

CITY of LAGUNA WOODS CITY COUNCIL AGENDA

Regular Meeting
Wednesday, January 17, 2018
2:00 p.m.

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

Carol Moore
Mayor

Cynthia Conners
Mayor Pro Tem

Noel Hatch
Councilmember



Shari L. Horne
Councilmember

Joe Rainey
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. 17-30, 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

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AFFIDAVIT OF POSTING

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

I, Yolie Trippy, Deputy City Clerk, City of Laguna Woods, hereby certify under penalty of perjury that this agenda was posted at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637; on the City’s website (www.cityoflagunawoods.org); and, at other locations designated by Resolution No. 17-30, pursuant to California Government Code Section 54954.2 of the Ralph M. Brown Act.



YOLIE TRIPPY, Deputy City Clerk

1-12-18

Date

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. PRESENTATIONS AND CEREMONIAL MATTERS

4.1 Marilyn Thoms, OC Watersheds, County of Orange – Retirement

Recommendation: Approve and present the commendation.

V. PUBLIC COMMENTS

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

VI. CONSENT CALENDAR

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

6.1 City Council Minutes

Recommendation: Approve the City Council meeting minutes for the adjourned regular meeting on December 13, 2017.

6.2 City Treasurer’s Report

Recommendation: Receive and file the City Treasurer’s Report for the month of December 2017.

6.3 Warrant Register

Recommendation: Approve the warrant register dated January 17, 2018 in the amount of \$715,337.29.

6.4 Rejection of Claim

Recommendation: Reject the following claim: Ana Heimanson vs. City of Laguna Woods, Claimant: Ana Heimanson.

6.5 Laguna Woods Civic Support Fund

Recommendation: Approve a memorandum of understanding with the Laguna Woods Civic Support Fund related to fundraising and distribution of funds for “A Place for Paws” Dog Park, and authorize the Mayor Pro Tem to execute the memorandum of understanding, subject to approval as to form by the City Attorney.

VII. PUBLIC HEARINGS

7.1 Community Development Block Grant (CDBG) Public Facilities and Improvement Project Applications

Recommendation:

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public testimony.

AND

4. Close public hearing.

AND

5. Authorize the City Manager to submit a proposal to the County of Orange for \$145,700 in Community Development Block Grant (CDBG) funds from the Fiscal Year 2018-19 public

facilities and improvement grant cycle for the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 2 (El Toro Road and Moulton Parkway)”, as described in the City’s Capital Improvement Program, which generally involves the improvement of pedestrian paths-of-travel, including elimination of gaps, lifts, and other uneven sidewalk surfaces; reconstruction of curb ramps; replacement of detectable warnings; and/or, modification of right-of-way, as may be necessary, on El Toro Road and Moulton Parkway.

OR

6. Authorize the City Manager to submit an alternate proposal to the County of Orange for CDBG funds from the Fiscal Year 2018-19 public facilities and improvement grant cycle.

7.2 Construction and Demolition Materials Management Regulations

Recommendation:

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public testimony.

AND

4. Close public hearing.

AND

5. 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, AMENDING SECTION 4.24.020 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO CONSTRUCTION AND DEMOLITION MATERIALS MANAGEMENT

7.3 Wireless Facilities Regulations

Recommendation:

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public testimony.

AND

4. Close public hearing.

AND

5. 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, AMENDING SECTION 13.26.210 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO THE INSTALLATION AND MODIFICATION OF WIRELESS FACILITIES

7.4 Residential Density Bonus Standards Regulations

Recommendation:

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public testimony.

AND

4. Close public hearing.

AND

5. 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, AMENDING SECTION 13.26.040 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO RESIDENTIAL DENSITY BONUS STANDARDS AND OTHER INCENTIVES FOR HOUSING DEVELOPMENTS WITHIN, OR FOR THE DONATION OF LAND FOR HOUSING WITHIN, THE CITY'S JURISDICTION, CONSISTENT WITH CALIFORNIA GOVERNMENT CODE SECTION 65915 ET SEQ.

7.5 Purchasing and Procurement Regulations

Recommendation:

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public testimony.

AND

4. Close public hearing.

AND

5. 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, AMENDING CHAPTER 3.06 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO PURCHASING AND PROCUREMENT BY THE CITY

AND

6. Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING ADMINISTRATIVE POLICIES RELATED TO ENVIRONMENTAL PURCHASING AND PURCHASE REQUISITIONS AS PART OF A BROADER UPDATE OF PURCHASING AND PROCUREMENT REGULATIONS

VIII. CITY COUNCIL BUSINESS

8.1 City Council Meeting Schedule

Recommendation: Approve a City Council meeting schedule for Fiscal Year 2018-19.

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

X. CLOSED SESSION

XI. CLOSED SESSION REPORT

XII. ADJOURNMENT

Next Regular Meeting: Wednesday, February 21, 2018 at 2 p.m.
Laguna Woods City Hall
24264 El Toro Road, Laguna Woods, California 92637

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4.1
**COMMENDATION –
MARILYN THOMS, OC WATERSHEDS,
COUNTY OF ORANGE – RETIREMENT**

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**City of Laguna Woods
Certificate of Commendation
Marilyn Thoms
Retirement**

WHEREAS, Marilyn Thoms began her career with the County of Orange in 2003, and has served as a Manager in the Environmental Resources Service Area administering programs for the South Orange County Watershed Management Area; and

WHEREAS, during the course of her career, Marilyn Thoms led efforts to establish the South Orange County Watershed Management Area, obtain recognition from the California Department of Water Resources as an Integrated Regional Watershed Management Region, and compose and keep relevant an Integrated Regional Watershed Management Plan benefitting 21-member agencies and stakeholders; and

WHEREAS, Marilyn Thoms has dedicated countless hours to establish and maintain collaborative relationships between the County of Orange, municipalities, water agencies, and other stakeholders in South Orange County; and

WHEREAS, in addition to her other duties, Marilyn Thoms has successfully secured grant funding from the State through Propositions 50, 84, and 1, resulting in over \$40 million in funding for water resource projects in South Orange County; and

WHEREAS, the City of Laguna Woods has benefited from more than \$5 million in grant funds for recycled water distribution in common green spaces, water conservation improvements, and habitat restoration in Aliso Creek.

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 Marilyn Thoms on the occasion of her retirement, with deep gratitude for her service.

Dated this 17th day of January, 2018

Carol Moore
Mayor

Attest: Yolie Trippy
Deputy City Clerk

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6.1-6.5
CONSENT CALENDAR SUMMARY

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City of Laguna Woods Agenda Report

TO: Honorable Mayor and City Councilmembers
FROM: Christopher Macon, City Manager
FOR: January 17, 2018 Regular Meeting
SUBJECT: Consent Calendar Summary

Recommendation

Approve all proposed actions on the January 17, 2018 Consent Calendar by single motion and City Council action.

Background

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

Summary

The January 17, 2018 Consent Calendar contains the following items:

- 6.1 Approval of the City Council meeting minutes for the adjourned regular meeting on December 13, 2017.
- 6.2 Approval of a motion to receive and file the City Treasurer's Report for the month of December 2017.
- 6.3 Approval of the warrant register dated January 17, 2018 in the amount of \$715,337.29. A list of warrants is included in the agenda packet; detailed information about individual warrants is available at City Hall.

- 6.4 Rejection of the following claim: Ana Heimanson vs. City of Laguna Woods, Claimant: Ana Heimanson. Carl Warren & Company, the City's third-party claims administrator, recommends that the City reject this claim. Additional information is available at City Hall.
- 6.5 Approval of a memorandum of understanding with the Laguna Woods Civic Support Fund related to fundraising and distribution of funds for "A Place for Paws" Dog Park, and authorization for the Mayor Pro Tem to execute the memorandum of understanding, subject to approval as to form by the City Attorney. The memorandum of understanding would authorize the Laguna Woods Civic Support Fund to fundraise and distribute funds to support the operation, maintenance, and improvement of "A Place for Paws" Dog Park, including by conducting business under the alternate business name of "Friends of the Laguna Woods Dog Park." As the Mayor currently serves as the Chair of the Board of the Laguna Woods Civic Support Fund, staff recommends that the Mayor Pro Tem be authorized to execute the memorandum of understanding on behalf of the City.

6.1
CITY COUNCIL MINUTES

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**CITY OF LAGUNA WOODS CALIFORNIA
CITY COUNCIL MINUTES
ADJOURNED REGULAR MEETING
December 13, 2017
2:00 P.M.
Laguna Woods City Hall
24264 El Toro Road
Laguna Woods, California 92637**

I. CALL TO ORDER

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

II. ROLL CALL

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

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

III. PLEDGE OF ALLEGIANCE

Ruth and Howard Carter, residents, led the flag salute.

IV. PRESENTATIONS AND CEREMONIAL MATTERS – None

V. PUBLIC COMMENT – None

VI. CONSENT CALENDAR

Moved by Mayor Pro Tem Moore, seconded by Councilmember Conners, and carried unanimously on a 5-0 vote, to approve Consent Calendar items 6.1 – 6.6.

6.1 City Council Minutes

 Approved the City Council meeting minutes for the regular meeting on November 15, 2017 and the special meeting on November 28, 2017.

6.2 City Treasurer’s Report

 Received and filed the City Treasurer’s Report for the month of November 2017.

6.3 Warrant Register

Approved the warrant register dated December 13, 2017 in the amount of \$588,760.40.

6.4 Measure M2 Expenditure Report

Approved a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING AND CONCERNING THE MEASURE M2 EXPENDITURE REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2017

6.5 Landscape Maintenance Services

Approved an extension of the agreement with Nieves Landscape, Inc. for landscape maintenance services and authorized the City Manager to execute the extension, subject to approval as to form by the City Attorney.

6.6 Moulton Parkway Water Efficient Median Improvement Project

1. Approved final plans and specifications reflecting completion of the “Moulton Parkway Water Efficient Median Improvement Project”, as-built.

AND

2. Accepted project completion of the contract agreement with STL Landscape, Inc. for the “Moulton Parkway Water Efficient Median Improvement Project”.

AND

3. Released the contract retention in the amount of \$11,474.94 withheld per California Government Code 35 days following recordation of the Notice of Completion with the County of Orange.

AND

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

VII. PUBLIC HEARINGS – None

VIII. CITY COUNCIL BUSINESS

8.1 Comprehensive Annual Financial Report and Ad Hoc Audit Committee

City Manager Macon made a presentation.

Councilmembers discussed the item and staff answered related questions.

Kathryn Freshley, resident, expressed her appreciation for the Comprehensive Annual Financial Report.

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

1. Receive and file the Comprehensive Annual Financial Report With Report on Audit By Independent Certified Public Accountants for the Year Ended June 30, 2017 (Fiscal Year 2016-17)

AND

2. Dissolve the Ad Hoc Audit Committee that consists of Councilmembers Hatch and Rainey.

Mayor Horne called for a brief recess.

The meeting was called back to order at 2:11 p.m.

8.2 City Council Organization – Office of Mayor

Mayor Horne made comments.

Mayor Horne nominated Mayor Pro Tem Moore to serve as Mayor effective immediately through December 2018.

Moved by Mayor Horne, seconded by Councilmember Hatch, and carried unanimously on a 5-0 vote, to appoint Mayor Pro Tem Moore as Mayor effective immediately through December 2018.

Mayor Moore made comments.

8.3 City Council Organization – Office of the Mayor Pro Tem

Councilmember Hatch nominated Councilmember Connors to serve as Mayor Pro Tem effective immediately through December 2018.

Moved by Councilmember Hatch, seconded by Councilmember Horne, and carried unanimously on a 5-0 vote, to appoint Councilmember Connors as Mayor Pro Tem effective immediately through December 2018.

8.4 City Council Public Official Appointments

City Manager Macon made a presentation.

Moved by Mayor Moore, seconded by Mayor Pro Tem Conners, and carried unanimously on a 5-0 vote, to appoint Mayor Pro Tem Conners to serve as the director and Councilmember Hatch to serve as the alternate on the California Joint Powers Insurance Authority Board of Directors from January 1, 2018 through December 31, 2019.

Moved by Councilmember Rainey, seconded by Councilmember Hatch, and carried unanimously on a 5-0 vote, to appoint Mayor Pro Tem Conners as the director and Councilmember Horne as the alternate on the Coastal Greenbelt Authority Board of Directors from January 1, 2018 through December 31, 2019.

Moved by Mayor Pro Tem Conners, seconded by Councilmember Horne, and carried unanimously on a 5-0 vote, to appoint Councilmember Hatch as a director on the Orange County Fire Authority Board of Directors from January 1, 2018 through December 31, 2019 by approving a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA
WOODS, CALIFORNIA, APPOINTING A DIRECTOR TO SERVE ON
THE ORANGE COUNTY FIRE AUTHORITY BOARD OF DIRECTORS
FROM JANUARY 1, 2018 THROUGH DECEMBER 31, 2019

Moved by Councilmember Hatch, seconded by Councilmember Horne, and carried unanimously on a 5-0 vote, to appoint Councilmember Rainey as the member and Mayor Moore as the alternate on the Orange County Library Advisory Board from January 1, 2018 through December 31, 2019.

Moved by Councilmember Horne, seconded by Mayor Pro Tem Conners, and carried unanimously on a 5-0 vote, to appoint Mayor Pro Tem Conners as the director and Mayor Moore as the alternate on the San Joaquin Hills Transportation Corridor Agency Board of Directors from January 1, 2018 through December 31, 2019.

Moved by Mayor Pro Tem Conners, seconded by Councilmember Rainey, and carried unanimously on a 5-0 vote, to appoint Mayor Moore as the member and Councilmember Hatch as the alternate on the South Orange County Watershed Management Area Executive Committee from January 1, 2018 through December 31, 2019.

8.5 Investment Policy Review Committee Appointments

City Manager Macon summarized the agenda report.

Moved by Mayor Pro Tem Conners, seconded by Councilmember Horne, and carried unanimously on a 5-0 vote, to appoint Mayor Pro Tem Conners and Councilmember Hatch to serve on a standing Investment Policy Review Committee from January 1, 2018 through December 31, 2018, in accordance with Administrative Policy 2.2 (Investment of Financial Assets).

8.6 Ad Hoc Auditor Selection Committee Appointments

City Manager Macon summarized the agenda report.

Councilmembers discussed the item and staff answered related questions.

Moved by Councilmember Hatch, seconded by Councilmember Horne, and carried unanimously on a 5-0 vote, to appoint Mayor Moore and Councilmember Rainey to an Ad Hoc Auditor Selection Committee from December 13, 2017 through April 30, 2018 to work with staff to prepare a Request for Proposals and then review, evaluate, and make recommendations to the City Council regarding proposals submitted by firms interested in providing annual audit services for fiscal years 2017-18, 2018-19, and 2019-20.

IX. CITY COUNCIL REPORTS AND COMMENTS

9.1 Coastal Greenbelt Authority

Mayor Pro Tem Connors provided a report.

Councilmember Horne provided an update on the wildlife corridor.

9.2 Orange County Fire Authority

Councilmember Hatch provided a report.

Division Chief Jeff Adams provided an update on California wildfires.

Councilmembers briefly responded to the report.

9.3 Orange County Library Advisory Board

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

9.4 Orange County Mosquito and Vector Control District

Councilmember Horne provided a report.

9.5 San Joaquin Hills Transportation Corridor Agency

Mayor Pro Tem Connors provided a report.

9.6 South Orange County Watershed Management Area

Mayor Moore provided a report.

9.7 Other Comments and Reports

Councilmember Hatch asked about holes in a median on Moulton Parkway.

City Manager Macon stated that there was a recent vehicle collision that damaged three trees and that Southern California Edison is also replacing street light poles.

Councilmember Horne provided a report on the recent North American Climate Summit.

Councilmember Rainey wished everyone a happy holiday season.

X. CLOSED SESSION – None

XI. CLOSED SESSION REPORT – None

XII. ADJOURNMENT

The meeting was adjourned at 3:06 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday, January 17, 2018, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: January 17, 2018

CAROL MOORE, Mayor

6.2
CITY TREASURER'S REPORT

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City of Laguna Woods
City Treasurer's Report
 For the Month Ended December 31, 2017

ITEM 6.2

CASH AND INVESTMENTS

	Beginning Balances As of 11/30/17	Earnings & Receipts	Disbursements	Purchases, Transfers & Other Adjustments	Ending Balances As of 12/31/17	% of Total Cash & Investment Balances	Maximum % Allowed per Investment Policy
Cash and Cash Equivalents							
Analyzed Checking Account (Note 4)	\$ 997,468	\$ 334,237	\$ (975,983)	\$ -	\$ 355,722	3.57%	
Cash Balances, Multi-Bank Securities (MBS) Account	\$ -	\$ 2,824	\$ (1,884)	\$ -	\$ 940	0.01%	
Earned Interest in Transit and Accrued Interest, Securities Account	\$ 2,824	\$ 2,918	\$ (2,824)	\$ -	\$ 2,918	0.03%	
Petty Cash	\$ 1,469	\$ -	\$ (40)	\$ -	\$ 1,429	0.01%	
Total Cash and Cash Equivalents	\$ 1,001,760	\$ 339,978	\$ (980,731)	\$ -	\$ 361,008	3.62%	100.00%
Pooled Money Investment Accounts (PIMA)							
Local Agency Investment Fund (LAIF) (Notes 1 and 2)	\$ 3,680,074	\$ -	\$ -	\$ -	\$ 3,680,074	36.89%	
Orange County Investment Pool (OCIP) (Note 3)	\$ 4,016,419	\$ 3,781	\$ (205)	\$ -	\$ 4,019,996	40.30%	
Total Pooled Money Investment Accounts	\$ 7,696,494	\$ 3,781	\$ (205)	\$ -	\$ 7,700,070	77.19%	90.00%
Investments - Interest and Income Bearing							
Certificates of Deposit (book value) (Note 5)	\$ 1,916,785		\$ (1,785)	\$ -	\$ 1,915,000	19.20%	
Total Investments	\$ 1,916,785	\$ -	\$ (1,785)	\$ -	\$ 1,915,000	19.20%	20.00%
TOTAL CASH, CASH EQUIVALENTS, AND INVESTMENTS	\$ 10,615,040	\$ 343,760	\$ (982,721)	\$ -	\$ 9,976,079	100.00%	

Summary of Total Cash, Cash Equivalents, and Investments (Note 4):

	General Fund	Special Revenue Funds	Totals
Analyzed Checking	\$ (1,343,079)	\$ 1,698,800	\$ 355,722
Cash, Securities Account	\$ 940	\$ -	\$ 940
Interest in Transit	\$ 2,918	\$ -	\$ 2,918
Petty Cash	\$ 1,429	\$ -	\$ 1,429
LAIF	\$ 3,680,074	\$ -	\$ 3,680,074
OCIP	\$ 4,019,996	\$ -	\$ 4,019,996
Certificates of Deposit	\$ 1,915,000	\$ -	\$ 1,915,000
Totals	\$ 8,277,278	\$ 1,698,800	\$ 9,976,079

(See **NOTES** on Page 3 of 3)



**City of Laguna Woods
City Treasurer's Report
For the Month Ended December 31, 2017**

INVESTMENT PORTFOLIO DETAIL

CUSIP	Investment #	Issuer	Term	Purchase Date	Settlement Date	Par Value	Market Value	Book Value	Stated Rate (Note 5)	Coupon Type	1st Coupon Date	Rating or Rank (*)	Yield to Maturity 365 Days	Maturity Date
Money Funds and Certificate of Deposits (CDs, Federal Deposit Insurance Corporation [FDIC] Insured)														
02006LM59	2016-1	ALLY BK MIDVALE UTAH	24 months	09/12/16	09/15/16	245,000	243,863	245,000	1.150	Semi-Annual	03/15/17	300	1.150	09/17/18
949763BJ4	2016-3	WELLS FARGO BANK	18 months	09/13/16	09/28/16	245,000	244,662	245,000	1.000	Monthly	10/28/16	295	1.000	03/28/18
140420F47	2016-4	CAPITAL ONE BANK USA	18 months	09/13/16	09/21/16	245,000	244,704	245,000	1.000	Semi-Annual	03/21/17	300	1.000	03/21/18
57116ANC8	2017-1	MARLIN BUSINESS BK SALT LAKE	18 months	01/13/17	01/13/17	245,000	244,625	245,000	1.250	Monthly	02/13/17	300	1.250	07/13/18
508176CH5	2017-2	LAKE CITY BANK	24 months	03/08/17	03/22/17	245,000	244,405	245,000	1.600	Monthly	04/22/17	300	1.600	03/22/19
45340KDY2	2017-3	INDEPENDENCE BANK OF KY	10 months	05/04/17	05/09/17	100,000	99,937	100,000	1.000	Monthly	06/09/17	242	1.000	03/09/18
02587DR26	2017-4	AMERICAN EXPRESS CENTURIAN	18 months	05/04/17	05/10/17	245,000	244,647	245,000	1.500	Semi-Annual	11/10/17	300	1.500	11/13/18
864088DC0	2017-5	STURGIS BANK & TRUST CO.	9 months	05/04/17	05/18/17	100,000	99,960	100,000	1.000	Monthly	06/18/17	206	1.000	02/20/18
38148PTD9	2017-6	GOLDMAN SACHS BANK USA	36 months	11/16/17	11/22/17	245,000	244,189	245,000	2.050	Semi-Annual	05/22/18	Green*	2.050	11/23/20
		Accrued Interest - Month End				2,918		2,918						
Total CDs						1,917,918	1,910,992	1,917,918						

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

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

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

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

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

Pooled Money Investment Accounts (PIMA) (Notes 1, 2, and 3)

N/A	N/A	Local Agency Investment Fund (LAIF)	N/A	Various	Various	3,680,074	3,680,074	3,680,074	1.172	N/A	N/A	N/A	N/A	N/A
N/A	N/A	Orange County Investment Pool (OCIP)	N/A	Various	Various	4,019,996	4,019,996	4,019,996	1.109**	N/A	N/A	N/A	N/A	N/A
Total PIMA						7,700,070	7,700,070	7,700,070						

** Average monthly yield, interest before fees for the month of November 2017 is not available at date of this report.

(See **NOTES** on Page 3 of 3)



City of Laguna Woods
City Treasurer's Report
For the Month Ended December 31, 2017

ITEM 6.2

OTHER FUNDS - HELD IN TRUST

	Beginning Balances As of 11/30/17	Contributions / (Withdrawals)	Administrative Fees & Investment Expense	Unrealized Gain / (Loss)	Ending Balances As of 12/31/17
Other Post-Employment Benefits (OPEB) Trust					
CalPERS California Employers' Retiree Benefit Trust (CERBT) (CERBT holds all assets and administers the OPEB Trust)	\$ 70,089	\$ -	\$ (5)	\$ 918	\$ 71,001
Total Other Funds - Held in Trust	<u>\$ 70,089</u>	<u>\$ -</u>	<u>\$ (5)</u>	<u>\$ 918</u>	<u>\$ 71,001</u>

Notes:

Note 1 - LAIF / During this period there were no deposits or withdrawals in the LAIF account.

