

CITY of LAGUNA WOODS CITY COUNCIL AGENDA

Regular Meeting
Wednesday, May 18, 2022
2:00 p.m.

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

Carol Moore
Mayor

Cynthia Conners
Mayor Pro Tem

Noel Hatch
Councilmember



Shari L. Horne
Councilmember

Ed H. Tao
Councilmember

Welcome to a meeting of the Laguna Woods City Council!

This meeting may be recorded, televised, and made publicly available.

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

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

REGULAR MEETING SCHEDULE

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

AGENDA POSTING AND AVAILABILITY

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

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

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Electronic Distribution: The City of Laguna Woods provides notification of agenda posting and availability via email. To register to receive email notifications, please email cityhall@cityoflagunawoods.org or contact the City Clerk’s Office at (949) 639-0500/TTY (949) 639-0535. Please note that the City is not responsible for, and makes no guaranties or warranties related to, the transmission or receipt of email notifications.

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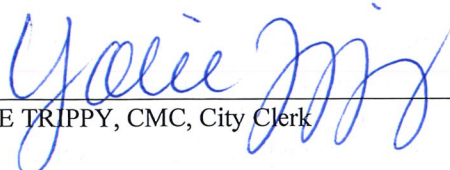
FOR ADDITIONAL INFORMATION

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

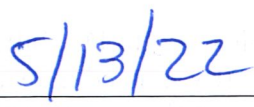
AFFIDAVIT OF POSTING

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

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



YOLIE TRIPPY, CMC, City Clerk



Date

NOVEL CORONAVIRUS (COVID-19) NOTICE

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

OPTIONS FOR PUBLIC COMMENTS

1. Attend the meeting in-person.

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

3. Make public comments by telephone. Dial (669) 900-6833. When prompted enter the following meeting ID: 840 7359 2121 followed by pound (#) and the following meeting passcode: 117567 followed by pound (#). When an item you wish to comment on is discussed, press *9 on your telephone to raise your hand. When it is your turn, you will be unmuted and able to speak. Please note that your telephone number will be visible to the City. No party should expect privacy of such information.

4. Make public comments by computer.

- Visit www.zoom.us
- Click on “Join a Meeting” toward the top right of the webpage
- Enter the following meeting ID: 840 7359 2121
- Open the Zoom application following the on-screen prompts
- Enter the following meeting password: 117567
- Enter a name and email address as required by Zoom

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

I. CALL TO ORDER

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

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. PRESENTATIONS AND CEREMONIAL MATTERS

4.1 Asian American and Pacific Islander Heritage Month – May 2022

Recommendation: Approve the proclamation.

4.2 Older Americans Month – May 2022

Recommendation: Approve the proclamation.

4.3 Transportation Corridor Agencies Presentation – Will O'Neill, Chair, San Joaquin Hills Transportation Corridor Agency

Recommendation: Receive and file

4.4 City Hall/Public Library Project Update

Recommendation: Receive and file

V. PUBLIC COMMENTS ON NON-AGENDA ITEMS

About Public Comments on Non-Agenda Items: This is the time and place for members of the public to address the City Council on items *not* appearing on this agenda. To indicate interest, please notify City staff if present in-person, press *9 on your telephone if participating by telephone, or click on “Raise Hand” if participating by computer via Zoom. Pursuant to state law, the City Council is unable to take action on such items, but may engage in brief discussion, provide direction to City staff, or schedule items for consideration at future meetings.

VI. CONSENT CALENDAR

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

6.1 Reserved

6.2 City Treasurer's Report

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

6.3 Warrant Register

Recommendation: Approve the warrant register dated May 18, 2022 in the amount of \$1,114,545.49.

6.4 Teleconferencing for Meetings

Recommendation: Adopt a resolution titled:

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

6.5 Law Enforcement Services

Recommendation: Approve an agreement with the County of Orange for law enforcement services and authorize the Mayor to execute the agreement, subject to approval as to form by the City Attorney.

6.6 Traffic Signal, Street Light, and City Hall Lighting Maintenance Services

Recommendation: Approve an assignment agreement assigning the existing agreement with Siemens Mobility, Inc. for traffic signal,

street light, and City Hall lighting maintenance services to Yunex, LLC and authorize the City Manager to execute the assignment agreement, subject to approval as to form by the City Attorney.

6.7 General Municipal Election

Recommendation:

1. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATED TO GENERAL LAW CITIES

AND

2. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022 WITH THE GENERAL ELECTION TO BE HELD ON THE SAME DATE, PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10403

AND

3. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE

OFFICE PERTAINING TO CANDIDATE STATEMENTS
SUBMITTED TO THE VOTERS AT THE GENERAL
MUNICIPAL ELECTION TO BE HELD ON TUESDAY,
NOVEMBER 8, 2022

AND

4. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF LAGUNA WOODS, CALIFORNIA, PROVIDING FOR
TIE VOTES AT THE GENERAL MUNICIPAL ELECTION
TO BE HELD ON TUESDAY, NOVEMBER 8, 2022 TO BE
RESOLVED BY LOT, IN ACCORDANCE WITH
CALIFORNIA ELECTIONS CODE SECTION 15651

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

Recommendation: Increase the City Manager’s authorization to
approve change orders for the contract agreement with Kalban,
Inc. for the construction of the “Americans with Disabilities Act
(ADA) Pedestrian Accessibility Improvement Project: Phase 5” to
10% of the \$279,305 base amount.

6.9 City-maintained Catch Basins Full Capture Systems Retrofit
Project

Recommendation: Reject all bids received for the “City-maintained
Catch Basins Full Capture Systems Retrofit Project” (bid opening
date of April 28, 2022).

VII. PUBLIC HEARINGS

VIII. CITY COUNCIL BUSINESS

8.1 Cannabis Business Tax

Recommendation:

OPTION A: If the City Council wishes to submit to the voters at the election on November 8, 2022, one measure seeking to establish a tax on cannabis businesses engaged in business in the City of Laguna Woods:

A1. Approve second reading and adopt an ordinance – read by title with further reading waived – entitled:

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

AND

A2. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, CALLING FOR THE PLACEMENT AND CONSOLIDATION OF ONE MEASURE ON THE BALLOT FOR THE TUESDAY, NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION SEEKING TO ESTABLISH A TAX ON CANNABIS BUSINESSES ENGAGED IN BUSINESS IN THE CITY OF LAGUNA WOODS

AND

A3. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS AND ESTABLISHING A PROCESS FOR FILING WRITTEN ARGUMENTS AND REBUTTAL ARGUMENTS REGARDING THE MEASURE ON THE BALLOT FOR THE TUESDAY, NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION SEEKING TO

ESTABLISH A TAX ON CANNABIS BUSINESSES
OPERATING ENGAGED IN BUSINESS IN THE CITY OF
LAGUNA WOODS

AND

A3. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF LAGUNA WOODS, CALIFORNIA, AMENDING AND
ADOPTING THE FISCAL YEARS 2021-23 BUDGET AND
WORK PLAN FOR FISCAL YEAR 2021-22 COMMENCING
JULY 1, 2021 AND ENDING JUNE 30, 2022, AND FISCAL
YEAR 2022-23 COMMENCING JULY 1, 2022 AND
ENDING JUNE 30, 2023, RELATED TO ADJUSTMENTS
OF GENERAL FUND APPROPRIATIONS FOR PLACING
AND CONSOLIDATING ONE MEASURE ON THE
BALLOT FOR THE TUESDAY, NOVEMBER 8, 2022
GENERAL MUNICIPAL ELECTION SEEKING TO
ESTABLISH A TAX ON CANNABIS BUSINESSES
ENGAGED IN BUSINESS IN THE CITY OF LAGUNA
WOODS

OPTION B: If the City Council does NOT wish to submit to the voters at the
election on November 8, 2022, one measure seeking to establish a tax on
cannabis businesses engaged in business in the City of Laguna Woods:

B1. Do not approve second reading and adoption of an ordinance –
read by title with further reading waived – entitled:

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

8.2 Flavored Tobacco Product and Electronic Smoking Device Sales
(agendized by Mayor Moore)

Recommendation: Direct the City Manager to draft an ordinance for future consideration by the City Council that would prohibit flavored tobacco product and electronic smoking device sales in the Community Commercial zoning district.

8.3 Light-Emitting Diode (LED) Signs

Recommendation:

OPTION A: If the City Council wishes to consider permitting the use of light-emitting diode technology in permanent signs:

A1. Direct the City Manager to draft an ordinance for future consideration by the City Council that would amend the Laguna Woods Municipal Code to permit the use of light-emitting diode technology in any permanent sign for any purpose when approved by the City Council as part of a sign program.

OR

A2. Provide other direction to the City Manager regarding LW Shell, Inc.'s request that the Laguna Woods Municipal Code be amended to permit gas stations to use light-emitting diode technology in permanent monument signs.

OPTION B: If the City Council does NOT wish to consider permitting the use of light-emitting diode technology in permanent signs:

B1. Take no action. The use of light-emitting diode technology will continue to be prohibited for exterior signs.

8.4 California Assembly Bill 1276 (Carrillo) (2021-2022)

Recommendation: Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AUTHORIZING AN ENFORCEMENT AGENCY TO ENFORCE CHAPTER 5.2 OF PART 3 OF DIVISION 30 OF THE CALIFORNIA

PUBLIC RESOURCES CODE PERTAINING TO SINGLE-
USE FOODWARE ACCESSORIES AND CONDIMENTS,
AND ESTABLISHING A RELATED SCHEDULE OF FINES

8.5 Employee Compensation and Benefits

Recommendation: Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF LAGUNA WOODS, CALIFORNIA, REPEALING
RESOLUTION NO. 22-16, AND ESTABLISHING A
COMPENSATION SCHEDULE AND BENEFITS FOR CITY
EMPLOYEES

8.6 Ad Hoc Audit Committee

Recommendation: Appoint two members of the City Council to an
Ad Hoc Audit Committee beginning immediately through October
19, 2022 to work with the City's independent auditors on matters
related to the Fiscal Year 2021-22 audit.

IX. CITY COUNCIL REPORTS AND COMMENTS

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

9.1 Coastal Greenbelt Authority

Mayor Pro Tem Connors; Alternate: Councilmember Tao

9.2 Orange County Fire Authority

Councilmember Hatch

9.3 Orange County Library Advisory Board

Mayor Moore; Alternate: Councilmember Tao

9.4 Orange County Mosquito and Vector Control District

Councilmember Horne

- 9.5 San Joaquin Hills Transportation Corridor Agency
Mayor Pro Tem Conners; Alternate: Mayor Moore
- 9.6 South Orange County Watershed Management Area
Mayor Moore; Alternate: Councilmember Hatch
- 9.7 Other Comments and Reports

X. CLOSED SESSION

XI. CLOSED SESSION REPORT

XII. ADJOURNMENT

Next Adjourned Regular Meeting: Thursday, May 26, 2022 at 3 p.m.
Laguna Woods City Hall
24264 El Toro Road, Laguna Woods, California 92637

Next Regular Meeting: Wednesday, June 15, 2022 at 2 p.m.
Laguna Woods City Hall
24264 El Toro Road, Laguna Woods, California 92637

4.1
ASIAN AMERICAN AND PACIFIC ISLANDER
HERITAGE MONTH
– MAY 2022

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**Proclamation
City of Laguna Woods
Asian American and Pacific Islander
Heritage Month
May 2022**

WHEREAS, Asian Americans and Pacific Islanders have played a critical role in the social, economic, and political development of the United States; and

WHEREAS, Asian Americans and Pacific Islanders are one of the fastest growing ethnic populations in the state of California; and

WHEREAS, Asian Americans and Pacific Islanders represent more than 20 percent of the population of Laguna Woods; and

WHEREAS, Asian American and Pacific Islander clubs and communities throughout Laguna Woods actively promote cultural heritage and understanding; and

WHEREAS, Asian Americans and Pacific Islanders have a proud legacy of service and dedication to our community, state, and country.

NOW, THEREFORE, BE IT RESOLVED that the Laguna Woods City Council does hereby proclaim May 2022 as “Asian American and Pacific Islander Heritage Month” in the City of Laguna Woods and encourages reflection on the accomplishments that Asian Americans and Pacific Islanders have made throughout history.

Dated this 18th day of May, 2022

Carol Moore
Mayor

Attest: Yolie Trippy, CMC
City Clerk

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4.2
OLDER AMERICANS MONTH
– MAY 2022

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Proclamation
City of Laguna Woods
Older Americans Month
May 2022

WHEREAS, Laguna Woods is a unique community with an average age of 75; and

WHEREAS, throughout their lives, the residents of Laguna Woods have made countless contributions and sacrifices to ensure a better life for future generations; and

WHEREAS, the City of Laguna Woods recognizes that older adults are trailblazers — advocating for themselves, their peers, and their communities — and paving the way for future generations; and

WHEREAS, the City of Laguna Woods is committed to raising awareness about issues facing older adults and helping older adults to thrive in communities of their choice for as long as possible; and

WHEREAS, our community can provide opportunities to enrich the lives of individuals of all ages by promoting and engaging in activity, wellness, and social involvement; emphasizing home- and community-based services that support independent living; and, ensuring that others can benefit from the contributions and experience of older adults.

NOW, THEREFORE, BE IT RESOLVED that the Laguna Woods City Council does hereby proclaim May 2022 as “Older Americans Month” in the City of Laguna Woods and encourages the recognition of older adults and the people who serve them as being powerful and vital to the fabric of our country.

Dated this 18th day of May, 2022

Carol Moore
Mayor

Attest: Yolie Trippy, CMC
City Clerk

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4.3

**TRANSPORTATION CORRIDOR AGENCIES
PRESENTATION – WILL O'NEILL, CHAIR, SAN
JOAQUIN HILLS TRANSPORTATION
CORRIDOR AGENCY**

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Presentation to Laguna Woods City Council

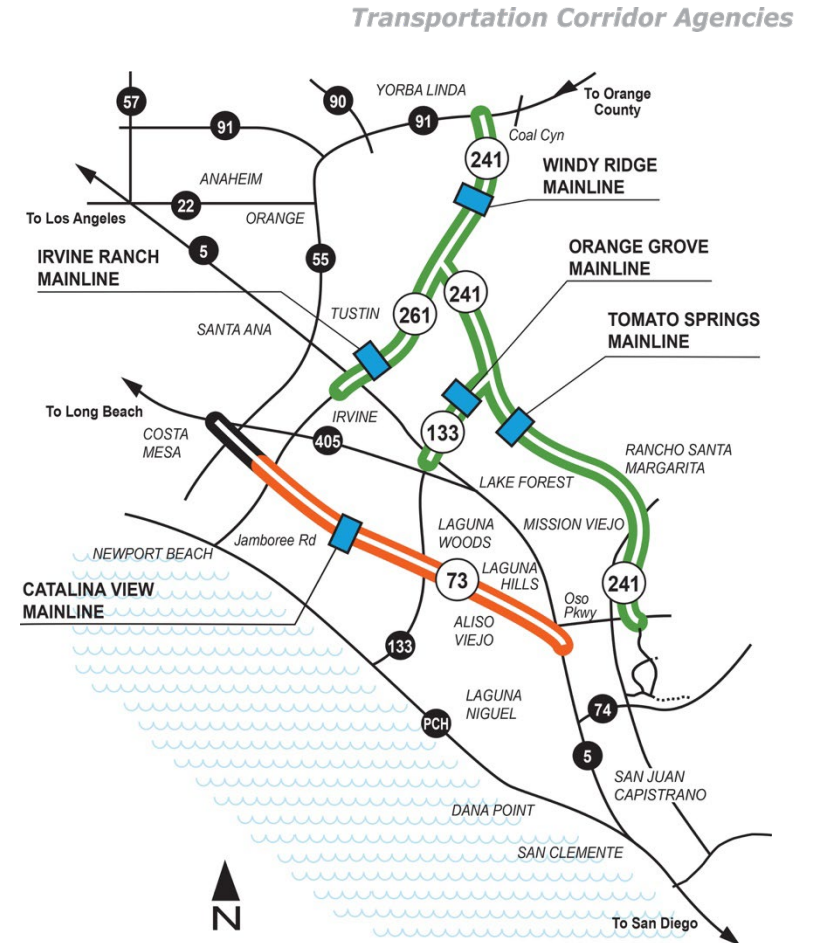
May 18, 2022



Transportation Corridor Agencies™

The Toll Roads: Overview

- Planned by the County in the 1980s to mitigate current and future traffic congestion
- No state/federal funding available
- Self determination and self reliance
- TCA formed as a government agency (two separate JPAs) in 1986 by local leaders to build the planned roads as tolled facilities
- Financed by nonrecourse toll revenue bonds and Development Impact Fees



The Toll Roads: Governance Model

Transportation Corridor Agencies

- Two separate Boards – San Joaquin Hills and Foothill/Eastern
- Strong local oversight by elected officials from 17 member cities and county (currently 22 Board Members)
- Regional perspective

Foothill/Eastern

- Anaheim
- Dana Point
- Irvine
- Lake Forest
- Mission Viejo
- Orange
- Rancho Santa Margarita
- San Juan Capistrano
- Santa Ana
- Tustin
- Yorba Linda
- County of Orange
(3rd, 4th and 5th Districts)

San Joaquin Hills

- Aliso Viejo
- Costa Mesa
- Dana Point
- Irvine
- Laguna Hills
- Laguna Niguel
- Laguna Woods
- Mission Viejo
- Newport Beach
- San Juan Capistrano
- Santa Ana
- County of Orange
(3rd and 5th Districts)

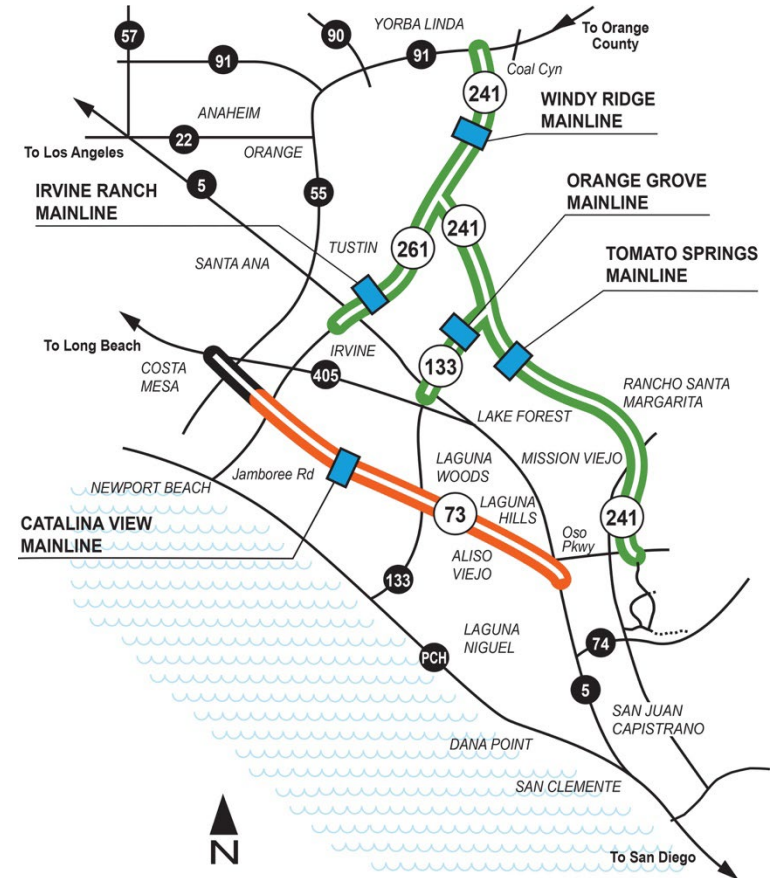
The Toll Roads Network



ITEM 4.3

Transportation Corridor Agencies

- 420 lane miles
- 330,000 daily transactions
- \$400 million annual toll revenue
- 2.1 million accountholders
- Built as parallel alternatives to I-5, I-405 and SR-55 highways
- Even drivers who don't use The Toll Roads benefit



Financial Stability/Sustainability

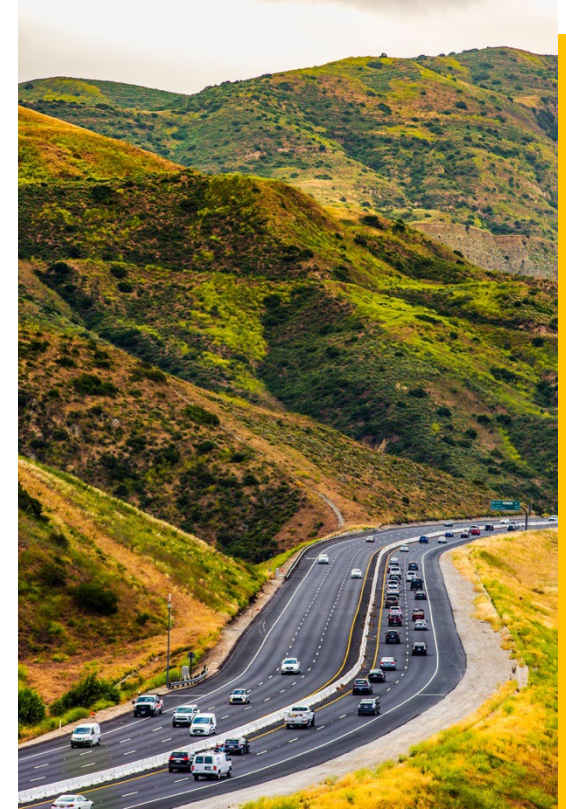
- Nonrecourse toll revenue bonds
- Full value debt payments made timely since inception
- Refinancings in 2013 and 2014
 - Established debt structures to align with historical revenue growth
 - Keep toll rates low
 - Provide “rainy-day” fund
- Reserves have grown to more than \$1.5 billion
- Consistent rating upgrades from all three major credit rating agencies
 - Both Agencies’ bonds have “A” rating
 - Last 3 years - Saved over \$700 million in interest without extending bond maturity dates

MOODY'S

FitchRatings

S&P Global

Transportation Corridor Agencies



Financial Policies and Actions to Strengthen Finances

Transportation Corridor Agencies

Debt Management Policy

- Directs staff to look for **early paydown opportunities**
- Bond refundings for **savings** without extending maturity dates

Zero Pension Liability

- Both Agencies **paid off** unfunded pension liability 07/2019

Liquidity Reserve

- Additional **cash reserve** established

Toll Policy

- Small annual adjustments (pennies) easy to absorb to keep drivers on toll roads while **meeting financial obligations**

TCA's Vision and Mission Statements

ITEM 4.3

Transportation Corridor Agencies

■ **Vision Statement**

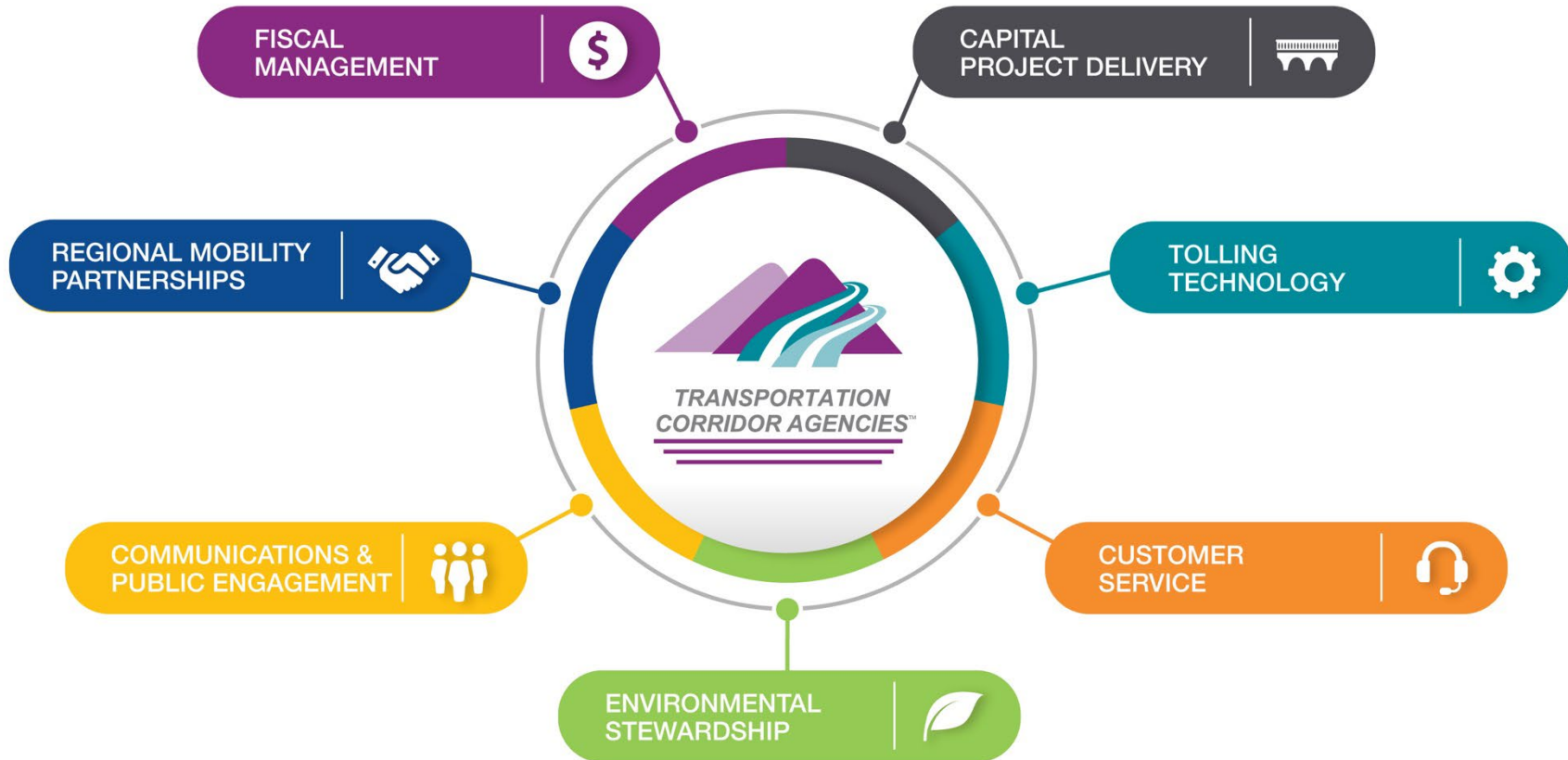
Promote enhanced mobility, safety and environmental quality as essential components of Orange County's vibrant economy and quality of life that benefit all residents and road users.

■ **Mission Statement**

Implement and operate a highway network of congestion free travel alternatives with a focus on customer service, innovation and self-reliant financial approaches while considering regional transportation needs and opportunities.



Seven Focus Areas



Activities

- Execute steps to allow Board approval of approximately **\$600 million in early debt paydown, saving \$670 million**
- Recommend adoption of **liquidity and pension policies**
- Complete **financial needs and system assessment**
- Prepare debt fact sheets that provide **accurate information on the Agencies' financial strength**
- Produce **annual updates** to seven-year cash flow projections

Fiscal Management

Fiscal Years 2023–2029



Goal	Objectives
Continue to fulfill the Agencies' commitment to maintaining a long-term sustainable financial position.	<ul style="list-style-type: none">• Conduct financial planning that supports Agencies' Capital Improvement Plan, debt management strategy and other initiatives while maintaining strong credit ratings.• In accordance with Agencies' Debt Management Policies, monitor economic environment and look for opportunities to further enhance the Agencies' strong finances.• Develop cashflow scenarios that include opportunities for the early pay down of bonds per call provisions and strategic plans' horizon years.• Recommend the establishment of policies that support the Boards of Directors' strategic priorities.• Continue to provide for transparency through annual audits, transactional data and debt fact sheets to promote investor, Board and public confidence.

Activities

- Recommend adoption of liquidity policies in support of the Agencies' emergency reserve and credit rating strategy, and other financial policies such as maintaining the Agencies' fully funded pension liabilities.
- Produce annual updates to seven-year cash flow projections to include CIP, other agency initiatives and debt management.
- Execute steps necessary to allow Board approval of approximately \$600 million in early debt paydown as follows:
 - San Joaquin Hills: FY25, FY26 and FY27
 - Foothill/Eastern: FY23, FY24, and FY28
- Work with the Communications team to prepare debt fact sheets providing accurate information on the Agencies' financial strength.

Transportation Corridor Agencies 8 FY23 Strategic Plan | March 10, 2022

Agencies' Strong Liquidity Provides Flexibility

ITEM 4.3

Transportation Corridor Agencies

Boards' commitment to sound financial practices and supporting policies has resulted in:



Improved **credit ratings**/significant refunding **savings**



Strong liquidity that **protected** against pandemic



Ability to **fund** capital program with **cash**



Ability to **paydown** bonds **early**

Environmental Stewardship

Activities

- Continue active management of **conservation lands and environmental programs**
- **Advance evaluation, planning and implementation of recreational uses** in connection with environmental projects and programs
- **Broaden environmental education** and knowledge of TCA's contributions
- **Incorporate additional wildlife fencing** along The Toll Roads
- **Initiate planning for long-term management** of perpetual obligations

Environmental Stewardship

Fiscal Years 2023–2029



Goal	Objectives
Continue to advance the Agencies' legacy of environmental stewardship and innovative leadership to protect and support Orange County's natural environment and threatened species for future generations.	<ul style="list-style-type: none">• Support TCA's lands management program incorporating:<ul style="list-style-type: none">— Environmentally friendly methods including use of nontoxic materials for weed abatement.— Implementing measures to support environmental sustainability and resilience for ongoing and future CIPs.• Evaluate opportunities to implement or support relevant, beneficial conservation programs or activities utilizing TCA's Habitat Conservation Fund.

Activities

- Continue active management of more than 2,000 acres of conservation lands and environmental programs.
- Advance the site plan and process for recreational and mitigation purposes at the Saddle Club Preservation Property.
- Reestablish educational tours for Orange County teachers and students, and work to develop periodic content for distribution.
- Incorporate additional wildlife fencing along sections of The Toll Roads when improvements are made to the extent feasible.
- Continue discussions with member cities, regional partners and environmental coalition members to identify solutions and opportunities to improve and conserve the environment, including:
 - Hybrid uses that support improved environmental outcomes and social/recreational uses
 - Establishment of habitat for urban farms
 - Enhanced support for wildlife migratory paths
 - Creation, restoration and/or preservation of resilient habitats
- Initiate planning for long-term management to comply with resource agency permit requirements and perpetual protections of habitat and wildlife, while incorporating opportunities for self-funded future enhancements.

Transportation Corridor Agencies 9 FY23 Strategic Plan | March 10, 2022

Innovative Environmental Stewardship

ITEM 4.3

Transportation Corridor Agencies

- 25 years of environmental success
- More than 2,200 acres of native habitat
- Over \$125M on environmental programs
- Home to multiple species, including:
 - Coastal California Gnatcatcher
 - Brodiaea
 - Coastal Cactus Wren
 - Mountain Lion
- Wildlife monitoring and movement studies
- Provides improved air quality



An Environmental Pioneer

Transportation Corridor Agencies

- TCA was an early partner and financial contributor to The Orange County Central/Coastal *Natural Communities Conservation Plan/Habitat Conservation Plan* in 1996
- Today, the NCCP/HCP stretches over 40,000 acres from the coast to the Cleveland National Forest and shelters several federally protected species and more than 30 sensitive species
- The coastal sage scrub found on half of the NCCP/HCP land represents one of the rarest ecosystems in the world – *often compared to the Amazon, Madagascar and the eastern Himalayas for its breadth of biodiversity*

In order to balance construction of The Toll Roads, TCA has restored and preserved in perpetuity more than 2,200 acres of open space in Orange County -- many of which are home to the federally protected songbird, the California gnatcatcher.

