

CITY OF LA VERNE

CITY COUNCIL AGENDA

Tim Hepburn, Mayor

Rick Crosby, Mayor Pro Tem

Wendy Lau, Council Member

Steven Frank Johnson, Council Member

Meshal "Kash" Kashifalghita, Council Member



www.cityoflaverne.org

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City Hall Council Chamber

3660 D Street, La Verne, CA

Monday, May 15, 2023, at 6:30 p.m.
La Verne City Hall – Council Chambers
3660 D Street, La Verne, CA 91750

In compliance with the American Disabilities Act, any person with a disability who requires a modification or accommodation to participate in a meeting should contact the City Clerk's Office at (909) 596-8726 at least 72 hours prior to the meeting. Regular Meetings are held on the 1st and 3rd Monday of every month.

Individuals can email their comments to the Assistant City Clerk at cityclerk@cityoflaverne.org up to noon on the day of the meeting. Those comments will be shared with City Council in advance of the City Council meeting and included as part of the permanent record. **Please be advised that public comments submitted by emails or any other format to the City are public records that will be made available for public viewing.**

If you wish to participate via Zoom, please visit cityoflaverne.org/zoom and you will be automatically redirected to the meeting. You will have the ability to watch the meeting in real time and raise your hand to request to comment as appropriate on the current agenda item(s). Once it is your turn to speak, you will be brought into the meeting and have the ability to turn your video on when called upon.

Council Meeting Decorum: Per the City's Rules for Decorum, all Speakers and Members of the Audience are to conduct themselves with decorum and not engage in willful conduct which interrupts the meeting or with the orderly conduct of the meeting.

CALL TO ORDER

PLEDGE OF ALLEGIANCE by Veteran Thomas Brady, Army Corporal

ROLL CALL:

Council Member Meshal “Kash” Kashifalghita, Council Member Steven Frank Johnson, Council Member Wendy Lau, Mayor Pro Tem Rick Crosby, and Mayor Tim Hepburn.

PRESENTATIONS

Damien High School Ice Hockey - 2023 - The Damien High School Ice Hockey team had a remarkable season this year, after a disappointing performance in the previous season. The team rallied and finished in an impressive 4th place in the league. In a historic achievement for the school, the team managed to clinch the first ever high school hockey 2A state championship. The team went a perfect 4-0 winning the state finals by a score of 7-3. The strong Junior class and 4 seniors led the team to victory for Damien's first ever varsity state championship. Buoyed by their state championship victory, the team was then set to compete in the national tournament. Despite the loss, the team and coaching staff was proud of how far the boys have come, having made it further than any other varsity team in school history. The team was coached by Curtis Fisher and assisted by Mike Weekley and Spencer McLay.

JT Lam	Alex Young	Adam Scott	Nolan Burchett
Seth Morris	Lucas Flinn	Mark Modell	Ethan Winters
Sean Harris	Steven Anderson	Blake Gadsby	Cameron Figueroa
Adam Desmarais	Isaac Faulkner	Ethan Lagasca	Travis Dumont
Andrew Garcia	Carter Ochoa	Sammie Ochoa	Kingston Du
Liam McGuern	Jayden Marin-Conde		

Recognition of Damien High School Debate Team - Damien High School freshmen brothers Brandon and Maddox Park won the 35th First Year Debate National Championship in policy debate on March 19th at Woodward Academy in Atlanta, Georgia. The brothers won four of six preliminary round debates and did not drop a single ballot across four elimination matches, going a perfect 12 for 12 en route to the championship. It is the first national title for Damien since 2009. The team was coached by Chris Parades, St. Lucy's Director of Debate, Damien's Associate Director of Debate, and a 2004 Spartan alumnus, in addition to Brandon and Maddox's older brother Luke, a junior at the school.

Water Awareness Month and Honoring Former Three Valleys Municipal Water District Board Member Brian Bowcock - Water Awareness Month encourages a statewide understanding and appreciation for the value of water conservation and wise decisions on water issues. Former Three Valleys Municipal Water District (TVMWD) Board Member Brian Bowcock is being honored for his many years of service representing the Cities of La Verne and Claremont on the TVMWD Board as well as a leader for several regional water organizations.

Motorcycle Awareness Month - Reminding vehicle drivers and motorists that safe driving and riding practices and cooperation from all road users will help reduce the number of fatalities and injuries on our nation's highways.

ANNOUNCEMENTS OF UPCOMING COMMUNITY EVENTS

(Any person who wishes to make a brief announcement of a future community event that is open to the general public may do so at this time.)

CONSENT CALENDAR

(All items on the Consent Calendar are routine and will be enacted by one motion unless a member of the City Council or member of the audience requests separate discussion.)

1. **CITY COUNCIL MINUTES** of the adjourned meeting of April 24, 2023, Regular meeting of May 1, 2023, and Special meeting of May 3, 2023.

Recommendation: That the City approve the City Council Minutes.

2. **Register of Audited Demands** in the amount of \$1,647,504.66 dated April 27, 2023, and in the amount of \$651,036.41 dated May 4, 2023.

Recommendation: That the City Council approve the demands.

3. **PUBLIC WORKS WEEK 2023 PROCLAMATION** - National Public Works Week is May 21 through May 27, 2023, and it is requested for the City Council to proclaim the week in support of the hard work and dedication for all members of the City of La Verne Public Works Department.

Recommendation: That the City Council proclaim May 21, 2023, through May 27, 2023, as Public Works Week. The Proclamation will be presented to Public Works Staff at a future date during Public Works Week.

4. **MILITARY APPRECIATION MONTH** - May of each year is officially recognized as Military Appreciation Month in which those in and out of the military are recognized.

Recommendation: That the City Council proclaim May 2023 as Military Appreciation Month.

5. **INCLUSION GRANT APPROPRIATIONS** - This item seeks City Council authorization and appropriations of \$31,250 with funding from the Grants for Enhanced Community Integration for Children and Adolescents.

Recommendation: That the City Council appropriate \$31,250 from the Miscellaneous Grants Fund for special needs events/programs, staff training, behavior consultation, and instructional materials.

6. **CONSIDERATION OF STREET CLOSURE FOR SPECIAL EVENT PERMIT NO. 26-23SEP – 2023 MEMORIAL DAY CEREMONY EVENT** - The City Council is requested to approve a street closure for the 2023 Memorial Day Ceremony Event, a City sponsored event, portions of Magnolia Avenue, between Bonita Avenue and 3rd Street, are proposed to be closed for the event occurring on May 29, 2023.

Recommendation: That the City Council authorize the Public Works Director to take the necessary steps to permit the temporary street closure for a portion of Third Street, between B Street and C Street for the Memorial Day Ceremony on May 29, 2023.

7. **SENATE BILL 1 PROJECT LIST FOR FISCAL YEAR 2023-24** - Each City must submit a Resolution to the California Transportation Commission with a proposed list of projects for Senate Bill 1, the Road Repair and Accountability Act of 2017. This item lists the proposed projects for Fiscal Year 2023-24 to receive the designated funds.

Recommendation: That the City Council approve Resolution No. 23-18, titled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AUTHORIZING A PROJECT LIST AS REQUIRED BY SENATE BILL 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT," approving the proposed SB1 project list for fiscal year 2023-24.

8. **RESOLUTION NO. 23-19, SET THE PUBLIC HEARING TO CONSIDER OLD TOWN LA VERNE BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT (OTLVBD)** - A public hearing is required to consider the Annual Report of the Old Town La Verne Business Improvement District (OTLVBD) and it is requested to schedule the hearing for June 5, 2023.

Recommendation: That the City Council adopt Resolution No.23-19, titled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DECLARING ITS INTENTION TO APPROVE THE ANNUAL REPORT OF THE OLD TOWN LA VERNE BUSINESS IMPROVEMENT DISTRICT WHICH INCLUDES A BUDGET AND REESTABLISHES THE BOUNDARIES AND ASSESSMENT FORMULA FOR THE 2023-2024 FISCAL YEAR AND SETS A PUBLIC HEARING ON THE MATTER FOR MONDAY, JUNE 5, 2023, AT 6:30 P.M.

9. **RESOLUTION NO. 23-20 - CITYWIDE LANDSCAPING AND LIGHTING DISTRICT NO. 6 AND ZONES 2, 3, 4-I, 4-II, 5, AND 6; ENGINEER'S REPORT** - The City Council is requested to review, provide preliminary approval, and set a Public Hearing for the Engineer's Report for Landscaping and Lighting Maintenance District No. 6, for Zones 2, 3, 4-I, 4-II, 5, and 6 for June 19, 2023

Recommendation:

That the City Council adopt Resolution No. 23-20, titled A RESOLUTION OF THE CITY COUNCIL, CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE "ENGINEER'S REPORT" FOR ANNUAL LEVY OF ASSESSMENTS FOR FISCAL YEAR 2023-24 IN THE EXISTING LANDSCAPING & LIGHTING MAINTENANCE DISTRICT WITHIN SAID CITY, DECLARING ITS INTENTION TO PROVIDE FOR ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR SAME DISTRICT PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON (LLMD #6), FOR MONDAY, JUNE 19, 2023, AT 6:30 P.M.

10. **RESOLUTION NO. 23-21 - LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 7, ENGINEER'S REPORT** - The City Council is requested to review, provide preliminary approval, and set a Public Hearing for the Engineer's Report for Landscape and Lighting Maintenance District No. 7, for June 19, 2023.

Recommendation:

That City Council adopt the Resolution No. 23-21, titled: A RESOLUTION OF THE CITY COUNCIL, CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE "ENGINEER'S REPORT" FOR ANNUAL LEVY OF ASSESSMENTS FOR FISCAL YEAR 2023-24 IN THE EXISTING LANDSCAPING & LIGHTING MAINTENANCE DISTRICT WITHIN SAID CITY, DECLARING ITS INTENTION TO PROVIDE FOR ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR SAME DISTRICT PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON (LLMD #7) FOR MONDAY, JUNE 19, 2023, AT 6:30 P.M.

11. **RESOLUTION NO. 23-22 - LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 8; ENGINEER'S REPORT** - The City Council is requested to review, provide preliminary approval, and set a Public Hearing for the Engineer's Report for Landscape and Lighting Maintenance District No. 8, for June 19, 2023.

Recommendation:

That City Council adopt the Resolution No. 23-22, titled: A RESOLUTION OF THE CITY COUNCIL, CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE "ENGINEER'S REPORT" FOR ANNUAL LEVY OF ASSESSMENTS FOR FISCAL YEAR 2023-24 IN THE EXISTING LANDSCAPING & LIGHTING MAINTENANCE DISTRICT WITHIN SAID CITY, DECLARING ITS INTENTION TO PROVIDE FOR ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR SAME DISTRICT PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON (LLMD #8) , FOR MONDAY, JUNE 19, 2023, AT 6:30 P.M.

12. **RESOLUTION NO. 23-23 - MAINTENANCE DISTRICT NO. 84-1M, ESPERANZA ROAD SLOPES; ENGINEER'S REPORT** - The City Council is requested to review, provide preliminary approval, and set a Public Hearing for the Engineer's Report for Maintenance District No. 84-1M, for the Esperanza Road slopes for June 19, 2023.

Recommendation:

That City Council adopt the Resolution No. 23-23, titled: A RESOLUTION OF THE CITY COUNCIL, CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR AN ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2023-24 IN A SPECIAL MAINTENANCE DISTRICT, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON (84-1M). FOR MONDAY, JUNE 19, 2023, AT 6:30 P.M.

PUBLIC HEARINGS

13. **ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR REMOVAL OF ACCESSIBILITY BARRIERS AT CITY HALL PUBLIC AREAS** - City Council approval of the use of Community Development Block Grant (CDBG) funds for removal of accessibility barriers at City Hall, through the replacement of public counters and modifications to restrooms in the estimated amount of \$200,000 is requested.

Recommendation:

That the City Council approve Resolution No. 23-24, allocating \$120,000 for ADA compliant public counters and \$80,000 for ADA compliant public restrooms in City Hall; and, appropriate \$200,000 from the CDBG Fund for the removal of accessibility barriers at City Hall in the public areas.

14. **FIRST READING OF ORDINANCE, NO. 1116, WHICH UPDATES AND MODIFIES THE CITY'S EXISTING ACCESSORY DWELLING UNITS (ADUs) PROVISIONS AND MAKE CEQA EXEMPTION DETERMINATION** - In December of 2019, the City Council adopted an urgency ordinance, Ordinance No. 1089, to comply with new laws regarding Accessory Dwelling Units (ADUs). In 2022, the State passed amendments to laws which further modified the existing State ADU regulations and Staff is presenting a Draft Ordinance which will update the existing ADU provisions of the La Verne Municipal Code Chapter 18.120.

Recommendation:

That the City Council should, as recommended by staff and the Planning Commission, introduce by title only and waive further reading of Ordinance No. 1116, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, CALIFORNIA AMENDING THE ZONING PROVISIONS OF THE LA VERNE MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN ACCORDANCE WITH STATE LAW AND MAKING A DETERMINATION THAT ADOPTION OF THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

15. **FIRST READING OF ORDINANCE NO. 1117 MODIFYING TITLE 16 & TITLE 18 OF THE MUNICIPAL CODE REGARDING SENATE BILL 9 DEVELOPMENT AND MAKE CEQA EXEMPTION DETERMINATION** - Senate Bill 9 was signed into law by Governor Newsom related to development of residential housing, specifically ministerial review of two residential units within a single-family zone and parcel maps for urban lot splits. State law allows cities to impose objective zoning, subdivision, and design standard. This Ordinance establishes the objective development standards for SB 9 two-unit and urban lot split developments.

Recommendation:

That the City Council introduce by title only, waive further reading of Ordinance No. 1117, entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA MODIFYING TITLE 16 (SUBDIVISIONS) AND TITLE 18 (ZONING) OF THE LA VERNE MUNICIPAL CODE TO IMPLEMENT THE PROVISIONS OF SENATE BILL 9 RELATING TO THE CREATION OF URBAN LOT SPLITS AND TWO RESIDENTIAL UNIT DEVELOPMENTS AND MAKING A DETERMINATION THAT THE ADOPTION OF THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

OTHER MATTERS

16. **PROFESSIONAL SERVICES AGREEMENT FOR FINANCIAL AUDITING SERVICES, RESOLUTION NO. 23-24** - City Council approval is requested to enter into a five-year contract with Badawi & Associates (Badawi) for audit services during the fiscal years of 2022-23 to 2026-27.

Recommendation:

That the City Council authorize the City Manager, or his designee, to execute an agreement with Badawi & Associates for Financial Auditing Services of fiscal years 2022-23 through 2026-27 in the amount not to exceed \$339,280 through the duration of the contract; and, adopt Resolution No. 23-24 titled, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING AN AGREEMENT WITH BADAWI & ASSOCIATES, CERTIFIED PUBLIC ACCOUNTANTS FOR PROFESSIONAL AUDITING SERVICES.

17. **DRAFT PARTNERSHIP AGREEMENT WITH THE LA VERNE CHAMBER OF COMMERCE** - Annually, the City and the La Verne Chamber of Commerce enter into a Partnership Agreement for a 12-month term; July 1, 2023, through June 30, 2024, to include a financial subsidy of \$45,000 for various services received benefitting the business community.

Recommendation:

The City Council Chamber Liaison Committee and staff recommend the City Council approve Resolution No. 23-25 approving the La Verne Chamber of Commerce's Partnership Agreement, which includes programs and funding for a twelve-month term in the amount of \$45,000 and an Incentive-Subsidy Program for Business Recruitment with a cost not to exceed \$3,000 subject to Agreement provisions, and continuance of the previously approved line of credit not to exceed \$10,000, from July 1, 2023 through June 30, 2024.

PUBLIC COMMENTS/ORAL COMMUNICATIONS - This is the time set aside for anyone wishing to address the City Council on items not listed in any other place on the agenda. Under the provisions of the Brown Act, the legislative body is prohibited from talking or engaging in discussion on any item not appearing on the posted agenda. However, your concerns may be referred to staff or set for discussion later. Please email your public comment to the Assistant City Clerk at cityclerk@cityoflaverne.org. Your public comment will be shared with the City Council and included as part of the permanent record. There is a 3-minute time limit on public comments.

COUNCIL COMMENTS AND CONFERENCE/MEETING REPORTS - Each Council Member may address the Council and public on matters of general information and/or concern. This is also the time for Council Members to report on conferences and/or meetings they have attended per Assembly Bill 1234.

CLOSED SESSION

The City Council will meet in Closed Session pursuant to Government Code Section 54957.6 for the following:

Conference with Labor Negotiators

Negotiators: City Manager, Assistant City Manager, and City Attorney

Employee Organization(s): La Verne City Employees Association, La Verne Police Officers' Association, La Verne Police Middle Management Association, and all unrepresented employees.

Adjournment in memory of Teri Muse, City of La Verne's Waste Management Public Sector Manager.

Since 2013, Teri has been a regular fixture in our community. Teri served on the Board of Directors for the La Verne Chamber of Commerce, participated in many of the 4th of July parades, the Community Yard Sale, Wine and Beer Walks and charity golf tournaments. She also worked tirelessly behind the scenes facilitating donations of Waste Management services, educating businesses and neighborhoods about solid waste solutions, and helped address solid waste issues within our city. She is survived by her husband of more than 30 years, David and children David, Ariana, Taylor, and Sean. Teri and her dedication to the betterment of the San Gabriel Valley will be missed by many, including the La Verne community.; and

Adjournment to Monday, June 5, 2023, at 4:30 p.m. for a Budget Study Presentation with Department Heads.

**THE NEXT REGULAR MEETING of the La Verne City Council is
scheduled for June 5, 2023, at 6:30 p.m.**

ADVISORY STAFF

_____ Ken Domer, City Manager
_____ JR Ranells, Assistant City Manager
_____ Kimberly Hall Barlow, City Attorney
_____ Lupe Gaeta Estrella, Assistant City Clerk
_____ Meg McWade, Public Works Director
_____ Eric Scherer, Community Development Director
_____ Christy Lopez, Finance Director
_____ Sam Gonzalez, Acting Police Chief
_____ Christopher Nigg, Fire Chief
_____ Yvonne Duran, Community Services Director
_____ Cody Howing, City Engineer

Posting Statement: A true and correct copy of this Agenda was posted on May 10, 2023, on the bulletin board at La Verne City Hall, 3660 D Street, La Verne, and on the City's website at www.cityoflaverne.org.

**MINUTES OF AN ADJOURNED MEETING
OF THE CITY COUNCIL OF THE CITY OF
LA VERNE**

Monday, April 24, 2023

1. An adjourned meeting of the La Verne City Council was called to order by Mayor Hepburn at 6:02 p.m.
2. Pledge of Allegiance led by Council Member Steven F. Johnson.
3. Council Members present: Mayor Tim Hepburn
Council Member Steven Frank Johnson
Council Member Meshal "Kash" Kashifalghita

Absent: Mayor Pro Tem Rick Crosby
Council Member Wendy Lau

Advisory personnel present: City Manager Ken Domer
Assistant City Manager JR Ranells
Public Works Director Meg McWade
4. Public Comment

This was the time set aside for anyone wishing to address the City Council on items not listed in any other place on the agenda. (Below are only partial public comments, please visit the City's website to view the archived Council meeting.)

Mayor Hepburn called for public comment. There was none.
5. **Active Transportation Committee Applicant Interviews** - On July 18, 2022, the Assistant City Clerk gave notice of two (2) vacancies on the Active Transportation Committee. A total of ten (10) applications were received. City Council interviewed the following applicants who were still interested.
 1. D'Amico, Andrew
 2. Davis, Muir G.
 3. McPherson, Curtis
 4. Palmer, Jarrod
 5. Stieber, Sabine Chantal
Applicants to fill the (2) vacancies will be selected at the May 1st Council meeting.
6. Adjournment at 6:41 p.m. No announcement was made.

Respectfully submitted,

Debra Fritz
Deputy City Clerk

**MINUTES OF A REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF
LA VERNE**

Monday, May 1, 2023

A regular meeting of the La Verne City Council was called to order by Mayor Hepburn at 6:31 p.m.

Before the start of the meeting, Mayor Hepburn welcomed the audience to the Council Meeting in which City business is conducted. He reminded everyone that per the City's Rules for Decorum, all speakers, members of the audience, and Council Members are to conduct themselves with decorum and to not engage in conduct that interrupts the orderly conduct of the meeting.

Council Members present: Mayor Tim Hepburn
Mayor Pro Tem Rick Crosby
Council Member Wendy Lau
Council Member Steven Frank Johnson
Council Member Meshal "Kash" Kashifalghita

Absent: None

Advisory personnel present: City Manager Ken Domer
Assistant City Manager JR Ranells
Assistant City Attorney Scott Porter
Acting Police Chief Sam Gonzalez
Fire Chief Chris Nigg
Finance Director Christy Lopez
Public Works Director Meg McWade
Community Development Director Eric Scherer
Community Services Director Yvonne Duran

Pledge of Allegiance led by Veteran Antonio Rios, Marine Corporal

PRESENTATIONS

Older American Month Mayor Hepburn, on behalf of the City Council, presented a Proclamation Declaring the Month of May 2023, as Older Americans Month celebrating older Americans and the key role, they play in sharing the wisdom and experience that inform today's decisions and actions, and fostering the connection and engagement that build strong, resilient communities. La Verne recognizes its responsibility to ensure that every American can age with dignity

The Proclamation was presented to the Senior Advisory Committee.

Outstanding Older American Nomination Mayor Hepburn reported that the Senior Advisory Committee nominated one senior citizen for the Outstanding Older American Award. This recognition is part of the Los Angeles County Commission for Older Adults 58th Annual Older Americans Recognition Day Awards Program, which honors a senior citizen from each city in Los Angeles County.

This year, the Senior Advisory Committee nominated Pat Baur as the City's Outstanding Older American. Pat has been a La Verne resident for 16 years. He served over 4 years in the Navy. He attended Cal Poly Pomona and graduated with a bachelor's degree in business. He worked at Coca Cola working on IBM 360 series computers. After retirement, he joined the La Verne Heritage Foundation and contributed countless hours towards the maintenance and upkeep of the eastern side of Heritage Park, while also serving as Vice President on the La Verne Heritage Foundation's Board. Pat is known as the "Leader of the Pack" amongst the Barn Boys, who along with this group, faithfully comes to work the grounds every Wednesday. Pat is instrumental in various special events that utilize Heritage Park.

Mayor Hepburn, on behalf of the City Council, congratulated Pat Baur for being nominated as the City of La Verne Outstanding Older American and presented him with a Pride of La Verne Certificate.

Asian American and Pacific Islander-Heritage Month

Mayor Hepburn, on behalf of the City Council, presented to Ken and Fang Valmonte, owners of Café Wang a Proclamation declaring the Month of May as Asian American and Pacific Islander Heritage Month Celebrating and paying tribute to the contributions of Asian Americans and Pacific Islanders to American history, society, and culture.

At 6:52 p.m., the City Council recessed and reconvened at 6:57 p.m.

Mayor Hepburn stated that many residents attended tonight's meeting to speak pertaining to proposed development at 740 East Foothill Boulevard, San Dimas and that they will have the opportunity during public comment. As part of the Mayor's statement, he stated that the City was opposed to the development and that a letter of opposition would be considered at the May 15th City Council meeting to send to the Board of Supervisors.

ANNOUNCEMENTS OF UPCOMING COMMUNITY EVENTS

Natalie Chaidez, Fairplex representative, announced that on Friday, May 12, 2023, is La Verne Day at Fair and admission for La Verne residents is only \$1.00.

Robin Carder, Fourth of July of Committee Representative, announced that they met with the La Verne Little League and that La Verne Little League will be participating in the Fourth of July Parade.

George May, La Verne Library Manager, reported on the library's upcoming library community events and programs.

Sherry Best, La Verne Historical Society President, reported on the Society's past and upcoming events.

Yvonne Gallegos, member of the Cultural Awareness and Inclusion (CASI) Committee announced that their next meeting is on Wednesday, May 3, 2023, at 5:00 p.m. at Hillcrest.

Danita Beauchamp, La Verne resident, announced that the Bonita Unified School District will be meeting on Wednesday, May 3, 2023, and requested residents to attend regarding books available in schools.

Kathy Kalousek, La Verne resident, announced that Sowing Seeds for Life next Drive-Thru Panty is on Wednesday, May 3, 2023, at the Charisma Life Church located at 305 E. Arrow Highway, Pomona.

Mayor Pro Tem Crosby announced that two events are being held in support in La Verne K-9 Police Foundation, the La Verne Police Officers' Association (POA) Golf Tournament and a 2023 Dog-Fest in May.

CONSENT CALENDAR

It was moved by Johnson, seconded by Lau, and unanimously carried to accept, approve, or act on the Consent Calendar items except for Item No. 3, Ticket Distribution Policy, which was pulled.

1. City Council Minutes

City Council Minutes of April 17, 2023, ***approved as recommended.***

2. Register of Audited Demands

Register of Audited Demands in the amount of \$1,678,536.34 dated April 13, 2023, and in the amount of \$321,360.80 dated April 20, 2023, ***approved as recommended.***

3. Pulled from the Consent Calendar/ Resolution No. 23-15, Ticket Distribution Policy

Richard Bowen, La Verne resident, stated he was pleased that the City was approving the policy. He stated he would like to see the policy include a provision of no gift giving by contractors and that it is a conflict of interest.

Resolution No. 23-15 Ticket Distribution Policy - The City Council is requested to approve a Ticket Distribution Policy to be included with the City of La Verne's Administrative Regulations. The Policy outlines the City's methods for ticket distribution and reporting that falls in line with regulatory requirements from the Fair Political Practices Commission (FPPC).

It was moved by Johnson, seconded by Lau, and unanimously carried to approve Resolution No. 23-15, adopting a Ticket Distribution Policy.

Resolution 23-15, titled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ADOPTING A TICKET DISTRIBUTION POLICY, ***approved as recommended.***

4. Declaration of Surplus Property

Declaration of Surplus Property - Vehicles and Equipment - This action will declare five vehicles and three pieces of equipment surplus due to age, condition, or no longer meeting operational requirements. Once declared surplus, the equipment will be disposed of per Administrative Regulation No. 606, ***approved as recommended.***

5. 2023-24 Paramedic Service Fee

Finance Director Lopez reported on the 2023-24 Paramedic Service Fee Adjustment. She stated that the City's voter approved Paramedic Service Fee requires an annual public hearing to consider a rate change. The monthly fee is subject to an annual adjustment for a rate change based on the Consumer Price Index.

Mayor Hepburn opened the public hearing and called for public comment.

Danita Beauchamp, La Verne, resident, asked if the anticipated funds from the proposed increase was included in the current budget and what was the percentage of the increase.

Finance Director Lopez responded that yes, the anticipated funds are included in the current budget and the percentage increase is 7.5%.

The City Council all agreed that the Paramedic Service Program is a valuable service for the community.

It was moved by Crosby, seconded by Kashifalghita, and unanimously carried to approve Resolution No. 23-16, as follows:

Resolution No. 23-16,
Adopting the Paramedic
Service Fee

Adopt the Resolution No. 23-16 titled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ADOPTING THE PARAMEDIC SERVICE FEE FOR FISCAL YEAR 2023-24" to adjust the monthly paramedic service fee from \$5.91 to \$6.35.

6. Appointments to the Active
Transportation Committee

Appointments to the Active Transportation Committee - On July 18, 2022, the Assistant City Clerk gave notice of two (2) vacancies on the Active Transportation Committee (ATC). The City Council held ATC interviews on April 24, 2023 and will need to appoint two new members to the committee.

It was recommended that the City Council conduct two motions to appoint new members to the Active Transportation Committee for a term of four years.

It was moved by Johnson, seconded by Lau, and unanimously carried to appoint Sabine Stieber to the Active Transportation Committee to a four-year term.

It was moved by Crosby, seconded by Lau, to appoint Muir Davis to the Active Transportation Committee. Motion failed by a vote of 2-3 (Hepburn, Johnson, and Kashifalghita voted No).

It was moved by Kashifalghita, seconded by Johnson, and carried by a vote of 4-1 (Crosby voted No) to appoint Jarrod Palmer to the Active Transportation Committee to a four-year term.

PUBLIC COMMENT

This was the time set aside for anyone wishing to address the City Council on items not listed in any other place on the agenda. (Below are only partial public comments, please visit the City's website to view the archived Council meeting.)

Mayor Hepburn called for public comment.

The following residents spoke in opposition on the proposed development at 740 East Foothill Boulevard, San Dimas. They cited the development proximity to the surrounding neighborhoods, residents' safety, especially the children, traffic safety issues, and use of Police and Fire resources. They asked for the City Council support and a letter signed by all the Council be sent to the Board of Supervisors strongly opposing the proposed development. A few residents were upset with the City for removing their signs posted in the public right-of-way regarding their campaign to notify residents pertaining to the development and their opposition.

Piper Burke	Carlos LeBlanca
Nicky Hoar	Lilly Brainard
Melissa Burke	Hector Castandas & Mrs. Castandas
Don Hubblell	Richard Bowen
Danita Beauchamp	Wayne Perry
Pam Berry	Kathy Newlon
Jeff Bassler	Cynthia
Joe Gabaldon	Sabine Sullivan
Rich Gill	Cynthis Gabaldon

Michael Carmichael, San Dimas resident
John Ban
Robert Schafer
Two (2) additional residents

Christie, La Verne resident, was very concerned with inappropriate books available to BUSD students at the schools and thought the City Council should be aware.

City Manager Domer addressed the removal of the signs, citing that signs are only removed if there are in the City's right-of-way.

City Manager Domer stated that the City Council will call for a Special meeting on Wednesday, May 3, 2023, at 6:30 for Council to vote on sending a letter in opposition of the proposed development to the Board of Supervisors.

COUNCIL COMMENTS

Below are only partial Council comments, please visit the City's website to view the archived Council meeting.

Council Member Lau thanked the audience for their attendance and participation in tonight's meeting. She reported on the La Verne Police Officers' Association (POA) upcoming Golf Tournament and the University of La Verne Scholarship Gala.

Council Member Johnson recalled that in 2003 when he was first elected to City Council, he was replacing Council Member Gatti who served on the Council for many years. He stated that Council will be adjourning tonight's meeting in memory of Council Member Gatti who recently passed away. He reported that the La Verne Rotary Club planted two Oak trees in memory of Dr. Garbis Der-Yeghiayan, a past Rotary member and a man whose life pursuing peace impacted his local community and the world.

Council Member Kashifalghita stated he strongly supported the residents and he was there for them.

Mayor Pro Tem Crosby stated he appreciated the young speaker's comments who spoke at tonight's meeting regarding the proposed development on Foothill Blvd. in San Dimas.

Mayor Hepburn thanked the Castanedas for their campaign opposing the proposed development and in getting the community together. He stated Council will be addressing the matter and they too, are opposed. He thanked the audience for attending.

The City Council recessed to 8:56.p.m. to closed session.

CLOSED SESSION

The City Council met in Closed Session pursuant to Government Code Section 54957.6 for the following:

Conference with Labor Negotiators

Negotiators: City Manager, Assistant City Manager, and Assistant City Attorney

Employee Organization(s): La Verne City Employees Association, La Verne Police Officers' Association, La Verne Police Middle Management Association, and all unrepresented employees.

The City Council met with its legal counsel to discuss significant exposure to litigation pursuant to Government Code §54956.9(b)(1)(3)(A) – one potential case - Meter Read Error Issued at Multi-Family Complex.

There was no announcement.

Adjournment at 9:45 p.m., in memory of former City Council Member Patrick Gatti. Pat was a long time La Verne resident and business owner of La Verne Florist in Oldtown La Verne. He served as a Council Member for 21 years, from 1982 to 2003, and served as Mayor Pro Tem for some of those years. Pat had a deep passion for the community and ran for Council to serve as a voice for the residents of La Verne.

During his time on the Council, Pat collaborated with and led many committees and commissions including the Child Care Summit Committee, Parks and Recreation Commission, Parks and Human Services Commission, Homeowners Association Advisory Committee, and the Noise Pollution Committee, to name a few. His pride for the community extended far past La Verne's borders spreading across the nation. After the 9/11 attacks, Pat assisted in the development of a parade as La Verne fire engines carried New Yorkers and their families through the streets. La Verne residents cheered and waved as these survivors made their way through the community. He valued collaboration and connections with others as he volunteered to visit our sister city in Acambaro, Mexico in 1987 and advocated for providing resources to their community. Gatti prioritized the economic development of the City and guided the Foothill Blvd Committee towards the development of multiple businesses that fostered La Verne's economic growth.

His service to the City continued after his time as a Council Member. He was part of the Old Town La Verne Business Improvement District for many years. He continued to invest his time and wisdom to the community up to his move to Arizona. He enjoyed his retirement in Arizona spending time with his family and speaking fondly of his memories of La Verne, which was his pride and joy. He is survived by his son, John, and his sister, Rose Marie.

Respectfully submitted,

Lupe Gaeta Estrella, CMC
Assistant City Clerk

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CITY OF LA VERNE
REGISTER OF AUDITED DEMANDS
4/27/2023

DEMANDS PRESENTED HAVE BEEN APPROVED CONSISTENT WITH THE CITY'S PURCHASING/FUNDING POLICY AND HAVE BEEN REVIEWED BY THE FINANCE DIRECTOR FOR ACCURACY AND PROPER APPROVAL.

SUMMARY OF DEMANDS

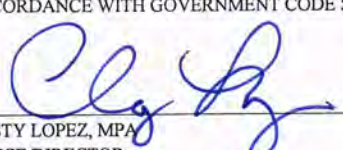
LARGEST 10 CITY DEMAND PAYMENTS OTHER THAN PAYROLL AND RELATED BENEFITS.

	AMOUNT	ISSUED TO	DESCRIPTION
1.	107,927.73	CITY OF POMONA	LAND BASE 3/4/23-3/31/23 & CONTRACT JAIL SERVICES
2.	101,118.99	STRATEGIC CONTRACTING SERVICES	LA CLEAR PERSONNEL SERVICES - 4/1/23-4/15/23
3.	46,684.02	RKA CONSULTING GROUP	ENGINEERING SERVICES - JANUARY & FEBRUARY 2023
4.	43,316.73	MERIDIAN RAPID DEFENSE GROUP LLC	(8) BARRIER TRAILER KITS
5.	29,100.00	ROGERS, ANDERSON, MALODY & SCOTT	ACCOUNTING SERVICES-FEBRUARY 2023 & AUDIT SERVICES FOR FY 2022
6.	27,659.11	GREENSCAPE MAINTENANCE SERVICES, INC.	APRIL 2023 SERVICES
7.	18,115.00	DE NOVO PLANNING GROUP	PROFESSIONAL SERVICES - THROUGH 4/7/23
8.	17,855.33	JONES & MAYER	PROFESSIONAL SERVICES - MARCH 2023
9.	16,852.33	ROGER BASS	LA CLEAR - APRIL 2023 SERVICES
10.	15,613.33	INLAND VALLEY HUMANE SOCIETY	MARCH 2023 SERVICES
	209,521.99	OTHER DEMANDS	
	\$ 633,764.56		

DEMANDS OF \$95,674.59 WERE PAID ON BEHALF OF LA IMPACT FOR LAW ENFORCEMENT TASK FORCE OPERATIONS.

DEMANDS OF \$918,065.51 WERE PAID FOR PAYROLL AND EMPLOYEE BENEFIT RELATED ITEMS.

IN ACCORDANCE WITH GOVERNMENT CODE SECTION 37202, I HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE REGISTER OF AUDITED DEMANDS.


CHRISTY LOPEZ, MPA
FINANCE DIRECTOR

CITY OF LA VERNE
REGISTER OF AUDITED DEMANDS - EXHIBIT A

4/27/2023

CHECK NO.	AMOUNT	ISSUED TO
163923	\$ 3,866.11	AARDVARK
163924	700.00	ACTION WELDING CORP.
163925	211.62	AMAZON CAPITAL SERVICES
163926	99.50	AMERICAN RIVER COLLEGE
163927	250.00	ARGO MEDITERRANIAN GRILL
163928	20.00	ARTGREEN CONSTRUCTION
163929	12,936.43	AT&T MOBILITY
163930	2,673.86	BASSLER ENTERPRISES
163931	500.00	BEVERLY CROWE
163932	400.00	BRAD SANDONA
163933	331.80	BREAK TIME YOGA, LLC
163934	11,799.92	BUCKNAM INFRASTRUCTURE, INC.
163935	250.00	BUTTERCUP CATERING
163936	250.00	CAFE WANG
163937	431.10	CALIF. BUILDING STANDARDS COMM.
163938	508.58	CALIFORNIA PEST MANAGEMENT, INC.
163940	250.00	CHUBBY'S HOMEMADE ICE CREAM
163941	107,927.73	CITY OF POMONA
163942	4,392.50	CIVILTEC ENGINEERING, INC.
163943	4,429.80	CRAFT BREW WATER, INC.
163944	593.92	DANIELS TIRE SERVICE
163945	18,115.00	DE NOVO PLANNING GROUP
163946	35.00	DEBORAH BAKER
163947	704.38	DEPARTMENT OF CONSERVATION
163948	3,637.50	DIESEL EXHAUST & EMISSIONS LLC
163949	418.00	DIVISION OF THE STATE ARCHITECT
163950	250.00	DIXIE ROSE BARBEQUE
163951	374.00	DONNOE & ASSOCIATES INC.
163922	9,800.00	DW CONCRETE
163952	400.00	DWIGHT SMITH
163953	211.06	EFA, LLC
163954	730.80	EKMAN, ROBBIN
163955	568.89	FACTORY MOTOR PARTS
163957	250.00	FIG & CEDAR
163958	893.52	FINN, JUSTINE
163959	53.43	FINN, JUSTINE
163960	462.96	FIREMANS GRAPHICS
163961	1,162.75	FORD OF UPLAND, LLC
163962	460.00	FOREVER WILD EXOTIC ANIMAL SANCTUARY
163963	250.00	FOURTH STREET MILL
163964	400.00	FRED PORTER
163965	960.48	FRONTIER COMMUNICATIONS
163966	70.00	GONZALEZ, JANESEA
163967	275.00	GONZALEZ, SAM
163968	75.65	HIRSCH PIPE AND SUPPLY
163969	662.86	HPS WEST, INC.
163970	15,613.33	INLAND VALLEY HUMANE SOCIETY
163971	218.00	JIANZHONG XU
163972	17,855.33	JONES & MAYER
163973	110.26	ADDIEL, JULIAN
163974	346.40	ADDIEL, JULIAN
163975	275.00	KEVIN BLAIR
163976	545.74	KEYSTONE UNIFORM DEPOT
163977	2,127.95	KJ SERVICES
163978	85.66	KYOCERA DOCUMENT SOLUTIONS WEST
163979	1,623.68	LIFE-ASSIST
163980	1,492.00	LINSCOTT, LAW & GREENSPAN ENGINEERS
163981	250.00	LORDSBURG TAPHOUSE & GRILL INC
163982	3,403.48	LOS ANGELES COUNTY PUBLIC WORKS
163983	848.52	LOZANO, THOMAS

CITY OF LA VERNE
REGISTER OF AUDITED DEMANDS - EXHIBIT A

4/27/2023

CHECK NO.	AMOUNT	ISSUED TO
163984	104.00	LUPE VAZQUEZ
163985	43,316.73	MERIDIAN RAPID DEFENSE GROUP LLC
163986	250.00	MI COCINA MEXICAN GRILL
163987	2,653.02	MIRACLE RECREATION EQUIPMENT CO.
163988	750.00	MODERN MAYHEM SWEETS
163989	35.00	NANCY KING
163990	55.36	ODP BUSINESS SOLUTIONS, LLC
163991	373.56	OPLIGER, ROCKY
163992	1,800.00	ORTCO, INC
163993	2,253.85	PARKHOUSE TIRE, INC.
163994	865.36	PITNEY BOWES GLOBAL FINANCIAL SVCS
163995	250.00	PIZZA BARN
163996	250.00	PRaise CHEESES
163997	1,870.00	PREMIER FAMILY MEDICINE ASSOCIATES
163998	750.76	PROWS, JASON
163999	250.00	RED DEVIL PIZZA
164000	250.00	ROBEKS FRESH JUICES & SMOOTHIES
164001	1,006.00	ROBERTA'S VILLAGE INN
164002	51.47	RODGERS, TYLER
164003	48.45	RODGERS, TYLER
164004	14.00	RODGERS, TYLER
164005	250.00	ROSEGOLD CHARCUTERIE
164006	192.00	SAFESHRED COMPANY, INC.
164007	67.45	SAVAGE, HOLLIE
164008	35.00	SHERRY EAKER
164009	80.00	SONIA ALDAKHIL
164010	27.50	SPARTAN NASH
164011	250.00	SWEET TIME
164012	250.00	THE COOKIE MESS
164013	4,300.00	THE COUNSELING TEAM INTERNATIONAL
164014	500.00	THE DOMINGUEZ GROUP
164015	250.00	THE TENDERLOIN RESTAURANT
164016	423.06	TK ELEVATOR CORPORATION
164017	8,248.58	TPX COMMUNICATIONS
164018	151.56	TRILOGY MEDWASTE WEST, LLC
164019	391.75	UNIVERSITY OF SOUTHERN CALIFORNIA
164020	2,958.63	VERIZON WIRELESS
164021	85.00	VERONICA TORRES
164022	231.75	WAGEWORKS, INC.
164023	186.24	WALTERS WHOLESALE ELECTRIC CO.
164024	2,083.73	ZOLL MEDICAL CORPORATION
164025	1,733.82	4ALLPROMOS
164026	3,023.16	4IMPRINT, INC
EFT	204.50	A. UPLAND FIRE PROTECTION
EFT	91.50	AM-TEC TOTAL SECURITY INC.
EFT	3,042.25	AMAZON CAPITAL SVCS - LVPD
EFT	120.17	AMERICAL GRAPHIC SYSTEMS, INC.
EFT	1,000.00	ARAGON, RICHARD
EFT	5,481.46	BRENNTAG PACIFIC, INC.
EFT	99.20	COLLEGIATE PRESS
EFT	2,617.00	ENVIRONMENT CONTROL PUENTE HILLS
EFT	352.50	GRAINGER
EFT	27,659.11	GREENSCAPE MAINTENANCE SERVICES, INC.
EFT	157.49	INTERSTATE BATTERY INLAND VALLEY
EFT	823.67	L.N. CURTIS AND SONS
EFT	1,430.00	MARTIN SCHERER ELECTRIC, INC.
EFT	95.21	POMONA TRUCK & AUTO SUPPLY
EFT	46,684.02	RKA CONSULTING GROUP
EFT	29,100.00	ROGERS, ANDERSON, MALODY & SCOTT
EFT	1,543.03	SKYLINE SAFETY AND SUPPLY

CITY OF LA VERNE
REGISTER OF AUDITED DEMANDS - EXHIBIT A

4/27/2023

CHECK NO.	AMOUNT	ISSUED TO
EFT	140.61	SOUTH COAST EMERGENCY VEHICLE SVCS.
EFT	339.68	WESTERN WATER WORKS
EFT	7,250.00	CORDRAY ENTERPRISES
EFT	8,937.50	DEROIAN VENTURES LLC
EFT	7,084.00	ECPC SOLUTIONS LLC
EFT	5,450.00	GROUND ZERO TECHNOLOGY
EFT	13,907.08	LIBERTY COASTAL LLC
EFT	5,100.00	MARLYN PACHECO LLC
EFT	11,000.00	MICHAEL W. TYNES
EFT	14,326.97	OWSLEY ENTERPRISES
EFT	16,852.33	ROGER BASS
EFT	101,118.99	STRATEGIC CONTRACTING SERVICES
	633,764.56	
	918,065.51	Total Payroll Demands
	95,674.59	Total LA IMPACT Demands
Total Demand: \$	1,647,504.66	

Payroll and Employee Benefit Payments:

164044	510.00	EMPLOYEE FUND, CITY OF LA VERNE
164045	300.00	FIDELITY INVESTMENTS #P0754
164046	209.62	HEATHER REYES
164047	148.79	UNITED STATES TREASURY
164048	9.00	UNITED WAY CAMPAIGN
BANK DRAFT	565,996.99	PAYROLL 04/09/2023-04/22/2023
BANK DRAFT	2,810.52	CALPERS
BANK DRAFT	1,020.38	STATE DISBURSEMENT BD0005689
BANK DRAFT	34,751.78	STATE OF CALIFORNIA
BANK DRAFT	160,420.62	STATE OF CALIFORNIA
BANK DRAFT	24,750.41	EMPOWER TRUST COMPANY, LLC-457
BANK DRAFT	5,541.76	EMPOWER TRUST COMPANY, LLC-ROTH
BANK DRAFT	7,624.56	EMPOWER TRUST COMPANY, LLC-401A
BANK DRAFT	105,640.57	UNITED STATES TREASURY
EFT	3,169.43	CHARLES SCHWAB BANK
EFT	2,887.00	LA VERNE FIRE ASSOCIATION
EFT	2,274.08	LA VERNE POLICE OFFICERS ASSOCIATION
Total	\$ 918,065.51	

Break down of standard providers and the benefits they provide

Provider	Benefits Description
A.C. Newman Co.	Accidental Death Life Insurance
Delta Dental	Employee dental insurance coverage
The Hartford	Life Insurance Policy
Health Net	Employee health insurance
Kaiser	Employee health insurance
Wage Works	Flexible Savings Account (FSA) deductions
US Treasury	Employee federal tax withholdings
State of California	Employee state income tax, unemployment insurance and child support/garnishments
Mass Mutual A	401A plan
Mass Mutual B	457B plan
Mass Mutual Roth	Roth plan
Lincoln National	Replacement Social Security plan
Fire/Police/La Verne	Employee Group Dues

LA IMPACT Law Enforcement Task Force Demands

164027	2,974.59	BANK OF AMERICA
MULTIPLE	\$ 92,700.00	LAI ENFORCEMENT OPERATIONS
Total	\$ 95,674.59	

CITY OF LA VERNE
REGISTER OF AUDITED DEMANDS - EXHIBIT A

4/27/2023

<u>CHECK NO.</u>	<u>AMOUNT</u>	<u>ISSUED TO</u>
LA IMPACT demands are paid from federal asset forfeiture dollars allocated to LA IMPACT crime prevention activities. These funds are not City funds and are not available for City use outside of LA IMPACT activities.		

CITY OF LA VERNE
REGISTER OF AUDITED DEMANDS
5/4/2023

DEMANDS PRESENTED HAVE BEEN APPROVED CONSISTENT WITH THE CITY'S PURCHASING/FUNDING POLICY AND HAVE BEEN REVIEWED BY THE FINANCE DIRECTOR FOR ACCURACY AND PROPER APPROVAL.

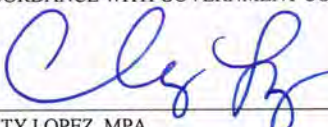
SUMMARY OF DEMANDS

LARGEST 10 CITY DEMAND PAYMENTS OTHER THAN PAYROLL AND RELATED BENEFITS.

