

NOTICE

COMPTON CITY COUNCIL AGENDA Tuesday, July 12, 2011 5:45 PM

HEARING(S)

**5:50 P.M. - PUBLIC HEARING - INCREASE IN STREET WORK PERMIT FEES
(CANCEL)**

OPENING

ROLL CALL

INTRODUCTION OF SPECIAL GUESTS

COMMENDATORY RESOLUTIONS/PRESENTATIONS

1. **POWER POINT PRESENTATION - Diana Sanchez - Report on
Metropolitan Water District (MWD)**

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

REPORTS OF OFFICERS AND COMMISSIONS

APPROVAL OF WARRANTS

2. Warrant #201612 - Date - 6/30/11 - Name - Atkinson Andelson Loya Ruud
and Romo - Description - Unit Bargaining - Amount - \$3,495.90 - Requested
by: City Manager

END CONSENT AGENDA

REPORTS OF OFFICERS, BOARDS, COMMISSIONS AND COMMITTEES

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORTS

UNFINISHED BUSINESS

NEW BUSINESS

3. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER XX OF THE COMPTON MUNICIPAL CODE TO AMEND SECTION 20-2.4 IN ITS ENTIRETY AND DELETE SECTION 20-2.4 (A) RELATING TO STREET WORK PERMIT FEES **(First Reading)**

4. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ADOPTING THE COMBINED BUDGET FOR FISCAL YEAR 2011-2012

COUNCIL COMMENTS

ADJOURNMENT

NEXT REGULAR MEETING: Tuesday, July 19, 2011 @ 5:45 PM.

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

WARRANT APPROVED BY COUNCIL

<u>Warrant #</u>	<u>Date</u>	<u>Name</u>	<u>Description</u>	<u>Amount</u>
201612	06/30/11	Atkinson Andelson Loya Ruud & Romo	Unit Bargaining	\$3,495.90

Requested by: City Manager

I hereby certify that the above demand in the amount of \$3,495.90 was approved at a regular meeting of the City Council and reject _____ as of July 12, 2011.

Council Member_____
Council Member_____
City Manager

I hereby certify that the Finance Committee at a regular meeting of the City Council on July 12, 2011, allowed the above demand.

Alita Godwin
City Clerk

July 12, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER XX OF THE COMPTON MUNICIPAL CODE TO AMEND SECTION 20-2.4 IN ITS ENTIRETY AND DELETE SECTION 20-2.4(A) RELATING TO STREET WORK PERMIT FEES

SUMMARY

The City Council will consider adopting an Ordinance that will amend Chapter XX of the Compton Municipal Code ("Code") by amending Section 20-2.4 in its entirety to update its provisions and by deleting Section 20-2.4(A) so as to remove the Schedule of Street Work Permit Fees from the Code and have the same set by City Council resolution, as currently provided for in Section 20-2.4.

BACKGROUND

Section 20-2 of Chapter XX of the Compton Municipal Code requires that a permit be obtained prior to doing work in, over or through any property or right-of-way owned by the City and sets forth the process for obtaining a permit, in addition to requiring certain fees and deposits for the same.

On February 23, 1960, the City Council adopted Ordinance No. 1,173, which, among other matters, established requirements for a permit to do street work on City property and set forth the fee amounts to be charged for such permits. On July 16, 1985, the City Council adopted Ordinance No. 1,700, which deleted the schedule of permit fees from the Code that had been adopted by Ordinance No. 1,173 and in place thereof stated that "... *Such fees shall be in accordance with a schedule thereof from time to time in effect as established by resolution of the Council.*" (Emphasis added).

On October 4, 1989, Ordinance No. 1,809 was adopted by the City Council, which amended Section 20-2 to add a Section 20-2.4(A), a "Schedule of Street Work Permit Fees," however apparently the provisions of Section 20-2.4 providing for the establishment of permit fees by Council resolution was inadvertently overlooked when deciding to place a schedule of permit fees directly within the Code.