Note 2 - LAIF / The stated earnings rate for LAIF balances is an average monthly yield applied to the City's weighted average balance within the total pool. Earnings are paid the month after the end of each quarter. Quarterly earnings for October through December will post in January 2018. Interest earned is offset by expense, with the net interest reported by LAIF as a single transaction.

LAIF average monthly investment yield rate before expenses was 1.143% for October 2017. November 2017 was 1.172%. The quarter to date average is 1.158%. This average will be reduce by quarterly administrative fees to be disclosed in January 2018

LAIF quarterly administrative costs were 0.068% for the quarter ended September 30, 2017. Rates for the quarter ended December 31, 2017 will be reported in January 2018.

Note 3 - OCIP / The December 2017 statement was not available at the date of this report and balances reflect activity posted through November 30, 2017. There were no deposits or withdrawals made from the account in November or December 2017. Interest and investment fees for November 2017 will be reported as part of the January 2018 Treasurer's report.

OCIP average monthly investment yield rate for October 2017 was 1.130%. November 2017 accrued interest is projected to be \$3,734.44 pending final confirmation of earnings by the investment pool.

OCIP administrative costs for October 2017 were 0.060%, resulting in net investment earnings of 1.070%.

Note 4 - Analyzed Checking Account / Monthly activity reported does not reflect December vendor invoicing processed after the date of this report.

Note 5 - CDs / The stated earnings rate for CDs is a fixed rate for the full term. The City received interest payments of \$2,823.57 in December 2017. Cash balances to be invested or paid out are classified separately.

City Treasurer's Certification

I, Margaret A. Cady, City Treasurer, do hereby certify:

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

Margaret A Cady
 Margaret A. Cady, City Treasurer

1/8/18
 Dated

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6.3
WARRANT REGISTER

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CITY OF LAGUNA WOODS
WARRANT REGISTER
1/17/2018

ITEM 6.3

Date	Vendor Name	Description	Amount
Debit			
<i>Automatic Bank Debits</i>			
12/13/2017	ADP PAYROLL SERVICES	Payroll / Pay Period Ended 12/8/2017	34,692.25
12/14/2017	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 12/8/2017	2,348.41
12/15/2017	ADP PAYROLL SERVICES	Payroll Processing Fees / 2017 W-2 Preview Correction	131.53
12/22/2017	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Period Ended 12/8/2017	233.69
12/27/2017	ADP PAYROLL SERVICES	Payroll / Pay Period Ended 12/22/2017	28,975.71
12/27/2018	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 12/22/2017	2,194.21
1/2/2018	CALPERS - HEALTH	Employee Benefit Program / January 2018	2,503.17
1/3/2018	ADP PAYROLL SERVICES	Payroll / Paid Time Off Compensation	6,325.32
1/5/2018	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Period Ended 12/22/2017	162.97
1/10/18	ADP PAYROLL SERVICES	Payroll / Pay Period Ended 1/5/2018	32,706.48
1/11/18	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 1/5/2018	2,479.22
1/12/2018	ADP PAYROLL SERVICES	Payroll Processing Fees / Paid Time Off Compensation	135.46
Check			
<i>Warrants:</i>			
12/14/2017	1720	ALISO CREEK PRINTING	105.60
12/14/2017	1721	ALLIED MECHANICAL AIR SYS, INC	375.00
12/14/2017	1722	AMERICAN HOME REMODELING	173.50
12/14/2017	1723	AT&T	205.78
12/14/2017	1724	AT&T	34.85
12/14/2017	1725	AT&T	11.76
12/14/2017	1726	AT&T	4.48
12/14/2017	1727	AT&T	1,135.21
12/14/2017	1728	BALLIET, MICHAEL	2,607.50
12/14/2017	1729	CAA	3,303.00
12/14/2017	1730	CALIFORNIA YELLOW CAB	9,018.00
12/14/2017	1730	CALIFORNIA YELLOW CAB	13,070.00
12/14/2017	1731	CAPTIONING UNLIMITED	100.00
12/14/2017	1732	CITY OF LAGUNA BEACH	8,364.75
12/14/2017	1733	CIVIL SOURCE	33,237.50
12/14/2017	1733	CIVIL SOURCE	7,707.50
12/14/2017	1734	COMPUTER SERVICE COMPANY	7,814.04
12/14/2017	1735	COUNTY OF ORANGE	8,966.13
12/14/2017	1736	COUNTY OF ORANGE	597.00
12/14/2017	1737	CSMFO	110.00
12/14/2017	1738	DALE CHRISTIAN/STRUCTURAL ENGINEER, INC.	790.00
12/14/2017	1739	ELECNOR BELCO ELECTRIC, INC.	250,325.00
12/14/2017	1739	ELECNOR BELCO ELECTRIC, INC.	121,600.00
12/14/2017	1740	ELITE CANOPY INC.	1,587.04
12/14/2017	1741	JLC ASSOCIATES, INC	250.00
12/14/2017	1742	MARGARET CADY	30.00
12/14/2017	1743	MATRIX CONSULTING GROUP	1,872.00
12/14/2017	1744	NIEVES LANDSCAPE, INC.	11,800.00
12/14/2017	1744	NIEVES LANDSCAPE, INC.	406.25
12/14/2017	1745	NUVIS	3,502.50
12/14/2017	1746	ORANGE COUNTY REGISTER-NOTICES	960.00
12/14/2017	1747	PV MAINTENANCE INC	15,770.67
12/14/2017	1748	RED HAWK FIRE & SECURITY, LLC	2,634.01

**CITY OF LAGUNA WOODS
WARRANT REGISTER
1/17/2018**

ITEM 6.3

Date	Vendor Name	Description	Amount	
12/14/2017	1749	RICOH USA, INC.	Copier Lease / December 2017	214.20
12/14/2017	1750	RICOH USA, INC.	Copier Services / November 2017	191.36
12/14/2017	1751	RUTAN & TUCKER, LLP	Legal Services / September - October 2017	9,757.62
12/14/2017	1752	SOUTHERN CALIFORNIA EDISON	Traffic Signal Control / November 2017	236.81
12/14/2017	1753	SOUTHERN CALIFORNIA EDISON	Street Lamps in Right of Way / November 2017	1,928.28
12/14/2017	1754	SOUTHERN CALIFORNIA EDISON	Traffic Signal Controller / October-November 2017	1,036.31
12/14/2017	1755	SOUTHERN CALIFORNIA EDISON	Residential Streetlights / November 2017	1,929.13
12/14/2017	1756	SOUTHERN CALIFORNIA EDISON	Irrigation Controllers / November 2017	27.59
12/14/2017	1757	STAPLES	Office Supplies	253.03
12/14/2017	1758	STATE WATER RESOURCES	NPDES Permit Fee / October 2017 - September 2018	8,539.00
12/14/2017	1759	SUNSET PROPERTY SERVICES	Street Sweeping Services / November 2017	2,723.96
12/14/2017	1760	TEAM ONE MANAGEMENT	Janitorial Services / November 2017	740.81
12/14/2017	1761	THE GAS COMPANY	City Hall Utilities / November 2017	39.59
12/14/2017	1762	TYLER TECHNOLOGIES, INC.	Software Support / November 2017	31.25
12/14/2017	1763	WARRAN KIRSCH	Taxi Voucher Refund	39.00
12/14/2017	1764	WHITE NELSON DIEHL EVANS LLP	Audit Services / Fiscal Year 2016-17	3,270.00
12/14/2017	1765	WM CURBSIDE, LLC	HHW, Medicine & Sharps Program / November 2017	3,706.90
12/21/2017	1766	AT&T	Telephone / 583-1105 / November 2017	16.15
12/21/2017	1767	AT&T	Telephone / 581-3974 / December 2017	83.54
12/21/2017	1768	BUSINESS PLANS, INCORPORATED	125 Cafeteria Plan Administration / December 2017	100.00
12/21/2017	1769	CAPTIONING UNLIMITED	Closed Captioning / City Council Meeting / December 2017	100.00
12/21/2017	1770	COMPUTER SERVICE COMPANY	Traffic Signal Response Call-Out / November 2017	4,351.73
12/21/2017	1771	DELTA DENTAL OF CALIFORNIA	Employee Benefits Program / January 2018	382.82
12/21/2017	1772	KONE INC.	City Hall Elevator Maintenance / December 2017	257.62
12/21/2017	1773	MICHAEL BAKER INTERNATIONAL	Planning Services / November 2017	4,465.00
12/21/2017	1773	MICHAEL BAKER INTERNATIONAL	General Plan Comprehensive Update Project / November - December 2017	19,466.92
12/21/2017	1774	NUVIS	South Moulton Parkway Median Landscape / November 2017	8,895.00
12/21/2017	1774	NUVIS	Landscape Architecture Services / October 2017	270.00
12/21/2017	1775	RED HAWK FIRE & SECURITY, LLC	Fire & Security Alarm Monitoring / January - March 2018	240.00
12/21/2017	1776	RUTAN & TUCKER, LLP	Legal Services / November 2017	4,522.50
12/21/2017	1777	SOUTHERN CALIFORNIA EDISON	Irrigation Controllers / December 2017	95.25
12/21/2017	1778	WILLDAN ENGINEERING	Building Official Services / October - November 2017	14,040.00
12/21/2017	1778	WILLDAN ENGINEERING	Code Enforcement Services / October-November 2017	1,972.00
			Total Bank Debits and Warrants:	<u>\$715,280.86</u>

Petty Cash Expenditures Paid Out (See Note 2)

Orange County Clerk-Recorder	Document Recording	36.00
ALDI	Office Supplies	4.29
The Home Depot	City Hall Maintenance Supplies	16.14
Total Petty Cash:		<u>56.43</u>

TOTAL **\$715,337.29**

NOTES:

Note 1 - City Councilmembers are eligible to receive either a salary or vehicle reimbursement allowance in the amount of \$300 per month (\$3,600 per year). Such compensation is included in the City's regular payroll (see "ADP Payroll Services" under "Automatic Bank Debits"), unless waived by the Councilmember. For the months of December 2017 and January 2018, the following Councilmembers received compensation in the amount of \$300: Conners, Hatch, Horne, and Rainey.

Note 2 - Petty cash is reported as cash is paid out.

6.4
REJECTION OF CLAIM
(NO REPORT)

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6.5

LAGUNA WOODS CIVIC SUPPORT FUND

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MEMORANDUM OF UNDERSTANDING
between
CITY OF LAGUNA WOODS
and
LAGUNA WOODS CIVIC SUPPORT FUND
related to
FUNDRAISING AND DISTRIBUTION OF FUNDS
FOR “A PLACE FOR PAWS” DOG PARK

This MEMORANDUM OF UNDERSTANDING ("MOU"), is made and entered into this 17th day of January 2018 ("EFFECTIVE DATE"), by and among the City of Laguna Woods, a California municipal corporation ("CITY"), and the Laguna Woods Civic Support Fund, a nonprofit public benefit corporation ("CIVIC SUPPORT FUND").

In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. Fundraising and Distribution Authorization. Pursuant to Section 3.4 of the CIVIC SUPPORT FUND's Bylaws, the CIVIC SUPPORT FUND must receive prior written authorization from the City Council of the CITY for each program, project, or service for which the CIVIC SUPPORT FUND raises or distributes funds. In approving and executing this MOU, the City Council of the CITY authorizes the CIVIC SUPPORT FUND to raise and distribute funds for the following programs, projects, and services, in addition to all others previously authorized. Such authorization may be revoked at any time by written notice of the City Council of the CITY. In the event such notice is given, the CITY may require the CIVIC SUPPORT FUND to cease immediately all work in progress and the CIVIC SUPPORT FUND agrees that it shall do so without exception.
 - a) The CIVIC SUPPORT FUND is authorized to raise and distribute funds to support the operation, maintenance, and improvement of the CITY's "A Place for Paws" Dog Park. In doing so, the CIVIC SUPPORT FUND is additionally authorized to conduct business under the alternate business name of "Friends of the Laguna Woods Dog Park", pursuant to Section 1.2 of the CIVIC SUPPORT FUND's Bylaws.

The City Manager of the CITY is empowered to interpret the aforementioned authorizations on behalf of the City Council of the CITY.

2. Termination. The CITY may terminate this MOU, with or without cause, at any time by giving thirty (30) calendar days written notice of termination to the CIVIC SUPPORT FUND.

[SIGNATURES ON NEXT PAGE]

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

CITY OF LAGUNA WOODS:

By _____
Cynthia Conners, Mayor Pro Tem

LAGUNA WOODS CIVIC SUPPORT FUND:

By _____
Carol Moore, Chair of the Board

APPROVED AS TO FORM:

By _____
David B. Cosgrove, City Attorney

7.1

**COMMUNITY DEVELOPMENT BLOCK GRANT
(CDBG) PUBLIC FACILITIES AND
IMPROVEMENT APPLICATIONS**

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City of Laguna Woods Agenda Report

TO: Honorable Mayor and City Councilmembers
FROM: Christopher Macon, City Manager
FOR: January 17, 2018 Regular Meeting
SUBJECT: Community Development Block Grant (CDBG) Public Facilities and Improvement Project Applications

Recommendation

1. Receive staff report.

AND
2. Open public hearing.

AND
3. Receive public testimony.

AND
4. Close public hearing.

AND
5. Authorize the City Manager to submit a proposal to the County of Orange for \$145,700 in Community Development Block Grant (CDBG) funds from the Fiscal Year 2018-19 public facilities and improvement grant cycle for the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 2 (El Toro Road and Moulton Parkway)”, as described in the City’s Capital Improvement Program, which generally

involves the improvement of pedestrian paths-of-travel, including elimination of gaps, lifts, and other uneven sidewalk surfaces; reconstruction of curb ramps; replacement of detectable warnings; and/or, modification of right-of-way, as may be necessary, on El Toro Road and Moulton Parkway.

OR

6. Authorize the City Manager to submit an alternate proposal to the County of Orange for CDBG funds from the Fiscal Year 2018-19 public facilities and improvement grant cycle.

Background

As allowed by Federal law, Orange County cities with populations less than 50,000 may choose to compete for Community Development Block Grant (“CDBG”) funds through programs administered by the State of California or the County of Orange. Laguna Woods, unincorporated areas, and the cities of Brea, Cypress, Dana Point, Laguna Beach, Laguna Hills, La Palma, Los Alamitos, Seal Beach, Stanton, and Villa Park compete for CDBG funds through the Orange County Urban County CDBG Program, administered by the County of Orange.

Under the Urban County CDBG Program, the County of Orange accepts proposals for public facilities and improvement grants, annually. Cities are required to conduct a public hearing prior to submitting proposals.

The City is able to submit one public facilities and improvement proposal per year. Projects must address one or more of the County of Orange’s high priorities: street improvements, sidewalks, flood drain improvements, water/sewer improvements, senior centers, neighborhood facilities, and homeless/AIDS program operations.

All proposals must be submitted for public facilities. Previously, the City of Seal Beach submitted a proposal for street, sidewalk, and solar improvements located within Leisure World Seal Beach. Federal Housing and Urban Development Department (“HUD”) staff ultimately determined that the proposal was ineligible as the work would have occurred within a gated community.

The City was awarded \$145,700 from the Fiscal Year 2017-18 public facilities and improvement grant cycle for the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 1 (Moulton Parkway)”.

Discussion

At today's meeting, the City Council will conduct a public hearing regarding the potential submittal of a proposal for CDBG funds from the Fiscal Year 2018-19 public facilities and improvement grant cycle, after which action will be considered. During the public hearing, residents and members of the public are encouraged to provide input on community needs and project priorities, including on the City's potential proposed project and submittal of proposals.

Staff's recommendation is that the City Council authorize the City Manager to submit a proposal for the "Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 2 (El Toro Road and Moulton Parkway)" ("Project"), as described in the City's Capital Improvement Program, which generally involves the improvement of pedestrian paths-of-travel, including elimination of gaps, lifts, and other uneven sidewalk surfaces; reconstruction of curb ramps; replacement of detectable warnings; and/or, modification of right-of-way, as may be necessary, on El Toro Road and Moulton Parkway.

While the Project is included in the Capital Improvement Program for Fiscal Year 2018-19, design and construction is contingent on the receipt of external funding. During the Fiscal Years 2017-24 Capital Improvement Program adoption process, it was anticipated that the City would apply for CDBG funding for the Project.

The County of Orange anticipates awarding funding in spring 2018 with grant terms beginning and ending in Fiscal Year 2018-19.

Environmental Review

It can be seen with certainty that this project has no possibility of having a significant effect on the environment. Therefore, the proposed submittal of a proposal is not a project subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

Fiscal Impact

If awarded, the \$145,700 grant would fund design, construction, and inspection costs. Costs to the City could be accommodated in the Fiscal Year 2018-19 Budget and would generally consist of in-house staff support and overhead.

Report Prepared With: April Baumgarten, Maintenance Programs Analyst

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7.2
**CONSTRUCTION AND DEMOLITION
MATERIALS MANAGEMENT REGULATIONS**

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City of Laguna Woods Agenda Report

TO: Honorable Mayor and City Councilmembers
FROM: Christopher Macon, City Manager
FOR: January 17, 2018 Regular Meeting
SUBJECT: Construction and Demolition Materials Management Regulations

Recommendation

1. Receive staff report.

AND
2. Open public hearing.

AND
3. Receive public testimony.

AND
4. Close public hearing.

AND
5. 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, AMENDING SECTION 4.24.020 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO CONSTRUCTION AND DEMOLITION MATERIALS MANAGEMENT

Background

The Fiscal Years 2017-19 Budget & Work Plan includes the following significant work plan item:

- **Construction and Demolition Materials Management Regulations Update** – Review and update the City’s construction and demolition materials management regulations in order to streamline the permitting process and ensure compliance with state law.

Chapter 4.24 of the Laguna Woods Municipal Code (Attachment B) contains regulations related to construction and demolition materials management for projects for which a building, demolition, grading, or other similar permit is required by the City. Those regulations were last amended in 2012.

The 2016 California Green Building Standards Code (“2016 CALGreen Code”) generally requires construction projects to divert a minimum of 65% of the non-hazardous construction and demolition waste generated from landfills. Previous iterations of state law contained a diversion requirement of 50%.

Discussion

Today’s meeting is an opportunity for City Council action, as well as public input, on the proposed construction and demolition materials management regulations (Attachment A). Staff recommends that the City Council initiate the adoption process for the proposed regulations in order to update the diversion requirement for covered projects from 50% to 65%, as required by the 2016 CALGreen Code. Doing so would help to ensure clarity and compliance with state law.

While the requirements of the 2016 CALGreen Code apply regardless of whether they have been explicitly codified in the Laguna Woods Municipal Code, and the City has previously adopted the 2016 CALGreen Code, the proposed regulations would nevertheless add clarity to the existing construction and demolition materials management regulations by making the 65% diversion requirement for covered projects explicit in Chapter 4.24 of the Laguna Woods Municipal Code.

While staff’s recommendation would update construction and demolition materials management regulations, the scope of the update envisioned by the significant work

plan item contained in the Fiscal Years 2017-19 Budget & Work Plan is broader and anticipated to be presented for City Council consideration later this fiscal year.

If the City Council takes the recommended action at today's meeting, the proposed ordinance would be agendized for a second reading and consideration of adoption at an upcoming meeting. The ordinance would take effect 30 days after adoption.

Environmental Review

It can be seen with certainty that this project has no possibility of having a significant effect on the environment. Therefore, the adoption of the proposed ordinance is not a project subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations. Furthermore, even if CEQA did apply, this project would be exempt pursuant to Section 15308 of Title 14 of the California Code of Regulations in that the proposed ordinance is intended to assure the protection of the environment and involves procedures for protection of the environment.

Fiscal Impact

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

Attachments: A – Proposed Ordinance
 Exhibit A – Code Amendment Text
 B – Existing Laguna Woods Municipal Code Chapter 4.24 (Construction and Demolition
 Materials Management)

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ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTION 4.24.020 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO CONSTRUCTION AND DEMOLITION MATERIALS MANAGEMENT

WHEREAS, construction and demolition materials management regulations are codified, in part, at Chapter 4.24 of the Laguna Woods Municipal Code and Title 24, Part 11 of the California Code of Regulations; and

WHEREAS, staff has recommended amendments to the existing construction and demolition materials management regulations as set forth in the attached Exhibit A to this Ordinance (the “Code Amendments”) which, if adopted, would update the diversion requirement for covered projects from 50% to 65%, as required by the 2016 California Green Building Standards Code, in a manner that would help to ensure clarity and compliance with state law; and

WHEREAS, while the requirements of the 2016 California Green Building Standards Code apply regardless of whether they have been explicitly codified in the Laguna Woods Municipal Code, and the City has previously adopted the 2016 California Green Building Standards Code as stated in Chapter 10.24 of the Laguna Woods Municipal Code, the Code Amendments would nevertheless add clarity to the existing construction and demolition materials management regulations by making the 65% diversion requirement for covered projects explicit in Chapter 4.24 of the Laguna Woods Municipal Code; and

WHEREAS, on January 17, 2018, the City Council held a duly noticed public hearing on the proposed Code Amendments at which it considered all of the information, evidence, and testimony presented, both written and oral.

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

SECTION 1. The City Council hereby finds and determines that (i) each of the recitals to this Ordinance are true and correct, and are adopted herein as findings; (ii) the Code Amendments comply with all applicable requirements of State law; (iii) the Code Amendments will not adversely affect the health, safety, or welfare of the residents within the community; (iv) the Code Amendments are in the public interest

of the City of Laguna Woods; and, (v) the Code Amendments are consistent with the Laguna Woods General Plan and its various elements.

