shall remain in full force and effect.

6. Effective Date. The effective date of this Amendment No. 1 shall be the later of the dates set forth next to the signatures of the parties hereto, after both parties hereto have signed this Amendment No. 1, which date shall be inserted into the preamble to this Amendment No. 1.

7. Representations. The person or persons executing this Amendment No. 1 on behalf of the respective parties represents and warrants that he/she/they has/have the authority to so execute this Agreement and to bind the respective parties to its obligations hereunder.

8. Counterparts and Electronic Signatures. This Amendment No. 1 may be executed in counterparts, each of which, when both parties hereto have signed this Amendment No. 1, shall be deemed an original. The counterparts of this Amendment No. 1 may be executed and delivered by electronic means by any of the parties to any other party and the receiving party may rely on the receipt of such document so executed and delivered by electronic means as if the original had been received.

[END – SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, City and GRF have caused this instrument to be executed on their behalf by their respective officers or agents herein duly authorized as of the date first written above.

“City”

CITY OF LAGUNA WOODS

Dated: _____

By: _____
Noel Hatch, Mayor

APPROVED AS TO FORM:

By: _____
Alisha Patterson, City Attorney

“GRF”

Golden Rain Foundation of Laguna Woods

Dated: _____

By: _____
James Hopkins, President

[END OF SIGNATURES]

9.3

**LEAGUE OF CALIFORNIA CITIES MEMBERSHIP
(AGENDIZED BY MAYOR HATCH)**

This page is intentionally blank.



**League of California Cities
2024 Dues Schedule**

For cities having a population of:				2023 Dues	2024 Increase	2024 Dues
1	to	500	...	\$86	\$3	\$89
501	to	600	...	227	7	234
601	to	700	...	453	14	467
701	to	800	...	496	15	511
801	to	900	...	594	18	612
901	to	1,000	...	697	21	718
1,001	to	1,250	...	870	26	896
1,251	to	1,500	...	1,045	31	1,076
1,501	to	1,750	...	1,218	37	1,255
1,751	to	2,000	...	1,393	42	1,435
2,001	to	2,250	...	1,567	47	1,614
2,251	to	2,500	...	1,743	52	1,795
2,501	to	2,750	...	1,915	57	1,972
2,751	to	3,000	...	2,090	63	2,153
3,001	to	4,000	...	2,786	84	2,870
4,001	to	5,000	...	3,481	104	3,585
5,001	to	7,500	...	4,699	141	4,840
7,501	to	10,000	...	5,422	163	5,585
10,001	to	15,000	...	6,546	196	6,742
15,001	to	20,000	...	7,538	226	7,764
20,001	to	25,000	...	9,437	283	9,720
25,001	to	30,000	...	11,332	340	11,672
30,001	to	40,000	...	13,949	418	14,367
40,001	to	50,000	...	16,971	509	17,480
50,001	to	60,000	...	19,549	586	20,135
60,001	to	70,000	...	21,485	645	22,130
70,001	to	80,000	...	22,569	677	23,246
80,001	to	90,000	...	24,057	722	24,779
90,001	to	100,000	...	26,354	791	27,145
100,001	to	125,000	...	30,057	902	30,959
125,001	to	150,000	...	33,086	990	34,076
150,001	to	200,000	...	37,603	1,128	38,731
200,001	to	500,000	...	39,485	1,185	40,670
			<i>Plus</i>	1,884	57	1,941
			<i>per each full 10,000 of population over 200,001</i>			
500,001	to	640,000		95,845	2,875	98,720
			<i>Plus</i>	1,741	52	1,793
			<i>per each full 10,000 of population over 500,001</i>			
Over		640,000		119,426	3,583	123,009

A bylaws provision states that no city's dues may increase by more than \$5,000



Cal Cities Membership — A Great Investment

Membership in Cal Cities is an invaluable investment. The fiscal benefit to cities outweighs the annual dues, providing members with unique opportunities to advocate for the state-wide interests of cities and learn from each other. Investing in Cal Cities strengthens the collective power of local communities.