Maintaining Wildlife Corridors and Connectivity

Transportation Corridor Agencies



Questions/Discussion

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4.4
CITY HALL/PUBLIC LIBRARY PROJECT UPDATE
(NO REPORT)

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6.0
CONSENT CALENDAR SUMMARY

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City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: May 18, 2022 Regular Meeting

SUBJECT: Consent Calendar Summary

Recommendation

Approve all proposed actions on the May 18, 2022 Consent Calendar by single motion and City Council action.

Background

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

Summary

The May 18, 2022 Consent Calendar contains the following items:

- 6.1 Reserved. No action.
- 6.2 Approval of a motion to receive and file the City Treasurer's Report for the month of April 2022.
- 6.3 Approval of the warrant register dated May 18, 2022 in the amount of \$1,114,545.49. A list of warrants is included in the agenda packet; detailed information about individual warrants is available at or from City Hall.

- 6.4 Adoption of a resolution allowing for the continued use of teleconferencing for meetings during the COVID-19 State of Emergency, pursuant to California Assembly Bill 361 (2021-2022). The proposed resolution includes the findings required by California Government Code Section 54953(e)(3) for meetings to continue to be held via teleconferencing.
- 6.5 Approval of an agreement with the County of Orange for law enforcement services and authorization for the Mayor to execute the agreement, subject to approval as to form by the City Attorney. The proposed agreement includes a comparable level of service to the current fiscal year, at an annual cost of \$3,151,202 (a \$82,670, or approximately 2.69%, increase from the current fiscal year's cost). The increase is primarily attributable to salary and benefit increases that were negotiated by the County of Orange and approved by the Orange County Board of Supervisors, as well as the addition of body worn cameras for all patrol/traffic deputies. Projections continue to show that law enforcement costs are increasing at an unsustainable rate.
- 6.6 Approval of an assignment agreement assigning the existing agreement with Siemens Mobility, Inc. for traffic signal, street light, and City Hall lighting maintenance services to Yunex, LLC and authorization for the City Manager to execute the assignment agreement, subject to approval as to form by the City Attorney. The City entered into an agreement with Siemens Mobility for street sweeping services on July 1, 2019. Siemens Mobility subsequently transferred its intelligent traffic systems business (including the agreement with the City) to Yunex. The proposed agreement memorializes Yunex's responsibility for the agreement entered into with Siemens Mobility.
- 6.7 Note: This item pertains only to the regularly-scheduled election of two (2) members of the City Council for the full term of four (4) years (the offices currently held by Mayor Moore and Councilmember Tao). This item does not address potential voter consideration of a cannabis business tax measure, which is separately agendaized as Item 8.1.

[1] Adoption of a resolution calling and giving notice of the holding of a general municipal election to be held on Tuesday, November 8, 2022 for the election of certain officers as required by the provisions of the laws of the State of California related to general law cities. (Attachment A)

AND

[2] Adoption of a resolution requesting the Board of Supervisors of the County of Orange to consolidate a general municipal election to be held on Tuesday, November 8, 2022 with the general election to be held on the same date, pursuant to California Elections Code Section 10403. (Attachment B)

AND

[3] Adoption of a resolution adopting regulations for candidates for elective office pertaining to candidate statements submitted to the voters at the general municipal election to be held on Tuesday, November 8, 2022. (Attachment C)

AND

[4] Adoption of a resolution providing for tie votes at the general municipal election to be held on Tuesday, November 8, 2022 to be resolved by lot, in accordance with California Elections Code Section 15651. (Attachment D)

- 6.8 Approval of a motion to increase the City Manager’s authorization to approve change orders for the contract agreement with Kalban, Inc. for the construction of the “Americans with Disabilities Act (ADA) Pedestrian Accessibility Improvement Project: Phase 5” to 10% of the \$279,305 base amount. The City Council previously authorized the City Manager to approve change orders up to 5% of the \$279,305 base amount; however, in the course of construction, staff identified opportunities to complete additional work at costs within the \$350,000 Community Development Block Grant (CDBG) award being used to fund this project.
- 6.9 Rejection of all bids received for the “City-maintained Catch Basins Full Capture Systems Retrofit Project” (bid opening date of April 28, 2022). The City received three bids for this project ranging from \$110,000 to \$268,167. After review, staff has determined that the lowest cost bid has a material defect and the remaining bids far exceed estimated costs. Staff recommends rejecting all bids and soliciting new bids.

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6.1
RESERVED
(NO REPORT)

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6.2
CITY TREASURER'S REPORT

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City of Laguna Woods
City Treasurer's Report
 For the Month Ended April 30, 2022

ITEM 6.2

CASH AND INVESTMENTS

	Beginning Balances As of 3/31/22	Earnings & Receipts	Disbursements	Purchases, Transfers & Other Adjustments	Ending Balances As of 4/30/22	% of Total Cash & Investment Balances	Maximum % Allowed per Investment Policy
Cash and Cash Equivalents							
Analyzed Checking Account (Note 1)	\$ 871,882	\$ 662,453	\$ (1,114,998)	\$ -	\$ 419,336	3.34%	
Cash Balances, Multi-Bank Securities (MBS) Account (Note 2 and 4)	\$ 1,823	\$ 2,171	\$ (1,976)	\$ -	\$ 2,018	0.02%	
Earned Interest in Transit and Accrued Interest, MBS Account (Note 4)	\$ 8,944	\$ 4,066	\$ (2,171)	\$ -	\$ 10,839	0.09%	
Petty Cash	\$ 1,500	\$ -	\$ (131)	\$ -	\$ 1,369	0.01%	
Total Cash and Cash Equivalents	\$ 884,149	\$ 668,690	\$ (1,119,276)	\$ -	\$ 433,563	3.45%	100.00%
Pooled Money Investment Accounts							
Local Agency Investment Fund (LAIF) (Notes 2 and 3)	\$ 940,400	\$ 1,252	\$ -	\$ -	\$ 941,652	7.50%	
Orange County Investment Pool (OCIP) (Notes 2 and 3)	\$ 9,508,187	\$ 3,082	\$ (468)	\$ -	\$ 9,510,801	75.74%	
Total Pooled Money Investment Accounts	\$ 10,448,587	\$ 4,334	\$ (468)	\$ -	\$ 10,452,453	83.24%	90.00%
Investments - Interest and Income Bearing							
Certificates of Deposit (fair value) (Note 2)	\$ 1,684,990	\$ -	\$ -	\$ (13,300)	\$ 1,671,690	13.31%	
Total Investments - Interest and Income Bearing	\$ 1,684,990	\$ -	\$ -	\$ (13,300)	\$ 1,671,690	13.31%	30.00%
TOTAL	\$ 13,017,726	\$ 673,025	\$ (1,119,744)	\$ (13,300)	\$ 12,557,706	100.00%	

Summary of Total Cash, Cash Equivalents, and Investments:

	General Fund	Special Revenue Funds	Totals
Analyzed Checking Account	\$ (2,540,659)	\$ 2,959,995	\$ 419,336
Cash Balances, MBS Account	\$ 2,018	\$ -	\$ 2,018
Earned Interest in Transit and Accrued Interest, MBS Account	\$ 10,839	\$ -	\$ 10,839
Petty Cash	\$ 1,369	\$ -	\$ 1,369
LAIF	\$ 941,652	\$ -	\$ 941,652
OCIP	\$ 9,510,801	\$ -	\$ 9,510,801
Certificates of Deposit	\$ 1,671,690	\$ -	\$ 1,671,690
Totals	\$ 9,597,711	\$ 2,959,995	\$ 12,557,706

(See NOTES on Page 4 of 4)



City of Laguna Woods
City Treasurer's Report
 For the Month Ended April 30, 2022

ITEM 6.2

CASH AND INVESTMENTS

CUSIP	Investment #	Issuer	Term	Purchase Date	Settlement Date	Par Value	Market Value	Book Value	Stated Rate (Note 4)	Coupon Type	1st Coupon Date	Rating or Rank (*)	Yield to Maturity 365 Days	Maturity Date
Money Funds and Certificate of Deposits (CDs, Federal Deposit Insurance Corporation [FDIC] Insured)														
87164YQG2	2018-8	SYNCHRONY BANK RETAIL/MORGAN	41 months	12/07/18	12/11/18	100,000	100,100	99,572	2.400	Semi-Annual	05/19/19	Green***	3.329	05/19/22
90348JEA4	2018-6	UBS BANK USA	48 months	10/01/18	10/05/18	245,000	247,521	245,000	3.250	Monthly	11/05/18	Green***	3.250	10/05/22
61760ARV3	2018-7	MORGAN STANLEY PRIVATE BK NATL	60 months	11/06/18	11/15/18	245,000	249,672	245,000	3.550	Semi-Annual	05/15/19	Green***	3.550	11/15/23
02589AA28	2018-9	AMERICAN EXPRESS NATL	60 months	12/04/18	12/04/18	240,000	244,555	240,000	3.550	Semi-Annual	06/04/19	Green***	3.550	12/04/23
33715LCZ1	2018-10	FIRST TECHNOLOGY FED CU MTN VIEW	60 months	12/07/18	12/12/18	245,000	249,849	245,000	3.600	Monthly	01/12/19	Green***	3.600	12/12/23
949763ZA7	2019-1	WELLS FARGO BK N A	60 months	04/09/19	04/10/19	245,000	245,919	245,000	2.850	Monthly	05/10/19	Green*	2.850	04/10/24
75472RBB6	2020-1	RAYMOND JAMES BK NATL ASSN	60 months	02/06/20	02/14/20	245,000	237,319	245,000	1.750	Semi-Annual	08/14/20	Green***	1.750	02/14/25
59013KGJ9	2020-2	MERRICK BANK	60 months	03/24/20	03/31/20	100,000	96,755	100,000	1.800	Monthly	05/01/20	Green***	1.800	03/31/25
		Accrued Interest - Month End					10,839							
Total CDs						1,665,000	1,682,529	1,664,572						

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

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

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

Table 2: Veribanc Color Rankings (used beginning in September 2017)

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

Government Pooled Money Investment Accounts (PMIA) (Notes 2 and 3)

CUSIP	Investment #	Issuer	Term	Purchase Date	Settlement Date	Par Value	Market Value	Book Value	Stated Rate (Note 4)	Coupon Type	1st Coupon Date	Rating or Rank (*)	Yield to Maturity 365 Days	Maturity Date
N/A	N/A	Local Agency Investment Fund (LAIF)	N/A	Various	Various	941,429	941,652	941,429	Note 3	Quarterly	N/A	N/A	N/A	N/A
N/A	N/A	Orange County Investment Pool (OCIP)	N/A	Various	Various	9,495,755	9,510,801	9,495,755	Note 3	Monthly	N/A	N/A	N/A	N/A
Total PMIA						10,437,184	10,452,453	10,437,184						

(See NOTES on Page 4 of 4)



City of Laguna Woods
City Treasurer's Report
 For the Month Ended April 30, 2022

ITEM 6.2

CASH AND INVESTMENTS

	Beginning Balances As of 3/31/22	Contributions / (Withdrawals)	Administrative Fees & Investment Expense	Unrealized Gain / (Loss)	Ending Balances As of 4/30/22
Other Post-Employment Benefits (OPEB) Trust					
CalPERS California Employers' Retiree Benefit Trust (CERBT) (Note 2) <small>(CERBT holds all assets and administers the OPEB Trust)</small>	\$ 142,438	\$ -	\$ (10)	\$ (7,700)	\$ 134,728
Employer Pension Contributions Trust					
CalPERS California Employers' Pension Prefunding Trust (CEPPT) (Note 2) <small>(CEPPT holds all assets and administers the Employer Pension Contributions Trust)</small>	\$ -	\$ -	\$ -	\$ -	\$ -
Total Other Funds - Held in Trust	<u>\$ 142,438</u>	<u>\$ -</u>	<u>\$ (10)</u>	<u>\$ (7,700)</u>	<u>\$ 134,728</u>

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



City of Laguna Woods
City Treasurer's Report
For the Month Ended April 30, 2022

CASH AND INVESTMENTS

Notes:

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

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

LAIF / The City made no deposits to or withdrawals from the LAIF account. The balance includes an adjustment in the amount of \$222.79 to reflect the fair market value of the investment at June 30, 2021.

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

Investments / There were no maturities or purchases of investments. Investments were adjusted in the amount of (\$13,300.40) to report balances at fair market value as of April 30, 2022.

OPEB Trust / The City made no contributions to or withdrawals from the OPEB Trust. The OPEB Trust experienced a net loss of (\$7,709.88) in April 2022.

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

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


Pool	Earnings Post	Prior Period Earnings Deposited	Deposit for Period Ended	Current Month / Quarter Gross Yield	Current Month / Quarter Earnings Will Post	Notes
LAIF	Quarterly	\$1,252	January 1, 2022 thru March 31, 2022	See Notes	June 2022	Total pool interest yield for April 2022 was 0.523% and the City's yield will be slightly lower based on allocation ratios and administrative fees to be deducted.
OCIP	Monthly	\$3,082	January 2022	See Notes	See Notes	Interest is posted three months in arrears and fees are posted monthly. Accrued interest pending payment at April 30, 2022 was \$11,196.55. April 2022 interest rate was 0.547% and fees were 0.058%.

Note 4 - CDs / The stated earnings rate for CDs is a fixed rate for the full term. The City earned interest of \$2,171.28 and transferred out \$1,975.94 in cash balances to the City's checking account in April 2022. Cash balances to be invested or paid out are classified separately on page 1 of 4. The City's portfolio also has \$10,839.07 in accrued interest, not yet vested.

City Treasurer's Certification

I, Elizabeth Torres, City Treasurer, do hereby certify:

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

 Digitally signed by
 Elizabeth Torres
 Date: 2022.05.13
 14:09:52 -07'00'

Elizabeth Torres, City Treasurer

Date

6.3 WARRANT REGISTER

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CITY OF LAGUNA WOODS
WARRANT REGISTER
May 18, 2022

ITEM 6.3

This Report Covers the Period 04/01/2022 through 04/30/2022

Date	Vendor Name	Description	Amount
Debit	Automatic Bank Debits:		
Debit 04/05/2022	BUSINESS PLANS	Employee Benefit Program / April 2022	530.80
Debit 04/04/2022	GLOBAL PAYMENTS / OPEN EDGE	Credit Card Processing Fees / March 2022	861.63
Debit 04/04/2022	AUTHORIZE.NET	Online Credit Card Processing Fees / March 2022	12.00
Debit 04/11/2022	BUSINESS PLANS	Employee Benefit Program / April 2022	216.97
Debit 04/06/2022	BUSINESS PLANS	Employee Benefit Program / April 2022	993.00
Debit 04/08/2022	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Periods Ended 03/11/2022 & 03/25/2022	361.66
Debit 04/11/2022	CALPERS - HEALTH	Employee Benefit Program / April 2022	7,501.35
Debit 04/12/2022	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 03/11/2022	3,003.94
Debit 04/12/2022	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 03/11/2022	1,952.18
Debit 04/14/2022	ADP TAX	Payroll Taxes / Pay Period Ended 04/08/2022	8,881.16
Debit 04/14/2022	ADP WAGE PAY	Payroll Transfer / Pay Period Ended 04/08/2022	18,710.41
Debit 04/14/2022	ICMA / MFRS AND TRADERS TRUST	Employee Benefit Program / Pay Period Ended 04/08/2022	2,933.46
Debit 04/14/2022	COUNTY OF ORANGE - SHERIFF	Law Enforcement Services / April 2022	255,071.73
Debit 04/15/2022	U.S. BANK	Bank Service Charges / March 2022	96.00
Debit 04/19/2022	BUSINESS PLANS	Employee Benefit Program / April 2022	50.00
Debit 04/20/2022	BUSINESS PLANS	Employee Benefit Program / April 2022	16.80
Debit 04/26/2022	BUSINESS PLANS	Employee Benefit Program / April 2022	438.63
Debit 04/26/2022	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 03/25/2022	3,003.94
Debit 04/26/2022	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 03/25/2022	1,915.33
Debit 04/28/2022	ICMA / MFRS AND TRADERS TRUST	Employee Benefit Program / Pay Period Ended 04/22/2022	2,933.46
Debit 04/28/2022	ADP TAX	Payroll Taxes / Pay Period Ended 04/22/2022	8,570.58
Debit 04/28/2022	ADP WAGE PAY	Payroll Transfer / Pay Period Ended 04/22/2022	18,024.42
Check Number	Warrants:		
5603 04/08/2022	BROAD SKY NETWORKS	City Hall Internet Service / April 2022	171.45
5604 04/08/2022	CALIFORNIA INTERNET LP	City Hall Internet Service / May 2022	349.00
5605 04/08/2022	FOREST PRINTING & COPYING INC	Printing Services	404.06
5606 04/08/2022	HINDERLITER DE LLAMAS & ASSOCIATES	Sales & Use Tax Consulting Services / 2nd Quarter 2021	750.00
5607 04/08/2022	INTERWEST CONSULTING GROUP	Building Official, Permit Counter & Inspection Services / February 2022	40,477.50
5608 04/08/2022	LAGUNA WOODS CIVIC SUPPORT	Library Founders Wall Contributions Paid by Credit Card	1,000.00
5609 04/08/2022	LSA ASSOCIATES, INC.	Planning Services / February 2022	644.00
5610 04/08/2022	OBR ARCHITECTURE, INC.	City Hall/Public Library Project	3,995.00
5611 04/08/2022	PARK CONSULTING GROUP, INC	Software Consulting Services / February 2022	9,825.00
5612 04/08/2022	SOUTHERN CALIFORNIA EDISON	Street Lighting - Residential / February 2022	2,125.65
5613 04/08/2022	TALIMAR SYSTEMS, INC	Office Furniture	1,079.66
5614 04/08/2022	WILLDAN ENGINEERING	Building Official, Permit Counter & Inspection Services / December 2021	49,008.75
5614 04/08/2022	WILLDAN ENGINEERING	Building Official, Permit Counter & Inspection Services / January 2022	48,962.50
5614 04/08/2022	WILLDAN ENGINEERING	Code Enforcement Services / February 2022	3,180.00
5614 04/08/2022	WILLDAN ENGINEERING	Building Official, Permit Counter & Inspection Services / February 2022	12,225.00
5615 04/08/2022	WM CURBSIDE, LLC	HHW, Medicine & Sharps Program / March 2022	3,527.00
5616 04/15/2022	CAPISTRANO SUNROOMS	Building Plan Review Refund	38.75
5617 04/15/2022	DENISE JOANNE CARILLO	Building Plan Review Refund	77.50
5618 04/15/2022	DWIGHT MOODY	Building Plan Review Refund	77.50

CITY OF LAGUNA WOODS
WARRANT REGISTER
May 18, 2022

ITEM 6.3

This Report Covers the Period 04/01/2022 through 04/30/2022

Date	Vendor Name	Description	Amount	
5619	04/15/2022	JORGE ESCALONA	Building Plan Review Refund	38.75
5620	04/15/2022	LYNORA WILSON	Building Plan Review Refund	77.50
5621	04/15/2022	MIGUEL HERNANDEZ	Building Plan Review Refund	155.00
5622	04/15/2022	PATIO WAREHOUSE	Building Plan Review Refund	77.50
5623	04/15/2022	PHILIP BUDAVEC	Building Plan Review Refund	77.50
5624	04/15/2022	SCR	Building Plan Review Refund	77.50
5625	04/15/2022	SERGIO ROSENBURG	Building Plan Review Refund	77.50
5626	04/15/2022	SKYLIGHT SPECIALITIES	Building Plan Review Refund	155.00
5627	04/15/2022	SUNRUN INSTALLATIONS	Building Plan Review Refund	77.50
5628	04/15/2022	Y & Y CONSTRUCTION	Building Plan Review Refund	77.50
5629	04/15/2022	360CIVIC	Website Hosting & Maintenance / March 2022	800.00
5630	04/15/2022	AT&T	Telephone / 581-9821 / March 2022	145.03
5631	04/15/2022	AT&T	Telephone / 583-1105 / March 2022	22.56
5632	04/15/2022	BRIGHTVIEW LANDSCAPE SERVICES, INC.	Landscape Maintenance / March 2022	15,877.40
5633	04/15/2022	CALIFORNIA YELLOW CAB	Taxi Voucher Services / March 2022	781.00
5633	04/15/2022	CALIFORNIA YELLOW CAB	NEMT Taxi Voucher Services / March 2022	36.00
5634	04/15/2022	COUNTY OF ORANGE	Automated Fingerprint ID System / April 2022	636.00
5635	04/15/2022	JOHN L. HUNTER & ASSOCIATES, INC	NPDES Inspection Services / February 2022	307.50
5636	04/15/2022	MUNICIPAL CODE CORP	Codification of Ordinances	1,822.63
5637	04/15/2022	ON POINT LAND SURVEYING, INC	Survey Document Preparation	420.00
5638	04/15/2022	ORANGE COUNTY REGISTER-NOTICES	Public Notices / March 2022	2,090.00
5639	04/15/2022	P. F. PETTIBONE & CO.	Office Supplies	346.95
5640	04/15/2022	PV MAINTENANCE INC	Street, City Hall, & Park Maintenance Services / February 2022	12,768.35
5641	04/15/2022	RICOH USA, INC.	Copier Usage / March 2022	118.74
5642	04/15/2022	SOUTHERN CALIFORNIA SHREDDING	Shredding Services / March 2022	400.00
5643	04/15/2022	TALIMAR SYSTEMS, INC	Office Furniture	4,547.32
5644	04/15/2022	THE GAS COMPANY	Gas Service - City Hall / March 2022	80.50
5645	04/15/2022	VERIZON WIRELESS	Building iPad Data Plans / March 2022	120.03
5646	04/21/2022	A & B HOME REMODELING & DESIGN	Building Plan Review Refund	232.50
5647	04/21/2022	AKC PERMIT CO	Building Plan Review Refund	77.50
5648	04/21/2022	ELEGANT HOME IMPROVEMENT	Building Plan Review Refund	232.50
5649	04/21/2022	JENNIFER LEE	Building Plan Review Refund	116.25
5650	04/21/2022	KARGER CORPORATION	Building Plan Review Refund	77.50
5651	04/21/2022	KBKONCEPT	Building Plan Review Refund	77.50
5652	04/21/2022	MEY TAL NAIM	Building Plan Review Refund	77.50
5653	04/21/2022	MYKATON CONSTRUCTION	Building Plan Review Refund	77.50
5654	04/21/2022	PERMIT RUNNER	Building Plan Review Refund	77.50
5655	04/21/2022	ADT COMMERCIAL	City Hall Maintenance	1,376.96
5656	04/21/2022	AT&T	White Pages / April 2022	4.62
5657	04/21/2022	BRIGHTVIEW LANDSCAPE SERVICES, INC.	Landscape Maintenance / March 2022	7,360.49
5658	04/21/2022	CALIFORNIA BLDG STANDARDS COMM	Building Permit Fee Assessment / January - March 2022	491.40
5659	04/21/2022	CIVIL SOURCE	Engineering Services / March 2022	19,697.50
5660	04/21/2022	CLEARSOURCE FINANCIAL	Fee Study Services	4,785.00
5661	04/21/2022	COUNTY OF ORANGE	800MHZ Communication Charges / January - March 2022	355.59
5662	04/21/2022	DEPARTMENT OF CONSERVATION	Strong Motion Instrumentation & Seismic Hazard Mapping Fee / January - March 2022	775.61

CITY OF LAGUNA WOODS

WARRANT REGISTER

May 18, 2022

ITEM 6.3

This Report Covers the Period 04/01/2022 through 04/30/2022

Date	Vendor Name	Description	Amount	
5663	04/21/2022	IBUILD SPECTRUM INC.	City Hall/Public Library Project	384,990.64
5664	04/21/2022	INSTANT INFORMATION TECHNOLOGY	IT Services	754.25
5665	04/21/2022	ITERIS, INC	Traffic Engineering / March 2022	5,590.00
5666	04/21/2022	MARC DONOHUE	Administrative Services / March 2022	200.00
5667	04/21/2022	MICHAEL BAKER INTERNATIONAL	Planning Services / March 2022	9,325.00
5668	04/21/2022	OMNI ENTERPRISE INC	Janitorial Services / March 2022	2,640.00
5669	04/21/2022	PV MAINTENANCE INC	Street, City Hall, & Park Maintenance Services / March 2022	18,471.86
5670	04/21/2022	RECREATION BRANDING SERVICES	Graphic Design Services	2,094.11
5671	04/21/2022	RJM DESIGN GROUP	City Hall/Public Library Project	195.00
5672	04/21/2022	SAFEGUARD BUSINESS SYSTEMS	Printing Services	379.25
5673	04/21/2022	SIEMENS MOBILITY, INC.	Traffic Signal Maintenance / March 2022	2,257.50
5674	04/27/2022	ANGELQUE FLANAGAN	Payroll / Pay Period Ended 05/06/2022	1,238.52
5675	04/29/2022	A & B HOME REMODELING & DESIGN	Building Plan Review Refund	155.00
5676	04/29/2022	ACM CONSTRUCTION, BUILDER GROUP	Building Plan Review Refund	77.50
5677	04/29/2022	CHUCK KALMAN	Building Plan Review Refund	77.50
5678	04/29/2022	FARSHAD FARHAND	Building Plan Review Refund	77.50
5679	04/29/2022	J. LIN REMODELING SERVICES, INC	Building Plan Review Refund	77.50
5680	04/29/2022	MIGUEL HERNANDEZ	Building Plan Review Refund	77.50
5681	04/29/2022	SDB ENTERPRISE INC.	Building Plan Review Refund	77.50
5682	04/29/2022	TRACY MIDDLETON & SHAWN MCMAHON	Building Plan Review Refund	77.50
5683	04/29/2022	ACC BUSINESS	City Hall Internet Service / March 2022	594.67
5684	04/29/2022	BUREAU VERITAS NORTH AMERICA INC	Building Plan Review Services / December 2021 - February 2022	19,078.75
5685	04/29/2022	CAPTIONING UNLIMITED	Closed Captioning / April 2022	600.00
5686	04/29/2022	CITY OF LAGUNA BEACH	Animal Control & Shelter Services / March 2022	9,264.00
5687	04/29/2022	COUNTY OF ORANGE	800MHz Communication Charges / April - June 2022	826.00
5688	04/29/2022	DELTA DENTAL OF CALIFORNIA	Employee Benefit Program / May 2022	539.50
5689	04/29/2022	EL TORO WATER DISTRICT	City Hall/Public Library Project	4,391.22
5690	04/29/2022	FUSCOE ENGINEERING, INC.	Engineering Services	1,500.00
5691	04/29/2022	KONE INC.	City Hall Elevator Maintenance / April 2022	225.00
5692	04/29/2022	LSA ASSOCIATES, INC.	Planning Services / March 2022	2,723.00
5693	04/29/2022	MANAGED HEALTH NETWORK	Employee Benefit Program / May 2022	16.72
5694	04/29/2022	NAVIA BENEFIT SOLUTIONS, INC	125 Cafeteria Plan Administration / April 2022	100.00
5695	04/29/2022	OFFSITE OFFICE EQUIPMENTS STORAGE, LLC	Document Scanning Project	785.00
5696	04/29/2022	PROTELESIS	Telephone System Maintenance	299.00
5697	04/29/2022	RICOH USA, INC.	Copier Lease / May 2022	214.20
5698	04/29/2022	RUTAN & TUCKER, LLP	Legal Services / November 2021 & March 2022	20,125.60
5699	04/29/2022	SERVPRO OF IRVINE NORTH/FOOTHILL RANCH	City Hall Maintenance	1,200.00
5700	04/29/2022	SMITH ARCHITECTS	City Hall Refurbishment & Safety Project: Phase 3	6,000.00
5701	04/29/2022	SOUTHERN CALIFORNIA EDISON	Electric Services / February - March 2022	3,351.42
5702	04/29/2022	SOUTHERN CALIFORNIA EDISON	Street Lighting - Residential / March 2022	2,208.58
5703	04/29/2022	SOUTHERN CALIFORNIA GAS COMPANY	City Hall/Public Library Project	1,234.25
5704	04/29/2022	SWEEPING CORPORATION OF AMERICA	Street Sweeping Services / February - March 2022	7,830.00
5705	04/29/2022	U.S. BANK	Credit Card Charges (expenditures reported separately - see note 3)	6,179.70
5706	04/29/2022	VISION SERVICE PLAN OF AMERICA	Employee Benefit Program / May 2022	120.18
5707	04/29/2022	WILLDAN ENGINEERING	Code Enforcement Services / March 2022	3,270.00

CITY OF LAGUNA WOODS
WARRANT REGISTER
May 18, 2022

ITEM 6.3


This Report Covers the Period 04/01/2022 through 04/30/2022

Date	Vendor Name	Description	Amount
5707	04/29/2022	WILLDAN ENGINEERING	880.00
		Building Official Services	880.00
		Total Bank Debits and Warrants:	\$ 1,114,492.87
	Petty Cash Expenditures Paid Out (See Note 2)		
	Demco	City Hall/Public Library Project	\$31.51
	Signs.com	City Hall/Public Library Project	\$21.11
		Total Petty Cash:	\$52.62
		TOTAL	\$ 1,114,545.49
NOTES:			
Note 1 - City Councilmembers are eligible to receive either a salary or vehicle reimbursement allowance in the amount of \$300 per month (\$3,600 per year). Such compensation is included in the City's regular payroll (see "ADP Payroll Services" under "Automatic Bank Debits"), unless waived by the Councilmember. For the month of April 2022, the following Councilmembers received compensation in the amount of \$300: Conners, Hatch, Horne, and Tao.			
Note 2 - Petty cash is reported as cash is paid out, not when the fund is replenished.			
Note 3 - The table below summarizes credit card expenditures paid via Check #5705 to U.S. Bank totaling \$6,179.70:			
	Adobe	Computer Software	\$84.95
	Zoom	Video Conferencing	\$69.98
	Zoom	Video Conferencing	\$14.99
	Microsoft	Office 365 Online Services	\$190.60
	Microsoft	Office 365 Online Services	\$436.60
	USPS	Postage	\$23.64
	Air Oasis	Office Supplies	\$965.44
	Overstock	Office Furniture	\$1,324.10
	GovernmentJobs.com	Job Posting	\$199.00
	ContractSafe	Contract Management Software Annual Subscription	\$2,870.40
		Total Credit Card Reimbursement:	\$6,179.70

Administrative Services Director/City Treasurer's Certification

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

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

 Digitally signed by Elizabeth Torres
Date: 2022.05.13 14:14:20 -07'00'

Elizabeth Torres, Administrative Services Director/City Treasurer

Dated

6.4 TELECONFERENCING FOR MEETINGS

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RESOLUTION NO. 22-XX

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

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

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

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

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

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

WHEREAS, the State of California (California Department of Industrial Relation's Division of Occupational Safety and Health's Revised COVID-19 Prevention Emergency Temporary Standards effective January 14, 2022) and County of Orange Health Officer (Orders and Strong Recommendations revised March 24, 2022) continue to impose or recommend measures to promote social distancing; and

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

agencies with greater flexibility to hold meetings via teleconferencing; and

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

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

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

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

SECTION 1. The above recitals are true and correct.

