

# CITY OF IRWINDALE

5050 N. IRWINDALE AVE., IRWINDALE CA 91706 • PHONE: (626) 430-2200 • FACSIMILE: 962-4209



## NOTICE AND AGENDA FOR THE SPECIAL AND REGULAR MEETING OF THE

### CITY COUNCIL

### SUCCESSOR AGENCY TO THE IRWINDALE COMMUNITY REDEVELOPMENT AGENCY

### HOUSING AUTHORITY

### RECLAMATION AUTHORITY

**FEBRUARY 22, 2023**

**SPECIAL MEETING – 5:00 P.M.**

**REGULAR MEETING - 6:30 P.M.**

**IRWINDALE CITY COUNCIL CHAMBER**

### *Limited Public Access*

### *Pursuant to Irwindale Resolution No. Resolution No. 2023-10-3388*

The Irwindale City Council has authorized the conduct of hybrid meetings of the City Council, including all City Commissions and committee meetings, and all regularly scheduled meetings that would normally take place in the City Council Chambers, under the provisions of Government Code Section 54956 § E, as authorized by AB 361.

The public's health and well-being are the top priority for the City, and you are urged to take all appropriate health safety precautions. To facilitate this process, the meeting and opportunities to participate are available through the following:

### **In-Person at the City Council Chambers**

**Via Zoom Webinar at <https://us02web.zoom.us/j/87104592389>**

**Webinar ID: 871 0459 2389**



**Spontaneous Communications:** The public is encouraged to address the City Council on any matter listed on the agenda or on any other matter within its jurisdiction. The City Council will hear public comments on items listed on the agenda during discussion of the matter and prior to a vote. The City Council will hear public comments on matters not listed on the agenda during the Spontaneous Communications period.

Pursuant to provisions of the **Brown Act**, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council may direct staff to investigate and/or schedule certain matters for consideration at a future City Council meeting.

**Americans with Disabilities Act:** In compliance with the ADA and Government Code section 54953(g), the City Council has adopted a reasonable accommodation policy to swiftly resolve accommodation requests. The policy can be found on the City's website: <https://www.irwindaleca.gov/DocumentCenter/View/8075/AB-2449-Reasonable-Accommodation-Policy>. If you need special assistance to participate in a City Council or Commission meeting or other services offered by this City, including an electronic or printed copy of the City's reasonable accommodation policy, please contact City Hall at (626) 430-2200. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

**Note:** Staff reports are available for inspection at the office of the Chief Deputy City Clerk, City Hall, 5050 N. Irwindale Avenue, during regular business hours (8:00 a.m. to 6:00 p.m., Monday through Thursday).

## Code of Ethics

As City of Irwindale Council Members, our fundamental duty is to serve the public good. We are committed to the principle of an efficient and professional local government. We will be exemplary in obeying the letter and spirit of Local, State and Federal laws and City policies affecting the operation of the government and in our private life. We will be independent and impartial in our judgment and actions.

We will work for the common good of the City of Irwindale community and not for any private or personal interest. We will endeavor to treat all people with respect and civility. We will commit to observe the highest standards of morality and integrity, and to faithfully discharge the duties of our office regardless of personal consideration. We shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of others.

We will inform ourselves on public issues, listen attentively to public discussions before the body, and focus on the business at hand. We will base our decisions on the merit and substance of that business. We will be fair and equitable in all actions, claims or transactions. We shall not use our official position to influence government decisions in which we have a financial interest or where we have a personal relationship that could present a conflict of interest, or create a perception of a conflict of interest.

We shall not take advantage of services or opportunities for personal gain by virtue of our public office that are not available to the public in general. We shall refrain from accepting gifts, favors or promises of future benefit that might compromise our independence of judgment or action or give the appearance of being compromised.

We will behave in a manner that does not bring discredit or embarrassment to the City of Irwindale. We will be honest in thought and deed in both our personal and official lives.

Ultimate responsibility for complying with this Code of Ethics rests with the individual elected official. In addition to any other penalty as provided by law, violation of this Code of Ethics may be used as a basis for disciplinary action or censure of a Council Member.

These things we hereby pledge to do in the interest and purposes for which our government has been established.

*IRWINDALE CITY COUNCIL*



**SPECIAL MEETING – 5:00 P.M.**

**A. CALL TO ORDER**

**B. ROLL CALL:** Councilmembers:, Mark A. Breceda, Larry G. Burrola, Manuel R. Garcia;  
Mayor Pro Tem Albert F. Ambriz; Mayor H. Manuel Ortiz

**C. AB 2449 DISCLOSURES**

*Remote participation by a member of the legislative body for just cause or emergency circumstances*

**SPONTANEOUS COMMUNICATIONS**

Spontaneous communications are limited to the special meeting agenda items only.

**D. RECESS TO CLOSED SESSION**

1. Conference with Legal Counsel – Existing Litigation

Pursuant to California Government Code Section 54956.9

A) Name of Case: Five Points, LP vs. City of Irwindale  
Case Number: 22STCV01394

2. Public Employee Performance Evaluation

Pursuant to California Government Code Section 54957

Title: City Manager

Title: City Attorney

**E. RECONVENE IN OPEN SESSION**

**F. REPORT FROM CLOSED SESSION**

**G. ADJOURNMENT**

**OPEN SESSION – 6:30 P.M.****A. CALL TO ORDER****B. PLEDGE OF ALLEGIANCE****C. INVOCATION****D. AB 2449 DISCLOSURES**

*Remote participation by a member of the legislative body for just cause or emergency circumstances*

**E. ROLL CALL: Councilmembers:, Mark A. Breceda, Larry G. Burrola, Manuel R. Garcia;  
Mayor Pro Tem Albert F. Ambriz; Mayor H. Manuel Ortiz****F. CHANGES TO THE AGENDA****G. COUNCIL MEMBER TRAVEL REPORTS****H. COUNCILMEMBER COMMENTS****I. INTRODUCTION OF NEW EMPLOYEES/PROMOTIONS**

A. Introduction of Interim Director of Engineering/Building Official – William K. Tam

B. Introduction of Library Technician – Elizabeth Morales-Velasquez

**J. PROCLAMATIONS / PRESENTATIONS / COMMENDATIONS**

A. Chamber of Commerce Business of the Month – Elite Office Solutions

**SPONTANEOUS COMMUNICATIONS**

This is the time set aside for members of the audience to speak on items not on this agenda. State law prohibits any Council discussion or action on such communications unless 1) the Council by majority vote finds that a catastrophe or emergency exists; or 2) the Council by at least four votes finds that the matter (and need for action thereon) arose within the last five days. Since the Council cannot (except as stated) participate it is requested that all such communications be made in writing so as to be included on the next agenda for full discussion and action. If a member of the audience feels he or she must proceed tonight, then each speaker will be limited to 3 minutes unless such time limits are extended.

In the hybrid format, both in-person and hybrid audience members will participate in the following order:

**Tier 1:** In-person attendees

**Tier 2:** Teleconference attendees

**Tier 3:** In-person attendees who have not previously provide comments on the matter(s) being discussed by the legislative body

**Tier 4:** Teleconference attendees who have not previously provide comments on the matter(s) being discussed by the legislative body

## 1. **CONSENT CALENDAR**

*The Consent Calendar contains matters of routine business and is to be approved with one motion unless a member of the City Council requests separate action on a specific item. At this time, members of the audience may ask to be heard regarding an item on the Consent Calendar.*

### A. Minutes

**Department: Administration / City Clerk**

Recommendation: Approve the following minutes:

1. Special joint meeting held January 25, 2023
2. Regular meeting held January 25, 2023

### B. Warrants/Demands/Payroll

**Department: Finance**

Recommendation: Approve

### C. Accepting ICF Funding, Appropriation of Funds

**Department: Administration**

Recommendation: **Adopt Resolution No. 2023-15-3393** entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE ACCEPTING A DONATION IN THE AMOUNT OF \$8,000 FROM THE IRWINDALE COMMUNITY FOUNDATION AND APPROPRIATING DONATED FUNDS".

### D. Adopt Resolution No. 2023-18-3396 Establishing Guidelines for the Proposition 218 Process

**Department: Public Services**

Recommendation: **Adopt Resolution No. 2023-18-3396** entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE ESTABLISHING GUIDELINES FOR THE SUBMISSION AND TABULATION OF PROTESTS IN CONNECTION WITH THE PROPOSED INCREASES TO EXISTING SOLID WASTE RATES PUBLIC HEARING CONDUCTED PURSUANT

TO ARTICLE XIID, SECTION 6 OF THE CALIFORNIA CONSTITUTION AND PROPOSITIONS 13 (1978), 218 (1996) AND 26 (2010)".

E. Calmat Co., dba Vulcan Materials Company, Reimbursement Agreement Termination

**Department: Community Development**

Recommendation: Approve the Termination Agreement of the Reimbursement Agreement between the City of Irwindale and Calmat Company, dba Vulcan Materials Company, for the consideration and processing of development applications for the Reliance II Landfill.

**2. NEW BUSINESS**

*At this time, members of the audience may ask to be heard regarding an item on New Business.*

A. Mid-Year Financial Review and Adjustments to the FY 2022-2023 Budget (Joint Item on with Housing Authority and Reclamation Authority)

**Department: Finance**

Recommendation: That the City Council **adopt Resolution No. 2023-16-3394, Resolution No. HA 2023-03-134 and Resolution No. RA 2023-01-036** entitled, "A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, THE IRWINDALE HOUSING AUTHORITY BOARD, AND THE RECLAMATION AUTHORITY BOARD APPROVING ADJUSTMENTS TO THE BUDGET FOR FISCAL YEAR 2022-2023".

B. Options for Outgoing Commissioner Recognition

**Department: Administration**

Recommendation: Discuss the options presented and provide direction.

C. Adoption of Urgency Ordinance No. 766 Approving and Adopting a Military Equipment Use Policy

**Department: Police**

Recommendation: **Adopt Urgency Ordinance No. 766** entitled, "AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE APPROVING AND ADOPTING A MILITARY EQUIPMENT POLICY AS PART OF THE IRWINDALE POLICE DEPARTMENT POLICY MANUAL IN COMPLIANCE WITH ASSEMBLY BILL 481".

D. Proposed Public Meeting Policies and Procedures

**Department: Administration**

Recommendation: Review the proposed Public Meeting Policies and Procedures; and **adopt Resolution No. 2023-17-3395** entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY

OF IRWINDALE APPROVING AND ADOPTING CITY OF IRWINDALE COUNCIL PROCEDURES” ; or  
provide direction to staff.

**3. PUBLIC HEARINGS**

*At this time, members of the audience may ask to be heard regarding an item on Public Hearings.*

**4. CITY MANAGER’S REPORT**

**5. REQUESTS BY COUNCILMEMBERS FOR FUTURE AGENDA ITEMS**

**6. ADJOURN**

**SUCCESSOR AGENCY TO THE IRWINDALE  
COMMUNITY REDEVELOPMENT AGENCY**

**AB 2449 DISCLOSURES**

*Remote participation by a member of the legislative body for just cause or emergency circumstances*

**SPONTANEOUS COMMUNICATIONS**

This is the time set aside for members of the audience to speak on items not on this agenda. Spontaneous Communications for the Successor Agency are subject to the same State prohibitions and City guidelines as cited on the City Council agenda.

**1. CONSENT CALENDAR**

A. Minutes

***Department: Administration / City Clerk***

Recommendation: Approve the following minutes:

1. Special joint meeting held January 25, 2023
2. Regular meeting held January 25, 2023

B. Warrants

***Department: Finance***

Recommendation: Approve

**2. NEW BUSINESS**

*At this time, members of the audience may ask to be heard regarding an item on New Business.*

**3. PUBLIC HEARINGS**

*At this time, members of the audience may ask to be heard regarding an item on Public Hearings.*

**4. ADJOURN**



## HOUSING AUTHORITY

### **AB 2449 DISCLOSURES**

*Remote participation by a member of the legislative body for just cause or emergency circumstances*

### **SPONTANEOUS COMMUNICATIONS**

This is the time set aside for members of the audience to speak on items not on this agenda. Spontaneous Communications for the Housing Authority are subject to the same State prohibitions and City guidelines as cited on the City Council agenda.

#### **1. CONSENT CALENDAR**

A. Minutes

**Department: Administration / City Clerk**

Recommendation: Approve the following minutes:

1. Special joint meeting held January 25, 2023
2. Regular meeting held January 25, 2023

B. SB 341 Annual Report for Fiscal Year (FY) 2021-2022

**Department: Community Development / Housing**

Recommendation: Receive and file the SB 341 Annual Report for FY 2021-2022 and direct that such report be filed with the City of Irwindale City Clerk's office and the Department of Housing and Community Development.

C. Las Casitas Ranking

**Department: Community Development / Housing**

Recommendation: Receive and file the Las Casitas Eligibility List.

#### **2. NEW BUSINESS**

*At this time, members of the audience may ask to be heard regarding an item on New Business.*

A. Mid-Year Financial Review and Adjustments to the FY 2022-2023 Budget (Joint Item on with City Council and Reclamation Authority)

**Department: Finance**

Recommendation: That the City Council **adopt Resolution No. 2023-16-3394, Resolution No. HA 2023-03-134 and Resolution No. RA 2023-01-036** entitled, "A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, THE IRWINDALE HOUSING AUTHORITY BOARD, AND

THE RECLAMATION AUTHORITY BOARD APPROVING ADJUSTMENTS TO THE BUDGET FOR FISCAL YEAR 2022-2023”.

**3. PUBLIC HEARINGS**

*At this time, members of the audience may ask to be heard regarding an item on Public Hearings.*

**4. ADJOURNMENT**

**RECLAMATION AUTHORITY**

*As required by Government Code section 54954.3, members of the City Council are also members of the Reclamation Authority, which is concurrently convening with the City Council this evening and each Council Member is paid an additional stipend of \$300 for attending the Reclamation Authority meeting*

**SPONTANEOUS COMMUNICATIONS**

This is the time set aside for members of the audience to speak on items not on this agenda. Spontaneous Communications for the Reclamation Authority are subject to the same State prohibitions and City guidelines as cited on the City Council agenda.

**1. NEW BUSINESS**

*At this time, members of the audience may ask to be heard regarding an item on New Business.*

- A. Mid-Year Financial Review and Adjustments to the FY 2022-2023 Budget (Joint Item on with City Council and Housing Authority)

***Department: Finance***

Recommendation: That the City Council **adopt Resolution No. 2023-16-3394, Resolution No. HA 2023-03-134 and Resolution No. RA 2023-01-036** entitled, “A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, THE IRWINDALE HOUSING AUTHORITY BOARD, AND THE RECLAMATION AUTHORITY BOARD APPROVING ADJUSTMENTS TO THE BUDGET FOR FISCAL YEAR 2022-2023”.

**2. ADJOURNMENT**

**AFFIDAVIT OF POSTING**

I, Laura M. Nieto, Chief Deputy City Clerk, certify that I caused the agenda for the regular meeting of the City Council, Irwindale Successor Agency to the Irwindale Community Redevelopment Agency, Housing Authority and Reclamation Authority, to be held on February 22, 2023, be posted at the City Hall, Library, and Post Office on February 16, 2023.

**Laura M. Nieto, MMC**

Laura M. Nieto, MMC  
Chief Deputy City Clerk

**IRWINDALE CITY COUNCIL CHAMBERS  
5050 N. IRWINDALE AVENUE  
IRWINDALE, CALIFORNIA 91706**

CC, SA, HA  
Item 1A1

**JANUARY 25, 2023  
WEDNESDAY  
5:31 P.M.**

The Irwindale **CITY COUNCIL, SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY, AND HOUSING AUTHORITY**, met in special joint session at the above time and place.

**ROLL CALL:**

Present: Council/Board Members Mark A. Breceda, Manuel R. Garcia, Larry G. Burrola; Mayor Pro Tem / Vice Chair Albert F. Ambriz; Mayor / Chair H. Manuel Ortiz.

Also Present: Julian A. Miranda, City Manager / Executive Director; Adrian Guerra, City Attorney / General Counsel; and Laura Nieto, Chief Deputy City Clerk / Assistant Authority Secretary

**AB 2449 DISCLOSURES** None.

**SPONTANEOUS  
COMMUNICATIONS**

DENA ZEPEDA

Dena Zepeda stated her opinion that the City's law firm has mislead the City, stated that she was not worried about the City potentially losing \$20 million in a lawsuit vs. Five Points, and opposed pollution.

FRED BARBOSA

Fred Barbosa referenced the lawsuit by Five Points and expressed his belief that the contract that the city had previously entered into with Five Points was unenforceable. He demanded that a separate law firm provide its opinion on the case.

**RECESS TO  
CLOSED SESSION**

At 5:51 p.m., the City Council met in Closed Session to discuss the following:

Conference with Legal Counsel – Existing Litigation  
Pursuant to California Government Code Section 54956.9

Name of Case: Five Points, LP vs. City of Irwindale  
Case Number: 22STCV01394

**ACTION:** Discussed; direction given to pull Item Nos. 2B and 2C from the agenda regarding the settlement agreement between Five Points and the City and the consulting agreement between the City and the De Novo group from the agenda; additional direction provided to City Manager; no further reportable action taken. (Councilmember Breceda exited the Closed Session room and did not participate due to a conflict of interest).

Public Employee Performance Evaluation

Pursuant to California Government Code Section 54957

Title: City Manager

ACTION: Discussed, direction provided; no reportable action.

Liability Claims

Pursuant to Government Code Section 54956.95

Claimant: Robert Avila

Agency claimed against: City of Irwindale

Claimant: Mariela Avila

Agency claimed against: City of Irwindale

ACTION: Discussed, direction provided; no reportable action taken

**RECONVENE IN  
OPEN SESSION**

At 7:33 p.m., the City Council reconvened in Open Session with all members present.

**ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned at 7:33 p.m.

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Laura M. Nieto, MMC  
Chief Deputy City Clerk

**IRWINDALE CITY COUNCIL CHAMBERS  
5050 N. IRWINDALE AVENUE  
IRWINDALE, CALIFORNIA 91706**

CC Item 1A2

**JANUARY 25, 2023  
WEDNESDAY  
7:33 P.M.**

The Irwindale **CITY COUNCIL** met in regular session at the above time and place.

**ROLL CALL:**

Present: Councilmembers Mark A. Breceda, Larry G. Burrola, Manuel R. Garcia; Mayor Pro Tem Albert F. Ambriz; Mayor H. Manuel Ortiz

Also Present: Julian A. Miranda, City Manager; Adrian Guerra, City Attorney; Robert Castro, Interim Chief of Police; Theresa Olivares, Assistant City Manager; Kambiz Borhani, Director of Finance / City Treasurer; Arsanious Hanna, Director of Engineering / Building Official; Marilyn Simpson, Community Development Director; Mary Hull, Human Resources Manager, and Laura Nieto, Chief Deputy City Clerk

**AB 2449 DISCLOSURES** None.

**CHANGES TO THE  
AGENDA**

CITY MANAGER  
MIRANDA

City Manager Miranda advised that item nos. 2B and 2C will be pulled from the agenda and would not be considered.

**COUNCILMEMBER  
TRAVEL REPORT**

None.

**COUNCILMEMBER  
COMMENTS**

MAYOR ORTIZ

Mayor Ortiz commended the company that performs the maintenance at the Irwindale Business Center, noting that they have kept the site very clean, in contrast to how the site used to appear. He also reported a non-functioning digital speed sign at Azusa Canyon Road, north of Cypress Street.

**INTRODUCTION OF  
NEW EMPLOYEES /  
PROMOTIONS**

None.

**PROCLAMATIONS /  
PRESENTATIONS /  
COMMENDATIONS**

CHAMBER OF  
COMMERCE BUSINESS  
OF THE MONTH –  
VULCAN MATERIALS

CHAMBER OF COMMERCE BUSINESS OF THE MONTH –  
VULCAN MATERIALS

The presentation was made.

**SPONTANEOUS  
COMMUNICATIONS**

ANONYMOUS

An email received by an anonymous individual was read into the record, wherein the individual wrote about the claims against the city submitted by Robert and Mariela Avila. The individual questioned why the Avilas, who work for the Police Department, were not placed on administrative leave, while other employees have recently placed on leave. The individual alleged that the Avilas are attempting to sue the city to secure their financial freedom outside of employment.

ANONYMOUS

An email received by an anonymous individual was read into the record, wherein the individual complained that two Police Department employees were placed on administrative leave unfairly last year and suggested that the Councilmembers that have conflicts of interest regarding the claims submitted by the Avilas should abstain from participating in discussing them.

CARMEN ROMAN

Carmen Roman concurred that Councilmembers that have conflicts of interest regarding the claims submitted by the Avilas should not participate in their discussions. She also suggested that the Avilas be fired since they brought shame upon the city and their families.

DENA ZEPEDA

Dena Zepeda complained that residents were not asked for their permission for the extramarital affairs of members of the Police Department. She noted that she was disgusted in her son's own sexual activities with a minor and suggested that no affairs be permitted on worktime. Regarding the vacant Las Casitas senior apartments, she stated that it is cruel to keep seniors waiting for them. She also made allegations that an Irwindale employee is improperly awarding senior apartments to her family members. She then stated that she has a vendetta against the city's law firm.

ROBERT DIAZ

Robert Diaz stated his belief that the city "did the right thing" with regard to the lawsuit by Five Points and stated that the city should reconsider how it conducts its business so that the city avoids being forced to cooperate with a developer. Further, he suggested that residents be given the opportunity to voice their concerns on projects even before they are addressed by the Planning Commission.

FRED BARBOSA

Fred Barbosa stated his belief that the Five Points project, when coupled with other businesses, would cause pollution all day every day, and would result in health complications for residents.

**CONSENT CALENDAR**

MOTION

A motion was made by Councilmember Burrola, seconded by Councilmember Breceda, to approve the Consent Calendar. The motion was unanimously approved.

ITEM NO. 1A  
MINUTES

MINUTES

The following minutes were approved:

- 1) Special joint meeting held December 14, 2022
- 2) Regular meeting held December 14, 2022

ITEM NO. 1B  
WARRANTS

WARRANTS

The warrants were approved.

ITEM NO. 1C  
INVESTMENT  
QUARTERLY  
REPORT FOR FISCAL  
QUARTER ENDING  
DECEMBER 31, 2022

INVESTMENT QUARTERLY REPORT FOR FISCAL QUARTER  
ENDING DECEMBER 31, 2022 (Joint Item on Successor Agency and  
Housing Authority)

The Investment Quarterly Report for the fiscal quarter ending  
December 31, 2022, was received and filed.

ITEM NO. 1D  
CLAIM REJECTION –  
NATALIE DIAZ

CLAIM REJECTION – NATALIE DIAZ

The claim of Natalie Diaz vs. City of Irwindale was rejected and staff  
was directed to send a letter of rejection.

ITEM NO. 1E  
APPROVAL OF PLANS  
AND SPECIFICATIONS  
FOR THE 2022-2023  
RESURFACING  
PROGRAM;  
RESIDENTIAL  
RESURFACING  
PROJECT

APPROVAL OF PLANS AND SPECIFICATIONS FOR THE 2022-  
2023 RESURFACING PROGRAM; RESIDENTIAL RESURFACING  
PROJECT – PHASE II; P-1043

The plans and specifications for the 2022-2023 Resurfacing  
Program: Residential Resurfacing Project – Phase II, was approved,  
and staff was authorized to solicit bids for the construction of the  
project.

**END OF CONSENT CALENDAR**

**NEW BUSINESS**

ITEM NO. 2A  
DIRECTION  
REGARDING UNITED  
ROCK PRODUCTS  
REQUEST TO SUBMIT  
AN APPLICATION TO  
MODIFY THE  
DEVELOPMENT  
AGREEMENT FOR  
THE OLIVE PIT

DIRECTION REGARDING UNITED ROCK PRODUCTS REQUEST  
TO SUBMIT AN APPLICATION TO MODIFY THE DEVELOPMENT  
AGREEMENT FOR THE OLIVE PIT

DIRECTOR SIMPSON

Director Simpson presented the staff report.

|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| MAYOR ORTIZ              | Replying to a question by Mayor Ortiz, Director Simpson advised that the item before the Council tonight, if approved, would grant United Rock the authorization to submit an application. She added that the application for the amendment to the Development Agreement would be addressed at a future date.                                                                                                                                                                           |
| CARMEN ROMAN             | Carmen Roman asked about United Rock's extended work hours, to which Director Simpson indicated that the hours were extended as follows: 7 am to 3 pm Monday through Friday, and 7 am to 5 pm on the second and fourth Saturday of each month.                                                                                                                                                                                                                                          |
| FRED BARBOSA             | Fred Barbosa asked about ingress and egress at the Azusa Canyon Road portion of the site, to which Jeff Cameron, who represented United Rock, advised that ingress would be at Azusa Canyon Road; egress would not be permitted at this location.                                                                                                                                                                                                                                       |
| JEFF CAMERON             | Jeff Cameron advised that United Rock is working on the traffic signal project that had been requested by the Council. A schedule for the installation of the signal light has been provided to city staff. Equipment is scheduled to arrive in February.                                                                                                                                                                                                                               |
| COUNCILMEMBER<br>BURROLA | Councilmember Burrola thanked Mr. Cameron for the information provided.                                                                                                                                                                                                                                                                                                                                                                                                                 |
| JEFF CAMERON             | Jeff Cameron indicated that United Rock provides updates regarding the other traffic signal at Azusa Canyon Road and Los Angeles Street and noted that this signal has an adjoining city trying to obtain an easement related to the signal and the railroad crossing.                                                                                                                                                                                                                  |
| MAYOR PRO TEM<br>AMBRIZ  | Mayor Pro Tem Ambriz noted that the Council has generally approved the extensions and amendments requested by United Rock since 2014, but has not seen the development of the traffic signal that the Council has repeatedly requested for years. He asked whether United Rock would commit in writing to develop the traffic signal, to which Mr. Cameron stated that the project is already moving forward, though he also noted the challenges that have so far delayed the project. |
| COUNCILMEMBER<br>BRECEDA | Responding to a question by Councilmember Breceda, Mr. Cameron indicated that United Rock is seeking a signature by the city on the application and that, once signed, United Rock can submit the application which allows for environmental studies to take place so that United Rock can evaluate the options they are proposing.                                                                                                                                                     |
| MAYOR ORTIZ              | In reply to a question by Mayor Ortiz, Mr. Cameron indicated that United Rock would probably not set a date in writing for the completion of the traffic signal. He noted, however, that progress has been made with regard to the installation of the traffic signal, and stated that United Rock will fulfill its obligation.                                                                                                                                                         |



Mayor Ortiz hoped that the application from United Rock would include a deadline for the installation of the traffic signal. He noted that the city has been waiting a long time for it, and that a clear traffic problem exists at the intersection. He stated that including a deadline date for the installation on the application would be helpful.

COUNCILMEMBER  
BRECEDA

Councilmember Breceda stated that United Rock prefers not to provide a deadline date due to the ongoing issues with the railroad and the City of West Covina, to which Mr. Cameron concurred and added that certain factors are out of United Rock's control. He noted that United Rock regularly meets with the cities of Irwindale and West Covina, as well as representatives from the railroad. He further stated that, although United Rock would not be able to expedite the processes from the other agencies, they would continue to provide status updates to city staff.

MAYOR ORTIZ

Responding to a question by Mayor Ortiz, Director Hanna advised that representatives from the cities of Irwindale and West Covina, along with reps from the Southern California Railroad Authority, Iteris, Coory Engineering, and United Rock Products have met to discuss the issue of the traffic signal. The work is being held up due to the Railroad Authority's demand for \$2.8 million for other improvements in the area, which was not anticipated by either United Rock or the City of Irwindale when the project was first visualized. The parties involved attempted to reach an alternative solution, but the proposal was rejected by the City Council. The second signal, to be located at the entrance of the Olive Pit at Los Angeles Street, should be completed before June.

CARMEN ROMAN

Carmen Roman asked whether the city had a liaison that would represent its interests before United Rock.

AMBRIZ

A motion was made by Mayor Pro Tem Ortiz, seconded by Councilmember Breceda, to authorize the City Manager to sign the application for the modification of the Development Agreement for the Olive Pit, located at 4407 Azusa Canyon Road. The motion was unanimously approved.

ITEM NO. 2B  
APPROVAL OF  
SETTLEMENT AGMT.  
BETWEEN FIVE  
POINTS, LP AND  
CITY OF IRWINDALE

APPROVAL OF SETTLEMENT AGREEMENT BETWEEN FIVE POINTS, LP AND CITY OF IRWINDALE REGARDING SETTLEMENT OF THE LAWSUIT FIVE POINTS, LP VS. CITY OF IRWINDALE, LOS ANGELES COUNTY SUPERIOR COURT, CASE NO. 22STCV01394

This report was pulled from the agenda and no action was taken.

ITEM NO. 2C  
REQUEST TO  
APPROVE  
AMENDMENT NO. 3

REQUEST TO APPROVE AMENDMENT NO. 3 TO THE PROFESSIONAL CONSULTING CONTRACT WITH DENOVO PLANNING GROUP FOR THE PREPARATION OF AN ADDITIONAL AIR QUALITY ANALYSIS FOR THE ENVIRONMENTAL IMPACT

TO THE CONTRACT      REPORT FOR THE CONSTRUCTION OF A ±495,000 SQUARE-FOOT TILT-UP BUILDING AND ASSOCIATED PARKING AT 5175 VINCENT AVENUE (APNS: 8417-034-015 AND 8417-034-016 AS PER THE 2018 ASSESSOR'S PARCEL MAP (FORMERLY APNS: 8417-034-904, 8417-034-910, 8417-034-911)

This report was pulled from the agenda and no action was taken.

**PUBLIC HEARINGS**

None.

**CITY MANAGER'S  
REPORT**

CITY MANAGER  
MIRANDA

City Manager Miranda reported the following:

- 1) Irwindale Community Foundation currently has a board vacancy..
- 2) He provided an update regarding Prop. 218.
- 3) He also discussed upcoming winter classes and events at the Recreation Department.

CARMEN ROMAN

Carmen Roman asked whether residents would receive payment for the state-mandated recycling requirements of Prop. 218.

DENA ZEPEDA

Dena Zepeda stated that seniors "want their \$200,000 back," and said that "it's not right" that residents are not able to choose their preferred waste hauler.

PATSY GONZALES

Patsy Gonzales discussed her understanding of SB 1383 and noted that the state enacted the law, not Athens, and that residents still may do their own recycling.

ROBERT DIAZ

Robert Diaz suggested that residents be provided with four waste bins, not just three.

**AGENDA ITEMS  
REQUESTED BY  
COUNCILMEMBERS**

MAYOR PRO TEM  
AMBRIZ

Mayor Pro Tem Ambriz stated that some residents have hung their clothes to dry on walls that separate properties instead of drying them on clotheslines or in dryers, and stated that Code Enforcement should address this since it is a public nuisance. He requested that the City Manager look into the matter.

CITY MANAGER  
MIRANDA

City Manager Miranda responded by indicating that the issue was addressed last summer, and that he understood that these are civil issues between private parties where the city does not become involved.

MAYOR PRO TEM  
AMBRIZ

Mayor Pro Tem Ambriz expressed his skepticism and stated that the issue is a public nuisance.

ROBERT ESCOVEDO

Robert Escovedo stated his belief that all cities have ordinances against drying clothes on walls separating private properties.

CITY MANAGER  
MIRANDA

City Manager Miranda stated that staff will look into the matter and report back.

**ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned at 8:40 p.m., in memory of the victims of the Monterey Park shooting this week.