Customized Return on Investment Report — December 2023

LAGUNA WOODS	FY2018-19	FY2019-20	FY2020-21	FY2021-22	FY2022-23	FY2023-24	Total
Dues	6,898	7,105	7,105	7,319	7,538	7,764	43,729
VLF/PropertyTax Swap ⁽¹⁾	1,352,976	1,485,058	1,547,242	1,796,043	1,600,312	1,775,600	9,557,230
Local Revenues Protected by Prop. 22 ⁽²⁾	342,150	424,196	333,182	407,302	450,469	487,754	2,445,053
SB 89 VLF Shift	-93,394	-97,680	-101,783	-106,058	-110,512	-134,365	-643,792
SB 1 - Local Streets and Roads Funds	281,240	293,837	302,749	327,215	403,518	430,280	2,038,840
CARES Act			200,554				200,554
American Rescue Plan Act ⁽³⁾				3,791,657			3,791,657
Total Return	1,882,971	2,105,411	2,281,944	6,216,160	2,343,787	2,559,269	17,389,542
Rate of Return	273:1	296:1	321:1	849:1	311:1	330:1	398:1

1. Net gain in revenues by virtue of the VLF/Property Tax Swap. Growth in PropTax in Lieu of VLF versus estimated growth in VLF had it remained.

2. Prop. 22 ended the Legislature's ability to borrow or delay HUTA and Prop. 42 gas tax funds.

3. American Rescue Plan Act allocations were allocated in FY2021-22 and distributed as two tranches of funding over two years (2021-22 and 2022-23).

Our mission is to expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

Membership with Cal Cities comes with a wide range of benefits for elected city officials and city staff — from insider opportunities to help shape statewide policies of importance to your city, to unique networking and learning experiences that make our collective work more powerful and effective.

	Members	Non-members
Engage in statewide advocacy campaigns to safeguard local control and secure resources for cities.	✓	
Engage in one of Cal Cities' 16 Regional Divisions. Work closely with Regional Public Affairs Managers and other local elected officials to develop region-specific programs, carry out grassroots activities, and share best practices.	✓	
Access Cal Cities' robust advocacy and public affairs resources and engage in actions and events to collectively advocate for the issues that matter most to cities.	✓	
Access the legal advocacy program that protects the interests of cities in matters before state and federal appellate courts by filing "friend-of-the-court" briefs.	✓	
City attorneys are eligible to participate in the Legal Advocacy Committee and work closely with attorneys from across the state.	✓	
Receive timely updates, action alerts, and in-depth analyses on priority legislation impacting cities from subject-matter experts.	✓	
Serve on Cal Cities policy committees and help shape state and federal policy on issues affecting cities.	✓	
Serve in leadership positions that help drive Cal Cities' priorities and policy.	✓	
Attend statewide Cal Cities conferences and events providing a wide range of learning opportunities for new and experienced city officials.	✓	✓*
Engage in one of Cal Cities' ten professional departments where you can participate in educational and networking opportunities with your colleagues in similar city positions from across the state.	✓	
Subscribe to the <i>Cal Cities Advocate</i> newsletter for breaking stories on legislative developments, as well as updates on conferences and education events, grant opportunities for cities, and more.	✓	✓
Attend webinars to learn about the most pressing issues of the day as they develop — from broadband deployment and wildfires to rental assistance, and more.	✓	✓*
Participate in virtual roundtable discussions with colleagues from across the state in member-driven conversations on key issues of shared concern.	✓	
Participate in policy briefings with state leaders.	✓	
Join a Cal Cities diversity caucus and connect with city officials who share common interests and issues.	✓	
Receive recognition through one of many awards programs, including the Helen Putnam Award for Excellence, the Mayors and City Council Members Torch Program, Local Streets and Roads, and division and department awards.	✓	
Share your knowledge of complex municipal issues or projects with other Cal Cities members by proposing sessions and presenting at conferences and events.	✓	
Participate on planning committees for conferences and events: Help plan and support conferences specific to your department.	✓	
Subscribe to <i>Western City</i> magazine, a monthly publication that analyzes broader statewide policy issues and highlights the innovative work of city officials from across the state.	✓	✓
Elevate your city's visibility: Be highlighted in <i>Western City</i> magazine, #LocalWorks, #CityVoices, and on social media.	✓	
Join listservs to exchange information with other Cal Cities members interested in a specific subject area.	✓	
Participate in issue groups such as the Rural City Information Exchange and Coastal Cities Group.	✓	
Participate in online communities: Post questions, provide resources to other cities, or poll colleagues on current issues in your field.	✓	

