CITY of LAGUNA WOODS
CITY COUNCIL
AGENDA

Regular Meeting
Wednesday, September 16, 2015
2:00 p.m.

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

Cynthia Conners
Mayor

Noel Hatch
Mayor Pro Tem

Bert Hack
Councilmember

Shari L. Horne
Councilmember

Carol Moore
Councilmember

Welcome to a meeting of the Laguna Woods City Council!

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

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

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

REGULAR MEETING SCHEDULE

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

AGENDA POSTING AND AVAILABILITY

Regular and Adjourned Regular Meetings: Pursuant to California Government Code Section 54954.2 of the Ralph M. Brown Act, the City of Laguna Woods posts agendas at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637; on the City's website (www.cityoflagunawoods.org); and, at other locations designated by Resolution No. 02-33, at least 72 hours in advance of regular and adjourned regular meetings. Agendas and agenda materials are available at Laguna Woods City Hall during normal business hours and on the City's website. Printed copies of agendas and agenda materials are provided at no charge in advance of meetings. After meetings have occurred, a per page fee is charged for printed copies.

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FOR ADDITIONAL INFORMATION

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

AFFIDAVIT OF POSTING

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

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

Yolie Trippy — 9-11-15

YOLIE TRIPPY, Deputy City Clerk — Date

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. PRESENTATIONS AND CEREMONIAL MATTERS

4.1 100th Birthday – Dorothy Webb

Recommendation: Approve and present the commendation.

4.2 National Adult Day Services Week – September 13-19, 2015

Recommendation: Approve and present the proclamation.

4.3 Constitution Week – September 17-23, 2015

Recommendation: Approve and present the proclamation.

4.4 Amateur Radio Appreciation Month – October 2015

Recommendation: Approve and present the proclamation.

V. PUBLIC COMMENTS

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

VI. CONSENT CALENDAR

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

6.1 City Council Minutes

Recommendation: Approve the City Council meeting minutes for the regular meeting on August 19, 2015.

6.2 City Treasurer's Report

Recommendation: Receive and file the City Treasurer's Report for the month of August 2015.

6.3 Warrant Register

Recommendation: Approve the warrant register dated September 16, 2015 in the amount of $272,817.81.

6.4 Fiscal Year 2014-15 Budget Carryover to Fiscal Year 2015-16

Recommendation: Approve a Fiscal Year 2015-16 budget carryover from the Fiscal Year 2014-15 Fuel Tax budget in the amount of $24,500 for remaining work on recycled water irrigation lines.

6.5 Fiscal Year 2015-16 Budget Adjustment

Recommendation: Approve a resolution entitled:

> A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, INCREASING THE ADOPTED FISCAL YEAR 2015-16 BUDGET FOR THE GENERAL FUND

6.6 Energy Efficient Improvement Project: Installation and Replacement of Windows and Doors FY 2015-2016 through FY 2017-2018

Recommendation: Award a contract agreement to Saddleback Window Replacement for the Energy Efficient Improvement Project: Installation and Replacement of Windows and Doors FY 2015-2016 through FY 2017-2018, in an amount not to exceed $118,000 per fiscal year ($354,000 cumulatively), through Fiscal Year 2017-18, and authorize the City Manager to execute a contract agreement, subject to approval of the contract agreement as to form by the City Attorney.

6.7 Moulton Smart Street Project

Recommendation:

1. Approve the Moulton Smart Street Project, Phase II "as built" plans and specifications as prepared by the County of Orange and recommended by the City Engineer.

AND

2. Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ACCEPTING A PORTION OF MOULTON PARKWAY LYING WITHIN THE CITY LIMITS OF LAGUNA WOODS AS A CITY HIGHWAY AFTER THE PERIOD OF CONSTRUCTION OF THE MOULTON SMART STREET PROJECT

VII. PUBLIC HEARINGS

7.1 Amendment of Conditional Use Permit CUP-740 to extend the period of time allowing a temporary chain link fence with opaque sheeting along El Toro Road in front of the Laguna Woods Village Equestrian Center parking lot located at 24312 El Toro Road, Laguna Woods, California 92637

Recommendation:

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public testimony.

AND

4. Close public hearing.

AND

5. Approve a resolution entitled:

   A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CONDITIONAL USE PERMIT CUP-740 ALLOWING A TEMPORARY CHAIN LINK FENCE WITH OPAQUE SHEETING ALONG EL TORO ROAD AND IN FRONT OF THE LAGUNA WOODS VILLAGE EQUESTRIAN CENTER PARKING LOT LOCATED AT 24312 EL TORO ROAD, LAGUNA WOODS, CALIFORNIA 92637

VIII. CITY COUNCIL BUSINESS

8.1 Small Residential Rooftop Solar Systems Permitting Process

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA ADOPTING A CODE AMENDMENT TO ADD A NEW CHAPTER 10.26 TO THE LAGUNA WOODS MUNICIPAL CODE RELATING TO EXPEDITED PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

8.2 Moulton Parkway Water Efficient Median Project

Recommendation: Discuss and provide direction to staff regarding the preparation of construction drawings and technical specifications for the Moulton Parkway Water Efficient Median Project.

8.3 League of California Cities 2015 Annual Conference Resolutions

Recommendation: Discuss and provide direction to the City's voting delegates on the resolutions scheduled for consideration at the League of California Cities' 2015 Annual Conference.

8.4 Public Education Opportunities for Fraud, Computer Protection, and Financial Crimes (agendized by Councilmember Moore)

Recommendation: Discuss and provide direction to staff regarding public education opportunities for fraud, computer protection, and financial crimes.

8.5 Request for Recognition of Serena and Venus Williams by California Governments (agendized by Councilmember Moore)

Recommendation: Direct staff to prepare a letter for signature by the Mayor requesting that the State of California, County of Orange, and Orange County cities recognize Serena and Venus Williams' contributions to the field of sports.

IX. CITY COUNCIL REPORTS AND COMMENTS

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

9.1 Coastal Greenbelt Authority
Mayor Conners; Alternate: Councilmember Horne

9.2 Orange County Fire Authority
Mayor Pro Tem Hatch

9.3 Orange County Library Advisory Board
Councilmember Horne; Alternate: Councilmember Moore

9.4 Orange County Mosquito and Vector Control District
Councilmember Horne

9.5 San Joaquin Hills Transportation Corridor Agency
Councilmember Hack; Alternate: Mayor Conners

9.6 South Orange County Watershed Management Area
Councilmember Moore; Alternate: Mayor Pro Tem Hatch

9.7 Other Comments and Reports

X. CLOSED SESSION

XI. CLOSED SESSION REPORT

XII. ADJOURNMENT

Next Adjourned Regular Meeting:	Wednesday, October 28, 2015 at 2 p.m. Laguna Woods City Hall 24264 El Toro Road, Laguna Woods, California 92637
Next Regular Meeting:	Wednesday, November 18, 2015 at 2 p.m. Laguna Woods City Hall 24264 El Toro Road, Laguna Woods, California 92637

4.1
100th BIRTHDAY – DOROTHY WEBB

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City of Laguna Woods
Certificate of Commendation
Dorothy Webb
100th Birthday

WHEREAS, Dorothy Webb will celebrate her 100th birthday on September 28, 2015; and

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

WHEREAS, Dorothy Webb graduated from Brown University in 1938 with a degree in economics and then worked at a telephone company before raising a family; and

WHEREAS, Dorothy Webb moved to Laguna Woods Village (then Leisure World) in 1981 with her second late-husband Ezra Webb; and

WHEREAS, Dorothy Webb has been an active part of the Laguna Woods community, having participated in numerous clubs, including the California Club, Garden Club, Kiwanis Club, and Rock and Gem Club, to name a few; and

WHEREAS, Dorothy Webb is loved by her four children and dozens of grandchildren, great-grandchildren, and other family members.

NOW, THEREFORE, BE IT RESOLVED that the Laguna Woods City Council does hereby deem it an honor and a pleasure to extend this certificate of commendation to Dorothy Webb on the occasion of her 100th birthday, with congratulations and best wishes for many more joyous years to come.

Dated this 16th day of September 2015

_____ _____

Cynthia S. Conners, Mayor

Attest: Yolie Trippy, Deputy City Clerk

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4.2
NATIONAL ADULT DAY SERVICES WEEK – SEPTEMBER 13-19, 2015

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Proclamation
City of Laguna Woods
National Adult Day Services Week
September 13-19, 2015

WHEREAS, adult day services deliver specialized care to enable frail older adults and individuals with disabilities to live more independently and prevent or delay placement in nursing homes; and

WHEREAS, adult day services provide health care, personal care, social services, and therapeutic and recreational activities in settings where individuals are able to spend the day and interact with others; and

WHEREAS, adult day services offer respite and support to spouses, family members, and other individuals who provide primary caregiving; and

WHEREAS, since 1988, Age Well Senior Services has operated South County Adult Day Services, which provides adult day services in Laguna Woods; and

WHEREAS, South County Adult Day Services' Dr. Gerald Bernath Alzheimer's Unit opened in 1995 and is celebrating its 20th year providing services specifically tailored to meet the needs of individuals with Alzheimer's Disease.

NOW, THEREFORE, BE IT RESOLVED that the Laguna Woods City Council does hereby proclaim September 13 – 19, 2015 as "National Adult Day Services Week" in the City of Laguna Woods and encourages its residents and businesses to raise awareness of the availability and accessibility of adult day services nationwide.

Dated this 16th day of September 2015

_____ _____

Cynthia S. Conners, Mayor

Attest: Yolie Trippy, Deputy City Clerk

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4.3
CONSTITUTION WEEK – SEPTEMBER 17-23, 2015

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Proclamation
City of Laguna Woods
Constitution Week
September 17-23, 2015

WHEREAS, September 17, 2015 marks the 228th anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation, as well as the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law #915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week.

NOW, THEREFORE, BE IT RESOLVED that the Laguna Woods City Council does hereby proclaim September 17 – 23, 2015 as "Constitution Week" in the City of Laguna Woods and encourages its residents and businesses to reaffirm the ideals that the Framers of the Constitution had in 1787.

Dated this 16th day of September 2015

_____ _____

Cynthia S. Conners, Mayor

Attest: Yolie Trippy, Deputy City Clerk

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4.4
AMATEUR RADIO APPRECIATION MONTH – OCTOBER 2015

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Proclamation
City of Laguna Woods
Amateur Radio Appreciation Month
October 2015

WHEREAS, in times of crisis that render other forms of communication unavailable, amateur radio operators help to relay critical emergency information; and

WHEREAS, amateur radio operators, both in Laguna Woods and around the globe, have a long-standing tradition of supporting their communities, responding to emergencies, and training the next generation of communications volunteers; and

WHEREAS, the members of the Laguna Woods Radio Amateur Civil Emergency Service (RACES) have volunteered countless hours to train and participate in emergency drills and other communications operations in the city; and

WHEREAS, already this year, Laguna Woods RACES has participated in a successful Field Day exercise, monthly countywide radio tests, and other activities; and

WHEREAS, in October 2015, Laguna Woods RACES will participate in an emergency radio drill to test the readiness of amateur radio operators to respond in a major disaster, as well as provide radio support for Great California ShakeOut activities.

NOW, THEREFORE, BE IT RESOLVED that the Laguna Woods City Council does hereby proclaim October 2015 as "Amateur Radio Appreciation Month" in the City of Laguna Woods and recognizes the contributions that the members of Laguna Woods RACES and other radio operators make to the city, county, and country as whole.

Dated this 16th day of September 2015

_____ _____

Cynthia S. Conners, Mayor

Attest: Yolie Trippy, Deputy City Clerk

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6.1-6.7
CONSENT CALENDAR SUMMARY

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City of Laguna Woods
Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: September 16, 2015 Regular Meeting

SUBJECT: Consent Calendar Summary

Recommendation

Approve all proposed actions on the September 16, 2015 Consent Calendar by single motion and City Council action.

Background

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

Discussion

The September 16, 2015 Consent Calendar contains the following items:

6.1 Approval of the City Council meeting minutes for the regular meeting on August 19, 2015.

6.2 Approval of a motion to receive and file the City Treasurer's Report for the month of August 2015.

6.3 Approval of the warrant register dated September 16, 2015 in the amount of $272,817.81. A list of warrants is included in the agenda packet; detailed information about individual warrants is available at City Hall.

6.4 Approval of a Fiscal Year 2015-16 budget carryover from the Fiscal Year 2014-15 Fuel Tax budget in the amount of $24,500 for remaining work on recycled water irrigation lines. The work is related to a connection between a

new recycled water meter and an existing irrigation system on El Toro Road. The work began, but was not completed, in Fiscal Year 2014-15.

6.5 Approval of a resolution increasing the adopted Fiscal Year 2015-16 budget for the General Fund by $30,000. The proposed budget adjustment would provide for the purchase of 800 MHz radios and associated equipment for law enforcement services at limited-time, discounted prices. The estimated savings would be approximately $8,500. The radios and equipment will be required in 2018 due to an upgrade of the 800 MHz Countywide Coordinated Communications System (CCCS). The General Fund has a sufficient balance to accommodate the proposed budget adjustment.

6.6 Award of a contract agreement to Saddleback Window Replacement for the Energy Efficient Improvement Project: Installation and Replacement of Windows and Doors FY 2015-2016 through FY 2017-2018, in an amount not to exceed $118,000 per fiscal year ($354,000 cumulatively) and authorization for the City Manager to execute a contract agreement, subject to approval of the contract agreement as to form by the City Attorney. This project is funded by a Community Development Block Grant award. Bids were invited for the project from August 6, 2015 through September 8, 2015. A total of two bids were received (Pacific Builder and Saddleback Window Replacement) and the lowest cost bidder, Saddleback Window Replacement, was determined to be responsive. The term of the contract agreement would be from execution through June 30, 2018 with costs adjusted each fiscal year based on any increase in manufacturer's pricing. Project specifications and information is available for review at City Hall.

6.7 Approval of the Moulton Smart Street Project, Phase II "as built" plans and specifications as prepared by the County of Orange and recommended by the City Engineer; and, approval of a resolution accepting a portion of Moulton Parkway lying within the City limits of Laguna Woods as a City highway after the period of construction of the Moulton Smart Street Project. The "as built" plans and specifications are available for review at City Hall.

6.1
CITY COUNCIL MINUTES

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CITY OF LAGUNA WOODS CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
August 19, 2015
2:00 P.M.
City Council Chambers
24264 El Toro Road
Laguna Woods, California 92637

I. CALL TO ORDER

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

II. ROLL CALL

COUNCILMEMBER:	PRESENT:	Horne, Moore, Hatch, Conners
	ABSENT:	Hack
STAFF PRESENT:	City Manager Macon, City Attorney Cosgrove, Assistant City Manager Reilly, Administrative Services Director/City Treasurer Cady, Deputy City Clerk Trippy	

III. PLEDGE OF ALLEGIANCE

Councilmember Horne led the flag salute.

IV. PRESENTATIONS AND CEREMONIAL MATTERS – None

V. PUBLIC COMMENT

Kate Randle, Staff Assistant for Congresswoman Mimi Walters, discussed the potential for offering office hours at Laguna Woods City Hall.

Susan Knox, resident, asked that the City Council consider revising the City's smoking ordinance to prohibit residents from smoking with windows open in their residence.

Councilmembers briefly responded to the comments made by Ms. Knox.

VI. CONSENT CALENDAR

Moved by Mayor Pro Tem Hatch, seconded by Councilmember Horne, and carried unanimously on a 4-0 vote, to approve Consent Calendar Items 6.1 – 6.6.

6.1 City Council Minutes

Approved the City Council meeting minutes for the adjourned regular meeting on July 29, 2015.

6.2 City Treasurer's Report

Received and filed the City Treasurer's Report for the month of July 2015.

6.3 Warrant Register

Approved the warrant register dated August 19, 2015 in the amount of $669,907.22.

6.4 Action on Claim Filed Against the City

Rejected the following claim: Linda Shoham vs. City of Laguna Woods, Claimant: Linda Shoham.

6.5 City Council Regional Appointments

Received and filed the updated list of City Council Regional Appointments.

6.6 Extension of Streetlight Maintenance Services Agreement

Approved an extension of the agreement with Peak Lighting & Electric, Inc. for streetlight maintenance services and authorized the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

VII. PUBLIC HEARINGS

7.1 Solid Waste Handling Services

Mayor Conners introduced the agenda item.

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

Councilmembers discussed the item and staff answered related questions.

Mayor Conners continued the public hearing from the Adjourned Regular Meeting of the Laguna Woods City Council on July 29, 2015.

Kathryn Freshley, resident, expressed concern for residents who have to walk downstairs to dispose of their trash.

Councilmembers discussed the comments made by Ms. Freshley and the item, generally.

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

Moved by Mayor Pro Tem Hatch, seconded by Councilmember Horne, and carried unanimously on a 4-0 vote, to approve the Request for Proposals for Solid Waste Handling Services, subject to approval as to form by the City Attorney, and authorize its release.

7.2 Small Residential Rooftop Solar Systems Permitting Process

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

Councilmembers discussed the item and staff answered related questions.

Mayor Conners opened the public hearing.

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

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

1. Approve the introduction and first reading of an ordinance – read by title with further reading waived – entitled:

   AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING A CODE AMENDMENT TO ADD A NEW CHAPTER 10.26 TO THE LAGUNA WOODS MUNICIPAL CODE RELATING TO EXPEDITED PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

   AND

2. Adopt a resolution entitled:

   A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING A CHECKLIST OF REQUIREMENTS FOR EXPEDITED PROCESSING OF PERMITS FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

VIII. CITY COUNCIL BUSINESS

8.1 Golden Rain Foundation General Plan Amendments, Zoning Code Amendments, and Zone Changes Project

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

Councilmembers discussed the item and staff answered related questions.

Moved by Mayor Pro Tem Hatch, seconded by Councilmember Moore, and carried unanimously on a 4-0 vote, to approve second reading and adopt an ordinance – read by title with further reading waived – entitled:

> AN ORDINANCE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTERS 13.06 AND 13.12 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO THE DEFINITION AND USE OF COMMUNITY GARDEN/GARDEN CENTER AND ADOPTING ZONE CHANGES RELATED TO THE GOLDEN RAIN FOUNDATION GENERAL PLAN AMENDMENTS, ZONING CODE AMENDMENTS, AND ZONE CHANGES PROJECT

8.2 Prioritization and Modification of Fiscal Year 2015-16 Significant Work Plan Items

City Manager Macon summarized the agenda report.

Councilmembers discussed the item and staff answered related questions.

Moved by Councilmember Horne, seconded by Mayor Pro Tem Hatch, and carried unanimously on a 4-0 vote, to concur with staff's prioritization of Fiscal Year 2015-16 significant work plan items.

8.3 City Council Meeting Schedule

City Manager Macon summarized the agenda report.

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

1. Cancel the regular City Council meeting scheduled for October 21, 2015 at 2 p.m.

AND

2. Schedule an adjourned regular City Council meeting for October 28, 2015 at 2 p.m.

IX. CITY COUNCIL REPORTS AND COMMENTS

9.1 Coastal Greenbelt Authority

Mayor Conners stated that there had been no meeting since the last meeting.

9.2 Orange County Fire Authority

Mayor Pro Tem Hatch stated that there had been no meeting since the last meeting.

9.3 Orange County Library Advisory Board

Councilmember Horne stated that there had been no meeting since the last meeting.

9.4 Orange County Mosquito and Vector Control District

Councilmember Horne stated that there had been no meeting since the last meeting.

9.5 San Joaquin Hills Transportation Corridor Agency

There was no report given due to Councilmember Hack's absence.

9.6 South Orange County Watershed Management Area

Councilmember Moore stated that there had been no meeting since the last meeting.

9.7 Other Comments and Reports – None

X. CLOSED SESSION

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

XI. CLOSED SESSION REPORT

The City Council reconvened in open session at 4:29 p.m. City Attorney Cosgrove stated there was no reportable action under Government Code Section 54957.1.