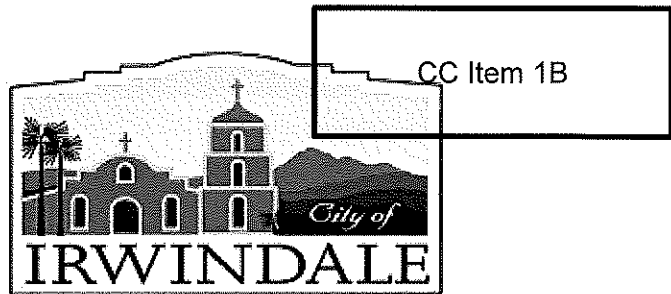
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Laura M. Nieto, MMC  
Chief Deputy City Clerk

# Accounts Payable

## Checks by Date - Summary by Check Number

User: imarin  
Printed: 2/16/2023 3:47 PM



CC Item 1B

| Check No                  | Vendor No | Vendor Name                    | Check Date | Check Amount |
|---------------------------|-----------|--------------------------------|------------|--------------|
| 79027                     | AMBR01    | Ann Ambriz                     | 02/02/2023 | 27.00        |
| 79028                     | AZUSALW   | Azusa Light & Water            | 02/02/2023 | 422.18       |
| 79029                     | NEST01    | Blue Triton Brands, Inc.       | 02/02/2023 | 426.13       |
| 79030                     | CALIFO02  | California American Water      | 02/02/2023 | 986.30       |
| 79031                     | DEKRA-LI  | Dekra-Lite Industries, Inc.    | 02/02/2023 | 346.58       |
| 79032                     | GALVAN02  | Claudia Galvan                 | 02/02/2023 | 480.00       |
| 79033                     | GASCOM    | Gas Company, The               | 02/02/2023 | 4,202.96     |
| 79034                     | SOUTHE17  | Golden State Water Company     | 02/02/2023 | 1,580.33     |
| 79035                     | MIRAN10   | Julian Miranda                 | 02/02/2023 | 492.56       |
| 79036                     | PURCHA    | Purchase Power                 | 02/02/2023 | 2,236.53     |
| 79037                     | RICOH01   | Ricoh USA, Inc                 | 02/02/2023 | 1,259.81     |
| 79038                     | RICOH02   | Ricoh USA, Inc                 | 02/02/2023 | 1,673.13     |
| 79039                     | SANGAB04  | San Gabriel Valley Water Assoc | 02/02/2023 | 100.00       |
| 79040                     | VALLEY01  | Valley County Water District   | 02/02/2023 | 8,575.91     |
| Report Total (14 checks): |           |                                |            | 22,809.42    |

# Accounts Payable

## Checks by Date - Summary by Check Number

User: imarin  
Printed: 2/16/2023 3:49 PM



| Check No | Vendor No | Vendor Name                                  | Check Date | Check Amount |
|----------|-----------|----------------------------------------------|------------|--------------|
| 79042    | CALIFO56  | California State Disbursement Unit           | 02/09/2023 | 604.15       |
| 79043    | CALIFO57  | California State Disbursement Unit           | 02/09/2023 | 143.07       |
| 79044    | ALLIAN02  | Alliant Insurance Services, Inc.- Irvine Mai | 02/09/2023 | 429.00       |
| 79045    | AMERIFID  | American Fidelity Assurance                  | 02/09/2023 | 8,735.98     |
| 79046    | AT&T02    | AT & T                                       | 02/09/2023 | 33.64        |
| 79047    | AT&T06    | AT & T                                       | 02/09/2023 | 64.36        |
| 79048    | Ayala01   | Leonor Ayala                                 | 02/09/2023 | 387.00       |
| 79049    | SANGAB11  | California Newspapers Partnership            | 02/09/2023 | 390.79       |
| 79050    | CHART01   | Charter Communications                       | 02/09/2023 | 91.93        |
| 79051    | BALDWI02  | City of Baldwin Park                         | 02/09/2023 | 125.00       |
| 79052    | CONCE01   | Concentra                                    | 02/09/2023 | 79.00        |
| 79053    | DF01      | D.F. Polygraph                               | 02/09/2023 | 200.00       |
| 79054    | EDDCAS    | Employment Development Dept.                 | 02/09/2023 | 4,155.00     |
| 79055    | FLORE01   | Karla Flores                                 | 02/09/2023 | 455.00       |
| 79056    | FRONT01   | Frontier Communications                      | 02/09/2023 | 650.99       |
| 79057    | GALVAN02  | Claudia Galvan                               | 02/09/2023 | 320.00       |
| 79058    | HERN20    | Heylin Hernandez                             | 02/09/2023 | 270.00       |
| 79059    | HOYEN     | Noelle Hoyer                                 | 02/09/2023 | 700.00       |
| 79060    | JOHN01    | Johnson Investigations                       | 02/09/2023 | 1,200.00     |
| 79061    | LANCES    | Lance, Soll & Lunghard LLP                   | 02/09/2023 | 3,732.00     |
| 79062    | LAW01     | Law Enforcement Medical Services, Inc.       | 02/09/2023 | 95.00        |
| 79063    | LIEBERT   | Liebert Cassidy Whitmore                     | 02/09/2023 | 1,487.50     |
| 79064    | MCIWOR    | MCI Comm Service                             | 02/09/2023 | 38.77        |
| 79065    | NATION23  | National Union Fire Insurance                | 02/09/2023 | 678.60       |
| 79066    | NAVARRO4  | Humberto Navarro Jr.                         | 02/09/2023 | 200.00       |
| 79067    | OPTUM01   | OptumRx, Inc.                                | 02/09/2023 | 29,685.09    |
| 79068    | PAIK01    | Sumako Paik                                  | 02/09/2023 | 120.00       |
| 79069    | RIOHON01  | Rio Hondo College                            | 02/09/2023 | 25.00        |
| 79070    | SANGAB07  | San Gabriel Valley                           | 02/09/2023 | 2,625.00     |
| 79071    | STANDA03  | Standard Insurance Company                   | 02/09/2023 | 2,384.64     |
| 79072    | TOTALCOM  | Total Compensation Systems Inc               | 02/09/2023 | 1,350.00     |
| 79073    | VEGA03    | Beverly Vega                                 | 02/09/2023 | 500.00       |
| 79074    | VISION01  | Vision Service Plan - (CA)                   | 02/09/2023 | 1,119.49     |
| 79075    | WAGONER   | Pamela Wagoner                               | 02/09/2023 | 350.00       |
| 79076    | AFFEK01   | Affektive Software LLC                       | 02/22/2023 | 1,224.93     |
| 79077    | ALLC01    | All City Management Services, Inc            | 02/22/2023 | 838.89       |
| 79078    | AMAZON1   | Amazon Capital Services, Inc.                | 02/22/2023 | 1,613.82     |
| 79079    | ARAM01    | Aramark Uniform & Career Apparel Group       | 02/22/2023 | 144.58       |
| 79080    | BAKER01   | Baker & Taylor Books                         | 02/22/2023 | 142.59       |
| 79081    | BARNEY    | Barney's Locksmith Service                   | 02/22/2023 | 173.77       |
| 79082    | CALBLE    | Cal Blend Soils, Inc.                        | 02/22/2023 | 63.95        |
| 79083    | SANGAB11  | California Newspapers Partnership            | 02/22/2023 | 5,765.81     |
| 79084    | Cat Spec  | Cat Specialties Inc                          | 02/22/2023 | 1,965.75     |
| 79085    | CENTER05  | CenterPoint Properties Trust                 | 02/22/2023 | 196,770.25   |
| 79086    | COSTA01   | Costar Realty Information, Inc.              | 02/22/2023 | 400.00       |
| 79087    | COUNTY04  | County of Los Angeles                        | 02/22/2023 | 8,446.84     |
| 79088    | LOSANG33  | County of Los Angeles                        | 02/22/2023 | 95,695.10    |

| Check No | Vendor No | Vendor Name                            | Check Date | Check Amount |
|----------|-----------|----------------------------------------|------------|--------------|
| 79089    | CWA01     | CWA AIA, Inc                           | 02/22/2023 | 8,346.90     |
| 79090    | DICKER01  | Dickerson, McCulloch & Associates, LLC | 02/22/2023 | 3,910.50     |
| 79091    | BALLOO    | Carol Diess                            | 02/22/2023 | 50.00        |
| 79092    | DURATE01  | DuraTech USA, Inc.                     | 02/22/2023 | 5,032.52     |
| 79093    | BATE01    | Elior Inc.                             | 02/22/2023 | 3,130.88     |
| 79094    | FILLG01   | Fill Good Landscaping                  | 02/22/2023 | 400.00       |
| 79095    | 1Glendor  | Glendora Chevrolet                     | 02/22/2023 | 587.26       |
| 79096    | GRAING    | Grainger                               | 02/22/2023 | 66.14        |
| 79097    | INTELL01  | Intelli-tech, Inc.                     | 02/22/2023 | 24,015.08    |
| 79098    | INTERS02  | Interstate Batteries                   | 02/22/2023 | 232.01       |
| 79099    | ITERIS    | Iteris, Inc.                           | 02/22/2023 | 1,440.00     |
| 79100    | JOEAGO    | Joe A. Gonsalves & Son                 | 02/22/2023 | 2,375.00     |
| 79101    | JOHNSO01  | Johnson-Frank Associates, Inc.         | 02/22/2023 | 121,322.25   |
| 79102    | LEAGUE02  | League Of California Cities            | 02/22/2023 | 1,045.00     |
| 79103    | LEWISE    | Lewis Engraving, Inc.                  | 02/22/2023 | 26.46        |
| 79104    | LEXISN    | LexisNexis Risk Solutions              | 02/22/2023 | 151.50       |
| 79105    | LG2WB01   | LG2WB Engineers, Inc                   | 02/22/2023 | 2,753.00     |
| 79106    | LSA01     | LSA Associates, Inc.                   | 02/22/2023 | 7,897.50     |
| 79107    | MIDAS     | Manuel C Muratalla                     | 02/22/2023 | 167.64       |
| 79108    | CALIBE01  | Lawrence E. Marino                     | 02/22/2023 | 1,567.00     |
| 79109    | MARIPO    | Mariposa Landscapes, Inc.              | 02/22/2023 | 8,796.00     |
| 79110    | MOTOR01   | Motorola Solutions, Inc.               | 02/22/2023 | 8,616.79     |
| 79111    | PEARSO01  | NCS Pearson, Inc                       | 02/22/2023 | 66.00        |
| 79112    | OFFICE03  | Office Depot                           | 02/22/2023 | 940.88       |
| 79113    | PERF03    | Performance Elevator Contractors, Inc. | 02/22/2023 | 360.00       |
| 79114    | PITNEY06  | Pitney Bowes, Inc                      | 02/22/2023 | 238.14       |
| 79115    | PLACE01   | PlaceWorks, Inc.                       | 02/22/2023 | 19,152.54    |
| 79116    | PRO01     | Pro Line Gym Floors                    | 02/22/2023 | 4,950.00     |
| 79117    | PROPRINT  | Pro Printing, Inc.                     | 02/22/2023 | 356.48       |
| 79118    | PROFOR01  | ProForce Law Enforcement               | 02/22/2023 | 8,492.15     |
| 79119    | RICOH02   | Ricoh USA, Inc                         | 02/22/2023 | 1,673.13     |
| 79120    | SANGAB13  | San Gabriel Valley Council             | 02/22/2023 | 20,829.18    |
| 79121    | SEAL01    | SealMaster of Southern California      | 02/22/2023 | 1,241.04     |
| 79122    | SIERRA02  | Sierra Chrysler/Dodge/Jeep/Ram         | 02/22/2023 | 3,660.34     |
| 79123    | SWT01     | SWT Engineering, Inc.                  | 02/22/2023 | 292.95       |
| 79124    | TEDJOH    | Ted Johnson Propane                    | 02/22/2023 | 59.48        |
| 79125    | NORTHR    | The Northridge Group, Inc.             | 02/22/2023 | 5,947.54     |
| 79126    | TULL02    | William James Tully Jr.                | 02/22/2023 | 950.91       |
| 79127    | UNITED09  | United Rock Products                   | 02/22/2023 | 7,552.00     |
| 79128    | V&V01     | V & V Manufacturing, Inc.              | 02/22/2023 | 127.83       |
| 79129    | HDSUP01   | WHITE CAP, L.P.                        | 02/22/2023 | 745.01       |
| 79130    | YTIRES    | Y Tire Sales                           | 02/22/2023 | 318.72       |

Report Total (89 checks):

656,556.03

- ☒ City Council  
☐ Successor Agency  
☐ Housing Authority  
☐ Reclamation Authority  
☐ Joint Powers Authority

*City of*  
**IRWINDALE**  
**AGENDA REPORT**

---

Date: February 22, 2023  
To: Honorable Mayor and Members of the City Council  
From: Julian A. Miranda, City Manager  
Issue: Resolution Accepting and Appropriating Donated Funds from the Irwindale Community Foundation

---

**City Manager's Recommendation:**

It is recommended that the City Council adopt Resolution No. 2023-15-3393 entitled "**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE ACCEPTING A DONATION IN THE AMOUNT OF \$8,000 FROM THE IRWINDALE COMMUNITY FOUNDATION AND APPROPRIATING THE DONATED FUNDS**".

**Administrative Action:**

**Submitted by:**

Kambiz Borhani, Finance Director / City Treasurer

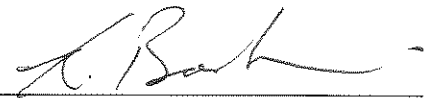


**Reviewed by:**

Adrian R. Guerra, City Attorney

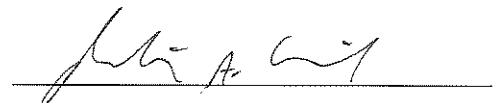
**Electronically Approved**

Kambiz Borhani, Finance Director / City Treasurer



**Approved by:**

Julian A. Miranda, City Manager



**Background and Analysis:**

1. On July 26, 2022, the Irwindale Community Foundation approved Resolution No. ICF 2022-04-013, appropriating and donating \$36,370, distributed as follows:

|                 |                 |
|-----------------|-----------------|
| Recreation      | \$8,500         |
| Senior Center   | 12,000          |
| Public Services | 9,900           |
| Library         | 5,970           |
| <b>TOTAL</b>    | <b>\$36,370</b> |

2. Due to the high inflation rate, the City's Recreation and Senior Center Divisions submitted Mid-Year budget requests to the Irwindale Community Foundation totaling \$8,000 (Attachment "B"). The Recreation Division's Kidzone program provides snacks and other supplies to the participants, the additional \$4,000 provides the necessary funding to sustain the program for the remainder of the fiscal year. The Senior Center Division also requested \$4,000 to provide the necessary supplies for the monthly birthday meals and dessert, and kitchen and dishwasher supplies.
3. On February 6, 2023, the Irwindale Community Foundation approved Resolution No. ICF 2023-01-021, appropriating \$8,000 and donating these funds to the Recreation and Senior Center Divisions, for the purposes described above.
4. A resolution has been prepared to accept and appropriate the funds requested by both Recreation and Senior Center Divisions.
5. It would be appropriate at this time for the City to accept the donation and approve the appropriation of the expenditures of these funds.

#### **Fiscal Impact:**

Approving Resolution No. 2023-15-3393 will make it possible for the Recreation and Senior Center Divisions to sustain their programs for the remainder of the fiscal year. This will provide a benefit to the community while saving General Fund's money.

#### **Attachments:**

Resolution No. 2023-15-3393, with Attachment A  
Irwindale Community Foundation 2/6/2023 Board Meeting Agenda & Report



**RESOLUTION NO. 2023-15-3393**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE  
ACCEPTING A DONATION IN THE AMOUNT OF \$8,000  
FROM THE IRWINDALE COMMUNITY FOUNDATION AND  
APPROPRIATING THE DONATED FUNDS**

**WHEREAS**, the Irwindale Community Foundation is a 501(c)(3) non-profit organization in the City of Irwindale, which serves an important public purpose by raising funds to benefit the Irwindale community; and

**WHEREAS**, during their special board meeting on February 6, 2023, the Irwindale Community Foundation Board adopted Resolution No. ICF 2023-01-021, which appropriated and approved the donation of \$8,000 to the City of Irwindale; and

**WHEREAS**, the donation is to be allocated equally to the Recreation (\$4,000), and Senior Center (\$4,000) Divisions.

**NOW, THEREFORE**, the City Council of the City of Irwindale, California, resolves, determines and orders as follows:

**Section 1.** The City Council finds the above recitals true and correct.

**Section 2.** The City Council hereby formally accepts the donation of \$8,000 from the Irwindale Community Foundation.

**Section 3.** The City Council hereby appropriates the donation as allocated by the Irwindale Community Foundation Board to the Recreation and Senior Center Divisions and as provided on the itemized list attached hereto as Exhibit "A". City staff is authorized to take all reasonably necessary steps to carry out the intent and effect of this Resolution.

**Section 4.** The Chief Deputy City Clerk shall certify the adoption of this Resolution.

**PASSED, APPROVED and ADOPTED** this 22<sup>nd</sup> day of February 2023.

\_\_\_\_\_  
H. Manuel Ortiz, Mayor

ATTEST

\_\_\_\_\_  
Laura M. Nieto, MMC  
Chief Deputy City Clerk

STATE OF CALIFORNIA       }  
COUNTY OF LOS ANGELES    } ss.  
CITY OF IRWINDALE         }

I, Laura M. Nieto, Chief Deputy City Clerk of the City of Irwindale, do hereby certify that the foregoing Resolution No. 2023-15-3393 was duly adopted by the City Council of the City of the City of Irwindale, at a regular meeting held on the 22<sup>nd</sup> day of February 2023, by the following vote:

AYES:           Councilmembers:

NOES:           Councilmembers:

ABSENT:        Councilmembers:

ABSTAIN:       Councilmembers

---

Laura M. Nieto, MMC  
Chief Deputy City Clerk

**IRWINDALE COMMUNITY FOUNDATION  
AGENDA REPORT**

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Date: February 6, 2023  
To: Honorable Chair and Members of the Irwindale Community Foundation Board  
From: Julian A. Miranda, Executive Director  
Issue: Update on ICF Funding Expenditures for FY 2022-2023 (July – December) and Additional Funding Requests

---

**Executive Director's Recommendation:**

It is recommended that the Community Foundation:

1. Receive the update on ICF Funding Expenditures for FY 2022-2023 (July-December).
2. Adopt Resolution No. 2023-01-021 entitled, "A RESOLUTION OF THE BOARD OF DIRECTORS OF THE IRWINDALE COMMUNITY FOUNDATION APPROPRIATING \$8,000 AND DONATING THESE FUNDS TO THE CITY OF IRWINDALE TO FUND COMMUNITY PROGRAMS AND EVENTS DURING FISCAL YEAR 2022-2023".

**Background and Analysis:**

1. As of December 31, 2022, the Irwindale Community Foundation's ending balance in the bank was \$306,130.43.
2. On July 26, 2022, the Irwindale Community Foundation approved Resolution No. ICF 2022-04-013, appropriating and donating \$36,370, distributed as follows:

|                 |                 |
|-----------------|-----------------|
| Recreation      | \$8,500         |
| Senior Center   | 12,000          |
| Public Services | 9,900           |
| Library         | 5,970           |
| <b>TOTAL</b>    | <b>\$36,370</b> |

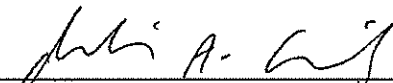
3. The attached FY 2022-2023 Expenditure Summary (Attachment "A") reflects all of the expenditures that occurred beginning July 1, 2022 through and including December 31, 2022.
4. Due to the high inflation rate, the Irwindale Recreation Department and the Irwindale Senior Center have submitted mid-year budget requests totaling \$8,000 (Attachment "B"). The Recreation Department's Kidzone program provides snacks and other

supplies to the participants, the additional \$4,000 request will provide the necessary funding to sustain the program for the remainder of the fiscal year. The Senior Center is requesting \$4,000 to provide the necessary supplies for the monthly birthday meals and dessert, and kitchen and dishwasher supplies.

5. A resolution has been prepared to appropriate the funds requested by the Irwindale Recreation Department and the Irwindale Senior Center.

**Fiscal Impact:**

This report provides a status of the ICF Funding including donations received and expenditures as of December 31, 2022. Additional donations contributed to the Irwindale Community Foundation throughout the current and upcoming fiscal year will be presented to the Board for direction on future allocations.

  
\_\_\_\_\_  
Julian A. Miranda, Executive Director

**Attachments:**

1. Resolution 2023-01-021
2. Attachment A – FY 2022-2023 Expenditure Summary
3. Attachment B – FY 2022-2023 Mid-Year Requests

**RESOLUTION NO. ICF 2023-01-021**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE IRWINDALE  
COMMUNITY FOUNDATION APPROPRIATING \$8,000 AND DONATING THESE  
FUNDS TO THE CITY OF IRWINDALE TO FUND COMMUNITY PROGRAMS AND  
EVENTS DURING FISCAL YEAR 2022-2023**

**WHEREAS**, as of December 31, 2022, the Irwindale Community Foundation's ending balance in the bank was \$306,130.43; and

**WHEREAS**, due to the high rate of inflation and the increased costs associated with the supplies for the Irwindale Recreation Department's Kidzone Program and the Irwindale Senior Center's operating supplies for events, an additional \$8,000 is necessary to sustain the programs for the remainder of the fiscal year; and

**WHEREAS**, these funds are proposed to be allocated \$4,000 to Recreation, and \$4,000 to the Senior Center to be used as detailed in Attachment "A"; and

**NOW, THEREFORE, THE IRWINDALE COMMUNITY FOUNDATION BOARD  
DOES HEREBY FIND AND DETERMINE AS FOLLOWS:**

SECTION 1. That Irwindale Community Foundation Board finds the above recitals true and correct.

SECTION 2. The Irwindale Community Foundation Treasurer is authorized to appropriate \$8,000 for the funds to be used by the Recreation and Senior Center as detailed in Attachment "A".

SECTION 3. The Irwindale Community Foundation Secretary shall certify to the passage and adoption of this resolution.

**PASSED AND ADOPTED** this 6<sup>th</sup> day of February 2023.

---

Larry G. Burrola, Chair

ATTEST

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Laura M. Nieto, MMC  
Secretary

STATE OF CALIFORNIA        }  
COUNTY OF LOS ANGELES    } ss.  
CITY OF IRWINDALE         }

I, Laura M. Nieto, Secretary of the Irwindale Community Foundation, do hereby certify that the foregoing Resolution No. ICF 2023-01-021 was adopted at a special meeting of the Irwindale Community Foundation held on February 6, 2023, by the following vote:

AYES:     Agency Members:

NOES:     Agency Members:

ABSENT:   Agency Members:

ABSTAIN:   Agency Members:

---

Laura M. Nieto, MMC  
Secretary

## Attachment "A"

**FY 2022-2023 ICF Expenditure Summary**  
**Mid-Year Expenditure Report (July - December)**

| DEPARTMENT: RECREATION  |                                                                                          |                  |                  |                    |
|-------------------------|------------------------------------------------------------------------------------------|------------------|------------------|--------------------|
| ITEM                    | DESCRIPTION                                                                              | DONATION         | EXPENDITURE      | PARTICIPANTS       |
| Other                   | Pop Up Canopy Tents (12 - 10x10 w/ICF logo and 1 - 10x20 without ICF logo)               | 8,500.00         |                  | N/A                |
| Special Events          | Mariachi for week #5, sound system and supplies for mariachi fest                        | 7,700.00         | 7,700.00         | 250+               |
|                         | Snow Zone for Christmas Spectacular                                                      | 5,000.00         | -                | N/A                |
|                         | Red, White and You BBQ-Inflatables and activities                                        | 5,000.00         | 5,000.00         | 500+               |
| Minor Special Events    | Sunset Cinema, Locks of Love, Scarecrow Alley, Jack o Lantern Walk, Dia de Los Muertos   |                  |                  |                    |
|                         | Altar, Cookies and Milk with Santa                                                       | 8,000.00         | 3,684.58         | varies             |
| Classes                 | Second yoga class, Tennis, Adult Fitness, Healthy Lifestyle, Self Defense, Dog Obedience | 24,000.00        | 2,250.00         | up to 15 per class |
| Kindness Krew           | Care packages (i.e. seniors, youth, teen, or homeless)                                   | 1,000.00         | -                |                    |
| <b>TOTAL RECREATION</b> |                                                                                          | <b>59,200.00</b> | <b>18,634.58</b> |                    |

| DEPARTMENT: AQUATICS       |                                                     |                 |                 |              |
|----------------------------|-----------------------------------------------------|-----------------|-----------------|--------------|
| ITEM                       | DESCRIPTION                                         | DONATION        | EXPENDITURE     | PARTICIPANTS |
| Annual Aquatics Expo       | Ice Cream Truck, Promotional Items, Decorations     | 2,000.00        |                 |              |
| Red, White, and You Picnic | Dunk tank, decorations, supplies                    | 1,800.00        | 199.00          | 200          |
| End of Summer Luau         | Food, decorations, entertainment, block of swimming | 5,000.00        | 5,000.00        | 110          |
| <b>TOTAL AQUATICS</b>      |                                                     | <b>8,800.00</b> | <b>5,199.00</b> |              |

| DEPARTMENT: SENIOR CENTER  |                                                                                                     |                  |                  |              |
|----------------------------|-----------------------------------------------------------------------------------------------------|------------------|------------------|--------------|
| ITEM                       | DESCRIPTION                                                                                         | DONATION         | EXPENDITURE      | PARTICIPANTS |
| Treadmills                 | Replace 2 donated treadmills with 2 commercial grade treadmills                                     | 5,000.00         | 3,883.98         | 5 per day    |
| Chairs                     | Replace 25 chairs for exercise classes (Chair Zumba and Chair Yoga)                                 | 2,000.00         | 2,106.69         | 22 per class |
| Laptops                    | 3 laptops to use for instruction classes and for patrons to check out while at the senior center    | 5,000.00         | 4,772.16         |              |
| Billiard/Pool Table        | Repair billiard/pool tables                                                                         | 2,000.00         | -                |              |
| Classes - Exercise         | Sewing Class, Gentle Mat Yoga, Zumba Gold                                                           | 9,150.00         | 3,225.00         | 37           |
| Classes                    | Ceramic painting, canvas painting, creating greeting cards, rock painting, and wine bottle painting | 3,500.00         | 1,244.49         | 40           |
| Special Events             | Valentine's Dance, Summer Luau, Mexican Independence Dance, & New Year's Dance                      | 4,700.00         | 2,147.82         | 120          |
| <b>TOTAL SENIOR CENTER</b> |                                                                                                     | <b>31,350.00</b> | <b>17,380.14</b> |              |

| DEPARTMENT: PUBLIC SERVICES  |                                                                                                                                                    |                 |                 |              |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------|--------------|
| ITEM                         | DESCRIPTION                                                                                                                                        | DONATION        | EXPENDITURE     | PARTICIPANTS |
| Software                     | Bus pass system for students to swipe card and enter bus. Provides accurate list of students on bus (including date and time) and student's photo. | 3,000.00        |                 |              |
| Mobile & Portable Radios     | 2 mobile and 4 portable radios for the school buses for dispatch operations and contacting the bus drivers.                                        | 3,200.00        | -               |              |
| Bus Parking                  | Bus parking for beach trips and other events                                                                                                       | 1,200.00        | 300.00          |              |
| Christmas Lights             | Christmas lights for the front of City Hall                                                                                                        | 2,500.00        | 2,383.69        |              |
| <b>TOTAL PUBLIC SERVICES</b> |                                                                                                                                                    | <b>9,900.00</b> | <b>2,683.69</b> |              |

| DEPARTMENT: LIBRARY  |                                                                                                                |                 |                 |                   |
|----------------------|----------------------------------------------------------------------------------------------------------------|-----------------|-----------------|-------------------|
| ITEM                 | DESCRIPTION                                                                                                    | DONATION        | EXPENDITURE     | PARTICIPANTS      |
| Furniture            | New tables (8) and chairs (40) for Learning Center                                                             | 1,650.00        | 1,454.46        | N/A               |
| Charging Station     | Chromebook charging station                                                                                    | 500.00          | -               | receiving quotes  |
| Hotspot Service      | Data service for hotspot devices. Devices were received through a grant and provide on the go internet access. | 2,520.00        | 1,680.00        | 96 clics in 2022  |
| Subscription         | Tumblebook subscription for grades K-6, enhancing library's e-learning platform.                               | 1,300.00        | 1,278.40        | 846 content views |
| <b>TOTAL LIBRARY</b> |                                                                                                                | <b>5,970.00</b> | <b>4,412.86</b> |                   |

|              |                   |                  |
|--------------|-------------------|------------------|
| <b>TOTAL</b> | <b>115,220.00</b> | <b>48,310.27</b> |
|--------------|-------------------|------------------|

## Attachment "B"

## CITY OF IRWINDALE

## Finance Department

## Mid-Year Budget Request

FY 2022-23

Complete shaded cells, print, sign, attach supporting documentation, and  
Forward to Finance by:

Department: **Public Services/Recreation**

| Account No.          | Account Title              | Current Budget | Add'l Budget Request | Total Revised Budget |
|----------------------|----------------------------|----------------|----------------------|----------------------|
| 01-40-406-42240-0000 | Program Supplies - Kidzone | 5,840.00       | 4,000.00             | 9,840.00             |
|                      |                            |                |                      | -                    |
|                      |                            |                |                      | -                    |
| TOTAL:               |                            | 5,840.00       | 4,000.00             | 9,840.00             |

**Explanation for Mid-Year Budget Request:** (attach documentation to support purpose and amount of request)

Cost to purchase snacks and other supplies for the Kidzone program has increased significantly. Staff is requesting additional funding to sustain the program for the remainder of the fiscal year in the amount of \$4,000.00. This request will also be submitted to the Irwindale Community Foundation for their consideration.

Requested By: Priscilla Zepeda

1/24/2023

Date

Dept Head Approval: 

1/24/23  
Date

**Finance will verify account numbers, budget amounts, year-to-date expenditures and request totals.**

Finance Verification: \_\_\_\_\_

\_\_\_\_\_  
Date

Finance Director Approval: \_\_\_\_\_

\_\_\_\_\_  
Date

City Manager Approval: \_\_\_\_\_

\_\_\_\_\_  
Date



**CITY OF IRWINDALE**

Finance Department

**Mid-Year Budget Request**

**FY 2022-23**

*Complete shaded cells, print, sign, attach supporting documentation, and  
Forward to Finance by:*

Department: **Public Services/Senior Center**

| Account No.          | Account Title      | Current Budget | Add'l Budget Request | Total Revised Budget |
|----------------------|--------------------|----------------|----------------------|----------------------|
| 01-42-421-42200-0000 | Operating Supplies | \$12,700.00    | \$4,000.00           | \$16,700             |
|                      |                    |                |                      | -                    |
|                      |                    |                |                      | -                    |
| TOTAL:               |                    | 12,700.00      | 4,000.00             | 16,700.00            |

Explanation for Mid-Year Budget Request: (attach documentation to support purpose and amount of request)

Additional funds are being requested due to the increase in costs for birthday meals, birthday cakes, kitchen supplies, and the Eco Lab Dishwasher supplies.  
Possible Irwindale Community Foundation Request.

