

NOTICE

COMPTON CITY COUNCIL AGENDA Tuesday, January 18, 2011 5:45 PM

HEARING(S)

OPENING

ROLL CALL

INTRODUCTION OF SPECIAL GUESTS

COMMENDATORY RESOLUTIONS/PRESENTATIONS

1. CHRISTMAS PARADE AWARDS CEREMONY (4:00 P.M.) -
Parks/Recreation
2. PRESENTATION: Reginald Donald, Compton Firefighter, "Firefighter of the
Year" - Veterans of Foreign War (VFW) - Gregory Johnson

PUBLIC COMMENTS ON AGENDA ITEMS AND NON-AGENDA MATTERS

CONSENT AGENDA

Consent items are routine and expected to be non-controversial. They will be acted upon by the Council at one time without discussion unless a Council Member requests an item be removed or discussed.

APPROVAL OF MINUTES

3. December 28, 2010

REPORTS OF OFFICERS AND COMMISSIONS

CITY FIRE DEPARTMENT

4. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
RELATIVE TO WORKERS' COMPENSATION BENEFITS FOR
REGISTERED VOLUNTEER "DISASTER SERVICE WORKERS"

PUBLIC WORKS-ENGINEERING

5. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE FY 2010-2011 ANNUAL BUDGET, ACCEPTING THE WORK ON THE FOR RESIDENTIAL STREET OVERLAY PROJECT (CIP #10-10) PERFORMED BY SILVIA CONSTRUCTION, INC, SANCTIONING STAFF TO FILE NOTICE OF COMPLETION WITH LOS ANGELES COUNTY, AND AUTHORIZING THE RELEASE OF RETAINAGE
6. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE FY 2010-2011 ANNUAL BUDGET, APPROVING A CONTRACT AMENDMENT WITH SILVIA CONSTRUCTION, INC. FOR THE ARRA PAVEMENT REHABILITATION PROJECT (CIP #09-10), AND ACCEPTING CONSTRUCTION THEREON, AND SANCTIONING STAFF TO FILE A NOTICE OF COMPLETION WITH LOS ANGELES COUNTY, AND AUTHORIZING THE RELEASE OF THE RETAINAGE FEE

RECREATION DEPARTMENT

7. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON APPROPRIATING LEASE REVENUE BOND FUNDS INTO THE PARKS, RECREATION AND SPECIAL SERVICES' FISCAL YEAR 2010-2011 CAPITAL IMPROVEMENT BUDGET

APPROVAL OF WARRANTS

8. **Warrant #195611** - **Date** - 1/13/11 - **Name** - RBW Security Services Inc. - **Description** - Park Security - **Amount** - \$30,320.00 - **Requested by:** City Manager's Office

END CONSENT AGENDA

REPORTS OF OFFICERS, BOARDS, COMMISSIONS AND COMMITTEES

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORTS

9. CLAIMS AGAINST THE CITY

Stephanie Fields v City of Compton - I-8385/LI0000051A
Cornell Dodds v City of Compton - I-8391/LI0000057A

CLOSED SESSION

10. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Gonzalez v City of Compton, Case No. BC450494
Branscomb v City of Compton, Case No. WCAB No. ADJ366995
Perez v City of Compton, Case No.: Unassigned
Pursuant to California Government Section 54956.9

CITY TREASURER'S REPORTS

UNFINISHED BUSINESS

NEW BUSINESS

11. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON
AMENDING SECTION 2-4 OF CHAPTER II OF THE COMPTON
MUNICIPAL CODE IN ITS ENTIRETY RELATING TO EMERGENCY
ORGANIZATION AND FUNCTIONS(**First Reading**)

COUNCIL COMMENTS

ADJOURNMENT

NEXT REGULAR MEETING: Tuesday, January 25, 2011 @ 5:45 PM.

Visit our website at <http://www.comptoncity.org>

DECEMBER 28, 2010

The City Council meeting was called to order at 5:57 p.m. in the Council Chambers of City Hall by Mayor Eric Perrodin.

ROLL CALL

Council Members Present: Calhoun, Dobson, Jones, Perrodin

Council Members Absent: Arceneaux

Other Officials Present: C. Cornwell, A. Godwin, W. Norfleet

PUBLIC COMMENTS ON AGENDA ITEMS AND NON-AGENDA MATTERS

Joyce Kelly, Compton resident, Happy Kwanza. I am here in this agenda, this meeting to give you a little history to educate you a little. In 1966, Dr. Maulana Karenga created this non-religious celebration, in order for African Americans to bring the community or to unite the community. This is time for the first fruit harvest and it has seven principles, which are the seven days from December the 26th through January the 1st. The first day is for unity, the second one; self-determination, third; collective work and responsibility, fourth; cooperative economics, fifth; purpose, six; creativity, seven; faith. The colors that I have on is black for unity, red is for the struggle for freedom, green is for the future. Now I suggest maybe some of you would go out and really read up on Kwanzaa, because it goes into detail what is involved in trying to create unity in the community. All year I have been saying that the residents will win in 2010. Last week they did. The rain couldn't keep the people away. Sheriff Baca bought not one posse, but two posses here. His personal posse and his clergy. And we also bought our posse. It let you know those are just a few of the people who object. I told you before, we come here as messengers. We're not alone. And there are people in the background working with us. You didn't see them all. You will never see them all. But you know I could not sit there with anyone, black, white, red, green, or yellow to take away all of my dignity to say that you cannot call me or use my name. Whether it's by birth, or whether it's by marriage. It is utterly ridiculous for any grown human, black people in the United States of America today to allow anyone to do that. I told you, you give a little and you take a lot. You don't give the people here anything. Yeah right. Good luck with transparency in 2011. You don't see it in 2010; you're not going to see it then, next year. And as far as leadership, you're not leaders, because you don't read. Only readers make leaders. How you gonna lead someone if you don't know what's going on? Inflation, cost of living, everything increases including a contract and if you don't know that by now the bottom line is not going to help you in anyway shape or form. I don't know how many times you call on it, that and God. The minutes should be in a timely manner. Give five high school students the job and I guarantee you, you'll get the minutes back within a week's time. So there should be no excuse. You're getting money to do a job, that job should be done. And also, whether or not you're tired of hearing the same thing from the same people, week after week after week; stop to think. Maybe just maybe, if we answered some of the questions. If we commented and if we knew enough to comment then maybe the same questions, same people wouldn't be asking them. I'm going to ask why did you appoint someone who was not qualified, Verna Porter, to assist in city management as City Manager. That means when you're gone, the City Manager's gone, then unqualified, uneducated, unskilled person who the Mayor sneaked through the back door is going to take over running the City. God help us all! You know what? I said someone's going to jail. I'm not just lying. Think about it. I have no reason to lie.

William Kemp, Compton resident, I'd like to address something. This council controls everything that's discussed in this place, through that agenda. Last week, we tried to vote to put positions for the police department on the agenda, when we could have done that, when the budget came up. I heard Dr. Jones ask where's the police stuff in the budget and everybody sat quiet. This keeps coming up, because this council keeps putting it on the agenda; so we speak to it. I'm speaking now, about last week, about the memo that I received, from when Mr. Norfleet was the Controller. I'm talking about when this was voted on by this council on June 10th.

#3.

