

# CITY OF HUNTINGTON PARK

## City Council Agenda Monday, August 4, 2014

6:00 p.m.  
City Hall Council Chambers  
6550 Miles Avenue  
Huntington Park, CA 90255

**Rosa E. Perez**  
Mayor

**Karina Macias**  
Vice Mayor



**Ofelia Hernandez**  
Council Member

**Mario Gomez**  
Council Member

**Valentin Palos Amezcuita**  
Council Member

All agenda items and reports are available for review in the City Clerk's Office and [www.huntingtonpark.org](http://www.huntingtonpark.org). Any writings or documents provided to a majority of the City Council regarding any item on this agenda (other than writings legally exempt from public disclosure) will be made available for public inspection in the Office of the City Clerk located at 6550 Miles Avenue, Huntington Park, California 90255 during regular business hours, 7:00 a.m. to 5:30 p.m., Monday – Thursday, and at the City Hall Council Chambers during the meeting.

Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the City Clerk's Office either in person at 6550 Miles Avenue, Huntington Park, California or by telephone at (323) 584-6230. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

## **Public Comment**

The Council encourages all residents of the City and interested people to attend and participate in the meetings of the City Council.

Prior to the business portion of the agenda, the City Council and all other agencies meeting on such date will convene to receive public comments regarding any agenda items or matters within the jurisdiction of such governing bodies. This is the only opportunity for public input except for scheduled public hearing items. The Mayor or Chairperson will separately call for testimony at the time of each public hearing. If you wish to address the Council, please complete the speaker card that is provided at the entrance to the Council Chambers and place it in the box at the podium. When called upon by the Mayor or Mayor's designee, each person addressing the Council shall step up to the microphone and state his/her name or organization he/she represents for the record. Each speaker will be limited to three minutes per Huntington Park Municipal Code 2-1.207. Time limits may not be shared with other speakers and may not accumulate from one period of public comment to another or from one meeting to another. All comments or queries shall be addressed to the Council as a body and not to any specific member thereof. Pursuant to Government Code Section 54954.2(a)(2), the Ralph M. Brown Act, no action or discussion by the City Council shall be undertaken on any item not appearing on the posted agenda, except to briefly provide information, ask for clarification, provide direction to staff, or schedule a matter for a future meeting.

## **Additions/Deletions**

Items of business may be added to the agenda upon a motion adopted by a minimum two-thirds vote finding that there is a need to take immediate action and that the need for action came to the attention of the City or Agency subsequent to the agenda being posted. Items may be deleted from the agenda upon the request of staff or Council.

## **Consent Calendar**

All matters listed under the Consent Calendar are considered to be routine and will all be enacted by one motion. The City Council Members have received detailed staff reports on each of the items recommending an action. There will be no separate discussion of these items prior to the time the Council votes on the motion unless members of the Council, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar for separate action.

## **Important Notice**

The City of Huntington Park shows replays of City Council Meetings on Local Access Channel 3 and over the Internet at [www.huntingtonpark.org](http://www.huntingtonpark.org). Your attendance at this public meeting may result in the recording and broadcast of your image and/or voice as previously described.

PLEASE SILENCE ALL PAGERS, CELL PHONES AND OTHER ELECTRONIC EQUIPMENT WHILE COUNCIL IS IN SESSION.

Thank you.

**FLAG SALUTE:**

**Yandel Garcia, 3<sup>rd</sup> grade student at Pacific Boulevard Elementary School**

**INVOCATION**

**ROLL CALL:**

Mayor Rosa E. Perez  
Vice Mayor Karina Macias  
Council Member Ofelia Hernandez  
Council Member Valentin Palos Amezquita  
Council Member Mario Gomez

**PRESENTATIONS AND ANNOUNCEMENTS:**

**Presentation to student who led the flag salute: Yandel Garcia**

**Presentation of Parklet**

**Primestor Downtown Revitalization Plan update**

**Presentation by The Greater Area Chamber of Commerce Restaurant Week**

**Parking Ticket Amnesty Program Update**

**PUBLIC COMMENT (CLOSED SESSION ITEMS ONLY):**

**CLOSED SESSION (6:15 – 7:00 PM):**

Pursuant to California Government Code Paragraph (1) of Subdivision (d) of Section 54956.9, CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Name of case: Yadira Lopez, Case No. WCAB No. ADJ9167991

Pursuant to Government Code Section 54957;  
Public Employment/Appointment  
Title: City Manager

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION, Significant exposure to litigation pursuant to California Government Code Subdivision (b) of Section 54956.9: (2)

**PUBLIC COMMENTS**

Each speaker will be limited to three minutes per Huntington Park Municipal Code Section 2-1.207.

## **CONSENT CALENDAR**

### **OFFICE OF THE CITY CLERK**

#### **1. Approve minutes of the following City Council meetings:**

- 1-1 Regular meeting held Monday, July 7, 2014.

### **FINANCE DEPARTMENT**

2. Approve Accounts Payable and Payroll Warrants dated July 21, 2014.

### **CITY MANAGER**

3. **Resolution granting another designated period for two years additional service credit.**

#### RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Approve and adopt Resolution No. 2014-24 and the required certifications granting another designated period for two years additional service credit with CALPERS, pursuant to Government Code Section 20903 for eligible job classifications.

## **END OF CONSENT CALENDAR**

## **REGULAR AGENDA**

### **CITY MANAGER**

4. **Discussion of Solid Waste Franchise Agreement with United Pacific Waste and Recycling Services**

#### RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Provide the City Manager direction regarding final deal points for solid waste franchise agreement with UPW;
2. Determine whether or not to rebalance service rates to reflect across-the-board savings to all ratepayers or to accept the UPW rate schedules as proposed;
3. Determine whether or not to use refurbished carts at a savings of \$1.25 per household per month.

**5. Approve Professional Services Agreement with Olivarez Madruga to serve as the City Attorney for the City of Huntington Park.**

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Approve a Professional Services Agreement with Olivarez Madruga, to provide general law services for the City of Huntington Park.
2. Authorize the Interim City Manager to execute the contract.

**FINANCE DEPARTMENT**

**6. General Fund line item budget approval**

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Approve Fiscal Year 14-15 General Fund Budget through October 20, 2014.

**7. Resolution declaring Fiscal emergency in Huntington Park and authorization to place half-cent sales tax on November 2014 ballot.**

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Approve the suggested form of the ballot question to be presented to Huntington Park voters
2. Unanimously adopt a resolution that:
  - a) Incorporates the proposed ballot question;
  - b) Declares an emergency within the meaning of the California Constitution;
  - c) Calls a Special Municipal Election to be held November 4, 2014 for Huntington Park voters to consider and approve a half-cent transactions and use tax;
  - d) Requests consolidation of the City's special election with the County-administered General Election of the same date;
  - e) Establishes procedures for the conduct of the election and submission of arguments
3. Unanimously approve an urgency ordinance which implements the transactions and use tax, subject to the condition that the urgency ordinance will only take effect if a majority of Huntington Park voters approve the ballot measure seeking approval of this ordinance and the tax established herein at the November 4, 2014 Special Municipal Election.

## **PUBLIC WORKS DEPARTMENT**

### **8. Drought emergency water use restrictions**

#### RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Find that the determination of a water supply shortage and implementation of Phase III water conservation measures are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15307 (Actions by Regulatory Agencies for a Protection of Natural Resources), and
2. Adopt Resolution No. 2014-25, a resolution of the City Council of the City of Huntington Park Ordering Implementation of a Phase III shortage pursuant to Title 6, Chapter 5, Article 4 of the City of Huntington Park Municipal Code.

### **WRITTEN COMMUNICATIONS**

#### **COUNCIL COMMUNICATIONS**

**Mayor Rosa E. Perez**

**Vice Mayor Karina Macias**

**Council Member Ofelia Hernandez**

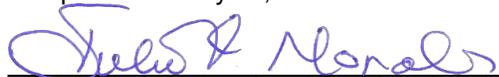
**Council Member Valentin Palos Amezquita**

**Council Member Mario Gomez**

### **ADJOURNMENT**

NEXT REGULAR MEETING OF THE  
CITY OF HUNTINGTON PARK CITY COUNCIL  
MONDAY, AUGUST 18, 2014 AT 6:00 P.M.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on July 31, 2014 on the bulletin board outside City Hall and available at [www.huntingtonpark.org](http://www.huntingtonpark.org)



Julio Morales, Interim City Manager

**MINUTES**  
**HUNTINGTON PARK CITY COUNCIL**  
**A Regular Meeting held in the City Council Chambers,**  
**6550 Miles Avenue, Huntington Park, California**  
**Monday – July 7, 2014 - 6:00 p.m.**

**CALL TO ORDER**

Mayor Perez called the meeting to order at 6:08 p.m.

**INVOCATION**

Mayor Perez led the assembly in the invocation.

**FLAG SALUTE**

The Pledge of Allegiance to the Flag was led by Angelica Acosta, 5th grade student at Huntington Park Elementary School.

**ROLL CALL**

Present: Council Member Valentin Palos Amezquita  
Vice Mayor Karina Macias  
Council Member Ofelia Hernandez  
Mayor Rosa E. Perez

Absent: Council Member Mario Gomez.

Mayor Perez noted that the meeting this evening, will be adjourned in memory of Robert Case Sr., father of Robert Case, Equipment Mechanic Supervisor for the City of Huntington Park and in memory of Juan Ruiz, Jr., brother of Annie Ruiz, Acting Director of Finance for the City of Huntington Park.

**PRESENTATIONS**

**Presentation to student who led the flag salute: Angelica Acosta.**

Mayor Perez and City Council presented a Certificate of Appreciation to Angelica Acosta for leading the flag salute at the City Council meeting July 7, 2014.

**Presentation of a Certificate of Appreciation to Public Works Director/City Engineer James Enriquez for his achievements and improvements in the City of Huntington Park.**

Mayor Perez presented a Certificate of Appreciation to Public Works Director/City Engineer James Enriquez for his achievements and improvements in the City of Huntington Park. Members of Council commented positively on Mr. Enriquez's work and efforts in the City and thanked him for his service.

Mr. Enriquez expressed his appreciation for the opportunity to serve.

Interim City Manager Julio Morales thanked Mr. Enriquez and wished him well in his future endeavors.

Interim City Attorney Litfin announced that City Council will recess into Closed Session at this time 6:17 p.m. to discuss the items listed in the Closed Session agenda.

Mayor Perez opened public comments on Closed Session items. Seeing and hearing no speakers, Mayor Perez closed public comments on Closed Session items.

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**HUNTINGTON PARK CITY COUNCIL**  
Monday – July 7, 2014 - 6:00 p.m.

**CLOSED SESSION**

Pursuant to California Government Code Section 54957;  
PUBLIC EMPLOYEE APPOINTMENT  
Title: Lieutenant

Pursuant to California Government Code Section 54957;  
PUBLIC EMPLOYEE APPOINTMENT  
Title: City Manager

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION,  
Significant exposure to litigation pursuant to Government Code paragraph (2) or  
(3) of subdivision (d) of Section 54956.9: (1)

City Council reconvened at 7:02 p.m. with all Council Members present except Council Member Gomez.

Interim City Attorney Todd Litfin reported that, during Closed Session, City Council gave direction but no reportable action was taken.

**END OF CLOSED SESSION**

It was noted that the minutes for the City Council meetings of June 16, 2014 are not available at this time and that due to staffing reductions there will be a delay. Mayor Perez noted that the minutes have been late in the past, even with a full staff.

Interim City Attorney Litfin noted receipt of a communication from the City of Vernon dated July 7, 2014, regarding the soccer field in the Soccer Circle at Salt Lake Park adding that it was received after distribution of the agenda and that the matter needs to be addressed in a timely fashion. He requested adding the matter as Item No. 20.5 under the City Manager agenda, on an emergency basis.

**Motion** by Hernandez, seconded by Macias, to add Item 20.5 to the agenda for consideration, carried as follows: Ayes: Council Member Amezquita, Vice Mayor Macias, Council Member Hernandez, and Mayor Perez; Noes: None; Absent: Council Member Gomez.

**PUBLIC COMMENTS**

Mayor Perez opened public comments, indicating that this was the time for anyone in the audience to address the City Council on any matter of City business.

Claude Bilodeau, Public Works Superintendent, commended the Chief of Police and his departments on the handling of the recent World Cup celebration. Additionally, he thanked James Enriquez for his leadership and efforts in the City's Public Works Department and congratulated him on his new position.

Sandra Orozco, Maywood, local activist, commented on information from the FPPC regarding officials who have failed to report endorsements, a recall in the City of Maywood, stickers on poles and stated that the City of Huntington Park is missing a budget.

Interim City Manager Julio Morales noted that the City's budget is posted on the City website and is available for public review.

Rodolfo Cruz commented on the recent World Cup celebration and complained of vandalism, illegal fireworks and increased trash. He asked regarding the number of related citations issued and stated that the problems are increasing as the City has not acted to resolve them.

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Francisco Aguilar complained of litter and debris at bus stops. He commented on the need for increased Code Enforcement as this is not just a city, it is his home. He urged Council to direct staff to follow up on the matter in order to make a positive difference in the City. He added that he would like the opportunity to meet with the Mayor at a future date.

Discussion followed regarding the extent of discussions that can be had between Council Members and the public during the public comment period of the meeting.

Mayor Perez called for any other public comments, and hearing none, declared oral communications closed.

**CONSENT CALENDAR**

**OFFICE OF THE CITY CLERK**

Approve the reading by title of all ordinances and resolutions. Said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

**FINANCE DEPARTMENT**

1. **Approve Accounts Payable and Payroll Warrants dated July 7, 2014.**

**CITY ATTORNEY**

2. **Adopt Resolution 2014-20 adopting an order of business at City Council meetings.**

**POLICE DEPARTMENT**

3. **2014 Edward Byrne Memorial Justice Assistance Grant (JAG) Funding**

**RECOMMENDATION OF ITEM UNDER CONSIDERATION:**

1. Approve the Police Department to accept funding provided through the Edward Byrne Memorial Justice Assistance Grant (JAG) program totaling \$38,771
  2. Authorize the Chief of Police to sign required documents as "Authorized Grantee Official"
  3. Authorize the Finance Department to establish appropriate accounts to facilitate acceptance of funds and expenditures if grant is awarded
4. **TRITECH ANNUAL SOFTWARE MAINTENANCE INVOICE**

**RECOMMENDATION OF ITEM UNDER CONSIDERATION:**

1. Approve the purchase order in the amount of \$40,954.97.

**PUBLIC WORKS DEPARTMENT**

5. **Resolution Approving Support for a Sub-Regional Active Transportation Plan (ATP) Grant Application.**

**RECOMMENDATION OF ITEM UNDER CONSIDERATION:**

1. Adopt the Resolution approving support for a sub-regional Active Transportation Plan (ATP) grant application; and

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2. Authorize the City Manager to execute all documents on behalf of the City of Huntington Park in support of the application for the Active Transportation Program (ATP) Round 2.

**END OF CONSENT CALENDAR**

Motion by Hernandez, seconded by Macias, to approve the Consent Calendar, carried as follows: Ayes: Council Member Amezcuita, Vice Mayor Macias, Council Member Hernandez, and Mayor Perez; Noes: None; Absent: Council Member Gomez.

**HEARING**

6. **Public hearing to consider a zoning ordinance amendment to Title 9, Chapter 4, Article 2 of the City of Huntington Park Municipal Code.**

RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Open the public hearing to consider comment.
2. Close the public hearing and include any comments received during this hearing.
3. Approve for First Reading Ordinance No. 931-NS.

Interim City Manager Julio Morales introduced the item and noted that a Council Member requested having a red-line version of the changes. He deferred to staff for a report.

Public Works Director/City Engineer James Enriquez noted that the most significant changes to the Code relates to convenience stores, grocery stores and liquor stores and defines what constitutes those uses. The biggest change relates to gas stations that have mini marts. In an effort to encourage existing gas stations to remain in town there are provisions to allow expansion of alcohol sales in terms of distances to sensitive receptors. In addition, staff is recommending removal of a limit of five (5) gas stations with mini marts to encourage new gas stations coming into town for the convenience of residents.

Housing and Community Development Manager, Manny Acosta commented on changes to language to clean up the ordinance for consistency.

Discussion followed regarding changes to the wording, allowances for existing mini marts and changes relative to the expansion of alcohol use.

It was noted that the requirement for the amount of square footage for alcohol-related sales will remain.

Mayor Perez noted that the requirement needs to be made clear.

It was noted that there is a cap in terms of the sales of alcohol.

Mayor Perez opened the public hearing.

Seeing and hearing no one wishing to address City Council, Mayor Perez closed the public hearing.

Motion by Hernandez, seconded by Macias, to approve for First Reading Ordinance No. 931-NS, carried as follows: Ayes: Council Member Amezcuita, Vice Mayor Macias, Council Member Hernandez, and Mayor Perez; Noes: None; Absent: Council Member Gomez.

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**7. Public hearing regarding adoption of a youth employment plan for the Salt Lake Park Artificial Turf Soccer Field Project**

**RECOMMENDATION OF ITEM UNDER CONSIDERATION:**

1. Open the public hearing to receive any comments;
2. Close the public hearing; and
3. Adopt the Youth Employment Plan for this project pursuant to requirements of Los Angeles County for projects funded through the Safe Neighborhood Parks Proposition of 1996 and Supervisorial District Competitive Excess Funding Program.

Public Works Director/City Engineer James Enriquez presented details of the staff report noting that youth employment is a requirement of Los Angeles County's funding source. He addressed employment plans noting that they meet the County's requirement and commented on plans for the soccer field.

Mayor Perez opened the public hearing.

Seeing and hearing no one wishing to address City Council, Mayor Perez closed the public hearing.

Council Member Hernandez commented on background checks.

Public Works Director/City Engineer Enriquez explained that youth will be employed through the Recreation Division and that they will go through a background check process.

Council Member Amezcuita commented on the possibility of youth doing other jobs and learning other trades.

Public Works Director/City Engineer Enriquez reported that the grant is specific to the project and that other opportunities would need to be reviewed to employ youth for other purposes.

**Motion** by Hernandez, seconded by Macias, to adopt the Youth Employment Plan for this project pursuant to requirements of Los Angeles County for projects funded through the Safe Neighborhood Parks Proposition of 1996 and Supervisorial District Competitive Excess Funding Program, carried as follows: Ayes: Council Member Amezcuita, Vice Mayor Macias, Council Member Hernandez, and Mayor Perez; Noes: None; Absent: Council Member Gomez.

**MOTION FOR RECONSIDERATION**

**Motion** by Amezcuita, seconded by Macias, to reconsider the Consent Calendar specifically as it relates to Item No. 2, carried as follows: Ayes: Council Member Amezcuita, Vice Mayor Macias, Council Member Hernandez, and Mayor Perez; Noes: None; Absent: Council Member Gomez.

**CONSENT CALENDAR**

**CITY ATTORNEY**

2. **Adopt Resolution 2014-20 adopting an order of business at City Council meetings.**

Council Member Amezcuita suggested changing the subject resolution to allow Mayor and Council Member comments/responses after Public Comments and before Closed Session.

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Interim City Attorney Litfin stated that brief comments can be made in response to public comment or to report on Council Member or Sub-Committee activities.

Interim City Manager Morales noted that the first opportunity for Public Comments is only for Closed Session items.

Council Member Amezcuita stated he would like the opportunity to discuss or respond to comments by the public.

Mayor Perez noted that opportunity is provided as part of Council Communications and believed that the proposed suggestion would be in violation of the Brown Act.

Council Member Hernandez stated she would feel more comfortable keeping comments at the end of the agenda.

