

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

JUNE 8, 2022

**SPECIAL MEETING - 6:00 P.M.
REGULAR MEETING - 6:30 P.M.**

IRWINDALE CITY COUNCIL CHAMBER

CLOSED SESSION / OPEN SESSION – CITY COUNCIL CHAMBER

Limited Public Access

Pursuant to Irwindale Resolution No. Resolution No. 2022-45-3295

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 (In-Chamber Attendance Limited to nine members of the public with overflow seating available in the Outer Council Chamber)

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, if you need special assistance to participate in a City Council meeting or other services offered by this City, please contact City Hall at (626) 430-2200. Assisted listening devices are available at this meeting. Ask the Chief Deputy City Clerk if you desire to use this device. Upon request, the agenda and documents in the agenda packet can be made available in appropriate alternative formats to persons with disabilities. 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 - CLOSED SESSION – 6:00 P.M.

A. CALL TO ORDER

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

SPONTANEOUS COMMUNICATIONS

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

C. CONSENT CALENDAR

1. A Resolution to Re-Ratify the Existence of a Local Emergency and Authorize Remote Meetings of the Legislative Bodies of the City of Irwindale for the 30-Day Period Beginning June 8, 2022 through July 8, 2022

Recommendation: City Council, Successor Agency, Housing Authority and Reclamation Authority **adopt Resolution No. 2022-57-3307, Resolution No. SA 2022-58-3308, Resolution No. HA 2022-13-123 and Resolution No. RA 2022-06-033**, entitled, “A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, SUCCESSOR AGENCY TO THE IRWINDALE COMMUNITY REDEVELOPMENT AGENCY, THE BOARD OF THE HOUSING AUTHORITY OF THE CITY OF IRWINDALE, AND THE BOARD OF THE RECLAMATION AUTHORITY OF THE CITY OF IRWINDALE, CALIFORNIA, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020, AND AUTHORIZING REMOTE HYBRID MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF IRWINDALE FOR THE 30-DAY PERIOD BEGINNING JUNE 8, 2022 THROUGH JULY 8, 2022 PURSUANT TO THE RALPH M. BROWN ACT AND ASSEMBLY BILL NO. 361”.

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. Conference with Real Property Negotiators

Pursuant to California Government Code Section 54956.8

Property: Olive Pit (APN 8415-001-906, 908)

Agency negotiator: Julian A. Miranda, City Manager

Negotiating Parties: United Rock Products Corp.

Under negotiation: Sublease Price and Terms

3. Liability Claims

Pursuant to Government Code Section 54956.95:

Claimant: Fred & Becky Barbosa

Agency claimed against: City of Irwindale, Irwindale Housing Authority

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

E. CHANGES TO THE AGENDA

F. COUNCIL MEMBER TRAVEL REPORTS

G. COUNCILMEMBER COMMENTS

H. INTRODUCTION OF NEW EMPLOYEES/PROMOTIONS

I. PROCLAMATIONS / PRESENTATIONS / COMMENDATIONS

1. Recognition of Irwindale Police Officer Cesar Nunez and Irwindale Dispatcher Avila
2. Presentation by Valley County Water District General Manager Jose Martinez on District Water Conservation requirements

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

None for approval

B. Warrants/Demands/Payroll

Department: Finance

Recommendation: Approve

- C. Investment Policy Review and Delegation of Investment Authority (Joint Item on City Council, Successor Agency, Housing Authority and Reclamation Authority agendas)

Department: Finance

Recommendation: That the City Council / Successor Agency / Housing Authority / Reclamation Authority **adopt Joint Resolution No. 2022-54-3304, Resolution No. SA 2022-55-3305, Resolution No. HA 2022-12-122 and Resolution No. RA 2022-03-030** entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, SUCCESSOR AGENCY BOARD, HOUSING AUTHORITY BOARD, AND RECLAMATION AUTHORITY BOARD RATIFYING THE CITY OF IRWINDALE INVESTMENT POLICY, AND DELEGATING AUTHORITY TO THE CITY TREASURER TO INVEST THE SURPLUS FUNDS OF THE CITY OF IRWINDALE, IRWINDALE SUCCESSOR AGENCY, IRWINDALE HOUSING AUTHORITY, AND IRWINDALE RECLAMATION AUTHORITY".

- D. Resolution to Accept a Donation from the Irwindale Community Foundation

Department: Finance

Recommendation: **Adopt Resolution No. 2022-56-3306** entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE ACCEPTING AND APPROVING THE APPROPRIATION OF DONATED FUNDS FROM THE IRWINDALE COMMUNITY FOUNDATION FOR FISCAL YEAR 2022-2023".

- E. Request to Conduct Fireworks Sales – Irwindale Sister Cities Association and Irwindale Lions Club

Department: Administration

Recommendation: Approve the requests of the following non-profit organizations / corporations / associations that met the criteria established by the Irwindale Municipal Code to conduct fireworks sales, subject to compliance with all City, County and State regulations: Irwindale Sister City Association and Irwindale Lions Club.

- F. Award of Contract to provide Professional Surveying Services for a Jurisdictional City Boundary Survey of Missing City Boundary Markers and Blue Line Striping of City Boundary Markers; P-1037

Department: Engineering

Recommendation: (1) Approve and authorize the City Manager to execute an agreement, subject to City Attorney approval as to form, with Chris Nelson & Associates, Inc. in the amount of \$39,600.00 for professional services for the preparation of a jurisdictional boundary survey of missing city boundary markers and blue line striping of the city boundary markers; and (2) approve a 15% contingency in the amount of \$5,940.00 to cover additional services required to address any unforeseen site conditions during installation.

- G. Appropriation of Supplemental Law Enforcement Services Funds for the Citizen Option for Public Safety Program (COPS) AB3229

Department: Police

Recommendation: **Adopt Resolution No. 2022-59-3309** entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE RECORDING REVENUES, INTEREST, AND AN APPROPRIATION IN THE AMOUNT OF \$161,836.96 FOR FISCAL YEAR 2021-22 OF SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS FOR THE CITIZEN'S OPTION PUBLIC SAFETY PROGRAM" reading by title only and waiving further reading thereof, thereby appropriating supplemental law enforcement services funds.

- H. Approve Appropriation of Asset Forfeiture Funds

Department: Police

Recommendation: **Adopt Resolution No. 2022-60-3310** entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE APPROPRIATING FEDERAL ASSET FORFEITURE FUNDS FOR USE BY THE POLICE DEPARTMENT" reading by title only and waiving further reading thereof, thereby appropriating asset forfeiture funds.

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.

- A. Adoption of Fiscal Year 2022-2023 Budget and Establishing the Appropriations Limit for Fiscal Year 2022-2023 (Joint Item on City Council, Housing Authority, and Reclamation Authority agendas)

Department: Finance

Recommendation: It is recommended that the City Council, Housing Authority Board and Reclamation Authority Board convene concurrently to conduct the duly noticed public hearing on the proposed budgets.

Following conclusion of the public hearing, the City Council should introduce Ordinance No. 761, and all governing boards should adopt their respective resolutions pertaining to the proposed Fiscal Year 2022-23 Budget, as listed below:

That the City Council **introduce City Ordinance No. 761** entitled: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE ADOPTING THE BUDGET FOR FISCAL YEAR 2022-2023," reading by title only and waiving further reading thereof

That the City Council **adopt Resolution No. 2022-51-3301** entitled: “A RESOLUTION OF CITY COUNCIL OF THE CITY OF IRWINDALE ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2022-2023”

That the Irwindale Housing Authority **adopt Resolution No. HA 2022-11-121** entitled: “A RESOLUTION OF THE IRWINDALE HOUSING AUTHORITY ADOPTING THE BUDGET FOR FISCAL YEAR 2022-2023”

That the Irwindale Reclamation Authority **adopt Resolution No. RA 2022-02-029** entitled: “A RESOLUTION OF THE IRWINDALE RECLAMATION AUTHORITY ADOPTING THE BUDGET FOR FISCAL YEAR 2022-2023”.

4. CITY MANAGER’S REPORT
5. AGENDA ITEMS REQUESTED BY COUNCIL MEMBERS
6. ADJOURN

SUCCESSOR AGENCY TO THE IRWINDALE COMMUNITY REDEVELOPMENT AGENCY

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

None for approval

B. Warrants

None for approval

C. Investment Policy Review and Delegation of Investment Authority (Joint Item on City Council, Successor Agency, Housing Authority and Reclamation Authority agendas)

Department: Finance

Recommendation: That the City Council / Successor Agency / Housing Authority / Reclamation Authority **adopt Joint Resolution No. 2022-54-3304, Resolution No. SA**

2022-55-3305, Resolution No. HA 2022-12-122 and Resolution No. RA 2022-03-030 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, SUCCESSOR AGENCY BOARD, HOUSING AUTHORITY BOARD, AND RECLAMATION AUTHORITY BOARD RATIFYING THE CITY OF IRWINDALE INVESTMENT POLICY, AND DELEGATING AUTHORITY TO THE CITY TREASURER TO INVEST THE SURPLUS FUNDS OF THE CITY OF IRWINDALE, IRWINDALE SUCCESSOR AGENCY, IRWINDALE HOUSING AUTHORITY, AND IRWINDALE RECLAMATION AUTHORITY".

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

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

Recommendation: Approve the following minutes:

B. Consideration of Approval of Amendment No. 1 to Affordable Housing Agreement, Option to Purchase and Declaration of Covenants Running with Land for 4612 Fraijo Avenue to Implement Equity Sharing Policy

Department: Authority Counsel

Recommendation: (1) Approve Amendment No. 1 to Affordable Housing Agreement, Option to Purchase and Declaration of Covenants Running with Land between Irwindale Housing Authority and Rudy Gallardo; and (2) Authorize the Executive Director to execute Amendment No. 1 subject to Authority Counsel approval as to form.

- C. Investment Policy Review and Delegation of Investment Authority (Joint Item on City Council, Successor Agency, Housing Authority and Reclamation Authority agendas)
Department: Finance

Recommendation: That the City Council / Successor Agency / Housing Authority / Reclamation Authority **adopt Joint Resolution No. 2022-54-3304, Resolution No. SA 2022-55-3305, Resolution No. HA 2022-12-122 and Resolution No. RA 2022-03-030** entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, SUCCESSOR AGENCY BOARD, HOUSING AUTHORITY BOARD, AND RECLAMATION AUTHORITY BOARD RATIFYING THE CITY OF IRWINDALE INVESTMENT POLICY, AND DELEGATING AUTHORITY TO THE CITY TREASURER TO INVEST THE SURPLUS FUNDS OF THE CITY OF IRWINDALE, IRWINDALE SUCCESSOR AGENCY, IRWINDALE HOUSING AUTHORITY, AND IRWINDALE RECLAMATION AUTHORITY".

2. NEW BUSINESS

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

- A. Equity Sharing Policy
Department: Authority Counsel

Recommendation: Receive summary of equity sharing policy and discuss.

3. PUBLIC HEARINGS

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

- A. Adoption of Fiscal Year 2022-2023 Budget and Establishing the Appropriations Limit for Fiscal Year 2022-2023 (Joint Item on City Council, Housing Authority, and Reclamation Authority agendas)
Department: Finance

Recommendation: It is recommended that the City Council, Housing Authority Board and Reclamation Authority Board convene concurrently to conduct the duly noticed public hearing on the proposed budgets.

Following conclusion of the public hearing, the City Council should introduce Ordinance No. 761, and all governing boards should adopt their respective resolutions pertaining to the proposed Fiscal Year 2022-23 Budget, as listed below:

That the City Council **introduce City Ordinance No. 761** entitled: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE ADOPTING THE BUDGET FOR FISCAL YEAR 2022-2023," reading by title only and waiving further reading thereof

That the City Council **adopt Resolution No. 2022-51-3301** entitled: "A RESOLUTION OF CITY COUNCIL OF THE CITY OF IRWINDALE ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2022-2023"

That the Irwindale Housing Authority **adopt Resolution No. HA 2022-11-121** entitled: "A RESOLUTION OF THE IRWINDALE HOUSING AUTHORITY ADOPTING THE BUDGET FOR FISCAL YEAR 2022-2023"

That the Irwindale Reclamation Authority **adopt Resolution No. RA 2022-02-029** entitled: "A RESOLUTION OF THE IRWINDALE RECLAMATION AUTHORITY ADOPTING THE BUDGET FOR FISCAL YEAR 2022-2023".

4. ADJOURN

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. CONSENT CALENDAR

A. Minutes

Department: Administration / City Clerk

Recommendation: Approve the following minutes:

1. Regular meeting held March 9, 2022

B. 2022 2nd Quarter Mining Report of Nine (9) SMARA Pits

Department: Engineering

Recommendation: Receive and file the report.

- C. Investment Policy Review and Delegation of Investment Authority (Joint Item on City Council, Successor Agency, Housing Authority and Reclamation Authority agendas)

Department: Finance

Recommendation: That the City Council / Successor Agency / Housing Authority / Reclamation Authority **adopt Joint Resolution No. 2022-54-3304, Resolution No. SA 2022-55-3305, Resolution No. HA 2022-12-122 and Resolution No. RA 2022-03-030** entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, SUCCESSOR AGENCY BOARD, HOUSING AUTHORITY BOARD, AND RECLAMATION AUTHORITY BOARD RATIFYING THE CITY OF IRWINDALE INVESTMENT POLICY, AND DELEGATING AUTHORITY TO THE CITY TREASURER TO INVEST THE SURPLUS FUNDS OF THE CITY OF IRWINDALE, IRWINDALE SUCCESSOR AGENCY, IRWINDALE HOUSING AUTHORITY, AND IRWINDALE RECLAMATION AUTHORITY".

- D. Investment Quarterly Report – March 31, 2022

Department: Finance

Recommendation: Receive and file the Investment Quarterly Report for March 31, 2022.

2. NEW BUSINESS

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

3. PUBLIC HEARING

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

- A. Adoption of Fiscal Year 2022-2023 Budget and Establishing the Appropriations Limit for Fiscal Year 2022-2023 (Joint Item on City Council, Housing Authority, and Reclamation Authority agendas)

Department: Finance

Recommendation: It is recommended that the City Council, Housing Authority Board and Reclamation Authority Board convene concurrently to conduct the duly noticed public hearing on the proposed budgets.

Following conclusion of the public hearing, the City Council should introduce Ordinance No. 761, and all governing boards should adopt their respective resolutions pertaining to the proposed Fiscal Year 2022-23 Budget, as listed below:

That the City Council **introduce City Ordinance No. 761** entitled: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE ADOPTING THE BUDGET FOR FISCAL YEAR 2022-2023," reading by title only and waiving further reading thereof

That the City Council **adopt Resolution No. 2022-51-3301** entitled: “A RESOLUTION OF CITY COUNCIL OF THE CITY OF IRWINDALE ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2022-2023”

That the Irwindale Housing Authority **adopt Resolution No. HA 2022-11-121** entitled: “A RESOLUTION OF THE IRWINDALE HOUSING AUTHORITY ADOPTING THE BUDGET FOR FISCAL YEAR 2022-2023”

That the Irwindale Reclamation Authority **adopt Resolution No. RA 2022-02-029** entitled: “A RESOLUTION OF THE IRWINDALE RECLAMATION AUTHORITY ADOPTING THE BUDGET FOR FISCAL YEAR 2022-2023”.

4. 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 and Reclamation Authorities, to be held on June 8, 2022, be posted at the City Hall, Library, and Post Office on June 3, 2022.

Laura M. Nieto, MMC

Laura M. Nieto, MMC
Chief Deputy City Clerk

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

City of
IRWINDALE
AGENDA REPORT

Special Meeting Agenda
Item C-1

Date: June 8, 2022

To: Honorable Mayor and Members of the City Council
Honorable Chair and Members of the Successor Agency Board
Honorable Chair and Members of the Housing Authority Board
Honorable Chair and Members of the Reclamation Authority Board

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

Issue: A Resolution to Re-Ratify the Existence of a Local Emergency and Authorize Remote Meetings of the Legislative Bodies of the City of Irwindale for the 30-Day Period Beginning June 8, 2022 through July 8, 2022

Staff recommends City Council, Successor Agency, Housing Authority and Reclamation Authority adopt Resolution No. 2022-57-3307, Resolution No. SA 2022-58-3308, Resolution No. HA 2022-13-123 and Resolution No. RA 2022-06-033, entitled, "A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, SUCCESSOR AGENCY TO THE IRWINDALE COMMUNITY REDEVELOPMENT AGENCY, THE BOARD OF THE HOUSING AUTHORITY OF THE CITY OF IRWINDALE, AND THE BOARD OF THE RECLAMATION AUTHORITY OF THE CITY OF IRWINDALE, CALIFORNIA, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020, AND AUTHORIZING REMOTE HYBRID MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF IRWINDALE FOR THE 30-DAY PERIOD BEGINNING JUNE 8, 2022 THROUGH JULY 8, 2022 PURSUANT TO THE RALPH M. BROWN ACT AND ASSEMBLY BILL NO. 361".

Administrative Action:

Submitted / Prepared by:

Laura Nieto, Chief Deputy City Clerk

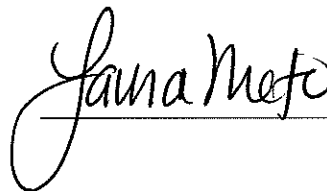
Reviewed by:

Adrian R. Guerra, City Attorney

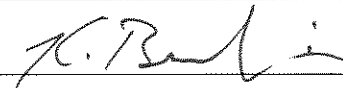
Kambiz Borhani, Finance Director / City Treasurer

Approved by:

Julian A. Miranda, City Manager / Executive Director



Electronically Approved



Electronically Approved

Background and Analysis:

Since September 29, 2021, the City Council, jointly with the Successor Agency and Housing Authority have adopted resolutions declaring an exemption under AB361, allowing the legislative bodies to meet via teleconference and forego the Brown Act's traditional agenda posting, physical access and quorum requirements for teleconferencing. The City Council, Successor Agency and Housing Authority (collectively, "City") have reviewed and adopted joint resolutions every month, ratifying the existence of a local emergency and authorizing remote hybrid meetings for all legislative bodies.

The State of California has implemented a phased rollback of the executive orders that were implemented due to COVID-19, and 15 of the remaining orders will expire on June 30, 2022. However, the State's declared emergency will continue after June 30, 2022. Additionally, current guidance provided by the Los Angeles County Department of Public Health for reducing the risk of COVID-19 recommends social distancing from people outside your household when their vaccination status is unknown. As a result, the findings exist for the City to continue to conduct the public meetings under the AB 361 exemption, should this be the City's desire.

The attached joint resolution for the City Council, Successor Agency, and Housing Authority, make the findings necessary for the legislative bodies to continue to declare an exemption under AB 361 as (1) the state of emergency declared by the Governor remains active and (2) the Los Angeles County Department of Public Health's guidance recommends to social distance (about 6 feet away) from people outside your household or when vaccination status is unknown.

As a result, joint Resolution modifies public meetings as follows:

- a. AB 361, attached to the Resolution as Exhibit A, regarding teleconference requirements allowing City legislative bodies to hold public meetings by teleconferencing or electronically, and in-person, without noticing the teleconferenced locations on the agenda, without making teleconferenced locations accessible to the public, without making physical locations accessible to the public, without posting agendas at teleconferenced locations, without requiring members of the legislative bodies to be physically present at the meeting, and without requiring a quorum of the members of the legislative body to participate from locations with the City's jurisdiction, as long as the agenda that is posted at least 72 hours in advance indicates that members of the legislative body may be participating electronically, provides the teleconference or webinar access information by which the public may participate electronically, and lists the procedure for individuals with disabilities to request reasonable accommodations;
- b. All public meeting agendas shall be posted at least 72 hours prior to a regular meeting and at least 24 hours prior to a special meeting;

- c. Members of the public will have the ability to access the meeting and directly address the legislative body via a call-in option, an internet-based service provider, or in-person. Members of the public who wish to access the meeting in-person shall comply with all health and safety protocols imposed for in-person attendance to promote social distancing;
- d. In the event of a service disruption that prevents broadcasting of the meeting, the meeting will stop and no further action on the agenda items will occur until (1) an attempt to restore service for a 10-minute period, and (2) adjourning the meeting to a new date and time when an unresolved issue exceeds the 10-minute time period.

Fiscal Impact:

Conducting remote hybrid public meetings will require city staff to assist with the meeting and public participation, remotely or in-person. The fiscal impact will be based on the amount of staff required and the duration of the meeting. The fiscal impact for all Council and Commission meetings for the 30-day period beginning June 8, 2022 through July 8, 2022 is estimated to be approximately \$900.

Attachment:

1. Joint Resolution No. 2022-57-3307, Resolution No. SA 2022-58-3308, Resolution No. HA 2022-13-123, and Resolution No. RA 2022-06-033

**RESOLUTION NO. 2022-57-3307
RESOLUTION NO. SA 2022-58-3308
RESOLUTION NO. HA 2022-13-123
RESOLUTION NO. RA 2022-06-033**

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, SUCCESSOR AGENCY TO THE IRWINDALE COMMUNITY REDEVELOPMENT AGENCY, THE BOARD OF THE HOUSING AUTHORITY OF THE CITY OF IRWINDALE, AND THE BOARD OF THE RECLAMATION AUTHORITY OF THE CITY OF IRWINDALE, CALIFORNIA, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM ON MARCH 4, 2020, AND AUTHORIZING REMOTE HYBRID MEETINGS OF THE LEGISLATIVE BODIES OF THE CITY OF IRWINDALE FOR THE 30-DAY PERIOD BEGINNING JUNE 8, 2022 THROUGH JULY 8, 2022 PURSUANT TO THE RALPH M. BROWN ACT AND ASSEMBLY BILL NO. 361

WHEREAS, all meetings of the legislative body are open and public, as required by the Ralph M. Brown Act, Government Code sections 54950 – 54963, so that any member of the public may attend, observe, and participate in a meaningful way; and

WHEREAS, the Brown Act under Government code section 54953(b)(3), allows a local legislative body to hold public meetings by teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body, as long as the following requirements are met: (1) each teleconference location from which a member is participating is noticed on the agenda; (2) each teleconference location is accessible to the public; (3) members of the public must be able to address the body at each teleconference location; (4) at least one member of the legislative body must be physically present at the location specified in the meeting agenda; and (5) during teleconference meetings, at least a quorum of the members of the local body must participate from locations within the local body's territorial jurisdiction; and

WHEREAS, on March 4, 2020, Governor Newsom declared the existence of a state of emergency for the State of California in response to the outbreak of a novel respiratory illness known as COVID-19; and

WHEREAS, on March 17, 2020 Governor Newsom issued Executive Order N-29-20, suspending the Brown Act teleconferencing requirements allowing legislative bodies to

hold public meetings solely by teleconference, or otherwise electronically, without listing the teleconference locations and without any physical location, as long as the agenda that is posted 72 hours in advance indicates that the members of the legislative body will be participating by teleconference, provides the teleconference or webinar access information by which the public may participate electronically, and lists the procedure for individuals with disabilities to request reasonable accommodations; and

WHEREAS, on March 21, 2021, Governor Newsom issued Executive Order N-35-20, allowing members of a local legislative body to receive updates relevant to the declared emergency and ask questions; and

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 into law, immediately amending the Brown Act to allow teleconference meetings during a state of emergency, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, on September 20, 2021, Governor Newsom signed Executive Order N-15-21 suspending AB 361 until October 1, 2021, allowing legislative bodies to hold teleconference meetings under Executive Order N-35-20; and

WHEREAS, AB 361 allows local agencies to continue to meet via teleconference without complying with the Brown Act's traditional agenda posting, physical access and quorum requirements for teleconferencing, but only during a state of emergency proclaimed by the Governor in which (1) state or local health officials have imposed or recommend measures to promote social distancing, or (2) the legislative body has determined by majority vote that meeting in person would present imminent risk to the health and safety to the attendees; and

WHEREAS, due to the COVID-19 pandemic the County of Los Angeles Department of Public Health recommends social distancing amongst people not of the same household where vaccination status is unknown, resulting in the City Council's desire to adopt a resolution incorporating AB 361 and allowing for teleconference meetings; and

WHEREAS, at a special meeting held on September 29, 2021, the City Council adopted Resolution No. 2021-86-3298 declaring an exemption under the provisions of AB 361, allowing the legislative body to meet via teleconference and forego the Brown Act's traditional agenda posting, physical access and quorum requirements for teleconferencing for the month of October 2021; and

WHEREAS, on October 13, 2021, the Successor Agency and Irwindale Housing Authority adopted Resolution Nos. SA 2021-92-3304 and HA 2021-05-104, which ratified the action taken by the City Council; and

Resolution No. 2022-57-3307

Resolution No. SA 2022-58-3308

Resolution No. HA 2022-13-123

Resolution No. RA 2022-06-033

WHEREAS, on October 27, 2021 (joint Resolution No. 2021-94-3306, Resolution No. SA 2021-95-3307, and HA 2021-06-105), November 10, 2021 (joint Resolution No. 2021-100-3312, Resolution No. SA 2021-101-3313 and Resolution No. HA 2021-07-106), December 8, 2021 (joint Resolution No. 2021-109-3321, SA Resolution No. 2021-110-3322, HA Resolution No. HA 2021-09-108 and RA Resolution No. 2021-03-028), January 12, 2022 (joint Resolution No. 2022-02-3251, SA Resolution No. 2022-03-3252 and HA Resolution No. 2022-01-111), February 9, 2022 (joint Resolution No. 2022-11-3261, SA Resolution No. 2022-12-3262 and HA Resolution No. 2022-02-112), March 9, 2022 (joint Resolution No. 2022-20-3270, Resolution No. SA 2022-21-3271, Resolution No. HA 2022-04-114 and Resolution No. RA 2022-01-028), April 13, 2022 (joint Resolution No. 2022-30-3280, SA Resolution No. 2022-31-3281 and Resolution No. HA 2022-06-116), and May 11, 2022 (joint Resolution No. 2022-45-3295, SA Resolution No. 2022-46-3296 and Resolution No. HA 2022-10-120) respectively the City Council, Successor Agency Board, Housing Authority Board and Reclamation Authority Board reviewed and declared an exemption under AB 361, allowing the legislative bodies to meet via teleconference and forego the Brown Act's traditional agenda posting, physical access and quorum requirements for teleconferencing for a thirty day period.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IRWINDALE, SUCCESSOR AGENCY TO THE FORMER IRWINDALE COMMUNITY REDEVELOPMENT AGENCY, AND HOUSING AUTHORITY BOARD OF THE CITY OF IRWINDALE, CALIFORNIA DO HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. The City Council, Successor Agency Board, and Housing Authority Board determine that each of the findings set forth above is true and correct and incorporated herein by this reference.