XII. ADJOURNMENT

The meeting was adjourned at 4:29 p.m. The next adjourned regular meeting will be at 2:00 p.m. on Wednesday, September 16, 2015 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

_____

YOLIE TRIPPY, Deputy City Clerk

Adopted: September 16, 2015

_____

CYNTHIA S. CONNERS, Mayor

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6.2
CITY TREASURER'S REPORT

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Item 6.2

CITY of LAGUNA WOODS

Cynthia Conners
Mayor

Noel Hatch
Mayor Pro Tem

Bert Hack
Councilmember

Shari L. Horne
Councilmember

Carol Moore
Councilmember

Christopher Macon
City Manager

September 16, 2015

TO: Honorable Mayor and Councilmembers

FROM: Margaret A. Cady, City Treasurer

SUBJECT: Monthly Treasurer's Report: August 2015

Attached is the Treasurer's Report for the month of August 2015. The information provided includes:

- Report reflecting $10,433,055 Cash on Hand at August 31, 2015, including $10,334,924 in the City's interest-bearing Local Agency Investment Fund (LAIF) account, $96,730 in the City's checking account and $1,350 in petty cash funds.

- Copy of the latest LAIF Remittance Advice showing principal balance at August 31, 2015. Interest is accrued and reported quarterly. Earnings for the period July 2015 through September 2015 will be reported as part of the quarterly report for the period ended September 30, 2015.

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.

Margaret A Cady

Margaret A. Cady
Director of Administrative Service & City Treasurer

City of Laguna Woods

Monthly Treasurer's Report

Balances As of August 31, 2015

CASH ON HAND

Investments - Local Agency Investment Fund (LAIF) (Note 1)

1.	Investments/General Fund	$	9,895,678
2.	Investments/Special Funds		439,247
3.	Interest Earned and Receivable (Note 2)		-
	Subtotal Investments	$	10,334,924

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

4.	Petty Cash Funds		1,350
5.	Analyzed Checking Account		96,730
	Subtotal Other Funds	$	98,080
	TOTAL ALL FUNDS	$	10,433,005

Notes:

Note 1 - During this period there was one transfer from the LAIF account to the Bank of America checking account in the amount of $250,000 to cover cash flow needs due to timing of revenue receipts.

Note 2 - LAIF reports interest earnings quarterly. As such, there are no interest earnings to report this period.

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

www.treasurer.ca.gov/pmia-laif/laif.asp
September 08, 2015

CITY OF LAGUNA WOODS

CITY TREASURER
24264 EL TORO ROAD
LAGUNA WOODS, CA 92653

PMIA Average Monthly Yields

Account Number:
98-30-413

Tran Type Definitions

August 2015 Statement

Effective Date	Transaction Date	Tran Type	Confirm Number	Authorized Caller	Amount
8/4/2015	8/3/2015	RW	1475925	MARGARET A. CADY	-250,000.00

Account Summary

Total Deposit:	0.00	Beginning Balance:	10,584,924.48
Total Withdrawal:	-250,000.00	Ending Balance:	10,334,924.48

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6.3
WARRANT REGISTER

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CITY OF LAGUNA WOODS
WARRANT REGISTER
9/16/2015

Check	Check	Vendor Name	Description	Amount
		Automatic Bank Debits		
Debit	8/13/2015	ADP PAYROLL SERVICES	Payroll / Pay Period Ended 8/7/2015	$34,596.43
Debit	8/12/2015	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 8/7/2015	2,807.88
Debit	8/21/2015	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Period Ended 8/7/2015	153.39
Debit	8/27/2015	ADP PAYROLL SERVICES	Payroll / Pay Period Ended 8/21/2015	33,875.43
Debit	8/28/2015	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 8/21/2015	2,807.88
Debit	9/4/2015	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Period Ended 8/21/2015	153.39
Debit	9/5/2015	VANTAGEPOINT TRANSFER AGT- 457	Employee Benefit Program / August 2015	1,769.69
Debit	9/3/2015	CALPERS - HEALTH	Employee Benefit Program / September 2015	3,282.45
		Warrants:		
117013	08/12/2015	ANDERSONPENNA PARTNERS, INC.	Code Enforcement Services / July 2015	2,146.00
117013	08/12/2015	ANDERSONPENNA PARTNERS, INC.	Landscape Inspection Services / July 2015	5,259.50
117014	08/12/2015	AT&T	Telephone / 458-3487 / July 2015	36.89
117015	08/12/2015	AT&T	Telephone / 452-0600 / July 2015	597.44
117016	08/12/2015	AT&T	Telephone / 639-0500 / July 2015	196.51
117017	08/12/2015	AT&T	Telephone / 770-9359 / July 2015	17.67
117018	08/12/2015	AT&T	White Pages / August 2015	4.46
117019	08/12/2015	IRWIN B BORNSTEIN, CPA	Financial Consulting Services / July 2015	2,422.50
117020	08/12/2015	BRAILLE INSTITUTE	Community Services Grant / 2nd Quarter, Calendar Year 2015	5,000.00
117021	08/12/2015	CAPTIONING UNLIMITED	Closed Captioning / 7/29/2015 City Council Meeting	200.00
117022	08/12/2015	CITY COUNT, LLC	Traffic Counts	3,600.00
117023	08/12/2015	COPYFORCE	Printing - Taxi Voucher Books / FY 15/16	2,376.00
117024	08/12/2015	MARC DONOHUE	Administrative Services - June & July 2015	450.00
117025	08/12/2015	GOLDEN STATE OVERNIGHT	Priority Overnight & Ground Shipping Services / June & July 2015	166.22
117026	08/12/2015	GOLDEN TOUCH CLEANING, INC.	Janitorial Services / July 2015	495.00
117027	08/12/2015	KONE, INC.	City Hall Elevator Maintenance / August 2015	245.58
117028	08/12/2015	LILLEY PLANNING GROUP	Building Official Services / June & July 2015	15,249.00
117029	08/12/2015	NIEVES LANDSCAPE, INC.	City Hall Landscape Maintenance / August 2015	325.00
117029	08/12/2015	NIEVES LANDSCAPE, INC.	Landscape Maintenance Services / August 2015	5,700.00
117030	08/12/2015	PACIFIC MUNICIPAL CONSULTANTS	General Plan Update, Planning Services / July 2015	1,223.75
117031	08/12/2015	PRACTICAL DATA SOLUTIONS	IT Services / Website Transition	581.97
117031	08/12/2015	PRACTICAL DATA SOLUTIONS	IT Services / July 2015	1,198.00
117032	08/12/2015	PV MAINTENANCE, INC.	Street Maintenance Services / July 2015	6,858.00
117033	08/12/2015	SOUTH COUNTY OUTREACH	Community Services Grant / 2nd Quarter, Calendar Year 2015	5,000.00
117034	08/12/2015	SOUTHERN CALIFORNIA EDISON	Residential Street Lighting Maintenance / July 2015	1,770.42
117035	08/12/2015	SOUTHERN CALIFORNIA EDISON	Traffic Signal Control / July 2015	940.41

CITY OF LAGUNA WOODS
WARRANT REGISTER
9/16/2015

Check	Check	Vendor Name	Description	Amount
117036	08/12/2015	SOUTHERN CALIFORNIA EDISON	Traffic Signal Control / July 2015	372.24
117037	08/12/2015	SOUTHERN CALIFORNIA EDISON	Right of Way / July 2015	2,280.37
117038	08/12/2015	THE GAS COMPANY	City Hall Utilities / August 2015	14.41
117039	08/12/2015	WARE DISPOSAL, INC.	SHARPS Disposal Program / July 2015	1,333.60
117040	08/19/2015	CALIFORNIA YELLOW CAB	Taxi Voucher Services / July 2015	12,078.00
117040	08/19/2015	CALIFORNIA YELLOW CAB	NEMT Taxi Voucher Services / July 2015	7,532.00
117041	08/19/2015	CIVIL SOURCE	Building Inspection Services / July 2015	27,797.50
117041	08/19/2015	CIVIL SOURCE	Engineering & Traffic Services / July 2015	10,198.75
117042	08/19/2015	CSG CONSULTANTS, INC.	Plan Check Services / July 2015	5,057.50
117043	08/19/2015	PATEL DINESHCHANDRA	Taxi Voucher Refund / Replacement Check Reissued	32.00
117044	08/19/2015	HINDERLITER DE LLAMAS & ASSOCIATES	Sales and Use Tax Consulting Services / 3rd Quarter 2015	865.22
117045	08/19/2015	KONICA MINOLTA	Copier Lease / August 2015	169.50
117046	08/19/2015	KONICA MINOLTA BUSINESS	Copier Services / 2nd Quarter 2015	314.34
117047	08/19/2015	OFFICEMAX, INC.	Office Supplies	20.50
117048	08/19/2015	ORANGE COUNTY REGISTER	Public Notices / July 2015	477.68
117049	08/19/2015	PACIFIC MUNICIPAL CONSULTANTS	Golden Rain Foundation General Plan Amendments, Zoning Amendments, & Zone Changes Project Planning Services / July 2015	593.75
117050	08/19/2015	PRACTICAL DATA SOLUTIONS	Annual Licensing, Symantec Veritas Backup Exec	453.60
117051	08/19/2015	STAPLES	Office Supplies	295.38
117052	08/19/2015	WAGE WORKS	Benefit Administration / July 2015	50.00
117053	08/19/2015	WM CURBSIDE, LLC	HHW/E-Waste Collection & Sharps Program / July 2015	3,663.55
117054	09/04/2015	JAMES HASTON	Final Payroll / Pay Period Ended 9/4/2015	1,497.62
117055	09/04/2015	JAMES HASTON	Accrued Leave Balances / Final	2,496.35
117056	08/26/2015	SAMUEL AKINOLA	Taxi Voucher Refund	31.00
117057	08/26/2015	ANIMAL PEST MANAGEMENT SERVICES	Animal Trapping & Control Services / July 2015	3,000.00
117058	08/26/2015	AT&T	Telephone / 581-3974 / August 2015	98.51
117059	08/26/2015	AT&T	Telephone / 583-1105 / August 2015	18.70
117060	08/26/2015	CALIFORNIA JPIA	All Risk Property Insurance - Annual Policy Renewal / FY 15/16	18,759.00
117061	08/26/2015	CITY OF LAGUNA BEACH	Animal Control & Shelter Services / August 2015	8,156.25
117062	08/26/2015	CIVIL SOURCE	Engineering Services - Santa Maria Avenue Bioswale Project / July 2015	1,130.00
117063	08/26/2015	DATA TICKET, INC.	Citation Processing / July 2015	0.62
117064	08/26/2015	DICKINSON ELECTRIC	City Hall Repair Services	141.08
117065	08/26/2015	EL TORO WATER DISTRICT	City Hall Water & Sewer Services / August 2015	117.34
117066	08/26/2015	EL TORO WATER DISTRICT	Water Operations & Maintenance - Backflow - City Hall / August 2015	28.00
117067	08/26/2015	EL TORO WATER DISTRICT	Ridge Route Dog Park Irrigation / August 2015	20.60
117068	08/26/2015	EL TORO WATER DISTRICT	Ridge Route Linear Park Irrigation / August 2015	138.97
117069	08/26/2015	GOVERNMENTJOBS.COM, INC.	Job Posting - Management Assistant	175.00

CITY OF LAGUNA WOODS
WARRANT REGISTER
9/16/2015

Check	Check	Vendor Name	Description	Amount
117070	08/26/2015	JAMES HASTON	Final, Employee Benefit Program / J. Haston / August 2015	1,505.00
117071	08/26/2015	ROCHELLE LEBOVIC	Taxi Voucher Refund	27.50
117072	08/26/2015	MANAGED HEALTH NETWORK	Employee Fringe Benefits / September 2015	22.23
117073	08/26/2015	MOTOROLA SOLUTIONS, INC.	Law Enforcement Services Equipment, Radio	5,206.94
117074	08/26/2015	NIEVES LANDSCAPE, INC.	Landscape Maintenance Services / August 2015	2,590.00
117075	08/26/2015	OFFICEMAX, INC.	Office Supplies	473.11
117076	08/26/2015	ORANGE COUNTY COUNCIL OF GOVERNMENTS	Orange County Council of Governments - Membership Dues / FY 15/16	3,854.40
117077	08/26/2015	ORKIN	Pest Control Services / August 2015	105.01
117078	08/26/2015	PETTY CASH	Replenish Petty Cash	238.23
117079	08/26/2015	PRINCIPAL FINANCIAL GROUP	Long-Term Disability Insurance / September 2015	418.86
117080	08/26/2015	REILLY, DOUGLAS C.	Employee Benefit Program / D. Reilly / August 2015	109.49
117081	08/26/2015	SIEMENS INDUSTRY, INC.	Traffic Signal Repair / July 2015	1,856.00
117081	08/26/2015	SIEMENS INDUSTRY, INC.	Traffic Signal Maintenance / July 2015	1,828.10
117082	08/26/2015	SONITROL	City Hall Fire Monitoring / September 2015	64.38
117083	08/26/2015	SOUTHERN CALIFORNIA SHREDDING, INC.	Shredding Event Services / August 2015	800.00
117084	08/26/2015	VISION SERVICE PLAN OF AMERICA	Employee Benefit Program / September 2015	174.97
			Total Warrants:	**$270,190.01**

Credit Card Statement Detail / July 6 - August 5, 2015

California Society of Municipal Finance Officers	2015-16 CSMFO Budget Awards Program - Operating Budget Application	$150.00
League of California Cities	2015 Annual Conference Registration - 9/302015 -10/2/2015, for Hatch, Horne, Moore, and Macon	2,000.00
Southwest Airlines	Airfare - League of California Cities - 2015 Annual Conference for Hatch, Horne, Moore, and Macon	247.00
Office Max	Printing - CDBG Bid Specs - Energy Efficiency Improvement Project	127.17
ACEC California	2015 California Environmental Quality Act & CEQA Guidelines	31.63
Orange County Register	Online Access Fee	72.00
	Total Credit Cards:	**$2,627.80**

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6.4
FISCAL YEAR 2014-15 BUDGET CARRYOVER TO FISCAL YEAR 2015-16
(NO REPORT)

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6.5
FISCAL YEAR 2015-16 BUDGET ADJUSTMENT

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RESOLUTION NO. 15-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, INCREASING THE ADOPTED FISCAL YEAR 2015-16 BUDGET FOR THE GENERAL FUND

WHEREAS, the Fiscal Year 2015-16 Budget was adopted by the City Council on June 25, 2015; and

WHEREAS, City Council action is required to increase fund-level budget appropriations adopted as a part of the Fiscal Year 2015-16 Budget; and

WHEREAS, the City Council also approves department-level budget appropriations within the General Fund; and

WHEREAS, an increase in the General Fund budget is necessary in order to accommodate expenses related to the purchase of 800 MHz radios and associated equipment for law enforcement services, at prices currently discounted.

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

SECTION 1. The Fiscal Year 2015-16 Budget appropriation authorized, on a fund level, for the General Fund is hereby increased by $30,000 from $5,593,875 to $5,623,875.

SECTION 2. The Fiscal Year 2015-16 Budget appropriation authorized, on a department level within the General Fund for Public Safety Services is hereby increased by $30,000 from $2,522,765 to $2,552,765. The increased appropriation is considered non-operating.

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

PASSED, APPROVED AND ADOPTED on this XX day of XX 2015.

_____

CYNTHIA S. CONNERS, 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. 15-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2015, by the following vote:

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

_____
YOLIE TRIPPY, Deputy City Clerk

6.6
ENERGY EFFICIENT IMPROVEMENT PROJECT: INSTALLATION AND REPLACEMENT OF WINDOWS AND DOORS FY 2015-2016 THROUGH FY 2017-2018 (*NO REPORT*)

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6.7
MOULTON SMART STREET PROJECT

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RESOLUTION NO. 15-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ACCEPTING A PORTION OF MOULTON PARKWAY LYING WITHIN THE CITY LIMITS OF LAGUNA WOODS AS A CITY HIGHWAY AFTER THE PERIOD OF CONSTRUCTION OF THE MOULTON SMART STREET PROJECT

WHEREAS, the County of Orange constructed roadway improvements along portions of Moulton Parkway, Santa Maria Avenue, Ridge Route Drive, El Toro Road, and Via Campo Verde (hereinafter referred to as "Project"); and

WHEREAS, the City of Laguna Woods and the County of Orange have entered into Agreement No. D99-100 and Agreement No. D03-071 to define responsibilities of the City and the County with respect to the Project; and

WHEREAS, Pursuant to the provisions of Section 1700, Article 3, Chapter 9, Division 2 of the Streets and Highways Code, the City Council approved Resolution No. 13-04, which declared the portion of Moulton Parkway from 400 feet north of El Toro Road to 500 feet north of Santa Maria Avenue, lying within the City Limits of Laguna Woods, to be a County highway during the period of construction of the Project by the County of Orange; and

WHEREAS, The County of Orange Board of Supervisors adopted Resolution No. 12-134 on September 11, 2012 to declare the portion of Moulton Parkway from 400 feet north of El Toro Road to 500 feet north of Santa Maria Avenue, lying within the City Limits of Laguna Woods, to be a County highway during the period of construction of the Project by the County of Orange; and

WHEREAS, The County of Orange has completed construction of the Project and recorded a Notice of Completion of Work to that effect; and

WHEREAS, The County of Orange Board of Supervisors has declared that the streets within the Project area are no longer County highways.

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

SECTION 1. The City Council acknowledges and accepts the County of Orange declaration that the portion of Moulton Parkway from 400 feet north of El Toro Road to 500 feet north of Santa Maria Avenue, lying within the City Limits of Laguna Woods, is no longer County highway and is a City highway effective on the date of execution of this resolution.

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

PASSED, APPROVED AND ADOPTED on this XX day of XX 2015.

_____
CYNTHIA S. CONNERS, 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. 15-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2015, by the following vote:

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

_____
YOLIE TRIPPY, Deputy City Clerk

7.1

AMENDMENT OF CONDITIONAL USE PERMIT CUP-740 TO EXTEND THE PERIOD OF TIME ALLOWING A TEMPORARY CHAIN LINK FENCE WITH OPAQUE SHEETING ALONG EL TORO ROAD IN FRONT OF THE LAGUNA WOODS VILLAGE EQUESTRIAN CENTER PARKING LOT LOCATED AT 24312 EL TORO ROAD, LAGUNA WOODS, CALIFORNIA 92637

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City of Laguna Woods
Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: September 16, 2015 Regular Meeting

SUBJECT: Amendment of Conditional Use Permit CUP-740 to extend the period of time allowing a temporary chain link fence with opaque sheeting along El Toro Road in front of the Laguna Woods Village Equestrian Center parking lot located at 24312 El Toro Road, Laguna Woods, California 92637

Recommendation

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public testimony.

AND

4. Close public hearing.

AND

5. Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CONDITIONAL USE

PERMIT CUP-740 ALLOWING A TEMPORARY CHAIN LINK FENCE WITH OPAQUE SHEETING ALONG EL TORO ROAD AND IN FRONT OF THE LAGUNA WOODS VILLAGE EQUESTRIAN CENTER PARKING LOT LOCATED AT 24312 EL TORO ROAD, LAGUNA WOODS, CALIFORNIA 92637

Background

In September 2011, the City Council approved Conditional Use Permit CUP-740 for the Golden Rain Foundation. CUP-740 allowed for a temporary chain link fence with opaque sheeting along El Toro Road in front of the Laguna Woods Village Equestrian Center parking lot located at 24312 El Toro Road. The term of CUP-740 was September 2011 through September 2014. Subsequently, City staff approved an extension, through September 21, 2015, as provided for in the Laguna Woods Municipal Code. The expectation was that the landscaping planted during construction of the Moulton Smart Street Project, Phase I, which required removal of existing mature landscaping, would grow to provide the necessary screening to protect the health, safety, and welfare of the users of the Equestrian Center. Without adequate screening, horses might be "spooked" by the sight of vehicles or pedestrians using El Toro Road.

