CITY of LAGUNA WOODS
CITY COUNCIL
AGENDA

Regular Meeting
Wednesday, April 20, 2022
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

Ed H. Tao
Councilmember

Welcome to a meeting of the Laguna Woods City Council!

This meeting may be recorded, televised, and made publicly 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 meets regularly on the third Wednesday of each month at 2 p.m.

AGENDA POSTING AND AVAILABILITY

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

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FOR ADDITIONAL INFORMATION

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

AFFIDAVIT OF POSTING

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

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

Yolie Trippy

YOLIE TRIPPY, CMC, City Clerk

4-15-22

Date

NOVEL CORONAVIRUS (COVID-19) NOTICE

Please exercise caution when attending City Council meetings. If you attend this meeting, please abide by all applicable state and local public health orders.

OPTIONS FOR PUBLIC COMMENTS

1. **Attend the meeting in-person.**

2. **Submit public comments in writing.** Written public comments may be submitted via email (cityhall@cityoflagunawoods.org) or by mail (Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637), provided that they are received by the City prior to 2:00 p.m. on the day of the meeting. Written public comments may be read or summarized to the City Council at the meeting, and parties submitting comments should be aware that their email addresses and any information submitted may be disclosed or become a matter of public record. No party should expect privacy of such information.

3. **Make public comments by telephone.** Dial (669) 900-6833. When prompted enter the following meeting ID: 849 8762 8485 followed by pound (#) and the following meeting passcode: 066817 followed by pound (#). When an item you wish to comment on is discussed, press *9 on your telephone to raise your hand. When it is your turn, you will be unmuted and able to speak. Please note that your telephone number will be visible to the City. No party should expect privacy of such information.

4. **Make public comments by computer.**

    - Visit www.zoom.us
    - Click on "Join a Meeting" toward the top right of the webpage
    - Enter the following meeting ID: 849 8762 8485
    - Open the Zoom application following the on-screen prompts
    - Enter the following meeting password: 066817
    - Enter a name and email address as required by Zoom

    When an item you wish to comment on is discussed, click on "Raise Hand." When it is your turn, you will be unmuted and able to speak. Please note that information you enter into Zoom will be visible to the City. No party should expect privacy of such information.

I. CALL TO ORDER

Introductory Note: Members of the public wishing to address the City Council on items appearing on this agenda are advised to indicate their interest in doing so at the time an item is considered by notifying City staff if present in-person, pressing *9 on their telephone if participating by telephone, or clicking on "Raise Hand" if participating by computer via Zoom. Members of the public wishing to address the City Council on items *not* appearing on this agenda may do so during Item V.

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. PRESENTATIONS AND CEREMONIAL MATTERS

4.1 Holocaust Remembrance Day – April 28, 2022

Recommendation: Observe a moment of silence.

4.2 Donate Life Month – April 2022

Recommendation: Approve and present the proclamation.

4.3 Foundation of Laguna Woods Village – 25th Anniversary

Recommendation: Approve and present the commendation.

4.4 Recent Financial Accomplishments

Recommendation: Receive and file information regarding the City's receipt of an Operating Budget Excellence Award from the California Society of Municipal Finance Officers for Fiscal Year 2021-22 and Fiscal Year 2022-23.

4.5 City Hall/Public Library Project Update

Recommendation: Receive and file.

V. PUBLIC COMMENTS ON NON-AGENDA ITEMS

About Public Comments on Non-Agenda Items: This is the time and place for members of the public to address the City Council on items *not* appearing on this agenda. To indicate interest, please notify

City staff if present in-person, press *9 on your telephone if participating by telephone, or click on "Raise Hand" if participating by computer via Zoom. 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 member of 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 March 16, 2022 and the adjourned regular meeting on April 4, 2022.

6.2 City Treasurer's Report

Recommendation: Receive and file the City Treasurer's Report for the month of March 2022.

6.3 Warrant Register

Recommendation: Approve the warrant register dated April 20, 2022 in the amount of $884,801.58.

6.4 Teleconferencing for Meetings

Recommendation: Adopt a resolution titled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ALLOWING FOR THE CONTINUED USE OF TELECONFERENCING FOR MEETINGS DURING THE COVID-19 STATE OF EMERGENCY, PURSUANT TO CALIFORNIA ASSEMBLY BILL 361 (2021-2022)

6.5 Street Sweeping Services

Recommendation: Approve an assignment agreement assigning the existing agreement with Jonset Corporation DBA Sunset Property Services for street sweeping services to Sweeping Corporation of America and authorize the City Manager to execute the assignment agreement, subject to approval as to form by the City Attorney.

VII. PUBLIC HEARINGS

VIII. CITY COUNCIL BUSINESS

8.1 Cannabis Business Tax

Recommendation: [If the City Council wishes to submit to the voters at the election on November 8, 2022, one measure seeking to establish a tax on cannabis businesses engaged in business in the City of Laguna Woods] Approve the introduction and first reading of an ordinance – read by title with further reading waived – entitled:

> AN ORDINANCE OF THE PEOPLE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING CHAPTER 3.18 TO TITLE 3 OF THE LAGUNA WOODS MUNICIPAL CODE ESTABLISHING A TAX ON CANNABIS BUSINESSES ENGAGED IN BUSINESS IN THE CITY OF LAGUNA WOODS

8.2 California Assembly Bill 2246 (Petrie-Norris) (2021-2022) <u>(agendized by Mayor Moore)</u>

Recommendation: Adopt a position in support of California Assembly Bill 2246 (Petrie-Norris) (2021-2022) (Controlled substances: fentanyl) and authorize the Mayor to sign related correspondence.

8.3 City Council Meeting Schedule

Recommendation: Schedule an adjourned regular meeting of the City Council for Thursday, May 26, 2022 at 3 p.m. at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

IX. CITY COUNCIL REPORTS AND COMMENTS

About City Council Reports and Comments: 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 Tao

9.2 Orange County Fire Authority
Councilmember Hatch

9.3 Orange County Library Advisory Board
Mayor Moore; Alternate: Councilmember Tao

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

Prior to convening in closed session, the City Council will hear public comments on items appearing on the closed session agenda.

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

XI. CLOSED SESSION REPORT

XII. ADJOURNMENT

Next Regular Meeting:	Wednesday, May 18, 2022 at 2 p.m. Laguna Woods City Hall 24264 El Toro Road, Laguna Woods, California 92637

4.1
HOLOCAUST REMEMBRANCE DAY
– APRIL 28, 2022
(NO REPORT)

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4.2
DONATE LIFE MONTH
– APRIL 2022

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Proclamation
City of Laguna Woods
Donate Life Month
April 2022

WHEREAS, organ, eye, and tissue donations are life-giving acts recognized worldwide as expressions of compassion to those in need; and

WHEREAS, more than 100,000 people nationwide, including over 23,000 in California, are waiting for a lifesaving transplant; and

WHEREAS, approximately 17 people die each day while waiting for a transplant; and

WHEREAS, a single donor can save the lives of up to eight people, restore sight for up to two people, and improve the lives of as many as 75 more; and

WHEREAS, kidney and liver donations can be made while living, and other donations can be made after death; and

WHEREAS, millions of lives are saved, healed, and enhanced each year by a diverse group of organ, eye, and tissue donors, including older adults.

NOW, THEREFORE, BE IT RESOLVED that the Laguna Woods City Council does hereby proclaim April 2022 as "Donate Life Month" in the City of Laguna Woods and encourages its residents to consider making living donations, as well as signing up as donors with the state-authorized Donate Life California Registry.

Dated this 20th day of April, 2022

Carol Moore
Mayor

Attest: Yolie Trippy, CMC
City Clerk

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4.3
FOUNDATION OF LAGUNA WOODS VILLAGE – 25TH ANNIVERSARY

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Commendation
Foundation of Laguna Woods Village
25th Anniversary

WHEREAS, the Foundation of Laguna Woods Village was established in 1997 by a small group of residents who saw a need to provide temporary financial assistance to qualified, economically disadvantaged residents of Laguna Woods Village; and

WHEREAS, the Foundation of Laguna Woods Village provides emergency assistance to qualifying residents in the form of supermarket cash cards; prescription payments; bill payments for utility, medical, dental, caregiver, and respite care services; taxi vouchers for travel to health care providers in Orange County; and, gas cards; and

WHEREAS, the Foundation of Laguna Woods Village also supports programs such as Meals on Wheels, which delivers nutritious meals to residents in-need; and

WHEREAS, the Foundation of Laguna Woods Village has played a vital role during the COVID-19 pandemic in connecting isolated and financially-impacted residents with groceries and other necessities; and

WHEREAS, since its inception, the Foundation of Laguna Woods Village has provided more than $2.5 million in financial assistance to vulnerable residents; and

WHEREAS, it is fitting to recognize and commemorate momentous anniversaries of clubs and organizations that provide services to Laguna Woods residents.

NOW, THEREFORE, BE IT RESOLVED that the Laguna Woods City Council does hereby congratulate the Foundation of Laguna Woods Village, and its all-volunteer Board of Directors, on the occasion of its 25th Anniversary.

Dated this 20th day of April, 2022

Carol Moore	Attest: Yolie Trippy, CMC
Mayor	City Clerk

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4.4
RECENT FINANCIAL ACCOMPLISHMENTS

CITY OF LAGUNA WOODS
PRESS RELEASE

City Recognized for Excellence in Budgeting

FOR IMMEDIATE RELEASE
March 21, 2022

LAGUNA WOODS, CA – The City of Laguna Woods is pleased to announce that it has received the California Society of Municipal Finance Officers' "Operating Budget Excellence Award" for its Fiscal Years 2021-23 budget. This is the City's sixth consecutive operating budget that has been recognized by the California Society of Municipal Finance Officers for exemplifying best practices in government financial management. Agencies that receive awards must meet numerous standards related to content and presentation.

The City's Fiscal Years 2021-23 budget is a scope of work and financial plan for the period spanning July 1, 2021 through June 30, 2023. The budget is the third two-year budget adopted by the City Council since transitioning to two-year budgeting in 2017. Two-year budgeting allows for longer-term financial forecasts, greater certainty regarding the sustainability of operations, and heightened strategic vision.

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Founded in 1957, the California Society of Municipal Finance Officers is a statewide association for local government finance professionals. The California Society of Municipal Finance Officers' seeks to improve the knowledge, skills, and performance of individuals responsible for municipal and other local government fiscal policy and management.

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4.5
CITY HALL/PUBLIC LIBRARY PROJECT UPDATE
(NO REPORT)

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6.0
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: April 20, 2022 Regular Meeting

SUBJECT: Consent Calendar Summary

Recommendation

Approve all proposed actions on the April 20, 2022 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 April 20, 2022 Consent Calendar contains the following items:

6.1 Approval of the City Council meeting minutes for the regular meeting on March 16, 2022 (Attachment A) and the adjourned regular meeting on April 4, 2022 (Attachment B).

6.2 Approval of a motion to receive and file the City Treasurer's Report for the month of March 2022.

6.3 Approval of the warrant register dated April 20, 2022 in the amount of $884,801.58. A list of warrants is included in the agenda packet; detailed information about individual warrants is available at or from City Hall.

6.4 Adoption of a resolution allowing for the continued use of teleconferencing for meetings during the COVID-19 State of Emergency, pursuant to California Assembly Bill 361 (2021-2022). The proposed resolution includes the findings required by California Government Code Section 54953(e)(3) for meetings to continue to be held via teleconferencing.

6.5 Approval of an assignment agreement assigning the existing agreement with Jonset Corporation DBA Sunset Property Services for street sweeping services to Sweeping Corporation of America and authorization for the City Manager to execute the assignment agreement, subject to approval as to form by the City Attorney. The City entered into an agreement with Sunset Property Services for street sweeping services on July 1, 2021. Sweeping Corporation of America subsequently purchased Sunset Property Services. The proposed agreement memorializes Sweeping Corporation of America's responsibility for the agreement entered into with Sunset Property Services.

6.1
CITY COUNCIL MINUTES

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CITY OF LAGUNA WOODS CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
March 16, 2022
2:00 P.M.
Laguna Woods City Hall
24264 El Toro Road
Laguna Woods, California 92637

I. CALL TO ORDER

Mayor Moore called the Regular Meeting of the City Council of the City of Laguna Woods to order at 2:03 p.m.

II. ROLL CALL

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

Mayor Moore participated in-person at the meeting location.

All other councilmembers participated via teleconference.

STAFF PRESENT: City Manager Macon, City Attorney Patterson, City Clerk Trippy

All staff participated in-person at the meeting location.

III. PLEDGE OF ALLEGIANCE

Sergeant Elali and Investigator Kim, Orange County Sheriff's Department, led the pledge of allegiance.

IV. PRESENTATIONS AND CEREMONIAL MATTERS

4.1 City Hall/Public Library Project Update

City Manager Macon provided an update.

V. PUBLIC COMMENTS ON NON-AGENDA ITEMS – None

VI. CONSENT CALENDAR

Moved by Councilmember Horne, seconded by Mayor Pro Tem Conners, and carried unanimously on a 5-0 vote, to approve Consent Calendar items 6.1 – 6.7. This vote was conducted by roll call.

6.1 City Council Minutes

Approved the City Council meeting minutes for the regular meeting on February 16, 2022 and the adjourned regular meeting on March 3, 2022.

6.2 City Treasurer's Report

Received and filed the City Treasurer's Report for the month of February 2022.

6.3 Warrant Register

Approved the warrant register dated March 16, 2022 in the amount of $589,396.30.

6.4 Teleconferencing for Meetings

Adopted a resolution entitled:

> A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ALLOWING FOR THE CONTINUED USE OF TELECONFERENCING FOR MEETINGS DURING THE COVID-19 STATE OF EMERGENCY, PURSUANT TO CALIFORNIA ASSEMBLY BILL 361 (2021-2022)

6.5 Tree Pruning and Removal Services

Approved an agreement with West Coast Arborists, Inc. for tree pruning and removal services and authorized the Mayor to execute the agreement, subject to approval as to form by the City Attorney.

6.6 General Plan Annual Report

Received and filed the General Plan Annual Report covering the 2021 calendar year.

6.7 Road Repair and Accountability Act of 2017 Project List

Adopted a resolution titled:

> A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING A LIST OF FISCAL YEAR 2022-23 PROJECTS PROPOSED TO RECEIVE FUNDING FROM THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017'S LOCAL STREETS AND ROADS FUNDING PROGRAM (ROAD MAINTENANCE AND REHABILITATION ACCOUNT), AS REQUIRED BY CALIFORNIA STREETS AND HIGHWAYS CODE SECTION 2034(A)(1), AND MAKING RELATED AUTHORIZATIONS

VII. PUBLIC HEARINGS

7.1 Building, Planning, Encroachment, and Grading Permit Fees

City Manager Macon and Terry Madsen, ClearSource Financial Consulting, made a presentation.

