

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

JULY 13, 2022

**SPECIAL MEETING – 5:00 P.M.
REGULAR MEETING - 6:30 P.M.**

IRWINDALE CITY COUNCIL CHAMBER

LARRY G. BURROLA
MAYOR

ALBERT F. AMBRIZ
MAYOR PRO TEM

MARK A. BRECEDA
COUNCILMEMBER

MANUEL R. GARCIA
COUNCILMEMBER

H. MANUEL ORTIZ
COUNCILMEMBER

Limited Public Access

Pursuant to Irwindale Resolution No. 2022-57-3307

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– 5:00 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 July 13, 2022 through August 12, 2022
Department: Administration

Recommendation: City Council, Successor Agency, and Housing Authority **adopt Resolution No. 2022-68-3318, Resolution No. SA 2022-69-3319, and Resolution No. HA 2022-14-124**, entitled, "A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, SUCCESSOR AGENCY TO THE IRWINDALE COMMUNITY REDEVELOPMENT AGENCY, AND THE BOARD OF THE HOUSING 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 JULY 13, 2022 THROUGH AUGUST 12, 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
 - B) Case Name: City of Irwindale As Successor Agency to the Irwindale Community Redevelopment Agency, et al. v. County of Los Angeles
Case Number: Ventura County Superior Court Case No. 56-2015-00464100-CU-WM-VTA

2. Conference with Real Property Negotiator

Pursuant to California Government Code Section 54956.8

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

Agency negotiators: Julian A. Miranda, City Manager and Arsanious Hanna,
Director of Engineering / Building Official

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

4. Public Employee Discipline/Dismissal/Release

Pursuant to Government Code Section § 54954.5(e)

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release of a public employee)

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

1. Oath of Office to Irwindale Police Officer Luis Amesola

I. PROCLAMATIONS / PRESENTATIONS / COMMENDATIONS

1. Proclamation proclaiming Parks & Recreation Month
2. Certificate of Recognition – Khalalah Todd

SPONTANEOUS COMMUNICATIONS

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

Tier 1: In-person attendees

Tier 2: Teleconference attendees

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

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

1. CONSENT CALENDAR

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

A. Minutes

Department: Administration / City Clerk

Recommendation: Approve the following minutes:

1. Special meeting held June 22, 2022
2. Regular meeting held June 22, 2022

B. Warrants/Demands/Payroll

Department: Finance

Recommendation: Approve

C. Proposed End-of-Year Closure of City Facilities for 2022**Department: Administration**

Recommendation: Approve the closure of some City facilities during the period of Monday, December 26, 2022 through and including Sunday, January 8, 2023, and authorize the City Manager to implement said closure.

D. Measure A Grant Funds**Department: Public Services**

Recommendation: (1) Appoint the City Manager, Assistant City Manager and Public Services Director as City Representatives, and approve and authorize these City Representatives to apply for, accept, and administer all Measure A grant funds; and (2) **adopt Resolution No. 2022-67-3317** entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE RESCINDING RESOLUTION NO. 2020-12-3172 IN ITS ENTIRETY, AND AUTHORIZING CITY STAFF TO APPLY FOR, ACCEPT, AND ADMINISTER ANY AND ALL MEASURE A GRANT FUNDS FOR THE CITY OF IRWINDALE".

E. Claims Time Tolling Policy**Department: Administration**

Recommendation: Adopt Resolution No. 2022-71-3321 entitled, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, DELEGATING JOINT AUTHORITY TO THE CITY MANAGER AND THE CITY ATTORNEY TO ENTER INTO AGREEMENTS TO TOLL THE TIME FOR RESPONSE TO CLAIMS UNDER THE GOVERNMENT CLAIMS ACT" by title only, with further reading waived.

F. Release of Bonds for Parcel Map 72864 – 16203-16233 Arrow Highway**Department: Engineering**

Recommendation: Approve the release of faithful performance, labor and material, and monument bonds for Parcel Map 72864.

2. NEW BUSINESS

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

A. Consideration of Resolution Approving the Hiring of A Retired Annuitant As Interim Chief of Police for a Limited Duration of Time**Department: Administration / Human Resources**

Recommendation: **Adopt Resolution No. 2022-70-3320** entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE APPROVING THE HIRING OF A RETIRED ANNUITANT AS INTERIM CHIEF OF POLICE FOR A LIMITED DURATION UNDER GOVERNMENT CODE SECTIONS 7522.56(C) AND 21221(G)."

- B. Potential Housing Sites and Densities for Compliance with the 2021-2029 SCAG 6th Cycle Regional Housing Needs Assessment for the Housing Element & General Plan Update
(Joint Housing Authority Item)

Department: Community Development

Recommendation: Discuss potential housing sites and provide direction on density and housing type development.

- C. Recap on 4th of July Festivities – Verbal Update

Department: Public Services

3. PUBLIC HEARINGS

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

4. CITY MANAGER’S REPORT

5. 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

Department: Administration / City Clerk

Recommendation: Approve the following minutes:

1. Special meeting held June 22, 2022
2. Regular meeting held June 22, 2022

- B. Warrants

Department: Finance

None for Approval

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**

Department: Administration / City Clerk

Recommendation: Approve the following minutes:

1. Special meeting held June 22, 2022
2. Regular meeting held June 22, 2022

2. NEW BUSINESS

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

A. Potential Housing Sites and Densities for Compliance with the 2021-2029 SCAG 6th Cycle Regional Housing Needs Assessment for the Housing Element & General Plan Update (Joint City Council Item)

Department: Community Development

Recommendation: Discuss potential housing sites and provide direction on density and housing type development.

B. Irwindale Housing Authority Guidelines, Policies, and Procedures for Senior Low/Moderate Income Housing Apartment Rental Program

Department: Community Development

Recommendation: Discuss and provide direction regarding the Irwindale Housing Authority Guidelines, Policies, and Procedures for Senior Low/Moderate Income Housing Apartment Rental Program Las Casitas.

3. PUBLIC HEARINGS

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

4. ADJOURN

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, and Housing Authority, to be held on July 13, 2022, be posted at the City Hall, Library, and Post Office on July 8, 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

CC Item C-1
Special Meeting

Date: July 13, 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

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 July 13, 2022 through August 12, 2022

City Manager/Executive Director's Recommendation:

Staff recommends City Council, Successor Agency, and Housing Authority **adopt Resolution No. 2022-68-3318, Resolution No. SA 2022-69-3319, and Resolution No. HA 2022-14-124**, entitled, "A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, SUCCESSOR AGENCY TO THE IRWINDALE COMMUNITY REDEVELOPMENT AGENCY, AND THE BOARD OF THE HOUSING 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 JULY 13, 2022 THROUGH AUGUST 12, 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

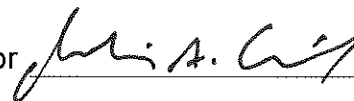
Approved by:

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. Various remaining orders that were previously set to expire on June 30, 2022, were extended on June 17, 2022 for the duration of the state of emergency. The State's declared emergency continues to be in effect. 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 declare an exemption under AB 361 as (1) there is an existing state of emergency declared by the Governor 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 July 13, 2022 through August 12, 2022 is estimated to be approximately \$900.

Attachment:

1. Joint Resolution No. 2022-68-3318, Resolution No. SA 2022-69-3319, Resolution No. HA 2022-14-124

**RESOLUTION NO. 2022-68-3318
RESOLUTION NO. SA 2022-69-3319
RESOLUTION NO. HA 2022-14-124**

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, SUCCESSOR AGENCY TO THE IRWINDALE COMMUNITY REDEVELOPMENT AGENCY, AND THE BOARD OF THE HOUSING 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 JULY 13, 2022 THROUGH AUGUST 12, 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

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. 2022-68-3318

Resolution No. SA 2022-69-3319

Resolution No. HA 2022-14-124

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), May 11, 2022 (joint Resolution No. 2022-45-3295, SA Resolution No. 2022-46-3296 and Resolution No. HA 2022-10-120), June 8, 2022 (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) 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, and Housing Authority Board 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 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.

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.

Resolution No. 2022-68-3318
Resolution No. SA 2022-69-3319
Resolution No. HA 2022-14-124

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 July 13, 2022 and shall be effective until the earlier of (i) August 12, 2022, or (ii) such time the City Council adopts a subsequent resolution in accordance with Government Code section 54953(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 13th day of July 2022.

Larry G. Burrola, Mayor/Chair

ATTEST:

Laura M. Nieto, MMC
Chief Deputy City Clerk/Authority Assistant Secretary
/Assistant Agency 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 joint Resolution No. 2022-68-3318, Resolution No. SA 2022-69-3319, and Resolution No. HA 2022-14-124 was duly adopted by the City Council of the City of Irwindale at a special meeting thereof held on the 13th day of July 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

Resolution No. 2022-68-3318
Resolution No. SA 2022-69-3319
Resolution No. HA 2022-14-124

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.

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

CC, SA & HA Item 1A1

**JUNE 22, 2022
WEDNESDAY
5:32 P.M.**

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

ROLL CALL:

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

Absent: Councilmember / Board Member Mark A. Breceda

Also Present: Julian A. Miranda, City Manager / Executive Director; Adrian Guerra, City / Board Attorney.

**SPONTANEOUS
COMMUNICATIONS**

There were no speakers.

**RECESS TO
CLOSED SESSION**

At 5:35 p.m., the City Council, Successor Agency to the Irwindale Community Redevelopment Agency, and Housing Authority met in Closed Session to discuss the following:

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

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

ACTION: Discussed, no action taken

Name of Case: City of Irwindale as Successor Agency to the Irwindale Community Redevelopment Agency, et al. v. County of Los Angeles

Case Number: Ventura County Superior Court Case No. 56-2015-00464100-CU-WM-VTA

ACTION: Discussed, no action taken

Liability Claims
Pursuant to Government Code Section 54956.95

Claimant: Fred & Becky Barbosa
Agency Claimed Against: City of Irwindale, Irwindale Housing Authority

ACTION: Discussed; no action taken

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

ACTION: Discussed, no action taken

Conference with Labor Negotiator

Pursuant to California Government Code Section 54957.6

Agency Designated Representatives: Julian A. Miranda, City Manager; Adrian Guerra, Legal Counsel; Mary Hull, Human Resources Manager; Kambiz Borhani, Finance Director / City Treasurer

Employee Organizations: ICEA, IMEA, IPOA, and Unrepresented Employees

ACTION: Discussed, direction provided to staff

**RECONVENE IN
OPEN SESSION**

At 6:58 p.m., the City Council reconvened in Open Session.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 7:00 p.m.

Laura M. Nieto, MMC
Chief Deputy City Clerk

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

**JUNE 22, 2022
WEDNESDAY
7:00 P.M.**

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

ROLL CALL:

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

Absent: Councilmember Mark A. Breceda

Present: Julian A. Miranda, City Manager; Adrian Guerra, City Attorney; Ty Henshaw, Chief of Police; Arsanious Hanna, Director of Engineering / Building Official; Kambiz Borhani, Director of Finance / City Treasurer; Jeanette Duran, Finance Manager; Marilyn Simpson, Community Development Director; Mary Hull, Human Resources Manager, Elizabeth Rodriguez, Public Services Director; Jeff Wagner, Information Technology Manager; Iris Espino, Assistant to the City Manager; and Laura Nieto, Chief Deputy City Clerk

**CHANGES TO THE
AGENDA**

CITY MANAGER
MIRANDA

City Manager Miranda advised that the administration of the Oath of Office for Police Officer Amesola will be conducted at a future Council meeting.

**COUNCILMEMBER
TRAVEL REPORTS**

None.

**COUNCILMEMBER
COMMENTS**

COUNCILMEMBER
ORTIZ

Councilmember Ortiz requested that the meeting be adjourned in memory of Pauline Acosta. He then spoke on his recent attendance at a water conference provided by Water Education for Latino Leaders as well as his attendance at the Gold Line Ceremony held recently wherein they celebrated the halfway point of the project's completion.

MAYOR PRO TEM
AMBRIZ

Mayor Pro Tem Ambriz noted that the Irwindale Community Foundation will tomorrow be distributing banners and yard signs to high school and college graduates, as well as to children that are promoting to middle and high schools.

**INTRODUCTION OF
NEW EMPLOYEES /
PROMOTIONS**

OATH OF OFFICE
TO IRWINDALE
POLICE OFFICER

OATH OF OFFICE TO IRWINDALE POLICE OFFICER LUIS
AMESOLA

LUIS AMESOLA

The event was postponed to a future meeting.

**PROCLAMATIONS /
PRESENTATIONS /
COMMENDATIONS**

CHAMBER OF
COMMERCE
BUSINESS OF THE
MONTH – UNITED
ROCK PRODUCTS

CHAMBER OF COMMERCE BUSINESS OF THE MONTH –
UNITED ROCK PRODUCTS

The presentation was made.

JEFF CAMERON

Jeff Cameron, representing United Rock Products, thanked the Council for the recognition, and encouraged high school seniors to apply for scholarships with the Irwindale Community Foundation. He added that scholarships are also available to college and trade school students.

MAYOR PRO TEM
AMBRIZ

Mayor Pro Tem Ambriz thanked Mr. Cameron and United Rock Products for contributing and for being part of the Foundation's scholarship program.

NICOLE SHAHENIAN

Nicole Shahrenian, President and CEO of the Irwindale Chamber of Commerce, congratulated United Rock Products on the recognition.

**SPONTANEOUS
COMMUNICATIONS**

FRED BARBOSA

Fred Barbosa questioned the sequence of items for discussion on the Closed Session agenda, to which City Attorney Guerra advised that members of the public are allowed to speak during Spontaneous Communications regarding items that are not on the agenda, and as such, he may speak on the claim he submitted to the city. Mr. Barbosa asked that Spontaneous Communications be placed at the end of the Closed Session agenda. He then spoke in support of approval of the claim he and his wife Rebecca submitted against the city.

REBECCA BARBOSA

Rebecca Barbosa spoke in support of approval of the claim she and her husband Fred submitted against the city.

DENA ZEPEDA

Dena Zepeda made allegations of improprieties against Housing Authority staff, thanked United Rock for offering scholarships, thanked the Irwindale Community Foundation for its financial support of city programs, and thanked Huy Fong and Athens. She also thanked all staff involved in utilizing blue lights at the front of City Hall to support the El Monte Police Department, complained about flooding at a speed bump near the Library, suggested honoring Pauline Acosta by installing a plaque with her name at a park bench and requested that the seniors' stories be conserved at the Library.

RALPH GALVAN

Ralph Galvan, Valley County Water District Director, announced an upcoming community workshop and invited the community to attend a public hearing on June 27.

CONSENT CALENDAR

MOTION

A motion was made by Councilmember Ortiz, seconded by Mayor Pro Tem Ambriz, to approve the Consent Calendar. The motion was unanimously approved; Councilmember Garcia abstaining on Item No. 1D.

ITEM NO. 1A
MINUTES

MINUTES

The following minutes were approved:

- 1) Special meeting held May 26, 2022
- 2) Regular meeting held May 26, 2022
- 3) Special joint meeting held June 8, 2022
- 4) Regular meeting held June 8, 2022

ITEM NO. 1B
WARRANTS /
DEMANDS / PAYROLL

WARRANTS / DEMANDS / PAYROLL

The warrants / demands / payroll were approved.

ITEM NO. 1C
CANCELLATION OF
NOVEMBER 23, 2022,
AND DECEMBER 8,
2022, CITY COUNCIL
MEETINGS

CANCELLATION OF NOVEMBER 23, 2022, AND DECEMBER 8, 2022, CITY COUNCIL MEETINGS

RESOLUTION NO.
2022-64-3314
ADOPTED

Resolution No. 2022-64-3314, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, CALIFORNIA, CANCELLING THE NOVEMBER 23, 2022 AND DECEMBER 28, 2022 REGULAR CITY COUNCIL MEETINGS," was approved.

ITEM NO. 1D
CONSIDERATION OF
RESOLUTION
AMENDING THE
COMPENSATION PLAN

CONSIDERATION OF RESOLUTION AMENDING THE
COMPENSATION PLAN

RESOLUTION NO.
2022-61-3311
ADOPTED

Resolution No. 2022-61-3311, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE ESTABLISHING THE NUMBER OF POSITIONS, SCHEDULE OF CLASSES, AND COMPENSATION FOR CITY EMPLOYEES," was adopted.

ITEM NO. 1E
RESOLUTION TO
ACCEPT A DONATION
FROM THE IRWINDALE
COMMUNITY
FOUNDATION

RESOLUTION TO ACCEPT A DONATION FROM THE IRWINDALE
COMMUNITY FOUNDATION (continued from the meeting of June 8,
2022)

RESOLUTION NO.
2022-56-3306
ADOPTED

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," was
adopted.

ITEM NO. 1F
ADOPTION OF
FY 22/23 BUDGET

ADOPTION OF FISCAL YEAR 2022-23 BUDGET

ORDINANCE NO. 761
ADOPTED ON
SECOND READING

Ordinance No. 761, entitled:

"AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
IRWINDALE ADOPTING THE BUDGET FOR FISCAL YEAR 2022-
2023," was adopted.

ITEM NO. 1G
A RESOLUTION TO
EXTEND THE
EXISTENCE OF A
LOCAL EMERGENCY
REGARDING THE
COVID-19 PANDEMIC

A RESOLUTION TO EXTEND THE EXISTENCE OF A LOCAL
EMERGENCY REGARDING THE COVID-19 PANDEMIC

RESOLUTION NO.
2022-66-3316
ADOPTED

Resolution No. 2022-66-3316, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
IRWINDALE, CALIFORNIA, EXTENDING THE EXISTENCE OF A
LOCAL EMERGENCY RELATED TO COVID-19 PANDEMIC
WITHIN THE CITY OF IRWINDALE PURSUANT TO IRWINDALE
MUNICIPAL CODE CHAPTER 2.44," was adopted.