Interim City Attorney Litfin stated that under the law, City Council is entitled to briefly respond to comments, report on activities in the community and make announcements on community events. He added that there is no need for an item on the agenda to do so and that it is at Council's discretion.

Council Member Hernandez indicated she will not support the recommended action as Council is not allowed to engage the public on comments made.

**Motion** by Amezcuita, seconded by Macias, to change the agenda to reflect Mayor and Council Member comments/responses after Public Comments and before Closed Session, failed as follows: Ayes: Council Member Amezcuita, Vice Mayor Macias; Noes: Council Member Hernandez, Mayor Perez; Absent: Council Member Gomez.

Mayor Perez suggested moving Presentations and Announcements prior to Closed Session.

Council Member Amezcuita stated that is a good idea and indicated his support of Mayor Perez's suggestion.

**Motion** by Perez, seconded by Amezcuita, to move Presentations and Announcements prior to Closed Session, carried as follows: Ayes: Council Member Amezcuita, Vice Mayor Macias, Council Member Hernandez, and Mayor Perez; Noes: None; Absent: Council Member Gomez.

Interim City Attorney Litfin listed the order of the agenda, going forward, for clarification.

Interim City Manager Morales asked to hear Item No. 9 at this time.

Item No. 9 was heard at this juncture.

**8. Public hearing regarding adoption of a youth employment plan for the Trees for a Better Environment Project**

**RECOMMENDATION OF ITEM UNDER CONSIDERATION:**

1. Open the public hearing to receive any comments;
2. Close the public hearing; and
3. Adopt the Youth Employment Plan for this project pursuant to requirements of Los Angeles County for projects funded through the Safe Neighborhood Parks Proposition of 1996 and Supervisorial District Competitive Excess Funding Program.

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Public Works Director/City Engineer Enriquez provided a brief staff report noting that grant funds will be directed at employee at-risk youth through a contract with the Long Beach Conservation Corps.

Mayor Perez opened the public hearing.

Seeing and hearing no one wishing to address Council, Mayor Perez closed the public hearing.

**Motion** by Amezquita, seconded by Macias, to adopt the Youth Employment Plan for this project pursuant to requirements of Los Angeles County for projects funded through the Safe Neighborhood Parks Proposition of 1996 and Supervisorial District Competitive Excess Funding Program., carried as follows: Ayes: Council Member Amezquita, Vice Mayor Macias, Council Member Hernandez, and Mayor Perez; Noes: None; Absent: Council Member Gomez.

**REGULAR AGENDA**

**CITY ATTORNEY**

- 9. Approve for First Reading Ordinance No. 930-NS repealing Ordinance No. 928-NS (moving the date of the City of Huntington Park General Municipal Election to the first Tuesday after the first Monday in November of odd numbered years beginning in 2015).**

Interim City Manager Moreno presented details of the report noting the need to repeal Ordinance No. 928-NS. He added that a resolution will be presented at a later date stating that the City would like the County to manage its elections.

Mayor Perez opened public comments.

Dean Logan, Registrar Recorder, Los Angeles County Clerk, apologized for miscommunications on this matter in terms of the County's ability to conduct an election on behalf of the City and offered to respond to Council questions. He added that the County Registrar's Office is available to assist the City on whatever date the election is held.

Mayor Perez expressed her appreciation noting that the matter caused confusion and stressed the importance of transparency in the process.

Mayor Perez directed staff to generate a resolution to have the County manage the City's election in the future.

Council Member Amezquita commented on the possibility of the County offering the City a discount.

Mr. Logan noted there is a price differential and benefits to the City as there are other districts running elections. Running an election in November is less expensive, for the City, than running it in March.

Interim City Manager Moreno thanked Council and commented on the integrity of the election process. Ultimately, the objective is to have all elections run on a November cycle and the public is best served by having the County administer same.

Seeing and hearing no others wishing to address Council, Mayor Perez closed public comments for this item.

**Motion** by Amezquita, seconded by Hernandez, to move approve for First Reading Ordinance No. 930-NS repealing Ordinance No. 928-NS (moving the date of the City of Huntington Park General Municipal Election to the first Tuesday after the first Monday in November of odd numbered years beginning in 2015), carried as follows: Ayes: Council

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Member Amezcua, Vice Mayor Macias, Council Member Hernandez, and Mayor Perez; Noes: None; Absent: Council Member Gomez.

Item No. 8 was heard at this juncture with the rest of the agenda heard as scheduled.

**FINANCE DEPARTMENT**

**10. Approve Professional Service Agreement for continued Financial Management services**

**RECOMMENDATION OF ITEM UNDER CONSIDERATION:**

1. Approve the professional service agreement with Brent Kuhn of Vavrinek, Trine, Day & Company for financial management services.
2. Approve the professional service agreement with Mazyck Advisors LLC for financial management services.
3. Authorize the interim city manager to execute the professional service agreements.

Interim City Manager Moreno provided details of the report noting that with his move from being Finance Director/Treasurer to Interim City Manager, several vacancies have resulted. He expressed concerns regarding maintaining management continuity with the City. Additionally, he commented on the City budget and reported on the need for professional service agreements as listed in the report. The first, Brent Kuhn of Vavrinek, Trine, Day and Company, is familiar with the City's finances. He provided information regarding Mazyck Advisors LLC, and commented positively on their qualifications. He addressed the cost structures, recommendations and terms of the contracts and noted that there will be no impact on the City's budget.

In response to Council Member Amezcua's question regarding the continuation budget, Interim City Manager Moreno explained that Council had to come up with a solution to the structural deficit. The budget was a working, line-item budget but Mr. Moreno stated he wanted the public and Wall Street to be aware of the structural deficit and that Council intended to solve it. He added that the budget is on the City's website and available for public review. He added that rating agencies prefer that the City have a balanced budget with no structural deficit.

Discussion followed regarding structural deficits, terms of the agreements and subsequent steps.

Interim City Manager Moreno addressed goals and noted that the State Department of Finance has a lot to do with the City's structural deficit. Additionally, he noted the need for the subject professional services agreements to ensure that the work gets done without interruptions to City services for the next six (6) months.

Council Member Hernandez commented on termination provisions.

**Motion** by Hernandez, seconded by Amezcua, to approve the professional service agreement with Brent Kuhn of Vavrinek, Trine, Day & Company for financial management services; approve the professional service agreement with Mazyck Advisors LLC for financial management services and authorize the interim city manager to execute the professional service agreements, carried as follows: Ayes: Council Member Amezcua, Vice Mayor Macias, Council Member Hernandez, and Mayor Perez; Noes: None; Absent: Council Member Gomez.

**11. Update on FY 14-15 General Fund Budget.**

**RECOMMENDATION OF ITEM UNDER CONSIDERATION:**

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**HUNTINGTON PARK CITY COUNCIL**  
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1. Update on FY 14-15 General Fund Budget

Acting Director of Finance Annie Ruiz provided details of the report addressing FY 13-14 revenue performance, expenses by Department and changes in revenues and expenses. She added that the FY 13-14 is expected to result in a \$2 million deficit. She provided information regarding the FY 14-15 budget including baseline, costs incurred by the City, FY 14-15 budget adjustments and critical financial issues in the near term.

Interim City Manager Moreno addressed legislative actions expected and noted that not much can be done until August 4, 2014. He commented on the importance of pension legislation and resolving pension tax issues which will positively impact the City's structural deficit.

Mayor Perez commented on the importance of keeping people employed and also of minimizing decreases in essential public services.

Interim City Manager Moreno noted that the budget will be similar with a number of other elements as what was presented relates only to the General Fund. He added that the situation will need to be reassessed after ninety (90) days.

Discussion followed regarding impacts to the City's credit rating and it was noted that the rating agencies are mainly concerned with not having a solution to the deficit. Mr. Moreno stated that the City is making steps toward a solution and that the City will communicate with the rating agencies regarding same.

Jan Mazyck, Mazyck Advisors LLC, reported that rating agencies take structural issues seriously, including their view of management and their willingness to make difficult decisions. She added that it is time to contemplate developing a permanent solution.

**COMMUNITY DEVELOPMENT DEPARTMENT**

**12. Agreement with Lorraine Mendez and Associates in connection to consulting services for HUD.**

**RECOMMENDATION OF ITEM UNDER CONSIDERATION:**

1. Award a professional services contract to Lorraine Mendez & Associates (LMA) for an aggregate amount not-to-exceed \$155,000 to provide services related to the Community Development Block Grant (CDBG), HOME and Lead-Based Paint programs
2. Authorize the Interim City Manager to execute the contract

Housing & Community Development Manager, Manny Acosta presented details of the report addressing the RFP process, source of funding and fees.

Interim City Manager Moreno commented positively on the work of Lorraine Mendez & Associates.

Brief discussion ensued regarding the availability of Ms. Mendez to address Council.

**Motion** by Hernandez, seconded by Amezcua, to award a professional services contract to Lorraine Mendez & Associates (LMA) for an aggregate amount not-to-exceed \$155,000 to provide services related to the Community Development Block Grant (CDBG), HOME and Lead-Based Paint programs and authorize the Interim City Manager to execute the contract, carried as follows: Ayes: Council Member Amezcua, Vice Mayor Macias, Council Member Hernandez, and Mayor Perez; Noes: None; Absent: Council Member Gomez.

**MINUTES**  
**HUNTINGTON PARK CITY COUNCIL**  
Monday – July 7, 2014 - 6:00 p.m.

13. **Approve the Commercial Rehabilitation Project using Community Development Block Grant (CDBG) Funds and Art in Public Places Funds at 7148 Pacific Boulevard (El Gallo Giro)**

**RECOMMENDATION OF ITEM UNDER CONSIDERATION:**

1. Approve the use of CDBG funds not to exceed \$50,000 and Art in Public Places funds in the amount not to exceed \$10,000 for façade renovations for El Gallo Giro Restaurant located at 7148 Pacific Boulevard.
2. Authorize the Interim City Manager or designee to execute all necessary grant Agreements.

Interim City Manager Moreno introduced the item and provided a brief report. He addressed the rationale for choosing El Gallo Giro, a description of the project, recommended enhancements, outdoor dining, project funding, the possibility of asking El Gallo Giro to upgrade their restrooms, and El Gallo Giro contributions. He provided information regarding the proposed mural and Artist Miguel Mejia and L.A. landmarks and icons.

Brief discussion followed regarding availability of funds, the possibility of a sculpture or statue, consistency of the artwork, the outdoor dining area and permanent shade structures. It was noted that the mural will be inside and protected and that matching tiles will be implemented outside.

**Motion** by Hernandez, seconded by Macias, to approve the use of CDBG funds not to exceed \$50,000 and Art in Public Places funds in the amount not to exceed \$10,000 for façade renovations for El Gallo Giro Restaurant located at 7148 Pacific Boulevard and authorize the Interim City Manager or designee to execute all necessary grant Agreements, carried as follows: Ayes: Council Member Amezcua, Vice Mayor Macias, Council Member Hernandez, and Mayor Perez; Noes: None; Absent: Council Member Gomez.

**RECESS AND RECONVENE**

Mayor Perez called for a recess at 8:45 p.m. The assembly reconvened at 8:50 p.m. with all Council Members present, except Council Member Gomez.

**PARKS AND RECREATION DEPARTMENT**

14. **Facility Use Fee Waiver Application for “El Grito” Event.**

**RECOMMENDATION OF ITEM UNDER CONSIDERATION:**

1. Discussion and/or action regarding a Facility Fee Waiver Application for the use of the Salt Lake Park Ball Diamonds for the “El Grito” event.

Interim City Manager Moreno introduced the item and deferred to staff for a report.

Parks and Recreation Director Josette Espinosa presented details of the staff report including the total amount of the requested fee waiver.

Mayor Perez opened public comments.

Mr. Moreno invited Council Members to the upcoming event.

Interim City Manager Moreno added that El Grito representatives will have the opportunity to provide a formal presentation to Council in the near future.

Seeing and hearing no others wishing to address Council, Mayor Perez closed public comments.

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**Monday – July 7, 2014 - 6:00 p.m.**

**Motion** by Hernandez, seconded by Amezquita, to approve a Facility Fee Waiver Application for the use of the Salt Lake Park Ball Diamonds for the "El Grito" event, carried as follows: Ayes: Council Member Amezquita, Vice Mayor Macias, Council Member Hernandez, and Mayor Perez; Noes: None; Absent: Council Member Gomez.

**15. Facility Fee Waiver Application for the "Movimiento de Misioneros Catolicos" Event**

**RECOMMENDATION OF ITEM UNDER CONSIDERATION:**

1. Facility Fee Waiver Application for the use of the Senior Park for the annual picnic event for "Movimiento De Misioneros Catolicos".

Parks and Recreation Director Espinosa presented details of the staff report including the total amount of the requested fee waiver.

**Motion** by Amezquita, seconded by Hernandez, to approve a Facility Fee Waiver Application for the use of the Senior Park for the annual picnic event for "Movimiento De Misioneros Catolicos", carried as follows: Ayes: Council Member Amezquita, Vice Mayor Macias, Council Member Hernandez, and Mayor Perez; Noes: None; Absent: Council Member Gomez.

**16. Facility Use Fee Waiver Application for the Domestic Violence & Sexual Assault Awareness Symposium**

**RECOMMENDATION OF ITEM UNDER CONSIDERATION:**

1. Review Facility Fee Waiver Application for the use of the Huntington Park Community Center and Senior Park for the GFWC Women's Club of Huntington Park's Domestic Violence and Sexual Assault Awareness Symposium.

Parks and Recreation Director Espinosa presented details of the staff report including the total amount of the requested fee waiver.

Council Member Hernandez commented positively on last year's event.

**Motion** by Amezquita, seconded by Macias, to approve a Facility Fee Waiver Application for the use of the Huntington Park Community Center and Senior Park for the GFWC Women's Club of Huntington Park's Domestic Violence and Sexual Assault Awareness Symposium, carried as follows: Ayes: Council Member Amezquita, Vice Mayor Macias, Council Member Hernandez, and Mayor Perez; Noes: None; Absent: Council Member Gomez.

**17. Authorize 30-Day Pilot Summer Swim Program**

**RECOMMENDATION OF ITEM UNDER CONSIDERATION:**

1. Authorize the City to enter into agreements with LAUSD and USA Pools in order to implement a summer swim program.
2. Authorize the use of excess CDBG after school program funding in the amount of \$16,000 and use of proceeds from the sale of surplus vehicles in an amount not to exceed \$12,000 to fund a summer swim program.

Parks and Recreation Director Espinosa presented details of the report noting that the City is working with Los Angeles Unified School District and USA Pools to implement a summer swim program at the Linda Marquez High School. Details are still being worked out and Ms. Espinosa provided an overview of the thirty (30) day pilot program.

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Discussion followed regarding authorizing funding and entering into an agreement and the possibility of employing local lifeguards for the program. It was noted that USA Pools will be managing recruitment.

Interim City Manager Moreno noted this is a small pilot program and that staff is looking for funding for a similar program next year.

**Motion** by Hernandez, seconded by Macias, to authorize the City to enter into agreements with LAUSD and USA Pools in order to implement a summer swim program and authorize the use of excess CDBG after school program funding in the amount of \$16,000 and use of proceeds from the sale of surplus vehicles in an amount not to exceed \$12,000 to fund a summer swim program, carried as follows: Ayes: Council Member Amezcuita, Vice Mayor Macias, Council Member Hernandez, and Mayor Perez; Noes: None; Absent: Council Member Gomez.

**PUBLIC WORKS DEPARTMENT**

**18. As-Needed Engineering Services for the Vacant Office of the Director of Public Works/City Engineer.**

**RECOMMENDATION OF ITEM UNDER CONSIDERATION:**

1. Authorize the City Manager to execute an amendment to the current professional services agreement with Transtech for as-needed engineering services for a not-to-exceed fee of \$50,000.00 and term of six months; and
2. Authorize the City Manager to execute an amendment to the current professional services agreement with AIM Consulting Services for as-needed construction management and project management services for a not-to-exceed fee of \$30,000.00 and term of six months; and
3. Authorize the City Manager to execute a professional services agreement with Evans Brooks Associates for professional services in support of the administration of Metro Local Return Funds and other transportation grant funds for a not-to-exceed fee of \$30,000.00; and
4. Increase the purchase approval authority of the Superintendent of Public Works to \$5,000 while the position of Director of Public Works/City Engineer remains vacant.

Interim City Manager Moreno introduced the item and provided recommendations as stated in the report.

Public Works Director/City Engineer Enriquez commented on the three consultants recommended and noted the importance of continuing services and maintaining consistency and continuity.

Interim City Attorney Litfin commented on a lawsuit that has been filed with the County but stated that they have not responded.

**Motion** by Hernandez, seconded by Amezcuita, to authorize the City Manager to execute an amendment to the current professional services agreement with Transtech for as-needed engineering services for a not-to-exceed fee of \$50,000.00 and term of six months; authorize the City Manager to execute an amendment to the current professional services agreement with AIM Consulting Services for as-needed construction management and project management services for a not-to-exceed fee of \$30,000.00 and term of six months; authorize the City Manager to execute a professional services agreement with Evans Brooks Associates for professional services in support of the administration of Metro Local Return Funds and other transportation grant funds for a not-to-exceed fee of \$30,000.00; and increase the

**MINUTES**  
**HUNTINGTON PARK CITY COUNCIL**  
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purchase approval authority of the Superintendent of Public Works to \$5,000 while the position of Director of Public Works/City Engineer remains vacant, carried as follows:  
Ayes: Council Member Amezquita, Vice Mayor Macias, Council Member Hernandez, and Mayor Perez; Noes: None; Absent: Council Member Gomez.

**19. Authorize to enter into Agreement for Street Sweeping Services with Nationwide Environmental Services**

**RECOMMENDATION OF ITEM UNDER CONSIDERATION:**

1. Authorize the City Manager to negotiate street sweeping contract with Nationwide Environmental Services.

Interim City Manager Moreno introduced the item and noted Public Works Director/City Engineer Enriquez's help in negotiating a solution.

Mr. Enriquez provided details of the report including a comparison of existing and proposed services.

Ensuing discussion pertained to the possibility of changing routing.

Interim City Manager Moreno stated that the expectation is that the City negotiate once and include a provision that if and when a revised route is negotiated, it will be extended to a five (5) year term. He addressed savings and noted that in the budget, it is assumed that the City will have a revised route structure as staff recommends that the City consider other options possible adding those to this contract, going out to a different vendor or providing them in-house. Staff will need to determine what would be most cost-effective for the City.

Mr. Enriquez stressed that savings are for street-sweeping services and that additional services have been left out of the agreement.

Discussion followed regarding costs related to changing signage and providing outreach to the community.

Council Member Amezquita reported speaking with Nationwide representatives and discussing with other City colleagues who commented positively regarding Nationwide's services. He noted concerns from some of the residents and asked regarding the possibility of going through a formal bid process for these services.

Mayor Perez stated that going through a bid process at this time would not be equitable as Nationwide's prices are already known.

Interim City Attorney Litfin stated that the City could go through an informal bid process if Council so desires.

Interim City Manager Moreno reported he does not have the internal staff needed to go through a formal bid process. He added that savings could be reduced by going through the process.

Mayor Perez noted that Council provided direction on this matter several times in the recent past.

Discussion followed regarding potential additional savings through steam-cleaning and vacuuming services.

Interim City Manager Moreno stated that the recommended term of the contract is five (5) years and that a revised route can be negotiated within the next six (6) months.

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Discussion followed regarding challenges with longer-term contracts and Council's fiduciary responsibilities. It was noted that Council has discussed the matter in Closed Session for several months.

Mayor Perez invited a representative from Nationwide to address Council.