	AMOUNT	ISSUED TO	DESCRIPTION
1.	284,447.36	THREE VALLEYS MUNICIPAL WATER DISTRICT	MARCH 2023 WATER USAGE
2.	114,595.04	GENTRY BROTHERS, INC.	PROGRESS BILLING-E & 2ND STREE IMPROVEMENT PROJECT EIFD
3.	79,695.00	POMONA VALLEY TRANSPORTATION AUTHORITY	4TH QUARTER BILLING FOR GETABOUT
4.	45,066.51	FIRE APPARATUS SOLUTIONS	AERIAL REPAIRS
5.	12,888.68	HAAKER EQUIPMENT CO.	LOWER ALUMINUM TANKS FOR VACTOR TRUCK
6.	9,450.80	SO CAL GAS CO.	SERVICES FOR 3/7/23-4/5/23
7.	8,749.40	WEST COAST ARBORISTS, INC.	MAINT. SERVICES 3/16/23-3/31/23
8.	8,600.00	DW CONCRETE	SIDEWALK REMOVAL AND REPLACEMENT
9.	8,482.73	MCCALL'S METERS, INC.	REPLACE FLOW METER
10.	4,995.00	ETHAN BAILEY	LOGO REDESIGN (LVPD)
	72,428.68	OTHER DEMANDS	
	\$ 649,399.20		

DEMANDS OF \$1,637.21 WERE PAID ON BEHALF OF LAIMPACT FOR LAW ENFORCEMENT TASK FORCE OPERATIONS.

IN ACCORDANCE WITH GOVERNMENT CODE SECTION 37202, I HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE REGISTER OF AUDITED


CHRISTY LOPEZ, MPA
FINANCE DIRECTOR

CITY OF LA VERNE
REGISTER OF AUDITED DEMANDS - EXHIBIT A

5/4/2023

CHECK NO.	AMOUNT	ISSUED TO
164049	\$ 425.00	ARROW, JASON
164050	45.64	BUCCOLA LANDSCAPE SERVICES INC
164051	92.50	CALIFORNIA PEST MANAGEMENT, INC.
164052	100.00	CAROLINE DELA VICTORIA
164053	348.66	CHARTER COMMUNICATIONS
164054	53.45	COLLEY FORD
164055	1,142.50	CPAC, INC.
164056	310.00	CPCA
164057	999.00	CUSTOM WATER, INC.
164058	80.00	DIANE GILMARTIN
164059	8,600.00	DW CONCRETE
164060	3,171.03	EMBERTON'S MACHINE & TOOL INC.
164061	4,995.00	ETHAN BAILEY
164062	448.21	EWING IRRIGATION PRODUCTS
164063	45,066.51	FIRE APPARATUS SOLUTIONS
164064	3,821.37	FOREMOST PROMOTIONS
164065	1,599.80	FORTELL TRAFFIC, INC.
164066	1,061.75	FRH REALTY LLC
164067	1,775.74	FRONTIER COMMUNICATIONS
164068	339.76	GALLS, LLC.
164069	114,595.04	GENTRY BROTHERS, INC.
164070	495.35	GREAT WESTERN INK INC.
164071	750.00	GMT
164072	119.77	HIRSCH PIPE AND SUPPLY
164073	18.75	HORIZON LIGHTING INC.
164074	2,795.94	HPS WEST, INC.
164075	46.53	INMARK
164076	100.00	JONASH SALVADOR
164077	180.70	KEYSTONE UNIFORM DEPOT
164078	109.00	KRISTIN HERNANDEZ
164079	804.85	KYOCERA DOCUMENT SOLUTIONS WEST
164080	238.67	LA VERNE PETTY CASH
164081	1,784.50	LIEBERT CASSIDY WHITMORE
164082	1,248.28	LINE GEAR
164083	105.00	LOIS DAVIS
164084	500.00	MARCIA LOPEZ
164085	795.00	MCLAY SERVICES, INC.
164086	1,939.52	MORROW MEADOWS CORP
164087	280.00	RIO HONDO COLLEGE
164088	1,650.00	ROB CLARK CONSTRUCTION & DESIGN, INC.
164089	31.61	SAVAGE, HOLLIE
164090	2,708.94	SCHWALM GENERATION, INC.
164091	234.99	SMART & FINAL IRIS CO.
164092	620.61	SOUTH COAST AQMD
164093	60.00	STEPHANIE LECHUGA
164094	25.00	SWRCB-DWOC
164095	940.92	T-MOBILE
164097	1,194.63	U.S. POSTMASTER
164098	1,701.94	WALTERS WHOLESALE ELECTRIC CO.
164099	444.91	WATEROUS COMPANY
164100	1,248.58	WAXIE SANITARY SUPPLY
164101	2,412.78	WELLS FARGO VENDOR FIN SERV
164102	20.50	WEX BANK
164103	4,900.00	APPLIED INFORMATION SCIENCES CORP.
164104	27.64	TANYA CARTER
164105	349.99	CHARTER COMMUNICATIONS
164106	3,086.36	CHARTER COMMUNICATIONS
164107	1,014.91	DIGITAL SOLUTIONS LLC
164108	95.31	ELITE SURVIVAL SYSTEMS
164109	52.02	FEDEX
164110	49.85	HEADSETS.COM, INC.

CITY OF LA VERNE
REGISTER OF AUDITED DEMANDS - EXHIBIT A

5/4/2023

CHECK NO.	AMOUNT	ISSUED TO
164111	76.23	ODP BUSINESS SOLUTIONS, LLC
164112	325.17	KELLY PORTILLO
164113	185.00	SHANIKA SIRIWARDENA
164114	208.05	SOUTHERN CALIFORNIA TROPHY COMPANY
164115	500.00	TECHNOLOGY MANAGEMENT CONCEPTS
164116	1,556.45	VERIZON WIRELESS
EFT	540.00	AGI ACADEMY
EFT	203.96	ALL STATE POLICE EQUIPMENT CO.
EFT	2,088.00	AMAZON CAPITAL SVCS - FIRE
EFT	682.26	AMAZON CAPITAL SVCS - LVPD
EFT	2,987.78	AMERICAL GRAPHIC SYSTEMS, INC.
EFT	1,250.00	RICHARD ARAGON
EFT	314.61	GRAINGER
EFT	12,888.68	HAAKER EQUIPMENT CO.
EFT	1,380.94	HASA, INC.
EFT	48.96	KRONOS INCORPORATED
EFT	3,004.67	L.N. CURTIS AND SONS
EFT	2,675.00	LA ROQUE BETTER ROOFS, INC.
EFT	500.00	LAW ENFORCEMENT MEDICAL SERVICES
EFT	8,482.73	MCCALL'S METERS, INC.
EFT	250.00	PEST OPTIONS, INC.
EFT	79,695.00	POMONA VALLEY TRANSPORTATION AUTHORITY
EFT	718.50	RKA CONSULTING GROUP
EFT	979.02	SHORT LOAD CONCRETE
EFT	284,447.36	THREE VALLEYS MUNICIPAL WATER DISTRICT
EFT	8,749.40	WEST COAST ARBORISTS, INC.
EFT	956.32	WESTERN WATER WORKS
BANK DRAFT	9,450.80	SO CAL GAS CO.
	649,399.20	
	1,637.21	Total LAIMPACT Demands
Total Demands	\$ 651,036.41	

LAIMPACT Law Enforcement Task Force Demands

164117	1,099.00	CHARTER COMMUNICATIONS
164118	38.21	FEDEX
MULTIPLE	500.00	LAI ENFORCEMENT OPERATIONS
Total	\$ 1,637.21	

LAIMPACT demands are paid from federal asset forfeiture dollars allocated to LAIMPACT crime prevention activities. These funds are not City funds and are not available for City use outside of LAIMPACT activities.

City of La Verne, City Council Agenda Report



DATE: May 15, 2023
TO: Honorable Mayor and City Council
FROM: Meg McWade, Public Works Director
SUBJECT: Public Works Week 2023 Proclamation

SUMMARY

National Public Works Week is May 21 through May 27, 2023 and it is requested for the City Council to proclaim the week in support of the hard work and dedication for all members of the City of La Verne Public Works Department.

RECOMMENDATION

Staff recommends that City Council proclaim May 21, 2023, through May 27, 2023, as Public Works Week. The Proclamation will be presented to Public Works Staff at a future date during Public Works Week.

DISCUSSION

For National Public Works Week, many municipalities from across America come together to celebrate with official government proclamations in honor of the contribution public works makes to their communities. Since 1960, the American Public Works Association (APWA) has sponsored National Public Works Week to energize and educate the public on the importance of public works to their daily lives.

This year the APWA has chosen “Connecting the World Through Public Works,” as the theme for 2023 and designated May 21, 2023, through May 27, 2023, as National Public Works Week.

ATTACHMENTS

- Public Works Week Proclamation

Report Prepared By: Tracy Costello

~PROCLAMATION~

WHEREAS, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the residents of La Verne; and

WHEREAS, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, at all levels of government, who are responsible for rebuilding, improving, and protecting our nation's and City's transportation, water, wastewater, and stormwater treatment, public buildings and spaces, parks and grounds, emergency management and first response, solid waste, and right-of-way management; and

WHEREAS, it is in the public interest for residents, civic leaders and children in La Verne to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works programs in our community; and

WHEREAS, the year 2023 marks the 63rd annual National Public Works Week sponsored by the American Public Works Association; and

WHEREAS, "Connecting the World Through Public Works," the theme of Public Works Week 2023, encourages all Americans to think about the role public works plays in creating great places to live.

NOW, be it proclaimed by the City of La Verne, that the week of May 21-27, 2023, be recognized as

"Public Works Week"

and encourage La Verne residents and businesses to recognize the substantial contribution the men and women of our Public Works Department make to protecting our health, safety, and quality of life.

Dated this 15th day of May, 2023.

Tim Hepburn Mayor

Attest:

Lupe Gaeta Estrella, Assistant City Clerk

City of La Verne, City Council Agenda Report



DATE: May 15, 2023
TO: Honorable Mayor and City Council
FROM: Ken Domer, City Manager
SUBJECT: Military Appreciation Month 2023 Proclamation

SUMMARY

Military Appreciation Month is honored annually in May, and it is requested for the City Council to proclaim the month of May 2023 to officially recognize the sacrifices of those in and out of the United States Armed Services.

RECOMMENDATION

That the City Council proclaim May 2023 as Military Appreciation Month.

DISCUSSION

National Military Appreciation Month is celebrated every May and is a declaration that encourages U.S. citizens to observe the month as a symbol of unity. Numerous municipalities from across America come together to celebrate with official government proclamations to honor members of the United States Armed Forces and their contributions for the preservation of the liberties that have enriched our nation.

The Proclamation will be presented to VFW Post 12034 during the Memorial Day Ceremony on May 29 at Veteran's Hall.

ATTACHMENTS

- Military Appreciation Month Proclamation

Report Prepared By: Andrea Blockinger, Administrative Clerk



City of La Verne

~PROCLAMATION~

WHEREAS, the freedom and security that citizens of the United States enjoy today are direct results of the sacrifices made and the continued vigilance demonstrated by the United States Armed Forces over the history of our great nation; and

WHEREAS, the service and sacrifice made by members of the United States Armed Forces and their families have preserved the liberties that have enriched this nation, making it unique in the world community; and

WHEREAS, California is home to more than 150,000 active military personnel and over 1.8 million veterans who impart courage, honor, and valor to their fellow Californians; and

WHEREAS, members of the Veterans of Foreign Wars Post 12034 Band of Brothers continue to serve the local community through their volunteerism and participation in ceremonial events, including the annual Memorials Day Ceremony; and

WHEREAS, during Military Appreciation Month, we are reminded of the important role the United States Armed Forces have played in the history and development of our country, and of our responsibility as Americans to support and honor their selfless service.

NOW, be it proclaimed by the City of La Verne that the month of May 2023 be recognized as

Military Appreciation Month

and we express deep gratitude to the men and women who serve and have served for our nation.

Dated this 29th day of May, 2023.

Tim Hepburn, Mayor

Attest:

Lupe Gaeta Estrella, Assistant City Clerk



City of La Verne, City Council Agenda Report



DATE: May 15, 2023

TO: Honorable Mayor and City Council

FROM: Yvonne Duran, Community Services Director

SUBJECT: Inclusion Grant Appropriations

SUMMARY

This item seeks City Council authorization and appropriations of \$31,250 with funding from the Grants for Enhanced Community Integration for Children and Adolescents.

RECOMMENDATION

It is recommended that the City Council: appropriate \$31,250 from the Miscellaneous Grants Fund for special needs events/programs, staff training, behavior consultation, and instructional materials.

DISCUSSION

The City of La Verne was awarded a grant through the San Gabriel/Pomona Regional Center and the Department of Developmental Services in March of 2022. The agreement was made and entered on April 10, 2023.

The proposed project and agreement, Community Integration and Friendship Building Through Inclusive Family Activities, was proposed to create a more inclusive environment for individuals aged 3-21 years in social and recreational activities. This project includes staff training to support all social/recreation programs and host 5 family events through the end of the year where individuals with disabilities, their neurotypical siblings, family members and friends can participate in activities together. These events and programs would be at no cost to participants or families.

Training will be provided to staff on person centered thinking. Each participant will have a person-centered profile. Individual and family input will be gathered through the stakeholder's group to ensure these activities address the interests and preferences of individuals and their families. Surveys will be offered to gather input on the success of these events and will enhance future events. We will utilize professional consultants to make sure activities and environments are universally designed and inclusive. Sustainable supplies needed to accommodate more individuals will be recommended by consultants and purchased as part of this grant.

Through this grant, the City will be the first of its kind to offer free private swim lessons to provide intensive support for those with special needs. This summer staff will be able to provide 45 student scholarships with one-on-one weeklong swimming lessons at the La Verne Aquatic Center. Aquatic staff will also receive training from the Director of

Inclusion Grant Appropriations

May 15, 2023

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Children's' Services at Casa Colina who is a registered and licensed Occupational Therapist.

FISCAL ANALYSIS

If approved, appropriations of \$31,250 will need to be added to the Fiscal Year 2022-23 Adopted Budget in the Miscellaneous Grants Fund for special needs events/programs, staff training, behavioral consultation, and instructional materials. Funding for the project is supported by the Grants Funds for Enhanced Community Integration for Children and Adolescents; there will be no fiscal impact on the City's General Fund.

ENVIRONMENTAL ANALYSIS

Not applicable.

LEGAL REVIEW

This report was reviewed and approved by the City Attorney.

ATTACHMENTS

Inclusion Grant Agreement

Coordinated With:

Christy Lopez, Finance Director

Kimberly Hall Barlow, City Attorney

April 10, 2023,

City of La Verne – Community Services Department

**GRANT FUNDS FOR ENHANCED COMMUNITY INTEGRATION FOR CHILDREN
AND ADOLESCENTS (SOCIAL RECREATION)
WITH
CITY OF LA VERNE – COMMUNITY SERVICES DEPARTMENT**

Social Recreation Grant Project 2223-1

This Agreement is made and entered into on April 10, 2023 between the San Gabriel/Pomona Valleys Developmental Services, Inc., a California nonprofit corporation, doing business as San Gabriel/Pomona Regional Center, located at 75 Rancho Camino Dr., Pomona, California, 91766, hereinafter referred to as “SG/PRC”, and City of La Verne – Community Services Department, located at 3660 D Street, La Verne, Ca 91750 hereinafter referred to as “CONTRACTOR”. SG/PRC and CONTRACTOR shall be jointly referred to as the “Parties”.

RECITALS

WHEREAS, SG/PRC operates under a contract with the State of California Department of Developmental Services (DDS) to provide services to individuals with intellectual and developmental disabilities (I/DD) (sometimes referred to as Clients or Consumers) and their families in a geographical “catchment area” which covers the Los Angeles County health districts of El Monte, Foothill, and Pomona;

WHEREAS, SG/PRC and DDS has recognized the importance and need for enhanced community integration for Clients that are children or adolescents ages three (3) to twenty-one (21) years old residing in SG/PRC’s and other affiliated regional centers catchment area;



WHEREAS, CONTRACTOR’s proposal was selected by DDS to receive Enhanced Community Integration for Children and Adolescents grant funding for Fiscal Year 2022/2023, is capable of and desires to develop integrated and inclusive social and recreational programs for families, children, and adolescents with I/DD in underserved communities served by SG/PRC and other affiliated regional centers.

WHEREAS, SG/PRC received funding allocations through operations funds from DDS to fund some or all of CONTRACTOR’s DDS approved project proposal referred to as “Project” that will enhance and develop integrated and inclusive social and recreational programs for Client’s and their families in underserved communities.

WHEREAS, it is intended that CONTRACTOR shall to the furthest extent possible and within the DDS approved budgeted amounts provide the staffing, training, and materials for this Project;

NOW THEREFORE, based on the foregoing Recitals and in consideration of the covenants, conditions and representations contained in this Agreement, it is mutually agreed between the Parties as follows:

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Term: April 1, 2023 to December 1, 2023
Social Recreation Grant Project 2022-2023 - 1

 Contractor  SG/PRC

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April 10, 2023,

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1. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the Parties, pertaining to the subject matter contained herein and supersedes all prior agreements, representations, and understandings of the Parties, either oral or written. No supplement, modification or amendment of this Agreement shall be binding unless executed in writing by both Parties. The recitals set forth above are fully incorporated herein.


2. TERM OF THE AGREEMENT

Subject to the provisions for earlier termination provided herein, the term of this Agreement shall be from April 1, 2023 until December 1, 2023 or when payment on the final milestone claim from CONTRACTOR under this Agreement has been made.

3. FUNDS TO BE PAID TO CONTRACTOR

- a. The total amount of funds payable by SG/PRC to CONTRACTOR as grant funds is not to exceed a total of Thirty-One Thousand Two Hundred and Fifty dollars (\$31,250) and can be used only for the following items approved by DDS:

- (1) Instructional materials not to exceed Five Hundred dollars (\$500).
- (2) Food and Beverages for Training/Workshop attendees for three (3) staff trainings not to exceed Seven Hundred and Fifty Dollars (\$750).
- (3) Food and Beverages for Training/Workshop attendees to offset additional costs of training hours not budgeted for twenty to thirty (20-30) staff not to exceed Five Thousand Dollars (\$5,000).
- (4) Food and Beverages for Training/Workshop attendees for three (3) stakeholder meetings, hosting, and follow-up not to exceed Three Hundred Dollars (\$300).
- (5) Family Carnival Night including advertising and engagement, outreach, games, entertainment, food, and vendors not to exceed Three Thousand and Five Hundred Dollars (\$3,500).
- (6) Holiday Family Movie Night including advertising and engagement/outreach, movie license, technical support, treats and promotions not to exceed Two Thousand and Five Hundred Dollars (\$2,500).
- (7) Family International Night including advertising and engagement, outreach, food, entertainment, photos, and vendors not to exceed Three Thousand and Five Hundred Dollars (\$3,500).
- (8) Luau Night including advertising and engagement, outreach, food, entertainment, photos, and vendors not to exceed Three Thousand and Five Hundred Dollars (\$3,500).
- (9) Holiday Family Night including advertising, engagement, outreach, food, sensory friendly activities, and entertainment not to exceed Three Thousand and Five Hundred Dollars (\$3,500).
- (10) Subcontractor costs for event planning and professional consultation hours with input from Occupational Therapist (OT), Physical Therapist (PT), Speech -Language Pathologist (SLP), and Special Education (SPED) not to exceed Two Thousand and Two Hundred Dollars (\$2,200).

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April 10, 2023,

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
- (11) Subcontractor costs for behavioral consultation and support with contracted Board-Certified Behavior Analyst (BCBA) not to exceed One Thousand Dollars (\$1,000).
- (12) Scholarships for intensive support for swim lessons at the aquatic center not to exceed Five Thousand Dollars (\$5,000).

b. It is understood and agreed that the grant funds provided under this Agreement may not cover the complete cost of the Project. Any additional funds needed to complete the Project, as set forth in Paragraph 4 of this Agreement, will be provided by CONTRACTOR.

4. SERVICES TO BE PERFORMED BY CONTRACTOR

- a. CONTRACTOR agrees to provide services as specified in this Agreement.
- b. CONTRACTOR must comply with the Home and Community-Based Services (HCBS) Final Rule. The purpose of the Final Rule is to ensure that individuals receive services in settings that are integrated and support full access to the greater community. This includes opportunities to engage in community life and receive services to the same degree as individuals who do not receive regional center services (W&I Code section 4501). More information regarding the HCBS Final Rule can be found [here](#).
- c. CONTRACTOR must develop and implement an outreach plan in collaboration with SG/PRC and any affiliated regional centers, that includes how the community will be informed about the grant projects. The plan must also include outreach to diverse communities, in languages that reflect the regional center's catchment area.
- d. CONTRACTOR agrees to provide the following:
 - (1) Staff training to support all social and recreation programs.
 - (2) Host five (5) family events where individuals with disabilities, their neurotypical siblings, family members and friends can participate in activities together.
 - (3) Offer scholarships for additional support to individuals who need more intensive support during swimming lessons in the summer at the La Verne Aquatic Center.
- e. As part of this Agreement, CONTRACTOR shall meet the following key goals established by DDS for Enhanced Community Integration for Children and Adolescents:
 - (1) Improve accessibility of integrated social and recreational programs that are person-centered and culturally and linguistically responsive to the beliefs,

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values and choices of children and adolescents with I/DD;

- (2) Utilize and leverage existing community resources to enhance and develop integrated and inclusive social and recreational programs that are safe and age appropriate; and
- (3) Arrange training locations throughout SG/PRC service area, including setting dates, within 7 months of award.

- f. Grant project completion deadline with final quarterly progress reports and invoice are to be submitted to SG/PRC no later than December 1, 2023.



5. SPECIAL INCIDENT REPORTING.

- a. CONTRACTOR will comply with all requirements for reporting special incidents and all other requirements specified in Title 17, Section 54327. Special incidents include, but are not limited to the following:

- (1) The Client is missing and CONTRACTOR has filed a missing persons report with a law enforcement agency;
- (2) There is reasonably suspected Client abuse or exploitation, including fiduciary and emotional/mental exploitation;
- (3) There is reasonably suspected Client neglect, including the failure to exercise the degree of care that a reasonable person would exercise in the position of having the care and custody of an elder or a dependent adult;
- (4) A serious injury or accident has occurred involving the Client;
- (5) Any unplanned or unscheduled medical hospitalization of the Client has occurred due to specified conditions;
- (6) A Client has died, regardless of cause;
- (7) The Client is the victim of a crime; or a Client is subject to physical restraint, behavioral restraint, seclusion, containment or other actions under Health and Safety Code Section 11180, et seq. (Use of Seclusion and Behavioral Restraints in Facilities) and notice to SG/PRC is required by applicable law.

- b. CONTRACTOR agrees to notify SG/PRC and any appropriate regional center of any special incidents by telephone as soon as possible and in no case later than twenty-four (24) hours from the time of the incident.

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- c. CONTRACTOR shall submit a written report to SG/PRC within forty-eight (48) hours of the incident. The report shall be deemed “submitted” on the date it is postmarked, faxed, or delivered by email to SG/PRC.
- d. The methods for reporting Special Incidents to SG/PRC can be found on SG/PRC’s website at <https://www.sgprc.org/service-providers/special-incident-reporting-sirs>.

6. SUBMISSION OF CORRESPONDENCE

All correspondence, notices, requests and demands shall be deemed received and effective five (5) days from mailing. All notices and demands shall be served by registered or certified mail. All correspondence, notices, requests and demands are to be delivered to the respective Agreement managers at the following addresses:

Tim Travis
SG/PRC



75 Rancho Camino Drive
Pomona, CA 91766
(909) 710-8831
ttravis@sgprc.org

Yvonne Duran, Community Services Manager
City of La Verne – Community Services
Department
3660 D Street
La Verne, Ca 91750
(909) 596-8700
yduran@cityoflaverne.org

7. CONTRACTOR TO SUBMIT DOCUMENTATION TO SG/PRC

- a. CONTRACTOR must provide quarterly progress reports to SG/PRC that includes but is not limited to the data below:
 - (1) Number of individuals that are directly served by the grant project. *Do not count an individual or family more than once.*
 - (2) Race or ethnicity of individuals served by the grant project, if known. Individuals may self-identify their race or ethnicity.
 - (3) Languages spoken and/or written by grantee when providing services funded by the grant Project to individuals.
 - (4) Number of new inclusive social and recreational activities accessed by individuals.
 - (5) Number of individuals that made at least one new friend, if applicable. A “new friend” is someone the individual is familiar with and enjoys their company during play or other interactions.

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- (6) Any difficulties encountered in the completion of CONTRACTOR's Project and any remedial action taken.
- b. To receive payment of funds, CONTRACTOR shall submit written invoices provided by SG/PRC, and quarterly reports, as described in this paragraph, to SG/PRC, for completion of the milestones described in Paragraph 10, entitled "Manner of Payment of Funds" using the schedule below.
 - (1) Each report shall also contain the date of the report, and amount being claimed, with supporting documentation for each expense.
- c. Quarterly progress reports and invoices shall be submitted by the CONTRACTOR to SG/PRC on the following dates:
 - (1) First progress report is due July 7, 2023;
 - (2) Second progress report is due October 6, 2023; and
 - (3) Third and final progress report is due December 1, 2023
- d. All final documentation supporting all of the milestones shall be submitted by the CONTRACTOR no later than December 1, 2023. Final payment shall be withheld until after receipt by SG/PRC of all required documentation.

8. MONITORING BY SG/PRC

SG/PRC shall monitor CONTRACTOR's progress on their Project including, but not limited to, the development of the training series pursuant to this Agreement and the development of the training curriculum. SG/PRC shall also monitor the service to determine that the CONTRACTOR's performance complies with state law and regulations and that SG/PRC expenditure of funds pursuant to this Agreement is within Project priorities, allowable expenditures, and allocations at all times.

9. AUDIT AND INSPECTION OF RECORDS

- a. CONTRACTOR agrees to maintain and make available to SG/PRC and to DDS accurate books, invoices, receipts and accounting records relative to its costs and expenses (hereinafter collectively referred to as the "records") to the extent and in such detail as will properly reflect all net costs, direct and indirect, of labor, materials, equipment, supplies and services or other costs and expenses of whatever nature for which reimbursement is claimed under the provisions of this Agreement.

- (1) Examples of supporting documentation include, but are not limited to, the following:
 - Timesheets

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KAO Contractor [Signature] SG/PRC

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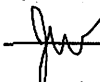
City of La Verne – Community Services Department

- Mileage logs
 - Canceled checks (stamped by the institution from which the money is drawn to indicate funds guaranteed on the check have been paid)
 - Bank statements
 - Purchase receipts
 - Attendance records (e.g., workshops, trainings, etc.)
- b. CONTRACTOR will permit SG/PRC, DDS, and any authorized agency representative to audit, examine and make excerpts, reproductions and transcripts from such records related to all matters covered by this Agreement. CONTRACTOR shall maintain such data and records in an accessible location and condition for a period of not less than five years after final payment under this Agreement, or until after a final audit has been resolved, whichever is later.
- c. All audits shall be conducted in accordance with the provisions of Section 50606 of Title 17 of the California Code of Regulations (CCR). CONTRACTOR shall be bound by Section 50700, *et seq.*, of Title 17 CCR should CONTRACTOR elect to appeal any audit finding or recommendation.
- d. The State of California and any federal agency having an interest in the subject of this Agreement shall have the same rights conferred upon SG/PRC by this section.
- e. CONTRACTOR shall accept financial liability for any and all audit findings and/or recommendations disclosed by audit and promptly repay amounts owed unless such findings and/or recommendations are appealed and liquidation is stayed pursuant to Title 17, California Code of Regulations Section 50705.

10. MANNER OF PAYMENT OF FUNDS

- a. CONTRACTOR will be reimbursed for costs associated with the Project in the manner described in Paragraph 10.b.
- b. The payments hereunder shall be made in accordance with the 2022 Grant Guidelines for Regional Centers and Grant applicants, a true and correct copy of which can be found on DDS's website at <https://www.dds.ca.gov/wp-content/uploads/2022/10/ATTACHMENT-A-Grants-for-Enhanced-Community-Integration-for-Children-and-Adolescents.pdf> and in the stated amounts, upon review and approval by SG/PRC of the quarterly reports associated with the successful completion of the following milestones:
- (1) The first (1st) milestone payment to CONTRACTOR is based upon receipt of a fully executed copy of this Agreement and accompanying invoice. This payment will serve as the advance to initiate the Project described in Paragraph 4 and Exhibit A representing thirty percent (30%) of the total DDS approved grant amount. The amount of this payment shall not exceed the sum of Nine Thousand Three Hundred and Seventy-Five dollars (\$9,375).

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
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April 10, 2023

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- (2) The second (2nd) milestone payment to CONTRACTOR will be made after approval by SG/PRC when the following conditions are met:
- i. The CONTRACTOR reports the expenditure of at least sixty percent (60%) of the funds paid to date or requests an additional payment to ensure the success of the grant Project;
 - ii. SG/PRC determines the grantee is meeting deliverables in accordance with the grant Project;
 - iii. SG/PRC determines the expenses in the most recent progress report are appropriate and in accordance with the approved budget;
 - iv. SG/PRC approves the first (1st) progress report;
 - v. SG/PRC approves the invoice that is submitted with the progress report; and
 - vi. Ninety percent (90%) of the total approved grant amount has not been paid.
 - vii. The amount of this payment shall not exceed the sum of Nine Thousand Three Hundred and Seventy-Five dollars (\$9,375) representing thirty percent (30%) of the total DDS approved grant amount.
- (3) The third (3rd) milestone claim may be submitted by the CONTRACTOR after approval by SG/PRC when the following conditions are met:
- i. The CONTRACTOR reports the expenditure of at least sixty percent (60%) of the funds paid to date or requests an additional payment to ensure the success of the grant Project;
 - ii. SG/PRC determines the grantee is meeting deliverables in accordance with the grant Project;
 - iii. SG/PRC determines the expenses in the most recent progress report are appropriate and in accordance with the approved budget;
 - iv. SG/PRC approves the second (2nd) progress report;
 - v. SG/PRC approves the invoice that is submitted with the progress report; and
 - vi. Ninety percent (90%) of the total approved grant amount has not been paid.

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 Contractor  SG/PRC

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
City of La Verne – Community Services Department

- vii. The amount of this payment shall not exceed the sum of Nine Thousand Three Hundred and Seventy-Five dollars (\$9,375) representing thirty percent (30%) of the total DDS approved grant amount.
- (4) The fourth (4th) milestone final claim may be submitted by the CONTRACTOR when the following conditions are met:
- i. The CONTRACTOR submits its final report within 7 days of completion of the Project or no later than December 1, 2023;
 - ii. The grantee provides a final accounting and reconciliation of funds received and actual grant expenditures and submits its accounting and reconciliation to SG/PRC;
 - iii. SG/PRC has reconciled grantee's invoices against its expenses; and
 - iv. SG/PRC has made a determination that the grantee has satisfactorily completed all the terms and conditions required by the contract, including providing additional information requested by the SG/PRC.
 - v. The amount of this payment shall not exceed the sum of Three Thousand One Hundred and Twenty-Five dollars (\$3,125) representing the final ten percent (10%) of the total DDS approved grant amount.
- c. SG/PRC will review all of the submitted claims documenting completion of one or more milestones detailed in Paragraph 10.b, within five (5) working days of receipt of such claims in the form specified in this Agreement. For the claims that are approved, SG/PRC shall process the release of funds to CONTRACTOR based on the following schedule:
- (1) Invoices processed by the 7th day of any month will be released on the 18th day of that month; and
 - (2) Invoices processed by the 17th day of any month will be released on the 28th day of that month.
- d. SG/PRC is under no obligation to reimburse CONTRACTOR for any expenditures or claims which are not submitted in accordance with this Agreement.

11. CONTRACTOR'S USE OF GRANT FUNDS

- a. Grant funds must be expended on goods and services that will benefit children and adolescents who receive regional center services.

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 Contractor  SG/PRC

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- b. No more than fifteen percent (15%) of regional center funds may be spent on administrative costs (W&I Code section 4629.7).
- c. For entities that receive payments from one or more regional centers, the provider must be in good standing with its independent audit or independent review of its financial statements (W&I Code section 4652.5).
- d. Prior written authorization from SG/PRC and DDS will be required for expenditures not previously approved through the CONTRACTOR's budget in Exhibit A before any reimbursement will be made. The CONTRACTOR must provide in its request for authorization all particulars necessary for evaluation of the necessity or desirability of incurring such costs and of the reasonableness of the cost. This may include but is not limited to copies of receipts, licenses, permits, bank statements, work orders, etc.

12. VENDOR STATUS NEEDED

If vendorization is pursued by CONTRACTOR following the current grant cycle, the CONTRACTOR will comply with all SG/PRC vendorization requirements to obtain and preserve a current vendor status, including maintenance of required insurance.



13. OFFICIALS NOT TO BENEFIT

No member of or delegate to Congress or the State Legislature shall be admitted to any share or part of this Agreement, or to any benefit that may arise there from.

14. NONDISCRIMINATION IN SERVICES, BENEFITS, AND FACILITIES/PROGRAMS

- a. During the performance of this Agreement, CONTRACTOR and its subcontractor(s) shall not deny the Agreement's benefit to any person on the basis of religion, color, ethnic group identification, sex, age, physical or mental disability, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical handicap, mental disability, medical condition, marital status, age (over 40), or sex. CONTRACTOR shall insure that the evaluation and treatment of employees and applicants for employment are free of such discrimination.
- b. CONTRACTOR and its subcontractor(s) shall give written notice of their obligations, where applicable, under this paragraph to labor organizations with which they have a collective bargaining or other agreement.
- c. CONTRACTOR shall include the nondiscrimination and compliance provisions of this paragraph in all subcontracts to perform work under this Agreement.

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
City of La Verne – Community Services Department

- d. By its signature on this Agreement, CONTRACTOR swears under penalty of perjury that no more than one (1) final un-appealable finding of contempt of court by a federal court has been issued against CONTRACTOR within the two-year period immediately preceding the commencement date of this Agreement because of CONTRACTOR's failure to comply with a federal court order that CONTRACTOR comply with an order of a Federal National Labor Relations Board. SG/PRC may rescind this Agreement in the event that CONTRACTOR falsely swears to the truth of the within statement.
- e. In the event of the CONTRACTOR's noncompliance with the discrimination provisions of this Agreement or with any applicable Federal rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and CONTRACTOR may be declared ineligible for further State contracts as provided by law.
- f. SG/PRC will take such action with respect to this Agreement as the State of California may direct as a means of enforcing provisions pertaining to discrimination, including sanctions for noncompliance.

15. TERMINATION

- a. It is expressly understood and agreed that in the event that CONTRACTOR fails to perform its obligations under this Agreement, this Agreement may be terminated by SG/PRC for cause and all of CONTRACTOR's rights hereunder shall be terminated. Such termination for cause shall be effective immediately upon delivery of written notice by SG/PRC. Immediately upon receipt of such written notice, CONTRACTOR shall commence no new work and shall cease all work already begun under this Agreement.
- b. In the event that CONTRACTOR fails to or refuses to comply with the provisions of Paragraph 4, sub-paragraphs a. through f. of this Agreement, CONTRACTOR shall return sums received by it under this Agreement. This provision complies with the resource development provisions of SG/PRC's contract with the State of California Department of Developmental Services.
- c. SG/PRC shall have the right to suspend or terminate this Agreement for cause upon the occurrence of a number of factors which include, but are not limited to, the following:

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
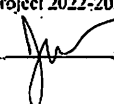
- (1) Failure or refusal of the CONTRACTOR to perform or do any act herein required.
- (2) Evidence of mistreatment of any regional center client, or of any unsafe or hazardous practice in the provision of service or performance under this Agreement.
- (3) Loss of any license(s), accreditation(s), or certification(s) required for lawful operation.
- (4) Failure to maintain practices consistent with good management, such as, but not limited to:
 - (A) Failure to make payments of Worker's Compensation, payroll tax and contribution payments.
 - (B) Failure to adhere to established accounting and fiscal practices designed to meet other regular financial obligations of the program or agency.
 - (C) Failure of CONTRACTOR to meet the Services to be performed by CONTRACTOR listed in this Agreement in above Paragraph 4.

16. BUDGET AND FISCAL PROVISIONS AND TERMINATION IN THE EVENT OF NON-APPROPRIATION

This Agreement is subject to the budget and fiscal provisions of SG/PRC's contract with DDS. Payments made by SG/PRC for services rendered by CONTRACTOR hereunder are subject to and dependent upon sufficient appropriations for payments to be made in the current fiscal year.

However, if sufficient funds are not appropriated by the California Legislature, or if SG/PRC's contract with DDS is terminated or modified or not renewed, such that SG/PRC determines that it is in its best interests to discontinue or reduce the services which are the subject of the within Agreement, then the affected service shall be terminated or modified upon 30 days' written notice to the CONTRACTOR and SG/PRC will be relieved of all obligations hereunder to the extent that sufficient funds are not appropriated or received. The Regional Center shall notify the CONTRACTOR, in writing, of insufficient appropriations or of termination or non-renewal of its contract with the Department of Developmental Services within ten (10) business days of the date that the Regional Center is, itself, notified of same.

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17. APPLICABLE LAWS

CONTRACTOR shall render services in accordance with the applicable provisions of federal and California laws, including Welfare and Institutions Code §§ 4500 and following and regulations promulgated thereunder including California Code of Regulations (CCR), Title 17 commencing at § 50201 and following. The terms of this Agreement shall not be construed to excuse compliance with existing statutes or regulations. CONTRACTOR shall comply with contract requirements and the Service Provider Accountability Regulations, set forth, *inter alia*, in Title 17 §§ 50601 through 50612.

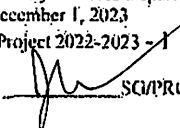
18. INDEPENDENT CONTRACTOR

- a. CONTRACTOR and its agents and employees, in performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of SG/PRC or DDS.
- b. CONTRACTOR shall be wholly responsible for the manner in which CONTRACTOR and its employees perform the services required of CONTRACTOR by the terms of this Agreement.
- c. CONTRACTOR agrees to be solely responsible for all matters relating to payment of its employees, including compliance with Social Security withholdings and all other regulations governing such matters.
- d. CONTRACTOR shall not be, or in any manner represent, imply or hold itself out to be an agent, partner or representative of SG/PRC. CONTRACTOR has no right or authority to assume or create in writing or otherwise any obligation of any kind, express or implied, for or on behalf of SG/PRC. The business to be operated by CONTRACTOR pursuant to this Agreement is separate and apart from the business operated by SG/PRC. The only relationship between CONTRACTOR and SG/PRC is that of independent contractors and neither shall be responsible for any obligations, liabilities or expenses of the other, or any act or omission of the other, except as expressly set forth herein.

19. ASSIGNMENT, TRANSFER AND SUBCONTRACTING

- a. CONTRACTOR shall not contract with any other entity or individual to perform the services specified in this Agreement. Neither this Agreement, nor any interest in this Agreement, may be assigned voluntarily or by operation of law, without the prior written approval from SG/PRC. The experience, skill, knowledge, good judgment, discretion, capability and reputation of CONTRACTOR, its principles, officers, directors, owners and employees were a substantial inducement for SG/PRC to enter into this Agreement.
- b. SG/PRC shall not be responsible for any payments of any kind directly to any subcontractors under any circumstance and shall not have any liability for any

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actions of any subcontractors.

20. AMENDMENT BY LAW

Any provision of this Agreement in conflict with statutes or regulations is hereby amended to conform to the provisions of those statutes and regulations. Such amendment of the Agreement shall be binding on the parties even though such amendment may not have been reduced to writing and formally agreed upon and executed by the Parties. SG/PRC must in good faith notify CONTRACTOR upon its gaining notice of any amendment or new law which would affect this Agreement. If the amendment is not possible and if any provision of this Agreement is declared to be unconstitutional, that portion is to be stricken and the rest of the Agreement is to remain in full force.

21. CONFIDENTIALITY OF RECORDS

The CONTRACTOR shall maintain confidentiality of records in accordance with the provisions of Welfare and Institutions Code §§ 4514, 5328, and 14100.2. The CONTRACTOR and all employees shall respect the confidentiality of all Client information they receive.

22. TIME OF THE ESSENCE

Time is of the essence of this Agreement.

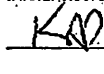

23. FUTURE COOPERATION

CONTRACTOR agrees to cooperate with SG/PRC and will return as soon as possible all documents submitted by SG/PRC which may be required by state or federal laws or regulations, including but not limited to the IRS W-9 form.

24. INDEMNITY AND HOLD HARMLESS AGREEMENT

Each party agrees to indemnify and hold the other party (including each party's officers, employees, and agents) harmless against any and all liability claimed or imposed, including reasonable attorneys' fees, arising from any act or failure to act by the indemnifying party, or its officers, employees, and/or agents, in connection with the performance of its obligations under this Agreement. From termination of this Agreement nor completion of the Services to be performed under this Agreement shall release any party from its respective obligation to indemnify as to any claims or cause of action asserted so long as the event(s) upon which such claims or cause of action is predicated shall have occurred prior to the effective date of termination or completion.

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25. WAIVER

No waiver of a breach of any provision of this Agreement by SG/PRC shall constitute a waiver of any other breach of such provision. Failure of SG/PRC to enforce at any time, or from time to time, any provisions of this Agreement shall not be construed as a waiver thereof. The remedies herein reserved shall be cumulative and additional to any other remedies in law or equity.

26. ARBITRATION

Any controversy, claim or dispute arising out of this Agreement, or modification thereof, or the relationship between the Parties hereto shall be governed by the laws of California and settled by binding arbitration in Los Angeles County, California, in accordance with the rules of the American Arbitration Association for commercial arbitration. This Agreement is entered into in California and shall be interpreted according to its laws. California shall be the exclusive jurisdiction for all legal or administrative proceedings hereunder.

27. ATTORNEYS' FEES

If any action or proceeding is commenced to enforce any provision or right under this Agreement, the unsuccessful party to such action or proceeding, as determined by the Arbitrator, or other tribunal in the event that Arbitration is waived or deemed waived by all parties, shall pay the prevailing party all costs, expenses, and reasonable attorneys' fees incurred by such party and if such prevailing party shall recover judgment in any such action or proceeding, such costs, expenses and attorneys' fees shall be included as part of such judgment.


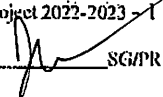
28. INSURANCE

CONTRACTOR agrees to maintain Worker's Compensation with Employers' Liability insurance in a sum not less than one million dollars each occurrence, and comprehensive General and Professional Liability insurance including owned and non-owned and hired auto coverage, in the amount no less than one million dollars, all of which may be provided by lawful self-insurance.

29. AUTHORITY TO SIGN

All Parties executing this Agreement acknowledge and warrant that they possess the authority to enter into this Agreement on behalf of their respective companies/ organizations.

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30. INTEGRATION CLAUSE

This writing, including its attachments and references, is intended as a final expression of the agreement among the Parties. No supplement, modification, or amendment of this Agreement shall be binding unless executed in writing by all the parties. The execution of any amendment or modification to this Agreement shall comply with the requirements of applicable statutes, regulations and provisions of SG/PRC's contract with DDS.

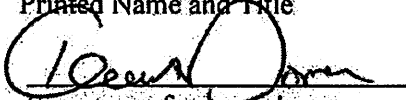
31. HEADINGS

The headings at each paragraph are for reference purposes only and may not accurately describe all requirements in the paragraph. The headings are not an integral part of this Agreement.

Signature of Authorized Representatives of Contracting Parties:

"CONTRACTOR"

City of La Verne – Community Services Department

By: Kenneth A. Doner, City Manager
Printed Name and TitleDate: 4-12-23

Signature of person above


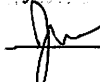
"SG/PRC"

San Gabriel/Pomona Regional Center

By: Jesse B. Weller
Jesse Weller, Executive DirectorDate: 4/14/2023Contractor Acknowledgment of Receipt of referenced Exhibits:

1. Exhibit A - Contractors Proposal and Budget _____(initials)

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Exhibit A

Letter of Intent (Information & Application) and Grant Budget Form

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KD Contractor _____ SC/PRC

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Project Types and Standard Outcome Measures

The Department of Developmental Services created eight different project types that describe broad categories of projects associated with the grants for enhanced community integration for children and adolescents (social rec grants). Standard outcome measures have been developed for each project type.

Standard Outcome Measures for All Grant Projects except Vendorization Assistance:

Grantees will be required to report data for the 8-month grant project term. The following standard outcome measures have been developed for **all grant projects** except Vendorization Assistant, regardless of grant amount.

- Number of individuals that are directly served by the grant project. Do not count an individual or family more than once
- Race or ethnicity of individuals served by the grant project, if known. Individuals may self-identify their race or ethnicity
- Languages spoken and/or written by grantee when providing services funded by the grant project to individuals
- Number of new inclusive social and recreational activities accessed by individuals
- Number of individuals that made at least one new friend, if applicable. A new friend is someone the individual is familiar with and enjoys his/her company during play or other interactions

Definitions:

"Individuals" are those served by a regional center with an intellectual and developmental disability (I/DD).

"General population" includes persons without an I/DD and who are not directly served by the RC, persons without I/DD.

Approved grant projects at or above \$100,000 will also be required to report on supplemental outcome measures associated with the grant project type.

Grants that will provide Vendorization Assistance will report on outcome measures that are unique to this project type, regardless of grant amount.

Project Type: Community Connector

Proposals can include individualized support to families for the purpose of accessing social and recreational programs through community connectors such as community leaders, self advocates, and/or family members. Community connector projects include, but are not limited to, those that:



- Create and disseminate resource guides for community, social and recreational programs
- Coordinate with RC staff individualized options to support access to social and recreational programs including on-going communication between the family, the community connector and the regional center
- Create person-centered one page profiles with individuals to facilitate integration and inclusivity

Supplemental Outcome Measures for Community Connector Projects at or above \$100,000:

- Number and name of inclusive social and recreational programs accessed by individuals through the Community Connector
- List of person-centered thinking tools used to facilitate integration and inclusivity
 - Examples include, but are not limited to: Person Centered Thinking Planning Skills that were used; One Page Profiles; What's Working/Not Working; Good Day/Bad Day; Rituals and Routines; Staff Matching; and Positive Reputation
- Other measurable outcomes

Project Type: Community Engagement and Friendship Outreach

Proposals can increase community awareness and engagement through outreach activities that focus on friendship development and inclusion of individuals with all abilities. Community outreach may include individuals and the general population. Community engagement and friendship outreach projects include, but are not limited to, the following:

- Peer-mentorship training programs
- Big Brother/Big Sister programs
- Socialization or social skills training
- Programs that integrate family and/or siblings in social and recreational activities

Supplemental Outcome Measures for Community Engagement and Friendship Outreach Projects at or above \$100,000:

- Number of training classes held
- Number of people (include general population and individuals) who attended training
- Number of outreach or community engagement events
- Number of people (include general population and individuals) who attended outreach or community engagement events
- Other measurable outcomes

Project Type: Education and Training

Proposals can include education and training programs for staff, peers and the community about: children and adolescents with I/DD and their physical and behavioral needs; how to support children and adolescents with I/DD in social and recreational programs; and how RCs



serve children and adolescents with I/DD. Education and training projects include, but are not limited to, the following:

- Overview of the RC system and types of services and supports provided by the RC
- Impact of developmental disabilities on individuals and their families
- Information about accessing social and recreational programs
- Best practices for direct staff to facilitate and support individuals with I/DD to participate in social and recreational activities
- Peer-mentorship training programs
- Certification programs that focus on supporting people with I/DD and their physical and behavioral needs

Supplemental Outcome Measures for Education and Training Projects at or above \$100,000:

- Number of training classes held
- Number of staff that attended and completed training (may include certification)
 - It is recommended that training programs include an assessment component and criteria for participants to meet training competencies such as pre-tests and post-tests to measure learning. Supporting documentation must be available upon request.
- Number of community members that attended and completed training
- Number of individuals who were served by trained/certified staff
- Other measurable outcomes

Project Type: Financial Assistance

Proposals can provide financial assistance for fees or reduced fees for inclusive social and recreational programs and activities to individuals. Financial assistance projects cannot be income-based.

Awarded funds may not be used to pay RC vendored providers for social and recreational services. Financial assistance will be permitted only if funding of the social and recreational program is not available via POS. Financial assistance is not intended for a one-time activity unless the one-time activity compliments or is part of an ongoing or recurring activity. The one-time activity must be described in the grant proposals.