END OF CONSENT CALENDAR

NEW BUSINESS

ITEM NO. 2A
POTENTIAL
HOUSING SITES
FOR COMPLIANCE
WITH THE 2021-2029

POTENTIAL HOUSING SITES FOR COMPLIANCE WITH THE
2021-2029 SCAG 6TH CYCLE REGIONAL HOUSING NEEDS
ASSESSMENT FOR THE HOUSING ELEMENT & GENERAL PLAN
UPDATE (Joint item on Housing Authority agenda)

SCAG 6TH CYCLE
REGIONAL HOUSING
NEEDS

DIRECTOR SIMPSON Director Simpson provided a general overview of the staff report.

MATT KOWTA Matt Kowta, with BAE Urban Economics, made a PowerPoint presentation, wherein he discussed Irwindale RHNA numbers, potential housing sites, density, general criteria for housing sites, the characteristics of various sites throughout Irwindale, zoning overlays, and housing types. He then requested Council direction and discussed next steps.

COUNCILMEMBER
ORTIZ Councilmember Ortiz asked whether the city was required to build housing units in order to meet its Regional Housing Needs Assessment ("RHNA") numbers, to which Director Simpson indicated that city is not obligated to build any housing units. The city's requirement lies in identifying sites that could be used to accommodate these housing numbers so that a developer could potentially build on them.

Councilmember Ortiz added that the residents he has spoken to have expressed their preference in prioritizing Allen Drive for housing, followed by Ramona Blvd., then Central/Crestfield Avenue near Duarte, and Avenida Padilla due to its proximity to the Gold Line Station. He noted that other cities seem to be constructing housing near metro stations.

COUNCILMEMBER
GARCIA Responding to a question by Councilmember Garcia suggested reviewing each site and determining the type housing that the Council would prefer there. He suggested that single-family units be built on Allen Drive, and stated that he was unsure whether single-family units would be favorable at the other sites.

MAYOR BURROLA Mayor Burrola asked how many acres would need to be designated for housing on Allen Drive to meet the city's 119-unit RHNA amount, to which Director Simpson advised that, in order to meet each income category, the minimum is 20 units per acre. For the very low and low-income designations, for example, the 47 units that need to be built would require over 2 acres.

Mayor Burrola also asked about the process of submitting information to the CA Department of Housing and Community Development ("HCD"), to which Mr. Kowta advised that the city would need to identify specific parcels of land and specific acreage at specific zoning densities for RHNA purposes. Staff is requesting clear instruction from the Council relating to the sites and acreage where housing units should be developed so that the information could be presented to the HCD and included in the Draft Housing Element. He further

suggested allowing space for a buffer in case some sites are determined to be unsuitable.

Mayor Burrola asked about SB 827, which he understood to be a bill to assist developers in building townhomes or condominiums near transportation, to which Mr. Kowta indicated that he was unfamiliar with said bill, though he did note that various state laws were made in order to create incentives to facilitate housing development near transit nodes.

Mayor Burrola also asked whether the city would be required to develop additional units even after its 119 required units were developed, to which Mr. Kowta advised that, should this occur, and additional acres have already been zoned for housing, developers may still wish to build on those sites consistent with zoning requirements.

Mayor Burrola suggested looking into Allen Drive as a potential site for housing development.

DENA ZEPEDA

Dena Zepeda suggested designating all 10 acres of Allen Drive for housing, developing garden apartments at Avenida Padilla, and avoid developing housing near Baldwin Park.

MAYOR PRO TEM
AMBRIZ

Mayor Pro Tem Ambriz stated that residents recommended to him that the housing designated for the various income levels not be segregated and spoke against homeowners associations. He then asked whether the intent was to utilize the eminent domain process to take land for housing, which he opposed.

CITY ATTORNEY
GUERRA

Responding to Mayor Pro Tem Ambriz's question, City Attorney Guerra advised that neither the Irwindale Housing Authority nor the State of California would mandate that property owners sell their properties in order to develop housing. He noted, however, that the city is creating the legal framework for a property owner should they wish to develop housing pursuant to city regulations. He explained the zoning overlay functions by stating that, should a private party own a commercial building and wishes to rezone it for housing, but if a developer makes them an offer for the development of housing units, it would be up to the owner whether to accept the proposal or not. He added that the Housing Authority already owns the 10-acre parcel on Allen Drive.

DIRECTOR
SIMPSON

Director Simpson advised that developers do not typically build housing units for one specific income level.

MAYOR PRO TEM
AMBRIZ

Responding to a concern of Mayor Pro Tem Ambriz, Mr. Kowta advised that the city would not have the regulation requiring the sales of housing units to be restricted to certain income levels. Staff is

simply attempting to identify the housing density permitted on the preferred sites.

Mayor Pro Tem Ambriz suggested reserving about six or seven acres of the Allen Drive property for the development of single-family units and leaving the remaining portion for municipal uses or future housing. His second choice for the development of single-family units or townhomes was the Mt. Olive Storage site. His third choice was the Reliance II pit for the development of high-density homes, such as townhomes or condominiums due to its proximity to transportation sources. His fourth choice was Avenida Padilla for the development of high-density housing such as condominiums or garden-style apartments. He recommended against developing housing near Baldwin Park; however, if it was necessary, perhaps high-density housing could be built at Ramona Boulevard. He expressed his certainty that these sites would meet RHNA numbers.

DIRECTOR SIMPSON

Director Simpson asked whether there was any interest in an overlay zone or mixed-use interests, to which Mayor Pro Tem Ambriz stated that it would potentially be done at the Avenida Padilla location.

CHIEF DEPUTY CITY
CLERK NIETO

Chief Deputy City Clerk Nieto noted a question made by a member of the webinar relating to potentially developing a senior apartment complex at the Allen Drive site, to which Mayor Pro Tem Ambriz spoke on the need of senior housing and supported the construction of a senior apartment complex of up to two stories at Allen Drive.

COUNCILMEMBER
ORTIZ

Councilmember Ortiz advised that the residents he has spoken to about this subject have preferred single-family units or townhomes, but opposed apartments. He also concurred that single-family homes, or potentially townhouses, should be developed on Allen Drive. He added that the Crestfield and Avenida Padilla properties would probably also be good locations for townhomes.

COUNCILMEMBER
GARCIA

Councilmember Garcia concurred with the suggestion of the development of condominiums, townhomes, as well as a new senior apartment facility, and suggested seeking additional input from the community regarding whether the senior apartment facility should be mixed in with the rest of the housing units. He also stated that he is open to permitting development at the other sites mentioned, though he would like for the Council to have the final word as to what type of housing should be developed there.

DIRECTOR SIMPSON

Director Simpson suggested focusing on identifying potential sites for housing development. She added that eminent domain is not something that is being discussed, and noted the benefits of establishing an overlay zone which would assist property owners in developing housing on their properties if they so desire.

MAYOR BURROLA	Mayor Burrola thanked staff for their hard work and suggested concentrating on Allen Drive for housing, including senior housing. He suggested keeping in mind past complaints about buildings blocking residents' view of the mountains, so he suggested setting up the new units in a way that does not impede this view. He then stated that Avenida Padilla would also potentially be a good site for development.
MATT KOWTA	Matt Kowta indicated that, since the Housing Authority owns the Allen Drive property, it would have more say in what should be developed there, which probably could not be done on other privately-owned property.
MAYOR BURROLA	Mayor Burrola suggested that staff determine how many acres would need to be reserved for housing at the Allen Drive site to accommodate the 119 homes referenced in the RHNA numbers.
COUNCILMEMBER GARCIA	Councilmember Garcia noted that the Council has previously designated three acres of the Allen Drive property for housing, and suggested that the remaining seven acres be reserved to satisfy other infill criteria, whether it be single-family units, condominiums, etc.
MAYOR BURROLA	Responding to a question by Mayor Burrola, Mr. Kowta expressed his understanding of the Council's desire, which was to reserve three acres of the Allen Drive site for higher density housing, and that the Council would analyze the suggestion at a future meeting to determine whether condos or senior housing should be developed there and whether single family houses or townhomes be developed at the remaining seven acres. He requested similar direction for any of the other sites referenced, such as determining the rough amount of acres to reserve as well as the housing types. He stated that, after this information is received, staff could draft a proposal on how to accommodate the RHNA numbers that would be incorporated into the draft housing element. Once comments and input are received by members of the public and the Council, further refinements can be made before anything is adopted into the General Plan.
COUNCILMEMBER ORTIZ	In response to a question by Councilmember Ortiz, Mr. Kowta indicated that the Council will have more opportunities to provide direction regarding this matter as it moves forward.
COUNCILMEMBER GARCIA	Councilmember Garcia suggested going by Mayor Pro Tem Ambriz's recommendations as to the use of the sites.
COUNCILMEMBER ORTIZ	Councilmember Ortiz reiterated his suggestion to focus on developing single-family dwellings since this is the desire of the residents, and potentially include senior apartments at the site, similar to the existing senior apartments on Ayon. He suggested designating seven acres of the site with the remaining three to serve as a buffer.

MAYOR BURROLA	Mayor Burrola requested clarification as to the acreage that would be needed in order to develop single-family units and senior apartments at Allen Drive.
DIRECTOR SIMPSON	Director Simpson asked if there was consensus amongst the Councilmembers as to the type of housing they would like to see developed on Allen Drive, to which Mayor Pro Tem Ambriz suggested single-family dwellings.
COUNCILMEMBER ORTIZ	Councilmember Ortiz also suggested a senior apartment complex.
DIRECTOR SIMPSON	Director Simpson then requested that the Council identify other potential sites for housing, to which Councilmember Ortiz suggested potentially developing townhomes near Avenida Padilla due to its proximity to the Metro Station and its 20 acres in size, which would potentially allow for developing a large amount of mixed-use units.
MATT KOWTA	Matt Kowta stated that staff would work on the suggestions made by the Council and return with a report that reflects the spirit of the recommendations made.
DIRECTOR SIMPSON	Director Simpson discussed the next steps, such as preparing the draft housing element and providing it for public comment. She noted that staff will also schedule additional community workshops for additional input, with the first one being tentatively scheduled for August.
RECESS	At 8:50 p.m., the City Council took a short recess.
RECONVENE	At 8:58 p.m., the City Council reconvened with all members present.
CITY ATTORNEY GUERRA	City Attorney Guerra recommended that the City Council conduct a revote on Consent Calendar Item No. 1F, since it was approved without having read the title.
<u>ITEM NO. 1F</u> ADOPTION OF FY 22/23 BUDGET	ADOPTION OF FISCAL YEAR 2022-23 BUDGET
ORDINANCE NO. 761 ADOPTED ON SECOND READING	Ordinance No. 761 , entitled: "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IRVINDALE ADOPTING THE BUDGET FOR FISCAL YEAR 2022-2023," was adopted, reading by title only and waiving further reading thereof, on the motion of Councilmember Ortiz, seconded by Mayor Pro Tem Ambriz, and unanimously approved.

ITEM NO. 2B
ADOPT RESOLUTION
APPOINTING
MEMBERS TO THE
IRWINDALE
COMMUNITY
FOUNDATION

ADOPT RESOLUTION NO. 2022-65-3315 APPOINTING MEMBERS
TO THE IRWINDALE COMMUNITY FOUNDATION

CITY MANAGER
MIRANDA

City Manager Miranda presented the staff report.

COUNCILMEMBER
GARCIA

Responding to a question by Councilmember Garcia, City Manager Miranda confirmed that applicant Michelle Duran is a resident of the city, though she marked on her application that she was applying as a business representative.

CHIEF DEPUTY
CLERK NIETO

Chief Deputy City Clerk Nieto advised that she requested clarification from Mrs. Duran regarding her application but has not yet been contacted.

MAYOR PRO TEM
AMBRIZ

Mayor Pro Tem Ambriz spoke highly of Mrs. Duran's service on the Board.

MOTION

A motion was made by Mayor Pro Tem Ambriz, seconded by Councilmember Garcia, to appoint Michelle Duran to the Irwindale Community Foundation.

DENA ZEPEDA

Dena Zepeda commended Mrs. Duran as well as Ruben Tapia, who she stated have represented the interests of residents very well.

MAYOR BURROLA

Mayor Burrola thanked the applicants for their interest in serving the community.

ROLL CALL

The above-mentioned motion was unanimously approved.

MOTION

A motion was made by Mayor Burrola, seconded by Mayor Pro Tem Ambriz, to appoint Ruben Tapia to the Irwindale Community Foundation. The motion was unanimously approved.

MOTION

A motion was made by Councilmember Ortiz, seconded by Councilmember Garcia, to appoint Mayor Burrola to the Irwindale Community Foundation. The motion was unanimously approved.

RESOLUTION NO.
2022-65-3315
ADOPTED

Resolution No. 2022-65-3315, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE APPOINTING MEMBERS TO THE IRWINDALE COMMUNITY FOUNDATION", was adopted, thereby appointing Michelle Duran, Ruben Tapia, and Larry Burrola as the City Council Representative to the Foundation Board.

PUBLIC HEARINGS

ITEM NO. 3A
PUBLIC HEARING
FOR IRWINDALE
BUSINESS CENTER
SEWER AND STREET
LIGHTING AND
MAINTENANCE
ASSESSMENT
DISTRICTS

PUBLIC HEARING FOR IRWINDALE BUSINESS CENTER SEWER
AND STREET LIGHTING MAINTENANCE ASSESSMENT
DISTRICTS

MANAGER DURAN

Manager Duran presented the staff report.

OPEN
PUBLIC HEARING

At 9:11 p.m., Mayor Burrola opened the public hearing.

CLOSE
PUBLIC HEARING

There being no speakers, Mayor Burrola closed the public hearing at
9:11 p.m.

RESOLUTION NO.
2022-63-3313
ADOPTED

Resolution No. 2022-63-3313, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
IRWINDALE, CALIFORNIA, ORDERING THE LEVY AND
COLLECTION OF ASSESSMENTS FOR THE FISCAL YEAR 2022-
2023, BEGINNING JULY 1, 2022, AND ENDING JUNE 30, 2023,
FOR MAINTENANCE, OPERATION, AND CAPITAL
REPLACEMENT OF THE CITY'S SANITATION AND SEWAGE
SYSTEMS WITHIN THE SEWER MAINTENANCE DISTRICT
LOCATED WITHIN THE IRWINDALE BUSINESS CENTER," and

RESOLUTION NO.
2022-62-3312
ADOPTED

Resolution No. 2022-62-3312, entitled:

"A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
IRWINDALE, CALIFORNIA, ORDERING THE LEVY AND
COLLECTION OF ASSESSMENTS FOR THE FISCAL YEAR 2022-
2023, BEGINNING JULY 1, 2022, AND ENDING JUNE 30, 2023,
FOR MAINTENANCE OF STREET LIGHTING LOCATED WITHIN
THE EXISTING IRWINDALE BUSINESS CENTER STREET
LIGHTING MAINTENANCE DISTRICT," were adopted, on the motion
of Councilmember Ortiz, seconded by Mayor Pro Tem Ambriz, and
unanimously approved.

**CITY MANAGER'S
REPORT**

CITY MANAGER
MIRANDA

City Manager Miranda reported the following:

- 1) The city is hosting a five-part financial literacy workshop in
partnership with SCE Federal Credit Union on Tuesdays

- beginning July 12.
- 2) The CA Dept. of Transportation will close the westbound I-10 at the San Gabriel River Bridge from July 13-19 for a bridge upgrade project.
 - 3) The city will host a mobile COVID-19 vaccine clinic in partnership with Los Angeles County during the July 28 Music in the Park event.
 - 4) The Music in the Park concert program will begin on June 30.
 - 5) The Red, White, and You event will take place on July 2.
 - 6) The July 4th Fireworks Spectacular will begin at 9 p.m.
 - 7) The Summer Lunch Program began last week.

AGENDA ITEMS
REQUESTED BY
COUNCILMEMBERS

ITEM NO. 5(1)
REQUEST BY
COUNCILMEMBER
ORTIZ REGARDING
LEFT TURN SIGNAL
AT ARROW HIGHWAY
AND VINCENT

REQUEST BY COUNCILMEMBER ORTIZ REGARDING LEFT
TURN SIGNAL AT ARROW HIGHWAY AND VINCENT (verbal)

DIRECTOR HANNA

Director Hanna presented the update. He advised that the signal light located at the Arrow/Vincent intersection is shared between the cities of Irwindale and Azusa as well as the County of Los Angeles. The design, plans, and specifications, as well as the cost estimate, have all been reviewed and approved by all three entities, and Irwindale staff is working to secure a cooperative agreement between the three to ensure that each agency contributes its fair share. The County of Los Angeles is currently waiting for review and approval of the agreement by its legal counsel. Once the agreement is finalized, staff will issue a Request for Proposals to invite contractors to bid on the project. Updates will be presented to the Council as they become available.

ITEM NO. 5(2)
REQUEST BY
COUNCILMEMBER
ORTIZ REGARDING
ADDRESS CURB
PAINTING

REQUEST BY COUNCILMEMBER ORTIZ REGARDING ADDRESS
CURB PAINTING (verbal)

COUNCILMEMBER
ORTIZ

Councilmember Ortiz noted that some residents have asked about painting curb addresses throughout the city since some have experienced problems with mis-delivered mail and packages, to which Director Rodriguez advised that the Municipal Code limits curb painting to non-profit, charitable organizations. She advised that such organizations have previously obtained encroachment permits in

order to paint address numbers at curb in exchange for a donation to the organization. She further indicated that she also contacted several local cities to gain insight into their processes, and noted that the cost to paint address numbers varies from \$30 - \$50 per house.