The temporary chain link fence is approximately five feet high, 320 feet in length, and conforms to standard safety regulations regarding the location of footings to ensure that it remains in place. Along a portion of the parking spaces fronting El Toro Road, the fence parallels each parking space in a "zig-zag" pattern, providing a visual break. Additionally, the green opaque sheeting attached to the fence and the adjacent landscaping provides a visual barrier separating the Equestrian Center users from vehicle and pedestrian traffic along El Toro Road.

The property on which the temporary chain link fence is located is designated as "Open Space" in the City's General Plan and zoned as "Open Space-Recreation." Surrounding zoning and uses generally include the following:

Direction	Zoning	Uses
North	Community Commercial	Arco Station, AM/PM Market, Laguna Hills Animal Hospital
South	Open Space-Recreation, Urban Activities Center, Community Commercial	Laguna Woods Village Garden Center #2, Laguna Woods Village Maintenance, Rossmoor Electric

East	Community Commercial	Valvoline Instant Oil Change
West	Open Space-Recreation	Laguna Woods Village Detention Basin

A vicinity map, site plan, and photographs of the temporary chain link fence are included as attachments A, B, and C, respectively.

Discussion

The Golden Rain Foundation has filed an application requesting an amendment to Conditional Use Permit CUP-740 to maintain the temporary chain link fence for an additional two year period through September 21, 2017. Without City Council action, CUP-740 is scheduled to expire on September 21, 2015, at which time the temporary chain link fence would be required to be removed. The amendment is requested in order to allow existing and potentially new landscaping to mature and provide additional screening to protect the health, safety, and welfare of users of the Equestrian Center. Subject to the conditions included in the proposed resolution (Attachment D), City staff recommends approval of the requested amendment.

Since its installation, the temporary chain link fence has not created any adverse blockage of public views or conditions or situations that were incompatible with other permitted uses in the vicinity. Those facts notwithstanding, four years is a relatively long time for trees and shrubs, planted in 2010, to grow tall and wide enough to provide the desired visual barrier. Staff believes that additional plantings may be necessary in order to accomplish that goal prior to the expiration of the requested amendment. A condition of approval for the Golden Rain Foundation to provide and implement a planting or permanent fence or wall construction plan is proposed (Condition of Approval #13 on page 4 of Attachment D).

Environmental Review

This project is categorically exempt under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines.

Fiscal Impact

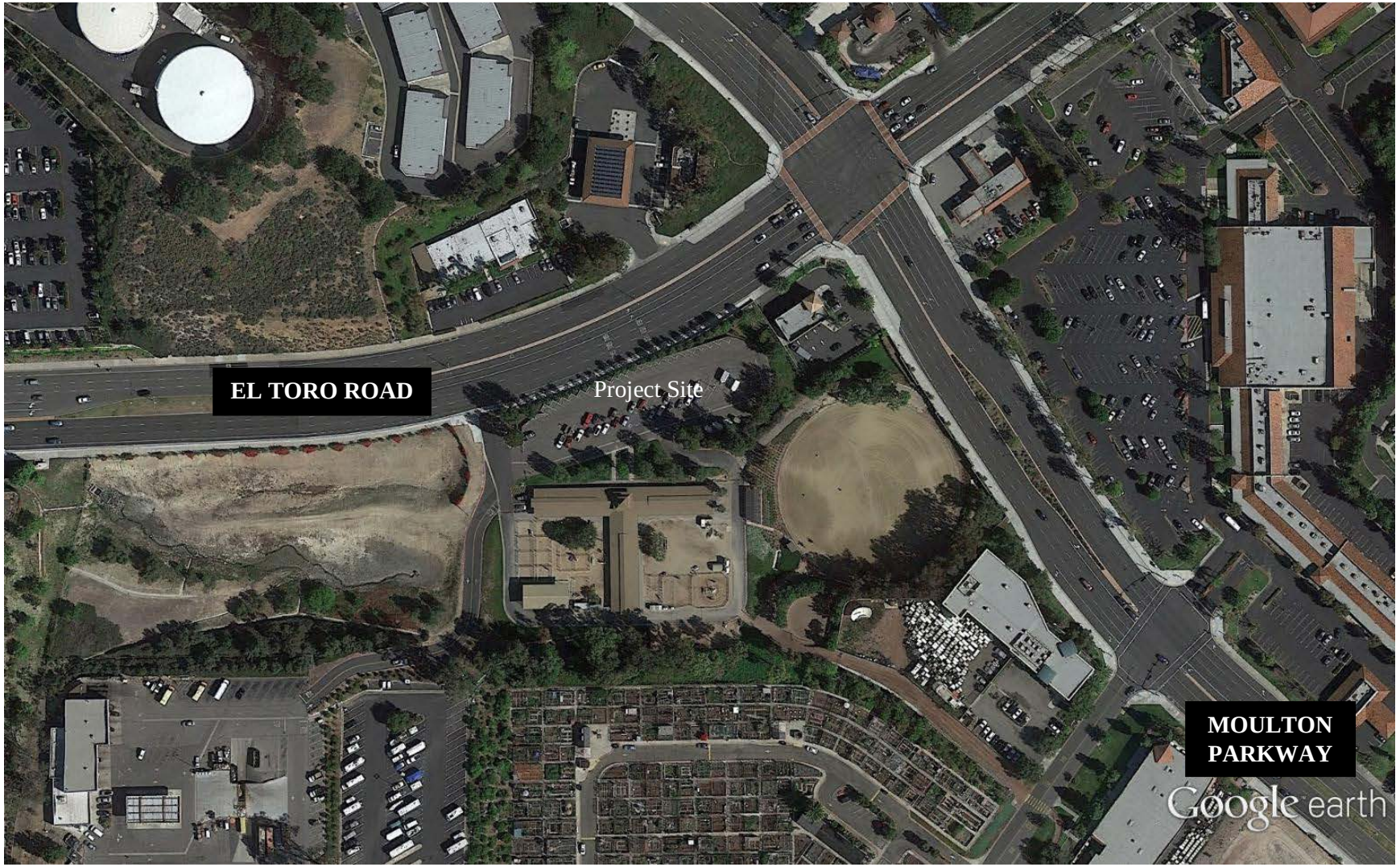
The City's costs related to this project are recovered from the applicant.

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

Attachments: A – Vicinity Map
B – Site Plan
C – Photographs
D – Proposed Resolution

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VICINITY MAP



SITE PLAN



The temporary chain link fence is approximately five feet high, 320 feet in length, and conforms to standard safety regulations regarding the location of footings to ensure that it remains in place. Along a portion of the parking spaces fronting El Toro Road, the fence parallels each parking space in a “zig-zag” pattern, providing a visual break.

PHOTOGRAPHS











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RESOLUTION NO. 15-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CONDITIONAL USE PERMIT CUP-740 ALLOWING A TEMPORARY CHAIN LINK FENCE WITH OPAQUE SHEETING ALONG EL TORO ROAD AND IN FRONT OF THE LAGUNA WOODS VILLAGE EQUESTRIAN CENTER PARKING LOT LOCATED AT 24312 EL TORO ROAD, LAGUNA WOODS, CALIFORNIA 92637

WHEREAS, Conditional Use Permit CUP-740 (applicant: Golden Rain Foundation) was approved by the City Council on September 21, 2011 allowing a temporary chain link fence with opaque sheeting along El Toro Road in front of the Laguna Woods Village Equestrian Center parking lot located at 24312 El Toro Road, Laguna Woods, California 92637; and

WHEREAS, the term of CUP-740 was from September 21, 2011 to September 21, 2015, inclusive of the approved term and a one-year extension by City staff as provided for in the Laguna Woods Municipal Code; and

WHEREAS, the Golden Rain Foundation has requested an amendment to CUP-740 to maintain the temporary chain link fence with opaque sheeting in the existing location for an additional two years through September 21, 2017; and

WHEREAS, the Golden Rain Foundation believes that an amendment to CUP-740 is necessary in order to allow existing and potentially new landscaping to mature and provide additional screening to protect the health, safety, and welfare of users of the Equestrian Center because, without adequate screening, horses might be "spooked" by the sight of vehicles or pedestrians using El Toro Road; and

WHEREAS, the proposed project is categorically exempt from the requirements for the preparation of environmental documents under Section 15301 "Existing Facilities" of the California Environmental Quality Act; and

WHEREAS, a duly noticed public hearing on the amendment to Conditional Use Permit CUP-740 was held by the City Council on September 16, 2015; and

WHEREAS, the City Council has considered information presented by City staff and interested parties at a public hearing held on September 16, 2015, and in written documents and reports.

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

SECTION 1. The City Council finds and determines that (i) the proposed use and project is consistent with the City of Laguna Woods General Plan, (ii) the use or improvements proposed are consistent with the provisions of the City Zoning Code, (iii) the approval of the permit application amendment is in compliance with the requirements of the California Environmental Quality Act, (iv) the location, size, design and operating characteristics of the use will not create conditions or situations that may be incompatible with other permitted uses in the vicinity, (v) the approval of the permit application amendment will not result in conditions or circumstances contrary to the public health, safety and the general welfare, and (vi) the approval of the permit application amendment is in compliance with all City-required public facilities regulations.

SECTION 2. Based on the information presented by the applicant, public testimony at the public hearing, and staff report analysis, the City Council approves the amendment to Conditional Use Permit CUP-740, hereinafter referred to as CUP-740-A, subject to the following conditions:

1. This amended Conditional Use Permit (CUP-740-A) is issued to maintain temporary chain link fencing with opaque sheeting along El Toro Road for up to two years as approved by the City Council on September 16, 2015. All applicable City standards and conditions of the approval of CUP-740 shall be in place unless specifically superseded by the project conditions referenced within. The temporary chain link fencing with opaque sheeting shall be in conformance with site plans stamped approved on September 21, 2011.

2. The applicant, or applicant's successor in interest, shall abide by and faithfully comply with any and all conditions of this permit. Failure to comply with the conditions of this permit constitutes grounds for revocation of said permit by the Council.

3. The applicant, or applicant's successor in interest, shall agree, as a condition of issuance of this permit, to at its sole expense, defend, indemnify, and hold harmless the City, its officers, employees, agents, and consultants from any claim, action, or proceeding against the City, its officers, employees, agents, and consultants to attach, set aside, void or annul an approval of the City Council, Planning Agency, or other decision-making body, or staff action

concerning this project. The applicant, or applicant's successor in interest, shall pay the City's defense costs and shall reimburse the City for court costs and attorney fees that the City may be required by a court to pay as a result of such defense. The applicant, or applicant's successor in interest, may at its sole discretion participate in the defense or any such action under this condition.

4. In the event a legal challenge to the discretionary approval is successful, and an award of attorney fees is made to the challenger, the applicant, or applicant's successor in interest, shall be responsible to pay the full amount of such an award.

5. This permit is granted for the property as described in the application and shall not be transferable from one parcel to another.

6. The continued use of the approved temporary chain link fencing with opaque sheeting authorized by this permit shall constitute acceptance of all of the conditions and obligations imposed by the City on this permit. The applicant, and applicant's successor in interest, by said acceptance, waives any challenge as to the validity of these conditions.

7. The applicant, and applicant's successor in interest, shall be fully responsible for knowing and complying with all conditions of approval, including making known the conditions to City staff for future governmental permits or actions on the project site.

8. This approval constitutes approval of the project only to the extent that it complies with the City Zoning Code and any other applicable City standards. Approval does not eliminate the need for building permits or include any action or finding as to compliance or approval of any other applicable federal, state, or local ordinance, regulation or requirements.

9. Except as otherwise provided herein, this permit is approved as a precise plan for the location and design of the temporary chain link fence with opaque sheeting shown on the approved plans. After an application has been approved, a change plan may be submitted to the Planning & Environmental Services Department for any relocation, alteration, or addition to the temporary chain link fence with opaque sheeting not specifically approved in the original application. If the Planning & Environmental Services Department determines that the proposed change complies with the provisions, spirit, and intent of this approval

action, and that the action would have been the same for the change plan as for the approved plot plan, the change plan may be administratively approved without requiring a new public hearing.

10. The site must be maintained free of trash, debris and refuse. All graffiti must be removed within 72 hours.

11. Signage shall not be permitted on the temporary chain link fencing or opaque sheeting except as permitted by approved sign permits.

12. The City retains the right to inspect the premises for compliance with the City's storm water programs and National Pollutant Discharge Elimination System (NPDES) permit requirements.

13. To ensure there is adequate permanent screening in place before the expiration of the amended permit term, the applicant, or applicant's successor in interest, shall submit no later than March 31, 2016, a planting plan that adds trees, shrubs, and irrigation to the existing landscaping and irrigation in front of the Equestrian Center parking lot, as necessary, in order to provide for the desired visual barrier by September 21, 2017. Upon City staff approval, which shall be exercised at City staff's sole discretion, applicant, or applicant's successor in interest, shall implement the planting plan no later than 180 days thereafter. The planting plan may, alternatively, substantiate the sufficiency of the existing plantings, and projected growth thereof, if prepared by a landscape professional, as that term is defined in Section 4.28.030 of the Laguna Woods Municipal Code.

    As an alternative to the planting plan, applicant, or applicant's successor in interest, may satisfy this condition by submitting plans for construction of a permitted permanent fence or wall type no later than September 21, 2016. A letter of intent to submit plans for construction of a permitted permanent fence or wall type must be submitted no later than March 31, 2016. Upon City staff approval of submitted plans, which shall be exercised at City staff's sole discretion, applicant, or applicant's successor in interest, shall construct the permitted fence or wall no later than September 21, 2017.

    All improvements shall be made in compliance with Section 13.26.230, and other applicable sections of the Laguna Woods Municipal Code.

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

PASSED, APPROVED AND ADOPTED on this XX day of XX 2015.

_____
CYNTHIA S. CONNERS, 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. 15-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2015, by the following vote:

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

_____
YOLIE TRIPPY, Deputy City Clerk

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8.1
SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS PERMITTING PROCESS

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City of Laguna Woods
Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: September 16, 2015 Regular Meeting

SUBJECT: Small Residential Rooftop Solar Systems Permitting Process

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Recommendation

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA ADOPTING A CODE AMENDMENT TO ADD A NEW CHAPTER 10.26 TO THE LAGUNA WOODS MUNICIPAL CODE RELATING TO EXPEDITED PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

Background

On September 21, 2014, Governor Brown signed Assembly Bill 2188 into law, amending Section 714 of the California Civil Code and Section 65850.5 of the California Government Code. Section 65850.5(a) provides that it is the policy of the State to promote and encourage the installation and use of solar energy systems by limiting obstacles to their use and by minimizing the permitting costs of such systems. In furtherance of that objective, Section 65850.5(g)(1) requires that, on or before September 30, 2015, cities adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

"Small residential rooftop solar energy system" includes all of the following:

- A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.

- A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or re-designated from time to time.

- A solar energy system that is installed on a single or duplex family dwelling.

- A solar panel or module array that does not exceed the maximum legal building height.

Among other requirements, Assembly Bill 2188 requires cities to accept permit applications for small residential rooftop solar energy systems electronically. The City is unable to deny such applications or require additional permits unless there is a specific, adverse impact resulting from the proposed project.

On August 19, 2015, the City Council unanimously approved for introduction and first reading (with Councilmember Hack absent) an ordinance that would create an expedited and streamlined permitting process for small residential rooftop solar energy systems. In addition, a resolution and "Checklist of Requirements for Small Residential Rooftop Solar Energy Systems" intended to assist applicants and City staff with implementation of the ordinance were unanimously approved.

Discussion

To comply with Assembly Bill 2188, the proposed ordinance (Attachment A) would add Chapter 10.26 ("Small Residential Rooftop Solar Energy Systems") to the Laguna Woods Municipal Code.

Fiscal Impact

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

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

ORDINANCE NO. 15-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA ADOPTING A CODE AMENDMENT TO ADD A NEW CHAPTER 10.26 TO THE LAGUNA WOODS MUNICIPAL CODE RELATING TO EXPEDITED PERMITTING PROCEDURES FOR SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

WHEREAS, on September 21, 2014, Governor Brown signed Assembly Bill 2188 (Stats. 2014, Ch. 521) into law; and

WHEREAS, Assembly Bill 2188 provides that the implementation of consistent statewide standards to achieve the timely and cost-effective installation of small residential rooftop solar energy systems is a matter of statewide concern; and

WHEREAS, Assembly Bill 2188 amended Section 714 to the California Civil Code, and Section 65850.5 to the California Government Code; and

WHEREAS, Section 65850.5 to the California Government Code now requires every city to adopt an ordinance that creates an expedited and streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, the City of Laguna Woods ("City") does not currently have an expedited and streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, if adopted, the proposed amendments to the Laguna Woods Municipal Code, as identified in Exhibit "A" attached to this Ordinance and incorporated herein by this reference (the "Code Amendment"), will create an expedited and streamlined permitting process for small residential rooftop solar energy systems; and

WHEREAS, the Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15601, subsection (b)(3), of Title 14 of the California Code of Regulations, in that the proposed amendments are consistent with California law, specifically Government Code Section 65850.5 and Civil Code Section 714, and because it can be seen with certainty that the proposed text amendments will have no significant effect on the environment; and

WHEREAS, a duly noticed public hearing on the Code Amendment was held by the City Council on August 19, 2015; and

WHEREAS, in conjunction with the public hearing on the Code Amendment, the City Council also considered a proposed "Checklist of Requirements for Small Residential Solar Rooftop Energy Systems," a copy of which was included with the City Council's agenda report for the Code Amendment, dated August 19, 2015; and

WHEREAS, the City Council has considered information presented by City staff and interested parties at a public hearing held on August 19, 2015 and in written documents and reports.

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

SECTION 1. The City Council finds and determines that (i) the Code Amendment complies with all applicable requirements of State law, including, without limitation, Assembly Bill 2188 (Stats. 2014, Ch. 521), codified at Civil Code Section 714 and Government Code Section 65850.5, (ii) the Code Amendment will not adversely affect the health, safety, or welfare of the residents within the community, (iii) the Code Amendment is in the public interest of the City of Laguna Woods, (iv) the Code Amendment is consistent with the Laguna Woods General Plan and its various elements, and (v) the Code Amendment will not be contrary to other goals, objectives, and/or policies of the Laguna Woods Zoning Code (Title 17 to the Laguna Woods Municipal Code).

SECTION 2. The City Council hereby certifies that the Code Amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061, section (b)(3), of Title 14 of the California Code of Regulations.

SECTION 3. A new Chapter 10.26 of the Laguna Woods Municipal Code is hereby added to read as set forth in Exhibit "A," attached to this Ordinance and incorporated herein by this reference (referred to herein as the "Code Amendment"), to create an expedited and streamlined permitting process for small residential rooftop solar energy systems.

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

SECTION 5. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 6. The 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.

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

PASSED, APPROVED AND ADOPTED this XX day of XX 2015.

_____
CYNTHIA S. CONNERS, Mayor

ATTEST:

_____
YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

_____
DAVID B. COSGROVE, City Attorney

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

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 15-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 19th of August 2015, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the XX day of XX 2015 by the following vote to wit:

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

_____
YOLIE TRIPPY, Deputy City Clerk

CODE AMENDMENT

A new Chapter 10.26 ("Small Residential Rooftop Solar Energy Systems") is added to Title 10 ("Buildings and Construction") of the Laguna Woods Municipal Code to read as follows:

Chapter 10.26. – Small Residential Rooftop Solar Energy Systems

10.26.010 – Purpose and intent.

A. The purpose and intent of this Chapter is to create an expedited, streamlined permitting process for small residential rooftop solar energy systems, in accordance with California Civil Code Section 714 and California Government Code Section 65850.5.
B. It is also the purpose of this Chapter to promote and encourage the use of small residential rooftop solar energy systems and to limit obstacles to their use, in accordance with the standards adopted by the City pursuant to this Chapter and State law, while allowing the City to protect the public health and safety.
C. It is hereby declared that in any instance where the provisions of this Section conflict with any applicable State law or regulation, such State law or regulation shall govern.

10.26.020 – Definitions.

