

# CITY of LAGUNA WOODS CITY COUNCIL AGENDA

Regular Meeting  
Wednesday, December 19, 2018  
2:00 p.m.

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

Carol Moore  
Mayor

Cynthia Conners  
Mayor Pro Tem

Noel Hatch  
Councilmember



Shari L. Horne  
Councilmember

Joe Rainey  
Councilmember

***Welcome to a meeting of the Laguna Woods City Council!***

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

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

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

REGULAR MEETING SCHEDULE

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

AGENDA POSTING AND AVAILABILITY

Regular and Adjourned Regular Meetings: Pursuant to California Government Code Section 54954.2 of the Ralph M. Brown Act, the City of Laguna Woods posts agendas at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637; on the City’s website ([www.cityoflagunawoods.org](http://www.cityoflagunawoods.org)); and, at other locations designated by Resolution No. 17-30, at least 72 hours in advance of regular and adjourned regular meetings. Agendas and agenda materials are available at Laguna Woods City Hall during normal business hours and on the City’s website. Printed copies of agendas and agenda materials are provided at no charge in advance of meetings. After meetings have occurred, a per page fee is charged for printed copies.

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

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FOR ADDITIONAL INFORMATION

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

AFFIDAVIT OF POSTING

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

I, Yolie Trippy, Deputy City Clerk, City of Laguna Woods, hereby certify under penalty of perjury that this agenda was posted at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637; on the City’s website ([www.cityoflagunawoods.org](http://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

12-14-18  
\_\_\_\_\_  
Date

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

4.1 General Municipal Election

*Recommendation:*

- 1. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2018 AND DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW

AND

- 2. Present certificates of election to, and administer oaths of office for, Carol Moore and Joe Rainey.

**[THE CITY COUNCIL WILL TAKE A BRIEF RECESS.]**

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 October 17, 2018 and the special meeting on November 19, 2018.

6.2 City Treasurer's Report

*Recommendation:* Receive and file the City Treasurer's Report for the month of November 2018.

6.3 Warrant Register

*Recommendation:* Approve the warrant register dated December 19, 2018 in the amount of \$564,512.53.

6.4 Measure M2 Expenditure Report

*Recommendation:* Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING AND CONCERNING THE MEASURE M2 EXPENDITURE REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2018

6.5 City Hall Restroom Repair and Improvement Project

*Recommendation:*

1. Authorize the City Manager to transfer up to \$10,000 from the "City Hall Refurbishment and Safety Project: Phase 1 (Construction)" Capital Projects Fund budget to the "City Hall Restroom Repair and Improvement Project" Capital Projects Fund budget in Fiscal Year 2018-19.

AND

2. Increase the City Manager's authorization to approve change orders for the construction of the "City Hall Restroom Repair

and Improvement Project” from an amount not to exceed \$29,089 to an amount not to exceed \$39,089.

## **VII. PUBLIC HEARINGS**

- 7.1 Vacation of a street easement located in the general vicinity south of the intersection of Avenida de la Carlota and Ridge Route Drive, and west of Avenida de la Carlota, in Laguna Woods, CA 92637

*Recommendation:*

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public testimony.

AND

4. Close public hearing.

AND

5. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, VACATING A STREET EASEMENT LOCATED IN THE GENERAL VICINITY SOUTH OF THE INTERSECTION OF AVENIDA DE LA CARLOTA AND RIDGE ROUTE DRIVE, AND WEST OF AVENIDA DE LA CARLOTA, IN LAGUNA WOODS, CA 92637, PURSUANT TO CALIFORNIA STREETS AND HIGHWAYS CODE SECTION 8320 AND OTHER APPLICABLE LAW

7.2 Water Quality Regulations

*Recommendation:*

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public testimony.

AND

4. Close public hearing.

AND

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 4.14 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO WATER QUALITY

**VIII. CITY COUNCIL BUSINESS**

8.1 Comprehensive Annual Financial Report

*Recommendation:*

1. Receive and file the Comprehensive Annual Financial Report with Report on Audit by Independent Auditors for the Year Ended June 30, 2018 (Fiscal Year 2017-18).

AND

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

8.2 Orange County Fire Authority Joint Powers Agreement

*Recommendation:* Approve the Fourth Amendment to the Amended Orange County Fire Authority Joint Powers Authority Agreement and authorize the Mayor to execute the amendment, subject to approval as to form by the City Attorney.

**[THE CITY COUNCIL WILL TAKE A BRIEF RECESS.]**

8.3 City Council Organization – Office of the Mayor

*Recommendation:* Appoint a member of the City Council to serve as Mayor effective immediately through December 2019.

8.4 City Council Organization – Office of the Mayor Pro Tem

*Recommendation:* Appoint a member of the City Council to serve as Mayor Pro Tem effective immediately through December 2019.

8.5 City Council Public Official Appointment

*Recommendation:* Appoint a representative to serve as a trustee on the Orange County Mosquito and Vector Control District Board of Trustees effective at Noon on January 7, 2019 through 11:59 a.m. on January 4, 2021.

8.6 Investment Policy Review Committee Appointments

*Recommendation:* Appoint two members of the City Council to serve on a standing Investment Policy Review Committee from January 1, 2019 through December 31, 2020, in accordance with Administrative Policy 2.2 (Investment of Financial Assets).

**IX. CITY COUNCIL REPORTS AND COMMENTS**

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

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

**X. CLOSED SESSION**

**XI. CLOSED SESSION REPORT**

**XII. ADJOURNMENT**

Next Regular Meeting:                      Wednesday, January 16, 2019 at 2 p.m.  
Laguna Woods City Hall  
24264 El Toro Road, Laguna Woods, California 92637

**4.1**  
**GENERAL MUNICIPAL ELECTION**

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**RESOLUTION NO. 18-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, RECITING THE FACTS OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 6, 2018 AND DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW

**WHEREAS**, a General Municipal Election was held and conducted in the City of Laguna Woods, California, on Tuesday, November 6, 2018 (“Election”), as required by law; and

**WHEREAS**, notice of the Election was given in time, form, and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the Election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form, and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

**WHEREAS**, the County of Orange Registrar of Voters canvassed the returns of the election and has certified the results to this City Council, which are attached and made a part hereof as Exhibit A.

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

**SECTION 1.** The total number of ballots cast in the General Municipal Election held on November 6, 2018 (“Election”) were as follows:

Early Voting Ballots Cast:	128
Precinct Ballots Cast:	2,185
Vote-by-Mail Ballots Cast:	<u>9,250</u>
Total Ballots Cast:	11,563

**SECTION 2.** The names of persons voted for at the Election for Member of the City Council were as follows:

Joe Rainey  
Judith P. Troutman

Carol Moore

**SECTION 3.** The number of votes given at each precinct and the number of votes given in the City to each of the persons named in Section 2 for the respective offices for which the persons were candidates are listed in Exhibit A.

**SECTION 4.** The City Council does declare and determine as follows:

1. That Carol Moore was elected as Member of the City Council for the full term of four years; and
2. That Joe Rainey was elected as Member of the City Council for the full term of four years.

**SECTION 5.** The City Clerk shall enter on the records of the City Council of the City, a statement of the results of the Election, showing:

1. The whole number of ballots cast in the City;
2. The names of the persons voted for;
3. For what office each person was voted for;
4. The number of votes given at each precinct to each person; and
5. The total number of votes given to each person.

**SECTION 6.** The City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk, or designee, shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

**SECTION 7.** The Deputy City Clerk shall certify to the adoption of this resolution.

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

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CAROL MOORE, Mayor

ATTEST:

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

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

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 18-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2018, by the following vote:

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

\_\_\_\_\_  
YOLIE TRIPPY, Deputy City Clerk

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Orange County Statement of Votes

ITEM 4.1 - Exhibit A

CITY OF LAGUNA WOODS Member, City Council								
Precinct	Party Member Registration	Ballots Cast	Turnout	CITY OF LAGUNA WOODS Member, City Council		CAROL MOORE	JOE RAINEY	JUDITH P. TROUTMAN
25230	1197	1041	86.97%			539	489	414
25231	2135	1827	85.57%			908	814	857
25234	2784	2271	81.57%			1057	976	940
25237	281	205	72.95%			103	77	90
25282	3010	2546	84.58%			1163	1155	1120
25371	55	37	67.27%			19	18	10
25377	130	109	83.85%			56	59	46
25381	0	0	0.00%			0	0	0
25382	670	514	76.72%			243	211	207
25385	3256	2601	79.88%			1192	1077	1134
25391	472	412	87.29%			192	179	175
<b>Totals:</b>	<b>13990</b>	<b>11563</b>	<b>82.65%</b>			<b>5472</b>	<b>5055</b>	<b>4993</b>

CITY OF LAGUNA WOODS Member, City Council								
District	Party Member Registration	Ballots Cast	Turnout	CITY OF LAGUNA WOODS Member, City Council	CAROL MOORE	JOE RAINEY	JUDITH P. TROUTMAN	
37th Senate District	13990	128	0.91%		51	49	56	
45th Congressional District	13990	128	0.91%		51	49	56	
48th Congressional District	0	0	0.00%		0	0	0	
5th Supervisorial District	13990	128	0.91%		51	49	56	
74th Assembly District	13990	128	0.91%		51	49	56	
Capistrano Unified School District	130	1	0.77%		0	1	1	
Capistrano Unified School District Trustee Area	130	1	0.77%		0	1	1	
County Board of Education Trustee Area 5	13990	128	0.91%		51	49	56	
El Toro Water District	13990	128	0.91%		51	49	56	
Irvine Ranch Water District	0	0	0.00%		0	0	0	
Laguna Beach Unified School District	472	3	0.64%		1	2	3	
Laguna Woods	13990	128	0.91%		51	49	56	
Municipal Water District Of Orange County	13990	128	0.91%		51	49	56	
Municipal Water District of Orange County Div 3	13990	128	0.91%		51	49	56	
Orange County	13990	128	0.91%		51	49	56	
Saddleback Valley Unified School District	13388	124	0.93%		50	46	52	
South Orange County Community College Distr	13990	128	0.91%		51	49	56	
South Orange County Community College Distr	0	0	0.00%		0	0	0	
South Orange County Community College Distr	13990	128	0.91%		51	49	56	
State Board of Equalization (4th District)	13990	128	0.91%		51	49	56	
<b>Totals:</b>	<b>13990</b>	<b>128</b>	<b>0.91%</b>		<b>51</b>	<b>49</b>	<b>56</b>	

Vote-by-Mail Totals

Orange County Statement of Votes

ITEM 4.1 - Exhibit A

CITY OF LAGUNA WOODS Member, City Council								
District	Party Member Registration	Ballots Cast	Turnout	CITY OF LAGUNA WOODS Member, City Council	CAROL MOORE	JOE RAINEY	JUDITH P. TROUTMAN	
37th Senate District	13990	9250	66.12%		4577	4102	3992	
45th Congressional District	13990	9250	66.12%		4577	4102	3992	
48th Congressional District	0	0	0.00%		0	0	0	
5th Supervisorial District	13990	9250	66.12%		4577	4102	3992	
74th Assembly District	13990	9250	66.12%		4577	4102	3992	
Capistrano Unified School District	130	104	80.00%		54	54	45	
Capistrano Unified School District Trustee Area	130	104	80.00%		54	54	45	
County Board of Education Trustee Area 5	13990	9250	66.12%		4577	4102	3992	
El Toro Water District	13990	9250	66.12%		4577	4102	3992	
Irvine Ranch Water District	0	0	0.00%		0	0	0	
Laguna Beach Unified School District	472	340	72.03%		158	150	140	
Laguna Woods	13990	9250	66.12%		4577	4102	3992	
Municipal Water District Of Orange County	13990	9250	66.12%		4577	4102	3992	
Municipal Water District of Orange County Div 3	13990	9250	66.12%		4577	4102	3992	
Orange County	13990	9250	66.12%		4577	4102	3992	
Saddleback Valley Unified School District	13388	8806	65.78%		4365	3898	3807	
South Orange County Community College Distr	13990	9250	66.12%		4577	4102	3992	
South Orange County Community College Distr	0	0	0.00%		0	0	0	
South Orange County Community College Distr	13990	9250	66.12%		4577	4102	3992	
State Board of Equalization (4th District)	13990	9250	66.12%		4577	4102	3992	
<b>Totals:</b>	<b>13990</b>	<b>9250</b>	<b>66.12%</b>		<b>4577</b>	<b>4102</b>	<b>3992</b>	

CITY OF LAGUNA WOODS Member, City Council								
District	Party Member Registration	Ballots Cast	Turnout	CITY OF LAGUNA WOODS Member, City Council		CAROL MOORE	JOE RAINEY	JUDITH P. TROUTMAN
37th Senate District	13990	11563	82.65%			5472	5055	4993
45th Congressional District	13990	11563	82.65%			5472	5055	4993
48th Congressional District	0	0	0.00%			0	0	0
5th Supervisorial District	13990	11563	82.65%			5472	5055	4993
74th Assembly District	13990	11563	82.65%			5472	5055	4993
Capistrano Unified School District	130	109	83.85%			56	59	46
Capistrano Unified School District Trustee Area	130	109	83.85%			56	59	46
County Board of Education Trustee Area 5	13990	11563	82.65%			5472	5055	4993
El Toro Water District	13990	11563	82.65%			5472	5055	4993
Irvine Ranch Water District	0	0	0.00%			0	0	0
Laguna Beach Unified School District	472	412	87.29%			192	179	175
Laguna Woods	13990	11563	82.65%			5472	5055	4993
Municipal Water District Of Orange County	13990	11563	82.65%			5472	5055	4993
Municipal Water District of Orange County Div 3	13990	11563	82.65%			5472	5055	4993
Orange County	13990	11563	82.65%			5472	5055	4993
Saddleback Valley Unified School District	13388	11042	82.48%			5224	4817	4772
South Orange County Community College Distr	13990	11563	82.65%			5472	5055	4993
South Orange County Community College Distr	0	0	0.00%			0	0	0
South Orange County Community College Distr	13990	11563	82.65%			5472	5055	4993
State Board of Equalization (4th District)	13990	11563	82.65%			5472	5055	4993
<b>Totals:</b>	<b>13990</b>	<b>11563</b>	<b>82.65%</b>			<b>5472</b>	<b>5055</b>	<b>4993</b>

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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:** December 19, 2018 Regular Meeting  
**SUBJECT:** Consent Calendar Summary

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## **Recommendation**

Approve all proposed actions on the December 19, 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 December 19, 2018 Consent Calendar contains the following items:

- 6.1 Approval of the City Council meeting minutes for the regular meeting on October 17, 2018 (Attachment A) and the special meeting on November 19, 2018 (Attachment B).
- 6.2 Approval of a motion to receive and file the City Treasurer's Report for the month of November 2018.
- 6.3 Approval of the warrant register dated December 19, 2018 in the amount of \$564,512.53. 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 adopting and concerning the Measure M2 Expenditure Report for the fiscal year ended June 30, 2018. The report is required by Orange County Local Transportation Authority Ordinance No. 3 (Measure M2), which was adopted by Orange County voters in 2006. Cities are required to annually account for net revenues, developer/traffic impact fees, and funds expended to meet maintenance of effort requirements. The report must be submitted within six months of each fiscal year.
- 6.5 [1] Authorization for the City Manager to transfer up to \$10,000 from the “City Hall Refurbishment and Safety Project: Phase 1 (Construction)” Capital Projects Fund budget to the “City Hall Restroom Repair and Improvement Project” Capital Projects Fund budget in Fiscal Year 2018-19.

