AGENDA
of
THE LAGUNA WOODS CITY COUNCIL

Regular Meeting
August 19, 2009
2:00 P.M.

Council Chambers
Laguna Woods City Hall
24264 El Toro Road
Laguna Woods, CA 92637

AGENDA DESCRIPTION: The Agenda descriptions are intended to give notice, to members of the public, of a general summary of items of business to be transacted or discussed. The listed Recommended Action represents staff or a particular Committee's recommendation. The City Council may take any action, which it deems to be appropriate on the agenda item and is not limited in any way by the recommended action. Any person wishing to address the City Council on any matter, whether or not it appears on this agenda, is requested to complete a "Request to Speak" form available at the door. The completed form is to be submitted to the City Clerk prior to an individual being heard by the City Council. Whenever possible, lengthy testimony should be presented to the City Council in writing (8 copies) and only pertinent points presented orally. Requests to speak to items on the agenda shall be heard at the appropriate point on the agenda; requests to speak about subjects not on the agenda will be heard during the Public Comment section of the meeting.

I. CALL TO ORDER

II. FLAG SALUTE

III. ROLL CALL

COUNCILMEMBERS: __ Conners __ Hack __ Rhodes
__ Robbins, Mayor Pro Tem __ Ring, Mayor

IV. PRESENTATIONS

4.1 2008 Food Facility Awards

- Carl's Jr. – 24342 El Toro Rd, Laguna Woods
- Jersey Mike's Subs – 24365 El Toro Rd, Ste A, Laguna Woods
- Moulton Arco AM/PM – 24181 Moulton Pkwy, Laguna Woods
- Starbucks Coffee – 24100 El Toro, Ste A, Laguna Woods
- Starbucks Coffee – 24338 El Toro Rd, Laguna Woods
- Subway – 23582 Moulton Pkwy, Ste B113, Laguna Woods
- Jolanda's Café – 23615 El Toro Rd, Ste T, Lake Forest

V. CITY PROCLAMATIONS

5.1 Proclamation – National Alcohol and Drug Addition Recovery Month, September 2009

> All proclamations listed under this section will be enacted by one vote, unless Members of the City Council request specific items be removed for separate action. Proclamations will then be read and presented.

VI. CONSENT CALENDAR

> All matters listed under the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless Members of the City Council, the public, or staff request specific items be removed from the Consent Calendar for separate action.

6.1 City Council Minutes

RECOMMENDED ACTION: Approve the minutes from the July 15, 2009 regular meetings.

6.2 Approve the reading by title of all ordinances and resolutions. Said ordinances and resolutions that appear on the public agenda shall be determined to have been read by title only and further reading waived.

RECOMMENDED ACTION: Waive reading of ordinances and resolutions.

6.3 Treasurer's Report

RECOMMENDED ACTION: Receive and File the July 2009 monthly and Fiscal Year 2008-09 Fourth Quarter Treasurer's Reports.

6.4 Warrant Register

RECOMMENDED ACTION: Approve the August 19, 2009 Warrant Register in the amount of $454,649.30.

6.5 Massage Business Regulations

RECOMMENDED ACTION: Adopt an ordinance modifying massage business regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 6.40 OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO MASSAGE REGULATIONS

6.6 Moulton Parkway Smart Street Improvements: Landscape Architect

RECOMMENDED ACTION: Award a contract to RRM Design Group, Inc. for landscape architectural services for Moulton Parkway in the amount of $71,893, plus authorized change orders not to exceed 15% of the base amount; and authorize the City Manager to execute a contract and approve change orders, subject to approval of the contract as to form by the City Attorney.

VII. PUBLIC HEARINGS

7.1 Temporary Sign Regulations

RECOMMENDED ACTION:

A. Receive Staff Report

B. Open Public Hearing

C. Receive Public Comment

D. Close Public Hearing

E. Adopt an ordinance modifying temporary sign regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 13.20 OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO SIGN REGULATIONS

VIII. CITY COUNCIL

8.1 Orange County Council of Governments Revised Joint Powers Agreement (agendized by Mayor Ring)

RECOMMENDED ACTION: Approve a resolution approving the revised OCCOG joint powers agreement and bylaws and authorizing the Mayor to execute the agreement, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING AN AMENDED AND RESTATED ORANGE COUNTY COUNCIL OF GOVERNMENTS (OCCOG) JOINT POWERS AGREEMENT

IX. CITY MANAGER

9.1 Appointment of City Treasurer

RECOMMENDED ACTION: Approve introduction and first reading of an ordinance authorizing the City Manager to designate a City Treasurer, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA,

AMENDING TITLE 2 OF THE LAGUNA WOODS MUNICIPAL CODE RELATING TO APPOINTMENT OF THE CITY TREASURER

9.2 Local Environmental Quality Act Procedures

RECOMMENDED ACTION: Approve a resolution modifying the Laguna Woods Local Environmental Quality Act Procedures, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, MODIFYING THE LAGUNA WOODS LOCAL PROCEDURES IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) TO ADD CONSIDERATION OF GREENHOUSE GAS EMISSIONS

9.3 Alternative Vehicle Parking Space Regulations

RECOMMENDED ACTION: Approve introduction and first reading of an ordinance establish regulations for alternative vehicle parking spaces, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 13.18 OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO OFF-STREET PARKING REGULATIONS

X. CITY ATTORNEY'S REPORT

XI. COMMITTEE REPORTS

11.1 Transportation Corridor Agencies (Councilmember Hack)

11.2 Orange County Library Board (Mayor Pro Tem Robbins)

11.3 Orange County Fire Authority (Councilmember Rhodes)

11.4 Southern California Water Committee (Councilmember Hack)

11.5 Coastal Greenbelt Authority (Councilmember Conners)

11.6 Laguna Canyon Foundation (Councilmember Rhodes)

11.7 Vector Control District Board (Board Member Bouer)

XII. PUBLIC COMMENTS

XIII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

13.1 Reports on Meetings Attended (Government Code §53232.3) - None

13.2 Other Comments and Announcements

XIV. CLOSED SESSION

14.1 The City Council will meet in closed session to confer with legal counsel regarding one matter of litigation: Jhin Kim, Individually and on Behalf of the Estate of Ki Sook Kim, Hanna Chung, Jung K. Kim v. Alice Foster, Golden Rain Foundation of Laguna Woods, City of Laguna Woods and (Does 1-60) Inclusive (Case No. 00110038), pursuant to the provisions of Government Code Section 54956.9(a).

XV. ADJOURNMENT

The meeting will be adjourned to a Meeting of the City Council at 2:00 p.m. on Wednesday, September 16, 2009 held at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

AMERICANS WITH DISABILITIES ACT: In compliance with Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (949) 639-0500 (Voice) or, TDD (949) 639-0535 or the California Relay Service at (800) 735-2929 if you have a TDD or (800) 735-2922 if you do not have a TDD. Notification 48 hours prior to the meeting should enable the City to make reasonable arrangements to assure accessibility to the meeting.

AGENDA: The City Council agenda and agenda back-up materials are available from the Office of the City Clerk, after 4:30 p.m., on the Friday prior to the City Council meeting. The office of the City Clerk is located at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637. Copies of the agenda are provided at no cost. Agenda back-up materials are available at City Hall for inspection and copies are available at no charge prior to the meeting. A per page copy cost does apply after the meeting. If you wish to be added to the e-mail or regular mail list to receive a copy of the agenda, a request must be made to the City Clerk in writing. Copies of the agenda are mailed only if stamped, self-addressed envelopes are provided. The City of Laguna Woods mailing address is 24264 El Toro Road, Laguna Woods, CA 92637. Phone: (949) 639-0500, FAX (949) 639-0591.

5.1
PROCLAMATION-
NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH

Proclamation
City of Laguna Woods

National Alcohol and Drug Addiction Recovery Month
September 2009

WHEREAS, substance use disorders is a major public health issue that affects millions of Americans of all ages and ethnic backgrounds; and

WHEREAS, treatment and recovery improve the community's welfare and provide a renewed outlook on life for those who struggle with substance use disorders and their family and friends; and

WHEREAS, resources are available online and in our community to educate people about this chronic disease, seek help, and heal; and

WHEREAS, to help achieve this goal, the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration (SAMHSA) invite residents or Laguna Woods to participate in the 20th anniversary of National Alcohol and Drug Addiction Recovery Month; and

NOW, THEREFORE, BE IT RESOLVED, that the Laguna Woods City Council hereby proclaim September 2009 as National Alcohol and Drug Addiction Recovery Month in Laguna Woods and encourage residents to participate in programs and activities supporting this year's theme, "Join the Voices for Recovery: Together We Learn, Together We Heal".

Dated this 19th day of August 2009.

Robert B. Ring, Mayor

Attest: Yolie Trippy, Deputy City Clerk

6.1-6.6
CONSENT CALENDAR SUMMARY

City of Laguna Woods
Agenda Report

FOR: August 19, 2009 City Council Meeting

TO: Honorable Mayor and Councilmembers

FROM: Leslie A. Keane, City Manager

Agenda Item: Consent Calendar

Recommendation:

Approve all proposed actions on the August 19, 2009 Consent Calendar by single motion and Council action.

Discussion:

In general, the Consent Calendar contains routine matters or matters that have already been discussed by Council. It is adopted in total with a single motion and Council action. However, if any councilmember or member of the public has questions or wishes to discuss an item further, it may be removed from the Consent Calendar and placed later in the agenda for discussion and action. The way to remove an item from the Consent Calendar is to request its removal, by agenda item number, immediately prior to the adoption of the Consent Calendar. Members of the public may fill out a request to speak on the item they wish removed and the City Clerk will note the item. No reason need be given with the request. Items pulled from the Consent Calendar are not discussed at the time they are pulled; they are scheduled for discussion immediately after action on the balance of the Consent Calendar.

The August 19th Consent Calendar contains the following six items:

6.1 Approval of the minutes from the July 15, 2009 regular meeting, as submitted.

6.2 Approval of a motion to allow reading proposed ordinances and resolutions by title only – this is a standard practice in cities. If this motion is not approved, all ordinances and resolutions must be read out loud in their entirety during the Council Meeting.

6.3 Approval of a motion to receive and file July 2009 monthly and Fiscal Year 2008-09 Fourth Quarter Treasurer's Reports. These reports identify the City's current liquid assets and their location. At the end of July, the City had approximately $10.5 million in cash on hand and in other liquid assets.

6.4 Approval of the August 19, 2009 Warrant Register, as submitted, in the total amount of $454,649.30. This warrant register contains payments related to both Fiscal Year 2008-09 ($144,285.85) and 2009-10 ($310,363.42). A list of all warrants is included in the agenda packet; detailed information about individual warrants is available in the Finance Manager's office.

6.5 Adoption of an ordinance revising the City's massage business regulations so that they are consistent with current state regulations. The City Council introduced and approved reading of this ordinance at its July 15, 2009 meeting. If adopted, the ordinance would become effective September 20, 2009. There currently are no massage businesses located in the City and no active therapist licenses.

6.6 Approval of a contract with RRM Design Group, Inc. for landscape design services for medians, parkways and pavement treatment in the public rights of way along Moulton Parkway. It is anticipated that construction of Moulton Parkway smart street improvements will be phased during the next two years. However, Phase 1 – the intersection of Moulton and El Toro – will be initiated in early 2010 and the landscape design must be completed so it can be incorporated into this phase.

In 2005, the City Council approved a process that established a list of qualified landscape architects. In accordance with Council policy, staff selected three firms and asked for proposals on the Moulton Parkway project. Two firms – RRM Design Group and David Evans & Associates – responded and the Landscape subcommittee (of the Land Use and Design Committee) interviewed the firms. The subcommittee and staff are unanimously recommending award of a contract to RRM Design Services. The recommendation is based on the fee quoted (RRM proposal is 8% less than that of David Evans), RRM's local office (San Clemente) and Orange County experience, a review of their past public projects and proposed approach to the City's project. Funding for this contract is included in the Moulton Parkway smart street improvement project.

The above matters are routine and/or have been reviewed by the Council on other occasions. Staff recommends that they be approved as part of the August 19, 2009 Consent Calendar.

If you have questions about any of the above items, feel free to call me prior to the meeting so that I may provide additional information.

6.1
MINUTES
REGULAR MEETING

CITY OF LAGUNA WOODS, CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
July 15, 2009
2:00 P.M.

I. CALL TO ORDER

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

II. FLAG SALUTE

Vector Control Board Member Bob Bouer led the flag salute.

III. ROLL CALL

COUNCILMEMBERS:	PRESENT:	Conners, Hack, Rhodes, Robbins, Ring
	ABSENT:	None

STAFF PRESENT: City Manager Keane; Assistant City Manager Reilly; Deputy City Clerk Trippy; Special Projects Manager Macon; City Planner Gutierrez; City Attorney McEwen

Mayor Ring announced that Public Hearing Item 7.1 (Rite Aid Sign Program SP 547) would be delayed to just prior to the City Attorney's Report in order to allow time for the arrival of the Rite Aid representative whose flight was delayed.

IV. PRESENTATIONS – None

V. CITY PROCLAMATIONS – None

VI. CONSENT CALENDAR

Councilmember Conners removed the City Council Minutes from the June 3, 2009 adjourned regular meeting from Item 6.1 of the Consent Calendar.

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Hack, and carried unanimously to approve Consent Calendar Items 6.1 - 6.4, excluding the June 3, 2009 adjourned regular meeting minutes from Item 6.1.

6.1 City Council Minutes

Approved the minutes from the June 17, 2009 regular meeting and the June 24, 2009 adjourned regular meeting.

6.2 Approved the reading by title of all ordinances and resolutions. Said ordinances and resolutions that appear on the public agenda shall be determined to have been read by title only and further reading waived.

6.3 Treasurer's Report

Received and filed the June 2009 Treasurer's Report.

6.4 Warrant Register

Approved the July 15, 2009 Warrant Register in the amount of $571,908.48.

6.1 City Council Minutes – June 3, 2009 Adjourned Regular Meeting

Councilmember Conners corrected the spelling of Harriet Arnest's name on page three of Item VI (City Council Comments and Announcements).

Moved by Councilmember Conners, seconded by Councilmember Hack, and carried unanimously to approve the June 3, 2009 Adjourned Regular Meeting Minutes as amended.

VIII. CITY COUNCIL

8.1 League of California Cities Litigation Regarding the State Budget (agendized by Councilmembers Conners and Rhodes)

Councilmember Conners raised the issue in response to a proposal by the state legislature to borrow city gas tax monies. She invited the City Council's input as to whether or not a resolution should be approved supporting litigation opposing the proposal.

Councilmember Hack discussed the state's budget shortfall and its effect on various programs. He expressed his opinion that the legislature has been weakened by ineffective leadership and term-limits, compounded by certain voter-approved budget initiatives.

Councilmember Rhodes stated his support for the proposed resolution.

Mayor Pro Tem Robbins agreed with Councilmember Hack's opinions on the weakened state legislature and indicated the need for the State to resolve its budget issues.

Councilmember Conners asked for the City Attorney's opinion on the City's exposure to liability if streets cannot be properly maintained as a result of borrowed gas taxes.

City Attorney McEwen stated that the City's exposure would differ case-by-case.

City Manager Keane reassured the City Council that public safety issues take precedent and any cuts to offset lost gas tax revenues would be presented for review.

Councilmember Hack concurred with City Manager Keane on public safety issues taking precedent, but expressed concern with challenging the State's proposal to borrow city gas tax monies as it could take years of litigation.

Councilmember Rhodes moved to approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, SUPPORTING PROPOSED LEAGUE OF CALIFORNIA CITIES LITIGATION CHALLENGING THE CONSTITUTIONALITY OF ANY DIVERSION OF HIGHWAY USERS TAXES

The proposed resolution was withdrawn due to the lack of a second.

IX. CITY MANAGER

9.1 Modifications to Temporary Sign Regulations

City Manager Keane summarized the agenda report. She made a correction on page six of the proposed ordinance. "On any one frontage" was added to end of the first sentence in Section 9(a) *Window signage in commercial districts*.

Councilmember Rhodes made a grammatical correction on page two of the proposed ordinance. In the second sentence of Section 2(d) *Commercial signs*, the first occurrence of the word "is" was replaced with "if." He also suggested extending the allowable time for non-profit no-fee banner permits to two weeks [Section 5(h)].

Councilmember Conners asked the following questions on the proposed ordinance: (1) are A-frame signs included in Section 4; (2) which staff person serves as the Community Development Director; and (3) could aesthetic purposes be considered as justification for this ordinance, in addition to lighting and ventilation.

City Manager Keane responded that (1) A-frame signs are not included in Section 4; (2) the Community Development Director position is currently filled by the City Manager; and, (3) the ordinance is specific to lighting and ventilation, however the comment regarding aesthetic consideration will be entered into the record.

Councilmember Rhodes asked staff about the effects of the proposed ordinance on the window signage at the Chase Bank in the Willow Tree Shopping Center.

City Manager Keane indicated that the effective date of the ordinance, if approved, would not be until September 2009 and that the window signs of the business in question would be removed by that time due to existing temporary sign regulations.

Mayor Ring concurred with Councilmember Rhodes to increase the allowable time for non-profit no-fee banner permits to two weeks. He asked if the 20% limit on window signage was typical and suggested that the limit be increased for better visibility.

City Manager Keane explained the regular banner permit program and indicated that the $39 fee can be waived under certain circumstances. She suggested that the City Council consider increasing the window coverage standard to 25%, if they wish.

Moved by Mayor Pro Tem Robbins, seconded by Councilmember Conners, and carried unanimously to approve the introduction and first reading of an ordinance modifying temporary sign regulations, as amended to include grammatical corrections; a two week limit for non-profit no-fee banner permits; the addition of "on any one frontage" and an increase to a 25% coverage standard on window signage in Section 9(a), entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 13.20 OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO SIGN REGULATIONS

9.2 Massage Business Regulations

Special Projects Manager Macon summarized the agenda report

Councilmember Rhodes asked for clarification on whether a business license would be required under the proposed ordinance and what the requirements would be, if any, for a massage therapist who provides services inside private residences.

Councilmember Hack expressed his concerns for lack of control if a business license is not required for establishments.

City Manager Keane stated that business licenses would not be required. Services that are provided in private residences are dealt with on a "complaint basis."

Councilmember Conners asked if massage businesses currently exist within the City and how the City deals with issues of criminal or suspicious activity.

Special Projects Manager Macon indicated that there are currently no licensed massage establishments in the City.

City Manager Keane explained that the City's code enforcement staff and the Sheriff's Department handle enforcement. Under the proposed ordinance, complaints could also be directed to the State under the provisions of SB 731.

City Attorney McEwen stated that under the proposed ordinance, if an establishment employs a massage worker in violation of the ordinance, it would be a misdemeanor. Other problems may also be addressed under public nuisance provisions.

Councilmember Hack asked for clarification on why the City is proposing to change the current regulations and the need for both City and State licensing.

City Manager Keane responded that the proposed ordinance would update the City's regulations in accordance with State law and eliminate duplicative requirements.

Moved by Councilmember Conners, seconded by Mayor Pro Tem Robbins, and carried unanimously to approve the introduction and first reading of an ordinance amending the City's massage regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 6.40 OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO MASSAGE REGULATIONS

VII: PUBLIC HEARINGS

7.1 Rite Aid Sign Program/SP 547

City Manager Keane summarized the agenda report and provided a presentation of Rite Aid signage in other cities.

