

CITY of LAGUNA WOODS CITY COUNCIL AGENDA

Regular Meeting
Wednesday, July 18, 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.

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REGULAR MEETING SCHEDULE

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

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AFFIDAVIT OF POSTING

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

I, 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

7-13-18

Date

- I. CALL TO ORDER
- II. ROLL CALL
- III. PLEDGE OF ALLEGIANCE
- IV. PRESENTATIONS AND CEREMONIAL MATTERS
- V. PUBLIC COMMENTS

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

VI. CONSENT CALENDAR

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

6.1 City Council Minutes

Recommendation: Approve the City Council meeting minutes for the regular meeting on June 20, 2018.

6.2 City Treasurer’s Report

Recommendation: Receive and file the City Treasurer’s Report for the month of June 2018.

6.3 Warrant Register

Recommendation: Approve the warrant register dated July 18, 2018 in the amount of \$200,202.36.

6.4 Quitclaim Deed for Scenic Preservation Easements

Recommendation: Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING AND ACCEPTING A QUITCLAIM DEED FOR THE CONVEYANCE OF REAL PROPERTY FROM THE COUNTY OF ORANGE RELATED TO SCENIC PRESERVATION EASEMENTS, WHICH ARE DESCRIBED AS PARCEL OS57Q-103 IN THE EASEMENT DEED RECORDED ON SEPTEMBER 10, 1996 AS DOCUMENT NO. 19960461066 IN THE OFFICE OF THE COUNTY OF ORANGE RECORDER AND WHICH IS LOCATED IN THE GENERAL VICINITY OF THE NORTHEAST CORNER OF THE INTERSECTION OF MOULTON PARKWAY AND EL TORO ROAD IN LAGUNA WOODS, CA 92637; AND AS PARCEL OS57Q-104 IN THE EASEMENT DEED RECORDED ON AUGUST 27, 1997 AS DOCUMENT NO. 19970417723 IN THE OFFICE OF THE COUNTY OF ORANGE RECORDER AND WHICH IS LOCATED IN THE GENERAL VICINITY SOUTH OF VIA CAMPO VERDE AND WEST OF MOULTON PARKWAY IN LAGUNA WOODS, CA 92637; AND AS PARCEL OS57Q-106 IN THE IRREVOCABLE OFFER TO CONVEY EASEMENT TO THE COUNTY OF ORANGE RECORDED ON DECEMBER 19, 1997 AS DOCUMENT NO. 19970653224 IN THE OFFICE OF THE COUNTY OF ORANGE RECORDER AND WHICH IS LOCATED IN THE GENERAL VICINITY NORTH OF VIA CAMPO VERDE AND WEST OF MOULTON PARKWAY IN LAGUNA WOODS, CA 92637; AND PARCEL OS57Q-107 IN THE EASEMENT DEED RECORDED ON OCTOBER 20, 1997 AS DOCUMENT NO. 19970524301 IN THE OFFICE OF THE COUNTY OF ORANGE RECORDER AND WHICH IS LOCATED IN THE GENERAL VICINITY NORTH OF EL TORO ROAD AND WEST OF MOULTON PARKWAY IN LAGUNA WOODS, CA 92637; AND AUTHORIZING THE MAYOR TO ACCEPT AND CONSENT TO THE QUITCLAIM DEED IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 27281

6.5 Laguna Woods Civic Support Fund

Recommendation: Appoint Peter Chong to the Board of Directors for the Laguna Woods Civic Support Fund as a resident member.

VII. PUBLIC HEARINGS

7.1 Dog Park Rules and 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, ADDING SECTION 9.18.290 TO THE LAGUNA WOODS MUNICIPAL CODE RELATED TO DOG PARK RULES AND REGULATIONS

VIII. CITY COUNCIL BUSINESS

8.1 South Orange County Integrated Regional Water Management Plan

Recommendation: Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING THE 2018 SOUTH ORANGE COUNTY INTEGRATED REGIONAL WATER MANAGEMENT PLAN

8.2 Construction and Demolition Materials Management Regulations

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTIONS 4.24.020, 4.24.040, AND 4.24.060 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO CONSTRUCTION AND DEMOLITION MATERIALS MANAGEMENT

8.3 Purchasing and Procurement Regulations

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

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

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 Connors; 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, August 15, 2018 at 2 p.m.
Laguna Woods City Hall
24264 El Toro Road, Laguna Woods, California 92637

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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: July 18, 2018 Regular Meeting
SUBJECT: Consent Calendar Summary

Recommendation

Approve all proposed actions on the July 18, 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 July 18, 2018 Consent Calendar contains the following items:

- 6.1 Approval of the City Council meeting minutes for the regular meeting on June 20, 2018.
- 6.2 Approval of a motion to receive and file the City Treasurer's Report for the month of June 2018.
- 6.3 Approval of the warrant register dated July 18, 2018 in the amount of \$200,202.36. A list of warrants is included in the agenda packet; detailed information about individual warrants is available at City Hall.

6.4 Adoption of a resolution approving and accepting a quitclaim deed for the conveyance of real property from the County of Orange related to scenic preservation easements, which are described as:

- Parcel OS57Q-103 in the easement deed recorded on September 10, 1996 as Document No. 19960461066 in the office of the County of Orange Recorder and which is located in the general vicinity of the northeast corner of the intersection of Moulton Parkway and El Toro Road in Laguna Woods, CA 92637; and as
- Parcel OS57Q-104 in the easement deed recorded on August 27, 1997 as Document No. 19970417723 in the office of the County of Orange Recorder and which is located in the general vicinity south of Via Campo Verde and west of Moulton Parkway in Laguna Woods, CA 92637; and as
- Parcel OS57Q-106 in the irrevocable offer to convey easement to the County of Orange recorded on December 19, 1997 as Document No. 19970653224 in the office of the County of Orange Recorder and which is located in the general vicinity north of Via Campo Verde and west of Moulton Parkway in Laguna Woods, CA 92637; and as
- Parcel OS57Q-107 in the easement deed recorded on October 20, 1997 as Document No. 19970524301 in the office of the County of Orange Recorder and which is located in the general vicinity north of El Toro Road and west of Moulton Parkway in Laguna Woods, CA 92637;

and authorizing the Mayor to accept and consent to the quitclaim deed in accordance with California Government Code Section 27281.

A legal description and map exhibit for each of the subject easements is included as a part of Exhibit A to this item. The subject easements should have been, but were not, quitclaimed to the City, from the County of Orange, following the City's incorporation. The proposed action would cause the easements to be conveyed to the City.

6.5 Appointment of Peter Chong to the Board of Directors for the Laguna Woods Civic Support Fund as a resident member. Mr. Chong is the current chairman of the Laguna Woods Korean American Club and has relevant professional and service experience. This action is recommended by the Laguna Woods Civic Support Fund Board of Directors.

6.1
CITY COUNCIL MINUTES

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**CITY OF LAGUNA WOODS CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
June 20, 2018
2:00 P.M.
Laguna Woods City Hall
24264 El Toro Road
Laguna Woods, California 92637**

I. CALL TO ORDER

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

II. ROLL CALL

COUNCILMEMBER: PRESENT: Horne, Rainey, Conners, Moore
 ABSENT: Hatch (arrived immediately after roll call)

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

III. PLEDGE OF ALLEGIANCE

Tony Rackauckas, Orange County District Attorney, led the pledge of allegiance.

IV. PRESENTATIONS AND CEREMONIAL MATTERS

4.1 Rehabilitation Exploitation and Health Care Trafficking Presentation – Orange County District Attorney’s Office

Tony Rackauckas, Orange County District Attorney, made a presentation.

Councilmembers discussed the presentation and District Attorney Rackauckas answered related questions.

4.2 Elder Abuse Awareness Month – June 2018

Councilmembers made comments.

Moved by Councilmember Hatch, seconded by Councilmember Rainey, and carried unanimously on a 5-0 vote, to approve and present the proclamation for Elder Abuse Awareness Month.

4.3 Gun Violence Awareness Month – June 2018

Councilmembers made comments.

Moved by Councilmember Horne, seconded by Councilmember Rainey, and carried unanimously on a 5-0 vote, to approve and present the proclamation for Gun Violence Awareness Month.

4.4 Immigrant Heritage Month – June 2018

Councilmembers made comments.

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

4.5 Pride Month – June 2018

Councilmembers made comments.

Larry Delira, Laguna Woods Rainbow Club, made comments.

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

Mayor Moore called for a brief recess.

The meeting was called back to order at 3:44 p.m.

V. PUBLIC COMMENT

Robert Cunningham, resident, suggested that the City Council provide a letter to Congresswoman Mimi Walter's office supporting an assault rifle ban.

Laura Farinella, Police Chief, City of Laguna Beach, thanked the City for its partnership on animal control and shelter services.

Councilmembers briefly responded to Chief Farinella's comments and Chief Farinella and Jim Beres, Civilian Services Administrator, City of Laguna Beach, provided additional information.

VI. CONSENT CALENDAR

Moved by Councilmember Hatch, seconded by Mayor Pro Tem Conners, and carried unanimously on a 5-0 vote, to approve Consent Calendar items 6.1 – 6.16.

6.1 City Council Minutes

Approved the City Council meeting minutes for the regular meeting on May 16, 2018 and special meeting on May 31, 2018.

6.2 City Treasurer's Report

Received and filed the City Treasurer's Report for the month of May 2018.

6.3 Warrant Register

Approved the warrant register dated June 20, 2018 in the amount of \$611,672.89.

6.4 Carryover of Budget Appropriations between Fiscal Years

Approved the carryover of budget appropriations authorized by the City Council on March 21, 2018 to offset costs associated with the digitization of microfiche records between fiscal years 2017-18 and 2018-19.

6.5 Fiscal Year 2018-19 Annual Appropriations Limit

Adopted a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING THE ANNUAL APPROPRIATIONS LIMIT (GANN LIMIT) FOR FISCAL YEAR 2018-19 COMMENCING JULY 1, 2018 AND ENDING JUNE 30, 2019, IN ACCORDANCE WITH ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION

6.6 Budgeting, Reserves, and Reporting Policy

Adopted a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING MODIFICATIONS TO ADMINISTRATIVE POLICY 2.9 PERTAINING TO BUDGETING, RESERVES, AND REPORTING

6.7 Employee Compensation and Benefits

Adopted a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING RESOLUTION NO. 17-18 AND ESTABLISHING A COMPENSATION SCHEDULE AND BENEFITS

FOR CITY EMPLOYEES

6.8 Newport Bay Watershed Total Maximum Daily Load Programs

Approved a cooperative agreement with the County of Orange, the Orange County Flood Control District, the City of Costa Mesa, the City of Irvine, the City of Laguna Hills, the City of Lake Forest, the City of Newport Beach, the City of Orange, the City of Santa Ana, the City of Tustin, Irvine Ranch Water District, and the Irvine Company to fund total maximum daily load programs and related activities in the Newport Bay Watershed and authorized the Mayor to execute the agreement, subject to approval as to form by the City Attorney.

6.9 Animal Control and Shelter Services

Approved an agreement with the City of Laguna Beach for animal control and shelter services and authorized the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

6.10 Landscape Architecture, Landscape Plan Review, and Arborist Services

1. Approved an agreement with Van Dyke Landscape Architects, Inc. for landscape architecture, landscape plan review, and arborist services and authorized the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

AND

2. Approved an extension of the agreement with NUVIS for as needed landscape architecture and forestry services and authorized the City Manager to execute the extension, subject to approval as to form by the City Attorney.

6.11 As Needed Financial Consulting Services

1. Waived the provisions set forth in Laguna Woods Municipal Code Section 3.06.070(c) related to competitive bidding.

AND

2. Approved an extension of the agreement with Irwin B. Bornstein for as needed financial consulting services and authorized the City Manager to execute the extension, subject to approval as to form by the City Attorney.

6.12 City Attorney Services

Approved an amendment of the legal representation letter with Rutan & Tucker, LLP for legal services as City Attorney and authorized the Mayor to execute the amendment.

6.13 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.

6.14 Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 1 (Moulton Parkway)

1. Approved the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 1 (Moulton Parkway)” design plans and specifications as recommended by the City Engineer.

AND

2. Awarded a contract agreement to Golden State Constructors for the Construction of the “American with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 1 (Moulton Parkway)”, in the amount of \$107,000, plus authorized change orders not to exceed 10% of the base amount; and authorized the City Manager to execute a contract agreement and approve change orders, subject to approval of the contract agreement as to form by the City Attorney.