Financial assistance projects could include, but are not limited to, the following:

- Membership or activity scholarships
- Reduced fees for monthly memberships and/or activity fees
- Art classes that include an exhibition featuring art created by class participants

Supplemental Outcome Measures for Financial Assistance Projects at or above \$100,000:

- Number of reduced fees and/or scholarships granted to individuals
- Dollar value of reduced fees and/or scholarships granted to individuals



- Other measurable outcomes

Project Type: Increased Access to Programs that are Culturally and Linguistically Sensitive

Proposals can increase capacity for bilingual or multilingual staff and provide information or services in languages represented within the RC's catchment area. Bilingual or multilingual staff will support children with I/DD for the purpose of integration into social and recreational programs. Translated documents and educational materials will support access to inclusive social and recreational programs. Projects that increase cultural and language access include, but are not limited to, the following:

- Increased staffing that reflects underserved communities
- Salary or stipends for bilingual/multilingual staff. Stipends may include additional pay for existing staff that provide bilingual/multilingual direct support to individuals. Stipends must be new pay that was not available prior to the grant project
- Cultural and linguistic competence training
- Development and review of documents and translation of outreach materials such as registration forms, flyers, web sites and other educational materials in languages that reflect the catchment area

Supplemental Outcome Measures for Increased Accessed to Programs that are Culturally and Linguistically Sensitive Projects at or above \$100,000:

- Number of new culturally and linguistically competent staff hired
- Number of stipends paid to bilingual/multilingual existing staff
- Number of staff that completed culturally and linguistic competence training;
 - It is recommended that training programs to include an assessment component and criteria for participants to meet training competencies such as pre-tests and post-tests. Supporting documentation must be available upon RC's request.
- Number of training classes related to culturally and linguistically competence training held
- Number and type of documents and outreach materials translated
 - Examples of documents and outreach materials may include but not be limited to brochures, flyers, registration forms, websites, and other types of educational information that will be disseminated to the target population
- Other measurable outcomes

Project Type: Setting Modification

Proposals can include setting modifications that enhance and facilitate equal access to recreational settings and interactions between peers with and without I/DD. Proposals that include modifications for the purposes of meeting American Disability Act (ADA) compliance will not be approved. Proposals must include statute, regulations, or documentation to support that it is not an ADA modification. Modifications are not for capital improvements. Setting



modification projects include, but are not limited to, the following:

- Standing changing stations
- Wheelchair accessible playground equipment

Supplemental Outcome Measures for Setting Modification Projects at or above \$100,000:

- Number of setting modifications completed
- Brief description of progress toward completion of setting modification
- Other measurable outcomes

Project Type: Transportation

Proposals can increase access to inclusive social and recreational programs through transportation. Modifications of vehicle(s) owned by grant applicants must not exceed the value of the vehicle(s).

Transportation projects include, but are not limited to, the following:

- Funding or passes for use of public transportation
- Vehicle modification (e.g., adding a wheelchair lift, van conversion)
- Pick up and drop off service for children and/or adolescents between the family home and a social and recreational program

Supplemental Outcome Measures for Transportation Projects at or above \$100,000:

- Number of completed vehicle modifications
- Brief description of progress toward completion of vehicle modification
- Dollar value and number of bus passes provided to individuals
- Dollar value and number of vouchers provided to individuals
- Number of individuals that used pick up and drop off service. Do not count the same individual more than once
- Other measurable outcomes

Project Type: Vendorization Assistance

Proposals can assist social and recreational programs that are not vendored with a RC pursue and obtain vendorization. Vendorization assistant proposals will provide education about vendorization requirements and establish a RCs vendorization process to guide the social and recreational program. The vendorization assistant will have general knowledge of local social and recreational programs for the purpose of assisting the vendor applicant design a program that will provide inclusive and integrated social and recreational program opportunities. The vendorization assistant will have general knowledge of the RC's restoration of camping, social recreation and other services purchase of service policies.

Vendorization assistant projects include, but are not limited to, the following:



- Education about vendorization requirements
- Program design development
- Collaboration facilitation between the RC and the vendor applicant
- Assistance with translating vendor applications and completing forms required for vendorization
- Assistance with contract execution between the RC and vendor applicant

Supplemental Outcome Measures for Vendorization Assistant Projects at or above \$100,000:

- Number of social and recreational programs contacted and inquired about vendorization interest with a RC.
- Number of social and recreational programs that declined vendorization interest with a RC.
- Number of social and recreational programs in the vendorization process with a RC.
- Number of social and recreational programs in the program design development process.
- Number of social and recreational programs pending RC application and program design review.
- Number of social and recreational programs vendored with a RC.





Grants For Enhanced Community Integration for Children and Adolescents Budget Form

Grant Applicant Information				
Regional Center:	San Gabriel/Pomona Regional Center			
Grant Applicant:	City of La Verne, Community Services Department			
Grant Designer:	Yvonne Duran, Community Services Manager			
Project Name:	Community Integration and Friendship Building Through Inclusive Family Activities			
Personnel Expenses				
Position Title and Description	Wage/Benefit	FTE	Cost	Grant Applicant Comments (if any)
Personal Subtotal		0	\$0.00	
Operating Expenses				
Project Type Expenses	Details	Cost	Grant Applicant Comments (if any)	
Instructional Materials	adaptable craft supplies, adjustable tables, etc.	\$100.00		
Food and beverages for training/workshop attendees	Three staff meetings	\$750.00		
Food and beverages for training/workshop attendees	Offset additional costs of training hours not budgeted for 20-30 staff	\$5,000.00		
Food and beverages for training/workshop attendees	Three stakeholder meetings, hosting and follow-up	\$100.00		
Advertising and engagement/outreach	Family Carnival Night, games, entertainment, food and vendors	\$3,300.00		
Advertising and engagement/outreach	Family Movie Night, movie screening, tech support, treats and swag	\$2,500.00		
Advertising and engagement/outreach	Family International Night, food, entertainment, photos and vendors	\$3,500.00		
Advertising and engagement/outreach	Family Movie Night, food, entertainment, live dancers, photos, less	\$3,500.00		
Advertising and engagement/outreach	Holiday Family Night, parade float for dances, sensory friendly activities, food and entertainment	\$3,500.00		
Subcontractor Costs	Event planning and professional consultation hours, input from OT, PE, SLP, and SPED	\$2,000.00		
Subcontractor Costs	Behavioral consultation and support with a contracted BCBA	\$1,000.00		
Setting Mobile rooms	Scholarships for intensive support for swim lessons at the aquatic center	\$5,000.00		
Operating Subtotal		\$31,350.00		
Administrative/Indirect Expenses				
Position Title and Description	FTE	Cost	Admin Narrative	
Administrative Subtotal	0	\$0.00		
Total Project Cost		\$31,350.00		

RC Designer to Add Comments About Budget Form

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Department Comments

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City of La Verne, City Council Agenda Report



DATE: May 15, 2023

TO: Honorable Mayor and City Council

FROM: Eric Scherer, AICP, Community Development Director

**SUBJECT: CONSIDERATION OF STREET CLOSURE FOR SPECIAL EVENT
PERMIT NO. 26-23SEP – 2023 MEMORIAL DAY CEREMONY EVENT**

SUMMARY

The City Council is requested to approve a street closure for the 2023 Memorial Day Ceremony Event. A City sponsored event, portions of Magnolia Avenue, between Bonita Avenue and 3rd Street, are proposed to be closed for the event occurring on May 29, 2023.

RECOMMENDATION

Staff recommends the City Council authorizes the Public Works Director to take the necessary steps to permit the temporary street closure for a portion of Third Street, between B Street and C Street for the Memorial Day Ceremony on May 29, 2023.

DISCUSSION

The request specifically involves closing both the north and southbound lanes of Magnolia Avenue between Bonita Avenue and 3rd Street. The street closures will occur on May 29th from 7:00am until 1:00pm. The closure of this portion of Magnolia Avenue will be conducted by the La Verne Retired Senior Volunteer Patrol (RSVP), with RSVP vehicles, along with barricades being utilized to close both the street and the alley ways.

FISCAL ANALYSIS

Costs associated with the Memorial Day Ceremony have been included within the Fiscal Year 2022-23 budget.

ENVIRONMENTAL ANALYSIS

Not Applicable.

LEGAL REVIEW

Not Applicable.

ATTACHMENTS

Not Applicable

Report Prepared By: Gabriel Rivera, Assistant Planner

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City of La Verne, City Council Agenda Report



DATE: May 15, 2023

TO: Honorable Mayor and City Council

FROM: Meg McWade, Director of Public Works

SUBJECT: SENATE BILL 1 PROJECT LIST FOR FISCAL YEAR 2023-24

SUMMARY

Each City must submit a Resolution to the California Transportation Commission with a proposed list of projects for Senate Bill 1, the Road Repair and Accountability Act of 2017. This item lists the proposed projects for Fiscal Year 2023-24 to receive the designated funds.

RECOMMENDATION

Staff recommends City Council approval of Resolution No. 23-18, title, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AUTHORIZING A PROJECT LIST AS REQUIRED BY SENATE BILL 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT," approving the proposed SB1 project list for fiscal year 2023-24.

DISCUSSION

Senate Bill 1 (SB1), Road Repair and Accountability Act (RRAA) of 2017 (Chapter 5, Statutes of 2017) was passed by legislature and signed into law by the Governor in April 2017 to address significant multi-modal transportation funding shortfalls statewide. SB1 provides for increased gas taxes and registration fees, which are to be deposited into the State's Road Maintenance and Rehabilitation Account (RMRA). RMRA funds are apportioned to local agencies each year for basic road maintenance, rehabilitation, and other safety projects. SB1 also requires each eligible agency to submit a project list to California Transportation Commission (CTC) in order to receive these funds. La Verne's allocation for fiscal year 2023/24 is estimated at \$813,098 and with carryover from prior years, \$1,527,434 will be available for FY 24 projects.

SB1 emphasizes the importance of accountability and transparency in delivery of California Transportation programs. Therefore, in order to be eligible for RMRA funding, statute requires cities and counties to provide basic annual RMRA project reporting to the California Transportation Commission (CTC) of each year.

Staff is proposing to direct \$1.5M of SB1 funding for fiscal year 2023/24 for the following projects:

Grove Street (White Avenue to Fulton Road)
8th Street (White Avenue to 1st Street)
Marco Court (8th Street to Terminus)

RESOLUTION NO. 23-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AUTHORIZING A PROJECT LIST AS REQUIRED BY SENATE BILL 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City must include a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, in the City budget, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City will receive an estimated \$813,098 in RMRA funding in Fiscal Year 2023-24 from SB 1 and has remaining carryover from prior years to be utilized for this project; and

WHEREAS, the City maintains a Pavement Management System to determine road maintenance priorities and to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment;

NOW, THEREFORE, THE LA VERNE CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The budget for fiscal year 2023-24 shall incorporate the following list of projects planned to be partially funded with Road Maintenance and Rehabilitation Account revenues:

Street Rehabilitation: Grove Street Project Area. The following streets are anticipated to be rehabilitated through this project:

- Grove Street (White Avenue to Fulton Road)
- 8th Street (White Avenue to 1st Street)
- Marco Court (8th Street to Terminus)
- I Street (6th Street to Grove Street)
- Aldon Avenue (6th Street to Grove Street)
- 8th Street (Aldon Avenue to Fulton Road)
- Sherwin Way (8th Street to Terminus)

Laurie Lane (Aldon Avenue to Fulton Road)
Pineland Avenue (8th Street to Terminus)
Nordland Avenue (8th Street to Terminus)
6th Street (White Avenue to Fulton Road)
Orchard Court (6th Street to Terminus)
Ricardo Court (6th Street to Terminus)

The project will extend the useful life of the roadway in a satisfactory or better condition for up to 15 years. Project construction is expected to commence during the spring of 2024.

Section 2. The budget for fiscal year 2023-24 shall incorporate the following budget requests:

- a. Use of Senate Bill 1 Gas Tax funds in the amount of \$1,500,000 (FY 2023/24 allocation and prior years carryover) for use on the herein identified project – Grove Street Project Area.
- b. Use of Senate Bill1 Gas Tax funds for the FY 22/23 previously approved Hayes King Project anticipated to be constructed in Summer 2023.

Section 3. That the Mayor shall sign and the Assistant City Clerk shall attest to the passage and adoption of this Resolution, which authorities shall be in full force and effect throughout the declaration described herein.

PASSED, APPROVED AND ADOPTED this 15th day of May 2023.

ATTEST:

Tim Hepburn, Mayor

Lupe Gaeta Estrella, Assistant City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF LA VERNE)

I hereby certify that the foregoing **Resolution No. 23-18** was duly and regularly adopted by the City Council of the City of La Verne at a meeting thereof held on the **15th day of May 2023**, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAINED

Lupe Estrella, Assistant City Clerk

I Street (6th Street to Grove Street)
Aldon Avenue (6th Street to Grove Street)
8th Street (Aldon Avenue to Fulton Road)
Sherwin Way (8th Street to Terminus)
Laurie Lane (Aldon Avenue to Fulton Road)
Pineland Avenue (8th Street to Terminus)
Nordland Avenue (8th Street to Terminus)
6th Street (White Avenue to Fulton Road)
Orchard Court (6th Street to Terminus)
Ricardo Court (6th Street to Terminus)

FISCAL ANALYSIS

In addition to submitting a project list to the California Transportation Commission (CTC), SB 1 guidelines require that all proposed projects be included within an agency's budget. Therefore, staff is recommending that the City Council approve the full SB1 appropriation within the FY 2023/24 Capital Improvement Budget in the amount of \$1,527,434 for the Grove Street Area Project.

ENVIRONMENTAL ANALYSIS

Not applicable.

LEGAL REVIEW

Not applicable.

ATTACHMENTS

1. Resolution 23-18
2. Map of Project Areas

Report Prepared By:
Ramior Nunez, Acting Maintenance Manager

Senate Bill 1 Map of Project Areas

FY 2023/2024 – SB 1 Project List

The City will use its FY 24 allocation of \$813,098 and \$714,336 in carryover funds, for an anticipated project cost of \$1,527,434 for the Grove Street Project Area.

Grove Street Project Area

Grove Street (White Avenue to Fulton Road)

8th Street (White Avenue to 1st Street)

Marco Court (8th Street to Terminus)

I Street (6th Street to Grove Street)

Aldon Avenue (6th Street to Grove Street)

8th Street (Aldon Avenue to Fulton Road)

Sherwin Way (8th Street to Terminus)

Laurie Lane (Aldon Avenue to Fulton Road)

Pineland Avenue (8th Street to Terminus)

Nordland Avenue (8th Street to Terminus)

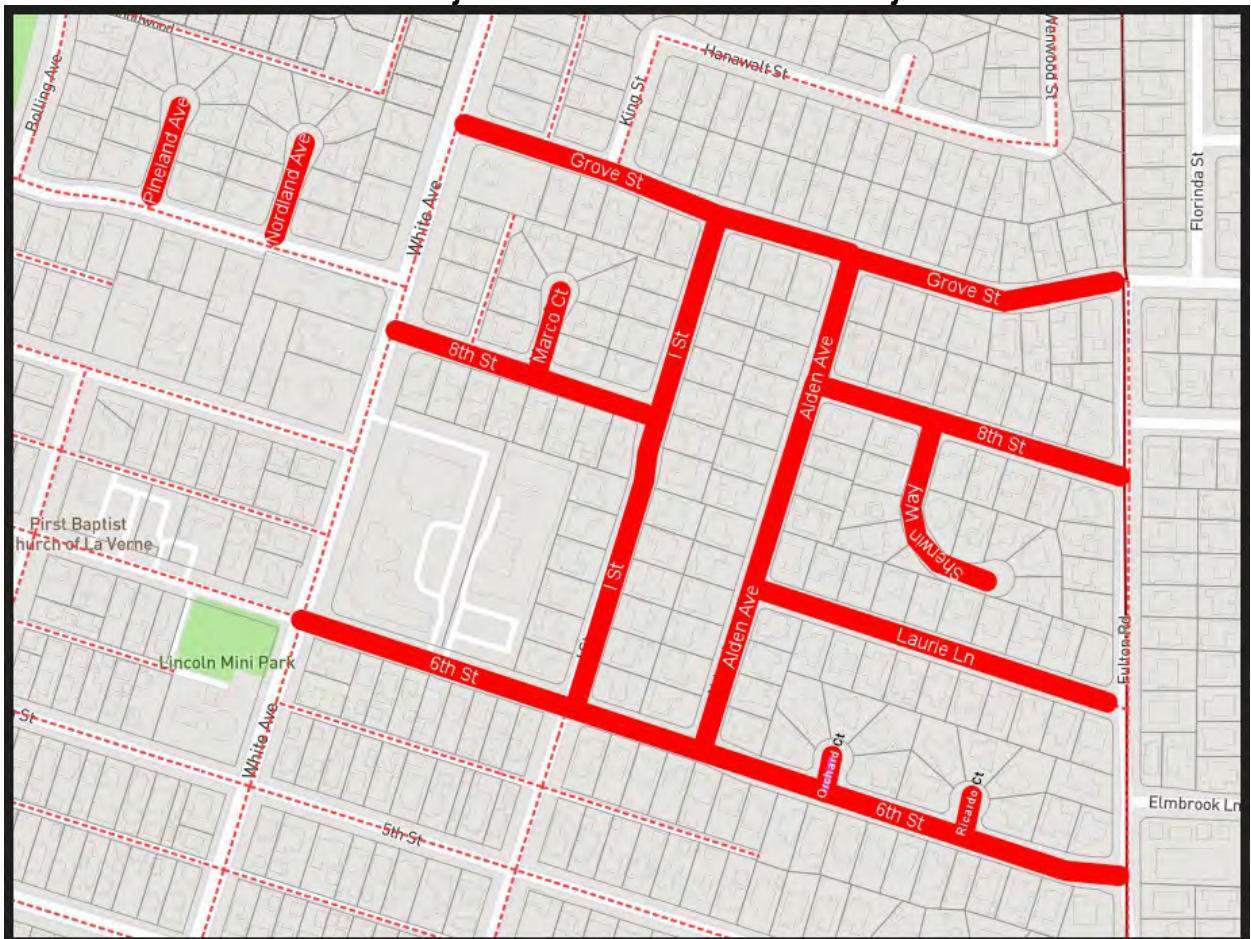
6th Street (White Avenue to Fulton Road)

Orchard Court (6th Street to Terminus)

Ricardo Court (6th Street to Terminus)

The following map shows the streets proposed for rehabilitation with SB1 funds.

Grove Street Project Area – SB 1 FY 2023/24 Project



Attachment 2 – SB1 Map of Project Areas

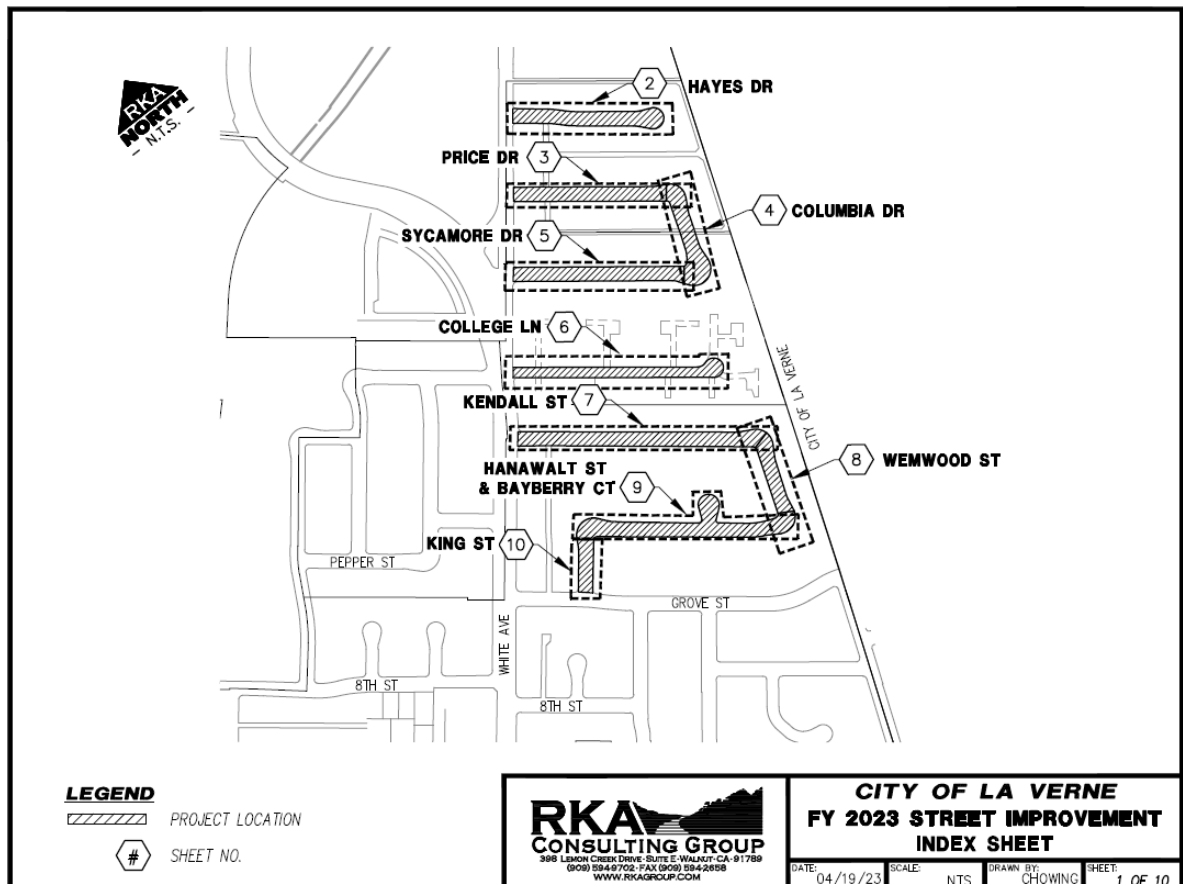
Page 2 of 2

In FY 2022/23, the City designated SB1 funds for the Hayes-King Street project. The project limits were reported as the entire roadway width of:

Hayes-King Street Project Area

Hayes Drive (White Avenue to terminus)
 Price Drive (White Avenue to Columbia Drive)
 Columbia Drive Price Drive to Sycamore Drive)
 Sycamore Drive (White Avenue to Columbia Drive)
 College Lane (White Avenue to Terminus/Annapolis Court)
 Kendall Street (White Avenue to Wenwood Street)
 Wenwood Street (Kendall Street to Hanawalt Street)
 Bayberry Court (Hanawalt to Terminus)
 Hanawalt Street (King Street to Wenwood Street)
 King Street (Groove Street to Hanawalt Street)

This project is currently in final design with construction slated to begin in Summer after construction contract award. The following map shows the street segments included:



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City of La Verne, City Council Agenda Report



DATE: May 15, 2023

TO: Honorable Mayor and City Council

FROM: Eric Scherer, AICP, Community Development Director

SUBJECT: Set Hearing to Consider Old Town La Verne Business Improvement District Annual Report

SUMMARY

A public hearing is required to consider the Annual Report of the Old Town La Verne Business Improvement District (OTLVBD) and it is requested to schedule the hearing for June 5, 2023.

RECOMMENDATION

Staff recommends the City Council adopt the attached Resolution No.23-19 declaring its intention to approve the Old Town La Verne Business Improvement District Annual Report and set a public hearing on the matter for June 5, 2023.

DISCUSSION

In April of 1986, the City Council adopted Ordinance No. 720, establishing a business improvement district for downtown La Verne. In January of 1987, the City Council adopted Ordinance No. 733, establishing an advisory board for the Downtown La Verne Business Improvement District.

In 2002 the advisory board and the City Council officially changed the name of the organization to the Old Town La Verne Business Improvement District. Since formation of the District, it has been the practice of the OTLVBD Advisory Board to submit an Annual Report that includes:

- An overview of prior year activities.
- A proposed budget for the upcoming fiscal year.
- A re-establishment of District boundaries and assessment formula in compliance with the Parking and Improvement Area Law of 1989.

Setting the public “protest” hearing is a required action to consider the OTLVBD annual report.

FISCAL ANALYSIS

None.

Set Hearing for OTLV BID Annual Report
May 15, 2023
Page 2

ENVIRONMENTAL ANALYSIS

None.

LEGAL REVIEW

This report and the attached Resolution were approved by the City Attorney.

ATTACHMENTS

Resolution No. 23-19

Coordinated With:
Kimberly Hall Barlow, City Attorney

RESOLUTION NO. 23-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DECLARING ITS INTENTION TO APPROVE THE ANNUAL REPORT OF THE OLD TOWN LA VERNE BUSINESS IMPROVEMENT DISTRICT WHICH INCLUDES A BUDGET AND REESTABLISHES THE BOUNDARIES AND ASSESSMENT FORMULA FOR THE 2023-2024 FISCAL YEAR AND SETS A PUBLIC HEARING ON THE MATTER

The City Council of the City of La Verne DOES HEREBY RESOLVE as follows:

Section 1. That the City Council of the City of La Verne hereby finds, determines, and declares as follows.

- a. Pursuant to Section 36500 et seq. of the Streets and Highways Code of the State of California, the City Council hereby declares its intention to consider the approval of the annual report for 2022-2023 of the Advisory Board of the Old Town La Verne Business Improvement District; and
- b. The boundaries of the district as described on Exhibit A, attached hereto, shall be the same as adopted in Ordinance No. 720; and
- c. That a public hearing concerning the approval of said report will be held on Monday, June 5, 2023, at 6:30 p.m., or as soon thereafter, in the La Verne City Council Chambers at 3660 D Street and can be viewed on the City's website at www.cityoflaverne.org; and
- d. The assessment formulas as described in Exhibit B, attached hereto, shall be the same as adopted in Ordinance No. 720; and
- e. The proposed uses of the revenues derived from charges imposed in the District are as follows:
 - (1) decoration of any public place in the area;
 - (2) promotion of public events which are to take place on or in the area;
 - (3) furnishing of music in any public place in the area; and
 - (4) the general promotion of business activities in the area.
- f. The proposed budget for fiscal year 2023-2024 is adopted.

Section 2. That the Mayor shall sign and the Assistant City Clerk shall certify to the passage and adoption of this Resolution and thereupon the same shall take effect and be in force.

APPROVED AND ADOPTED this 15th day of May 2023.

Mayor of the City of La Verne

ATTEST:

Assistant City Clerk

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF LA VERNE)

I hereby certify that the foregoing **Resolution No. 23-19** was duly and regularly adopted by the City Council of the City of La Verne at a meeting thereof held on the **15th** day of **May 2023**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lupe Gaeta Estrella, Assistant City Clerk

City of La Verne, City Council Agenda Report



DATE: May 15, 2023

TO: Honorable Mayor and City Council

FROM: Cody A. Howing, City Engineer

SUBJECT: **CITYWIDE LANDSCAPING AND LIGHTING DISTRICT NO. 6 AND ZONES 2, 3, 4-I, 4-II, 5, AND 6; ENGINEER'S REPORT**

SUMMARY

The City Council is requested to review, provide preliminary approval, and set a Public Hearing for the Engineer's Report for Landscaping and Lighting Maintenance District No. 6, for Zones 2, 3, 4-I, 4-II, 5, and 6 for June 19, 2023.

RECOMMENDATION

Staff is recommending that City Council adopt the attached Resolution No.23-20, entitled "A RESOLUTION OF THE CITY COUNCIL, CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE "ENGINEERS REPORT" FOR ANNUAL LEVY OF ASSESSMENTS FOR FISCAL YEAR 2023-24 IN THE EXISTING LANDSCAPING & LIGHTING MAINTENANCE DISTRICT WITHIN SAID CITY, DECLARING ITS INTENTION TO PROVIDE FOR ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR SAME DISTRICT PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON (LLMD #6)," approving the Engineer's Report and setting the public hearing for June 19, 2023, for Landscaping and Lighting District No. 6.

DISCUSSION

Pursuant to the requirements of the Landscape and Lighting Act of 1972, part of Division 15 of the Streets and Highway Code of the State of California, an Engineer's Report for Landscape and Lighting Maintenance District No. 6, including special zones, those areas receiving specific benefit in addition to the special citywide benefit has been prepared for City Council approval. Said approval sets the levy of assessments for Fiscal Year (FY) 2023-24 and sets the public hearing for June 19, 2023. No change in the assessment levy is being proposed for the subject special benefit in Zones 2, 3, 4-1, 4-2 and 5. Zone 5 is proposed to have the levied assessment reduced below the maximum assessment amount to draw down reserves. The formation of Zone 6 allowed for CPI increases which with the March 2023 CPI of 3.7% allows for a maximum assessment per parcel of \$301.39. The maximum assessment of \$301.39 is proposed for this zone.

This report includes descriptions of improvements to be maintained and services to be performed by the City. With the approval of the Utility Tax, the Citywide District Assessment (Zone 1) is proposed to remain at zero. General fund monies are necessary to balance the Budgets in Zone 3 (Wheeler and Tabor) in the amount of \$4,724.00, in Zone 4-1 (North La Verne) in the amount of \$33,406.00 and in Zone 6 (Tract 52965) in the amount of \$1,478.00. Of these three zones, none have reserves to balance the cost to maintain their respective improvements.

The other zones have reserves that are being used to balance their budgets. Zone 5 is proposed to receive a lower than maximum levied assessment to allow excess reserve funds to be drawn down. The levy amount for Zone 6 is proposed to be increased from the prior year to the maximum assessment as a result of increasing costs.

Exhibit "A" is a summary of the per parcel levy of assessment for each zone.

EXHIBIT "A"

AREA	APPROVED 2022-23 LEVY.	PROPOSED INCREASE	PROPOSED DECREASE	PROPOSED 2023-24 LEVY.
Citywide	0	0	0	0
Zone 2	\$67.23	0	0	\$67.23
Zone 3	\$99.59	0	0	\$99.59
Zone 4-I	\$141.85	0	0	\$141.85
Zone 4-II	\$147.09	0	0	\$147.09
Zone 5	\$247.62	0	0	\$247.62
Zone 6	\$265.60	3.7%	0	\$301.39

FISCAL ANALYSIS

Based on the proposed budget for FY 2023-24, application of general fund loans or appropriations in the amount of \$39,608.00 is required to balance the budget for Zones 3, 4-I and 6. Adequate reserve funds are available for the remainder of the Zones.

With the exception of Zone 5, all assessment levies are aligned with the maximum allowable rate. In order to facilitate increases to the proposed assessments in line with the operations and maintenance costs reflective of the current service level, a Proposition 218 ballot process must be held and ultimately approved by the property owners in the respective zones. The City Council can also choose to continue balancing the budget with loans or appropriations from the General Fund. Should the City Council direct staff to proceed with a Proposition 218 ballot process, planning would start immediately and the ballot would be held during next FY to be reflected in the assessments for FY 2024-25.

ENVIRONMENTAL ANALYSIS

The annual maintenance of Landscape and Lighting Maintenance District No. 6 related facilities is categorically exempt from the California Environmental Quality Act, Section 15301 and City of La Verne environmental guidelines.

LEGAL REVIEW

Not applicable.

ATTACHMENTS

1. Resolution No. 23-20
2. Draft Engineer's Report District No. 6

RESOLUTION NO. 23-20

A RESOLUTION OF THE CITY COUNCIL, CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE “ENGINEERS REPORT” FOR ANNUAL LEVY OF ASSESSMENTS FOR FISCAL YEAR 2023-24 IN THE EXISTING LANDSCAPING & LIGHTING MAINTENANCE DISTRICT WITHIN SAID CITY, DECLARING ITS INTENTION TO PROVIDE FOR ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR SAME DISTRICT PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON (LLMD #6)

WHEREAS, this City Council has previously formed a Landscaping District pursuant to the provisions of Division 15, Part 2 of the Streets and Highways Code of the State of California, being the “Landscaping and Lighting Act of 1972,” for a maintenance district to be known and designated as

CITY OF LA VERNE LANDSCAPING & LIGHTING MAINTENANCE DISTRICT NO. 6

(hereinafter referred to as the “District”); and,

WHEREAS, at this time the City Council is desirous to take proceedings to provide for the annual levy of assessments for the next ensuing fiscal year to provide for the costs and expenses necessary to pay for one year of the maintenance of the improvements within said District; and

WHEREAS, at this time there has been presented to this City Council the Engineer’s Report as required by Division 15 of the Streets and Highways Code, and at this time, this City Council is desirous of proceeding with the proceedings for said annual levy;

WHEREAS, this City Council has now carefully examined and reviewed the “Engineer’s Report” as presented, and is satisfied with each and all of the items and documents as set forth therein and is satisfied that the assessment, on a preliminary basis, has been spread in accordance with the benefits received from the maintenance to be performed as set forth in said “Engineer’s Report.”

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA VERNE, CALIFORNIA AS FOLLOWS:

RECITALS

SECTION 1. That the above recitals are all true and correct.

PUBLIC INTEREST

SECTION 2. A. That the public interest and convenience requires, and it is the intention of this City Council to undertake proceedings for the annual levy and collection of special assessments for the continual maintenance of certain landscaping, all to serve and benefit said District as said area is shown and delineated on a map as previously approved by this City Council and on file in the Office of the City Clerk, open to public inspection, and therein so referenced and made a part hereof.

B. That the improvements to be maintained are substantially the same as for the previous fiscal year and reference is hereby made to said proceedings, and there are not substantial changes proposed to be made in any existing improvements or maintenance thereof.

REPORT

SECTION 3. That the “Engineer’s Report” as presented, consisting of the following:

- A. Plans and Specifications,
- B. Estimate of Cost for one-year’s assessment,
- C. Diagram of the Maintenance District,
- D. Assessment of the Reduced Estimated Cost,

is hereby approved on a preliminary basis for Fiscal Year 2023-24 and is ordered to be filed in the Office of the City Clerk as a permanent record and to remain open for public inspection.

That the City Clerk shall certify to the passage and adoption of this resolution and the minutes of this meeting shall so reflect the presentation of the “Engineer’s Report.”

ASSESSMENT

SECTION 4. That the public interest and convenience requires, and it is the intention of this City Council to order the annual assessment levy for the District as set forth and described in said "Engineer's Report," and further it is determined to be within the best public interest and convenience to levy and collect annual assessments to pay the costs and expenses of said maintenance and improvement as estimated in said "Engineer's Report."

DESCRIPTION OF MAINTENANCE

SECTION 5. The assessments which are to be levied and collected shall be for the maintenance of certain landscaping and lighting as set forth in the "Engineer's Report," referenced and incorporated herein.

COUNTY AUDITOR

SECTION 6. The County Auditor shall enter on the County Assessment Roll the amount of the assessments and shall collect said assessments at the time and in the same manner as County taxes are collected. After collection by the County, the net amount of the assessment, after the deduction of any compensation due to the County for collection, shall be paid to the Treasurer for purposes of paying for the costs and expenses of said District.

SPECIAL FUNDS

SECTION 7. That all monies collected shall be deposited in the previously established fund known as

LANDSCAPING & LIGHTING MAINTENANCE DISTRICT NO. 6

Payment shall be made out of said fund only for the purpose provided for in this Resolution, and in order to expedite the making of this maintenance and improvement, the City Council may transfer into said special fund, money from any available source, such funds as it may deem necessary to expedite the proceedings. Any funds shall be repaid out of the proceeds of the assessments provided for in this Resolution.

BOUNDARIES OF DISTRICT

SECTION 8. Said contemplated maintenance work is, in the opinion of this City Council, of direct benefit to the properties within the boundaries of the District, and this City Council makes the costs and expenses of said maintenance chargeable upon the District, which District said City Council hereby declares to be the District benefited by said improvements and maintenance, and to be further assessed to pay the costs and expenses thereof. Said District shall include each parcel of land within the boundaries of

said District as said District is shown in a map as approved by this City Council and on file in the Office of the City Clerk and so designated by the name of the District.

PUBLIC PROPERTY

SECTION 9. Any lot or parcels of land known as public property, as the same are defined in Section 22663 of Division 15, Part 2, of the streets and Highways Code of the State of California, which are included within the boundaries of the Maintenance District, shall be omitted and exempt from any assessment to be made under these proceedings to cover any of the costs and expenses of said maintenance work.

PUBLIC HEARING

SECTION 10. NOTICE IS HEREBY GIVEN THAT ON THE 19th DAY OF JUNE, 2023 AT THE HOUR OF 6:30 P.M. IN THE CITY COUNCIL CHAMBERS OF LA VERNE CITY HALL, IS THE TIME AND PLACE FIXED BY THIS CITY COUNCIL FOR THE HEARING OF PROTESTS OR OBJECTIONS IN REFERENCE TO THE ANNUAL LEVY OF MAINTENANCE ASSESSMENTS FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 6, INCLUDING ZONES 2, 3, 4-I, 4-II, 5, AND 6 TO THE EXTENT OF THE MAINTENANCE AND ANY OTHER MATTERS CONTAINED IN THIS RESOLUTION. ANY PERSONS WHO WISH TO OBJECT TO THE PROCEEDINGS FOR THE ANNUAL LEVY SHOULD FILE A WRITTEN PROTEST WITH THE CITY CLERK PRIOR TO THE TIME SET AND SCHEDULED FOR SAID PUBLIC HEARING.

NOTICE

SECTION 11. The Assistant City Clerk is hereby authorized and directed to notice and publish the public meeting and public hearing as required by law.

SECTION 12. That the Assistant City Clerk is further directed to cause a copy of the Resolution of Intention to be posted upon the official bulletin board customarily used by the City for posting of notices.

EFFECTIVE DATE

SECTION 13. This Resolution is adopted pursuant to the provisions of Section 22623, et seq. of the Streets & Highways Code of the State of California shall take effect immediately upon its adoption.

PROCEEDINGS INQUIRIES

SECTION 14. For any and all information relating to the proceedings, protest procedure, any documentation and/or information of a procedural or technical nature, your attention is directed to the below listed person at the local agency or department so designated:

City Engineer
City of La Verne
3660 "D" Street
La Verne, California 91750
(909) 596-8706

PASSED, APPROVED AND ADOPTED this 15TH day of May, 2023.

Tim Hepburn, Mayor

ATTEST:

Lupe Gaeta Estrella, CMC, Assistant City Clerk

I, Lupe Gaeta Estrella, Assistant City Clerk of the City of La Verne, DO hereby certify that Resolution No. 23-20 was duly passed and adopted by the said City Council at a regular meeting of the said Council held on the 15th day of May, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lupe Gaeta Estrella, CMC, Deputy City Clerk

CITY OF LA VERNE
ENGINEER'S REPORT
FOR LANDSCAPE AND LIGHTING MAINTENANCE
DISTRICT NO. 6
FISCAL YEAR 2023-24

SECTION 1. AUTHORITY FOR REPORT

This report is prepared in compliance with the requirements of Article 4, Chapter 1, Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the streets and Highways Code of the State of California.

Landscape and Lighting District No. 6 ("District") a special benefit assessment district, provides funding for the maintenance of landscaped areas owned by the City of La Verne or provided for by easements to the City of La Verne.

Section 22573, Landscaping and Lighting Act of 1972, requires assessments to be levied according to benefit rather than according to assessed value.

The boundary of the District is completely within the City limits of the City of La Verne and is shown on the Assessment Diagram (on file in the office of the City Clerk at the City Hall of La Verne as Exhibit "A," Pages 1 thru 32). All parcels of real property included within the District are described in detail on maps on file in the Los Angeles County Assessor's Office. Assessment diagrams for individual zones are included within this report.

SECTION 2. PLANS & SPECIFICATIONS FOR THE IMPROVEMENTS

Street Sweeping, Street Lights and Traffic Signals; Citywide

Street sweeping, street lights and traffic signals are no longer included in the Citywide District (Zone 1).

Landscaping; Citywide

Citywide landscaping of a general benefit are no longer included in the Citywide District (Zone 1).

Landscaping, Specific Zones

Zone 1

For Fiscal Year (FY) 2023-24 there are no improvements included in this zone which will be maintained (funded) by this district.

Zone 2

The plans and specifications for the irrigation and landscaping were prepared by the developer and previously approved by the City Engineer. Landscaping generally consists of trees, shrubs and ground cover along First Street within the limits of Tract No. 35405. Landscaping is south of the tract boundary and is visible from First Street. Reference is hereby made to the said plans and specifications for the exact location and nature of the landscape improvements. Said plans and specifications by reference are hereby made a part of this report and are on file in City Hall and are available for public inspection. A location map is attached as Exhibit "B." This zone is located at the southwest corner of Bonita Avenue and Fulton Road. It is bound to the north by Bonita Avenue, to the south by First Street, and to the east by Fulton Road. Generally, the parcels included in this zone front Bonita Avenue, Madison Avenue, Brandt Street, Roosevelt Street and Filmore Court. The proposed assessment for this zone is \$67.23 per parcel, which reflects the current maximum assessment allowed.

Zone 3

The plans and specifications for the irrigation and landscaping were prepared by the developer and previously approved by the City Engineer. Landscaping generally consisting of trees, shrubs, turf and ground cover adjacent to Wheeler Avenue in Tract No. 33912. Reference is hereby made to the said plans and specifications for the exact location and nature of the landscape improvements. Said plans and specifications by reference are hereby made a part of this report and are on file in City Hall and are available for public inspection. A location map is attached as Exhibit "C." This zone is located near the intersection of Foothill Boulevard and Wheeler Avenue. It is bound to the east by Wheeler Avenue and to the south by Metropolitan Water District's Waymouth Treatment Plant. The parcels included in this zone front Doral Street, Tabor Lane, and Ancona Drive. The proposed assessment for this zone is \$99.59 per parcel, which reflects the current maximum assessment allowed.

Zone 4 - Generally

The plans and specifications for the irrigation and landscaping were prepared by the developer and previously approved by the City Engineer. Reference is hereby made to the said plans and specifications for the exact location and nature of the

landscape improvements. Said plans and specifications by reference are hereby made a part of this report and are on file in City Hall and are available for public inspection.

Zone 4-1

This area is commonly referred to as “Rancho La Verne.” Maintained landscape improvements including irrigation systems, trees, shrubs, turf, and ground cover are generally located along Via Rancho La Verne from Baseline Road to Via De Mansion from Wheeler Avenue to Via Campo. The other major element for this zone is the riparian drainage course and pedestrian trail from Birdie Drive to Los Robles. A location map is attached as Exhibit “D”. The location of this zone is north of Baseline Road and east of Wheeler Avenue. The zone extends north to Oak Mesa Park, while the easterly limits of the zone are partially composed of the Marshall Canyon Drainage Channel.

Within the riparian area are improvements including irrigation systems, ground cover, trees, shrubs, drainage structures and pedestrian trail. The pedestrian trail within the “natural” setting benefits all properties in the zone boundaries and also the City generally. Fifty percent of the riparian area, including the pedestrian trail and drainage structure, is of a “general” Citywide benefit. The proposed assessment for this zone is \$141.85 per parcel, which reflects the current maximum assessment allowed.

Zone 4-2

This area is commonly referred to as the “Live Oak Development.” Improvements are generally located along Esperanza Drive from Ridge Crest Drive to Golden Hills Road. Improvements along Esperanza Drive benefit the entire Live Oak developments. Improvements include irrigation systems, trees, turf, shrubs, ground cover and pedestrian/equestrian trail. A location Map is attached as Exhibit “E”. The location of this zone includes, and is generally situated north of Jasmine Court. The north limits of the zone approximately trace Marshall Creek and is bound to the east by the City of La Verne jurisdictional boundary. Limits of the zone west of Esperanza Drive include Starline Street, Quail Court, Partridge Place, Peacock Place, Meadowlark Drive, Prairie Falcon Drive, Blackbird Lane, and Hummingbird Way.

The proposed assessment for this zone is \$147.09 per parcel, which reflects the current maximum assessment allowed.

Zone 5

The plans and specifications for the irrigation and landscaping were prepared by the developer and previously approved by the City Engineer. Landscaping generally consists of trees, shrubs, ground cover and turf on Puddingstone Drive median,

Puddingstone Drive and Wright Avenue intersections with Fairplex Drive and Orange Avenue and the Wheeler Avenue median landscaping. Reference is hereby made to the said plans and specifications for the exact location and nature of the landscape improvements. Said plans and specifications by reference are hereby made a part of this report and are on file in City Hall and are available for public inspection. A location map is attached as Exhibit "F." The zone is located south of Arrow Highway and west of Fairplex Drive. The zone is bound to the north by Metrolink Rail, to the east by Fairplex Drive, to the south by Puddingstone Drive and to the west by the Marshall Canyon Drainage Channel.

For FY 2023-24, as in the seventeen previous fiscal years, costs for the maintenance, including utility expenses for the mini park, streetlights and traffic signal will not be included in this zone. City Council on May 5, 2014, approved the addition of the University of La Verne's Campus West two parcels into this zone. On April 4, 2016, the City Council approved a development agreement with Gilead Sciences, Inc. requiring Gilead to pay 11 times the single parcel fee in the zone which was equal to a previous entitled 11 lot industrial park on the same site. The maximum levy allowed in this Zone is \$305.71. For FY 2023-24, the levy is proposed to be \$247.62 per parcel. The proposed assessment amount is lower than the maximum allowed. Application of excess reserve funds will be utilized to balance the budget while maintaining adequate reserves.

Zone 6

This zone was formed in June of 2002 as a condition of tract Map No. 52965 for the maintenance of landscaping along Fruit and Amherst Streets within the limits of the subdivision. A location map is attached as Exhibit "G". The zone is located to the northeast of the intersection of Fruit Street and Amherst Street. Parcels included in this zone are located on Hartshorn Ranch Place, Oak Tree Lane, and the south side of Bowdoin Street between Fruit Street and Guava Street.

The levy formula approved with the formation of the zone allows for an annual increase of up to three percent per year. For year ending March 31, 2023, the C.P.I. was 3.7 percent. The maximum assessment is thus \$301.39 per parcel. For FY 2023-24, the levy is proposed to be \$301.39 per parcel which is the maximum assessment.

SECTION 3. METHOD OF APPORTIONMENT

No assessment will be made upon the properties within the Citywide District (Zone 1) for FY 2023-24.

The basis for benefit for the significant land uses for the Citywide District (Zone 1) are no longer applicable.

Within the Citywide District there are specific zones which contain unique improvements required with the original development of the properties within the specific zone. These

improvements are landscaping in nature and are included in the discussion in Section 2 of this report. The costs for these improvements are assessed to the respective zones. Each zone has its own expenditure budget. The nature of this landscaping equally benefits each parcel within the individual zone containing the landscaping. As a result of this, each parcel within a zone is equally assessed.

Zone 5, the San Polo La Verne Business Park (formerly Koll Business Park La Verne), was unique to itself. Agreements between the Koll Company and the City of La Verne required that the San Polo La Verne Business Park participate in a specific Landscaping and Lighting Maintenance District. The improvements already included were similar to those improvements included in the Citywide District. Thus Zone 5 did not include the basic assessment for the Citywide District (Zone 1). With the transfer of the funding for the maintenance of improvements included in the Citywide District (Zone 1) from the Citywide Assessment District to the General Fund (Utility Tax) and with the application of the Utility Tax to the parcels within Zone 5, funding for the more general benefit improvements, i.e. traffic signal, mini park and streetlights have been deleted from Zone 5 and are now included in the General Fund.