The following definitions shall govern the meaning of words and phrases used in this Chapter:

A. *Checklist of Requirements for Small Residential Rooftop Solar Energy Systems* or *Checklist* means the rules, regulations, guidelines, and checklist adopted by resolution of the City Council that sets forth implementing and additional requirements for small residential rooftop solar energy systems consistent with Section 65850.5 of the California Government Code.
B. *Director* means the director of the City's Planning & Environmental Services Department or his or her designee.
C. *Electronic submittal* shall have the same meaning as the term is defined in Subsection (j)(2) of Section 65850.5 of the

California Government Code, as amended from time to time or replaced by a successor statute.

D. *Small residential rooftop solar energy system* shall have the same meaning as the term is defined in Subsection (j)(3) of Section 65850.5 of the California Government Code, as amended from time to time or replaced by a successor statute.
E. *Solar energy system* shall have the same meaning as the term is defined in Subsection (j)(4) of Section 65850.5 of the California Government Code, as amended from time to time or replaced by a successor statute.
F. *Specific, adverse impact* shall have the same meaning as the term is defined in Subsection (j)(5) of Section 65850.5 of the California Government Code, as amended from time to time or replaced by a successor statute.

10.26.030 – Applicability.

This Chapter applies to the permitting of all small residential rooftop solar energy systems, as defined herein, in the City. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this Chapter are not subject to the requirements stated herein, unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop solar energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

10.26.040 – Development Standards.

In addition to the Checklist of Requirements for Small Residential Rooftop Solar Energy Systems, the following standards shall apply to each small residential rooftop solar energy system:

A. Systems shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities, consistent with Section 65850.5 of the California Government Code.
B. Systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics

Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

C. The Director may from time to time revise the Checklist of Requirements for Small Residential Rooftop Solar Energy Systems as long as any revisions are consistent with the most recently adopted resolution of the City Council adopting the Checklist, and are consistent with Section 65850.5 of the California Government Code. Such revisions shall be subject to approval of the City Manager and approval as to form by the City Attorney.
D. The Checklist of Requirements for Small Residential Rooftop Solar Energy Systems shall be made available to the public during regular business hours at the Office of the City Clerk and by posting the Checklist on the City's website.

10.26.050 – Application; Documents and Requirements.

All documents required for the submission of an expedited small residential rooftop solar energy system application shall be made available on the City's website. The applicant may submit the permit application and associated documentation to the City in person or by electronic submittal, together with any required permit processing and inspection fees. For electronic submittal, the City shall accept an electronic signature on all forms, applications, and other documentation in lieu of a wet signature by an applicant to the extent permitted by law and to the extent such electronic submittal complies with the requirements set forth in this Chapter and the Checklist of Requirements for Small Residential Rooftop Solar Energy Systems.

10.26.060 – Review.

Review of the application to install a small residential rooftop solar energy system shall be limited to an expedited administrative, nondiscretionary review by the City of whether the application meets all health and safety requirements of local, state, and federal law. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the small residential rooftop solar energy system will not have a specific,

adverse impact upon the public health or safety. If the Director makes a finding based on substantial evidence, that a small residential rooftop solar energy system could have a specific, adverse impact upon the public health and safety, the City may require the applicant to apply for a conditional use permit or other applicable license or permit in accordance with the procedure and standards set forth in Section 65650.5 of the California Government Code.

10.26.070 – Approval Requirements.

A. An application that satisfies the requirements of this Chapter and the Checklist of Requirements for Small Residential Rooftop Solar Energy Systems shall be deemed complete upon confirmation by the Director that the application and supporting documents are complete and meet the requirements of this Chapter and the Checklist. Upon the Director's determination that an application is complete, the City shall approve the application and, in conjunction with any other City Departments, issue all required permits or authorizations. Upon receipt of an incomplete application, the Director shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.
B. If the City denies an application for a conditional use permit or other applicable license of permit to install a small residential rooftop solar energy system, the City shall make written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.
C. The decision of the Director pursuant to paragraphs (1) and (2) above may be appealed to the Planning Commission in accordance with the procedure set forth in Section 13.24.050 of this Code.

10.26.080 – City and Fire Safety Inspections.

For a small residential rooftop solar energy system eligible for expedited review, only one City inspection shall be required, which shall be done in a timely manner and may include (but is not required to include) a consolidated inspection with the Orange County Fire Authority's fire safety inspection. A permit for a small residential rooftop solar energy system shall not take effect until it has passed both a City inspection and a fire safety inspection by the Orange County Fire Authority. If a small residential rooftop solar energy system fails either the City inspection or fire safety inspection, a subsequent inspection is authorized, however the subsequent inspection need not conform to the requirements of this Chapter.

10.26.090 – Approval by Association Not Required.

The City shall not condition approval for any small residential rooftop solar energy system permit on the approval of the system by an "association," as that term is defined in Section 4080 of the Civil Code. Notwithstanding the foregoing, applicants for City approval of solar energy systems should be aware that the City will require association approval when the association owns the property on which the solar energy system will be located (e.g., the roof of the residence), and that association approval may be separately required by the association under the circumstances set forth in Section 714.1 of the Civil Code (e.g., the solar energy system will be located in a "common area," as defined in Section 4095 or 6532 of the Civil Code, or the solar energy system will be located on another person's "separate interest," as defined in Section 4185 or 6564 of the Civil Code). It is the applicant's responsibility to determine whether an association's approval is required for a solar energy system and, if so, to comply with any and all association approval requirements.

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8.2
MOULTON PARKWAY WATER EFFICIENT MEDIAN PROJECT

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City of Laguna Woods
Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: September 16, 2015 Regular Meeting

SUBJECT: Moulton Parkway Water Efficient Median Project

Recommendation

Discuss and provide direction to staff regarding the preparation of construction drawings and technical specifications for the Moulton Parkway Water Efficient Median Project.

Background

The Moulton Parkway Water Efficient Median Project involves retrofitting three primarily turf grass and olive tree medians with drought-tolerant landscaping, water efficient irrigation systems, and "purple pipe" for future recycled water use. A hardscape maintenance band would also be installed around the perimeter of each median. This project could be phased by median location (see below) or completed concurrently, as funding permits.

Moulton Parkway Water Efficient Median Project	
Median ID	Median Location
Moulton Parkway, South Median #1	Via Campo Verde to Temple Judea
Moulton Parkway, South Median #2	Temple Judea to Calle Cortez
Moulton Parkway, South Median #3	Calle Cortez to Via Iglesia

This project is intended to reduce irrigation-related water consumption and runoff through the replacement of turf grass with drought-tolerant plantings and overhead spray irrigation with a more water efficient alternative. Moving irrigation systems

and plantings further from the curb face of the medians would also help to prevent inadvertent runoff and related pavement damage. When available, the use of recycled water for irrigation would help to conserve potable water, thereby reducing demand for imported water.

The Fiscal Year 2015-16 Budget & Work Plan includes funding to prepare construction drawings and technical specifications for this project, generally based on the Moulton Parkway median design north of El Toro Road to Santa Maria Avenue, but with reduced plantings, reduced water consumption, and redesigned wayfinding signage. The preparation of those documents is particularly timely as, pursuant to the Governor's Drought Executive Order of April 2015, the City is no longer able to irrigate its turf grass medians.

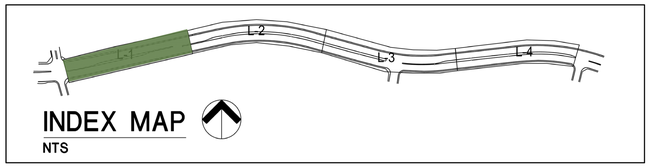
Discussion

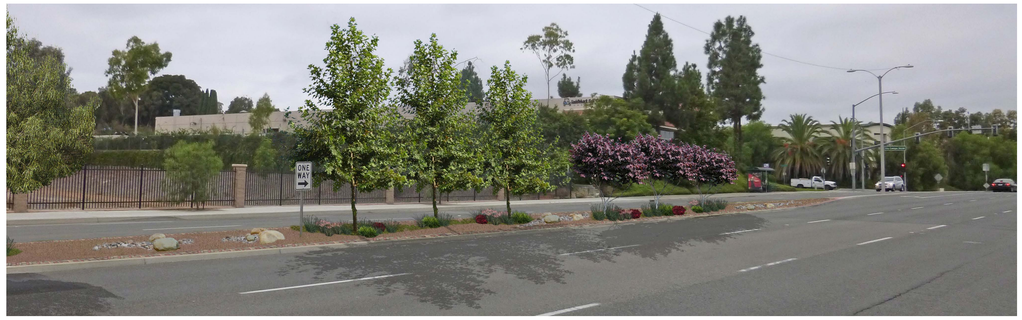
Today's meeting is an opportunity for City Council discussion and direction, as well as public input, in advance of the preparation of construction drawings and technical specifications. In addition to any other areas of interest or concern, staff is specifically seeking direction regarding the amount of planted area, plant palate, and color scheme for crushed gravel, decomposed granite, and boulder materials. Attachments A and B contain preliminary design concepts.

Fiscal Impact

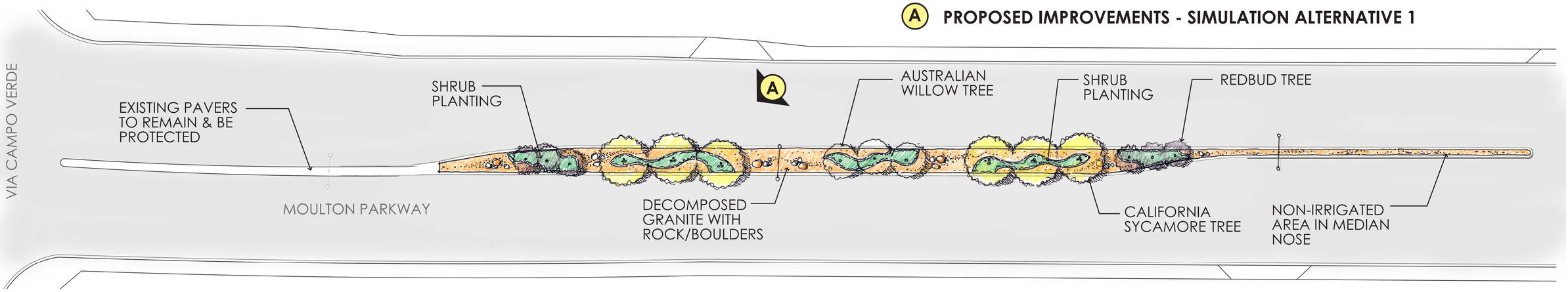
The City's budget includes $52,250 to prepare construction drawings and technical specifications for this project. The cost for designing and constructing this project was estimated at $830,599 as of June 2014; however, once construction drawings and technical specifications have been prepared and, again, following any future competitive bidding, that estimate will be recalculated. No funding source has been identified for construction; however, staff continue to monitor grant opportunities.

Attachments: A – Design Alternatives
B – Image Board





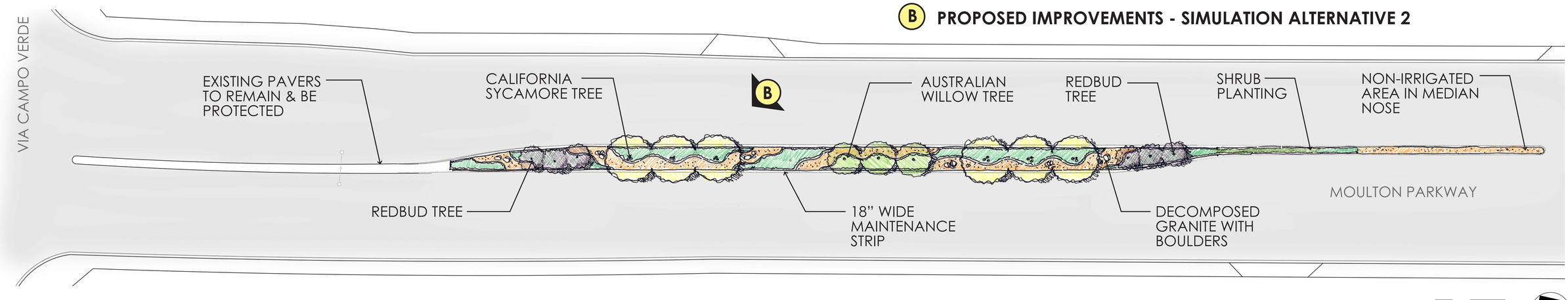
Ⓐ **PROPOSED IMPROVEMENTS - SIMULATION ALTERNATIVE 1**



ALTERNATIVE 1
25% PLANTED AREA
75% NON-IRRIGATED AREA



Ⓑ **PROPOSED IMPROVEMENTS - SIMULATION ALTERNATIVE 2**





ALTERNATIVE 2
50% PLANTED AREA
50% NON-IRRIGATED AREA

MOULTON PARKWAY MEDIANS - DESIGN ALTERNATIVES
City of Laguna Woods, CA

NUVIS
LANDSCAPE ARCHITECTURE AND PLANNING

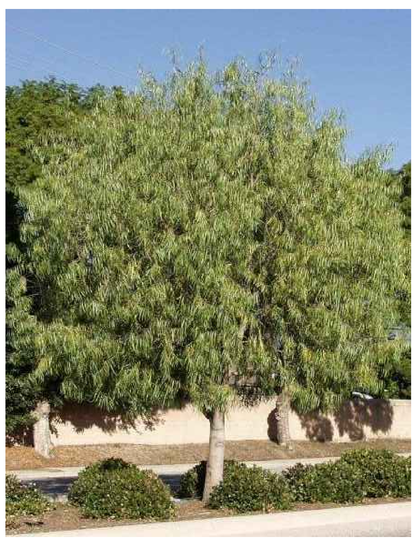
TREES



CERCIS CANADENSIS 'FOREST PANSY'
EASTERN REDBUD
HEIGHT: 20'-30'
MEDIUM WATER NEEDS



PLATANUS RACEMOSA
CALIFORNIA SYCAMORE
HEIGHT: 40'-50'
MEDIUM WATER NEEDS, TOLERATES DROUGHT



GEIJERA PARVIFLORA
AUSTRALIAN WILLOW
HEIGHT: 20'-30'
LOW WATER NEEDS

SHRUBS



ARCTOSTAPHYLOS EDMUNDSII
'CARMEL SUR'
CARMEL SUR MANZANITA
HEIGHT: 1'
WIDTH: 4'-6'
LOW WATER NEEDS



AGAVE ATTENUATA
FOX TAIL AGAVE
HEIGHT: 4'-5'
WIDTH: 6'-8'
LOW WATER NEEDS



CONVOLVULUS CNEORUM
BUSH MORNING GLORY
HEIGHT: 2'-4'
WIDTH: 2'-4'
LOW WATER NEEDS



LIMONIUM PEREZII
SEA LAVENDER
HEIGHT: 2'-3'
WIDTH: 2'-3'
LOW WATER NEEDS



DIANELLA CAERULEA
'DBB03' P.P.# 17998
CASSA BLUE FLAX LILY
HEIGHT: 1'-2'
LOW WATER NEEDS



MUHLENBERGIA CAPILLARIS
'REGAL MIST'
REGAL MIST PINK MUHLY
HEIGHT: 2'-4"
WIDTH: 1'-3'
MEDIUM WATER NEEDS, DROUGHT TOLERANT



TEUCRIUM CHAMAEDRYS
GERMANDER
HEIGHT: 1'-2'
WIDTH: 2'-3'
LOW WATER NEEDS



SALVIA LEUCANTHA
'SANTA BARBARA'
SANTA BARBARA SAGE
HEIGHT: 2'-3'
WIDTH: 2'-4'
LOW WATER NEEDS

MATERIALS



COLORED STAMP CONCRETE MAINTENANCE STRIP



COLORED STAMP CONCRETE MAINTENANCE STRIP

MOULTON PARKWAY MEDIANS - IMAGE BOARD

City of Laguna Woods, CA

NŪVIS
LANDSCAPE ARCHITECTURE
AND PLANNING

8.3
LEAGUE OF CALIFORNIA CITIES 2015 ANNUAL CONFERENCE RESOLUTIONS

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City of Laguna Woods
Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: September 16, 2015 Regular Meeting

SUBJECT: League of California Cities 2015 Annual Conference Resolutions

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Recommendation

Discuss and provide direction to the City's voting delegates on the resolutions scheduled for consideration at the League of California Cities' 2015 Annual Conference.

Background

The League of California Cities is hosting its annual conference on September 30 – October 2, 2015 in San Jose. On July 29, 2015, the City Council appointed Mayor Pro Tem Hatch to serve as the delegate, Councilmember Horne to serve as the first alternate, and Councilmember Moore to serve as the second alternate at the annual conference. One City Council-appointed delegate will vote on behalf of the City on resolutions that establish League of California Cities policy.

Discussion

The League of California Cities has provided the City Council with information on four resolutions on which a delegate from each city will be asked to vote on at the annual conference (Attachment A). This item has been agendized to provide the City Council with an opportunity to provide direction to its delegates.

The following resolutions are scheduled for consideration:

1. Resolution relating to League Bylaws Amendments Regarding Succession of League Offices to Fill Vacancies

2. Resolution of the League of California Cities Calling for Legislation to Preserve Therapeutic Environments for Group Homes and Avoid Impacts of Overconcentration of Alcohol and Drug Abuse Recovery and Treatment Facilities in Residential Neighborhoods

3. Resolution of the League of California Cities Supporting SB 593 (McGuire) and Continued Local Flexibility for Cities as They Address Neighborhood and Fiscal Impacts of Temporary Rentals of Residential Units

    - The text of Senate Bill 593 (McGuire), as amended on June 10, 2015, is included as Attachment B.

4. Resolution Calling Upon the Governor and the Legislature to Work with the League of California Cities to Enact Legislation or to Otherwise Compel Southern California Edison to Create a Program to Automatically Provide Direct Compensation to its Customers Affected by Prolonged Electrical Power Outages under Specified Circumstances

Fiscal Impact

Expenses associated with the League of California Cities' annual conference can be accommodated in the City's budget.

Attachments: A – League of California Cities 2015 Annual Conference Resolutions Packet
B – Senate Bill 593 (McGuire) as Amended on June 10, 2015

Annual Conference Resolutions Packet

2015 Annual Conference Resolutions

San Jose

September 30 – October 2

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, four resolutions have been introduced for consideration by the Annual Conference and referred to the League policy committees.

POLICY COMMITTEES: Four policy committees will meet at the Annual Conference to consider and take action on the resolution referred to them. The committees are Administrative Services; Environmental Quality; Housing, Community and Economic Development; and Revenue and Taxation. These committees will meet on Wednesday, September 30, 2015, at the Hilton San Jose. The sponsors of the resolutions have been notified of the time and location of the meetings.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet at 1:00 p.m. on Thursday, October 1, at the San Jose Convention Center, to consider the reports of the four policy committees regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president. Please check in at the registration desk for room location.

ANNUAL LUNCHEON/BUSINESS MEETING/GENERAL ASSEMBLY: This meeting will be held at 12:00 p.m. on Friday, October 2, at the San Jose Convention Center.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (47 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:00 p.m., Thursday, October 1. Resolutions can be viewed on the League's Web site: www.cacities.org/resolutions.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: mdesmond@cacities.org or (916) 658-8224

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's eight standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.

2. The issue is not of a purely local or regional concern.

3. The recommended policy should not simply restate existing League policy.

4. The resolution should be directed at achieving one of the following objectives:

   (a) Focus public or media attention on an issue of major importance to cities.

   (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.

   (c) Consider important issues not adequately addressed by the policy committees and board of directors.