6.15 General Municipal Election

1. Adopted a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATED TO GENERAL LAW CITIES

AND

2. Adopted a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10403

3. Adopted a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING RESOLUTION NO. 05-07 AND ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018

6.16 Conflict of Interest Code

Adopted a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, RESCINDING RESOLUTION NO. 16-32 AND RE-ADOPTING BY RESOLUTION NO. 16-32, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 81000 ET SEQ.

VII. PUBLIC HEARINGS

7.1 Construction and Demolition Materials Management Regulations

City Manager Macon made a presentation.

Mayor Moore opened the public hearing.

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

Moved by Councilmember Hatch, seconded by Mayor Pro Tem Connors, and carried unanimously on a 5-0 vote, to approve the introduction and first reading of an ordinance – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTIONS 4.24.020, 4.24.040, AND 4.24.060 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO CONSTRUCTION AND DEMOLITION MATERIALS MANAGEMENT

7.2 Purchasing and Procurement Regulations

City Manager Macon made a presentation.

Mayor Moore opened the public hearing.

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

Councilmembers discussed the item and staff answered related questions.

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

VIII. CITY COUNCIL BUSINESS

8.1 Fiscal Years 2017-28 Capital Improvement Program

City Manager Macon made a presentation.

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 adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING A NEW 11-YEAR CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2017-18 THROUGH 2027-28, IN CONFORMANCE WITH MEASURE M2 REQUIREMENTS AND APPLICABLE CITY POLICIES AND DISCRETION

8.2 Fiscal Years 2017-19 Budget & Work Plan Adjustments

City Manager Macon made a presentation.

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

1. Authorize the City Manager to transfer \$5,000 from the Fiscal Year 2017-18 General Fund City Council Contingency budget to the Senior Mobility Program Fund to offset costs associated with operation of the Senior Mobility Program

AND

2. Approve a supplemental contribution of \$23,812 to the Other Post-Employment Benefits (OPEB) Trust Fund, with the appropriation drawn from the General Fund unassigned balance, in order to maintain a prefunding level of 80% of the unfunded OPEB liability.

AND

3. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING AND ADOPTING THE FISCAL YEARS 2017-19 BUDGET & WORK PLAN FOR FISCAL YEAR 2017-18 COMMENCING JULY 1, 2017 AND ENDING JUNE 30, 2018, AND FISCAL YEAR 2018-19 COMMENCING JULY 1, 2018 AND ENDING JUNE 30, 2019, RELATED TO APPROPRIATIONS FOR THE GENERAL FUND, CAPITAL PROJECTS FUND, FUEL TAX FUND, ROAD MAINTENANCE & REHABILITATION PROGRAM FUND, AND SENIOR MOBILITY FUND FOR THE SENIOR MOBILITY PROGRAM, THE BIENNIAL CONTRIBUTION TO THE OTHER POST-EMPLOYMENT BENEFITS TRUST FUND, AND VARIOUS CAPITAL IMPROVEMENT PROJECTS, AS WELL AS APPROPRIATIONS FOR AND FROM THE LAGUNA WOODS CIVIC SUPPORT FUND, A BLENDED COMPONENT UNIT OF THE CITY

8.3 California Public Utilities Commission Tariff Rule 20A Allocation

City Manager Macon made a presentation.

Councilmembers discussed the item and staff answered related questions.

Kathryn Freshley, resident, expressed her support for the recommended action.

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

1. Approve a memorandum of understanding with the City of Laguna Beach to transfer the City of Laguna Woods' California Public Utilities Commission Tariff Rule 20A allocation balance as of April 5, 2018 (\$593,583) to the City of Laguna Beach for a purchase price of \$326,470.65, and authorize the City Manager to execute the memorandum of understanding, subject to approval as to form by the City Attorney.

AND

2. Authorize the City Manager to request that Southern California Edison transfer and assign the entire balance of the City of Laguna Woods' California Public Utilities Commission Tariff Rule 20A allocation balance as of April 5, 2018 to and for the benefit of the City of Laguna Beach, and provide any additional documentation or information that is reasonably requested by Southern California Edison to complete the transfer.

IX. CITY COUNCIL REPORTS AND COMMENTS

9.1 Coastal Greenbelt Authority

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

9.2 Orange County Fire Authority

Councilmember Hatch provided a report.

Councilmembers briefly commented on the report.

9.3 Orange County Library Advisory Board

Councilmember Rainey provided a report.

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 Conners provided a report.

9.6 South Orange County Watershed Management Area

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

9.7 Other Comments and Reports

Mayor Moore reported on her attendance of the Orange County Water Summit.

X. CLOSED SESSION

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

XI. CLOSED SESSION REPORT

The City Council reconvened in open session at 4:39 p.m. City Attorney Cosgrove stated that there was no reportable action under California Government Code Section 54957.1.

XII. ADJOURNMENT

The meeting was adjourned at 4:39 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday, July 18, 2018, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: July 18, 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 June 30, 2018

ITEM 6.2

CASH AND INVESTMENTS

	Beginning Balances As of 5/31/18	Earnings & Receipts	Disbursements	Purchases, Transfers & Other Adjustments	Ending Balances As of 6/30/18	% of Total Cash & Investment Balances	Maximum % Allowed per Investment Policy
Cash and Cash Equivalents							
Analyzed Checking Account (Note 3)	\$ 777,863	\$ 294,720	\$ (408,329)	\$ -	\$ 664,254	6.13%	
Cash Balances, Multi-Bank Securities (MBS) Account	\$ 5,350	\$ 1,072	\$ (5,350)	\$ -	\$ 1,072	0.01%	
Earned Interest in Transit and Accrued Interest, Securities Account	\$ 3,570	\$ 2,942	\$ (1,072)	\$ -	\$ 5,441	0.05%	
Petty Cash	\$ 1,319	\$ 500	\$ (598)	\$ -	\$ 1,221	0.01%	
Total Cash and Cash Equivalents	\$ 788,103	\$ 299,234	\$ (415,349)	\$ -	\$ 671,988	6.20%	100.00%
Pooled Money Investment Accounts (PIMA)							
Local Agency Investment Fund (LAIF) (Notes 1 and 2)	\$ 4,204,980	\$ -	\$ -	\$ -	\$ 4,204,980	38.82%	
Orange County Investment Pool (OCIP) (Notes 1 and 2)	\$ 4,039,794	\$ -	\$ (206)	\$ -	\$ 4,039,588	37.29%	
Total Pooled Money Investment Accounts	\$ 8,244,774	\$ -	\$ (206)	\$ -	\$ 8,244,568	76.12%	90.00%
Investments - Interest and Income Bearing							
Certificates of Deposit (book value) (Note 4)	\$ 1,915,000	\$ -	\$ -	\$ -	\$ 1,915,000	17.68%	
Total Investments	\$ 1,915,000	\$ -	\$ -	\$ -	\$ 1,915,000	17.68%	30.00%
TOTAL CASH, CASH EQUIVALENTS, AND INVESTMENTS	\$ 10,947,878	\$ 299,234	\$ (415,555)	\$ -	\$ 10,831,556	100.00%	

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

	General Fund	Special Revenue Funds	Totals
Analyzed Checking	\$ (153,027)	\$ 817,281	\$ 664,254
Cash, Securities Account	\$ 1,072	\$ -	\$ 1,072
Interest in Transit	\$ 5,441	\$ -	\$ 5,441
Petty Cash	\$ 1,221	\$ -	\$ 1,221
LAIF	\$ 4,204,980	\$ -	\$ 4,204,980
OCIP	\$ 4,039,588	\$ -	\$ 4,039,588
Certificates of Deposit	\$ 1,915,000	\$ -	\$ 1,915,000
Totals	\$ 10,014,275	\$ 817,281	\$ 10,831,556

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



**City of Laguna Woods
City Treasurer's Report
For the Month Ended June 30, 2018**

ITEM 6.2

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	244,439	245,000	1.150	Semi-Annual	03/15/17	300	1.150	09/17/18
57116ANC8	2017-1	MARLIN BUSINESS BK SALT LAKE	18 months	01/13/17	01/13/17	245,000	244,941	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	243,822	245,000	1.600	Monthly	04/22/17	300	1.600	03/22/19
02587DR26	2017-4	AMERICAN EXPRESS CENTURIAN	18 months	05/04/17	05/10/17	245,000	244,490	245,000	1.500	Semi-Annual	11/10/17	300	1.500	11/13/18
38148PTD9	2017-6	GOLDMAN SACHS BANK USA	36 months	11/16/17	11/22/17	245,000	240,257	245,000	2.050	Semi-Annual	05/22/18	Green*	2.050	11/23/20
61747ML58	2018-1	MORGAN STANLEY BK N A SALT LAKE	36 months	02/14/18	02/22/18	100,000	99,152	100,000	2.600	Semi-Annual	08/22/18	Green***	2.600	02/22/21
101120DW0	2018-2	BOSTON PRIVATE BANK & TR	21 months	03/09/18	03/23/18	245,000	243,966	245,000	2.300	Monthly	04/23/18	Green***	2.300	12/23/19
64944RJO	2018-3	NEW YORK COMMUNITY BANK	24 months	03/23/18	03/28/18	100,000	99,569	100,000	2.450	Semi-Annual	09/28/18	Green***	2.450	03/27/20
05580AMD3	2018-4	BMW BANK NORTH AMERICA	36 months	03/23/18	03/29/18	245,000	243,368	245,000	2.700	Semi-Annual	09/29/18	Green***	2.700	03/29/21
Accrued Interest - Month End							5,441							
Total CDs						1,915,000	1,909,445	1,915,000						

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

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

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

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

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

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

CUSIP	Investment #	Issuer	Term	Purchase Date	Settlement Date	Par Value	Market Value	Book Value	Stated Rate	Coupon Type	1st Coupon Date	Rating or Rank (*)	Yield to Maturity 365 Days	Maturity Date
N/A	N/A	Local Agency Investment Fund (LAIF)	N/A	Various	Various	4,204,980	4,204,980	4,204,980	Not Available	N/A	N/A	N/A	N/A	N/A
N/A	N/A	Orange County Investment Pool (OCIP)	N/A	Various	Various	4,039,588	4,039,588	4,039,588	1.538	N/A	N/A	N/A	N/A	N/A
Total PIMA						8,244,568	8,244,568	8,244,568						

(See NOTES on Page 3 of 3)



**City of Laguna Woods
City Treasurer's Report
For the Month Ended June 30, 2018**

OTHER FUNDS - HELD IN TRUST

	Beginning Balances As of 5/31/18	Contributions / (Withdrawals)	Administrative Fees & Investment Expense	Unrealized Gain / (Loss)	Ending Balances As of 6/30/18
Other Post-Employment Benefits (OPEB) Trust					
CalPERS California Employers' Retiree Benefit Trust (CERBT) (CERBT holds all assets and administers the OPEB Trust)	\$ 70,530	\$ 23,812	\$ (5)	\$ 83	\$ 94,420
Total Other Funds - Held in Trust	\$ 70,530	\$ 23,812	\$ (5)	\$ 83	\$ 94,420

Notes:

Note 1 - During June 2018, transaction activity in government money market funds, investment accounts and fiduciary trusts included:

LAIF / The City made no deposits to or withdrawals from the LAIF account.

OCIP / The City made no deposits to or withdrawals from the OCIP account.

Investments / The City purchased no additional investments and there were no maturities or liquidations of investments.

OPEB Trust / The City made a contribution to the OPEB Trust of \$23,812, as approved by the City Council on June 20, 2018.

Note 2 - Investment earnings on government pooled money investment accounts deposited and reported June 2018 net of related fees were:

Pool	Earnings Post	Prior Period Earnings Deposited	Deposit for Period Ended	Current Month / Quarter Net Yield	Current Month Earnings Will Post	Notes
LAIF	Quarterly	\$0	N/A	Not Available	July 2018	None
OCIP	Monthly	\$0	N/A	1.54%	July 2018	April and May earnings totaling \$9,995 and will post in July.

Note 3 - Analyzed Checking Account / Monthly activity reported does not reflect June vendor invoicing processed after the date of this report.

Note 4 - CDs / The stated earnings rate for CDs is a fixed rate for the full term. The City earned interest \$1,071.62 and transferred out \$5,350.06 in cash balances to the City's checking account in May 2018. Cash balances to be invested or paid out are classified separately on page 1 of 3. The City portfolio also has \$5,440.93 in accrued interest, not yet vested.