City Planner Gutierrez announced that the proposal has been amended to remove signs B and D, at the request of the applicant.

Shawn Smith, Senior Project Manager for Site Enhancement Services, representing Rite Aid, indicated that the purpose of the application is to enhance existing current signs for visibility and safety issues. He stated the monument sign may be refaced at a later date.

City Manager Keane stated that the sign program does not mention the monument sign and the City's Municipal Code no longer allows them.

Councilmember Conners asked staff if the calculation for the entrance signs would differ if the signs were placed on the building and the awning was removed, similar to the Laguna Woods Village entry signs.

City Manager Keane noted that the Village signs are different because they are on walls instead of buildings. She noted that other businesses have requested additional signs similar to what Rite Aid is requesting and were denied in favor of citywide consistency.

City Planner Gutierrez explained that the City's Municipal Code states that "the sign area differentiated by color, requires it to be the sign area." He noted that the proposed entry signs total 164 square feet of text in addition to other signs requested by the applicant.

Mayor Ring asked Mr. Smith when Rite Aid plans to present their proposed changes to the monument sign.

Mr. Smith indicated that it would be sometime in the near future.

City Manager Keane noted staff had informed the applicant that it would recommend approval of the proposed sign program if the blue canopies are eliminated. Staff also recommended replacing Sign A with two directional signs staked onto the ground.

Councilmember Hack was supportive of the applicant's sign program, specifically citing visibility issues. He suggested keeping Sign A.

Councilmember Rhodes concurred with staff's proposal but asked if the color on the Rite Aid "shield" conforms to color palette regulations.

City Manager Keane stated that Ride Aid is not subject to a color palette and if the City Council approves the proposed signs, as submitted by the applicant, future owners will receive an entitlement for the number and size of signs approved.

Mayor Ring felt that Sign C is unnecessary and should be removed. He also expressed disapproval with the blue canopies.

Councilmember Conners concurred with Mayor Ring's comments. She also concurred with Councilmember Hack to keep Sign A or similar directional signs as suggested by City Manager Keane. She asked Mr. Smith if the blue canopies would be illuminated.

Mayor Ring asked Mr. Smith about the possibility of changing the color of the canopies.

Mr. Smith indicated that he was uncertain if the canopy would be illuminated and the color choice for the canopy was an architectural decision by Rite Aid.

Mayor Ring asked City Manager Keane for clarification on the effect of the sign program on Rite Aid's existing monument sign.

City Manager Keane reiterated that modifications to the monument sign is not permitted under the Municipal Code. It can be removed, but not replaced or altered. In order to approve modifications, the City Council would have to make an exception that bestows an entitlement on the building. She noted that the monument sign was not included with the sign program application.

The public hearing was opened. There being no requests to speak, the public hearing was closed.

Moved by Councilmember Hack to approve a resolution for the approval of the proposed sign program with Signs B, C and D removed; seconded by Mayor Pro Tem Robbins; and carried unanimously, Resolution No. 09-16, entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA APPROVING SP 547 FOR RITE AID

X. CITY ATTORNEY'S REPORT

The trial date regarding the purchase of City Hall has been rescheduled for November 16, 2009, at the request of Raintree Realty.

XI. COMMITTEE REPORTS

11.1 Transportation Corridor Agencies (Councilmember Hack)

Councilmember Hack announced his reappointment as Vice Chair of the San Joaquin Hills Transportation Corridor Agency.

11.2 Orange County Library Board (Mayor Pro Tem Robbins)

The Library Board has not met since the last City Council meeting. The Friends of the Laguna Woods OC Library will host a mystery authors event on July 28, 2009.

11.3 Orange County Fire Authority (Councilmember Rhodes)

Councilmember Rhodes noted that many programs are on-hold due to the State's budget.

11.4 Southern California Water Committee (Councilmember Hack)

Councilmember Hack announced that Ron Gastelum, an attorney and retired CEO of the Metropolitan Water District, will serve as the executive director for one year, pro bono

11.5 Coastal Greenbelt Authority (Councilmember Conners)

The Authority has not met since the last City Council meeting and the upcoming meeting has been cancelled. Councilmember Conners also discussed the role of the Authority.

11.6 Laguna Canyon Foundation (Councilmember Rhodes)

Councilmember Rhodes stated that the James Dilley Preserve, located on Laguna Canyon Road, will receive a new informational cart to replace one that was vandalized. The Foundation is considering a tiered membership in the near future.

11.7 Vector Control District Board (Board Member Bouer)

Board Member Bouer reported no problems in the city. The District Board of Trustees is supporting SB 752 CalPERS retirement reform, possibly saving tax payers $2.5 million over time. A reduction of the benefit assessment levy will be 19% below the maximum allowable rate for FY 09-10.

XII. PUBLIC COMMENTS

Karen Wood, President of the Laguna Woods Village Cat Club, provided a report on the club's activities between January 2009 and July 2009. She indicated that there is confusion among the Cat Club regarding local services provided by Laguna Beach Animal Control. She asked staff for a written explanation that can distributed to members of the Cat Club.

City Manager Keane clarified that the City does not have an animal services committee but that the Public Safety Committee has a subcommittee dealing with animal issues.

XIII. CITY COUNCIL COMMENTS AND ANNOUNCEMENTS

13.1 City Councilmembers reported on the following meetings they attended:

A. Orange County Fire Authority Chief Prather Farewell Dinner (Rhodes)

B. Orange County Division/League of California Cities Dinner (Hack, Conners, Rhodes)

13.2 Other Comments and Announcements

Councilmember Rhodes announced that the Great Park is considering a fire museum.

XIV. CLOSED SESSION – None.

XV. ADJOURNMENT

The meeting was adjourned at 4:42 p.m. to a meeting of the City Council at 2:00 p.m. on Wednesday, August 19, 2009 held at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: August 19, 2009

ROBERT B. RING, Mayor

6.2
WAIVE READING OF ORDINANCES AND RESOLUTIONS
(No Report)

6.3
TREASURER'S REPORT

City of Laguna Woods

Treasurer's Report

July 31, 2009

CASH ON HAND

1. Investments/General Fund

Local Agency Investment Fund	$	9,789,925
Subtotal	$	9,789,925

2. Investments/Transportation Fund

Local Agency Investment Fund	$	411,949
Subtotal	$	411,949

3. Other Interest & Non-Interest Bearing/General & Transportation

Petty Cash Funds	$	752
Analyzed Checking Account	$	303,058
Subtotal	$	303,810
TOTAL	$	10,505,684

Note: LAIF reports interest earnings quarterly.

CITY of LAGUNA WOODS

July 30, 2009

TO: Honorable Mayor and Councilmembers

FROM: Ernestine Jones, Finance Manager and City Treasurer

SUBJECT: Quarterly Treasurer's Report: 4th Quarter, FY 2008/2009 (April 1 – June 30, 2009)

Attached is the 4th Quarter, FY 2008/2009 Treasurer's Report for the period April 1 – June 30, 2009. The information provided includes a:

- Report showing quarter-ended Cash on Hand in the City's interest-bearing Local Agency Investment Fund (LAIF) account and in the City checking account and petty cash funds;

- Copy of the latest LAIF Remittance Advice showing quarter-ended principal balance and interest earned.

As City Treasurer, I certify that:

- All investment actions executed since the last report have been made in full compliance with the City of Laguna Woods Investment Policy; and

- The City of Laguna Woods will meet all expenditure obligations that might reasonably be anticipated for the next six months.

Ernestine Jones
Finance Manager & City Treasurer

24264 El Toro Road • Laguna Woods, CA 92637 • Phone (949) 639-0500 • Fax (949) 639-0591 • Website: www.lagunawoodscity.org

City of Laguna Woods

Quarterly Treasurer's Report
April 1, 2009 - June 30, 2009

CASH ON HAND

1. Investments/General Fund

Local Agency Investment Fund	$	9,789,925
Subtotal	$	9,789,925

2. Investments/Transportation Fund

Local Agency Investment Fund	$	411,949
Subtotal	$	411,949

3. Other Interest & Non-Interest Bearing/General & Transportation

Petty Cash Funds	$	840
Analyzed Checking Account	$	886,695
Subtotal	$	887,535
TOTAL	$	11,089,409

Note: LAIF reports interest earnings quarterly.

JOHN CHIANG

California State Controller

LOCAL AGENCY INVESTMENT FUND
REMITTANCE ADVICE

Agency Name		LAGUNA WOODS
Account Number		98-30-413

As of 07/15/2009, your Local Agency Investment Fund account has been directly credited with the interest earned on your deposits for the quarter ending 06/30/2009.

Earnings Ratio		.00004133177972413
Interest Rate		1.51%
Dollar Day Total	$	924,209,512.73
Quarter End Principal Balance	$	10,163,675.07
Quarterly Interest Earned	$	38,199.22

6.4
WARRANT REGISTER

CITY OF LAGUNA WOODS
WARRANT REGISTER - FY 2010
August 19, 2009

CK #	WR #	Vendor	Account	Item/Purpose	Amount
107687	10-0049	Aliso Creek Printing	001.6100.7222	Printing/Building Services Permit	519.28
107688	10-0050	American General	001.6100.8110	Employee Benefit Program/July-September 2009	119.78
107689	10-0051	American General	001.6100.8110	Employee Benefit Program/July-September 2009	42.40
107695	10-0052	AVID ID Systems	001.6600.7361	Public Safety/	226.59
107698	10-0053	Bee Cause	001.6590.7234	City Hall/Bee Removal/Hive Rescue	700.00
107700	10-0054	Eunice Burcham	190.0000.2610	Taxi Voucher Refund	27.20
107714	10-0055	Flack & Associates	230.6600.7355	Message Board Trailer Repair	1,334.48
107717	10-0056	ICMA Retirement Corporation	001.6100.7303	Annual Plan Fee/1st Quarter/FY 2009-2010	125.00
107725	10-0057	Museum of Latin American Art	001.6500.7320	Human Relations Bus Trip/July 29, 2009	270.00
107748	10-0058	Felice Tighe	190.0000.2610	Taxi Voucher Refund	40.00
107751	10-0059	Alegria	001.6500.7320	Human Relations Bus Trip/July 29, 2009	940.00
107753	10-0060	CalPers/Health	001.6100.8110	Employee Benefit Program/August 2009	2,274.27
			001.6400.8110		435.32
			001.6100.7391		11.11
107760	10-0061	Office Depot	001.6100.7221	Office Supplies	89.14
			001.6100.7222		88.64
107761	10-0062	Office Max	001.6100.7221	Office Supplies	217.50
107762	10-0063	O.C. City Manager's Association	001.6100.7203	Annual Dues/FY 2009-2010	315.00
107768	10-0064	Sierra Installations	001.6590.7906	Banner Change-Out	2,125.00
107770	10-0065	Southern California Edison	001.6700.7236	Residential Streetlights/Third/July 2009	28.34
107771	10-0066	Transamerica	001.6400.8110	Employee Benefit Program/July-September 2009	97.79
107780	10-0067	Aliso Creek Printing	001.6100.7222	Business Cards/Foley	59.81
107781	10-0068	American General	001.6100.8110	Employee Benefit Program/July-September 2009	127.20
107782	10-0069	AT&T	001.6590.7232	Telephone/458-3487/July 2009	31.58
107786	10-0070	CIT Technology	001.6100.7222	Copier Lease/City Hall/August 2009	647.07
			001.6100.7222	Copier Lease/Historical Society/August 2009	119.17
107787	10-0071	Shirley Crowell	001.0000.4401	Building Permit Refund	200.55
107788	10-0072	D & E Electrical	001.6700.7236	Residential Streetlight Maintenance/July 2009	930.00
			001.6590.7234	City Hall Maintenance/Ballasts & Bulbs/July 2009	307.43
			001.6590.7234		163.29
107792	10-0073	League of CA Cities/OC Division	001.6000.7203	July Meeting/Ring, Hack, Rhodes	150.00
			001.6100.7203	July Meeting/Reilly	50.00
107797	10-0074	Southern California Edison	001.6590.7231	Utilities/City Hall/July 2009	2,383.46

107798	10-0075	Southern California Edison	100.6700.7341	Irrigation Controllers/July 2009	80.81
107802	10-0076	Michael Balliet	001.6700.7350	Solid Waste & Recycling Consulting/July 2009	1,920.00
			290.6700.7341		1,500.00
			300.6700.7341		900.00
			365.6700.7341		600.00
107806	10-0077	Gary Gates	001.6100.8110	Employee Benefit Program/July 2009	614.82
			001.6590.7232	Cell Phone Reimbursement/July 2009	40.00
			001.6100.7204	Mileage Reimbursement/July 2009	206.25
			001.6100.7203	International Code Council Meeting/July 2009	25.00
107807	10-0078	Emma Hotkins	190.0000.2610	Taxi Voucher Refund	104.00
107808	10-0079	Leslie Keane	001.6100.7202	Notary Class & Application Fees Reimbursement	113.00
107809	10-0080	Laurus Construction	001.6590.7234	City Hall Building Maintenance/Roof Repairs	7,236.00
107810	10-0081	Los Angeles Times	001.6100.7221	Newspaper Delivery/July 2009	21.00
107812	10-0082	Douglas Reilly	001.6100.8110	Employee Benefit/July 2009	140.45
107813	10-0083	Southern California Edison	001.6700.7236	Residential Streetlights/United/July 2009	927.83
107814	10-0084		100.6700.7343	Traffic Signal Controllers/July 2009	759.86
107816	10-0085	The Gas Company	001.6590.7231	City Hall/July 2009	18.15
107817	10-0086	Trauma Intervention Program	001.6600.7391	Emergency Response Volunteer Program/FY 2009-10	2,211.00
107820	10-0087	Southern California Edison	001.6700.7236	Ridge Route Dog Park/July 2009	20.48
107822	10-0088	El Toro Water District	001.6700.7341	Ridge Route Park Irrigation/July 2009	330.78
107823	10-0089		001.6700.7341	Dog Park Irrigation/July 2009	12.35
107824	10-0090	ICC Orange Empire Chapter	001.6100.7202	2009 Matrix Training/Gates	100.00
	10-0091	Aliso Creek Printing	001.6100.7222	Printing/Business Cards/Masters	810.19
			001.6100.7222	Printing/Taxi Buck Books	2,936.25
	10-0092	AT & T	001.6590.7232	Telephone/770-9359/July 2009	15.87
	10-0093		001.6590.7232	Telephone/639-0500/July 2009	188.31
	10-0094		001.6590.7232	Telephone/452-0600/July 2009	221.81
	10-0095		001.6590.7232	White Pages Listing/August 2009	3.43
	10-0096	Bank of America - CC	2601	See Below	344.94
	10-0097	Burke, Williams & Sorensen, LLP	001.6100.7301	Legal Services/Retainer/July 2009	2,392.84
			140.6590.7600	Legal Services/Moulton Smart Street/July 2009	804.11
			001.6590.7260	Legal Services/City Hall Acquisition/July 2009	106.32
	10-0098	California Yellow Cab	260.6700.7369	NEMT Services/July 2009	5,272.00
	10-0099	County of Orange/Sheriff	001.6600.7351	OCSD Communication Charges/1st Quarter/FY 08-09	118.00
	10-0100	County of Orange/Sheriff Department	001.6600.7351	Sheriff Services/August 2009	98,192.42
			230.6600.7351		10,000.00
			001.6600.7351	Equipment Replacement Costs Credit	-6,161.00

	10-0101	El Toro Water District	001.6700.7341	City Hall/Landscape Irrigation/July 2009	2,927.86
	10-0102	Orange County Register/Public	001.6100.7224	Public Notices/July 2009	298.50
	10-0103	Overland, Pacific & Cutler, Inc.	140.6590.7600	Traffic Mitigation/Capital Project/July 2009	450.00
	10-0104	Lenore Rosenblum	001.0000.4760	Refund/Human Relations Bus Trip/July 29, 2009	28.00
	10-0105	Southern California Edison	100.6700.7237	Right of Way/July 2009	2,140.50
	10-0106		001.6700.7236	Residential Streetlights/Third/July 2009	4,314.53
	10-0107		001.6700.7236	Safety Lights Over Signals/July 2009	401.56
	10-0108	United States Postal Service	001.6100.7223	Permit Fees/Business Reply Mailing	770.00
	10-0109	Main Street Tours	001.6500.7320	Human Raltions Bus Trip/July 29, 2009	721.00
	10-0110	Yolie Trippy	001.6100.8110	Employee Benefit Program/August 2009	500.00
	10-0111	ABM Janitorial	001.6590.7234	Janitorial Service/August 2009	709.80
				Janitorial Supplies/August 2009	284.17
	10-0112	Sonitrol	001.6590.7234	City Hall/Alarm System Maintenance/August 2009	51.41
	10-0113	Redflex	001.6600.7371	Redlight Photo Enforcement/August 2009	27,350.00
	10-0114	Commpro	001.6100.7391	Website Hosting Services/August 2009	295.00
	10-0115	Orkin	001.6590.7234	City Hall/Building Maintenance/August 2009	76.64
	10-0116	RS Elevator	001.6590.7234	City Hall/Elevator Maintenance/August 2009	158.16
	10-0117	TruGreen Landscape	100.6700.7341	Landscape Maintenance/August 2009	8,962.00
	10-0118	Leslie Keane	001.6100.7204	Automobile Allowance/September 2009	450.00
	10-0119	Douglas Reilly	001.6100.8110	Employee Benefit Program/September 2009	51.00
			001.6590.7232	Cell Phone Reimbursement/September 2009	79.50
	10-0120	Sandra Verrall	001.6590.7232	Cell Phone Reimbursement/September 2009	25.00
	10-0121	Ernestine Jones	001.6100.8110	Employee Benefit Program/August 2009	216.34
	10-0122	CitiStreet/CalPers 457 Plan	001.6100.8110	Employee Benefit Program/August 2009	291.37
			001.6400.8110		300.00
	10-0123	Vantage Point/ICMA 457 Plan	001.0000.2601	Employee Contributions/August 2009	700.00
			001.6100.8110	Employee Benefit Program/August 2009	1,070.80
	10-0124	AFLAC	001.6100.8110	Employee Benefit Program/September 2009	278.70
			001.6400.8110		116.50
	10-0125		001.6100.7303	Program Fees/September 2009	25.00
	10-0126	Managed Health Network	001.6100.8110	Employee Benefit Program/September 2009	17.29
			001.6400.8110		4.94
	10-0127	Delta Dental	001.6100.8110	Employee Benefit Program/September 2009	593.03
			001.6400.8110		42.84
	10-0128	Principal Financial Group	001.6100.8110	Employee Benefit Program/September 2009	356.23
			001.6400.8110		94.06
	10-0129	Vision Service Plan	001.6100.8110	Employee Benefit Program/September 2009	147.23
			001.6400.8110		20.30