   (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

LOCATION OF MEETINGS

Policy Committee Meetings
Wednesday, September 30
Hilton San Jose
300 Almaden Boulevard, San Jose

9:00 a.m. – 10:30 a.m.: Environmental Quality
Housing, Community & Economic Development

10:30 a.m. – Noon: Administrative Services
Revenue and Taxation

General Resolutions Committee
Thursday, October 1, 1:00 p.m.
San Jose Convention Center
150 West San Carlos Street, San Jose

Annual Business Meeting and General Assembly Luncheon
Friday, October 2, 12:00 p.m.
San Jose Convention Center
150 West San Carlos Street, San Jose

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3

1 - Policy Committee Recommendation to General Resolutions Committee
2 - General Resolutions Committee
3 - General Assembly

ADMINISTRATIVE SERVICES POLICY COMMITTEE

		1	2	3
1	League Bylaw Amendment			

ENVIRONMENTAL QUALITY POLICY COMMITTEE

		1	2	3
4	Compensation for Prolonged Electrical Power Outages			

HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT POLICY COMMITTEE

		1	2	3
2	Overconcentration of Alcohol & Drug Treatment Facilities			
3	Residential Rentals, Support for SB 593 (McGuire)			

REVENUE AND TAXATION POLICY COMMITTEE

		1	2	3
3	Residential Rentals, Support for SB 593 (McGuire)			

Information pertaining to the Annual Conference Resolutions will also be posted on each committee's page on the League website: www.cacities.org. The entire Resolutions Packet will be posted at: www.cacities.org/resolutions.

KEY TO ACTIONS TAKEN ON RESOLUTIONS *(Continued)*

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

ACTION FOOTNOTES

* Subject matter covered in another resolution

** Existing League policy

*** Local authority presently exists

KEY TO ACTIONS TAKEN

A	Approve
D	Disapprove
N	No Action
R	Refer to appropriate policy committee for study
a	Amend+
Aa	Approve as amended+
Aaa	Approve with additional amendment(s)+
Ra	Refer as amended to appropriate policy committee for study+
Raa	Additional amendments and refer+
Da	Amend (for clarity or brevity) and Disapprove+
Na	Amend (for clarity or brevity) and take No Action+
W	Withdrawn by Sponsor

Procedural Note:
The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: Resolution Process.

2015 ANNUAL CONFERENCE RESOLUTIONS

RESOLUTION REFERRED TO ADMINISTRATIVE SERVICES POLICY COMMITTEE

1. RESOLUTION RELATING TO LEAGUE BYLAWS AMENDMENTS REGARDING SUCCESSION OF LEAGUE OFFICES TO FILL VACANCIES

Source: League Board of Directors
Referred to: Administrative Services Policy Committee
Recommendation to General Resolutions Committee:

WHEREAS, the League of California Cities® is a nonprofit mutual benefit corporation under California law and, as such, is governed by corporate bylaws; and

WHEREAS, the League's Board of Directors periodically reviews the League's bylaws for issues of clarity, practicality, compliance with current laws, and responsiveness to membership interests; and

WHEREAS, on two occasions in recent years when vacancies arose in office of President of the Board of Directors after disappointing reelection results, the vacancy was filled in accordance with the League Bylaws by the First Vice President becoming President at the next Board meeting. This left a vacancy in the office of First Vice President that was filled by the Board by advancing the Second Vice President. This required recruiting a new Second Vice President that the Board chose, as provided in the Bylaws, from the ranks of the Board itself; and

WHEREAS, in September 2014 the Board chose a new Second Vice President as usual and also a new First Vice President who had not previously served as Second Vice President because the prior Second Vice President was elected to county office and was no longer eligible. When the President was not reelected in November 2014, the First Vice President advanced to the office of President with only two months of experience as a League officer. Additionally, the Second Vice President was advanced to First Vice President; and

WHEREAS, the Board of Directors believe this confluence of events twice in recent years demonstrates a weakness in the succession of League offices required by the League Bylaws because the accelerated advancement of officers in the event of a vacancy in the office of President may deprive the junior officers and the League of adequate time to serve and develop expertise and relationships in the offices of Second and First Vice President; and

WHEREAS, it is the unanimous recommendation of the League Board that the League membership amend article VIII, section 4, of the League bylaws to allow the Immediate Past President to fill an unexpected vacancy in the office of President for the unexpired term if the Immediate Past President agrees. If not, the current succession process would occur; and now, therefore, be it,

RESOLVED, by the General Assembly of the League of California Cities assembled in Annual Conference in San Jose, October 2, 2015, that article VIII, section 4 of the League bylaws be amended to read as follows:

Article VIII: Officers

Section 1: Identity.

The officers of the League are a President, a First Vice-President, a Second Vice-President/Treasurer, an Immediate Past President, and an Executive Director.

Section 2: Duties of League Officers.

(a) President. The President presides at all League Board meetings and all General Assemblies. The President has such other powers and duties as may be prescribed by these bylaws or the League Board.

(b) First Vice-President. The First Vice-President carries on the duties of the President in the President's temporary absence or incapacity. The First Vice-President has such other powers and duties as may be prescribed by these bylaws or the League Board.

(c) Second Vice-President/Treasurer. The Second Vice-President/Treasurer carries on the duties of the President in the President's and First Vice-President's temporary absence or incapacity. The Second Vice-President/Treasurer has such other powers and duties as may be prescribed by these bylaws or the League Board.

Section 3: Election.

The League Board elects the League's President, First Vice-President and Second Vice-President for terms of one year. The election occurs at the League Board's meeting at the Annual Conference.

Section 4: Vacancies.

A vacancy in the office of President is filled ~~at the next meeting of the League Board~~ by the *Immediate Past President who shall serve for the unexpired term of office and, upon election of a new President at the next Annual Conference, shall subsequently serve a full term as Immediate Past President. In the event the Immediate Past President is not available to fill the vacancy in the office of the President, or declines in writing, it shall be filled by the* succession of the First Vice-President to that office. A vacancy in the office of First Vice-President, or Second Vice-President/Treasurer, is filled for the un-expired term by appointment *by the League Board* of a member of the League Board. A vacancy in the office of the Immediate Past President is filled for the un-expired term by the last Past President continuing to hold a city office.

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Background Information on Resolution No. 1

Source: League Board of Directors

Background:
In 2010 and again recently in 2014 the city official elected League President at the Annual Conference in September was not returned to office by the voters of their city. This development triggered a series of steps laid out in the order of succession in the League Bylaws that mandates that the First Vice President advance to the office of President at the next Board meeting and that the Board fill the vacancy in the office of First Vice President for the remainder of the term.

When the Board filled the League offices in September 2014, the Second Vice President could not advance to First Vice President since she had been elected to the office of county supervisor and was ineligible to serve. Consequently the Board selected two directors to fill both the offices of First Vice President and Second Vice President. Neither had previously served as a League officer.

When the vacancy in the office of President occurred after the November general election, the First Vice President advanced to the office of President after having served only two months as a League officer in contrast to the normal advancement process of twenty-four months. The Second Vice President was advanced to the office of First Vice President after having served only two months as a League officer. The Board also chose a new Second Vice President.

At the February, 2015 meeting of the League Board of Directors, the Executive Committee recommended unanimously an amendment to the order of succession in Art. VIII, Sec. 4 of the League Bylaws. The proposed amendment would allow the most experienced member of the Executive Committee, the Immediate Past President, to fill out the remainder of the term of office of a President who leaves the office before its term is completed if the Immediate Past President is willing and able to do so. This arrangement would allow the First Vice President to continue serving and to advance to the office of President on the schedule envisioned by the League Bylaws. If the Immediate Past President were unable or unwilling to serve, the existing order of succession would occur.

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League of California Cities Staff Analysis on Resolution No. 1

Staff: Alicia Lewis
Committee: Administrative Services Policy Committee

Summary:
This resolution seeks to streamline the succession process when filling a vacancy for the office of President of the Board of Directors. It would allow for the League bylaws to be amended, allowing the Immediate Past President to fill an unexpected vacancy in the office of President for the remainder of the vacating President's term. Changes to League bylaws require a 2/3 vote of the General Assembly.

Background:
The past few years have yielded several occasions where the succession line for Board of Directors leadership was disrupted due to disappointing election results and officers taking office outside of city government.

In September 2014 the Board chose a new First and Second Vice President. The First Vice President had not previously served as Second Vice President because the prior member was elected to county office and therefore no longer eligible. When the President was not reelected in the November 2014, the First Vice President advanced to the office of President with only two months of experience as a League officer. Additionally, the Second Vice President was advanced to First Vice President. This transition far outpaced the normal process for advancing as an officer on the Board of Directors.

Fiscal Impact:
This impact of this resolution would have no fiscal impact.

Comments:
The nature of this resolution is to ensure that there is a smooth succession process in place and that current Vice-Presidents (First and Second) have ample time to prepare for their role as President. By

allowing the Immediate Past President to finish out the term of a vacated presidency the Board would ensure there is minimal disruption to the workflow and goals of the association.

RESOLUTION REFERRED TO HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT POLICY COMMITTEE

2. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS

Source: City of Malibu
Concurrence of five or more cities/city officials: Cities: Artesia; Duarte; La Canada Flintridge; Lakewood; Lomita; and Pico Rivera. City Officials: Los Angeles Council Member Mitchell Englander
Referred to: Housing, Community and Economic Development Policy Committee
Recommendation to General Resolutions Committee:

WHEREAS, residential group home facilities provide valuable rehabilitation and support services for those who live in them, which benefits the greater society; and

WHEREAS, state departments license these facilities through several state agencies, and operators are required to meet various state statutory requirements; and

WHEREAS, in addition to residents, these facilities often include live-in managers and other staff, who provide a variety of services to residents which may include meals, workshops, training, counseling and other services. These uses and services may also require frequent deliveries to be made to the facility, shuttle van service provided to residents, and additional automobile traffic due to shift changes, visiting hours, and other activities. Collectively, these uses often generate more noise and activity than expected from a traditional single-family home; and

WHEREAS, the overconcentration of residential group homes changes the character of neighborhoods as they become centers for the delivery of various services. This environment not only creates a disruption to long-time residents, it can also diminish the quality of the residential treatment experience for group home residents as the neighborhood assumes a more institutional setting; and

WHEREAS, the State and local governments operate in partnership regarding the location of these residential care facilities in residential neighborhoods in order to carry out the policy of the State to prevent overconcentration of such facilities in these neighborhoods; and

WHEREAS, the state has adopted a 300 foot separation requirement between facilities licensed by the Department of Social Services, [1] but these siting standards have not been extended to apply to facilities licensed by other state agencies such as the Department of Health Care Services or other licensed or unlicensed facilities; and

WHEREAS, it is the policy of the State that each county and city permit and encourage development of sufficient numbers and types of alcoholism or drug abuse recovery or treatment facilities as are commensurate with local need;[2] and

[1] Health & Safety Code Section 1520.5
[2] Health & Safety Code Section 11834.20

WHEREAS, the California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law;[3] and

WHEREAS, the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability;[4] and

WHEREAS, there is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities; and

WHEREAS, many community concerns could be addressed if State agencies communicated and collaborated more with local governments; and

WHEREAS, the League of California Cities is committed to working in partnership with the Legislature and Administration to address overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods while respecting important legal rights of patients and legal obligations established by State and federal law.

RESOLVED, at the League of California Cities General Assembly, assembled at the League Annual Conference on October 2, 2015 in San Jose, that the League calls for the Governor and the Legislature to work with the League and other stakeholders to address the following issues:

1. Explore options to address overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods while respecting important legal rights of patients and legal obligations of public entities.
2. Avoid the creation of institutional settings when multiple facilities are concentrated in a single location, while also reducing noise, congestion and other concerns often raised by residents in residential neighborhoods.
3. Determine the appropriate balance between not-for-profit (including county) facilities and for-profit facilities in residential neighborhoods.

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Background Information on Resolution No. 2

Source: City of Malibu

Background:
State law preempts local zoning regulation for licensed drug and alcohol treatment facilities. State and federal anti-discrimination laws require cities to treat facilities that function as single housekeeping units the same as any other "family." In many areas of the state, these facilities are impacting residential neighborhoods because their concentration in certain neighborhoods tends to change the character of the area from a residential neighborhood to more like a hospital and institutional zone in terms of the land use impacts.

In order to avoid overconcentration in residential neighborhoods, most state-licensed group homes are required by state law to meet certain distancing requirements from other licensed group homes. Alcohol

[3] Government Code 12955(l)
[4] 42 U.S.C. Section 12134

and drug programs are treated differently under state law in this respect and no distancing requirements apply. In fact, the state licensing agency does not impose any restrictions on the number of facilities in the vicinity of one another and have been allowing licensees to obtain two licenses on one lot and to operate integrated multi-structure facilities under the guise of multiple single-family residential licenses. Similarly, state law currently requires private foster family agencies operating in residential zones to be organized and operated on a nonprofit basis, while drug and alcohol programs and sober living homes are permitted to operate as a for-profit business in residential zones. The addiction recovery industry has become big business. There are now thousands of treatment facilities and sober living homes in California and the number is rapidly increasing.

State policy sought integration of group homes into residential neighborhoods, not disintegration of the residential character of the neighborhoods. A course correction is required to advance state policy. Through zoning authority, cities can preserve the very neighborhoods that the community-care model depends on to provide the therapeutic environment of a residential neighborhood. Distancing requirements both respond to the biggest concern of local government (over concentration that impairs neighborhood character) and advances state policy. In addition, limiting the zoning preemption to non-profit programs will also assist in preserving the integrity of residential neighborhoods.

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League of California Cities Staff Analysis on Resolution No. 2

Staff: Dan Carrigg
Committee: Housing, Community and Economic Development

Summary:
This Resolution calls for the Governor and the Legislature to work with the League and other stakeholders to explore options to address overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods while respecting important legal rights of patients and legal obligations of public entities, avoid the creation of institutional settings when multiple facilities are concentrated in a single location, and determine the appropriate balance between not-for-profit (including county) facilities and for-profit facilities in residential neighborhoods.

Background:
The City of Malibu is sponsoring this resolution as a way of highlighting an issue that continues to create zoning and land use problems in single-family neighborhoods. While this is not a new issue for the League and its cities, and the League has existing policy in this area, the sponsors view the passage of this resolution as helpful in restarting conversations with the Legislature and the Governor's Administration that can hopefully lead to productive solutions.

HCED Committee member and Malibu Council Member Lou La Monte raised this issue at the Committee's June meeting, where he presented a resolution that had recently been adopted by the California Contract Cities Association on May 15. The Committee encouraged him to work with League staff in his effort to draft a measure to be presented at the League's annual conference. League staff worked with Mr. La Monte in this regard, mostly in helping ensure that the various "whereas clauses" appropriately reflect the important legal rights of patients and obligations of public entities that Legislators will expect to be balanced in any solutions to local land use issues.

Resolved Clauses from Recent CCCA Resolution:

***NOW THEREFORE**, the Members of the California Contract Cities Association hereby re-affirms its commitment to cooperation among units of government that serve the people of California and urges the*

California state legislature to enact legislation that empowers local government to preserve the residential character of neighborhoods necessary to effect state policy regarding group homes as follows:

1. *Amend the state law to provide the same distancing and notice requirements for ADP facilities as it does for Community Care Act facilities;*
2. *Enact legislation providing standards that prevent overconcentration of unlicensed sober living homes to maintain residential character of neighborhoods which has therapeutic benefit for the occupants; and*
3. *Restrict the zoning preemption for licensed ADP facilities to those owned and operated by non-profit organizations.*

Fiscal Impact:
Minor, if any.

Comment:

1) The League has significant existing policy in this area. In the past the League has had internal task forces and sponsored and supported various legislative proposals.

2) Making significant progress in this area has been difficult in the Capitol. Federal and state fair housing and anti-discrimination laws and various court decisions have bearing on local authority in this area. Patient advocacy groups and sympathetic legislators have been suspicious of any solutions that they see as limiting patient access. Thus, any effort to develop solutions to address local land use concerns must also remain sensitive to these issues and the perspective of legislators that sit on committees with jurisdiction in these areas.

Existing League Policy:
Related to this Resolution, existing policy provides:

- The League supports permitting cities to exercise review and land use regulation of group home facilities and residential care facilities in residential neighborhoods including the application of zoning, building and safety standards. State and county licensing agencies should be required to confer with the city's planning agency in determining whether to grant a license to a community care facility. The League recognizes that better review and regulation of residential care facilities will protect both the community surrounding a facility and the residents within a facility from a poorly managed facility or the absence of state oversight.
- The League supports state legislation to require a minimum distance of 300 feet between all new and existing residential care facilities. The League supports notification of cities about conditional release participants residing in group homes.

RESOLUTION REFERRED TO HOUSING, COMMUNITY & ECONOMIC DEVELOPMENT AND REVENUE & TAXATION POLICY COMMITTEES

3. A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE) AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS

Source: City of West Hollywood
Concurrence of five or more cities/city officials: Cities of Healdsburg, Mammoth Lakes, Napa, Piedmont, Santa Cruz, Santa Monica, Sonoma
Referred to: Housing, Community & Economic Development; Revenue & Taxation Policy Committees
Recommendation to General Resolutions Committee:

WHEREAS, the temporary rental of residential houses, condominiums, rooms, and apartments for tourist or transient use is a developing part of the sharing economy; and

WHEREAS, while these rentals provide additional options to the traveling public, and income to affected property owners or tenants, it is also important that such rentals comply with local laws, regulations and ordinances; and

WHEREAS, the temporary rental of residential houses, condominiums, rooms, and apartments for tourist or transient use can present numerous challenges to neighborhoods and adjacent property owners and create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows; and

WHEREAS, where temporary rental of residential units for tourist or transient use is allowed in conformance with local laws, regulations and ordinances, the applicable transient occupancy tax (TOT) should also be collected. The temporary rental of residential units for tourist or transient use is in direct competition with hotels, motels and other accommodations where guests pay the local TOT, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor; and

WHEREAS, the Thriving Communities and Sharing Economy Act, introduced as SB 593 by Senator Mike McGuire (D-2, Healdsburg), prohibits the operators of transient residential hosting platforms from advertising residential units for tourist or transient use if such use will violate any ordinance, regulation, or law within the applicable city or county that opts into its provisions, and requires the confidential quarterly reporting to the city or county of the following information (if the City or County adopts an ordinance requiring the reporting of the data):

1. The address of each residential unit that was occupied for tourist or transient use during the quarterly period.
2. The total number of nights the residential unit was occupied for tourist or transient use.
3. The amounts paid for the occupancy of the residential unit for tourist or transient use.

WHEREAS, the provisions of SB 593 bolster existing local authority to enforce local ordinances and collect revenue associated with the temporary rental of residential units by allowing local agencies access to the data necessary to enforce their ordinances and requiring short-term rental hosting platforms to collect local TOT and remit it to the appropriate jurisdiction if short-term rentals are allowed in that jurisdiction; and

WHEREAS, the provisions of SB 593 provide a helpful regulatory framework that cities and counties may choose in lieu of exercising their existing authority; and

WHEREAS, the League of California Cities supports SB 593 because it recognizes and preserves local flexibility to address the temporary rental of residential units in the manner that best fits with the unique issues and conditions found in each local jurisdiction; and

WHEREAS, SB 593 provides local jurisdictions with the data and framework necessary to collect TOT revenues from short-term rentals, to pay for vital local services; and

WHEREAS, SB 593 provides local jurisdictions with the data and framework necessary to enforce local regulations designed to ensure the safety of the public and residents living adjacent to short-term rentals; and

WHEREAS, despite any existing challenges faced by cities in regulating or collecting revenue from the temporary rental of residential units, cities would oppose any effort to undermine their existing local authority to regulate land use or collect local TOT revenue.

RESOLVED, at the League of California Cities General Assembly, assembled at the League Annual Conference on October 2, 2015 in San Jose, as follows:

1. Land use regulation and local tax collection are best overseen and implemented locally.

2. While temporary rental of residential units can offer innovative opportunities for travelers and property owners within the developing sharing economy, cities must retain flexibility to address any problems raised by such uses in a manner that reflects the unique issues and conditions in their communities.

3. Cities have existing legal authority and tools to regulate and collect revenue from the temporary rental of residential units, and SB 593 provides the data and framework that supports and bolsters such local efforts.