SECTION 2. The City Council, Successor Agency Board, and Housing Authority Board hereby consider the conditions of the state of emergency as proclaimed by the Governor, the existence of emergency conditions in the City of Irwindale, and reaffirm, reauthorize, and continue the existence of a local emergency throughout the City.

SECTION 3. The City Council, Successor Agency Board, Housing Authority and Reclamation Authority Boards hereby find that the state of emergency declared by Governor Newsom on or about March 4, 2020 remains active and local health agencies continue to recommend measures to promote social distancing, and that the risk of infection due to COVID-19 can cause an imminent risk to attendees to in-person meetings, despite vaccination status, but especially for unvaccinated attendees, and/or those who are immunocompromised, thereby prompting the City Council, Successor

Agency Board, and Housing Authority Board to reaffirm, reauthorize, and maintain the existence of a local emergency, as required by Government Code section 54953(e) *et seq.*

SECTION 4. Due to the COVID-19 pandemic, the County of Los Angeles Department of Public Health recommends social distancing amongst people not of the same household where vaccination status is unknown. Based on such facts, findings, and determinations, the City Council Successor Agency Board, and Housing Authority Board authorize staff to conduct remote hybrid meetings for all public meetings regular and special, including City Council, Successor Agency to the Irwindale Community Redevelopment Agency, Irwindale Housing Authority Board of Commissioners, Irwindale Reclamation Authority Board of Commissioners, all City Commission and committee meetings, and any other meetings that would normally take place in the City Council Chambers under the provisions of Government Code Section 54953(e). As a result, the public meetings are modified as follows:

- a. AB 361, attached hereto as Exhibit A, regarding teleconference requirements allowing City legislative bodies to hold public meetings by teleconferencing or electronically, and in-person, without noticing the teleconferenced locations on the agenda, without making teleconferenced locations accessible to the public, without making physical locations accessible to the public, without posting agendas at teleconferenced locations, without requiring members of the legislative bodies to be physically present at the meeting, and without requiring a quorum of the members of the legislative body to participate from locations within the City's jurisdiction, as long as the agenda that is posted at least 72 hours in advance indicates that members of the legislative body may be participating electronically, provides the teleconference or webinar access information by which the public may participate electronically, and lists the procedure for individuals with disabilities to request reasonable accommodations;
- b. All public meeting agendas shall be posted at least 72 hours prior to a regular meeting and at least 24 hours prior to a special meeting;
- c. Members of the public will have the ability to access the meeting and directly address the legislative body via a call-in option, an internet-based service provider, or in-person. Members of the public who wish to access the meeting in-person shall comply with all health and safety protocols imposed for in-person attendance to promote social distancing;
- d. In the event of a service disruption that prevents broadcasting of the meeting, the meeting will stop and no further action on the agenda items will occur until (1) an attempt to restore service for a 10-minute period, and (2) adjourning the meeting

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to a new date and time when an unresolved issue exceeds the 10-minute time period.

SECTION 5. The City Manager/Executive Director or his designee is authorized and directed to take all actions reasonably necessary to carry out the intent and purpose of this Resolution, including, continuing to conduct open and public meetings in-person and remotely in accordance with Government Code section 54953(e) *et seq.*, and other applicable provisions of the Brown Act, for all public meetings.

SECTION 6. Pursuant to Government Code section 54953(e)(4), the local legislative body will verify every 30 days that the exemption from traditional teleconference requirements under the Brown Act is still necessary. The legislative body must make findings no later than 30 days after the first teleconference and every 30 days thereafter that:

- a. The legislative body has reconsidered the state of emergency circumstances; and
- b. Either (1) the state of emergency continues to directly impact the ability to meet safely in person, or (2) state or local officials continue to impose or recommend measures to promote social distancing.

SECTION 7. The Chief Deputy City Clerk/Secretary to the Successor Agency/Authority Assistant Secretary shall certify the adoption of this resolution which shall take effect on June 8, 2022 and shall be effective until the earlier of (i) July 8, 2022, or (ii) such time the City Council adopts a subsequent resolution in accordance with Government Code section 54593(e)(3) to extend the time during which the City's legislative bodies may continue to teleconference without compliance with Government Code section 54953(b)(3).

PASSED, APPROVED AND ADOPTED this 8th day of June 2022.

Larry G. Burrola, Mayor/Chair

ATTEST:

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

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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 joint Resolution No. 2022-57-3307, Resolution No. SA 2022-58-3308, Resolution No. HA 2022-13-123 and Resolution No. 2022-06-033 was duly adopted by the City Council of the City of Irwindale at a special meeting thereof held on the 8th day of June 2022, by the following vote:

AYES: Councilmembers/Agency Members:

NOES: Councilmembers/Agency Members:

ABSTAIN: Councilmembers/Agency Members:

ABSENT: Councilmembers/Agency Members:

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

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Assembly Bill No. 361

CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021. Filed with
Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly

resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and

to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 89305.6 is added to the Education Code, to read:
89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing

and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically

or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

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

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body

shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter

2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for

the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

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

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting

of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting,

members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the

legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint

powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5. Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6. It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

CITY OF IRWINDALE
PAYROLL WARRANT REGISTER
May 2022

Payroll Batch DATE OF ISSUE 5/5/22	430-05-22, 431-05-22, 432-05-22 DEPARTMENT	AMOUNT
	11 City Council	1,731.15
	13 City Administrative Office	51,148.84
	14 Finance Department	18,784.14
	35 Police Department	509,612.43
	40 Recreation Department	23,539.23
	41 Aquatics Department	6,804.75
	42 Senior Citizens' Center	16,292.51
	44 Library	14,302.98
	51 Planning & Community Development	25,101.43
	52 Public Works - Engineering	31,641.62
	57 Public Works - Services	47,515.99
	Gross Payroll	746,475.07
	Required Deductions	(224,363.27)
	Voluntary Deductions	(17,277.22)
	Net Payroll	504,834.58

Payroll Batch DATE OF ISSUE 5/11/22	405-05-22 DEPARTMENT	AMOUNT
	44 Library	136.43
	Gross Payroll	136.43
	Required Deductions	(13.71)
	Voluntary Deductions	
	Net Payroll	122.72

Payroll Batch DATE OF ISSUE 5/19/22	414-05-22 DEPARTMENT	AMOUNT
	11 City Council	7,873.77
	13 City Administrative Office	51,004.13
	14 Finance Department	24,747.35
	35 Police Department	187,923.84
	40 Recreation Department	23,503.85
	41 Aquatics Department	8,251.02
	42 Senior Citizens' Center	16,456.48
	44 Library	13,953.00
	51 Planning & Community Development	24,668.95
	52 Public Works - Engineering	30,849.65
	57 Public Works - Services	48,722.90
	Gross Payroll	437,954.94
	Required Deductions	(125,204.97)
	Voluntary Deductions	(18,920.16)
	Net Payroll	293,829.81

Electronic Payments

May 2022

May 16 - 31, 2022



Number	Vendor Name	Date	Amount
ACH	CalPERS	5/25/2022	57,354.47
ACH	EDD	5/25/2022	23,882.26
ACH	Federal Tax	5/25/2022	63,044.46
ACH	Nationwide-457 Plan & Trust	5/19/2022	15,387.27
ACH	Nationwide-Roth Cotribution-457 Plan & Trust	5/19/2022	3,482.00
ACH	ICMA	5/19/2022	23.89
ACH	PARS-FT	5/19/2022	25,977.18
ACH	PARS-PT	5/19/2022	1,662.76
Report Total:			190,814.29

Accounts Payable

Checks by Date - Summary by Check Number

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Check No	Vendor No	Vendor Name	Check Date	Check Amount
77000	CALIFO56	California State Disbursement Unit	05/19/2022	604.15
77001	CALIFO57	California State Disbursement Unit	05/19/2022	143.07
77002	CITY01	City of Hope	05/19/2022	54.00
77003	FRANC06	Franchise Tax Board	05/19/2022	842.67
77004	ICEA	Irwindale City Employee Assoc.	05/19/2022	748.00
77005	IMEA	Irwindale Mgmt Employee Assoc.	05/19/2022	480.00
77006	IRWIND02	Irwindale Police Officers Assoc.	05/19/2022	3,168.10
77007	AMAZON	Amazon	05/19/2022	3,240.82
77008	AMERIC34	American Fidelity Assurance Co	05/19/2022	2,733.64
77009	BURROL08	Larry Burrola	05/19/2022	180.82
77010	CARMO01	Noritza Carmona	05/19/2022	75.00
77011	CEBA10	Elsy Ceballos	05/19/2022	300.00
77012	CUSTOM01	Custom Signs, Inc.	05/19/2022	165.38
77013	ESPINO20	Cynthia Espinoza	05/19/2022	75.00
77014	FRAER01	Laura Fraer Snyder	05/19/2022	1,500.00
77015	FRONT01	Frontier Communications	05/19/2022	16.04
77016	GARCIA41	Luz Garcia	05/19/2022	75.00
77017	JOHNS01	Glen Johnsen	05/19/2022	440.63
77018	LEGAL03	Legal Shield	05/19/2022	37.90
77019	MARINJ	Jose Marin Jr.	05/19/2022	75.00
77020	MCCA01	McCarthy Holdings, Inc.	05/19/2022	30,000.00
77021	PETTYC05	City of Irwindale Petty Cash	05/19/2022	604.15
77022	STRASSE	Strasse Sport Autobody and Collision	05/19/2022	8,030.72
77023	TAPIA01	Matthew Tapia	05/19/2022	48.97
77024	TAPI01	Regina Tapia	05/19/2022	300.00
77025	TEXAS01	Texas Life Insurance Co.	05/19/2022	3,463.34
77026	verizonw	Verizon Wireless	05/19/2022	3,706.90
77027	AMERIFID	American Fidelity Assurance	05/26/2022	7,111.86
77028	AT&T02	AT & T	05/26/2022	31.30
77029	AT&T06	AT & T	05/26/2022	1,712.56
77030	CINGULAR	AT & T Mobility	05/26/2022	1,666.16
77031	BALLI01	Shayna Balli	05/26/2022	299.70
77032	NEST01	Blue Triton Brands, Inc.	05/26/2022	459.02
77033	PMIDEN	Delta Dental Insurance Company	05/26/2022	944.68
77034	PMIDEN01	Delta Dental of California	05/26/2022	13,230.63
77035	DIVISI01	Division of the State Architect	05/26/2022	101.33
77036	EDDCAS	Employment Development Dept.	05/26/2022	5,543.00
77037	FRONT01	Frontier Communications	05/26/2022	850.94
77038	IRWIND21	Irwindale Hand Wash & Auto Detail	05/26/2022	1,139.58
77039	NATION23	National Union Fire Insurance	05/26/2022	740.19
77040	OPTUM01	OptumRx, Inc.	05/26/2022	31,592.91
77041	PONCE04	Delicia Ponce	05/26/2022	120.00
77042	PURCHA	Purchase Power	05/26/2022	2,172.13
77043	PYROSP	Pyro-Spectaculars, Inc.	05/26/2022	16,675.00
77044	ROMO01	Richard Romo	05/26/2022	75.00
77045	SCFUELS	SC Fuels	05/26/2022	7,996.09
77046	STANDA01	Standard Insurance Co. RV	05/26/2022	459.95

Check No	Vendor No	Vendor Name	Check Date	Check Amount
77047	STANDA03	Standard Insurance Company	05/26/2022	2,433.19
77048	STATE001	State Of California	05/26/2022	64.00
77049	TPX 01	TPX Communications	05/26/2022	2,482.38
77050	verizonw	Verizon Wireless	05/26/2022	229.29
77051	VISION01	Vision Service Plan - (CA)	05/26/2022	1,520.82
77052	VISION01	Vision Service Plan - (CA)	05/26/2022	4,527.27
77053	ZEPEDA07	Priscilla Zepeda	05/26/2022	562.10
77054	ACRYLA01	Acrylatex Coating & Recycling Incorp.	06/08/2022	67.91
77055	AFFORD01	Affordable Generator Services, Inc.	06/08/2022	600.00
77056	ALLCI01	All City Management Services, Inc	06/08/2022	825.30
77057	ALLISO01	Allison Mechanical, Inc	06/08/2022	692.58
77058	BAKER01	Baker & Taylor Books	06/08/2022	462.76
77059	SANGAB11	California Newspapers Partnership	06/08/2022	298.89
77060	CASC01	CASC Engineering & Consulting	06/08/2022	310.00
77061	CHARTE03	Charter Communications	06/08/2022	4,437.62
77062	CINTAS	Cintas Corporation #693	06/08/2022	137.35
77063	LACOUN02	County of Los Angeles	06/08/2022	2,079.00
77064	LOSANG33	County of Los Angeles	06/08/2022	16,160.98
77065	BALLOO	Carol Diess	06/08/2022	30.00
77066	DUDEK01	Dudek	06/08/2022	130.00
77067	EBSCOS	EBSCO Subscription Services	06/08/2022	1,589.95
77068	ECOLAB01	ECOLAB	06/08/2022	57.36
77069	FCG01	FCG Consultants Inc.	06/08/2022	25,438.80
77070	FEDEX	FedEx	06/08/2022	15.08
77071	FIFTH01	Fifth Asset, Inc.	06/08/2022	5,850.00
77072	JACO01	Jacob Green and Associates Inc.	06/08/2022	3,000.00
77073	JOEAGO	Joe A. Gonsalves & Son	06/08/2022	2,375.00
77074	COORYE	Samir M. Khoury	06/08/2022	8,821.00
77075	HARL01	Laidlaw's Harley Davidson Sales, Inc.	06/08/2022	38,008.08
77076	LAKESH01	Lakeshore Learning Materials	06/08/2022	101.17
77077	LANDSC	Landscape Warehouse III Inc.	06/08/2022	479.59
77078	LG2WB01	LG2WB Engineers, Inc	06/08/2022	4,693.00
77079	LINCOL03	Lincoln Aquatics	06/08/2022	469.73
77080	CALIBE01	Lawrence E. Marino	06/08/2022	15,964.74
77081	MARXBR	Marx Bros Fire Extinguisher Co	06/08/2022	338.98
77082	MATTS01	Matt's Motor Sports Inc.	06/08/2022	1,100.59
77083	OFFICE03	Office Depot	06/08/2022	655.70
77084	ORKINP	Orkin Pest Control	06/08/2022	492.00
77085	OVER01	OverDrive, Inc.	06/08/2022	1,500.00
77086	PAPER03	Paper Recycling & Shredding Specialist, In	06/08/2022	1,000.00
77087	PAPER02	PaperCut Software	06/08/2022	435.00
77088	PHASEII	PARS	06/08/2022	1,750.00
77089	PLACE01	PlaceWorks, Inc.	06/08/2022	9,463.12
77090	PROPRINT	Pro Printing, Inc.	06/08/2022	191.08
77091	RECO01	Records Control Services, Inc.	06/08/2022	4,773.75
77092	RICOH02	Ricoh USA, Inc	06/08/2022	1,673.13
77093	ROSENO	Rosenow Spevacek Group Inc	06/08/2022	675.00
77094	SIERRA01	Sierra Chevrolet	06/08/2022	200.00
77095	SPRING	Springbrook Software, Inc.	06/08/2022	1,268.01
77096	TRAN01	Transtech Engineers, Inc.	06/08/2022	742.50
77097	UNITED15	United Refrigeration Inc	06/08/2022	175.90
77098	UNITED11	United Site Services of CA Inc	06/08/2022	589.40
77099	WILLDAN	Willdan Financial Services	06/08/2022	8,610.00

Report Total (100 checks):

334,580.43

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

City of
IRWINDALE
AGENDA REPORT

CC, SA, HA, RA
Item 1C

Date: June 8, 2022

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

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

Issue: Investment Policy Review and Delegation of Investment Authority

City Manager/Executive Director's Recommendation:

It is recommended that the City Council/Successor Agency/Housing Authority/Reclamation Authority adopt Joint Resolution No. 2022-54-3304, SA 2022-55-3305, HA 2022-12-122, and RA 2022-03-030 entitled, "A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, SUCCESSOR AGENCY BOARD, HOUSING AUTHORITY BOARD, AND RECLAMATION AUTHORITY BOARD RATIFYING THE CITY OF IRWINDALE INVESTMENT POLICY, AND DELEGATING AUTHORITY TO THE CITY TREASURER TO INVEST THE SURPLUS FUNDS OF THE CITY OF IRWINDALE, IRWINDALE SUCCESSOR AGENCY, IRWINDALE HOUSING AUTHORITY, AND IRWINDALE RECLAMATION AUTHORITY".

Administrative Action:

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



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

Electronically Approved

Kambiz Borhani, Finance Director/Treasurer



Approved by:

Julian A. Miranda, City Manager/Executive Director

Electronically Approved

Background and Analysis:

The City Treasurer is required by the State of California Government Code Section 53646, to present to the City Council the City's Investment Policy on an annual basis. Appropriate revisions to the policy can be made at this time if deemed necessary.

The City of Irwindale's Investment Policy was last reviewed and approved on June 9, 2021. The City Treasurer has reviewed the current Investment Policy and has recommended changes to the policy, as shown in the redlined policy, attached hereto as Exhibit "A." . Changes include a modification to the definition of "prudent investor standard" in accordance with Government Code section 53600.3; the addition of Irwindale Reclamation Authority in Authorized Investments, section O; and minor typographical clean-up. The Investment Policy continues adhering to the City's objectives of safety, liquidity and yield, and continues delegating investment authority to the City Treasurer.

The Investment Policy requires that an Investment Report be presented to the City Council/Boardmembers on a quarterly basis, which shall present the status of the City's current investment portfolio. In accordance with this requirement, an Investment Report is presented to the City Council/Boardmembers on a quarterly basis.

The next Investment Report will be presented to the City Council/Boardmembers at their regularly scheduled meeting on July 27, 2022, and it will list the combined investment portfolio for the City of Irwindale, Successor Agency, Housing Authority, and Reclamation Authority as of the quarter ending June 30, 2022.

Fiscal Impact:

None

Attachment:

Resolution No. 2022-54-3304, Joint with

Resolution No. SA 2022-55-3305

Resolution No. HA 2022-12-122

Resolution No. RA 2022-03-030

Exhibit A – Redlined City of Irwindale Investment Policy June 2022 and Final City of Irwindale Investment Policy June 2022

**RESOLUTION NO. 2022-54-3304
RESOLUTION NO. SA 2022-55-3305
RESOLUTION NO. HA 2022-12-122
RESOLUTION NO. RA 2022-03-030**

**A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE,
SUCCESSOR AGENCY BOARD, HOUSING AUTHORITY BOARD,
AND RECLAMATION AUTHORITY BOARD RATIFYING THE
CITY OF IRWINDALE INVESTMENT POLICY, AND DELEGATING AUTHORITY TO
THE CITY TREASURER TO INVEST THE SURPLUS FUNDS OF THE
CITY OF IRWINDALE, IRWINDALE SUCCESSOR AGENCY, IRWINDALE HOUSING
AUTHORITY, AND IRWINDALE RECLAMATION AUTHORITY**

WHEREAS, Section 53646 of the State of California Government Code requires that the City Treasurer render annually to the City Council a statement of investment policy for consideration at a public meeting; and

WHEREAS, the policy was presented by the City Treasurer as a joint item to the City Council, and Boards of the Successor Agency, Housing Authority, and Reclamation Authority at the public meeting held on June 8, 2022; and

WHEREAS, Government Code section 53646 also requires that any change in the policy shall also be reviewed and approved at a public meeting; and

WHEREAS, the City Treasurer, after review of the policy, recommended changes to the policy; and

WHEREAS, the City Council of the City of Irwindale, Board of the Irwindale Housing Authority, Board of the Successor Agency, and Board of the Reclamation Authority desire to approve the City of Irwindale Investment Policy, incorporating the recommended changes by the City Treasurer, by adopting Resolution Numbers 2022-54-3304, SA 2022-55-3305, HA 2022-12-122, and RA 2022-03-030 respectively, and delegate investment authority to the City Treasurer,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IRWINDALE,
SUCCESSOR AGENCY BOARD, HOUSING AUTHORITY BOARD, AND
RECLAMATION AUTHORITY BOARD DO 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, Board of the Irwindale Housing Authority, Board of the Successor Agency, and Board of the Reclamation Authority have reviewed and hereby approves the Investment Policy attached as Exhibit "A" and made a part hereof.

SECTION 3. The City Council of the City of Irwindale, Board of the Irwindale Housing Authority, Board of the Successor Agency, and Board of the Reclamation Authority delegate the authority to invest the surplus funds of the City of Irwindale, Irwindale Successor Agency, Irwindale Housing Authority, and Irwindale Reclamation Authority to the City Treasurer consistent with the attached Investment Policy.

SECTION 4. The Deputy City Clerk/Agency and Authority Secretary shall certify to the passage and adoption of this resolution, and the same shall thereupon take effect and be in force.

PASSED, APPROVED, AND ADOPTED this 8th day of June 2022.

Larry G. Burrola, Mayor/Chair

ATTEST:

Laura M. Nieto, CMC
Chief Deputy City Clerk/Secretary

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 Nos. 2022-54-3304, SA 2022-55-3305, HA 2022-12-122, and RA 2022-03-030 were adopted jointly at a regular meeting of the City Council of the City of Irwindale held on June 8th 2022, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

Laura M. Nieto, CMC
Chief Deputy City Clerk/Secretary

EXHIBIT A



CITY OF IRWINDALE ***INVESTMENT POLICY*** ***JUNE 2022***

POLICY

The investment of the funds of the City of Irwindale ("City") is directed toward the goals of safety, liquidity and yield. The State of California authority governing investments for municipal governments is set forth in the California Government Code, Sections 53601 through 53659.

The primary objective of the investment policy ("Policy") of the City is **SAFETY OF PRINCIPAL**. Investments shall be placed in securities as outlined in the authorized investments and maturity sections of this document. Effective cash flow management and resulting cash investment practices are recognized as essential to good fiscal management and control. The City monitors cash flow on a daily basis and reports results to City Council quarterly to help ensure that liquidity is never threatened. The City's portfolio shall be designed and managed in a manner responsive to the public trust and consistent with state and local law. Portfolio management requires continual analysis and as a result the balance between the various investments and maturities may change in order to give the City the optimum combination of necessary liquidity and yield based on cash flow projections.

SCOPE

The investment policy applies to all financial assets of the City as accounted for the Annual Comprehensive Financial Report (ACFR). Policy statements outlined in this document focus on the City's pooled funds, but will also apply to all other funds under the City Treasurer's span of control unless specifically exempted by resolution. This includes funds of the City of Irwindale, as well as the Irwindale Successor Agency, Irwindale Housing Authority, and the Irwindale Reclamation Authority. Retirement, Pension and Deferred Compensation Funds are excluded from this Policy. Funds held by a fiscal agent or trustee and pledged to payment for or security of bonds or other obligations of the City may be invested pursuant to the provisions governing the issuance of the bonds, debt or obligation of the City.

PRUDENCE

The standard to be used by investment officials shall be that of a “prudent investor” and shall be applied in the context of managing all aspects of the overall portfolio. The “prudent investor” standard is defined as: ~~Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, direction and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.~~ When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency. Within the limitations of this section and considering individual investments as part of an overall strategy, investments may be acquired as authorized by law.

The City Treasurer and other individuals assigned to manage the investment portfolio, acting within the intent and scope of the investment policy and other written procedures and exercising due diligence, shall be relieved of personal responsibility and liability for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely manner and appropriate action is taken to control adverse developments.

OBJECTIVES

Safety of Principal

Safety of principal is the foremost objective of the City. Each investment transaction shall seek to ensure that capital losses are avoided, whether from securities default, broker-dealer default or erosion of market value. The City shall seek to preserve principal by mitigating the two types of risk, credit risk and market risk, defined below:

Credit risk, defined as the risk of loss due to failure of the issuer of a security, shall be mitigated by investing in investment grade securities and by diversifying the investment portfolio.

Market risk, defined as market value fluctuations due to overall changes in the general level of interest rates, shall be mitigated by limiting the average

maturity of the City's investment portfolio to three years, the maximum maturity of any one security to five years, structuring the portfolio based on historic and current cash flow analysis, thereby eliminating the need to sell securities prior to maturity and avoiding the purchase of long term securities for the sole purpose of short term speculation.