	10-0130	Cynthia Conners	001.6000.8102	August Compensation	300.00
	10-0131	Bert Hack	001.6000.8102	August Compensation	300.00
	10-0132	Martin Rhodes	001.6000.8102	August Compensation	300.00
	10-0133	Robert Ring	001.6000.8102	August Compensation	300.00
	10-0134	Milt Robbins	001.6000.8102	August Compensation	300.00
	10-0135	ADP	001.6100.8101	Payroll Ending 07/03/09 Full-time Staff	21,427.03
			001.6100.8102	Payroll Ending 07/03/09 Part-time Staff	1,038.25
			001.0000.2601	Deferred Comp/Payroll Ending 07/03/09	-325.00
			001.0000.2180	FSA Payable/Payroll Ending 07/03/09	-110.00
			001.6400.8101	Payroll Ending 07/03/09 Full-time Staff	4,472.00
			001.6100.8111	Payroll Taxes- Employer	1,763.11
			001.6400.8111	Payroll Taxes- Employer	342.11
			001.6100.2601	Deferred Comp/Payroll Ending 07/03/09	-1,219.80
			190.6500.8101	Payroll Ending 07/03/09 Full-time Staff	712.50
			190.6500.8102	Payroll Ending 07/03/09 Part-time Staff	480.00
			190.6500.8111	Payroll Taxes- Employer	114.18
	10-0136	ADP	001.6100.7303	Payroll Processing	109.62
	10-0137	CalPERS Retirement	001.6100.8112	Retirement System/Payroll Ending 07/03/09	3,860.48
			001.6400.8112		779.78
	10-0138	ICMA Retirement Corporation	001.6100.8101	Deferred Comp/Payroll Ending 07/03/09	325.00
			001.0000.2601	Deferred Comp/Payroll Ending 07/03/09	1,219.80
	10-0139	ADP	001.6100.8101	Payroll Ending 07/17/09 Full-time Staff	21,427.03
			001.6100.8102	Payroll Ending 07/17/09 Part-time Staff	1,043.75
			001.0000.2601	Deferred Comp/Payroll Ending 07/17/09	-375.00
			001.0000.2180	FSA Payable/Payroll Ending 07/17/09	-110.00
			001.6400.8101	Payroll Ending 07/17/09 Full-time Staff	4,472.00
			001.6100.8111	Payroll Taxes- Employer	1,782.05
			001.6400.8111	Payroll Taxes- Employer	342.10
			001.6100.2601	Deferred Comp/Payroll Ending 07/17/09	-1,219.80
			190.6500.8101	Payroll Ending 07/17/09 Full-time Staff	540.00
			190.6500.8102	Payroll Ending 07/17/09 Part-time Staff	712.50
			190.6500.8111	Payroll Taxes- Employer	95.82
	10-0140	ADP	001.6100.7303	Payroll Processing	109.62
	10-0141	CalPERS Retirement	001.6100.8112	Retirement System/Payroll Ending 07/17/09	3,860.48
			001.6400.8112		779.78
	10-0142	ICMA Retirement Corporation	001.6100.8101	Deferred Comp/Payroll Ending 07/17/09	375.00
			001.0000.2601	Deferred Comp/Payroll Ending 07/17/09	1,219.80

	10-0143	ADP	001.6100.8101	Payroll Ending 07/31/09 Full-time Staff	21,427.03
			001.6100.8102	Payroll Ending 07/31/09 Part-time Staff	1,139.75
			001.0000.2601	Deferred Comp/Payroll Ending 07/31/09	-375.00
			001.0000.2180	FSA Payable/Payroll Ending 07/31/09	-110.00
			001.6400.8101	Payroll Ending 07/31/09 Full-time Staff	4,472.01
			001.6100.8111	Payroll Taxes- Employer	1,774.92
			001.6400.8111	Payroll Taxes- Employer	342.10
			001.6100.2601	Deferred Comp/Payroll Ending 07/31/09	-1,219.80
			190.6500.8101	Payroll Ending 07/31/09 Full-time Staff	570.00
			190.6500.8102	Payroll Ending 07/31/09 Part-time Staff	712.50
			190.6500.8111	Payroll Taxes- Employer	98.11
	10-0144	ADP	001.6100.7303	Payroll Processing	109.62
	10-0145	CalPERS Retirement	001.6100.8112	Retirement System/Payroll Ending 07/31/09	3,860.48
			001.6400.8112		779.78
	10-0146	ICMA Retirement Corporation	001.6100.8101	Deferred Comp/Payroll Ending 07/31/09	375.00
			001.0000.2601	Deferred Comp/Payroll Ending 07/31/09	1,219.80
		TOTAL			310,363.42

Void Check(s): 107654, 107760, 107761, 107815

August

Debit	Debit	Overnite Express	001.6100.7223	Delivery Services	64.56
Debit	Debit	Valley Sierra Ins/Notary	001.6100.7221	Notary Supplies	149.91
Debit	Debit	Branch Home	001.6100.7221	Office Supplies/Biodegradable Cups	105.47
Debit	Debit	Acteva Event Payment	001.6000.7203	Registration/CA Road to Recovery/Macon	25.00

CITY OF LAGUNA WOODS
WARRANT REGISTER - FY 2009
August 19, 2009

CK #	WR #	Vendor	Account	Item/Purpose	Amount
107687	09-1659	Aliso Creek Printing	001.6100.7222	Building Services Permit Printing	519.28
107701	09-1660	Burke, Williams & Sorensen, LLP	001.6100.7301	Legal Services/Retainer/April 2009	128.84
			140.6590.7600	Legal Services/Moulton Smart Street/May 2009	2,839.72
			001.6590.7260	Legal Services/City Hall Acquisition/May 2009	10,515.61
107712	09-1661	David Evans & Associates	140.6590.7600	Traffic Mitigation/Capital Projects/June 2009	841.50
107716	09-1662	Hogle-Ireland	010.6400.7321	Deposit Based/Inspection Services/May 2009	1,668.75
			001.6400.7321	Building & Safety Inspection/May 2009	8,781.75
			001.6400.7311	Current Planning Services/May 2009	9,330.00
			001.6400.7322	Structural Plan Check/May 2009	1,890.00
107720	09-1663	Konica Minolta	001.6100.7222	Copier Fees/4th Quarter FY 08-09	55.29
107721	09-1664	Konica Minolta	001.6100.7222	Copier Fees/4th Quarter FY 08-09	343.02
107722	09-1665	Jennifer Kornmann	001.0000.4406	Refund/Permit Fees/TSP-544	39.00
107727	09-1666	Orange County Register/Public Notices	001.6100.7224	Public Notices/June 2009	100.50
107734	09-1667	South County Outreach	001.6500.7300	Community Services Grant/3rd Quarter Payment	5,000.00
107740	09-1668	Sandra Verrall	001.6590.7232	Cell Phone Reimbursement/May 22-June 21, 2009	25.00
107737	09-1669	Southern California Edison	100.6700.7237	Safety Lights Over Traffic Signals/June 2009	401.35
107738	09-1670		001.6700.7236	Residential Streetlights/United/June 2009	361.03
107739	09-1671		001.6700.7236	Residential Streetlights/Third/June 2009	4,313.81
107740	09-1672		100.6700.7237	Right of Way/June 2009	2,109.82
107752	09-1673	AT&T	001.6590.7232	Telephone/581-3974/June 2009	336.22
107756	09-1674	Dennis D. Nelson, P.E.	100.6700.7332	Traffic Engineering Services/June 2009	18,103.45
			140.6590.7600	Traffic Mitigation/Capital Projects/June 2009	2,908.00
			010.6700.7331	Engineering Services/Deposit Based/June 2009	1,175.00
107757	09-1675	El Toro Water District	001.6590.7231	City Hall Utilities/June 2009	28.00
107758	09-1676				173.20
107759	09-1677	Gary Gates	001.6100.8110	Employee Benefit Program/June 2009	409.88
			001.6590.7232	Cell Phone Reimbursement/June 2009	40.00
			001.6100.7204	Mileage Reimbursement/June 2009	165.75
			001.6100.7203	Meeting/International Code Council/June, 2009	30.00
107769	09-1678	South County Seniors	001.6500.7300	Community Services Grant/3rd Quarter Payment	18,750.00
107773	09-1679	Yolie Trippy	001.6100.7204	Mileage Reimbursement/December 2008-June 2009	47.36
107774	09-1680	Sandra Verrall	001.6100.7204	Mileage/June 2009	93.23

107777	09-1681	ABM Janitorial	001.6590.7234	Janitorial Service/April 2009	709.80
107783	09-1682	Braille Institute	001.6500.7300	Community Services Grant/3rd Quarter Payment	5,000.00
107784	09-1683	Burke, Williams & Sorensen, LLP	001.6100.7301	City Attorney Services/Non-Retainer/June 2009	76.07
			001.6590.7260	City Attorney Services/Non-Retainer/June 2009	15.00
			140.6590.7600	Attorney Service/Moulton Smart Street/June 2009	3,193.55
107789	09-1684	Dennis D. Nelson, P.E.	010.6700.7331	Engineering Services/Deposit Based/June 2009	195.00
107790	09-1685	El Toro Water District	001.6700.7342	Landscape Irrigation/June 2009	36.51
107794	09-1686	Overland, Pacific & Cutler	140.6590.7600	Traffic Mitigation/Capital Projects/June 2009	582.25
107799	09-1687	TruGreen Landcare	001.6700.7342	Landscape Maintenance/Extra Work/June 2009	1,447.23
107804	09-1688	Curbside	001.6700.7349	Door-to-Door Collections/June 2009	4,502.70
			001.6700.7349	Household Hazardous Waste Collect/E-Waste/June 2009	4,145.88
			001.6700.7349	Household Hazardous Waste Collect/Medical/June 2009	96.79
			001.6700.7349	Battery Collections/June 2009	676.70
107805	09-1689	Dayle McIntosh Center	001.6500.7300	Community Services Grant/3rd Quarter Payment	1,250.00
107811	09-1690	Douglas Reilly	001.6100.7204	Employee Benefit/Mileage Reimbursement/June 2009	21.45
107818	09-1691	Trauma Intervention Program	001.6500.7300	Community Services Grant/3rd Quarter Payment	1,250.00
	09-1692	Avanti Printing & Graphics	001.6500.7330	Summer 2009 Newsletter/Printing Services	56.03
	09-1693	County of Orange/Streets	110.6700.7343	Street Maintenance/June 2009	22,153.91
			100.6700.7347	Street Sweeping/June 2009	2,297.65
	09-1694	Burke, Williams & Sorensen, LLP	001.6100.7301	City Attorney Services/Retainer/June 2009	3,718.50
			140.6590.7600	Attorney Service/Moulton Smart Street/June 2009	906.50
	09-1695	Mayer Hoffman McCann P.C.	001.6590.7391	Professional Services/FY 2008 Audit/Final Payment	430.00
		TOTAL			144,285.88

Void Check(s):

6.5
MASSAGE BUSINESS REGULATIONS

ORDINANCE NO. 09-XX

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 6.40 OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO MASSAGE REGULATIONS

WHEREAS, the provisions of the Laguna Woods Municipal Code that relate to the practice of massage therapy were last updated in 2004; and

WHEREAS, California State Senate Bill 731, which is effective September 1, 2009, revised Business and Professions Code sections 4600 et seq. and modified cities' ability to regulate the practice of massage therapy; and

WHEREAS, the City of Laguna Woods intends to provide for the orderly regulation of the practice of massage therapy, in the interest of public health, safety, and welfare, and wishes to recognize the practice of massage therapy as a valid profession and discourage the use of massage therapy as a subterfuge to commit illegal or illicit activity; and

WHEREAS, the City of Laguna Woods intends to modify its massage therapy regulations so that they are consistent with Senate Bill 731; and

WHEREAS, the City of Laguna Woods is authorized to adopt this ordinance pursuant to Sections 51030 through 51034 of the California Government Code, Sections 4600 through 4620 and Section 16000 of the California Business & Professions Code, and Section 7 of Article XI of the California Constitution.

NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings

The City Council hereby incorporates the foregoing recitals and findings.

SECTION 2. Repeal of Existing Regulations

Chapter 6.40, entitled Massage Business Regulations, is hereby repealed from Title 6 (Businesses) of the Laguna Woods Municipal Code.

SECTION 3. Adoption of Massage Therapy Regulations

Chapter 6.40, entitled Massage Therapy Regulations, is hereby added to Title 6 (Businesses) of the Laguna Woods Municipal Code as follows:

CHAPTER 6.40. MASSAGE THERAPY REGULATIONS

6.40.010. Purpose.

The purpose of this chapter is to establish regulations for the massage therapy profession that are reasonable and necessary to protect public health and safety and reduce the potential for illegal and illicit activity within the City of Laguna Woods. This chapter is not intended to be exclusive and compliance with its provisions shall not excuse noncompliance with any State or other local laws.

6.40.020. Definitions.

For the purposes of this chapter, the following terms are defined:

(05) *City* means the City of Laguna Woods.

(10) *City Manager* means the City Manager of the City of Laguna Woods or his or her designee.

(15) *Employed or retained* includes any person who is an employee, trainee, volunteer, or independent contractor of a massage business or establishment, regardless of whether or not compensation is paid.

(20) *Massage, massage therapy, and bodywork* are used interchangeably in this chapter and mean the application of various techniques to the muscular structure and soft tissues of the human body, including, but not limited to, any method of pressure or friction against, or stroking, kneading, rubbing, tapping, compressing, pounding, vibrating, rocking or stimulating of external surfaces of the body with hands or with the aid of any apparatus or other appliances or

devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, or other similar preparations for any consideration whatsoever. Specifically excluded are spiritual healing, detoxification, hypnosis, colonic irrigation, yoga, vacuum cupping, exercise, or procedures which penetrate body cavities by any method.

(25) *Massage business or establishment* means any business or establishment with a fixed location that offers massage therapy or a combination of massage therapy and bath facilities, including, but not limited to, showers, baths, wet and dry heat rooms, plunges, saunas, pools and hot tubs. Any public bathing place where there is communal bathing or communal use of bath facilities at a fixed location where massage therapy is also performed shall be considered a massage business or establishment under this chapter.

(30) *MTO certificate* means the certificate issued by the Massage Therapy Organization (MTO) to massage therapists pursuant to subdivision (c) of Section 4601 of the California Business and Professions Code, and to massage practitioners pursuant to subdivision (b) of Section 4601 of the California Business and Professions Code or subdivision (a) or (c) of Section 4604 of the California Business and Professions Code.

(35) *Person* means any individual, proprietorship, partnership, corporation, firm, association, joint venture, limited liability company, combination of individuals, or combination of the above in whatever form or character.

6.40.030. Licensing requirements.

(a) Except where a specific exemption is applicable pursuant to Section 6.40.040, it shall be unlawful and a misdemeanor for:

(1) Any person to engage in the practice of massage therapy unless such person holds and maintains in full force and effect a valid MTO certificate.

(2) Any massage business or establishment to employ or retain a person to engage in the practice of massage therapy unless such person holds and maintains in full force and effect a valid MTO certificate.

(b) Any person who has in full force and effect a valid massage license issued by the City of Laguna Woods shall not be required to obtain an MTO certificate as long as that person maintains such license in full force and effect.

(c) All persons, massage businesses or establishments subject to this chapter shall have 60 calendar days from the effective date of this chapter to file proof of valid MTO certification with the City and to comply with this chapter.

6.40.040. Exemptions.

(a) This chapter shall not apply to:

(1) Physicians, surgeons, chiropractors, acupuncturists, osteopaths, podiatrists, naturopaths, physical therapists, and nurses who are duly licensed to practice their respective professions in the State of California under the provisions of the Business and Professions Code, while performing activities encompassed by such licenses.

(2) Persons who are duly licensed to practice a healing arts profession in the State of California under the provisions of Division 2 of the Business and Professions Code, while performing activities encompassed by such licenses.

(3) Barbers and cosmetologists who are duly licensed to practice their respective professions in the State of California under the Business and Professions Code, while performing activities encompassed by such licenses, provided that massage therapy is limited solely to the neck, face, scalp, feet, hands, arms, and lower limbs up to the knees, of their patrons.

(4) Employees of State-licensed hospitals and nursing homes, or other state-licensed physical or mental health facilities, provided that massage therapy is only provided to their patients, while performing activities encompassed by such licenses.

(5) Persons working in conjunction with an athletic event or similar single occurrence athletic event of no more than two days, including road races and marathons, provided that the following conditions are met:

a. Massages are made equally available to all event participants; and

b. The event is open to participation or qualification for participation by a significant segment of the public (e.g., members or employees of the sponsoring or participating organizations, etc.); and

c. Massages are only provided in the facility where the event will take place during or immediately preceding or following the event; and

d. The owner of the facility where the event will take place, as well as the primary event sponsors, have been advised of and have approved the practice of massage therapy; and

e. Persons engaging in the practice of massage therapy hold valid MTO certificates or are exempt under Section 6.40.040.

(b) In the event that an exempt person, as defined above in subsection (a), employs or retains a non-exempt person to engage in the practice of massage therapy at the exempt person's business location, the non-exempt person must obtain an MTO certificate before engaging in the practice of massage therapy and the business must comply with the operations requirements set forth below in Section 6.40.060.

6.40.050. Display and filing of license.

(a) Each massage business or establishment must maintain on its premises evidence for review by local authorities that demonstrates that all persons engaging in the practice of massage therapy have a valid MTO certificate or City of Laguna Woods massage license.

(b) Proof of valid MTO certification for all persons that engage in the practice of massage therapy must be filed with the City within five business days of each MTO certificate's issuance or renewal.

6.40.060. Operations requirements.

Massage businesses or establishments shall comply with the all of the following operations requirements in addition to all applicable requirements of the electrical, building, fire, plumbing, and other codes as adopted by the City, and State law:

(1) All lavatories or wash basins shall be provided with soap and single service towels in wall-mounted dispensers;

(2) Massage businesses or establishments shall at all times be equipped with an adequate supply of clean sanitary towels, coverings and linens. After a towel, covering or linen has been used once it shall be deposited in a closed receptacle

and not used until properly laundered and sanitized. Clean towels, coverings and linens shall be stored in closed, clean cabinets when not in use. Heavy white paper may be substituted for sheets, provided that such paper is used once for each person and then discarded into a sanitary receptacle;

(3) All massage therapy or bath facilities shall be maintained in good repair and thoroughly cleaned and disinfected as needed, but no less than once each business day that the premises are open and the facilities are in use. All bathtubs shall be thoroughly cleaned and disinfected after each use;

(4) All persons shall thoroughly wash their hands with soap and water or any equally effective cleansing agent immediately before engaging in the practice of massage therapy;

(5) Disinfecting agents and sterilizing equipment shall be provided for any instruments used in performing any type of massage, and said instruments shall be disinfected and sterilized after each use;

(6) Pads used on massage tables shall be covered with durable and washable plastic or other acceptable waterproof material;

(7) There shall be no display, storage, or use of any instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities, including, but not limited to, vibrators, dildos, or condoms, or any goods or items which are replicas of, or which simulate, specified anatomical areas, or pornographic magazines, videos, or other material;

(8) No person employed or retained by a massage business or establishment shall expose any genitals, pubic regions, buttocks, anuses, or female breasts below a point immediately above the top of the areola to the view of a patron of the massage business or establishment. Patrons shall be draped with a clean, opaque towel sufficient to cover their genitals, pubic regions, buttocks, anuses, or female breasts below a point immediately above the top of the areola during massage therapy;

(9) Each service offered, the price thereof, and the minimum length of time such service shall be performed shall be posted in a conspicuous public location in each massage business or establishment. All letters and numbers shall be capitals not less than one inch in height. No services shall be performed and no sums shall be charged for services other than those posted. This posting

requirement shall not apply to exempt physicians and/or surgeons who employ or retain non-exempt persons to perform massage therapy as part of licensed medical activities. All arrangements for services to be performed shall be made in a room that is not used for massage therapy;

(10) Alcoholic beverages may not be sold, served, furnished, kept, consumed, imbibed, or possessed on the premises without a conditional use permit and any applicable California Department of Alcoholic Beverage Control licenses.