Mayor Moore reopened the public hearing.

Kathryn Freshley, resident, suggested that the City Council consider providing building services in-house, rather than contracting with third-parties, to reduce costs.

City Manager Macon briefly responded to Ms. Freshley’s comments.

With no other requests, the public hearing was closed.

Councilmembers discussed the item. Staff and Mr. Madsen answered related questions.

Moved by Councilmember Hatch, seconded by Councilmember Tao, and carried unanimously on a 5-0 vote, to adopt a resolution entitled:

> A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING NEW AND INCREASED OR MODIFIED BUILDING AND PLANNING SERVICES FEES, AND ENCROACHMENT AND GRADING PERMIT FEES

This vote was conducted by roll call.

VIII. CITY COUNCIL BUSINESS

8.1 Employee Positions, Compensation, and Benefits

City Manager Macon made a presentation.

Councilmembers discussed the item and staff answered related questions.

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

1. Adopt a resolution entitled:

> A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING RESOLUTION NOS. 21-19 AND 21-23, AND ESTABLISHING A COMPENSATION SCHEDULE AND BENEFITS FOR CITY EMPLOYEES

AND

2. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING THE AUTHORIZED CITY EMPLOYEE POSITIONS FOR FISCAL YEAR 2021-22 COMMENCING JULY 1, 2021 AND ENDING JUNE 30, 2022, AND FISCAL YEAR 2022-23 COMMENCING JULY 1, 2022 AND ENDING JUNE 30, 2023

This vote was conducted by roll call.

8.2 City Hall/Public Library Project

City Manager Macon made a presentation.

Councilmembers discussed the item and staff answered related questions.

Moved by Mayor Pro Tem Conners, seconded by Councilmember Horne, and carried unanimously on a 5-0 vote, to direct the City Manager to remove two of the landscape planters from the design for the new outdoor patio in order to better facilitate future events and programs. This vote was conducted by roll call.

8.3 City Council Meeting Schedule

City Manager Macon introduced the item.

Councilmembers discussed the item and staff answered related questions.

Moved by Mayor Pro Tem Conners, seconded by Councilmember Horne, and carried unanimously on a 5-0 vote, to schedule an adjourned regular meeting of the City Council to be held on Monday, April 4, 2022 at 2:00 p.m. at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

8.4 Compensation Equity Guidelines for Public Employees in Orange County (agendized by Mayor Moore)

Mayor Moore made brief comments.

IX. CITY COUNCIL REPORTS AND COMMENTS

9.1 Coastal Greenbelt Authority

Councilmember Tao provided a report.

Mayor Pro Tem Conners made comments.

Councilmember Hatch responded to a question from Councilmember Tao regarding the recent Emerald Bay Fire

9.2 Orange County Fire Authority

Councilmember Hatch provided a report.

Mayor Moore and Councilmember Tao made comments.

9.3 Orange County Library Advisory Board

Mayor Moore provided a report.

9.4 Orange County Mosquito and Vector Control District

Councilmember Horne provided a report and responded to questions and comments from Councilmembers.

Councilmembers asked questions and commented on Councilmember Horne's 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 provided a report and commented on an upcoming support for Ukraine event that will be held at Laguna Woods Village's Clubhouse 5.

9.7 Other Comments and Reports

Councilmember Horne commented on her willingness to attend the Southern California Association of Government's General Assembly and other events.

Mayor Pro Tem Conners responded to Councilmember Horne's comments.

X. CLOSED SESSION – None

XI. CLOSED SESSION REPORT – None

XII. ADJOURNMENT

The meeting was adjourned at 3:59 p.m. The next adjourned regular meeting will be at 2:00 p.m. on Monday, April 4, 2022 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637. The next regular meeting will be at 2:00 p.m. on Wednesday, April 20, 2022 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

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YOLIE TRIPPY, CMC, City Clerk

Approved: April 20, 2022

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CAROL MOORE, Mayor

CITY OF LAGUNA WOODS CALIFORNIA
CITY COUNCIL MINUTES
ADJOURNED REGULAR MEETING
April 4, 2022
2:00 P.M.
Laguna Woods City Hall
24264 El Toro Road
Laguna Woods, California 92637

I. CALL TO ORDER

Mayor Moore called the Adjourned Regular 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, Tao, Conners, Moore
	ABSENT:	-

Mayor Moore participated in-person at the meeting location.

All other councilmembers participated via teleconference.

STAFF PRESENT: City Manager Macon, City Attorney Patterson, City Clerk Trippy

City Manager Macon and City Clerk Trippy participated in-person at the meeting location.

City Attorney Patterson participated via teleconference.

III. PLEDGE OF ALLEGIANCE

Mayor Pro Tem Conners led the pledge of allegiance.

IV. PRESENTATIONS AND CEREMONIAL MATTERS

4.1 City Hall/Public Library Project Update

City Manager Macon provided an update.

Mayor Moore made comments.

City Manager Macon responded to Mayor Moore's comments.

V. PUBLIC COMMENTS ON NON-AGENDA ITEMS – None

VI. CONSENT CALENDAR

Moved by Mayor Pro Tem Conners, seconded by Councilmember Horne, and carried unanimously on a 5-0 vote, to approve Consent Calendar items 6.1 – 6.4. This vote was conducted by roll call.

6.1 Teleconferencing for Meetings

Adopted a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ALLOWING FOR THE CONTINUED USE OF TELECONFERENCING FOR MEETINGS DURING THE COVID-19 STATE OF EMERGENCY, PURSUANT TO CALIFORNIA ASSEMBLY BILL 361 (2021-2022)

6.2 Investment of Financial Assets

Adopted a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REVIEWING AND ADOPTING A STATEMENT OF THE INVESTMENT POLICY, AND ADOPTING AN INVESTMENT POLICY

6.3 Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 5

1. Approved the "Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 5" design plans and specifications as prepared by the project engineer.

AND

2. Approved a notice of exemption for the "Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 5" finding that the project is categorically exempt from the California Environmental Quality Act (CEQA) and authorized the City Manager to cause the notice of exemption to be filed pursuant to applicable law.

AND

3. Awarded a contract agreement to Kalban, Inc. for the construction of the "Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 5", in the amount of $279,305, plus authorized change orders not to exceed 5% of the base amount; and authorized the City Manager to execute a contract agreement and approve

change orders, subject to approval of the contract agreement as to form by the City Attorney.

6.4 Pavement Management Plan Project (Southbound Moulton Parkway between Via Campo Verde and Calle Cortez)

1. Approved final record plans and specifications reflecting completion of the "Pavement Management Plan Project (Southbound Moulton Parkway between Via Campo Verde and Calle Cortez)".

AND

2. Accepted project completion of the contract agreement with All American Asphalt for the "Pavement Management Plan Project (Southbound Moulton Parkway between Via Campo Verde and Calle Cortez)".

AND

3. Release contract retention in the amount of $7,649.72 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.

VII. PUBLIC HEARINGS – None

VIII. CITY COUNCIL BUSINESS

8.1 Westbound El Toro Road Configuration

City Manager Macon made a presentation.

Councilmembers discussed the item and staff answered related questions.

Kathryn Freshley, resident, made public comments.

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

1. Approve the establishment of a right turn pocket for westbound El Toro Road at Avenida Sevilla, including striping and signage modifications, as recommended by Iteris, Inc., the City's traffic engineering consultant.

AND

2. Approve a notice of exemption for the establishment of a right turn pocket for westbound El Toro Road at Avenida Sevilla, including striping and signage modifications, finding that the work is categorically exempt from the California Environmental Quality Act (CEQA) and authorize the City Manager to cause the notice of exemption to be filed pursuant to applicable law.

This vote was conducted by roll call.

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 and responded to a question from Mayor Pro Tem Conners.

9.3 Orange County Library Advisory Board

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

9.4 Orange County Mosquito and Vector Control District

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

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 provided a report.

9.7 Other Comments and Reports

Mayor Moore responded to a question from Mayor Pro Tem Conners regarding an El Toro Water District project.

Mayor Pro Tem Conners responded to a question from Mayor Moore regarding speeding tickets on The Toll Roads.

Mayor Moore and Mayor Pro Tem Conners made comments and responded to each other's comments regarding speeding tickets on The Toll Roads.

Councilmember Hatch commented on speeding tickets on The Toll Roads.

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 public comments were received.

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

The City Council reconvened in open session at 3:57 p.m.

XI. CLOSED SESSION REPORT

City Attorney Patterson advised that there was no reportable action.

XII. ADJOURNMENT

The meeting was adjourned at 3:58 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday, April 20, 2022 at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

____
YOLIE TRIPPY, CMC, City Clerk

Approved: April 20, 2022

____
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 March 31, 2022

CASH AND INVESTMENTS

		Beginning Balances As of 2/28/22		Earnings & Receipts		Disbursements		Purchases, Transfers & Other Adjustments		Ending Balances As of 3/31/22	% of Total Cash & Investment Balances	Maximum % Allowed per Investment Policy
Cash and Cash Equivalents												
Analyzed Checking Account (Note 1)	$	552,570	$	404,728	$	(885,417)	$	800,000	$	871,882	6.70%	
Cash Balances, Multi-Bank Securities (MBS) Account (Note 2 and 4)	$	4,180	$	1,961	$	(4,318)	$	-	$	1,823	0.01%	
Earned Interest in Transit and Accrued Interest, MBS Account (Note 4)	$	6,704	$	4,202	$	(1,961)	$	-	$	8,944	0.07%	
Petty Cash	$	1,500	$	601	$	(601)	$	-	$	1,500	0.01%	
Total Cash and Cash Equivalents	$	564,954	$	411,492	$	(892,297)	$	800,000	$	884,149	6.79%	100.00%
Pooled Money Investment Accounts												
Local Agency Investment Fund (LAIF) (Notes 2 and 3)	$	1,740,400	$	-	$	-	$	(800,000)	$	940,400	7.22%	
Orange County Investment Pool (OCIP) (Notes 2 and 3)	$	9,502,453	$	6,601	$	(867)	$	-	$	9,508,187	73.04%	
Total Pooled Money Investment Accounts	$	11,242,853	$	6,601	$	(867)	$	(800,000)	$	10,448,587	80.26%	90.00%
Investments - Interest and Income Bearing												
Certificates of Deposit (fair value) (Note 2)	$	1,703,018	$	-	$	-	$	(18,028)	$	1,684,990	12.94%	
Total Investments - Interest and Income Bearing	$	1,703,018	$	-	$	-	$	(18,028)	$	1,684,990	12.94%	30.00%
TOTAL	$	13,510,825	$	418,093	$	(893,164)	$	(18,028)	$	13,017,726	100.00%	

Summary of Total Cash, Cash Equivalents, and Investments:

		General Fund		Special Revenue Funds		Totals
Analyzed Checking Account	$	(2,497,065)	$	3,368,947	$	871,882
Cash Balances, MBS Account	$	1,823	$	-	$	1,823
Earned Interest in Transit and Accrued Interest, MBS Account	$	8,944	$	-	$	8,944
Petty Cash	$	1,500	$	-	$	1,500
LAIF	$	940,400	$	-	$	940,400
OCIP	$	9,508,187	$	-	$	9,508,187
Certificates of Deposit	$	1,684,990	$	-	$	1,684,990
Totals	$	9,648,779	$	3,368,947	$	13,017,726

(See **NOTES** on Page 4 of 4)

ITEM 6.2

City of Laguna Woods

City Treasurer's Report

For the Month Ended March 31, 2022

CASH AND INVESTMENTS

CUSIP	Investment #	Issuer	Term	Purchase Date	Settlement Date	Par Value	Market Value	Book Value	Stated Rate (Note 4)	Coupon Type	1st Coupon Date	Rating or Rank (*)	Yield to Maturity 365 Days	Maturity Date
Money Funds and Certificate of Deposits (CDs, Federal Deposit Insurance Corporation [FDIC] Insured)														
87164YQG2	2018-8	SYNCHRONY BANK RETAIL/MORGAN	41 months	12/07/18	12/11/18	100,000	100,265	99,572	2.400	Semi-Annual	05/19/19	Green***	3.329	05/19/22
90348JEA4	2018-6	UBS BANK USA	48 months	10/01/18	10/05/18	245,000	247,991	245,000	3.250	Monthly	11/05/18	Green***	3.250	10/05/22
61760ARV3	2018-7	MORGAN STANLEY PRIVATE BK NATL	60 months	11/06/18	11/15/18	245,000	251,762	245,000	3.550	Semi-Annual	05/15/19	Green***	3.550	11/15/23
02589AA28	2018-9	AMERICAN EXPRESS NATL	60 months	12/04/18	12/04/18	240,000	246,674	240,000	3.550	Semi-Annual	06/04/19	Green***	3.550	12/04/23
33715LCZ1	2018-10	FIRST TECHNOLOGY FED CU MTN VIEW	60 months	12/07/18	12/12/18	245,000	252,051	245,000	3.600	Monthly	01/12/19	Green***	3.600	12/12/23
949763ZA7	2019-1	WELLS FARGO BK N A	60 months	04/09/19	04/10/19	245,000	248,464	245,000	2.850	Monthly	05/10/19	Green*	2.850	04/10/24
75472RBB6	2020-1	RAYMOND JAMES BK NATL ASSN	60 months	02/06/20	02/14/20	245,000	239,948	245,000	1.750	Semi-Annual	08/14/20	Green***	1.750	02/14/25
59013KGJ9	2020-2	MERRICK BANK	60 months	03/24/20	03/31/20	100,000	97,834	100,000	1.800	Monthly	05/01/20	Green***	1.800	03/31/25
		Accrued Interest - Month End					8,944							
		Total CDs				**1,665,000**	**1,693,935**	**1,664,572**						

(*) 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 beginning in 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

CUSIP	Investment #	Issuer	Term	Purchase Date	Settlement Date	Par Value	Market Value	Book Value	Stated Rate (Note 4)	Coupon Type	1st Coupon Date	Rating or Rank (*)	Yield to Maturity 365 Days	Maturity Date
Government Pooled Money Investment Accounts (PMIA) (Notes 2 and 3)														
N/A	N/A	Local Agency Investment Fund (LAIF)	N/A	Various	Various	940,400	940,400	940,400	Pending	N/A	N/A	N/A	N/A	N/A
N/A	N/A	Orange County Investment Pool (OCIP)	N/A	Various	Various	9,508,187	9,508,187	9,508,187	Pending	N/A	N/A	N/A	N/A	N/A
		Total PMIA				**10,448,587**	**10,448,587**	**10,448,587**						

(See **NOTES** on Page 4 of 4)

City of Laguna Woods

City Treasurer's Report

For the Month Ended March 31, 2022

CASH AND INVESTMENTS

	Beginning Balances As of 2/28/22	Contributions / (Withdrawals)	Administrative Fees & Investment Expense	Unrealized Gain / (Loss)	Ending Balances As of 3/31/22
Other Post-Employment Benefits (OPEB) Trust					
CalPERS California Employers' Retiree Benefit Trust (CERBT) (Note 2)	$ 143,317	$ -	$ (10)	$ (869)	$ 142,438
(CERBT holds all assets and administers the OPEB Trust)					
Employer Pension Contributions Trust					
CalPERS California Employers' Pension Prefunding Trust (CEPPT) (Note 2)	$ -	$ -	$ -	$ -	$ -
(CEPPT holds all assets and administers the Employer Pension Contributions Trust)					
Total Other Funds - Held in Trust	$ 143,317	$ -	$ (10)	$ (869)	$ 142,438

(See **NOTES** on Page 4 of 4)

City of Laguna Woods

City Treasurer's Report

For the Month Ended March 31, 2022

CASH AND INVESTMENTS

Notes:

Note 1 - Analyzed Checking Account / Monthly activity reported does not reflect March 2022 vendor invoicing processed after the date of this report.