These things happened and as long as they continue to happen the people are going to speak to it. I have no agenda. I support Dr. Jones. He's in the seat. He's in my District. I'm not running for any office. I'm not receiving a dime from anybody when I come in here. I'm speaking from when the residents see me at the grocery store, the cleaners, the barber shop, walking down the street, what they say to me. You know, some of them are afraid to come in here because they're afraid of retaliation. Me, I am a trumpet. I spread the news and if the people came to me and said they wanted a police department, I would be with the people. But that's not what they're saying to me, they're saying they don't. Now for me it's about finance. That's the only thing that stands in my way. Am I willing to sacrifice the people and their general fund, and their tax dollars, and their community, and their trees, and their streets, for someone's pipe dreams? I'm not willing to do that and I'm glad that there are people that are willing to stand up for this community and not except that either. Lead by the people they said. Not from me. I know it ain't me, because I support Dr. Jones but he will argue with me in a minute. So, it's from the people, not from the four speakers who come here and speak. I asked a simple question where are those people that are in favor of it, because I never see them. I hear about them, but I don't see them. They don't come to this microphone. I've never been to one council meeting where there has been more than one or two people that come in here and speak up for that. And I know what people are saying in the streets. I got love in the First District. I was born there. I know the people there and I know that they don't want it in the First District. That I am sure of. Every person I see says that to me. I have not run across one person in that District that has said to me they want the police department. Maybe other's have, but I haven't. I'm speaking for myself. Now you know this is being forced down our throats. Now I started coming to these meetings in 2003, around the same time you, well you were here a little before me Councilwoman, and I have never since 2003, heard people lining up to come in here. We had forty people standing in the back last week. I counted them. Standing room in this council. No one came to this mic and said vote for it. Neither one, and I believe personally it's irresponsible to do that, when the people say that's not what they want. It's rather egotistical to go ahead with that. Now I made it a point today, not to come here and call any names. Not to address anybody, individually. I had to address that, because I totally disagreed. I believe through this agenda, this council controls everything that is spoken about in this meeting, through its agenda. And if it wants us to stop speaking about the police department, stop putting it on the agenda. I mean, I don't know how many times you can say no. How many different languages? How many different people have to come say no? Our Honorable Mayor said I don't care how many people you bring in here, I'm going to do what I want to do. And I told you last week, that you keep facing one calamity after the other, because God is angry. He's not happy. He's not happy with how the people are being treated. Not one man. The people. The people of Compton. God bless you all.

Lynn Boone, Compton resident, citizens, this is the very first time, the very first time; we've only had one item on the City Council agenda, unless it was a special meeting. This right here is saying something. We haven't had Channel 36 broadcast anything since the last meeting. That says something else, as well. Councilperson in District Two, she questions why the same questions are asked. You have no answers for those questions, either Councilperson in District One. Last year, June 23, 2009, we, well the council people signed for \$77,353.00 for a brand new gym floor at Gonzales Park. We still don't have it. Where is the money? There was another resolution signed for repairing the bridge. 1.5 million dollars were received from federal funds; \$300,000 was received from the Department of Transportation. That bridge has not been touched. There's homeless people sleeping underneath that bridge and pieces are falling off. Councilperson in District Two where is that money? Its other questions and many things that have never been answered through this council. This Mayor here has addressed the three of us with all different types of names and accusations, but there's one that has never been addressed, and that is liar and not telling the truth. I put together a book regarding the issues in the City of Compton. Not only does it address the bad things going, but it has the proof and this book has been sent out to several institutions and they've all been paying very much attention to this. And I wanna go on to say this, I don't know if you want to call this a coincidence, that the CRA Director was placed on administrative leave, but during the time that he was out, his interim signed a statement to be placed before you, to be read as a resolution to purchase the property over there in the yard to transfer tax allocated bond money to the general fund. As much as the CRA Director does, he even knew this was illegal. You know you need to stop and read. And going back to the police department, Councilperson in District Two is such a business person, such as business person, but I just wanna let the citizens know we don't pay the Sheriff's on time.

And if anybody knows, business or not, when you don't pay somebody you have a late charge. And what is a late charge? Money thrown out the window. How many citizens here have \$100,000 to throw away? How many houses could have been paid for with that late charge fee being thrown away? And as far as the Sheriff's charging more and more each year, that's not the truth. If the citizens can remember, I was put out of a council meeting the night that you voted on that was, because I called the Mayor a lie and the reason why I made that statement was because they're not charging us more and more, the Gateway Towne Center was not in existence when the Sheriff's came in, but guess what? The CRA director signed in a contract that the City of Compton would pay for and provide security for that Gateway Towne Center. You don't think that, that was in addition, added on to what the Sheriff's is already doing? But you don't stop and think. You know, it's so much and they want to say we say the same thing every week. It's not. As a matter of fact, when Sheriff Baca came last week he had a pamphlet, a presentation so the citizens could actually know what is going on with the Sheriff's. And we had an Assistant City Manager, not qualified for the position to have the audacity to say that, that could not be given to the public. Information, knowledge; that has power to it and that is what this Mayor wants to keep not only from the citizens, but from you as well. Thank you.

CONSENT AGENDA

ITEMS REMOVED FROM THE CONSENT AGENDA - There were no item removed from the Consent Agenda.

On motion by Dobson, seconded by Jones, the Consent Agenda was approved, by the following vote on roll call:

AYES: Council Members - Calhoun, Dobson, Jones, Perrodin

NOES: Council Members - None

ABSENT: Council Members - Arceneaux

APPROVAL OF MINUTES - There were no minutes to be approved.

WATER DEPARTMENT

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AUTHORIZING THE CITY MANAGER TO AMEND THE AGREEMENT WITH CURBSIDE, INC. SO AS TO APPROVE ASSIGNMENT OF THE CONTRACT TO WM CURBSIDE, LLC, TO COLLECT USED OIL AND MANAGE THE USED OIL PROGRAM, AND RE-ISSUE A PURCHASE ORDER TO WM CURBSIDE, LLC.
(Resolution 23,264)

Councilperson Calhoun asked the City Manager if he considered the City's trash hauler to provide these services.

Willie Norfleet, City Manager, explained that the City's trash hauler was not licensed to perform these types of services.

Michael Harvey, representative of the Water Department, indicated that Curbside Inc. was a certified collector of used oil for the South Bay area and that the City's present hauler is not licensed to pick up used oil as hazardous waste. He added that the Water Department was notified in October that Waste Management had purchased and taken over Curbside Inc. and therefore the agreement requires an amendment to cover the remaining portion of the fiscal year.

Councilperson Calhoun questioned if there were any other companies licensed in the used oil program. Mr. Harvey indicated that there were several other companies, however Waste Management was prompt in answering the City's requests for service.

Councilperson Calhoun stated that with Curbside, Inc. being Waste Management's subsidiary company, she questioned if Waste Management was losing its customers. Mr. Harvey remarked that they had lost customers, and as a result they have elected to be in the land fill business.

#3.

Councilperson Calhoun asked if the City would be going out to bid at the end of the fiscal year. Mr. Harvey replied affirmatively.

APPROVAL OF WARRANTS - There were no warrants to be approved.

REGULAR AGENDA

CITY MANAGER’S REPORTS - There were no City Manager's Reports.

CITY ATTORNEY’S REPORTS

CLOSED SESSION

- 2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
Gonzalez al vs. City of Compton, LASC Case No. BC450494
Pursuant to California Government Code Section 54956.9

On motion by Dobson, seconded by Jones, closed session was approved, by the following vote on roll call:

AYES: Council Members - Calhoun, Dobson, Jones, Perrodin
NOES: Council Members - None
ABSENT:Council Members - Arceneaux

UNFINISHED BUSINESS - There was no Unfinished Business.

NEW BUSINESS - There was no New Business.

COUNCIL COMMENTS

Councilperson Jones announced that Supervisor Mark Ridley-Thomas would be hosting his "19th Annual Empowerment Summit" to be held on Saturday, January 15, 2011 at the University of Southern California in the Bovard Auditorium beginning at 8 a.m. The keynote speaker will be State Attorney General-Elect Honorable Kamala Harris. All attendees will be required to R.S.V.P. at (213) 974-2222.