Requested By: Eloise Beltran

1/24/2023

Date

Dept Head Approval: 

1/24/23

Date

**Finance will verify account numbers, budget amounts, year-to-date expenditures and request totals.**

Finance Verification: \_\_\_\_\_

\_\_\_\_\_ Date

Finance Director Approval: \_\_\_\_\_

\_\_\_\_\_ Date

City Manager Approval: \_\_\_\_\_

\_\_\_\_\_ Date

- ☒ City Council
- ☐ Successor Agency
- ☐ Housing Authority
- ☐ Reclamation Authority
- ☐ Joint Powers Authority

*City of*  
**IRWINDALE**  
**AGENDA REPORT**

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Date: February 22, 2023  
 To: Honorable Mayor and Members of the City Council  
 From: Julian A. Miranda, City Manager  
 Issue: Adopt Resolution No. 2023-18-3396 Establishing Guidelines for the Proposition 218 Process

---

**City Manager's Recommendation:**

That the City Council adopt Resolution No. 2023-18-3396, entitled, "A Resolution of the City Council of the City of Irwindale Establishing Guidelines for the Submission and Tabulation of Protests in Connection with the Proposed Increases to Existing Solid Waste Rates Public Hearing Conducted Pursuant to Article XIID, Section 6 of the California Constitution and Propositions 13 (1978), 218 (1996) and 26 (2010).

**Administrative Action:**

**Submitted & Prepared by:**

Elizabeth Rodriguez, Public Services Director



**Reviewed by:**

Adrian R. Guerra, City Attorney

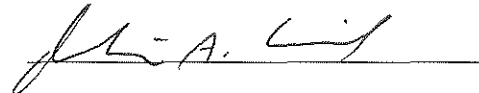
**Electronically Approved**

Kambiz Borhani, Finance Director / City Treasurer



**Approved by:**

Julian A. Miranda, City Manager



**Background and Analysis:**

Pursuant to Proposition 218 (1996), staff has published a notice of a public hearing regarding proposed increases to existing solid waste rates. The public hearing for the purpose of determining whether to impose the increased solid waste rates, and accepting

protests will occur on March 8, 2023. Limited information on the process is provided under Article XIID, Section 6 of the California Constitution and under Propositions 13 (1978), 218 (1996), and 26 (2010). In order to consolidate this information, staff has established guidelines that apply to the hearing process and is recommending these guidelines are adopted by City Council prior to the March 8<sup>th</sup> public hearing.

The attached guidelines will ensure that the public protest hearing is conducted in a way that permits every affected person to speak or submit testimony and, if desired, a protest of the proposed rate increases. The guidelines also provide a process for receiving protests and counting the number of protests.

Any person who wishes to protest or provide any information regarding the proposed increases in existing solid waste rates must do so prior to the public hearing or during the public hearing but prior to its conclusion and in compliance with the guidelines attached hereto. For a majority protest to be successful, verified protests from 50% plus 1 of the parcels subject to the proposed increase must be submitted in writing by the property owner or customer of record.

The City Manager, City Attorney, and City Clerk have reviewed the guidelines and recommend the City Council to adopt the Resolution.

**Fiscal Impact:**

None

**Attachment:**

1. Resolution No. 2023-18-3396

**RESOLUTION NO. 2023-18-3396**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE  
ESTABLISHING GUIDELINES FOR THE SUBMISSION AND TABULATION OF  
PROTESTS IN CONNECTION WITH THE PROPOSED INCREASES TO EXISTING  
SOLID WASTE RATES PUBLIC HEARING CONDUCTED PURSUANT TO ARTICLE  
XIIID, SECTION 6 OF THE CALIFORNIA CONSTITUTION AND  
PROPOSITIONS 13 (1978), 218 (1996), AND 26 (2010)**

**WHEREAS**, Article XIIID, Section 6 of the California Constitution requires the City Council to consider written protests to certain proposed increases to taxes, assessment, fees or charge increases; and

**WHEREAS**, this constitutional provision provides limited information and guidance as to who may submit protests, how written protests are to be submitted, or how the City is to tabulate protests; and

**WHEREAS**, the guidelines were written based on information outlined in Article XIIID, Section 6 of the California Constitution and Propositions 13 (1978), 218 (1996), and 26 (2010); and

**WHEREAS**, upon adoption of this resolution, any and all resolutions, or rules or regulations of this City in conflict with it, shall be repealed and shall have no further force or effect. This resolution supersedes all prior resolutions of the City to the extent that such resolutions established guidelines for the submission and tabulation of protests in connection with rate hearings conducted by the City pursuant to Article XIIID, Section 6 of the California Constitution.

**NOW, THEREFORE**, THE CITY COUNCIL OF THE CITY OF IRWINDALE  
HEREBY RESOLVES, DETERMINES, AND ORDERS AS FOLLOWS:

**SECTION 1.** The City Council hereby finds the above Recitals true and correct and incorporates them herein by this reference.

**SECTION 2.** The City Council of the City of Irwindale hereby finds that a notice of public hearing with respect to the adoption or increase of Solid Waste Rates (solid waste, recycling, and collection) has been given by the City pursuant to Article XIIID, Section 6(a) of the California Constitution and Propositions 13 (1978), 218 (1996) and 26 (2010) thereby the following shall apply:

**SECTION 3: Definitions.**

Unless the context plainly indicates another meaning was intended, the following definitions shall apply in the construction of these guidelines.

- A. "Parcel" means a County Assessor's parcel the owner or occupant of which is subject to the proposed charge that is the subject of the hearing.

- B. "Record customer", "customer of record", or "tenant-customer(s)" mean the person or persons whose name or names appear on the Waste Hauler's Bill as the person who has requested service for, or is obligated to pay for, solid waste, recycling and organic waste services.
- C. "Record owner" or "parcel owner" means the person or persons whose name or names appear on the County Assessor's latest equalized assessment roll as the owner of a parcel.
- D. A "fee protest proceeding" is not an election, but the City Clerk will maintain the confidentiality of protests as provided below and will maintain the security and integrity of protests at all times.

#### **SECTION 4: Notice Delivery.**

Notice of proposed rates and public hearing shall be as follows:

- A. The City shall give notice of proposed rates via U.S. mail to all record owners and customers of record served by the City.
- B. The City will post the notice of proposed rates and public hearing at its official posting sites, which includes the Irwindale Library, Irwindale City Hall and the Irwindale Post Office.

#### **SECTION 5: Protest Submittal.**

- A. Any record owner or customer of record who is subject to the proposed solid waste/recycling rate increases that are the subject of the hearing may submit a written protest to the City Clerk, by:
  - (i) Delivery to the Irwindale City Clerk's Office at 5050 N. Irwindale Avenue, Irwindale, CA 91706 during published business hours;
  - (ii) Mail to the Irwindale City Clerk at 5050 N. Irwindale Avenue, Irwindale, CA 91706, and must be received by the City Clerk, before 5:00 p.m. on the day of the public protest hearing; or
  - (iii) Written protest can be submitted during the public hearing by placing protests by personal delivery to the Chief Deputy City Clerk prior to the conclusion of the public hearing. Written protests submitted during the public hearing will be collected by the Chief Deputy City Clerk and will be counted with the other protests received.
- B. Protests must be received prior to the conclusion of the public hearing, including those mailed to the City. No postmarks will be accepted; therefore, any protest not physically received prior to the close of the public hearing, whether or not mailed prior to the close of the public hearing, shall not be counted.
- C. Because an original signature is required, emailed, faxed and photocopied

protests shall not be counted.

- D. Oral comments at the public hearing will not qualify as a formal protest unless accompanied by a written protest; but the City Council; welcomes input from the community during the public hearing on the proposed rates increases.

**SECTION 6: Protest Requirements.**

A. A written protest must include:

- (i) A statement that it is a protest against the proposed rate increases that is the subject of the hearing.
- (ii) Name of the record owner or customer of record who is submitting the protest;
- (iii) Identification of assessor's parcel number or street address of the parcel with respect to which the protest is made;
- (iv) Original signature and legibly printed name of the record owner or customer of record who is submitting the protest.

B. Protests shall not be counted if any of the required elements (i thru iv) outlined in the preceding subsection "A." are omitted.

**SECTION 7: Protest Withdrawal.** Any person who submits a protest may withdraw it by submitting to the City Clerk a written request that the protest be withdrawn. The withdrawal of a protest shall contain sufficient information to identify the affected parcel and the name of the record owner or customer of record who submitted both the protest and the request that it be withdrawn. The protest withdrawal must have an original wet signature with a legibly printed name.

**SECTION 8: Multiple Record Owners or Customers of Record.**

A. Each record owner or customer of record of a parcel served by the City's Waste Hauler may submit a protest. This includes instances where:

- (i) A parcel is owned by more than one record owner or more than one name appears on the City's records as the customer of record for a parcel, or
- (ii) A customer of record is not the record owner, or
- (iii) A parcel includes more than one record customer, or
- (iv) Multiple parcels are served via a single solid waste/recycling services account.

B. **Only one protest will be counted per parcel as provided by Government Code Section 53755(b).**

**SECTION 9: Transparency, Confidentiality, and Disclosure.**

- A. To ensure transparency and accountability in the fee protest tabulation, protests shall constitute disclosable public records from when they are received; however, the protests will be maintained in a secure location until tabulation begins following the public hearing.

**SECTION 10: City Clerk.** The City Clerk shall not accept as valid any protest if he or she determines that any of the following is true:

- A. The protest does not state its opposition to the proposed charges.
- B. The protest does not name the record owner or record customer of the parcel identified in the protest as of the date of the public hearing.
- C. The protest does not identify a parcel served by the City that is subject to the proposed charge.
- D. The protest does not bear an original signature of the named record owner of, or record customer with respect to, the parcel identified on the protest.
- E. The protest was altered in a way that raises a fair question as to whether the protest actually expresses the intent of a record owner or a customer of record to protest the charges.
- F. The protest was not received by the City Clerk before the close of the public hearing on the proposed charges.
- G. A written request to withdraw the protest was received prior to the close of the public hearing on the proposed charges.

**SECTION 11: City Clerk's Decisions Final.** The City Clerk's decision that a protest is not valid shall constitute a final action of the City and shall not be subject to any internal appeal.

**SECTION 12: Majority Protest.**

- A. A majority protest exists if written protests are timely submitted and not withdrawn by the record owners of, or customers of record with respect to, a majority (50% plus one) of the parcels subject to the proposed rate increases.
- B. While the City may inform the public of the number of parcels served by the City when a notice of proposed rates is mailed, the number of parcels within the city limits plus parcels with active customer accounts (affected by the proposed service charges) served by the City outside the city limits on the date of the hearing shall control in determining whether a majority protest exists.

**SECTION 13: Tabulation of Protests.** At the conclusion of the public hearing, the City Clerk shall tabulate all protests received, including those received during the public hearing. If the total number of protests is more than the required majority (50% plus 1), then no attempt will be made to validate the protest letters received at this time. The

tabulation is only to establish whether the potential number of protests received is insufficient to constitute a majority protest.

**SECTION 14: Report of Tabulation.** If the number of protests received is insufficient to constitute a majority protest, the City Clerk may announce the absence of a majority protest in which case the protest process ends. The City Council can then move forward with a motion to approve or disapprove the proposed increases in solid waste fees.

If the City Clerk determines that an apparent majority protest has been received and will require additional time to validate the protests, he or she shall so advise the City Council, which may adjourn the meeting to allow the validation to be completed on another day or days.

The City Council shall declare the time and place of validation, which shall be conducted in a place where interested members of the public may observe the validation. The validation process includes the verification that the assessor parcel number (APN) and/or address are located in the city of Irwindale, the owner who signed the protest is listed under that APN and/or address, and/or the tenant/customer who signed the protest is listed as paying for solid waste services. The City Clerk will use an exported excel document from HDL Property Taxes that lists all parcels and parcel owners identified by the LA County's Assessor's Office. The City Clerk will request from its waste hauler a list of customers, in Irwindale, who are paying for solid waste services to validate the names/signatures of tenants/customers who signed and submitted a protest. The City Clerk shall ensure the tabulated protests are sealed and secured until the validation can occur.

**SECTION 15.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or the application thereof to any person or circumstances, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the application of any other section, subsection, sentence, clause, phrase, or portion of this Resolution, and to this end the invalid or unconstitutional section, subsection, sentence, clause, phrase of this Resolution are declared to be severable. The City Council hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

**SECTION 16.** The Chief Deputy City Clerk shall attest to the adoption of this resolution, which shall, in turn, have immediate effect.

PASSED, APPROVED and ADOPTED this 22<sup>nd</sup> day of February 2023.

---

H. Manuel Ortiz, Mayor



ATTEST:

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Laura M. Nieto, MMC  
Chief Deputy City Clerk

STATE OF CALIFORNIA        }  
COUNTY OF LOS ANGELES    } ss.  
CITY OF IRWINDALE         }

I, Laura M. Nieto, Chief Deputy City Clerk of the City of Irwindale, do hereby certify that the foregoing Resolution No. 2023-18-3396 duly adopted by the City Council of the City of Irwindale, at a regular meeting held on the 22<sup>nd</sup> day of February 2023, by the following vote:

AYES:       Councilmembers:

NOES:       Councilmembers:

ABSENT:     Councilmembers:

ABSTAIN:    Councilmembers:

---

Laura M. Nieto, MMC  
Chief Deputy City Clerk

- ☒ City Council
- ☐ Successor Agency
- ☐ Housing Authority
- ☐ Reclamation Authority
- ☐ Joint Powers Authority

*City of*  
**IRWINDALE**  
**AGENDA REPORT**

Date: February 22, 2023

To: Honorable Mayor and Members of the City Council

From: Marilyn Simpson, Community Development Director

Issue: Calmat Co., dba Vulcan Materials Company, Reimbursement Agreement Termination

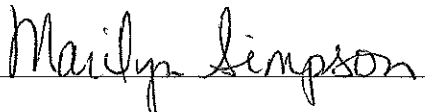
**City Manager's Recommendation:**

Approve the Termination Agreement of the Reimbursement Agreement between the City of Irwindale and Calmat Company, dba Vulcan Materials Company, for the consideration and processing of development applications for the Reliance II Landfill

**Administrative Action:**

**Submitted by:**

Marilyn Simpson, AICP  
Community Development Director

  
Electronically Approved

**Prepared by:**

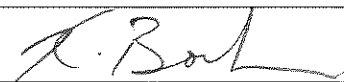
Robert J. Lee, Assistant City Attorney

**Reviewed by:**

Adrian R. Guerra, City Attorney

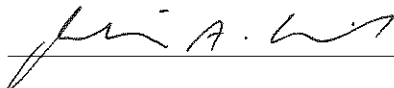
Electronically Approved

Kambiz Borhani, Finance Director/City Treasurer



**Approved by:**

Julian A. Miranda, City Manager



**Background and Analysis:**

On September 24, 2008, the City and Vulcan Materials Company, entered into a Development Agreement (DA), which was approved by Ordinance 627. The DA gave Vulcan the vested right to mine, reclaim, and develop the Reliance II site, located at 15990 Foothill Boulevard. After mining operations ceased, reclamation of the site began. Vulcan then partnered with the Trammel Crow Company to construct a business park on the site.

On August 9, 2017, the City Council approved a Reimbursement Agreement (Agreement) between the City and Calmat, Co., dba Vulcan Materials Company (Vulcan), that included reimbursement for costs incurred by the City related to development, related agreements, and consultant and attorney fees for what was known as the Reliance II Landfill at the time of the Agreement. The original deposit was \$100,000, to be replenished if the deposit account fell below \$15,000.

On November 8, 2017, the City Council approved Resolution No. 2017-88-2896 for the Reliance II Specific Plan which was adopted via the Initiative process pursuant to the then current versions of Elections Code Sections 9214 and 9215. On March 15, 2021, Vulcan conveyed the project site to LIT Reliance II, LP.

On October 12, 2022, the City Council approved a Reimbursement Agreement between the City and LIT Reliance II, LP to process development applications including for the Reliance II Specific Plan.

Now that the development responsibilities belong to LIT Reliance II, LP, Vulcan is requesting that their Agreement with the City be terminated, and the balance of money left in the deposit account be returned to Vulcan. The city has determined that Vulcan has fulfilled their obligations under the Agreement and therefore it is recommended to return the remaining deposit balance to Vulcan.

**Fiscal Impact:**

Vulcan made three deposits totaling \$400,000 to the City for the costs incurred related to development. \$100,000 on August 22, 2017, \$100,000 on October 23, 2018, and \$200,000 on October 3, 2019. The total costs incurred by the City is \$378,168.73. A remaining deposit reimbursement of \$21,831.27 (\$400,000 - \$378,168.73) is due back to Vulcan.

**Attachment:**

Vulcan Materials Company Termination Agreement

## ATTACHMENT "A"

### TERMINATION AGREEMENT

This Termination Agreement ("**Termination Agreement**"), is made on February 22, 2023 ("**Agreement Date**") by the City of Irwindale, a California municipal corporation ("**City**"), and CalMat Co., a Delaware corporation, dba Vulcan Materials Company, Western Division ("**Vulcan**"). City and Vulcan may be referred to collectively as the "**Parties**" and individually referred to as a "**Party**."

#### RECITALS:

**WHEREAS**, on August 9, 2017, the City and Vulcan entered into that certain Project Reimbursement Agreement (the "**Project Reimbursement Agreement**") to provide for the reimbursement of City by Vulcan for the full reasonable costs incurred by City related to the development of the Project, and all related agreements, consultant fees, and any other costs, fees, and expenses and to establish the rights and responsibilities of each party related to legislative approvals for the Project ("**Project**"), as that term is defined in the Original Vulcan Agreement. Vulcan has submitted applications for certain Project entitlements ("**Entitlements**"), including but not necessarily limited to, applications for a General Plan Amendment, Specific Plan, and Zoning Code Amendments.

**WHEREAS**, on August 14, 2017, the Parties entered into that certain Amendment No. 1 to Project Reimbursement Agreement (the "**First Amended Agreement**") to clarify and memorialize the respective obligations of the Parties with respect to the planning, design, bidding and construction of certain traffic improvements related to the Project per the requirements of the Reliance II Specific Plan (the "**Specific Plan**").

**WHEREAS**, pursuant to the Project Reimbursement Agreement and First Amended Agreement (collectively, as amended, the "**Vulcan Agreement**"), Vulcan deposited with City certain monies ("**Vulcan Deposit**") to provide for the reimbursement of City by Vulcan for the full reasonable costs incurred by City related to the development of the Project, and all related agreements, consultant fees, and any other costs, fees, and expenses and to establish the rights and responsibilities of each party related to legislative approvals for the Project, which monies City was permitted to draw down in accordance with the terms agreed to by the Parties.

**WHEREAS**, on March 15, 2021, Vulcan (1) conveyed the site upon which the Project will be completed ("**Site**"), together with all privileges, rights and easements appurtenant to the Site, to LIT Reliance II, LP, a Delaware limited partnership ("**Developer**"), and (2) attempted to assign the Vulcan Agreement to Developer, pursuant to that certain Assignment and Assumption Agreement dated March 15, 2021 (the "**Assignment**"). The Assignment cannot be effectuated without City's consent and City has not consented to the Assignment. Instead, rather than the Vulcan Agreement being assigned to Developer, the City, Vulcan, and Developer now believe it is in all three parties' best interest to terminate the Vulcan Agreement after a full and final reconciliation of all costs and expenses, while City and Developer enter into a separate

cost reimbursement agreement to set out Developer's obligations to the City with respect to the Project.

**WHEREAS**, the Parties now desire to terminate the Vulcan Agreement and have City return to Vulcan the balance of the Vulcan Deposit that is unused and still on deposit with City. The Parties acknowledge and understand that City has reconciled the full reasonable costs incurred by City related to the development of the Project, and all related agreements, consultant fees, and any other costs, fees, and expenses related to legislative approvals for the Project, and has determined the actual amount of the balance remaining of the Vulcan Deposit that City is required to return to Vulcan to be \$21,831.27 ("**Remaining Vulcan Deposit**").

NOW, THEREFORE, the Parties agree as follows:

1. **Termination of Documents.** Upon execution of this Termination Agreement by the Parties, the Parties hereby agree to terminate the Vulcan Agreement which will thereafter be of no further force and effect; provided, however, that the hold harmless, indemnity and defense obligations of Vulcan shall survive such termination.

2. **Return of Deposit.** By no later than sixty (60) days following the Effective Date, City shall remit to Vulcan the Remaining Vulcan Deposit. Thereafter, City will have no further obligations to return to Vulcan any portion of the Vulcan Deposit, and Vulcan agrees that it shall forever release City from such obligations upon receipt of the Remaining Vulcan Deposit.

3. **Counterparts.** This Termination Agreement may be executed in any number of counterparts and by different parties hereto on separate counterparts, each complete set of which, when so executed and delivered by all parties, shall be an original, whether the signatures are originals, electronic, facsimiles or digital but all such counterparts shall together constitute one and the same instrument.

4. **Miscellaneous.** No amendment, modification or supplement to this Termination Agreement, or waiver of any provision or right hereunder by any party hereto, shall be effective unless in writing and executed by the parties hereto. This Termination Agreement shall be binding upon the parties hereto and their respective successors and permitted assigns. The section headings in this Termination Agreement are for convenience of reference only and shall not be deemed to alter or affect the meaning or interpretation of any provision hereof.

5. **Governing Law.** This Termination Agreement shall be governed by and construed in accordance with the laws of the State of California.

6. **Venue.** Legal actions concerning any dispute, claim or matter arising out of or in relation to this Termination Agreement shall be instituted in the Superior Court of the County of Los Angeles, State of California, or any other appropriate court in such county, and Vulcan covenants and agrees to submit to the personal jurisdiction of such

court in the event of such action. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Eastern District of California, in the County of Los Angeles, State of California.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto have caused this Termination Agreement to be executed on the date first above written.

CITY OF IRWINDALE

\_\_\_\_\_  
Julian A. Miranda, City Manager

**ATTEST**

\_\_\_\_\_  
Laura M. Nieto, MMC, City Clerk

APPROVED AS TO FORM:  
ALESHIRE & WYNDER, LLP

\_\_\_\_\_  
Adrian R. Guerra, City Attorney

CALMAT CO., DBA VULCAN MATERIALS  
COMPANY, WESTERN DIVISION,  
A DELAWARE CORPORATION  
16009 E. Foothill Blvd.  
Irwindale, CA 91702

\_\_\_\_\_  
By: Michael Linton, Vice President  
Its:

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

Two corporate officer signatures required when signing party is a corporation, with one signature required from each of the following groups: 1) Chairman of the Board, President or any Vice President; and 2) Secretary, any Assistant Secretary, Chief Financial Officer or any Assistant Treasurer.

- ☒ City Council
- ☐ Successor Agency
- ☒ Housing Authority
- ☒ Reclamation Authority
- ☐ Joint Powers Authority

*City of*  
**IRWINDALE**  
**AGENDA REPORT**

---

Date: February 22, 2023

To: Honorable Mayor and Members of the City Council  
Housing Authority Board

From: Julian A. Miranda, City Manager/Executive Director

Issue: Mid-Year Financial Review and Adjustments to the FY 2022-2023 Budget

---

**City Manager/Executive Director's Recommendation:**

It is recommended that the City Council, Housing Authority Board, and Reclamation Authority Board adopt Resolution No. 2023-16-3394, HA 2023-03-134, and RA 2023-01-036, respectively, entitled: **"A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, THE IRWINDALE HOUSING AUTHORITY BOARD, AND THE RECLAMATION AUTHORITY BOARD APPROVING ADJUSTMENTS TO THE BUDGET FOR FISCAL YEAR 2022-2023"**.

**Administrative Action:**

**Submitted by:**  
Kambiz Borhani,  
Finance Director / City Treasurer  
(626) 430-2221



**Reviewed by:**  
Adrian R. Guerra, City Attorney/Authority Counsel

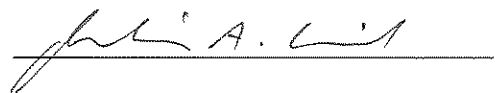
**Electronically Approved**

Kambiz Borhani,  
Finance Director / City Treasurer



**Approved by:**

Julian A. Miranda, City Manager/Executive Director





## **Background and Analysis:**

In June 2022, the City Council, Housing Authority Board, and Reclamation Authority Board formally adopted their respective FY 2022-2023 Budgets. Typically, there are additional appropriations approved by the Council/Board(s) for unanticipated items during the fiscal year. The Finance Department has conducted an analysis of the current fiscal years' revenues and expenditures, and evaluated the year-to-date numbers against the approved budget to determine how this year's financial activities are tracking.

As is consistent with prior years, the financial analysis has resulted in the need for certain budget adjustments recommended for the City's General Fund, Mining Impact Fund, Irwindale Housing Authority's Low- and Moderate-Income Housing Asset Fund, and Irwindale Reclamation Authority Fund.

## **Revenues**

The City's adopted General Fund Revenues Budget includes \$24,022,440 in operating revenues, and \$4,139,970 in capital/one-time revenues, for a total of \$28,162,410 at the start of the fiscal year. During the mid-year financial review, all revenues were analyzed for any changes in trends from what was originally budgeted and only one adjustment to Miscellaneous revenues section is being proposed.

The City's General Fund Revenue Budget also included \$4,139,970 in capital/one-time revenues related to building permits and plan checks for several developments currently progressing in the City. The financial analysis conducted confirmed that half of the development projects originally estimated may not be on track to be realized in FY 2022-2023. To better assess the situation, the new Interim Director of Engineering/Building Official plans to meet with the developers to better understand their projects, assess their timelines, and reevaluate the fees and the timing in which the City should anticipate their collection. With that, no changes to initial estimates are being proposed to these capital/one-time revenues, and if later adjustments are needed, they would be reflected in the City Manager's proposed fiscal year 2023-2024 operating and capital improvement budget.

The table below lists the budget adjustment(s) currently recommended for the increase in revenues budgeted for the General Fund:

| Revenue Budget Requests       |                                            | General Fund |
|-------------------------------|--------------------------------------------|--------------|
| <b>Miscellaneous:</b>         |                                            |              |
|                               | Donations - Irwindale Community Foundation | 8,000        |
| <b>Total Revenue Increase</b> |                                            | <b>8,000</b> |

## Expenditures

The City's adopted General Fund Expenditure Budget includes \$23,609,340 in operating expenditures, \$86,000 in capital/one-time expenditures and \$4,542,770 in transfers to the Capital Projects Fund for capital project expenditures for FY 2022-2023.

In preparing for the mid-year budget review, City Departments in need of additional fundings brought forth their requests with appropriate justification for review. The City Manager diligently reviewed all their corresponding requests and verified they are needed as indicated.

Finance Staff conducted an in-depth analysis of all year-to-date expenditures, and calculated projections through the end of the fiscal year to identify any expenditures that were tracking higher or lower than originally budgeted.

The following table lists the City Manager's approved and proposed operating expenditure budget adjustments for the City Council's consideration.

| Expenditure Budget Requests        |                                 | General Fund  | Mining Impact Fund | Low/Mod Housing | Comments                                                    |
|------------------------------------|---------------------------------|---------------|--------------------|-----------------|-------------------------------------------------------------|
| Recreation                         | Operating Supplies-ICF Donation | 4,000         |                    |                 | Snacks and Supplies for Kidzone Program                     |
| Senior Center                      | Program Supplies-ICF Donation   | 4,000         |                    |                 | Birthday Meals, Cakes, Kitchen Supplies, Dishwasher         |
| Senior Center                      | Operating Supplies              | 2,500         |                    |                 | Office Supplies & Copy Paper                                |
| Senior Center                      | Vehicle Maintenance & Repairs   | 3,104         |                    |                 | Replace Catalytic Converter (22 Passenger Bus)              |
| Public Svcs./ Maint.               | Vehicle Maintenance & Repairs   | 9,000         |                    |                 | AC & Tires (School Bus) Hydraulic Leak (Dump & Lift Trucks) |
| Public Svcs./ Maint.               | Fuel                            |               | 8,000              |                 | Increase in Gas Prices                                      |
| Public Svcs./ Maint.               | Contractual Services            | 48,890        | 73,330             |                 | Tree Maintenance                                            |
| Community Dev.                     | Operating Supplies              | 2,250         |                    |                 | Conference Room Chairs                                      |
| Housing Authority                  | Operating Supplies              |               |                    | 1,110           | Office Furniture for the New Housing Coordinator            |
| City Council                       | Training                        | 3,500         | 1,500              |                 | Additional funding needed for price increases               |
| <b>Expenditure Budget Increase</b> |                                 | <b>77,244</b> | <b>82,830</b>      | <b>1,110</b>    |                                                             |

\* ICF Donation amounts were approved by ICF Board at their February 13, 2023 meeting.

## Reclassification

Additional analysis was also performed on the City's legal fees to ensure adequate funding is available to conduct necessary legal services for the City. To cover the current expenditures in the General Fund, a reclassification of \$100,000 budget, previously approved by the City Council, for Irwindale Reclamation Authority Fund to General Fund is being proposed.

| Reclassification of Budget Request  | General Fund   | Irwindale Reclamation Authority | Comments               |
|-------------------------------------|----------------|---------------------------------|------------------------|
| <b>Legal Services:</b>              |                |                                 |                        |
| Legal Services                      |                | (100,000)                       | Decrease amount needed |
| Case Litigation                     | 100,000        |                                 | Increase amount needed |
| <b>Budget Increase / (Decrease)</b> | <b>100,000</b> | <b>(100,000)</b>                |                        |

## Fiscal Impact:

Approval of Joint Resolution No. 2023-16-3394/HA 2023-03-134/RA 2023-01-036, and thereby approving the budget adjustments as presented, will allow City Staff to make the necessary revenue and expenditure adjustments along with reclassification to the FY 2022-2023 Adopted Budget for all funds listed in this financial report.

The table below summarizes the updated FY 2022-2023 Budget for the General Fund as updated with the Mid-Year Budget Adjustments. This summary shows that General Fund is anticipated to end the year with a deficit of \$278,644 which is \$69,244 more than the original \$209,400 deficit amount shown at the time of budget adoption.

| <b>General Fund Budget Summary</b>          | <b>Operating</b>  | <b>Capital /<br/>One-Time</b> | <b>Capital Project<br/>Transfers</b> | <b>Total</b>      |
|---------------------------------------------|-------------------|-------------------------------|--------------------------------------|-------------------|
| <b>REVENUE:</b>                             |                   |                               |                                      |                   |
| Adopted Budget                              | 24,022,440        | 4,139,970                     |                                      | 28,162,410        |
| Additional Appropriations - ICF             | 115,220           |                               |                                      | 115,220           |
|                                             | 24,137,660        | 4,139,970                     |                                      | 28,277,630        |
| Mid-Year Budget Requests                    | 8,000             |                               |                                      | 8,000             |
| Mid-Year Budget Requests - Capital Projects |                   |                               |                                      | -                 |
|                                             | 8,000             | -                             |                                      | 8,000             |
| <b>Revised Revenue:</b>                     | <b>24,145,660</b> | <b>4,139,970</b>              |                                      | <b>28,285,630</b> |
| <b>EXPENDITURES:</b>                        |                   |                               |                                      |                   |
| Adopted Budget                              | 23,609,340        | 86,000                        | 4,542,770                            | 28,238,110        |
| Additional Appropriations - ICF & Misc      | 248,920           |                               |                                      | 248,920           |
|                                             | 23,858,260        | 86,000                        | 4,542,770                            | 28,487,030        |
| Mid-Year Budget Requests                    | 77,244            |                               |                                      | 77,244            |
| Mid-Year Budget Requests - Capital Projects |                   |                               |                                      | -                 |
|                                             | 77,244            | -                             | -                                    | 77,244            |
| <b>Revised Expenditures:</b>                | <b>23,935,504</b> | <b>86,000</b>                 | <b>4,542,770</b>                     | <b>28,564,274</b> |
| <b>Revised Surplus / (Deficit)</b>          | <b>210,156</b>    | <b>4,053,970</b>              | <b>(4,542,770)</b>                   | <b>(278,644)</b>  |

**Attachment:**

Joint Resolution No. 2023-16-3394 / HA 2023-03-134 / RA 2023-01-036

**RESOLUTION NO. 2023-16-3394  
RESOLUTION NO. HA 2023-03-134  
RESOLUTION NO. RA 2023-01-036**

**A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, THE  
IRWINDALE HOUSING AUTHORITY BOARD, AND THE IRWINDALE RECLAMATION  
AUTHORITY BOARD APPROVING  
ADJUSTMENTS TO THE BUDGET FOR FISCAL YEAR 2022-2023**

**WHEREAS**, the City Council of the City of Irwindale adopted its FY 2022-2023 Budget on June 22, 2022 pursuant to Ordinance No. 761; and

**WHEREAS**, the Irwindale Housing Authority Board adopted its FY 2022-2023 Budget on June 8, 2022 pursuant to Resolution No. HA 2022-11-121; and

**WHEREAS**, the Irwindale Reclamation Authority Board adopted its FY 2022-2023 Budget on June 8, 2022 pursuant to Resolution No. RA 2022-02-029; and

**WHEREAS**, the City Council of the City of Irwindale, the Board of the Irwindale Housing Authority, and the Board of the Irwindale Reclamation Authority have completed the review of the revenues and expenditures at the midterm of the fiscal year and desire to approve the recommended budget adjustments as itemized on Exhibit A attached hereto ("Proposed Budget Adjustments").