*Available at an additional cost for nonmembers.

Cal Cities Mission, Vision, and Core Beliefs

Mission

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

Vision

To be recognized and respected as the leading advocate for the common interests of California's cities.

We Believe

- Local self-governance is the cornerstone of democracy.
- Our strength lies in the unity of our diverse communities of interest.
- In the involvement of all stakeholders in establishing goals and in solving problems.
- In conducting the business of government with transparency, openness, respect, and civility.
- The spirit of honest public service is what builds communities.
- Open decision-making that is of the highest ethical standards honors the public trust.
- Cities are vital to the strength of the California economy.
- The vitality of cities is dependent upon their fiscal stability and local autonomy.
- The active participation of all city officials increases Cal Cities' effectiveness.
- Partnerships and collaborations are essential elements of focused advocacy and lobbying.
- Ethical and well-informed city officials are essential for responsive, visionary leadership and effective and efficient city operations.

CAL CITIES » DELIVERS

Protecting cities' interests in the Legislature, Governor's Office, ballot box, and the courts is one of the primary benefits of Cal Cities membership. Member-driven and board-approved advocacy priorities drive Cal Cities' work. Over the past year, those priorities included finding solutions to the homelessness and mental health crisis, addressing concerns about public safety, and protecting cities' ability to fund basic services.



In 2023, Cal Cities tracked and engaged on **1,770 bills**. Cal Cities had positions on **66 measures** that made it to the Governor's desk. He **signed over 80% of the bills we asked him to sign** and **vetoed more than 40% of the ones we asked him to reject**. On average, the Governor only vetoes 14% of the bills that come across his desk.

Cal Cities also partnered with legislators and others to **sponsor 9 bills** of importance to cities, five of which were signed by the Governor, a 55% signature rate.

Cal Cities played a pivotal role in several legal cases over the last year — including those related to meritless environmental lawsuits, hypodermic needle exchange programs, mitigation fees, encampments, and the ongoing SB 9 (Atkins, 2021) lawsuit. In 2023, Cal Cities filed **35 friend-of-the-court briefs** in both state and federal courts to help advance cities' collective legal interests.





League of California Cities
2023 ANNUAL REPORT

Message from Executive Director and CEO



This past year, Americans made it crystal clear yet again to pollsters that they have the most faith in local government. There's a good reason two-thirds of Americans trust local government: We solve problems and deliver services our residents need every day.

A key ingredient to our success as cities in California is that we understand we are stronger together. Think statewide. Act locally.

Nowhere is this more obvious than in our advocacy in the state Legislature. By working together under the banner of Cal Cities, we fought successfully against legislative proposals that sought to apply one-size-fits-all solutions and would impose unfunded mandates on local governments.

The challenge to local control is coming not just from the legislative branch, but also at the ballot box. We focused heavily this past year on fiscal sustainability, coming together to ensure local governments still have the tools and resources they need to fund essential local services our

residents depend on. We also came together to mobilize our opposition to a dangerous ballot measure set for the 2024 ballot that would put at risk billions of dollars needed to fund local services and programs.