SECTION 2. After reviewing the entire project record, the City Council hereby determines and certifies that it can be seen with certainty that this project has no possibility of having a significant effect on the environment. Therefore, the adoption of this Ordinance is not a project subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations. Furthermore, even if CEQA did apply, this project would be exempt pursuant to Section 15308 of Title 14 of the California Code of Regulations in that this Ordinance is intended to assure the protection of the environment and involves procedures for protection of the environment.

SECTION 3. Section 4.24.020 of the Laguna Woods Municipal Code is hereby amended to read as set forth in Exhibit A, attached to this Ordinance and incorporated herein by this reference.

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

SECTION 5. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or 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 2018.

CAROL MOORE, 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. 18-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the XX day of XX 2018, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the XX day of XX 2018 by the following vote to wit:

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

YOLIE TRIPPY, Deputy City Clerk

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**EXHIBIT A
CODE AMENDMENTS**

Section 4.24.020 (“Definitions”) of Chapter 4.24 (“Construction and Demolition Materials Management”) of Title 4 (“Health and Sanitation”) of the Laguna Woods Municipal Code is amended to read as follows (additions shown with underlining and deletions shown with ~~strike-through~~):

Sec. 4.24.020. - Definitions.

For the purposes of this chapter the following words and phrases are defined as follows, unless it is apparent from the context that a different meaning is intended. Words and phrases not defined by this section shall have the meanings set forth in Division 30, Part 1, Chapter 2 of the Public Resources Code, §§ 40000 [et seq.] and following and the regulations of the California Department of Resources Recycling and Recovery.

If not defined in the Public Resources Code or the California Department of Resources Recycling and Recovery's regulations, then the definitions found in the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6901 and following and the regulations implementing RCRA, as they may be amended, shall apply.

(05) *Applicant* shall mean any person, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever required to apply for a City permit to undertake any covered project, as defined below.

(10) *Community Development Director* shall mean the City Manager’s designee and his or her designees.

(15) *Construction and demolition materials* or *C&D materials* shall mean used or commonly discarded materials removed from premises of a covered project during construction, grading, remodeling, repair, demolition, deconstruction or renovation resulting from construction, renovation, grading, remodeling, repair, deconstruction or demolition operations on any pavement, house, commercial building, or other structure, or from landscaping. Such materials include, but are not limited to, inert waste (including rock, concrete, brick, sand, soil,

ceramics and cured asphalt), gravel, plaster, gypsum wallboard, aluminum, glass, plastic pipe, roofing material, carpeting, wood, masonry, trees, stumps, remnants of new materials, including paper, plastic, carpet scraps, wood scraps, scrap metal, building materials, packaging and rubble.

(20) *Construction and demolition diversion security deposit* or *diversion security deposit* shall mean cash or a letter of credit in a form acceptable to the City, submitted to the City pursuant this chapter.

(25) *Construction and demolition materials management plan* or *C&DMMP* shall mean a completed C&DMMP form, approved by the City for the purpose of compliance with this chapter.

(30) *Covered project* shall mean a project for which a building, demolition, grading or other similar permit is required by the City.

(35) *Deconstruction* shall mean a process to dismantle or remove useable materials from structures, in a manner which maximizes the recovery of building materials for reuse and recycling and minimizes the amount of waste transported for disposal in landfills and transformation facilities.

(40) *Divert* or *diversion* shall mean activities which reduce or eliminate the amount of C&D material from disposal in a landfill or transformation facility. See Public Resources Code § 40124.

(45) *Diversion requirement* shall mean the diversion of at least ~~50~~ 65 percent, by weight, of the C&D material, other than inert waste, generated by a covered project by reuse or recycling, and that at least ~~50~~ 65 percent of the inert waste is removed from the solid waste stream and not disposed of in a solid waste landfill, unless the applicant has been granted an exemption pursuant to this chapter. If the applicant has been granted an exemption, the diversion requirement shall be the maximum feasible diversion rate established by the community development director for the project.

ITEM 7.2 – Exhibit A to Attachment A

(50) *Feasible* shall have the meaning ascribed by Public Resources Code § 21061.1.

(55) *Inert waste* shall have the meaning ascribed by Public Resources Code § 41821.3(a)(1).

(60) *Project* shall mean any activity for which a building, demolition, grading or other similar permit is required from the City.

(65) *Recycling* shall have the meaning ascribed by Public Resources Code § 40180.

(70) *Reuse* shall mean further or repeated use of C&D materials or inert waste.

(75) *Salvage* shall mean the controlled removal of C&D materials from a permitted construction or demolition site for the purpose of recycling, reuse, or storage for later recycling or reuse.

(80) *Valuation* shall have the same meaning as defined in Chapter 10.08 (California Building Code) of this Code.

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CHAPTER 4.24. - CONSTRUCTION AND DEMOLITION MATERIALS MANAGEMENT^[8]

Sec. 4.24.010. - Purpose.

The purpose of this chapter is to promote the recycling of construction and demolition waste in order to protect the public health, safety, and welfare and to meet the City's obligations under Assembly Bill 939, Senate Bill 1374, the California Green Building Standards Code, and related diversion requirements of the California Department of Resources Recycling and Recovery.

(Ord. No. 12-05, § 1, 4-18-2012)

Sec. 4.24.020. - Definitions.

For the purposes of this chapter the following words and phrases are defined as follows, unless it is apparent from the context that a different meaning is intended. Words and phrases not defined by this section shall have the meanings set forth in Division 30, Part 1, Chapter 2 of the Public Resources Code, §§ 40000 [et seq.] and following and the regulations of the California Department of Resources Recycling and Recovery.

If not defined in the Public Resources Code or the California Department of Resources Recycling and Recovery's regulations, then the definitions found in the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6901 and following and the regulations implementing RCRA, as they may be amended, shall apply.

- (05) *Applicant* shall mean any person, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever required to apply for a City permit to undertake any covered project, as defined below.
- (10) *Community Development Director* shall mean the City Manager's designee and his or her designees.
- (15) *Construction and demolition materials* or *C&D materials* shall mean used or commonly discarded materials removed from premises of a covered project during construction, grading, remodeling, repair, demolition, deconstruction or renovation resulting from construction, renovation, grading, remodeling, repair, deconstruction or demolition operations on any pavement, house, commercial building, or other structure, or from landscaping. Such materials include, but are not limited to, inert waste (including rock, concrete, brick, sand, soil, ceramics and cured asphalt), gravel, plaster, gypsum wallboard, aluminum, glass, plastic pipe, roofing material, carpeting, wood, masonry, trees, stumps, remnants of new materials, including paper, plastic, carpet scraps, wood scraps, scrap metal, building materials, packaging and rubble.
- (20) *Construction and demolition diversion security deposit* or *diversion security deposit* shall mean cash or a letter of credit in a form acceptable to the City, submitted to the City pursuant this chapter.
- (25) *Construction and demolition materials management plan* or *C&DMMP* shall mean a completed C&DMMP form, approved by the City for the purpose of compliance with this chapter.
- (30) *Covered project* shall mean a project for which a building, demolition, grading or other similar permit is required by the City.
- (35) *Deconstruction* shall mean a process to dismantle or remove useable materials from structures, in a manner which maximizes the recovery of building materials for reuse and recycling and minimizes the amount of waste transported for disposal in landfills and transformation facilities.
- (40) *Divert* or *diversion* shall mean activities which reduce or eliminate the amount of C&D material from disposal in a landfill or transformation facility. See Public Resources Code § 40124.
- (45) *Diversion requirement* shall mean the diversion of at least 50 percent, by weight, of the C&D material,

ITEM 7.2 - Attachment B

other than inert waste, generated by a covered project by reuse or recycling, and that at least 50 percent of the inert waste is removed from the solid waste stream and not disposed of in a solid waste landfill, unless the applicant has been granted an exemption pursuant to this chapter. If the applicant has been granted an exemption, the diversion requirement shall be the maximum feasible diversion rate established by the community development director for the project.

- (50) *Feasible* shall have the meaning ascribed by Public Resources Code § 21061.1.
- (55) *Inert waste* shall have the meaning ascribed by Public Resources Code § 41821.3(a)(1).
- (60) *Project* shall mean any activity for which a building, demolition, grading or other similar permit is required from the City.
- (65) *Recycling* shall have the meaning ascribed by Public Resources Code § 40180.
- (70) *Reuse* shall mean further or repeated use of C&D materials or inert waste.
- (75) *Salvage* shall mean the controlled removal of C&D materials from a permitted construction or demolition site for the purpose of recycling, reuse, or storage for later recycling or reuse.
- (80) *Valuation* shall have the same meaning as defined in Chapter 10.08 (California Building Code) of this Code.

(Ord. No. 12-05, § 1, 4-18-2012)

Sec. 4.24.030. - Covered projects.

All covered projects shall comply with the provisions of this chapter. Compliance with the provisions of this chapter shall be a condition for refund of the project's diversion security deposit.

(Ord. No. 12-05, § 1, 4-18-2012)

Sec. 4.24.040. - Exempt projects.

The provisions of this chapter shall not apply to any of the following:

- (1) Work that does not require a building permit, demolition permit, and/or grading permit;
- (2) Projects that are not projected to generate three cubic yards or more of C&D materials; or
- (3) Demolition or construction required to protect public health or safety in an emergency, as defined in Public Resources Code § 21060.3.

(Ord. No. 12-05, § 1, 4-18-2012)

Sec. 4.24.050. - C&DMMP required.

Each applicant for a permit for any covered project shall complete and submit to the Community Development Department a C&DMMP on a form approved by the City for this purpose prior to permit issuance. The completed C&DMMP, at a minimum, shall indicate all of the following:

- (1) The estimated weight of C&D materials, itemized as required by City, to be generated;
- (2) The maximum weight of C&D materials projected to be generated by the covered project;
- (3) The estimated weight of residual C&D materials to be transported for disposal in a landfill or transformation facility; and
- (4) The estimated weight of inert waste to be removed from the waste stream and not disposed of in a landfill or transformation facility.

(Ord. No. 12-05, § 1, 4-18-2012)

Sec. 4.24.060. - Diversion security deposits.

Each applicant for a permit for a covered project, except for all City-sponsored projects, shall submit a diversion security deposit with the C&DMMP. The amount of the diversion security deposit shall be as follows:

Amount of C&D Materials Projected to be Generated	Amount of Diversion Security Deposit
<u>3</u> to less than <u>10</u> cubic yards	\$250.00
<u>10</u> to less than 80 cubic yards	\$900.00
80 or more cubic yards	\$2,700.00
25 or more permits expected to be issued to a single applicant in a single calendar year for similar covered projects projected to generate a cumulative total of 400 or more cubic yards	\$7,050.00
Any new building or building demolition, as defined by the City's Building Code	\$100.00 per <u>3</u> cubic yards of C&D materials projected to be generated, up to a maximum of \$50,000.00

(Ord. No. 12-05, § 1, 4-18-2012)

Sec. 4.24.070. - Approval of C&DMMP.

The Community Development Director shall approve a C&DMMP if all of the following conditions have been met:

- (1) The C&DMMP provides all of the information set forth in Section 4.24.050 of this chapter;
- (2) The C&DMMP indicates that the diversion requirement will be met; and
- (3) The applicant has submitted an appropriate diversion security deposit in compliance with Section 4.24.060 of this chapter.

(Ord. No. 12-05, § 1, 4-18-2012)

Sec. 4.24.080. - Disapproval of C&DMMP.

ITEM 7.2 - Attachment B

If the Community Development Director determines that the C&DMMP is incomplete or fails to meet the diversion requirement, the Community Development Director shall notify the applicant and no permits shall be issued until the C&DMMP is approved.

(Ord. No. 12-05, § 1, 4-18-2012)

Sec. 4.24.090. - Application for refund.

Within 180 days after the completion (permit final) of any covered project that requires a diversion security deposit, the applicant may submit to the Community Development Director documentation that the applicant has met the diversion requirement for the project and apply for a refund of the diversion security deposit. This documentation may include any of the following in form sufficient to the City:

- (1) For covered projects that use the City's franchise waste hauler, proof of purchase or delivery of waste containers shall be sufficient to meet the diversion requirement. Weight of materials will not be required;
- (2) Receipts or gate tickets from the vendor or facility which received the C&D materials showing the actual weight of that material and "Laguna Woods" as the city of origin;
- (3) A description of the type and amount of materials used for salvage; or
- (4) Any additional information the Community Development Director determines is relevant to determining the applicant's efforts to comply in good faith with this chapter.

(Ord. No. 12-05, § 1, 4-18-2012)

Sec. 4.24.100. - Weight of construction and demolition material diversion.

Applicants shall make reasonable efforts to ensure that all C&D materials diverted, or delivered to disposal facilities for disposal, are measured and recorded using the most accurate method of measurement reasonably available. To the extent practicable, all C&D materials and inert waste to be removed from the waste stream and not disposed in a landfill or transformation facility or used for salvage shall be weighed on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For C&D materials for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the applicant shall use standardized conversion rates approved by the City for this purpose. All weight-related documentation must indicate "Laguna Woods" as the city of origin.

(Ord. No. 12-05, § 1, 4-18-2012)

Sec. 4.24.110. - Determination of compliance and release of diversion security deposit.

The Community Development Director shall review the information submitted under Section 4.24.090 of this chapter and determine whether the applicant has complied with the C&DMMP, as follows:

- (1) *Full compliance.* If the Community Development Director determines that the applicant has fully complied with the C&DMMP applicable to the project, the Community Development Director shall cause the full diversion security deposit to be released to the applicant.
- (2) *Good faith effort to comply.* If the Community Development Director determines that the applicant has not fully complied with the C&DMMP, the Community Development Director shall determine whether the applicant made a good faith effort to comply with this chapter. In making this determination, the Community Development Director shall consider the availability of markets for the C&D materials

transported for disposal in a landfill or transformation facility, the size of the project, and the documented efforts of the applicant to divert C&D materials and remove inert waste from the waste stream. If the Community Development Director determines that the applicant has made a good faith effort to comply with this chapter, the Community Development Director shall approve the release of the diversion security deposit, or a portion thereof, to the applicant. Any portion of the diversion security deposit not released to the applicant shall be retained by the City.

- (3) *Noncompliance.* If the Community Development Director determines that the applicant has not made a good faith effort to comply with this chapter, or if the applicant failed to submit the documentation required by Section 4.24.090 of this chapter within the required time period, then the diversion security deposit shall be retained by the City.
- (4) *Refund of erroneous payment.* The Community Development Director may authorize the refund of any diversion security deposit which was erroneously paid or collected.
- (5) *Withdrawal of permit application.* The Community Development Director may authorize the refund of any diversion security deposit if the permit application for a covered project is withdrawn or cancelled before any work has begun.
- (6) Diversion security deposits retained by the City may be used only for:
 - a. Payment of diversion security deposit refunds;
 - b. Costs of administration of the program established by this chapter; and
 - c. Cost of programs to encourage and achieve diversion of construction materials from disposal at disposal facilities.

(Ord. No. 12-05, § 1, 4-18-2012)

Sec. 4.24.120. - C&DMMP waivers.

- (a) If an applicant for a covered project experiences or anticipates unique circumstances that the applicant believes make it not feasible to comply with the diversion requirement, the applicant may apply for a waiver. The applicant shall indicate on the C&DMMP the maximum rate of diversion the applicant believes is feasible for each material and the specific circumstances that the applicant believes make it not feasible to comply with the diversion requirement.
- (b) The Community Development Director shall review the information supplied by the applicant and may meet with the applicant to discuss possible ways of meeting the diversion requirement. Based on the information supplied by the applicant, the Community Development Director shall determine whether it is possible for the applicant to meet the diversion requirement.
- (c) If the Community Development Director determines that it is not feasible for the applicant to meet the diversion requirement, the Community Development Director shall determine the maximum feasible diversion rate for each material and shall designate this rate on the C&DMMP submitted by the applicant.
- (d) If the Community Development Director determines that it is possible for the applicant to meet the diversion requirement, the Community Development Director shall deny the application for exemption and inform the applicant in writing of the denial and the reasons for the denial. The applicant shall have 30 days after receipt of such notification to resubmit a C&DMMP form in full compliance with this chapter. If the applicant fails to resubmit the C&DMMP, or if the resubmitted C&DMMP does not comply with this chapter, the Community Development Director shall deny the C&DMMP, and the Community Development Department shall not issue a permit for that project.

(Ord. No. 12-05, § 1, 4-18-2012)

Sec. 4.24.130. - Appeal.

ITEM 7.2 - Attachment B

Each applicant shall have the right to appeal any decision made by the Community Development Director to the City Manager or the City Manager's designee. The applicant must file a notice of appeal from the ruling of the Community Development Director with the City Clerk not more than ten business days after the notice of the Community Development Director's decision was mailed to the address provided by the applicant. The notice of appeal shall include all evidence and legal arguments which the applicant wishes the City, and any reviewing court to consider. The decision made by the City Manager, or the City Manager's designee, shall be in writing, stating the legal and factual basis for the decision. The decision shall be final and conclusive.

(Ord. No. 12-05, § 1, 4-18-2012)

Sec. 4.24.140. - Inspection.

The Community Development Director shall have the right to enter project sites, unannounced, for the purpose of making reasonable inspections to observe and enforce compliance with this section and any applicable laws or regulations.

(Ord. No. 12-05, § 1, 4-18-2012)

Sec. 4.24.150. - Infraction.

Violation of any provision of this chapter shall constitute an infraction.

(Ord. No. 12-05, § 1, 4-18-2012)

7.3 WIRELESS FACILITIES REGULATIONS

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City of Laguna Woods Agenda Report

TO: Honorable Mayor and City Councilmembers
FROM: Christopher Macon, City Manager
FOR: January 17, 2018 Regular Meeting
SUBJECT: Wireless Facilities Regulations

Recommendation

1. Receive staff report.

AND
2. Open public hearing.

AND
3. Receive public testimony.

AND
4. Close public hearing.

AND
5. 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, AMENDING SECTION 13.26.210 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO THE INSTALLATION AND MODIFICATION OF WIRELESS FACILITIES

Background

Section 13.26.210 of the Laguna Woods Municipal Code contains regulations related to the design and location of wireless communication facilities. Those regulations were last amended earlier this fiscal year.

Discussion

Today's meeting is an opportunity for City Council action, as well as public input, on the proposed wireless facilities regulations (Attachment A). Staff recommends that the City Council initiate the adoption process for the proposed regulations in order to correct inadvertent textual errors related to the backup power requirement and minor typographical errors (see pages 12 and 13 of Exhibit A to Attachment A). Doing so would help to ensure clarity and ease of administration.

If the City Council takes the recommended action at today's meeting, the proposed ordinance would be agendized for a second reading and consideration of adoption at an upcoming meeting. The ordinance would take effect 30 days after adoption.

Environmental Review

This project has no possibility of directly impacting the environment, nor is it reasonably foreseeable that the adoption of this ordinance will have indirect impacts on the environment. Therefore, the adoption of this ordinance is not a project subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations. Furthermore, even if CEQA did apply, this project would be categorically exempt under sections 15303 (New Construction or Conversion of Small Structures), 153011 (Accessory Structures), and 15322 (In-Fill Development Projects) of Title 14 of the California Code of Regulations.

Fiscal Impact

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

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

ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTION 13.26.210 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO THE INSTALLATION AND MODIFICATION OF WIRELESS FACILITIES

WHEREAS, wireless facilities regulations are codified, in part, at Section 13.26.210 of the Laguna Woods Municipal Code; and

WHEREAS, staff has recommended amendments to the existing wireless facilities regulations as set forth in the attached Exhibit A to this Ordinance (the “Code Amendments”) which, if adopted, would correct inadvertent textual errors related to the backup power requirement and minor typographical errors, in a manner that would help to ensure clarity and ease of administration; and

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

WHEREAS, on January 17, 2018, the City Council held a duly noticed public hearing on the proposed Code Amendments at which it considered all of the information, evidence, and testimony presented, both written and oral.

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

SECTION 1. The City Council hereby finds and determines that (i) each of the recitals to this Ordinance are true and correct, and are adopted herein as findings; (ii) the Code Amendments comply with all applicable requirements of State law; (iii) the Code Amendments will not adversely affect the health, safety, or welfare of the residents within the community; (iv) the Code Amendments are in the public interest of the City of Laguna Woods; and, (v) the Code Amendments are consistent with the Laguna Woods General Plan and its various elements.

SECTION 2. After reviewing the entire project record, the City Council hereby determines and certifies that there is no possibility that the Code Amendments could

have a significant effect on the environment. Accordingly, pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations, the City Council certifies that the Code Amendments are not subject to CEQA. The City Council further determines and certifies that, even if the Code Amendments were subject to CEQA, they are categorically exempt from the requirements of CEQA pursuant to sections 15303 (New Construction or Conversion of Small Structures), 15311 (Accessory Structures), and 15332 (In-Fill Development Projects) of Title 14 of the California Code of Regulations.

SECTION 3. Section 13.26.210 of the Laguna Woods Municipal Code is hereby amended to read as set forth in Exhibit A, attached to this Ordinance and incorporated herein by this reference.

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

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

SECTION 6. The 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 2018.

CAROL MOORE, 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. 18-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the XX day of XX 2018, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the XX day of XX 2018 by the following vote to wit:

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

YOLIE TRIPPY, Deputy City Clerk

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**EXHIBIT A
CODE AMENDMENTS**

Section 13.26.210 (“Wireless communication facilities”) of Chapter 13.26 (“Special Regulations”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is amended to read as follows (formatting changes to italics shown with green underlining, additions shown with blue underlining, and deletions shown with ~~strike through~~):

Sec. 13.26.210. - Wireless facilities.