Nejfeh Der Bedrossian, Operations Manager, offered to respond to Council questions and stated that the options presented were developed to save the City as much money as possible. He addressed a re-design of the street-sweeping route at no charge to the City and stated that negotiations have lasted a long time. Additionally, he stated that going through an RFP process at this time would be unfair as his numbers have been exposed. He added that further negotiations can be held in the future.

Council Member Amezquita agreed that Nationwide's numbers have been exposed.

Interim City Manager Moreno commented positively on the company's reputation and stated that in an ideal world, the City would have gone through an RFP process.

Council Member Amezquita claimed that the City should have gone through an RFP process.

Mayor Perez noted that the item is time-sensitive and stressed the need to be fair and equitable.

Council Member Amezquita commented on vacuuming and steam-cleaning services and suggested having a minimum of three bids for the service.

Interim City Manager Moreno stated that staff will conduct an in-depth analysis and present results to Council.

**Motion** by Hernandez, seconded by Macias, to authorize the City Manager to negotiate street sweeping contract with Nationwide Environmental Services with a five (5) year term, carried as follows: Ayes: Council Member Amezquita, Vice Mayor Macias, Council Member Hernandez, and Mayor Perez; Noes: None; Absent: Council Member Gomez.

**CITY MANAGER**

**20. Update on Interim City Clerk Services**

Interim City Manager Moreno provided a brief update on Interim City Clerk Services noting that City Clerk Management Services has been retained to help with Clerk services during Council meetings and produce meeting minutes. Staff has been producing internal agendas and another proposal will be provided to City Council, in August for alternate services.

**20.5 Consideration of a communication received from the City of Vernon regarding the installation of artificial turf on the soccer field in the Soccer Circle at Salt Lake Park**

Interim City Manager Moreno referenced a letter received from the City of Vernon dated July 7, 2014, related to field renovations at Salt Lake Park and the joint cooperation with the City of Huntington Park to install artificial turf on the soccer field. He noted that the City was able to find additional funding through their community fund. The City of Vernon requests concurrence in naming the field in recognition of the leadership and contributions of a notable public official. He added that it is imperative to act on this matter as the actual field is currently being ordered.

**Motion** by Hernandez, seconded by Amezquita, to concur with the City of Vernon, as requested in the letter dated July 7, 2014, to name the new soccer field at Salt Lake Park in honor of the notable public official named in said letter, carried as follows: Ayes:

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Council Member Amezquita, Vice Mayor Macias, Council Member Hernandez, and Mayor Perez; Noes: None; Absent: Council Member Gomez.

**WRITTEN COMMUNICATIONS** - None

**COUNCIL COMMUNICATIONS**

Council Member Amezquita encouraged interested parties to consider sponsoring a Huntington Park City Pool.

Interim City Manager Moreno noted that the challenge is not finding funds for a Capital Project but rather for subsequent operations and maintenance.

Public Works Director/City Engineer Enriquez provided an update on a recent leak in the main at the intersection of Seville and Saturn.

Police Chief Jorge Cisneros provided an update on the World Cup celebration noting area collaboration, additional resources and stating that enforcement was part of a mutual aid system at no cost to the City. He acknowledged crowd issues and problems. Additionally, he addressed the matter of illegal fireworks, related ordinances and fees, calls for service and actions taken. He added that the Fire Department is a key component in dealing with issues related to the Fourth of July. Chief Cisneros indicated that it takes an entire community to deal with quality of life issues and commented positively on the participation of Mounted Police Officers.

Brief discussion followed regarding the effect of the media.

Council Member Hernandez thanked the City's Police Department and those from neighboring cities who helped during the World Cup celebration and the Fourth of July.

Direction was given to Chief Cisneros to note in his letters of appreciation to the various agencies that appreciation is also extended on behalf of the entire City Council and the City's residents.

Council Member Amezquita suggested developing a strategic plan, prior to events, which is welcoming and positive for the City.

Brief discussion followed regarding the learning process and issues related to Plaza Mexico.

Interim City Manager Moreno commented on the benefits of cameras and the need for community-focused solutions. He stated that he will continue to work with the Chief of Police regarding future events and thanked City Council for its continued support.

Council Member Hernandez thanked Interim City Manager Moreno for his efforts in moving the City forward. She thanked Public Works Director/City Engineer Enriquez for his service and Chief Cisneros for his efforts during the World Cup celebration and the Fourth of July. She commented positively on the collaboration with neighboring cities.

Council Member Amezquita commented on the status of the trash hauling service. In response to his inquiries regarding the status of invoices owed to the City, Interim City Manager Moreno reported that staff can return with a report regarding the viability of audit findings.

Council Member Amezquita referenced trash pick-up proposals and asked that all Members of Council receive copies of all proposals to facilitate review.

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Interim City Attorney Litfin commented on distribution protocol and the possibility of leaking proprietary information. He added that proposals should not be widely distributed over a long period of time.

Council Member Amezcuita asked that the Interim City Attorney provide legal advice on this matter in a memo.

Interim City Attorney Litfin commented on maintaining the integrity of the bidding and review process.

Vice Mayor Macias thanked Parks and Recreation Director Espinosa for her efforts in the Fourth of July celebration and commented positively on the event. She commented on a hearing in the City of Lynwood on July 9, 2014, and reported that the City of Bell just passed an Art Walk that will be held on August 2, 2014.

Council Member Hernandez requested a memo from the Interim City Attorney regarding whether it is legal to respond to comments from the public.

Mayor Perez thanked City staff for its efforts and reported she was unable to attend the Fourth of July celebration due to an illness. Additionally, she commented on the City's representation on the Gateway City's COG and reported they had a recent election where she was elected as the Vice President of the organization and is on the Sub-Committee on Transportation. She spoke regarding taking pride in the community.

Council Member Amezcuita commented on concerns voiced by a public speaker regarding promotional flyers and noted he is willing to provide language for an ordinance addressing the matter.

Interim City Attorney Litfin reported that the Code currently prohibits promotional flyers and that it is a matter of enforcement.

Mayor Perez requested a report from Chief Cisneros addressing concerns voiced by the public speaker regarding vandalism and illegal fireworks. She noted that the City is doing what the law allows it to do in terms of enforcement.

**ADJOURNMENT**

There being no further business to come before the Huntington Park City Council, Mayor Perez adjourned the meeting at 10:10 p.m. in memory of Robert Case Sr., father of Robert Case, Equipment Mechanic Supervisor for the City of Huntington Park and Juan Ruiz Jr., brother of Annie Ruiz, Acting Assistant Director of Finance for the City of Huntington Park.

**NEXT REGULAR MEETING OF THE  
CITY OF HUNTINGTON PARK CITY COUNCIL  
MONDAY, JULY 21, 2014 at 6:00 p.m.**

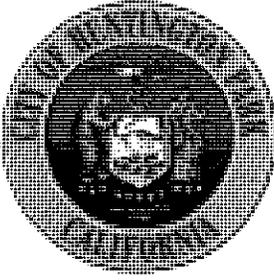
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Rosa E. Perez, Mayor

**MINUTES**  
**HUNTINGTON PARK CITY COUNCIL**  
**Monday – July 7, 2014 - 6:00 p.m.**

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Yesenia Gomez, Acting Jr. Deputy City Clerk



# CITY OF HUNTINGTON PARK

Human Resources Division  
City Council Agenda Report

August 4, 2014

Honorable Mayor and Members of the City Council  
City of Huntington Park  
6550 Miles Avenue  
Huntington Park, CA 90255

Dear Mayor and Members of the City Council:

## **RESOLUTION GRANTING ANOTHER DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT**

### **IT IS RECOMMENDED THAT THE CITY COUNCIL:**

1. Approve and adopt a Resolution and the required certifications granting another designated period for two years additional service credit with CalPERS, pursuant to Government Code Section 20903 for eligible job classifications.
2. Approve amendment to the City of Huntington Park PARS Retirement Enhancement Plan.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

On July 21, 2014, the City Council approved implementing two years additional service credit to eligible employees as an incentive for employees to retire within a designated time period to address General Fund budget shortfalls. In order to finalize the implementation of this program the City Council must adopt a Resolution and authorize the Mayor to sign related certifications.

Due to the current economic downturn and its negative impacts to City revenue streams, and in an effort to significantly reduce the fiscal year 2014/15 General Fund budget by reducing the number of benefited employees, the City will grant another two years additional service credit with CalPERS for the eligible job classifications listed on "Exhibit I" that retire during the designated 121-day period (September 1, 2014-December 31, 2014).

Staff is currently working with representatives from CalPERS to schedule a "Planning Your Retirement" workshop in August or September. This educational workshop will help plan and prepare those employees that elect to take advantage of the two years additional service credit for retirement and will also cover information on the various topics relating to service retirement.

## **RESOLUTION GRANTING ANOTHER DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE**

August 4, 2014

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In addition, staff has contacted PARS Retirement Enhancement Plan to amend the plan and add a deferred benefit for those eligible participants who concurrently take advantage of the two years additional service credit with CalPERS. The amendment will state that those eligible participants who retire during the designated period will be eligible for Retirement Benefits under the PARS plan upon attainment of age 55.

The benefit service for PARS **shall not** include the two years additional service credit provided by CalPERS.

*(Example: 53 year old employee retires on 12/31/2014 with 20 years of service. CalPERS retirement benefit calculation will be at 22 years of service; PARS retirement benefit calculation will be at 20 years, however employee will need to wait upon attainment of age 55 to start receiving benefits from PARS).*

### **FISCAL IMPACT/FINANCING**

CalPERS requires the City to calculate and disclose the approximate cost to provide the two-years additional service credit based on all eligible employees. To qualify, employees must:

- Be within the City's designated group/class
- Be at least 50 years of age or older
- Have at least five years of service credit with CalPERS
- Retire within the City's designated retirement period

Currently, there are 25 employees in 14 job classifications who are eligible for this program. The estimated cost for implementation should all eligible employees choose to participate in the program is \$1,450,000. As an offset, the City will realize approximately \$169,813 in annual salary savings.

This benefit can be amortized for up to 20 years, the cost of the two years additional service credit will be included in the City's employer contribution rate commencing with the fiscal year starting two years after the end of the designated employee retirement period; the approximate additional annual contribution would be approximately \$109,498.

PARS Retirement Enhancement Plan will have no financial impact; it is revenue neutral.

### **CONCLUSION**

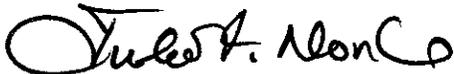
Upon Council adoption of the resolution, and the approval of the PARS Retirement Enhancement Plan Amendment staff will implement the two-year retirement incentive program.

**RESOLUTION GRANTING ANOTHER DESIGNATED PERIOD FOR TWO YEARS  
ADDITIONAL SERVICE**

August 4, 2014

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Julio Morales". The signature is fluid and cursive, with a large initial "J" and "M".

JULIO MORALES,  
Interim City Manager

**ATTACHMENTS**

- A. Resolution
- B. Certification of Governing Body's Action (PERS-CON-12)
- C. Certification of Compliance with Government Code Section 7507 (PERS-CON-12A)
- D. Certification of Compliance with Government Code Section 20903
- E. Amendment to the City of Huntington Park PARS Retirement Enhancement Plan

# ATTACHMENT "A"



Exhibit I

**CITY OF HUNTINGTON PARK**  
Eligible Job Classifications for Section 20903

1. Administrative Assistant
2. Administrative Assistant – Finance
3. Administrative Assistant to the Chief of Police
4. Equipment Mechanic Supervisor
5. Executive Assistant
6. Finance Assistant I
7. Office Assistant II
8. Police Officer
9. Police Sergeant
10. Recreation Coordinator
11. Recreation Supervisor
12. Secretary
13. Senior Officer
14. Staff Analyst-Field Services/Public Works

<b>Costs and Benefits related to Implementation of Government Code Section 20903</b>	
Estimated cost for implementation	\$1,450,000
Estimated salary step savings	730,000
Average annual pension cost savings	169,813

*Quantitative detail available upon request at the Office of the City Clerk*

# ATTACHMENT "B"

**CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**  
Actuarial and Employer Services Branch  
Public Agency Contract Services  
P.O. Box 942709  
Sacramento, CA 94229-2709  
(888) CalPERS (225-7377)

**CERTIFICATION OF GOVERNING BODY'S ACTION**

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the

\_\_\_\_\_ of the  
(governing body)

\_\_\_\_\_ of  
(public agency)

on \_\_\_\_\_  
(date)

\_\_\_\_\_  
Clerk/Secretary

\_\_\_\_\_  
Title

# ATTACHMENT "C"

**CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**  
Actuarial and Employer Services Branch  
Public Agency Contract Services  
P.O. Box 942709  
Sacramento, CA 94229-2709  
(888) CalPERS (225-7377)

**CERTIFICATION OF COMPLIANCE WITH  
GOVERNMENT CODE SECTION 7507**

I hereby certify that in accordance with Section 7507 of the Government Code  
the future annual costs as determined by the System Actuary for the  
increase/change in retirement benefit(s) have been made public at a public meeting  
of the

\_\_\_\_\_ of the  
(governing body)

\_\_\_\_\_ of the  
(public agency)

on \_\_\_\_\_ which is at least two weeks prior to the adoption of the  
(date)

Resolution / Ordinance.

Adoption of the retirement benefit increase/change will not be placed on the consent  
calendar.

\_\_\_\_\_  
Clerk/Secretary

\_\_\_\_\_  
Title

Date \_\_\_\_\_

# ATTACHMENT "D"

**CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**  
Employer Services Division  
Contract Maintenance Unit  
P.O. Box 942709  
Sacramento, CA 94229-2709

**CERTIFICATION OF COMPLIANCE WITH  
GOVERNMENT CODE SECTION 20903**

In accordance with Government Code Section 20903 and the contract between the Public Employees' Retirement System, the City Council of the City of Huntington Park hereby certifies that:

1. Because of an impending curtailment of, or change in the manner of performing service, the best interests of the agency will be served by granting such additional service credit.
2. The added cost to the retirement fund for all eligible employees who retire during the designated window period will be included in the contracting agency's employer contribution rate for the fiscal year that begins two years after the end of the designated period.
3. It has elected to become subject to Section 20903 because of impending mandatory transfers, demotions, and layoffs that constitute at least 1 percent of the job classification, department or organizational unit, as designated by the governing body, resulting from the curtailment of, or change in the manner of performing, its services.
4. Its intention at the time Section 20903 becomes operative is to keep all vacancies created by retirements under this section or at least one vacancy in any position in any department or other organizational unit permanently unfilled thereby resulting in an overall reduction in the work force of such department or organizational unit.

THEREFORE, the City Council of the City of Huntington Park hereby elects to provide the benefits of Government Code Section 20903 to all eligible members who retire within the designated period, \_\_\_\_\_ through  
\_\_\_\_\_.

CITY COUNCIL  
OF THE  
CITY OF HUNTINGTON PARK

BY \_\_\_\_\_  
Presiding Officer

Attest:

\_\_\_\_\_  
Clerk/Secretary

\_\_\_\_\_  
Date

# ATTACHMENT "D"

**AMENDMENT TO  
THE CITY OF HUNTINGTON PARK  
PARS RETIREMENT ENHANCEMENT PLAN**

**WHEREAS**, the City of Huntington Park (the "Employer") has previously adopted the City of Huntington Park PARS Retirement Enhancement Plan (the "Plan"); and

**WHEREAS**, the Employer has the right to amend the Plan in accordance with Section 6.3 of the Plan; and

**WHEREAS**, the Employer deems it to be in the best interest of the Employer and the Plan to amend the Plan to add a deferred benefit for those eligible Participants who resign from employment with the Employer and concurrently retire under the CalPERS Golden Handshake offered by the Employer on or before December 31, 2015.

**NOW, THEREFORE, BE IT RESOLVED**, the Plan is hereby amended as follows:

1. A new Section 3.8, Deferred Retirement Benefit, is added to Article III, to read:

3.8 Deferred Retirement Benefit

Participants who terminate employment with the Employer with at least fifty (50) years of age and at least five (5) years of full-time, continuous service with the Employer immediately preceding the last day of employment with the Employer, and concurrently retire under the CalPERS Golden Handshake offered by the Employer on or before December 31, 2015, shall be eligible for the Retirement Benefit under Section 3.1 of the Plan upon attainment of age fifty-five (55).

2. The definition of "Benefit Service" under Section 8.1 is hereby amended to read:

"Benefit Service" means the total number of full and partial years of full-time credited CalPERS service with the Employer, completed as of the Member's separation of employment with the Employer (treating each month in which the Member was employed on a full-time basis as one-twelfth of a year) plus any purchased service credit purchased prior to July 1, 2009,

including military service, Additional Retirement Service Credit (airtime), and any other forms of CalPERS purchased service credit. Benefit Service shall not include the two (2) years of CalPERS service credit provided by the CalPERS Golden Handshake offered by the Employer. Service credit purchased on or after July 1, 2009 to be counted towards Benefit Service under the Plan must be purchased in accordance with Section 3.5 of the Plan and must be purchased prior to January 1, 2013.

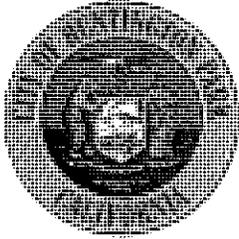
Benefit Service for Employees who transfer or promote to a position covered in Section 1.1 on or after January 1, 2013 means all CalPERS credited service for actual years of service performed with the Employer in such covered position only as of the Member's separation of employment with the Employer.

**IN WITNESS THEREOF**, this Amendment is hereby adopted effective this \_\_\_\_ day of \_\_\_\_\_, 2014.

City of Huntington Park

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

Its: City Manager



# CITY OF HUNTINGTON PARK

Finance Department  
City Council Agenda Report

August 4, 2014

Honorable Mayor and Members of the City Council  
City of Huntington Park  
6550 Miles Avenue  
Huntington Park, CA 90255

Dear Mayor and Members of the City Council:

## **DISCUSSION OF SOLID WASTE FRANCHISE AGREEMENT WITH UNITED PACIFIC WASTE AND RECYCLING SERVICES (UPW)**

### **IT IS RECOMMENDED THAT THE CITY COUNCIL:**

1. Determine whether or not to rebalance service rates to reflect across-the-board savings to all ratepayers or to accept the UPW rate schedules as proposed;
2. Determine whether or not to use refurbished carts at a savings of \$1.25 per household per month.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

In 2009, the City notified its solid waste collection service providers (Waste Management and Republic Services) of its intention to initiate a Request for Proposal (RFP) process to solicit waste hauler services in 2014, pursuant to the five-year notification requirement of the City's franchise agreements. The City Council embarked on the RFP process in 2013, in order to select a single consolidated waste hauler (i.e. to provide both residential and commercial services) at the end of the contract term on December 31, 2014.

The City commenced on a transparent eight-month process, which is summarized below.

#### ***RFP Process Timeline***

- Nov. 4, 2013: City Council approves business points
- Jan. 13, 2014: Public workshop with prospective haulers
- March 17, 2014: City Council authorizes RFP
- March 20, 2014: RFP published

## DISCUSSION OF SOLID WASTE FRANCHISE AGREEMENT WITH UNITED PACIFIC WASTE AND RECYCLING SERVICES (UPW)

August 4, 2014

Page 2 of 3

- April 8, 2014: Pre-proposal conference (10 a.m. in City Council Chambers)
- April 10, 2014: Last day to submit written questions
- May 22, 2014: Proposals due by 2 p.m.
- July 19, 2014: Special City Council meeting to review proposals
- July 23, 2014: Special City Council meeting for company presentations
- July 2, 2014: Special City Council meeting to interview finalists
- Aug. 4, 2014: City Council to provide direction on final contract terms
- Aug. 18, 2014: City Council to award franchise agreement
- Dec. 31, 2014: Current solid waste collection service contracts expire
- Jan. 1, 2015: Start new solid waste collection service

The City received 10 proposals in response to the RFP, which were subsequently reviewed and summarized by HF&H Consultants. Each waste hauler gave a presentation of their proposal at a special City Council meeting held on July 23, 2014. Following the presentations and review of the proposals, the City Council selected six finalists to interview at a special meeting held on July 28, 2014. At that meeting, the City Council voted to award the franchise agreement to UPW.