AND

[2] Increase of the City Manager’s authorization to approve change orders for the construction of the “City Hall Restroom Repair and Improvement Project” from an amount not to exceed \$29,089 to an amount not to exceed \$39,089.

The “City Hall Restroom Repair and Improvement Project” is included in the Capital Improvement Program and generally consists of renovations to City Hall’s restrooms, as well as various floor structure reinforcement. One existing restroom will be converted to storage. The recommendation would increase the City Manager’s authorization to approve change orders in order to offset costs of additional work and temporary restroom facilities associated with the project. Changes to the project that were unanticipated prior to the beginning of construction, with impacts on the project’s budget and timeline, include, but are not limited to, framing, sound reduction, plumbing, and electrical system modifications. The extended construction timeframe may also result in an extended period where temporary restroom facilities are required at City Hall. Staff is requesting authorization for the proposed budget transfers in order to provide for the project’s completion and the continued rental of temporary restroom facilities, as-needed. Only the amount necessary to offset actual costs would be transferred between the projects.

In the event that \$10,000 is transferred between the projects, the “City Hall Refurbishment and Safety Project: Phase 1 (Construction)” budget would be reduced from \$100,000 to \$90,000 and the “City Hall Restroom Repair and

Improvement Project” budget would be increased from \$348,363 to \$358,363. With the transfer occurring between existing projects in the same fund, there would be no increase in overall fund appropriations. Staff would accommodate for the reduced “City Hall Refurbishment and Safety Project: Phase 1 (Construction)” budget by revisiting the scope and phasing of work.

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**6.1**  
**CITY COUNCIL MINUTES**

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**CITY OF LAGUNA WOODS CALIFORNIA  
CITY COUNCIL MINUTES  
REGULAR MEETING  
October 17, 2018  
2:00 P.M.  
Laguna Woods City Hall  
24264 El Toro Road  
Laguna Woods, California 92637**

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**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:   Hatch, Horne, Rainey, Conners, Moore  
                                  ABSENT:   -

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

**III. PLEDGE OF ALLEGIANCE**

Councilmember Rainey led the pledge of allegiance in memory of Ed Brockett.

**IV. PRESENTATIONS AND CEREMONIAL MATTERS**

4.1 Domestic Violence Awareness Month – October 2018

Councilmembers made comments.

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

4.2 Year of the Bird - 2018

Councilmembers made comments.

Susan Sheakley and Judy Rizzo, Sea & Sage Audubon Society, made comments.

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

Mayor Moore called for a brief recess.

The meeting was called back to order at 2:24 p.m.

**V. PUBLIC COMMENT**

The following individuals expressed their support for legalizing cannabis sales in Laguna Woods and asked the City Council to consider the matter at a future meeting:

1. Lonnie Painter, resident
2. Kevin Prior, resident
3. Ruth Harrell, resident
4. Brian Goldstock, resident
5. Sarah Romeis, resident
6. Lori Trilling, resident
7. Joanne Emmerich, resident
8. R.T. Trout, resident (donated time to Lonnie Painter)
9. Liz Trout, resident (donated time to Lonnie Painter)
10. Leslie Palm, resident
11. Vincette Wilson, resident
12. Susan McBernie, resident
13. Maudie Romero, resident
14. Sandra Coravassler, resident

Jim Juhan, resident, commented on the potential legalization of cannabis sales.

Juan Gonzalez, Southern California Gas Company, introduced himself as the Southern California Gas Company's new Public Affairs Manager for the area.

Kathryn Freshley, resident, expressed her concern with the City's political sign policy and suggested that the City amend it in the future.

The City Council thanked those who provided public comments and made brief comments.

City Attorney Cosgrove provided a brief overview of current federal and state regulations regarding cannabis.

Mayor Moore called for a brief recess.

The meeting was called back to order at 3:35 p.m.

**VI. CONSENT CALENDAR**

Moved by Mayor Pro Tem Conners, seconded by Councilmember Rainey, and carried unanimously on a 5-0 vote, to approve Consent Calendar items 6.1 – 6.5.

6.1 City Council Minutes

Approved the City Council meeting minutes for the adjourned regular meeting on September 26, 2018.

6.2 City Treasurer’s Report

Received and filed the City Treasurer’s Report for the month of September 2018.

6.3 Warrant Register

Approved the warrant register dated October 17, 2018 in the amount of \$487,089.65.

6.4 Investment of Financial Assets Policy

Adopted a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REVIEWING AND ADOPTING AN ANNUAL STATEMENT OF THE INVESTMENT POLICY, ADOPTING AN INVESTMENT POLICY, AND RENEWING ITS DELEGATION OF INVESTMENT AUTHORITY PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 53607 TO THE CITY TREASURER

6.5 Sales and Use Tax Consulting Services

1. Waived the provisions set forth in Laguna Woods Municipal Code Section 3.06.080(c) related to competitive bidding.

AND

2. Approved an agreement with Hinderliter, De Llamas and Associates for sales and use tax consulting services and authorized the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

**VII. PUBLIC HEARINGS – None**

**VIII. CITY COUNCIL BUSINESS**

- 8.1 Lot Line Adjustment LLA-1309 to adjust the boundaries of two adjacent parcels owned by the City of Laguna Woods and the El Toro Water District located in the vicinity of the intersection of El Toro Road and Aliso Creek Road in Laguna Wood, CA 92637

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:

1. Authorize the City Manager to act upon and make determinations related to a lot line adjustment requested by the El Toro Water District that would reduce the area of a City-owned parcel upon which Woods End Wilderness Preserve is located (Assessor's Parcel Number: 622-071-22; in the vicinity of the intersection of El Toro Road and Aliso Creek Road and 24995 El Toro Road, Laguna Woods, CA 92637) and increase the area of an El Toro Water District-owned parcel upon which the Oso Lift Station is located (Assessor's Parcel Number: 622-071-21; in the vicinity of the intersection of El Toro Road and Aliso Creek Road and 25001 El Toro Road, Laguna Woods, CA 92637), subject to applicable law.

AND

2. Authorize the City Manager to execute an amendment to the Woods End Wilderness Preserve/Laguna Coast Wilderness Park lease agreement with the County of Orange to modify the legal and physical description of Woods End Wilderness Preserve, as necessary, in the event of any potential future approval of a lot line adjustment affecting the boundaries of Woods End Wilderness Preserve, subject to approval as to form by the City Attorney.

## 8.2 City Manager Employment Agreement

City Attorney Cosgrove summarized the staff report.

Kathryn Freshley, resident, expressed her support for the contract extension.

Councilmembers discussed the item.

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

1. Approve a City Manager Employment Agreement with Christopher Macon and authorize the Mayor to execute the agreement, subject to approval as to form by the City Attorney.

AND

2. Dissolve the ad hoc committee comprised of Mayor Pro Tem Conners and Councilmember Horne that was appointed to negotiate with the City Manager regarding a potential contract extension, in coordination with the City Attorney.

## 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.

Division Chief Contreras provided information on recent fires/wind-related incidents.

9.3 Orange County Library Advisory Board

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

9.4 Orange County Mosquito and Vector Control District

Councilmember Horne provided a report.

9.5 San Joaquin Hills Transportation Corridor Agency

Mayor Pro Tem 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

Councilmember Rainey provided a report on a recent Orange County Senior Citizen Advisory Council Transportation Committee meeting.

Councilmember Horne provided a report on a recent Orange County Senior Citizen Advisory Council meeting.

Juanita Skillman, resident, encouraged the community to participate in the Great Southern California Shakeout on October 18, 2018.

**X. CLOSED SESSION**

Prior to convening in closed session, an opportunity was provided for public comments on items appearing on the closed session agenda. No such public comments were received.

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

**XI. CLOSED SESSION REPORT**

The City Council reconvened in open session at 4:35 p.m. City Attorney Cosgrove stated there was no reportable action under California Government Code Section 54957.1.

**XII. ADJOURNMENT**

The meeting was adjourned at 4:35 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday, December 19, 2018, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

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YOLIE TRIPPY, Deputy City Clerk

Adopted: December 19, 2018

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CAROL MOORE, Mayor

**CITY OF LAGUNA WOODS CALIFORNIA  
CITY COUNCIL MINUTES  
SPECIAL MEETING  
November 19, 2018  
2:00 P.M.  
Laguna Woods City Hall  
24264 El Toro Road  
Laguna Woods, California 92637**

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**I. CALL TO ORDER**

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

**II. ROLL CALL**

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

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

**III. PLEDGE OF ALLEGIANCE**

Councilmember Horne led the pledge of allegiance.

**IV. PUBLIC COMMENTS – None**

**V. CITY COUNCIL BUSINESS**

City Manager Macon noted that the proposed landscape maintenance services agreement for City-maintained property (Item 5.3) prohibits the use of certain pesticides (glyphosate, neonicotinoids, and second-generation anticoagulant rodenticides) and limits the use of leaf blowers to parking lots by electric-power.

Councilmembers briefly responded to City Manager Macon’s comments.

Moved by Councilmember Horne, seconded by Councilmember Rainey, and carried unanimously on a 4-0 vote with Mayor Pro Tem Conners absent, to approve Consent Calendar items 5.1 – 5.5.

**5.1 City Treasurer’s Report**

Received and filed the City Treasurer’s Report for the month of October 2018.

5.2 Warrant Register

Approved the warrant register dated November 19, 2018 in the amount of \$905,634.57.

5.3 Landscape Maintenance Services

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

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

1. Approved final plans and specifications reflecting completion of the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 1 (Moulton Parkway)”, as-built.

AND

2. Accepted project completion of the contract agreement with Golden State Constructors for the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 1 (Moulton Parkway)”.

AND

3. Release contract retention in the amount of \$5,848.90 withheld per California Government Code 35 days following recordation of the Notice of Completion with the County of Orange, provided no Stop Notices are on file with the City preventing the release of the contract retention.

AND

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

5.5 Pavement Management Plan Project (Eastbound El Toro Road between Avenida Sevilla and Church Intersection) and Various Median and Sidewalk Reconstruction, and Dog Park Parking Lot Work

Rejected all bids received for the “Pavement Management Plan Project (Eastbound El Toro Road between Avenida Sevilla and Church Intersection) and Various Median and Sidewalk Reconstruction, and Dog Park Parking Lot Work”.

**VI. CLOSED SESSION**

Prior to convening in closed session, an opportunity was provided for public comments on items

appearing on the closed session agenda. No such public comments were received.

- 6.1 The City Council met in closed session under the authority of California Government Code Section 54956.9(d)(4) to consider the potential initiation of litigation in one case.

**VII. CLOSED SESSION REPORT**

The City Council reconvened in open session at 2:55 p.m. City Attorney Cosgrove stated that there was no reportable action under California Government Code Section 54957.1.