SECTION 4. ESTIMATED COSTS FOR THE MAINTENANCE OF THE IMPROVEMENTS

Total estimated expenditures for Zones 2 through 6, within District 6 for the FY 2023-24 are as follows:

EXPENDITURE BUDGET**2023-24**

MAINTENANCE ASSESSMENT DISTRICT

ACCOUNT NO 246-5202

FIRST & FULTON

ZONE2

PERSONNEL

REGULAR SALARIES AND WAGES
 PART TIME WAGES
 FRINGE BENEFIT COSTS
 ADMINISTRATION COSTS

TOTAL PERSONNEL SERVICES \$300.00 \$300.00

OPERATIONAL

32-00	OTHER PROFESSIONAL SERVICES	\$0.00
32-05	ARCHITECT/ENGINEERING SERVICES	\$100.00
38-05	ANIMAL CONTROL (GOPHER)	\$0.00
43-05	CONTRACTUAL MAINT. SERVICE	\$1,680.00
54-05	LEGAL NOTICES AND PUBLICATIONS	\$100.00
62-51	ELECTRICITY UTILITY	\$400.00
62-52	CITY UTILITIES/WATER, ETC.	\$2,000.00
65-07	MATERIAL & NURSERY ITEMS	\$0.00
65-16	SPRINKLER/IRRIGATION SUPPLIES	\$300.00
	MISCELLANEOUS	\$0.00

TOTAL OPERATIONAL \$4,580.00 \$4,580.00

COST CENTER TOTAL \$4,880.00

CREDIT (FROM RESERVES) \$1,451.00

TOTAL TO BE ASSESSED \$3,429.00

2023-24 CITYWIDE ASSESSMENT	0.00
2023-24 ZONE 2 EQUAL PARCEL ASSESSMENT (51 PARCELS)	<u>\$67.23</u>
TOTAL PER PARCEL	\$67.23

EXPENDITURE BUDGET**2023-24**

MAINTENANCE ASSESSMENT DISTRICT

ACCOUNT NO. 246-5203

WHEELER & TABOR

ZONE 3

PERSONNEL

REGULAR SALARIES AND WAGES
 PART TIME WAGES
 FRINGE BENEFIT COSTS
 ADMINISTRATION COSTS

TOTAL PERSONNEL SERVICES \$600.00 \$600.00

OPERATIONAL

32-00 OTHER PROFESSIONAL SERVICES \$0.00
 32-05 ARCHITECT/ENGINEERING SERVICES \$150.00
 38-05 ANIMAL CONTROL (GOPHER) \$0.00
 43-05 CONTRACTUAL MAINT. SERVICE \$2,060.00
 54-05 LEGAL NOTICES AND PUBLICATIONS \$100.00
 62-51 ELECTRICITY UTILITY \$200.00
 62-52 CITY UTILITIES/WATER, ETC. \$4,500.00
 65-07 MATERIAL & NURSERY ITEMS \$0.00
 65-16 SPRINKLER/IRRIGATION SUPPLIES \$500.00

TOTAL OPERATIONAL \$7,510.00 \$7,510.00

COST CENTER TOTAL \$8,110.00

DEFICIT (GENERAL FUND LOAN) \$4,724.00

TOTAL TO BE ASSESSED \$3,386.00

2023-24 CITYWIDE ASSESSMENT	\$0.00
2023-24 ZONE 3 EQUAL PARCEL ASSESSMENT (34 PARCELS)	<u>\$99.59</u>
TOTAL PER PARCEL	\$99.59

EXPENDITURE BUDGET**2023-24****MAINTENANCE ASSESSMENT DISTRICT**

ACCOUNT NO. 246-5204

NORTH LA VERNE

ZONE 4-1

PERSONNEL

REGULAR SALARIES AND WAGES
 PART TIME WAGES
 FRINGE BENEFIT COSTS
 ADMINISTRATION COSTS

TOTAL PERSONNEL SERVICES \$6,405.00 \$6,405.00

OPERATIONAL

32-00	PROFESSIONAL SERVICES	\$0.00	
32-05	ARCHITECT/ENGINEERING SERVICES	\$3,600.00	
32-09	OTHER CONTRACTUAL SERVICES		
	- GENERAL	\$0.00	
	- TREES	\$0.00	
38-05	ANIMAL CONTROL (VECTOR/GOPHER)	\$0.00	
43-05	CONTRACTUAL MAINT. SERVICE (RLV)	\$25,000.00	
43-05	CONTRACTUAL MAINT. SERVICE (RIPARIAN CHANNEL)	\$25,000.00	
54-05	LEGAL NOTICES AND PUBLICATIONS	\$500.00	
62-51	ELECTRICITY UTILITY	\$2,000.00	
62-52	UTILITIES/WATER, ETC. (RLV)	\$45,000.00	
62-52	UTILITIES/WATER, ETC. (RIPARIAN CHANNEL)	\$0.00*	
64-00	MISC. MATERIALS & SUPPLIES	\$0.00	
64-07	MATERIAL & NURSERY ITEMS	\$0.00	
65-16	SPRINKLER/IRRIGATION SUPPLIES	\$2,500.00	
	TOTAL OPERATIONAL	\$103,600.00	\$103,600.00

CAPITAL IMPROVEMENTS

TREE REPLACEMENT RESERVE	\$0.00	
TOTAL CAPITAL IMPROVEMENTS	\$0.00	\$0.00

COST CENTER TOTAL \$110,005.00

*GENERAL BENEFIT RIPARIAN CHANNEL \$0.00
 (50% CITY GENERAL FUND CONTRIBUTION)

DEFICIT (GENERAL FUND LOAN) \$33,406.00

TOTAL TO BE ASSESSED \$76,599.00

2023-24 CITYWIDE ASSESSMENT	\$0.00
2023-24 ZONE 4-1 EQUAL PARCEL ASSESSMENT (540 PARCELS)	\$141.85
TOTAL PER PARCEL	\$141.85

EXPENDITURE BUDGET**2023-24**

MAINTENANCE ASSESSMENT DISTRICT

ACCOUNT NO. 246-5205

LIVE OAK

ZONE 4-2

PERSONNEL

REGULAR SALARIES AND WAGES
 PART TIME WAGES
 FRINGE BENEFIT COSTS
 ADMINISTRATION COSTS

TOTAL PERSONNEL SERVICES \$4,075.00 \$4,075.00

OPERATIONAL

32-00 OTHER CONTRACTIONAL. SERVICES \$0.00
 32-05 ARCHITECT/ENGINEERING SERVICES \$2,600.00
 43-05 CONTRACTUAL MAINT. SERVICE \$30,000.00
 54-15 LEGAL NOTICES AND PUBLICATIONS \$1,000.00
 62-51 ELECTRICITY UTILITY . \$2,500.00
 62-52 CITY UTILITIES/WATER, ETC. \$29,000.00
 65-07 MATERIALS/NURSERY ITEMS \$0.00
 65-16 SPRINKLER/IRRIGATION SUPPLIES \$1,000.00
 64-00 MISC. MATERIALS & SUPPLIES \$0.00

TOTAL OPERATIONAL \$66,100.00 \$66,100.00

COST CENTER TOTAL \$70,175.00

CREDITED (FROM RESERVES) \$22,371.00

TOTAL TO BE ASSESSED \$47,804.00

2023-24 CITYWIDE ASSESSMENT	0.00
2023-24 ZONE 4-2 EQUAL PARCEL ASSESSMENT (325 PARCELS)	<u>\$147.09</u>
TOTAL PER PARCEL	\$147.09

EXPENDITURE BUDGET

2023-24

MAINTENANCE ASSESSMENT DISTRICT

ACCOUNT NO. 246-5206

TRACT 52965

ZONE6

PERSONNEL

REGULAR SALARIES AND WAGES

PART TIME WAGES

FRINGE BENEFIT COSTS

ADMINISTRATION COSTS

TOTAL PERSONNEL SERVICES

\$720.00

\$720.00

OPERATIONAL

32-00	OTHER CONTRACTIONAL SERVICES	\$0.00
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32-05	ARCHITECT/ENGINEERING SERVICES	\$200.00
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38-05	ANIMAL CONTROL (GOPHER)L	\$0.00
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43-05	CONTRACTUAL MAINT. SERVICE	\$6,400.00
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54-05	LEGAL NOTICES AND PUBLICATIONS	\$200.00
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62-51	ELECTRICITY UTILITY - LANDSCAPING.	\$500.00
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62-52	CITY UTILITIES/WATER, ETC.	\$2,500.00
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64-00	MISCELLANEOUS SUPPLIES	\$0.00
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65-07	MATERIALS NURSERY ITEMS	\$0.00
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65-16	SPRINKLER/IRRIGATION SUPPLIES	\$0.00
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TOTAL OPERATIONAL

\$9,800.00

\$9,800.00

CAPITAL IMPROVEMENTS

TREE TRIMMING RESERVE

\$ 0.00

TOTAL CAPITAL IMPROVEMENTS

\$ 0.00

\$ 0.00

COST CENTER TOTAL

\$10,520.00

DEFICIT (GENERAL FUND LOAN)

\$1,478.00

PAYMENT OF DEFICIT (FROM CITY)

(\$0.00)

TOTAL TO BE ASSESSED

\$9,042.00

2023-24 CITYWIDE ASSESSMENT	0.00
2023-24 ZONE 6 EQUAL PARCEL ASSESSMENT (30 PARCELS)	<u>\$301.39</u>
TOTAL PER PARCEL	\$301.39

SECTION 5. DIAGRAM FOR THE ASSESSMENT DISTRICT

A copy of the assessment diagram is on file with the office of the City Clerk of the City of La Verne as "Exhibit A". Reduced diagrams for Zones 2, 3, 4-1, 4-2, 5, and 6 are attached for your convenience as Exhibits "B", "C", "D", "E", "F", and "G" respectively. Full size maps are available in the office of the City Engineer.

SECTION 6. ASSESSMENT

The landscaping was developed and is maintained for the benefit and enjoyment of all the properties included within the assessment district boundaries, and all parcels benefit from the improvements.

The net amounts to be assessed are:

City-wide Base Amount

\$ 0.00

Zone 2

\$ 3,429.00

Zone 3

\$ 3,386.00

Zone 4-1

\$76,599.00

Zone 4-2

\$47,804.00

Zone 5

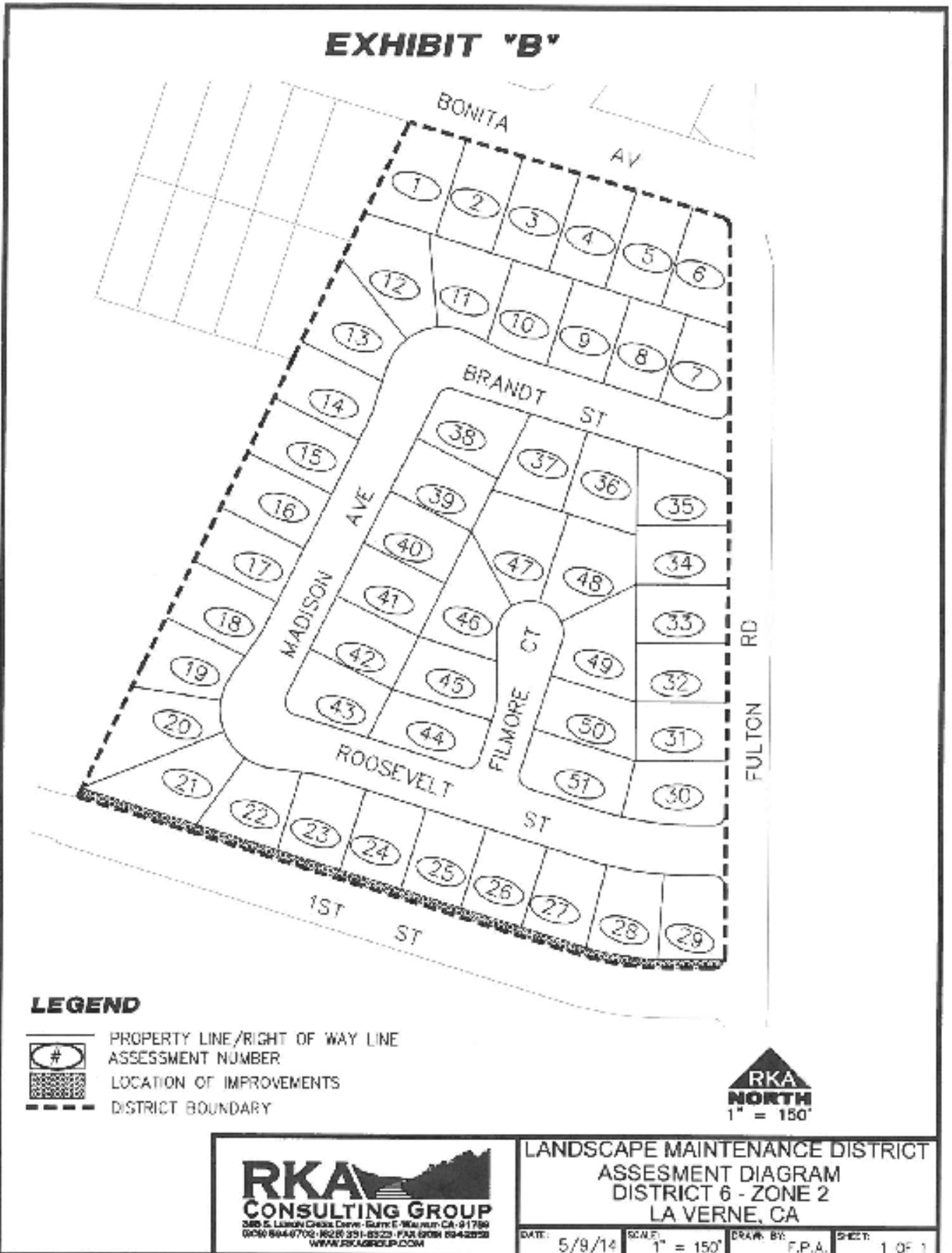
\$19,810.00

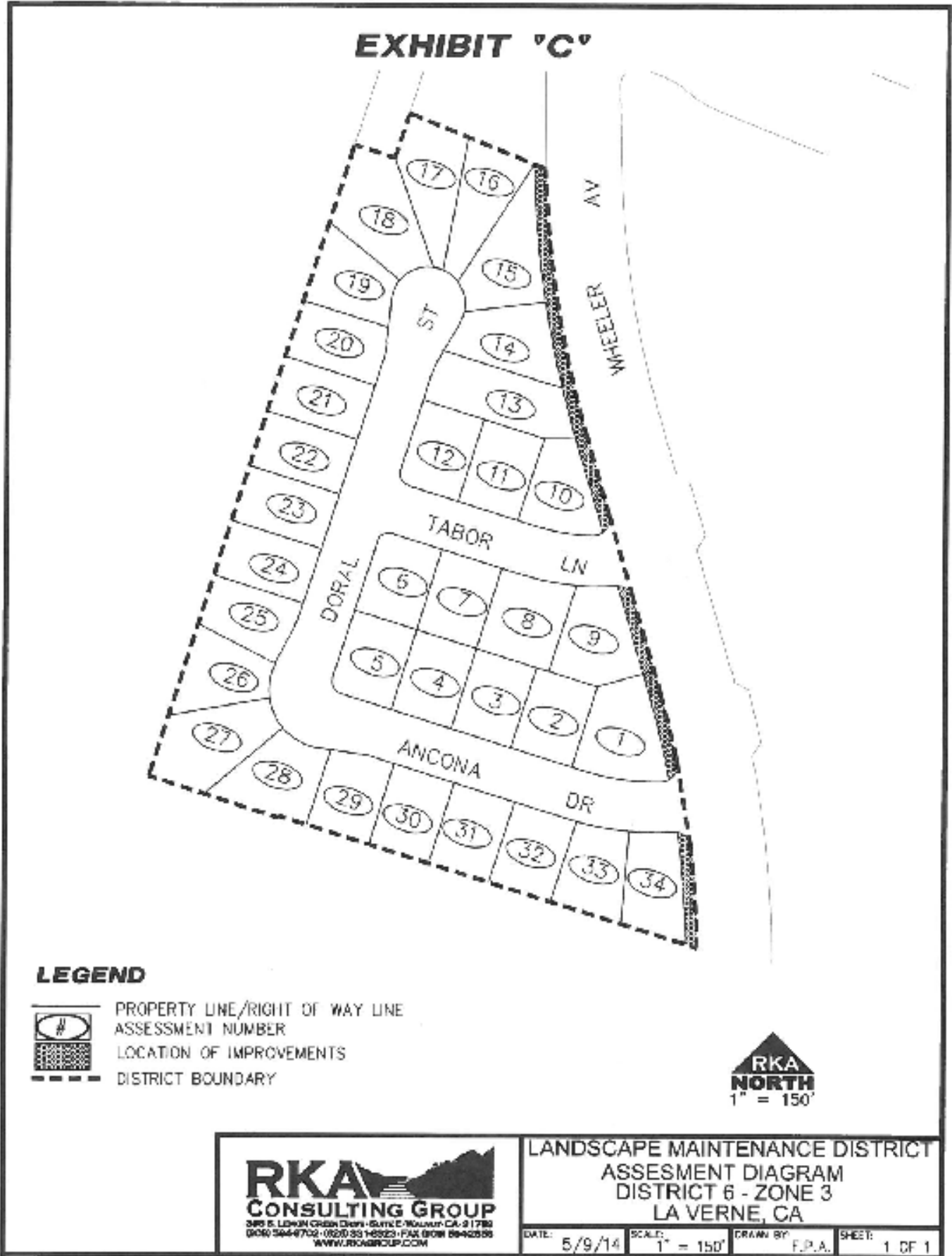
Zone 6

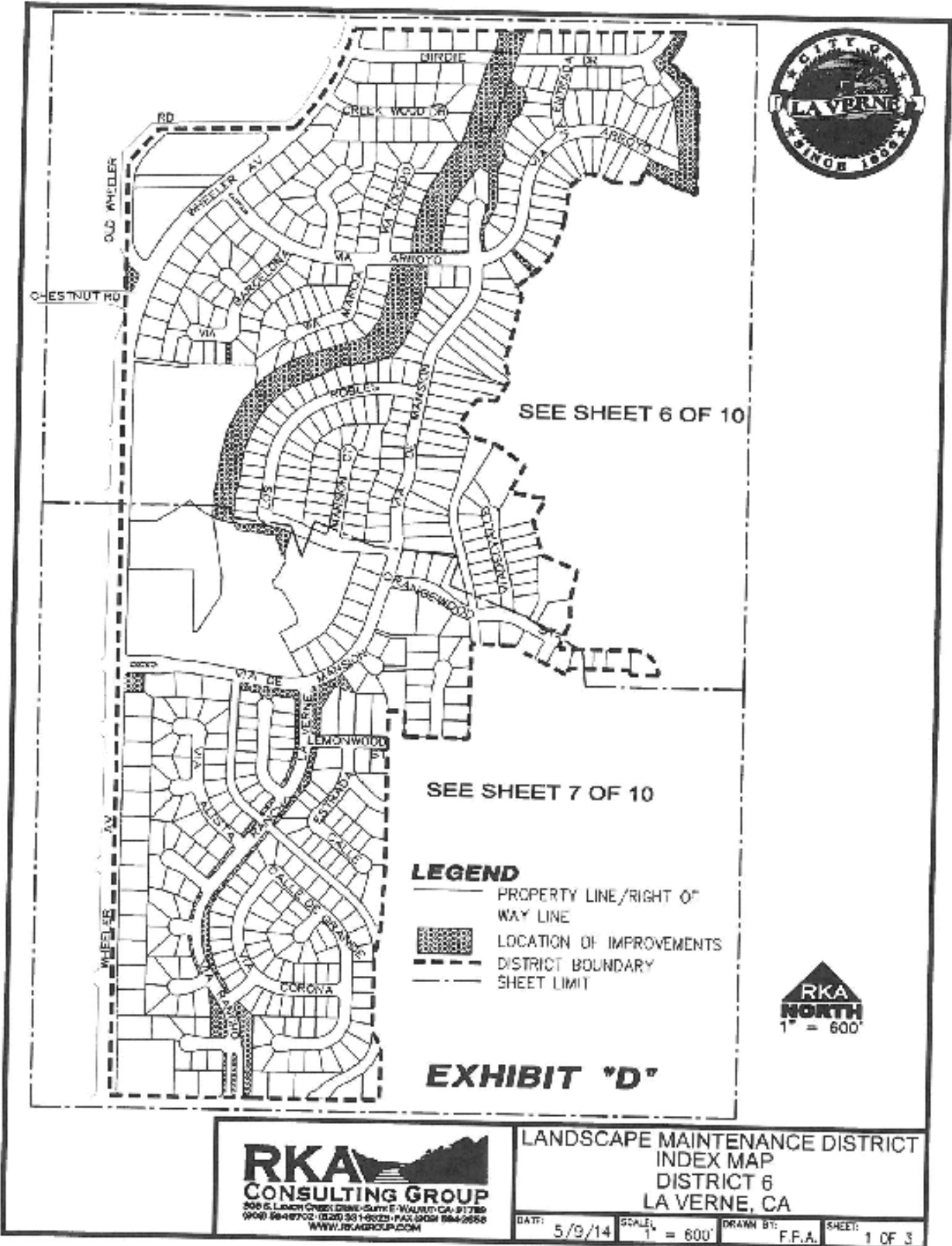
\$ 9,042.00

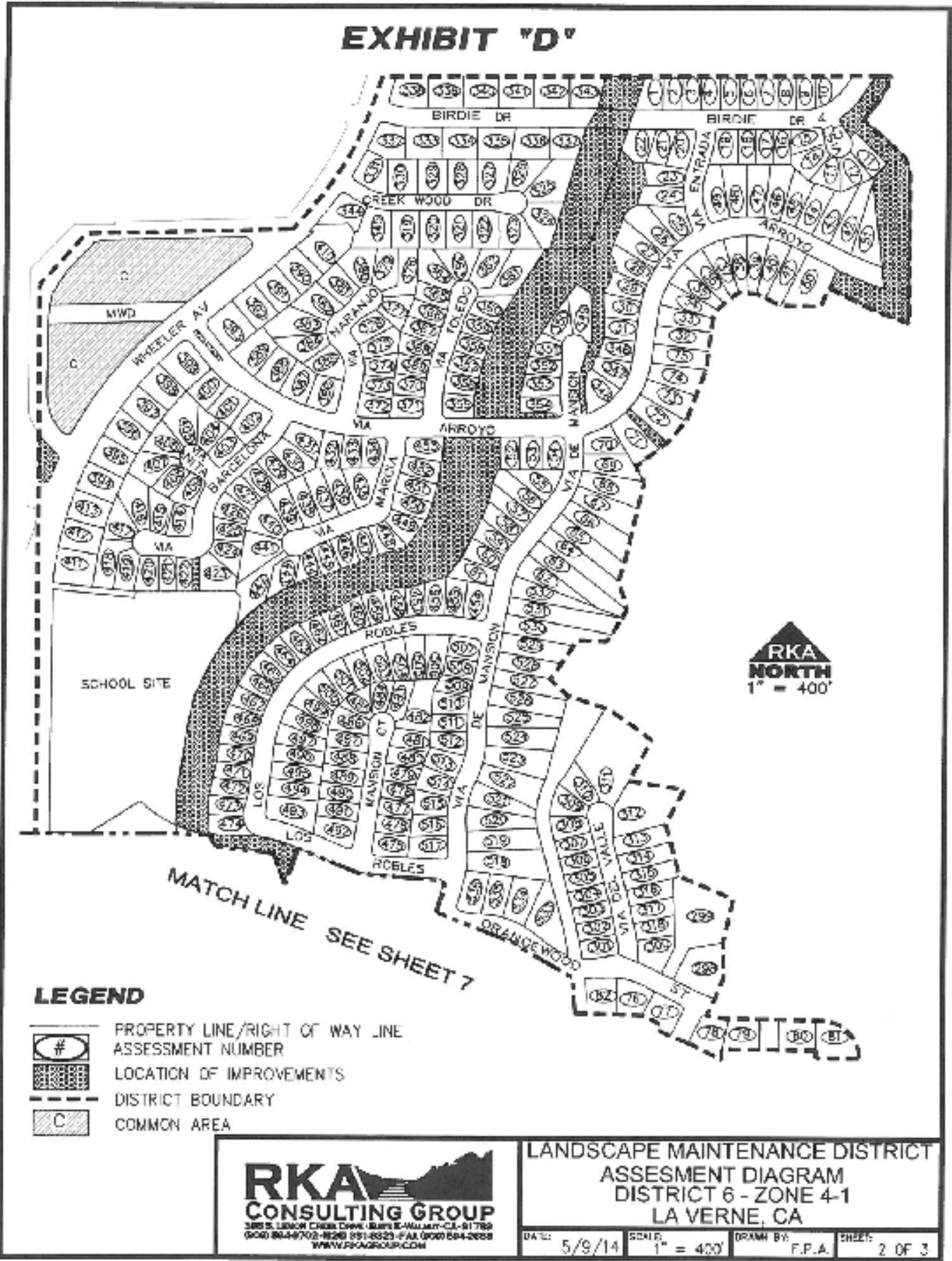
In order to balance the expenditures versus the assessments for this FY, a credit from the reserves of Zones 2, 4-2 and 5 was applied, while Zones 3, 4-1 required general fund loans. Proposed assessment for Zone 6 will generate adequate revenue to cover expenditures for this FY.

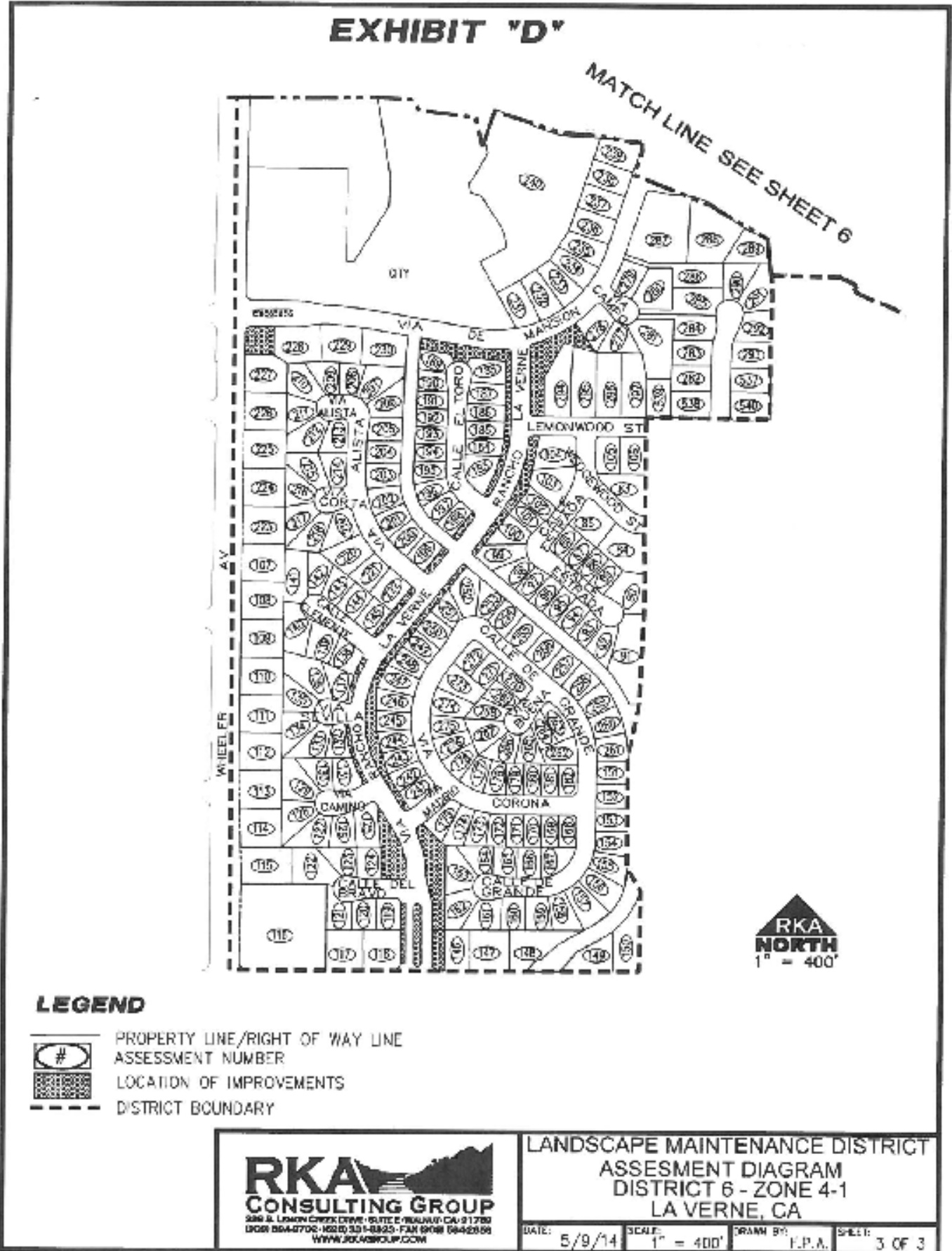
As required by said Act, a diagram is attached hereto showing the District and the boundaries and dimensions of the respective parcels of land within said District as the same existed at the time of the adoption of the Resolution of Intention and the initiation of these proceedings as each parcel has been given a separate number upon said Diagram.

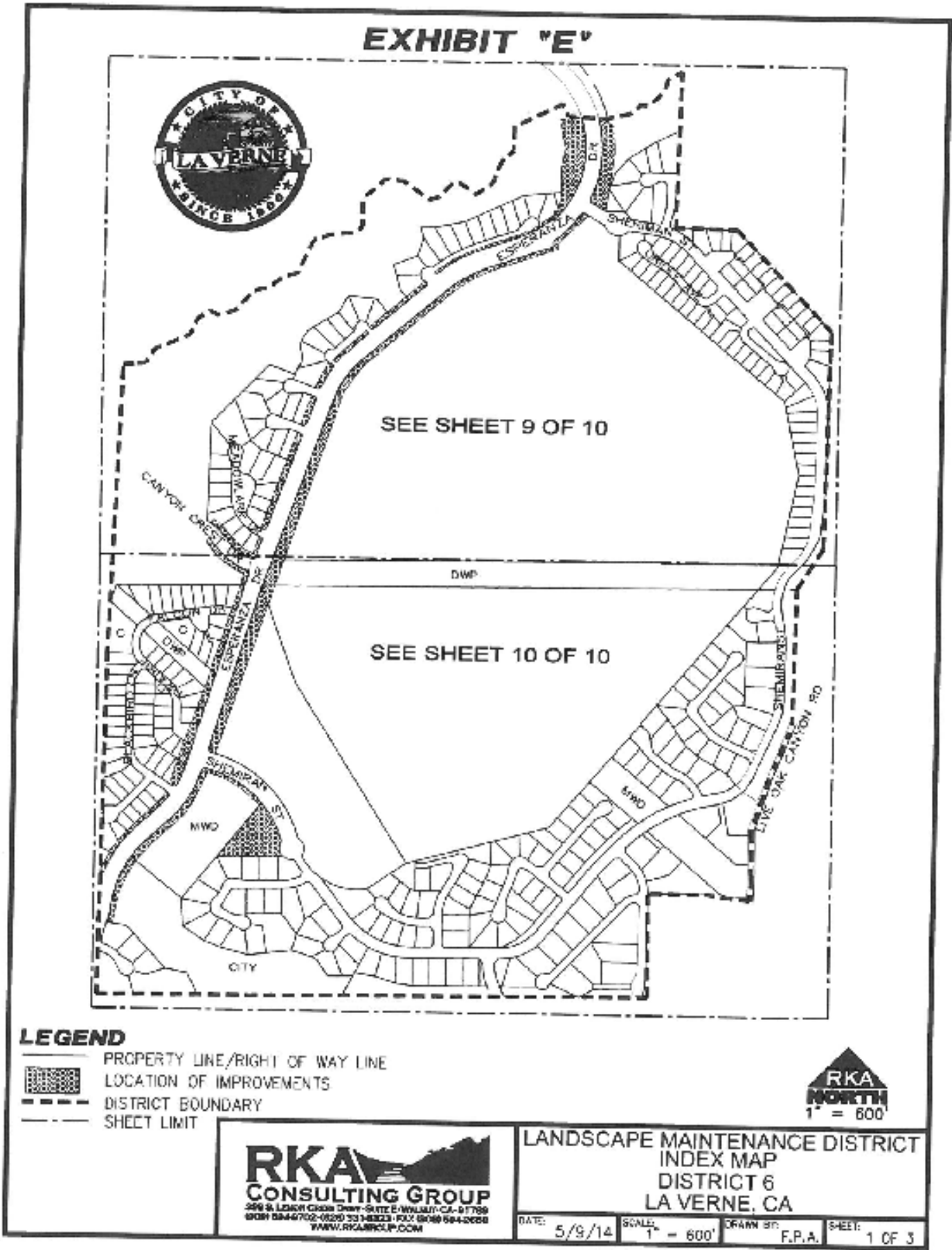












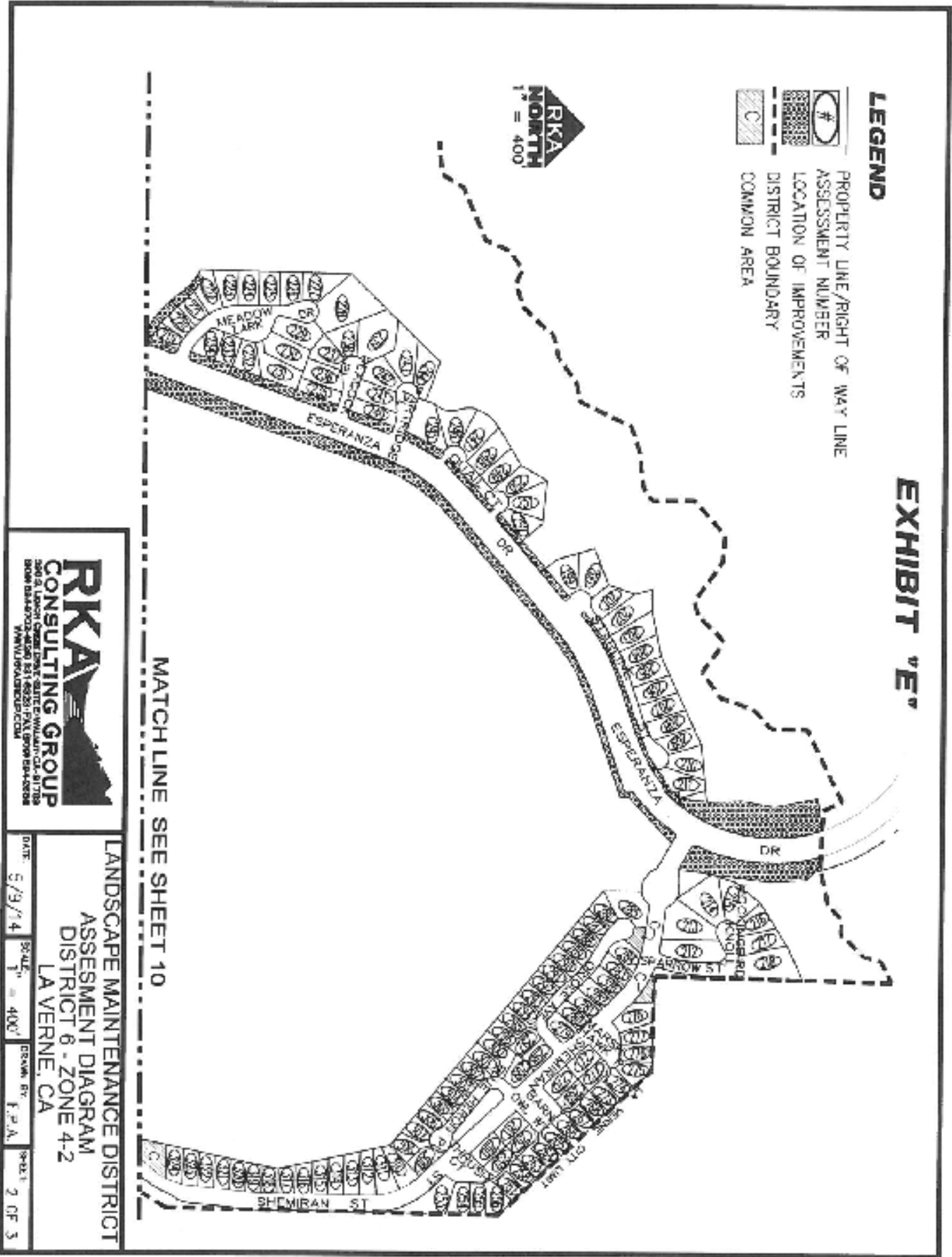
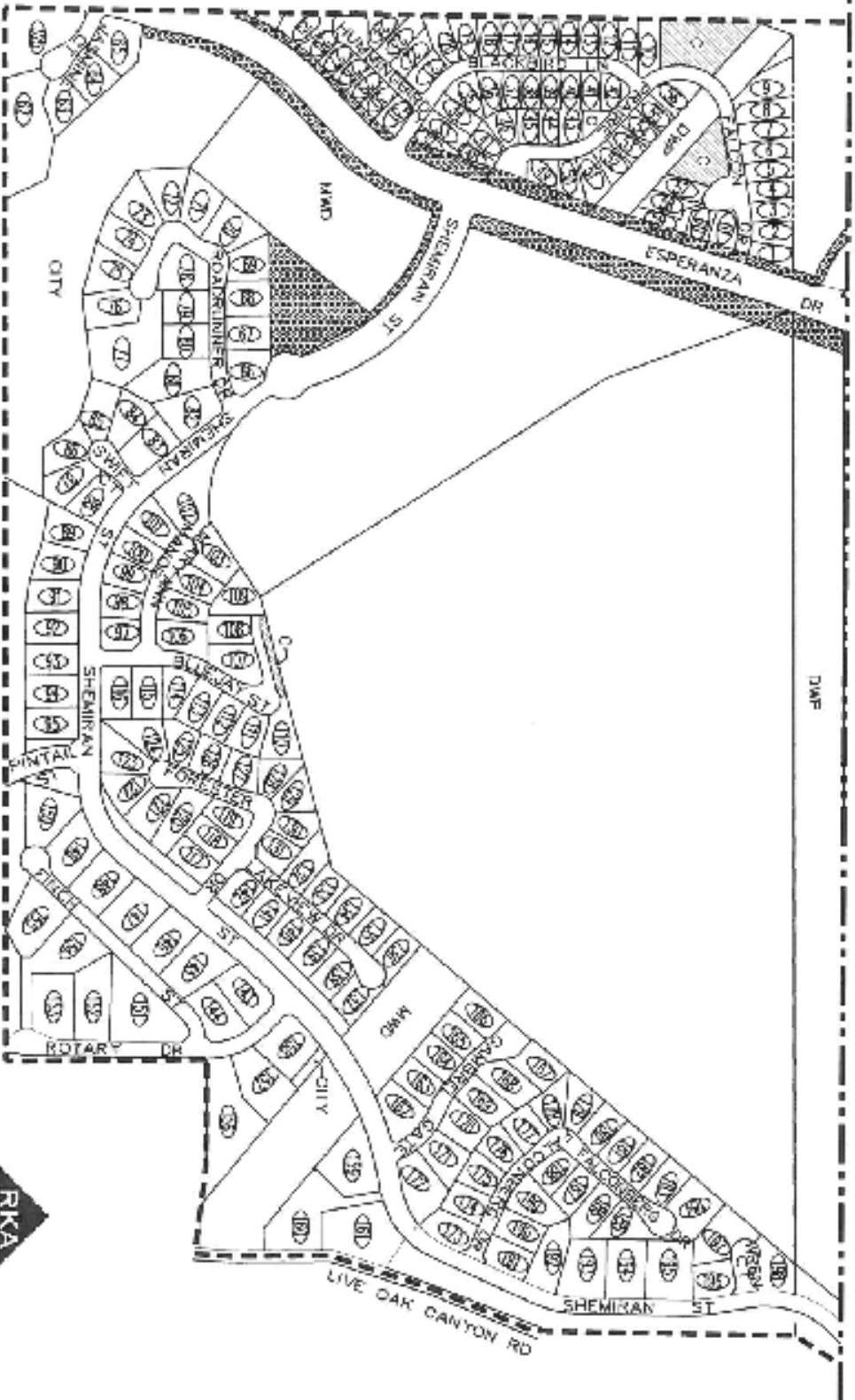


EXHIBIT "E"

MATCH LINE SEE SHEET 9

DWF



LEGEND

- PROPERTY LINE/RIGHT OF WAY LINE
- ASSESSMENT NUMBER
- LOCATION OF IMPROVEMENTS
- DISTRICT BOUNDARY
- COMMON AREA

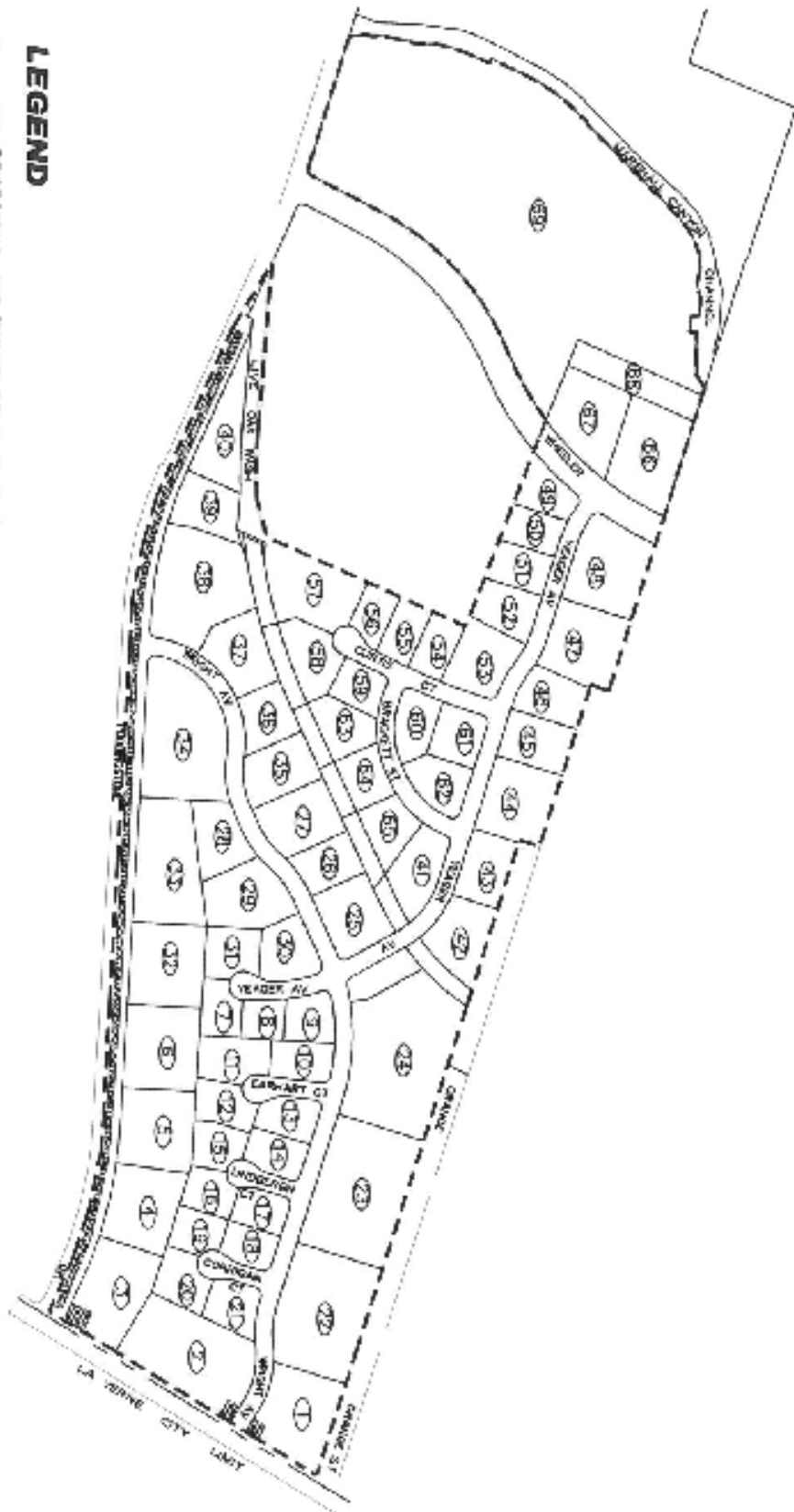


DATE: 5/9/14
SCALE: 1" = 400'
DESIGN BY: F.P.A.
SHEET: 3 OF 3



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EXHIBIT "F"



LEGEND

- PROPERTY LINE/RIGHT OF WAY LINE
ASSESSMENT NUMBER
LOCATION OF IMPROVEMENTS
DISTRICT BOUNDARY



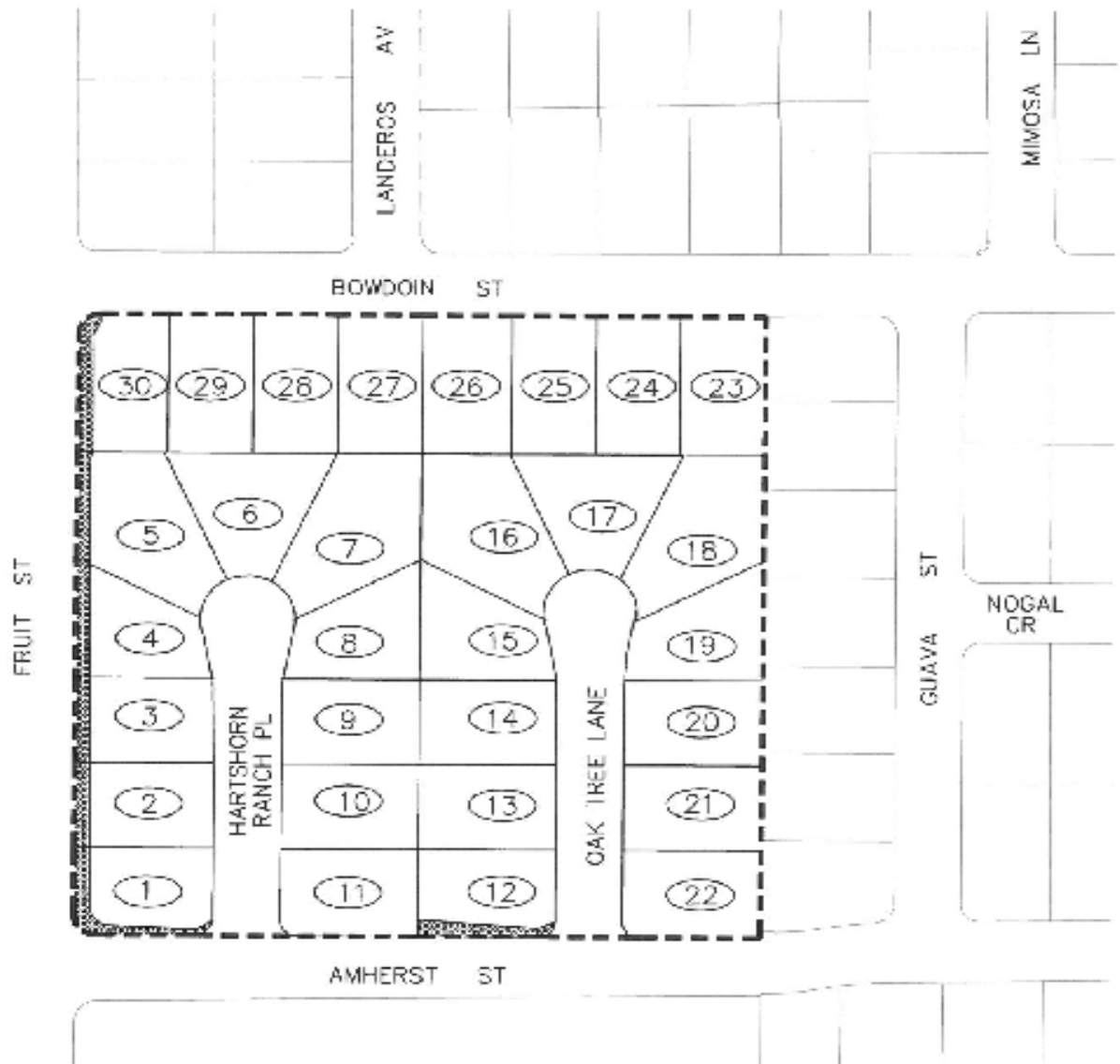
RKA
CONSULTING GROUP
2400 G. Luskway Circle, Denver, Suite 3, WAAWANT, CO. 81178
703-954-4477 FAX: 703-954-2311 E-MAIL: RKA@RKA.COM
WWW.RKA-CONSULTING.COM

LANDSCAPE MAINTENANCE DISTRICT
ASSESSMENT DIAGRAM
DISTRICT 6 - ZONE 5
LA VERNE, CA





DATE:	4/16/14	SCALE:	1" = 600'	DRAWN BY:	F.P.A.	SHEET:	1 OF 1
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EXHIBIT 'G'



LEGEND

-  PROPERTY LINE/RIGHT OF WAY LINE
-  ASSESSMENT NUMBER
-  LOCATION OF IMPROVEMENTS
-  DISTRICT BOUNDARY



LANDSCAPE MAINTENANCE DISTRICT
ASSESSMENT DIAGRAM
DISTRICT 6 - ZONE 6
LA VERNE, CA

DATE: 5/9/14 SCALE: 1" = 150' DRAWN BY: F.P.A. SHEET: 1 OF 1

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City of La Verne, City Council Agenda Report



DATE: May 15, 2023

TO: Honorable Mayor and City Council

FROM: Cody A. Howing, City Engineer

**SUBJECT: LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 7
ENGINEER'S REPORT**

SUMMARY

The City Council is requested to review, provide preliminary approval, and set a Public Hearing for the Engineer's Report for Landscape and Lighting Maintenance District No. 7, for June 19, 2023.