Note 2 - During March 2022, transaction activity in pooled money investment accounts, investment accounts and fiduciary trusts included:

LAIF / The City made no deposits to the LAIF account and withdrew $800,000, which was deposited in the City's checking account for cash flow purposes. The balance includes an adjustment in the amount of $222.79 to reflect the fair market value of the investment at June 30, 2021.

OCIP / The City made no deposits to or withdrawals from the OCIP account. The balance includes an adjustment in the amount of $15,046.16 to reflect the fair market value of the investment at June 30, 2021.

Investments / There were no maturities or purchases of investments. Investments were adjusted in the amount of ($18,027.50) to report balances at fair market value as of March 31, 2022.

OPEB Trust / The City made no contributions to or withdrawals from the OPEB Trust. The OPEB Trust experienced a net loss of ($878.96) in March 2022.

Employer Pension Contributions Trust / In April 2021, the City elected to participate in the CEPPT. The City has not yet made contributions to the CEPPT.

Note 3 - Investment earnings on pooled money investment accounts deposited and reported in March 2022 net of related fees were:

Pool	Earnings Post	Prior Period Earnings Deposited	Deposit for Period Ended	Current Month / Quarter Gross Yield	Current Month / Quarter Earnings Will Post	Notes
LAIF	Quarterly	$0	N/A	See Notes	April 2022	Total pool interest yield for March 2022 was 0.365% and the City's yield will be slightly lower based on allocation ratios and administrative fees to be deducted.
OCIP	Monthly	$6,601	November & December 2021	See Notes	See Notes	Interest is posted three months in arrears and fees are posted monthly. Accrued interest pending payment at March 31, 2022 was $10,007.36. March 2022 interest rate was 0.462% and fees were 0.058%.

Note 4 - CDs / The stated earnings rate for CDs is a fixed rate for the full term. The City earned interest of $1,961.14 and transferred out $4,317.85 in cash balances to the City's checking account in March 2022. Cash balances to be invested or paid out are classified separately on page 1 of 4. The City's portfolio also has $8,944.32 in accrued interest, not yet vested.

City Treasurer's Certification

I, Elizabeth Torres, 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.

Digitally signed by Elizabeth Torres
Date: 2022.04.14 15:53:19 -07'00'

Elizabeth Torres, City Treasurer

Date

6.3
WARRANT REGISTER

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ITEM 6.3

CITY OF LAGUNA WOODS
WARRANT REGISTER
April 20, 2022

This Report Covers the Period 03/01/2022 through 03/31/2022

	Date	Vendor Name	Description	Amount
Debit		***Automatic Bank Debits:***		
Debit	03/01/2022	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 01/28/2022	3,003.95
Debit	03/01/2022	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 01/28/2022	1,921.00
Debit	03/01/2022	BUSINESS PLANS	Employee Benefit Program / February 2022	15.00
Debit	03/02/2022	GLOBAL PAYMENTS / OPEN EDGE	Credit Card Processing Fees / February 2022	527.23
Debit	03/02/2022	AUTHORIZE.NET	Online Credit Card Processing Fees / February 2022	12.00
Debit	03/03/2022	ADP TAX	Payroll Taxes / Pay Period Ended 02/25/2022	8,831.30
Debit	03/03/2022	ADP WAGE PAY	Payroll Transfer / Pay Period Ended 02/25/2022	18,617.86
Debit	03/03/2022	ICMA / MFRS AND TRADERS TRUST	Employee Benefit Program / Pay Period Ended 02/25/2022	2,933.46
Debit	03/08/2022	BUSINESS PLANS	Employee Benefit Program / March 2022	346.17
Debit	03/09/2022	BUSINESS PLANS	Employee Benefit Program / March 2022	1,110.92
Debit	03/11/2022	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Periods Ended 01/28/2022 & 02/11/2022 & 2/25/22	577.45
Debit	03/11/2022	CALPERS - HEALTH	Employee Benefit Program / March 2022	7,501.62
Debit	03/11/2022	COUNTY OF ORANGE - SHERIFF	Law Enforcement Services / March 2022	255,071.73
Debit	03/14/2022	U.S. BANK	Bank Service Charges / February 2022	86.25
Debit	03/15/2022	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 02/11/2022	3,003.94
Debit	03/15/2022	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 02/11/2022	1,926.67
Debit	03/15/2022	BUSINESS PLANS	Employee Benefit Program / March 2022	653.98
Debit	03/17/2022	ADP TAX	Payroll Taxes / Pay Period Ended 03/11/2022	8,573.81
Debit	03/17/2022	ADP WAGE PAY	Payroll Transfer / Pay Period Ended 03/11/2022	18,046.00
Debit	03/17/2022	ICMA / MFRS AND TRADERS TRUST	Employee Benefit Program / Pay Period Ended 03/11/2022	2,933.46
Debit	03/22/2022	BUSINESS PLANS	Employee Benefit Program / March 2022	265.14
Debit	03/30/2022	BUSINESS PLANS	Employee Benefit Program / March 2022	17.38
Debit	03/29/2022	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 02/25/2022	3,003.94
Debit	03/29/2022	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 02/25/2022	1,915.33
Debit	03/30/2022	BUSINESS PLANS	Employee Benefit Program / March 2022	118.66
Debit	03/31/2022	ICMA / MFRS AND TRADERS TRUST	Employee Benefit Program / Pay Period Ended 03/25/2022	2,933.46
Debit	03/31/2022	ADP TAX	Payroll Taxes / Pay Period Ended 03/25/2022	8,495.67
Debit	03/31/2022	ADP WAGE PAY	Payroll Transfer / Pay Period Ended 03/25/2022	17,876.15
Check Number		***Warrants:***		
5506	03/04/2022	ACC BUSINESS	City Hall Internet Service / January 2022	594.67
5507	03/04/2022	BUREAU VERITAS NORTH AMERICA INC	Building Plan Review Services / November 2021	5,750.00
5508	03/04/2022	CALIFORNIA INTERNET LP	City Hall Internet Service / April 2022	349.00
5509	03/04/2022	FUSCOE ENGINEERING, INC.	Engineering Services	4,599.00
5510	03/04/2022	LSA ASSOCIATES, INC.	Planning Services / January 2022	798.25
5511	03/04/2022	MATRIX IMAGING PRODUCTS, INC.	Document Scanning Services	6,452.26
5512	03/04/2022	MELISSA LEANZA	Mileage & Parking Reimbursement	137.39
5513	03/04/2022	OMNI ENTERPRISE INC	Janitorial Services / January 2022	2,480.00
5514	03/04/2022	PARK CONSULTING GROUP, INC	Software Consulting Services / January 2022	3,537.50
5515	03/04/2022	PETTY CASH	Replenish Petty Cash / February 2022	-
5516	03/04/2022	RJM DESIGN GROUP	City Hall/Public Library Project	852.50
5517	03/04/2022	SAGECREST PLANNING AND ENVIRONMENTAL	Planning Services / January 2022	840.00
5518	03/04/2022	SIEMENS MOBILITY, INC.	Traffic Signal Maintenance / December 2021	143.00
5519	03/04/2022	SMITH ARCHITECTS	City Hall Refurbishment & Safety Project: Phase 3	3,000.00

ITEM 6.3

CITY OF LAGUNA WOODS
WARRANT REGISTER
April 20, 2022

This Report Covers the Period 03/01/2022 through 03/31/2022

	Date	Vendor Name	Description	Amount
5520	03/04/2022	SOUTHERN CALIFORNIA EDISON	Electric Services / December 2021 - January 2022	6,312.29
5521	03/04/2022	SOUTHERN CALIFORNIA EDISON	Street Lighting - Residential / January 2022	2,199.99
5522	03/04/2022	U.S. BANK	Credit Card Charges (expenditures reported separately - see note 3)	858.38
5523	03/04/2022	VISION SERVICE PLAN OF AMERICA	Employee Benefit Program / March 2022	120.18
5524	03/04/2022	WILLDAN ENGINEERING	Code Enforcement Services / January 2022	2,400.00
5525	03/11/2022	APRIL BAUMGARTEN	Reimbursement - City Hall Maintenance	384.00
5526	03/11/2022	AT&T	Telephone / 639-0500 / February 2022	221.36
5527	03/11/2022	AT&T	Telephone / 452-0600 / February 2022	2,382.48
5528	03/11/2022	AT&T	Telephone / 458-3487 / February 2022	43.44
5529	03/11/2022	BALLIET, MICHAEL	Waste Management Consulting Services / February 2022	1,600.00
5530	03/11/2022	BRIGHTVIEW LANDSCAPE SERVICES, INC.	Landscape Maintenance / February 2022	15,877.40
5531	03/11/2022	COUNTY OF ORANGE	Newport Bay Watershed Cost-Share / Fiscal Year 2021-22	10,435.46
5532	03/11/2022	COUNTY OF ORANGE	Automated Fingerprint ID System / March 2022	636.00
5533	03/11/2022	IBUILD SPECTRUM INC.	City Hall/Public Library Project	136,850.49
5534	03/11/2022	IRWIN B BORNSTEIN, CPA	Financial Consulting Services / February 2022	617.50
5535	03/11/2022	KONE INC.	City Hall Elevator Maintenance / March 2022	225.00
5536	03/11/2022	MOTHER'S MARKET & KITCHEN	Project Deposit Balance Refund	178.36
5537	03/11/2022	OBR ARCHITECTURE, INC.	City Hall/Public Library Project	1,595.00
5538	03/11/2022	ORANGE COUNTY REGISTER-NOTICES	Public Notices / February 2022	2,020.00
5539	03/11/2022	PRACTICAL DATA SOLUTIONS	IT Support Services / February 2022	3,898.22
5540	03/11/2022	RICOH USA, INC.	Copier Usage / February 2022	341.01
5541	03/11/2022	RJM DESIGN GROUP	Ridge Route Landscape Project	7,388.00
5542	03/11/2022	SAGECREST PLANNING AND ENVIRONMENTAL	Planning Services / February 2022	90.00
5543	03/11/2022	SIEMENS MOBILITY, INC.	Traffic Signal Maintenance / February 2022	2,549.00
5544	03/11/2022	SOUTHERN CALIFORNIA EDISON	Electric Services / January - February 2022	6,336.66
5545	03/11/2022	STAPLES	Office & Janitorial Supplies	454.67
5546	03/11/2022	WM CURBSIDE, LLC	HHW, Medicine & Sharps Program / February 2022	3,574.72
5547	03/18/2022	360CIVIC	Website Hosting / February 2022	200.00
5548	03/18/2022	ADT COMMERCIAL	Fire & Security Monitoring / April - June 2022	240.00
5549	03/18/2022	ALL AMERICAN ASPHALT	Pavement Management Plan Project	145,344.60
5550	03/18/2022	APRIL BAUMGARTEN	Reimbursement - City Hall/Public Library Project	197.73
5551	03/18/2022	AT&T	White Pages / March 2022	4.62
5552	03/18/2022	AT&T	Telephone / 583-1105 / February 2022	22.56
5553	03/18/2022	AT&T	Telephone / 581-9821 / February 2022	202.94
5554	03/18/2022	BUCKNAM INFRASTRUCTURE GROUP, INC.	Pavement Management Plan Update Services	143.00
5555	03/18/2022	CALIFORNIA YELLOW CAB	Taxi Voucher Services / February 2022	685.00
5555	03/18/2022	CALIFORNIA YELLOW CAB	NEMT Taxi Voucher Services / February 2022	38.00
5556	03/18/2022	DELTA DENTAL OF CALIFORNIA	Employee Benefit Program / March 2022	539.50
5557	03/18/2022	ECONOLITE SYSTEMS	Traffic Signal Maintenance	600.00
5558	03/18/2022	EL TORO WATER DISTRICT	Water Service / January 2022	2,294.76
5559	03/18/2022	FUSCOE ENGINEERING, INC.	Engineering Services	4,100.25
5560	03/18/2022	ITERIS, INC	Traffic Engineering / February 2022	3,540.00
5561	03/18/2022	KONE INC.	City Hall Elevator Maintenance	237.32
5562	03/18/2022	MARC DONOHUE	Administrative Services / February 2022	150.00
5563	03/18/2022	MICHAEL BAKER INTERNATIONAL	Planning Services / February 2022	7,386.00
5564	03/18/2022	ON POINT LAND SURVEYING, INC	Survey Document Preparation	4,320.00