(a) *Purpose and intent.* The purpose of these requirements and guidelines is:

- (1) To regulate the location and design of Wireless Facilities as defined herein to facilitate the orderly deployment and development of wireless communications services in the City;
- (2) To ensure the design and location of Wireless Facilities are consistent with policies of the City previously adopted to guide the orderly development of the City;
- (3) To promote the public health, safety, comfort, convenience, quality of life and general welfare of the City’s residents;
- (4) To protect property values and enhance aesthetic appearance of the City by maintaining architectural and structural integrity;
- (5) To protect views from obtrusive and unsightly accessory uses and facilities; and
- (6) To ensure the City’s requirements and guidelines for Wireless Facilities are consistent with state and federal law, including without limitation, Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (codified at 47 U.S.C. § 1455(a)) and its implementing regulations (set forth in 47 C.F.R. § 1.40001), Section 332(c) of the Communications Act of 1934 (codified at 47 U.S.C. § 332), and California Assembly Bill No. 57 (“AB 57”), effective January 1, 2016 (codified at Gov. Code § 65964.1).

(b) *Scope.* This Section does not intend to, and shall not be interpreted to apply to:

- (1) Prohibit or effectively prohibit Personal Wireless Services; or

- (2) Unreasonably discriminate among providers of functionally equivalent Personal Wireless Services; or
- (3) Regulate the installation, operation, Collocation, modification or removal of Wireless Facilities on the basis of the environmental effects of RF emissions to the extent that such emissions comply with all applicable FCC regulations; or
- (4) Prohibit or effectively prohibit any Collocation or modification that the City may not deny under California or federal law; or
- (5) Preempt any applicable state or federal law.

(c) *Implementing Policies and Procedures.* The Director may adopt such policies and procedures as he or she deems necessary to implement the requirements of this Section, or to otherwise preserve and maintain the public health, safety, welfare, and convenience, provided such policies and procedures are consistent with this Section and not in conflict with all applicable state and federal laws.

(d) *Definitions.* For purposes of this Section only, the following words, phrases, and terms as used in this Section shall have the meaning as indicated below. The “definitions” and “general rules for construction of language” set forth in Section 13.06.010 of this Code shall also apply to this Section.

- (1) *Applicant:* any Person submitting an Application for a Permit.
- (2) *Application:* an application for a Permit.
- (3) *Base Station:* has the same meaning as the term is defined in 47 C.F.R. § 1.40001(b)(1), as amended from time to time or replaced by a successor regulation.
- (4) *Collocation:* has the same meaning as the term is defined in 47 C.F.R. § 1.40001(b)(2), as amended from time to time or replaced by a successor regulation.
- (5) *CPUC:* the California Public Utilities Commission.
- (6) *Department:* the City’s Community Development Department.
- (7) *Director:* the City Manager or his or her designee.

(8) *Eligible Facilities Request*: has the same meaning as the term is defined by 47 C.F.R. § 1.40001(b)(3), as amended from time to time or replaced by a successor regulation.

(9) *Eligible Facility Request Permit* or *EFR Permit*: a permit issued pursuant to this Section authorizing a Eligible Facilities Request.

(10) *Eligible Support Structure*: has the same meaning as the term is defined by 47 C.F.R. § 1.40001(b)(4), as amended from time to time or replaced by a successor regulation.

(11) *Existing*: only when capitalized, has the same meaning as the term is defined by 47 C.F.R. § 1.40001(b)(5), as amended from time to time or replaced by a successor regulation.

(12) *FCC*: the Federal Communications Commission.

(13) *Historic Resource*: Any building, site, structure, object, or district, which may have historical, prehistoric, architectural, archaeological, cultural, or scientific importance and is listed or eligible for listing in the National Register of Historic Places, the California Register of Historical Resources, or a local register of historical resources, including without limitation, any historically or architecturally significant, decorative, or specially designed utility, transit, or street light pole located in the public right-of-way.

(14) *Historic Protected Location*:

a. Any site that has a Historic Resource or is in the Immediate Vicinity of a Historic Resource; or

b. Any eligible national register historic district, listed or eligible California register historic district, or local historic or conservation district.

(15) *Immediate Vicinity*: only when capitalized, “Immediate Vicinity” shall mean within two hundred (200) feet of the property lines surrounding a Historic Resource, Park, Residence or public right-of-way.

(16) *Over-the-Air Reception Devices* or *OTARDs*: any antennae or mast listed in 47 C.F.R. § 1.4000(a)(i)-(iv), as amended from time to time or replaced with a successor regulation.

- (17) *Park*: any public park located in the City.
- (18) *Park Protected Location*: any site that is a Park or is in the Immediate Vicinity of a Park.
- (19) *Permit*: a Wireless Use Permit or an Eligible Facility Request Permit.
- (20) *Permittee*: a Person issued a Permit.
- (21) *Person*: any individual, group, company, partnership, association, joint stock company, trust, corporation, society, syndicate, club, business, or governmental entity. "Person" shall not include the City.
- (22) *Personal Wireless Service*: shall have the same meaning as the term is defined in 42 U.S.C. § 332(c)(7)(C)(i), as amended from time to time or replaced by a successor statute.
- (23) *Protected Location*: a Historic Protected Location, Park Protected Location, or Residential Protected Location.
- (24) *Replace*: only when capitalized, "Replace" means to remove previously permitted equipment and install new equipment at a permitted Wireless Facility that is identical in size or smaller than the previously permitted equipment.
- (25) *Residence*: any structure intended for lawful use as a dwelling, including single-family attached and detached homes and multiple-family structures.
- (26) *Residential Protected Location*: any site that has a Residence or is in the Immediate Vicinity of a Residence.
- (27) *Reviewing Authority*:
- a. For requests for an Eligible Facility Request Permit, the "Reviewing Authority" is the Director.
 - b. For requests that require a Wireless Use Permit and appeals of any decision of the Director, the "Reviewing Authority" is the City Council.

(28) *Section 6409(a)*: Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (codified at 47 U.S.C. § 1455(a)) and its implementing regulations (codified at 47 C.F.R. § 1.40001), as that statute and those regulations are amended from time to time or replaced with a successor statute or regulation.

(29) *Site*: only when capitalized, “Site” has the same meaning as the term is defined by 47 C.F.R. § 1.40001(b)(6), as amended from time to time or replaced by a successor regulation.

(30) *Substantial Change or Substantially Change*: has the same meaning as the term is defined by 47 C.F.R. § 1.40001(b)(7), as amended from time to time or replaced by a successor regulation.

(31) *Tower*: has the same meaning as the term is defined by 47 C.F.R. § 1.40001(b)(9), as amended from time to time or replaced by a successor regulation.

(32) *Transmission Equipment*: has the same meaning as the term is defined by 47 C.F.R. § 1.40001(b)(8), as amended from time to time or replaced by a successor regulation.

(33) *Unprotected Location*: means a site that is not a Historic Protected Location, Park Protected Location, nor a Residential Protected Location.

(34) *Wireless Facility*: has the same meaning as the term “personal wireless service facilities” is defined by 47 U.S.C. § 332(c)(7)(C)(ii), as amended from time to time or replaced by a successor statute. The term “Wireless Facility” also includes any Base Station, Tower or Transmission Equipment.

(35) *Wireless Use Permit*: a permit issued pursuant to this Section authorizing a Permittee to construct, install, and maintain a Wireless Facility.

(e) *Applicability; Exemptions.*

(1) *Applicability.* This Section applies to all new Wireless Facilities and all modifications to Existing Wireless Facilities unless the Wireless Facility qualifies for an exemption under state or federal law or subsection (e)(2) below.

(2) *Exemptions.* In addition to any exemptions provided by state or federal law, this Section does not apply to:

- a. Amateur radio facilities;
- b. Antennas for OTARDs; or
- c. Wireless Facilities owned and operated by the City for its use.

(f) *Development Requirements.* Wireless Facilities shall comply with each of the following requirements.

(1) *Signage.* A Wireless Facility shall not bear any signs or advertising devices other than certification, public safety, warning, or other required seals or required signage that are required by governmental agencies acting in their regulatory capacity.

(2) *Screening and Camouflage.*

a. Any and all Transmission Equipment shall be located within a building, an enclosure, or an underground vault in a manner that complies with the development standards of the zoning district in which such Transmission Equipment is located. In addition, if Transmission Equipment is located above ground, it shall be visually compatible with the surrounding buildings and either shrouded by sufficient landscaping to screen the Transmission Equipment from view, or designed to match the architecture of adjacent buildings. If Transmission Equipment will be visible from a Protected Location or a public street, the Applicant shall provide a solid masonry block wall, or another material that is acceptable to the Reviewing Authority, that will screen the Transmission Equipment from the Protected Location or public street. If no recent and/or reasonable architectural theme is present, the Reviewing Authority may require a particular design that is deemed suitable to the subject location.

b. All screening used in connection with a wall mounted and/or roof mounted Wireless Facility shall be compatible with the architecture, color, texture, and materials of the building or structure to which it is attached.

c. A Wireless Facility’s exterior finish shall be comprised of nonreflective material(s) and painted, screened, or camouflaged to blend with the materials and colors of surrounding buildings, structures, or environments.

d. A roof mounted Wireless Facility that extends above the existing parapet of the building on which it is mounted shall be screened by a material and in a manner that is compatible with the existing design and architecture of the building to the satisfaction of the Reviewing Authority.

e. A roof mounted Wireless Facility requiring the placement of any guy wires, supporting structures, or accessory equipment shall be located and designed so as to minimize the visual impact as viewed from surrounding properties and public rights-of-way, including any public views from higher elevations.

(3) *Illumination.* Wireless Facilities may not be illuminated unless specifically required by the Federal Aviation Administration (“FAA”) or other governmental agencies acting in their regulatory capacity.

(4) *Consent to Collocation.* The Permittee and the property owner, if different from the Permittee, shall consent to future Collocation of other Wireless Facilities on or with the Permittee's Wireless Facility, unless such Collocation is technically infeasible; provided however, this requirement shall not be construed to encourage the installation of a larger Wireless Facility (such as a Tower) where a smaller and more discrete Wireless Facility (such as a distributed antennae system or “DAS”) would be sufficient to meet the Personal Wireless Service needs of the community.

(5) *Setbacks.* A Wireless Facility shall be considered an accessory structure for the purpose of determining applicable setback requirements. If the Wireless Facility is located in a residential zoning district or a Protected Residential Location, then the Wireless Facility shall comply with the setback requirements for the nearest residential zoning district. In all other instances, the Wireless Facility shall comply with the applicable setback requirements for the zoning district in which it is located.

(6) *Height.* A Wireless Facility shall not exceed the maximum building height for the zoning district in which it is located; provided however:

ITEM 7.3 – Exhibit A to Attachment A

a. A roof mounted Wireless Facility may exceed the height of the structure on which it is mounted by up to fifteen (15) feet if the Applicant demonstrates to the Reviewing Authority's satisfaction that: (i) the extended height is technically necessary for operation of the Facility, (ii) the Facility is Collocated, or contains adequate space suitable for future Collocation, and the extended height is necessary for such Collocation, and (iii) the extended height is otherwise consistent with the requirements set forth in this Section;

b. A utility mounted Wireless Facility may exceed the height of the structure on which it is mounted by up to four (4) feet if the Applicant demonstrates to the Reviewing Authority's satisfaction that the extended height: (i) is technically necessary for operation of the Wireless Facility, and (ii) is otherwise consistent with the requirements set forth in this Section; and

c. A ground mounted Wireless Facility may exceed the maximum building height for the zoning district in which it is located if: (i) the Applicant demonstrates to the Reviewing Authority's satisfaction that exceeding the height limitation is technically necessary for operation of the Wireless Facility; (ii) the Wireless Facility is Collocated, or contains adequate space suitable for future Collocation, and the extended height is necessary for such Collocation, and (iii) the extended height is otherwise consistent with the requirements set forth in this Section.

(7) *Horizontal Protrusion.*

a. No portion of a Wireless Facility may protrude beyond property lines or into any portion of property where such Wireless Facility is not itself permitted (such as in a required setback); provided, however, the Reviewing Authority may approve the location of guy wires in a required setback if the Applicant demonstrates to the Reviewing Authority's satisfaction that such approval is technically necessary for the operation of the Wireless Facility and otherwise consistent with the requirements set forth in this Section.

b. A utility mounted Wireless Facility shall not protrude horizontally from the side(s) of the structure on which it is mounted

by more than eighteen (18) inches; provided however, the Wireless Facility may exceed the protrusion requirement if the Applicant demonstrates to the Reviewing Authority's satisfaction that the extended protrusion is technically necessary for operation of the Facility.

(8) *Location and Siting.*

a. Unless specifically exempt by federal law, state law or this Section, the following types of Wireless Facilities are prohibited in Historic Protected Locations:

1. Ground mounted Wireless Facilities; and
2. Wall mounted, utility mounted, or roof mounted Wireless Facilities that: (i) are not screened by solid material on four sides; (ii) are not architecturally compatible with surrounding land uses; and (iii) exceed the maximum height of the applicable zoning district in which the Wireless Facility is located. For the purposes of determining such maximum height, no additional height that may be otherwise permissible under subsection (f)(6) above shall be considered.

b. A new Wireless Facility shall not be located within 1,500 feet of any existing Wireless Facility unless:

1. The new Wireless Facility is wall mounted, utility mounted, or roof mounted and: (i) is screened by solid material on four sides; (ii) is architecturally compatible with surrounding land uses; and (iii) does not exceed the maximum height of the applicable zoning district in which the Facility is located. For the purposes of determining such maximum height, no additional height that may be otherwise permissible under subsection (f)(6) above shall be considered;
2. The Reviewing Authority determines that: (i) the Applicant has demonstrated to the Reviewing Authority's satisfaction that a shorter distance between the new and existing Wireless Facilities is technically necessary, (ii) the area served by the new Wireless Facility could not be served by one or more Wireless Facilities that meet the criteria set forth in subsection "1" above, (iii) the selected Site would result in less

visual obtrusiveness in the surrounding area, and (iv) the new and existing Wireless Facilities are not located within 500 feet of each other; or

3. The Reviewing Authority determines that the installation of the new Wireless Facility would result in less visual obtrusiveness in the surrounding area as compared to otherwise available Collocations located within 1,500 feet of the existing Wireless Facility.

c. A ground mounted Wireless Facility:

1. Shall not be located in any required setback;

2. Shall not be located in a required parking area, vehicle maneuvering area, vehicle/pedestrian circulation area, or area of landscaping such that it interferes with, or in any way impairs, the utility or intended function of such area; and

3. To the extent possible, shall be located in close proximity to existing above ground utilities, such as electrical towers or utility poles (not scheduled for removal or undergrounding within eighteen (18) months of the date the Application is deemed complete), light poles, trees of comparable height, water tanks and other areas where the Wireless Facility will not detract from the image or appearance of the City.

d. *City-Owned Property and Public Right-of-Way.*

1. The City Council may approve by resolution, following a duly noticed public hearing, a list of sites located on City-owned property or within the public right-of-way that are pre-approved for Wireless Facilities. Each site shall include a description of permissible development and design characteristics of the permissible types of Wireless Facility, including but not limited to maximum height requirements. The City shall make such resolution available to all persons upon request. The City Council may subsequently amend the list of preapproved sites or Wireless Facilities by resolution from time to time. Wireless Facilities on preapproved sites require an Eligible Facilities Request Permit or a Wireless Use Permit, as

applicable, and must otherwise comply with the Laguna Woods Municipal Code.

2. Unless otherwise exempt by federal or state law, Wireless Facilities on City-owned property or in the public right-of-way require a written lease agreement, license, or other agreement acceptable to the City Attorney's Office between the City and the operator of the Wireless Facility. The existence of a lease agreement, license, or similar agreement shall not relieve the operator of any obligations to obtain appropriate Permits for the Wireless Facility or otherwise comply with the Laguna Woods Municipal Code.

3. All lease agreements, licenses, or similar agreements for Wireless Facilities on City-owned property or in the public right-of-way shall be nonexclusive. To the extent technically feasible, the operator of a Wireless Facility located on City-owned property or in the public right-of-way shall make the supporting structure of the Facility available to any other Applicant wishing to Collocate.

(9) *Safety and Security.*

a. A ground mounted Wireless Facility shall be secured from access by the general public with a fence or other form or screening of a type and dimensions approved by the Reviewing Authority.

b. A ground mounted Wireless Facility shall be covered with a clear anti-graffiti material of a type approved by the Reviewing Authority. The Reviewing Authority may waive this requirement if the Applicant demonstrates to the satisfaction of the Reviewing Authority that there is adequate other security around the Wireless Facility to prevent graffiti.

(10) *Backup Power Requirement.*

a. This provision shall only apply to applications for the construction of new ground-mounted Wireless Facilities, or modification to a preexisting ground-mounted Wireless Facility, that require the issuance of a Wireless Use Permit.

b. All construction of new ground-mounted Wireless Facilities, or modification to an existing ground-mounted Wireless Facility, that require the issuance of a Wireless User Permit, shall be required to install and maintain an on-site backup generator, or similar on-site energy source, that is of sufficient capacity and maintained in such condition as to be readily capable of powering all of the equipment located on said Wireless Facility so as to allow the Wireless Facility to continue to function for a period of not less than 24 hours of continuous use when regular energy systems as provided by the local utility company to the subject Wireless Facility are inoperable, interrupted, or otherwise experiencing shortages.

c. *Other Standards.*

1. *Number.* More than one on-site backup generator or similar on-site energy source may be installed to serve a single ground-mounted Wireless Facility in order to meet the requirements of this section.

2. *Aesthetics.* On-site backup generators and similar on-site energy sources shall be architecturally integrated into one or more concealing structures or otherwise screened from view from public right-of-way and residential properties by topography, plantings, walls, or fencing.

3. *Noise.* On-site backup generators and similar on-site energy sources shall be installed and operated in a manner that results in compliance with the noise standards set forth in this Code.

4. *Water Quality.* On-site backup generators and similar on-site energy sources shall be installed in a manner that results in compliance with applicable National Pollutant Discharge Elimination System (NPDES) requirements and water quality-related best management practices, as may be required at the City's discretion.

5. *Limitations on Operation.* In order to control noise and minimize operational impacts, on-site backup generators and similar on-site energy sources shall only be operated when regular energy systems as provided by the local utility company

to the subject ~~automobile service station~~ Wireless Facility are inoperable, interrupted, or otherwise experiencing shortages.

d. Additional Permitting. ~~To the greatest extent authorized by state and federal law, the installation of on-site backup generators, or similar on-site energy sources, shall be included as a condition of approval for the conditional use permit sought from the City, or as a site development permit when no conditional use permit is required.~~ The applicant shall be responsible for determining whether additional permits or approvals are required from the City, Orange County Fire Authority, South Coast Air Quality Management District, and other regulatory agencies.

e. Submittals. The City may require such submittals and fees as are reasonably necessary to implement and enforce this section including, but not limited to, site plans, visual renderings, and reports from qualified professionals to substantiate the demand and power-generating adequacy of the on-site backup generator or similar on-site energy source.

(g) *Types of Permits Required.*

(1) *Wireless Use Permit*. Unless specifically exempt by federal law, state law or this Section, all new Wireless Facilities and modifications or Collocations to existing Wireless Facilities that do not qualify as an Eligible Facilities Request require a Wireless Use Permit.

(2) *Eligible Facility Request Permit*. Unless specifically exempt by federal law, state law or this Section, all Eligible Facilities Requests require an Eligible Facilities Request Permit.

(h) *Applications; Fees; Deposits.*

(1) *Contents of Application*. Except as set forth in subsections “m” and “n” below, Applications for a Permit must include all of the following:

a. *Use Permit Application Materials*. Any and all materials required for a “Use Permit” under Chapter 13.24 of this Code, including a fully completed and executed form application required by Section 13.24.030(a) of this Code, as may be amended from time-to-time or replaced by a successor ordinance. Unless otherwise exempt under either federal or state law, if the proposed

Wireless Facility is to be located on a City-held easement or right-of-way, on City-owned property, or on a City-owned building or structure, the form application must be signed by an authorized representative of the City. The form application must state what approval is being sought (*i.e.*, a Wireless Use Permit or an Eligible Facility Request Permit).

b. *Required Licenses or Approvals.* Evidence that the Applicant has all current licenses and registrations from the FCC, the CPUC, and any other applicable regulatory bodies where such license(s) or registration(s) are necessary to provide Personal Wireless Services utilizing the proposed Wireless Facility. Furthermore, the Applicant is required to provide any other evidence that it possesses the required licenses and approvals to provide Personal Wireless Services within the City.

c. *Prior Approvals.* For proposed modifications to Existing Wireless Facilities, the Applicant must provide copies of the approved plans, photo simulations, staff report/resolution, and/or approval letters from the original discretionary approval(s) along with the most recent discretionary approval(s) for the Existing Wireless Facility. Notwithstanding the foregoing, this requirement can be independently waived by the City to the extent the required approvals are in the City's possession.

d. *Carriers.* For modifications to Existing Wireless Facilities, the Application must identify all carriers currently using the Wireless Facility. For all proposed Wireless Facilities, the Application must identify all carriers that will use the Facility if the Permit is approved (if known).

e. *Plans.* Three (3) full-size construction-ready plans of the proposed Wireless Facility with an exact PDF copy on compact disk, wet stamped by a professional engineer, showing the entire proposed Wireless Facility and any appurtenant structures, including, where applicable, any required on-site backup generator, or similar on-site energy source, in plan and elevation views, all proposed changes in plan and elevation views, and all utility runs and points of contact. These plans must be drawn at 1" = 20' or a comparable scale and contain all of the following information:

ITEM 7.3 – Exhibit A to Attachment A

1. Location, type, dimensions, height, number, color and technical specifications of any proposed antennas.

2. Location, type, dimensions, gross floor area, height, materials and color of proposed equipment structure. Location of exhaust ports or outlets.

3. Location of existing and proposed power, telephone and other utilities serving the site.

4. Specific landscape, screening and fencing materials. Landscape plans shall include size, species, location, distance apart, plus irrigation and maintenance plans. For applications that will require compliance with Section 4.28 of the Laguna Woods Municipal Code, this particular requirement must be satisfied by providing the landscape documentation package required under that Section.

5. Proposed setbacks from property lines, nearest Residence and residentially zoned properties.

6. Location of adjacent roadways and proposed means of access.

7. Location and extent of any streams, wetlands, or landslide hazard areas on or within 100 feet of the underlying property.

