



SAN FERNANDO CITY COUNCIL
REGULAR MEETING NOTICE AND AGENDA
SEPTEMBER 21, 2020 – 6:00 PM
TELECONFERENCE – PER GOVERNOR’S EXECUTIVE ORDER

SPECIAL NOTICE REGARDING COVID-19

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20 (superseding the Brown Act-related provisions of Executive Order N-25-20 issued on March 12, 2020), which allows a local legislative body to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Pursuant to Executive Order N-29-20, please be advised that the San Fernando City Council will participate in meetings telephonically.

PUBLIC PARTICIPATION: Pursuant to the Executive Order and given the current health concerns, members of the public can access meetings live on-line, with audio and video, via YouTube Live, at <https://www.youtube.com/c/CityOfSanFernando>. Comments submitted via YouTube will not be read into the record. Members of the public may submit comments by email to cityclerk@sfcity.org no later than 5:00 p.m. the day of the meeting, to ensure distribution to the City Council prior to consideration of the agenda. Those comments will be distributed to the City Council will be limited to three minutes, and made part of the official public record of the meeting. Callers interested in providing a live public comment, can call the City Clerk's Department at (818) 898-1204 between 5:00 p.m. and 6:15 p.m. the day of the meeting and leave a call back number. During the public comments of the meeting, the City Clerk will call the person back in the order received, to provide their live comments, limited to three minutes, to the City Council for consideration.

CALL TO ORDER/ROLL CALL

Mayor Joel Fajardo
Vice Mayor Hector A. Pacheco
Councilmember Sylvia Ballin
Councilmember Robert C. Gonzales
Councilmember Mary Mendoza

PLEDGE OF ALLEGIANCE

Led by Mayor Joel Fajardo

SAN FERNANDO CITY COUNCIL

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APPROVAL OF AGENDA

Recommend that the City Council approve the agenda as presented and move that all ordinances presented tonight be read in title only as authorized under Government Code Section 36934.

DECORUM AND ORDER

The City Council, elected by the public, must be free to discuss issues confronting the City in an orderly environment. Public members attending City Council meetings shall observe the same rules of order and decorum applicable to the City Council ([SF Procedural Manual](#)). Any person making impertinent derogatory or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting, may be removed from the room if the Presiding Officer so directs the Sergeant-At-Arms and such person may be barred from further audience before the City Council.

PUBLIC STATEMENTS

Members of the public may submit comments by email to cityclerk@sfcity.org no later than 5:00 p.m. the day of the meeting, to ensure distribution to the City Council prior to consideration of the agenda. Those comments will be distributed to the City Council will be limited to three minutes, and made part of the official public record of the meeting. Callers interested in providing a live public comment, can call the City Clerk's Department at (818) 898-1204 between 5:00 p.m. and 6:15 p.m. the day of the meeting and leave a call back number. During the public comments of the meeting, the City Clerk will call the person back in the order received, to provide their live comments, limited to three minutes, to the City Council for consideration.

PRESENTATIONS

- a. EDUCATION COMMISSION CERTIFICATE OF RECOGNITION - STUDENT OF THE MONTH
KARL FORTALEZA – ACADEMY OF SCIENTIFIC EXPLORATION
Education Commissioner Nicole Mohr

- b. EDUCATION COMMISSION CERTIFICATE OF RECOGNITION - TEACHER SPOTLIGHT
MALCOLM FOLEY – ACADEMY OF SCIENTIFIC EXPLORATION
Education Commission Chair Angel Zobel Rodriguez

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CONSENT CALENDAR

Items on the Consent Calendar are considered routine and may be disposed of by a single motion to adopt staff recommendation. If the City Council wishes to discuss any item, it should first be removed from the Consent Calendar.

1) REQUEST TO APPROVE MEETING MINUTES OF:

- a. APRIL 6, 2020 – REGULAR MEETING**
- b. SEPTEMBER 8, 2020 – SPECIAL MEETING**

2) CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER

Recommend that the City Council adopt Resolution No. 20-092 approving the Warrant Register.

3) CONSIDERATION TO APPROVE THE UPDATED CITY COUNCIL AD HOC COMMITTEE ASSIGNMENTS

Recommend that the City Council approve the updated City Council Ad Hoc Committee Assignments.

4) CONSIDERATION TO AUTHORIZE RELEASE OF A NOTICE INVITING BIDS FOR THE DESIGN OF THE LAYNE PARK REVITALIZATION PROJECT

Recommend that the City Council authorize staff to release a Notice Inviting Bids soliciting professional services from qualified and experienced engineering firms to develop a biddable set of plans, specifications and project cost estimate for the Layne Park Revitalization Project.

5) CONSIDERATION TO ACCEPT THE DONATION OF AN ELLIPTICAL EXERCISE MACHINE FROM FULL CIRCLE CONSULTING SYSTEMS, INC.

Recommend that the City Council Accept the donation of a Bladex Elliptical Trainer model number E700i from Full Circle Consulting Systems, Inc.

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6) CONSIDERATION TO ACCEPT AND APPROPRIATE THE NATIONAL ENDOWMENT FOR THE ARTS COVID-19 RESPONSE GRANT AWARD TO SUPPORT PERSONNEL COST ASSOCIATED WITH THE MARIACHI MASTER APPRENTICE PROGRAM

Recommend that the City Council:

- a. Authorize the City Manager to accept the National Endowment for The Arts (NEA) Coronavirus Aid, Relief, and Economic Security (CARES) Act Grant in the amount of \$50,000 and execute all related documents; and
- b. Adopt Resolution No. 8029 to increase grant fund revenue and expenditures by \$50,000 for Fiscal Year 2020-2021.

7) FAIR POLITICAL PRACTICES COMMISSION – 2020 CONFLICT OF INTEREST CODE LOCAL AGENCY BIENNIAL NOTICE REQUIREMENT

Recommend that the City Council

- a. Receive and file the 2020 Conflict of Interest Code Local Agency Biennial Notice requirement from the Fair Political Practices Commission (“FPPC”); and
- b. Authorize the City Manager, or designee, to complete the Notice and submit all related compliance documents to the FPPC.

8) RECEIVE AND FILE PRESENTATION OF MEASURE “A” ANNUAL REPORT

Recommend that the City Council receive and file the 2020 Annual Report on the collection, management, and expenditure of Measure “A” as required by the City Code.

ADMINISTRATIVE REPORTS**9) DISCUSSION REGARDING COVID-19 RESPONSE EFFORTS AND APPROVAL OF PROPOSED RECOMMENDATIONS**

Receive a presentation from staff related to the City’s COVID-19 efforts, including, but not limited to:

- a. Review and approval of the City’s COVID-19 planning, response, enforcement, and education efforts, and related policy initiatives; and
- b. Review and approval of financial assistance programs and the pursuit of funding opportunities, and related recommendations, as appropriate.

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10) REVIEW AND DISCUSS A TEMPORARY MURAL PILOT PROGRAM AND RELATED MURAL AD HOC COMMITTEE RECOMMENDATIONS

Recommend that the City Council:

- a. Receive a presentation and report from staff;
- b. Discuss the recommendations from the Mural Ad Hoc Committee; and
- c. Provide additional direction as appropriate.

11) CONSIDERATION TO DETERMINE A CITY POSITION ON THE 2020 LEAGUE OF CALIFORNIA CITIES RESOLUTION

Recommend that the City Council:

- a. Discuss the proposed Resolution to be presented at the 2020 League of California Cities General Assembly Meeting; and
- b. Provide direction to the voting delegate regarding the City's position on the resolution.

12) CONSIDERATION TO APPROVE A REQUEST FROM THE KIDNEYS QUEST FOUNDATION THE USE OF THE CITY SEAL FOR ITS EMERGENCY EDUCATION BACKPACK DISTRIBUTION PROGRAM

This item was placed on the agenda by Councilmember Mendoza.

Recommend that the City Council approve the use of the City seal printed on backpacks for the Kidneys Quest Foundation's Emergency Education Backpack Distribution Program pursuant to Resolution No. 6904.

13) DISCUSSION AND POSSIBLE DIRECTION RELATED TO WHISTLEBLOWER AND ALLEGED EMPLOYEE MISCONDUCT REPORTING PROCEDURES

This item was placed on the agenda by Mayor Joel Fajardo.

Recommend that the City Council discuss the City's whistleblower and alleged employee misconduct procedures and provide direction to staff, as appropriate.

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STAFF COMMUNICATION INCLUDING COMMISSION UPDATES**GENERAL COUNCIL COMMENTS AND LIAISON UPDATES****ADJOURNMENT**

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.

Julia Fritz, CMC

City Clerk

Signed and Posted: September 17, 2020 (5:00 p.m.)

Agendas and complete Agenda Packets (including staff reports and exhibits related to each item) are posted on the City's Internet website (www.sfcity.org). These are also available for public reviewing prior to a meeting in the City Clerk Department. Any public writings distributed by the City Council to at least a majority of the Councilmembers regarding any item on this regular meeting agenda will also be made available at the City Clerk Department at City Hall located at 117 Macneil Street, San Fernando, CA, 91340 during normal business hours. In addition, the City may also post such documents on the City's website at www.sfcity.org. In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification/accommodation to attend or participate in this meeting, including auxiliary aids or services please call the City Clerk Department at (818) 898-1204 at least 48 hours prior to the meeting.

Regular Meeting

San Fernando City Council

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**APRIL 6, 2020 – 6:00 P.M.
REGULAR MEETING**

Teleconference Per Governor Executive Order N-29-20

CALL TO ORDER/ROLL CALL

Mayor Joel Fajardo called the meeting to order at 6:22 p.m.

Present:

Council: Mayor Joel Fajardo, Vice Mayor Hector A. Pacheco, and Councilmembers Sylvia Ballin, Robert C. Gonzales, and Mary Mendoza

Staff: City Manager Nick Kimball, Assistant City Attorney Richard Padilla, and Deputy City Clerk Cynthia Alba

PLEDGE OF ALLEGIANCE

Led by Councilmember Sylvia Ballin

APPROVAL OF AGENDA

Motion by Mayor Fajardo, seconded by Councilmember Ballin, to approve the agenda.

The motion carried with the following vote:

AYES: Ballin, Gonzales, Mendoza, Pacheco, Fajardo – 5
NOES: None
ABSTAIN: None
ABSENT: None

PUBLIC STATEMENTS – WRITTEN/ORAL

Shirrlene Jansen requested information regarding postponed paving projects.

Veronica De Lara requested information regarding food bank and rent assistance resources available to support tenants.

Myra Costello spoke in opposition of water price increases and requested that the city allow residents to build eight-foot fences around their properties.

Carolina Perez requested reopening guidelines for churches due to the COVID-19 closures.

SAN FERNANDO CITY COUNCIL**MINUTES – April 6, 2020****Page 2****CONSENT CALENDAR**

Motion by Mayor Fajardo, seconded by Councilmember Ballin, to approve the remaining Consent Calendar Item numbers 1 and 2:

1) **REQUEST TO APPROVE MINUTES OF:**

a. NOVEMBER 17, 2014 – SPECIAL JOINT	m. JUNE 13, 2016 – SPECIAL
b. OCTOBER 20, 2014 – REGULAR	n. FEBRUARY 20, 2018 – REGULAR
c. JANUARY 20, 2015 – SPECIAL	o. APRIL 16, 2018 – REGULAR
d. JANUARY 20, 2015 – REGULAR	p. DECEMBER 12, 2018 – ADJOURNED REGULAR
e. FEBRUARY 17, 2015 – SPECIAL	q. DECEMBER 2, 2019 – REGULAR
f. FEBRUARY 17, 2015 – REGULAR	r. DECEMBER 12, 2019 – SPECIAL
g. MARCH 16, 2015 – SPECIAL	s. JANUARY 6, 2020 – SPECIAL
h. MARCH 16, 2015 – REGULAR	t. JANUARY 6, 2020 – REGULAR
i. MARCH 23, 2015 – SPECIAL	u. JANUARY 27, 2020 - SPECIAL
j. JULY 20, 2015 – REGULAR	v. FEBRUARY 3, 2020 – REGULAR
k. DECEMBER 7, 2015 – REGULAR	w. MARCH 16, 2020 – SPECIAL
l. MARCH 21, 2016 – REGULAR	x. MARCH 20, 2020 – SPECIAL

2) **CONSIDERATION TO ADOPT A RESOLUTION APPROVING THE WARRANT REGISTER**

The motion carried with the following vote:

AYES: Ballin, Gonzales, Mendoza, Pacheco, Fajardo – 5
 NOES: None
 ABSTAIN: None
 ABSENT: None

Items Pulled for Further Discussion3) **CONSIDERATION TO APPROVE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF WATER RESOURCES FOR THE UPPER RESERVOIR REPLACEMENT PROJECT**

City Manager Kimball presented the staff report and responded to Councilmember comments.

Motion by Councilmember Mendoza, seconded by Councilmember Ballin, to:

- a. Approve Contract No. 1921 with the State of California Department of Water Resources which will allow the City to utilize funding for the Upper Reservoir No. 4 Replacement Project; and
- b. Authorize the City Manager to execute the agreement on behalf of the City.

SAN FERNANDO CITY COUNCIL**MINUTES – April 6, 2020****Page 3**

The motion carried with the following vote:

AYES:	Ballin, Gonzales, Mendoza, Pacheco, Fajardo – 5
NOES:	None
ABSTAIN:	None
ABSENT:	None

- 4) CONSIDERATION TO APPROVE A SUBAWARD AGREEMENT WITH THE CITY OF LOS ANGELES FOR THE 2019 URBAN AREA SECURITY INITIATIVE GRANT PROGRAM, AND TO APPROVE AN AGREEMENT WITH EVERBRIDGE FOR AN EMERGENCY MASS NOTIFICATION SYSTEM

City Manager Kimball presented the staff report and responded to Councilmember comments.

Motion by Councilmember Mendoza, seconded by Vice Mayor Mayor Pacheco, to:

- a. Approve the Subaward Agreement (Contract No. 1946) between the City of Los Angeles and the City of San Fernando (City) for the 2019 Urban Area Security Initiative (UASI) Grant Program;
- b. Approve the Agreement (Contract No. 1947) between Everbridge and the City for an Emergency Mass Notification System for a term of three years in the amount of \$37,474.58;
- c. Authorize the City Manager and the Chief of Police to execute the agreement; and
- d. Adopt Resolution No. 7993 amending the Fiscal Year 2019-2020 adopted budget to appropriate the grant expenditures and revenues for the UASI 19 Grant in the amount of \$38,060.

The motion carried with the following vote:

AYES:	Ballin, Gonzales, Mendoza, Pacheco, Fajardo – 5
NOES:	None
ABSTAIN:	None
ABSENT:	None

PUBLIC HEARING

- 5) CONSIDERATION TO ADOPT AN URGENCY ORDINANCE ENACTING A TEMPORARY MORATORIUM ON COMMERCIAL AND RESIDENTIAL EVICTIONS

Mayor Fajardo declared the Public Hearing open. There being no public comments, Mayor Fajardo closed the Public Hearing.

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Assistant City Attorney Padilla presented the staff report. He and City Manager Kimball responded to questions from Councilmembers.

It was noted that Councilmember Mendoza left the meeting at 7:52 p.m.

Motion by Mayor Fajardo, seconded by Councilmember Ballin, to continue this Public Hearing at a subsequent meeting and creating an Ad Hoc consisting of Mayor Fajardo and Councilmember Ballin to study and advise on recommendations which will end once the moratorium is passed.

AYES:	Ballin, Gonzales, Pacheco, Fajardo – 4
NOES:	None
ABSTAIN:	None
ABSENT:	Mendoza – 1

ADMINISTRATIVE REPORTS**6) DISCUSSION OF CITY’S ACTIONS REGARDING CORONAVIRUS**

It was noted that Councilmember Mendoza returned to the meeting at 7:57 p.m.

City Manager Kimball presented the city’s actions regarding coronavirus, shared available resources for businesses and residents, and discussed possible funding opportunities. He and Assistant City Attorney Padilla replied to questions from Councilmembers.

No formal action was taken.

7) CONSIDERATION TO ADOPT A RESOLUTION DESIGNATING AGENTS TO SUBMIT ASSURANCES AND AGREEMENTS TO THE OFFICE OF EMERGENCY SERVICES FOR STATE DISASTER ASSISTANCE

City Manager Kimball presented the staff report. He replied to questions from Councilmembers.

Motion by Mayor Fajardo, seconded by Councilmember Mendoza, to adopt Resolution No. 7996 designating the City Manager, Police Chief, and Director of Finance as Authorized Agents to submit assurances and agreements to the California Governor’s Office of Emergency Services for State Disaster Assistance.

The motion carried with the following vote:

AYES:	Ballin, Gonzales, Mendoza, Pacheco, Fajardo – 5
NOES:	None
ABSTAIN:	None
ABSENT:	None

SAN FERNANDO CITY COUNCIL**MINUTES – April 6, 2020****Page 5**

- 8) ADOPTION OF RESOLUTION DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION AND CONFIRMATION/FINAL ADOPTION OF ORDINANCE AMENDING CHAPTER 22 (BUSINESSES) AND CHAPTER 106 (ZONING) TO EXPRESSLY PROHIBIT ALL ADULT-USE AND MEDICINAL COMMERCIAL CANNABIS ACTIVITY THROUGHOUT THE CITY, EXCEPT AS ALLOWED BY STATE LAW

Motion by Councilmember Mendoza, seconded by Vice Mayor Mayor Pacheco, to:

- a. Adopt Resolution No. 7995 declaring the results of the March 3, 2020, Special Municipal Election; and
- b. Confirm and ratify adoption of Ordinance No. 1690 (second reading), entitled: “An Ordinance of the People of the City of San Fernando, California, Amending Chapter 22 (Businesses) and Chapter 106 (Zoning) to Expressly Prohibit All Adult-use and Medicinal Commercial Cannabis Activity Throughout the City, Except as Allowed by State Law.”.

The motion carried with the following vote:

AYES: Ballin, Gonzales, Mendoza, Pacheco, Fajardo – 5
 NOES: None
 ABSTAIN: None
 ABSENT: None

- 9) CONSIDERATION OF A LETTER IN SUPPORT REGARDING AB 1862 - PROVIDING TWO YEARS OF TUITION-FREE EDUCATION AT ANY CALIFORNIA STATE UNIVERSITY (CSU) CAMPUS

Motion by Councilmember Mendoza, seconded by Vice Mayor Pacheco, to send a letter of support of AB 1862 - Providing Two Years of Tuition-Free Education at Any California State University (CSU) Campus.

The motion carried with the following vote:

AYES: Ballin, Gonzales, Mendoza, Pacheco, Fajardo – 5
 NOES: None
 ABSTAIN: None
 ABSENT: None

STAFF COMMUNICATION INCLUDING COMMISSION UPDATES

City Manager Kimball shared a public announcement by Los Angeles County Department of Health regarding COVID-19, and expressed condolences regarding the passing of Pablo Solis.

SAN FERNANDO CITY COUNCIL**MINUTES – April 6, 2020****Page 6****GENERAL COUNCIL COMMENTS AND LIAISON UPDATES**

Councilmember Gonzales congratulated Elena Chavez on her retirement from the City. He expressed condolences regarding the passing of Pablo Solis

Councilmember Mendoza offered her condolences to the Solis family, wished Ms. Chavez a prosperous and happy retirement, and requested to adjourn the meeting in memory of her niece Jenny Chacon.

Councilmember Ballin spoke about Ms. Chavez's retirement, the passing of Jenny Chacon, and Pablo Solis. She also provided an update from Metropolitan Water District and Southern California Edison.

Vice Mayor Pacheco urged residents to check the city's Facebook page, to be smart about public safety awareness, and to maintain social distancing.

Mayor Fajardo thanked City of Los Angeles and the State of California for their hard work in mitigating the COVID-19 crisis. He also thanked Ms. Chavez for her years of service and offered condolences to the Solis and Chacon family.

It was noted that Vice Mayor Pacheco left the meeting at 9:49 p.m.

ADJOURNMENT (9:51 P.M.)

Motion by Mayor Fajardo, seconded by Councilmember Mendoza, to adjourn the meeting in memory of Jenny Chacon and Pablo Solis.

The motion carried with the following vote:

AYES:	Ballin, Gonzales, Mendoza, Fajardo – 4
NOES:	None
ABSTAIN:	None
ABSENT:	Pacheco – 1

I do hereby certify that the foregoing is a true and correct copy of the minutes of April 6, 2020, meeting as approved by the San Fernando City Council.

Julia Fritz
City Clerk

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**SAN FERNANDO CITY COUNCIL
MINUTES**

**SEPTEMBER 8, 2020 – 4:30 P.M.
SPECIAL MEETING**

Teleconference Per Governor Executive Order N-29-20

CALL TO ORDER/ROLL CALL

Mayor Joel Fajardo called the meeting to order at 4:31 p.m.

Present:

Council: Mayor Joel Fajardo, and Councilmembers Sylvia Ballin, Robert C. Gonzales, and Mary Mendoza

Staff: City Manager Nick Kimball, Assistant City Attorney Richard Padilla, and Deputy City Clerk Cynthia Alba

Absent: Vice Mayor Hector A. Pacheco

APPROVAL OF AGENDA

Motion by Mayor Fajardo, seconded by Councilmember Ballin, to approve the agenda. The motion carried with the following vote:

AYES: Fajardo, Ballin, Gonzales, Mendoza – 4
NOES: None
ABSTAIN: None
ABSENT: Pacheco – 1

PUBLIC STATEMENTS – WRITTEN/ORAL

None

RECESS TO CLOSED SESSION (4:32 P.M.)

By consensus, Councilmembers recessed to Closed Session.

It was noted that Vice Mayor Pacheco arrived directly into closed session at 4:40 p.m.

A) CONFERENCE WITH LABOR NEGOTIATOR
G.C. §54957.6

Designated City Negotiators:

City Manager Nick Kimball

City Attorney Rick Olivarez

Assistant City Attorney Richard Padilla

Employees and Employee Bargaining Units that are the Subject of Negotiation:

San Fernando Management Group (SEIU, Local 721)

San Fernando Public Employees' Association (SEIU, Local 721)

San Fernando Police Officers Association

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SPECIAL MEETING MINUTES – September 8, 2020**

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San Fernando Police Officers Association Police Management Unit
San Fernando Police Civilian Association
San Fernando Part-time Employees' Bargaining Unit (SEIU, Local 721)
All Unrepresented Employees

**B) CONFERENCE WITH REAL PROPERTY NEGOTIATOR
PURSUANT TO G.C. §54956.8:**

Property: City owned parcels at Assessor Identification
Numbers: 2521-031-901, 902, & 903

City Negotiators: City Manager Nick Kimball, Lead Negotiator
City Attorney Rick Olivarez
Assistant City Attorney Richard Padilla

Negotiating Parties: Vanessa Delgado, President, Azure Development
Under Negotiation: Price and Terms of Payment as it relates to Leasing or Sale
of Real Property

**C) PUBLIC CONFERENCE WITH REAL PROPERTY NEGOTIATOR
PURSUANT TO G.C. §54956.8:**

Property: 543, 553, and 563 Glenoaks Boulevard, City of San Fernando
Agency Negotiators: City Manager Nick Kimball, Lead Negotiator
City Attorney Rick Olivarez
Assistant City Attorney Richard Padilla

Negotiating Parties: Neil Haltrecht, Robertson Properties Group
Under Negotiation: Price and Terms as it Relates to Proposed Development Agreement

**D) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
PURSUANT TO G.C. §54956.9(d)(2) AND G.C. §54956.9(e)(1):**

One (1) Matter

REPORT OUT FROM CLOSED SESSION (5:55 P.M.)

Assistant City Attorney Padilla stated there was no reportable action as a result of Closed Session.

ADJOURNMENT (5:57 P.M.)

Motion by Mayor Fajardo, seconded by Councilmember Gonzales, to adjourn the meeting. By consensus, the motion carried.

I do hereby certify that the foregoing is a true and correct copy of the minutes of September 8, 2020, meeting as approved by the San Fernando City Council.

*Julia Fritz
City Clerk*

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AGENDA REPORT

To: Mayor Joel Fajardo and Councilmembers

From: Nick Kimball, City Manager
By: J. Diego Ibañez, Director of Finance

Date: September 21, 2020

Subject: Consideration to Adopt a Resolution Approving the Warrant Register

RECOMMENDATION:

It is recommended that the City Council adopt Resolution No. 20-092 (Attachment "A") approving the Warrant Register.

BACKGROUND:

For each City Council meeting the Finance Department prepares a Warrant Register for Council approval. The Register includes all recommended payments for the City. Checks, other than special checks, generally are not released until after the Council approves the Register. The exceptions are for early releases to avoid penalties and interest, excessive delays and in all other circumstances favorable to the City to do so. Special checks are those payments required to be issued between Council meetings such as insurance premiums and tax deposits. Staff reviews requests for expenditures for budgetary approval and then prepares a Warrant Register for Council approval and or ratification. Items such as payroll withholding tax deposits do not require budget approval.

The Director of Finance hereby certifies that all requests for expenditures have been signed by the department head, or designee, receiving the merchandise or services thereby stating that the items or services have been received and that the resulting expenditure is appropriate. The Director of Finance hereby certifies that each warrant has been reviewed for completeness and that sufficient funds are available for payment of the warrant register.

ATTACHMENT:

A. Resolution No. 20-092

ATTACHMENT "A"**RESOLUTION NO. 20-092****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN FERNANDO ALLOWING AND APPROVING FOR
PAYMENT DEMANDS PRESENTED ON DEMAND/ WARRANT
REGISTER NO. 20-092****THE CITY COUNCIL OF THE CITY OF SAN FERNANDO DOES HEREBY
RESOLVE, FIND, DETERMINE AND ORDER AS FOLLOWS:**

1. That the demands (EXHIBIT "A") as presented, having been duly audited, for completeness, are hereby allowed and approved for payment in the amounts as shown to designated payees and charged to the appropriate funds as indicated.
2. That the City Clerk shall certify to the adoption of this Resolution and deliver it to the City Treasurer.

PASSED, APPROVED, AND ADOPTED this 21st day of September, 2020.

Joel Fajardo, Mayor

ATTEST:

Julia Fritz, City Clerk

RESO. NO. 20-092CERTIFICATION

I, City Clerk of the City of San Fernando, California, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 20-092 which was regularly introduced and adopted by the City Council of the City of San Fernando, California, at a regular meeting thereof held on the 21st day of September, 2020, by the following vote of the City Council:

AYES:

NAYS:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Fernando, California, this 21st day of September, 2020.