**NOW, THEREFORE**, THE CITY COUNCIL OF THE CITY OF IRWINDALE, THE BOARD OF THE IRWINDALE HOUSING AUTHORITY, AND THE BOARD OF THE IRWINDALE RECLAMATION AUTHORITY, RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

**SECTION 1.** The foregoing recitals are true and correct and incorporated herein by this reference.

**SECTION 2.** The Proposed Budget Adjustments, attached hereto as Exhibit "A" for the City of Irwindale, the Irwindale Housing Authority, and the Irwindale Reclamation Authority are appropriate and hereby approved.

**SECTION 3.** The Deputy City Clerk shall certify to the adoption of this Resolution, which shall in turn, have immediate effect.

**.PASSED, APPROVED AND ADOPTED** this 22nd day of February 2023.

---

H. Manuel Ortiz, Mayor/Chair

ATTEST:

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Laura Nieto, MMC  
Chief Deputy City Clerk/  
Chief Authority Assistant Secretary

STATE OF CALIFORNIA            }  
COUNTY OF LOS ANGELES       } ss.  
CITY OF IRWINDALE             }

I, Laura Nieto, Chief Deputy City Clerk of the City of Irwindale/Chief Authority Assistant Secretary of the Irwindale Housing Authority, do hereby certify that the foregoing Joint Resolution No. 2023-16-3394 / HA 2023-03-134 / RA 2023-01-036 was duly and regularly passed and adopted by the City Council of the City of Irwindale and Irwindale Housing Authority Board at the regular meeting held on the 22<sup>nd</sup> day of February 2023, by the following vote:

AYES:           Councilmembers:

NOES:           Councilmembers:

ABSENT:        Councilmembers:

ABSTAIN:       Councilmembers:

---

Laura Nieto, MMC  
Chief Deputy City Clerk  
Chief Authority Assistant Secretary

- ☒ City Council  
☐ Successor Agency  
☐ Housing Authority  
☐ Reclamation Authority  
☐ Joint Powers Authority

*City of*  
**IRWINDALE**  
**AGENDA REPORT**

---

Date: February 22, 2023  
 To: Honorable Mayor and Members of the City Council  
 From: Julian A. Miranda, City Manager  
 Issue: Options for Outgoing Commissioner Recognition

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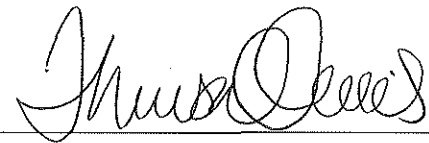
**City Manager's Recommendation:**

Discuss the options presented and provide direction.

**Administrative Action:**

**Submitted by:**

Theresa Olivares, Assistant City Manager



**Reviewed by:**

Adrian R. Guerra, City Attorney

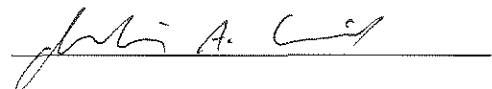
**Electronically Approved**

Kambiz Borhani, Finance Director / City Treasurer



**Approved by:**

Julian A. Miranda, City Manager



**Background and Analysis:**

On January 11, 2023, Mayor Pro Tem Ambriz, including Council consensus, requested staff to provide options for recognition of outgoing commissioners.

Through the assistance of the City Clerk Association of California, a survey (Attachment "A") was conducted, and below are options for the City Council to consider:

**CERTIFICATES OR OTHER FORMS OF RECOGNITION** (conducted during a regularly scheduled council meeting):

1. Certificate of Recognition

2. Proclamation
3. Plaque/City tile
4. Donating a book to the Irwindale Public Library in the commissioner's name
5. Sweatshirt with City logo
6. City street sign with commissioner's last name and year(s) of service
7. The Council Chamber seating area includes a mounted plaque on the armrest of each chair. The plaque may be engraved with the commissioner's name, title, and year(s) of service. The City's Dedication Plaque and Paver Policy would apply.
8. Park and Recreation Commissioners: There are several concrete benches located throughout our City parks where engraved plaques may be installed. The City's Park Bench Plaque Dedication Policy would apply.

Cost: There is a nominal cost associated with implementing one or two of the items listed above, ranging from \$10 to \$ 75 per recognition.

### **THANK YOU EVENT**

1. Type of Event:
  - a. Small gathering with appetizers/sandwiches
  - b. Luncheon
  - c. Dinner
2. Location of Event:
  - a. Small gathering could be conducted in conjunction with the City Council meeting where commissioners are recognized for their service.
  - b. Separate event could be held for a small gathering.
  - c. Luncheon or dinner event could be held at the Irwindale Community Center. Preference is to utilize and Irwindale caterer or restaurant to promote the Irwindale Business Community.
3. Attendees:
  - a. Commissioners and one (1) guest
  - b. City Council
  - c. City Manager and Department Heads of the Commission
4. Cost:
  - a. Based on the survey, the cost for a thank you event ranges from \$2,000 to \$8,500, depending on the type of event.
5. Timing of Event (for future events):
  - a. If it is the Council's desire to have an event for the outgoing commissioners whose terms expired on December 31, 2022, staff will work to coordinate this event based on the direction received from the City Council.
  - b. Staff is recommending that a set date be established for future events and below are a couple of suggestions for consideration:
    - i. 1<sup>st</sup> Thursday in December: This event would occur in conjunction with the Employee Holiday Luncheon, which occurs prior to the appointment of the Commissioners. The agenda for this event would include an opportunity for the City Council to recognize all of the Commissioners with a certificate or some other form of recognition. This option would not require the City Council to consider the attendees.



- ii. 1<sup>st</sup> City Council Meeting in January: This would be ideal for the small gathering with light refreshments. Historically, newly appointed commissioners have family and friends who are present at this meeting, making for a celebratory event. This option would not require the City Council to consider the attendees.
- iii. Any other month/day/time during the year that the City Council deems appropriate. This option will require the City Council to consider the attendees.

Once the City Council has determined the type of recognition or the event, location, attendees, cost, and time of the event, staff will prepare a resolution for the next regularly scheduled City Council meeting to appropriate the funds for the event.

**Fiscal Impact:**

There is no fiscal impact associated with this agenda report. However, based on the a direction of the City Council, should this event require funding, this agenda report will be supplemented by a future agenda report to appropriate the necessary funding.

**Attachment:**

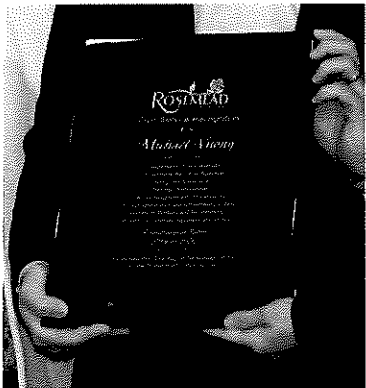
1. City Clerks Association of California Survey

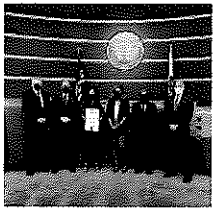
## City Clerks Association of California Survey

I am curious to learn what other cities do to recognize their outgoing commissioners. Our current practice is to publicly recognize them at a Council meeting and present them with a certificate of recognition. I have a Councilmember who is looking to enhance this and we are looking to present some new ideas for consideration.

| City                | Response                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| El Cerrito          | The City of El Centro is giving the outgoing commissioners the option of receiving a plaque, donating a book to the Library in their name, or having a tree planted in their name. Hope this helps.                                                                                                                                                                                                                           |
| Fullerton           | We do the certificate at Council meetings.                                                                                                                                                                                                                                                                                                                                                                                    |
| Manhattan Beach     | <p>We usually provide the outgoing commissioners with a plaque at a City Council meeting.</p> <p>Prior to COVID we would also do an annual "thank you" type of event at a local restaurant (appetizers) for all of our commissioners and City Council so they could mingle and meet everyone. We haven't picked that back up yet, but most likely will in the future.</p>                                                     |
| Torrance            | We used to do the same as you, however, this year the Council has opted for a recognition luncheon. We will do it as inexpensive as possible with self-serve sandwiches, etc. Limited decorations. They want me to keep it under \$2,000.                                                                                                                                                                                     |
| Fortuna             | <p>We just had a 12 year Council Member and our Mayor leave office. We purchased a personalize whiskey barrel head engraved with a map of our city as well as a message "Thank you Mayor Long for 12 year of dedication and leadership".</p> <p>It turned out amazing. We also had a Council Member leave office after 4 years, and we had a smaller picture style engraving done.</p> <p><a href="#">Here is a link.</a></p> |
| Rancho Palos Verdes | We do the same but also give them a city tile.                                                                                                                                                                                                                                                                                                                                                                                |

|                      |                                                                                                                                                                                                                                                                                                 |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Plymouth             | I'm proud to share what I did for a Council Member who served for 12 years (consecutive terms). He didn't get re-elected. I've prepare "Fancy Certificates" for Commissioners, we got a Sweatshirt with the City Logo for our new City Manager. Just a Few Ideas (depends on time served, etc.) |
| La Canada Flintridge | <p>We present them a plaque at a Council meeting.</p> <p>In my previous agency (Placentia), we organized a dinner ceremony. I don't know if they still do.</p>                                                                                                                                  |
| Roseville            | We do a Boards/ Commission Dinner that the City pays for. We recognize the outgoing commissioners.                                                                                                                                                                                              |
| Portola              | That's exactly what we do as well. We publicly recognize them at the city meeting and give them a certificate of appreciation. We take pictures and they put an article into the local newspaper.                                                                                               |
| Pacific Grove        | We have a volunteer luncheon or dinner every year and give outgoing certificates at that function.                                                                                                                                                                                              |
| Chino Hills          | <p>We give them a granite plaque with their name/title/years of service on it.</p> <p>Let me know if you need more information.</p>                                                                                                                                                             |
| Hesperia             | We do the same, with the exception that we have a City street sign made for them with their name on it and the years of service where the block number would go. Oddly they really seem to like it.                                                                                             |
| Cloverdale           | We recently had a proclamation made for an outgoing Planning Commissioner. We felt it was a bit more formal than a certificate of recognition.                                                                                                                                                  |

|                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Rosemead</p> | <p>In 2021, we started hosting an annual Commissioner Recognition Dinner held towards the end of the year, where all Commissioners (each allowed to bring 1 guest), Council and Department Heads of a Commission, are invited. At this dinner, all current Commissioners are thanked for their service; the Outgoing Commissioners are recognized and presented with a red piano style plaque. Let me know if you have any other questions.</p>  |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Culver City | <p>We do the same as you, however, they also get a little highlight on our social media accounts</p> <p> Culver City - Local Government<br/>September 2, 2022</p> <p>#CulverCity issued a commendation to Dana Amy Sayles for her dedicated service and commitment to the City and to this community.</p> <p>Dana Amy Sayles has proudly served the residents of the City of Culver City since July 2003 as a highly committed member of the Culver City Planning Commission.</p> <p>---</p> <p>WHEREAS, Dana Amy Sayles has proudly served the residents of the City of Culver City since July 2003 as a highly committed member of the Culver City Planning Commission; and</p> <p>WHEREAS, during her tenure as member, Chair and Vice Chair, Dana Amy Sayles provided insight from her knowledge and experience to consider approval of a total of twenty-nine development projects, twelve zoning code text amendments, and participated in five major land use policy discussions; and</p> <p>WHEREAS, as Chair of the Planning Commission, Ms. Sayles demonstrated, during multiple hearings and discussions, that she is a thoughtful leader and fair to all parties appearing before the Commission; and</p> <p>WHEREAS, Dana Amy Sayles served on the Commission subcommittees of the Board of Zoning Adjustments and Community Development Block Grant Committee for a total of four and three terms respectively, evaluating zoning code interpretations and funding proposals; and</p> <p>WHEREAS, Ms. Sayles has always promoted collaboration and consensus during Commission discussions and deliberations of development projects and policy considerations to advance the goals and objectives of the City without placing excessive conditions on the applicant to arrive at fair and sound decisions and recommendations to facilitate development in the City.</p> <p>NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Culver City hereby commends Dana Amy Sayles for her dedicated service and commitment to the City and to this community.</p> <div data-bbox="820 1018 1234 1228">   </div> |
| Orange      | <p>We do something similar and recognize them at a Council meeting and present them with a certificate of recognition.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

- ☒ City Council  
☐ Successor Agency  
☐ Housing Authority  
☐ Reclamation Authority  
☐ Joint Powers Authority

*City of*  
**IRWINDALE**  
**AGENDA REPORT**

---

Date: February 22, 2023  
To: Honorable Mayor and Members of the City Council  
From: Julian A. Miranda, City Manager  
Issue: Adoption of Urgency Ordinance No. 766 Approving and Adopting a Military Equipment Use Policy

---

**City Manager's Recommendation:**

Adopt by title only, waiving further reading of, Urgency Ordinance No. 766 entitled, "AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE APPROVING AND ADOPTING A MILITARY EQUIPMENT POLICY AS PART OF THE IRWINDALE POLICE DEPARTMENT POLICY MANUAL IN COMPLIANCE WITH ASSEMBLY BILL 481".

**Administrative Action:**

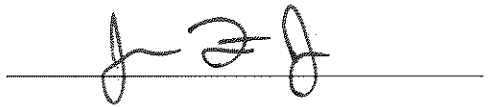
**Submitted by:**

Robert Castro, Interim Police Chief  
(626) 430-2234



**Prepared by:**

John Fraijo, Captain

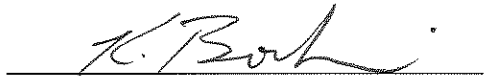


**Reviewed by:**

Adrian R. Guerra, City Attorney

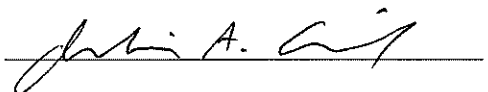
**Electronically Approved**

Kambiz Borhani, Finance Director / City Treasurer



**Approved by:**

Julian A. Miranda, City Manager



## **Background and Analysis:**

Assembly Bill 481 (AB 481), codified at Government Code sections 7070 through 7075 requires a law enforcement agency ("LEA") to obtain approval from the applicable governing body, via adoption of a "military equipment" use policy by ordinance, prior to the LEA funding, acquiring, or using military equipment. The Irwindale Police Department seeks City Council adoption of the attached Military Equipment Use Policy – IPD Manual Policy 705 (Exhibit A), to allow IPD to continue to use the vital equipment specified therein.

Items deemed to be "military equipment" by AB 481 are used as a component of overall best practices for LEAs throughout the country. These tools have been tested in the field, and are used by LEAs to enhance citizen and officer safety. Loss of these items would jeopardize the welfare of citizens and peace officers within the IPD.

The term "military equipment", as used in AB 481, in fact does not necessarily indicate equipment that has been used by the military. Pursuant to AB 481, items deemed to be "military equipment" include, but are not limited to, unmanned aerial or ground vehicles, armored vehicles, command and control vehicles (Command Post RV), pepper balls, less lethal shotguns, less lethal 40mm projectile launchers, and flashbangs.

Other items deemed to be "military equipment" via AB 481 include foundational equipment such as rifles. These rifles allow peace officers to address lethal threats from a greater distance and with greater precision.

IPD is committed to using the most up to date tools and equipment to safeguard the citizens of Irwindale. Many of items deemed to be "military equipment" by AB 481 are in fact employed by LEA's across the country, in order to specifically reduce risk to community members. These items provide peace officers with the ability to safely resolve volatile situations which otherwise might rise to the level of a lethal force encounter. To that end, the items at issue in this report, and accompanying Military Equipment Use Policy §705, also provide IPD's peace officers with vital tools that facilitate compliance with its stringent use of force policy.

The proposed ordinance seeks to approve the IPD's Military Equipment Policy §705, which constitutes IPD's Military Equipment Use outlines each item identified in Government Code section 7070, that is currently owned by the City. The Policy also includes the current use and cost of each item (Exhibit A). These particular items, and their stated uses, have been in place prior to the implementation of AB 481. Future acquisitions of any item deemed to be "military equipment" will require a further public meeting, policy update, and council approval.

**Fiscal Impact:**

There will be no fiscal impact to the General Fund.

**Attachment(s):**

Attachment A: Military Equipment Policy 705

Attachment B: City Ordinance



## Military Equipment

### 705.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

#### 705.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

**Governing body** – The elected or appointed body that oversees the Department.

**Military equipment** – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

# Irwindale Police Department

Irwindale PD Policy Manual

## *Military Equipment*

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### **705.2 POLICY**

It is the policy of the Irwindale Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

### **705.3 MILITARY EQUIPMENT COORDINATOR**

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.
- (b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Irwindale Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
  - 1. Publicizing the details of the meeting.
  - 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

### **705.4 MILITARY EQUIPMENT INVENTORY**

The following constitutes a list of qualifying equipment for the Department

#### **Rifles:**

- (2) - Colt M4 Commando.223 Rifles
- (6) - Bushmaster XM15-E2S.223 Rifles
- (11) - Colt M4 Carbine.223 Rifles
- (12) - Colt M4LE.223 Rifles
- (1) - Remington 870 Door Breaching Shotgun
- (1) - McMillan RH.50 Cal. Rifle

# Irwindale Police Department

Irwindale PD Policy Manual

## Military Equipment

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### **Launchers:**

- (6) - Defense Technology 40mm Launcher
- (1) - Federal Laboratory Inc. 37mm Launcher
- (1) - Cobray 37mm Launcher
- (1) - Pepperball Launcher

### **Less Lethal Munitions:**

- (25) - Direct Impact 40mm OC sponge rounds
- (172) - eXact iMpact 40mm sponge rounds
- (150) - Drag Specialized 12ga. Point of Aim, Point of Impact beanbag rounds
- (20) - Defense Technology Noise-Flash diversionary devices
- (180) - Pepperball rounds

### **Breacher Munitions:**

- (24) - 12ga. Clayvon rounds
- (20) - 12ga. Black Cap rounds
- (24) - 12ga. Flash Bang rounds

### **Unmanned Ground Systems:**

- (1) - iRobot 210 Negotiator
- (1) - Recon Robotics Recon Scout

### **Unmanned Aerial Systems:**

- (2) - DJI Matrice 30T

## **705.5 APPROVAL**

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

# Irwindale Police Department

## Irwindale PD Policy Manual

### *Military Equipment*

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- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.
- (g) Acquiring military equipment through any means not provided above.

#### **705.6 COORDINATION WITH OTHER JURISDICTIONS**

Military equipment should not be used by any other law enforcement agency or member in this jurisdiction unless the military equipment is approved for use in accordance with this policy.

#### **705.7 ANNUAL REPORT**

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

#### **705.8 COMMUNITY ENGAGEMENT**

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

## **ORDINANCE NO. 766**

### **AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE APPROVING AND ADOPTING A MILITARY EQUIPMENT POLICY AS PART OF THE IRWINDALE POLICE DEPARTMENT POLICY MANUAL IN COMPLIANCE WITH ASSEMBLY BILL 481**

**WHEREAS**, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 relating to the use of military equipment by California law enforcement agencies; and

**WHEREAS**, Assembly Bill 481 seeks to provide transparency, oversight, and an opportunity for meaningful public input on decisions regarding whether and how military equipment is funded, acquired, or used by law enforcement agencies; and

**WHEREAS**, Assembly Bill 481, codified at California Government Code section 7070, et. seq., requires law enforcement agencies to obtain approval of the applicable governing body, by an ordinance adopting a "military equipment" use policy, at a regular meeting held pursuant to open meeting laws, prior to taking certain actions relating to the funding, acquisition, or use of military equipment. The term "military equipment" is defined in California Government Code section 7070 subdivision (c); and

**WHEREAS**, the Irwindale Police Department is in possession of certain items of equipment that may qualify as "military equipment" under Assembly Bill 481. Items deemed to be "military equipment" by AB 481 does not necessarily indicate that the items are only used by the military. Items deemed "military equipment" are used as a component of overall best practices for law enforcement agencies throughout the country. These tools have been tested in the field and are used by agencies to enhance citizen and officer safety. Loss of these items would jeopardize the welfare of citizens and peace officers within the City of Irwindale and surrounding communities; and

**WHEREAS**, many of the items deemed to be "military equipment" by AB 481 are in fact employed by Irwindale Police Department, and law enforcement agencies across the country, in order to specifically reduce risk to community members. These items provide peace officers with the ability to safely resolve volatile situations which otherwise might rise to the level of a lethal force encounter. To that end, the items at issue in this report, and accompanying Military Equipment Use Policy, also provide Irwindale Police Department with vital tools that facilitate compliance with its stringent use of force policy; and

**WHEREAS**, Assembly Bill 481 requires that a law enforcement agency possessing and using such qualifying equipment prepare a publicly released, written, military equipment use policy. The policy must be a document covering the inventory, description, purpose, use, acquisition, maintenance, fiscal impacts, procedures, training, oversight, and complaint process, applicable to the Department's use of such equipment; and

**WHEREAS**, Assembly Bill 481 allows the governing body of a city to approve the military equipment use policy for continued or future funding, acquisition, or use of

military equipment within its jurisdiction only if it makes the determinations specified in Government Code Section 7071 subdivision (d); and

**WHEREAS**, the military equipment use policy and supporting information must, upon adoption by ordinance, thereafter be approved by the City Council by ordinance and reviewed annually; and

**WHEREAS**, the proposed military equipment use policy, including military equipment inventory, was prepared by the Irwindale Police Department and identified as "IPD Policy 705 – Military Equipment Policy" ("Policy 705"); and

**WHEREAS**, the Irwindale Police Department's Policy 705 was published on the Irwindale Police Department's internet website at the following address: [insert link] on January 5, 2023 in compliance with Government Code Section 7071 subdivision (b); and

**WHEREAS**, the Irwindale Police Department's Policy was presented to City Council on February 22, 2023; and

**WHEREAS**, the Irwindale Police Department's Policy meets the requirements of California Government Code Section 7070 subdivision (d); and

**WHEREAS**, the City of Irwindale City Council, having received the information required under Assembly Bill 481 regarding the Irwindale Police Department's use of military equipment as defined in said law, and making the specified determinations required under Government Code Section 7071 subdivision (d), desires to deem it in the best interest of the City to approve the Irwindale Police Department's Military Equipment Use Policy as set forth herein.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF IRWINDALE  
HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** The Recitals above are true and correct and incorporated herein by reference.

**SECTION 2.** The Irwindale Police Department "IPD Policy 705 – Military Equipment Use Policy," and this Urgency Ordinance were noticed in accordance with the Ralph M. Brown Act, considered by the City Council as an agenda item in an open session of a regular meeting, and at which time public comment was permitted.

**SECTION 3.** This Urgency Ordinance is adopted pursuant to the provisions set forth in Government Code Section 36937(b), and shall take effect immediately for the preservation of the public peace, health, and safety. The City Council of the City of Irwindale finds that there is a significant public interest in ensuring that law enforcement continues to have access to equipment that will provide peace officers as many options as possible to safeguard lives, ensure safety, and protect civil liberties. Loss of these items would pose an immediate threat to the public health, safety, and welfare because there is an immediate need to protect the welfare of citizens and peace officers within the City of Irwindale and surrounding communities. The use of the tools/equipment

identified in the Equipment Use Policy are vital to Irwindale Police Department's mission and will continue to be strictly regulated through internal processes and oversight. The policy ensures that there are safeguards, including transparency, oversight, and accountability measures in place.

**SECTION 4.** The Irwindale Police Department "IPD Policy 705 – Military Equipment Use Policy," attached hereto as **Exhibit "A,"** is approved and adopted. Based on the findings and recitals above as incorporated herein, in addition to information and public testimony provided to the City Council at the public meeting, the City Council determines as follows:

1. The Irwindale Police Department's Military Equipment Use Policy is necessary because there are no reasonable alternatives that can achieve the same objectives of officer and civilian safety.

2. The Irwindale Police Department's Military Equipment Use Policy will safeguard the public's welfare, safety, civil rights, and civil liberties, as set forth above.

3. The military equipment identified in the Irwindale Police Department's Military Equipment Use Policy is reasonably cost effective compared to available alternatives that can achieve the same objectives of officer and civilian safety.

4. Prior military equipment use by the Irwindale Police Department complied with the Military Equipment Use Policy although it was not yet in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

5. The Irwindale Police Department's Military Equipment Use Policy, Policy 705, setting forth the City's military equipment use policy is approved and adopted, as may be amended from time to time subject to the following future compliance requirements:

- a. The Policy shall be made publicly available on the Police Department's website for as long as the military equipment is available for use.
- b. The Irwindale Police Department shall submit an annual military equipment report to the City Council, containing the information required in Government Code Section 7072, and the City Council shall determine whether each type of military equipment identified in that report has complied with the standards for approval set forth in (1)-(4) above.c.

The City Council shall review this ordinance, and vote on whether to renew it, on an annual basis at a regular meeting, in accordance with Government Code Section 7071(e)(2).

**SECTION 5.** The City Manager is hereby authorized to execute all documents and to perform all other acts necessary to implement this Ordinance.

**SECTION 6.** The City Council of the City of Irwindale hereby finds that all legal prerequisites to the adoption of this Urgency Ordinance have occurred. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be

invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each of every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 7.** This Urgency Ordinance shall take effect immediately.

**SECTION 8.** The Chief Deputy City Clerk shall certify the passage of this Urgency Ordinance and shall cause the same to be posted in accordance with law.

**PASSED, APPROVED AND ADOPTED** this 22<sup>nd</sup> day of February, 2023

\_\_\_\_\_  
H. Manuel Ortiz, Mayor

ATTEST:

\_\_\_\_\_  
Laura Nieto  
Chief Deputy City Clerk

STATE OF CALIFORNIA       }  
COUNTY OF LOS ANGELES   } ss.  
CITY OF IRWINDALE         }

I, Laura M. Nieto, Chief Deputy City Clerk of the City of Irwindale, California, do hereby certify that the foregoing Urgency Ordinance No. 766 was duly introduced and adopted at a regular City Council meeting held on the 22<sup>nd</sup> day of February, 2023, by the following roll call vote:

AYES:           Councilmembers:

NOES:           Councilmembers:



ABSTAIN: Councilmembers:

ABSENT: Councilmembers:

ATTEST:

---

Laura Nieto  
Chief Deputy City Clerk

- ☒ City Council
- ☐ Successor Agency
- ☐ Housing Authority
- ☐ Reclamation Authority
- ☐ Joint Powers Authority

*City of*  
**IRWINDALE**  
**AGENDA REPORT**

CC Item 2D

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Date: February 22, 2023  
To: Honorable Mayor and Members of the City Council  
From: Julian A. Miranda, City Manager  
Issue: Proposed Public Meeting Policies and Procedures

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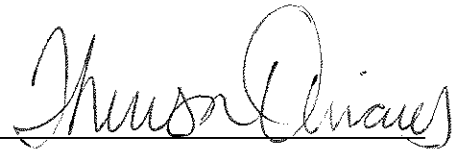
**City Manager's Recommendation:**

Staff recommends City Council review the proposed Public Meeting Policies and Procedures; and adopt Resolution No. 2023-17-3395 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE APPROVING AND ADOPTING CITY OF IRWINDALE COUNCIL PROCEDURES" ; or provide direction to staff.

**Administrative Action:**

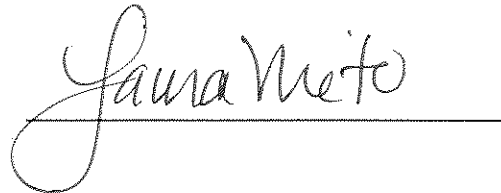
**Submitted by:**

Theresa Olivares, Assistant City Manager



**Prepared by:**

Laura Nieto, Chief Deputy City Clerk



**Reviewed by:**

Adrian R. Guerra, City Attorney

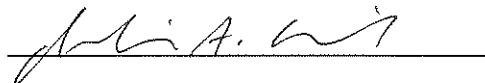
**Electronically Approved**

Kambiz Borhani, Finance Director / City Treasurer



**Approved by:**

Julian A. Miranda, City Manager



**Background and Analysis:**

It is the intent of the City Council of the City of Irwindale to establish governing rules of procedure for its meetings, as well as the meetings of all City Committees, Boards, and

Commissions, in order to ensure the orderly, expeditious, and efficient transaction of City business.

The proposed Public Meeting Policies and Procedures outline the way in which the public meetings should be conducted, including:

- 1) Order of Business, including posting of the agenda, public comment on agenda items and agenda category descriptions;
- 2) Presiding Officer;
- 3) Rules, Decorum, and Order, including Points of Order and decorum of City Council, staff and members of the public;
- 4) Motions, Particular Motions, Purpose and Criteria;
- 5) Voting Procedures; and
- 6) Enforcement, including censure procedures

It would now be appropriate for the City Council to discuss the proposed City Council Procedures, and adopt Resolution No. 2023-17-3395 approving and adopting the City Council Procedures, or provide direction to staff.

**Fiscal Impact:**

None.

**Attachments:**

Resolution No. 2023-17-3395 Exhibit "A" City of Irwindale City Council Procedures

Commissions, in order to ensure the orderly, expeditious, and efficient transaction of City business.

The proposed Public Meeting Policies and Procedures outline the way in which the public meetings should be conducted, including:

- 1) Order of Business, including posting of the agenda, public comment on agenda items and agenda category descriptions;
- 2) Presiding Officer;
- 3) Rules, Decorum, and Order, including Points of Order and decorum of City Council, staff and members of the public;
- 4) Motions, Particular Motions, Purpose and Criteria;
- 5) Voting Procedures; and
- 6) Enforcement, including censure procedures

It would now be appropriate for the City Council to discuss the proposed City Council Procedures, and adopt Resolution No. 2023-17-3395 approving and adopting the City Council Procedures, or provide direction to staff.

**Fiscal Impact:**

None.

**Attachments:**

Resolution No. 2023-17-3395 Exhibit "A" City of Irwindale City Council Procedures

**RESOLUTION NO. 2023-17-3395**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE  
APPROVING AND ADOPTING CITY OF IRWINDALE COUNCIL  
PROCEDURES**

**WHEREAS**, the City Council of the City of Irwindale desires to establish governing rules of procedure for its meetings, as well as the meetings of all City Committees, Boards, and Commissions; and

**WHEREAS**, governing rules of procedures will ensure the orderly, expeditious and efficient transaction of City business; and

**WHEREAS**, the governing rules are set forth in Exhibit A of the Resolution, are entitled, "City of Irwindale City Council Procedures".