8. Lot size and lot coverage calculations for the underlying property.

f. *Drawings/Simulations.* Where applicable, the Applicant must provide all of the following:

1. Two (2) color copies of photographs of the existing site conditions.

2. Two (2) color copies of photo simulations showing the proposed changes to the site.

3. Two (2) color copies of photo simulations of the proposed Wireless Facility from any Historic Resource(s),

Park(s), Residence(s), and public right(s)-of-way in the Immediate Vicinity of the Wireless Facility.

4. For modifications to Existing Wireless Facilities, dimensioned elevation drawings of the Existing Wireless Facility showing the existing and proposed antennas and equipment structures (at 1/8" = 1' or comparable scale).

g. *RF Exposure Compliance Report.* A radio frequency ("RF") report acceptable to the City prepared and certified by an RF engineer that certifies that the proposed Wireless Facility, as well as any collocated Wireless Facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must include the actual frequency and power levels (in watts ERP) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the site of the proposed Wireless Facility.

h. *Environmental Review.* Additional information, such as engineer diagrams, site diagrams, plans, technical information, and any other information with respect to the potential visual, noise, public health, and safety impacts of the proposed Wireless Facility to permit the City to conduct a preliminary environmental review.

i. *Letter of Justification.* A letter of justification accompanied by written documentation that explains and validates the Applicant's efforts to develop the proposed Wireless Facility is in accordance with federal and state law, as well as this Section. The letter of justification shall also include: (i) a description of the technical objectives to be achieved; (ii) an annotated topographical map that identifies the targeted service area to be benefitted; (iii) the estimated number of potentially affected users in the targeted service area; and (iv) full-color signal propagation maps with objective units of signal strength measurement that show the Applicant's current service coverage levels from all adjacent sites without the proposed

site, predicted service coverage levels from all adjacent sites with the proposed site, and predicted service coverage levels from the proposed site without all adjacent sites. The letter of Justification shall include a written statement demonstrating how the proposed Wireless Facility complies with all federal guidelines regarding interference and American National Standards Institute (“ANSI”) standards applicable to the Facility, including but not limited to nonionizing electromagnetic radiation (“NIER”) standards, and stating that the proposed Wireless Facility will comply with all applicable federal and state laws, including specifically FCC and Federal Aviation Administration (“FAA”) regulations, and the City’s General Plan, this Code, and all City ordinances, resolutions and policies.

j. *Alternative Sites Analysis.* The Applicant must provide a list of all sites considered as alternatives to the location of the proposed Wireless Facility, together with a general description of the site design considered at each alternate site. The Applicant must also provide a written explanation for why the alternative sites considered were unacceptable or infeasible, unavailable or not as consistent with the development standards in this Section as the location of the proposed Wireless Facility. This explanation must include a meaningful comparative analysis and such technical information and other factual justification as are necessary to document the reasons written explanation. If an Existing Wireless Facility is listed among the alternatives, the Applicant must specifically address why the modification of the Existing Wireless Facility is not a viable option. When an Applicant proposes a site in the public right-of-way, the initial alternative sites analysis required for a complete Application may evaluate other potential locations within the right-of-way.

k. *Exemptions.* Applications for an Eligible Facility Request Permit are exempt from the requirements set forth above for “Environmental Analysis”, “Letter of Justification” and “Alternative Site Analysis”, and subsections (c)(6) and (c)(7) of Section 13.24.030 of this Code (relating to properties within 300 feet of the site), as amended from time to time or replaced by a successor ordinance.

1. *Waivers.* The Director may waive one or more of the above-listed Application requirements only when: (i) the Applicant attends a pre-submittal consultation meeting with City staff for the proposed Wireless Facility, (ii) the Director finds that compliance with the Application requirement would create an unnecessary or unreasonable burden on the Applicant, and (iii) the Director memorializes the waiver and grounds therefor in a writing.

(2) *Filing Fee.*

a. A filing fee to defray the cost of processing and notification for each Application brought under this section shall be paid by the Applicant at the time the Application is accepted. Such fees shall be in accordance with the fee schedule currently in effect as adopted by resolution by the City Council.

b. Should the Applicant fail to provide the required filing fee, the City shall either (1) not accept the Application, or (2) deem and the Application incomplete.

c. The City may refund a filing fee in whole upon a determination that the application was erroneously required or filed. The City may refund a fee pro rata, based on the cost of processing the application, if the application is withdrawn prior to a decision thereon.

(3) *Future Application Developments and Modifications.* The City Council authorizes the Director to develop and make publicly available forms for Permit Applications and other materials specific for Wireless Facilities, and from time-to-time to update and amend such publicly available forms and materials as the Director deems appropriate.

(i) *Application Submittal and Resubmittal Meetings.*

(1) *Pre-Submittal Consultation Meeting.* Before submitting an Application for a Wireless Use Permit for a proposed Wireless Facility in a Protected Location or a public right-of-way, an Applicant shall schedule and attend a pre-submittal consultation meeting with the Director or other designated City staff. For all other Applications, pre-submittal consultation meetings are strongly encouraged but not required. City staff will endeavor to provide Applicants with a pre-submittal consultation meeting within fifteen (15) working days after receipt of a written request for a meeting.

(2) *Application Submittal Meeting.* All Applications must be submitted to the City at a pre-scheduled submittal meeting. City staff will endeavor to provide Applicants with a submittal meeting within five (5) working days after receipt of a written request for a meeting.

(3) *Application Resubmittal Meeting.* All resubmittals of Applications must be submitted to the City at a pre-scheduled resubmittal meeting. City staff will endeavor to provide Applicants with a resubmittal meeting within five (5) working days after receipt of a written request for a meeting.

(4) *Waiver of Meeting Requirements.* The Director, in his or her sole discretion, may waive in writing the requirement for any of the above-listed meetings.

(j) *Initial Review of Permit Applications.*

(1) *Completeness Determination.* Following receipt of a new or resubmitted Application for a Permit, the Director shall make an initial determination as to whether the Application is complete. If the Director determines the Application is not complete, the Director shall provide written notice to the Applicant that clearly and specifically delineates all missing documents, information, or payments within the timeframes set forth below.

a. *Eligible Facility Request Permits.* For Applications for EFR Permits, the Director shall provide the Applicant with written notice of his or her completeness determination within the timeframes set forth in 47 C.F.R. § 1.40001(c)(3), as that regulation is amended from time to time or replaced with a successor regulation.

b. *Wireless Use Permits.* For Applications for Wireless Use Permits, the Director shall provide the Applicant with written notice of his or her completeness determination within the timeframes set forth in Government Code § 65964.1, as that statute is amended from time to time or replaced with a successor statute.

c. *Tolling Agreement.* The timeframe to review any Application for completeness may be extended by mutual agreement of the Applicant and the Director.

(2) *Initial Categorization Determination.* At the time the Director determines an Application is complete, the Director shall also make an initial determination as to whether the proposal will be categorized as an Application for one of the following:

a. An Eligible Facilities Request for a modification to an Eligible Support Structure that is one of the following: (i) a Tower in the public right-of-way; (ii) a Tower that is not in a public right-of-way; or (iii) a Base Station in any location; or

b. A Wireless Use Permit for a new or modified Wireless Facility in one or more of the following locations: (i) a public right-of-way; (ii) a Historic Protected Location; (iii) a Park Protected Location; and (iv) a Residential Protected Location.

The Director shall provide written notice to the Applicant of his or her initial categorization determination.

An Application for a proposal that the Director determines is an Eligible Facilities Request shall be processed in accordance with subsections (k)(1), (l)(1), and (m)(1) of this Section.

Applications for all other proposals shall be processed in accordance with subsections (k)(2), (l)(2), and (m)(2) of this Section.

(k) *Timeframes and Reviewing Authority.*

(1) *Eligible Facility Request Permits.* The Director shall approve or deny an Application for an EFR Permit within the timeframes set forth in 47 C.F.R. § 1.40001(c)(2), as that regulation is amended from time to time or replaced with a successor regulation.

(2) *Wireless Use Permits.* The City Council shall approve, conditionally approve, or deny an Application for a Wireless Use Permit within the timeframes set forth in Government Code § 65964.1, as that statute is amended from time to time or replaced with a successor statute.

(3) *Tolling Agreement.* The timeframes to approve, conditionally approve, or deny any Application may be extended by mutual agreement of the Applicant and the Director.

(l) *Notice and Hearing Requirements.*

(1) *Eligible Facility Request Permits.* Unless otherwise required by state or federal law, Applications for EFR Permits may be acted upon administratively without notice or a public hearing.

(2) *Wireless Use Permits.* Before the City Council approves an Application for a Wireless Use Permit, the City shall comply with the notice and public hearing requirements for approval of a “Use Permit” set forth in Chapter 13.24 of this Code, including without limitation, the requirements set forth in Section 13.24.040(2), as that Section is amended from time to time or replaced with a successor ordinance. Any public hearing for a Wireless Use Permit may be continued to a time certain without further notice.

(m) *Required Findings.*

(1) *Eligible Facility Request Permits.* If the Director determines a proposal meets the criteria for an Eligible Facilities Request set forth in Section 6409(a), the Director shall issue an EFR Permit unless the Director makes one or more of the following findings:

- a. The proposal involves a structure that was constructed or modified without all regulatory approvals required at the time it was constructed or modified;
- b. The proposal Substantially Changes the physical dimensions of the Eligible Support Structure;
- c. The proposal entails excavation or deployment outside the Site;
- d. The proposal would defeat one or more of the concealment elements of the Eligible Support Structure;
- e. The proposal does not comply with one or more conditions of the underlying approval(s) for the Eligible Support Structure and any appurtenant equipment, provided however, this limitation does not apply if the proposal merely changes the physical dimensions of the Eligible Support Structure in a manner that does not qualify as a “Substantial Change”;
- f. The proposal involves the replacement of the entire Eligible Support Structure;

g. The Applicant has not paid all outstanding balances owed to the City for the reasonable and necessary costs of processing the Application, including any fees imposed pursuant to this Section; or

h. The proposal does not qualify for mandatory approval under Section 6409(a) for any other lawful reason.

(2) *Wireless Use Permits.* The City Council shall approve an Application for a Wireless Use Permit if it determines it can make all of the following findings:

a. The Applicant has paid all outstanding balances owed to the City for the reasonable and necessary costs of processing the Application, including any fees imposed pursuant to this Section.

b. The proposed Wireless Facility satisfies all of the findings required for approval of a “Use Permit” set forth in Chapter 13.24 of this Code, including without limitation, the findings required by Section 13.24.040(4)(a), as that Section is amended from time to time or replaced with a successor ordinance.

c. The proposed Wireless Facility blends into the surrounding environment or is architecturally integrated into a concealing structure and is screened or camouflaged by existing or proposed new topography, vegetation, buildings, or other structures. Any such improvements are appropriate for and compatible with the site and surrounding area.

d. The size, design, and operation of the proposed Wireless Facility is compatible with any supporting structures, surrounding structures, and existing uses on surrounding properties.

e. Unless infeasible, the location of the proposed Wireless Facility conforms to one or more of the following in order of preference:

1. The proposed Wireless Facility is Collocated with an Existing Wireless Facility;

2. The proposed Wireless Facility is attached to an existing structure such as an existing building, communication tower, church steeple or utility; or

3. The proposed Wireless Facility is located in an Unprotected Location.

f. *For ground mounted Wireless Facilities only*, no existing building or support structure can reasonably accommodate the proposed Wireless Facility. Evidence supporting this finding may consist of any of the following:

1. No existing buildings or support structures are located within the geographic area proposed to be served by the proposed Wireless Facility;

2. Existing buildings or support structures are not of sufficient height or structural strength to satisfy the proposed Wireless Facility's operational or engineering requirements.

3. The proposed Wireless Facility would create electromagnetic interference with another Wireless Facility on an Existing structure, or the Existing Transmission Equipment on an Existing building or support structure would create interference with the Applicant's proposed Transmission Equipment.

4. The costs, fees, or contractual provisions required by a property owner or by an incumbent wireless service provider in order to Collocate the proposed Wireless Facility on an existing building or structure, or to adapt an existing building or structure for the location of the proposed Wireless Facility, are unreasonable.

5. There are other limiting factors that render Existing buildings and structures unsuitable for use by the Applicant for the proposed Wireless Facility.

g. Alternative sites for the location of the proposed Wireless Facility are unacceptable, infeasible, unavailable, or less consistent with the development requirements in this Section.

h. The Site will provide adequate ingress and egress to the proposed Wireless Facility.

i. There is a documented public need for the proposed Wireless Facility.

j. The proposed Wireless Facility is the least intrusive means to achieve the Facility's technical objectives.

k. The proposed Wireless Facility will comply with all applicable state and federal regulations for such facilities, including safety regulations and FCC regulations regarding interference with the reception or transmission of other *wireless* service signals within the City and surrounding community.

l. *For Wireless Facilities in a Public Right-of-Way only*, the proposed Wireless Facility will not create any significant blockage to public views.

m. *For Wireless Facilities in a Historic Protected Location only*, the proposed Wireless Facility will not significantly impair the views of any Historic Resource or significantly degrade the aesthetic attributes of any Historic Resource.

n. *For Wireless Facilities in a Park Protected Location only*, the proposed Wireless Facility will not significantly impair the views of any Park or significantly degrade the aesthetic or natural attributes that define the Park.

o. *For Wireless Facilities in a Residential Protected Location only*, the proposed Wireless Facility will not significantly impair the views from any Residence or significantly detract from any of the defining characteristics of the zoning district in which it is located.

(3) *Denial of Permit.* If an Application for a Permit is denied, the Director (in the case of an EFR Permit) or City Council (in the case of a Wireless Use Permit) shall make a written determination setting forth the grounds for denial supported by substantial evidence contained in a written record, as may be required by law.

(n) *Transfers Involving a Wireless Facility or Wireless Use Permit.* Within 30 days after a Permittee transfers any interest in the Wireless Facility or any Permit(s) issued for the Facility, the Permittee shall deliver written notice to the City. The written notice must include: (1) the transferee's legal name; and (2) the transferee's full contact information, including a primary contact person, mailing address, telephone number and email address. Failure to submit the notice required herein shall be a cause for the City to revoke the applicable permits pursuant to and following the procedure set out in subsection (t) below. By accepting the transfer, the transferee shall be deemed to have accepted all Permit terms and conditions.

(o) *Preemption Exemption.* An Applicant or Permittee may seek an exemption from any requirement of this Section on the basis that it is preempted by state or federal law. An Applicant seeking an exemption on the basis that denial of a Permit would effectively prohibit Personal Wireless Service must demonstrate with clear and convincing evidence all the following:

(1) The Applicant has the legal right to access the rights-of-way or private property necessary for the proposed Wireless Facility;

(2) A significant gap in the Applicant's service coverage exists;
and

(3) All alternative sites identified in the Application review process are either technically infeasible or not available.

(p) *Notice of Decision; Appeals.*

(1) *Notice of the Decision.* Within five (5) working days after final decision by the Reviewing Authority on an Application submitted for approval pursuant to this Section, notice of the decision shall be mailed to the Applicant at the address provided on the Application and to all other persons who have filed a written request for notice of the decision with the Department. If the Application is denied, the Reviewing Authority shall provide the reasons for any denial either in the written decision or in some other written record available at the same time as the notice of decision is provided.

(2) *Appeals.* Any interested person may appeal a final decision by the Director in accordance with the appeal procedures set forth in Chapter 13.24 of this Code. The appeal must state in plain terms the grounds for the appeal and the facts that support those grounds. The appellant must pay a

fee established by a resolution of the City Council at the time the appeal is filed. The City Council shall hear the appeal.

(q) *Non-Waiver of Enforcement.* An Applicant or Permittee shall not be relieved of its obligation to comply with every provision of the Code, any Permit issued hereunder, or any applicable law or regulation by reason of any failure of the part of the City to notice, enforce or prompt compliance by the Applicant or Permittee.

(r) *Amendment of Permits.* Any Permit issued under this Section may be amended in accordance with the amendment procedures applicable to “Use Permits,” set forth in Chapter 13.24 of this Code, including Section 13.24.090 as that Section is amended from time to time or replaced by a successor ordinance. Notwithstanding the foregoing, amendments to a Permit that qualify as an Eligible Facilities Request shall be processed in accordance with the procedures applicable to EFR Permits set forth in this Section.

(s) *Reservation of Right to Review Permits for Changed Circumstances.* Any Wireless Use Permit issued under this Section shall be subject to the reservation of the City’s right and jurisdiction to review and require the Permittee obtain an amendment to the Wireless Use Permit (including any conditions of approval) based on changed circumstances. Changed circumstances include, but are not limited to, the following:

- (1) Increased height or size of the Wireless Facility without proper authorization from the City;
- (2) Additional impairment of the views from surrounding properties;
- (3) Change in the type of antenna or supporting structure;
- (4) Changed color or materials;
- (5) A substantial change in location on the site; and
- (6) An effective increase in signal output above or near the maximum permissible exposure (“MPE”) limits imposed by the revised radio frequency emissions guidelines by the FCC.

(t) *Revocation of Permits.* Any Permit issued under this Section may be revoked in accordance with the revocation procedures applicable to “Use Permits,” set forth

in Chapter 13.24 of this Code, including Section 13.24.080 as that Section is amended from time to time or replaced by a successor ordinance.

(u) *Abandonment/Discontinuation of Wireless Facility; Removal; Relocation.*

(1) *Discontinued use.* The operator of a lawfully erected Wireless Facility, and the owner of the Site upon which it is located, shall promptly notify the Director in writing in the event that use of the Wireless Facility is discontinued for any reason. In the event that discontinued use is permanent, then the owner(s) and/or operator(s) shall promptly remove the Wireless Facility, repair any damage to the site caused by such removal, and restore the Site as appropriate such as to be in conformance with applicable Zoning Codes. All such removal, repair and restoration shall be completed within ninety (90) days after the use is discontinued, and shall be performed in accordance with all applicable health and safety requirements and requirements relating to abandonment of utility facilities. . For purposes of this subsection, a discontinued use shall be permanent unless the Wireless Facility is likely to be operative and used within the immediately following three (3) month period.

(2) *Abandonment.* A Wireless Facility that is inoperative or unused for a period of six (6) continuous months shall be deemed abandoned. Written notice of the City's determination of abandonment shall be provided to the operator of the Wireless Facility and the owner(s) of the Site upon which it is located. Such notice may be delivered in person, or mailed to the address(es) stated on the Wireless Facility's Permit Application, and shall be deemed given at the time it is hand delivered or placed in first class mail. Such notice shall also provide that in the event the Wireless Facility is not removed as otherwise provided in this Section, the Wireless Facility shall be deemed to be abandoned, and may be removed, retained, or otherwise disposed of by the City.

(3) *Removal of abandoned facility or hearing.* The operator of the Wireless Facility and the owner(s) of the Site on which it is located, shall within thirty (30) days after notice of abandonment is given either (a) remove the Wireless Facility and restore the Site, or (2) provide the Department with written objection to the City's determination of abandonment and request for hearing before the City Council. If a written objection is timely received and a hearing is properly requested, the City shall conduct a hearing, and the procedures for hearings, notices and related fees set forth in Chapter 13.24 of this Code shall apply. At such hearing, the

operator and/or owner shall be given the opportunity to provide evidence that the Wireless Facility was in use during the relevant six (6) month period, and that it is presently operational. The operator and/or owner shall also be given the opportunity to rebut or cross examine any evidence provided by the City to the contrary. The City Council shall review all evidence, determine whether or not the facility was properly deemed abandoned, and provide the operator written notice of its determination. As part of its determination the City Council may, but is not required to, provide the appealing owner or operator additional time to remove or salvage the abandoned Wireless Facility.

(4) *Removal by City.* The City may remove any abandoned Wireless Facility, repair any and all damage to the Site caused by such removal, and otherwise restore the Site at any time after the latter of: (1) thirty (30) days following delivery of the notice of abandonment, or (2) immediately following delivery of a notice of decision by the City Council, or expiration of any additional time granted for approval, if applicable. The City may, but shall not be required to, store the removed Facility (or any part thereof). The owner of the Site upon which the abandoned Wireless Facility was located, and all prior operators of the Wireless Facility, shall be jointly liable for the entire cost of such removal, repair, restoration and storage, and shall remit payment to the City promptly after demand therefore is made. The City may, in lieu of storing the removed Wireless Facility, convert it to the City's use, sell it, or dispose of it in any manner deemed by the City to be appropriate.

(5) *Penalties.* The operator of the abandoned Wireless Facility, and the owners of the Site upon which the Facility is located shall be in violation of this Section for failure to timely comply with any requirements hereunder. Each such person shall be subject to penalties for each such violation, pursuant to this Code.

(6) *City lien on property.* Until the cost of removal, repair, restoration and storage is paid in full, a lien may be placed on the personal property and any real property on which the abandoned Wireless Facility was located, for the full amount of the cost of removal, repair, restoration and storage. The Director shall cause the lien to be recorded in the Orange County Recorder's Office.

(v) *Severability.* If any subsection, subdivision, paragraph, sentence, clause, or phrase of this Section or any part thereof, is for any reason held to be

ITEM 7.3 – Exhibit A to Attachment A

unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Section or any part thereof. The City Council hereby declares that it would have passed each subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more subsections, subdivision paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid or ineffective.

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7.4
RESIDENTIAL DENSITY BONUS
STANDARDS REGULATIONS

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City of Laguna Woods Agenda Report

TO: Honorable Mayor and City Councilmembers
FROM: Christopher Macon, City Manager
FOR: January 17, 2018 Regular Meeting
SUBJECT: Residential Density Bonus Standards Regulations

Recommendation

1. Receive staff report.

AND
2. Open public hearing.

AND
3. Receive public testimony.

AND
4. Close public hearing.

AND
5. 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, AMENDING SECTION 13.26.040 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO RESIDENTIAL DENSITY BONUS STANDARDS AND OTHER INCENTIVES FOR

HOUSING DEVELOPMENTS WITHIN, OR FOR THE DONATION OF LAND FOR HOUSING WITHIN, THE CITY'S JURISDICTION, CONSISTENT WITH CALIFORNIA GOVERNMENT CODE SECTION 65915 ET SEQ.