Julia Fritz, City Clerk

vchlist Page: 1
 09/16/2020 11:52:55AM Voucher List
 CITY OF SAN FERNANDO

Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220212	9/21/2020	891587 ABLE MAILING INC.	32408		MAILING AND FULFILLMENT SERVICES	
				12220	072-360-0000-4300	89.45
				12220	070-382-0000-4300	89.45
			32409		WATER ENVELOPE STORAGE FEE-AU	
					070-382-0000-4300	12.50
					072-360-0000-4300	12.50
					Total :	203.90
220213	9/21/2020	100066 ADS ENVIRONMENTAL SERVICES,INC	22291-22-0820		AUG-WASTEWATER FLOW MONITORIN	
				12103	072-360-0000-4260	1,243.33
					Total :	1,243.33
220214	9/21/2020	893686 AGENTS OF DISCOVERY	SFMM234		3 MONTH EDUCATIONAL SILVER PACK	
					001-420-0000-4260	1,197.00
					Total :	1,197.00
220215	9/21/2020	887377 AKEMON, DOLORES	SEPT 2020		COMMISSIONER'S STIPEND	
					001-310-0000-4111	75.00
					Total :	75.00
220216	9/21/2020	893667 ALL POWER SERVICES	13956		INSTALLATON OF ELECTRICAL EQUIPM	
				12259	010-422-3709-4600	2,100.00
					Total :	2,100.00
220217	9/21/2020	100188 ANDY GUMP INC.	INV730006		PORTABLE RESTROOM SERVICE FOR	
				12271	070-384-0000-4260	330.34
			INV730007		PORTABLE RESTROOM SERVICE FOR	
				12271	043-390-0000-4260	211.24
			INV730008		PORTABLE RESTROOM SERVICE FOR	
				12271	043-390-0000-4260	330.44
			INV730009		PORTABLE RESTROOM SERVICE FOR	
				12271	043-390-3689-4260	562.48
			INV732833		PORTABLE RESTROOM SERVICE FOR	
				12271	043-390-3689-4260	562.48
			INV737697		PORTABLE RESTROOM SERVICE FOR	
				12271	070-384-0000-4260	330.34

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vchlist Page: 2
 09/16/2020 11:52:55AM Voucher List
 CITY OF SAN FERNANDO

Bank code : bank3

Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220217	9/21/2020	100188 ANDY GUMP INC.	(Continued) INV737698		PORTABLE RESTROOM SERVICE FOR	
				12271	043-390-0000-4260	330.44
			INV737699		PORTABLE RESTROOM SERVICE FOR	
				12271	043-390-3689-4260	562.48
			INV737923		PORTABLE RESTROOM SERVICE FOR	
				12271	043-390-0000-4260	211.24
			INV740401		PORTABLE RESTROOM SERVICE FOR	
				12271	043-390-3689-4260	562.48
			INV745118		PORTABLE RESTROOM SERVICE FOR	
				12271	070-384-0000-4260	330.34
			INV745119		PORTABLE RESTROOM SERVICE FOR	
				12271	043-390-0000-4260	211.24
			INV745120		PORTABLE RESTROOM SERVICE FOR	
				12271	043-390-0000-4260	330.44
					Total :	4,865.98
220218	9/21/2020	893441 ARAMARK REFRESHMENT SERVICES	10488707		EMPLOYEE BREAK ROOM SUPPLIES	
					001-222-0000-4300	112.90
					Total :	112.90
220219	9/21/2020	888321 ARRIZON, FRANCISCO	SEPT 2020		COMMISSIONER'S STIPEND	
					001-310-0000-4111	75.00
					Total :	75.00
220220	9/21/2020	891209 AUTONATION SSC	334225		BRAKE PADS FOR FLEET	
					041-1215	292.67
					Total :	292.67
220221	9/21/2020	892426 BEARCOM	5073075		RADIO COMM SYST & WIRELESS BRO	
				12235	001-135-0000-4260	7,610.41
					Total :	7,610.41
220222	9/21/2020	892847 B-LINE INVESTIGATIONS, INC	1128		SPECIALIZED INVESTIGATIVE SERVIC	
				12276	001-112-0000-4270	1,475.00
					Total :	1,475.00

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220223	9/21/2020	890838 BLUE TARP CREDIT SERVICES	45624316		OIL DRAIN CATCH 041-320-0000-4300	156.19
Total :						156.19
220224	9/21/2020	888800 BUSINESS CARD	082820		WASH & DETAIL TRAVEL TRAILERS-CO 001-222-3689-4300	720.00
			083120		REFLECTIVE ORANGE TRAFFIC CONTI 110-225-3627-4300	334.91
			090120		PAS DEVICES 110-225-3627-4300	1,500.00
			090120		001-222-0000-4300	62.50
			090320		ANNUAL MEMBERSHIP DUES 001-190-0000-4435	18.00
			090420		TONER 001-222-0000-4300	1,080.12
			090720		RGSTR-PROTEST MANAGEMENT TRAI 001-222-0000-4360	100.00
					LODGING-POST SBSLI CLASS 418 ON 001-225-0000-4360	431.52
Total :						4,247.05
220225	9/21/2020	888800 BUSINESS CARD	080520		CITY CALENDAR & INTTL FEE-AUG 001-135-0000-4260	9.27
			080520		SECOND LINE FOR MAYOR 001-101-0103-4220	111.19
			080620		STREET CLOSURE POSTERS-COVID19 001-105-3689-4300	86.90
			081120-CITY		CITY CONF-CITY 001-135-3689-4260	295.45
			081120-RCS		VIDEO CONF-RCS 001-135-3689-4260	149.90
			081320		PUBLICATION-HOUSING ELEMENT OF 001-150-0000-4230	99.95
			081620		REFERENCE BOOK 001-150-0000-4300	135.63
			081620		MONTHLY DOMAIN RENEWAL-AUG 2020 001-135-0000-4260	5.00

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220225	9/21/2020	888800 BUSINESS CARD	(Continued) 082020		ANNUAL MEMBERSHIP DUES 001-140-0000-4360	215.00
			082120		ANNUAL MEMBERSHIP DUES 001-140-0000-4380	145.00
			082620		VIRTUAL CONF REGISTRATION 001-105-0000-4370	50.00
			082720		LITERATURE RACK 001-222-0000-4300	66.78
			082720		CERTIFICATE SEALS 001-101-0000-4300	21.06
			082820		ANNUAL HOSTING SUBSCRIPTION 001-135-0000-4270	287.88
			083120		FINANCE CHARGES 001-190-0000-4435	8.35
Total :						1,687.36
220226	9/21/2020	100462 BYRD INDUSTRIAL ELECTRONICS	0713-20		RESCALE TRANSDUCER RES 2A TO S 070-384-0000-4260	240.00
Total :						240.00
220227	9/21/2020	100536 CALIFORNIA BUILDING OFFICIALS	13465		WEBINAR REGISTRATION 001-152-0000-4370	350.00
			13467		WEBINAR REGISTRATION 001-152-0000-4370	70.00
Total :						420.00
220228	9/21/2020	891860 CARL WARREN & COMPANY	20038-20040		REIMB. TO ITF ACCT (LIABILITY CLAIM) 006-1037	4,041.10
Total :						4,041.10
220229	9/21/2020	892704 CHARGEPOINT	N81722		CHARGING STATION FLEET FEES 041-320-0152-4402	67.17
Total :						67.17
220230	9/21/2020	893681 CISNEROS, RAMIRO	39-3570-00		UB Refund Cst #00017222 070-2010	52.15

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220230	9/21/2020	893681 893681 CISNEROS, RAMIRO	(Continued)			Total : 52.15
220231	9/21/2020	101957 CITY OF LOS ANGELES	SF21000002		FIRE SERVICES-SEPT 2020 001-500-0000-4260	236,012.00 Total : 236,012.00
220232	9/21/2020	103029 CITY OF SAN FERNANDO	2868-2888		REIMBURSEMENT TO WORKERS COM 006-1038	5,885.07 Total : 5,885.07
220233	9/21/2020	890893 CITY OF SAN FERNANDO	SEPT 2020		VARIOUS CITY PROPERTY UTILITY 043-390-0000-4210	4,912.59 Total : 4,912.59
220234	9/21/2020	100805 COOPER HARDWARE INC.	121762	12277	MISC SUPPLIES FOR PUBLIC WORKS (6.83
			121887	12277	MISC SUPPLIES FOR PUBLIC WORKS (2.18
			121961	12277	MISC SUPPLIES FOR PUBLIC WORKS (45.06
			122064	12277	MISC SUPPLIES FOR PUBLIC WORKS (4.79
			122143	12277	MISC SUPPLIES FOR PUBLIC WORKS (64.22
			122238	12277	MISC SUPPLIES FOR PUBLIC WORKS (95.90
			122239	12277	MISC SUPPLIES FOR PUBLIC WORKS (21.17
			122385	12277	MISC SUPPLIES FOR PUBLIC WORKS (13.12
			122575	12277	MISC SUPPLIES FOR PUBLIC WORKS (23.62
						Total : 276.89
220235	9/21/2020	103794 CSUN/ CENTER FOR	1055SFV		ACCT#A3077-ILLEGAL FIREWORKS AP	1,127.00
					001-190-0000-4267	Total : 1,127.00

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220236	9/21/2020	893682 DAWKINS, NATALIE	52-2872-07		UB Refund Cst #00017207 070-2010	31.39 Total : 31.39
220237	9/21/2020	889121 EDGESOFT, INC.	3167	12236	SEPT-ANNUAL MAINT. CONTRACT FOF 055-135-0000-4260	2,080.00 Total : 2,080.00
220238	9/21/2020	890879 EUROFINS EATON ANALYTICAL, INC	L0525085	12245	FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260	144.00
			L0525086	12245	FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260	152.00
			L0525087	12245	FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260	150.00
			L0525591	12245	FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260	150.00
			L0525592	12245	FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260	150.00
			L0525816	12245	FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260	245.00
			I0526196	12245	FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260	144.00
			L0526206	12245	FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260	24.00
			L0526207	12245	FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260	147.00
			L0526451	12245	FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260	319.00
			L0526515	12245	FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260	70.00
			L0526559	12245	FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260	190.00
			L0526821	12245	FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260	665.00
			L0526823	12245	FULL-SERVICE ENVIRONMENTAL DRIN 070-384-0000-4260	150.00
			L0526825	12245	FULL-SERVICE ENVIRONMENTAL DRIN	

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220238	9/21/2020	890879 EUROFINS EATON ANALYTICAL, INC	(Continued)			
			L0526994	12245	070-384-0000-4260 FULL-SERVICE ENVIRONMENTAL DRIN	150.00
			L0527465	12245	070-384-0000-4260 FULL-SERVICE ENVIRONMENTAL DRIN	190.00
			L0528238	12245	070-384-0000-4260 FULL-SERVICE ENVIRONMENTAL DRIN	150.00
			L0528239	12245	070-384-0000-4260 FULL-SERVICE ENVIRONMENTAL DRIN	35.00
			L0528240	12245	070-384-0000-4260 FULL-SERVICE ENVIRONMENTAL DRIN	144.00
			L0528245	12245	070-384-0000-4260 FULL-SERVICE ENVIRONMENTAL DRIN	150.00
			L0528459	12245	070-384-0000-4260 FULL-SERVICE ENVIRONMENTAL DRIN	150.00
			L0528782	12245	070-384-0000-4260 FULL-SERVICE ENVIRONMENTAL DRIN	144.00
			L0529118	12245	070-384-0000-4260 FULL-SERVICE ENVIRONMENTAL DRIN	152.00
			L0529177	12245	070-384-0000-4260 FULL-SERVICE ENVIRONMENTAL DRIN	150.00
			L0529530	12245	070-384-0000-4260 FULL-SERVICE ENVIRONMENTAL DRIN	150.00
			L0562201	12245	070-384-0000-4260 FULL-SERVICE ENVIRONMENTAL DRIN	150.00
					Total :	4,565.00
220239	9/21/2020	103851 EVERSOF, INC.	R2082872		WATER SOFTNER RENTAL-WELL 2A 070-384-0000-4260	83.66
			R2082873		WATER SOFTNER RENTAL-WELL 4A 070-384-0000-4260	173.43
					Total :	257.09
220240	9/21/2020	101114 EXCEL PAVING COMPANY	8		ANNUAL STREET RESURFACING PROJ 012-311-0560-4600	153,571.11
				12134	070-385-0560-4600	69,594.01

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220240	9/21/2020	101114 EXCEL PAVING COMPANY	(Continued)			
					012-2037	-7,678.56
					070-2037	-3,479.70
					Total :	212,006.86
220241	9/21/2020	892198 FRONTIER COMMUNICATIONS	209-150-5145-010598		PAC 50 TO SHERIFFS 001-222-0000-4220	568.30
			209-150-5250-081292		RADIO REPEATER-POLICE 001-222-0000-4220	45.83
			209-150-5251-040172		MWD METER (P.W.) 070-384-0000-4220	45.83
			209-151-4939-102990		MUSIC CHANNEL 001-190-0000-4220	41.70
			209-151-4941-102990		POLICE PAGING 001-222-0000-4220	50.73
			209-151-4943-081292		RADIO REPEATER (POLICE) 001-222-0000-4220	45.83
			209-188-4361-031792		RCS PHONE LINES 001-420-0000-4220	120.21
			209-188-4362-031792		PD MAJOR PHONE LINES 001-222-0000-4220	618.15
			209-188-4363-031892		VARIOUS PHONE LINES 001-190-0000-4220	84.78
					070-384-0000-4220	282.96
					001-420-0000-4220	278.09
			818-361-0901-051499		SEWER FLOW MONITORING 072-360-0000-4220	64.43
			818-361-2472-031415		PW PHONE LINE 070-384-0000-4220	511.58
			818-361-3958-091407		CNG STATION 074-320-0000-4220	51.64
			818-361-6728-080105		ENGINEERING FAX LINE 001-310-0000-4220	38.11
			818-831-5002-052096		POLICE SPECIAL ACTIVITIES PHONE L 001-222-0000-4220	55.21
			818-837-1509-032207		PUBLIC WORKS PHONE LINES 001-190-0000-4220	29.08

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220241	9/21/2020	892198 FRONTIER COMMUNICATIONS	(Continued) 818-838-1841-112596		ENGINEERING FAX MODEM 001-310-0000-4220	38.93
			818-838-4969-021803		POLICE DEPT ALARM PANEL 001-222-0000-4220	114.75
					Total :	3,086.14
220242	9/21/2020	101376 GRAINGER, INC.	9615649853	12261	MISC. BUILDING AND ELECTRICAL SUF 043-390-0000-4300	420.66
			9618447016	12261	MISC. BUILDING AND ELECTRICAL SUF 043-390-3689-4300	89.62
			9623410132	12261	MISC. BUILDING AND ELECTRICAL SUF 043-390-0000-4300	24.75
			9623410140	12261	MISC. BUILDING AND ELECTRICAL SUF 043-390-0000-4300	149.60
			9627762264	12261	MISC. BUILDING AND ELECTRICAL SUF 043-390-0000-4300	287.32
			9633515490	12261	MISC. BUILDING AND ELECTRICAL SUF 043-390-0000-4300	19.04
			9633515508	12261	MISC. BUILDING AND ELECTRICAL SUF 043-390-0000-4300	356.61
			9633916698	12261	MISC. BUILDING AND ELECTRICAL SUF 043-390-0000-4300	63.08
					Total :	1,410.68
220243	9/21/2020	888647 HDL SOFTWARE, LLC	SIN002802	12269	BUSINESS LICENSE ADMIN SERVICES- 001-130-0000-4270	2,938.32
					Total :	2,938.32
220244	9/21/2020	101512 HDL, COREN & CONE	SIN002974		AUDIT SERVICES-PROPERTY TAX 001-130-0000-4270	358.08
			SIN003223		CAFR SERVICES (2019-20 STATS REPC 001-130-0000-4270	745.00
					Total :	1,103.08
220245	9/21/2020	890594 HEALTH AND HUMAN RESOURCE	E0231803		EAP-OCT 2020 001-106-0000-4260	243.10

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220245	9/21/2020	890594 890594 HEALTH AND HUMAN RESOURCE	(Continued)			Total : 243.10
220246	9/21/2020	893678 HIJAR, LORENA	52-2622-01		UB Refund Cst #00013599 070-2010	123.07
					Total :	123.07
220247	9/21/2020	887740 INDUSTRIAL SHOE COMPANY	1100-1238442		SAFETY SHOES 070-383-0000-4310	180.40
					Total :	180.40
220248	9/21/2020	891570 INNOVATIVE TELECOM. SYSTEMS	2801		TELEPHONE EQUIP MAINT-SEPT 2020 001-190-0000-4220	520.00
					Total :	520.00
220249	9/21/2020	891777 IRRIGATION EXPRESS	15188388-00	12274	IRRIGATION SUPPLIES FOR ALL CITY F 043-390-0000-4300	182.91
			15190715-00	12274	IRRIGATION SUPPLIES FOR ALL CITY F 043-390-0000-4300	80.58
			15191633-00	12274	IRRIGATION SUPPLIES FOR ALL CITY F 001-311-0000-4300	119.66
			15191945-00	12274	IRRIGATION SUPPLIES FOR ALL CITY F 001-311-0000-4300	11.56
			15191968-00	12274	IRRIGATION SUPPLIES FOR ALL CITY F 043-390-0000-4300	83.55
			15192816-00	12274	IRRIGATION SUPPLIES FOR ALL CITY F 043-390-0000-4300	145.68
			15193383-00	12274	IRRIGATION SUPPLIES FOR ALL CITY F 043-390-0000-4300	77.86
			15193612-00	12274	IRRIGATION SUPPLIES FOR ALL CITY F 043-390-0000-4300	198.76
			15193825-00	12274	IRRIGATION SUPPLIES FOR ALL CITY F 043-390-0000-4300	83.47
			15193853-00	12274	IRRIGATION SUPPLIES FOR ALL CITY F 043-390-0000-4300	110.11
			15195389-00	12274	IRRIGATION SUPPLIES FOR ALL CITY F 043-390-0000-4300	95.44
			15195398-00	12274	IRRIGATION SUPPLIES FOR ALL CITY F	

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220249	9/21/2020	891777 IRRIGATION EXPRESS	(Continued)	12274	043-390-0000-4300	73.15
					Total :	1,262.73
220250	9/21/2020	887952 J. Z. LAWNMOWER SHOP	24597	12281	SMALL EQUIP. REPAIR (LAWNMOWERS	67.64
			24598	12281	SMALL EQUIP. REPAIR (LAWNMOWERS	81.05
			24600	12281	SMALL EQUIP. REPAIR (LAWNMOWERS	124.04
			26301	12281	SMALL EQUIP. REPAIR (LAWNMOWERS	10.00
			26302	12281	SMALL EQUIP. REPAIR (LAWNMOWERS	135.86
			26303	12281	SMALL EQUIP. REPAIR (LAWNMOWERS	229.68
			26501	12281	SMALL EQUIP. REPAIR (LAWNMOWERS	44.71
					Total :	692.98
220251	9/21/2020	892641 KIDNEY QUEST FOUNDATION, INC.	FY20/21-2		CIF-EMERGENCY EDUCATION BACKPA	250.00
					053-101-0109-4430	500.00
					Total :	750.00
220252	9/21/2020	892833 KIM TURNER, LLC	092620		RGSTR-CA POST CRISIS COMM SKILL	125.00
			3197		RGSTR-CA POST DISPATCHER'S ROLE	125.00
					Total :	250.00
220253	9/21/2020	101768 KIMBALL-MIDWEST	8201426		MISC & DEPT SUPPLIES	213.10
					041-1215	250.00
					Total :	463.10
220254	9/21/2020	893549 KOA CORPORATION	JC06021-6		CONSTRUCTION MGMT & INSPECTION	

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220254	9/21/2020	893549 KOA CORPORATION	(Continued)	12202	008-311-6673-4600	58,957.00
				12202	015-311-6673-4600	14,708.21
					Total :	73,665.21
220255	9/21/2020	892996 KS STATEBANK	26	12221	SMART METERS LEASE PAYMENT	81.65
				12221	001-190-0000-4405	1,518.60
					Total :	1,600.25
220256	9/21/2020	889095 LAFD - C.U.P.A.	IN0301027		HAZMAT PERMIT FEES-120 MACNEIL	2,892.00
					072-360-0000-4260	2,892.00
					Total :	2,892.00
220257	9/21/2020	101852 LARRY & JOE'S PLUMBING	2150725-0001-02		MISC SUPPLIES	19.93
					043-390-0000-4300	19.93
					Total :	19.93
220258	9/21/2020	101920 LIEBERT CASSIDY WHITMORE	12515		WEBINAR-LABOR RELATIONS FOR PUI	100.00
					001-225-0000-4360	100.00
					Total :	100.00
220259	9/21/2020	893685 LITTLE GIANT	43-2170-00		UB Refund Cst #00005167	62.51
					070-2010	62.51
					Total :	62.51
220260	9/21/2020	892477 LOWES	01400		SMALL TOOLS	431.75
			901601		MISC SUPPLIES	42.31
			902400		WATER HEATER REPLACEMENT-REC F	420.90
					043-390-0000-4300	894.96
					Total :	894.96
220261	9/21/2020	892140 MICHAEL BAKER	1093128	11886	CDBG ADMINISTRATIVE & LABOR COM	2,130.00
					026-311-0182-4260	2,130.00
					Total :	2,130.00

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220262	9/21/2020	102226 MISSION LINEN SUPPLY	513137296		LAUNDRY 001-225-0000-4350	101.60
			513166552		LAUNDRY 001-225-0000-4350	87.23
			513183800		LAUNDRY 001-225-0000-4350	134.49
			513212551		LAUNDRY 001-225-0000-4350	74.94
					Total :	398.26
220263	9/21/2020	893343 MOHR, NICOLE	SEPT 2020		COMMISSIONER'S STIPEND 001-310-0000-4111	75.00
					Total :	75.00
220264	9/21/2020	893454 NACHO'S ORNAMENTAL INC	INV260383		MAT'LS FOR REPAIRS 043-390-0000-4300	86.20
					Total :	86.20
220265	9/21/2020	893405 NEW HORIZON	035632		LP PHONE SERVICE-SEPT 2020 001-420-0000-4220	323.26
					Total :	323.26
220266	9/21/2020	102403 NOW IMAGE PRINTING	2020093		ENVELOPES-COVID-19 NEWSLETTER 001-105-3689-4300	538.23
					Total :	538.23
220267	9/21/2020	893151 OCCUPATIONAL HEALTH CENTERS	68835281		PRE-EMPLOYMENT PHYSICAL 001-106-0000-4260	81.50
					Total :	81.50
220268	9/21/2020	102432 OFFICE DEPOT	102976746004		OFFICE SUPPLIES 001-152-3689-4300	53.33
			113035165001		OFFICE SUPPLIES 001-152-3689-4300	32.97
			116193960001		OFFICE SUPPLIES 001-140-0000-4300	42.82
			116194553001		OFFICE SUPPLIES	

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220268	9/21/2020	102432 OFFICE DEPOT	(Continued)			
			116744916001		001-150-0000-4300 OFFICE SUPPLIES	19.13
			117919727001		070-381-0000-4300 OFFICE SUPPLIES	60.76
			117978104001		043-390-0000-4300 OFFICE SUPPLIES	17.48
			118732670001		001-222-0000-4300 OFFICE SUPPLIES	63.66
			118734264001		001-222-0000-4300 OFFICE SUPPLIES	135.32
			118734265001		001-222-0000-4300 OFFICE SUPPLIES	28.36
			119120765001		001-222-0000-4300 OFFICE SUPPLIES	22.98
			119188586001		001-130-0000-4300 TONER	91.31
			119529138001		001-310-0000-4300 OFFICE SUPPLIES	1,163.81
			119529767001		001-222-0000-4300 OFFICE SUPPLIES	131.59
			119763929001		001-222-0000-4300 OFFICE SUPPLIES	104.64
			119764603001		001-150-0000-4300 OFFICE SUPPLIES	9.90
			120309358001		001-152-0000-4300 OFFICE SUPPLIES	47.97
			120453179001		001-152-3689-4300 OFFICE SUPPLIES	-32.97
			120793164001		001-106-0000-4300 OFFICE SUPPLIES	547.75
			120793165001		001-420-0000-4300 OFFICE SUPPLIES	163.65
			121115931001		001-420-0000-4300 TONER FOR HP PRINTER	11.31
			2429159398		001-130-3689-4300 OFFICE SUPPLIES	129.79

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220268	9/21/2020	102432 OFFICE DEPOT	(Continued)			
			2431518996		001-222-0000-4300 FAX	54.73
			2431948252		001-222-0000-4300 OFFICE SUPPLIES	218.99
					001-222-0000-4300	26.81
					Total :	3,146.09
220269	9/21/2020	892572 OLIVAREZ MADRUGA	11610		LEGAL SERVICES	
			11611		001-110-0000-4270 LEGAL SERVICES	15,666.00
			11612		001-110-0000-4270 LEGAL SERVICES	3,780.00
					001-110-3689-4270	1,890.00
					Total :	21,336.00
220270	9/21/2020	890095 O'REILLY AUTOMOTIVE STORES INC	4605-384217		VEHICLE SERVICE, MAINTENANCE & F	
			4605-384381	12252	070-383-0000-4400	70.38
			4605-384464	12252	VEHICLE SERVICE, MAINTENANCE & F	
			4605-384473	12252	041-320-0225-4400	76.99
			4605-385087	12252	VEHICLE SERVICE, MAINTENANCE & F	
			4605-385235	12252	041-320-0320-4400	62.36
			4605-386083	12252	VEHICLE SERVICE, MAINTENANCE & F	
				12252	041-1215	86.42
				12252	VEHICLE SERVICE, MAINTENANCE & F	17.04
				12252	041-1215	65.67
				12252	VEHICLE SERVICE, MAINTENANCE & F	
				12252	041-320-0225-4400	338.97
					Total :	717.83
220271	9/21/2020	893680 PAN, ELIZABETH	37-3275-04		UB Refund Cst #00017156	
					070-2010	15.94
					Total :	15.94
220272	9/21/2020	892957 PIONEER FIRE PROFESSIONALS INC	370126		REFILL FIRE EXTINGUISHERS-PD0000	

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220272	9/21/2020	892957 PIONEER FIRE PROFESSIONALS INC	(Continued)			
					041-320-0225-4400	146.76
					Total :	146.76
220273	9/21/2020	888789 PRO FORCE LAW ENFORCEMENT	422246	12283	TASER, HOLSTER AND ACCESSORIES	
					001-222-0000-4300	3,341.75
					001-222-0000-4300	342.53
					Total :	3,684.28
220274	9/21/2020	102688 PROFESSIONAL PRINTING CENTERS	16165		CENSUS DOOR HANGERS	
			16257		110-105-3672-4300	470.80
					COVID-19 NEWSLETTER (ENG & SPAN	
					001-105-3689-4300	2,255.00
					Total :	2,725.80
220275	9/21/2020	892131 PROHEALTH-VALLEY OCCUPATIONAL	00284939-00		DOT DRIVER PHYSICAL	
					001-106-0000-4260	80.00
					Total :	80.00
220276	9/21/2020	890004 PTS	2052498		POLICE PAY PHONE-SEPT	
					001-190-0000-4220	65.64
					Total :	65.64
220277	9/21/2020	893684 RASER, DORI & RICHARD	60-0306-09		UB Refund Cst #00017198	
					070-2010	53.89
					Total :	53.89
220278	9/21/2020	889602 RESPOND SYSTEMS	106226		PPE'S-COVID-19	
					001-311-3689-4300	764.14
					043-390-3689-4300	197.70
					Total :	961.84
220279	9/21/2020	892368 REYES, MIGUEL ANGEL	08/17/20-09/28/20		VIRTUAL EXERCISE CLASS	
					017-420-1322-4260	210.00
					Total :	210.00
220280	9/21/2020	893276 RON'S MAINTENANCE, INC.	2		CATCH BASIN CLEANING	
					001-311-0000-4260	1,500.00