RECOMMENDATION

Staff is recommending that City Council adopt the attached Resolution No. 23-21, approving the Engineer's Report, setting the public hearing for June 19, 2023.

DISCUSSION

Pursuant to the provisions of Division 15, Part 2, of the Streets and Highway Code, an Engineer's Report for Landscape and Lighting Maintenance District No. 7 (La Verne Heights III) has been prepared for City Council preliminary approval. Said approval sets the levy of assessments for Fiscal Year (FY) 2023-24 and sets the public hearing for June 19, 2023. There is a proposed increase to the assessment amount levied for this FY to address increased maintenance costs. The proposed assessment amount of \$684.00 is below the maximum allowable assessment of \$693.26.

On January 3, 1995, the City Council, by adopting Resolution No. 95-2, formed Landscape and Lighting District No. 7 (District). This District was formed to maintain the fuel modification zones included in the La Verne Heights III (Lewis Homes) housing development. The creation of the District was a requirement of the La Verne Heights Specific Plan.

An expenditure budget was prepared and approved in 1995 estimating the total cost to maintain the transitional landscaping and the fuel modification zones at \$128,940 or \$693.26 per parcel.

For FY 1995-96 a zero assessment was levied since it was assumed that none of the areas would be completed for City maintenance. Because of a credited developer paid surplus paid in 1996-97, the levy on each parcel had been at a lesser amount (\$534.54) than the maximum allowed assessment amount of \$693.26. In FY 2009-10, the levy was raised to the maximum allowed in the District (\$693.26) since the developer paid surplus was almost expended.

Assessments for prior years have been at a reduced level to reflect budget reductions within the District. Recent increases to contractual services have required that the assessment be increased while still applying district reserves. The proposed assessment of \$684.00 represents a 3.6% increase to the levied assessment from the prior year. The proposed assessment is below

the maximum allowable assessment of \$693.26 per parcel. This proposed increase combined with the application of built-up reserves will cover operational costs for this FY. Adequate fuel modification reserves will still be maintained.

FISCAL ANALYSIS

Based on the proposed budget for FY 2023-24, application of surplus funds in the amount of \$85,523.00 is required to balance the budget. Adequate reserve funds are available.

ENVIRONMENTAL ANALYSIS

The annual maintenance of Landscape and Lighting Maintenance District No. 7 related facilities is categorically exempt from the California Environmental Quality Act, Section 15301 and City of La Verne environmental guidelines.

LEGAL REVIEW

Not applicable.

ATTACHMENTS

1. Resolution No. 23-21
2. Draft Engineer's Report District No. 7

RESOLUTION NO. 23-21

A RESOLUTION OF THE CITY COUNCIL, CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE “ENGINEERS REPORT” FOR ANNUAL LEVY OF ASSESSMENTS FOR FISCAL YEAR 2023-24 IN THE EXISTING LANDSCAPING & LIGHTING MAINTENANCE DISTRICT WITHIN SAID CITY, DECLARING ITS INTENTION TO PROVIDE FOR ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR SAME DISTRICT PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON (LLMD #7)

WHEREAS, this City Council has previously formed a Landscaping District pursuant to the provisions of Division 15, Part 2 of the Streets and Highways Code of the State of California, being the “Landscaping and Lighting Act of 1972,” for a maintenance district to be known and designated as

**CITY OF LA VERNE
LANDSCAPING & LIGHTING MAINTENANCE DISTRICT NO. 7**

(hereinafter referred to as the “District”); and,

WHEREAS, at this time the City Council is desirous to take proceedings to provide for the reduced annual levy of assessments for the next ensuing fiscal year to provide for the costs and expenses necessary to pay for one year of the maintenance of the improvements within said District; and

WHEREAS, at this time there has been presented to this City Council the Engineer’s Report as required by Division 15 of the Streets and Highways Code, and at this time, this City Council is desirous of proceeding with the proceedings for said annual levy;

WHEREAS, this City Council has now carefully examined and reviewed the “Engineer’s Report” as presented and is satisfied with each and all of the items and documents as set forth therein and is satisfied that the assessment, on a preliminary basis, has been spread in accordance with the benefits received from the maintenance to be performed as set forth in said “Engineer’s Report.”

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA VERNE, CALIFORNIA AS FOLLOWS:

RECITALS

SECTION 1. That the above recitals are all true and correct.

PUBLIC INTEREST

SECTION 2. A. That the public interest and convenience requires, and it is the intention of this City Council to undertake proceedings for the reduced annual levy and collection of special assessments for the continual maintenance of certain landscaping, all to serve and benefit said District as said area is shown and delineated on a map as previously approved by this City Council and on file in the Office of the City Clerk, open to public inspection, and therein so referenced and made a part hereof.

B. That the improvements to be maintained are substantially the same as for the previous fiscal year and reference is hereby made to said proceedings, and there are not substantial changes proposed to be made in any existing improvements or maintenance thereof.

REPORT

SECTION 3. That the "Engineer's Report" as presented, consisting of the following:

- A. Plans and Specifications
- B. Estimate of Cost for one-year's assessment
- C. Diagram of the Maintenance District
- D. Assessment of the Reduced Estimated Cost

is hereby approved on a preliminary basis for Fiscal Year 2023-24 and is ordered to be filed in the Office of the City Clerk as a permanent record and to remain open for public inspection.

That the City Clerk shall certify to the passage and adoption of this resolution and the minutes of this meeting shall so reflect the presentation of the "Engineer's Report."

ASSESSMENT

SECTION 4. That the public interest and convenience requires, and it is the intention of this City Council to order the annual assessment levy for the District as set forth and described in said "Engineer's Report," and further it is determined to be within the best public interest and convenience to levy and collect annual assessments to pay the costs and expenses of said maintenance and improvement as estimated in said "Engineer's Report."

DESCRIPTION OF MAINTENANCE

SECTION 5. The assessments which are to be levied and collected shall be for the maintenance of certain landscaping and lighting as set forth in the "Engineer's Report," referenced and incorporated herein.

COUNTY AUDITOR

SECTION 6. The County Auditor shall enter on the County Assessment Roll the amount of the assessments and shall collect said assessments at the time and in the same manner as County taxes are collected. After collection by the County, the net amount of the assessment, after the deduction of any compensation due to the County for collection, shall be paid to the Treasurer for purposes of paying for the costs and expenses of said District.

SPECIAL FUNDS

SECTION 7. That all monies collected shall be deposited in the previously established fund known as

LANDSCAPING & LIGHTING MAINTENANCE DISTRICT NO. 7

Payment shall be made out of said fund only for the purpose provided for in this Resolution, and in order to expedite the making of this maintenance and improvement, the City Council may transfer into said special fund, money from any available source, such funds as it may deem necessary to expedite the proceedings. Any funds shall be repaid out of the proceeds of the assessments provided for in this Resolution.

BOUNDARIES OF DISTRICT

SECTION 8. Said contemplated maintenance work is, in the opinion of this City Council, of direct benefit to the properties within the boundaries of the District, and this City Council makes the costs and expenses of said maintenance chargeable upon the District, which District said City Council hereby declares to be the District benefited by said improvements and maintenance, and to be further assessed to pay the costs and expenses thereof. Said District shall include each parcel of land within the boundaries of

said District as said District is shown in a map as approved by this City Council and on file in the Office of the City Clerk and so designated by the name of the District.

PUBLIC PROPERTY

SECTION 9. Any lot or parcels of land known as public property, as the same are defined in Section 22663 of Division 15, Part 2, of the streets and Highways Code of the State of California, which are included within the boundaries of the Maintenance District, shall be omitted and exempt from any assessment to be made under these proceedings to cover any of the costs and expenses of said maintenance work.

PUBLIC HEARING

SECTION 10. NOTICE IS HEREBY GIVEN THAT ON THE 19th DAY OF JUNE, 2023 AT THE HOUR OF 6:30 P.M. IN THE CITY COUNCIL CHAMBERS OF LA VERNE CITY HALL, IS THE TIME AND PLACE FIXED BY THIS CITY COUNCIL FOR THE HEARING OF PROTESTS OR OBJECTIONS IN REFERENCE TO THE ANNUAL LEVY OF MAINTENANCE ASSESSMENTS, TO THE EXTENT OF THE MAINTENANCE AND ANY OTHER MATTERS CONTAINED IN THIS RESOLUTION. ANY PERSONS WHO WISH TO OBJECT TO THE PROCEEDINGS FOR THE ANNUAL LEVY SHOULD FILE A WRITTEN PROTEST WITH THE CITY CLERK PRIOR TO THE TIME SET AND SCHEDULED FOR SAID PUBLIC HEARING.

NOTICE

SECTION 11. The Assistant City Clerk is hereby authorized and directed to notice and publish the public meeting and public hearing as required by law.

SECTION 12. That the Assistant City Clerk is further directed to cause a copy of the Resolution of Intention to be posted upon the official bulletin board customarily used by the City for posting of notices.

EFFECTIVE DATE

SECTION 13. This Resolution is adopted pursuant to the provisions of Section 22623, et seq. of the Streets & Highways Code of the State of California shall take effect immediately upon its adoption.

PROCEEDINGS INQUIRIES

SECTION 14. For any and all information relating to the proceedings, protest procedure, any documentation and/or information of a procedural or technical nature, your attention is directed to the below listed person at the local agency or department so designated:

City Engineer
City of La Verne
3660 "D" Street
La Verne, California 91750
(909) 596-8706

PASSED, APPROVED AND ADOPTED this 15th day of May 2023.

Tim Hepburn, Mayor

ATTEST:

Lupe Gaeta Estrella, Assistant Assistant City Clerk

I, Lupe Gaeta Estrella, Assistant City Clerk of the City of La Verne, DO HEREBY CERTIFY that Resolution No. 23-21 was duly passed and adopted by the said City Council at a regular meeting of the said Council held on the 15th day of May 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lupe Gaeta Estrella, Assistant Assistant City

Clerk

CITY OF LA VERNE
ENGINEER'S REPORT
AFTER FORMATION OF LANDSCAPE AND LIGHTING MAINTENANCE
DISTRICT NO. 7
FISCAL YEAR 2023-24

SECTION 1. AUTHORITY FOR REPORT

This report is prepared in compliance with the requirements of Article 4, Chapter 1, Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of the State of California.

Landscape and Lighting District No. 7 ("District") a special benefit assessment district, provides limited funding for the maintenance of open space within the oak tree preserve, equestrian and pedestrian trails and the fuel modified landscaped areas owned by the City of La Verne or provided for by easements to the City of La Verne.

Section 22573, Landscaping and Lighting Act of 1972, requires assessments to be levied according to benefit rather than according to assessed value.

The boundary of the District is completely within the City limits of the City of La Verne and is shown on the Assessment Diagram (on file in the office of the City Clerk at the City Hall of La Verne as Exhibit "A," (Pages 1 thru 4). All parcels of real property included within the District are described in detail on maps on file in the Los Angeles County Assessor's office.

SECTION 2. PLANS & SPECIFICATIONS FOR THE IMPROVEMENTS

The fuel modification zone is illustrated in Exhibits 2-27 and 2-28 of the La Verne Heights Specific Plan, a copy of which is on file in the Office of the City Clerk. It has been created to protect residential land uses from wildland fires within La Verne Heights along the interface between developed and non-developed land uses. Fire-retardant qualities useful for fuel modification procedures involve plants with a low growth habit and fuel volume with a low heat output when burned.

Fuel modification principles used implement a combination of wildfire suppression techniques currently employed by various agencies in Southern California. In general, significant specimens of existing desirable, low fuel plant species located within the zone will continue to be preserved, trimmed and maintained. Representative species include mature coast live oak, toyon, and sycamore. Areas within the zone are subject to fuel

modification specifications for each hazard classification. Fuel modified slopes will provide for adequate fire safety, and minimal visual, biotic and erosion impacts.

The portion of the Specific Plan west of Esperanza Drive and south of the main community entrance and south of Ridgeview Drive have been designated “extreme fire hazard,” primarily due to type and density of vegetation and slope. The first 100-feet from the structure will require 100 percent removal of vegetation (excluding healthy oak trees) and replanting the area with low fuel plant species. Since a perimeter road concept has been employed, a majority of this 100-foot zone will be utilized by front yard landscaping, roadway pavement, pedestrian trails and introduced landscaping, thereby minimizing or eliminating required removal of natural vegetation. The next 200-feet will require a combination of the same fuel modification techniques, but with the replanting of low fuel plant species. Healthy oak trees in all zones shall be pruned of dead material a minimum of six feet above average existing grade. All areas beyond the limit of the Extreme Fire Hazard Zone (300-feet from the edge of structures) will remain in natural unmodified open space.

The remainder of the perimeter areas are designated as “High Fire Hazard,” as shown in Exhibit 2-27 of the La Verne Heights Specific Plan. The majority of this area is located along Marshall Canyon and is highly visible from existing development. The High Fire Hazard Zone requires much less fuel modification than the extreme zone, resulting in fewer visual impacts. The High Fire Hazard Zone is divided into two areas. The first 100-feet from the structure requires 100 percent vegetation removal (excluding healthy oak trees) and replanting the area with low fuel plant species. The next 100-feet requires fuel modification as previously discussed. Areas beyond this zone will remain in natural open space, with no fuel modification.

The High Fire Hazard Zone - Internal Canyon Area is identical to the standard high fire hazard area in that the 100-foot/100 percent removal zone and remaining Fuel Modification Zone are identical. All healthy oaks in the Internal Canyon Area will be preserved with some minor pruning potentially being required. This canyon area contains the extension of the Oak Tree Preserve. All oak trees will be preserved in the Fuel Modification Zone. No external view-shed impacts are associated with fuel modification activities in this zone.

Part of the development of the fuel modification zones is planting of low fuel plant species. This planting is generally referred to as transitional landscaping. A separate line item has been included in the budget.

The last element of this District is the maintenance of open space. While this is a massive area, little maintenance is expected except for the trail systems.

SECTION 3. METHOD OF APPORTIONMENT

The net amount to be assessed upon the properties within the District is apportioned by a formula and method which equally distributes the amount of benefit among all assessable parcels. The maintenance of the slopes provides a special benefit which is received by each and every lot or parcel within the District.

SECTION 4. DIAGRAM FOR THE ASSESSMENT DISTRICT

A reduced copy of the assessment diagram is attached as Exhibit "A." Full size maps are available in the office of the City Engineer. The zone is located west of Esperanza Drive and south of Golden Hills Road. The zone is bound to the south and west by open space. The parcels included in this zone compose the La Verne Heights Community.

SECTION 5. ASSESSMENT

The fuel modified landscaping was developed and is maintained for the benefit and enjoyment of all the properties included within the assessment district boundaries, and all parcels benefit from the improvements. The amount to be assessed upon the assessable lands within the district for Fiscal Year (FY) 1995-96 was zero. The developer, Lewis Homes of California was solely responsible for maintenance this FY. The amount to be assessed upon the assessable lands within the District for FY 1996-97 was \$128,946 (\$693.26 per parcel). But since only three-fourths of the area was anticipated to be ready for acceptance by the City for maintenance during FY 1996-97, the assessment was reduced to \$99,425.00. For the FY 1997-98 the assessment was to return to the originally approved amount of \$128,940 which would have been necessary to maintain all of the proposed fuel modified areas after the establishment plant growth period. Since no additional areas above the FY 1996-97 level were anticipated to be accepted during FY 1997-98, the assessment was again reduced to \$99,425.00. For FY 1998-99 the full assessment budget was approved at \$106,060.00. This was less than the 1996 estimate of \$128,940 do to the following factors:

1. The water usage for the established areas was less than the first two years of growth.
2. The required maintenance for the established areas is less than previous years.

For FYs 1999-00 through 2006-07, the \$106,328.00 budgets were proposed to be approximately at the FY 1998-99 level with surpluses from previous year's assessments reducing the assessment to \$99,425.00, the FY 1998-99 level. For FY 2007-08 and 2008-09 the budget was increased to \$135,219 due to increased costs to maintain fuel modification areas. For FY 2009-10, the budget was increased to \$150,363. That increase was due to an increase in the maintenance levels for transitional landscaping and open space fuel modification. In addition, the cost of water increased by 20 percent. In order to reduce the assessment deficit, the levy was increased from \$534.54 per parcel to the maximum allowed within the district of \$693.26 per parcel as established with the formation of the district. For FY 2010-11 the budget was reduced to \$132,828.00 due to reduction in water usage. For FY 2011-12 there was a slight increase in the budget to \$134,075.00 with a credited surplus of \$5,129.00 from previous fiscal years balances the budget with assessments. For FY 2012-13 the budget was again slightly increased to \$142,174.00 with previous years surpluses being credited to balance the assessment. For FY 2013-14 the budget was reduced to \$132,246 with previous year's surpluses being credited to balance the assessment. For FY 2014-15 the budget was increased to \$137,400.00 with previous years surpluses being credited to balance the assessment. For FY 2015-16 the budget increased to \$186,000 with previous years surpluses being credited to balance the assessment. The increase was due to a proposed one-time improvement to the storm drain system (\$10,000.00) and increased fuel modification

\$40,000.00. In FY 2016-17 the budget decreased to \$154,500 with the completion of the 2015-16 storm drain improvements and the major fuel modification projects. Previous year's surpluses were credited to balance the assessments. For FY 2017-18 the budget increased to \$166,630.00 from \$154,500.00 in order to replace the controller's "cellular" cards. There were adequate reserves to fund the short fall between the amount that can be assessed and the cost center total. For FY 2018-19, the budget was decreased to \$162,138.00 with the reserves funding the short fall. While the assessment remained at the maximum of \$693.26, the levy was reduced to \$650.00 per parcel because of the high reserves. For FY 2019-20, the budget was decreased to \$158,167.00. The levy was again decreased from the maximum of \$693.26 and the 2018-19 levy of \$650.00 per parcel to \$600.00 per parcel with the reserves used to balance the budget. For FY 2020-21 the budget was increased to \$163,453.00. The assessment levy was held at the 2019-20 amount of \$600.00 per parcel. For FY 2021-22 the budget increased to \$185,547. The assessment levy was increased to \$630 per parcel along with application of reserves from the prior year to balance the budget. For FY 2022-23 the budget increased to \$210,967. The assessment levy was increased to \$660 per parcel and included application of reserve funds to balance the budget. For FY 2023-24 the budget is proposed to increase to \$212,747 resulting from increased contractual services costs. The assessment levy will be held at the prior year's assessment of \$660 per parcel in conjunction with application of reserves from the prior year to balance the budget. Adequate reserves are still being maintained for fuel modification in future years.

As required by said Act, a diagram is attached hereto showing the District and the boundaries and dimensions of the respective parcels of land within said District as the same existed at the time of the adoption of the Resolution of Intention and the initiation of these proceedings, as each parcel has been given a separate number upon said Diagram.

EXPENDITURE BUDGET**2023-24**-----
MAINTENANCE ASSESSMENT DISTRICT

ACCOUNT NO. 246-5208 LA VERNE HEIGHTS III DISTRICT7
-----**PERSONNEL SERVICES**REGULAR SALARIES AND WAGES
PART TIME WAGES
FRINGE BENEFIT COSTS
ADMINISTRATION COSTSTOTAL PERSONNEL SERVICES \$14,247.00**OPERATIONAL**

32-00 OTHER PROFESSIONAL SERVICES	\$0.00
32-05 ARCHITECT/ENGINEERING SERVICES	\$2,500.00
32-09 OTHER CONTRACTUAL SERVICES	\$105,000.00
43-05 CONTRACTUAL MAINT. SERVICE	\$37,200.00
• OPEN SPACES AND TRANSITIONAL LANDSCAPING	\$33,480.00
TRAILS	\$0.00
• WET LANDS	\$0.00
• DRAINAGE STRUCTURE MAINTENANCE	\$3,720.00
54-05 LEGAL NOTICES AND PUBLICATIONS	\$500.00
62-51 ELECTRICITY UTILITY	\$300.00
62-52 CITY UTILITIES/WATER, ETC.	\$50,000.00
64-00 MISC. MATERIALS & SUPPLIES	\$0.00
65-07 MATERIALS/NURSERY ITEMS	\$0.00
65-16 SPRINKLER/IRRIGATION SUPPLIES	\$3,000.00

OPERATIONAL TOTAL \$198,500.00FUND FOR TREE TRIMMING (5 YEAR) \$0.00**COST CENTER TOTAL \$212,747.00**CREDITED RESERVES \$85,523.00**TOTAL TO BE ASSESSED \$127,224.00**-----
2023-24 DISTRICT 7 EQUAL PARCEL ASSESSMENT (186 PARCELS) \$684.00

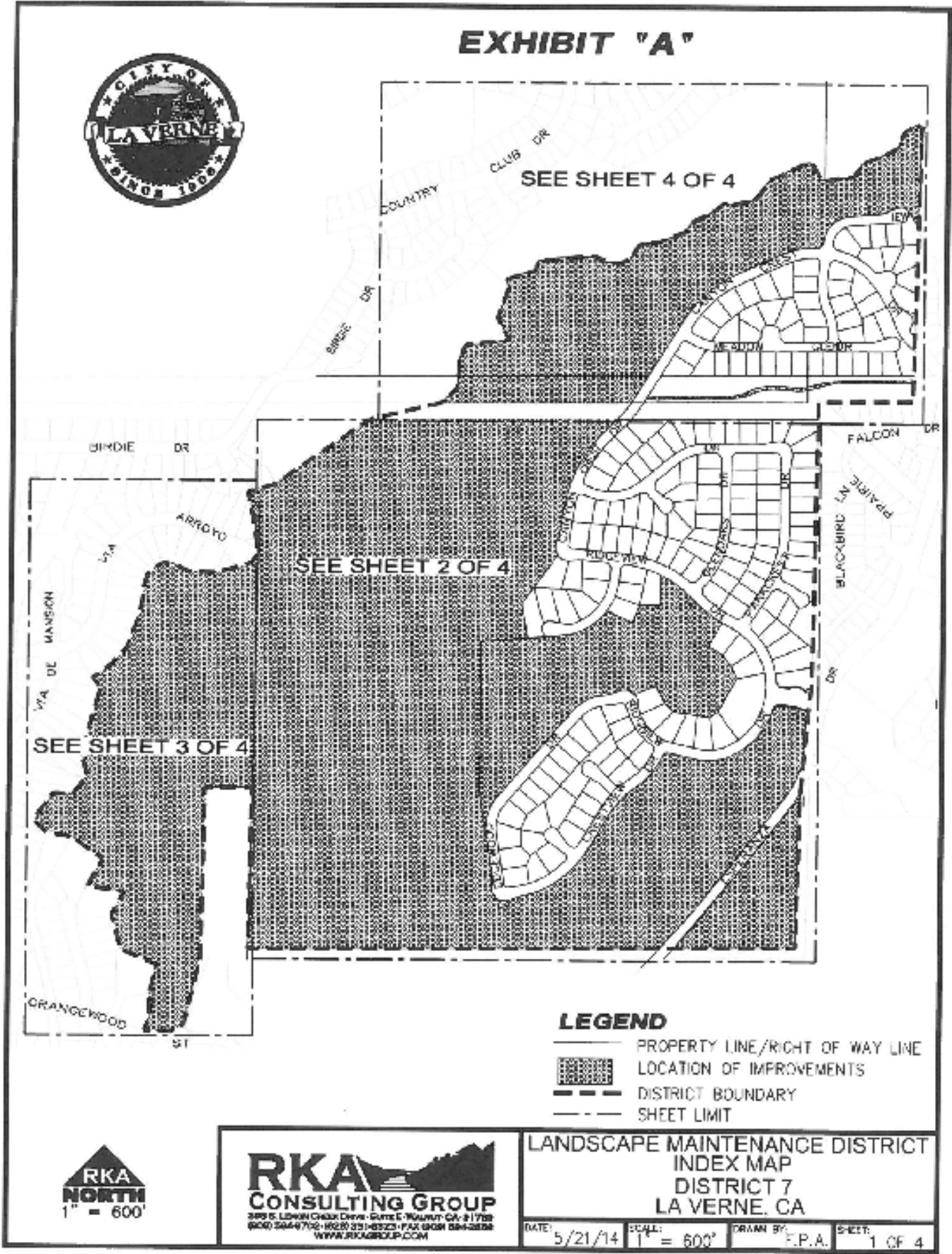
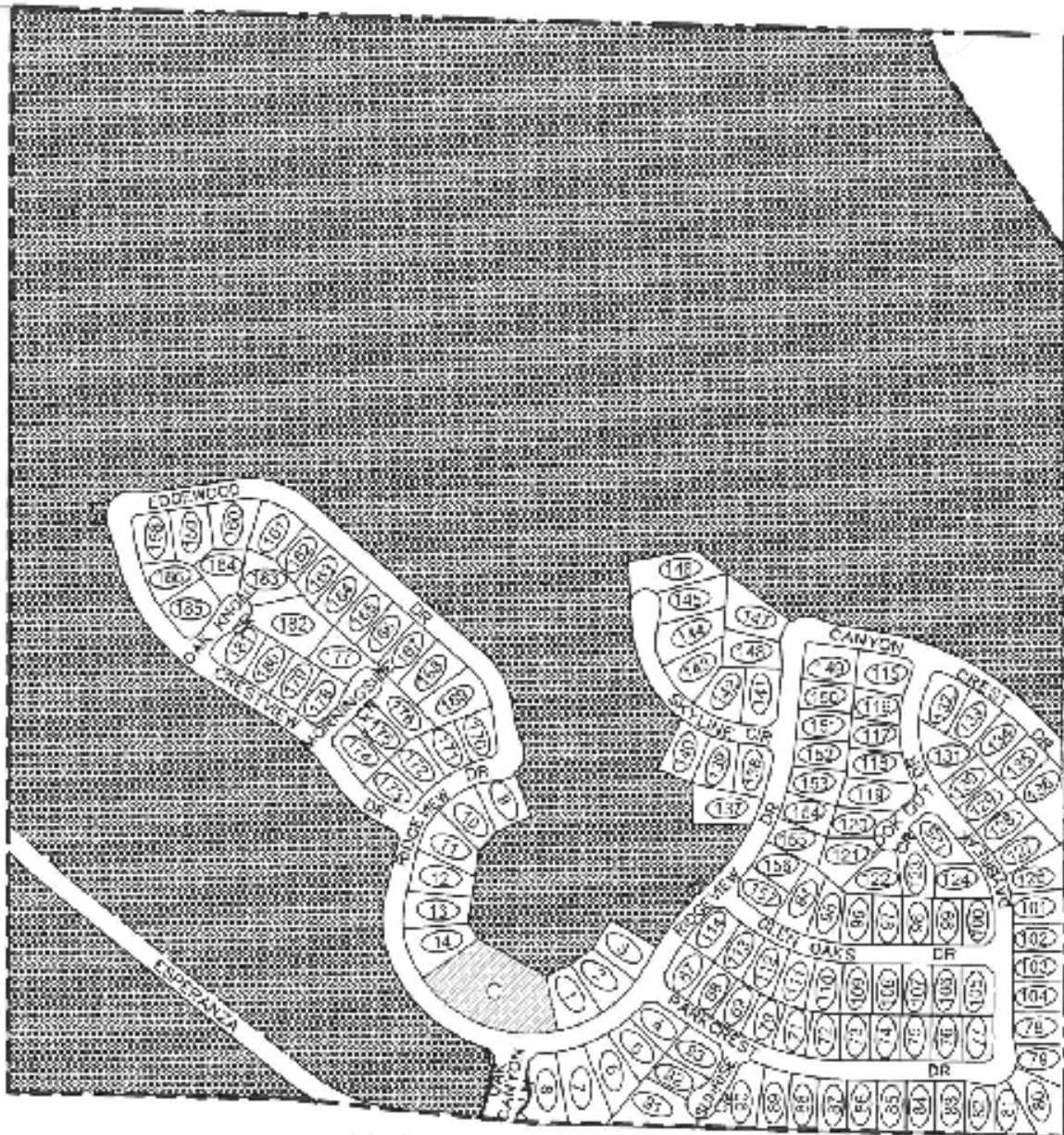


EXHIBIT 'A'

MATCH LINE SEE SHEET 3



LEGEND

- PROPERTY LINE/RIGHT OF WAY LINE
- ASSESSMENT NUMBER
- LOCATION OF IMPROVEMENTS
- DISTRICT BOUNDARY
- COMMON AREA

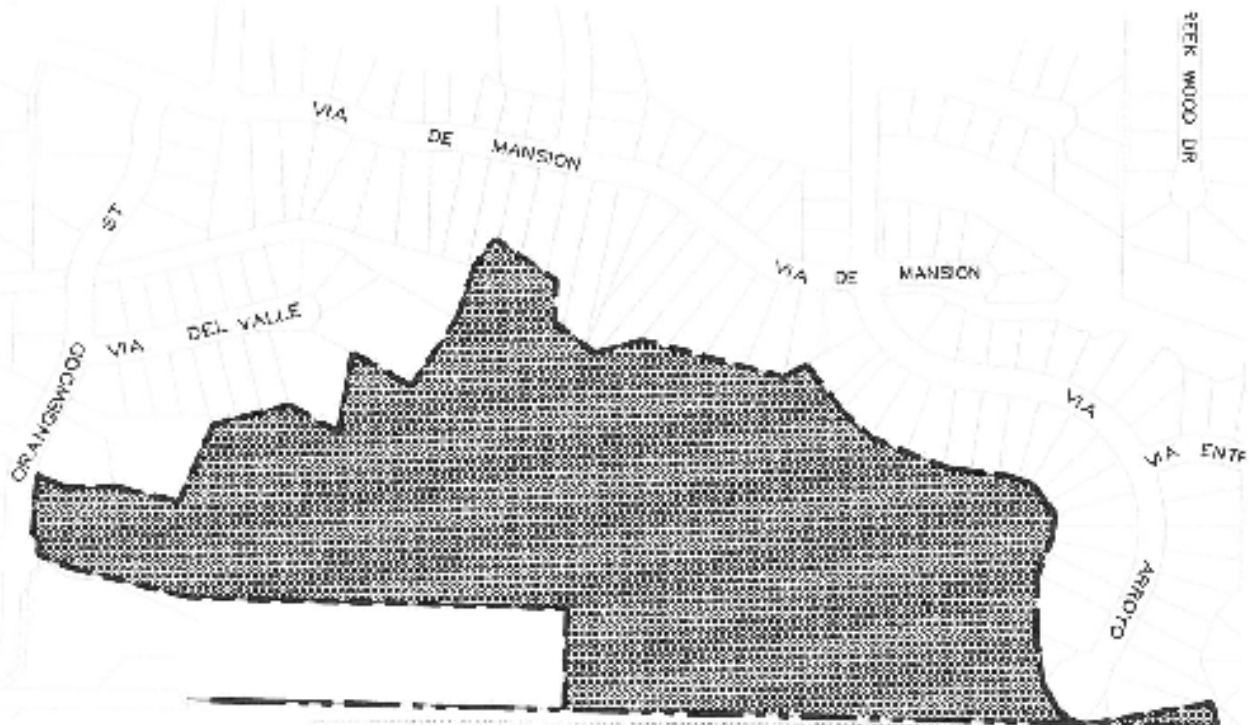


LANDSCAPE MAINTENANCE DISTRICT
ASSESSMENT DIAGRAM
DISTRICT 7
LA VERNE, CA

DATE: 5/21/14 SCALE: 1" = 400' DRAWN BY: F.P.A. SHEET: 2 OF 4


X:\ACAD\LYMISC\LA VERNE ZONE 7 ASSESSMENT DISTRICTS.DWG

EXHIBIT "A"



MATCH LINE SEE SHEET 2

LEGEND

- PROPERTY LINE/RIGHT OF WAY LINE
-  LOCATION OF IMPROVEMENTS
- - - DISTRICT BOUNDARY



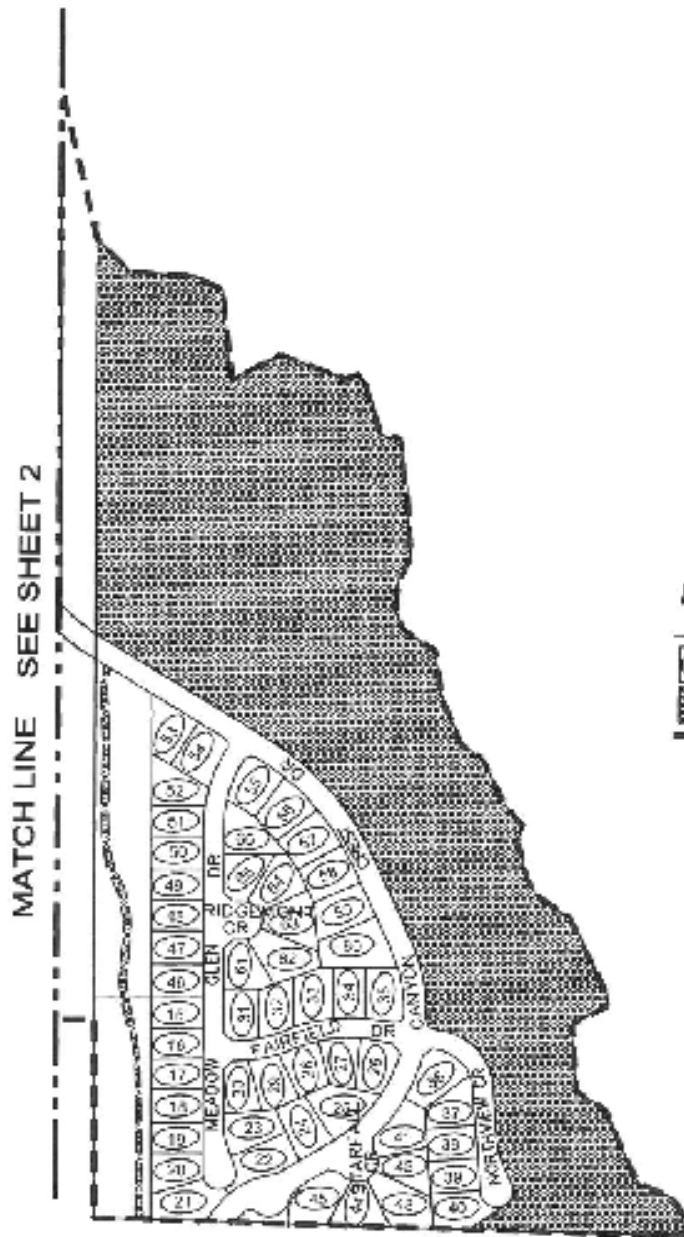
RKA
CONSULTING GROUP
306 S. LINDEN CREEK DRIVE, SUITE C, VALAULT, CA 91789
PHONE 954-9732-0520 351-4835 FAX 954-9732-0520
WWW.RKAGROUP.COM

LANDSCAPE MAINTENANCE DISTRICT
ASSESSMENT DIAGRAM
DISTRICT 7
LA VERNE, CA

DATE: 5/21/14 SCALE: 1" = 400' DRAWN BY: E.P.A. SHEET: 3 OF 4

X:\ACAD\LMISC\LA VERNE ZONE 7 ASSESSMENT DISTRICTS.DWG

EXHIBIT 'A'



RKA CONSULTING GROUP <small>288 S. Litch Creek Drive - Suite B - Walnut, CA 91789 (909) 584-6722 - (909) 231-8323 - FAX (909) 584-6668 WWW.RKAGROUP.COM</small>	LANDSCAPE MAINTENANCE DISTRICT ASSESSMENT DIAGRAM DISTRICT 7 LA VERNE, CA		
	DATE: 5/21/14 SCALE: 1" = 400'	DRAWN BY: E.P.A.	SHEET: 4 OF 4

X:\ACAD\LM\SC\LA VERNE ZONE 7 ASSESSMENT DISTRICTS.DWG

City of La Verne, City Council Agenda Report



DATE: May 15, 2023

TO: Honorable Mayor and City Council

FROM: Cody A. Howing, City Engineer

**SUBJECT: LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 8
ENGINEER'S REPORT**

SUMMARY

The City Council is requested to review, provide preliminary approval, and set a Public Hearing for the Engineer's Report for Landscape and Lighting Maintenance District No. 8, for June 19, 2023.

RECOMMENDATION

Staff is recommending that City Council adopt the attached Resolution No.23-22, approving the Engineer's Report, setting the public hearing for June 19, 2023.

DISCUSSION

Pursuant to the provisions of Division 15, Part 2, of the Streets and Highways Code, an Engineer's Report for Landscape and Lighting Maintenance District No. 8 (Marshall Canyon Estates Specific Plan development) has been prepared for City Council preliminary approval. Said approval sets the levy of assessments for Fiscal Year (FY) 2023-24 and sets the public hearing for June 19, 2023. It is proposed to set the levy at the 1996-97 approved full year's assessment of \$249.70 per parcel.

On January 3, 1995, the City Council approved Resolution No. 95-3 overruling protests and providing for the formation of Landscape and Lighting Maintenance District No. 8 and the annual levy and collecting of assessments for Landscaping and Lighting District No. 8. At that time, it was anticipated that within a year Lewis Homes would have completed the construction and the City would accept the fuel modification area and the linear park (open space) for maintenance in FY 1996-97.

An expenditure budget was prepared and approved in 1995 estimating a full one year's maintenance cost of \$45,445 (\$249.70 per parcel) to be levied in FY 1996-97. The levy for 1995-96 was set at zero since no areas were to be maintained by the City. Since FY 1996-97, the assessment budget increased as the City accepted additional areas for maintenance and as maintenance and utility costs have increased.

In 2004/05, the City accepted all the fuel modification areas for maintenance. While the cost to maintain the District increased over the years, exceeding the maximum allowed to be assessed (\$45,196), previous years surpluses were used to hold the assessment at the 1995 approved levy of \$249.70 per parcel. No increases to the District 8 budget are proposed for this FY, the total amount will remain at \$65,016.00. With the application of credited reserves, the levy is proposed at \$249.70 per parcel. Adequate fuel modification reserves will remain in the District.

FISCAL ANALYSIS

Based on the proposed budget for FY 2023-24, application of surplus funds in the amount of \$19,820.00 is required to balance the budget. Adequate reserve funds are available.

ENVIRONMENTAL ANALYSIS

The annual maintenance of Landscape and Lighting Maintenance District No. 8 related facilities is categorically exempt from the California Environmental Quality Act, Section 15301 and City of La Verne environmental guidelines.

LEGAL REVIEW

Not applicable.

ATTACHMENTS

1. Resolution No. 23-22
2. Draft Engineer's Report District No. 8

RESOLUTION NO. 23-22

A RESOLUTION OF THE CITY COUNCIL, CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE “ENGINEERS REPORT” FOR ANNUAL LEVY OF ASSESSMENTS FOR FISCAL YEAR 2023-24 IN THE EXISTING LANDSCAPING & LIGHTING MAINTENANCE DISTRICT WITHIN SAID CITY, DECLARING ITS INTENTION TO PROVIDE FOR ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR SAME DISTRICT PURSUANT TO THE PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA, AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON (LLMD #8)

WHEREAS, this City Council has previously formed a Landscaping District pursuant to the provisions of Division 15, Part 2 of the Streets and Highways Code of the State of California, being the “Landscaping and Lighting Act of 1972,” for a maintenance district to be known and designated as

CITY OF LA VERNE LANDSCAPING & LIGHTING MAINTENANCE DISTRICT NO. 8

(hereinafter referred to as the “District”); and,

WHEREAS, at this time the City Council is desirous to take proceedings to provide for the reduced annual levy of assessments for the next ensuing fiscal year to provide for the costs and expenses necessary to pay for one year of the maintenance of the improvements within said District; and

WHEREAS, at this time there has been presented to this City Council the Engineer’s Report as required by Division 15 of the Streets and Highways Code, and at this time, this City Council is desirous of proceeding with the proceedings for said annual levy;

WHEREAS, this City Council has now carefully examined and reviewed the “Engineer’s Report” as presented, and is satisfied with each and all of the items and documents as set forth therein and is satisfied that the assessment, on a preliminary basis, has been spread in accordance with the benefits received from the maintenance to be performed as set forth in said “Engineer’s Report.”

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF LA VERNE, CALIFORNIA AS FOLLOWS:

RECITALS

SECTION 1. That the above recitals are all true and correct.

PUBLIC INTEREST

SECTION 2. A. That the public interest and convenience requires, and it is the intention of this City Council to undertake proceedings for the reduced annual levy and collection of special assessments for the continual maintenance of certain landscaping, all to serve and benefit said District as said area is shown and delineated on a map as previously approved by this City Council and on file in the Office of the City Clerk, open to public inspection, and therein so referenced and made a part hereof.

B. That the improvements to be maintained are substantially the same as for the previous fiscal year and reference is hereby made to said proceedings, and there are not substantial changes proposed to be made in any existing improvements or maintenance thereof.

REPORT

SECTION 3. That the “Engineer’s Report” as presented, consisting of the following:

- A. Plans and Specifications
- B. Estimate of Cost for one-year’s assessment
- C. Diagram of the Maintenance District
- D. Assessment of the Reduced Estimated Cost

is hereby approved on a preliminary basis for Fiscal Year 2023-24 and is ordered to be filed in the Office of the City Clerk as a permanent record and to remain open for public inspection.

That the City Clerk shall certify to the passage and adoption of this resolution and the minutes of this meeting shall so reflect the presentation of the “Engineer’s Report.”

ASSESSMENT

SECTION 4. That the public interest and convenience requires, and it is the intention of this City Council to order the annual assessment levy for the District as set

forth and described in said "Engineer's Report," and further it is determined to be within the best public interest and convenience to levy and collect annual assessments to pay the costs and expenses of said maintenance and improvement as estimated in said "Engineer's Report."

DESCRIPTION OF MAINTENANCE

SECTION 5. The assessments which are to be levied and collected shall be for the maintenance of certain landscaping and lighting as set forth in the "Engineer's Report," referenced and incorporated herein.

COUNTY AUDITOR

SECTION 6. The County Auditor shall enter on the County Assessment Roll the amount of the assessments and shall collect said assessments at the time and in the same manner as County taxes are collected. After collection by the County, the net amount of the assessment, after the deduction of any compensation due to the County for collection, shall be paid to the Treasurer for purposes of paying for the costs and expenses of said District.

SPECIAL FUNDS

SECTION 7. That all monies collected shall be deposited in the previously established fund known as

LANDSCAPING & LIGHTING MAINTENANCE DISTRICT NO. 8

Payment shall be made out of said fund only for the purpose provided for in this Resolution, and in order to expedite the making of this maintenance and improvement, the City Council may transfer into said special fund, money from any available source, such funds as it may deem necessary to expedite the proceedings. Any funds shall be repaid out of the proceeds of the assessments provided for in this Resolution.

BOUNDARIES OF DISTRICT

SECTION 8. Said contemplated maintenance work is, in the opinion of this City Council, of direct benefit to the properties within the boundaries of the District, and this City Council makes the costs and expenses of said maintenance chargeable upon the District, which District said City Council hereby declares to be the District benefited by said improvements and maintenance, and to be further assessed to pay the costs and expenses thereof. Said District shall include each parcel of land within the boundaries of said District as said District is shown in a map as approved by this City Council and on file in the Office of the City Clerk and so designated by the name of the District.

PUBLIC PROPERTY

SECTION 9. Any lot or parcels of land known as public property, as the same are defined in Section 22663 of Division 15, Part 2, of the streets and Highways Code of the State of California, which are included within the boundaries of the Maintenance District, shall be omitted and exempt from any assessment to be made under these proceedings to cover any of the costs and expenses of said maintenance work.

PUBLIC HEARING

SECTION 10. NOTICE IS HEREBY GIVEN THAT ON THE 19th DAY OF JUNE, 2023 AT THE HOUR OF 6:30 P.M. IN THE CITY COUNCIL CHAMBERS OF LA VERNE CITY HALL, IS THE TIME AND PLACE FIXED BY THIS CITY COUNCIL FOR THE HEARING OF PROTESTS OR OBJECTIONS IN REFERENCE TO THE ANNUAL LEVY OF MAINTENANCE ASSESSMENTS, TO THE EXTENT OF THE MAINTENANCE AND ANY OTHER MATTERS CONTAINED IN THIS RESOLUTION. ANY PERSONS WHO WISH TO OBJECT TO THE PROCEEDINGS FOR THE ANNUAL LEVY SHOULD FILE A WRITTEN PROTEST WITH THE CITY CLERK PRIOR TO THE TIME SET AND SCHEDULED FOR SAID PUBLIC HEARING.

NOTICE

SECTION 11. The Assistant City Clerk is hereby authorized and directed to notice and publish the public meeting and public hearing as required by law.

SECTION 12. That the Assistant City Clerk is further directed to cause a copy of the Resolution of Intention to be posted upon the official bulletin board customarily used by the City for posting of notices.

EFFECTIVE DATE

SECTION 13. This Resolution is adopted pursuant to the provisions of Section 22623, et seq. of the Streets & Highways Code of the State of California shall take effect immediately upon its adoption.

PROCEEDINGS INQUIRIES

SECTION 14. For any and all information relating to the proceedings, protest procedure, any documentation and/or information of a procedural or technical nature, your attention is directed to the below listed person at the local agency or department so designated:

City Engineer
City of La Verne
3660 "D" Street
La Verne, California 91750
(909) 596-8706

PASSED, APPROVED AND ADOPTED this 15TH day of May 2023.

Tim Hepburn, Mayor

ATTEST:

Lupe Gaeta Estrella, CMC, Assistant City Clerk

I, Lupe Gaeta Estrella, Assistant City Clerk of the City of La Verne, DO HEREBY CERTIFY that Resolution No. 23-22 was duly passed and adopted by the said City Council at a regular meeting of the said Council held on the 15th day of May 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lupe Gaeta Estrella, CMC, Assistant City Clerk

CITY OF LA VERNE
ENGINEER'S REPORT
AFTER FORMATION OF LANDSCAPE AND LIGHTING MAINTENANCE
DISTRICT NO. 8
FISCAL YEAR 2023-24

SECTION 1. AUTHORITY FOR REPORT

This report is prepared pursuant to the requirements of Article 4, Chapter 1, Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of the State of California.