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

7/11/18

Dated

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6.3
WARRANT REGISTER

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**CITY OF LAGUNA WOODS
WARRANT REGISTER
7/18/2018**

This Report Covers the Period 6/12/2018 through 7/10/2018

Date	Vendor Name	Description	Amount
Debit	Automatic Bank Debits		
Debit 06/13/2018	ADP TAX	Payroll Taxes / Pay Period Ended 06/08/2018	9,662.53
Debit 06/13/2018	ADP WAGE PAY	Payroll Transfer / Pay Period Ended 06/08/2018	19,999.83
Debit 06/13/2018	ICMA / MFRS AND TRADERS TRUST	Employee Benefit Program / June 2018	1,575.00
Debit 06/14/2018	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 06/08/2018	845.21
Debit 06/14/2018	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 06/08/2018	3,579.49
Debit 06/22/2018	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Period Ended 06/08/2018	178.69
Debit 06/22/2018	CALPERS - OPEB	Prefunding Contribution to Other Post-Employment Benefits (OPEB) Trust	23,812.00
Debit 06/27/2018	ADP TAX	Payroll Taxes / Pay Period Ended 06/22/2018	9,999.79
Debit 06/27/2018	ADP WAGE PAY	Payroll Transfer / Pay Period Ended 06/22/2018	18,378.33
Debit 06/27/2018	ICMA / MFRS AND TRADERS TRUST	Employee Benefit Program / June 2018	5,831.49
Debit 06/27/2018	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 06/22/2018	845.21
Debit 06/27/2018	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 06/22/2018	3,579.49
Debit 07/03/2018	CALPERS - HEALTH	Employee Benefit Program / June 2018	2,503.17
Debit 07/03/2018	BANCORP	Employee Benefit Program / July 2018	20.00
Debit 07/05/2018	BUSINESS PLANS	Employee Benefit Program / June 2018	416.67
Debit 07/06/2018	ADP TAX	Payroll Taxes / Pay Period Ended 06/22/2018	162.97
Debit 07/10/2018	CALPERS - RETIREMENT	Retirement Unfunded Liability / Fiscal Year 2018-19	2,626.00
Numbe	Warrants:		
2206 06/29/2018	ALZHEIMER'S ORANGE COUNTY	Contribution - Orange County Strategic Plan for Aging / Calendar Year 2018	500.00
2207 06/29/2018	BROWN ARMSTRONG ACCOUNTANCY CORP	Audit Services / Fiscal Year 2017-18	2,200.00
2208 06/29/2018	BUSINESS PLANS, INCORPORATED	125 Cafeteria Plan Administration / June 2018	100.00
2209 06/29/2018	CALIFORNIA INTERNET LP	Internet Service / June 2018	399.00
2210 06/29/2018	CALIFORNIA YELLOW CAB	NEMT Taxi Voucher Services / May 2018	12,903.00
2211 06/29/2018	CAPTIONING UNLIMITED	Closed Captioning Services / May - June 2018	600.00
2212 06/29/2018	CIVIL SOURCE	Traffic Engineering / May 2018	9,602.50
2212 06/29/2018	CIVIL SOURCE	Building Inspection & Counter Services / May 2018	39,927.50
2213 06/29/2018	COASTAL CURRENT ELECTRIC	Cancelled Permit Refund	68.00
2214 06/29/2018	COMPUTER SERVICE COMPANY	Traffic Maintenance / May 2018	462.50
2215 06/29/2018	COUNTY OF ORANGE	Automated Fingerprint ID System Cost-Share / Fiscal Year 2017-18	1,910.00
2216 06/29/2018	CSG CONSULTANTS INC	Building Plan Review Services / May 2018	1,317.50
2217 06/29/2018	FAST FUNDS FINANCIAL INC.	Waste Diversion Deposit Refund	250.00
2218 06/29/2018	GOLDEN RAIN FOUNDATION	Overpaid PEG/Cable Television Fees Refund	105.59
2219 06/29/2018	JAMES PRINDIVILLE	Waste Diversion Deposit Refund	250.00
2220 06/29/2018	JANE C SPENCE	Waste Diversion Deposit Refund	250.00
2221 06/29/2018	KONE INC.	Elevator Maintenance & Repair / June 2018	751.04

**CITY OF LAGUNA WOODS
WARRANT REGISTER
7/18/2018**

This Report Covers the Period 6/12/2018 through 7/10/2018

Date	Vendor Name	Description	Amount	
2222	06/29/2018	MUNICIPAL CODE CORP	Municipal Code Annual Support Fee / Fiscal Year 2018-19	350.00
2223	06/29/2018	NIEVES LANDSCAPE, INC.	Landscape Maintenance / April & June 2018	13,261.25
2224	06/29/2018	ORKIN	Pest Control Services / June 2018	1,260.00
2225	06/29/2018	RICHARD SMITH	Waste Diversion Deposit Refund	500.00
2226	06/29/2018	RUTAN & TUCKER, LLP	Legal Services / April 2018	5,529.92
2227	06/29/2018	SOUTHERN CALIFORNIA EDISON	Irrigation Controllers - Parks / June 2018	26.80
2228	06/29/2018	SOUTHERN CALIFORNIA EDISON	Electric Service - City Hall / June 2018	1,985.52
2229	06/29/2018	SOUTHERN CALIFORNIA EDISON	Traffic Signal Controllers / May 2018	262.11
2230	06/29/2018	SOUTHERN CALIFORNIA EDISON	Irrigation Controllers - Public ROW / June 2018	99.53
2231	06/29/2018	U.S. BANK	Credit Card Charges (expenditures reported separately - see note 3)	1,314.73
			Total Bank Debits and Warrants:	<u><u>\$200,202.36</u></u>

Petty Cash Expenditures Paid Out (See Note 2)

No Petty Cash Transactions During This Time Period

Total Petty Cash: \$0.00

TOTAL \$200,202.36

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 Wage Pay" under "Automatic Bank Debits"), unless waived by the Councilmember. For the month of July 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.

Note 3 - The table below summarizes credit card expenditures paid via Check #2231 to U.S. Bank totaling \$1,314.73

Orange County City Manager Association	Meeting Registration	52.00
Emedco	City Hall Maintenance	146.81
National Construction Rentals	Temporary Fencing - Dog Park	550.00
League of California Cities	Conference Registration - League of California Cities (Councilmember Horne)	525.00
FedEx	Postage	40.92
Total Credit Card Reimbursement:		<u><u>1,314.73</u></u>

Administrative Services Director/City Treasurer's Certification

I, Margaret A. Cady, Administrative Services Director/City Treasurer, do hereby certify:

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

Margaret A. Cady, Administrative Services Director/City Treasurer
Margaret A. Cady, Administrative Services Director/City Treasurer

6/12/18

Dated

6.4
**QUITCLAIM DEED FOR SCENIC
PRESERVATION EASEMENTS**

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RESOLUTION NO. 18-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING AND ACCEPTING A QUITCLAIM DEED FOR THE CONVEYANCE OF REAL PROPERTY FROM THE COUNTY OF ORANGE RELATED TO SCENIC PRESERVATION EASEMENTS, WHICH ARE DESCRIBED AS PARCEL OS57Q-103 IN THE EASEMENT DEED RECORDED ON SEPTEMBER 10, 1996 AS DOCUMENT NO. 19960461066 IN THE OFFICE OF THE COUNTY OF ORANGE RECORDER AND WHICH IS LOCATED IN THE GENERAL VICINITY OF THE NORTHEAST CORNER OF THE INTERSECTION OF MOULTON PARKWAY AND EL TORO ROAD IN LAGUNA WOODS, CA 92637; AND AS PARCEL OS57Q-104 IN THE EASEMENT DEED RECORDED ON AUGUST 27, 1997 AS DOCUMENT NO. 19970417723 IN THE OFFICE OF THE COUNTY OF ORANGE RECORDER AND WHICH IS LOCATED IN THE GENERAL VICINITY SOUTH OF VIA CAMPO VERDE AND WEST OF MOULTON PARKWAY IN LAGUNA WOODS, CA 92637; AND AS PARCEL OS57Q-106 IN THE IRREVOCABLE OFFER TO CONVEY EASEMENT TO THE COUNTY OF ORANGE RECORDED ON DECEMBER 19, 1997 AS DOCUMENT NO. 19970653224 IN THE OFFICE OF THE COUNTY OF ORANGE RECORDER AND WHICH IS LOCATED IN THE GENERAL VICINITY NORTH OF VIA CAMPO VERDE AND WEST OF MOULTON PARKWAY IN LAGUNA WOODS, CA 92637; AND PARCEL OS57Q-107 IN THE EASEMENT DEED RECORDED ON OCTOBER 20, 1997 AS DOCUMENT NO. 19970524301 IN THE OFFICE OF THE COUNTY OF ORANGE RECORDER AND WHICH IS LOCATED IN THE GENERAL VICINITY NORTH OF EL TORO ROAD AND WEST OF MOULTON PARKWAY IN LAGUNA WOODS, CA 92637; AND AUTHORIZING THE MAYOR TO ACCEPT AND CONSENT TO THE QUITCLAIM DEED IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 27281

WHEREAS, the City and the County of Orange have identified scenic preservation easements, which are described as follows, that should have been, but were not, quitclaimed to the City, from the County of Orange, following the City's incorporation:

- Parcel OS57Q-103 in the easement deed recorded on September 10, 1996 as Document No. 19960461066 in the office of the County of

Orange Recorder and which is located in the general vicinity of the northeast corner of the intersection of Moulton Parkway and El Toro Road in Laguna Woods, CA 92637

- Parcel OS57Q-104 in the easement deed recorded on August 27, 1997 as Document No. 19970417723 in the office of the County of Orange Recorder and which is located in the general vicinity south of Via Campo Verde and west of Moulton Parkway in Laguna Woods, CA 92637
- Parcel OS57Q-106 in the irrevocable offer to convey easement to the County of Orange recorded on December 19, 1997 as Document No. 19970653224 in the office of the County of Orange Recorder and which is located in the general vicinity north of Via Campo Verde and west of Moulton Parkway in Laguna Woods, CA 92637
- Parcel OS57Q-107 in the easement deed recorded on October 20, 1997 as Document No. 19970524301 in the office of the County of Orange Recorder and which is located in the general vicinity north of El Toro Road and west of Moulton Parkway in Laguna Woods, CA 92637

; and

WHEREAS, the County of Orange has prepared a quitclaim deed for the subject easements that would convey such easements to the City; and

WHEREAS, California Government Code Section 27281 states that “Deeds or grants conveying any interest in or easement upon real estate to a political corporation or governmental agency for public purposes shall not be accepted for recordation without the consent of the grantee evidenced by its certificate or resolution of acceptance attached to or printed on the deed or grant”; and

WHEREAS, City staff has prepared a certificate of acceptance for the subject quitclaim deed consistent with California Government Code Section 27281.

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

SECTION 1. After reviewing the actions included in this resolution, the City Council hereby determines and certifies that there is no possibility that any

such action including, but not limited to, the approval and acceptance of the quitclaim deed, 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 determines and certifies that the actions included in this resolution are not subject to the California Environmental Quality Act (“CEQA”).

SECTION 2. The quitclaim deed attached hereto as Exhibit A is hereby approved and accepted for the conveyance of real property from the County of Orange related to scenic preservation easements, which are described as follows:

- Parcel OS57Q-103 in the easement deed recorded on September 10, 1996 as Document No. 19960461066 in the office of the County of Orange Recorder and which is located in the general vicinity of the northeast corner of the intersection of Moulton Parkway and El Toro Road in Laguna Woods, CA 92637
- Parcel OS57Q-104 in the easement deed recorded on August 27, 1997 as Document No. 19970417723 in the office of the County of Orange Recorder and which is located in the general vicinity south of Via Campo Verde and west of Moulton Parkway in Laguna Woods, CA 92637
- Parcel OS57Q-106 in the irrevocable offer to convey easement to the County of Orange recorded on December 19, 1997 as Document No. 19970653224 in the office of the County of Orange Recorder and which is located in the general vicinity north of Via Campo Verde and west of Moulton Parkway in Laguna Woods, CA 92637
- Parcel OS57Q-107 in the easement deed recorded on October 20, 1997 as Document No. 19970524301 in the office of the County of Orange Recorder and which is located in the general vicinity north of El Toro Road and west of Moulton Parkway in Laguna Woods, CA 92637

SECTION 3. The Mayor is authorized to accept and consent to the quitclaim deed attached hereto as Exhibit A, in accordance with California Government Code Section 27281.