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF  
IRWINDALE, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.** The foregoing recitals are true and correct and are incorporated herein by this reference.

**Section 2.** The City Council of the City of Irwindale does hereby approves and adopts the governing rules as set forth in Exhibit "A," entitled "City of Irwindale City Council Procedures", which shall apply to all City Council meetings and the meetings of all City Committees, Boards, and Commissions.

**Section 3.** Staff is directed to communicate the adoption of the "City of Irwindale City Council Procedures" to all City Committees, Boards, and Commissions, and the Irwindale Community Foundation.

**Section 4.** Staff is directed to post the "City of Irwindale City Council Procedures" on the City's website.

**Section 5.** The Chief Deputy City Clerk shall certify to the adoption of this resolution, which, shall in turn, have immediate effect.

**PASSED, APPROVED, and ADOPTED** this 22<sup>nd</sup> day of February 2023.

\_\_\_\_\_  
H. Manuel Ortiz, Mayor

ATTEST:

\_\_\_\_\_  
Laura M. Nieto, MMC  
Chief Deputy City Clerk

STATE OF CALIFORNIA        }  
COUNTY OF LOS ANGELES    } ss.  
CITY OF IRWINDALE         }

I, Laura M. Nieto, Chief Deputy City Clerk of the City of Irwindale, do hereby certify that the foregoing Resolution No. 2023-17-3395 was adopted at an regular meeting of the Irwindale City Council held on the 22<sup>nd</sup> day of February 2023, by the following vote of the Council:

AYES:       Councilmembers:

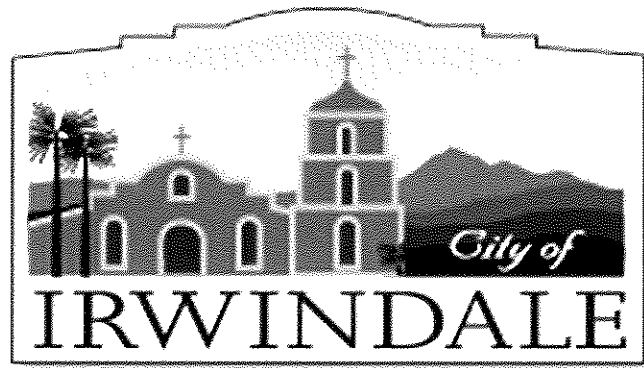
NOES:       Councilmembers:

ABSTAIN:   Councilmembers:

ABSENT:     Councilmembers:

\_\_\_\_\_  
Laura M. Nieto, MMC  
Chief Deputy City Clerk

**CITY OF IRWINDALE  
CITY COUNCIL PROCEDURES**



**Adopted February 22, 2023**

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## **I. PURPOSE AND INTENT**

It is the intent of the City Council of the City of Irwindale ("Council") to establish governing rules of procedure in order to ensure the orderly, expeditious, and efficient transaction of City business. Until such time as they are amended or new rules adopted by the City Council, these rules of procedure shall govern the order and conduct of business of the City Council and all other legislative or governing bodies of the City, including all City Committees, Boards, and Commissions. These procedural rules are not intended to, and shall not, supersede or preempt the Constitution of the United States, the California Constitution, State law, the Irwindale City Charter, Irwindale Municipal Code, or other local laws or regulations. The City Council may abolish, suspend, modify, or waive these procedural rules, at its discretion. These rules are procedural only, and failure to follow rules as described herein shall not be grounds to invalidate an action.

## **II. MEETINGS**

The **Ralph M. Brown Act**, commencing at Government Code Section 54950 *et seq.*, ("Brown Act") governs the meetings of the City Council. Except for very limited circumstances, the Brown Act requires that all City Council meetings be conducted in open session.

- 2.1 REGULAR MEETINGS.** The Regular City Council Meetings are held on the second and fourth Wednesday of every month, beginning at 6:30 p.m.
- 2.2 ADJOURNED MEETINGS.** Any regular or adjourned meeting may be adjourned to a time, place, and date certain, but not beyond the next regular meeting.
- 2.3 SPECIAL MEETINGS.** A special meeting may be called at any time by the Presiding Officer of the legislative body of a local agency, or by a majority of the Members of the legislative body, by delivering written notice to each Member of the legislative body and to each local newspaper of general circulation. The notice shall be delivered personally, by e-mail, or by any other means and shall be received at least 24-hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any Member who at or prior to the time the meeting convenes, files with the clerk or secretary of the legislative body a written waiver of notice. The written notice may also be dispensed with as to any Member who is actually present at the meeting at the time it convenes. The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.
- 2.4 EMERGENCY MEETINGS.** In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour

posting requirement of Government Code Section 54956, or both of the notice and posting requirements.

**2.5 CLOSED SESSIONS. MATTERS OF DISCUSSION.** Any matter proposed to be considered in Closed Session must appear on the posted agenda unless added on an emergency basis in the same manner as required for items on the open agenda. Closed Session item descriptions shall generally comply with Government Code Section 54954.5. All meetings of the Council shall be open to the public; however, the Council may hold Closed Sessions, from which the public may be excluded, for consideration of the following subjects:

- a. Pending litigation;
- b. Threatened or anticipated litigation against the local agency;
- c. Commencement of litigation;
- d. Real estate negotiations;
- e. Public Employment; and
- f. Labor Negotiations

**2.6 CLOSED SESSIONS. REPORT OF ACTION/STATEMENT OF REASONS.** Following the conclusion of Closed Session, any action taken shall be reported in open session if required by Government Code Section 54957.1. Prior to, or after, a Closed Session, the Council shall state the general reason, or reasons, for the Closed Session. The Council may consider only those items covered in the statement.

**2.7 QUORUM.** A majority of the Council (three Members) shall be sufficient to conduct business. In the absence of a majority of the Council Members from a regular or adjourned meeting, the City Clerk may declare the meeting adjourned to a stated day and hour.

### **III. ORDER OF BUSINESS**

**3.1 AGENDA.** The order of business of Council meetings will be listed in the agenda prepared by the City Clerk. The Council will follow the order of business in the prepared agenda; items of general, or special, interest may be taken out of order by the Presiding Officer or by a majority vote of the Council.

- a. **Posting.** The agenda will be posted in three public places designated by Council for such purpose and will be available for public review at City Hall at least 72-hours prior to the commencement of regular meetings. All agenda packet material will be available for review at City Hall and at Council Chambers. The designated public places for posting the agenda are the Irwindale City Hall, Irwindale Public Library, and the Post Office located at 16025 Calle Del Norte in the City of Irwindale.
- b. **Consent Calendar.** Consent Calendar items are considered by Council to

be routine and noncontroversial and will all be enacted by one motion in the form listed. There will be no separate discussion of these items prior to the time the Council votes on the motion to adopt unless Members of the Council or Staff request that specific items be removed from the Consent Calendar for separate action. Members of the public may be given an opportunity to speak on the Consent Calendar generally, before the Council makes a motion on the items listed. Members of the public may ask that a specific item be removed from the Consent Calendar for separate discussion and to be heard on that item. However, the City Council shall in its sole discretion determine whether or not to remove an item from Consent Calendar for separate discussion. If the City Council determines not to remove an item from Consent Calendar for separate discussion, no additional public comment for that item will be permitted. The Check Register and Warrants, Demands, and Payroll will routinely appear on the Consent Calendar.

Any Council Member may request that an item be removed from the Consent Calendar. Removed items will be heard immediately after approval of the remaining items on the Consent Calendar, and any action taken shall be accordance with the procedures as described herein .

- c. **Spontaneous Communications.** Spontaneous Communications shall be placed on the agenda after the Consent Calendar. This is the opportunity for members of the public to comment on any items not appearing on the regular agenda. Because of restrictions contained in California Law, the City Council may not discuss, or act on, any item not on the agenda, but may briefly respond to statements made or ask a question for clarification. Council Members may also request a brief response from staff to questions raised during public comment or may direct staff to investigate and/or schedule certain matters for consideration at a future City Council meeting. Written communications on an item of legitimate City business that is not on the agenda and received by the City Clerk's Office in advance of the Council meeting shall be read into the record.

- d. **Requests for Future Agenda Items by City Council.** The agenda shall contain a section entitled "Future Agenda Item Requests by Council Members."

If a City Council Member is interested in a task or project, the City Council Member shall request that the item be agendized in this section for City Council discussion of whether time should be spent on the proposed item. To ensure compliance with the Brown Act, all item requests shall either be stated on the record at the preceding public meeting or be submitted to the City Manager or Assistant City Manager at least one week in advance of the meeting so that the item can be included on the agenda under this section. In order for any listed item to be placed on a future agenda for substantive discussion, the City Council must act by formal motion (i.e., requires a motion and a second and majority vote) to direct the City

Manager to place the item on a future agenda. Pursuant to the requirements of the Brown Act, no other items may be considered other than those listed in this section.

- e. **Public Comment on Agenda Items.** Members of the public will be given an opportunity to address items on the agenda, before action is taken on the items, in the following order:
  - i. Tier 1: In-person attendees
  - ii. Tier 2: Teleconference attendees
  - iii. Tier 3: In-person or Teleconference attendees who have not previously provide comments on the matter(s) being discussed by the legislative body.

Public comment on any agenda item is limited to three minutes per speaker. Written communications about a specific item on the agenda received by the City Clerk's Office in advance or during the Council meeting at the time the item is being the discussed, shall be read into the record.

- f. **City Council Comments.** There are two sections on the agenda that allow for city council comments. The first is "COUNCIL MEMBER TRAVEL REPORTS." When a Council Member travels at the City's expense serving as a representative of the City at a committee meeting or conference, the Council Member must provide an update report on that activity at the next Council meeting. The second is "COUNCIL MEMBER COMMENTS." This is an opportunity for the Mayor and Council Members to report on their activities and the actions of the Committees upon which they sit and to bring a matter to the attention of the full Council and staff. Any matter that was or is to be considered during the public hearing portion is not appropriate for discussion in these sections of the agenda. NO ACTION CAN BE TAKEN AT THIS TIME.
- g. **City Manager's Report.** This is an opportunity for the City Manager to make any City-related announcements to the Council and members of the public.

**3.2 CALL TO ORDER.** The meeting of the Council shall be called to order by the Presiding Officer or, in his/her absence, the Vice Chair. In the absence of all Council Members, the City Clerk shall call the meeting to order and declare the same adjourned to a stated day and hour. The meetings will be opened with the Pledge of Allegiance and an invocation.

**3.3 ROLL CALL.** A roll call of Presiding Officer and Council Members will be conducted by the Chief Deputy City Clerk, who enters the names of those present and those absent in the Minutes.

**3.4 ABSENCE OF CITY CLERK.** The City Manager is the City's appointed City Clerk. The Chief Deputy City Clerk is the acting City Clerk for all purposes. If the Chief

Deputy City Clerk is absent from a Council meeting, the Management Analyst may act on the Clerk's behalf. . If the Management Analyst is absent from a Council meeting, the Administrative Secretary (Community Development) may act on the Clerk's behalf. If there is no acting Clerk present, the Presiding Officer shall appoint a Council Member to serve as City Clerk Pro Tempore (Gov't Code § 36804).

- 3.5 PREPARATION/APPROVAL OF MINUTES.** It is the City Clerk's responsibility to maintain a record (Minutes) of Council meetings. The City Clerk shall have exclusive responsibility for preparation of the Minutes, and any directions for changes in the Minutes may be made only by Council action.

In order to maintain a full and true Minute record, the Minutes shall consist of a clear and concise statement of each and every Council action including motions made and the vote thereon. Items may be included if considered to be particularly relevant or otherwise necessary by the Clerk. Action Minutes will be taken of all City Council meetings (Regular, Special; Emergency) by the City Clerk, or designee. Any Council Member may request a statement be included in the Minutes by indicating "for the record."

- 3.6 PUBLIC HEARINGS.** It is the policy of the Council to assure that the due process rights of all persons are protected during City hearings. A "quasi-judicial" hearing is a hearing that requires a higher level of procedural due process because of the potential impact on life, liberty or property. Usually, quasi-judicial hearings involve a single parcel of land and apply facts and evidence in the context of existing law. Findings must be stated to explain the evidentiary basis for the Council's decision.

The following procedure shall be used for conducting public hearings in which there is an **applicant** (e.g., land use applications):

- a. Presiding Officer states the Public Hearing Item.
- b. Announcement of any ex parte communications, conflicts of interest, and/or recusals.
- c. Staff Presentation and recommendation on the Public Hearing Item.
- d. Council asks questions of Staff.
- e. Open the Public Hearing.
  - i. Applicant's presentation on the Public Hearing Item.
  - ii. Council asks questions of the Applicant.
  - iii. Public Testimony/Public Comment in favor of and against the Public Hearing Item.
  - iv. Applicant's rebuttal.
- f. Close the Public Hearing.
- g. Council deliberates on the Public Hearing item.

- h. Council votes.

The following procedure shall be used for conducting a public hearing in which there is **no applicant** (e.g., a City-initiated change to the Development Code):

- a. Presiding Officer states the Public Hearing Item.
- b. Announcement of any ex parte communications, conflicts of interest, and/or recusals.
- c. Staff Presentation and recommendation on the Public Hearing Item.
- d. Council asks questions of Staff.
- e. Open the Public Hearing to allow public testimony/public comment in favor of and against the Public Hearing Item.
- f. Close the Public Hearing.
- g. Council deliberates on the Public Hearing Item.
- h. Council votes on the item.

Council Members shall refrain from asking questions or, in any way, interfere with the "public testimony/public comment" portion of the Public Hearing section.

**3.7 RESOLUTIONS.** Resolutions Not Prepared in Advance of a City Council meeting: When a resolution has not been prepared in advance of a City Council meeting, the procedure shall be to instruct the City Attorney to prepare a resolution for presentation at the next Council Meeting.

- a. Urgency Resolutions. In matters of urgency, a resolution may be presented verbally, with instructions to the City Attorney and staff for written preparation of the urgency resolution. After the resolution has been verbally stated, the resolution may be adopted by three affirmative votes. Urgency resolutions shall be avoided except when absolutely necessary.

**3.8 ORDINANCES.** Consent Calendar Agenda Item #1, on the City Council agenda shall waive full reading of all ordinances on the City Council agenda.

Council will approve the introduction, or first reading, of the ordinance, by title only and if approved, the adoption and second reading will be scheduled for the following Council meeting.

The first reading of a proposed ordinance will be placed under the "New Business" or "Public Hearing" sections of the agenda pursuant to applicable law. The second reading of a proposed ordinance will be placed on the Consent Calendar except as otherwise required by applicable law.

With the exception of urgency (emergency) ordinances, no ordinance shall be adopted by the Council on the date of introduction, nor within five days thereafter, nor at any time other than a regular or adjourned regular meeting. An ordinance must be adopted, at its second reading, by at least three affirmative votes, and becomes effective 30 days thereafter (an urgency ordinance requires a minimum of four affirmative votes and becomes effective immediately, Ref: Sec. 2.10).

If an ordinance is substantively altered after first reading, a motion for an amended first reading is required. The ordinance shall not be considered for adoption until five days thereafter. Correction of a typographical or clerical error does not constitute a substantive alteration of the ordinance.

- 3.9 URGENCY ORDINANCES (EMERGENCY).** An ordinance which is necessary to go into effect immediately and requires a four-fifths vote to do so. It is required, however, to be on the regular posted City Council agenda.
- 3.10 CONSIDERATION OF ITEMS NOT ON THE CITY COUNCIL AGENDA.** No matters, other than those appearing on the agenda, will be acted upon by the City Council. There are two exceptions to this general rule. The first is if the city council determines by majority vote of the City Council that an emergency situation exists. The term "emergency" is defined in Section 54956.5 of the Government Code. The second exception is if the body finds by a two-thirds vote of those City Council Members present, or if less than two-thirds of the city council is present, by unanimous vote, that there is a need to take immediate action on an item and the need for action came to the attention of the local agency subsequent to the posting of the agenda (Gov't Code Section 54954.2 (b)).
- 3.11 ADJOURNMENT.** Adjournment of the meeting to the next regular meeting does not require a motion. A motion is required to adjourn a meeting to an adjourned meeting specifying the date, time, and place of said adjourned meeting.
- 3.12 WRITTEN COMMUNICATION.** Unless specifically requested otherwise, the City Manager and Chief Deputy City Clerk are authorized to receive and open all mail, including electronic communications or correspondence received by City Staff, addressed to the City Council and the City Manager may take any immediate administrative action required between Council meetings, which does not require specific Council action. Any communication requiring Council action will be reported to the Council at the next possible meeting, together with a report and recommendation of the City Manager. City Staff are directed to report to the City Manager any mail or correspondence (electronic or otherwise) received, which in their best judgment should be reported to the City Manager. The City Manager shall report as necessary to the City Council for further direction and action.

#### **IV. PRESIDING OFFICER**

- 4.1 PRESIDING OFFICER.** The Chair (Mayor) shall be the Presiding Officer at all meetings of the Council. In the absence of the Chair, the Vice Chair (Mayor Pro



Tempore) shall preside. In the absence of both the Chair and Vice Chair, the Council shall elect a temporary Presiding Officer to serve until the arrival of the Chair or Vice Chair, or until adjournment. The terms "Presiding Officer," "Mayor," and "Chair" are used interchangeably herein.

- 4.2 PARTICIPATION OF PRESIDING OFFICER.** The Presiding Officer is primarily responsible for the conduct of the meeting; may move, second, and debate from the Chair, subject only to such limitations of debate as are imposed on all Council Members; and shall not be deprived of any such rights and privileges.
- 4.3 QUESTION (MOTION) TO BE STATED.** The Presiding Officer shall verbally restate each motion immediately prior to calling for the vote. Following the vote, the City Clerk shall announce whether the motion carried or was defeated. In cases where the action of the Council may be unclear for those in the audience, the City Clerk shall summarize the action of the Council before proceeding to the next item of business.
- 4.4 SIGNING OF DOCUMENT.** Subject to Council policy, the Presiding Officer shall sign ordinances, resolutions, and contracts approved by the Council at meetings at which he/she is in attendance. In the event of his/her absence, the Vice Chair, or temporary Presiding Officer, shall sign all such documents approved and adopted by Council that do not specifically require the Mayor's signature, as provided by City Charter or by any other law.
- 4.5 MAINTENANCE OF ORDER.** The Presiding Officer is responsible for the maintenance of order and decorum at all times. No person shall be allowed to speak who has not first been recognized by the Presiding Officer. All questions and remarks shall be addressed to the Presiding Officer.

## **V. RULES, DECORUM AND ORDER**

- 5.1 POINTS OF ORDER.** The Presiding Officer shall determine all Points of Order. As an example, Council Members must be recognized by the Presiding Officer before speaking. If there is any dispute as to which Council Member has the floor, a Council Member may state, "Point of Order." The Presiding Officer shall then make a determination of the Point of Order. Any Council Member who disagrees with the Presiding Officer's determination may appeal to the full Council. If any appeal is raised, the question shall be in the following form: "Shall the decision of the Presiding Officer be sustained?" In this event, a majority vote shall govern and conclusively determine such question of order. Debate and discussion on this issue shall not be permitted, so as to timely proceed with the orderly conduct of business.
- 5.2 DECORUM AND ORDER – COUNCIL MEMBERS**
  - a. Every Council Member desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, shall confine himself/herself

to the question under debate.

- b. Every Council Member desiring to question the administrative staff shall address questions to the City Manager or City Attorney, who shall be entitled to either answer the inquiry or designate a member of staff for that purpose.
- c. A Council Member who is recognized to speak by the Presiding Officer shall not be interrupted except in the following circumstances: (i) a point of order is raised by another Council Member; or (ii) the recognized Council Member yields to questions from another Council Member.
- d. A Council Member who is called to order while speaking shall cease speaking until the question of order is determined. If ruled to be not in order, the Council Member shall remain silent or shall alter the remarks so as to comply with rules of the Council.
- e. The Presiding Officer and Council Members shall accord the utmost courtesy to each other, to City employees, and to the public appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and/or statements as to motives and personalities.
- f. Any Council Member may move to require the Presiding Officer to enforce the rules, and the affirmative vote of a majority of the Council shall require the Presiding Officer to so act.

**5.3 DECORUM AND ORDER – EMPLOYEES.** Members of the Administrative staff and employees of the City shall observe the same rules of procedure and decorum applicable to Members of the Council. The City Manager shall ensure that all City Employees observe such decorum.

Any Staff member, including the City Manager, desiring to address the Council shall first be recognized by the Presiding Officer. All remarks shall be addressed to the Presiding Officer and full Council, and not to any one individual Council Member or public member.

**5.4 DECORUM AND ORDER – PUBLIC.** Any person desiring to address the Council shall wait in orderly fashion to be recognized by the Presiding Officer, and after being recognized shall proceed to the podium, or microphone. Such persons are requested to state for the record his or her name and address. However, members of the public cannot be required to provide their name, address, or other information as a condition to participating in a meeting (Govt C §54953.3.), and refusal to provide such information shall not disqualify a member of the public from speaking. Remarks are to be limited to the subject under discussion.

- a. **Time limitation.** Any public member addressing the Council shall limit his or her address to three (3) minutes regarding the subject under discussion. No donations of time from other members of the public shall be permitted. The Presiding Officer shall be responsible for enforcing all time limits. The

Presiding Officer may move to extend the 3-minute time limitation for the particular subject under discussion, which shall be extended upon a majority vote of the Council for all speakers. In no event shall the total amount of speaking time exceed 6 minutes per person for the subject under discussion. When any organized group of persons wishes to address the Council on the same subject matter, it shall be proper for the Presiding Officer to request that a spokesperson be chosen to represent the group, so as to avoid unnecessary repetition. Irrespective of any time limits, the City Council may regulate a speaker who is speaking too long, being unduly repetitious, or extending discussion of irrelevancies. The Presiding Officer is vested with discretion to determine at which point speech becomes unduly repetitious or irrelevant.

- b. **Disorderly behavior.** Any member of the public who engages in disorderly behavior that actually disrupts, disturbs or otherwise impedes or renders infeasible the orderly conduct of any City Council meeting shall, upon an order by the Presiding Officer or a majority of the City Council, be barred from further audience before the City Council during that meeting, pursuant to the provisions of subsection (c), below.

Disorderly behavior means engaging in behavior during a meeting of the city council that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and may include, but is not limited to, the following:

- i. Speaking without being recognized by the Presiding Officer.
- ii. Continuing to speak after the allotted time has expired, repetitiously addressing the same subject, failing to relinquish the podium when directed to do so.
- iii. Speaking on an item at a time not designated for discussion by the public of that item.
- iv. Unruly applause, whistles, yells, or raucous demonstrations.
- v. Throwing objects.
- vi. Speaking on an issue that is not within the jurisdiction of the City Council, including attacks against the character or motives of any person that are irrelevant to the conduct of City business.
- vii. Attempting to engage the audience or staff rather than the City Council.
- viii. Engaging in behavior that constitutes use of force or a "true threat of force," as defined in section 54957.95 of the Government Code.
- ix. Refusing to modify conduct after being advised by the Presiding Officer that the conduct is disrupting the meeting or disobeying any other lawful order of the Presiding Officer or a majority of the City Council.

c. **Enforcement.** The rules of conduct while addressing the City Council set forth above shall be enforced in the following manner:

- i. Call to order and warning to desist. Whenever practicable, prior to removing an individual, the Presiding Officer or a majority of the City Council shall give a warning to the person who is breaching the rules of conduct to be orderly and to comply with the rules of conduct hereunder. Such a warning shall articulate the rule of conduct being violated and the manner in which the person must comply.

A warning shall not be necessary when it would not be effective under the circumstances, including when, but not limited to, the disturbance is such that the warning cannot be heard above the noise, the person is engaging in behavior that constitutes the use of force or a true threat of force, or the conduct of the person or persons constitutes an immediate threat to public safety, such as the throwing of objects or specific threats of harm and the apparent, present ability to carry out such threats. A warning shall also not be necessary when an individual violates the rules of conduct more than once during a Council meeting, or continuously violates the rules of conduct Council meeting after Council meeting.

- ii. Order barring person from meeting. A person who engages in disorderly behavior shall be barred from the remainder of that council meeting by the Presiding Officer or a majority of the City Council when that person: (i) continues the disorderly behavior after receiving a warning pursuant to subsection (c)(1); (ii) ceases the disorderly behavior upon receiving a warning pursuant to subsection (c)(1), but later in the same council meeting resumes such disorderly behavior; or (iii) engages in disorderly behavior and no warning is practicable under the circumstances, pursuant to subsection (c)(1).

The continuation of disorderly behavior after receiving a warning, repeated disorderly behavior during a Council meeting, disorderly behavior at Council meeting after Council meeting, or disorderly behavior that is so significant that a warning cannot be given, constitutes the type of behavior that actually disrupts, disturbs or otherwise impedes the orderly conduct of a City Council meeting.

- iii. Removal. If the person barred from the meeting does not voluntarily remove him/herself upon being instructed to do so by the Presiding Officer or a majority of the City Council, the Presiding Officer or the majority of the City Council may direct the Sergeant-at-Arms to remove that person from the Council Chamber.

**5.5 MEETING DISRUPTIONS** – In the event that there is a disruption that results in the Council not being able to conduct its business, the Presiding Officer may immediately recess the meeting for a defined period of time. In the event that the disruption continues in a manner that prevents the Council from conducting its

business after reconvening, then the Presiding Officer may order the Sergeant-at-Arms to remove the disruptive members of the public from the Council Chambers. In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Presiding Officer may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Upon clearing of the room, the Council may, at its discretion, readmit individuals, including representatives of the press or other news media, who did not participate and were not responsible for willfully disturbing the orderly conduct of the meeting.

- 5.6 PERSONAL INTEREST.** No Council Members prevented from voting by legal conflict of interest shall remain at the Council dais during the debate and vote on any such matter. In the event of such conflict, the Council Members shall state for the record the basis for the conflict of interest and leave the Council Chamber prior to the commencement of discussion of the issue.
- 5.7 LIMITATION OF DEBATE.** No Council Member shall be allowed to speak more than once upon any one subject until every other Council Member choosing to speak has spoken. Merely asking a question, seeking clarification, or making a suggestion is not considered as speaking.
- 5.8 DISSENT AND PROTEST.** Any Council Member shall have the right to express dissent from, or protest to, any action of the Council and request that the reason be entered into the Minutes during the time of council discussion on any item.
- 5.9 PROCEDURES AND RULES.** If there arises any question as to a point of procedure, Robert's Rules of Order shall govern, unless there is a conflict between Robert's Rules of Order and the rules set forth herein, at which point the procedure as described herein shall govern.
- 5.10 SERGEANT AT ARMS.** The Council may, from time to time, appoint a Sergeant-at-Arms and, he or she shall attend the meetings of the Council and is charged with carrying out all lawful orders given by the Presiding Officer for the purpose of maintaining order and decorum. The Sergeant-at-Arms shall be the Chief of Police or his or her designee.
- 5.11 PARLIAMENTARIAN.** The City Attorney, or his or her designee, may act as the parliamentarian to the City Council. The City Attorney, or his or her designee, is primarily charged with familiarity of the procedures as described herein and shall, at his or her discretion, suggest to the Council the applicable rules of procedure.

## **VI. MOTIONS**

### **6.1 GENERAL PROCEDURE OF ACTING ON AGENDA ITEMS.**

- a. Motions may generally be passed by a simple majority (2-1) vote if only a quorum of Council Members are present. However, the following matters

require a minimum of three affirmative votes (a majority of the total Membership of the Council):

- i. Ordinances (emergency/urgency ordinances, and resolutions of necessity require four affirmative votes);
  - ii. Resolutions;
  - iii. Orders for payment of money;
  - iv. Selection of Officers
- b. Super Majority Votes: (two-third's majority vote required, *i.e.* 4 affirmative votes)
- i. Limit debate.
  - ii. Close nominations
  - iii. Object to the consideration of an item
  - iv. Suspend the rules as described herein

**6.2 PROCEDURE.** The following procedure is suggested for Council's consideration of non-Public Hearing agenda items:

- a. Presiding Officer states the Item to be considered.
- b. Announcement of any ex parte communications, conflicts of interest, and/or recusals.
- c. Staff Presentation and recommendation on the Item.
- d. Council asks questions/clarifications of Staff.
- e. Open Public Comments for the Item.
- f. Close Public Comments for the Item.
- g. At Council's direction, City Manager and/or Staff respond to any questions from Public Comment.
- h. Presiding Officer asks, "Do I have a motion?"
- i. If a motion is made, Presiding Officer asks "Do I have a second?"
- j. If there is a motion and a second, then Council proceeds with deliberation.
- k. After deliberation, the Council votes on the item.

**6.3 PROCESSING OF MOTIONS.** When a motion is made and seconded, it shall be restated by the Presiding Officer before debate. A motion shall not be withdrawn by the mover without the consent of the Council Member seconding it and the approval of Council.

**6.4 DIVISION OF MOTION.** If a motion contains two or more divisible propositions, the Presiding Officer may, and upon request of a Council Member shall (unless

appealed by another Council Member), divide the motion.

**6.5 ORDER OF MOTIONS.** When multiple motions are before the body, the last motion is voted on first.

**a. Non-Debatable Motions:**

- i. Adjourn,
- ii. Recess
- iii. Fix the time to adjourn
- iv. Limit debate

**VII. PARTICULAR MOTIONS, PURPOSE AND CRITERIA**

**7.1 MOTION TO ADJOURN.** To terminate a meeting.

*Debatable or Amendable:* **No**, except a motion to adjourn to another time is debatable and amendable as to the time to which the meeting is to be held.

**7.2 MOTION TO REFER TO COMMISSION, COMMITTEE, OR STAFF.** To refer the question before the Council to a commission, committee, or to the City Staff for the purpose of investigating or studying the proposal and to make a report back to the Council. If the motion fails, discussion or vote on the question resumes.

*Debatable or Amendable:* **Yes**.

**7.3 MOTION TO AMEND (*friendly amendment*).** To modify or change a motion that is being considered by the Council so it will express more satisfactorily the will of the Members. If there are two amendments, the second amendment is voted upon first if it carries, it automatically cancels the first amendment, and the vote is taken on the amended motion. An amendment motion relating to a different matter shall not be in order and shall not be voted on.

*Debatable or Amendable:* **Yes**.

**7.4 SUBSTITUTE MOTION.** If a Member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they will move a substitute motion. The substitute motion is voted on first. If a substitute motion passes, it does away with the prior motions. If it fails, the previous motion comes back up for consideration.

*Debatable or Amendable:* **No**, except the Substitute Motion may be amended.

**7.5 POSTPONE INDEFINITELY.** To prevent further discussion and voting on the main motion. If the motion fails, discussion and voting on the main motion resumes. If it passes, the subject of main motion shall not be brought up again for the remainder

of the meeting.

*Debatable or Amendable:* It **is** debatable but not amendable.

- 7.6 MAIN MOTION.** The primary proposal or question before the Council for discussion and decision.

*Debatable or Amendable:* **Yes.**

- 7.7 RECONSIDERATION.** A Member of the majority of the previous vote must motion at the same or next regular meeting. If a Member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order.

*Debatable or Amendable:* **Yes.**

- 7.8 WITHDRAWAL.** Permits the maker of a motion to remove it from deliberation after the motion has been stated by the Presiding Officer. If there is not unanimous consent, the motion is debated and voted upon.