Background

California Government Code Section 65915 *et seq.*, requires every city and county to adopt an ordinance providing density bonuses (the ability to construct more housing units in a particular area than would otherwise be permitted) and other incentives or concessions to persons wishing to develop affordable housing projects and senior housing projects. Cities and counties have very limited abilities to withhold density bonuses, namely instances in which doing so would create a specific, adverse impact upon the public health or safety. In enacting density bonus laws, the California Legislature has held that affordable housing projects and senior housing projects are of public value, but may be financially infeasible without incentives and concessions.

Section 13.26.040 of the Laguna Woods Municipal Code (Attachment B) contains regulations related to residential density bonus standards for housing developments within, or for the donation of land for housing within, the City's jurisdiction, consistent with California Government Code Section 65915 *et seq.* Those regulations were last amended in 2013.

The California Legislature has amended California Government Code Section 65915 *et seq.* several times since the City enacted its existing residential density bonus standards regulations, with the general intent of further encouraging the provision of affordable housing and senior housing, particularly through permit streamlining and expansions of available development incentives and concessions. The City is required to comply with such changes in state law, regardless of the fact that there are no pending applications for new residential developments.

Discussion

Today's meeting is an opportunity for City Council action, as well as public input, on proposed residential density bonus standards regulations (Attachment A). Staff recommends that the City Council initiate the adoption process for the proposed regulations in order to help to ensure clarity and compliance with state law.

Significant proposed modifications include, but are not limited to, the following:

- *Modifications responsive to Assembly Bill 2222 (Nazarian; Housing density bonuses. 2014.).*
 - Assembly Bill 2222 requires continued affordability for 55 years or longer, as specified, of all very low- and low-income rental units that qualified an applicant for a density bonus.
 - Assembly Bill 2222 prohibits an applicant from receiving a density bonus unless the development would, for units subject to certain affordability requirements that were occupied by qualifying persons on the date of application, provide at least the same number of units of equivalent size and/or type, to be made available for rent at affordable housing costs to, and occupied by, persons and families in the same or lower income category as those households in occupancy.
- *Modifications responsive to Assembly Bill 744 (Chau; Planning and zoning: density bonuses. 2015.)*
 - Assembly Bill 744 prohibits the imposition of a vehicular parking ratio, inclusive of handicapped and guest parking, in excess of 0.5 spaces per bedroom on a development that (1) includes the maximum percentage of low- or very low-income units; (2) is located within one-half mile of a major transit stop; and, (3) includes unobstructed access to the transit stop from the development.
 - Assembly Bill 744 prohibits the imposition of a vehicular parking ratio, inclusive of handicapped and guest parking, in excess of specified amounts per unit on a development that consists solely of units with an affordable housing cost to lower income households, if the development (1) is located within one-half mile of a major transit stop; (2) includes unobstructed access to the transit stop from the development; and, (3) is a for-rent development for individuals that are 62 years of age or older that complies with specified existing laws regarding senior housing or is a special needs development.
 - Assembly Bill 744 requires a subject development that is a for-rent housing development for individuals that are 62 years of age or older or a special needs housing development to have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

- Assembly Bill 744 authorizes the imposition of a higher vehicular parking ratio based on substantial evidence found in an area-wide or jurisdiction-wide parking study.
- *Modifications responsive to Assembly Bill 1934 (Santiago; Planning and zoning: development bonuses: mixed-use projects. 2016.).*
 - Assembly Bill 1934 expands the application of the Density Bonus Law to a commercial developer who partners with affordable housing developers to construct affordable housing either on a commercial site or at an appropriate off-site location.
- *Modifications responsive to Assembly Bill 2442 (Holden; Density bonuses. 2016.).*
 - Assembly Bill 2442 expands the application of the Density Bonus Law to housing developments where at least 10% of the units are made available for transitional foster youth, disabled veterans, or homeless persons, and rents are restricted at the very low-income level. Such projects are entitled to a 20% density bonus.

If the City Council takes the recommended action at today's meeting, the proposed ordinance would be agendaized for a second reading and consideration of adoption at an upcoming meeting. The ordinance would take effect 30 days after adoption.

Environmental Review

It can be seen with certainty that this project has no possibility of having a significant effect on the environment. In the absence of any pending application for any housing development that might implicate density bonus considerations, any specific environmental effects, apart from those already assessed in the City's General Plan and Housing Element review, would be speculative. Therefore, the adoption of the proposed ordinance is not a project subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

Fiscal Impact

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

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

ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTION 13.26.040 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO RESIDENTIAL DENSITY BONUS STANDARDS AND OTHER INCENTIVES FOR HOUSING DEVELOPMENTS WITHIN, OR FOR THE DONATION OF LAND FOR HOUSING WITHIN, THE CITY'S JURISDICTION, CONSISTENT WITH CALIFORNIA GOVERNMENT CODE SECTION 65915 ET SEQ.

WHEREAS, California Government Code Section 65915 *et seq.*, requires every city and county to adopt an ordinance providing density bonuses and other incentives or concessions to persons wishing to develop affordable housing projects and senior housing projects; and

WHEREAS, residential density bonus standards regulations are codified, in part, at Section 13.26.040 of the Laguna Woods Municipal Code, with the goal of providing incentives for the production of housing for very low, lower income, or senior households in accordance with California Government Code Section 65915 *et seq.*; and

WHEREAS, the California Legislature has amended California Government Code Sections 65915 *et seq.* several times since the City enacted its existing residential density bonus standards regulations; and

WHEREAS, the City Council desires to comply with state law, and likewise encourage the provision of affordable housing and senior housing in accordance with state guidelines, provided that such housing does not create a specific, adverse impact upon the public health or safety; and

WHEREAS, staff has recommended amendments to the existing residential density bonus standards regulations as set forth in the attached Exhibit A to this Ordinance (the "Code Amendments") which, if adopted, would update the regulations in a manner that would help to ensure clarity and compliance with state law; and

WHEREAS, the Community Development Director or his or her designee prepared an exhibit, including proposed language and terminology for the proposed Code Amendments and any additional information and documents deemed

necessary for the City Council to take action, and such exhibit was available for public inspection at City Hall and, upon request, was supplied to all persons desiring a copy, at least 10 days prior to the scheduled City Council public hearing date; and

WHEREAS, on January 17, 2018, the City Council held a duly noticed public hearing on the proposed Code Amendments at which it considered all of the information, evidence, and testimony presented, both written and oral.

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

SECTION 1. The City Council hereby finds and determines that (i) each of the recitals to this Ordinance are true and correct, and are adopted herein as findings; (ii) the Code Amendments comply with all applicable requirements of State law; (iii) the Code Amendments will not adversely affect the health, safety, or welfare of the residents within the community; (iv) the Code Amendments are in the public interest of the City of Laguna Woods; and, (v) the Code Amendments are consistent with the Laguna Woods General Plan and its various elements.

SECTION 2. After reviewing the entire project record, the City Council hereby determines and certifies that it can be seen with certainty that this project has no possibility of having a significant effect on the environment. In the absence of any pending application for any housing development that might implicate density bonus considerations, any specific environmental effects, apart from those already assessed in the City’s General Plan and Housing Element review, would be speculative. Therefore, the adoption of this Ordinance is not a project subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

SECTION 3. Section 13.26.040 of the Laguna Woods Municipal Code is hereby amended to read as set forth in Exhibit A, attached to this Ordinance and incorporated herein by this reference.

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

SECTION 5. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions of this

Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 6. The 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 2018.

CAROL MOORE, 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. 18-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the XX day of XX 2018, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the XX day of XX 2018 by the following vote to wit:

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

YOLIE TRIPPY, Deputy City Clerk

**EXHIBIT A
CODE AMENDMENTS**

Section 13.26.040 (“Residential density bonus standards”) of Chapter 13.26 (“Special Regulations”) of Title 13 (“Zoning”) of the Laguna Woods Municipal Code is amended to read as follows (additions shown with underlining and deletions shown with ~~strike through~~):

Sec. 13.26.040. - Residential density bonus standards.

(a) *Purpose and intent.* This ~~chapter~~section is intended to provide incentives for the production of housing for very low, lower income, or senior households in accordance with California Government Code ~~S~~sections 65915 ~~and through~~ 659178, as amended or superseded. In enacting these provisions, it is the intent of the ~~e~~City to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the ~~City’s~~ housing element of the City’s General Plan. Where regulations are not specifically addressed in this section or where there are conflicts between these provisions and the provisions of California Government Code sections 65915 through 65918, the provisions of California Government Code, as they may be amended over time, shall apply.

(b) *Definitions.* For the purpose of this ~~chapter~~section, the following definitions shall apply:

(05) *Affordable housing development* means any housing subsidized by the federal or state government, or any housing development in which at least 20 percent of the housing units are affordable dwelling units.

(10) *Affordable housing development density agreement* means a written agreement between an applicant for a development and the City of Laguna Woods containing specific requirements to ensure the continuing affordability of housing included in the development.

(15) *Affordable housing development plan* means that plan prepared by an applicant for an ~~A~~Affordable ~~H~~Housing ~~D~~Development under this ordinance that outlines and specifies the development's compliance with the applicable requirements of this ordinance.

(20) *Affordable dwelling unit* means a dwelling unit within a residential development project that is reserved for sale or rent and

offered at an affordable housing cost, as defined in California Health and Safety Code ~~S~~sections 50052.5 and 50053 (as amended or superseded), to persons and families of very low, lower, and moderate income.

(25) Child care facility means a child day care facility other than a family day care home, including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

~~(25)~~30) Density bonus means those additional residential units granted which exceed the maximum allowable gross residential density for the development site.

~~(30)~~35) Maximum allowable gross residential density means the maximum number of residential units permitted by this zoning code and the land use element of the ~~e~~City's ~~g~~General ~~p~~Plan at the time of application, excluding the units added by a ~~D~~density ~~B~~bonus.

~~(35)~~40) Median gross household income means the median income level for the City of Laguna Woods, as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development, adjusted for household size.

~~(40)~~45) Renovation means physical improvement that adds to the value of real property, but that excludes painting, ordinary repairs, and normal maintenance.

~~(45)~~50) Residential development means the entire proposal to construct or place one or more dwelling units on a particular lot or contiguous lots including, without limitation, a planned unit development, parcel map, site plan, or subdivision.

(c) *Eligibility for bonus and incentives.* To be eligible for a density bonus and other incentives as provided by this ~~chapter~~section, a proposed residential development project shall:

- (1) Consist of five or more dwelling units; and
- (2) Include one or more of the following within the development:

ITEM 7.4 – Exhibit A to Attachment A

- a. ~~Ten~~10 percent of the total dwelling units reserved for lower income households, as defined in California Health and Safety Code Section 50079.5;
- b. Five percent of the total dwelling units reserved for very low income households, as defined in California Health and Safety Code Section 50105;
- c. A senior citizen housing development, as defined in California Civil Code ~~S~~sections 51.3 and 51.12, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to California Civil Code sections 798.76 or 799.5; ~~or~~
- d. ~~Ten~~10 percent of the total dwelling units in a common interest development, as defined in California Civil Code Section 4100~~-condominium project or in a planned development as defined in California Civil Code Section 1351(f) and (k), respectively~~, reserved for persons and families of moderate income, as defined in California Health and Safety Code Section 50093, provided that all units in the development are offered to the public for purchase; or
- e. 10 percent of the total units of a housing development for transitional foster youth, as defined in California Education Code Section 66025.9, disabled veterans, as defined in California Government Code Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units.
- f. When an applicant for approval of a commercial development has entered into an agreement for partnered housing to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the commercial developer may be entitled to a development bonus as prescribed in California Government Code Section 65915.7.

(d) *Types of bonuses and incentives allowed:* A residential development project that satisfies all relevant provisions of this ~~chapter~~ section shall be entitled to a density bonus and one or more incentives described below. If the density bonus units cannot be accommodated on a parcel due to strict compliance with the provisions of this ~~title~~ section, the eCity eCouncil shall waive or modify development standards to accommodate the density bonus units and/or grant the incentives to which the development would be entitled pursuant to this ~~chapter~~ section, unless such waiver, modification or incentive would have a specific adverse impact, as defined herein, upon health, safety, or the physical environment, and for which there is no feasible method to mitigate or avoid the specific adverse impact.

(1) *Minimum density bonus.* The minimum density bonus granted to a residential development project that is eligible for a density bonus pursuant to this ~~chapter~~ section shall be equal to at least:

a. A 20 percent increase in density, when the development meets the requirements of subsection (c)(2) (a); ~~or (b) or e~~ of this section;

b. For housing developments meeting the criteria of subsection (c)(2)(c) of this section, the density bonus shall be 20 percent of the number of senior housing units;

c. For housing developments meeting the criteria of subsection (c)(2)(e) of this section, the density bonus shall be 20 percent of the number of the type of units giving rise to a density bonus under that subparagraph;

~~bd.~~ A five percent increase in density, when the development meets the requirements of subsection (c)(2)(-d) of this section;

~~ee.~~ A 15 percent increase in density, when an applicant for a residential development project donates land to the eCity in accordance with the requirements of California Government Code Section 65915(g)(1); and (2) of sufficient acreage to permit construction of units affordable to very low income households equal to at least 10 percent of the total dwelling units. Nothing in this ~~chapter~~ section shall be construed to enlarge or diminish the authority of the eCity to require a developer to donate land as a condition of development; or

df. The eCity may, in its discretion, grant a density bonus that is proportionately greater than that described in subsections (d)(1) a. through c. of this section for a development that meets the requirements therein, or proportionately lower than that described in subsections (d)(1) a. through c. of this section for a development that does not meet the requirements therein.

(2) *Additional density bonus.* A residential development project that satisfies all relevant provisions of this ~~chapter~~ section and that includes affordable housing units in excess of the base percentage established in subsection (c)(2) of this section shall be entitled to an additional density bonus and one or more incentives described below. The amount of density bonus to which an applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the base percentage established in subsection (c)(2) of this section. The amount of density bonus for a donation of land shall vary according to the amount by which the donation exceeds the base donation established by California Government Code Section 65915(g).

a. *Lower income households.* For each one percent increase above 10 percent in the percentage of units affordable to lower income households, the density bonus shall be increased by one and one-half percent.

b. *Very low income households.* For each one percent increase above five percent in the percentage of units affordable to very low income households, the density bonus shall be increased by two and one-half percent.

c. *Moderate income households.* For each one percent increase above 10 percent in the percentage of units affordable to moderate income households in a condominium project or a planned development, the density bonus shall increase by one percent.

d. *Donation of Land.* The density bonus shall be increased by one percent for each one percent increase in the donation of land above the minimum 10 percent requirement of subsection (d)(1) ~~ee~~ of this section. Nothing in this ~~chapter~~ section shall be construed to enlarge or diminish the authority of the eCity to

require a developer to donate land as a condition of development.

(3) The ~~D~~ensity ~~B~~onus units shall not be included when determining the total number of dwelling units in the residential development project. All calculations resulting in fractional units shall be rounded up to the next whole number. In no event shall the ~~e~~City be required to grant more than a 35 percent increase over the otherwise maximum allowable residential density under the applicable provisions of this code and the land use element of the City’s General Plan. The density bonus percentages available pursuant to the requirements of this ~~chapter~~-section are shown in the following table:

~~Table 15.58.010~~

Density Bonus Percentages

	Qualifying Percentage (of total units)	Minimum Density Bonus (above maximum allowable density)	Increase in Density Bonus (for each 1% over qualifying percentage)
Lower	10%	20%	1.5%
Very Low	5%	20%	2.5%
<u>Lower</u>	<u>10%</u>	<u>20%</u>	<u>1.5%</u>
Moderate_ <u>(Common Interest Developments)</u>	10%	5%	1%
Senior Citizen	n/a	20%	n/a
<u>Transitional Foster Youth,</u>	<u>n/a</u>	<u>20%</u>	<u>n/a</u>

<u>Disabled Veterans, or Homeless Persons</u>			
<u>Donation (Very Low Income Housing)</u>	10%	15%	1%

(4) *Incentives—Number.* An eligible residential development project shall receive the incentives described in subsection (d)(5) of this section, as follows:

- a. *Lower income households.* An applicant shall receive:
 - i. One incentive for a residential development project in which at least 10 percent of the total dwelling units are reserved for lower income households;
 - ii. Two incentives for a residential development project in which at least 20 percent of the total dwelling units are reserved for lower income households; and
 - iii. Three incentives for a residential development project in which at least 30 percent of the total dwelling units are reserved for lower income households.
- b. *Very low income households.* An applicant shall receive:
 - i. One incentive for a residential development project in which at least five percent of the total dwelling units are reserved for very low income households;
 - ii. Two incentives for a residential development project in which at least 10 percent of the total dwelling units are reserved for very low income households; and
 - iii. Three incentives for a residential development project in which at least 15 percent of the total dwelling units are reserved for very low income households.

c. *Moderate income households in common interest developments*. An applicant shall receive:

- i. One incentive for a residential development project in which at least 10 percent of the total dwelling units are reserved for persons and families of moderate income in a condominium project or a planned development;
- ii. Two incentives for a residential development project in which at least 20 percent of the total dwelling units are reserved for persons and families of moderate income in a condominium project or a planned development; and
- iii. Three incentives for a residential development project in which at least 30 percent of the total dwelling units are reserved for persons and families of moderate income in a condominium project or a planned development.

(5) *Incentives—Description*. A residential development project that is eligible to receive incentives pursuant to subsection (d)(4) of this section shall be entitled to the following incentives in the number specified in subsection (d)(4) of this section:

- a. A reduction in the applicable development standards (e.g., coverage, setback, zero lot line and/or reduced parcel sizes, and/or parking requirements).
- b. Approval of mixed use zoning in conjunction with the housing project if nonresidential land uses would reduce the cost of the housing project, and the nonresidential land uses would be compatible with the housing project and adjoining development.
- c. Other regulatory incentives or concessions proposed by the applicant or the eCity that would result in identifiable cost reductions.

(6) Nothing in this ~~chapter~~section shall be construed to require the eCity to provide, or limit the eCity's ability to provide, direct financial incentives for housing developments, including the provision of

publicly owned land by the eCity or the waiver of fees and dedication requirements.

(7) *Limitations and Exceptions.*

a. In order to receive incentives as described in subsections (d)(4) and (5) of this section, an applicant must submit a proposal to the eCity requesting the specific incentives that the applicant desires.

b. The eCity shall grant the eligible incentives requested by the applicant pursuant to subsection (d)(7) a. of this section and required pursuant to subsection (d)(4) of this section, unless the eCity makes a written finding, based upon substantial evidence, of either of the following:

i. The incentive is not required in order to provide for affordable housing costs, as defined in California Health and Safety Code Sections 50052.5 and 50053; or

ii. The incentive would have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households. As used in this subsection, a “specific adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

c. The City’s granting of an incentive shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

d. Nothing in this ~~chapter~~ section shall be interpreted to require the eCity to waive or reduce development standards or to grant an incentive that would have a specific adverse impact upon health, safety or the physical environment for which there

is no feasible method to mitigate or avoid the specific adverse impact; nor shall this subsection require the eCity to waive or reduce development standards or to grant an incentive that would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

e. The affordable units shall be generally dispersed throughout the residential development project and shall not differ in appearance from the other dwelling units in the project.

(e) *Continued affordability—Equity sharing.*

(1) Before the issuance of a building permit for any dwelling unit in a development for which density bonus units have been awarded or incentives have been granted pursuant to this ~~chapter section~~, the developer shall identify the affordable units and shall enter into a written covenant with the eCity to guarantee one or both of the following, as applicable:

a. ~~Lower~~ and very low income households: The ~~lower~~ and very low income units shall continue to be offered and available at an affordable housing cost, as defined in California Health and Safety Code ~~S~~sections 50052.5 and 50053, for a minimum of ~~55~~ 30 years, which ~~55~~ 30-year restriction shall survive the sale or transfer of the units.

b. ~~Moderate income households: The initial occupant of any moderate income unit in a condominium project or a planned development shall be a person or family of moderate income. The moderate income unit shall be offered at an affordable housing cost, as defined in California Health and Safety Code Sections 50052.5 and 50053.~~ An equity-sharing agreement will be required indicating that upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. Upon resale, the eCity shall recapture its proportionate share of appreciation, which shall be equal to the percentage by which the initial sale price of the unit to the person or family ~~of moderate income~~ was less than the fair market value of the unit at the time of initial sale. The eCity shall spend such recaptured funds within ~~five~~ three years for the construction, rehabilitation,

or preservation of affordable housing for very low, low and moderate income persons or families, as described in California Health and Safety Code Section 33334.2(e).

c. The terms and conditions of the covenant required by subsection (e)(1) a. of this section and the equity-sharing agreement required by subsection (e)(1) b. of this section shall run with the land which is to be developed, shall be binding upon the successor(s)-in-interest of the developer, and shall be recorded in the county recorder's office. In addition to the requirements described in subsections (e)(1) a. and b. of this section, the covenant or agreement shall include the following provisions:

- i. The eCity shall have a continuing right of first refusal to purchase or lease any or all of the affordable units at the current fair market value; and
- ii. The deeds to the affordable units shall contain a covenant stating that the owner shall not sell, rent, lease, sublet, assign, or otherwise transfer any interests for same without the written approval of the City confirming that the sell or rental price of the unit is consistent with the limits established by this ~~chapter~~ [section](#) for lower, very low and moderate income persons and families; and
- iii. The eCity shall have the authority to enter into other agreements with the developer or purchasers of the affordable units, as may be necessary to ensure that the lower and very low income units are continuously occupied by persons or families of lower and very low income.

(f) *Child care facilities.*

(1) When an applicant proposes to construct a residential development project described in subsection (c) of this section that includes a child care facility located on the premises of, as part of, or adjacent to the project, the eCity shall grant either of the following:

- a. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility.
- b. An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility, as determined by the eCity in its discretion.

(2) The City shall require, as a condition of approving the residential development project, that the following occur:

- a. The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable pursuant to subsection (Ee) of this section.
- b. Of the children who attend the child care facility, the children of very low, lower and moderate income households shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low, lower or moderate income households pursuant to subsection (c)(2) of this section.

(3) Notwithstanding subsections (f)(1) and (2) of this section, the eCity shall not be required to provide a density bonus or incentive for a child care facility if it finds, based upon substantial evidence, that the community has adequate child care facilities.