SECTION 2. The City Council does hereby find the following:

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

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

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

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

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

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

CAROL MOORE, Mayor

ATTEST:

YOLIE TRIPPY, CMC, City Clerk

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 22-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2022, by the following vote:

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

YOLIE TRIPPY, CMC, City Clerk

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6.5
LAW ENFORCEMENT SERVICES

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**AGREEMENT
BETWEEN THE
CITY OF LAGUNA WOODS
AND THE
COUNTY OF ORANGE**

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THIS AGREEMENT is entered into this First day of May 2022, which date is enumerated for purposes of reference only, by and between the CITY OF LAGUNA WOODS, hereinafter referred to as "CITY", and the COUNTY OF ORANGE, a political subdivision of the State of California, hereinafter referred to as "COUNTY".

WITNESSETH:

WHEREAS, CITY wishes to contract with COUNTY for law enforcement services; and

WHEREAS, COUNTY is agreeable to the rendering of such services, as authorized in Government Code Sections 51301 and 55632, on the terms and conditions hereinafter set forth,

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

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TABLE OF CONTENTS

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2
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4
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6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<u>SECTION</u>	<u>PAGE</u>
A. TERM.....	3
B. OPTIONAL TERMINATION OR EXTENSION.....	3
C. REGULAR SERVICES BY COUNTY	3
D. ENHANCED AND SUPPLEMENTAL SERVICES BY COUNTY	6
E. BODY WORN CAMERA AND IN CAR VIDEO	9
F. LICENSING SERVICES BY CITY	10
G. PAYMENT	11
H. NOTICES.....	14
I. STATUS OF COUNTY	15
J. STATE AUDIT	15
K. ALTERATION OF TERMS.....	15
L. INDEMNIFICATION.....	16
M. TRAFFIC VIOLATOR APPREHENSION PROGRAM.....	17
N. MOBILE DATA COMPUTERS.....	20
O. E-CITATION UNITS.....	21
SIGNATURE PAGE.....	23
Attachment A:	Regular Services by County
Attachment B:	City Ordinances
Attachment C:	Payment
Attachment D:	County Billing Policy
Attachment E:	Forfeited and Seized Asset Policy
Attachment F:	TVAP Resolution
Attachment G:	TVAP Form

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1 **A. TERM:**

2 The term of this Agreement shall commence July 1, 2022 and terminate
3 June 30, 2023 unless earlier terminated by either party or extended in the
4 manner set forth herein.

5 **B. OPTIONAL TERMINATION OR EXTENSION:**

- 6 1. COUNTY or CITY may terminate this Agreement, without cause, upon
7 one-hundred and eighty (180) days written notice to the other party.
- 8 2. If COUNTY and CITY have not entered into a written agreement by
9 June 30, 2023 for COUNTY to provide to CITY, during all or part of the
10 period between July 1, 2023 and June 30, 2024, law enforcement services
11 similar to those specified herein, then SHERIFF, on behalf of COUNTY, and
12 CITY's Manager, on behalf of CITY, are authorized to execute a written
13 amendment to this Agreement that provides as follows and does not
14 materially alter other terms of the Agreement: SHERIFF shall continue to
15 provide to CITY all or a designated part of the law enforcement services
16 specified herein, for a specified time period between July 1, 2023 and
17 August 31, 2023 and CITY shall pay COUNTY the full costs of providing
18 such services. Such full costs may be greater than those listed herein for
19 the period July 1, 2022 through June 30, 2023. SHERIFF and CITY
20 Manager shall file copies of any such amendments to this Agreement with
21 the Clerk of COUNTY's Board of Supervisors and CITY's Clerk.

22 **C. REGULAR SERVICES BY COUNTY:**

- 23 1. COUNTY, through its Sheriff-Coroner and deputies, officers and
24 employees, hereinafter referred to as "SHERIFF", shall render to CITY law
25 enforcement services as hereinafter provided. Such services shall include
26 the enforcement of lawful State statutes and lawful municipal ordinances of
27 CITY other than licensing ordinances.

28 //

1 **C. REGULAR SERVICES BY COUNTY:** (Continued)

- 2 2. The night, day and evening patrol and supervisory shifts will be established
3 by SHERIFF. Personnel of each shift may work varying and different times
4 and may be deployed to other shifts when, in the opinion of SHERIFF and
5 CITY Manager, the need arises. Any long-term shift deployment change
6 will be reported to CITY's Council.
- 7 3. The level of service, other than for licensing, to be provided by COUNTY for
8 the period July 1, 2022 through June 30, 2023, is set forth in Attachment A
9 and incorporated herein by this reference.
- 10 4. For any service listed in Attachment A in this Agreement that is provided to
11 CITY at less than 100% of a full-time SHERIFF position, COUNTY retains
12 the option to terminate such service in the event the other city or cities that
13 contract(s) for the balance of the time of the employee providing the service
14 no longer pay(s) for such service and CITY does not request the Agreement
15 be amended to provide for payment of 100% of the cost of the employee
16 providing such service. The Maximum Obligation of CITY set forth in
17 Subsection G-2 will be adjusted accordingly.
- 18 5. All services contracted for in this Agreement may not be operational on the
19 precise date specified in this Agreement. In those instances, SHERIFF
20 shall notify CITY Manager of the date or dates such service or services are
21 to be implemented. COUNTY shall reduce the monthly charges to CITY,
22 based on the actual date of implementation of the service or services.
23 Charges shall be reduced on the next monthly billing tendered in
24 accordance with Subsection G-3 of this Agreement.
- 25 6. During emergencies, such as mutual aid situations, SHERIFF will attempt to
26 staff the CITY's Emergency Operations Center (EOC) with a Captain or
27 Sergeant to assist the CITY with the operations of the EOC. Such services
28 may be considered supplemental to the contract and chargeable to the CITY

1 **C. REGULAR SERVICES BY COUNTY: (Continued)**

2 on a time and material basis to the extent the services provided are at a
3 level greater than that specified in Attachment A of this Agreement.

- 4 7. With respect to the licensing ordinances of CITY listed in Attachment B
5 hereto, which is incorporated herein by this reference, SHERIFF shall
6 receive applications for CITY licenses pursuant to said ordinances and
7 complete investigations relating to such applications. Such investigations
8 shall be forwarded to CITY Manager. COUNTY shall not provide any
9 advisory, administrative, hearing or litigation attorney support or services
10 related to licensing. COUNTY shall not provide any administrative or
11 investigatory services related to the licensing ordinances listed in
12 Attachment B hereto, except the investigations relating to initial applications
13 for which this subsection provides.

14 In the event, CITY amends Attachment B, CITY's Manager, on behalf of
15 CITY, and SHERIFF, on behalf of COUNTY, have authority to execute an
16 amendment of this Agreement to substitute CITY's amended Attachment B
17 hereto, as long as said Amendment to this Agreement does not materially
18 change any other provision of this Agreement.

- 19 8. With the limitations set forth below, SHERIFF, on behalf of COUNTY, and
20 CITY Manager, on behalf of CITY, are authorized to execute written
21 amendments to this Agreement to increase or decrease the level of service
22 set forth in Attachment A, when SHERIFF and CITY Manager mutually
23 agree that such increase or decrease in the level of service is appropriate.
24 Any such amendment to the Agreement shall concomitantly increase or
25 decrease the cost of services payable by CITY set forth in Attachment C
26 and incorporated herein by this reference, and the Maximum Obligation of
27 CITY set forth in Subsection G-2, in accordance with the current year's
28 COUNTY law enforcement cost study. SHERIFF and CITY Manager shall

1 **C. REGULAR SERVICES BY COUNTY: (Continued)**

2 file copies of any such amendments to this Agreement with the Clerk of
3 COUNTY's Board of Supervisors and CITY's Clerk. Amendments to this
4 Agreement executed by SHERIFF and CITY Manager may not, in the
5 aggregate, increase or decrease the cost of services payable by CITY by
6 more than one percent (1%) of the total cost originally set forth in
7 Attachment C and the Maximum Obligation originally set forth in
8 Subsection G-2.

9 Prior approval by COUNTY's Board of Supervisors and CITY's Council is
10 required before execution of any amendment that brings the aggregate total
11 of changes in costs payable by CITY to more than one percent (1%) of the
12 total cost originally set forth in Attachment C and the Maximum Obligation
13 originally set forth in Subsection G-2 of this Agreement.

- 14 9. SHERIFF shall consider input from the CITY Manager regarding the
15 selection and assignment of a Captain to provide services to CITY.

16 **D. ENHANCED AND SUPPLEMENTAL SERVICES BY COUNTY:**

- 17 1. Enhanced services for events on CITY property. At the request of CITY,
18 through its City Manager, SHERIFF may provide enhanced law
19 enforcement services for functions, such as community events, conducted
20 on property that is owned, leased or operated by CITY. SHERIFF shall
21 determine personnel and equipment needed for such enhanced services.
22 To the extent the services provided at such events are at a level greater
23 than that specified in Attachment A of this Agreement, CITY shall reimburse
24 COUNTY for such additional services, at an amount computed by
25 SHERIFF, based on the current year's COUNTY law enforcement cost
26 study. The cost of these enhanced services shall be in addition to the
27 Maximum Obligation of CITY set forth in Subsection G-2 of this Agreement.
28 SHERIFF shall bill CITY immediately after each such event.

1 **D. ENHANCED AND SUPPLEMENTAL SERVICES BY COUNTY:** (Continued)

2 2. Supplemental services for occasional events operated by private individuals
3 and entities on non-CITY property. At the request of CITY, through its City
4 Manager, and within the limitations set forth in this Subsection D-2,
5 SHERIFF may provide supplemental law enforcement services to preserve
6 the peace at special events or occurrences that occur on an occasional
7 basis and are operated by private individuals or private entities on non-CITY
8 property. SHERIFF shall determine personnel and equipment needed for
9 such supplemental services, and will provide such supplemental services
10 only if SHERIFF is able to do so without reducing the normal and regular
11 ongoing services that SHERIFF otherwise would provide to CITY pursuant
12 to this Agreement. Such supplemental services shall be provided only by
13 regularly appointed full-time peace officers, at rates of pay governed by a
14 Memorandum of Understanding between COUNTY and the bargaining
15 unit(s) representing the peace officers providing the services. Such
16 supplemental services shall include only law enforcement duties and shall
17 not include services authorized to be provided by a private patrol operator,
18 as defined in Section 7582.1 of the Business and Professions Code. Law
19 enforcement support functions, including, but not limited to, clerical
20 functions and forensic science services, may be performed by non-peace
21 officer personnel if the services do not involve patrol or keeping the peace
22 and are incidental to the provision of law enforcement services. CITY shall
23 reimburse COUNTY its full, actual costs of providing such supplemental
24 services at an amount computed by SHERIFF, based on the current year's
25 COUNTY law enforcement cost study. The cost of these supplemental
26 services shall be in addition to the Maximum Obligation of CITY set forth in
27 Subsection G-2 of this Agreement. SHERIFF shall bill CITY immediately
28 after each such event.

1 **D. ENHANCED AND SUPPLEMENTAL SERVICES BY COUNTY: (Continued)**

- 2 3. Supplemental services for events operated by public entities on non-CITY
3 property. At the request of CITY, through its City Manager, and within the
4 limitations set forth in this subsection D-3, SHERIFF may provide
5 supplemental law enforcement services to preserve the peace at special
6 events or occurrences that occur on an occasional basis and are operated
7 by public entities on non-CITY property. SHERIFF shall determine
8 personnel and equipment needed for such supplemental services, and will
9 provide such supplemental services only if SHERIFF is able to do so
10 without reducing services that SHERIFF otherwise would provide to CITY
11 pursuant to this Agreement. CITY shall reimburse COUNTY its full, actual
12 costs of providing such supplemental services at an amount computed by
13 SHERIFF, based on the current year's COUNTY law enforcement cost
14 study. The cost of these supplemental services shall be in addition to the
15 Maximum Obligation of CITY set forth in Subsection G-2 of this Agreement.
16 SHERIFF shall bill CITY immediately after each such event.
- 17 4. Notwithstanding the foregoing, CITY, through its permit process, may utilize
18 the services of SHERIFF at events, for which CITY issues permits, that are
19 operated by private individuals or entities or public entities. SHERIFF shall
20 determine personnel and equipment needed for said events. If said events
21 are in addition to the level of services listed in Attachment A of this
22 Agreement, CITY shall reimburse COUNTY for such additional services at
23 an amount computed by SHERIFF, based upon the current year's COUNTY
24 law enforcement cost study. The cost of these services shall be in addition
25 to the Maximum Obligation of CITY set forth in Subsection G-2 of this
26 Agreement. SHERIFF shall bill CITY immediately after said services are
27 rendered.

28 //

1 **D. ENHANCED AND SUPPLEMENTAL SERVICES BY COUNTY:** (Continued)

2 5. In accordance with Government Code Section 51350, COUNTY has
3 adopted Board Resolution 89-1160 which identifies Countywide services,
4 including but not limited to helicopter response. SHERIFF through this
5 contract provides enhanced helicopter response services. The cost of
6 enhanced helicopter response services is included in the cost of services
7 set forth in Attachment C and in the Maximum Obligation of CITY set forth
8 in Subsection G-2. COUNTY shall not charge any additional amounts for
9 enhanced helicopter services after the cost of services set forth in
10 Attachment C and in the Maximum Obligation set forth in Subsection G-2
11 has been established without written notification to the CITY.

12 **E. BODY WORN CAMERA AND IN CAR VIDEO:**

13 1. As part of the law enforcement services to be provided to CITY, COUNTY
14 has provided, or will provide, body worn cameras (hereinafter called "BWC")
15 that will be worn by SHERIFF'S personnel and In Car Video (hereinafter
16 called "ICV") that will be mounted in vehicles designated by SHERIFF for
17 use within CITY service area.

18 2. SHERIFF has the exclusive right to use said BWC and ICV for law
19 enforcement services related to this Agreement.

20 3. CITY shall pay COUNTY the full costs to COUNTY of a) the acquisition of
21 BWC and the acquisition and installation of ICV, and b) recurring costs, as
22 deemed necessary by COUNTY, including the costs of maintenance and
23 contributions to a fund for replacement and upgrade of such BWC and ICV
24 when they become functionally or technologically obsolete.

25 The costs to be paid by CITY for recurring costs, including maintenance
26 and replacement/upgrade of BWC and ICV, are included in the costs set
27 forth in Attachment C and the Maximum Obligation of CITY set forth in
28 Subsection G-2 of this Agreement unless CITY has already paid such costs.

1 **E. BODY WORN CAMERA AND IN CAR VIDEO: (Continued)**

2 CITY shall not be charged additional amounts for maintenance or
3 replacement/upgrade of said BWC and ICV during the period July 1, 2022
4 through June 30, 2023.

- 5 4. If, following the initial acquisition of BWC and ICV referenced above, CITY
6 requires BWC and ICV for additional SHERIFF'S personnel or vehicles
7 designated for use in the CITY service area, COUNTY will purchase said
8 additional BWC and ICV. Upon demand by COUNTY, CITY will pay to
9 COUNTY a) the full costs of acquisition of additional BWC and the full cost
10 of acquisition and installation of additional ICV, and b) the full recurring
11 costs for said BWC and ICV, as deemed necessary by COUNTY, including
12 the costs of maintenance, and contributions to a fund for replacement and
13 upgrade of such BWC and ICV when they become functionally or
14 technologically obsolete. Said costs related to additional BWC and ICV are
15 not included in, and are in addition to, the costs set forth in Attachment C
16 and the Maximum Obligation of CITY set forth in Subsection G-2 of this
17 Agreement.
- 18 5. COUNTY will replace and/or upgrade BWC and ICV as needed. The costs
19 of replacing/upgrading BWC and ICV shall be paid by COUNTY from the
20 replacement/upgrade funds to be paid by CITY in accordance with the
21 foregoing. CITY shall not be charged any additional charge to replace or
22 upgrade BWC and ICV.

23 **F. LICENSING SERVICES BY CITY:**

24 Upon receipt from COUNTY of investigations of applications for licenses
25 referred to in Subsection C-7 of this Agreement, CITY Manager shall determine
26 whether to grant or deny the licenses and will issue the licenses or notify the
27 applicants of denial. CITY shall provide all attorney services related to the
28 granting, denial, revocation and administration of said licenses and the

1 **F. LICENSING SERVICES BY CITY: (Continued)**

2 enforcement of CITY ordinances pertaining to said licenses.

3 **G. PAYMENT:**

4 1. Pursuant to Government Code Section 51350, CITY agrees to pay to
5 COUNTY the full costs of performing the services mutually agreed upon in
6 this Agreement. The costs of services include salaries, wages, benefits,
7 mileage, services, supplies, equipment, and divisional, departmental and
8 COUNTY General overhead.

9 2. Unless the level of service set forth in Attachment A is increased or
10 decreased by mutual agreement of the parties, or CITY is required to pay
11 for increases as set forth in Subsection G-4, the Maximum Obligation of
12 CITY for services, other than Licensing Services, set forth in Attachment A
13 of this Agreement, to be provided by COUNTY for the period July 1, 2022
14 through June 30, 2023 shall be \$3,151,202 as set forth in Attachment C.

15 The overtime costs included in the Agreement are only an estimate.
16 SHERIFF shall notify CITY of actual overtime worked during each fiscal
17 year. If actual overtime worked is above or below budgeted amounts,
18 billings will be adjusted accordingly at the end of the fiscal year. Actual
19 overtime costs may exceed CITY's Maximum Obligation.

20 3. COUNTY shall invoice CITY monthly. During the period of July 1, 2022
21 through June 30, 2023, said invoices will require payment by CITY of
22 one-twelfth (1/12) of the Maximum Obligation of CITY set forth in
23 Subsection G-2 of this Agreement, as said Maximum Obligation may have
24 been increased or decreased pursuant to mutual agreement of the parties.
25 In addition, if a determination is made that increases described in
26 Subsection G-4 must be paid, COUNTY thereafter shall include the pro-rata
27 charges for such increases in its monthly invoices to CITY for the balance
28 of the period between July 1, 2022 and June 30, 2023.

1 **G. PAYMENT:** (Continued)

2 4a. At the time this Agreement is executed, there may be unresolved issues
3 pertaining to potential changes in salaries and benefits for COUNTY
4 employees. The costs of such potential changes are not included in the
5 Fiscal Year 2022-23 cost set forth in Attachment C nor in the Fiscal Year
6 2022-23 Maximum Obligation of CITY set forth in Subsection G-2 of this
7 Agreement. If the changes result in the COUNTY incurring or becoming
8 obligated to pay for increased costs for or on account of personnel whose
9 costs are included in the calculations of costs charged to CITY hereunder,
10 CITY shall pay COUNTY, in addition to the Maximum Obligation set forth in
11 Subsection G-2 of this Agreement, the full costs of said increases to the
12 extent such increases are attributable to work performed by such personnel
13 after July 1, 2022, and CITY's Maximum Obligation hereunder shall be
14 deemed to have increased accordingly. CITY shall pay COUNTY in full for
15 such increases on a pro-rata basis over the portion of the period between
16 July 1, 2022 and June 30, 2023 remaining after COUNTY notifies CITY that
17 increases are payable. If the changes result in the COUNTY incurring or
18 becoming obligated to pay for decreased costs for or on account of
19 personnel whose costs are included in the calculations of costs charged to
20 CITY hereunder, COUNTY shall reduce the amount owed by the CITY to
21 the extent such decreases are attributable to work performed by such
22 personnel during the period July 1, 2022 through June 30, 2023, and
23 CITY's Maximum Obligation hereunder shall be deemed to have decreased
24 accordingly. COUNTY shall reduce required payment by CITY in full for
25 such decreases on a pro-rata basis over the portion of the period between
26 July 1, 2022 and June 30, 2023 remaining after COUNTY notifies CITY that
27 the Maximum Obligation has decreased.

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1 **G. PAYMENT:** (Continued)

2 4b. If CITY is required to pay for increases as set forth in Subsection G-4a
3 above, COUNTY, at the request of CITY, will thereafter reduce the level of
4 service to be provided to CITY, as set forth in Attachment A of this
5 Agreement to a level that will make the Maximum Obligation of CITY
6 hereunder for the period July 1, 2022 through June 30, 2023 an amount
7 specified by CITY that is equivalent to or higher or lower than the Maximum
8 Obligation set forth in Subsection G-2 for said period at the time this
9 Agreement originally was executed. The purpose of such adjustment of
10 service levels will be to give CITY the option of keeping its Maximum
11 Obligation hereunder at the pre-increase level or at any other higher or
12 lower level specified by CITY. In the event of such reduction in level of
13 service and adjustment of costs, the parties shall execute an amendment to
14 this Agreement so providing. Decisions about how to reduce the level of
15 service provided to CITY shall be made by SHERIFF with the approval of
16 CITY.

17 5. CITY shall pay COUNTY in accordance with COUNTY Board of
18 Supervisors' approved County Billing Policy, which is attached hereto as
19 Attachment D and incorporated herein by this reference.

20 6. COUNTY shall charge CITY late payment penalties in accordance with the
21 County Billing Policy.

22 7. As payment for the Licensing Services described in Subsection C-7 of this
23 Agreement, COUNTY shall retain all fees paid by applicants for licenses
24 pursuant to CITY ordinances listed in Attachment B hereto. Retention of
25 said fees by COUNTY shall constitute payment in full to COUNTY for costs
26 incurred by COUNTY in performing the functions related to licensing
27 described in Subsection C-7; provided, however, that if any of said fees are
28 waived or reduced by CITY, CITY shall pay to COUNTY the difference

1 **G. PAYMENT:** (Continued)

2 between the amount of fees retained by COUNTY and the fees that were
3 set forth in the ordinances listed in Attachment B at the time this Agreement
4 was executed. If CITY increases the fee schedule for the licensing
5 ordinances set forth in Attachment B, either party shall have the right to
6 seek amendment of this Agreement with respect to the division of the
7 increased fees between CITY and COUNTY.

- 8 8. Fees generated or collected by SHERIFF contract personnel for copying of
9 documents related to the services provided in this Agreement will be at
10 COUNTY-established rates and will be credited to CITY on an annual basis.
11 9. Narcotic asset forfeitures will be handled pursuant to Attachment E hereto,
12 which is incorporated herein by this reference.

13 **H. NOTICES:**

- 14 1. Except for the notices provided for in Subsection 2 of this Section, all
15 notices authorized or required by this Agreement shall be effective when
16 written and deposited in the United States mail, first class postage prepaid
17 and addressed as follows:

18 **CITY:** ATTN: CITY MANAGER
19 24264 EL TORO ROAD
20 LAGUNA WOODS, CA 92653

21
22 **COUNTY:** ATTN: LAW ENFORCEMENT CONTRACT MANAGER
23 SHERIFF-CORONER DEPARTMENT
24 320 NORTH FLOWER STREET, SUITE 108
25 SANTA ANA, CA 92703

- 26 2. Termination notices shall be effective when written and deposited in the
27 United States mail, certified, return receipt requested and addressed as
28 above.

1 **I. STATUS OF COUNTY:**

2 COUNTY is, and at all times shall be deemed to be, an independent contractor.
3 Nothing herein contained shall be construed as creating the relationship of
4 employer and employee, or principal and agent, between CITY and COUNTY
5 or any of COUNTY's agents or employees. COUNTY and its SHERIFF shall
6 retain all authority for rendition of services, standards of performance, control
7 of personnel, and other matters incident to the performance of services by
8 COUNTY pursuant to this Agreement. COUNTY, its agents and employees
9 shall not be entitled to any rights or privileges of CITY employees and shall not
10 be considered in any manner to be CITY employees.

11 **J. STATE AUDIT:**

12 Pursuant to Government Code Section 8546.7, CITY and COUNTY shall be
13 subject to examination and audit by the State Auditor for a period of three (3)
14 years after final payment by CITY to COUNTY under this Agreement. CITY
15 and COUNTY shall retain all records relating to the performance of this
16 Agreement for said three-year period, except that those records pertaining to
17 any audit then in progress, or to any claims or litigation, shall be retained
18 beyond said three-year period until final resolution of said audit, claim or
19 litigation.

20 **K. ALTERATION OF TERMS:**

21 This Agreement fully expresses all understanding of CITY and COUNTY with
22 respect to the subject matter of this Agreement and shall constitute the total
23 Agreement between the parties for these purposes. No addition to, or
24 alteration of, the terms of this Agreement shall be valid unless made in writing,
25 formally approved and executed by duly authorized agents of both parties.

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1 **L. INDEMNIFICATION:**

2 1. COUNTY, its officers, agents, employees, subcontractors and independent
3 contractors shall not be deemed to have assumed any liability for the
4 negligence or any other act or omission of CITY or any of its officers,
5 agents, employees, subcontractors or independent contractors, or for any
6 dangerous or defective condition of any public street or work or property of
7 CITY, or for any illegality or unconstitutionality of CITY's municipal
8 ordinances. CITY shall indemnify and hold harmless COUNTY and its
9 elected and appointed officials, officers, agents, employees, subcontractors
10 and independent contractors from any claim, demand or liability whatsoever
11 based or asserted upon the condition of any public street or work or
12 property of CITY, or upon the illegality or unconstitutionality of any
13 municipal ordinance of CITY that SHERIFF has enforced, or upon any act
14 or omission of CITY, or its elected and appointed officials, officers, agents,
15 employees, subcontractors or independent contractors related to this
16 Agreement, including, but not limited to, any act or omission related to the
17 maintenance or condition of any vehicle or motorcycle that is owned or
18 possessed by CITY and used by COUNTY personnel in the performance of
19 this Agreement, for property damage, bodily injury or death or any other
20 element of damage of any kind or nature, and CITY shall defend, at its
21 expense including attorney fees, and with counsel approved in writing by
22 COUNTY, COUNTY and its elected and appointed officials, officers, agents,
23 employees, subcontractors and independent contractors in any legal action
24 or claim of any kind based or asserted upon such condition of public street
25 or work or property, or illegality or unconstitutionality of a municipal
26 ordinance, or alleged acts or omissions. If judgment is entered against
27 CITY and COUNTY by a court of competent jurisdiction because of the
28 concurrent active negligence of either party, CITY and COUNTY agree that

1 **L. INDEMNIFICATION: (Continued)**

2 liability will be apportioned as determined by the court. Neither party shall
3 request a jury apportionment.

- 4 2. COUNTY shall indemnify and hold harmless CITY and its elected and
5 appointed officials, officers, agents, employees, subcontractors and
6 independent contractors from any claim, demand or liability whatsoever
7 based or asserted upon any act or omission of COUNTY or its elected and
8 appointed officials, officers, agents, employees, subcontractors or
9 independent contractors related to this Agreement, for property damage,
10 bodily injury or death or any other element of damage of any kind or nature,
11 and COUNTY shall defend, at its expense, including attorney fees, and with
12 counsel approved in writing by CITY, CITY and its elected and appointed
13 officials, officers, agents, employees, subcontractors and independent
14 contractors in any legal action or claim of any kind based or asserted upon
15 such alleged acts or omissions.

16 **M. TRAFFIC VIOLATOR APPREHENSION PROGRAM:**

- 17 1. COUNTY has established a Traffic Violator Apprehension Program [“the
18 Program”], which is operated by SHERIFF, and is designed to reduce
19 vehicle accidents caused by unlicensed drivers and drivers whose licenses
20 are suspended and to educate the public about the requirements of the
21 Vehicle Code and related safety issues with regard to driver licensing,
22 vehicle registration, vehicle operation, and vehicle parking. The Program
23 operates throughout the unincorporated areas of the COUNTY and in the
24 cities that contract with COUNTY for SHERIFF’s law enforcement services,
25 without regard to jurisdictional boundaries, because an area-wide approach
26 to reduction of traffic accidents and driver education is most effective in
27 preventing traffic accidents. In order for CITY to participate in the Program,
28 CITY has adopted fees pursuant to Vehicle Code Section 22850.5, in the

1 **M. TRAFFIC VIOLATOR APPREHENSION PROGRAM:** (Continued)

2 same amount as approved by COUNTY, as set forth in the resolution that is
3 attached hereto as Attachment F and incorporated into this Agreement by
4 reference [hereinafter called a "TVAP resolution"], and has directed that the
5 revenue from such fee be used for the Program. CITY's participation in the
6 Program may be terminated at any time by rescission or amendment of the
7 TVAP resolution that is attached hereto as Attachment F. In the event CITY
8 1) amends said TVAP resolution, or rescinds said TVAP resolution and
9 adopts a new TVAP resolution pertaining to the above-referenced fees and
10 the Program, and 2) remains a participant in the Program thereafter, CITY's
11 Manager, on behalf of CITY, and SHERIFF, on behalf of COUNTY, have
12 authority to execute an amendment of this Agreement to substitute CITY's
13 amended or new TVAP resolution for Attachment F hereto, as long as said
14 amendment to this Agreement does not materially change any other
15 provision of this Agreement. As COUNTY updates its fees for the Program
16 periodically, COUNTY will provide written notice to CITY of the updated
17 fees. CITY'S participation in the Program will terminate if CITY determines
18 not to adopt the updated fees for the Program.

19 2. COUNTY will make available for review, at the request of CITY, all financial
20 data related to the Program as may be requested by CITY.

21 3. Fee revenue generated by COUNTY and participating cities will be used to
22 fund the following positions, which will be assigned to the Program:

- 23 • Ten one hundredths of one (0.10) Sergeant
24 (8 hours per two-week pay period)
- 25 • One (1) Staff Specialist
26 (80 hours per two-week pay period)
- 27 • One (1) Office Specialist
28 (80 hours per two-week pay period)

1 **M. TRAFFIC VIOLATOR APPREHENSION PROGRAM: (Continued)**

- 2 4. Fee revenue generated by CITY may be used to reimburse CITY for
3 expenditures for equipment and/or supplies directly in support of the
4 Program. In order for an expenditure for equipment and/or supplies to be
5 eligible for reimbursement, CITY shall submit a request for and obtain pre-
6 approval of the expenditure by using the form as shown in Attachment G.
7 The request shall be submitted within the budget schedule established by
8 SHERIFF. SHERIFF shall approve the expenditure only if both of the
9 following conditions are satisfied: 1) there are sufficient Program funds,
10 attributable to revenue generated by CITY's fee, to pay for the requested
11 purchase, and 2) CITY will use the equipment and/or supplies, during their
12 entire useful life, only for purposes authorized by its TVAP resolution in
13 effect at the time of purchase. In the event that CITY terminates its
14 participation in the Program, CITY agrees that the equipment purchased by
15 CITY and reimbursed by Program funds will continue to be used, during the
16 remainder of its useful life, exclusively for the purposes authorized by
17 CITY's TVAP resolution in effect at the time of purchase.
- 18 5. In the event the fees adopted by COUNTY, CITY and other participating
19 jurisdictions are not adequate to continue operation of the Program at the
20 level at which it operated previously, COUNTY, at the option of CITY, will
21 reduce the level of Program service to be provided to CITY or will continue
22 to provide the existing level of Program services. COUNTY will charge CITY
23 the cost of any Program operations that exceed the revenue generated by
24 fees. Such charges shall be in addition to the Maximum Obligation of CITY
25 set forth in Subsection G-2 of this Agreement. The amount of any revenue
26 shortfall charged to CITY will be determined, at the time the revenue
27 shortfall is experienced, according to CITY's share of Program services
28 rendered. In the event of a reduction in level of Program service,

1 **M. TRAFFIC VIOLATOR APPREHENSION PROGRAM:** (Continued)

2 termination of Program service or adjustment of costs, the parties shall
3 execute an amendment to this Agreement so providing. Decisions about
4 how to reduce the level of Program service provided to CITY shall be made
5 by SHERIFF with the approval of CITY.