6.40.070. Inspection by government officials.

The City Manager and his or her authorized representatives shall have the right to enter massage establishments or businesses, from time to time, during regular business hours, unannounced, for the purpose of making reasonable inspections to observe and enforce compliance with this chapter and all laws of the City and State of California.

SECTION 4. Effective Date.

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

SECTION 5. Severability

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. Deputy City Clerk's Certification.

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

PASSED, APPROVED AND ADOPTED this _____ day of _____ 2009.

ROBERT B. RING, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

STEPHEN A. MCEWEN, City Attorney

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

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 09-XX** was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the 15th of July, 2009, and that thereafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council on the _____ day of _____, 2009 by the following vote to wit:

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

YOLIE TRIPPY, Deputy City Clerk

7.1
TEMPORARY SIGN REGULATIONS

City of Laguna Woods
Agenda Report

DATE: August 19, 2009 City Council Meeting

TO: Honorable Mayor and City Councilmembers

FROM: Leslie Keane, City Manager

AGENDA ITEM: Modifications to Temporary Sign Regulations

Recommendation

A. Receive Staff Report

B. Open Public Hearing

C. Receive Public Comment

D. Close Public Hearing

E. Adopt an ordinance modifying temporary sign regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 13.20 OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO SIGN REGULATIONS

Background

The City's Zoning Code contains regulations for temporary signage that were adopted in 2003. At its July 15, 2009 meeting, the City Council approved introduction and first reading of an ordinance which would modify certain temporary sign regulations.

Discussion

The proposed ordinance contains the following revisions to existing regulations:

1. Addition of general regulations clarifying that temporary signs cannot resemble traffic signs, may not be illuminated, may not be located in public rights of way or on public property, and require property owner permission.

2. Clarification that construction signs must be located on site.

3. Clarification that real estate signs must be on site, with the exception of multifamily residential projects where signs may be located in common area property associated with the project, with the exception of pedestrian or vehicular access areas. Signs text is restricted to information regarding the sale or lease of the property.

4. Addition of a section allowing open house signs in residential zoning districts.

5. Clarification that banner signs are allowed in residential districts.

6. Increase in the number of days a banner sign may be in place – the proposal reduces the maxim permit duration from 60 to 30 days per sign, but increase the annual limit from 60 to 120 days. There would be a minimum 30 day down period between banners at a single business.

7. Addition of a provision allowing no fee two week offsite banners for non-profit organizations.

8. Elimination of the section permitting small decorative flags at real estate and residential facilities.

9. Addition of a section allowing free standing flag poles.

10. Clarification of the location of sandwich board signs and restriction of use to commercial districts.

The proposed ordinance would revise the text of Section (b) Temporary signs of Chapter 13.20 of the Municipal Code. The proposal does not contain revisions to prohibited signs, such as offsite signs or small staked signs, nor does it modify political or promotional sign regulations.

Advisory Committee Action

The Land Use and Design Review Committee discussed this proposal at their June and July meetings, and voted unanimously on July 8, 2009 to recommend approval of the proposed modifications.

Fiscal Impact

None; current city fees cover the costs of processing temporary sign permits.

Conclusion

Following the public hearing, if adopted by the City Council, the provisions of the proposed ordinance would be effective September 20, 2009.

Attachment: Proposed Ordinance

ORDINANCE NO. 09-XX

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 13.20 OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO SIGN REGULATIONS

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

SECTION 1. Section 13.20.050 (b) *Temporary Signs* of the Laguna Woods Municipal Code is hereby amended in its entirety to read as follows:

Sec. 13.20.050. Permitted signs

(b) *Temporary signs.*

(1) All temporary signs shall be subject to the following:

a. No sign shall simulate or imitate in size, color, lettering, or design any traffic sign or signal, or which makes use of the words, “Stop,” “Look,” or “Danger,” or any other words, phrases, symbols, or characters in such a manner as to interfere with, mislead, or confuse traffic.

b. No illumination shall be provided.

c. Temporary signs may not be located in, or extend into, any public right-of-way, nor be attached to fire hydrants, traffic signals, streetlights or utility poles, nor placed in any area that may otherwise inhibit or interfere with vehicular or pedestrian traffic.

d. Nothing in this subsection is intended to permit the installation of signs without permission of the property owner.

(2) *Construction signs.* One construction sign shall be permitted on any building site, during the period of construction, subject to the following conditions:

a. The sign must be located within the construction site parcel; the location shall not obstruct vehicular sight distance or be detrimental to surrounding properties.

b. The sign may not be internally or externally illuminated.

c. The area of the sign shall not exceed:

1. Where located in a residential district, the sign area shall not exceed:
   (i) Four (4) or less units per building site: Six square feet.
   (ii) Five (5) or more units per building site: Thirty-two square feet.

2. *Nonresidential.* Thirty-two square feet.

d. The sign may remain for a term not to exceed one year, and shall be completely removed prior to final building inspection. This period may be extended by the Community Development Director if active construction is ongoing.

(3) *Real estate signs.* In any area, one free standing real estate sign shall be permitted on any building site, subject to the following conditions:

a. The copy of these signs shall be limited to information relating to the sale, lease or rental of the premises on which the sign is located. These signs shall be removed upon the close of escrow or when lease or rental of all units has been accomplished.

b. The sign must be located on the site being sold or leased; in the case of a multifamily residential building or a shopping center, the sign may be located on common area property within the larger site as long as it does not occupy any pedestrian or vehicular access.

c. The area of the sign shall not exceed:

1. *Residential.*
   (i) Four (4) or less units per building site: Six square feet.
   (ii) Five (5) or more units per building site: Thirty-two square feet.

2. *Nonresidential.* Thirty-two square feet.

(4) *Open house signs in residential districts.* Open house signs are allowed within residential districts between the hours of dawn to dusk, and only while the open house is in progress. The copy of open house signs shall be limited to information relating to the sale, lease or rental of the premises, hours the home is open for view and/or directions to the property. Each sign shall be firmly affixed to a support stake and shall not exceed four square feet in total area. Signs may be displayed during the time of the open house but shall not exceed the period between dawn and dusk daily.

a. Open house signs associated with residential units located in a common interest development shall be limited to three signs per unit and may be placed on site or in common area associated with the property, subject to the regulations of the common interest development.

b. In the case of a single family residence, signs shall be limited to one sign per property and shall be restricted to the property.

c. Real Estate or open house signage displayed in a window of a residential unit shall be exempt from the provisions of this section, but shall not exceed 25 percent of any window in which they are placed.

(5) *Banner signs.*

a. Banner signs shall be allowed in commercial districts and on multifamily residential projects that exceed five or more units per building.

b. Banner signs shall be allowed to be attached flush to a building or store front.

c. Individual tenant, business or residential facility banner signs shall not exceed the following:

1. For buildings with frontages with 25 linear feet or less, a 25 square- foot maximum sign area is allowed.

2. For buildings with frontages with more than 25 linear feet, one square foot of signage per linear foot of frontage is allowed up to a maximum of 100 square feet.

3. For purposes of this section, building frontage shall be defined as the linear width of the building and/or business that includes its primary, public entrance.

d. Each building/business shall be allowed to display only one banner sign per frontage.

e. Each building/business may be granted a permit to display an on-site banner, for a maximum of one hundred and twenty (120) days within a twelve (12) month aggregate period. Time can be used in any multiple of consecutive days, not exceeding 30 days per event/occasion. Multiple banners displayed consecutively shall count against the total limit of days.

f. In the case of center or plaza events, the maximum banner sign size for individual participants is 25 square feet. A common center or plaza event identification shall not exceed 100 square feet. If the special activity includes multiple tenants of a commercial center or plaza, all signs and banners should be of a similar size, color or lettering style.

g. A banner sign permit is required and may be obtained from the Community Development Department based on a fee in accordance with the City's fee schedule.

h. Nonprofit Community Service Organization Special Event Signs. Subject to a written request and permission of the property owner, a no-fee permit for a temporary banner may be granted by the Director for a two week period or less, to certified nonprofit community service organizations, for an event which will benefit the community, or general public.

(6) *Commercial Center decorative banners.* In addition to the foregoing regulations, the following requirements apply to commercial center decorative banners, flags and pennants attached to light standards in commercial center parking areas. Such signs are exempt from the 120-day cumulative day time limits applicable to banner signs affixed to buildings. Commercial center decorative banner signs shall be:

a. A maximum of 30 inches wide and 60 inches long, but may be required to be smaller to achieve an aesthetic proportion or to avoid blocking of views;

b. Bottom of sign shall be mounted a minimum of ten feet above grade;

c. May not have any wording, lettering or logos with the exception of:

1. the name and logo of the center, consistent with an approved sign program; or

2. a design and wording relating to a special or seasonal event.

Such signs must be approved by the Director or his/her designee (with signed authorization for such from the owner or owners of the affected shopping center). The Director or his/her designee may exercise discretion in the application of the above standards so long as the intent of the restrictions is met and that public safety is protected.

(7) *Free standing flag poles.*

a. Free standing flag poles shall be permitted in the following zones:

(1) Open Space recreational - not exceeding 35'
(2) Neighborhood commercial – not exceeding 35'
(3) Highway Commercial – not exceeding 35'
(4) Professional and Administrative Offices – not exceeding 35'
(5) Community Commercial – not exceeding building height or 50', whichever is less
(6) Residential multifamily – not exceeding building height or 50', whichever is less

b. A maximum of two free standing poles and three flags shall be allowed on any single development site. For the purpose of this section, a shopping center, mall, business park, recreational facility and multi-building residential development shall be considered a single development site.

c. Flags allowed shall be defined as fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used to denote nations, government subdivisions, educational institution, or noncommercial organizations. Flags may not contain text other than the name of the organization, its incorporation date and/or motto.

(8) *Sandwich board and A-frame signs.* Sandwich-board and A-frame signs shall be permitted in commercial districts only and are subject to a one time permit fee per sign. If a previous sign is removed for a duration greater than 90 cumulative days, a new permit and fee shall be required to reestablish such sign. Signage is intended to be for the temporary advertisement or promotion of special events, sales, offerings, etc., which are of a limited duration. Such signs must be:

a. A maximum height of 48 inches and 24 inches wide including supports. Width at base should be 30 inches or as necessary to provide a firm and sturdy base. A chain or midpoint cross-member shall be in place to strengthen the sign;

b. Constructed of wood or metal, painted to match adjacent building;

c. Maximum of one sign per business at any one time;

d. Signs shall be placed located against the building frontage, adjacent to the entryway. There shall be a minimum of five (5) feet clearance and accessible space between the sign and the curb or any columns, planter, bench or other similar features;

e. May only be in place during open business hours of the applicant business;

f. May not be placed in landscaped areas; and

g. May not obstruct parking spaces.

Sandwich-board signs must be approved by the Director or his/her designee, who may exercise discretion in the application of the above standards so long as the intent of the restrictions is met and that public safety is protected.

(9) *Window signage in commercial districts.*

a. Both permanent and temporary window signage shall be limited to a maximum of 25 percent of the window area. Permanent window signage may be displayed up to 365 calendar days per year. Temporary window signage advertising sales or special events shall be removed every 30 calendar days and may not exceed the 25 percent coverage standard.

b. Temporary neon signs (plug-in, nonstructural), such as open signs, shall be permitted as part of the total allowable window signage, not to exceed a total of six square feet in size or 25 percent of the window coverage whichever is less.

SECTION 2. Deputy City Clerk's Certification.

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

PASSED, APPROVED AND ADOPTED THIS ___ DAY OF ______ 2009.

____
ROBERT B. RING, Mayor

ATTEST:

____
YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

____
STEPHEN A. MCEWEN, City Attorney

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

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 09-XX** was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the 15th of July 2009, and that thereafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council on the __ day of ____, 2009 by the following vote to wit:

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

____
YOLIE TRIPPY, Deputy City Clerk

8.1
ORANGE COUNTY COUNCIL OF GOVERNMENTS REVISED JOINT POWERS AGREEMENT

City of Laguna Woods
Agenda Report

DATE: August 19, 2009 City Council Meeting

TO: Honorable Mayor and Council Members

FROM: Leslie A. Keane, City Manager

AGENDA ITEM: Orange County Council of Governments

Recommendation

Approve a resolution approving and executing an amended and restated Orange County Council of Governments (OCCOG) Joint Powers Agreement, entitled:

> A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING AN AMENDED AND RESTATED ORANGE COUNTY COUNCIL OF GOVERNMENTS (OCCOG) JOINT POWERS AGREEMENT

Background

The Orange County Council of Governments (OCCOG) serves as an official sub-region of the Southern California Association of Governments (SCAG), the regional planning agency representing the six Southern California counties. OCCOG provides a coordinated mechanism for Orange County input to SCAG on behalf of its member agencies. Key responsibilities include:

- representing Orange County interests in the adoption of Regional Housing Needs Assessment (RHNA) allocations to local jurisdictions in the SCAG planning area;
- assuring a local, bottoms-up development of the Orange County Projections, which represents Orange County's official growth forecast for local, countywide and regional planning;
- adopting the Orange County official growth forecast, which is now required by statute to be used for RHNA allocations and for regional transportation

planning; and,

- providing input and recommendations on new requirements relating to SB 375 and its Sustainable Communities Strategy, which seeks to reduce greenhouse gas emissions by shifting future and higher-intensity growth near transit stations and facilities.

The forty member agencies of OCCOG include all Orange County cities, the County of Orange, Orange County Transportation Authority, the Transportation Corridor Agencies, and Orange County special districts.

Discussion

In 2009, the OCCOG Board of Directors completed a comprehensive revision to the original 1996 OCCOG joint powers agreement provisions that:

1) Establishes annual membership dues to assist in financing its operation – which had been previously absorbed by certain volunteer cities.

2) Broadens the powers of OCCOG to be able to retain staff and consultants to conducts its responsibilities as a SCAG sub-region.

3) Updates references to OCCOG's administration and establish an OCCOG Executive Director.

4) Streamlines and make consistent provisions relating to the joint powers agreement and OCCOG bylaws.

5) Updates the references to the member agencies and their voting on the OCCOG board.

At its June 25, 2009 meeting, the OCCOG Board of Directors unanimously adopted the amended and restated joint powers agreement as well as comprehensive amendments to the OCCOG bylaws. The revised bylaws require that any elected official that represents OCCOG – including any OCCOG Board Member and Alternate, and any elected official serving as an OCCOG Sub-regional Representative on SCAG's policy committees – be from a dues-paying OCCOG Member Agency in good standing.

Fiscal Impact

The revised joint powers agreement includes dues for member agencies based on population with a cap of $5,000. The initial year dues for Laguna Woods have been established as $2,454.47. Funding in this amount was included in the Fiscal Year 2009-10 budget.

Conclusion

Approval of the proposed resolution will authorize the Mayor to execute the revised OCCOG joint powers agreement.

Attachments: Resolution
OCCOG Joint Powers Agreement
OCCOG Bylaws

RESOLUTION 09-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING AN AMENDED AND RESTATED ORANGE COUNTY COUNCIL OF GOVERNMENTS (OCCOG) JOINT POWERS AGREEMENT

WHEREAS, the Orange County Council of Governments (OCCOG) serves as a Southern California Association of Governments (SCAG) subregional organization that represents the interests of Orange County in the consideration of SCAG plans, programs, policies and legislative platforms; and,

WHEREAS, the OCCOG was duly established by a joint powers agreement as a separate legal entity by and between thirty (30) founding member agencies between April 1996 and January 1998, with said member agency representation currently comprised of forty (40) public agencies; and with each member, by and through its legislative body, independently determining that the public interest, convenience and necessity required creation of a joint powers authority known as the OCCOG; and,

WHEREAS, the OCCOG Board of Directors recognized the need to amend and restate the original OCCOG joint powers agreement to: streamline and make consistent certain provisions relating to OCCOG between the provisions in the joint powers agreement and the provisions of the OCCOG bylaws; address updated references to member agencies and their voting on the OCCOG Board of Directors; add a provision to establish membership dues for member agencies; clarify the powers and limitations of OCCOG; and broaden the ability of OCCOG to retain staff and consultants; and,

WHEREAS, the OCCOG Board of Directors duly conducted a public meeting on the amended and restated OCCOG joint powers agreement on June 25, 2009 and unanimously adopted the amended and restated OCCOG joint powers agreement and authorized the transmittal of said amended and restated joint powers agreement to the OCCOG Member Agencies for execution by the legislative body of each Member Agency; and,

WHEREAS, in the conduct of its business, the OCCOG has further established bylaws which govern the effective and efficient conduct of the OCCOG, with the founding OCCOG bylaws adopted on May 17, 1997; and,

WHEREAS the OCCOG Board of Directors, at its meeting of June 25, 2009, reviewed, considered and adopted a comprehensive technical and policy revision to the OCCOG bylaws to further define the operation of the OCCOG; and,

WHEREAS, the revised OCCOG bylaws effect such changes as refining OCCOG board membership and voting provisions, authorizing membership dues; requiring that OCCOG board members be from dues-paying member agencies in good standing; and achieving a consistency between the provisions of the OCCOG joint powers agreement and the OCCOG bylaws; and,

WHEREAS, the 2009 amendment to the OCCOG bylaws provides a comprehensive technical and policy revision to the OCCOG bylaws, which are consistent with a 2009 amended and restated OCCOG joint powers agreement.

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

SECTION 1. The City of Laguna Woods hereby approves the amended and restated OCCOG joint powers agreement as adopted by the Orange County Council of Governments on June 25, 2009, attached hereto as Exhibit A, and the amended and restated Bylaws of the Orange County Council of Governments, attached hereto as Exhibit B, both are the incorporated herein by this reference.

SECTION 2. The Mayor of the City of Laguna Woods is hereby authorized to execute the amended and restated OCCOG joint powers agreement, subject to approval by the City Attorney as to form.

PASSED, APPROVED AND ADOPTED ON THE ____ DAY OF _____2009.

____
ROBERT B. RING, Mayor

ATTEST:

____
YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

____
STEPHEN A. McEWEN, City Attorney

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

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 09-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the ____ day of _____ 2009 by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

____

YOLIE TRIPPY, Deputy City Clerk

AMENDED AND RESTATED JOINT POWERS AGREEMENT ESTABLISHING THE ORANGE COUNTY COUNCIL OF GOVERNMENTS

This presentation reflects the Amended and Restated Agreement made between the Member Agencies (listed in Exhibit 1) hereinafter collectively or individually referred to as "Member Agencies."

RECITALS

A. Chapter 5 of Division 7 of Title 1 (commencing with Section 6500) of the California Government Code authorizes two (2) or more public agencies to jointly exercise any power common to them.

B. Each Member Agency and party to this Agreement is a governmental entity established by law with full powers of government in legislative, administrative, financial and other related fields.