Landscape and Lighting District No. 8 ("District") a special benefit assessment district, provides funding for the maintenance of the neighborhood park and fuel modified landscaped areas all owned by the City of La Verne or provided for by easements to the City of La Verne.

Section 22573, Landscaping and Lighting Act of 1972, requires assessments to be levied according to benefit rather than according to assessed value.

The boundary of the District is completely within the City limits of the City of La Verne and is shown on the Assessment Diagram (on file in the office of the City Clerk at the City Hall of La Verne as Exhibit "A," Pages 1 thru 3). All parcels of real property included within the District are described in detail on maps on file in the Los Angeles County Assessor's office.

SECTION 2. PLANS & SPECIFICATIONS FOR THE IMPROVEMENTS

COMMUNITY AND NEIGHBORHOOD PARK

The community park created with the Marshall Canyon development was designed to be accessed and utilized by the neighborhoods surrounding the development. This park will thus be included in Citywide Landscaping and Lighting District Number 6 for maintenance purposes which is now being funded by the City's utility tax. The neighborhood park, referred to in some City documents as "linear park" can be accessed by the general public from the community park but is more likely to be used by the Marshall Canyon development. For this reason one-half of the maintenance cost of the linear park has been included in District No. 8. The second half of the maintenance will be included in the General Fund budget. Maintenance of appurtenant drainage devices and facilities are included in the "District."

FUEL MODIFICATION

The fuel modification zone is illustrated in Exhibits 62 and 63 of the Marshall Canyon Estates Specific Plan, a copy of which is on file in the Office of the City Clerk. It has been created to protect residential land uses from wildland fires within Marshall Canyon Estates along the interface between developed and non-developed land uses. Fire-retardant qualities useful for fuel modification procedures involve plants with a low growth habit and fuel volume with a low heat output when burned.

Fuel modification principles used implement a combination of wildfire suppression techniques currently employed by various agencies in Southern California. In general, significant specimens of existing desirable, low fuel plant species located within the zone will continue to be preserved, trimmed and maintained. Representative species include mature coast live oak, toyon, and sycamore. Areas within the zone are subject to fuel modification specifications for each hazard classification. Fuel modified slopes will provide for adequate fire safety, and minimal visual, biotic and erosion impacts. Maintenance of appurtenant drainage devices and facilities are included in the "District."

Areas to the north of the custom home area have been designated as an extreme fire hazard zone due to the character of the existing vegetation and slope. Modification procedures for the extreme fire hazard area require a 300-foot zone. The first 100 feet (Zone A) from structures require 100 percent removal of vegetation (excluding preserved specimens) and re-vegetating with a low fuel plant species. The next 200 feet require a combination of fuel modification techniques and re-vegetation with low fuel plant species. Healthy oaks and other significant trees in all zones shall be pruned of dead material a minimum of six feet above average existing grade. All areas beyond the limit of the extreme fire hazard zone (300 feet from the edge of structures) will remain in natural unmodified open space.

Limited areas of the site adjacent to the golf course and flatter portions of valleys in the custom home area represent a high fire hazard condition. Other than being a reduced zone of modification (300 feet to 200 feet), all facets of the modification procedure remain the same.

Moderate fire hazard zones occur around the existing homes and in the neighborhood park adjacent to the golf course. Although the existing homes are surrounded on two sides by extreme fire hazard conditions, the groves of ornamental trees and irrigated nature of the landscape create a less hazardous condition. The highly volatile species have been removed and the dead material on healthy oaks have been pruned to a minimum of six feet above average grade. Modified areas have been replanted with low fuel plant material.

SECTION 3. METHOD OF APPORTIONMENT

The net amount to be assessed upon the properties within the District is apportioned by a formula and method which equally distributes the amount of benefit among all assessable parcels. The maintenance of the slopes provides a special benefit which is received by each and every lot or parcel within the District. Assessment No. 183 (Lot 183 of Tract 45586) was an existing prior to the subdivision of Tract 45586. The improvements

installed with Tract 45586 were for the benefit of the new homes in Tract 45586. Because of this pre-existing condition, Lot 183 will have a zero assessment.

SECTION 4. DIAGRAM FOR THE ASSESSMENT DISTRICT

A reduced copy of the assessment diagram is attached as Exhibit "A." Full size maps are available in the office of the City Engineer. The location of this zone is north of Golden Hills Road and includes the Marshall Canyon Estates community. The area is bound generally on the west by Brydon Road, to the east by Stephens Ranch Road and to the north by open space.

SECTION 5. ASSESSMENT

The fuel modified landscaping was developed and is maintained for the benefit and enjoyment of all the properties included within the assessment district boundaries, and all parcels benefit from the improvements. The amount to be assessed upon the assessable lands within the District for Fiscal Year (FY) 1996-97 was \$45,445.00. Since it was anticipated that the areas would not be ready for acceptance by the City for maintenance until mid-FY 1996-97, the assessment was reduced by one-half over that which is anticipated to maintain the area in the originally approved "Report." For FY 1997-98 through 2003-04 the assessment was to return to the amount necessary to maintain all of the proposed fuel modified areas for a full year. Since some of the areas to be maintained were not accepted by the City, the assessment remained for FY 1997-98 through 2002-03 at the 1996-97 level of one-half the full year's rate. All areas required to be maintained by the City were accepted by the City in July 2003. For FY 2003-04 the budget was increased because of the increased cost to maintain the linear park and drainage structures with the levy at the maximum assessment set in 1995 (\$249.70 per parcel). Surpluses from the previous years were applied to balance the budgets. In FY 2017-18 the budget increased in order to replace the controller's "cellular" cards. Previous surplus "reserves" were being used to balance the budget. In FY 2018-19 and 2019-20, the assessment remained at the 2003-04 level of \$249.70 per parcel, with reserves used to balance the budget. In FY 2020-21 the budget decreased allowing the assessment to remain at \$249.70 per parcel, with reserves again being used to balance the budget. For FY 2021-22 the budget increased to \$55,016.00. The assessment remained at \$249.70 per parcel with application of reserves to balance the budget. For FY 2022-23 the budget increased to \$65,016. The assessment remained at \$249.70 per parcel with reserves used to balance the budget. For FY 2023-24 the budget was maintained in line with the prior FY. The assessment will remain at \$249.70 per parcel with reserves used to balance the budget. Adequate fuel modification reserves will still remain in the district.

As required by said Act, a diagram is attached hereto showing the District and the boundaries and dimensions of the respective parcels of land within said District as the same existed at the time of the adoption of the Resolution of Intention and the initiation of these proceedings, as each parcel has been given a separate number upon said Diagram.

EXPENDITURE BUDGET**2023-24**-----
MAINTENANCE ASSESSMENT DISTRICT

ACCOUNT NO. 246-5209 MARSHALL CANYON DISTRICT 8
-----**PERSONNEL SERVICES**

REGULAR SALARIES AND WAGES	
PART TIME WAGES	
FRINGE BENEFIT COSTS	
ADMINISTRATION COSTS	
TOTAL PERSONNEL SERVICE	\$ 7,816.00

OPERATIONAL

32-00 OTHER PROFESSIONAL SERVICES		\$ 0.00
32-05 ARCHITECT/ENGINEERING SERVICES		\$ 2,500.00
32-09 OTHER CONTRACTUAL SERVICES		\$ 20,000.00
43-05 CONTRACTUAL MAINT. SERVICE		\$ 28,500.00
• (FUEL MODIFICATION)	\$ 18,500.00	
• 1/2 LINEAR PARK	\$ 0.00	
• DRAINAGE IMPROVEMENTS	\$ 10,000.00	
54-05 LEGAL NOTICES AND PUBLICATIONS		\$ 500.00
62-51 ELECTRICITY UTILITY		\$ 700.00
62-52 CITY UTILITIES/WATER, ETC.		\$ 5,000.00
64-00 MISC. MATERIALS & SUPPLIES		\$ 0.00
65-07 MATERIALS/NURSERY ITEMS		\$ 0.00
65-16 SPRINKLER/IRRIGATION SUPPLIES		\$ 0.00

OPERATIONAL TOTAL	\$ 57,200.00
--------------------------	---------------------

FUND FOR TREE TRIMMING (5 YEAR)	\$0.00
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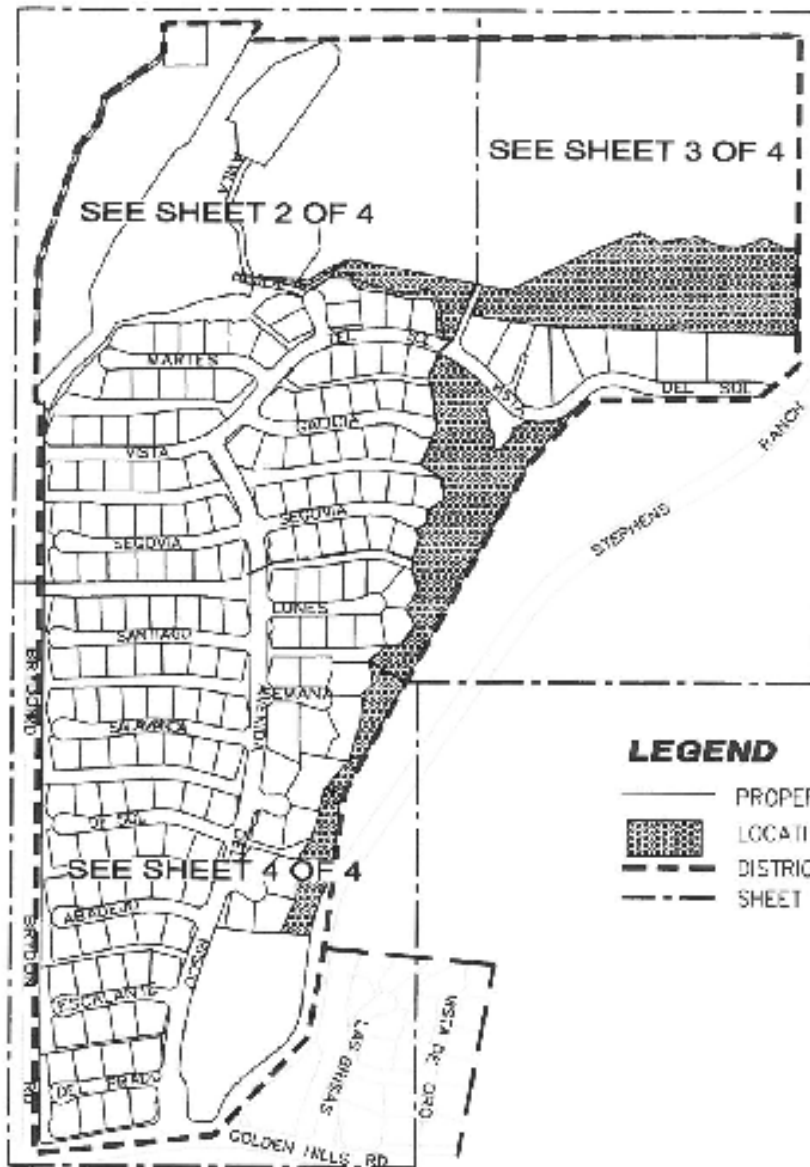
COST CENTER TOTAL	\$65,016.00
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CREDIT (FROM RESERVES)	(\$19,820.00)
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TOTAL TO BE ASSESSED	\$45,196.00
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2023-24 DISTRICT NO. 8 EQUAL PARCEL ASSESSMENT (181 PARCELS) \$ 249.70

EXHIBIT 'A'



LEGEND

- PROPERTY LINE/RIGHT OF WAY LINE
- LOCATION OF IMPROVEMENTS
- - - DISTRICT BOUNDARY
- - - SHEET LIMIT

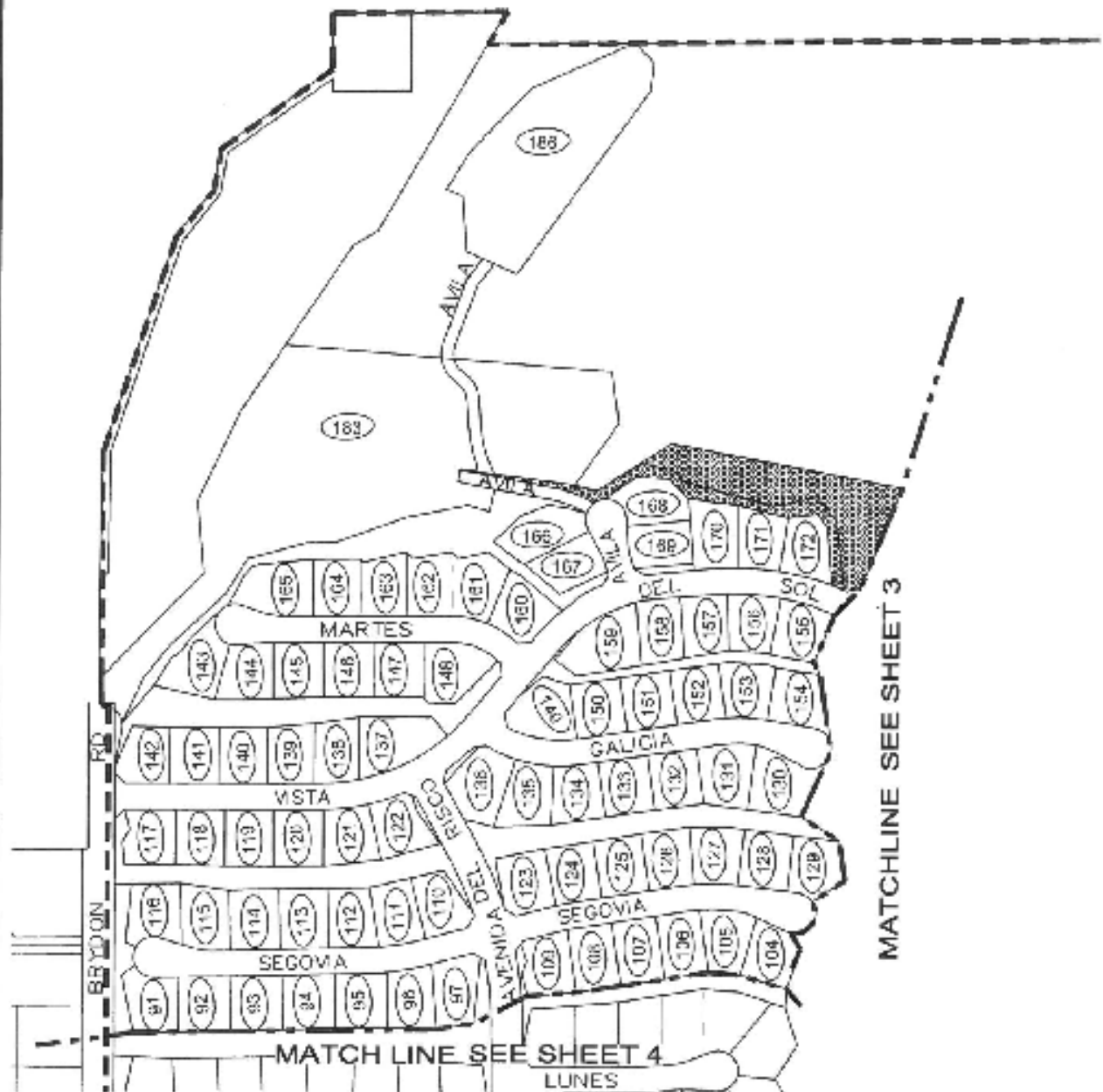
RKA
CONSULTING GROUP
360 S. Locust Canyon Drive - SUITE E - WALNUT, CA 91790
(909) 594-4702 • (909) 594-4703 • FAX (909) 594-4688
WWW.RKAGROUP.COM

LANDSCAPE MAINTENANCE DISTRICT
INDEX MAP
DISTRICT 8
LA VERNE, CA

DATE: 3/21/14 SCALE: 1" = 600' DRAWN BY: F.P.A. SHEET: 1 OF 4

X:\ACAD\LMISC\LA VERNE ZONE B ASSESSMENT DISTRICTS.DWG

EXHIBIT "A"



LEGEND

- PROPERTY LINE/RIGHT OF WAY LINE
- ASSESSMENT NUMBER
- LOCATION OF IMPROVEMENTS
- DISTRICT BOUNDARY



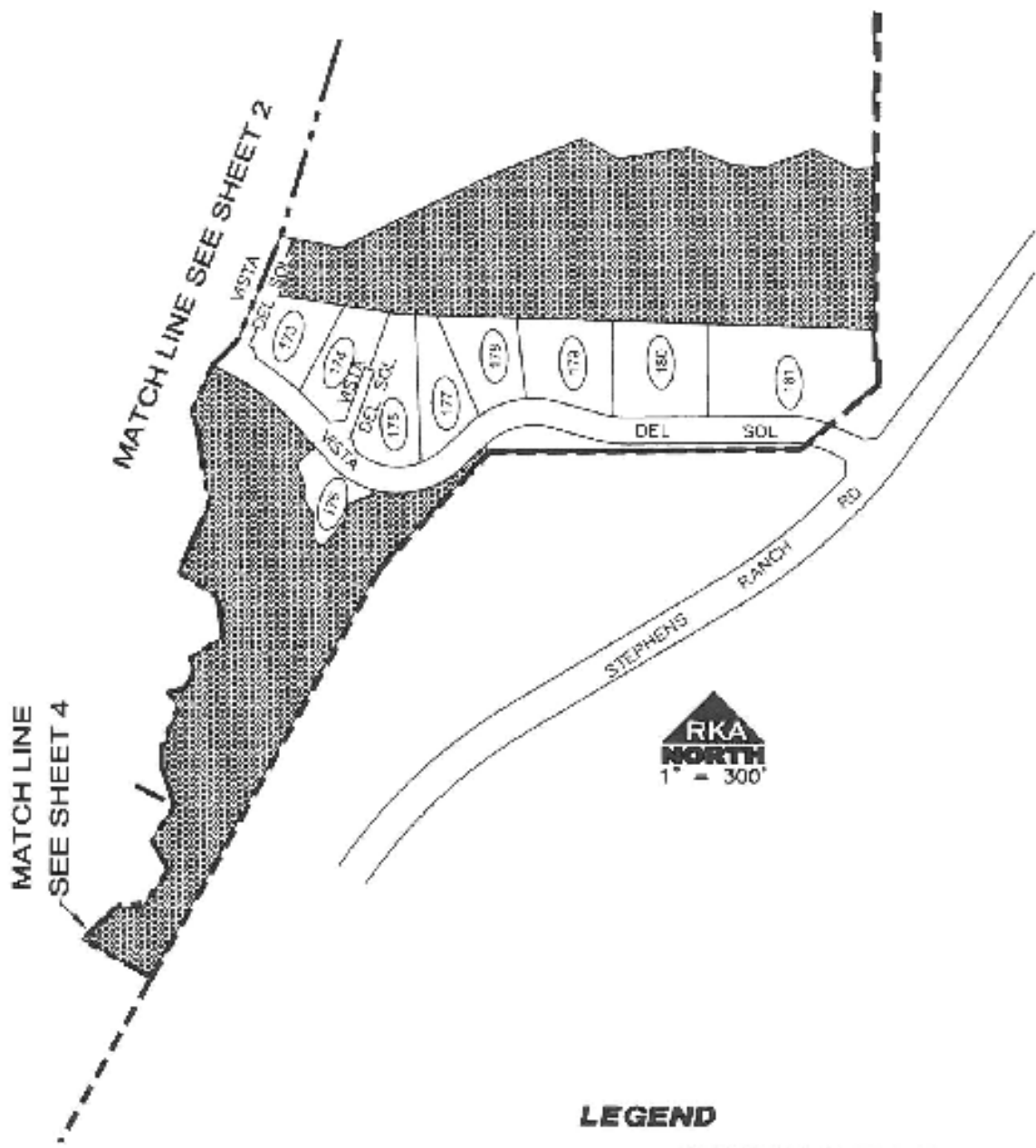
RKA
CONSULTING GROUP
888 S. LINDEN CREEK DRIVE - SUITE 100 - WALHALLA, CA 94178
(916) 224-4700 - (916) 224-4701 - FAX (916) 224-4702
WWW.RKACONSULTING.COM

LANDSCAPE MAINTENANCE DISTRICT
ASSESSMENT DIAGRAM
DISTRICT 8
LA VERNE, CA

DATE: 5/21/14 SCALE: 1" = 300' DRAWN BY: F.P.A. SHEET: 2 OF 4

X:\CAD\LMISC\LA VERNE ZONE 8 ASSESSMENT DISTRICTS.DWG

EXHIBIT "A"



LEGEND

- PROPERTY LINE/RIGHT OF WAY LINE ASSESSMENT NUMBER
- LOCATION OF IMPROVEMENTS
- DISTRICT BOUNDARY

RKA
CONSULTING GROUP
308 E. Lincoln Oaks Drive, Suite 200, La Verne, CA 91760
(909) 894-6702 • (909) 331-8323 • FAX (909) 894-2858
WWW.RKAGROUP.COM

LANDSCAPE MAINTENANCE DISTRICT
ASSESSMENT DIAGRAM
DISTRICT 8
LA VERNE, CA

DATE: 5/21/14 SCALE: 1" = 300' DRAWN BY: F.P.A. SHEET: 3 OF 4

X:\ACAD\JW15C\LA VERNE ZONE 8 ASSESSMENT DISTRICTS.DWG

EXHIBIT "A"



RKA
CONSULTING GROUP
3661 S. LINCOLN CREEK DRIVE, SUITE E, WALWORTH, CA 91789
(909) 594-0702 • (909) 594-0703 • FAX (909) 594-0654
WWW.RKAGROUP.COM

LANDSCAPE MAINTENANCE DISTRICT
ASSESSMENT DIAGRAM
DISTRICT 8
LA VERNE, CA

DATE: 5/21/14 SCALE: 1" = 300' DRAWN BY: F.P.A. SHEETS: 4 OF 4

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City of La Verne, City Council Agenda Report



DATE: May 15, 2023

TO: Honorable Mayor and City Council

FROM: Cody A. Howing, City Engineer

SUBJECT: MAINTENANCE DISTRICT NO. 84-1M, ESPERANZA ROAD SLOPES;
ENGINEER'S REPORT

SUMMARY

The City Council is requested to review, provide preliminary approval, and set a Public Hearing for the Engineer's Report for Maintenance District No. 84-1M, for the Esperanza Road slopes for June 19, 2023.

RECOMMENDATION

Staff is recommending that City Council adopt the attached Resolution No. 23-23, preliminarily approving the Engineer's Report and setting the public hearing for June 19, 2023.

DISCUSSION

Attached for City Council review is the Engineer's Report for Maintenance District No. 84-1M (District). The report contains a reference to the existing plans and specifications for the area to be maintained, the estimated cost to maintain for the Fiscal Year (FY) July 1, 2023, to June 30, 2024, and the assessment diagram. It is proposed that there will be no change in the levy from the previous thirty years (\$8.00 per parcel). Staff is recommending that the City Council approve the Engineer's Report on a preliminary basis and set the Public Hearing for June 19, 2023. ***(PLEASE NOTE: Council Member Kashifalghita will declare a conflict of interest and abstain from voting on this matter, because he owns property within the boundaries of Maintenance District 84-1M).***

Maintenance District No. 84-1M (District) was formed in 1986. The purpose of this District is to provide for the costs and expenses necessary for the maintenance of the slopes and storm drain facilities associated with the construction of Esperanza Road. Generally, in the past few years, a minimum of effort has been necessary for this maintenance. Unfortunately during the 1992, 1993, and 1995 winter storms, significant slides occurred. The majority of the cost to repair these slides was funded by Federal monies with the District funding the difference. The 2004-05 storms caused some slope damage in which repair work was also federally funded. No significant damage was caused as a result of the 2022-23 wet season.

Assessments since 1987 have varied from \$3.98 to an assessment in 1992 of \$8.00. With the application of a credited surplus, the levy is proposed to remain at the maximum assessment of \$8.00 per parcel.

FISCAL ANALYSIS

Based on the proposed budget for FY 2023-24, application of surplus funds in the amount of \$10,557.00 is required to balance the budget. Adequate reserve funds are available.

ENVIRONMENTAL ANALYSIS

The annual maintenance of 84-1M related facilities is categorically exempt from the California Environmental Quality Act, Section 15301 and City of La Verne environmental guidelines.

LEGAL REVIEW

Not applicable.

ATTACHMENTS

1 - Resolution No. 23-23

2 - Draft Engineer's Report 84-1M

RESOLUTION NO. 23-23

WHEREAS, the City Council of the City of La Verne, has previously formed a special maintenance district pursuant to the terms of the “Municipal Improvement Act of 1913,” being Division 12 of the Streets and Highways Code of the State of California, said special maintenance district known and designated as:

CITY OF LA VERNE MAINTENANCE DISTRICT NO. 84-1M

(hereinafter referred to as the “Maintenance District”); and,

WHEREAS, at this time the City Council is desirous to take proceedings to provide for the annual levy of assessments for the next ensuing fiscal year to provide for the costs and expenses necessary to pay for the maintenance of the works of improvement in said Maintenance District; and

WHEREAS, there has been presented and approved by this City Council the Engineer’s “Report” as required by law, and this City Council is desirous of continuing with the proceedings for said annual levy.

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

RECITALS

SECTION 1. That the above recitals are all true and correct.

DECLARATION OF INTENTION

SECTION 2. That it is the intention of this legislative body, to undertake proceedings for the annual levy and collection of assessments to pay the costs and expenses for the maintenance of the works of improvement for the above referenced Maintenance District, said works of improvement generally described as follows:

Certain street improvements, including storm drain facilities, cut and fill slopes and appurtenant work in connection therewith, to serve and benefit properties within the boundaries of this Maintenance District.

BOUNDARIES OF MAINTENANCE DISTRICT

SECTION 3. That said works of improvement are of direct benefit to the properties within the boundaries of said Maintenance District, which Maintenance District the legislative body previously declared to be the area benefited by said works of improvement, and for particulars, reference is made to the boundary map as previously approved by this legislative body, a copy of which is on file in the Office of the City Clerk and open for public inspection, and is designated by the name of this Maintenance District.

REPORT OF ENGINEER

SECTION 4. That the “Report” of the Engineer, as preliminarily approved by this legislative body, is on file with the City Clerk, and open for public inspection. Reference is made to said “Report” for a full and detailed description of the existing works of improvement, the boundaries of the Maintenance District and the proposed assessments upon assessable lots and parcels of land within the Maintenance District.

PUBLIC HEARING

SECTION 5. NOTICE IS HEREBY GIVEN THAT ON THE 19th DAY OF JUNE, 2023, AT THE HOUR OF 6:30 P.M., IN THE REGULAR MEETING PLACE OF THE CITY COUNCIL, BEING THE COUNCIL CHAMBERS, CITY HALL, IS THE TIME AND PLACE FIXED BY THIS LEGISLATIVE BODY FOR HEARING PROTESTS OR OBJECTIONS IN REFERENCE TO THE ANNUAL LEVY OF ASSESSMENTS AND TO ANY OTHER MATTERS CONTAINED IN THIS RESOLUTION, ANY PERSONS WHO WISH TO OBJECT TO THE PROCEEDINGS OR THE ANNUAL LEVY SHOULD FILE A WRITTEN PROTEST WITH THE CITY CLERK PRIOR TO THE TIME SET FOR THE PUBLIC HEARING.

NOTICE

SECTION 6. That the Assistant City Clerk has given notice as required by law by causing a copy of this Resolution to be published two (2) times in a newspaper of general circulation within said City; the first publication to be completed not less than twenty (20) days prior to the date set for the public hearing.

PROCEEDINGS INQUIRIES

SECTION 7. For any and all information relating to these proceedings, including information relating to protest procedure, your attention is directed to the person designated below:

City Engineer
City of La Verne
3660 "D" Street
La Verne, California 91750
(909) 594-9702

PASSED, APPROVED AND ADOPTED this 15th day of May 2023.

Tim Hepburn, Mayor

ATTEST:

Lupe Gaeta Estrella, Assistant City Clerk

I, Lupe Gaeta Estrella, Assistant City Clerk of the City of La Verne, DO HEREBY CERTIFY that Resolution No. 23-23, was duly passed and adopted by the said City Council at a regular meeting of the said Council held on the 15th day of May 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lupe Gaeta Estrella, Assistant City Clerk

CITY OF LA VERNE
ENGINEER'S REPORT
FOR
LANDSCAPE MAINTENANCE
DISTRICT NO. 84-1M

FISCAL YEAR 2023-24

SECTION 1. AUTHORITY FOR REPORT

This report is prepared for Maintenance District No. 84-1M pursuant to Section 10100.8 of the Municipal Improvement Act of 1913, being Division 12 of the Streets and Highways Code of the State of California.

SECTION 2. PLANS AND SPECIFICATIONS FOR THE IMPROVEMENTS

Plans showing the size and location of storm drain facilities and the location of slopes to be maintained are hereby made a part of this report and are on file in City Hall and are available for public inspection.

The storm drains and slopes shall be maintained to provide adequate protection of Esperanza Drive from storm water and storm water run-off.

Storm drains shall be inspected after each storm totaling 2-inches or more, but not less than twice per season. Tree branches, brush, etc., shall be removed from inlet and outlet structures. Mud and sand deposits shall be called to the attention of the City Engineer and shall be removed as directed.

Slopes shall be inspected after each storm totaling 2-inches or more, but not less than twice per season. Slopes shall be re-seeded as necessary to maintain an adequate root structure to control erosion. Excessive erosion shall be backfilled and re-seeded to prevent further erosion. Earth slides and slip-outs shall be called to the attention of the City Engineer and shall be repaired as directed.

SECTION 3. ESTIMATED COSTS FOR THE MAINTENANCE OF THE
IMPROVEMENTS

Total estimated costs for the Fiscal Year 2023-24 are as follows:

EXPENDITURE BUDGET**2023-24**-----
MAINTENANCE ASSESSMENT DISTRICT

ACCOUNT NO. 246-5201

DISTRICT 84-1M
-----**PERSONNEL SERVICES**REGULAR SALARIES AND WAGES
PART TIME WAGES
FRINGE BENEFIT COSTS
ADMINISTRATION COSTS

TOTAL PERSONNEL SERVICES \$5,592.00

OPERATIONAL32-00 OTHER PROFESSIONAL SERVICES \$0.00
32-05 ARCHITECT/ENGINEERING SERVICES \$2,500.00
32-09 OTHER CONTRACTUAL SERVICES \$6,000.00
43-05 CONTRACTUAL MAINT. SERVICE \$6,000.00
54-05 LEGAL NOTICES AND PUBLICATIONS \$350.00
62-51 ELECTRICITY UTILITY \$0.00
62-52 CITY UTILITIES/WATER, ETC. \$0.00
65-07 MATERIALS \$0.00

OPERATIONAL TOTAL \$14,850.00

COST CENTER TOTAL \$20,442.00

CREDITED SURPLUS \$10,557.00

TOTAL TO BE ASSESSED \$9,885.00

SECTION 4. DIAGRAM FOR THE ASSESSMENT DISTRICT

Reduced copies of the assessment diagram is attached to this report and labeled "Exhibit A". Full size maps are available in the office of the City Engineer.

SECTION 5. ASSESSMENT

The north access road, Esperanza Drive, was constructed for the benefit of all of the properties included within the District boundaries. It is imperative that these maintenance expenses be incurred in order to continue the level of benefit to each parcel. The assessment of cost upon each parcel was apportioned in accordance with the estimated benefit received.

The amount estimated to be assessed upon the assessable lands within the district is \$9,885.00.

The amount is apportioned to all assessable lots per attached list. The cost per developed single-family parcel is \$8.00.

As required by said Act, a diagram is attached hereto showing the District and the boundaries and dimensions of the respective parcels of land within said District as the same existed at the time of the adoption of the Resolution of Intention and the initiation of these proceedings, as each parcel has been given a separate number upon said Diagram.

City of La Verne, City Council

Agenda Report



DATE: May 15, 2023

TO: Honorable Mayor and City Council

FROM: Eric Scherer, Community Development Director

SUBJECT: **ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR REMOVAL OF ACCESSIBILITY BARRIERS AT CITY HALL PUBLIC AREAS**

SUMMARY

City Council approval of the use of Community Development Block Grant (CDBG) funds for removal of accessibility barriers at City Hall, through the replacement of public counters and modifications to restrooms in the estimated amount of \$200,000 is requested.

RECOMMENDATION

It is recommended that the City Council:

1. Approve Resolution No. 23-24, allocating \$120,000 for ADA compliant public counters and \$80,000 for ADA compliant public restrooms in City Hall; and,
2. Appropriate \$200,000 from the CDBG Fund for the removal of accessibility barriers at City Hall in the public areas.

DISCUSSION

The City Council approved the use Community Block Grant Funds for the fiscal year 2023-2024 in January, leaving an unallocated balance of \$525,000. A preliminary list of projects at public facilities that involve the removal of barriers for those with disabilities for Americans with Disabilities Act (ADA) compliance has begun and two immediate projects have been identified. The first being the installation of accessible public counters at each department within City Hall and the second being the renovation of the restrooms at City Hall for ADA compliance. The total Community Block Grant funding needed is an estimated \$200,000.

Community Development Block Grant Total Balance:	\$525,000
City Hall ADA Counters	\$120,000
City Hall ADA Bathrooms	\$80,000
Unallocated:	\$325,000

On January 17, 2023, the City Council unanimously approved the Senior Hot Lunch Program and a Sidewalk Repair Program with the use of Community Development Block Grant (CDBG) funding. It was presented to the City Council that staff was accumulating a list of projects at public facilities that involve the removal of barriers for those with

disabilities for Americans with Disabilities Act (ADA) compliance. Staff has identified the two immediate projects:

1. The installation of accessible public counters at each department within City Hall; and,
2. The renovation of the restrooms at City Hall for ADA compliance.

Staff is asking the City Council to approve the allocation of \$120,000 of available CDBG funding to remove the barrier of the high public countertops and replace with wheelchair and mobility impaired accessible countertops within City Hall (as well as the incidentals effected with this project) and \$80,000 for the ADA public restrooms remodel.

The total balance of the CDBG funding remaining, if these projects are approved, would be \$325,000. Staff is finalizing assessment of other options for accessibility at City Hall as well as accessibility improvements to include sidewalk replacement, curb cuts, and ramp options at various City locations.

FISCAL ANALYSIS

If approved, appropriations of \$200,000 will need to be added to the Fiscal Year 2022-23 Adopted budget within the Community Development Block Grant fund for the construction and installation of ADA compliant public counters and restrooms in City Hall.

ENVIRONMENTAL ANALYSIS

Not applicable.

LEGAL REVIEW

This report and the attached resolution were reviewed by the City Attorney.

ATTACHMENTS

- Resolution Number 23-24

Report Prepared By:
Candice Bowcock, Principal Planner

RESOLUTION NO. 23-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING THE ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO THE INSTALLATION OF ACCESSIBLE PUBLIC COUNTERS AND RESTROOMS AT CITY HALL IN THE FISCAL YEAR 2023 – 2024

WHEREAS, the City of La Verne participates in the Community Development Block Grant (CDBG) program through the Los Angeles County Urban County Program; and

WHEREAS, the County has indicated that the City of La Verne has an unallocated balance of approximately \$525,000 in funds for projects; and

WHEREAS, the City of La Verne has identified two projects which would remove barriers to the public in accordance with the Americans with Disabilities Act (ADA) at City Hall; and

WHEREAS, a duly noticed public hearing was posted and published in the Inland Valley Daily Bulletin on May 1, 2023, for the purpose of receiving public input on projects for funding;

NOW THEREFORE, the City Council of the City of La Verne DETERMINES AND DIRECTS as follows:

Section 1. Staff is instructed to submit the CDBG Program Planning Summary for approval to the Los Angeles County Community Development Commission with funding for the following programs in the specified amounts for fiscal year 2023-2024, as recommended in the staff report dated May 15, 2023:

Community Development Block Grant Total Balance:	\$525,000
City Hall ADA Counters	\$120,000
City Hall ADA Bathrooms	\$80,000

Section 2. Staff is authorized to adjust the program budget as necessary to take into account the final CDBG allocation from the U.S. Department of Housing and Urban Development and any amounts remaining unspent at the close of the fiscal year.

Section 3. That the Mayor shall sign and the Assistant City Clerk shall attest to the passage and adoption of this Resolution.

Section 4. The City Manager shall be authorized to submit the application and to sign all necessary forms and agreements for implementing the programs.

PASSED, APPROVED AND ADOPTED this 15th day of May of 2023.

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF LA VERNE)

I hereby certify that the foregoing **Resolution No. 23-24**, was duly and regularly adopted by the City Council of the City of La Verne at a meeting thereof held on the **6th day of March, 2023**, by the following vote:

AYES: Kashifalghita, Johnson, Lau, Crosby, and Mayor Hepburn.

NOES: None.

ABSENT: None.

ABSTAIN: None.

2023.

Lupe Gaeta Estrella, Assistant City Clerk

Tim Hepburn, Mayor

ATTEST:

Lupe Gaeta Estrella, Assistant City Clerk

City of La Verne, City Council Agenda Report



DATE: May 15, 2023

TO: Honorable Mayor and City Council

FROM: Gabriel Rivera, Assistant Planner

SUBJECT: FIRST READING OF AN ORDINANCE, NO. 1116, WHICH UPDATES AND MODIFIES THE CITY'S EXISTING ACCESSORY DWELLING UNITS (ADUs) PROVISIONS AND MAKE CEQA EXEMPTION DETERMINATION.

SUMMARY

In December of 2019, the City Council adopted an urgency ordinance, Ordinance No. 1089, to comply with new laws regarding Accessory Dwelling Units (ADUs). In 2022, the State passed amendments to laws which further modified the existing State ADU regulations and Staff is presenting a Draft Ordinance which will update the existing ADU provisions of the La Verne Municipal Code Chapter 18.120.

RECOMMENDATION

Staff and the Planning Commission recommend that the City Council should introduce by title only and waive further reading of Ordinance No. 1116, an ordinance of the City Council of the City of La Verne, California amending the zoning provisions of the La Verne Municipal Code relating to accessory dwelling units and junior accessory dwelling units in accordance with state law and making a determination that adoption of the Ordinance is exempt from the California Environmental Quality Act.

DISCUSSION

In 2019 a number of bills were enacted by the State of California which related to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs), which went into effect on January 1, 2020. In December of 2019, the City Council adopted an urgency ordinance, Ordinance No. 1089, to comply with the aforementioned laws. In 2022, the State passed amendments to laws which further clarified the existing State ADU regulations, which took effect on January 1, 2023.

Staff is proposing a number of changes to the existing ADU provisions which will allow for the City to remain in compliance with the state's current ADU regulations. On January 1, 2023, new regulations went into effect, under Senate Bill No. 897 and Assembly Bill No. 2221, which amended and clarified portions of Government Code section § 65852.2, along with adding section Government Code section § 65852.23. These amendments and clarifications, as they relate to the City's existing ADU code sections are summarized below:

- Section 18.120.020 *Definitions*
 - Defined what constitutes a detached structure.
- Section 18.120.030 *Applications*
 - Subsection C. Inclusion of a section which states that the City cannot deny ADU permit applications based on a need to correct nonconforming zoning, building, or unpermitted structures, which do not affect the construction of the ADU itself.
- Section 18.120.040 *Allowed Zones*
 - The removal of the section which prohibited ADUs from being located within the Very High Fire Severity zone (VHFSZ). This was based on advisory letters sent by HCD, as well as HCD's interpretation that the mandatory provisions of Government Code § 65852.2(e) would allow an ADU to be built in the VHFSZ.
- Section 18.120.050 *Development Standards/requirements - ADUs*
 - Subsection C. Changed the height standards for ADUs to reflect the changes in the state's provisions. ADUs shall have a minimum height of at least sixteen feet (16'). Detached ADUs, if within ½ mile walking distance of a major transit stop or transit corridor, can have a maximum height of eighteen feet (18'); this height can go up to twenty feet (20') to accommodate a roof pitch that is aligned with the main dwelling unit. The height for a detached ADU on a lot with a multifamily dwelling is eighteen feet (18'). Lastly, attached ADUs shall have a maximum height of twenty-five feet (25)', or the height allowed for the primary dwelling, whichever is lower.
 - Subsection H. Added further clarification that lot coverage, outdoor living area, and minimum distance between dwelling units (ten feet 10' minimum) shall not prohibit the construction of an eight hundred square foot (800 SF) ADU.
 - Subsection I.6(f). Added a section which exempts ADUs from being required to have parking if the ADU proposal is in conjunction with a new single or multi-family dwelling on the same lot.
 - Subsection J. Removed any subjective design standards.
- Section 18.120.070 *Junior Accessory Dwelling Units (JADU)*
 - Subsection D. Clarified that JADUs shall have an interior entry to the main living area of the primary residence if the sanitation facilities are shared between the JADU and the main house.
- Section 18.129.080 *Regulations*
 - Subsection A.1. Clarified that JADUs/ADUs cannot be sold separately from the primary unit unless the sale is to a qualified nonprofit corporation in accordance with provisions from Government Code section § 65852.26
 - Subsection E. Added a section that clarifies that the City cannot deny a permit for an unpermitted ADU that was constructed before 2018, unless

staff can present findings that correcting the violation is necessary to protect the health and safety of the occupants or the public.

- Subsection I. Adds a section which requires JADUs/ADUs to obtain a separate address from building and safety.

Other changes not listed are minor updates to refine the syntax of the code and formatting.

Planning Commission Review

The Planning Commission reviewed draft Ordinance No. 1116 at a duly noticed hearing on April 26th, 2023, adopting Resolution 1303, recommending the City Council approve Draft Ordinance No. 1116.

ENVIRONMENTAL ANALYSIS

The proposed Ordinance No. 1116 is exempt from CEQA pursuant to Public Resources Code section 21080.17 which provides CEQA does not apply to the adoption of an ordinance to implement ADU law.

FISCAL ANALYSIS

The fees for processing development applications for proposed ADU projects will be the same as currently required for similar residential or land division projects as indicated by the 2023 Comprehensive Fee Schedule. The recommended action has no financial impact.

LEGAL REVIEW

The attached Draft Ordinance No. 1116 and Resolution No. 1303 were prepared under the supervision of and reviewed by the City Attorney's Office for compliance with state law.

ATTACHMENTS

1. Draft Ordinance No. 1116
2. Planning Commission Resolution No. 1303

Report Prepared By:
Gabriel Rivera, Assistant Planner

Coordinated With:
Lisa Kranitz, Deputy City Attorney

ORDINANCE NO. 1116

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, CALIFORNIA AMENDING THE ZONING PROVISIONS OF THE LA VERNE MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN ACCORDANCE WITH STATE LAW

WHEREAS, the California State legislature adopted more than eighteen housing bills in 2019 to deal with the housing problem; and

WHEREAS, In December of 2019, the City adopted Urgency Ordinance No. 1089 which combat this problem through adopting regulations which allowed for the construction of accessory dwelling units (also known as second units, in-law units, and granny flats) and Junior Accessory Dwelling Units (JADUs); and

WHEREAS, since the City adopted Ordinance No. 1089, the State legislature has continued to amend the provisions of state law in order to encourage the construction of accessory dwelling units and junior dwelling units. The most recent took effect on January 1, 2023; and

WHEREAS, the City is required to be in compliance with the new provisions or the state law relating to these units prevail and the City loses local control; and

WHEREAS, the public hearing before the Planning Commission was opened and continued to April 26, 2023; and

WHEREAS, on April 26, 2023 the Planning Commission of the City of La Verne held a duly noticed public hearing at which time it considered all evidence presented, both written and oral; and

WHEREAS, at the close of the public hearing the Planning Commission adopted a resolution recommending that the City Council adopt this Ordinance; and

WHEREAS, the City desires to amend its regulations to comply with the current state law; and

WHEREAS, on May 15, 2023, the City Council held a duly noticed public hearing at which time it considered all evidence presented, both written and oral;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA VERNE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 18.120 of the La Verne Municipal Code is hereby amended to read as follows:

CHAPTER 18.120 ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

18.120.010 Purpose.

A. The purpose of this Chapter is to provide for accessory dwelling units and junior accessory dwelling units in accordance with the provisions of state law in order to assist with the housing crisis.

18.120.020 Definitions.

For purposes of this Chapter, the following definitions shall apply.

“Accessory dwelling unit” shall mean an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence which includes permanent provisions for living, sleeping, eating, cooking and sanitation facilities on the same parcel of land as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following: an efficiency unit; and a manufactured home, as defined in 18007 of the Health & Safety Code.

“Detached” shall mean where there is a physical separation between the accessory dwelling unit and the primary unit or an accessory structure.

“Junior accessory dwelling unit” shall mean a unit that is no more than 500 square feet in size and contained entirely within a single-family residence or an attached structure, including a garage.

“Junior or/Accessory dwelling units” shall mean that the section refers to both a junior and accessory dwelling unit.

“Primary unit” shall mean an existing single-family dwelling, or the larger of two proposed units.

18.120.030 Applications.

A. Applications for Junior or/Accessory dwelling units shall be ministerially processed within 60 days of receipt of a complete application and approved if they meet the requirements of this Chapter.

1. Notwithstanding subsection A above, if the application is submitted in conjunction with an application for a new single- or multi-family dwelling, the application for the Junior or/Accessory dwelling unit shall not be acted upon until the application for the new dwelling is acted upon.

2. The City shall grant a delay if requested by the applicant.

3. If the construction of an accessory dwelling unit requires demolition of a detached garage, the demolition application shall be reviewed and issued at the same time as the accessory dwelling unit.

4. If the application is denied, the City shall detail in writing all items that are defective or deficient and a how the applicant can remedy the application.

B. All applications for Junior or/Accessory dwelling units shall be accompanied by an application fee which amount shall be set by resolution of the City Council.

C. A permit application may not be denied due to the need to correct a nonconforming zoning condition, building code violation, or unpermitted structures that do not present a threat to the public health and safety and are not affected by the construction of the accessory dwelling unit.

18.120.040 Allowed Zones.

A. An application for an accessory dwelling unit shall be approved by the community development director or the director's designee upon the director's or designee's determination that the application meets all the requirements set out in Section 18.120.050 in the zoning districts listed below and in specific plan areas where residential or mixed-use development is allowed.

1. A-1 limited agricultural;
2. PR-1/5 planned residential, 1 detached dwelling unit/5 acres;
3. PR-1D planned residential, 1 detached dwelling unit/acre;
4. PR-2D planned residential, 2 detached dwelling units/acre;
5. PR-3D planned residential, 3 detached dwelling units/acre;
6. PR-4.5D planned residential, 4.5 detached dwelling units/acre;
7. PR-5D planned residential, 5 detached dwelling units/acre;
8. PR-6A planned residential, 6 attached dwelling units/acre;
9. PR-7A planned residential, 7 attached dwelling units/acre;
10. PR-7.5A planned residential, 7.5 attached dwelling units/acre;
11. PR-8A planned residential, 8 attached dwelling units/acre;
12. PR-10A planned residential, 10 attached dwelling units/acre;
13. PR-15A planned residential, 15 attached dwelling units/acre.
14. C-P-D commercial-professional mixed development, where residential has been allowed by Section 18.120.060.

B. An accessory dwelling unit may only be constructed on a lot which contains an existing or proposed single- or multi-family dwelling.

C. Accessory dwelling units shall not count in determining density or lot coverage and are considered a residential use consistent with the existing general plan and zoning designation for the lot.

18.120.050 Development Standards/Requirements – Accessory Dwelling Units.

A. Location/Number.

1. Junior or/Accessory dwelling units shall be located only on lots with an existing or proposed single- or multi-family dwelling.