**VIII. ADJOURNMENT**

The meeting was adjourned at 2:55 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday, December 19, 2018, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

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YOLIE TRIPPY, Deputy City Clerk

Adopted: December 19, 2018

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CAROL MOORE, Mayor

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**6.2**  
**CITY TREASURER'S REPORT**

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

ITEM 6.2

**CASH AND INVESTMENTS**

	Beginning Balances As of 10/31/18	Earnings & Receipts	Disbursements	Purchases, Transfers & Other Adjustments	Ending Balances As of 11/30/18	% of Total Cash & Investment Balances	Maximum % Allowed per Investment Policy
<b>Cash and Cash Equivalents</b>							
Analyzed Checking Account (Note 3)	\$ 605,439	\$ 371,229	\$ (711,480)	\$ 2,300,000	\$ 2,565,188	25.14%	
Cash Balances, Multi-Bank Securities (MBS) Account	\$ 785	\$ 5,902	\$ (785)	\$ -	\$ 5,902	0.06%	
Earned Interest in Transit and Accrued Interest, Securities Account	\$ 8,183	\$ 3,904	\$ (5,902)	\$ -	\$ 6,184	0.06%	
Petty Cash	\$ 1,214	\$ -	\$ (135)	\$ -	\$ 1,079	0.01%	
<b>Total Cash and Cash Equivalents</b>	<b>\$ 615,622</b>	<b>\$ 381,035</b>	<b>\$ (718,303)</b>	<b>\$ 2,300,000</b>	<b>\$ 2,578,353</b>	<b>25.27%</b>	<b>100.00%</b>
<b>Pooled Money Investment Accounts (PIMA)</b>							
Local Agency Investment Fund (LAIF) (Notes 1 and 2)	\$ 3,946,134	\$ -	\$ -	\$ (300,000)	\$ 3,646,134	35.73%	
Orange County Investment Pool (OCIP) (Notes 1 and 2)	\$ 4,059,754	\$ 5,791	\$ (204)	\$ (2,000,000)	\$ 2,065,341	20.24%	
<b>Total Pooled Money Investment Accounts</b>	<b>\$ 8,005,888</b>	<b>\$ 5,791</b>	<b>\$ (204)</b>	<b>\$ (2,300,000)</b>	<b>\$ 5,711,475</b>	<b>55.97%</b>	<b>90.00%</b>
<b>Investments - Interest and Income Bearing</b>							
Certificates of Deposit (book value) (Note 4)	\$ 1,915,000	\$ -	\$ -	\$ -	\$ 1,915,000	18.77%	
<b>Total Investments</b>	<b>\$ 1,915,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 1,915,000</b>	<b>18.77%</b>	<b>30.00%</b>
<b>TOTAL CASH, CASH EQUIVALENTS, AND INVESTMENTS</b>	<b>\$ 10,536,510</b>	<b>\$ 386,826</b>	<b>\$ (718,507)</b>	<b>\$ -</b>	<b>\$ 10,204,829</b>	<b>100.00%</b>	

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

	General Fund	Special Revenue Funds	Totals
Analyzed Checking	\$ 1,424,367	\$ 1,140,820	\$ 2,565,188
Cash, Securities Account	\$ 5,902	\$ -	\$ 5,902
Interest in Transit	\$ 6,184	\$ -	\$ 6,184
Petty Cash	\$ 1,079	\$ -	\$ 1,079
LAIF	\$ 3,646,134	\$ -	\$ 3,646,134
OCIP	\$ 2,065,341	\$ -	\$ 2,065,341
Certificates of Deposit	\$ 1,915,000	\$ -	\$ 1,915,000
<b>Totals</b>	<b>\$ 9,064,008</b>	<b>\$ 1,140,820</b>	<b>\$ 10,204,829</b>

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



**City of Laguna Woods**  
**City Treasurer's Report**  
**For the Month Ended November 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
<b>Money Funds and Certificate of Deposits (CDs, Federal Deposit Insurance Corporation (FDIC) Insured)</b>														
508176CH5	2017-2	LAKE CITY BANK	24 months	03/08/17	03/22/17	245,000	244,429	245,000	1.600	Monthly	04/22/17	300	1.600	03/22/19
38148PTD9	2017-6	GOLDMAN SACHS BANK USA	36 months	11/16/17	11/22/17	245,000	240,058	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	98,828	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	243,765	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	99,450	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	242,477	245,000	2.700	Semi-Annual	09/29/18	Green***	2.700	03/29/21
254673RS7	2018-5	DISCOVER BANK (#5649)	36 months	07/11/18	07/18/18	245,000	243,721	245,000	3.000	Semi-Annual	01/18/19	Green***	3.000	07/19/21
90348JEA4	2018-6	UBS BANK USA	48 months	10/01/18	10/05/18	245,000	243,491	245,000	3.250	Monthly	11/05/19	Green***	3.250	10/05/22
61760ARV3	2018-7	MORGAN STANLEY PRIVATE BK NATL	60 months	11/06/18	11/15/18	245,000	244,777	245,000	3.550	Semi-Annual	05/15/19	Green***	3.550	11/15/23
Accrued Interest - Month End						6,184								
<b>Total CDs</b>						<b>1,915,000</b>	<b>1,907,180</b>	<b>1,915,000</b>						

(\*) 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	3,646,134	3,646,134	3,646,134	2.208%	N/A	N/A	N/A	N/A	N/A
N/A	N/A	Orange County Investment Pool (OCIP)	N/A	Various	Various	2,065,341	2,065,341	2,065,341	1.965%	N/A	N/A	N/A	N/A	N/A
<b>Total PIMA</b>						<b>5,711,475</b>	<b>5,711,475</b>	<b>5,711,475</b>						

(See NOTES on Page 3 of 3)



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

ITEM 6.2

**OTHER FUNDS - HELD IN TRUST**

	<b>Beginning Balances As of 10/31/18</b>	<b>Contributions / (Withdrawals)</b>	<b>Administrative Fees &amp; Investment Expense</b>	<b>Unrealized Gain / (Loss)</b>	<b>Ending Balances As of 11/30/18</b>
<b>Other Post-Employment Benefits (OPEB) Trust</b>					
CalPERS California Employers' Retiree Benefit Trust (CERBT) (CERBT holds all assets and administers the OPEB Trust)	\$ 91,704	\$ -	\$ (6)	\$ 511	\$ 92,209
<b>Total Other Funds - Held in Trust</b>	<b>\$ 91,704</b>	<b>\$ -</b>	<b>\$ (6)</b>	<b>\$ 511</b>	<b>\$ 92,209</b>

**Notes:**

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

LAIF / In November 2018, the City made no deposits to the LAIF account and withdrew \$300,000 for seasonal cash flow purposes.

OCIP / The City made no deposits to the OCIP account and withdrew \$2,000,000 to be used to purchase higher earning investments and for seasonal cash flow purposes.

Investments / \$245,000 received upon maturity of the American Express Centurion Certificate of Deposit was re-invested in a Morgan Stanley Private Bank National Association Certificate of Deposit for a 60 month term at a 3.350% yield rate.

OPEB Trust / The City made no contributions to the OPEB Trust in November 2018. The Fund experienced a small gain November 2018 partially recovering from the losses experienced in October 2018.

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

Pool	Earnings Post	Prior Period Earnings Deposited	Deposit for Period Ended	Current Month / Quarter Gross Yield	Current Month Earnings Will Post	Notes
LAIF	Quarterly	\$0	N/A	2.208%	See Notes	Interest for the quarter ended December 31, 2018 will be deposited in January 2019.
OCIP	Monthly	\$5,791	N/A	1.965%	See Notes	August interest of \$5,791.43 was deposited this month. September interest of \$5,864.35 and October interest of \$6,295.35 are accrued and not yet received as of November 30, 2018. Amounts accrued will be deposited in subsequent months.

Note 3 - Analyzed Checking Account / Monthly activity reported does not reflect November 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 \$5,902.49 and transferred out \$785.34 in cash balances to the City's checking account in November 2018. Cash balances to be invested or paid out are classified separately on page 1 of 3. The City portfolio also has \$6,184.22 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

*12/10/18*

Dated

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**6.3**  
**WARRANT REGISTER**

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**CITY OF LAGUNA WOODS  
WARRANT REGISTER  
12/19/2018**

**This Report Covers the Period 11/10/2018 through 12/11/2018**

Date	Vendor Name	Description	Amount
<b>Debit</b>	<b>Automatic Bank Debits</b>		
Debit 11/14/2018	ADP TAX	Payroll Taxes / Pay Period Ended 11/9/2018	9,184.33
Debit 11/14/2018	ADP WAGE PAY	Payroll Transfer / Pay Period Ended 11/9/2018	18,699.49
Debit 11/14/2018	ICMA / MFRS AND TRADERS TRUST	Employee Benefit Program / November 2018	5,931.49
Debit 11/15/2018	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 11/9/2018	885.53
Debit 11/15/2018	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 11/9/2018	3,752.92
Debit 11/15/2018	U.S. BANK	Analysis Service Charges / October 2018	9.21
Debit 11/21/2018	BUSINESS PLANS	Employee Benefit Program / November 2018	1,038.94
Debit 11/23/2018	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Period Ended 11/9/2018	167.36
Debit 11/28/2018	ADP TAX	Payroll Taxes / Pay Period Ended 11/23/2018	8,437.03
Debit 11/28/2018	ADP WAGE PAY	Payroll Transfer / Pay Period Ended 11/23/2018	18,819.96
Debit 11/29/2018	ICMA / MFRS AND TRADERS TRUST	Employee Benefit Program / December 2018	1,675.00
Debit 11/29/2018	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 11/23/2018	885.53
Debit 11/29/2018	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 11/23/2018	3,752.91
Debit 12/3/2018	COUNTY OF ORANGE	Law Enforcement Services / December 2018	228,940.46
Debit 12/4/2018	CALPERS - HEALTH	Employee Benefit Program / December 2018	2,500.06
Debit 12/07/2018	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Period Ended 11/23/2018	167.36
<b>Numbe</b>	<b>Warrants:</b>		
2547 11/16/2018	360 BUSINESS CONSULTING	Website Hosting & Design / October 2018	1,450.00
2548 11/16/2018	AT&T	White Pages / November 2018	4.48
2549 11/16/2018	BOUTWELL FAY LLP	Legal Services	5,021.50
2550 11/16/2018	CALIBER SIGNS & IMAGING INC	Dog Park Signs	1,382.91
2551 11/16/2018	CALIFORNIA INTERNET LP	City Hall Internet Service / December 2018	424.00
2552 11/16/2018	CASEY O'CALLAGHAN GOLF COURSE DESIGN	Site Design Consulting Services / October 2018	1,069.09
2553 11/16/2018	COMPUTER SERVICE COMPANY	Traffic Maintenance / October 2018	868.00
2554 11/16/2018	COUNTY OF ORANGE	800 MHz Communication Charge / October - December 2018	783.00
2555 11/16/2018	CSG CONSULTANTS INC	Building Plan Review Services / September 2018	2,380.00
2556 11/16/2018	CSMFO	Membership Dues, Senior Accountant / Calendar Year 2019	110.00
2557 11/16/2018	CSMFO	Orange County Chapter Meeting, Senior Accountant / December 2018	30.00
2558 11/16/2018	EL TORO WATER DISTRICT	Water Service / September 2018	3,910.32
2559 11/16/2018	GOVERNMENT FINANCE OFFICERS	Membership Dues / Calendar Year 2019	190.00
2560 11/16/2018	KONE INC.	City Hall Elevator Maintenance / November 2018	267.64
2561 11/16/2018	MARGARET CADY	Reimbursement, CSMFO Membership Dues / Calendar Year 2019	110.00
2561 11/16/2018	MARGARET CADY	Reimbursement, CSMFO Orange County Chapter Meeting / October 2018	30.00
2561 11/16/2018	MARGARET CADY	Reimbursement, CSMFO Orange County Chapter Meeting / December 2018	30.00
2562 11/16/2018	MICHAEL BAKER INTERNATIONAL	General Plan Comprehensive Update Project / September 2018	4,560.00
2563 11/16/2018	MICHAEL J MESSINA	Employee Development Services / October 2018	617.50
2564 11/16/2018	OCTA	Orange County Taxi Administration Program Contribution / January - June 2019	486.75
2565 11/16/2018	ONE WAY CONSTRUCTION	Waste Diversion Deposit Refund	250.00

**CITY OF LAGUNA WOODS  
WARRANT REGISTER  
12/19/2018**

**This Report Covers the Period 11/10/2018 through 12/11/2018**

<b>Date</b>	<b>Vendor Name</b>	<b>Description</b>	<b>Amount</b>
2566 11/16/2018	ORANGE COUNTY REGISTER-NOTICES	Public Notices / October 2018	950.70
2567 11/16/2018	PRACTICAL DATA SOLUTIONS	IT Support Services / October 2018	2,898.00
2568 11/16/2018	RICOH USA, INC.	Copier Usage / October 2018	188.72
2569 11/16/2018	RUTAN & TUCKER, LLP	Legal Services / September 2018	6,902.01
2570 11/16/2018	SAFEGUARD BUSINESS SYSTEMS	Printing Services	158.81
2571 11/16/2018	SO CAL SANITATION LLC	Temporary Restroom Rental / October - November 2018	4,296.18
2572 11/16/2018	SOUTHERN CALIFORNIA EDISON	Electric Service / October 2018	2,698.30
2573 11/16/2018	STAPLES	Office & Janitorial Supplies / October 2018	453.81
2574 11/16/2018	SUNSET PROPERTY SERVICES	Street Sweeping Services / October 2018	3,540.00
2575 11/16/2018	TEAM ONE MANAGEMENT	Janitorial Services / October 2018	776.37
2576 11/16/2018	THE GAS COMPANY	Gas Service - City Hall / October 2018	14.79
2577 11/16/2018	UNITED SITE SERVICES	Fence Rental for Dog Park / November 2018	77.28
2578 11/16/2018	WM CURBSIDE, LLC	HHW, Medicine & Sharps Program / October 2018	4,079.95
2579 11/26/2018	NEW MILLENNIUM CONSTRUCTION SERVICES, INC.	City Hall Restroom Repair & Improvement Project / November 2018	88,483.55
2580 12/03/2018	A & B HOME REMODELING & DESIGN	Waste Diversion Deposit Refund	250.00
2581 12/03/2018	ALL COUNTY ENVIRONMENTAL & RESTORATION, INC.	Asbestos Abatement, City Hall	6,100.00
2582 12/03/2018	AMERICAN PLANNING ASSOCIATION	Membership Dues / Calendar Year 2019	448.00
2583 12/03/2018	AT&T	Telephone / 583-1105 / October 2018	20.83
2584 12/03/2018	AT&T	Telephone / 581-9821 / October 2018	91.08
2585 12/03/2018	BUSINESS PLANS, INCORPORATED	125 Cafeteria Plan Administration / November 2018	100.00
2586 12/03/2018	CAA	Water Quality Services / October 2018	3,912.00
2587 12/03/2018	CALIFORNIA YELLOW CAB	Taxi Voucher Services / October 2018	5,840.00
2587 12/03/2018	CALIFORNIA YELLOW CAB	NEMT Taxi Voucher Services / October 2018	9,387.00
2588 12/03/2018	COUNTY OF ORANGE	Automated Fingerprint ID System / November 2018	658.00
2589 12/03/2018	CSG CONSULTANTS INC	Building Plan Review Services / October 2018	425.00
2590 12/03/2018	DELTA DENTAL OF CALIFORNIA	Employee Benefits Program / December 2018	382.82
2591 12/03/2018	GREAT SCOTT TREE SERVICE, INC.	Tree Pruning Services / November 2018	2,160.00
2592 12/03/2018	KBKONCEPT	Waste Diversion Deposit Refund	250.00
2593 12/03/2018	MANAGED HEALTH NETWORK	Employee Benefits Program / December 2018	16.72
2594 12/03/2018	MICHAEL BAKER INTERNATIONAL	Planning Services / October 2018	20,708.75
2594 12/03/2018	MICHAEL BAKER INTERNATIONAL	General Plan Comprehensive Update Project / October 2018	4,252.50
2595 12/03/2018	NATIONAL CONSTRUCTION RENTALS, INC.	Fence Rental for Dog Park / November 2018	38.16
2596 12/03/2018	NIEVES LANDSCAPE, INC.	Landscape Maintenance / October - November 2018	12,991.74
2597 12/03/2018	PROTEL COMMUNICATIONS, INC	Telephone Maintenance / November 2018	299.00
2598 12/03/2018	PV MAINTENANCE INC	Street, City Hall & Park Maintenance / October 2018	19,847.09
2599 12/03/2018	RICOH USA, INC.	Copier Lease / December 2018	214.20
2600 12/03/2018	SO CAL SANITATION LLC	Temporary Restroom Rental / November - December 2018	4,576.80
2601 12/03/2018	SOCAL SENIOR SERVICES, LLC	Project Deposit Refund	3,449.00