Councilperson Dobson expressed her gratitude to the citizens who pray for the members of the City Council daily. Ms. Dobson acknowledged that there would be opposition when trying to move advance move forward and maintained that she would continue to stand for what's legal, what's right and what's best for the people of Compton.

Councilperson Calhoun asked that the City Manager address the areas along the Compton Creek affected by the recent break-ins from 130th to 134th and Slater Avenue.

Mayor Perrodin requested that the meeting be adjourned in the memory of R&B Soul Singer Teena Marie.

Mayor Perrodin stated that he was recently inspired to promote the City of Compton at the Rose Bowl parade. The Mayor charged that the affects of this expenditure and the City’s new direction would be substantial in changing the City’s image to the rest of the world.

The Mayor and City Council wished the citizens of Compton a Happy New Year.

The council meeting was recessed to closed session at 6:38 p.m. and reconvened at 8:19 p.m.

Roll Call

Council Members Present: Calhoun, Dobson, Perrodin
Council Members Absent: Arceneaux, Jones

REPORT BACK FROM CLOSED SESSION

Craig Cornwell, City Attorney, stated that counsel met in closed session regarding conference with legal counsel concerning existing litigation; Gonzales al vs. City of Compton, LASC Case No. BC450494 pursuant to California Government Code Section 54956.9. No action was taken.

ADJOURNMENT

On motion by Calhoun, seconded by Dobson, the meeting was adjourned at 8:20 p.m., in the memory of R&B Soul Singer **Teena Marie**, by the following vote on roll call:

AYES: Council Members - Calhoun, Dobson, Perrodin

NOES: Council Members - None

ABSENT: Council Members - Arceneaux, Jones

Clerk of the City Council

Mayor of the City Council

December 7, 2010

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

**SUBJECT: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
REGARDING WORKERS' COMPENSATION BENEFITS FOR
REGISTERED VOLUNTEER "DISASTER SERVICE WORKERS" IN
THE CITY OF COMPTON**

SUMMARY

This Resolution establishes that the City Council of the City of Compton intends to follow the rules and regulations established by the California Office of Emergency Services (also known as the "California Emergency Management Agency"), pursuant to the provisions of Section 8585.5 of the California Government Code, which will provide state workers' compensation insurance coverage to registered volunteer "disaster service workers."

BACKGROUND

The State of California has established a Disaster Service Worker Volunteer Program ("DSWVP"). The purpose of this Program is to provide workers' compensation insurance coverage in the event a registered volunteer disaster service worker is injured while performing assigned disaster duties. This provides increased liability protection for the local jurisdiction.

STATEMENT OF THE ISSUE

Unless the local jurisdiction agrees to follow rules and regulations established by the Office of Emergency Services regarding registered volunteer disaster service workers, the use of volunteers during an emergency could expose the local jurisdiction to increased liability. A local jurisdiction which agrees to and substantially follows the rules and regulations established will be certified by the state as an "accredited disaster council" organization eligible to have its volunteer disaster services workers covered by state workers' compensation insurance. The attached Resolution of the City of Compton is required to qualify the City for accreditation.

FISCAL IMPACT

Certification by the State of California as an "accredited disaster council" will transfer workers' compensation risk from the City to the State Workers' Compensation Fund.
Staff Report re Resolution Regarding W/C

#4.

**Benefits for Disaster Service Workers
December 7, 2010, page 2**

RECOMMENDATION

Staff recommends that the Council approve the attached Resolution.

**JON THOMPSON
FIRE CHIEF**

**WILLIE NORFLEET
CITY MANAGER**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
REGARDING WORKERS’ COMPENSATION BENEFITS FOR
REGISTERED VOLUNTEER “DISASTER SERVICE WORKERS” IN
THE CITY OF COMPTON

WHEREAS, Section 8585.5 of the California Government Code provides:

“The Office of Emergency Services (*also known as the California Emergency Management Agency*) shall establish by rule and regulation various classes of disaster service workers and the scope of the duties of each class. The Office of Emergency Services shall also adopt rules and regulations prescribing the manner in which disaster service workers of each class are to be registered. All of the rules and regulations shall be designed to facilitate the paying of workers’ compensation”; and

WHEREAS, the Office of Emergency Services has adopted rules and regulations establishing classes of disaster service workers, the scope of duties of each class, and the manner of registration of such volunteer disaster service workers; and

WHEREAS, Section 8612 of the California Government Code provides:

“Any disaster council that both agrees to follow the rules and regulations established by the Office of Emergency Services pursuant to Section 8585.5 and substantially complies with those rules and regulations shall be certified by the office. Upon that certification, and not before, the disaster council becomes an accredited disaster council”; and

WHEREAS, the City of Compton has registered and will hereafter register volunteer disaster service workers; and

WHEREAS, the City of Compton desires to become an “accredited disaster council” organization in order that injured disaster service workers registered with it may benefit by the provisions of Chapter 10 of Division 4 of Part 1 of the California Labor Code.

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

Section 1. That the City Council of the City of Compton shall follow the rules and regulations established by the Office of Emergency Services pursuant to the provisions of Section 8585.5 of the California Government Code.

Section 2. That the City Clerk is hereby instructed to send a certified copy of this Resolution to the California Office of Emergency Services and the Offices of the City Manager, City Attorney and City Controller.

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Resolution No. _____
Page 2

Section 3. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

ADOPTED this _____ day of _____, 2010.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)ss
CITY OF COMPTON)

I, Alita Godwin, City Clerk of the City of Compton, hereby certify that the foregoing Resolution was adopted by the City Council of the City of Compton, signed by the Mayor, and attested by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2010.

That said Resolution was adopted by the following vote, to wit:

AYES: **COUNCIL MEMBERS-**
NOES: **COUNCIL MEMBERS-**
ABSENT: **COUNCIL MEMBERS-**
ABSTAIN: **COUNCIL MEMBERS-**

CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Fire Department

RESOLUTION TITLE: ARESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON RELATIVE TO WORKERS’ COMPENSATION BENEFITS FOR REGISTERED VOLUNTEER “DISASTER SERVICE WORKERS”

Jon Thompson
DEPARTMENT MANAGER’S SIGNATURE

11/24/2010 12:41:24 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

12/2/2010 10:18:43 AM
DATE

Stephen Ajobiewe
CITY CONTROLLER

12/2/2010 9:25:14 AM
DATE

Willie Norfleet
CITY MANAGER

12/1/2010 4:47:14 PM
DATE

Use when:	
Public Works:	When contracting for Engineering Services.
City Attorney:	When contracting for legal services; contracts that require City Attorney’s review.
Controller/Budget Officer:	Amending Budget; appropriating and/or transferring funds; adding and/or deleting positions; any resolution having account numbers.
Asst. City Manager/OAS:	All personnel actions.

January 18, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE FY 2010-2011 ANNUAL BUDGET, ACCEPTING THE WORK ON THE FOR RESIDENTIAL STREET OVERLAY PROJECT (CIP #10-10) PERFORMED BY SILVIA CONSTRUCTION, INC, SANCTIONING STAFF TO FILE A NOTICE OF COMPLETION WITH LOS ANGELES COUNTY, AND AUTHORIZING THE RELEASE OF RETAINAGE

SUMMARY

This resolution amends the FY 2010-2011 Annual Budget, accepts the work of Silvia Construction, Inc. for construction of the Residential Street Overlay Project and authorizes the release of the retainage.

BACKGROUND

A number of streets in low or moderate income neighborhoods in the City of Compton are in need of rehabilitation. In March 2010, City Council approved the reprogramming of the Community Development Block Grant (CDBG) funds and the allocation of Community Development Block Grant-Recovery (CDBG-R) funds to implement the Residential Street Overlay Project.