2. Attached and detached accessory dwelling units shall be located behind the rear building line of the primary residence in a single-family zone. However, this requirement shall not apply if the accessory dwelling unit is being converted from a legally existing accessory structure, including a garage, or constructed in the exact same location and to the exact same dimensions as a legal, previously existing accessory structure.

3. Only one accessory dwelling unit shall be allowed on a residentially zoned lot, unless otherwise permitted in accordance with Section [18.120.060](#) below.

B. Type of building. An attached or detached accessory dwelling unit shall be a permanent structure on a permanent foundation with permanent provisions for living, sleeping, food preparation, sanitation, and bathing. A manufactured home as defined in California Health and Safety Code section 18007 shall qualify.

C. Height. The height of an attached or detached accessory dwelling unit shall not be any higher than the primary unit and no higher than the height limit of the zoning district or specific plan in which it is located.

1. In no event shall the allowed height be less than 16 feet.

2. A detached accessory dwelling unit shall not exceed a maximum height of 18 feet if the accessory dwelling unit is on a lot with an existing or proposed single- or multi-family dwelling unit that is within a half mile walking distance of a major transit stop or a high-quality transit corridor as those terms are defined in Public Resources Code section 21155. An additional two feet in height shall be allowed to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.

2. A detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling shall not exceed 18 feet.

3. An attached accessory dwelling unit shall have a maximum height of 25 feet, or the height allowed for the primary dwelling, whichever is lower. Accessory dwelling units shall not exceed two stories.

D. Size.

1. The maximum size of an attached or detached accessory dwelling unit is 850 square feet if it has zero or one bedrooms, and 1,000 square feet if it has two or more bedrooms.

2. The minimum square footage for an attached or detached accessory dwelling unit shall not be less than the size allowed for an efficiency unit as defined in [Health and Safety Code](#) section 17958.1.

3. Notwithstanding any other provision of this section, development standards shall be waived to allow an applicant to build an 800 square foot accessory

dwelling unit provided that the height requirements do not exceed those set forth in subsection C above with at least four foot side and rear yard setbacks.

4. Junior accessory dwelling units shall comply with Government Code 65852.22.

E. Setbacks.

1. Attached and detached accessory dwelling units shall be located behind the rear building line of the primary residence.

2. An accessory dwelling unit, including a unit added above a permitted garage, shall have rear and side yard setbacks of at least four feet.

3. The setback requirements in subsections (E)(1) and (E)(2) above shall not apply if the accessory dwelling unit is being converted from an approved accessory structure, including a garage, or being constructed in the same location and to the same dimensions as an approved existing accessory structure, including a garage.

4. Accessory dwelling units shall be required to comply with the requirements of the California Building Standards Code as set forth in Title 8.04 of this Code relating to the distance between buildings.

5. Detached accessory dwelling units shall be a minimum of ten feet from other buildings on the same property.

6. No portion of an accessory dwelling unit may encroach into any public or private easement such as a utility easement unless the easement holder has provided written permission to construct the accessory dwelling unit in the manner proposed. To establish a rebuttable presumption of compliance with this requirement, the applicant may provide a written declaration under penalty of perjury affirming compliance with this requirement. The declaration shall be in a form acceptable to the City Attorney.

F. Lot Coverage. The lot coverage standards of the underlying zoning district or specific plan area where the unit is located shall control.

G. Outdoor Living. For accessory dwelling units in single family zones, there must be outdoor living spaces that meet the following requirements:

1. Each unit shall have a separate usable outdoor living area of 400 square feet, with 15 feet minimum in any direction.

2. Outdoor living areas shall be landscaped.

3. Outdoor living areas do not include parking areas, driveways, or front and rear yard setback areas of the primary residence.

H. Exceptions. The provisions of subsection E.5, F, and G above shall not apply if they would prohibit the construction of an accessory dwelling unit that is 800 square feet.

I. Parking.

1. Parking shall be required at the rate of one space for each accessory dwelling unit. No parking spaces shall be required for an accessory dwelling unit created within an existing living space.

2. Parking spaces may be provided through tandem parking on an existing driveway provided that such parking does not encroach into the public sidewalk.

3. Parking spaces for accessory dwelling units may be provided in paved portions of setback areas provided that the amount of paving does not exceed the total amount of paving and hardscaped areas that are otherwise allowed by this Title.

4. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, such parking spaces need not be replaced.

5. Tandem parking and parking in setback areas shall not be allowed if the community development director makes specific findings that such parking is not feasible based upon specific site or regional topographical, or fire and life safety conditions.

6. Notwithstanding any other provision of this subsection, no parking shall be required for the accessory dwelling unit if any of the following conditions apply:

a. The accessory dwelling unit is located within one-half mile walking distance of a public transit stop;

b. The accessory dwelling unit is located within an architecturally and historically significant historic district;

c. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure;

d. When on-street parking permits are required, but not offered to the occupant of the accessory dwelling unit;

e. When there is a car share vehicle located within one block of the accessory dwelling unit; or

f. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single- or multi-family dwelling on the same lot provided that the accessory dwelling unit or the parcel satisfies any other criteria listed in this subsection 6.

J. Design.

1. The accessory dwelling unit shall be of the exact same architectural style, including roof design, windows, doors, wall treatment materials, and color as the primary unit.

2. The accessory dwelling unit shall have a separate entrance from the primary dwelling unit.

3. The accessory dwelling unit shall not alter the appearance of the primary single-family dwelling unit.

K. Fire sprinklers – shall be required in any accessory dwelling unit if they were required in the primary unit. The construction of an accessory dwelling unit shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.

L. Utilities – connections, fees and capacity charges.

1. Attached/Interior accessory dwelling units.

a. The unit shall be connected to utilities, but a separate utility connection shall not be required unless the accessory dwelling unit is being constructed in connection with a proposed residential dwelling.

b. No connection fee or capacity charge shall be required unless the accessory dwelling unit is being constructed in connection with a proposed residential dwelling. The connection fee or capacity charge shall be proportionate to the burden of the proposed accessory dwelling unit based on the size or number of plumbing fixtures.

2. Detached accessory dwelling units

a. The unit shall be connected to utilities, but a direct connection between the utility at the unit shall not be required unless the accessory dwelling unit is being constructed in connection with a proposed residential dwelling.

3. Photovoltaic System –

a. All new low-rise residential buildings (single-family or multi-family buildings with three (3) habitable stories or less, including detached Accessory Dwelling Units) shall have a photovoltaic (PV) system meeting the minimum qualification requirements specified by the California Energy Commission's Building Energy Efficiency Standards. Attached ADUs are exempt from this requirement.

b. The connection fee or capacity charge shall be proportionate to the burden of the proposed accessory dwelling unit based on the size or number of plumbing fixtures.

M. Fees.

1. No impact fee shall be imposed on any accessory dwelling unit less than 750 square feet in size.

2. For accessory dwelling units 750 square feet or greater, impact fees shall be charged proportionately in relation to the square footage of the primary dwelling.

3. All applicable public service and recreation impact fees shall be paid prior to occupancy in accordance with Government Code sections 66000 et seq. and 66012 et seq.

18.120.060 Mandatory Approvals.

A. Notwithstanding any other provision of this chapter, the City shall ministerially approve an application for any of the following accessory dwelling units within a residential or mixed-use zone:

1. One accessory dwelling unit and one junior accessory dwelling unit per lot within the existing or proposed space of a single-family dwelling or accessory structure.

a. An expansion of up to 150 square feet shall be allowed in an accessory structure solely for the purposes of accommodating ingress and egress.

b. The Junior/or Accessory dwelling unit shall have exterior access separate from the existing or proposed single-family dwelling.

c. The side and rear setbacks shall be sufficient for fire and safety.

d. If the unit is a junior accessory dwelling unit, it shall comply with the requirements of Sections 18.120.070 and 18.120.080 below.

2. One detached accessory dwelling unit that does not exceed four foot side and rear yard setbacks on a lot with an existing or proposed single-family dwelling, provided that the unit shall not be more than 800 square feet and shall not exceed the height specified in subsection 18.120.050.C above.

a. A junior accessory dwelling unit may be developed with this type of detached accessory dwelling unit and shall comply with all requirements of Sections 18.120.070 and 18.120.080 below.

3. On a lot with a multifamily dwelling structure, up to 25 percent of the total multifamily dwelling units, but no less than one unit, shall be allowed within the portions of the existing structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that each unit complies with state building standards for dwellings.

4. On a lot with an existing or proposed multifamily dwelling structure, up to two detached units, provided that they meet the height requirements of subsection C above and have at least four foot side and rear yard setbacks.

18.120.070 Junior Accessory Dwelling Units.

A. One junior accessory dwelling unit shall be allowed in the single-family residential zone within an existing or proposed single-family dwelling. A junior accessory dwelling unit shall be allowed in conjunction with an accessory dwelling unit as specified in section 18.120.060.

B. The junior accessory dwelling unit shall contain at least an efficiency kitchen which includes cooking appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the junior accessory dwelling unit.

C. The junior accessory dwelling unit shall have a separate entrance from the primary residence.

D. The junior accessory dwelling unit may, but is not required to, include separate sanitation facilities. If separate sanitation facilities are not provided, the junior accessory dwelling unit shall share sanitation facilities with the single-family residence and must have an interior entry to the main living area of the single-family residence.

E. No additional parking shall be required for a junior accessory dwelling unit.

F. A junior accessory dwelling unit shall be required to comply with applicable building standards.

G. The owner of property on which a junior accessory dwelling unit is constructed shall abide by the following and record a deed restriction which shall run with the land and shall provide for the following:

1. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence;

2. A prohibition from enlarging the junior accessory dwelling unit from being enlarged beyond 500 square feet;

3. A prohibition from renting the property for less than 31 consecutive, calendar days;

4. A restriction that the owner shall reside in either the primary residence or the junior accessory dwelling unit. Notwithstanding the foregoing:

- a. The owner may rent both the primary residence and junior accessory dwelling unit to one party with a restriction in the lease that that such party may not further sublease any unit or portion thereof; and

- b. This restriction shall not apply if the owner of the single-family residence is a governmental agency, land trust, or housing organization; and

5. A statement that the deed restrictions may be enforced against future purchasers.

A copy of the deed restriction shall be filed with the Community Development Department after recordation.

H. For the purposes of providing service water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered to be a separate or new dwelling unit.

J. The City shall impose application, permit and inspection fees on junior accessory dwelling units.

18.120.080 Regulations.

A. Sales.

1. Accessory dwelling units shall not be sold separately from the primary unit unless the sale is to a qualified nonprofit corporation in accordance with the provisions of Government Code section 65852.26.

2. Junior Accessory dwelling units shall not be sold separately from the primary unit.

B. Rental. All Junior or/Accessory dwelling units shall be rented for a minimum of 30 days.

C. Owner/Occupancy.

1. The City shall not enforce any owner/occupancy requirement previously imposed on an accessory dwelling unit until January 1, 2025.

2. No unit permitted between January 1, 2020, and January 1, 2025 shall be subject to an owner-occupancy requirement.

3. All junior accessory dwelling units shall have an owner/occupancy requirement.

D. This Chapter shall in no way validate any existing illegal accessory dwelling unit nor shall it change a legal nonconforming unit to a conforming unit.

E. Unpermitted Accessory Dwelling Units.

1. An application for an accessory dwelling unit to convert an illegal and/or nonconforming accessory dwelling unit to a legal conforming accessory dwelling unit shall be subject to the same standards and requirements as for a newly proposed unit.

2. Notwithstanding subsection E.1 above, the City shall not deny a permit for an unpermitted accessory dwelling unit constructed before January 1, 2018 on the grounds that it is violation of the California Building Standards (Health & Safety Code section 17960 et seq.) or that it does not comply with this Chapter unless the City makes a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure.

F. Guesthouses that were previously approved and which have a valid building permit on file shall not be affected by this Chapter. However, an application to convert a guesthouse to an accessory dwelling unit shall be subject to this Chapter.

G. Revocation. The community development director shall have the authority to revoke an accessory dwelling unit permit if one or more of the requirements of this chapter are no longer met.

H. Enforcement. Until January 1, 2030, the City shall issue a statement with a notice to correct a violation of any building standard relating to an accessory dwelling unit that provides substantially as follows:

You have been issued an order to correct violations or abate nuisances relating to your accessory dwelling unit. If you believe that this correction or abatement is not necessary to protect the public health and safety, you may file an application with the Community Development Department. If the City determines that enforcement is not required to protect the health and safety, enforcement shall be delayed for a period of five years from the date of the original notice.

1. Accessory Dwelling units, and Junior Accessory shall be required to obtain a separate address for the unit from the Department of Building and Safety.

SECTION 2. CEQA. This Ordinance is exempt from CEQA pursuant to Public Resources Code section 21080.17 which provides CEQA does not apply to the adoption of an ordinance to implement ADU law.

SECTION 3. Effective Date. This Ordinance shall take effect immediately pursuant to Government Code section 36937.

SECTION 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional.

SECTION 5. Certification. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be processed as required by law.

SECTION 6. Transmission to HCD. The City Clerk shall send a copy of this Ordinance to the Department of Housing and Community Development as required by State law.

APPROVED AND ADOPTED this fifth day of June, 2023, by the City Council at
La Verne, California.

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor of the City of La Verne

ATTEST:

Assistant City Clerk

RESOLUTION NO. 1303

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RECOMMENDING THE APPROVAL OF ORDINANCE NO. 1116 AN ORDINANCE TO MODIFY AND UPDATE TITLE 18 OF THE LA VERNE MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS TO THE CITY COUNCIL

WHEREAS, Sections 2.48.020 through 2.48.165 of the La Verne Municipal Code empower the Planning Commission to recommend appropriate legislation to the City Council regarding the orderly growth, development, and environmental character of the community; and

WHEREAS, Sections 18.112.010 through 18.112.060 of the La Verne Municipal Code authorize the Planning Commission to consider and recommend action to the City Council concerning zoning amendments and specific plan amendments; and

WHEREAS, a notice of public hearing was published in the Inland Valley Daily Bulletin ON March 31, 2023; and

WHEREAS, the proposed changes are exempt from CEQA pursuant to Public Resources Code section 21080.17 which provides CEQA does not apply to the adoption of an ordinance to implement ADU law.

WHEREAS, the public hearing before the Planning Commission was opened and continued to April 26, 2023; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed changes to the La Verne Municipal Code at which time it considered all evidence presented, both written and oral; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of La Verne as follows:

Section 1. **Environmental Determination.** The Planning Commission HEREBY FINDS and DETERMINES that the proposed zoning amendment is exempt from the California Environmental Quality Act pursuant to Public Resources Code section 21080.17.

Section 2. **Findings.** In recommending approval of the proposed zoning amendment, the Planning Commission HEREBY FINDS AND DETERMINES that Ordinance No. 1116 satisfies the following findings of Section 18.112.060 of the La Verne Municipal Code in that:

1. The proposed amendments further State and City housing goals.

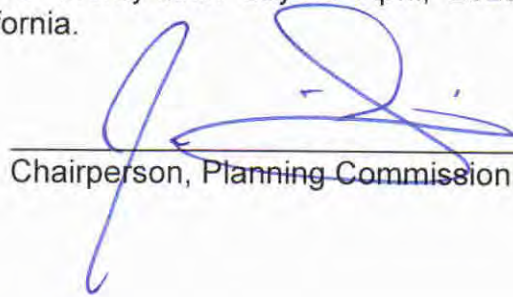
- 1 2. The proposed amendments serve the public necessity, convenience, and
2 general welfare in that they will help regulate Accessory Dwelling Units in the
3 City of La Verne
4

5
6 Section 4. **Approval.** Based upon the above findings, the Planning Commission
7 HEREBY RECOMMENDS THE APPROVAL of the proposed zoning amendments
8 in Ordinance No. 1116 attached hereto as Exhibit A.
9

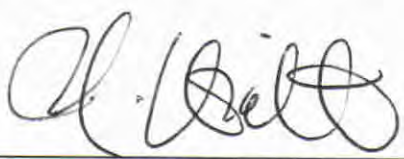
10 Section 5. The Chairperson shall sign, and the Secretary shall attest to the passage
11 of this resolution.
12

13 APPROVED AND ADOPTED this twenty-sixth day of April, 2023, by the
14 Planning Commission at La Verne, California.
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18 ATTEST:

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Chairperson, Planning Commission



Secretary, Planning Commission

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City of La Verne, City Council Agenda Report



DATE: May 15, 2023

TO: Honorable Mayor and City Council

FROM: Eric Scherer, Community Development Director

SUBJECT: ADOPTION OF ORDINANCE NO. 1117 MODIFYING TITLE 16 & TITLE 18 OF THE MUNICIPAL CODE REGARDING SENATE BILL 9 DEVELOPMENT AND MAKE CEQA EXEMPTION DETERMINATION

SUMMARY

Senate Bill 9 was signed into law by Governor Newsom related to development of residential housing, specifically ministerial review of two residential units within a single-family zone and parcel maps for urban lot splits. State law allows cities to impose objective zoning, subdivision, and design standard. This Ordinance establishes the objective development standards for SB 9 two-unit and urban lot split developments.

RECOMMENDATION

That the City Council should introduce by title only and waive further reading of Ordinance No. 1117, an Ordinance of the City Council of the City of La Verne, County of Los Angeles, State of California modifying Title 16 (Subdivisions) and Title 18 (Zoning) of the La Verne Municipal Code to implement the provisions of Senate Bill 9 relating to the creation of Urban Lot Splits and Two Residential Unit Development and making a determination that the adoption of the Ordinance is exempt from the California Environmental Quality Act.

DISCUSSION

On September 16, 2021, Governor Newsom signed Senate Bill (SB) 9 into law, which became effective on January 1, 2022. SB 9 adds two new sections to the Government Code (65852.21 and 66411.7) relating to the development of residential housing. Section 65852.21 requires that local agencies approve a housing development of no more than two residential units within a single-family residential zone ministerially, without discretionary review or a hearing, when the proposed development meets certain requirements. Similarly, Section 66411.7 requires a local agency to ministerially approve a parcel map for an "urban lot split" when the map meets certain requirements. Both statutes allow the City to impose objective zoning, subdivision, and design standards on these projects, provided those standards would not have the effect of physically precluding the construction of a maximum of two housing units on a lot or preclude either of the two units from being at least 800 square feet in floor area. The proposed Ordinance (Attachment 1) establishes the objective development standards for SB 9 two-unit and

urban lot split developments in the City based on feedback and direction received from City Council.

Study sessions were held in 2022 with both the Planning Commission and City Council to summarize SB 9, introduce the standard requirements, and review prospective objective standards that the City could impose on SB 9 developments. The study session Powerpoint presentation is Attachment 3. City Council provided direction and comments to staff on the desired zoning, subdivision, and design standards that would govern these developments via the adoption of a future ordinance.

One item requires clarification from the 2022 presentation. Regardless of whether there is a lot split or not, the total number of units allowed on the original parcel should be four. This means that if a lot is not split, there can be two SB 9 units plus ADU and JADU as allowed by law. When the lot is split, the term “unit” includes ADUs and JADUs and only two units are allowed on each of the divided lots.

La Verne Specific SB 9 Standards

In addition to the standard requirements, staff is proposing a number of objective standards which currently apply to most residential developments. These standards will be prioritized in ascending order (with subsection (g), regarding front yard setback being of the highest priority, and subsection (a), regarding frontage, being the lowest priority) if, and only if those standards preclude two 800 square foot residential units from existing/being constructed as a part of an SB 9 project. These standards are:

- a. Minimum 10-foot lot frontage to street or alleyway for urban lot splits.
- b. Residential driveway standards as set forth in Section 18.76.060.
- c. Minimum 10-foot building separation.
- d. Outdoor Living. For SB 9 units in single family zones, there must be outdoor living spaces that meet the following requirements:
 1. Each unit shall have a separate useable outdoor living area of four hundred square feet, with fifteen feet minimum in any direction.
 2. Outdoor living areas and the immediate surroundings shall be landscaped.
 3. Outdoor living areas do not include parking areas, driveways, or front and rear yard setback areas.

- e. Maximum lot coverage allowed by the underlying zone.
- f. Maximum building height allowed by the underlying zone.
- g. Front yard setback required by the underlying zone.

The City cannot impose any zoning or design standards that would have the effect of physically precluding the construction of two units on a lot or that would result in a unit size of less than 800 square feet.

It was previously anticipated that SB 9 development would be restricted in the Very High Fire Severity Zone in La Verne, but legal counsel has recommended that development should be allowed since current building codes work to mitigate fire concerns. This opinion is believed to be consistent with the intent and interpretation of state law.

Planning Commission Review

The Planning Commission reviewed the proposed Ordinance at a duly noticed meeting on April 26, 2023, and adopted Resolution No. 1302 (Attachment 2), recommending that the City Council adopt Ordinance No. 1117.

FISCAL ANALYSIS

The fees for processing development applications for proposed SB 9 projects will be the same as currently required for similar residential or land division projects. The recommended action has no financial impact.

ENVIRONMENTAL ANALYSIS

This Ordinance is exempt from CEQA pursuant to the specific provisions of Senate Bill 9 which provides that an ordinance adopted pursuant to that statute is not subject to CEQA.

LEGAL REVIEW

This report and the attached draft Ordinance No. 1117 were reviewed by the City Attorney.

ATTACHMENTS

1. Draft Ordinance No. 1117
2. Adopted PC Resolution No. 1302
3. 2022 Study Session Powerpoint Presentation

Report Prepared By:
Parker Stringfellow, Assistant Planner

Coordinated With:
Lisa Kranitz, Deputy City Attorney

ORDINANCE NO. 1117

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA MODIFYING TITLE 16 (SUBDIVISIONS) AND TITLE 18 (ZONING) OF THE LA VERNE MUNICIPAL CODE TO IMPLEMENT THE PROVISIONS OF SENATE BILL 9 RELATING TO THE CREATION OF URBAN LOT SPLITS AND TWO RESIDENTIAL UNIT DEVELOPMENT AND MAKING A DETERMINATION THAT THE ADOPTION OF THE ORDINANCE IS EXEMPT FROM CEQA

WHEREAS, on September 16, 2021, the Governor approved Senate Bill 9 (SB 9, Chapter 162) relating to the creation of two residential units per lot which requires local agencies to ministerially approve housing development containing no more than two residential units per lot and ministerially approve an urban lot split; and

WHEREAS, SB 9 took effect on January 1, 2022; and

WHEREAS, SB 9 allows local agencies to impose objective zoning, subdivision, and design standards; and

WHEREAS, SB 9 study sessions were held with the City Council and Planning Commission on March 7, 2022 and April 13, 2022, respectively; and

WHEREAS, a notice of public hearing was published in the Inland Valley Daily Bulletin on March 31, 2023 for a public hearing to be held on April 12, 2023; and

WHEREAS, the public hearing before the Planning Commission was opened and continued to April 26, 2023; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed changes to the La Verne Municipal Code at which time it considered all evidence presented, both written and oral; and

WHEREAS, at the close of the public hearing the Planning Commission adopted a resolution recommending that the City Council adopt this Ordinance; and

WHEREAS, on May 15, 2023, the City Council held a duly noticed public hearing at which time it considered all evidence presented, both written and oral; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA VERNE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 16.12.060 is hereby added to the La Verne Municipal Code to read as follows:

Section 16.12.060 Parcel Maps for Urban Lot Splits.

- A. Definitions. For purposes of this Section, the following definitions shall apply:
1. "Urban lot split" means a lot split of a single-family residential lot into two parcels that meets the requirements of this section.
 2. "Unit" means any dwelling unit, including but not limited to, a unit created pursuant to section 18.122.020, an accessory dwelling unit or a junior accessory dwelling unit.
- B. The city shall ministerially approve a parcel map for a lot split that meets the following requirements:
1. The parcel is located within a single-family residential zone.
 2. The parcel map divides an existing parcel to create no more than two new parcels of approximately equal lot area, provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel.
 3. Both newly created parcels are no smaller than 1,200 square feet.
 4. The parcel is not located in any of the following areas and does not fall within any of the following categories:
 - a. A historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.
 - b. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Health and Safety Code section 25356, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
 - c. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city's building department.
 - d. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency

Management Agency (FEMA) in any official maps published by FEMA. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

- i. The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the city; or
 - ii. The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program as further spelled out in Government Code section 65913.4(a)(6)(G)(ii);
- e. A regulatory floodway as determined by FEMA in any of its official maps, published by FEMA unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.
- f. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
5. The proposed lot split would not require demolition or alteration of any of the following types of housing:
- a. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 - b. Housing on a parcel or parcels on which an owner of residential real property exercised rights under Government Code section 7060 et

seq. to withdraw accommodations from rent or lease within 15 years before the date of the application; or

c. Housing that has been occupied by a tenant in the last three years.

6. The lot split does not result in more than two units on a parcel.

C. Standards and Requirements. Notwithstanding any other provisions of this Municipal Code to the contrary, the following requirements shall apply:

1. The lot split conforms to all applicable objective requirements of the Subdivision Map Act, Title 16 (Subdivisions) and Title 18 (Zoning) of the Municipal Code, except as the same are modified by this section.
2. No setback shall be required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure.
3. Except for circumstances described in Section C.2 above, the setback for side and rear lot lines shall be four feet.
4. The applicant shall provide easements for the provision of public services and facilities as required.
5. Landlocked parcels created by an urban lot split shall have a frontage to the public right of way that is no less than 10 feet in width resulting in the creation of a flag lot, provided that requiring the frontage does not preclude two 800 square foot residential units from existing on each lot. Where a flag lot is not possible, an access easement over the other parcel on the same map shall be required. The easement shall be not less than 10 feet in width and must connect to the same curb cut and apron as the other parcel on the same map.
6. Residential units developed on a lot created pursuant to this section shall be subject to the provisions of Section 18.122.020.
7. The split of the lot will not result in less than one parking space per unit. This does not apply in either of the following instances:
 - a. The parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined in Public Resources Code section 21155 of a major transit stop as defined in Public Resources Code section 21064.3; or
 - b. There is a car share vehicle located within one block of the parcel.

- D. The city shall not require or deny an application based on any of the following:
1. The city shall not require dedications of rights-of-way or the construction of offsite improvements for the parcels being created as a condition of issuing a parcel map.
 2. The city shall not impose any subdivision standards that would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.
 3. The city shall not require the correction of nonconforming zoning conditions as a condition for the lot split.
 4. The city shall not deny an application solely because it proposes adjacent or connected structures provided that all building code safety standards are met, and they are sufficient to allow a separate conveyance.
- E. An applicant for an urban lot split shall be required to sign an affidavit in a form approved by the City Attorney to be recorded against the property stating the following:
1. That applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of approval. This requirement does not apply when the applicant is a “community land trust” or a “qualified nonprofit corporation” as the same are defined in the Revenue and Taxation Code.
 2. That the uses shall be limited to residential uses.
 3. That any rental of any unit created by the lot split shall be for a minimum of 31 days.
 4. That the maximum number of units to be allowed on each parcel is two, including units otherwise allowed pursuant to density bonus provisions, accessory dwelling units, junior accessory dwelling units, or units allowed pursuant to Section 18.122.020.
- F. The city may deny the lot split if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- G. This section shall not apply to:

1. Any parcel which has been established pursuant to a lot split in accordance with this section; or
2. Any parcel where the owner of the parcel being subdivided or any person acting in concert with the owner has previously subdivided an adjacent parcel in accordance with this section. For purposes of this section, “acting in concert” shall include, but not be limited to, where the owner of a property proposed for an urban lot split is the same, related to, or connected by partnership to the owner, buyer or seller (if transferred within the previous three years) of an adjacent lot.

SECTION 2. Chapter 18.122 is hereby added to the La Verne Municipal Code to read as follows:

18.122.010 Two-unit Housing Development

A. For purposes of this section, the following definitions shall apply:

1. “Housing development” shall mean no more than two residential units within a single-family zone that meets the requirements of this section. The two units may consist of two new units or one new unit and one existing unit.
2. “Unit” shall mean any dwelling unit, including but not limited to a primary dwelling unit or any unit created pursuant to this section. “Unit” shall not include an accessory dwelling unit or a junior accessory dwelling unit which shall be allowed as provided for in Chapter 18.120 of this Code.
3. “Urban lot split” shall have the same meaning as set forth in Section 18.122.010.

B. The city shall ministerially approve a housing development containing no more than two residential units if it meets the following requirements:

1. The parcel is not located in any of the following areas and does not fall within any of the following categories:
 - a. A historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.
 - b. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Health and Safety Code Section 25356, unless the State Department of Public Health, State Water Resources

Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

- c. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city's building department.
- d. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:
 - i. The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the city; or
 - ii. The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program as further spelled out in Government Code section 65913.4(a)(6)(G)(ii);
- e. A regulatory floodway as determined by FEMA in any of its official maps, published by FEMA unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.
- f. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10

(commencing with Section 1900) of Division 2 of the Fish and Game Code).

2. The proposed housing development would not require demolition or alteration of any of the following types of housing:
 - a. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 - b. Housing on a parcel or parcels on which an owner of residential real property exercised rights under Government Code section 7060 et seq. to withdraw accommodations from rent or lease within 15 years before the date of the application; or
 - c. Housing that has been occupied by a tenant in the last three years.
3. Unless demolition or alternation is prohibited pursuant to subsection B.2 above, a housing unit may be demolished if it has not been occupied by a tenant in the last three years.

C. Standards and Requirements.

1. The following objective standards for residential development currently applicable in La Verne will be prioritized in ascending order (with subsection g, regarding front yard setback being of the highest priority, and subsection a, regarding frontage, being the lowest priority) if, and only if those standards preclude two 800 square foot residential units from existing/being constructed as a part of an SB 9 project:
 - a. Minimum 10-foot lot frontage to street or alleyway for urban lot splits.
 - b. Residential driveway standards as set forth in Section 18.76.060.
 - c. Minimum 10-foot building separation.
 - d. Outdoor Living. For SB 9 units in single family zones, there must be outdoor living spaces that meet the following requirements:
 1. Each unit shall have a separate useable outdoor living area of four hundred square feet, with fifteen feet minimum in any direction.
 2. Outdoor living areas and the immediate surroundings shall be landscaped.

3. Outdoor living areas do not include parking areas, driveways, or front and rear yard setback areas.
- e. Maximum lot coverage allowed by the underlying zone.
- f. Maximum building height allowed by the underlying zone.
- g. Front yard setback required by the underlying zone.
2. Notwithstanding any other provisions of the Municipal Code to the contrary, the following requirements shall apply in addition to all other objective standards applicable to this zone:
 - a. Setbacks.
 - i. No setback shall be required for an existing structure, or a structure constructed in the same location and within the same dimensions as an existing structure.
 - ii. Except for those circumstances described in section C.2.a above, the setback for side and rear lot lines shall be four feet.
 - iii. The front setback shall be that required by the underlying zone, provided the setback does not preclude two 800 square foot residential units from existing on each lot.
 - iv. For landlocked parcels side yard setbacks shall apply to all property lines.
 - b. The applicant shall provide easements for the provision of public services and facilities as required.
 - c. One parking space per unit shall be required on the lot unless the parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined by Public Resources Code section 21155(b) or a major transit stop as defined in Public Resources Code section 21064.3. The parking space need not be covered, but tandem parking between units shall not be allowed.

D. Limitations on city actions.

1. The city shall not impose any zoning or design standards that would have the effect of physically precluding the construction of two units on a lot or that would result in a unit size of less than 800 square feet.

2. The city shall not deny an application solely because it proposes adjacent or connected structures provided that all building code safety standards are met, and they are sufficient to allow a separate conveyance.
- E. An applicant for a second house on a lot shall be required to sign an affidavit in a form approved by the City Attorney to be recorded against the property stating the following:
1. That the uses shall be limited to residential uses.
 2. That the rental of any unit created pursuant to this section shall be for a minimum of 31 days.
 3. That the maximum number of units, as defined in Section 18.122.020.A, to be allowed on the parcels is two.
- F. The city may deny the housing development on any grounds in addition to that set forth in Section 18.122.010B.4.g above, if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

SECTION 3. CEQA. This Ordinance is exempt from CEQA pursuant to the specific provisions of Senate Bill 9 which provides that an ordinance adopted pursuant to that statute is not subject to CEQA.

SECTION 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause, or phrase be declared unconstitutional.

SECTION 5. Certification. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be processed as required by law.

APPROVED AND ADOPTED this fifth day of June, 2023, by the City Council at La Verne, California.

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor of the City of La Verne

ATTEST:

Assistant City Clerk

RESOLUTION NO. 1302

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, RECOMMENDING: THE APPROVAL OF ORDINANCE NO.1117, MODIFYING TITLE 16 (SUBDIVISIONS) AND TITLE 18 (ZONING) OF THE LA VERNE MUNICIPAL CODE TO IMPLEMENT THE PROVISIONS OF SENATE BILL 9 RELATING TO THE CREATION OF URBAN LOT SPLITS AND TWO RESIDENTIAL UNIT DEVELOPMENT AND MAKING A DETERMINATION THAT THE ADOPTION OF THE ORDINANCE IS EXEMPT FROM CEQA

WHEREAS, on September 16, 2021, the Governor approved Senate Bill 9 (SB 9, Chapter 162) relating to the creation of two residential units per lot which requires local agencies to ministerially approve housing development containing no more than two residential units per lot and ministerially approve an urban lot split; and

WHEREAS, SB 9 took effect on January 1, 2022; and

WHEREAS, SB 9 allows local agencies to impose objective zoning, subdivision, and design standards; and

WHEREAS, SB 9 study sessions were held with the City Council and Planning Commission on March 7, 2022 and April 13, 2022, respectively; and

WHEREAS, a notice of public hearing was published in the Inland Valley Daily Bulletin on March 31, 2023 for a public hearing to be held on April 12, 2023; and

WHEREAS, the public hearing before the Planning Commission was opened and continued to April 26, 2023; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed changes to the La Verne Municipal Code at which time it considered all evidence presented, both written and oral; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of La Verne as follows:

Section 1. **Environmental Determination.** The Planning Commission HEREBY FINDS AND DETERMINES that the adoption of this ordinance is exempt from CEQA pursuant to the specific provisions of Senate Bill 9 which provides that an ordinance adopted pursuant to that statute is not subject to CEQA.

Section 2. **Findings.** In recommending approval of the proposed zoning amendment, the Planning Commission HEREBY FINDS AND DETERMINES that Ordinance No. 1117 satisfies the following findings of Section 18.112.060 of the La Verne Municipal Code in that:

1. The proposed amendments are consistent with the general plan in that the process for considering changes in land use and zoning is in keeping with La Verne General Plan policies which require Planning Commission and City Council consideration and approval prior to making such a change.
2. The proposed amendments serve the public necessity, convenience, and general welfare in that they will help regulate SB 9 development in the City of La Verne.
3. The proposed amendments further City and State housing goals.

Section 3. **Approval.** The Planning Commission HEREBY RECOMMENDS THE APPROVAL of the proposed amendments to the La Verne Municipal Code in Ordinance No. 1117 attached hereto as Exhibit A.

Section 4. The Chairperson shall sign and the Secretary shall attest to the passage of this resolution.

APPROVED AND ADOPTED this twenty-sixth day of April, 2023, by the Planning Commission at La Verne, California.

ATTEST:

Chairperson, Planning Commission

Secretary, Planning Commission

CITY COUNCIL STUDY SESSION SENATE BILL 9 (SB 9)

March 7, 2022

SB 9 INTRODUCTION & OVERVIEW

REQUIREMENTS AND LIMITATIONS

- ▶ Dwelling Unit and Parcel Creation
- ▶ Sample Application of Objective Standards

WHY ARE WE NOT DISCUSSING SENATE BILL 10 TONIGHT?

- ▶ Cities are **NOT REQUIRED** to utilize SB 10 to rezone around transit stations, SB 10 only **ALLOWS** them to do so.

SB 9 INTRODUCTION & OVERVIEW

ADDS TWO SECTIONS TO THE STATE GOVERNMENT CODE
RELATED TO RESIDENTIAL HOUSING DEVELOPMENT:

- ▶ Ministerial approval of two (2) units on a single family lot
- ▶ Ministerial approval of Urban Lot Splits

Signed into law on September 16, 2021

Effective January 1, 2022

Applies to City even if no ordinance is adopted

BENEFITS OF A CITY SB 9 ORDINANCE

- ▶ Protects and preserves the character and nature of City's residential communities to the extent feasible
- ▶ Preserves the City's ability to enforce **objective design standards**:
 - ▶ Establish regulations that are both compliant with State law and allows the City to enforce standards that are not pre-empted
- ▶ Provides clarity to those who choose to initiate SB 9 projects
- ▶ Ensures consistency in processing proposed SB 9 projects

SB 9 PERMITTED EXCLUSIONS

DOES NOT APPLY TO LAND IN CERTAIN AREAS, MOST OF WHICH ARE NOT APPLICABLE TO LA VERNE. APPLICABLE CATEGORIES INCLUDE:

- ▶ ~~Areas within very high fire hazard severity zones~~ - Building Code
- ▶ ~~Areas within earthquake fault zone~~ - Building Code
- ▶ ~~Special flood hazard areas~~ - No areas in La Verne
- ▶ ~~Regulatory floodway~~ - None in La Verne
- ▶ Lands identified for conservation in a protection plan, a habitat for protected species, or lands under conservation easement - Open Space Properties
- ▶ ~~Parcel is not within a historic district, on the State Historic Resources Inventory, and is not designated as a city landmark or historic property pursuant to city ordinance~~ - Mills Act Properties (approx. 25)

SB 9 PERMITTED EXCLUSIONS

Prohibits demolition or alteration to existing residential structures that:

- ▶ Restrict rents to affordable income levels
- ▶ Are subject to rent control
- ▶ Have been occupied by a renter in last 3 years

SB 9 - TWO-UNIT DEVELOPMENT KEY PROVISIONS

- ▶ Allows up to two (2) new units, or the addition of one new unit to a lot with an existing unit in single family residential zones
- ▶ Allows City to impose objective standards, provided that two residential units of at least 800 square feet can fit on the lot
- ▶ ADUs and JADUs must still be allowed where there is no lot split. This would most often result in three (3) units on the original parcel
- ▶ Establishes maximum side and rear lot standards of four (4) feet
- ▶ Sets maximum of one off-street parking space required per unit - with certain exemptions
- ▶ Prohibits short-term rentals of units

SB 9 - URBAN LOT SPLIT KEY PROVISIONS

Parcels in single family residential zones may be subdivided into two (2) parcels:

- ▶ No parcel can be smaller than 40% of the original
- ▶ Both new parcels must be at least 1,200 sq. feet
- ▶ A maximum of two (2) SB 9 dwellings on each new lot. ADUs need not be approved when utilizing lot split provisions (total of 4, not 6 units)
- ▶ Applicant must sign affidavit of intent to occupy one unit for 3 years after date of map approval - no other owner-occupancy requirements allowed
- ▶ Neither owner of parcel being subdivided, nor any person acting in concert with owner, may have previously subdivided an adjacent parcel using SB 9

SB 9 LOT SPLIT EXAMPLE



SB 9 - URBAN LOT SPLIT KEY PROVISIONS

- ▶ No splitting parcels that have previously been split
- ▶ Parcels must have access to or adjoin a public right-of-way
- ▶ City cannot require dedications of rights-of-way, nor the construction of offsite improvements
- ▶ City can require easements for provision of public services and facilities

SB 9 - DENIALS

- ▶ Cannot deny adjacent or connected structures if they meet building code standards, and are sufficiently allow separate conveyance
- ▶ Lot split cannot be denied or conditioned on correction of non-conforming zoning conditions
- ▶ May deny lot split or two-units on a lot if the building official makes a written finding based on the preponderance of the evidence that the project would have a specific, adverse impact on public health and safety or physical environment and no way to mitigate or avoid the impact

CITY MAY IMPOSE OBJECTIVE STANDARDS (MUST APPROVE TWO UNITS OF 800 SF EACH REGARDLESS)

- ▶ May allow demolition of more than 25% of existing home
- ▶ Height limit
- ▶ Size limit (at least 800 SF)
- ▶ Front yard setback
- ▶ Building separation
- ▶ Lot coverage
- ▶ Street frontage requirement for each lot (min. 10' directly abutting a public right-of-way)
- ▶ Open space requirements
- ▶ Objective design standards
- ▶ Prioritize which standards get waived to allow 800 SF units

CITY MAY IMPOSE OBJECTIVE STANDARDS (MUST APPROVE TWO UNITS OF 800 SF EACH REGARDLESS)

Prioritized Standards (Importance: Low - High)

1. Minimum 10' Lot Frontage to Street or Alleyway
2. Maximum Driveway Requirement
3. Building Separation Requirement
4. Open Space Requirement
5. Lot Coverage Requirement
6. Building Height
7. Front Yard Setback

Comparison Chart
Sample Senate Bill 9 Standards – Current La Verne ADU Standards
(Per Lot)

Standard	Senate Bill 9	Current ADU
Location	Behind the rear building line, unless converting a legal structure	Behind the rear building line, unless converting a legal structure
Height	30' maximum (two-story)	30' maximum (two-story)
Number & Size	Two units; Minimum 800 square feet, or three if ADU is proposed. Potential for city to impose maximum size.	Two or three (with a JADU)
Setbacks	Front yard: As required by zone Side & Rear: 4' N/A if legal structure conversion	Side & Rear: 4' N/A if legal accessory structure conversion
Building Separation	Cannot prohibit adjacent or connected structures meeting building code and separate conveyance requirements	Minimum 10' separation from other buildings on property

Comparison Chart
Sample Senate Bill 9 Standards – Current La Verne ADU Standards
(Per Lot)

Standard	Senate Bill 9	Current ADU (Jan. 2020)
Lot Coverage	35% maximum	Underlying zone controls
Open Space/Outdoor Living	400 square feet per unit	400 square feet; Minimum 15' in any direction, must be landscaped (not parking, driveway, required rear yard, etc.)
Parking	One space per unit; Except within ½ mile of high quality transit, or within one block from car share vehicle	One space per ADU; Except mandatory approval, garage conversion, existing living space conversion, within ½ mile of transit, within one block of car share vehicle, where on-street parking is required but not offered to ADU
Design	Would apply same objective standards as ADU	Architectural elements/embellishments, colors, materials, windows, doors, and trim <u>must match</u> the primary unit

NEXT STEPS

- ▶ Staff to receive direction from the Council on the level of objective standards to include in the ordinance
- ▶ Staff will draft the ordinance
- ▶ Public hearing before the Planning Commission for recommendation to the Council
- ▶ Public hearing before the Council for adoption

QUESTIONS?

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City of La Verne, City Council Agenda Report



DATE: May 15, 2023

TO: Honorable Mayor and City Council

FROM: Christy Lopez, Finance Director

SUBJECT: PROFESSIONAL SERVICES AGREEMENT FOR FINANCIAL AUDITING SERVICES

SUMMARY

City Council approval is requested to enter into a five-year contract with Badawi & Associates (Badawi) for audit services during the fiscal years of 2022-23 to 2026-27.

RECOMMENDATION

It is recommended that the City Council:

1. Authorize the City Manager, or his designee, to execute an agreement with Badawi & Associates for Financial Auditing Services of fiscal years 2022-23 through 2026-27 in the amount not to exceed \$339,280 through the duration of the contract; and,
2. Adopt the Resolution No. 23-24 titled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING AN AGREEMENT WITH BADAWI & ASSOCIATES, CERTIFIED PUBLIC ACCOUNTANTS FOR PROFESSIONAL AUDITING SERVICES"

DISCUSSION

Auditing the City's financial records plays a critical role in public sector finance. It is one of the most important and effective methods to ensure the credibility and transparency of the City's financial reporting to all of the City's stakeholders and is required under the California Government Code Section 12410.6.

In July 2022, the City's Interim-Finance Director opted to extend the contract with Rogers, Anderson, Malody & Scott (RAMS) Certified Public Accountant firm for the final year. The contract for audit services with RAMS began in 2011 after the City solicited proposals for professional accounting. When that contract ended, the City issued a new proposal for services which resulted in a contract for RAMS in 2016 including the option to extend the contract through fiscal year 2022.

During this time, RAMS has been very professional as well as responsive and supportive to the needs of the City. They have provided a wealth of guidance in relation to compliance with accounting standards and internal controls. The Governmental Financial Officers Association (GFOA) best practices recommends a change in audit services every five years. In order to obtain the services of another auditing firm (consistent with GFOA's recommended best practice), the City solicited proposals in March 2023 for professional auditing services from qualified certified public accountants to audit the City's financial statements for fiscal years ending June 2023 through June 2027. The City received three sealed bids from the following firms:

Badawi & Associates
Rogers, Anderson, Malody, & Scott
Harshwal & Company, LLP

The firms were evaluated by the City Manager and Finance Director using the following criteria:

1. Experience, educational background, demonstrated capability, and availability of qualified full-time key technical and management personnel who will be assigned to the engagement.
2. Familiarity and experience in the auditing cities, successor agencies and Federal and State assistance programs and grants.
3. Knowledge of generally accepted accounting principles applicable to governmental accounting and experience in advising governmental agencies in such areas as general accounting, financial reporting, auditing, and fiscal management.
4. Cost.

It is recommended that the City contract with Badawi & Associates, attachment 1, for financial auditing services based on the following:

1. Technical approach – Badawi's approach to the annual audit was clearly defined and provided a detailed plan which includes completing a larger portion of the year-end audit tasks during the interim audit to minimize the time needed at year-end which in turn will assist the City in meeting its goal of issuing the Annual Comprehensive Financial Report before the end of December.
2. Firm Experience – Badawi & Associates specialize in providing audit services for local governments including cities, redevelopment agencies, financing authorities, and others.
3. Staff Qualifications - all of their partners and management staff are Certified Public Accountants. Additionally, their listed partners are currently members of the Government Finance Officers Association (GFOA) and the California Society of Municipal Finance Officers (CSMFO). Mr. Badawi serves as an instructor for CSMFO and currently leads audits in the following local cities, Azusa, Buena Park, Glendora, and Ontario.
4. Cost – The firm demonstrated a competitive fee structure which included a breakdown for the services requested by the City within the Request for Audit Proposals. While another firm was slightly less expensive, the overall pricing and desire to utilize a different firm at this time was deemed acceptable in addition to their description of performing additional Agreed Upon Procedures as requested by the City.

FISCAL ANALYSIS

The cost for the proposed financial audit agreement will not exceed the amount of \$63,920 for the first year, increasing by 3% each year through Fiscal Year 2026-27. The appropriation request for year one will be included in the Fiscal Year 2023-24 proposed budget from the General Fund, subsequent contract year appropriations will be included during the annual budget process.

ENVIRONMENTAL ANALYSIS

Not applicable

LEGAL REVIEW

This report and the attachments were reviewed by the City Attorney

ATTACHMENTS

1. Professional Services Agreement with Badawi & Associates
2. Badawi & Associates Proposal
3. Resolution NO. 23-24, approving the contract for Professional Auditing Services with Badawi & Associates

RESOLUTION NO. 23-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING AN AGREEMENT WITH BADAWI & ASSOCIATES, CERTIFIED PUBLIC ACCOUNTANTS FOR PROFESSIONAL AUDITING SERVICES

WHEREAS the City of La Verne is in need of audit services and on March 2, 2023, the City invited bids by posting an RFP on Planet Bids and emailing 9 vendors who provide Professional Auditing Services to surrounding agencies, with proposals due on April 6, 2023; and

WHEREAS the online and email notifications resulted in three (3) proposals being submitted to the City for consideration; and

WHEREAS, the proposals were evaluated using criteria established in the RFP.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of La Verne as follows;

Section 1. That the City Manager of the City of La Verne, or his/her designee be authorized to execute an Agreement with Badawi & Associates, certified public accountants for professional auditing services, said Agreement being in the form attached hereto and made part hereof by reference as though the same were set forth in full herein.