(g) *Condominium conversions.*

(1) An applicant shall be eligible for either a density bonus or other incentives or concessions of equivalent financial value in accordance with Sstate law if the applicant for a conversion of existing rental apartments to condominiums agrees to provide 33 percent of the total units of the proposed condominium project as target units affordable to households with moderate incomes or less, or to provide 15 percent of the total units in the condominium conversion project as target units affordable to lower-income households. All such target units shall remain affordable for the period specified in the density bonus housing agreement.

(2) For purposes of this ~~S~~subsection, a density bonus means an increase in units of 25 percent over the number of units to be provided within the existing structure or structures proposed for conversion.

(3) No condominium conversion shall be eligible for a density bonus if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives or concessions were previously provided pursuant to this ~~Chapter-section~~ or Government Code ~~§-Section~~ 65915.

(h) *Processing of bonus request.*

(1) *Permit required.* Residential development projects that include a request for a density bonus and/or incentive pursuant to this ~~chapter-section~~ shall require the approval of a conditional use permit, which shall be approved by the ~~e~~City ~~e~~Council, provided, however, that in no event shall ~~e~~City ~~e~~Council withhold approval of a ~~D~~density ~~B~~bonus to which an ~~A~~affordable ~~H~~housing ~~D~~development is entitled to under ~~S~~state law.

(2) *Initial review of density bonus request.* The director shall notify the applicant whether the application is complete within 30 days of filing the application, in a manner consistent with Government Code Section 65943. The director shall notify the applicant within 90 days of the filing of the conditional use permit application whether the residential development project qualifies for the density bonus and incentives described in this ~~chapter-section~~.

(3) *Criteria to be considered.* Criteria to be considered in analyzing a request for a density bonus shall include whether the applicant has agreed to construct affordable units that meet the requirements of subsection (c) of this section. Criteria to be considered in analyzing a requested incentive shall include whether an incentive has a specific adverse impact upon health, safety or the physical environment, and whether there is no feasible method to eliminate or mitigate such specific adverse impact.

(4) The applicant shall enter into an agreement with the City or its designee to maintain and enforce the affordable housing component of the housing development.

(5) An application for a density bonus permit will not processed until all of the provisions of this section are complied with as determined by the director and shall be processed concurrently with other required entitlements, if applicable.

(6) Required documents. All applications for a density bonus, developer incentive, or waiver or modification of development standards must include the following information:

a. A description of the project, including the number of dwelling units, the number of affordable units and level of affordability, and the location of the affordable units;

b. The specific developer incentive(s) sought, if any, and documentation regarding the necessity of the incentive in order to provide affordable housing costs or rents;

c. The specific waiver or modification to development standard(s), if any, and documentation regarding the necessity of the waiver or modification, including documentation demonstrating that the City’s development standards physically preclude the utilization of a density bonus;

d. For parking standard modification requests, that the requirements of subsection (i) of this section are met;

e. The proposed method of ensuring the continued affordability of all low, very low, or moderate units, or senior units, transitional foster youth, disabled veterans, homeless, or child care facilities, that qualified the applicant for the award of the density bonus for at least 55 years, as required by California Government Code Section 65915(c)(1);

f. For the application for a density bonus permit for the donation of land pursuant, the application must show the location of the land in addition to including sufficient information to establish that each requirement California Government Code Section 65915(g)(2) has been met;

g. The application for a density bonus permit for a development that includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project

(California Government Code Section 65915(b)), shall show the location and square footage of the child care facility in addition to including sufficient information as how the applicant proposes to regulate attendance at the child care facility to conform to the requirements of California Government Code Section 65915(h)(2)(B).

h. Other relevant information requested by City staff.

i. An application for a density bonus permit shall be accompanied by the fee set by resolution of the City Council.

j. If an application for a density bonus permit requires an unusual amount or specialized type of study or evaluation by City staff, a consultant or legal counsel, City staff shall estimate the cost thereof and require the applicant to pay an additional fee or make one or more deposits to pay such cost before the study or evaluation is begun. On completion of the study or evaluation, and before the City Council decides the application, City staff shall determine the actual cost of the work and the difference between the actual cost and the amount paid by the applicant, and shall require the applicant to pay any deficiency or shall refund to the applicant any excess.

~~(4)~~ (7) *Findings for approval.* In addition to the findings required for the approval of a conditional use permit, the following additional findings must be made for the approval of a density bonus:

a. The residential development project would not be a hazard or nuisance to the city at large or establish a use or development inconsistent with the goals and policies of the City's gGeneral ~~p~~Plan;

b. The number of dwelling units can be accommodated by existing and planned infrastructure capacities;

c. Adequate evidence exists to ensure that the development of the property would result in the provision of affordable housing in a manner consistent with the purpose and intent of this ~~chapter~~ section;

d. In the event that the eCity does not grant at least one incentive described in subsection (d)(5) of this section, that additional concessions or incentives are not necessary to provide housing at an affordable housing cost, as defined in California Health and Safety Code ~~S~~sections 50052.5 and 50053; and

e. There are sufficient provisions to guarantee that the lower and very low income units will remain affordable in the future.

(i) *Vehicular parking ratio.*

(1) Upon approval of a density bonus application and at the request of the developer, the City ~~shall grant~~ may only require the following maximum parking ~~concessions~~ space requirements, except where noted under subsection (i)(2) of this section:

~~(1)~~ a. *Zero to one bedroom:* one onsite parking space

~~(2)~~ b. *Two to three bedrooms:* two onsite parking spaces

~~(3)~~ c. *Four or more bedrooms:* two and one-half parking spaces

(2) *Exceptions.* Upon request of the applicant, the following maximum parking standards shall apply, inclusive of disabled and guest parking, to the entire housing development subject to this section, as required by California Government Code Section 65915(p)(2):

a. A maximum of 0.5 parking spaces per bedroom shall apply when all the following conditions apply:

i. The development includes the maximum percentage of low- or very low-income units provided for in subsection (d)(3) of this section.

ii. The development is located within 0.5 mile of a major transit stop, as defined in California Public Resources Code Section 21155(b).

iii. There is unobstructed access to the major transit stop from the development. A development shall have

ITEM 7.4 – Exhibit A to Attachment A

unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

b. A maximum of 0.5 parking spaces per unit shall apply when all the following conditions apply:

i. The development consists solely of rental units, exclusive of a manager’s unit or units, with an affordable housing cost to lower-income families, as provided in California Health and Safety Code Section 50052.5.

ii. The development is located within 0.5 mile of a major transit stop, as defined in California Public Resources Code Section 21155(b).

iii. There is unobstructed access to the major transit stop from the development. A development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

c. A maximum of 0.5 parking spaces per unit shall apply when all the following conditions apply:

i. The development consists solely of rental units, exclusive of a manager’s unit or units, with an affordable housing cost to lower-income families, as provided in California Health and Safety Code Section 50052.5.

ii. The development is for individuals who are 62 years of age or older and which complies with California Civil Code sections 51.2 and 51.3.

iii. The development shall have either paratransit service or unobstructed access, within 0.5 mile, to fixed bus route service that operates at least eight times per day.

d. A maximum of 0.3 parking spaces per unit shall apply when all the following conditions apply:

i. The development consists solely of rental units, exclusive of a manager’s unit or units, with an affordable housing cost to lower-income families, as provided in California Health and Safety Code Section 50052.5.

ii. The development is a special needs housing development, as defined in California Health and Safety Code Section 51312.

iii. The development shall have either paratransit service or unobstructed access, within 0.5 mile, to fixed bus route service that operates at least eight times per day.

(3) If the total number of parking spaces required for the qualified housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, “on-site parking” may be provided through tandem parking or uncovered parking, but not through on-street parking.

(4) An applicant may request additional parking incentives beyond those provided in this section if applied for pursuant to subsection (d) of this section (Government Code Section 65915(p)(3)).

(5) Notwithstanding allowances in subsection (i)(2) of this section, if the City or an independent consultant has conducted an area-wide or jurisdiction-wide parking study in the last seven years, then the City may impose a higher vehicular parking ratio not to exceed the ratio described in subsection (i)(1) of this section, based on substantial evidence found in the parking study that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low- and very low-income individuals, including seniors and special needs individuals. The City shall pay the costs of any new study. The City shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio.

7.5
PURCHASING AND
PROCUREMENT REGULATIONS

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City of Laguna Woods Agenda Report

TO: Honorable Mayor and City Councilmembers
FROM: Christopher Macon, City Manager
FOR: January 17, 2018 Regular Meeting
SUBJECT: Purchasing and Procurement Regulations

Recommendation

1. Receive staff report.

AND
2. Open public hearing.

AND
3. Receive public testimony.

AND
4. Close public hearing.

AND
5. 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, AMENDING CHAPTER 3.06 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO PURCHASING AND PROCUREMENT BY THE CITY

AND

6. Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING ADMINISTRATIVE POLICIES RELATED TO ENVIRONMENTAL PURCHASING AND PURCHASE REQUISITIONS AS PART OF A BROADER UPDATE OF PURCHASING AND PROCUREMENT REGULATIONS

Background

The Fiscal Years 2017-19 Budget & Work Plan includes the following significant work plan item:

- **Purchasing Standards Update** – Review and update the City’s purchasing processes and regulations in order to ensure the efficient, effective, and economical conduct of City business.

The existing purchasing chapter in the Laguna Woods Municipal Code is included as Attachment C. While that chapter has remained unchanged since it was carried over from the County of Orange’s Code of Ordinances at the City’s incorporation in 1999, administrative policies related to environmental purchasing (Attachment D) and purchase requisitions (Attachment E) were approved by the City Council in 2002 and 2004, respectively.

Discussion

Today’s meeting is an opportunity for City Council action, as well as public input, on proposed purchasing and procurement regulations, including an ordinance amending the Laguna Woods Municipal Code (Attachment A) and a resolution repealing existing administrative policies upon the effective date of the Laguna Woods Municipal Code amendments (Attachment B). Staff recommends that the City Council initiate the adoption process for the proposed ordinance and approve the resolution, in order to ensure the efficient, effective, and economical conduct of City business.

The existing and proposed purchasing and procurement regulations are similar in approach in that they seek to promote accountability, compliance with applicable

state laws, and environmental considerations. In addition to generally consolidating and clarifying the regulations currently found in multiple documents, significant proposed modifications include, but are not limited to, the following:

- The threshold for purchases that require the City Manager's (or purchasing officer's) approval would be lowered from \$10,000 to \$1,000. Purchases of less than \$1,000 would require the applicable department head's approval.
- Three new purchasing thresholds (less than \$1,000, \$1,000 to \$2,499.99, and \$2,500 to 24,999.99) would be established to add greater specificity to the existing greater or less than \$25,000 purchasing threshold. Related bidding requirements would also be added and modified.
- The policy of purchasing environmentally preferable products and recyclable products, whenever practicable and cost effective, would be codified in the Laguna Woods Municipal Code (as opposed to in an administrative policy).
- A purchasing consideration that takes into account sales tax reimbursements to the City would be added to encourage purchases from vendors located in Laguna Woods, whenever practicable and cost effective.
- Contracts for the performance of the annual independent audit of the City's financial statements would be explicitly required to be competitively bid with all awards approved by the City Council, regardless of value.
- Purchases and procurements through public agency cooperative agreements would be permitted when a cooperative agreement utilized bid procedures substantially similar to those normally utilized by the City.
- Instances in which certain provisions of the purchasing and procurement regulations could be waived, including circumstances in which sole source awards would be permitted, would be specified.
- The scope of the purchasing and procurement regulations would be clarified to identify exemptions and the City Council's ability to waive provisions.
- Purchasing and procurement regulations would be automatically suspended during proclaimed emergencies for the purpose of allowing the Director of Emergency Services to take actions necessary to protect life and property.

- Explicit prohibitions on rebates, kickbacks, and other unlawful consideration, as well as on financial conflicts as proscribed in the California Government Code, would be added to reinforce existing accountability measures.
- The City Manager would be explicitly empowered to establish purchasing and procurement policies and procedures that are consistent with the Laguna Woods Municipal Code. Internal requisition procedures, form requirements, best practices concerning environmentally preferable products and recyclable products, and other matters likely to change over time, would be among the matters anticipated to be addressed administratively.

If the City Council takes the recommended action at today's meeting, the proposed ordinance would be agendized for a second reading and consideration of adoption at an upcoming meeting. The ordinance would take effect 30 days after adoption.

Environmental Review

It can be seen with certainty that this project has no possibility of having a significant effect on the environment. Therefore, the adoption of the proposed ordinance and resolution is not a project subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

Fiscal Impact

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

Report Prepared With: Margaret Cady, CPA, Administrative Services Director/City Treasurer

Attachments: A – Proposed Ordinance
 Exhibit A – Code Amendment Text
 B – Proposed Resolution
 C – Existing Laguna Woods Municipal Code Chapter 3.06 (Purchasing)
 D – Existing Administrative Policy 3.5 (Environmental Purchasing)
 E – Existing Administrative Policy 3.4 (Purchase Requisitions)

ORDINANCE NO. 18-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 3.06 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO PURCHASING AND PROCUREMENT BY THE CITY

WHEREAS, purchasing and procurement regulations are codified at Chapter 3.06 of the Laguna Woods Municipal Code; and

WHEREAS, to help ensure the efficient, effective, and economical conduct of City business, staff has recommended amendments to the existing purchasing and procurement regulations, as set forth in the attached Exhibit A to this Ordinance (the “Code Amendments”); and

WHEREAS, on January 17, 2018, the City Council held a duly noticed public hearing on the proposed Code Amendments at which it considered all of the information, evidence, and testimony presented, both written and oral.

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

SECTION 1. The City Council hereby finds and determines that (i) each of the recitals to this Ordinance are true and correct, and are adopted herein as findings; (ii) the Code Amendments comply with all applicable requirements of state law; (iii) the Code Amendments will not adversely affect the health, safety, or welfare of the residents within the community; (iv) the Code Amendments are in the public interest of the City of Laguna Woods; and, (v) the Code Amendments are consistent with the Laguna Woods General Plan and its various elements.

SECTION 2. After reviewing the entire project record, the City Council hereby determines and certifies that it can be seen with certainty that this project has no possibility of having a significant effect on the environment. Therefore, the adoption of this Ordinance is not a project subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

SECTION 3. Chapter 3.06 of the Laguna Woods Municipal Code is hereby amended to read as set forth in Exhibit A, attached to this Ordinance and incorporated herein by this reference.

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

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

SECTION 6. The 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 2018.

CAROL MOORE, 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. 18-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the XX day of XX 2018, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the XX day of XX 2018 by the following vote to wit:

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

YOLIE TRIPPY, Deputy City Clerk

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**EXHIBIT A
CODE AMENDMENTS**

Chapter 3.06 (“Purchasing”) of Title 3 (“Revenue and Finance”) of the Laguna Woods Municipal Code is repealed in its entirety and replaced with the following:

CHAPTER 3.06. - PURCHASING AND PROCUREMENT

Sec. 3.06.010. - Purpose and intent.

The purpose and intent of this chapter is to establish efficient, economical, and accountable policies and procedures related to the purchase of goods and the procurement of services.

Sec. 3.06.020. - Definitions.

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

(a) *Department head* shall mean the City Manager or the person who is designated by the City Manager as being responsible for each particular City department.

(b) *Director of Emergency Services* shall mean the person so designated in accordance with Chapter 7.04 of this Code.

(c) *Environmentally preferable products* shall mean products that have a lesser impact on human health and the environment when compared with competing products. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, and/or disposal of the product.

(d) *Maintenance services* shall mean services related to the maintenance of public property that are not subject to the bidding requirements set forth in Section 20162 of the California Public Contracts Code, as may be amended from time to time.

(e) *Professional services* shall mean services provided by any specially trained and experienced person or firm in the areas of accounting,

administration, analysis, architecture, economics, engineering, finance, inspection, law, planning, public safety, radius addressing, surveying, transcription, or other matters involving specialized training or expertise, with the exception of maintenance services.

(f) *Public project* shall have the same meaning as set forth in Section 20161 of the California Public Contracts Code, as may be amended from time to time.

(g) *Purchasing officer* shall mean the person designated by the City Manager for the delegation of the duties and responsibilities imposed by this chapter on the purchasing officer.

(h) *Recycled products* shall mean products manufactured with waste material that has been recovered or diverted from the waste stream. Recycled material may be derived from post-consumer waste, industrial scrap, manufacturing waste, and/or other waste that otherwise would not have been utilized.

Sec. 3.06.030. - Authority and responsibility.

(a) The authority and responsibility for the purchase of goods and the procurement of services is vested in the City Manager.

(b) The City Manager may designate a person to serve as the purchasing officer and delegate to that person all or a portion of the duties and responsibilities imposed by this chapter on the purchasing officer.

(c) The City Manager may request City Council approval of any purchase of goods or procurement of services, regardless of value.

(d) The City Manager may establish additional purchasing and procurement policies and procedures that are consistent with the provisions of this chapter.

Sec. 3.06.040. - Purchasing limitations.

Purchases of goods may be made by the persons designated in this section, subject to compliance with the provisions of this chapter.

- (1) For purchases of less than \$1,000.00, the applicable department head must approve the purchase, subject to purchasing policies and procedures established by the City Manager. It is not required that bids be obtained for such purchases.
- (2) For purchases that are equal to or exceed \$1,000.00 but are less than \$2,500.00, the City Manager or purchasing officer must approve and execute the purchase order or contract for the purchase. It is not required that bids be obtained for such purchases.
- (3) For purchases that are equal to or exceed \$2,500.00 but are less than \$25,000.00, the City Manager or purchasing officer must approve and execute the purchase order or contract for the purchase. Prior to making a purchase, three bids must be obtained.
- (4) For purchases that are equal to or exceed \$25,000.00, the City Council must approve the purchase order or contract for the purchase. Prior to City Council approval, three bids must be obtained. The City Council may authorize that such purchase orders or contracts be executed by the Mayor, City Manager, purchasing officer, or other designee.

Sec. 3.06.050. - Purchasing considerations.

- (a) *Competitive bidding consideration.* Purchases for which bidding is required shall be made from the lowest cost responsible bidder, consistent with quality (including, but not limited to, performance, durability, and reparability), quantity, delivery, and payment requirements. The lowest cost responsible bidder shall be determined by factors including, but not limited to, cost, ability, qualifications, and willingness to comply with the City's purchasing terms.
- (b) *Environmental purchasing consideration.* City staff shall consider the purchase of environmentally preferable products and recycled products, whenever practicable and cost effective.
- (c) *Local purchasing consideration.* City staff shall consider purchases from vendors located in the city, whenever practicable and cost effective. For purposes of bid comparison, bids submitted by local vendors shall be reduced by one percent for the portion of the purchase upon which the City

would pay sales tax. The one-percent reduction is afforded to local vendors to recognize the sales tax reimbursement to the City on such purchases.

Sec. 3.06.060. - Public projects.

(a) Awards for the performance of public projects shall be made in a manner that complies with all applicable requirements of the California Public Contracts Code.

(b) Plans and specifications for public projects shall allow for the use or substitution of environmentally preferable products and recycled products, whenever practicable and cost effective.

Sec. 3.06.070. - Maintenance and professional services.

(a) Awards for the performance of maintenance services and professional services shall be made on the basis of the demonstrated competence of the vendor, the vendor's professional qualifications necessary for the satisfactory performance of the services required, the fairness and reasonableness of the cost of the services to the City, the willingness of the vendor to comply with the City's procurement terms, and other factors determined to be relevant, rather than solely on the basis of cost. The provisions set forth in sections 3.06.040 and 3.06.050 of this Code are not applicable to the procurement of services.

(b) Subject to compliance with the provisions of this chapter, the City Manager or purchasing officer may enter into and execute purchase orders or contracts for maintenance services and professional services when the cost of such services is less than \$50,000.00 over the term of the agreement. City Council approval is required for all purchase orders or contracts when the cost of the services is \$50,000.00 or more over the term of the agreement. The City Council may authorize that such purchase orders and contracts be executed by the Mayor, City Manager, purchasing officer, or other designee.

(c) Notwithstanding the above provisions of this section, all purchase orders or contracts for maintenance services and professional services for which the estimated cost of services is \$25,000.00 or more over the term of the agreement shall be competitively bid by obtaining at least three bids for providing the required services, evaluating the bids pursuant to the criteria set forth in subsection (a), and making the award based on the best bid.

(d) Notwithstanding the above provisions of this section, all contracts for the performance of the annual independent audit of the City’s financial statements shall be competitively bid by obtaining at least three bids for providing the required services, evaluating the bids pursuant to the criteria set forth in subsection (a), and making the award based on the best bid. Further, the award of all such annual independent audit contracts, regardless of cost, shall be approved by the City Council. The City Council may authorize that such annual independent audit contracts be executed by the Mayor, City Manager, purchasing officer, or other designee.

(e) Bid solicitations for maintenance services and professional services shall allow for the use or substitution of environmentally preferable products and recycled products, whenever practicable and cost effective.

Sec. 3.06.080. - Cooperative agreements.

The City Council, City Manager, or purchasing officer may approve the purchase of goods or the procurement of services for which the City would normally follow its own bid procedures from a vendor who has been awarded a contract for the purchase of the same goods or the procurement of the same services by another public agency, if said public agency utilized bid procedures substantially similar to those normally utilized by the City. The amount of said purchase or procurement shall be based upon the cost bid for said public agency.

Sec. 3.06.090. - Bidding rejections and exemptions.

(a) Except when precluded by applicable law, the City Council, City Manager, or purchasing officer may reject any bid received by the City.

(b) Except when precluded by applicable law, the provisions of this chapter may be waived at the discretion of the City Council.