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220280	9/21/2020	893276 893276 RON'S MAINTENANCE, INC.	(Continued)			Total : 1,500.00
220281	9/21/2020	892708 ROYAL INDUSTRIAL SOLUTIONS	8901-794422	12050	ST. LIGHTING, PARKING LOT LIGHTING 043-390-0000-4330	2,400.24 Total : 2,400.24
220282	9/21/2020	102929 ROYAL PAPER CORPORATION	5003105 5005290 5006327		DISINFECTANT WIPES-COVID-19 001-105-3689-4300 DISINFECTANT WIPES-COVID-19 001-105-3689-4300 DISINFECTANT WIPES-COVID-19 001-105-3689-4300	836.00 522.50 434.50 Total : 1,793.00
220283	9/21/2020	893683 SALAS, TERESA	33-1275-00		UB Refund Cst #00002787 070-2010	34.95 Total : 34.95
220284	9/21/2020	891253 SAN FERNANDO SMOG TEST ONLY	4092 4096 4097 4098		SMOG TEST-E1033942 041-320-0000-4450 SMOG TEST-E1008775 041-320-0000-4450 SMOG TEST-E1200077 041-320-0000-4450 SMOG TEST-E1264516 041-320-0000-4450	60.00 60.00 60.00 60.00 60.00 Total : 240.00
220285	9/21/2020	103057 SAN FERNANDO VALLEY SUN	10895 10903 10907 10908		CENSIS 2020 1/4 PAGE AD ENG/SP-08/ 110-105-3672-4270 CENSIS 2020 1/4 PAGE AD ENG/SP-08/ 110-105-3672-4270 CENSIS 2020 1/4 PAGE AD ENG/SP-09/ 110-105-3672-4270 MEASURE A VIRTUAL TOW NHALL MTC 001-190-0000-4267	798.34 798.34 798.34 798.34 798.34 Total : 3,193.36

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220286	9/21/2020	103064 SAN GABRIEL VALLEY CITY	FY2020-2021		ANNUAL MEMBERSHIP DUES 001-105-0000-4380	55.00 Total : 55.00
220287	9/21/2020	890553 SMART SOURCE OF CALIFORNIA LLC	1520867		BLUE WATER BILL STOCK 070-382-0000-4300 072-360-0000-4300	1,526.65 1,526.65 Total : 3,053.30
220288	9/21/2020	103202 SOUTHERN CALIFORNIA EDISON CO.	2-02-682-6982 2-21-082-3241 2-33-746-5215 2-39-084-2581 2-39-717-6769 2-42-775-4338		ELECTRIC-910 1ST 043-390-0000-4210 ELECTRIC-VARIOUS LOCATIONS 027-344-0000-4210 043-390-0000-4210 029-335-0000-4210 070-384-0000-4210 ELECTRIC-190 PARK 027-344-0000-4210 ELECTRIC-1117 SECOND 043-390-0000-4210 ELECTRIC - 801 EIGHTH 043-390-0000-4210 ELECTRIC-MACLAY/SAN FERNANDO 030-341-0000-4210	10,748.20 6,827.60 13,245.71 2,474.39 16,131.40 815.81 12.73 17.01 10.59 Total : 50,283.44
220289	9/21/2020	103206 SOUTHERN CALIFORNIA GAS CO.	176-827-9776		NATURAL GAS-CNG STATION 074-320-0000-4402	3,973.54 Total : 3,973.54
220290	9/21/2020	103090 SUSAN SAXE-CLIFFORD, PH.D.	20-0828-1 20-0831-7		PSYCH EVAL SERVICES 001-222-0000-4260 PSYCH EVAL SERVICES 001-222-0000-4260	450.00 450.00 Total : 900.00
220291	9/21/2020	103205 THE GAS COMPANY	042-320-6900-7		GAS-910 FIRST	

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220291	9/21/2020	103205 THE GAS COMPANY	(Continued)		043-390-0000-4210	86.92
					Total :	86.92
220292	9/21/2020	101528 THE HOME DEPOT CRC, ACCT#603532202490	2273920		DISPOSIBLE FACE MASKS-COVID-19	
			5093472		041-320-3689-4300	87.91
			5093473		MAT'L'S NEEDED TO CLOSE	
					043-390-3689-4300	279.57
			906131		HAND TOOLS	
					043-390-0000-4300	24.13
					GLOVES	
					001-152-0000-4300	75.56
					Total :	467.17
220293	9/21/2020	890833 THOMSON REUTERS	842898953		DET INVESTIGATION SKILLS-AUG 2020	
					001-135-0000-4260	211.82
					Total :	211.82
220294	9/21/2020	103903 TIME WARNER CABLE	10328090520		CITY HALL CABLE-09/05-10/04	
			10518090120		001-190-0000-4220	142.49
					REC PARK CABLE-08/29-09/28	
					001-420-0000-4260	254.24
			196309082320		INTERNET SERVICES-08/23-09/22	
					001-190-0000-4220	1,299.00
			222204090120		PW OPS CABLE-08/29-09/28	
					043-390-0000-4260	130.06
					Total :	1,825.79
220295	9/21/2020	892525 T-MOBILE	958769818		HOTSPOT & TABLETS - 07/21-08/20	
					001-420-0000-4220	29.40
					001-152-0000-4220	19.74
					Total :	49.14
220296	9/21/2020	893353 TOLENTINO, CLARISA	SEPT 2020		COMMISSIONER'S STIPEND	
					001-310-0000-4111	75.00
					Total :	75.00

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220297	9/21/2020	893679 TORRES, TERESA	39-3476-02		UB Refund Cst #00017164	
					070-2010	26.73
					Total :	26.73
220298	9/21/2020	103413 TRANS UNION LLC	08004983		CREDIT CHECKS	
					001-222-0000-4260	114.63
					Total :	114.63
220299	9/21/2020	890998 TRUJILLO, RODOLFO	SEPT 2020		COMMISSIONER'S STIPEND	
					001-310-0000-4111	75.00
					Total :	75.00
220300	9/21/2020	103463 U.S. POSTMASTER	SEPT 2020		POSTAGE-SEPT UTILITY BILLS	
					070-382-0000-4300	638.94
					072-360-0000-4300	638.94
					Total :	1,277.88
220301	9/21/2020	887939 ULINE SHIPPING SUPPLIES	123427355		PARKING ENFORCEMENT CHALK	
					001-222-0000-4300	44.56
					Total :	44.56
220302	9/21/2020	103445 UNDERGROUND SERVICE ALERT	820200700		(80) NEW USA TICKETS & MAINT FEES	
					070-381-0000-4260	142.00
					Total :	142.00
220303	9/21/2020	892258 UNIFORM & ACCESSORIES	404918		NAME TAG	
					001-222-0000-4300	30.01
					Total :	30.01
220304	9/21/2020	893167 UNITED MAINTENANCE SYSTEMS	14704		CONTRACTUAL SERVICES FOR JANITC	
				12256	043-390-0000-4260	17,850.00
				12256	043-390-3689-4260	7,250.00
					Total :	25,100.00
220305	9/21/2020	103439 UPS	831954360		COURIER SERVICE	
					001-190-0000-4280	155.00
					Total :	155.00

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
220306	9/21/2020	103534 VALLEY LOCKSMITH	7159	12275	LOCKSMITH SERVICES FOR ALL CITY I 041-320-0225-4400	360.90
Total :						360.90
220307	9/21/2020	891797 VALLEY POWER REPAIRS	5772		REPLACE CARB SOLENOID-PD0000 041-320-0225-4400	225.00
Total :						225.00
220308	9/21/2020	892081 VERIZON BUSINESS SERVICES	71568402		MPLS PORT ACCESS & ROUTER FOR F 001-222-0000-4220	1,064.47
Total :						1,064.47
220309	9/21/2020	889627 VERIZON CONFERENCING	Z7025407		CONFERENCE CALLS-JULY 2020 001-190-0000-4220	182.33
			Z7031029		CONFERENCE CALLS-AUG 2020 001-190-0000-4220	37.77
Total :						220.10
220310	9/21/2020	100101 VERIZON WIRELESS-LA	9861529779		PD CELL PHONE PLANS 001-222-0000-4220	270.47
			9861540502		CITY YARD CELL PHONE PLANS 070-384-0000-4220	197.59
					043-390-0000-4220	21.96
					041-320-0000-4220	21.96
					072-360-0000-4220	88.05
			9861551208		VARIOUS CELL PHONE PLANS 001-106-0000-4220	51.21
					070-384-0000-4220	55.52
Total :						706.76
220311	9/21/2020	103716 WORKBOOT WAREHOUSE	4-42476		SAFETY SHOES 041-320-0000-4310	294.66
			4-42477		SAFETY SHOES 041-320-0000-4310	152.21
			4-42651		SAFETY BOOTS 043-390-0000-4310	359.71
Total :						806.58

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
100		Vouchers for bank code : bank3				Bank total : 726,843.37
100		Vouchers in this report				Total vouchers : 726,843.37

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount
219883	8/5/2020	101988 LOS ANGELES COUNTY	080420		RECORDING FEES-RELEASE OF GOV 001-150-0000-4230	20.00
Total :						20.00
219884	8/6/2020	103648 CITY OF SAN FERNANDO	PR 8-7-20		REIMB FOR PAYROLL W/E 7-31-20	
					001-1003	424,199.99
					007-1003	306.31
					008-1003	2,507.75
					017-1003	3.46
					027-1003	3,223.28
					029-1003	3,016.53
					030-1003	1,200.78
					041-1003	12,309.44
					043-1003	24,415.98
					070-1003	39,778.27
					072-1003	24,747.58
					094-1003	162.57
					110-1003	580.49
Total :						536,452.43
219886	8/7/2020	890907 DELTA DENTAL OF CALIFORNIA	DEMAND		DENTAL INS BENEFITS -AUGUST 2020	
					001-1160	12,616.17
Total :						12,616.17
219887	8/7/2020	891230 DELTA DENTAL INSURANCE COMPANY	DEMAND		DENTAL INS BENEFITS -AUGUST 2020	
					001-1160	205.59
Total :						205.59
219888	8/7/2020	103596 CALIFORNIA VISION SERVICE PLAN	DEMAND		VISION INS BENEFITS -AUGUST 2020	
					001-1160	2,506.67
Total :						2,506.67
219889	8/7/2020	887627 STANDARD INSURANCE	DEMAND		AD&D INS BENEFITS -AUGUST 2020	
					001-1160	3,790.30
Total :						3,790.30

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Voucher	Date	Vendor	Invoice	PO #	Description/Account	Amount	
219987	8/14/2020	890607 DIAZ, ROSA	821159		MAR. SENIOR DANCE REFUND 004-2380	144.00	
Total :						144.00	
219988	8/20/2020	103648 CITY OF SAN FERNANDO	PR 8-21-20		REIMB FOR PAYROLL W/E 8-14-20		
					030-1003	1,166.62	
					041-1003	11,801.16	
					043-1003	22,088.34	
					070-1003	39,276.12	
					072-1003	25,024.35	
					094-1003	162.57	
					110-1003	499.76	
					001-1003	459,961.80	
					007-1003	306.31	
					008-1003	2,517.45	
					017-1003	3.11	
					027-1003	3,223.31	
					029-1003	3,028.89	
Total :						569,059.79	
219991	8/20/2020	102003 LOS ANGELES COUNTY	RE-PW-20011303182	12108	FY 2019-2020 INDUSTRIAL WASTE CHA 072-360-0000-4450	3,832.76	
Total :						3,832.76	
219992	8/20/2020	893481 SAMUEL A RAMIREZ & CO., INC	0001	12177	PLACEMENT AGENT SERVICES 070-385-0806-4270	15,000.00	
Total :						15,000.00	
219993	8/25/2020	100101 VERIZON WIRELESS-LA	9848551075		MDT MODEMS-PD UNITS 001-222-0000-4220	1,308.61	
Total :						1,308.61	
11 Vouchers for bank code :		bank3				Bank total :	1,144,936.32
11 Vouchers in this report					Total vouchers :	1,144,936.32	

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<u>Voucher</u>	<u>Date</u>	<u>Vendor</u>	<u>Invoice</u>	<u>PO #</u>	<u>Description/Account</u>	<u>Amount</u>
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Voucher Registers are not final until approved by Council.

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AGENDA REPORT

To: Mayor Joel Fajardo and Councilmembers

From: Nick Kimball, City Manager

Date: September 21, 2020

Subject: Review and Discuss a Temporary Mural Pilot Program and Related Mural Ad Hoc Committee Recommendations

RECOMMENDATION:

It is recommended that the City Council:

- a. Receive a presentation and report from staff;
- b. Discuss the recommendations from the Mural Ad Hoc Committee; and
- c. Provide additional direction as appropriate.

BACKGROUND:

1. On February 5, 2018, staff presented a proposed ordinance regulating the review and approval of art murals on private property (Attachment "A"). The item was discussed but no final action was taken.
2. On February 18, 2020, the City Council established a Mural Ad Hoc (Gonzales, Mendoza) to review information and develop policy recommendations related to establishing a mural program.
3. On August 17, 2020, Councilmember Mendoza presented a proclamation celebrating the 100-year anniversary of women's right to vote and members of the 100-Year Anniversary of Women's Right to Vote Ad Hoc (Ballin, Mendoza) requested staff to explore painting a mural on public property to commemorate the 100-year anniversary.
4. On August 17, 2020, the Mural Ad Hoc was reconstituted to include Mayor Fajardo and Councilmember Mendoza.

Review and Discuss a Temporary Mural Pilot Program and Related Mural Ad Hoc RecommendationsPage 2 of 4

5. On September 1, 2020, the Mural Ad Hoc met to discuss the process for a Women's Suffrage 100-Year Anniversary Commemorative mural as well as establishing a process for allowing murals on private property in the City.
6. On September 8, 2020, the City Council discussed recommendations from the Mural Ad Hoc related to a mural to commemorate the 100-year anniversary of women's right to vote and directed staff to move forward with developing a process to paint said mural on a publicly owned building.
7. On September 8, 2020, the City Council discussed certain ad hoc committee assignments and directed staff to return with a consent item at the next regular City Council meeting to reinstate prior councilmember appointments to the Green City Ad Hoc, Street Tree Ad Hoc, and Wild Horse Foundation Ad Hoc. The City Council also directed staff to include new councilmember assignments to the Mural Ad Hoc (Councilmembers Ballin and Gonzales) and to include discussion of a temporary mural program in the Mural Ad Hoc scope of work.
8. On September 14, 2020, the Mural Ad Hoc met with local artist Lalo Garcia to discuss a possible Temporary Mural Pilot Program.

ANALYSIS:

A mural is a painting or work of art executed directly on a wall. Over the course of time, murals have covered the interiors and exteriors of many public buildings, palaces, temples, tombs, museums, libraries, churches and other publicly viewable spaces to represent the artist's and community's sense culture, society, and important milestones. Murals are considered painted signs, which are currently prohibited on private property in San Fernando.

Pursuant to City Council direction on September 8, 2020, staff will work with the Mural Ad Hoc to move forward with a mural on a City facility commemorating the 100-year anniversary of the constitutional amendment allowing women to vote. Staff will also work with the Mural Ad Hoc to develop and recommend an ordinance establishing criteria and permitting procedures for painting murals on private property in the City. Lastly, the City Council discussed a temporary mural program proposed by Lalo Garcia, a local artist, and directed staff to work with the Mural Ad Hoc to explore the possibility of a temporary mural program.

On September 14, 2020, the Mural Ad Hoc met with Mr. Garcia to discuss the temporary mural proposal. Mr. Garcia is involved with a coalition of artists nationwide, led by artists Sonya Fe and Lalo Garcia, whose purpose is to protest the current immigration policy separating children from their families and housing them in sub-standard conditions through murals in large metropolitan areas. This coalition includes artists in Las Cruces, NM, Houston, TX, Sacramento, CA, Los Angeles, CA, and other large cities to keep the "Children in Cages" policy at the forefront on the national policy discussion through art.

Review and Discuss a Temporary Mural Pilot Program and Related Mural Ad Hoc Recommendations

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Mural Ad Hoc Committee Recommendations.

Subsequent to hearing Mr. Garcia's proposal, the Mural Ad Hoc discuss recommendations to develop a temporary mural pilot program in the publicly owned right-of-way. There are examples in surrounding cities of temporary art mural installations that are painted by a select artist and displayed for a pre-determined amount of time in a certain location. These temporary art mural installations do not need to be painted on a wall or building and can instead can be painted on any "canvas."

Below are considerations to move forward with a temporary mural pilot program with recommendations from the Ad Hoc Committee for City Council discussion:

- 1) Identify a Canvas and Location: The Ad Hoc Committee recommends the proposed pilot program uses a standard four-foot by eight-foot piece of smooth plywood as a canvas and it be installed on the City owned wrought iron fence at Parking Lot 6N facing the bike path in the railroad right-of-way.
- 2) Appropriate a Budget: The cost of the materials and labor to produce the mural would be the responsibility of the artist. The City would be responsible for installing the temporary mural and securing it to the fence in the right-of-way. See the Budget Impact section for additional information related to funding for this project.
- 3) Duration of the Installation: During the pilot period, the proposed duration that the art mural would be on display would be six months from the date of installation. At the end of the six month period, the mural and canvass may be returned to the artist in "as-is" condition or donated to the City.
- 4) Review of Proposals: The Mural Ad Hoc Committee recommends the initial art mural installed as part of the pilot program is approved by the City Council after review of the conceptual drawing.
- 5) Maintenance and Ownership: The Mural Ad Hoc Committee recommends that the artist retain ownership of the artwork, subject to a license agreement allowing the City to use the image in various media, and be responsible for all maintenance. At the City's sole discretion, the City may remove the art mural and return it to the artist at any time prior to the end installation term.

It is recommended that formal program guidelines and a process for review and approval of future temporary art mural installations are developed by staff and presented to the City Council prior to the expiration of the six-month pilot program. If directed by the City Council, staff will develop a license agreement and request a conceptual drawing from Mr. Garcia to present for review and approval at a future City Council meeting.

Review and Discuss a Temporary Mural Pilot Program and Related Mural Ad Hoc RecommendationsPage 4 of 4

BUDGET IMPACT:

Public Works Facility Division staff has reviewed the proposed installation location and estimates the cost for labor and materials to make a bracket and secure a temporary mural painted on a four-foot by eight-foot piece of plywood to be less than \$500.

CONCLUSION:

Staff recommends that the City Council discuss the proposed temporary art mural pilot program and provide staff direction, as appropriate.

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AGENDA REPORT

To: Mayor Joel Fajardo and Councilmembers

From: Nick Kimball, City Manager
By: Julian J. Venegas, Director of Recreation and Community Services
Maribel Perez, Recreation Supervisor

Date: September 21, 2020

Subject: Consideration to Authorize Release of a Notice Inviting Bids for the Design of the Layne Park Revitalization Project

RECOMMENDATION:

It is recommended that the City Council authorize staff to release a Notice Inviting Bids (Attachment "A") soliciting professional services from qualified and experienced engineering firms to develop a biddable set of plans, specifications and project cost estimate for the Layne Park Revitalization Project.

BACKGROUND:

1. On February 5, 2018, the City Council adopted the Parks and Recreation Master Plan (PMP) as an instrument for developing a comprehensive vision for park facility improvements and recreational programming offered to the residents of San Fernando. The PMP identified multiple park sites that needed improvements in order to maintain the continuity of recreational services.
2. On June 5, 2018, the voters of California approved Proposition 68, "Parks, Environment, and Water Bond Act." The measure authorized \$4 billion in general obligation bonds for state and local parks, environmental protection and restoration projects, water infrastructure projects, and flood protection projects. The California Department of Parks and Recreation was the agency assigned to administer a grants program for Proposition 68.
3. On June 22, 2019, the California Department of Parks and Recreation released the Statewide Park Development and Community Revitalization Grant Program (SPP), for revitalizing projects throughout the State. SPP allocated \$625 million in grant funds to create, expand or renovate parks in low-income and disadvantaged communities.
4. On July 1, 2019, the City Council authorized staff to submit a SPP grant application for all six parks (Recreation, Las Palmas, Pioneer, Layne, Rudy Ortega Sr., and the Pacoima Wash

Consideration to Authorize Release a Notice Inviting Bids for the Design of the Layne Park Revitalization Project

Page 2 of 4

Natural Park) identified in the PMP as needing renovation to enhance recreational opportunities for the community.

5. On July 19, 2019, and throughout the application process, RCS staff discussed the renovation plans for all six parks with the Parks, Wellness and Recreation Commission. In addition, feedback from Community Planning meetings pertaining to the park renovation projects was incorporated into the final grant applications.
6. On February 25, 2020, the California Department of Parks and Recreation announced that the City's SPP Layne Park Revitalization Project grant application was selected for funding. The grant award of \$1.1 million includes pre-construction costs such as plan development, specifications, construction documents, and cost estimates.

ANALYSIS:

The Parks and Recreation Master Plan, along with input from community planning meetings involving families, seniors and youth groups, provided guidance and vision in developing the Layne Park Revitalization Project. Additional design ideas came from residents and user group surveys. The Layne Park Site Plan (Attachment "A", Exhibit "1") shows where the recommended park improvements are to be located. However, the final design may differ to maximize land use.

The added park amenities and improvements to Layne Park include the following:

- Construction of a restroom building, powered by solar panels.
- Construction of a basketball court with lighting.
- Construction of an artificial turf soccer field with lighting.
- New landscape and irrigation improvements:
 - Tree removal/replacement (if needed);
 - Smart irrigation with ground sensors;
 - Bioswales; and
 - Planting non-invasive and drought tolerant trees, shrubs.
- Conforming existing and new lighting to light-emitting diode (LED) technology, preferably solar powered.
- Adding fencing along alleyways.
- Renovating the playground for ADA accessibility and adding shading.
- Installing shading for existing picnic tables.
- Installing drinking fountains.

The Notice Inviting Bids requests the services from an experienced landscape architect/engineering firm to develop a cost estimate and a biddable set of plans and

Consideration to Authorize Release a Notice Inviting Bids for the Design of the Layne Park Revitalization Project

Page 3 of 4

specifications for the project. Responses to the RFP should be submitted according to the instructions outlined in the Scope of Services in Attachment "A."

The minimal bid requirements shall include the following sections:

- A Proposal Summary
- The Firm's Profile
- The Firms Qualifications (detailing experience providing the requested service for similar projects/clients)
- A Project Work Plan
- A Project Staffing Description
- A Proposal Cost breakdown

Prospective firms must submit their bid package on or before 1:30 pm on Thursday, October 22, 2020.

BUDGET IMPACT:

The total estimated cost for the Layne Park Revitalization Project is \$1,134,245. Funding is included in the City's approved Fiscal Year 2021 budget through the Statewide Park Development and Community Revitalization (SPP) Grant and the City's cash match.

SOURCES		
Fund	Account Number	Allocation
Statewide Parks Program (Grant)	010-3637-3669	\$ 1,114,245
City's Capital Projects (Match)	010-3637-3669	\$ 20,000
		\$
Total Sources:		\$ 1,134,245

USES		
Activity	Account Number	Cost
Pre-construction Cost	010-420-3669-4600	\$ 225,000
Plans, Specifications, Cost Estimates, Permits		\$ 0
Groundbreaking, public meetings		\$ 0
Construction	010-420-3669-4600	\$ 909,245
Expenditures-to-Date		

Consideration to Authorize Release a Notice Inviting Bids for the Design of the Layne Park Revitalization ProjectPage 4 of 4

CONCLUSION:

It is recommended that the City Council authorize release of a Notice Inviting Bids soliciting professional services from qualified and experienced firms to develop a biddable set of plans, specifications and a project cost estimate for the Layne Park Revitalization Project.

ATTACHMENT:

A. Notice Inviting Bids

ATTACHMENT "A"**NOTICE INVITING BIDS**

Notice is hereby given that sealed proposals will be received by the City of San Fernando, California, for furnishing the following:

**DESIGN OF THE
LAYNE PARK REVITALIZATION PROJECT**

in strict accordance with the Specifications on file in the office of the SAN FERNANDO RECREATION AND COMMUNITY SERVICES DEPARTMENT, 117 Macneil Street, San Fernando, California, 91340. Copies of specifications and proposal documents may be obtained from the City's website at <http://ci.san-fernando.ca.us/rfps-rfqs-nibs-nois>

Two (2) original and one electronic copy of the proposal must be submitted to the CITY CLERK DEPARTMENT in a sealed envelope at CITY HALL, 117 Macneil Street, San Fernando, California, 91340, not later than **1:30** p.m. on Thursday, October 22, 2020. Bids must be clearly mark Bid for DESIGN OF THE LAYNE PARK REVITALIZATION PROJECT. Any bidder may withdraw their proposal, without obligation, at any time prior to the scheduled closing time for receipt of proposals. A withdrawal will not be effective unless made personally or by telephonic notification received prior to the closing date. Proposals may later be referred to the City Council for appropriate action. The City reserves the right to reject any or all proposals as the best interests of the City may dictate.

By: _____
Julia Fritz, City Clerk

Published in **The San Fernando Sun on September 24, 2020.**

REQUEST FOR PROPOSALS



The Recreation and Community Services Department is requesting proposals for:

DESIGN OF THE LAYNE PARK REVITALIZATION PROJECT

RELEASE DATE: Thursday September 24, 2020

RESPONSE DUE: Thursday, October 22, 2020

GENERAL INFORMATION

The City of San Fernando offers seven park facilities that provide recreational opportunities to the community. All park facilities are conveniently located within a 2-mile radius and easily accessible to residents. Typical amenities include activity rooms, picnic shelters, softball diamonds and multi-purpose fields that may be reserved for private use; as well as indoor/outdoor basketball courts and picnic tables that are available on a first come, first served basis.

The City of San Fernando is interested in contracting with an experienced and qualified firm to provide professional design services for the Layne Park Revitalization Project detailed in the Scope of Service. Layne Park located at 120 North Huntington Street, San Fernando, CA 91340 is a small neighborhood park approximately 33,200 square feet in size serving both residential and commercial residents.

The existing park amenities include an open field, playground equipment, and several picnic tables. The objective of the Layne Park Renovation Project is to enhance the park amenities that will provide greater recreational opportunities for the surrounding community, provide employment or volunteer opportunities for residents, and incorporate environmental elements for efficient use of water and other natural resources.

The Statewide Park Development and Community Revitalization Grant Program is funding the Layne Park Revitalization Project. As such, all contracted work must comply with the provisions of §1771.5 of the State Labor Code.

BACKGROUND

The City of San Fernando incorporated in 1911 is govern by a City Council/City Manager form of government with seven departments, consisting of the Administration, City Clerk, Community Development, Finance, Police, Public Works, and Recreation and Community Services Departments. The City employs approximately 125 full-time employees from a total Adopted Budget for fiscal year 2020-2021 of \$49.5 million, which includes a General Fund budget of \$19.9 million. The City is a cost conscious provider of outstanding public services to its citizens and local businesses. The City actively pursues grants to enhance the public services offered to its citizens and local businesses. The Recreation and Community Services Department is currently administering the Statewide Park Development and Community Revitalization Grant Program.

The City believes that the open competition for services and products provides the City with the best results for its public dollars. The City is interested in receiving responsive and competitive proposals from experienced and qualified firms that can demonstrate knowledge and expertise in developing a final design and contract documents for the Layne Park Revitalization Project. A description of the technical environment, contractor staffing, qualifications, and performance expectations for this RFP follows.

INSTRUCTIONS TO SUBMITTING FIRMS

A. Examination of Proposal Documents

By submitting a proposal, the prospective firm represents that it has thoroughly examined and has become familiar with the services required under this RFP, and that it is capable of delivering quality services to the City in a creative, cost-effective & service-oriented manner.