**CITY OF LAGUNA WOODS  
WARRANT REGISTER  
12/19/2018**

**This Report Covers the Period 11/10/2018 through 12/11/2018**

Date	Vendor Name	Description	Amount	
2602	12/03/2018	TONY'S LOCKSMITH & SAFE SERV.	City Hall Maintenance / October 2018	175.00
2603	12/03/2018	UNITED SITE SERVICES	Fence Rental for Dog Park / November 2018	509.01
2604	12/03/2018	VAN DYKE LANDSCAPE ARCHITECTS	Landscape Architecture Services / October 2018	7,772.50
2605	12/03/2018	WILLDAN ENGINEERING	Code Enforcement Services / October 2018	2,378.00
2605	12/03/2018	WILLDAN ENGINEERING	Building Official & Inspection Services / October 2018	12,420.00
2606	12/03/2018	APRIL BAUMGARTEN	Reimbursement, Supplies	47.68
2607	12/03/2018	PETTY CASH	Replenish Petty Cash (expenditures reported separately - also see Note 2)	420.83
			<b>Total Bank Debits and Warrants:</b>	<b>\$ 564,482.95</b>

**Petty Cash Expenditures Paid Out** (See Note 2)

FedEx Office Supplies

\$29.58

**Total Petty Cash:** \$29.58

**TOTAL** **\$564,512.53**

**NOTES:**

Note 1 - City Councilmembers are eligible to receive either a salary or vehicle reimbursement allowance in the amount of \$300 per month (\$3,600 per year). Such compensation is included in the City's regular payroll (see "ADP Payroll Services" under "Automatic Bank Debits"), unless waived by the Councilmember. For the month of December 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 - No credit card transactions were paid during this time period.

**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.
- 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

*12/11/18*

Dated

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**6.4**  
**MEASURE M2 EXPENDITURE REPORT**

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**RESOLUTION NO. 18-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING AND CONCERNING THE MEASURE M2 EXPENDITURE REPORT FOR THE FISCAL YEAR ENDED JUNE 30, 2018

**WHEREAS**, Orange County Local Transportation Ordinance No. 3 requires local jurisdictions to adopt an annual expenditure report to account for net revenues, developer/traffic impact fees, and funds expended by local jurisdictions that satisfy the maintenance of effort requirements; and

**WHEREAS**, the Measure M2 Expenditure Report must include all net revenue fund balances, interest earned, and expenditures identified by type and program or project; and

**WHEREAS**, the Measure M2 Expenditure Report is required to be adopted and submitted to the Orange County Transportation Authority (“OCTA”) each year within six months of the end of the local jurisdiction’s fiscal year to be eligible to receive net revenues as part of Measure M2.

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

**SECTION 1.** That the Measure M2 Expenditure Report for the Fiscal Year ended June 30, 2018, attached hereto as Exhibit A, is in conformance with the M2 Expenditure Report Template provided in the Renewed Measure M2 Eligibility Guidelines and accounts for net revenues, including interest earned, expenditures during the fiscal year, and balances at the end of the fiscal year.

**SECTION 2.** That the Measure M2 Expenditure Report for the Fiscal Year ended June 30, 2018, attached hereto as Exhibit A, is hereby adopted by the City of Laguna Woods.

**SECTION 3.** That the City of Laguna Woods’ Administrative Services Director/City Treasurer is hereby authorized to sign and submit the Measure M2 Expenditure Report to the OCTA for the fiscal year ended June 30, 2018, acting in the capacity of the City of Laguna Woods’ Director of Finance.

**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

**M2 Expenditure Report**  
**Fiscal Year Ended June 30, 2018**  
**Beginning and Ending Balances**

Description	Line No.	Amount	Interest
<b>Balances at Beginning of Fiscal Year</b>			
A-M Freeway Environmental Mitigation	1	\$ -	\$ -
O Regional Capacity Program (RCP)	2	\$ -	\$ -
P Regional Traffic Signal Synchronization Program (RTSSP)	3	\$ (176,636.00)	\$ -
Q Local Fair Share	4	\$ 60,973.00	\$ 730
R High Frequency Metrolink Service	5	\$ -	\$ -
S Transit Extensions to Metrolink	6	\$ -	\$ -
T Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems	7	\$ -	\$ -
U Senior Mobility Program or Senior Non-Emergency Medical Program	8	\$ -	\$ -
V Community Based Transit/Circulators	9	\$ -	\$ -
W Safe Transit Stops	10	\$ -	\$ -
X Environmental Cleanup Program (Water Quality)	11	\$ -	\$ -
Other*	12	\$ -	\$ -
<b>Balances at Beginning of Fiscal Year</b>	13	\$ (115,663.00)	\$ 730
Monies Made Available During Fiscal Year	14	\$ 932,041.58	\$ 2,254
<b>Total Monies Available (Sum Lines 13 &amp; 14)</b>	15	\$ 816,378.58	\$ 2,984
Expenditures During Fiscal Year	16	\$ 889,007.33	\$ 1,948
<b>Balances at End of Fiscal Year</b>			
A-M Freeway Environmental Mitigation	17	\$ -	\$ -
O Regional Capacity Program (RCP)	18	\$ -	\$ -
P Regional Traffic Signal Synchronization Program (RTSSP)	19	\$ (153,977.97)	\$ 1,035
Q Local Fair Share	20	\$ 81,349.22	\$ -
R High Frequency Metrolink Service	21	\$ -	\$ -
S Transit Extensions to Metrolink	22	\$ -	\$ -
T Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems	23	\$ -	\$ -
U Senior Mobility Program or Senior Non-Emergency Medical Program	24	\$ -	\$ -
V Community Based Transit/Circulators	25	\$ -	\$ -
W Safe Transit Stops	26	\$ -	\$ -
X Environmental Cleanup Program (Water Quality)	27	\$ -	\$ -
Other*	28	\$ -	\$ -

\* Please provide a specific description

**M2 Expenditure Report**  
**Fiscal Year Ended June 30, 2018**  
**Sources and Uses**

Description	Line No.	Amount	Interest
<b>Revenues:</b>			
A-M: Freeway Environmental Mitigation	1	\$ -	\$ -
O: Regional Capacity Program (RCP)	2	\$ -	\$ -
P: Regional Traffic Signal Synchronization Program (RTSSP)	3	\$ 635,027	\$ 1,035
Q: Local Fair Share	4	\$ 209,718	\$ 1,021
R: High Frequency Metrolink Service	5	\$ -	\$ -
S: Transit Extensions to Metrolink	6	\$ -	\$ -
T: Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems	7	\$ -	\$ -
U: Senior Mobility Program or Senior Non-Emergency Medical Program	8	\$ 87,296	\$ 197
V: Community Based Transit/Circulators	9	\$ -	\$ -
W: Safe Transit Stops	10	\$ -	\$ -
X: Environmental Cleanup Program (Water Quality)	11	\$ -	\$ -
Other*	12	\$ -	\$ -
<b>TOTAL REVENUES (Sum lines 1 to 12)</b>	<b>13</b>	<b>\$ 932,042</b>	<b>\$ 2,254</b>
<b>Expenditures:</b>			
A-M: Freeway Environmental Mitigation	14	\$ -	\$ -
O: Regional Capacity Program (RCP)	15	\$ -	\$ -
P: Regional Traffic Signal Synchronization Program (RTSSP)	16	\$ 612,369	\$ -
Q: Local Fair Share	17	\$ 189,342	\$ 1,751
R: High Frequency Metrolink Service	18	\$ -	\$ -
S: Transit Extensions to Metrolink	19	\$ -	\$ -
T: Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems	20	\$ -	\$ -
U: Senior Mobility Program or Senior Non-Emergency Medical Program	21	\$ 87,296	\$ 197
V: Community Based Transit/Circulators	22	\$ -	\$ -
W: Safe Transit Stops	23	\$ -	\$ -
X: Environmental Cleanup Program (Water Quality)	24	\$ -	\$ -
Other*	25	\$ -	\$ -
<b>TOTAL EXPENDITURES (Sum lines 14 to 25)</b>	<b>26</b>	<b>\$ 889,007</b>	<b>\$ 1,948</b>
<b>TOTAL BALANCE (Subtract line 26 from 13)</b>	<b>27</b>	<b>\$ 43,034</b>	<b>\$ 305</b>

\* Please provide a specific description

**M2 Expenditure Report**  
 Fiscal Year Ended June 30, 2018  
 Streets and Roads Detailed Use of Funds

Line No.	Type of Expenditure	MOE <sup>2</sup>	+Developer/ Impact Fees	O	O Interest	P	P Interest	Q	Q Interest	X	X Interest	Other M2 <sup>3</sup>	Other M2 Interest	Other*	TOTAL
1	Indirect and/or Overhead Construction & Right-of-Way	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 600.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 600
2	New Street Construction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
3	Street Reconstruction	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
4	Signals, Safety Devices, & Street Lights	\$ -	\$ -	\$ -	\$ 612,369.37	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 612,369
5	Pedestrian Ways & Bikepaths	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
6	Storm Drains	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
7	Storm Damage	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
8	Total Construction <sup>1</sup>	\$ -	\$ -	\$ -	\$ 612,369.37	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 612,369
9	Right of Way Acquisition	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
10	Total Construction & Right-of-Way Maintenance	\$ -	\$ -	\$ -	\$ 612,369.37	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 612,369
11	Patching	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
12	Overlay & Sealing	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
13	Street Lights & Traffic Signals	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 188,741.78	\$ 1,751.46	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 190,493
14	Storm Damage	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
15	Other Street Purpose Maintenance	\$ 96,479.41	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 96,479
16	Total Maintenance <sup>1</sup>	\$ 96,479.41	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 188,741.78	\$ 1,751.46	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 286,973
17	Other-Senior Mobility Program	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 87,296.00	\$ 197.00	\$ -	\$ 87,493
18	GRAND TOTALS (Sum Lines 1, 10, 15, 17)	\$ 96,479	\$ -	\$ -	\$ 612,369	\$ -	\$ -	\$ 189,342	\$ 1,751	\$ -	\$ -	\$ 87,296	\$ 197	\$ -	\$ 987,435

**Legend**

Project	Description
A-M	Freeway Environmental Mitigation
O	Regional Capacity Program (RCP)
P	Regional Traffic Signal Synchronization Program (RTSSP)
Q	Local Fair Share
R	High Frequency Metrolink Service
S	Transit Extensions to Metrolink
T	Convert Metrolink Station(s) to Regional Gateways that connect Orange County with High-Speed Rail Systems
U	Senior Mobility Program or Senior Non-Emergency Medical Program
V	Community Based Transit/Circulators
W	Safe Transit Stops
X	Environmental Cleanup Program (Water Quality)

**ITEM 6.4 - Exhibit A**

<sup>1</sup> Includes direct charges for staff time  
<sup>2</sup> Local funds used to satisfy maintenance of effort (MOE) requirements  
<sup>3</sup> Other M2 includes A-M, R,S,T,U,V, and W  
 + Transportation related only  
 \* Please provide a specific description



**M2 Expenditure Report**  
**Fiscal Year Ended June 30, 2018**

I certify that the interest earned on Net Revenues allocated pursuant to the Ordinance shall be expended only for those purposes for which the Net Revenues were allocated and all the information attached herein is true and accurate to the best of my knowledge:

Margaret A. Cady  
Director of Finance (Print Name)

10-24-18  
Date

Margaret A. Cady  
Signature

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**6.5**  
**CITY HALL RESTROOM REPAIR AND  
IMPROVEMENT PROJECT (NO REPORT)**

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**7.1**

**VACATION OF A STREET EASEMENT LOCATED  
IN THE GENERAL VICINITY SOUTH OF THE  
INTERSECTION OF AVENIDA DE LA CARLOTA  
AND RIDGE ROUTE DRIVE, AND WEST OF  
AVENIDA DE LA CARLOTA, IN LAGUNA  
WOODS, CA 92637**

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# City of Laguna Woods Agenda Report

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Christopher Macon, City Manager

**FOR:** December 19, 2018 Regular Meeting

**SUBJECT:** Vacation of a street easement located in the general vicinity south of the intersection of Avenida de la Carlota and Ridge Route Drive, and west of Avenida de la Carlota, in Laguna Woods, CA 92637

---

## **Recommendation**

1. Receive staff report.  

AND
2. Open public hearing.  