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

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

**RECORDED AT THE REQUEST OF
AND WHEN RECORDED MAIL TO:**

City of Laguna Woods
24264 El Toro Road
Laguna Woods, CA 92637

Mail Tax Statements as shown above

THIS SPACE FOR RECORDER'S USE ONLY

APN: 621-131-01

DOCUMENTARY TRANSFER TAX \$ 0

- Computed on the consideration or value of property conveyed
- Exempt per Revenue & Taxation Code Section 11922
- Exempt from Recording Fees per Govt. Code Section 27383

By:

Jack Abatey County of Orange
SIGNATURE OF DECLARANT OR AGENT DETERMINING TAX FIRM NAME

- Unincorporated area of Orange County
- Incorporated - City of Laguna Woods

Parcel No: OS57Q-103, 104, 106, 107

Project: Moulton Parkway Quitclaim

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt and adequacy of which is hereby acknowledged, the

COUNTY OF ORANGE,
a political subdivision of the State of California,
hereinafter referred to as "**COUNTY**"

does hereby REMISE, RELEASE AND FOREVER QUITCLAIM to the

City of Laguna Woods, a municipal corporation

hereinafter referred to as "**GRANTEE**",

in an "as is" condition, all RIGHTS, TITLE and INTEREST in and to that certain real property in the county of Orange, state of California, legally described in Exhibit A and illustrated in Exhibit B, which Exhibit is attached hereto and made a part hereof.

Nothing contained herein, or in any document related hereto, shall be construed to imply the conveyance to GRANTEE of rights in the property which exceed those owned by COUNTY, or any representation or warranty, either express or implied, relating to the nature or condition of the property or COUNTY'S interest therein.

Approved as to Form
Office of the County Counsel
Orange County, California

GRANTOR:
COUNTY OF ORANGE

By: Michael D. Hankus
Deputy

By: Shane L. Silsby
Shane L. Silsby
Director, OC Public Works
Pursuant to Section 1-4-225 of the Codified
Ordinances of the County of Orange

Date: 6/25/18

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

ACKNOWLEDGMENT

State of California
County of Orange

On JUNE 27, 20 18 before me, D. COPS, NOTARY PUBLIC, personally
(insert name/title of the officer)
appeared SHANE L. SILSBY,

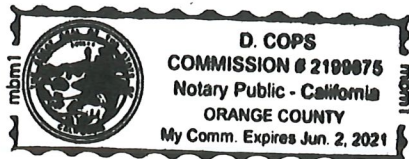
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]

(Seal)



CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the quitclaim deed dated June 27, 2018 from the County of Orange, a political subdivision of the State of California, to the City of Laguna Woods, a municipal corporation, is hereby accepted by order of the City of Laguna Woods City Council on July 18, 2018, and the grantee consents to recordation thereof by its duly authorized officer.

GRANTEE:

CITY OF LAGUNA WOODS,
a municipal corporation

Dated _____

Carol Moore
Mayor

Approved as to Form:

David B. Cosgrove
City Attorney

EXHIBIT A

LEGAL DESCRIPTION

**MOULTON PARKWAY
Scenic Preservation Easements**

OS57Q-103:

That certain scenic preservation easement in the City of Laguna Woods, County of Orange, State of California, described as Parcel OS57Q-103 in the Easement Deed to the County of Orange recorded September 10, 1996 as Document No. 19960461066 of Official Records in the office of the County Recorder of said county.

OS57Q-104:

That certain scenic preservation easement in the City of Laguna Woods, County of Orange, State of California, described in the Easement Deed to the County of Orange recorded August 27, 1997 as Document No. 19970417723 of Official Records in the office of the County Recorder of said county.

OS57Q-106:

That certain scenic preservation easement in the City of Laguna Woods, County of Orange, State of California, described in the Irrevocable Offer to Convey Easement to the County of Orange recorded December 19, 1997 as Document No. 19970653224 of Official Records in the office of the County Recorder of said county.

OS57Q-107:

That certain scenic preservation easement in the City of Laguna Woods, County of Orange, State of California, described as Parcel OS57Q-107 in the Easement Deed to the County of Orange recorded October 20, 1997 as Document No. 19970524301 of Official Records in the office of the County Recorder of said county.

See EXHIBIT B attached and by reference made a part.

APPROVED
Kevin Hills, County Surveyor, L.S. 6617

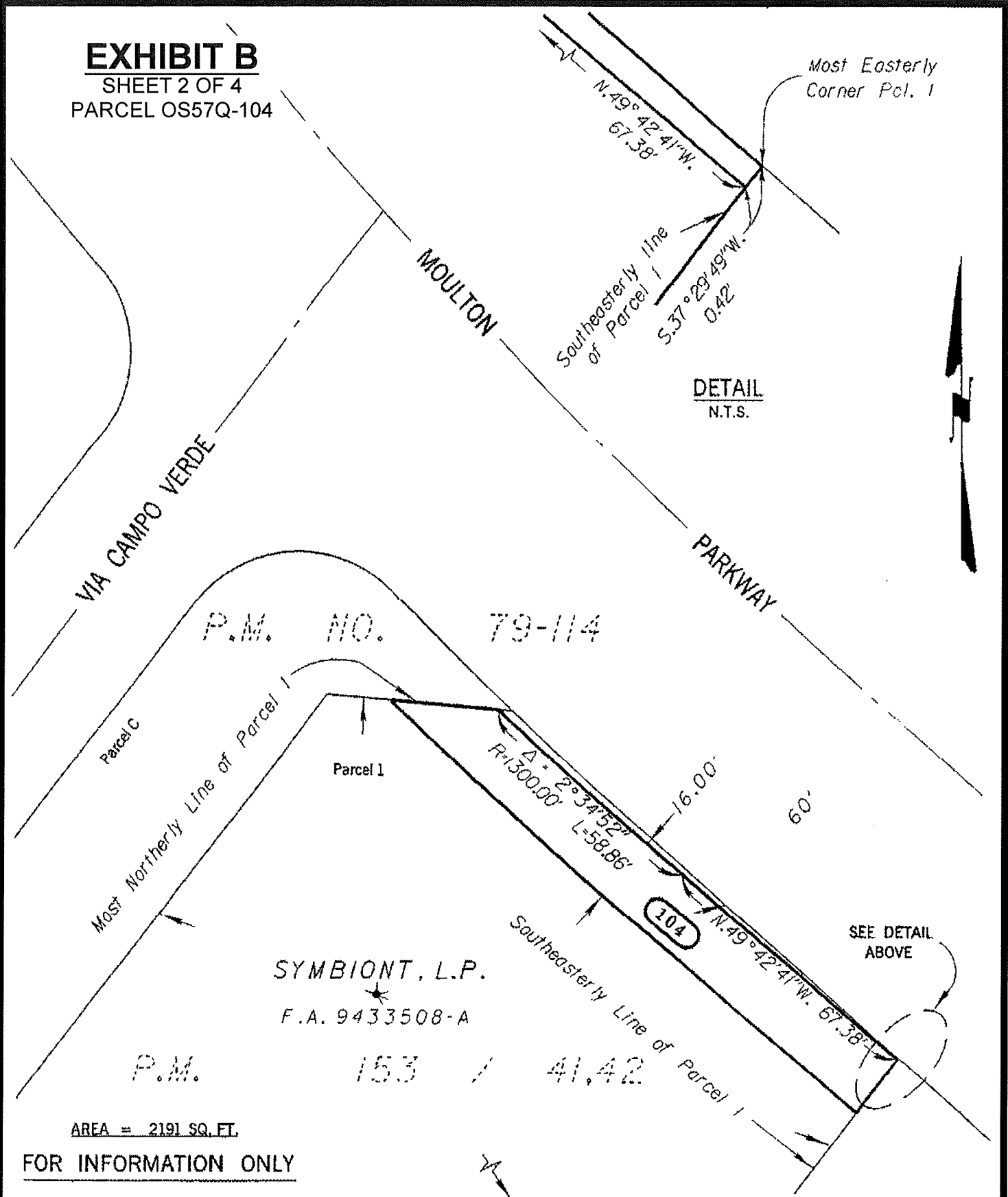
By: Raymond J. Rivera, L.S. 8324

Date: May 24, 2013



EXHIBIT B

SHEET 2 OF 4
 PARCEL OS57Q-104



DETAIL
 N.T.S.

P.M. NO. 79-114

SYMBIONT, L.P.

F.A. 9433508-A

P.M. 153 / 41.42

AREA = 2191 SQ. FT.

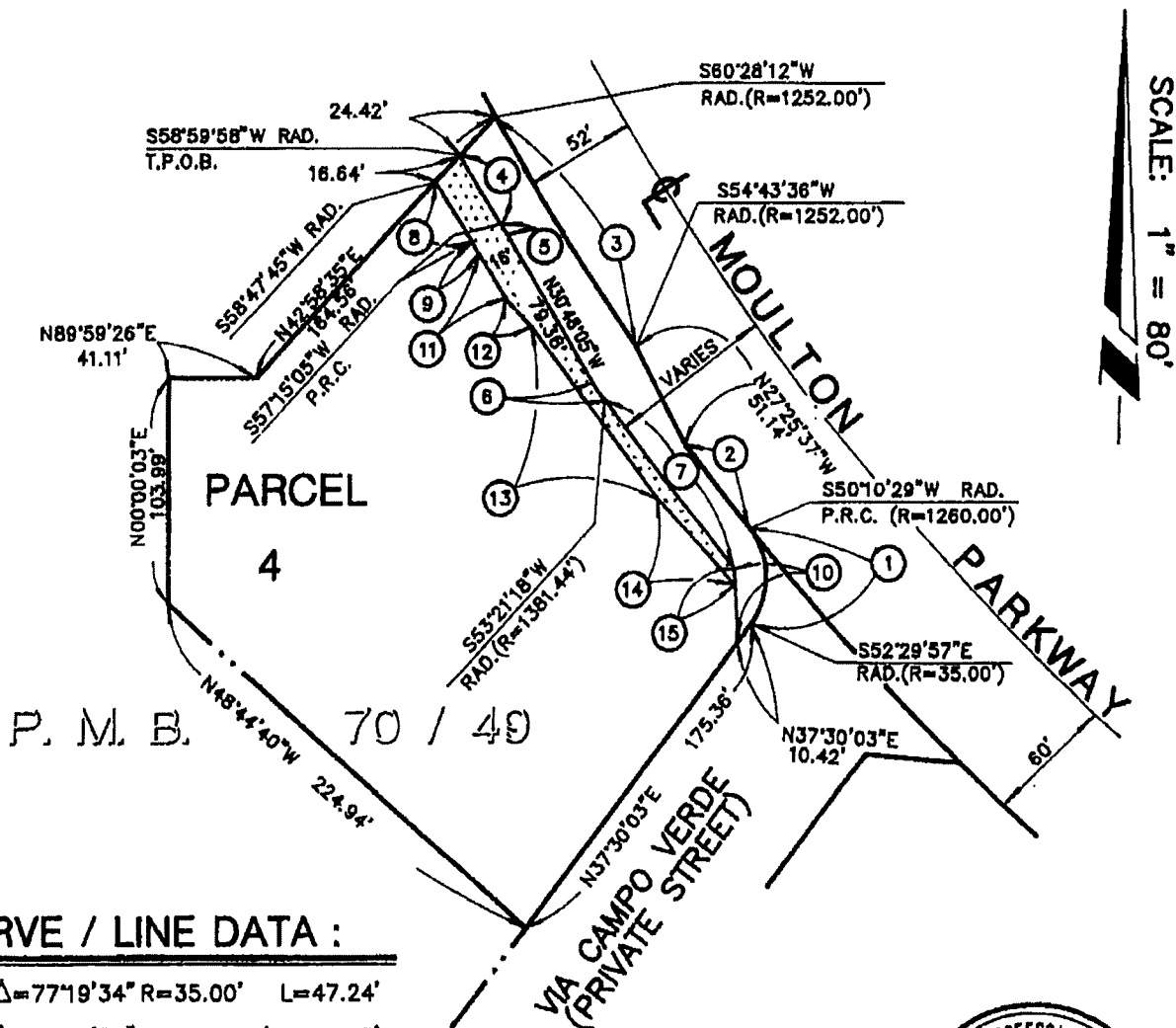
FOR INFORMATION ONLY

ORANGE COUNTY ENVIRONMENTAL MANAGEMENT AGENCY - RIGHT OF WAY ENGINEERING
 RIGHT OF WAY MAP - COMPILED FROM PUBLIC RECORDS

PROJECT: OPEN SPACE - OS57Q						SCALE: 1" = 30'
PREP. BY: KY NG.	CHKD. BY: P. LAO	DATE: FEB. 1996	EST.: EASEMENT	REC. DATE:	O.R.	