B. Walkthrough

All prospective firms are encouraged to attend a virtual walkthrough of the Layne Park site via a scheduled Zoom meeting that will take place on Wednesday, October 7, 2020 at 11:00 A.M. Firms may request an invitation to the virtual walkthrough at calling 818-898-7381 (office) or 626-290-6533 (home office) or via email to Julian Venegas, Director of Recreation and Community Services, at jvenegas@sfcity.org between the hours of 8:00 A.M. and 5:00 P.M. Firms may also arrange for a physical site visit during the virtual walkthrough meeting.

C. Questions/Clarifications

Please direct any questions regarding this RFP to Mr. Venegas, via e-mail at jvenegas@sfcity.org. Questions must be submitted by 4:30 p.m. on **Monday, October 12, 2020**. All questions received prior to the deadline will be collected and responses will be emailed by **Thursday, October 15, 2020**.

D. Submission of Bid Proposals

Bid proposal submissions may be mail and email. Mailed proposals can be sent to City Hall, 117 Macneil Street, San Fernando, California, 91340. Proposals must be received no later than **1:30 P.M. on Thursday, October 22, 2020**, (postmarks will not be accepted) and clearly marked "Design for Layne Park Revitalization Project" c/o City Clerk. Email submittals must be addressed to Julian Venegas at jvenegas@sfcity.org, and subject line shall read "City of San Fernando RFP – Design for the Layne Park Revitalization Project." Emailed proposals must be received no later than **1:30 P.M. on Thursday, October 22, 2020**. All proposals received after that time will not be accepted.

The scheduled Bid opening is on **Thursday, October 22, 2020, at 2:00 P.M.** exactly.

E. Withdrawal of Proposals

A firm may withdraw its proposal at any time before the submission due date by delivering a written request for withdrawal signed by, or on behalf of the prospective firm.

F. Rights of City of San Fernando

This RFP does not commit the City to enter into a Contract, nor does it obligate the City to pay for any costs incurred in preparation and submission of proposals or in anticipation of a contract.

The City reserves the right to:

- 1) Make the selection based on its sole discretion;
- 2) Reject any and all proposals without prejudice;
- 3) Issue subsequent Requests for Proposal;
- 4) Postpone opening for its own convenience;
- 5) Remedy technical errors in the Request of Proposal process;
- 6) Approve or disapprove the use of particular sub-contractors;
- 7) Negotiate with any, all, or none of the prospective firms;
- 8) Solicit best and final offers from all or some of the prospective firms;
- 9) Accept other than the lowest offer; and/or
- 10) Waive informalities and irregularities in the proposal process.

G. Contract Type

It is anticipated that a standard form professional services agreement contract will be signed subsequent to City Council review and approval of the recommended firm.

H. Collusion

By submitting a proposal, each prospective firm represents and warrants that; its proposal is genuine and not a sham or collusive or made in the interest of or on behalf of any person not named therein; that the prospective firm has not directly, induced or solicited any other person to submit a sham proposal or any other person to refrain from submitting a proposal; and, that the prospective firm has not in any manner sought collusion to secure any improper advantage over any other person submitting a proposal.

SCOPE OF SERVICE

The following section describes the specific services requested by this Request for Proposal. The City of San Fernando is requesting landscape architect and engineering design services from qualified and experienced firms to develop and a biddable set of plans, specifications and a project cost estimate to revitalize Layne Park.

Layne Park Revitalization Project aligns with the Park and Recreation Master Plan in the City's continued effort to meet the recreational and facility needs of San Fernando residents. The Project is based on input from community planning meetings involving youth, seniors, and families groups.

Additional design ideas came from residents and user group surveys. The Layne Park Site Plan (Exhibit 1) shows where the recommended park improvements are to be located. However, the propose project design may suggest alternative locations to maximize land use. The improvement projects include the following:

- Construct a restroom building, powered by solar panels
- Construct a basketball court with lighting
- Construct an artificial turf soccer field with lighting
- Add new landscape and irrigation improvements
 - Tree removal/replacement (if needed)
 - Smart Irrigation with ground sensors
 - Bioswales
 - Plant non-invasive and drought tolerant trees, shrubs, etc.
- Conform existing and new lighting to LED, solar power preferably
- Add fencing along alley ways
- Renovate playground for ADA accessibility and add shading
- Install shading for existing picnic tables
- Install drinking fountains
- Design to incorporate projects that the California Conservation Corps will perform

The City a Statewide Park Development and Community Revitalization Grand funds recipient will mandate that the provisions of §1771.5 of the State Labor Code be followed for all contracted work related to the Layne Park Revitalization Project.

The Project site, Layne Park, is located at 120 North Huntington Street, San Fernando, CA 91340. Layne Park is in an urban area surrounded by housing developments and business properties on all sides. There is no land available to expand the park, so the revitalization project intends to maximize land use to provide additional recreational opportunities for the community.

Upon execution of the agreement by all parties, City staff expects to meet with the selected firm within 5 days to discuss the conceptual design and engineering cost estimates for the project. The City expects delivery of the biddable set of plans, specifications and cost proposal within 60 days from the agreement executed date. The selected Firm and City shall work closely to develop a project time line identifying key milestones and project deliverable dates to ensure that the completion of the project is on or before December 31, 2023.

Required Services

1. Obtain All Necessary Permits

- The consultant will support and provide all necessary services to obtain required permits. The City has already filed a Negative Declaration pursuant to CEQA.

2. Plans, Specifications and Engineering Estimates

- Prepare plans, which will include at a minimum Title Sheet, General Notes, and Right-of-Way, Existing Conditions and Demolition Plans, Civil/Architectural Layout Plans, Grading and Utilities Plans, Landscaping and Irrigation Plans, Electrical and Lighting Plan, and all necessary Details to construct the project.
- Prepare specifications and bid documents, which will include at a minimum, detailed projects description, working days for construction, bid schedule, bid item descriptions, payment methods, special provisions, technical specifications, and any specification detail sheets or standard plans, necessary to construct the project.
- Prepare engineering estimates consistent with the specifications and bid documents.
- The following plan check submittals shall be provided, at a minimum:
 - i. 1st Review – Conceptual Design to be presented to City staff for review, analysis and recommendations.
 - ii. 2nd Review - 65% design based on a set of consolidated comments received from staff and presented at the City Council meeting for review and recommendations on the third Monday in March 2021.
 - iii. 3rd Review – 95% Plans, Specifications and Cost Estimate that will be presented at a City Council meeting at the third Monday in May 2021.

3. Final Submittals

- Submit two full-size and two half-size (bond paper) final plan set master with the design engineer's seal and signature on each plan sheet and title sheet of specifications.
- Submit an electronic copy of all plans in AutoCAD and Adobe Acrobat format on a Flash Drive.
- Submit specification document in Microsoft Word format on a Flash Drive.
- Submit one set of quantity calculations and final engineering estimate in Microsoft Excel format on a Flash Drive.
- Submit all electronic files, including correspondence, photo log and analyses, used in the project design on a Flash Drive. Files that are not in electronic format shall be scanned into a commonly used digital format and saved to the Flash Drive.

4. Project Coordination during Design Process

- Hold appropriate number of meetings with City staff
- Provide monthly status reports.
- Provide design schedule with updates as required.
- Provide meeting minutes and action items.

5. Bidding Phase

- Attend the pre-bid meeting and respond to contractor requests for clarification during the bid process.
- Record and distribute among potential bidders answers and clarifications given to individual contractors, and prepare formal construction documentation addenda, if necessary
- Prepare any required addenda pre-bid and pre-construction meeting agenda, if requested at no additional charge.

- Attend pre-construction meeting.
6. Design Support during Construction Process
- If requested, consultant will participate in the pre-construction kick-off meeting and clarify questions related to project specifications.
 - Upon requests, consultant needs to be prepared to answer questions posted during construction by the contractor or by the City, not addressed during pre-construction meeting.
 - Based on the consultant experience with the similar projects, estimate and state in your proposal time necessary for the consultant to spend on design support during construction (i.e. Project Management, monitor and report on project progress, compliance with provisions of §1771.5 of the State Labor Code.)

PROPOSED TERM OF CONTRACT

The proposed term of the contract is 60 days from execution of the contract.

SCHEDULE FOR SELECTION

RFP notice posted on City website (http://ci.san-fernando.ca.us/rfps-rfqs-nibs-nois)	September 24, 2020
Virtual Walkthrough:	October 7, 2020
Deadline for Submittal of Questions:	October 12, 2020
Response to Questions:	October 15, 2020
Deadline for Submittal of Proposal:	October 22, 2020
Agreement Presented to Council for Review & Approval:	November 16, 2020

METHOD OF SELECTION AND NOTICES

A selection committee made up of staff from the Recreation and Community Services Department and Public Works Department will evaluate the information provided in the submitted proposals using the following criteria as a guideline:

- | | |
|--|-----|
| • Completeness and Comprehensiveness. | 20% |
| • Responsiveness to City's issues. | 15% |
| • Potential to benefit the City. | 15% |
| • Experience of the firm providing similar services to other municipalities. | 15% |
| • Cost effectiveness. | 20% |
| • Quality of proposed staff. | 15% |

INFORMATION TO BE SUBMITTED

1. Prospective Firms must submit one digital copy of their proposal via email.
2. Include a *Proposal Summary* Section

This section shall discuss the highlights, key features, and distinguishing points of the Proposal. A separate sheet shall include all the contact people on the Proposal and how to communicate with them.

3. Include a *Profile of the Proposing Firm(s)* Section

This section shall include a brief description of the Firm, including size, location of office(s), number of years providing service, organizational structure of the responsible division, etc.

Additionally, this section shall include a listing of any lawsuit and the result of that action resulting from (a) any public project undertaken by the Firm where litigation is still pending or has occurred within the last five years or (b) any type of project where claims or settlements were paid by the Firm or its insurers within the last five years.

4. Include a *Qualifications of the Firm* Section

This section shall include a brief description of the Firm's qualifications and previous experience on similar or related projects. Provide a description of pertinent project experience with other public municipalities (maximum of four) that includes a summary of the work performed, the total project cost, the period over which the work was completed, and the name, title, and phone number of clients to be contacted for references. Give a brief statement of the Firm's adherence to the schedule and budget for each project.

5. Include a *Work Plan* Section

In this section, present a well-conceived service plan. This section of the proposal shall establish the Firm understands of the City's objectives, work requirements, and the Firm's ability to satisfy those objectives and requirements. Describe the proposed approach for addressing the scope of service, outlining the approach that would be undertaken in providing the requested services. Include a timetable for providing the service. Describe related service experience by the Firm in similar work. Please describe the role, extent of services (number of people used, engagement duration, and contract value).

6. Include a *Project Staffing* Section

In this section, discuss how the Firm would propose to staff this project. Firm's key project team members shall be identified by name, specific responsibilities on the project and their qualifications. An organizational chart for the project team and resumes for key Firm personnel

shall be included. Key Firm personnel will be an important factor considered by the Recreation and Community Services Director. **There can be no change of key personnel once the proposal is submitted, without prior approval of City.**

7. Include a *Proposal Costs Sheet and Rates* Section

In this section, include the proposed costs to provide the services desired. Include any other cost and price information that would be contained in a potential agreement with the City.

In addition, include the costs for any other services that are considered optional additions.

EXHIBIT "1"

Layne Park Site Plan
120 n. Huntington Street, San Fernando, CA 91340



- Legend:
- A – Construct a Basketball Court
 - B – Install Smart irrigation
 - C – Construct Artificial Turf Soccer Field

- D – Renovate Tot-Lot w/ADA access and Shading
- E – Build Restroom Facility
- F – Install Fencing Along Alleyway

- G – Picnic Table Shading

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AGENDA REPORT

To: Mayor Joel Fajardo and Councilmembers

From: Nick Kimball, City Manager
By: Julian J. Venegas, Director of Recreation and Community Services

Date: September 21, 2020

Subject: Consideration to Accept the Donation of an Elliptical Exercise Machine from Full Circle Consulting Systems, Inc.

RECOMMENDATION:

It is recommended that the City Council Accept the donation of a Bladez Elliptical Trainer model number E700i from Full Circle Consulting Systems, Inc. ("Full Circle").

BACKGROUND:

1. Since 1995, Full Circle has provided vital community services to the Greater Los Angeles area. The firm specializes in child development, human development and organizational development.
2. On July 21, 2020, Ms. Martina Diaz, a representative from Full Circle, contacted the Recreation and Community Services (RCS) Department to discuss donating an elliptical training machine.
3. On August 4, 2020, RCS staff worked with Ms. Diaz on the logistics for taking delivery of the elliptical trainer, which will complement the stationary bikes used in the adult exercise classes held at Recreation Park.

ANALYSIS:

The Full Circle team has been involved with various community service agencies to provide vital resources to the greater Los Angeles area. The mission of Full Circle is to prepare parent and youth service providers with knowledge-based programs and training that will assist at-risk youth and young adults. Full Circle is currently collaborating with school districts, police and sheriff's departments, youth diversion programs, and is poised to collaborate with the City through the Wild Horse Foundation partnership once the Puig's House youth community center at Pioneer Park begins to host programs.

Consideration to Accept the Donation of an Elliptical Exercise Machine from Full Circle Consulting Systems, Inc.

Page 2 of 2

Full Circle also has a nonprofit segment partnering with companies that provide them with various sports equipment, which they in turn donate to the communities in which they work. The Bladez Elliptical Trainer is one such piece of equipment that Full Circle would like to donate to the RCS exercise program. The pictures below show the side views of the Bladez E700i elliptical trainer. The elliptical trainer will complement the set of stationary bikes used in the RCS Department's Cycling class.

**BUDGET IMPACT:**

The donation from Full Circle will not affect the 2020-2021 FY budget. The estimated value of the elliptical trainer is \$1,200. Although the elliptical trainer was surplus equipment, the machine is in very good condition and will have minimal maintenance cost approximately \$250 a year (if any.) However, the City did incur approximately \$243 in staff time and equipment cost to pick up the elliptical trainer.

CONCLUSION:

It is recommended that the City Council accept the donation of the Bladez elliptical trainer exercise machine from Full Circle Consulting Systems, Inc.

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AGENDA REPORT

To: Mayor Joel Fajardo and Councilmembers

From: Nick Kimball, City Manager
By: Julian J. Venegas, Director of Recreation and Community Services

Date: September 21, 2020

Subject: Consideration to Accept and Appropriate the National Endowment for the Arts COVID-19 Response Grant Award to Support Personnel Cost Associated with the Mariachi Master Apprentice Program

RECOMMENDATION:

It is recommended that the City Council:

- a. Authorize the City Manager to accept the National Endowment for The Arts (NEA) Coronavirus Aid, Relief, and Economic Security (CARES) Act Grant in the amount of \$50,000 and execute all related documents; and
- b. Adopt Resolution No. 8029 (Attachment "A") to increase grant fund (Fund 109) revenue and expenditures by \$50,000 for Fiscal Year (FY) 2020-2021.

BACKGROUND:

1. Since 2001, the City has received grant funds annually from the NEA to support the City of San Fernando Mariachi Master Apprentice Program (MMAP). MMAP receives grant awards from both state and national agencies, and the program continues to reflect a positive image on the City.
2. On April 9, 2020, Recreation and Community Services (RCS) staff became aware of the NEA Coronavirus Aid, Relief, and Economic Security (CARES) Act Grant.
3. On April 21, 2020, RCS staff submitted a grant application for the NEA CARES Act Grant to support and preserve personnel working within the Cultural Arts Division threatened by the decline in philanthropic and other support during the current economic downturn due to the COVID-19 pandemic.
4. On August 24, 2020, RCS staff received confirmation that the City's CARES Act Grant application had been funded for \$50,000 (Attachment "B"), and that the award period for the

Consideration to Authorize Grant Acceptance and Allocation of the NEA CARES ACT Grant Supporting Personnel Cost of the Mariachi Master Apprentice Program

Page 2 of 4

grant would be July 1, 2020 through June 30, 2021. The grant does not have any cost sharing or matching requirements.

ANALYSIS:

Established by Congress in 1965, the National Endowment for the Arts (NEA) is the independent federal agency providing funding support that gives Americans the opportunity to participate in the arts, exercise their imaginations, and develop their creative capacities. Through partnerships with state arts agencies, local leaders, other federal agencies, and the philanthropic sector, the NEA supports arts learning, affirms and celebrates America's rich and diverse cultural heritage, and extends its work to promote equal access to the arts in every community across America.

Through this special one-time CARES Act grant, the NEA is awarding funding to nonprofit arts organizations across the country to help these entities and their employees endure the economic hardships caused by the forced closure of their operations due to the spread of COVID-19.

These funds are intended to help save jobs in the arts sector and keep the doors open to the thousands of organizations that add value to America's economy and the creative life of local communities. This program is a one-time grant eligible to nonprofit organizations including arts organizations, local arts agencies, statewide assemblies of local arts agencies, arts service organizations, units of state or local government, federally recognized tribal communities or tribes, and a wide range of other organizations that can help advance the goals of the Arts Endowment and this program.

The CARES Act Grant funds will help fund the Cultural Arts staff, instructors and other support personnel that make continuation of the MMAP program possible, even through the challenges presented by the COVID-19 pandemic.

BUDGET IMPACT:

The approximate cost of the MMAP in FY 2020-2021 is \$161,950. The NEA CARES Act (one-time only) grant funding will provide 31% of all program costs.

Source of Project Funding		
NEA Grant	\$40,000	25%
NEA CARES ACT (one-time)	\$50,000	31%
Other Grant Funding:		
California Arts Council - State	\$20,000	15%
Donations/Honorariums	\$5,000	
City of San Fernando	\$12,000	7%
In Kind	\$34,950	22%
Total Project Budget		\$161,950

Consideration to Authorize Grant Acceptance and Allocation of the NEA CARES ACT Grant Supporting Personnel Cost of the Mariachi Master Apprentice Program

Page 4 of 4

CONCLUSION:

It is recommended that the City Council authorize the City Manager to accept the National Endowment for The Arts (NEA) Coronavirus Aid, Relief, and Economic Security (CARES) Act Grant award for \$50,000 and adopt Resolution No. 8029 to increase the grand fund (Fund 109) revenue and expenditures by \$50,000 for FY 2020-2021.

ATTACHMENTS:

- A. Resolution No. 8029
- B. Award Letter

ATTACHMENT "A"**RESOLUTION NO. 8029****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, CALIFORNIA, AMENDING THE BUDGET FOR THE FISCAL YEAR 2020-2021 ADOPTED ON JUNE 15, 2020**

WHEREAS, the City of Council has received and considered the proposed adjustment to the budget for Fiscal Year 2020-2021, commencing July 1, 2020, and ending June 30, 2021; and

WHEREAS, the City Council has determined that it is necessary to amend the revenues and expenditures of the current City budget; and

WHEREAS, the City has been awarded NEA CARES Act Grant funding to support personnel cost for the MMAP; and

WHEREAS, an annual budget for the City of San Fernando for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021, a copy of which is on file in the City Clerk's Office, was adopted on June 15, 2020.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. The following adjustments are made to the City Budget:

National Endowment for the Arts (Fund 109):

Increase in Revenues	\$50,000
----------------------	----------

Increase in Expenditures	\$50,000
--------------------------	----------

PASSED, APPROVED, AND ADOPTED this 21st day of September, 2020.

Joel Fajardo, Mayor

ATTEST:

Julia Fritz, City Clerk

CERTIFICATION

I, City Clerk of the City of San Fernando, California, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 8029 which was regularly introduced and adopted by the City Council of the City of San Fernando, California, at a regular meeting thereof held on the 21 day of September, 2020, by the following vote of the City Council:

AYES:

NAYS:

ABSENT:

ABSTAINED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Fernando, California, this ___ day of September, 2020.

Julia Fritz, City Clerk

[Home](#) > [View Award](#)

Award Information (click to show/hide details) ^

My Award: 1881774-95-20

Institution(s)	City of San Fernando, California; San Fernando, CA (Applicant/Recipient)
Title	To support personnel costs in response to the COVID-19 pandemic.
Participant(s)	Virginia Diediker (Grant Administrator) Nick Kimball (Project Director, Authorizing Official)
Division	Coronavirus Aid, Relief, and Economic Security (CARES) Act
Grants.gov Competition	NEA Coronavirus Aid, Relief, and Economic Security (CARES) Act, FY2020
CFDA Number	45.024
Agency Contacts	The best way to contact staff members is by sending a message using the Messages tab. Grants Management Specialist (Artist Communities, Presenting & Multidisciplinary Works) Jennie Terman Phone: 202-682-5566
Award Period	7/1/2020 - 6/30/2021
Notices	View SAM Registration

Funding	Instructions	Documents
Forms & Reports	Change Requests	Payments
Messages		

Award Funding

Approved Funding Amounts

NEA Amount	\$50,000.00
------------	-------------

Awarded Funding Amounts

Awarded by Agency Total	\$50,000.00
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National Endowment for the Arts

400 7th Street SW
 Washington, DC 20506

eGMS running for NEA with version neasql.egmsa.neh.gov.NEA_PROD.



June 30, 2020

Dear Nick Kimball:

We are happy to inform you that the following application to the National Endowment for the Arts is recommended for Coronavirus Aid, Relief, and Economic Security (CARES) Act funding in the amount of \$50,000.00. This tentative funding recommendation is **not** the official award notice, which is contingent upon final Arts Endowment review.

Please make every effort to meet the deadlines below so that we can process your response to this offer and issue your award as quickly as possible. However, if you cannot return the requested information by the deadlines noted below due to the COVID-19 pandemic, please contact the Arts Endowment program specialist indicated in the final paragraph to work out alternatives.

Read this entire document carefully, as it includes important legal requirements and time-sensitive instructions for completing your proposal review.

Do not click "Accept" in REACH until you have uploaded all the required documents.

Applicant: City of San Fernando, California
Application: 1881774-54
Period of Performance: July 1, 2020 to June 30, 2021
Recommended Amount: \$50,000.00

Project: To support personnel and facilities costs in response to the COVID-19 pandemic.

IMPORTANT NOTES

SAM.GOV ENTITY REGISTRATION HAS EXPIRED: It is a requirement that awardees maintain current registrations with SAM (the System for Award Management) throughout the application and award process. Our research shows that your organization's registration has expired or will soon expire. Please update your organization's (entity) registration immediately by going to www.sam.gov; we cannot issue your award until your SAM registration is renewed.

CARES ACT REVISED BUDGET REQUIRED: Submit a Project Budget form through REACH that reflects \$50,000 of expenses. Per the CARES guidelines, the Total Project Costs for CARES budgets must equal \$50,000 of eligible costs. Budget items must be limited to salaries, wages, and fringe benefits; fees for artists and contractual personnel; facilities costs such as rent and utilities; and indirect costs. Leave the Income side of the budget blank. More information is available here: <https://www.arts.gov/manage-your-award/project-budget-form>.

Please respond to this offer no later than Friday, July 10, 2020. If you are unable to meet this deadline due to the current COVID-19 pandemic, please contact your program specialist to discuss available options.

A copy of this Offer Letter is viewable through eGMS | Reach (REACH), the Arts Endowment's electronic management system for application review and award management at <https://grants.arts.gov/eGMS-Reach/Login.aspx>. Submit all required forms and updates through REACH. User Names are provided below.

User Name: NKimball

Project Director: Nick Kimball

User Name: NKimball

Primary Contact/Grants Administrator: Virginia Diediker

User Name: VDiediker

If this is your first time accessing REACH, follow the instructions on NEA's [REACH home page](#).

The Arts Endowment's Office of Public Affairs will be making a national announcement about these awards **July 1, 2020 at 10:00am ET**. You may make your announcement on or after that time, using the following language: *[Name of organization]* has been approved for a [\$ amount of grant] award as part of the Coronavirus Aid, Relief, and Economic Security (CARES) Act. This grant will *[purpose of grant]*.

(1) PROJECT BUDGET:

If indicated above under IMPORTANT NOTES, you must submit an updated Project Budget reflecting the recommended funding amount of \$50,000.00 in allowable costs. If you do not have instruction to complete the updated Project Budget, proceed to the Accessibility Compliance information below.

Reminder: all costs in this budget are subject to federal regulations and you must maintain documentation of all costs included in your budget during the period of performance, as these costs may be required by the Arts Endowment for audit at any time. Your Project Budget must exclude all costs funded by other Federal sources. This includes support from the SBA Paycheck Protection Program; other National Endowment for the Arts awards; awards from other Federal agencies such as the National Endowment for the Humanities, Department of Education, Corporation for National and Community Service, etc.; as well as Arts Endowment funds that are subgranted to you by a state or regional arts agency or a local arts organization. Recipients will be required to keep documentation to show which employees are being paid from each funding source so that the federal government isn't paying more than 100 percent of a salary.

CARES Act awards do not require a cost share; leave the Income portion of the Revised Budget blank.

(2) ACCESSIBILITY COMPLIANCE:

Submit the Accessibility Questions form. Federal regulations require that all National Endowment for the Arts' funded projects be physically and programmatically accessible to people with disabilities.

Your organization must have an active registration in SAM.gov and no Federal debt in order for the National Endowment for the Arts to make this award. To check your organization's registration status, go to www.sam.gov. If you need assistance, visit the Federal Service Desk at www.fsd.gov.

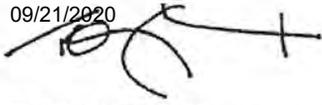
The Arts Endowment's Office of Grants Management must conduct a final review to ensure compliance with Federal rules and regulations before issuing the award. Program or Grants staff may contact you for additional information. While we strive to issue awards as quickly as possible, be advised that all CARES Act awards will be issued no later than September 30, 2020. We are constantly monitoring our internal operations and will make all necessary adjustments to ensure we are processing applications as expeditiously as possible, so we appreciate your patience.

We look forward to working with you to complete this final stage of the grant review process.

CONTACT

We look forward to working with you to complete this final stage of the grant review process. If you have questions, contact Program Specialist Jennie Terman at Presenting@arts.gov or 202-682-5566.

Sincerely,



Tony Chauveaux
Deputy Chairman for Programs & Partnerships

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AGENDA REPORT

To: Mayor Joel Fajardo and Councilmembers

From: Nick Kimball, City Manager
By: Julia Fritz, City Clerk

Date: June 1, 2020

Subject: Fair Political Practices Commission – 2020 Conflict of Interest Code Local Agency Biennial Notice Requirement

RECOMMENDATION:

It is recommended that the City Council:

- a. Receive and file the 2020 Conflict of Interest Code Local Agency Biennial Notice (Attachment “A”) requirement from the Fair Political Practices Commission (“FPPC”); and
- b. Authorize the City Manager, or designee, to complete the Notice and submit all related compliance documents to the FPPC.

BACKGROUND:

The Political Reform Act requires each city to review its Conflict of Interest Code (“Code”) biennially. The Code informs public officials, governmental employees, and consultants what financial interests must be disclosed on their Statement of Economic Interests (Form 700). The completed 2020 Local Agency Biennial Notice (Attachment “A”), must be submitted to the FPPC before October 1, 2020.

Proposed amendments to the Code must be adopted by the City Council within 90 days of submitting the Notice, i.e., on or before December 20, 2020. During the 90 day period, staff will perform a review of proposed revisions to the list of designated positions and categories for officers and employees of the City and its legislative bodies, pursuant to Government Code Section 87306 and Section 18730 of Title 2, Division 6 of the California Code of Regulations. A Resolution approving amendments to the Code will be brought to City Council for consideration prior to December 20, 2020.