STATEMENT OF THE ISSUE

The proposed ordinance will amend Section 20-2.4 of the Compton Municipal Code to include updated provisions that will provide greater protections against liability for the City. For example:

- Include the requirement that the permittee indemnify, defend and hold the City harmless from and against liability, suits, actions, judgments, etc. which arise out the permittee's use, operation and activity under its permit
- Specify the forms and type of insurance policy or policies that will fully protect the City from claims and suits for bodily injury and property damage that permittee must maintain throughout the term of the permit and specify that the required amounts of insurance coverage shall be set by Council resolution.

Currently, there exists a contradiction between the provisions of Section 20-2.4 and 20-2.4(A) as concerns the manner in which the schedule of permit fees shall be enacted. Ordinance No. 1,700, enacted in 1985, states that permit fees shall be established by Council resolution. However, in 1989, Ordinance No., 1,809 was adopted which added a schedule of fees to the Code [Section 20-2.4(A)], without consideration of the language of Section 20-2.4, which established that fees shall be set by Council resolution.

Amending the fee schedule that is contained within the Code is a lengthy procedure that requires the adoption of another ordinance, in addition to the wait period (a minimum of 30 days after the ordinance is adopted) before the amendment shall become effective; whereas authorizing the City Council to establish the schedule of fees via resolution makes the process of updating fee schedules to reflect the cost incurred by the City for the administration and enforcement of the involved regulation more effective, efficient and timely.

Thus, the proposed ordinance will delete Section 20-2.4(A) from the Code to resolve the conflicting provisions and simplify the process of updating the fee schedule.

FISCAL IMPACT

There shall be no fiscal impact.

RECOMMENDATION

Staff recommends the adoption of the attached Ordinance.

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

WILLIE NORFLEET
CITY MANAGER

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON
AMENDING CHAPTER XX OF THE COMPTON MUNICIPAL CODE TO AMEND
SECTION 20-2.4 IN ITS ENTIRETY AND DELETE SECTION 20-2.4(A)
RELATING TO STREET WORK PERMIT FEES**

WHEREAS, Section 20-2 of Chapter XX of the Compton Municipal Code requires that a permit be obtained prior to doing work in, over or through any property or right-of-way owned by the City and sets forth the process for obtaining a permit, in addition to requiring certain fees and deposits for the same; and

WHEREAS, while in Ordinance No. 1,173, adopted by the City Council on February 23, 1960, the amount of fees charged for permits was set forth within Ordinance No. 1,173; on July 16, 1985, the City Council adopted Ordinance No. 1,700, which deleted the schedule of permit fees from the Compton Municipal Code and in place thereof stated within Ordinance No. 1,700, that “... *Such fees shall be in accordance with a schedule thereof from time to time in effect as established by resolution of the Council.*”; and

WHEREAS, on October 4, 1989, Ordinance No. 1,809 was adopted by the City Council, which amended Section 20-2 to add a Section 20-2.4(A), a “Schedule of Street Work Permit Fees” to the Compton Municipal Code, however apparently the provisions of Section 20-2.4 providing for the establishment of permit fees by Council resolution was inadvertently overlooked when deciding to place a schedule of permit fees directly within the Code; and

WHEREAS, currently there exist a conflict between the provisions of Section 20-2.4 and 20-2.4(A) as concerns the manner in which the schedule of permit fees shall be enacted and leaving Section 20-2.4(A) within the Compton Municipal Code perpetuates this conflict, in addition to causing confusion; and

WHEREAS, amending the fee schedule that is contained within the Compton Municipal Code is a lengthy procedure that requires the adoption of another ordinance, in addition to the wait period required before the amendment shall become effective; whereas authorizing the City Council to establish the schedule of fees via resolution makes the process of updating fee schedules to more accurately reflect the cost incurred by the City for the administration and enforcement of the involved regulation more effective, efficient and timely.

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

Section 1. That Section 20-2.4 (Permits; Fees) of the Compton Municipal Code is hereby amended in its entirety to read as follows:

Section 20-2.4. Permits; Fees.