We also fought for a stronger partnership with the state to address homelessness, boost the supply of affordable housing, and protect the public from increasing crime and the scourge of fentanyl. Cities can't do this work alone. We need the state to do its part too.

In addition to coming together to advance strong advocacy on behalf of cities, we also came together this past year to learn new and best practices in municipal government from experts and each other. With topics that were timely and relevant, Cal Cities educational events drew high levels of participation by city officials regionally and statewide, in person and virtual.

I am grateful for the dedication and commitment of the 2022-23 Cal Cities Officers and Board members, and city officials, as well as the very talented Cal Cities staff, for making all of this work on behalf of California cities possible.

It is my honor to present to you, the members of Cal Cities, the 2023 Annual Report, which captures our collective achievements of this past year.

Carolyn M. Coleman
Executive Director and CEO
League of California Cities

“ There is power in numbers, and our voice at the state and federal capitols is so much stronger when it is echoed by city officials from cities and towns throughout the state. As public servants, we owe it to our residents to be stewards of public interests.

*Ali Sajjad Taj
Council Member, Artesia
2022-23 Cal Cities President*



MISSION



To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION



To be recognized and respected as the leading advocate for the common interests of California's cities.

Who we are

By the numbers...



Largest city
Los Angeles
3.8 million



Smallest city
Amador City
201

Cal Cities serves thousands
of city officials and staff...

- ▶ Mayors and Council Members
- ▶ City Managers
- ▶ City Attorneys
- ▶ City Clerks
- ▶ Fire Chiefs
- ▶ Fiscal Officers
- ▶ Human Resources Directors
- ▶ Planning Commissioners
- ▶ Police Chiefs
- ▶ Public Works Officers

More than **80%** of nearly **40 million** people in California **live in cities.**

ITEM 9.3
Legislative advocacy



Cal Cities works with lawmakers, the Governor's Office, and other organizations to advance member-driven and board-approved advocacy priorities. Cal Cities and its members had a record of success in 2023. Cal Cities supported 66 measures sent to the Governor. He signed the majority (82%) of the bills Cal Cities asked him to support and vetoed almost half (42%) of those Cal Cities asked him to drop. On average, the Governor only vetoes 14% of the bills that come across his desk.



Homelessness and community wellness

California's behavioral health system will see more big changes next year. Cal Cities members played a key role in getting SB 326 (Eggman) and SB 43 (Eggman) signed into law. The two bills will make it easier to provide treatment for people with serious substance use disorders and behavioral health needs. Parts of SB 326, including targeted funding to help cities and counties create new treatment beds and supportive housing, will go on the March 2024 ballot.



Public Safety

Thanks to the sustained support of city officials, the Governor signed measures that will curb illicit fentanyl and reduce ambulance offload times. Cal Cities' member-driven advocacy also blocked bills that would have reduced the number of tools law enforcement agencies have at their disposal, including police canines, facial recognition software, and encrypted communications.



Housing

Yet again, lawmakers were hyper-focused on passing a barrage of top-down bills that nibble around the edges of the housing crisis. But Cal Cities did more than help stop or modify bills that circumvent local zoning rules. We made major progress on our call for ongoing funding for affordable housing and supportive services. Years of advocacy, a bipartisan endorsement from lawmakers, a rally at the Capitol, and extensive media coverage propelled ACA 1 (Aguiar-Curry) to the 2024 ballot — a major Cal Cities' priority. The ballot measure is a badly needed tool that local leaders could use to finance affordable housing and infrastructure.



Fiscal Sustainability

Protecting and expanding local fiscal sustainability was top of mind in every issue area this year. We stopped a bill that would have enacted a statewide short-term rental tax that threatened local revenue streams and two others that would have disrupted public services through changes to employment laws. Cal Cities also co-sponsored bills that will make it easier for cities to complete infrastructure projects.