6 **N. MOBILE DATA COMPUTERS:**

7 1. As part of the law enforcement services to be provided to CITY, COUNTY
8 has provided, or will provide, mobile data computers (hereinafter called
9 "MDCs") that are or will be mounted in patrol vehicles and motorcycles
10 designated by COUNTY for use within CITY limits.

11 2. SHERIFF has the exclusive right to use said MDCs for law enforcement
12 services related to this Agreement.

13 3. CITY shall pay COUNTY the full costs to COUNTY of a) the acquisition and
14 installation of MDCs that are or will be mounted in patrol vehicles and
15 motorcycles assigned to CITY, and b) recurring costs, as deemed
16 necessary by COUNTY, including the costs of maintenance and
17 contributions to a fund for replacement and upgrade of such MDCs when
18 they become functionally or technologically obsolete.

19 The costs to be paid by CITY for recurring costs, including maintenance
20 and replacement/upgrade of MDCs, are included in the costs set forth in
21 Attachment C and the Maximum Obligation of CITY set forth in Subsection
22 G-2 of this Agreement unless CITY has already paid such costs. CITY shall
23 not be charged additional amounts for maintenance or
24 replacement/upgrade of said MDCs during the period July 1, 2022 through
25 June 30, 2023.

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1 **N. MOBILE DATA COMPUTERS: (Continued)**

- 2 4. If, following the initial acquisition of MDCs referenced above, CITY requires
3 MDCs for additional patrol cars designated for use in the CITY, or for
4 CITY's Emergency Operations Center, COUNTY will purchase said
5 additional MDCs. Upon demand by COUNTY, CITY will pay to COUNTY a)
6 the full costs of acquisition and installation of said additional MDCs, and b)
7 the full recurring costs for said MDCs, as deemed necessary by COUNTY,
8 including the costs of maintenance, and contributions to a fund for
9 replacement and upgrade of such MDCs when they become functionally or
10 technologically obsolete. Said costs related to additional MDCs are not
11 included in, and are in addition to, the costs set forth in Attachment C and
12 the Maximum Obligation of CITY set forth in Subsection G-2 of this
13 Agreement.
- 14 5. COUNTY will replace and/or upgrade MDCs as needed. The costs of
15 replacing/upgrading MDCs shall be paid by COUNTY from the
16 replacement/upgrade funds to be paid by CITY in accordance with the
17 foregoing. CITY shall not be charged any additional charge to replace or
18 upgrade MDCs.

19 **O. E-CITATION UNITS:**

- 20 1. As part of the law enforcement services to be provided to CITY, COUNTY
21 has provided, or will provide, E-Citation units designated by COUNTY for
22 use within CITY limits.
- 23 2. SHERIFF has the exclusive right to use said E-Citation units for law
24 enforcement services related to this Agreement.
- 25 3. CITY shall pay COUNTY the full costs to COUNTY of a) the acquisition of
26 E-Citation units that are assigned to CITY, and b) recurring costs, as
27 deemed necessary by COUNTY, including the costs of maintenance and
28 contributions to a fund for replacement and upgrade of such E-Citation units

1 **O. E-CITATION UNITS:** (Continued)

2 when they become functionally or technologically obsolete.

3 The costs to be paid by CITY for recurring costs, including maintenance
4 and replacement/upgrade of E-Citation units, are included in the costs set
5 forth in Attachment C and the Maximum Obligation of CITY set forth in
6 Subsection G-2 of this Agreement unless CITY has already paid such
7 costs. CITY shall not be charged additional amounts for maintenance or
8 replacement/upgrade of said E-Citation units during the period July 1, 2022
9 through June 30, 2023.

10 4. If, following the initial acquisition of E-Citation units referenced above, CITY
11 requires additional E-Citation units designated for use in CITY, COUNTY
12 will purchase said additional E-Citation units. Upon demand by COUNTY,
13 CITY will pay to COUNTY a) the full costs of acquisition of said additional
14 E-Citation units, and b) the full recurring costs for said E-Citation units, as
15 deemed necessary by COUNTY, including the costs of maintenance, and
16 contributions to a fund for replacement and upgrade of such E-Citation units
17 when they become functionally or technologically obsolete. Said costs
18 related to additional E-Citation units are not included in, and are in addition
19 to, the costs set forth in Attachment C and the Maximum Obligation of CITY
20 set forth in Subsection G-2 of this Agreement.

21 5. COUNTY will replace and/or upgrade E-Citation units as needed. The
22 costs of replacing/upgrading E-Citation units shall be paid by COUNTY from
23 the replacement/upgrade funds to be paid by CITY in accordance with the
24 foregoing. CITY shall not be charged any additional charge to replace or
25 upgrade E-Citation units.

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IN WITNESS WHEREOF, the parties have executed the AGREEMENT in the
County of Orange, State of California.

DATED: _____

CITY OF LAGUNA WOODS

ATTEST: _____
City Clerk

BY: _____

Mayor

APPROVED AS TO FORM:

BY: _____

City Attorney

DATED: _____

COUNTY OF ORANGE

BY: _____

Chairman of the Board of Supervisors
County of Orange, California

SIGNED AND CERTIFIED THAT A COPY OF THIS
AGREEMENT HAS BEEN DELIVERED TO THE CHAIR
OF THE BOARD PER G.C. Sec. 25103, Reso 79-1535

Attest:

Robin Stieler
Clerk of the Board
County of Orange, California

APPROVED AS TO FORM:
Office of the County Counsel
County of Orange, California

BY: 
Deputy

DATED: 4/21/22

**ORANGE COUNTY SHERIFF-CORONER
FY 2022-23 LAW ENFORCEMENT CONTRACT
CITY OF LAGUNA WOODS
"REGULAR SERVICES BY COUNTY"
(Subsection C-3)**

LEVEL OF SERVICE PROVIDED BY SHERIFF:

Title	Detail	Quantity	Frequency
INVESTIGATION SERVICES:			
Investigator		0.50	40 hrs./ per two wk. pay period
PATROL AND TRAFFIC SERVICES*:			
Sergeant	Patrol/Traffic	1.00	80 hrs./ per two wk. pay period
Sergeant	Patrol/Traffic	0.34	27.20 hrs./per two wk. pay period
Deputy Sheriff II	Patrol/Traffic	6.00	each, 80 hrs./ per two wk. pay period
TOTAL		7.84	

* Deployment to be determined by SHERIFF in cooperation with CITY Manager

REGIONAL / SHARED STAFF:

Title	Regional Team	Quantity	% Allocation
TRAFFIC:			
Sergeant	Traffic	0.60	1.39%
Deputy Sheriff II	Traffic	4.00	1.39%
Investigative Assistant	Traffic	2.00	1.39%
Office Specialist	Traffic	1.00	1.39%
AUTO THEFT:			
Sergeant	Auto Theft	0.30	2.34%
Investigator	Auto Theft	2.00	2.34%
Investigative Assistant	Auto Theft	1.00	2.34%
Office Specialist	Auto Theft	1.00	2.34%
DIRECT ENFORCEMENT:			
Sergeant	DET	1.00	0.38%
Investigator	DET	1.00	0.38%
COURTS:			
Investigative Assistant	Courts	2.00	3.86%
TOTAL		15.90	

1 **CITY OF LAGUNA WOODS**
2 **LICENSING ORDINANCES**

3
4 BINGO GAME

5 BINGO OFFICIAL

6 CANVASSER/SOLICITOR

7 COIN DEALER

8 COMMERCIAL FORTUNETELLER

9 DANCE INSTRUCTOR (NUDE)

10 DANCE STUDIO (NUDE)

11 ESCORT

12 ESCORT BUREAU

13 FIGURE MODEL (NUDE)

14 FIGURE MODEL STUDIO (NUDE)

15 GUN DEALER

16 INTERLOCUTRIX (NUDE)

17 INTRODUCTORY SERVICE

18 JUNK COLLECTOR

19 JUNK DEALER

20 MEDICAL MARIJUANA DISPENSARY

21 PEDDLER

22 POOL ROOM

23 PUBLIC DANCE

24 RAP SESSION (NUDE)

25 SECONDHAND DEALER (Pawnbroker)

26 TAXICAB STAND

27
28

**ORANGE COUNTY SHERIFF-CORONER
FY 2022-23 LAW ENFORCEMENT CONTRACT
CITY OF LAGUNA WOODS**

**"PAYMENT"
(Subsection G-2)**

COST OF SERVICES PROVIDED BY SHERIFF (Subsection G-2):

Title	Detail	Quantity	Cost of Service (each)	Cost of Service Total
INVESTIGATION SERVICES:				
Investigator		0.50	\$ 365,640	\$ 182,820
PATROL AND TRAFFIC SERVICES:				
Sergeant	Patrol/Traffic	1.00	\$ 370,406	\$ 370,406
Sergeant	Patrol/Traffic	0.34	\$ 370,406	\$ 125,938
Deputy Sheriff II	Traffic	6.00	\$ 308,344	\$ 1,850,066
TOTAL POSITIONS		7.84		\$ 2,529,230

REGIONAL / SHARED STAFF:

Title	Regional Team	Quantity	% Allocation	Cost \$
TRAFFIC:				
Sergeant	Traffic	0.60	1.39%	\$ 4,106
Deputy Sheriff II	Traffic	4.00	1.39%	\$ 21,123
Investigative Assistant	Traffic	2.00	1.39%	\$ 4,330
Office Specialist	Traffic	1.00	1.39%	\$ 1,685
AUTO THEFT:				
Sergeant	Auto Theft	0.30	2.34%	\$ 3,452
Investigator	Auto Theft	2.00	2.34%	\$ 16,202
Investigative Assistant	Auto Theft	1.00	2.34%	\$ 3,660
Office Specialist	Auto Theft	1.00	2.34%	\$ 2,739
DIRECT ENFORCEMENT:				
Sergeant	DET	1.00	0.38%	\$ 1,636
Investigator	DET	1.00	0.38%	\$ 1,515
COURTS:				
Investigative Assistant	Courts	2.00	3.86%	\$ 12,113
TOTAL REGIONAL/SHARED		15.90		\$ 72,561

OTHER CHARGES AND CREDITS (Subsection G-2):

OTHER CHARGES:

Other Charges include: Annual leave paydowns and apportionment of cost of leave balances paid at end of employment; Body Worn Camera (BWC) and In Car Video (ICV); contract administration; data line charges; one (1) E-citation unit; enhanced helicopter response services; facility lease; holiday pay; Integrated Law & Justice of Orange County fees; Mobile Data Computer (MDC) recurring cost for five and thirty-four hundredths (5.34) units; overtime; patrol training cost allocation; premium pay for bilingual staff, education pay, MARTpay and on-call pay; services and supplies; and transportation charges.

CREDITS:

Credits include: AB 109 (2011 Public Safety Realignment); estimated vacancy credits; reimbursement for false alarms; reimbursement for training and miscellaneous programs; and retirement rate discount for FY 2022-23.

TOTAL OTHER CHARGES AND CREDITS	\$ 549,411
TOTAL COST OF SERVICES (Subsection G-2)	\$ 3,151,202

ATTACHMENT D

COUNTY BILLING POLICY
APPROVED BY BOARD MINUTE ORDER DATED OCTOBER 27, 1992

I. POLICY

All County agencies/departments/districts (County) governed by the Board of Supervisors shall bill contracting entities for materials and/or services provided under contract in accordance with the following standardized billing and collection policy. Billing frequency is dependent on whether the contract is a fixed price or actual cost contract. Payment due date is designed to be both responsive to the County's cash flow needs and reasonable enough as to not require special processing by the contracting entity. If payments are not received by the required due dates, a late payment fee shall be computed and billed to the contracting entity in accordance with the requirements of this procedure.

Nothing herein shall affect the liability, including pre-judgment interest, of the contracting party for services or materials in as much as this is a policy to enact standard billing practices.

II. DEFINITIONS

- A. Contract for the purposes of this policy - A contract is a formal written agreement, a purchase order from the contracting entity, or any other acceptable mutual understanding between the contracting parties.
- B. Received by the County - The phrase "received by the County", as used in Section VI of this policy, refers to the date a payment is received by the County. It is defined as the date the payment is in the County's possession. It is not the date the payment is posted or deposited by the County.

III. FIXED PRICE CONTRACTS

- A. Fixed Price (One-Time/Non-Recurring Contracts) - Invoices that represent a billing for a one-time, non-recurring provision of materials and/or services shall be issued no later than five (5) working days after delivery by the County of the materials and/or services. Examples of such one-time, non-recurring provision of materials and/or services might be a city contracting with the Sheriff for security service at a parade or sporting event; or, a city purchasing a computer listing containing certain city-requested data. Payment due date shall be invoice date plus 30 days.
- B. Fixed Price (Ongoing/Recurring Contracts) - Invoices that represent a billing for an ongoing, recurring provision of materials and/or services shall be issued according to the following frequency:
1. Annual Billings that total \$10,000 or less per 12-month period shall be billed via one (1) annual invoice. Annual invoices will be issued for each 12-month period of the contract, or portions thereof. Invoices shall be issued no later than five working days after the beginning of each 12-month period. Payment due date shall be invoice date plus 30 days.

2. Quarterly Billings that are greater than \$10,000 but not more than \$200,000 per 12-month period, shall be billed in quarterly installments. Quarterly invoices will be issued representing the contract amount for each 12-month period of the contract, or portions thereof, prorated into four (4) installments. Invoices shall be issued no later than 30 days after the beginning of each quarter. Payment due date shall be 60 days after the beginning of each calendar quarter.
3. Monthly Billings that are greater than \$200,000 per 12-month period shall be billed in monthly installments. Monthly invoices will be issued representing the contract amount for each 12-month period of the contract, or portions thereof, prorated into 12 installments. Invoices shall be issued on or before the first day of each service month. Payment due date shall be 30 days after the beginning of each service month.

An example of a fixed price contract for ongoing, recurring provision of materials and/or services might be a city contracting with the Sheriff for law enforcement services.

IV. ACTUAL COST CONTRACTS

- A. Actual Cost (One-Time/Non-Recurring Contracts) - Invoices that represent a billing for a one-time, non-recurring provision of materials and/or services shall be issued after delivery by the County of the materials and/or services and no later than 15 days after actual cost data is available. Payment due date shall be invoice date plus 30 days.
- B. Actual Cost (Ongoing/Recurring Contracts) - Invoices that represent a billing for an ongoing, recurring provision of materials and/or services shall be issued on a monthly basis and shall represent the cost of materials and/or services provided to the contracting entity during the previous calendar month. Such invoices shall be issued no later than 15 days after the close of the monthly billing period. If the County agency/department/district does not utilize a monthly billing cycle, the invoice shall be issued no later than 15 days after actual cost data is available. Payment due date shall be invoice date plus 30 days.

Examples of actual cost contracts for the ongoing, recurring provision of materials and/or services might be a city contracting with the County for communications equipment repair or waste disposal at a County landfill.

V. PAYMENT DUE DATES

Notwithstanding the provisions of Sections II and III above, payment due date shall be at least invoice date plus 30 days. If the County is late in issuing an invoice, the contracting entity would always have at least invoice date plus 30 days to pay. If the County is early in issuing an invoice, the contracting entity would still have a payment due date of either 60 days after the beginning of the quarter (quarterly invoices) or 30 days after the beginning of the service month (monthly invoices).

(EXAMPLES: An invoice for October service, dated and issued October 8 (late) would have a payment due date of November 7. An invoice for August service, dated and issued July 20 (early) would have a payment due date of August 30.)

VI. LATE CHARGES

The late payment of any invoiced amount by a contracting entity will cause the County to incur costs not contemplated by the County/contracting entity agreement, the exact amount of such cost will be extremely difficult to ascertain. Such costs include, but are not limited to, costs such as administrative follow-up and processing of delinquent notices, increased accounting costs, etc.

Late charges will be assessed in the following situations:

- Over-the-counter payments will be assessed a late charge if any payment is not received by the County by the payment due date.
- Payments transmitted to the County via the U.S. Mail that have the payer's postage meter mark will be assessed a late charge if any payment is not received by the County by the payment due date plus one day.
- Payments transmitted to the County via the U.S. Mail that have a U.S. Post Office postmark dated after the payment due date will be assessed a late charge.

The late charge assessed in each of these situations shall be three-quarters of one percent (0.75%) of the payment due and unpaid plus \$100.00 for late payments made within 30 days of the payment due date. An additional charge of three-quarters of one percent (0.75%) of said payment shall be added for each additional 30-day period that the payment remains unpaid. Late charges shall be added to the payment and invoiced to the contracting entity in accordance with this policy.

VII. COLLECTIONS

Any invoice remaining unpaid 90 days after the invoice date shall be referred to the Auditor-Controller for subsequent collection action, such as deduction from contracting entity moneys on deposit with the County Treasurer in accordance with Government Code Section 907 and any other applicable provision of law. Non-payment of invoices and applicable late charges will constitute a breach of contract for which the County retains all legal remedies including termination of the contract.

VIII. DISCOUNT FOR EARLY PAYMENT

Any payment received by the County from a contracting entity 20 days or more before the payment due date shall be entitled to a discount of one-quarter of one percent (0.25%). If the contracting entity takes a discount, and the payment is received by the County less than 20 days before the payment due date, County staff shall immediately notify the contracting entity by telephone that the discount should not have been taken and that the balance is due by the original payment due date.

If the balance is not received by the County in accordance with the dates as specified in Section VII, applicable late charges shall be calculated on the balance due.

IX. DEFERRED REVENUE

At fiscal year end, any portion of revenue invoiced (not necessarily received) during the fiscal year being closed out that represents charges or prepayment for materials and/or services for the upcoming fiscal year shall be reclassified from a revenue account to a deferred revenue account (liability). In the new fiscal year the deferred revenue shall be reclassified to a revenue account. (EXAMPLE: On June 1, 19X1, a city is invoiced \$48,000 which represents charges for the 12-month period June 1, 19X1 to May 31, 19X2. The amount to be reclassified to deferred revenue would be \$44,000, representing 11/12ths of the total amount. In July 19X1, the \$44,000 would be reclassified to revenue.) Reclassification entries shall be made by Auditor-Controller Agency Accounting units, or for those agencies/departments/districts without such a unit, the agency/department/district shall notify the Auditor-Controller of the amounts to be reclassified.

X. COST RECOVERY

All County agencies/department/districts shall include all costs of providing contracted services in contract rates. Including all direct costs, allocated indirect costs such as departmental and County (CWCAP) overhead, and cost of capital financing.

XI. EXISTING CONTRACTS

Billing terms and provisions contained in existing contracting entity agreements (existing as of the date this policy is approved by the Board of Supervisors) shall remain in effect for the life of the contract. However, when these existing contracts are renegotiated, they shall contain the billing provisions as set forth in this policy.

XII. DEVIATIONS FROM POLICY

Deviations from this policy shall be approved by the Board of Supervisors. Proposed deviations by agencies/departments/districts shall be submitted to the CEO for concurrence in advance of filing an Agenda Item Transmittal (AIT) with the Clerk of the Board. The CEO, or his/her designee, shall advise the agency/department/district of approval or disapproval of the proposed deviations. If a County agency/department/district submits a contract to the Board of Supervisors for approval, and the billing provisions in the contract deviate from this policy, the agency/department/district shall specifically advise the Board of Supervisors in the AIT of the deviation, the reason for the deviation, and of the CEO's recommendation relative thereto.

POLICY FOR DISTRIBUTION OF FORFEITED AND SEIZED ASSETS**BACKGROUND**

The Orange County Sheriff's Department provides contract law enforcement services to cities in Orange County. Because of the increased likelihood that contracted patrol or investigation personnel may become involved in significant narcotic seizures, which could affect law enforcement services provided by the Sheriff's Department to contract cities, the following policy is in effect.

CONTRACTED PATROL AND INVESTIGATION OFFICERS

When assets (cash or property) are seized in CITY by contracted patrol or investigation personnel, and subsequently forfeited to COUNTY's Sheriff Department, hereinafter referred to as "SHERIFF", the forfeited assets shall be shared with CITY as set forth below, for the purpose of augmenting law enforcement services in CITY, subject to guidelines by the forfeiting agency of such sharing and use of forfeited assets. A portion of forfeited assets may be retained by SHERIFF, to pay for departmental expenses not recovered through law enforcement contracts.

In such cases, pursuant to the forfeiting agency's guidelines, SHERIFF shall apply to the forfeiting agency for the return of a share of assets. In his application, SHERIFF shall specify the percentage of shared assets returned to SHERIFF that will be used to augment law enforcement services in CITY and the use of said assets by CITY.

In those cases in which assets are seized within CITY by personnel assigned to CITY pursuant to this Agreement, without the involvement of other law enforcement personnel, and in which the seizure is a result solely of activities self-initiated by SHERIFF personnel assigned to CITY or initiated by said personnel in response to calls for service within CITY, SHERIFF shall apply to have all of the assets used to augment CITY law enforcement services.

In those cases in which SHERIFF personnel assigned to CITY pursuant to this Agreement play an ancillary role in a seizure or in which other law enforcement personnel are involved in a seizure, SHERIFF shall determine the percentage of the total forfeited assets for which he will apply to augment CITY's law enforcement services. This determination will be based on the circumstances of the seizure, including the pro-rata involvement of all personnel, including those assigned to CITY.

Each seizure will be evaluated on an individual and independent basis, and said evaluations will be available for review to CITY's manager. Examples of those incidents which would be evaluated as set forth in this section include situations in which a contract patrol deputy provides uniformed backup at a SHERIFF's Narcotic Bureau search warrant location or in which contract investigators participate in the service of a search warrant that was initiated by non-contract law enforcement personnel.

Assets (cash or property) that are returned to SHERIFF by the forfeiting agency with the understanding that they will be used to augment CITY law enforcement services shall be used by CITY and SHERIFF only for such purposes. If the forfeiting agency attaches additional or more specific conditions to the use of said assets, CITY and SHERIFF shall also abide by those conditions. SHERIFF and CITY's manager shall determine the specific use of said assets within the conditions imposed by the forfeiting agency.

RESOLUTION NO. 21-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING RESOLUTION NO. 01-11; ADOPTING A MODIFIED ADMINISTRATIVE FEE TO RECOVER NO MORE THAN THE ORANGE COUNTY SHERIFF'S DEPARTMENT'S REASONABLE ADMINISTRATIVE COSTS RELATING TO THE REMOVAL, IMPOUND, STORAGE, OR RELEASE OF VEHICLES PROPERLY IMPOUNDED PURSUANT TO THE CALIFORNIA VEHICLE CODE ("TRAFFIC VIOLATOR APPREHENSION PROGRAM FEE"); AND, DETERMINING THAT THE FEE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, pursuant to applicable California law, cities may charge rates or fees that are equal to or less than the reasonably anticipated costs of providing a service, conferring a benefit, granting a privilege, performing regulatory duties, enforcing laws, or as a condition of property development; and

WHEREAS, the Orange County Sheriff-Coroner ("the Sheriff") has instituted a Traffic Violator Apprehension Program designed to reduce vehicle accidents caused by unlicensed drivers and drivers whose licenses are suspended, as well as to educate the public about the requirements of the California Vehicle Code and related safety issues with regard to driver licensing, vehicle registration, vehicle operation, and vehicle parking; and

WHEREAS, the Sheriff operates the Traffic Violator Apprehension Program in the unincorporated areas of Orange County and in the cities of Orange County that contract for the Sheriff's law enforcement services; and

WHEREAS, operating the Traffic Violator Apprehension Program on an area-wide basis without regard to jurisdictional boundaries between unincorporated areas of Orange County and the cities, serves the public purposes of the City because drivers routinely cross jurisdictional boundaries, making an area-wide approach to the reduction of traffic accidents and driver education effective in preventing traffic accidents in all participating jurisdictions; and

WHEREAS, the Sheriff impounds numerous and various vehicles removed from highways, public property, or private property in the unincorporated areas of Orange County and in cities that contract for the Sheriff's law enforcement services during the normal course of duty; and

WHEREAS, the Sheriff impounds said vehicles pursuant to authority under the California Vehicle Code as follows:

California Vehicle Code Section and Impound Ground

14602.6	Suspended, revoked or unlicensed driver/30-day hold
22651 (a)	Unattended vehicle on bridge
22651 (d)	Vehicle blocking driveway
22651 (e)	Vehicle blocking fire hydrant
22651 (f)	Vehicle blocking freeway
22651 (h) (1)	Driver arrested
22651 (h) (2)	Order of suspension or revocation pursuant to Section 13388
22651 (i) (1)	Multiple parking citations
22651 (j)	Lack of vehicle registration
22651 (k)	Parking over 72 hours
22651 (l)	Parking in a construction zone
22651 (m)	Violation of special events restriction
22651 (n)	No parking zone
22651 (o) (1)	Vehicle registration is incorrect, falsified or expired by more than six months
22651 (p)	Driver unlicensed or license suspended
22651 (r)	Vehicle blocking another vehicle
22651 (t)	Notice to appear/illegal amber lights
22651 (u)	Acting as a car dealer without a license or temporary permit
22651 (v)	Illegally letting stand a mobile billboard advertisement
22651 (w)	Second or subsequent violation of an ordinance
22655.3	Removal for investigation (fleeing in violation of sections 2800.1 or 2800.2)
22655.5 (a)	Vehicle was used as the means of committing a public offense
22655.5 (b)	Vehicle is evidence of crime
22669	Abandoned vehicle

; and

WHEREAS, on March 28, 2000, the Orange County Board of Supervisors adopted Resolution No. 00-96, which established fees for the Traffic Violator Apprehension Program that were applicable in the unincorporated areas of Orange County. The fees that were established by County of Orange Resolution No. 00-96 address the Sheriff's administrative costs relating to the removal, impound, storage, or release of properly impounded vehicles; and

WHEREAS, California Vehicle Code Section 22850.5 authorizes the City Council, by resolution, to establish a fee equal to the administrative costs relating to the removal, impound, storage, or release of properly impounded vehicles; and

WHEREAS, on April 18, 2001, the City Council adopted Resolution No. 01-11, which authorized the Sheriff to collect fees in the City in connection with the Traffic Violator Apprehension Program in amounts identical to the County of Orange's fees as set forth in County of Orange Resolution No. 00-96; and

WHEREAS, the Orange County Board of Supervisors has established an interest-earning, budgeted special revenue fund, called the "Traffic Violator Fund" and designated as Fund 13B, to be controlled by the Sheriff; and

WHEREAS, the Orange County Board of Supervisors has directed that proceeds from the Traffic Violator Apprehension Program fees be deposited into the Traffic Violator Fund; and

WHEREAS, the Orange County Board of Supervisors has directed that funds from the Traffic Violator Fund must be used to reimburse the Sheriff for the administrative costs associated with the removal, impound, storage, and release of vehicles in accordance with the California Vehicle Code; and

WHEREAS, the City's existing Traffic Violator Apprehension Program fees differ based on whether a subject vehicle is licensed or unlicensed; and

WHEREAS, a cost study prepared in September 2020 by the Sheriff determined that due to technological advancements for determining the licensed status of drivers, the difference in fee based on whether a vehicle is licensed or unlicensed is no longer supported by the actual administrative costs relating to the removal, impound, storage, and release of a vehicle; and

WHEREAS, the September 2020 cost study prepared by the Sheriff also calculated the reasonable administrative costs relating to the removal, impound, storage, and release of a vehicle in the amount of \$144 per removal; and

WHEREAS, on November 17, 2020, the Orange County Board of Supervisors adopted Resolution No. 20-161, which updated the County of Orange's Traffic Violator Apprehension Program fees based on the September 2020 cost study prepared by the Sheriff and, in doing so, reviewed findings of compliance with Section 1(e)(2) of Article XIIC of the California Constitution; and

WHEREAS, consistent with the City's authority under California Vehicle Code Section 22850.5, the Sheriff has requested that the City modify its Traffic Violator Apprehension Program fees to match the County of Orange's updated fee; and

WHEREAS, the City Council desires to modify its Traffic Violator Apprehension fees to match the County of Orange's updated fee; and

WHEREAS, the City Council desires for the Sheriff to continue to collect the Traffic Violator Apprehension fee on behalf of the City. Continuing with such a practice will ensure that persons/entities whose vehicles are impounded, rather than the public as a whole, bear the administrative costs of such impounds; and

WHEREAS, California Vehicle Code Section 22850.5 imposes the following restrictions on the imposition of an administrative fee:

- (a) The charges shall only be imposed on the registered owner or the agents of that owner and shall not include any vehicle towed under an abatement program or sold at a lien sale pursuant to Sections 3068.1 to 3074, inclusive, of, and Section 22851 of, the Civil Code unless the sale is sufficient in amount to pay the lienholder's total charges and proper administrative costs; and
- (b) Any charges shall be collected by the local or state authority only from the registered owner or an agent of the registered owner; and
- (c) The charges shall be in addition to any other charges authorized or imposed pursuant to [the California Vehicle Code]; and
- (d) No charge may be imposed for any hearing or appeal relating to the removal, impound, storage, or release of a vehicle unless that hearing or appeal was requested in writing by the registered or legal owner of the vehicle or an agent of that registered or legal owner. In addition, the charge may be imposed only upon the person requesting that hearing or appeal.

; and

WHEREAS, it is unfair to impose the administrative fee authorized by California Vehicle Code Section 22850.5 in the following circumstances: 1) when the vehicle was left because it became inoperable while being driven, if the registered owner makes good faith attempts promptly to remove the vehicle from a location where it was not permitted; 2) when the vehicle was stolen; 3) When the vehicle was left by an ill or injured driver; and/or, 4) when it is demonstrated to the satisfaction of the Sheriff's designated personnel that neither the registered owner of

the vehicle nor his/her/their agent, if any, was at fault in creating the circumstances leading to the impounding of the vehicle; and

WHEREAS, the City Council conducted a duly noticed public hearing at its regular meeting on February 17, 2021 regarding the proposed adoption of a modified Traffic Violator Apprehension Program Fee; and

WHEREAS, public noticing for the aforementioned public hearing included publication in the *Laguna Woods Globe*; and

WHEREAS, the existing and proposed Traffic Violator Apprehension Program fees, as well as the September 2020 cost study prepared by the Sheriff, were made available to the public at and from Laguna Woods City Hall beginning on February 1, 2021, and on the City's website beginning on February 10, 2021; and

WHEREAS, after consideration of the information provided by City staff, the attachments to the agenda report for the February 17, 2021 public hearing, the City's costs to participate in the Traffic Violator Apprehension Program, and all public comments and testimony received, the City Council finds that it is in the best interest of the City to adopt a modified Traffic Violator Apprehension Program fee.

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

SECTION 1. The above recitals are true and correct.