Liquidity

The City's investment portfolio will remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). A portion of the portfolio may be placed in money market mutual funds or local government investment pools that offer same day liquidity for short-term funds. Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets (dynamic liquidity).

Yield: Return on Investments

The City's investment portfolio shall be designed with the objective of attaining a market rate of return through budgetary and economic cycles, commensurate with the City's investment risk constraints and the cash flow characteristics of the portfolio. Return on investment is of least importance compared to the safety and liquidity objectives described above.

INVESTMENT MATURITY

To the extent possible, the City will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the City will not directly invest in securities maturing more than 5 years from the date of purchase. At no point in time, shall more than one third of the investment portfolio have a maturity date in excess of three years into the future.

Reserve funds may be invested in securities exceeding five years if the maturity of such investments is made to coincide as nearly as practicable with the expected use of the funds.

AUTHORIZED BANKS AND SECURITY DEALERS

In selecting financial institutions for the deposit or investment of City funds, the Treasurer shall consider the credit-worthiness of institutions, and utilize only those depositories that are qualified public depositories as established by state law. In

addition, only broker-dealers that are authorized in the state of California will be utilized. The Treasurer shall continue to monitor financial institutions' credit characteristics and financial history throughout the period in which City funds are deposited or invested.

All broker-dealers who desire to become qualified bidders for investment transactions must supply the Treasurer with the following items: audited financial statements; National Association of Securities Dealers (NASD) certification; proof of state registration; and certification of awareness of, and familiarity with Irwindale's investment policy. A competitive bid process will be used when practical to select broker-dealers.

AUTHORIZED INVESTMENTS

Purchase of investments will be made with surplus funds available. Investments will be paid for, in full, as soon as practical after the time of trade. Purchases will not be made using leverage, margin accounts, reverse repurchase agreement, or other unfunded mechanisms. No investments shall conflict with Government Code section 53601.

Eligible vehicles for the investment of funds shall be limited to:

- a) The State of California Local Agency Investment Fund (LAIF).
- b) Bonds issued by the City of Irwindale, including bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by the City or by a department board, agency, or authority of the City.
- c) Bonds, notes, and similar securities issued by the United States Treasury. There will be no options or like instruments purchased.
- d) Bonds, notes and similar securities issued by United States government agencies. There will be no options or like instruments purchased.
- e) Notwithstanding the above limitations, purchase of callable bonds and notes is permissible
- f) Registered state warrants or treasury notes or bonds issued by the State of California.
- g) Bonds, notes, warrants or other evidence of debt issued by a local agency

within the State of California, including pooled investment accounts sponsored by the State of California, County Treasurers, other local agencies or Joint Powers Agencies.

- h) Medium term notes (not to exceed 5 years) of US corporations rated "A" or better by Moody's or S&P. Not more than 30% of surplus funds can be invested in medium term notes.
- i) Negotiable certificates of deposit which are fully insured by the Federal Deposit of Insurance Corporation (FDIC).
- j) Collateralized bank deposits with a perfected security interest in accordance with the Uniform Commercial Code (UCC) or applicable federal security regulations.
- k) Banker's acceptances, accepted by domestic banks, which are members of the Federal Reserve System and are eligible for purchase or discount by the Federal Reserve System. Must have a commercial paper rating of A1 or P1. Purchases of banker's acceptances may not exceed 180 days maturity or 20% of the City's investment portfolio. No more than 10% of the investment portfolio may be invested in the banker's acceptances of any one commercial bank.
- l) Repurchase/Reverse Repurchase Agreements of any securities authorized by this Section. Investment in Repurchase Agreements may not exceed a term of one year and the market value of the securities that underlay a Repurchase Agreement shall be no less than 102% of the funds borrowed against those securities because Repurchase Agreement limitations are set forth in California Government Code 53601(i)(1).
- m) Medium term notes (remaining term not to exceed five years) of U. S. corporations rated "A" or better by Moody's or Standard & Poor's Corporation. Not more than 30% of the market value of the portfolio and no more than 15% of the market value of the portfolio may be invested in notes issued by one corporation.
- n) Other investment instruments whose principal is guaranteed by the US government through programs such as the Temporary Liquidity Guarantee Program. Thus, corporate bonds are allowable investments if they are insured by the federal government or FDIC (TLGP).
- o) Loans between the City of Irwindale funds and other City Agency funds,

which include the Housing Authority, Successor Agency, and the Reclamation Authority. Any loans made shall be approved by resolution which shall describe the purpose of the inter-agency fund loan, and include a Promissory Note that stipulates all terms of the loan. The Interest for any inter-agency fund loan shall be in line with the customary interest rate of investments for similar terms as exhibited in the latest City Treasurer's Quarterly Report of Investments.

DERIVATIVE INVESTMENTS

Derivatives are investments whose value is "derived" from a benchmark or index. That benchmark can be almost any financial measure from interest rates to commodity and stock prices. The City's investment policy shall be in compliance with California State Government Code which, effective January 1996, prohibits the purchase of inverse floaters, range notes, interest only strips or securities that could result in zero interest accrual at any point in the life of the security.

Future purchases of securities classified as derivative securities must be issued by an agency or entity authorized by this investment policy and must receive prior approval from the Governing Body.

COLLATERAL REQUIREMENTS

Collateral is required for investments in certificates of deposits, repurchase agreements and reverse repurchase agreements. In order to reduce market risk, the collateral level will be at least 102% of market value principal and accrued interest.

The only securities acceptable as collateral shall be direct obligations of, or fully guaranteed as to principal and interest by, the United States or any agency of the United States.

SAFEKEEPING OF SECURITIES

To protect against fraud or embezzlement, or losses caused by collapse of an individual securities dealer, all securities owned by the City shall be held in safekeeping by a third party bank trust department, acting as agent for the City under the terms of a custody agreement or Public Securities Association agreement (repurchase agreement collateral). All trades executed by a dealer will settle delivery vs. payment (DVP) through the City's safekeeping agent.

Securities held in custody for the City shall be independently audited on an annual

basis to verify investment holdings.

All exceptions to this safekeeping policy must be approved by the City Treasurer in written form and included in monthly reporting to City Council.

PERFORMANCE EVALUATION

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs.

The City's investment strategy is passive. Passive investment portfolio management generally indicates that the Treasurer will purchase an instrument and hold it through to call or maturity, and then reinvest the monies. Although the City's investment strategy is passive, this will not restrict the Treasurer from evaluating when swaps are appropriate or if the sale of an instrument is prudent prior to final maturity. Given this strategy, the basis used by the Treasurer to determine whether market yields are being achieved shall be the Local Agency Investment Funds (LAIF).

DELEGATION OF AUTHORITY

The Charter of the City assigns the custody of all City funds to the City Treasurer. Pursuant to the Government Code, the City Council may delegate to the Treasurer for a one-year period the authority to invest or to reinvest all funds of the City. The City Treasurer shall establish procedures for the operation consistent with this investment policy. The City Treasurer may authorize other Finance Department staff to initiate investment transactions.

ETHICS AND CONFLICTS OF INTEREST

Officers and employees involved in the investment process shall refrain from personal business activity that conflicts with proper execution of the investment program, or impairs their ability to make impartial investment decisions. Additionally, the City Treasurer is required to annually file applicable financial disclosures as required by the Fair Political Practices Commission.

INTERNAL CONTROL

The Treasurer shall establish an annual process of independent review by an external auditor. This review will provide internal control by assuring compliance with the City's Investment Policy and for establishing internal controls that are

designed to prevent losses due to fraud, negligence, and third-party misrepresentation. Accordingly, the City Treasurer shall establish procedures for the operation of the City's investment program that are consistent with the provisions of this Investment Policy.

Internal controls deemed most important shall include (but not limited to): avoidance of collusion; separation of duties and administrative controls; separating transaction authority from accounting and record keeping; custodial safekeeping; clear delegation of authority; management approval and review of investment transactions; specific limitations regarding securities losses and remedial action; written confirmation of telephone transactions; documentation of investment transactions and strategies; and monitoring of results.

REPORTING

The City Treasurer shall provide the City Council/Boardmembers quarterly investment reports which provide a clear picture of the status of the current investment portfolio. The treasurer's report shall include the type of investments, the issuers, maturity dates, par values, and the current market values of each component of the portfolio, including funds managed for the City by third party safekeeping custodians. The report will also include the source of the portfolio valuation. The report must also include a certification that the City will meet its expenditure obligations for the next six months as required by California Government Code Section 53646(b)(3). The City Treasurer shall maintain a complete and timely record of all investment transactions.

LEGISLATIVE CHANGES

Any State of California legislative action, that further restricts allowable maturities, investment type or percentage allocations, will be incorporated into the City's Investment Policy and supersede any and all previous applicable language.

POLICY REVIEW

The Statement of Investment Policy shall be updated annually in the month of June by the City Treasurer and submitted to the City Council for review and adoption.

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

City of
IRWINDALE
AGENDA REPORT

Date: June 8, 2022
To: Honorable Mayor and Members of the City Council
From: Julian A. Miranda, City Manager
Issue: RESOLUTION TO ACCEPT A DONATION FROM THE IRWINDALE COMMUNITY FOUNDATION

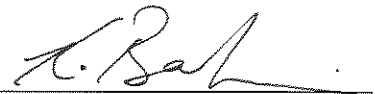
City Manager's Recommendation:

It is recommended that the City Council adopt Resolution No. 2022-56-3306 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE ACCEPTING AND APPROVING THE APPROPRIATION OF DONATED FUNDS FROM THE IRWINDALE COMMUNITY FOUNDATION FOR Fiscal Year 2022-2023".

Administrative Action:

Submitted by:

Kambiz Borhani, Finance Director / City Treasurer

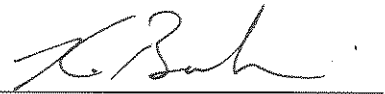


Reviewed by:

Adrian R. Guerra, City Attorney

Electronically Approved

Kambiz Borhani, Finance Director / City Treasurer



Approved by:

Julian A. Miranda, City Manager

Electronically Approved

Background and Analysis:

1. On May 17, 2022, the Irwindale Community Foundation approved a donation to the City in the amount of \$36,370. The City Council accepted and approved the donation via adoption of Resolution No. 2022-50-3300 on May 26, 2022.
2. On May 24, 2022, the Irwindale Community Foundation approved an additional donation to the City in the amount of \$78,850, distributed to the following departments:

Recreation	\$50,700
Aquatics	8,800
Senior Center	19,350
Total	<u>\$78,850</u>

3. Of the \$50,700 allocated to the Recreation Department, \$9,600 is deducted for the previously budgeted contract Fitness Trainer. This program was part of the \$24,000 appropriation approved by the City Council on May 26, 2022 (Attachment "A"), however the program was not identified as an expense request when the matter was presented to the Irwindale Community Foundation. At the City Council Budget Workshop #2, held on May 26, 2022, the City Council approved fitness training for five City employees, eliminating the fitness trainer request. Staff will inform the Irwindale Community Foundation Board of this change at its next regularly scheduled meeting.
4. It would be appropriate at this time for the City Council to formally accept the generous donation of \$69,250 (\$78,850 – 9,600) from the Irwindale Community Foundation on behalf of the City and appropriate these funds for use in Fiscal Year 2022/2023.

Fiscal Impact:

Approving Resolution No. 2022-56-3306, and thereby accepting this donation, will make it possible for the Public Services Departments to offer certain events, programs, and activities not currently budgeted. This will provide a benefit to the community while also saving General Fund monies. A budget request itemizing how the corresponding donations to each department are planned to be utilized was presented to the City Council at the Budget Workshop #2 held on May 26, 2022.

Attachment:

1. Resolution No. 2022-56-3306
2. Attachment "A"

RESOLUTION NO. 2022-56-3306

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
IRWINDALE ACCEPTING AND APPROVING THE APPROPRIATION
OF DONATED FUNDS FROM THE IRWINDALE COMMUNITY
FOUNDATION FOR FISCAL YEAR 2022-2023**

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, the Irwindale Community Foundation will receive a generous donation in the amount of \$250,000 for FY 2022-2023; and

WHEREAS, during the board meeting on May 17, 2022, the Irwindale Community Foundation Board approved the FY 2022-2023 Budget, which included a donation of \$36,370 to the City of Irwindale; and

WHEREAS, during the board meeting on May 24, 2022, the Irwindale Community Foundation Board approved an additional donation of \$78,850 to the City of Irwindale; and

WHEREAS, the City Council previously approved a donation from the Irwindale Community Foundation totaling \$24,000, including \$9,600 for a Fitness Trainer, which is eliminated due to the City Council's approval to train five City employees; and

WHEREAS, the City Council hereby accepts the donation of \$69,250 (\$78,850 - \$9,600) and shall appropriate the donated funds to the departments/divisions of Recreation (\$41,100), Aquatics (\$8,800), and Senior Center (\$19,350); and

WHEREAS, the intended use of the funding for the Recreation and Aquatics departments/divisions have been reviewed and approved by the Parks and Recreation Commission.

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

Section 1. The City Council finds the above recitals to be true and correct, and incorporates them herein by this reference.

Section 2. The City Council hereby formally accepts the donation of \$69,250 from the Irwindale Community Foundation on behalf of the City, and the same shall be recorded in the City's donated revenue budget.

Section 3. The City Council hereby approves and appropriates the donated funds as approved by the Irwindale Community Foundation, and as itemized on Attachment "A". City Staff shall coordinate with the Irwindale Community Foundation, and are authorized to take all actions reasonably necessary to carry out the intent and purpose of this Resolution.

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

PASSED, APPROVED and ADOPTED this 8th day of June 2022.

Larry G. Burrola, 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. 2022-56-3306 was duly adopted by the City Council of the City of the City of Irwindale, at a regular meeting held on the 8th day of June 2022, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers

Laura M. Nieto, MMC
Chief Deputy City Clerk

"Attachment A"

IRWINDALE COMMUNITY FOUNDATION FY 2022-2023 DONATIONS

Additional Requests Presented to the Board - May 17, 2022, Meeting

RECREATION		
Item	Description	Ongoing
Special Events	Mariachi for week #5, sound system and supplies for mariachi fest	\$ 7,700
	Snow Zone for Christmas Spectacular	5,000
	Red, White and You BBQ - Inflatables and activities	5,000
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
Classes	Second yoga class, Tennis, Adult Fitness, Healthy Lifestyle, Self Defense, Dog Obedience	24,000
Kindness Krew	Care packages (i.e. seniors, youth, teen, or homeless)	1,000
TOTAL RECREATION		\$ 50,700

AQUATICS		
Item	Description	Ongoing
Annual Aquatics Expo	Ice Cream Truck, Promotional Items, Decorations	\$ 2,000
Red, White, and You Picnic	Dunk tank, decorations, supplies	1,800
End of Summer Luau	Food, decorations, entertainment, block of swimming	5,000
TOTAL AQUATICS		\$ 8,800

SENIOR CENTER		
Item	Description	Ongoing
Billiard/Pool Table	Repair billiard/pool tables	\$ 2,000
Classes - Exercise	Sewing Class, Gentle Mat Yoga, Zumba Gold	9,150
Classes	Ceramic painting, canvas painting, creating greeting cards, rock painting, and wine bottle painting	3,500
Special Events	Valentine's Dance, Summer Luau, Mexican Independence Dance, & New Year's Dance	4,700
TOTAL SENIOR CENTER		\$ 19,350

TOTAL REQUESTS APPROVED BY THE BOARD - MAY 24, 2022, MEETING		\$ 78,850
LESS: CONTRACT FITNESS TRAINER		(9,600)
TOTAL DONATIONS ACCEPTED & APPROPRIATED		\$ 69,250

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

City of
IRWINDALE
AGENDA REPORT

Date: June 8, 2022
To: Honorable Mayor and Members of the City Council
From: Julian A. Miranda, City Manager
Issue: Request to Conduct Fireworks Sales –Irwindale Sister Cities Association and Irwindale Lions Club

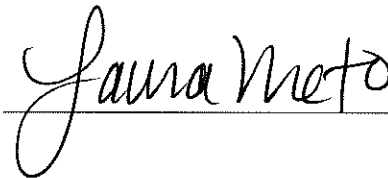
City Manager's Recommendation:

Approve the requests of the following non-profit organizations / corporations / associations that met the criteria established by the Irwindale Municipal Code to conduct fireworks sales, subject to compliance with all City, County and State regulations: Irwindale Sister City Association and Irwindale Lions Club

Administrative Action:

Prepared / Submitted 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

Electronically Approved

Background and Analysis:

Fireworks sales are permitted by non-profit organizations, corporations, or associations, (1) organized primarily for veteran, patriotic, welfare, civic betterment, religious or charitable purposes, (2) with the principal and permanent meeting place, office, or place of worship within the city, (3) established and organized within the City of Irwindale for a minimum period of one year (Chapter 8.16 of the Irwindale Municipal Code). This activity is a primary

source of funds for these organizations and allows them to provide assistance to the community throughout the year.

The Irwindale Sister City Association and the Irwindale Lions Club have submitted applications for fireworks sales. The Irwindale Sister City Association is qualified to sell fireworks because they have been organized for the purpose of enhancing and informing future residents of the cultural and heritage connections with a community in the Republic of Mexico; and the Irwindale Lions Club is qualified to sell fireworks because they have been organized to educate, restore vision and prevent blindness for disadvantaged men, women and children. Both organizations have (1) been established in the city for a minimum period of one year, continuously, preceding the filing of their application for permit and (2) conduct their meetings in Irwindale.

The organizations have provided the required documentation and refundable deposit. (A copy of the application forms submitted by Irwindale Sister City Association and the Irwindale Lions Club are attached hereto. Confidential documentation, e.g., sales tax information, is on file in the office of the Chief Deputy City Clerk).

Applications require the exact location of the stand, as proposed. For the Irwindale Sister City Association, the stand is proposed to be located at 16000-16030 Arrow Highway; for the Irwindale Lions Club, the stand is proposed to be located at 15814 E. Arrow Highway.

Pursuant to Section 8.16.060 of the Irwindale Municipal Code, "All applications for fireworks stands shall be referred to the city council for approval, conditional approval or denial. The city council shall deny any fireworks stand permit if it finds that the public interest or safety is, or would be, jeopardized by the issuance thereof. The decision of the council shall, in all cases, be final and conclusive."

Here, based on staff's review, there are no public interest or safety reasons that have been identified which would warrant denial of the applications. Accordingly, staff recommends approval of the applications for fireworks sales.

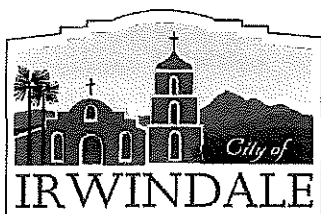
Fiscal Impact:

A \$50 refundable security deposit is paid by the organizations when the application is filed. Upon final inspection by the Chief of Police, the deposit is refunded to the organization.

Attachments:

Application submitted by:

Irwindale Sister City Association
Irwindale Lions Club



City of Irwindale
5050 North Irwindale Avenue, Irwindale, California 91706
(626) 430-2200 Fax (626) 430-2269
Attn: Deputy City Clerk

RECEIVED

APR 27 2022

**CITY OF IRWINDALE
CITY CLERKS DEPT.**

FIREWORKS SALES PERMIT APPLICATION

*PERMIT TO BE ON LOCATION AT ALL TIMES

General Conditions

1. The City of Irwindale requires that prior to the issuance of a permit for the sale of fireworks, the permit shall be approved by the City Council. This application must be completed in full and submitted to the Deputy City Clerk's office no later than **June 1st** of the applicable year (or the Thursday preceding when June 1st falls on a Friday, Saturday, Sunday, or holiday).
2. A **\$50.00** deposit of a cashier's check or cash must be attached to this application.
3. A copy of the current year's SBOE Temporary Seller's Permit and proof of payment of the previous year's sales tax must be attached to this application.
4. Enclosed is a copy of Irwindale Municipal Code Section 8.16 authorizing and regulating the sale of fireworks. Any violation of said regulations will result in immediate revocation of the temporary sales permit granted.

Organization Status ☐ Veteran ☐ Patriotic ☐ Welfare ☒ Charitable ☐ Civic Betterment ☐ Religious

Name of Organization IRWINDALE SISTER CITY COR.

Organization Address P.O. Box 2023
Street Address

Irwindale, CA 91706
City State Zip

Phone (626) 523-2263 Fax () E-Mail rmrbreceda@gmail.com

Location of Meeting Place 5050 N. Irwindale Ave Outside
Street Address

Irwindale CA 91706
City State Zip

Location of Fireworks Stand 16000-16030 Arrow Hwy
Street Address

Emergency Contact Rosalva "Rosie" Breceda (626) 523-2263
Name and Phone Number of Person in Charge of Stand

Name and Addresses of Officers of Organization

(attach additional sheets, if needed)

Officer's Name Rosalva "Rosie" Breceda Title Vice Pres Phone (626) 523-2263

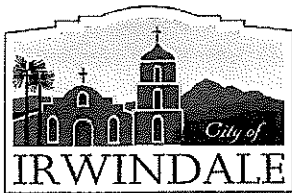
Home Address 2437 Park Rose Ave, Irwindale CA 91010

Officer's Name Dolores Amador Title Secretary Phone (626) 332-1175

Home Address 2415 Ruelas St Irwindale CA 91010

Officer's Name Grace L Cox Title President Phone (626) 484-0445

Home Address 1129 Essex St, Glendora CA 91740



City of Irwindale

Permission to use Property for Sale of Fireworks

(This completed form must be attached to Fireworks Sales Permit Application)

In accordance with City of Irwindale's Municipal Code Section 8.16.040 I hereby give

permission for IRWINDALE Sister City to use the property

(Name of Organization)

located at 16000-16030 Arrow Hwy, Irwindale for the purpose of selling

(Address)

fireworks on the following dates(s) JUNE 29, 2022 To JULY 4, 2022

I/We agree to save harmless said City of Irwindale, its officers and employees from any and all claims, damages or losses to persons or property resulting from use of the above mentioned property by applicant, their invitees, or anyone attending the event whether or not caused by negligence of such person.

OWNER OF PROPERTY

Signature(s)

Name (Please type or print)

Telephone Number

OFFICE USE ONLY

Date Application Received 4/26/22

Received By

J. Melo

(Please attach a copy of the receipt)

Date \$50.00 Refundable Permit Fee Paid 00163509

☒ Cash

☐ Cashier's Check

Received By

J. Melo

Approvals and Conditions:

Planning

Public Works

Police

City Manager

City Council

(Date)

Attachments:

Other provisions:

Permittee agrees to comply with all applicable laws and to maintain the premises in good condition and to return said premises in the same condition as they were before said use.

Unless greater or lesser coverage is requested, permittee agrees to furnish the City of Irwindale evidence of liability insurance in the amounts of FIFTY THOUSAND DOLLARS (\$50,000) for Public Liability and ONE HUNDRED THOUSAND DOLLARS (\$100,000) for Property Damage, in the form of a certificate, covering the entire period of this permit, naming the City of Irwindale as additional insured. Permittee waives all claims against the City of Irwindale, its officers, agents and employees, for fees or damage caused by, arising out of, or in any way connected with the exercise of this permit and permittee agrees to save harmless, indemnify and defend city, its officers, agents and employees from any and all loss, damage of liability which may be suffered or incurred by City, its officers, agents and employees caused by, arising out of or in any way connected with exercise by permittee of the rights hereby permitted, except those arising out of the sole negligence of City.

Permittee agrees to all the terms and conditions of this permit including any provisions listed and any attachments.

Applicant's Signature:

Dolores P. Mader

Date:

5-27-22
4-27-2022

IRWINDALE SISTER CITY

P.O. Box 2023, Irwindale, California

May 2, 2022

Honorable Mayor and City Council
City of Irwindale
5050 N. Irwindale Avenue
Irwindale, CA 91706

The Irwindale Sister City group is requesting that we be granted permission to sell 4th of July 2020 fireworks in the City of Irwindale. The sales will be from June 29th through July 4, 2022 and will be located at 16004 Arrow Highway.

Your favorable response would be greatly appreciated.

Sincerely,



Rosalva S. Breceda
Vice President

RECEIVED

APR 26 2022

CITY OF IRWINDALE

paid \$50.00



CERTIFICATE OF LIABILITY INSURANCE

11/1/2022

DATE (MM/DD/YYYY)

10/29/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Lockton Companies 3280 Peachtree Road NE, Suite #250 Atlanta GA 30305 (404) 460-3600	CONTACT NAME:	FAX (A/C, No):	
	PHONE (A/C, No, Ext):	E-MAIL ADDRESS:	
INSURED 1359665 American Promotional Events, Inc. DBA TNT Fireworks, Inc. 555 North Gilbert Avenue Fullerton CA 92833 XXX0261	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Everest Indemnity Insurance Company		10851
	INSURER B: Arch Specialty Insurance Company		21199
	INSURER C: Berkshire Hathaway Homestate Ins Co		20044
	INSURER D:		
	INSURER E:		
INSURER F:			

COVERAGES **CERTIFICATE NUMBER:** 12253695 **REVISION NUMBER:** XXXXXXXX

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☒ LOC OTHER:	Y	N	SI8GL00242-211	11/1/2021	11/1/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY ☐ SCHEDULED AUTOS HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY			NOT APPLICABLE			COMBINED SINGLE LIMIT (Ea accident) \$ XXXXXXXX BODILY INJURY (Per person) \$ XXXXXXXX BODILY INJURY (Per accident) \$ XXXXXXXX PROPERTY DAMAGE (Per accident) \$ XXXXXXXX \$ XXXXXXXX
B	☒ UMBRELLA LIAB ☒ EXCESS LIAB ☐ CLAIMS-MADE ☐ CLAIMS-MADE DED RETENTION \$	Y	N	UXP0056189-08	11/1/2021	11/1/2022	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$ XXXXXXXX
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	AMWC243357	11/1/2021	11/1/2022	☒ PER STATUTE ☐ OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Property Located @ SEC Irwindale & Arrow Hwy, Irwindale, CA 91706 (XXX0261) Certificate holder is an additional insured on the General Liability as required by written contract subject to policy terms, conditions, and exclusions.