CITY OF LAGUNA WOODS
WARRANT REGISTER
April 20, 2022

This Report Covers the Period 03/01/2022 through 03/31/2022

	Date	Vendor Name	Description	Amount
5565	03/18/2022	ORKIN	Pest Control Services	800.00
5566	03/18/2022	RUTAN & TUCKER, LLP	Legal Services / February 2022	23,769.73
5567	03/18/2022	SOUTHERN CALIFORNIA SHREDDING,	Shredding Services / February 2022	400.00
5568	03/18/2022	THE GAS COMPANY	Gas Service - City Hall / February 2022	166.66
5569	03/18/2022	VERIZON WIRELESS	Building Division iPads Data Plans / February 2022	120.03
5570	03/30/2022	BROAD SKY NETWORKS	City Hall Internet Service / March 2022	83.27
5571	03/30/2022	CAPTIONING UNLIMITED	Closed Captioning / March 2022	200.00
5572	03/30/2022	CIVIL SOURCE	Engineering Services / February 2022	20,512.50
5573	03/30/2022	DELTA DENTAL OF CALIFORNIA	Employee Benefit Program / April 2022	539.50
5574	03/30/2022	HDL COREN & CONE	Property Tax Consulting Services / Fiscal Year 2022-23	2,100.00
5575	03/30/2022	HINDERLITER DE LLAMAS & ASSOCIATES	Sales & Use Tax Consulting Services / January - March 2022	750.00
5576	03/30/2022	INTERPRETING SERVICES INTERNATIONAL, LLC	Translation Services	530.00
5577	03/30/2022	JOHN L. HUNTER & ASSOCIATES, INC	NPDES Inspection Services / January 2022	165.00
5578	03/30/2022	MANAGED HEALTH NETWORK	Employee Benefit Program / April 2022	18.81
5579	03/30/2022	NAVIA BENEFIT SOLUTIONS, INC	125 Cafeteria Plan Administration / March 2022	100.00
5580	03/30/2022	PASCO DOORS	City Hall Maintenance	270.00
5581	03/30/2022	RICOH USA, INC.	Copier Lease / April 2022	214.20
5582	03/30/2022	RJM DESIGN GROUP	Ridge Route Drive Landscape Project	1,856.45
5582	03/30/2022	RJM DESIGN GROUP	City Hall/Public Library Project	280.60
5583	03/30/2022	SOUTH COAST RESTORATION	City Hall Maintenance	3,257.54
5584	03/30/2022	TYLER TECHNOLOGIES, INC.	Annual Maintenance / April 2022 - March 2023	9,521.26
5585	03/30/2022	U.S. BANK	Credit Card Charges (expenditures reported separately - see note 4)	6,903.42
5586	03/31/2022	360CIVIC	Website Maintenance / January 2022	150.00
5587	03/31/2022	ACC BUSINESS	City Hall Internet Service / February 2022	594.67
5588	03/31/2022	ADT COMMERCIAL	Fire & Security Monitoring / October - December 2020	240.00
5588	03/31/2022	ADT COMMERCIAL	City Hall Maintenance	954.41
5589	03/31/2022	ALISO CREEK MINUTEMAN PRESS	Printing Services	247.27
5590	03/31/2022	AT&T	Telephone / 458-3487 / March 2022	43.44
5591	03/31/2022	AT&T	Telephone / 639-0500 / March 2022	221.36
5592	03/31/2022	AT&T	Telephone / 452-0600 / March 2022	2,378.89
5593	03/31/2022	BOUTWELL FAY LLP	Legal Services / February 2022	340.00
5594	03/31/2022	BUREAU VERITAS NORTH AMERICA INC	Building Plan Review Services / October 2021	7,337.50
5595	03/31/2022	CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS	Elevator Inspection Fee	225.00
5596	03/31/2022	CITY OF LAGUNA BEACH	Animal Control & Shelter Services / February 2022	9,264.00
5597	03/31/2022	EL TORO WATER DISTRICT	City Hall/Public Library Project	1,254.74
5598	03/31/2022	EMPIRE PRIVATE SECURITY INC,.	City Hall/Public Library Project	5,940.00
5599	03/31/2022	OMNI ENTERPRISE INC	Janitorial Services / February 2022	2,240.00
5600	03/31/2022	ONEOC	Edible Food Recovery Program Services / January - February 2022	739.66
5601	03/31/2022	PETTY CASH	Replenish Petty Cash / March 2022	-
5602	03/31/2022	VISION SERVICE PLAN OF AMERICA	Employee Benefit Program / April 2022	120.18
			Total Bank Debits and Warrants:	**$ 884,539.08**

Petty Cash Expenditures Paid Out (See Note 2)

ATI Laminate	Office Supplies	$26.50
Rebecca Pennington	Parking Reimbursement	$3.00
Orange County Clerk-Recorder	Retrieval of Recorded Documents	$34.00

CITY OF LAGUNA WOODS
WARRANT REGISTER
April 20, 2022

This Report Covers the Period 03/01/2022 through 03/31/2022

Date	Vendor Name	Description	Amount
	FedEx Office	Printing Services	$103.20
	Home Depot	City Hall Maintenance	$22.63
	Home Depot	City Hall/Public Library Project	$73.17
		Total Petty Cash:	**$262.50**
		TOTAL	**$ 884,801.58**

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 March 2022, the following Councilmembers received compensation in the amount of $300: Conners, Hatch, Horne, and Tao.

Note 2 - Petty cash is reported as cash is paid out, not when the fund is replenished.

Note 3 - The table below summarizes credit card expenditures paid via Check #5522 to U.S. Bank totaling $858.38:

Adobe	Computer Software	$84.95
Zoom	Video Conferencing	$69.98
USPS	Postage	$23.48
Dell	Office Equipment	$293.41
Amazon	Office Supplies	$197.00
Cal Chamber	Office Supplies	$145.56
Orange County Clerk-Recorder	Document Recording	$44.00
	Total Credit Card Reimbursement:	**$858.38**

Note 4 - The table below summarizes credit card expenditures paid via Check #5585 to U.S. Bank totaling $6,903.42:

Adobe	Computer Software	$84.95
Zoom	Video Conferencing	$136.73
Microsoft	Office 365 Online Services	$166.35
Microsoft	Office 365 Online Services	$441.94
GoTo	Remote Access Software	$1,539.99
BlueBeam	Plan Review Software	$3,538.00
GoDaddy	Software License	$71.88
Home Depot	City Hall/Public Library Project	$46.25
Home Depot	City Hall/Public Library Project	$366.33
AirOasis	City Hall Maintenance	$511.00
	Total Credit Card Reimbursement:	**$6,903.42**

Administrative Services Director/City Treasurer's Certification

I, Elizabeth Torres, Administrative Services Director / City Treasurer, do hereby certify:

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

Digitally signed by Elizabeth Torres
Date: 2022.04.14 15:55:18 -07'00'

Elizabeth Torres, Administrative Services Director/City Treasurer — Dated

6.4
TELECONFERENCING FOR MEETINGS

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RESOLUTION NO. 22-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ALLOWING FOR THE CONTINUED USE OF TELECONFERENCING FOR MEETINGS DURING THE COVID-19 STATE OF EMERGENCY, PURSUANT TO CALIFORNIA ASSEMBLY BILL 361 (2021-2022)

WHEREAS, on February 26, 2020, the County of Orange Health Officer declared a Local Health Emergency and the Chairwoman of the Board of Supervisors, acting as the Chair of Emergency Management Council, proclaimed a Local Emergency finding that the imminent and proximate threat to public health from the introduction of COVID-19 created conditions of extreme peril to the safety of persons and property within the territorial limits of Orange County; and

WHEREAS, on March 2, 2020, the Orange County Board of Supervisors adopted resolutions No. 20-011 and 20-012 ratifying the Local Health Emergency and Local Emergency, referenced above; and

WHEREAS, on March 4, 2020, the Governor of the State of California proclaimed a State of Emergency in response to COVID-19, pursuant to Section 8625 of the California Emergency Services Act (Article 1 [commencing with Section 8550] of Chapter 7 of Division 1 of Title 2); and

WHEREAS, on March 11, 2020 the World Health Organization publicly characterized COVID-19 as a pandemic; and

WHEREAS, on March 13, 2020, the President of the United States declared a National Emergency due to the spread and the effects of COVID-19; and

WHEREAS, the State of California (California Department of Industrial Relation's Division of Occupational Safety and Health's Revised COVID-19 Prevention Emergency Temporary Standards effective January 14, 2022) and County of Orange Health Officer (Orders and Strong Recommendations revised January 14, 2022) continue to impose or recommend measures to promote social distancing; and

WHEREAS, on March 17, 2020, the Governor of the State of California issued Executive Order N-29-20 that, in an effort to confront and contain COVID-19, suspended certain provisions of the Ralph M. Brown Act providing local agencies with greater flexibility to hold meetings via teleconferencing; and

WHEREAS, on September 16, 2021, the Governor of the State of California signed Assembly Bill 361 (2020-2022) ("AB 361") amending the Ralph M. Brown Act providing local agencies with greater flexibility to hold meetings via teleconferencing during a proclaimed state of emergency when: (1) state or local officials have imposed or recommended measures to promote social distancing and/or (2) the legislative body of the local agency has determined, by majority vote, that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees (California Government Code Section 54953(e)(1)); and

WHEREAS, AB 361 was chaptered into law as an urgency statute with its effectiveness waived until October 1, 2021, subject to the Governor of the State of California's Executive Order N-15-21 dated September 20, 2021; and

WHEREAS, in order to continue holding meetings via teleconferencing, AB 361 requires the legislative body of a local agency to periodically make the findings set forth in California Government Code Section 54953(e)(3).

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. The City Council does hereby find the following:

(A) A state of emergency has been proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 [commencing with Section 8550] of Chapter 7 of Division 1 of Title 2); and

(B) The City Council has reconsidered the circumstances of the state of emergency; and

(C) The state of emergency continues to directly impact the ability of the members of the City Council to meet safely in person; and

(D) State and local officials continue to impose or recommend measures to promote social distancing.

SECTION 3. The Mayor shall sign this resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2022.

____
CAROL MOORE, Mayor

ATTEST:

____
YOLIE TRIPPY, CMC, City Clerk

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 22-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 2022, by the following vote:

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

____
YOLIE TRIPPY, CMC, City Clerk

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6.5
STREET SWEEPING SERVICES

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ASSIGNMENT AGREEMENT

This ASSIGNMENT AGREEMENT ("ASSIGNMENT") is made and entered into as of _______________ 2022, by and among Sweeping Corporation of America ("ASSIGNEE") and the City of Laguna Woods, a California municipal corporation ("CITY") with reference to the following facts:

A. CITY and Jonset Corporation d/b/a Sunset Property Services ("ASSIGNOR") entered that certain AGREEMENT FOR CONSULTANT SERVICES ("AGREEMENT") for street sweeping services, dated July 1, 2021, following CITY's City Council's approval of the same on June 2, 2021.

B. Per Section 17 of the AGREEMENT, ASSIGNOR "shall not assign or transfer this Agreement or any portion of this AGREEMENT or the performance of any of [ASSIGNOR]'s duties or obligations under this AGREEMENT without the prior written consent of the City Council."

C. On or about May 20, 2021, ASSIGNEE purchased ASSIGNOR ("ASSIGNMENT DATE").

D. On and after the ASSIGNMENT DATE, ASSIGNEE desires to assume the AGREEMENT in its entirety and all of ASSIGNOR's duties and obligations under the AGREEMENT.

E. CITY consents to the assignment of the AGREEMENT from ASSIGNOR or ASSIGNEE.

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

1. On and after the ASSIGNMENT DATE, ASSIGNEE assumes and agrees to perform all terms, covenants and conditions of the AGREEMENT on the part of the ASSIGNOR therein required to be performed arising on or after the ASSIGNMENT DATE subject to the terms of the AGREEMENT.

2. The parties intend that this ASSIGNMENT is a novation and that, on and after the ASSIGNMENT DATE, the ASSIGNEE is substituted for ASSIGNOR. CITY recognizes ASSIGNEE as ASSIGNOR'S successor-in-interest in and to the AGREEMENT.

3. The person or persons executing this ASSIGNMENT on behalf of ASSIGNEE represent and warrant that he/she/they has/have the authority to so execute this ASSIGNMENT and to bind ASSIGNEE to the performance of its obligations under the AGREEMENT.

4. This ASSIGNMENT may be executed in one or more counterparts, each of which will be deemed an original, but all of which constitute one and the same document. An email or similar transmission of a counterpart executed by a party hereto will be regarded as executed by such party for purposes hereof.

IN WITNESS WHEREOF, ASSIGNOR and ASSIGNEE have executed this ASSIGNMENT as of the date first set forth above.

ASSIGNEE:

Sweeping Corporation of America

By:____

Name: ______________________________________

Title: _______________________________________

With consent of the City of Laguna Woods.

CITY OF LAGUNA WOODS:

By ____
Christopher Macon, City Manager

APPROVED AS TO FORM:

____
Alisha Patterson, City Attorney

8.1
CANNABIS BUSINESS TAX

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City of Laguna Woods
Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: April 20, 2022 Regular Meeting

SUBJECT: Cannabis Business Tax

Recommendation

[If the City Council wishes to submit to the voters at the election on November 8, 2022, one measure seeking to establish a tax on cannabis businesses engaged in business in the City of Laguna Woods] Approve the introduction and first reading of an ordinance – read by title with further reading waived – entitled:

> AN ORDINANCE OF THE PEOPLE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING CHAPTER 3.18 TO TITLE 3 OF THE LAGUNA WOODS MUNICIPAL CODE ESTABLISHING A TAX ON CANNABIS BUSINESSES ENGAGED IN BUSINESS IN THE CITY OF LAGUNA WOODS

Background

At the regular meeting on September 15, 2021 – acting on a recommendation made by Councilmember Horne – the City Council voted 5-0 to direct the City Manager to draft an ordinance for future consideration by the City Council that would – if placed on a future ballot by the City Council and subsequently approved by registered voters – enact a tax on businesses engaged in the retail sale of cannabis and cannabis products. That direction was given with the understanding that, if approved by registered voters, such a tax would only be levied if the City Council took separate, future action to authorize the establishment and operation of cannabis dispensaries and/or other cannabis businesses.

At present, all cannabis businesses are prohibited, except that cannabis businesses based outside of Laguna Woods are allowed to deliver into Laguna Woods when operating in a manner consistent with state law.

Discussion

Today's meeting is an opportunity for City Council action, as well as public input, on the first procedural step required to submit to the voters at the election on November 8, 2022, one measure seeking to establish a tax on cannabis businesses engaged in business in the City of Laguna Woods (Attachment A). If the City Council proceeds with the action contemplated in this agenda report, a second reading and adoption of the proposed ordinance, as well as other actions, would be agendized for consideration at the regular meeting on May 18, 2022.

On May 18, 2022, the City Council would be asked to approve a ballot question for the measure. As currently drafted, the question would read:

> CITY OF LAGUNA WOODS, THE CITY OF LAGUNA WOODS CANNABIS BUSINESS TAX ORDINANCE
>
> To fund City services, shall a measure establishing a tax on cannabis businesses of the higher of the following rates: 4%-10% of gross receipts or $5-$35 per square foot for retail businesses; and 1%-10% of gross receipts or $1-$35 per square foot for other businesses, with certain rates increasing annually, generating an estimated $750,000 annually if cannabis businesses were to be authorized in the future, until ended by voters, be adopted?
>
> Yes ☐
> No ☐

California Elections Code limits the question to 75 words and requires that certain elements be included (e.g., the amount of money to be raised annually and the rate and duration of the tax to be levied). The draft question above contains 75 words.