A fee shall be charged for all aforesaid street work, except that no fee shall be charged to any governmental agency providing the work is being done by the agency. The City Council shall from time to time establish, by resolution, a fee for public works permits in addition to any other deposits required for each public works permit issued. The fees shall not be refundable. In the case of a new subdivision or major improvement in any street or other public place within the City, or work performed under an improvement act of the State Legislature, the City Engineer may, in lieu of such permit fees, require the permittee to pay

to the City an amount equal to one-half of one percent (1/2%) of the involved constructions costs.

a. Prior to the issuance of any permit to perform any work mentioned in this section, the applicant shall also agree to indemnify, defend and hold harmless, to the maximum extent permitted by law, the City and its officials, officers, agents, employees and representatives, from and against any and all liability, suits, actions, proceedings, judgments, claims, losses, liens, damages, injuries (whether in contract or in tort, including personal injury, accidental death or property damage, and regardless of whether the allegations are false, fraudulent or groundless), costs and expenses (including reasonable attorney's fees, litigation, arbitration, mediation, appeal expenses) which in whole or in part arise out of or are connected with, or which are alleged to have arisen out of or to have been connected with, the permittee's use, operation, and activity under its permit. City may, in its sole and absolute discretion, select counsel of its choosing to defend against any asserted liability, suit, action, proceeding, judgment, claim, loss, lien, damage, injury, cost or expense which is subject to indemnification obligations set forth herein. Permittee shall be required to fully reimburse City for the legal fees and all related litigation and expert costs of such defense.

b. Each permittee shall obtain, pay for and maintain in full force and effect throughout the term of the permit, an insurance policy or policies that fully protects the City from claims and suits for bodily injury and property damage. The insurance must be issued by an insurance carrier which is duly qualified to engage in such insurance business under the laws of the State of California, insuring the City, as additionally insured, against any liability for loss resulting from the prosecution of the work for which an application for a permit has been made and be in the amount or amounts which the City Council shall from time to time establish by resolution. The policy or policies must include a signed endorsement naming the City and its official, officers, agents and employees as additional insureds; provide that the permittee's insurance is primary and that no other insurance available to the City will be called on to contribute to a loss covered under the policy; provide that permittee's insurance applies separately to each insured or additional insured who is seeking coverage, or against whom a claim is made or suit is brought; and, provide at least thirty (30) days' advance written notice of cancellation (other than for nonpayment of premium), termination or reduction of coverage. The insurance must afford coverage for the permittee's use, operation and activity, vehicles, equipment, facility representatives, agents and employees as follows:

1. Commercial General Liability Insurance with separate per occurrence limits for bodily injury and property damage, and including coverage for contractual liability; personal injury; explosion, collapse and underground; products; and completed operations.

2. Business Automobile Liability Insurance with separate per occurrence limits for bodily injury and property damage, including rented, leased, hired, scheduled, owned and non-owned auto coverage, as applicable, or in a combined single limit in an amount determined by City Council resolution.

3. Workers' Compensation Insurance in compliance with the laws of the State of California, and employer's liability insurance in an amount not less than One Million Dollars (\$1,000,000) per claimant.

The insurance required herein in no way relieves or decreases the permittee's or its agent's obligation to indemnify and defend the City under this section. Prior to issuance of a permit, the permittee shall furnish the City, or have on file with the City

ORDINANCE NO. _____
PAGE 3

engineer, certificates of insurance and endorsements, in the form and amount(s) required, evidencing all of the coverages above.

Section 2. That Section 20-2.4A (Schedule of Street Work Permit Fees) of the Compton Municipal Code is hereby deleted in its entirety.

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.

Section 4. That a copy of this Ordinance shall be filed in the offices of the City Clerk, City Manager, City Attorney and Public Works Department.

Section 5. That this Ordinance shall take effect thirty (30) days after its adoption.

Section 6. 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.

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) ss
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: Public Works-Engineering

RESOLUTION TITLE: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMPTON AMENDING CHAPTER XX OF THE COMPTON MUNICIPAL CODE TO AMEND SECTION 20-2.4 IN ITS ENTIRETY AND DELETE SECTION 20-2.4 (A) RELATING TO STREET WORK PERMIT FEES

<ManagersName>
DEPARTMENT MANAGER’S SIGNATURE

<ManagersDate>
DATE

REVIEW / APPROVAL

<LegalName>
CITY ATTORNEY

<LegalDate>
DATE

<ControllerName>
CITY CONTROLLER

<ControllerDate>
DATE

<CityManager>
CITY MANAGER

<CityManagerDate>
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.