CERTIFICATE HOLDER

12253695

Sister Cities Association- Irwindale & the City of Irwindale, their officers, agents and employees when acting in their official capacities as such
5050 North Irwindale Avenue
Irwindale CA 91706

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.

INSPECTION DATE: 6/26 **TNT FIREWORKS**

OPW

SALES ASSOCIATE BENNETT

CITY IRWINDALE

LOCATION# XXX0261 ORGANIZATION IRWINDALE SISTER CITIES ASSOC.

SIZE 32x8 TYPE OPW BACK DOORS 0 A-FRAMES 1

SET-UP 6/22 DOWN DATE 7/10 LIGHTS OPW

ADDRESS 16000-16030 ARROW HWY

INTERSECTION SEC ARROW HWY & IRWINDALE AVENUE

THOMAS GUIDE — COUNTY LA

PAGE

GRID

SPECIAL INSTRUCTIONS FACE STAND TO STREET WITH BACK OF THE
STAND INLINE WITH THE PARKING STRIPES





STATE OF CALIFORNIA, NATURAL RESOURCES AGENCY
DEPARTMENT OF FORESTRY AND FIRE PROTECTION
RETAIL FIREWORKS LICENSE APPLICATION
FWX-15 (REV. 12/18)

Complete and return all copies to the Office of State Fire Marshal with the required fee of \$50.00 made payable to "CAL FIRE". **Applications must be received prior to June 15th of the current year.**

Fire Engineering
Office of the State Fire Marshal
PO Box 944246, Sacramento, CA
94244-2460
(916) 568-2948

LICENSEE INFORMATION

Name (Last, First): Deeth, Terese	Phone Number:
Mailing Address (Street Address, City, CA, Zip): 555 N. Gilbert St., Fullerton, CA, 92833	
Local Contact Person and Phone Number (if different from Licensee above): STEVE BENNETT, (626) 607-4868	

STAND INFORMATION

Group Name: SISTER CITIES ASSOCIATION - XXX0261
Physical Address (Street Address, City, CA, Zip): 16000-16034 ARROW HWY, IRWINDALE, CA, 91706
County of Stand Location: Los Angeles

WHOLE SALE FIREWORK VENDOR INFORMATION

Business Name: AMERICAN PROMOTIONAL EVENTS-WEST	License No.: W-1081
Contact Name: Deeth, Terese	Phone Number: 714-738-1002

FIRE AUTHORITY HAVING JURISDICTION

Fire Department: Los Angeles County Fire Dept.
Physical Address (Street Address, City, CA, Zip): 1320 N. Eastern Ave, LOS ANGELES, CA, 90063

CAL Fire Validation No.
1741
Valid Through
06/28/2022-07/06/2022

04/19/2022

Signature of Fireworks Program Coordinator

Signature of Licensee

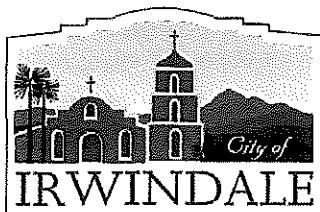
Date

-NOTICE-

COPY OF THIS NOTICE MUST BE POSTED AT STAND WITH A COPY OF THE LOCAL PERMIT

A validated license has been issued to the organization shown above for the sale of Safe and Sane fireworks at the location indicated. After a permit has been issued by the authority having jurisdiction this license allows the sale of only classified "Safe and Sane" fireworks at the approved location from NOON, June 28th to NOON, July 6th, of the year indicated. **NOTE:** Retail licensees are required to be at least 21 years of age, employees of fireworks stand must be at least 18 and fireworks may not be sold to anyone under age of 16

For CAL FIRE DAO Use Only: Index-5942, PCA-59420, Source Code- 4129400



City of Irwindale
5050 North Irwindale Avenue, Irwindale, California 91706
(626) 430-2200 Fax (626) 430-2269
Attn: Deputy City Clerk

RECEIVED

MAY 26 2022

**CITY OF IRWINDALE
CITY CLERKS DEPT.**

FIREWORKS SALES PERMIT APPLICATION

*PERMIT TO BE ON LOCATION AT ALL TIMES

General Conditions

1. The City of Irwindale requires that prior to the issuance of a permit for the sale of fireworks, the permit shall be approved by the City Council. This application must be completed in full and submitted to the Deputy City Clerk's office no later than **June 1st** of the applicable year (or the Thursday preceding when June 1st falls on a Friday, Saturday, Sunday, or holiday).
2. A **\$50.00** deposit of a cashier's check or cash must be attached to this application.
3. A copy of the current year's SBOE Temporary Seller's Permit and proof of payment of the previous year's sales tax must be attached to this application.
4. Enclosed is a copy of Irwindale Municipal Code Section 8.16 authorizing and regulating the sale of fireworks. Any violation of said regulations will result in immediate revocation of the temporary sales permit granted.

Organization Status ☐ Veteran ☐ Patriotic ☐ Welfare ☒ Charitable ☐ Civic Betterment ☐ Religious

Name of Organization IRWINDALE LIONS CLUB

Organization Address PO BOX 2093

Street Address

IRWINDALE

City

CA

State

91706

Zip

Phone (626) 484-0445

Fax ()

E-Mail amarengraee@hotmail.com

Location of Meeting Place

IRWINDALE COMMUNITY CENTER

Street Address

City

State

Zip

Location of Fireworks Stand

15814 E. ARROW HWY

Street Address

Emergency Contact

GRACE COX 626-484-0445

Name and Phone Number of Person in Charge of Stand

Name and Addresses of Officers of Organization

(attach additional sheets, if needed)

Officer's Name LAURA SANTOS

Title PRESIDENT

Phone (626) 261-9358

Home Address

Officer's Name GLENN PURBAUGH

Title TREASURER

Phone (626) 757-7198

Home Address

Officer's Name GRACE COX

Title SECTY

Phone (626) 484-0445

Home Address

OFFICE USE ONLY

Date Application Received 5/26/22 Received By [Signature]

(Please attach a copy of the receipt)

Date \$50.00 Refundable Permit Fee Paid _____ ☐ Cash ☐ Cashier's Check

Received By _____

Approvals and Conditions:

Planning _____

Public Works _____

Police _____

City Manager _____

City Council _____ (Date)

Attachments: _____

Other provisions: _____

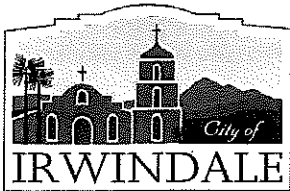
Permittee agrees to comply with all applicable laws and to maintain the premises in good condition and to return said premises in the same condition as they were before said use.

Unless greater or lesser coverage is requested, permittee agrees to furnish the City of Irwindale evidence of liability insurance in the amounts of FIFTY THOUSAND DOLLARS (\$50,000) for Public Liability and ONE HUNDRED THOUSAND DOLLARS (\$100,000) for Property Damage, in the form of a certificate, covering the entire period of this permit, naming the City of Irwindale as additional insured. Permittee waives all claims against the City of Irwindale, its officers, agents and employees, for fees or damage caused by, arising out of, or in any way connected with the exercise of this permit and permittee agrees to save harmless, indemnify and defend city, its officers, agents and employees from any and all loss, damage of liability which may be suffered or incurred by City, its officers, agents and employees caused by, arising out of or in any way connected with exercise by permittee of the rights hereby permitted, except those arising out of the sole negligence of City.

Permittee agrees to all the terms and conditions of this permit including any provisions listed and any attachments.

Applicant's Signature: [Signature]

Date: MAY 15, 2022



City of Irwindale

Permission to use Property for Sale of Fireworks

(This completed form must be attached to Fireworks Sales Permit Application)

In accordance with City of Irwindale's Municipal Code Section 8.16.040 I hereby give

permission for IRWINDALE LIONS CLUB to use the property

(Name of Organization)

located at 15814 E. ARROW HWY for the purpose of selling

(Address)

fireworks on the following dates(s) JUNE 30 - JULY 4, 2022.

I/We agree to save harmless said City of Irwindale, its officers and employees from any and all claims, damages or losses to persons or property resulting from use of the above mentioned property by applicant, their invitees, or anyone attending the event whether or not caused by negligence of such person.

OWNER OF PROPERTY

Edward R. Diaz

Signature(s)

EDWARD R. DIAZ

Name (Please type or print)

626 3371873

Telephone Number



CERTIFICATE OF LIABILITY INSURANCE

11/1/2022

DATE (MM/DD/YYYY)

5/27/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Lockton Companies 3280 Peachtree Road NE, Suite #250 Atlanta GA 30305 (404) 460-3600	CONTACT NAME:	FAX (A/C, No):	
	PHONE (A/C, No, Ext):	E-MAIL ADDRESS:	
INSURED 1359665 American Promotional Events, Inc. DBA TNT Fireworks, Inc. 555 North Gilbert Avenue Fullerton CA 92833 CSR2901	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A : Everest Indemnity Insurance Company		10851
	INSURER B : Arch Specialty Insurance Company		21199
	INSURER C : Berkshire Hathaway Homestate Ins Co		20044
	INSURER D :		
	INSURER E :		
INSURER F :			

COVERAGES **CERTIFICATE NUMBER:** 12253691 **REVISION NUMBER:** XXXXXXXX

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PROJECT ☒ LOC ☐ OTHER:	Y	N	SI8GL00242-211	11/1/2021	11/1/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ HIRED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ NON-OWNED AUTOS ONLY			NOT APPLICABLE			COMBINED SINGLE LIMIT (Ea accident) \$ XXXXXXXX BODILY INJURY (Per person) \$ XXXXXXXX BODILY INJURY (Per accident) \$ XXXXXXXX PROPERTY DAMAGE (Per accident) \$ XXXXXXXX \$ XXXXXXXX
B	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE ☐ DED ☐ RETENTION \$	Y	N	UXP0056189-08	11/1/2021	11/1/2022	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$ XXXXXXXX
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) if yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	AMWC243357	11/1/2021	11/1/2022	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

THIS CERTIFICATE SUPERSEDES ALL PREVIOUSLY ISSUED CERTIFICATES FOR THIS HOLDER, APPLICABLE TO THE CARRIERS LISTED AND THE POLICY TERM(S) REFERENCED.

Property Located @ 15814 Arrow Hwy., Irwindale, CA 91706 (CSR2901) Certificate holder is an additional insured on the General Liability as required by written contract subject to policy terms, conditions, and exclusions.

CERTIFICATE HOLDER

CANCELLATION

12253691

Lions Club Irwindale and the City of Irwindale their officers, agents and employees when acting in their official capacities as such
5050 North Irwindale Avenue
Irwindale CA 91706

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

INSPECTION DATE: 6/26 **TNT FIREWORKS**

MC GILLS

SALES ASSOCIATE BENNETT

CITY IRWINDALE

LOCATION# CSR2901 ORGANIZATION IRWINDALE LIONS CLUB

SIZE 24x8 TYPE OPM BACK DOORS 0 A-FRAMES 2

SET-UP 6/22 DOWN DATE 7/7 LIGHTS OPM

ADDRESS 15814 ARROW HIGHWAY

INTERSECTION W OF SWC ARROW HIGHWAY & IRWINDALE AVENUE

THOMAS GUIDE — COUNTY LA

PAGE

GRID

SPECIAL INSTRUCTIONS STAND TO FACE STREET—SET NEAR SMALL
STRUCTURE.





STATE OF CALIFORNIA, NATURAL RESOURCES AGENCY
DEPARTMENT OF FORESTRY AND FIRE PROTECTION
RETAIL FIREWORKS LICENSE APPLICATION
FWX-15 (REV. 12/18)

Complete and return all copies to the Office of State Fire Marshal with the required fee of \$50.00 made payable to "CAL FIRE". **Applications must be received prior to June 15th of the current year.**

Fire Engineering
Office of the State Fire Marshal
PO Box 944246, Sacramento, CA
94244-2460
(916) 568-2948

LICENSEE INFORMATION

Name (Last, First): Deeth, Terese	Phone Number:
Mailing Address (Street Address, City, CA, Zip): 555 N. Gilbert St., Fullerton, CA, 92833	
Local Contact Person and Phone Number (if different from Licensee above): STEVE BENNETT, (626) 607-4868	

STAND INFORMATION

Group Name: IRWINDALE LIONS CLUB - CSR2901
Physical Address (Street Address, City, CA, Zip): 15814 ARROW HIGHWAY, IRWINDALE, CA, 91706
County of Stand Location: Los Angeles

WHOLE SALE FIREWORK VENDOR INFORMATION

Business Name: AMERICAN PROMOTIONAL EVENTS-WEST	License No.: W-1081
Contact Name: Deeth, Terese	Phone Number: 714-738-1002

FIRE AUTHORITY HAVING JURISDICTION

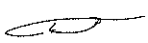
Fire Department: Los Angeles County Fire Dept.
Physical Address (Street Address, City, CA, Zip): 1320 N. Eastern Ave, LOS ANGELES, CA, 90063

CAL Fire Validation No.
1739
Valid Through
06/28/2022-07/06/2022

04/19/2022



Signature of Fireworks Program Coordinator



Signature of Licensee

Date

-NOTICE-

COPY OF THIS NOTICE MUST BE POSTED AT STAND WITH A COPY OF THE LOCAL PERMIT

A validated license has been issued to the organization shown above for the sale of Safe and Sane fireworks at the location indicated. After a permit has been issued by the authority having jurisdiction this license allows the sale of only classified "Safe and Sane" fireworks at the approved location from NOON, June 28th to NOON, July 6th, of the year indicated. **NOTE:** Retail licensees are required to be atleast 21 years of age, employees of fireworks stand must be at least 18 and fireworks may not be sold to anyone under age of 16

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

City of
IRWINDALE
AGENDA REPORT

Date: June 8, 2022

To: Honorable Mayor and Members of the City Council

From: Julian A. Miranda, City Manager

Issue: Award of Contract to provide Professional Surveying Services for a Jurisdictional City Boundary Survey of Missing City Boundary Markers and Blue Line Striping of City Boundary Markers; P-1037

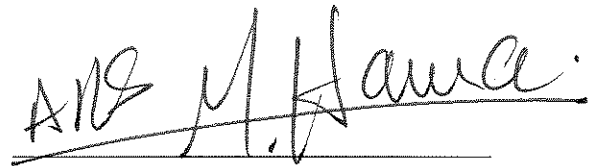
City Manager's Recommendation:

That the City Council **(1)** approve and authorize the City Manager to execute an agreement, subject to City Attorney approval as to form, with Chris Nelson & Associates, Inc. in the amount of \$39,600.00 for professional services for the preparation of a jurisdictional boundary survey of missing city boundary markers and blue line striping of the city boundary markers; and **(2)** approve a 15% contingency in the amount of \$5,940.00 to cover additional services required to address any unforeseen site conditions during installation.

Administrative Action:

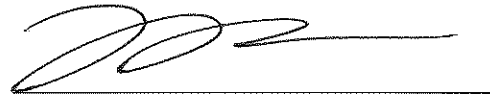
Submitted by:

Arsanious Hanna,
Director of Engineering / Building Official



Prepared by:

Luis Pimentel,
Assistant Engineer
(626) 430-2259



Reviewed by:

Adrian Guerra, City Attorney

Electronically Approved

Kambiz Borhani, Finance Director / City Treasurer



Approved by:

Julian A. Miranda, City Manager

Electronically Approved

Background and Analysis:

The Irwindale Police Department references the City's jurisdictional boundary line when completing police reports in the field. When the City's boundary line is located on a public road and is shared with a neighboring City, it is sometimes difficult for police officers to distinguish where the City boundary line is and which jurisdiction an incident occurred. Therefore, the Irwindale Police Department requested that the city boundary lines be identified and painted at certain locations. Public Works Engineering staff will contract professional surveying services to assist with identifying the City's boundaries, installing boundary markers and painting the boundary line with blue paint.

On March 24, 2022, staff issued a Request for Proposal (RFP) for professional surveying services for the preparation of a jurisdictional boundary survey, installation of 19 missing boundary markers and painting of the blue lines. Staff received proposals from three qualified professional surveying firms on April 20, 2022 with the following results:

CONSULTANT	RANKING	FEE PROPOSAL	COMMENTS
Chris Nelson Associates, Inc.	1	\$ 39,600.00	
Coory Engineering	2	\$ 57,900.00	
Johnson-Frank & Associates, Inc.	3	\$ 87,745.00	
WestLand Group, Inc.			No Proposal Submitted

Staff evaluated each proposal received and ranked each consultant based on technical competency, project understanding, experience, staff qualifications and availability. Chris Nelson & Associates, Inc. was determined to be the most qualified firm for the project. Staff recommends awarding the contract to Chris Nelson & Associates, Inc. for Professional Surveying Services for a Jurisdictional City Boundary Survey for Missing City Boundary Markers & Blue Paint Striping for this project.

It is expected that the services will be completed within two (2) months of the execution of the agreement.

The attached contract agreement has been reviewed and approved by the City Attorney's office.

Fiscal Impact:

Sufficient funding for this project is available in CIP Budget Account 48-80-800-45200-8237. The fee for this service will be funded 60% (\$23,760) through the General Fund and 40% (\$15,840) through the Mining Impact Fund.

Attachment(s):

- Contract Agreement for Professional Consultant Services

**AGREEMENT FOR CONTRACT SERVICES
BETWEEN THE CITY OF IRWINDALE AND
CHRIS NELSON & ASSOCIATES, INC**

FOR

**PROFESSIONAL SERVICES FOR A JURISDICTIONAL CITY BOUNDARY SURVEY
OF MISSING CITY BOUNDARY MARKERS & BLUE LINE STRIPING OF CITY
BOUNDARY MARKERS; P-1037**

This AGREEMENT FOR CONTRACT SERVICES (herein "Agreement") is made and entered into this 8th day of June, 2022 by and between the CITY OF IRWINDALE, a California Charter City and municipal corporation ("City") and Chris Nelson and Associates Inc., 28118 Agoura Road, Suite 100, Agoura Hills, CA 91301 ("Consultant"). City and Consultant are sometimes hereinafter individually referred to as "Party" and hereinafter collectively referred to as the "Parties."

NOW, THEREFORE, the parties hereto agree as follows:

1. SERVICES OF CONSULTANT

1.1 Scope of Services. In compliance with all of the terms and conditions of this Agreement, the Consultant shall perform the work or services set forth in the "Scope of Services" attached hereto as Exhibit "A" and incorporated herein by reference. Consultant warrants that it has the experience and ability to perform all work and services required hereunder and that it shall diligently perform such work and services in a professional and satisfactory manner.

1.2 Compliance With Law. All work and services rendered hereunder shall be provided in accordance with all ordinances, resolutions, statutes, rules, and regulations of the City and any Federal, State or local governmental agency of competent jurisdiction.

1.3 Licenses, Permits, Fees and Assessments. Consultant shall obtain at its sole cost and expense such licenses, permits, and approvals as may be required by law for the performance of the services required by the Agreement.

1.4 Special Requirements. Additional terms and conditions of this Agreement, if any, which are made a part hereof are set forth in the "Special Requirements" attached hereto as Exhibit "B" and incorporated herein by this reference. In the event of a conflict between the provisions of Exhibit "B" and any other provisions of this Agreement, the provisions of Exhibit "B" shall govern.

2. COMPENSATION

2.1 Contract Sum. For the services rendered pursuant to this Agreement, Consultant shall be compensated in accordance with the "Schedule of Compensation" attached hereto as Exhibit "C" and incorporated herein by this reference, but not exceeding the maximum contract amount of Thirty Nine Thousand Six Hundred and 00/100 Dollars (\$39,600) ("Contract Sum").

2.2 Invoices. Each month Consultant shall furnish to City an original invoice for all work performed and expenses incurred during the preceding month in a form approved by City's Director of Finance. By submitting an invoice for payment under this Agreement, Consultant is certifying compliance with all provisions of the Agreement. The invoice shall detail charges for all necessary and actual expenses by the following categories: labor (by sub-category), travel, materials, equipment, supplies, and subcontractor contracts. Subcontractor charges shall also be detailed by such categories. Consultant shall not invoice City for any duplicate services performed by more than one person.

City shall independently review each invoice submitted by the Consultant to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. Except as to any charges for work performed or expenses incurred by Consultant which are disputed by City, City will use its best efforts to cause Consultant to be paid within forty five (45) days of receipt of Consultant's correct and undisputed invoice; however, Consultant acknowledges and agrees that due to City warrant run procedures, the City cannot guarantee that payment will occur within this time period. In the event any charges or expenses are disputed by City, the original invoice shall be returned by City to Consultant for correction and resubmission. Review and payment by the City of any invoice provided by the Consultant shall not constitute a waiver of any rights or remedies provided herein or any applicable law.

2.3 Additional Services. City shall have the right at any time during the performance of the services, without invalidating this Agreement, to order extra work beyond that specified in the Scope of Services or make changes by altering, adding to or deducting from said work. No such extra work may be undertaken unless a written order is first given by the Contract Officer to the Consultant, incorporating therein any adjustment in (i) the Contract Sum for the actual cost of the extra work, and/or (ii) the time to perform this Agreement, which said adjustments are subject to the written approval of the Consultant. Any increase in compensation of up to fifteen percent (15%) of the Contract Sum but not exceeding a total contract amount of Five Thousand Nine Hundred Forty Dollars (\$5,940) or in the time to perform of up to ninety (90) days may be approved by the Contract Officer. Any greater increases, taken either separately or cumulatively, must be approved by the City Council. No claim for an increase in the Contract Sum or time for performance shall be valid unless the procedures established in this Section are followed.

3. PERFORMANCE SCHEDULE

3.1 Time of Essence. Time is of the essence in the performance of this Agreement.

3.2 Schedule of Performance. Consultant shall commence the services pursuant to this Agreement upon receipt of a written notice to proceed and shall perform all services within the time period(s) established in the "Schedule of Performance" attached hereto as Exhibit "D" and incorporated herein by this reference. When requested by the Consultant, extensions to the time period(s) specified in the Schedule of Performance may be approved in writing by the Contract Officer but not exceeding thirty (30) days cumulatively.

3.3 Force Majeure. The time period(s) specified in the Schedule of Performance for performance of the services rendered pursuant to this Agreement shall be extended because of any delays due to unforeseeable causes beyond the control and without the fault or negligence of

the Consultant, including, but not restricted to, acts of God or of the public enemy, unusually severe weather, fires, earthquakes, floods, epidemics, quarantine restrictions, riots, strikes, freight embargoes, wars, litigation, and/or acts of any governmental agency, including the City, if the Consultant shall within ten (10) days of the commencement of such delay notify the Contract Officer in writing of the causes of the delay. The Contract Officer shall ascertain the facts and the extent of delay, and extend the time for performing the services for the period of the enforced delay when and if in the judgment of the Contract Officer such delay is justified. The Contract Officer's determination shall be final and conclusive upon the parties to this Agreement. In no event shall Consultant be entitled to recover damages against the City for any delay in the performance of this Agreement, however caused, Consultant's sole remedy being extension of the Agreement pursuant to this Section.

3.4 Term. Unless earlier terminated in accordance with Article 7 of this Agreement, this Agreement shall continue in full force and effect until completion of the services but not exceeding one (1) year from the date hereof, except as otherwise provided in the Schedule of Performance (Exhibit "D").

4. COORDINATION OF WORK

4.1 Representative of Consultant. Mr. Chris Nelson, PLS is hereby designated as being the representative of Consultant authorized to act on its behalf with respect to the work and services specified herein and make all decisions in connection therewith. All personnel of Consultant and any authorized agents shall be under the exclusive direction of the representative of Consultant. Consultant shall utilize only competent personnel to perform services pursuant to this Agreement. Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff and subcontractors, and shall keep City informed of any changes.

4.2 Contract Officer. Julian A. Miranda [or such person as may be designated by the City Manager] is hereby designated as being the representative the City authorized to act in its behalf with respect to the work and services specified herein and to make all decisions in connection therewith ("Contract Officer").

4.3 Prohibition Against Subcontracting or Assignment. Consultant shall not contract with any entity to perform in whole or in part the work or services required hereunder without the express written approval of the City. Neither this Agreement nor any interest herein may be assigned or transferred, voluntarily or by operation of law, without the prior written approval of City. Any such prohibited assignment or transfer shall be void.

4.4 Independent Consultant. Neither the City nor any of its employees shall have any control over the manner, mode or means by which Consultant, its agents or employees, perform the services required herein, except as otherwise set forth. Consultant shall perform all services required herein as an independent contractor of City with only such obligations as are consistent with that role. Consultant shall not at any time or in any manner represent that it or any of its agents or employees are agents or employees of City, or that it is a member of a joint enterprise with City.