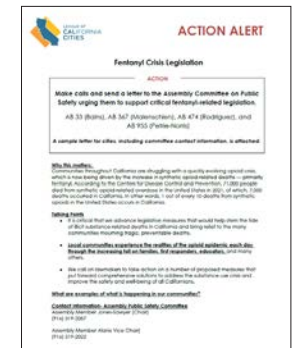
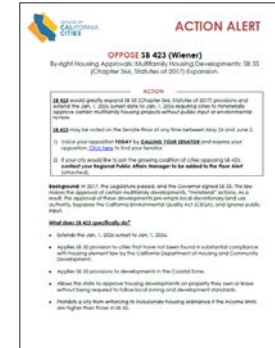
The Corporate Tax Trick



We are leading a broad coalition to block a 2024 ballot measure that would significantly jeopardize local funding for local services, create frivolous lawsuits, and undermine voter rights. Cal Cities played a pivotal role in several opposition efforts this year to the "Taxpayer and Government Accountability Act", including sending to voters an initiative that preserves the majority vote threshold at the ballot box and joining a state-led legal challenge.

Other legislative achievements

Here are a few more ways your advocacy paid off: New homes and businesses will get connected to the electric grid faster. General law cities can adjust council member salaries for inflation for the first time since 1984. Cities will still have Brown Act flexibility during proclaimed states of emergencies. Cities can still prohibit cycling on certain sidewalks and enforce parking violations. Your advocacy also secured flexibility in many other laws, including new permanent water restrictions.



“ Even with more than 30 lawyers on staff, it still becomes challenging to stay on top of the rapidly changing legal issues affecting cities in a state as dynamic as California. That is why Cal Cities’ legal advocacy programs and resources are invaluable to our practice and greatly assists my office to stay current on the law for the benefit of the city.

Susana Alcalá Wood,
City Attorney, Sacramento

By the numbers...

This year Cal Cities tracked and engaged on **1,770 bills**.

Cal Cities had positions on 66 measures that made it to the Governor's desk.



He **signed 82%** of the bills Cal Cities supported and **vetoed 42%** of the bills Cal Cities opposed — compared to his average 14% veto rate.

Cal Cities partnered with legislators and others to sponsor **9 bills** of importance to cities. The Governor signed **all 5** that were sent to his desk.



Nearly **450 local leaders** engaged in Cal Cities committees to shape policy positions central to our advocacy.

Cal Cities filed **35 friend-of-the-court briefs**

in both state and federal courts to help advance cities' collective legal interests.



Legal advocacy

Cal Cities' robust legal advocacy program protects the interests of cities in matters before the courts. As part of this program, Cal Cities files amicus, or "friend-of-the-court," briefs.

Cal Cities participated in several federal cases involving the regulation of homeless encampments on public property and joined several ongoing state cases, including a lawsuit against SB 9 (Atkins, 2021) and a state-led legal challenge that would remove the "Taxpayer Protection and Government Accountability Act" from the ballot.

The legal advocacy program also occasionally weighs in on regulatory matters. Thanks to member-driven advocacy, the state passed regulations that clarify how an expanded campaign finance law impacts elected officials.

A few legal advocacy highlights include:



An appellate court issued a ruling in ***Save Livermore Downtown v. City of Livermore*** that protects affordable housing projects from meritless environmental lawsuits. In its brief, Cal Cities noted that the lawsuit is part of a broader trend by special interest groups.



In ***Grant Park Association Advocates vs. California Department of Public Health***, an appellate court ruled that the state must consult local law enforcement about hypodermic needle exchange programs. The decision emphasizes the importance of meaningful state and local government communication.



An appellate court reinforced the strength of the home rule doctrine in ***Cultiva La Salud v. State of California***. The case centered on a 2018 law that prohibited cities from adopting taxes on certain groceries, including sodas.

Connecting and growing with each other

Now, more than ever, Cal Cities members crave connection to each other — a chance to share successes as well as the challenges they experience in their cities. Cal Cities provides an unparalleled range of conferences and events, where city leaders can step back from their day-to-day duties and grow personally and professionally.