Fair Political Practices Commission – 2020 Conflict of Interest Code Local Agency Biennial Notice RequirementPage 2 of 2

BUDGET IMPACT:

The biennial update of the City's Conflict of Interest Code is included in the City Clerk's regular work plan and, therefore, included in the Fiscal Year 2020-2021 Adopted Budget.

CONCLUSION:

Staff recommends that the City Council receive and file the 2020 Conflict of Interest Code Local Agency Biennial Notice (Attachment "A") requirement from the Fair Political Practices Commission ("FPPC"), and authorize the City Manager, or designee, to complete the Notice and submit all related compliance documents to the FPPC.

ATTACHMENT:

A. 2020 Local Agency Biennial Notice

2020 Local Agency Biennial Notice

Name of Agency: _____

Mailing Address: _____

Contact Person: _____ Phone No. _____

Email: _____ Alternate Email: _____

Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government. The biennial review examines current programs to ensure that the agency's code includes disclosure by those agency officials who make or participate in making governmental decisions.

This agency has reviewed its conflict of interest code and has determined that (*check one BOX*):

An amendment is required. The following amendments are necessary:

(*Check all that apply.*)

- Include new positions
- Revise disclosure categories
- Revise the titles of existing positions
- Delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions
- Other (*describe*) _____

The code is currently under review by the code reviewing body.

No amendment is required. (If your code is over five years old, amendments may be necessary.)

Verification (to be completed if no amendment is required)

This agency's code accurately designates all positions that make or participate in the making of governmental decisions. The disclosure assigned to those positions accurately requires that all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding designated positions are reported. The code includes all other provisions required by Government Code Section 87302.

Signature of Chief Executive Officer

Date

All agencies must complete and return this notice regardless of how recently your code was approved or amended. Please return this notice no later than **October 1, 2020**, or by the date specified by your agency, if earlier, to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

PLEASE DO NOT RETURN THIS FORM TO THE FPPC.

FAIR POLITICAL PRACTICES COMMISSION**2020 Conflict of Interest Code
Biennial Notice Instructions for Local Agencies**

The Political Reform Act requires every local government agency to review its conflict of interest code biennially. A conflict of interest code tells public officials, governmental employees, and consultants what financial interests they must disclose on their Statement of Economic Interests (Form 700).

By **July 1, 2020**: The code reviewing body must notify agencies and special districts within its jurisdiction to review their conflict of interest codes.

By **October 1, 2020**: The biennial notice must be filed with the agency's code reviewing body.

The FPPC has prepared a 2020 Local Agency Biennial Notice form for local agencies to complete or send to agencies within its jurisdiction to complete before submitting to the code reviewing body. The City Council is the code reviewing body for city agencies. The County Board of Supervisors is the code reviewing body for county agencies and any other local government agency whose jurisdiction is determined to be solely within the county (e.g., school districts, including certain charter schools). The FPPC is the code reviewing body for any agency with jurisdiction in **more than one county** and will contact them.

The Local Agency Biennial Notice is not forwarded to the FPPC.

If amendments to an agency's conflict of interest code are necessary, the amended code must be forwarded to the code reviewing body for approval within 90 days. An agency's amended code is not effective until it has been approved by the code reviewing body.

If you answer yes, to any of the questions below, your agency's code probably needs to be amended.

- Is the current code more than five years old?
- Have there been any substantial changes to the agency's organizational structure since the last code was approved?
- Have any positions been eliminated or re-named since the last code was approved?
- Have any new positions been added since the last code was approved?
- Have there been any substantial changes in duties or responsibilities for any positions since the last code was approved?

If you have any questions or are still not sure if you should amend your agency's conflict of interest code, please contact the FPPC. Additional information including an online webinar regarding how to amend a conflict of interest code is available on [FPPC's website](#).

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AGENDA REPORT

To: Mayor Joel Fajardo and Councilmembers

From: Nick Kimball, City Manager

Date: September 21, 2020

Subject: Receive and File Presentation of Measure "A" Annual Report

RECOMMENDATION:

It is recommended that the City Council receive and file the 2020 Annual Report on the collection, management, and expenditure of Measure "A" as required by the City Code.

BACKGROUND:

1. On June 4, 2013, San Fernando voters approved a temporary ½ cent Transaction and Use Tax (Measure A), effective October 1, 2013 and terminating October 1, 2020.
2. On November 6, 2018, San Fernando voters approved extending Measure A indefinitely.
3. Chapter 82, Article V, Section 82-132 of the City Code requires an Annual Report on the collection, management, and expenditure of the Measure A funds prior to October 1st of each year.
4. On September 14, 2020, staff hosted a Measure A Town Hall Meeting in accordance with Resolution No. 7954. The virtual Town Hall was broadcast through Facebook Live with approximately 30 participants. The recorded Facebook Live video is available for review on the City's website: <http://sfcity.org/measure-a/>
5. The San Fernando City Code also requires an overview of the Annual Report be provided to the City Council at an open and public meeting and that the Annual Report be a public document.

ANALYSIS:

The City received \$2,297,190 in Measure A funds in Fiscal Year (FY) 2019-2020, which is a decrease of \$201,195 or (8.0%), from FY 2018-2019. The reduction is the result of the loss of a large retailer and a one-time adjustment by the State resulting from the way the State remits sales tax revenue to cities.

Receive and File Presentation of Measure "A" Annual ReportPage 2 of 2

Revenues raised through Measure A have been critical to cover the short-term operating budget deficit, pay down debt, establish reserves, and fund key one-time enhancements. Since voter approval of Measure A in 2013, the deficit fund balance in the General Fund, which was (\$5.7 million) in FY 2013-2014, has been eliminated and there is a projected reserve in excess of \$3,420,061 as of June 30, 2020.

A full analysis can be found in the *Annual Report – Measure A: ½ Cent Transaction and Use Tax*, which is included as Attachment "A" to this agenda item. The report is also available on the City's website (WWW.SFCITY.ORG/Mesaure-A).

BUDGET IMPACT:

Measure A generated revenues of \$2,297,190 in FY 2019-2020 and is projected to raise \$2,200,000 in FY 2020-2021. Since October 1, 2013, Measure A has raised a total of \$15,578,585.

CONCLUSION:

Measure A has been instrumental to stabilizing the City's finances since its passage in 2013. Preparation of this report demonstrates to voters the City has been responsible and fiscally prudent with Measure A funds and has been very transparent about the planned use of Measure A revenues each year through the budget process.

ATTACHMENTS:

- A. Annual Report – Measure A: San Fernando's ½ Cent Transaction and Use Tax
- B. Annual Report – Measure A: San Fernando's ½ Cent Transaction and Use Tax PowerPoint Presentation



MEMORANDUM

September 14, 2020

**Measure A: ½ Cent Transaction & Use Tax
2020 Annual Report**

Chapter 82, Article V, Section 82-132 of the San Fernando City Code states:

On or before each anniversary of the operative date, the city shall complete a study and produce a report reviewing the collection, management and expenditure of revenue from the proposed tax and shall present a report explain[ing] and providing an overview of the same at an open and public meeting of the City Council. This report shall be a public document.

This report is being presented in accordance with the City Code.

Executive Summary:

The City received \$2,297,190 from the voter approved ½ cent Transaction Tax ("Measure A") in Fiscal Year 2019-2020, which is a decrease of \$201,195 or (8.0%), from Fiscal Year 2018-2019. The decrease is a result of the economic restrictions imposed through the state and County "Safer at Home" policies to respond to, and slow the spread of, the Coronavirus 2019 Pandemic (COVID-19). Staff has had to reduce most business related revenue estimates, including Measure A, as these economic restrictions have significantly affected many local businesses since mid-March 2020.

Revenues raised through Measure A are necessary to fund a number of critical one-time needs, including, but not limited to:

- 1) Establish reserves in the General Fund, Self-Insurance, Equipment Replacement, and Facility Maintenance fund.
- 2) Pay off existing internal debt owed to other special funds.
- 3) Increase public safety by replacing outdated vehicles and equipment.
- 4) Replace and update outdated computer hardware, software and communications systems.
- 5) Fund capital projects to reduce the City's deferred maintenance backlog.
- 6) Reduce long-term employee related liabilities.

MEASURE A: ½ CENT TRANSACTION & USE TAX

2020 Annual Report

Page 2 of 7

A preliminary review of the City's finances for Fiscal Year 2019-2020 indicates that there will be a surplus in the General Fund¹. In accordance with the City's Fund Balance Policy the surplus will be used to maintain a general operating reserve of, at a minimum, 20% of projected General Fund operating expenditures for each fiscal year, excluding debt service, fund transfers, and encumbered funds. These reserves are designed to be used in the event of a significant financial emergency. Continued annual surpluses will be necessary to build healthy fund reserves, address a backlog of deferred maintenance on City streets, parking lots and facilities, and address the City's many critical one-time needs.

Voters insisted there be accountability for the use of these revenues by including a requirement for an Annual Report to be presented at a public meeting. As evidenced in this report, the City Council and City staff have worked diligently to ensure that Measure A revenues are being collected, managed, and expended responsibly and in a manner consistent with the communities' goals.

In October 2019, the City Council approved the Measure "A" Transparency Forum with the intent of allowing any and all interested community members the opportunity to review the Annual Report of collection, management and expenditure of the local half-cent Transaction and Use Tax (Measure "A") revenue as required by Chapter 82, Article V, Section 82-132 of the City Code and make non-binding recommendations to the City Council general priorities for the use of Measure "A" funds during the annual budget process.

Since voter approval of Measure A in 2013, the City has used Measure A to:

- Eliminate the General Fund deficit from (\$5.7 million) in fiscal year 2013-2014 to a projected reserve of \$3,420,061 as of June 30, 2020.
- Improve public safety reliability and response time by replacing ten (10) police patrol vehicles and upgrading all in-car computers.
- Support the annual residential resurfacing program, reconstruction of Glenoaks Boulevard, sidewalk improvements, and additional tree trimming.
- Beautify Brand Boulevard to create a notable entrance into the City.
- Support a number of special events, including Dia de los Muertos 5k run, San Fernando Open Streets Festival, and JAM sessions.
- Facility improvements at Recreation Park, Las Palmas Park, Pioneer Park and Layne Park.
- Replace the City's outdated network equipment and software to protect customer information and increase efficiency.
- Increase Citywide tree trimming.
- Support the City's COVID-19 emergency response efforts.

¹ The estimated General Fund surplus is a preliminary, pre-audit estimate and is subject to change during the annual independent audit.

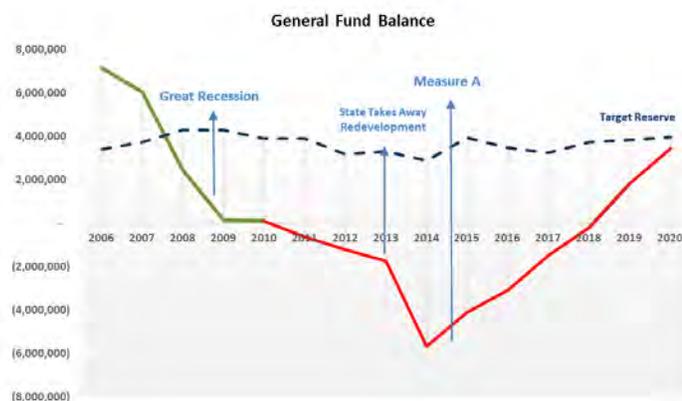
MEASURE A: ½ CENT TRANSACTION & USE TAX

2020 Annual Report

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Background:

Since 2005, the City's financial position has changed significantly. The General Fund, which pays for police, fire, recreation and public works services, experienced a dramatic decrease in the amount of money available to provide services. The City's reserves fell from \$7.1 million in June 2006 to a deficit of (\$5.7 million) in June 2014.



The dramatic reduction was the result of a perfect storm as the City's expenditures on services began to increase (e.g. the San Fernando Regional Pool, Los Angeles Fire Department contract, and other projects added significant ongoing operations and maintenance costs) just before the bottom of the "Great Recession" in 2008/2009. Additionally, the State of California eliminated local redevelopment funding in 2012, which the City used to make infrastructure improvements and fund economic development programs.

To remain solvent, the City implemented layoffs and furloughs, eliminated vacant positions, reduced employee benefits, discontinued retiree medical benefits for new employees, reduced department budgets, and renegotiated the contract with Los Angeles Fire Department. City employment was reduced from 160 in 2008 to 128 in 2017 (20% reduction). The number of sworn Police Officers was reduced from 37 in 2008 to 31 in 2017 (16% reduction).

In FY 2012-2013, the City declared a fiscal emergency and held a special election on June 4, 2013 for the San Fernando electorate to vote on a temporary one-half (½) cent Transaction and Use Tax ("Tax"). The "City Services Emergency Protection Measure" (Measure A) was approved by sixty percent (60%) of voters. The increased Transaction Tax rate went into effect on October 1, 2013 and is set to expire on October 1, 2020.

Without the revenues generated by Measure A, the City would have struggled to stay out of bankruptcy. In 2013, the City's auditors expressed their concern regarding the City's ability to continue operate and carry out its financial commitments, obligations and objectives.

MEASURE A: ½ CENT TRANSACTION & USE TAX

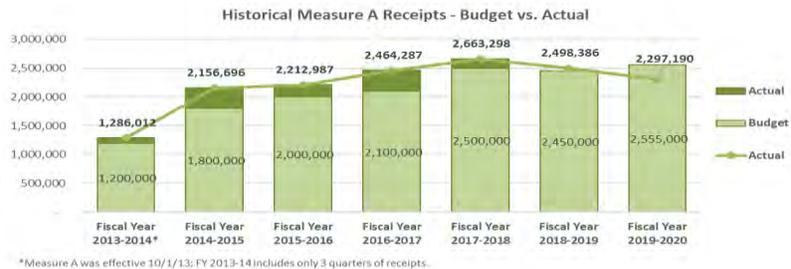
2020 Annual Report

Page 4 of 7

Collection:

The City began collecting a ½ cent Transaction Tax on applicable transactions in San Fernando on October 1, 2013.

Below are a few key statistics related to the collection of the Tax:



- Fiscal year 2019-20 estimated Tax receipts were \$2,297,190.
- Fiscal year 2018-19 actual Tax receipts were \$2,498,386.
- Since October 1, 2013, Measure A has generated \$15,578,585 in additional revenue.
- The Sales Tax to Transaction Tax ratio, a key metric for measuring local business compliance with the Tax, was 43.3% for Fiscal Year 2019-2020. Since the City Sales Tax is 1.0% and the Transaction tax is 0.5%, a Sales Tax to Transaction Tax ratio of 50% or greater indicates high compliance by local businesses with Measure A. Consequently, it appears that local businesses are somewhat complying with and collecting the Tax.

The Tax is collected and administered by the California Department of Tax and Fee Administration (CDTFA), formerly collected and administered by the Board of Equalization. CDTFA remits Measure A collections to the City Treasurer on a monthly basis. The CDTFA charges approximately \$30,000 per year for tax administration services.

The City contracts with Hinderliter, de Llamas & Associates (HdL) to monitor Tax receipts to identify, correct, and recover allocation errors and prepare the necessary case submittal documents with the CDTFA. This ensures that the City is maximizing collections and receipts are properly allocated to the City by the CDTFA.

Management:

In order to track Measure A revenue, the City Treasurer records receipts in a special account number on the City's General Ledger. This allows the City staff to easily discern year-to-date receipts, update projections, and make budget adjustments, if necessary.

The planned use of Measure A funds is clearly identified through the annual budget process and in the City Manager's Budget Message. All current and prior Annual Reports and Budget

MEASURE A: ½ CENT TRANSACTION & USE TAX

2020 Annual Report

Page 5 of 7

documents are posted on the City's website (www.sfcity.org) under the Financial Documents section of the Finance Department page.

Measure A revenues are budgeted and recorded in a separate account in the City's General Ledger. This allows the City staff to easily discern year-to-date receipts, update projections, and make budget adjustments, if necessary.

Lastly, City staff conducts quarterly meetings with a consultant to review Sales and Transaction Tax receipts in detail. This provides staff with valuable information on the health of the local economy, various business sectors, and individual companies by reviewing their quarterly sales tax reports. It also gives staff an opportunity to make the consultant aware of new businesses opening in the City so staff can ensure compliance with Measure A.

A quarterly newsletter providing Sales and Transaction Tax information pertinent to San Fernando is posted on the City's website (www.sfcity.org) under the Financial Documents section of the Finance Department page.

Expenditure:

Measure A was approved as a general tax, which means that it can be used for any general governmental purpose.

For FY 2019-2020, Measure A funds were used for the following:

Repayment of Debt	
To Retirement Fund	175,000
To Sewer Fund	75,000
To Water Fund	75,000
	325,000
Establish Reserves	
Facility Maintenance Fund	100,000
Equipment Replacement Fund	100,000
	200,000
One-Time Projects	
Replace one (1) Detective Vehicle	40,000
Replace one CSO vehicle	30,000
Replace heavy duty man lift vehicle	83,500
Add'l Street Maint. Mat's & Equip.	25,000
Economic Development activity	50,000
Special studies, as needed	50,000
(Continued in next column)	

One-Time Projects (cont.)	
City Council Meeting minutes	10,000
Special events & Rec Programs	16,500
Add'l training & education	9,570
	314,570
On-going Staffing	
Upgrade PT Dep. City Clerk to FT Dep. City Clerk/Mgmt Analyst	49,630
Add PT Records Specialist (.46)	22,250
Add PW Superintendent (50%)	63,500
Ongoing training & education	17,000
	152,380
Deficit fund balance reduction	257,100
Subsidize Street Lighting District	40,000
Amount allocated to City operations	1,008,050
	1,305,240
Total Measure A funds:	\$2,297,190

MEASURE A: ½ CENT TRANSACTION & USE TAX

2020 Annual Report

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The table above illustrates that a majority of Measure A expenditures are appropriated toward repaying debt, establishing a “rainy day reserve” in critical funds, upgrading equipment and staff knowledge to enhance service, and reducing the City’s deficit.

Deficit Elimination Plan:

In FY 2013-2014, the City Council began the development and implementation of a multi-year Deficit Elimination Plan. The Deficit Elimination Plan aims to pay off debt, reduce ongoing expenditures and increase ongoing revenue. Revenues raised through Measure A have been critical to achieving the City’s Deficit Elimination Plan.

The City’s General Fund had been in a deficit fund balance position since Fiscal Year 2010-2011. To address the deficit, the City took a number of steps to stabilize ongoing finances, including reducing programs and services, reducing training and professional development opportunities for City staff, implementing layoffs and furloughs, and eliminating vacant positions. Many of these actions were short-term fixes that were necessary to remain solvent, but were not sustainable in the long-term.

In addition to short-term actions identified above, the City took a number of longer-term actions to address the City’s deficit and improve long-term financial stability, including:

- Renegotiated the Fire and Emergency Services contract with the Los Angeles Fire Department to reduce the City’s ongoing annual cost without reducing service (saved more than \$500,000/year).
- Transferred operational and financial responsibility of the San Fernando Regional Pool to the County of Los Angeles through a lease of up to 55 years (saved more than \$500,000/year).
- Reduced retiree health benefits to the statutory minimum for new employees to decrease the City’s retiree health (OPEB) liability (significant long-term savings).
- Sold surplus land and used the land sale proceeds to reduce the General Fund deficit (generated \$1 million in proceeds).
- Developed a five-year General Fund projection to improve long-term decision making.
- Adopted a Development Agreement Ordinance to provide additional tools to increase economic development efforts and diversify the tax base.

MEASURE A: ½ CENT TRANSACTION & USE TAX

2020 Annual Report

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- Re-established reserves for the Self-Insurance and Equipment Replacement Funds (more than \$1.6 million in SIF reserve to protect against large lawsuits and \$924,000 set aside to fund future vehicle replacements).
- Updated user fees, development fees, cost allocation calculations to ensure an appropriate cost recovery for City services (more than \$500,000/year in projected ongoing revenue).
- Updated the City's long term financial planning policies, including budget, purchasing, debt management, grant management, investment, and reserve policies, with an emphasis on creating long term fiscal sustainability.

Conclusion:

Measure A has been instrumental to stabilizing the City's finances since its passage in 2013. Preparation of this report demonstrates to voters the City has been responsible and fiscally prudent with Measure A funds and has been very transparent about the planned use of Measure A revenues each year through the budget process.



THE CITY OF
SAN FERNANDO



MEASURE “A” ANNUAL REPORT

SEPTEMBER 14, 2020

PRESENTED BY:

J. DIEGO IBANEZ

DIRECTOR OF FINANCE



LEGAL REQUIREMENT

Chapter 82, Article V, Section 82-132 of the San Fernando City Code states:

On or before each anniversary of the operative date, the city shall complete a study and produce a report reviewing the collection, management and expenditure of revenue from the proposed tax and shall present a report explain[ing] and providing an overview of the same at an open and public meeting of the City Council. This report shall be a public document.



THE CITY OF
SAN FERNANDO

BACKGROUND

HOW DID THE CITY GET IN THIS
FINANCIAL SITUATION?

PERFECT STORM

Chain of events created a “Perfect Storm” and caused a dramatic reduction in General Fund between FY 2005-06 and FY 2013-2014:

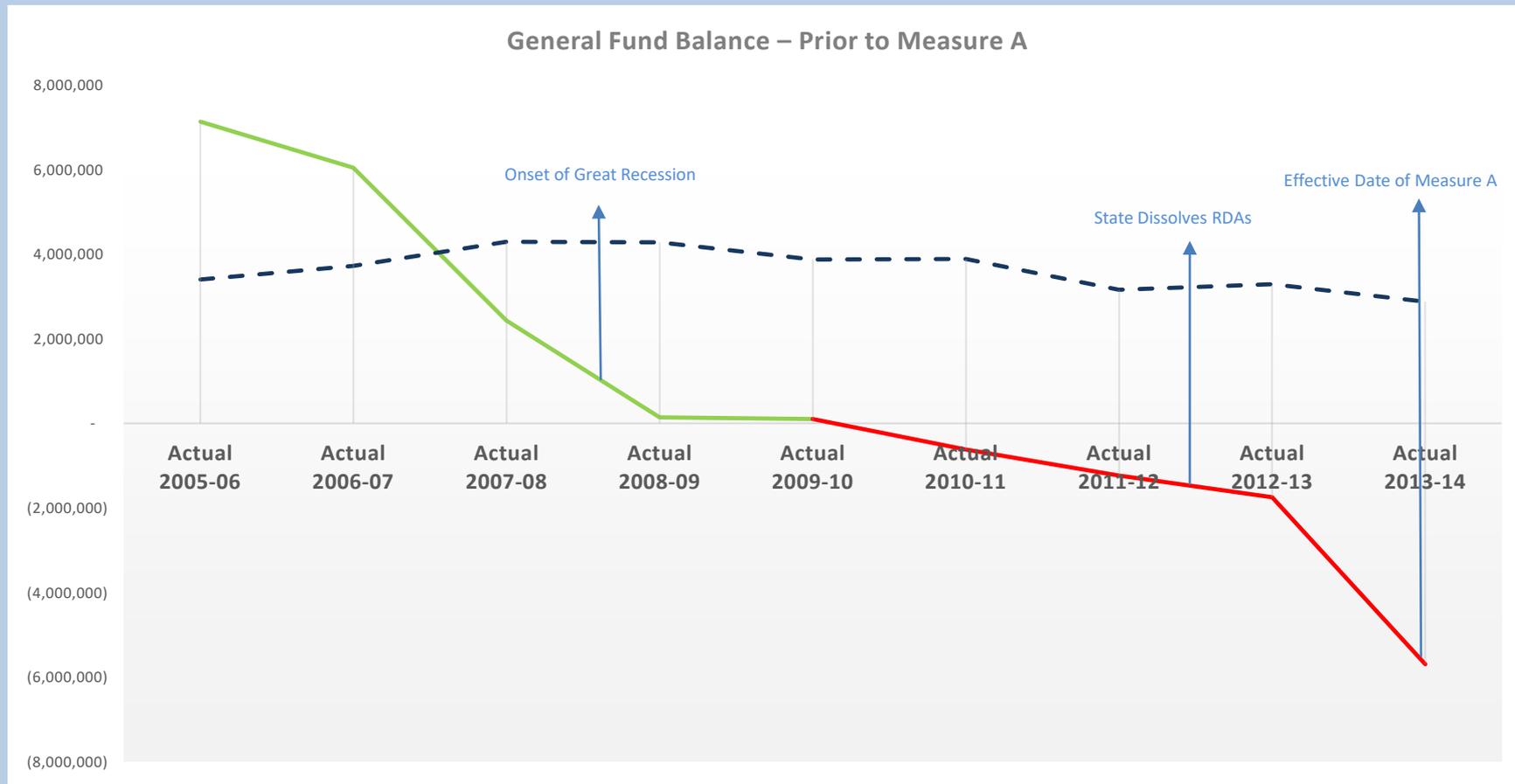
1. City over-extended itself in expenditures (regional pool, LAFD contract and other projects added significant M&O costs).
2. Reduction in revenues due to “Great Recession” (December 2007 – June 2009*)
3. Further reduction in revenues due to elimination of redevelopment agencies (January 2012).

***As determined by the National Bureau of Economic Research. June 2009 market the bottom of the recession, at which time the economy stagnated and stopped contracting. However, the economy did not start to rebound until after 2012.**



THE CITY OF SAN FERNANDO

FINANCIAL DECLINE



CITY'S RESPONSE TO FINANCIAL CRISIS

Short-term:

- Eliminated vacant positions, reduced employee benefits, implemented layoffs and furloughs, reduced training and professional development budgets.
- Renegotiated LAFD contract and lease Regional Pool operations to LA County.
- Sold surplus property to pay off debt
- Declared fiscal emergency and held a special election on June 4, 2013 to vote on a temporary ½ cent sales tax measure to raise revenue (approved by 60%)

Long-term:

- Developed and implemented a Deficit Elimination Plan to pay off debt, reduce ongoing expenditures and increase ongoing revenue



THE CITY OF SAN FERNANDO

RESPONSE TO FINANCIAL CRISIS (CONT.)

- The number of total City employees has been reduced from 160 in 2008 to 128 in 2017 (-20%)
- The number of sworn Police Officers has been reduced from 37 in 2008 to 31 in 2017 (-16%)
- The number of Public Works employees has been reduced from 47 in 2008 to 34 in 2017 (-28%)
- Population of San Fernando has increased from 23,627 in 2008 to 24,717 in 2016 (+4.6%)



THE CITY OF SAN FERNANDO

HOW HAVE THE TAX FUNDS BEEN MANAGED?