*Debatable or Amendable:* **Yes.**

- 7.9 ADDRESSING THE COUNCIL AFTER MOTION IS MADE.** After a motion has been made, no person shall address the Council without securing permission by the Presiding Officer.

## **VIII. VOTING**

- 8.1 VOTING PROCEDURE.** Motions will be adopted by roll call vote. The results of the vote shall be entered in full in the minutes.

- 8.2 VOTING.** Every ordinance, resolution, and payment of money requires three affirmative votes. Emergency ordinances require four affirmative votes. Unless otherwise required by law, all other actions of the Council require a majority vote of the Council Members present.

- 8.3 FAILURE TO VOTE.** Every Council Member should vote unless disqualified for a personal conflict of interest. Self-disqualification, without cause, which results in a tie vote shall be avoided; but no Council Member shall be forced to vote. A Council Member who abstains from a vote shall, in effect, consent that a majority of the quorum may take action without him or her. Tie votes shall be lost motions and may be reconsidered.

- 8.4 RECONSIDERATION.** After motion and vote by the Council, such action may be reconsidered or rescinded only in the following manner:

- a. **Reconsideration.** A motion to set aside a vote (to reconsider) on a main motion shall always be in order at the same meeting or at the next regular Council meeting following the action. The motion can be made by any



Council Member who voted affirmatively on the matter. If the motion to reconsider passes, the effect thereof is to overrule and cancel the prior action and rehear the original subject.

- b. **Lost Motion.** A lost motion is one that fails to receive the necessary number of votes to carry. Tie votes result in a lost motion. A tie vote which has resulted from there being present less than a full Council shall be automatically reconsidered at the next Council meeting at which all Members are present. Lost motions may be renewed at any subsequent Council meeting. To revive a lost motion at the same meeting, the proper action is a motion to reconsider (discussed above).

## **IX. ENFORCEMENT**

- 9.1 **PURPOSE.** In order for the public to maintain a reasonable modicum of reliance upon the rules and regulations of a civil administration whose purpose it is to provide necessary services and protect the freedom of the governed, it is necessary for elected and appointed representatives to conduct the public business in accordance with established oaths, protocols, standards, policies, rules, resolutions, and laws. While ordered discussion and debate is a necessary product of communication between the public and their representatives to ensure the needs of the community are properly served, no real purpose may be served in an atmosphere of chaos. Therefore, the violation of civil administration, albeit the nature of which is largely self-enforced, must carry certain consequences to remind parties that disorder contravenes progress and the fruit that proper behavioral procedure yields.
- 9.2 **OATH OF OFFICE.** All Council Members shall, before assuming office, conducting any City business, or acting under color of authority, take an Oath of Office as required by the United States Constitution, California Constitution, and Government Code.
- 9.3 **ACCEPTABLE CODE OF CONDUCT.** Incident to the Oath of Office is an Acceptable Code of Conduct. Cohesive conduct and order among Council Members are necessary elements of parliamentary procedure when conducting public business. When conducting business under color of authority, or representing the City in general, Council Members shall comply with the Acceptable Code of Conduct which requires the following:
  - a. Read and examine the agenda, agenda packet materials, appurtenant reference documents, and exhibits in preparation for the public meeting.
  - b. Respect the order of the agenda and meeting format.
  - c. Perform to the best of his or her ability to represent the interests of his or her constituents.
  - d. Maintain an impartial and open mind throughout the process.
  - e. Recuse himself or herself in the event of conflicts of interest.

- f. Contribute his or her best effort to maintain order and foster trust.
- g. Speak in restrained tones to encourage civility.
- h. Address a topic only when granted the floor by the Presiding Officer.
- i. Restrict his or her comments to the subject at hand.
- j. Avoid discussion on topics that have not been noticed on the agenda.
- k. Exercise common courtesy and decorum when dealing with fellow Council Members, City staff, and the general public.
- l. Avoid intimidation, bullying, pursuing personal attacks, engaging in character assassination, or indulging in verbal insults against his or her colleagues, staff, or the public.
- m. Support freedom of expression that is absent disruptive intent.
- n. Attend all necessary meetings and workshops.
- o. Provide proper advance notice in the event of an emergency that might affect his or her ability to attend meetings.
- p. Foster participation in the process, facilitate discussion, and promote good decision making.
- q. Form a basic understanding of correct parliamentary procedure and operate subject to the premise that the majority rules.
- r. Proceed efficiently, fairly, and effectively.
- s. Respect the chain of authority and refuse to circumvent the City Manager.
- t. Comply with all laws, including the laws of the City of Irwindale.
- u. Uphold the esteem of the public trust and comply with all rules of ethics.

9.4 **CODE OF ETHICS.** Incident to the Oath of Office is the City's Code of Ethics. Cohesive conduct and order among Council Members are necessary elements of parliamentary procedure when conducting public business. When conducting business under color of authority, or representing the City in general, Council Members shall comply with the Code of Ethics which is included in every City agenda and requires the following:

As City of Irwindale Council Members, our fundamental duty is to serve the public good. We are committed to the principle of an efficient and professional local government. We will be exemplary in obeying the letter and spirit of Local, State and Federal laws and City policies affecting the operation of the government and in our private life. We will be independent and impartial in our judgment and actions.

We will work for the common good of the City of Irwindale community and not for any private or personal interest. We will endeavor to treat all people with respect and civility. We will commit to observe the highest standards of morality and integrity, and to faithfully discharge the duties of our office regardless of personal consideration. We shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of others.

We will inform ourselves on public issues, listen attentively to public discussions before the body, and focus on the business at hand. We will base our decisions on the merit and substance of that business. We will be fair and equitable in all actions, claims or transactions. We shall not use our official position to influence government decisions in which we have a financial interest or where we have a personal relationship that could present a conflict of interest, or create a perception of a conflict of interest.

We shall not take advantage of services or opportunities for personal gain by virtue of our public office that are not available to the public in general. We shall refrain from accepting gifts, favors or promises of future benefit that might compromise our independence of judgment or action or give the appearance of being compromised.

We will behave in a manner that does not bring discredit or embarrassment to the City of Irwindale. We will be honest in thought and deed in both our personal and official lives.

Ultimate responsibility for complying with this Code of Ethics rests with the individual elected official. In addition to any other penalty as provided by law, violation of this Code of Ethics may be used as a basis for disciplinary action or censure of a Council Member.

These things we hereby pledge to do in the interest and purposes for which our government has been established.

- 9.5 CENSURE OF LEGISLATIVE BODY MEMBERS.** A violation of any condition of office as specified within the Oath of Office, the Acceptable Code of Conduct, the Code of Ethics, or established protocols, standards, policies, rules, resolutions, and laws, by any sitting Council Member, shall constitute grounds for progressively stronger admonishment, ultimately leading to public censure by the City Council. However, it should be noted that the aim of admonishment is not punitive. The aim of admonishment is to enable good people to pause and reflect. Therefore, a Council Member may not be made the subject of a motion for censure vote without first being given notice of the violation and an opportunity to correct the violation if it can reasonably be corrected.

For the purposes of participation in local governance, one must assume the best in each other, and a common foundation constitutes the best path to civil and productive discourse. In order to model unity, as well as civility, Council Members should treat each other and members of the public with dignity and respect, and not attempt in any way to abuse the censure process.

- a. **Who May file a Statement of Charges.** A sitting City Council Member may initiate corrective action regarding the behavior of a fellow sitting City Council Member by initiating the censure process described in this Section. Furthermore, a sitting City Council Member may initiate corrective action by the censure process described in this Section against any sitting Member of any City board, commission, or committee. For example, a sitting City

Council Member may initiate corrective action against a sitting Member of the City's Planning Commission. However, Members of City boards, commissions, or committees may not initiate any corrective action pursuant to this Section against any City Council Members, because such boards, commission, and committees are subordinate to the City Council.

b. **Censure Procedure.** Censure of a City Council Member shall proceed as follows:

- i. Opportunity to Correct. To initiate the process, a charging City Council Member shall first provide a charged City Council Member written notice of the alleged violation. The charged Member shall be provided an opportunity to correct such alleged violation if it can reasonably be corrected.
- ii. Statement of Charges. If the charged Council Member does not correct the alleged violation, then a Statement of Charges shall be prepared by the charging City Council Member and served upon the charged Council Member, with a conformed copy delivered concurrently to the City Clerk and all other Council Members. The charging Council Member shall also concurrently provide a proof of service of the Statement of Charges. In the case of a City Council Member delivering a Statement of Charges to a Member of a City board, commission, or committee, then such Statement of Charges and proof of service shall be delivered to the charged Member, the City Clerk, other City Council Members, and other Members of the relevant board, commission, or committee.

A proper Statement of Charges shall be served as provided above a minimum of 10 days prior to the meeting when the motion for censure shall be made, and shall include:

- (a) The specifics of the violation (including the rule, regulation, law, etc. that was violated), and
  - (b) A statement of the date, place, and time of the occurrence, and
  - (c) A description of the unsatisfactory behavior.
- iii. Response to Statement of Charges. The charged Member may respond to the Statement of Charges in writing within seven (7) days after service of the Statement of Charges by serving it upon the charging Member, with a conformed copy delivered concurrently to the City Clerk and other Members. The charged Member shall also concurrently provide a proof of service of the Response to Statement of Charges to the charging Member, City Clerk and other Members. In the case of a City Council Member delivering a Statement of Charges to a Member of a City board, commission, or committee, then such response and proof of service shall be delivered to the

charging Member, the City Clerk, other City Council Members, and other Members of the relevant board, commission, or committee. The charged Member may also choose to defer a written response in favor of a verbal response at the hearing on the motion for censure. Nothing herein shall prevent a charged Member to respond both in writing and at the hearing on the motion for censure.

iv. Hearing of Motion for Censure. The motion for censure shall be heard at the first regular meeting of the City Council ten (10) days after the Statement of Charges is served upon the charged Member and City Clerk. A continuance is allowed only if any City Council Member is absent. The hearing shall adhere to the following the general process:

- (a) The Presiding Officer (or, if absent or is the charged Member, then the Vice Chair) shall conduct the hearing in open session.
- (b) The charging Member shall read the Statement of Charges and may present witnesses and evidence.
- (c) The charged Member may rebut and may present witnesses and evidence.
- (d) Members of the public may comment on the Statement of Charges and any witnesses and evidence presented.
- (e) The remaining City Council Members may address/comment on the charges.
- (f) A motion for censure may be made by the charging Member and requires a second.
- (g) The City Council deliberates on the motion for censure and votes on the same.

**9.6 MOTION FOR CENSURE. CONSIDERATION AND PASSAGE.** Motion for censure passage requires a majority vote of the City Council in open session. If the Statement of Charges includes multiple charges, then the City Council may consider and vote upon each charge individually. If the motion for censure or a particular charge fails to obtain a majority vote, no new motion on the same grounds may be commenced against the same Member for a period of one (1) year.

If the motion for censure passes, then the motion for censure and Statement of Charges shall become a part of the public record and record of proceedings. The motion for censure and Statement of Charges shall be disclosable pursuant to the California Public Records Act. The censure shall not prevent the Council Member from performing his or her official duties and shall not deny him or her any privilege of their position.

**9.7 REQUEST FOR DEFENSE OR INDEMNIFICATION.** When evaluating a request

for defense or indemnification made by a censured Member in litigation arising from the censured conduct, the record of the censure shall be considered by the City Council but shall not be determinative. Failure of the City Council to censure the conduct of a Council Member does not constitute waiver of the City Council's right to refuse to indemnify or defend the Council Member in an action arising from the conduct at issue.

**9.8 GROUNDS FOR CENSURE.** The basis for a motion of censure under this Section may include, but are not limited to, the following acts by a Member:

- a. Serial unexcused absences of three or more regular meetings.
- b. Violating laws and regulations relating to ethics and/or conflicts of interest.
- c. Actions taken against established Legislative Body policy or the Council Goals, or usurpation of power in violation of City Charter.
- d. Engaging in intimidation, harassment, discrimination, or retaliation, or creating a hostile work environment.
- e. Any violation of federal, State, or local laws, rules, regulations, or ordinances including but not limited to, the Irwindale City Charter, or Irwindale Municipal Code.
- f. Violation of the Acceptable Code of Conduct or the Oath of Office.

**9.9 REMOVAL FROM OFFICE.** While City Council Members may censure one another as provided above, the City Council may not remove a sitting Council Member from office. State law provides the sole mechanisms for removal from office for City Council Members.

**9.10 APPOINTED MEMBERS OF CITY BOARDS, COMMISSIONS, AND COMMITTEES.** Members of City boards, commissions, and committees who are appointed by the City Council serve at the pleasure of the City Council and may be removed at any time, with or without cause, by the City Council. Without limitation, the City Council may use any of the Grounds for Censure (including violations of the Acceptable Code of Conduct) set forth above as a basis for removal with cause.

**IRWINDALE CITY COUNCIL CHAMBERS  
5050 N. IRWINDALE AVENUE  
IRWINDALE, CALIFORNIA 91706**

SA ITEM 1A2

**JANUARY 25, 2023  
WEDNESDAY  
8:40 P.M.**

The Irwindale **SUCCESSOR AGENCY TO THE IRWINDALE COMMUNITY REDEVELOPMENT AGENCY** met in regular session at the above time and place.

**ROLL CALL:**

Present: Councilmembers Mark A. Breceda; Larry G. Burrola, Manuel R. Garcia; Mayor Pro Tem Albert F. Ambriz; Mayor H. Manuel Ortiz

Present: Julian A. Miranda, City Manager; Adrian Guerra, City Attorney; Robert Castro, Interim Chief of Police; Theresa Olivares, Assistant City Manager; Kambiz Borhani, Director of Finance / City Treasurer; Arsanious Hanna, Director of Engineering / Building Official; Marilyn Simpson, Community Development Director; Mary Hull, Human Resources Manager, Elizabeth Rodriguez, Public Services Director; and Laura Nieto, Chief Deputy City Clerk

**SPONTANEOUS  
COMMUNICATIONS**

There were no speakers.

**CONSENT CALENDAR**

**MOTION**

A motion was made by Councilmember Breceda, seconded by Councilmember Burrola, to approve the Consent Calendar. The motion was unanimously approved.

**ITEM NO. 1A1  
MINUTES**

**MINUTES**

The following minutes were approved:

- 1) Special joint meeting held December 14, 2022
- 2) Regular meeting held December 14, 2022

**ITEM NO. 1B  
WARRANTS**

**WARRANTS**

The warrants were approved.

**ITEM NO. 1C  
INVESTMENT  
QUARTERLY REPORT  
FOR FISCAL QUARTER  
ENDING DECEMBER 31,  
2022**

**INVESTMENT QUARTERLY REPORT FOR FISCAL QUARTER  
ENDING DECEMBER 31, 2022 (Joint Item on City Council and  
Housing Authority)**

The Investment Quarterly Report for the fiscal quarter ending December 31, 2022, was received and filed.

**END OF CONSENT CALENDAR**

**NEW BUSINESS**

None.

**PUBLIC HEARINGS**

None.

**ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned at 8:41 p.m.

---

Laura M. Nieto, MMC  
Chief Deputy City Clerk



## Accounts Payable

Checks by Date - Summary by Check Number

**City of Irwindale as Successor Agency to the  
Irwindale Community Redevelopment Agency**



| Check No                 | Vendor No | Vendor Name                | Check Date | Check Amount |
|--------------------------|-----------|----------------------------|------------|--------------|
| 79041                    | LANCES    | Lance, Soll & Lunghard LLP | 02/09/2023 | 619.00       |
| Report Total (1 checks): |           |                            |            | 619.00       |

**IRWINDALE CITY COUNCIL CHAMBERS**  
**5050 N. IRWINDALE AVENUE**  
**IRWINDALE, CALIFORNIA 91706**

**JANUARY 25, 2023**  
**WEDNESDAY**  
**8:41 P.M.**

The Irwindale **HOUSING AUTHORITY** met in regular session at the above time and place.

**ROLL CALL:**

Present: Board Members Mark A. Breceda, Larry G. Burrola, Manuel R. Garcia; Vice Chair Albert F. Ambriz; Chair H. Manuel Ortiz

Also present: Julian A. Miranda, Executive Director; Adrian Guerra, General Counsel; Robert Castro, Interim Chief of Police; Theresa Olivares, Assistant Executive Director; Kambiz Borhani, Director of Finance / City Treasurer; Arsanious Hanna, Director of Engineering / Building Official; Marilyn Simpson, Community Development Director; Mary Hull, Human Resources Manager, Elizabeth Rodriguez, Public Services Director; and Laura Nieto, Chief Assistant Authority Secretary

**SPONTANEOUS**  
**COMMUNICATIONS**

There were no speakers.

**CONSENT CALENDAR**

**MOTION**

A motion was made by Board Member Breceda, seconded by Board Member Burrola, to approve the Consent Calendar. The motion was unanimously approved.

**ITEM NO. 1A**  
**MINUTES**

**MINUTES**

The following minutes were approved:

- 1) Special joint meeting held December 14, 2022
- 2) Regular meeting held December 14, 2022

**ITEM NO. 1B**  
**INVESTMENT**  
**QUARTERLY REPORT**  
**FOR FISCAL QUARTER**  
**ENDING DECEMBER**  
**31, 2022**

**INVESTMENT QUARTERLY REPORT FOR FISCAL QUARTER**  
**ENDING DECEMBER 31, 2022**

The Investment Quarterly Report for the fiscal quarter ending December 31, 2022, was received and filed.

**NEW BUSINESS**

**ITEM NO. 2A**  
**LAS CASITAS**  
**VERBAL UPDATE**

**LAS CASITAS VERBAL UPDATE**

**BOARD MEMBER**  
**BRECEDA**

Board Member Breceda declared a potential conflict of interest with this item, recused himself from discussing it, and exited the Council Chambers at 8:42 p.m.

HOUSING  
COORDINATOR  
LOPEZ

Housing Coordinator Lopez presented the update. He indicated that 43 applications had been received for the two vacant Las Casitas apartments, with only one application having been considered complete. Staff has completed its review of the applications and has scored the applications and anticipates awarding the apartments within 30 days or by March 1, 2023. Letters will be sent to applicants that do not receive an apartment advising them that they will remain on the eligibility list to fill future vacancies.

CARMEN ROMAN

Carmen Roman complained that apartments have been awarded to seniors that do not already reside in Irwindale.

DENA ZEPEDA

Dena Zepeda complained and made allegations that the family members of a city staffer improperly received senior apartments. She also complained that her husband's name is not on the title to her house and threatened a lawsuit, noting that the city's actions have not been "cool".

MAYOR ORTIZ

Mayor Ortiz stated that staff previously informed the Board that the vacant apartments would be awarded in February, to which Coordinator Lopez indicated that staff continued receiving and reviewing applications at the time. However, the applications have now been reviewed and scored, and that only a few minor details remain pending.

Mayor Ortiz stated that the March 1 date of award for the apartments is acceptable, though he added that they should be filled as soon as possible.

EXECUTIVE  
DIRECTOR MIRANDA

Responding to a question by Executive Director Miranda, Coordinator Lopez indicated that the vacant units are clean, though he would still need to set up an appointment with a representative of the Northridge Group to conduct an onsite inspection.

**PUBLIC HEARINGS**

None.

**ADJOURNMENT**

There being no further business to conduct, the meeting was adjourned at 8:52 p.m.

---

Laura M. Nieto, MMC  
Chief Assistant Authority Secretary

- ☐ City Council
- ☐ Successor Agency
- ☒ Housing Authority
- ☐ Reclamation Authority
- ☐ Joint Powers Authority

*City of*  
**IRWINDALE**  
**AGENDA REPORT**

---

Date: February 22, 2023  
To: Honorable Chair and Members of the Housing Authority  
From: Julian A. Miranda, Executive Director  
Issue: SB 341 Annual Report for Fiscal Year (FY) 2021-2022

---

**Executive Director's Recommendation:**

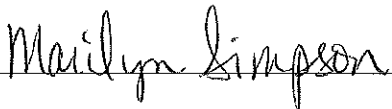
That the Authority Board:

Receive and file the SB 341 Annual Report for FY 2021-2022 and direct that such report be filed with the City of Irwindale City Clerk's office and the Department of Housing and Community Development.

**Administrative Action:**

**Submitted by:**

Marilyn Simpson, AICP  
Community Development Director



**Prepared by:**

Fernando Lopez, Housing Coordinator  
(626) 430-2269



**Reviewed by:**

Adrian R. Guerra, General Counsel

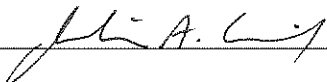
**Electronically Approved**

Kambiz Borhani, Finance Director/City Treasurer



**Approved by:**

Julian A. Miranda, Executive Director



## **BACKGROUND**

### **SB 341 Annual Report for Fiscal Year 2021-22**

Senate Bill 341 which became law on January 1, 2014, requires "housing successors" – cities, counties, and housing authorities that have taken over housing functions for former redevelopment agencies to follow new expenditure and accounting rules beginning January 1, 2014. HSC Section 34176.1(f) requires housing successors to prepare a Housing Successor Annual Report ("SB 341 Report") regarding the Low- and Moderate-Income Housing Asset Fund (LMIHAF). The purpose of this SB 341 Report is to provide the governing body of the Housing Successor an annual report on the housing assets, activities and expenditures of the Housing Successor during the year, under Part 1.85, Division 24 of the California Health and Safety Code, in particular sections 34176 and 34176.1. The SB 341 Report must be presented to the Housing Successor governing body within six months after the end of each fiscal year. This report as well as the former redevelopment agency's Implementation Plan must be posted on the City's website.

#### **Housing Asset Fund Deposits and Ending Balance**

At the close of FY 2021-22, the ending balance of the Housing Asset Fund was \$7,259,668. During the five-year reporting period (July 1, 2019 through June 30, 2024), a minimum of 30% must be spent on rental housing for extremely-low income households and a maximum of 20% may be spent on housing for low income households. The Authority has spent 0% of funds on extremely low income rental units, 6% on low-income units, and no funds on moderate-income units. As of June 30, 2022, the Authority has not met all the requirements for expenditures by income level. However, the Authority has until June 30, 2024, to be in compliance.

In Fiscal Year 2021-22, the Authority spent \$1,274,811 of bond proceeds on the Mayans Housing Project. These funds are excluded from the SB 341 expenditure requirements, as HSC Section 34176.1(a) states that funds received from the former redevelopment agency's successor agency for items listed on the ROPS shall be expended to meet enforceable obligations. The Successor Agency's 2018-2019 ROPS was approved by the DOF and included the transfer of the bond proceeds to the City, which subsequently transferred the bond proceeds to the Authority. The bond proceeds are subject to the relevant bond covenants.

#### **Money Transfer for Joint Projects**

HSC Section 34176.1(c)(2) allows for two or more housing successors within a county to transfer funds between their respective Low- and Moderate-Income Housing Asset Funds. On May 8, 2019, the Authority approved Resolution No. HA 2019-02-075 approving a transfer amount not to exceed \$550,000 from its Low- and Moderate-Income Housing Asset Fund to the Housing Authority of the County of Los Angeles. On June 26, 2019, the Authority transferred \$539,000 to the Housing Authority of the County of Los Angeles for the Whittier Place Apartments Phase II project. These funds were used to assist rental units designated for households that earn less than 30% AMI. The temporary

Certificate of Occupancy was issued for the project in November 2022. Construction is nearly complete, and 15 units are already leased.

#### Excess Surplus

HSC Section 34176.1 (d) defines excess surplus as “an unencumbered amount in the account that exceeds the greater of one million dollars, or the aggregate amount deposited into the account during the housing successor’s preceding four fiscal years, whichever is greater.” The four years of prior deposits were established in FY 2015-16 through FY 2018-19, and it has been determined that there is an excess surplus of \$2,587,995 for FY 2021-22.

The Authority retained the services of Lance, Soll, & Lunghard, LLP to perform the independent audit and RSG to prepare the SB 341 Report for Fiscal Year 2021-2022. The totals in the Housing Successor Financial Statements represent the final numbers of the Housing Successor’s financial position as of June 30, 2022. The report will be submitted to the California Department of Housing and Community Development as an attachment to the SB 341 Report.

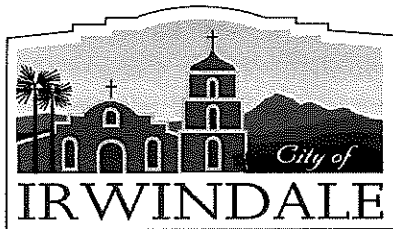
#### **FISCAL IMPACT:**

An independent audit of the Irwindale Housing Successor is conducted annually, and this year’s results are presented in the Irwindale Housing Successor Financial Statement Report attached as part of the SB 341 Report. In addition to this report, the Auditors also issue a report on internal control over financial reporting and on compliance and other matters. The purpose of this report is to obtain reasonable assurance that Housing Successor’s financial statements are free from material misstatements. The results of their test disclosed no instances of noncompliance or other matter that are required to be reported under Government Auditing Standards.

For the fiscal year ended June 30, 2022, the Fund Balance for the Housing Successor was \$7,259,668.

#### **ATTACHMENTS:**

1. Housing Successor SB 341 Annual Report
2. Irwindale Housing Successor Financial Statements for the Fiscal Year Ended June 30, 2022
3. Independent Auditors’ Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements



# HOUSING SUCCESSOR COMPLIANCE REPORT

## IRWINDALE HOUSING AUTHORITY

Report for Fiscal Year 2021-22

Prepared Pursuant to Health and Safety Code Section  
34176.1

February 9, 2023

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## IRWINDALE HOUSING AUTHORITY

### Fiscal Year 2021-22 Housing Successor Compliance Report

## INTRODUCTION

### REDEVELOPMENT DISSOLUTION

---

As a result of Assembly Bill ("AB") x1 26, all redevelopment agencies in California were dissolved on February 1, 2012. This dramatic change to property tax finance has resulted in the complete elimination of the major source of local, publicly generated dollars earmarked for affordable housing. Thus, housing authorities were left in a challenging position – the need for them is greater than ever, but a key funding source has been eliminated.

On August 27, 1987, the City Council of the City of Irwindale ("City Council") approved Resolution No. 87-15-1117, establishing the Irwindale Housing Authority ("Housing Authority"). The Housing Authority now administers housing assets transferred from the former Irwindale Community Redevelopment Agency ("ICRA") in 2012. The ICRA dissolved on February 1, 2012, pursuant to the Dissolution Act enacted by AB x1 26 and 1484 (Parts 1.8 and 1.85 of the California Health and Safety Code, or "H&SC"). Pursuant to Resolution No. 2012-09-2548, on January 11, 2012, the City of Irwindale ("City") elected to designate the Housing Authority as the "housing successor", an entity that accepts the housing assets and liabilities of a former redevelopment agency. The Housing Authority thereby inherited all rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the former ICRA. All former ICRA housing assets and liabilities were transferred to the Housing Authority through the Housing Asset Transfer Form submitted to the California Department of Finance ("DOF") on August 1, 2012. On September 5, 2012, the DOF issued a letter stating that it did not object to any of the transfers.

It is important to note that, although the Housing Authority inherited the ICRA's assets and functions, it does not have an ongoing financing mechanism to maintain them, like the ICRA had. The former ICRA primarily funded projects with Low and Moderate Income Housing Funds generated by redevelopment tax increment; this tool was abolished with the dissolution of redevelopment.

### ASSET TRANSFERS TO THE HOUSING SUCCESSOR

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According to H&SC Section 34176(e), housing assets may include the following:

- Real property
- Restrictions on the use of property
- Personal property in a residence
- Housing-related files

## IRWINDALE HOUSING AUTHORITY

### Fiscal Year 2021-22 Housing Successor Compliance Report

- Office supplies and software programs acquired for low- and moderate-income housing purposes
- Funds encumbered by an enforceable obligation
- Loans or grants receivable funded from the former Low and Moderate Income Housing Fund
- Funds derived from rents or operation of properties acquired for low- and moderate-income housing purposes
- Rents or payments from housing tenants or operators of low- and moderate-income housing
- Repayment of Supplemental Educational Revenue Augmentation Fund ("SERAF") loans

#### REPORTING REQUIREMENTS OF H&SC SECTION 34176.1(f)

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Commencing January 1, 2014, H&SC Section 34176.1(f) requires the preparation of an annual report ("Housing Successor Compliance Report") for housing successors that received assets and other duties from a former redevelopment agency. Originally created by Senate Bill 341 ("SB 341") in the 2013-14 legislative session and later amended by subsequent legislation, the law describes the contents of these annual reports, as well as the context of this information relative to various compliance periods.

The purpose of the report is to provide the public information regarding the use of all former redevelopment agency housing assets, which are kept in a separate fund known as the Low and Moderate Income Housing Asset Fund ("Housing Asset Fund" or "Housing Asset Funds").

For most housing successors, the annual report is prepared at the same time as the annual audit also required by law, and must contain the following information:

1. Total amount deposited in the Housing Asset Fund during the fiscal year
2. Statement of balance at the close of the fiscal year
3. Description of expenditures for the fiscal year, categorized as follows:
  - a. Rapid rehousing for homelessness prevention (up to \$250,000 per year allowable)
  - b. Administrative and monitoring expenses (up to the greater of \$200,000, adjusted annually commensurate to the change in the Consumer Price Index, or 5 percent of the statutory value of real property owned by the housing successor and of loans and grants receivable allowable)

## IRWINDALE HOUSING AUTHORITY

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- c. Development of affordable housing, which must be reported by the amount spent for each income group (extremely low-, very low-, and low-income)
4. Other "portfolio" balances
  - a. Statutory value of any real property either transferred from the former ICRA or purchased by the housing successor; note that the housing successor may only hold property for five years
  - b. Value of loans and grants receivable, including loans and grants transferred from the former ICRA and made by the housing successor
5. Descriptions of any transfers to another housing successor for a joint project
6. Description of any project still funded through the Recognized Obligation Payment Schedule ("ROPS")
7. Update on property disposition for any property owned more than five years or plans for property owned less than five years
8. Description of any outstanding production obligations of the former redevelopment agency that were inherited by the housing successor
9. Compliance with proportionality requirements (income group targets); compliance must be met for five-year periods
10. Percentage of deed-restricted rental housing restricted to seniors and assisted by the housing successor, the former ICRA, and the City within the past 10 years, compared to the total number of units assisted by these three agencies within the past 10 years
11. Amount of excess surplus, and if any, the plan for eliminating it
12. An inventory of homeownership units assisted by the former redevelopment agency or the housing successor that are subject to covenants, restrictions, or an adopted program that protects the investment of moneys from the Low and Moderate Income Housing Fund; the inventory must include the following information: number of units, any units lost since dissolution, any funds returned to the housing successor as a result of the program, and the name of any entity contracted to manage the units

## IRWINDALE HOUSING AUTHORITY

### Fiscal Year 2021-22 Housing Successor Compliance Report

#### LOW AND MODERATE INCOME HOUSING ASSET FUND

The Low and Moderate Income Housing Asset Fund replaces the former ICRA's Low and Moderate Income Housing Fund. The Housing Asset Fund includes all assets that were transferred from the ICRA to the Housing Authority via the Housing Asset Transfer Form, which included the following:

1. Real properties
2. Affordable housing covenants
3. Loan receivables
4. Supplemental Educational Revenue Augmentation Fund Loan repayments

#### HOUSING ASSET FUND DEPOSITS AND ENDING BALANCE

During Fiscal Year ("FY") 2021-22, the Housing Authority deposited (\$11,783) into the Housing Asset Fund. Table 1 details the sources of revenue. There were no deposits into the Housing Asset Fund related to the ROPS.