COUNCILMEMBER
ORTIZ

Councilmember Ortiz stated that such organizations have requested donations of approximately \$5 in the past for said service, and asked whether city workers can perform the work, to which City Attorney Guerra advised that he would look into the request, although his first inclination is that it would be permissible since it would serve a public health and safety purpose.

ITEM NO. 5(3)
VERBAL UPDATE ON
RED, WHITE, AND
YOU EVENT

VERBAL UPDATE ON RED, WHITE, AND YOU EVENT (Requested by Mayor Burrola)

DIRECTOR RODRIGUEZ Director Rodriguez presented the update with information regarding the event.

MAYOR BURROLA

Mayor Burrola expressed his anticipation for the event.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 9:25 p.m., in memory of Pauline Acosta.

Laura M. Nieto, MMC
Chief Deputy City Clerk

CITY OF IRWINDALE
PAYROLL WARRANT REGISTER
June 2022

CC Item 1B

Payroll Batch 428-06-22, 429-06-22
DATE OF ISSUE DEPARTMENT
6/2/22

AMOUNT

11	City Council	1,731.15
13	City Administrative Office	51,222.19
14	Finance Department	26,752.03
15	Summer Youth	-
35	Police Department	219,971.51
40	Recreation Department	23,544.39
41	Aquatics Department	8,107.27
42	Senior Citizens' Center	16,435.80
44	Library	13,473.27
51	Planning & Community Development	25,303.90
52	Public Works - Engineering	31,297.18
57	Public Works - Services	49,549.68
	Gross Payroll	467,388.37
	Required Deductions	(136,741.15)
	Voluntary Deductions	(16,465.22)
	Net Payroll	314,182.00

Payroll Batch 411-06-22, 412-06-22
DATE OF ISSUE DEPARTMENT
6/16/22

AMOUNT

11	City Council	7,535.59
13	City Administrative Office	50,203.99
14	Finance Department	24,408.90
15	Summer Youth	-
35	Police Department	193,181.62
40	Recreation Department	22,286.52
41	Aquatics Department	11,634.12
42	Senior Citizens' Center	16,181.71
44	Library	12,496.46
51	Planning & Community Development	24,299.74
52	Public Works - Engineering	30,939.19
57	Public Works - Services	49,761.42
	Gross Payroll	442,929.26
	Required Deductions	(126,949.92)
	Voluntary Deductions	(18,106.66)
	Net Payroll	297,872.68

Payroll Batch 425-06-22, 426-06-22, 427-06-22
DATE OF ISSUE DEPARTMENT
6/30/22

AMOUNT

11	City Council	1,731.15
13	City Administrative Office	50,467.22
14	Finance Department	24,460.00
15	Summer Youth	6,993.75
35	Police Department	189,005.40
40	Recreation Department	27,331.94
41	Aquatics Department	21,457.51
42	Senior Citizens' Center	15,790.86
44	Library	14,312.52
51	Planning & Community Development	24,463.19
52	Public Works - Engineering	30,939.19
57	Public Works - Services	49,554.25
	Gross Payroll	456,506.98
	Required Deductions	(117,427.57)
	Voluntary Deductions	(16,438.22)
	Net Payroll	322,641.19

Accounts Payable

Checks by Date - Summary by Check Number

User: imarin
Printed: 7/7/2022 4:53 PM



Check No	Vendor No	Vendor Name	Check Date	Check Amount
77200	CALIFO56	California State Disbursement Unit	06/16/2022	604.15
77201	CALIFO57	California State Disbursement Unit	06/16/2022	143.07
77202	CITY01	City of Hope	06/16/2022	54.00
77203	FRANC06	Franchise Tax Board	06/16/2022	783.86
77204	IMEA	Irwindale Mgmt Employee Assoc.	06/16/2022	480.00
77205	IRWIND02	Irwindale Police Officers Assoc.	06/16/2022	3,288.10
77206	ACOSTA01	Carol Acosta	06/16/2022	312.00
77207	AGUILA07	Berlyn Aguila	06/16/2022	28.00
77208	ALLIAN02	Alliant Insurance Services, Inc.-NPB Main	06/16/2022	1,444.00
77209	AMERIC34	American Fidelity Assurance Co	06/16/2022	2,733.64
77210	API01	Rey Apita	06/16/2022	195.61
77211	ARTEAG	Roberto M. Arteaga	06/16/2022	75.00
77212	BURGUA01	Rene Burguan	06/16/2022	1,500.00
77213	CONCE01	Concentra	06/16/2022	355.00
77214	FRONT01	Frontier Communications	06/16/2022	366.70
77215	HANNA01	Arsanious Hanna	06/16/2022	771.20
77216	ICEA	Irwindale City Employee Assoc.	06/16/2022	638.00
77217	LEDEZMA	Erica Ledezma	06/16/2022	360.00
77218	LEGAL03	Legal Shield	06/16/2022	37.90
77219	NIETO01	Laura Nieto	06/16/2022	185.00
77220	PHASEII	PARS	06/16/2022	1,750.00
77221	PATTER02	Kathleen Patterson	06/16/2022	71.63
77222	RANCHO01	Rancho Duarte Florist	06/16/2022	217.19
77223	ROCH01	Sarah Rocha	06/16/2022	37.41
77224	STATEO01	State Of California	06/16/2022	608.00
77225	TAPIA11	Sylvia Tapia	06/16/2022	570.00
77226	TEXAS01	Texas Life Insurance Co.	06/16/2022	3,463.34
77227	VALLEY01	Valley County Water District	06/16/2022	9,684.63
77228	verizonw	Verizon Wireless	06/16/2022	2,292.40
77229	WALT01	Walters Wholesale Electric Co.	06/16/2022	623.68
77230	WECOU01	We Count People LLC	06/16/2022	416.00
77231	WONDER02	Wonders of Wildlife	06/23/2022	320.00
77232	AMAZON	Amazon	06/23/2022	969.33
77233	ARIAS01	Michael Arias	06/23/2022	345.17
77234	BANKOF03	Bank of The West	06/23/2022	19,922.54
77235	CABI01	Nabor Cabibil	06/23/2022	300.00
77236	ESPARZ	Joel Esparza	06/23/2022	75.00
77237	GARCII12	Rocio Garcia	06/23/2022	75.00
77238	GOMEZS	Suzanne Gomez	06/23/2022	20.00
77239	GUZMANM	Maggie Guzman	06/23/2022	75.00
77240	HERNA01	Inez Hernandez	06/23/2022	75.00
77241	LOGAN01	Barbara Logan	06/23/2022	87.00
77242	MACIA01	Guadalupe Macias	06/23/2022	75.00
77243	MAREZL	Linda S. Marez	06/23/2022	75.00
77244	MORA01	Maria Morago	06/23/2022	10.00
77245	OROSCON	Natalie Orosco	06/23/2022	75.00
77246	POLANC01	Hugo Polanco	06/23/2022	75.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
77247	ROYAL04	Royal Industrial Electric	06/23/2022	449.16
77248	SCOF01	Victoria Scofield	06/23/2022	2.00
77249	SILV02	Maria Silva	06/23/2022	75.00
77250	VELAS01	Melissa Velasquez	06/23/2022	75.00
77251	WU01	Elvie Wu	06/23/2022	75.00
77252	YANE01	Vanessa Yanez	06/23/2022	300.00
77253	ZHAN01	William Zhang	06/23/2022	37.00
77254	ACEROD	David Acero	06/30/2022	197.99
77255	ACOS10	Matthew Acosta	06/30/2022	77.91
77256	ALVARA04	Aundrea Alvarado	06/30/2022	3,074.98
77257	AMERIC34	American Fidelity Assurance Co	06/30/2022	2,733.64
77258	ARIAS01	Michael Arias	06/30/2022	321.97
77259	AT&T02	AT & T	06/30/2022	31.30
77260	AT&T06	AT & T	06/30/2022	63.97
77261	CINGULAR	AT & T Mobility	06/30/2022	1,666.76
77262	AWE02	Awesome Events Inc.	06/30/2022	3,875.00
77263	BALLI01	Shayna Balli	06/30/2022	481.21
77264	NEST01	Blue Triton Brands, Inc.	06/30/2022	600.78
77265	BURROL13	Enoch Burrola	06/30/2022	169.95
77266	CARDEN01	Rudy Cardenas	06/30/2022	150.00
77267	CHARTE01	Charter Communications	06/30/2022	467.71
77268	CONCE01	Concentra	06/30/2022	390.00
77269	ESPINO09	Juan Espino	06/30/2022	308.69
77270	FRONT01	Frontier Communications	06/30/2022	46.51
77271	GALVAN02	Claudia Galvan	06/30/2022	160.00
77272	GAMEZ01	Pablo Gamez	06/30/2022	353.41
77273	GARC20	Sandy Garcia	06/30/2022	75.00
77274	HARTMA01	Robert Hartman	06/30/2022	45.25
77275	HERNAN32	Joe Hernandez	06/30/2022	1,400.00
77276	HINDER	Hinderliter, De Llamas & Assoc	06/30/2022	1,715.77
77277	HULL01	Mary Hull	06/30/2022	262.95
77278	JOHNS01	Glen Johnsen	06/30/2022	106.56
77279	MAGA01	Juan Magana	06/30/2022	164.25
77280	MARINJ	Jose Marin Jr.	06/30/2022	285.98
77281	MART20	Sam A. Martinez	06/30/2022	400.00
77282	MCIWOR	MCI Comm Service	06/30/2022	72.54
77283	MIRAN10	Julian Miranda	06/30/2022	19.99
77284	NIETO02	Carlos Nieto III	06/30/2022	300.00
77285	NOCOM01	Natalie Nocom	06/30/2022	390.25
77286	OCEGUE01	Lilia Ocegueda	06/30/2022	17.50
77287	OPTUM01	OptumRx, Inc.	06/30/2022	37,507.19
77288	PURCHA	Purchase Power	06/30/2022	4,197.87
77289	RODRIG14	Pedro Rodriguez	06/30/2022	187.41
77290	ROMANC	Carmen M. Roman	06/30/2022	43.99
77291	SILV01	Randy Silva	06/30/2022	296.85
77292	SIMPSO01	Marilyn Simpson	06/30/2022	529.15
77293	STROBE01	Doniell Strobehn	06/30/2022	325.68
77294	STROBE03	Gary Strobehn	06/30/2022	569.01
77295	TPX 01	TPX Communications	06/30/2022	2,482.43
77296	TYLER01	Jeff Tyler	06/30/2022	253.55
77297	ZEPEDAF	Frank Zepeda	06/30/2022	305.95
77298	CALIFO56	California State Disbursement Unit	06/30/2022	604.15
77299	CALIFO57	California State Disbursement Unit	06/30/2022	143.07
77300	ICEA	Irwindale City Employee Assoc.	06/30/2022	1,122.00
77301	ALLISO01	Allison Mechanical, Inc	07/13/2022	3,225.62
77302	ARAM01	Aramark Uniform & Career Apparel Group	07/13/2022	177.11
77303	AZUSAP01	Azusa Plumbing Supply	07/13/2022	14.55

Check No	Vendor No	Vendor Name	Check Date	Check Amount
77304	B&BTIR	B & B Tires Service	07/13/2022	3,045.26
77305	BAKER01	Baker & Taylor Books	07/13/2022	649.15
77306	BARNEY	Barney's Locksmith Service	07/13/2022	910.67
77307	BILLST	Bill's Truck Repair, Inc.	07/13/2022	318.00
77308	BLACKA	Black & White Emergency Vehicles	07/13/2022	100.00
77309	BRITEW	BriteWorks, Inc.	07/13/2022	13,539.95
77310	CASC01	CASC Engineering & Consulting	07/13/2022	465.00
77311	CINTAS	Cintas Corporation #693	07/13/2022	542.64
77312	CIVIC02	CivicPlus, LLC	07/13/2022	18.49
77313	CTCT01	Columbia Telecommunications Corporation	07/13/2022	3,868.33
77314	LOSANG33	County of Los Angeles	07/13/2022	80,095.64
77315	DELONG	Delong Unlimited	07/13/2022	2,153.73
77316	DEMCOI	Demco, Inc.	07/13/2022	194.58
77317	DUDEK01	Dudek	07/13/2022	7,410.00
77318	ENVIRO05	Environmental Science Associates (ESA)	07/13/2022	20,676.92
77319	FCG01	FCG Consultants Inc.	07/13/2022	7,918.45
77320	FEDEX	FedEx	07/13/2022	17.08
77321	GARVEY	Garvey Equipment Co	07/13/2022	365.36
77322	HASA01	Hasa Inc.	07/13/2022	2,138.70
77323	IRWIND23	Irwindale Business Center	07/13/2022	414.38
77324	ITERIS	Iteris, Inc.	07/13/2022	7,128.00
77325	JCSPLU	JC's Plumbing & Backflow Svc	07/13/2022	320.00
77326	KATZ01	Jeff Katz Architecture	07/13/2022	3,952.00
77327	JOHNNY02	Johnny's Pool Service	07/13/2022	131.86
77328	COORYE	Samir M. Khoury	07/13/2022	4,670.00
77329	KJSERV01	KJ Services Enviromental Consulting LLC	07/13/2022	1,122.35
77330	KLEI001	Kleinfelder, Inc.	07/13/2022	1,292.25
77331	LAKESH01	Lakeshore Learning Materials	07/13/2022	274.78
77332	LANDSC	Landscape Warehouse III Inc.	07/13/2022	51.70
77333	LG2WB01	LG2WB Engineers, Inc	07/13/2022	362.00
77334	LOSANG09	Los Angeles County	07/13/2022	21,602.50
77335	LSA01	LSA Associates, Inc.	07/13/2022	32,123.81
77336	MIDAS	Manuel C Muratalla	07/13/2022	1,494.35
77337	CALIBE01	Lawrence E. Marino	07/13/2022	1,684.09
77338	MARIPO	Mariposa Landscapes, Inc.	07/13/2022	2,360.00
77339	MAVE01	Maverick Networks, Inc	07/13/2022	4,995.00
77340	NETMOTIO	NetMotion Wireless, Inc.	07/13/2022	2,161.12
77341	NORMWI	Norm Wilson & Sons, Inc	07/13/2022	3,900.00
77342	OFFICE03	Office Depot	07/13/2022	5,378.91
77343	ORKINP	Orkin Pest Control	07/13/2022	302.00
77344	PLACE01	PlaceWorks, Inc.	07/13/2022	5,009.30
77345	PROPRINT	Pro Printing, Inc.	07/13/2022	197.35
77346	RAINBO01	Rainbow Printing & Rainbow Magnets	07/13/2022	875.00
77347	RICOH01	Ricoh USA, Inc	07/13/2022	1,448.80
77348	RIGHT01	Right of Way, Inc.	07/13/2022	657.99
77349	ROSENO	Rosenow Spevacek Group Inc	07/13/2022	1,237.50
77350	SIERRA01	Sierra Chevrolet	07/13/2022	97.43
77351	SIERRA02	Sierra Chrysler/Dodge/Jeep/Ram	07/13/2022	4,236.54
77352	SIRCHI	Sirchie Finger Print Lab. Inc	07/13/2022	112.77
77353	SPRING	Springbrook Software, Inc.	07/13/2022	565.63
77354	NORTHTR	The Northridge Group, Inc.	07/13/2022	6,408.22
77355	TRAN01	Transtech Engineers, Inc.	07/13/2022	4,320.00
77356	ULINE01	Uline	07/13/2022	149.56
77357	UNITED11	United Site Services of CA Inc	07/13/2022	538.18
77358	WEATH01	Weatherproofing Technologies, Inc.	07/13/2022	2,600.00
77359	WESTCO05	West Coast Arborists, Inc.	07/13/2022	10,380.00
77360	WILLDAN	Willdan Financial Services	07/13/2022	7,819.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
77361	Z&K01	Z&K Consultants, Inc.	07/13/2022	50,428.50
77362	CALIFO01	California Contract Cities	07/13/2022	3,800.00
77363	CIVIC02	CivicPlus, LLC	07/13/2022	206.51
77364	JOEAGO	Joe A. Gonsalves & Son	07/13/2022	2,375.00
77365	LEAGUE02	League Of California Cities	07/13/2022	924.00
77366	SOUTHE04	Southern CA Assoc Of Governmts	07/13/2022	256.00
77367	STERIC01	Stericycle, Inc.	07/13/2022	91.29
77368	UNITED11	United Site Services of CA Inc	07/13/2022	126.32
Report Total (169 checks):				475,100.05

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

City of
IRWINDALE
AGENDA REPORT

Date: July 13, 2022

To: Honorable Mayor and Members of the City Council

From: Julian A. Miranda, City Manager

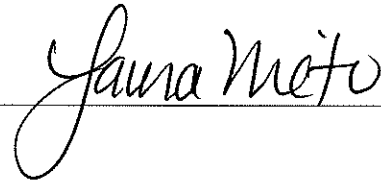
Issue: Proposed End-of-Year Closure of City Facilities for 2022

City Manager's Recommendation:

Approve the closure of some City facilities during the period of Monday, December 26, 2022 through and including Sunday, January 8, 2023, and authorize the City Manager to implement said closure.

Prepared / Submitted by:

Laura Nieto, Chief Deputy City Clerk



Reviewed by:

Adrian R. Guerra, City Attorney

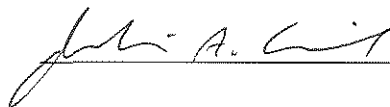
Electronically Approved

Kambiz Borhani, Finance Director / City Treasurer

Electronically Approved

Approved by:

Julian A. Miranda, City Manager



Background and Analysis:

For the past fourteen years, the City Council has authorized end-of-year closures; the closures have been for a period of one and one-half to two weeks. The closures have proven to be very successful. Employees have reacted positively to the extended time off, and because this time of year is historically very slow, we have not received any complaints from the public as a result of the closure.