C. Member Agencies realize the urgent need for areawide planning and coordination in order to provide advice to public entities on a range of issues that affect multiple interests.

D. Member Agencies believe that the joint exercise of their powers will provide an organization capable of conducting studies and projects designed to improve and coordinate common governmental responsibilities and services on an areawide and regional basis through the establishment of a council of governments.

E. Member Agencies wish to create a unified subregional organization which will improve Orange County's abilities to be represented in the southern California region, the State of California and the nation on issues and matters that affect collective Orange County interests.

F. Member Agencies believe that an Orange County Council of Governments ("OCCOG") is best suited to accomplish the preparation of subregional plan components mandated by state and federal law to conduct studies and projects designed to improve and coordinate the common governmental responsibilities and services on an areawide and regional basis through the establishment of a council of governments, and explore areas of intergovernmental cooperation and coordination of government programs and provide recommendations and solutions to problems of common and general concern.

G. Between approximately April 1996 and January 1998, thirty (30) Member Agencies adopted the original Joint Powers Agreement ("Original JPA") for the OCCOG. Since that date, twelve (12) additional Orange County agencies have signed the Original JPA to become Member Agencies.

H. The Member Agencies believe the OCCOG has been operating effectively at accomplishing its purposes, as outlined in the Original JPA, and seeks to have the Original JPA amended by this Amended and Restated JPA to better comport with the present and anticipated future needs of the OCCOG.

NOW, THEREFORE, in consideration of the recitals and the mutual obligations of the parties as herein expressed, Member Agencies agree as follows:

SECTION 1
ESTABLISHMENT

This Agreement amends and supersedes the Original JPA in its entirety. There is hereby created an organization known and denominated as the Orange County Council of Governments (OCCOG) which shall be a public entity, separate and apart from any member city or county. The Orange County Council of Governments shall be governed by the terms of this Joint Powers Agreement and the Rules, duly passed and adopted by the Board.

SECTION 2

PURPOSE AND FUNCTIONS

2.1 Functions

OCCOG established hereunder shall perform all necessary functions to fulfill the purposes of this Agreement. The OCCOG shall:

a. Serve as a forum for consideration, study and recommendation on area-wide and regional problems;

b. Assemble information helpful in the consideration of problems peculiar to Orange County;

c. Explore practical avenues for intergovernmental cooperation, coordination, and action in the interest of its members;

d. Seek economies of scale whenever practical in the administration of governmental services;

e. Exercise jointly the common powers of its members to manage and administer any implementation agreement or program;

f. Make and enter into contracts;

g. Contract for the services of engineers, attorneys, planners, financial consultants and others and employ such other persons, as it deems necessary:

h. Adopt rules, regulations, policies, bylaws and procedures governing the operation of OCCOG;

i. Apply for grants under any federal, state, regional or local programs as needed to achieve member objectives;

j. Seek the adoption or defeat of any federal, state or local legislation or regulation necessary or desirable to accomplish the stated purposes and objectives of the OCCOG;

k. Incur debts, liabilities or obligations;

l. Acquire, hold or dispose of property;

m. Receive gifts, contributions and donations of property, funds, services and other forms of financial assistance from persons, firms, corporations and any governmental entity;

n. To the extent not specifically provided in this Agreement, to exercise any powers authorized by the member agencies to achieve the OCCOG's objectives and such further powers not specifically mentioned herein, but common to Member Agencies, and authorized by California Government Code Section 6508.

2.2 Limitation of Powers

The manner in which the OCCOG may exercise its powers shall be subject to any statutory limitations applicable to the Orange County Transportation Authority.

SECTION 3
ORGANIZATION

3.1 Membership

The parties to OCCOG shall be each public entity which has executed or hereafter executes this agreement, or any addenda, amendment, or supplement thereto, and which has not, pursuant to provisions hereof, withdrawn from the OCCOG.

Other entities within Orange County may petition to become a member of the OCCOG by submitting to the Board of Directors ("Board") a resolution adopted by its governing body. The Board shall review the petition for membership and shall vote to approve or disapprove the petition. If the petition is approved by a majority of the Board the petitioning entity shall become a member of the OCCOG.

The names of the member parties at any time shall be shown on Exhibit 1, attached, as amended or supplemented from time to time.

3.2 Withdrawal from Membership

Any member of OCCOG may, at any time, withdraw from the OCCOG. The withdrawal of a member agency shall become effective ninety (90) days after a resolution adopted by its governing body which authorizes withdrawal is received by the OCCOG.

3.3 Successor Agency

The Orange County Council of Governments is hereby designated the successor in interest to the Orange County Regional Advisory and Planning Council (RAPC).

SECTION 4
BOARD OF DIRECTORS

4.1 Board of Directors and Voting

All functions of the OCCOG shall be exercised by the Board. Recognizing the provisions for formation in Section 9.1 of this agreement, the Board would be composed of elected officials and ex-officio (non voting) representatives of the following entities, as further provided in the OCCOG's Bylaws:

Entity Members	No. of Voting
County of Orange	1
Orange County Transportation Authority	1
Orange County Transportation Corridor Agencies	1
Orange County Sanitation Districts	1
Orange County ISDOC/Water Agencies Representative	1
Orange County Representative to SCAQMD	1
Orange County Delegates to SCAG	12
Orange County SCAG representative	1
At-large Orange County Cities Member	1
Total Members	**20 voting**

Additionally, there shall be one Orange County Division, League of California Cities Representative (non-voting Ex-Officio), one Private Sector Representative (non-voting Ex-Officio) and one University Representative (non-voting Ex-Officio) on the OCCOG Board, but more may be established based on needs and in accordance with the OCCOG's Bylaws.

4.2 Terms/Removal

Board members serve at the pleasure of the appointing entity and Board, as further set forth in the OCCOG Bylaws.

4.3 Vacancies/Alternates

If a person who has been appointed as a director ceases to serve as a member of the appointing entity or no longer qualifies to serve as a member of the appointing entity, he/she shall no longer serve on the OCCOG Board. The appointing entity is encouraged to fill vacancies as expeditiously as possible to ensure representation on the voting Board.

Each Board member can designate one or two alternates, provided that said alternates serve in a similar capacity in the entity as the Board member (i.e., elected officials for voting members). Alternate directors shall receive all meeting notices and written material sent to directors and shall have the right to participate and vote at meetings of the Board in the absence of the director for whom the alternate director serves.

All provisions of law relating to conflicts of interest that apply to a Board member shall apply to alternate board members.

4.4 Ex-Officio Representatives

Such representatives shall receive all meeting notices, shall have the right to participate in Board discussions, and shall have the right to place matters on the agenda, but shall not be counted towards a quorum of the Board and shall have no vote.

4.5 No Dual Representation

It is recognized that elected officials often represent various agencies by serving on various boards, committees, etc. In instances where elected officials represent more than one OCCOG member agency, the official will choose one agency to represent. When an elected official is the sole representative of an agency, the elected official shall represent that agency on the OCCOG Board. Procedures for filling open OCCOG member positions will follow those described in the OCCOG's Bylaws.

4.6 Officers

Chair: The Chair of the Board shall be elected annually as further provided in the OCCOG bylaws. Any Board member may be authorized to represent the Board upon approval by the Chairman.

Vice Chair: The Vice Chair of the Board shall be elected annually, as further provided in the OCCOG bylaws, and have all the powers to act in the place of the Chair in the Chair's absence.

4.7 Quorum

A majority of appointed voting directors shall constitute a quorum for acting on the business of the Board. If such number of Board members is an even number, a majority shall be one more than half the number of appointed directors to the Board.

4.8 Meetings

Regular Meetings: Regular meetings of the Board shall be held every month according to a schedule approved by the Board at its first meeting each calendar year.

Special Meetings: Special meetings may be called by the Chairman or a quorum of Board members.

Brown Act: All meetings shall be called and conducted in accordance with the Ralph M. Brown Act.

4.9 Bylaws

Bylaws providing additional details pertaining to the conduct of OCCOG and its support structure will be established and approved by the OCCOG Board.

SECTION 5
STAFFING, FUNDING AND ADDITIONAL RESPONSIBILITIES

5.1 Staffing, Consultants and Agents

The Board shall have the power to appoint, by employment or on a contractual basis, and remove an administrative officer to serve as the Executive Director of the Board. Such Executive Director shall have full authority and responsibility to implement the purposes and objectives of the OCCOG, subject to the general authority of the Board and specific definition of duties, responsibilities and compensation by contract or employment terms as approved by the Board and as provided by the OCCOG Bylaws. The duties of the Executive Director may be delegated by the Executive Director to subordinate employees or performed through contractual services.

The Board may appoint any additional staff, consultants or agents, as deemed necessary or desirable by approval of the Board. Such additional officers may be officers or employees of a Member Agency or the Board may approve entering into a contractual agreement for services for any function necessary for the Board to carry out its purpose, which additional officers or employees shall not be deemed employees of the OCCOG.

Additional support to OCCOG may be provided through committees, as established in the Bylaws.

5.2 Funding

Dues: Each Member of the OCCOG shall pay annual membership dues to recover costs for staffing, legal services, equipment, materials, contract services, office space and other capital and operational costs as stipulated by OCCOG's annual adopted budget, which dues shall initially be set at the amount provided as Exhibit "2" attached hereto and, thereafter, adjusted pursuant to OCCOG's annual adopted budget. Said dues structure shall be established by resolution of the Board and shall be updated annually.

Additional funding for the OCCOG's operation may be provided by monies provided to Orange County from the Southern California Association of Governments, member and/or non-member agency financial contributions, grants, and other sources authorized and approved by the OCCOG Board.

5.3 Assignment of Additional Responsibilities

Additional responsibilities will be undertaken by OCCOG in accordance with the following procedures.

Requests to Examine Issues and Provide Input/Recommendations: Requests from non-member and member agencies may be made to OCCOG to examine activities and provide recommendations. The OCCOG shall assign the Executive Director or an OCCOG committee the task of examining staffing needs and funding issues to undertake additional responsibilities, including the need to establish a special assessment to fund any additional responsibility, and providing recommendations to OCCOG on how and whether it might choose to pursue the request. In addition to considering potential staffing/funding constraints, the Executive Director or OCCOG committee will also base its recommendations, and the OCCOG shall consider, on whether the request/issue has strong countywide support among OCCOG members and can reduce or eliminate duplication, improve efficiencies and otherwise achieve countywide consensus and OCCOG objectives.

Assignment of Responsibilities to OCCOG: Should requests from member and/or non-member agencies be made for the OCCOG to assume responsibility for delivery of services, development of plans, programs or similar activities, the OCCOG would assume said responsibilities upon approval of its Board, with concurrence of the affected agency(ies).

SECTION 6
FINANCES

6.1 Budget

Prior to July 1st of each fiscal year, the Board shall adopt a budget.

6.2 Designation of Treasurer and Auditor/Controller

The Board shall, in accordance with applicable law, designate a Treasurer and Auditor/Controller for the OCCOG. The Treasurer shall have charge of the depositing and custody of all funds held by the OCCOG. The Treasurer shall perform such other duties as may be imposed by provisions of applicable law, including those duties described in Section 6505 and 6505.5 of the Government Code and such duties as may be required by the Board. The Auditor/Controller shall maintain the financial records of the OCCOG, and shall perform such functions as may be required by provisions of applicable law, this Agreement and any OCCOG bylaws and the direction of the Board.

6.3 Obligations of the OCCOG

As authorized by California Government Code Section 6508.1, the debts, liabilities and obligations of the OCCOG shall be the debts, liabilities or obligations of the OCCOG alone. No member of the OCCOG shall be responsible, directly or indirectly, for any obligation, debt or liability of the OCCOG, whatsoever. The debts, liabilities and obligations of the OCCOG shall be the debts, liabilities and obligations of the OCCOG alone, and not of the Members.

6.4 Control and Investment of OCCOG Funds

The Board shall adopt a policy for the control and investment of its funds and shall require strict compliance with such policy. The policy shall comply, in all respects, with all provisions of applicable law.

6.5 Funds and Properties

The Board shall appoint an entity to receive and have the custody of, and disburse OCCOG funds and property and make disbursements as agreed to by its members. The appointed entity shall invest OCCOG funds in accordance with the general law. All interest collected on OCCOG funds shall be accounted for and posted to the account of said funds.

6.6 Accounts and Reports

The OCCOG shall establish and maintain such records and accounts which are deemed necessary to account for and report on the various sources of funds, expenditures, grants, programs and projects and, as may be required by good accounting practice, the State Controller or the United States Government. The books and records of the OCCOG shall be open to inspection by representatives of the member agencies at all reasonable times.

SECTION 7
INDEMNITY

Each party hereto agrees to indemnify and hold the other parties harmless from all liability for damage, actual or alleged, to persons or property arising out of or resulting from negligent acts or omissions of the indemnifying party of its employees.

The member agencies, and their employees, officers, members and directors will not be liable to OCCOG (or anyone who may claim any right because of a relationship with OCCOG) for any acts or omissions related to the service to OCCOG. OCCOG and its members will indemnify and hold the members harmless from any obligations, costs, claims, judgments, attorney's fees, and/or attachments in any way connected with the services provided to OCCOG under this agreement.

SECTION 8
TERMINATION AND) DISSOLUTION

8.1 Termination

The OCCOG shall continue to exercise the joint powers herein until the termination of this Agreement and any extension thereof or until the parties shall have mutually rescinded this Agreement: providing, however, that the OCCOG and this agreement shall continue to exist for the purposes of disposing of all claims, distribution of assets and all other functions necessary to conclude the affairs of the OCCOG. Termination shall be accomplished by a majority action of the Board.

8.2 Distribution of Property and Funds

In the event of the termination of this Agreement, any property interest remaining in OCCOG following the discharge of all obligations shall be disposed in accordance with Government Code Section 6512.

SECTION 9
MISCELLANEOUS

9.1 Effective Date

This Agreement shall be effective and the Orange County Council of Governments shall exist from and after such date as this Agreement has been executed by 50 percent plus one of the cities or the County of Orange in Orange County representing over 50 percent of the County's population.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as evidenced by the signatures below.

MEMBER AGENCY

____

By: ______________________________

____

Title:______________________________

Date: ______________________________

ATTEST:

By: ______________________________

APPROVED AS TO FORM:

By: ______________________________

EXHIBIT 1

MEMBER AGENCIES LISTING

City of Aliso Viejo
City of Anaheim
City of Brea
City of Buena Park
City of Costa Mesa
City of Cypress
City of Dana Point
City of Fountain Valley
City of Fullerton
City of Garden Grove
City of Huntington Beach
City of Irvine
City of La Habra
City of La Palma
City of Laguna Beach
City of Laguna Hills
City of Laguna Niguel
City of Laguna Woods
City of Lake Forest
City of Los Alamitos
City of Mission Viejo
City of Newport Beach
City of Orange
City of Placentia
City of Rancho Santa Margarita
City of San Clemente
City of San Juan Capistrano
City of Santa Ana
City of Seal Beach
City of Stanton
City of Tustin
City of Villa Park
City of Westminster

City of Yorba Linda
County of Orange
Orange County Independent Special Districts/Water Agencies
Orange County Transportation Authority
Foothill / Eastern Transportation Corridor Agency
San Joaquin Hills Transportation Corridor Agency
County Sanitation Districts of Orange County, Nos. 1,2,3,5,6,7,11,13,14
South Coast Air Quality Management District

EXHIBIT 2

FY2009-10 OCCOG MEMBERSHIP DUES

Adopted by the OCCOG Board of Directors at its Regular Meeting of June 25, 2009

	Member Agency Name	2008 City Population	% Population (2008 DOF)	Base (1/3) of Initial Dues	Weighted Dues % of Total Pop.	Population Factor	Adopted OCCOG Dues
1	ALISO VIEJO	45,249	1.45%	$ 1,666.67	$ 1,932.94	$ 3,599.61	$ 3,599.61
2	ANAHEIM	346,823	11.11%	$ 1,666.67	$ 14,815.56	$ 16,482.22	$ 5,000.00
3	BREA	40,081	1.28%	$ 1,666.67	$ 1,712.18	$ 3,378.84	$ 3,378.84
4	BUENA PARK	82,768	2.65%	$ 1,666.67	$ 3,535.68	$ 5,202.34	$ 5,000.00
5	COSTA MESA	113,955	3.65%	$ 1,666.67	$ 4,867.92	$ 6,534.59	$ 5,000.00
6	CYPRESS	49,541	1.59%	$ 1,666.67	$ 2,116.29	$ 3,782.95	$ 3,782.95
7	DANA POINT	36,982	1.18%	$ 1,666.67	$ 1,579.79	$ 3,246.46	$ 3,246.46
8	FOUNTAIN VALLEY	57,925	1.86%	$ 1,666.67	$ 2,474.44	$ 4,141.10	$ 4,141.10
9	FULLERTON	137,437	4.40%	$ 1,666.67	$ 5,871.02	$ 7,537.69	$ 5,000.00
10	GARDEN GROVE	173,067	5.54%	$ 1,666.67	$ 7,393.06	$ 9,059.73	$ 5,000.00
11	HUNTINGTON BEACH	201,993	6.47%	$ 1,666.67	$ 8,628.72	$ 10,295.39	$ 5,000.00
12	IRVINE	209,806	6.72%	$ 1,666.67	$ 8,962.47	$ 10,629.14	$ 5,000.00
13	LA HABRA	62,635	2.01%	$ 1,666.67	$ 2,675.64	$ 4,342.30	$ 4,342.30
14	LA PALMA	16,176	0.52%	$ 1,666.67	$ 691.00	$ 2,357.67	$ 2,357.67
15	LAGUNA BEACH	25,131	0.81%	$ 1,666.67	$ 1,073.54	$ 2,740.21	$ 2,740.21
16	LAGUNA HILLS	33,421	1.07%	$ 1,666.67	$ 1,427.68	$ 3,094.34	$ 3,094.34
17	LAGUNA NIGUEL	66,877	2.14%	$ 1,666.67	$ 2,856.85	$ 4,523.51	$ 4,523.51
18	LAGUNA WOODS	18,442	0.59%	$ 1,666.67	$ 787.80	$ 2,454.47	$ 2,454.47
19	LAKE FOREST	78,317	2.51%	$ 1,666.67	$ 3,345.54	$ 5,012.21	$ 5,000.00
20	LOS ALAMITOS	12,191	0.39%	$ 1,666.67	$ 520.77	$ 2,187.44	$ 2,187.44
21	MISSION VIEJO	98,572	3.16%	$ 1,666.67	$ 4,210.79	$ 5,877.46	$ 5,000.00
22	NEWPORT BEACH	84,554	2.71%	$ 1,666.67	$ 3,611.97	$ 5,278.64	$ 5,000.00
23	ORANGE	140,849	4.51%	$ 1,666.67	$ 6,016.78	$ 7,683.44	$ 5,000.00
24	PLACENTIA	51,727	1.66%	$ 1,666.67	$ 2,209.67	$ 3,876.34	$ 3,876.34
25	RANCHO SANTA MARGARITA	49,764	1.59%	$ 1,666.67	$ 2,125.81	$ 3,792.48	$ 3,792.48
26	SAN CLEMENTE	67,892	2.18%	$ 1,666.67	$ 2,900.20	$ 4,566.87	$ 4,566.87
27	SAN JUAN CAPISTRANO	36,782	1.18%	$ 1,666.67	$ 1,571.25	$ 3,237.92	$ 3,237.92
28	SANTA ANA	353,184	11.32%	$ 1,666.67	$ 15,087.28	$ 16,753.95	$ 5,000.00
29	SEAL BEACH	25,986	0.83%	$ 1,666.67	$ 1,110.07	$ 2,776.73	$ 2,776.73
30	STANTON	39,276	1.26%	$ 1,666.67	$ 1,677.79	$ 3,344.46	$ 3,344.46
31	TUSTIN	74,218	2.38%	$ 1,666.67	$ 3,170.44	$ 4,837.10	$ 4,837.10
32	VILLA PARK	6,259	0.20%	$ 1,666.67	$ 267.37	$ 1,934.04	$ 1,934.04
33	WESTMINSTER	93,027	2.98%	$ 1,666.67	$ 3,973.92	$ 5,640.59	$ 5,000.00
34	YORBA LINDA	68,312	2.19%	$ 1,666.67	$ 2,918.15	$ 4,584.81	$ 4,584.81
35	COUNTY OF ORANGE	122,032	3.91%	$ 1,666.67	$ 5,212.95	$ 6,879.62	$ 5,000.00
36	OCTA*	0	0.00%	$ -	-	-	$ 5,000.00
37	TCA*	0	0.00%	$ -	-	-	$ 5,000.00
38	OC Sanitation District*	0	0.00%	$ -	-	-	$ 5,000.00
39	OC Special Districts (ISDOC)*	0	0.00%	$ -	-		$ 5,000.00
40	South Coast AQMD	0	0.00%	$ -	-	-	$ 5,000.00
	Total	**3,121,251**	**100.00%**	**$58,333.33**			**$ 167,799.65**

AMENDED
BYLAWS
OF THE
ORANGE COUNTY COUNCIL OF GOVERNMENTS

Adopted by the Orange County Council of Governments
June 25, 2009

TABLE OF CONTENTS

BYLAWS
ORANGE COUNTY COUNCIL OF GOVERNMENTS
(A JOINT POWERS AUTHORITY)

PREAMBLE

The Orange County Council of Governments ("OCCOG") is a separate public agency voluntarily established by its Members pursuant to the Joint Exercise of Powers Act, chapter 5 of Division 7 of Title 1 (commencing with Section 6500) of the California Government Code, which authorizes two (2) or more public agencies by a Joint Powers Agreement to exercise any power common to them. Said Agreement, attached as Exhibit "A" herein, was duly approved and enacted. Said Agreement remains fully effective.