During the City Leaders Summit in Sacramento in April, over 350 city officials joined county officials at a special joint convening between Cal Cities and the California State Association of Counties focused on potential shared solutions to homelessness. Prior to the Summit, over 100 city officials drew media and legislative attention when they gathered outside the Capitol to urge the state to invest

\$3 billion in ongoing funding to prevent and reduce homelessness and increase affordable housing.

In September, over 2,000 city leaders came together for the Annual Conference and Expo. The three-day event was a chance for local officials to come together, discover solutions to city-specific issues, and celebrate noteworthy successes. A conference highlight was that the five Cal Cities diversity caucuses — the African American Caucus, the Asian Pacific Islander Caucus, the Latino Caucus, the LGBTQ Caucus, and the Women's Caucus — each organized an education session. One example was *Righting Wrongs: Addressing Discrimination Against AAPIs* where city leaders discussed Zoom bombing and other obstacles to governance.



“ A diversity of people and perspectives matter. That is the backbone of Cal Cities. No two cities are the same, yet we face some of the same challenges and bring different ideas to the table for solving those problems. Together, we are indeed stronger.

Daniel T. Parra
Mayor, Fowler, 2022-23 Cal Cities First Vice President

Diverse opportunities for a diverse membership

One-size-fits-all solutions don't work for every city or every member, which is why Cal Cities also makes available a wide variety of opportunities for members to engage at both the regional and statewide levels.

Cal Cities' 16 regional divisions held meetings throughout the year to focus on their regional needs and advocate on top regional concerns. They also met in small groups with their legislators to advocate directly for more resources to help cities tackle these issues.

In addition, thousands of city officials participated in member-driven department and issue-based roundtables, providing members with a safe space to learn from their peers.

Elected and appointed officials came together to gain a deeper, statewide perspective on the unique opportunities and challenges faced by their professions. In 2023, two of the highlights were the City Managers Conference and the New Mayors and Council Members Academy. These events drew a high level of participation and praise for timely, relevant educational content.



By the numbers...

8 conferences
4,916 attendees



32 webinars and Speaker Series
4,494 attendees

29 Professional department roundtables
2,080 attendees



121 Regional division events
4,659 attendees

Amplifying city voices

City leaders are doing important work every day to meet the needs of residents, solve problems, and improve the quality of life for all Californians. Telling the city story — ensuring that your work is visible to lawmakers, state and federal officials, the media, and other city leaders throughout the state — is front and center of what we do at Cal Cities.

Amplifying local stories is an integral part of how Cal Cities advances the collective power of cities and brings about change. #LocalWorks highlights examples of local actions that are making a difference in your communities. This year Cal Cities focused on ways cities are making real progress to address homelessness and spur affordable housing. These important city stories were featured in the *Cal Cities Advocate* (a weekly newsletter) and *Western City* (a digital magazine) which both reach nearly 20,000 subscribers. The winning cities of the Helen Putnam Award for Excellence, which honors outstanding efforts to improve the quality of life and delivery of services in their communities, were also featured on these platforms throughout the year.



#LocalWorks



California cities to state: Pay up on homeless crisis



Who's responsible for the homeless?

Today, local government officials are gathering in downtown Sacramento for the first joint summit between the California State Association of Counties and the League of California Cities to discuss creating a comprehensive plan for tackling homelessness.