We are again proposing a two-week end-of-year closure from Monday, December 26, 2022 through and including Sunday, January 8, 2023. The closure will require affected employees to use their leave accruals or take time off without pay if they do not have sufficient leave accruals.

There are several reasons to favorably consider this closure:

- This time of year is historically a very slow time in most departments (both internally and externally) so the impact to public services is minimal;
- If the entire department is out during this slow period there will not be a backlog of work an employee typically faces upon return to work after a vacation;
- This could result in a savings to the City in that employees will take the time off using accrued leave, which reduces the City's leave liability;
- There would be modest reduction in utilities expense, fuel and supplies consumption;
- This would enable employees in one-and two-person departments to be off at the same time without impacting service to the public.

It is proposed that all departments would close to the public with the exception of Police (Records and Administrative staff excluded) and Recreation. We are proposing that employees be offered the option to use accrued leave (comp time, floating holiday, vacation, or administrative leave) or take the time off with no pay. The holiday schedule for 2022 will require the use of 80 hours of leave during the proposed closure period from Monday, December 26, 2022 through and including Sunday, January 8, 2023. All departments and impacted bargaining units (IMEA and ICEA) have been consulted regarding this potential closure, as the MOU with these bargaining units provides that the City Manager and City Council may authorize the closure after advance notification to all employees, residents, and other stakeholders. The City Manager may authorize, on a case-by-case basis, an employee to work during the closure to meet critical work deadlines or demands.

As in previous years, future decisions to close will be made on a year-to-year basis after consideration on impact to operations and the public, meeting with departments and bargaining units, and at the discretion of the City Manager.

Fiscal Impact:

No additional cost to the City; instead would most likely result in savings as mentioned above relating to utilities, fuel, accrued leave reduction and other operating expenses.

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

City of
IRWINDALE
AGENDA REPORT

Date: July 13, 2022
To: Honorable Mayor and Members of the City Council
From: Julian A. Miranda, City Manager
Issue: Measure A Grant Funds

City Manager's Recommendation:

- 1) Appoint the City Manager, Assistant City Manager and Public Services Director as authorized City Representatives and approve and authorize these City Representatives to apply for, accept, and administer all Measure A grant funds.
- 2) Approve Resolution No. 2022-67-3317, entitled "A Resolution of the City Council of the City of Irwindale Rescinding Resolution No. 2020-12-3172 in its Entirety, and Authorizing City Staff to Apply For, Accept, and Administer Any and All Measure A Grant Funds For the City of Irwindale."

Administrative Action:

Submitted & Prepared by:

Elizabeth Rodriguez, Public Services Director

Electronically Approved

Reviewed by:

Adrian R. Guerra, City Attorney

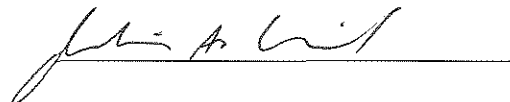
Electronically Approved

Kambiz Borhani, Finance Director/City Treasurer

Electronically Approved

Approved by:

Julian A. Miranda, City Manager



Background and Analysis:

On November 8, 2016, voters of Los Angeles County approved Measure A with a 75% approval rate. Measure A is a 1.5 cents parcel tax that generates an estimated \$96.8 million in annual funding that can be used to improve, acquire, develop, and maintain park and recreational facilities within Los Angeles County.

There are two different types of Measure A grants available to all cities that were incorporated in Los Angeles County at the time Measure A was passed. Qualified cities can apply for annual allocations, which are distributed under the Community-based Park Investment Program (CPIP) and are for eligible park projects. Upon the completion of these eligible park projects, cities can then apply to use its Maintenance and Services Distribution (M&S Distribution) funds. Fund allocations are determined by actual parcel taxes paid for, study area and population. The City of Irwindale's accumulated CPIP allocation is at \$113,764.60 and the M&S Distribution is at \$116,334.79.

Cities must remain in good standing in order to apply for and use these funds. As such, the Los Angeles County Regional Park and Open Space District requires cities to submit annually their most recent financial statements audit (Annual Comprehensive Financial Reports, ACFR, are acceptable), an intent to apply for annual allocations report, and provide written support from the City Council authorizing a city representative to apply for, accept, and administer Measure A grant funds.

The City has identified the Irwindale Park Improvement Project Phase IV & V as an eligible park project. In order to apply for the funds for this project, City Council must provide an updated resolution identifying City representatives authorized to apply for, accept, and administer Measure A grants.

On January 22, 2020, City Council approved Resolution No. 2020-12-3172, which authorized the City Manager, Assistant City Manager, and Public Works Services Manager as the city representatives. Staff is requesting the City Council rescind this resolution and approve the updated Resolution No. 2022-67-3317, which removes the Public Works Services Manager and adds the Public Services Director as an approved city representative authorized to apply for, accept, and administer Measure A grants.

Fiscal Impact:

Applying for and receiving the Measure A grant will alleviate approximately \$113,764.60 from the general fund to complete the Irwindale Park Improvement Project Phases IV & V. Staff is working with the Los Angeles County Regional Park and Open Space District to see what portions of the Park Improvement Project can use the \$116,334.79 from the City's maintenance and services balance. These funds can only be used on City projects that were completed under Prop A in the late 1990s and early 2000s.

Attachment(s):

1. Resolution No. 2022-67-3317

RESOLUTION NO. 2022-67-3317

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE RESCINDING RESOLUTION NO. 2020-12-3172 IN ITS ENTIRETY, AND AUTHORIZING CITY STAFF TO APPLY FOR, ACCEPT, AND ADMINISTER ALL MEASURE A GRANT FUNDS FOR THE CITY OF IRWINDALE

WHEREAS, On November 8, 2016, voters of Los Angeles County approved Measure A with a 75% approval rate. Measure A is a 1.5 cents parcel tax that generates an estimated \$96.8 million in annual funding; and

WHEREAS, Measure A funds can be used to improve, acquire, develop, and maintain park and recreational facilities with the Los Angeles County; and

WHEREAS, there are two types of funds cities can apply for under Measure A, Community-based Park Investment Program and Maintenance and Services Distribution; and

WHEREAS, the City of Irwindale's accumulated Community-based Park Investment allocation is \$113,764.60; and

WHEREAS, the City of Irwindale's accumulated Maintenance and Services Distribution funds is \$116,334.79; and

WHEREAS, Measure A Grant Administer Los Angeles County Regional Park and Open Space District requires cities to be in good standing in order to receive these grants; authorize a city representative to apply for, accept, and administer grant funds; and submit annually their most recent financial statements audit and an intent to apply for allocations report; and

WHEREAS, on January 22, 2020, the City Council adopted Resolution No. 2020-12-3172 appointing and authorizing the City Manager, Assistant City Manager, and the Public Works Services Manager to apply for, accept, and administer all Measure A Funds; and

WHEREAS, the City Council desires to rescind Resolution No. 2020-12-3172 in its entirety, and appoint and authorize the City Manager, Assistant City Manager, and the Public Services Director as the City's authorized representatives to apply for, accept, and administer all Measure A Funds; and

WHEREAS, City Staff has identified the Irwindale Park Improvements Project Phases IV & V as an eligible park project to utilize these grant funds.

NOW, THEREFORE, the City Council of the City of Irwindale does hereby find and determine as follows:

SECTION 1. The above recitals are true and correct. .

SECTION 2. The City Council hereby rescinds Resolution No. 2020-12-3172 in its entirety, and the same shall have no further force or effect.

SECTION 3. The City Council hereby appoints and authorizes the City Manager, Assistant City Manager, and Public Services Director as the City's authorized representatives to apply for, accept, and administer all Measure A Funds. The City Manager, Assistant City Manager, and the Public Services Director are hereby authorized to take all reasonable steps necessary to carry out the intent of this Resolution.

SECTION 4. The Chief Deputy City Clerk shall certify to the passage and adoption of this Resolution, and the same shall thereupon take immediate effect and be in force.

PASSED, APPROVED, AND ADOPTED this 13th day of July 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. 2022-67-3317 was adopted at a regular meeting of the City of Irwindale held on July 13, 2022, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

Laura M. Nieto, MMC
Chief Deputy City Clerk

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

City of
IRWINDALE
AGENDA REPORT

Date: July 13, 2022
To: Honorable Mayor and Members of the City Council
From: Julian A. Miranda, City Manager
Issue: Claims Time Tolling Policy

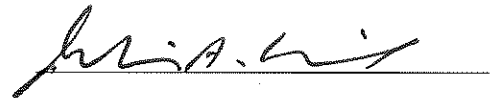
City Manager's Recommendation:

Adopt Resolution No. 2022-71-3321 entitled, "A Resolution of the City Council of the City of Irwindale, Delegating Joint Authority To the City Manager and the City Attorney To Enter Into Agreements To Toll The Time For Response To Claims Under the Government Claims Act" by title only, with further reading waived.

Administrative Action:

Submitted & Prepared Jointly by:

Julian A. Miranda, City Manager



Adrian R. Guerra, City Attorney

Electronically Approved

Reviewed by:

Adrian R. Guerra, City Attorney

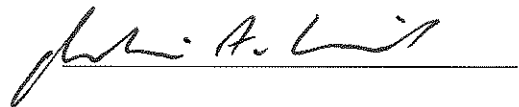
Electronically Approved

Kambiz Borhani, Finance Director/City Treasurer

Electronically Approved

Approved by:

Julian A. Miranda, City Manager



Background and Analysis:

The Government Code and Irwindale's Charter provide the City Council with the ability to delegate powers in its purview.

Section 912.4(b) of the Government Code provides that the City Council and a claimant under the Government Claims Act may enter into a written agreement to extend the time period within which the City Council is required to act upon a government claim either (1)

before the expiration of the period or (2) after the expiration of the period if an action based on the claim has not been commenced and is not yet barred by the period of limitations provided in Government Code section 945.6.

California Government Code Section 935.4 provides that a local public entity may authorize an employee of the local public entity to perform those functions of the governing body of the public entity under the Government Claims Act that are prescribed by the local public entity. The code allows for delegation of power to perform functions such as entering into agreements and settlements.

Irwindale Municipal Code Section 2.08.050 provides that the City Manager shall enforce all laws and rules and regulations, and assume any duties delegated to the City Manager by the City Council.

Government Code section 41801 provides that the City Attorney will advise on all legal matters pertaining to city business, and Government Code Section 41803 provides a city attorney will provide legal services required from time to time by the city's legislative body. Irwindale's Charter Section 705(d) states in part that the City Attorney "shall perform such other duties as may be required of him by the City Council."

There is a limited time to respond to government claims provided in the code. Government Code section 912.4(a) of the Government Claims Act provides that the City Council shall act on a government claim within 45 days after the claim has been presented. However, in some instances, the City's investigation into the claim will take longer than the 45-day period. In such instances, an extension of the time to act on the claim may be necessary to ensure that the City Council may fully consider the claim, and is not forced to act based on false, inaccurate, or incomplete information.

Delegation of limited joint authority to the City Manager and the City Attorney to enter into agreements to extend the time period within which the City Council is required to act upon a government claim pursuant to Government Code sections 912.4 and 935.4 will allow the City to undergo any necessary investigations into claims and facilitate administrative efficiency. It is therefore recommended that the City Council adopt Resolution No. 2022-71-3321 Delegating Joint Authority To the City Manager and the City Attorney To Enter Into Agreements To Toll The Time For Response To Claims Under the Government Claims Act.

Fiscal Impact:

None.

Attachment(s):

1. Resolution No. 2022-71-3321

RESOLUTION 2022-71-3321

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE, CALIFORNIA, DELEGATING JOINT AUTHORITY TO THE CITY MANGER AND THE CITY ATTORNEY TO ENTER INTO AGREEMENTS TO TOLL THE TIME FOR RESPONSE TO CLAIMS UNDER THE GOVERNMENT CLAIMS ACT

WHEREAS, Section 2.08.050 of the Irwindale Municipal Code provides for the City Manager to enforce all laws, and rules and regulations of the city and perform other duties from time to time delegated to him by the council; and

WHEREAS, Government Code section 41801 provides that the city attorney will advise on all legal matters pertaining to city business. Section 41803, of the Government Code and Section 705 of the Irwindale City Charter provide that the city attorney shall perform other legal services required from time to time by the legislative body; and

WHEREAS, Government Code section 912.4(a) of the Government Claims Act provides that the City Council shall act on a government claim within 45 days after the claim has been presented. However, in some instances, the City's investigation into the claim will take longer than the 45-day period. In such instances, an extension of the time to act on the claim may be necessary to ensure that the City Council may fully consider the claim, and is not forced to act based on false, inaccurate, or incomplete information; and

WHEREAS, section 912.4(b) of the Government Code provides that the City Council and a claimant under the Government Claims Act may enter into a written agreement to extend the time period within which the City Council is required to act upon a government claim either (1) before the expiration of the period or (2) after the expiration of the period if an action based on the claim has not been commenced and is not yet barred by the period of limitations provided in Government Code section 945.6; and

WHEREAS, Section 935.4 of the Government Code provides that a local public entity may authorize an employee of the local public entity to perform those functions of the governing body of the public entity under the Government Claims Act that are prescribed by the local public entity; and

WHEREAS, delegation of limited joint authority to the City Manager and the City Attorney to enter into agreements to extend the time period within which the City Council is required to act will allow the City to undergo any necessary investigations into claims and facilitate administrative efficiency; and

WHEREAS, the City Council now desires to delegate limited joint authority to the City Manager and the City Attorney to enter into agreements to extend the time period

within which the City Council is required to act upon a government claim pursuant to Government Code sections 912.4 and 935.4.

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

SECTION 1. The City Council hereby delegates limited joint authority to the City Manager and City Attorney to take all administrative actions necessary to enter into written agreements to extend the time period within which the City Council is required to act upon a government claim pursuant to Government Code sections 912.4 and 935.4. The City Manager and City Attorney shall jointly exercise discretion to extend the time period, but in no event shall the time within which to act on a claim be extended beyond a maximum period of six months starting from the day after expiration of the 45 day period within which the City Council is normally required to act, pursuant to Government Code section 912.4(a). If either the City Manager or City Attorney does not agree to extend the time period within which to respond to a Government Claim, such written agreement shall not be entered into.

SECTION 2. Notwithstanding the above delegation of authority, nothing herein shall be construed as an abrogation of the City Council's authority to enter into such written agreements pursuant to Government Code section 912.4 upon the exercise of its discretion.

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

PASSED, APPROVED AND ADOPTED this 13th day of July 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 of the City of Irwindale, do hereby certify that the foregoing Resolution No. 2022-71-3321 was duly and regularly passed and adopted by the City Council of the City of Irwindale at its regular meeting held on the 13th day of July 2022, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

Laura M. Nieto, MMC
Chief Deputy City Clerk

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

City of
IRWINDALE
AGENDA REPORT

Date: July 13, 2022
To: Honorable Mayor and Members of the City Council
From: Julian A. Miranda, City Manager
Issue: Release of Bonds for Parcel Map 72864 – 16203-16233 Arrow Highway.

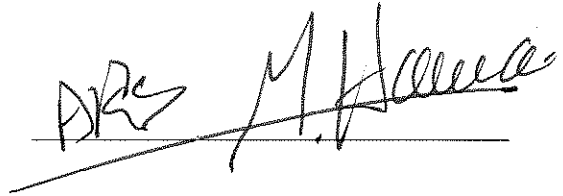
City Manager's Recommendation:

That the City Council approve the release of faithful performance, labor and material, and monument bonds for Parcel Map 72864.

Administrative Action:

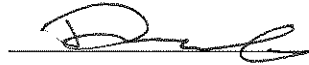
Submitted by:

Arsanious Hanna,
Director of Engineering / Building Official



Prepared by:

Daniel Co, Assistant City Engineer
(626) 430-2296



Reviewed by:

Adrian R. Guerra, City Attorney

Electronically Approved by
City Attorney

Kambiz Borhani,
Finance Director / City Treasurer

Electronically Approved by
City Treasurer

Approved by:

Julian A. Miranda, City Manager



Background and Analysis:

On March 25, 2020 the City Council approved Parcel Map No. 72864 allowing the consolidation of three parcels into one parcel and for condominium purposes on the properties located at 16203, 16213, 16223, 16233 Arrow Highway.

The applicant, Panattoni Development Company, Inc., agreed to the final conditions of approval for this Parcel Map, as outlined in Irwindale City Council Resolution No. 2019-09-3093, executed a subdivision agreement, and posted the required Faithful Performance, Labor and Material, and Monument bonds for the public improvements.

The construction of all offsite improvements, as stated in the final conditions of approval for this parcel map, have been completed and accepted by the Public Works Engineering Department and the Planning Department.

With the completion of said construction and acceptance by the Public Works Engineering Department, staff recommends that the City Council approve the release of the posted Faithful Performance, Labor and Material, and Monument Bonds.

Fiscal Impact:

This is no fiscal impact associated with the release of these bonds.

Attachment(s): None

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

City of
IRWINDALE
AGENDA REPORT

Date: July 13, 2022

To: Honorable Mayor and Members of the City Council

From: Julian A. Miranda, City Manager

Issue: Consideration of Resolution Approving The Hiring of A Retired Annuitant As Interim Chief of Police for a Limited Duration of Time

City Manager's Recommendation:

- 1) Adopt Resolution No. 2022-70-3320 entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE APPROVING THE HIRING OF A RETIRED ANNUITANT AS INTERIM CHIEF OF POLICE FOR A LIMITED DURATION UNDER GOVERNMENT CODE SECTIONS 7522.56(C) AND 21221(G)."