UPW's proposal provided residents and businesses with the lowest overall costs, saving an average of 20 percent on current rates (see attached cost summary). The initial term of the franchise agreement is 7.5 years with the option to renew for three additional one-year terms.

### ***Rebalancing rates:***

UPW's proposed rates represent a total 20 percent decrease from current rates. To achieve the total 20 percent rate reduction, UPW's proposed rates include a 27 percent reduction for residential service, a 19 percent reduction for commercial service, and a 7 percent reduction for roll-off and temporary bin service. However, Council may choose to rebalance the proposed rates while maintaining the total 20 percent rate reduction.

### ***Refurbished carts:***

UPW's proposal included an option to use refurbished carts at a savings of \$1.25 per household per month.

### **FISCAL IMPACT/FINANCING**

It is anticipated that UPW's overall rates will save residents and commercial customers an average of 20 percent over current rate structures. In addition, a 15 percent franchise fee is stipulated in the agreement.

There would be no financial impact to the City with the aforementioned options. Rebalancing service rates would still achieve an across-the-board savings of 20 percent from current rates. The increase in franchise fees is expected to increase fees by \$250,000 to \$300,000 per year.

DISCUSSION OF SOLID WASTE FRANCHISE AGREEMENT WITH UNITED PACIFIC  
WASTE AND RECYCLING SERVICES (UPW)

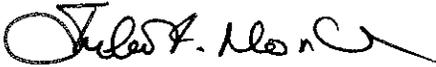
August 4, 2014

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**CONCLUSION**

Upon Council direction, the City Manager and HF&H Consultants will finalize the terms of the franchise agreement with UPW. The resolution and franchise agreement would be placed on the agenda of the August 18 City Council meeting for final Council approval.

Respectfully submitted,



JULIO MORALES  
Interim City Manager

**ATTACHMENTS**

A: Proposal cost summary

# ATTACHMENT "A"

# Summary of Proposals

(sorted low to high on 7.5-year rate revenue)

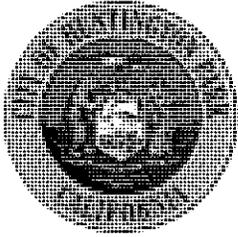
Proposer	7.5-Year Rate Revenue (millions)	First-Year Rate Revenue % Decrease from Current Rates	Hauler-Recycling %		Huntington Park Contact as % of Company Revenue
			With Transformation	W/O Transformation	
1. United Pacific Waste	\$40.4	(20%)	31%	31%	30%
2. Athens w/bin processing (1)	\$41.2	(21%)	33%	33%	2%
3. CR&R	\$44.0	(15%)	30%	29%	2%
4. Republic	\$44.4	(14%)	24%	10%	Less than 1%
5. Waste Management	\$45.0	(13%)	33%	23%	Less than 1%
Current	n/a	n/a	20%	6%	n/a

(1) Athens' proposal without processing was excluded from this chart as it would reduce recycling below current levels.

# Summary of Proposals

(sorted low to high on 7.5-year rate revenue)

Proposer	7.5-Year Rate Revenue (millions)	First-Year Rate Revenue % Decrease from Current Rates	Hauler-Recycling %		Huntington Park Contact as % of Company Revenue
			With Transformation	W/O Transformation	
6. Universal Waste	\$45.3	(13%)	48%	30%	19%
7. NASA	\$45.4	(13%)	35%	25%	26%
8. Waste & Recycling	\$46.5	(10%)	61%	46%	178%
9. Valley Vista	\$48.0	(8%)	37%	37%	11%
10. Waste Resources	\$55.3	7%	20%	8%	41%
Current	n/a	n/a	20%	6%	n/a



# CITY OF HUNTINGTON PARK

City Manager's Office  
City Council Agenda Report

August 4, 2014

Honorable Mayor and Members of the City Council  
City of Huntington Park  
6550 Miles Avenue  
Huntington Park, CA 90255

Dear Mayor and Members of the City Council:

## **APPROVE PROFESSIONAL SERVICES AGREEMENT WITH OLIVAREZ MADRUGA TO SERVE AS THE CITY ATTORNEY FOR THE CITY OF HUNTINGTON PARK**

### **IT IS RECOMMENDED THAT THE CITY COUNCIL:**

1. Approve a Professional Services Agreement with Olivarez Madruga to provide general law services for the City of Huntington Park;
2. Authorize the Interim City Manager to execute the contract.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

In October 2012, the City Council retained Rutan & Tucker as the interim City Attorney for a short term contract of 90 days. After serving in this capacity for 21 months, Todd Litfin of Rutan & Tucker provided the City with their intent to resign as Interim City Attorney due to the workload from other clients.

The Interim City Attorney identified five law firms that specialize in public agency representation with a special emphasis in municipal law and requested proposals from each firm. Mr. Litfin of Rutan & Tucker compiled the list and presented to the City Council for review and consideration. Interviews were scheduled and selection was made based on several factors including hourly rate, experience, and availability of resources and staff.

The City Council reviewed the proposals and interviewed the law firms at a special City Council meeting held on July 30, 2014. Proposals were received from the following law firms:

1. Alvarez-Glasman & Colvin
2. Gutierrez, Fierro & Erickson
3. Law Office of Olivo & Associates
4. Olivarez Madruga
5. Richards, Watson & Gershon (interviewed on July 28)

APPROVE PROFESSIONAL SERVICES AGREEMENT WITH OLIVAREZ MADRUGA  
TO SERVE AS THE CITY ATTORNEY FOR THE CITY OF HUNTINGTON PARK

August 4, 2014

Page 2 of 3

After interviewing the firms, the City Council unanimously selected Olivarez Madruga. Isabel Birrueta of Olivarez Madruga will be the assigned attorney for the City's day-to-day legal needs. Ms. Birrueta will have regular office hours in City Hall to assist staff and Council.

**FISCAL IMPACT/FINANCING**

Olivarez Madruga's rate is \$190 per hour. By comparison, Rutan & Tucker's rate is \$200 per hour. Legal fees will continue to be paid from the General Fund as well as other funding sources, depending on the type of legal service provided (i.e. employment law, police matters, general liability, etc.).

**FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The City Attorney serves as general counsel and provides oversight of all legal matters for the City. These general law functions have been performed by a single private law firm, Rutan & Tucker, on a contract basis since October 2012. General law matters include, but are not limited to, the following legal services:

1. Prepare ordinances, resolutions, and other legal documents
2. Provide legal counsel on legislation-related matters
3. Prepare contracts and advise City on public bidding process
4. Provide legal review and input on municipal election-related matters
5. Interpret and provide legal counsel on Brown Act-related issues
6. Represent the City in inter-agency matters

**CONCLUSION**

Upon City Council approval, the interim city manager will execute the professional services agreement with Olivarez Madruga to serve as the City Attorney for the City of Huntington Park.

APPROVE PROFESSIONAL SERVICES AGREEMENT WITH OLIVAREZ MADRUGA  
TO SERVE AS THE CITY ATTORNEY FOR THE CITY OF HUNTINGTON PARK

August 4, 2014

Page 3 of 3

Respectfully submitted,



JULIO MORALES  
Interim City Manager

**ATTACHMENTS**

A: Professional services agreement

**AGREEMENT FOR  
CITY ATTORNEY SERVICES  
CITY OF HUNTINGTON PARK**

**THIS AGREEMENT** is entered into this 4th day of August, 2014 (“Agreement”), by and between the CITY OF HUNTINGTON PARK (herein referred to as “CITY”) and OLIVAREZ MADRUGA, P.C. (herein referred to as “FIRM”) (CITY and FIRM are hereinafter referred to collectively as “the Parties”).

**NOW, THEREFORE**, the Parties do hereby agree as follows:

1. **SERVICES.** CITY does hereby retain FIRM and FIRM does hereby accept CITY as a client for the purpose of representing the CITY as City Attorney and General Counsel. Isabel Birrueta shall be designated as the City Attorney. Rick Olivarez, Thomas M. Madruga, Richard E. Padilla, and David F. Gondek will also perform City Attorney services as the CITY deems appropriate. FIRM agrees to provide legal services as herein below described and at the rates as further set forth in this Agreement.

2. **TERM.** This Agreement shall be effective August 4, 2014, and shall continue hereafter until terminated by the CITY or FIRM as provided herein.

3. **FIRM BILLING PROCEDURES AND RATE.** FIRM shall prepare an itemized monthly billing on or about the first day of each month. CITY shall review FIRM’s itemized monthly billing and approve payment of authorized charges to FIRM as promptly as possible. FIRM will keep time records in one-tenth hour increments. CITY agrees to pay FIRM fees at the hourly rates as indicated on the FIRM’s Rate Sheet which is attached hereto as Exhibit A. These rates may be adjusted periodically, generally at the beginning of the fiscal year, upon the mutual agreement of the parties. Services rendered by other professionals and experts shall be billed to CITY as costs. CITY shall pay the amount due on all bills upon receipt.

4. **COSTS.** FIRM shall be reimbursed for all out-of-pocket costs and expenses advanced by FIRM. Said costs and expenses shall include, but not be limited to, filing fees, deposition fees, witness fees, costs for investigation, service of process fees and other related court costs, air travel, costs of accommodation for matters on behalf of CITY, parking fees, copy

fees, facsimile costs and other related travel costs. All such costs shall be submitted to CITY for approval as part of the monthly billing statement. No individual cost in excess of \$500 shall be incurred without the approval of the City Administrator or his/her designee.

5. **RESPONSIBILITIES OF FIRM.** FIRM agrees to provide legal services as to all matters as designated by CITY which includes general municipal law and other related legal issues as requested by CITY. All other members of FIRM shall have the authority to serve on behalf of CITY as needed and directed by Rick R. Olivarez. The FIRM shall have Isabel Birrueta, Rick R. Olivarez, Thomas M. Madruga, Richard E. Padilla, and/or David F. Gondek present at City Council meetings and at other meetings as CITY deems appropriate. Isabel Birrueta, Rick R. Olivarez, Thomas M. Madruga, Richard E. Padilla, and/or David F. Gondek shall be present at such meetings except for reasonable vacations, illness or emergency absences at which time a member from FIRM shall be assigned to represent CITY.

6. **INDEMNIFICATION AS CITY OFFICERS.** CITY acknowledges FIRM is being appointed as City Attorney pursuant to the authority of Government Code Section 36505, and has the authority of that office. Accordingly, the CITY is responsible pursuant to Government Code Section 825 for providing a defense for the City Attorney for actions within the scope of its engagement hereunder. Therefore, CITY agrees to undertake its statutory duty and indemnify FIRM, its officers, employees and agents against and will hold and save each of them harmless from, any and all claims or liabilities that may be asserted or claims by any person, firm or entity arising out of or in connection with the work, operations or activities of FIRM within the course and scope of its employment hereunder, but nothing herein shall require CITY to indemnify FIRM for liability arising from its own negligence. In connection herewith:

- (i) CITY will promptly provide a defense and pay any judgment rendered against the CITY, its officers, agency or employees for any such claims or liabilities arising out of or in connection with such work, operations or activities of CITY hereunder;
- (ii) In the event FIRM, its officers, agents or employees is made a party to any action or proceeding filed or prosecuted against CITY for such damages or other claims solely arising out of or in connection with the work operation or activities of

CITY hereunder, CITY agrees to pay to FIRM, its officers, agents or employees any and all costs and expenses incurred by attorney, its officers, agents or employees in such action or proceeding, including but not limited to, legal costs and attorneys' fees.

7. **USE OF OTHER FIRMS.** In order to properly and effectively protect the best interests of CITY in specialized areas of the law, FIRM shall have the right to assign legal matters to special counsel (law firms or attorneys), subject to the City Administrator's approval.

8. **INDEPENDENT CONTRACTOR AND HOLD HARMLESS.** It is agreed that FIRM shall serve as an independent contractor and not as an employee of CITY. FIRM agrees to hold harmless and indemnify CITY for any claims, losses, liens, demands and causes of action for FIRM's negligent or tortious conduct while serving as City Attorney. It is further agreed that CITY is not the exclusive client of FIRM, and FIRM shall have the right to serve as the attorneys for other clients.

9. **INSURANCE.** FIRM warrants and represents that it is covered by a policy of professional liability insurance, insuring CITY as a client, in an amount not less than \$1,000,000 per occurrence and \$2,000,000 aggregate liability.

10. **EVALUATION OF PERFORMANCE.** CITY and FIRM shall establish a system to monitor and evaluate the performance, timeliness of services, and other issues relative to the terms of this Agreement. Performance evaluations shall be conducted on an annual basis during the first quarter of each fiscal year of this Agreement.

11. **CONFLICTS.** FIRM states that there are presently no matters which would require the execution of a conflict waiver from any of its clients. Further, FIRM states that if any conflicts arise during the performance of this Agreement, FIRM will notify CITY. FIRM and each of its members shall at all times comply with the statutes, rules and regulations governing the conduct of attorneys.

12. **TERMINATION OF SERVICES.** CITY may terminate FIRM's services at any time by written notice. After receiving such notice, FIRM will cease providing services. FIRM will cooperate with CITY in the orderly transfer of all related files and records to CITY's new

counsel. FIRM may terminate its services at any time with CITY's consent or for good cause. Good cause exists if (a) any statement is not paid within sixty (60) days of its date; (b) CITY fails to meet any other obligation under this Agreement and continues in that failure for fifteen (15) days after written notice to the CITY; (c) CITY has misrepresented or failed to disclose material facts to FIRM, refused to cooperate with FIRM, refused to follow FIRM's advice on a material matter, or otherwise made its representation unreasonably difficult; or (d) any other circumstance exists in which ethical rules of the legal profession mandate or permit termination, including situations where a conflict of interest arises. If FIRM terminates its services, CITY agrees to execute a substitution of attorney promptly and otherwise cooperate in effecting that termination. Termination of FIRM's services, whether by CITY or by FIRM, will not relieve CITY of the obligation to pay for services rendered and costs incurred before FIRM's services formally ceased.

13. **DISCLAIMER OF NO GUARANTEE OF OUTCOME AND ESTIMATES.**

Nothing in this Agreement and nothing in FIRM's statements to the CITY will be construed as a promise or guarantee about the outcome of any matter covered under this Agreement. The Firm makes no such promises or guarantees. The FIRM's comments about any matter covered by this Agreement are the expressions of opinions only. Any estimates of fees given by the FIRM are not guaranteed. Actual fees may vary from estimates given.

14. **ENTIRE AGREEMENT.** This Agreement for legal services contains FIRM's entire Agreement about our representation. Any modifications or additions to this Agreement must be made in writing.

15. **NOTICES.** All notices pertaining to this Agreement shall be in writing and addressed as follows:

If to Firm: Rick R. Olivarez  
Olivarez Madruga, P.C.  
1100 South Flower Street  
Suite 2200  
Los Angeles, CA 90015

If to City: City of Huntington Park  
6550 Miles Avenue  
Huntington Park, CA 90255  
Attention: Julio F. Morales  
Interim City Manager

**IN WITNESS WHEREOF**, this Agreement is signed and entered into by the parties hereto on this 4<sup>TH</sup> day of August, 2014.

**CITY OF HUNTINGTON PARK**

**OLIVAREZ MADRUGA, P.C.**

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By: Julio F. Morales  
Its: Interim City Manager

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By: Rick R. Olivarez  
Its: Managing Partner

**EXHIBIT A**  
**OLIVAREZ MADRUGA, P.C.**  
**RATE SHEET**  
**COMPENSATION AND OTHER PROFESSIONAL SERVICE ISSUES**

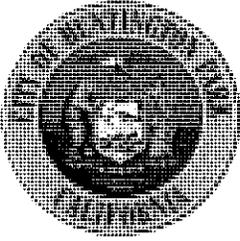
<u>City Attorney and General Counsel Services</u>	<u>Hourly Rate</u>
Partners	\$190.00
Associates	\$190.00
Paralegals/Law Clerks	\$100.00

The FIRM shall not impose additional charges for secretarial time.

**Billing Procedure and Payment Procedure**

FIRM provides an itemized billing statement once a month with a complete listing of all services rendered and costs advanced. FIRM works cooperatively with our clients to meet the client's needs to provide a clear, comprehensive billing statement. Attorneys bill at .10 hour increments.

Facsimile:	\$ .50 per page
Copies:	\$ .20 per page
Mileage	(IRS standard)
Postage, long distance telephone, and out-of-pocket expenses	At Cost
Air Travel:	At Cost



# CITY OF HUNTINGTON PARK

Finance Department  
City Council Agenda Report

August 4, 2014

Honorable Mayor and Members of the City Council  
City of Huntington Park  
6550 Miles Avenue  
Huntington Park, CA 90255

Dear Mayor and Members of the City Council:

## **APPROVE CONTINUATION OF FISCAL YEAR 14-15 GENERAL FUND BUDGET THROUGH OCTOBER 20, 2014**

### **IT IS RECOMMENDED THAT THE CITY COUNCIL:**

1. Approve Fiscal Year 14-15 General Fund Budget

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

Last fiscal year the City passed a \$26.7 million Continuation Budget for its General Fund, which had a \$3 million structural deficit. This budget was adopted with the expectation that the City would resolve a number of issues by the end of the fiscal year, most important of which was the resolution of the \$2.5 million pension tax dispute with the State Department of Finance (DOF), hence the term "Continuation Budget". The City continues to work toward a legislative solution in this matter; however, the outcome of these efforts will not be known until the end of the legislative period in late August. Moreover, the City will soon commence offering a two-year retirement incentive (i.e., Golden Handshake) and we expect that this program will help to reduce the workforce and employee costs. The collective outcome of these two critical factors if positive should eliminate the City's structural deficit, enable us to rebuild critically needed reserves, and position the City on the path of longer-term financial sustainability.

During the July 7 Council Meeting, staff presented expected financial results once the FY 13-14 year is closed as well as a preliminary budget discussion for the proposed FY 14-15.

We recommend that the City Council approve the FY 14-15 budget, with **\$3.16 million** structural deficit. We expect that certain outcomes should be known in the next three to six months. If there is not a positive resolution to the pension tax issue, then the City will need to make staff reductions beginning in January 2015.

**FY 13-14 FINANCIAL RESULTS**

**Revenues**

Based on YTD revenue comparisons through June, the City expects to realize our budgeted revenue goal of \$24.0 million for FY 13-14. As of June 30, 2014, revenues received total \$23.7 million, \$200,000 ahead of revenues for the same reporting for FY 12-13. The financial results reflect strong performance in property and transfer tax, franchise and utility users' taxes. Revenue enhancements also include \$1.0 million in one-time revenues.

**Expenses**

The City was able to maintain strong expenditure controls thanks to the diligence of all city departments. The City also benefited from a reduction in expenditures as a result of two (2) motorcycle police positions which remained unfilled during the fiscal year. We expect to close the FY 13-14 year with total expenditures of \$26.0 million and a budget shortfall of (\$2.0) million.

This we expect to end the FY 13-14 with \$25.0 million in revenues and \$ \$26.0 million in expenses or a \$1.0 million shortfall.