AND
3. Receive public testimony.  

AND
4. Close public hearing.  

AND
5. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, VACATING A STREET EASEMENT LOCATED IN THE GENERAL VICINITY SOUTH OF THE

INTERSECTION OF AVENIDA DE LA CARLOTA AND RIDGE ROUTE DRIVE, AND WEST OF AVENIDA DE LA CARLOTA, IN LAGUNA WOODS, CA 92637, PURSUANT TO CALIFORNIA STREETS AND HIGHWAYS CODE SECTION 8320 AND OTHER APPLICABLE LAW

### **Background**

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

- **County Easements Clarification** – Review and correct property records for easements that were transferred from the County of Orange to the City upon incorporation. This item may also include the vacation or transfer of unnecessary easements.

Chapter 3 of Part 3 of Division 9 of the California Streets and Highways Code sets forth a general vacation procedure for cities to vacate street, highway, and public service easements. In this context, the term “easement” refers to a city’s right to use private property for public purposes, while “vacate” means “the complete or partial abandonment or termination of the public right to use a street, highway, or public service easement” (California Streets and Highways Code Section 8309).

### **Discussion**

Today’s meeting is an opportunity for City Council action, as well as public input, on the proposed vacation of a street easement located in the general vicinity south of the intersection of Avenida de la Carlota and Ridge Route Drive, and west of Avenida de la Carlota, in Laguna Woods, CA 92637 (Attachment A). Staff recommends that the City Council adopt the proposed resolution in order to vacate the street easement to the underlying fee owner(s) [entities comprising Third Laguna Hills Mutual] and terminate the City’s interests in the easement area.

The street easement generally runs between commercial buildings located in the city of Laguna Hills and a wall bordering the private gated community of Laguna Woods Village, as described in exhibits A and B to Attachment A. The property within the easement area is predominately undeveloped and is not currently used as a street, nor identified for future use as a street, in either the City’s General Plan or the Orange County Transportation Authority’s Master Plan of Arterial Highways.

In the absence of actual or planned use as a street, staff has determined that the street easement is unnecessary for present or prospective public use. Retention of the street easement would only be necessary if the City wished to reserve its ability to use the easement area for street purposes in the future. Based on current and anticipated conditions, staff does not believe that such a need exists or is likely to exist. By vacating the street easement, both the City and underlying fee owners(s) would benefit by eliminating unnecessary land use restrictions.

Village Management Services staff [as agent for the underlying fee owners(s)] were notified of the proposed vacation of the street easement on November 26, 2018. The City has also completed public noticing as required by applicable provisions of the California Streets and Highways Code, including publication in the *Laguna Woods Globe* newspaper and on-site posting along the line of the street easement.

If the City Council takes the recommended action at today's meeting, vacation of the street easement would be effective once a certified copy of the resolution is recorded in the Office of the Orange County Clerk-Recorder, pursuant to California Streets and Highways Code Section 8325.

While staff's recommendation would vacate one street easement, 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 continue through the remainder of the current fiscal year.

### **Environmental Review**

It can be seen with certainty that this project has no possibility of having a significant effect on the environment. Therefore, the proposed vacation of the street easement 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 15305 of Title 14 of the California Code of Regulations in that the proposed vacation of the street easement is a minor alteration in land use limitations in an area with an average slope of less than 20%, which does not result in any changes in land use or density.

### **Fiscal Impact**

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

Attachment: A – Proposed Resolution  
                  Exhibit A – Legal Description  
                  Exhibit B – Map

**RESOLUTION NO. 18-XX**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, VACATING A STREET EASEMENT LOCATED IN THE GENERAL VICINITY SOUTH OF THE INTERSECTION OF AVENIDA DE LA CARLOTA AND RIDGE ROUTE DRIVE, AND WEST OF AVENIDA DE LA CARLOTA, IN LAGUNA WOODS, CA 92637, PURSUANT TO CALIFORNIA STREETS AND HIGHWAYS CODE SECTION 8320 AND OTHER APPLICABLE LAW

**WHEREAS**, Chapter 3 of Part 3 of Division 9 of the California Streets and Highways Code sets forth the proceedings necessary for cities to vacate streets, highways, and service easements; and

**WHEREAS**, the City holds a street easement that is located in the general vicinity south of the intersection of Avenida de la Carlota and Ridge Route Drive, and west of Avenida de la Carlota, in Laguna Woods, CA 92637, which generally runs between commercial buildings located in the city of Laguna Hills and a wall bordering the private gated community of Laguna Woods Village, as described in exhibits A and B attached hereto and incorporated by reference (the “Ridge Route Drive Partial Street Easement”); and

**WHEREAS**, the property within the Ridge Route Drive Partial Street Easement is predominately undeveloped and is not currently used as a street, nor identified for future use as a street, in either the City’s General Plan or the Orange County Transportation Authority’s Master Plan of Arterial Highways; and

**WHEREAS**, based on a review of the current and future needs of the City, the Ridge Route Drive Partial Street Easement is proposed to be vacated in order to vacate the same to the underlying fee owner(s) and terminate the City’s interests in the easement area; and

**WHEREAS**, the proposed vacation of the Ridge Route Drive Partial Street Easement would benefit the City and underlying fee owners(s) by eliminating unnecessary land use restrictions; and

**WHEREAS**, the public noticing requirements set forth in California Streets and Highways Code sections 8322 and 8323, including both newspaper publication and posting of public notices, have been fulfilled; and

**WHEREAS**, on December 19, 2018, the City Council held a duly noticed public hearing on the proposed vacation of the Ridge Route Drive Partial Street Easement at which it considered all of the information, evidence, and testimony 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.** The above recitals are true and correct.

**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 vacation of the street easement 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 15305 of Title 14 of the California Code of Regulations in that the vacation of the street easement is a minor alteration in land use limitations in an area with an average slope of less than 20%, which does not result in any changes in land use or density.

**SECTION 3.** From all the evidence submitted, the street easement described in exhibits A and B is unnecessary for present or prospective public use.

**SECTION 4.** The street easement described in exhibits A and B is hereby vacated, subject to recordation of a certified copy of this resolution, attested by the City Clerk under seal, in the Office of the Orange County Clerk-Recorder, pursuant to California Streets and Highways Code Section 8325.

**SECTION 5.** The 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:

\_\_\_\_\_  
CHRISTOPHER MACON, City Clerk

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

I, CHRISTOPHER MACON, 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:

\_\_\_\_\_  
CHRISTOPHER MACON, City Clerk

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**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**STREET VACATION**

BEING A PORTION OF RIDGE ROUTE DRIVE, IN THE CITY OF LAGUNA WOODS, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON TRACT NO. 6998, PER MAP RECORDED IN BOOK 259 OF MISCELLANEOUS MAPS, PAGES 47 AND 48, AND TRACT NO. 5861, PER MAP RECORDED IN BOOK 250 OF MISCELLANEOUS MAPS, PAGES 5 AND 6, BOTH IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE WESTERLY CORNER OF PARCEL 1 OF PARCEL MAP RECORDED IN BOOK 134 OF PARCEL MAPS, PAGES 15 AND 16, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY;

THENCE SOUTH 89°43'50" EAST, ALONG THE SOUTH LINE OF SAID PARCEL 1, A DISTANCE OF 812.39 FEET TO A POINT ON THE WEST LINE OF LOT "B" OF SAID TRACT NO. 5861, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 440.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 24°21'02" WEST;

THENCE SOUTHWESTERLY ALONG SAID CURVE 189.07 FEET AND THROUGH A CENTRAL ANGLE OF 24°37'12" TO THE BEGINNING OF A TANGENT LINE, SAID TANGENT LINE BEING THE NORTH LINE OF LOT 1 AND LOT 2 OF SAID TRACT NO. 5861 AND LOT 1 OF SAID TRACT NO. 6998;

THENCE NORTH 89°43'50" WEST, ALONG SAID TANGENT LINE, 629.09 FEET;

THENCE NORTH 00°16'10" EAST 40.00 FEET TO THE **POINT OF BEGINNING**.

SAID DESCRIPTION CONTAINS 0.691 ACRES, MORE OR LESS.

**ON POINT LAND SURVEYING, INC.**

PREPARED BY:

ANTHONY D. SMITH, PLS 8133

DATE: 4/5/18





**7.2**  
**WATER QUALITY REGULATIONS**

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# City of Laguna Woods Agenda Report

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Christopher Macon, City Manager  
**FOR:** December 19, 2018 Regular Meeting  
**SUBJECT:** Water Quality Regulations

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## Recommendation

1. Receive staff report.  

AND
2. Open public hearing.  

AND
3. Receive public testimony.  

AND
4. Close public hearing.  

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 4.14 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO WATER QUALITY

## **Background**

Laguna Woods Municipal Code Chapter 4.14 contains regulations related to water quality, which in this context relates to the City's regulatory obligations under applicable National Pollutant Discharge Elimination System ("NPDES") permits issued by California regional water quality control boards, as well as other state permits and orders. The City's regulations were last amended in 2010.

Due to geography and local drainage patterns, Laguna Woods is one of only three incorporated cities in Orange County that is subject to the jurisdiction of both the Santa Ana and San Diego regional water quality control boards. As a result, the City is required to comply with an NPDES permit issued by each regional water quality control board, in addition to general orders issued by, or as a result of directives from, the California State Water Resources Control Board.

Drinking water quality is not the subject of the City's water quality regulations and is within the purview of the El Toro Water District, a separately incorporated special district that provides all water and wastewater service in Laguna Woods.

## **Discussion**

Today's meeting is an opportunity for City Council action, as well as public input, on proposed amendments to Laguna Woods Municipal Code Chapter 4.14 (Attachment A) which, if adopted, would modify existing regulations related to water quality. Staff recommends that the City Council initiate the adoption process for the proposed ordinance, in order to support the City's regulation of waste and stormwater discharges, including discharges to the stormwater drainage system within the City's jurisdiction, as required by applicable state permits and orders.

While the majority of the proposed amendments would make existing regulations more explicit, or increase alignment of the same with applicable state permits and orders, more significant proposed amendments include, but are not limited to:

- The addition of explicit provisions allowing for more rapid inspections of private property where exigent circumstances dictate.
- The addition of provisions revising notice requirements for inspections of industrial sites/sources and construction sites, which state permits and orders have identified as creating increased threats to water quality.

- The addition of provisions authorizing the City Manager, where necessary or advantageous to ensure compliance with state permits or orders, to negotiate interagency agreements with public and private parties to control stormwater pollution or discharges to the stormwater drainage system.

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

### **Environmental Review**

It can be seen with certainty that this project has no possibility of having a significant effect on the environment as it does not approve any capital improvement project or other action or activity with the potential for a significant effect on the environment, nor do the proposed amendments to Chapter 4.14 of the Laguna Woods Municipal Code necessitate any construction or other modification of the environment with the potential for significant environmental effects. Therefore, the adoption of the proposed ordinance 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 this project are included in the City's budget.

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

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**ORDINANCE NO. 19-XX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING CHAPTER 4.14 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO WATER QUALITY

**WHEREAS**, water quality regulations are codified at Chapter 4.14 of the Laguna Woods Municipal Code; and

**WHEREAS**, staff has recommended amendments to the existing water quality regulations, as set forth in the attached Exhibit A to this Ordinance (the “Code Amendments”), in order to support the City’s regulation of waste and stormwater discharges, including discharges to the stormwater drainage system within the City’s jurisdiction, as required by applicable state permits and orders; and

**WHEREAS**, on December 19, 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 as it does not approve any capital improvement project or other action or activity with the potential for a significant effect on the environment, nor do the proposed amendments to Chapter 4.14 of the Laguna Woods Municipal Code necessitate any construction or other modification of the environment with the potential for significant environmental effects. Therefore, the adoption of this Ordinance 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 3. Chapter 4.14 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 2019.

\_\_\_\_\_  
XX, 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. 19-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 2019 by the following vote to wit:

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

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YOLIE TRIPPY, Deputy City Clerk

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**EXHIBIT A  
CODE AMENDMENTS**

*Section 4.14.010 (“Definitions”) of Chapter 4.14 (“Water Quality”) 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. 4.14.010. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words and phrases not ascribed a meaning by this chapter shall have the meanings ascribed by the regulations implementing the National Pollutant Discharge Elimination System, Federal Clean Water Act §-Section 402, and State Water Code Division 7 (State Water Code §-Section 13000 et seq.), if defined therein, and if not, to the definitions in an applicable permit issued by the California State Water Resources Control Board or applicable California Regional Water Quality Control Board, as such permits may be amended from time to time.

(05) *Authorized Inspector* shall mean the City Manager of the City of Laguna Woods and persons designated by and under his or her instruction and supervision, who are assigned to investigate compliance with, detect violations of, and/or take actions pursuant to this chapter.

(10) *City* shall mean the City of Laguna Woods, Orange County, California.

(15) *Co-Permittee* shall mean the City, County of Orange, the Orange County Flood Control District, and/or any ~~one~~ of the municipalities in Orange County, California or San Diego, California, ~~including the City of Laguna Woods~~, which are responsible for compliance with the terms of ~~NPDES~~ Permit(s).