Using criteria such as census-tract data, roadway conditions and available resources, staff created the Residential Street Overlay Project (CIP# 10-10). The locations are from various streets that have been identified in the four councilmatic districts citywide.

Pursuant to a formal bid process, with Resolution No. 23,093, the City accepted the bid of Silvia Construction Inc., which submitted the lowest, responsive bid in the amount of \$1,516,736.

While the engineering estimate for the project was \$1.5 million, the funding allocation received from CDBG and CBBG-R during FY 2009-2010 was only \$1,221,269.31. This resulted in a funding deficit of nearly \$320,000 for the project.

This balance was scheduled to be provided in the FY 2010-2011 Annual Budget, but only \$240,000 was appropriated, \$80,000 less than planned. Furthermore, the CDBG rules mandated the expenditure of \$36,553.80 for the engagement of environmental-review consultants.

#5.

Staff Report
Residential Street Overlay
Page 2

STATEMENT OF THE ISSUE

The requisite environmental documents were prepared and the construction work has been completed in a satisfactory manner. The final construction price was \$1,516,496.

While the project was being conducted, in accordance with California Public Contracts Law, a retainage amount equivalent to 10% was withheld from progress payments to insure satisfactory performance.

The budget needs to be amended so that the contractor can be fully paid, including the retainage.

This necessitates amending the FY 2010-2011 to appropriate the \$80,000 in CDBG funds. In addition, \$11,780.49 in Measure R funds shall be used to balance out the project budget.

FINANCIAL IMPACT

Revenue (Account No. 2800 000 000 3583) and expenditures (Account No. 2800 72X 131 4269) in the FY 2010-2011 Annual Budget shall be increased by \$80,000. This amount shall be utilized to pay the owed Silvia Construction, along with \$11,780.49 in Measure R funds, Account No. 1520 710 0MR 4330.

RECOMMENDATION

Staff recommends the adoption of the attached resolution.

WENDELL E. JOHNSON, P.E.
DIRECTOR OF PUBLIC WORKS/CITY ENGINEER

WILLIE NORFLEET
CITY MANAGER

WN/WEJ/AT/rj

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE FY 2010-2011 ANNUAL BUDGET, ACCEPTING THE WORK ON THE FOR RESIDENTIAL STREET OVERLAY PROJECT (CIP #10-10) PERFORMED BY SILVIA CONSTRUCTION, INC, SANCTIONING STAFF TO FILE A NOTICE OF COMPLETION WITH LOS ANGELES COUNTY, AND AUTHORIZING THE RELEASE OF RETAINAGE

WHEREAS, a number of streets in low or moderate income neighborhoods in the City of Compton are in need of rehabilitation; and

WHEREAS, Council approved the reprogramming of the Community Development Block Grant (CDBG) funds and the allocation of Community Development Block Grant-Recovery (CDBG-R) funds to mitigate said need; and

WHEREAS, pursuant to a sealed bidding process for the Residential Street Overlay Project, with Resolution No. 23,093 adopted on April 27, 2010, Council accepted the bid of Silvia Construction Inc., as the lowest most responsive bid; and

WHEREAS, although said resolution allocated \$320,000 to be provided this fiscal year, only \$240,000 of this amount was appropriated into the FY 2010-2011 Annual Budget; and

WHEREAS, Community Development Block Grant (CDBG) rules mandated the expenditure of \$36,533.80 for environmental-review consultants; and

WHEREAS, while the project was being conducted, in accordance with California Public Contracts Law, a retainage amount equivalent to 10% was withheld from progress payments; and

WHEREAS, the project has been completed in a satisfactory manner at a total construction cost of \$1,516,496, somewhat lower than the bid price; and

WHEREAS, it is necessary to amend the FY 2010-2011 so that the contractor can be fully paid, including the retainage.

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

SECTION 1. That the FY 2010-2011 Annual budget be amended and revenue and expenditures be increased as follows:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
2800-000-000-3583	HUD Funds	\$80,000
2800-72X-131-4269	Other Contract Services	\$80,000

SECTION 2. That the City of Compton accepts the completed Residential Street Overlay Project (CIP# 10-10), and authorizes staff to file a Notice of Completion with the Los Angeles County Recorder’s office, and authorizes the release of the retainage.

SECTION 3. That the funds to fully compensate the contractor, including the retainage, shall come from the following accounts: Account No. 2800-72X-131-4269, \$80,000; Account No. 1520-710-0MR-4330, \$11,780.49.

SECTION 4. That a certified copy of this resolution shall be filed in the offices of the City Manager, City Controller, City Clerk and Public Works Department.

SECTION 5. That the Mayor shall sign and the City Clerk shall attest to the adoption of this resolution.

ADOPTED this _____ day of _____, 2011.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

**STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON**

I, Alita Godwin, CMC, City Clerk of the City of Compton, do hereby certify that the foregoing Resolution was adopted by the City Council, signed by the Mayor and attested by the City Clerk, at a regular meeting thereof, held on the _____ day of _____, 2011.

That said resolution was adopted by the following vote, to wit:

**AYES: COUNCIL MEMBERS—
NOES: COUNCIL MEMBERS—
ABSENT: COUNCIL MEMBERS—
ABSTAIN: COUNCIL MEMBERS—**

CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Public Works-Engineering

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE FY 2010-2011 ANNUAL BUDGET, ACCEPTING THE WORK ON THE FOR RESIDENTIAL STREET OVERLAY PROJECT (CIP #10-10) PERFORMED BY SILVIA CONSTRUCTION, INC, SANCTIONING STAFF TO FILE NOTICE OF COMPLETION WITH LOS ANGELES COUNTY, AND AUTHORIZING THE RELEASE OF RETAINAGE

Wendell Johnson
DEPARTMENT MANAGER’S SIGNATURE

1/11/2011 9:11:26 AM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

1/12/2011 1:58:32 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

1/12/2011 1:55:44 PM
DATE

Dave Hewitt
CITY MANAGER

1/12/2011 1:04:11 PM
DATE

Use when:	
Public Works:	When contracting for Engineering Services.
City Attorney:	When contracting for legal services; contracts that require City Attorney’s review.
Controller/Budget Officer:	Amending Budget; appropriating and/or transferring funds; adding and/or deleting positions; any resolution having account numbers.
Asst. City Manager/OAS:	All personnel actions.

January 18, 2011

TO: MAYOR AND CITY COUNCIL

FROM: CITY MANAGER

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE FY 2010-2011 ANNUAL BUDGET, APPROVING A CONTRACT AMENDMENT WITH SILVIA CONSTRUCTION, INC. FOR THE ARRA PAVEMENT REHABILITATION PROJECT (CIP #09-10), ACCEPTING CONSTRUCTION THEREON, SANCTIONING STAFF TO FILE A NOTICE OF COMPLETION WITH LOS ANGELES COUNTY, AND AUTHORIZING THE RELEASE OF THE RETAINAGE FEE

SUMMARY

A resolution of the City Council of the City of Compton amending the FY 2010-2011 annual budget, approving a contract amendment with Silvia Construction, Inc. for the ARRA Pavement rehabilitation project (CIP# 09-10), accepting construction thereon, sanctioning staff to file a notice of completion with Los Angeles County, and authorizing the release of the retainage fee.

BACKGROUND

On February 13, 2009, Congress passed the American Recovery and Reinvestment Act (ARRA) of 2009 at the urging of President Obama. This Act was a direct response to the economic crisis. The Act has three goals: create new jobs as well as saving existing ones, spur economic activity and invest in long-term economic growth, and foster unprecedented levels of accountability and transparency in government spending.