Due to the effort, expense, and time requirements to submit a measure to the voters, the measure has been drafted to apply to all types of cannabis businesses that may operate from fixed locations in Laguna Woods. If the City Council wishes to limit the scope of the measure to only the retail sale of cannabis and cannabis products, and not seek approval to tax cultivation and other types of cannabis businesses, staff could modify the measure accordingly.

If voters approve the measure, it would allow the City Council to levy a cannabis business tax at rates within specified ranges. It would not require the City Council to permit any particular type of cannabis business. Absent separate action by the City Council, all cannabis businesses except certain deliveries originating outside of Laguna Woods would continue to be prohibited.

Staff has proposed maximum tax rates that generally mirror the City of Santa Ana's rates and include flexibility for the City Council to make adjustments over time, as well as Consumer Price Index (CPI)-based escalators for the maximum "per square foot" rates which are intended to compensate for the time value of money. Rather than set static rates, the measure would allow the City Council to set rates within voter-approved ranges (e.g., if, in the future, the City Council decided to authorize retail businesses, it would set a tax rate for those retail businesses within the range approved by voters and could subsequently increase or decrease that tax rate within the range with at least 60 calendar days' notice to affected businesses).

If the City Council decides to submit the measure to voters, the earliest regular election date is November 8, 2022. November 8, 2022 is also the election date for the City Council offices currently held by Mayor Moore and Councilmember Tao.

A summary of cannabis tax rates in Orange County cities for retail and cultivation businesses is included as Attachment B.

Fiscal Impact

The Orange County Registrar of Voters has estimated the cost of submitting the measure to voters at the election on November 8, 2022 to be \$39,357 – \$52,945. If the City Council proceeds with the action contemplated in this agenda report, staff would agendize a resolution for consideration at the regular meeting on May 18, 2022 appropriating \$58,240 (the \$52,945 estimate plus 10% for City administrative costs and contingencies) from the unassigned General Fund balance.

Attachments: A – Proposed Ordinance
B – Summary of Cannabis Tax Rates in Orange County for Retail and Cultivation Businesses

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The City Council for the City of Laguna Woods submits the following measure to the voters of the City of Laguna Woods for approval and enactment:

ORDINANCE NO. 22-XX

AN ORDINANCE OF THE PEOPLE OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADDING CHAPTER 3.18 TO TITLE 3 OF THE LAGUNA WOODS MUNICIPAL CODE ESTABLISHING A TAX ON CANNABIS BUSINESSES ENGAGED IN BUSINESS IN THE CITY OF LAGUNA WOODS

The People of the City of Laguna Woods do ordain as follows:

SECTION 1. Subject to the approval of a majority of the voters of the City of Laguna Woods at the General Municipal Election on November 8, 2022, Chapter 3.18 ("Cannabis Business Tax") is hereby added to Title 3 ("Revenue and Finance") of the Laguna Woods Municipal Code to read as follows:

Chapter 3.18. - CANNABIS BUSINESS TAX

Sec. 3.18.010. - Title.

This ordinance shall be known as the Cannabis Business Tax Ordinance.

Sec. 3.18.020. - Purpose and intent.

(a) The purpose and intent of this chapter is to levy a tax, for revenue purposes, pursuant to California Government Code sections 37101 and 37100.5 on all cannabis businesses engaged in business in Laguna Woods, regardless of whether such business would have been lawful at the time this chapter was adopted ("cannabis business tax").

(b) The cannabis business tax is not a sales and use tax, a tax upon income, or a tax upon real property.

(c) The cannabis business tax is a general tax enacted solely for general, governmental purposes of the City and not for specific purposes. All of the proceeds from the tax imposed by this chapter may be placed in the City's General Fund and be available for any lawful municipal purpose.

(d) Nothing in this chapter shall be interpreted to require the City to authorize the operation of cannabis businesses or to authorize any person to engage in business as a cannabis business, nor to regulate in any particular manner businesses that the City may authorize. Such decision making remains the purview and discretion of the City Council.

(e) Nothing in this chapter shall be interpreted to authorize or permit any business activity that would not otherwise be legal or permissible under laws applicable to the activity at the time the activity is undertaken.

Sec. 3.18.030. - Definitions.

The following words and phrases shall have the meanings set forth below when used in this chapter:

(05) *Business* shall include all activities engaged in or caused to be engaged in within Laguna Woods, including any commercial or industrial enterprise, trade, profession, occupation, vocation, calling, or livelihood, whether or not carried on for gain or profit, but shall not include the services rendered by an employee to his, her, or their employer.

(10) *Calendar month* shall mean each of the 12 named periods into which a calendar year is divided.

(15) *Calendar year* shall mean January 1 through December 31 of the same year.

(20) *Cannabis* shall have the same meaning as the term is defined in the Medicinal and Adult-Use Cannabis Regulation and Safety Act, California Business and Professions Code Section 26000, et seq., as amended from time to time or replaced with a successor statute. As of the date this chapter was adopted, the definition of “cannabis” was set forth in California Business and Professions Code Section 26001(e).

(25) *Cannabis processing* or *processing of cannabis* shall mean a cultivation site that conducts only trimming, drying, curing, grading, packaging, or labeling of cannabis, industrial hemp and non-manufactured cannabis products.

(30) *Cannabis product* shall have the same meaning as the term is defined in the Medicinal and Adult-Use Cannabis Regulation and Safety Act, California Business and Professions Code Section 26000, et seq., as amended from time to time or replaced with a successor statute. As of the date this chapter was adopted, the definition of “cannabis” was set forth in California Business and Professions Code Section 26001(h).

(35) *Cannabis business* shall mean any business activity involving cannabis or industrial hemp, including but not limited to cultivating, transporting, distributing, manufacturing, compounding, converting, processing, preparing, storing, packaging, delivering, testing, dispensing, retailing and wholesaling of cannabis, cannabis products, industrial hemp, industrial hemp products or of ancillary products and accessories, and temporary cannabis events, whether or not carried on for gain or

profit.

(40) *Cannabis business tax* or *business tax* shall mean the tax due pursuant to this chapter for engaging in a cannabis business.

(45) *Commercial cannabis cultivation* shall mean cultivation of cannabis undertaken in the course of engaging in a cannabis business.

(50) *Commercial cannabis permit* shall mean a permit issued by the City to a person to authorize that person to engage in business as a cannabis business.

(55) *Cultivation* shall mean any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis and includes, but is not limited to, the operation of a nursery.

(60) *Employee* shall mean each and every person engaged in the commencement, operation, conduct, management, or carrying on of any business, whether as owner, member of the owner's family, partner, associate, agent, manager or solicitor, and each and every other person employed or working in such business for a wage, salary, commission, barter, or any other form of compensation.

(65) *Engaged in business as a cannabis business* or *engaged in business* shall mean the commencing, conducting, operating, managing, or carrying on of a cannabis business, whether done as owner, or by means of an officer, agent, manager, employee, or otherwise, operating from a fixed location in Laguna Woods whether permanently, temporarily, or intermittently. A person shall be deemed engaged in business if, without limitation:

a. Such person or person's employee maintains a fixed place of business within Laguna Woods for the benefit or partial benefit of such person;

b. Such person or person's employee owns, leases, or otherwise occupies real property within Laguna Woods for business purposes;

c. Such person or person's employee regularly maintains a stock of tangible personal property in Laguna Woods for sale in the ordinary course of business;

d. Such person or person's employee regularly conducts solicitation of business within Laguna Woods; or

e. Such person or person's employee performs work or renders services in Laguna Woods.

The foregoing specified activities shall not be a limitation on the meaning of "engaged in business." For activities not listed above, the Tax Administrator shall have the authority to determine if a person is "engaged in business" as a cannabis business.

(70) *Evidence of doing business* shall mean evidence such as, without limitation, use of signs, circulars, cards, or any other advertising media, including the use of internet or telephone solicitation, or representation to a government agency or to the public that such person is engaged in a cannabis business.

(75) *Floor area* shall mean the total horizontal floor area of all floors, as well as of all balconies, patios, breezeways, stairways, open air rooms, seating areas, and other spaces constructed in a substantially similar manner, of a building owned, leased, or otherwise serving as a place of business for a cannabis business, whether indoors or outdoors, whether enclosed or unenclosed, measured in square feet, with no exception, and with any fractional value rounded to the next highest whole number.

(80) *Gross receipts*, except as otherwise specifically provided, shall mean, whether designated a sales price, royalty, rent, slotting fee, commission, dividend, or other designation, the total amount (including all receipts, cash, credits, services, and property of any kind or nature) received or payable for sales of goods, wares, or merchandise, or for the performance of any act or service of any nature for which a charge is made or credit allowed (whether such service, act, or employment is done as part of or in connection with the sale of goods, wares, merchandise, or not), without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor, or service costs, interest paid or payable, losses, or any other expense whatsoever. However, the following shall be excluded from gross receipts:

a. Cash discounts where allowed and taken on sales;

b. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;

c. Such part of the sale price of any property returned by purchasers to the seller as refunded by the seller by way of cash or credit allowances or return of refundable deposits previously included in gross receipts;

d. Receipts derived from the occasional sale of used, obsolete, or surplus trade fixtures, machinery, or other equipment used by the taxpayer in the regular course of the taxpayer's business;

e. Cash value of sales, trades, or transactions between departments or units of the same business located in Laguna Woods or if authorized by the Tax Administrator in writing in accordance with Section 3.18.120(b);

f. Whenever there are included within the gross receipts amounts which reflect sales for which credit is extended and such amount proved uncollectible in a subsequent year, those amounts may be excluded from the gross receipts in the year they prove to be uncollectible; provided, however, if the whole or portion of such amounts excluded as uncollectible are subsequently collected they shall be included in the amount of gross receipts for the period when they are recovered;

g. Receipts of refundable deposits, except that such deposits when forfeited and taken into income of the business shall not be excluded when in excess of one dollar ($1.00);

h. Amounts collected for others where the business is acting as an agent or trustee and to the extent that such amounts are paid to those for whom collected. These agents or trustees must provide the Tax Administrator with the names, mailing addresses, telephone numbers, and email addresses of the others and the amounts paid to them. This exclusion shall not apply to any fees, percentages, or other payments retained by the agents or trustees; and

i. Retail sales of bags, books, clothing, hats, key chains, posters, stickers, or other personal tangible property which the Tax Administrator has excluded in writing by issuing an administrative ruling per Section 3.18.120(b).

(85) *Nursery* shall mean a facility or part of a facility that is used only for producing clones, immature plants, seeds, or other agricultural products used specifically for the planting, propagation, or cultivation of cannabis.

(90) *Person* shall have the same meaning as the term is defined in the Medicinal and Adult-Use Cannabis Regulation and Safety Act, California Business and Professions Code Section 26000, et seq., as amended from time to time or replaced with a successor statute. As of the date this chapter was adopted, the definition of "person" was set forth in Section 26001(ao) of the California Business and Professions Code.

(95) *Sale*, *sell*, and *to sell* shall mean and include any sale, exchange, or barter. It shall also mean any transaction whereby, for any consideration, title to cannabis, cannabis products, industrial hemp, and/or industrial hemp products are transferred from one person to another and includes the delivery of cannabis, cannabis products, industrial hemp, and/or industrial hemp products pursuant to an order placed for the purchase of the same, but does not include the return of cannabis, cannabis products, industrial hemp, and/or industrial hemp products to the licensee from whom the cannabis, cannabis product, industrial hemp, and/or industrial hemp product was purchased.

(100) *State* shall mean the State of California.

(105) *State license*, *license*, or *registration* shall mean a state license issued pursuant to California Business & Professions Code Section 26050, as amended from time to time or replaced with a successor statute, and all other applicable state laws, required for engaging in business as a cannabis business.

(110) *Tax Administrator* shall mean the City Manager of the City of Laguna Woods or his, her, or their designee.

(115) *Testing laboratory* shall have the same meaning as the term is defined in the Medicinal and Adult-Use Cannabis Regulation and Safety Act, California Business and Professions Code Section 26000, et seq., as

amended from time to time or replaced with a successor statute. As of the date this chapter was adopted, the definition of "testing laboratory" was set forth in California Business and Professions Code Section 26001(av).

(120) *Year* shall mean a period of 365 consecutive calendar days.

Sec. 3.18.040. - Tax imposed.

(a) Beginning January 1, 2023, there is imposed upon each person who is engaged in business as a cannabis business a cannabis business tax. Such tax is payable regardless of whether the cannabis business has been issued a commercial cannabis permit by the City or not. The City's acceptance of a cannabis business tax payment from a cannabis business engaged in business without a commercial cannabis permit shall not constitute the City's approval or consent to engage in such business.

(b) The City Council may, by resolution or ordinance, set, increase or decrease the rate of the cannabis business tax within the minimum and maximum prescribed range of tax rates. Notwithstanding the foregoing, in no event shall the City Council repeal this tax, or set any adjusted rate that is less than the minimum rate, nor that exceeds the maximum rate calculated pursuant to this section. Notice of any increase or decrease in a rate shall be given to all cannabis businesses registered pursuant to this chapter and directly affected by the change at least 60 calendar days in advance of the effective date in the manner prescribed in Section 3.18.200 for service of notice of a tax assessment.

(c) The minimum and maximum rate of the cannabis business tax shall be calculated as follows:

(1) *Cannabis Retail Sales*. For every person engaged in retail sales of cannabis and/or cannabis products, including without limitation, as a storefront retailer (dispensary) or non-storefront retailer (retail delivery business), or microbusiness, he/she/they/it shall be subject to the higher of the two following tax rates:

a. A minimum tax rate of four percent (4.0%), up to a maximum tax rate not to exceed 10 percent (10.0%) of gross receipts received or generated for each monthly reporting period, which the City Council may set at different rates by state license type; or

b. From January 1, 2023 to December 31, 2023, a minimum tax rate of five dollars ($5.00) per square foot of floor area (annual tax rate) up to a maximum tax rate not to exceed 35 dollars ($35.00) per square foot of floor area (annual tax rate) prorated monthly to one-twelfth (1/12) of the annual tax rate amount, which the City Council may set at different rates by state license type. On January 1, 2024 and on each January 1 thereafter, the maximum annual tax rate specified in this subsection shall increase by the percentage increase in the Consumer Price Index for all urban consumers in the Los Angeles-Long Beach-Anaheim area (or the closest comparable area if that area is discontinued) as published by the United States Government Bureau of Labor Statistics as of the immediately preceding June 30 prior to each January 1, with any fractional value rounded to the next highest whole number. However, no Consumer Price Index adjustment resulting in a decrease of any tax imposed by this subsection shall be made.