SECTION 2. After reviewing the entire project record, the City Council hereby determines and certifies that this action is not subject to the California Environmental Quality Act (Pub. Resources Code, Sec. 21000 et seq.) ("CEQA") pursuant to sections 15060(c)(2) (the activities will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activities are not a project as defined in section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. CEQA Guideline section 15378(b)(4) excludes "government funding mechanisms or other government fiscal activities" from its definition of "project" when they "do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment," as is the case here. Even if this action were subject to CEQA, it would be categorically exempt under CEQA Guideline section 15273, which applies to the establishment, modification, structuring, restructuring,

or approval of rates, tolls, fares, or other charges by the City, when such charges are for the purpose of (1) meeting operating expenses, including employee wage rates and fringe benefits, and (2) purchasing or leasing supplies, equipment, or materials – as is the case with the Traffic Violator Apprehension Program Fee. Finally, this action is exempt from CEQA based on CEQA Guideline section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 3. Upon the effective date of the Traffic Violator Apprehension Program Fee set forth in Section 4 of this resolution, all previous Traffic Violator Apprehension Program fees adopted by resolution of the City Council shall be repealed including, without limitation, Resolution No. 01-11.

SECTION 4. On February 18, 2021, the administrative fee indicated below shall become effective for the removal, impound, storage, or release of vehicles properly impounded after removal from locations in the City in accordance with or on account of provisions of the California Vehicle Code listed below:

A fee of \$144 for each removal of a vehicle in accordance with or on account of violation of California Vehicle Code sections:

California Vehicle Code Section and Impound Ground

14602.6	Suspended, revoked or unlicensed driver/30-day hold
22651 (a)	Unattended vehicle on bridge
22651 (d)	Vehicle blocking driveway
22651 (e)	Vehicle blocking fire hydrant
22651 (f)	Vehicle blocking freeway
22651 (h) (1)	Driver arrested
22651 (h) (2)	Order of suspension or revocation pursuant to Section 13388
22651 (i) (1)	Multiple parking citations
22651 (j)	Lack of vehicle registration
22651 (k)	Parking over 72 hours
22651 (l)	Parking in a construction zone
22651 (m)	Violation of special events restriction
22651 (n)	No parking zone
22651 (o) (1)	Vehicle registration is incorrect, falsified or expired by more than six months
22651 (p)	Driver unlicensed or license suspended
22651 (r)	Vehicle blocking another vehicle
22651 (t)	Notice to appear/illegal amber lights

22651 (u)	Acting as a car dealer without a license or temporary permit
22651 (v)	Illegally letting stand a mobile billboard advertisement
22651 (w)	Second or subsequent violation of an ordinance
22655.3	Removal for investigation (fleeing in violation of sections 2800.1 or 2800.2)
22655.5 (a)	Vehicle was used as the means of committing a public offense
22655.5 (b)	Vehicle is evidence of crime
22669	Abandoned vehicle

In adopting such fee, the City Council finds that the amount of the fee does not exceed the reasonable costs of providing the services for which the fee is charged.

; and

SECTION 5. The Sheriff is authorized to collect the fee established herein, on behalf of the City, at the time of release of vehicles that are subject to the fee.

SECTION 6. The fee established herein shall only be imposed on the registered owner or the agent of the registered owner of the impounded vehicle, and shall not include any vehicle towed under an abatement program or sold at a lien sale pursuant to Sections 3068.1 to 3074, inclusive, of, and Section 22851 of, the California Civil Code unless the sale is sufficient in amount to pay the lienholder's total charges and proper administrative costs.

SECTION 7. The fee established herein shall be collected only from the registered owner or an agent of the registered owner of the impounded vehicle, and shall be in addition to any other charges authorized or imposed pursuant to the California Vehicle Code.

SECTION 8. The fee established herein complies with California Vehicle Code Section 22850.5(b)(4) as the supporting September 2020 cost study prepared by the Sheriff did not include administrative costs for conducting a hearing or appeal related to the removal, impound, storage, or release of a vehicle.

SECTION 9. The Sheriff shall not impose the fee established herein in any of the following circumstances: (a) when the vehicle was left because it became inoperable while being driven, if the registered owner makes good faith attempts promptly to remove the vehicle from a location where it was not permitted; (b) when the vehicle was stolen; (c) when the vehicle was left by an ill or injured driver; and/or,

(d) when it is demonstrated to the satisfaction of the Sheriff's designated personnel that neither the registered owner of the vehicle nor his/her/their agent, if any, was at fault in creating the circumstances leading to the impounding of the vehicle

SECTION 10. A registered owner or an agent of a registered owner who believes he/she/they are exempt from the fee established herein under any of the criteria listed in this resolution above may apply in writing for a waiver of the fee and shall present such supporting information or documentation, as the Sheriff may request, to the Sheriff's designated personnel. Upon the presentation of a written application for waiver of said fee, together with such supporting documentation as may be requested by the Sheriff, the Sheriff's designated personnel or his/her/their designee shall determine promptly whether the applicant meets the criteria for a waiver of the fee and if so, shall waive the fee.

SECTION 11. Until further order of the City Council, the Sheriff is directed to deposit the proceeds of the fee established herein into the Traffic Violator Fund described herein. Proceeds from the Traffic Violator Fund shall be used in conformance with the County of Orange's restrictions for the same, as well as in conformance with any applicable provisions set forth in the City's agreement with the County for the Sheriff's law enforcement services.

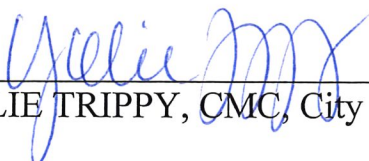
SECTION 12. Until further order of the City Council, the Orange County Board of Supervisors is authorized to carry forward in the Traffic Violator Fund and accumulate any balance of proceeds of fees imposed by this resolution that remains at the end of a fiscal year, as long as such fee proceeds will be used for the purposes provided herein.

SECTION 13. The City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED on this 17th day of February 2021.


SHARI L. HORNE, Mayor


ATTEST:


YOLIE TRIPPY, CMC, City Clerk

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 21-04** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the 17th day of February 2021, by the following vote:

AYES: COUNCILMEMBERS: Conners, Hatch, Tao, Moore, Horne
NOES: COUNCILMEMBERS: -
ABSENT: COUNCILMEMBERS: -



YOLIE TRIPPY, CMC, City Clerk

**ORANGE COUNTY SHERIFF-CORONER
TRAFFIC VIOLATOR APPREHENSION PROGRAM**

ITEM 6.5

REQUEST	CONTRACT CITY			
	Participating City Request to Purchase From the TVA in FY	Date		
	<u>QUANTITY</u>	<u>ITEM DESCRIPTION</u>	<u>APPLICABILITY TO TVA PROGRAM</u>	<u>ESTIMATED COST</u>
CERTIFICATION	<p>THE CITY CERTIFIES THAT THE EQUIPMENT PURCHASED BY CITY AND TO BE REIMBURSED BY PROGRAM FUNDS WILL BE USED FOR ITS ENTIRE USEFUL LIFE EXCLUSIVELY FOR THE PURPOSES OF THE TRAFFIC VIOLATOR APPREHENSION PROGRAM</p> <p>CITY MANAGER REQUEST:</p> <p>Printed Name _____</p> <p>Signature: _____ DATE _____</p>			
	ORANGE COUNTY SHERIFF-CORONER DEPARTMENT			
APPROVALS				
	<p>Recommended For Approval CITY POLICE SERVICES CHIEF</p>	<p>MANAGER – TVA PROGRAM</p>		

OCSD
BUDGET
USE ONLY

ATTACHMENT G

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6.6
TRAFFIC SIGNAL, STREET LIGHT, AND CITY
HALL LIGHTING MAINTENANCE SERVICES

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ASSIGNMENT AGREEMENT

This ASSIGNMENT AGREEMENT (“ASSIGNMENT”) is made and entered into as of _____, by and among Siemens Mobility, Inc. (“ASSIGNOR”), in favor of Yunex, LLC (“ASSIGNEE”), with consent of the City of Laguna Woods, a California municipal corporation (“CITY”) with reference to the following facts:

A. CITY and ASSIGNOR entered that certain AGREEMENT FOR CONSULTANT SERVICES (“AGREEMENT”) for traffic signal, street light, and City Hall lighting maintenance services, dated July 1, 2019, following CITY’s City Council’s approval of the same on June 19, 2019.

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

C. Effective on or about July 1, 2021, ASSIGNOR transferred its intelligent traffic systems (“ITS”) business to ASSIGNEE (“ASSIGNMENT DATE”).

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

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

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

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

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

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

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

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

ASSIGNOR:

Siemens Mobility, Inc.

By: _____ By: _____

Name: _____ Name: _____

Title: _____ Title: _____

ASSIGNEE:

Yunex, LLC

By: _____ By: _____

Name: _____ Name: _____

Title: _____ Title: _____

With consent of the City of Laguna Woods.

CITY OF LAGUNA WOODS:

By _____
Christopher Macon, City Manager

APPROVED AS TO FORM:

Alisha Patterson, City Attorney

6.7
GENERAL MUNICIPAL ELECTION

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RESOLUTION NO. 22-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATED TO GENERAL LAW CITIES

WHEREAS, under the provision of the laws of the State of California relating to general law cities, a General Municipal Election shall be held on Tuesday, November 8, 2022, for the regularly-scheduled election of two (2) members of the City Council for the full term of four (4) years.

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

SECTION 1. Pursuant to the requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Laguna Woods, California, on Tuesday, November 8, 2022, a General Municipal Election for the purpose of electing two (2) members of the City Council for the full term of four (4) years (“Election”).

SECTION 2. The ballots to be used at the Election shall be in the form and content as required by law.

SECTION 3. The City Clerk is authorized, instructed, and directed to coordinate with the County of Orange Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the Election.

SECTION 4. The precincts, ballot drop box locations and hours of operation, vote center locations and hours of operation, vote-by-mail procedures and timing, the election officers, and all other persons and procedures for the Election shall be the same as those utilized by the County of Orange.

SECTION 5. In all particulars not recited in this resolution, the election shall be regulated and done in accordance with the provisions of law regulating the

statewide or special election.

SECTION 6. Notice of the time and place of holding the Election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the Election in time, form, and manner as required by law.

SECTION 7. The City Clerk is authorized to administer the Election and all reasonable and actual Election expenses shall be paid by the City upon presentation of a properly submitted bill.

SECTION 8. The Mayor shall sign this resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

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

CAROL MOORE, Mayor

ATTEST:

YOLIE TRIPPY, CMC, City Clerk

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 22-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2022, by the following vote:

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

YOLIE TRIPPY, CMC, City Clerk

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RESOLUTION NO. 22-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022 WITH THE GENERAL ELECTION TO BE HELD ON THE SAME DATE, PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10403

WHEREAS, the City Council has called a General Municipal Election to be held on Tuesday, November 8, 2022, for the purpose of electing two (2) members of the City Council for the full term of four (4) years; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the General Election to be held on the same date and that within the City, the precincts, voting methods (i.e., ballot drop boxes, vote centers, and vote-by-mail balloting), and election officers of the two elections be the same, and that the County of Orange Registrar of Voters canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election.

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

SECTION 1. Pursuant to the requirements of California Elections Code Section 10403, the Board of Supervisors of the County of Orange is hereby requested to consent and agree to the consolidation of the General Municipal Election with the General Election on Tuesday, November 8, 2022, for the purpose of the electing two (2) members of the City Council for the full term of four (4) years (“Election”).

SECTION 2. The form for election of the members of the City Council is to appear on the ballot substantially as follows:

[CONTINUED ON NEXT PAGE]

CITY OF LAGUNA WOODS
Member of the City Council
Vote for no more than Two

(Candidate names to be inserted along with a write-in opportunity)

SECTION 3. The County of Orange Registrar of Voters is authorized to canvass the returns of the Election. The Election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The Election shall be held and conducted in accordance with the provisions of law regulating the General Election, including without limitation, California Elections Code Section 10418.

SECTION 4. The Board of Supervisors of the County of Orange is requested to issue instructions to the County of Orange Registrar of Voters to take any and all steps necessary for the holding of the consolidated Election.

SECTION 5. The City recognizes that additional costs will be incurred by the County of Orange by reason of this consolidation and agrees to reimburse the County of Orange for any costs upon presentation of a properly submitted bill.

SECTION 6. The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors of the County of Orange and the County of Orange Registrar of Voters.

SECTION 7. The Mayor shall sign this resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

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

CAROL MOORE, Mayor

ATTEST:

YOLIE TRIPPY, CMC, City Clerk

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 22-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2022, by the following vote:

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

YOLIE TRIPPY, CMC, City Clerk

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RESOLUTION NO. 22-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022

WHEREAS, the City Council has called a General Municipal Election to be held on Tuesday, November 8, 2022, for the purpose of electing two (2) members of the City Council for the full term of four (4) years; and

WHEREAS, California Elections Code Section 13307 provides for the City Council to adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidate statements.

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

SECTION 1. This resolution shall apply only to the General Municipal Election to be held on Tuesday, November 8, 2022.

SECTION 2. General Provisions. Pursuant to California Elections Code Section 13307, each candidate for elective office to be voted for at the General Municipal Election to be held on Tuesday, November 8, 2022, may prepare a candidate statement on an appropriate form provided by the City Clerk. The candidate statement may include the name, age, and occupation of the candidate and a brief description of no more than 200 words of the candidate’s education and qualifications expressed by the candidate himself/herself/themselves. The candidate statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. In addition to these restrictions, pursuant to California Elections Code Section 13308, the candidate statement shall be limited to a recitation of the candidate’s own personal background and qualifications, and shall not in any way make reference to other candidates for that office or to another candidate’s qualifications, character, or activities. The City Clerk shall not cause to be printed or circulated any statement that he/she/they determines is not so limited or that includes any reference prohibited by this section. The statement shall be filed in typewritten form in the

Office of the City Clerk at the time the candidate’s nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period. These general provisions shall also apply to candidate statements that will not be printed in the voter information guide, but will be posted on the County of Orange Registrar of Voters’ website.

SECTION 3. Foreign Language Policy.

a) Pursuant to the Federal Voting Rights Act, candidate statements will be translated into all languages required by law and identified by the California Secretary of State as applicable to Orange County, pursuant to California Elections Code Section 14201, as may be amended.

b) The County of Orange Registrar of Voters will print and mail voter information guides, which include candidate statements filed by candidates who paid for such publication, translated into particular languages to only those voters who are on the County of Orange voter file as having requested a voter information guide in a particular language.

c) The County of Orange Registrar of Voters will make voter information guides and candidate statements in the required languages available at all polling places, on the County of Orange’s website, and as required by law.

d) The City Clerk shall make sample ballots and candidate statements in the required languages available upon request in the Office of the City Clerk.

SECTION 4. Payment. The City Clerk shall require each candidate filing a candidate statement to pay \$300 to the City at the time of filing as a condition of his/her/their candidate statement being included in voter information guides. The candidate shall not be required to pay any additional costs.

SECTION 5. Miscellaneous.

a) All translations of candidate statements shall be provided by translators as provided in California Elections Code Section 13307.

b) The City Clerk shall require candidate statements to be formatted in a manner that is consistent with the standardized formatting guidelines utilized by the County of Orange Registrar of Voters.

c) The City Clerk shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections.

SECTION 6. Additional Materials. No candidate shall be permitted to include additional materials in voter information guides.

SECTION 7. The City Clerk shall provide each candidate or the candidate’s representative a copy of this resolution at the time nominating petitions are issued.

SECTION 8. The Mayor shall sign this resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

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

CAROL MOORE, Mayor

ATTEST:

YOLIE TRIPPY, CMC, City Clerk

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 22-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2022, by the following vote:

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

YOLIE TRIPPY, CMC, City Clerk

RESOLUTION NO. 22-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, PROVIDING FOR TIE VOTES AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022 TO BE RESOLVED BY LOT, IN ACCORDANCE WITH CALIFORNIA ELECTIONS CODE SECTION 15651

WHEREAS, the City Council has called a General Municipal Election to be held on Tuesday, November 8, 2022, for the purpose of electing two (2) members of the City Council for the full term of four (4) years; and

WHEREAS, California Elections Code Section 15651 allows a tie vote for any one or more offices of the City Council to be resolved by lot.

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

SECTION 1. This resolution shall apply only to the General Municipal Election to be held on Tuesday, November 8, 2022.

SECTION 2. In the event of a tie vote (if any two or more candidates receive an equal and the highest number of votes for an office) as certified by the County of Orange Registrar of Voters, the City Council shall set a date, time, and place and summon the candidates who have received the tie votes to appear and will determine the tie by lot, in accordance with California Elections Code Section 15651.

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

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

CAROL MOORE, Mayor

ATTEST:

YOLIE TRIPPY, CMC, City Clerk

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 22-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2022, by the following vote:

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

YOLIE TRIPPY, CMC, City Clerk

6.8

**AMERICANS WITH DISABILITIES ACT (ADA)
PEDESTRIAN ACCESSIBILITY IMPROVEMENT
PROJECT: PHASE 5
(NO REPORT)**

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6.9
CITY-MAINTAINED CATCH BASINS FULL
CAPTURE SYSTEMS RETROFIT PROJECT
(NO REPORT)

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8.1 CANNABIS BUSINESS TAX

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City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: May 18, 2022 Regular Meeting

SUBJECT: Cannabis Business Tax

NOTE: This item was agendized in response to direction provided by the City Council on September 15, 2021 and April 20, 2022. It was not initiated by staff. Staff has no recommendation on Option A versus Option B.

Recommendation

OPTION A: If the City Council wishes to submit to the voters at the election on November 8, 2022, one measure seeking to establish a tax on cannabis businesses engaged in business in the City of Laguna Woods:

A1. Approve second reading and adopt an ordinance – read by title with further reading waived – entitled:

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

AND

A2. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA

WOODS, CALIFORNIA, CALLING FOR THE PLACEMENT AND CONSOLIDATION OF ONE MEASURE ON THE BALLOT FOR THE TUESDAY, NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION SEEKING TO ESTABLISH A TAX ON CANNABIS BUSINESSES ENGAGED IN BUSINESS IN THE CITY OF LAGUNA WOODS

AND

A3. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS AND ESTABLISHING A PROCESS FOR FILING WRITTEN ARGUMENTS AND REBUTTAL ARGUMENTS REGARDING THE MEASURE ON THE BALLOT FOR THE TUESDAY, NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION SEEKING TO ESTABLISH A TAX ON CANNABIS BUSINESSES OPERATING ENGAGED IN BUSINESS IN THE CITY OF LAGUNA WOODS

AND

A4. Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING AND ADOPTING THE FISCAL YEARS 2021-23 BUDGET AND WORK PLAN FOR FISCAL YEAR 2021-22 COMMENCING JULY 1, 2021 AND ENDING JUNE 30, 2022, AND FISCAL YEAR 2022-23 COMMENCING JULY 1, 2022 AND ENDING JUNE 30, 2023, RELATED TO ADJUSTMENTS OF GENERAL FUND APPROPRIATIONS FOR PLACING AND CONSOLIDATING ONE MEASURE ON THE BALLOT FOR THE TUESDAY, NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION SEEKING TO ESTABLISH A TAX ON CANNABIS BUSINESSES ENGAGED IN BUSINESS IN THE CITY OF LAGUNA WOODS

OPTION B: If the City Council does NOT wish to submit to the voters at the election on November 8, 2022, one measure seeking to establish a tax on cannabis businesses engaged in business in the City of Laguna Woods:

- B1. Do not approve second reading and adoption of an ordinance – read by title with further reading waived – entitled:

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

Background

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

At the regular meeting on April 20, 2022, the City Council voted 4-1 with Mayor Moore opposed to approve the introduction and first reading of the ordinance included with this agenda report as Attachment A. If approved by a majority of voters at the election on November 8, 2022, the ordinance would levy a tax on all cannabis businesses engaged in business in Laguna Woods. The ordinance would not limit the applicability of the tax to retail cannabis businesses.

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

Discussion

Today’s meeting is an opportunity for City Council action, as well as public input, on procedural steps required to submit to the voters at the election on November 8, 2022, one measure seeking to establish a tax on cannabis businesses engaged in business in the City of Laguna Woods (Attachments A, B, C, and D).

Attachment A – On April 20, 2022, the City Council voted 4-1 with Mayor Moore opposed to approve the introduction and first reading of this ordinance.

- If the City Council takes the action contemplated in Recommendation A1, this ordinance would not take effect unless approved by a majority of voters at the election on November 8, 2022.

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

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

- If the City Council takes the action contemplated in Recommendation B1, this ordinance would not be submitted to voters at the election on November 8, 2022 and no further action would be taken by staff unless directed by a majority of the City Council.

Attachment B – This resolution would only be required if the City Council votes to take the action contemplated in Recommendation A1. This resolution contains the provisions necessary to place the cannabis business tax measure on the ballot and consolidate it with the November 8, 2022 election.

This resolution includes approval of the ballot question, which also appears below for ease of reference. This is the same ballot question that was submitted to the City Council as part of the April 20, 2022 agenda packet.

CITY OF LAGUNA WOODS, THE CITY OF LAGUNA WOODS CANNABIS
BUSINESS TAX ORDINANCE

To fund City services, shall a measure establishing a tax on cannabis businesses of the higher of the following rates: 4%-10% of gross receipts or \$5-\$35 per square foot for retail businesses; and 1%-10% of gross receipts or \$1-\$35 per square foot for other businesses, with certain rates increasing annually, generating an estimated \$750,000 annually if cannabis businesses were to be authorized in the future, until ended by voters, be adopted?

Yes

No

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

Attachment C – This resolution would only be required if the City Council votes to take the action contemplated in Recommendation A1. This resolution directs the City Attorney to prepare an impartial analysis of the measure (as required by California Elections Code Section 9280) and establishes a process for filing written arguments and rebuttal arguments (in accordance with California Elections Code Section 9282 et al.).

Arguments and rebuttal arguments would be printed in the voter information guide that is mailed to registered voters in advance of the election.

California Elections Code limits arguments for or against to 300 words. Rebuttals to arguments for or against (which the authors of the arguments for or against may write after reviewing the opposing argument) are limited to 250 words.

For measures placed on the ballot by the City Council, California Elections Code empowers the City Council to write an argument for or against, collectively as a body, or to authorize one or more of its members to write arguments for or against. Different councilmembers may write arguments for or against – it is not necessary for all councilmembers to take the same position or even for all councilmembers to be involved in writing arguments.

For any arguments not written by the City Council or authorized members thereof, there is a framework within California Elections Code Section 9287 that the City Clerk (Yolie Trippy) would use to select arguments for and against. In selecting

arguments, the City Clerk is required to give preference and priority, in the order named, to the arguments of the following:

- (1) The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.
- (2) Bona fide associations of citizens.
- (3) Individual voters who are eligible to vote on the measure.

To enable the City Clerk to determine an entity's qualifications as a bona fide association of citizens, an organization, or association, California Elections Code requires the submittal of one of the following:

- (1) Its articles of incorporation, articles of association, partnership documents, bylaws, or similar documents.
- (2) Letterhead containing the name of the organization and its principal officers.
- (3) If the organization or association is a primarily formed committee established to support or oppose the measure, its statement of organization filed pursuant to Section 84101 of the Government Code.

Key questions for the City Council include:

- A. Does the City Council wish to collectively write an argument for or against? If so, due to the requirements of the Ralph M. Brown Act, a public meeting would need to be scheduled to write the argument.
- B. If the answer to "A" is no, are any councilmembers interested in writing arguments for or against?
- C. If the answer to "B" is yes, does the City Council wish to authorize one or more of its interested members to write arguments for or against? If the City Council authorizes three or more of its members to write an argument either for or against, due to the requirements of the Ralph M. Brown Act, a public meeting would need to be scheduled to write the argument. Arguments written by one or two members could be written outside of a public meeting.
- D. If the answer to "C" is no, the City Clerk would have a notice published in the *Laguna Woods Globe* with the particulars of soliciting arguments for or against. A draft of that notice is included as Attachment E. No further City

Council action would be required; under California Elections Code, the City Clerk selects arguments not written by the City Council or authorized members thereof.

Attachment D – This resolution would only be required if the City Council votes to take the action contemplated in Recommendation A1. This resolution is a budget adjustment that would increase Fiscal Year 2021-22 appropriations in the General Fund by \$58,240 to cover the estimated costs of placing and consolidating the measure with the election on November 8, 2022. The amount of the proposed budget adjustment would be drawn from the General Fund unassigned balance and was calculated based on the Orange County Registrar of Voters’ high estimate for its costs (\$52, 945) plus 10% for City administrative costs and contingencies.

Fiscal Impact

See discussion under “Attachment D” in the preceding section.

- Attachments: A – Proposed Ordinance (Cannabis Business Tax)
B – Proposed Resolution (Placement and Consolidation)
C – Proposed Resolution (Impartial Analysis and Arguments)
D – Proposed Resolution (Budget Adjustment)
E – Draft Public Notice Regarding Arguments

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

ORDINANCE NO. 22-XX

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

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

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

Chapter 3.18. - CANNABIS BUSINESS TAX

- 3.18.010. - Title.
- 3.18.020. - Purpose and intent.
- 3.18.030. - Definitions.
- 3.18.040. - Tax imposed.
- 3.18.050. - Registration, reporting, and remittance of tax.
- 3.18.060. - Payments and communications - timely remittance.
- 3.18.070. - Payment - when taxes deemed delinquent.
- 3.18.080. - Notice not required.
- 3.18.090. - Penalties and interest.
- 3.18.100. - Refunds and procedures.
- 3.18.110. - Personal cultivation not taxed.
- 3.18.120. - Administration of the tax.
- 3.18.130. - Enforcement - action to collect.
- 3.18.140. - Apportionment.
- 3.18.150. - Audit and examination of premises and records.
- 3.18.160. - Other licenses, permits, taxes, fees, or charges.
- 3.18.170. - Payment of tax does not authorize unlawful business.
- 3.18.180. - Deficiency determinations.
- 3.18.190. - Failure to report - nonpayment.
- 3.18.200. - Tax assessment - notice requirements.

- 3.18.210. - Tax assessment - hearing and determination.
- 3.18.220. - Appeal procedure.
- 3.18.230. - Conviction for violation - taxes not waived.
- 3.18.240. - Severability.
- 3.18.250. - Remedies cumulative.
- 3.18.260. - Amendment or modification.

Sec. 3.18.010. - Title.

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

Sec. 3.18.020. - Purpose and intent.

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

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

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

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

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

Sec. 3.18.030. - Definitions.

The following words and phrases shall have the meanings set forth below

when used in this chapter:

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

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

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

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

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

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

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

profit.

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

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

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

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

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

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

- a. Such person or person's employee maintains a fixed place of business within Laguna Woods for the benefit or partial benefit of such person;
- b. Such person or person's employee owns, leases, or otherwise occupies real property within Laguna Woods for business purposes;
- c. Such person or person's employee regularly maintains a stock of tangible personal property in Laguna Woods for sale in the ordinary

course of business;

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

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

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

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

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

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

- a. Cash discounts where allowed and taken on sales;
- b. Any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser;
- c. Such part of the sale price of any property returned by purchasers to the seller as refunded by the seller by way of cash or credit allowances or return of refundable deposits previously included in gross receipts;
- d. Receipts derived from the occasional sale of used, obsolete, or surplus trade fixtures, machinery, or other equipment used by the taxpayer in the regular course of the taxpayer's business;
- e. Cash value of sales, trades, or transactions between departments or units of the same business located in Laguna Woods or if authorized by the Tax Administrator in writing in accordance with Section 3.18.120(b);
- f. Whenever there are included within the gross receipts amounts which reflect sales for which credit is extended and such amount proved uncollectible in a subsequent year, those amounts may be excluded from the gross receipts in the year they prove to be uncollectible; provided, however, if the whole or portion of such amounts excluded as uncollectible are subsequently collected they shall be included in the amount of gross receipts for the period when they are recovered;
- g. Receipts of refundable deposits, except that such deposits when forfeited and taken into income of the business shall not be excluded when in excess of one dollar (\$1.00);
- h. Amounts collected for others where the business is acting as an agent or trustee and to the extent that such amounts are paid to those for whom collected. These agents or trustees must provide the Tax Administrator with the names, mailing addresses, telephone numbers, and email addresses of the others and the amounts paid to them. This exclusion shall not apply to any fees, percentages, or other payments retained by the agents or trustees; and
- i. Retail sales of bags, books, clothing, hats, key chains, posters,

stickers, or other personal tangible property which the Tax Administrator has excluded in writing by issuing an administrative ruling per Section 3.18.120(b).

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

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

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

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

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

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

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

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

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

Sec. 3.18.040. - Tax imposed.

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

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

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

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

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

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

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

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

b. From January 1, 2023 to December 31, 2023, a minimum tax rate of one dollar (\$1.00) per square foot of floor area (annual tax rate) up to a maximum tax rate not to exceed 35 dollars (\$35.00) per square foot of floor area (annual tax rate) prorated monthly to one-twelfth (1/12) of the annual tax rate amount, which the City Council may set at different rates by state license type. On January 1, 2024 and on each January 1 thereafter, the maximum annual tax rate specified in this subsection shall increase by the percentage increase in the Consumer Price Index for all urban consumers in the Los Angeles-Long Beach-Anaheim area (or the closest comparable area if that area is

discontinued) as published by the United States Government Bureau of Labor Statistics as of the immediately preceding June 30 prior to each January 1, with any fractional value rounded to the next highest whole number. However, no Consumer Price Index adjustment resulting in a decrease of any tax imposed by this subsection shall be made.

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

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

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

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

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

- a. The name of the business;
- b. The names, mailing addresses, telephone numbers, and email addresses of each owner;
- c. The exact nature or kind of business;
- d. The place where such business is to be carried on; and
- e. Any additional information which the Tax Administrator may

require.

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

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

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

(e) The Tax Administrator may, at his, her, or their discretion, establish alternative reporting and payment periods for any person owing a cannabis business tax as the Tax Administrator deems necessary to ensure efficient and effective collection of the cannabis business tax. Notice of the

establishment of alternative reporting and payment periods shall be given to all cannabis businesses registered pursuant to this chapter and affected by such establishment at least 90 calendar days in advance of the effective date in the manner prescribed in Section 3.18.200 for service of notice of a tax assessment.

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

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

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

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

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

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

Sec. 3.18.080. - Notice not required.

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

Sec. 3.18.090. - Penalties and interest.

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

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

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

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

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

Sec. 3.18.100. - Refunds and procedures.

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

(b) No refund of any cannabis business tax collected pursuant to this chapter

shall be made because of the interruption, disruption, discontinuation, dissolution, termination, or other cessation of a business.

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

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

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

Sec. 3.18.110. - Personal cultivation not taxed.

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

Sec. 3.18.120. - Administration of the tax.

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

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

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

- (1) Receive and record all taxes remitted to the City as provided in this chapter;
- (2) Maintain records of taxpayer reports and taxes collected pursuant to this chapter;
- (3) Assess penalties and interest to taxpayers pursuant to this chapter;
- (4) Determine amounts owed under and enforce collection pursuant to this chapter; and
- (5) Delegate to, or enter into a contract with, other parties to implement, administer, and/or enforce any of the provisions of this chapter on behalf of the City.