**Fiscal Year 2021-22 Housing Asset Fund Deposits** **Table 1**  
**Irwindale Housing Authority**

| Balance Type          | Amount             |
|-----------------------|--------------------|
| Interest              | \$ 30,257          |
| Interest from Loans   | \$ 52,284          |
| Investment-Unrealized | \$ (95,598)        |
| Loan Repayment        | \$ 1,275           |
| <b>TOTAL</b>          | <b>\$ (11,782)</b> |

## IRWINDALE HOUSING AUTHORITY

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At the close of FY 2021-22, the ending balance in the Housing Asset Fund was \$7,239,667, which is detailed by category in Table 2 below. No portion of the balance is being held for items listed on the ROPS.

**Fiscal Year 2021-22 Housing Asset Fund Ending Balance**

**Table 2**

**Irwindale Housing Authority**

| Balance Type                                   | Amount          |
|------------------------------------------------|-----------------|
| Cash                                           | \$ 127          |
| Local Agency Investment Fund (LAIF)            | \$ 7,329,766    |
| Interest Receivable                            | \$ 14,258       |
| Loans Receivable - Low/Mod Deferred/Forgivable | \$ 15,611,507   |
| Accounts Payable                               | \$ (49,274)     |
| Deferred Revenues - Housing Loans              | \$ (15,611,507) |
| Due to other Funds                             | \$ (35,209)     |
| Total                                          | \$ 7,259,668    |

#### EXPENDITURES

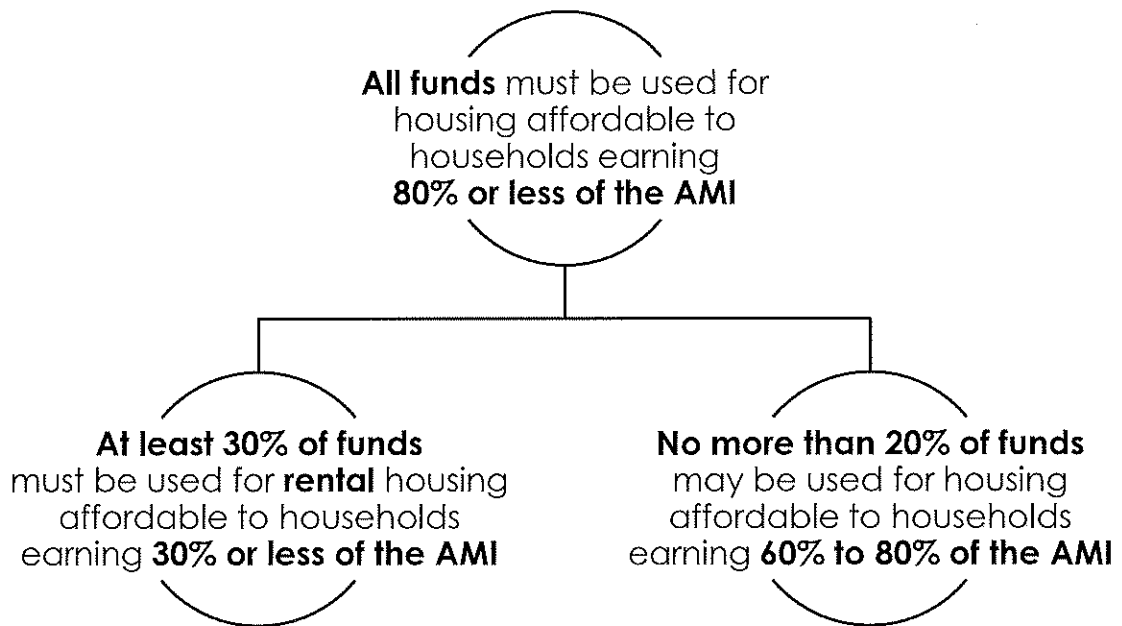
The law provides the following guidelines for expenditures from the Housing Asset Fund:

1. Administrative costs, which include housing monitoring expenses, are capped at \$200,000 (adjusted annually commensurate with the change in the Consumer Price Index) or 5% of the statutory value of real property owned by the housing successor and of loans and grants receivable, whichever is greater. In the Housing Authority's case, the latter is greater. As shown in Table 3 below, the Housing Authority's administrative costs have not exceeded the annual allowance since FY 2019-20.
2. A housing successor is authorized to spend up to \$250,000 per year on rapid rehousing solutions for homelessness prevention if the housing successor has fulfilled the former ICRA's outstanding housing production requirements. At redevelopment dissolution, the former ICRA had an outstanding obligation of 12 replacement bedrooms, all of which the Housing Authority has since replaced. Thus, the Housing Authority is permitted to make expenditures on rapid rehousing. As shown in Table 3, the Housing Authority has not made any expenditures on rapid rehousing since FY 2019-20.
3. Remaining expenditures must be spent to develop housing affordable to households earning 80% or less of the area median income ("AMI"). This means that no funding may be spent on moderate-income households, as was previously allowable by redevelopment law. Additionally, of the money expended, a minimum of 30% must be spent on rental housing for

## IRWINDALE HOUSING AUTHORITY

### Fiscal Year 2021-22 Housing Successor Compliance Report

households earning 30% or less of the AMI ("extremely-low income"), and a maximum of 20% may be spent on housing for households earning between 60% and 80% of the AMI ("low-income"). These limits are shown in the below graphic.



Failure to comply with the 30% extremely low-income requirement in any five-year period would result in the Housing Authority being required to expend 50% of remaining funds on extremely low-income rental units until in compliance. Exceeding the expenditure limit for households earning between 60% and 80% of the AMI in any five-year reporting period will result in the Housing Authority not being permitted to expend any funds on these income categories until in compliance.

Note that housing successors must report expenditures by household income category each year, but compliance is assessed every five years. For example, a housing successor could spend all of its funds in a single year on households earning between 60% and 80% of the AMI, as long as the amount spent on those households was 20% or less of the total expenditures during the entire five-year compliance period. The second compliance period is from FY 2019-20 through FY 2023-24. Thus, FY 2021-22 is the third year of the second five-year compliance period.

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### Fiscal Year 2021-22 Housing Successor Compliance Report

As shown in Table 3 below, the Housing Authority has not met all requirements for expenditures by income level from July 1, 2019 through June 30, 2022. However, the Housing Authority has until the end of the second five-year compliance period (June 30, 2024) to become compliant. In FY 2021-22, the Housing Authority spent no funds on extremely low-income rental units, \$316,493 on low-income units, and no funds on moderate-income units. The remaining FY 2021-22 expenditures totaling \$2,652,900 are classified in the "Other" category. However, the Housing Authority's administrative expenses between July 1, 2021 through June 30, 2022 were within the allowable allowance for the fiscal year.



# IRWINDALE HOUSING AUTHORITY

## Fiscal Year 2021-22 Housing Successor Compliance Report

Housing Asset Fund Expenditures

Table 3

Irwindale Housing Authority

| H&SC Section 34176.1 Compliance by Fiscal Year      | Expenses with Annual Limitations  |                    | Expenses with Limitations for Total Expenditures in the Five-Year Compliance Period (FY 2019-20 through 2023-24) |                  |                  |                    | TOTAL              |
|-----------------------------------------------------|-----------------------------------|--------------------|------------------------------------------------------------------------------------------------------------------|------------------|------------------|--------------------|--------------------|
|                                                     | Admin/<br>Monitoring <sup>1</sup> | Rapid<br>Rehousing | <30% AMI<br>Rental Units                                                                                         | 60-80%<br>AMI    | Above 80%<br>AMI | Other              |                    |
| FY 2021-22 Expenditures                             | \$410,537                         | \$0                | \$0                                                                                                              | \$316,493        | \$0              | \$2,562,900        | \$2,879,393        |
| FY 2021-22 Limitations                              | \$780,575                         | \$250,000          | -                                                                                                                | -                | -                | -                  | -                  |
| Compliant (Yes/No)                                  | YES                               | YES                |                                                                                                                  |                  |                  |                    |                    |
| FY 2020-21 Expenditures                             | \$474,991                         | \$0                | \$0                                                                                                              | \$0              | \$0              | \$77,768           | \$77,768           |
| FY 2020-21 Limitations                              | \$695,634                         | \$250,000          | -                                                                                                                | -                | -                | -                  | -                  |
| Compliant (Yes/No)                                  | YES                               | YES                |                                                                                                                  |                  |                  |                    |                    |
| FY 2019-20 Expenditures                             | \$283,260                         | \$0                | \$0                                                                                                              | \$663            | \$0              | \$2,349,131        | \$2,349,794        |
| FY 2019-20 Limitations                              | \$759,319                         | \$250,000          | -                                                                                                                | -                | -                | -                  | -                  |
| Compliant (Yes/No)                                  | YES                               | YES                |                                                                                                                  |                  |                  |                    |                    |
| <b>TOTAL DEVELOPMENT EXPENDITURES</b>               | -                                 | -                  | <b>\$0</b>                                                                                                       | <b>\$317,156</b> | <b>\$0</b>       | <b>\$4,989,799</b> | <b>\$5,306,955</b> |
| Limitations                                         | -                                 | -                  | >30%                                                                                                             | <20%             | 0%               | N/A                | -                  |
| Expenditure Proportionality as of End of FY 2021-22 | -                                 | -                  | 0%                                                                                                               | 6%               | 0%               | 94%                | -                  |
| Compliant as of End of FY 2020-21 (Yes/No)          | -                                 | -                  | NO                                                                                                               | YES              | YES              | -                  | -                  |

<sup>1</sup> Annual administrative and monitoring expenditures are capped at \$200,000 (adjusted annually commensurate with the change in the Consumer Price Index) or a percentage of the statutory value of the housing successor's real property and loans and grants receivable, whichever is greater; the percentage is 2% in Fiscal Years 2013-14 and 2014-15 and 5% thereafter. Thus, the cap can vary each year, as it has in the Housing Authority's case.



**IRWINDALE HOUSING AUTHORITY**

## Fiscal Year 2021-22 Housing Successor Compliance Report

## STATUTORY VALUE OF REAL PROPERTIES AND LOAN RECEIVABLES

The Housing Authority must report on the statutory value of real property and loans and grants transferred from the former ICRA to the Housing Asset Fund, as well as real property purchased with Housing Asset Fund monies and loans and grants made by the housing successor, shown in Table 4.

**Fiscal Year 2021-22 Real Properties and Receivables****Table 4****Irwindale Housing Authority**

| Asset                          | Amount              |
|--------------------------------|---------------------|
| <b><i>Real Properties</i></b>  |                     |
| <i>Subtotal</i>                | <i>\$0</i>          |
| <b><i>Loan Receivables</i></b> |                     |
| Housing Subsidy Loans          | \$14,437,864        |
| Housing Rehabilitations Loans  | 1,168,336           |
| Property Tax Loans             | 5,308               |
| <i>Subtotal</i>                | <i>\$15,611,507</i> |
| <b>Total</b>                   | <b>\$15,611,507</b> |

## IRWINDALE HOUSING AUTHORITY

### Fiscal Year 2021-22 Housing Successor Compliance Report

#### MONEY TRANSFERS FOR JOINT PROJECTS

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H&SC Section 34176.1(c)(2) allows two or more housing successors within a county, within a single metropolitan statistical area, within 15 miles of each other, or that are in contiguous jurisdictions to enter into an agreement to transfer funds among their respective Low and Moderate Income Housing Asset Funds.

The law requires housing successors to provide (a) a description of any transfers made to other housing successors for joint projects and (b) a description of and status update on any project for which transferred funds have been or will be expended if that project has not yet been placed in service.

On May 8, 2019, the Housing Authority Board approved Resolution No. HA 2019-02-075 authorizing the Housing Authority to transfer an amount not to exceed \$550,000 from its Housing Asset Fund to the Housing Authority of the County of Los Angeles. In FY 2018-19, the Housing Authority transferred \$539,000 to the Housing Authority of the County of Los Angeles for the development of 34 apartment units located at 4101-4117 Whittier Boulevard in unincorporated East Los Angeles County. The 34 units includes 33 permanent supportive housing units and one manager's unit. The target population to be served by this project is homeless veterans and homeless persons with mental illness. The transferred funds were used to assist only rental units that are affordable to households earning no more than 30% AMI. The temporary Certificate of Occupancy was issued for the project in November 2022. Construction is nearly complete, and 15 units are already leased.

#### PROJECTS FUNDED THROUGH RECOGNIZED OBLIGATION PAYMENTS SCHEDULES

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The law requires housing successors to provide a description of (a) any project for which the housing successor receives or holds property tax revenue received pursuant to ROPS and (b) the status of that project. In FY 2021-22, the Housing Authority did not receive any property tax revenue for projects pursuant to ROPS.

#### PROPERTY DISPOSITION COMPLIANCE

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H&SC Section 34176.1(e) requires that all real properties acquired by the ICRA prior to February 1, 2012 and transferred to the Housing Authority be developed pursuant to the requirements detailed in H&SC Section 33334.16. Development for affordable housing purposes must be initiated for all properties that fall within these parameters by five years from the date that the DOF approved the Housing Asset Transfer Form, which was September 5, 2017 in the Housing Authority's case. If the Housing Authority is unable to develop these properties within the five-year period, the law does allow for a five-year extension via adoption of a resolution.

## **IRWINDALE HOUSING AUTHORITY**

### **Fiscal Year 2021-22 Housing Successor Compliance Report**

One property, consisting of three parcels located at 16203, 16223, and 16233 Arrow Highway, was purchased by the former ICRA in 2008 and transferred to the Housing Authority after redevelopment dissolution. As of September 5, 2017 (the Housing Authority's five-year property disposition deadline), the Housing Authority was under contract to sell the property, which constitutes initiation of development for affordable housing purposes. Nonetheless, out of an abundance of caution, the Housing Authority Board adopted a resolution in December 2017 that extended the deadline for five years to September 5, 2022. On April 3, 2020, the Housing Authority sold the property to Panattoni Development Company for \$4,150,000. Upon the close of escrow, designated the sales proceeds for the development of affordable housing. Thus, the Housing Authority complied with H&SC Section 34176.1(e).

### **OUTSTANDING INCLUSIONARY AND REPLACEMENT HOUSING OBLIGATIONS**

At the time of redevelopment dissolution, the former ICRA had an outstanding obligation of 7 units with 12 replacement bedrooms. The Housing Authority is required to fulfill this obligation. Pursuant to H&SC Section 33413(f), the Housing Authority may replace the removed or destroyed units with a fewer number of units if (1) the total number of bedrooms in the replacement units equal or exceed the number of bedrooms in the destroyed units and (2) the replacement units are affordable to the same income level as the destroyed units. As of the end of Fiscal Year 2017-18, the Housing Authority replaced all 12 bedrooms. These replacement units are affordable to the same income level as the destroyed units. Thus, the Housing Authority complied with H&SC Section 33413(f).

### **SENIOR HOUSING EXPENDITURE PROPORTIONALITY**

This report must include an accounting of the percentage of deed-restricted rental housing units restricted to seniors and assisted by the housing successor, the former ICRA, and the City within the past 10 years, compared to the total number of deed-restricted rental housing units assisted by those three agencies within the past 10 years. If this percentage is greater than 50 percent, the Housing Authority is prohibited from the use of additional Housing Asset Funds to subsidize any senior rental units. The former ICRA has assisted 10 rental housing units since June 30, 2012, 100% of which are restricted to seniors at the Las Casitas Senior Apartment Complex; neither the Housing Authority nor the City assisted any rental housing units. However, the Housing Authority is obligated to continue subsidizing the rents at the units at the Las Casitas Senior Apartment Complex, pursuant to agreements that predate the January 1, 2014 effective date of SB 341. As such, the Housing Authority will continue to abide by these agreements by subsidizing the rents at the Las Casitas Senior Apartment Complex with Housing Asset Funds.

### **EXCESS SURPLUS**

Excess surplus calculations were once performed by redevelopment agencies on an annual basis and were intended to ensure that funds are expended to benefit low-income households in an

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## Fiscal Year 2021-22 Housing Successor Compliance Report

expeditious manner. The law reinstates this calculation for housing successors. Excess surplus is defined by H&SC Section 34176.1(d) as "an unencumbered amount in the account that exceeds the greater of one million dollars, or the aggregate amount deposited into the account during the housing successor's preceding four fiscal years, whichever is greater." Generally speaking, funds should be encumbered within four years of receipt. Table 5 below shows the Housing Authority's excess surplus calculation for FY 2021-22.

**Fiscal Year 2021-22 Excess Surplus Calculation****Table 5****Irwindale Housing Authority**

| <b>Fiscal Year</b>               | <b>2017-18</b> | <b>2018-19</b> | <b>2019-20</b> | <b>2020-21</b> | <b>Calculation</b> |
|----------------------------------|----------------|----------------|----------------|----------------|--------------------|
| Deposits                         | 117,192        | 141,910        | 2,950,470      | 329,463        |                    |
| FY 2021-22 Beginning Balance     |                |                |                |                | 11,844,648         |
| Less: Encumbered Funds           |                |                |                |                | 5,717,618          |
| <i>Encumbrances</i>              |                |                |                |                | 5,266,515          |
| <i>Deferred Loans Receivable</i> |                |                |                |                | 451,103            |
| Unencumbered Amount              |                |                |                |                | 6,127,030          |
| <b>Step 1</b>                    |                |                |                |                |                    |
| \$1 Million, or                  |                |                |                |                | 1,000,000          |
| Last 4 Deposits                  |                |                |                |                | 3,539,035          |
| Result: Larger Number            |                |                |                |                | 3,539,035          |
| <b>Step 2</b>                    |                |                |                |                |                    |
| Unencumbered Amount              |                |                |                |                | 6,127,030          |
| Larger Number From Step 1        |                |                |                |                | 3,539,035          |
| <b>Excess Surplus</b>            |                |                |                |                | <b>2,587,995</b>   |

Based on the calculation shown in Table 5, the unencumbered portion of the FY 2021-22 beginning balance is greater than the aggregate amount deposited into the account during the preceding four fiscal years (which exceeds one million dollars). The Housing Authority has an excess surplus of \$2,587,995.

In accordance with HSC Section 4176.1(d), a housing successor shall encumber any excess surplus or transfer the funds appropriately within three fiscal years. If the housing successor fails to comply with this subdivision, the housing successor, within 90 days of the end of the third fiscal year, shall transfer any excess surplus to the California Department of Housing and Community Development for expenditure pursuant to the Multifamily Housing Program or the Joe Serna, Jr. Farmworker Housing Grant Program. Note that the FY 21-22 Audited Financial Statements for the Housing Asset Fund states that the Housing Authority's entire excess surplus of the end of FY 2021-22 is eliminated by the end of FY 2022-23.

## **IRWINDALE HOUSING AUTHORITY**

### **Fiscal Year 2021-22 Housing Successor Compliance Report**

#### **INVENTORY OF HOMEOWNERSHIP UNITS**

Table 6 on the following shows an inventory of the 123 homeownership units assisted by the former ICRA or the Housing Authority that are subject to covenants, restrictions, or an adopted program that protects the former ICRA's investment of moneys from the Low and Moderate Income Housing Fund pursuant to H&SC Section 33334.3(f). In FY 2021-22, seven units (700, 701, 704, 705, 708, 709, and 713 Ambriz Street) were added.

No funds have been returned to the Housing Authority as part of an adopted program that protects the former ICRA's investment of moneys from the Low and Moderate Income Housing Fund. Note that the Housing Authority manages all units, rather than contracting with an outside entity.

# IRWINDALE HOUSING AUTHORITY

## Fiscal Year 2021-22 Housing Successor Compliance Report

Fiscal Year 2021-22 Inventory of Assisted Homeownership Units

Table 6

Irwindale Housing Authority

| No. | Address                     | Assisting Agency | Number of Units | No.         | Address                     | Assisting Agency  | Number of Units |
|-----|-----------------------------|------------------|-----------------|-------------|-----------------------------|-------------------|-----------------|
| 1   | 16058 Central Street        | Former ICRA      | 1               | 63          | 5113 Allen Drive            | Former ICRA       | 1               |
| 2   | 4820 Baca Avenue            | Former ICRA      | 1               | 64          | 16081 Calle del Norte       | Former ICRA       | 1               |
| 3   | 4819 Baca Avenue            | Former ICRA      | 1               | 65          | 5105 Allen Drive            | Former ICRA       | 1               |
| 4   | 4823 Sabre Lane             | Former ICRA      | 1               | 66          | 4653 Nora Avenue            | Former ICRA       | 1               |
| 5   | 4642 Nora Avenue            | Former ICRA      | 1               | 67          | 16165 Progress Lane         | Former ICRA       | 1               |
| 6   | 4821 Baca Avenue            | Former ICRA      | 1               | 68          | 16145 Peppertree Lane       | Former ICRA       | 1               |
| 7   | 4842 Baca Avenue            | Former ICRA      | 1               | 69          | 16044 Calle de Paseo        | Former ICRA       | 1               |
| 8   | 4851 Sabre Lane             | Former ICRA      | 1               | 70          | 16050 Calle de Paseo        | Former ICRA       | 1               |
| 9   | 4817 Baca Avenue            | Former ICRA      | 1               | 71          | 4636 Fraijo Avenue          | Former ICRA       | 1               |
| 10  | 5139 Allen Drive            | Former ICRA      | 1               | 72          | 16047 Peppertree Lane       | Former ICRA       | 1               |
| 11  | 5219 Allen Drive            | Former ICRA      | 1               | 73          | 16124 Calle de Paseo        | Former ICRA       | 1               |
| 12  | 5151 Allen Drive            | Former ICRA      | 1               | 74          | 4611 Fraijo Avenue          | Former ICRA       | 1               |
| 13  | 5143 Allen Drive            | Former ICRA      | 1               | 75          | 4647 Nora Avenue            | Former ICRA       | 1               |
| 14  | 2417 Alice Rodríguez Circle | Former ICRA      | 1               | 76          | 4612 Fraijo Avenue          | Former ICRA       | 1               |
| 15  | 2425 Alice Rodríguez Circle | Former ICRA      | 1               | 77          | 4825 Calle del Sur          | Former ICRA       | 1               |
| 16  | 15854 Hidalgo Street        | Former ICRA      | 1               | 78          | 16160 Progress Lane         | Former ICRA       | 1               |
| 17  | 4642 Fraijo Avenue          | Former ICRA      | 1               | 79          | 16129 Progress Lane         | Former ICRA       | 1               |
| 18  | 2421 Alice Rodríguez Circle | Former ICRA      | 1               | 80          | 4870 Sabre Lane             | Former ICRA       | 1               |
| 19  | 2469 Alice Rodríguez Circle | Former ICRA      | 1               | 81          | 4622 Nora Avenue            | Former ICRA       | 1               |
| 20  | 2437 Alice Rodríguez Circle | Former ICRA      | 1               | 82          | 5247 Morada Street          | Former ICRA       | 1               |
| 21  | 15850 Hidalgo Street        | Former ICRA      | 1               | 83          | 16071 Calle del Norte       | Former ICRA       | 1               |
| 22  | 726 Meridian Street         | Former ICRA      | 1               | 84          | 16027 Martinez Street       | Former ICRA       | 1               |
| 23  | 2445 Alice Rodríguez Circle | Former ICRA      | 1               | 85          | 4635 Fraijo Avenue          | Former ICRA       | 1               |
| 24  | 2473 Alice Rodríguez Circle | Former ICRA      | 1               | 86          | 16147 Progress Lane         | Former ICRA       | 1               |
| 25  | 2465 Alice Rodríguez Circle | Former ICRA      | 1               | 87          | 4841 Calle del Sur          | Former ICRA       | 1               |
| 26  | 2477 Alice Rodríguez Circle | Former ICRA      | 1               | 88          | 2446 Ruelas Street          | Former ICRA       | 1               |
| 27  | 2455 Alice Rodríguez Circle | Former ICRA      | 1               | 89          | 4655 Fraijo Avenue          | Housing Authority | 1               |
| 28  | 2409 Alice Rodríguez Circle | Former ICRA      | 1               | 90          | 2449 Alice Rodríguez Circle | Housing Authority | 1               |
| 29  | 2405 Alice Rodríguez Circle | Former ICRA      | 1               | 91          | 16161 Peppertree Lane       | Housing Authority | 1               |
| 30  | 2413 Alice Rodríguez Circle | Former ICRA      | 1               | 92          | 16046 Peppertree Lane       | Housing Authority | 1               |
| 31  | 2461 Alice Rodríguez Circle | Former ICRA      | 1               | 93          | 16023 Calle Breceda         | Housing Authority | 1               |
| 32  | 4638 Fraijo Avenue          | Former ICRA      | 1               | 94          | 5130 Irwindale Avenue       | Housing Authority | 1               |
| 33  | 5135 Allen Drive            | Former ICRA      | 1               | 95          | 16021 Calle Breceda         | Housing Authority | 1               |
| 34  | 2430 Alice Rodríguez Circle | Former ICRA      | 1               | 96          | 16017 Calle Breceda         | Housing Authority | 1               |
| 35  | 2474 Alice Rodríguez Circle | Former ICRA      | 1               | 97          | 16019 Calle Breceda         | Housing Authority | 1               |
| 36  | 2410 Alice Rodríguez Circle | Former ICRA      | 1               | 98          | 15850 Juarez St             | Housing Authority | 1               |
| 37  | 2402 Alice Rodríguez Circle | Former ICRA      | 1               | 99          | 15854 Juarez St             | Housing Authority | 1               |
| 38  | 2470 Alice Rodríguez Circle | Former ICRA      | 1               | 100         | 16015 Calle Breceda         | Housing Authority | 1               |
| 39  | 2442 Alice Rodríguez Circle | Former ICRA      | 1               | 101         | 4811 Baca Ave               | Housing Authority | 1               |
| 40  | 4658 Fraijo Avenue          | Former ICRA      | 1               | 102         | 4815 Baca Ave               | Housing Authority | 1               |
| 41  | 2401 Alice Rodríguez Circle | Former ICRA      | 1               | 103         | 4813 Baca Ave               | Housing Authority | 1               |
| 42  | 2434 Alice Rodríguez Circle | Former ICRA      | 1               | 104         | 15812 Hidalgo St            | Housing Authority | 1               |
| 43  | 2424 Park Rose Avenue       | Former ICRA      | 1               | 105         | 15821 Hidalgo St            | Housing Authority | 1               |
| 44  | 15828 Juarez Street         | Former ICRA      | 1               | 106         | 15810 Hidalgo St            | Housing Authority | 1               |
| 45  | 15830 Hidalgo Street        | Former ICRA      | 1               | 107         | 4610 Nora Avenue            | Housing Authority | 1               |
| 46  | 2414 Park Rose Avenue       | Former ICRA      | 1               | 108         | 4612 Nora Avenue            | Housing Authority | 1               |
| 47  | 2440 Ruelas Street          | Former ICRA      | 1               | 109         | 4614 Nora Avenue            | Housing Authority | 1               |
| 48  | 4608 Nora Avenue            | Former ICRA      | 1               | 110         | 5138 Irwindale Avenue       | Housing Authority | 1               |
| 49  | 15823 Juarez Street         | Former ICRA      | 1               | 111         | 5134 Irwindale Avenue       | Housing Authority | 1               |
| 50  | 16133 Progress Lane         | Former ICRA      | 1               | 112         | 4824 Baca Avenue            | Housing Authority | 1               |
| 51  | 2415 Ruelas Street          | Former ICRA      | 1               | 113         | 4828 Baca Avenue            | Housing Authority | 1               |
| 52  | 16164 Calle de Paseo        | Former ICRA      | 1               | 114         | 4833 Sabre Lane             | Housing Authority | 1               |
| 53  | 16134 Progress Lane         | Former ICRA      | 1               | 115         | 4841 Sabre Lane             | Housing Authority | 1               |
| 54  | 16134 Central Street        | Former ICRA      | 1               | 116         | 4605 Nora Avenue            | Housing Authority | 1               |
| 55  | 16135 Peppertree Lane       | Former ICRA      | 1               | 117         | 700 Ambriz Street           | Housing Authority | 1               |
| 56  | 16169 Progress Lane         | Former ICRA      | 1               | 118         | 701 Ambriz Street           | Housing Authority | 1               |
| 57  | 16148 Calle de Paseo        | Former ICRA      | 1               | 119         | 704 Ambriz Street           | Housing Authority | 1               |
| 58  | 16144 Calle de Paseo        | Former ICRA      | 1               | 120         | 705 Ambriz Street           | Housing Authority | 1               |
| 59  | 737 Shrode Avenue           | Former ICRA      | 1               | 121         | 708 Ambriz Street           | Housing Authority | 1               |
| 60  | 16024 Calle de Paseo        | Former ICRA      | 1               | 122         | 709 Ambriz Street           | Housing Authority | 1               |
| 61  | 4611 Nora Avenue            | Former ICRA      | 1               | 123         | 713 Ambriz Street           | Housing Authority | 1               |
| 62  | 4617 Nora Avenue            | Former ICRA      | 1               | TOTAL UNITS |                             |                   | 123             |

**IRWINDALE HOUSING AUTHORITY**

Fiscal Year 2021-22 Housing Successor Compliance Report

**APPENDIX: 2021-22 IRWINDALE HOUSING SUCCESSOR INDEPENDENT AUDITORS'  
REPORT & BASIC FINANCIAL STATEMENTS**



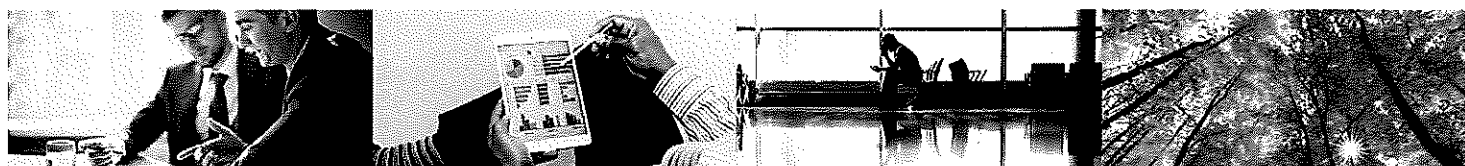


IRWINDALE HOUSING SUCCESSOR  
IRWINDALE, CALIFORNIA

FOR THE YEAR ENDED JUNE 30, 2022

FINANCIAL STATEMENTS

Focused  
on YOU





IRWINDALE HOUSING SUCCESSOR  
IRWINDALE, CALIFORNIA  
FINANCIAL STATEMENTS  
FOR FISCAL YEAR ENDED JUNE 30, 2022

PREPARED BY: FINANCE DEPARTMENT

IRWINDALE HOUSING SUCCESSOR  
IRWINDALE, CALIFORNIA

FINANCIAL STATEMENTS

FOR THE FISCAL YEAR ENDED JUNE 30, 2022

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## INDEPENDENT AUDITORS' REPORT

To the Honorable Mayor and Members of the City Council  
Irwindale Housing Successor  
City of Irwindale, California

### Report on the Financial Statements

#### ***Opinions***

We have audited the accompanying financial statements of the governmental activities and the major governmental fund of the Irwindale Housing Successor (the Housing Successor), a Special Revenue Fund of the City of Irwindale, California, as of and for the year ended June 30, 2022, and the related notes to the financial statements, which collectively comprise the Housing Successor's basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and the major governmental fund of the Irwindale Housing Successor (the Housing Successor), a Special Revenue Fund of the City of Irwindale, California, as of June 30, 2022, and the respective changes in financial position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

#### ***Basis for Opinions***

We conducted our audit in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of the Housing Successor and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audits. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

#### ***Emphasis of Matter***

As discussed in Note 1, the financial statements of the Housing Successor are intended to present the financial position and the changes in financial position of the governmental activities and the major fund of the Housing Successor that is attributable to the transactions of the Housing Successor. They do not purport to, and do not, present fairly the financial positions of the City of Irwindale or the Irwindale Housing Authority as of June 30, 2022, nor the changes in their financial positions for the year then ended in accordance with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

#### ***Responsibilities of Management for the Financial Statements***

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; and for the design, implementation, and maintenance of internal control relevant to the preparation and fair



To the Honorable Mayor and Members of the City Council  
Irwindale Housing Successor  
City of Irwindale, California

presentation of financial statements that are free from material misstatement, whether due to fraud or error. In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Housing Successor's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

### ***Responsibilities of Management for the Financial Statements***

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error. In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the Housing Successor's ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

### ***Auditor's Responsibilities for the Audit of the Financial Statements***

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, *Government Auditing Standards*, will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if, there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS, *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Housing Successor's internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Housing Successor's ability to continue as a going concern for a reasonable period of time.