In conjunction with, and subject to the limitations of, the terms of the Agreement, these Bylaws authorize, govern, and regulate the powers, conduct, rules, procedures, and operations of OCCOG.

ARTICLE 1. DEFINITIONS

For purposes of these Bylaws and throughout the Agreement, the following words, terms, phrases and their derivations shall have the meaning given herein. Hereinafter, the word "shall" is always mandatory and not merely directory.

"**Affected Agency**" shall mean any public agency that is statutorily responsible for providing a specified and particular service.

"**Agreement**" shall mean the Joint Powers Agreement for the Orange County Council of Governments.

"**Alternate Board Member**" or "Alternate" shall mean an individual who is designated to substitute in the capacity as a Member of the OOCOG Board for a specified Board Member who may become absent. The Alternate shall not become a governing director of OCCOG or serve as Board Member until such time as the Alternate assumes the seat of the absent Board Member.

“**Appointee to the OCCOG Board**” shall mean either a Board Member or an Alternate.

“**AQMD**” shall mean the South Coast Air Quality Management District.

“**Board**” or “Board of Directors” shall mean the collective governing body of the OCCOG, which represents all Members and exercises the powers and functions of the JPA Agreement.

“**Board Member**” or “Member of the OCCOG Board” shall mean a designated individual or an Alternate who serves on the OCCOG Board of Directors.

“**City Member**” shall mean a Member Agency to the OCCOG that is incorporated as a city within the geographical boundaries of Orange County.

“**Elected Official**” shall mean an individual elected to the governing body of a Member Agency by the general public.

“**Executive Director**” shall mean the Chief Administrative Officer of the OCCOG.

“**Executive Management Committee**” shall mean the advisory body to the OCCOG Board as established pursuant to these bylaws.

“**Fiscal Year**” shall mean the annual period from July 1 to and including the following June 30.

“**Founding Member**” shall mean a Member whose governing body determined to join the OCCOG prior to the first Board meeting on August 15, 1996.

“**General Assembly**” shall mean the collective OCCOG body consisting of one voting representative designated by each Member Agency.

“**ISDOC**” shall mean the Independent Special Districts of Orange County.

“**League of California Cities**” shall refer to the association of public entities, which comprise the Orange County Division of the League of California Cities.

“**Member Agency**” or “Member” shall mean a party to the Joint Powers Agreement for the OCCOG, whose dues-paying membership is in good standing.

"**Member of the General Assembly**" shall mean a representative to the OCCOG General Assembly designated by a Member Agency.

"**Non-voting Ex Officio Member**" shall mean a Member of the OCCOG Board of Directors who does not have a vote in OCCOG governing decisions and whose presence shall not be counted in determining whether a quorum exists.

"**OCCOG**" shall mean the Orange County Council of Governments.

"**OCSD**" shall mean the County Sanitation Districts of Orange County.

"**Policies and Procedures Manual**" shall mean the OCCOG Policies and Procedures Manual to the OCCOG Bylaws, as adopted and amended by the OCCOG Board.

"**Quorum**" shall mean fifty percent (50%) plus (1) of the OCCOG Board, excluding vacant board seats (no appointments) and non-voting Ex Officio members.

"**SCAG**" shall mean the Southern California Association of Governments.

"**SCAG District**" shall mean a geographic community of cities designated by SCAG. OCCOG board representation on SCAG District city representative seats shall correspond to the Orange County SCAG districts.

"**Subregional Organization**" shall mean a subregional planning agency as formally established under a joint powers agreement pursuant to California Government Code 6500 et.seq. for general planning purposes.

ARTICLE II. PURPOSE AND RESPONSIBILITIES

2.1 Purpose of OCCOG

The OCCOG is an agency voluntarily established by its Members pursuant to a Joint Powers Agreement (Agreement). The public interest requires a joint powers agency, known as the OCCOG, to represent the collective interests of Orange County Member Agencies in performing the general purpose as stated below.

The general purpose of the OCCOG is to:

A. Serve as the Subregional Organization that represents Orange County on mandated and non-mandated SCAG regional planning activities. Through such designation as a Subregional Organization, OCCOG shall participate and provide an Orange County voice of its Members on input and recommendations relating to SCAG planning activities, including but not limited to, the federally and state mandated Regional Transportation Plan, the state mandated Regional Housing Needs Assessment process, the state-mandated Sustainable Communities Strategy, and other SCAG programs.

B. Develop and adopt an Orange County Projections that serves as Orange County's official growth forecast for local, areawide and regional planning activities.

C. Provide a vehicle for the Members to engage cooperatively and voluntarily on additional regional and cooperative planning efforts with federal, state and regional agencies, including such planning issues as air quality, water quality, and other issues as determined by the Board and OCCOG's member agencies, and to provide an Orange County voice on recommendations and solutions on such additional planning issues to federal, state and regional agencies.

D. Conduct studies and projects designed to improve and coordinate the common governmental responsibilities and services on an area-wide and regional basis through the establishment of a council of governments.

It is the express intent of its Members that the OCCOG shall not possess the authority to compel any Member to conduct any activity or implement any plan or strategy that the Member does not wish to undertake (except for the payment of dues). The goal and intent of the OCCOG is one of voluntary cooperation among its member agencies for the collective benefit of member agencies in Orange County.

2.2 Responsibilities

A. To conduct the purpose of OCCOG serving as the SCAG subregional organization that represents Orange County, the OCCOG shall have the following responsibilities:

1. To serve as the subregional organization that represents Orange County to SCAG, and which functions as a collaborative partner with SCAG subregions and SCAG staff, policy committees and its Governing Board, to:

a. Provide Orange County's technical and policy level review, input and recommendations on SCAG activities, plans, programs and processes that are mandated by State and Federal law, such as the state-mandated Regional Housing Needs Assessment (RHNA), the federal and state-mandated Regional Transportation Plan, and the state-mandated Sustainable Communities Strategy.

b. Provide Orange County's technical and policy level review, input and recommendations on SCAG activities, plans, programs and processes that are not mandated by State and Federal law, such as SCAG's 2% Compass Blueprint planning and SCAG's Regional Comprehensive Plan.

c. Conduct demographic activities, including the review of growth forecasts as developed by SCAG.

2. To represent the interests of the Member Agencies on SCAG plans, programs, policies and proposed legislative platforms.

3. To build consensus among Member Agencies on the development, planning, and implementation of SCAG policies and programs.

B. To conduct the purpose of OCCOG developing and adopting Orange County's official growth forecast for use in local, areawide and regional planning, the OCCOG shall have the following responsibilities:

1. To serve as a sponsor agency of the Center for Demographic Research, CSUF (CDR) with other CDR sponsors in CDR's technical development of a growth forecast for Orange County.

2. To conduct a technical and policy level review and approval of Orange County's growth forecast, for transmittal to SCAG as Orange County's official growth forecast for regional planning, including the state and federally-mandated Regional Transportation Plan and Sustainable Communities Strategy.

3. To conduct a technical and policy level review and approval of Orange County's growth forecast, for use by Orange County jurisdictions, Orange County transportation agencies, and Orange County special districts, as the official growth forecast for Orange County planning efforts.

4. To approve and support Orange County's official growth forecast against any alternate forecasts developed for Orange County at the State or regional levels, including any forecasts developed through the Regional Housing Needs Assessment, State Compass Blueprint planning, or SCAG's 2% Compass Blueprint planning programs.

C. To conduct the purpose of OCCOG serving as a vehicle for cooperative planning for OCCOG Member Agencies, the OCCOG shall have the following responsibilities:

1. To serve as a forum for the review, consideration, study, development, and recommendation on planning issues at the areawide, regional, state and federal arenas that are of mutual interest and concern to the Member Agencies.

2. To serve as a forum for the exchange of ideas and information among its Member Agencies, and to consider questions of mutual interest and concern to Member Agencies and to develop technical, policy and action recommendations.

3. To monitor, review and analyze regional, state and federal air quality plans, programs, legislation and proposed rules and regulations as they affect Member Agencies.

4. To serve as an advocate in representing the Member Agencies at the federal, state and regional levels on issues of importance to OCCOG.

5. To facilitate intergovernmental coordination with the public and private sectors in Orange County on issues of common interest and concern to Orange County governmental and special district agencies.

D. To employ agents, officers and employees.

E. To make and enter into contracts, including contracts for the services of engineers, consultants, planners, financial consultants, attorneys and single-purpose public/private groups, and separate and apart there from to employ such other persons, as it deems necessary.

F. To serve as a mechanism for obtaining regional, state and federal grants to assist in financing the expenditures of the OCCOG.

G. To apply for, receive, and administer a grant or grants under any local, regional, state or federal program.

H. To receive gifts, contributions and donations of property, funds, services and other forms of financial assistance from persons, firms, corporations and any governmental entity.

I. To delegate some or all of its powers to the Executive Director as provided herein.

OCCOG staff shall also have the authority to examine issues as requested by Member and Non-Member Agencies and present recommendations to the Board. Non-Member agency affiliations shall include, but not be limited to:

- Planning Directors Association of Orange County
- Orange County Public Works City Engineers Association

However, the Executive Director and Board may not implement any authority beyond those enumerated in Section 2.2 above, without the approval of two-thirds (2/3) of the total voting membership of the Board and the concurrence of affected agencies. For the purposes of these Bylaws, "concurrence of affected agencies" shall mean all of those agencies statutorily responsible for providing the service. Legal Counsel shall advise the Board on any procedural steps required for the expansion of OCCOG's authority prior to Board approval of such new authority.

2.3 General Powers

The OCCOG shall possess the authority to exercise any and all those legislative, administrative, and financial powers which are common to all Members at the time the power is exercised and are necessary to accomplish the purposes of the OCCOG as stated above and throughout the Agreement, subject to the limitations specified in Section 2.4 of these Bylaws below.

2.4 Limitation of Powers

The exercise of power by the OCCOG shall be limited by the following:

A. The OCCOG shall have no authority or jurisdiction to impose any land use requirements on the owner, developer, or occupant of any property, nor shall OCCOG mandate that any public entity must adopt any such requirement. The OCCOG shall have no authority or jurisdiction with respect to the establishment of land use planning, spheres of influence for cities, or land use approvals. Further no action by the OCCOG will change, reduce, or interfere with the local authority and decision-making of cities or the County.

B. The OCCOG shall have no authority or jurisdiction to impose any tax or assessment, nor shall OCCOG impose any fee that is not reasonably related to recover the cost of a service provided by OCCOG.

ARTICLE III. MEMBERSHIP

3.1 Members of the OCCOG

Members of the OCCOG shall be all dues-paying public agency parties to the Agreement including any addendum, supplement or amendment thereto, as individually executed on behalf of the respective governing bodies of the public agency parties, and which have not duly withdrawn from the membership as provided herein and which remain Members in good standing. Founding Members shall consist of those public agencies, which determined to join the OCCOG prior to the date of the first Board meeting on August 15, 1996, as established in OCCOG Board Resolution 97-1, Exhibit II, attached hereto and incorporated herein by this reference as Appendix A.

Any additional public agency located within the geographical boundaries of Orange County may petition to become a Member of the OCCOG by submitting to the Board a resolution adopted by the petitioner's governing body requesting consideration for membership along with any additional information required by the Board.

The Board shall review the petition for qualification as membership and shall vote to approve or disapprove the petition. Petitioners shall become Members at such time as a majority of the total voting membership of the Board approves the petition, and the petitioner signs an addendum to the Agreement assenting to the terms and conditions of the Agreement and these Bylaws, including the payment of dues.

Exhibit 1 to the Agreement, which lists the names of members, shall be updated when new Member Agencies join or when Member Agencies leave, as a Supplement to the Agreement.

3.2 Membership Dues

Each Member of the OCCOG shall pay annual membership dues to recover costs for staffing, legal services, equipment, materials, contract services, office space and other capital and operational costs as stipulated by OCCOG's annual adopted budget. Said dues structure shall be established by resolution of the Board and shall be updated annually.

3.3 Withdrawal

Any Member of the OCCOG may withdraw from membership at any time with or without cause. Withdrawal does not become effective until ninety (90) days after a resolution approved by the Member's governing body authorizing withdrawal is submitted to the Board.

ARTICLE IV. GENERAL ASSEMBLY

4.1 Meetings

The General Assembly shall consist of one voting representative or his/her alternate as designated by each Member. The date, time, and place of the General Assembly meeting shall be established by Resolution of the Board. Special meetings of the General Assembly may be called by a quorum of the Board in attendance at any Board meeting or by written petition signed by ten percent (10%) of the General Assembly. The Chair of the Board shall serve as Chair of the General Assembly. All meetings of the General Assembly shall be called and conducted, and an agenda posted, in accordance with the Ralph M. Brown Act, Government Code Section 54950 et seq., ("Brown Act") as it now exists or may hereafter be amended.

4.2 Consideration of Issues

The Executive Director shall present a report to the General Assembly for the General Assembly's comment and input, including the following:

A. A summary of projects and accomplishments undertaken by the OCCOG during the previous fiscal year;

B. An annual financial statement of the previous fiscal year;

C. A proposed work program for the following fiscal year;

D. A statement of projected income and expenditures for the following fiscal year, including a listing and amount of sources of funding and all matching requirements and obligations to satisfy the funding, for all projects proposed to be undertaken or coordinated by the OCCOG; and,

E. Any other issue agendized for consideration by the General Assembly as requested by any Board Member, EMC Member, Member of the General Assembly, or Executive Director, and as approved by the Board.

4.3 Powers

The General Assembly is empowered to provide comment and policy suggestions to the Board on any agendized item, including recommendations for amendments to these Bylaws as provided in Article XI herein, and any determination of OCCOG policy matters as raised by any Member Agency and approved by the Board.

Actions by the General Assembly shall be in the form of recommendations forwarded to the Board and shall require a vote of approval by a majority of those Members of the General Assembly in attendance. A quorum of the General Assembly shall consist of a simple majority of the total membership to the General Assembly.

ARTICLE V. BOARD OF DIRECTORS

5.1 Representation

A. The Members shall exercise the powers and functions of OCCOG through its representatives on the Board. Concurrent with membership on the Board, each voting Member of the Board shall be an Elected Official of a Member Agency. Voting Members of the Board shall serve the OCCOG Members as a whole, and shall represent no special group or interest. Board Members shall be from a dues-paying OCCOG member agency in good standing, with the exception of agencies represented on non-voting, ex-officio seats of the Board.

B. Board members shall include representation from the public agencies, special districts and agencies as listed herein, and shall not represent more than one of the agencies included among the Board:

(1) County-At-Large Representative: 1 seat

(2) Orange County Transportation Authority (OCTA) Representative: 1 seat

(3) Transportation Corridor Agencies (TCA) Representative: 1 seat

(4) County Sanitation Districts of Orange County (OCSD) Representative: 1 seat

(5) Independent Service Districts of Orange County (ISDOC) Representative: 1 seat

(6) South Coast Air Quality Management District (AQMD) – Orange County Representative: 1 seat

(7) Southern California Association of Governments (SCAG) District Representatives: 1 seat for each SCAG District, for a total of 12 SCAG District seats, as described below and as may be amended:

(a) District 12, representing the cities of Aliso Viejo, Dana Point, Laguna Beach, Laguna Niguel, San Clemente and San Juan Capistrano.

(b) District 13, representing the cities of Laguna Hills, Laguna Woods, Lake Forest, Mission Viejo, and Rancho Santa Margarita.

(c) District 14, representing the City of Irvine.

(d) District 15, representing the cities of Newport Beach, Costa Mesa and Fountain Valley.

(e) District 16, representing the City of Santa Ana.

(f) District 17, representing the cities of Orange, Tustin and Villa Park.

(g) District 18, representing the cities of Cypress, Garden Grove and La Palma.

(h) District 19, representing the City of Anaheim.

(i) District 20, representing the cities of Los Alamitos, Seal Beach, Stanton, and Westminster.

(j) District 21, representing the cities of Buena Park and Fullerton.

(k) District 22, representing the cities of Brea, La Habra, Placentia and Yorba Linda.

(l) District 64, representing the City of Huntington Beach

(8) SCAG - County Representative: 1 seat

(9) Cities At-Large Representative: 1 seat

(10) League of California Cities, Orange County Division: 1 seat – Non-voting Ex Officio

(11) Private Sector Representative: 1 seat – Non-voting Ex Officio

(12) University Representative: 1 seat – Non-voting Ex Officio

C. Each Board Member may also appoint one or two Alternates to serve on the Board in the absence of the appointed Board Member, provided that the Alternate Member is an Elected Official from a dues-paying Member Agency in good standing. The Alternate shall be designated within ten (10) days of the appointment of the Board Member. Designated Alternates shall receive all notices and written material as do Board members.

D. Terms of Board Members and Alternate Board Members shall be governed by the selection/election process for each category of representative as described herein.