(20) ~~DAMP~~ Drainage Area Management Plan shall mean the Orange County Drainage Area Management Plan, including the City’s approved ~~Local Implementation Plans~~s, as the same may be amended from time to time.

(25) *Development Pproject Gguidance* shall mean ~~Chapter 7 of the DAMP and the appendix thereto, entitled “Model Water Quality Management Plan”~~ guidance, instruction, and requirements for new development and significant redevelopment projects included or referred to in the Local Implementation Plan, as the same may be amended from time to time.

(30) *Discharge* shall mean any release, spill, leak, pump, flow, escape, leaching (including subsurface migration or deposition to groundwater), dumping or disposal of any liquid, semi-solid or solid substance.

(35) *Discharge exception* shall mean ~~the group of activities~~ discharges not restricted or prohibited by this chapter, including, but not limited to, any of the following:

(1) Discharges composed entirely of stormwater (e.g., runoff occurring as a result of rain).

(2) Discharges authorized pursuant to federal or state laws or regulations, or by current ~~EPA, State, or Regional Water Quality Control Board issued NPDES Permits~~ Permit(s), State General Permit(s), or other waivers, permits or approvals granted by a government agency with jurisdiction over such discharges.

(3) Discharges to the stormwater drainage system, that meet all requirements of the Permit(s), State General Permit(s), and any other applicable legal requirements, including ~~any of~~ the following:

- a. Diverted stream flows
- b. Rising ground waters
- c. Infiltration of groundwater uncontaminated by sewage
- d. Uncontaminated pumped groundwater<sup>+</sup>
- e. Foundation drains<sup>+</sup>
- f. Springs
- g. Water from crawl space pumps<sup>+</sup>

- h. Footing drains ~~<sup>461</sup>~~
- i. Air conditioning condensation
- j. Flows from riparian habitats and wetlands
- k. Potable water sources, ~~except to the extent such discharges are subject to but not in compliance with general permits issued by the State or Regional Water Quality Control Board or other local ordinances~~
- l. Individual residential car washing
- m. Dechlorinated swimming pools
- n. Emergency firefighting activities
- o. Water line flushing, except for fire suppression sprinkler system maintenance and testing discharges. ~~If any discharges that fall within this exception are subject to State or Regional Water Quality Control Board permits or local ordinances, they are exempt only if the discharger is in compliance with said permits or local ordinances.~~

~~4. Stormwater discharges for which the discharger has reduced to the maximum extent practicable the amount of pollutants in such discharge.~~

(4) Runoff not otherwise regulated by Permit(s) or State General Permit(s) for which all applicable best management practices set forth in Section 4.14.030 of this Code are being properly implemented.

In any action taken to enforce this chapter, the burden shall be on the person who is the subject of such action to establish that a discharge was or is within the scope of ~~this a~~ discharge exception and otherwise meets all requirements of the Permit(s), State General Permit(s) and any other applicable legal requirements.

(38) Enforcement Response Plan shall mean the City's Enforcement Response Plan prepared pursuant to the requirements of the Permit(s).

(40) *Enforcing Attorney* shall mean the City Attorney or District Attorney and his or her designee acting as legal counsel to the City, which counsel is authorized to take enforcement action as described in this chapter. For purposes of criminal prosecution, the District Attorney, or his or her designee, shall act as the Enforcing Attorney.

(45) *EPA* shall mean the Environmental Protection Agency of the United States.

(50) *Hearing Officer* shall mean the City Council, which shall preside at the administrative hearings authorized by this chapter and issue final decisions on the matters raised therein.

(53) *Industrial sites/sources* shall mean those categories of industrial sites and sources as defined in 40 CFR 122.26(b)(14), including, but not limited to, those sites and sources that are subject to Permit(s) or State General Permit(s), including certain construction sites; operating and closed landfills; facilities subject to the Federal Superfund Amendments and Reauthorization Act Title III; and, hazardous waste treatment, storage, and disposal facilities.

(55) *Invoice for costs* shall mean the actual costs and expenses of the City, including, but not limited to, administrative overhead, salaries and other expenses recoverable under State law, incurred during any inspection conducted pursuant to this chapter or where a notice of violation, administrative citation, administrative compliance order or other enforcement option under this chapter is utilized to obtain compliance with this chapter.

(60) *Illicit connection* shall mean any man-made conveyance or drainage system, pipeline, conduit, inlet or outlet through which the discharge of any pollutant to the stormwater drainage system occurs or may occur. ~~The term “illicit connection” shall~~ does not include legal nonconforming connections or connections to the stormwater drainage system that are hereinafter authorized by the agency with jurisdiction over the system at the location at which the connection is made.

(65) *Legal nonconforming connection* shall mean connections to the stormwater drainage system existing as of the adoption of this chapter that were in compliance with all federal, state and local rules, regulations,

statutes and administrative requirements in effect at the time that the connection was established.

(70) *Local ~~i~~Implementation ~~p~~Plan ~~or LIP~~* shall mean the City's plan for implementation of the ~~NPDES permits, as approved by the City Manager or his or her designee, as may be amended from time to time.~~ Permit(s), and any plans or policies required to be developed and implemented per the Permit(s), as approved by the City Manager, including, but not limited to, the Enforcement Response Plan. The Local Implementation Plan is the City's Local Implementation Plan for the purposes of complying with the Permit(s) issued by the California Regional Water Quality Control Board, Santa Ana Region, as well as the City's Jurisdictional Runoff Management Plan (JRMP) for the purposes of complying with the Permit(s) issued by the California Regional Water Quality Control Board, San Diego Region. All requirements of the Local Implementation Plan, including the Enforcement Response Plan, may be enforced via this chapter.

(75) *New development* shall mean all public and private residential, industrial, commercial, retail, and other nonresidential construction projects, or grading for future construction, for which either a discretionary land use approval, grading permit, building permit, or nonresidential plumbing permit is required.

(80) *Nonresidential plumbing permit* shall mean a plumbing permit authorizing the construction and/or installation of any facility or facilities for the conveyance of liquids other than stormwater, potable water, reclaimed water, or domestic sewage.

(85) ~~NPDES permit~~ Permit(s) shall mean the currently applicable municipal discharge permits and/or orders issued by the California Regional Water Quality Control Board, Santa Ana Region and/or the California Regional Water Quality Control Board, San Diego Region, as appropriate, which permit and/or establish waste discharge requirements and/or National Pollutant Discharge Elimination System discharge limitations applicable to stormwater runoff and/or discharges to the stormwater drainage system within the City's jurisdiction.

(90) *Person* shall mean any natural person as well as any corporation, partnership, government entity or subdivision, trust, estate, cooperative

association, joint venture, business entity, or other similar entity, or the agent, employee or representative of any of the above.

(95) *Pollutant* shall mean any liquid, solid or semi-solid substances, or combination thereof, including, but not limited to:

- (1) Artificial materials (such as floatable plastics, wood products or metal shavings);
- (2) Household waste (such as trash, paper, and plastics; cleaning chemicals; yard wastes; animal fecal materials; used oil and fluids from vehicles, lawn mowers and other common household equipment);
- (3) Metals and non-metals, including compounds of metals and non-metals, (such as cadmium, lead, zinc, copper, silver, nickel, chromium, cyanide, phosphorus and arsenic), with characteristics which cause an adverse effect on living organisms;
- (4) Petroleum and related hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease);
- (5) Animal wastes (such as discharge from confinement facilities, kennels, pens and recreational facilities, including, stables, show facilities, or polo fields);
- (6) Substances having a pH less than 6.5 or greater than 8.6, or unusual coloration, turbidity or odor;
- (7) Waste materials and wastewater generated on construction sites and by construction activities (such as painting and staining; use of sealants and glues; use of lime; use of wood preservatives and solvents; disturbance of asbestos fibers, paint flakes or stucco fragments; application of oils, lubricants, hydraulic, radiator or battery fluids; construction equipment washing; concrete pouring and cleanup; use of concrete detergents; steam cleaning or sand blasting; use of chemical degreasing or diluting agents; and use of super chlorinated water for potable water line flushing);

(8) Materials causing an increase in biochemical oxygen demand, chemical oxygen demand or total organic carbon;

(9) Materials which contain base/neutral or acid extractible organic compounds;

(10) Those pollutants defined in ~~§ 1362(6) of the~~ Federal Clean Water Act Section 1362(6); ~~and~~

(11) Any other constituent or material, including but not limited to pesticides, herbicides, fertilizers, fecal coliform, fecal streptococcus or enterococcus, or eroded soils, sediment and particulate materials, in quantities that will interfere with or adversely affect the beneficial uses of the receiving waters, flora or fauna of the State.

(100) *Prohibited discharge* shall mean any discharge which contains any pollutant, from public or private property to (i) the stormwater drainage system; (ii) any upstream flow, which is tributary to the stormwater drainage system; (iii) any groundwater, river, stream, creek, wash or dry weather arroyo, wetlands area, marsh, coastal slough, or (iv) any coastal harbor, bay, or the Pacific Ocean. ~~The term p~~ “Prohibited discharge” shall does not include discharges allowable under the discharge exception.

(105) *Significant redevelopment* shall mean the rehabilitation or reconstruction of public or private residential (whether single family, multi-unit or planned unit development), industrial, commercial, retail, or other nonresidential structures, for which either a discretionary land use approval, grading permit, building permit or nonresidential plumbing permit is required.

(110) *State g* General p Permit(s) shall mean ~~either the Waste Discharge Requirements for Discharges of Storm Water Associated With Industrial Activities Excluding Construction Activities Permit (State Industrial General Permit) or the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated With Construction and Land Disturbance Activities (State Construction General Permit) and the terms and requirements of either or both~~ the “National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Industrial Activities” (Industrial General Permit) and/or the “National Pollutant Discharge Elimination System (NPDES) General Permit

for Storm Water Discharges Associated with Construction and Land Disturbance Activities” adopted by the California State Water Resources Control Board, as may be amended from time to time. In the event that the EPA revokes the in-lieu permitting authority of the California State Water Resources Control Board, then the term “State gGeneral pPermit(s)” shall also refer to any EPA-administered stormwater control program for industrial and construction activities.

(115) *Stormwater drainage system* shall mean any street gutter, channel, storm drain, constructed drain, lined diversion structure, wash area, inlet, outlet or other facility, which is a part of or tributary to any municipal separate storm sewer system including, but not limited to, the ~~county-wide stormwater runoff system and~~ the City’s municipal separate storm sewer system and any municipal separate storm sewer system owned, operated, maintained or controlled by County of Orange, the Orange County Flood Control District or any other Co-Permittee, and which is used for the purpose of collecting, storing, transporting, or disposing of stormwater.

**Footnote content:**

~~—(6)—~~

~~Note—These discharges may be covered by a State or Regional Water Quality Control Board permit for groundwater extraction or similar discharges to surface waters. The City authorizes these discharges in compliance with such permit unless the Authorized Inspector determines the discharge potentially causes, or threatens to cause, a condition of pollution, contamination, or nuisance.~~

*Section 4.14.020 (“Prohibited discharges and illicit connections”) of Chapter 4.14 (“Water Quality”) 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. 4.14.020. - Prohibited discharges and illicit connections.**

- (a) No person shall:
  - (1) Cause, allow or facilitate any prohibited discharge.
  - (2) Construct, maintain, operate or utilize any illicit connection.

(3) Act, cause, permit or suffer any agent, employee, or independent contractor, to construct, maintain, operate or utilize any illicit connection, or cause, allow or facilitate any prohibited discharge.

(b) The prohibition against illicit connections shall apply irrespective of whether the illicit connection was established prior to the date of enactment of this chapter; however, legal nonconforming connections shall not become illicit connections until the earlier of the following:

(1) For all structural improvements to property installed for the purpose of discharge to the stormwater drainage system, the expiration of five years from the adoption of this chapter.

(2) For all nonstructural improvements to property existing for the purpose of discharge to the stormwater drainage system, the expiration of six months following delivery of a notice to the owner or occupant of the property, which states a legal nonconforming connection has been identified. The notice of a legal nonconforming connection shall state the date of expiration of use under this chapter.

(c) A civil or administrative violation shall occur irrespective of the negligence or intent of the violator to construct, maintain, operate or utilize an illicit connection or to cause, allow or facilitate any prohibited discharge.

(d) If an Authorized Inspector reasonably determines that a discharge, which is otherwise within the discharge exception, may violate any law, regulation, Permit(s), or State General Permit(s), or otherwise adversely affect the beneficial uses of receiving waters, then the Authorized Inspector may give written notice to the owner of the property or facility that the discharge exception shall not apply to the subject discharge. ~~following expiration of the 30-day period commencing upon delivery of the notice. Upon expiration of the 30-day period any such discharge shall constitute a violation of this chapter.~~

(e) The owner or occupant of property on which a legal nonconforming connection exists may request a hearing for an extension of the period allowed for continued use of the connection. A reasonable extension of use may be authorized by the Hearing Officer upon consideration of the following factors:

- (1) The potential adverse effects of the continued use of the connection upon the beneficial uses of receiving waters;
- (2) The economic investment of the discharger in the legal nonconforming connection; and
- (3) The financial effect upon the discharger of a termination of the legal nonconforming connection.

*Section 4.14.030 (“Best management practices”) of Chapter 4.14 (“Water Quality”) 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. 4.14.030. - Best management practices.**

(a) *Properties.* Each owner or occupant of any property in the City shall implement minimum best management practices ~~(BMPs)~~ as may be designated in the ~~City’s~~ Local Implementation Plan ~~or as otherwise required by the Permit(s), State General Permit(s), or as may otherwise be required by the City to prevent discharges to the stormwater drainage system.~~ For any property that is tributary to an impaired water body and/or is within or directly adjacent to or discharging directly to a receiving water within an environmentally sensitive area, such ~~BMPs~~ best management practices shall include such additional controls as the City may require.