Sec. 3.18.130. - Enforcement - action to collect.

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

provisions of this chapter.

Sec. 3.18.140. - Apportionment.

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

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

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

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

(c) Should the Tax Administrator be required to perform an audit of the records of any cannabis business for failure to timely or accurately report cannabis business taxes pursuant to sections 3.18.050 and/or 3.18.060, the entire cost of the audit shall be assessed against the cannabis business

(including indirect, overhead, and interfund costs calculated in the same manner as could lawfully apply to the City’s building permit fees).

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

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

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

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

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

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

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

Sec. 3.18.180. - Deficiency determinations.

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

Sec. 3.18.190. - Failure to report - nonpayment

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

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

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

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

Sec. 3.18.200. - Tax assessment - notice requirements.

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

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

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

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

Sec. 3.18.220. - Appeal procedure.

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

shall be given by the City Clerk to the person requesting such hearing not later than five calendar days prior to such hearing. At such hearing, said applicant may appear and offer evidence why the contested decision of Tax Administrator should not stand. Within 60 calendar days of such hearing, during which time the City Council may schedule the appeal for further discussion at public meetings and request additional information from any person, the City Council shall make a decision, which shall be final and conclusive. The City Clerk shall give written notice of the City Council's decision to the appellant in the manner prescribed in Section 3.18.200 for service of notice of a tax assessment.

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

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

Sec. 3.18.240. - Severability.

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

Sec. 3.18.250. - Remedies cumulative.

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

Sec. 3.18.260. - Amendment or modification.

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

- (1) The restoration or adjustment of the rate of the cannabis business tax to a rate that is neither less nor higher than that allowed by this chapter, in those circumstances where, among others, the City Council has previously acted to reduce or increase the rate of the cannabis business tax within the allowed range or is incrementally implementing an increase authorized by this chapter;
- (2) An action that interprets or clarifies (i) the methodology of applying or calculating the cannabis business tax or (ii) any definition applicable to the cannabis business tax, so long as the interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with this chapter;
- (3) The collection of the cannabis business tax even if the City had, for some period of time, failed to collect the cannabis business tax; or
- (4) The adjustment of the rate of the cannabis business tax when preempted by federal or state law, pursuant to Section 3.18.040(e).

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

SECTION 3. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity of effectiveness of the remaining portions of this Ordinance or any part thereof. The voters of the City of Laguna Woods hereby declare that they would have passed each section, subsection, subdivision,

paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

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

SECTION 5. The Mayor shall sign this Ordinance.

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

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

CAROL MOORE, Mayor

ATTEST:

YOLIE TRIPPY, CMC, City Clerk

APPROVED AS TO FORM:

ALISHA PATTERSON, City Attorney

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

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

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

YOLIE TRIPPY, CMC, City Clerk

RESOLUTION NO. 22-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, CALLING FOR THE PLACEMENT AND CONSOLIDATION OF ONE MEASURE ON THE BALLOT FOR THE TUESDAY, NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION SEEKING TO ESTABLISH A TAX ON CANNABIS BUSINESSES ENGAGED IN BUSINESS IN THE CITY OF LAGUNA WOODS

WHEREAS, the City Council has called a General Municipal Election to be held on Tuesday, November 8, 2022, for the purpose of electing two (2) members of the City Council for the full term of four (4) years; and

WHEREAS, the City Council has requested that the Board of Supervisors of the County of Orange consent and agree to the consolidation of the General Municipal Election with the General Election on Tuesday, November 8, 2022, for the purpose of electing two (2) members of the City Council for the full term of four (4) years; and

WHEREAS, the City Council also desires to submit to the voters on Tuesday, November 8, 2022, one measure seeking to establish a tax on cannabis businesses operating within the city of Laguna Woods.

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

SECTION 1. Pursuant to the requirements of California Elections Code Section 10403, the City Council’s previous request of the Board of Supervisors of the County of Orange to consent and agree to the consolidation of the General Municipal Election with the General Election on Tuesday, November 8, 2022, for the purpose of the electing two (2) members of the City Council for the full term of four (4) years, is hereby amended to additionally include one measure seeking to establish a tax on cannabis businesses operating within the city of Laguna Woods (“Election”).

SECTION 2. The form for the measure seeking to establish a tax on cannabis businesses operating with the city of Laguna Woods is to appear on the ballot substantially as follows:

CITY OF LAGUNA WOODS, THE CITY OF LAGUNA WOODS CANNABIS BUSINESS TAX ORDINANCE

To fund City services, shall a measure establishing a tax on cannabis businesses of the higher of the following rates: 4%-10% of gross receipts or \$5-\$35 per square foot for retail businesses; and 1%-10% of gross receipts or \$1-\$35 per square foot for other businesses, with certain rates increasing annually, generating an estimated \$750,000 annually if cannabis businesses were to be authorized in the future, until ended by voters, be adopted?

Yes
No

SECTION 3. Pursuant to California Elections Code Section 9223, the City Clerk shall make a copy of the ordinance or measure available to any voter upon request.

SECTION 4. The County of Orange Registrar of Voters is authorized to canvass the returns of the Election. The Election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The Election shall be held and conducted in accordance with the provisions of law regulating the General Election, including without limitation, California Elections Code Section 10418.

SECTION 5. The Board of Supervisors of the County of Orange is requested to issue instructions to the County of Orange Registrar of Voters to take any and all steps necessary for the holding of the consolidated Election.

SECTION 6. The City recognizes that additional costs will be incurred by the County of Orange by reason of this consolidation and agrees to reimburse the County of Orange for any costs upon presentation of a properly submitted bill.

SECTION 7. The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors of the County of Orange and the County of Orange Registrar of Voters.

SECTION 8. The Mayor shall sign this resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

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

CAROL MOORE, Mayor

ATTEST:

YOLIE TRIPPY, CMC, City Clerk

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 22-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2022, by the following vote:

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

YOLIE TRIPPY, CMC, City Clerk

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RESOLUTION NO. 22-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS AND ESTABLISHING A PROCESS FOR FILING WRITTEN ARGUMENTS AND REBUTTAL ARGUMENTS REGARDING THE MEASURE ON THE BALLOT FOR THE TUESDAY, NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION SEEKING TO ESTABLISH A TAX ON CANNABIS BUSINESSES OPERATING ENGAGED IN BUSINESS IN THE CITY OF LAGUNA WOODS

WHEREAS, the City Council has called a General Municipal Election to be held on Tuesday, November 8, 2022, for the purpose of electing two (2) members of the City Council for the full term of four (4) years; and

WHEREAS, the City Council has also directed that, pursuant to California Elections Code Section 9222, the following measure will also appear on the ballot for the Tuesday, November 8, 2022 General Municipal Election:

CITY OF LAGUNA WOODS, THE CITY OF LAGUNA WOODS CANNABIS BUSINESS TAX ORDINANCE

To fund City services, shall a measure establishing a tax on cannabis businesses of the higher of the following rates: 4%-10% of gross receipts or \$5-\$35 per square foot for retail businesses; and 1%-10% of gross receipts or \$1-\$35 per square foot for other businesses, with certain rates increasing annually, generating an estimated \$750,000 annually if cannabis businesses were to be authorized in the future, until ended by voters, be adopted?

Yes
No

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

SECTION 1. The City Clerk is directed to transmit a copy of the measure that will appear on the ballot for the Tuesday, November 8, 2022 General

Municipal Election to the City Attorney. The City Attorney is then directed to prepare an impartial analysis of the measure showing the effect of the measure on the existing law and operation of the measure, in accordance with California Elections Code Section 9280. The analysis shall include a statement indicating that the measure was placed on the ballot by the City Council. The analysis shall not exceed 500 words in length.

SECTION 2. The filing of written arguments regarding the measure that will appear on the ballot for the Tuesday, November 8, 2022 General Municipal Election shall be done in accordance with Article 4, Chapter 3, Division 9 of the California Elections Code. If the City Council wishes to file a written argument for or against the ballot measure, the names of the individuals authorized to do so on behalf of the City Council and the authorized position will be noted below. A blank line following either instance of “Authorized Position (“For” or “Against”) below indicates that the City Council does not wish to file a written argument in favor of and/or against the ballot measure, as applicable.

- Authorized Position (“For” or “Against”): _____
- Authorized Representative #1: _____
- Authorized Representative #2: _____
- Authorized Representative #3: _____
- Authorized Representative #4: _____
- Authorized Representative #5: _____

- Authorized Position (“For” or “Against”): _____
- Authorized Representative #1: _____
- Authorized Representative #2: _____
- Authorized Representative #3: _____
- Authorized Representative #4: _____
- Authorized Representative #5: _____

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

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

CAROL MOORE, Mayor

ATTEST:

YOLIE TRIPPY, CMC, City Clerk

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 22-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2022, by the following vote:

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

YOLIE TRIPPY, CMC, City Clerk

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RESOLUTION NO. 22-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING AND ADOPTING THE FISCAL YEARS 2021-23 BUDGET AND WORK PLAN FOR FISCAL YEAR 2021-22 COMMENCING JULY 1, 2021 AND ENDING JUNE 30, 2022, AND FISCAL YEAR 2022-23 COMMENCING JULY 1, 2022 AND ENDING JUNE 30, 2023, RELATED TO ADJUSTMENTS OF GENERAL FUND APPROPRIATIONS FOR PLACING AND CONSOLIDATING ONE MEASURE ON THE BALLOT FOR THE TUESDAY, NOVEMBER 8, 2022 GENERAL MUNICIPAL ELECTION SEEKING TO ESTABLISH A TAX ON CANNABIS BUSINESSES ENGAGED IN BUSINESS IN THE CITY OF LAGUNA WOODS

WHEREAS, the Fiscal Years 2021-23 Budget (“Budget”) was adopted by the City Council on June 23, 2021; and

WHEREAS, City Council action is required to increase fund-level budget appropriations adopted as a part of the Budget; and

WHEREAS, subsequent to the adoption of the Budget, the City Council voted to place and consolidate one measure on the ballot for the Tuesday, November 8, 2022 General Municipal Election seeking to establish a tax on cannabis businesses engaged in business in the City of Laguna Woods; and

WHEREAS, the Orange County Registrar of Voters has estimated the cost of consolidating the measure at the election on November 8, 2022 to be \$39,357 – \$52,945; and

WHEREAS, to provide sufficient budget for estimated costs related to placing and consolidating the measure as described, staff recommends increasing General Fund appropriations for Fiscal Year 2021-22 in the amount of \$58,240 (the \$52,945 estimate plus 10% for City administrative costs and contingencies), with the appropriations drawn from the General Fund unassigned balance; and

WHEREAS, the amount of the \$58,240 appropriation unspent as of June 30, 2022 will be carried over to Fiscal Year 2022-23; and

WHEREAS, the General Fund unassigned balance has sufficient funds to accommodate the increased General Fund appropriations.

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

SECTION 1. Section 2 of Resolution No. 21-20, as previously amended by resolution nos. 21-32, 21-36, 21-39, and 22-02, is hereby amended, in its entirety, to read as follows:

The budget appropriations authorized, on a fund level, are:

Fiscal Year 2021-22

	<i>Fiscal Year 2021-22 Adopted Budget</i>	<i>Fiscal Year 2021-22 Carryover Appropriations</i>	<i>Fiscal Year 2021-22 Budget Amendments</i>	<i>Fiscal Year 2021-22 Amended Budget</i>
General Fund	\$6,432,593 (includes transfers to Capital Projects Fund of \$301,296)	-	\$58,240 ^{C,D,E}	\$6,490,833 (includes transfers to Capital Projects Fund of \$301,296)
Capital Projects Fund	\$301,296	\$382,583	\$0 ^{C,D}	\$683,879
Fuel Tax	\$375,514	-	\$5,632 ^B	\$381,146
Road Maintenance & Rehabilitation Program	\$270,600	-	-	\$270,600
Measure M2 (OC Go)	\$240,850	\$31,641	-	\$272,491
Coastal Area Road Improvement and Traffic Signals (CARITS)	-	-	\$262,000 ^A	\$262,000
Service Authority for Abandoned Vehicles	-	-	-	-
Supplemental Law Enforcement Services	\$158,100	-	-	\$158,100
Mobile Source Reduction	-	-	-	-
PEG/Cable Television	-	-	-	-
Senior Mobility	\$119,000	-	-	\$119,000
Community Development Block Grant (CDBG)	\$350,000	-	-	\$350,000
Federal Grants	\$1,895,829	-	-	\$1,895,829
State of California Grants	\$16,000	\$636,821	-	\$652,821
Laguna Woods Civic Support Fund	\$24,408	-	-	\$24,408
TOTAL	\$9,882,894	\$1,051,045	\$325,872	\$11,259,811

^A Fund Budget Adjustment CC-21/22-1: Coastal Area Road Improvement & Traffic Signals (CARITS) Fund, +\$262,000 (R 21-32). Fund closure authorized.

^B Fund Budget Adjustment CC-21/22-2: Fuel Tax Fund, +\$5,632 (R 21-36).

^C Fund Budget Adjustment CC-21/22-3: Woods End Project, +\$8,897 (R 21-39).

^D Fund Budget Adjustment CC-21/22-4: Woods End Project, -8,897 (R 22-02).

^E Fund Budget Adjustment CC-21/22-5: Cannabis Business Tax Measure, +58,240 (R 22-XX).

Fiscal Year 2022-23

	<i>Fiscal Year 2022-23 Adopted Budget</i>	<i>Fiscal Year 2022-23 Carryover Appropriations</i>	<i>Fiscal Year 2022-23 Budget Amendments</i>	<i>Fiscal Year 2022-23 Amended Budget</i>
General Fund	\$6,633,681 (includes transfers to Capital Projects Fund of \$265,591)	-	\$11,421 ^B	\$6,645,102 (includes transfers to Capital Projects Fund of \$277,012)
Capital Projects Fund	\$265,591	-	\$11,421 ^B	\$277,012
Fuel Tax	\$361,360	-	-	\$361,360
Road Maintenance & Rehabilitation Program	\$309,800	-	-	\$309,800
Measure M2 (OC Go)	\$251,366	-	-	\$251,366
Coastal Area Road Improvement and Traffic Signals (CARITS)	-	-	-	-
Service Authority for Abandoned Vehicles	-	-	-	-
Supplemental Law Enforcement Services	\$158,100	-	-	\$158,100
Mobile Source Reduction	\$92,500	-	-	\$92,500
PEG/Cable Television	-	-	-	-
Senior Mobility	\$131,000	-	-	\$131,000
Community Development Block Grant (CDBG)	\$150,000	-	-	\$150,000
Federal Grants	\$1,895,828	-	-	\$1,895,828
State of California Grants	\$193,952	-	\$10,096 ^A	\$204,048
Laguna Woods Civic Support Fund	\$24,408	-	-	\$24,408
TOTAL (net transfers to Capital Projects Fund)	\$10,201,995	-	\$21,517	\$10,223,512

^A Fund Budget Adjustment CC-22/23-1: Woods End Project, +\$10,096 (R 22-02).

^B Fund Budget Adjustment CC-22/23-2: Woods End Project, +\$11,421 (R 22-02).

Carryover Appropriations

The budget appropriations authorized by this section reflect the Fiscal Years 2021-23 adopted budgets, plus authorized budget adjustments approved between July 1, 2021 and the date of this amendment. The budget appropriations authorized by this section also include carryovers of approved, but unspent, budget appropriations from prior fiscal years. Such carryovers were approved by the City Council with the adoption of the current budget and/or pursuant to Administrative Policy 2.9.

SECTION 2. The Mayor shall sign this resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

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

CAROL MOORE, Mayor

ATTEST:

YOLIE TRIPPY, CMC, City Clerk

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 22-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2022, by the following vote:

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

YOLIE TRIPPY, CMC, City Clerk

NOTICE OF DATE AFTER WHICH NO ARGUMENTS FOR OR AGAINST A CITY MEASURE MAY BE SUBMITTED TO THE CITY CLERK (BALLOT MEASURE SEEKING TO ESTABLISH A TAX ON CANNABIS BUSINESSES ENGAGED IN BUSINESS IN THE CITY OF LAGUNA WOODS)

NOTICE IS GIVEN that a General Municipal Election is to be held in the City of Laguna Woods, California on November 8, 2022, at which there will be submitted to the voters the following measure:

CITY OF LAGUNA WOODS, THE CITY OF LAGUNA WOODS CANNABIS BUSINESS TAX ORDINANCE

To fund City services, shall a measure establishing a tax on cannabis businesses of the higher of the following rates: 4%-10% of gross receipts or \$5-\$35 per square foot for retail businesses; and 1%-10% of gross receipts or \$1-\$35 per square foot for other businesses, with certain rates increasing annually, generating an estimated \$750,000 annually if cannabis businesses were to be authorized in the future, until ended by voters, be adopted?

Yes
No

NOTICE IS FURTHER GIVEN THAT PURSUANT TO Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, the legislative body of the City, or any member or members thereof authorized by the body, or any individual voter or bona fide association of citizens, or any combination of voters and associations, may file a written argument, not to exceed 300 words in length, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument, for or against the City measure.

NOTICE IS FURTHER GIVEN that, based on the time reasonably necessary to prepare and print the arguments and voter information guides and to permit the 10-calendar-day public examination as provided in the Elections Code of the State of California for the particular election, the City Clerk has fixed June 6, 2022, during normal business hours, as posted, as the date after which no arguments for or against the City measure may be submitted to the City Clerk for printing and distribution to the voters. Arguments shall be submitted to the City Clerk, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument, by mailing or delivering the argument with original wet signature(s) of the author(s) affixed thereon, together with the attached Form of Statement with original wet signature(s) of the author(s), to City of Laguna Woods, Attn: Yolie Trippy, 24264 El Toro Road, Laguna Woods, CA 92637. Arguments may be changed or withdrawn until and including the date fixed by the City Clerk.

ITEM 8.1 – Attachment E

NOTICE IS FURTHER GIVEN that, in order to enable the City Clerk to determine whether it qualifies as a bona fide association of citizens, an organization or association submitting an argument for or against the City measure shall submit with its argument a copy of one of the following: (1) its articles of incorporation, articles of association, partnership documents, bylaws, or similar documents, (2) letterhead containing the name of the organization and its principal officers, or (3) if the organization or association is a primarily formed committee established to support or oppose the measure, its statement of organization filed pursuant to Section 84101 of the Government Code of the State of California.

NOTICE IS FURTHER GIVEN that the City Council has determined that rebuttal arguments, not to exceed 250 words in length, as submitted by the authors of the opposing direct arguments, may be filed with the City Clerk, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument, not more than 10 days after the final date for filing direct arguments. The City Clerk has fixed June 16, 2022, during normal business hours, as posted, as the date after which no rebuttal arguments for or against the City measure may be submitted to the City Clerk for printing and distribution to the voters. Rebuttal arguments shall be submitted to the City Clerk, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument, by mailing or hand-delivering the rebuttal with original wet signature(s) of the author(s) affixed thereon, together with the attached Form of Statement with original wet signature(s) of the author(s), to City of Laguna Woods, Attn: Yolie Trippy, 24264 El Toro Road, Laguna Woods, CA 92637.

NOTICE IS FURTHER GIVEN that any impartial analysis or direct argument filed under the authority of the Elections Code of the State of California will be available for public examination at Laguna Woods City Hall, located at 24264 El Toro Road, Laguna Woods, CA 92637, as well as on the City of Laguna Woods' website (www.cityoflagunawoods.org) for not less than 10 calendar days from the deadline for the filing of the arguments and analysis. Any rebuttal argument filed under the authority of the Elections Code of the State of California will be available for public examination at Laguna Woods City Hall, located at 24264 El Toro Road, Laguna Woods, CA 92637, as well as on the City of Laguna Woods' website (www.cityoflagunawoods.org) for not less than 10 calendar days from the deadline for filing rebuttal arguments.

Contact: Yolie Trippy, CMC, City Clerk, at (949) 639-0500

Dated: May 26, 2022
Laguna Woods Globe

FORM OF STATEMENT TO BE FILED BY AUTHOR(S) OF ARGUMENT

All arguments concerning measures filed pursuant to Division 9, Chapter 3 (beginning with Section 9200) of the Elections Code of the State of California shall be accompanied by the following form of statement to be signed by each proponent, and by each author, if different, of the argument:

The undersigned proponent(s) or author(s) of the (primary/rebuttal) argument (in favor of/against) ballot measure ___ at the General Municipal Election for the City of Laguna Woods to be held on November 8, 2022, hereby state that the argument is true and correct to the best of (his/her/their) knowledge and belief.

Print Name _____
Title _____ (If applicable): Submitted on behalf of:
Name of Organization _____
Signature _____
Date _____

Print Name _____
Title _____ (If applicable): Submitted on behalf of:
Name of Organization _____
Signature _____
Date _____

Print Name _____
Title _____ (If applicable): Submitted on behalf of:
Name of Organization _____
Signature _____
Date _____

ITEM 8.1 – Attachment E

Print Name _____
Title _____ (If applicable): Submitted on behalf of:
Name of Organization _____
Signature _____
Date _____

Print Name _____
Title _____ (If applicable): Submitted on behalf of:
Name of Organization _____
Signature _____
Date _____

8.2

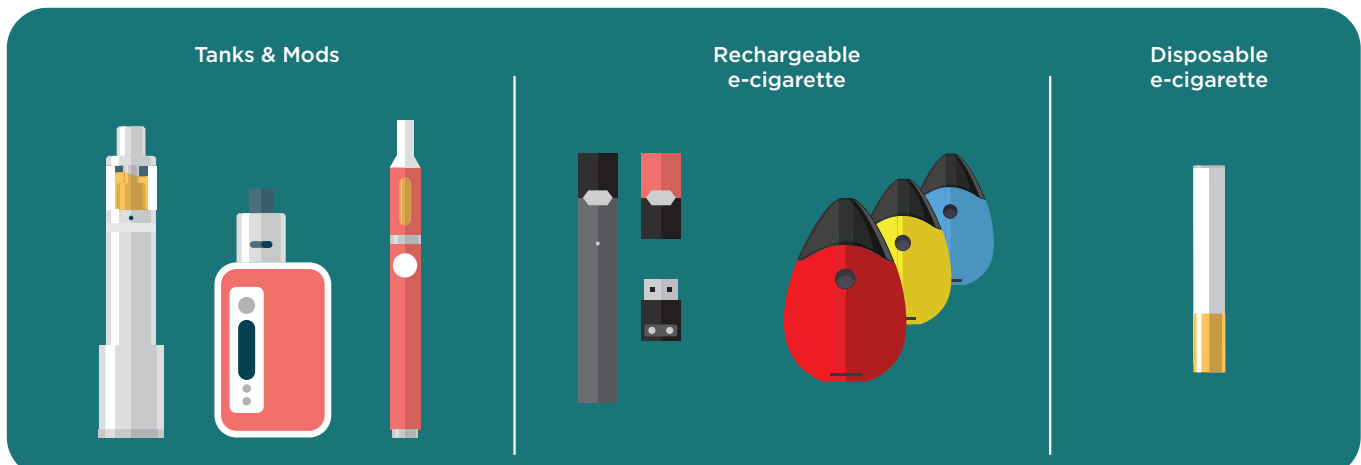
**FLAVORED TOBACCO PRODUCT AND
ELECTRONIC SMOKING DEVICE SALES
(AGENDIZED BY MAYOR MOORE)**

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- » E-cigarettes have the potential to benefit adult smokers who are not pregnant if used as a complete substitute for regular cigarettes and other smoked tobacco products.
- » E-cigarettes are not safe for youth, young adults, pregnant women, or adults who do not currently use tobacco products.
- » While e-cigarettes have the potential to benefit some people and harm others, scientists still have a lot to learn about whether e-cigarettes are effective for quitting smoking.
- » If you've never smoked or used other tobacco products or e-cigarettes, don't start.

WHAT ARE E-CIGARETTES?

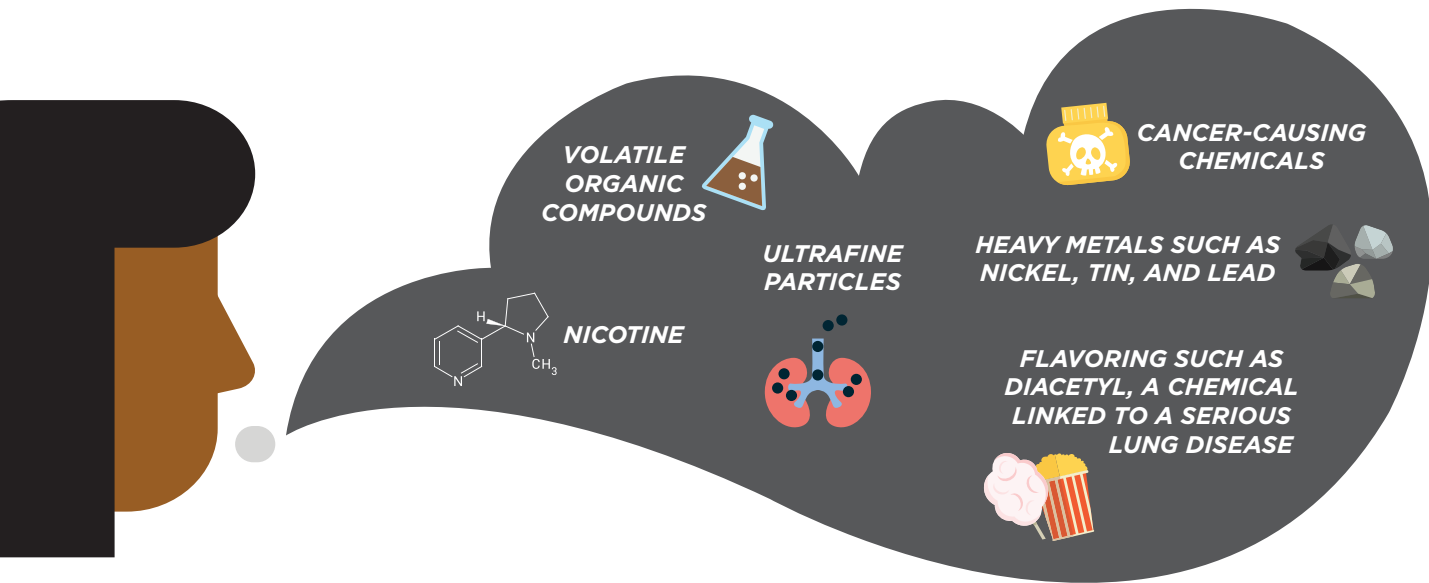
- » E-cigarettes are known by many different names. They are sometimes called “e-cigs,” “e-hookahs,” “mods,” “vape pens,” “vapes,” “tank systems,” and “electronic nicotine delivery systems.”
- » Some e-cigarettes are made to look like regular cigarettes, cigars, or pipes. Some resemble pens, USB sticks, and other everyday items.
- » E-cigarettes produce an aerosol by heating a liquid that usually contains nicotine—the addictive drug in regular cigarettes, cigars, and other tobacco products—flavorings, and other chemicals that help to make the aerosol. Users inhale this aerosol into their lungs. Bystanders can also breathe in this aerosol when the user exhales into the air.
- » E-cigarettes can be used to deliver marijuana and other drugs.



CS298852-A



THE E-CIGARETTE AEROSOL THAT USERS BREATHE FROM THE DEVICE AND EXHALE CAN CONTAIN HARMFUL AND POTENTIALLY HARMFUL SUBSTANCES:



It is difficult for consumers to know what e-cigarette products contain. For example, some e-cigarettes marketed as containing zero percent nicotine have been found to contain nicotine.

ARE E-CIGARETTES LESS HARMFUL THAN REGULAR CIGARETTES?



VS



YES, but that doesn't mean e-cigarettes are safe.

E-cigarette aerosol generally contains fewer toxic chemicals than the deadly mix of 7,000 chemicals in smoke from regular cigarettes. However, e-cigarette aerosol is not harmless. It can contain harmful and potentially harmful substances, including nicotine, heavy metals like lead, volatile organic compounds, and cancer-causing agents.

WHAT ARE THE HEALTH EFFECTS OF USING E-CIGARETTES?

SCIENTISTS ARE STILL LEARNING ABOUT THE LONG-TERM HEALTH EFFECTS OF E-CIGARETTES. HERE IS WHAT WE KNOW NOW.

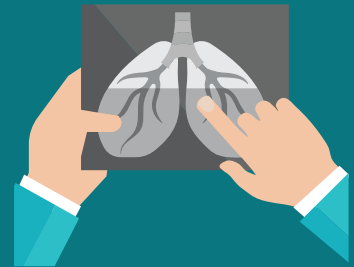
1 Most e-cigarettes contain nicotine, which has known health effects

- » Nicotine is highly addictive.
- » Nicotine is toxic to developing fetuses.
- » Nicotine can harm adolescent brain development, which continues into the early to mid-20s.
- » Nicotine is a health danger for pregnant women and their developing babies.



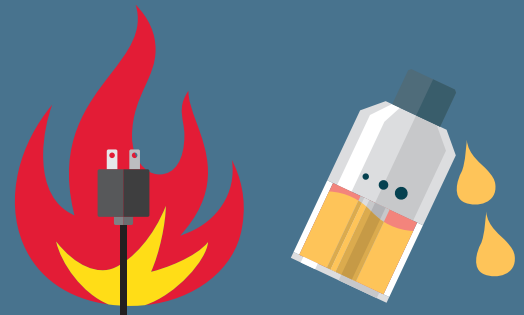
2 Besides nicotine, e-cigarette aerosol can contain substances that harm the body.

- » This includes cancer-causing chemicals and tiny particles that reach deep into lungs. However, e-cigarette aerosol generally contains fewer harmful chemicals than smoke from burned tobacco products.

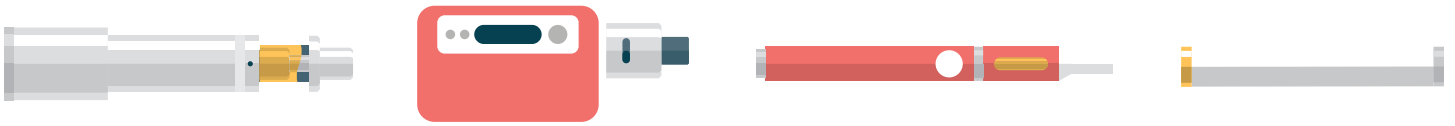


3 E-cigarettes can cause unintended injuries.

- » Defective e-cigarette batteries have caused fires and explosions, some of which have resulted in serious injuries.
- » In addition, acute nicotine exposure can be toxic. Children and adults have been poisoned by swallowing, breathing, or absorbing e-cigarette liquid.



CAN E-CIGARETTES HELP ADULTS QUIT SMOKING CIGARETTES?



E-CIGARETTES ARE NOT CURRENTLY APPROVED BY THE FDA AS A QUIT SMOKING AID.

The U.S. Preventive Services Task Force, a group of health experts that makes recommendations about preventive health care, concluded that the evidence is insufficient to recommend e-cigarettes for smoking cessation in adults, including pregnant women.



HOWEVER, e-cigarettes may help non-pregnant adult smokers if used as a complete substitute for all cigarettes and other smoked tobacco products.

TO DATE, THE FEW STUDIES ON THE ISSUE ARE MIXED.

Evidence from two randomized controlled trials found that e-cigarettes with nicotine can help smokers stop smoking in the long term compared with placebo (non-nicotine) e-cigarettes.