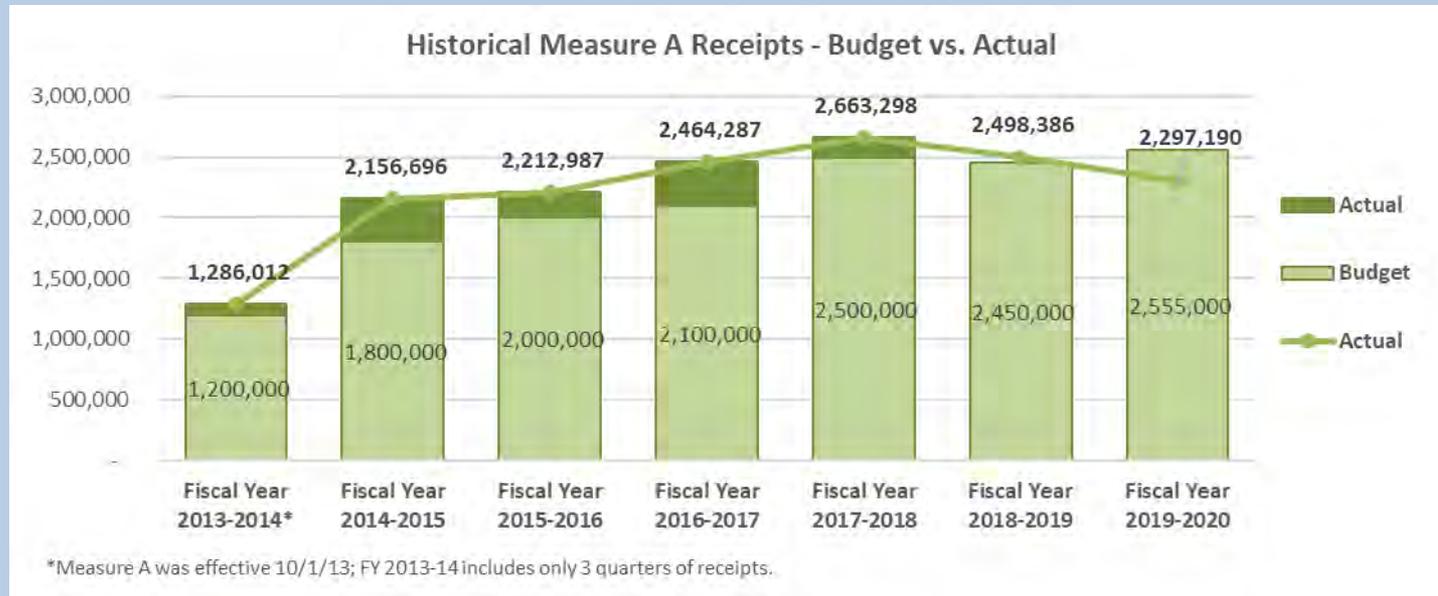
THE CITY OF SAN FERNANDO

RESPONSIBLE STEWARDS OF MEASURE A

- **A Measure A Annual Report is presented to City Council for Public Review**
 - The Annual Report identifies how Measure A funds were spent in the prior year
- **The City Manager's Budget Message in the Adopted Budgets clearly identifies the plan for spending Measure A revenues each year**
- **Quarterly review of receipts by firm that specializes in monitoring auditing tax receipts (HdL Company)**
 - Assist in identifying, correcting, and recovering allocation errors and submit case documents with BOE
- **Measure A Annual Reports, Budget documents and Quarterly Sales Tax information available on City's website (www.sfcity.org)**
 - Under Financial Documents section on Finance Department Page

HOW MUCH HAS BEEN COLLECTED?

- Since October 1, 2013, Measure A has generated \$ 15.5 million in additional revenue
- Projected to raise almost \$2.5 million annually





THE CITY OF
SAN FERNANDO

HOW HAVE THE TAX FUNDS BEEN USED?



THE CITY OF SAN FERNANDO

PAY OFF DEBT & ELIMINATE DEFICIT

Since passage of Measure A, the City made progress on the following debt:

- **Reduced General Fund Deficit from **(\$5,693,905)** on 6/30/2014 and is estimated to be less than **\$3.4M** as of 6/30/2020.**
- **Fully repaid Section 108 Loan for Pool: \$613,000**
- **Fully repaid California Housing Finance Agency loan: \$692,000**



CAPITAL PROJECTS AND CAPITAL EQUIPMENT

The City has used Measure A funds to partially fund the following projects:

- Resurface 5+ miles of streets including: Alexander Street, Huntington Street, Library Street, and San Fernando Road
- Brand Boulevard Median Project to create notable entrance to City
- Upcoming Glenoaks Boulevard Resurfacing Project
- San Fernando Park Facility and Tot Lot Improvements
- Replaced 11 police patrol vehicles and upgraded all in-car computers
- Purchased new utility trucks for Public Works

ESTABLISH RESERVES

Since passage of Measure A, the City has increased reserves

General Fund

- Increased liquidity from \$280,000 on 6/30/2013 to \$3.4 million on 6/30/20 (unaudited)

Self-Insurance Fund

- Established \$1.6 million reserve

Equipment Replacement Fund

- Accumulated \$924,000 to pre-fund future replacements

Facility Maintenance Fund

- Accumulated \$293,261 to fund facility maintenance



REPLACE OUTDATED TECHNOLOGY

Since passage of Measure A, the City has increased efficiency and safety:

- **Updated the City's technology backbone, including servers, routers, switches and computers to retire equipment vulnerable to security breaches (\$100,000)**
- **Replaced the mobile data terminals in police vehicles (\$120,000)**



THE CITY OF SAN FERNANDO

COVER OPERATING DEFICIT

Since passage of Measure A, the City has decreased the General Fund's budgeted operating deficit:

- **Ongoing expenditures exceeded ongoing revenues by \$1.5 million in FY 2013-2014**
- **Operating deficit projected to be eliminated by FY 2019-2020**
- **However, loss of revenue due to COVID-19 Pandemic has required Measure A funds to be used to cover the operating deficit.**

EXPENDITURE

In FY 2019-2020, Measure A funds were used for:

Repayment of Debt	
To Retirement Fund	175,000
To Sewer Fund	75,000
To Water Fund	75,000
	325,000
Establish Reserves	
Facility Maintenance Fund	100,000
Equipment Replacement Fund	100,000
	200,000
One-Time Projects	
Replace one (1) Detective Vehicle	40,000
Replace one CSO vehicle	30,000
Replace heavy duty man lift vehicle	83,500
Add'l Street Maint. Mat's & Equip.	25,000
Economic Development activity	50,000
Special studies, as needed	50,000
(Continued in next column)	

One-Time Projects (cont.)	
City Council Meeting minutes	10,000
Special events & Rec Programs	16,500
Add'l training & education	9,570
	314,570
On-going Staffing	
Upgrade PT Dep. City Clerk to FT Dep. City Clerk/Mgmt Analyst	49,630
Add PT Records Specialist (.46)	22,250
Add PW Superintendent (50%)	63,500
Ongoing training & education	17,000
	152,380
Deficit fund balance reduction	257,100
Subsidize Street Lighting District	40,000
Amount allocated to City operations	1,008,050
	1,305,240
Total Measure A funds:	\$2,297,190



DEFICIT REDUCTION PLAN

Staff has worked with City Council to implement a multi-year plan to eliminate the General Fund deficit

Since passage of Measure A, the City has:

- Renegotiated the Fire Services contract with LAFD (saved more than \$500,000/year).
- Transferred pool operations to LA County (saved more than \$500,000/year)
- Restructured future retiree health benefits to statutory minimum to decrease the City's liability (significant long-term savings)



DEFICIT REDUCTION PLAN (CONT.)

- Sold surplus land to reduce the City's deficit (\$1 million in proceeds)
- Developed a five-year General Fund projection to improve long term decision making
- Adopted a Development Agreement Ordinance to increase economic development tools and diversify the tax base
- Updating user fees, development fees and cost allocation plan (more than \$500,000 per year in projected ongoing revenue)
- Continue to explore opportunities to partner with private sector firms to provide efficient, quality services



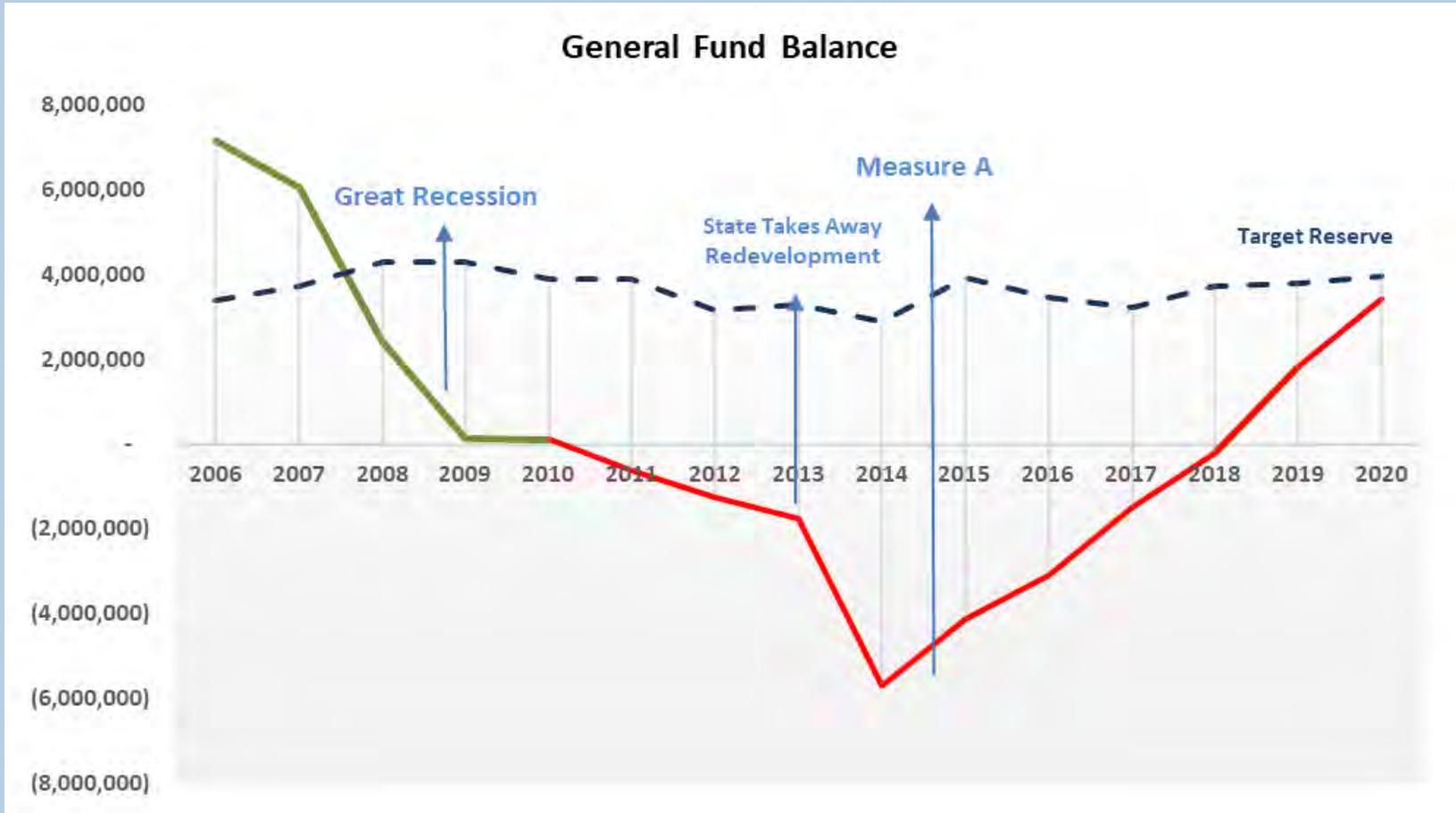
DEFICIT REDUCTION PLAN

FY 2020-2021 Budget includes funding for the following one-time deficit reduction items:

- **Continue Emergency Response to COVID-19**
- **Replaced Outdated Emergency Radio System**



DEFICIT FORECAST





THE CITY OF SAN FERNANDO

WHAT'S NEXT?



CONCLUSION

Since October 2013, Measure A funds have been used to:

- **Reduce General Fund deficit from \$5.7 million in FY 13-14 to a projected reserve of \$3.4M at the end FY 19-20**
- **Eliminate deficit fund balances in the Grant Fund (\$1.8 million) and Self Insurance Fund (\$1.7 million)**
- **Purchase 11 new police vehicles and outfit all police vehicles with new Mobile Data Terminals**
- **Brand Boulevard Median**
- **Replace outdated network hardware and security**
- **Park Facility Upgrades**



FINANCIAL SUSTAINABILITY

In order to continue on the path toward true financial stability, the City must:

1. Establish General Fund reserve to weather financial downturns (at least 20% of annual expenditures)
2. Set-aside funds to continue the annual residential street paving program to pave or resurface every street on a 10-year cycle
3. Set-aside funds to repair, replace and maintain the City's recreation facilities, playground and exercise equipment, and sports fields
4. Continue to set-aside funds to replace public safety and Public Works vehicles when they have reached their useful life



FINANCIAL SUSTAINABILITY (CONT.)

5. Increase Police Department to pre-recession staffing and deployment levels
6. Continue regular tree trimming and tree replacement program
7. Maintain a Self Insurance Fund reserve to protect the General Fund from the impact of a large lawsuit
8. Enhance cultural programming and special events (e.g. reinstate 4th of July Fireworks)



QUESTIONS

THE CITY OF
SAN FERNANDO

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AGENDA REPORT

To: Vice Mayor Hector A. Pacheco and Councilmembers

From: Mayor Joel Fajardo

Date: September 21, 2020

Subject: Discussion Regarding COVID-19 Response Efforts and Approval of Proposed Recommendations

RECOMMENDATION:

Receive a presentation from staff related to the City's COVID-19 efforts, including, but not limited to:

- a. Review and approval of the City's COVID-19 planning, response, enforcement, and education efforts, and related policy initiatives; and
- b. Review and approval of financial assistance programs and the pursuit of funding opportunities, and related recommendations, as appropriate.

ANALYSIS:

I have placed this on the agenda for City Council to discuss the City's response efforts and policy initiatives related to the COVID-19 pandemic and provide direction to staff, as appropriate.

This discussion is meant to provide City Council and staff the opportunity to discuss all items related to the City's response efforts and policy initiatives related to the COVID-19 pandemic, including, but not limited to, discussion of financial hardship programs and CARES Act and other potential stimulus funding.

Staff Updates.

State of California COVID-19 Updates.

Staff will provide an update on the State of California's Blueprint for a Safer Economy plan (Attachment "A").

Los Angeles County Department of Public Health Safer At Home Health Order.

Staff will provide an update on current Health Orders issued by the County and key COVID-19 related metrics (Attachment "B").

Discussion Regarding COVID-19 Response Efforts and Approval of Proposed RecommendationsPage 2 of 3

Health Order Enforcement.

Staff will provide an update on current enforcement efforts and request direction related to future enforcement, as appropriate.

Halloween.

On September 9, 2020, the Los Angeles County Department of Public Health published guidance for celebrating Halloween (Attachment "C").

Not Permitted (gatherings and events are not currently allowed under the Health Order):

- Halloween gatherings, events or parties with non-household members are not permitted even if they are conducted outdoors.
- Carnivals, festivals, live entertainment, and haunted house attractions are not allowed.

Not Recommended:

- Door-to-door trick or treating is not recommended because it can be very difficult to maintain proper social distancing on porches and at front doors, ensure that everyone answering or coming to the door is appropriately masked to prevent disease spread, and because sharing food is risky.
- "Trunk or Treating" where children go from car to car instead of door to door to receive treats is also not recommended, particularly when part of Halloween events, since it is difficult to avoid crowding and sharing food.

Permitted and Recommended:

- Online parties/contests (e.g. costume or pumpkin carving)
- Car parades that comply with public health guidance for vehicle based parades including:
 - a. Drive by events or contests where individuals dress up or decorate their vehicles and drive by "judges" that are appropriately physically distanced.
 - b. Drive through events where individuals remain in their vehicles and drive through an area with Halloween displays.
 - c. Drive in events where individuals can receive a treat bag (limited to commercially packaged non-perishable treats) or take away item from an organizer while the participants remain in their vehicle.
- Halloween movie nights at drive in theaters (must comply with the public health drive in movie theater guidance).
- Halloween themed meals at outdoor restaurants (must comply with the restaurant protocol).
- Halloween themed art installations at an outdoor museum (must comply with the public health museum guidance.)
- Dressing up homes and yards with Halloween themed decorations.

Discussion Regarding COVID-19 Response Efforts and Approval of Proposed RecommendationsPage 3 of 3

City Facility Closures.

City Hall is open to the public with modified hours (i.e. Monday, Wednesday and Thursday from 12 pm to 5:30 pm). All visitors to City Hall must adhere to the County of Los Angeles Department of Public Health guidelines for physical distancing and must wear a cloth face covering at all times to help slow the spread of COVID-19 in our community.

Indoor recreational facilities remain closed to the public except when a heat advisory is issued and the Las Palmas Park facility is open as a cooling center. Staff is following the County protocol for physical distancing and cleaning while the cooling centers are open. Staff is exploring a program to make outdoor park space available for rent to fitness and wellness establishments. More information will be presented at a future meeting.

COVID-19 Testing.

On September 16, 2020 and September 17, 2020, the City of San Fernando partnered with the Tataviam Band of Indians to offer walk-up testing at Recreation Park through the City of Los Angeles Fire Department and CORE, the community organized relief effort non-profit organization.

BUDGET IMPACT:

There is no budget impact associated with discussing this item. Additional future costs to be determined based on City Council direction.

ATTACHMENTS:

- A. California Blueprint for a Safer Economy
- B. LA County Daily COVID-19 Data – as of September 16, 2020
- C. LA County Guideline re: Halloween

ATTACHMENT "A"

8/31/20

LA COUNTY & THE STATE'S NEW COVID-19 FRAMEWORK NEW STATE COVID-19 FRAMEWORK

California's Tier Framework

	Higher Risk ⇒ Lower Risk of Community Disease Transmission			
	Widespread Tier 1	Substantial Tier 2	Moderate Tier 3	Minimal Tier 4
Measures				
New cases / 100,000 population per day (7-day average; 7-day lag)	>7	4 - 7	1 - 3.9	<1
Testing % Positivity (7-day average; 7-day lag)	>8%	5 - 8%	2 - 4.9%	<2%

Last Friday, the State of California released a new tiered framework to more easily communicate the extent of community transmission in counties across the state. The above graphic is a summary of: 1) the state's tiers, 2) the indicators they are tracking, and 3) how counties are being classified (as having either widespread, substantial, moderate or minimal spread of the COVID-19 virus in their communities). Moving forward, California will use this new tier system to guide possible sector re-openings for counties to consider.

WHAT DOES THE NEW FRAMEWORK MEAN FOR LA COUNTY (INCLUDING THE CITY OF SAN FERNANDO)?

In LA County, the ultimate decisions about sector re-openings will remain under the purview of the County Health Officer Orders, which are developed in consultation with LA County's Board of Supervisors.

As demonstrated by the below graphic, **LA County is currently in Tier 1** – meaning that there continues to be widespread transmission of the virus in the county.

Los Angeles County is Currently in Tier 1

Measures	LAC Rate
New cases / 100,000 population per day (7-day average; 7-day lag)	13.1
Testing % Positivity (7-day average; 7-day lag)	5.0%

Per the State, LA County's current number of **7-day average of new cases (per day per 100,000 people) is 13** – nearly double the threshold for moving up to Tier 2 (which requires that LA County have less than 7 new cases per day per 100,000 population).

LA County's current **test positivity rate is 5%**. And even though this places us in Tier 2 (Red) for this metric, when the two metrics fall in different tiers, the State places counties in the most restrictive tier; hence, LA County (like most counties in California) has been placed in Tier 1.

Our path forward for reopening depends on LA County being able to reduce community transmission significantly, so children and teachers can get back to their classrooms and more people can get back to their jobs with as much safety as possible.

For more information on the State's new framework, visit the CA Department of Public Health (CDPH) website (<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID19CountyMonitoringOverview.aspx>). For guidance, reopening protocols or a list of what is open or remains closed in LA County, visit LA County's **Department of Public Health** (<http://publichealth.lacounty.gov/media/Coronavirus/>).

City of San Fernando Daily COVID-19 Data

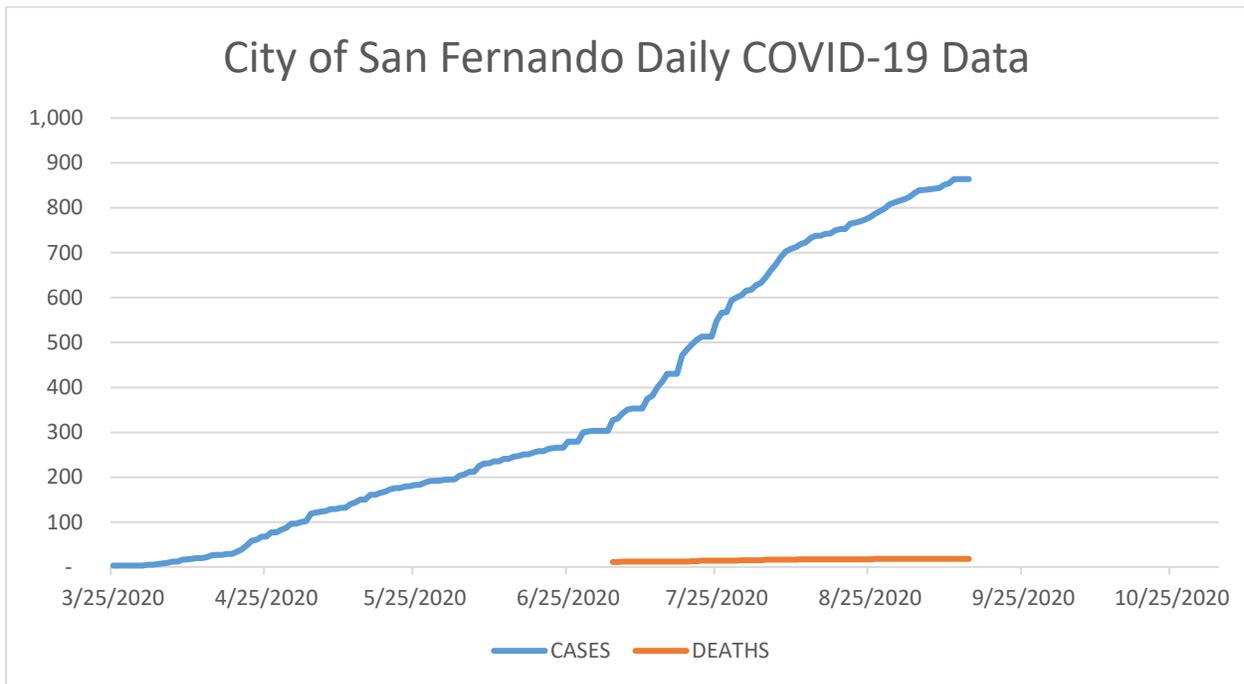
SOURCE:

<http://publichealth.lacounty.gov/media/Coronavirus/data/index.htm>; statistics captured daily.

Graph 1: Daily COVID-19 Cases and Deaths in the City of San Fernando

Total Cases (as of September 14, 2020): 864

Total Deaths (as of September, 2020): 18



LA County Daily COVID-19 Data

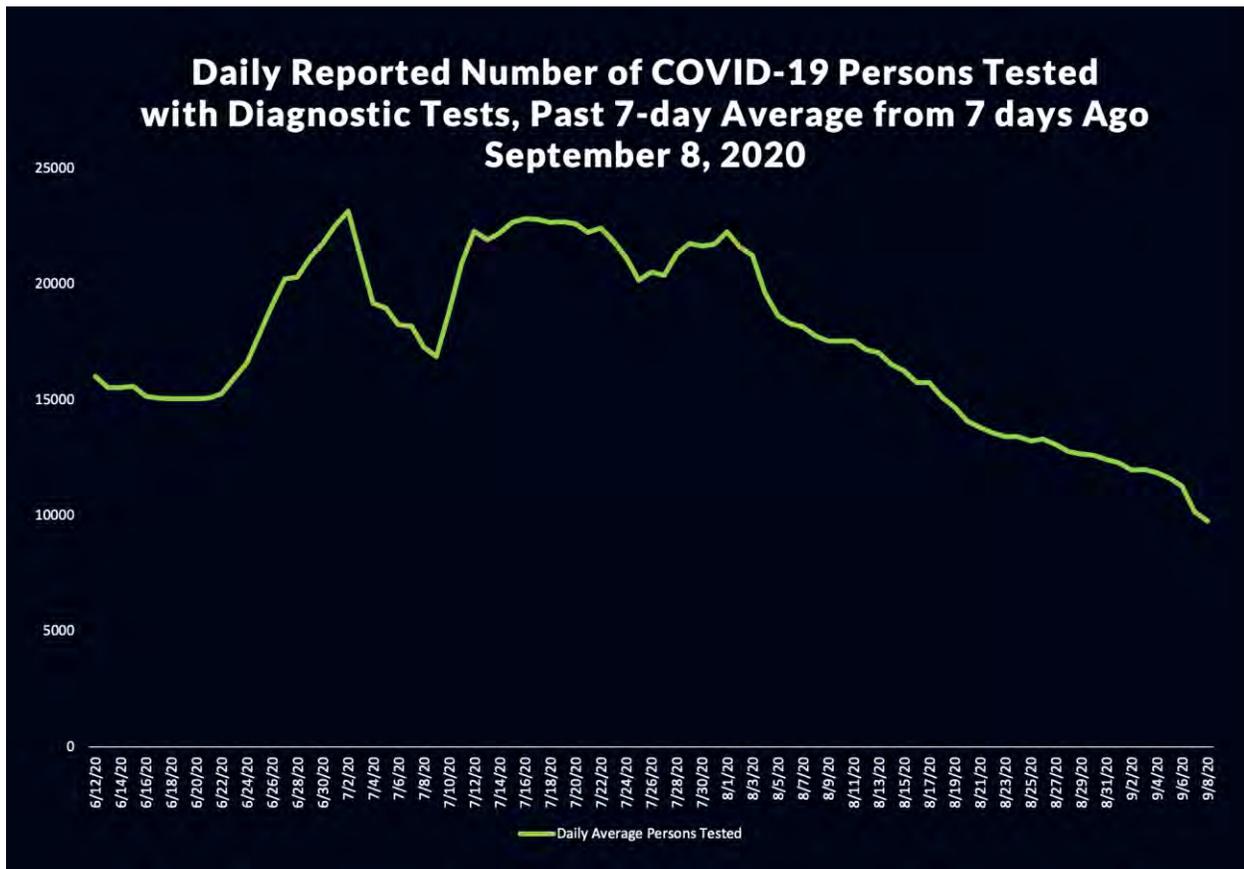
SOURCE:

<http://publichealth.lacounty.gov/media/Coronavirus/data/index.htm>; visited on 9/16/2020 @ 12:00 pm.