(b) *Activities.* Each person conducting any activity or operation on any property in the City shall implement minimum best management practices ~~(BMPs)~~ as may be designated in the ~~City’s~~ Local Implementation Plan ~~or as otherwise required by the Permit(s), State General Permit(s), or as may otherwise be required by the City to prevent discharges to the stormwater drainage system.~~ For any activity or operation that is tributary to an impaired water body and/or is within or directly adjacent to or discharging directly to a receiving water within an environmentally sensitive area, such ~~BMPs~~ best management practices shall include such additional controls as the City may require.

*Section 4.14.040 (“New development and significant redevelopment”) of Chapter 4.14 (“Water Quality”) 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. 4.14.040. - New development and significant redevelopment.**

(a) All new development and significant redevelopment within the City shall be undertaken in accordance with:

- (1) The ~~DAMP~~Drainage Area Management Plan, including but not limited to the development project guidance; and
- (2) Any conditions and requirements established by the City, which are reasonably related to the reduction or elimination of pollutants in stormwater runoff from the project site.

(b) Prior to the issuance by the City of a grading permit, building permit or nonresidential plumbing permit for any new development or significant redevelopment, the City shall review the project plans and impose terms, conditions and requirements on the project in accordance with this chapter. If the new development or significant redevelopment will be approved without application for a grading permit, building permit or nonresidential plumbing permit, the City shall review the project plans and impose terms, conditions and requirements on the project in accordance with this chapter prior to the issuance of a discretionary land use approval or, at the City’s discretion, prior to recordation of a subdivision map.

(c) Notwithstanding the foregoing ~~S~~sections 4.14.040(a) and 4.14.040(b) of this Code, compliance with the development project guidance shall not be required for construction of one single family detached residence unless the City determines that the construction may result in the discharge of significant levels of a pollutant into or tributary to the stormwater drainage system.

(d) Compliance with the conditions and requirements of the ~~DAMP~~Drainage Area Management Plan shall not exempt any person from the requirement to independently comply with each provision of this chapter.

(e) If the City determines that the project will have a de minimis impact on the quality of stormwater runoff, then it may issue a written waiver of the requirement for compliance with the provisions of the development project guidance.

(f) The owner of a new development or significant redevelopment project, or upon transfer of the property, its successors and assigns, shall implement and adhere to the terms, conditions and requirements imposed pursuant to this chapter on a new development or significant redevelopment project.

(1) Each failure by the owner of the property or its successors or assigns, to implement and adhere to the terms, conditions and requirements imposed pursuant to this chapter on a new development or significant redevelopment project shall constitute a violation of this chapter.

(g) The City may require that the terms, conditions and requirements imposed pursuant to this chapter be recorded with the County of Orange by the property owner. The signature of the owner of the property or any successive owner shall be sufficient for the recording of these terms, conditions and requirements and a signature on behalf of the City shall not be required for recordation.

(h) The City shall be reimbursed by the project applicant for all costs and expenses incurred by the City in the review of new development or significant redevelopment projects for compliance with the ~~DAMP~~Drainage Area Management Plan. The City may elect to require a deposit of estimated costs and expenses, and the actual costs and expenses shall be deducted from the deposit, and the balance, if any, refunded to the project applicant.

*Section 4.14.050 (“Inspections”) of Chapter 4.14 (“Water Quality”) 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. 4.14.050. - Inspections.**

(a) ~~*Entry.* Prior to commencing any inspection of private property (including, but not limited to, facilities and portable equipment) as authorized in this section, the Authorized Inspector shall obtain the consent of the owner or occupant of the property or an administrative inspection warrant or criminal search warrant.~~ *Right to Enter and Inspect.* Except where exigent circumstances dictate otherwise, and except for inspections of industrial sites/sources or construction sites, prior to commencing any inspection of private property, the Authorized Inspector shall obtain either the consent of the owner, operator, or person responsible for the day-to-day activities of such facility, or shall obtain an administrative inspection warrant or criminal search warrant. For industrial sites/sources and construction sites, because such dischargers are identified under the Permit(s) and State General Permit(s) as creating increased threats to water quality, the Authorized Inspector is hereby authorized to inspect each such industrial site/source or construction site during normal business hours upon providing 24-hours' notice to the owner, operator, or person responsible for the day-to-day activities of such facility.

(b) *Discharge investigations.* The Authorized Inspector may inspect public and private property to investigate the source of any discharge to the stormwater drainage system or to otherwise verify or enforce compliance with this chapter.

(c) *Compliance inspections.* The Authorized Inspector may inspect property for the purpose of verifying compliance with this chapter, including but not limited to (i) identifying products produced, processes conducted, chemicals used and materials stored on or contained within the property, (ii) identifying point(s) of discharge of all wastewater, process water systems and pollutants, (iii) investigating the natural slope at the location, including drainage patterns and man-made conveyance systems, (iv) establishing the location of all points of discharge from the property, whether by surface runoff or through a storm drain system, (v) locating any illicit connection or the source of prohibited discharge, (vi) evaluating compliance with any water quality management plan, and (vii) investigating the condition of any legal nonconforming connection.

(d) *Records review.* The Authorized Inspector may inspect all records of the owner or occupant of property relating to processes or chemicals presently or previously occurring on-site, including but not limited to material and/or chemical inventories, facilities maps or schematics and

diagrams, material safety data sheets, hazardous waste manifests, business plans, water quality management plans, maintenance records, pollution prevention plans, State General Permit(s), monitoring program plans and any other records relating to this chapter, prohibited discharges, illicit connections, legal nonconforming connections, or any other source of contribution or potential contribution of pollutants to the stormwater drainage system.

(e) *Documentation of conditions.* The Authorized Inspector may take photographs or video recordings, make measurements or drawings, and create any other record reasonably necessary to document conditions on the property.

(f) *Monitoring and testing.* The Authorized Inspector may inspect, sample, monitor (including, but not limited to, erecting and maintaining monitoring devices) and/or test any area runoff, soils area, groundwater, materials within any waste storage area or container, and/or discharge for the purposes of (i) determining the potential for contribution of pollutants to the stormwater drainage system and/or (ii) measuring any discharge or potential source of discharge to the stormwater drainage system. The Authorized Inspector may investigate the integrity of any storm drain system, sanitary sewer system, legal nonconforming connection or other pipelines on the property using appropriate tests, including but not limited to smoke and dye tests or video surveys. The owner or occupant of property subject to inspection shall, after submission of a written request, receive copies of all monitoring and test results conducted by the Authorized Inspector.

***Section 4.14.060 (“Enforcement”) of Chapter 4.14 (“Water Quality”) 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. 4.14.060. - Enforcement.**

(a) *Notice of violation.* The Authorized Inspector may deliver to the owner or occupant of any property, or to any person responsible for a prohibited discharge or an illicit connection a notice of violation. The notice of violation shall be written and delivered in accordance with Chapter 1.06 of this Code.

(b) *Administrative citation.* The Authorized Inspector may deliver to the owner or occupant of any property, or to any person responsible for a prohibited discharge or an illicit connection an administrative citation. The administrative citation shall be written and delivered in accordance with Chapter 1.06 of this Code.

(c) *Administrative compliance orders.* The Authorized Inspector may issue an administrative compliance order.

(1) The administrative compliance order may be issued to:

a. The owner or occupant of any property requiring abatement of conditions on the property that cause or may cause a prohibited discharge or an illicit connection in violation of this chapter.

b. The owner of property subject to terms, conditions or requirements imposed on a project in accordance with this chapter to ensure adherence to those terms, conditions and requirements.

c. Any person responsible for an illicit connection or prohibited discharge.

(2) The administrative compliance order may include but is not limited to the following terms and requirements:

a. Specific steps and time schedules for compliance as reasonably necessary to prevent the imminent threat of a prohibited discharge, including but not limited to a prohibited discharge from any pond, pit, well, surface impoundment, holding or storage area.

b. Specific steps and time schedules for compliance as reasonably necessary to discontinue any illicit connection.

c. Specific requirements for containment, cleanup, removal, storage, installation of overhead covering, or proper disposal of any pollutant having the potential to contact stormwater runoff.

d. Any other terms or requirements reasonably calculated to prevent the imminent threat of or continuing violations of this chapter, including, but not limited to requirements for compliance with best management practices guidance documents promulgated by any federal, state or local agency.

e. Any other terms or requirements reasonably calculated to achieve full compliance with the terms, conditions and requirements of any permit issued pursuant hereto.

(d) *Cease and desist orders.* The Authorized Inspector may issue a cease and desist order. A cease and desist order shall be delivered in accordance with Section 1.06.050 of this Code.

(1) A cease and desist order may direct the owner or occupant of any property and/or other person responsible for a violation of this chapter to:

a. Immediately discontinue any illicit connection or prohibited discharge to the stormwater drainage system.

b. Immediately contain or divert any flow of water off the property, where the flow is occurring in violation of any provision of this chapter.

c. Immediately discontinue any other violation of this chapter.

d. Clean up the area affected by the violation.

(2) The Authorized Inspector may direct by cease and desist order that the owner of any property immediately cease any activity not in compliance with the terms, conditions and requirements of the applicable permit.

(e) *Recovery of costs.* The Authorized Inspector may deliver to the owner or occupant of any property, any permittee or any other person who becomes subject to a notice of violation, administrative citation, administrative compliance order or cease and desist order, an invoice for costs. An invoice for costs shall be delivered in accordance with Section 1.06.050 of this

Code. An invoice for costs shall be immediately due and payable to the City for the actual costs incurred by the City in issuing and enforcing any notice or order. If any owner or occupant, permittee or any other person subject to an invoice for costs fails to either pay the invoice for costs or appeal successfully the invoice for costs, then the Enforcing Attorney may institute collection proceedings.

(f) *Nuisance.* Any condition in violation of the prohibitions of this chapter, including but not limited to the maintenance or use of any illicit connection or the occurrence of any prohibited discharge, shall constitute a threat to the public health, safety and welfare, and is declared and deemed a nuisance pursuant to [California](#) Government Code ~~§~~ [Section](#) 38771. The City may abate the nuisance and recover costs as legally allowed.

(g) *Criminal sanctions.*

(1) *Authority to act.* The Enforcing Attorney may act on the request of the City Manager to pursue enforcement actions in accordance with the provisions of this chapter.

(2) *Infractions.* Any person who may otherwise be charged with a misdemeanor under this chapter may be charged, at the discretion of the Enforcing Attorney, with an infraction punishable by a fine of not more than \$100.00 for a first violation, \$200.00 for a second violation, and a fine not exceeding \$500.00 for each additional violation occurring within one year.

(3) *Misdemeanors.* Any person who negligently or knowingly violates any provision of this chapter, undertakes to conceal any violation of this chapter, continues any violation of this chapter after notice thereof, or violates the terms, conditions and requirements of any permit issued pursuant to this chapter, shall be guilty of a misdemeanor punishable by a fine of not more than \$1,000.00 or by imprisonment for a period of not more than six months, or both.

(h) *Citations.* Pursuant to [California](#) Penal Code ~~§~~ [sections](#) 836.5, the Authorized Inspector shall have the authority to cause the arrest of any person committing a violation of this chapter. The person shall be released and issued a citation to appear before a magistrate in accordance with [California](#) Penal Code ~~§~~ [sections](#) 853.5, ~~§~~ 853.6, and ~~§~~ 853.9, unless the

person demands to be taken before a magistrate. Following issuance of any citation the Authorized Inspector shall refer the matter to the Enforcing Attorney. Each citation to appear shall state the name and address of the violator, the provisions of this chapter violated, and the time and place of appearance before the court, which shall be at least ten business days after the date of violation. The person cited shall sign the citation giving his or her written promise to appear as stated therein. If the person cited fails to appear, the Enforcing Attorney may request issuance of a warrant for the arrest of the person cited.

(i) *Injunctions.* At the request of the City Manager, the Enforcing Attorney may cause the filing in a court of competent jurisdiction, of a civil action seeking an injunction against any threatened or continuing violation with the provisions of this chapter.

(1) *Order for reimbursement.* Any temporary, preliminary or permanent injunction issued pursuant hereto may include an order for reimbursement to the City of all costs incurred in enforcing this chapter, including costs of inspection, investigation and monitoring, the costs of abatement undertaken at the expense of the City, costs relating to restoration of the environment and all other expenses as authorized by law.

(j) *Other civil remedies.* The City Manager may cause the Enforcing Attorney to file an action for civil damages in a court of competent jurisdiction seeking recovery of (i) all costs incurred in enforcement of the chapter, including but not limited to costs relating to investigation, sampling, monitoring, inspection, administrative expenses, all other expenses as authorized by law, and consequential damages, (ii) all costs incurred in mitigating harm to the environment or reducing the threat to human health, and (iii) damages for irreparable harm to the environment.

The Enforcing Attorney is authorized to file actions for civil damages resulting from any trespass or nuisance occurring on public land or to the stormwater drainage system from any violation of this chapter where the same has caused damage, contamination or harm to the environment, public property or the stormwater drainage system.

(k) *Violations of other laws.* Any person acting in violation of this chapter also may be acting in violation of the Federal Clean Water Act or the State

California Porter-Cologne Act and other laws and also may be subject to sanctions including civil liability. Accordingly, the Enforcing Attorney is authorized to file a citizen suit pursuant to Federal Clean Water Act ~~§~~ Section 505(a), seeking penalties, damages, and orders compelling compliance, and other appropriate relief. The Enforcing Attorney or City Manager may notify the EPA, California State Water Resources Control Board, California Regional Water Quality Control Boards, or any appropriate federal, state or local agency, of any alleged violation of this chapter.

(l) *Consecutive violations.* Each day in which a violation occurs and each separate failure to comply with either a separate provision of this chapter, an administrative citation, administrative compliance order, or cease and desist order, shall constitute a separate violation of this chapter punishable by fines or sentences issued in accordance herewith.