A recent CDC study found that many adults are using e-cigarettes in an attempt to quit smoking. However, most adult e-cigarette users do not stop smoking cigarettes and are instead continuing to use both products (“dual use”). Because smoking even a few cigarettes a day can be dangerous, quitting smoking completely is very important to protect your health.

WHO IS USING E-CIGARETTES?

E-CIGARETTES ARE THE MOST COMMONLY USED TOBACCO PRODUCT AMONG YOUTH.

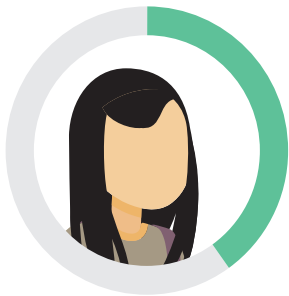
IN THE U.S., YOUTH ARE MORE LIKELY THAN ADULTS TO USE E-CIGARETTE



In 2018, more than **3.6 MILLION** U.S. middle and high school students used e-cigarettes in the past 30 days, including:

4.9%
MIDDLE SCHOOL STUDENTS

20.8%
HIGH SCHOOL STUDENTS



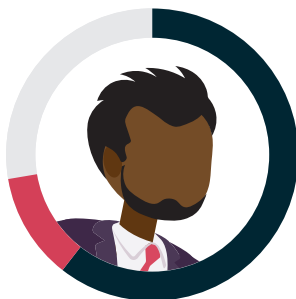
AMONG CURRENT E-CIGARETTE USERS AGED 45 YEARS AND OLDER in 2015, most were either current or former regular cigarette smokers, and 1.3% had never been cigarette smokers.

IN CONTRAST, AMONG CURRENT E-CIGARETTE USERS AGED 18-24 YEARS, 40.0% had **NEVER BEEN** regular cigarette smokers

IN 2015, AMONG ADULT E-CIGARETTE USERS OVERALL:

29.8%
were former regular cigarette smokers

11.4%
had never been regular cigarette smokers



58.8%
were current regular cigarette smokers

ADULTS

In 2017, **2.8%** of U.S. adults were current e-cigarette users



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More than **3.6 million** U.S. youth are using e-cigarettes¹

How much do you know about this crisis?

Youth use of e-cigarettes, also known as vaping, remains a public health crisis.

E-cigarettes are the most commonly used tobacco product among both middle and high school students.⁹ Compared to 2019, 1.8 million fewer U.S. youth are currently using e-cigarettes. However, due to alarming increases since 2011, the number of current youth e-cigarette users remains concerningly high.¹

SOME TEENS REPORT USING E-CIGARETTES IN SCHOOL BATHROOMS AND EVEN IN THE CLASSROOM.²

Learning more about the different types of e-cigarette products is an important first step in addressing youth vaping.

DID YOU KNOW:

E-cigarettes come in a variety of shapes and sizes and may not look like a tobacco product, which can make them hard to spot.²

Some devices popular among teens — like Juul and Puff Bar — are as small as a USB flash drive and even look like one.^{2,16}

Certain products emit very low amounts of aerosol or “vapor,” which makes them easier to use discreetly than combustible cigarettes.^{9,11}

Most e-cigarettes contain nicotine, the same highly addictive drug in cigarettes. Some e-cigarettes⁵ may contain as much nicotine as a pack of 20 regular cigarettes.³

A Small Device... A BIG PROBLEM

In 2020, approximately

1 in 5 high school students

_____ and _____

1 in 20 middle school students

currently used e-cigarettes.¹



CENTER FOR TOBACCO PRODUCTS

Source: Wang, et al. MMWR 2020

Note: All numbers presented here are estimates.

www.fda.gov/tobacco



@FDATobacco



facebook.com/fda



Many teens have dangerous misperceptions that lead them to believe that vaping is harmless.⁹

Important facts to share with youth

Vape aerosol can contain harmful chemicals

Vaping can expose the user's lungs to harmful chemicals like formaldehyde, acrolein, and acetaldehyde, which are known to cause irreversible lung damage.^{4,5}

There can be danger behind the flavor

Vapes get their flavors from chemicals. While these flavorings are safe to eat in food, they're not safe to inhale. Inhaling flavor chemicals can harm your lungs.⁶

Most vapes contain nicotine, which is highly addictive

Vaping delivers nicotine to the brain in as little as 10 seconds.⁷ A teen's brain is still developing, making it more vulnerable to nicotine addiction.^{8,14}

Nicotine exposure during the teen years can disrupt normal brain development.^{9,14} It may have long-lasting effects, like increased impulsivity and mood disorders.^{9,12,13,15}

Vapers could be inhaling metal particles into their lungs

Vape aerosol could be delivering metal particles like chromium, nickel, lead, tin and aluminum right into your lungs. Some of these metals are toxic.^{10,11}



FDA's Efforts to Curb Youth E-Cigarette Use

FDA is committed to protecting youth from the dangers of e-cigarettes, including cracking down on illegal sales to anyone under 21 and holding retailers and manufacturers accountable for marketing practices. Also, in addition to our national peer-to-peer public education campaign called "The Real Cost" FDA has joined forces with Scholastic to provide teachers and school administrators with the resources they need to educate their students about e-cigarettes.

Together, we've created **free lesson plans, activities and videos** for teachers to educate their students on the health risks of e-cigarette use. Please visit the [Scholastic youth vaping risks site](#) to access these resources in English and Spanish.

Quitting Help Is Available

There is an urgent need to share quitting resources with teens who are addicted to e-cigarettes. If you identify teens using e-cigarettes at school, it is critical to share resources to help them quit.

Resources for Teens

- Ask a trusted adult or friend for support
- Talk to a doctor about treatment options
- Visit smokefree.gov and teen.smokefree.gov/quit-vaping
- Call 1-800-QUIT-NOW
- Text DITCHJUUL to 88709

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Or CFC #11967

TIP: Do not include the word cancer in your search, e.g. Type in "Lung" but not "Lung Cancer"

Are E-Cigarettes Safer Than Regular Cigarettes?

Brandel France De Bravo, MPH, Sarah Miller, Jessica Becker, and Laura Gottschalk, PhD, Cancer Prevention & Treatment Fund

Electronic cigarettes, or e-cigarettes, are being marketed as the “safe” new alternative to conventional cigarettes. But are e-cigarettes safe? What does the FDA think about them? Are e-cigarettes going to reverse the decline in smoking—giving new life to an old habit—or can they help people quit smoking? Here is what you need to know before picking up an e-cigarette.

What Are E-Cigarettes?

E-cigarettes are battery-operated devices shaped like cigarettes that provide a way to get nicotine. Nicotine is an addictive drug (it stimulates and relaxes) that is naturally found in tobacco. The most popular way for people to take in nicotine is to inhale it by smoking cigarettes. E-cigarettes also allow nicotine to be inhaled, but they work by heating a liquid cartridge containing nicotine, flavors, and other chemicals into a vapor. Because e-cigarettes heat a liquid instead of tobacco, what is released is considered smokeless.[1]

Are E-Cigarettes Safer Than Traditional Cigarettes?

The key difference between traditional cigarettes and e-cigarettes is that e-cigarettes don't contain tobacco. But, it isn't just the tobacco in cigarettes that causes cancer. Traditional cigarettes contain a laundry list of chemicals that are proven harmful, and e-cigarettes have some of these same chemicals.

Since 2009, FDA has pointed out that e-cigarettes contain “detectable levels of known carcinogens and toxic chemicals to which users could be exposed.”[2] For example, in e-cigarette cartridges marketed as “tobacco-free,” the FDA detected a toxic compound found in antifreeze, tobacco-specific compounds that have been shown to cause cancer in humans, and other toxic to-

bacco-specific impurities.[3] Another study looked at 42 of these liquid cartridges and determined that they contained formaldehyde, a chemical known to cause cancer in humans. [4] Formaldehyde was found in several of the cartridges at levels much higher than the maximum EPA recommends for humans.

The body's reaction to many of the chemicals in traditional cigarette smoke causes long-lasting inflammation, which in turn leads to chronic diseases like bronchitis, emphysema, and heart disease.[5f] Since e-cigarettes also contain many of the same toxic chemicals, there is no reason to believe that they will significantly reduce the risks for these diseases.

There are no long-term studies to back up claims that the vapor from e-cigarettes is less harmful than conventional smoke. Cancer takes years to develop, and e-cigarettes were only very recently introduced to the United States. It is almost impossible to determine if a product increases a person's risk of cancer or not until the product has been around for at least 15-20 years. Despite positive reviews from e-cigarette users who enjoy being able to smoke them where regular cigarettes are prohibited, very little is known about their safety and long-term health effects.

Can E-Cigarettes Be Used to Cut down or Quit Smoking Regular Cigarettes?

If a company makes a claim that its product can be used to treat a disease or addiction, like nicotine addiction, it must provide studies to the FDA showing that its product is safe and effective for that use. On the basis of those studies, the FDA approves or doesn't approve the product. So far, there are no large, high-quality studies looking at whether e-cigarettes can be used to cut down or quit smoking long-term. Most of the studies have been either very short term (6 months or less) or the participants were not randomly assigned to different methods to quit smoking, including e-cigarettes. Many of the studies are based on self-reported use of e-cigarettes. For example, a study done in four countries found that e-cigarette users were no more likely to quit than regular smokers even though 85% of them said they were using them to quit.[6] Another year-long study, this one in the U.S., had similar findings.[7] People may *believe* they are smoking e-cigarettes to help them quit, but 6-12 months after being first interviewed, nearly all of them are still smoking regular cigarettes.

Until there are results from well-conducted studies, the FDA has not approved e-cigarettes for use in quitting smoking.[8]

Teenagers, Children, and E-Cigarettes

The percentage of teenagers who have tried e-cigarettes has almost quadrupled in just four years, from 5% in 2011 to 19% in 2015. Three million U.S. students in middle school and high school tried e-cigarettes in 2015, according to the National Youth Tobacco Survey. And, 1 in 5 middle schoolers who said they had tried e-cigarettes also said they had never smoked conventional cigarettes.[9]

E-cigarette use by young people is worrisome for a number of reasons:

- 1) The younger people are when they begin smoking, the more likely it is they will develop the habit: nearly 9 out of 10 smokers started before they were 18.[10]
- 2) Nicotine and other chemicals found in e-cigarettes might harm brain development in younger people.[11]
- 3) E-cigarettes may introduce many more young people to smoking who might otherwise never have tried it, and once they are addicted to nicotine, some may decide to get their “fix” from regular cigarettes. Whether e-cigarettes end up being a “gateway” to regular cigarettes or not, young people who use them risk becoming addicted to nicotine and exposing their lungs to harmful chemicals.

The sharp rise in young e-cigarette users highlights the need to stop manufacturers from targeting teenagers with candy-like flavors and advertising campaigns.

Even children who are too young to smoke have been harmed by e-cigarettes. The liquid used in e-cigarettes is highly concentrated, so absorbing it through the skin or swallowing it is far more likely to require an emergency room visit than eating or swallowing regular cigarettes. In 2012, less than 50 kids under the age of six were reported to poison control hotlines per month because of e-cigarettes. In 2015, that number had skyrocketed to about 200 children a month, almost half of which were under the age of two![12]

How Are E-Cigarettes Regulated?

The FDA was given the power to regulate the manufacturing, labeling, distribution and marketing of all tobacco products in 2009 when President Obama signed into law the [Family Smoking Prevention and Tobacco Control Act](#) and in 2010 a court ruled that the FDA could regulate e-cigarettes as tobacco products.[13]

It wasn't until 2016 that the FDA finally announced a rule to regulate e-cigarettes.[14] Under the final rule, the FDA plans to ban the sale of e-cigarettes to anyone under the age of 18. The rule also requires all makers of e-cigarettes sold after February 15, 2007 to go through a “premarket review.” This is the process that the FDA uses to determine whether potentially risky products are safe. However, companies are allowed to have anywhere from 18 months to two years to prepare their applications. And it will take another year for the FDA to actually approve these applications. So don't expect e-cigarettes currently on the market to be officially allowed to be sold by the FDA for another couple of years.

In the meantime, individual states have always had the power to pass laws restricting the sale and use of e-cigarettes. For example, in May 2013, the California state senate proposed a law making all e-cigarettes subject to the same regulations and restrictions as traditional cigarettes and tobacco products. However, that did not become law.

The Bottom Line

E-cigarettes have not been around long enough to determine if they are harmful to users in the long run. Unfortunately, many people, including teenagers, are under the impression that e-ciga-

rettes are safe or that they are effective in helping people quit smoking regular cigarettes.

Neither of these assumptions has yet been proven. Studies by the FDA show that e-cigarettes contain some of the same toxic chemicals as regular cigarettes, even though they don't have tobacco. The big three tobacco companies—Lorillard, Reynolds American, and Altria Group—all have their own e-cigarette brands, so it's not surprising that e-cigarettes are being marketed and advertised much the way regular cigarettes used to be. Here are the [7 Ways E-Cigarette Companies Are Copying Big Tobacco's Playbook](#).

Unless you want to be a guinea pig, hold off on e-cigarettes until more safety information is available. And if you need help quitting or reducing the number of cigarettes you are smoking, check out the smokefree.gov website.

Related Content:

[Quitting smoking: women and men may do it differently](#)

[Third-hand smoke](#)

[Smoking cessation products](#)

All articles on our website have been approved by Dr. Diana Zuckerman and other senior staff.

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8.3 LIGHT-EMITTING DIODE (LED) SIGNS

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City of Laguna Woods Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: May 18, 2022 Regular Meeting

SUBJECT: Light-Emitting Diode (LED) Signs

NOTE: This item was agendized to obtain City Council direction regarding LW Shell, Inc.'s request that the Laguna Woods Municipal Code be amended to permit gas stations to use light-emitting diode technology in permanent monument signs. It was not initiated by staff. Staff is seeking direction from the City Council and has no recommendation on Option A versus Option B.

Recommendation

OPTION A: If the City Council wishes to consider permitting the use of light-emitting diode technology in permanent signs:

- A1. Direct the City Manager to draft an ordinance for future consideration by the City Council that would amend the Laguna Woods Municipal Code to permit the use of light-emitting diode technology in any permanent sign for any purpose when approved by the City Council as part of a sign program.

OR

- A2. Provide other direction to the City Manager regarding LW Shell, Inc.'s request that the Laguna Woods Municipal Code be amended to permit gas stations to use light-emitting diode technology in permanent monument signs.

OPTION B: If the City Council does NOT wish to consider permitting the use of light-emitting diode technology in permanent signs:

B1. Take no action. The use of light-emitting diode technology will continue to be prohibited for exterior signs.

Background

In April 2022, staff received a request from Michael Pauls Associates on behalf of LW Shell, Inc. (the owner of the Moulton Auto Spa property at 24202 Moulton Parkway where a new gas station is planned) that the Laguna Woods Municipal Code be amended to permit gas stations to use light-emitting diode (“LED”) technology in permanent monument signs (Attachment A).

Laguna Woods Municipal Code Section 13.20.130(7) explicitly prohibits “Light-emitting diode (LED) or neon signs displayed on the exterior of any property.”

Discussion

Today’s meeting is an opportunity for City Council action, as well as public input, on LW Shell, Inc.’s request that the Laguna Woods Municipal Code be amended to permit gas stations to use LED technology in permanent monument signs. This item was not initiated by staff. Staff is seeking direction from the City Council and has no recommendation on Option A versus Option B.

If the City Council wishes to consider permitting the use of LED technology in permanent signs, staff recommends that any prospective ordinance not limit the use of LED technology to a particular type of business (e.g., gas stations) due to First Amendment limitations on the regulation of sign content. Rather, if so desired, staff recommends drafting an ordinance that would permit the use of LED technology in any permanent sign for any purpose when approved by the City Council as part of a sign program. Sign programs are discretionary applications for which the City Council has broad discretion to approve or deny on a case-by-case basis.

Fiscal Impact

Any of the recommendations listed under options A or B could be accommodated within the existing General Fund budget.

Attachment: A – Request Letter from LW Shell, Inc.

MICHAEL PAULS ASSOCIATES

6475 E PACIFIC COAST HWY #135 LONG BEACH CA 90803

PROJECT SITE: 24202 Moulton Parkway

WE ARE REQUESTING:

We are requesting that the City of Laguna Woods Zoning Code be updated to allow for gasoline service station price signs to incorporate static Light Emitting Diode (LED) technology.

The Laguna Woods Zoning Code Section 13.20.130 (7) prohibits:

(7) Light -emitting diode (LED) or neon signs displayed on the exterior of any property.

PROJECT DESCRIPTION:

We are proposing to replace two existing monument gasoline price signs with two electronic gasoline price signs for a newly approved gasoline station.

We are requesting Staff's consideration in allowing electronic gasoline price signs, utilizing light emitting diode technology, in lieu of the outdated plastic placard price signs.

The proposed electronic fuel price signs can be described as static, single color displays, which do not move or flash. The sole purpose of the display is to advertise the price of gasoline or other fuels consistent with California state law.

The LED price signs will be weather-proof, vandal-proof and have a life expectancy of approximately 10 years, prior to replacement.

Electronic price signs are an acknowledged industry wide standard as well as a reliable solution to the challenges associated with frequent gasoline price changes. LED price signs incorporate efficiencies into the price update process. California law requires that fuel prices are displayed along street frontages, electronic displays provide a common sense alternative to using heavy plastic number placards which are problematic and susceptible to vandalism and theft.

VISIBILITY

Traditionally the outdated standard plastic placard price signs are not clearly visible at night. It has long been recognized that motorists choose businesses which are well illuminated. This holds true with gasoline price signs which are perceived as updated, clean and inviting.

Electronic gasoline price signs ensure that the pricing is visible to motorists, especially during evening hours. Visibility is recognized as an important component in motorists making the decision to refuel their vehicles.

Additionally, LED's can be automatically adjusted based on the time of day. The LED technology, as proposed is equipped with a light dimming sensor which will intuitively dim the photocells from 5% to 90% in response to increasing or decreasing daylight conditions.

The new owner's business model is to operate a community oriented, professional and clean business.

EFFICIENCY AND STANDARDIZATION

Gasoline price updates or vandalism to price signs can occur at any time of day, which require employees to interrupt their customer service duties in order to manually affix cumbersome plastic number placards to the price signs.

California State law requires that gasoline prices are displayed on the signage facing public streets, prior to the price being updated on the pumps themselves. A time delay can often occur, in synchronizing price updates, between roadway signs and pump pricing. This time delay can result in confusion for the customer when pump pricing does not reflect sign pricing even for a brief moment.

Electronic price signs allow for simultaneous pump and street frontage price coordination which can be accomplished by a single individual using any computer, from any location which promotes an efficient and standardized process.

Examples of LED Gas Price Sign



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8.4
CALIFORNIA ASSEMBLY BILL 1276
(CARRILLO) (2021-2022)

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City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: May 18, 2022 Regular Meeting

SUBJECT: California Assembly Bill 1276 (Carrillo) (2021-2022)

Recommendation

Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AUTHORIZING AN ENFORCEMENT AGENCY TO ENFORCE CHAPTER 5.2 OF PART 3 OF DIVISION 30 OF THE CALIFORNIA PUBLIC RESOURCES CODE PERTAINING TO SINGLE-USE FOODWARE ACCESSORIES AND CONDIMENTS, AND ESTABLISHING A RELATED SCHEDULE OF FINES

Background

California Assembly Bill 1276 (Carrillo) (2021-2022), titled “Single-use foodware accessories and standard condiments,” (Attachment A) was chaptered into law on October 5, 2021. This statewide legislation regulates the circumstances in which food facilities may provide single-use foodware accessories or standard condiments in the course of business. Relevant definitions are as follows:

- “Single-use foodware accessory” means single-use items provided alongside ready-to-eat food: forks, knives, spoons, sporks, chopsticks, condiment cups and packets, straws, stirrers, splash sticks, and cocktail sticks.
- “Standard condiment” means relishes, spices, sauces, confections, or seasonings that require no additional preparation and that are usually used on

a food item after preparation, including ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt, pepper, sugar, and sugar substitutes.

The basic requirements of California Assembly Bill 1276 are as follows:

1. Single-use foodware accessories and standard condiments that are packaged for single use shall only be provided to consumers upon request, except that drive-through consumers may be asked if they want single-use foodware accessories if necessary for the consumer to consume ready-to-eat food, or to prevent spills of or safely transport ready-to-eat food. Drive-through customers may not be asked if they want standard condiments.
 - a. Unwrapped single-use foodware accessories may continue to be made available in refillable self-service dispensers that dispense one item at a time to allow for single-use foodware accessories to be obtained.
 - b. Standard condiments may continue to be made available in refillable self-service dispensers (e.g., individual packets or bulk pumps).
2. Single-use foodware accessories and standard condiments that are packaged for single use provided by food facilities for use by consumers shall not be bundled or packaged in a manner that prohibits a consumer from taking only the specific type desired without also having to take a different type of (e.g., if a consumer requests a fork, the fork cannot be packaged in a manner that also requires them to take a spoon and knife).
3. Third-party food delivery platforms (businesses like DoorDash, GrubHub, and UberEats that are engaged in the service of online food ordering and delivery from a food facility to a consumer) shall provide consumers with the option to request single-use foodware accessories or standard condiments from a food facility serving ready-to-eat food.
4. If a food facility uses any third-party delivery platform for ready-to-eat food, the food facility shall customize its menu with a list of available single-use foodware accessories and standard condiments, and only those specifically requested by the consumer shall be provided by the food facility

On or before June 1, 2022, California Assembly Bill 1276 requires the City to “authorize an enforcement agency” to enforce its requirements. In doing so, the

City is required to implement the enforcement process and fine structure specified in California Assembly Bill 1276, which includes two notices of violation followed by daily fines of \$25 up to \$300 annually.

Discussion

Today's meeting is an opportunity for City Council action, as well as public input, on the actions necessary for the City to comply with California Assembly Bill 1276 (Attachment B). As compliance with California Assembly Bill 1276 is mandatory, staff recommends that the City Council approve the proposed resolution.

The proposed resolution would:

- Designate the City as the enforcement agency responsible for enforcing the requirements of California Assembly Bill 1276; and
- Set a schedule of fines for third and subsequent violations of California Assembly Bill 1276 that conforms therewith (after two notices of violations, third and subsequent violations are required to be treated as infractions and fined \$25 for each day in violation, not to exceed \$300 annually).

City personnel would proactively provide education and outreach to affected food facilities in the coming weeks, and on a periodic basis thereafter, as most are likely unaware of this change in state law and the potential fines for noncompliance. Staff would expect enforcement to occur largely on a complaint basis.

Fiscal Impact

Enforcement activities related to California Assembly Bill 1276 are expected to be minimal and capable of being accommodated within existing budgets. No new or increased appropriations are sought as part of the recommendation.

Attachments: A – California Assembly Bill 1276
B – Proposed Resolution

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Assembly Bill No. 1276

CHAPTER 505

An act to amend Sections 42270 and 42271 of, to amend the heading of Chapter 5.2 (commencing with Section 42270) of Part 3 of Division 30 of, and to add Sections 42272 and 42273 to, the Public Resources Code, relating to solid waste.

[Approved by Governor October 5, 2021. Filed with Secretary of State October 5, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1276, Carrillo. Single-use foodware accessories and standard condiments.

Existing law prohibits a full-service restaurant, as specified, from providing single-use plastic straws, as defined, to consumers unless requested by the consumer, and places the duty to enforce this prohibition on specified state and local health and environmental health officers and their agents. Existing law specifies that the first and 2nd violations of these provisions result in a notice of violation, and any subsequent violation is an infraction punishable by a fine of \$25 for each day the full-service restaurant is in violation, but not to exceed an annual total of \$300.

This bill would instead prohibit a food facility from providing any single-use foodware accessory or standard condiment, as defined, to a consumer unless requested by the consumer, as provided. The bill would prohibit those items from being bundled or packaged in a way that prohibits the consumer from taking only the item desired. The bill would authorize a food facility to ask a drive-through consumer, or a food facility located within a public airport to ask a walk-through consumer, if the consumer wants a single-use foodware accessory in specified circumstances. The bill would require a food facility using a third-party food delivery platform to list on its menu the availability of single-use foodware accessories and standard condiments and only provide those items when requested, as provided. The bill would exclude from these requirements correctional institutions, health care facilities, residential care facilities, and public and private school cafeterias.

This bill would require a city, county, or city and county, on or before June 1, 2022, to authorize an enforcement agency to enforce these requirements. The bill would specify that the first and 2nd violations of these provisions result in a notice of violation, and any subsequent violation is an infraction punishable by a fine of \$25 for each day in violation, but not to exceed an annual total of \$300. By creating a new crime and imposing additional duties on local governing bodies, this bill would impose a state-mandated local program.

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

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

SECTION 1. The heading of Chapter 5.2 (commencing with Section 42270) of Part 3 of Division 30 of the Public Resources Code is amended to read:

CHAPTER 5.2. SINGLE-USE FOODWARE ACCESSORIES AND CONDIMENTS

SEC. 2. Section 42270 of the Public Resources Code is amended to read: 42270. For purposes of this chapter, the following definitions apply:

(a) "Consumer" has the same meaning as in Section 113757 of the Health and Safety Code.

(b) "Food facility" has the same meaning as in Section 113789 of the Health and Safety Code.

(c) "Ready-to-eat food" has the same meaning as in Section 113881 of the Health and Safety Code.

(d) "Single-use" means designed to be used once and then discarded, and not designed for repeated use and sanitizing.

(e) "Single-use foodware accessory" means all of the following single-use items provided alongside ready-to-eat food:

- (1) Utensils, which is defined as forks, knives, spoons, and sporks.
- (2) Chopsticks.
- (3) Condiment cups and packets.
- (4) Straws.
- (5) Stirrers.
- (6) Splash sticks.
- (7) Cocktail sticks.

(f) "Standard condiment" means relishes, spices, sauces, confections, or seasonings that require no additional preparation and that are usually used on a food item after preparation, including ketchup, mustard, mayonnaise, soy sauce, hot sauce, salsa, salt, pepper, sugar, and sugar substitutes.

(g) "Third-party food delivery platform" has the same meaning as in Section 113930.5 of the Health and Safety Code.

SEC. 3. Section 42271 of the Public Resources Code is amended to read:

42271. (a) Except as provided in subdivisions (c) and (d), a food facility, for on-premises dining or when using a third-party food delivery platform,

shall not provide any single-use foodware accessory or standard condiment packaged for single use to a consumer unless the single-use foodware accessory or standard condiment is requested by the consumer.

(b) Single-use foodware accessories and standard condiments packaged for single use provided by food facilities for use by consumers shall not be bundled or packaged in a manner that prohibits a consumer from taking only the type of single-use foodware accessory or standard condiment desired without also having to take a different type of single-use foodware accessory or standard condiment.

(c) A food facility may ask a drive-through consumer if the consumer wants a single-use foodware accessory if the single-use foodware accessory is necessary for the consumer to consume ready-to-eat food, or to prevent spills of or safely transport ready-to-eat food.

(d) A food facility that is located entirely within a public use airport, as defined in Section 77.3 of Title 14 of the Code of Federal Regulations, may ask a walk-through consumer if the consumer wants a single-use foodware accessory if the single-use foodware accessory is necessary for the consumer to consume ready-to-eat food, or to prevent spills of or safely transport ready-to-eat food.

(e) (1) A third-party food delivery platform shall provide consumers with the option to request single-use foodware accessories or standard condiments from a food facility serving ready-to-eat food.

(2) If a food facility uses any third-party delivery platform for ready-to-eat food, the food facility shall customize its menu with a list of available single-use foodware accessories and standard condiments, and only those single-use foodware accessories or standard condiments selected by the consumer shall be provided by the food facility. If a consumer does not select any single-use foodware accessories or standard condiments, no single-use foodware accessory or standard condiment shall be provided by the food facility for delivery of ready-to-eat food.

(f) Nothing in this section shall prohibit a food facility from making unwrapped single-use foodware accessories available to a consumer using refillable self-service dispensers that dispense one item at a time to allow for single-use foodware accessories to be obtained.

(g) Nothing in this section shall prohibit a food facility from making standard condiments available to a consumer using refillable self-service dispensers to allow for standard condiments to be obtained. A food facility that offers standard condiments is encouraged to use bulk dispensers for the condiments rather than condiments packaged for single use.

(h) Nothing in this section shall prevent a city, county, city and county, or other local public agency from adopting and implementing an ordinance or rule that would further restrict a food facility or a third-party food delivery platform from providing single-use foodware accessories or standard condiments to a consumer.

(i) A food facility is encouraged, but not required, to take actions in addition to the requirements of this section that support a goal of reducing the use of and waste generated by all single-use food service products.

SEC. 4. Section 42272 is added to the Public Resources Code, to read: 42272. (a) On or before June 1, 2022, a city, county, or city and county shall authorize an enforcement agency to enforce this chapter.

(b) The first and second violations of this chapter shall result in a notice of violation, and any subsequent violation shall constitute an infraction punishable by a fine of twenty-five dollars (\$25) for each day in violation, but not to exceed three hundred dollars (\$300) annually.

SEC. 5. Section 42273 is added to the Public Resources Code, to read: 42273. This chapter does not apply to any of the following:

(a) Correctional institutions, which has the same meaning as in Section 7502 of the Penal Code.

(b) Health care facilities licensed pursuant to Article 1 (commencing with Section 1250) of Chapter 2 of Division 2 of the Health and Safety Code or facilities that are owned or operated by a health care service plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code.

(c) Residential care facilities licensed pursuant to Division 2 (commencing with Section 1200) of the Health and Safety Code.

(d) Public and private school cafeterias, as referenced in paragraph (1) of subdivision (b) of Section 113789 of the Health and Safety Code.

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

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

RESOLUTION NO. 22-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AUTHORIZING AN ENFORCEMENT AGENCY TO ENFORCE CHAPTER 5.2 OF PART 3 OF DIVISION 30 OF THE CALIFORNIA PUBLIC RESOURCES CODE PERTAINING TO SINGLE-USE FOODWARE ACCESSORIES AND CONDIMENTS, AND ESTABLISHING A RELATED SCHEDULE OF FINES

WHEREAS, on October 5, 2021, California Assembly Bill 1276 (Single-use foodware accessories and standard condiments.) was chaptered into law at Chapter 5.2 of Part 3 of Division 30 of the California Public Resources Code; and

WHEREAS, California Assembly Bill 1276 regulates the circumstances in which food facilities may provide single-use foodware accessories or standard condiments in the course of business; and

WHEREAS, California Assembly Bill 1276 requires the City, on or before June 1, 2022, to “authorize an enforcement agency” to enforce its requirements and further mandates a specific enforcement process and fine structure, including two notices of violation followed by daily fines of \$25 up to \$300 annually; and

WHEREAS, Laguna Woods Municipal Code Section 1.06.020(10) allows the City to use its administrative citation process to enforce violations of locally applicable codes or regulations of the State of California; and

WHEREAS, Laguna Woods Municipal Code Section 1.06.070(a) states that the amount of the fines for violating particular provisions of locally applicable codes or regulations of the State of California shall be set in a schedule of fines adopted by resolution by the City Council, which may include “escalating fine amounts for repeat violations occurring within specified periods of time”; and

WHEREAS, in order to comply with California Assembly Bill 1276, it is necessary to take the actions included in this resolution.