E. The Board may review the composition of cities in each SCAG district every five years, in accordance with SCAG bylaws, to determine if adjustments to SCAG district boundaries are warranted based on city population data and newly-incorporated cities, and may make recommendation to SCAG on any proposed adjustments to SCAG district boundaries.

5.2 Selection of Board Members

Each representative seat of the OCCOG is selected as identified herein, with the selection process conducted in accordance with the OCCOG Policies and Procedures Manual.

Board Member Representatives that are selected for a two-term are as follows:

A. SCAG District City Representatives: In accordance with SCAG election procedures for SCAG District Representatives, the OCCOG Member Cities located within each SCAG District in Orange County shall elect a city council member to the SCAG Regional Council.

The elected District Representative to the SCAG Regional Council shall also be appointed as the OCCOG Board Member for said SCAG District, for the term of the SCAG District Representative. If no cities in the District are members of SCAG, cities in the District may elect an elected official from one of the cities in the District as the OCCOG Board Member.

The Executive Director shall conduct the SCAG District Representative elections in accordance with SCAG bylaws and SCAG district election procedures, provided that each SCAG District appointee shall be an Elected Official from one of the Member Cities within the SCAG District.

B. Private Sector Representative: The Board shall appoint one person from the private sector to serve as a Non-voting Ex Officio Member of the Board, in accordance with selection procedures established by the Board.

C. University Representative: The Board shall appoint one person representing Orange County Universities, to serve as a Non-voting Ex Officio Member of the Board, in accordance with selection procedures established by the Board. Appointees from the University of California at Irvine (UCI), California State University at Fullerton (CSUF) and Chapman University shall serve a 2-year rotating term.

Board Member Representatives that are appointed and serve at the pleasure of the appointing body, are as follows:

D. County At Large Representative: The Orange County Board of Supervisors may appoint one Supervisor as a Member of the OCCOG Board, provided that the County of Orange is a dues paying Member Agency in good standing.

E. OCTA Representative: The Board of Directors for the Orange County Transportation Authority ("OCTA Board") may appoint one of its Directors as a Member of the OCCOG Board, provided that the OCTA is a dues-paying Member Agency in good standing and the appointee is an Elected Official of a dues-paying Member Agency in good standing.

F. TCA Representative: The governing boards of the Orange County Transportation Corridor Agencies ("TCA") may appoint one of its Board Members to the OCCOG Board, provided that the TCA is a dues-paying Member Agency in good standing and that the appointee is an Elected Official of a dues-paying Member Agency in good standing.

G. OCSD Representative: The joint governing board of the County Sanitation Districts of Orange County Nos. 1, 2, 3, 5, 6, 7, 11, 13 and 14, may appoint one of its Board Members to the OCCOG Board, provided that the OCSD is a dues-paying Member Agency in good standing and that the appointee is an Elected Official of a dues-paying Member Agency in good standing.

H. ISDOC Representative: The Board of Directors for ISDOC may appoint one of its Board Members to the OCCOG Board, provided that the ISDOC is a dues-paying Member Agency in good standing and that the appointee is an Elected Official.

I. AQMD – Orange County Representative: The South Coast AQMD Governing Board includes an Orange County-Cities Representative and an Orange County Board of Supervisors Representative. Said representatives shall select which representative shall serve as the

OCCOG Board Member and the OCCOG Board Member Alternate, provided that the AQMD is a dues-paying Member Agency in good standing, and provided that the elected officials serving as the AQMD-Orange County Cities Representative and the AQMD-County Representative are from dues-paying Member Agencies in good standing.

J. SCAG - County Representative: The Representative to the SCAG Regional Council for the County of Orange shall automatically be a Member of the Board, provided that the appointee is a Supervisor for the County of Orange and provided that the County of Orange is a dues-paying Member Agency in good standing.

K. Cities At-Large Representative: One at-large Member of the Board shall be appointed through the City Selection Committee as established pursuant to Section 50270 of the Government Code, provided that the appointee is an Elected Official of a dues-paying City Member Agency in good standing.

L. Orange County Division, League of California Cities Representative: The Orange County Division, League of California Cities may appoint one elected official to serve as a Non-voting Ex Officio member of the Board.

5.3 Board Vacancies and Term of Office

Unless otherwise provided in Section 5.2 above, the Executive Director shall arrange for a special election in the event the respective Board seat becomes vacant. The appointment of a Board Member to fill a vacancy shall in all other respects follow the procedures and requirements set forth in Sections 5.1 and 5.2 herein, and said Board Member shall serve for the remainder of the term of office.

5.4 Officers

A. The Officers of the OCCOG shall consist of the Chair and Vice Chair, which positions shall be elected annually at the first regular meeting in May or as soon thereafter when a quorum is reached, and shall be elected by a majority of the Board Members in attendance.

B. The Chair shall preside at all meetings of the Board and shall exercise firm control and direction during the course of any Board meeting. No Member of the Board, any presenter, or any member of the general public shall address the Board until recognized by the Chair. The Chair and the Board shall be guided, but not bound, by Roberts Rules of Order, latest revision, on all questions of procedure and parliamentary law not covered by the Bylaws or other rules and regulations adopted by the Board.

C. The Vice Chair shall perform all duties of the Chair in the temporary absence of the Chair.

D. The Executive Director shall exercise general supervision over the business papers and property of the OCCOG, and shall execute all resolutions and agreements on behalf of the Board, subject to the restrictions of these Bylaws and the laws of California.

5.5 Meetings

A. Meeting Schedule: Regular meetings of the Board shall be set according to a schedule approved by the Board at its first meeting each calendar year. Said schedule shall include the time, date, and location of Regular Meetings. The Board may designate a different time, date, or location for any Regular Meeting by giving notice of the change at the prior Regular Meeting.

B. Special Meetings: Special meetings of the Board may be called by the Chair at any time or a majority of the Board Members present at any Regular Meeting. The Chair or a majority of the Board Members present shall direct the OCCOG Clerk of the Board to deliver notice of the Special Meeting in compliance with the Brown Act.

C. Meeting Adjournment: The Board may adjourn a meeting from time to time, with absentees notified thereof. In case there is no quorum present at any meeting, the Board Members present may adjourn until a quorum is obtained that same day, may adjourn to any specified date, may adjourn to a Special Meeting date, or may adjourn to the next Regular Meeting. If no Members of the Board are present, the Executive Director may adjourn the meeting.

D. Quorum: The Board shall transact no business until a quorum of the Board is present. A quorum of the Board shall be a majority of the total voting Board Members who have been appointed pursuant to Article V herein, and who remain qualified to serve as Board Members. If the number of voting Board Members is an even number, then a quorum shall require one more than half the number of voting Board Members. Non-voting Ex Officio members in attendance at a Board meeting shall not be counted toward reaching a quorum. Board seats for which no appointments have been made, shall not be counted towards reaching a quorum.

E. All Board meetings shall be called and conducted, and an agenda posted, in accordance with the Brown Act and in accordance with adopted OCCOG procedures. No business shall be transacted at any meeting other than that stated in the notice of said meeting unless otherwise authorized pursuant to the Brown Act.

ARTICLE VI. COMMITTEES

6.1 Procedural Regulations

All committees created by these Bylaws or by resolution of the Board, all meetings held hereunder, and all actions taken by said Committees shall be subject to the requirements of the Brown Act, as it now exists or may hereafter be amended, and any conflict of interest regulations promulgated by the State of California or the OCCOG Board.

6.2 Executive Management Committee

A. The EMC shall consist of the following:

(1) One executive-level staff representative each from the following groups of agencies, provided that the agency is a Member of OCCOG:

(a) the County of Orange;
(b) Orange County Transportation Authority;
(c) Members of Orange County ISDOC/Water Agencies;
(d) Members of the Orange County Transportation Corridor Agencies; and,
(e) Members of the County Sanitation Districts of Orange County

(2) Five City Managers of Member Cities as appointed by the Orange County City Managers Association.

(3) The Executive Director.

(4) Chair and Vice-Chair of the Board.

B. The EMC shall designate a Chair and Vice Chair at the first EMC meeting of the calendar year to preside over the EMC meetings.

C. The EMC shall serve as an advisory body to the Board on subject matters within the jurisdiction of the OCCOG. The EMC may provide advice and comment to the Board and Executive Director regarding the administration and management of the OCCOG with the approval of a majority of the EMC Members present. The EMC shall have no authority to take legislative action, but may make legislative and policy recommendations to the Board with the approval of a majority of the EMC members present.

D. The EMC shall transact no business on any issue that is not included in the agenda for the EMC meeting. Nor shall the EMC take action on any item without a quorum of the EMC present. A majority of the members appointed to the EMC shall constitute a quorum of the EMC.

E. Regular meetings of the EMC shall be held quarterly at the date, time and place as established by the EMC. Special Meetings of the EMC may be called by the Executive Director or by a majority of the EMC members.

6.3 Technical Advisory Committee

The OCCOG Technical Advisory Committee (TAC) shall be comprised of designated staff members from OCCOG Member Agencies to provide technical review of issues and items and to provide recommendations on its technical review, to the Board. The TAC shall designate a Chair and Vice Chair at the first TAC meeting of the calendar year to preside over the TAC meetings. Regular meetings of the TAC shall be held monthly at the date, time and location established by the TAC. The TAC shall also have the authority to establish special meetings by a_majority of TAC members present. TAC meetings shall be governed by provisions of the Brown Act.

ARTICLE VII. STANDING AND AD HOC COMMITTEES

The Board may establish Standing and Ad Hoc Committees. The Standing and Ad Hoc Committees shall be for the purpose of developing recommendations to the Board. All Standing and Ad Hoc Committees shall have a written statement of purpose, and the Ad Hoc Committees shall in addition have a written statement of charges, before they are formed. The Chair shall recommend, and the Board shall appoint by a majority of the Board Members present, the members to the Standing and Ad Hoc Committees. Members of the Standing and Ad Hoc Committees shall be appointed for up to one year terms. In making recommendations for members of the Standing and Ad Hoc Committees, the Chair shall consider regional representation. A quorum of a Standing or Ad Hoc Committee shall be a majority of its membership. All Standing or Ad Hoc Committees shall be chaired by a Member of the Board. The meetings of Standing Committees shall be held in accordance with the Brown Act, unless exempted by said Act.

ARTICLE VIII. APPOINTMENT OF OCCOG POLICY AND TECHNICAL REPRESENTATIVES TO NON-OCCOG COMMITTEES

8.1 OCCOG Board of Directors

The Board may appoint a board member to represent the OCCOG Board on non-OCCOG policy committees, task forces and working groups.

8.2 OCCOG Executive Director

The Executive Director may appoint staff representatives to represent the OCCOG on staff-level, non-OCCOG technical and policy committees and working groups.

ARTICLE IX. STAFFING

9.1 OCCOG Executive Director

The Board shall have the power to appoint, by employment or on a contractual basis, and remove an administrative officer to serve as the Executive Director of the Board. Said Executive Director shall have full authority and responsibility to implement the purposes and objectives of the OCCOG, subject to the general authority of the Board and specific definition of duties, responsibilities and compensation by contract or employment terms approved by the Board and as provided by the OCCOG bylaws.

The Executive Director shall be the chief administrative officer of the OCCOG and administer the affairs of the OCCOG. He shall receive such compensation as may be fixed by the Board. The power and duties of the Executive Director shall be subject to the authority of and as directed by the Board of Directors, and may include the following:

A. To appoint, direct and remove all employees of the OCCOG and to retain consultants in a manner compliant with legal or funding agency requirements.

B. Annually to prepare and present a proposed budget to the Board and to control the approved budget.

C. To serve as the Secretary to the Board..

D. To attend the meetings of the Board.

E. To serve as the OCCOG Subregional Coordinator to SCAG, representing the Orange County SCAG subregion.

F. To perform such other and additional duties as the Board, these Bylaws or applicable law may require.

The duties of the Executive Director may be delegated by the Executive Director to subordinate employees or performed through contractual services.

9.2 General Counsel

The Board shall appoint General Counsel to serve as legal advisor in all matters related to the performance of the OCCOG.

9.3 Additional Staff, Consultants or Agents

The Board may appoint any additional staff, consultants or agents, as deemed necessary or desirable, by approval of the Board. Such additional officers may be officers or employees of a Member Agency, or the Board may approve entering into a contractual agreement for services for any function necessary for the Board to carry out its purpose, which additional officers or employees shall not be deemed employees of the OCCOG.

9.4 Staff Responsibilities

Responsibilities of the individuals assigned to OCCOG tasks shall be determined by the Executive Director.

9.5 Status of Members' Officers and Employees

As provided in Government Code Section 6513, all of the privileges and immunities from liability and other benefits which apply to the activity of officers, agents, or employees of any of the Members when performing their respective functions within the territorial limits of their respective public agencies shall apply to them while engaged in the performance of any of their functions and duties extraterritorially under the Agreement or these Bylaws.

ARTICLE X. FINANCES

10.1 Treasurer

Pursuant to Government Code Section 6505 and 6505.5 governing the accountability of all funds and report of all receipt and disbursements for agencies created pursuant to a joint powers agreement, the Board shall designate the Treasurer of one of the Member Agencies or a certified public accountant, to serve as the "Treasurer" of the OCCOG at the pleasure of the Board. The Treasurer shall be the depository and have custody of all the money of the OCCOG from whatever source, and shall provide strict accountability of said funds in accordance with Government Code Sections 6505 and 6505.5. The Treasurer shall possess the powers of, and shall perform those functions required by, Government Code Sections 6505, 6505.5, and all other applicable laws and regulations, including any subsequent amendments thereto. Particularly, the Treasurer shall perform, but not be limited to, the following duties:

(a) Receive and receipt for all money of OCCOG, and place it in a separate bank account in the name of OCCOG under the control of the Treasurer so designated to the credit of OCCOG;

(b) Be responsible upon his official bond for the safekeeping and disbursement of all OCCOG money so held by him;

(c) Pay, when due, out of money of OCCOG so held by him, all sums payable on outstanding bonds and coupons of OCCOG;

(d) Pay any other sums due from OCCOG, from OCCOG money or any portion thereof, only upon warrants of the public officer performing the functions of Auditor/Controller who has been designated by the agreement; and

(e) Verify and report in writing by the Board meeting of August, November, February and May of each year to the Board and to the Member Agencies the amount of money held for the OCCOG as of the last day of June, September, December and March, respectively, the amount of receipts since the last report, and the amount paid out since the last report.

(f) Invest surplus OCCOG funds in accordance with an OCCOG Investment Policy, as adopted by the OCCOG Board and as established in the OCCOG Policies and Procedures Manual.

10.2 Auditor/Controller

The Board shall select an Auditor/Controller for the OCCOG pursuant to Government Code Section 6505 et seq. governing the accountability of all funds and report of all receipt and disbursements for agencies created pursuant to a joint powers agreement. The Auditor/Controller shall maintain the financial records according to generally accepted accounting principles. The Auditor/Controller shall draw warrants to pay demands against the OCCOG when such demands have been approved by the Board or by any other person duly authorized to approve said demands.

10.3 Disbursement of OCCOG Funds

The Board shall adopt procedures on the establishment of a separate bank account for the OCCOG, with said procedures identifying the authorized signatories to any disbursement of OCCOG funds from said bank account. The authorized signatories to any disbursement of OCCOG funds shall be reviewed and adopted each year by the Board, and shall be included in the OCCOG Policies and Procedures Manual. Any disbursement of OCCOG funds shall require a total of two signatures, including one Board member and one OCCOG management staff (Executive Director or Treasurer). The OCCOG Auditor/Controller shall not be an authorized signatory to any disbursement of OCCOG funds.

10.4 Annual Audit

The Auditor/Controller shall contract with an independent certified public accountant to make an annual audit of the accounts and financial records of the OCCOG. The minimum requirements of the audit shall be those prescribed by the State Controller for special districts under Section 26909 of the Government Code and shall conform to generally accepted accounting standards. A report thereof shall be filed as a public record with the Board, each of the Member Agencies, and the Orange County Auditor within twelve (12) months of the end of the fiscal year under examination.

10.5 Bonding Requirement

The officers or persons who have charge of, handle, or have access to any property of the OCCOG shall be persons designated as such by the Board. Each such designated officer or person shall be required to file an official bond with the Board in an amount which shall be established by the Board. No bond shall be required unless and until the OCCOG receives funds or is reasonably expected to receive funds.

ARTICLE XI. AMENDMENTS

11.1 Amendments

Amendments to these Bylaws may be proposed by formal recommendation of the General Assembly to be approved by a majority of the Board.

Alternatively, the Board may adopt an amendment to these Bylaws proposed by any Board Member upon approval by three-fourths (3/4) of the total voting membership of the Board making the following findings:

(a) there is need to take action;

(b) there is need for action prior to the next annual meeting of the General Assembly.

11.2 Interpretation of Bylaws

Any ambiguity or conflict regarding the interpretation of these Bylaws may be resolved by a majority vote of the total membership of the Board.

9.1
APPOINTMENT OF CITY TREASURER

City of Laguna Woods
Agenda Report

DATE: August 19, 2009 City Council Meeting

TO: Honorable Mayor and Council Members

FROM: Leslie A. Keane, City Manager

AGENDA ITEM: Appointment of City Treasurer

Recommendation

Approve introduction and first reading or ordinances authorizing the City Manager to designate a City Treasurer, entitled:

> AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING TITLE 2 OF THE LAGUNA WOODS MUNICIPAL CODE RELATING TO APPOINTMENT OF THE CITY TREASURER

Background

Upon incorporation, the City Council appointed the city manager as the city treasurer and city clerk. In 2000, the Council authorized the city manager to hire a city clerk. During the Fiscal Year 2008-09 midyear budget review, the Council approved a proposal to include the city's treasurer's responsibilities as part of those of the finance manager.

Discussion

Since both positions are currently held by the city manager, the municipal code vests appointment of both the city treasurer and city manager with the City Council. To implement Council's midyear budget action, the municipal code needs to be revised to transfer appointment authority for the city treasurer to the city manager.

Fiscal Impact
None

Conclusion
The finance manager is currently serving as the deputy city treasurer and is responsible for all of the actual duties of the city treasurer. If introduced, this ordinance will be returned to the Council for final action in September. If approved at that meeting, the city manager will formally appoint the finance manager as the city treasurer, per the proposal previously approved by the Council.

Attachment: Proposed Ordinance

ORDINANCE NO.09-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING TITLE 2 OF THE LAGUNA WOODS MUNICIPAL CODE RELATING TO APPOINTMENT OF THE CITY TREASURER

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

SECTION 1. Title 2 of the Laguna Woods Municipal Code is hereby amended as follows:

(a) Section 2.060.060 (2) is amended to read in its entirety as follows:

(2) Appoint, remove, promote, and demote any and all officers and employees of the City except elected officers and the City Attorney, subject to all applicable personnel rules and regulations which may be adopted by the City Council. By this ordinance, the City Manager is specifically vested with the power to appoint, remove, promote and demote the City Clerk and City Treasurer as authorized under the provisions of Government Code Section 34856."

(b) Section 2.10.010 is amended to read in its entirety as follows:

"2.10.010. Authority and Appointment of Office.

The Office of the City Treasurer is established pursuant to Government Code §36501. The City Treasurer shall be appointed by, and report to, the City Manager. The City Manager may serve as, or appoint, an "Acting City Treasurer" at any time during the absence of a permanent City Treasurer. Such Acting City Treasurer shall have all the powers and duties prescribed by this chapter."