Administrative Action:

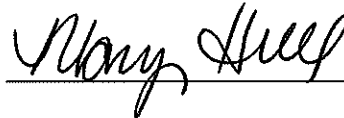
Submitted by:

Julian A. Miranda, City Manager

Electronically Approved

Prepared by:

Mary Hull, Human Resources/Risk Manager



Reviewed by:

Adrian R. Guerra, City Attorney

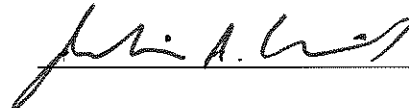
Electronically Approved

Kambiz Borhani, Finance Director/City Treasurer

Electronically Approved

Approved by:

Julian A. Miranda, City Manager



Background and Analysis

In compliance with Government Code sections 7522.56(c) and 21221(g), the City may employ a CalPERS retired annuitant if the person has skills needed to perform work of a limited duration due to a leave of absence granted to a person on payroll status. Specifically, Government Code section 21221(g) requires the governing body of the City to adopt a resolution finding the subject position to be available due to a leave of absence granted to a person on payroll status for a

period not to exceed one year and found by the governing body to require specialized skills, and for a copy of the resolution to be provided to CalPERS. The City requires the services of a retired annuitant Interim Chief of Police due to a leave of absence granted to the permanent Chief of Police.

Robert M. Castro, a CalPERS retired annuitant who formerly served as the City of Glendale's Chief of Police, possesses extensive experience in a chief of police capacity and the specialized skill set to perform the required duties of Interim Chief of Police. The City desires to hire Mr. Castro effective July 14, 2022 pursuant to Government Code sections 7522.56(c) and 21221(g) as an at-will employee for the position of Interim Chief of Police, which is a position that requires specialized skills, for a limited period of time.

- Compensation: He would be paid hourly at the hourly rate of \$101.67, which is the hourly rate of equivalent to Step C of the Chief of Police position (\$17,622.00 / mo. ÷ 173.333 hours = \$101.67).
- No benefits would be paid.
- Limited duration appointment: The agreement would automatically expire July 13, 2023, at the latest. Additionally, Mr. Castro would be limited to working 960 hours per fiscal year to comply with CalPERS retired annuitant hiring requirements.
- Employment status: Mr. Castro would be an at-will employee working under the direction of the City Manager approximately 40 hours per week or less.

If the appointment is approved by the City Council, the City must report the appointment to CalPERS and provide a copy of the adopted resolution.

Fiscal Impact:

Robert M. Castro will be paid hourly at the hourly rate of \$101.67.

Attachments: Resolution No. 2022-70-3320
Agreement

RESOLUTION NO. 2022-70-3320

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRWINDALE
APPROVING THE HIRING OF A RETIRED ANNUITANT AS INTERIM CHIEF OF
POLICE FOR A LIMITED DURATION UNDER GOVERNMENT CODE
SECTIONS 7522.56(C) AND 21221(G)**

WHEREAS, in compliance with Government Code sections 7522.56(c) and 21221(g), the City of Irwindale ("City") may employ a CalPERS retired annuitant if the person has skills needed to perform work of a limited duration due to a leave of absence; and

WHEREAS, Government Code section 21221(g) further requires the governing body of the City to adopt a resolution finding the subject position "to be available because of a leave of absence granted to a person on payroll status for a period not to exceed one year and found by the governing body to require specialized skills", and for a copy of the resolution to be provided to CalPERS; and

WHEREAS, Robert M. Castro is a retired annuitant and possesses extensive experience in a chief of police capacity and the specialized skill set to perform the required duties of Interim Chief of Police as further detailed in the Employment Agreement attached hereto as Exhibit "A"; and

WHEREAS, the City's City Council desires to appoint Robert M. Castro as Interim Chief of Police for the City effective July 14, 2022 under Government Code sections 7522.56(c) and 21221(g) as an at-will, limited duration employee for the position of Interim Chief of Police, which is a position that requires specialized skills, due to a leave of absence granted to the permanent Chief of Police; and

WHEREAS, the compensation paid to retired annuitant cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the hourly rate paid to Robert M. Castro will be \$101.67, which is the hourly rate of the C step of the monthly salary for the Chief of Police position effective as of July 10, 2022 ($\$17,622.00 / 173.333 = \101.67); and

WHEREAS, Robert M. Castro has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate.

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

SECTION 1. The City Council certifies the nature of the appointment of Robert M. Castro as described herein and finds that this appointment is necessary to fill the critically needed position of Interim Chief of Police for the City of Irwindale, which is a position that requires specialized skills, for a period not to exceed one (1) year, and as further stated in the Agreement. The City Council further finds the position of Chief of Police "to be available because of a leave of absence granted to a person on payroll status" as required by Government Code section 21221(g).

SECTION 2. The City Council finds Robert M. Castro to have the requisite knowledge, specialized skills and abilities to lead the City's police department on an interim and time-limited basis as Interim Chief of Police.

SECTION 3. The City Council approves the appointment of Robert M. Castro as Interim Chief of Police and the Employment Agreement attached hereto as Exhibit "A" and authorizes the City Manager to execute said agreement.

SECTION 4. City staff is directed to report the appointment of Robert M. Castro to CalPERS and to provide CalPERS a copy of this resolution.

PASSED, APPROVED and ADOPTED this 13th day of July, 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. 2022-70-3320 was duly adopted at a regular meeting of the Irwindale City Council held on July 13, 2022, by the following vote of the Council:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

Laura M. Nieto, CMC
Chief Deputy City Clerk

EXHIBIT A

CITY OF IRWINDALE

AT-WILL INTERIM CHIEF OF POLICE

EMPLOYMENT AGREEMENT

This AT-WILL INTERIM CHIEF OF POLICE EMPLOYMENT AGREEMENT ("Agreement") is made by and between the CITY OF IRWINDALE (the "City") and ROBERT M. CASTRO ("Employee"). The City and Employee may be referred to individually as a "Party" or collectively as "the Parties."

RECITALS

WHEREAS, in compliance with Government Code sections 7522.56(c) and 21221(g), the City may employ a CalPERS retired annuitant if the person has skills needed to perform work of a limited duration due to a leave of absence granted to a person on payroll status; and

WHEREAS, Government Code section 21221(g) requires the governing body of the City to adopt a resolution finding the subject position to be available due to a leave of absence granted to a person on payroll status for a period not to exceed one year and found by the governing body to require specialized skills, and for a copy of the resolution to be provided to CalPERS; and

WHEREAS, Employee is a retired annuitant and possesses extensive experience in a chief of police capacity and the specialized skill set to perform the required duties of Interim Chief of Police, desires to perform the duties of and assume responsibility for the position of Interim Chief of Police, and acknowledges that such employment is at-will and of a limited duration for a definite period of time, as described in this Agreement; and

WHEREAS, pursuant to Irwindale Municipal Code §2.08.050, the city manager has the duty to appoint heads of departments; and

WHEREAS, the position of Chief of Police serves as the department head for the City's police department; and

WHEREAS, the City desires to hire Employee effective July 14, 2022 as an at-will, limited duration employee for the position of Interim Chief of Police, which is a position that requires specialized skills, for a definite period of time while the permanent Chief of Police is on a leave of absence; and

WHEREAS, the Parties wish to establish the terms and conditions of Employee's services to the City, as described in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, City and Employee hereby agree as follows:

AGREEMENT

Section 1: TERM

The term of this Agreement shall commence on July 14, 2022 and shall automatically terminate on July 13, 2023 unless terminated prior to this date by either Party (the "Term"). Additionally, this Agreement shall automatically terminate upon the return from leave of absence by the City's permanent Chief of Police. In no event shall the Term exceed the 960-hour per fiscal year limit under Government Code subdivision 7522.56(d); in the event Employee works 960 hours during the Term of this Agreement, then this Agreement shall terminate automatically. July 14, 2022 shall be Employee's "Hire Date" for purposes of this Agreement.

Section 2: DUTIES, RESPONSIBILITIES, AND WORK HOURS

A. Employee shall be appointed to the position of Interim Chief of Police for the City's police department, the duties of which are described generally in Government Code sections 41601- 41612 and are set forth fully in Exhibit "A" to this Agreement. Employee acknowledges the position of Interim Chief of Police requires specialized skills and expert professional services for a definite period of time, as described above in Section 1 of this Agreement.

B. It is recognized Employee is expected to engage in the hours of work that are generally necessary to fulfill the obligations of the position, must be available at all times, and may be required to devote time outside the normal office hours to the business of the City. Employee acknowledges proper performance of the duties of Interim Chief of Police may require Employee to observe normal business hours (currently 7:30 a.m. to 6:00 p.m., Monday through Thursday, including a standard half hour lunch period), as set by the City, as well as attend City Council meetings. However, Employee shall not work more than 40 hours per week without the prior written authorization of the City Manager.

C. All data, studies, reports, and other documents prepared and/or reviewed by Employee while performing his duties during the Term of this Agreement shall be furnished to and become the property of the City, without restriction or limitation on their use. All ideas, memoranda, specifications, plans, procedures, drawings, descriptions, computer program data, input record data, written information, and other materials either created by or provided to Employee in connection with the performance of this Agreement shall be held confidential by Employee to the extent permitted by applicable law. Such materials, without the prior written consent of the City Manager or his designee, shall not be used by Employee for any purpose other than the performance of his duties. Nor shall such materials be disclosed to any person or entity not connected with the performance of services under this Agreement, except as required by law.

Section 3: COMPENSATION/ BENEFITS PROHIBITED

A. The City agrees to compensate Employee on an hourly basis at the hourly rate of One Hundred One Dollars and Sixty Seven Cents (\$101.67), which is the hourly rate of the C step of the monthly salary for the Chief of Police position effective as of July 10, 2022 (\$17,622.00).

B. Employee shall not be eligible for any other benefits, incentives, compensation in lieu of benefits, or any other forms of compensation in addition to the hourly rate except for the above hourly rate and workers' compensation.

C. Employee shall be provided a City vehicle as assigned to the Chief of Police, not as a benefit, but for use in providing the services hereunder. Employee understands that any applicable taxes are his responsibility to pay and not covered by the City. Additionally, Employee shall be provided any business equipment assigned by the City to the Chief of Police for business use.

Section 4: RESIGNATION/TERMINATION

A. Employee may resign at any time; provided, however, Employee shall reasonably provide the City Manager with at least two (2) weeks advance written notice.

B. Employee is an at-will employee and serves at the will and pleasure of the City Manager and may be terminated at any time, with or without cause, and with or without notice, at any time by the City Manager, subject to Section 4(C) below.

C. In accordance with the Public Safety Officers Bill of Rights, Government Code sections 3300 *et seq.*, including Section 3304(c), Employee shall not be terminated except by virtue of the expiration of this Agreement, exhaustion of his CalPERS 960 hour per fiscal year limit, or because of the City's permanent Chief of Police return from leave of absence, without written notice and the reason(s) therefor, as well as the opportunity for an administrative appeal. The removal of Employee by the City, for the purpose of implementing the goals or policies, or both, of the City, for reasons including, but not limited to, incompatibility of management styles or as a result of a change in administration, shall be sufficient to constitute reason or reasons within the meaning of this Agreement and Government Code section 3304(c). Nothing in this Section shall be construed to create a property interest in Employee's job as Interim Chief of Police. In the event Employee is terminated by virtue of the expiration of this Agreement, CalPERS hours limitations, or the return of the permanent Chief of Police, he shall not be entitled to written notice or an administrative appeal of his termination.

D. After notice of resignation or termination, Employee shall cooperate with the City, as requested by the City, to effect a transition of Employee's responsibilities and duties and to ensure that the City is aware of all matters being handled by Employee.

E. Employee shall not be entitled to severance pay and Employee expressly waives any and all rights with respect to severance pay.

Section 5. NOTICES

Notices required to be served pursuant to this Agreement shall be served in person or by first-class U.S. mail addressed as follows:

City

City Manager
City of Irwindale
5050 N. Irwindale Avenue
Irwindale, CA 91706

Employee

Robert M. Castro
Address on file with the City

Section 6: GENERAL TERMS AND CONDITIONS

The General Terms and Conditions of this Agreement are described as follows:

A. Indemnification. To the extent mandated by the California Government Code, the City shall defend, hold harmless, and indemnify Employee against any tort, professional liability, claim or demand, or other legal action arising out of an alleged act or omission occurring in the performance of Employee's services under this Agreement. This section shall not apply to any intentional tort or crime committed by Employee, to any action outside the course and scope of Employee's employment, or any other intentional or malicious conduct or gross negligence of Employee.

B. Entire Agreement. The text of this Agreement shall constitute the entire and exclusive agreement between the Parties regarding the subject matter hereof. All prior oral or written communications, understandings, or agreements between the Parties not set forth herein shall be superseded in total by this Agreement. No amendment or modification to this Agreement may be made except by a written agreement signed by the Employee and the City Manager and approved as to form by the City Attorney.

C. Assignment. This Agreement is not assignable by either the City or Employee.

D. Severability. In the event any provision of this Agreement is finally held or determined to be illegal or void by a court having jurisdiction over the Parties, the remainder of this Agreement shall remain in full force and effect unless the parts found to be illegal or void are wholly inseparable from the remaining portions of this Agreement.

E. Effect of Waiver. The failure of either Party to insist on strict compliance with any of the terms, covenants, or conditions in this Agreement by the other Party shall not be deemed a waiver of that term, covenant, or condition, nor shall any waiver or relinquishment of any right or power at any one time or times be deemed a waiver or relinquishment of that right or power for all or any other time or times.

F. Governing Law and Jurisdiction. This Agreement shall be governed by and construed in accordance with the laws of the State of California, which are in full force and effect as of the date of execution. Any action to interpret or enforce the terms of this Agreement

shall be held exclusively in a state court in Los Angeles County, California. Employee expressly waives any right to remove any such action from Los Angeles County.

G. Effective Date. This Agreement shall not become effective until the later of the following to occur: i) July 14, 2022 or ii) the date on which the Agreement has been executed by both Employee and the City Manager.

H. Effect of Agreement on Employee's CalPERS Retirement Benefits. The City makes no representation on the impact, if any, this Agreement shall or may have upon his CalPERS retirement benefits, status, duties, and/or obligations. Employee acknowledges that in entering into this Agreement, he has not relied upon any such representations (none of which being in existence) in assessing the CalPERS-related impact of his employment. Therefore, Employee releases the City from any and all CalPERS-related claims or liabilities that may arise in connection with his employment pursuant to this Agreement.

I. No Unemployment Insurance Benefits Received By Employee. Employee expressly certifies and warrants to the City that he has not received any unemployment insurance payments for retired annuitant work for any public employer within the 12 months prior to his appointment date.

J. Compliance With 960 Hours Per Fiscal Year Limit. Employee further certifies and warrants to the City his anticipated work schedule of 40 hours per week or less will not cause him to exceed the 960 hours per fiscal year limit pursuant to Government Code subdivision 7522.56(d), including work for any other CalPERS employer during the current fiscal year.

K. Conflicts Prohibited. During the term of this Agreement, Employee shall not engage in any business or transaction or maintain a financial interest which conflicts, or reasonably might be expected to conflict, with the proper discharge of Employee's duties under this Agreement. Employee shall comply with all requirements of law, including but not limited to, Sections 1090, 1125, and 87100 *et seq.* of the Government Code, and all other similar statutory and administrative rules.

L. Independent Legal Advice. The City and Employee represent and warrant to each other that each has received legal advice from independent and separate legal counsel with respect to the legal effect of this Agreement or has had the opportunity to do so, that each has carefully reviewed this entire Agreement, that each and every term thereof is understood, and that the terms of this Agreement are contractual and not a mere recital. This Agreement shall not be construed against the Party or its representatives who drafted it or who drafted any portion thereof.

M. Government Code §§ 53243 - 53243.4. Government Code §§ 53243 - 53243.4 sought to provide greater transparency in local government and institute certain limitations on compensation paid to local government executives. Those statutes also require contracts between local agencies and its employees include provisions requiring an employee who is convicted of a crime involving an abuse of his office or position to provide reimbursement to the local agency. Those statutes are incorporated herein by reference. Accordingly, the Parties agree it is their mutual intent to fully comply with the cited Government Code sections and all other applicable law as it exists as of the date of execution of this Agreement and as such laws may be amended from time to time thereafter. Specifically, the following Government Code sections are called out and hereby incorporated by this Agreement:

§53243. Reimbursement of paid leave salary required upon conviction of crime involving office or position.

§53243.1. Reimbursement of legal criminal defense upon conviction of crime involving office or position.

§53243.2. Reimbursement of cash settlement upon conviction of crime involving office or position.

§53243.3. Reimbursement of non-contractual payments upon conviction or crime involving office or position.

§53243.4. "Abuse of office or position" defined.

Employee represents Employee has reviewed, is familiar with, and agrees to comply fully with each of these provisions if any of these provisions are applicable to Employee.

[SIGNATURE PAGE FOLLOWS ON PAGE 7]

IN WITNESS WHEREOF, the City of Irwindale has caused this Agreement to be signed and executed on its behalf by its City Manager, and approved as to form by the City Attorney, and executed by the Employee.

CITY OF IRWINDALE,

Dated: _____

Julian Miranda
City Manager

Approved as to form:

Dated: _____

Adrian Guerra
City Attorney

EMPLOYEE,

In signing this Agreement, Employee understands and agrees that he is an **at-will employee** and his rights to employment with the City are governed by the terms and conditions of this Agreement rather than the ordinances, resolutions, and policies of the City, which might otherwise apply to classified or other employees of the City. Employee further acknowledges he was given the opportunity to consult with an attorney prior to signing this Agreement.