5. INSURANCE AND INDEMNIFICATION

5.1 Insurance Coverages. The Consultant shall procure and maintain, at its sole cost and expense, in a form and content satisfactory to City, during the entire term of this Agreement including any extension thereof, the following policies of insurance which shall cover all elected and appointed officers, employees and agents of City:

(a) Commercial General Liability Insurance (Occurrence Form CG0001 or equivalent). A policy of comprehensive general liability insurance written on a per occurrence basis for bodily injury, personal injury and property damage. The policy of insurance shall be in an amount not less than \$1,000,000.00 per occurrence or if a general aggregate limit is used, either the general aggregate limit shall apply separately to this contract/location, or the general aggregate limit shall be twice the occurrence limit.

(b) Worker's Compensation Insurance. A policy of worker's compensation insurance in such amount as will fully comply with the laws of the State of California and which shall indemnify, insure and provide legal defense for the Consultant against any loss, claim or damage arising from any injuries or occupational diseases occurring to any worker employed by or any persons retained by the Consultant in the course of carrying out the work or services contemplated in this Agreement.

(c) Automotive Insurance (Form CA 0001 (Ed 1/87) including "any auto" and endorsement CA 0025 or equivalent). A policy of comprehensive automobile liability insurance written on a per occurrence for bodily injury and property damage in an amount not less than either (i) bodily injury liability limits of \$100,000 per person and \$300,000 per occurrence and property damage liability limits of \$150,000 per occurrence or (ii) combined single limit liability of \$1,000,000. Said policy shall include coverage for owned, non-owned, leased, hired cars, and any other automobile.

(d) Professional Liability. Professional liability insurance appropriate to the Consultant's profession. This coverage may be written on a "claims made" basis, and must include coverage for contractual liability. The professional liability insurance required by this Agreement must be endorsed to be applicable to claims based upon, arising out of or related to services performed under this Agreement. The insurance must be maintained for at least 5 consecutive years following the completion of Consultant's services or the termination of this Agreement. During this additional 5-year period, Consultant shall annually and upon request of the City submit written evidence of this continuous coverage.

(e) Additional Insurance. Policies of such other insurance, as may be required in the Special Requirements in Exhibit "B".

(f) Subcontractors. Consultant shall include all subcontractors as insureds under its policies or shall furnish separate certificates and certified endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

5.2 General Insurance Requirements.

All of the above policies of insurance shall be primary insurance and shall name the City, its elected and appointed officers, employees and agents as additional insureds and any insurance maintained by City or its officers, employees or agents may apply in excess of, and not contribute with Consultant's insurance. The insurer is deemed hereof to waive all rights of subrogation and contribution it may have against the City, its officers, employees and agents and their respective insurers. The insurance policy must specify that where the primary insured does not satisfy the self-insured retention, any additional insured may satisfy the self-insured retention. All of said policies of insurance shall provide that said insurance may not be amended or cancelled by the insurer or any party hereto without providing thirty (30) days prior written notice by certified mail return receipt requested to the City. In the event any of said policies of insurance are cancelled, the Consultant shall, prior to the cancellation date, submit new evidence of insurance in conformance with this Section 5.1 to the Contract Officer. No work or services under this Agreement shall commence until the Consultant has provided the City with Certificates of Insurance, additional insured endorsement forms or appropriate insurance binders evidencing the above insurance coverages and said Certificates of Insurance or binders are approved by the City. City reserves the right to inspect complete, certified copies of and endorsement to all required insurance policies at any time. Any failure to comply with the reporting or other provisions of the policies including breaches or warranties shall not affect coverage provided to City.

The insurance required by this Agreement shall be satisfactory only if issued by companies qualified to do business in California, rated "A" or better in the most recent edition of Best Rating Guide, The Key Rating Guide or in the Federal Register, and only if they are of a financial category Class VII or better, unless such requirements are waived by the City's Risk Manager or other designee of the City due to unique circumstances.

5.3 Indemnification. To the full extent permitted by law, Consultant agrees to indemnify, defend and hold harmless the City, its officers, employees and agents ("Indemnified Parties") against, and will hold and save them and each of them harmless from, any and all actions, either judicial, administrative, arbitration or regulatory claims, damages to persons or property, losses, costs, penalties, obligations, errors, omissions or liabilities whether actual or threatened (herein "claims or liabilities") that may be asserted or claimed by any person, firm or entity arising out of or in connection with the negligent performance of the work, operations or activities provided herein of Consultant, its officers, employees, agents, subcontractors, invitees, or any individual or entity for which Consultant is legally liable ("indemnitors"), or arising from Consultant's or indemnitors' reckless or willful misconduct, or arising from Consultant's or indemnitors' negligent performance of or failure to perform any term, provision, covenant or condition of this Agreement, except claims or liabilities occurring as a result of City's sole negligence or willful acts or omissions. The indemnity obligation shall be binding on successors and assigns of Consultant and shall survive termination of this Agreement.

6. RECORDS, REPORTS, AND RELEASE OF INFORMATION

6.1 Records. Consultant shall keep, and require subcontractors to keep, such ledgers, books of accounts, invoices, vouchers, canceled checks, reports, studies or other documents relating to the disbursements charged to City and services performed hereunder (the "books and records"), as shall be necessary to perform the services required by this Agreement and enable the Contract Officer to evaluate the performance of such services and shall keep such records for a period of three years following completion of the services hereunder. The Contract

Officer shall have full and free access to such books and records at all times during normal business hours of City, including the right to inspect, copy, audit and make records and transcripts from such records.

6.2 Reports. Consultant shall periodically prepare and submit to the Contract Officer such reports concerning the performance of the services required by this Agreement or as the Contract Officer shall require.

6.3 Confidentiality and Release of Information.

(a) All information gained or work product produced by Consultant in performance of this Agreement shall be considered confidential, unless such information is in the public domain or already known to Consultant. Consultant shall not release or disclose any such information or work product to persons or entities other than the City without prior written authorization from the Contract Officer.

(b) Consultant shall not, without prior written authorization from the Contract Officer or unless requested by the City Attorney, voluntarily provide documents, declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this Agreement. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives the City notice of such court order or subpoena.

(c) If Consultant provides any information or work product in violation of this Agreement, then the City shall have the right to reimbursement and indemnity from Consultant for any damages, costs and fees, including attorney's fees, caused by or incurred as a result of Consultant's conduct.

(d) Consultant shall promptly notify the City should Consultant be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this Agreement and the work performed thereunder. The City retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with the City and to provide the City with the opportunity to review any response to discovery requests provided by Consultant.

6.4 Ownership of Documents. All studies, surveys, data, notes, computer files, reports, records, drawings, specifications, maps, designs, photographs, documents and other materials (the "documents and materials") prepared by Consultant in the performance of this Agreement shall be the property of the City and shall be delivered to the City upon request of the Contract Officer or upon the termination of this Agreement, and Consultant shall have no claim for further employment or additional compensation as a result of the exercise by the City of its full rights of ownership use, reuse, or assignment of the documents and materials hereunder. Moreover, Consultant with respect to any documents and materials that may qualify as "works made for hire" as defined in 17 U.S.C. § 101, such documents and materials are hereby deemed "works made for hire" for the City.

7. ENFORCEMENT OF AGREEMENT AND TERMINATION

7.1 California Law. This Agreement shall be interpreted, construed and governed both as to validity and to performance of the parties in accordance with the laws of the State of California. Legal actions concerning any dispute, claim or matter arising out of or in relation to this Agreement shall be instituted in the Superior Court of the County of Los Angeles, State of California. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the Central District of California, in the County of Los Angeles, State of California.

7.2 Disputes; Default. In the event that Consultant is in default under the terms of this Agreement, the City shall not have any obligation or duty to continue compensating Consultant for any work performed after the date of default. Instead, the City may give notice to Consultant of the default and the reasons for the default. The notice shall include the timeframe in which Consultant may cure the default. This timeframe is presumptively thirty (30) days, but may be extended, if circumstances warrant. During the period of time that Consultant is in default, the City shall hold all invoices and shall, when the default is cured, proceed with payment on the invoices. If Consultant does not cure the default, the City may take necessary steps to terminate this Agreement under this Article.

7.3 Legal Action. In addition to any other rights or remedies, either party may take legal action, in law or in equity, to cure, correct or remedy any default, to recover damages for any default, to compel specific performance of this Agreement, to obtain declaratory or injunctive relief, or to obtain any other remedy consistent with the purposes of this Agreement. Notwithstanding any contrary provision herein, Consultant shall file a statutory claim pursuant to Government Code Sections 905 et. seq. and 910 et. seq., in order to pursue any legal action under this Agreement.

Except with respect to rights and remedies expressly declared to be exclusive in this Agreement, the rights and remedies of the parties are cumulative and the exercise by either party of one or more of such rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other party.

7.4 Termination Prior to Expiration of Term. This Section shall govern any termination of this Contract except as specifically provided in the following Section for termination for cause. The City reserves the right to terminate this Contract at any time, with or without cause, upon thirty (30) days' written notice to Consultant, except that where termination is due to the fault of the Consultant, the period of notice may be such shorter time as may be determined by the Contract Officer. In addition, the Consultant reserves the right to terminate this Contract at any time, with or without cause, upon sixty (60) days' written notice to City, except that where termination is due to the fault of the City, the period of notice may be such shorter time as the Consultant may determine. Upon receipt of any notice of termination, Consultant shall immediately cease all services hereunder except such as may be specifically approved by the Contract Officer. Except where the Consultant has initiated termination, the Consultant shall be entitled to compensation for all services rendered prior to the effective date of the notice of termination and for any services authorized by the Contract Officer thereafter in accordance with the Schedule of Compensation or such as may be approved by the Contract Officer. In the event the Consultant has initiated termination, the Consultant shall be entitled to compensation only for

the reasonable value of the work product actually produced hereunder, but not exceeding the compensation provided therefore in the Schedule of Compensation Exhibit "C". In the event of termination without cause pursuant to this Section, the terminating party need not provide the non-terminating party with the opportunity to cure pursuant to Section 7.2.

7.5 Termination for Default of Consultant. If termination is due to the failure of the Consultant to fulfill its obligations under this Agreement, City may, after compliance with the provisions of Section 7.2, take over the work and prosecute the same to completion by contract or otherwise, and the Consultant shall be liable to the extent that the total cost for completion of the services required hereunder exceeds the compensation herein stipulated (provided that the City shall use reasonable efforts to mitigate such damages), and City may withhold any payments to the Consultant for the purpose of set-off or partial payment of the amounts owed the City as previously stated.

8. MISCELLANEOUS

8.1 Covenant Against Discrimination. Consultant covenants that, by and for itself, its heirs, executors, assigns and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, gender, sexual orientation, marital status, national origin, ancestry, or other protected class in the performance of this Agreement. Consultant shall take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, creed, religion, sex, gender, sexual orientation, marital status, national origin, ancestry, or other protected class

8.2 Non-liability of City Officers and Employees. No officer or employee of the City shall be personally liable to the Consultant, or any successor in interest, in the event of any default or breach by the City or for any amount, which may become due to the Consultant or to its successor, or for breach of any obligation of the terms of this Agreement.

8.3 Notice. Any notice, demand, request, document, consent, approval, or communication either party desires or is required to give to the other party or any other person shall be in writing and either served personally or sent by prepaid, first-class mail, in the case of the City, to the City Manager and to the attention of the Contract Officer (with her/his name and City title), City of Irwindale, 5050 N Irwindale Ave, Irwindale, CA 91706t and in the case of the Consultant, to the person(s) at the address designated on the execution page of this Agreement. Either party may change its address by notifying the other party of the change of address in writing. Notice shall be deemed communicated at the time personally delivered or in seventy-two (72) hours from the time of mailing if mailed as provided in this Section.

8.4 Integration; Amendment. It is understood that there are no oral agreements between the parties hereto affecting this Agreement and this Agreement supersedes and cancels any and all previous negotiations, arrangements, agreements and understandings, if any, between the parties, and none shall be used to interpret this Agreement. This Agreement may be amended at any time by the mutual consent of the parties by an instrument in writing.

8.5 Severability. In the event that part of this Agreement shall be declared invalid or unenforceable by a valid judgment or decree of a court of competent jurisdiction, such invalidity or unenforceability shall not affect any of the remaining portions of this Agreement

which are hereby declared as severable and shall be interpreted to carry out the intent of the parties hereunder unless the invalid provision is so material that its invalidity deprives either party of the basic benefit of their bargain or renders this Agreement meaningless.

8.6 Waiver. No delay or omission in the exercise of any right or remedy by non-defaulting party on any default shall impair such right or remedy or be construed as a waiver. A party's consent to or approval of any act by the other party requiring the party's consent or approval shall not be deemed to waive or render unnecessary the other party's consent to or approval of any subsequent act. Any waiver by either party of any default must be in writing and shall not be a waiver of any other default concerning the same or any other provision of this Agreement.

8.7 Attorneys' Fees. If either party to this Agreement is required to initiate or defend or made a party to any action or proceeding in any way connected with this Agreement, the prevailing party in such action or proceeding, in addition to any other relief which may be granted, whether legal or equitable, shall be entitled to reasonable attorney's fees, whether or not the matter proceeds to judgment.

8.8 Interpretation. The terms of this Agreement shall be construed in accordance with the meaning of the language used and shall not be construed for or against either party by reason of the authorship of this Agreement or any other rule of construction which might otherwise apply.

8.9 Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

8.10 Warranty & Representation of Non-Collusion. No official, officer, or employee of City has any financial interest, direct or indirect, in this Agreement, nor shall any official, officer, or employee of City participate in any decision relating to this Agreement which may affect his/her financial interest or the financial interest of any corporation, partnership, or association in which (s)he is directly or indirectly interested, or in violation of any corporation, partnership, or association in which (s)he is directly or indirectly interested, or in violation of any State or municipal statute or regulation. The determination of "financial interest" shall be consistent with State law and shall not include interests found to be "remote" or "noninterests" pursuant to Government Code Sections 1091 or 1091.5. Consultant warrants and represents that it has not paid or given, and will not pay or give, to any third party including, but not limited to, any City official, officer, or employee, any money, consideration, or other thing of value as a result or consequence of obtaining or being awarded any agreement. Consultant further warrants and represents that (s)he/it has not engaged in any act(s), omission(s), or other conduct or collusion that would result in the payment of any money, consideration, or other thing of value to any third party including, but not limited to, any City official, officer, or employee, as a result of consequence of obtaining or being awarded any agreement. Consultant is aware of and understands that any such act(s), omission(s) or other conduct resulting in such payment of money, consideration, or other thing of value will render this Agreement void and of no force or effect.

Consultant's Authorized Initials _____

8.11 Corporate Authority. The persons executing this Agreement on behalf of the parties hereto warrant that (i) such party is duly organized and existing, (ii) they are duly

authorized to execute and deliver this Agreement on behalf of said party, (iii) by so executing this Agreement, such party is formally bound to the provisions of this Agreement, and (iv) the entering into this Agreement does not violate any provision of any other Agreement to which said party is bound. This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the parties.

[Signatures on the following page.]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first-above written.

CITY:

CITY OF IRWINDALE, a municipal corporation

Julian A. Miranda, City Manager

ATTEST:

Laura Nieto, Chief Deputy City Clerk

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

Adrian R. Guerra, City Attorney

CONSULTANT:

Chris Nelson & Associates Inc.

By: _____
Name:
Title:

By: _____
Name:
Title:
Address: 28118 Agoura Road, Suite 100
Agoura Hills, CA 91301

Two corporate officer signatures required when Consultant 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. **CONSULTANT'S SIGNATURES SHALL BE DULY NOTARIZED, AND APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO CONSULTANT'S BUSINESS ENTITY.**

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On _____, 2022 before me, _____, personally appeared _____, proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

DESCRIPTION OF ATTACHED DOCUMENT

☐
☐

INDIVIDUAL
CORPORATE OFFICER

TITLE(S)

TITLE OR TYPE OF DOCUMENT

☐
☐

PARTNER(S) ☐ LIMITED
☐ GENERAL

NUMBER OF PAGES

☐
☐
☐
☐

ATTORNEY-IN-FACT
TRUSTEE(S)
GUARDIAN/CONSERVATOR
OTHER _____

DATE OF DOCUMENT

SIGNER IS REPRESENTING:

(NAME OF PERSON(S) OR ENTITY(IES))

SIGNER(S) OTHER THAN NAMED ABOVE

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On _____, 2022 before me, _____, personally appeared _____, proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form

CAPACITY CLAIMED BY SIGNER

DESCRIPTION OF ATTACHED DOCUMENT

☐
☐

INDIVIDUAL
CORPORATE OFFICER

TITLE(S)

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PARTNER(S) ☐ LIMITED
☐ GENERAL

NUMBER OF PAGES

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☐
☐
☐

ATTORNEY-IN-FACT
TRUSTEE(S)
GUARDIAN/CONSERVATOR
OTHER

DATE OF DOCUMENT

SIGNER IS REPRESENTING:

(NAME OF PERSON(S) OR ENTITY(IES))

SIGNER(S) OTHER THAN NAMED ABOVE

EXHIBIT "A"

SCOPE OF SERVICES

- I. Consultant will perform the following Services:**
 - A.** Assist with defining the jurisdictional boundaries over locations at Ramona Blvd., Live Oak Avenue, Azusa Canyon Road, Irwindale Avenue, Vincent Avenue, Olive Street, Gladstone Street and Peck Road, as specified by Client, and based upon a field survey.
 - B.** Replace or recover nineteen (19) markers along the jurisdictional boundary lines along Ramona Blvd., Live Oak Avenue, Azusa Canyon Road, Irwindale Avenue, Vincent Avenue, Olive Street, Gladstone Street and Peck Road to enable the painting contractor to paint the jurisdictional boundaries with four-inch (4") wide blue lines, as shown on the provided diagram, including traffic control.
 - C.** Retain a striping sub-contractor to paint the blue lines along the jurisdictional boundary lines
 - D.** Prepare a map delineating the information used to establish the boundary lines and prepare a Record of Survey. The Record of Survey shall be submitted to the County Surveyor's Office as required by State law. The exterior boundary shall be shown on a Record of Survey without any site improvements delineated.
- II. As part of the Services, Consultant will prepare and deliver the following tangible work products to the City:**
 - A.** Replacement or recovery of nineteen (19) jurisdictional boundary markers.
 - B.** Blue line striping of the jurisdictional boundary markers.
 - C.** A map delineating the information used to establish the boundary lines.
 - D.** A Record of Survey that will be submitted to County Surveyor's Office.
- III. All work product is subject to review and acceptance by the City, and must be revised by the Consultant without additional charge to the City until found satisfactory and accepted by City.**

EXHIBIT "B"

SPECIAL REQUIREMENTS
(Superseding Contract Boilerplate)

N/A

EXHIBIT "C"

SCHEDULE OF COMPENSATION

I. Consultant shall perform the following Services at the following rates:

PREVAILING WAGE SCHEDULE OF FEES AND BILLING PROCEDURE

STANDARD HOURLY RATES - 2022 CIVIL ENGINEERING, LAND SURVEYING & MAPPING SERVICES

OFFICE SERVICES

Principal Land Surveyor.....	\$255
Principal Civil Engineer.....	\$255
Professional Land Surveyor II.....	\$210
Professional Civil Engineer II.....	\$210
Professional Land Surveyor I.....	\$190
Professional Civil Engineer I.....	\$190
Senior Project Manager.....	\$180
Project Manager.....	\$170
Senior Survey Technician.....	\$150
Survey Technician.....	\$140
Senior Civil Engineer Tech.....	\$150
Assistant Civil Engineer Tech.....	\$140
Clerical.....	\$95
Court Appearance/Deposition.....	\$475

FIELD SERVICES

Field Calculations.....	\$160
Survey Field Manager.....	\$190
One-Person Survey Crew.....	\$250*
Two-Person Survey Crew.....	\$315*
Three-Person Survey Crew.....	\$365*

*Minimum billing rate for field survey crews for any time spent in the field on a given day is four (4) hours based on their hourly rate. For instance, the minimum charge for a Two-Person Survey Crew for any time less than four (4) hours spent in the field on any given day is \$1,260.00 (\$315.00 x 4 hrs.).

II. The City will compensate Consultant for the Services performed upon submission of a valid invoice, in accordance with Section 2.2. Each invoice is to include:

- A.** Line items for all the work performed, the number of hours worked, and the hourly rate.
- B.** Line items for all materials and equipment properly charged to the Services.
- C.** Line items for all other approved reimbursable expenses claimed, with supporting documentation.
- D.** Line items for all approved subcontractor labor, supplies, equipment, materials, and travel properly charged to the Services.

- III. The total compensation for the Services shall not exceed \$39,600, as provided in Section 2.1 of this Agreement.**
- IV. Consultant's billing rates for all personnel are attached as Exhibit C-1.**

EXHIBIT "D"

SCHEDULE OF PERFORMANCE

Unless earlier terminated in accordance with this Agreement, the Agreement shall continue in full force and effect until completion of the Services, or December 31, 2022, whichever comes first. The term of this agreement can be extended for a twelve-month period with written notice issued by the City Engineer.

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

City of
IRWINDALE
AGENDA REPORT

Date: June 8, 2022
To: Honorable Mayor and Members of the City Council
From: Julian A. Miranda, City Manager
Issue: Appropriation of Supplemental Law Enforcement Services Funds for the
Citizen Option for Public Safety Program (COPS) AB3229

City Manager's Recommendation:

Adopt **Resolution No. 2022-59-3309** entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE RECORDING REVENUES, INTEREST AND AN APPROPRIATION IN THE AMOUNT OF \$161,836.96 FOR FISCAL YEAR 2021-22 OF SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS FOR THE CITIZEN'S OPTION PUBLIC SAFETY PROGRAM (COPS)," reading by title only and waiving further reading thereof, thereby appropriating supplemental law enforcement services funds.

Administrative Action:

Submitted by:

Ty Henshaw, Police Chief
(626) 430-2200

Electronically Approved

Prepared by:

John Fraijo, Police Captain

Electronically Approved

Reviewed by:

Adrian R. Guerra, City Attorney

Electronically Approved

Kambiz Borhani, Finance Director / City Treasurer



Approved by:

Julian A. Miranda, City Manager

Electronically Approved

Background and Analysis:

The State of California Citizen Option for Public Safety (COPS) Program was enacted pursuant to AB 3229. The COPS Program provides a supplemental funding source for local governments for the purpose of ensuring public safety. There is no guarantee that this will be a continued funding source for the long term. For FY 2021-22, the City of Irwindale Police Department received \$161,284.85 which is required to be used for "front-line municipal police services." These funds must supplement existing services, and cannot be used to supplant any existing funding for law enforcement services. COPS funding for the prior fiscal year FY 2020-21 has earned interest in the amount of \$552.11 from the City's pooled investment accounts, which also has to be allocated for "front-line municipal police services."

California Government Code Sections 30061 through 30065 establishes guidelines for the receipt and expenditure of COPS funding. This Code requires the City Council to certify approval of the COPS expenditure plan separate from the normal City budget process.

The following is the proposed COPS expenditure plan for FY2021-22, with some of these items presented as part of the police department's Capital Improvement Plan:

- The purchase of police service vehicles and outfitting the vehicles with emergency lighting equipment, radios, computers, and public safety supplies.
- The purchase of police dispatch radio consoles and computer system maintenance costs.

The COPS funding received from the state, plus the interest allocated at year-end total \$161,836.96. Appropriation of these funds will allow the police department to expend these monies in FY 2021-22 and carry over any unexpended funds to FY 2022-23.

Fiscal Impact:

Appropriating the COPS funding received in FY 2021-2022 will allow the Police Department to use these funds for supplemental technological and other equipment for its patrol operations. These expenditures would otherwise need to be funded by the General Fund, thereby resulting in a savings of General Fund monies.

Attachment: Resolution No. 2022-59-3309

RESOLUTION NO. 2022-59-3309

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE
RECORDING REVENUES AND AN APPROPRIATION IN THE AMOUNT OF
\$161,836.96 FOR FISCAL YEAR 2021-22
OF SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS
FOR THE CITIZEN'S OPTION FOR PUBLIC SAFETY PROGRAM (COPS)**

WHEREAS, the Irwindale Police Department wishes to enhance the quality of service to the community by using funds from the Citizens Option for Public Safety (COPS) Program to supplement the Police Department budget; and

WHEREAS, the City of Irwindale has received \$161,284.85 from the State of California COPS Program, which is funded for the 2021-22 fiscal year, and COPS funding has earned interest amounting to \$552.11; and

WHEREAS, the COPS funds must be utilized by the Police Department for "front-line municipal law enforcement services" and cannot be used to supplant funding for other law enforcement services or programs; and

WHEREAS, the Police Department proposes to utilize these funds for the purchase of police service vehicles and outfitting those vehicles with emergency lighting equipment, radios, computers and public safety supplies; and

WHEREAS, in total, COPS funding received from the state in conjunction with property tax allocations throughout the year, as well as the interest allocated at year-end, amounts to \$161,836.96. Any remaining funds after any capital expenditures for the proposed police service equipment and supplies will be invested in accordance with COPS requirements.

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

SECTION 1. The State of California COPS Program funds and earned interest from such funds shall be recorded as revenue and be appropriated to expenditure account(s):

- 36-35-371-44400-0000 (Vehicles and Equipment) in the amount of \$28,100.00
- 36-35-371-44300-0000 (Computer Systems) in the amount of \$133,736.96

SECTION 2. COPS proceeds will be utilized for police service vehicles and outfitting the vehicles with emergency lighting equipment, radios, computers and public safety supplies.