July 12, 2011

TO: MAYOR AND CITY COUNCIL MEMBERS

FROM: CITY MANAGER

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF COMPTON ADOPTING THE COMBINED
BUDGET FOR FISCAL YEAR 2011-2012**

The Fiscal Year 2011-2012 Operating Budget for the City of Compton is hereby transmitted to the City Council for adoption. Fiscal Year 2011-2012 is expected to be a period of continued economic turmoil. The City of Compton has reached a pivotal time dictating more vigilant approaches to fiscal management. The City of Compton will experience several budgetary challenges for Fiscal Year 2011-2012 that will affect the flow of available cash. For Fiscal Year 2011-2012, the City will continue its priorities to develop long term plans to address outstanding infrastructure services within the resources projected. In addition, the City will continue to address departmental spending control by enforcing financial policy and best management practices.

OVERVIEW

The Fiscal Year 2011-2012 budget's primary focus is allocating resources towards public safety, infrastructure improvement, repair, maintenance and beautification of streetscapes, lighting improvement, overlay projects, enforcement of property maintenance and parking regulations, expansion of recreation facilities and improvement of customer service and permitting services. The Fiscal Year 2011-2012 budget outlines how \$238,718,543 in public resources will be invested in the Compton community. The Fiscal Year (FY) 2011-2012 budget is approximately 3.9% percent larger than the FY 2010-2011 budget of \$229,513,145. This significant increase in City expenditures was caused by increased revenues for the Community Redevelopment Agency bonds, sewer and water bonds, and capital projects.

ANNUAL BUDGET PERCENTAGE CHANGE 2008-2009 THROUGH 2011-2012

	2008-09	2009-10	2010-11	2011-12
Annual Budget	194,233,842	206,660,916	229,513,145	238,718,543
Net Change	34,817,513	12,427,074	22,852,229	9,205,398
% Change	+17.0%	+6.4%	+9.96	+3.9

REVENUE

#4.

The City of Compton utilizes the fund accounting method of financial reporting. The budget consists of six major fund categories: General Fund, Special Revenue, Redevelopment, Debt Service, Enterprise and Internal Services. These categories are established to segregate specific revenue sources and activities in accordance with special regulations, restrictions or limitations. Each fund is considered a separate accounting entity with a self-balancing set of accounts.

The following chart compares the estimated revenue for FY 2011-2012 by fund type. For FY 2011-12, the General Fund will decrease by \$7,023,277; the Special Revenue Fund will decrease by \$11,393,679; the Redevelopment Fund will decrease by \$1,883,423; the Debt Service Fund will increase by \$14,391,718; the Enterprise Fund will increase by \$19,248,608; and, the Internal Services Fund will decrease by \$4,134,550.

BUDGET COMPARISON BY FUND 2008-2009 THROUGH 2011-2012

	ACTUAL REVENUES FY 2008-2009	BUDGETED REVENUES FY 2009-2010	BUDGETED REVENUES FY 2010-2011	ESTIMATED REVENUES FY 2011-2012
General Fund	59,657,161	62,571,891	53,412,986	46,389,709
Special Revenue Fund	49,395,896	54,325,444	56,189,703	44,796,024
Redevelopment Fund	35,739,889	26,511,964	31,136,143	29,252,720
Debt Service Fund	9,870,393	16,817,383	31,313,874	45,705,592
Enterprise Fund	29,193,845	35,192,694	45,914,594	65,163,202
Internal Services Fund	10,376,657	11,241,540	11,545,845	7,411,295
	194,233,842	206,660,916	229,513,145	238,718,543

GENERAL FUND

The City's General Fund is the primary operating fund of the City. All revenues that are not allocated by law or contractual agreement to a specific fund are accounted for in the General Fund. General Fund revenues include property taxes, sales and user tax, utility user taxes, franchise fees, licenses and permits, current service charges, earnings on investments and other miscellaneous revenues. The projected General Fund revenue of \$46,389,709 accounts for 19 percent of the 2011-2012 total budget and can be allocated to any City expenditure category.