(M) *Plan integration.* The Enforcement Response Plan is hereby incorporated by reference into this chapter and made enforceable at the City’s discretion thereby. All remedies and legal authority referenced in the Enforcement Response Plan may be exercised by the City, notwithstanding that such remedies and/or legal authority are not specifically listed within this Code.

~~(m)~~ *Non-exclusive remedies.* Each and every remedy available for the enforcement of this chapter shall be non-exclusive and it is within the discretion of the Authorized Inspector or Enforcing Attorney to seek cumulative remedies, except that multiple monetary fines or penalties shall not be available for any single violation of this chapter. The remedies available to the City pursuant to the provisions of this chapter shall not limit the right of the City to seek any other remedy that may be available by law.

***Section 4.14.070 (“Miscellaneous”) of Chapter 4.14 (“Water Quality”) 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. 4.14.070. - Miscellaneous.**

- (a) *Interagency cooperation.* The City intends to cooperate with other agencies with jurisdiction over stormwater discharges to ensure that the regulatory purposes underlying stormwater regulations promulgated pursuant to the Federal Clean Water Act (~~33 USC § 1251 et seq.~~) are met. The City Manager may, where necessary or advantageous to ensure compliance with the Permit(s) or State General Permit(s), negotiate interagency agreements with the California Department of Transportation, governmental entities, tribal entities, and other persons, to control stormwater pollution or discharges to the stormwater drainage system.
- (b) *Delegation.* The City may delegate to, or enter into an agreement with, one or more public agencies and/or private enterprises to implement, administer, and/or enforce any of the provisions of this chapter on behalf of the City.
- (c) *Compliance disclaimer.* Full compliance by any person or entity with the provisions of this chapter shall not preclude the need to comply with any other local, state or federal statutory or regulatory requirements, including but not limited to those which may be required for the control of the discharge of pollutants into stormwater and/or the protection of stormwater quality.
- (d) *Judicial review.* The provisions of § California Code of Civil Procedure sections 1094.5 and ~~§ 1094.6 of the State Code of Civil Procedure~~ set forth the procedure for judicial review of any act taken pursuant to this chapter. Parties seeking judicial review of any action taken pursuant to this chapter shall file such action within 90 days of the occurrence of the event for which review is sought.

**8.1**  
**COMPREHENSIVE ANNUAL FINANCIAL**  
**REPORT**

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# City of Laguna Woods

## Agenda Report

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Christopher Macon, City Manager

**FOR:** December 19, 2018 Regular Meeting

**SUBJECT:** Comprehensive Annual Financial Report

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### **Recommendation**

1. Receive and file the Comprehensive Annual Financial Report with Report on Audit by Independent Auditors for the Year Ended June 30, 2018 (Fiscal Year 2017-18).

AND

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

### **Background**

Brown Armstrong Accountancy Corporation serves as the City's independent auditor. They were selected following a competitive Request for Proposals ("RFP") process and began providing services to the City with the Fiscal Year 2017-18 audit. Brown Armstrong Accountancy Corporation provides or has provided audit services to the cities of Bakersfield, Baldwin Park, Fresno, and Pasadena, as well as the counties of Riverside, Santa Barbara, and Santa Cruz.

On April 25, 2018, the City Council appointed Councilmembers Hatch and Rainey to an Ad Hoc Audit Committee to work with the City's independent auditors on matters related to the Fiscal Year 2017-18 audit.

**Discussion**

Today's meeting is an opportunity for City Council discussion, as well as public comments, regarding the Comprehensive Annual Financial Report ("CAFR") with Report on Audit by Independent Auditors for the Year Ended June 30, 2018 (Fiscal Year 2017-18) (Attachment A). Having fulfilled its purpose, staff also recommends that the City Council dissolve the Ad Hoc Audit Committee.

Brown Armstrong Accountancy Corporation concluded, based on their audit, that there was a reasonable basis for rendering an unmodified opinion that the financial statements for Fiscal Year 2017-18 were fairly presented in conformity with Generally Accepted Accounting Principles ("GAAP"). No material weaknesses or significant deficiencies were identified in the City's internal control structure.

Fiscal Year 2017-18 is the fourth year for which a CAFR has been prepared with each of the sections prescribed by the Governmental Accounting Standards Board ("GASB"). Preparation of a CAFR includes a broader presentation of financial statements than required by law and is optional, but encouraged, by GASB.

Staff is also pleased to note that the Fiscal Year 2017-18 CAFR is dated October 26, 2018, which is the earliest that an audited annual financial report has been published since the City's first audited annual financial report in 1999.

**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 – Comprehensive Annual Financial Report with Report on Audit by Independent Auditors for the Year Ended June 30, 2018 (Fiscal Year 2017-18)

**Attachment A**

Comprehensive Annual Financial Report with Report on Audit by Independent  
Auditors for the Year Ended June 30, 2018 (Fiscal Year 2017-18)

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**8.2**  
**ORANGE COUNTY FIRE AUTHORITY JOINT**  
**POWERS AGREEMENT**

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## City of Laguna Woods Agenda Report

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Christopher Macon, City Manager  
**FOR:** December 19, 2018 Regular Meeting  
**SUBJECT:** Orange County Fire Authority Joint Powers Agreement

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### **Recommendation**

Approve the Fourth Amendment to the Amended Orange County Fire Authority Joint Powers Authority Agreement and authorize the Mayor to execute the amendment, subject to approval as to form by the City Attorney.

### **Background**

The Orange County Fire Authority (“OCFA”) was formed in 1995 to provide fire protection and related services to the County of Orange and 18 member cities. In subsequent years, six additional cities (including the City of Laguna Woods) have become members of the OCFA. The original joint powers authority agreement was amended in September 1999 and renewed in 2010 by the First Amendment to the Amended Joint Powers Authority Agreement. In 2013, a Second Amendment was approved to promote financial equity amongst member agencies. The Second Amendment was subsequently invalidated by a court judgement. In 2015, a Third Amendment was approved to eliminate alternate directors to the OCFA Board.

### **Discussion**

Today’s meeting is an opportunity for City Council action, as well as public input, on the proposed Fourth Amendment to the Amended OCFA Joint Powers Authority Agreement (Attachment A). Staff recommends that the City Council approve the Fourth Amendment and authorize its execution, in order to formalize the OCFA’s commitment to its “snowball” accelerated pension liability paydown plan.

### The OCFA's "Snowball" Accelerated Pension Liability Paydown Plan

On September 26, 2013, the OCFA Board of Directors adopted an accelerated pension liability paydown plan, which is otherwise known as the "snowball" plan. The "snowball" plan calls for the OCFA to accelerate payment of its unfunded pension liability more quickly than the timeframe required for payment by the Orange County Employees Retirement System ("OCERS"), thereby saving future interest costs and improving the funding status of the OCFA's pension plan.

Since the "snowball" plan was adopted, the OCFA's unfunded pension liability has steadily declined from \$473.8 million to \$400.6 million, and the funding status has consistently improved from 65% to 79%. According to OCERS' actuary, the OCFA is on track to achieve an 85% funding level by December 2020, and has achieved interest savings to-date totaling \$18.3 million.

### City of Irvine's June 13, 2018 Proposal and June 27, 2018 Notice of Withdrawal

On June 13, 2018, the City of Irvine provided a proposal to the OCFA requesting, among other items, that the OCFA commit to a pension liability paydown strategy. On June 21 and June 25, 2018, the OCFA responded to Irvine's proposal and reiterated its commitment to the "snowball" plan, in addition to other commitments made by the OCFA regarding proposed service enhancements for Irvine. On June 27, 2018, Irvine provided the OCFA with a Notice of Withdrawal seeking the initiation of good faith negotiations to exit the OCFA.

The OCFA desires to retain Irvine as a member agency, and OCFA staff continue to negotiate in good faith, as requested by Irvine. At the same time, the OCFA desires to continue progress on the commitments made in its June 21 and June 25, 2018 responses to Irvine. The OCFA is hopeful that, with these continued actions honoring its commitments, Irvine will elect to rescind its Notice of Withdrawal.

The OCFA is now seeking approval of a Fourth Amendment to the Amended Joint Powers Authority Agreement to formalize its commitment to the "snowball" plan. In order to be effective, the Fourth Amendment must be approved by at least two-thirds of the OCFA's member agencies' governing bodies.

### **Fiscal Impact**

The recommendation would not impact the City's budget.

Attachment: A – Proposed Amendment

**FOURTH AMENDMENT TO AMENDED JOINT POWERS AUTHORITY AGREEMENT  
ORANGE COUNTY FIRE AUTHORITY**

This Fourth Amendment (“Fourth Amendment”) to the Amended Joint Powers Authority Agreement is made and entered into by and between the following public entities (collectively referred to as “members”): Aliso Viejo, Buena Park, Cypress, Dana Point, Irvine, La Palma, Laguna Hills, Laguna Niguel, Laguna Woods, Lake Forest, Los Alamitos, Mission Viejo, Placentia, Rancho Santa Margarita, San Clemente, San Juan Capistrano, Santa Ana, Seal Beach, Stanton, Tustin, Villa Park, Westminster, and Yorba Linda (collectively referred to as “Cities” and individually as "City") and the County of Orange (referred to as the “County”), each of whom is a member of the Joint Powers Authority, Orange County Fire Authority (“the Authority”). This Fourth Amendment requires the approval of two thirds of the members to go into effect, and it shall be effective when approved by a sixteenth member.

**RECITALS**

WHEREAS, the Authority presently provides fire protection, prevention and suppression services and related and incidental services (collectively, "Fire Services") to Cities as well as to the unincorporated area of the County and State Responsibility Areas (“SRA”); and

WHEREAS, the County and several of the Cities entered into a Joint Powers Authority Agreement to form the Authority as of February 3, 1995, pursuant to the provisions of Article 1, Chapter 5, Division 7, Title I (commencing with Section 6500) of the Government Code of the State of California ("Joint Powers Statutes"); and

WHEREAS, pursuant to the Joint Powers Statutes the members are authorized to jointly provide for the methods of the provision of Fire Services, including the method of financing the provision of Fire Services; and

WHEREAS, on September 23, 1999, the members entered into an amended Joint Powers Authority Agreement (“1999 Amended Agreement”) which superseded all prior agreements between the members and is incorporated herein by reference; and

WHEREAS, pursuant to the 1999 Amended Agreement the members provided for the provision of Fire Services and the joint financing of Fire Services; and

WHEREAS, on July 1, 2010, the members entered into the First Amendment to the Amended Joint Powers Agreement (“First Amendment”) which amended several provisions of the 1999 Amended Agreement; and

WHEREAS, on April 20, 2012, the City of Santa Ana joined the Authority and became a party to the 1999 Amended Agreement and the First Amendment; and

WHEREAS, on November 18, 2013, the required number of member agencies approved the Second Amendment to the Amended Joint Powers Agreement (“Second Amendment”) which amended several provisions of the 1999 Amended Agreement. However, a final court judgment subsequently invalidated the Second Amendment, so the Second Amendment became, and remains, inoperative; and

WHEREAS, on July 14, 2015, the required number of member agencies approved the Third Amendment to the Amended Joint Powers Agreement (“Third Amendment”) to eliminate alternative Board Directors;

WHEREAS, the Amended Joint Powers Agreement, as amended by the First Amendment and Third Amendment, is referred to herein as the “Amended Joint Powers Agreement And Its Operative Amendments”;

WHEREAS, the members wish to adopt this Fourth Amendment to the Amended Joint Powers Agreement And Its Operative Amendments to formalize the OCFA’s commitment to its “snowball” accelerated pension liability paydown plan on the terms and conditions set forth herein.

NOW THEREFORE, the members agree to amend the Amended Joint Powers Agreement And Its Operative Amendments as follows:

**AGREEMENT**

1. *Article IV of the Amended Joint Powers Authority Agreement And Its Operative Amendments is amended to add Section 7, to read as follows:*

7. Payments to Reduce Unfunded Pension Liability.

A. Except as provided in subsection C, the OCFA Board shall appropriate funds in its budget annually consistent with, or greater than, the budgetary payments called for in the “snowball” accelerated pension liability paydown plan approved by the OCFA Board of Directors on September 26, 2013, and amended on November 19, 2015, November 17, 2016, and March 23, 2017.

B. Payments will be greater than those appropriated in the OCFA’s budget annually when triggered by a Net General Fund Surplus (per the Financial Stability Budget Policy). Payments from the “Net General Fund Surplus” are hereby deemed as derived from revenues received by overfunded structural fire fund cities as determined by the equity calculation required under Article IV, Section 4 – Equity.

C. Appropriations and payments required by subsection A and B may be reduced to the extent the Board determines, by vote approved by two-thirds of the Board, is necessary to address a fiscal hardship.

1) For purposes of this section, “fiscal hardship” shall refer to a substantial reduction in OCFA anticipated revenue and/or a significant increase in anticipated expenses that are beyond the reasonable control of the OCFA Board.

2. *This Fourth Amendment amends the 1999 Amended Agreement And Its Operative Amendments, and except as specifically amended herein, the 1999 Amended Agreement And its Operative Amendments shall remain in full force and effect.*

[SIGNATURES ON FOLLOWING PAGES]

CITY OF LAGUNA WOODS

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Carol Moore  
Mayor

ATTEST:

\_\_\_\_\_

Yolie Trippy  
Deputy City Clerk

NOTICE TO CITY TO BE GIVEN TO:

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

Phone: (949) 639-0500  
Fax: (949) 639-0591

APPROVED AS TO FORM:

By: \_\_\_\_\_

David B. Cosgrove  
City Attorney

Dated: \_\_\_\_\_

***[Signatures Continued on Page 14]***