(2) *Other Cannabis Businesses*. For every person engaged in any cannabis business not listed above, including without limitation, commercial cannabis cultivation, distribution, manufacturing, or processing of cannabis and/or cannabis products, a testing laboratory of cannabis and/or cannabis products, and a temporary cannabis event, he/she/they/it shall be subject to the higher of the two following tax rates:

a. A minimum tax rate of one percent (1.0%), up to a maximum tax rate not to exceed 10 percent (10.0%) of gross receipts received or generated for each monthly reporting period, which the City Council may set at different rates by state license type; or

b. From January 1, 2023 to December 31, 2023, a minimum tax rate of one dollar ($1.00) per square foot of floor area (annual tax rate) up to a maximum tax rate not to exceed 35 dollars ($35.00) per square foot of floor area (annual tax rate) prorated monthly to one-twelfth (1/12) of the annual tax rate amount, which the City Council may set at different rates by state license type. On January 1, 2024 and on each January 1 thereafter, the maximum annual tax rate specified in this subsection shall increase by the percentage increase in the Consumer Price Index for all urban consumers in the Los Angeles-Long Beach-Anaheim area (or the closest comparable area if that area is discontinued) as published by the United States Government Bureau of Labor Statistics as of the immediately preceding June 30 prior to each January 1, with any fractional value rounded to the next highest whole number. However, no Consumer Price Index adjustment resulting in a decrease of any tax imposed by this subsection shall be made.

(d) Persons subject to the cannabis business tax shall register with the City and pay the annual registration and processing fee pursuant to Section 3.18.050.

(e) If the minimum and maximum cannabis business tax rates set forth in this section are preempted by federal or state law, then the tax rate shall automatically become the maximum rate authorized by federal or state law without the need for an amendment to this chapter.

Sec. 3.18.050. - Registration, reporting and remittance of tax.

(a) *Registration of Cannabis Business*. All cannabis businesses shall be required to annually register as follows:

(1) All persons engaging in business as a cannabis business, whether an existing, newly established, or acquired business shall register with the Tax Administrator within 30 calendar days of beginning to engage in business and shall annually renew such registration within 31 calendar days of each subsequent calendar year thereafter. In registering, such persons shall furnish to the Tax Administrator a sworn statement, upon a form provided by the Tax Administrator, setting forth the following information:

a. The name of the business;

b. The names, mailing addresses, telephone numbers, and email addresses of each owner;

c. The exact nature or kind of business;

d. The place where such business is to be carried on; and

e. Any additional information which the Tax Administrator may require.

(b) An annual registration and processing fee in an amount established by resolution of the City Council shall be presented with the sworn statement submitted under this section. This fee shall not be considered a tax and may be adjusted from time to time to fully compensate the City for cannabis business registration- and cannabis business tax payment processing-related costs (including indirect, overhead, and interfund costs calculated in the same manner as could lawfully apply to the City's building permit fees) by resolution of the City Council. The City Council may establish separate annual registration and processing fees to account for differences in costs associated with the processing of payments made by currency or other payment instrument. In doing so, the City Council reserves the discretion to limit and adjust the types of payments that it will accept and under what terms and conditions. For the purpose of this subsection, "processing of payments" shall mean all functions and activities that the City determines reasonably necessary to facilitate the acceptance, review, accounting, and deposit of cannabis business tax payments including, without limitation, personnel, consultants, transportation, security, and merchant fees incurred by the City.

(c) The cannabis business tax imposed by this chapter shall be paid, in arrears, on a monthly basis. Each person owing a cannabis business tax each calendar month shall, no later than the last day of the month following the close of the calendar month, file with the Tax Administrator a statement ("tax statement") of the tax owed for that calendar month and the basis for calculating that tax. The tax statement is required to be submitted on a form provided by the Tax Administrator. The cannabis business tax for each calendar month shall be due and payable on that same date that the tax statement for the calendar month is due.

(d) Upon cessation of a cannabis business, tax statements and cannabis business tax payments shall be due within 30 calendar days for all calendar months up to and including the calendar month during which cessation occurred.

(e) The Tax Administrator may, at his, her, or their discretion, establish alternative reporting and payment periods for any person owing a cannabis business tax as the Tax Administrator deems necessary to ensure efficient and effective collection of the cannabis business tax. Notice of the establishment of alternative reporting and payment periods shall be given to all cannabis businesses registered pursuant to this chapter and affected by such establishment at least 90 calendar days in advance of the effective date in the manner prescribed in Section 3.18.200 for service of notice of a tax assessment.

(f) The annual registration is separate from and in addition to any other licensing or permitting requirements for cannabis businesses, including but not limited to the requirement to obtain a commercial cannabis permit.

(g) Failure to annually register a cannabis business and pay an annual registration and processing fee, failure to file a timely tax statement, and failure to pay cannabis business tax in accordance with this section are each a violation of this chapter punishable by suspension or revocation of the commercial cannabis permit and/or any and all penalties set forth in this chapter.

Sec. 3.18.060. - Payments and communications - timely remittance.

Whenever any cannabis business tax payment, statement, report, request, or other communication is due, it must be received by the Tax Administrator on or before the final due date. A postmark will not be accepted as timely remittance. If the due date would fall on a Saturday, Sunday, or a holiday observed by the City, the due date shall be the next regular business day on which the City is open to the public.

Sec. 3.18.070. - Payment - when taxes deemed delinquent.

Unless otherwise specifically provided under other provisions of this chapter, the cannabis business tax required to be paid pursuant to this chapter shall be deemed delinquent if not received by the Tax Administrator on or before the due date as specified in sections 3.18.050 and/or 3.18.060.

Sec. 3.18.080. - Notice not required.

The Tax Administrator may send a delinquency or other notice or bill to any person subject to the provisions of this chapter. Failure to send such notice or bill shall not affect the validity of any tax, penalty, interest, or fee due under the provisions of this chapter.

Sec. 3.18.090. - Penalties and interest.

(a) Any person who fails or refuses to pay any cannabis business tax required to be paid pursuant to this chapter on or before the due date shall pay penalties and interest as follows:

(1) For tax that remains unpaid for a period up to 30 calendar days beyond the due date, a penalty equal to ten percent (10%) of the amount of the tax due, in addition to the amount of the tax due.

(2) If the tax remains unpaid for a period exceeding 30 calendar days beyond the due date, an additional penalty equal to twenty-five percent (25%) of the amount of the tax due, plus interest at the rate of five percent (5.0%) per 30 calendar day period on the unpaid tax, penalties, and interest. Interest shall be applied on the first day of each 30 calendar day period for the full 30 calendar day period and will continue to accrue until the balance is paid in full.

(b) Whenever the Tax Administrator determines that the nonpayment of any cannabis business tax is due to fraud, misrepresentation, or deceit upon the City, a penalty equal to fifty percent (50%) of the amount of the tax due shall be added thereto in addition to any penalties and interest provided for above in subsection (a) and any other penalties allowed by law. This penalty shall be in addition to the penalties set forth in subsection (a) and not subject to the calculations set forth in subsection (a).

(c) Whenever a non-currency instrument is submitted in payment of cannabis business tax and the payment is subsequently returned unpaid by the bank or institution for any reason, it shall be deemed a failure to pay the cannabis business tax, and the taxpayer shall be liable for the tax amount due plus any penalties and interest as provided for in this section, and the actual amount of fees or other charges to the City by the bank or institution for the returned payment plus ten percent (10%).

Sec. 3.18.100. - Refunds and procedures.

(a) No refund shall be made of any cannabis business tax collected pursuant to this chapter, except as provided in this section.

(b) No refund of any cannabis business tax collected pursuant to this chapter shall be made because of the interruption, disruption, discontinuation, dissolution, termination, or other cessation of a business.

(c) Whenever the amount of any cannabis business tax, penalty or interest has been overpaid, paid more than once, or has been erroneously collected or received by the City under this chapter, it may be refunded to the claimant who paid the tax provided that a written claim for refund is filed with the Tax Administrator within six months of the date the tax was originally due or paid, whichever came first.

(d) A claim processing fee in an amount established by resolution of the City Council shall be presented with the written claim for refund filed under this section. This fee shall not be considered a tax and may be adjusted from time to time to fully compensate the City for examination, auditing, and other claim processing costs (including indirect, overhead, and interfund costs calculated in the same manner as could lawfully apply to the City's building permit fees) by resolution of the City Council.

(e) The Tax Administrator, his, her, or their designee or any other City officer or agent charged with the administration of this chapter shall have the right to examine and audit all the books and business records of the claimant at City's offices in order to determine the eligibility of the claimant to the claimed refund. No claim for refund shall be allowed if the claimant refuses to allow such examination of claimant's books and business records, or fails to produce such books and business records for examination, within 10 calendar days of a written request by the Tax Administrator to do so. The Tax Administrator may, at his, her, or their discretion, make supplemental written requests of the claimant under the same terms and conditions.

Sec. 3.18.110. - Personal cultivation not taxed.

The provisions of this chapter shall not apply to personal cannabis cultivation or personal use of cannabis, provided those activities are authorized in the State's "Medicinal and Adult Use Cannabis Regulation and Safety Act," as may be amended. This chapter shall not apply to personal use of cannabis that is specifically exempted from state licensing requirements, that meets the definition of personal use or equivalent terminology under state law, and provided that the individual receives no compensation whatsoever related to that personal cultivation or use.

Sec. 3.18.120. - Administration of the tax.

(a) It shall be the duty of the Tax Administrator to collect the taxes, penalties, interest, and fees, and perform the duties required by this chapter.

(b) For purposes of administration and enforcement of this chapter generally, the Tax Administrator may from time to time promulgate such administrative interpretations, rules and/or procedures consistent with the purpose, intent, and express terms of this chapter as the Tax Administrator deems necessary to implement or clarify such provisions or aid in enforcement.

(c) The Tax Administrator may take such administrative actions as needed to administer the cannabis business tax, including but not limited to:

(1) Receive and record all taxes remitted to the City as provided in this chapter;

(2) Maintain records of taxpayer reports and taxes collected pursuant to this chapter;

(3) Assess penalties and interest to taxpayers pursuant to this chapter;

(4) Determine amounts owed under and enforce collection pursuant to this chapter; and

(5) Delegate to, or enter into a contract with, other parties to implement, administer, and/or enforce any of the provisions of this chapter on behalf of the City.

Sec. 3.18.130. - Enforcement - action to collect.

Any taxes, penalties, interest, and/or fees required to be paid under the provisions of this chapter shall be deemed a debt owed to the City. Any person owing money to the City under the provisions of this chapter shall be liable in an action brought in the name of the City for the recovery of such debt. The provisions of this chapter shall not be deemed a limitation upon the right of the City to bring any other action including criminal, civil, and equitable actions, based upon the failure to pay taxes, penalties, interest, and/or fees imposed by this chapter, or the failure to comply with any of the provisions of this chapter.

Sec. 3.18.140. - Apportionment.

If a business subject to the cannabis business tax is engaged in business both in and outside Laguna Woods, it is the intent of the City to apply the cannabis business tax so that the measure of the tax fairly reflects the proportion of the taxed activity actually carried on in Laguna Woods. To the extent federal or state law requires that any tax due from any person owing a cannabis business tax be apportioned, the person may indicate said apportionment on his, her, or their tax return. The Tax Administrator may promulgate administrative procedures for apportionment as the Tax Administrator finds useful or necessary.

Sec. 3.18.150. - Audit and examination of premises and records.

(a) For the purpose of ascertaining the amount of cannabis business tax owed or verifying any representations made by any person to the City in support of his, her, their, or its calculation of cannabis business tax owed, the Tax Administrator, upon 10 calendar days written notice, shall have the power to inspect any location where a cannabis business occurs and to audit and examine all books and records (including, but not limited to bookkeeping records, federal and state income tax returns, and other records relating to the gross receipts) of the cannabis business. In conducting such investigation, the Tax Administrator shall have the power to inspect any equipment, including but not limited to computers or point of sale machines, that may contain such records.

(b) It shall be the duty of every person liable for the collection and payment to the City of any cannabis business tax imposed by this chapter to keep and preserve, for a period of at least three years, all records as may be necessary to determine the amount of such tax as he, she, they, or it may have been liable for the collection of and payment to the City, which records the Tax Administrator shall have the right to inspect upon 10 calendar days written notice at City's offices.

(c) Should the Tax Administrator be required to perform an audit of the records of any cannabis business for failure to timely or accurately report cannabis business taxes pursuant to sections 3.18.050 and/or 3.18.060, the entire cost of the audit shall be assessed against the cannabis business (including indirect, overhead, and interfund costs calculated in the same manner as could lawfully apply to the City's building permit fees).

(d) Failure to maintain records in accordance with subsection (b) above and/or failure to allow the Tax Administrator access to the location, records, and equipment necessary to complete his, her, or their audit within 10 calendar days of service of written notice in accordance with subsection (a) above are each a violation of this chapter punishable by suspension or revocation of the commercial cannabis permit and/or any and all penalties set forth in this chapter.

Sec. 3.18.160. - Other licenses, permits, taxes, fees, or charges.

(a) Nothing contained in this chapter shall be deemed to repeal, amend, be in lieu of, replace, or in any way affect any requirements for any commercial cannabis permit or any other City license or permit required by, under, or by virtue of any provision of any other chapter of this Code or any other ordinance or resolution of the City, nor be deemed to repeal, amend, be in lieu of, replace, or in any way affect any tax, fee, or other charge imposed, assessed, or required under any other chapter of this Code or any other ordinance or resolution of the City. Any references made or contained in any other chapter of this Code to any permits, licenses, fees, or charges, or to any schedule of permit or license fees or charges, shall be deemed to refer to the permits, licenses, fees, or charges, or schedule of permit or license fees or charges, provided for in other chapters of this Code.

(b) The City Council or City Manager may suspend, revoke, or refuse to renew a commercial cannabis permit for any cannabis business that is delinquent in the payment of any cannabis business tax due pursuant to this chapter, that fails to make a payment required by the Tax Administrator pursuant to sections 3.18.050 and/or 3.18.060, or that fails to timely pay all taxes, penalties, interest, and fees owed under this chapter.

Sec. 3.18.170. - Payment of tax does not authorize unlawful business.

(a) The payment of a cannabis business tax pursuant to this chapter, and its acceptance by the City, shall not entitle any person to carry on any cannabis business unless the person has complied with all of the requirements of this Code and all other applicable state and local laws.

(b) No cannabis business tax paid under this chapter shall be construed as authorizing the conduct or continuance of any illegal or unlawful business, or any business in violation of any state or local law.

Sec. 3.18.180. - Deficiency determinations.