EXHIBIT B

SHEET 3 OF 4
 PARCEL OS57Q-106



CURVE / LINE DATA :

- ① — Δ=77°19'34" R=35.00' L=47.24'
- ② — Δ=02°14'52" R=1260.00' L=49.43'
- ③ — Δ=05°44'36" R=1252.00' L=125.50'
- ④ — Δ=01°44'53" R=1275.59' L=38.92'
- ⑤ — Δ=01°56'50" R=141.00' L=4.79'
- ⑥ — Δ=05°50'37" R=84.00' L=8.57'
- ⑦ — Δ=04°09'25" R=1381.44' L=100.23'
- ⑧ — Δ=01°32'40" R=1291.59' L=34.82'
- ⑨ — Δ=01°58'50" R=125.00' L=4.25'
- ⑩ — N02°57'11"W 33.46'
- ⑪ — N30°48'05"W 24.38'
- ⑫ — N43°18'14"W 17.59'
- ⑬ — N37°13'11"W 100.01'
- ⑭ — N43°23'55"W 54.08'
- ⑮ — N02°57'11"W 7.42'



PREPARED UNDER THE SUPERVISION OF:

[Signature]
 KERRY W. LAWLER, R.C.E. 23927
 REGISTRATION EXPIRES: 12-31-97

3-08-96

DATE

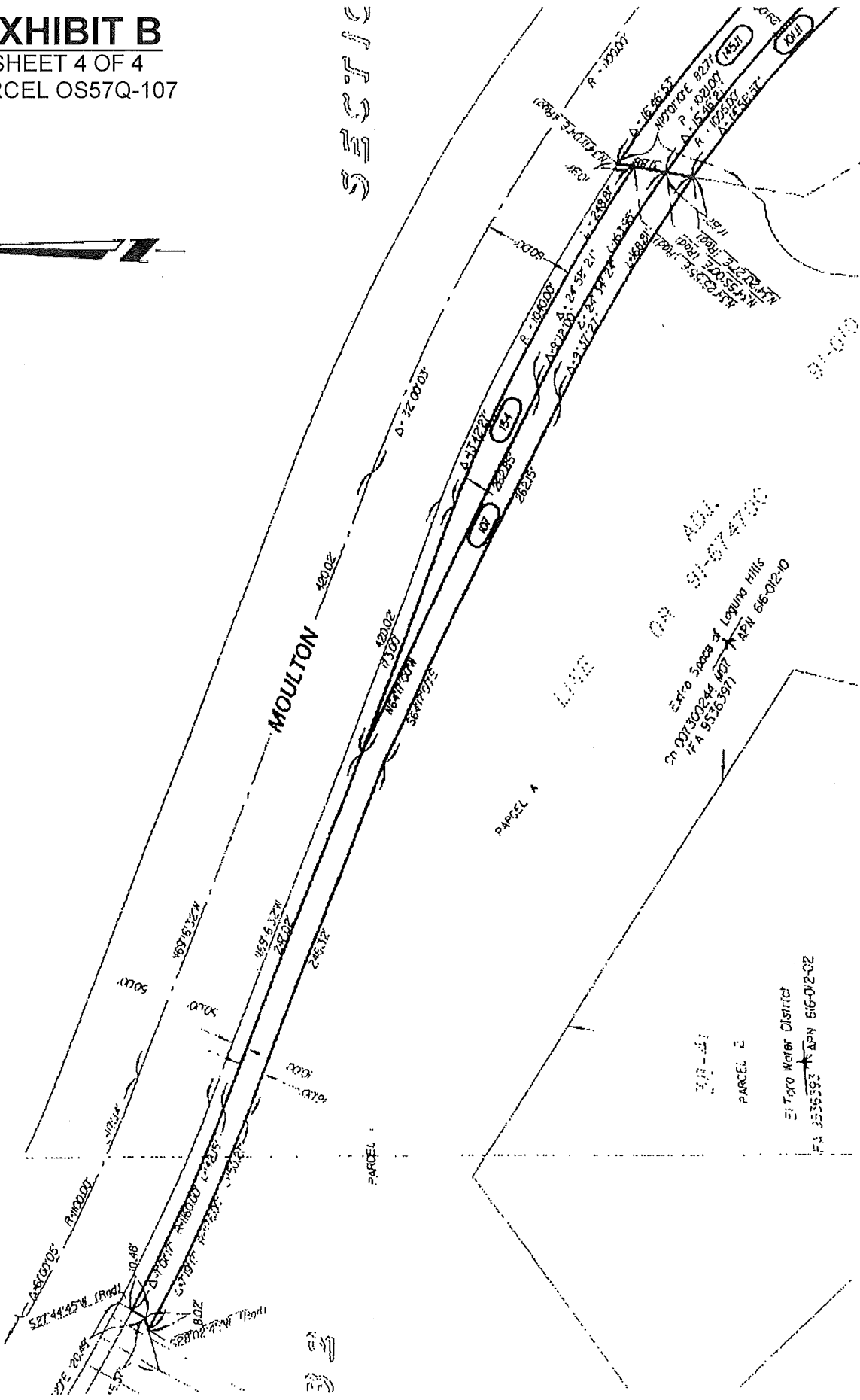
(REVISED: 4-01-97)

EXHIBIT B
SHEET 4 OF 4
PARCEL OS57Q-107



SHIP S SOUTH, RANGE S WEST

SECTION



ADJ. TO
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 PARCEL 3
 SECTION

6.5
LAGUNA WOODS CIVIC SUPPORT FUND
(NO REPORT)

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7.1
DOG PARK RULES AND REGULATIONS

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City of Laguna Woods Agenda Report

TO: Honorable Mayor and City Councilmembers
FROM: Christopher Macon, City Manager
FOR: July 18, 2018 Regular Meeting
SUBJECT: Dog Park Rules and 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, ADDING SECTION 9.18.290 TO THE LAGUNA WOODS MUNICIPAL CODE RELATED TO DOG PARK RULES AND REGULATIONS

Background

Staff has worked with the Dog Park Advisory Group to review existing, and draft proposed, dog park rules and regulations that balance the need for effective and enjoyable use of City dog parks by both dogs and their guardians, with the need for safety and security of all persons and dogs who use dog parks.

Discussion

Today's meeting is an opportunity for City Council action, as well as public input, on proposed dog park rules and regulations (Attachment A). Staff recommends that the City Council initiate the adoption process for the proposed ordinance, in order to update dog park rules and regulations in advance of the relocation of "A Place for Paws" Dog Park. The proposed rules and regulations are intended to promote clarity, effectiveness, and enforceability. Though no other dog parks currently exist, the proposed rules and regulations would apply to any future public area designated by the City Council or City Manager for off-leash dog exercise and socialization.

The Dog Park Advisory Group considered this item at public meetings on February 13, 2018 and June 12, 2018. The proposed rules and regulations received consensus support from the Dog Park Advisory Group, except as noted in this agenda report.

As compared to the existing dog park rules and regulations, significant proposed modifications include, but are not limited to, the following:

- Requirement for all dogs using dog parks to be spayed or neutered, with the exception of service dogs under applicable law. Since 2009, the City has required that, with few exceptions, all licensed dogs six months of age and older be spayed or neutered. The proposed rules and regulations would extend mandatory spay and neuter requirements to dogs using dog parks, which would be anticipated to primarily affect non-residents who have not spayed or neutered their dogs, as opposed to residents whose dogs are likely already required to be spayed or neutered. As dogs may not be able to be safely spayed or neutered until certain ages, or may be eligible to be issued an unaltered license pursuant to Laguna Woods Municipal Code Section 5.05.020, residents may also be affected. This modification was proposed by members of the Dog Park Advisory Group in the interest of safety for unaltered dogs, other dogs, and persons accompanying dogs.

- The existing rules and regulations prohibit toddlers; however, the proposed rules and regulations require that children under 16 years of age (including toddlers) be accompanied by a responsible adult who is at least 18 years of age and be supervised by that person at all times. Children under six years of age would continue to be required to be within arm's reach of a responsible adult at all times. Strollers would continue to be prohibited. The Dog Park Advisory Group did not explicitly discuss the arm's reach requirement for children under six years of age; however, the requirement is contained in the existing rules and regulations and there is no known objection.
- Explicit requirements that:
 - Only persons accompanying dogs are permitted.
 - Only one dog park gate may be opened at a time, and all dog park gates must be closed and latched when not in use.
- Explicit prohibition of the following:
 - Vicious dogs
 - Dangerous or threatening dogs
 - Female dogs pregnant or lactating
 - Injured or sick dogs
 - Spike collars or chains
 - Bicycles, scooters, or skateboards
 - Drones or other unmanned aerial vehicles
- Authorization for the City Council or City Manager to suspend certain dog park rules and regulations to accommodate programs, projects, or services undertaken or sponsored by the City (e.g., the City may wish to temporarily suspend the prohibition of persons not accompanying dogs in order to allow for broader community attendance at special events). This provision was not explicitly discussed by the Dog Park Advisory Group but is consistent with discussions regarding potential future special events and activities.

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. 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.

Report Prepared With: April Baumgarten, Maintenance Programs Analyst

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, ADDING SECTION 9.18.290 TO THE LAGUNA WOODS MUNICIPAL CODE RELATED TO DOG PARK RULES AND REGULATIONS

WHEREAS, staff has worked with the Dog Park Advisory Group to review existing, and draft proposed, dog park rules and regulations that balance the need for effective and enjoyable use of City dog parks by both dogs and their guardians, with the need for safety and security of all persons and dogs who use dog parks; and

WHEREAS, staff has recommended amendments to the existing dog park rules and regulations as set forth in the attached Exhibit A to this Ordinance (the “Code Amendments”) which, if adopted, would promote clarity, effectiveness, and enforceability; and

WHEREAS, on July 18, 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. Section 9.18.290 is hereby added to the Laguna Woods Municipal Code to read as set forth in Exhibit A, attached to this Ordinance and incorporated herein by this reference.

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

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

SECTION 6. The 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 9.18.290 (“Dog parks”) is added to Chapter 9.18 (“Parks and Recreation”) of Title 9 (“Streets, Highways, and Public Places”) of the Laguna Woods Municipal Code, to read as follows:

Sec. 9.18.290. - Dog parks.

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

(05) *Aggressive, dangerous, or threatening dogs* shall mean any one or more of the following:

(1) Any dog that, when unprovoked engages in a behavior that requires a defensive action by any person to prevent an attack or bite, or injury to a person or other dog or animal.

(2) Any dog that, when unprovoked, bites, inflicts injury, or otherwise causes injury to a person or other dog or animal.

(10) *Dog park* shall mean any public area designated by the City Council or City Manager for off-leash dog exercise and socialization.

(15) *Guardian* shall mean any person accompanying one or more dogs in a dog park.

(20) *Smoking* shall have the same meaning as that term is defined in Section 7.16.020(50) of this Code.

(25) *Vicious dog* shall have the same meaning as set forth in California Food and Agriculture Code § 31603, as may be amended from time to time.

(b) *Rules.* The following rules shall apply to the use of dog parks:

(1) Use of the dog park shall be limited to off-leash dog exercise and socialization only.

ITEM 7.1 – Exhibit A to Attachment A

(2) Use of the dog park is prohibited at all of the following times:

(i) Between the hours of dusk and 7 a.m., daily, unless waived by the City Manager.

(ii) Every Tuesday from 7 a.m. to 1 p.m. for maintenance or any other purpose, unless waived by the City Manager.

(iii) As-needed and so-designated by the City Manager for maintenance or any other purpose.

(iv) During any rain event or other episode of inclement or dangerous weather.

(3) Only guardians and their dogs are permitted.

(4) No single guardian shall be the sole accompanying person for any more than three dogs.

(5) Every dog must be under the control at all times of a guardian who is at least 18 years of age. Guardians are solely responsible for the behavior of their dog(s) at all times and must remain in the dog park and supervise their dog(s) at all times.

(6) Children under 16 years of age must be accompanied by a responsible adult who is at least 18 years of age and must be supervised by that person at all times. All children under six years of age must be within arm's reach of a responsible adult at all times.

(7) Every dog must be spayed or neutered, with the exception of service dogs under applicable law.

(8) Every dog must wear a current dog license tag.

(9) Dogs must be on-leash while entering and exiting the dog park. Dogs may only be taken off-leash once inside the second gate and only when it is safe to do so.

(10) All dog park gates must be closed and latched when not in use.

ITEM 7.1 – Exhibit A to Attachment A

(11) Guardians must immediately pick up and dispose of all waste – including dog waste – in a designated receptacle.

(12) Furniture or equipment not supplied by the City is prohibited in the dog park and will be removed and disposed of without compensation or notice.