SECTION 3. Any remaining COPS funds after any capital expenditures for the proposed police service equipment and supplies described in Section 2 herein will be invested in accordance with COPS requirements.

SECTION 4. 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 8th day of June, 2022.

Larry G. Burrola, Mayor

ATTEST:

Laura Nieto
Chief Deputy City Clerk

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

I, Laura Nieto, Chief Deputy City Clerk of the City of Irwindale, do hereby certify that the foregoing Resolution No. 2022-59-3309 was duly and regularly passed and adopted by the City Council of the City of Irwindale at its regular meeting held on the 8th day of June, 2022, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

Laura Nieto
Chief Deputy City Clerk

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

City of
IRWINDALE
AGENDA REPORT

Date: June 8, 2022
To: Honorable Mayor and Members of the City Council
From: Julian A. Miranda, City Manager
Issue: Approve Appropriation of Asset Forfeiture Funds

City Manager's Recommendation:

Adopt Resolution No. 2022-60-3310, entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE APPROPRIATING FEDERAL ASSET FORFEITURE FUNDS FOR USE BY THE POLICE DEPARTMENT," reading by title only and waiving further reading thereof, thereby appropriating asset forfeiture funds.

Administrative Action:

Submitted by:

Ty Henshaw, Police Chief
(626) 430-2200

Electronically Approved

Prepared by:

John Fraijo, Police Captain

Electronically Approved

Reviewed by:

Adrian R. Guerra, City Attorney

Electronically Approved

Kambiz Borhani, Finance Director / City Treasurer



Approved by:

Julian A. Miranda, City Manager

Electronically Approved

Background and Analysis:

The Department of Justice (DOJ) Equitable Sharing Program (Asset Forfeiture) was federally enacted in 1984. The primary purpose of this program is to assist law enforcement in the deterrence of crime by depriving criminals of the profits and proceeds of their criminal activities and to weaken criminal enterprises by removing the instrumentalities of crime. An ancillary purpose of this program is to enhance cooperation among federal, state and local law enforcement agencies through the equitable sharing of federal forfeiture proceeds.

The Irwindale Police Department in cooperation with federal, state, and local agencies, has participated in several investigations over the past four years that have resulted in the seizure of personal property to include automobiles and U.S. currency. Through the Equitable Sharing Program, the police department applied for and received a portion of funds from each related investigation from both federal and state equitable sharing programs. Allocations of funds through these programs are determined by the percentage of time and effort that a participating agency puts toward the case investigation that resulted in seized property.

Federal and state laws dictate permissible and non-permissible purchases that can be made with the received asset forfeiture funds under the asset forfeiture program. Permissible items for purchase with the received funds include law enforcement training in any area that is necessary to perform official law enforcement duties, equipment and operations for investigations and official law enforcement duties, telecommunications equipment, and law enforcement facilities and related items to include government furniture.

Asset forfeiture funds cannot be used for regular salaries of existing police officers, but may be used for the salary of police officers assigned to a specific task force for a specified period of time or under certain other conditions. The permissible appropriation of funds will include:

- Salary and overtime costs associated with asset forfeiture investigations
- Law enforcement training
- Hardware, software, wireless connectivity and other required equipment related to the department's reporting and telecommunications infrastructure
- Radio Communication Systems / In-car camera system / MDC-Mobile Data
- Video surveillance equipment
- Equipment and operations related to investigations
- Executive Conferences - In State/Out of State

Fiscal Impact:

Federal Asset Forfeiture funds are received, appropriated, and spent out of Funds 16. These funds are separate from the General Fund.

The police department has received \$94,142.23 for fiscal year 2021-2022 – for federal asset forfeiture which is held in the Federal Treasury Funds (Fund 16).

If approved, the attached resolution allows for an appropriation of \$94,142.23 in federal asset forfeiture revenue to be distributed for expenditure accounts as follows:

- \$92,582.77 to Operating Supplies 16-35-370-42200-0000
- \$1,559.46 to Program Supplies 16-35-370-42240-0000

Attachment: Resolution No. 2022-60-3310

RESOLUTION NO. 2022-60-3310

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE
APPROPRIATING FEDERAL ASSET FORFEITURE FUNDS FOR USE
BY THE POLICE DEPARTMENT**

WHEREAS, the Irwindale Police Department wishes to enhance the quality of service to the community by seeking outside funding sources to supplement the Police Department budget; and

WHEREAS, the City of Irwindale Police Department has assisted federal, state and local law enforcement agencies with investigations related to illegal narcotics and other criminal activity over the past years; and

WHEREAS, the United States Department of Justice and the California Department of Justice have an Equitable Sharing Program that allows law enforcement agencies to share in federal forfeiture proceeds from property seized during these investigations; and

WHEREAS, federal and state laws dictate that these funds must be utilized by the Police Department for investigations and operations related to asset forfeiture investigations and/or training and equipment related to official law enforcement duties; and

WHEREAS, the Police Department has received an additional \$94,142.23 in federal asset forfeiture proceeds, which is ready for use by the Police Department in accordance with the requirements.

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

SECTION 1. Asset forfeiture funds obtained through the U.S. Department of Justice Equitable Sharing Program in the amount of \$94,142.23 is available to be appropriated.

SECTION 2. These funds shall be used in accordance with federal and state law for law enforcement training, computer hardware, computer software, mobile video computers, and in-car camera system equipment.

SECTION 3. 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 8th day of June, 2022.

Larry G. Burrola, Mayor

ATTEST:

Laura M. Nieto, MMC
Chief Deputy City Clerk

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

I, Laura Nieto, Chief Deputy City Clerk of the City of Irwindale, do hereby certify that the foregoing Resolution No. 2022-60-3310 was duly adopted by the City Council of the City of Irwindale at a regular meeting thereof held on the 8th day of June, 2022, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSTAIN: Councilmembers:

ABSENT: 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

CC, HA, RA Item 3A

Date: June 8, 2022

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

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

Issue: Adoption of the Fiscal Year 2022-23 Budget and
Establishing the Appropriations Limit for Fiscal Year 2022-23

City Manager/Executive Director's Recommendation:

It is recommended that the City Council, Housing Authority Board and Reclamation Authority Board convene concurrently to conduct the duly noticed public hearing on the proposed budgets.

Following conclusion of the public hearing, the City Council should introduce Ordinance No. 761, and all governing boards should adopt their respective resolutions pertaining to the proposed Fiscal Year 2022-23 Budget, as listed below:

That the City Council introduce City Ordinance No. 761 entitled: **"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE ADOPTING THE BUDGET FOR FISCAL YEAR 2022-2023,"** reading by title only and waiving further reading thereof

That the City Council adopt Resolution No. 2022-51-3301 entitled: **"A RESOLUTION OF CITY COUNCIL OF THE CITY OF IRWINDALE ESTABLISHING THE APPROPRIATIONS LIMIT FOR FISCAL YEAR 2022-2023"**

That the Irwindale Housing Authority adopt Resolution No. HA 2022-11-121 entitled: **"A RESOLUTION OF THE BOARD OF THE IRWINDALE HOUSING AUTHORITY ADOPTING THE BUDGET FOR FISCAL YEAR 2022-2023"**

That the Irwindale Reclamation Authority adopt Resolution No. RA 2022-02-029 entitled: **"A RESOLUTION OF THE BOARD OF THE IRWINDALE RECLAMATION AUTHORITY ADOPTING THE BUDGET FOR FISCAL YEAR 2022-2023"**

Administrative Action:

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

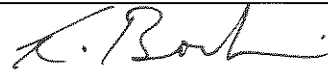


Reviewed by:

Adrian R. Guerra, City Attorney/Agency Counsel

Electronically Approved

Kambiz Borhani, Finance Director/ City Treasurer



Approved by:

Julian A. Miranda, City Manager/Executive Director

Electronically Approved

Background and Analysis

In accordance with Section 901 of the Irwindale Charter, which requires that a proposed budget be submitted to the City Council at least 35 days prior to the beginning of each fiscal year, the City Council and Boards for the Housing Authority and Reclamation Authority (collectively referred to herein as "Boards") have been provided with the Proposed Budget for Fiscal Year (FY) 2022-2023. In addition, Section 901 requires the City Council to select a date and time for a public hearing on the proposed budget. Staff recommended the public hearing be set for its first reading on June 8, 2022, and second reading on June 22, 2022 at 6:30 p.m. or as soon thereafter as the matter may be heard.

Prior to the abovementioned Public Hearings, the City Manager/Executive Director and Finance Director held two budget workshops providing the City Council and Boards, as well as the Community with a presentation on the proposed requests, programs and activities. The City Council and Boards thoroughly reviewed the information presented, held detailed discussions with respective departments about their requests, and also provided an opportunity for interested person(s) to express their concerns regarding any or all items contained in the proposed budget.

Departmental requests and financial highlights of General Fund were as follows:

Budget Workshop #1

On May 9, 2022, Budget Workshop, the City Council and Boards were presented with the initial (FY) 2022-2023 Budget. The table below shows the preliminary budget summary for the General Fund:

General Fund	Revenues	Expenditures	Surplus / (Deficit)
Operating Budget	\$ 24,022,440	\$ (23,621,140)	\$ 401,300
Capital/One-Time Items	4,139,970	(86,000)	4,053,970
Capital Projects Transfers	-	(4,542,770)	(4,542,770)
American Rescue Plan Act	-	(126,000)	(126,000)
Irwindale Community Foundation	32,870	(32,870)	-
TOTAL	\$ 28,195,280	\$ (28,408,780)	\$ (213,500)

Operating Budget Requests:

During the Budget Workshop, the City Council was also presented with all budget items requested by departments to be added to the FY 2022-2023 Budget.

Dept/Div	Operations Budget Requests	General Fund		Mining Impact Fund	Housing Fund	American Rescue Plan Act
		Ongoing	One-Time			
Housing	Legal Services				50,000	
Housing	Fuel				600	
City Clerk	Agenda Management Software	6,500				10,000
City Clerk	Social Media Archiving	3,000	3,200			
City Clerk	Adobe Sign Migration Related to Lasefiche					1,600
City Attorney	Legal Services - Manning Pit w/ Five Points		25,000			
Econ. Dev.	Memberships & Subscriptions - CoStar	4,800				
Econ. Dev.	Memberships & Subscriptions - MMASC	90				
IT	Mobile Device Management Software	3,250				
IT	Council Chamber Audio/Video Upgrades					21,000
IT	Wireless Access Point Replacements					3,600
IT	Office 365 License Subscription (25%)					8,000
HR	CALPELRA Training	1,920		630		
Police Dept	WatchGuard Server		30,000			
Police Dept	Vehicle - One Patrol Car with required Safety Equipment					75,000

Dept/Div	Operations Budget Requests	General Fund		Mining Impact Fund	Housing Fund	American Rescue Plan Act
		Ongoing	One-Time			
PW - Engineering	Environmental Compliance Software					6,000
PW - Engineering	NPDES - Internet Service for Field Inspection					800
Public Services	Residential Waste - Funding for Waste and Bins	200,000				
Public Services	Animal Control	11,000				
Public Services	Street Signage Supplies	4,400				
Public Services	Training - General/Building Operator Certification	2,500				
Public Services	CPRS Conference	1,750				
Public Services	Public Notices	2,000				
Public Services	Street Repair Supplies	2,150				
Public Services	Vehicle Purchase - Paint Truck Ford F-350		68,000	102,000		
Public Services	Vehicle Purchase - Chevy Silverado		18,000	27,000		
Public Services	Contract Services - Rent Bus Service in Emergencies	2,500				
Senior Center	Billiards/Pool Table Maintenance	2,000				
Senior Center	Contracted Instructor - Sewing Class	3,525				
Senior Center	Contracted Instructor - Gentle Mat Yoga	2,700	3,200			
Senior Center	Contracted Instructor - Zumba Gold	2,925				
Senior Center	Special Events - Valentines Dance	3,700				
Senior Center	Contracted Instructor - Ceramic, Canvas, etc.	3,500				
Senior Center	Certificate of Insurance - To Cover Events	6,000				
Senior Center	Vehicle Maintenance (Honda Van 2014)		3,000			
Senior Center	Special Events - New Year's Dance	1,000				
Recreation	Special Events - Mariachi for week 5	2,200				
Recreation	Sound System	5,000				
Recreation	Additional Supplies	500				
Recreation	Special Events - Sunset Cinema	3,500				
Recreation	Special Events - Locks of Love	1,000				
Recreation	Special Events - Scarecrow Alley	1,000				
Recreation	Special Events - Jack o Lantern Walk	1,000				
Recreation	Special Events - Dia de Los Muertos Altar	500				
Recreation	Special Events - Cookies and Milk with Santa	1,000				
Recreation	Contracted Instructor - Yoga Classes (2nd Offering)	5,600				
Recreation	Fitness Trainer	9,600				
Recreation	SnowZone for Christmas Spectacular	5,000				
Aquatics	Training - CPRS & CAMS	4,000				
Aquatics	Memberships & Subscriptions - CPRS	250				
Aquatics	Building Repairs (Pool)	10,000				
	TOTAL	\$ 321,360	\$ 150,400	\$ 129,630	\$ 50,600	\$ 126,000

Irwindale Community Foundation

The following table lists budgetary items which was initially approved to be funded by Irwindale Community Foundation donations:

Dept/Div	Operations Budget Requests	Irwindale Community Foundation	
		Ongoing	One-Time
Senior Center	Replace 2 donated Treadmills with 2 commercial grade Treadmills		5,000
Senior Center	Replace 25 Chairs for exercise classes (Zumba & Yoga)		2,000
Senior Center	3 Laptop computers to use for instruction classes		5,000
Public Services	Bus Pass Scan System	3,000	
Public Services	2 Mobile & 4 Portable Radios for school buses	3,200	
Public Services	Bus parking for beach trips and other events	1,200	
Library	Internet data service for hotspot devices	2,520	
Library	Tumblebook subscription for grades K-6	1,300	
	SUB-TOTAL	\$23,220	
Recreation	Pop up Canopy tents with ICF logo		5,000
Public Services	Christmas lights for the front of City Hall		2,500
Library	New Tables (8) and Chairs (40) for Learning Center		1,650
Library	Chromebook charging station		500
	TOTAL	\$32,870	

Capital Projects

The following table lists the budget requests for City's Capital Improvement Projects:

Capital Projects	Funding Source	Capital / One-Time
Recreation/Library Building Improvements	GF	\$1,400,000
Irwindale Park Phase II	GF	2,300,000
Irwindale Police Station	GF	630,000
Residential Resurfacing Project - Phase II	MIF / SRF	600,000
Vincent Ave. Signalized Bicycle Crossing	GF / MIF	60,000
Arrow Hwy & Live Oak (East) Intersection Traffic Safety	GF / MIF	80,000
SCWP Arrow Hwy Beautification Project	Measure W	302,890
	TOTAL	\$5,372,890
GF - General Fund		
MIF - Mining Impact Fund		
SRF - Special Revenue Funds which include Gas Tax, Prop C, Measures R & M, and TDA Article 3		

Budget Workshop #2

On May 26, 2022, Budget Workshop, the City Council and Boards were presented with the below follow up items from Budget Workshop #1:

Dept/Div	Operations Budget Requests	General Fund		ARPA Fund	AQMD Fund	Irwindale Community Foundation
		Ongoing	One-Time			
Recreation	Gator™ Utility Vehicle		7,330		6,000	
Recreation	Certified trainer courses for (5) employees	580	2,675			
Recreation	Portable stage rental		23,500			
Recreation	Additional pop up canopy tents with ICF logo					3,500
Police Dept.	Additional cost to patrol vehicle & required safety equip.			7,700		
	TOTAL	\$ 580	\$ 33,505	\$ 7,700	\$ 6,000	\$ 3,500

Irwindale Community Foundation

The following table lists additional budgetary items which was approved to be funded by Irwindale Community Foundation donations:

RECREATION		
Item	Description	Ongoing
Special Events	Mariachi for week #5, sound system and supplies for mariachi fest	7,700
	Snow Zone for Christmas Spectacular	5,000
	Red, White and You BBQ - Inflatables and activities	5,000
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
Classes	Second yoga class, Tennis, Adult Fitness, Healthy Lifestyle, Self Defense, Dog Obedience	24,000
Kindness Krew	Care packages (i.e. seniors, youth, teen, or homeless)	1,000
	TOTAL RECREATION	50,700

AQUATICS		
Item	Description	Ongoing
Annual Aquatics Expo	Ice Cream Truck, Promotional Items, Decorations	2,000
Red, White, and You Picnic	Dunk tank, decorations, supplies	1,800
End of Summer Luau	Food, decorations, entertainment, block of swimming	5,000
	TOTAL AQUATICS	8,800

SENIOR CENTER		
Item	Description	Ongoing
Billiard/Pool Table	Repair billiard/pool tables	2,000
Classes - Exercise	Sewing Class, Gentle Mat Yoga, Zumba Gold	9,150
Classes	Ceramic painting, canvas painting, creating greeting cards, rock painting, and wine bottle painting	3,500
Special Events	Valentine's Dance, Summer Luau, Mexican Independence Dance, & New Year's Dance	4,700
	TOTAL SENIOR CENTER	19,350

TOTAL REQUESTS APPROVED - @ May 24, 2022 MEETING

\$ 78,850

Of the \$50,700 allocated to the Recreation Department, \$9,600 is deducted (see below) for the previously budgeted contract Fitness Trainer. This program was part of the \$24,000 appropriation approved by the City Council on May 26, 2022 (Attachment "A"), however the program was not identified as an expense request when the matter was presented to the Irwindale Community Foundation. At the Budget Workshop #2, held on May 26, 2022, the City Council approved fitness training for five City employees, eliminating the fitness trainer request. Staff will inform the Irwindale Community Foundation Board of this change at its next regularly scheduled meeting.

Additional Changes

The City Council also requested the following changes be made to the Budget:

Dept/Div	Operations Budget Requests	General Fund
		Ongoing
<u>Remove:</u>		
Recreation	Fitness Trainer	\$ (9,600)
<u>Change Description:</u>		
Recreation	Mariachi (4 weeks) & Other (1 week paid by ICF)	
Senior Center	Zumba Gold- (\$65hr x 1 hour weekly x 45 weeks) at 6:00 PM	

City Staff will provide an update on the above *additional changes* seeking further direction from the City Council.

Fiscal Impact:

Ordinance No. 761 adopting the FY 2022-2023 Budget includes Exhibit A which lists the proposed revenue and expenditure budgets for all funds of the City, Housing Authority and Reclamation Authority.

The table below recaps the General Fund FY 2022-2023 Budget Summary:

General Fund	Revenues	Expenditures	Surplus / (Deficit)
Operating Budget	\$ 24,022,440	\$ (23,608,480)	\$ 413,960
Capital/One-Time Items	4,139,970	(86,000)	4,053,970
Capital Projects Transfers	-	(4,542,770)	(4,542,770)
American Rescue Plan Act	-	(133,700)	(133,700)
Irwindale Community Foundation	105,620	(105,620)	-
TOTAL	\$ 28,268,030	\$ (28,476,570)	\$ (208,540)

The FY 2022-2023 General Fund Operating Budget reflects an operating surplus of \$413,960. However, the substantial One-Time and Capital Project budgets will cause an overall deficit of \$489 thousand.

The General Fund Reserve balance is currently projected to be \$26 million at the end of FY 2021-2022. Adoption of the proposed FY 2022-2023 Budget will reduce the fund balance by the \$209 thousand deficit, resulting in a projected General Fund Reserve balance of \$25.8 million as of June 30, 2023.

Resolution No. 2022-51-3301 will establish the City's Appropriations limit for FY 2022-2023 in the amount of \$13,110,944,054.

Attachments: Ordinance No. 761
Resolution No. 2022-51-3301
Resolution No. HA 2022-11-121
Resolution No. RA 2022-02-029

ORDINANCE NO. 761

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRWINDALE ADOPTING THE BUDGET FOR FISCAL YEAR 2022-2023

WHEREAS, a copy of the Proposed Budget for FY 2022-23 has been posted electronically with the City Council Agenda for public review and in the Office of the Deputy City Clerk; and

WHEREAS, the City Council conducted a duly noticed public hearing to consider the proposed budget on June 8, 2022.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IRWINDALE DOES HEREBY ORDAIN AS FOLLOWS:

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

SECTION 2. The budget for the City of Irwindale for Fiscal Year 2022-23, was prepared and submitted by the City Manager, and as modified by the City Council, is hereby approved and adopted. The operating and capital budget amounts are hereby authorized for the fiscal year within departments by fund, as listed on Exhibit A.

SECTION 3. From the effective date of said budget, the total amount as stated therein for each departmental activity account shall be appropriated subject to expenditure pursuant to all applicable ordinances of the City and statutes of the State. The operating budget may be reallocated by the City Manager providing there is no change in the total appropriations within any funds as authorized by the City Council.

SECTION 4. At the close of the fiscal year, unexpended appropriations in the operating budget will be unencumbered as necessary to underwrite the expense of outstanding purchase commitments. Unexpended appropriations for authorized, but uncompleted projects may be carried forward to the next succeeding budget upon approval by the City Manager.

SECTION 5. Total appropriations within the funds will be increased only by amendment of the budget by resolution approved by the City Council.

SECTION 6. The City Manager may reduce expenditure appropriations within funds as a method of fiscal control, and the Director of Finance may decrease revenue estimates to reflect economic change during the fiscal period.

SECTION 7. The Director of Finance is hereby authorized to transfer monies in accordance with the interfund transfers listed in said budget, and to transfer monies to cover operational expenditures of the City through transfers of funds in such amounts,

and at such times during the fiscal year as may be determined necessary to the competent operation and control of City business, or to provide adequate cash flow, except that no such transfer shall be made in contravention of State law or City ordinances.

SECTION 8. Adjustments made by the City Council during the budget hearing and documented in the minutes for this action will be incorporated with the final printed budget document. The City Manager is hereby authorized to approve any corrections in the budget document that are clerical in nature. Additionally, the City Council may amend the budget at any time by adoption of appropriate budget resolutions.

SECTION 9. The Chief Deputy City Clerk shall certify the passage of this Ordinance and shall cause the same to be posted in accordance with law.

PASSED, APPROVED, AND ADOPTED this 22nd day of June 2022.

Larry G. Burrola, Mayor

ATTEST:

Laura M. Nieto, CMC
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 Ordinance No. 761 was duly introduced at a regular City Council meeting held on the 8th day of June 2022, and adopted at a regular meeting of the City Council held on the 22nd day of June 2022, by the following roll call vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

Laura M. Nieto, CMC
Chief Deputy City Clerk

AFFIDAVIT OF POSTING

I, Laura Nieto, Chief Deputy City Clerk, certify that I caused a copy of Ordinance No. 761, adopted by the City Council of the City of Irwindale at its regular meeting held June 22, 2022, to be posted at the City Hall, Library, and Post Office on June 22, 2022.