**FY 14-15 BUDGET**

We are proposing a budget that projects general fund revenues of \$24.4 million and appropriations/expenditures of \$27.5 million. This budget reflects \$759,877 in adjustments to the prior year's budget, adding to the existing \$2.4 million shortfall. As such, ***with the required expenditure adjustments as enumerated in the table below, the total budget deficit for FY 14-15 is (\$3.16) million.***

<b>FY 14-15</b>		<b>\$amount</b>
<b>Budget Adjustments</b>		
1.	OPEB (Retiree Medical)	\$164,228
2.	Medical Insurance	89,086
3.	Pension Obligation & Bond Debt Service	55,834
4.	IT Network Improvements & Maintenance	75,000
5.	Special Event	50,000
6.	CalPERS	283,000
7.	CalPERS –Replacement Benefit	22,729
8.	Professional Recruitments	120,000
9.	Salary Adjustment	200,000
10.	Street Sweeping Contract Decrease	(300,000)
<b>Total Required Adjustments</b>		<b>\$759,877</b>

Please note that the FY 14-15 expenditure budget reflects a \$300,000 benefit realized as a result of negotiating a new street-sweeping contract and the corresponding expenditures.

**FISCAL IMPACT/FINANCING**

Despite the upward economic trends and the City's improving revenue outlook, the City's budget is structurally out of balance; we continue to spend more than the revenues we bring in suggesting that larger and more permanent decisions must be made with regard to lowering the City's expenditure baseline.

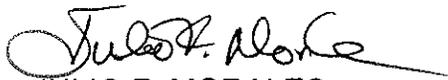
It is critical that the City be able to resolve this ahead of any further rating agency action. The ongoing drawdown of financial reserves and inaction around expenditure cuts will result in further negative action and will likely lead to other unintended consequences. None of these outcomes will be helpful to the City and will likely exacerbate already challenging circumstances.

Even with favorable resolution of the pension tax dispute, there is still a budget deficit of \$660,000, requiring immediate resolution.

**CONCLUSION**

Staff requests Council's approval of the continuation budget for FY 14-15 through October 20, 2014.

Respectfully submitted,



JULIO F. MORALES  
Interim City Manager



ANNIE RUIZ  
Acting Director of Finance



# CITY OF HUNTINGTON PARK

Finance Department  
City Council Agenda Report

August 4, 2014

Honorable Mayor and Members of the City Council  
City of Huntington Park  
6550 Miles Avenue  
Huntington Park, CA 90255

Dear Mayor and Members of the City Council:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON PARK (1) CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 4, 2014 TO SUBMIT TO THE VOTERS A QUESTION CONCERNING THE ENACTMENT OF A TEMPORARY ONE HALF OF ONE PERCENT (1/2%) TRANSACTIONS AND USE TAX TO BE IMPLEMENTED AS A GENERAL TAX; (2) DECLARING AN EMERGENCY JUSTIFYING THE PLACEMENT OF A GENERAL TAX MEASURE ON THE SPECIAL MUNICIPAL ELECTION BALLOT ON NOVEMBER 4, 2014; (3) REQUESTING THAT THE LOS ANGELES BOARD OF SUPERVISORS APPROVE CONSOLIDATION OF THE CITY'S SPECIAL MUNICIPAL ELECTION WITH THE COUNTY-ADMINISTERED GENERAL ELECTION OF THE SAME DATE; (4) REQUESTING THAT THE LOS ANGELES REGISTRAR-RECORDER/COUNTY CLERK FOR LOS ANGELES COUNTY RENDER SPECIFIC SERVICES AND CONSOLIDATED ELECTION SERVICES TO THE CITY RELATED TO THE CONDUCT OF THE CITY'S SPECIAL MUNICIPAL ELECTION; AND (5) SETTING ELECTION PROCEDURES AND PRIORITIES FOR THE FILING OF WRITTEN ARGUMENTS AND REBUTTALS REGARDING THE MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS**

**IT IS RECOMMENDED THAT THE CITY COUNCIL:**

1. Approve the suggested form of the ballot question to be presented to Huntington Park voters
2. Unanimously adopt a resolution that:
  - a) Incorporates the proposed ballot question;
  - b) Makes the requisite findings within the meaning of the California Constitution;
  - c) Calls a Special Municipal Election to be held November 4, 2014 for Huntington Park voters to consider and approve a half-cent transactions and use tax;
  - d) Requests consolidation of the City's special election with the County-administered General Election of the same date;
  - e) Establishes procedures for the conduct of the election and submission of arguments

RESOLUTION CALLING ELECTION AND AUTHORIZING PLACEMENT ½ CENT SALES TAX MEASURE ON NOVEMBER ELECTION BALLOT

August 4, 2014

Page 2 of 4

3. Unanimously approve an urgency ordinance which implements the transactions and use tax, subject to the condition that the urgency ordinance will only take effect if a majority of Huntington Park voters approve the ballot measure seeking approval of this ordinance and the tax established herein at the November 4, 2014 Special Municipal Election.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The City has budgeted a \$3 million structural deficit in the General Fund in Fiscal Year 2014-15. Although numerous cost-saving measures have already been taken, the City continues to be involved in a \$2.5 million pension tax dispute with the State Department of Finance (DOF). Resolving this matter will eliminate the City's structural deficit and allow the City to avoid significant service disruptions, including workforce reduction.

If the matter with DOF is not resolved (i.e. legally or legislatively) then the City will be required to reduce its workforce. In order to preserve public safety, public maintenance, and other general services the City may place a temporary half-cent sales tax measure on the November election ballot and give residents the opportunity to vote on this revenue-generating measure. The half-cent sales tax would generate an estimated \$2 million in revenue per year, thereby eliminating most of the City's structural deficit and preserving current service levels. The half-cent sales tax would remain in place for five years, during which time it is anticipated that continued economic growth would move the City onto solid financial ground.

Based on an extensive public survey conducted in the City by Probolsky Research in June 2014, more than half of respondents favored a half-cent sales tax increase for the purpose of maintaining City service levels. These survey results indicate a strong likelihood that a sales tax measure on the November election would be successful.

**FISCAL IMPACT/FINANCING**

The cost to place the half-cent sales tax measure on the November election ballot is \$40,000. In addition, the estimated cost for public outreach (strategic messaging development, social media, direct mail, etc.) ranges from \$50,000 to \$100,000.

**FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The contemplated half-cent (or half percent) transactions and use tax is type add-on tax to the existing County-wide sales tax paid by the residents of Los Angeles County. The proposed half-cent tax is paid by the purchasers of tangible goods in the same fashion and at the same time as the County-wide sale tax. Essentially, the half-cent tax adds a half penny to a retail purchase of \$1 or 50¢ to a \$100 retail purchase. With the exception of those items that are exempted from the payment of the tax, the tax applies to most over-the-counter sales of tangible good and to restaurant sales. Non-City residents share in paying the tax for most over-the-counter purchases. One significant exception relates to the sale of automobiles. Here, whether or not a person pays the tax

RESOLUTION CALLING ELECTION AND AUTHORIZING PLACEMENT ½ CENT SALES TAX MEASURE ON NOVEMBER ELECTION BALLOT

August 4, 2014

Page 3 of 4

depends on whether or not the purchased vehicle is registered to a Huntington Park address. If the purchased vehicle is not registered to a Huntington Park address, the tax does not apply. Another exception applies to large goods that require delivery to an out-of-town address. If, for example, a refrigerator is purchased by a non-resident and delivered by the seller to an out-of-town address, the tax would not apply to the sale. If it is delivered to a Huntington Park address, however, the tax would apply. Finally, it should be noted that the tax does not apply to most grocery store purchases or prescription drug purchases.

***Logistics for Placing Tax on the Ballot***

California Constitution Article XIIC, § 2(b) requires that elections for general taxes be consolidated with regularly scheduled general election for City Council members, unless the City Council unanimously makes certain findings specifically prescribed under California Constitution Article XIIC, § 2(b). The proposed resolution makes the requisite findings required under the California Constitution that will enable the City's conduct of a special municipal election.

***Calling the Election – Resolution Giving Notice of Election Required***

In order for the City to conduct an election for a general transactions and use tax, Elections Code § 9222 requires that the election must not be held less than eighty-eight (88) days after the order of the election by resolution. Therefore, the Council must approve a resolution calling and giving notice of a special election no later than Friday, August 8, 2014 in order to hold a November 4, 2014 election. The call of the election will be established by a resolution which will both call the election and establish certain election procedures and which will also request that the City's Special Election be consolidated with General Election administered by the County of Los Angeles on the same date.

***Ordinance – Council and Voter Approval Required***

Unlike most ordinances submitted to voters for approval, ballot measure ordinances for the implementation of transactions and use taxes, like the one contemplated here, must be approved both by Council and the voters.<sup>1</sup> Although Revenue and Taxation Code § 7285.9 generally requires at least two-thirds (2/3) majority of the City Council for placement of a tax measure on the ballot, given the complementary necessary declaration requirement, unanimity is required here. Procedurally, the City Council can approve the proposed tax ordinance at the August 4, 2014 regular meeting conditioned upon majority voter approval.

Should a majority of the voters approve the tax measure at the November 4, 2014 election, the tax would become operative on April 1, 2015.

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<sup>1</sup> Revenue and Taxation Code § 7285.9.

RESOLUTION CALLING ELECTION AND AUTHORIZING PLACEMENT ½ CENT SALES TAX MEASURE ON NOVEMBER ELECTION BALLOT

August 4, 2014

Page 4 of 4

The California Board of Equalization (the “Board”) has requested that the City submit its proposed ordinance to the Board prior to submission to Council. The City Attorney’s Office, working with City staff should be able to submit a draft ordinance to the Board for feedback this week in anticipation of Council consideration on August 4, 2014.

***Subsequent Contracts***

Upon approval of the transactions and utility tax by the voters, the City would be required to enter into two agreements with the Board of Equalization: 1) a preparatory cost agreement and 2) an ongoing administration agreement. The documents would be prepared after the election.

***Consolidation***

Elections are conducted either by the City, which is usually referred to as a “stand-alone” election, or as a “consolidated” municipal election. A consolidated municipal election is generally conducted along with another election such as a state primary, general election or special district. Elections Code § 10400 provides that whenever two or more elections of any legislative city, county, or other political subdivisions are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the calling of the election. As alluded, above, there will be an opportunity to consolidate this Special Election with the County-administered election of the same date.

**CONCLUSION**

Upon Council adoption of the resolution and authorization to place a half-cent sales tax measure on the November election ballot, staff will prepare and file the necessary documentation with the LA County Registrar-Recorder.

Respectfully submitted,



JULIO MORALES  
Interim City Manager

**ATTACHMENTS**

- A: Resolution
- B: Urgency Ordinance

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON PARK (1) CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 4, 2014 TO SUBMIT TO THE VOTERS A QUESTION CONCERNING THE ENACTMENT OF A TEMPORARY ONE HALF OF ONE PERCENT (1/2%) TRANSACTIONS AND USE TAX TO BE IMPLEMENTED AS A GENERAL TAX; (2) DECLARING AN EMERGENCY JUSTIFYING THE PLACEMENT OF A GENERAL TAX MEASURE ON THE SPECIAL MUNICIPAL ELECTION BALLOT ON NOVEMBER 4, 2014; (3) REQUESTING THAT THE LOS ANGELES BOARD OF SUPERVISORS APPROVE CONSOLIDATION OF THE CITY'S SPECIAL MUNICIPAL ELECTION WITH THE COUNTY-ADMINISTERED GENERAL ELECTION OF THE SAME DATE; (4) REQUESTING THAT THE LOS ANGELES REGISTRAR-RECORDER/COUNTY CLERK FOR LOS ANGELES COUNTY RENDER SPECIFIC SERVICES AND CONSOLIDATED ELECTION SERVICES TO THE CITY RELATED TO THE CONDUCT OF THE CITY'S SPECIAL MUNICIPAL ELECTION; AND (5) SETTING ELECTION PROCEDURES AND PRIORITIES FOR THE FILING OF WRITTEN ARGUMENTS AND REBUTTALS REGARDING THE MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

WHEREAS, the budget of the City of Huntington Park (the "City") like the budgets of municipalities throughout the State of California (the "State"), has been strained and stressed in recent years by a succession of adverse economic and legislative developments, including a depressed housing market, increased costs for municipal services coupled with reduced tax revenues, State take-a-ways and costly regulatory mandates; and the dissolution of redevelopment and the costs associated with winding down redevelopment activities; and

WHEREAS, the Huntington Park City Council ("City Council"), having conferred with the executive staff of the City of Huntington Park ("City") and having received and considered the reports and presentations regarding the City's finances, has determined that the City is in a condition that substantiates the requisite declaration set forth under Article XIIC, Section 2(b) of the California Constitution which provides for the City's conduct of a special municipal election to consider immediate action in order to offset municipal revenue reduction; and

WHEREAS, the state of the City's finances are such as to justify and compel immediate action to call a November 4, 2014 special municipal election for the implementation of a general tax whose proceeds may be used for any governmental purpose so as to offset sharp reductions in the City's incoming revenues that threaten to render the City unable to provide

basic levels of services in the very near future, thereby jeopardizing the City's ability to safeguard the public health, safety and welfare;

WHEREAS, recent economic challenges have forced the City to make significant staffing and service cuts to services and programs that the public depends and relies upon, including but not limited to public safety; street maintenance; public facility and vital public infrastructure maintenance and repair; as well as park maintenance and park programs; and

WHEREAS, on December 29, 2011, the California Supreme Court issued a decision ordering the dissolution of community redevelopment agencies throughout the State of California; and

WHEREAS, the United States Congress has also implemented automatic reductions in Federal Funding of the Community Develop Block Grant ("CDBG") Budget as well as the Home Program Budget for Fiscal Years 2012-2013 and beyond; and

WHEREAS, in response to these ongoing fiscal stresses, City Departments have worked diligently under the guidance of the City Council and the City Manager to reduce departmental expenditures and implement strategies for greater cost efficiency; and

WHEREAS, budget-cutting alone is not nearly sufficient to address issues of fiscal solvency - not without significantly eroding the City's ability to maintain minimally acceptable levels of service and infrastructure upkeep; and

WHEREAS, the City, despite significant improvements in its fiscal accountability, remains at risk of operating paycheck to paycheck in the very near future if an emergency supplemental funding source cannot be established; and

WHEREAS, the City's fiscal crisis as herein described is of sufficient gravity and severity that the City must at the earliest possible time propose revenue enhancement measures to the electorate in order to maintain, to the extent reasonably possible, the minimal level of governmental services necessary to protect and preserve the health and general welfare of the City's residents, workers and visitors; and

WHEREAS, a temporary transactions and use tax measure implemented as a general tax would help offset sharp and largely unprecedented losses to incoming General Fund revenues and in turn reduce the severity and magnitude of cuts to City services while also giving the City a meaningful chance to build reserves and gradually restore itself to a solid financial footing; and

WHEREAS, Revenue and Taxation Code Section 7251, et seq. authorizes municipalities to establish local transactions and use taxes which can be added on to the existing County-wide sales tax; and

WHEREAS, Revenue and Taxation Code Section 7285.9 authorizes the legislative bodies of cities to levy a transactions and use tax for general revenue purposes pursuant to

Section 7251 et seq. following approval by both unanimous city council and majority voter approvals; and

WHEREAS, the proposed Urgency Ordinance attached hereto as **Exhibit "A"** and incorporated herein by reference (hereinafter, the "Urgency Ordinance") would implement a temporary one half of one percent (1/2%) transactions use tax which would be implemented as a general tax for a period of five (5) years commencing from the statutorily authorized implementation date of the tax; and

WHEREAS, the City Council unanimously approved the attached transactions and use tax Urgency Ordinance, in accordance with Revenue and Taxation Code Section 7285.9, conditioned upon its approval by a majority of those Huntington Park residents who cast votes at the special municipal election which the City Council has unanimously called for November 4, 2014; and

WHEREAS, it is desirable that the November 4, 2014 special municipal election be consolidated with the County-administered General Election to be held on the same date and that within the City the precincts, polling places, and election officers of the two elections be the same, and that the Registrar-Recorder/County Clerk for the County of Los Angeles canvass the returns of the Special Municipal Election and that the Special Municipal Election be held in all respects as if it were part and parcel of the County-administered General Election; and

WHEREAS, it is necessary to secure the consent and order of the Board of Supervisors of the County of Los Angeles to effect such consolidation; and

WHEREAS, all necessary expenses incurred by the County in performing these services shall be compensated by the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HUNTINGTON PARK, CALIFORNIA, DOES HEREBY FIND, DECLARE AND RESOLVE AS FOLLOWS:

**SECTION 1. APPROVAL OF RECITALS.** The City Council finds that the foregoing recitals are true and correct.

**SECTION 2. CALL OF ELECTION.** Pursuant to the laws of the State of California relating to general law cities and Elections Code Sections 9222 and 12001, the City Council hereby orders and calls a special municipal election to held in the City of Huntington Park, California on **Tuesday, November 4, 2014** for the purpose of submitting to the qualified electors a measure (the "Measure") seeking approval of the enactment of temporary one-half of one percent (1/2%) Transactions and Use Tax as hereinafter described and set out. This special municipal election shall be administered independently by the City of Huntington Park. The Transactions and Use Tax shall expire automatically on the fifth anniversary from the date the subject tax takes effect, unless an extension of the tax is approved by the voters at a subsequent election.

**SECTION 3. DECLARATION OF REQUISITE FINDINGS.** The City Council, by unanimous vote of its members, hereby finds and declares that the following conditions exist in the City, which constitute an emergency, as set forth in California Constitution in Article XIII C, Section 2(b), that compels the City to expeditiously undertake a special municipal election:

- The City has run a structural deficit for more than three consecutive years.
- The City has diminished its General Fund Reserves from more than \$25 million to \$8 million over the past three years.
- The City has a projected \$3.1 million General Fund structural deficit for FY 14-15.
- The City has taken a number of measures to reduce its exiting workforce, reduce operating costs, and increase efficiency
- The City has identified a number of cost saving measures, including refinancing debt, leveraging grant resources, and reducing/eliminating programs

If the City Council delays in presenting the subject ballot Measure to the voters until the subsequent general municipal election, the City will be at imminent risk of being unable to meet its financial obligations or provide levels of services minimally required to safeguard the health, safety and welfare of the City's residents, businesses, workers and visitors.

**SECTION 4. CONSOLIDATION REQUEST AND REIMBURSEMENT.** Pursuant to the requirements of Section 10403 of the California Elections Code, it is respectfully requested that the Board of Supervisors of the County of Los Angeles (the "Board of Supervisors") consent and agree to the consolidation of the City of Huntington Park's November 4, 2014 Special Municipal Election with the County-administered General Election of the same date. The City shall reimburse the County for any additional costs associated with the consolidation of the City's November 4, 2014 Special Municipal Election with the County-administered Presidential Primary Election of the same date.