(c) Section 2.10.020 is hereby repealed.

SECTION 2. The Deputy City Clerk shall certify as to the adoption of this Ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED, AND ADOPTED this ____ day of ____, 2009.

____
ROBERT B. RING, Mayor

ATTEST:

____
YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

____
STEPHEN A. McEWEN, City Attorney

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

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing Ordinance No. 09-XX was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the ___ of ____, 2009, and that thererafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council on the ___ day of ____, 2009 by the following vote to wit:

AYRES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:

____
YOLIE TRIPPY, Deputy City Clerk

9.2
LOCAL ENVIRONMENTAL QUALITY ACT PROCEDURES

City of Laguna Woods
Agenda Report

DATE: August 19, 2009 City Council Meeting

TO: Mayor and City Councilmembers

FROM: Leslie A. Keane, City Manager

AGENDA ITEM: Local Environmental Quality Act Procedures

Recommendation

Approve a resolution modifying the Laguna Woods Local Environmental Quality Act Procedures, entitled:

> A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, MODIFYING THE LAGUNA WOODS LOCAL PROCEDURES IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) TO ADD CONSIDERATION OF GREENHOUSE GAS EMISSIONS

Background

The California Environmental Quality Act (CEQA) requires all public agencies to review and consider the environmental consequences of projects which they carry out or approve. CEQA calls for the state to adopt a comprehensive set of guidelines ("the State Guidelines"). Section 21082 of the California Public Resources Code also requires local agencies to adopt local procedures and criteria for the evaluation of projects and the preparation of environmental impact reports and negative declarations. The City of Laguna Woods established its current local guidelines by resolution (Resolution 08-10) on June 18, 2008.

Climate change refers to any significant change in measures of climate, such as average temperature, precipitation, or wind patterns over a period of time. Climate change may result from natural factors, natural processes, and human activities that change the composition of the atmosphere and alter the surface and features of the land. Significant changes in global climate patterns have recently been associated with global warming, an average increase in the temperature of the atmosphere near the Earth's surface, attributed to accumulation of greenhouse gas emissions in the atmosphere. Some greenhouse gasses occur naturally and are emitted to the atmosphere through natural processes, while others are created and emitted solely through human activities. State law defines greenhouse gasses to include the following: carbon dioxide (CO2), methane (CH4), nitrous oxide (N2O), hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride (Health and Safety Code, section 38505(g)). The most common Greenhouse gasses that results from human activity is carbon dioxide, followed by methane and nitrous oxide.

Requirements of AB 32 and SB 97

Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006, establishes a state goal of reducing greenhouse gas emissions to 1990 levels by the year 2020 (a reduction of approximately 25 percent from forecast emission levels) with further reductions to follow. The law requires the California Air Resources Board to establish a program to track and report greenhouse gas emissions; approve a scoping plan for achieving the maximum technologically feasible and cost effective reductions from sources of greenhouse gas emissions; adopt early reduction measures to begin moving forward; and adopt, implement and enforce regulations – including market mechanisms such as "cap and-trade" programs – to ensure the required reductions occur. The Air Resources Board recently adopted a statewide greenhouse gas emissions limit and an emissions inventory, along with requirements to measure, track, and report greenhouse gas emissions by the industries it determined to be significant sources of such emissions.

The California Environmental Quality Act (CEQA) requires public agencies to identify the potentially significant effects on the environment of projects they intend to carry out or approve, and to mitigate significant effects whenever it is feasible to do so. Senate Bill 97, enacted in 2007, amended the CEQA statute to clearly establish that greenhouse gas emissions and their effects are appropriate subjects for CEQA analysis.

Requirements of the California Environmental Quality Act (CEQA)

CEQA is a public disclosure law that requires public agencies to make a good-faith, reasoned effort, based upon available information, to identify the potentially significant direct and indirect environmental impacts—including cumulative impacts—of a proposed project or activity. The CEQA process is intended to inform the public of the potential environmental effects of proposed government decisions and to encourage informed decision-making by public agencies. In addition, CEQA obligates public agencies to consider less environmentally-damaging alternatives and adopt feasible mitigation measures to reduce or avoid a project's significant impacts.

Although the CEQA Guidelines provide a checklist of suggested issues that should be addressed in an EIR, neither the CEQA statute nor the CEQA Guidelines prescribe thresholds of significance or particular methodologies for performing an impact analysis. This is left to lead agency judgment and discretion, based upon factual data and guidance from regulatory agencies and other sources where available and applicable.

Legal Challenges

During the last year, there have been a number of lawsuits filed related to the insufficient analysis of greenhouse gases during the environmental review process. Among these are lawsuits brought by: 1) the state attorney general's office against San Bernardino; 2) environmental groups against the Cities of Rialto (Rialto Citizens for responsible Growth), Yucca Valley and Banning (Center for Biological Diversity); 3) and city against city suits (Colton v. Rialto). In all of these cases, the court found that the local government agency failed to adequately address greenhouse gas emissions. The attorney general's office has also submitted concerns letters to the County of Contra Costa and the Orange County Transportation Authority regarding recent projects.

In the settlement agreement resolving its case, San Bernardino County agreed to inventory historical, current and projected greenhouse gas emissions, to set a target for reducing emissions and to develop a means to actually reduce such emissions.

Discussion

Each public agency that is a lead agency for complying with CEQA needs to develop its own approach to performing a climate change analysis for projects that generate greenhouse gas emissions. A consistent approach should be applied for the analysis of all projects, and the analysis needs to be based on best available information. Compliance with CEQA entails three basic steps: 1) identify and quantify the emissions; 2) assess the significance of the impact on climate change; 3) and if the impact is found to be significant, identify alternatives and/or mitigation measures that will reduce the impact below significance. Typically, individual projects may not generate enough greenhouse gas emissions to influence global climate change; however, the Global Warming Solutions Act and CEQA require the lead agency to consider cumulative environmental impacts.

The state Office of Planning and Research (OPR) has drafted guidelines for the determination if the impacts from greenhouse gasses. These include:

(a) The determination of the significance of greenhouse gas emissions calls for a careful judgment by the lead agency consistent with the provisions in section 15064. A lead agency should make a good-faith effort, based on available information, to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project. A lead agency shall have discretion to determine, in the context of a particular project, whether to:

(1) Use a model or methodology to quantify greenhouse gas emissions resulting from a project and which model or methodology to use. The lead agency has the discretion to select the model it considers most appropriate provided it supports its decision with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use; or

(2) Rely on a qualitative analysis or performance based standards.

(b) A lead agency may consider the following when assessing the significance of impacts from greenhouse gas emissions on the environment;

(1) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting.

(2) Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.

(3) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such regulations or requirements must be adopted by the relevant public agency through a public review process and must include specific requirements that reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.

City staff is proposing a modification to the City's Local Environmental Quality Procedures to address the analysis of greenhouse gas emissions as noted above. The proposal (attached) was developed by the City environmental legal counsel. It adds two definitions and a new section related to Global Climate Change. Local guidelines are not intended to replace state guidelines; they do, however, outline the process the City will follow in determining the level of review and completing the review process.

Public agencies are encouraged to establish and adopt thresholds of significance for environmental concerns. Since these are local thresholds, they are included in local guidelines. Thresholds mandate an environmental impact report. Laguna Woods currently has thresholds that relate to traffic, air pollution, urban run-off, sensitive habitat and grading. There are currently no generally accepted thresholds of significance for measuring the impact of greenhouse gas emissions. The California Air Pollution Control Officers Association has identified several alternatives, but adoption of particular thresholds is not required by state law. The proposed modification to the City's local environmental guidelines does not establish thresholds; rather, as noted above, it identifies the environmental impacts the City will consider and the process it will follow in reviewing projects

Advisory Committee Action

The Land Use and Development Review Committee discussed the proposed modifications at their August 13, 2009 meeting. Upon a motion, the Committee voted unanimously to recommend approval of the modifications to the City Council.

Fiscal Impact

Although there is likely to be a significant fiscal impact on the City in its implementation to state greenhouse requirements, there is no impact associated with the proposed modification to the City's Local Environmental Procedures. The Procedures put developers on notice of the direction the City will take when conducting future environmental analysis and the process they will be required to follow.

Conclusion

The City's special environmental legal counsel has prepared modifications to the City's Local Environmental Quality Act Procedures. Approval of the proposed modifications is a first step in meeting the new state requirements regarding the analysis of greenhouse gas emissions. If approved, the City's local guidelines will acknowledge the new requirement and outline the City's intent and options for project review.

Attachment: Resolution

RESOLUTION NO. 09-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, MODIFYING THE LAGUNA WOODS LOCAL PROCEDURES IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) TO ADD CONSIDERATION OF GREENHOUSE GAS EMISSIONS

WHEREAS, Assembly Bill 32 (AB 32), the California Global Warming Solutions Act of 2006, establishes a state goal of reducing greenhouse gas emissions to 1990 levels by the year 2020, and

WHEREAS, Senate Bill 97, enacted in 2007, amended the California Environmental Quality Act (CEQA) to clearly establish that greenhouse gas emissions and their effects are subjects for CEQA analysis.

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

SECTION 1. The following definitions are added and inserted into the Definition section of "The City of Laguna Woods Local California Environmental Quality Act Procedures" and subsequent definitions are renumbered:

H. <u>"Global Climate Change"</u> - A change in the average weather of the earth, which can be measured by wind patterns, storms, precipitation, and temperature.

I. <u>"Greenhouse Gases"</u> - Gases that trap heat in the atmosphere. The accumulation of greenhouse gases in the atmosphere regulates the earth's temperature. Reference gases include: Carbon dioxide (CO_2); Methane; Nitrous oxide (N_2O); Chlorofluorocarbons (CFCs); Hydrofluorocarbons (HFCs); Perfluorocarbons (PFCs); Sulfur Hexafluoride (SF_6)

SECTION 2. The following section is added and inserted into Section X. Environmental Impact Reports ("EIRs") of the "City of Laguna Woods Local California Environmental Quality Act Procedures" and subsequent sections are renumbered:

D. Global Climate Change

Global Climate Change is a cumulative impact. A project participates in this potential impact through its incremental contribution combined with the cumulative increases of all other sources of Greenhouse Gases (GHG). In 2006, the California State Legislature adopted AB32, the California Global Warming Solution Act of 2006. AB32 requires California Air Resources Board ("CARB"), the state agency charged with regulating statewide air quality, to adopt rules and regulations that would achieve Greenhouse Gas Emission equivalent to statewide standard levels in 1990 by 2020.

California Law provides that climate change is an environmental effect subject to CEQA. Lead agencies are therefore obligated to make a good faith effort, based on available information, to calculate, model, or estimate the amount of CO2 and other GHG emissions from a project, including emissions associated with vehicular traffic, energy consumption, water usage and construction activities.

1. Assessment of Significance. The City shall consider the following, where applicable, in assessing the significance of impacts from greenhouse gas emissions, if any, on the environment:

(a) The extent to which the project could help or hinder attainment of the state's goals of reducing greenhouse gas emissions to 1990 levels by the year 2020 as stated in the Global Warming Solutions Act of 2006. A project may be considered to help attainment of the state's goals by being consistent with an adopted statewide 2020 greenhouse gas emissions limit or the plans, programs, and regulations adopted to implement the Global Warming Solutions Act of 2006;

(b) The extent to which the project may increase the consumption of fuels or other energy resources, especially fossil fuels that contribute to greenhouse gas emissions when consumed;

(c) The extent to which the project may result in increased energy efficiency of and a reduction in overall greenhouse gas emissions from an existing facility;

(d) The extent to which the project impacts or emissions exceed any threshold of significance that applies to the project.

(e) The extent to which the project may increase or reduce greenhouse gas emissions as compared to the existing environmental setting;

(f) Whether the project emissions exceed a threshold of significance that the City determines applies to the project.

(g) The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions. Such regulations or requirements must be adopted by the relevant public agency through a public review process and must include specific requirements that reduce or mitigate the project's incremental contribution of greenhouse gas emissions. If there is substantial evidence that the possible effects of a particular project are still cumulatively considerable notwithstanding compliance with the adopted regulations or requirements, an EIR must be prepared for the project.

2. Description and Quantification. The City shall make a good- faith effort, based on available information, to describe, calculate or estimate the amount of greenhouse gas emissions associated with a project, including emissions associated with energy consumption and vehicular traffic. Because the methodologies for

performing this assessment are anticipated to evolve over time, a lead agency shall have discretion to determine, in the context of a particular project, whether to:

(a) Use a model or methodology to quantify greenhouse gas emissions associated with a project and which of any available model or methodology to use. The City may include a qualitative discussion or analysis regarding the limitations of the particular model or methodology selected for use.

(b) Rely on qualitative or other performance based standards for estimating the significance of greenhouse gas emissions.

3. Mitigation Measures Related to Greenhouse Gas Emissions.

Consistent with section 15126.4 (a), the City shall consider feasible means of mitigating greenhouse gas emissions that may include, but not be limited to:

(a) Measures in an existing plan or mitigation program for the reduction of emissions that are required as part of the lead agency's decision;

(b) Reductions in emissions resulting from a project through implementation of project features, project design, or other measures, such as those described in Appendix F of the CEQA Guidelines;

(c) Off-site measures, including offsets, to mitigate a project's emissions;

(d) Measures that sequester greenhouse gases; and

(e) In the case of the adoption of a plan, such as a general plan, long range development plan, or greenhouse gas reduction plan, mitigation may include the identification of specific measures that may be implemented on a project-by-project basis.

Mitigation may also include the incorporation of specific measures or policies found in an adopted ordinance or regulation that reduces the cumulative effect of emissions.

PASSED, APPROVED AND ADOPTED ON THE ____ DAY OF _____2009

____
ROBERT B. RING, Mayor

ATTEST:

____
YOLIE TRIPPY, Deputy City Clerk

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

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing Resolution No. 09-XX was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the ___ day of ____, 2009, by the following vote:

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

____
YOLIE TRIPPY, Deputy City Clerk

9.3
ALTERNATIVE VEHICLE PARKING SPACE REGULATIONS

City of Laguna Woods
Agenda Report

DATE: August 19, 2009 City Council Meeting

TO: Honorable Mayor and City Councilmembers

FROM: Leslie Keane, City Manager

AGENDA ITEM: Alternative Vehicle Parking Space Regulations

Recommendation

Approve introduction and first reading of an ordinance modifying off-street parking regulations, entitled:

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 13.18 OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO OFF-STREET PARKING REGULATIONS

Background

The Laguna Woods City Council has expressed support for golf cart/car travel to a variety of destinations in the City. There are currently seven approved crossing locations and a dedicated golf cart path adjacent to a portion of El Toro Road. In addition, the City has received grant funding to design a golf cart path along Santa Maria Road.

The City's Zoning Code requires specified parking at commercial, open space and residential areas. It does not currently include specifications or allowance for smaller spaces for golf cart or other alternative vehicles. All commercial centers in the City and several open space/recreational areas are accessible to some degree by existing public and private golf cart/car paths; motorcycles and motor scooters are allowed on all public streets. The implementation of alternative vehicle parking standards would provide residents with specific parking spaces as well as reduce the overall size of parking lots.

Discussion

Staff is proposing the following changes to current off-street parking regulations:

1. Revision to Section 13.06.010 – Definitions, adding a definition for alternative vehicles; alternative vehicles shall not exceed 55 inches in width and contain no doors.

2. Revision to Section 13.18.050 – Nonresidential off-street parking requirements, adding size requirements for spaces that will be utilized as alternative vehicle parking spaces and a percentage ratio for substitution of alternative vehicle spaces for standard vehicle spaces; uses that require more than 10 spaces shall be allowed to substitute alternative vehicles spaces for 10% of their required parking spaces.

3. Revision to Section 13.18.080 – Alternatives to off-street parking regulations; applicants may request additional alternative vehicle parking space substitution through a Use Permit process.

Advisory Committee Action

The Land Use and Design Review Committee discussed this proposal at their August 13, 2009 meeting and voted unanimously to recommend approval of the proposed modifications to the City Council.

Fiscal Impact

None; current city fees cover the costs of reviewing and processing the development of projects that could include alternative vehicle parking.

Conclusion

Proposed changes to the City's Zoning Code are consistent with:

Policy III. A of the General Plan Land Use Element: Identify opportunities in new construction and re-use projects for optimizing accessibility for people with special needs; and

General Plan land Use Element Implementation Measure III.A.2: Consider adopting zoning ordinance standards for alternative modes of transportation in commercial, institutional, and multiple family residential developments.

If introduction and first reading is approved by the City Council, a public hearing and action on the proposal would be scheduled for the September 16, 2009 City Council meeting, with implementation at the end of October.

Report prepared by: Alex Gutierrez, City Planner AG

Attached: Ordinance

ORDINANCE NO. 09-XX

AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 13.18 OF THE LAGUNA WOODS MUNICIPAL CODE PERTAINING TO OFF-STREET PARKING REGULATIONS

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

<u>SECTION 1.</u> Municipal Code section 13.06.010. Definitions, is amended to add the following:

(432) Alternative Vehicle: An electric or gasoline powered motor vehicle, such as a golf cart, golf car, motor cycle or motor scooter, which does not exceed 55 inches in width and does not contain doors.

<u>SECTION 2</u>. Municipal Code section 13.18.050. Nonresidential off-street parking requirements, is amended as follows:

(1) *Size of parking spaces – addition of new subsection.*

e. All covered and uncovered off-street parking spaces provided for the use of alternative vehicles as defined by this code shall be a minimum, clear unobstructed five-feet, six-inches in width and ten feet in length.

(2) *Parking facility design – amended and restated.*

f. All paved parking stalls, except parallel spaces and alternative vehicle spaces which may be single line, shall be clearly outlined with double or hairpin lines or special paving techniques on the surface of the parking facility.

(5) *Number of required off-street parking space – addition of new subsection.*

c. Alternative vehicle parking spaces in-lieu may be substituted for standard spaces at a rate of 10% of the total standard spaces in locations where ten or more parking spaces are required. The permitted amount of alternative vehicle spaces shall be calculated based on total spaces required rounded to the nearest whole space.

SECTION 3. Municipal Code section Sec. 13.18.080. Alternatives to off-street parking regulations, is amended to add the following subsection:

(3) The proposed alternative vehicle parking exceeds the maximum number of permitted alternative vehicle parking space alternatives as described in Nonresidential off-street parking requirements and the City Council finds that:

a. The site is accessible by an established golf cart path and/or golf cart/golf car crossing, or the particular use is accessible to and encourages the use of alternative vehicles.
b. Sufficient onsite parking is provided or proposed.
c. The proposed parking plan will not negatively impact public health and safety.

SECTION 4. 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.

PASSED, APPROVED AND ADOPTED THIS ___ DAY OF ______ 2009.

____
ROBERT B. RING, Mayor

ATTEST:

____
YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

____
STEPHEN A. MCEWEN, City Attorney

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

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 09-XX** was duly introduced and placed upon its first reading at a Regular Meeting of the City Council on the ____ of _____2009, and that thereafter, said Ordinance was duly adopted and passed at a Regular Meeting of the City Council on the __ day of ____, 2009 by the following vote to wit:

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

____
YOLIE TRIPPY, Deputy City Clerk