In October 2009, the California Department of Transportation awarded funding from the American Recovery and Reinvestment Act (ARRA) to the City of Compton in the amount of \$2,004,000. The work to be performed consists of overlay, grinding and sidewalk repair for ADA Compliance on Greenleaf Boulevard from Alameda Street to Whitemarsh Avenue and from Santa Fe Avenue from Alondra Boulevard to North City limits.

On February 2, 2010, City Council awarded the contract to Silvia Construction, Inc. for the construction of the project for \$1,708,464.50. The work was completed on October 16, 2010. However, the additional amount necessary to complete the construction of the project was increased by \$15,380.94 due to unknown field conditions in the existing asphalt that damaged equipment. The additional amount was not available in the Public Works Department FY 2010-2011 annual budget.

#6.

**Staff Report - CIP# 09-10
January 18, 2011
Page Two**

In accordance with California Public Contract Law, a retainage amount equivalent to 10% was withheld from Silvia Construction's progress payments to ensure satisfactory completion of the project. On October 16, 2010, the Street Rehabilitation project was completed in a satisfactory manner and a Notice of Completion is to be prepared with the Los Angeles County Registrar Recorder's Office.

STATEMENT OF THE ISSUE

In order to amend the Public Works 2010-2011 annual budget, approve the contract amendment with Silvia Construction, accept the construction, file the Notice of Completion with the Los Angeles County, and release the retainage fee, City Council authorization is necessary.

FISCAL IMPACT

Funds for the project are available in FY 10-11 budget, Account No. 1522-710-910-4269.

RECOMMENDATION

Staff recommends the City Council adopts this resolution.

**WENDELL JOHNSON, P.E.
PUBLIC WORKS DIRECTOR/CITY ENGINEER**

**WILLIE NORFLEET
CITY MANAGER**

WN:WJ:JS

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE FY 2010-2011 ANNUAL BUDGET, APPROVING A CONTRACT AMENDMENT WITH SILVIA CONSTRUCTION, INC. FOR THE ARRA PAVEMENT REHABILITATION PROJECT (CIP #09-10), AND ACCEPTING CONSTRUCTION THEREON, AND SANCTIONING STAFF TO FILE A NOTICE OF COMPLETION WITH LOS ANGELES COUNTY, AND AUTHORIZING THE RELEASE OF THE RETAINAGE FEE

WHEREAS, the California Department of Transportation awarded funding from the American Recovery and Reinvestment Act (ARRA) to the City of Compton in the amount of \$2,004,000.00; and

WHEREAS, the work performed consisted of overlay, grinding and sidewalk repair in ADA compliance on Greenleaf Boulevard from Alameda Street to Whitemarsh Avenue and Santa Fe from Alondra Boulevard to North City Limits; and

WHEREAS, on February 2, 2010, City Council awarded the contract to Silvia Construction, Inc for construction of the project for \$1,708,464.50 and a contingency amount of \$170,846.45; and

WHEREAS, in accordance with California Public Contract Law, a retainage amount equivalent to 10% was withheld from Silvia Construction’s progress payments to ensure satisfactory completion of the project; and

WHEREAS, on October 16, 2010, the Street Rehabilitation Project was completed in a satisfactory manner and a Notice of Completion is to be prepared with the Los Angeles County Registrar Recorder’s Office; and

WHEREAS, the additional amount necessary to complete the construction of the project was increased by \$15, 380.94 due to unknown field conditions in the existing asphalt that damaged equipment; and

WHEREAS, the increase amount was not available in the Public Works Department FY 2010-2011 Annual Budget; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMPTON DOES HERBY RESOLVE AS FOLLOWS:

SECTION 1. That the City Manager, upon the advice of the City Attorney, is authorized to execute a contract amendment in an amount not to exceed Fifteen Thousand Three Hundred Eighty Dollars and Ninety Four Cents (\$15,380.94) with Silvia Construction Inc., for additional work on the ARRA Pavement Rehabilitation Project (CIP # 09-10).

SECTION 2. That the City of Compton accepts the completed project, authorizes a notice of completion with the Los Angeles County Recorder’s office, and authorizes the release of the retainage fee.

SECTION 3. That the FY 2010-2011 Annual Budget be amended and revenue and expenditures be increased as follows:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
1522-000-000-3565	Other Federal Grants (ARRA)	\$ 220,790.50
1522-710-910-4269	Other Contract Services (Greenleaf)	\$ 220,790.50

SECTION 4. That the funds shall come from Account No. 1522-710-910-4269.

SECTION 5. That copies of this resolution be filed in the offices of the City Manager, City Controller, City Attorney, City Clerk, and the Public Works Department.

SECTION 6. That the Mayor shall sign and the City Clerk shall attest to the adoption of this resolution.

ADOPTED this _____ day of _____, 2011.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

**STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON**

I, Alita Godwin, City Clerk of the City of Compton, do hereby certify that the foregoing resolution was adopted by the City Council, signed by the Mayor and attested by the City Clerk, at a regular meeting thereof, held on the _____ day of _____, 2011.

That said resolution was adopted by the following vote, to wit:

AYES:	COUNCIL MEMBERS—
NOES:	COUNCIL MEMBERS—
ABSTAIN:	COUNCIL MEMBERS—
ABSENT:	COUNCIL MEMBERS—

CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Public Works-Engineering

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING THE FY 2010-2011 ANNUAL BUDGET, APPROVING A CONTRACT AMENDMENT WITH SILVIA CONSTRUCTION, INC. FOR THE ARRA PAVEMENT REHABILITATION PROJECT (CIP #09-10), AND ACCEPTING CONSTRUCTION THEREON, AND SANCTIONING STAFF TO FILE A NOTICE OF COMPLETION WITH LOS ANGELES COUNTY, AND AUTHORIZING THE RELEASE OF THE RETAINAGE FEE

Wendell Johnson
DEPARTMENT MANAGER’S SIGNATURE

1/11/2011 9:08:20 AM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

1/12/2011 1:58:04 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

1/12/2011 1:55:17 PM
DATE

Dave Hewitt
CITY MANAGER

1/12/2011 1:03:23 PM
DATE

Use when:	
Public Works:	When contracting for Engineering Services.
City Attorney:	When contracting for legal services; contracts that require City Attorney’s review.
Controller/Budget Officer:	Amending Budget; appropriating and/or transferring funds; adding and/or deleting positions; any resolution having account numbers.
Asst. City Manager/OAS:	All personnel actions.

January 18, 2011

TO: MAYOR AND COUNCIL MEMBERS

FROM: CITY MANAGER

**SUBJ: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
APPROPRIATING LEASE REVENUE BOND FUNDS INTO THE PARKS,
RECREATION AND SPECIAL SERVICES' FISCAL YEAR 2010-2011 CAPITAL
IMPROVEMENT BUDGET**

SUMMARY

This Resolution is a new action item appropriating a total of \$1,206,799.85 of Lease Revenue Bond Funds (3030) into the Parks, Recreation and Special Services Department's Fiscal Year 2010-2011 Budget.

BACKGROUND

On March 11, 2008 the City Council adopted Resolution Number 22,536, which authorized an allocation of \$3,134,000.00 for Parks, Recreation and Special Services renovation projects. To date, the Department has expended approximately \$1,602,735.89 on bond related improvement projects. To complete the remainder of the Department's planned improvements the Department is requesting appropriation of the balance of the original allocation (\$1,206,799.85), including carry-over of the balances on open purchase orders.

STATEMENT OF THE ISSUE

Appropriation of the aforementioned funds is required to carry out the planned Parks improvement projects. Council action is required to appropriate the funds into the current Fiscal Year Budget.