**SECTION 5. BALLOT QUESTION AND LETTER DESIGNATION.** The Measure, as more fully set forth in the Urgency Ordinance, to be placed on the ballot for the special municipal election hereby called shall be printed in the ballots used at said election in substantially the following form:

<p><b>City Services Emergency Protection Measure.</b></p> <p>To ensure the continued delivery of essential public services, including but not limited to police and fire service; and street, sidewalk, park and other vital infrastructure maintenance; and, to stabilize the City financially and offset severe cuts in federal and state funding as well as sharp reductions in general fund revenues which threaten the City’s ability to adequately provide general municipal services, an ordinance imposing a temporary, 5-year half percent (1/2%) transactions and use (sales) tax shall be approved.</p>	YES
	NO

The foregoing question requires the approval of a simple majority of those casting votes at the special municipal election called for November 4, 2014. The City further requests the following letter designations in order of preference: “HP” ; “A”; and “S.” By approval of this Resolution the City Council by unanimous vote hereby approves the placement of the Measure on the November 4, 2014 ballot and approves adoption of the Urgency Ordinance and the transactions and use tax implemented thereunder, but only upon the condition that a majority of voters at the November 4, 2014 special municipal election approve the Measure. The City Council shall timely certify the election results following the special municipal election and if it is confirmed that the Measure has been approved by a simple majority of the voters, the City Council shall affirm its adoption of the Urgency Ordinance and the same shall take effect in the manner prescribed therein and within the timeframe prescribed by law. Upon voter approval and concomitant City Council certification of the Measure, the Urgency Ordinance shall be codified under Title 3 (Finance), Chapter 12 (Temporary Transactions and Use Tax) of the Huntington Park Municipal Code. If upon certification of the votes cast following the November 4, 2014 special municipal election it is determined that the Measure did not receive a simple majority of votes cast, the Urgency Ordinance shall not be approved and the transactions and use tax set forth therein shall not take effect.

**SECTION 6. REQUEST FOR SPECIFIC ELECTION SERVICES.**

It is respectfully requested that:

- A. the Board of Supervisors authorize and direct the Office of the Registrar-Recorder/County Clerk of the County of Los Angeles (the “County Registrar”) to canvass the returns of the consolidated Huntington Park Special Municipal Election and that said Election be held in all respects as if it were part and parcel of the County-administered General Election of the same date.
- B. the Board of Supervisors authorize and direct the County Registrar to: (i) review and verify absentee voter applications and signatures; (ii) conduct registered voter verifications (including signature verifications) associated with the processing of any proposed Special Municipal Election ballot measure; (ii) provide the City with the

appropriate election precincting data, to the extent required, in light of consolidation; (iv) make available to the City such election facilities, ballot casting equipment and assistance as may be necessary to conduct the election in compliance with state law and the Board of Supervisors' election consolidation approval; (v) canvass the election returns; (vi) print and supply ballots for the election; (vii) mail the City's sample ballots, including ballot measure question, arguments, rebuttals and impartial analysis; and (viii) administer the City's consolidated Special Municipal Election in all respects as if it were part and parcel of the County-administered General Election of the same date, implementing all such legally required or customarily employed measures and practices as may be necessary to conduct the election in a timely and legally compliant manner.

- C. the Board of Supervisors issue instructions to the County Registrar to take any and all additional steps necessary for the holding of the consolidated election requested above.

### **SECTION 7. ELECTION PROCEDURES AND PRIORITIES.**

- A. The City Council authorizes any and all members of the City Council to file a written argument(s) In Favor of or Against City measures, accompanied by the printed names and signatures of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code (Elections Code Section 9280 et seq.) and to change the argument(s) until and including the close of business on **August 15, 2014** after which no arguments for or against the City measures may be submitted to the City Clerk.
- B. Pursuant to Section 9285 of the Elections Code, when the elections official has selected the arguments for and against the measure which will be printed and distributed to the voters, the elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.
- C. The author or a majority of the authors of an argument relating to a City measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. A rebuttal argument may not be signed by more than five.
- D. The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers no later than the close of business on **August 25, 2014**; after such time no rebuttal arguments shall be accepted. The rebuttal arguments shall be accompanied by the Form of Statement to Be Filed by Author(s) of Argument. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

E. The City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, unless the organization or salaries of the office of the City Attorney are affected. The City Attorney shall prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure. If the measure affects the organization or salaries of the office of the City Attorney, the City Clerk shall prepare the impartial analysis. The impartial analysis shall be filed by **August 15, 2014** with the City Clerk for the filing of primary arguments.

**SECTION 8.** The City Clerk of the City of Huntington Park is authorized and directed to forward without delay to the Board of Supervisors and to the County Clerk, a certified copy of this Resolution.

PASSED AND ADOPTED by unanimous vote of the City Council of the City of Huntington Park at its regular meeting on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Rosa E. Perez,  
Mayor of the City of Huntington Park

ATTEST:

\_\_\_\_\_  
Yesenia Gomez  
Acting Junior Deputy City Clerk

**EXHIBIT "A"**

**ORDINANCE NO. \_\_\_\_\_**

AN URGENCY ORDINANCE OF THE CITY OF HUNTINGTON PARK ENACTING, SUBJECT TO ADOPTION BY THE ELECTORATE, A TEMPORARY HALF CENT TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION PURSUANT TO REVENUE AND TAXATION CODE § 7251 ET SEQ.

WHEREAS, in accordance with California Constitution Article XIII C, Section 2(b), the City Council of the City of Huntington Park (the "City") by unanimous vote of its membership called a special municipal election held November 4, 2014 so that Huntington Park voters could consider whether to approve the enactment of a one half of one percent (1/2%) transactions and use (sales) tax implemented as a general tax to be added on to the base sales tax impose throughout the County of Los Angeles; and

WHEREAS, the transactions and use tax measure was presented to the voters as Measure "██████" at the November 4, 2014 special municipal election at which Measure "██████" received a majority of the votes cast; and

WHEREAS, recent economic challenges forced the City to make significant cuts to services that have presented considerable challenges to the City's ability to maintain adequate core service levels (including public safety and emergency response services) needed to safeguard the health, safety and welfare of the public; and

WHEREAS, on December 29, 2011, the California Supreme Court issued a decision ordering the dissolution of community redevelopment agencies throughout the State of California;

WHEREAS, the United States Congress has also implemented automatic reductions in Federal Funding of the Community Develop Block Grant ("CDBG") Budget as well as the Home Program Budget for Fiscal Years 2012-2013 and beyond;

WHEREAS, the elimination of redevelopment and federal funding sources have served to undermine the City's original recovery projections and in the absence of secure long-term funding sources risk plunging the City back into a condition of deficit and insufficient reserves; and

WHEREAS, the loss of these vital funding sources has created short and long term strains on the City's still fragile General Fund revenues and depleted General Fund reserves; and

WHEREAS, the long term loss of redevelopment and CDBG and Home Program funds places the City at serious risk of depleting its limited meager reserves thereby increasing the need to make additional cuts to personnel and services which remain deeply understaffed in light of prior rounds of budget cutting in prior fiscal years; and

WHEREAS, in response to these ongoing fiscal stresses, City Departments worked diligently under the supervision of the City Manager's Office to reduce departmental expenditures and implement strategies for greater cost efficiency; and

WHEREAS, budget-cutting alone was not sufficient to address long term issues of fiscal solvency- not without significantly eroding the City's ability to maintain vital infrastructure and provide essential municipal services and programs; and

WHEREAS, the City, despite significant improvements in its fiscal accountability, was at imminent risk of operating paycheck to paycheck in the very near future supplemental funding source cannot be found to close the funding gaps created by the loss of redevelopment, CDBG and Home Program funding and sharp reductions to City revenues; and

WHEREAS, the City's fiscal crisis as herein described is of sufficient gravity and severity that the City must at the earliest feasible juncture propose revenue enhancement measures to the electorate in order to maintain, to the extent possible, the minimal level of governmental services necessary to protect and preserve the health and general welfare of the City's residents, workers and visitors; and

WHEREAS, a temporary transactions and use tax measure would allow the City to preserve basic community services and infrastructure obligations during the current economic downturn and allow the City to build-up critical operating reserves; and

WHEREAS, Revenue and Taxation Section 7251, et seq. provides for the establishment of transactions and use taxes by local agencies; and

WHEREAS, Revenue and Taxation Section 7285.9 authorizes the city council of any city to levy a transactions and use tax for general revenue purposes as required by Section 7251 et seq. following approval by both unanimous city council and majority voter approvals; and

WHEREAS, this ordinance (the "Ordinance") proposes to enact a temporary one half of one percent (1/2%) transactions use tax to be implemented as a general tax for a duration of five (5) years commencing from the date in which the tax becomes effective; and

WHEREAS, pursuant to Section 2(b) of California Constitution Article XIIC, the City Council unanimously found and declared the existence of a fiscal emergency as set forth under Resolution No. [REDACTED] approved July [REDACTED] 2014; and

WHEREAS, Government Code Sections 36934 and 36937 separately authorize the City Council to adopt an urgency ordinance for the immediate preservation of the public peace, health, or safety; and

WHEREAS, pursuant to Government Code Section 36937, an urgency ordinance is only effective upon at least four-fifths (4/5) city council vote; and

WHEREAS, the City Council after making its unanimous finding of emergency also unanimously adopted of this ordinance as an Urgency Ordinance in conformity with Government Code Section 36937, provided however that final approval of this Urgency Ordinance is conditioned upon the approval of this ordinance and the transactions and use tax proposed herein by no less than 50% plus 1 of Huntington Park voters at the City's Special Municipal Election of November 4, 2014, which election is to be consolidated with the County of Los Angeles-administered General Election of the same date; and

WHEREAS, this temporary transactions and use tax measure will help mitigate potential cuts to various City services brought on by sharp reductions to City revenues, increased costs of services and the national economic downturn.

THE PEOPLE OF THE CITY OF HUNTINGTON PARK, CALIFORNIA DO ORDAIN AS FOLLOWS:

**Section 1.** The recitals stated above are true and correct and incorporated herein.

**Section 2.** If approved by a majority of the voters of the City of Huntington Park, the following provisions shall be codified under Title 3 (Finance), Chapter 12 (Temporary Transactions and Use Tax) of the Huntington Park Municipal Code.

3-12.01 TITLE. This Chapter shall be known as the "City of Huntington Park Temporary Transactions and Use Tax" and shall be codified under the following Municipal Code Chapter heading: "Temporary Transactions and Use Tax."

3.-12.02 OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after November 4, 2014, pursuant to Taxation and Revenue Code § 7265. The provisions of this Chapter shall not take effect until the Operative Date.

3-12.03 PURPOSE. The Ordinance implementing this Chapter was adopted by a majority of Huntington Park voters who cast votes at a June 4, 2013 special municipal election to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with § 7251) of Division 2 of the Revenue and Taxation Code and § 7285.9 of Part 1.7 of Division 2 which authorizes the City of Huntington Park (hereinafter, "City") to adopt the ordinance implementing this tax which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

3-12.04 CONTRACT WITH STATE. Prior to the Operative Date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax implemented under this Chapter; provided, that if the City shall not have contracted with the State Board of Equalization prior to the Operative Date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

3-12.05 TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of 0.50% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the Operative Date of this Chapter.

3-12.06 For the purposes of this Chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

3-12.07 USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this Chapter for storage, use or other consumption in said territory at the rate of 0.50% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

3-12.08 ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this Chapter and except insofar as they are inconsistent with the

provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with § 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this Chapter as though fully set forth herein.

**3-12.09 LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES.** In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Chapter.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In §§ 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in § 6203 and in the definition of that phrase in § 6203.

**3-12.10 PERMIT NOT REQUIRED.** If a seller's permit has been issued to a retailer under § 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this Chapter.

**XX. EXEMPTIONS AND EXCLUSIONS.**

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with § 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with § 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with § 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this Chapter.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this Chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this Chapter, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in §§ 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the Operative Date of this Chapter.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the Operative Date of this Chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with § 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with § 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with § 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this Chapter may credit against that tax any transactions tax or reimbursement for transactions tax paid to a

district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

3-12.11 AMENDMENTS. All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Chapter.

3-12.12 ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this Chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

3-12.13 ANNUAL PUBLIC REPORTS. 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 and providing an overview of the same at an open and public meeting of the City Council. This report shall be a public document.

3-12.14 SEVERABILITY. If any provision of this Chapter or the application thereof to any person or circumstance is held invalid, the remainder of the Chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

3-12.15 EFFECTIVE DATE. This Chapter relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately. However, as required by Article XIIC of the California Constitution and Revenue and Taxation Code and Section 7285.9, no amendment to this Chapter may increase the rates of the taxes above what is authorized by this Chapter unless such amendment is submitted to and approved by the voters.

3-12.16 AUTOMATIC EXPIRATION DATE. The authority to levy the tax imposed by this Chapter shall expire on the fifth anniversary of the Operative Date, unless prior to such expiration the matter is again submitted to, and approved by, the voters.

3.12.17 DECLARATION. The proceeds of the taxes imposed under this Chapter may be used for any lawful purpose of the City, as authorized by ordinance, resolution or action of the City Council or by ordinance adopted by the electorate of the City. These taxes do not meet the criteria established by Section 1(d) of Article XIIC of the California Constitution for special taxes, and are

intended to be general taxes whose proceeds may be used for any general government purposes.

**Section 3.** If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

**Section 4. Government Code Section 36937 Findings.** The City Council makes the following findings in accordance with Government Code Section 36937:

A. The budget of the City of Huntington Park, like the budgets of municipalities throughout the State of California, continues to be strained and stressed by a variety of adverse economic and legislative developments, including, but not limited to: 1) the elimination of the City's Community redevelopment agency; 3) federal reductions in CDBG and Home Funds; 3) the continued depressed status of the housing market; 4) the inability of City sales tax revenues to reach pre-Great Recession levels.

B. These recent economic challenges have forced the City to make significant cuts to staff and services that have presented considerable challenges to the City's ability to deliver adequate core service levels (including public safety and emergency response services) needed to safeguard the health, safety and welfare of the public; and

C. The public health, safety and welfare would be further threatened by the loss of revenue provided to the City's general fund by its existing transactions and use tax, which has helped to preserve basic community services (including public safety and emergency response services) and infrastructure obligations during the ongoing economic downturn; and

**Section 5. Effective Date.** This Urgency Ordinance relates to the establishment of a Citywide transactions and use tax that will have a term of 5 years in duration. This Urgency Ordinance will take effect immediately upon adoption in compliance with Government Code Section 36937, however, its provisions shall only become operative if approved by a majority of Huntington Park voters at the Special Municipal Election to be held November 4, 2014. If the measure fails, this Urgency Ordinance shall be rendered inoperative and void and shall be of no further force or effect.

**Section 6. CEQA.** This ordinance and the contemplated levy of the transactions and use tax referenced herein is not a "project" within the meaning of the California Environmental Quality Action codified as Section 21000 et seq. of the Public Resources Code ("CEQA") because it will not result in a direct or reasonably foreseeable indirect physical change in the environment nor does it involve any commitment to any specific project which may result in a potentially significant physical impact on the environment.

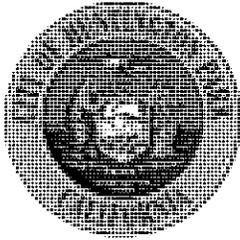
**Section 7.** The City Clerk shall certify the adoption of this Urgency Ordinance and shall cause the same to be published pursuant to Government Code Section 36933.

PASSED AND ADOPTED by the City Council of the City of Huntington Park at its regular meeting on this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Rosa E. Perez  
Mayor of the City of Huntington Park

ATTEST:

\_\_\_\_\_  
Yesenia Gomez  
Acting Junior Deputy City Clerk



# CITY OF HUNTINGTON PARK

Public Works Department  
City Council Agenda Report

August 4, 2014

Honorable Mayor and Members of the City Council  
City of Huntington Park  
6550 Miles Avenue  
Huntington Park, CA 90255

Dear Mayor and Members of the City Council:

## **DROUGHT EMERGENCY WATER USE RESTRICTIONS**

### **IT IS RECOMMENDED THAT THE CITY COUNCIL:**

1. Find that the determination of a water supply shortage and implementation of Phase III water conservation measures are categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15307 (Actions by Regulatory Agencies for a Protection of Natural Resources), and
2. Adopt a Resolution of the City Council of the City of Huntington Park Ordering Implementation of a Phase III shortage pursuant to Title 6, Chapter 5, Article 4 of the City of Huntington Park Municipal Code.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

On July 15 2014 the State Water Resources Control Board made a determination that an emergency exists due to severe drought conditions affecting the State of California and adopted regulations it found necessary to address the drought emergency (Attachment B). On July 27, 2014 the State Office of Administrative Law approved emergency water conservation regulations pursuant to Section 1058.5 of the California State Water Code codifying the findings of the State Water Resources Control Board (Attachment C). These regulations require water agencies within the State to impose conservation measures and water waste prohibitions including the implementation of water shortage contingency plans that include mandatory restrictions on the number of watering days

The purpose of this recommendation is to have the City Council take appropriate action to implement water conservation measures consistent with the requirements imposed by the State of California.

# DROUGHT EMERGENCY WATER USE RESTRICTIONS

August 4, 2014

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## **BACKGROUND**

The emergency water conservation regulations adopted by the State Water Resources Control Board include the following:

**General Requirements.** The regulations prohibit the following actions by anyone:

- (a) Applying (e.g., hosing or spraying) water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures.
- (b) Using a hose to wash an automobile, except where the hose has a shut-off nozzle or device attached to it that causes it to cease dispensing water when not in use;
- (c) Applying water to any hard surface, including but not limited to driveways, sidewalks, and asphalt; and
- (d) Using potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

Violation of the above prohibitions is punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

## **Requirements Imposed on Urban Water Suppliers**

- (a) Limit on Outdoor Irrigation. Every urban water supplier must implement the stage of its water shortage contingency plan that imposes mandatory restrictions on outdoor irrigation. If the supplier does not have a water shortage contingency plan, the supplier must, within thirty (30) days from the effective date of the regulations limit outdoor irrigation by its customer to no more than two days per week or it must implement another mandatory conservation measure or measures to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.
- (b) Water Production Reports. Every urban water supplier must prepare and submit to the State Board by the 15<sup>th</sup> of each month a monitoring report that includes the amount of potable water the supplier produced including treated water provided by a wholesaler, in the preceding calendar month beginning October 15, 2014. The monitoring report shall also estimate the gallons of water per person per day used by the persons the supplier serves. In its initial monitoring report, the supplier must provide the number

## DROUGHT EMERGENCY WATER USE RESTRICTIONS

August 4, 2014

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of persons it serves. The State Board will provide the monitoring report forms.

Failure to comply with the requirements imposed on Urban Water Suppliers may result in penalties imposed by the State Water Resources Control Board of up to \$10,000.00 per day.

**Recommended Actions.** The regulatory materials include recommendations to increase public awareness and local water supplies for all water suppliers to take. These recommendations are as follows:

### Educate customers and employees

- Retail water suppliers should provide notice of the regulations in English and Spanish in one or more of the following ways: newspaper advertisements, bill inserts, website homepage, social media or notices in public libraries;
- Wholesale suppliers should include reference to the regulations in their customer communications;
- All water suppliers should train personnel on the regulations;
- All water suppliers should provide signage where recycled or reclaimed water is being used for activities that the emergency regulations prohibit with the use of potable water, such as operation of fountains and other water features;
- All water suppliers should increase their efforts to disseminate information regarding opportunities and incentives to upgrade indoor fixtures and appliances;
- All water suppliers should use education and the tools available through the Save Our Water website (<http://saveourwater.com>); and
- All water suppliers should educate and prepare their boards on the drought response actions contained in the emergency regulations, and make sure that drought response items are placed on agendas as early as possible.

### Increasing local supplies

- All water suppliers should accelerate the completion of projects that will conserve potable water by making use of non-potable supplies, such as recycled water, "greywater," and stormwater collection projects;

## DROUGHT EMERGENCY WATER USE RESTRICTIONS

August 4, 2014

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- All water suppliers should improve their leak reporting and response programs and request that police and fire departments and other local government personnel report leaks and water waste that they encounter during their routine duties/patrols;
- Smaller water suppliers – those with fewer than 3,000 service connections – should take proactive steps to secure their communities' water supplies and educate their customers about water conservation and the status of their supply reserves;
- All water suppliers should conduct water loss audits and make leak detection and repair a top priority for the duration of the drought; and
- All urban water suppliers should evaluate their rate structures and begin to implement needed changes as part of planning for another dry year. Information and assistance on setting and implementing drought rates is available from the Alliance for Water Efficiency (<http://www.allianceforwaterefficiency.org/>).