Dated: _____

Signed: _____
Robert M. Castro
Employee

EXHIBIT A

CITY OF IRWINDALE

CHIEF OF POLICE

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

SUMMARY DESCRIPTION

Under general administrative direction of the City Manager, plans, directs, manages, and oversees the activities and operations of the Police Department including law enforcement, crime prevention, and administrative support services and activities; coordinates assigned activities with other departments and outside agencies; and provides highly responsible and complex administrative support to the City Manager.

REPRESENTATIVE DUTIES

The following duties are typical for this classification. Incumbents may not perform all of the listed duties and/or may be required to perform additional or different duties from those set forth below to address business needs and changing business practices.

1. Assumes full management responsibility for all Police Department services and activities including the work of staff preserving order, preventing crime, protecting life and property, and enforcing laws and municipal ordinances.
2. Manages the development and implementation of Police Department goals, objectives, and priorities for each assigned service area; recommends and administers policies and procedures.
3. Establishes, within City policy, appropriate service and staffing levels; monitors and evaluates the efficiency and effectiveness of service delivery methods and procedures; allocates resources accordingly.
4. Assesses and monitors work load, administrative and support systems, and internal reporting relationships; identifies opportunities for improvement; directs and implements changes.
5. Plans, directs, and coordinates, through subordinate level staff, the Police Department's work plan; assigns projects and programmatic areas of responsibility; oversees sensitive investigations and the gathering of intelligence information; reviews and evaluates work methods and procedures; meets with key staff to identify and resolve problems.
6. Selects, trains, motivates, and evaluates assigned personnel; assigns schedules; provides or coordinates staff training; works with employees to correct deficiencies; implements discipline and termination procedures.
7. Plans and directs employee training programs; maintains training and performance records for all department personnel.
8. Oversees and participates in the development and administration of the department budget; approves the forecast of funds needed for staffing, equipment, materials, and supplies; approves expenditures and implements budgetary adjustments as appropriate and necessary.
9. As necessary, responds to major incidents reported to the Police Department and ensures that the Incident Commander is following Incident Command System/Standardized Emergency Management System (ICS/SEMS) protocol; assumes role as Incident Commander or other role as needed for the situation.
10. Represents the Police Department to other departments, elected officials, and outside agencies; coordinates assigned activities with those of other departments and outside agencies and organizations.
11. Meets with various officials, citizens, members of the public, and representatives of the news media;

CITY OF IRWINDALE
Chief of Police (Continued)

responds to and resolve difficult and sensitive citizen inquiries and complaints; explains, justifies, and defends department programs, policies, and activities; negotiates and resolves sensitive and controversial issues.

12. Confers with citizens and area officials on law enforcement problems and assists in the development of innovative municipal law enforcement policies.
13. Participates on a variety of boards, commissions, and committees; attends local, regional, and state conferences on public safety; obtains information and cooperation on public safety issues; establishes and maintains cooperative working relationship with other Police Departments.
14. Confers with attorneys concerning the prosecution of criminal complaints, civil litigation, and/or disciplinary issues.
15. Performs all regular patrol officer duties as necessary.
16. Performs related duties as required.

QUALIFICATIONS

The following generally describes the knowledge and ability required to enter the job and/or be learned within a short period of time in order to successfully perform the assigned duties.

Knowledge of:

Operations, services and activities of a comprehensive municipal law enforcement program.
Principles and practices of program development and administration.
Principles and practices of law enforcement administration, organization, and management.
Law enforcement theory, principles, and practices and their application to a wide variety of services and programs.
Methods and techniques used in providing the full range of law enforcement and crime prevention services and activities including investigation and identification, patrol, traffic control, juvenile programs, records management, search and seizure, care and custody of persons and property, and crime prevention.
Care, maintenance, and operation of firearms and other modern police equipment.
Methods and techniques of public relations.
Pertinent federal, state, and local laws, codes, and regulations.
Principles and practices of municipal budget preparation and administration.
Principles of supervision, training, and performance evaluation.
Functions and objectives of federal, state, and local law enforcement agencies.
Office procedures, methods, and equipment including computers and applicable software applications such as word processing, spreadsheets, and databases.
Occupational hazards and standard safety practices.

Ability to:

Manage and direct a comprehensive law enforcement program.
Develop and administer departmental goals, objectives, and procedures.
Analyze and assess programs, policies, and operational needs and make appropriate adjustments.
Identify and respond to sensitive community and organizational issues, concerns, and needs.
Plan, organize, direct, and coordinate the work of lower level staff
Interpret, apply, and make decisions in accordance with applicable federal, state, and local policies, laws, and regulations.
Analyze complex law enforcement issues, evaluate alternatives, and implement sound solutions.
Make adjustments to standard operating procedures as necessary to improve organizational effectiveness.
Delegate authority and responsibility.

CITY OF IRWINDALE
Chief of Police (Continued)

Select, supervise, train, and evaluate staff.
Analyze problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations in support of goals.
Research, analyze, and evaluate new service delivery methods and techniques.
Prepare clear and concise administrative and financial reports.
Prepare and administer large and complex budgets.
Effectively present information and respond to questions from groups of managers, customers, and the general public.
Meet standards for physical endurance, agility, health and vision.
Act quickly and calmly in emergency situations.
Facilitate group participation and consensus building.
Effectively use and qualify with law enforcement tools and weapons including firearms, batons, defensive tactics, and other safety equipment.
Operate specialized law enforcement equipment including specialized police vehicles, radios, video systems, and radars.
Operate office equipment including computers and supporting word processing, spreadsheet, and database applications.
Communicate clearly and concisely, both orally and in writing.
Establish and maintain effective working relationships with those contacted in the course of work.

Education and Experience Guidelines - *Any combination of education and experience that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:*

Education/Training:

A Bachelor's degree from an accredited college or university with major course work in criminal justice, police science, business or public administration, or a related field.

Experience:

Ten years of increasingly responsible law enforcement experience including five years of management and administrative responsibility.

License or Certificate:

Possession of an appropriate, valid driver's license.

Possession of a P.O.S.T. Management Certificate.

PHYSICAL DEMANDS AND WORKING ENVIRONMENT

The conditions herein are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform these essential job functions.

Environment: Standard office setting, reactive emergency, natural or man-made disaster, and routine peace keeping environments with travel to various locations to attend meetings or respond to major crime scenes, disasters or critical incidents; the employee is occasionally exposed to outside weather conditions; occasionally exposed to fumes or airborne particles, toxic or caustic chemicals, extreme cold, extreme heat, risk of electrical shock, risk of radiation, and vibration; the noise level in the work environment is usually moderate; however, the noise level is occasionally very loud due to sirens, firearm training, etc.; incumbents may be required to work extended hours including evenings and weekends and may be required to travel outside City boundaries to attend meetings.

CITY OF IRWINDALE
Chief of Police (Continued)

Physical: Primary functions require sufficient physical ability to work in an office setting; walk, stand, or sit for prolonged periods of time; occasionally stoop, bend, kneel, crouch, reach, and twist; occasionally climb and balance; regularly push, pull, lift, and/or carry light to moderate weights; frequently lift and/or move moderate to heavy weights; occasionally lift and/or move heavy weights; operate office equipment including use of computer keyboard; requires a sense of touch, finger dexterity, and gripping with hands and fingers; ability to speak and hear to exchange information; ability to operate a vehicle to travel to various locations; ability to operate and use specialized law enforcement tools and equipment including guns and handcuffs.

Vision: See in the normal visual range with or without correction; vision sufficient to read computer screens and printed documents.

Hearing: Hear in the normal audio range with or without correction.

Date: November 2016
Ralph Andersen & Associates

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

City of
IRWINDALE
AGENDA REPORT

CC Item 2B
HA Item 2A

Date: July 13, 2022

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

From: Marilyn Simpson, Community Development Director

Issue: Potential Housing Sites and Densities for Compliance with the 2021-2029 SCAG 6th Cycle Regional Housing Needs Assessment for the Housing Element & General Plan Update

Community Development Director's Recommendation:

Discuss potential housing sites and provide direction on density, acreage, and housing type development.

Administrative Action:

Submitted / Prepared / Approved by:

Marilyn Simpson, Community Development Director



Reviewed by:

Adrian R. Guerra, City Attorney/General Counsel

Electronically Approved

Kambiz Borhani, Finance Director/City Treasurer

Electronically Approved

Background and Analysis:

The City is preparing the City's Housing Element (HE) update to comply with State Housing Element Law, and the 2021-2029 SCAG 6th Cycle Regional Housing Needs Assessment (RHNA) allocation for the City. Irwindale's SCAG 6th Cycle Final RHNA Allocation Plans is as follows:

Income Level	# of Units
Very-Low	36
Low	11
Moderate	17
Above-Moderate	55
TOTAL	119

At the June 22, 2022 City Council meeting, potential housing sites and densities were identified and discussed. The Council/Board provided direction to staff regarding site priority with a request to bring this item back for further discussion on possible zoning designations and densities for each site. Table A lists the priority identified for each site, proposed zoning, and proposed densities.

Table A

Priority No.	Site No.	Address/Cross Streets	Size (Acres)	Current Zoning	Proposed Zoning
1	1	5100 Allen Dr.	10	M-2	R-1, R-2, R-3*
2	7	Irwindale Ave. & Avenida Padilla	20	M-2	R-2, MXD*
3	6	Gold Line Reliance II / 15990 Foothill Blvd.	90	RII SP	MXD*
4**	5	1500 Crestfield / 2500 E. Central Ave.	20	M-2	R-1, MXD*
5	4	13201 Ramona Blvd.	4	A-1	R-1, R-2*
6	3	12881 Ramona Blvd.	1	M-2	R-3*
7	2	12861 Schabarum Ave.	2	M-2	R-3*

*Residential Overlay

**Property owner requests to be removed from consideration

The following is the proposed maximum density for each zoning designation:

- Single Family Residential (R-1): 8 units/acre
- Light Multiple Residential (R-2): 14 units/acre
- Heavy Multiple Residential (R-3): 21 units/acre
- Mixed Use Development (MXD): 8 – 21 units/acre
 - Townhomes: 8 units/acre; Apts/Condos: 21 units/acre

Proposed densities were calculated based on the size of each site and the RHNA income levels per site. Using this formula, Table B shows the maximum number of units that each site could accommodate.

Table B

Income Levels Per Site with Proposed Density			
Address/Cross Streets	Very Low/Low	Moderate	Above Moderate
5100 Allen Dr.	63	12	10
12861 Schabarum Ave.	21		
12881 Ramona Blvd.	21		
13201 Ramona Blvd.		12	
*1500 Crestfield / 2500 E. Central Ave.		12	45
Reliance II / 15990 Foothill Blvd.	21		
Irwindale Ave. & Avenida Padilla	21	12	
TOTAL	147	48	70
*Property owner requests to be removed from consideration			

It is recommended that the City include a "buffer" of 20 – 30% of land in order to meet the RHNA income categories. The State Housing & Community Development Department (HCD) will review the sites and may make modifications to the proposed locations and densities. The buffer will ensure that the RHNA numbers can be met.

Tonight, Staff is seeking clarification and direction from the Council/Board regarding the inclusion of specific sites in the HE, proposed density for each site and to confirm the acreages designated for different density levels on each site; we are not proposing to rezone the entirety of any of the larger sites. This information is a further refinement of previous Council/Board direction and is necessary to complete the initial draft of the HE. A PowerPoint presentation will be provided to include each site.

Fiscal Impact:

There is no fiscal impact.

Attachments:

- A: Housing Sites Worksheet
- B: RHNA Summary

Housing Sites Worksheet

Site #	Priority	APN	Site Size		Existing Zoning	Proposed		Proposed Zoning (Overlay)	Targeted Housing Type	Minimum Density Proposed	Maximum Density Proposed	Assumed Density	Estimated Units			Estimated Total Capacity	Vacant/ Non-Vacant	Comments	
			(Acres)	Existing GP		Proposed Acres	Proposed GP						VL/L	Mod.	Above Mod.				
Site 1 - Allen Dr.	1		10.0	Ind	M2	3.0		R-3	Apts./Condos	14	21	21	63			85	Vacant	Owned by HA. SF doesn't work in other locations; mix of incomes; use 6 acres for now; save the rest. Senior housing.	
						1.0		R-2	Townhouses	8	14	12		12					
						2.0		R-1	Single-Family	1	8	5			10				
Site 2 - 12861 Schabarum	7	8546-031-801	2.0	Ind	M2	1.0		R-3	Apts./Condos	14	21	21	21			21	Non-Vac.	Higher density	
Site 3 - 12881 Ramona	6	8546-031-082	1.0	Ind	M2	1.0		R-3	Apts./Condos	14	21	21	21			21	Non-Vac.	Higher density	
Site 4 - 13201 Ramona	5	8546-002-088	4.0	Ind	A1	1.0		R-2	Townhouses	8	14	12		12		27	Non-Vac.	SFD and townhomes	
						3.0		R-1	Single-Family	1	8	5			15				
Site 5 - 1500 Crestfield	4	8604-018-002	20+	Ind	M2	1.0		MXD	Townhouses	8	14	12		12		57	Non-Vac.	Mixed use - townhomes and single family	
						9.0		R-1	Single-Family	1	8	5			45				
Site 6 - Gold Line Reliance II	3	Multiple	90.0	SP	RII	1.0		MXD	Apts./Condos	21	30	21	21			21	Vacant	Consider apartments; townhomes; condos	
Site 7 - Irwindale/Padilla	2	Multiple	20.0	Comm/Ind	M2	1.0		MXD	Apts./Condos	21	30	21	21			33	Non-Vac.	Near Gold line; consider garden stylesapts, townhomes, condos; 10 ac. for townhomes	
						1.0		R-2	Townhouses	8	14	12		12					
													147	48	70	265	Total Potential Units		

Attachment "A"

Attachment "B"

RHNA Summary

Table x: Adequate Sites Analysis

	Income Category			Total
	Very Low/ Low	Moderate	Above Moderate	
6th Cycle RHNA	47	17	55	119
-Production Since July 1, 2021 (a)	7			7
-Vacant Single-Family Lots (b)			8	8
- ADU Production (c)	3	1	1	5
Remaining Unmet RHNA	37	16	46	99
+ 25% Buffer	9	4	12	25
Target Capacity	56	21	67	144
 Capacity Identified on Candidate Rezone Sites	 147	 48	 70	 265
<i>% Buffer</i>	<i>297%</i>	<i>200%</i>	<i>52%</i>	<i>168%</i>

Notes:

(a) The City issued certificates of occupancy in December, 2021 for seven lower-income units in the Mayans development.

(b) Number of existing vacant single-family lots within the city.

(c) The City issued permits for two accessory dwelling units in the last three years. For RHNA purposes, the City assumes this pace of ADU development will continue throughout the planning period. For purposes of allocating units to income categories,

SCAG ADU Survey Affordability Assumptions	68.10%	2.10%	29.80%	100.00%
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**IRWINDALE CITY COUNCIL CHAMBERS
5050 N. IRWINDALE AVENUE
IRWINDALE, CALIFORNIA 91706**

**JUNE 22, 2022
WEDNESDAY
9:26 P.M.**

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

ROLL CALL:

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

Absent: Councilmember Mark A. Breceda

Present: Julian A. Miranda, City Manager; Adrian Guerra, City Attorney; Ty Henshaw, Chief of Police; Arsanious Hanna, Director of Engineering / Building Official; Kambiz Borhani, Finance Director / City Treasurer; Marilyn Simpson, Community Development Director; Mary Hull, Human Resources Manager, Elizabeth Rodriguez, Public Services Director; Jeff Wagner, Information Technology Manager; Iris Espino, Assistant to the City Manager; and Laura Nieto, Chief Deputy City Clerk

**SPONTANEOUS
COMMUNICATIONS**

There were no speakers.

CONSENT CALENDAR

MOTION

A motion was made by Councilmember Ortiz, seconded by Mayor Pro Tem Ambriz, to approve the Consent Calendar. The motion was unanimously approved.

**ITEM NO. 1A1
MINUTES**

MINUTES

The following minutes were approved:

- 1) Regular meeting held May 26, 2022
- 2) Special Joint meeting held June 8, 2022
- 3) Regular meeting held June 8, 2022

**ITEM NO. 1B
WARRANTS**

WARRANTS

None for approval

END OF CONSENT CALENDAR

NEW BUSINESS

None.

PUBLIC HEARINGS

None.

ADJOURNMENT

There being no further business to conduct, the meeting was adjourned at 9:27 p.m.

Laura M. Nieto, MMC
Chief Deputy City Clerk

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

HA Item 1A2

JUNE 22, 2022
WEDNESDAY
9:27 P.M.

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

ROLL CALL:

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

Absent: Board Member Mark A. Breceda

Also present: Julian A. Miranda, Executive Director; Adrian Guerra, Board Attorney; Jamie Traxler, Assistant Board Attorney; Ty Henshaw, Chief of Police; Arsanious Hanna, Director of Engineering / Building Official; Kambiz Borhani, Finance Director / City Treasurer; Marilyn Simpson, Community Development Director; Mary Hull, Human Resources Manager, Elizabeth Rodriguez, Public Services Director; Jeff Wagner, Information Technology Manager; Iris Espino, Assistant to the City Manager; and Laura Nieto, Chief Assistant Authority Secretary

SPONTANEOUS COMMUNICATIONS

There were none.

CONSENT CALENDAR

MOTION

A motion was made by Vice Chair Ambriz, seconded by Board Member Ortiz, to approve Consent Calendar. The motion was unanimously approved.