Graph 1: Daily Reported Persons Tested for COVID-19

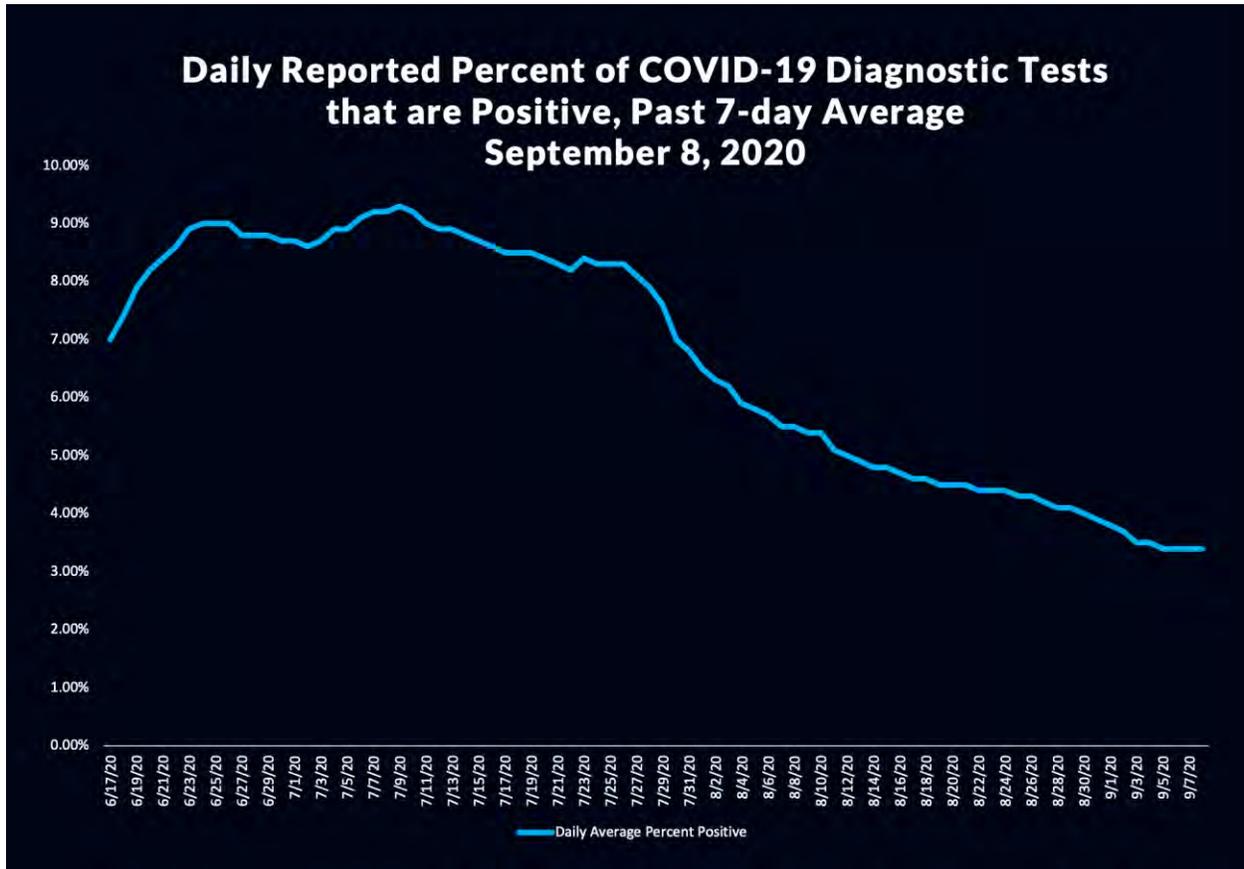
7-Day Daily Average: 9,773

Total Number of People Tested: 2,465,107



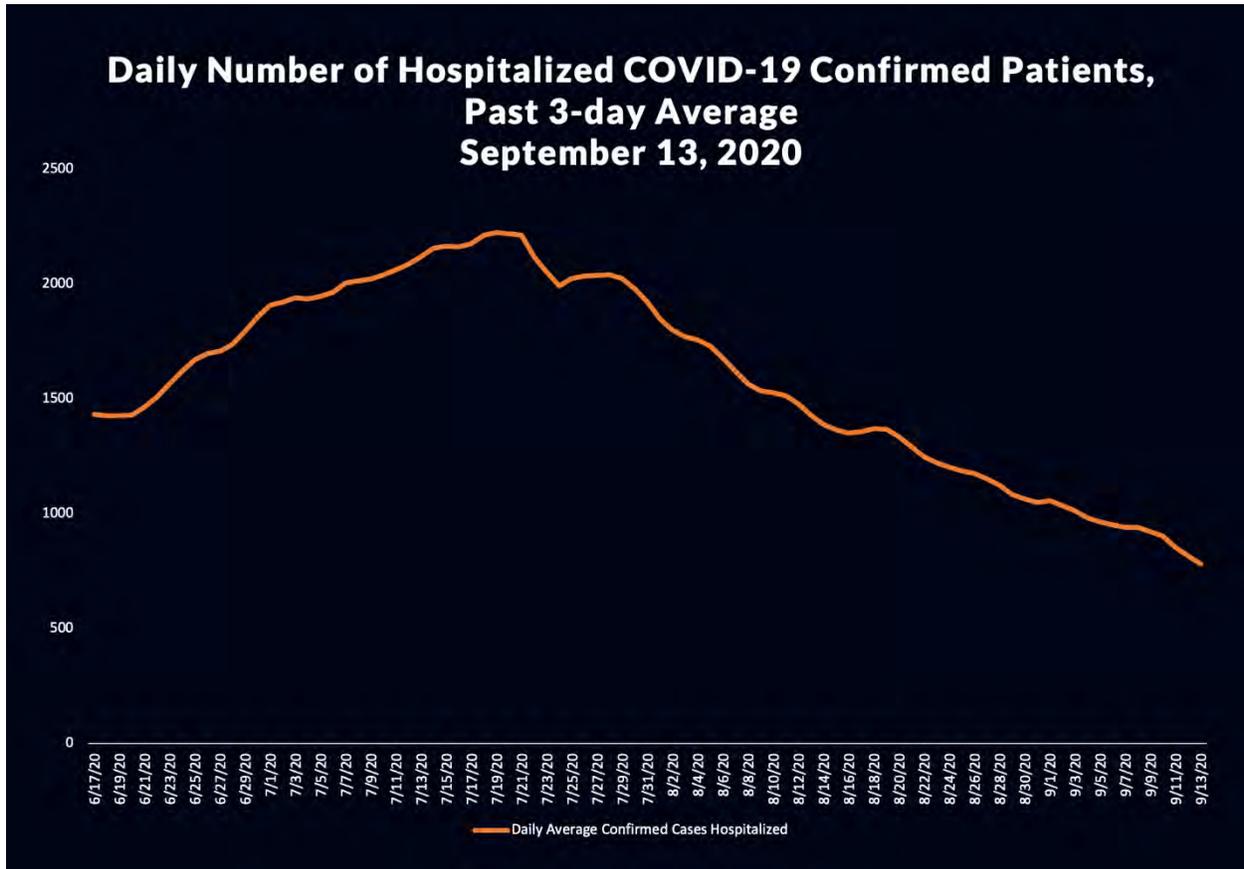
Graph 2: Daily Reported Percent Positive for COVID-19

7-Day Daily Average: 3.4%



Graph 3: Daily Number of COVID-19 Hospitalized

Current Hospitalizations (09/15): 772



Novel Coronavirus (COVID-19) ATTACHMENT "C"

Los Angeles County Department of Public Health Guidance for Celebrating Halloween

As fall approaches families start to plan for the upcoming holiday season beginning with Halloween. Since some of the traditional ways in which this holiday is celebrated does not allow you to minimize contact with non-household members, it is important to plan early and identify safer alternatives. The Los Angeles County Department of Public Health would like to share information on how to take part in this holiday in a manner that reduces the risk of spreading COVID-19. Since some of the traditional ways in which this holiday is celebrated are not permitted this year, consider some safer alternatives that are listed below.

Halloween Activities:

Not Permitted (gatherings and events are not currently allowed under the Health Officer Order)

- Halloween gatherings, events or parties with non-household members are not permitted even if they are conducted outdoors.
- Carnivals, festivals, live entertainment, and haunted house attractions are not allowed.

Not Recommended

- Door to door trick or treating is not recommended because it can be very difficult to maintain proper social distancing on porches and at front doors, ensure that everyone answering or coming to the door is appropriately masked to prevent disease spread, and because sharing food is risky.
- "Trunk or treating" where children go from car to car instead of door to door to receive treats is also not recommended, particularly when part of Halloween events, since it is difficult to avoid crowding and sharing food.

Permitted and Recommended

- Online parties/contests (e.g. costume or pumpkin carving)
- Car parades that comply with public health guidance for [vehicle based parades](#) including:
 - a. Drive by events or contests where individuals dress up or decorate their vehicles and drive by "judges" that are appropriately physically distanced.
 - b. Drive through events where individuals remain in their vehicles and drive through an area with Halloween displays.
 - c. Drive in events where individuals can receive a treat bag (limited to commercially packaged non-perishable treats) or take away item from an organizer while the participants remain in their vehicle.
- Halloween movie nights at drive in theaters (must comply with the public health drive in [movie theater guidance](#)).
- Halloween themed meals at outdoor restaurants (must comply with the [restaurant](#) protocol).
- Halloween themed art installations at an outdoor museum (must comply with the public health [museum guidance](#).)
- Dressing up homes and yards with Halloween themed decorations.

Novel Coronavirus (COVID-19)

Los Angeles County Department of Public Health Guidance for Celebrating Halloween

Personal Protection Measures:

Regardless of how you choose to celebrate Halloween it is important to keep the following in mind:

1. Correctly wear a cloth face covering to prevent disease spread¹ when outside your home and around others that are not part of your household
2. Avoid confined spaces - Actively stay away from indoor spaces that don't allow for easy distancing of at least 6ft between you and others
3. Avoid close contact – Stay at least 6 feet away (3 or more adult steps) from all other people who are not part of your own household, especially while talking, eating, drinking, and singing.
4. Wash or sanitize your hands often.
5. Clean frequently touched items regularly.
6. If you are sick, or you have been in contact with someone who is sick with COVID-19 or has symptoms of COVID-19 stay home, and away from others.

Know where to get reliable information

Beware of scams, false news and hoaxes surrounding novel coronavirus. Accurate information, including announcements of new cases in LA County, will always be distributed by Public Health through press releases, social media, and our website. The website has more information on COVID-19 including FAQs, infographics and a guide to coping with stress, as well as tips on handwashing

- Los Angeles County Department of Public Health (LACDPH, County)
 - <http://publichealth.lacounty.gov/media/Coronavirus/>
 - Social media: @lapublichealth

Other reliable sources of information about novel coronavirus are:

- California Department of Public Health (CDPH, State)
 - <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/Immunization/nCOV2019.aspx>
- Centers for Disease Control and Prevention (CDC, National)
 - <http://www.cdc.gov/coronavirus/novel-coronavirus-2019.html>

If you have questions and would like to speak to someone call the Los Angeles County Information line 2-1-1 which is available 24 hours a day.

¹ Wear masks with two or more layers to stop the spread of COVID-19. Wear the mask over your nose and mouth and secure it under your chin. For more info, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html> and <http://publichealth.lacounty.gov/media/Coronavirus/docs/protection/GuidanceClothFaceCoverings.pdf>

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AGENDA REPORT

To: Mayor Joel Fajardo and Councilmembers

From: Nick Kimball, City Manager

Date: September 21, 2020

Subject: Review and Discuss a Temporary Mural Pilot Program and Related Mural Ad Hoc Committee Recommendations

RECOMMENDATION:

It is recommended that the City Council:

- a. Receive a presentation and report from staff;
- b. Discuss the recommendations from the Mural Ad Hoc Committee; and
- c. Provide additional direction as appropriate.

BACKGROUND:

1. On February 5, 2018, staff presented a proposed ordinance regulating the review and approval of art murals on private property (Attachment "A"). The item was discussed but no final action was taken.
2. On February 18, 2020, the City Council established a Mural Ad Hoc (Gonzales, Mendoza) to review information and develop policy recommendations related to establishing a mural program.
3. On August 17, 2020, Councilmember Mendoza presented a proclamation celebrating the 100-year anniversary of women's right to vote and members of the 100-Year Anniversary of Women's Right to Vote Ad Hoc (Ballin, Mendoza) requested staff to explore painting a mural on public property to commemorate the 100-year anniversary.
4. On August 17, 2020, the Mural Ad Hoc was reconstituted to include Mayor Fajardo and Councilmember Mendoza.

Review and Discuss a Temporary Mural Pilot Program and Related Mural Ad Hoc RecommendationsPage 2 of 4

5. On September 1, 2020, the Mural Ad Hoc met to discuss the process for a Women's Suffrage 100-Year Anniversary Commemorative mural as well as establishing a process for allowing murals on private property in the City.
6. On September 8, 2020, the City Council discussed recommendations from the Mural Ad Hoc related to a mural to commemorate the 100-year anniversary of women's right to vote and directed staff to move forward with developing a process to paint said mural on a publicly owned building.
7. On September 8, 2020, the City Council discussed certain ad hoc committee assignments and directed staff to return with a consent item at the next regular City Council meeting to reinstate prior councilmember appointments to the Green City Ad Hoc, Street Tree Ad Hoc, and Wild Horse Foundation Ad Hoc. The City Council also directed staff to include new councilmember assignments to the Mural Ad Hoc (Councilmembers Ballin and Gonzales) and to include discussion of a temporary mural program in the Mural Ad Hoc scope of work.
8. On September 14, 2020, the Mural Ad Hoc met with local artist Lalo Garcia to discuss a possible Temporary Mural Pilot Program.

ANALYSIS:

A mural is a painting or work of art executed directly on a wall. Over the course of time, murals have covered the interiors and exteriors of many public buildings, palaces, temples, tombs, museums, libraries, churches and other publicly viewable spaces to represent the artist's and community's sense culture, society, and important milestones. Murals are considered painted signs, which are currently prohibited on private property in San Fernando.

Pursuant to City Council direction on September 8, 2020, staff will work with the Mural Ad Hoc to move forward with a mural on a City facility commemorating the 100-year anniversary of the constitutional amendment allowing women to vote. Staff will also work with the Mural Ad Hoc to develop and recommend an ordinance establishing criteria and permitting procedures for painting murals on private property in the City. Lastly, the City Council discussed a temporary mural program proposed by Lalo Garcia, a local artist, and directed staff to work with the Mural Ad Hoc to explore the possibility of a temporary mural program.

On September 14, 2020, the Mural Ad Hoc met with Mr. Garcia to discuss the temporary mural proposal. Mr. Garcia is involved with a coalition of artists nationwide, led by artists Sonya Fe and Lalo Garcia, whose purpose is to protest the current immigration policy separating children from their families and housing them in sub-standard conditions through murals in large metropolitan areas. This coalition includes artists in Las Cruces, NM, Houston, TX, Sacramento, CA, Los Angeles, CA, and other large cities to keep the "Children in Cages" policy at the forefront on the national policy discussion through art.

Review and Discuss a Temporary Mural Pilot Program and Related Mural Ad Hoc Recommendations

Page 3 of 4

Mural Ad Hoc Committee Recommendations.

Subsequent to hearing Mr. Garcia's proposal, the Mural Ad Hoc discuss recommendations to develop a temporary mural pilot program in the publicly owned right-of-way. There are examples in surrounding cities of temporary art mural installations that are painted by a select artist and displayed for a pre-determined amount of time in a certain location. These temporary art mural installations do not need to be painted on a wall or building and can instead can be painted on any "canvas."

Below are considerations to move forward with a temporary mural pilot program with recommendations from the Ad Hoc Committee for City Council discussion:

- 1) Identify a Canvas and Location: The Ad Hoc Committee recommends the proposed pilot program uses a standard four-foot by eight-foot piece of smooth plywood as a canvas and it be installed on the City owned wrought iron fence at Parking Lot 6N facing the bike path in the railroad right-of-way.
- 2) Appropriate a Budget: The cost of the materials and labor to produce the mural would be the responsibility of the artist. The City would be responsible for installing the temporary mural and securing it to the fence in the right-of-way. See the Budget Impact section for additional information related to funding for this project.
- 3) Duration of the Installation: During the pilot period, the proposed duration that the art mural would be on display would be six months from the date of installation. At the end of the six month period, the mural and canvass may be returned to the artist in "as-is" condition or donated to the City.
- 4) Review of Proposals: The Mural Ad Hoc Committee recommends the initial art mural installed as part of the pilot program is approved by the City Council after review of the conceptual drawing.
- 5) Maintenance and Ownership: The Mural Ad Hoc Committee recommends that the artist retain ownership of the artwork, subject to a license agreement allowing the City to use the image in various media, and be responsible for all maintenance. At the City's sole discretion, the City may remove the art mural and return it to the artist at any time prior to the end installation term.

It is recommended that formal program guidelines and a process for review and approval of future temporary art mural installations are developed by staff and presented to the City Council prior to the expiration of the six-month pilot program. If directed by the City Council, staff will develop a license agreement and request a conceptual drawing from Mr. Garcia to present for review and approval at a future City Council meeting.

Review and Discuss a Temporary Mural Pilot Program and Related Mural Ad Hoc RecommendationsPage 4 of 4

BUDGET IMPACT:

Public Works Facility Division staff has reviewed the proposed installation location and estimates the cost for labor and materials to make a bracket and secure a temporary mural painted on a four-foot by eight-foot piece of plywood to be less than \$500.

CONCLUSION:

Staff recommends that the City Council discuss the proposed temporary art mural pilot program and provide staff direction, as appropriate.

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AGENDA REPORT

To: Mayor Joel Fajardo and Councilmembers

From: Nick Kimball, City Manager

Date: September 21, 2020

Subject: Consideration to Determine a City Position on the 2020 League of California Cities Resolution

RECOMMENDATION:

It is recommended that the City Council:

- a. Discuss the proposed Resolution to be presented at the 2020 League of California Cities ("League") General Assembly Meeting; and
- b. Provide direction to the voting delegate regarding the City's position on the resolution.

BACKGROUND:

1. The 2020 Annual League Conference is scheduled virtually on October 7-9, 2020. An important part of the Annual Conference is the General Assembly, where the League membership considers and takes action on resolutions that establish League policy.
2. On August 3, 2020, the City Council designated Councilmember Mary Mendoza as the Voting Delegate and Councilmember Robert C. Gonzales as the Alternate Voting Delegate for the League's General Assembly meeting on October 9, 2020.
3. On September 2, 2020, staff received the 2020 Annual Conference Resolutions Packet (Attachment "A") to be considered during the business meeting at the Annual Conference. Resolutions submitted to the General Assembly must be concurred by five cities or by city officials from at least five or more cities.

ANALYSIS:

The League encourages each city council to consider the resolution and determine the city's position on it. There is one resolution that will be considered during this year's General Assembly meeting:

Consideration to Determine a City Position on the 2020 League of California Cities ResolutionPage 2 of 2

Resolution.

A RESOLUTION OF THE GENERAL ASSEMBLY OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR AN AMENDMENT OF SECTION 230 OF THE COMMUNICATIONS DECENCY ACT OF 1996 TO REQUIRE SOCIAL MEDIA COMPANIES TO REMOVE MATERIALS WHICH PROMOTE CRIMINAL ACTIVITIES.

Summary.

This resolution states that the League of California Cities should urge Congress to amend Section 230 of the federal Communications Decency Act of 1996 (CDA) to limit the immunity provided to online platforms where their forums enable criminal activity to be promoted. Ultimately, the policy objectives proposed under this resolution, if enacted, would incentivize social media companies to establish and implement a reasonable program to identify and remove content that solicits criminal activity.

A detailed analysis of the proposed resolution is included in the 2020 League Annual Conference Resolutions Packet (Attachment "A").

BUDGET IMPACT:

There is no fiscal impact associated with taking a position on the resolution. Additional future costs to be determined based on City Council direction.

CONCLUSION:

Staff recommends that the City Council discuss the proposed Resolution and provide direction to the Voting Delegate regarding the City's position on the resolution.

ATTACHMENT:

A. 2020 League Annual Conference Resolutions Packet



***Annual Conference
Resolutions Packet***

2020 Annual Conference Resolutions



October 7 – 9, 2020

INFORMATION AND PROCEDURES

RESOLUTIONS CONTAINED IN THIS PACKET: The League bylaws provide that resolutions shall be referred by the president to an appropriate policy committee for review and recommendation. Resolutions with committee recommendations shall then be considered by the General Resolutions Committee at the Annual Conference.

This year, one resolution has been introduced for consideration at the Annual Conference and referred to League policy committees.

POLICY COMMITTEES: Two policy committees will meet virtually at the Annual Conference to consider and take action on the resolution referred to them. The committees are: Governance, Transparency & Labor Relations and Public Safety. These committees will meet virtually on Tuesday, September 29, with the Governance, Transparency and Labor Relations Policy Committee meeting from 9:30 – 11:30 a.m. and the Public Safety Policy Committee meeting from 1:00 – 3:00 p.m. The sponsor of the resolution has been notified of the time and location of the meeting.

GENERAL RESOLUTIONS COMMITTEE: This committee will meet virtually at 1:00 p.m. on Thursday, October 8, to consider the reports of the policy committees regarding the resolutions. This committee includes one representative from each of the League's regional divisions, functional departments and standing policy committees, as well as other individuals appointed by the League president.

GENERAL ASSEMBLY: This meeting will be held virtually at 11:00 a.m. on Friday, October 9.

PETITIONED RESOLUTIONS: For those issues that develop after the normal 60-day deadline, a resolution may be introduced at the Annual Conference with a petition signed by designated voting delegates of 10 percent of all member cities (48 valid signatures required) and presented to the Voting Delegates Desk at least 24 hours prior to the time set for convening the Annual Business Meeting of the General Assembly. This year, that deadline is 12:30 p.m., Thursday, October 8.

Any questions concerning the resolutions procedures may be directed to Meg Desmond at the League office: mdesmond@cacities.org or (916) 658-8224

GUIDELINES FOR ANNUAL CONFERENCE RESOLUTIONS

Policy development is a vital and ongoing process within the League. The principal means for deciding policy on the important issues facing cities is through the League's seven standing policy committees and the board of directors. The process allows for timely consideration of issues in a changing environment and assures city officials the opportunity to both initiate and influence policy decisions.

Annual conference resolutions constitute an additional way to develop League policy. Resolutions should adhere to the following criteria.

Guidelines for Annual Conference Resolutions

1. Only issues that have a direct bearing on municipal affairs should be considered or adopted at the Annual Conference.
2. The issue is not of a purely local or regional concern.
3. The recommended policy should not simply restate existing League policy.
4. The resolution should be directed at achieving one of the following objectives:
 - (a) Focus public or media attention on an issue of major importance to cities.
 - (b) Establish a new direction for League policy by establishing general principals around which more detailed policies may be developed by policy committees and the board of directors.
 - (c) Consider important issues not adequately addressed by the policy committees and board of directors.
 - (d) Amend the League bylaws (requires 2/3 vote at General Assembly).

KEY TO ACTIONS TAKEN ON RESOLUTIONS

Resolutions have been grouped by policy committees to which they have been assigned.

Number	Key Word Index	Reviewing Body Action		
		1	2	3

1 - Policy Committee Recommendation to General Resolutions Committee
 2 - General Resolutions Committee
 3 - General Assembly

GOVERNANCE, TRANSPARENCY & LABOR RELATIONS POLICY COMMITTEE

		1	2	3
1	Amendment to Section 230 of The Communications Decency Act of 1996			

PUBLIC SAFETY POLICY COMMITTEE

		1	2	3
1	Amendment to Section 230 of The Communications Decency Act of 1996			

KEY TO ACTIONS TAKEN ON RESOLUTIONS *(Continued)*

Resolutions have been grouped by policy committees to which they have been assigned.

KEY TO REVIEWING BODIES

1. Policy Committee
2. General Resolutions Committee
3. General Assembly

KEY TO ACTIONS TAKEN

- | | |
|-----|---|
| A | Approve |
| D | Disapprove |
| N | No Action |
| R | Refer to appropriate policy committee for study |
| a | Amend+ |
| Aa | Approve as amended+ |
| Aaa | Approve with additional amendment(s)+ |
| Ra | Refer as amended to appropriate policy committee for study+ |
| Raa | Additional amendments and refer+ |
| Da | Amend (for clarity or brevity) and Disapprove+ |
| Na | Amend (for clarity or brevity) and take No Action+ |
| W | Withdrawn by Sponsor |

ACTION FOOTNOTES

- * Subject matter covered in another resolution
- ** Existing League policy
- *** Local authority presently exists

Procedural Note:

The League of California Cities resolution process at the Annual Conference is guided by the League Bylaws. A helpful explanation of this process can be found on the League's website by clicking on this link: [Resolution Process](#).

1. A RESOLUTION OF THE GENERAL ASSEMBLY OF THE LEAGUE OF CALIFORNIA CITIES CALLING FOR AN AMENDMENT OF SECTION 230 OF THE COMMUNICATIONS DECENCY ACT OF 1996 TO REQUIRE SOCIAL MEDIA COMPANIES TO REMOVE MATERIALS WHICH PROMOTE CRIMINAL ACTIVITIES

Source: City of Cerritos

Concurrence of five or more cities/city officials

Cities: City of Hawaiian Gardens, City of Lakewood, City of Ontario, City of Rancho Cucamonga, City of Roseville

Referred to: Governance, Transparency and Labor Relations and Public Safety Policy Committees

WHEREAS, local law enforcement agencies seek to protect their communities' residents, businesses, and property owners from crime; and

WHEREAS, increasingly, criminals use social media platforms to post notices of places, dates and times for their followers to meet to commit crimes; and

WHEREAS, Section 230 of the Communications Decency Act of 1996 currently provides online platforms (including social media platforms) immunity from civil liability based on third-party content and for the removal of content; and

WHEREAS, in the 25 years since Section 230's enactment, online platforms no longer function simply as forums for the posting of third-party content but rather use sophisticated algorithms to promote content and to connect users; and

WHEREAS, the United States Department of Justice, in its June 2020 report, "Section 230 — Nurturing Innovation or Fostering Unaccountability?," concluded the expansive interpretation courts have given Section 230 has left online platforms immune from a wide array of illicit activity on their services, with little transparency or accountability, noting it "makes little sense" to immunize from civil liability an online platform that purposefully facilitates or solicits third-party content or activity that violates federal criminal law; and

WHEREAS, current court precedent interpreting Section 230 also precludes state and local jurisdictions from enforcing criminal laws against such online platforms that, while not actually performing unlawful activities, facilitate them; and

WHEREAS, amendment of Section 230 is necessary to clarify that online platforms are not immune from civil liability for promoting criminal activities; and

NOW, THEREFORE, BE IT RESOLVED at the League General Assembly, assembled at the League Annual Conference on October 9, 2020 in Long Beach, California, that the League calls upon the U.S. Congress to amend Section 230 of the Communications Decency Act of 1996 to condition immunity from civil liability on the following:

1. Online platforms must establish and implement a reasonable program to identify and take down content which solicits criminal activity; and
2. Online platforms must provide to law enforcement information which will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity; and
3. An online platform that willfully or negligently fails in either of these duties is not immune from enforcement of state and local laws which impose criminal or civil liability for such failure.

Background Information to Resolution

Source: City of Cerritos

Background:

Social media platforms are now used as a primary means of communication, including by criminals who use them to advertise locations, dates, and times where the criminal acts will take place. Such communications, because they occur online, render the online platform immune from any civil liability for the costs incurred by law enforcement agencies that respond under Section 230 of the Communications Decency Act of 1996. Immunity from civil liability extends even to injunctive relief, thus preventing local governments from merely seeking an injunction against the online platform to have such a post removed.

The City of Cerritos supports the rights of free speech and assembly guaranteed under the First Amendment, but believes cities should have the ability to hold social media companies liable for their role in promoting criminal acts. Recently, the City suffered thousands of dollars in damages to respond to online threats that the Cerritos Mall would be looted. Anonymous posts on Instagram.com invited followers to “work together to loot Cerritos [M]all” only several days after the Lakewood Mall had been looted, causing thousands of dollars in damages. The posts were made under the names “cerritosmalllooting” and “cantstopusall,” among others. The City of Cerritos had no choice but to initiate response to protect the Mall and the public from this credible threat.

At the same time local governments face historic shortfalls owing to the economic effects of COVID-19, the nation’s social media platforms are seeing a record rise in profits. The broad immunity provided by Section 230 is completely untenable. Online platforms should be held responsible—and liable—for the direct harm they facilitate. Local governments are in no position to bear the costs of the crimes facilitated by these companies alone.