California mayors demand \$3 billion annually in homelessness funds from Newsom, lawmakers



California cities, counties hold convention to tackle homeless crisis



City, county leaders rally to secure \$3B in permanent funding for homelessness

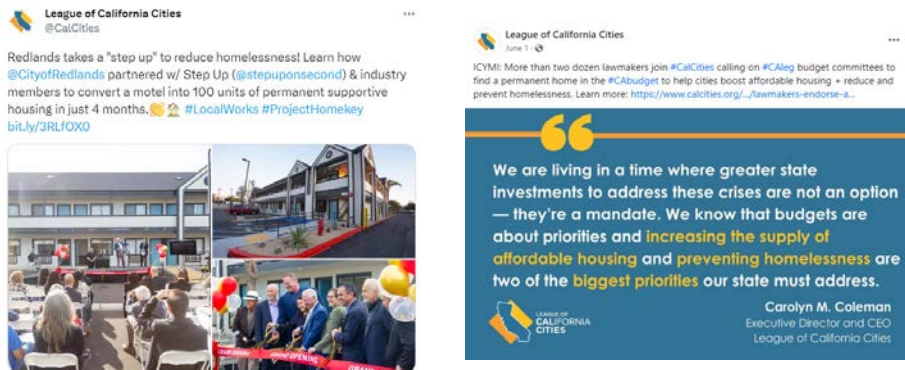
“ In today’s world, it is imperative that Cal Cities uses every tool in its box to effectively communicate with our diverse cities. Social media is one of those tools. Cal Cities’ use of social media increases member engagement, ensures accurate information delivery, and provides timely crisis communication. Cal Cities’ presence on Twitter/X, Facebook, Instagram, and LinkedIn meets our members where they are, and that is on social media.

Randi Johl, Legislative Director/City Clerk,
Temecula, Cal Cities Board Member

Cal Cities also shared city stories, news, events, and more valuable information on Facebook, Twitter/X, Instagram, and LinkedIn. This past year Cal Cities expanded its reach on Instagram and LinkedIn with more timely content for our growing audience of engaged city leaders, lawmakers, and other stakeholders. Be sure to follow our pages if you don't already!

Cal Cities also strengthened relationships with the media to ensure the city perspective was part of the greater conversation. Cal Cities' advocacy efforts drew significant media attention, and where our cities' collective work was featured in a plethora of local publications and statewide media including the *Los Angeles Times*, the *San Francisco Chronicle*, *Politico*, and *CalMatters*. Cal Cities placed op-eds in the *Sacramento Bee* and *Modesto Bee* — one covered the lack of ongoing funding to cities to help reduce homelessness and boost affordable housing, and the other calls for the lack of swift action from lawmakers to address the fentanyl crisis.

As part of Cal Cities' efforts to amplify local perspectives, a new feature called City Voices gives a platform for local leaders to talk about the biggest challenges and successes facing their communities.



Follow us on social media!



@calcities

By the numbers...

Cal Cities was mentioned in **1,700** news stories.



Shared **20** #LocalWorks stories of local actions that are making a difference to California communities.



Highlighted **96** cities on social media who are making strides to address housing and homelessness in their communities.

12 Helen Putnam Award for Excellence winners were featured in *Western City* magazine.



- City of Agoura Hills
- City of Azusa
- City of Corona (two)
- City of Modesto (two)
- City of Moreno Valley
- City of Pleasanton
- City of Riverside
- City of Santa Monica
- City of Shafter
- City of West Sacramento

Expanded our reach by **586%** on Instagram and **241%** on LinkedIn to meet members where they are.

City Solutions by the numbers...

80 CAL CITIES PARTNER



\$1 billion in bond financing issued



Nearly **\$800 million** in pooled investments

The Cal Cities team

Supported by a staff of about 70, Cal Cities is the leading advocate and premier educational resource for California cities and their leaders.



The Cal Cities 2022-23 Board of Directors

ITEM 9.3

The Cal Cities Board of Directors provides leadership and guidance, shaping state policy and the actions of the organization.