### **WATER CONSERVATION MEASURES**

To implement a water shortage plan and impose water conservation measures the City must make a determination that a water shortage exists. The on-going statewide drought, dwindling storage, the declarations made by the Governor, and the emergency finding by the State Water Resources Control Board provide more than sufficient basis for the City Council to make such a determination.

### **MANDATORY WATER CONSERVATION MEASURES**

Huntington Park's Municipal Code provides for a range of City actions that the City Council can implement to alleviate the impacts of a drought. A total of seven stages or shortages are identified in the Municipal Code that are suitable for implementation to address droughts of varying severity. Consistent with the newly adopted State regulations it is recommended that the City Council set a 10% water conservation target as provided under a Phase III shortage.

The City's Phase III shortage provides for the following restrictions on the use of water:

- (1) There shall be no hose washing of sidewalks, walkways, driveways, parking areas or other paved surfaces except as is required for sanitary purposes;
- (2) Washing of motor vehicles, trailers, boats and other types of mobile equipment shall be done only with a hand-held bucket or a hose equipped with a positive

## DROUGHT EMERGENCY WATER USE RESTRICTIONS

August 4, 2014

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shutoff nozzle for quick rinses except that washing may be done at the immediate premises of a commercial car wash with reclaimed water;

- (3) No water shall be used to clean, fill or maintain levels in decorative fountains, ponds, lakes or other similar aesthetic structures unless such water is part of a recycling system;
- (4) No restaurant, hotel, café, cafeteria or other public place where food is sold, served or offered for sale, shall serve drinking water to any customer unless expressly requested;
- (5) All customers of the City shall promptly repair all leaks from indoor and outdoor plumbing fixtures;
- (6) No customer of the City shall cause or allow the water to run off landscape areas into adjoining streets, sidewalks or other paved areas due to incorrectly directed or maintained sprinklers or excessive watering;
- (7) No lawn, landscape or other turf area shall be watered on days other than Monday and Thursday during the hours between midnight and 6:00 AM or 6:00 PM and midnight; except that this provision shall not apply to commercial nurseries or other water-dependent industries;
- (8) Commercial nurseries and other water-dependent industries shall be prohibited from watering lawn, landscaping and other turf areas more often than every other day and between the hours of 10:00 AM and 4:00 PM; except that there shall be no restriction on watering utilizing reclaimed water.

### **WATER CONSERVATION OUTREACH**

To ensure that all customers are informed of the drought and of the restrictions on water usage the City will develop an outreach program to notify both residents and businesses. The plan will include direct mail of notices to all households and utilize the City's newsletter and website to make the public aware of the need to conserve water. In addition the City will reach out to local media and work with them to inform the public about the impacts of the drought. All written materials will be prepared in English and Spanish.

### **ENFORCEMENT**

Although the primary goal of the water conservation program is to promote consumer awareness leading to a reduction in water usage the Water Conservation Ordinance has enforcement provisions that include notification and financial penalties. City staff will work with residents and businesses to ensure they are adhering to the required water use restrictions. However, flagrant violators will be subject to formal enforcement actions.

# DROUGHT EMERGENCY WATER USE RESTRICTIONS

August 4, 2014

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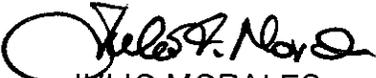
Pursuant to Title 6, Chapter 5, Article 410 penalties for customers that violate the water use restrictions are as follows:

1. First Violation: A written notice of violation will be issued to the customer.
2. Second Violation: One hundred dollars (\$100.00) fine.
3. Third Violation: Two hundred dollars (\$200.00) fine
4. Fourth and Subsequent Violations: Five hundred dollars (\$500.00) fine per violation.

## **FISCAL IMPACT**

The recommended actions will result in a net cost to the City's water fund which is indeterminate at this time. The cost of the public outreach campaign is estimated to be \$30,000.00, however, the loss of income due to water conservation cannot be predicted with any degree of certainty.

Respectfully submitted,

  
JULIO MORALES  
Interim City Manager

## **ATTACHMENTS**

A: Resolution of the City Council

B: State Water Resources Control Board Resolution No. 2014-0038

C: Office of Administrative Law, approval of Emergency Conservation Regulations

D: Title 6, Chapter 5, Article 4 of the City of Huntington Park Municipal Code

# ATTACHMENT A

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON PARK ORDERING IMPLEMENTATION OF A PHASE III SHORTAGE PURSUANT TO TITLE 6-5.405 OF THE CITY OF HUNTINGTON PARK MUNICIPAL CODE.**

**WHEREAS**, on January 17, 2014 Governor Edmond G. Brown Jr. issued an Executive Order declaring a State of Emergency to exist in California due to severe drought conditions, and

**WHEREAS**, on April 25, 2014 Governor Edmond G. Brown Jr. issued an Executive Order to strengthen the State's ability to manage water and habitat effectively in drought conditions and called on all Californians to redouble their efforts to conserve water, and

**WHEREAS**, extreme drought conditions have severely impacted water supplies in California, and

**WHEREAS**, on July 15, 2014, the State Water Resources Control Board found that an emergency exists due to severe drought conditions and adopted emergency regulations that require water agencies within the State impose conservation measures and water waste prohibitions, including the implementation of water shortage contingency plans that include mandatory restrictions on the number of water days, and the imposition of fines for violations, and

**WHEREAS**, on July 28, 2014 the State of California Office of Administrative Law approved adoption of Article 22.5 Drought Emergency Water Conservation pursuant to Section 1058.5 of the California State Water Code requiring water agencies within the state to impose conservation measures and water waste prohibitions including mandatory restrictions on the number of watering days and the imposition of fines for violations, and

**WHEREAS**, Title 6 Chapter 5 Article 4 of the City of Huntington Park's Municipal Code authorizes the City Council to implement a water shortage plan by resolution

**NOW, THEREFORE**, the City Council of the City of Huntington Park finds and proclaims as follows:

1. A water shortage exists
2. A water conservation target of ten percent (10%) is the target reduction in water consumption to mitigate the water supply shortage
3. A Phase III Shortage is declared pursuant to Title 6, Chapter 5, Article 4 of the City of Huntington Park Municipal Code and the following water conservation requirements shall be in effect:

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1. Limits of Watering Days: Watering of lawns, landscaping and other turf areas shall be limited to two days per week on Mondays and Thursdays between the hours of midnight and 6:00 AM and 6:00 PM and midnight. This subsection shall not apply to commercial nurseries and other water dependent industries and there shall be no restriction on watering utilizing reclaimed water.

2. Failure to Comply: Any customer found in violation shall be penalized as follows:

- First Violation: A written notice of violation will be issued to the customer.
- Second Violation: One hundred dollars (\$100.00) fine.
- Third Violation: Two hundred dollars (\$200.00) fine
- Fourth and Subsequent Violations: Five hundred dollars (\$500.00) fine per violation.

4. City personnel are hereby authorized to take all necessary and appropriate steps to implement the Phase III water supply shortage.

5. The Phase III water supply shortage shall remain in effect until further order of the City Council.

6. This resolution shall be published within seven (7) days of its adoption and shall take effect immediately upon publication.

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**PASSED, APPROVED AND ADOPTED this 04 day of August, 2014.**

\_\_\_\_\_  
Rosa E. Perez, Mayor

ATTEST:

\_\_\_\_\_  
Yesenia Gomez, Acting Jr. Deputy City Clerk

# ATTACHMENT B

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2014-0038**

**TO ADOPT AN EMERGENCY REGULATION  
FOR STATEWIDE URBAN WATER CONSERVATION**

WHEREAS:

1. On April 25, 2014, Governor Edmund G. Brown Jr. issued an executive order to strengthen the state's ability to manage water and habitat effectively in drought conditions and called on all Californians to redouble their efforts to conserve water. The executive order finds that the continuous severe drought conditions present urgent challenges across the state including water shortages in communities and for agricultural production, increased wildfires, degraded habitat for fish and wildlife, threat of saltwater contamination, and additional water scarcity if drought conditions continue into 2015. The National Integrated Drought Information System reported that nearly 80% of the state was reported to be under "extreme" drought conditions at the end of June;
2. The executive order refers to the Governor's Proclamation No. 1-17-2014, issued on January 17, 2014, declaring a State of Emergency to exist in California due to severe drought conditions. The January Proclamation notes that the state is experiencing record dry conditions, with 2014 projected to become the driest year on record. Since January, state water officials indicate that reservoirs, rainfall totals and the snowpack remain critically low. This follows two other dry or below average years, leaving reservoir storage at alarmingly low levels. The January Proclamation highlights the State's dry conditions, lack of precipitation and the resulting effects on drinking water supplies, the cultivation of crops, and the survival of animals and plants that rely on California's rivers and streams. The January Proclamation also calls on all Californians to reduce their water usage by 20 percent;
3. There is no guarantee that winter precipitation will alleviate the drought conditions that the executive orders address, which will lead to even more severe impacts across the state if the drought wears on;
4. Water Code section 1058.5 grants the State Water Board the authority to adopt emergency regulations in certain drought years in order to: "prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter's priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports";
5. Over 400,000 acres of farmland are expected to be fallowed, thousands of people may be out of work, communities risk running out of drinking water, and fish and wildlife will suffer.

6. Many Californians have taken bold steps over the years and in this year to reduce water use; nevertheless, the dire nature of the current drought requires additional conservation actions from residents and businesses. Some severely affected communities have implemented water rationing, limiting water use in some cases to only 50 gallons per person per day, foregoing showers, laundry, toilet flushing, and all outdoor watering.
7. Water conservation is the easiest, most efficient and most cost effective way to quickly reduce water demand and extend supplies into the next year, providing flexibility for all California communities. Water saved this summer is water available next year, giving water suppliers the flexibility to manage their systems efficiently. The more water that is conserved now, the less likely it is that a community will experience such dire circumstances that water rationing is required ;
8. Most Californians use more water outdoors than indoors. In many areas, 50 percent or more of daily water use is for lawns and outdoor landscaping. Outdoor water use is generally discretionary, and many irrigated landscapes would not suffer greatly from receiving a decreased amount of water;
9. Public information and awareness is critical to achieving conservation goals and the Save Our Water campaign, run jointly by the Department of Water Resources (DWR) and the Association of California Water Agencies, is an excellent resource for conservation information and messaging that is integral to effective drought response (<http://saveourwater.com>).
10. Enforcement against water waste is a key tool in conservation programs. When conservation becomes a social norm in a community, the need for enforcement is reduced or eliminated;
11. The emergency regulations set a minimum standard requiring only modest lifestyle changes across the state. Many communities are already doing more and have been for years. They should be commended, but can and should do more. Others are not yet doing so and should at least do this, but should do much more given the severity of the drought;
12. On July 8, 2014, the State Water Board issued public notice that the State Water Board would consider the adoption of the regulation at the Board's regularly-scheduled July 15, 2014 public meeting, in accordance with applicable State laws and regulations. The State Water Board also distributed for public review and comment a Finding of Emergency that complies with State laws and regulations;
13. On April 25, 2014, the Governor suspended the California Environmental Quality Act's application to the State Water Board's adoption of emergency regulations pursuant to Water Code section 1058.5 to prevent the waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of water, to promote water recycling or water conservation;
14. As discussed above, the State Water Board is adopting the emergency regulation because of emergency drought conditions, the need for prompt action, and current limitations in the existing enforcement process;

15. Disadvantaged communities may require assistance in increasing water conservation and state agencies should look for opportunities to provide assistance in promoting water conservation;
16. Nothing in the regulations or in the enforcement provisions of the regulations, preclude a local agency from exercising its authority to adopt more stringent conservation measures. Moreover, the Water Code does not impose a mandatory penalty for violations of the regulations adopted by this resolution and local agencies retain their enforcement discretion in enforcing the regulations, to the extent authorized, and may develop their own progressive enforcement practices to encourage conservation.

THEREFORE BE IT RESOLVED THAT:

1. The State Water Board adopts California Code of Regulations, title 23, sections 863, 864, and 865, as appended to this resolution as an emergency regulation;
2. The State Water Board staff will submit the regulation to the Office of Administrative Law (OAL) for final approval;
3. If, during the approval process, State Water Board staff, the State Water Board, or OAL determines that minor corrections to the language of the regulation or supporting documentation are needed for clarity or consistency, the State Water Board Executive Director or designee may make such changes;
4. These regulations shall remain in effect for 270 days after filing with the Secretary of State unless the State Water Board determines that it is no longer necessary due to changed conditions, or unless the State Water Board renews the regulations due to continued drought conditions as described in Water Code section 1058.5;
5. The State Water Board directs staff to provide the Board with monthly updates on the implementation of the emergency regulations and their effect;
6. Directs State Water Board staff to condition funding upon compliance with the emergency regulations, to the extent feasible;
7. Directs State Water Board staff to work with the Department of Water Resources and the Save Our Water campaign to disseminate information regarding the emergency regulations; and
8. Directs State Water Board staff in developing an electronic reporting portal to include data fields so that local agencies may provide monthly reporting data on (i) conservation-related implementation measures or enforcement actions taken by the local agency and (ii) substitution during the drought of potable water with recycled water to extend water supplies.

THEREFORE BE IT FURTHER RESOLVED THAT:

9. The State Water Board commends water suppliers that have increased conservation messaging and adopted innovative strategies to enhance customer awareness of water use, such as applications that let customers compare their water use to water use by others; reduce system losses, such as fixing system leaks which can deplete supplies by 10 percent or more; and establish incentives to reduce demand, such as tiered or drought rate structures. The State Water Board also commends all Californians that have already been working to maximize their conservation efforts, both at home and at work;
10. The State Water Board calls upon water suppliers to take the following actions:

*Educate customers and employees*

- Retail water suppliers should provide notice of the regulations in English and Spanish in one or more of the following ways: newspaper advertisements, bill inserts, website homepage, social media, notices in public libraries;
- Wholesale suppliers should include reference to the regulations in their customer communications;
- All water suppliers should train personnel on the regulations;
- All water suppliers should provide signage where recycled or reclaimed water is being used for activities that the emergency regulations prohibit with the use of potable water, such as operation of fountains and other water features;
- All water suppliers should redouble their efforts to disseminate information regarding opportunities and incentives to upgrade indoor fixtures and appliances;
- All water suppliers should use education and the tools available through the Save Our Water website (<http://saveourwater.com>); and
- All water suppliers should educate and prepare their boards and councils on the drought response actions contained in the emergency regulations and in this resolution, and to make sure that drought response items are placed on agendas as early as possible;

*Increasing local supplies*

- All water suppliers should accelerate the completion of projects that will conserve potable water by making use of non-potable supplies, such as recycled water, "greywater," and stormwater collection projects;
- All water suppliers should improve their leak reporting and response programs and request that police and fire departments and other local government personnel report leaks and water waste that they encounter during their routine duties/patrols;
- Smaller water suppliers – those with fewer than 3,000 service connections – should take proactive steps to secure their communities' water supplies and educate their customers about water conservation and the status of their supply reserves;
- All water suppliers should conduct water loss audits and make leak detection and repair a top priority for the duration of the drought; and
- All urban water suppliers should evaluate their rate structures and begin to implement needed changes as part of planning for another dry year. Information and assistance on setting and implementing drought rates is available from the Alliance for Water Efficiency. (<http://www.allianceforwaterefficiency.org/>).

11. The State Water Board calls on all Californians to take the following additional actions:
  - Further reduce water demand, whether by using less water in daily routines indoors and out, retrofitting appliances and installing greywater and rainwater catchment systems; and
  - Check residential and business water bills to see if there are high charges that may indicate a leak and to fix the leak, if they are able, or contact their local water utility if they need assistance.
12. The State Water Board encourages its staff, the Department of Water Resources, the Public Utilities Commission, urban water suppliers, and other local agencies to look for opportunities to encourage and promote new technologies that reduce water usage, including through timely access to water usage information and behavioral response.
13. The State Water Board encourages all state and local agencies to look for additional opportunities to minimize potable water use in outdoor spaces.
14. The State Water Board encourages investor-owned utilities to expeditiously submit applications for implementation of the regulations to the California Public Utilities Commission.

#### CERTIFICATION

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on July 15, 2014.

AYE:           Chair Felicia Marcus  
                  Vice Chair Frances Spivy-Weber  
                  Board Member Steven Moore  
                  Board Member Dorene D'Adamo

NAY:           None

ABSENT:       Board Member Tam M. Doduc

ABSTAIN:      None

  
\_\_\_\_\_  
Jeanine Townsend  
Clerk to the Board

# PROPOSED TEXT OF EMERGENCY REGULATIONS

## Article 22.5. Drought Emergency Water Conservation

### Sec. 863 Findings of Drought Emergency

(a) The State Water Resources Control Board finds as follows:

(1) On January 17, 2014, the Governor issued a proclamation of a state of emergency under the California Emergency Services Act based on drought conditions;

(2) On April 25, 2014, the Governor issued a proclamation of a continued state of emergency under the California Emergency Services Act based on continued drought conditions;

(3) The drought conditions that formed the basis of the Governor's emergency proclamations continue to exist;

(4) The present year is critically dry and has been immediately preceded by two or more consecutive below normal, dry, or critically dry years; and

(5) The drought conditions will likely continue for the foreseeable future and additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary to further promote conservation.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105.

### Sec. 864 Prohibited Activities in Promotion of Water Conservation

(a) To promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

(1) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

(2) The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;

(3) The application of potable water to driveways and sidewalks; and

(4) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

(b) The taking of any action prohibited in subdivision (a) of this section, in addition to any other applicable civil or criminal penalties, is an infraction, punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105.

# PROPOSED TEXT OF EMERGENCY REGULATIONS

## Sec. 865 Mandatory Actions by Water Suppliers

(a) The term "urban water supplier," when used in this section, refers to a supplier that meets the definition set forth in Water Code section 10617, except it does not refer to suppliers when they are functioning solely in a wholesale capacity, but does apply to suppliers when they are functioning in a retail capacity.

(b)(1) To promote water conservation, each urban water supplier shall implement all requirements and actions of the stage of its water shortage contingency plan that imposes mandatory restrictions on outdoor irrigation of ornamental landscapes or turf with potable water.

(2) As an alternative to subdivision (b)(1), an urban water supplier may submit a request to the Executive Director for approval of an alternate plan that includes allocation-based rate structures that satisfies the requirements of chapter 3.4 (commencing with section 370) of division 1 of the Water Code, and the Executive Director may approve such an alternate plan upon determining that the rate structure, in conjunction with other measures, achieves a level of conservation that would be superior to that achieved by implementing limitations on outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week.

(c) To promote water conservation, each urban water supplier that does not have a water shortage contingency plan or has been notified by the Department of Water Resources that its water shortage contingency plan does not meet the requirements of Water Code section 10632 shall, within thirty (30) days, limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week or shall implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

(d) In furtherance of the promotion of water conservation each urban water supplier shall prepare and submit to the State Water Resources Control Board by the 15<sup>th</sup> of each month a monitoring report on forms provided by the Board. The monitoring report shall include the amount of potable water the urban water supplier produced, including water provided by a wholesaler, in the preceding calendar month and shall compare that amount to the amount produced in the same calendar month in 2013. Beginning October 15, 2014, the monitoring report shall also estimate the gallons of water per person per day used by the residential customers it serves. In its initial monitoring report, each urban water supplier shall state the number of persons it serves.