4. The League encourages cities to support SB 593.

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Background Information on Resolution No. 3

Source: City of West Hollywood

Background:
The sharing economy has quickly become common place in the everyday life of many individuals, whether they participate in ride-sharing, have rented a short-term residential unit, or live in a community were either is prevalent. The sharing economy has provided benefits to many, but also includes many issues that must be addressed in order to allow these sharing practices to effectively incorporate into our communities. Specifically, the short-term rental of residential units has grown exponentially within the last several years throughout the State, and its impacts need to be addressed.

Presently, many cities and counties prohibit the renting of residences for less than 30 days. However, these prohibitions are frequently ignored by Online Vacation Rental Businesses ("OVRBs"), causing unwanted burdens on cities while reducing TOT collection from sanctioned hotels. The short-term rental of residential properties presents numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows. The rentals facilitated by OVRB's in these cities and counties go against the expressed wishes of the residents.

For the cities and counties that do allow short-term residential rentals, most require hosts to register and that transient occupancy taxes be paid. However, registration and payment of TOT in these cities and counties are based on the owners of the short terms residential units voluntarily reporting their rental activity. However, there has been a severe under-registration of hosts and underpayment of TOT. Only 10% of hosts in San Francisco have followed the city ordinance to register. Sonoma County has had to spend in excess of $200,000 in an attempt to track down those rentals that are not paying the required TOT under the ordinance. And Los Angeles is currently experiencing a rental housing shortage due in part to the recent popularity of OVRBs.

Cities and counties have been unable to obtain this information due to the fact that OVRB's pass their responsibility to individual homeowners. This lack of oversight and enforcement presents a gap in accountability, and as a result, local laws and regulations are not being followed.

Sen. Mike McGuire's Thriving Communities and Sharing Economy Act (SB 593) will provide local jurisdictions with the data and framework necessary to collect TOT revenues from short-term rentals, to pay for vital local services; or conversely, the data necessary to help cities enforce local regulations designed to ensure the safety of the public and residents living adjacent to short-term rentals, if those rental are not allowed.

Specifically, SB 593 would: 1) Prohibit the operators of short-term residential hosting platforms from advertising residential units for tourist or transient use if such use will violate any ordinance, regulation, or law, within the applicable city that opts into the bill's provisions; 2) Require short-term rental housing platforms to collect and remit applicable transient occupancy tax (if short-term rentals are allowed in the city and the collection of TOT is required by the city); and 3) Require the confidential quarterly reporting of the address of each residential unit that was occupied for tourist or transient use during the quarterly period, the total number of nights the residential unit was occupied for tourist or transient use, and the amounts paid for the occupancy of the residential unit for tourist or transient use.

The premise of SB 593 is simple: reinforce local laws already on the books. Where vacation rentals are legal, the bill will assist local jurisdictions in their regulation and collection of Transient Occupancy Taxes, (TOT) as more than 430 cities and 56 counties impose a TOT. Where vacation rentals are illegal by local ordinance, the bill will prohibit online vacation rental businesses from making a rental.

The Thriving Communities and Sharing Economies Act will empower local control, provide desperately needed funding for parks, local roads, fire and police services, and promote safe neighborhoods. SB 593 will require online vacation rental businesses to disclose information to cities and counties and/or collect and disperse Transient Occupancy Tax dollars – projected to be in the hundreds of millions of dollars statewide.

The emerging short term rental industry is an important segment of the state economic fabric and an issue of statewide importance. SB 593 would assist in facilitating a shared economy that will be beneficial to California's cities and their residents.

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League of California Cities Staff Analysis on Resolution No. 3

Staff: Dan Carrigg
Committees: Housing, Community & Economic Development; Revenue & Taxation

Summary:
This Resolution seeks to highlight and increase support for SB 593 (McGuire), which is pending in the Legislature. SB 593, titled the Thriving Communities and Sharing Economy Act, seeks to bolster local efforts to regulate and collect transient occupancy taxes from the temporary rental of residential houses, condominiums, rooms, and apartments for tourists and transient use. The League is currently in support of this legislation.

Background:
The City of West Hollywood and other cities are sponsoring the resolution in an effort to expand awareness of the issue among cities and encourage additional support for SB 593. They view the

legislation as helpful in bolstering local efforts to appropriately regulate a growing vacation rental industry.

The author introduced SB 593 based upon his past experience as both former Mayor of Healdsburg and a Sonoma County Supervisor. These areas are popular with tourists, and the affected communities are facing increasing land use and revenue collection issues. SB 593 is currently on the Senate Floor and is considered a "two-year bill," meaning that it cannot move until January 2016.

In addition to the League, SB 593 has a broad range of support:

Support: American Federation of State, County, and Municipal Employees, AFL-CIO; American Hotel and Lodging Association; Asian American Hotel Owners Association; American Insurance Association; Association of California Insurance Companies; Andaz West Hollywood General Manager Lin Schatz; Association for Los Angeles Deputy Sheriffs; City of Big Bear Lake; Borrego Springs Chamber of Commerce & Visitors Bureau; California Apartment Association; California Association of Boutique and Breakfast Inns; California Association of County Treasurers and Tax Collectors; California Apartment Association; California Association of Code Enforcement Officers; California College and University Police Chiefs Association; California Narcotics Officers Association; California Police Chiefs Association; California Hotel and Lodging Association; California Labor Federation; California Professional Firefighters; California State Association of Counties; California Teamsters Public Affairs Council; Contra Cost County Treasurer-Tax Collector Russell Watts; Paul Desterman, Mindy Desterman; El Dorado County Treasurer-Tax Collector C.L. Raffety; Douglas Engmann; Fairmont San Jose General Manager Kelley Cosgrove; Hilton Los Angeles/Universal City General Manager Mark Davis; Hotel Association of Los Angeles; Hotel Council of San Francisco; Humboldt County Convention and Visitors Bureau; International Faith Based Coalition; League of California Cities; Long Beach Firefighter Association; Los Angeles Alliance for a New Economy; Los Angeles Police Protective League; Town of Mammoth Lakes; Marin County Council of Mayors and Councilmembers; Marriot Courtyard in Larkspur General Manager Sam Pahlavan; Denise McNicol; Mendocino County Board of Supervisors; Mendocino County Treasurer-Tax Collector Shari Schapmire; Mono County Board of Supervisors; Ashok Mukherje; National Association of Mutual Insurance Companies; Neighbors for Overnight Oversight; Jenny Oaks; Pacific Association of Domestic Insurance Companies; Riverside Sheriffs Association; Rural County Representatives of California; Sacramento Hotel Association; San Diego County Hotel-Motel Association; San Franciscans for Reasonable Growth; San Luis Obispo County Auditor-Controller-Treasurer-Tax Collector James Erb; San Mateo County Central Labor Council; Santa Cruz County Convention and Visitors Council; Service Employees International Union; ShareBetter San Francisco; Sierra County Auditor-Treasurer-Tax Collector Van Maddox; Siskiyou County Treasurer-Tax Collector Wayne Hammar; Sonoma County Auditor-Controller-Tax Collector David Sundstrom; Sonoma County Board of Supervisors; City of Thousand Oaks; Tulare County Auditor-Controller-Treasurer-Tax Collector Rita Woodard; Tuolumne County Treasurer-Tax Collector Shelley Piech; UNITE-HERE, AFL-CIO; United Firefighter of Los Angeles City, Local #112; Natasha Yankoffski.

Opposition: Airbnb; Consumer Watchdog; Internet Association, TechNet.

Fiscal Impact:
Transient Occupancy Taxes are a significant source of local revenue. Many cities and counties are encountering challenges identifying units in their community that are being used as vacation rentals and collecting associated revenue. Where vacation rentals are permitted by local ordinance, the passage of SB 593 can assist local efforts, thereby increasing local revenues to support local services.

Comment:

3) Earlier this year the League's Housing Community and Economic Development Committee and Revenue and Taxation Committee reviewed an earlier version of SB 593 and initially adopted a

Support, If Amended position, which was concurred with by the League board. The author later incorporated the League's amendments into the bill and the League issued a support letter on the current version of the bill.

4) Local governments already have extensive authority to regulate land use and collect local taxes. While vacation rentals may be an increasingly popular option for the traveling public, local ordinances are beginning to adjust. The League supports SB 593 because it is crafted in a way that supports local authority in dealing with this emerging issue. Local agencies can either opt in to its provisions or continue to address issues differently under their existing local authority.

Existing League Policy:
Related to this Resolution, existing policy provides:

HCED Policy: The League believes that local zoning is a primary function of cities and is an essential component of home rule.

Rev. & Tax Policy: Additional revenue is required in the state/local revenue structure. There is not enough money generated by the current system or allocated to the local level by the current system to meet the requirements of a growing population and deteriorating services and facilities.

RESOLUTION REFERRED TO ENVIRONMENTAL QUALITY POLICY COMMITTEE

4. RESOLUTION CALLING UPON THE GOVERNOR AND THE LEGISLATURE TO WORK WITH THE LEAGUE OF CALIFORNIA CITIES TO ENACT LEGISLATION OR TO OTHERWISE COMPEL SOUTHERN CALIFORNIA EDISON TO CREATE A PROGRAM TO AUTOMATICALLY PROVIDE DIRECT COMPENSATION TO ITS CUSTOMERS AFFECTED BY PROLONGED ELECTRICAL POWER OUTAGES UNDER SPECIFIED CIRCUMSTANCES.

Source: City of Rancho Palos Verdes
Concurrence of five or more cities/city officials: Cities of Hermosa Beach, Lomita, Palos Verdes Estates, Rolling Hills and Rolling Hills Estates
Referred to: Environmental Quality Policy Committee
Recommendations to General Resolutions Committee:

WHEREAS, local governments in California are often reliant upon investor-owned private utility companies for the provision of electrical power to their citizens, businesses and institutions; and,

WHEREAS, the reliability and consistency of electrical supply and transmission is critically important to local governments to ensure the protection of the public safety, health and general welfare of communities; and,

WHEREAS, prolonged disruptions in electrical service can jeopardize the health of citizens who have a variety of physical challenges and rely on a constant source of power for medical devices; the safety of senior citizens who are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and the financial well-being of citizens, businesses and institutions that suffer from the loss of food, medication and other perishable items during prolonged power outages; and,

WHEREAS, Southern California Edison (SCE), an investor-owned utility serving 15 million customers in Southern and Central California, experiences frequent and prolonged service disruptions due to both planned and unplanned outages, equipment failures and weather-related events, which adversely affect local governments within its service area; and,

WHEREAS, SCE has been fined by the California Public Utilities Commission in the past due to prolonged service disruptions, most recently being levied a $24.5 million penalty as a result of a prolonged outage that resulted from a wind storm in 2011; and,

WHEREAS, although SCE provides a claim process by which its customers may seek compensation for financial losses incurred as a result of prolonged service disruptions, SCE appears to reject most such claims; which places an unreasonable burden upon its customers and creates a false impression that customers will be compensated for their losses; and,

WHEREAS, at least one other investor-owned utility in California, Pacific Gas and Electric (PG&E) in Northern and Central California, has existing programs and procedures in place ("Safety Net" and "Service Guarantee") that automatically and directly compensate its customers when they are affected by prolonged service disruptions, including disruptions due to weather events and other causes, without the need for customers to seek compensation through a claim process; and,

WHEREAS, these PG&E programs provide for "Storm Inconvenience Payments" of $25 to $100 for weather-related service disruptions of forty-eight (48) hours or more; as well as $30 service credits in instances of where the customer's electrical service is not restored within four (4) hours, or the customer is not provided with a time for service restoration within four (4) hours; the customer is without electrical service for twenty-four (24) hours or more in the event of unplanned service disruptions (unless the cause of the disruption is completely beyond the utility's control); and the customer is without electrical service as a result of a planned service interruption where less than seventy-two (72) hours' notice is provided to the customer; and,

WHEREAS, local governments within SCE's service area believe that requiring SCE to implement automatic and direct compensation programs for prolonged service disruptions, similar to those implemented by PG&E, will provide tangible relief to citizens, businesses and institutions that are adversely affected by prolonged outages, and will incentivize SCE to improve the reliability of its equipment and service; and now therefore let it be,

RESOLVED by the General Assembly of the League of California Cities, assembled in San Jose on October 2, 2015, that the League calls for the Governor and the Legislature to work with the League of California Cities to enact legislation or to otherwise compel SCE to create a program to automatically provide direct compensation to its customers affected by prolonged electrical power outages under specified circumstances; and let it be,

FURTHER RESOLVED that such program shall be modeled upon PG&E's "Safety Net" and "Service Guarantee" programs, and shall cover weather-related events and planned and unplanned service disruptions.

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Background Information on Resolution No. 4

Source: City of Rancho Palos Verdes

Background:
The City of Rancho Palos Verdes and other cities in the South Bay region of Los Angeles County have longstanding concerns regarding the ineffective process by which Southern California Edison (SCE) addresses residents' claims, and desires to obtain the League's assistance in correcting that process. On the Palos Verdes Peninsula, SCE's aged infrastructure has caused fires and repeated, prolonged power

outages. The prolonged power outages are the focus of this request, because they adversely affect residents in a variety of ways, particularly:

- Residents who have a variety of physical challenges and rely on a constant source of power for medical devices;
- Residents who are senior citizens and are particularly susceptible to injury if power outages persist for a long period of time into the evening hours; and,
- Residents who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

The California Public Utilities Commission (CPUC) has the authority to impose penalties on utilities, including for prolonged power outages, and did so in connection with an extreme wind event that occurred in the Los Angeles area in 2011. However, the CPUC is not authorized to award claims to residents for prolonged electrical power outages. If a resident has a claim he or she wishes to pursue, the resident must file a claim with SCE, along with documentation of the financial loss that was incurred. If the claim is rejected, the resident then must file a lawsuit against SCE (probably in small claims court). Most residents will not want to spend the time and effort to pursue small claims for monetary damages arising from extended power outages.

SCE only awards claims for damages caused by its own negligence. This means that if an extended power outage is caused by a weather-related event, the claim will be denied. The SCE website also states that it will not cover claims for power surges. Since SCE often moves power from one line to another to enable repairs and maintenance, SCE can be the cause of the power surge, but residents still will not receive compensation for those claims.

Proposed Legislation
The proposed resolution calls upon the Governor and Legislature to enact legislation (or take other action) that will provide rebates in flat amounts to SCE customers for extended power outages under specified conditions. The proposed legislation could be modeled on the "Safety Net" and "Service Guarantee" programs offered by Pacific Gas and Electric (PG&E), another California-based investor-owned utility, which provides specific rebates to its customers based upon the type, cause and duration of service interruptions. These penalties are designed to provide direct compensation to SCE's customers who are adversely affected by prolonged power outages, and to incentivize SCE to restore the power as quickly as possible. They also will eliminate the frustration that SCE's customers experience as a result of SCE's existing claim process.

//////////

League of California Cities Staff Analysis on Resolution No. 4

Staff: Jason Rhine
Committee: Environmental Quality

Summary:
Resolution No. 4 calls upon the Governor and the Legislature to work with the League of California Cities to enact legislation or to otherwise compel Southern California Edison (SCE) to create a program to automatically provide direct compensation to its customers affected by a prolonged electrical power outage under specified circumstances.

Background:
City of Rancho Palos Verdes asserts that the South Bay region of Los Angeles County has longstanding concern regarding the ineffective process by which SCE addresses residents' claims associated with

prolonged electrical power outages. The City believes that SCE's aged infrastructure has caused fires and repeated, prolonged electrical power outages. Prolonged electrical power outages can adversely affect residents who have physical challenges and rely on a constant source of power for medical devices; residents who are senior citizens and are particularly susceptible to injury if electrical power outages persist for a long period of time into the evening hours; and, residents who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged electrical power outages.

According to information provided by SCE, SCE has the following customer compensation program:

Service Guarantee Program
SCE shall provide the following four service guarantees to its electric customers and provide a $30 credit when these service guarantees are not met. Unless otherwise stated below, the four service standards apply only to active service accounts served under the Residential, General Service and Industrial, or Agricultural and Pumping rate schedules.

- **Restoration of Service Within 24 Hours:** SCE will restore electrical service within 24 hours of when SCE first becomes aware of a power outage. The first credit will be applied if the outage exceeds 24 hours. Additional credits will be applied for each succeeding 24-hour period that the customer is without service. Partial credits will not be paid for outage periods less than a full 24-hour increment. ***Power outages associated with a moderate, severe, or catastrophic storm condition are exempt from the program.***
- **Missed Appointments:** When an appointment for a field service visit is made with a customer for a specific appointment time, and the customer's presence is required for establishing new service, a billing inquiry, or meter installation, SCE will arrive at the agreed upon appointment within 30 minutes before or after the scheduled time.
- **Notification of Planned Outages:** SCE will provide customers with notification of a planned outage at least three calendar days prior to the event. SCE will notify customers either by US Postal Service mail, by phone, in-person or door-to-door through door hangers, or by e-mail if SCE has the customer's e-mail address on file. If a planned outage is rescheduled to a new date not specified in the original notice to the customer, SCE will provide a new notice at least three calendar days in advance of the rescheduled planned outage.
- **Timely and Accurate First Bill:** SCE will issue an accurate first bill to a new customer of record within 60 days of establishing service. The bill and bill accuracy is defined according to the terms and conditions of SCE's Rule 9 (Rendering and Payment of Bills) and Rule 17 Section A (Adjustment of Bills and Meter Tests Usage) and Section D (Adjustment of Bills for Billing Error). The service guarantee credit process will be initiated once SCE is aware that the first bill was either inaccurate or issued beyond sixty days of establishing service. The first bill for any given customer account is eligible for only one service guarantee credit regardless of whether the bill is late, inaccurate, or both.

According to PG&E's website, PG&E offers the following customer compensation programs:

Compensation for Extended Outages
STORMS MESSAGE: If you are a residential customer and have gone without power for at least 48 hours due to severe storm conditions, you may qualify for a payment under PG&E's Safety Net Program. This program provides for the automatic payment of $25 - $100, which is paid about 60 days following the storm outage. In some cases, processing may take 90-120 days (heavy storm season).

Safety Net Program
We understand how inconvenient it is for customers who go without power for 48 hours or longer due to severe events, such as a storm. That is why PG&E created the following:

- PG&E will provide payments to residential customers we determine were without power for more than 48 hours due to a severe storm.
- The payments will range from $25 up to $100, depending on the length of the outage.

Eligibility

- The Storm Inconvenience Payment provision of the Safety Net Program applies to residential customers only (rate schedules E-1, E-6, E-7, E-8, E-9, EM, ES, ESR, ET, and EV); customers also may be enrolled in programs such as CARE and medical baseline.
- Businesses, agricultural accounts, multi-family building common areas, streetlights, and all other customers other than residential customers are ineligible for Storm Inconvenience Payments.
- Storm Inconvenience Payments will not be issued to customers in areas where access to PG&E's electric facilities was blocked (mud slides, road closures or other access issues). Also, if customer equipment prevented restoral or extended customer outage (ex. weatherhead, service drop, etc.).
- The outage must have occurred during a major weather-related event that caused significant damage to PG&E's electric distribution system.
- The outage must have lasted more than 48 hours.
- Storm Inconvenience Payments are in increments of $25 ($100 maximum per event). Payment levels are based on the length of the customer's outage:
  - 48 to 72 hours $25
  - 72 to 96 hours $50
  - 96 to 120 hours $75
  - 120 hours or more $100
- Both bundled-service and direct-access residential customers qualify for Storm Inconvenience Payments.
- Storm Inconvenience Payments will be issued to the customer of record.
- A customer with multiple residential services such as a primary residence and a vacation home is eligible for Storm Inconvenience Payments at each location where there was a storm-related outage of more than 48 hours.
- Customers must have an open account (service agreement) in good standing at the time of the outage and at the time payment is issued (generally 45 to 60 days after the event).
- For master-metered accounts such as mobile home parks, the customer of record will receive the Storm Inconvenience Payment for the master meter only.