ITEM NO. 1A
MINUTES

MINUTES

The following minutes were approved:

- 1) Regular meeting held May 26, 2022
- 2) Special Joint meeting held June 8, 2022
- 3) Regular meeting held June 8, 2022

NEW BUSINESS

ITEM NO. 2A
POTENTIAL HOUSING SITES FOR COMPLIANCE WITH THE 2021-2029 SCAG 6TH CYCLE REGIONAL HOUSING NEEDS

POTENTIAL HOUSING SITES FOR COMPLIANCE WITH THE 2021-2029 SCAG 6TH CYCLE REGIONAL HOUSING NEEDS ASSESSMENT FOR THE HOUSING ELEMENT & GENERAL PLAN UPDATE (Joint item on Housing Authority agenda)

DIRECTOR SIMPSON

Director Simpson provided a general overview of the staff report.

MATT KOWTA

Matt Kowta, with BAE Urban Economics, made a PowerPoint presentation, wherein he discussed Irwindale RHNA numbers, potential housing sites, density, general criteria for housing sites, the characteristics of various sites throughout Irwindale, zoning overlays, and housing types. He then requested Board direction and discussed next steps.

BOARD MEMBER
ORTIZ

Board Member Ortiz asked whether the city was required to build housing units in order to meet its Regional Housing Needs Assessment ("RHNA") numbers, to which Director Simpson indicated that the city is not obligated to build any housing units. The city's requirement lies in identifying sites that could be used to accommodate these housing numbers so that a developer could potentially build on them.

Board Member Ortiz added that the residents he has spoken to have expressed their preference in prioritizing Allen Drive for housing, followed by Ramona Blvd., then Central/Crestfield Avenue near Duarte, and Avenida Padilla due to its proximity to the Gold Line Station. He noted that other cities seem to be constructing housing near metro stations.

BOARD MEMBER
GARCIA

Responding to a question by Board Member Garcia suggested reviewing each site and determining the type housing that the Board would prefer there. He suggested that single-family units be built on Allen Drive, and stated that he was unsure whether single-family units would be favorable at the other sites.

CHAIR BURROLA

Chair Burrola asked how many acres would need to be designated for housing on Allen Drive to meet the city's 119-unit RHNA amount, to which Director Simpson advised that, in order to meet each income category, the minimum is 20 units per acre. For the very low and low-income designations, for example, the 47 units that need to be built would require over 2 acres.

Chair Burrola also asked about the process of submitting information to the CA Department of Housing and Community Development ("HCD"), to which Mr. Kowta advised that the city would need to identify specific parcels of land and specific acreage at specific zoning densities for RHNA purposes. Staff is requesting clear instruction from the Board relating to the sites and acreage where housing units should be developed so that the information could be presented to the HCD and included in the Draft Housing Element. He further suggested allowing space for a buffer in case some sites are determined to be unsuitable.

Chair Burrola asked about SB 827, which he understood to be a bill to assist developers in building townhomes or condominiums near transportation, to which Mr. Kowta indicated that he was unfamiliar

with said bill, though he did note that various state laws were made in order to create incentives to facilitate housing development near transit nodes.

Chair Burrola also asked whether the city would be required to develop additional units even after its 119 required units were developed, to which Mr. Kowta advised that, should this occur, and additional acres have already been zoned for housing, developers may still wish to build on those sites consistent with zoning requirements.

Chair Burrola suggested looking into Allen Drive as a potential site for housing development.

DENA ZEPEDA

Dena Zepeda suggested designating all 10 acres of Allen Drive for housing, developing garden apartments at Avenida Padilla, and avoid developing housing near Baldwin Park.

VICE CHAIR AMBRIZ

Vice Chair Ambriz stated that residents recommended to him that the housing designated for the various income levels not be segregated and spoke against homeowners associations. He then asked whether the intent was to utilize the eminent domain process to take land for housing, which he opposed.

BOARD ATTORNEY
GUERRA

Responding to Vice Chair Ambriz's question, Board Attorney Guerra advised that neither the Irwindale Housing Authority nor the State of California would mandate that property owners sell their properties in order to develop housing. He noted, however, that the city is creating the legal framework for a property owner should they wish to develop housing pursuant to city regulations. He explained the zoning overlay functions by stating that, should a private party own a commercial building and wishes to rezone it for housing, but if a developer makes them an offer for the development of housing units, it would be up to the owner whether to accept the proposal or not. He added that the Housing Authority already owns the 10-acre parcel on Allen Drive.

DIRECTOR SIMPSON

Director Simpson advised that developers do not typically build housing units for one specific income level.

VICE CHAIR AMBRIZ

Responding to a concern of Vice Chair Ambriz, Mr. Kowta advised that the city would not have the regulation requiring the sales of housing units to be restricted to certain income levels. Staff is simply attempting to identify the housing density permitted on the preferred sites.

Vice Chair Ambriz suggested reserving about six or seven acres of the Allen Drive property for the development of single-family units and leaving the remaining portion for municipal uses or future housing. His second choice for the development of single-family units or townhomes was the Mt. Olive Storage site. His third choice was the

Reliance II pit for the development of high-density homes, such as townhomes or condominiums due to its proximity to transportation sources. His fourth choice was Avenida Padilla for the development of high-density housing such as condominiums or garden-style apartments. He recommended against developing housing near Baldwin Park; however, if it was necessary, perhaps high-density housing could be built at Ramona Boulevard. He expressed his certainty that these sites would meet RHNA numbers.

DIRECTOR SIMPSON Director Simpson asked whether there was any interest in an overlay zone or mixed-use interests, to which Vice Chair Ambriz stated that it would potentially be done at the Avenida Padilla location.

CHIEF ASSISTANT SECRETARY NIETO Chief Assistant Secretary Nieto noted a question made by a member of the webinar relating to potentially developing a senior apartment complex at the Allen Drive site, to which Vice Chair Ambriz spoke on the need of senior housing and supported the construction of a senior apartment complex of up to two stories at Allen Drive.

BOARD MEMBER ORTIZ Board Member Ortiz advised that the residents he has spoken to about this subject have preferred single-family units or townhomes, but opposed apartments. He also concurred that single-family homes, or potentially townhouses, should be developed on Allen Drive. He added that the Crestfield and Avenida Padilla properties would probably also be good locations for townhomes.

BOARD MEMBER GARCIA Board Member Garcia concurred with the suggestion of the development of condominiums, townhomes, as well as a new senior apartment facility, and suggested seeking additional input from the community regarding whether the senior apartment facility should be mixed in with the rest of the housing units. He also stated that he is open to permitting development at the other sites mentioned, though he would like for the Board to have the final word as to what type of housing should be developed there.

DIRECTOR SIMPSON Director Simpson suggested focusing on identifying potential sites for housing development. She added that eminent domain is not something that is being discussed, and noted the benefits of establishing an overlay zone which would assist property owners in developing housing on their properties if they so desire.

MAYOR BURROLA Mayor Burrola thanked staff for their hard work and suggested concentrating on Allen Drive for housing, including senior housing. He suggested keeping in mind past complaints about buildings blocking residents' view of the mountains, so he suggested setting up the new units in a way that does not impede this view. He then stated that Avenida Padilla would also potentially be a good site for development.

MATT KOWTA	Matt Kowta indicated that, since the Housing Authority owns the Allen Drive property, it would have more say in what should be developed there, which probably could not be done on other privately-owned property.
CHAIR BURROLA	Chair Burrola suggested that staff determine how many acres would need to be reserved for housing at the Allen Drive site to accommodate the 119 homes referenced in the RHNA numbers.
BOARD MEMBER GARCIA	Board Member Garcia noted that the Board has previously designated three acres of the Allen Drive property for housing, and suggested that the remaining seven acres be reserved to satisfy other infill criteria, whether it be single-family units, condominiums, etc.
CHAIR BURROLA	Responding to a question by Chair Burrola, Mr. Kowta expressed his understanding of the Board's desire, which was to reserve three acres of the Allen Drive site for higher density housing, and that the Board would analyze the suggestion at a future meeting to determine whether condos or senior housing should be developed there and whether single family houses or townhomes be developed at the remaining seven acres. He requested similar direction for any of the other sites referenced, such as determining the rough amount of acres to reserve as well as the housing types. He stated that, after this information is received, staff could draft a proposal on how to accommodate the RHNA numbers that would be incorporated into the draft housing element. Once comments and input are received by members of the public and the Board, further refinements can be made before anything is adopted into the General Plan.
BOARD MEMBER ORTIZ	In response to a question by Board Member Ortiz, Mr. Kowta indicated that the Board will have more opportunities to provide direction regarding this matter as it moves forward.
BOARD MEMBER GARCIA	Board Member Garcia suggested going by Vice Chair Ambriz's recommendations as to the use of the sites.
BOARD MEMBER ORTIZ	Board Member Ortiz reiterated his suggestion to focus on developing single-family dwellings since this is the desire of the residents, and potentially include senior apartments at the site, similar to the existing senior apartments on Ayon. He suggested designating seven acres of the site with the remaining three to serve as a buffer.
CHAIR BURROLA	Chair Burrola requested clarification as to the acreage that would be needed in order to develop single-family units and senior apartments at Allen Drive.
DIRECTOR SIMPSON	Director Simpson asked if there was consensus amongst the Board Members as to the type of housing they would like to see developed

on Allen Drive, to which Vice Chair Ambriz suggested single-family dwellings.

BOARD MEMBER ORTIZ Board Member Ortiz also suggested a senior apartment complex.

DIRECTOR SIMPSON Director Simpson then requested that the Board identify other potential sites for housing, to which Board Member Ortiz suggested potentially developing townhomes near Avenida Padilla due to its proximity to the Metro Station and its 20 acres in size, which would potentially allow for developing a large amount of mixed-use units.

MATT KOWTA Matt Kowta stated that staff would work on the suggestions made by the Board and return with a report that reflects the spirit of the recommendations made.

DIRECTOR SIMPSON Director Simpson discussed the next steps, such as preparing the draft housing element and providing it for public comment. She noted that staff will also schedule additional community workshops for additional input, with the first one being tentatively scheduled for August.

ITEM NO. 2B
IRWINDALE HOUSING
AUTHORITY
GUIDELINES, POLICIES,
AND PROCEDURES
FOR SENIOR
LOW/MODERATE
INCOME HOUSING
APARTMENT RENTAL
PROGRAM IRWINDALE HOUSING AUTHORITY GUIDELINES, POLICIES, AND
PROCEDURES FOR SENIOR LOW/MODERATE INCOME
HOUSING APARTMENT RENTAL PROGRAM

DIRECTOR SIMPSON Director Simpson presented the staff report.

VICE CHAIR AMBRIZ Responding to a question by Vice Chair Ambriz, Director Simpson confirmed that the Board is no longer looking for moderate-income households for the program.

Vice Chair Ambriz also recommended reducing the 15-year proof of residency requirement to 5-years in order to qualify for the "continuous resident" priority under the program, and suggested granting homeless individuals priority status.

EXECUTIVE DIRECTOR MIRANDA In reply to a question by Executive Director Miranda, Director Simpson explained that the Board has previously amended the program guidelines to assign homeless individuals a rank number.

VICE CHAIR AMBRIZ	Vice Chair Ambriz stated his belief that the ranking number for the homeless should be changed to grant them a higher priority.
BOARD MEMBER GARCIA	Board Member Garcia suggested that said higher priority be given to Irwindale residents that are known to be homeless.
CHAIR BURROLA	Responding to a question by Chair Burrola regarding the identification of a homeless Irwindale resident, Board Attorney Guerra advised that the identification of such individuals would need to be clarified. He questioned how a homeless person could be identified as a resident of a certain jurisdiction. He noted that other agencies would typically have a third-party agency or non-profit organization verify or substantiate whether an individual is homeless.
VICE CHAIR AMBRIZ	Vice Chair Ambriz suggested that Irwindale residents be able to fill out an affidavit to substantiate another resident's homeless status, to which Board Attorney Guerra stated that staff could look in to the request.
CHAIR BURROLA	Chair Burrola asked which circumstances would cause an individual to be considered homeless, to which Board Attorney Guerra stated that some believe homeless individuals have no verifiable address or shelter where they could reside, while others consider individuals that sleep in others' homes to be homeless. Chair Burrola asked whether these criteria could be used to identify homeless individuals for purposes of this program, to which Board Attorney Guerra advised that this is a policy decision that the Board would need to determine.
VICE CHAIR AMBRIZ	Vice Chair Ambriz expressed his belief that residents could fill out affidavits to verify another resident's homeless status would be appropriate. He then spoke in support of granting veterans and disabled veterans a higher priority.
DIRECTOR SIMPSON	Director Simpson briefly discussed the criteria used in ranking residents, veterans, the disabled, and the homeless, under the program.
VICE CHAIR AMBRIZ	Vice Chair Ambriz recommended that veterans and the homeless be given a "priority 1" ranking. He also reiterated his recommendation to reduce the 15-year proof of residency requirement to five years in order to qualify for the "continuous resident" priority under the program.
BOARD MEMBER GARCIA	Board Member Garcia suggested that veterans and the disabled that are Irwindale residents be given higher priority over those from other cities, to which Board Attorney Guerra stated that staff will look into the viability of the request.

VICE CHAIR AMBRIZ	Vice Chair Ambriz suggested that homelessness be defined for purposes of the program, to which Board Attorney Guerra stated that staff will look into how it could be defined so that the broad concept could be included in the program guidelines.
BOARD MEMBER ORTIZ	Board Member Ortiz asked whether homeless individuals should also be given a "priority 1" ranking.
DIRECTOR SIMPSON	Director Simpson expressed concern over the ranking suggestions, to which Vice Chair Ambriz voiced his belief that the rankings would work themselves out.
BOARD MEMBER ORTIZ	Board Member Ortiz concurred with lowering the proof of residency requirement from 15 years to five, suggested looking into the homelessness questions raised tonight. He suggested working on these matters as quickly as possible since there are vacancies at the senior apartments that should be filled soon.
BOARD ATTORNEY GUERRA	Board Attorney Guerra stated that staff will look into the requests made tonight to ensure that the program remains consistent with state law.
CHAIR BURROLA	Responding to a request by Chair Burrola, Director Simpson indicated that staff will present an update at the next meeting.
<u>PUBLIC HEARINGS</u>	None.
<u>ADJOURNMENT</u>	There being no further business to conduct, the meeting was adjourned at 9:48 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: July 13, 2022
 To: Honorable Chair and Members of the Housing Authority Board
 From: Julian A. Miranda, Executive Director
 Issue: Irwindale Housing Authority Guidelines, Policies, and Procedures for Senior Low/Moderate Income Housing Apartment Rental Program

City Manager's Recommendation:

Discuss and provide direction regarding the Irwindale Housing Authority Guidelines, Policies, and Procedures for Senior Low/Moderate Income Housing Apartment Rental Program Las Casitas.

Administrative Action:

Prepared by:

Jamie Traxler, Assistant General Council

Submitted by:

Marilyn Simpson, Community Development Director
(626) 430-2209

Electronically Approved

Marilyn Simpson

Reviewed by:

Adrian R. Guerra, General Counsel

Electronically Approved

Kambiz Borhani, Finance Director / City Treasurer

Electronically Approved

Approved by:

Julian A. Miranda, Executive Director

Julian A. Miranda

Background and Analysis:

As requested by the Irwindale Housing Authority ("IHA") Board ("Board") at the meeting of June 22, 2022, this matter is placed on the agenda for the Board to discuss and provide direction regarding the IHA Guidelines, Policies, and Procedures for Senior Low/Moderate Income Housing Apartment Rental Program (Guidelines).

At the June 22, 2022 meeting, the Board directed staff to prepare a proposed definition of homelessness for discussion, along with the below changes to the Guidelines. The City Attorney's office was also directed to ensure that any proposed changes to the Guidelines are consistent with state law. Health & Safety Code section 34322.2 is the state law regarding priorities for tenant selection and requires adoption of regulations establishing a plan that does the following:

- Assures equal opportunity and nondiscrimination
- Sets standards for eligibility, notification procedures of eligibility or disqualification, and procedures for maintaining a waiting list;
- Gives priority to persons displaced by public or private action;
- Gives priority to families of veterans and servicemen;
- May establish occupancy standards, offering available units only to families of appropriate size;
- May further limit qualifications in order to comply with state or federal law or regulations.

It is therefore recommended that the Board adopt additional procedures for maintaining a waiting list of applicants, and add a priority category to persons displaced by public or private action.

Additional proposed changes to the Guidelines are as follows, pursuant to the Board's direction on June 22, 2022:

Second Priority Category

Current Version

- | | |
|------------|-------------------|
| Priority 1 | Disabled |
| Priority 2 | Veteran |
| Priority 3 | None of the above |

Proposed Changes

- | | |
|------------|---------------------|
| Priority 1 | Disabled or Veteran |
| Priority 2 | None of the above |

Third Priority Category

Current Version

- | | |
|------------|--|
| Priority 1 | Shared Renter for longer than one (1) year prior to Application |
| Priority 2 | Shared Renter for less than one (1) year prior to Application |
| Priority 3 | Persons residing in rental accommodations (single/married) for less than one (1) year prior to Application |
| Priority 4 | Persons residing in rental accommodations (single/married) for less than one (1) year prior to Application |

- Priority 5 Persons owning residence or other residential real property
- Priority 6 None of the Above

Proposed Changes

- Priority 1 Persons who are Homeless
- Priority 2 Shared Renter for longer than one (1) year prior to Application
- Priority 3 Shared Renter for less than one (1) year prior to Application
- Priority 4 Persons residing in rental accommodations (single/married) for less than one (1) year prior to Application
- Priority 5 Persons residing in rental accommodations (single/married) for less than one (1) year prior to Application
- Priority 6 Persons owning residence or other residential real property
- Priority 7 None of the Above

Along with adding a priority category for persons who are Homeless, the Board directed Staff to draft a proposed definition of the term "homeless." The definition is proposed to be added to section 2(A)(8) of the Guidelines as follows:

8. Homeless

A person who is homeless is:

- (1) An individual lacking a primary nighttime, fixed, regular, and adequate residence fit for human habitation and who is currently residing in a public or private place not meant for human habitation within the jurisdictional boundaries of Irwindale; or
- (2) An individual at imminent risk of homelessness within the jurisdictional boundaries of Irwindale who:
 - (a) has not had a lease, ownership interest, or occupancy agreement for permanent housing during the 90 days prior to the submission of the Application;
 - (b) has not identified or obtained any other subsequent or permanent residence; and
 - (c) during the same 90-day period prior to submission of the Application lacked the financial resources needed to obtain other permanent housing based on the Affordable Rent requirements as set forth in the Disposition and Development Agreement and Regulatory Agreement by and between the Irwindale Housing Authority and the Northridge Group, Inc.