If the Tax Administrator is not satisfied that any statement filed as required under this chapter is correct, or that the amount of cannabis business tax is correctly computed, he, she, or they may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the statement or upon the basis of any information in his, her, or their possession or that may come into his, her, or their possession within three years of the date the tax was originally due and payable. One or more deficiency determinations of the amount of tax due for a period or periods may be made. When a person discontinues engaging in a cannabis business, a deficiency determination may be made at any time within three years thereafter as to any liability arising from engaging in such cannabis business whether or not a deficiency determination is issued prior to the date the tax would otherwise be due. Whenever a deficiency determination is made, a notice shall be given to the person concerned in the same manner as notices of assessment are given under Section 3.18.200.

Sec. 3.18.190. - Failure to report - nonpayment

(a) Under any of the following circumstances, the Tax Administrator may make and give notice of an assessment of the amount of cannabis business tax owed by a person under this chapter at any time:

(1) If the person has not filed a complete statement required under the provisions of this chapter;

(2) If the person has not paid the tax due under the provisions of this chapter;

(3) If the person has not, after demand by the Tax Administrator, filed a corrected statement, or furnished to the Tax Administrator adequate substantiation of the information contained in a statement already filed, or paid any additional amount of tax due under the provisions of this chapter; or

(4) If the Tax Administrator determines that the nonpayment of any tax due under this chapter is due to fraud, misrepresentation, or deceit upon the City.

(b) The notice of assessment shall separately set forth the amount of any cannabis business tax known by the Tax Administrator to be due or estimated by the Tax Administrator, after consideration of all information within the Tax Administrator's knowledge concerning the business and activities of the person assessed, to be due under each applicable provision of this chapter and shall include the amount of any penalties or interest accrued on each amount to the date of the notice of assessment.

Sec. 3.18.200. - Tax assessment - notice requirements.

The notice of assessment shall be served upon the person either by personal delivery, by overnight delivery, or by a deposit of the notice in the United States mail, postage prepaid thereon, addressed to the person at the address of the location of the business or to such other address as he, she, or they shall register with the Tax Administrator for the purpose of receiving notices provided under this chapter; or, should the person have no address registered with the Tax Administrator for such purpose, then to such person's last known address. For the purpose of this section, a service by overnight delivery shall be deemed to have occurred one calendar day following deposit with a courier, and service by mail shall be deemed to have occurred three calendar days following deposit in the United States mail.

Sec. 3.18.210. - Tax assessment - hearing and determination.

Within 30 calendar days after the date of service of the notice of assessment, the person may apply in writing to the Tax Administrator for a hearing on the assessment. The application shall include the tax assessment hearing fee in the amount established by resolution of the City Council. This fee is non-refundable based on the outcome of the appeal, shall not be considered a tax, and may be adjusted from time to time to fully compensate the City for hearing preparation, hearing conduct, and other tax assessment hearing-related costs (including indirect, overhead, and interfund costs calculated in the same manner as could lawfully apply to the City's building permit fees) by resolution of the City Council. If application for a hearing before the City and tax assessment hearing fee are not received by the City within the time herein prescribed, the cannabis business tax assessed by the Tax

Administrator shall become final and conclusive. Within 30 calendar days of the receipt of any such application for hearing, the Tax Administrator shall cause the matter to be set for hearing before him, her, or them no later than 30 calendar days after the receipt of the application, unless a later date is agreed to by the Tax Administrator and the person requesting the hearing. Notice of such hearing shall be given by the Tax Administrator to the person requesting such hearing not later than five calendar days prior to such hearing. At such hearing, said applicant may appear and offer evidence why the assessment as made by the Tax Administrator should not be confirmed and fixed as the tax due. Within 35 calendar days of such hearing, the Tax Administrator shall determine and reassess (if necessary) the proper tax to be charged and shall give written notice to the person in the manner prescribed in Section 3.18.200 for service of notice of a tax assessment.

Sec. 3.18.220. - Appeal procedure.

After fully exhausting any tax assessment hearing rights provided in Section 3.18.210, any person owing cannabis business tax aggrieved by any decision of the Tax Administrator with respect to the amount of tax due, or any person owing and aggrieved by the imposition of penalties, interest, or fees under this chapter, or any person aggrieved by any decision of the Tax Administrator, may appeal to the City Council by filing a notice of appeal with the City Clerk within 30 calendar days of the service of the Tax Administrator’s determination of the amount due or date of imposition or decision, as applicable. The notice of appeal shall include the appeal fee in the amount established by resolution of the City Council. This fee is non-refundable based on the outcome of the appeal, shall not be considered a tax, and may be adjusted from time to time to fully compensate the City for hearing preparation, hearing conduct, and other appeal-related costs (including indirect, overhead, and interfund costs calculated in the same manner as could lawfully apply to the City’s building permit fees) by resolution of the City Council. The City Council may establish separate appeal fees to account for differences in costs associated with different subjects of appeal. If notice of appeal and appeal fee are not received by the City within the time herein prescribed, the contested decision of the Tax Administrator shall become final and conclusive. Within 30 calendar days of the receipt of any such notice of appeal, the City Clerk shall cause the matter to be set for hearing before the City Council no later than 30 calendar days after the receipt of the notice of appeal, unless a later date is agreed to by the City Clerk and the person requesting the hearing. Notice of such hearing shall be given by the City Clerk to the person requesting such hearing not later than five calendar days prior to such hearing. At such hearing, said applicant may appear and offer evidence why the contested decision of Tax Administrator should not stand. Within 60 calendar days of such hearing, during which time the City Council may schedule the appeal for further discussion at public meetings and request additional information from any person, the City Council shall make a decision, which shall be final and conclusive. The City Clerk shall give written notice of the City Council's decision to the appellant in the manner prescribed in Section 3.18.200 for service of notice of a tax assessment.

Sec. 3.18.230. - Conviction for violation - taxes not waived.

The conviction and punishment of any person for failure to pay the required cannabis business tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction. No civil action shall prevent a criminal prosecution for any violation of the provisions of this chapter or of any state law requiring the payment of all taxes. Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor.

Sec. 3.18.240. - Severability.

If any provision of this chapter, or its application to any person or circumstance, is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this chapter or the application of this chapter to any other person or circumstance and, to that end, the provisions hereof are severable.

Sec. 3.18.250. - Remedies cumulative.

All remedies and penalties prescribed by this chapter or which are available under any other provision of this Code and any other provision of law or equity are cumulative. The use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this chapter.

Sec. 3.18.260. - Amendment or modification.

This chapter may be amended or modified (but not repealed) by the City Council without a vote of the people. However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment that would expand, extend, or increase the rate of the cannabis business tax. The people of the City of Laguna Woods affirm that the following actions shall not constitute an expansion, extension, or increase of the rate of the cannabis business tax:

(1) The restoration or adjustment of the rate of the cannabis business tax to a rate that is neither less nor higher than that allowed by this chapter, in those circumstances where, among others, the City Council has previously acted to reduce or increase the rate of the cannabis business tax within the allowed range or is incrementally implementing an increase authorized by this chapter;

(2) An action that interprets or clarifies (i) the methodology of applying or calculating the cannabis business tax or (ii) any definition applicable to the cannabis business tax, so long as the interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with this chapter;

(3) The collection of the cannabis business tax even if the City had, for some period of time, failed to collect the cannabis business tax; or

(4) The adjustment of the rate of the cannabis business tax when preempted by federal or state law, pursuant to Section 3.18.040(e).

<u>SECTION 2</u>. Pursuant to California Constitution Article XIII B, the annual appropriation limit for the City shall be increased by the maximum projected aggregate collection authorized by the levy of the general tax set forth in Section 1 of this Ordinance, in each of the years covered by this Ordinance plus the amount, if any, by which the appropriation limit is decreased by law as a result of the levy of the general tax set forth in Section 1 of this Ordinance.

<u>SECTION 3</u>. 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 voters of the City of Laguna Woods hereby declare that they 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 4. Pursuant to California Constitution Article XIII C Section (2)(b) and California Elections Code Section 9217, this Ordinance shall take effect only if approved by a majority of the voters of the City of Laguna Woods at the General Municipal Election on November 8, 2022. If approved, this Ordinance shall take effect 10 calendar days after the City Council has certified the results of the General Municipal Election by resolution.

SECTION 5. The Mayor shall sign this Ordinance.

SECTION 6. The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

PASSED, APPROVED AND ADOPTED this XX day of XX 2022.

____
CAROL MOORE, Mayor

ATTEST:

____
YOLIE TRIPPY, CMC, City Clerk

APPROVED AS TO FORM:

____
ALISHA PATTERSON, City Attorney

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 22-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the XX day of XX 2022, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the XX day of XX 2022 by the following vote to wit:

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

____
YOLIE TRIPPY, CMC, City Clerk

Summary of Cannabis Tax Rates in Orange County for Retail and Cultivation Businesses

ADOPTED RATES		
CITY	**RETAIL**	**CULTIVATION**
Costa Mesa	The City Council has the authority to set the tax rate between 4% and 7% of gross receipts. The current tax rate is 7% of gross receipts.	N/A – Cultivation is prohibited.
La Habra	The City Council has the authority to set the tax rate up to 6% of gross receipts. The current tax rate is 6% for storefront retailers and 3% for non-storefront retailers.	The City Council has the authority to set the tax rate up to 6% of gross receipts. The current tax rate is 6% of gross receipts.
Santa Ana	*Adult Use (tax approved in 2018).* The City Council has the authority to set the tax rate up to 10% of gross receipts or $35 per square foot (annually), whichever is higher. The current tax rate is 8% of gross receipts or $25 per square foot (annually), whichever is higher. *Medicinal (tax approved in 2014).*[1] 6% of gross receipts.	The City Council has the authority to set the tax rate up to 10% of gross receipts or $35 per square foot (annually), whichever is higher. The current tax rate is 6% of gross receipts or $10 per square foot (annually), whichever is higher.
Stanton	The City Council has the authority to set the tax rate up to 6% of gross receipts. The current tax rate is 6% of gross receipts.	$12 per square foot of canopy space, whether using artificial or natural light, or a combination thereof, subject to annual increase in 2023 by the Consumer Price Index.

[1] The City of Santa Ana's medicinal cannabis tax pre-dates California voters' approval of Proposition 64 (The Adult Use of Marijuana Act) on November 9, 2016. Proposition 64 legalized certain personal use of marijuana for adults 21 years of age or older with no requirement that it be for medical purposes.

SCHEDULED FOR THE JUNE 7, 2022 ELECTION		
CITY	**RETAIL**	**CULTIVATION**
Huntington Beach	The measure would allow the City Council to set the tax rate up to 6% of gross receipts.	The measure would allow the City Council to set the tax rate up to 1% of gross receipts.

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8.2
CALIFORNIA ASSEMBLY BILL 2246 (PETRIE-NORRIS) (2021-2022)
(AGENDIZED BY MAYOR MOORE)

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Fentanyl Poisoning Prevention Act Announced

Parents calling on the Legislature to increase penalties Aiming to disincentive traffickers from cutting drugs with fentanyl

Search

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FOR IMMEDIATE RELEASE:

Tuesday, March 29, 2022

SACRAMENTO – The parent organization Victims of Illicit Drugs (VOID), who speaks on behalf of their loved ones who can no longer speak for themselves, is asking parents across California to sign a petition asking the legislature to increase penalties to deter traffickers from poisoning kids with fentanyl. The petition was launched at a press conference hosted by Assemblywoman Cottie Petrie-Norris who is authoring Assembly Bill 2246 and Orange County Sheriff Don Barnes, the sponsor of the legislation seeking to appropriately align penalties for fentanyl trafficking and cut this deadly drug off at its source (PRESS CONFERENCE VIDEO).

Jaime Puerta, the President of VOID said, "Far too many children, exactly like my 16 year old son Daniel, are being deceived to death by these nefarious actors who knowingly and willingly peddle this poison disguised as pharmaceutical grade trademarked pills to unsuspecting children and they're getting away with Murder. AB2246 addresses the need in keeping these Murderers accountable for their actions."

Assemblywoman Cottie Petrie-Norris, AB 2246 author said, "Here in California, more than 10 Californians die because of fentanyl every single day. But remember that these are not just numbers and statistics. These are real human lives that have been lost. I have introduced AB 2246 to target traffickers who are responsible for the fentanyl crisis. We must ensure that those profiting from fentanyl know that there are consequences to poisoning our children, and know that the punishment will fit the crime."

Orange County Sheriff Don Barnes said, "AB 2246 is the right solution to help California address the fentanyl crisis. Those profiting from our children by illicitly selling this deadly substance must be held accountable and face a consequence commiserate with their crimes. This legislation will make it clear that Californians are committed to keeping fentanyl out of our communities."

Orange County Superintendent of Schools Dr. Al Mijares also spoke to the crisis, "Fentanyl is cutting short the lives of our children and devastating the communities that are left behind to pick up the pieces. As the Orange County Department of Education continues its work with local school districts to expand mental health supports and services for students across the county, it is time that we also hold responsible those who are putting this deadly drug into the hands of our children."

Two disturbing trends have dramatically escalated the dangers of fentanyl: the deceptive use of fentanyl in counterfeit pills and the use of social media to traffic illicit substances to young people.

AB 2246 proposes to address this crisis in several ways. It establishes 20 years to life as the penalty for the distribution of fentanyl resulting in death. Currently, possession of fentanyl is a mere misdemeanor offense and requires just a citation and subsequent release. AB 2246 proposes to establish possession of 2 or more grams of fentanyl as a felony. Current law also establishes special penalties for selling drugs like heroin and cocaine in the vicinity of young people, such as around schools or playgrounds. This bill proposes to add fentanyl to that list. Fourth, to combat the increase in fentanyl distribution on social media, AB 2246 enhances the penalty for illegally selling fentanyl online. Finally, this bill properly aligns fentanyl analogs as a schedule I drug. Fentanyl analogs are illicitly manufactured chemical replicas of fentanyl. Importantly, as actual fentanyl does have medical uses, this bill does not change its standing as a schedule II drug.

VOID | Victims Of Illicit Drugs (stopthevoid.org) also highlighted a documentary produced by Dominic Tierno and Christine Wood that is being used nationwide by the United State Drug Enforcement Administration, Sheriff's Departments, as well as Federal and private entities to educate the school children and the public about the dangers of fentanyl, watch it online in English and in Spanish.

AB 2246 will be heard by the Assembly Public Safety Committee in April.