Service Guarantee Program

Gas and electricity are essential to keep your life running smoothly, safely and efficiently. When your service is interrupted or in need of repair, you expect a reasonable and timely response. To ensure that we provide this to you, PG&E has implemented service guarantees, which spell out our commitment to prompt customer service for our customers:

- **Guarantee 1: Missed Appointments:** PG&E will meet the agreed upon appointment time set with our customer during contact with our Call Center or automatically credit your account $30.
- **Guarantee 2: Non-Emergency Investigations:** PG&E will investigate non-emergency situations (check meter) and communicate results to a customer within seven days of a customer's request. Check-meter appointments between October 15 and December 15 of each year will be scheduled within 10 workdays. If an off-site meter test is required, PG&E will communicate the results to the customer within 30 days. If access is required to the customer's premises, then an appointment is necessary. Failure to meet the service guarantee will result in a $30 credit to the customer's account. An automatic credit to the customer's account would apply only if PG&E misses a scheduled appointment date. If

the appointment is scheduled beyond five workdays, the customer must notify PG&E to receive the credit. If PG&E's records show that such scheduling was at the customer's request, the credit does not apply.

- **Guarantee 3: Emergency:** The Emergency Service Guarantee is not currently in effect.
- **Guarantee 4: Complaint Resolution:** PG&E will decide on a course of action to resolve a complaint and communicate it to the customer within three working days. PG&E will communicate the complaints resolution to the customer within 10 working days, or 30 working days when an off-site meter test is required or an on-site home audit is requested. Failure to meet the service guarantee will result in a $30 credit to the customer's account.
- **Guarantee 5: New Meter Installations:** PG&E will meet the agreed upon date for new service meter installations and service turn-ons or automatically credit your account $50.
- **Guarantee 6: Electric Service Disruptions:** PG&E will respond to customer calls reporting electric service interruptions within four hours by restoring service; or by informing the customer, upon request, when service restoration is expected; or automatically credit your account $30.
- **Guarantee 7: Electric Service Restoration:** PG&E will restore electric service within 24 hours, unless the cause is absolutely beyond our control, or we will automatically credit your account $30 for each 24-hour period you are without service.
- **Guarantee 8: Commencing Bills:** PG&E will issue an accurate commencing bill to a new customer account within 60 days of service initiation, or we will automatically credit your account $30.
- **Guarantee 9: Planned Interruptions:** PG&E shall provide at least three days' notice of a planned interruption in service. Failure to meet the service guarantee will result in a $30 credit to the customer's account. This guarantee will require a customer call and PG&E investigation to determine if PG&E's commitment to notify customers 72 hours in advance of planned interruptions was missed. Customers notified of planned service interruptions 72 hours in advance may have their service interrupted on multiple occasions on the date(s).
- **Guarantee 10: Service Termination in Error:** Impacted customers will be eligible for a $100 credit adjustment if PG&E terminates service in error.

Fiscal Impact:
No Impact on City Funds. Compelling SCE to create automatic direct compensation programs modeled on PG&E's "Safety Net" and "Service Guarantee" programs would have no direct fiscal impact on cities because the "Safety Net" program is limited to residential customers and the "Service Guarantee" program is very similar to SCE's existing program. However, residential customers would receive direct payments in specified circumstances for prolonged electrical power outages.

Comment:

- The City of Rancho Palos Verdes, in sponsoring this resolution, does not believe that SCE has an effective process to address customer damage claims associated with prolonged electrical power outages. According to the resolution, the City of Rancho Palos Verdes would like to compel SCE to create a program to automatically provide direct compensation to its customers affected by prolonged electrical power outages under specified circumstances. Additionally, the program would be modeled upon PG&E "Safety Net" and "Service Guarantee" programs, and shall cover weather-related events and planned and unplanned service disruptions.
- *What is SCE's process to provide relief to customers that have experienced a prolonged electrical power outage?* As part of SCE's four point service guarantee program, customers experiencing an electrical power outages exceeding 24 hours, may qualify for a $30 credit under specific conditions. However, prolonged electrical power outages

caused by a moderate, severe, or catastrophic storm condition are exempt from the program.

- *How does PG&E provide relief to customers that have experienced a prolonged electrical power outage?* Like SCE, PG&E has a multi-point service guarantee program that provides customer credits that range from $30 -$100 for a wide range of activities. In addition, PG&E has a specific, weather related program, the "Safety Net" program, which provides automatic, direct payment to customers experiencing electrical power outages, in excess of 48 hours.
- *What type of customer compensation program does the Resolution call for?* The Resolution calls for a customer compensation program that expands beyond PG&E's two existing programs. Under the Resolution, the City of Rancho Palos Verdes would like to compel SCE to adopt a program based on PG&E's "Safety Net" and "Service Guarantee" programs, and also cover weather-related events and planned and unplanned service disruptions.
- *Do these programs really provide funds to residential customers?* While the Resolution holds PG&E's programs in high esteem, after hearing from a number of city officials in PG&E's service territory, it seems that there is a great deal of skepticism around the effectiveness and utilization of their residential compensation programs. Is PG&E's program really working as described?
- *What about California's other Investor Owned Utilities (IOU) and municipal utilities?* The Resolution is directed at SCE. However, the committee may want to consider the implications of the Resolution on the other investor owned utilities and municipal utilities.
- *Is legislation the best approach?* The Resolution calls upon the Governor and the Legislature to work with the League of California Cities to enact legislation or to otherwise compel SCE to create a program to automatically provide direct compensation to its customers affected by a prolonged electrical power outage. Given that the California Public Utilities Commission regulates all of the investor owned utilities, it may be more appropriate to seek a regulatory change rather than a legislative proposal.
- *More information to come.* The Resolution could have broader implications beyond SCE and PG&E. Prior to the Environmental Quality Policy Committee and General Resolutions Committee meeting at Annual Conference, League staff will provide additional background information on the following:
    - Other IOU electrical power outage compensation programs.
    - Municipal utility electrical power outage compensation programs.
    - Role of the California Public Utilities Commission.

Existing League Policy:

In response to the energy crisis of 2001, the League of California Cities established extensive policy and guiding principles related to the electric industry. However, there is no existing policy that pertains to prolonged power outages or compensating customers for damages incurred during a prolonged power outage.

LETTERS OF CONCURRENCE

Resolution No. 2

Overconcentration of Alcohol & Drug Treatment Facilities

"Service Builds Tomorrow's Progress"

THE CITY OF ARTESIA, CALIFORNIA

18747 CLARKDALE AVENUE, ARTESIA, CALIFORNIA 90701
Telephone 562 / 865-6262
FAX 562 / 865-6240

July 15, 2015

President Stephany Aguilar
League of California Cities
1400 K Street Suite 400
Sacramento, CA 95814
Fax: (916) 658-8240

Re: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS

Dear President Aguilar,

I, Mayor Pro Tem Victor Manalo, City of Artesia wish to support the League of California Cities resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods to be adopted on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

Victor Manalo
Mayor Pro Tem
City of Artesia

City of Duarte

Sixteen Hundred Huntington Drive, Duarte, California 91010-2592
Tel 626-357-7931 FAX 626-358-0018 www.accessduarte.com

Mayor
Tzeitel Paras-Caracci
Mayor Pro Tem
Samuel Kang
Councilmembers
John Fasana
Margaret E. Finlay
Liz Reilly
City Manager
Darrell George

July 22, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814
Fax: (916) 658-8240

Re: A Resolution of the League of California Cities calling for legislation to preserve therapeutic environments for group homes, and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods

The City of Duarte wishes to support the League of California Cities' resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods, to be adopted on October 2, 2015, at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning, and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law. The Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods, or the overconcentration of these facilities, as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if State agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting, and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

Tzeitel Paras-Caracci
Mayor

City Council
David A. Spence, Mayor
Jonathan C. Curtis, Mayor Pro Tem
Michael T. Davitt
Leonard Pieroni
Terry Walker

July 15, 2015

President Stephany Aguilar
League of California Cities
1400 K Street Suite 400
Sacramento, CA 95814
Fax: (916) 658-8240

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS

Dear President Aguilar:

I am a City Council member of the City of La Cañada Flintridge and wish to express my support of the League of California Cities' resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods. Said resolution is scheduled for consideration on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning and home rule, I believe the Governor and Legislature should respect individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government.

Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

Michael T. Davitt
Council Member
CCCA Executive Board Member

Ron Piazzo
Vice Mayor

Steve Croft
Council Member

CITY OF LAKEWOOD
CALIFORNIA

Jeff Wood
Mayor

Todd Rogers
Council Member

Diane Dillon
Council Member

July 21, 2015

President Stephany Aguilar
League of California Cities
1400 K Street Suite 400
Sacramento, California 95814

Re: Resolution for Legislation to Preserve Therapeutic Environments for Group Homes and Avoid Impacts of Overconcentration of Alcohol and Drug Abuse Recovery and Treatment Facilities in Residential Neighborhoods

Dear President Aguilar:

The City of Lakewood supports the League of California Cities' resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods. We support that this resolution be adopted at the Annual League of California Cities Conference on October 2, 2015 in San Jose, California.

Lakewood recognizes that residential group home facilities provide valuable services for those who live in them. However, we also recognize that these facilities often generate more noise and activity than expected from a traditional single-family home, and that overconcentration of these homes can change the character of the neighborhoods where they are situated. Overconcentration can occur because state agencies that oversee these homes have different siting standards (facilities licensed by the state Department of Social Services require a 300 foot separation between facilities, but those facilities licensed by other state agencies, such as the Department of Alcohol and Drugs Programs, do not have such a requirement). This resolution will seek to address, via legislation, overconcentration of alcohol and drug treatment prevention facilities in residential neighborhoods while respecting important legal rights of patients and legal obligations of public entities.

Thank you for your consideration, support and adoption of this important resolution at the League Annual Conference.

Sincerely,

Jeff Wood
Mayor

MITCHELL ENGLANDER
LOS ANGELES CITY COUNCILMEMBER, TWELFTH DISTRICT

July 24, 2015

President Stephany Aguilar
League of California Cities
1400 K Street Suite 400
Sacramento, CA 95814
Fax: (916) 658-8240

Re: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS

Dear President Aguilar,

I, Los Angeles City Councilmember Mitchell Englander, wish to support the League of California Cities resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods to be adopted on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

MITCHELL ENGLANDER
President Pro Tempore,
Chair, City of Los Angeles Public Safety Committee

City Hall Office • 200 N. Spring Street, Room 405 • Los Angeles, CA 90012 • Phone (213) 473-7012 • Fax (213) 473-6925
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CITY COUNCIL

HENRY SANCHEZ JR.
JIM GAZELEY
MICHAEL G. SAVIDAN
BEN TRAINA
MARK WARONEK

ADMINISTRATION

MICHAEL ROCK
CITY MANAGER

CITY OF LOMITA

July 23, 2015

President Stephany Aguilar
League of California Cities
1400 K Street Suite 400
Sacramento, CA 95814
Fax: (916) 658-8240

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS

Dear President Aguilar:

I, Mayor Henry Sanchez, Jr., City of Lomita, wish to support the League of California Cities resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods to be adopted on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

Henry Sanchez, Jr.
Mayor, City of Lomita

cc: Kelli Lofing, California Contract Cities Association, kelli@contractcities.org

City of Pico Rivera
OFFICE OF THE CITY COUNCIL
6615 Passons Boulevard · Pico Rivera, California 90660 · (562) 801-4371
web: www.pico-rivera.org · e-mail: spena@pico-rivera.org

GREGORY SALCIDO
Mayor

July 15, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street Suite 400
Sacramento, CA 95814
Fax: (916) 658-8240

Re: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR LEGISLATION TO PRESERVE THERAPEUTIC ENVIRONMENTS FOR GROUP HOMES AND AVOID IMPACTS OF OVERCONCENTRATION OF ALCOHOL AND DRUG ABUSE RECOVERY AND TREATMENT FACILITIES IN RESIDENTIAL NEIGHBORHOODS

Dear President Aguilar,

I, Gregory Salcido, Mayor of the City of Pico Rivera wish to support the League of California Cities resolution for legislation to preserve therapeutic environments for group homes and avoid impacts of overconcentration of alcohol and drug abuse recovery and treatment facilities in residential neighborhoods to be adopted on October 2, 2015 at the Annual League of California Cities Conference in San Jose, California.

In the interest of continuing local control, land use and planning and home rule, we believe the Governor and Legislature should respect the individuals' legal rights. The California Fair Employment and Housing Act includes legal protection against discrimination against persons with disabilities through zoning laws, denials of use permits, and other actions authorized under the Planning and Zoning Law; and the Americans with Disabilities Act requires public entities to make reasonable accommodations in policies, practices, or procedures to avoid discrimination on the basis of a disability. There is no provision in State law that allows for the consideration of the impact of alcoholism or drug abuse recovery or treatment facilities on single-family neighborhoods or the overconcentration of these facilities as there is for residential group home facilities.

This resolution respectfully points out that community concern could be addressed if state agencies communicated and collaborated more with local government. Thank you in advance for considering, supporting and adopting the resolution at the annual conference on October 2, 2015.

Sincerely,

Gregory Salcido
Mayor

GS:BC:sp

LETTERS OF CONCURRENCE

Resolution No. 3

Residential Rentals, Support for SB 593 (McGuire)

CITY OF HEALDSBURG
ADMINISTRATION

401 Grove Street
Healdsburg, CA 95448-4723

Phone: (707) 431-3317
Fax: (707) 431-3321

Visit us at ***www.ci.healdsburg.ca.us***

July 29, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street
Sacramento, CA 95814

RE: RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE) AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES

Dear President Aguilar:

The City of Healdsburg supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

The City of Healdsburg believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

For these reasons, the City of Healdsburg supports the League's Resolution.

Sincerely,

Shaun F. McCaffery, Mayor
City of Healdsburg

cc: Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org

Mammoth Lakes Town Council
P.O. Box 1609, Mammoth Lakes, CA, 93546
(760) 934-8989
www.townofmammothlakes.ca.gov

July 30, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street
Sacramento, CA 95814

RE: LETTER IN SUPPORT OF A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE)

Dear President Aguilar:

The Town of Mammoth Lakes supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015. The Town of Mammoth Lakes is a small, rural community in the Eastern Sierra Region of about 8,000 full-time residents. Mammoth Lakes is a tourist destination, servicing hundreds of thousands of visitors each year. We are geographically isolated from populated areas by several hundred miles and are supported by our one primary industry – tourism.

The League's proposed resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, and decrease available housing stock. In Mammoth Lakes, with a limited police force that is not staffed 24-hours a day and a code enforcement staff of one, enforcement of these types of issues can be very challenging.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all transient rentals should be subject to the same tax. The revenues generated support local services, including but not limited to, public safety, snow removal, maintenance of public parks and facilities, road maintenance, and recreation programs, which directly affect local quality of life and the attraction of the community for a visitor.

This proposal will make it much easier for communities such as Mammoth Lakes that depend on revenue from TOT to enforce existing rules and regulations and collect TOT as specified in our Municipal Code. Mammoth Lakes relies heavily on TOT collection to operate the Town government; nearly 65% of the Town's operating budget is funded by the collection of TOT.

Collection of TOT is so important to the Town that we have three full-time employees dedicated its enforcement. This includes making sure that people remit their taxes on time, but more importantly it is tracking down violators who are renting their units without an approved permit, renting units in locations where the zoning does not permit it, and/or not remitting their taxes to the Town. Enforcement is made much more difficult by the use of online vacation rental business (OVRB) websites where unit numbers and addresses are typically not listed and often owners do not require the payment of TOT. The data proposed to be collected and provided to us by OVRBs will be of great value as we manage transient rentals in our community.

The Town of Mammoth Lakes believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

For all of these reasons, the Town of Mammoth Lakes supports the League California Cities' Resolution.

Sincerely,

John Wentworth
Councilmember
Town of Mammoth Lakes

cc: Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org

CITY OF NAPA

MAYOR AND CITY COUNCIL

July 27, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street
Sacramento, CA 95814

Dear President Aguilar:

RE: **A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE)** AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES

The City of Napa supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

The City of Napa's zoning ordinance defines a "Rental Housing Shortage" as a vacancy rate less than 5%. A vacancy rate of less than 2% is defined as "Severe". We are currently at severe levels. The City's vacancy rates have continued to decline from 4% in 2009 to less than 2% today. Our Housing Element recognizes the issue of rising housing costs in Napa and its impact on the goal of maintaining Napa's quality of life by balancing the availability of housing with other environmental considerations. Maintaining and protecting our housing stock is of utmost importance to the City of Napa.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

The City of Napa believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations

regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

For the reasons as stated above, the City of Napa supports the proposed Resolution.

Sincerely,

Jill Techel

Jill Techel
Mayor
CITY OF NAPA

JT/dr

cc: City of Napa City Councilmembers
Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org
City Manager Mike Parness
Community Development Director Rick Tooker

CITY OF PIEDMONT

CALIFORNIA

July 30, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street
Sacramento, CA 95814

RE: **A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE)** AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES

Dear President Aguilar:

The City of Piedmont supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

The City of Piedmont believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and

a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

For these reasons, the City of Piedmont supports the Resolution.

Sincerely,

Paul Benoit
City Administrator
City of Piedmont

cc: Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org

CITY OF
SANTA CRUZ

MAYOR AND CITY COUNCIL

809 Center Street, Room 10, Santa Cruz, CA 95060 • (831) 420-5020 • Fax: (831) 420-5011 • citycouncil@cityofsantacruz.com

July 27, 2015

Ms. Stephany Aguilar, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

RE: A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (McGUIRE) AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES

Dear President Aguilar:

As Mayor of the City of Santa Cruz, I am writing in support of the proposed resolution related to the Thriving Communities and Sharing Economy Act and concur in the submission of the resolution for consideration by the League of California Cities (LOCC) General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy."

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. Such rental situations may create additional noise, traffic, parking, and privacy and public safety issues; subvert local rent control laws; decrease available housing stock; and, in some cases, turn residential neighborhoods into de facto hotel rows.

Where the temporary rental of residential units is allowed by local regulation, the associated Transient Occupancy Tax (TOT) should also be collected. These units are in direct competition with hotels, motels, and other accommodations where guests pay the local TOT, so all such uses should be subject

to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash collection, park maintenance, and other local public services which directly affect local quality of life and make the community attractive to a visitor.

I believe SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

For these reasons, I support the proposed resolution and hope that the LOCC will consider adoption of this resolution at its October conference.

Sincerely,

Don Lane
Mayor

cc: Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org

City of
Santa Monica®

Mayor **Kevin McKeown**
Mayor Pro Tempore **Tony Vazquez**

Councilmembers
Gleam Davis
Sue Himmelrich
Pam O'Connor
Terry O'Day
Ted Winterer

July 24, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street
Sacramento, CA 95814

Dear President Aguilar:

RE: **A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE)** AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES

The City of Santa Monica supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

The City of Santa Monica believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

In Santa Monica, a city of just over 90,000 residents, passage of SB 593 in concurrence with our local ordinance, will generate estimated annual revenues of approximately $138,500 in Transient Occupancy Tax and would return approximately 1,000 units to the housing market.

For these reasons, the City of Santa Monica supports the City's Resolution.

Sincerely,

Kevin McKeown
Mayor

cc: Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org

1685 Main Street • PO Box 2200 • Santa Monica • CA 90407-2200
tel: 310 458-8201 • fax: 310 458-1621 • e-mail: council@smgov.net

City of Sonoma

No. 1 The Plaza
Sonoma California 95476-6690
Phone (707) 938-3681 Fax (707) 938-8775
E-Mail: cityhall@sonomacity.org

July 27, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street
Sacramento, CA 95814

Dear President Aguilar:

RE: **A RESOLUTION OF THE LEAGUE OF CALIFORNIA CITIES SUPPORTING SB 593 (MCGUIRE)** AND CONTINUED LOCAL FLEXIBILITY FOR CITIES AS THEY ADDRESS NEIGHBORHOOD AND FISCAL IMPACTS OF TEMPORARY RENTALS OF RESIDENTIAL UNITS FOR TOURIST OR TRANSIENT USES

The City of Sonoma supports the proposed resolution related to the Sharing Economy and concurs in the submission of the resolution for consideration by the League of Cities General Assembly at its annual meeting on October 2, 2015.