(13) The following are prohibited:

- (i) Vicious dogs
- (ii) Aggressive, dangerous, or threatening dogs
- (iii) Female dogs in heat, pregnant, or lactating
- (iv) Injured or sick dogs
- (v) Dogs less than four months of age
- (vi) Spike collars or chains
- (vii) Bicycles, scooters, or skateboards
- (viii) Drones or other unmanned aerial vehicles
- (ix) Strollers
- (x) Commercial activity (e.g., dog training classes)
- (xi) Alcoholic beverages
- (xii) Food of any kind (including dog treats)
- (xiii) Glass bottles
- (xiv) Smoking

(c) *Suspension of Rules.* The City Council or City Manager may suspend any provision set forth in Section 9.18.290(b) of this Code to accommodate programs, projects, or services undertaken or sponsored by the City.

ITEM 7.1 – Exhibit A to Attachment A

(d) *Ejection of Violators.* City of Laguna Woods, City of Laguna Beach, or Orange County Sheriff's Department personnel, including subcontractors or agents acting on behalf of any of the aforementioned agencies, may eject any person or dog from a dog park who fails to immediately observe or adhere to any provision set forth in Section 9.18.290(b) of this Code. Ejection is a non-exclusive remedy and shall not limit the pursuit of any other or any additional judicial or administrative remedies that may be available by law.

8.1
SOUTH ORANGE COUNTY INTEGRATED
REGIONAL WATER MANAGEMENT PLAN

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City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: July 18, 2018 Regular Meeting

SUBJECT: South Orange County Integrated Regional Water Management Plan

Recommendation

Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING THE 2018 SOUTH ORANGE COUNTY INTEGRATED REGIONAL WATER MANAGEMENT PLAN

Background

On September 20, 2002, Governor Davis approved Senate Bill 1672, the Integrated Regional Water Management Planning Act of 2002, with the legislative intent of encouraging local agencies to work cooperatively to manage their available local and imported water supplies to improve the quality, quantity, and reliability of those supplies. As a result, the South Orange County Integrated Regional Water Management Plan was adopted in 2005 and subsequently updated in 2013 by entities within the South Orange County Watershed Management Area.

The City Council accepted and supported the adoption of the South Orange County Integrated Regional Water Management Plan on June 15, 2005. The 2013 update was adopted by the City Council on August 21, 2013.

Participants in the South Orange County Watershed Management Area and South Orange County Integrated Regional Water Management Plan include the County of Orange, the cities of Aliso Viejo, Dana Point, Laguna Beach, Laguna Hills,

Laguna Niguel, Laguna Woods, Lake Forest, Mission Viejo, Rancho Santa Margarita, San Clemente, and San Juan Capistrano, and the El Toro Water District, Irvine Ranch Water District, Laguna Beach County Water District, Moulton Niguel Water District, Municipal Water District of Orange County, Santa Margarita Water District, South Coast Water District, South Orange County Wastewater Authority, and Trabuco Canyon Water District.

Discussion

Today's meeting is an opportunity for City Council action, as well as public input, on the proposed adoption of the updated South Orange County Integrated Regional Water Management Plan (available at or from City Hall and on the City's website; the introductory section is included as Attachment B). Staff recommends that the City Council adopt the proposed resolution (Attachment A) in order to continue its support of the South Orange County Integrated Regional Water Management Plan and maintain eligibility for integrated regional water management-related funding opportunities, including those created pursuant to California's Proposition 1, the Water Quality, Supply, and Infrastructure Improvement Act of 2014.

Staff from OC Watersheds, the department of the County of Orange that serves as the South Orange County Watershed Management Area's lead for integrated regional water management efforts, will make a presentation on the updated South Orange County Integrated Regional Water Management Plan at today's meeting and be available to respond to related questions.

Environmental Review

This action has no possibility of having a significant effect on the environment. At this point, the City is adopting a planning document that will be used to guide and establish integrated regional water management efforts, as well as potential future capital improvement project decision-making. The City is not approving any particular capital improvement project or other project with the potential for a significant effect on the environment, nor will the approval of the South Orange County Integrated Regional Water Management Plan authorize any construction related to the same, at this time. The required level of environmental review of potential future projects associated with the South Orange County Integrated Regional Water Management Plan will be undertaken by the City prior to construction/implementation of same. Therefore, the adoption of the South Orange County Integrated Regional Water Management Plan is not a project subject to the

California Environmental Quality Act (“CEQA”), pursuant to sections 15378(b) and 15061(b)(3) of Title 14 of the California Code of Regulations.

Fiscal Impact

Funds to support participation in the South Orange County Watershed Management Area, including related integrated regional water management efforts, are included in the City’s budget. There is no direct fiscal impact or new financial commitment associated with the adoption of the proposed resolution.

- Attachments: A – Proposed Resolution
B – 2018 South Orange County Integrated Regional Water Management Plan,
Introductory Section, pages 1-1 through 1-7

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RESOLUTION NO. 18-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING THE 2018 SOUTH ORANGE COUNTY INTEGRATED REGIONAL WATER MANAGEMENT PLAN

WHEREAS, the City is responsible for management of water resources and environmental quality within its jurisdiction, as required by applicable law; and

WHEREAS, on September 20, 2002, Governor Davis approved Senate Bill 1672, the Integrated Regional Water Management Planning Act of 2002, with the legislative intent of encouraging local agencies to work cooperatively to manage their available local and imported water supplies to improve the quality, quantity, and reliability of those supplies; and

WHEREAS, the City has participated in the development of an integrated regional water management (“IRWM”) plan for South Orange County, pursuant to Senate Bill 1672; and

WHEREAS, in November 2002, California voters approved Proposition 50, the Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002, which, in part, funds competitive IRWM grants for eligible projects that are consistent with adopted IRWM plans; and

WHEREAS, the City is a member of the South Orange County Watershed Management Area (“SOCWMA”), which was formed with the County of Orange, cities, and water/sewer districts located within the San Diego Regional Water Quality Control Board’s jurisdiction in Orange County, and accepted through the California Department of Water Resources’ regional acceptance process; and

WHEREAS, OC Public Works, a department of the County of Orange, serves as the SOCWMA’s lead for IRWM efforts (“IRWM Group”); and

WHEREAS, in 2005, the SOCWMA’s IRWM Group developed an IRWM plan for South Orange County (“IRWM Plan”); and

WHEREAS, the City Council accepted and supported the adoption of the IRWM Plan by Resolution No. 05-09 on June 15, 2005; and

WHEREAS, in November 2006, California voters approved Proposition 84, the Safe Drinking Water, Water Quality, and Supply, Flood Control, River and Coastal Protection Bond Act, which, in part, requires that IRWM plans be updated to new guidelines in order to be eligible for Proposition 84 grant funding; and

WHEREAS, the City worked collaboratively with OC Public Works and the SOCWMA to complete an update of the IRWM Plan in 2013 to comply with Proposition 84 guidelines; and

WHEREAS, the City Council adopted the 2013 update of the IRWM Plan by Resolution No. 13-15 on August 21, 2013; and

WHEREAS, in November 2014, California voters approved Proposition 1, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, which, in part, requires that IRWM plans be updated to new guidelines in order to be eligible for Proposition 1 grant funding; and

WHEREAS, the City worked collaboratively with OC Public Works and the SOCWMA to complete an update of the IRWM Plan in 2018 to comply with Proposition 1 guidelines; and

WHEREAS, the SOCWMA Executive Committee adopted the 2018 update of the IRWM Plan, after required public notice and a public meeting, on May 3, 2018; and

WHEREAS, staff has recommended that the City Council, per California Department of Water Resources IRWM Guidelines, adopt the 2018 update of the IRWM Plan in order to continue its support of the South Orange County Integrated Regional Water Management Plan and maintain eligibility for integrated regional water management-related funding opportunities; and

WHEREAS, on July 18, 2018, the City Council held a duly noticed public meeting on the proposed adoption of the 2018 update of the IRWM Plan at which it considered all of the information, evidence, and comments presented, both written and oral.

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

SECTION 1. After reviewing the entire project record, the City Council hereby finds, determines, and certifies that it can be seen with certainty that this action has no possibility of having a significant effect on the environment. At this point, the City is adopting a planning document that will be used to guide and establish integrated regional water management efforts, as well as potential future capital improvement project decision-making. The City is not approving any particular capital improvement project or other project with the potential for a significant effect on the environment, nor will the approval of the South Orange County Integrated Regional Water Management Plan authorize any construction related to the same, at this time. The required level of environmental review of potential future projects associated with the South Orange County Integrated Regional Water Management Plan will be undertaken by the City prior to construction/implementation of same. Therefore, the adoption of the South Orange County Integrated Regional Water Management Plan is not a project subject to the California Environmental Quality Act (“CEQA”), pursuant to sections 15378(b) and 15061(b)(3) of Title 14 of the California Code of Regulations.

SECTION 2. The 2018 South Orange County Integrated Regional Water Management Plan is hereby adopted in continued coordination with the South Orange County Watershed Management Area.

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

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

**SOUTH ORANGE COUNTY WATERSHED MANAGEMENT AREA
2017 INTEGRATED REGIONAL WATER MANAGEMENT PLAN
*An Integrated, Healthy and Balanced Watershed***

The South Orange County Integrated Regional Water Management (IRWM) Plan has been developed from, and coordinates with, existing plans and research documents provided by the participating agencies in a manner that identifies and integrates regional projects to improve water supply, protect water quality, enhance the environment, and provide flood risk management. This Plan establishes a priority ranking to help further regional efforts to investigate the feasibility of, and identify funding for, these projects. Individual projects, however will go through the appropriate environmental review and permitting process as funding is secured.

1 INTRODUCTION

Located along the scenic and temperate southern coast of California, South Orange County is rich with history. Legacies passed on from native societies, once expansive cattle ranches, and twentieth-century entrepreneurial farmers remain a part of the area's culture today. From the landmark Mission San Juan Capistrano near the stunning western coastline to the United States Department of Agriculture (USDA), Forest Service, Cleveland National Forest in the east, South Orange County continues to be a destination known for beauty and a high quality of life.

Following the national migration trends after World War II that drew citizens to Sunbelt cities, the region transitioned into one of the newest areas of urban development in the early 1960's. Several cities have been incorporated over the subsequent decades during which population increased to approximately 600,000 residents. Most of the coastline is developed and additional urbanization is anticipated in the backcountry ranch land over the next 20- years. Today, the region's social and cultural makeup includes a unique mix of equestrian lifestyle, authentic Mexican/Hispanic culture, and a progressive business industry.

The Juaneño Band of Mission Indians traditionally known as the Acjachemen nation is the indigenous Native American Indian tribe of the lands now known as Orange and San Diego Counties. The Acjachemen territory extended from Las Pulgas Creek in northern San Diego County, up into the San Joaquin Hills along the Orange County's central coast, and inland from the Pacific Ocean up into the Santa Ana Mountains. The bulk of the population occupied the outlets of two large creeks, San Juan Creek and San Mateo Creek. The Juaneño Band of Mission Indians is on the contact list maintained by the Native American Heritage Commission and they are included in this Plan as a South Orange County stakeholder; however, the Juaneño Band is not federally recognized, nor is the tribe land owning. They are headquartered in the City of San Juan Capistrano.

The region's economy has come into its own from the shadows of Los Angeles to the north and San Diego to the south with a unique technological and business infrastructure. This is demonstrated by the diversity of industries represented – from medical devices to construction – as well as intellectual resources to support this diversity. Stakeholders in the area are comprised of residents, businesses, and water agencies/Cities as described in **Section 2.3** Regional Water Management Responsibilities. **Figure 1-1** on the following page shows a map of South Orange County.