AMENDED IN ASSEMBLY MARCH 17, 2022

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL No. 2246

Introduced by Assembly Member Petrie-Norris

February 16, 2022

An act to amend ~~Section 2001 of~~ *Sections 11054, 11353.1, and 11353.6 of, and to add Section 11351.7 to,* the Health and Safety Code, relating to ~~pest abatement.~~ *controlled substances.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2246, as amended, Petrie-Norris. ~~Pest abatement: vector control districts.~~ *Controlled substances: fentanyl.*

Existing law classifies controlled substances into 5 schedules and places the greatest restrictions on the use of those substances placed in Schedule I. Existing law classifies the drug fentanyl in Schedule II. Existing law treats an analog of a controlled substance the same as the controlled substance of which it is an analog.

This bill would reclassify fentanyl analogs as Schedule I controlled substances. The bill would additionally make conforming changes.

Existing law makes possession of specified controlled substances, including fentanyl, punishable by imprisonment in a county jail not to exceed one year, except as specified. Existing law makes possession of a controlled substance for the purposes of sale of the substance punishable by imprisonment in a county jail for a period of 2, 3, or 4 years.

This bill would make possession of 2 or more grams of fentanyl punishable by imprisonment in a county jail for a period of 2, 3, or 4 years. The bill would make the sale of fentanyl on a social media *platform in California punishable by imprisonment in a county jail for a period of 3, 6, or 9 years.*

Existing law makes it a crime to solicit or encourage a minor to violate specified crimes relating to controlled substances, to hire or employ a minor to transport or sell controlled substances, or to sell or give controlled substances to minors. Existing law makes a person who is 18 years of age or older who violates these provisions with respect to heroin, cocaine, or cocaine base on the grounds of specified buildings, including, among others, playgrounds and childcare facilities, punishable with an additional enhancement in the state prison of one year, and makes a violation of those provisions on the grounds of, or within 1,000 feet of, a school punishable with an additional enhancement in the state prison of 2 years, as specified.

This bill would make that enhancement also apply to a violation of those provisions with respect to fentanyl.

By expanding the scope of crimes and creating new crimes, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law establishes the procedures for formation of vector control districts and makes legislative findings and declarations in support of the formation of these districts for adequate protection against vectorborne diseases.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

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

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

SECTION 1. Section 11054 of the Health and Safety Code is amended to read:

11054. (a) The controlled substances listed in this section are included in Schedule I.

(b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of those isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Acetylmethadol.

(2) Allylprodine.

(3) Alphacetylmethadol (except levoalphacetylmethadol, also known as levo-alpha- acetylmethadol, levomethadyl acetate, or LAAM).

(4) Alphameprodine.

(5) Alphamethadol.

(6) Benzethidine.

(7) Betacetylmethadol.

(8) Betameprodine.

(9) Betamethadol.

(10) Betaprodine.

(11) Clonitazene.

(12) Dextromoramide.

(13) Diampromide.

(14) Diethylthiambutene.

(15) Difenoxin.

(16) Dimenoxadol.

(17) Dimepheptanol.

(18) Dimethylthiambutene.

(19) Dioxaphetyl butyrate.

(20) Dipipanone.

(21) Ethylmethylthiambutene.

(22) Etonitazene.

(23) Etoxeridine.

(24) Furethidine.

(25) Hydroxypethidine.

(26) Ketobemidone.

(27) Levomoramide.

(28) Levophenacylmorphan.

(29) Morpheridine.

(30) Noracymethadol.

(31) Norlevorphanol.

(32) Normethadone.

(33) Norpipanone.

(34) Phenadoxone.

(35) Phenampromide.

(36) Phenomorphan.

(37) Phenoperidine.

(38) Piritramide.

(39) Proheptazine.

(40) Properidine.

(41) Propiram.

(42) Racemoramide.

(43) Tilidine.

(44) Trimeperidine.

(45) Any substance which contains any quantity of acetylfentanyl (N-[1-phenethyl-4-piperidinyl] acetanilide) or a derivative thereof.

(46) Any substance which contains any quantity of the thiophene analog of acetylfentanyl (N-[1-[2-(2-thienyl)ethyl]-4-piperidinyl] acetanilide) or a derivative thereof.

(47) 1-Methyl-4-Phenyl-4-Propionoxypiperidine (MPPP).

(48) 1-(2-Phenethyl)-4-Phenyl-4-Acetyloxypiperidine (PEPAP).

(c) Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine.

(2) Acetyldihydrocodeine.

(3) Benzylmorphine.

(4) Codeine methylbromide.

(5) Codeine-N-Oxide.

(6) Cyprenorphine.

(7) Desomorphine.

(8) Dihydromorphine.

(9) Drotebanol.

(10) Etorphine (except hydrochloride salt).

(11) Notwithstanding Sections 11055 and 11401, fentanyl analogs.

~~(11)~~

(12) Heroin.

~~(12)~~

(13) Hydromorphinol.

~~(13)~~

(14) Methyldesorphine.

~~(14)~~ *(15)* Methyldihydromorphine.

~~(15)~~ *(16)* Morphine methylbromide.

~~(16)~~ *(17)* Morphine methylsulfonate.

~~(17)~~ *(18)* Morphine-N-Oxide.

~~(18)~~ *(19)* Myrophine.

~~(19)~~ *(20)* Nicocodeine.

~~(20)~~ *(21)* Nicomorphine.

~~(21)~~ *(22)* Normorphine.

~~(22)~~ *(23)* Pholcodine.

~~(23)~~ *(24)* Thebacon.

(d) Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision only, the term “isomer” includes the optical, position, and geometric isomers):

(1) 4-bromo-2,5-dimethoxy-amphetamine—Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA.

(2) 2,5-dimethoxyamphetamine—Some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA.

(3) 4-methoxyamphetamine—Some trade or other names: 4-methoxy-alpha-methylphenethylamine, paramethoxyamphetamine, PMA.

(4) 5-methoxy-3,4-methylenedioxy-amphetamine.

(5) 4-methyl-2,5-dimethoxy-amphetamine—Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP."

(6) 3,4-methylenedioxy amphetamine.

(7) 3,4,5-trimethoxy amphetamine.

(8) Bufotenine—Some trade or other names: 3-(beta-dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5 indolol; N,N-dimethylserolonin, 5-hydroxy-N,N-dimethyltryptamine; mappine.

(9) Diethyltryptamine—Some trade or other names: N,N-Diethyltryptamine; DET.

(10) Dimethyltryptamine—Some trade or other names: DMT.

(11) Ibogaine—Some trade or other names: 7-Ethyl-6,6beta, 7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano-5H-pyrido [1',2':1,2] azepino [5,4-b] indole; Tabernantheiboga.

(12) Lysergic acid diethylamide.

(13) Cannabis.

(14) Mescaline.

(15) Peyote—Meaning all parts of the plant presently classified botanically as Lophophora williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of the plant, and every compound, manufacture, salts, derivative, mixture, or preparation of the plant, its seeds or extracts (interprets 21 U.S.C. Sec. 812(c), Schedule 1(c)(12)).

(16) N-ethyl-3-piperidyl benzilate.

(17) N-methyl-3-piperidyl benzilate.

(18) Psilocybin.

(19) Psilocyn.

(20) Tetrahydrocannabinols. Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: delta 1 cis or trans tetrahydrocannabinol, and their optical isomers; delta 6 cis or trans tetrahydrocannabinol, and their optical isomers; delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers.

Because nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.

(21) Ethylamine analog of phencyclidine—Some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE.

(22) Pyrrolidine analog of phencyclidine—Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCP, PHP.

(23) Thiophene analog of phencyclidine—Some trade or other names: 1-[1-(2 thienyl)-cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP.

(e) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Mecloqualone.

(2) Methaqualone.

(3) Gamma hydroxybutyric acid (also known by other names such as GHB; gamma hydroxy butyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate), including its immediate precursors, isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, including, but not limited to, gammabutyrolactone, for which an application has not been approved under Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 355).

(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its isomers:

(1) Cocaine base.

(2) Fenethylline, including its salts.

(3) N-Ethylamphetamine, including its salts.

SEC. 2. Section 11351.7 is added to the Health and Safety Code, to read:

11351.7. (a) Except as otherwise provided in this division, every person who possesses two or more grams of fentanyl shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of two, three, or four years.

(b) Except as otherwise provided in this division, every person who sells fentanyl on a social media platform in California shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of three, six, or nine years.

(c) For the purposes of this section, "social media platform" means a public-facing internet website, internet application, or mobile internet application, such as a social network, search engine, or email service, with at least 30,000,000 active monthly users in the United States.

SEC. 3. Section 11353.1 of the Health and Safety Code is amended to read:

11353.1. (a) Notwithstanding any other ~~provision of~~ law, ~~any~~ *a* person 18 years of age or over who is convicted of a violation of Section 11353, in addition to the punishment imposed for that conviction, shall receive an additional punishment as follows:

(1) If the offense involved heroin, cocaine, cocaine base, *fentanyl,* or any analog of these substances and occurred upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, a child day care facility, or a public swimming pool, during hours in which the facility is open for business, classes, or school-related programs, or at any time when minors are using the facility, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for one year.

(2) If the offense involved heroin, cocaine, cocaine base, *fentanyl,* or any analog of these substances and occurred upon, or within 1,000 feet of, the grounds of ~~any~~ *a* public or private elementary, vocational, junior high, or high school, during hours that the school is open for classes or school-related programs, or at any time when minors are using the facility where the offense occurs, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for two years.

(3) If the offense involved a minor who is at least four years younger than the defendant, the defendant shall, as a full and separately served enhancement to any other enhancement provided in this subdivision, be punished by imprisonment in the state prison for one, two, or three years, at the discretion of the court.

(b) The additional punishment provided in this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(c) The additional punishment provided in this section shall be in addition to any other punishment provided by law and shall not be limited by any other ~~provision of~~ law.

(d) Notwithstanding any other ~~provision of~~ law, the court may strike the additional punishment provided for in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

(e) As used in this section the following definitions shall apply:

(1) "Playground" means ~~any~~ *a* park or recreational area specifically designed to be used by children ~~which~~ *that* has play equipment installed, including public grounds designed for athletic activities such as baseball, football, soccer, or basketball, or ~~any~~ *a* similar facility located on public or private school grounds, or on city, county, or state parks.

(2) "Youth center" means ~~any~~ *a* public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

(3) "Video arcade" means ~~any~~ *a* premises where 10 or more video game machines or devices are operated, and where minors are legally permitted to conduct business.

(4) "Video game machine" means ~~any~~ *a* mechanical amusement ~~device, which~~ *device that* is characterized by the use of a cathode ray tube display and which, upon the insertion of a coin, slug, or token in ~~any~~ *a* slot or receptacle attached to, or connected to, the machine, may be operated for use as a game, contest, or amusement.

(5) "Within 1,000 feet of the grounds of ~~any~~ *a* public or private elementary, vocational, junior high, or high school" means ~~any~~ *a* public area or business establishment where minors are legally permitted to conduct business ~~which~~ *that* is located within 1,000 feet of ~~any~~ *a* public or private elementary, vocational, junior high, or high school.

(6) "Child day care facility" has the meaning specified in Section 1596.750.

(f) This section does not require either that notice be posted regarding the proscribed conduct or that the applicable 1,000-foot boundary limit be marked.

SEC. 4. Section 11353.6 of the Health and Safety Code is amended to read:

11353.6. (a) This section shall be known, and may be cited, as the Juvenile Drug Trafficking and Schoolyard Act of 1988.

(b) ~~Any~~ *A* person 18 years of age or over who is convicted of a violation of Section 11351.5, 11352, or 11379.6, as those sections apply to paragraph (1) of subdivision (f) of Section 11054, or of Section 11351, 11352, or 11379.6, as those sections apply to paragraph ~~(11)~~ *(12)* of subdivision (c) of Section 11054, or of Section 11378, 11379, or 11379.6, as those sections apply to paragraph (2) of subdivision (d) of Section 11055, or of a conspiracy to commit one of those offenses, where the violation takes place upon the grounds of, or within 1,000 feet of, a public or private elementary, vocational, junior high, or high school during hours that the school is open for classes or school-related programs, or ~~at any time~~ when minors are using the facility where the offense occurs, shall receive an additional punishment of three, four, or five years at the court's discretion.

(c) ~~Any~~ *A* person 18 years of age or older who is convicted of a violation pursuant to subdivision (b) ~~which~~ *that* involves a minor who is at least four years younger than that person, as a full and separately served enhancement to that provided in subdivision (b), shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, four, or five years at the court's discretion.

(d) The additional terms provided in this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted or found to be true by the trier of fact.

(e) The additional terms provided in this section shall be in addition to any other punishment provided by law and shall not be limited by any other ~~provision of~~ law.

(f) Notwithstanding any other ~~provision of~~ law, the court may strike the additional punishment for the enhancements provided in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

(g) "Within 1,000 feet of a public or private elementary, vocational, junior high, or high school" means ~~any~~ *a* public area or business establishment where minors are legally permitted to conduct business ~~which~~ *that* is located within 1,000 feet of ~~any~~ *a* public or private elementary, vocational, junior high, or high school.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

~~SECTION 1. Section 2001 of the Health and Safety Code is amended to read:~~

~~2001. (a) The Legislature finds and declares all of the following:~~

~~(1) California's climate and topography support a wide diversity of biological organisms.~~

~~(2) Most of these organisms are beneficial, but some are vectors of human disease pathogens or directly cause other human diseases such as hypersensitivity, envenomization, and secondary infections.~~

~~(3) Some of these diseases, such as mosquitoborne viral encephalitis, can be fatal, especially in children and older individuals.~~

~~(4) California's connections to the wider national and international economies increase the transport of vectors and pathogens.~~

~~(5) Invasions of the United States by vectors such as the Asian tiger mosquito and by pathogens such as the West Nile virus underscore the vulnerability of humans to uncontrolled vectors and pathogens.~~

~~(b) The Legislature further finds and declares:~~

~~(1) Individual protection against the vectorborne diseases is only partially effective.~~

~~(2) Adequate protection of human health against vectorborne diseases is best achieved by organized public programs.~~

~~(3) The protection of Californians and their communities against the discomforts and economic effects of vectorborne diseases is an essential public service that is vital to public health, safety, and welfare.~~

~~(4) Since 1915, mosquito abatement and vector control districts have protected Californians and their communities against the threats of vectorborne diseases.~~

~~(c) In enacting this chapter, it is the intent of the Legislature to create and continue a broad statutory authority for a class of special districts with the power to conduct effective programs for the surveillance, prevention, abatement, and control of mosquitoes and other vectors.~~

~~(d) It is also the intent of the Legislature that mosquito abatement and vector control districts cooperate with other public agencies to protect the public health, safety, and welfare. The Legislature encourages local communities and local officials to adapt the powers and procedures provided by this chapter to meet the diversity of their own local circumstances and responsibilities.~~

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8.3

CITY COUNCIL MEETING SCHEDULE

(NO REPORT)

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