FISCAL IMPACT

There is no fiscal impact.

RECOMMENDATION

Staff recommends approval of the attached resolution.

**HOMER POST, DIRECTOR
PARKS, RECREATION AND SPECIAL SERVICES**

**WILLIE NORFLEET
CITY MANAGER**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
APPROPRIATING LEASE REVENUE BOND FUNDS INTO THE PARKS,
RECREATION AND SPECIAL SERVICES’ FISCAL YEAR 2010-2011 CAPITAL
IMPROVEMENT BUDGET

WHEREAS, there was an oversight in the processing of the Parks, Recreation and Special Services Department Fiscal Year 2010-2011 Budget; and

WHEREAS, that error resulted in under-appropriation of \$1,206,799.85 in account number 30308400024391; and

WHEREAS, a portion of the above-mentioned funds are currently tied to projects and the balance is planned for future park improvement projects; and

WHEREAS, appropriation to correct the oversight requires City Council authorization.

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

SECTION 1. That \$1,206,799.85 of Lease Revenue Bond Funds (3030) shall be appropriated into the Parks, Recreation and Special Services Fiscal Year 2010-2011 Budget as follows:

<u>From:</u>		<u>To:</u>	
<u>Account No.</u>	<u>Amount</u>	<u>Account No.</u>	<u>Amount</u>
30300000003970	\$1,206,799.85	30308400024391	\$1,206,799.85
TOTAL			\$1,206,799.85

SECTION 2. That a certified copy of this resolution shall be filed in the office of the City Manager, City Controller, City Clerk and the Parks, Recreation and Special Services Department.

SECTION 3. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

ADOPTED this _____ day of _____, 2011.

MAYOR OF THE CITY OF COMPTON

Resolution No. _____
PAGE 2

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON

I, Alita Godwin, City Clerk of the City of Compton, hereby certify that the foregoing resolution was adopted by the City Council, signed by the Mayor, and attested by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2011.

That said resolution was adopted by the following vote, to wit:

AYES: COUNCIL MEMBERS—
NOES: COUNCIL MEMBERS—
ABSENT: COUNCIL MEMBERS—
ABSTAINS: COUNCIL MEMBERS—

CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Recreation

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON APPROPRIATING LEASE REVENUE BOND FUNDS INTO THE PARKS, RECREATION AND SPECIAL SERVICES’ FISCAL YEAR 2010-2011 CAPITAL IMPROVEMENT BUDGET

Homer Post
DEPARTMENT MANAGER’S SIGNATURE

1/6/2011 2:59:41 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

1/10/2011 10:05:29 AM
DATE

Stephen Ajobiewe
CITY CONTROLLER

1/6/2011 4:16:55 PM
DATE

Willie Norfleet
CITY MANAGER

1/6/2011 3:47:14 PM
DATE

Use when:	
Public Works:	When contracting for Engineering Services.
City Attorney:	When contracting for legal services; contracts that require City Attorney’s review.
Controller/Budget Officer:	Amending Budget; appropriating and/or transferring funds; adding and/or deleting positions; any resolution having account numbers.
Asst. City Manager/OAS:	All personnel actions.

WARRANTS APPROVED BY COUNCIL

<u>Warrant #</u>	<u>Date</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>
195611	01/13/11	RBW Security Services Inc	Park Security	\$30,320.00

Requested by: City Manager's Office

I hereby certify that the above demand in the amount of \$30,320.00 was approved at a regular meeting of the City Council and reject _____ as of January 18, 2011.

Council Member

Council Member

City Manager

I hereby certify that the Finance Committee at a regular meeting of the City Council on January 18, 2011 allowed the above demand.

Alita Godwin
City Clerk

January 18, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS
FROM: CITY ATTORNEY
SUBJECT: CITY ATTORNEY REPORT/CLAIM NO. I-8385/LI0000051A

SUMMARY

Council will consider the claim of Stephanie Fields (Claim No. I-8385/LI0000051A), presented to the City on December 7, 2010, pursuant to Govt. Code §915, 912.4(a) and 912.6(a).

BACKGROUND

On December 7, 2010, the above claim was presented to the City Controller by Stephanie Fields for property damage. Claimant alleges that she was driving south on Wilmington Avenue and while making a left turn onto Victoria Street, she ran over the leg of an orange "Work Ahead" sign. Claimant alleges that she did not see the sign that was allegedly in the turning lane. As a result of this incident, Claimant alleges that the bumper to her vehicle was damaged. The date of the alleged accident is August 31, 2010.

Staff conducted an investigation and concluded that there is no factual basis for this claim. The Public Works Department has confirmed that their department was not working in the area of the alleged incident. In addition, no permits had been issued to contractors at or near the location of incident at the relevant time period.

FINANCIAL IMPACT

One Thousand Six Hundred Fifteen Dollars (\$615.00).

RECOMMENDATION

Staff recommends that this claim be denied.

/S/
CRAIG J. CORNWELL
CITY ATTORNEY

January 18, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS
FROM: CITY ATTORNEY
SUBJECT: CITY ATTORNEY REPORT/CLAIM NO. I-8391/LI0000057A

SUMMARY

Council will consider the claim of Cornell Dodds (Claim No. I-8391/ LI0000057A), presented to the City on December 30, 2010, pursuant to Govt. Code §915, 912.4(a) and 912.6(a).

BACKGROUND

On December 30, 2010, the above claim was presented to the City Controller for property damage. Claimant alleges that his vehicle was damaged while getting onto the 91 west freeway between Wilmington Avenue and Artesia Boulevard. Claimant alleges the damage was caused by a large pothole.

Based on Claimant's description of the location of the alleged incident and photographs of the location, the City has no liability for Claimant's property damage, because it is an area owned and maintained by CalTrans.

FINANCIAL IMPACT

Four Hundred Nine Dollars and Thirteen Cents (\$409.13).

RECOMMENDATION

Staff recommends that this claim be denied.

/S/
CRAIG J. CORNWELL
CITY ATTORNEY

January 18, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

**SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
COMPTON AMENDING SECTION 2-4 OF CHAPTER II OF THE
COMPTON MUNICIPAL CODE IN ITS ENTIRETY RELATING TO
EMERGENCY ORGANIZATION AND FUNCTIONS**

SUMMARY

If adopted, the attached Ordinance will amend Section 2-4 of the Compton Municipal Code in its entirety so as to update and bring into compliance with state law, the City's organization and functions during a declared emergency.

BACKGROUND

California Government Code Section 8610 of the California Emergency Services Act provides for the creation of local disaster councils by ordinance. Counties and cities establish disaster councils to provide local emergency organizations with rules and regulations for handling local emergencies, and to enact mutual aid and other agreements. A disaster council develops plans for meeting any condition constituting a local emergency, state of emergency or state of war emergency. Such plans provide for the effective mobilization of all the resources within the political subdivision.

STATEMENT OF ISSUE

On April 8, 1980, the City Council of the City of Compton adopted Ordinance No. 1,599. This Ordinance, which has not been revised or amended since its adoption, established the City's plans for protection of persons and property within the City in the event of an emergency or disaster. In the thirty (30) years since, many changes have been made to California state laws relating to local emergency management.

This proposed Ordinance revises the current City legislation so that it is consistent and compliant with the provisions of the current California Emergency Services Act.

FISCAL IMPACT

No cash outlays required.

RECOMMENDATION

Staff recommends that the Council approve the attached Ordinance.