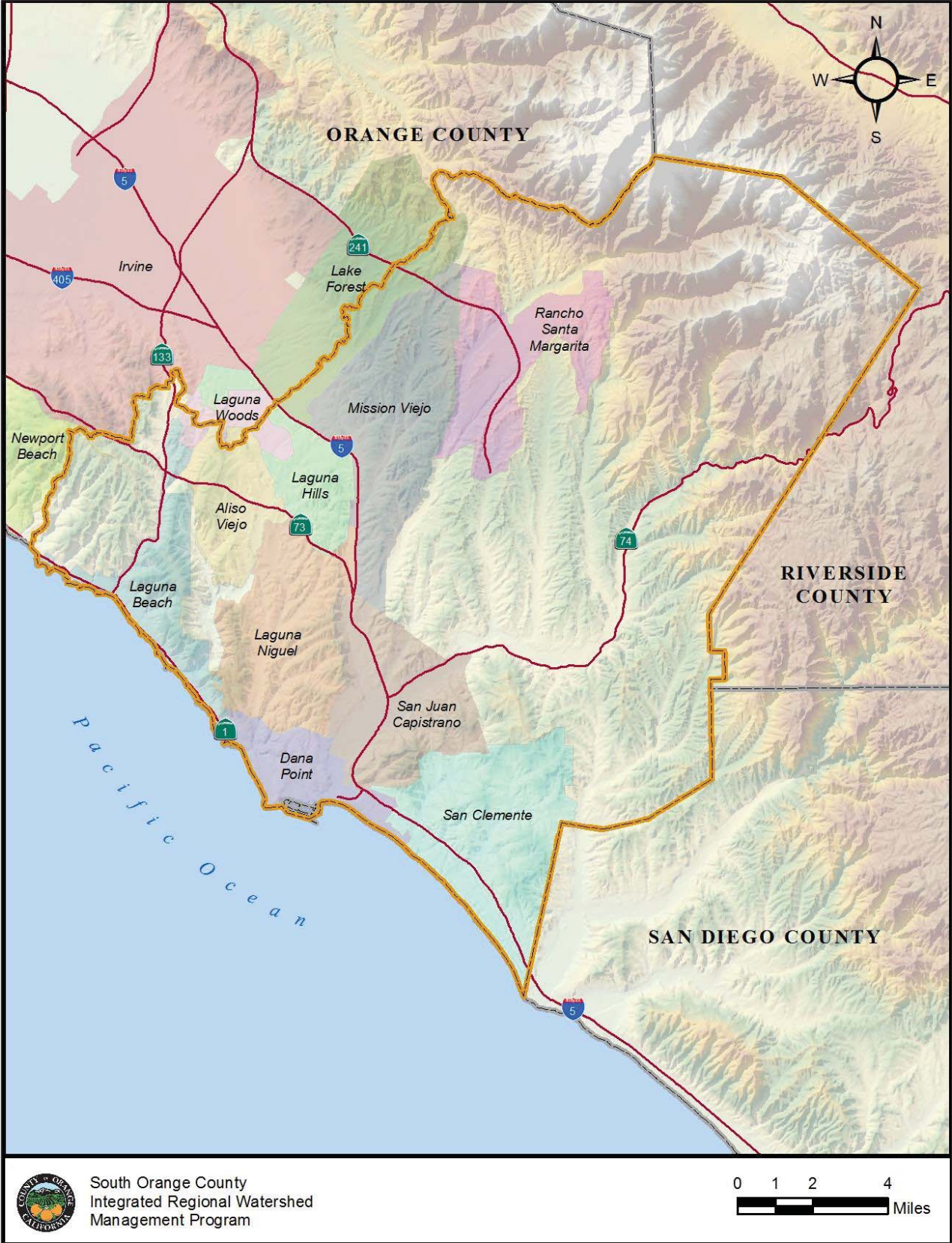


Figure 1-1: South Orange County Map

Water is the key element for sustaining the South Orange County economy, allowing the region to thrive. Significant local investments in water, sewer, and flood infrastructure have been made in the past to serve the area on a reliable basis. Planning and associated investments to carry the region through the next 25-year planning horizon are central to preserving the quality of life in South Orange County. Planning for flood management; surface runoff management; watershed management; water use efficiency (WUE); water supply and reliability; recycled water; habitat preservation, conservation and restoration; water quality protection and improvement; resource stewardship; and related water resource management strategies (RMSs) is critical. **Figure 1-2** shows the South Orange County IRWM Plan Goals, which are discussed in further detail below and in **Section 4** Objectives.

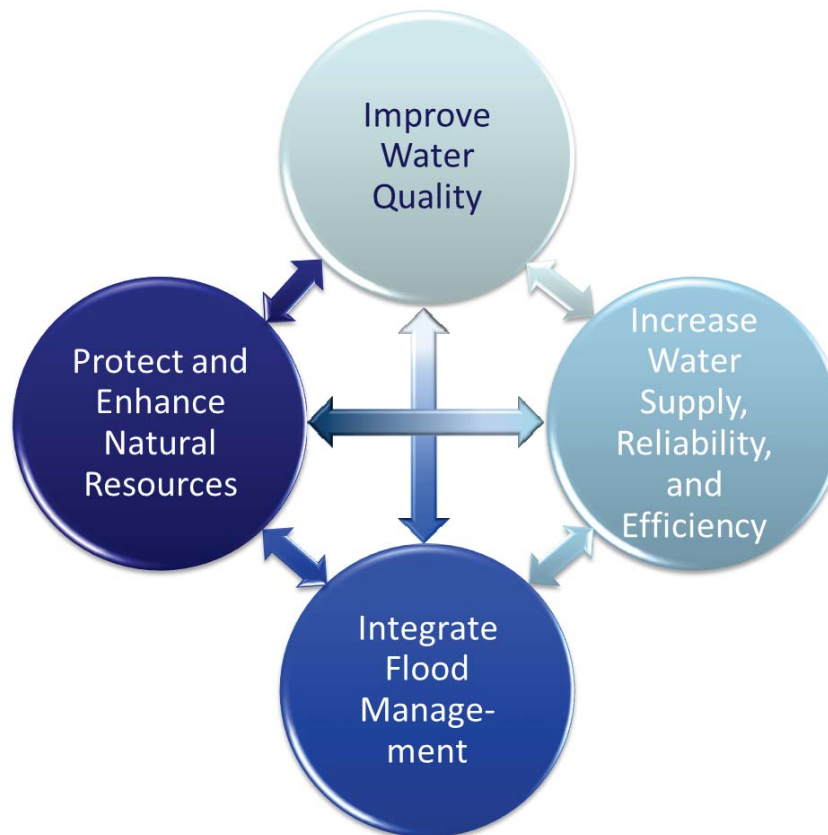


Figure 1-2: South Orange County IRWM Plan Goals

Water Resource Planning in South Orange County

Water quality improvement efforts over the last decade have resulted in significant improvements in coastal water quality along the County's beaches. The Heal the Bay Annual Report (2016) states that the County grades for year-round dry weather were excellent and wet weather grades fair, besting the five-year average for dry weather. Coastal and surface water quality remains an important component of the region's IRWM planning. Key goals for the region include reducing runoff and improving the water quality in streams and along beaches.

Another key goal of the region is expansion, protection and efficient use of local and regional water supplies, as described in **Section 4.1.2**. As a whole, South Orange County water supply is predominately from imported sources, making the region subject to outside conditions and agencies. The South Orange County IRWM Plan is aimed at diversifying water sources by developing a variety of local opportunities to decrease reliance on imported sources. For example, the local San Juan Groundwater Basin¹ has been the subject of multiple management programs for treating brackish waters and managing wet year supplies for use during dry year conditions. South Orange County agencies are leaders in implementing water recycling projects to turn wastewater into a resource. Urban water reuse projects are being developed to reduce runoff and utilize local resources. Additionally, water use efficiency projects have become a standard for water management, including Weather-Based Irrigation Controllers (SmarTimer), drip irrigation, rain barrel and landscape retrofit programs. Indeed, a clear nexus exists between projects needs for water quality and water supply. Protection of surface water quality beneficial uses can align with opportunities to enhance local supply through water reclamation, conservation, stormwater capture/treatment, and groundwater and seawater desalination.

South Orange County agencies and stakeholders place a strong emphasis on watershed planning and integration. Over the past decade, the County, cities, water and wastewater agencies and public stakeholders have participated in watershed-level studies and plans to assess and develop projects to enhance the overall health of South Orange County watersheds (Aliso Creek, Dana Point Coastal Streams, Laguna Coastal Streams, San Juan Creek, San Clemente Coastal Streams, and San Mateo Creek). Water quality efforts are described in **Sections 3.3.4, 4.3.2, 5.4.2, and 13.4**. These efforts include, but are not limited to:

- Watershed Management Plans were completed for the Aliso Creek, and San Juan Creek watersheds. These were among the first efforts to study overall watershed health and included recommendations and actions for implementation on a collective basis among the many watershed partners. Watershed Workplans² were developed and updated through 2014 for the watersheds in the San Diego Region to comply with Directive G of the San Diego Regional Water Quality Control Board's (SDRWQCB) Order (Regional Board Order No. R9-2009-0002). The Watershed Workplans described the Watershed Permittees' development and implementation of a collective watershed strategy to assess and prioritize the water quality challenges within the watershed's receiving waters, identify and model sources of the highest priority water quality problem(s), develop a watershed-wide Best Management Practices (BMP) implementation strategy to abate highest priority water quality problems, and a monitoring strategy to evaluate BMP effectiveness and changing water quality prioritization in the watershed.

¹ State Department of Water Resources California's Groundwater Bulletin 118 refers to the "San Juan Valley Groundwater Basin" for the South Coast Hydrologic Region.

² OC Watersheds, Watershed Workplans, available online 6/28/16:
<http://prg.ocpublicworks.com/DocmgmtInternet/Search.aspx>

- Comprehensive water quality analyses for South Orange County watersheds, including annual water quality analyses for Aliso Creek watershed³, a San Juan Creek Watershed Bacterial Study⁴, and the 2014 Report of Waste Discharge State of the Environment Report⁵ which provided a comprehensive watershed-based review of TMDL and NPDES compliance over several years and utilized indices of watershed health apart from water quality exceedances.
- Watershed Infiltration Hydromodification Management Plan (WIHMP) mapping tools developed in 2014-15 provided an initial GIS screening tool for infiltration BMP site suitability at a watershed and sub-watershed level; analysis considered land use, soils, slope, ownership, channel morphology and drainage⁶.
- A Water Quality Improvement Plan (WQIP) was developed by the County and South Orange County cities for all watersheds in South Orange County (the San Juan Hydrologic Unit) and submitted in April 2017 to comply with SDRWQCB Order No. R9-2013-0001 as amended by R9-2015-0001 and R9-2015-0100 (CAS0109266, also referred to as the Fifth Term MS4 NPDES Permit). The WQIP establishes water quality priorities for the watershed area based upon a comprehensive watershed-based geospatial and index-based analysis of water quality, geomorphic and hydrologic data⁷. The WQIP development process provided for extensive stakeholder and public input and review; WQIP implementation will continue to involve stakeholders.
- An Orange County Stormwater Resource Plan (OC SWRP) was produced to meet functional equivalency for SB 985 and to provide watershed-based planning for stormwater projects in Orange County. The OC SWRP aligns with the South Orange County IRWM Plan in many ways, including watershed planning, identification and prioritization of projects and establishing watershed-based priorities inclusive of water quality, water supply, natural resources and flood management. The OC SWRP has been included in the IRWM Plan as **APPENDIX L**. For more information about the OC SWRP, please visit the [webpage](#).

Another example of the region's progressive approach to water management is the Municipal Water District of Orange County (MWDOC) and the South Orange County water districts' ongoing commitment to water supply system reliability. MWDOC completed a new Orange County Reliability Study in December 2016. Phase 1 of the study completed in December 2015 estimated supply and system gaps between forecasted water demands and existing/planned water supplies, with water demand forecast and supply gap analysis, Orange County supply simulation modeling, and Orange County basin simulation modeling. Phase 2 of the study

³ Annual water quality assessments for [Aliso Creek](#)

⁴ [San Juan Creek Watershed Bacterial Study](#)

⁵ [2014 Report of Waste Discharge – San Diego Region State of the Environment](#)

⁶ WIHMP mapping data available at [OC Environmental Resources GIS Portal](#)

⁷ The [WQIP](#) was submitted to the SDRWQCB on April 1, 2017; the WQIP will not be in effect until receipt of SDRWQCB approval. Stakeholder and public involvement is described [here](#).

develops and evaluates illustrative portfolios of additional supply projects that could be implemented by the Metropolitan Water District of Southern California (MET) and MET member agencies, which includes all Orange County agencies. Phase 2 was completed in August 2016 and the final report completed in December 2016. The study is highly collaborative, involving over 25 meetings of a workgroup made up of managers from MWDOC, MWDOC member agencies, Orange County Water District (OCWD), and the cities of Anaheim, Fullerton, and Santa Ana.

IRWM Planning in South Orange County & Protection of Water Resources

The region embraced the IRWM Planning Act of 2002 to enhance forward planning in an even more coordinated fashion. In 2008, SBX2-1 (Perata) repealed and replaced the IRWM Planning Act and appropriated funding from two initiatives passed by voters in 2006 - Proposition 84 and Proposition 1E.

The County of Orange, cities, and water and wastewater agencies of South Orange County formed the South Orange County IRWM Group in 2004 and subsequently developed and adopted the South Orange County IRWM Plan in 2005. The IRWM Group established the South Orange County IRWM region as a cooperative framework for planning and implementing water management strategies in the region.

The South Orange County IRWM Group was recognized as a region during the Proposition 50 IRWM Program Implementation Grant effort in 2005. In 2007, the South Orange County IRWM Region was awarded Proposition 50 funding. Subsequently in 2009 the South Orange County Watershed Management Area (WMA) was recognized as a region during Department of Water Resources (DWR) Regional Acceptance Process.