Laura M. Nieto, CMC
Deputy City Clerk

Dated: June 22, 2022

Exhibit A
City of Irwindale
FY 2022-2023
Budget Summary

Fund No	Fund	FY 2022-23 Revenues	FY 2022-23 Expenditures	Surplus (Deficit) FY 2022-23
<u>General Fund</u>				
01	General Fund On-Going Budget	\$ 24,022,440	\$ (23,608,480)	\$ 413,960
	Capital/One-Time Items	\$ 4,139,970	\$ (86,000)	\$ 4,053,970
	Capital Projects Transfers	\$ -	\$ (4,542,770)	\$ (4,542,770)
	American Rescue Plan Act (ARPA)	\$ -	\$ (133,700)	\$ (133,700)
	Irwindale Community Foundation (ICF)	\$ 105,620	\$ (105,620)	\$ -
	TOTAL GENERAL FUND	\$ 28,268,030	\$ (28,476,570)	\$ (208,540)
<u>Irwindale Housing Authority Fund</u>				
11	Irwindale Housing Authority	\$ 400	\$ (7,330)	\$ (6,930)
12	IHA-Low/Mod Housing Asset Fund	\$ 25,000	\$ (538,270)	\$ (513,270)
	TOTAL HOUSING AUTHORITY FUNDS	\$ 25,400	\$ (545,600)	\$ (520,200)
<u>Mining Impact Fund</u>				
13	Mining Impact On-Going Budget	\$ 4,475,000	\$ (5,882,590)	\$ (1,407,590)
	Capital/One-Time Items	\$ -	\$ (129,000)	\$ (129,000)
	Capital Project Transfers	\$ -	\$ (418,970)	\$ (418,970)
	TOTAL MINING IMPACT FUND	\$ 4,475,000	\$ (6,430,560)	\$ (1,955,560)
<u>Reclamation Authority</u>				
14	Reclamation Fund	\$ 62,260	\$ (48,970)	\$ 13,290
19	Olive Pit Royalty Fund	\$ 2,000,500	\$ (2,000,000)	\$ 500
	TOTAL RECLAMATION AUTHORITY FUNDS	\$ 2,062,760	\$ (2,048,970)	\$ 13,790
<u>Grants & Special Revenue Funds</u>				
15	AB939 Recycling Fund	\$ 261,000	\$ (285,610)	\$ (24,610)
21	State Gas Tax Fund	\$ 80,020	\$ (80,020)	\$ -
22	Air Quality Improvement Fund	\$ 1,700	\$ (6,000)	\$ (4,300)
25	Proposition A Fund	\$ 35,200	\$ (35,200)	\$ -
26	Proposition C Fund	\$ 29,160	\$ (29,160)	\$ -
27	Measure R Fund	\$ 21,870	\$ (21,870)	\$ -
28	TDA Article 3 Fund	\$ 5,000	\$ (5,000)	\$ -
29	Measure M Fund	\$ 24,780	\$ (24,780)	\$ -
30	Measure W Fund	\$ 432,700	\$ (432,700)	\$ -
32	Community Development Block Grant Fund	\$ 8,500	\$ (8,500)	\$ -
	TOTAL GRANT & SPECIAL REVENUE FUNDS	\$ 899,930	\$ (928,840)	\$ (28,910)
<u>Assessment Districts</u>				
44	Street Light Assmt District-IBC Fund	\$ 15,370	\$ (15,370)	\$ -
45	Sewer Maintenance Assmt District-IBC Fund	\$ 120,780	\$ (45,780)	\$ 75,000
	TOTAL ASSESSMENT DISTRICT FUNDS	\$ 136,150	\$ (61,150)	\$ 75,000
<u>Capital Projects Fund</u>				
47	Development Impact Fund	\$ 365,600	\$ (365,600)	\$ -
48	Capital Projects Fund	\$ 5,372,890	\$ (5,372,890)	\$ -
	TOTAL CAPITAL PROJECT FUNDS	\$ 5,738,490	\$ (5,738,490)	\$ -
TOTAL BUDGET - ALL FUNDS:		\$ 41,605,760	\$ (44,230,180)	\$ (2,624,420)

RESOLUTION NO. 2022-51-3301

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE
ESTABLISHING THE APPROPRIATIONS LIMIT
FOR FISCAL YEAR 2022-2023**

WHEREAS, Article XIII B of the California Constitution requires that each entity of government establish an appropriations limit each year; and

WHEREAS, Article XIII B, as amended by Proposition 111, allows cities to annually increase the appropriations limit by two factors: (1) either the city population change or the population growth of the entire county and (2) either the change in California per capita income or the change in the local assessment roll due to non-residential construction; and

WHEREAS, Article XIII B, as amended, further provides that the current year's appropriations limit for each city shall be the 1986-87 appropriations limit adjusted from that year forward by growth factors as provided by Proposition 111; and

WHEREAS, a city must select by a vote of the City Council the cost-of-living factors to compute its appropriations limit. The city may select either the percentage change in California per capita income or the percentage change in local assessment roll due to non-residential new construction, and either the city's own population growth or that of the county as the adjustment options;

NOW THEREFORE, be it resolved by the City Council of the City of Irwindale, California, as follows:

SECTION 1. That the percentage change in the Per Capita Personal Income Factor, and the population growth in the city are selected as the adjustment factors to compute the appropriations limit, as presented in Exhibit A.

SECTION 2. That the appropriations limit for Fiscal Year 2022-23 is determined to be \$13,110,944,054.

PASSED, APPROVED AND ADOPTED this 8th day of June 2022.

Larry G. Burrola, Mayor

ATTEST:

Laura M. Nieto, CMC
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. 2022-51-3301 was duly adopted by the City Council of the City of Irwindale at a regular meeting thereof held on the 8th day of June 2022, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSTAIN: Councilmembers:

ABSENT: Councilmembers:

Laura M. Nieto, CMC
Chief Deputy City Clerk

"Exhibit A"

**CITY OF IRWINDALE
FISCAL YEAR 2022-23
CALCULATION OF APPROPRIATIONS LIMIT FY 2022-23**

A.	Percentage Change in Per Capita Personal Income for State FY 22/23 Over Prior Year	7.5500 (a)
B.	Irwindale City Population Percentage Change 1/1/2021 - 1/1/2022	0.5400 (a)
C.	LA County Population Percentage Change 1/1/2021 - 1/1/2022	(0.7100) (a)
D.	% change in local assm't roll due to nonresidential construction 2021/2022	(148.1100) (b)
E.	Per Capita Personal Income converted to a factor (A +100)/100 =	1.0755
F.	Irwindale City Population Change converted to a factor (B +100)/100 =	1.0054
G.	Change in local assmt roll due to nonresidential construction factor (D+100)/100=	NA
H.	LA County Population Change converted to a factor (C+100)/100=	0.9929
I.	Calculation of Factor	
	Option 1. E x F =	1.08130770
	(Per Capita Personal Income Factor x Irwindale City Pop. Change factor)	
	Option 2. E x H =	1.06786395
	(Per Capita Personal Income Factor x LA County Pop. Change factor)	
J.	Appropriation Limit for FY 22/23:	
	Option 1. FY 21/22 Appropriations Limit x Option 1 factor	13,110,944,054
	Option 2. FY 21/22 Appropriations Limit x Option 2 factor	12,947,937,489

(a) State of CA Dept of Finance, Demographic Unit, May 2022 Price & Population Information Report.

(b) Los Angeles County Assessors Office as reported by Hdl Coren & Cone, 2020-21 to 2021-22 Property Tax Reports.

RESOLUTION NO. HA 2022-11-121

**A RESOLUTION OF THE BOARD OF THE IRWINDALE HOUSING AUTHORITY
ADOPTING THE BUDGET FOR FISCAL YEAR 2022-2023**

WHEREAS, the Irwindale Housing Authority received the Proposed Budget for FY 2022-23 ("Proposed Budget"); and

WHEREAS, a copy of the Proposed Budget for FY 2022-23 has been posted electronically with the Housing Authority Agenda for public review and in the Office of the Deputy City Clerk, and

WHEREAS, the Proposed Budget for the Irwindale Housing Authority is included as part of the FY 2022-23 Annual Budget document for the City of Irwindale, and will be reviewed by the Housing Authority Board during the joint meeting on June 8, 2022.

**NOW, THEREFORE, THE BOARD OF THE IRWINDALE HOUSING AUTHORITY
DOES HEREBY RESOLVE AS FOLLOWS:**

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

SECTION 2. The Proposed Budget, on file in the Office of the City Clerk of the City of Irwindale, incorporated herein by reference, and attached hereto, is hereby adopted, as listed on Exhibit A.

SECTION 3. The Housing Authority Assistant Secretary shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 8th day of June 2022.

Larry G. Burrola, Chair

ATTEST:

Laura M. Nieto, CMC
Assistant Secretary

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

I, Laura M. Nieto, Assistant Secretary of the Irwindale Housing Authority, do hereby certify that the foregoing Resolution No. HA 2022-11-121 was adopted at a regular meeting of the Irwindale Housing Authority held on June 8, 2022, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

Laura M. Nieto, CMC
Assistant Secretary
Irwindale Housing Authority

Exhibit A
City of Irwindale
FY 2022-2023
Budget Summary

Fund No	Fund	FY 2022-23 Revenues	FY 2022-23 Expenditures	Surplus (Deficit) FY 2022-23
<u>General Fund</u>				
01	General Fund On-Going Budget	\$ 24,022,440	\$ (23,608,480)	\$ 413,960
	Capital/One-Time Items	\$ 4,139,970	\$ (86,000)	\$ 4,053,970
	Capital Projects Transfers	\$ -	\$ (4,542,770)	\$ (4,542,770)
	American Rescue Plan Act (ARPA)	\$ -	\$ (133,700)	\$ (133,700)
	Irwindale Community Foundation (ICF)	\$ 105,620	\$ (105,620)	\$ -
	TOTAL GENERAL FUND	\$ 28,268,030	\$ (28,476,570)	\$ (208,540)
<u>Irwindale Housing Authority Fund</u>				
11	Irwindale Housing Authority	\$ 400	\$ (7,330)	\$ (6,930)
12	IHA-Low/Mod Housing Asset Fund	\$ 25,000	\$ (538,270)	\$ (513,270)
	TOTAL HOUSING AUTHORITY FUNDS	\$ 25,400	\$ (545,600)	\$ (520,200)
<u>Mining Impact Fund</u>				
13	Mining Impact On-Going Budget	\$ 4,475,000	\$ (5,882,590)	\$ (1,407,590)
	Capital/One-Time Items	\$ -	\$ (129,000)	\$ (129,000)
	Capital Project Transfers	\$ -	\$ (418,970)	\$ (418,970)
	TOTAL MINING IMPACT FUND	\$ 4,475,000	\$ (6,430,560)	\$ (1,955,560)
<u>Reclamation Authority</u>				
14	Reclamation Fund	\$ 62,260	\$ (48,970)	\$ 13,290
19	Olive Pit Royalty Fund	\$ 2,000,500	\$ (2,000,000)	\$ 500
	TOTAL RECLAMATION AUTHORITY FUNDS	\$ 2,062,760	\$ (2,048,970)	\$ 13,790
<u>Grants & Special Revenue Funds</u>				
15	AB939 Recycling Fund	\$ 261,000	\$ (285,610)	\$ (24,610)
21	State Gas Tax Fund	\$ 80,020	\$ (80,020)	\$ -
22	Air Quality Improvement Fund	\$ 1,700	\$ (6,000)	\$ (4,300)
25	Proposition A Fund	\$ 35,200	\$ (35,200)	\$ -
26	Proposition C Fund	\$ 29,160	\$ (29,160)	\$ -
27	Measure R Fund	\$ 21,870	\$ (21,870)	\$ -
28	TDA Article 3 Fund	\$ 5,000	\$ (5,000)	\$ -
29	Measure M Fund	\$ 24,780	\$ (24,780)	\$ -
30	Measure W Fund	\$ 432,700	\$ (432,700)	\$ -
32	Community Development Block Grant Fund	\$ 8,500	\$ (8,500)	\$ -
	TOTAL GRANT & SPECIAL REVENUE FUNDS	\$ 899,930	\$ (928,840)	\$ (28,910)
<u>Assessment Districts</u>				
44	Street Light Assmt District-IBC Fund	\$ 15,370	\$ (15,370)	\$ -
45	Sewer Maintenance Assmt District-IBC Fund	\$ 120,780	\$ (45,780)	\$ 75,000
	TOTAL ASSESSMENT DISTRICT FUNDS	\$ 136,150	\$ (61,150)	\$ 75,000
<u>Capital Projects Fund</u>				
47	Development Impact Fund	\$ 365,600	\$ (365,600)	\$ -
48	Capital Projects Fund	\$ 5,372,890	\$ (5,372,890)	\$ -
	TOTAL CAPITAL PROJECT FUNDS	\$ 5,738,490	\$ (5,738,490)	\$ -
TOTAL BUDGET - ALL FUNDS:		\$ 41,605,760	\$ (44,230,180)	\$ (2,624,420)

RESOLUTION NO. RA 2022-02-029

**A RESOLUTION OF THE BOARD OF THE IRWINDALE RECLAMATION AUTHORITY
ADOPTING THE BUDGET FOR FISCAL YEAR 2022-2023**

WHEREAS, the Irwindale Reclamation Authority received the proposed budget for FY 2022-23 ("Proposed Budget"); and

WHEREAS, a copy of the Proposed Budget has been on file in the Office of the City Clerk and the Library for public review; and

WHEREAS, the Proposed Budget for the Irwindale Reclamation Authority is included as part of the FY 2022-23 Annual Budget document for the City of Irwindale, and will be reviewed by the Reclamation Authority Board during the joint meeting on June 8, 2022.

**NOW, THEREFORE, THE BOARD OF THE IRWINDALE RECLAMATION
AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:**

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

SECTION 2. The Proposed Budget, on file in the Office of the City Clerk of the City of Irwindale, incorporated herein by reference, and attached hereto, is hereby adopted, as listed on Exhibit A.

SECTION 3. The Reclamation Authority Acting Assistant Secretary shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 8th day of June 2022.

Larry G. Burrola, Chair

ATTEST:

Laura M. Nieto, CMC
Assistant Secretary

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

I, Laura M. Nieto, Assistant Secretary of the Irwindale Reclamation Authority, do hereby certify that the foregoing Resolution No. RA 2022-02-029 was adopted at a regular meeting of the Irwindale Reclamation Authority held on June 8, 2022, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

Laura M. Nieto
Assistant Secretary
Irwindale Reclamation Authority

Exhibit A
City of Irwindale
FY 2022-2023
Budget Summary

Fund No	Fund	FY 2022-23 Revenues	FY 2022-23 Expenditures	Surplus (Deficit) FY 2022-23
<u>General Fund</u>				
01	General Fund On-Going Budget	\$ 24,022,440	\$ (23,608,480)	\$ 413,960
	Capital/One-Time Items	\$ 4,139,970	\$ (86,000)	\$ 4,053,970
	Capital Projects Transfers	\$ -	\$ (4,542,770)	\$ (4,542,770)
	American Rescue Plan Act (ARPA)	\$ -	\$ (133,700)	\$ (133,700)
	Irwindale Community Foundation (ICF)	\$ 105,620	\$ (105,620)	\$ -
	TOTAL GENERAL FUND	\$ 28,268,030	\$ (28,476,570)	\$ (208,540)
<u>Irwindale Housing Authority Fund</u>				
11	Irwindale Housing Authority	\$ 400	\$ (7,330)	\$ (6,930)
12	IHA-Low/Mod Housing Asset Fund	\$ 25,000	\$ (538,270)	\$ (513,270)
	TOTAL HOUSING AUTHORITY FUNDS	\$ 25,400	\$ (545,600)	\$ (520,200)
<u>Mining Impact Fund</u>				
13	Mining Impact On-Going Budget	\$ 4,475,000	\$ (5,882,590)	\$ (1,407,590)
	Capital/One-Time Items	\$ -	\$ (129,000)	\$ (129,000)
	Capital Project Transfers	\$ -	\$ (418,970)	\$ (418,970)
	TOTAL MINING IMPACT FUND	\$ 4,475,000	\$ (6,430,560)	\$ (1,955,560)
<u>Reclamation Authority</u>				
14	Reclamation Fund	\$ 62,260	\$ (48,970)	\$ 13,290
19	Olive Pit Royalty Fund	\$ 2,000,500	\$ (2,000,000)	\$ 500
	TOTAL RECLAMATION AUTHORITY FUNDS	\$ 2,062,760	\$ (2,048,970)	\$ 13,790
<u>Grants & Special Revenue Funds</u>				
15	AB939 Recycling Fund	\$ 261,000	\$ (285,610)	\$ (24,610)
21	State Gas Tax Fund	\$ 80,020	\$ (80,020)	\$ -
22	Air Quality Improvement Fund	\$ 1,700	\$ (6,000)	\$ (4,300)
25	Proposition A Fund	\$ 35,200	\$ (35,200)	\$ -
26	Proposition C Fund	\$ 29,160	\$ (29,160)	\$ -
27	Measure R Fund	\$ 21,870	\$ (21,870)	\$ -
28	TDA Article 3 Fund	\$ 5,000	\$ (5,000)	\$ -
29	Measure M Fund	\$ 24,780	\$ (24,780)	\$ -
30	Measure W Fund	\$ 432,700	\$ (432,700)	\$ -
32	Community Development Block Grant Fund	\$ 8,500	\$ (8,500)	\$ -
	TOTAL GRANT & SPECIAL REVENUE FUNDS	\$ 899,930	\$ (928,840)	\$ (28,910)
<u>Assessment Districts</u>				
44	Street Light Assmt District-IBC Fund	\$ 15,370	\$ (15,370)	\$ -
45	Sewer Maintenance Assmt District-IBC Fund	\$ 120,780	\$ (45,780)	\$ 75,000
	TOTAL ASSESSMENT DISTRICT FUNDS	\$ 136,150	\$ (61,150)	\$ 75,000
<u>Capital Projects Fund</u>				
47	Development Impact Fund	\$ 365,600	\$ (365,600)	\$ -
48	Capital Projects Fund	\$ 5,372,890	\$ (5,372,890)	\$ -
	TOTAL CAPITAL PROJECT FUNDS	\$ 5,738,490	\$ (5,738,490)	\$ -
TOTAL BUDGET - ALL FUNDS:		\$ 41,605,760	\$ (44,230,180)	\$ (2,624,420)

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

City of
IRWINDALE
AGENDA REPORT

Date: June 8, 2022 -
To: Honorable Chair and Members of the Housing Authority
From: Julian Miranda, Executive Director
Issue: Consideration of Approval of Amendment No. 1 to Affordable Housing Agreement, Option to Purchase and Declaration of Covenants Running with Land for 4612 Fraijo Avenue to Implement Equity Sharing Policy

City Manager's Recommendation:

- 1) Approve Amendment No. 1 to Affordable Housing Agreement, Option to Purchase and Declaration of Covenants Running with Land between Irwindale Housing Authority and Rudy Gallardo; and
- 2) Authorize the Executive Director to execute Amendment No. 1 subject to Authority Counsel approval as to form.

Prepared and Submitted by:

Robert J. Lee, Assistant Authority Counsel

Electronically Approved

Reviewed by:

Adrian Guerra, Authority Counsel

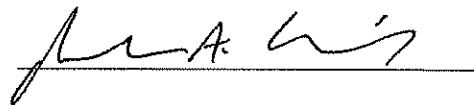
Electronically Approved

Kambiz Borhani, Finance Director / City Treasurer



Approved by:

Julian Miranda, Executive Director



Background and Analysis:

Historically, the equity sharing practices of the Irwindale Housing Authority ("Authority") provided for the Authority to retain a significant majority of the excess sale proceeds until year 40 of the 45-year affordable housing period. Accordingly, it was very difficult for affordable homeowners in the City of Irwindale to build meaningful equity in their affordable homes towards improving their financial status which is one of the paramount objectives of the Authority's affordable housing programs.

As part of the Substantial Rehabilitation Program, Rudy Gallardo ("Owner") and the former Irwindale Community Redevelopment Agency ("ICRA") entered into that certain Affordable Housing Agreement, Option to Purchase and Declaration of Covenants Running with Land dated August 11, 2005 and recorded on April 23, 2007 as document no. 20070971173 ("Agreement"), whereby ICRA provided Owner a loan for the substantial rehabilitation of Owner's property located at 4612 Fraijo Avenue in exchange for Owner's promise to maintain the property as an affordable housing unit for a period of 45 years.

Specifically, Equity Sharing permits retention by owner/seller of a portion of excess sale proceeds based on the length of occupancy, after the agency loan is repaid. The amount of the excess sale proceeds is the difference between the sale price that is in excess of the affordable housing price of what is allowable under the an affordable housing agreement and the original purchase price of the home paid by the affordable homeowner. The Agreement's equity sharing provisions are triggered when there's been a "Prohibited Transfer" as defined in the Agreement; put another way, equity sharing is invoked when there's a sale of the home where the sale does not qualify as a "Permitted Transfer" under the Agreement. Permitted Transfers include but are not limited to the following:

(i) transfer by gift, devise, or inheritance to the Owner's spouse; (ii) transfer by devise or inheritance to the Owner's children; (iii) transfer of title by an Owner's death to a surviving joint tenant, tenant by entireties, or a surviving spouse of community property; and (iv) transfer of title to a spouse as part of divorce or dissolution proceedings or in conjunction with marriage.

On July 14, 2021, the Authority Board approved and adopted an equity sharing policy ("Policy") for the Authority's Substantial Rehabilitation and First Time Homebuyer affordable housing programs so that the percentage of the equity sharing appreciation amount retained by homeowners is now much larger than the amount allowed previously **for those homeowners who elect to take advantage of the increased Policy benefits.** The application of the Policy with regards to any homeowner who is part of the Authority's affordable housing programs requires a formal amendment to any affordable housing agreement's existing equity sharing provisions; the calculations for the new equity sharing differ under the Policy depending on whether the homeowner is under the First Time Homebuyer Program or Substantial Rehabilitation Program.

Now, Owner and the Authority (as successor to ICRA) desire to formally amend the

Agreement to incorporate the increased equity sharing benefits available to Owner under the Policy. However, it should be underscored that amending the Agreement in and of itself does not vest Owner with any equity sharing benefit conferred under the Policy other than to allow Owner to place himself in position to possibly retain a greater share of equity sharing appreciation in the event a "Prohibited Sale" should occur in the future. **This Amendment No. 1 modifies the Agreement and is only a first step towards Owner availing himself of the increased benefits under the new Policy. The 45-year affordability covenant remains in place and there is no financial equity distribution at this time because there is no sale of the home.**

Fiscal Impact:

Currently none, but if Owner sells the home and the equity sharing provisions are triggered, Authority will retain a smaller percentage of the equity sharing appreciation.

Attachment:

- 1: Amendment No. 1 to Affordable Housing Agreement, Option to Purchase and Declaration of Covenants Running with Land for 4612 Fraijo Avenue to Implement Equity Sharing Policy.

Attachment "1"

RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:

Irwindale Housing Authority
5050 North Irwindale Avenue
Irwindale, California 91706
Attention: Executive Director

Exempt from payment of a recording fee pursuant to Government Code Section 6103.

**AMENDMENT NO. 1
TO
AFFORDABLE HOUSING AGREEMENT, OPTION TO PURCHASE AND
DECLARATION OF COVENANTS RUNNING WITH LAND
(Substantial Rehabilitation Housing Improvement Loan)**

THIS AMENDMENT NO. 1 TO THE AFFORDABLE HOUSING AGREEMENT, OPTION TO PURCHASE AND DECLARATION OF COVENANTS RUNNING WITH LAND ("Amendment No. 1") by and between the **IRWINDALE HOUSING AUTHORITY** as housing successor to the former Irwindale Community Redevelopment Agency ("Authority") and **RUDY GALLARDO** ("Owner"), is entered into and made effective as of the ____ day of _____, 2022. Authority and Owner are sometimes referred to collectively as "Parties."

RECITALS

A. Owner and the former Irwindale Community Redevelopment Agency ("ICRA") entered into that certain AFFORDABLE HOUSING AGREEMENT, OPTION TO PURCHASE AND DECLARATION OF COVENANTS RUNNING WITH LAND dated August 11, 2005 and recorded on April 23, 2007 as document no. 20070971173 ("Agreement") whereby the ICRA agreed to provide Owner financial assistance in connection with the residential real property owned by Owner and located at 4612 Fraijo Avenue, Irwindale, California ("Property"). The Property is part of Authority's affordable housing program commonly referred to as the Substantial Rehabilitation Program.

B. On February 1, 2012, pursuant to Assembly Bill 1x26 and Health and Safety Code Section 34170 *et seq.*, the ICRA was effectively dissolved and the City of Irwindale ("City") became the Successor Agency to the ICRA.

C. On January 11, 2012, the City Council of the City of Irwindale adopted Resolution No. 2012-09-2548 and elected not to retain the housing functions and assets of the ICRA, and affirmatively determined and confirmed that the Authority would retain the housing assets and functions of the ICRA.

D. On January 11, 2012, the Board of the Authority adopted Resolution No. 2012-01-034 which accepted the housing assets and functions of the dissolved ICRA. The Authority thereby

is the housing successor agency to the ICRA, vested with all of the rights, powers, duties, assets, liabilities, and obligations of the housing activities of the ICRA.

E. As housing successor to the ICRA, the Authority assumed all of the ICRA's rights, powers, duties and obligations under the Agreement.

F. The Authority implements an affordable housing program through a Low and Moderate Income Housing Fund to assist persons and families of very low, low, and moderate income, as defined by Section 50093 of the California Health and Safety Code to rehabilitate residential property and to increase, improve and preserve very low, low and moderate-income housing available at affordable housing cost (as defined in Health and Safety Code Section 50052.5) within the territorial jurisdiction of the Authority in accordance with Housing Authorities Law (Health and Safety Code Section 34200, *et seq.*)

G. Pursuant to Health and Safety Code Section 33334.3 and as part of its affordable housing program, the Authority has established an equity sharing program allowing the sale of owner-occupied units prior to expiration of the 45-year affordability period established through an agreement between the Authority and affordable homeowner for a price in excess of the affordable housing price, so long as the Authority's investment of moneys from the Low and Moderate Income Housing Fund is protected, including through implementation of a schedule of equity sharing that permits the seller and the Authority to retain a portion of the sale proceeds based on length of occupancy prior to sale.

H. Historically, the equity sharing practices of the Authority provided for the Authority to retain a significant majority of the excess sale proceeds until year 40 of the 45-year affordable housing period. Accordingly, it was very difficult for affordable homeowners in the City to build meaningful equity in their affordable homes towards improving their financial status which is one of the paramount objectives of the Authority's affordable housing program.

I. On July 14, 2021, the Authority approved and adopted an equity sharing policy ("Policy") for the Authority's Substantial Rehabilitation and First Time Homebuyer affordable housing programs so that the percentage of the equity sharing appreciation amount retained by homeowners is now much larger than the amount allowed previously. The implementation of the policy requires a formal amendment to the Agreement.

J. The Parties now desire to formally amend the Agreement to incorporate the increased benefits available to Owner thereunder to be made effective retroactive to the effective date of the Agreement.

TERMS

1. **Contract Changes.** The Agreement is amended as provided herein (added text shown in **bold**, *italics*, underlined, deleted text shown in ~~strikethrough~~).