(e) To promote water conservation, each distributor of a public water supply, as defined in Water Code section 350, that is not an urban water supplier shall, within thirty (30) days, take one or more of the following actions:

(1) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or

(2) Implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

Authority: Wat. Code, § 1058.5.

References: Wat. Code, §§ 102, 104, 105; 350; 10617; 10632.

# ATTACHMENT C

**State of California  
Office of Administrative Law**

**In re:**  
**State Water Resources Control Board**

**Regulatory Action:**

**Title 23, California Code of Regulations**

**Adopt sections: 863, 864, 865**

**Amend sections:**

**Repeal sections:**

**NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION**

**Government Code Sections 11346.1 and  
11349.6**

**OAL File No. 2014-0718-01 E**

---

The State Water Resources Control Board (Board) submitted this emergency action to adopt three sections and a new article in title 23 of the California Code of Regulations pertaining to drought emergency water conservation. The proposed action addresses severe impacts on California's water supplies and its ability to meet all water demands in the state due to the current drought, which was declared to be a state of emergency by Governor Brown in two executive orders issued in 2014. The second executive order, issued April 25, 2014, directed the Board to adopt emergency regulations, pursuant to Water Code section 1058.5, to ensure that urban water suppliers implement drought response plans to limit outdoor irrigation and other wasteful water practices.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 7/28/2014 and, pursuant to section 1058.5 of the Water Code, will expire on 4/25/2015. The Certificate of Compliance for this action is due no later than 4/24/2015.

Date: 7/28/2014



Richard L. Smith  
Senior Attorney

For: DEBRA M. CORNEZ  
Director

Original: Thomas Howard  
Copy: Carlos Mejia

NOTICE PUBLICATION / REGULATORY ACTION SUBMISSION

# EMERGENCY

instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

<b>OAL FILE NUMBERS</b>	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER	EMERGENCY NUMBER <b>2014-0718-01E</b>	<b>ENDORSED FILED</b> THE OFFICE OF
For use by Office of Administrative Law (OAL) only			<b>2014 JUL 28 PM 1:30</b>	
NOTICE		REGULATIONS		
AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board				AGENCY FILE NUMBER (if any)

2014 JUL 18 PM 12:09  
OFFICE OF ADMINISTRATIVE LAW

*Debra Bowen*  
DEBRA BOWEN  
SECRETARY OF STATE

### A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Drought Emergency Water Conservation	TITLE(S) 23	FIRST SECTION AFFECTED 863	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Carlos Mejia	TELEPHONE NUMBER (916) 341-5184	FAX NUMBER (Optional) (916) 341-5199
<b>OAL USE ONLY</b>	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

### B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Drought Emergency Water Conservation	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
--	--

2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (including title 26, if toxics related)
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)
ADOPT 863, 864, 865
AMEND
TITLE(S) 23 <i>via 7/18/14</i>
REPEAL

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input checked="" type="checkbox"/> Other (Specify) <i>Emergency (wat. Code, §1058.5)</i>	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only <i>per agency request RS</i>

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM 56660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) <i>request RS</i>

7. CONTACT PERSON Carlos Mejia	TELEPHONE NUMBER (916) 341-5184	FAX NUMBER (Optional) (916) 341-5199	E-MAIL ADDRESS (Optional) carlos.mejia@waterboards.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Caren Trgovcich</i>	DATE 7-17-2014
TYPED NAME AND TITLE OF SIGNATORY Caren Trgovcich, Chief Deputy Director, State Water Resources Control Board	

For use by Office of Administrative Law (OAL) only  
**ENDORSED APPROVED**  
JUL 28 2014  
Office of Administrative Law

# PROPOSED TEXT OF EMERGENCY REGULATIONS

## Article 22.5. Drought Emergency Water Conservation.

### Section 863. Findings of Drought Emergency.

(a) The State Water Resources Control Board finds as follows:

(1) On January 17, 2014, the Governor issued a proclamation of a state of emergency under the California Emergency Services Act based on drought conditions;

(2) On April 25, 2014, the Governor issued a proclamation of a continued state of emergency under the California Emergency Services Act based on continued drought conditions;

(3) The drought conditions that formed the basis of the Governor's emergency proclamations continue to exist;

(4) The present year is critically dry and has been immediately preceded by two or more consecutive below normal, dry, or critically dry years; and

(5) The drought conditions will likely continue for the foreseeable future and additional action by both the State Water Resources Control Board and local water suppliers will likely be necessary to further promote conservation.

Note:

Authority: Section 1058.5, Water Code.

Reference: Sections 102, 104 and 105, Water Code.

### Section 864. Prohibited Activities in Promotion of Water Conservation.

(a) To promote water conservation, each of the following actions is prohibited, except where necessary to address an immediate health and safety need or to comply with a term or condition in a permit issued by a state or federal agency:

(1) The application of potable water to outdoor landscapes in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots, or structures;

(2) The use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use;

(3) The application of potable water to driveways and sidewalks; and

(4) The use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.

(b) The taking of any action prohibited in subdivision (a) of this section, in addition to any other applicable civil or criminal penalties, is an infraction, punishable by a fine of up to five hundred dollars (\$500) for each day in which the violation occurs.

Note:

Authority: Section 1058.5, Water Code.

Reference: Sections 102, 104 and 105, Water Code.

### Section 865. Mandatory Actions by Water Suppliers.

(a) The term "urban water supplier," when used in this section, refers to a supplier that meets the definition set forth in Water Code section 10617, except it does not refer to

## PROPOSED TEXT OF EMERGENCY REGULATIONS

suppliers when they are functioning solely in a wholesale capacity, but does apply to suppliers when they are functioning in a retail capacity.

(b)(1) To promote water conservation, each urban water supplier shall implement all requirements and actions of the stage of its water shortage contingency plan that imposes mandatory restrictions on outdoor irrigation of ornamental landscapes or turf with potable water.

(2) As an alternative to subdivision (b)(1), an urban water supplier may submit a request to the Executive Director for approval of an alternate plan that includes allocation-based rate structures that satisfies the requirements of chapter 3.4 (commencing with section 370) of division 1 of the Water Code, and the Executive Director may approve such an alternate plan upon determining that the rate structure, in conjunction with other measures, achieves a level of conservation that would be superior to that achieved by implementing limitations on outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week.

(c) To promote water conservation, each urban water supplier that does not have a water shortage contingency plan or has been notified by the Department of Water Resources that its water shortage contingency plan does not meet the requirements of Water Code section 10632 shall, within thirty (30) days, limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week or shall implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

(d) In furtherance of the promotion of water conservation each urban water supplier shall prepare and submit to the State Water Resources Control Board by the 15<sup>th</sup> of each month a monitoring report on forms provided by the Board. The monitoring report shall include the amount of potable water the urban water supplier produced, including water provided by a wholesaler, in the preceding calendar month and shall compare that amount to the amount produced in the same calendar month in 2013. Beginning October 15, 2014, the monitoring report shall also estimate the gallons of water per person per day used by the residential customers it serves. In its initial monitoring report, each urban water supplier shall state the number of persons it serves.

(e) To promote water conservation, each distributor of a public water supply, as defined in Water Code section 350, that is not an urban water supplier shall, within thirty (30) days, take one or more of the following actions:

(1) Limit outdoor irrigation of ornamental landscapes or turf with potable water by the persons it serves to no more than two days per week; or

(2) Implement another mandatory conservation measure or measures intended to achieve a comparable reduction in water consumption by the persons it serves relative to the amount consumed in 2013.

### Note:

Authority: Section 1058.5, Water Code.

Reference: Sections 102, 104, 105, 350, 10617 and 10632, Water Code.

# ATTACHMENT D

<b>Huntington Park Municipal Code</b>								
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TITLE 6 SANITATION AND HEALTH  
Chapter 5 WATER SYSTEM  
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**6-5.401 City actions.**

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The Water Division shall monitor and evaluate the projected supply and demand for water by its customers, and shall recommend to the City Council the extent of the conservation required by the customers of the Water Division in order for the Water Division to prudently plan for and supply water to its customers. Thereafter, the City Council, by resolution, may order that the appropriate phase of water conservation be implemented, modified or rescinded in accordance with the applicable provisions of this article. Said resolution shall become effective immediately upon the adoption by the City Council and shall be published one time only in a daily newspaper of general circulation. The customer percentage curtailment provisions shall take effect with the first full billing period commencing on or after the effective date of the adoption by the City Council.

(§ 1, Ord. 484-NS, eff. April 17, 1991)

<b>Huntington Park Municipal Code</b>							
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[TITLE 6 SANITATION AND HEALTH](#)  
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**6-5.402 General prohibition.**

---

No customer of the City shall make, cause, use or permit the use of water from the City in a manner contrary to any provision of this article or in an amount in excess of that use permitted by any curtailment provisions then in effect pursuant to action taken by the governing board in accordance with the provisions of this article.

(§ 1, Ord. 484-NS, eff. April 17, 1991)

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TITLE 6 SANITATION AND HEALTH  
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**6-5.403 Phase I Shortage.**

---

(a) A Phase I shortage shall be declared when the City determines that future water supplies are uncertain. In this phase, the City requests a ten (10%) percent voluntary reduction in consumption by residents.

(§ 1, Ord. 484-NS, eff. April 17, 1991, as amended by § 1, Ord. 513-NS, eff. January 6, 1993)

<b>Huntington Park Municipal Code</b>							
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### **6-5.404 Phase II shortage.**

(a) A Phase II shortage shall be declared when the City determines that it is likely that it will suffer a five (5%) percent reduction in its water supply.

(b) The following restrictions of the use of water shall be in effect during a Phase II shortage:

(1) There shall be no hose washing of sidewalks, walkways, driveways, parking areas or other paved surfaces except as is required for sanitary purposes;

(2) Washing of motor vehicles, trailers, boats and other types of mobile equipment shall be done only with a hand-held bucket or a hose equipped with a positive shutoff nozzle for quick rinses, except that washing may be done at the immediate premises of a commercial car wash with reclaimed water;

(3) No water shall be used to clean, fill or maintain levels in decorative fountains, ponds, lakes or other similar aesthetic structures unless such water is part of a recycling system;

(4) No restaurant, hotel, cafe, cafeteria or other public place where food is sold, served or offered for sale, shall serve drinking water to any customer unless expressly requested;

(5) All customers of the City shall promptly repair all leaks from indoor and outdoor plumbing fixtures;

(6) No lawn, landscape or other turf area shall be watered on days other than Monday, Wednesday and Friday and during the hours between 10:00 a.m. and 4:00 p.m.; except that this provision shall not apply to commercial nurseries or other water-dependent industries;

(7) No customer of the city shall cause or allow the water to run off landscape areas into adjoining streets, sidewalks or other paved areas due to incorrectly directed or maintained sprinklers or excessive watering.

(c) No customer shall take, cause, use or permit the use of water from the City for any purpose in an amount in excess of ninety-five (95%) percent of the amount used on the customer's premises during the corresponding billing period during the prior billing year.

(§ 1, Ord. 484-NS, eff. April 17, 1991, as amended by § 2, Ord. 513-NS, eff. January 6, 1993)

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<u>Chapter 5 WATER SYSTEM</u>							
<u>Article 4 Mandatory Water Conservation</u>							

**6-5.405 Phase III shortage.**

(a) A Phase III shortage shall be declared whenever the City determines that it is likely that it will suffer a ten (10%) percent reduction in its water supply.

(b) The following restrictions on the use of water shall be in effect during a Phase III shortage:

(1) The restriction listed in Section 6-5.404, subsection (b) shall be in effect, except that residential outside watering of lawn, landscaping and other turf areas shall be modified to prohibit watering on days other than Monday and Thursday during the hours between 6:00 a.m. and 6:00 p.m.;

(2) Commercial nurseries and other water-dependant industries shall be prohibited from watering lawn, landscaping and other turf areas more often than every other day and between the hours of 10:00 a.m. and 4:00 p.m.; except that there shall be no restriction on watering utilizing reclaimed water.

(c) No customer shall take, cause, use or permit the use of water from the City for any purpose in an amount in excess of ninety (90%) percent of the amount used on the customer's premises during the corresponding billing period of the prior billing year.

(§ 1, Ord. 484-NS, eff. April 17, 1991, as amended by § 3, Ord. 513-NS, eff. January 6, 1993)

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<a href="#">TITLE 6 SANITATION AND HEALTH</a>							
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### **6-5.406 Phase IV shortage.**

- (a) A Phase IV shortage shall be declared when the City determines that it will suffer a fifteen (15%) percent reduction in its water supply.
- (b) The following restrictions on the use of water shall be in effect during a Phase IV shortage:
- (1) The restriction listed in Section 6-5.404, subsection (b) shall be in effect, except that there shall be no residential outside watering of lawn, landscaping and other turf areas at any time except by bucket;
  - (2) Commercial nurseries and other water-dependent industries shall be prohibited from watering lawn, landscaping and other turf areas more often than every third day and between the hours of 6:00 a.m. and 6:00 p.m.; except that there shall be no restriction on watering utilizing reclaimed water;
  - (3) The use of water from fire hydrants shall be limited to fire fighting related activities, and other uses of water for municipal purposes shall be limited to activities necessary to maintain the public health, safety and welfare.
- (c) No customer shall take, cause, use or permit the use of water from the City for any purpose in an amount in excess of eighty-five (85%) percent of the amount used on the customer's premises during the corresponding billing period of the prior billing year.
- (§ 4, Ord. 513-NS, eff. January 6, 1993)

<b>Huntington Park Municipal Code</b>							
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TITLE 6 SANITATION AND HEALTH  
Chapter 5 WATER SYSTEM  
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**6-5.407 Phase V shortage.**

---

- (a) A Phase V shortage shall be declared when the city determines that it will suffer a twenty (20%) percent reduction in its water supply.
  - (b) The application for relief may include a request that the customer be relieved, in whole or in part, from the water use curtailment provisions of Sections 6-5.404(c), 6-5.405(c) or 6-5.406(c).
  - (c) No customer shall take, cause, use or permit the use of water from the City for any purpose in an amount in excess of eighty (80%) percent of the amount used on the customer's premises during the corresponding billing period of the prior billing year.
- (§ 5, Ord. 513-NS, eff. January 6, 1993)

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TITLE 6 SANITATION AND HEALTH  
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**6-5.408 Phase VI shortage.**

---

- (a) A Phase VI shortage shall be declared when the City determines that it will suffer a thirty (30%) percent reduction in its water supply.
  - (b) The application for relief may include a request that the customer be relieved, in whole or in part, from the water use curtailment provisions of Sections 6-5.404(c), 6-5.405(c) or 6-5.406(c).
  - (c) No customer shall take, cause, use or permit the use of water from the City for any purpose in an amount in excess of seventy (70%) percent of the amount used on the customer's premises during the corresponding billing period of the prior billing year.
- (§ 6, Ord. 513-NS, eff. January 6, 1993)

<b>Huntington Park Municipal Code</b>							
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**6-5.409 Relief from compliance.**

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(§ 1, Ord. 484-NS, eff. April 17, 1991; repealed by § 1, Ord. 498-NS, eff. February 19, 1992, renumbered by § 7, Ord. 513-NS, eff. January 6, 1993)

<b>Huntington Park Municipal Code</b>							
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<u>TITLE 6 SANITATION AND HEALTH</u>							
<u>Chapter 5 WATER SYSTEM</u>							
<u>Article 4 Mandatory Water Conservation</u>							

### **6-5.410 Failure to comply.**

(a) For each violation by any customer of the water use curtailment provisions of subsection (c) of Section 6-5.404, 6-5.405, 6-5.406, 6-5.407, or 6-5.408 a surcharge shall be imposed in an amount equal to 200 percent of the portions of the water bill that exceeds the respective percentage set in those five subsections.

(b) Violation by any customer of the water use prohibitions of Section 6-5.402, or restrictions found in subsection (b) of Section 6-5.404, 6-5.405, or 6-5.406 shall be penalized as follows:

- (1) First Violation. The City shall issue a written notice of the fact of a first violation to the customer.
- (2) The first violation after written notice to customer shall result in a One Hundred and no/100ths (\$100.00) Dollars fine for that first issued citation.
- (3) Two Hundred and no/100ths (\$200.00) fine for the second citation issued.
- (4) Five Hundred and no/100ths (\$500.00) fine for the third and subsequent citations issued.

(c) The City shall give notice of violation to the customer committing the violation as follows:

- (1) Notice of violation of the water use curtailment provisions of subsection (c) of Section 6-5.404, 6-5.405, 6-5.406, 6-5.407, or 6-5.408 or of first violations of the water use prohibitions of Section 6-5.402 or of subsection (b) of Section 6-5.404, 6-5.405, or 6-5.406 shall be given in writing by regular mail.
- (2) Notice of second or subsequent violations of the water use prohibitions of those sections shall be given in writing in the following manner:
  - (i) By giving the notice to the customer personally;
  - (ii) If the customer is absent from or unavailable at the premises at which the violation occurred, by leaving a copy with some person of suitable age and discretion at the premises and sending a copy through the regular mail to the address at which the customer is normally billed; or
  - (iii) If a person of suitable age or discretion cannot be found, then by affixing a copy in a conspicuous place at the premises at which the violation occurred and also sending a copy through the regular mail to the address at which the customer is normally billed;
  - (iv) The notice shall contain a description of the facts of the violation, a statement of the possible penalties for each violation, and a statement informing the customer of his or her right to a hearing on the merits of the violation pursuant to Section 6-5.411.

(§ 1, Ord. 484-NS, eff. April 17, 1991 as amended by §§ 2 and 3, Ord. 498-NS, eff. February 19, 1992, and §§ 1 and 2, Ord. 500-NS, eff. April 1, 1992, renumbered by § 7, Ord. 513-NS, eff. January 6, 1993, and § 2, Ord. 837-NS, eff. July 15, 2009)

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### **6-5.411 Hearing regarding violation.**

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(a) Any customer receiving notice of a second or subsequent violation of subsection (b) of Sections 6-5.403, 6-5.404 or 6-5.405 shall have a right to a hearing by the Director of Field Services of the City of Huntington Park within fifteen (15) days of mailing or other delivery of the notice of violation.

(b) The customer's timely written request for a hearing shall automatically stay installation of a flow-restricting device on the customer's premises until the Director of Field Services renders his or her decision.

(c) The customer's timely written request for a hearing shall not stay the imposition of a surcharge unless within the time period to request a hearing, the customer deposits with the City money in the amount of any unpaid surcharge due. If it is determined that the surcharge was wrongly assessed, the City will refund any money deposited to the customer.

(d) The decision of the Director of Field Services shall be final.

(e) The Director of Field Services may delegate his or her duties and responsibilities under this section as appropriate.

(§ 1, Ord. 484-NS, eff. April 17, 1991, renumbered by § 7, Ord. 513-NS, eff. January 6, 1993)

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**6-5.412 Additional water shortage measures.**

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The City may order implementation of water conservation measures in addition to those set forth in Sections 6-5.403, 6-5.404 and 6-5.405. Such additional water conservation measures shall be implemented in the manner provided in Section 6-5.401(c).

(§ 1, Ord. 484-NS, eff. April 17, 1991, renumbered by § 7, Ord. 513-NS, eff. January 6, 1993)

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**6-5.413 Public health and safety not to be affected.**

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Nothing in this article shall be construed to require the City to curtail the supply of water to any customer when such water is required by that customer to maintain an adequate level of public health and safety.

(§ 1, Ord. 484-NS, eff. April 17, 1991, renumbered by § 7, Ord. 513-NS, eff. January 6, 1993)