Congress is currently reviewing antitrust legislation and by extension, Section 230’s immunity provisions. The League urges Congress to amend Section 230 to limit the immunity provided to online platforms when they promote criminal activity to provide local governments some measurable form of relief.

League of California Cities Staff Analysis on Resolution No. 1

Staff: Charles Harvey, Legislative Representative
Bijan Mehryar, Legislative Representative
Caroline Cirrincione, Policy Analyst
Johnnie Piña, Policy Analyst

Committees: Governance, Transparency and Labor Relations
Public Safety

Summary:

This resolution states that the League of California Cities should urge Congress to amend Section 230 of the federal Communications Decency Act of 1996 (CDA) to limit the immunity provided to online platforms where their forums enable criminal activity to be promoted.

Ultimately, the policy objectives proposed under this resolution, if enacted, would incentivize social media companies to establish and implement a reasonable program to identify and remove content that solicits criminal activity.

Background:

The City of Cerritos is sponsoring this resolution in reaction to events whereby persons, using social media platforms to coordinate locations, dates, and times for their planned criminal activity, have committed acts of looting and vandalism resulting in both actual economic harm for targeted businesses, and pecuniary loss to cities who used resources to prevent such acts from occurring when such plans are discovered.

For example, just days after the Lakewood Mall had been looted, the City of Cerritos uncovered online communications via social media that persons were planning to target the nearby Cerritos Mall. Consequently, the city felt compelled to undertake measures to protect the Cerritos Mall, costing the city thousands of dollars to guard against what officials believed to be a credible threat.

Staff Comments:

Overview:

While there is certainly an argument to substantiate concerns around censorship, the use of social media as a tool for organizing violence is equally disturbing.

Throughout much of the 2020 Summer, there have been many reports of looting happening across the country during what were otherwise mostly peaceful demonstrations. Combined with the speculation of who is really behind the looting and why, the mayhem has usurped the message of peaceful protestors, causing a great deal of property damage in the process. Likewise, these criminal actions have upended the livelihood of some small business owners, many of whom were already reeling in the wake of the COVID-19 pandemic.

While social media allows people to connect in real time with others all over the world, organized illegal activity using social media is made easier by the anonymous nature of virtual interactions.

Nation's Reaction to the Murder of George Floyd:

Shortly after the senseless killing of George Floyd by law enforcement on May 26, 2020, civil unrest began as local protests in the Minneapolis–Saint Paul metropolitan area of Minnesota before quickly spreading nationwide to more than 2,000 cities and towns across the United States, and in approximately 60 countries in support of the Black Lives Matter movement. Protests unfolded across the country throughout the entire month of June and into July, and persisted in a handful of cities such as Portland and Seattle into the month of August.

Although the majority of protests were peaceful, some demonstrations in cities escalated into riots, looting, and street skirmishes with police. While much of the nation's focus has been on addressing police misconduct, police brutality, and systemic racism, some have used demonstrators' peaceful protests on these topics as opportunities to loot and/or vandalize businesses, almost exclusively under the guise of the "Black Lives Matter" movement. It has been uncovered that these "flash robs"¹ were coordinated through the use of social media. The spontaneity and speed of the attacks enabled by social media make it challenging for the police to stop these criminal events as they are occurring, let alone prevent them from commencing altogether.

As these events started occurring across the country, investigators quickly began combing through Facebook, Twitter, and Instagram seeking to identify potentially violent extremists, looters, and vandals and finding ways to charge them after — and in some cases before — they sow chaos. While this technique has alarmed civil liberties advocates, who argue the strategy could negatively impact online speech, law enforcement officials claim it aligns with investigation strategies employed in the past.

Section 230 and other Constitutional Concerns

At its core, Section 230(c)(1) of the CDA provides immunity from liability for providers and users of an "interactive computer service" who publish information provided by third-party users. Essentially, this protects websites from lawsuits if a user posts something illegal, although there are exceptions for copyright violations, sex work-related material, and violations of federal criminal law.

Protections from Section 230 have come under more recent scrutiny on issues related to hate speech and ideological biases in relation to the influence technology companies can hold on political discussions.

Setting aside Section 230, there are some potential constitutional issues one could raise, should there be an attempt to implement such a resolution into statute.

¹ The "flash robs" phenomenon—where social media is used to organize groups of teens and young adults to quickly ransack and loot various retail stores—began to occur sporadically throughout the United States over the past ten years.

In the United States, the First Amendment prohibits the government from restricting most forms of speech, which would include many proposals to force tech companies to moderate content. While “illegal” types of speech enjoy limited or no First Amendment protection, the line for delineating between “legal” and “illegal” speech is very difficult to determine. Consequently, one would expect online platforms to push back on whether there is a constitutionally feasible way for them to “identify” protected speech versus unprotected speech, or whether there is a feasible way to define “content which solicits criminal activity.” A law requiring companies to moderate content based on the political viewpoint it expresses, for example, would likely be struck down as unconstitutional.

Nonetheless, private companies can create rules to restrict speech if they so choose. Online platforms sometimes argue they have constitutionally-protected First Amendment rights in their “editorial activity,” and therefore, it violates their constitutional rights to require them to monitor (i.e., “identify and take down”) content that may be protected under the First Amendment. They may also argue, along the same lines, that the government may not condition the granting of a privilege (i.e., immunity) on doing things that amount to a violation of their first amendment rights. This is why Facebook and Twitter ban hate speech and other verifiably false information, for example, even though such speech is permitted under the First Amendment.

With respect to privacy and the Fourth Amendment, online platforms may argue that requiring them to “provide to law enforcement information that will assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity,” turns them into government actors that search users’ accounts without a warrant based on probable cause, in violation of the Fourth Amendment.

Industry Perspective

Unsurprisingly, industry stakeholders have strong opinions for what such changes could mean for their respective business models.

For instance, a Facebook spokesperson recently noted in a Fortune article that, “By exposing companies to potential liability for everything that billions of people around the world say, this would penalize companies that choose to allow controversial speech and encourage platforms to censor anything that might offend anyone.”

The article acknowledges that in recent years, both political parties have put social media companies under increased scrutiny, but they are not unified in their stated concerns. While Republicans accuse the companies of unfairly censoring their post, Democrats complain that these companies fail to do enough to block misinformation, violent content, and hate speech.

The article concludes that there is no way companies like Facebook and Twitter could operate without Section 230, and that the removal of this section would thereby “eliminate social media as we know it.”

Recent Federal Action on Social Media

The President recently issued an *Executive Order on Preventing Online Censorship*. In it, he notes the following:

“The growth of online platforms in recent years raises important questions about applying the ideals of the First Amendment to modern communications technology. Today, many Americans follow the news, stay in touch with friends and family, and share their views on current events through social media and other online platforms. As a result, these platforms function in many ways as a 21st century equivalent of the public square.

Twitter, Facebook, Instagram, and YouTube wield immense, if not unprecedented, power to shape the interpretation of public events; to censor, delete, or disappear information; and to control what people see or do not see.”

Ultimately the President implores the U.S. Attorney General to develop a proposal for federal legislation that “would be useful to promote the policy objectives of this order.” The President is not subtle in communicating his desire to ultimately see legislation heavily slanted toward the preservation of free speech on social media, which some interpret as a maneuver to preempt Twitter and Facebook from regulating speech they otherwise deem as hateful or demonstrably false.

Considerations for Congress

Courts have generally construed Section 230 to grant internet service providers broad immunity for hosting others’ content. Many have claimed that Section 230’s immunity provisions were critical to the development of the modern internet, and some continue to defend Section 230’s broad scope. But simultaneously, a variety of commentators and legislators have questioned whether those immunity provisions should now be narrowed, given that the internet looks much different today than it did in 1996 when Section 230 was first enacted.

One way for Congress to narrow Section 230’s liability shield would be to create additional exceptions, as it did with FOSTA and SESTA². If a lawsuit does not fall into one of the express exceptions contained in Section 230(e)³, courts may have to engage in a highly fact-specific inquiry to determine whether Section 230 immunity applies: Section 230(c)(1) immunity will be inapplicable if the provider itself has developed or helped to develop the disputed content, while Section 230(c)(2) immunity may not apply if a service provider’s decision to restrict access to content was not made in good faith.

Date Storage and Usage Considerations for Cities

Section 2 of the conditions the resolution applies to civil immunity requires that online platforms provide relevant information to law enforcement to assist in the identification and apprehension of persons who use the services of the platform to solicit and to engage in criminal activity. This section would most likely require the development of new procedures and protocols that govern law enforcements usage and retention of such information. Those new policies and procedures would undoubtedly raise privacy concerns depending on how wide the latitude is for law

² The Fight Online Sex Trafficking Act (FOSTA) and the Stop Enabling Sex Traffickers Act (SESTA) create an exception to Section 230 that means website publishers *would* be responsible if third parties are found to be posting ads for prostitution — including consensual sex work — on their platforms.

³ Section 230(e) says that Section 230 will not apply to: (1) federal criminal laws; (2) intellectual property laws; (3) any state law that is “consistent with” Section 230; (4) the Electronic Communications Privacy Act of 1986; and (5) civil actions or state prosecutions where the underlying conduct violates federal law prohibiting sex trafficking.

enforcement to request such information. In those circumstances cities could end up themselves incurring new liability for the governance of data that could either violate certain privacy rules or increase their data governance costs.

Fiscal Impact:

Unlike the costly resources needed to support or oppose a ballot measure, a federal resolution from the League of California Cities that simply urges Congress to undertake certain action should have a negligible fiscal impact, if any monetary impact at all.

Regarding cities, if social media had no immunity for its failure to police content that solicits criminal activity, then an individual city could theoretically save thousands if not millions of dollars, depending on its size and other subjective circumstances. Collectively, cities across the country could potentially save at least hundreds of millions between redress for actual economic harm suffered and/or the cost of preventative measures taken to stop criminal activity from occurring in the first place.

Conversely, if social media platforms were to shut down, due to an inability to comply with a policy requirement to regulate speech on the internet, it is unclear on how cities might be impacted from a fiscal standpoint.

Existing League Policy:

Public Safety:

Law Enforcement

The League supports the promotion of public safety through:

- Stiffer penalties for violent offenders, and
- Protecting state Citizens' Option for Public Safety (COPS) and federal Community Oriented Police Services (COPS) funding and advocating for additional funding for local agencies to recoup the costs of crime and increase community safety.

Violence

The League supports the reduction of violence through strategies that address gang violence, domestic violence, and youth access to tools of violence, including but not limited to firearms, knives, etc.

The League supports the use of local, state, and federal collaborative prevention and intervention methods to reduce youth and gang violence.

Governance, Transparency & Labor Relations:

Private Sector Liability

The League will work closely with private sector representatives to evaluate the potential for League support of civil justice reform measures designed to improve the business climate in California. These measures should be evaluated on a case-by-case basis through the League police process.

Questions to Consider:

Many cities obviously believe that creating civil liability for social media platforms—due to their role in providing the communication mediums for those who organize looting attacks— is key to deterring this organized criminal activity.

If such a change was actually passed by Congress, it would force social media to essentially police every conversation on stakeholders' respective platforms, putting immense pressure on the industry to make subjective determinations about what conversations are appropriate and what are unacceptable.

At the end of the day, there are a few questions to consider in assessing this proposed resolution:

- 1) *What would this resolution's impact be on free speech and government censorship?*
- 2) *What are the expectations for cities when they receive information from a social media platform about a potentially credible threat in their respective communities? Does a city become liable for having information from a social media platform and the threat occurs?*
- 3) *What would the costs be to develop and maintain new data governance policies, including data infrastructure, to store this information?*
- 4) *What is the role of the League in engaging in issues relating to someone's privacy?*

Support:

The following letters of concurrence were received:

City of Hawaiian Gardens

City of Lakewood

City of Ontario

City of Rancho Cucamonga

City of Roseville

LETTERS OF CONCURRENCE
Resolution No. 1

Amendment to Section 230 of the Communications
Decency Act of 1996



CITY OF HAWAIIAN GARDENS

"Our Youth - Our Future"

August 7, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

This proposed resolution with the required background information will be submitted to the League of California Cities for consideration by the General Assembly at the Annual Conference on October 9, 2020. (Attachments 1 and 2) The intent of the resolution is to address the use of social medial platforms for posting information that leads followers to meet and commit crimes and to also hold these platforms and the persons who post said information civilly and criminally accountable for all costs incurred by the local jurisdictions where the crimes occurred.

The public safety efforts in the City of Hawaiian Gardens would certainly benefit from such legislation. This letter serves to support the City of Cerritos in their efforts to submit of the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Ernie Hernandez
City Manager

cc Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us

Jeff Wood
Vice Mayor

Ariel Pe
Council Member

Steve Craft
Council Member

Diane DuBois
Council Member



Todd Rogers
Mayor

August 5, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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This letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Todd Rogers
Mayor

cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us

Lakewood

CITY OF



ONTARIO

303 EAST "B" STREET, CIVIC CENTER ONTARIO

CALIFORNIA 91764-4105

(909) 395-2000

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PAUL S. LEON
MAYORSCOTT OCHOA
CITY MANAGERDEBRA DORST-PORADA
MAYOR PRO TEM

August 6, 2020

SHEILA MAUTZ
CITY CLERKALAN D. WAPNER
JIM W. BOWMAN
RUBEN VALENCIA
COUNCIL MEMBERSJAMES R. MILHISER
TREASURER

John Dunbar, President
jdunbar@yville.com
 League of California Cities
 1400 K Street, Suite 400
 Sacramento, CA 95814

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This letter serves to support the City of Cerritos in their efforts to submit the above-mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

Alan D. Wapner
 Council Member
 League of California Cities Board Member

c: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
 Meg Desmond, League of California Cities - mdesmond@cacities.org
 Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
 Kathy Matsumoto, Assistant City Manager, City of Cerritos – kmatsumoto@cerritos.us

Mayor L. Dennis Michael | Mayor Pro Tem Lynne B. Kennedy
 Council Members Ryan A. Hutchison, Kristine D. Scott, Sam Spagnolo
 City Manager John R. Gillison



CITY OF RANCHO CUCAMONGA

10500 Civic Center Drive | Rancho Cucamonga, CA 91730 | 909.477.2700 | www.CityofRC.us

August 6, 2020

John Dunbar, President
jdunbar@yville.com
 League of California Cities
 1400 K Street, Suite 400
 Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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On behalf of the City of Rancho Cucamonga, this letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

L. Dennis Michael
 Mayor

cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
 Meg Desmond, League of California Cities - mdesmond@cacities.org
 Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
 Kathy Matsumoto, Assistant City Manager, City of Cerritos – kmatsumoto@cerritos.us



City Council
311 Vernon Street
Roseville, California 95678

August 7, 2020

John Dunbar, President
jdunbar@yville.com
League of California Cities
1400 K Street, Suite 400
Sacramento, CA 95814

Dear President Dunbar:

On August 3, 2020, the Cerritos City Council approved to sponsor a **Resolution of the City Council of the City of Cerritos Submitting to the League of California Cities General Assembly a Proposed Resolution Regarding Support of Legislation Related to Social Media Platform Accountability for Promotion of Criminal Acts.**

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On behalf of the City of Roseville, this letter serves to support the City of Cerritos in their efforts to submit the above mentioned resolution to the League of California Cities for consideration at the 2020 Annual Conference.

Sincerely,

A handwritten signature in blue ink, appearing to read "John B. Allard II", is written over a horizontal line.

John B. Allard II,
Mayor

Cc: Blanca Pacheco, President, LA County Division/League of California Cities - bpacheco@downeyca.org
Meg Desmond, League of California Cities - mdesmond@cacities.org
Kristine Guerrero, LA County Division/League of California Cities - kguerrero@cacities.org
Kathy Matsumoto, Assistant City Manager, City of Cerritos - kmatsumoto@cerritos.us
Jason Gonsalves, Joe A. Gonsalves and Son

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AGENDA REPORT

To: Mayor Joel Fajardo and Councilmembers

From: Councilmember Mary Mendoza

Date: September 21, 2020

Subject: Consideration to Approve a Request from the Kidneys Quest Foundation the use of the City Seal for its Emergency Education Backpack Distribution Program

RECOMMENDATION:

I have placed this item on the agenda to approve the use of the City seal printed on backpacks for the Kidneys Quest Foundation's Emergency Education Backpack Distribution Program pursuant to Resolution No. 6904 (Attachment "A").

BACKGROUND:

1. On July 21, 2020, Kidneys Quest Foundation ("Foundation") requested, and received, City Council Community Investment Funds to support their Backpack Distribution Program.
2. On September 11, 2020, the Foundation requested use of the City Seal to be printed on the backpacks to be distributed through the program.

ANALYSIS:

The Foundation is a non-profit outreach organization that serves San Fernando residents who are over 12 years old and affected by kidney disease, as well as their caregivers, health professionals and family members. The Foundation has been educating and bringing more community awareness to chronic kidney diseases and disorders.

The Foundation created an Emergency Education Backpack Distribution Program. With the aid of donations from the community, the Foundation has been able to issue hundreds of Emergency Backpacks to kidney and hemodialysis patients all across Southern and Northern California and throughout the United States.

Consideration to Approve a Request from the Kidneys Quest Foundation the use of the City Seal for the Kidneys Quest Emergency Education Backpack Distribution Program

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BUDGET IMPACT:

There is no impact to the budget by discussing this item. The Foundation has received \$1,000 in Community Investment Funds.

ATTACHMENT:

A. Resolution No. 6904

ATTACHEMENT "A"

RESOLUTION NO. 6904**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN FERNANDO, AMENDING THE STANDARD MANAGEMENT PROCEDURE REGARDING USE OF CITY SEAL**

WHEREAS, the City Council adopted a standard management procedure for the use of the City seal on August 3, 1987.

WHEREAS, the City Council desires to revise the procedure to limit the use of the City seal, as provided in this resolution.

WHEREAS, it shall be City policy that the City seal, as described in Municipal Code Section 1-13, shall only be used as provided in this policy. The purpose of this policy is to:

- A. Ensure that the City seal is not used for inappropriate events and affairs.
- B. Control use of the City seal so as to prevent unauthorized use, which could imply City participation, support, or sponsorship in commercial, political, or non-City events.

THE CITY COUNCIL OF THE CITY OF SAN FERNANDO HEREBY FINDS AND RESOLVES:

The City has designated an official seal, which serves to identify City involvement in some manner. Typically, the seal is used on City stationary, City vehicles, brochures and other information. It is important that some guidelines be followed so that the seal be used in an appropriate manner. Therefore, the following guidelines shall be followed pertaining to the City seal:

1. The City seal may be used on all City related literature, material, vehicles, etc., and for City sponsored or co-sponsored functions and events.
2. The City seal may be used on t-shirts, hats, calendars and other like material when sponsored by the City upon approval of the City Administrator.
3. The City seal may not be used by organizations other than the City without prior approval of a majority of the City Council.
4. The City seal may not be used for political or commercial purposes.
5. In cases where it is unclear whether a proposed use of the seal is appropriate, three members of the City Council must approve the use as a scheduled item on a City Council agenda.

PASSED, APPROVED and ADOPTED this 5th day of May, 2003.

Dr. José Hernández
Mayor José Hernández, Ph.D.

ATTEST:

Elena G. Chávez
Elena G. Chávez, City Clerk

APPROVED AS TO FORM:

Michael Estrada
Michael Estrada, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF SAN FERNANDO)

I, Elena G. Chávez, City Clerk of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of San Fernando and signed by the Mayor of the City of San Fernando at a regular meeting held on the 5th day of May, 2003; and that the same was passed by the following vote:

AYES: Hernández, De La Torre, Veres, Ruelas, Martinez - 5

NOES: None

ABSENT: None

Elena G. Chávez
Elena G. Chávez, City Clerk

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AGENDA REPORT

To: Vice Mayor Hector A. Pacheco and Councilmembers

From: Mayor Joel Fajardo

Date: September 21, 2020

Subject: Discussion and Possible Direction Related to Whistleblower and Alleged Employee Misconduct Reporting Procedures

RECOMMENDATION:

I have submitted this item to discuss the City's whistleblower and alleged employee misconduct procedures and provide direction to staff, as appropriate.

ANALYSIS:

Staff Update:

In addition to the Whistleblower Procedures included as Attachment "A," which are primarily related to unsafe employment practices and/or unsafe conditions, employees may report possible employee misconduct to their supervisor, Department Head, City Manager or the City Attorney. In order to be considered for follow-up, claims of alleged employee misconduct should be accompanied by evidence of the alleged misconduct. The City does not currently have its own Whistleblower Policy related to reporting of alleged misconduct.

BUDGET IMPACT:

There is no impact to the budget by discussing this item. Additional future costs to be determined based on City Council direction.

ATTACHMENT:

A. OSHA Whistleblower Procedures



Filing Whistleblower Complaints under Section 11(c) of the OSH Act of 1970

Employees are protected from retaliation for raising workplace health and safety concerns and for reporting work-related injuries and illnesses.

Covered Employees

Section 11(c) of the *Occupational Safety and Health Act of 1970* (OSH Act) prohibits employers from retaliating against employees for exercising a variety of rights guaranteed under the OSH Act, such as filing a safety or health complaint with OSHA, raising a health and safety concern with their employers, participating in an OSHA inspection, or reporting a work-related injury or illness.

A covered employee is any employee of a person engaged in a business affecting interstate commerce, except employees of the United States, States, or political subdivisions of States.¹ However, employees of the United States Postal Service are also covered employees.

Protected Activity

A person may not discharge or in any manner retaliate against an employee because the employee:

Filed any complaint or instituted or caused to be instituted any proceeding under or related to the OSH Act.

Exercised any right afforded by the OSH Act. Examples include, but are not limited to:

- communicating orally or in writing with management personnel about occupational safety or health matters, including asking questions or expressing concerns, requesting safety data sheets, reporting a work-related injury or illness, or requesting copies of OSHA standards or regulations;

- filing a safety/health complaint with OSHA;
- or participating in an OSHA on-site inspection.

Unfavorable Employment Actions

A person taking an unfavorable employment action against an employee may be found to have violated Section 11(c) of the OSH Act if the employee would not have experienced the unfavorable employment action(s) but for their protected activity. Unfavorable employment actions may include:

- Firing or laying off
- Blacklisting
- Demoting
- Denying overtime or promotion
- Disciplining
- Denying benefits
- Failure to hire or rehire
- Intimidation
- Making threats
- Reassignment affecting prospects for promotion
- Reducing pay or hours

Deadline for Filing Complaints

Complaints must be filed within 30 days after the alleged unfavorable employment action occurs (that is, when the employee is notified of the retaliatory action).

Employees filing untimely retaliation complaints with OSHA may be referred to the National Labor Relations Board (NLRB) for possible further action.

How to File an 11(c) Complaint

An employee, or representative of an employee, who believes he or she has been retaliated against in violation of Section 11(c), may file a complaint with OSHA within 30 days of the unfavorable employment action (see above). Complaints may be filed verbally with OSHA

¹ Federal employees are protected from retaliation for occupational safety or health activity under procedures established by their agencies pursuant to Executive Order 12196. See 29 CFR 1960.46-47. They are also protected from retaliation for whistleblowing under the Whistleblower Protection Act. For more information visit www.osc.gov.

by visiting or calling the local OSHA office at 1-800- 321-OSHA (6742), or may be filed in writing by sending a written complaint to the closest OSHA regional or area office, or by filing a complaint online at www.whistleblowers.gov/complaint_page.html.

Written complaints may be filed by facsimile, electronic communication, hand delivery during normal business hours, U.S. mail (confirmation services recommended), or other third-party commercial carrier.

The date of the postmark, facsimile, electronic communication, telephone call, hand delivery, delivery to a third-party commercial carrier, or in-person filing at an OSHA office is considered the date filed. No particular form is required and complaints may be submitted in any language.

To file a complaint electronically, please visit: www.whistleblowers.gov/complaint_page.html.

To contact OSHA to file a complaint, please call 1-800-321-OSHA (6742) and they will connect you to the closest office; or visit www.osha.gov/html/RAmap.html.

Upon receipt, OSHA will review the complaint to determine whether it is appropriate to conduct

a fact-finding investigation (e.g., whether the complaint was filed within 30 days; whether the allegation is covered by Section 11(c)). All complaints are investigated according to requirements in 29 CFR Part 1977.

In the 22 states with OSHA-approved state plans which cover the private sector, employees may file a complaint under Section 11(c) of the OSH Act or a complaint under the State's analogous whistleblower provision or both. The complaint with Federal OSHA must be filed within 30 days of the unfavorable employment action. The complaint filed with the State agency must be filed within the time limit prescribed by State law. State and local government employees in these States, and in six States with plans covering only State and local government employees, may only file occupational safety or health retaliation claims with the State agencies. For a list of state plans, please visit: www.osha.gov/dcsp/osp.

What to do about a Dangerous Situation at Work

If workers believe working conditions are unsafe or unhealthful, it is recommended that they bring the conditions to their employer's attention, if possible, and before they are faced with either refusing to perform a task or exposing themselves to a serious hazard.

Workers may file a complaint with OSHA concerning a hazardous working condition at any time. For information on occupational safety and health laws, standards, and regulations, visit OSHA's website: www.osha.gov.

Not all work refusals due to unsafe or unhealthful conditions are protected by section 11(c). A worker would be protected from subsequent retaliation when the worker has a reasonable apprehension of death or serious injury; and refuses in good faith to perform the task; and has no alternative assignment; and there is insufficient time to have Federal or State OSHA conduct an inspection or where such an inspection has already taken place; and where possible the employee has sought from the employer but was unable to obtain correction of the dangerous condition. For more information: www.osha.gov/workers.

Results of the Investigation

If the evidence supports an employee's claim of retaliation and a voluntary settlement cannot be reached, the Secretary of Labor, through the Office of the Solicitor of Labor (SOL), may litigate the case in U.S. District Court. The Secretary may seek relief to make the employee whole, including:

- Reinstatement.
- Payment of back pay with interest.
- Compensation for expenses the employee may have incurred, as a result of the retaliation with interest; and for emotional distress.
- Punitive damages.
- Non-monetary relief.

If the OSHA Regional Administrator whose office investigated the case finds that the evidence does not support an employee's claim of retaliation, the employee may seek review by the Directorate of Whistleblower Protection

Programs (DWPP) in Washington, D.C. by filing a request for such review, within 15 days of the employee's receipt of the dismissal letter, with a copy to the Regional Administrator.

To Get Further Information

For a copy of Section 11(c) of the *Occupational Safety and Health Act* (29 U.S.C. §660(c)), the regulations (29 CFR 1977), and other information, go to www.whistleblowers.gov.

OSHA's Whistleblower Protection Program enforces the whistleblower provisions of more than twenty federal whistleblower laws. To learn more about the whistleblower statutes which OSHA enforces, view our "Whistleblower Statutes Desk Aid" at www.whistleblowers.gov/whistleblower_acts-desk_reference.pdf. You can also call OSHA at 1-800-321-OSHA (6742) if you have questions or need more information.

OSHA REGIONAL OFFICE (San Fernando Valley)
6150 Van Nuys Blvd, Suite 405
Van Nuys, CA 91401
Phone: (818) 901-5403
Fax: (818) 901-5518

This is one in a series of informational fact sheets highlighting OSHA programs, policies or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of OSHA standards or regulations, refer to Title 29 of the Code of Federal Regulations. This information will be made available to sensory-impaired individuals upon request. The voice phone is (202) 693-1999; teletypewriter (TTY) number: (877) 889-5627.



U.S. Department of Labor