Section 2. That the Mayor sign and the Assistant City Clerk shall certify the passage and adoption of this Resolution and thereupon the same shall take effect and be in force.

PASSED, APPROVED AND ADOPTED this 15th day of May 2023.

ATTEST:

Tim Hepburn, Mayor

Lupe Gaeta Estrella, Assistant City Clerk

Certification

I hereby certify that the foregoing **Resolution No. 23-24** was duly and regularly adopted by the City Council of the City of La Verne at a meeting thereof held on the **15th day of May 2023**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lupe Gaeta Estrella, Assistant City Clerk

**CITY OF LA VERNE
PROFESSIONAL SERVICES AGREEMENT
WITH
BADAWI & ASSOCIATES, CERTIFIED PUBLIC ACCOUNTANTS**

THIS PROFESSIONAL SERVICES AGREEMENT ("Agreement") is made and entered into this 15th day of May, 2023 ("Effective Date"), by and between the CITY OF LA VERNE, a municipal corporation ("City"), and Badawi & Associates, a Certified Public Accounting Firm (entity information) ("Consultant").

RECITALS

A. City proposes to utilize the services of Consultant as an independent contractor to perform Professional Auditing Services, as more fully described herein; and

B. Consultant represents that it has that degree of specialized expertise contemplated within California Government Code section 37103, and holds all necessary licenses to practice and perform the services herein contemplated; and

C. City and Consultant desire to contract for the specific services described in Exhibit "A" and desire to set forth their rights, duties and liabilities in connection with the services to be performed; and

D. No official or employee of City has a financial interest, within the provisions of sections 1090-1092 of the California Government Code, in the subject matter of this Agreement.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions contained herein, the parties hereby agree as follows:

1.0. SERVICES PROVIDED BY CONSULTANT

1.1. Scope of Services. Consultant shall provide the professional services described in City's Request for Proposals, attached hereto as Exhibit "A," and Consultant's Proposal, attached hereto as Exhibit "B," both incorporated herein.

1.2. Professional Practices. All professional services to be provided by Consultant pursuant to this Agreement shall be provided by personnel experienced in their respective fields and in a manner consistent with the standards of care, diligence and skill ordinarily exercised by professional consultants in similar fields and circumstances in accordance with sound professional practices. Consultant also warrants that it is familiar with all laws that may affect its performance of this Agreement and shall advise City of any changes in any laws that may affect Consultant's performance of this Agreement.

1.3. Performance to Satisfaction of City. Consultant agrees to perform all the work to the complete satisfaction of the City. Evaluations of the work will be done by the City Manager or his or her designee. If the quality of work is not satisfactory, City in its discretion has the right to:

- (a) Meet with Consultant to review the quality of the work and resolve the matters of concern;

- (b) Require Consultant to repeat the work at no additional fee until it is satisfactory; and/or
- (c) Terminate the Agreement as hereinafter set forth.

1.4. Warranty. Consultant warrants that it shall perform the services required by this Agreement in compliance with all applicable Federal and California employment laws, including, but not limited to, those laws related to minimum hours and wages; occupational health and safety; fair employment and employment practices; workers' compensation insurance and safety in employment; and all other Federal, State and local laws and ordinances applicable to the services required under this Agreement. Consultant shall indemnify and hold harmless City from and against all claims, demands, payments, suits, actions, proceedings, and judgments of every nature and description including attorneys' fees and costs, presented, brought, or recovered against City for, or on account of any liability under any of the above-mentioned laws, which may be incurred by reason of Consultant's performance under this Agreement.

1.5. Non-Discrimination. In performing this Agreement, Consultant shall not engage in, nor permit its agents to engage in, discrimination in employment of persons because of their race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military or veteran status, except as permitted pursuant to section 12940 of the Government Code.

1.6. Non-Exclusive Agreement. Consultant acknowledges that City may enter into agreements with other consultants for services similar to the services that are subject to this Agreement or may have its own employees perform services similar to those services contemplated by this Agreement.

1.7. Delegation and Assignment. This is a personal service contract, and the duties set forth herein shall not be delegated or assigned to any person or entity without the prior written consent of City. Consultant may engage a subcontractor(s) as permitted by law and may employ other personnel to perform services contemplated by this Agreement at Consultant's sole cost and expense.

1.8. Confidentiality. Employees of Consultant in the course of their duties may have access to financial, accounting, statistical, and personnel data of private individuals and employees of City. Consultant covenants that all data, documents, discussion, or other information developed or received by Consultant or provided for performance of this Agreement are deemed confidential and shall not be disclosed by Consultant without written authorization by City. City shall grant such authorization if disclosure is required by law. All City data shall be returned to City upon the termination of this Agreement. Consultant's covenant under this Section shall survive the termination of this Agreement.

2.0. COMPENSATION AND BILLING

2.1. Compensation. Consultant shall be paid in accordance with the fee schedule set forth in Exhibit "C," attached hereto and made a part of this Agreement (the "Fee Schedule"). Consultant's total compensation shall not exceed three hundred thirty nine thousand two hundred eighty Dollars (\$ 339,280.00).

2.2. Additional Services. Consultant shall not receive compensation for any services provided outside the scope of services specified in the Consultant's Proposal unless the City Manager or designee, prior to Consultant performing the additional services, approves such additional services in writing. It is specifically understood that oral requests and/or approvals of such additional services or additional compensation shall be barred and are unenforceable.

2.3. Method of Billing. Consultant may submit invoices to the City for approval on a progress basis, but no more often than two times a month. Said invoice shall be based on the total of all Consultant's services which have been completed to City's sole satisfaction. City shall pay Consultant's invoice within forty-five (45) days from the date City receives said invoice. Each invoice shall describe in detail, the services performed, the date of performance, and the associated time for completion. Any additional services approved and performed pursuant to this Agreement shall be designated as "Additional Services" and shall identify the number of the authorized change order, where applicable, on all invoices.

2.4. Records and Audits. Records of Consultant's services relating to this Agreement shall be maintained in accordance with generally recognized accounting principles and, except for the Consultant's audit workpapers, shall be made available to City or its Project Manager for inspection and/or audit at mutually convenient times from the Effective Date until three (3) years after termination of this Agreement.

3.0. TIME OF PERFORMANCE

3.1. Commencement and Completion of Work. Unless otherwise agreed to in writing by the parties, the professional services to be performed pursuant to this Agreement shall commence within five (5) days from the Effective Date of this Agreement. Said services shall be performed in strict compliance with the Project Schedule approved by City as set forth in Exhibit "A," attached hereto and incorporated herein. The Project Schedule may be amended by mutual agreement of the parties. Failure to commence work in a timely manner and/or diligently pursue work to completion may be grounds for termination of this Agreement.

3.2. Excusable Delays. Neither party shall be responsible for delays or lack of performance resulting from acts beyond the reasonable control of the party or parties. Such acts shall include, but not be limited to, acts of God, fire, strikes, pandemics (excluding COVID-19), material shortages, compliance with laws or regulations, riots, acts of war, or any other conditions beyond the reasonable control of a party (each, a "Force Majeure Event"). If a party experiences a Force Majeure Event, the party shall, within five (5) days of the occurrence of the Force Majeure Event, give written notice to the other party stating the nature of the Force Majeure Event, its anticipated duration and any action being taken to avoid or minimize its effect. Any suspension of performance shall be of no greater scope and of no longer duration than is reasonably required and the party experiencing the Force Majeure Event shall use best efforts without being obligated to incur any material expenditure to remedy its inability to perform; provided, however, if the suspension of performance continues for sixty (60) days after the date of the occurrence and such failure to perform would constitute a material breach of this Agreement in the absence of such Force Majeure Event, the parties shall meet and discuss in good faith any amendments to this Agreement to permit the other party to exercise its rights under this Agreement. If the parties are not able to agree on such amendments within thirty (30) days and if suspension of performance continues, such other party may terminate this Agreement immediately by written notice to the party experiencing the Force Majeure Event, in which case neither party shall have any liability to

the other except for those rights and liabilities that accrued prior to the date of termination.

4.0. TERM AND TERMINATION

4.1. Term. This Agreement shall commence on the Effective Date and continue for a period of five years, ending on May 15, 2028, unless previously terminated as provided herein or as otherwise agreed to in writing by the parties.

4.2. Notice of Termination. The City reserves and has the right and privilege of canceling, suspending or abandoning the execution of all or any part of the work contemplated by this Agreement, with or without cause, at any time, by providing written notice to Consultant. The termination of this Agreement shall be deemed effective upon receipt of the notice of termination. In the event of such termination, Consultant shall immediately stop rendering services under this Agreement unless directed otherwise by the City.

4.3. Compensation. In the event of termination, City shall pay Consultant for reasonable costs incurred and professional services satisfactorily performed up to and including the date of City's written notice of termination. Compensation for work in progress shall be prorated based on the percentage of work completed as of the effective date of termination in accordance with the fees set forth herein. In ascertaining the professional services actually rendered hereunder up to the effective date of termination of this Agreement, consideration shall be given to both completed work and work in progress, to complete and incomplete drawings, and to other documents pertaining to the services contemplated herein whether delivered to the City or in the possession of the Consultant.

4.4. Documents. In the event of termination of this Agreement, all documents prepared by Consultant in its performance of this Agreement including, but not limited to, finished or unfinished design, development and construction documents, data studies, drawings, maps and reports, shall be delivered to the City within ten (10) days of delivery of termination notice to Consultant, at no cost to City. Any use of uncompleted documents without specific written authorization from Consultant shall be at City's sole risk and without liability or legal expense to Consultant.

5.0. INSURANCE

5.1. Minimum Scope and Limits of Insurance. Consultant shall obtain, maintain, and keep in full force and effect during the life of this Agreement all of the following minimum scope of insurance coverages with an insurance company admitted to do business in California, rated "A," Class X, or better in the most recent Best's Key Insurance Rating Guide, and approved by City:

- (a) Commercial general liability, including premises-operations, products/completed operations, broad form property damage, blanket contractual liability, independent contractors, personal injury or bodily injury with a policy limit of not less than One Million Dollars (\$1,000,000.00) per occurrence, Two Million Dollars (\$2,000,000.00) general aggregate.
- (b) Business automobile liability for owned vehicles, hired, and non-owned vehicles, with a policy limit of not less than One Million Dollars (\$1,000,000.00) combined single limit per accident for bodily injury and

property damage.

- (c) Workers' compensation insurance as required by the State of California. Consultant agrees to waive, and to obtain endorsements from its workers' compensation insurer waiving subrogation rights under its workers' compensation insurance policy against the City, its officers, agents, employees, and volunteers arising from work performed by Consultant for the City and to require each of its subcontractors, if any, to do likewise under their workers' compensation insurance policies.
- (d) Professional errors and omissions ("E&O") liability insurance with policy limits of not less than One Million Dollars (\$1,000,000.00), combined single limits, per occurrence and aggregate. Architects' and engineers' coverage shall be endorsed to include contractual liability. If the policy is written as a "claims made" policy, the retro date shall be prior to the start of the contract work. Consultant shall obtain and maintain, said E&O liability insurance during the life of this Agreement and for three years after completion of the work hereunder.

5.2. Endorsements. The commercial general liability insurance policy and business automobile liability policy shall contain or be endorsed to contain the following provisions:

- (a) Additional insureds: "The City of La Verne and its elected and appointed boards, officers, officials, agents, employees, and volunteers are additional insureds with respect to: liability arising out of activities performed by or on behalf of the Consultant pursuant to its contract with the City; products and completed operations of the Consultant; premises owned, occupied or used by the Consultant; automobiles owned, leased, hired, or borrowed by the Consultant."
- (b) Notice: "Said policy shall not terminate, be suspended, or voided, nor shall it be cancelled, nor the coverage or limits reduced, until thirty (30) days after written notice is given to City."
- (c) Other insurance: "The Consultant's insurance coverage shall be primary insurance as respects the City of La Verne, its officers, officials, agents, employees, and volunteers. Any other insurance maintained by the City of La Verne shall be excess and not contributing with the insurance provided by this policy."
- (d) Any failure to comply with the reporting provisions of the policies shall not affect coverage provided to the City of La Verne, its officers, officials, agents, employees, and volunteers.
- (e) The Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

5.3. Deductible or Self Insured Retention. If any of such policies provide for a deductible or self-insured retention to provide such coverage, the amount of such deductible or self-insured

retention shall be approved in advance by City. No policy of insurance issued as to which the City is an additional insured shall contain a provision which requires that no insured except the named insured can satisfy any such deductible or self-insured retention.

5.4. Certificates of Insurance. Consultant shall provide to City certificates of insurance showing the insurance coverages and required endorsements described above, in a form and content approved by City, prior to performing any services under this Agreement.

5.5. Non-Limiting. Nothing in this Section shall be construed as limiting in any way, the indemnification provision contained in this Agreement, or the extent to which Consultant may be held responsible for payments of damages to persons or property.

6.0. GENERAL PROVISIONS

6.1. Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to any matter referenced herein and supersedes any and all other prior writings and oral negotiations. This Agreement may be modified only in writing, and signed by the parties in interest at the time of such modification. The terms of this Agreement shall prevail over any inconsistent provision in any other contract document appurtenant hereto, including exhibits to this Agreement.

6.2. Representatives. The City Manager or his or her designee shall be the representative of City for purposes of this Agreement and may issue all consents, approvals, directives and agreements on behalf of the City, called for by this Agreement, except as otherwise expressly provided in this Agreement.

Consultant shall designate a representative for purposes of this Agreement who shall be authorized to issue all consents, approvals, directives and agreements on behalf of Consultant called for by this Agreement, except as otherwise expressly provided in this Agreement.

6.3. Project Managers. City shall designate a Project Manager to work directly with Consultant in the performance of this Agreement.

Consultant shall designate a Project Manager who shall represent it and be its agent in all consultations with City during the term of this Agreement. Consultant or its Project Manager shall attend and assist in all coordination meetings called by City.

6.4. Notices. Any notices, documents, correspondence or other communications concerning this Agreement or the work hereunder may be provided by personal delivery or mail and shall be addressed as set forth below. Such communication shall be deemed served or delivered: (a) at the time of delivery if such communication is sent by personal delivery, and (b) 48 hours after deposit in the U.S. Mail as reflected by the official U.S. postmark if such communication is sent through regular United States mail.

IF TO CONSULTANT:

Badawi & Associates
2855 Telegraph Avenue, Suite 312
Berkeley, CA 94705

IF TO CITY:

City of La Verne
3660 D Street
La Verne, CA 91750

Tel: 510-768-8244
Attn: Ahmed Badawi

Tel: 909-596-8752
Attn: Christy Lopez

Courtesy copy to:

City of La Verne
3660 D Street
La Verne, CA 91750
Attn: Finance Dept. | Purchasing

6.5. Attorneys' Fees. In the event that litigation is brought by any party in connection with this Agreement, the prevailing party shall be entitled to recover from the opposing party all costs and expenses, including reasonable attorneys' fees, incurred by the prevailing party in the exercise of any of its rights or remedies hereunder or the enforcement of any of the terms, conditions, or provisions hereof.

6.6. Governing Law. This Agreement shall be governed by and construed under the laws of the State of California without giving effect to that body of laws pertaining to conflict of laws. In the event of any legal action to enforce or interpret this Agreement, the parties hereto agree that the sole and exclusive venue shall be a court of competent jurisdiction located in Los Angeles County, California.

6.7. Assignment. Consultant shall not voluntarily or by operation of law assign, transfer, sublet or encumber all or any part of Consultant's interest in this Agreement without City's prior written consent. Any attempted assignment, transfer, subletting or encumbrance shall be void and shall constitute a breach of this Agreement and cause for termination of this Agreement. Regardless of City's consent, no subletting or assignment shall release Consultant of Consultant's obligation to perform all other obligations to be performed by Consultant hereunder for the term of this Agreement.

6.8. Indemnification and Hold Harmless. Consultant agrees to defend, indemnify, hold free and harmless the City, its elected officials, officers, agents and employees, at Consultant's sole expense, from and against any and all claims, actions, suits or other legal proceedings brought against the City, its elected officials, officers, agents and employees arising out of the performance of the Consultant, its employees, and/or authorized subcontractors, of the work undertaken pursuant to this Agreement. The defense obligation provided for hereunder shall apply without any advance showing of negligence or wrongdoing by the Consultant, its employees, and/or authorized subcontractors, but shall be required whenever any claim, action, complaint, or suit asserts as its basis the negligence, errors, omissions or misconduct of the Consultant, its employees, and/or authorized subcontractors, and/or whenever any claim, action, complaint or suit asserts liability against the City, its elected officials, officers, agents and employees based upon the work performed by the Consultant, its employees, and/or authorized subcontractors under this Agreement, whether or not the Consultant, its employees, and/or authorized subcontractors are specifically named or otherwise asserted to be liable. Notwithstanding the foregoing, the Consultant shall not be liable for the defense or indemnification of the City for claims, actions, complaints or suits arising out of the sole active negligence or willful

misconduct of the City. This provision shall supersede and replace all other indemnity provisions contained either in the City's specifications or Consultant's Proposal, which shall be of no force and effect.

6.9. Independent Contractor. Consultant is and shall be acting at all times as an independent contractor and not as an employee of City. Consultant shall have no power to incur any debt, obligation, or liability on behalf of City or otherwise act on behalf of City as an agent. Neither City nor any of its agents shall have control over the conduct of Consultant or any of Consultant's employees, except as set forth in this Agreement. Consultant shall not, at any time, or in any manner, represent that it or any of its agents or employees are in any manner agents or employees of City. Consultant shall secure, at its sole expense, and be responsible for any and all payment of Income Tax, Social Security, State Disability Insurance Compensation, Unemployment Compensation, and other payroll deductions for Consultant and its officers, agents, and employees, and all business licenses, if any are required, in connection with the services to be performed hereunder. Consultant shall indemnify and hold City harmless from any and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Consultant further agrees to indemnify and hold City harmless from any failure of Consultant to comply with the applicable worker's compensation laws. City shall have the right to offset against the amount of any fees due to Consultant under this Agreement any amount due to City from Consultant as a result of Consultant's failure to promptly pay to City any reimbursement or indemnification arising under this paragraph.

6.10. PERS Eligibility Indemnification. In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement claims or is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of the City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of City.

Notwithstanding any other agency, state or federal policy, rule, regulation, law or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing service under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any claims to, any compensation, benefit, or any incident of employment by City, including but not limited to eligibility to enroll in PERS as an employee of City and entitlement to any contribution to be paid by City for employer contribution and/or employee contributions for PERS benefits.

6.11. Cooperation. In the event any claim or action is brought against City relating to Consultant's performance or services rendered under this Agreement, Consultant shall render any reasonable assistance and cooperation which City might require.

6.12. Ownership of Documents. Unless such property is proprietary in nature, all findings, reports, documents, information and data including, but not limited to, computer tapes or discs, files and tapes furnished or prepared by Consultant or any of its subcontractors in the course of performance of this Agreement, shall be and remain the sole property of City. Consultant agrees that any such documents or information shall not be made available to any individual or

organization without the prior consent of City. Any use of such documents for other projects not contemplated by this Agreement, and any use of incomplete documents, shall be at the sole risk of City and without liability or legal exposure to Consultant. City shall indemnify and hold harmless Consultant from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from City's use of such documents for other projects not contemplated by this Agreement or use of incomplete documents furnished by Consultant. Consultant shall deliver to City any findings, reports, documents, information, data, in any form, including but not limited to, computer tapes, discs, files audio tapes or any other Project related items as requested by City or its authorized representative, at no additional cost to the City.

6.13. Public Records Act Disclosure. Consultant has been advised and is aware that this Agreement and all reports, documents, information and data, including, but not limited to, computer tapes, discs or files furnished or prepared by Consultant, or any of its subcontractors, pursuant to this Agreement and provided to City may be subject to public disclosure as required by the California Public Records Act (California Government Code section 7920.000, *et seq.*). Exceptions to public disclosure may be those documents or information that qualify as trade secrets, as that term is defined in the California Government Code section 7924.510, and of which Consultant informs City of such trade secret. The City will endeavor to maintain as confidential all information obtained by it that is designated as a trade secret. The City shall not, in any way, be liable or responsible for the disclosure of any trade secret including, without limitation, those records so marked if disclosure is deemed to be required by law or by order of the Court.

6.14. Conflict of Interest. Consultant and its officers, employees, associates and subconsultants, if any, will comply with all conflict of interest statutes of the State of California applicable to Consultant's services under this agreement, including, but not limited to, the Political Reform Act (Government Code sections 81000, *et seq.*) and Government Code section 1090. During the term of this Agreement, Consultant and its officers, employees, associates and subconsultants shall not, without the prior written approval of the City Representative, perform work for another person or entity for whom Consultant is not currently performing work that would require Consultant or one of its officers, employees, associates or subconsultants to abstain from a decision under this Agreement pursuant to a conflict of interest statute.

6.15. Responsibility for Errors. Consultant shall be responsible for its work and results under this Agreement. Consultant, when requested, shall furnish clarification and/or explanation as may be required by the City's representative, regarding any services rendered under this Agreement at no additional cost to City. In the event that an error or omission attributable to Consultant occurs, then Consultant shall, at no cost to City, provide all necessary design drawings, estimates and other Consultant professional services necessary to rectify and correct the matter to the sole satisfaction of City and to participate in any meeting required with regard to the correction.

6.16. Prohibited Employment. Consultant will not employ any regular employee of City while this Agreement is in effect.

6.17. Order of Precedence. In the event of an inconsistency in this Agreement and any of the attached Exhibits, the terms set forth in this Agreement shall prevail. If, and to the extent this Agreement incorporates by reference any provision of any document, such provision shall be deemed a part of this Agreement. Nevertheless, if there is any conflict among the terms and conditions of this Agreement and those of any such provision or provisions so incorporated by reference, this Agreement shall govern over the document referenced.

6.18. Costs. Each party shall bear its own costs and fees incurred in the preparation and negotiation of this Agreement and in the performance of its obligations hereunder except as expressly provided herein.

6.19. Binding Effect. This Agreement binds and benefits the parties and their respective permitted successors and assigns.

6.20. No Third Party Beneficiary Rights. This Agreement is entered into for the sole benefit of City and Consultant and no other parties are intended to be direct or incidental beneficiaries of this Agreement and no third party shall have any right in, under or to this Agreement.

6.21. Headings. Paragraphs and subparagraph headings contained in this Agreement are included solely for convenience and are not intended to modify, explain or to be a full or accurate description of the content thereof and shall not in any way affect the meaning or interpretation of this Agreement.

6.22. Construction. The parties have participated jointly in the negotiation and drafting of this Agreement and have had an adequate opportunity to review each and every provision of the Agreement and submit the same to counsel or other consultants for review and comment. In the event an ambiguity or question of intent or interpretation arises with respect to this Agreement, this Agreement shall be construed as if drafted jointly by the parties and in accordance with its fair meaning. There shall be no presumption or burden of proof favoring or disfavoring any party by virtue of the authorship of any of the provisions of this Agreement.

6.23. Amendments. Only a writing executed by the parties hereto or their respective successors and assigns may amend this Agreement.

6.24. Waiver. The delay or failure of either party at any time to require performance or compliance by the other of any of its obligations or agreements shall in no way be deemed a waiver of those rights to require such performance or compliance. No waiver of any provision of this Agreement shall be effective unless in writing and signed by a duly authorized representative of the party against whom enforcement of a waiver is sought. The waiver of any right or remedy in respect to any occurrence or event shall not be deemed a waiver of any right or remedy in respect to any other occurrence or event, nor shall any waiver constitute a continuing waiver.

6.25. Severability. If any provision of this Agreement is determined by a court of competent jurisdiction to be unenforceable in any circumstance, such determination shall not affect the validity or enforceability of the remaining terms and provisions hereof or of the offending provision in any other circumstance. Notwithstanding the foregoing, if the value of this Agreement, based upon the substantial benefit of the bargain for any party, is materially impaired, which determination made by the presiding court or arbitrator of competent jurisdiction shall be binding, then both parties agree to substitute such provision(s) through good faith negotiations.

6.26. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original. All counterparts shall be construed together and shall constitute one agreement.

6.27. Corporate Authority. The persons executing this Agreement on behalf of the

parties hereto warrant that they are duly authorized to execute this Agreement on behalf of said parties and that by doing so the parties hereto are formally bound to the provisions of this Agreement.

[Signatures appear on following page.]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by and through their respective authorized officers, as of the date first above written.

CONSULTANT

Signature

[Name and Title]

Date: _____

CITY OF LA VERNE

[Name]
[Mayor or City Manager]

Date: _____

ATTEST:

Lupe Gaeta Estrella
Assistant City Clerk

APPROVED AS TO FORM:

Kimberly Hall Barlow
City Attorney

Date: _____

APPROVED AS TO INSURANCE:

Date: _____

APPROVED AS TO CONTENT:

Ahmed Badawi
Project Manager

Date: _____

DEPARTMENTAL APPROVAL:

Christy Lopez
Finance Director

Date: _____

EXHIBIT A
REQUEST FOR PROPOSALS

EXHIBIT B
CONSULTANT'S PROPOSAL

EXHIBIT C

FEE SCHEDULE

1. Name of Firm/ Contact Person: Badawi & Associates, CPAs
2. Cost Per Audit/ Total Cost by Year:

Year	Audit Period	Financial Statements Audit	Single Audit	GANN Limit Agreed- upon Procedures	City State Controller's Report	SB 341 Report	Measure LV	Two selected Agreed-Upon Procedure reports from the RFP list	Total
1	7/1/22 – 6/30/23	43,325	10,505	665	1,950	665	3,695	3,115	63,920
2	7/1/23 – 6/30/24	44,230	10,920	730	2,145	730	3,755	3,335	65,845
3	7/1/24 – 6/30/25	45,405	11,115	775	2,280	775	3,900	3,545	67,795
4	7/1/25 – 6/30/26	46,310	11,550	820	2,410	820	4,120	3,750	69,780
5	7/1/26 – 6/30/27	47,990	11,725	865	2,440	865	4,140	3,915	71,940

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City of La Verne, City Council Agenda Report



DATE: May 15, 2023

TO: Honorable Mayor and City Council

FROM: Eric Scherer, AICP, Community Development Director

**SUBJECT: DRAFT PARTNERSHIP AGREEMENT WITH THE LA VERNE
CHAMBER OF COMMERCE**

SUMMARY

Annually, the City and the La Verne Chamber of Commerce enter into a Partnership Agreement for a 12-month term; July 1, 2023, through June 30, 2024, to include a financial subsidy of \$45,000 for various services received benefitting the business community.

RECOMMENDATION

The City Council Chamber Liaison Committee and staff recommend the City Council approve Resolution No. 23-25 approving the La Verne Chamber of Commerce's Partnership Agreement, which includes programs and funding for a twelve-month term in the amount of \$45,000 and an Incentive-Subsidy Program for Business Recruitment with a cost not to exceed \$3,000 subject to Agreement provisions, and continuance of the previously approved line of credit not to exceed \$10,000, from July 1, 2023 through June 30, 2024.

DISCUSSION

The La Verne Chamber of Commerce (Chamber) has submitted an updated Partnership Agreement for City assistance over a 12-month period, from July 1, 2023, to June 30, 2024.

A total subsidy of \$45,000 is proposed over the 12-month term, to be paid in four (4) equal quarterly payments of \$11,250. This subsidy is consistent with the current agreement. Additionally, up to \$3,000 will be provided as an incentive to new businesses to join the chamber by subsidizing their first year of membership.

There are no significant changes to the current agreement, with the removal of references to Covid recovery efforts and more details on services that the Chamber typically provides. A tracked version of the agreement is attached to identify the changes that have been made.

A Chamber representative will present the Council with an overview of their programs and activities over the last year, and what events are anticipated for the coming year.

Council Member Lau and Council Member Johnson have reviewed the draft partnership agreement and support the proposed modifications and recommend the approval of the proposed 12-month agreement.

FISCAL ANALYSIS

The Community Development Department has budgeted \$48,000 for the agreement from the General Fund for Fiscal Year 2023-2024.

ENVIRONMENTAL ANALYSIS

None.

LEGAL REVIEW

This report and the attached Resolution were approved by the City Attorney.

ATTACHMENTS

1. Resolution No. 23-25
2. Draft Partnership Agreement 2023-2024 (Tracked)

Coordinated With:
Kimberly Hall Barlow, City Attorney

Coordinated With:
Christy Lopez, Finance Director

RESOLUTION NO. 23-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA VERNE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AUTHORIZING A PARTNERSHIP AGREEMENT WITH THE LA VERNE CHAMBER OF COMMERCE (FISCAL YEAR 2023-2024).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of La Verne as follows:

Section 1. That the Mayor and Assistant City Clerk of the City of La Verne are hereby authorized to execute a partnership Agreement with the La Verne Chamber of Commerce, said Agreement being in the form attached hereto and made a part hereof by reference as though the same were set forth in full herein.

Section 2. The Mayor shall sign and the Assistant City Clerk shall certify to the passage and adoption of this Resolution and thereupon the same shall take effect and be in force.

PASSED, APPROVED AND ADOPTED this 15th day of May 2023.

ATTEST:

Mayor Tim Hepburn

Lupe Gaeta Estrella, Assistant City Clerk

CERTIFICATION

I hereby certify that the foregoing **Resolution No. 23-25** was duly and regularly adopted by the City Council of the City of La Verne at a meeting thereof held on the **15th day of March 2023**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lupe Gaeta Estrella, Assistant City Clerk

20232-20243
ECONOMIC DEVELOPMENT AND PARTNERSHIP AGREEMENT
LA VERNE CHAMBER OF COMMERCE and
CITY OF LA VERNE
PARTNERSHIP AGREEMENT

THIS AGREEMENT, made by and between the CITY OF LA VERNE, a municipal corporation (hereinafter City) and LA VERNE CHAMBER OF COMMERCE, a non-profit corporation (hereinafter Chamber) agree as follows:

WHEREAS, the City is desirous of promoting the existing and potential commercial and industrial businesses and the desirability of disseminating information to said existing and potential commercial and industrial businesses; and

WHEREAS, the City benefits from a successful and vibrant commercial district which the Chamber provides for through a variety of programs, support services, and promotion throughout the year; and

WHEREAS, the Government Code authorizes the expenditures of monies accruing to the General Fund for such activities; and

WHEREAS, the Chamber is organized for and equipped to carry on the promotion of existing and potential commercial and industrial businesses and to publicize and assist these businesses to their best advantages;

NOW THEREFORE, in consideration of the premises and covenants and promises, hereinafter set forth, the parties hereto agree as follows:

1. TERMS

The term of this Agreement shall be from July 1, 20232 thru June 30, 20234.

2. PROGRAMS AND EVENTS

The Chamber will undertake the following programs in implementation of the above promotional activities on behalf of the business community of the City:
~~(The Chamber will make best efforts to plan and implement alternate events or programs in place of any that are cancelled in response to COVID guidelines.);~~

ECONOMIC DEVELOPMENT

WEB SITE LINK

The Chamber will maintain a web site with links to the City and all other appropriate organizations. The Chamber's web site has been upgraded to include opportunities for links with members and including the ability for members to place video ads on their member page. The Chamber will explore updates to the website to incorporate non-Chamber members while giving priority/more visibility to Chamber members. The Chamber will work with City to incorporate a web-based map on their website which may substitute for future Chamber of Commerce hard copy map requirement.

SHOP LA VERNE PROGRAM

The Chamber will develop strategies and marketing ideas that further enhance the local business economy and will work with local businesses to develop campaigns and events to encourage shopping locally.

- The Chamber will manage a **Shop La Verne** street banner program ([Spring 2024](#)). The City will cover the labor cost of installing and replacing up to 20 banners at a time, once during the period of this contract. The City will install the new banners within 30 days of receiving the banners from the Chamber. The Chamber will be responsible for ordering and paying for the banners, coordinating the install date with the City, and providing the banners to be installed to the City. Any costs associated with replacing damaged banners or brackets will be the responsibility of the Chamber. Any emergency replacement of banners outside of the agreed upon scheduled install dates will require reimbursement to the City from the Chamber for the staff time. As an alternate to this program, the Chamber may also distribute promotional material (i.e. reusable tote bags) at the Concerts in the Park series during the summer.
- The Chamber will continue to highlight **Shop La Verne** at the 4th of July parade ~~provided one is held this year~~. The Chamber will participate in the parade with an entry that advertises the Shop La Verne program.
- The Chamber will hold its other sponsored events such as The Taste of La Verne and Excellence in La Verne Business of the Year Awards. [A Special Event Permit shall be obtained at no charge for the Taste of La](#)

Verne event.

BUSINESS LICENSE LISTS

A list of new business licenses will be provided to the Chamber on a monthly basis. A complete list of business licenses will be provided 2 times a year, by the end of the months of February and August. The Chamber will provide these new businesses with a “Welcome Package” containing information from both City and the Chamber.

CHAMBER/CITY STAFF BUSINESS VISITATIONS

At a time convenient to both the City and the Chamber, a representative from each will conduct visitations to certain businesses within the City of La Verne. The businesses will be selected from the top-tier sales tax generators and other influential or unique businesses within the community with a goal of visiting a business every quarter. The object of these visitations will be to promote La Verne as a strong business community as well as an excellent place to do business and to enhance goodwill between the City, the Chamber and business owners. The Chamber also agrees to provide assistance in the implementation of the continuing Economic Development Positioning Strategy; a retail marketing effort to attract and retain business.

COVID 19 RE OPEN AND RECOVERY

~~The Chamber will act as a conduit for the overall business community in partnership with the City in assisting with recovery from the COVID pandemic. Programs may include:~~

- ~~• Continuation of the Business Assistance Grants program initiated in 2022~~
- ~~• La Verne household matching gift card program~~
- ~~• Labor Attraction and Retention Program for post COVID recovery~~

EDUCATION AND WORKFORCE DEVELOPMENT

The Chamber will implement programs that encourage meaningful business/education relationships with public and private schools.

TEACHER OF THE YEAR PROGRAM

The Chamber will continue the La Verne Schools Teacher of the Year Program for the term 2023~~21~~-2024~~3~~ and provide a public venue for the presentation of the awards. The final selection of the Teacher of the Year shall be made by the individual school sites through the criteria set forth by each individual school in the City of La Verne.

SCHOLARSHIP PROGRAM

The Chamber will continue to solicit donations from members to fund the Scholarship Program for the term 2023~~2~~-2024~~3~~. The Scholarship Program encourages students to pursue higher education following high school. It is open to graduating seniors whose primary residence is La Verne, CA who will be attending a vocational/technical school, a Community College or four-year college or university.

COMMUNITY OUTREACH AND INVOLVEMENT

The Chamber will share important issues and activities with the community via their electronic media. The Chamber will promote corporate social responsibility and volunteerism to create a thriving community and provide enriching and relevant experiences for all citizens.

COMMUNITY YARD SALE & SPRING CLEAN-UP

The Chamber of Commerce, in conjunction with the City of La Verne and Bonita Unified School District will facilitate the **Community Yard Sale** in the spring of 2024². These events serve all 3 entities and are open to the public to be a vendor or to attend. The Chamber will be required to responsible-obtain a no-charge Special Event Permit for the event, following all conditions listed on the permit. The Chamber will be responsible for providing access to restroom facilities for the event. This program is intended to assist the City in meeting AB 939 waste-diversion goals by helping people repurpose items that might otherwise have been discarded. The Chamber will report an approximate of tonnage diverted.

STATE OF THE CITY

If the Chamber and the Rotary Club of La Verne (hereinafter Rotary) mutually agree to it, the Chamber will assume responsibilities of sponsoring and coordinating the annual State of the City address in La Verne (traditionally held in January). Other organizations can still be part of the event (Rotary, Bonita Unified, etc.) as the Chamber deems appropriate. The Mayor (or Mayor Pro Tem in his or her absence) will provide a presentation of the accomplishments of the previous calendar year and the goals for the coming year.

AMERICANS WITH DISABILITIES ACT EDUCATIONAL PROGRAMS

The Chamber will be responsible for coordinating and conducting informational workshops for La Verne businesses on the Americans with Disabilities Act (ADA) and how it might impact them. The Chamber shall provide the City with a proposal for the program by December 31, 2023² which the City will fund through the monies the City collects on all City Business Licenses.

ABC NOTIFICATIONS (WHEN CONDUCTED)

The Chamber will include in its newsletter and the La Verne Community

News, a notification that the La Verne Police Department in conjunction with the Bureau of Alcohol & Beverage Control implemented a program to stop the sale of alcohol to minors. The notification will include the results of these programs. The notification will be directed to restaurants and other businesses selling alcohol as a reminder for them to check identification before selling alcohol. This will be considered a public service announcement to help businesses remain compliant with State laws.

CITY UPDATES

The Chamber will provide the City Council with Quarterly Activity/Financial Updates, approximately two weeks after the end of each fiscal quarter beginning in October 2023 (subsequent reports will be filed the following January, April, and July). The City will submit the agreed upon quarterly payment by the end of the same month provided that the Chamber reports are submitted on-time and are to the satisfaction of the City. The reports will be on Chamber activities and related financial breakdown of events that occurred in the prior 3 months. Quarterly Financial updates must include approved quarterly financials, bank statement reconciliation for prior completed quarter, and any deficiencies in comparison to adopted budget.

CITY MEMBERSHIP

The City will receive a free corporate membership and free access/space for all business/community events sponsored by the Chamber. In addition, the Chamber will be billed at actual costs for any City services at special events with no deposit required.

CITY UPDATES TO THE CHAMBER BOARD

City Staff and the City Council liaison(s), when available, will make an effort to attend two board meetings during the period (September and February) of this agreement to provide the Board an update of City efforts and issues as they relate to the Chamber of Commerce.

CITY COUNCIL CANDIDATES FORUM

The Chamber will coordinate and host a City Council Candidates Forum in election years not ~~less~~more than 21 days prior to the election date. The Chamber of Commerce as an organization shall not publicly endorse any local (City) candidate in any election.

OTHER CHAMBER ACTIVITY

The Chamber is dedicated to assisting local companies grow their business by taking the lead in programs and efforts that help create a strong local economy and make our community a great place to do business.

The Chamber generates business activity for the community. The Chamber initiates business-to-business commerce and opportunities for networking and connecting local professionals.

Through the Chamber's website and newsletters, they update our members on various news and issues that are happening within our community, the state, and the nation.

The Chamber hosts professional development events that help owners and employees learn or improve upon skills that are essential to running a business.

Reducing costs is a concern for every business. The Chamber offers substantial discounts on everyday products and services to members. The Chamber provides exposure for our local businesses and encourages the community to shop local.

Opportunities include:

- Member Referrals
- Online/Print Directories
- eNewsletters
- Ribbon Cuttings
- Relocation & Visitor Information

The Chamber's Legislative Committee works to advance the functions of local, state, and federal government by advocating issues associated with Education; Energy; Environment & Infrastructure; Labor; Transportation; Health Care; Housing & Land Use, Government and Regulations toward better public safety and a more robust economic base and climate for

businesses and private enterprise.

The Chamber's Workforce Development Committee supports excellence in education and promotes meaningful business/education relationships with public and private schools. The committee oversees the member funded scholarship program, Career & Resource fairs at local schools and internship programs.

3. CONSIDERATION

The City shall pay a total of \$45,000 to Chamber in four equal quarterly payments of \$11,250. Payments to Chamber shall be contingent upon timely receipt and City approval of Quarterly Activity/Financial Updates and be made by the end of the months of October 2023, January 2024, April 2024 and July 2024.

4. CONDITIONS

In light of this Agreement's 12-month term, the following conditions will apply:

- A. The Chamber will complete, at its own timing within the period of this agreement and to be shared with the City, the results of a members survey which asks members what they want to see from the Chamber
- B. By June 30th of each year Chamber will provide City with an approved copy of its coming year's annual budget outlining revenues, expenditures and projected proceeds from events.
- C. By October of every odd numbered year, the Chamber will provide the City with a copy of its approved financial policy summary, outlining procedures associated with check and balances, cash handling, expenditure authorization procedures and board oversight practice criteria.
- D. By August 30th of each year Chamber will provide City with an approved copy of its previous year's comparable financial statement, to satisfaction of City. City reserves the right to require a third party financial review, should it be determined necessary.

5. LOAN COMMITMENT

The City's loan commitment in the short-term loan agreement between Chamber and City (Agreement No. 12-03) attached hereto, marked Exhibit "A" and incorporated herein by this reference, is extended through June 30, 2024, except that total available loan amount available shall not exceed \$10,000 (a reduction from the original \$15,000 available).

6. CITY INCENTIVE/SUBSIDY FOR NEW BUSINESS RECRUITMENT

Growth of the Chamber of Commerce is beneficial to the City, especially when it results in actual new business, which in-turn can generate new sales tax, employment, economic stability and/or other revenues such as property tax, CFD, etc. Program is hereby continued within this Agreement which provides a subsidy to such new businesses. Following are the requirements of this new business development subsidy program:

- A. The City to reimburse 50% of the cost of the Chamber membership for any eligible new business (within their first year of business) that joins the Chamber (this also applies to a new owner of an existing business)
- B. Subsidy is available up until 90 days after the first day of joining.
- C. Subsidy will be paid to the Chamber of Commerce, upon demonstration that business meets criteria and has paid the initial 50% cost of membership.
- D. Subsidy fund for this Agreement will be \$3,000; any subsequent increases to the initial fund will be at the discretion of the City Manager and subject to finding that all other provisions of this Agreement have been met.
- E. Subsidy is not available for home-based businesses.
- F. Subsidy is not available for renewals of existing or past memberships (except if it is for a new owner of an existing business).
- G. Subsidy is not available for businesses having an address outside La Verne City limits.

7. INDEMNIFICATION AND HOLD HARMLESS:

- A. Chamber represents that it possesses the necessary qualifications to perform the services and duties set forth in this Agreement.
- B. Chamber is an independent contractor and shall have no authority to bind City or to create or incur any obligation on behalf of, or liability against, City, whether by contract or otherwise, unless such authority is expressly conferred under this Agreement or is otherwise expressly conferred in writing by City. Chamber, its employees, agents and subcontractors are not employees of City.
- C. Chamber shall indemnify, defend and hold harmless, City, its elected and appointed officials, officers, agents and employees (collectively "Indemnities") from and against any and all liabilities, losses, claims, demands, actions, causes of action, proceedings, suits, damages, judgments, costs and expenses of litigation, including reasonable attorneys' fees, which Indemnities may suffer or incur or which Indemnities may become subject to by reason of or arising out of any injury to or death of any person(s), damage to property, or loss of use

- of property, allegedly caused by the negligent or willful acts or omissions of Chamber, its agents, officers, directors or employees, acting within the scope of their employment or affiliation with Chamber while performing the services set forth in this Agreement.
- D. In the event that any action or proceeding is brought against Indemnities by reason of any of the matters against which Chamber has agreed to indemnify Indemnities, Chamber, upon notice from City, shall agree to defend Indemnities at Chamber's expense by competent legal counsel. City agrees to notify Chamber within five (5) days of its receipt of service of legal process by a third party in a lawsuit naming City as a defendant and claiming injury to or death of any person(s), damage to property or loss of use of property, allegedly caused by the negligent or willful acts or omissions of Chamber, its agents, officers, directors or employees, acting within the scope of their employment or affiliation with Chamber while performing the services set forth in this Agreement.
- E. Chamber's indemnification under this Agreement does not extend to liabilities, losses, claims, demands, actions, causes of action, proceedings, suits, damages, judgments, costs and expenses of litigation, including attorney's fees, which Indemnities may suffer or incur or which Indemnities may become subject to by reason of or arising out of any injury to or death of any person(s), damage to property, or loss of use of property caused by the active or passive negligence or willful acts or omissions of City, its elected and appointed officials, officers, agents, employees, volunteers or representatives.
- F. The insurance required to be maintained by Chamber under Paragraph 5 shall ensure Chamber's obligation under Paragraph 8, but the limits of such insurance shall not limit the liability of Chamber hereunder. The provisions of Paragraph 4 shall survive the expiration or earlier termination of this agreement.

8. INSURANCE:

- A. Chamber shall, at its expense, procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the services set forth in this Agreement by Chamber or its agents, representatives, or employees acting within the scope of their agency, employment or representation. Insurance is to be placed with insurers with a current A.M. Best's rating no less than A:VII.
- B. Minimum Scope and Limits of Insurance:
- 1) Minimum Scope of Insurance. Coverage shall be at least as broad as the latest version of:

- *General Liability*: Insurance Services Office General Liability Coverage (form CG 0001)
- *Automobile Liability*: Insurance Services Office Business Auto Coverage (form CA 001, code 1 (any auto))
- *Workers' Compensation and Employers' Liability*: Workers' Compensation insurance as required by the State of California and Employers' Liability Insurance

2) Minimum Limits of Insurance. Limits no less than:

- *General Liability*: \$1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to the activities associated with this Agreement or the general aggregate limit shall be twice the required occurrence limit
- *Automobile Liability*: \$1,000,000 per accident for bodily injury and property damage.
- *Workers' Compensation and Employers' Liability*: Workers' Compensation limits as required by the Labor Code of the State of California. Employers' Liability limits of \$1,000,000 per accident for bodily injury or disease. \$1,000,000 per claim.

C. Other Provisions:

1) All Policies:

- Each insurance policy required by Paragraph 5 shall be endorsed and state that the coverage shall not be suspended, voided, cancelled by the insurer or either Party to this Agreement, reduced in coverage or in limits, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to City.
- Any failure to comply with the reporting or other provisions of the policies, including breaches of warranties, shall not affect coverage provided to City, its officers, officials, employees or volunteers.
- Any deductibles or self-insured retentions must be declared to and approved by City.

2) General Liability and Automobile Liability Insurance:

- City, its directors, officials, officers, employees, agents and volunteers shall be covered as additional insured's for liability arising out of the services provided by Chamber as set forth in this Agreement; premises owned, occupied or used by Chamber; or automobiles owned, leased, hired or borrowed by Chamber. The coverage shall contain no special limitations on

the scope of protection afforded to City, its officers, officials or employees.

- Chamber insurance shall be primary insurance with respect to City, its officers, employees and volunteers. Any insurance or self-insurance maintained by City, its officers, employees or volunteers shall apply in excess of, and not contribute with, Chamber's insurance.
- Chamber's insurance shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of insurer's liability.

3) Workers' Compensation Insurance:

- Unless the City Manager otherwise agrees in writing, the insurer shall agree to waive all rights of subrogation against City, its officers, officials, employees and agents for losses arising from the services performed by Chamber as set forth in this Agreement.

4) Certificates of Insurance:

- Chamber agrees to deposit with City, at or before the effective date of this Agreement, certificates of insurance sufficient to satisfy City that the insurance provisions of Paragraph 5 of this Agreement have been complied with. The City attorney may require that Chamber furnish City with copies of original endorsements effecting coverage as required by Paragraph 5 of this Agreement. The certificates or endorsements must be signed by a person authorized by that insurer to bind coverage on its behalf. City reserves the right to inspect complete, certified copies of all required insurance policies at any time.

IN WITNESS WHEREOF, the Parties hereto have accepted, made and executed this Agreement upon the terms, conditions and provisions on the date written below.

Dated: _____

LA VERNE CHAMBER OF COMMERCE

By _____

~~Juan Fuentes~~ ~~Morgan Sternquist~~

Chair of the Board of Directors

Ref: Resolution No. ~~232-39XX~~

Chamber of Commerce Contract Agreement

By _____
Juan Fuentes
~~Incoming Chair of the Board of Directors~~

CITY OF LA VERNE

By _____
Tim Hepburn
Mayor

By _____
Lupe Estrella
Assistant City Clerk