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

SECTION 1. The above recitals are true and correct.

SECTION 2. The City is the enforcement agency responsible for enforcing the requirements of California Assembly Bill 1276.

SECTION 3. Violations of California Assembly Bill 1276 will be addressed as prescribed therein, specifically, the first and second violations for a food facility shall result in a notice of violation, and subsequent violations for that same food facility shall constitute an infraction punishable by the following schedule of fines, which is hereby set: \$25 for each day in violation, not to exceed \$300 annually.

SECTION 4. The Mayor shall sign this resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

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

CAROL MOORE, Mayor

ATTEST:

YOLIE TRIPPY, CMC, City Clerk

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 22-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2022, by the following vote:

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

YOLIE TRIPPY, CMC, City Clerk

8.5
EMPLOYEE COMPENSATION AND BENEFITS

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City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: May 18, 2022 Regular Meeting

SUBJECT: Employee Compensation and Benefits

Recommendation

Adopt a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING RESOLUTION NO. 22-16, AND ESTABLISHING A COMPENSATION SCHEDULE AND BENEFITS FOR CITY EMPLOYEES

Background

The City Manager is responsible for hiring and supervising employees, subject to the City Council's establishment of compensation and benefit policies.

Discussion

Today's meeting is an opportunity for City Council action, as well as public input, on the proposed addition of a \$100 per month stipend for employees who regularly provide notary public and foreign pension acknowledgements services in the course of City business. Staff recommends that the City Council approve the proposed resolution (Attachment A) to support the efficient and effective conduct of City business.

After the departure of the former Administrative Coordinator, the City Manager reached out to all staff to gauge interest in providing notary services. At least two

employees are potentially interested. It is the City Manager's opinion that providing an opportunity for existing employees to provide notary and foreign pension acknowledgment services would hold multiple benefits, including:

1. Expanding the number of trained employees would limit potential service interruptions (e.g., the need for the City to reschedule or temporarily reduce the number of appointments offered due to employee illnesses, planned or unplanned leave, or vacancies). For example, the number of appointments is currently, unavoidably reduced due to the City Clerk being the only trained employee (prior to her departure, the former Administrative Coordinator had been a second notary). In the near term, training existing employees would allow for a more rapid return to the regular number of appointments.
2. Expanding the number of employees trained would allow an increased number of appointments to be offered during periods of heightened demand. Though the 18 appointments regularly offered each week are generally sufficient to meet demand, there are times when it would be helpful to have a staffing complement capable of accommodating additional appointments without detrimentally affecting other work activities.
3. Employees who may not have regular interaction with residents by nature of their assigned duties would gain direct customer service experience.
4. Employees would have an opportunity to acquire new skills.

The City Manager would not be eligible for the proposed stipend, but also does not provide notary and foreign pension acknowledgement services.

The proposed resolution would make explicit that the City can pay costs related to the education and commission of employees who regularly provide notary public and foreign pension acknowledgment services in the course of City business. Doing so has been the City's longstanding practice.

Fiscal Impact

The recommendation could be accommodated within existing budgets. No new or increased appropriations are sought as part of the recommendation.

Attachments: A – Proposed Resolution (Compensation and Benefits)
B – Proposed Resolution (Compensation and Benefits) - Redline

RESOLUTION NO. 22-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING RESOLUTION NO. 22-16, AND ESTABLISHING A COMPENSATION SCHEDULE AND BENEFITS FOR CITY EMPLOYEES

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

SECTION 1. Effective May 18, 2022, Resolution No. 22-16 is hereby repealed and replaced by this resolution.

SECTION 2. The compensation schedule for City employees is established as follows:

Exempt Full-Time Employees (Annual Equivalent)

City Manager	\$192,525.94
Administrative Services Director/ City Treasurer	\$115,919 – \$162,286
City Clerk	\$72,750 – \$101,850
Senior Management Analyst	\$77,951 – \$109,132
Management Analyst	\$68,003 – \$95,204
Deputy City Clerk	\$59,746 – \$83,644

Non-Exempt Full-Time Employees (Hourly Rate)

Senior Accountant	\$35.50 – \$49.70
Accountant	\$29.85 – \$41.79
Administrative Coordinator	\$22.40 – \$31.36
Accounting Clerk	\$18.93 – \$26.50

Non-Exempt Part-Time/Limited Part-Time Employees (Hourly Rate)

Customer Service Representative	\$15.00 – \$18.00
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The City Manager is authorized to hire, promote, and compensate employees within established compensation ranges, to offer benefits, to fill any full-time position as a part-time or limited part-time position, and to hire employees for time-limited periods, consistent with City Council-adopted budgets and this resolution.

SECTION 3. All employees who work 40 or more hours per week on a regularly assigned basis shall be considered “full-time employees” for the purpose of this resolution. Full-time employees shall receive the following benefits:

- A. Paid Holidays: The City shall observe the following holidays with full-time employees receiving eight hours of compensation for each weekday on which a holiday is observed: Martin Luther King Jr. Day, Presidents’ Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving, Friday after Thanksgiving, and Winter Holiday (December 24 through January 1; when January 1 falls on a Thursday, Winter Holiday shall be observed through January 2). Except for Winter Holiday, which is observed on specified dates, when a holiday falls on a Saturday, it shall be observed the on prior Friday; when a holiday falls on a Sunday, it shall be observed on the following Monday.
- B. Floating Holidays: The City shall provide each full-time employee with two floating holidays per calendar year, equivalent to 16 hours of pay credited the first pay period of each calendar year. Floating holidays are not accrued on a pro-rata basis throughout the calendar year. Full-time employees must be in paid status on regularly scheduled workdays before and after using floating holiday time. Floating holiday time shall be used in increments of eight hours.

Full-time employees may maintain a balance of no more than 16 hours of unused floating holiday time (Floating Holiday Accrual Limit) and shall not accrue additional floating holiday time when the Floating Holiday Accrual Limit has been reached. Upon separation from the City, full-time employees shall be compensated for the balance of their accrued floating holiday time.

- C. Retirement: All City employees, including full-time employees, are required to participate in the Social Security system. In addition, the City shall contract with the California Public Employees’ Retirement System (CalPERS) for retirement benefits for all eligible full-time employees. Full-time employees considered “classic” by CalPERS shall pay the 7% employee contribution pursuant to the terms of Resolution No. 12-18. Full-time employees considered “new members” by CalPERS shall pay the employee contribution

rate established by CalPERS, as may change from time to time.

- D. Retiree Medical: As required by, and in an amount established by California Government Code Section 22892, the City shall contribute toward CalPERS retiree health insurance for retiring full-time employees who have worked for the City for a minimum of 10 years. Part-time service for employees who transition from part-time to full-time employment with the City may be used to meet the 10-year requirement, with each 174 hours counting as one month.
- E. Monthly Benefit Allowance: The City shall provide each full-time employee with a monthly benefit allowance of \$1,000 per month. A portion of the allowance shall be allocated to pay for the employee assistance program and health insurance, as provided in this resolution. The remaining balance of the monthly benefit allowance may be allocated by the employee to elect benefits available through the City's Internal Revenue Code Section 125 Flexible Benefits Plan, in accordance with applicable plan documents. Any amount of the monthly benefit allowance that remains after the allocations described above shall be forfeited. Full-time employees shall be required to make elections for the annual calendar year use of the entirety of monthly benefit allowances during an enrollment/election period established by the City Manager, as may change from time to time. Modifications of annual calendar year elections following any enrollment/election period shall be limited to qualifying events as set forth in applicable plan documents.
- F. Employee Assistance Program: The City shall contract for an employee assistance program; enrollment in the program shall be mandatory for all full-time employees. The cost of enrollment in the employee assistance program shall be deducted from each full-time employee's monthly benefit allowance.
- G. Health Insurance: All employees shall be covered by basic health insurance that qualifies as Minimum Essential Coverage under California law. The City shall contract for health insurance through CalPERS; enrollment in a CalPERS health plan shall be mandatory for all full-time employees unless proof of coverage under a qualifying, alternate non-individual market basic health insurance plan is provided. The cost of enrollment in a CalPERS health plan shall be deducted first from each full-time employee's monthly benefit allowance and then from salary (if necessary).
- H. Flexible Benefits Plan: The City shall contract for the provision of an Internal Revenue Code Section 125 Flexible Benefits Plan; enrollment in the plan shall

be voluntary for all full-time employees. Full-time employees may contribute to the plan by electing to allocate a portion of their monthly benefit allowance and/or through a salary reduction at their sole expense.

- I. Deferred Compensation Plan: The City shall contract for the provision of an Internal Revenue Code Section 457 Deferred Compensation Plan; enrollment in the plan shall be voluntary for all full-time employees. Full-time employees may contribute to the plan through a salary reduction at their sole expense.
- J. Paid Time Off: Full-time employees shall accrue 160 hours per year of annual paid time off (leave), which may be used for doctors' appointments, personal and family sick time, bereavement leave, jury duty leave, vacation, and personal business. Hours earned are accrued on a pro-rata basis by pay period.

Full-time employees may maintain a balance of no more than 480 hours of paid time off (Leave Accrual Limit) and shall cease to accrue additional paid time off when the Leave Accrual Limit has been reached. When a full-time employee's balance of paid time off falls below the Leave Accrual Limit, accrual shall resume beginning with the first pay period following the pay period in which the balance of paid time off fell below the Leave Accrual Limit. Upon separation from the City, full-time employees shall be compensated for the balance of their accrued paid time off.

SECTION 4. All employees who are not full-time employees, but who work 20 or more hours per week on a regularly assigned basis, shall be considered "part-time employees" for the purpose of this resolution. Part-time employees shall receive the following benefits:

- A. Paid and Unpaid Holidays: The City shall observe the following holidays with part-time employees receiving eight hours of compensation for each weekday on which a holiday is observed: New Year's Day, Martin Luther King Jr. Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving, and Friday after Thanksgiving. The City shall also observe the following unpaid holidays: Winter Holiday (December 24 through January 1; when January 1 falls on a Thursday, Winter Holiday shall be observed through January 2). Except for Winter Holiday, which is observed on specified dates, when a holiday falls on a Saturday, it shall be observed on the prior Friday; when a holiday falls on a Sunday, it shall be observed on the following Monday.

- B. Floating Holidays: The City shall provide each part-time employee with two floating holidays per calendar year, equivalent to 16 hours of pay credited the first pay period of each calendar year. Floating holidays are not accrued on a pro-rata basis throughout the calendar year. Part-time employees must be in paid status on regularly scheduled workdays before and after using floating holiday time. Floating holiday time shall be used in increments of eight hours and only between December 24 and 31.

Part-time employees may maintain a balance of no more than 16 hours of unused floating holiday time (Floating Holiday Accrual Limit) and shall not accrue additional floating holiday time when the Floating Holiday Accrual Limit has been reached. Upon separation from the City, part-time employees shall be compensated for the balance of their accrued floating holiday time.

- C. Retirement: All City employees, including part-time employees, are required to participate in the Social Security system. Part-time employees who work 1,000 hours or more in a fiscal year, shall be eligible for membership in CalPERS for retirement benefits. Eligible part-time employees considered “classic” by CalPERS shall pay the 7% employee contribution pursuant to the terms of Resolution No. 12-18. Eligible part-time employees considered “new members” by CalPERS shall pay the employee contribution rate established by CalPERS, as may change from time to time.

- D. Retiree Medical: As required by, and in an amount established by California Government Code Section 22892, the City shall contribute toward CalPERS retiree health insurance for retiring full-time employees who have worked for the City for a minimum of 10 years. Part-time service for employees who transition from part-time to full-time employment with the City may be used to meet the 10-year requirement, with each 174 hours counting as one month.

- E. Monthly Benefit Allowance: The City shall provide part-time employees with a monthly benefit allowance of \$800 per month. A portion of the allowance shall be allocated to pay for the employee assistance program and health insurance, as provided in this resolution. The remaining balance of the monthly benefit allowance may be allocated by the employee to elect benefits available through the City’s Internal Revenue Code Section 125 Flexible Benefits Plan, in accordance with applicable plan documents. Any amount of the monthly benefit allowance that remains after the allocations described above shall be forfeited. Part-time employees who are provided a monthly benefit allowance shall be required to make elections for the annual calendar

year use of the entirety of monthly benefit allowances during an enrollment/election period established by the City Manager, as may change from time to time. Modifications of annual calendar year elections following any enrollment/election period shall be limited to qualifying events as set forth in applicable plan documents.

- F. Employee Assistance Program: The City shall contract for an employee assistance program; enrollment in the program shall be mandatory for all part-time employees. The cost of enrollment in the employee assistance program shall be deducted from each part-time employee's salary or monthly benefit allowance, if provided.
- G. Health Insurance: All employees shall be covered by basic health insurance that qualifies as Minimum Essential Coverage under California law. The City shall contract for health insurance through CalPERS; enrollment in a CalPERS health plan shall be mandatory for all part-time employees unless proof of coverage under a qualifying, alternate non-individual market basic health insurance plan is provided. The cost of enrollment in a CalPERS health plan shall be deducted first from each part-time employee's monthly benefit allowance and then from salary (if necessary).
- H. Flexible Benefits Plan: The City shall contract for the provision of an Internal Revenue Code Section 125 Flexible Benefits Plan; enrollment in the plan shall be voluntary for all part-time employees. Part-time employees may contribute to the plan through a salary reduction at their sole expense and/or by electing to allocate a portion of their monthly benefit allowance, if provided.
- I. Deferred Compensation Plan: The City shall contract for the provision of an Internal Revenue Code Section 457 Deferred Compensation Plan; enrollment in the plan shall be voluntary for all part-time employees. Part-time employees may contribute to the plan through a salary reduction at their sole expense.
- J. Paid Time Off: Part-time employees shall accrue 160 hours per year of annual paid time off (leave), which shall be pro-rated based on the number of hours regularly worked less than 40 hours per week. Paid time off may be used for doctors' appointments, personal and family sick time, bereavement leave, jury duty leave, vacation, and personal business. Paid time off may also be used up to the number of hours regularly worked during unpaid holidays that fall on weekdays (less any floating holiday time used). Hours earned are accrued on a pro-rata basis by pay period.

Part-time employees may maintain a balance of no more than 300 hours of paid time off (Leave Accrual Limit) and shall cease to accrue additional paid time off when the Leave Accrual Limit has been reached. When a part-time employee's balance of paid time off falls below the Leave Accrual Limit, accrual shall resume beginning with the first pay period following the pay period in which the balance of paid time off fell below the Leave Accrual Limit. Upon separation from the City, part-time employees shall be compensated for the balance of their accrued paid time off.

SECTION 5. All employees who work less than 20 hours per week on a regularly assigned basis shall be considered “limited part-time employees” for the purpose of this resolution. Limited part-time employees shall receive the following benefits:

- A. Retirement: All City employees, including part-time employees, are required to participate in the Social Security system.
- B. Deferred Compensation Plan: The City shall contract for the provision of an Internal Revenue Code Section 457 Deferred Compensation Plan; enrollment in the plan shall be voluntary for all limited part-time employees. Limited part-time employees may contribute to the plan through a salary reduction at their sole expense.
- C. Paid Time Off: After the first 30 calendar days of employment, and every January 1 thereafter, limited part-time employees shall accrue 24 hours of annual paid time off (leave), which may be used for personal illness, to care for a sick family member, for preventive care or diagnosis, care or treatment of an existing health condition, or for specified purposes if the limited part-time employee is a victim of domestic violence, sexual assault, or stalking. Paid time off shall not be used within the first 90 calendar days of employment for new limited part-time employees. There is no accrual or carryover of paid time off between or across calendar years. Upon termination from the City, limited part-time employees shall not be compensated for the balance of their paid time off. If a limited part-time employee separates from and is rehired by the City within one year, previously accrued and unused paid time off shall be reinstated.

SECTION 6. The City Manager is authorized to offer technology allowances of up to \$79.50 per employee per month to employees who are regularly required to use their personal cellular telephones, personal computers, and/or other personal

technology to conduct City business, with the exception of the City Manager. Such technology allowances shall be added to employee compensation and shall be paid in the first pay period of each month, subject to any applicable wage withholding or similar taxes. Employees must be in paid status on regularly scheduled workdays during the first pay period of each month in order to receive payment.

SECTION 7. The City Manager is authorized to offer notary public stipends of \$100 per employee per month to employees who regularly provide notary public and foreign pension acknowledgement services in the course of City business, with the exception of the City Manager. Such notary public stipends shall be added to employee compensation and shall be paid in the first pay period of each month, subject to any applicable wage withholding or similar taxes. Employees must be in paid status on regularly scheduled workdays during the first pay period of each month, and in possession of an active and valid notary public commission from the State of California as of the payroll processing date for the first pay period of each month, in order to receive payment. The City Manager is also authorized to incur and pay, on behalf of the City, costs related to the education and commission of employees who regularly provide notary public services in the course of City business, with the exception of the City Manager.

SECTION 8. The Mayor shall sign this resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

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

CAROL MOORE, Mayor

ATTEST:

YOLIE TRIPPY, CMC, City Clerk

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 22-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2022, by the following vote:

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

YOLIE TRIPPY, CMC, City Clerk

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RESOLUTION NO. 22-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REPEALING RESOLUTION ~~NOS. 21-19 AND 21-23~~NO. 22-16, AND ESTABLISHING A COMPENSATION SCHEDULE AND BENEFITS FOR CITY EMPLOYEES

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

SECTION 1. Effective ~~March 16~~May 18, 2022, Resolution ~~Nos. 21-19 and 21-23~~areNo. 22-16 is hereby repealed and replaced by this resolution.

SECTION 2. The compensation schedule for City employees is established as follows:

Exempt Full-Time Employees (Annual Equivalent)

City Manager	\$192,525.94
Administrative Services Director/ City Treasurer	\$115,919 – \$162,286
City Clerk	\$72,750 – \$101,850
Senior Management Analyst	\$77,951 – \$109,132
Management Analyst	\$68,003 – \$95,204
Deputy City Clerk	\$59,746 – \$83,644

Non-Exempt Full-Time Employees (Hourly Rate)

Senior Accountant	\$35.50 – \$49.70
Accountant	\$29.85 – \$41.79
Administrative Coordinator	\$22.40 – \$31.36
Accounting Clerk	\$18.93 – \$26.50

Non-Exempt Part-Time/Limited Part-Time Employees (Hourly Rate)

Customer Service Representative	\$15.00 – \$18.00
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The City Manager is authorized to hire, promote, and compensate employees within established compensation ranges, to offer benefits, to fill any full-time position as a part-time or limited part-time position, and to hire employees for time-limited periods, consistent with City Council-adopted budgets and this resolution.

SECTION 3. All employees who work 40 or more hours per week on a regularly assigned basis shall be considered “full-time employees” for the purpose of this resolution. Full-time employees shall receive the following benefits:

- A. Paid Holidays: The City shall observe the following holidays with full-time employees receiving eight hours of compensation for each weekday on which a holiday is observed: Martin Luther King Jr. Day, Presidents’ Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving, Friday after Thanksgiving, and Winter Holiday (December 24 through January 1; when January 1 falls on a Thursday, Winter Holiday shall be observed through January 2). Except for Winter Holiday, which is observed on specified dates, when a holiday falls on a Saturday, it shall be observed the on prior Friday; when a holiday falls on a Sunday, it shall be observed on the following Monday.
- B. Floating Holidays: The City shall provide each full-time employee with two floating holidays per calendar year, equivalent to 16 hours of pay credited the first pay period of each calendar year. Floating holidays are not accrued on a pro-rata basis throughout the calendar year. Full-time employees must be in paid status on regularly scheduled workdays before and after using floating holiday time. Floating holiday time shall be used in increments of eight hours.

Full-time employees may maintain a balance of no more than 16 hours of unused floating holiday time (Floating Holiday Accrual Limit) and shall not accrue additional floating holiday time when the Floating Holiday Accrual Limit has been reached. Upon separation from the City, full-time employees shall be compensated for the balance of their accrued floating holiday time.

- C. Retirement: All City employees, including full-time employees, are required to participate in the Social Security system. In addition, the City shall contract with the California Public Employees’ Retirement System (CalPERS) for retirement benefits for all eligible full-time employees. Full-time employees considered “classic” by CalPERS shall pay the 7% employee contribution pursuant to the terms of Resolution No. 12-18. Full-time employees considered “new members” by CalPERS shall pay the employee contribution

rate established by CalPERS, as may change from time to time.

- D. Retiree Medical: As required by, and in an amount established by California Government Code Section 22892, the City shall contribute toward CalPERS retiree health insurance for retiring full-time employees who have worked for the City for a minimum of 10 years. Part-time service for employees who transition from part-time to full-time employment with the City may be used to meet the 10-year requirement, with each 174 hours counting as one month.
- E. Monthly Benefit Allowance: The City shall provide each full-time employee with a monthly benefit allowance of \$1,000 per month. A portion of the allowance shall be allocated to pay for the employee assistance program and health insurance, as provided in this resolution. The remaining balance of the monthly benefit allowance may be allocated by the employee to elect benefits available through the City's Internal Revenue Code Section 125 Flexible Benefits Plan, in accordance with applicable plan documents. Any amount of the monthly benefit allowance that remains after the allocations described above shall be forfeited. Full-time employees shall be required to make elections for the annual calendar year use of the entirety of monthly benefit allowances during an enrollment/election period established by the City Manager, as may change from time to time. Modifications of annual calendar year elections following any enrollment/election period shall be limited to qualifying events as set forth in applicable plan documents.
- F. Employee Assistance Program: The City shall contract for an employee assistance program; enrollment in the program shall be mandatory for all full-time employees. The cost of enrollment in the employee assistance program shall be deducted from each full-time employee's monthly benefit allowance.
- G. Health Insurance: All employees shall be covered by basic health insurance that qualifies as Minimum Essential Coverage under California law. The City shall contract for health insurance through CalPERS; enrollment in a CalPERS health plan shall be mandatory for all full-time employees unless proof of coverage under a qualifying, alternate non-individual market basic health insurance plan is provided. The cost of enrollment in a CalPERS health plan shall be deducted first from each full-time employee's monthly benefit allowance and then from salary (if necessary).
- H. Flexible Benefits Plan: The City shall contract for the provision of an Internal Revenue Code Section 125 Flexible Benefits Plan; enrollment in the plan shall

be voluntary for all full-time employees. Full-time employees may contribute to the plan by electing to allocate a portion of their monthly benefit allowance and/or through a salary reduction at their sole expense.

- I. Deferred Compensation Plan: The City shall contract for the provision of an Internal Revenue Code Section 457 Deferred Compensation Plan; enrollment in the plan shall be voluntary for all full-time employees. Full-time employees may contribute to the plan through a salary reduction at their sole expense.
- J. Paid Time Off: Full-time employees shall accrue 160 hours per year of annual paid time off (leave), which may be used for doctors' appointments, personal and family sick time, bereavement leave, jury duty leave, vacation, and personal business. Hours earned are accrued on a pro-rata basis by pay period.

Full-time employees may maintain a balance of no more than 480 hours of paid time off (Leave Accrual Limit) and shall cease to accrue additional paid time off when the Leave Accrual Limit has been reached. When a full-time employee's balance of paid time off falls below the Leave Accrual Limit, accrual shall resume beginning with the first pay period following the pay period in which the balance of paid time off fell below the Leave Accrual Limit. Upon separation from the City, full-time employees shall be compensated for the balance of their accrued paid time off.

SECTION 4. All employees who are not full-time employees, but who work 20 or more hours per week on a regularly assigned basis, shall be considered "part-time employees" for the purpose of this resolution. Part-time employees shall receive the following benefits:

- A. Paid and Unpaid Holidays: The City shall observe the following holidays with part-time employees receiving eight hours of compensation for each weekday on which a holiday is observed: New Year's Day, Martin Luther King Jr. Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving, and Friday after Thanksgiving. The City shall also observe the following unpaid holidays: Winter Holiday (December 24 through January 1; when January 1 falls on a Thursday, Winter Holiday shall be observed through January 2). Except for Winter Holiday, which is observed on specified dates, when a holiday falls on a Saturday, it shall be observed on the prior Friday; when a holiday falls on a Sunday, it shall be observed on the following Monday.

- B. Floating Holidays: The City shall provide each part-time employee with two floating holidays per calendar year, equivalent to 16 hours of pay credited the first pay period of each calendar year. Floating holidays are not accrued on a pro-rata basis throughout the calendar year. Part-time employees must be in paid status on regularly scheduled workdays before and after using floating holiday time. Floating holiday time shall be used in increments of eight hours and only between December 24 and 31.

Part-time employees may maintain a balance of no more than 16 hours of unused floating holiday time (Floating Holiday Accrual Limit) and shall not accrue additional floating holiday time when the Floating Holiday Accrual Limit has been reached. Upon separation from the City, part-time employees shall be compensated for the balance of their accrued floating holiday time.

- C. Retirement: All City employees, including part-time employees, are required to participate in the Social Security system. Part-time employees who work 1,000 hours or more in a fiscal year, shall be eligible for membership in CalPERS for retirement benefits. Eligible part-time employees considered “classic” by CalPERS shall pay the 7% employee contribution pursuant to the terms of Resolution No. 12-18. Eligible part-time employees considered “new members” by CalPERS shall pay the employee contribution rate established by CalPERS, as may change from time to time.

- D. Retiree Medical: As required by, and in an amount established by California Government Code Section 22892, the City shall contribute toward CalPERS retiree health insurance for retiring full-time employees who have worked for the City for a minimum of 10 years. Part-time service for employees who transition from part-time to full-time employment with the City may be used to meet the 10-year requirement, with each 174 hours counting as one month.

- E. Monthly Benefit Allowance: The City shall provide part-time employees with a monthly benefit allowance of \$800 per month. A portion of the allowance shall be allocated to pay for the employee assistance program and health insurance, as provided in this resolution. The remaining balance of the monthly benefit allowance may be allocated by the employee to elect benefits available through the City’s Internal Revenue Code Section 125 Flexible Benefits Plan, in accordance with applicable plan documents. Any amount of the monthly benefit allowance that remains after the allocations described above shall be forfeited. Part-time employees who are provided a monthly benefit allowance shall be required to make elections for the annual calendar

year use of the entirety of monthly benefit allowances during an enrollment/election period established by the City Manager, as may change from time to time. Modifications of annual calendar year elections following any enrollment/election period shall be limited to qualifying events as set forth in applicable plan documents.

- F. Employee Assistance Program: The City shall contract for an employee assistance program; enrollment in the program shall be mandatory for all part-time employees. The cost of enrollment in the employee assistance program shall be deducted from each part-time employee's salary or monthly benefit allowance, if provided.
- G. Health Insurance: All employees shall be covered by basic health insurance that qualifies as Minimum Essential Coverage under California law. The City shall contract for health insurance through CalPERS; enrollment in a CalPERS health plan shall be mandatory for all part-time employees unless proof of coverage under a qualifying, alternate non-individual market basic health insurance plan is provided. The cost of enrollment in a CalPERS health plan shall be deducted first from each part-time employee's monthly benefit allowance and then from salary (if necessary).
- H. Flexible Benefits Plan: The City shall contract for the provision of an Internal Revenue Code Section 125 Flexible Benefits Plan; enrollment in the plan shall be voluntary for all part-time employees. Part-time employees may contribute to the plan through a salary reduction at their sole expense and/or by electing to allocate a portion of their monthly benefit allowance, if provided.
- I. Deferred Compensation Plan: The City shall contract for the provision of an Internal Revenue Code Section 457 Deferred Compensation Plan; enrollment in the plan shall be voluntary for all part-time employees. Part-time employees may contribute to the plan through a salary reduction at their sole expense.
- J. Paid Time Off: Part-time employees shall accrue 160 hours per year of annual paid time off (leave), which shall be pro-rated based on the number of hours regularly worked less than 40 hours per week. Paid time off may be used for doctors' appointments, personal and family sick time, bereavement leave, jury duty leave, vacation, and personal business. Paid time off may also be used up to the number of hours regularly worked during unpaid holidays that fall on weekdays (less any floating holiday time used). Hours earned are accrued on a pro-rata basis by pay period.

Part-time employees may maintain a balance of no more than 300 hours of paid time off (Leave Accrual Limit) and shall cease to accrue additional paid time off when the Leave Accrual Limit has been reached. When a part-time employee's balance of paid time off falls below the Leave Accrual Limit, accrual shall resume beginning with the first pay period following the pay period in which the balance of paid time off fell below the Leave Accrual Limit. Upon separation from the City, part-time employees shall be compensated for the balance of their accrued paid time off.

SECTION 5. All employees who work less than 20 hours per week on a regularly assigned basis shall be considered “limited part-time employees” for the purpose of this resolution. Limited part-time employees shall receive the following benefits:

- A. Retirement: All City employees, including part-time employees, are required to participate in the Social Security system.
- B. Deferred Compensation Plan: The City shall contract for the provision of an Internal Revenue Code Section 457 Deferred Compensation Plan; enrollment in the plan shall be voluntary for all limited part-time employees. Limited part-time employees may contribute to the plan through a salary reduction at their sole expense.
- C. Paid Time Off: After the first 30 calendar days of employment, and every January 1 thereafter, limited part-time employees shall accrue 24 hours of annual paid time off (leave), which may be used for personal illness, to care for a sick family member, for preventive care or diagnosis, care or treatment of an existing health condition, or for specified purposes if the limited part-time employee is a victim of domestic violence, sexual assault, or stalking. Paid time off shall not be used within the first 90 calendar days of employment for new limited part-time employees. There is no accrual or carryover of paid time off between or across calendar years. Upon termination from the City, limited part-time employees shall not be compensated for the balance of their paid time off. If a limited part-time employee separates from and is rehired by the City within one year, previously accrued and unused paid time off shall be reinstated.

SECTION 6. The City Manager is authorized to offer technology allowances of up to \$79.50 per employee per month to employees who are regularly required to use their personal cellular telephones, personal computers, and/or other personal

technology to conduct City business, with the exception of the City Manager. Such technology allowances shall be added to employee compensation and shall be paid in the first pay period of each month, subject to any applicable wage withholding or similar taxes. Employees must be in paid status on regularly scheduled workdays during the first pay period of each month in order to receive payment.

SECTION 7. The City Manager is authorized to offer notary public stipends of \$100 per employee per month to employees who regularly provide notary public and foreign pension acknowledgement services in the course of City business, with the exception of the City Manager. Such notary public stipends shall be added to employee compensation and shall be paid in the first pay period of each month, subject to any applicable wage withholding or similar taxes. Employees must be in paid status on regularly scheduled workdays during the first pay period of each month, and in possession of an active and valid notary public commission from the State of California as of the payroll processing date for the first pay period of each month, in order to receive payment. The City Manager is also authorized to incur and pay, on behalf of the City, costs related to the education and commission of employees who regularly provide notary public services in the course of City business, with the exception of the City Manager.

SECTION 78. The Mayor shall sign this resolution and the City Clerk shall attest and certify to the passage and adoption thereof.

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

CAROL MOORE, Mayor

ATTEST:

YOLIE TRIPPY, CMC, City Clerk

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

I, YOLIE TRIPPY, City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 22-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2022, by the following vote:

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

YOLIE TRIPPY, CMC, City Clerk

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8.6
AD HOC AUDIT COMMITTEE
(NO REPORT)

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