**JON THOMPSON
FIRE CHIEF**

**WILLIE NORFLEET
CITY MANAGER**

ORDINANCE NO. _____

**AN ORDINACNCE OF THE CITY COUNCIL OF THE CITY OF COMPTON
AMENDING SECTION 2-4 OF CHAPTER II OF THE COMPTON MUNICIPAL
CODE IN ITS ENTIRETY RELATING TO EMERGENCY ORGANIZATION AND
FUNCTIONS**

WHEREAS, California Government Code Section 8610 of the California Emergency Services Act provides for the creation of local disaster councils by ordinance; and

WHEREAS, California counties and cities establish disaster councils to provide local emergency organizations with rules and regulations for dealing with local emergencies, and to enact mutual aid and other agreements; and

WHEREAS, A disaster council develops plans for meeting any condition constituting a local emergency or state of emergency, or state of war emergency; such plans provide for the effective mobilization of all the resources within the political subdivision; and

WHEREAS, it has been thirty (30) years since Section 2-4 of the Compton Municipal Code (City of Compton's Emergency Ordinance No. 1,599) was adopted on April 8, 1980, and many changes have been made to California state laws relating to emergency management, therefore it is essential that Section 2-4 be amended to incorporate the current state of the law.

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

SECTION 1: That Section 2-4 (Civil Defense and Disasters) of Chapter II of the Compton Municipal Code is amended in its entirety to read as follows:

2-4 EMERGENCY ORGANIZATION AND FUNCTIONS.

2-4.1 Purpose. The declared purpose of this Ordinance is to comply with the provisions of the California Emergency Services Act, Title Two, Division One, Chapter Seven of the Government Code of the State of California (commencing with Section 8585.5 or successor legislation) and to provide for the preparation and carrying out of plans for the protection of persons and property within this City in the event of an emergency; the direction of the emergency organization; and, the coordination of the emergency functions of this City with all other public agencies, corporations, organizations and affected private persons.

2-4.2 Definitions. As used in this section, the following words and phrases shall be construed as follows:

a. "Emergency" shall mean any or all of the following, as the context requires: an Emergency Situation, a Local Emergency, a State of Emergency, or a State of War Emergency.

b. "Local Emergency" shall mean the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of a county, city and county, or city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or other conditions, other than conditions resulting from a labor controversy, which are or likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy

shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

c. “State of Emergency” shall mean the duly proclaimed existence of conditions of disaster or extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor’s warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy or conditions causing a “State of War Emergency”, which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

d. “State of War Emergency” shall mean the condition which exists immediately, with or without a proclamation thereof by the Governor, whenever the state or nation is attacked by an enemy of the United States, or upon receipt of the state of a warning from the federal government indicating that such an enemy attack is probable or imminent.

2-4.3 Disaster Council; Membership. The City of Compton Disaster Council is hereby created and shall consist of the following:

- a. The City Manager, who shall be Chairperson;
- b. The Assistant City Manager(s), who shall be Vice Chairperson(s);
- c. The Emergency Management Coordinator;
- c. Such Chiefs and Directors of emergency services as are provided for in the current Emergency Plan of the City adopted pursuant to this chapter;
- e. The City Attorney or his or her representative; and
- f. Such representatives of civic, business, labor, veterans, professionals or other organizations within the community as may be appointed by the City Manager with the approval of the City Council.

2-4.4 Disaster Council; Powers and Duties. It shall be the duty of the City of Compton Disaster Council, and it is hereby empowered to:

- a. Develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements.
- b. Register Disaster Service Workers.
- c. Designate the individual responsible for keeping the registration of Disaster Service Workers current, and for the accuracy and safekeeping of the official registration records, provided, however, that the documented proof that the Disaster Service Worker has taken the oath of office shall be filed in the office of the City Clerk.
- d. The Disaster Council shall meet upon call of the Chairperson or, in his/her absence from the City or inability to call such meeting, upon call of the Vice Chairperson or, in his/her/their absence from the City or inability to call such meeting, upon call of either the Fire

ORDINANCE NO. _____

Page 3

Chief, Police Chief or the Director of the Public Works Department. In the event that none of the above-indicated individuals are able to call such meeting, the Chairperson shall designate a further order of succession to call such meeting.

2-4.5 Director of Emergency Services, Assistant Director of Emergency Services, Emergency Management Coordinator; Offices Created.

a. There is hereby created the office of Director of Emergency Services. The City Manager of the City of Compton shall be the Director of Emergency Services.

b. There is hereby created the office of Assistant Director of Emergency Services, who shall be appointed by the Director of Emergency Services.

c. There is also hereby created the office of Emergency Management Coordinator, who shall be appointed by the Director of Emergency Services and shall manage the day-to-day affairs of the Emergency Management Program and have certain other emergency management functions as specified.

2-4.6 Director of Emergency Services; Powers and Duties. In the event of the proclamation of a “local emergency” as herein provided, the proclamation of a “state of emergency” by the Governor or the Secretary of the California Emergency Management Agency, or the existence of a “state of war emergency” the Director of Emergency Services is hereby empowered to:

a. Request the City Council of the City of Compton to proclaim the existence or threatened existence of a “local emergency” if the City Council is in session, or to issue such proclamation if the City Council is not in session. Whenever a local emergency is proclaimed by the Director, the City Council shall take action to ratify the proclamation within seven (7) days thereafter, or the proclamation shall have no further force or effect;

b. Request the Governor to proclaim a “state of emergency” when, in the opinion of the Director, the locally available resources are inadequate to cope with the emergency;

c. Control and direct the effort of the emergency Organization of this City for the accomplishment of the purpose of this chapter;

d. Direct cooperation between and coordination of services and staff of the emergency organization of this City, and resolve questions of authority and responsibility that may arise between them;

e. Represent the City in all dealings with public or private agencies on matters pertaining to emergencies as defined in this chapter;

f. Coordinate and carry out the policies and direction of the City Council and the Disaster Council, and perform such other duties and responsibilities as delegated by the Disaster Council or by the City Council; and

g. In the event of the proclamation of a “local emergency” as herein provided, the proclamation of a “state of emergency” by the Governor or the Director of the State Office of Emergency Services, or the existence of a “state of war emergency,” the Director of Emergency Services, and in his absence, the Assistant Director of Emergency Services, and in the absence of the Director and Assistant Director, the Emergency Management Coordinator is hereby empowered to:

ORDINANCE NO. _____

Page 4

1. Implement and carry out the City's Emergency Plan.
2. Make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations shall be confirmed at the earliest practicable time by the City Council.
3. Obtain vital supplies, equipment, and such other properties found lacking and needed for the protection of life and property and to bind the City for the fair value thereof and, if required immediately, to commandeer the same for public use.
4. Require emergency services of any City officer or employee and, in the event of the proclamation of a "state of emergency" in the county in which this City is located or the existence of a "state of war emergency," to command the aid of as many citizens of this community as deemed necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state laws for registered Disaster Service Workers.
5. Requisition necessary personnel or material of any City department or agency.
6. Execute all of his ordinary power as City Manager, all of the special powers and duties conferred upon him by this chapter or by resolution or emergency plan pursuant hereto adopted by the City Council, all powers conferred upon him by any statute, by any agreement approved by the City Council, and by any other lawful authority.
7. Authorize the use of any gifts of services, equipment, temporary loan of equipment, supplies, goods or other in-kind donations, as necessary to provide for the protection of life and property, regardless of whether the donation comes from public or private sources. The order authorizing the use of any gifts shall be in writing. Any such donations used by the City shall be deemed duly accepted by the City Council in accordance with Section 37354 of the California Government Code. A report of all such gifts shall be made to the City Council at its next regular meeting for review.
8. In the event of a situation in which a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety, the Director of Emergency Services may issue a declaration of a shelter crisis pursuant to Section 8698.2 of the California Government Code, and exercise all authority in accordance with Chapter 7.8 of Division 1 of Title 2 of the Government Code.
 - h. The Director of Emergency Services shall designate the order of succession to that office, to take effect in the event the Director is unavailable to attend meetings and otherwise perform his duties during an emergency. Such order of succession shall be approved by the City Council.
 - i. The Assistant Director of Emergency Services, under the supervision of the Director of Emergency Services, shall have such powers and duties as may be assigned by the Director of Emergency Services.
 - j. The Emergency Management Coordinator shall, under the supervision of the Director and with the assistance of emergency service chiefs, develop and maintain the City's emergency plans; manage, organize, and coordinate the City's emergency programs and training, to include volunteers; and shall have such other powers and duties as may be assigned by the Director of Emergency Services.