Officers

Ali Sajjad Taj, Council Member, Artesia, President
Dan Parra, Mayor, Fowler, First Vice President
Lisa Middleton, Council Member, Palm Springs, Second Vice President
Cindy Silva, Mayor, Walnut Creek, Immediate Past President
Carolyn M. Coleman, Executive Director and CEO

Directors

Teresa Acosta, Council Member, Carlsbad, At-Large
Asleigh Aitken, Mayor, Anaheim, Large City
Jan Arbuckle, Mayor, Grass Valley, At-large
Al Austin, Council Member, Long Beach, Large City Representative
Melanie Bagby, Council Member, Cloverdale, At-Large
Karen Bass, Mayor, Los Angeles, Large City
Scott Bauer, Council Member, Eureka, Redwood Empire Division
LaTanya Bellow, Deputy City Manager, Berkeley, Personnel and Employee Relations Department
London Breed, Mayor, San Francisco, Large City
David Cohen, Council Member, San Jose, Large City Representative
Michael Colantuono, City Attorney, Grass Valley, City Attorneys Department
Alice Dowdin Calvillo, Mayor, Auburn, Sacramento Valley Division
Phill Dupper, Mayor, Loma Linda, Inland Empire Division
Jerry Dyer, Mayor, Fresno, Large City
Marilyn Ezzy Ashcraft, Mayor, Alameda, East Bay Division
Neysa Fligor, Council Member, Los Altos, Peninsula Division
Edgard Garcia, Council Member, El Centro, Imperial County Division
Todd Gloria, Mayor, San Diego, Large City
Karen Goh, Mayor, Bakersfield, Large City
Marshall Goodman, Mayor Pro Tem, La Palma, At-Large
Eric Guerra, Mayor Pro Tem, Sacramento, Large City Representative
Rene Guerrero, Director of Public Works, Pomona, Public Works Department
Mike Healy, Council Member, Petaluma, North Bay Division
Britt Huff, Mayor, Rolling Hills Estates, At-large

Randi Johl, Legislative Director/City Clerk, Temecula, City Clerks Department
Dan Kalb, Council Member, Oakland, Large City Representative
Ellen Kamei, Council Member, Mountain View, Women's Caucus
Lynne Kennedy, Mayor Pro Tem, Rancho Cucamonga, At-large
Jim Lewis, City Manager, Atascadero, City Managers Department
Steve Martin, Mayor, Paso Robles, Channel Counties Division*
Ray Marquez, Council Member, Chino Hills, At-large
Porsche Middleton, Council Member, Citrus Heights, At-large
John Minto, Mayor, Santee, San Diego County Division
Richard Montgomery, Mayor, Manhattan Beach, At-large
Scott Nassif, Mayor, Apple Valley, Desert Mountain Division
Eric Nelson, Planning Commissioner, Dana Point, Planning and Community Development Department
Kim Nguyen, Council Member, Garden Grove, Orange County Division
Lori Ogorchock, Council Member, Antioch, Mayors and Council Members Department
Jaime Patino, Council Member, Union City, At-Large
Dave Potter, Mayor, Carmel, Monterey Bay Division
Ana Maria Quintana, Vice Mayor, Bell, Los Angeles County Division
Gabe Quinto, Council Member, El Cerrito, At-large
Roberta Raper, Dir. of Finance & Technology, West Sacramento, Fiscal Officers Department
Dana Reed, Council Member, Indian Wells, Riverside County Division
David Sander, Vice Mayor, Rancho Cordova, NLC
Jeff Smith, Police Chief, Pismo Beach, Police Chiefs Department
Dan Stefano, Fire Chief, Costa Mesa, Fire Chiefs Department
Kuldip Thusu, Council Member, Dinuba, South San Joaquin Valley Division
Racquel Vasquez, Mayor, Lemon Grove, African American Caucus
Anna Velazquez, Mayor, Soledad, Latino Caucus
Malia Vella, Council Member, Alameda, API Caucus
Tyler Williamson, Mayor, Monterey, LGBTQ Caucus
Dan Wright, Council Member, Stockton, Central Valley Division
Nancy Young, Mayor, Tracy, At-large

*Mayor Steve Martin passed away in August 2023.



Strengthening cities through **advocacy** and **education**

1400 K Street, Suite 400, Sacramento, CA 95814 • 916.658.8200 • calcities.org