The resolution reaffirms and acknowledges local efforts to effectively regulate land use impacts and collect applicable taxes from transient residential rentals as part of the emerging "shared economy".

The short-term rental of residential houses, rooms, condominiums, and apartments present numerous challenges within neighborhoods and to adjacent property owners. They may create additional noise, traffic, parking, privacy and public safety issues, subvert local rent-control laws, decrease available housing stock and in some cases turn residential neighborhoods into de-facto hotel rows.

Where the temporary rental of residential units is allowed by local regulation, the associated transient occupancy tax (TOT) should also be collected. These units are in direct competition with hotels, motels and other accommodations where guests pay the local transient occupancy tax, so all such uses should be subject to the same tax. The revenues generated support local streets, roads, fire, police, lifeguards, trash pick-up, park maintenance and other local public services which directly affect local quality of life and the attraction of the community for a visitor.

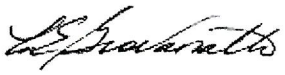
The City of Sonoma believes SB 593, as referenced in the proposed resolution, acknowledges existing local authority in this area and provides the necessary data for local jurisdictions to enforce their regulations regarding short-term residential rentals and a helpful regulatory framework that local governments may choose in lieu of exercising their existing authority.

The City of Sonoma is a tourist destination and the proliferation of vacation rentals is a top priority for City staff. The workload in monitoring and attempting to ensure compliance with local

regulations is over-burdening our small staff. In addition, the sale of available housing has become a market for out of town investors to purchase and create new vacation rentals. Without legislative intervention, vacation rentals become an epidemic in a desirable destination location and the local residents "pay the price".

For these reasons, the City of Sonoma supports the League's Resolution.

Sincerely,



Carol E. Giovanatto
City Manager
For and on behalf of the City of Sonoma

cc: Meg Desmond, League of California Cities, mdesmond@cacities.org
John Leonard, City of West Hollywood, jleonard@weho.org

LETTERS OF CONCURRENCE

Resolution No. 4

Compensation for Prolonged Electrical Power Outages

City of Hermosa Beach

Civic Center, 1315 Valley Drive, Hermosa Beach, CA 90254-3885

July 30, 2015

Stephany Aguilar, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Aguilar:

The City of Hermosa Beach supports the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San José.

The City of Rancho Palos Verdes' resolution seeks to address the failure of Southern California Edison (SCE) to reasonably compensate its customers for losses incurred due to prolonged service disruptions. Prolonged electrical outages jeopardize the public safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
- Customers who are senior citizens and are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and,
- Customers who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

At least one other California utility, Pacific Gas and Electric (PG&E), provides automatic, direct rebates to its customers in the event of prolonged power outages for a variety of causes, including severe weather and other planned and unplanned outages. Rebates are provided automatically to PG&E's customers without filing a claim, which we believe demonstrates that such a program is feasible for SCE as well.

As a member of the League, our city values the policy development opportunity provided by the Annual Conference Resolution process. We appreciate your time and consideration of this important issue. Please feel free to contact Andrew Brozyna at (310) 318-0238 or abrozyna@hermosabch.org if you have any questions.

Sincerely,

Tom Bakaly
City Manager

CITY COUNCIL

HENRY SANCHEZ JR.
JIM GAZELEY
MICHAEL G. SAVIDAN
BEN TRAINA
MARK WARONEK

CITY OF LOMITA

July 28, 2015

Stephany Aguilar, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Aguilar:

The City of Lomita supports the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San José.

The City of Rancho Palos Verdes' resolution seeks to address the failure of Southern California Edison (SCE) to reasonably compensate its customers for losses incurred due to prolonged service disruptions. Prolonged electrical outages jeopardize the public safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
- Customers who are senior citizens and are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and,
- Customers who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

At least one other California utility, Pacific Gas and Electric (PG&E), provides automatic, direct rebates to its customers in the event of prolonged power outages for a variety of causes, including severe weather and other planned and unplanned outages. Rebates are provided automatically to PG&E's customers without filing a claim, which we believe demonstrates that such a program is feasible for SCE as well.

As a member of the League, our city values the policy development opportunity provided by the Annual Conference Resolution process. We appreciate your time and consideration of this important issue. Please feel free to contact Laura Vander Neut, Management Analyst at (310) 325-7110, ext. 151 or l.vanderneut@lomitacity.com if you have any questions.

Sincerely,

Henry Sanchez Jr.

Henry Sanchez, Jr.
Mayor, City of Lomita

cc: Kit Fox, Senior Administrative Analyst, City of Rancho Palos Verdes, KitF@rpvca.gov

CITY OF

Palos Verdes Estates

OFFICE OF
THE MAYOR

CITY OF PALOS VERDES ESTATES
INCORPORATED 1939
CALIFORNIA

July 29, 2015

Stephany Aguilar, President
League of California Cities
1400 K St., Ste. 400
Sacramento, CA 95814

Dear President Aguilar:

The City of Palos Verdes Estates supports the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San José.

The City of Rancho Palos Verdes' proposed resolution seeks to address the failure of Southern California Edison (SCE) to reasonably compensate its customers for losses incurred due to prolonged service disruptions. Prolonged electrical outages jeopardize the public safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
- Customers who are senior citizens and are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and,
- Customers who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

At least one other California utility, Pacific Gas and Electric (PG&E), provides automatic, direct rebates to its customers in the event of prolonged power outages for a variety of causes, including severe weather and other planned and unplanned outages. Rebates are provided automatically to PG&E's customers without filing a claim, which we believe demonstrates that such a program is feasible for SCE as well.

As a member of the League, our City values the policy development opportunity provided by the Annual Conference Resolution process. We appreciate your time and consideration of this important issue. Please feel free to contact City Manager Anton Dahlerbruch at 310.378.0383 or adahlerbruch@pvestates.org if you have any questions.

Sincerely,

James F. Goodhart
Mayor

Enclosure: Rancho Palos Verdes Proposed League Resolution

c: Palos Verdes Estates City Council
Rancho Palos Verdes City Council
Doug Willmore, Rancho Palos Verdes City Manager
Jeff Kiernan, League of California Cities Regional Public Affairs Manager (via email)

City of Rolling Hills INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIF. 90274
(310) 377-1521
FAX: (310) 377-7288

July 30, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Aguilar,

The City of Rolling Hills supports the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San Jose.

The City of Rancho Palos Verdes' resolution seeks to address the failure of Southern California Edison (SCE) to reasonably compensate its customers for losses incurred due to prolonged service disruptions. Prolonged electrical outages jeopardize the public safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
- Customers who are senior citizens and are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and,
- Customers who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

At least one other California utility, Pacific Gas and Electric (PG&E), provides automatic, direct rebates to its customers in the event of prolonged power outages for a variety of causes, including severe weather and other planned and unplanned outages. Rebates are provided automatically to PG&E's customers without filing a claim, which we believe demonstrates that such a program is feasible for SCE as well.

As a member of the League, our city values the policy development opportunity provided by the Annual Conference Resolution process. We appreciate your time and consideration of this important issue. Please feel free to me at (310) 377-1521 or rcruz@cityofrh.net if you have any questions.

Sincerely,

Raymond R. Cruz
City Manager

RC:hl *07-30-15RPV_League_ResolutionConcurrence_SCE*

c: Mayor and City Council

Printed on Recycled Paper

JOHN C. ADDLEMAN
Mayor
STEVEN ZUCKERMAN
Mayor Pro Tem
BRITT HUFF
Council Member
JUDY MITCHELL
Council Member
FRANK ZERUNYAN
Council Member
DOUGLAS R. PRICHARD
City Manager

CITY OF
ROLLING HILLS ESTATES
4045 PALOS VERDES DRIVE NORTH • ROLLING HILLS ESTATES, CA 90274
TELEPHONE 310.377.1577 FAX 310.377.4468
www.ci.Rolling-Hills-Estates.ca.us

July 29, 2015

Stephany Aguilar, President
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Aguilar:

As Mayor of the City of Rolling Hills Estates, I support the City of Rancho Palos Verdes' effort to submit a resolution for consideration by the General Assembly at the League's 2015 Annual Conference in San Jose.

The proposed resolution seeks to require reasonable compensation to Southern California Edison (SCE) customers for losses incurred due to prolonged service disruptions which jeopardize the safety, health and general welfare of the communities within SCE's service area. Among the populations that are most at risk as a result of these outages are:

- Customers with physical challenges who rely on a constant source of power for medical devices;
- Customers who are senior citizens and are particularly susceptible to injury if power outages persist for long periods of time into evening hours; and
- Customers who suffer financial burdens as a result of losing food, medication and other perishable items during prolonged power outages.

I urge the League to place this matter before the General Assembly for consideration. Please feel free to contact me if you have any questions.

Sincerely,

John C. Addleman
Mayor

JCA:hn

AMENDED IN SENATE JUNE 10, 2015

AMENDED IN SENATE MAY 6, 2015

AMENDED IN SENATE APRIL 29, 2015

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL No. 593

Introduced by Senator McGuire
(Coauthor: Senator Leno)

February 27, 2015

An act to add Article 12 (commencing with Section 53170) to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 593, as amended, McGuire. Residential units for tourist or transient use: *transient residential* hosting platforms.

The California Constitution authorizes a county or city to make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws. *Existing law also authorizes a city, county, or city and county to impose a transient occupancy tax upon occupancies of lodgings of no more than 30 days.*

~~This bill would require an operator of a hosting platform, as defined, to report specified information quarterly to the city, county, or city and county. The bill would authorize a city, county, or city and county, by ordinance, to opt out from receiving reports and to subsequently opt back in, with 90 days' advance notice of that ordinance to the operator of a hosting platform and to impose a fine or penalty on an operator that fails to provide the report, as specified. The bill would prohibit an operator of a hosting platform from facilitating the rental of a residential~~

~~unit offered for occupancy for tourist or transient use, if such a use of that residential unit, or the offering of that residential unit for such a use, is prohibited by an ordinance of the city, county, or city and county in which that residential unit is located. The bill would authorize a city, county, or city and county, by ordinance, to establish a fine or penalty on an operator of a hosting platform, as specified, for a knowing violation of this provision. The bill would authorize a city, county, or city and county to require an operator of a hosting platform to collect and remit applicable local transient occupancy tax.~~

This bill would authorize a city, county, or city and county to adopt an ordinance that would require a transient residential hosting platform, as defined, to report specified information quarterly to the city, county, or city and county, and to establish, by ordinance, a fine or penalty on a transient residential hosting platform for failure to provide the report. The bill would make the information in the report confidential and require that it not be disclosed. The bill would authorize the city, county, or city and county receiving the report to use the report solely for transient occupancy tax and zoning administration. The bill would also authorize a city, county, or city and county to require a transient residential hosting platform to collect and remit applicable transient occupancy tax.

The bill, where a specified ordinance has been adopted, would prohibit a transient residential hosting platform from facilitating occupancy of a residential unit offered for tourist or transient use in violation of any ordinance, regulation, or law of the city, county, or city and county, and would authorize a city, county, or city and county, by ordinance, to establish a civil fine or penalty on an operator of a transient residential hosting platform for a knowing violation of this provision.

This bill would also require the operator of a transient residential hosting platform to disclose specified information regarding insurance coverage in the transient residential hosting platform agreement with an offeror of a residential unit.

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

This bill would make legislative findings to that effect.

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

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Article 12 (commencing with Section 53170) is added to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 12. Thriving Communities and Sharing Economy Act

53170. *(a)* This article shall be known, and may be cited, as the Thriving Communities and Sharing Economy Act.

(b) The Legislature finds and declares that transient residential hosting platforms are doing business in California by facilitating the occupancy of property located in California.

53171. ~~(a)~~ For purposes of this article:

~~(1) "Hosting~~

(a) (1) "Transient residential hosting platform" means ~~a marketplace that is created for the primary purpose of facilitating~~ *a person or entity that facilitates* the rental of a residential unit offered for occupancy for tourist or transient use for compensation to the offeror of that unit, and the ~~operator of the~~ *transient residential* hosting platform derives revenues, including booking ~~fees~~ *fees, subscription charges,* or advertising ~~revenues, from providing or maintaining that marketplace. "Facilitating"~~ *revenues. "Facilitate"* includes, but is not limited to, the act of allowing the offeror of the residential unit to offer or advertise the residential unit on the Internet Web site provided or maintained by the operator.

(2) "Transient residential hosting platform" does not include anyone licensed to practice real estate as defined in Section 10130 of the Business and Professions Code.

~~(2)~~

(b) "Offeror" ~~includes an owner or lessee~~ *means the owner, lessee, or other person or entity with the legal right to occupy or authorize the occupancy* of a residential unit.

~~(3)~~

(c) "Residential unit" means a dwelling unit in a private residence, including a single-family residence, an apartment or other leased premises, a residential condominium unit, or any other residential real estate improvement. "Residential unit" does not include individual guest ~~rooms, condominium units, timeshare units, cabins, or similar guest accommodations rented to transient guests~~ *rooms* in a hotel, inn, or similar transient lodging establishment operated by an innkeeper, as defined in subdivision (a) of Section 1865 of the Civil Code.

(d) "Tourist or transient use" means 30 days or fewer.

(e) "Operator" includes any corporation, partnership, or individual that provides or maintains a transient residential hosting platform.

~~(b) (1) Except as provided in paragraph (2), the operator of a~~

53172. All of the following shall apply only within the jurisdiction of a city, county, or city and county that adopts an ordinance applying this section within its jurisdiction:

(a) A transient residential hosting platform shall report quarterly to the city, county, or city and county all of the following information:

~~(A)~~

(1) The address of each residential unit that was ~~offered on the operator's hosting platform for occupancy for tourist or transient use and was occupied for that use~~ *occupied for tourist or transient use* during that quarterly period.

~~(B)~~

(2) The total number of nights that the residential unit was occupied for tourist or transient use.

~~(C)~~

(3) The amounts paid for the occupancy of that residential ~~unit.~~ *unit for tourist or transient use.*

~~(2) A city, county, or city and county may, by ordinance, opt out from receiving reports from an operator of a hosting platform under paragraph (1) at any time and, subsequently, may, by ordinance, opt back in to receive the reports. A city, county, or~~

~~city and county shall provide the operator of a hosting platform with 90 days' advance notice of an ordinance adopted under this paragraph.~~

~~(3)~~

(b) A city, county, or city and county may, by ordinance, establish a fine or penalty on ~~an operator of a~~ *a transient residential* hosting platform that fails to provide a report required pursuant to this ~~subdivision~~ *section* not to exceed the amount of one thousand dollars ($1,000) for the first failure, two thousand dollars ($2,000) for the second failure, and five thousand dollars ($5,000) for a third or subsequent failure, to be imposed after the city, county, or city and county has provided written notice to the operator of the failure, has given the ~~operator~~ *transient residential hosting platform* an opportunity to provide the report within 30 days of receiving the written notice, and the ~~operator~~ *transient residential hosting platform* failed to provide the report within that period.

~~(4)~~

(c) Any civil fines or penalties shall be paid to the city, county, or city and county that established the fine or penalty.

~~(c) (1) An operator of a~~

(d) (1) Notwithstanding any other law, including the California Public Records Act, as set forth in Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1, the information in the report required pursuant to this subdivision is confidential and shall not be disclosed.

(2) The city, county, or city and county receiving the report shall use the information in the report solely for the administration of transient occupancy tax and zoning.

(e) The city, county, or city and county may require a transient residential hosting platform to collect the transient occupancy tax imposed by that local agency, and to remit that tax to that agency. The authority granted by this subdivision is in addition to any other provision of state or local law that authorizes a city, county, or city and county to require a transient residential hosting platform or any other person or entity to collect and remit transient occupancy tax.

53173. (a) A transient residential hosting platform shall not facilitate the ~~rental~~ *occupancy* of a residential unit offered for occupancy for tourist or transient use if ~~such a use of that residential unit, or the offering of that residential unit for such a~~

~~use, is prohibited by an ordinance~~ *the occupancy will violate any ordinance, regulation, or law* of the city, county, or city and ~~county~~ *county,* in which that residential unit is ~~located.~~ *located, that has applied Section 53172 within its jurisdiction.*

~~(2)~~

(b) A city, county, or city and county *that has applied Section 53172 within its jurisdiction* may, by ordinance, establish a civil fine or penalty on an operator of a *transient residential* hosting platform that knowingly violates this ~~subdivision~~ *section* not to exceed the amount of one thousand dollars ($1,000) per day for the first violation, two thousand dollars ($2,000) per day for a second violation, and five thousand dollars ($5,000) per day for a third or subsequent ~~violation. An operator of a hosting platform shall be deemed to have knowingly violated this subdivision if a city, county, or city and county has previously provided the operator with a copy, including a copy in electronic form, of its ordinance prohibiting the use of a residential unit located within its boundaries for occupancy for tourist or transient use, or the offering of that unit for such a use, has given written notice of a known violation to the operator, has given the operator an opportunity to cease facilitating the rental of that residential unit within 30 days of receiving the written notice, and the operator failed to cease within that period.~~ *violation to be imposed after the city, county, or city and county has provided written notice to the operator of a transient residential hosting platform of the failure to abide by the respective ordinance, has given the operator of the transient residential hosting platform an opportunity to correct the violation within 30 days of receiving the written notice, and the operator of the transient residential hosting platform failed to correct the violation within that period.*

~~(3)~~

(c) Any civil fines or penalties shall be paid to the city, county, or city and county that established the fine or penalty.

~~(d) A city, county, or city and county may require the operator of a hosting platform to collect applicable transient occupancy tax imposed by that local agency, and to remit that tax to that agency.~~

53174. An operator of a transient residential hosting platform shall disclose the following in the transient residential hosting platform agreement with an offeror:

(a) That an offeror should review his or her home or renter's insurance policy to ensure that there is appropriate insurance coverage in the event that a person sustains an injury or loss on the offeror's property, a person damages or causes loss to an offeror's personal or real property, or a claim or lawsuit is made against the offeror or otherwise arises out of activities related to the transient residential hosting platform.

(b) If the operator of the transient residential hosting platform provides insurance coverage, that the insurance coverage is provided and the limits of liability. If the insurance provided by the operator of the transient residential hosting platform is excess, secondary, or contingent upon an offeror's home or rental insurance, the operator of the transient residential hosting platform shall explicitly explain to the offeror when the offeror's insurance is primary or first in line to cover liabilities arising out of the activities relating to the transient residential hosting platform.

53175. Nothing in this article shall be construed to preempt a city, county, or city and county law regulating operators of transient residential hosting platforms.

SEC. 2. The Legislature finds and declares that Section 1 of this act, which adds Section 53172 to the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

Where a city, county, or city and county adopts an ordinance applying Section 53172 of the Government Code within its jurisdiction, in order to ensure that the information disclosed to local public agencies in the reports required by Section 53172 of the Government Code is not used for purposes other than the limited public purposes specified in that section, it is necessary to limit the disclosure of those reports.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Section 53172 to the Government Code, furthers, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public

access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

If a city, county, or city and county adopts an ordinance applying Section 53172 of the Government Code within its jurisdiction, limiting disclosure of a record obtained by the local public agency for purposes of tax and zoning administration furthers the purposes of Section 3 of Article I of the California Constitution by appropriately balancing the interest in public disclosure with ensuring that this information is not used for improper purposes.

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8.4
PUBLIC EDUCATION OPORTUNITIES FOR FRAUD, COMPUTER PROTECTION, AND FINANCIAL CRIMES
(*AGENDIZED BY COUNCILMEMBER MOORE*)
(*NO REPORT*)

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8.5
REQUEST FOR RECOGNITION OF SERENA AND VENUS WILLIAMS BY CALIFORNIA GOVERNMENTS (*AGENDIZED BY COUNCILMEMBER MOORE*) (*NO REPORT*)

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