ORDINANCE NO. _____

Page 5

2-4.7 Emergency Organization. All officers and employees of this City, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provision of Section 2-4.6(g)(4) of this chapter, be charged with duties incident to the protection of life and property in this City during such emergency, shall constitute the emergency organization of the City of Compton.

2-4.8 Emergency Plan. The Compton Disaster Council shall be responsible for the development of the City of Compton Emergency Plan, which plan shall provide for the effective mobilization of all of the resources of this City, both public and private, to meet any condition constituting a local emergency, state of emergency or state of war emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the City Council.

2-4.9 Expenditures. Any expenditure made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City of Compton.

2-4.10 Violations; Penalties. It shall be a misdemeanor, punishable by a fine of not to exceed five hundred dollars (\$500), or by imprisonment for not to exceed six months, or both, for any person, during an emergency, to:

a. Willfully obstruct, hinder, or delay any member of the emergency organization in the enforcement of any lawful rule or regulation or curfew issued pursuant to this chapter, or in the performance of any duty imposed upon him by virtue of this chapter.

b. Do any act forbidden by any lawful rule or regulation issued pursuant to this chapter, if such act is of such a nature as to give or be likely to give assistance to the enemy or to imperil the lives or property of inhabitants of this City, or to prevent, hinder, or delay the defense or protection thereof.

c. Wear, carry, or display, without authority, any actual, simulated or counterfeit form of identification specified or purporting to be issued by any emergency or disaster agency, any public or private humanitarian or assistance agency, any media or news agency, or by any branch of the federal, state, regional, county or local governmental agency, or any branch thereof.

2-4.11 Continuity of Government in Event of Disaster. For purposes of this Ordinance, the line of succession for the Mayor and City Council members who are unavailable during a duly declared local emergency or state of emergency, or during the existence of a state of war emergency shall be as follows:

a. In the event that the Mayor is unavailable, the Mayor Pro-Tem shall serve as Mayor. If the Mayor Pro-Tem is unavailable, the remaining City Council members shall serve as Mayor in the order of their seniority, excluding standby successors.

b. In the event that City Council members are unavailable, pursuant to Section 8638 of the Government Code, the City Council shall appoint standby successors for each member of the City Council.

1. At the second Council meeting in January each year or as soon thereafter as may be practicable, the City Council shall select five (5) emergency standby council members. Emergency standby council members shall be selected from residents of the City and/or City employees who agree to serve in that capacity during the year and reside within the

City of Compton during that year so long as they elect to participate as members of the emergency standby council. City residents must reside within the council district of the Council member for whom they will be appointed as emergency standby council member. A member of the emergency standby council shall serve in that capacity from the date of appointment until appointment of another emergency standby council the following year; unless and until the member notifies the City Clerk in writing that the member has elected to terminate participation in the emergency standby council. Each emergency standby council member shall take the oath of office required for the City Council prior to assuming the position of emergency standby council member.

2. Each standby council members appointed by the City Council as described in subsection (1) above, shall have the duty during the term of that member's appointment to remain informed of the duties of City Council members and the business and affairs of the City of Compton to the extent necessary to enable participation as a member of the City Council upon appointment in the event of an emergency as provided hereafter, and must complete State mandated training in accordance with Section 8607 of the Government Code and Federally mandated training in accordance with Homeland Security Presidential Directive-5, as well as other essential training deemed necessary by the Emergency Management Coordinator.

3. In the event of the declaration of a state of war emergency, a state of emergency, or a local emergency as those terms are designated in Section 2-4.2, and less than a quorum of the City Council is available and a City Council meeting is urgently required, the members of the emergency standby council shall be contacted for service. At that meeting, any City Council members who are unavailable for duty at the time of that meeting as defined by Section 8636 of the California Government Code, shall be replaced by a member of the emergency standby council as necessary to reach five (5) members. The order of selection of emergency standby council members shall be determined by Council policy. The appointment of members of the emergency standby council members to fill vacancies created by the unavailability of City Council members at any time during a state of emergency shall be performed by City Council, and additional emergency standby members shall be appointed during the state of emergency as required to maintain a total of five (5) members of the City Council.

4. Members of the emergency standby council who are appointed to serve as city council members shall serve in that position until replaced by a member of the City Council who becomes no longer unavailable such that the addition of emergency standby council members is no longer necessary in order to constitute a quorum, until termination of the state of emergency, or until the election or appointment of a new regular City Council member as provided by law. Persons appointed as emergency standby council members shall serve at the pleasure of the City Council and may be removed and replaced at any time with or without cause.

SECTION 2. That it is the intent of the City Council in enacting this Ordinance that it shall be considered a revision and continuation of the ordinance repealed by this Ordinance, and the status of volunteers shall not be affected by such repeal; nor shall plans and agreement, rules and regulations, or resolutions adopted pursuant to such repealed ordinance be affected by such repeal until amended, modified, or superseded as provided in this Ordinance.

SECTION 3. The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance hereby adopted be rendered or declared invalid by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance hereby adopted shall remain in full force and effect.

ORDINANCE NO. _____
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SECTION 4. That the Mayor shall sign and the City Clerk shall attest to the adoption of this Ordinance and shall cause the same to be published as required by law.

SECTION 5. That a certified copy of this Ordinance shall be filed with the Offices of City Manager, City Attorney, City Clerk and all other City Departments and Agency.

ADOPTED this _____ day of _____, 2011.

MAYOR OF THE CITY OF COMPTON

ATTEST:

CITY CLERK OF THE CITY OF COMPTON

**STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMPTON**

I, Alita Godwin, City Clerk of the City of Compton hereby certify that the foregoing Ordinance was adopted by the City Council of the City of Compton, signed by the Mayor and attested by the City Clerk at a regular meeting thereof held on the _____ day of _____, 2011.

That said Ordinance was adopted by the following vote, to wit:

AYES: COUNCIL MEMBERS—
NOES: COUNCIL MEMBERS—
ABSTAIN: COUNCIL MEMBERS—
ABSENT: COUNCIL MEMBERS—

CITY CLERK OF THE CITY OF COMPTON

RESOLUTION SIGN-OFF FORM

DEPARTMENT: Fire Department

RESOLUTION TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING SECTION 2-4 OF CHAPTER II OF THE COMPTON MUNICIPAL CODE IN ITS ENTIRETY RELATING TO EMERGENCY ORGANIZATION AND FUNCTIONS

Jon Thompson
DEPARTMENT MANAGER’S SIGNATURE

11/24/2010 4:32:05 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

12/16/2010 12:09:45 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

12/16/2010 2:28:40 PM
DATE

Willie Norfleet
CITY MANAGER

12/16/2010 8:44:18 AM
DATE

Use when:	
Public Works:	When contracting for Engineering Services.
City Attorney:	When contracting for legal services; contracts that require City Attorney’s review.
Controller/Budget Officer:	Amending Budget; appropriating and/or transferring funds; adding and/or deleting positions; any resolution having account numbers.
Asst. City Manager/OAS:	All personnel actions.