To the Honorable Mayor and Members of the City Council  
Irwindale Housing Successor  
City of Irwindale, California

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

### ***Other Reporting Responsibilities***

#### ***Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that the budgetary comparison schedule as listed on the table of contents, be presented to supplement the basic financial statements. Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

#### ***Other Information***

Management is responsible for the other information included in the annual report. The other information comprises the Computation of Low and Moderate Income Housing Fund Excess/Surplus. Our opinions on the financial statements do not cover the other information, and we do not express an opinion or any form of assurance thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

### ***Other Reporting Required by Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated December 5, 2022 on our consideration of the Housing Successor's internal control over the Housing Successor's financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Housing Successor's internal control over the Housing Successor's financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Housing Successor's internal control over the Housing Successor's financial reporting and compliance.

*Lance, Soll & Lughard, LLP*

Brea, California  
December 5, 2022



INDEPENDENT AUDITORS' REPORT ON COMPLIANCE ON COMPLIANCE WITH  
APPLICABLE REQUIREMENT AND ON INTERNAL CONTROL OVER COMPLIANCE

To the Honorable Mayor and Members of the City Council  
Irwindale Housing Successor  
City of Irwindale, California

**Report on Compliance for Housing Successor**

***Opinion***

We have audited the City of Irwindale Housing Successor (the Housing Successor) of the City of Irwindale, California's (the City), compliance with the types of compliance requirements described in the California Health and Safety Code section applicable to California Housing Successor Agencies for the year ended June 30, 2022.

In our opinion, the Housing Successor complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on its Housing Successor for the year ended June 30, 2022.

***Basis for Opinion***

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America (GAAS); the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of California Health and Safety Code sections applicable to California Housing Successor Agencies. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of Compliance section of our report.

We are required to be independent of the Housing Successor and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our audit. We believe the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion. Our audit does not provide a legal determination of the Housing Successor's compliance with the compliance requirements referred to above.

***Responsibilities of Management for Compliance***

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules, and provisions of contracts applicable to the Housing Successor programs.



To the Honorable Mayor and Members of the City Council  
Irwindale Housing Successor  
City of Irwindale, California

### ***Auditor's Responsibilities for the Audit of Compliance***

Our objectives are to obtain reasonable assurance about whether material noncompliance with the compliance requirements referred to above, whether due to fraud or error, and express an opinion on the Housing Successor's compliance based on our audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, *Government Auditing Standards*, and the California Health and Safety Code sections applicable to California Housing Successor Agencies will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements referred to above is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the Housing Successor's compliance with the requirements of the government program as a whole.

In performing an audit in accordance with GAAS, *Government Auditing Standards*, and California Health and Safety Code sections applicable to California Housing Successor Agencies, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the Housing Successor's compliance with the compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.
- Obtain an understanding of the Housing Successor's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with California Health and Safety Code sections applicable to California Housing Successor Agencies, but not for the purpose of expressing an opinion on the effectiveness of the Housing Successor's internal control over compliance. Accordingly, no such opinion is expressed.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we identified during the audit.

### **Report on Internal Control over Compliance**

A *deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.



To the Honorable Mayor and Members of the City Council  
Irwindale Housing Successor  
City of Irwindale, California

Our consideration of internal control over compliance was for the limited purpose described in the Auditor's Responsibilities for the Audit of Compliance section above and was not designed to identify all deficiencies in internal control over compliance. Given these limitations, during our audit we did not identify any deficiencies in internal control over compliance that we consider to be a material weakness, as defined above. However, material weaknesses or significant deficiencies in internal control over compliance may exist that have not been identified.

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

#### **Report on Excess/Surplus Calculation**

We have audited the financial statements of the governmental activities and the major governmental fund information of the Irwindale Housing Successor, as of and for the year ended June 30, 2022, and have issued our report thereon dated December 5, 2022, which contained unmodified opinions on those financial statements. Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the basic financial statements. The accompanying report on excess/surplus calculation is presented for purposes of additional analysis as required by the California Health and Safety Code sections applicable to California Housing Successor Agencies and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the report on excess/surplus calculation is fairly stated in all material respects in relation to the basic financial statements as a whole.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the California Health and Safety Code sections applicable to California Housing Successor Agencies. Accordingly, this report is not suitable for any other purpose.

*Lance, Soll & Loughard, LLP*

Brea, California  
December 5, 2022



**IRWINDALE HOUSING SUCCESSOR**

**STATEMENT OF NET POSITION  
JUNE 30, 2022**

---

|                           | <b>Governmental<br/>Activities</b> |
|---------------------------|------------------------------------|
| <b>Assets:</b>            |                                    |
| Cash and investments      | \$ 7,329,893                       |
| Receivables:              |                                    |
| Notes and loans           | 15,611,507                         |
| Accrued interest          | 14,259                             |
| <b>Total Assets</b>       | <b>22,955,659</b>                  |
| <b>Liabilities:</b>       |                                    |
| Accounts payable          | 49,275                             |
| Due to City               | 35,209                             |
| <b>Total Liabilities</b>  | <b>84,484</b>                      |
| <b>Net Position:</b>      |                                    |
| Restricted for:           |                                    |
| Low and Moderate Housing  | 22,871,175                         |
| <b>Total Net Position</b> | <b>\$ 22,871,175</b>               |

IRWINDALE HOUSING SUCCESSOR

STATEMENT OF ACTIVITIES  
YEAR ENDED JUNE 30, 2022

|                                                | Expenses            | Program Revenues        |                                          |                                        | Net<br>(Expenses)<br>Revenues<br>and Changes<br>in Net<br>Position |
|------------------------------------------------|---------------------|-------------------------|------------------------------------------|----------------------------------------|--------------------------------------------------------------------|
|                                                |                     | Charges for<br>Services | Operating<br>Contributions<br>and Grants | Capital<br>Contributions<br>and Grants | Governmental<br>Activities                                         |
| <b>Functions/Programs</b>                      |                     |                         |                                          |                                        |                                                                    |
| <b>Primary Government:</b>                     |                     |                         |                                          |                                        |                                                                    |
| Governmental Activities:                       |                     |                         |                                          |                                        |                                                                    |
| Public safety                                  | \$ 4,573,198        | \$ -                    | \$ -                                     | \$ -                                   | \$ (4,573,198)                                                     |
| <b>Total Governmental Activities</b>           | <b>\$ 4,573,198</b> | <b>\$ -</b>             | <b>\$ -</b>                              | <b>\$ -</b>                            | <b>(4,573,198)</b>                                                 |
| Use of money and property                      |                     |                         |                                          |                                        | 2,138,128                                                          |
| <b>Total General Revenues and Special Item</b> |                     |                         |                                          |                                        | <b>2,138,128</b>                                                   |
| Change in Net Position                         |                     |                         |                                          |                                        | (2,435,070)                                                        |
| Net Position at Beginning of Year              |                     |                         |                                          |                                        | 25,306,245                                                         |
| <b>Net Position at End of Year</b>             |                     |                         |                                          |                                        | <b>\$ 22,871,175</b>                                               |

**IRWINDALE HOUSING SUCCESSOR****BALANCE SHEET  
JUNE 30, 2022**

|                                                                                | <b>Housing<br/>Successor<br/>Fund</b> |
|--------------------------------------------------------------------------------|---------------------------------------|
| <b>Assets:</b>                                                                 |                                       |
| Pooled cash and investments                                                    | \$ 7,329,893                          |
| Receivables:                                                                   |                                       |
| Notes and loans                                                                | 15,611,507                            |
| Accrued interest                                                               | 14,259                                |
| <b>Total Assets</b>                                                            | <b>\$ 22,955,659</b>                  |
| <b>Liabilities, Deferred Inflows of Resources,<br/>and Fund Balances:</b>      |                                       |
| <b>Liabilities:</b>                                                            |                                       |
| Accounts payable                                                               | \$ 49,275                             |
| Due to City                                                                    | 35,209                                |
| <b>Total Liabilities</b>                                                       | <b>84,484</b>                         |
| <b>Deferred Inflows of Resources:</b>                                          |                                       |
| Unavailable revenues                                                           | 15,611,507                            |
| <b>Total Deferred Inflows of Resources</b>                                     | <b>15,611,507</b>                     |
| <b>Fund Balances:</b>                                                          |                                       |
| <b>Restricted for:</b>                                                         |                                       |
| Housing activities                                                             | 7,259,668                             |
| <b>Total Fund Balances</b>                                                     | <b>7,259,668</b>                      |
| <b>Total Liabilities, Deferred Inflows of<br/>Resources, and Fund Balances</b> | <b>\$ 22,955,659</b>                  |

**IRWINDALE HOUSING SUCCESSOR**

**RECONCILIATION OF THE BALANCE SHEET OF GOVERNMENTAL FUNDS  
TO THE STATEMENT OF NET POSITION  
JUNE 30, 2022**

---

|                                     |              |
|-------------------------------------|--------------|
| Fund balances of governmental funds | \$ 7,259,668 |
|-------------------------------------|--------------|

Amounts reported for governmental activities in the statement of net position are different because:

Revenues reported as unavailable revenue in the governmental funds and recognized in the statement of activities. These are included in the intergovernmental revenues in the governmental fund activity.

|            |
|------------|
| 15,611,507 |
|------------|

**Net Position of Governmental Activities**

|                      |
|----------------------|
| <u>\$ 22,871,175</u> |
|----------------------|

**IRWINDALE HOUSING SUCCESSOR**

**STATEMENT OF REVENUES,  
EXPENDITURES AND CHANGES IN FUND BALANCES  
YEAR ENDED JUNE 30, 2022**

|                                   | <b>Housing<br/>Successor<br/>Fund</b> |
|-----------------------------------|---------------------------------------|
| <b>Revenues:</b>                  |                                       |
| Use of money and property         | <u>\$ (11,782)</u>                    |
| <b>Total Revenues</b>             | <u><b>(11,782)</b></u>                |
| <b>Expenditures:</b>              |                                       |
| Current:                          |                                       |
| General government                | <u>4,573,198</u>                      |
| <b>Total Expenditures</b>         | <u><b>4,573,198</b></u>               |
| Net Change in Fund Balances       | (4,584,980)                           |
| Fund Balances, Beginning of Year  | <u>11,844,648</u>                     |
| <b>Fund Balances, End of Year</b> | <u><b>\$ 7,259,668</b></u>            |

**IRWINDALE HOUSING SUCCESSOR**

**RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS  
TO THE STATEMENT OF ACTIVITIES  
YEAR ENDED JUNE 30, 2022**

---

Net change in fund balances - total governmental funds \$ (4,584,980)

Amounts reported for governmental activities in the statement of activities are different because:

Revenues reported as unavailable revenue in the governmental funds and recognized in the statement of activities. These are included in the intergovernmental revenues in the governmental fund activity.

2,149,910

**Change in Net Position of Governmental Activities**

**\$ (2,435,070)**

## IRWINDALE HOUSING SUCCESSOR

### NOTES TO FINANCIAL STATEMENTS (CONTINUED) JUNE 30, 2022

---

#### I. SIGNIFICANT ACCOUNTING POLICIES

##### Note 1: Summary of Significant Accounting Policies

###### a. Financial Reporting Entity

The Irwindale Housing Successor Fund (Housing Successor) was established on February 1, 2012, pursuant to the California Housing Authority Law codified under the State of California Health and Safety Code, Section 34200 et seq. The restricted resources and assets from the former Irwindale Community Redevelopment Agency's low- and moderate-income housing fund was transferred to the City's Low and Moderate Housing Asset Fund, a fund within the Irwindale's Housing Authority. The City Council became the governing board commissioners of the Housing Authority. The Housing Successor is part of the Irwindale Housing Authority, which was established for the development of low- and moderate-income housing in the City. The Housing Authority was formed for the purposes of construction and management of quality affordable housing within the City.

The Housing Authority is controlled by the City of Irwindale (City) and, accordingly, the accompanying financial statements are included as a component of the basic financial statements prepared by the City. A component unit is a separate governmental unit, agency or nonprofit corporation which when combined with all other component units, constitutes the reporting entity as defined in the City's basic financial statements.

The Irwindale Housing Successor accounts for transactions related to affordable housing activities. Revenues include bond proceeds held by the Irwindale Successor Agency that will be transferred for use into this fund for affordable housing activities.

###### b. Basis of Presentation

The City's financial statements are prepared in conformity with accounting principles generally accepted in the United States of America. The Government Accounting Standards Board is the acknowledged standard setting body for establishing accounting and financial reporting standards followed by governmental entities in the United States of America.

The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the nonfiduciary activities of the component unit. Eliminations have been made to minimize the double counting of internal activities. For the most part, the effect of interfund activity has been removed from these statements.

The statement of activities demonstrates the degree to which the direct expenses of a given function or segments are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include: 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services or privileges provided by a given function or segment, and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as general revenues.

While separate government-wide and fund financial statements are presented, they are interrelated.

## IRWINDALE HOUSING SUCCESSOR

### NOTES TO FINANCIAL STATEMENTS (CONTINUED) JUNE 30, 2022

---

#### Note 1: Summary of Significant Accounting Policies (Continued)

##### c. Measurement Focus, Basis of Accounting and Financial Statement Presentation

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting, as are the proprietary fund financial statements. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the government considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting.

Property taxes and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Only the portion of special assessments receivable due within the current fiscal period is considered to be susceptible to accrual as revenue of the current period. All other revenue items are considered to be measurable and available only when cash is received by the government.

##### d. Assets, Liabilities and Net Position or Equity

###### Cash and Investments

The Housing Successor's cash, and cash equivalents are considered to be cash on hand, demand deposits and short-term investments with original maturities of three months or less from the date of acquisition. For financial statement presentation purposes, cash and cash equivalents are shown as both unrestricted and restricted cash and investments.

Investments are reported at fair value, the value at which a financial instrument could be exchanged in a current transaction between willing parties, other than a forced liquidation sale. The City's policy is generally to hold investments until maturity or until market values equal or exceed cost. The State Treasurer's Investment Pool operates in accordance with appropriate state laws and regulations. The reported value of the pool is the same as the fair value of the pool shares.

###### Receivables and Payables

Activity between funds that are representative of lending/borrowing arrangements outstanding at the end of the fiscal year are referred to as either "due to/from other funds" (i.e., the current portion of interfund loans) or "advances to/from other funds" (i.e., the non-current portion of interfund loans). Any residual balances outstanding between the governmental activities and business-type activities are reported in the government-wide financial statements as "internal balances."



## IRWINDALE HOUSING SUCCESSOR

### NOTES TO FINANCIAL STATEMENTS (CONTINUED) JUNE 30, 2022

---

#### Note 1: Summary of Significant Accounting Policies (Continued)

Advances between funds, as reported in the fund financial statements, are offset by a fund balance reserve account in applicable governmental funds to indicate that they are not available for appropriation and are not expendable available financial resources.

##### Land Held for Resale

Land purchased for resale is capitalized as inventory at acquisition costs or net realizable value, if lower. Land held for resale is offset by non-spendable fund balance, which indicates that it does not constitute "available spendable resources." Other property held for resale is capitalized as inventory and is recorded at cost.

##### Deferred Outflows/Inflows of Resources

In addition to assets, the statement of net position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, deferred outflows of resources, represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/ expenditure) until then. The Housing Successor does not carry an item that qualifies for reporting in this category.

In addition to liabilities, the statement of net position or the balance sheet will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. The government has only one type of item, which arises only under a modified accrual basis of accounting that qualifies for reporting in this category. Accordingly, the item, unavailable revenue, is reported only in the governmental funds balance sheet. The governmental funds report unavailable revenues from various sources: taxes, long-term loans, and grant monies. These amounts are deferred and recognized as an inflow of resources in the period the amounts become available.

##### Net Position Flow Assumption

Sometimes the government will fund outlays for a particular purpose from both restricted (e.g., restricted bond or grant proceeds) and unrestricted resources. In order to calculate the amounts to report as restricted – net position and unrestricted – net position in the government-wide and proprietary fund financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the government's policy to consider restricted – net position to have been depleted before unrestricted – net position is applied.

##### Fund Balance Flow Assumptions

Sometimes the government will fund outlays for a particular purpose from both restricted and unrestricted resources (the total of committed, assigned, and unassigned fund balance). In order to calculate the amounts to report as restricted, committed, assigned, and unassigned fund balance in the governmental fund financial statements a flow assumption must be made about the order in which the resources are considered to be applied. It is the government's policy to consider restricted fund balance to have been depleted before using any of the components of unrestricted

## IRWINDALE HOUSING SUCCESSOR

### NOTES TO FINANCIAL STATEMENTS (CONTINUED) JUNE 30, 2022

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#### Note 1: Summary of Significant Accounting Policies (Continued)

fund balance. Further, when the components of unrestricted fund balance can be used for the same purpose, committed fund balance is depleted first, followed by assigned fund balance. Unassigned fund balance is applied last.  
Fund Equity

In the fund financial statements, government funds report the following fund balance classification:

Nonspendable include amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact.

Restricted include amounts that are constrained on the use of resources by either (a) external creditors, grantors, contributors, or laws or regulations of other governments or (b) by law through constitutional provisions or enabling legislation.

Committed include amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of the government's highest authority, the City Council. The formal action that is required to be taken to establish, modify, or rescind a fund balance commitment is a resolution. The City did not have any committed fund balance as of June 30, 2022.

Assigned include amounts that are constrained by the government's intent to be used for specific purposes but are neither restricted nor committed. The City Manager is authorized to assign amounts to a specific purpose, which was established by the governing body in Resolution No. 2011-32 approved on June 21, 2011. The Housing Successor did not have any assigned fund balance as of June 30, 2022.

Unassigned include the residual amounts that have not been restricted, committed, or assigned to specific purposes.

An individual governmental fund could include nonspendable resources and amounts that are restricted or unrestricted (committed, assigned, or unassigned) or any combination of those classifications. Restricted amounts are to be considered spent when an expenditure is incurred for purposes for which both restricted and unrestricted fund balance is available and committed, assigned, then unassigned amounts are considered to have been spent when an expenditure is incurred for purposes for which amounts in any of those unrestricted fund balance classifications can be used.

## II. DETAILED NOTES

#### Note 2: Cash and Cash Equivalents

As of June 30, 2022, cash and investments were reported in the accompanying financial statements as follows:

|                                 |                     |
|---------------------------------|---------------------|
| Pooled cash and investments     | \$ 127              |
| Investments - LAIF              | <u>7,329,766</u>    |
| Total cash and cash equivalents | <u>\$ 7,329,893</u> |

## IRWINDALE HOUSING SUCCESSOR

### NOTES TO FINANCIAL STATEMENTS (CONTINUED) JUNE 30, 2022

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#### **Note 2: Cash and Cash Equivalents (Continued)**

The Housing Successor's fund is pooled with the City of Irwindale's cash and investments in order to generate optimum interest income. The pooled interest earned is allocated quarterly based on the month end cash balances. The City values its cash and investments in accordance with the provisions of Governmental Accounting Standards Board Statement No. 72 (GASB 72), *Fair Value Measurement and Application*, which requires governmental entities to use valuation techniques that are appropriate under the circumstances and for which sufficient data are available to measure fair value. Citywide information concerning cash and investments for the year ended June 30, 2022, including authorized investments, custodial credit risk, credit risk, interest rate risk, concentration of investments, and carrying amount and market value of deposits and investments is available in the annual financial report of the City.

### **III. OTHER INFORMATION**

#### **Note 3: Deferred and Loans Receivable**

The City's Former Irwindale Community Redevelopment Agency (Agency) made subsidy and rehabilitation loans that are to be forgiven when agreement covenants are met. As of June 30, 2022, the outstanding amounts for subsidy and rehabilitation loans are \$14,437,864 and \$1,168,336, respectively. Additionally, there is an outstanding amount of property tax loan receivable of \$5,307. The loans receivables are reported as unavailable revenue at June 30, 2022.

#### **Note 4: Land Held for Resale**

The City's Former Irwindale Community Redevelopment Agency (Agency) acquired several parcels of land as part of its primary purpose to develop or redevelop blighted properties. As of June 30, 2022, the Housing Successor did not have any land held for resale.

IRWINDALE HOUSING SUCCESSOR

BUDGETARY COMPARISON SCHEDULE  
HOUSING SUCCESSOR FUND  
YEAR ENDED JUNE 30, 2022

|                                             | Budget Amounts       |                     | Actual              | Variance with       |
|---------------------------------------------|----------------------|---------------------|---------------------|---------------------|
|                                             | Original             | Final               | Amounts             | Final Budget        |
|                                             |                      |                     |                     | Positive            |
|                                             |                      |                     |                     | (Negative)          |
| Budgetary Fund Balance, July 1              | \$ 11,844,648        | \$ 11,844,648       | \$ 11,844,648       | \$ -                |
| <b>Resources (Inflows):</b>                 |                      |                     |                     |                     |
| Use of money and property                   | 25,000               | 25,000              | (11,782)            | (36,782)            |
| <b>Amounts Available for Appropriations</b> | <b>11,869,648</b>    | <b>11,869,648</b>   | <b>11,832,866</b>   | <b>(36,782)</b>     |
| <b>Charges to Appropriations (Outflow):</b> |                      |                     |                     |                     |
| General government                          | 350,400              | 7,801,163           | 4,573,198           | 3,227,965           |
| <b>Total Charges to Appropriations</b>      | <b>350,400</b>       | <b>7,801,163</b>    | <b>4,573,198</b>    | <b>3,227,965</b>    |
| <b>Budgetary Fund Balance, June 30</b>      | <b>\$ 11,519,248</b> | <b>\$ 4,068,485</b> | <b>\$ 7,259,668</b> | <b>\$ 3,191,183</b> |

**IRWINDALE HOUSING SUCCESSOR**

**COMPUTATION OF LOW AND MODERATE  
INCOME HOUSING FUND  
EXCESS/SURPLUS  
YEAR ENDED JUNE 30, 2022**

|                                                             | <b>Low and Moderate<br/>Housing Funds<br/>All Project Area<br/>July 1, 2021</b> | <b>Low and Moderate<br/>Housing Funds<br/>All Project Area<br/>July 1, 2022</b> |
|-------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| Opening Fund Balance                                        | \$ 11,844,648                                                                   | \$ 7,259,668                                                                    |
| Less Unavailable Amounts:                                   |                                                                                 |                                                                                 |
| Deferred Loans receivable                                   | \$ (451,103)                                                                    | \$ -                                                                            |
| Encumbrances (Section 33334.12 (g)(2))                      | <u>(5,266,515)</u>                                                              | <u>(4,582,431)</u>                                                              |
|                                                             | <u>(5,717,618)</u>                                                              | <u>(4,582,431)</u>                                                              |
| Available Low and Moderate Income Housing Funds             | 6,127,030                                                                       | 2,677,237                                                                       |
| Limitation (greater of \$1,000,000 or four years set-aside) |                                                                                 |                                                                                 |
| Set-Aside for last four years:                              |                                                                                 |                                                                                 |
| 2021 - 2022                                                 |                                                                                 | (11,782)                                                                        |
| 2020 - 2021                                                 | 329,463                                                                         | 329,463                                                                         |
| 2019 - 2020                                                 | 2,950,470                                                                       | 2,950,470                                                                       |
| 2018 - 2019                                                 | 141,910                                                                         | 141,910                                                                         |
| 2017 - 2018                                                 | <u>117,192</u>                                                                  | <u>n/a</u>                                                                      |
| <b>Total</b>                                                | <b><u>\$ 3,539,035</u></b>                                                      | <b><u>\$ 3,410,061</u></b>                                                      |
| <b>Base Limitation</b>                                      | <b><u>\$ 1,000,000</u></b>                                                      | <b><u>\$ 1,000,000</u></b>                                                      |
| Greater amount                                              | <u>3,539,035</u>                                                                | <u>3,410,061</u>                                                                |
| <b>Computed Excess/Surplus</b>                              | <b><u>\$ 2,587,995</u></b>                                                      | <b><u>None</u></b>                                                              |

Please note: In accordance with HSC34176.1(d) If a housing successor has an excess surplus, the housing successor shall encumber the excess surplus for the purposes described in paragraph (3) of subdivision (a) or transfer the funds pursuant to paragraph (2) of subdivision (c) within three fiscal years. If the housing successor fails to comply with this subdivision, the housing successor, within 90 days of the end of the third fiscal year, shall transfer any excess surplus to the Department of Housing and Community Development for expenditure pursuant to the Multifamily Housing Program or the Joe Serna, Jr. Farmworker Housing Grant Program. For purposes of this subdivision, "excess surplus" shall mean an unencumbered amount in the account that exceeds the greater of one million dollars (\$1,000,000) or the aggregate amount deposited into the account during the housing successor's preceding four fiscal years, whichever is greater.



INDEPENDENT AUDITORS' REPORT ON INTERNAL CONTROL  
OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS  
BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE  
WITH *GOVERNMENT AUDITING STANDARDS*

To the Honorable Mayor and Members of the City Council  
Irwindale Housing Successor  
City of Irwindale, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and the major governmental fund of the Irwindale Housing Successor (the Housing Successor), as of and for the year ended June 30, 2022, and the related notes to the financial statements, which collectively comprise the Housing Successor's basic financial statements, and have issued our report thereon dated December 5, 2022.

### Report on Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Housing Successor's internal control over financial reporting (internal control) as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Housing Successor's internal control. Accordingly, we do not express an opinion on the effectiveness of the Housing Successor's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements, on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that were not identified.

### Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Housing Successor's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was



To the Honorable Mayor and Members of the City Council  
Irwindale Housing Successor  
City of Irwindale, California

not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

**Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Successor's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Successor's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

*Lane, Soll & Lughard, LLP*

Brea, California  
December 5, 2022

- ☐ City Council
- ☐ Successor Agency
- ☒ Housing Authority
- ☐ Reclamation Authority
- ☐ Joint Powers Authority

*City of*  
**IRWINDALE**  
**AGENDA REPORT**

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Date: February 22, 2022  
To: Honorable Chair and Members of the Housing Authority  
From: Julian A. Miranda, Executive Director  
Issue: Las Casitas Eligibility List

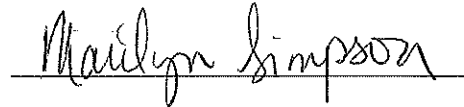
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**Executive Director's Recommendation:**

**That the Housing Authority Board receive and file the Las Casitas Eligibility List**

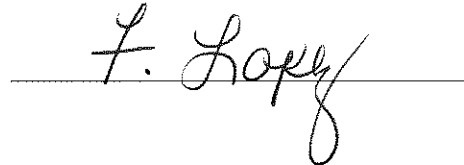
**Submitted by:**

Marilyn Simpson, Community Development Director



**Prepared by:**

Fernando Lopez, Housing Coordinator



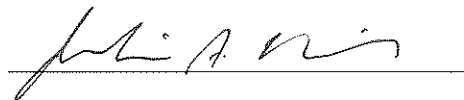
**Reviewed by:**

Adrian R. Guerra, Authority Counsel

**Electronically Approved**

**Approved by:**

Julian A. Miranda, Executive Director



**BACKGROUND AND ANALYSIS:**

There are currently two (2) vacant units at the Las Casitas Senior Apartment Complex that are available for rent. The two (2) units will be occupied by Extremely Low Income seniors. On October 10, 2022, the Housing Authority opened the application period for the available units. The deadline to submit the Las Casitas application along with verification material was November 9, 2022.



When the Housing Authority opened the application period, fifty (50) applications were distributed for the two (2) available units. Forty three (43) applications were received. Of the forty three (43) applications, thirty-seven (37) have been deemed complete and eligible in accordance with the Las Casitas Guidelines.

Staff has now finalized the review of all the applications and has established an eligibility list. Two (2) senior households have been identified as eligible to receive the award of the units based on the lowest priority ranking to occupy the two (2) vacant units currently available at Las Casitas.

In accordance with the current Guidelines, Policies and Procedures, Staff has presented the eligibility list to the Executive Director, who has approved the current eligibility list, which is now being presented to the Board for informational purposes only.

Attached hereto is the current Las Casitas Eligibility List. Staff has provided the Northridge Group with the names and contact information for the two awarded households. The Northridge group will execute the necessary rental agreement & forms.

**FISCAL IMPACT:**

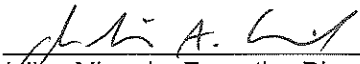
None.

**ATTACHMENTS:**

A. Las Casitas Eligibility List - 2022

## Las Casitas Eligibility List-2022

| Eligibility | Score | Applicant's Name          | Application Number |
|-------------|-------|---------------------------|--------------------|
| 1           | 5     | Anthony Naranjo           | 22                 |
| 2           | 5     | Marina Arciniega          | 33                 |
| 3           | 6     | Gilbert Guzman            | 4                  |
| 4           | 6     | Patricia Gonzales         | 12                 |
| 5           | 6     | Lorene Burrola            | 35                 |
| 6           | 7     | Karelia Del Corral        | 15                 |
| 7           | 7     | Veronica Lara             | 31                 |
| 8           | 8     | Marilyn Valdez            | 1                  |
| 9           | 8     | Mirta Navarette           | 6                  |
| 10          | 8     | Evangelina Valdez         | 9                  |
| 11          | 8     | Dianna Inmon              | 11                 |
| 12          | 8     | Catalina Bersach          | 16                 |
| 13          | 8     | Maria Leticia Hernandez   | 24                 |
| 14          | 9     | Katherine Espinoza        | 3                  |
| 15          | 9     | Isidro Mesina             | 5                  |
| 16          | 9     | David Perez               | 21                 |
| 17          | 9     | Maria De Lourdes Martinez | 29                 |
| 18          | 10    | Lydia Mcsherdon           | 2                  |
| 19          | 10    | Jorge Samayoa             | 7                  |
| 20          | 10    | Linda Armendarez          | 14                 |
| 21          | 10    | Isabel Huanes             | 30                 |
| 22          | 11    | Susan Nunez               | 8                  |
| 23          | 11    | Alicia Apodaca            | 13                 |
| 24          | 11    | Oscar Fundora             | 17                 |
| 25          | 11    | Maria Hernandez           | 18                 |
| 26          | 11    | Yusuf Mansuri             | 19                 |
| 27          | 11    | Felipe Carreon            | 23                 |
| 28          | 11    | Rosa Salguero             | 25                 |
| 29          | 11    | Telma Ramirez             | 26                 |
| 30          | 11    | Martha Padilla            | 28                 |
| 31          | 11    | Chris Monge               | 32                 |
| 32          | 11    | Adoracion Lopez           | 34                 |
| 33          | 11    | Eufrocinia Ayers          | 36                 |
| 34          | 12    | Rene Fraijo               | 10                 |
| 35          | 12    | Napoleon Aldana           | 20                 |
| 36          | 12    | Christine Valencia        | 27                 |

  
 Julian Miranda, Executive Director

2/16/23  
 Date