The South Orange County IRWM Group embraces the IRWM model because it brings together short term and long term management strategies that will protect and enhance water resources in the WMA. The South Orange County agencies maintain the belief that water management strategies can, and should be, integrated to provide a reliable water supply, protect and improve water quality, and achieve other objectives.

The IRWM Plan is designed to help local agencies and governments manage their water, wastewater, and ecological resources. The purpose of the IRWM Group in developing this Plan is to identify potential projects intended to improve water quality and supply in order to investigate their feasibility, engage in long range water planning, establish priorities among the proposals of the member entities and obtain potential funding. As the IRWM Plan is implemented, the County, as agent of the State of California, will serve as a conduit for funding to the individual agencies proposing the projects. This IRWM Plan does not commit any resources to implementation of any project nor does its creation constitute a commitment by the County or any member entity to carry out any of the proposed projects. Determinations to proceed with individual projects and required environmental review under the California Environmental Quality Act (CEQA) will be performed by the individual agencies prior to approval of funding.

Agencies within the coastal zone of South Orange County face unique environmental challenges relative to inland areas, including the protection of millions of visitors who utilize the ocean for recreation each year, as well as protection of the unique marine resources from polluted runoff. This IRWM Plan includes strategies to comply with the Porter-Cologne Act and Clean Water Act (CWA), and protect beneficial uses of receiving waters to improve water quality of the coastline. Within the South Orange County WMA, the County coastline includes one Area of Special Biological Significance (ASBS) and Heisler Park Ecological Reserve. In addition, there are three locations within the South Orange County WMA that are on the California's Critical Coastal Areas (CCA) list – San Juan Creek, Aliso Creek, and Heisler Park Ecological Reserve.

This IRWM Plan supports the state priorities that relate to the California Water Plan (CWP) Update 2013, the Delta Stewardship Council, the DWR Water Recycling Task Force Recommendations, the State Water Resources Control Board (SWRCB) Recycled Water Policy, Governor Schwarzenegger's 20x2020 Water Conservation Plan of 2010, Greenhouse Gas (GHG) emissions reduction goals of AB 32, the Water Desalination Task Force Recommendations, the California Ocean Plan, the California Watershed Action Plan, the TMDL List, the comprehensive Orange County Drainage Area Management Plan (DAMP) and subsequent Reports of Wastewater Discharge (ROWD), and the Regional Water Boards Watershed Management Initiative Chapters.

The 2018 IRWM Plan update further addresses updated Climate Change Standards, CEQA Tribal Consultation changes, amendments to the IRWM Planning Act related to IRWMs with nitrate, arsenic, perchlorate, or hexavalent chromium contamination (AB 1249), incorporation of the Orange County Stormwater Resource Plan (OC SWRP) per SB 985, and amended standards for determining Economically Distressed Areas (EDAs). The Plan considers IRWM planning concepts and aforementioned State standards/legislation through the integration of projects and programs that incorporate a wide range of water management strategies. Beneficial effects from implementation of proposed projects and programs will contribute to the goals and objectives of the local, regional and statewide priorities.

In addition to State Standards and goals, this IRWM Plan incorporates the 2016 South Orange County WMA regional priorities developed by the Executive Committee through an extensive strategic visioning process to: 1) Develop sustainable water supplies, 2) Cultivate storage for potable and recycled water, and stormwater/low flow capture, and 3) Foster regional projects to maximize water resources. These regional priorities support the Region's IRWM Plan Goals by closely aligning with the Statewide Priorities discussed in **Section 4.1.1** and the RMS discussed in **Section 5**. IRWM Plan Objectives discussed in **Section 4** also support these priorities. As the strategic visioning process was intended to capture priorities based upon known current conditions, the priorities will be updated as needs shift within WMA.

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8.2
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: July 18, 2018 Regular Meeting
SUBJECT: Construction and Demolition Materials Management Regulations

Recommendation

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTIONS 4.24.020, 4.24.040, AND 4.24.060 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. Those regulations were last amended earlier this fiscal year.

On June 20, 2018, a public hearing was held and the City Council introduced and approved the first reading of an ordinance (Attachment A) which, if adopted, would amend sections 4.24.020, 4.24.040, and 4.24.060 of the Laguna Woods Municipal Code related to construction and demolition materials management.

Discussion

Today's meeting is an opportunity for City Council action, as well as public input, on proposed construction and demolition materials management regulations (Attachment A). Staff recommends that the City Council adopt the proposed ordinance in order to update existing regulations to explicitly conform to requirements of the 2016 California Green Building Standards Code. Doing so would help to ensure clarity and compliance with state law.

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

- Exclusion of “universal waste” from the definition of “construction and demolition materials”. Universal waste is a category of hazardous waste that cannot be disposed of as nonhazardous solid waste (e.g., fluorescent lamps, cathode ray tubes, instruments that contain mercury, and batteries).
- Update of the projects required to comply with the regulations to relate to type of work (e.g., new construction and certain additions and alterations), rather than the amount of construction and demolition materials projected to be generated. Corresponding changes would also be made to diversion security deposit requirements.

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 next fiscal year.

If the City Council takes the recommended action at today's meeting, the proposed ordinance would become effective in 30 days.

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 SECTIONS 4.24.020, 4.24.040, AND 4.24.060 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 existing regulations to explicitly conform to requirements of 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; and

WHEREAS, on June 20, 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. Sections 4.24.020, 4.24.040, and 4.24.060 of the Laguna Woods Municipal Code are 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 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. “C&D materials” specifically excludes universal waste.

(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 to 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.~~ building permit is required by the City for (a) construction of any new building; (b) an addition or alteration that increases any existing residential building’s conditioned area, volume, or size; and/or, (c) an addition or alteration of any existing non-residential building of any kind.

(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 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 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.

(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.

Section 4.24.040 (“Exempt projects”) 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. 4.24.040. - 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;~~ for which a building permit is not required by the City.

(2) Projects that ~~are not projected to generate three cubic yards or more of C&D materials; or~~ do not meet the definition of “covered project”.

(3) Demolition or construction required to protect public health or safety in an emergency, as defined in Public Resources Code § 21060.3.

Section 4.24.060 (“Diversion security deposits”) 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. 4.24.060. - 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
3 to 4 Less than 10 cubic yards	\$250.00
10 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 3 cubic yards of C&D materials projected to be generated, up to a maximum of \$50,000.00

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 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 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.
- (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; Ord. No. 18-01, § 3(Exh. A), 2-21-2018)

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.

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.

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)

8.3
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: July 18, 2018 Regular Meeting
SUBJECT: Purchasing and Procurement Regulations

Recommendation

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

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

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.

Chapter 3.06 of the Laguna Woods Municipal Code contains regulations related to the purchase of goods and procurement of services by the City. Those regulations were last amended earlier this fiscal year.

On June 20, 2018, a public hearing was held and the City Council introduced and approved the first reading of an ordinance (Attachment A) which, if adopted,

would amend Chapter 3.06 of the Laguna Woods Municipal Code related to purchasing and procurement by the City.

Discussion

Today's meeting is an opportunity for City Council action, as well as public input, on proposed purchasing and procurement regulations (Attachment A). Staff recommends that the City Council adopt the proposed ordinance, in order to ensure the efficient, effective, and economical conduct of City business, as well as compliance with federal purchasing and procurement laws.

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

- Various modifications to address requirements of federal law pertaining to purchases and procurements made using federal funds.
- Authorization for City staff who are authorized by the City Manager to approve purchases of less than \$1,000. The existing regulations allow only department heads to approve purchases of less than \$1,000.
- Exemption of the procurement of valuation services, regardless of value, from several provisions of the purchasing and procurement regulations, and authorization for the City Manager or purchasing officer to approve the same, provided that sufficient funds are available in adopted budgets.
- Expansion of the existing exemption of “the procurement of legal services, professional and other expert witness services, and special research and investigative services,” regardless of value, from several provisions of the purchasing and procurement regulations, to include assistance or testimony related to an existing or potential administrative or judicial proceeding in which the City has an interest. The existing regulations apply only to such services when related to an existing or potential administrative or judicial proceeding in which the City is or may become a party.
- Exemption of “purchases and procurements made through a maintenance services or professional services purchase order or contract awarded by the City Council when such purchases and procurements are provided for therein” (e.g., subcontractor services, reimbursable items) from purchasing and procurement regulations (excluding sections 3.06.070 and 3.06.120).

- Specification that unlawful activity related to purchasing and procurement is punishable to the fullest extent of the law and, for employees, may also result in discipline up to and potentially including termination.

Other proposed modifications seek to ensure clarity and ease of administration.

If the City Council takes the recommended action at today's meeting, the proposed ordinance would become effective in 30 days.

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

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

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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, 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”), in order to help ensure the efficient, effective, and economical conduct of City business, as well as compliance with federal purchasing and procurement laws; and

WHEREAS, on June 20, 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 amended to read as follows (formatting changes shown with green underlining, additions shown with blue underlining and deletions shown with ~~strike through~~):

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) Authorized City staff shall mean any City employee who is designated by the City Manager, in writing, as being able to approve purchases subject to the purchasing limitations set forth in Section 3.06.040(1) of this Code.

~~(ab)~~ 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.

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

~~(ed)~~ 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.

(e) Federal funds shall mean funds received from a federal agency, a pass-through agency on behalf of a federal agency (e.g., the State of California), or any other entity authorized to distribute funds originating from a federal agency.

~~(df)~~ *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 Section 20162, as may be amended from time to time.

~~(eg)~~ *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.

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

~~(gi)~~ *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.

(j) Records of federal procurement shall mean records that provide sufficient detail of the history of a particular purchase or procurement for which federal funds are used where bids or specific selection criteria is required including, but not limited to, the rationale for the method of purchase or procurement, selection, or contract type, contractor selection or rejection, as well as the basis for the contract type.

~~(hk)~~ *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 including, but not limited to, policies and procedures for maintaining records of federal procurement.

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 or other authorized City staff must approve the purchase, ~~subject to purchasing policies and procedures established by the City Manager.~~ It is not required that purchase orders or contracts be executed, nor 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 - non-federal.

(a) For any purchase of goods made without the use federal funds, the City shall comply with all of the following:

(a1) *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, suitability, 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.

(b2) *Environmental purchasing consideration.* City staff shall consider the purchase of environmentally preferable products and recycled products, whenever practicable and cost effective.

(e3) *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. – Purchasing and procurement considerations - federal.

(a) For any purchase of goods made using federal funds, the City shall comply with all applicable requirements, including all of the following:

(1) *Equitable distribution consideration.* To the extent practicable, all purchases that are equal to or exceed \$1,000.00 but are less than \$3,000.00 shall be distributed equitably among qualified vendors if pricing and product quality is comparable.

(2) Federal excess and surplus equipment and property consideration. The City shall allow for the purchase of federal excess or surplus equipment or property in lieu of new equipment or property whenever such substitution is feasible and would reduce purchase costs.

(b) For any purchase of goods or procurement of services made using federal funds, the City shall comply with all applicable requirements, including all of the following:

(1) Small business, minority business, women’s business enterprise, and labor surplus area firm consideration. The City shall take all necessary affirmative steps to assure that small businesses, minority businesses, women’s business enterprises, and labor surplus area firms are used when possible. Affirmative steps shall include all those required by 2 CFR 200.321.

(2) Prohibition of geographical consideration. The City shall not exercise the provisions set forth in Section 3.06.050(a)(3) of this Code, nor any other geographical preference.

(3) Prohibition of certain exemptions. The City shall not apply the cost of any purchase of goods or procurement of services directly to federal funds if any one or more exemptions set forth in this chapter have been exercised.

Sec. 3.06.~~060~~070. - 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~~080. - 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 vendor's history of performance, the vendor's 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~~ or 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~~090. - 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~~100. - 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~~080(a)(c)(e) of this Code may be waived, at the discretion of the City Manager, when any of the following is applicable:
 - (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~~090 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~~080 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.
 - (6) The procurement of appraisal or valuation 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; including, but not limited to, forensic accounting services, if the purpose of such professional and other expert witness services or

special research and investigative 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, or otherwise has an interest.

- (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~~070 and 3.06.~~110~~120 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 and procurements made through a maintenance services or professional services purchase order or contract awarded by the City Council when such purchases and procurements are provided for therein.

(56) Purchases, leases, and rentals of real property approved by the City Council.

(67) 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~~110. - 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~~120. - 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. Engaging in unlawful activity is punishable to the fullest extent of the law and, for employees, may also result in discipline up to and potentially including termination.

(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.