A. Section 8.2, "Shared Equity Appreciation," of the Agreement is hereby amended effective as of the effective date of the Agreement, to read in its entirety as follows:

Shared Equity Appreciation. In the event of a Prohibited Transfer during the Affordability Period, in addition to repayment of the balance of the Note Amount, Agency shall receive a share of the sales proceeds ~~that exceed the value of the Property at the time of the Agency Loan,~~ of the difference between the sale price that is in excess of the Affordable Housing Cost and the purchase price of the Property paid by the Owner, in order to recover funds for other low and moderate-income housing pursuant to the Housing Program and state law. The Agency's share of the increase in equity shall be determined based on the length of time the Property has been occupied by an Eligible Person or Family prior to the Prohibited Transfer, pursuant to the table below. ~~The Agency's share of the equity increase will be lowered in the event the Prohibited Transfer is the result of divorce or death.~~

<u>Year of Prohibited Transfer After Loan</u>	<u>Percent of Equity Increase Retained by Owner</u>		
	Other	Divorce	Death
Years			
0—15	0%	0%	0%
16—18	2%	6%	9%
19—21	5%	9%	12%
22—24	9%	13%	16%
25—27	13%	17%	20%
28—30	17%	21%	24%
31—33	23%	27%	30%
34—36	29%	33%	36%
37—39	40%	44%	47%
40—42	69%	73%	76%
43—45	100%	100%	100%

~~As an example only:~~

- ~~• Value of Property at time of loan = \$150,000~~
- ~~• Value of Property at time of Prohibited Transfer = \$250,000~~
- ~~• Increase in equity = \$100,000~~

- ~~Year of Prohibited Transfer after Loan = 20~~
- ~~Amount of Equity Increase kept by Owner = $(5\% \times \$100,000) = \$5,000$~~
- ~~Amount of Equity Increase shared with Agency = $(95\% \times \$100,000) = \$95,000$~~

More specifically, the Agency Loan will be forgiven by 1/20 on an annual basis for 20 years after which time the entire loan will be forgiven. During that 20-year period, the equity sharing ratio ("ESR") will be 10%, meaning the Agency will retain 10% of the equity sharing appreciation amount ("ESAA") and the homeowner will retain 90% of the ESAA; thereafter, until expiration of the 45-year period, the 10% ESR will decrease by 0.4% per annum. The Parties are to consult the Authority's Equity Sharing Policy for examples of the foregoing.

2. Continuing Effect of Agreement. Except as amended by this Amendment No. 1, all provisions of the Agreement shall remain unchanged and in full force and effect. From and after the date of this Amendment No. 1, whenever the term "Agreement" appears in the Agreement, it shall mean the Agreement, as amended by Amendment No. 1.

3. Counterpart Execution. This Amendment No. 1 may be executed in any number of counterparts, each of which shall be deemed to be an original instrument and all of which together shall constitute a single agreement.

4. Recordation. This Amendment No. 1 shall be recorded as soon as practicable following its mutual execution by the Parties.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 1 on the date and year first-above written.

“AUTHORITY”

IRWINDALE HOUSING AUTHORITY,
a public body, as Housing Successor
to the Irwindale Community
Redevelopment Agency

Julian Miranda, Executive Director

ATTEST:

Laura M. Nieto, Authority Secretary

APPROVED AS TO FORM:

ALESHIRE & WYNDER, LLP

Adrian R. Guerra, Authority Counsel

“OWNER”

RUDY GALLARDO

Rudy Gallardo

STATE OF CALIFORNIA)
) §
County of _____)

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

Signature of Notary

Amendment No. 1
Substantial Rehab Loan
4612 Fraijo Avenue

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

City of
IRWINDALE
AGENDA REPORT

Date: June 8, 2022
To: Honorable Chair and Members of the Housing Authority
From: Julian A. Miranda, Executive Director
Issue: Equity Sharing Policy

Executive Director's Recommendation:

Receive summary of equity sharing policy and discuss.

Prepared and Submitted by:

Jamie Traxler, Assistant Authority Counsel

Electronically Approved

Reviewed by:

Adrian Guerra, Authority Counsel

Electronically Approved

Kambiz Borhani, Finance Director / City Treasurer

Electronically Approved

Approved by:

Julian A. Miranda, Executive Director

Electronically Approved

BACKGROUND:

At a recent meeting of the Housing Authority Board, it was requested that the Equity Sharing Policy be presented to the Board for discussion.

On June 3, 2021, the Authority Board approved a concept for modified equity sharing ratios under the Authority's Substantial Rehabilitation Program ("SRP") and First Time Homebuyer Program ("FTHP"). A formal policy was prepared by Authority Counsel consistent with the Board's action of June 3, 2021, and was approved by the Board on July 14, 2021. The July 14, 2021 Staff Report and Formal Equity Sharing Policy adopted by the Board are attached hereto as Exhibit "A".

This staff report provides a brief summary of the Equity Sharing Policy:

Equity sharing is triggered when an affordable homeowner sells their home before expiration of the full 45 year affordability period to a buyer who is either not qualified as an affordable homeowner or to an affordable homeowner for a price that is higher than allowed under the affordable housing laws. It should be underscored here that there must be a sale of the home in order for equity sharing to be triggered.

The Equity Sharing Policy did not modify when equity sharing is triggered, it only changed the formula of calculating equity sharing between the homeowner and the Authority. The Equity Sharing Policy was amended so that the percentage of the equity sharing appreciation amount ("ESAA") retained by homeowners would be much larger than the amount allowed previously. The ESAA is the difference between the sale price that is in excess of the affordable housing price of what is allowable under the Authority's Regulatory Agreement entered into with each affordable homeowner and the original purchase price of the home paid by the affordable homeowner.

FISCAL IMPACT:

None.

ATTACHMENT:

Exhibit A: July 14, 2021 Staff Report and Final Equity Sharing Policy

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

City of
IRWINDALE
AGENDA REPORT

Date: ~~June 23, 2021~~ July 14, 2021
To: Honorable Chair and Members of the Housing Authority
From: William K. Tam, Executive Director
Issue: Equity Sharing Policy

Executive Director's Recommendation:

Approve Equity Sharing Policy for Substantial Rehabilitation and First Time Homebuyer programs.

Prepared and Submitted by:

Robert J. Lee, Assistant Authority Counsel

Electronically Approved

Reviewed by:

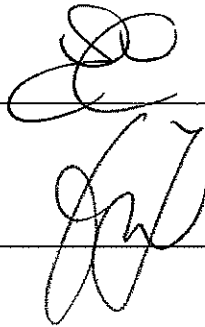
Adrian Guerra, Authority Counsel

Electronically Approved

Eva Carreon, Finance Director / City Treasurer

Approved by:

William K. Tam, Executive Director



BACKGROUND:

Historically, the equity sharing practices of the Irwindale Housing Authority ("Authority") provided for the Authority to retain a significant majority of the excess sale proceeds until year 40 of the 45-year affordable housing period which, when compared against several other affordable housing programs within the State, was within the highest end of the spectrum. Accordingly, it was very difficult for affordable homeowners in the City of Irwindale to build meaningful equity in their affordable homes towards improving their financial status which is one of the paramount objectives of affordable housing programs, including the Authority's programs, throughout the State.

On June 3, 2021, the Authority Board approved a concept for modified equity sharing ratios under both the Substantial Rehabilitation Program ("SRP") and First Time Homebuyer Program ("FTHP") so that the percentage of the equity sharing appreciation amount ("ESAA") retained by homeowners is now much larger than the amount allowed previously. The ESAA is the difference between the sale price that is in excess of the affordable housing price of what is allowable under the Authority's Regulatory Agreement entered into with each affordable homeowner and the original purchase price of the home paid by the affordable homeowner. The Board also directed Authority Counsel to prepare a formal policy for approval, consistent with the Board's action of June 3, 2021. The attached Equity Sharing Policy has been prepared to implement such action.

The highlights of the Equity Sharing Policy for both the SRP and FTHP are provided below.

Substantial Rehabilitation Program:

For the SRP, the Authority loan will be forgiven by 1/20 on an annual basis for 20 years after which time the entire loan will be forgiven. During that 20-year period, the equity sharing ratio ("ESR") will be 10%, meaning the Authority will retain 10% of the ESAA and the homeowner will retain 90% of the ESAA; thereafter, until expiration of the 45-year period, the 10% ESR will decrease by 0.4% per annum.

First Time Homebuyer Program:

For the FTHP, the Authority loan will be forgiven by 1/30 on an annual basis for 30 years after which time the entire loan will be forgiven. During that 30-year period, the ESR will be 15%, meaning the Authority will retain 15% of the ESAA and the homeowner will retain 85% of the ESAA; thereafter, until expiration of the 45-year period, the 15% ESR will decrease by 1% per annum.

It should be noted that the Equity Sharing Policy, once adopted, will become effective immediately upon Board approval. However, any homeowner seeking to avail himself or herself of the policy would need to formally amend his/her Regulatory Agreement in accordance with the new policy.

FISCAL IMPACT:

Unknown at this time.

ATTACHMENT:

Equity Sharing Policy

EQUITY SHARING POLICY
(SUBSTANTIAL REHABILITATION PROGRAM)
(FIRST TIME HOMEBUYER PROGRAM)

Adopted June 23, 2021

Section 33334.3 of the Health and Safety Code permits equity sharing programs to be established allowing sale of owner-occupied units prior to expiration of the 45-year affordability period established through a Regulatory Agreement entered into between an agency and affordable homeowner for a price in excess of the affordable housing price, so long as the agency's investment of moneys from the Low and Moderate Income Housing Fund is protected, including through implementation of a schedule of equity sharing that permits seller and the agency to retain a portion of sale proceeds based on length of occupancy prior to sale. This means that so long as the agency's loan or any current balance of the loan is paid back (including any interest), the agency's investment of moneys from the Low and Moderate Income Housing Fund is protected. Any excess monies collected from the sale retained by the agency are to be deposited in the Low and Moderate Income Housing Fund.

Historically, the equity sharing practices of the Irwindale Housing Authority ("Authority") provided for the Authority to retain a significant majority of the excess sale proceeds until year 40 of the 45-year affordable housing period which, when compared against several other affordable housing programs within the State, was within the highest end of the spectrum. Accordingly, it was very difficult for affordable homeowners in the City of Irwindale to build meaningful equity in their affordable homes towards improving their financial status which is one of the paramount objectives of affordable housing programs, including the Authority's programs, throughout the State.

The Authority Board has now adopted and established equity sharing ratios under both the Substantial Rehabilitation Program ("SRP") and First Time Homebuyer Program ("FTHP") so that the percentage of the equity sharing appreciation amount ("ESAA") retained by homeowners is now much larger than the amount allowed previously. For purposes of this Equity Sharing Policy, ESAA is the difference between the sale price that is in excess of the affordable housing price of what is allowable under the Regulatory Agreement and the original purchase price of the home paid by the affordable homeowner.

Substantial Rehabilitation Program Equity Sharing Ratio:

For the SRP, the Authority loan will be forgiven by 1/20 on an annual basis for 20 years after which time the entire loan will be forgiven. During that 20-year period, the equity sharing ratio ("ESR") will be 10%, meaning the Authority will retain 10% of the ESAA and the homeowner will retain 90% of the ESAA; thereafter, until expiration of the 45-year period, the 10% ESR will decrease by 0.4% per annum.

First Time Homebuyer Program Equity Sharing Ratio:

For the FTHP, the Authority loan will be forgiven by 1/30 on an annual basis for 30 years after which time the entire loan will be forgiven. During that 30-year period, the ESR will be 15%, meaning the Authority will retain 15% of the ESAA and the homeowner will retain 85% of the ESAA; thereafter, until expiration of the 45-year period, the 15% ESR will decrease by 1% per annum.

Examples of how the foregoing operates follow below. An overarching assumption in the examples is that the loan term for the Authority loan will be 20 years under the SRP and 30 years for the FTHP, the latter being an attempt to align with the typical private 30-year loan obtained by homeowners in a standard purchase of a home.

Assumption for Example 1:

SRP (for sales within first 20 years) and FTHP (for sales within first 30 years):

- \$500,000 (sale price) – \$400,000 (original purchase price) = \$100,000 (ESAA).

Assumption for Example 2:

SRP (for sales after first 20 years) and FTHP (for sales after first 30 years):

- \$600,000 (sale price) – \$400,000 (original purchase price) = \$200,000 (ESAA).

Substantial Rehabilitation Program Examples:

Loan Details:

- Loan period to be 20 years.
- Principal on the loan to be reduced by 5% (1/20) per annum during the 20-year period.
- The entire loan is forgiven after 20 years.

Equity Sharing Details:

- For the first 20 years of the loan, the ESR to be retained by the Authority is 10% of the ESAA.
- For years 21 through 45, the ESR will decrease by 0.4% per annum starting in year 21 until year 45 is reached.

Example 1:

- Assume ESAA of \$100,000 and sale during year 5 of 45-year term. Under this assumption:
 - The homeowner would need to repay the remaining balance of the Authority loan; and

- After applying a 10% ESR to the \$100,000 ESAA, the amount of sale proceeds retained by the Authority will be \$10,000 and the homeowner retains the remaining \$90,000.

Example 2:

- Assume ESAA of \$200,000 and sale just after year 25 of 45-year term. Under this assumption:
 - The Authority loan has been forgiven after 20 years. Therefore, the homeowner is not required to repay any portion of the loan.
 - After applying a 8% ESR (10% is reduced by 0.4% per year for 5 years resulting in an ESR of 8%) to the \$200,000 ESAA, the amount of sale proceeds retained by the Authority is \$16,000 and the homeowner retains the remaining \$184,000.

First Time Homebuyer Program Examples:

Loan Details:

- Loan period to be 30 years.
- Principal on the loan to be reduced by 1/30 per annum during the 30-year period.
- The entire loan is forgiven after 30 years.

Equity Sharing Details:

- For the first 30 years of the loan, the ESR to be retained by the Authority is 15% of the ESAA.
- For years 31 through 45, the ESR will decrease by 1% per annum starting in year 31 until year 45 is reached.

Example 1:

- Assume ESAA of \$100,000 and sale during year 5 of 45-year term. Under this assumption:
 - The homeowner would need to repay the remaining balance of the Authority loan; and
 - After applying a 15% ESR to the \$100,000 ESAA, the amount of sale proceeds retained by the Authority will be \$15,000 and the homeowner retains the remaining \$85,000.

Example 2:

- Assume ESAA of \$200,000 and sale just after year 35 of 45-year term. Under this assumption:
 - The Authority loan has been forgiven after 30 years. Therefore, the homeowner is not required to repay any portion of the loan.

- After applying a 10% ESR (15% is reduced by 1% per year for 5 years resulting in an ESR of 10%) to the \$200,000 ESAA, the amount of sale proceeds retained by the Authority is \$20,000 and the homeowner retains the remaining \$180,000.

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

**MARCH 9, 2022
WEDNESDAY
10:20 P.M.**

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

ROLL CALL:

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

Also present: Julian A. Miranda, Executive Director; Adrian Guerra, Board Attorney; Theresa Olivares, Assistant Executive Director; Ty Henshaw, Police Chief; Arsanious Hanna, Director of Engineering / Building Official; Jeanette Duran, Interim Director of Finance / City Treasurer; Marilyn Simpson, Community Development Manager; Mary Hull, Human Resources Manager, Elizabeth Rodriguez, Public Works Services Manager; Jeff Wagner, Information Technology Manager; Iris Espino, Economic Development Coordinator; and Laura Nieto, Assistant Authority Secretary

ANNOUNCEMENT

ASSISTANT
AUTHORITY
SECRETARY NIETO

Assistant Authority Secretary Nieto announced the following:

"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**

There were no speakers.

CONSENT CALENDAR

MOTION

A motion was made by Board Member Breceda, seconded by Board Member Ortiz, to approve the Consent Calendar; reading resolutions and ordinances by title only and waiving further reading thereof. The motion was unanimously approved.

ITEM NO. 1A
MINUTES

MINUTES

The following minutes were approved:

- 1) Regular meeting held September 8, 2021
- 2) Regular meeting held December 8, 2021

ITEM NO. 1B
INVESTMENT

INVESTMENT QUARTERLY REPORT – DECEMBER 31, 2021

QUARTERLY REPORT –
DECEMBER 31, 2021

The Investment Quarterly Report for December 31, 2021, was received and filed.

<u>ITEM NO. 1C</u>	2022 1 ST QUARTER MINING REPORT OF NINE (9) SMARA PITS
2022 1 ST QUARTER MINING REPORT OF NINE (9) SMARA PITS	The report 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 10:22 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: June 08, 2022
To: Honorable Chairman and Members of the Irwindale Reclamation Authority
From: Julian A. Miranda, Executive Director
Issue: 2022 Second Quarter Mining Report of Nine (9) SMARA Pits

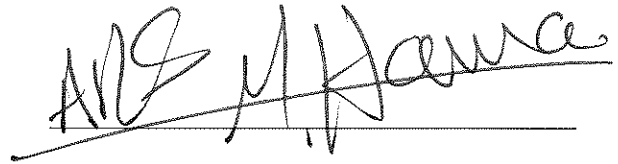
Executive Director's Recommendation:

That the Irwindale Reclamation Authority receive and file this report.

Administrative Action:

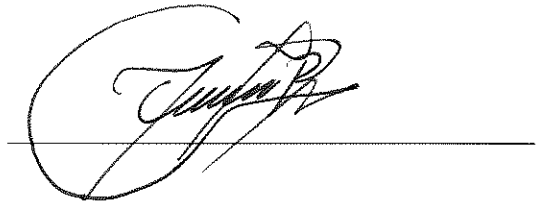
Submitted by:

Arsanious Hanna
Authority Engineer/Building Official



Prepared by:

Francisco Carrillo
Construction Compliance Manager
Phone: (626) 430-2251



Reviewed by:

Adrian R. Guerra, Authority Counsel

Electronically Approved

Kambiz Borhani
Authority Finance Director /
Authority Treasurer



Approved by:

Julian A. Miranda, Executive Director

Electronically Approved

Background and Analysis:

The table below summarizes the 2022 second quarter estimated mining production of five (5) pits governed by the Surface Mining and Reclamation Act of 1975 (SMARA Pits) currently conducting mining activity in the City.

Mine Site	Estimated Production March 2022 through May 2022 (Tons)	Estimated Remaining Reserve (Tons)
Lehigh Hanson Pit	690,896	53,068,223
Peck Road Gravel Pit	13,000	212,000
Vulcan Reliance I	390,454	24,398,212
Vulcan Durbin	627,122	31,410,578
Olive Pit	515,768	30,086,415

A total of approximately 2,237,240 tons of material were produced during the reporting period, March 2022 through May 2022, from the five (5) SMARA Pits listed above. This is approximately 334,197 tons more than reported in the previous quarter.

Below is a summary of the second quarter and current activity of the remaining four (4) SMARA Pits in the City.

Mine Site	Status	Activity
United Pit No. 2	Under Reclamation	Fill Operations for Mine Reclamation
United Pit No. 3	Under IMP Review*	Inactive
United Pit No. 4	Active	Processing Plant
Azusa Western Pit	Idle (IMP)	Inactive

*United Pit No. 3 applied for an Interim Management Plan (IMP), which is currently under review. Thus, no production was reported and it is estimated that 370,470 tons of reserves remain for future mining.

During the 2022 second quarter reporting period, reclamation activity was reported from three (3) SMARA Pits. Following is a summary of the reclamation activity at these three SMARA Pits:

Mine Site	Estimated Fill Placed March 2022 through May 2022 (C.Y.)
Lehigh Hanson Pit	No Fill Placed - Preparation for next phase
United Pit No. 2	260,724
Vulcan Durbin Pit	218,800

As to the status of the City owned Olive Pit, CA Mine ID # 91-19-0052:

The mining operator, United Rock Products, has reengaged with its traffic engineer to review the traffic signal plan for the intersection of Los Angeles Street and Azusa Canyon Road and reinstated negotiations with SCRRA-Metrolink. Negotiations for the easements needed for pedestrian crossing at the railroad crossing have also been reinitiated. Drainage and erosion control plans, as required by the Development Agreement are currently under review, in addition a wheel washing system that complies with the Air Quality Mitigation District's requirements to improve dust control at the site, has been installed.

Fiscal Impact:

None

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

City of
IRWINDALE
AGENDA REPORT

Date: June 8, 2022
To: Reclamation Authority Board
From: Julian A. Miranda, City Manager/Executive Director
Issue: Investment Quarterly Report for March 31, 2022.

City Manager/Executive Director's Recommendation:

For the Reclamation Board to receive and file the Investment Quarterly Report for March 31, 2022.

Administrative Action:

Submitted by:

Kambiz Borhani
Authority Finance Director/ Authority Treasurer
(626) 430-2221



Prepared by:

Jeanette Duran
Finance Manager



Reviewed by:

Adrian R. Guerra, City Attorney/Authority Counsel

Electronically Approved

Kambiz Borhani
Authority Finance Director/ Authority Treasurer



Approved by:

Julian A. Miranda, City Manager/Executive Director

Electronically Approved

Background and Analysis:

California Government Code Section 53646 requires that the City Treasurer submit a quarterly report of investments (Investment Report) to the City Council/Board Members for review and compliance with the City's adopted investment policy (City's Investment Policy).

The City's Investment Policy applies to all funds held by the City, Housing Authority, Successor Agency, and Reclamation Authority. The Reclamation Authority's funds are included in the City's cash and investment balances. The Investment Report for the quarter ending March 31, 2022 was presented to the City Council, Housing Authority, and Successor Agency Board on April 27, 2022. The Reclamation Authority was not scheduled to meet on that date, and therefore it is appropriate to present the same Quarterly Investment Report to the Reclamation Authority during their next regularly scheduled meeting.

The attached Investment Report summarizes the cash balances and investments as of March 31, 2022 for each agency. The City of Irwindale's balances include investments of all funds of the City and its agencies, which are pooled to maximize the interest yield. The cash balances in the general account with Bank of the West also include all funds of the City and its agencies, which also earn interest on the pooled cash balances. All investments comply with the City's Investment Policy.

Fiscal Impact:

There is no fiscal impact to receive and file this report.

Attachment:

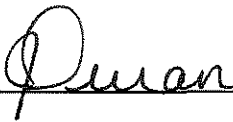
City of Irwindale Investment Report – March 31, 2022

**CITY OF IRWINDALE
INVESTMENT REPORT
March 31, 2022**

DESCRIPTION OF SECURITY	PAR VALUE/ ORIGINAL COST	CURRENT YIELD TO MATURITY	PURCHASE DATE	MATURITY DATE	MARKET VALUE	INVESTMENT RATING
<u>CITY OF IRWINDALE (POOLED - ALL FUNDS, INCLUDING RECLAMATION AUTHORITY)</u>						
BANK OF THE WEST GENERAL ACCOUNT	\$ 4,800,665	0.36%			\$ 4,800,665	
LOCAL AGENCY INVESTMENT FUND (LAIF)	46,498,252	0.37%			\$ 46,498,252	
US GOVERNMENT AGENCIES						
FEDERAL HOME LN BKS CONS BD (FHLB)	5,000,000	0.52%	07/28/21	01/28/25	4,739,450	AAA
FEDERAL FARM CR BKS CONS SYSTEMWIDE (FFCB)	5,000,000	0.58%	06/23/21	06/23/25	4,684,400	AA+
FEDERAL FARM CR BKS CONS SYSTEMWIDE (FFCB)	3,000,000	0.90%	06/15/21	06/15/26	2,812,560	AAA
FEDERAL HOME LN BKS CONS BD (FHLB)	5,000,000	1.00%	06/30/21	06/26/26	4,701,900	AAA
FEDERAL HOME LN BKS CONS BD (FHLB)	5,000,000	0.50%	06/30/21	06/30/26	4,699,400	AAA
FEDERAL FARM CR BKS CONS SYSTEMWIDE (FFCB)	5,000,000	0.87%	07/28/21	07/28/26	4,688,850	AAA
FEDERAL HOME LN BKS (FHLB)	5,000,000	0.50%	07/29/21	07/29/26	4,743,350	AAA
Sub-Total US Government Agencies:	33,000,000				31,069,910	
CERTIFICATES OF DEPOSIT						
FIRST ST BANK (FRSTE)	240,000	2.00%	06/30/17	04/29/22	240,300	
BRIDGEWATER BK (BRDGW)	240,000	2.00%	06/29/17	06/29/22	240,919	
MARLIN BUSINESS BK (MRLN)	240,000	2.05%	06/29/17	06/29/22	240,948	
COMENITY CAP BK (ADSK)	240,000	2.25%	06/30/17	06/30/22	241,078	
Sub-Total Certificates of Deposit:	960,000				963,245	
Total City of Irwindale Investments (Pooled Funds):	85,258,917				83,332,071	
<u>HOUSING AUTHORITY (Funds 11 & 12)</u>						
BANK OF THE WEST GENERAL ACCOUNT	181,938	0.36%			181,938	
LOCAL AGENCY INVESTMENT FUND (LAIF)	7,669,316	0.37%			7,669,316	
	7,851,254				7,851,254	
<u>SUCCESSOR AGENCY (Funds 50-66)</u>						
BANK OF THE WEST GENERAL ACCOUNT	164,226	0.36%			164,226	
LOCAL AGENCY INVESTMENT FUND (LAIF)	13,472,919	0.37%			13,472,919	
	13,637,144				13,637,144	
GRAND TOTAL OF INVESTMENTS	106,747,315				104,820,470	

This investment portfolio is in conformity with the City of Irwindale's Investment Policy which was approved by City Council on June 9, 2021. The City Treasurer's cash management program and cash flow analysis indicates that sufficient liquidity is on hand to meet estimated future expenditures for a period of six months. The weighted average of maturity of the City's pooled investment portfolio is 1.21 years, and the weighted average yield of the City's pooled investments at cost is 0.479%. Market prices of securities are obtained directly through Bank of the West. Due to timing, Bank of the West General Account balances are pre-reconciled and yield rates are based on the prior month account analysis statement.

Approved by



Jeanette Duran, Interim Finance Director/City Treasurer