An Applicant may qualify for the homeless preference by providing either of the following documentation:

1. A notarized affidavit signed under penalty of perjury by the Applicant and one reference familiar with the Applicant's situation certifying that the Applicant is homeless or at imminent risk of homelessness within the jurisdictional boundaries of Irwindale, that no permanent or subsequent residence has been identified or

- obtained, and that within the 90-day period prior to submitting the Application, the individual lacked the financial resources needed to obtain other permanent housing;
2. Written confirmation by a third-party non-profit organization or any public service agency or outreach program certifying that the Applicant is homeless or at imminent risk of homelessness within the jurisdictional boundaries of Irwindale; or
 3. A notice of eviction or a court order resulting from an eviction for an address located within the jurisdictional boundaries of Irwindale.

AND corresponding bank statements and tax returns (if applicable) necessary to verify income and lack of financial resources for the 90-days prior to application submittal.

Final Priority Category

Current Version

- | | |
|------------|---|
| Priority 1 | Category A Continuous Irwindale Resident (15 years) |
| Priority 2 | Category B Continuous Resident (3 years) |
| Priority 3 | Interrupted Resident |
| Priority 4 | Former Resident |
| Priority 5 | Immediate Family Member |
| Priority 6 | None of the above |

Proposed Changes

- | | |
|------------|--|
| Priority 1 | Category A Continuous Irwindale Resident (5 years) |
| Priority 2 | Category B Continuous Resident (3 years) |
| Priority 3 | Interrupted Resident |
| Priority 4 | Former Resident |
| Priority 5 | Immediate Family Member |
| Priority 6 | None of the above |

Also for the Board's consideration, the State audit recommended the removal of the long-term residency priorities from any future housing programs to which the City agreed to make the necessary modifications to the Guidelines Policies and Procedures.

It is therefore recommended that the Board discuss the proposed changes to the Guidelines, and provide any direction to staff.

Fiscal Impact:

None

Attachment:

- A: Irwindale Housing Authority Guidelines, Policies, and Procedures for Senior Low/Moderate Income Housing Apartment Rental Program (Revised: November 10, 2021)

Attachment “A”

**IRWINDALE HOUSING AUTHORITY
GUIDELINES, POLICIES AND
PROCEDURES FOR
SENIOR LOW/MODERATE INCOME
HOUSING APARTMENT RENTAL
PROGRAM**

Adopted by the:

Irwindale Housing Authority

Approved: March 9, 2011

Revised: May 26, 2021

Revised: November 10, 2021

GUIDELINES, POLICIES, AND PROCEDURES

SECTION 1. GENERAL

The Irwindale Housing Authority ("Authority") has a goal of providing a multi-family housing stock for Irwindale residents to replace existing substandard housing units and to create safe and sanitary rental opportunities for seniors.

SECTION 2. PROGRAM GUIDELINES, POLICIES AND PROCEDURES

A. Definitions

1. Applicant

A person/family submitting a formal application for consideration and determination of eligibility to rent an apartment hereunder.

2. Application Deadline

The Application Deadline shall be the date established by the Authority as the deadline for submitting Applications for each apartment unit that becomes available.

3. Conflict of Interest

Authority Board members and officers, or management level employees of the Authority are deemed to have a conflict of interest and may not participate in this program. Persons who exercise operational responsibilities relative to any financing pertaining to the apartment project are similarly deemed to have a conflict of interest.

4. Continuous Resident

A "Continuous. Resident(s)" shall be placed in two (2) subcategories thereof: Those persons/families continuously residing in Irwindale since at least fifteen (15) year period immediately preceding the Application Deadline shall be identified as "Category A" Continuous Resident. Those persons/families continuously residing in Irwindale for at least thirty-six (36) months but establishing residence on or after fifteen (15) year period immediately preceding the Application Deadline shall be identified as "Category B" Continuous Resident.

5. Disabled Family

- (a) Any person or his/her family member who has a disability or handicap recognized under the Americans with Disabilities Act of 1990, as amended, which includes;

- (i) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; .
 - (ii) a record of such an impairment; or
 - (iii) being regarded as having such an impairment (42 U.S.C. §12102.)
- (b) A handicap does not include current, illegal use of or addiction to a controlled substance. For purposes of this part, an individual shall not be considered to have a handicap solely because that individual is a transvestite. (24 C.F.R. § 100.201) As used in this definition:
- (c) "Physical or mental impairment" includes:
 - (i) Any physiological disorder or condition, cosmetic; disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs, cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or
 - (ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness; and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.
- (d) "Major life activities" means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- (e) "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical . impairment that substantially limits one or more major life activities.
- (f) "Is regarded as having an impairment" means:
 - (i) Has a physical or mental impairment that does not substantially limit one or more major life activities but that is treated by another person as constituting such a limitation;

- (ii) Has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of other toward such impairment; or
- (iii) Has none of the impairments defined in paragraph (i) of this definition but is treated by another person as having such an impairment.

Medical certification of a disability or handicap is required from persons claiming disability who are not recipients of benefits under either 42 U.S.C. § 423 (Social Security Act) or § 102 (b) (5) of the Development Services and Facilities Construction Amendments of 1970. The laws and regulations cited in this Section may be amended from time to time by the appropriate governmental authority. Any such amendments that modify the definitions contained herein shall be automatically incorporated without formal action by the Authority.

6. Former Resident

Persons who previously resided within Irwindale for at least thirty-six (36) consecutive months within the fifteen (15) year period immediately preceding the Application Deadline, but who do not currently reside in Irwindale, shall be considered to be Former Residents.

7. Handicapped Person

A person having a disability or handicap, which (a) is expected to be of long continued and indefinite duration, (b) substantially impedes the person's ability to live independently, and (c) is of such a nature that such ability could not be improved by more suitable housing. Any member of a family who is handicapped qualifies that family as a Disabled Family, (See: "*Disabled Family*".)

8. Immediate Family Member

Parents, grandparents, siblings, or children of Continuous Residents are considered to be Immediate Family Members.

9. Income Qualification Criteria

Extremely low, very low, low and moderate income qualification criteria shall be as set forth in Exhibit "A" hereto, which may be amended from time to time without formal action by the Authority or CRA to be consistent with state laws and regulations (Subchapter 2 of Chapter 6.5 of Division 1 of Title 25, California Code of Regulations; see also: California Health and Safety Code §§ 50106, 50105, 50079.5 and 50093.)

10. Interrupted Resident

Any person (or family) who resided in Irwindale for at least thirty-six (36) consecutive months within the fifteen (15) year period immediately preceding the Application Deadline, moved away for a period of time, but has reestablished a bona fide residence within the City limits of Irwindale for at least one year prior to the Application Deadline shall be considered to be an Interrupted Resident.

11. Non-resident

Any person (or family) who is not now and has not been a resident of Irwindale for at least thirty-six (36) consecutive months within the fifteen (15) year period immediately preceding the Application Deadline.

12. Renter

An applicant successfully completing the application process and renting an apartment hereunder.

13. Senior

A Senior is a person who is at least sixty-two (62) years of age or older.

14. Shared Renter

Persons sharing rental accommodations with unrelated persons.

15. Veteran

Any person who has been honorably discharged from one of the military services of the United States shall be considered a Veteran.

B. Eligibility Criteria

Since the Senior Apartment Rental Program is an apartment rental program, there are two (2) primary criteria which must be met to determine eligibility:

1. Income eligibility under § 2.A.9, above.
2. Be a Senior as specified in § 2.A.12, above.

C. Priorities

Eligible applications from persons/families meeting basic income (extremely low, very low, low or moderate income) criteria, shall be processed based upon the following priority schedule and the application procedures in Section 2.D:

1. First Priority Criteria

- (a) Extremely low income persons/family - nine (9) apartment units
[subject to modification]
- (b) Very low income persons/family - six (6) apartment units
[subject to modification]
- (c) Low income persons/families - five (5) apartment units
[subject to modification]
- (d) Moderate income persons/families - five (5) apartment units
[subject to modification]

A primary goal of the Authority is to create, to the extent feasible, sufficient new rental units to meet the projected needs of Irwindale Seniors. Accordingly, and notwithstanding the initial allocations established in § 2. C.1, above, pertaining to the number of units allocated among the income categories, the Authority reserves the right to reallocate the final number of units specified for each income category, if deemed necessary and appropriate, to meet the quantified needs of Irwindale Seniors.

2. Second Priority Criteria

- (a) Disabled Family Priority 1
- (b) Veteran Priority 2
- (c) None of the above Priority 3

3. Third Priority Criteria

- (a) Shared Renter for longer than one (1) year prior to Application - Priority 1.
- (b) Shared Renter for less than (1) year prior to Application - Priority 2.
- (c) Persons residing in rental accommodations (single/married) for longer than one (1) year prior to Application - Priority 3.
- (d) Persons residing in rental accommodations (single/married) for less than one (1) year prior to Application - Priority 4.
- (e) Persons owning residence or other residential real property - Priority 5.
- (f) None of the above – Priority 6.

4. Final Priority Criteria

- (a) Category A Continuous Irwindale Resident - Priority 1

- (b) Category B Continuous Resident - Priority 2
- (c) Interrupted Resident - Priority 3
- (d) Former Resident - Priority 4
- (e) Immediate Family Member - Priority 5
- (f) None of the above - Priority 6

D. Application Procedure

1. Applications

- (a) Upon commencement of the application process, interested persons will be required to complete and sign an Application. As a material part of the Application, interested persons will be required to execute an authorization and waiver form for release of information from persons, firms, public entities and others who may retain data necessary for a complete analysis of the Application. Data needed will include name, address, telephone number, family composition and ages, declaration of income and assets, declaration of outstanding financial obligations, veteran status, declaration of physical status (with appropriate medical confirmation), declaration of home ownership status. (See: § 2.D.1(i).). Appropriate assistance in completing the Application will be provided to interested persons, if requested.
- (b) Applications shall be submitted for review and screening.
- (c) Applications will then be assigned to the appropriate First Priority classification under § 2.C.1.
- (d) Within each primary eligibility classification (or priority), the Applications will be further prioritized according to the Second Priority Criteria set forth in § 2.C.2, above.
- (e) Applications will be further prioritized with each category by the Third Priority Criteria set forth in § 2.C.3, above.
- (f) Applications will be finally prioritized within each classification by the Final Eligibility Criteria set forth in § 2.C.4.
- (g) Within the numerical allotments provided by the First Eligibility Criteria (§ 2.C.1), the final order of priority will be established by adding the numerical priority rating assigned to each Application. The Applications will be ranked, in order of descending priority, with the smallest total number assigned being the highest priority.

For example, an Applicant who is a Displaced Person (Priority 1), Shared Renter (Priority 1) and a Continuous Resident (Priority 1) will have a total Priority Rating of 3 and would be ranked higher than a person who is a "none of the above" (Priority 4), Property Owner (Priority 5) and an Immediate Family Member (Priority 5) with a total Priority Rating of 13.

- (h) The Executive Director shall be vested with the authority to make the final determination of priority ratings which will be presented to the Board for informational purposes only. In the event a tie occurs between two (2) or more Applicants, the total Priority Rating rank order will be assigned by a random blind drawing publicly conducted by the Board during a duly noticed Board meeting.
- (i) The Authority staff will verify the following data:
 - (i) name and address
 - (ii) residence requirement
 - (iii) employment
 - (iv) income
 - (v) existing equity/assets (if applicable)
 - (vi) credit history
 - (vii) property ownership
- (j) Documentation necessary to verify income, age, handicap (disability), and residency requirements shall be submitted with application documents and may include, but is not limited to: birth certificates, current pay check stubs, income tax returns, employment/salary verification, bank statements for all checking and/or savings accounts, telephone records and utility records, hospital admittance records, medical care records, and records of educational institutions and public agencies as the same are relevant to matters pertaining to verification of information submitted.
- (k) If Authority staff is unable to verify necessary information through Documentation as described in Section (D)(1)(j) herein, Authority staff may request and accept a submitted affidavit signed under penalty of perjury to verify any such required information.
- (l) All data submitted shall be verified as true and correct under penalty of perjury of the laws of the State of California. Failure to so verify shall result in application rejection.

- (m) Ineligible Applicants shall be notified, in writing, with a statement indicating why the Applicant has been denied and advising the Applicant of his or her right to appeal the determination in writing within ten (10) days of the letter of denial. Appeals will be heard by the Authority Board and the Authority Board's determination shall be final.
- (n) Eligible Applicants shall be mailed the necessary rental agreement documents to begin processing the rental application. The Authority will provide such assistance as may be necessary to ensure timely and complete submissions.

2. Insufficient Eligible Applications

- (a) If there are insufficient eligible Applicants during the first thirty (30) days of the Application Deadline, the Board may authorize additional time for further applications which will be processed in accordance with the procedures set forth in § 2.D.1, above.
- (b) Priority for Applicants shall be strictly maintained in accordance with the application period during which submittal occurred. Additional Applicants authorized by the Board after the first thirty (30) days shall not be included with the first group of Applicants.
- (c) Once rental agreement documents have been approved, then a move-in date will be established.

3. Hearing Procedures

- (a) **Matters Subject to a Hearing.** The following matters shall be subject to a hearing under these guidelines:
 - (i) Appeals by an Applicant whom has been deemed ineligible for the housing Program;
 - (ii) Revocation or Termination of any housing award given under this housing program due to improper determinations of Applicant eligibility including:
 - (A) Failure to provide accurate statements of all information requested in the application, including, but not limited to, address, residency, income, assets, expenses, and family composition at the time of the application such that, the Applicant was ineligible for the housing program at the time of the award;
 - (B) Housing awards that are inconsistent with, or not authorized by, policy.

- (b) **Notice Requirements.** Irwindale Housing Authority staff is authorized and shall provide an Applicant a minimum ten (10) calendar days written notice of a hearing scheduled to take place under these Guidelines. Notice shall include the date, time, and place of the public hearing, the identity of the hearing body, a general explanation of the matter to be considered or action to be taken by the Irwindale Housing Authority, and a general description of the location of the real property, if any, that is the subject of the hearing.

The Irwindale Housing Authority will provide reasonable accommodation for persons with disabilities to participate in the hearing. The Housing Authority must be notified within three (3) calendar days of the scheduled time of the hearing if special accommodations are required.

- (c) **Administrative Hearing Panel.** The Irwindale Housing Authority Board shall be the designated Hearing Panel presiding over a hearing under this section. In order to conduct a hearing under these guidelines, a quorum of the Irwindale Housing Authority Board must be present on the Hearing Panel at all times in accordance with Irwindale Municipal Code section 2.32.050. The Board shall have the option, in its sole discretion, to designate a different hearing officer or panel. All procedures described herein shall apply to the designated hearing officer or panel.

- (d) **Hearing Procedures and Evidence.** The hearing shall be informal in nature, and formal rules of evidence and discovery do not apply. The hearing shall be open to public observation and nothing herein shall preclude the use of telephonic or other electronic means of communication if deemed appropriate by the Hearing Panel.

- (i) The Irwindale Housing Authority shall make available a copy of these governing procedures to the Applicant whom the action is directed.

- (ii) Each party shall have the opportunity to provide testimony and evidence in support of his or her case. The evidentiary record submitted by the parties shall be accepted by the Hearing Panel as prima facie evidence of the respective facts contained therein. Any document or evidence not submitted at the hearing may not be relied upon by the Hearing Panel in rendering a decision. The Hearing Panel may only consider evidence that is made part of the record at the hearing and relevant to the issues raised in the notice and may disregard any other matter.

- (iii) The failure of any applicant to appear at the hearing will constitute a forfeiture of the hearing, a failure to exhaust administrative remedies, and the order of the Hearing Panel will become the final determination.
 - (iv) An audio recording or transcript shall be taken of any hearing which takes place under these guidelines. A copy of any such audio recording or transcript shall be provided to the Appellant upon request, and the Irwindale Housing Authority may charge a fee sufficient to cover the actual cost of copying said transcript or audio recording.
- (e) **Written Decision.** After considering all of the testimony and evidence submitted at the hearing, the Hearing Panel must issue a written decision within seven (7) business days of the hearing. The written decision may be in the form of a resolution adopted by the Housing Authority Board. The Hearing Panel will use preponderance of the evidence as the standard of evidence in deciding issues. The written decision shall include a statement of the factual and legal basis for the decision.
- (i) The statement of the factual basis for the decision shall be based exclusively on the evidence of record in the proceeding and on matters officially noticed in the proceeding. The written decision shall include a reference to judicial review of the Hearing Panel's final decision pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. The decision of the Hearing Panel shall be final when issued.
 - (ii) The written decision shall be sent to all parties by certified mail, return receipt requested. The written decision shall be deemed issued and final when mailed.
- (f) **Judicial Review.** A final decision issued by the Hearing Panel may be subject to judicial review within ninety (90) days following the date of the final decision pursuant to California Code of Civil Procedure sections 1094.5 and 1094.6. Computation of the time to appeal shall be governed by the Code of Civil Procedure.