SPECIAL REVENUE FUND

The Special Revenue Fund is used to account for the proceeds from specific revenue sources that are legally restricted to expenditures for specific purposes. The Special Revenue Funds include retirement tax, gasoline tax, Propositions A and C, Community Development Block Grant and other Federal, State, and local resources secured by the City to fund restricted activities. The \$44,796,024 Special Revenue Fund represents 18 percent of the 2011-2012 total budget.

REDEVELOPMENT FUND

The Redevelopment Fund is used to account for the financial resources received from and expended on areas which have been designated as Community Redevelopment Areas. The fund has projected revenues of \$29,252,720 and accounts for 12 percent of the 2011-2012 total budget.

DEBT SERVICE FUND

The Debt Service Fund is used to account for the accumulation of resources for payment of long-term debt. Debt Service Funds are generally used when resources are restricted for long-term debt. The fund is projected at \$45,705,592 for 2011-2012 and reflects 19 percent of the total 2011-2012 budget.

ENTERPRISE FUND

The Enterprise Fund is used to account for governmental accounting funds in which services are financed and operated similarly to those of a private business. There are seven Enterprise Funds which include Water, Richland Farms, Capital Improvement, Rubbish, Sewer, Golf, and Recreation. The combined total for these funds is projected to be \$65,163,202 which accounts for 27 percent of the total 2011-2012 budget.

INTERNAL SERVICES FUND

The Internal Services Fund is used to account for the financing of goods or services provided by one department to another on a cost reimbursement basis. The City has four Internal Services Funds which are Equipment Rental, Central Duplicating, Workers' Compensation and General Liability. These funds are projected to contribute an additional \$7,411,295 percent of the City's total 2011-2012 budget.

RECOMMENDATION

The City Manager hereby submits the Fiscal Year 2011-2012 Annual Budget to the City Council for adoption subject to adjustments related to negotiations with the Coalition of Compton Unions.

WILLIE NORFLEET
CITY MANAGER

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON
ADOPTING THE COMBINED BUDGET FOR FISCAL YEAR 2011-2012**

WHEREAS, the proposed budget for the combined programs of the City of Compton has been considered by the City of Compton; and

WHEREAS, the City Council has hereto fixed the time and place for holding public hearings on said budget and has caused notice of said hearings to be published as required by the Charter of the City of Compton; and

WHEREAS, said public hearings were conducted on April 20, 2011, June 14, 2011 and continued to June 28, 2011.

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

SECTION 1. That the combined City Budget (General City, Municipal Water Department and other funds) for Fiscal Year 2011-2012, as set forth in the proposed Annual Budget document, including the various revisions discussed by the City Council, is hereby adopted pursuant to Section 1407 of the Compton City Charter.

SECTION 2. That the Fiscal Year 2011-2012 Budget is a projection and shall be appropriated on July 12, 2011.

SECTION 3. That a certified copy of this resolution shall be attached to the annual Budget document upon completion of the City Manager and the same shall be filed with the City Controller and that a copy of said resolution and Annual Budget shall be placed and shall remain on file in the office of the City Clerk.

SECTION 4. 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

#4.

RESOLUTION NO. _____
PAGE TWO

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: City Attorney

RESOLUTION TITLE: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMPTON ADOPTING THE COMBINED BUDGET FOR FISCAL YEAR 2011-2012

Ruth Rugley
DEPARTMENT MANAGER’S SIGNATURE

7/7/2011 4:43:05 PM
DATE

REVIEW / APPROVAL

Ruth Rugley
CITY ATTORNEY

7/7/2011 5:15:06 PM
DATE

Stephen Ajobiewe
CITY CONTROLLER

7/7/2011 5:16:33 PM
DATE

Dave Hewitt
CITY MANAGER

7/7/2011 4:44:59 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.