(c) Except when precluded by applicable law, and provided the purchase of goods is less than \$25,000.00, or the procurement of services is less than \$50,000.00 over the term of the agreement, the provisions set forth in sections 3.06.040, 3.06.050, and 3.06.070(a)(c)(e) of this Code may be waived, at the discretion of the City Manager, when any of the following is applicable:

ITEM 7.5 – Exhibit A to Attachment A

- (1) After a reasonable attempt has been made to obtain the required number of bids, it has been determined that no additional bidders can be located or no additional bidders can be located in a timely manner. This includes, but is not limited to, instances in which competitive bidding yields an insufficient number of satisfactory bids.
 - (2) Due to time sensitivities or other extraordinary conditions, it has been determined that normal bidding requirements would not be in the City's best interest.
 - (3) The purchase or procurement is proprietary or can only be obtained from one vendor. This includes, but is not limited to, purchases where a specific brand name, make, or model is necessary to match existing equipment or facilitate effective maintenance and support.
 - (4) The purchase or procurement is made through a cooperative agreement in accordance with Section 3.06.080 of this Code.
 - (5) The purchase or procurement is or is related to an inter-governmental contract or partnership.
- (d) The following purchases of goods and procurements of services, regardless of value, are exempt from the provisions set forth in sections 3.06.040, 3.06.050, and 3.06.070 of this Code and may be approved by the City Manager or purchasing officer provided that sufficient funds are available in adopted budgets:
- (1) The purchase of professional memberships and trainings.
 - (2) The purchase of or subscription to newspapers and periodicals.
 - (3) The purchase of or subscription to governmental and governmental-related resources and reference materials.
 - (4) The purchase of security and safety alarms and monitors, and the procurement of related services.
 - (5) The procurement of data and website hosting and security services.

ITEM 7.5 – Exhibit A to Attachment A

- (6) The procurement of appraisal services.
 - (7) The procurement of election services.
 - (8) The procurement of entertainment services.
 - (9) The procurement of graphic design services.
 - (10) The procurement of legal services, professional and other expert witness services, and special research and investigative services, if the purpose of such services is to provide for assistance or testimony related to an existing or potential administrative or judicial proceeding in which the City is or may become a party.
 - (11) The procurement of utility and television services.
 - (12) The publication of advertisements and legal notices.
 - (13) The payment of fees and charges required by governmental and quasi-governmental agencies.
 - (14) Purchases and procurements that are necessary for the immediate protection of public health, safety, or welfare or public property, or to prevent the immediate interruption of City services related to the same.
- (e) The following purchases and procurements are exempt from the provisions of this chapter, with the exception of sections 3.06.060 and 3.06.110 of this Code:
- (1) Purchases and procurements of and related to employee compensation and benefit programs approved by the City Council.
 - (2) Purchases and procurements of and related to insurance and workers' compensation coverage approved by the City Council.
 - (3) Purchases and procurements of and related to inter-governmental contracts and partnerships approved by the City

Council. This includes, but is not limited to, contracts for animal control and shelter services and law enforcement services.

- (4) Purchases and procurements of and related to franchise agreements awarded by the City Council.
- (5) Purchases, leases, and rentals of real property approved by the City Council.
- (6) Purchases of investment instruments and procurements of banking and investment-related services that are governed by the City's investment policy or other City Council direction.

Sec. 3.06.100. - Suspension during emergencies.

Except when prohibited by applicable law, for the effective duration of a proclamation of a local emergency, state of emergency, or state of war emergency, as defined in California Government Code Section 8558, which affects the City, this chapter shall be automatically suspended for the purpose of allowing the Director of Emergency Services to obtain vital services, supplies, equipment, and such other properties found lacking and needed for the protection of life and property, and to bind the City for the fair value thereof.

Sec. 3.06.110. - Prohibited activity.

- (a) The City's elected and appointed officers, officials, and employees are prohibited from engaging in any unlawful activity related to purchasing and procurement, including, but not limited to, receipt of rebates, kickbacks, or other unlawful consideration.
- (b) The City's elected and appointed officers, officials, and employees are prohibited from participating in a purchasing or procurement process when those persons have a financial interest therein as proscribed in California Government Code sections 1090 et seq. or 87100 et seq.

RESOLUTION NO. 18-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING ADMINISTRATIVE POLICIES RELATED TO ENVIRONMENTAL PURCHASING AND PURCHASE REQUISITIONS AS PART OF A BROADER UPDATE OF PURCHASING AND PROCUREMENT REGULATIONS

WHEREAS, administrative policies related to environmental purchasing and purchase requisitions were approved by the City Council on March 15, 2002 and October 20, 2004, respectively (the “Administrative Policies”); and

WHEREAS, as part of a broader, proposed update of the City’s purchasing and procurement regulations intended to ensure the efficient, effective, and economical conduct of City business, staff has recommended the repeal of the Administrative Policies; and

WHEREAS, on January 17, 2018, the City Council held a duly noticed public hearing on the proposed repeal of the Administrative Policies at which it considered all of the information, evidence, and testimony presented, both written and oral; and

WHEREAS, in conjunction with the public meeting on the proposed repeal of the Administrative Policies, the City Council also held a duly noticed public hearing on an ordinance to amend Chapter 3.06 to the Laguna Woods Municipal Code related to purchasing and procurement, a copy of which was included with the City Council’s agenda report for this item, dated January 17, 2018.

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 hereby finds and determines that (i) each of the recitals to this Resolution are true and correct, and are adopted herein as findings; (ii) the repeal of the Administrative Policies will comply with all applicable requirements of State law; (iii) the repeal of the Administrative Policies will not adversely affect the health, safety, or welfare of the residents within the community; (iv) the repeal of the Administrative Policies is in the public interest of the City of Laguna Woods; and, (v) the repeal of the Administrative Policies is consistent with the Laguna Woods General Plan and its various elements.

SECTION 2. After reviewing the entire project record, the City Council hereby determines and certifies that it can be seen with certainty that this project has no possibility of having a significant effect on the environment. Therefore, the adoption of this Resolution is not a project subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations.

SECTION 3. The Administrative Policies related to environmental purchasing and purchase requisitions that were approved by the City Council on March 15, 2002 and October 20, 2004, respectively, are hereby repealed in their entirety.

SECTION 4. This Resolution shall take effect and be in full force and operation thirty (30) days after adoption of the ordinance to amend Chapter 3.06 to the Laguna Woods Municipal Code related to purchasing and procurement.

SECTION 5. The Deputy City Clerk shall certify to the adoption of this Resolution.

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

PASSED, APPROVED AND ADOPTED on this XX day of XX 2018.

CAROL MOORE, 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. 18-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 2018, by the following vote:

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

YOLIE TRIPPY, Deputy City Clerk

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ITEM 7.5 - Attachment C

CHAPTER 3.06. - PURCHASING^[3]

Sec. 3.06.010. - Duties of Purchasing Agent—General.

The Purchasing Agent shall have the duties and powers prescribed by laws of the State of California relating to county purchasing agents, this chapter and the resolutions of the City Council. He shall be the head of the Purchasing Department of the City and shall appoint such deputies, assistants and other employees therein as shall from time to time be authorized therefor in the current salary ordinance and the personnel provisions of this Code. He shall furnish the City Council such reports and information as said Council may from time to time require and shall establish methods and procedures necessary for the proper functioning of the Purchasing Department function in an efficient and economical manner.

(OCC § 1-4-12)

Sec. 3.06.020. - Same—Specific.

The Purchasing Agent shall:

- (1) *Purchase material* . Purchase for the City and its offices, and for any special district whose affairs and funds are under the supervision and control of the City Council and for which the City Council is ex officio the governing body, all materials, supplies, furnishings, equipment, livestock and other personal property of whatever kind and nature; and except in cases of emergency as hereinafter provided, no purchase of personal property by any person other than the Purchasing Agent, except as may be otherwise provided by resolution of the City Council, shall be binding upon the City or constitute a lawful charge against any City funds.
- (2) *Rent furnishings and equipment* . Rent for the City and its offices, furnishings, equipment and livestock.
- (3) *Contract for equipment service, lease purchases* . Negotiate and execute in the name of the City all equipment service contracts and lease purchase agreements of personal property.
- (4)

ITEM 7.5 - Attachment C

Sell personal property. Sell or otherwise dispose of any personal property belonging to the City not required for public use, or he may when purchasing property accept advantageous trade-in allowances for such property not further required for public use.

- (5) *Contract generally.* Enter into any contract permitted by law subject to any restrictions which may be set forth in this chapter.
- (6) *Sell or dispose of personal property of any special district.* When specifically authorized by law, sell or dispose of personal property of any special district and pay the proceeds thereof into the treasury of the district, or, if any exchange or trade is made, return the proceeds to the special district.
- (7) *Perform other services.* Perform such other services as the City Council may from time to time by resolution require.
- (8) *Contract for special services.* Enter into contracts for special services in an amount not to exceed \$50,000.00 without first obtaining the approval of the contract by the City Council.

(OCC § 1-4-13)

Sec. 3.06.030. - Repair or construction of City highways.

Any work or improvement of City highways shall be let in accordance with the applicable provisions of the Streets and Highways Code.

(OCC § 1-4-14)

Sec. 3.06.040. - Other governmental agencies.

Unless prohibited by law, other governmental agencies may, with permission of the City Council, avail themselves of the services of the Purchasing Agent subject to the provisions of the laws under which the governmental agency operates.

(OCC § 1-4-16)

Sec. 3.06.050. - Purchase limitations.

ITEM 7.5 - Attachment C

The Purchasing Agent shall be subject to the dollar limitations on those purchases which are subject to applicable sections of the Government Code, except as in this article otherwise provided.

(OCC § 1-4-22)

Sec. 3.06.060. - Requisition procedure.

All purchases, rentals and contracts shall be made only upon proper written requisitions, the forms of which shall be supplied by the Purchasing Agent to the several offices of the County. No purchase order shall be issued unless approved budget distribution is shown according to the budget procedure established by the Auditor and the Administrative Officer. The head of any City office, department or institution or his duly designated assistant is hereby authorized to draw requisitions for purchases for such office, department or institution in accordance with current budget accounts. Such head may delegate such authority to one or more of his deputies, assistants or employees within the department.

(OCC § 1-4-26)

Sec. 3.06.070. - Purchasing procedure.

- (a) The Purchasing Agent shall award bids to responsible bidders in conformity with standards, specifications, quality and use requirements as the Purchasing Agent may determine in the purchase of personal property, materials, supplies, services, food products and any other articles requisitioned by departments or districts of the City of Laguna Woods.
- (b) The Purchasing Agent shall establish standards of design, quality and interchangeability of furniture, equipment and supplies for offices, courts and other institutions of the City and its districts.

(OCC § 1-4-32)

Sec. 3.06.080. - When competitive bidding not required.

ITEM 7.5 - Attachment C

Except as otherwise provided by ordinance or general law, the Purchasing Agent may, without notice, advertisement or the securing of competitive bids or quotations, make any purchase of personal property, or do any other thing which he is authorized to do in this article; provided, however, that he shall not purchase any individual capital item costing more than \$25,000.00 without first obtaining the approval thereof by the City Council.

(OCC § 1-4-33)

Sec. 3.06.090. - Posting notices of sales of surplus property.

Notices of sales of surplus personal property shall be posted for not less than five business days preceding the day of sale in the City Hall and in the office of the Purchasing Agent, and in such other public place within the City as the Purchasing Agent may deem advisable.

(OCC § 1-4-34)

Sec. 3.06.100. - Advertising proposed sale of surplus property.

In the disposition of any surplus personal property and upon approval of the City Council, the Purchasing Agent may purchase advertising space and may advertise the proposed sale or other disposition of the personal property in such newspapers, magazines and other periodicals as in his judgment will best publicize the proposed sale or other disposition to those persons most likely to bid for or purchase the personal property. Within the limitation of the order of the City Council approving the advertising, the Purchasing Agent shall decide upon the amount, nature, makeup and content of the advertising.

(OCC § 1-4-35)

CITY OF LAGUNA WOODS

**ADMINISTRATIVE POLICY 3.5
ENVIRONMENTAL PURCHASING POLICY**

3.5.01 PURPOSE

The purpose of this policy is to support the purchase of recycled and environmentally preferred products in order to minimize environmental impacts relating to city work. The City recognizes that its employees can make a difference in favor of environmental quality through the purchase of environmentally preferable products whenever they perform satisfactorily and are available at a reasonably competitive price.

Consistent with the requirements of Assembly Bill 939, requiring a 50 percent reduction of material going to landfills, and the economics of effectively managing costs for solid waste disposal, all City employees and Departments shall adopt and promote the use of recycled/recyclable supplies and materials as a City priority. In so doing, the City shall:

- Encourage waste prevention, recycling, market development and use of recycled/recyclable materials through lease agreements, contractual relationships and purchasing practices with vendors, contractors, businesses and other governmental agencies.
- Adopt waste prevention, recycling and use of recycled supplies/materials as a City priority.
- Generate less waste material by reviewing how supplies, materials and equipment are manufactured, purchased, packaged, delivered, used, and disposed.
- Serve as a model for the area to influence waste prevention, recycling and procurement efforts.

3.5.02 DEFINITIONS

- "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.
- "Waste Prevention" means any action undertaken by an individual or organization to eliminate or reduce the amount or toxicity of materials before they enter the municipal solid waste stream. This action is intended to conserve resources, promote efficiency, and reduce pollution.
- "Environmentally Preferable Products" means products that have a lesser impact on human health and the environment when compared with competing products. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation and/or disposal of the product.
- "Recycled Products" are products manufactured with waste material that has been recovered or diverted from the waste stream. Recycled material may be derived from post-consumer waste (material that has served its intended end-use and been discarded by

a final consumer), industrial scrap, manufacturing waste and/or other waste that otherwise would not have been utilized.

- "Practicable" means sufficient in performance and available at a reasonably competitive cost.

3.5.03 POLICIES

- A. All City personnel will specify recycled and environmentally preferable products whenever practicable.
- B. The City shall solicit the use of recycled and other environmentally preferred products in its procurement documents as appropriate.
- C. City employees and Departments shall practice waste prevention whenever practicable.

3.5.04 BEST PRACTICES

A. Procurement Practices

The Assistant City Manager or his/her designee shall evaluate the following environmentally preferable product categories and purchase them whenever practicable.

1. Printing and Writing Papers, including all imprinted letterhead paper, envelopes, copy paper and business cards shall contain a minimum of 30 percent post-consumer recycled content.
2. Paper Products, including janitorial supplies, shop towels, hand towels, facial tissue, toilet paper, seat covers, corrugated boxes, file boxes, hanging file folders, and other products composed largely of paper.
3. Remanufactured laser printer toner cartridges and remanufactured or refillable inkjet cartridges.
4. Re-refined antifreeze.
5. Re-refined lubricating and hydraulic oils.
6. Recycled plastic outdoor wood substitutes, including plastic lumber, benches, fencing, signs, and posts.
7. Recycled content construction, building and maintenance products, including plastic lumber, carpet, tiles, and insulation.
8. Recrushed cement concrete aggregate and asphalt.

9. Cement and asphalt concrete containing tire rubber, glass cullet, recycled fiber, plastic, fly ash, or other alternative products.
10. Retreaded tires and products made from recycled tire rubber, including rubberized asphalt, playground surfaces, and fatigue mats.
11. Compost, mulch, and other organics including recycled biosolids products.
12. Remanufactured paint
13. Other products that may be designated by Assistant City Manager or his/her designee.

B. Waste Prevention Practices

City staff are encouraged to reduce their consumption of resources by incorporating the following practices into their daily activities.

1. Consider durability and reparability of products prior to purchase.
2. Conduct routine maintenance on products/equipment to increase the useful life.
3. Use duplex features on laser printers and copiers. Specify duplex on print jobs.
4. Send and store information electronically when possible. This includes e-mail, Web site, and electronic fax.
5. Review record retention policies and implement document-imaging systems.
6. Other waste prevention practices that further the goals of this policy.

3.5.05 RESPONSIBILITIES OF ASSISTANT CITY MANAGER OR HIS/HER DESIGNEE

The Assistant City Manager or his/her designee shall be responsible for coordinating the implementation of this policy and shall:

- A. Develop and maintain information about environmentally preferable products and recycled products containing the maximum practicable amount of recycled materials to be purchased by Departments whenever possible. Initially, these shall include the products designated in section IV. A of this policy.
- B. Inform Departments of their responsibilities under this policy and provide them with information about recycled products and environmental procurement opportunities.

- C. Inform vendors of our Environmental Purchasing Policy.
- D. Restrict contracts to only recycled-content products whenever possible. (e.g., office supplies, janitorial supplies).
- E. Review specifications used in public bidding to eliminate barriers to recycled-content products, such as outdated or overly stringent product specifications and requirements unrelated to product performance. All requests for proposals shall require vendors to offer recycled products whenever practicable.
- F. Provide the City Manager with an annual report on the status of key benchmark commodities.

3.5.06 RESPONSIBILITIES OF ALL DEPARTMENTS/DIVISIONS

Each City Department shall:

- A. Practice waste prevention whenever possible.
- B. Continue to utilize recycling programs and expand where possible.
- C. Procure recycled products whenever practicable.
- D. Evaluate each designated product to determine the extent to which Departments may practicably use it.
- E. Ensure that procurement documents issued by the Department require environmental preferred purchasing wherever practicable.

3.5.07 EXEMPTIONS

Nothing in this policy shall be construed as requiring the purchase of products that do not perform adequately or are not available at a reasonable price.

CITY OF LAGUNA WOODS
ADMINISTRATIVE POLICY 3.4
PURCHASE REQUISITIONS

3.4.01 PURPOSE

To define the process and procedures for the Purchase of supplies and services.

3.4.02 GENERAL POLICY

Purchase requisitions are required for the purchase of all supplies and services, with the exception of petty cash reimbursements, memberships, employee benefit reimbursements, travel and hotel arrangements, and public works contracts subject to the California Public Contract Code.

3.4.03 AUTHORITY FOR REVIEW AND APPROVAL

The following approvals are required on purchase requisition forms:

- All purchase requisitions require approval of the initiating department head.
- Purchase requests that exceed \$10,000 require the approval of the City Manager.
- Purchase requests that exceed \$25,000 require formal approval of the City Council.

3.4.04 PURCHASE REQUISITION FORM

A. A Laguna Woods purchase requisition form (attached) is required for the purchase of all supplies and services with the following exceptions:

- petty cash reimbursements - filed with petty cash form.
- memberships – filed with employee reimbursement form, credit card form or warrant request.
- employee benefit reimbursements – filed with employee reimbursement form or credit card form.
- travel and hotel arrangements – filed with employee reimbursement form, credit card form or warrant request.

- public works contracts subject to the California Public Contract Code – formal bid process as specified in the Public Contract Code.
- B. Annual and multi-year service contracts require an initial purchase requisition when the item or service is initially bid/awarded.
- C. With the exception of reimbursements for employee benefits, employee reimbursement forms MAY NOT be used in lieu of a purchase requisition form.
- D. Purchase requisition forms are required in addition to credit card use forms for the purchase of supplies and services not noted in the exception statement above.

3.3.05 PURCHASE REQUISITION PROCESSING

- A. Information about required items and services should be filled out by the individual requiring the services or supplies.
- B. The purchase requisition form must be approved by the appropriate department head and/or city manager, before an item or service is ordered.
- C. No item or service will be ordered unless adequate funding is available in the appropriate expenditure account(s).
- D. Open Market. The purchase of services, materials, supplies and equipment with a total value not exceeding twenty five thousand dollars (\$25,000), inclusive of taxes and delivery costs, may be acquired through the open market process. A minimum of three informal bids are required, unless a sole source purchase can be justified. Bid information and/or sole source justification should be documented on the purchase requisition form.
- E. Formal Bids. The purchase of services, materials, supplies and equipment with a total value exceeding twenty five thousand dollars (\$25,000) exclusive of taxes and delivery cost shall be acquired through a formal bid process, as established by City ordinance.
- F. Completed purchase requisition forms should be attached to, and filed with, warrant requests.

8.1
CITY COUNCIL MEETING SCHEDULE

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City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: January 17, 2018 Regular Meeting

SUBJECT: City Council Meeting Schedule

Recommendation

Approve a City Council meeting schedule for Fiscal Year 2018-19.

Discussion

The City Council regularly meets on the third Wednesday of each month at 2 p.m. Staff is generally recommending a continuance of that meeting schedule for Fiscal Year 2018-19 with (i) the cancellation of the regular meeting in September 2018 and the addition of an adjourned regular meeting that same month to accommodate participation in the California Joint Powers Insurance Authority's ("CJPIA") Risk Management Educational Forum, which will take place on September 19-21, 2018; (ii) the cancellation of regular meetings in October 2018 and March 2019; and, (iii) the addition of adjourned regular meetings in April and June 2019. Specific proposed scheduling and accompanying notes are included as Attachment A.

Fiscal Impact

Sufficient funds to support the proposed City Council meeting schedule are included in the Fiscal Year 2018-19 Budget. Aside from noticing and reproduction expenses, recurring out-of-pocket expenses for City Council meetings are generally limited to \$100 per hour for closed captioning services.

Attachment: A – Proposed City Council Meeting Schedule for Fiscal Year 2018-19

**CITY OF LAGUNA WOODS
CITY COUNCIL MEETING SCHEDULE
FISCAL YEAR 2018-19**

Approved on XX

*All meetings occur at Laguna Woods City Hall, 24264 El Toro Road,
Laguna Woods, CA, unless otherwise noticed.*

MEETING DATE/TIME & TYPE	NOTES
Wednesday, July 18, 2018 at 2 p.m. Regular Meeting	
Wednesday, August 15, 2018 at 2 p.m. Regular Meeting	
Wednesday, September 19, 2018 at 2 p.m. Regular Meeting Cancelled	September 19, 2018 regular meeting cancelled
Wednesday, September 26, 2018 at 2 p.m. Adjourned Regular Meeting	
Wednesday, October 17, 2018 at 2 p.m. Regular Meeting Cancelled	October 17, 2018 regular meeting cancelled
Wednesday, November 21, 2018 at 2 p.m. Regular Meeting	
Wednesday, December 19, 2018 at 2 p.m. Regular Meeting	
Wednesday, January 16, 2019 at 2 p.m. Regular Meeting	
Wednesday, February 20, 2019 at 2 p.m. Regular Meeting	
Wednesday, March 20, 2019 at 2 p.m. Regular Meeting Cancelled	March 20, 2019 regular meeting cancelled
Wednesday, April 17, 2019 at 2 p.m. Regular Meeting	
Wednesday, April 24, 2019 at 2 p.m. Adjourned Regular Meeting	Budget/work plan workshop and other business
Wednesday, May 15, 2019 at 2 p.m. Regular Meeting	
Wednesday, June 19, 2019 at 2 p.m. Regular Meeting	
Wednesday, June 26, 2019 at 2 p.m. Adjourned Regular Meeting	Consideration of budget/work plan adoption and other business